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The Discourse on Sexuality in Islamic Bioethics Perspective Ingrid Mattson

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ABSTRACT

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Recently, the issue of sexuality in Islamic bioethics has often led to discrimination on gender issues, especially against women. The model for reading religious texts influenced by patriarchal culture and the massive development of health technology are allegedly the two reasons for this problem. This article examines sexuality in the discourse of Islamic bioethics developed by Ingrid Mattson. This article is included in qualitative research with the type of literature study. The discourse on sexuality in Islamic bioethics developed by Ingrid Mattson is a material object in this research. At the same time, the formal object of this research is discourse theory. The three points described in this study include; what is the form of discourse reading religious texts about sexuality in Islamic bioethics from the perspective of Ingrid Mattson, what are the background factors, and what are the implications. As a result, Ingrid Mattson's reading of religious texts must present the historicity of each verse and consider a gender balance. The factor that causes this discourse to exist is discrimination, verses that defend women in sexuality. This discourse's implications can unravel the discrimination problem that often befalls women and children.

Keywords; Sexuality, Islamic Bioethics, Discourse, Religious Texts, and Ingrid Mattson

Introduction

Discussion about sexuality which is part of the natural identity of humans has opened up various discursive spaces. The struggle between religion (read: ideology) in contributing to a position that justifies the concept of sexuality on the one hand and the development of technology and health equipment (read: science) on the other hand, which creates conveniences, is a central aspect of this problematic discursive space. This argument is in line with Michel Foucault in *The History of Sexuality* which states that the struggle between science and ideology has led to a dilemma in the discussion of sexuality.¹ Rules, norms, dogma and stigma resulting from the struggle of these two aspects often have the potential to create discrimination among the parties involved especially women. In this space, Ingrid Mattson is present to enliven the treasures of discussion on sexuality by linking the issue of Islamic bioethics to the results of her study.² The involvement of the issue of Islamic bioethics is based on the claim that Islamic bioethics can solve problems of discrimination in sexuality.

So far, studies on the issue of sexuality have focused on three aspects: linking sexuality with issues of theological discourse construction and Islamic law.³ According to Inayah Rohmaniyah, the theological construction of sexuality built on the principles of Islamic law, which tends to patriarchal culture, has the potential to create rules, norms and stigma that discriminate against women. Second, the study of sexuality connects with Human Rights (HAM).⁴ According to Nugroho, the involvement of human rights in discussions on sexuality is needed to guarantee individual rights, security, and social order in society. Third, studies on sexuality that relate to the principles of education, representation and reproductive health.⁵ According to Ansari et al., educating about sexuality through comic media can reduce the potential for extramarital sexual relations, early marriage, and reproductive health. Based on existing studies, discussions that look at the discourse on sexuality within the framework of Islamic bioethics tend to be minimal.

This article aims to complement existing studies on sexuality and Islamic bioethics discourse. The discussion on the discourse on Islamic sexuality and bioethics,

¹ Michel Foucault, *The History of Sexuality, 1st Vintage Books ed* (New York: Vintage Books, 1988), p. 4.

² Ingrid Mattson, "Gender and Sexuality in Islamic Bioethics," in *Islamic Bioethics, vol. Volume 2, Intercultural Dialogue in Bioethics, Volume 2* (World Scientific (Europe), 2015), p. 60.

³ Neng Hannah, "Seksualitas dalam Alquran, Hadis dan Fikih: Mengimbangi Wacana Patriarki," in *Wawasan: Jurnal Ilmiah Agama dan Sosial Budaya* Vol. 2, No. 1, 2017, p. 50; Dewi Puspitasari, "Gender dan Seksualitas: Sebuah Perspektif Islam (Judul Asli: Gender and Sexuality: An Islam Perspektif oleh Ahmad Shehu Abdulssalam)," in *MUWAZAH: Jurnal Kajian Gender* Vol. 2, No. 1, 2012; Inayah Rohmaniyah, "Konstruksi Seksualitas Dan Relasi Kuasa Dalam Praktik Diskursif Pernikahan Dini," in *Musawa Jurnal Studi Gender Dan Islam* Vol. 16, No. 1, 2017, p. 40.

⁴ Andi Norman Nyila Amanda, "Tinjauan HAM Terhadap Kelompok LGBT Di Kawasan Asia Tenggara : (Studi Kasus: Indonesia – Thailand)," in *Journal of International and Local Studies* Vol. 2, No. 1, 2018, p. 109; Okky Chahyo Nugroho, "Pemenuhan Hak Atas Kebutuhan Seksual Warga Binaan Pemasarakatan," in *Jurnal Hak Asasi Manusia* Vol. 6, No. 2, 2015, p. 100; Roby Yansyah and Rahayu Rahayu, "Globalisasi Lesbian, Gay, Biseksual, dan Transgender (LGBT): Perspektif Ham dan Agama dalam Lingkup Hukum di Indonesia," in *LAW REFORM* Vol. 14, No. 1, 2018, p. 135.

