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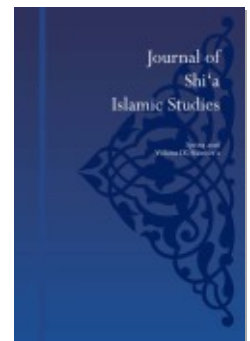
## A Comparative Study of Islamic Feminist and Traditional Shi'i Approaches to Qur'anic Exegesis

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# A Comparative Study of Islamic Feminist and Traditional Shi'i Approaches to Qur'anic Exegesis

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**ABSTRACT:** An in-depth understanding of Islamic feminist exegetical approaches is not possible without examining the ideas of contextualists such as Fazlur Rahman and Nasr Hamid Abu Zayd and how they influenced modern Islamic feminist scholars of the Qur'an. This paper, in its endeavours to first examine feminist hermeneutical approaches to Qur'anic exegesis and to then compare them with traditional Shi'i approaches, begins with an overview of the main concepts of contextualist theory. Then, Islamic feminist interpretations are discussed with particular reference to two fundamental Islamic feminist exegetical methods: the historical contextualisation method and the intratextual method. This is followed by a critique of contextualist theory in general. The paper next turns its focus to textualist theory; here, traditional Shi'a Uṣūlī thought is reviewed. Finally, a comparative analysis of the Islamic feminist and traditional Shi'i approaches is presented within the framework of the 'mega-method'. Throughout the paper, Qur'an 4:34 is used as the common reference point for illustrating how the methods and approaches under consideration are applied by their advocates.

**KEYWORDS:** contextualist; Islamic feminism; Uṣūlī; mega-method; Qur'anic exegesis; feminist hermeneutics

## *Introduction*<sup>1</sup>

The last three decades have seen the publication of a large number of

works in the field of feminist hermeneutics of the Qur'an. In order to clarify what is meant by 'feminism' and 'feminist hermeneutics', I have found it helpful to refer to the definitions presented by two prominent feminist authors on the Qur'an. Ziba Mir-Hosseini's (2012) understanding of the term 'feminism' is particularly noteworthy for its inclusion of the epistemological dimension of feminist ideology:

I understand 'feminism' in the widest sense: it includes a general concern with women's issues, an awareness that women suffer discrimination at work, in the home and in society because of their gender, and action aimed at improving their lives and changing the situation. There is also an epistemological side to feminism; it is a knowledge project, in the sense that it sheds light on how we know what we know about women, family and religious tradition, including laws and practices that take their legitimacy from religion; this knowledge enables us to challenge, from within, the patriarchy that is institutionalized in a legal tradition.

As for the term 'feminist hermeneutics', Sa'diyya Shaikh (1997: 53) draws on the work of Fiorenza (1995) on feminist Biblical interpretation to formulate her definition of the term:

A 'theory, method or perspective for understanding and interpretation' which is sensitive to and critical of sexism. (x)

In this paper, I shall compare and contrast the main methods and approaches used in the exegesis of the Qur'an by leading feminist and traditional Shi'a scholars. By 'traditional' Shi'a scholars, I mean those who have been trained in a Shi'a Islamic seminary (*hawzah*) and who adopt a classical Uṣūlī<sup>2</sup> hermeneutical approach. In order for there to be a more focused common reference point for this comparative study, I shall examine the methods and approaches used by both groups in light of their application to Qur'an 4:34 (Sūrat al-Nisā'). I have chosen this particular verse because of its central position in all discussions on gender relationships in Islam, and because of the diverse interpretations it has been subject to. In the words of Zainah Anwar and Ziba Mir-Hosseini (2012):

It is no exaggeration to say that the entire edifice of family law in Muslim legal tradition is built on the ways in which classical jurists understood this verse and translated it into legal rulings.

### *The contextualist approach*

Contextualists maintain that Qur'anic teachings, especially those that concern ethical, social, or legal matters,<sup>3</sup> are context-specific. They advocate a reinterpretation of Qur'anic injunctions to make them applicable to the present day. Qur'anic rulings are based on certain principles and ideals, such as justice, equality, and public interest, but a ruling which was just, equitable, or in the public interest at the time of Prophet Muḥammad might not be so today.

