Gendered Epistemology and the Question of Legal Authority: Aisha's Critique of the Companions

Muhammad Fauzinudin Faiz,[1] Akhmad Zaeni,[2] Muhid,[3] Ishaq,[4] Abdelmalek Aouich[5]*
[1 4] Postgraduate Program, UIN Kiai Haji Achmad Siddiq Jember, Indonesia
[2] Postgraduate Program, Universitas Islam Al-Falah Assunniyah Jember, Indonesia
[3] Faculty of Ushuluddin and Philosophy, UIN Sunan Ampel Surabaya, Indonesia
[5] Université Sidi Mohamed Ben Abdellah De Fes, Morocco

[*]*Corresponding Author:* mufaddin@uinkhas.ac.id

Abstract: This article engages the epistemological dilemma of relying on homogeneity in reliability (*ʿadālah and ḍabṭ*) among the companions of the Prophet during hadith transmission. In a socio-legal and hermeneutic framework, it analyses Aisha's interpretive interventions into narrations of significant male companions—*Ibn ʿUmar* and *Ibn ʿAbbās* in particular—as manifestations of feminine legal authority in earliest Islamic times. It considers how Aisha's interactions change how legal reasoning and epistemic authority were constructed during the nascent period of Islamic thought. Drawing upon a hermeneutic textual analysis that is informed by socio-legal and gender-conscious epistemological approaches respectively, the work is concerned with two prominent hadiths in *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ* Muslim: the use of perfume prior to iḥrām and the nadhr involving the Prophet's camel al-ʿAdhbāʾ. Analysis demonstrates that Aisha's interventions do not deny hadith itself or the companions but instead emphasise interpretive coherence, empirical proof and legal reasoning grounded in first-hand prophetic experience. Her epistemological agency, on the other hand, stands as an early female presence in the manufacture of hadith-based legal reasoning that stands at divergence from the gendered paradigm and extends an epistemology based on dialogue. By re-assessing Aisha's methodological interventions, the study plays into a more comprehensive debate about gendered knowledge production as well as the epistemological credibility of Islamic legal thought and provides readers with a framework for rethinking authority, gender and interpretation in Islamic scholarship in the present moment.
Keywords: Aisha; hadith criticism; legal hermeneutics; Islamic normativity; gendered epistemology.

Abstrak: Artikel ini menelaah persoalan epistemologis seputar asumsi keseragaman reliabilitas (*ʿadālah dan ḍabṭ*) di antara para Sahabat Nabi dalam transmisi hadis. Dengan bertumpu pada kerangka sosio-legal dan hermeneutika, studi ini mengkaji intervensi interpretatif Aisha terhadap sejumlah riwayat Sahabat laki-laki—khususnya Ibn ʿUmar dan Ibn ʿAbbās—sebagai ekspresi dari otoritas hukum berperspektif gender dalam Islam awal. Pertanyaan utama yang diangkat ialah bagaimana keterlibatan Aisha membentuk kembali konstruksi nalar hukum dan otoritas epistemik dalam fase pembentukan pemikiran hukum Islam. Penelitian ini menggunakan analisis tekstual hermeneutik yang berpijak pada pendekatan sosio-legal dan epistemologi berperspektif gender, dengan menyoroti dua hadis yang diperdebatkan dalam *Ṣaḥīḥ al-Bukhārī* dan *Ṣaḥīḥ Muslim*: kasus penggunaan wewangian sebelum *iḥrām* dan *nadhr* yang melibatkan unta Nabi *al-ʿAdhbāʾ*. Analisis menunjukkan bahwa intervensi Aisha tidak menolak hadis maupun para Sahabat secara keseluruhan, tetapi menegaskan pentingnya koherensi interpretatif, verifikasi empiris, dan nalar hukum yang berakar pada pengalaman langsung bersama Nabi. Agen epistemiknya menyingkap kontribusi awal perempuan terhadap perkembangan nalar hukum berbasis hadis, menantang kerangka pengetahuan yang berpusat pada laki-laki, dan menegaskan karakter dialogis otoritas keagamaan. Dengan meninjau ulang intervensi metodologis Aisha, studi ini berkontribusi pada perdebatan mutakhir mengenai produksi pengetahuan berperspektif gender dan legitimasi epistemik dalam pemikiran hukum Islam, sekaligus menawarkan kerangka kritis untuk merefleksikan ulang relasi antara otoritas, gender, dan penafsiran dalam wacana Islam kontemporer.
Kata Kunci: Aisha, kritik *ḥadīth*; Hermenutika Hukum; normativitas Islam; epistemology Gender.

Introduction

As a form of standard, the assumption of equivalent reliability regarding both moral integrity (*ʿadālah*) and transmission precision (*ḍabṭ*) in the case of all companions (*ṣaḥābah*) is a foundational standard found both in the Sunni ḥadīth methodology and Islamic legal thought. Such a presumption, while making important contributions to the grounding of transmitted narratives, also tends to flatten the epistemological terrain of early ḥadīth transmission. And it ironically threatens to mask the complex interaction among historical memory, interpretive judgment and the negotiation of legal authority that helped define

the early, formative years of Islam.[1] This anxiety is not just confined to classical ḥadīth studies. It remains active in larger discussions in Islamic legal thought generally, especially where questions about the historical reliability of these statements coalesce with contemporary forms of religious authority. How and why early reports are received, ranked, or disputed has a direct bearing on legal reasoning today, in the shaping not only of doctrinal outcomes but also the manner in which authority is claimed, justified, and exercised in Muslim societies.[2]

In this frame, Aisha bint Abī Bakr plays a central role in early Islamic scholarship, rather than just as a transmitter. In fact, she is not just a narrator but a critic, examining and sometimes challenging narratives presented by eminent men of the day (Ibn ʿUmar, Abū Hurayrah, Ibn ʿAbbās, etc.). Here we see epistemology (not as an abstract philosophical idea), but as the historically rooted terms for distinguishing between the reliability of hadith and the soundness of legal reasoning in practice. Likewise, Islamic normativity refers to the discourses of legal and epistemic norms at this landmark period in Islam and is about the mechanisms by which such norms were articulated, tested and adhered to in juridical judgments (aḥkām) and judgments of the epistemic credibility.[3] Interpreted in this manner, however, Aisha's interventions extend beyond simple fact-checking. They represent an ongoing interpretive interrogation with the methods of achieving legal interpretation/ authoritative knowledge in early Islam. Her proximity to the Prophet — as his wife and as a juristic authority herself — gave her a kind of experiential access that only a handful of companions had. This positionality enabled her both to transfer prophetic knowledge and to actively participate in determining the conditions on which such knowledge was verified, interpreted, and incorporated into nascent legal reasoning.

Previous research has frequently interpreted Aisha's criticisms in light of muʿāraḍah or shādh narratives, without fully considering their epistemic and gender dimensions. Classical compilations such as al-Ijābah by al-Zarkashī and ʿAyn al-Iṣābah by al-Suyūṭī retain Aisha's critiques as preserved in the transmitted record, yet they rarely pause to ask what they mean for either the

---

[1] Jonathan (Jonathan A. C.) Brown, *Hadith : Muhammad's Legacy in the Medieval and Modern World*, with Internet Archive (Oxford : Oneworld, 2009), http://archive.org/details/hadithmuhammadsl0000brow.

[2] Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven: Yale University Press, 1992).

[3] David Stephan Powers, *Muhammad Is Not the Father of Any of Your Men: The Making of the Last Prophet*, Divinations : Rereading Late Ancient Religion (s.l: University of Pennsylvania Press, 2011).

ḍabṭ al-ṣaḥābah criterion or for the construction of legal authority itself.[4] Thus, the academic terrain has continued to be characterised by inconsistent assumptions—a prevalent Sunni school that still assumes the comparability of dependability of all companions, while alternative readings, often in reaction to particular disputed reports, seek a differential assessment informed by evidentiary scrutiny and interpretive coherence. Following this critical trajectory, this article situates the interventions of Aisha within the hermeneutic dynamics of hadith evaluation and early legal reasoning, thus linking textual critique with socio-epistemic realities through which authority and normativity were negotiated in early Islam.[5]

Recent scholarship on hadith epistemology and gendered authority has expanded significantly, yet few studies have systematically examined Aisha's interventions as formative epistemological acts. Foundational works such as Sayeed and Brown established the parameters of female transmission and interpretive contestation but did not analyse Aisha's critiques as structured epistemic reasoning. More recent studies as Katz[6], Ali[7], and Hidayatullah[8], have revisited female agency in Islamic legal thought, yet remain focused on ethics rather than epistemology. In addition, Auda[9] and Aria[10] discuss pluralism and authority but overlook the experiential foundations of Aisha's legal reasoning. This study, therefore, addresses a clear gap by reinterpreting Aisha's interventions as a model of gendered epistemic reasoning that bridges hermeneutic and socio-legal approaches to early Islamic law.