⁵ Rasid Ansari et al., "Media Komik Sebagai Alternatif Media Promosi Kesehatan Seksualitas Remaja," in *Jurnal Ilmiah Kesehatan* Vol. 19, No. 1 2020, p. 12.; Siti Fauziyah, "Tradisi Sunat Perempuan Di Banten Dan Implikasinya Terhadap Gender, Seksualitas, Dan Kesehatan Reproduksi," in *Tsaqofah* Vol. 15, No. 2, 2017, p. 138.

as shown in previous studies, only focuses on theological construction, human rights, and issues of education, representation, and reproductive health issues. In particular, this research aims to answer three fundamental questions in the discourse on sexuality and Islamic bioethics from the perspective of Ingrid Mattson. First, how is the dominant form of discourse reading traditional religious texts related to sexuality within the framework of Islamic bioethics from the perspective of Ingrid Mattson? Second, what are the factors behind Ingrid Mattson's presenting a pattern of reading traditional religious texts in discussions of Islamic sexuality and bioethics? Third, what implications are presented by this pattern of reading traditional religious texts?

This article departs from the argument that a review of aspects of discourse and the construction of Ingrid Mattson's understanding of gender and sexuality within the framework of Islamic bioethics helps provide a comprehensive explanation for unravelling the problem of discrimination in sexuality. All existing discrimination—which often affects women—is based on the interpretation of traditional religious texts, which tends to lead to a typical patriarchal culture. Ingrid Mattson directs the assumption that such a pattern of interpretation necessitates a gap and even which is more concerning an imbalance of the central message of the religious text itself. Therefore, through the offer of reading the Qur'an that applies objectivity, centrality, and equal rights, discourses on sexuality and Islamic bioethics find their place.

Literature Review

a. Discourse of Sexuality

Discussions about discourse have recently become a trend in interdisciplinary scientific studies.⁶ Discourse is a text at the level of a particular speech situation and context.⁷ In this sense, discourse is understood as a building in which many units and forms of speech originate from daily linguistic interactions and behaviour. As an approach, discourse analysis attempts to dismantle and then explain texts and social realities studied individually or collectively, which are dominant in which there may be specific ideological interests. The formation of this discourse cannot be separated from the existence of a power relations network among actors with power. Several previous studies have shown the study of discourse in many aspects, both in theoretical aspects⁸ and operational aspects of discourse in viewing phenomena that are happening, be it literary texts,⁹ magazine texts, newspapers and news,¹⁰ television programs¹¹ issues with religious nuances, especially interpretation of the Qur'an.¹²

⁶ Elya Munfarida, “Analisis Wacana Kritis dalam Perspektif Norman Fairclough,” in *KOMUNIKA: Jurnal Dakwah dan Komunikasi* Vol. 8, No. 1, p. 21.; I. Nyoman Payuyasa, “Analisis Wacana Kritis Model Van Dijk Dalam Program Acara Mata Najwa Di Metro TV,” in *Segara Widya : Jurnal Hasil Penelitian Dan Pengabdian Masyarakat* Vol. 5 2017, p. 8.

⁷ Michael McCarthy, Matthiessen Christian, and Diana Slade, “Discourse Analysis,” in *An Introduction to Applied Linguistics*, 3rd ed. (Routledge, 2019); Diana Silaswati, “Analisis Wacana Kritis Dalam Pengkajian Wacana,” in *METAMORFOSIS Jurnal Bahasa, Sastra Indonesia Dan Pengajarannya* Vol. 12, No. 1, 2019, p. 8.

⁸ Munfarida, “Analisis Wacana Kritis dalam Perspektif Norman Fairclough”; Silaswati, “Analisis Wacana Kritis Dalam Pengkajian Wacana.”

⁹ Hermawan Septian Abadi, “Kekuasaan Seksualitas dalam Novel: Perspektif Analisis Wacana Kritis Michel Foucault,” in *Belajar Bahasa: Jurnal Ilmiah Program Studi Pendidikan Bahasa dan Sastra Indonesia* Vol. 2, No. 2, 2017, p. 5.; Vitria Fismatika, “Wacana Kekuasaan Dalam Kumpulan Cerpen Seekor Bebek Yang Mati Di Pinggir Kali Karya Puthut EA (Kajian Analisis Wacana Kritis Michel Foucault),” in *Diglossia: Jurnal Kajian Ilmiah Kebahasaan Dan Kesusastraan* Vol. 10, No. 2, 2019, p. 63.

Second, sexuality. The term sexuality, in a superficial sense, refers to the characteristics, characteristics and roles related to sex. Sexuality is a core aspect inherent in every human being, including sex, gender identity and roles, sexual orientation, enjoyment, intimacy and the reproductive system.¹³ This understanding is very different from what is meant by sex. Sex is a term that distinguishes biologically between men and women.¹⁴

Furthermore, in a complex sense, sexuality refers to the construction of knowledge, norms, meaning, and subjectivity, which are closely related to sex and the network of power relations of knowledge.¹⁵ Inayah Rohmaniyah shows the notion of sexuality in three forms, biological, psychological, cultural, and political. Sexuality in this complex sense has opened up problematic discourse spaces. Several circles see the construction of sexuality in religion,¹⁶ various works of art,¹⁷ media,¹⁸ unregistered marriages,¹⁹ and patriarchal culture.²⁰

¹⁰ Hera Wahdah Humaira, "Analisis Wacana Kritis (Awk) Model Teun A. Van Dijk Pada Pemberitaan Surat Kabar Republika," in *Literasi: Jurnal Bahasa Dan Sastra Indonesia Serta Pembelajarannya* Vol. 2, No. 1, 2018, p. 35.; Hari Bakti Mardikantoro, "Analisis Wacana Kritis Pada Tajuk (Anti) Korupsi Di Surat Kabar Berbahasa Indonesia," in *LITERA* Vol. 13, No. 2, 2014; Nur Indah Sholikhati and Hari Bakti Mardikantoro, "Analisis Tekstual Dalam Konstruksi Wacana Berita Korupsi Di Metro TV Dan NET Dalam Perspektif Analisis Wacana Kritis Norman Fairclough," in *Seloka: Jurnal Pendidikan Bahasa Dan Sastra Indonesia* Vol. 6, No. 2, 2017, p. 127.; Muria Endah Sokowati, "Wacana Perbedaan Gender Dalam Artikel Pendidikan Seks Remaja (Analisis Wacana Kritis Artikel Seksualitas Majalah Hai Edisi 1995-2004)," in *Jurnal Komunikasi* Vol. 10, No. 1, 2018, p. 48.