According to Fazlur Rahman (d.1988), perhaps the most well-known advocate of the contextualist approach, a double movement is required if the Qur'an is to be relevant today: first, Muslim scholars must analyse the Qur'an to establish the ideals of Islam; then, they must present these ideals in a new form that is suitable for the present time:

In building any genuine and viable Islamic set of laws and institutions, there has to be a twofold movement. First one must move from the concrete case treatments of the Quran – taking the necessary and relevant social conditions of that time into account – to the general principles upon which the entire teaching converges. Second, from this general level there must be a movement back to specific legislation, taking into account the necessary and relevant social conditions now obtaining. (1982: 5)

In his book *Reading the Qur'an in the Twenty-First Century: A Contextualist Approach*, Abdullah Saeed asserts that a contextualist approach was employed as early as the first century after the death of Prophet Muḥammad:

Umar b. Khattab (d.23/664), the second caliph, interpreted a range of Qur'anic texts in a manner that could be considered

'contextualist'. Umar understood Qur'anic revelations in terms of their fundamental principles or objectives and, critically, his understanding was highly contextual. (Saeed 2014: 4)<sup>4</sup>

Saeed describes 'context' as a broad concept, which may include the 'linguistic context' – referred to as *siyāq* in Arabic exegetical works – i.e. the way a particular phrase or short text is situated within a larger text. Usually, the linguistic context will be what immediately precedes or follows the text under consideration. Although contextualists consider the linguistic context to be important, they place more emphasis on the 'macro context', i.e. the 'social, political, economic, cultural, and intellectual settings of the Qur'anic text under consideration' (5). Saeed uses the terms 'macro context 1' and 'macro context 2' to further explain the contextualist approach: 'macro context 1' is the setting in which the original Qur'anic text was revealed, whereas 'macro context 2' is the setting of the present period. Both macro contexts must be carefully compared; then, the meaning of the Qur'anic text is translated from macro context 1 to macro context 2 while bearing in mind the context of the intervening periods, or the 'connector context'. The connector context 'demonstrates how successive generations of Muslims have applied the Qur'anic text and its norms to their values' (5).

Like Rahman, Nasr Hamid Abu Zayd (d.2010) was also a strong advocate of the contextualist approach, although Abu Zayd developed his ideas on the view that the Qur'an should be analysed as a historical text. He asserted that even though the Qur'an is the speech of God, it was spoken and written down in a specific historical situation, and, therefore, only on the basis of comprehensive historical knowledge can one interpret the Qur'an correctly. Once the core message, which transcends its historical context, is attained, Muslims can determine what the Qur'an means for them today:

One cannot find the meaning of a religion in the text but in the interaction between the text and the historical process, in the interaction between the believer(s)/the communities with their holy texts. Of course that does not mean that one cannot speak of religion in a normative sense. But this normative sense is historically determined, and is, thus, changeable. It is normative according to the specific milieu paradigm; any

paradigm-change leads to norms-change. (2010)

As was noted earlier, Rahman's views have had a considerable impact on Muslim modernists and authors who adopt a contextualist approach in their work. I shall now focus my attention on one such group of authors, namely Islamic feminist scholars of the Qur'an. Perhaps the most famous of these scholars is Amina Wadud. In her book *Qur'an and Woman* she states:

Thus, I attempt to use the method of Qur'anic interpretation proposed by Fazlur Rahman. He suggests that all Qur'anic passages, revealed as they were in a specific time in history and within certain general and particular circumstances, were given expression relative to those circumstances. However, the message is not limited to the time or those circumstances historically. A reader must understand the implications of the Qur'anic expressions during the time in which they were expressed in order to determine their proper meaning. That meaning gives the intention of the rulings or principles in the particular verse. (Wadud 1999: 3)

Shaikh also acknowledges the influence of Rahman on her thinking:

In terms of intellectual foundations I am strongly influenced by the progressive perspectives of the modernist Islamic scholar Fazlur Rahman (d.1988). (1997: 53)

### *Feminist approaches*

In *Feminist Edges of the Qur'an* (2014), Aysha Hidayatullah describes three methods used by feminists: (1) the historical contextualisation method; (2) the intratextual method; and (3) the *tawhidic* paradigm.<sup>5</sup> Saeed (2014: 43-47), on the other hand, prefers to analyse feminist approaches in terms of what he calls 'key ideas and principles': an emphasis on the macro context, an emphasis on justice and fairness, an emphasis on non-patriarchal readings, looking closely at the language of the text, and reading the Qur'an holistically and intratextually. On closer examination, all of

these key ideas and principles can be placed under two of the methods identified by Hidayatullah, i.e. the historical contextualisation method and the intratextual method. As for the '*tawhidic* paradigm', Hidayatullah posits that Islamic feminists understand this to mean two things: (1) that sexism is a type of idolatry as it attributes a God-like role to men over women, and (2) that one can never claim a final interpretation of the Qur'an as this would amount to claiming to have God's knowledge and placing oneself in the role of God (2014: 110). However, it can be contended that the *tawhidic* paradigm is not, strictly speaking, a 'method', and that it does not concur with Hidayatullah's use of the word 'method' when she writes about the historical contextualisation and intratextual methods. More precisely, the *tawhidic* paradigm is akin to one of the central Qur'anic principles that Islamic feminists emphasise a great deal, such as justice and equality.