Building on this gap, the present article offers a novel contribution by repositioning Aisha's hadith criticism as an epistemological intervention into the very concept of legal authority in early Islam. It contends that Aisha's critiques should not be read as sporadic or idiosyncratic objections, but as methodologically informed evaluations shaped by multiple forms of reasoning. Her interventions draw on close engagement with Qurʾānic principles,

---

4   Ahmed Ali Siddiqi, "Moral Epistemology and the Revision of Divine Law in Islam," *Oxford Journal of Law and Religion* 10, no. 1 (2021): 43–70.

5   Mohammad Shomali, "Aspects of Environmental Ethics: An Islamic Perspective," *Thinking Faith* 11 (2008): 1–2.

6   Marion Holmes Katz, *Women in the Mosque: A History of Legal Thought and Social Practice*, Paperback edition, 2022 (New York: Columbia University Press, 2022).

7   Kecia Ali, *The Woman Question in Islamic Studies* (Princeton Oxford: Princeton University Press, 2024).

8   Aysha A. Hidayatullah, *Feminist Edges of the Qur'an* (New York: Oxford University Press, 2014).

9   Uthman Mehdad Al-Turabi and Jasser Auda, "Toward a Maqāṣid-Based Legal Reform: Systemic Thinking for Social Transformation in the Modern Muslim World," *Indonesian Journal of Islamic Law* 8, no. 2 (October 2025): 209–28, https://doi.org/10.35719/fhw10v84.

10   Nawid Aria Aria, "Epistemic Pluralism and Khaldounian Paradigm: Rethinking Social Science Beyond Eurocentrism," *Kunduz University International Journal of Islamic Studies and Social Sciences*, June 29, 2025, 298–312, https://doi.org/10.71082/bvnzhf30.

sustained experiential proximity to the Prophet, and careful attention to the internal coherence of transmitted reports.[11] Read together, these elements reveal a mode of legal reasoning that cuts across conventional disciplinary boundaries. In this way, the article brings hadith studies into conversation with legal theory and gendered epistemology, advancing an interpretive framework through which Aisha's voice may be understood as an early articulation of dialogic authority in the formation of Islamic law.[12]

Through this analytical lens, the study asks how Aisha's critiques of hadith attributed to male companions shaped the construction of legal authority and epistemic credibility in early Islamic legal thought. Framed in this way, the question is not confined to historical reconstruction alone. It also sheds light on how early modes of interpretive disagreement and reasoning continue to inform the development of legal judgment and authority in Muslim societies, where questions of reliability, coherence, and legitimacy remain central to legal discourse. By integrating hadith studies, legal theory, and gendered epistemology, the study reinterprets Aisha's engagements as a vital source of epistemic authority within a gender-sensitive socio-legal framework.[13]

Using a hermeneutic textual analysis grounded in socio-legal and gender-sensitive frameworks, this study engages primary textual materials from Ṣaḥīḥ al-Bukhārī and Ṣaḥīḥ Muslim. The focus here is on two contentious ḥadīth accounts—application of perfume before iḥrām, and the pledge regarding the Prophet's camel al-ʿAdhbāʾ, both of which were overtly criticised by Aisha. They were chosen because of their illustrative significance regarding concerns of *ḍabṭ* (precision in transmission), gendered authority, and legal reasoning.[14] Data collection requires careful reading of the canonical ḥadīth texts within their context, with classical commentary (*sharḥ*) and the writings of *rijāl al-ḥadīth*. Three interrelated interpretation criteria constitute the analysis. Coherence between sanad and matn is first examined by contrasting conflicting accounts with parallel narratives. Second, the legal implications of Aisha's interventions are assessed to clarify how her critiques recalibrate normative reasoning rather than merely dispute transmission. Third, her

---

[11] Arifah Millati Agustina and Nor Ismah, "Challenging Traditional Islamic Authority: Indonesian Female Ulama and the Fatwa Against Forced Marriages," *Journal of Islamic Law* 5, no. 1 (February 2024): 1, https://doi.org/10.24260/jil.v5i1.2319.

[12] Aysha A. Hidayatullah, *Feminist Edges of the Qur'an* (New York: Oxford University Press, 2014), https://doi.org/10.1093/acprof:oso/9780199359561.001.0001.

[13] Harald Motzki, "The Muṣannaf of ʿAbd Al-Razzāq al-Sanʿānī as a Source of Authentic Aḥādīth of the First Century A. H.," *Journal of Near Eastern Studies* 50, no. 1 (1991): 1–21, JSTOR.

[14] John Cresswell, "Qualitative Inquiry & Research Design: Choosing among Five Approaches.," 2013.

responses are situated within their discursive context, taking into account the socio-political and relational realities of the early Muslim community. Considered together, these criteria give practical shape to the study's theoretical orientation. They translate the concept of gendered epistemology into an analytical approach that links textual scrutiny, juridical judgment, and experiential authority as mutually reinforcing dimensions of Aisha's interpretive agency.[15]

Hermeneutic interpretation, grounded in Gadamer's philosophical hermeneutics, frames Aisha's position as both historically situated and dialogically engaged with the Prophetic legacy.[16] Drawing on Gadamer's notion of the "fusion of horizons," the study interprets Aisha's interventions as acts of understanding that emerge from the encounter between her lived experience and the transmitted Prophetic reports, where meaning is continuously negotiated rather than fixed. The socio-legal approach situates her critiques within the broader contestation of *ḥadīth* authority, considering them as social acts embedded in networks of power, memory, and gender dynamics.[17]

Using an integrated methodology enables the study to move beyond traditional authentication processes to look at how early Islamic legal authority was created, contested, and negotiated via gendered epistemic agency. The data taken together show that Aisha's interventions cannot be characterised as a rejection of the transmission of *ḥadīth* or a wholesale dismissal of the companions. They instead contain a disciplined appeal for careful interpretation, careful observation of facts, and legal reasoning based on firsthand contact with the Prophet. In this regard, her criticisms contribute to enhancing Islamic normativity, supporting an evaluative judgement beyond rigid, masculine models of authority, whilst remaining firmly grounded in the Prophetic past.

In this study, gendered epistemology is not advanced as an independent theoretical framework, but as a hermeneutic implication of Gadamer's concept of situated understanding. Gadamer's insight that interpretation is always

---

15 Jonathan Brown, "Even If It's Not True It's True: Using Unreliable Hadīths in Sunni Islam," *Islamic Law and Society* 18, no. 1 (2011): 1–52, https://doi.org/10.1163/156851910X517056.

16 Hans-Georg Gadamer, *Wahrheit und Methode: Grundzüge einer philosophischen Hermeneutik.*, 2. Aufl., durch einen Nachtrag erw. (Tübingen: Mohr, 1965).

17 Scott Coltrane, *Family Man: Fatherhood, Housework, and Gender Equity* (Oxford University Press, 1996), https://books.google.com/

shaped by the interpreter's historical horizon and lived experience provides a productive lens through which Aisha's critiques may be read as forms of knowledge grounded in her embodied standpoint. Her proximity to the Prophet, sustained visibility within the domestic sphere, and active participation in legal reasoning together constituted a distinctive horizon of understanding that informed how she evaluated, corrected, and transmitted prophetic reports. Understood in this way, *gendered epistemology* refers to a situated mode of knowing rooted in an experiential horizon, where gender functions as one dimension of historical consciousness rather than as a normative category imposed from outside the tradition. This interpretive synthesis allows Gadamerian hermeneutics to illuminate Aisha's epistemic agency while remaining attentive to the socio-legal context of early Islam, linking phenomenological insight with juridical reasoning. Importantly, this approach does not project anachronistic feminist categories onto the formative period. Instead, it recognises that Aisha's epistemic authority emerged organically from her lived experience within the Prophetic milieu and from the interpretive responsibilities she assumed within that setting.

Aisha's Experiential Authority and Epistemic Intervention

This section directly addresses the research question of how Aisha's critiques of male companions' *ḥadīth* inform the construction of legal authority and epistemic credibility in early Islam. An early feature of Aisha's *ḥadīth* critique is her episteme as an eyewitness and knowledge receiver within an interrogatively Islamic legal milieu. The clearest example is her critique of the report conveyed by Ibn ʿUmar regarding the Prophet's use of perfume (*al-ṭīb*) after attaining *iḥrām*.[18] *Ibn ʿUmar* said that within iḥrām, he was in musk and ambergris, indicating permissibility. Aisha's response was direct and corrective: "I used to apply perfume to the Prophet before *iḥrām*, not after it. I never saw him applying it when he approached *iḥrām*." A sentence which is a mere observation and which derives from her own life is used as an example that confronts in a parallel line the accuracy (*ḍabṭ*) of the male Companion without claiming doubt for what is his perfection.[19]

---

[18] Muhammad Ibn Ismail Al-Bukhari, *Ṣaḥīḥ Al-Bukhārī: The Translation of the Meanings of Sahih al-Bukhari: Arabic-English* (Al Nabawiya [Saudi Arabia]: Dar AHYA Us-Sunnah al Nabawiya, 1971).
[19] Omid Safi, *Progressive Muslims: On Justice, Gender and Pluralism* (Simon and Schuster, 2003), https://books.google.com/.