¹¹ Ridwan Rustandi, "Analisis Wacana Kritis Komodifikasi Da' Dalam Program Televisi," in *Communicatus: Jurnal Ilmu komunikasi* Vol. 2, No. 2, 2019, p. 130.

¹² Syihabuddin Alwy and Nawal Nur Arofah, "Isu-Isu Sosial Masyarakat Dalam Tafsir (Kajian Analisis Wacana Tafsir Taj al-Muslimin Min Kalami Rabb al-Alamin Karya K.H. Misbach Mustafa)," in *AL ITQAN: Jurnal Studi Al-Qur'an* Vol. 2, No. 1, 2016, p. 19.; M. Munawan, "A Critical Discourse Analysis Dalam Kajian Tafsir Alquran: Studi Tafsir Al-Azhar Karya Hamka," in *TAJDID* Vol. 25, No. 2, 2018, p. 21.; Jajang A Rohmana, "Ideologisasi Tafsir Lokal Berbahasa Sunda: Kepentingan Islam-Modernis dalam Tafsir Nurul-Bajan dan Ayat Suci Lenyepaneun," in *Journal Of Qur'an And Hadith Studies* Vol. 2, No. 1, 2013, p. 125.; John Supriyanto and Muhammad Noupal, "Ayat-Ayat Politik Dalam Wacana Tafsir Kiayi-Santri Studi Di Kota Palembang," in *Jurnal Ilmu Agama: Mengkaji Doktrin, Pemikiran, Dan Fenomena Agama* Vol. 20, No. 2, 2019.; Syamsul Wathani, "Tafsir Alquran dan Kekuasaan Politik di Indonesia (Perspektif Analisis Wacana dan Dialektika)," in *Nun* Vol. 2, No. 1, 2016.

¹³ Danik Fujiati, "Seksualitas Perempuan Dalam Budaya Patriarkhi," in *MUWAZAH: Jurnal Kajian Gender* 8, No. 1, 2017, p. 10.

¹⁴ R. Kathryn McHugh et al., "Sex And Gender Differences in Substance Use Disorders," in *Clinical Psychology Review, Gender and Mental Health*, 66, 2018, p. 13.

¹⁵ Rohmaniyah, "Konstruksi Seksualitas Dan Relasi Kuasa Dalam Praktik Diskursif Pernikahan Dini."

¹⁶ Agetta Putri Awijaya, "Surga Itu Tak Beratap: Refleksi atas Spiritualitas Kaum Non-Heteronormatif dan Gerakan Melawan Diskriminasi Berbasis Gender dan Seksualitas yang Dilakukan atas nama Agama," in *Indonesian Journal of Theology* Vol. 9, No. 2, 2021, p. 198; Hannah, "Seksualitas dalam Alquran, Hadis dan Fikih"; Elya Munfarida, "Seksualitas Perempuan dalam Islam," in *Yinyang: Jurnal Studi Islam Gender dan Anak* Vol. 5, No. 2, 2010, p. 370; Aldomi Putra, "Seksualitas Dalam Islam: Kritik Wacana Tafsir Tentang Gender," in *EL-FURQANIA* Vol. 5, No. 2, 2019; Alfons Renaldo Tampenawas and Veydy Yanto Mangantibe, "Tinjauan Etis Kristen Terhadap Seksualitas Di Kalangan Pemuda-Pemudi Gereja," in *SHAMAYIM: Jurnal Teologi Dan Pendidikan Kristiani* Vol. 1, No. 1, 2020.

b. Islamic Biotics

Bioethics is a term that refers to efforts to investigate decision-making related to the world of health based on aspects of morality and biological sciences.²¹ In another sense, bioethics is the application of ethical principles in medicine and health.²² In line with the second meaning, bioethics is also defined as an interdisciplinary study of various issues concerning the development of scientific disciplines and biological and medical practices that discuss current issues and relate to future problems.²³

As for Islamic bioethics, this term is defined almost similar to the definition of bioethics in general. Islamic bioethics is defined as an effort to apply ethical principles in biology and health disciplines, which also considers traditional religious texts (Al-Qur'an and Hadith) and religious fatwas issued by religious institutions that have authority.²⁴ The relationship between the principles contained in religious norms and the principles that exist and apply in the world of health discourse is generally needed to enrich the Islamic bioethics discourse. Previous studies have shown Islamic bioethics on

¹⁷ Nerie Anggerenie, Patrisia Cuesdeyeni, and Misnawati, "Seksualitas Tiga Tokoh Perempuan Dalam Novel Sunyi Di Dada Sumirah Karya Artie Ahmad Dan Implikasinya Pada Pembelajaran Sastra Di SMA," in *ENGGANG: Jurnal Pendidikan, Bahasa, Sastra, Seni, Dan Budaya* Vol. 1, No. 1, 2020; Nureza Dwi Anggraeni and Seftia Azrianti, "Gender dan Seksualitas dalam Karya Sastra Perempuan Kerajaan Melayu Riau pada Abad ke-19" 6, 2021, p. 9; Citra Nur Faidah, "Dekonstruksi Sastra Anak: Mengubah Paradigma Kekerasan Dan Seksualitas Pada Karya Sastra Anak Indonesia," in *KREDO : Jurnal Ilmiah Bahasa dan Sastra* Vol. 2, No. 1 2018.

