

**NYAI AND GENDER AWARENESS IN  
PESANTREN AND THE TRADITIONALIST  
MUSLIM COMMUNITY  
IN EAST JAVA**

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**Sub-thesis submitted in partial fulfillment of the requirements for  
the degree of Master of Arts in Asian Studies**

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## **Declaration**

**I declare that this thesis is the result of my own research. Where I have drawn on the work of other scholars due acknowledgment has been made in the text.**

A handwritten signature in black ink, appearing to read 'Nabielia Nailly', written in a cursive style.

**Nabielia Nailly**

**July 25, 2005**



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## Abstract

This thesis investigates the institution of *nyai*, or female religious leaders in relation to gender awareness in the *pesantren*, or Islamic boarding school community of East Java, Indonesia. The study will assess three aspects: first, the role of *nyai* as leaders, administrators and educators within *pesantren*; second, the attitudes of *nyai* on gender issues, especially polygamy, early marriage, domestic violence and marital rape; and third, the varieties of *nyai* discourse in promoting particular gender views to the broader Muslim community. A key question for this study is whether *nyai* can be agents of progressive gender education in the *pesantren* community.

Despite many previous studies on women in Indonesia, the role of *nyai* in the *pesantren* community has been a neglected topic. This sub-thesis is one of the few works specifically to study the discourse and functions of *nyai* in a gender context, and the results of this research provide an indicator for measuring the development of gender awareness in the *pesantren* community.

The findings show that *nyai* are a critical part of *pesantren* leadership and that they perform key managerial and teaching roles within these schools. Moreover, *nyai* have a major influence in shaping traditionalist Muslim attitudes towards gender issues. Some *nyai* hold conservative views towards gender and are either wary or openly critical of concepts such as domestic violence and marital rape and disapprove of attempts by the state to intervene in 'private' family matters. Others *nyai* are more progressive and, particularly regarding 'arranged' marriages and polygamy', offer new gender sensitive interpretations of religious texts and promote the rights of young women to choose their own husband and also reject in practice if not in principle,

multiple wives in a family. I conclude that *nyai* have considerable potential as agents of change in the *pesantren* community, given their high standing and depth of religious authority, but much depends upon their gender attitudes. Some *nyai* are already inspiring their students to take on prominent public roles, while others continue to assert the subordination of women to men and advocate a primarily domestic role for their students and followers.

## GLOSSARY AND ABBREVIATIONS

Aisyiyah	women's wing of Muhammadiyah
CLD-KHI	Counter Legal Draft of Islamic Law Compilation
Fatayat	young Women's Wing of NU
<i>fatwa</i>	religious opinion by an authorized scholar
<i>fiqh</i>	Islamic jurisprudence, legal prescriptions
FK3	' <i>Forum Kajian Kitab Kuning</i> ' Forum for the Critical Analysis of <i>Kitab Kuning</i>
<i>hadith</i>	words and deeds of the Prophet Muhammad
<i>ijtihad</i>	independent, informed judgment on <i>fiqh</i>
<i>jilbab</i>	women's head covering, leaving the face open
KHI	Kompilasi Hukum Islam, Compilation of Islamic Law
KPUD	Komisi Pemilihan Umum Daerah, Commission for Regional Elections
<i>kiai</i>	title of male religious scholar or teacher
<i>kitab kuning</i>	classical texts of instruction used in <i>pesantren</i>
Kowani	Komisi Wanita Indonesia, State Women's Organisation
<i>kufu'</i>	(social) compatibility of marriage partners
LKKNU	the family welfare institution of NU
LSM	Lembaga Swadaya Masyarakat, NGO
<i>madzhab</i>	school of legal thought, in Indonesia Shafi'i
<i>ma'had lil banat</i>	section of <i>pesantren</i> for female students
<i>ma'had lil banin</i>	section of <i>pesantren</i> for male students

<i>majlis ta'lim</i>	adult study groups held outside the <i>pesantren</i>
modernist	also reformist Islam, stressing logic and informed individual judgment in religion
<i>muballighah</i> (s. & pl.)	Female preacher, often a <i>nyai</i>
Muhammadiyah	modernist Islamic organization founded 1912
Muslimat	the women's wing of NU, founded 1946
Nahdatul Ulama, NU	Indonesia's largest Islamic organization, and Traditionalist, founded 1926
Nasyiatul Aisyiyah	young Women's Section of Muhammadiyah
New Order	title of the Suharto regime (1966-98)
<i>nyai</i> (s. & pl.)	female religious teacher and leader in <i>pesantren</i> ; Wife of <i>kiai</i>
<i>pesantren</i> (s. & pl.)	Traditional Islamic boarding school
<i>pondok, pondok Pesantren</i>	traditional Islamic boarding school
PilBup	Pemilihan Bupati, Election for Head of Region
PKB	Partai Kebangkitan Bangsa, National Awakening Party
PPKB	Women's Wing of PKB
PPP	Partai Persatuan Pembangunan, United Development Party
Qur'an	God's word revealed to the Prophet Muhammad, the absolute authority for Islam
<i>reformasi</i>	political, social and economic reform
<i>salafy (pesantren)</i>	<i>pesantren</i> offering only study of the <i>kitab kuning</i>
<i>santri</i> (s. & pl.)	Male man student in the <i>pesantren</i>
<i>santriwati</i> (s. & pl.)	Female student in the <i>pesantren</i>
<i>sharia</i>	Islamic law

<i>tafsir</i>	interpretation or commentary on the Qur'an
traditionalist	term for Indonesian Muslim who adhere to one of the four main Sunni schools of Islamic law, most of whom are members or supporters of NU
Turba	' <i>turun ke bawah</i> ', lit. 'going down' outreach programme into the villages
<i>ulama</i> (s. & pl.)	Islamic scholar
<i>ulama perempuan</i>	<i>nyai</i> , woman religious teacher and leader
<i>ummah</i>	the Islamic community
ustadh (s. & pl.)	Male religious teacher
ustadhah (s. & pl.)	Female religious teacher, <i>nyai</i>
<i>wali</i>	legal guardian of women (in marriage contracts)
WPP	Women's Wing of the PPP



# TABLE OF CONTENTS

Declaration	i
Acknowledgments	ii
Abstract	iv
Glossary and Abbreviations	vi
Table of Contents	ix

## CHAPTER 1: INTRODUCTION

1. The Scope of the Study	1
2. Background of the Topic	2
3. Key Issues and Research Question	4
4. Research Methodology	6
5. 'Hypothesis and Arguments'	8
6. Literature Review	9
7. Thesis Outline	14

## CHAPTER TWO: *NYAI* AND GENDER IN THE

### *PESANTREN* WORLD 15

1. <i>Pesantren</i> Culture from a Gender Perspective	16
Structure of the <i>Pesantren</i>	16
2. Enter the <i>Santriwati</i> : Their Life in the <i>Pesantren</i>	19
3. Lives of <i>Nyai</i> and <i>Santriwati</i> from a Gender Perspective	23
The <i>Nyai</i>	26
<i>Nyai</i> and Single Sex Education	27
The Life of <i>Santriwati</i>	28
4. <i>Kitab Kuning</i> : Gender Bias and Learning Methods	30
<i>Kitab Kuning</i>	30
<i>Kitab 'Uqud al-Lujjain</i>	33
<i>Kitab Akhlaqun lil-Banat</i>	36
Teaching and Learning Methods	36

## CHAPTER THREE: *NYAI* AS TEACHERS, LEADERS AND

### TRANSMITTERS OF ISLAMIC AND GENDER VALUES 38

1. <i>Nyai</i> Leadership in the <i>Pesantren</i>	39
Management of the <i>Pesantren</i>	39
<i>Nyai</i> as 'Mother Figures'	40
<i>Nyai</i> and Decision Making	42
<i>Nyai</i> and the Formal Schools	43
<i>Nyai</i> , Bloodline and Charisma	44
Comparison Between <i>Kiai</i> and <i>Nyai</i>	45



2. <i>Nyai</i> Raising Gender Awareness	47
3. <i>Nyai</i> in Education Beyond the <i>Pesantren</i>	50
<i>Nyai</i> and their Academic Qualifications	51
Public Performances	51
4. <i>Nyai</i> in the Public Eye	52
<i>Nyai</i> and Community Leadership	52
<i>Majlis Ta'lim</i>	53
‘Turba’ and Social Welfare Action	54
<i>Nyai</i> and the NGOs	55
<i>Nyai</i> in the Large Organisations	56
5. <i>Nyai</i> and Political Participation	57
Family Background, Organisational Involvement	58
Economic Considerations	60
‘Soft’ Campaigners	61
<i>Nyais’</i> Opinions of Women in Politics	62

## CHAPTER FOUR: *NYAIS’* VIEWS ON MARRIAGE AND DOMESTIC VIOLENCE

CHAPTER FOUR: <i>NYAIS’</i> VIEWS ON MARRIAGE AND DOMESTIC VIOLENCE	64
1. <i>Nyais’</i> Views on Polygamy	66
Textualist Attitudes – Fully Accepting	66
Conditionally Accepting	67
Contextualist Attitudes	68
2. Forced Marriage, Marital Rape, Sexual Rights	70
Forced Marriage	71
<i>Nyai</i> Opposing Forced Marriage	72
<i>Nyai</i> Discouraging Forced Marriages	73
<i>Nyai</i> Upholding Forced Marriages	74
Sexual Rights in Marriage	76
Accepting Women’s Rights, Discouraging Sexual Refusal	77
Discouraging Refusal on Religious Grounds	78
3. <i>Nyais’</i> Attitudes to Women in Domestic and Public Spheres	79
Contextualist Understandings of Women’s Roles	81
‘Traditional’ Understandings of Women’s Roles	81
4. <i>Nyais’</i> Attitudes to Domestic Violence and Law 23, 2004	82
<i>Nusyuz</i>	83
<i>Nyai</i> as Mediators	84
Crisis Centres and Intervention	85
5. <i>Nyai</i> Discourses on Gender Texts	87

## CHAPTER FIVE: CONCLUSION

BIBLIOGRAPHY: Fieldwork Interviews, References	93
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# CHAPTER ONE: INTRODUCTION

## 1. The Scope of the study

The aims of this study are first to examine the phenomenon of the *nyai* in relation to education, gender awareness and gender equity in the *pesantren*, or traditional Islamic boarding schools in East Java during present times. The second is to sketch the reach of the *nyai* beyond the *pesantren* into the broader community and to demonstrate their role as religious leaders with the potential to influence social and even political attitudes in Indonesia in matters of gender.

I shall also interrogate the general assumption that *nyai* are subordinate to their husbands, the *kiai*; that they are merely wives who have no significant role or authority of their own. I also research the attitudes held by the *nyai* themselves towards issues of gender and women's rights in Indonesia, such as polygamy, the role of husband and wife in marriage, domestic violence and the like.

The term '*nyai*' is commonly applied to the wife of a *kiai* or to a female religious teacher or preacher, particularly in *pesantren* culture. *Nyai* have also been called *ulama perempuan*, learned woman scholars, by Hamdanah (2005). Machrusah (2005: xi,xiii) differentiates between *kiai perempuan*, or female religious scholar and *nyai* as the wife of a *kiai*. In this thesis, the term *nyai* is used to carry all of these meanings.

The culture of Islamic boarding schools, the *pesantren* has frequently been associated with a system of patriarchy and with unjust gender relations (Faiqoh 2003: 238; Muhammad 2004: xxvi-xxvii). One argument for this is the perceived position of the *nyai* as subordinate to the *kiai*, both in the *pesantren* and in wider society (Faiqoh 2003: 34; Harder 2006: 166; Mulia 2005: 102; Purbani 2005: 8). Another factor of gender inequality has been seen to lie in the teaching materials of *pesantren* religious studies, known as *kitab kuning*, or 'yellow books' after the yellow coloured paper on which they are printed (van Bruinessen 1995: 172-3; van Doorn Harder 2006: 195). Contents of the *kitab kuning* dealing with women

and marriage matters have been widely criticized as being predominantly male-biased and perpetuating gender inequality (Faiqoh 2003: 28; van Bruinessen, 1995: 175-6).

*'Uqud al-Lujjain fi Bayan Huquq al-Zawjain* (The Bond of Two Waves in the Exposition of a Married Couple's Rights) and *Qurrotul 'Uyun* (Delight to the Eyes) are two such works commonly taught in *pesantren*. They show gender bias in so far as a woman's role and place are defined as within the home exclusively and state that a wife's total obedience to her husband is part of her religious duty, that is, in serving her all of her husband's biological needs, even during times of her own discomfort (An-Nawawy n.d.: 11-24; Wahid et al 2001: 64-5, 127).

However, the *pesantren*, with all their concomitant elements, are recognized as important for gender development among Indonesian Muslims. As institutions with considerable influence, they represent an important channel of education, the socialization of gender awareness and the concept of gender equity among the students, the *santri*, and the surrounding community (Faiqoh 2003: 271; Muhammad 2006: 1-2; Purbani 2005: 5-7; Subhan 2002: 93-94). In rural areas especially, the people's religious views are highly influenced by the opinions of their *kiai* and *nyai* (Hamdanah 2004: 3-4). So *pesantren*, *kiai* and *nyai* could become either potential obstacles or agents of change for attitudes on gender relations (Muhammad 2004: 319).

Since *nyai* are the ones who are most closely involved with female *pesantren* students, the *santriwati*, and with Muslim women out in the community, their role is becoming all the more crucial.

## **2. Background of the Topic**

The discourse on gender and women's rights in Indonesia has developed rapidly in recent years. One example is the enactment of the law Number 23, 2004 against domestic violence, acknowledging the weaker position of women as victims. Before the enactment of this law, many cases of domestic violence occurring

inside the house and/or committed by relatives were considered 'private matters', and were difficult to solve, due to the absence of a clear legal definition of the crime.<sup>1</sup>

However, certain scholars, such as Susan Blackburn (2004), Katherine Robinson (2002), Sharon Bessell (2002), Julia Suryakusuma (2004) and Siti Musdah Mulia (2005) have argued that equality between the sexes is still far from the reality of life in Indonesia. One argument is that the traditional division of roles between husband as leader and breadwinner and wife as housewife is still gender biased.<sup>2</sup> In addition, the implementation and the success of the law against domestic violence are still in doubt, as evidenced by the continuing high occurrence of cases in spite of it (Pikiran Rakyat 01-08-2005; Suara Merdeka 23-04-2005).

Discourse on gender in Indonesia is, as in other countries, inseparable from a discussion of religion. Patricia Martin Doyle, quoted by Nuruzzaman (in Muhammad 2004: xiii) says 'the debate on women and religion is the single most important and radical question for our time and the foreseeable future'. This is most likely due to the fact, well recognised in anthropological studies, that there is a correlation between people's attitudes toward marriage within patriarchal cultures and their religious beliefs (Hamdanah 2005: 4; Munir 2005: 2). In the most populous Muslim country - around 88,2% of Indonesians are formally registered as Muslims (Suryadinata et al quoted by Fealy et al 2006: 39) - Islam and its position on women's rights and gender equity is inescapably a focus of debate and attention (Hooker 2006: 122). How most Indonesian Muslims view a discourse on women is based on opinions from *ulama* (Faiqoh 2003: 20). Discussions of gender and Islam, especially in relation to Islamic law, have been popular lately but empirical studies of gender in the *pesantren* community are still scarce. So the present study is particularly pertinent.

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<sup>1</sup> Many women activists acknowledge the enactment of the law against domestic violence as bringing a remarkable improvement in women's conditions in Indonesia, (*Swara Rahima*, 21-4-2006).

<sup>2</sup> This division is stipulated in the 1974 Marriage Law and KHI and the construction is also still a commonly found in Indonesian society. Even if both wife and husband work, domestic duties such as cooking and childbearing are still considered to be the woman's responsibility.



In addition, it is clear that women's organisations, whether they be nationalist, secularist (such as the New Order's Kowani) or religious, such as Muslimat of the traditionalist Nahdatul Ulama and Aisyiyah of the modernist Muhammadiyah, have been significant in shaping gender discourse in Indonesia. The initiative of the Kowani in demanding that the government enact the marriage law during the 1970s is one example (Mujiburrahman 2006: 163). The success of Muslimat NU in persuading its broader membership to accept, and even support government family planning programs is other example (Machrusah 2005: 65). In their frequent participation in the large women's organizations, *nyai* are potential agents in the development of gender awareness among *pesantren* communities and the people in the rural areas.<sup>3</sup> There are several ways of shaping better gender understanding, through teaching new ideas or by presenting role models of emancipation, and the like. In this study I explore what the *nyai* do and say in this regard: the roles they assume today and the attitudes they hold towards gender issues.

### 3. Key issues and research questions

I will challenge the superficial assumption that *nyai* are merely wives of *kiai*, with no significant authority in managing *pesantren* or in leading the wider community. To cite one example of this attitude, Musdah Mulia (2005: 102-3) has observed that the function of women figures in religious organizations is usually as *pelaksana*, as carriers out of decisions, not as decision makers. Another example, Faiqoh, who focused her research on a certain Nyai Nafisah Sahal Mahfudz of Pesantren Al-Bad'iyah in Kajen, Central Java, acknowledges that the popularity and the authority of the *nyai* depended on the reputation of her husband, the *kiai*. Faiqoh also argues that however active the role taken by the *nyai*, the central figure was still the *kiai*. Society sees and appreciates Nyai Nafisah for her activities and contributions, but always as a supportive partner who assists Kiai Sahal Mahfudz in his work (Faiqoh 2003: 136, 363).

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<sup>3</sup> This potential has been recognized in: the establishment of P3M with *Fiqh Nisa'* (The Religious Rules on Women). These programs are pioneering efforts to utilize the *pesantren* and the *nyai*.

In addition, despite the fact that there are quite a large number of scholarly works on *kiai*, books and discussions of the *pesantren* world also tend to focus on the *kiai* and rarely give specific attention to the *nyai*. For example, a work by Rafiq et al (2005) *Pemberdayaan Pesantren* has a sub-chapter on 'Pesantren and Kyai', while Masyhud et al (2003) *Manajemen Pondok Pesantren* also discuss the *kiai* as the central figure, with no consideration of the existence of the *nyai*. Even Safira Machrusah (2005) lists only the *pesantren*, *kiai*, *santri* and *kitab kuning* as the actors of traditional Islam in Nahdatul Ulama. Such silences would imply that the existence of *nyai* has is no significance at all.

In this study I examine to what extent the *nyai* do have roles and authority in the leadership and management of the *pesantren* and whether there is a rigid division of roles between the *nyai* and *kiai*. I also observe the *nyais'* position in broader Javanese society, through a range of activities, which include their participating in women's organizations or in politics, in order to measure to what extent they reflect women's emancipation within the Muslim community of East Java. *Nyais'* activities are further divided into two categories: executive and educational. Executive roles are related to the leadership, management and the administration of *pesantren*, as well as the *nyais'* profile in broader Javanese society. Their educational role is related to the teaching of *santri* inside the *pesantren* and/or *ibu-ibu*, adult women outside the *pesantren*, which takes place usually through a *majlis ta'lim*, or adult religious teaching group.

I also report *nyais'* attitudes towards certain gender issues such as women's reproductive rights, a wife's right to refuse sexual relations at times within marriage, the law against domestic violence (which covers coercive sexual relations inside marriage, or marital rape as violence against women) and how they see secular legality as opposed to the conventional *fiqh* or Islamic law (Hooker 2006: 122-3). Finally, I will discuss the role of the *nyai* as potential educators in bettering gender equity and women's rights - or vice versa.

#### **4. Research Methodology**

This study incorporates qualitative research and fieldwork, comprising direct observation and in-depth interviews in the collection of data in East Java during the months of October to December, 2007. Written sources on relevant topics such as *pesantren*, *kiai*, the women's movement in Indonesia, gender theories and on more general discussions of women's issues in Indonesia have also been consulted.

My sampling includes case studies of *nyai* in *pesantren* from Jember and Jombang in East Java, since these cities are well known as '*kota santri*', or '*santri cities*', indicating their reputation as centres of Islamic education (Hamdanah 2005: 66-7; Srimulyani 2007: 87). In order to represent the *nyai* as a social entity, I have taken sampling around the figures of eleven *nyai* in terms of their educational background, age and the ideological type of *pesantren* with which they are associated – whether it be *salafy*, traditionalist, modernist and or others.

#### **Categorization of Informants and Respondents**

##### **1. *nyai* resident and based in *pesantren***

These conduct *santri* classes and *majlis ta'lim* as avenues for gender awareness education

##### **2. *nyai* who are known as Islamic scholars and preachers**

They have ready audiences to influence on issues of women's rights, marriage relations and the like. They are often activists and even leaders of Muslim women's organizations.

The collection of data was conducted by interview and observation. Semi-formal and semi-structured in-depth interviews were undertaken with *nyai* and other pertinent figures.