In light of these observations, this paper shall focus its attention on examining (1) the historical contextualisation method, and (2) the intratextual method. This is not to say that other methods and approaches are not used by Islamic feminists or by scholars writing on gender issues in the Qur'an; Sa'diyyah Shaikh (2007), for example, offers a '*tafsir* through praxis' that reflects on the experiences of Muslim women who have suffered domestic violence; and Laura Silvers (2006) explores issues relating to the very existence of 4:34 using Ibn 'Arabi's hermeneutics. Rather, the two methods that shall be examined now have been chosen because of their extensive and shared use by all prominent feminist scholars of the Qur'an.

### *The historical contextualisation method*

Scholars employing this method usually start by researching the reason for a verse's revelation (*sabab al-nuzul*). They distinguish between 'descriptive' verses, which are those that describe the practices of the seventh-century Arabian audience, and 'prescriptive' verses, i.e. those that prescribe practices to all audiences. They also distinguish between 'universal' verses, which are those that apply to all human beings, and 'particular' verses, i.e. those that apply only in specific situations. Furthermore, these scholars identify historical situations that shaped the context of revelation in Arabia at that time and later exegeses (Hidayatullah 2014: 65-66).

Using this method, Islamic feminists read the Qur'an historically, derive universal principles, and then apply those principles to new situations. In the words of Asma Barlas, this requires 'reading *behind* the text', i.e. 'to reconstruct the historical context from which the text emerged', and 'reading *in front* of the text', i.e. 'to re-contextualise the text in light of present needs' (2002: 62, 200-203). In this way, the writers assert that the Qur'an is not restricted in its ability to provide universal guidance for all times and places. According to Wadud (1999: 100), the historical context of a verse is particularly important to recognise when examining verses that concern gender-related issues as the 'attitudes towards women at the time and place of the revelation helped to shape the particular expressions in the Qur'an.'

The verse most discussed by scholars of feminist exegesis is 4:34 (Sūrat al-Nisā<sup>3</sup>):

Men are the managers of women, because of the advantage Allah has granted some of them over others, and by virtue of their spending out of their wealth. So righteous women are obedient, care-taking in the absence [of their husbands] of what Allah has enjoined [them] to guard. As for those [wives] whose misconduct you fear, [first] advise them, and [if ineffective] keep away from them in the bed, and [as the last resort] beat them. Then if they obey you, do not seek any course [of action] against them. Indeed Allah is All-Exalted, All-Great.<sup>6</sup>

Wadud argues that this verse is limited to a particular, not universal, situation; i.e. the verse is saying that the husband is the financial provider for his family on two conditions: (1) God has preferred him with regard to financial inheritance, i.e. he has benefitted from the double inheritance that men receive; and (2) he financially supports his family from his earnings. Wadud further argues that the use of the word 'some' (*ba'd*) in this verse is another indication that it is not an absolute, generalised statement about all men and women. She goes on to posit that a contextually relevant reading of the verse today would involve broadening the male responsibility of *qiwāmah*<sup>7</sup> to a social one of supporting child-bearing women, not only materially but in everything needed by them to fulfil their primary responsibility (1999: 72-74).

In her interpretation of this verse, Azizah al-Hibri pays particular



attention to the historical context at the time of its revelation:

Because the Qur'an was revealed in a world that was and continues to be highly patriarchal, it engaged in affirmative action to protect women against poverty. (2000a: 64)

At the same time, the verse also places restrictions on the extent of the man's *qiwāmah* at that time. Therefore, without bearing in mind the historical context, she argues, the verse could be interpreted very broadly as a general statement of men's *qiwāmah* over women.