¹⁸ Christiany Juditha, "Gender dan Seksualitas dalam Konstruksi Media Massa," in *Jurnal Simbolika: Research and Learning in Communication Study* Vol. 1, No. 1, 2015; Nd Niko and Alfin Rahmawan, "Supremasi Patriarki: Reaksi Masyarakat Indonesia Dalam Menyikapi Narasi Seksualitas Dan Perkosaan Kasus Reynhard Sinaga," in *Jurnal Analisa Sosiologi*, 2020; Daniel Susilo and Eben Haezer, "Konstruksi Seksualitas Perempuan dalam Berita Pemerkosaan di Teks Media Daring," in *Jurnal Kawistara* Vol. 7, No. 1, 2017, p. 50.

¹⁹ Nurul Ilmi Idrus, "Siri', Gender, and Sexuality among the Bugis in South Sulawesi," in *Antropologi Indonesia*, 2014, p. 5.

²⁰ Fujiati, "Seksualitas Perempuan Dalam Budaya Patriarki."

²¹ Nuraliah Ali, "Urgensi Bioetika Dalam Perkembangan Biologi Modern Menurut Perspektif Islam," in *Binomial* Vol. 2, No. 1, 2019, p. 74; Atok Miftachul Hudha, "Kajian Pengetahuan Bioetika Dan Kemampuan Pengambilan Keputusan Etis Mahasiswa Calon Guru Biologi Pre-Service Biologi Teacher's Cognitive and Decision Making Ethics," in *Prosiding Seminar Nasional Pendidikan Biologi 2015* ("Peran Biologi dan Pendidikan Biologi dalam Menyiapkan Generasi Unggul dan Berdaya Saing Global, Prodi Pendidikan Biologi FKIP Universitas Muhammadiyah Malang, 2015), 9.

²² Alif Adeyani, "Kematian Janin Dalam Rahim Ditinjau Dari Aspek Medis, Kaidah Dasar Bioetik, Dan Keutamaannya Dalam Tinjauan Islam," in *UMI Medical Journal* Vol. 4, No. 2, 2019, p. 80.

²³ Nasrudin Andi Mappaware et al., "Kehamilan 33-34 Minggu dengan COVID-19 dalam Perspektif Medis, Bioetik, dan Islam," in *Jurnal Kesehatan Reproduksi* Vol. 7, No. 3, 2021, p. 191.

²⁴ Mohammed Ghaly, "Religio-Ethical Discussions on Organ Donation among Muslims in Europe: An Example of Transnational Islamic Bioethics," in *Medicine, Health Care and Philosophy* Vol. 15, No. 2, 2012: 208.; Abdul Halim Ibrahim et al., "Maqasid Al-Shariah Based Islamic Bioethics: A Comprehensive Approach," in *Journal of Bioethical Inquiry* Vol. 16, No. 3, 2019, p. 300.

many occasions, starting from the gaps shown²⁵ and its application in the health sector.²⁶

Method

The data in this study were collectively obtained through a qualitative study process from various literature data. The material object in this study focuses on Ingrid Mattson's thoughts in addressing the normative issues of gender and sexuality within the scope of Islamic bioethics and demands historical analysis of the concepts and rules of Islamic law, which continue to experience development. This analysis process is motivated by the paradigm's dominance, which causes binary inequality. In the central discourse on Islamic biotic discourse, Ingrid Mattson found that the majority of Muslim scholars in Muslim-majority countries are less able to involve all genders in making an important decision that should be able to represent women. To complement Ingrid Mattson's reading of Islamic bioethics, this research will collaborate with data from physical and electronic literature using a discourse approach.

The discourse approach in this study is based on the interrelated relationship between knowledge and power. In this sense, knowledge has unlimited power capable of influencing human action; whatever identity knowledge has, power gives legitimacy to what is implied.²⁷ Another reason is based on Foucault's argument that no power practice does not give rise to knowledge; conversely, there is no knowledge in which there is no network of power relations.²⁸ For Foucault, power is independent and impartial, so there is no binary inequality in power and knowledge. So, to find out the condition of discourse which becomes a paradigm in society, researchers must examine the pattern of distribution of knowledge from the regime in power. The research data were analyzed following the three stages of Huberman's analysis²⁹: data reduction, data display, and data verification. The data that has been verified is then analyzed interpretively. This interpretive stage begins with restatements, descriptions, and interpretations.

²⁵ Hassan Chamsi-Pasha and Mohammed Ali Albar, "Western and Islamic Bioethics: How Close Is the Gap?," *Avicenna Journal of Medicine* Vol. 3, No. 1, 2013, p. 10; Mohammed Ghaly, "Biomedical Scientists as Co-Muftis: Their Contribution to Contemporary Islamic Bioethics," in *Die Welt Des Islam* Vol. 55, No. 3, 2015, p. 301; Ruaim A. Muaygil, "Beyond Sacredness: Why Saudi Arabian Bioethics Must Be Feminist," *International Journal of Feminist Approaches to Bioethics* Vol. 11, No. 1, 2018, p. 125.