#### **The Case Studies**

I interviewed eleven *nyai*, but prepared nine case studies. The *nyai* are, in alphabetical order with the name of their *pesantren*:

1. Ainaul Mardiyah (Dormitory Ainussyam, Darul Ulum, Jombang)
2. Asmahani (Pesantren Al-Arifin Denanyar, Jombang)
3. Atiyah Arifiyana (Pesantren Al-Azhar, Jember)
4. Chasunah Zaim (Dormitory Hurrun 'In, Darul Ulum, Jombang)
5. Elok Faiqoh (Pesantren Nyai Zainab Shiddiq, Jember)
6. Faiqotul Himmah (Pesantren Ashri 1, Jember)
7. Munjidah Wahab (Pesantren Bahrul Ulum, Tambakberas, Jombang)
8. Rosyidah Yusuf (Pesantren Darussolah, Jember)
9. Umdatul Khoirot (Pesantren Assaidiyah, Tambak Beras Jombang)

#### **Further qualifications**

1. Of these nine, four are *nyai* in *pesantren* reserved for females only (Nyais Ainaul Mardiyah, Chasunah Zaim, Elok Faiqoh, Faiqotul Himmah) and the rest are *nyai* in mixed sex *pesantren*.

2. Four *nyai* are identified as the leaders or caretakers of *pesantren* (Nyais Asmahani, Chasunah Zaim, Elok Faiqoh, Munjidah Wahab). *Nyai* identified as caretakers do not have husbands, except for one (Nyai Chasunah Zaim).

3. Two (Nyais Atiyah Arifiyana and Umdatul Khairat) are identified as caretakers of the *pondok* reserved for females, while their husbands are caretakers of the *pondok* reserved for males, as well as leaders of the *pesantren* as a whole.

4. Three *nyai* (Nyais Ainaul Mardiyah, Faiqotul Himmah, Nyai Rosyidah Yusuf) are not identified formally as leaders of *pesantren*; their husbands or brothers are the leaders.

There were cases where discretion was called for: some *nyai* and informants, expressing certain opinions, did not wish to be identified by name or by the *pesantren* with which they were associated. I have respected their wishes and used initials or have suppressed their identities completely.



In the analysis of data I draw on gender phenomenology, the approach adopted by Hamdanah (2005) and Pieterella van Doorn-Harder (2006) to reach an understanding of the problems of women and gender in a given society from their own perspectives and arguments. This approach is also useful for an understanding of transcendent things beyond the empirical facts, to comprehensively describe the phenomena involved (cf. Faiqoh 2003; 41-2). However, for critical analysis and in order to avoid cultural relativism, I also assess the contribution of (Western) feminist theories,<sup>4</sup> keeping in mind the ideals of emancipation among women activists presently at work in Indonesia.

### 5. 'Hypotheses and Arguments'

This study rests on two main hypotheses. The first is that assumption about the *nyai* as a subordinate partner of the *kiai* without significant action or authority is challenged by the facts in Jember and Jombang. In these cities, there are *nyai* who are socially important figures with significantly innovative roles. They do possess authority over decision making regarding both domestic and public matters and take on administrative roles in managing *pesantren*. Nyai Nihayah Ahmad, of Pesantren Astra 1 and Nyai Wahibah Wahab, of Pesantren Riyadhus-Solihin in Jember lead *pesantren* without the presence of a *kiai*. Other *nyai* also take part in political life and become members of the national House of Representatives, such as Nyai Munjidah Wahab and Nyai Muflichah Tamim in Jombang. I believe that these cases directly reflect the phenomenon of a developing Indonesian women's emancipation.

My second hypothesis is that there is a paradox between the *nyais'* emancipative roles and their conservatism on specific gender issues. Their attitudes towards the matters of gender equality, domestic violence and so on are varied. Yet they tend to be more conservative when considering ideas which, in their opinion, contradict Islamic law and jurisprudence, the *sharia* and *fiqh*. They are guarded about a new idea which could potentially cause family disharmony, such as

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<sup>4</sup> I mean here the ideas of liberal feminism, radical feminism and socialist feminism. As we know, feminists do not share monolithic ideas or concepts of their field.

marital rape. However, they also support emancipative ideas on women's rights to education and to taking on public roles, while some hold distinctly progressive ideas against polygamy and forced marriages.

## 6. Literature review

In this section I critically review the literature consulted in the thesis to demonstrate that they have not covered the themes developed in this study.

The first work is by Faiqoh (2003) *Nyai: Agen Perubahan di Pesantren*. The author presents the case study of Nyai Nafisah Sahal Mahfudz as a role model for *nyai*, arguing that she has been an agent of change by developing the Pesantren Al-Badi'iyah and its community in Kajen. Pesantren Al-Badi'iyah, for female students, it is argued, is a first step towards improving women's education, the more remarkable because Nyai Nafisah's intentions were originally opposed by her husband, Kyai Sahal Mahfudz (Faiqoh 2003: 267). Nyai Nafisah has also contributed to changing the way in which the *kitab kuning* are being taught, especially in matters related to women (Faiqoh 2003: 287-8). In presenting to her *santri* classes the gender-unjust materials from commonly used *kitab kuning* such as '*Uqud al-Lujain* (see Chapter Two) Nyai Nafisah also gives comparisons of data from other *kitab*. In this way, her students do not have to accept the biased materials as single, absolute truth (Faiqoh 2003: 288).

As the first study to focus on *nyai* in relation to gender discourse, Faiqoh's work offers fresh insights into a phenomenon previously invisible in the published literature. Yet the use of one sample is too weak to represent the institution of the *nyai* as a whole; opinions held by *nyai* are various and many, shading from the conservative to the more progressive, as we shall see.

Regarding Faiqoh's approach to the issues, the author allows a large space for description, which distracts her focus. She writes broad and long in explaining the institution of the *pesantren* and issues of gender in Islamic law without adequate effort to tailor the data relevant to the actual discussion of *nyai*, which could

potentially mislead the reader away from the key problem of the research. A lack of critical analysis of the phenomena in the fieldwork is another weakness of this book. The author has several times used overly-subjective judgment; for example, the way in which the author states “the attitudes of Nyai Nafisah, with all her sacrifices and sincerity, reflect a figure of a great heroine, Indonesian women should follow her” (Faiqoh 2003: 347).

A second study of *nyai* is by Hamdanah (2005) *Musim Kawin di Musim Kemarau, Studi Atas Pandangan Ulama Perempuan Tentang Hak-Hak Reproduksi Perempuan*. The author focuses on the attitudes of a number of *nyai* in Jember towards issues of women’s reproductive rights, such as the right to sexual pleasure, decision on the size of the family, the right to refuse sexual relations, and so forth. The strength of this work is its use of gender phenomenology as a method, which, according to Heddy Sri Ahimsa Putra (Hamdanah 2005: xxv) is very rarely used by researchers in Indonesia. The method gives insights into women’s problems from an ‘insider’s perspective’, not the researcher’s point of view. This choice of approach provides new ideas on how gender issues are understood, given the fact that researchers commonly tend to analyze gender cases based on Western concepts, notably those privileging the concept of individual agency. Another valuable aspect of this work is the way in which the author has mapped the various opinions held among *nyai* in a table, supplying their organizational affiliation as a variable (Hamdanah 2005: 115). More importantly, the author also devotes a chapter (Chapter Four) to comparing the opinions of the *nyai* as female religious scholars and leaders with those of the *kiai* as male counterparts on the issues in point.

Despite these strengths, the author does not offer explanation of the reasons behind the *nyais*’ opinions or their attitudes towards issues beyond the religious arguments. She passes judgment on them, which is not part of phenomenological analysis. I believe the author could have widened her scope by exploring how the *nyai* ‘socialise’, or present to society, their opinions. We might have seen if the *nyai* are bettering gender understandings in the community, or whether they are



remaining silent in fear of external judgment, or the disapproval of the *kiai* or even that of other *nyai*.

However, as the first study to focus on opinions on gender issues held by female *ulama* (*nyai*), this study is a useful source for my research. I also agree with the author that *nyai* in Indonesia do not share a common vision and that they hold diverse attitudes toward women's reproductive rights. It is this very diversity in attitudes which drives the dynamics of gender development in the Indonesian Muslim community.

A third work by Safira Machrusah (2005) *Muslimat and Nahdlatul Ulama: Negotiating Gender Relations within a Traditional Muslim Organisation* is also valuable. This sub-thesis takes an historical approach to the ways in which the traditionalist Nahdlatul Ulama's women's league, Muslimat has developed gender relations with its patron organization, known to be male dominated. Beginning from the establishment of Muslimat in 1946 and tracing its struggle for political participation, both under the New Order and after the fall of Suharto, this work offers a comprehensive and systematic discussion of the issues, as well as genuine and fresh ideas. Most previous studies deal with the history and the functions of the organization; Machrusah addresses relations between Muslimat and NU from a gender perspective. Given her strong and sufficient evidence, I agree with the author's argument that "traditional Muslim women (or Muslim women in short) could gain significant advances towards equal gender relations if both internal 'religious' negotiations as well as external political circumstances support the project" (Machrusah 2005: 2). One example of such 'external political circumstances' is the fact that Muslimat NU was compelled to focus on social and humane activities rather than political practices under the New Order's official restrictive gender ideology. It could only become more directly involved in politics during the subsequent era of Reformasi, or Reformation (Machrusah 2005: 81).

Despite the strengths of this study, there are weaknesses as well. The first is that this study is too macro, focusing on the 'national level' of Muslimat leaders and neglecting the possible complexity and variety at the grassroots level of Muslimat-NU relations. Secondly, the study narrows its focus too much to the political in exploring gender issues within Muslimat. Other dimensions, such as the division of roles and responsibilities between NU and Muslimat are not comprehensively grasped.

The author could have sharpened her analysis by employing theory to explain the issues. The difference between liberal feminism and radical feminism in terms of social concern and arenas of struggle might have been brought out by discussing NU's quota for women in the Indonesian Legislature, for example, or the NU *fatwa* on allowing a public role for women, though still under a higher leadership by men. In my opinion, the roles and struggles by Muslimat, at least as presented in the work, are more in line with liberal feminism and women's welfare. In fact, Muslimat NU do support the widening of opportunities for women to join organizations and politics; they do have a concern for human and socio-religious activities, and they do address women's conditions. The LKKNU (the family welfare institution of NU) was set up to promote a family planning program. In addition, the type of training offered by Muslimat for its members includes nurseries and groups teaching 'women's skills and activities' (Machrusah 2005: 41, 66).

Nevertheless, I particularly benefited from this study since many *nyai* have affiliations with Muslimat NU, while the way in which the author situates gender relations between NU and Muslimat is similar to the way in which I will portray relations between *kiai* and *nyai*.

Another relevant work on Indonesian Muslim women's organizations and movements is by Pieterella van Doorn Harder (2006) *Women Shaping Islam, Reading the Qur'an in Indonesia*. This comprehensive study investigates the roles of Muslim women through the women's wings of the two largest Muslim

organizations, Muslimat NU and Muhammadiyah's Aisyiyah. The discussion also covers the younger branches, Fatayat when discussing Muslimat, and the junior Nasyyatul Aisyiyah when discussing Aisyiyah. Although there are other Muslim women's organizations in Indonesia, the choice of Muslimat and Aisyiyah offer the more representative data since they are the two largest such organizations.

This anthropological study avoids ethnocentrism and offers a balanced and unbiased analysis. From the beginning, the author acknowledges differences between Western and Indonesian values: "Because the women leaders of Muhammadiyah and NU operate in Indonesia, where the religious and ideological frameworks for women's rights differ vastly from those in the West, the prevailing attitudes can not be compared to western liberal feminism that stresses individual agency" (van Doorn Harder 2006: 7). The author explores the different ways in which women in Muslimat and Aisyiyah understand feminism, emancipation and the betterment of women. She asserts that they can be argued to be feminist in the sense that they struggle for the improvement of women's conditions, both in the domestic and public spheres, although not all their ideas are those of Western generated feminism. The author also contributes a valuable insight by demonstrating a generational gap between Fatayat and Muslimat, as well as between the Nasyyatul Asyyiyah and Aisyiyah.

Despite the illuminating nature of this work, van Doorn Harder neglects to discuss specific gender issues in a well-structured way. Her exploration of the roles and ideas of Muslimat and Aisyiyah tend towards the abstract within her very descriptive manner. She might, for example, have considered the understanding of some important issues in such as domestic violence, polygamy and concepts of emancipation among the Aisyiyah and Muslimat members, and within the official position taken by the organization. Some highlighting of the diversity of opinions among *ulama*, even in a tabulated form, could have made the explanation clearer.



## 7. Thesis Outline

The present thesis is divided into this introduction and four following chapters.

In Chapter One, this Introduction, I have explained the scope of the study, background of the topic, key issues, research methodology, hypotheses and the main arguments of the study, a literature review.

Chapter Two explores the phenomena of *nyai* and the *pesantren* world, along with important elements of *santri*, *kitab kuning* and so forth. I argue two important points: first, that *pesantren*, as significant educational institutions in Indonesia, are important for gender education, yet have been branded as patriarchal, and second, that scholarship so far has overlooked the roles of the *nyai* in *pesantren*. I describe other important aspects of *pesantren* culture and educational systems. Certain traditions, especially the teaching of the gender biased materials of the *kitab kuning*, have impact on gender understandings within the *pesantren* community.

In Chapter Three I explore the roles of the *nyai* in some detail, using data from the fieldwork and presenting case studies of *nyai* in locations in East Java to show that *nyai* do have significant roles and power, both inside and outside the *pesantren*. This phenomenon indicates a relative appreciation of gender equality and women's emancipation.

In Chapter Four, I explain *nyais'* attitudes to gender issues in Indonesia. This chapter is an attempt to understand the maps of thought among *nyai* in contemporary debates on the issues. I also question whether they voice their opinions to the *santri* and to broader Javanese society. I observe their role in shaping gender understandings and the improvement of women's conditions within the *pesantren* community and outside. In conclusion, I argue that however forward-looking and capable their profile may be, for religious reasons, *nyai* are generally quite conservative on controversial issues such as marital rape or domestic violence.

Finally, Chapter Five contains my conclusions.

## CHAPTER TWO: NYAI AND GENDER IN THE PESANTREN WORLD

In order to understand the phenomena of *nyai* and women's issues in the *pesantren* community, it is necessary to know something about the *pesantren* world within which the institutions of *kiai* and *nyai* exist. Studies about *kiai* abound: e.g. Dhofier (1982), Horikoshi (1987), Mansyurnoor (1990), and Turmudi (2003). All of these studies emphasize the the *kiai* as the figure of most importance in the *pesantren* and ignore the existence of *nyai*. Although we have access to *kiais'* opinions on women's issues in Muhammad (2001) and (2004) no *nyais'* opinions are actually presented in these works.

Turmudi (2003: 35, 101) explains the fundamental basis of the *pesantren*: it is considered to be the 'mini kingdom' of the *kiai*, from which he establishes his existence and role, not only inside the *pesantren* but also in the community outside. In a similar way, any discussion about *nyai* is equally closely related to the world of the *pesantren* with all its relevant characteristic features, such as *kiai*, *kitab kuning*, *santri* and *santriwati*.

In this chapter I introduce institution of the *pesantren* and its culture, in order to show the interrelated aspects which contribute to the ways in which gender relations and understandings are slanted towards a male point of view.<sup>1</sup> On the other hand, the *pesantren* is also potentially the very site where improvements in gender relations are to be made and gender equity striven for.

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<sup>1</sup> Islam is not monolithic in its ideas or interpretations; Indonesia comes under the Shafi'ite School of Law and the Ash'arite or Sunni school of Theology.



This chapter also presents an account of the development of the acceptance of *santriwati*, the female students. I will explain the phenomena of *nyai* and *santriwati* in terms of their roles and daily life in the *pesantren* and the ways they are being portrayed in the existing literature. I will then explore the tradition of *kitab kuning*, the classical Islamic texts of instruction used in the *pesantren*, which contain a discourse on women. I will focus on their contents, frequently criticized as gender biased, and on uncritical teaching methods often employed in *pesantren*.

## 1. *Pesantren* Culture from a Gender Perspective

The *pesantren* is arguably the oldest educational system in Indonesia and one of its 'great traditions' (Mas'ud 2002: vii; van Bruinessen 1995: 17). Turmudi (2003: 37) confirms that 'before the modern education system was introduced by the Dutch, the *pesantren* was the only system of learning and education in Indonesia'. The *pesantren* functioned historically as a centre of Islamic education and propagation, a role which continues into present times (Turmudi 2003: 37; Mastuki 2003: 1). Regarding terminology, before the 1960s the *pesantren* was more known by the name *pondok* which is derived from the Arabic word, *funduq*, literally, a dormitory (Dhofier 1982: 18). The term *pesantren* itself is derived from the Tamil term *santri*, meaning 'a teacher for reciting religious scripture (Dhofier 2003: 18). So the best definition for the still commonly used compound term *pondok pesantren* is 'an Islamic based educational institution containing a boarding school system' (Srimulyani 2007: 86).

### Structure of the *Pesantren*

At this point it is important to explain the structure of the *pesantren* as a system. I refer to Dhofier (1982: 45-58) who defines the five primary elements of *pesantren* as follows:

1. *pondok*, the dormitory for *santri*
2. *masjid*, the mosque, for daily prayers and centre of teaching/learning activities
3. *kitab kuning*, classical texts of instruction
4. *santri*, the students
5. *kiai*, the leader, the teacher and the central figure of the *pesantren*

We can see here that the institution of *kiai* is emphasized as the only figure of mention within the *pesantren*, while at the same time the institution of *nyai* is neglected. Rofiq (2005: 6-7) describes the *kiai* as the ‘architect of society and of the *pesantren* in particular’ whose leadership abilities and wisdom are essential in shaping changes and continuity within the *pesantren*. Turmudi(2003:35) chosen to mention senior *santri* as the person helping *kiai* run the *pesantren* rather than *nyai*. This is an attitude widespread in Indonesian society at large.

It is worth noting that life in the *pesantren* is unique in the sense that it has characteristics distinct from the outside world. It is shaped by an ‘Islamic’ daily routine which is often argued to be a ‘subculture’, based on several factors (Wahid 1988: 40). First is the existence of a unique system of values under which *santri* have their own pattern of daily life and activities that, in general, are not influenced by the outside, such as attending the communal prayers on site five times a day. Second is the *pesantren*, as Islamic educational institutions, set their system and regulations on a base of Islamic teachings, *fiqh* (jurisprudence) and Sufism. Moreover, the aim of *pesantren* is not only to provide education but also to produce reputable and good Muslims, so their environment is created to support that goal (Wahid 1988: 40-51). The first principle of the *pesantren* usually states as much: ‘the *pondok pesantren* is a formal religion-based educational institution and the centre for socialization of Islamic values’ (Darul Ulum 2004). Usual regulations within *pesantren* are as follows:

1. *santri* shall practice the *sharia* properly and consistently

2. they shall perform the communal prayers
  3. they shall wear proper, decent and Islamic clothing,  
the veil for females and the *kopiah* for males
  4. meetings between males and females are prohibited
  5. permission must be gained before leaving the *pesantren*
  6. going out later than a certain time of night is prohibited, and so forth
- (Darul Ulum 2004; Nailly 2007).

With regard to the historical roots of *pesantren* in Indonesia, there has been a debate about whether it is an indigenous phenomenon or if it belongs to the world of Islam. I believe the strongest argument is that the *pesantren* is a paradox, a system of mixed traditions and values from Hindu Java, India and Arab or Islamic civilizations and is the result of a long acculturation process (Steenbrink 1994: 20-22; Faiqoh 2003: 152-3). Despite their pre-Islamic roots, *pesantren* are internationally oriented towards Mecca, *kiai* travel to the Arab countries to advance their studies, and the teaching texts of the *pesantren*, the *kitab kuning*, are chiefly Arab-authored (van Bruinessen 1995: 21-22).

Not all values within the *pesantren*, including those related to women's matters or male-female relations, can be seen as either purely Islamic or indigenous Indonesian (Faiqoh 2003: 150, van Doorn Harder 2006: 187). The use of hierarchical language in the *pesantren* comes from Javanese culture, as does the custom by which *santri* bow in front of their *kiai* and *nyai*. The use of the veil, or *jilbab* and the strict male-female segregation, which limit women's freedom to move in public space, take more from Arabic culture. When I interviewed a number of *nyai* regarding this issue, they commonly answered that *both* Arabic and Javanese cultures have determined the position of women (Naily Interviews 2007).

## 2. Enter the *Santriwati* – Their Life in the *Pesantren*

*Pesantren* were historically the preserve of male students, the *santri*, and there was no place for female students, the *santriwati* (Marcoes et al 1997: 10-11). Despite the centuries -long history of the *pesantren*, the acceptance of *santriwati* and the establishment of *Ma'had lil Banat* (*pesantren* for girls) are very recent. There is no exact data or proper documentation on this matter: Dhofier (1982: 54) claims it was in 1917 while Marcoes et al (1997: 10) suggest that it was as late as 1923. Srimulyani (2007: 86) suggests 1930. This gap between the existence of *pesantren* in Indonesia for hundreds of years and the existence of *pesantren* for females of only 80-90 years is one indicator of women's marginalisation in the *pesantren* world and in traditional Muslim communities (Marcoes et al 1997: 10-11; Faiqoh 2003: 249-250).