With regard to the part about being obedient to husbands ('Then if they obey you'), Wadud maintains that this is merely describing the marital norm in seventh-century Arabia when marriage of subjugation was prevalent and wives did obey their husbands; the verse is not prescribing that model of marriage. As for 'beat them' (*idribūhunna*), al-Hibri (2000-2001: 61-65) posits that this must be read in light of the Qur'anic 'philosophy of gradualism' – i.e. that the Qur'an gradually alleviates the problem of domestic violence that was prevalent at the time by presenting a three-step model for conflict resolution: first verbal communication, then physical separation, and finally physical admonishment. The first two stages allow for a 'gestation period' and are 'steps in anger management for an aggressive patriarchal male who is likely to use force as a first resort'.<sup>38</sup>

It is worth pointing out here that in using the historical contextualisation method, there is a need for scholars to be mindful of the presumptions they hold and to ensure that these presumptions are not imposed onto the text they are interpreting; otherwise, they would be making the same mistake, albeit unwittingly, that they are seeking to redress. Ali refers to this when she writes:

One must acknowledge that esteeming equality as the most important interpersonal value is a peculiarity of some modern Muslims and not something inherent in the text of the Qur'an. Feminist exegetes must take care not to be as blinded by the commitment to equality, and the presumption that equality is necessary for justice, as classical exegetes were by their assumptions about the naturalness of male superiority and dominance in family and society. (Ali 2016: 167)

## *The intratextual method*

This method involves comparing related verses and terms of the Qur'an to one another, as opposed to reading them in isolation. It also involves reading verses in light of certain concepts, which, according to feminist interpreters, are principally advocated by the Qur'an, concepts such as justice and equality for all human beings. This 'holistic' method, which is usually referred to as 'exegesis of the Qur'an by the Qur'an' (*tafsīr al-qur'ān bil-qur'ān*), is one of the oldest methods of Qur'anic exegesis, dating back to the beginning of Islam.

In the course of their interpretation of 4:34, feminist scholars employ a range of intratextual strategies. For instance, al-Hibri (2000b: 226 & 228) refers to what she terms the 'Equality Principle' of 30:21<sup>9</sup> and argues that this principle takes priority over any interpretation that appears to conflict with it. Pointing to 9:71,<sup>10</sup> Barlas (2002: 186) writes that men and women could not be each other's *awliyā'*, which she translates as 'mutual protectors', if men were superior and the 'managers' (*qawwām*) of women.

With regard to the word 'obedient', (*qānit*), Wadud (1999: 74) points out that this word is used for both males (2:238, 3:17, 33:35) and females (4:34, 33:34, 66:5, 66:12), and therefore, it refers to a trait of believers towards God, not a trait of wives towards their husbands. The word 'misconduct' (*nushūz*), like *qānit*, is also used for both for males (4:128) and for women (4:34), and thus it refers to marital disharmony, not disobedience of a wife.

As for the phrase 'beat them', al-Hibri refers to Qur'an 38:44 (Sūrat Ṣād):

[We told him:] 'Take a bundle of twigs in your hand and then strike [your wife] with it, but do not break [your] oath.' Indeed We found him to be patient. What an excellent servant! Indeed he was a penitent [soul].<sup>11</sup>

She argues that just as Prophet Job was instructed to use a bundle of twigs in a mild or symbolic way to strike his wife, the 'striking' in 4:34 must also carry the same meaning; anything more severe would go against the Qur'an's overall advocacy of marital harmony and sexual equality:

The Qur'an is internally consistent because it is a divine

revelation. The Qur'an repeatedly describes the relationship between husband and wife as one of tranquility, affection, and mercy. Further, it enjoins husbands to live with their wives in kindness or leave them amicably (2:229). Domestic violence is diametrically opposed to each of these Qur'anic views and ideals expressed in the various verses. Because of its internal consistency, the Qur'an could not be exhorting one ideal and enjoining the related conduct in some passages, and its opposite in another one. (2003: 204)

What exactly constitutes 'equality' is, of course, open to debate. As we shall see later, traditional Shi'a exegetes also turn to the Qur'an itself to seek clarity on what concepts such as 'equality', 'justice', and 'freedom' mean; however, they do so on the basis of a sophisticated hermeneutical system that is presented in their *uṣūl al-fiqh* (principles of jurisprudence) and with an eye to the hadith narrated from the Ahl al-Bayt.

### *A critique of the contextualist approach*

In support of their views, both Rahman and Abu Zayd adopt the Mu'tazili view on the non-eternal (*ḥādith*) nature of the Qur'an. The discussion about whether the Qur'an is eternal (*qadīm*) or not was hotly debated by the two Sunni theological schools – the Ash'arites and the Mu'tazilites – in the second century AH/eighth century CE. The Ash'arites, like the Ahl al-Ḥadīth, held that the Qur'an is eternal, basing their view on the belief that speech (*kalām*) is one of the attributes of the divine essence, which is eternal. The Mu'tazilites, on the other hand, maintained that the Qur'an is originated (*muḥḍath*) and non-eternal because in their opinion, speech is an attribute of divine action and non-eternal. According to Rahman and Abu Zayd, because the Qur'an is non-eternal, its laws are historical and not fixed.