²⁶ Arsyzilma Hakiim, Mariyam Abdullah, and Romelah Romelah, "Tindakan Aborsi Akibat Pemerkosaan Ditinjau Menurut Pandangan Islam, Bioetika Kedokteran dan Hukum Di Indonesia," in *Jurnal Health Sains* 3, No. 3, 2022, 343; Maizer Said Nahdi and Eka Sulistiyowati, "Bioethics and Islamic Values: Assisted Reproductive Technology in the Context of Indonesia," in *Studia Islamika* 24, No. 1, 2017, P. 69–98.; Ambar Sulianti, Endi Endi, and Anwar Supenawinata, "Perspektif Bioetika Islam Dan Biopsikologi Konflik Pada Kasus Kegagalan Aborsi Yang Berdampak Kecacatan Anak," in *Jurnal Psikologi Islam Dan Budaya* 4, No. 1, 2021, p. 15–28.

²⁷ Ketut Wiradnyana, *Michel Foucault: Arkeologi Pengetahuan dan Pengetahuan Arkeologi*, (Yayasan Pustaka Obor Indonesia, 2018).

²⁸ Rohmaniyah, "Konstruksi Seksualitas," p. 39.

²⁹ Matthew B. Miles and A. Michael Huberman, *Analisis Data Kualitatif*, terj: Tjetjep Rohendi Rohidi, (Jakarta: UI-Press, 1992).

Result

Construction of the Dominant Discourse of Islamic Bioethics Ingrid Mattson

The dominant discourse construction built by Ingrid Mattson, a methodological proposition, moves in two spaces simultaneously.³⁰ First, look at the history and changes in traditional terms to become conventional. In reading about this, Ingrid Mattson seems inspired by Abdullah Saeed, who makes pieces of history, culture, and culture of the Hijaz as a starting point in searching for the meaning of the Qur'an.³¹ So, all forms of action, speech, and silence Rasulullah SAW. Being a primary source in Islam and being authoritative, of course, cannot be separated from the locus and cultural construction of the Hijaz. However, after the death of Rasulullah SAW, Muslims were faced with the urgency of authority regarding "who" had the power to define the desired meaning of the Qur'an. However, none of them had the privilege of authority in interpreting the Qur'an because one friend and others relied on their knowledge. The majority's interpretation will be considered dominant and claimed to be the most correct and consistent.

This tradition of interpretation has continued for generations after. The massively present tradition is the pattern of reading done by way of dominating power that relies on the most popular epistemology.³² This means, for Mattson, all interpretive activities must pay attention to the historical context and not ignore the meaning of the text at the time the verse was revealed; the same is the case with facing problems in today's modern era which must match the context and the developing diachronic meanings. There are at least three arguments written by Ingrid Mattson, two from the Al-Qur'an, namely QS. An-Nur [24]: 4 and QS. An-Nur [24]: 6 and one Hadith. These arguments show that women are very vulnerable to moral harassment, be it verbal or non-verbal, especially concerning sexuality, so the conditions presented in the two arguments above shield them from various sexual harassment.

In connection with the discussion about sexuality, Ingrid Mattson sees a correlation between the message of this verse and the prohibition against humiliating women. He even explicitly states that the verse has personally justified it without a clear legal rule. This perspective is certainly commensurate with the principles of bioethics, namely *non-maleficent*.³³ Then the hadith of the Prophet Muhammad SAW. “الْوَالِدُ، الْفَرَأْشُ لِصَاحِبِ” seems to be a strong argument that traditional scholars often carry out. The scholars want to show that the primary purpose of this hadith is not to maintain the purity of lineage, which some groups often echo, but rather to maintain a marriage and protect children in the protection of the family.³⁴ The reading of the justifying verses, including the use of hadiths to strengthen his argument, shows the massiveness of patriarchal culture in producing religious fatwas.

Islam teaches its people to hide their sins by repenting to Allah; traditional ethics are also often aimed at maintaining the integrity of the family and covering up the sins of others. However, all these privacy efforts have collided with the progress of the contemporary era, which requires openness. Ingrid Mattson said that openness does not always mean the best but not vice versa; at least in this era of openness, the power of a

³⁰ Mattson, “Gender and ...”, p. 21.

³¹ Abdullah Saeed, *Rereading the Qur'an in the Twenty-First Century A Contextualist Approach*, (New York: Routledge, 2014).

³² Ahmad Saefudin, Ahmad Rafiq, and Marhumah Marhumah, “The Anatomy of Ingrid Mattson’s Interpretation of the Qur’an: History, Authority, and Translation Problems,” in *AL QUDS: Jurnal Studi Alquran Dan Hadis* Vol. 5, No. 1, 2021, p. 79.

³³ Alireza Bagheri and Khalid Abdulla Al-Ali, eds., *Islamic Bioethics: Current Issues and Challenges, Intercultural Dialogue in Bioethics*, vol. 2 (New Jersey: World Scientific, 2018).