In Java, the first *pesantren* to admit girls to study was that of Kiai Bisri Syamsury in Denanyar, Jombang during the 1920s (Dhofier 1982: 54; Marcoes et al 1997: 10). Interestingly, it was not Kiai Bisri's intention to 'emancipate' young women but rather to provide an education and an environment for them so that they could be "truly good women, who were not just hanging around'. Apparently Kiai Bisri 'was opposed to women gaining influence in political and other public activities but reasoned that staying in the *pesantren* would prevent them from being too free. Also, he felt that it would teach them discipline" (van Doorn Harder 2006: 173).

In addition to such internal motivations, it is reasonable to argue that forces from the outside also influenced the *pesantren* to open their doors to female students. As is explained by Blackburn (2004: 37), from 1913 onwards, schools for Javanese girls were set up by the Dutch, inspired by Kartini's call for girls to receive an education. In addition, a number of Indonesian schools were set up by figures like Dewi Sartika in West Java and Rohana Kudus in Sumatra (Blackburn 2004: 39). This parallels the



history of the establishment of the women's wing, Muslimat of NU in 1946, which was in turn partly motivated by the establishment of its counterpart, Aisyiyah of the Reformist organization Muhammadiyah in 1917 (Machrusah 2005: 31). (The establishment of NU itself was a reaction to that of the Muhammadiyah – Traditionalists found themselves having to catch up with the Modernists' lead [Ziemek 1986: 64]).

Initially, there was resistance from *kiai* to the idea of women entering *pesantren*, let alone the setting up of *pesantren* specifically for girls. Kiai Hasyim Asy'ary - and many other *kiai* in Java and Madura - opposed Kiai Bishri's idea (Marcoes et al 1997: 10); van Doorn Harder 2006: 173). Due to Kiai Hasyim's disapproval, Kiai Bisri had to 'hide' the *santriwati* every time Kiai Hasyim visited his *pesantren*.

There are at least two explanations for this. The first is related to one of the fundamental characteristics of the *pesantren* community, cultural resistance. As Mas'ud (2002: 20) notes, cultural resistance originally came into play for centuries to oppose the Dutch colonizers, who were *kafir*, or infidels in the eyes of the *kiai* (cf. Faiqoh 2003: 155-60). This was one of the reasons for the establishment of Pesantren Tebuireng in East Java, for example (Mas'ud 2002: 3). In lesser and more practical examples, the first attempts to incorporate secular knowledge, such as mathematics and physics into the *pesantren* curriculum faced the same attitude: even the blackboards, chairs and other Western equipment were resisted in the beginning (Dhofier 1982). The maintenance of tradition has been a strongly held value in the *pesantren*. It is also one evident in the past, and in the present, within conservative gender relations in *pesantren*.

The second explanation of opposition to female *pesantren* education has a religious basis. The popular religious understanding at the time was that women's place was in the home and that it was *fitnah* (slander, or scandal giving rise to slander) to send women out of the house and so to compromise their virtue (Naily Interviews 2007).

History tells us that Kiai Hasyim Asy'ary was a *kiai* who held strongly to the conventional interpretation of *fiqh* (see Ma'shum 1998:79-81). Although later in the day Kiai Hasyim was to agree with Kiai Bisri and even came to support his ideas for the education of girls, the resistance from other *kiai* did not directly disappear. For example, Kiai Hasyim's decision to send his daughter (according to van Doorn Harder, his sister) Nyai Khoiriyah Hasyim, to study in Mecca, perhaps unheard of at the time, also gave rise to fierce controversy among the *kiai* (Marcoes 1997: 11). Likewise, Nyai Zainab Shiddiq in Jember faced a good deal of criticism when she sent her daughter, Nur 'Ajibah to Egypt for her studies.<sup>2</sup> People even questioned 'whether she was not afraid that her daughter might fall to become a belly dancer rather than studying' (Naily Interview 08-11-2007). The habit of resistance can still be observed in recent times when it comes to women's issues. Another example is that of Kiai Sahal Mahfudh, who initially opposed his wife, Nyai Nafisal's idea to establish the first *pesantren* for females in Kajen (mentioned under Research Questions in Chapter One). At first Kiai Sahal argued that educating females was a more difficult task than educating male students, although in the end he did agree to the idea (Faiqoh 2003: 268).

Now it has come about, however, that almost all *pesantren* in Java and Madura accept *santriwati* (Dhofier 1982: 55; Marcoes 1997: 11). The NU community and the *pesantren* elites belatedly saw the importance of accepting girls in order to give them religious teaching in accordance with the NU tradition. (There was a rise in the numbers of girls attending Dutch government schools: from 3,097 in 1909 to 19,455 in 1914, to reach 36,649 in 1919 (Bammelen 1982 quoted by Blackburn 2004: 38-9). A religious justification could also be found, based on the *Hadith* which obliges both male and female Muslims to undertake learning (Hamdanah 2005: 149). In fact, even

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<sup>2</sup> Nur 'Ajibah is now famous as Endah Nizar, a preacher and former chair of Muslimat NU East Java, also the MP for the Province of East Java.

before opening the doors of *pesantren* to females, *kiai* would customarily provide religious instruction to their daughters inside the house (Dhofier 1982: 54).

Two points may be concluded from the above; first, that cultural resistance in *pesantren* community is not a rigid refusal of the new but more the tendency to be careful of new ideas. This is in line with one of the Islamic principles embraced by NU members: '*al-muhafadhat 'ala al-qadim al-salih wal akhdhu bi al-jadid al-ashlah*' meaning 'the maintenance of the old and good tradition and the taking of the new which is better'. So reform and change are possible.

In like manner, changes and efforts to improve women's conditions in the NU (read also *pesantren*) community may take place when there is justification from religious arguments, as well as interference or influence from external sources. The role of the *pesantren* elites here is crucial, and will be investigated in Chapter Three.

Meanwhile, *pesantren* have become important educational institutions in Indonesia, graduating a large number of *santri* and *santriwati* and spreading their influence among the wider Muslim community. Despite the existence of other educational institutions, they have proved to have been stable and long lasting. According to data collected from the years 1979 to 1996, the numbers of *pesantren* have gradually risen from 4135 to 9067 and their *santri* from 677,554 to 1,938,165 (Mas'ud 2002:25). Unfortunately, there are no specific figures for *santriwati*. Nevertheless, the influence of *pesantren* also reaches into wider society, to create a so-called '*masyarakat santri*' or '*santri community*' which continues to look to the *pesantren* for guidance (Ismail 2002: 51-2). This makes the *pesantren* important potential arenas for improving gender awareness (Purbani 2005: 5-7; Subhan 2002: 93-4).

Due to such potential, the *pesantren* and their *kiai* have been recognised as effective agents or 'brokers' for many a government program of community development (Turmudi 2003: 101). Mansyurnoor (1990) has shown that the *ulama* and *kiai* of



Madura have played an effective role in changing the ways in which the Madurese people perceive the national government's transmigration programs, so much so that it is doubtful whether other programs for change in rural areas without the support of *pesantren* elites will be effective. This relates to another fundamental feature of the *pesantren* identified by Mas'ud (2002: 26-9), the tradition of 'modeling' and the concept of 'blessing'. Modeling' is the tendency of *santri* to regard their *kiai* or *nyai* as a role model for them to imitate and to follow. The concept of 'blessing' encourages *santri* to ask for guidance or ratification from *kiai* and *nyai* in many of their life matters (A'la 2006: 48; Hamdanah 2005: 4; Naily Interviews 2007). Islamic values are in force here, in the understanding of *uswatun-hasanah* (a perfect model) or *tasyabbuh* (imitation), as is the Javanese patron-client system which also characterizes *kiai-santri* relations. Hamdanah (2005: 4) for example, quotes a number of people in Jember who say 'Whatever the *kiai* and *nyai* decide...' as an illustration of this culture. Similarly, any new religious ideas coming from beyond the *pesantren* will have little effect in the rural areas without the intervention of the *kiai* or *nyai* (A'la 2006: 48).

So *kiai* and *nyai* are significant in shaping people's values when facing certain issues in their lives, including those of gender (Naily Interviews 2007). The question which concerns us here is whether the *nyai* have become figures who support gender equality, or conversely, if they remain conservative in this respect.

### 3. Lives of *Nyai* and *Santriwati* from a Gender Perspective

As already noted, *pesantren* for females were late in their establishment, yet they showed rapid development. In the 1950s there was a significant increase in numbers of *pesantren* accepting *santriwati* and in the numbers of *santriwati* as well (Dhofier 1982: 54-55). Nowadays, most *pesantren* in Indonesia provide a section, or *pondok*, reserved for *santriwati* and, in fact, some *pesantren* even accommodate a larger



Educational conditions for *santriwati* have changed as the official age of marriage has been raised and as formal state curricula (taught in the *madrasah*) have entered the *pesantren*. *Santriwati* now spend longer time in the *pesantren* and may frequently continue their training to take university degrees. Still, however, most of them are likely to attend the IAIN or UIN, the State Islamic Institutes or State Islamic Universities, or the IKIP (*Institut Kejuruan Ilmu Pendidikan*- Institutes for Teacher Training) as these will provide opportunities for them to pursue 'suitable' careers for women: as teachers, lecturers or even simply becoming good mothers able to teach their children and families (Naily 2007; van Doorn Harder 2006: 182). Although some *pesantren* have opened vocational schools, such as for nursing and engineering, there is still a gender difference: nursing is most attended by *santriwati* while engineering is most attended by *santri*. There is still a clear gender bias with regard to what are considered to be appropriate careers for women. This trend is actually not only evident in *pesantren* communities, but also in wider Indonesian society (See Soleeman 1995: 241-3).

Even the *santriwati* themselves are (ironically) influenced by such expectations. According to the results of interviews with girls in *pesantren*, it is common that they feel more comfortable with the conventional interpretations of women's roles which emphasize being good wives and mothers. They still hesitate about new ideas of innovative roles for women (Naily Interviews 13, 14-11-2007). The same attitude is found among the male students. When Pierternella van Doorn Harder asked the boys about the idea of girls becoming aviation engineers, they answered: 'Sure, but what about the running of the household?' (van Doorn Harder 2006: 182).

Despite the fact that a number of my interviewees were engaged in approved work and were relatively active in social activities, they asserted that 'being a good wife and mother is our nature, *kodrat*, given by God' or similarly, 'We think that being actively involved in social activities is good and that is why we learn how to run organizations; however every activity we undertake and each role we play must not

contradict our *kodrat* and we must not forget that our primary duty is our responsibility to the family, as a wife and mother' (Naily Interviews 13,14-11-2007). Srimulyani (2007: 93) suggests the reasons for such attitudes are 'the uncritical teaching of classical texts' and 'the male-centered structure of authority within the *pesantren* institution'.

### **The Nyai**

The very existence of *nyai* has been discussed by only by a small number of researchers; namely van Doorn Harder (2006), Faiqoh (2003) and Hamdanah (2005). Citing history, Dhofier (1982: 54) mentions, once, a certain Nyai Choiriyah Hasyim as the *nyai* who had such a thorough knowledge of religion that she was able to replace her husband leading Pesantren Seblak in 1932. Although van Doorn Harder (2006: 175) asserts that some *nyai* 'still limit their activities to being the spouse of *kiai*' she also claims that other *nyai* (Nyai Fatma and Nyai Siti) play increasingly significant roles in the *pesantren* and have put efforts into 'reforming the *pesantren*'. However, she also states that 'the *kiai* is the leader of *pesantren*. He is fully in charge of everything that goes on in his *pesantren* and shapes its identity', while emphasizing that the success of the *pesantren* depends upon the 'knowledge, charisma and stature of the *kiai*' (van Doorn Harder 2006: 168).

The reverse is actually true. Hamdanah (2005) mentions several *pesantren* led by *nyai* in Jember. These are: Pesantren Riyadus Solihin led by Nyai Wahibah Faruq, Pesantren Zainab Shiddiq led by Nyai Elok Faiqoh (one of my case studies), Pesantren Miftah 'Ulum led by Nyai Mubadia, Pesantren Darussalam led by Nyai Malihah and Pesantren As-Sa'adah led by Nyai Hindun.

Nevertheless, she also makes the criticism that the number of *nyai* is still very small compared to the total number of *pesantren* (Hamdanah 2005: 67-8) Likewise, Faiqoh (2003) argues that in reality there are more *nyai* who lead *pesantren* in Kajen than the two who are formally recognised as leaders of *pesantren*. She adds a similar fact: that

*kiai* are formally identified as leaders of *pesantren* while it is actually the *nyai* who carry out the daily administration (Faiqoh 2003: 176-7). In Jombang, there are several *nyai* who are identified formally as leaders of *pesantren* while other *nyai* play supporting roles behind the scenes (Naily Interviews 09,-11- 2007). This point will be explored further in Chapter Three.

### ***Nyai* and Single Sex Education**

The importance of the *nyai* lies in the fact that a single sex educational environment is maintained in the *pesantren* community. When I asked several people about the position of *nyai*, they answered that the presence of the *nyai* is vital for teaching *santriwati*. The *santriwati* feel they have more freedom to ask questions and seek advice about their problems with one of their own gender (Naily Interviews 13,14-11-2007).

History also bears this out. The institutions of the *nyai* and the *ustadhah* (female religious teachers) have become even more needed to teach the increasing numbers of *santriwati* in the sex segregated environment within the *pesantren*. In the past, the *pesantren* community held to the strict rule that female students should only be taught by women teachers - who were initially rarely available (van Doorn Harder 2006: 174). Therefore, Kiai Bisri Syamsury, the first *kiai* to open his doors to girl students (mentioned above) arranged for one of his senior married *ustadh* to teach the *santriwati*. In a circular development, as the number of *pesantren* for girls increased, more female teachers became available and this has been a significant factor in the growth of *pesantren* for females.

During my fieldwork, I discovered a small distinction between *nyai* in the *pesantren* of Jember and Jombang. In Jember, the *nyai* are usually limited to teaching only *santriwati* and not *santri*, whereas in Jombang, it is quite common for *nyai* to also teach the *santri* in the *pondok*. Nyais Asmahani, of Pondok Al-Arifin, Munjidah Wahab of Pesantren Bahrul Ulum and Umdatul Khairat of Pesantren As-Saidiyah in



Jombang teach both *santri* and *santriwati*. The segregation of the sexes is stricter in Jember than in Jombang; which is probably due to the fact that Jember is predominantly peopled by ethnic Madurese who are known to be more traditional in terms of maintaining *pesantren* culture. Further on this point, Nyai RY (*pesantren* not named) and Nyai F (*pesantren* not named) said that in the *pesantren* complex of Maduranese *kyai*, the *nyai* are limited to presenting their teaching or speeches via a microphone and rarely face the students, even the female ones, directly. However, when it comes to public occasions, there is also a small number of *nyai* in Jember (as in Jombang) who give speeches to mixed male and female audiences.

### **The Life of *Santriwati***

In order to convey a comprehensive picture of young women's conditions within the *pesantren*, we need to explain the daily life of *santriwati*. At first sight, there appears to be no significant difference between the pattern of activities of male students and female students. However, when we look closely, it becomes more apparent that *santriwati* come under more regulations and constraints than *santri*. For example, the *santri* are free to leave the area of the *pesantren* while the *santriwati* are more limited in doing so: they have to ask permission every time they go. In addition, before leaving the *pesantren* for any reason, the *santriwati* must be picked up by parents or close male relatives, while the *santri* are given more freedom to go home by themselves. (Naily Interviews 14-11-2007, Srimulyani 2007) There are also more regulations for the *santriwati* regarding clothing; for instance, most *pesantren* do not allow their female students to wear trousers, since this would be considered as resembling men and thus overturning the ordained laws of nature (Naily Interviews 14-11-2007).

Furthermore, there are slightly different aims in the education of male and female students. The goal of the *pesantren* for *santri* is to produce reputable Muslim men, who comprehend sufficient religious teaching, practise it in their lives and make their contribution to the *ummah*, or society, wherever they establish their career.

In comparison, in spite of similarities in the basic goals, there is the additional goal for *santriwati* to prepare them to be good Muslim women, good mothers and virtuous wives. To this end, there are programs specifically designed and certain religious texts to be studied, which I discuss in Section 4 below.

Other prescribed activities and routines for *santriawati* can be identified as gender biased. Extra curricula activities are an example. *Pesantren* hold many kinds of celebrations and festive events in the Muslim calendar, and a mixed-sex *pesantren* will usually divide these between those specifically for men and those for women. In the women's events the *nyai* and their *santriwati* have unlimited freedom to perform dances, dramatic art and singing – nevertheless, the audience and the performers are segregated.

Other more routine segregation also exists. For instance, in some *pesantren* at East Java, the *santriwati* have '*jadwal piket*', scheduled timetables for helping with cleaning and managing the residence of the *kiai* and *nyai*. Male students are not given the same tasks. They might have weekly communal environment cleaning, the so-called *kerja bakti*, or voluntary work, but they are not enlisted to the routine household service of the *kiai* and *nyai*. Some visitors to *pesantren* might see young men carrying out the same responsibilities of sweeping, cleaning and serving tea to the guests. These are in fact *khadam*, or servants, poor students who are relieved of study fees but who perform serving tasks in return. When it comes to routine *piket* activities, these involve female students alone.

It is argued that *jadwal piket* has two functions: the first is that they are a way for the *santriwati* to express their respect for the *kiai* and *nyai*; the second is to train them in the skills of housekeeping (Naily interview 23-10-2007 and 09-11-2007). The first argument is closely supported by the text of instruction, *Kitab Ta'lim Muta'allim*, which sets out the ways in which students show respect for their teacher; while the

second is related to *Kitab 'Uqud al-Lujain* or other courtesy books for young women, such as the *Kitab Akhlaqul lil Banat* (see further Section 4 below).

As noted at the beginning of this chapter, values embedded in the *pesantren* are influenced by local culture as well as religion. In Javanese society, good maintenance of the household is the obligation of wives and women of the family. Books such as *Falsafah Centini*, the encyclopedia of traditional Javanese life, carry clear gender biased expectations of women. This gender bias is also found in typical text books for primary school students, as: 'The boy is reading and the girl is sweeping the floor' (Azisah et al. 2008: 67).

A further gender biased division of roles between male and female students can be found in the setting up of working committees for events or celebrations within the *pesantren*. Male students are usually put to work on external matters while the female students are given responsibilities in the domestic areas such as catering, decoration of the hall and the like. An explanation on how gender bias is incorporated within the *pesantren* curriculum follows immediately.

#### **4. *Kitab Kuning*: Gender Bias and Learning Methods**

##### ***Kitab Kuning***

As we saw above, the selection of instructional texts called *kitab kuning* is one of the five principle elements of the *pesantren* in Dhofier's (1982) classification. Other scholars such as Turmudi (2003) and van Bruinessen (1995) also regard the study of *kitab kuning* as a unique tradition which has had pride of place in the *pesantren* until recent times. The term *kitab kuning* literally means 'yellow books' due to the fact that most of *kitab kuning* 'are printed on yellow paper of lower quality' (Machrusah 2005: 9) and refers to all of the classical literatures of Islamic instruction commonly used within *pesantren* throughout Indonesia. Van Doorn Harder (2006: 170) classifies



such *kitab* into two groups; first the *kitab kuning*, which she defines as ‘more the scholastic tradition, the *fiqh*, or legal texts that are considered as sacrosanct’ and second the *kitab putih*, the ‘white books’ which she defines as ‘more modern, although some were written in the twentieth century’.

Arguably every *pesantren*, whether it be traditionalist or *salafy* (by which is meant that it only provides a *kitab kuning* education and has no school belonging to the public system)<sup>3</sup> such as Pesantren Nyai Zainab Shiddiq in Jember or Pesantren Syafiyah Salafy in Pasuruan, or the modernist *pesantren*, which do provide formal public schooling as well, such as Pesantren Darussolah in Jember or Darul Ulum in Jombang, maintain the tradition of *kitab kuning* in their curricula.<sup>4</sup> Although there might be some decline of the tradition due to the adoption of national school programs in Pesantren Darul-Ulum, Jombang, study of *kitab kuning* in the *pesantren* is still to be found. The only difference is that *pesantren* nowadays try to offer new timetables in which *santri* study the *kitab kuning* in addition to their formal schooling. In modern *pesantren* such as Darul Ulum or Bahrul Ulum in Jombang the teaching of *kitab kuning* is held in the early morning or late evening, so that the *santri* are able to attend their formal courses during the day. Likewise, *pesantren salafy* such as Pesantren Nyai Zainab Shiddiq in Jember conduct sessions on *kitab kuning* in the early morning or late evening so that the *santri* are able to attend formal schools outside.

Given the prominence of *kitab kuning* in the *pesantren*, these texts need to be discussed in relation to gender discourse in the *pesantren* community. Van Bruinessen (1995) has researched their literary genealogy and shown that they are not indigenous to Indonesia. He points to the fact that all *kitab kuning* are written by

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<sup>3</sup> The term *salaf* in the expression *pesantren salafy* is not related to the puritanical fundamentalist movement of Salafism in the Middle East.