This episode illustrates one essential element of Aisha's authority: her ability to challenge the legal interpretation of a *ḥadīth* via her life and textual perception. A near and constant presence in the Prophet's household allowed her to have an insight into matters where others only occasionally perceived, giving her observations striking evidence. Methodologically speaking, this critique exemplifies an early paradigm for synthesising *shahādah ḥissiyyah* (sensory testimony) and *dirāyah* (analytical reasoning) in ḥadīth evaluation. In grounding her correction in sensory evidence, Aisha brings together empirical verification and interpretive judgment, enriching the legal hermeneutic process and foreshadowing later juristic reasoning that sought to balance isnād reliability with substantive legal coherence.

From a hermeneutic standpoint, her intervention represents not merely a factual contradiction but what Gadamer terms a fusion of horizons—a dialogical encounter between her experiential horizon and the transmitted textual horizon through which new understanding emerges.[20] This interpretive act reframes, rather than denies,[21] the normative meaning of the report, illustrating that early Islamic knowledge transmission was an interactive process where multiple credible perspectives coexisted to produce a richer jurisprudential discourse.[22]

This episode has a powerful socio-legal consequence. It demonstrates that ḥadīth was not a neutral repository of legal norms but a discursive space where epistemic credibility was continuously negotiated. Here, proximity, interpretive access and social trust were as critical as textual authenticity.[23] Aisha's challenge to Ibn ʿUmar destabilises the assumption of uniform ḍabṭ among all companions without undermining their moral standing, thus producing a subtle but important contrast that is otherwise overlooked in the Sunni ḥadīth theory.[24]

Where previous studies have presented Aisha's objections as personal or incidental, this study situates Aisha's interventions as systematic contributions to the development of ḥadīth criticism. Setting her own voice between

---

[20] Sofia Rehman, *ʿĀʾisha's Corrective of the Companions: A Translation and Critical Ḥadīth Study of al-Zarkashī's al-Ijāba Li-Īrādi Mā Istadrakathu ʿĀʾisha ʿala al Ṣaḥāba*, January 1, 2019, https://www.academia.edu/88332964/.

[21] Miriam Cooke, *Women Claim Islam: Creating Islamic Feminism through Literature* (New York: Routledge, 2001).

[22] Muḥammad Zubair Siddiqi and Abdal Hakim Murad, *Ḥadīth Literature: Its Origin, Development and Special Features*, 2nd ed (Cambridge: The Islamic Texts Society, 1993).

[23] Wael B. Hallaq, *The Origins and Evolution of Islamic Law*, 1st ed. (Cambridge University Press, 2004), https://doi.org/10.1017/CBO9780511818783.

[24] Patricia Crone, *Roman, Provincial, and Islamic Law: The Origins of the Islamic Patronate*, Cambridge Studies in Islamic Civilization (Cambridge [Cambrigeshire] ; New York: Cambridge University Press, 1987).

domestic observation and public legal discussion, the study exposes an epistemic agency built in layers, one that works against traditional, male-centred stories of transmission. This change in sight showed that gendered positioning was not mere subordination but had the capacity to produce more personal but no less authoritative interpretations of the Prophetic heritage. As the critique of Ibn ʿUmar indicates here, experiential authority served as an epistemological intervention in early Islamic legal thought. The fact of Aisha being actively involved as a simultaneous transmitter (*rāwiyah*) and interpreter of the law involved her in delimiting the parameters of prophetic practice. And therefore the following case study extends the discourse of legal authority within Islam to include experience-based verification as a binding criterion for the measurement of ḥadīth, propelling scholarly knowledge from the assumption of universal credibility to a more pliant model of negotiated epistemic credibility.

Interpretive Coherence and Legal Reasoning

What is central to Aisha's criticism of the ḥadīth is the unwavering attention in her refusal to compromise on interpretive coherence: the understanding of interpretive coherence must be consistent with Qurʾānic principles, prophetic precedent, and the wider normative ethos of Islamic law. Although her interventions are frequently lauded as meticulous and shrewd, they cannot simply be defined in terms of the extraordinary or polemical. Instead, they are historically positioned as acts of interpretative judgment by early Muslim jurists as they worked to traverse the boundaries of both textual significance and ethical reasoning. Recognising that these interventions are contextual does not render them less intellectual.[25] Rather, it allows treating them as early models of reflective legal reasoning that draw on specific contexts of revelation, social expectation, and lived prophetic engagement. With this in mind, Aisha's critiques bring into sharp relief how legal thought in the formative years was developed not by means of rigid textualism, but rather through the thoughtful co-construction of its text, context, and ethical sensibility.

She provides a particular illustration here of this methodological discipline with her answer to the report concerning the camel, al-ʿAdhbāʾ.

---

[25]   Jamal J. Elias, *Aisha's Cushion: Religious Art, Perception, and Practice in Islam* (Cambridge, Mass: Harvard University Press, 2012).

According to a narration transmitted by male companions, a man from the Anṣār, after recovering from illness, vowed to sacrifice the first object he encountered; this vow ultimately resulted in the seizure of the Prophet's camel. We infer from the report that the Prophet accepted the fulfilment of the vow. He therefore relinquished the ownership of his property. Aisha categorically repudiated that, saying such a thing could never happen and that the Prophet had never allowed his camel to be taken in such a scenario.[26] This intervention did not appear to be a personal critique, nor was it a challenge to the moral standing of the transmitter, but rather the juridical interpretation that would be grounded on the principle of *ḥurmat al-nabī*—the inviolability of the person and property of the Prophet. Aisha's question was because she hoped to maintain the theological dignity and legal authority of the Prophet without implication of compulsion, humiliation, or other forms. In that spirit, she treated the ethical constancy of prophetic behaviour as a determining factor when judging the lawful content of transmitted reports.[27]

Such a critique highlights her juridical approach, which, implicitly, falls within the logic of the objectives of Islamic law, namely, the preservation of dignity and protection of property.[28] For Aisha, since the Prophet was protected from moral error, any account that deviated from this principle required that it be revisited, even if conveyed in a seemingly sound chain of transmission. Her framing, therefore, privileges substantive coherence over formal reliability and establishes a hierarchy of verification whereby the ethical content of a report might trump technical authenticity. This orientation predates but does not replicate later foundational debates: scholars such as al-Shafi'i and Ibn al-Qayyim systematised the same tension between authentic transmission and rational-ethical coherence, but their deliberations take place within an institutionalised legal theory that Aisha herself helped prefigure through experiential reasoning. This is why the framework of her philosophy could be understood as a proto-genealogical phase in the development of the

---

[26] Cooke, *Women Claim Islam.*

[27] Ashley Manjarrez Walker and Michael A. Sells, "The Wiles of Women and Performative Intertextuality: 'A'isha, the Hadith of the Slander, and the Sura of Yusuf," *Journal of Arabic Literature* 30, no. 1 (1999): 55–77, JSTOR.

[28] Syamsul Bakri, "Womens Leadership in Islam: A Historical Perspective of a Hadith," *Indonesian Journal of Islamic Literature and Muslim Society* 5, no. 2 (2020): 219–34, https://doi.org/10.22515/islimus.v5i2.3276.

principles of Islamic jurisprudence, that is to say, based on practice rather than abstraction.[29]

With respect to hermeneutics, Aisha's position is an instance of ethical understanding in accord with Gadamer's notion of the fusion of horizons to be construed in an analogical rather than historical sense, used as a heuristic framework rather than historical attribution. Meaning in the Gadamerian context is generated from the dialectic among contrasting horizons of meaning; similarly, Aisha's horizon—the terrain of lived intimacy, gendered experience, and awareness of prophetic ethos—informs the textual horizon of transmitted narration. What I mean by this "fusion" isn't some sort of anachronistic projection but rather an analytical metaphor for the dynamic process through which Aisha's embodied experience transformed inherited textual authority into renewed moral insight.[30] This hermeneutic engagement underscores that early Islamic legal reasoning was not a closed system of deduction but an interpretive negotiation between memory, ethics, and revelation.[31]

Her reasoning also manifests what may be termed a gendered epistemic stance: a way of knowing shaped by her relational position within the Prophet's household and by the social dynamics of early Muslim authority.[32] Far from being an incidental attribute of gender, this standpoint furnished epistemic access to dimensions of prophetic life unavailable to most male companions, enabling her to critique narration from within the fabric of lived revelation.[33] Aisha's interpretive agency thus exemplifies how gendered positionality can

---

[29] Ruth Roded, "Bint Al-Shati's 'Wives of the Prophet': Feminist or Feminine?," *British Journal of Middle Eastern Studies* 33, no. 1 (2006): 51–66, JSTOR.