³⁴ Bagheri and Al-Ali.

government can regulate and reconstruct everything related to sexuality and gender, especially in the bioethical regulations involving women who are often marginalized.³⁵

Second, involving women in all policy decisions. The presence of this concept is an important matter that needs to be considered to maintain stability and justice and avoid potential discrimination. Facts and policies decided by the majority of men tend to be heavier and lead to patriarchal cultures. Issues often discussed in bioethics are gender specific, such as pregnancy, contraception and abortion, which directly affect women's physical and psychological condition. So that society sees the need for women's involvement in bioethical discourse while still examining social factors such as religion and culture.³⁶ For Ingrid Mattson, the imbalance in the quantity of gender in discussions about gender and sexuality is not an obstacle for women to form a law because women's authority is never absent from all policy formation and adjudication processes.³⁷ The discussion of Islamic bioethics requires pluralism, not focusing on the morality of the majority and setting aside the moral teachings of minority groups. Departing from such problems, Ingrid Mattson is here to defend and fight for women's rights in the discourse of Islamic bioethics.

Background of the Emergence of Islamic Bioethics Discourse Ingrid Mattson

The fact that there are problems in Islamic bioethics in the scope of gender and sexuality, which tend to discriminate against women, has led Ingrid Mattson to try a new reading of traditional religious texts. The patriarchal concept in the public sphere has progressed in Muslim countries, but this does not seem to have carried over into the discussion of sexuality in discussions of Islamic bioethics. This fact is also supported by Zeenat Hussain et al., who stated that the presence of men still dominated various bioethics research for several decades.³⁸ One of the reasons is the social stigma that believes everything influenced by "Western" studies will be contrary to Islamic culture.³⁹ Ingrid Mattson does not share this stigma. Ingrid Mattson said this could happen because of the problem of centralization and hegemony in Islamic law, which only benefits some parties, especially men.⁴⁰ In addition, socio-cultural and religious customs still hurt women's freedom to express their opinions in some areas of the world.⁴¹ So, experts in ethics, law, and science have to formulate clear laws (biolaw) immediately, so there is no confusion in policy making.⁴²

Traditional religious authorities and cleric lectures have a crucial link with Islamic bioethical discourse in the policy-making process. This connection is, of course, also a habit in the reality of society to seek legitimacy from religious texts and religious

³⁵ Bagheri and Al-Ali.

³⁶ Zeenat Hussain, Edyta Kuzian, and Naveed Hussain, "A 15-Year Review of Trends in Representation of Female Subjects in Islamic Bioethics Research," in *Journal of Religion and Health* Vol. 56, No. 1, February 2017, p. 286.

³⁷ Ingrid Mattson, "Women, Gender and Family Law: Early Period 7th-Late 18th Centuries," Leiden and Boston: Brill., *Encyclopedia of Women and Islamic Cultures*, Volume II, no. Family, Law and Politics. (2005)

³⁸ Hussain, Kuzian, and Hussain, "A 15-Year Review of Trends in Representation of Female Subjects in Islamic Bioethics Research."

³⁹ Dariusch Atighetchi, *Islamic Bioethics: Problems and Perspectives*, vol. 31, International Library of Ethics, Law, and the New Medicine (Dordrecht: Springer Netherlands, 2007), p. 65.

⁴⁰ Bagheri and Al-Ali, *Islamic Bioethics*.

⁴¹ Hussain, Kuzian, and Hussain, "A 15-Year Review of Trends in Representation of Female Subjects in Islamic Bioethics Research."

⁴² Piciocchi, "Bioethics and Law: Between Values and Rules," in *Indiana Journal of Global Legal Studies* Vol. 12, No. 2, 2005, p. 471.

institutions that have the authority to answer all problems.⁴³ The community believes that asking them for directions is a positive effort for their spiritual improvement. Suppose the stages of counseling aimed at Islamic bioethical issues are carried out by scholars with various levels of their spirituality and continue to this day. In that case, this context is undoubtedly contrary to the rule of law that most people understand.⁴⁴ Indeed, in countries where most of the population is Muslim, the discussion regarding Islamic bioethics is slightly different. The tendency of their interest in debating is more in the realm of elitism and not being organized so that the impact of the results of the debate does not always reach national legislation.⁴⁵

The fatwas issued in forming a discourse on classical Islamic bioethics are closely related to the network of knowledge and power relations between parties who have authority. Power will always dominate knowledge of this concept, in line with what was quoted by Ingrid Mattson from Asifa Quraishi.⁴⁶ Whereas Muslim governments that are contrary to modern constitutionalism have separated fiqh from *siyasa* (politics), but at the same time, their statehood was still built and inherited from colonialism so that the government could monopolize all the fiqh rules that would be made and could pressure the people to remain subject to only one fiqh rule. In addition, it is commonly known that anything not based on the Qur'an or Hadith will be considered *bid'ah* by conservative scholars, so new ideas and modifications will be opposed and rejected.⁴⁷ The strength of a network of power relations that revolves around the production of religious fatwa has an impact on the quality of the fatwa, which is affected by the policies that apply to the locus of place and time where the fatwa is produced.

The facts mentioned above simultaneously emphasize that Islamic discourses and views may not necessarily be found in Muslim-majority countries but can be found in countries where people can express all their opinions.⁴⁸ Authoritarian government powers will carry out some policies that are considered beneficial to Islam, for example, the punishment of cutting off hands or mutilation used to damage a person's physical integrity to avoid acts of corruption, and a supportive attitude towards organ donors among fellow Muslims but if from a non-Muslim it must aim to increase the strength of Muslims, and legalize abortion only for babies with disabilities so as not to weaken the strength of Islam.⁴⁹ Apart from the policies that influence the production of religious fatwas related to Islamic bioethics, the ulama have an essential role in producing various religious fatwas.