<sup>4</sup> The *kitab kuning* are also employed as sources of reference in *Bahtsul Masail* NU, regular forums of discussion on issues and daily cases under Islamic law.



Arabic scholars as evidence for his argument (van Bruinessen 1995: 22). Despite some exceptions, such as *Kitab 'Uqud al-Lujjain*, which was written (or in fact was compiled and edited) by an Indonesian, Imam Nawawy al-Bantany, most of the *kitab kuning* were indeed originally composed by Islamic scholars of Arab countries. Famous *kitab*, such as *Ihya' 'Ulumuddin* by Imam Al-Ghazaly and *Kitab Ta'lim Muta'allim* by Imam Al-Jarmuzy are well-known examples. So it is predictable that some of the material in *kitab kuning* is argued to have been influenced by the local culture of its origin in the Middle East (Hasyim 2001: 134-5).

Just as Islamic teaching covers a number of disciplines ranging from theology to jurisprudence, so are the *kitab kuning* numerous in their variety and coverage. There are *kitab kuning* on *fiqh* (jurisprudence), *tasawuf* (Sufism), *tafsir* (Qur'anic exegesis), *Hadith* (the Traditions of the Prophet), *tauhid* (theology), *tarikh* (history), and the Arabic language, particularly grammar and syntax, *nahw*, and *sharf*, or morphology. Almost all *pesantren* provide an education in these disciplines, although some *pesantren* may emphasize particular disciplines over others (Dhofier 1982: 50).

There is a relatively common pattern in the *kitab kuning* taught in *pesantren* in East Java, however - at least in the *pesantren* in which I conducted my research. Most of these *pesantren* provide instruction on *Ihya' 'Ulumudin* (*The Revivification of the Religious Sciences*), *Tafsir Jalalain* (*Qur'anic Exegesis by two authors named 'Jalal'*), *Ta'lim Muta'allim* (*Instruction for Students*), *'Uqud al-Lujjain*, *Qurrotul 'Uyun*, *Achlaqun lil-Banat*, *Fath al-Qarib*, *Kifayatul-Akhya* (all works of *fiqh*), *Tanbih al-Ghafilin* (*Warnings to the Negligent*), et cetera (*Program Book of Pesantren Darul Ulum*; Naili, Interviews 2007). Of these, van Bruinessen (1995: 112) states that *kitab* on *fiqh* are the most popular, due to the fact that they deal with legal matters regarding what is permitted and what is not in daily life.

Following the focus of this study, I will limit my discussion to the *kitab* which focus on matters of women and marriage: *'Uqud al-Lujjain*, *Qurrotul al-'Uyun* and

*Akhlaqun lil-Banat*, of which I consulted *pesantren* copies.<sup>5</sup> It is usual for *pesantren* to pitch classes on *kitab kuning* to the age and capacity of the students (Naily 2007). For example, girls around twelve to fifteen learn *Kitab Akhlaqun lil-Banat* (Guidance on Good Behavior in Girls). At the next level, girls above fifteen, or *santriwati* either about to finish their study in the *pesantren* or about to be married, will receive *Kitab 'Uqud* and *Kitab Qurrotul 'Uyun*. Some *pesantren* teach *Kitab 'Uqud* in the fasting month of Ramadhan to all *santri*, regardless of age. It is one of the most famous *kitab* in Javanese *pesantren*.<sup>6</sup> It is also the best known among scholars investigating gender in Indonesia, namely Van Doorn Harder (2006), van Bruinessen (1995) and Safira Machrusah (2005), who identify this *kitab* as a source of unjust gender concepts in the traditional Muslim community. Van Doorn Harder even comments on this *kitab* as 'so misogynist' and quotes the respected Kiai Mustofa Bisri, who said that 'it went to men's heads' making men feel proud and arrogant (van Doorn Harder 2006:191).

#### ***Kitab 'Uqud al-Lujjain***

In terms of its contents, *Kitab 'Uqud* is divided into four chapters and a conclusion, as follows: the first chapter concerns a wife's rights vis-à-vis her husband, the second chapter is on the husband's rights over his wife, the third chapter is on the encouragement for women to pray at home and the last chapter is on the prohibitions for a man to see a woman and the reverse. We might say that this *kitab* actually accommodates *both* husbands' and wives' rights and duties within marriage. To take one example, it is stated that husbands are required to supply a proper livelihood, to treat the wife and family well and to teach the wife and family their religious duties, like praying and so on. It also encourages husbands to be patient with any bad attitudes on the part of the wife; patient husbands are promised rewards in the

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<sup>5</sup> I say 'focusing on marriage matters' because some other *kitab*, like *Ihya' 'Ulumiddin* also contain chapters on women and marriage, though not exclusively (Hasyim 2001: 142).

<sup>6</sup> The transmission of knowledge through alliances of *kiai* and *pesantren* has been a factor in the spread of *Kitab 'Uqud*. Its writer, Imam Nawawy al-Bantany, was the teacher of several students who later become great and influential *kiai*, such as Kiai Hasyim Asy'ary in Jombang and Kiai Kholil As'ad in Madura.

hereafter as were received by the prophet Ayyub (Job) (An-Nawawy n.d: 7). . The second chapter talks about a husband's rights, stating that a wife should be faithful, obedient and respectful towards her husband, both in his presence and in his absence.

From these seemingly balanced explanations on the obligations of husbands and wives, one can still question where the injustice lies. If we compare the ways in which the respective duties are emphasized, it is clear that there is a hierarchy and bias in terms of roles and the relative positions of husband and wife. The husband is to be the leader and head of the family who gives livelihood, protection and guidance, while the wife is to be the housekeeper who needs and receives her livelihood from her husband and is consequently required to show respect and gratitude for his kindness (An-Nawawy n.d.: 11).

If we make a further comparison between the husband's duties and those of the wife, it is obvious that emphasis is put on wifely duties, either by listing many details of her obligations or by stressing the severe punishments awaiting her on the Day of Judgment for neglecting those duties (An-Nawawy n.d.: 14-25).. To take a few examples, wifely obligations range from the principle tasks of being faithful and obedient to the husband to such details in daily manners as carefully managing her husband's house, not using her husband's property to excess – she is even not allowed to use her own property without her husband's permission. She should not ever confront him or deny his wishes, she should greet him when he comes in or goes out, she should be silent and listen to him with respect when he speaks and wear make-up and personal adornment in his presence but leave it off when he is not around.

At the same time, the explanation of a husband's obligations is brief; hence this is not a just division of roles and duties. The text is filled with unjust ideas such as the statement that wives are 'like slaves for their husband' or 'prisoners in their husband's house', that they must ask his permission before leaving the house, and so



forth. Such denigrating attitudes and turn of language are not found in the chapters about the husband. Furthermore, the author of the *kitab* also suggests that beating the wife is permitted, as a corrective purpose for any one the following reasons considered to be *nusyuz*, or disobedience towards one's husband: refusing his requests for sexual relations, leaving the house without his permission, and so on.

From the above it is clear that *Kitab 'Uqud* contains ideas that potentially perpetuate women's subordination and gender inequality. The influence of this text among the *pesantren* community is deeply rooted. My research reveals that most *santri* and *santriwati* accept its teachings without question. When I asked the female students whether they did not wonder about the inequality offered by the *kitab*, they answered "Well, we think they are the ways in which women should be" or any other such passive reply (Naily Interviews 2007). Van Doorn Harder (2006: 195) sums up the situation nicely: '*Kitab 'Uqud* is only twenty three yellow pages long, but it has imprinted ideas about women in the minds of thousands of *santri*'.<sup>7</sup>

Van Bruinessen (1995: 175) and Syafiq Hasyim (2001: 134), quoting Masdar Mas'udy, argue that the bias in *kitab kuning* is very likely due to that fact that they were written by male scholars biased in their interpretations of the texts. This is why the recent emergence of female scholars to examine the *kitab kuning* is so significant. Regarding *Kitab 'Uqud*, a judgment put forward by the group FK3 (abbrv. 'Forum for Critical Analysis on *Kitab Kuning*') is that the contents of the *kitab* are actually mixed in with the authors' personal opinions (Wahid et al 2001: 26).

The FK3 group consists of twelve people, including Shinta Nuriyah, Cicik Farha and others from *pesantren* backgrounds, who have worked on a counter-balancing book, *Wajah Baru Relasi Suami Istri, Telaah Kitab 'Uqud al-Lujjain* (2001). The book criticizes the contents of the *kitab* by clarifying the accuracy of the *Hadith* cited and

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<sup>7</sup> In practice, there is more than one version of *Kitab 'Uqud* available, since some bookstores sell the *kitab* with interpretations. The copy I used has 72 pages and contains a Javanese translation of the Arabic.



offers alternative opinions based on other *Hadith* or on Qur'anic verses. This effort is a breakthrough, but of course, it still needs a follow up: the socialization which hopefully will result in its acceptance by the *pesantren* community. It is pointless if the existence of this book is not recognized. We will return to this point in Chapter Four.

### ***Kitab Akhlaqun lil-Banat***

Another *kitab* which is also frequently taught to *santriwati* in the *pesantren* is *Kitab Akhlaqun lil-Banat*. It is divided into three parts, which deal with how girls should comport themselves: how to dress, walk, talk, and behave. I find this *kitab* softer and more gender sensitive, in the sense that it does not contain misogynist concepts such as 'woman as slave', as is frequently found in *Kitab 'Uqud*. Yet, this *kitab* also is. In addition to the above, it is important to look at another aspect of the *kitab kuning* tradition in relation to gender discourse. The *pesantren* community has uniquely different learning and teaching methods from other educational institutions, which contain a problem for gender awareness. The *kitab kuning* teaching system is didactic; it consists of a one-way process of transferring knowledge from the *kiai*, the *nyai* or other teachers 'down' to the *santri* (Chirzin 1988: 84).

gender biased in its own way; it encourages girls to help their mothers in domestic activities and illustrates that the household is women's domain.

### **Teaching and Learning Methods**

In addition to the above, it is important to look at another aspect of the *kitab kuning* tradition in relation to gender discourse. The *pesantren* community has uniquely different learning and teaching methods from other educational institutions, which contain a problem for gender awareness. The *kitab kuning* teaching system is didactic; it consists of a one-way process of transferring knowledge from the *kiai*, the *nyai* or other teachers 'down' to the *santri* (Chirzin 1988: 84).

Two commonly used methods in *pesantren* teaching are *sorogan* and *weton*. In the method of *sorogan* the *santri* comes to *kiai*, *nyai* or *ustadh* in person in a one-to-one interaction; the *kiai* reads the text in Arabic, sentence by sentence, and carefully explains the meaning while the student underlines and highlights the text in his book, called *ngesahi* (by which is meant that the student has done that part of the teaching and can move on to the next section). The *weton* system, on the other hand, is similar to the teaching style at university in the way that students sit together around the *kiai* as he explains the material in a more academic way (Chirzin 1988: 88). In both of these methods there is no repetition of material, reinforcement of points, nor any opportunity for students to ask questions. Some claim that the teaching method in the *pesantren* has the potential to make *santri* uncritical and to lack analytical ability, since they become used only to listening and memorizing what has been given.

This pedagogic culture is actually rooted among *santri* with good reason. The *santri* community believes in the nature of religious knowledge as based upon transcendental sacred texts from God, thus it is immune from criticism and questioning. Unfortunately, although it is argued that the *kitab kuning* were written by human beings and therefore are not free from mistakes, there are those who answer that *ulama* are different from scientists (Chirzin 1988: 84). The *ulama* are regarded as 'holy' and receive 'spiritual guidance' when interpreting the *kitab*. It is not surprising, then, that despite some initiatives to bring about reform in this matter, the common traditional ways and methods of teaching and learning are still predominantly used by most *pesantren*, particularly in East Java (Naily Interviews 2007). To make such reforms would be a revolution requiring initiatives from the elites of *pesantren*, the *kiai* and the *nyai*. I will explore such possible action by *nyai*, and their aspirations, as well as certain ongoing changes in *pesantren*, in Chapters Three and Four.

## CHAPTER THREE: *NYAI* AS TEACHERS, LEADERS AND TRANSMITTERS OF ISLAMIC AND GENDER VALUES

In this chapter I look at *nyais*' roles in teaching, administration and counseling inside the *pesantren*. I also explore the ways in which they exercise their public outreach in preaching, in their activities in organizations and in electoral politics. Reference will be made to the case studies of *nyai* in contemporary East Java, using data from my interviews with them and with other relevant informants during field work.

As was pointed out in the preceding chapter, many scholars have overlooked the roles of *nyai* in society and see their status merely as wives of *kiai*. General perceptions in society also bear this out. However, I wish to refute the assumption by showing that *nyai* do have significant roles and power of their own in the *pesantren* community. They perform services such as teaching and leadership and direct religious rituals. They conduct outreach programs to the wider community, where they also exert considerable influence. I believe that this phenomenon indicates a widening communal appreciation of women, which also opens up opportunities for *nyai* to undertake public action.

Kinds of public action by *nyai* are presented in Section 4 of this chapter. In Section 5, I explore the debate around political action by *nyai*, demonstrating their different levels of participation.



## 1. *Nyai* Leadership in the *Pesantren*

### Management of the *Pesantren*

*Pesantren*, Islamic boarding schools with hundreds or even thousands of students, require intensive management. This is understandable if we look at the busy routine of activities within *pesantren*, which range from communal prayers, classes, the study of classical texts, sports, to social activities, beginning in the morning and ending in the evening. Moreover, as some scholars emphasize “all the activities in the *pondok* constitute the whole curriculum in the *pesantren* and are regarded as a part of the learning process” (Raihani 2001: 28). Therefore good management is vital. In addition, *pesantren* have their own systems of organisation involving specific regulations which indeed require intensive management. The *pesantren* as the ‘mini kingdom’ of the *kiai* is a commonly believed assumption that might seem to deprive *nyai* of influence. Most *pesantren* are founded by a *kiai* and leadership is centralized on him as the most elite member of the community (refer to Chapter Two).

Less widely acknowledged is the fact that *nyai* also play a central role in management and education in the *pesantren*. *Nyai* are actively involved in the *pesantren* administration and directing the lives of *santri* and especially the female students, the *santriwati*. *Pesantren* which accommodate both male and female *santri* usually separate management into two autonomous boards, where the *kiai* is in charge of the male section (called *ma’had lil banin*) while the *nyai* leads the female section (called *ma’had lil banat*). Here, the position of both *kiai* and *nyai* are vital, as they have complementary roles. To give an illustration, both *kiai* and *nyai* teach *santri* and both serve as *imams* to lead the communal prayers of the respective sexes. *Nyai* are mostly in charge on the female *pondok*, allowing more flexibility and freedom in the relationship between *santriwati* and the *nyai* than would be possible with the *kiai* under the religious rules of the segregation of the sexes. This division, however, may be changing: as the *nyai* raise their educational qualifications, there is an increasing



trend for them not to limit their teaching to the girls' section of the *pesantren* but to extend it to the males as well.

Correspondingly, leadership by *nyai* can also extend to the administration of mixed *pondok*, including the boys' section, such as in the case of Nyai Munjidah Wahab of Bahrul Ulum in Tambak Beras and Nyai Asmahani of Pondok Al-Arifin in Denanyar, both in Jombang (Naily Interviews 25-11-2007 and 22-11-2007). It is reasonable to argue that in most cases, the *nyais'* roles in the daily running of the *pesantren* are significant. They are in direct contact with *santri* and *santriwati*, sit on boards of management and manage the teachers and solve daily problems, such as finding a replacement for an absent teacher in an emergency. They continuously oversee everyday activities in the *pondok*, such as organizing *kitab kuning* classes or receiving reports from the management. *Nyai* are also responsible for supervising catering for the students as well as for the *pesantren* staff. It is also not rare to find that *nyai* are in charge of financial planning.

### **Nyai as 'Mother Figures'**

*Nyai* are also 'mother figures' in the sense that they have a pastoral role, attending to the many personal problems of the *santri* as they arise. With the *nyai*, the *santriwati* need not feel shame in asking questions about personal and intimate matters. (*Nyai* teach lessons regarding women's matters, such as *risalatul mahidh*, the treatise on menstruation and its associated regimes of hygiene and religious observance: what activities are permitted during the menses and what are not allowed.) Other pastoral duties of the *nyai* might include routine inspections in the dormitories to check for prohibited items, such as mobile phones, popular magazines, and the like.

It is also usual for the *pesantren* administrative boards to report the daily affairs to the *nyai*, who then filter the information and decide when to involve the *kiai*. This does not mean that *kiai* are entirely isolated from daily affairs, but rather they are not expected to deal with smaller issues. Both *kiai* and *nyai* have their own networks

where they gain information, however *santri* or young *ustadhs* and *ustadahs* usually feel reluctant to take their matters to the *kiai* and thus report daily problems to the *nyai*. *Nyai* can then respond directly to the problems, take a decision after asking the *kiai's* approval, or merely report to the *kiai* and ask him to deal with it. To give an example, it is very common that new students face difficulties in adapting to the *pesantren* environment, and this is where *nyai* deal with the problems on their own. *Kiai* usually are involved in the more serious matters, such as a missing student or misdemeanors of conduct, like a breach of the principle rule that male and female students do not leave the *pesantren* together unchaperoned.

*Nyai* also take on the role of patron or broker in providing facilities for poor *santri* to continue their education, or they may help the *santri* with connections in society when needed, and so on. As von Benda-Beckman said "A patron or broker provides, directly or indirectly, a range of clients with resources to which these clients would otherwise not have access" (von Benda-Beckman 1992:13). Funds do not necessarily come from the *nyai* themselves, but are resourced from donations and *subsidi silang* (additional fees from wealthy parents). For example, Nyai Umdatul Khairat of Pesantren As-Saidiyah, Jombang helped a number of poorer *santri* to receive scholarships to attend Al-Azhar University in Cairo. For additional funding, she sought donations from her friends, ranging from Muhaimin Iskandar (Chair of PKB and Member of the House of Representatives) in Jakarta to wealthy people of her own community and the parents of other children in her *pesantren* (Naily Interview 21-10-2007).

*Nyai* also empower *santri* to organize their daily life and manage their living together as an experience of being an adult member of society. More mature *santri* will learn how to be future leaders by serving on the boards of the *pondok*. *Santri* also learn how to organize social events as '*panitia*', or committees in the *pesantren*. Some *nyai* express pride in mentioning a number of famous names in the Indonesian political arena who once happened to be *santri* under their tutelage.

The *nyais'* role in education does not end with their formal teaching and pastoral activities in the *pesantren*. Like the *kiai*, they also serve as lifetime teachers and spiritual guides (Naily Interviews 2007; van Doorn Harder 2006: 181). They function as counselors whenever their advice is sought. *Nyai* also facilitate their *santris'* further undertakings by being involved in their life decisions, including such things as the seeking of employment a future wife or husband.

### ***Nyai* and Decision Making**

It is important to consider decision making processes when assessing the position of *nyai* in the *pesantren* leadership structure. Feminist scholars, e.g. Kabeer (1994: 15) have alerted us to the fact that who makes decisions and whose interests are served will define who has power and whether there is inequality in an organization. The party with the greater authority in decision making will have the opportunity to take advantage of or to abuse that power. This is why the *nyais'* authority in any decisions regarding the *pesantren* is crucial. Whether or not all *nyai* use their capacity as leaders and decision makers to make policies which improve women's conditions and raise gender awareness is another question.

So while many scholars of the *pesantren* describe the *kiai* as the main, if not the only, decision maker, in reality, *nyai* do possess a considerable degree of authority. It may happen that decisions are also reached as a result of discussion between the *kiai* and the *nyai*, but it is reasonable to argue that most decisions on the daily running of the *pesantren* fall to the *nyai*, both regarding the *pondok* and the formal schools, or *madrasah*. The *nyais'* role may be even greater if the *kiai* is absent on matters elsewhere; I observed the cases of Nyi Elok Faiqoh of Pesantren Zainab Shiddiq in Jember and Nyi Munjidah Wahab of Pesantren Bahrul Ulum in Jombang who shouldered this responsibility (Naily Interviews 10-11-2007 and 25-11- 2007).



Some *nyai* have distinguished themselves in formatting the mission and vision of their *pesantren*. *Nyai* Umdatul Khairat of Pesantren As-Saidiyah focuses on directing language studies in English, Arabic and French, which have become a specialization in her *pesantren* in Jombang. During my interview with her (21-10-2007) she showed herself to be very interested in developing foreign language training and wants to bring more of her students up to a high level of specialization. She arranges education partnerships between her *pesantren* and the Embassy of Egypt and has signed an MOU (memorandum of Understanding) on scholarships for her graduates to continue their studies at Al-Azhar University in Cairo. Similarly, another *nyai*, *Nyai* X (*pesantren* not named) who is a graduate from Institut Ilmu Quran (IIQ) in Jakarta, has named her *pondok* in Jombang 'Hurrun 'Tin' (the Houris) a term she has taken from the Qur'an, since Qur'anic study is the specialization of her *pesantren*. It is quite a privilege for a woman to be the one who gives a name to the *pesantren*. In a similar spirit, but on a lighter note, *Nyai* Rosyidah Yusuf of Pesantren Darussolah in Jember initiated the formation of a girl's marching band in her *pesantren* as a means of promoting her school. She has also introduced formal examinations on the *kitab kuning* religious texts, like those of the state system, so that the students might become more motivated in their study (Naily Interviews 19-10-2007).