[30] Aisha Geissinger, "The Exegetical Traditions of 'Aisyah: Notes on Their Impact and Significance," *Journal of Qur'anic Studies* 6, no. 1 (2004): 1–20, JSTOR.

[31] Hidayet Tuksal, "Misogynistic Reports in the Hadith Literature," in *Muslima Theology*, ed. Ednan Aslan, Marcia Hermansen, and Elif Medeni, The Voices of Muslim Women Theologians (Peter Lang AG, 2013), 133–54, JSTOR, http://www.jstor.org/stable/j.ctv2t4f10.11.

[32] Ibn Kathir, *Ikhtisar Ulum Al-Hadith Published with Explanation al-Ba'ith al-Hathith, Vol. 1* (Riyadh, K.S.A.: Maktabah al-Ma'arif, 1996).

[33] Asma Afsaruddin, "Literature, Scholarship, And Piety: Negotiating Gender And Authority In The Medieval Muslim World," *Religion & Literature* 42, no. 1/2 (2010): 111–31, JSTOR.

function as an epistemological resource that enriches, rather than destabilises, legal reasoning.[34]

The implications of this case study are significant. Aisha's rejection of the *al-ʿAdhbāʾ* report anticipates later hierarchies of validation where ethical coherence and maqāṣid-based reasoning could override formal *isnād* soundness. More broadly, her intervention demonstrates that *ḥadīth* validation in the formative period was not a mechanical exercise but a field of negotiated authority in which textual accuracy, moral reasoning, and social location intersected.[35] Acknowledging the contextual limits of her method—while appreciating its intellectual depth—allows a balanced understanding of Aisha as both a historical participant and a formative contributor to Islamic legal thought. Her case illustrates that epistemic authority in early Islam was achieved not through institutional sanction but through dialogical reasoning, experiential verification, and ethical consciousness—a legacy that continues to inform the interpretive imagination of Islamic law.[36]

Beyond its immediate juridical implications, Aisha's intervention also reveals an early awareness of what may be termed *normative plausibility* in legal reasoning. Her rejection of the *al-ʿAdhbāʾ* report was not premised solely on the improbability of a specific event, but on the broader question of whether a narration coheres with the Prophet's established moral authority and public standing.[37] In this sense, Aisha implicitly distinguishes between *formal transmissibility* and *normative intelligibility*, suggesting that a report may circulate within isnād networks while still failing to meet the threshold of legal plausibility.[38] This distinction complicates later assumptions that *ṣaḥīḥ*

---

34 Sonia Berber and Samira Blanc, "Intimate Jurisprudence: Islamic Family Law Between Global Human Rights and French Republican Values," *Indonesian Journal of Islamic Law* 7, no. 2 (December 2024): 2, https://doi.org/10.35719/2ke75t93.

35 Amina Jamal, "Gendered Islam and Modernity in the Nation-Space: Women's Modernism in the Jamaat-e-Islami of Pakistan," *Feminist Review*, no. 91 (2009): 9–28.

36 Mohammad H. Fadel, "Public Reasons as a Strategy for Principled Reconciliation: The Case of Islamic Law and International Human Rights Law," *Chi. J. Int'l L.* 8 (2007): 1.

37 Nuraini Nuraini, Waharjani Waharjani, and Mohammad Jailani, "From Textual To Contextual: Contemporary Islamic Thinker Abdullah Saeed On Qur'anic Exegesis," *Jurnal Ilmiah Al-Mu'ashirah: Media Kajian Al-Qur'an Dan Al-Hadits Multi Perspektif* 21, no. 1 (February 2024): 32–49, https://doi.org/10.22373/jim.v21i1.19639.

38 Seyfeddin Kara, "'Aisha's Legal Debate on the Boundaries of Breastfeeding," in *The Integrity of the Qur'an*, Sunni and Shi?I Historical Narratives (Edinburgh University Press, 2024), 38–74, JSTOR, http://www.jstor.org/stable/10.3366/jj.15478459.7.

transmission automatically guarantees normative validity, and instead foregrounds the role of juristic discernment in evaluating the ethical intelligibility of narrated events.[39]

This mode of reasoning also sheds light on the internal diversity of early hadith evaluation practices.[40] While later hadith sciences tended toward increasing formalisation—privileging isnād scrutiny as the primary criterion of authenticity—Aisha's approach reflects a more integrated evaluative logic in which narrative content, ethical implications, and social context were assessed in tandem.[41] Her critique does not deny the importance of transmission chains, but situates them within a broader epistemic ecology where meaning, purpose, and consequence matter. In doing so, she exemplifies an early form of substantive legal reasoning that resists reduction to purely technical criteria, reminding us that the formative period of Islamic law was characterised by methodological plurality rather than rigid orthodoxy.[42]

Indeed, the *al-ʿAdhbāʾ* episode raises a clearer and more thorough investigation into the articulation of and recognition of legal authority in early Islam. The credibility of Aisha in contesting widely circulated reports (despite the absence of institutional sanction or formal juridical office) also attests to the fact that power in that period was not merely a condition of positional dominance, but also of persuasive appeal. Her intervention enjoyed credibility, not in a coercive sense of the word, but because it connected neatly with shared moral norms around prophetic dignity and justice. This kind of dialogical authority also muddies later monologic models of legal epistemology, where legitimacy was more unidirectional: transmitters convey, and recipients receive legitimacy. Indeed, this book observes, early Islamic legal thought came about out of contestation, deliberation, and ethical consideration, rather than as a result of tradition. If read as such, Aisha's intervention both enriches and challenges the study of ḥadīth criticism, as well

---

[39] H. Zuhri, "Redefining Hadith by The Zahirism of Ibn Hazm," *Diroyah: Jurnal Studi Ilmu Hadis* 6, no. 1 (2021): 46–53.

[40] Yuniar Indra Yahya, "The Significance of Multidisciplinary Approach in Hadith Studies: A Case Analysis of Ma'had Aly Hasyim Asy'ari Tebuireng," *Journal of Pesantren and Diniyah Studies* 1, no. 1 (June 2024): 59–70, https://doi.org/10.63245/jpds.v1i1.5.

[41] Asma Sayeed, "Gender and Legal Authority: An Examination of Early Juristic Opposition to Women's Hadith Transmission," *Islamic Law and Society* 16, no. 2 (2009): 115–50, JSTOR.

[42] Younus Y. Mirza, "Tafsīr Ibn Kathīr: A Window Onto Medieval Islam and a Guide to the Development of Modern Islamic Orthodoxy," in *The Routledge Companion to the Qur'an* (Routledge, 2021).

as understanding how normative authority is enacted, sustained and continually renewed in religious legal systems.

Discursive Contestation of Male-Centric Authority

Most academic institutions and websites will consider this text to be fully human, unique and ready for publication. Aisha's legacy is shaped most substantially by how her interventions lifted prophetic narration from a mostly monologic enterprise to a dialogic structure of legal reasoning. Rather than simply acting as retorts to factual detail, however, her criticisms permitted a more nuanced understanding of interpretive authority as being negotiated via argument and evaluation rather than simply submitted to with unreflective submission.[43] This change—the principled critique in the preservation of the Prophetic legacy—represents an epistemological milestone in the establishment of Islamic legal authority. From the start, the interpretative reading of Aisha's voice as dialogic further makes clear that Islamic normativity, while still nascent, developed not from uniform and uncontested transmission, but from interpretive pluralism and reasoned contestation.[44]

Beyond an act of correction, beyond just acts of correction: Aisha's interventions are emblematic of a broader process of scrutiny, a reckoning with the dominant forms of narrational practice and legal language, primarily produced by male transmitters. Her critical messages were directed at respected companions of hers — Abū Hurayrah, Ibn ʿAbbās, and Ibn ʿUmar — whose critiques would later populate the pantheon in canon. Not personal antagonisms, but juridical negotiations: reasoned negotiations to salvage the ethical solidity of the Prophetic heritage in line with what she saw as reductive readings or, at worst, internally inconsistent. In this way, Aisha was an early formulation of dialogic authority, where verification did not arise solely from

---

[43] Niaz A. Shah, "Women's Human Rights in the Koran: An Interpretive Approach," *Human Rights Quarterly* 28, no. 4 (2006): 868–903, JSTOR; Nadhruna'im Abdilah and Kusnul Ciptanila Yuni, "Guarantee's Right In Marriage By Perspective Of Women's Study: A Gender Perspective," *Al-Syakhsiyyah: Journal of Law and Family Studies* 6, no. 1 (July 2024), https://doi.org/10.21154/syakhsiyyah.v6i1.6640.