However, as Mohammad Jafar Elmi points out, there is no connection between the Qur'an being eternal or temporal on the one hand, and its injunctions being universal or historical on the other:

One can accept the views of the Asha'irah and also be a contextualist, or one can accept the temporality of the

attributes of speech and be a universalist. For the eternity or temporality is about the ontological aspect of the Qur'an and how it had come to existence and not the content of the Qur'an. It is quite possible that the content of the Qur'an may be universal or contextual while the Qur'an itself may be eternal or temporal. Therefore, it can be seen that while Shi'a scholars assert the temporality of the attribute of speech, they maintain the universality of the Qur'anic rulings. (Elmi 2014: 278)

Elsewhere, Elmi (2007) suggests that the mistake of linking the two sides of the discussion has its origin in the opinions of some early Sunni jurists, such as Aḥmad ibn Ḥanbal (d.855), on the issue of whether the Qur'an can be abrogated by the sunnah or not. These jurists maintained that it could not, and it seems that one of their reasons for holding this opinion was their belief in the Qur'an being eternal. This reasoning continued to be adopted over the centuries and has also been employed by modernists such as Nasr Hamid Abu Zayd (p. 103).

Moreover, although Rahman aims to modernise the method of jurisprudence for the social laws that are mentioned in the Qur'an, Elmi argues that Rahman's proposed method would have general applicability and not be limited to social laws. For example, his method could just as well be applied to the law requiring Muslims to perform prayers in Arabic; in this case, why could it not be argued that this requirement is also a product of the society in which Prophet Muḥammad lived? If the Prophet had been sent to a different society, he would have performed prayers in the language of that people, and therefore, the law that requires Muslims to perform their prayers in Arabic should also be regarded as being historical and temporary; and as there are practicing Muslims all over the world today, it should not be necessary for them all to perform their prayers in Arabic as the aim of performing religious acts of worship is to express one's servitude to God, which can be done in any language. The same argument could be applied to other Islamic laws, and consequently, all Islamic laws would become historical. Not only would this not rejuvenate Islamic jurisprudence, it would reduce it to a set of rational or human-nature laws (pp. 107-8).

Taking this a step further, the type of 'vital' questions that Kecia Ali (2016) argues feminists should be asking concerning their engagement

with the Qur'an' would not only sit uncomfortably with Shi'a jurists but also with Shi'a theologians who believe the Qur'an to be an indispensable book of guidance for mankind. Ali asks:

What might it mean to move away from the Qur'an, if we could in doing so move closer to God? Is that even a conceptual possibility? How might we turn to the Qur'an differently, not for 'an applied system of divine guidelines to wisdom and righteousness' in the sense of a set of literal prescriptions, but in the sense of a font of wisdom and righteousness? (2016: 171)

Shi'a scholars argue that because of their access to the vast corpus of traditions of the Shi'a Imams and the flexibility that their jurisprudence provides, they are able to tackle contemporary socio-legal matters in an effective way while still remaining faithful to the Qur'an and sunnah. These scholars assert that not only is referring to the Qur'an and the sunnah not ineffective for finding answers to new challenges, it is the most effective and assured way of bringing about change in the law. A case in point that concerns male-female relationships is the allowance for conditions to be stipulated by either the man or the woman in the marriage contract. This allowance, which has become law in Iran, enables a man or a woman to legally bypass or make changes to the traditional division of rights and duties of a husband and wife. Karen Bauer (2015: 219) gives other examples from legislation passed in Iran in 2009 'that bear directly on modern interpretations of 4:34 and 2:228': a woman can apply for divorce if her husband beats her hard enough to leave a mark, or if he does not have conjugal relations with her for more than four months; also, husbands cannot expect their wives to do housework and wives are entitled to payment for doing it. Bauer distinguishes this 'dynamic *fiqh*' (*fiqh-i pūyā*) from the contextualist approach as follows:

Dynamic *fiqh* means that, when deriving the laws, one must take into account time (*zamān*) and place (*makān*). There is a difference between this approach and the approach that says that the laws themselves can change; instead of changing the law, in dynamic *fiqh* a new ruling is imposed in response to changing circumstances. (Bauer 2015: 89)

### *The textualist approach*

The vast majority of traditional Shi'a scholars today take an Uṣūlī hermeneutical approach to the interpretation of sacred texts. Uṣūlīs – i.e. scholars of the Islamic science known as the 'principles of jurisprudence' (*uṣūl al-fiqh*), which discusses Islamic legal hermeneutics and theory – give primary importance to the 'literal' or 'apparent' (*zāhir*) meaning of the Qur'an. Robert Gleave (2013: 1) writes that the literal meaning is 'the meaning the text is believed to have "in itself" solely by virtue of the words used and the rules of the language in which the text is written.' It is regarded by Uṣūlīs as having a higher level of certainty and epistemological security than other interpretations. This is a major point of contention between contextualists and textualists.