The role of the ulema in making fatwas for all the unrest that arises in the general public is essential because most Muslims voluntarily depend on and follow all policies issued by the ulema. Most are unable to access the different fatwas developed in other regions. With all their knowledge of religious fatwas, the clergy's authority is like panoptic surveillance. This is reflected in society's submission to the law of the clergy. One of the examples described by Ingrid Mattson from Sachedina regarding the above case is that most Muslims in authoritarian countries reject the interpretation of official law issued by the state.⁵⁰ As a result, many professionals seek the opinions of theologians or personally interpret religious doctrines to find answers to new bioethical problems.⁵¹ Without a straightforward interpretation, the dominant discourse of well-

⁴³ Talal Asad, "The Idea of an Anthropology of Islam," *Qui Parle* Vol. 17, No. 2, 2009, 20.

⁴⁴ Bagheri and Al-Ali, *Islamic Bioethics*.

⁴⁵ Atighetchi, *Islamic Bioethics*.

⁴⁶ Bagheri and Al-Ali, *Islamic Bioethics*.

⁴⁷ Atighetchi, *Islamic Bioethics*.

⁴⁸ Bagheri and Al-Ali, *Islamic Bioethics*.

⁴⁹ Atighetchi, *Islamic Bioethics*.

⁵⁰ Bagheri and Al-Ali, *Islamic Bioethics*.

⁵¹ Atighetchi, *Islamic Bioethics*.

known scholars will often marginalize the perspectives of other scholars who differ in Islamic bioethics issues.

The Implications of Ingrid Mattson's Thought in Islamic Bioethics

Ingrid Mattson's offer of thought in solving the problem of Islamic bioethics at least has implications for two things. First, provide care, justice, and security for women. Decisions that consider the historical aspects of a verse of the Qur'an related to sexuality, gender balance, and considerations of benefit provide protection, justice, and security for all parties involved, specifically women. Second, the protection of children. On child protection issues, Ingrid Mattson's thoughts are in line with the discussions offered by Abdul Aziz Sachedina. Biological children from legal marriages will always maintain their rights in the family. This is, of course, inversely proportional to children born from adultery. Facts in the reality of society, where the family tree is not recognized, but to avoid the stigma of illegitimate children, in social practice, their ancestry is still attributed to the biological father or is placed in the responsibility and policies of adults. To strengthen her argument, Ingrid Mattson added a quote from Imam Syafi'i "*no one alive from the children of Adam is substantially impure*".⁵² So, Islam teaches the choice of children and all the needs for the welfare of children and families. In addition to the above, Mattson discusses priority levels in modern Islamic law, which is more critical between child protection, producing children, legal channels for sexual activity, and *childfree*.

Departing from one of the fragmented cases during the caliphate of Umar regarding the birth of a baby with a short duration of pregnancy, it has created a negative stigma in the minds of the people; this is marked by Umar's request to a midwife to ensure that the baby's mother does not have illicit relations outside of marriage. The midwife explained that, in this case, the baby had grown, but due to the psychological weakness of the mother, the baby hibernated and woke up again due to semen from the new father. This view of midwives persisted through the centuries but was broken at the turn of the 20th century.⁵³ This indicates that the episteme maintained by a group will continue to perpetuate knowledge based on a power relation, and the history of a nation will continue to be fragmented. What Ingrid Mattson wants to convey here is that Umar's decision to call a midwife is a form of the way out to maintain family ties amidst public awareness of the average duration of pregnancy and lineage. So, it can be said that Ingrid Mattson has seen the efforts of scholars to support religious doctrine with scientific research.

Discussions

This research observes that Ingrid Mattson has paid attention not only to considering religious fatwas in solving Islamic bioethical issues, but it is also essential to bring in experts from the health sector who are gender balanced. The reading of religious texts, mainly those closely related to Islamic bioethics and sexuality, should be carried out by considering the benefits of both parties, specifically for women. In addition, to ensure fairness in bioethical matters, other things that also need to be considered are related to considering the benefits for both parties; specifically for women, because of the high intensity of women in applying religious edicts, the object of bioethical edicts should be involved in the process of forming the resulting discourse. Namely by providing space for movement and legitimacy for women's opinions as owners of their respective bodies while still upholding primordial values and the appropriateness of the context of time and discourse. The gender balance offered by

⁵² Bagheri and Al-Ali, Islamic Bioethics.

⁵³ Bagheri and Al-Ali, Islamic Bioethics.

Ingrid Mattson is felt to be able to accommodate and comprehensively assess the needs of women who are often marginalized.

Attention to aspects of the development of Islamic bioethics has not yet received a significant response from Muslim scholars and thinkers. Even so, several previous studies show gaps in this issue that have not been resolved.⁵⁴ One of those often mentioned is regarding explicit terms and still has continuity with bioethical problems or is still discussing derivatives from bioethics.⁵⁵ Lineage theory has direct implications for family welfare; for example, the classic era became a family-oriented theory focusing on protecting and caring for children (biological or non-biological). Text reading that does not consider gender balance and increasingly massive technological developments have contributed to the issue of Islamic bioethics. Thus, the loss or neglect of the principles contained in these two aspects helps in the presence of ongoing discrimination.