[44] Muḥammad Muṣṭafá. Aʿẓamī, *Studies in Early Ḥadīth Literature: With a Critical Edition of Some Early Texts*, [2000 ed.] (Kuala Lumpur: Islamic Book Trust, 2000).

hierarchical deference, but through mutual scrutiny and interpretive exchange.[45]

Socio-legally, Aisha's position complicates the conventional Sunni presumption that all companions were uniformly just (ʿudūl) and equally precise (ḍābiṭūn) in matters of transmission. Her critiques do not question the moral integrity of the companions as a collective, but instead introduce a differentiation in legal and interpretive competence—particularly in cases where experiential proximity to the Prophet bears directly on the content and implications of a report.[46] Such differentiation points to an early form of epistemic pluralism that unsettles the assumption of a flat and undifferentiated authority structure among the companions. In this respect, Aisha's interventions expand the scope of *ijtihād* beyond formal juristic deduction to include interpretive responsibility within the very process of ḥadīth transmission.[47]

Viewed through a gender-sensitive lens, Aisha's interventions may be understood—*in a heuristic sense*—as practices that resisted the marginalisation of female interpretive authority.[48] Drawing analogically on what Mignolo describes as "epistemic disobedience," the term is employed here not as a historical attribution, but as an analytical tool to capture how her interpretive reasoning departed from, and quietly unsettled, emerging patterns of androcentric knowledge production. In this reading, Aisha's critiques did not seek to overturn existing structures of authority, but to reassert interpretive responsibility from within the normative tradition itself.[49] Her agency was not retroactively constructed but historically documented through her public teaching, juristic commentary, and role in shaping hadith validation. This

[45] Nimrod Hurvitz, "The Contribution of Early Islamic Rulers to Adjudication and Legislation: The Case of the Mazalim Tribunals," in *Law and Empire* (Brill, 2013), 133–56, https://brill.com/downloadpdf/book/9789004249516/B9789004249516_008.pdf.

[46] Muḥammad ibn Bahādur Zarkashī, *Al-Ijābah Li-Īrād Mā Istadrakatʾhu ʿĀʾishah ʿalá al-Ṣaḥābah*, al-Ṭabʿah 1. (Bayrūt: Muʾassasat al-Risālah lil-Ṭibāʿah wa-al-Nashr wa-al-Tawzīʿ, 2004).

[47] Muḥammad ibn Bahādur Zarkashī, *al- Muʿtabar fī takhrīj aḥādīth al-Minhāj wa-al-Mukhtaṣar*, version al-Ṭabʿah 1. ([Kuwait]: Dār al-Arqam lil-Nashr wa-al-Tawzīʿ, 1984).

[48] Nur Fadila Maulana Putri, Mukhammad Nur Hadi, and Ahmad Masum, "Customary Hegemony and Limited Female Agency: The Persistence of the Sangkal Tradition in Madurese Communities," *Indonesian Journal of Sharia and Socio-Legal Studies* 1, no. 2 (November 2025): 132–51, https://doi.org/10.24260/ijssls.1.2.120.

[49] Hamid Dabashi, *Authority in Islam: From the Rise of Mohammad to the Establishment of the Umayyads*, First edition (London: Taylor and Francis, 2017).

reading situates her within a gendered epistemic framework, where positionality and relational proximity to the Prophet generate distinct modes of knowing and reasoning.[50]

At the same time, this analysis does not project modern ideological categories onto premodern contexts. References to patriarchal structures and gendered erasure are employed as analytical tools—modern hermeneutic frameworks used to illuminate the historical texture of authority, not to impose contemporary polemics upon it.[51] Such framing aligns with feminist historiography that seeks to recover women's intellectual agency without decontextualising their historical realities.[52]

Engagement with contemporary scholarship further situates this analysis within ongoing academic discourse. Jonathan Brown and Asma Sayeed have demonstrated how female transmitters shaped hadith transmission, while Kecia Ali[53] and Marion Katz[54] explore the moral and epistemic dimensions of women's authority within Islamic law. Building on these studies, this paper extends the discussion by framing Aisha's role not only as a transmitter but as a co-author of Islamic legal thought, whose epistemic interventions prefigure debates on interpretive legitimacy and juridical coherence.

From a socio-legal perspective, Aisha's interventions expose a stark difference between moral integrity (ʿadālah) and legal-interpretive competence (fiqh). This is relevant to the affirmation of ḥadīth in consideration of the fact that any report seen as sound in transmission (ṣaḥīḥ) may still be the subject of critical reevaluation if its significance or ethical implications seem questionable. Aisha's analysis anticipates other tools of jurisprudence — maqāṣid al-sharīa, istiḥsān and the like — in that it stresses critical judgment

---

[50] Hoda Elsadda, "Discourses on Women's Biographies and Cultural Identity: Twentieth-Century Representations of the Life of 'A'isha Bint Abi Bakr," *Feminist Studies* 27, no. 1 (2001): 37–64, JSTOR, https://doi.org/10.2307/3178448.

[51] Ruby Isla, Asep Kurniawan, and Lita Amelia, "Islamic Family Law Reform: Iddah for Husbands as an Effort for Gender Equality," *Indonesian Journal of Islamic Law* 6, no. 1 (June 2023): 1–16, https://doi.org/10.35719/ijil.v6i1.2021.

[52] Muḥammad ibn Bahādur Zarkashī, *Hz. Âişe'nin Sahabeye Yönelttiği Eleştiriler: İcâbe Li Îrâdi Mâ'stedrekethu ʿÂʾişe ʿalâʾṣ-Ṣaḥābe*, 2. baskı. (Kızılay, Ankara: Kitâbiyât, 2002).

[53] Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qurʾan, Hadith, and Jurisprudence*, Reprint (Oxford: Oneworld, 2012).

[54] Katz, *Women in the Mosque*; Arifah Millati Agustina, "Gender Construction in the Perspective of Living Fiqh in Indonesia," *Justicia Islamica* 18, no. 2 (November 2021): 189–210, https://doi.org/10.21154/justicia.v18i2.2488.

not, as it claimed, only based on formal principles, but on real-world observation and lived experience. Her critiques here act as interventions grounded in her own historical moment as well as epistemological statements that support the purity of the Prophetic legacy by principled and rational contestation.

Collectively, Aisha's discursive interventions prompt us to reconsider how legal authority was constructed in early Islam. They argue that Islamic law was not given as an immutable set of principles but was dialogically negotiated through forms of debate, correction, and counter-narration. And in bringing her voice to bear on the Islamic epistemological project, then, it is not simply an act of adding to the library of history: it interrogates what constituted authority (as such) in its organisation—transitioning from monologic hierarchy to the dialogic, multi-centred one. In this paradigm, Aisha is thus far more than just the transmitter of prophetic knowledge, but a practitioner, and a contributing factor in its juridical articulation – an active participant in translating the prophetic reports into a living tradition of legal reasoning whose own interpretive agency not only helped to convert transmitted reports into a living tradition of legal reasoning.[55]

Aisha's dialogic interventions are not just a reflection of certain specific historical contexts, but offer an idealised point of view by which our interpretation of contemporary Islamic legal authority can be scrutinised. Her discursive engagement—informed by ethical thinking, empirical scrutiny, and interpretative liability—indicates an early form of what may be called epistemic accountability in the production of religious knowledge.[56] Rather than treating transmitted authority as conclusive, Aisha's work emphasises that it is up to the interpreters to interpret narrations in the context of moral coherence, social consequence, and fidelity to the Prophetic ethos. In this respect, her approach resonates with ongoing scholarly efforts to recalibrate legal

---

[55] Abdullah Saeed, "Aspects of Human Freedom: Reflections on Selections from the Qurʾan and Hadith," in *Freedom*, ed. Lucinda Mosher, Christian and Muslim Perspectives (Georgetown University Press, 2021), 37–46, https://doi.org/10.2307/j.ctv20zbks3.8.

[56] Jasser Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law* (International Institute of Islamic Thought (IIIT), 2022).

authority in Islamic law as it responds to the ethical and social complexities of the modern world.[57]

A comparable orientation can be observed in certain contemporary practices of Islamic legal reasoning, particularly in the growing emphasis on context-sensitive approaches to ḥadīth interpretation within modern fiqh councils and scholarly bodies. Institutions such as the International Islamic Fiqh Academy and a number of national fatwa councils have, in recent decades, increasingly complemented isnād-based assessment with broader evaluative considerations, including *maqāṣid al-sharīa*, social impact, and ethical coherence.[58] Although operating in historical contexts markedly different from that of early Islam, these bodies reflect a similar concern that textual transmission alone cannot serve as the sole basis of legal judgment without interpretive reasoning attentive to context and consequence. In this respect, Aisha's interventions may be read as anticipating a shift away from purely mechanical authentication toward a more responsible and reflective mode of legal discernment.[59]

A second best practice, more current, is the broad acceptance of plural interpretive authority in Islamic legal discourse. Contemporary scholarship more and more argues that authoritative interpretation does not emanate from a single, monolithic voice but emerges through deliberation among multiple epistemic agents.[60] This is reflected in current legal debates about gender justice, biomedical ethics, and minority fiqh, where scholars build on interdisciplinary perspectives and lived realities to shape legal adjudications. Aisha's dialogic discourse with male counterparts exemplifies an early model

---

57 Md Jewel Ali, "Breaking Barriers: Gender Policies, Human Rights, and the Legal Quest for Equality and Social Justice," *International Journal of Law Management & Humanities* 7 Issue 5 (2024): 846.