The meaning of a word is treated as being static. This approach is based on the idea that the fixed meanings allow the reader to remain faithful to the text and eschew any subjectivity that they may otherwise bring into the interpretation of the text [...]. However, a dictionary may not fully explain how the words are used in each and every context. Furthermore, language and the meaning of words are highly fluid, ahead of the codifying practices of lexicography. (Saeed 2014: 20)

Traditional Shi'a scholars maintain that there is congruence between the language of the Qur'an and commonly accepted modes of human communication; when people seek to understand each other, the approach they usually take is to rely upon the apparent meaning of what is being said or written. As Muḥammad Riḍā al-Muẓaffar, a contemporary Shi'a Uṣūlī scholar, explains:

The Holy Legislator [God] has definitely not used in his communication and usage of words to explain his aims, any other method than the one being used by the wise. This is because He is one of the wise and moreover is the Chief of All the Wise (*ra'īs al-uqalā'*). Consequently, His method is the same as theirs [in communication]. There is no obstacle to this conception for that and nor is there is any evidence from Him against this point. (1994: 136)

These scholars present a number of arguments in support of their position on the authority (*ḥujjah*) of the literal meaning of verses. Firstly, they argue that the Qur'an itself implies this when it engages in discourse with different groups of people or with humankind in general. For example, the Qur'an challenges those who doubt in its being the word of God to produce something similar to it.<sup>12</sup> Here, they posit that if people could not fathom in ordinary ways what the Qur'an was actually saying, it would be pointless to challenge non-believers to bring something like something that they could not even understand (Ṭabāṭabā'ī 1987: 27). The Qur'an also invites people to contemplate its meaning,<sup>13</sup> and describes itself as 'guidance' and 'advice'.<sup>14</sup> Scholars argue that something can only be reflected upon, or considered guidance and advice, if that thing could be understood in ordinary ways in the first place.

Uṣūlīs advocate for the universality and trans-historicity of Qur'anic teachings. They maintain that the meaning of a verse is valid for every time and place unless proven otherwise; although the Qur'an was revealed in Arabia fourteen centuries ago, its teachings have absolute authority in different circumstances from the time of the Prophet, and all the Qur'anic decrees are universal. Whenever it is unclear whether a ruling is context-specific or universal, the 'primary principle' (*al-aṣl al-awwalīyyah*) is that the ruling must be presumed to be universal (Elmi 2014: 271).

In support of their view, Uṣūlī scholars refer to both verses of the Qur'an and traditions. With regard to the former, they point to verses that begin with the invocation 'O believers' or 'O people'. Such statements, they argue, are general and universal, and include all people in different places and times. Furthermore, in 6:19 (Sūrat al-An'ām), God instructs the Prophet to declare: 'and this Qur'an has been revealed to me, that with it I may warn you and whomsoever it reaches.' Here, Uṣūlīs argue that the present tense is used (*li-undhirakum* – 'that I may warn you') to address the absent because they are the same in kind to those present; i.e. the Qur'an's message is a universal one, whether people hear it from the Prophet directly or from others after him (Ṭabāṭabā'ī 1996: vol.14, p.339). Furthermore, if God intends for any injunction in the Qur'an to be context-specific, He expresses it as such. If He uses a word in a general sense, it is universally applicable to all times, places, and situations.

Therefore, to restrict the verses of the Qur'an to a particular

time or place, we need some extra evidence; and in the absence of such evidence, there would be no choice except to understand Qur'anic statements as they are and with their universal implications. (Elmi 2014: 272)

As for traditions, there are a number of hadiths that Uṣūlī scholars point to in support of their position on the universality of legal injunctions; two such hadiths, both from the sixth Shi'a Imam, Ja'far al-Ṣādiq, are quoted below:

The lawful [*ḥalāl*] of Muhammad is lawful forever until the Day of Resurrection, and the unlawful [*ḥarām*] of him is unlawful forever until the Day of Resurrection. It [i.e. the truth of religion] is nothing but this and nothing can replace it. [As Imam] 'Alī said, 'Nobody invented an [unlawful religious] innovation except by abandoning a sunnah.' (al-Kulaynī: vol.1, p.58)

God's rulings for the first and later generations are the same. Except for a particular reason or event, the first and later generations are also associated in terms of prohibition of some actions. Their duties are the same and the later generations will be questioned about the performance of duties as the first generation will be questioned, and they [the later generations] will be accounted for their performance as the first generation will be. (al-Kulaynī: vol.5, p.17)