### ***Nyai* and the Formal Schools**

Another role of *nyai* in the *pesantren* administration is overseeing and coordinating the management of the formal schools, or *madrasah* within the *pesantren* complex. These schools teach general secular subjects based on national curricula and often receive state funding. *Pesantren* offer such general subjects to meet the needs of society in addition to the passing on of religious knowledge. *Pesantren* in Indonesia apparently have a dual system; religious study and modern study to adjust to recent developments (Sukanto 1999). This dual education system is important to guarantee the very existence of the *pesantren*. Many *nyai* are concerned with national examinations and the ranking of their schools regionally, managing the schools and the foundations that control them, also often serving as principals or heads of



foundations; for example, in Jember, Nyai Rosyidah Yusuf is the head of the primary school in Pesantren Darussolah and Nyai Elok Faiqoh of Pesantren Nyai Zainab Shiddiq is the head of the senior high school, Masyitah, while in Jombang Nyai Umdatul Khairat, Pesantren As-Saidiyah is the head of the senior high school. Nyai Atiyah Arifiyana of Pesantren Al-Azhar in Jember is the chair and coordinator of all the *madrasah* in her *pesantren* (Naily Interviews 24-10-2007). Other examples are easy to find.

Other *nyai* choose to be more active at a tertiary level, such as Nyai Ainaul Mardiyah of Dormitory Ainussyam who is a lecturer in the Darul-Ulum University, Jombang. A *nyai* also heads a Qur'anic study centre in a university affiliated to the *pesantren*: Nyai Chasunah Za'im of Dormitory Hurrun 'Iin holds the Chair of the Qur'anic Studies in the same University of Darul Ulum. Such teaching and managing responsibilities may also involve executive duties in which the *nyai* rule male staff – a further extension of their roles.

### **Nyai, Bloodline and Charisma**

Despite what I have outlined of the accomplishments possessed by *nyai* and their energetic hard work in the *pesantren*, not all aspects surrounding the institution of the *pesantren* elites warrant unreserved admiration if viewed from the outside. There is a hierarchy of status among *kiai* and *nyai* based foremost on bloodline, which is jealously guarded. To maintain family solidarity and exclusivity, endogamous marriages are favoured (See Dhofier 1982:62-67). I have seen that they often exhibit symbols of this source of charisma. During my visit to one *pesantren*, I observed that the calendar it displayed was filled with genealogical tables showing kinship links with former or other famous *kiai* and *nyai*. Alongside the name or photograph of each *kiai* was listed his public achievements and contributions to Muslim organizations or to Muslim society at large (Naily Interviews 5-12-2007).

Only a few *nyai* are able to be independent from the charisma of *kiai*. To achieve high standing in their own right, their performance and activities need to be exceptional, sometimes even overshadowing their *kiai* husbands.

In many cases, *nyai* regard it as inappropriate to appear too independent or even superior to *kiai*. For this reason they often confine themselves to leadership roles within the women's community. If they are in a mixed male-female *pesantren*, they frequently keep to a lower profile role. To give an illustration, *pesantren* have many kinds of celebrations and in mixed *pesantren* these are segregated. *Santriwati* and *nyai* keep mainly to celebrations in the women's section, where they can perform dances, art and singing. Usually senior *nyai* give the opening speech and also invite other *nyai* to give the sermons. However, for public celebrations, it is usually the *kiai* who plays the main role, delivering speech and overseeing proceedings. Nyai Umdah gave another example of how *nyai* position themselves. "When the ambassador of Egypt came to my *pesantren*, I asked my husband to be the primary host for the events. It does not matter that I am the one who arranged the partnership programs between my *pesantren* and the Egyptian embassy" (Naily Interview 28-10-2007).

There are different opinions regarding the dependence of *nyai* upon *kiai*. Some *nyai* agree while some others dispute this. Those who agree accept that indeed *nyai* owe their status in the first place to *kiai*, either as husband or father. Meanwhile those who disagree stress that *nyai* have considerable independence within the *pesantren* and can even establish their own *pesantren*.

*Nyai's* role and activities indeed also depend on *kiai's* opinion on women's leadership. *Kiai's* support is also vital since many *nyai* still believe in husband's leadership in the household and wife's obligation to obey husband. Unfortunately, there are cases where *kiai* limit the role and activities of *nyai*. Some *nyai* in fact initiate to form the association of *nyai* aimed at coordinating the relational networks between *nyai* and empowering those inactive *nyai*. As one *nyai* said 'We often do

door to door campaign to inspire those passive *nyai* to be more active in their capacity' (Naily 06 December 2007)

## 2. *Nyai* Raising Gender Awareness

The ability of *nyai* to teach and to deliver sermons to audiences of both male (*santri* and *bapak-bapak*) and female (*santriwati* and *ibu-ibu*) listeners is important for gender education. One approach in the development of gender awareness is to involve men and boys so that they have a better understanding of more just gender relations (UNFPA 2005 Chapter 6). For instance, Nyai Asmahani of Pondok Al-Arifin in Denanyar, Jombang explained that for twenty years she has taught the *kitab kuning* '*Uqud al-Lujjain* (see Chapter Two) to both *santri* and *santriwati* and she has tried to present gender-balanced interpretations of its prescriptions of the duties and rights of partners in marriage. Nyai Asmahani gives special attention to her male students when dealing with this topic, so that they do not misuse the *kitab* as justification for 'patriarchal' behaviour (Naily Interviews 27-11-2007).

It is interesting that in contrast to their teaching role in the *pondok*, which is centred on the *kitab kuning* classes, *nyai* have more flexibility in teaching male students in the formal schools, even though both the schools and their classes come under the same *pesantren* management. (This is most likely because *kitab kuning* are seen as sacred, and hence more subject to restriction.) The exposure of *santri* to *nyai* as their teachers in formal secular lessons makes room for the development of better gender awareness.

In teaching older students in the *pesantren*, *nyai* have opportunities to make changes and improvements. To give an example, Nyai Ainaul Mardiyah of Dormitory Ainussyam, Darul Ulum told me that nowadays the teaching method for adult

*santriwati* usually takes the form of discussions, so that her *santriwati* have the opportunity to challenge the material and contents of the *kitab*, the doctrinal texts. Such a method involving open discussion between students and teacher is actually quite recent in the world of the *pesantren*. In the past, students took for granted everything written in the *kitab* or taught by the teacher. This change might offer an improvement in gender education as well as in its pedagogic value, since students can now question the gender bias of what is being presented. Unfortunately, according to my observations, the *santri* and *santriwati* still hesitate to challenge the ideas of the *kitab*, for two reasons. Some of them say it is out of their respect, or *takdzim* to the *kyai* and others give the reason of their respect to the writer. Some of the *santri* said to me: “The writer of this *kitab* is a Syaikh, hence his knowledge is unshakeable, especially compared to ours” (Naily Interviews 17, 18-11-2007).

Ideally, more reforms are needed in gender education. For example, Nyai Faiqoh of Pesantren Asri 1, Jember has decided not to continue the teaching of *Kitab ‘Uqud* in her *pesantren* since she now believes that the *kitab* places women in a subordinate position (Naily Interview 11-11-2007). Over the years in the past, she tried to teach it in a more gender equal way, for example by asserting that a husband should inform his wife when he goes out, although the *kitab* states that it is the wife who is obliged to ask permission from her husband to go outside the house - not vice versa. Similarly, Nyai Umdatul Khairat does not use this *kitab* in Pesantren As-Saidiyah. She said: “I don’t teach *Kitab ‘Uqud* here, I only teach *tafsir* (interpretation of the Qur’an) and deliver the material thematically. For instance, for the theme of marriage, I will refer directly to the verses in Qur’an which explain marriage matters. In this way, they (her *santriwati*) understand the basic principles of the Qur’an regarding things such as the relative positions of male and female, and they will not be tied to the opinions of the male *ulama*.” (Naily Interviews 21-10-2007).

Yet it is not easy to achieve reform in communities such as the *pesantren*, where, as explained in Chapter Two, there is cultural resistance. There appears to be a common



pattern among *pesantren* in East Java in terms of the *kitab* traditionally taught and *Kitab 'Uqud* seems to be one of those strongly held to. Interestingly, the tendency to resist reform comes not only come from the *kyai* himself, as might be expected, but also from the *santri*, even if the initiative is from the *nyai*. Nyai Umdatul Khairat said: “as we know, changing tradition in the *pesantren* community is not easy. There is a lot of disagreement, both explicit and implicit”. She also tells how some *santri* question the absence of *Kitab 'Uqud* and even demand lessons on it, which is probably due to the fact that most *pesantren* offer such instruction. Here, the *nyai*'s skill in convincing her *santri* is vital. Nyai Umdatul Khairat then explains to them that they can still obtain knowledge, despite the absence of *Kitab 'Uqud* (Naily Interviews 21-10-2007).

Another Nyai, Nyai CZ (*pesantren* not named) told me that *Kitab 'Uqud* is still taught in her *pondok*, despite her own disagreement with the contents. She argues that it is important for *santri* to have the experience of learning this ‘quite widely known’ *kitab*. Nevertheless, she tries to offer counter explanations with arguments acceptable to the students; for example, regarding the punishments in hell that await a ‘bad’ wife, she tells them that this *hadith* is weak, since there is no such corresponding warning to ‘bad’ husbands. Nyai CZ always tries to get her students to think critically on matters that seem unjust to them (Naily Interview 16-10-2007).

Nyai Atiyah Arifiyana of Pesantren Al-Azhar, Jember informed me that she acknowledges the potentially unjust aspects of *'Uqud al-Lujjain*; however, she still believes that this *kitab* is important for teaching the *santriwati* how to behave and to prevent them from becoming rebellious wives. She takes a moderate approach to the prescribed materials, emphasizing that the ideal roles of women are not limited to their household duties but also to *'khidmatul ummah'*, to serving society as well (Naily Interviews 5-12-2007).

### 3. *Nyai* in Education Beyond the *Pesantren*

As scholars such as Dhofier (1982) and Faiqoh (2003) have illustrated, an inseparable aspect of the institution of *kiai* is teaching the broader community outside the *pesantren* as well as *santri* within it. This is also the case with the *nyai*. They too play the role of spiritual leaders in the sense that they conduct and provide religious service and guidance for the *ummah*, ranging from teaching *majlis ta'lim* to giving religious speeches as *muballighah* on different occasions such as *selamatan*, or festive celebrations of life cycle events and Islamic holidays.

Certain qualifications render *nyai* acceptable as leaders to the broader community. They must be of good character and present an example of correct Islamic observance. Yet not all *nyai* stand in equal esteem in the eyes of their community. Bloodline, or marriage to a prominent *kiai* may be a factor (refer to Section 1 of this chapter) although I have seen cases where the people respect the *nyai* more rather than her husband as a *kiai*. Some *nyai* even outstrip their husbands in their accomplishments! The *nyais'* achievements are paramount, and again vary between what public profiles they may choose to cultivate, or in some cases, what they may shy away from.

Some criticize that some young *nyai* are indeed not qualified and relate this to the fact that some *kiai* choose their wife on the basis of physical attraction without any consideration on their capacity (Hamdanah 2005:70; Naily Interview 13-10-2007). Another possibility is that the newcomers of the younger generation of *nyai* either do not have the required degrees of skill in performing their roles, or that they may simply not have the spirit or the inclination to do so.

*Nyai* I know emphasize the fact that nowadays people are rational and are more able to appreciate a figure as a 'true *nyai*'; Nyai Ainul Mardiyah of Dormitory Ainussyam in Jombang and Nyai Faiqoh of Pesantren Asri 1 in Jember explained that people

demonstrate their judgment by frequently calling upon particular *nyai* to functions and implicitly undermining others by shunning them (Naily Interviews 15-10- 2007 and 01-11-2007).

### ***Nyai* and Their Academic Qualifications**

*Nyai* usually possess a degree of religious knowledge, especially of the traditional Islamic sciences, the Qur'an, *fiqh* and the Arabic language; at least they have applied themselves to Islamic text materials in their '*mondok*' experience. In addition, many *nyai* come from *kiai* or *pesantren* families of long standing, so that they are very likely to have had exposure to the classical literatures and so have gained a familiarity with them.

It is worth noting, however, that *nyai* do not necessarily hold formal degrees in religious studies; for example, Nyai Ainaul Mardiyah of Darul Ulum in Jombang holds a degree in English literature and a Master's in Education. Interestingly enough, some *nyai* who do have formal degrees in Islamic studies may continue their studies in a secular subject: Nyai Elok Faiqoh of Pesantren Nyai Zainab Shiddiq, Jember has taken a Master's in Management as her postgraduate degree, while Nyai Atiyah Arifiyana of Pesantren Al-Azhar, Jember has taken a postgraduate degree in Technical Education. This is indicative of the fact that people nowadays make critical assessment of the programs and the respective quality of *pesantren*; so the elites of the *pesantren* are challenged to develop themselves and their establishments more professionally in modern types of knowledge.

### **Public performances**

*Nyai* must also be performers. They have to master the ceremonial rituals of the *pesantren*, such as Barzanji (songs in praise of the Prophet). As preachers, *muballighah*, in the wider community and to outside audiences, *nyai* must develop the ability to speak in public (Marcoes 1992: 211). When delivering religious material they must take care to moderate their performance, for good *muballighah* do



not bore their audiences but rather make an effort to present their messages, *nasihat*, in entertaining ways. Those *nyai* who have a more thorough and comprehensive knowledge to draw on may attract a following in society; for example, Nyai Elok Faiqoh in Jember is a very well-known preacher and receives many invitations to give speeches, not only on occasions of family celebration but also in public forums. On the other hand, there are *nyai* who only feel comfortable speaking in small circles, as in to their *santri* or to their *majlis ta'lim*. Some also limit their focus on teaching particular texts that are usually used in the *pesantren* (Naily Interviews 2007).

## 5. *Nyai* in the Public Eye

### *Nyai* and Community Leadership

The *pesantren* as an institution has always been closely related to society, particularly in the surrounding community (Ziemek 1986: 96). *Nyai* realize the importance of extending their leadership and teaching activities to the broader community. '*Bermasyarakat*', literally meaning 'to socialize', is the term *nyai* usually use to describe their participation in public life. This role of the *pesantren* elites is vital as they enhance their legitimacy as religious leaders and prominent figures in society. *Kiai* and *nyai* need to have a strong mass basis before building a new *pesantren* in another area. To give one example, Nyai Atiyah Arifiyana of Pesantren Al-Azhar, Jember, explained that it took several years of building relations, influence and networks with the community before her *pesantren* could be established (Naily Interviews 24-10-2007).

The personal capacities of *nyai*, both their religious knowledge and leadership skills, are crucial for them to perform their roles in the broader community. Often *nyai* give informal education to *santri* and *santriwati* in leadership and organizational



procedures, inviting students to accompany them to organization events and in visiting the villages.<sup>1</sup>

*Nyai* focus on establishing networks with women's groups and are important agents in maintaining relations with women in wider society. Several *nyai* said that since it is the mothers who usually decide on the education and schooling of children, the involvement of *nyai* is even more vital. One of the reasons for the *pesantren* elites to maintain good relations with the community is the expectation that the parents will soon send their children to the *pesantren* for their education (Naily Interviews 07-12-2007).

### **Majlis Ta'lim**

*Nyai* exercise community leadership in the following sectors: *majlis ta'lim*, or religious study groups, in Muslim women's organizations such as Muslimat and Aisyiyah, and in politics. *Majlis ta'lim* can be seen as informal *pesantren* classes where a group of women, like *santri*, recite and learn the Qur'an and receive religious instruction on a regular basis. Some scholars describe *majlis ta'lim* as 'clusters' organized under the aegis of Muslim women's organizations, such as Muslimat NU, and although this is true in some cases, *majlis ta'lim* can be established on the basis of region, so that almost every village has its own *majlis ta'lim*. In addition, there are *majlis ta'lim* set up on the basis of interest of political institutions, professions, and the like.<sup>2</sup> In most of the cases, *nyai* establish and lead the *majlis ta'lim* themselves as the main teachers and organisers.

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<sup>1</sup> During my interviews with former *santriwati*, I found them usually are skillful and successful in organizations and in social activities. They often mention that this success is due to their *nyai*.

<sup>2</sup> Examples are: the Qur'an study groups, *pengajian* of PPP, PKB, and Golkar. Interest focus groups are Pengajian PPB (Persatuan Bakul Beras), Pengajian Guru (for teachers). There are also the more elite clusters of Pengajian Jema'ah Haji, for pilgrims to Mecca and Pengajian Istri Dewan for the wives of Members of Parliament.

The defining features of *majlis ta'lim* differ from those of the large organizations such as Muslimat. *Majlis ta'lim* are looser and more informal groups and generally most women who attend them are less educated than those who are active in the formal organizations. *Majlis ta'lim* also function as places for the women to interact among one another and to strengthen the sense that they have a community where they belong and can share their problems (Marcoes 1992: 212). *Nyai* act as counselors for a range of problems from marital matters to finances, and this is why the position of *nyai* in women's issues is so significant for the raising of gender awareness.

At other times, *majlis ta'lim* create lighter alternative programs, such as forming *qasidah* or *diba'an* or *shalawat* groups, religious singing groups, which are invited to perform at public events like Islamic celebrations and social occasions such as the welcoming of the birth of a new child or pre-wedding rituals.

#### **'Turba' and Social Welfare Action**

Most *nyai* and other people interviewed in my research agreed that the institution of *nyai* should include a social dimension. *Nyai* are supposed to be engaged in activities outside the *pesantren*, so that their services can be accessed by the broader community. Therefore, most *nyai* maintain the tradition of 'going down' into the villages, known by the acronym 'Turba' (*turun ke bawah*) in order to understand the people's problems and to maintain relational networks. In Turba, *nyai* often take along some of their *santri* or *santriwati* to teach them how to become social leaders and to give religious speeches among different social circles. Through the Turba activities, the *nyai* are also able to spread information about their *pesantren* (actually a promotion effort) to the people.

The more formal organizational activities of *nyai* also allow them to be involved in supporting community development and to make a contribution for the betterment of women's conditions. Many scholars such as Lies Marcos (2002) and Anita Rahman

(2000) have acknowledged the contribution of Muslimat NU at the grassroots level, enhancing women's opportunities to share in the benefits of development. To give an example from the field of health care, as explained by Rahman (2000: 274-5): "Aisyiyah and Muslimat NU have established PKM (Pelayanan Kesehatan Masyarakat, Public Health Services) and BKIA (Balai Kesehatan Ibu dan Anak, Mother and Child Health Care Centres) as well as health care programs aimed at family planning and nutritional education". Further, several *nyai* in Jember have established hospitals for mothers and children and use the profits to re-fund their organization. Similarly, *nyai* in Jombang have health centres for women and children.

In addition, through these organisations, *nyai* conduct activities aimed at enhancing women's economic position by running skills training centres and saving and loans cooperatives. The skills are various, including embroidery, handicrafts and weaving and usually adjusted to regional sources and local market needs (Rahman 2000: 275). Nyai Ummi Hani (*pesantren* not named) also conducts basic literacy programs for mature women in the vicinity of her *pesantren* (Naily Interview 13-11-2007).

Interestingly, since the programs of these organizations are often adjusted to changing times, the issue of the environment is now one of the programs of Muslimat NU. I observed some *nyai* in Jombang actively leading a program called '*tanam seribu pohon*' (plant a thousand trees) as one activity in the fight against global warming (Naily Interviews 22-11-2007).

### **Nyai and the NGOs**

While many *nyai* are affiliated to the large organizations like Muslimat NU and Fatayat, few are attracted to Non-Governmental Organizations for women (LSM, Lembaga Swadaya Masyarakat). Only a very small number of *nyai* want to be members, let alone be active, in these organizations. However, there are some who do participate. Nyai Atiyah Arifiyana of Pesantren Al-Azhar in Jember is active in the group Puan Amal Hayati, an NGO concerned with women. This NGO is headed by



Shinta Nuriyah Wahid, the wife of Abdurrhaman Wahid. Nyai Umdatul Khairat in Jombang has been active in P3M, an NGO headed by Masdar F. Mas'udi. Nyai Umdatul Khairat was very energetic in conducting seminars on the reinterpretation of women's matters in the *kitab kuning* and once went abroad to undertake comparative studies in gender issues. Interestingly, she said that has now quitted the organization headed by Masdar F. Mas'udi due to her disappointment when he entered a polygamous marriage. She explained as follows "When I complained (about his polygamy) to him, he gave the ridiculous answer that marrying for the second time meant to love women more. Then and there I thought that I had better quit and focus my efforts on education and helping poor students to pursue a higher education" (Naily Interviews 28-11- 2007).