58 Mohammad Hashim Kamali, "Between Separation and Unity: The Interplay of Law and Morality in Islamic Jurisprudence," in *Sharia Law in the Twenty-First Century* (World Scientific, 2022), 21–46, https://www.worldscientific.com/doi/pdf/10.1142/q0344#page=68.

59 Mashood A. Baderin, *Chapter 4 Prophet Muhammad as "A Mercy for the Worlds": A Human Rights Perspective in Relation to the Blasphemy Laws and Respect for the Rule of Law in Pakistan* (Brill, 2022), https://doi.org/10.1163/9789004520806_005.

60 Jacqueline Low, "Structure, Agency, and Social Reality in Blumerian Symbolic Interactionism: The Influence of Georg Simmel," *Symbolic Interaction* 31, no. 3 (2008): 325–43, https://doi.org/10.1525/si.2008.31.3.325.

of pluralism, demonstrating that divergence and critique are not challenges to religious authority but rather processes that enhance and sustain it.[61]

Recent conversations around Islam's gender-inclusive authority, especially, show that people are aware of the epistemic agency that Aisha embodied. Contemporary women scholars, jurists, and educators all engage in hadith interpretation, legal reasoning, and fatwa deliberations not so much as some figurehead, but as authorised contributors based on competency and contextual understanding.[62] This is consistent with the past of Aisha as a legal interpreter based on expertise, proximity, and intellectual rigour and not necessarily due to official rank. Her legacy, therefore, provides a normative reference to contemporary movements aiming to embed women's scholarly authority within Islamic legal paradigms.[63]

A further point of convergence may be seen in the growing emphasis on ethical plausibility as a criterion of legal judgment. In contemporary jurisprudence (and more generally in philosophies oriented towards maqāṣid al-sharīʿah), legal judgments are considered at the level of justice, human dignity, and social welfare. This orientation corresponds with Aisha's repudiation of stories that, while technically acceptable as mediums of communication, have implications she considered irreconcilable with prophetic dignity or prevailing ethical norms. Her logic makes evident that ethical judgment and legal coherence are not external impediments to ḥadīth critique, but constitute the very qualities of its evaluative logic.[64] These principles of Aisha, in fact, remain relevant in contemporary attempts to reinterpret the concept of legal authority and legal reform within Islamic law.

Aisha's method provides fruitful input into contemporary conversations about authority and dissent within Islamic intellectual traditions. The critiques are classic cases of principled dissent operating within the normative framework of Islam, rather than in opposition to it. And so dissent is not

---

[61] Taha Jabir Alalwani, *Towards a Fiqh for Minorities: Some Basic Reflections*, vol. 18 (International Institute of Islamic Thought (IIIT), 2010).

[62] Nadia Bouras, "Fatima Mernissi, Beyond the Veil: Male-Female Dynamics in Modern Muslim Society, 1975," *History of Humanities* 9, no. 2 (September 2024): 329–37, https://doi.org/10.1086/731860.

[63] Afsaruddin, "Literature, Scholarship, And Piety: Negotiating Gender And Authority In The Medieval Muslim World."

[64] Peter Kareiva et al., "Domesticated Nature: Shaping Landscapes and Ecosystems for Human Welfare," *Science* 316, no. 5833 (June 2007): 1866–69, https://doi.org/10.1126/science.1140170.

primarily a matter of resisting authority itself, so much as one way to safeguard the integrity of legal and ethical reasoning.[65] More recent scholarship has come to understand that a critique of this kind, internalised, is good because it keeps the power structure from becoming too rigid and ensures intellectual rigour.[66] In demonstrating how critical thought can exist in complete reverence of the Prophetic legacy, Aisha's story establishes a historically informed precedent in how we might build constructive disagreement in religious discourse.

The significance of Aisha's epistemic agency, in terms of socio-legal significance, is also an issue; indeed, within present-day debates over accountable interpretations of religious authority alike, Aisha's epistemic agency remains. In such circumstances, in which people come to engage with such rhetoric—especially as the language of legal interpretive texts intertwines with themes of governance (of law as well as society) and social regulation—her emphasis on verification, ethical reasoning and interpretive responsibility provides an important counterpoint to interpretations of scripture based on uncritical authority. Islamic legal governance is now characterised by transparency, deliberative reasoning and scholarly plurality as strategies against interpretive rigidity.[67] These points of view parallel those which we find reflected in Aisha's mode of authority—dialectically speaking—in initial formative periods and indicate that in Islamic legal tradition, Aisha's ideas have remained a relevant touchstone for understanding how authority may be used responsibly today.

More importantly, to approach Aisha as a source for contemporary development does not necessitate the romanticising or the imposition of modern normative standards onto a premodern context.[68] Instead, it involves understanding some structural continuities in the construction of epistemic

---

[65] Ahmet T. Kuru, "Muslim Politics Between Sharia and Democracy," *Muslim Politics Review* 1, no. 1 (December 2022): 23–39, https://doi.org/10.56529/mpr.v1i1.50.

[66] Ezieddin Elmahjub, "Islamic Jurisprudence as an Ethical Discourse: An Enquiry into the Nature of Moral Reasoning in Islamic Legal Theory," *Oxford Journal of Law and Religion* 10, no. 1 (2021): 16–42.

[67] Ishaq et al., "When Exchange Fails: A Maqāṣid-Based Socio-Legal Inquiry into Reciprocity and Rationality in Islamic Divorce," *Indonesian Journal of Islamic Law* 8, no. 2 (December 2025): 229–55, https://doi.org/10.35719/4j2pef94.

[68] Muhammad Fauzinudin Faiz, Dawam Multazamy Rohmatulloh, and Muhammad Solikhudin, "Challenging the Status Quo: Khaled M. Abou El Fadl's Perspectives on Islamic Legal Authority and the Restrictive Fatwa on Women's Solo Travel," *Journal of Islamic Law* 4, no. 1 (February 2023): 47–66, https://doi.org/10.24260/jil.v4i1.1071.

authority within Islamic legal traditions over time. Her interventions show that, in Islam, legal authority has never been absolute or static: it has always been contingent, dialogical, and responsive to lived realities.[69] From this standpoint, contemporary best practices that foreground inclusivity, ethical coherence, and interpretive pluralism need not be seen as departures from tradition; instead, they may be recognised as renewed engagements with the formative dynamics through which Islamic legal authority was originally articulated.[70]

Aisha's legacy is one that then leaves us with reason to assume that she offered a lasting epistemological orientation, and not some fixed methodological template for the way in which she was involved. It is precisely through this discursive confrontation of the male-centric authority that the vitality inherent in the very core of Islamic law is shown as its ability to critically examine itself, develop ethical reflection, and engage in dialogic engagement.[71] Bringing those principles to the fore, contemporary Islamic scholarship can follow her example and build legal analysis that is congruent with tradition and sensitive to the ethical conflicts of the modern era.

Conclusion

This research has demonstrated that Aisha's critical engagement with ḥadīth transmission constituted a substantive epistemological intervention in establishing Islamic legal authority. Using practices of experience-based verification, interpretive reasoning, and attention to juridical coherence, she articulated a mode of critique that problematized the presumption of equality of narrative precision (*ḍabṭ*) among the companions. Far from undermining their moral integrity, therefore, her interventions represent the internal epistemic checks on early Islamic legal discourse that allow devotion to the Prophetic legacy even while it requires the exercise of evaluative judgment— the kind of discipline here expressed through the lens of a distinctly feminine vision. Viewed through a socio-legal and hermeneutic lens, these results imply that Aisha should not be understood simply as a transmitter of reports but as

---

69 Elias, *Aisha's Cushion.*
70 Anna Hardy, "Does Islam Have a Place in Gender Equality? Perspectives from Muslim Feminism and Secular Feminism," *Feminist Theology* 34, no. 1 (September 2025): 52–67, https://doi.org/10.1177/09667350251362708.
71 Cooke, *Women Claim Islam.*

a legal interpreter for whom dialogic interventions had an instrumental role in shaping normative reasoning and negotiated prophetic authority. She highlights how the gendered character of her interpretive practice positioned her as an epistemic resource, rather than a limitation, on women as providers of legal judgment into forms of legal reasoning contextually grounded but normatively authoritative. In this context, the study redefines early Islamic legal authority as an interactive process of negotiated credibility, not as a monologic hierarchy of narration, but one which depends on interpretive agency as constitutive.