It is worth pointing out here an important and distinctive feature of the Shi'a Uṣūlī method of Qur'anic exegesis, and that is its approach to verses which deal with legal matters. According to the Shi'a Uṣūlī tenet of *taqlīd* (following a jurist in matters of Islamic law), someone who is not a jurist is not permitted in Islamic law to act according to his or her personal interpretation of legal texts.<sup>15</sup> This is because the sources of jurisprudence are not limited to the Qur'an and other sources can have a bearing on one's understanding of the law; for example, a tradition may qualify the generality of the apparent meaning of a verse. Therefore, if, for example, someone is a scholar of the Qur'an but not a jurist, he would have to follow a jurist in legal matters even if those matters were



derived from verses of the Qur'an. The jurisprudence of *taqlid*, then, places limits on how far a non-jurist can take their own understanding of legal verses; ultimately, when it comes to action and practice, they would be duty-bound to follow a jurist's understanding of the law.

### *The mega-method*

The most prevalent method used by traditional Shi'a exegetes today is usually termed the '*kāmil wa jāmi'*' method,<sup>16</sup> which I have translated as the 'mega-method'.<sup>17</sup> Muḥammad 'Alī Riḍā'ī Isfihānī (2010: 31) defines the mega-method as one that 'employs all the valid methods [namely exegesis of the Qur'an by the Qur'an, exegesis of the Qur'an by the sunnah, scientific exegesis of the Qur'an, exegesis of the Qur'an by allusion, and rational exegesis of the Qur'an] so that the meaning of verses from all angles is attained'. Later in the same work, he adds that various 'approaches' – such as juristic, theological, philosophical, linguistic, and social approaches – must also be utilised in the mega-method as and when it is useful to do so (2010: 324). In the past, Shi'a exegetical works tended to be the product of an individual scholar working on his own or with the assistance of a few of his students, but nowadays, it is becoming more and more common for a group specialists in different fields to work together, albeit under the supervision of an eminent scholar of Qur'anic exegesis.

What follows is an examination of prominent contemporary Shi'a exegetical works that employ the mega-method in interpreting 4:34. In this examination, the works of 'Abd Allāh Javādī Āmulī feature the most. This is because firstly, his exegesis of 4:34 is the most comprehensive; and secondly, his exegetical works on gender issues in the Qur'an are the most recent.<sup>18</sup>

### *Exegesis of the Qur'an by the Qur'an (the intratextual method)*

It was seen earlier how scholars of feminist exegesis use the intratextual method extensively in their works; in this regard, there is a strong similarity between these scholars and Shi'a exegetes of the Qur'an. One of the most prominent Shi'a exegetes today, Javādī Āmulī, is a strong

adherent of the intratextual method. For example, by referring to the very next verse (4:35), he asserts that verse 4:34 is about husbands and wives, not men and women in general.<sup>19</sup> Qur'an 4:35 begins with the following words: 'And if you fear separation (*shiqāq*) between the two of them...'; Javādī Āmulī argues that it makes no sense to talk about separation between a man and a woman, and therefore, this statement can only refer to a husband and wife. As 4:35 is clearly continuing the discourse of 4:34, it follows that 4:34 must also be about husbands and wives (2013: 551).

With regard to the disciplining that is mentioned in the verse as the third course of action available to a husband, Javādī Āmulī maintains that this is not limited to *physically* disciplining his wife; rather, it also includes financially and morally or ethically (*akhlāqī*) disciplining her.<sup>20</sup> Even with regard to physical discipline, it does not mean physically hurting her but instead expressing dislike for her actions, as is the case with Prophet Job in Qur'an 38:44 (2014: 327-8). As we saw earlier, al-Hibri makes the same point.

Javādī Āmulī compares the husband's primacy mentioned in 4:34 to that of the 'raising' (*raf'ah*) of some people in 43:32 (al-Zukhruf):

Is it they who dispense the mercy of your Lord? It is We who have dispensed among them their livelihood in the present life, and raised some of them above others in rank, so that some may take others into service, and your Lord's mercy is better than what they amass.