Although the majority of *nyai* are not actively involved in NGOs, still, *nyai* perform services often associated with NGO action. They are counselors and the mediators of the community. Mediator role is facilitating mediation between conflicting parties - husband and wife, parents and children, and so forth (cf. Cooley 1992: 229). I have observed a number of *nyai* handling conflicts between *santri* and their parents, between spouses, between sections of families and the like. In addition, *nyai* often provide shelter for women in difficulty, such as newly divorced wives. While on field work I met one woman who had been divorced by her husband from Brunei and found she had no place to go. She was staying in the house of Nyai Asmahani of Pesantren Al-Arifin, Denanyar (Naily Interviews 27-11-2007). Further information on the contribution of *nyai* to improving women's conditions follows in the next chapter.

### ***Nyai* in the Large Organisations**

Beyond the *majlis ta'lim*, *nyai* may also take on the role of social leaders, becoming actively involved in leading religious and social activities in the community. These activities are often related to the *nyais'* position in Muslim women's organizations such as Muslimat and Aisyiyah. Just as it is difficult to separate *kiai* from their affiliation with NU or Muhammadiyah, so it is also the case with the *nyai*. Most of



the *nyai* in East Java are affiliated to religious mass organizations. Although Muslim women's organizations have members across all of the regions of Indonesia, the largest membership of Muslimat NU is in East Java, while the *pesantren* have become the main source of both members and activists of Muslimat NU (Rahman 2000: 270). The chairs of Muslimat, Fatayat or IPPNU in Jember and Jombang are most likely to be *nyai*. For example, the chair of Muslimat NU in Jombang is Nyai Munjidah Wahab of Pesantren Bahrul Ulum, while Nyai Faiqoh of Pesantren Asri 1 holds the chair in Jember. In addition, the boards of the organization are also occupied mostly by *nyai*: Nyai Asmahani of Pesantren Pondok Al-Arifin, Nyai Muflichah Tamim (*pesantren* not named) hold rank in Muslimat and Nyai Ainaul Mardiyah of Dormitory Ainussyam is the chair of Fatayat in Jombang. In Jember, Nyai Elok Faiqoh of Pesantren Nyai Zainab Shiddiq and Nyai Rosyidah Yusuf of Pesantren Darussolah are the leaders of Muslimat NU.

## 5. *Nyai* and Political Participation

Within the real political sector, the *nyais'* role is not particularly dominant, especially in comparison to the religious-social activities just mentioned. Although some *nyai* have been relatively successful in achieving strategic positions in parties or in the legislatures, their numbers are few in comparison to their colleagues, the *kiai*. But then, women's political participation in Indonesia as a whole is relatively low. Such inequality is also evident in the denial of the share of women's rights in decision making processes at large (Surbakti 2002: 211). To give an illustration, in the 1955 general elections, women constituted around 6.5 per cent of members of Parliament. This trend continued with a slight fluctuation and reached a peak at 13 per cent in 1987. In the Reformation era, women made up 8.8 percent of the elected representatives in the 1999 elections and rose slightly to 11.3 percent in the 2004 elections. This positive increase is probably due to Law No. 12/2003 that obliges political party to have 30 percent of women in their candidate list. Yet, 11.3 percent is

still far from good. Several barriers are argued as the reasons behind the lack of women's political participation, but most dominant has been the New Order regime's domestication of women coupled with one particular interpretation of women's leadership in Islam (Bessell 2002; Parawansa 2008). The fact that the New Order under Suharto held a restrictive gender ideology, conceptualizing women's role principally as wife and mother, is one factor behind women's marginalization in the public sphere. Furthermore, Bessell (2002: 8) has shown that this gender ideology remains an obstacle even after the fall of the regime.

Meanwhile, the concept of women's political leadership has been a matter for debate among Muslim scholars (see Section 6 below). The debate may be related to many aspects and issues, of which women's public roles and activities are only one, but most salient is the argument based on the Tradition of the Prophet (Sahih Bukhari Vol VII, No 4425 quoted by Abdul Kodir 2006:51) which asserts that it is never a good luck for a state if its leader is a woman (Mernissi 1991: 1).

I have observed that the degree of *nyais'* participation in practical politics varies. Some *nyai* distance themselves completely; others limit their participation to indirect involvement to supporting one party or candidate for the legislature and executive. Still others involve themselves in practical politics directly by becoming Members of Parliament. Several factors determine whether or not *nyai* are actively involved in politics. Without generalizing the phenomenon, it is likely that family background, prior activities in mass organizations such as IPPNU or PMII, the fact that the male relatives of *nyai* are politicians, socio-economic considerations and lastly the attitudes of *nyai* themselves towards public leadership by women determine whether or not *nyai* will take a part in politics.

#### **Family Background, Organizational Involvement**

A tradition of political activity in the family could be a motivation. Nyai Munjidah Wahab of Pesantren Bahrul Ulum, Tambak Beras, Jombang who is now campaigning

for the position of Bupati of Jombang, is the daughter of Kiai Wahab Hasbullah, himself also very active in politics (See Ma'shum 1998:139-153). One of her brothers is now an MP in Jakarta, and Nyai Munjidah has a number of relatives who are politicians both at the regional and national levels. In fact, the fame of the father is often used by members of families active in politics. This trend is part of the political culture in Indonesia which emphasizes the charisma of particular figures within parties. The case of Megawati Sukarno Putri is another example of inherited family charisma put to political advantage.

Beside family background, *nyais'* action in mass-based organizations such as Muslimat NU or Fatayat may be a factor behind their involvement in politics as it eases their access to political opportunities. Although organizations such as Muslimat NU and Fatayat NU, as well as NU itself, are classified as non-governmental organizations, it is clear that politics is never absent from their concerns.<sup>3</sup>

Many cases show that political careers can begin from a position in these organizations. Khofifah Indar Parawansa, for example, who is a former Minister for Women's Empowerment and a well known Indonesian activist, and presently a candidate for the governorship of East Java, asserts that her long term activities in PMII, IPPNU and Muslimat have led to her political achievements. She explained as follows: "When I was offered to become a candidate for PPP, I felt that what brought me in was IPPNU and PMII. When, in 1997, I become a legislative, I felt that what brought me in was Muslimat, as I was no longer on the PPP board. It was because I was on the board of Muslimat that I was offered the opportunity to become a candidate" (Parawansa 2006: 180-1). This might explain the fierce competition among activists to reach the position of chair in these organizations.

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<sup>3</sup> In the year 2000 Muslimat NU projected a 30 percent quota for women to be established for both Legislative and Executive election as an implementation of *semangat dan jiwa reformasi* (the spirit and soul of reform) (Machrusah, 2005: 81). In addition, NU was once a political party from 195-1973 (Turmudi 2003:128).



In Jombang, beside Nyai Munjidah Wahab from Tambak Beras other *nyai* on the boards of Muslimat NU in Jombang are or were local MPs. Nyai Asmahani from Denanyar served on the legislature in PPP for two periods. Nyai Muflichah Tamim is now a local MP in Jombang.

Yet while the number of *nyai* who participate directly in politics is low, a large number participate by supporting their male relatives. I classify this group as indirect participants in politics. They are not active partisans of a party and do not stand as candidates, but they are active in every election in supporting the party or candidate favoured by their family. The Reform era, along with direct elections at regional and national levels have inevitably widened the people's access to political participation. Some *nyai*, like *kiai*, endorse certain candidates. Whereas *kiai* tend to express their support by making statements in the media, *nyai* play a different role. They campaign among the women's networks. They use their kinship and organizational links, by accompanying the wife of a candidate Bupati, for example, to visit other prominent *kiai* and *nyai* to solicit support. Since they are also active in the *majlis ta'lim* and give speeches as *muballighah*, such consolidation is even easier. In their Turba activities, too, they blend with the people, their influence not appearing to be overtly political.

### **Economic Considerations**

Socio-economic considerations also play a major role in motivating the political activities of some *nyai*. Election to government legislative or executive positions widens the chance of access to the bureaucracy, and cases show that it is easier for a *pesantren* to be given priority for state funding when the *kiai* or the elites within it are known to the bureaucracy (Naily Interviews 2007; Sukanto 1999; Muhajir 2008). Those elected as legislatives are then expected to become patrons of the *pesantren*.

It is worth noting that in spite of their self funding systems, which mostly run on SPP (*sumbangan biaya pendidikan*, regular educational fees) or on gifts and charity, most *pesantren* still depend on state funding. I do not see the phenomenon of politics and



*pesantren* linkage as negative when the benefits given to the *pesantren* are used for its welfare, either to meet short term needs, such as helping poor students, or for longer term projects, such as building more facilities or improving the quality of the *pesantren*. *Nyai* and *kiai* themselves also act as patrons to individual students in their *pesantren*. Since most *pesantren* are located in rural areas, there are a considerable number of students who come from low income families and even for some, the *pesantren* is an orphanage. They cannot pay either for their keep or their education, and in such cases it falls to the *pesantren* elites to find the means to fund them.

It would be wrong, however, to simplify the phenomenon of *pesantren* political interests and to assume that *nyai* or *kiai* support their relatives or a particular candidate merely for economic advantage. They do consider carefully the quality and the intentions of the candidate. I know some *kiai* and *nyai* who have refused offers from public officials to assist with finances to build a mosque, reasoning that they have committed misdeeds during their periods of office.

#### **‘Soft’ Campaigners**

The status of *nyai* or their holding of important positions in organizations such as Muslimat and Fatayat are also important. Such linkages enable the *nyai* to forge connections with village women through the institution of Turba. Although they may not overtly intend to use NU as a political vehicle, the aura of their families or their involvement in favour of a candidate leads to a certain perception of them in ordinary society, so that they become ‘soft campaigners’, as it were. The same applies to the *nyais*’ role as *muballighah* and in the *majlis ta’lim*; they become an effective means to build solidarity for the party and for the women’s organizations in the lower orders of society. One of the reasons for this that they propose is the concept of the Ulama-Umara relationship, the working together of religious and secular governance, asserting that development and well-being (*maslahah*) will be furthered when there this good relationship and a shared vision.

It is also important to discuss the role of women's wings of political parties such as PPKB (Perempuan Partai Kebangkitan Bangsa, the Women of National Awakening Party) and WPP (Wanita Persatuan Pembangunan, Women of the United Development Party). *Nyai* whose husbands are active in one party automatically join the women's wing of that party. Al-Firdaus (2004: 72) found in her research on WPP in Rembang that the wives of the legislatives or the party boards were 'obliged' to join it, so to some extent, the women's wings of political parties such as WPP and PPKB are similar to Dharma Wanita, the state organization for the wives of civil servants. The women activists of a party also have to join its women's wing, much like the obligation for female civil servants to join the Dharma Wanita in addition their membership of KORPRI.

#### **Nyais' Opinions of Women in Politics**

It is important to ask *nyai* about *their* own opinions on public leadership by women and on the business of politics itself. I found in my research that *nyai* do not agree among themselves about whether politics is in compatible with their identity as *nyai* and as women. *Nyai* who do not agree with the role of women in politics are still numerous, arguing that the nature of politics, fraught with ambition, rivalry and conflict between personal interests as it is, is not compatible with the institution of *nyai*. Unfortunately, the argument that women are emotionally incapable of handling positions of influence still holds sway in many quarters (Naily Interviews 15,16-10-2007).

One good case study of this issue is that of Nyai Munjidah Wahab of Pesantren Bahrul Ulum, Tambak Beras, Jombang. Nyai Munjidah, at present a provincial legislator in East Java, is preparing to make an even more daring action by proposing to stand as a candidate for Bupati of Jombang district in the coming local elections.

Nyai Munjidah's decision is not supported by all *nyai* and *kiai* in Jombang. One *nyai*, for example, said that she refused to join Nyai Munjidah's campaign team, reasoning

that she does not want to see a woman holding the highest executive position. She also actively encourages her *santriwati* to limit their activities to social rather than political avenues. She also questions the political strategies of Nyai Munjidah. She asserts that Nyai Munjidah's position as the chair of Muslimat in Jombang does not mean that she will automatically have the support of the members. She argues that people nowadays are more rational in making their political choices (Naily Interview 15-10-2007).<sup>4</sup>

Another *nyai*, Nyai CZ (*pesantren* not named) also expressed her disagreement with Nyai Munjidah Wahab's decision. Her husband, a *kiai* in Jombang and the Assistant Rector of Darul Ulum University, even wrote to the newspapers to register his disapproval of Nyai Munjidah Wahab's political ambitions (Naily Interviews 18-10-2007). Meanwhile, Nyai Umdatul Khairat of Pesantren As-Saidiyah in Jombang claimed that she is more concerned with education than politics and argued that to focus on one specific goal is the key to success. She explained "managing and taking care of the *santri* is not easy, especially when we really want the best results from them; and then there is also the matter of taking care for the poor *santri*" (Naily Interview 28-10-2007).

In the next chapter, Chapter Four, we will hear more of the *nyai*'s voices on specific legal topics concerning women and gender issues.

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<sup>4</sup> Ironically, while she does not agree with Nyai Munjidah's latest political step, this *nyai* is active in PPKB and campaigned for PKB in the 1999 and 2004 elections. In addition, she is recently elected as the head of KPUD for pilbup. She outlined her own story as a member of PPKB as follows "The condition of people now is very different from previously in the 1999 and 2004 elections. The first time I campaigned for PKB, it was very easy to persuade people, since they were very obedient and simple. They did not think about other factors as long as they were told that NU is PKB and PKB is NU. Now, when I ask people about their choice in *Pilkades* (the election of village heads) they say that they will choose the candidate with money".



## CHAPTER FOUR: NYAIS' VIEWS ON MARRIAGE AND DOMESTIC VIOLENCE

In the previous chapter, we have seen how *nyai* have a significant role in leadership and education both in *pesantren* and the surrounding community. Although the *nyais'* status and fame are below that of their *kiai* husbands, they nonetheless have significant standing as religious scholars and leaders who exert influence over their followers, particularly females. As also explained earlier, *nyai* inspire many *santriwati* to take on public roles and not confine themselves to the household.

However, the prominence of *nyai* is not always an indicator of gender awareness in the *pesantren* community. Although *nyai* leadership can be regarded as one element of efforts to promote women's emancipation in the *pesantren* community, there is another aspect that also needs to be examined: *nyais'* attitudes towards gender issues. It is not uncommon to find Muslim women who have high-profile roles in the community but are conservative on gender issues. To give one example, Aisyiyah, the women's wing of Muhammadiyah, is well known for its extensive social and educational activities but it encourages women to be virtuous wives for husbands rather than to espouse gender equality (Van Doorn Harder 2006: 116-118). In addition, it also opposed the campaign of some women's rights groups to ban polygamy (Rof'ah 2000: 38).

Therefore, in this chapter, I will explore *nyais'* attitudes toward gender issues. I try to focus on the relatively recent controversies surrounding domestic violence and particularly the debate on Law 23, 2004, regarding the criminalization of violence within families. Due to the broad coverage of the law and the limited space in this study, I will confine my discussion to several issues: polygamy; wife beating for 'educational' purposes; women's right to refuse conjugal sex (including marital rape); the right for daughters to choose their future husband; and lastly, the roles of women

in domestic and public sphere. In addition, I will also examine *nyais'* attitudes to the domestic violence law and the debate about its compatibility with conventional *fiqh* thinking. Close investigation of domestic violence issues is warranted by the high prevalence of physical, psychological, sexual and economic violence against women in Indonesia. The Ministry for Women's Empowerment has estimated that around 24 million women are victims of domestic violence, with the incidence being especially high in rural areas (Munir 2005: 9; Soedjendro in Suara Merdeka, 23-4-2005).

The law has been controversial, with a range of conservative groups criticizing it as deriving from alien feminist ideas (Mulia 2005: 177-182). For example, Hizbut Tahrir, a prominent Islamist group, opposed the law, arguing that its provisions violate Islamic law regarding marriage (*fiqh an-nikah*) and reflect foreign intervention in the affairs of the Islamic community (Attahirah 2006). By contrast, Muslimat and Fatayat NU have strongly backed the law (Pikiran Rakyat, 1-08-2005). As many rural people are heavily influenced by their local religious leaders (van Bruinessen et al 2007; Djannah 2002: 62-3) the *nyai* are potentially important sources of information regarding this law and positive comments from them are likely to heighten the prospects for the law being more widely accepted and upheld in traditional Muslim communities.

In this chapter, I will describe how most *nyai* are quite conservative on issues such as marital rape, though are more progressive matters regarding polygamy and forced marriages. In general, they see household conflict as a private, not a public, matter. Hence, they are against the idea of using legal and judicial means of solving marriage problems, and some *nyai* even advocate discarding aspects of the 1974 Marriage Law and Law 23 under some circumstances.

## 1. *Nyais'* Views on Polygamy

Polygamy is one of the most vexed issues in the field of gender and Islam (Gusmian 2007: 41-2; Machali 2005). From a gender perspective, polygamy is seen as a major obstacle to achieving gender equity (Machali 2005: xxi-xxiii). It is seen as reducing women's status to that of object for a husband's biological and sexual needs (Gusmian 2007: 16). The Qur'an states explicitly that polygamy is permitted (*An-Nissa'*, Verse 3). A man may take up to four wives if he feels he can treat them justly. In addition, the Prophet and his Companions also practiced polygamy (Gusmian 2007).

Polygamy is the greatest concern and source of fear among Indonesian women (Martyn 2005: 127) despite its relatively low incidence (Blackburn 2004:114). Admittedly, it is difficult to measure the exact rate of polygamy since many polygamous marriages are unregistered and hence unrecorded (van Doorn Harder 2006; Blackburn 2004). Not surprisingly, polygamy has long been a source of debate, for at least a century, but in recent decades it aroused powerful emotions in the run-up to passage of the 1974 Marriage Law and the 2004 debate over the counter legal draft of the Islamic Law Compilation (CLD-KHI) which was prepared by the gender mainstreaming unit of the Department of Religion.

### **Textualist Attitudes – Fully Accepting**

*Nyais'* attitudes on this issue can be classified into two categories: textualist and contextualist. The textualists take a literal interpretation of scripture and the example of the Prophet and thus believe that the Qur'anic verses on polygamy must be implemented exactly as written. The textualist group has two variants: those who fully accept polygamy and those whose acceptance is conditional. The first category accept polygamy strictly as set out in the Qur'an without any effort at reinterpretation or consideration of the practical effects of polygamy on women's lives. Examples of this sub-group include Nyai Munjidah Wahab of Pesantren Bahrul Ulum, Jombang



and Nyai Faiqoh of Pesantren Asri 1, Jember. In reality, they seem uncomfortable on this issue and Nyai Munjidah was reluctant to answer my questions on this topic. This is probably due to the fact that her father, Kiai Wahab Hasbullah, a well-known *kiai* in Jombang is known to be polygamous. Nonetheless, both *nyai* avoid any questioning of the textual position on polygamy (Naily Interviews 2007).

### **Conditionally Accepting**

The second, 'conditional', group of textualist *nyai* are ambivalent. They personally do not agree with the practice but accept that the Qur'an permits polygamy and for them, this places the matter beyond legal dispute. Examples of this group include Nyai Ainaul Mardiyah of Dormitory Ainnusyam in Jombang and Nyai EF (*pesantren* not named) in Jember. Both express the hope that polygamy will not occur within their families. As Nyai Ainaul told me: "... Thank God, in Darul Ulum Pesantren, the practice of polygamy rarely occurs, even though *kiai* in other *pesantren* do commonly practice polygamy" (Naily Interview, 27 October 2007). Nyai EF's example is even more striking. She chose to divorce her husband when he took a second wife. Furthermore, the breakdown of her marriage prompted Nyai EF to harden her stance on marriage issues. As explained by Ummi Hani, one of her former students, who is now also a *nyai* and active in Muslimat NU Jember: "Before the divorce, Nyai EF always emphasized the duty of wives to be submissive to their husbands and we also saw how she served her husband with respect. However, after her divorce, Nyai EF warned passionately to her *santriwati* that being wives and women are not only about being submissive all the time, but also being independent and strong so that they can not be cheated easily" (Naily Interview, 18 November 2007). It seems that personal experiences could bring some changes in *nyais'* attitudes toward some issues.<sup>1</sup>

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<sup>1</sup> Similarly, there is a *nyai* who actively assists women suffering from domestic violence in Probolinggo, and according to many sources, her activism was inspired by her own experience (naily interview 08-12-2007).