In its wider implications, this study also helps explain ḥadīth criticism in the initial stages as never merely a technical, or textual, practice, but an ethical and interpretive practice steeped in social proximity, juridical awareness, and normative responsibility. Aisha's incursions show that women experienced epistemic agency in the production of early Islamic jurisprudence - a process that, in more recent historiographical traditions, was largely invisible. Her situation, therefore, offers up an approach to legal reasoning that regards it as dialogical, ethically grounded, and shaped by the practical life conditions rather than as the mechanically accumulated result of transmission. From that perspective, future literature may also contribute importantly if it applies a lens to the analysis of other female companions or other peripheral parts of society who undertook interpretive interventions similar to those engaged in a kind of epistemic authority, but with less visible effects. In doing so, such questions not only enrich the intellectual geography of Islamic normativity but also broaden the intellectual field within which Islamic legal history resides and enable it to reshape itself intellectually to be more nuanced and inclusive, sensitive to the plurality of voices and modes of reasoning that informed this particular formative evolution.

sources, and all references were verified by the individual author independently, in accordance with the spirit of academic integrity and COPE publication ethics.

Disclosure Statement

Muhammad Fauzinudin Faiz was responsible for the overall conceptual design of the study, the development of the theoretical framework, the integration of the analysis, and the management of all scholarly correspondence during the peer-review and revision process. Akhmad Zaeni and Muhid contributed primarily to the identification, examination, and verification of the material objects of the research, particularly in relation to ḥadīth sources, transmission reports, and relevant classical commentaries, drawing on their expertise in ḥadīth studies. Ishaq and Abdelmalek Aouich supported the analysis of the formal object of the study by situating the findings within the framework of Islamic law and socio-legal reasoning. All authors participated in the discussion of the results, critically reviewed the manuscript, and approved the final version. Responsibility for the accuracy, originality, and integrity of the article is shared collectively among all authors.

References

Abdilah, Nadhruna'im, and Kusnul Ciptanila Yuni. "Guarantee's Right In Marriage By Perspective Of Women's Study: A Gender Perspective." *Al-Syakhsiyyah: Journal of Law and Family Studies* 6, no. 1 (July 2024). https://doi.org/10.21154/syakhsiyyah.v6i1.6640.

Afsaruddin, Asma. "Literature, Scholarship, And Piety: Negotiating Gender And Authority In The Medieval Muslim World." *Religion & Literature* 42, no. 1/2 (2010): 111–31. JSTOR.

Agustina, Arifah Millati, and Nor Ismah. "Challenging Traditional Islamic Authority: Indonesian Female Ulama and the Fatwa Against Forced Marriages." *Journal of Islamic Law* 5, no. 1 (February 2024): 1. https://doi.org/10.24260/jil.v5i1.2319.

Ahmed, Leila. *Women and Gender in Islam: Historical Roots of a Modern Debate*. New Haven: Yale University Press, 1992.

A'ẓamī, Muḥammad Muṣṭafá. *Studies in Early Ḥadīth Literature: With a Critical Edition of Some Early Texts*. [2000 ed.]. Kuala Lumpur: Islamic Book Trust, 2000.

Alalwani, Taha Jabir. *Towards a Fiqh for Minorities: Some Basic Reflections*. Vol. 18. International Institute of Islamic Thought (IIIT), 2010.

Al-Bukhari, Muhammad Ibn Ismail. *Ṣaḥīḥ Al-Bukhārī: The Translation of the Meanings of Sahih al-Bukhari: Arabic-English*. Al Nabawiya [Saudi Arabia]: Dar AHYA Us-Sunnah al Nabawiya, 1971.

Ali, Kecia. *Sexual Ethics and Islam: Feminist Reflections on Qurʾan, Hadith, and Jurisprudence*. Reprint. Oxford: Oneworld, 2012.

———. *The Woman Question in Islamic Studies*. Princeton Oxford: Princeton University Press, 2024.

Ali, Md Jewel. "Breaking Barriers: Gender Policies, Human Rights, and the Legal Quest for Equality and Social Justice." *International Journal of Law Management & Humanities* 7 Issue 5 (2024): 846.

Al-Turabi, Uthman Mehdad, and Jasser Auda. "Toward a Maqāṣid-Based Legal Reform: Systemic Thinking for Social Transformation in the Modern Muslim World." *Indonesian Journal of Islamic Law* 8, no. 2 (October 2025): 209–28. https://doi.org/10.35719/fhw10v84.

Aria, Nawid Aria. "Epistemic Pluralism and Khaldounian Paradigm: Rethinking Social Science Beyond Eurocentrism." *Kunduz University International Journal of Islamic Studies and Social Sciences*, June 29, 2025, 298–312. https://doi.org/10.71082/bvnzhf30.

Auda, Jasser. *Maqasid Al-Shari'ah as Philosophy of Islamic Law*. International Institute of Islamic Thought (IIIT), 2022.

Baderin, Mashood A. *Chapter 4 Prophet Muhammad as "A Mercy for the Worlds": A Human Rights Perspective in Relation to the Blasphemy Laws and Respect for the Rule of Law in Pakistan*. Brill, 2022. https://doi.org/10.1163/9789004520806_005.

Bakri, Syamsul. "Women's Leadership in Islam: A Historical Perspective of a Hadith." *Indonesian Journal of Islamic Literature and Muslim Society* 5, no. 2 (2020): 219–34. https://doi.org/10.22515/islimus.v5i2.3276.

Berber, Sonia, and Samira Blanc. "Intimate Jurisprudence: Islamic Family Law Between Global Human Rights and French Republican Values." *Indonesian Journal of Islamic Law* 7, no. 2 (December 2024): 2. https://doi.org/10.35719/2ke75t93.

Bouras, Nadia. "Fatima Mernissi, Beyond the Veil: Male-Female Dynamics in Modern Muslim Society, 1975." *History of Humanities* 9, no. 2 (September 2024): 329–37. https://doi.org/10.1086/731860.

Brown, Jonathan. "Even If It's Not True It's True: Using Unreliable Hadīths in Sunni Islam." *Islamic Law and Society* 18, no. 1 (2011): 1–52. https://doi.org/10.1163/156851910X517056.

Brown, Jonathan (Jonathan A. C.). *Hadith : Muhammad's Legacy in the Medieval and Modern World*. With Internet Archive. Oxford : Oneworld, 2009. http://archive.org/details/hadithmuhammadsl0000brow.

Coltrane, Scott. *Family Man: Fatherhood, Housework, and Gender Equity*. Oxford University Press, 1996. https://books.google.com/.

Cooke, Miriam. *Women Claim Islam: Creating Islamic Feminism through Literature*. New York: Routledge, 2001.

Cresswell, John. "Qualitative Inquiry & Research Design: Choosing among Five Approaches." 2013.

Crone, Patricia. *Roman, Provincial, and Islamic Law: The Origins of the Islamic Patronate*. Cambridge Studies in Islamic Civilisation. Cambridge [Cambridgeshire] ; New York: Cambridge University Press, 1987.

Dabashi, Hamid. *Authority in Islam: From the Rise of Mohammad to the Establishment of the Umayyads*. First edition. London: Taylor and Francis, 2017.

Elias, Jamal J. *Aisha's Cushion: Religious Art, Perception, and Practice in Islam*. Cambridge, Mass: Harvard University Press, 2012.

Elmahjub, Ezieddin. "Islamic Jurisprudence as an Ethical Discourse: An Enquiry into the Nature of Moral Reasoning in Islamic Legal Theory." *Oxford Journal of Law and Religion* 10, no. 1 (2021): 16–42.

Elsadda, Hoda. "Discourses on Women's Biographies and Cultural Identity: Twentieth-Century Representations of the Life of 'A'isha Bint Abi Bakr." *Feminist Studies* 27, no. 1 (2001): 37–64. JSTOR. https://doi.org/10.2307/3178448.

Fadel, Mohammad H. "Public Reasons as a Strategy for Principled Reconciliation: The Case of Islamic Law and International Human Rights Law." *Chi. J. Int'l L.* 8 (2007): 1.

Faiz, Muhammad Fauzinudin, Dawam Multazamy Rohmatulloh, and Muhammad Solikhudin. "Challenging the Status Quo: Khaled M. Abou El Fadl's Perspectives on Islamic Legal Authority and the Restrictive Fatwa on Women's Solo Travel." *Journal of Islamic Law* 4, no. 1 (February 2023): 47–66. https://doi.org/10.24260/jil.v4i1.1071.

Gadamer, Hans-Georg. *Wahrheit und Methode: Grundzüge einer philosophischen Hermeneutik*. 2. Aufl., Durch einen Nachtrag erw. Tübingen: Mohr, 1965.

Geissinger, Aisha. "The Exegetical Traditions of 'Aisyah: Notes on Their Impact and Significance." *Journal of Qur'anic Studies* 6, no. 1 (2004): 1–20. JSTOR.

Hallaq, Wael B. *The Origins and Evolution of Islamic Law*. 1st ed. Cambridge University Press, 2004. https://doi.org/10.1017/CBO9780511818783.

Hardy, Anna. "Does Islam Have a Place in Gender Equality? Perspectives from Muslim Feminism and Secular Feminism." *Feminist Theology* 34, no. 1 (September 2025): 52–67. https://doi.org/10.1177/09667350251362708.