Bioethics, in general, accommodates three principles. First, appreciate life and life. Second, the balance of risks and benefits. The final ethical agreement. The ultimate goal of a religious fatwa is to achieve mutual benefit. The goals of bioethics and fatwa are both in the same corridor, namely, to create goodness and prosperity and avoid suffering; this includes guaranteeing fundamental human rights in the form of the right to life, intellectual rights, and reproductive and economic rights. Regarding reproductive rights, Islam explains the responsibilities and physical condition of a pregnant woman who is getting weaker and makes it harder for her to do activities; even the thought of death due to complications during childbirth can attack a mother's psyche. So technically and medically, pregnant women need extra attention and rights over themselves by considering the safety of their souls.

Women in the modern context have been given an equal place with men, no longer the second human who continuously has to be in the domestic sphere and is subordinated to men. The existence of this inequality of gender values leads to traditional opinions or religious dogmas, which give the stigma that women's reasoning is less perfect and powerful than men's power. So, it is not surprising that women's silence is often interpreted as a form of approval in the patriarchal concept. Some arguments for women's openness in the public sphere are often overlooked. For example, women's equality contributed to the struggle for the revival of Islam by exchanging opinions in discussing war strategies and tactics. So, it is fitting that in the family realm, the context of *mu'asyarah bil al-ma'ruf* (interacting well with each other), which is in harmony with gender balance, can be emphasized to understand and respect each other. For the birth of a positive impact in the form of the perpetuation of the age of marriage.

It is appropriate for biomedicine, fatwa institutions, and the state to show their attention to the problems faced by women in the domestic sphere, which will affect social balance in society. At least for Muslim scholars who have the power of knowledge and panoptic control for grassroots groups and directly intersect with the general public, to be able to provide literacy for family fiqh products by integrating the division of fiqh products in a pluralistic way, not focusing on the four established jurists, and carrying out Exploration of knowledge and fatwa decisions based on current

⁵⁴ Chamsi-Pasha and Albar, "Western and Islamic Bioethics"; Javad T. Hashmi, "Medicine and Shariah: A Dialogue in Islamic Bioethics, Edited by Aasim I. Padela," in *Journal of Islamic Ethics*, 2021, p. 8. ; Hudha, "Kajian Pengetahuan Bioetika Dan Kemampuan Pengambilan Keputusan Etis Mahasiswa Calon Guru Biologi Pre-Service Biologi Teacher's Cognitive and Decision Making Ethics"; in *Muaygil*, "Beyond Sacredness"; Nahdi and Sulistiyowati, "Bioethics and Islamic Values"; ylenfest, "Bioethics in Islam: Principles, Perspectives, Comparisons," in *Bill of Healt*, 2017.

⁵⁵ Nuraliah Ali, "Urgensi Bioetika Dalam Perkembangan Biologi Modern Menurut Perspektif Islam," p. 22.

socio-cultural developments. A strong relationship between biomedicine, fatwa institutions, and the state, which is actively involved in the discourse on Islamic bioethics, will produce modern Islamic law that is compatible and progressive, both at the theoretical and practical levels.

Modern Islamic law wants to provide values that can progressively frame religious discussions and family life.⁵⁶ In addition, Mattson deplors the traditionalist attitude that pays little attention to sexuality and often opposes sex education programs in the public, so this has a severe impact on the future, which is related to psychological, physical, and public health. This is evidenced by the large number of adolescents who obtain information from peers and their rapid access to pornographic content, so it is not surprising that they are often involved in sexual violence and sexual harassment.⁵⁷ Therefore, unraveling the problems in Islamic bioethics requires the awareness of various parties, both those engaged in religious affairs and those from the ethical field of health expertise. Integrating the two is a way to unravel discrimination in Islamic bioethics.

Conclusions

The discourse given by Ingrid Mattson helps in outlining the problem of discrimination against women regarding sexuality in Islamic bioethics. Ingrid Mattson's discourse on sexuality in Islamic bioethics departs from reading religious texts trapped in a patriarchal culture. At the same time, technological developments, although not dominant in Ingrid Mattson's conversation, have contributed to the emergence of various gender discriminations in Islamic sexuality and bioethics. However, the offer of reading religious texts guided by historical aspects, gender balance, and benefits, as well as the involvement of various parties in other fields of expertise, especially health, is not described rigidly in its methodological aspects. An explanation of the methodological aspects has a role that is no less important in unraveling this problem.

In addition to the aspect of producing religious fatwas, the parties' involvement helps explain this issue. It is at this point that several problems arise. The strong network of power relations in producing religious fatwa on Islamic bioethics often results in unequal fatwa products. The fatwa produced in such a process, which is burdensome to the strength of the controlling power, makes the fatwa follow the interests. However, the discourse given by Ingrid Mattson wants to break down such boundaries. Proposals regarding gender balance, which also consider the textual aspects of religious texts and the involvement of various parties, especially the health sector, can analyze existing problems and produce valuable and fair fatwas for both men and women.

The implications presented in the presence of discourse can provide protection, security, and the rights of women and children, especially issues of lineage and negative stigmatization often present in contemporary society. This research opens space for further research to examine issues of sexuality in Islamic bioethics, which tend to receive less attention. A review of the methodological aspects and the various perspectives presented in the discussion of Islamic sexuality and bioethics is included in the space that also opens further discourse.

⁵⁶ Bagheri and Al-Ali, Islamic Bioethics.

⁵⁷ Bagheri and Al-Ali, Islamic Bioethics.

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