### Contextualist Attitudes

In contrast to the above *nyai*, contextualist *nyai*, such as Nyai CZ (*pesantren* not named) Umdatul Khairat of Pesantren As-Saidiyah, Jombang and Rosyidah Yusuf of Pesantren Darussolah, Jember are steadfast in resisting the concept and the practice of polygamy. They argue that the 'polygamy verse' in the Qur'an needs to be seen in its historical setting and that literal application of the verse is contrary to its true intent, which is to provide for the welfare of women, particularly the many war widows of the Prophet's time. Nyai CZ and Nyai Umdah refer to another verse in the Qur'an (*An-Nissa*' 129) which implies that men will not be able to treat multiple wives fairly. As just treatment is a condition for taking more than one wife, this effectively means that polygamy is disapproved of (Naily Interviews, 18 and 21 October 2007). Nyai CZ passionately explained: "people who claim to be following the Prophet's practice when engaging in polygamy are actually seeking excuses for what they do, and in fact they taint the name and the purity of the Prophet. Surely they cannot arrogantly think that they are the same as the Prophet and that the conditions of his time are not significantly different from now. In addition, why don't they think to follow other deeds of the Prophet such as praying every night or other things?" (Naily Interview, 21 October 2007). Therefore, Nyai CZ, as the head of Qur'anic studies at Darul Ulum University, conducts discussions and seminars on polygamy so that students can understand broader interpretations on women's issues in relation to the texts and contemporary contexts. She also teaches a more comprehensive understanding of polygamy to the women in her *majlis ta'lim*, her religious study group. According to her *santriwati*, she inspires them to not be subordinate to the males and assert their rights to refuse polygamy (Naily Interviews, November 2007).

Quite different is Nyai Rosyidah Yusuf of Pesantren Darussolah, Jember who argues that polygamy should not be practiced as it causes pain to the first wife and children. She gives examples of the disappointment of wives of *kiai* who practice of polygamy and has witnessed other cases where polygamy creates domestic conflict. She tells the

story of a prominent NU *kiai* in Jakarta: “Kiai Iskandar SQ in Jakarta once referred to his wife as ‘my beloved wife’ in a speech, but I heard his first wife complaining that polygamy surely is not a sign of love”. She also tells of another *kiai* in Jember who assured her that polygamy is not a problem because he can be just and his first wife able to cope with the situation. But the first wife told her that she was actually miserable (Naily Interview, 12 November 2007).<sup>2</sup> Nyai Rosyidah also went to great lengths to popularize her views on polygamy in her community. She does not hesitate in expressing her rejection of polygamy when giving speeches for *majlis ta’lim* or to her *santri*, both male and female. She has even publicly expressed her disagreement to a polygamous *kiai*, an unusual happenstance in *pesantren* circles. Moreover, she uses her authority as *nyai* to forbid teachers in her *pesantren* from entering polygamous relationships.

Women in the *majlis ta’lim* eagerly support *nyai* who argue that polygamy should not be practiced, often calling out spontaneously “Yes, we agree” or “That’s right, men are never able to be just”. Some participants say that men’s promises to be fair to multiple wives “are just words, but never the reality”. *Nyai* such as Nyai Rosyidah and Nyai Umdah, are like ‘oases for women’, to borrow a term from van Doorn Harder (2006), giving religious sermons that bring the women peace and certainty regarding their status in Islam.

Some other *nyai* in this group are Nyai Asmahani of Pesantren Pondok Al-Arifin, Jombang and Nyai Atiyah Arifiyana of Pesantren al-Azhar, Jember who assert that polygamy is neither encouraged nor banned, but is allowed with some conditions. They argue that polygamy is an emergency measure that is justified only in specific circumstances such as the inability of a wife to fulfill her sexual or reproductive duties. They are firm, though, that polygamy is intolerable unless accompanied by a significant reason. As Nyai Atiyah said: “If the wife can fulfill her duties, but the

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<sup>2</sup> For more explanation on the misery of wives whose husbands are polygamous, see Gusmian (2007: 61).



husband wants to take a second wife, it is a misdeed as it has negative effects for the family harmony”. However, she is also of the view that a wife who has failed in fulfilling her duties cannot then prohibit her husband from taking another wife, commenting tersely that if the wife tries to, “she is an egotist” (Naily Interview, 5 November 2007).

Nyai Asmahani criticizes the free-wheeling polygamous practices she sees nowadays and some male preachers, who fail to give a ‘balanced’ view about polygamy in Islam, emphasizing its permissibility rather than the responsibilities in practicing it, such as the financial sufficiency and the ability to be just. She comments:

Many preachers quote the [Qur’anic] verse and cut it from the text, saying that a man could take up to four wives. But they do not emphasize the conditions for it such as the man’s capability to deliver financial justice. Men practicing polygamy nowadays often fail to be just. How he can be just among his wives when the second marriage is often ‘*nikah sirri*’ (secret and unregistered marriage), [due to] fear of the first wife’s rejection or people’s adverse comments.

Unfortunately, she regards this matter as too sensitive issue for public activism and she only expresses her opinion within closed groups in her community such as *majlis ta’lim* and to her *pesantren* students (Naily Interview, 27 November 2007).

## 2. Forced Marriage, Marital Rape, Sexual Rights

Another important issue in the gender discourse is women’s sexual rights. This refers to women’s freedom to make sexual choices and have ownership of their bodies and their reproductive functions. It includes issues such as abortion, family planning and sexual relations within marriage (Ghozali et al. 2002). Here, I will limit my discussion to two things: a woman’s right to decide her future husband, including the right to refuse her parent’s choice of spouse; and the right for a wife to refuse sexual relations with her husband.

### Forced Marriage

Forced or arranged marriages are still common in rural areas in Indonesia where the patriarchal culture and traditional religious interpretations lead society to regard daughters as belonging to their *wali* ('guardians', including father or grandfather). The line between arranged marriage and forced marriage is blurred as the difference might lie only in the degree of parental pressure or coercion. The position of the *wali* is critical in Islam as a female's marriage is not legal without the presence of her *wali* (Munti 2005: 62). Yet there is well-known *hadith* which states that a girl cannot be married against her will (Hamdanah.2005: 90).

However, the jurisprudential concept of *wali mujbir* gives a father the right to marry off his daughter without her agreement. This opinion can be found in the *kitab kuning, Kifayatul Akhyar*: 'The father or the grandfather is authorised to force his daughter to marry' (Taqiyuddin, quoted by Hamdanah 2005: 90). This opinion is based on assumptions that the parents have greater wisdom in choosing their daughter's husband than does the daughter (Hamdanah 2005: 90). This is why many forced marriages occur in the *pesantren* community.<sup>3</sup> All *nyai* in my research acknowledge that they regularly deal with such cases.<sup>4</sup>

*Nyai* usually hold that the ideal arrangement is for both daughters and their parents to agree on the choice of a future husband, and that the daughters share the right with parents in decision-making in this matter. However, there is a range of views among *nyai* about what should happen when parents and daughter have different opinions. Most *nyai* view communication as crucial in bridging the conflict and they are usually prepared to play a mediating role. They commonly encourage both parties to

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<sup>3</sup> Munir (2005: 11) states that most *kiai* arrange marriages for their daughters.

<sup>4</sup> As an exception, Nyai Munjidah said that she never dealt with such cases (of arranged/forced/early marriages) arguing that people in Jombang are likely to be 'modern'. However other *nyai* in Jombang still deal with these cases. The incidence is higher in Jember.

respect each other's choice and to explain rationally the reasons behind their choices. To give an illustration, Nyai Ainul Mardiyah of Dormitory Ainussyam said: "If the parents can give good reasons and explanations to the daughter, I am sure that she will accept without force. On the other hand, if the daughter can offer convincing arguments to the parents, they will likely understand. Communication is the key of this conflict" (Naily Interview, 27 October 2007). Even so, some *nyai* imply their support for the parent by asserting that parents usually have more wisdom in choosing partners.

*Nyai* can be classified into three categories on the issue of forced or arranged marriages: first, they oppose it, arguing that the daughter has the right to refuse the parents' choice and rejecting the practice of *wali mujbir*; second, they acknowledge the principle of *wali mujbir* in law but discourage its use; and third, they uphold the legality of *wali mujbir* and allow its application in certain circumstances.

### ***Nyai* Opposing Forced Marriage**

The first category includes three *nyai*, Nyai CZ (*pesantren* not named) and Nyai Umdatul Khairat of Pesantren As-Saidiyah from Jombang and Nyai Ummi Hani (*pesantren* not named) from Jember who explicitly argue that in Islam daughters have the right to refuse their parents' will. They use religious arguments for their standpoint, quoting the *hadith* about a forced marriage in the Prophet's time, which runs as follows: 'Abu Dawud narrates from Ibn 'Abbas that a girl came to the Prophet Muhammad and complained that her father had forced her to marry to a man she did not like. The Prophet then gave her the freedom to accept the parents' decision or to refuse it'. And even though the girl did accept the parent's decision, she said as follows: 'the most important thing from this complaint is that people can understand that as parents they do not have the right to force their will in marrying off their daughters (As-Sabuni n.d. 82-3).



Nyai Umdah stresses to her *santri* that only the Shafi'ite School allows the concept of *wali mujbir* while the Hanafi School obliges the agreement of the girl. Furthermore, if the choice of the daughter is a compatible person, called *kufu'* in Islam, she should not hesitate to persuade her parents to agree and not to enforce their will. Nyai CZ and Nyai Ummu Hani also strive to make the parents as well as their students understand this matter. In addition, they also criticize the resort to unregistered marriage that commonly occurs in cases of arranged marriages and warn the *santriwati* and parents about the harm caused by those unregistered marriages (Naily Interview, 28 November 2007).

### ***Nyai Discouraging Forced Marriage***

The second category contains Nyai Rosyidah Yusuf of Pesantren Darussolah, and Nyai Atiyah Arifiyana of Pesantren Al-Azhar and Nyai Faiqoh of Pesantren Asri 1, all in Jember, and is interesting because they do not deny the concept of *wali mujbir* but discourage the practice. Nyai Rosyidah and Nyai Atiyah said that nowadays forced marriages should not be conducted any more, even though her own marriage, and probably most cases of marriages in the past within the *pesantren* community, are the result of the parents' arrangements (which usually implies the enactment of *wali mujbir*). They reason that contemporary society is different from the past and there are many historical cases showing that arranged or forced marriages can end in happiness, as the women learns to love and respect the husband and because it is '*nrimo*' (a Javanese term meaning 'to accept one's fate) and shows obedience to parents. They compare those cases with current conditions and conclude that nowadays happy endings in forced marriages are far rarer and, in fact, many such marriages end in acrimonious divorce. There is, for example, well known cases of daughters of *kiai* and *nyai* whose arranged marriages have resulted in divorce. Nyai Faiqoh observes: "I usually stress to the parents that it is the daughter who is undergoing the marriage, so her agreement is vital. I also told them that girls nowadays are different from people in the past, and that parents can only suggest, but not force them" (Naily Interview, 11 November 2007). So here, the *nyais'*

reservations about the concept of *wali mujbir* are based on empirical evidence. They acknowledge that the changing social contexts have forced them to rethink *fiqh* concepts, including that of *wali mujbir*. Such jurisprudential revision can be defined as *ijtihad*, and in my view, this is desirable in a traditional community such as the *pesantren* to ensure that women's rights are guaranteed.

Interestingly, all *nyai* in this category said that most of the time, parents ask their help to convince their daughters to accept their wishes. The *nyai* try with circumspection to bring about mutual understanding between parents and daughters so that the marriage is not coerced. They explained to me that their strategy is to convince the parents not by stressing the rights of the daughter (something that conservative parents might reject) but rather to use emotional points such as emphasizing the future happiness of the daughter.

#### ***Nyai Upholding Forced Marriage***

The third category consists of four *nyai* (not named) and compared to preceding groups, they are less progressive. It is not fair to describe their attitudes as rigidly conservative as they also argue that parents are not supposed to force their will upon their daughters. Yet, three of them assert that the concept of *wali mujbir* is legitimate, especially in 'emergency' circumstances, while the fourth *nyai* is less emphatic. 'Emergency circumstances' here refers to the harmful consequences of '*pacaran*', or relations between unmarried couples such as dating and even including premarital sex. They acknowledge that, indeed, if the mediation between parent and daughter does not result in agreement, and if the choice of the parent meets religious requirements of compatibility (*kufu*), then they tend to support the parents. As one of these *nyai* argued: "Most cases show that girls usually employ their emotion in choosing their future husband" (Naily, Interview, 14 November 2007). In addition, some *nyai* also mention cases of girls who are still dating other boys, even though they know that their parents have made a decision about their future husband for them. So, in these cases they argue that *wali mujbir* is the best solution (Naily,

Interviews November 2007). As a matter of fact, one *nyai* and her husband once imposed *wali mujbir* for their own daughter's marriage, only to see it end in divorce.

In relation to this issue, it is important to note that early marriage is still a significant issue. Many parents, especially in rural areas, prefer early marriages for their daughters, believing that they protect the girl from exposure to morally compromising situations that they may encounter outside their homes (Muhammad 2001: 89-90). Moreover, they still do not regard high educational standards for their daughters as important, saying that "girls, no matter how high their schooling, will go back to the kitchen, so why bother" (Naily Interviews 2007).

Most *nyai* do not agree with such perceptions and thus do not support early marriage. They also prefer high, or at least decent, educational standards for their female students. In dealing with cases of early marriage, *nyai* seek to influence the parents to delay the marriage. They also advise the parents about the importance of a good education for girls in modern Indonesia. *Nyai* rightly associate high education with a girl's capacity to become economically independent in the future. To give an example, one *nyai* told a parent:

Why are you marrying off your daughter so young? She is not yet smart. She will probably end up being a burden for her future family, depending on her husband economically since she will not be able to get a job on her own due to her limited skill and knowledge. It is better if you let her continue with her schooling so she can at least learn some skills to be enable her to earn an income. (Naily Interview, 14 November 2007).

This shows a genuine emancipatory spirit among *nyai*. Emancipation can be defined as women's liberation from dependency or powerless condition (Munandar 1983:21). In particular, concern for the importance of female education in relation to better career and income opportunities is a critical aspect for gender development, and is in accordance to the aspiration of Liberal feminism (Tong 1989; Umar:2001). Concern on education, career, and public life is actually in accordance with liberal feminist (Tong 1989; Umar 2001 Given the fact that a large numbers of women live in poverty



in Indonesia, it can be argued that poverty is one of the biggest problems for women in Indonesia (Parawansa 2006: 163-5).

### **Sexual Rights in Marriage**

Another much debated issue is that of a wife's right to refuse sexual relations with her husband (Mulia 2005: 171-2, 174). Under the law, enforced sexual relations within marriage can be defined as sexual violence. Sexual violence within marriage, which is more commonly known by the term 'marital rape', is a highly controversial issue in Indonesia. It was the source of heated debate within Parliament when the draft Law 23 was being deliberated, and conservative politicians were opposed to the inclusion of the category of marital rape. It is defined as 'forcing sexual intercourse against the wife's will' (Section 3, Article 8). This is a very recent idea in Indonesian society, especially in Muslim society where serving husband's biological and sexual needs is considered a wife's duty. Before public discussion of this term prior to the passage of Law 23, most people never considered the use of sexual force against a wife as rape (Mulis 2005: 172). Not surprisingly, in my interviews most *nyai* were reluctant to discuss the question, presumably seeing it as deriving from radical feminism.<sup>5</sup> However, when I asked them about whether a wife has the right to refuse sex with her husband they usually responded openly.

Unlike the issues discussed above, all *nyai* share similar opinions on this matter and discourage wives from refusing sexual relations with their husband in the interests of maintaining marital harmony. The initial response of Nyai Ainaul Mardiyah and Nyai Asmahani was that wives can legitimately defer or refuse sex as 'a request' or by good communication with their husbands. They assert that in most cases, the husband will understand and not force them to have sex. Yet, when I continued asking their opinion in cases where the husband did insist, most of them answered that it is

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<sup>5</sup> Radical feminism views that, to liberate women, social and cultural institutions such as family also must be changed. See Tong 1989: 2-4. One of the goals of 'feminist revolution' for radical feminists is the end of the tyranny of the biological family.

ultimately a wife's duty to obey her husband. Basically, all *nyai* agree that regardless of *fiqh* considerations, refusing to serve the husband's biological needs would introduce tension into the marriage. It is noteworthy that no matter whether they are progressive or conservative on other issues such as polygamy and early marriage, all *nyai* still put family harmony as the highest priority. *Nyais'* attitudes on this issue can be classified as follows: those who discourage a wife's refusal, despite believing that a woman can do so, and those who discourage the wife's refusal, believing that she is religiously obliged to comply with her husband's demands.

### **Accepting Women's Rights, Discouraging Sexual Refusal**

The first category includes Nyai Umdah, Nyai CZ and Nyai Asmahani. Nyai Umdah and Nyai CZ, who were quite progressive on polygamy and arranged marriages, seem to be more conservative on this matter. They say that the wife actually has the right to delay sexual relations for reasons such as illness, and they criticise weak *hadith* that have been cited to place the wife in an inferior position to her husband. One such *hadith* states that if a wife refuses her husband sex and this causes him to be angry, then the wife is cursed until morning (An-Nawawy n.d.). Another commonly quoted *hadith* asserts that if the husband asks the wife for sex then she has to be ready, even if she is on a camel (An-Nawawy n.d.). In order to explain the weakness of this *hadith* to the students, Nyai CZ challenges them with this question: "is it impossible and even unethical for a husband to ask a wife for sex while they are on a transportation vehicle (either a camel in the past or a car nowadays)? If it is, it is reasonable to argue for the weak logic of this *hadith*" (Naily Interview, 3 December 2007).

On the other hand, since they also put family harmony above individual rights, they stress that a wife should not refuse the husband's sexual requests. In fact, Nyai CZ's initial answer to my questioning on this subject was: "If we learn and read a lot about relationships, it is not good for the wife to refuse her husband in such matters". (She also said that a wife who makes her husband's happiness a high priority usually find

less problems regarding the daughter's future marriage.) Nyai Asmahani suggested that wives understand that refusing sex can negatively affect the husband: "Delay in such matters can cause dizziness in her husband. People do not know this fact, or do not care about it". Predictably, these *nyai* cannot agree with the concept of marital rape. Nyai Asmahani told me: "Although we do not respect a husband who forces his will upon his wife, it is still wrong and excessive to define that kind of act as rape, and it is even worse to report such cases to the police or outsiders. Communication is the best solution" (Naily Interview, 27 November 2008).

### **Discouraging Refusal on Religious Grounds**

The second group of *nyai* is the more conservative one, meaning that they argue the duty of a wife to serve husband's biological needs for religious reasons and the sake of marriage harmony. This group includes Nyai EF, Nyai Rosyidah Yusuf, Nyai Atiyah Arifiyana and Nyai Elok Faiqoh from Jember, and Nyai Munjidah Wahab from Jombang. They regard the *hadith* cited above about sexual compliance to be valid and it forms the basis of their opinions. As one *nyai* said: "We know that the rule is clear, that it is wife's duty [to have sexual relations] and there is a clear *hadith* on the matter" (Naily Interview, 19 November 2007). *Nyai* in this group believe that women today are being spoiled by campaigns about their reproductive and sexual rights and that this leads them to thoughtlessly ignore their husbands.

Thus we can see that *nyai* tend to be more textualist on this issue than on polygamy. In terms of religious justification, polygamy has a stronger religious basis, as it is explicitly permitted in the Qur'an. So, on polygamy, many *nyai* show courage in opposing the practice and offer counter religious arguments, yet their attitude is less firm on sexual rights. In my view, the key to understanding this difference lies in the high emphasis placed on family harmony. Polygamy, despite its Qur'anic imprimatur, is viewed negatively because of the harm it does to family contentedness, whereas maintaining regular sexual relations is commonly seen as important to happy



marriages. In addition, *nyai* assert that there is no harm in obeying a husband in this matter and therefore no need to problematise the issue.

### **3. *Nyais'* Attitudes to the Role of Women in the Domestic and Public Spheres**

Within the discourse on Islam and women's rights, the issue of women's role in the public sphere features prominently. The main concern of liberal feminists is that women are hindered from assuming a major public role and that this is an important form of gender discrimination (Tong 1989: 4; Umar 2001: 65). Actually, in Indonesian society and in Southeast Asia in general, women have enjoyed a relatively high degree of freedom in the public sphere (Robinson 1999). The wide array of women's activities in organizations such as Muslimat and Aisyiyah are evidence for this. The roles of *nyai* in promoting public roles for women have been discussed in the previous chapter, but here I will focus on the specific issue of husbands forbidding their wives from being active outside the house.

It is apparent from my field research that many women activists in Islamic organizations, and also the *nyai* themselves, are still dependent upon the husband's permission in order to pursue a public role. Repeatedly, I came across cases where husbands limited their wife's activities outside the house, including working and taking up positions in organisations. The most common reason given by husbands is that a woman's primary duty is to manage the household, educate the children and maintain family harmony. In such cases, some *nyai*, such as Nyai EF or Nyai Rosyidah from Jember, will try to counsel the husband into changing his decision, though often he will not alter his stance. If a husband is implacable on this issue, *nyai* will usually recommend that the wife obey her spouse (Naily Interviews 19-11-2007 and 07,08-12-2007).