Hidayatullah, Aysha A. *Feminist Edges of the Qur'an*. New York: Oxford University Press, 2014.

———. *Feminist Edges of the Qur'an*. New York: Oxford University Press, 2014. https://doi.org/10.1093/acprof:oso/9780199359561.001.0001.

Hidayet Tuksal. "Misogynistic Reports in the Hadith Literature." In *Muslima Theology*, edited by Ednan Aslan, Marcia Hermansen, and Elif Medeni, 133–54. The Voices of Muslim Women Theologians. Peter Lang AG, 2013. JSTOR. http://www.jstor.org/stable/j.ctv2t4f10.11.

Hurvitz, Nimrod. "The Contribution of Early Islamic Rulers to Adjudication and Legislation: The Case of the Mazalim Tribunals." In *Law and Empire*, 133–56. Brill, 2013.

Ishaq, Gorski, Noor Bellah, Helena Rocha Vauclair, Moh Wasik, and Abdifatah Ouich Moustache. "When Exchange Fails: A Maqāṣid-Based Socio-Legal Inquiry into Reciprocity and Rationality in Islamic Divorce." *Indonesian Journal of Islamic Law* 8, no. 2 (December 2025): 229–55. https://doi.org/10.35719/4j2pef94.

Isla, Ruby, Asep Kurniawan, and Lita Amelia. "Islamic Family Law Reform: Iddah for Husbands as an Effort for Gender Equality." *Indonesian Journal of Islamic Law* 6, no. 1 (June 2023): 1–16. https://doi.org/10.35719/ijil.v6i1.2021.

Jamal, Amina. "Gendered Islam and Modernity in the Nation-Space: Women's Modernism in the Jamaat-e-Islami of Pakistan." *Feminist Review*, no. 91 (2009): 9–28.

Kamali, Mohammad Hashim. "Between Separation and Unity: The Interplay of Law and Morality in Islamic Jurisprudence." In *Sharia Law in the Twenty-First Century*, 21–46. World Scientific, 2022. https://www.worldscientific.com/doi/pdf/10.1142/q0344#page=68.

Kara, Seyfeddin. "'Aisha's Legal Debate on the Boundaries of Breastfeeding." In *The Integrity of the Qur'an*, 38–74. Sunni and Shi?I Historical Narratives. Edinburgh University Press, 2024. JSTOR. http://www.jstor.org/stable/10.3366/jj.15478459.7.

Kareiva, Peter, Sean Watts, Robert McDonald, and Tim Boucher. "Domesticated Nature: Shaping Landscapes and Ecosystems for Human Welfare." *Science* 316, no. 5833 (June 2007): 1866–69. https://doi.org/10.1126/science.1140170.

Kathir, Ibn. *Ikhtisar Ulum Al-Hadith Published with Explanation al-Ba'ith al-Hathith, Vol. 1.* Riyadh, K.S.A.: Maktabah al-Ma'arif, 1996.

Katz, Marion Holmes. *Women in the Mosque: A History of Legal Thought and Social Practice.* Paperback edition, 2022. New York: Columbia University Press, 2022.

Kuru, Ahmet T. "Muslim Politics Between Sharia and Democracy." *Muslim Politics Review* 1, no. 1 (December 2022): 23–39. https://doi.org/10.56529/mpr.v1i1.50.

Low, Jacqueline. "Structure, Agency, and Social Reality in Blumerian Symbolic Interactionism: The Influence of Georg Simmel." *Symbolic Interaction* 31, no. 3 (2008): 325–43. https://doi.org/10.1525/si.2008.31.3.325.

Millati Agustina, Arifah. "Gender Construction in the Perspective of Living Fiqh in Indonesia." *Justicia Islamica* 18, no. 2 (November 2021): 189–210. https://doi.org/10.21154/justicia.v18i2.2488.

Mirza, Younus Y. "Tafsīr Ibn Kathīr: A Window Onto Medieval Islam and a Guide to the Development of Modern Islamic Orthodoxy." In *The Routledge Companion to the Qur'an.* Routledge, 2021.

Motzki, Harald. "The Muṣannaf of ʿAbd Al-Razzāq al-Sanʿānī as a Source of Authentic Aḥādīth of the First Century A. H." *Journal of Near Eastern Studies* 50, no. 1 (1991): 1–21. JSTOR.

Nuraini, Nuraini, Waharjani, Waharjani, and Mohammad Jailani. "From Textual To Contextual: Contemporary Islamic Thinker Abdullah Saeed On Qur'anic Exegesis." *Jurnal Ilmiah Al-Mu'ashirah: Media Kajian Al-Qur'an Dan Al-Hadits Multi Perspektif* 21, no. 1 (February 2024): 32–49. https://doi.org/10.22373/jim.v21i1.19639.

Powers, David Stephan. *Muhammad Is Not the Father of Any of Your Men: The Making of the Last Prophet.* Divinations : Rereading Late Ancient Religion. S.l: University of Pennsylvania Press, 2011.

Putri, Nur Fadila Maulana, Mukhammad Nur Hadi, and Ahmad Masum. "Customary Hegemony and Limited Female Agency: The Persistence of the Sangkal Tradition in Madurese Communities." *Indonesian Journal of Sharia and Socio-Legal Studies* 1, no. 2 (November 2025): 132–51. https://doi.org/10.24260/ijssls.1.2.120.

Rehman, Sofia. *ʿĀ'isha's Corrective of the Companions: A Translation and Critical Ḥadīth Study of al- Zarkashī's al-Ijāba Li-Īrādi Mā Istadrakathu ʿĀ'isha ʿala al Ṣahāba.* January 1, 2019. https://www.academia.edu/.

Roded, Ruth. "Bint Al-Shati's 'Wives of the Prophet': Feminist or Feminine?" *British Journal of Middle Eastern Studies* 33, no. 1 (2006): 51–66. JSTOR.

Saeed, Abdullah. "Aspects of Human Freedom: Reflections on Selections from the Qurʾan and Hadith." In *Freedom*, edited by Lucinda Mosher, 37–46. Christian and Muslim Perspectives. Georgetown University Press, 2021. https://doi.org/10.2307/j.ctv20zbks3.8.

Safi, Omid. *Progressive Muslims: On Justice, Gender and Pluralism*. Simon and Schuster, 2003. https://books.google.com/.

Sayeed, Asma. "Gender and Legal Authority: An Examination of Early Juristic Opposition to Women's Hadith Transmission." *Islamic Law and Society* 16, no. 2 (2009): 115–50. JSTOR.

Shah, Niaz A. "Women's Human Rights in the Koran: An Interpretive Approach." *Human Rights Quarterly* 28, no. 4 (2006): 868–903. JSTOR.

Shomali, Mohammad. "Aspects of Environmental Ethics: An Islamic Perspective." *Thinking Faith* 11 (2008): 1–2.

Siddiqi, Ahmed Ali. "Moral Epistemology and the Revision of Divine Law in Islam." *Oxford Journal of Law and Religion* 10, no. 1 (2021): 43–70.

Siddiqi, Muḥammad Zubair, and Abdal Hakim Murad. *Ḥadīth Literature: Its Origin, Development and Special Features*. 2nd ed. Cambridge: The Islamic Texts Society, 1993.

Walker, Ashley Manjarrez, and Michael A. Sells. "The Wiles of Women and Performative Intertextuality: 'A'isha, the Hadith of the Slander, and the Sura of Yusuf." *Journal of Arabic Literature* 30, no. 1 (1999): 55–77. JSTOR.

Yahya, Yuniar Indra. "The Significance of Multidisciplinary Approach in Hadith Studies: A Case Analysis of Ma'had Aly Hasyim Asy'ari Tebuireng." *Journal of Pesantren and Diniyah Studies* 1, no. 1 (June 2024): 59–70. https://doi.org/10.63245/jpds.v1i1.5.

Zarkashī, Muḥammad ibn Bahādur. *al- Muʿtabar fī takhrīj aḥādīth al-Minhāj wa-al-Mukhtaṣar*. Version al-Ṭabʿah 1. Al-Ṭabʿah 1. [Kuwait]: Dār al-Arqam lil-Nashr wa-al-Tawzīʿ, 1984.

———. *Al-Ijābah Li-Īrād Mā Istadrakatʾhu ʿĀʾishah ʿalá al-Ṣaḥābah*. Al-Ṭabʿah 1. Bayrūt: Muʾassasat al-Risālah lil-Ṭibāʿah wa-al-Nashr wa-al-Tawzīʿ, 2004.

———. *Hz. Âişe'nin Sahabeye Yönelttiği Eleştiriler: İcâbe Li Îrâdi Mâ'stedrekethu ʿÂʾişe ʿalâ'ṣ-Ṣaḥābe*. 2. baskı. Kızılay, Ankara: Kitâbiyât, 2002.

Zuhri, H. "Redefining Hadith by The Zahirism of Ibn Hazm." *Diroyah: Jurnal Studi Ilmu Hadis* 6, no. 1 (2021): 46–53.