A number of *nyai* are more cautious on this matter. To give one example, Nyai Ainaul told me: "It is difficult to define the ideal picture for emancipation and women's roles nowadays. Many will stress the public role's importance, and there is nothing wrong with that. However, more importantly for the betterment of women is to educate and prepare the young mothers regarding their children's health and education. We cannot neglect the fact that a mother is the first and primary educator of the children" (Naily Interview, 27 October 2007). In doing so, she and other activists in women's organizations establish programs called Education for the Nuclear Family (*Pendidikan Keluarga Kecil*), and Pre-Marriage Training (*Pelatihan Pra-Nikah*) for young people. Furthermore, in her capacity as a chair of Fatayat in Jombang, Nyai Ainaul also warns her colleagues that activities in the organisation are secondary to their household responsibilities. She recounts as a warning that one husband of a Fatayat board member asked her to exclude his wife from the organization's activities because she was neglecting her domestic duties. Nyai Aan agreed to this.

This issue is related closely to that of the gender-biased construction which places women as the manager of the household and the man as the breadwinner (Moore 1994: 15; Subhan 2002: 109-115). This gender hierarchy is expressed not only at the level of culture but also in state regulations such as the 1974 Marriage Law or the KHI. Consequently, women, regardless of whether they are working or not, are seen as having sole responsibility for their family's welfare in terms of children's education and household management. Another practical consequence of this is that working mothers often have to face a double burden: working outside as well as inside the house (Munandar 1983: 22-23; Muhammad 2004: 308).

### **Contextualist Understandings of Women's Roles**

In regard to this issue, only a few *nyai* can be categorized as progressive or contextualist, in so far as they are critical of the concept that women are responsible for household tasks. Nyai Asmahani and Nyai Umdah are in this category, as they offer counter-arguments to the idea of women facing the double burden. They claim that Islam actually does not oblige a wife to carry out household tasks, such as cooking, cleaning and the like. The household affairs are in fact also the husband's responsibility, thus requiring the husband to provide housemaids if their wives require help with domestic duties. In advocating this, they draw on stories of the Prophet Muhammad and his Companion Umar. The Prophet is portrayed as a husband who sewed garments himself and did not demand that his wives did household tasks (Abdul Kodir 2006: 67). Umar, who later become one of the four rightly guided caliphs, once said to his followers that the wife's household tasks are actually their charity, not their duty. Unfortunately, this point of view is not popular among Indonesians. From my observations, only well-educated people know of it, let alone implement or socialize it. This is a case where cultural beliefs that a woman is supposed to carry all household tasks are still strongly held (Naily Interviews 27,28-11-2007).

### **'Traditional' Understandings of Women's Roles**

The second group of *nyai* choose to preserve the traditional understanding of women's roles. Even though they promote women's empowerment in public roles and in gaining economic independence, they also teach women to maintain the household in good order and harmony. Some *nyai* are quite firm in arguing that household duties are the primary task and public action secondary. This advice on women's household duties is socialized widely by *nyai* within the *pesantren* and through their sermons to the wider community. Nyai Munjidah Wahab, for example, gives the following advice: "wives should always manage the household beautifully and look at their best in the presence of their husband, especially before his departure for work so that he does not face temptation from outsiders" (Naily Interview, 4



December 2007). Another interesting case is Nyai Atiyah Arifiyana of Pesantren Al-Azhar in Jember, who tries to empower women in her surrounding community by encouraging economic initiatives to generate income. Furthermore, she even arranges with a commercial firm near her *pesantren* to recruit more women workers because she believes that the women there are economically weak and at risk of violence because of their financial dependence on their husbands. Yet, when she gives her regular speeches in the company, the contents offered to those same women is about how to be good wives and mothers. She warns the women not to be arrogant when independent (Naily Interview, 9 December 2007). In short, most *nyai* in this group argue that the ideal emancipation for Muslim women lies in a balance between power, or independence and the fulfilling the God given 'nature of good wife'.<sup>6</sup>

#### 4. *Nyais'* Attitudes to Domestic Violence and Law 23, 2004

Another critical issue relating to gender and Islam is that of physical violence towards women and within the family. According to one view, Islam allows a husband to beat his wife for 'educational' reasons or as punishment when she is 'disobedient' (*nusyuz*). The husband's right to be violent is also based on an assumption that a man is the leader of the family and therefore has the authority to 'correct' his wife (Munir 2005).

When I asked *nyai* about this issue, their initial reaction was defensive. One *nyai* said: 'Well we have to understand the concept of *nusyuz* and also the steps required before a husband can punish, or '*dharb*' or physically punish his wife (Naily Interview, 27 November 2007). The *nyai* oppose the notion that a man has the right to beat his wife recklessly and argue that many people misunderstand the concept. They stress three aspects about wife beating. The first is that beating is only allowed in the case of a disobedient wife. The second is that in cases of *nusyuz*, a husband is required to give

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<sup>6</sup> This attitude is actually similar to the liberal feminism. Liberal feminism pt more emphasize on public life of women and do not involve much in marital issue (Umar 2001: 64-65)

advice first; if that does not work he can isolate his wife in another room, and only if her disobedience continues is he allowed to beat her. Their third point is that wife beating is not allowed to hurt and is also not permitted on the face. In fact, the beating should be 'soft', one using a handkerchief or cloth, and is supposed to be a symbolic warning to the wife of her disobedience, rather than a physically harmful act. Thus, the *nyai* conclude that physical abuse causing injury and pain (as defined in Law 23, 2004) is not sanctioned in Islam and for this reason, most *nyai* do not oppose the Domestic Violence law.<sup>7</sup> However, it can not be denied that serious physical abuse of wives by husbands still occurs regularly (Munir 2005) and that this remains a major form of discrimination against women, as a wife has no legal recourse to 'beat' her husband when he is 'disobedient. Indeed, the term *nusyuz* requires subordination as it embodies the principle that wives are obliged to obey their husbands.

### *Nusyuz*

Here, it is important to discuss in further detail the concept of *nusyuz*. Some *nyai* argue that *nusyuz* may involve a wife not speaking to her husband, refusing to have sex with him or leaving the house without his permission. In short, *nusyuz* covers any aspect of a wife's negligence of her duties in marriage. This view of *nusyuz* is in accordance with the Compilation of Islamic Law (KHI), which defines sexual relations as one of a wife's duties (Section 83, Article 1). Thus, withholding sex can become a matter for the religious courts (Munti 2005: 100).

In reality, *nyai* often have to deal with cases of domestic violence, including among their former students or women from the surrounding community. The violence can take the form of physical attack, psychological abuse and economic deprivation. *Nyai* often play the role of mediators and counselors, as well as providing the shelter by letting the victims stay in their *pesantren* or home until a solution is found to the conflict. The better a *nyai* knows a victim – whether as a former *santriwati* or

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<sup>7</sup> I mean that they agree with the law regarding physical violence in particular although might not agree on other articles such as marital rape.

member of her *majlis ta'lim* and the like – the more trouble she is willing to go to in order to provide assistance. The *nyai*'s approach is usually to analyze the case with reference to Islamic law in order to establish the appropriate response.

### ***Nyai* as Mediators**

*Nyai* mediation in cases of spousal abuse usually takes several steps of consultation between the husband and the wife. Each party is asked to see the source of the problem and to acknowledge their mistakes. Restoring harmony to the married couple is a paramount priority in this mediation. If the consultative process has been successful, the couple will be asked to reunite. This direct mediation is a key difference between how women crisis centres and *nyai* handle cases of domestic violence – *nyai* will emphasise a reunion of the couple rather than merely protecting the women. However, if *nyai* see that physical abuse is causing injury and that it is harmful to continue the marriage, they usually do not hesitate to tell the woman to report the case to the police (Naily Interviews 11,19-11-2007).

Despite these attitudes to domestic violence, many *nyai* are ambivalent about or openly critical of the provisions of the 1974 Marriage Law and Law 23, 2004 on household violence. There are at least two important points in my research on *nyais*' attitudes toward these laws: first, *nyai* tend to be more accepting of the 1974 Law than they are toward the 2004 Law; and second, with some exceptions, their attitudes toward these laws depend much on whether they hold progressive or conservative attitudes.

In general, *nyai* say that the Marriage Law is a reasonably good statute which improves women's status in Indonesia. Positive aspects include the fact that it requires the registering of marriages, the regulation of divorce and imposes restrictions on the practice of polygamy. To give examples, Nyai Asmahani of Pesantren Al-Arifin, Nyai CZ (pesantren not named) and Nyai Faiqoh of Pesantren



Asri I all regard the 1974 Law as important and seek to teach students as well as wider community about its provisions, including on early and unregistered marriages.

One *nyai* explained:

Many women, especially those who do not have a sufficient degree of education and live in rural areas, usually are unaware of their rights under the law. Many divorced women do not receive their entitlements because they simply do not know and might even do not care, therefore whilst giving regular religious group study I try to give them some information on that matter. (Naily Interview, 10 November 2007)

But there is also ambivalence and inconsistency among some *nyai* on the Marriage Law. They complain that in some circumstances they feel compelled to overrule or ignore the law. For example, Nyai Faiqoh said that although she supported the law's provision which obliges a husband to ask wife's permission in taking another wife, if the existing wife does not cooperate (which is likely in most cases), she advises that the husband can proceed to remarry without the first wife's consent. She argues that she feels compelled to overrule civil law in order to prevent a man from engaging in adultery, which is a serious sin in Islam (Naily Interview, 11 November 2007). Nyai Asmahani provides another example: "The idea of regulating marriage and divorce in the 1974 Law really ensures protection for women. However, under some circumstances, unregistered marriages are the only solution [to a problem] and we indeed choose that way to prevent other negative consequences". She believes unregistered marriages are justified in cases of forced marriage, where a parent, as the *wali*, think that seeing the daughter married quickly is essential to prevent greater harm occurring (Naily Interview, 28 November 2007).

### **Crisis Centres and Intervention**

Given the fact that the term 'domestic violence' is a relatively recent one in Indonesian discourse, it is not surprising to see that some *nyai* are uneasy about the idea of women's crisis centres and state intervention to prevent such abuse. One *nyai*, Nyai A (*pesantren* not named) asserted that the Law 23, along with such facilities as

women's crisis centres, 'spoil' women and lead them away from being noble and virtuous wives (Naily Interview, 27 October). Some *nyai* criticized the existence of crisis centres, as well as those who report 'household conflict' to the police, claiming that such things are too radical a solution for domestic violence. Nyai Asmahani also dislikes the way in which the domestic violence law is socialized widely across society. She explains that in one public occasion, one preacher who supported the law, made the following statement: "Ladies, now we already have the law that specifies a husband's physical acts as the crime. So, don't be afraid anymore. If they beat you, you can beat them back". Nyai Asmahani went on: "campaigning like that is very inappropriate. Luckily, after that there was another *kiai* who could wisely correct the misapprehension, stressing that a family should be harmonious and not 'punch each other'" (Naily Interview, 28 November 2007).

Other *nyai* view the existence of Law 23 as positive, though they see it as merely emergency legal protection for cases of severe domestic violence and for those women who want to report it. But when it comes to socialization and implementation, they are not advocates for the law. In fact, even those *nyai* supposedly support the law and should campaign for it, often fail to use their position in Muslim women's organizations or the legislature to promote it. Nyai Munjidah Wahab is a legislator on a local public welfare committee which legalized regional legislation for eliminating violence in the household. She is also the chair of Muslimat NU, Jombang. In both these capacities, she has spoken at seminars to popularize the law, but she later told me that women do not have to use the domestic violence statutes (Naily Interview, 25 November 2007). Nyai Atiyah, despite being active in the well-known women's NGO, *Puan Amal Hayati*, is uncomfortable with the notion of marital rape, and high level of attention surrounding women's crisis centres. In fact, she said that she tries to offer different approach to the issues within the NGO (Naily, Interview 7 November 2007).

## 5. *Nyai* Discourses on Gender Texts

A final consideration in discussing the role of *nyai* in shaping gender perspectives is their attitudes towards the key *kitab* texts on the position of women in society and family. We return to this topic because it was a recurring theme raised in my field observations and interviews.

Perhaps the most controversial text in this regard is An-Nawawi's *kitab 'Uqud al-Lujjain* which is taught in most *pesantren* in East Java. As explained in Chapter Two, this *kitab* is criticized by progressive women scholars, such as van Doorn Harder (2006) and Safira Machrusah (2005) both of whom regard it as heavily gender biased. An alternative, gender sensitive, reading of *'Uqud al-Lujjain* has been put forward by the forum FK3 (*Forum Kajian Kitab Kuning* or Kitab Kuning Study Forum), with the title *A New Face to Husband-Wife Relations: a Critical Study of 'Uqud al-Lujjain* (Wahid et al 2001). Since its publication and distribution to many *pesantren*, traditional religious elites have resisted its teachings. In my view, the effectiveness of the book is hindered when the area targeted refuse the criticism.

The attitudes of *nyai* on the *Kitab 'Uqud* issue can be classified into those who defend the text in its original form and those who criticise it. *Nyai* in the former category include Nyai EF, Nyai Munjidah Wahab, Nyai Asmahani, Nyai Atiyah Arifiyana, and Nyai Ainul Mardiyah. Nyai EF and Nyai Asmahani uphold the *kitab 'Uqud* by asserting that if it is understood and taught properly then it can be seen as addressing both the rights and duties of husband and wife in marriage. They see the problem as one of misinterpretation. Nyai Asmahani explains:

The *kitab* is not patriarchal as claimed by FK3 if it is taught by a person who masters knowledge of Islam comprehensively. For example, the concept of the husband's leadership is actually a flexible domain. When the husband is



not capable of providing the livelihood, he is not supposed to claim of being the *qawwam* or family leader (Naily Interview, 28 November 2007).

In other words, Nyai Asmahani asserts that the texts in the *kitab* can be interpreted in a women-friendly combination with other texts or arguments from the Qur'an or Hadith. Another reason for defending *Kitab 'Uqud* was given by Nyai Munjidah, who said: "Not all *hadith* in that *kitab* are weak. Many explanations in the *kitab* regarding the duties of wife and husband are valid. So I do not see why we should stop teaching it" (Naily Interview, 25 November 2007). Meanwhile, Nyai Atiyah and Nyai Ainul Mardiyah defend the *kitab* by emphasizing that it is a guide for contemporary women in knowing where their duties as a wife lie. They stress that, in fact, the *kitab* is even more necessary in this modern era to prevent women from being 'too free' in their behaviour. Nyai Atiyah also explains that she tries to adjust the text in the *kitab* to a modern context, especially regarding the domestication of women. She assured me that the important thing is improvisation from the teacher and not to dismiss the *kitab* (Naily Interview, 25 December 2007).

On the contrary, other *nyai* such as Nyai Umdatul Khairat, Nyai CZ and Nyai Elok Faiqoh are more critical of *kitab 'Uqud*. They acknowledge that it offers unjust concepts regarding the relative status and authority of husband and wife. Similar to arguments from the FK3, Nyai Umdah and Nyai CZ base their criticism on the fact that many of *hadith* used in the *kitab* are weak. Meanwhile, Nyai Faiqoh, who reluctant to contest the *kitab*, admits that it potentially puts women in subordinate positions. Therefore, she has recently discontinued teaching the *kitab* to *santriwati* in her *pasantren* even though she has used it as a key text for many years. However, she insists that she maintains her belief that men are the leaders of a household and does not seek to confront the traditional roles of husband and wife (Naily Interviews 11-11-2007).

Other *nyai*, such as Nyai Umdah, is quite different, as she committed to raising gender awareness and confronting gender inequality in the *pesantren* community. She began her activism by joining the prominent NU NGO, P3M, in an attempt to improve gender discourses in the *pesantren* community. She notes many *kiai* are the most hostile to ideas of gender equality and asserts that their resistance is due more their egos and desire to maintain male supremacy than it is to religious arguments. But she emphasizes the need for sensitive approaches and observes: “Using the right strategy to promote gender awareness in the *pesantren* community is vital as people won’t accept ‘strange’ feminist theories or even concepts such as human rights” (Naily Interview, 2 December 2007). She employs the religious texts themselves as the tool to counter gender biased texts and ideas. She argues passionately for gender equality in the *pesantren* community, beginning with her own *pesantren*, where she emphasizes to her *santri* that Islam must be in accordance with universal values such as justice and mercy.

Just as we saw in the preceding chapter, where there was diversity in approach and aspiration in the *nyais*’ efforts in gender education, advocacy and public action, the *nyais*’ voices on salient current issues in women’s lives recorded during my fieldwork in Jember and Jombang were equally varied. Concerns of *nyai* for improving women’s status is more on education and the right for public life. In regard to private matter, they urge the women to be pious wife.

Most *nyai* have at least a limited commitment to improving the rights of women, but the more conservative will pursue mediation and non-interventionist approaches, whereas the progressive *nyai* are more willing to support firm action to prevent women being victimized or hurt.

## CHAPTER FIVE: CONCLUSION

The discourse on women's status in Islam, according to Hooker (2003:122) is "a matter of grave concern in all Muslim societies, and Indonesia is no exception". While there have been numerous studies on women in Indonesia, particularly on women's movements (for example, Blackburn 2004; Martyn 2005; Machrusah 2005) there has been very little research on the role of *nyai*. Some authors writing on Islamic education and traditional Islamic culture mention *nyai* fleetingly, and sometimes slightly, but rarely is there careful consideration of the place of women religious leaders. This thesis has sought to address this gap in the existing literature.

I have challenged the prevailing view among many scholars of traditional Islam that *nyai* were shadows of their *kiai* husbands and had little significant place in the life of the *pesantren* community. Instead, I have described in detail how *nyai* are critical of the administration, educational leadership and pastoral activities of the *pesantren*. Moreover, the work of *nyai* in the broader community, particularly in Islamic study groups (*pengajian* and *majlis ta'lim*) makes them important figures in shaping opinions on social and religious issues. Finally, *nyai* are increasingly involved in politics at both the national and local level, whether as legislators or as party board members or as campaigners on the hustings for their husbands and relatives standing for public office or even as officials of local Election Commissions (KPUD).

A special focus of this thesis has been the role of *nyai* and *pesantren* in raising gender awareness. It has been noted that *pesantren* are important for two reasons: first, they are at the centre of traditional Muslim community; and second, *pesantren* have historically been bastions of patriarchal thinking, so any shift to gender equality in these institutions will have a great impact on the broader community. In the past, *pesantren* were male dominated and efforts to provide good quality education for female students were often resisted. Although, most *pesantren* nowadays have female



sections, there are still markedly different rules for female as opposed to male students, and female students do not always enjoy similar rights and opportunities to their male counterparts. *Pesantren* patriarchies have used gender biased teaching materials, such as al-Nawawy's *Kitab 'Uqud al-Lujjain*, which perpetuate women's subordination to men in both the family and society.

In recent times, *pesantren* have become more sensitive on gender issues and some *nyai* in particular have turned their schools into sites for raising gender awareness and promoting discourses on women's rights. *Nyai* have set about improving gender equality by various means. In the teaching of the *kitab kuning 'Uqud al-Lujjain*, some *nyai* produce more gender-informed interpretations, while others discard this text altogether.

Others use their position as public preachers and leaders of Islamic study groups to popularize views supportive of equal women's rights. They also teach social and organizational skills to their students and involve them in many of their public activities and organizations.

In general, *nyai* emphasise the importance of young Muslim women having an education which provides them with career opportunities as well as economic independence. They sometimes arrange scholarships for *santri* to pursue higher degrees. In addition, they discourage the practice of early marriage as it can endanger a female student's chances for completing their education and pursuing vocational opportunities. Thus, I am able to conclude that *nyai* have contributed to the emancipation of women, ensuring the protection of their rights in education, the family and public life.

But is it also clear from my research that *nyai* are not 'feminists' in the Western sense of the term, in particular the radical feminists. Most hold conservative views on issues to do with marriage and the relative positions of husbands and wives. For

example, *nyai* stress the importance of women being virtuous wives and prioritizing household responsibilities over their work outside the house. They also urge wives to be sexually compliant to their husbands and to not cause disharmony within the family. Most *nyai* believe that marriage conflict is private matter and they are extremely reluctant to approve of state intervention and police involvement in cases of marital abuse or rape. Not surprisingly, they tend not to be proponents of Law 23, 2004 regarding the elimination of domestic violence. They are inclined to argue that communication and mediation is the best solution for conflicts within marriage and regard the reporting of marital rape cases to state authorities as unwise. Yet, *nyai* usually condemn violence within marriage and acknowledge the necessity of Law 23 for severe cases. A number of *nyai* are also active in providing shelter for battered wives and in mediating with husbands to achieve a safe and amicable rehabilitation, where possible.

*Nyai* are more supportive of the 1974 Marriage Law, as they oppose unregistered marriages and support the tight regulation of divorce and polygamy. In short, they still see that the status of Islamic law is higher in these social and family issues rather than state regulations. *Nyai* attitudes towards polygamy and forced marriages vary considerably, with some flatly opposing the practices and others offering qualified or in-principle support based on their interpretation of the Qur'an and the example of the Prophet Muhammad.

From the above points, we can see that *nyai* are indeed involved in enhancing the position of women within the traditionalist Muslim community and broader society. Their role is in accordance with their views on emancipation for Muslim women: that is, that they should be well educated, economically independent, active in public life, but also pious wives and good mothers within their families. Thus, I can summarise by saying that the *nyais'* main concern is the betterment of women's conditions rather than strict gender equity or an equal redistribution of roles within society and politics.

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