God raises some over others only so that a more orderly society can be established; there is no special spiritual elevation of those He raises. Similarly, a husband's *qiwāmah* over his wife is a responsibility that has been placed on his shoulders for the better running of the family; it is not a special distinction for husbands. Indeed, there is not a single reference in the Qur'an that points to the inherent supremacy of men over women, and the only criterion for superiority in the eyes of God is God-wariness (*taqwā*).<sup>21</sup> Moreover, 4:34 is a prescriptive statement in the form of a factual statement and means that men *should be qawwāmūn* of women (Javādī Āmulī 2014: 317-321).<sup>22</sup>

Nāṣir Makārīm Shīrāzī, whose highly popular *Tafsīr-i Namūnih* has been reprinted over thirty times, points out that God ends the verse by describing Himself as the 'All-Exalted, All-Great' to act as a reminder

as to who has ultimate power and to warn men not to abuse their responsibility of taking care of their family (1995: vol.3, p.374). Javādi Āmulī interprets these concluding words of the verse differently: God is telling husbands that in the same way that He is magnanimous in pardoning the mistakes of humans and does not punish them once they have been guided, they too should adopt this position with their wives (2013: 562-3).

### *Exegesis of the Qur'an by the sunnah*

Shi'a exegetes who adopt the mega-method give immense importance to the traditions of the Prophet and his Household, the Ahl al-Bayt, being of the belief that they are infallible and the principal interpreters of God's word. They readily acknowledge, however, that many traditions that exist in the vast corpus of Shi'i traditions cannot be relied upon, and they endeavour to sift out the inauthentic ones by using principles of hadith authentication and biographical analysis of reporters.

With reference to 4:34, Shi'a exegetes are unanimous that even when a husband exercises his right to physically admonish his wife, the admonishment must not cause wounding, breakage of bones, or bruising. This opinion is largely based on traditions from the Shi'a Imam Ja'far al-Ṣādiq, who is reported to have stated that the hitting must 'not wound' (al-Qummī 1984: vol. 1, p. 137) and that it should be done with 'a toothstick (*siwāk*)' (al-Baḥrānī 1996: vol. 2, pp. 74-5). If the hitting leaves a mark on his wife, he is liable to pay her compensation (*diyyah*).

Scholars of feminist exegesis sometimes use traditions as well, particularly when they apply the historical contextualisation method; however, as Hidayatullah (2014: 81) notes, they do so with 'marked ambivalence' and 'methodological inconsistencies.' She states that sometimes Islamic feminists use hadiths to support their views without scrutinising their authenticity; other times, they reject hadiths that do not fit neatly into their theories on the grounds that they are inauthentic, even though the authors may have applied inconsistent criteria for testing the reliability of the reports; and on many other occasions still, they do not refer to hadiths at all for their interpretations.

### *Islamic theological (kalāmī) approach*

Based on the belief in the inerrancy of prophets, Muḥammad Ḥusayn Ṭabāṭabā'ī (1996: vol. 4, pp. 348-9) dismisses the validity of a commonly-quoted tradition that many have claimed is the verse's reason for revelation (*sabab al-nuzūl*). Ṭabāṭabā'ī quotes the tradition from *al-Durr al-Manthūr* as follows:

Ibn Abī Ḥātim has narrated through Ash'ath ibn 'Abd al-Malik from al-Ḥasan that he said: 'A woman came to the Prophet complaining that her husband had slapped her. The Messenger of God said: "Retribution". Then God sent down the verse "Men are the *qarwāmūn* of women...", so the woman returned without retribution.'

Ṭabāṭabā'ī goes on to say that there are other traditions reported in *al-Durr al-Manthūr* from the Prophet through other chains of reporters, and some of them state that the Messenger of God said: 'I wanted one thing but Allah wanted something else.' Ṭabāṭabā'ī explains from a Shi'a *kalāmī* perspective the issue he has with the apparent meaning of these traditions: it seems that when the Prophet said 'Retribution', he was explaining a religious law to the questioner and was not giving a judgement concerning the case at hand, because in order for him to have given a judgement, both sides of the dispute would have needed to be present. In light of this, the tradition is effectively saying that the verse was revealed to point out the error of the Prophet in his exposition of the law, which goes against his inerrancy, and therefore, the tradition cannot be accepted.

One of the approaches adopted by feminist writers in their challenge of patriarchal interpretations of verses such as 4:34 is to also present arguments that draw on *kalāmī* discussions; Wadud's '*tawhidic* paradigm' discussed earlier and the interpretation of the 'creation story' by Riffat Hassan (1991) are examples of this.

### *Juristic approach*

Javādī Āmulī examines the three stages of admonishing a recalcitrant wife

mentioned in 4:34 by referring to Islamic jurisprudence (*fiqh*). He explains that the three stages are the same as those mentioned in the laws pertaining to enjoining good and forbidding evil (*al-amr bil-ma'rūf wa al-nahī 'an al-munkar*). The main difference is that in the laws of enjoining good and forbidding evil, permission from a fully qualified jurist (*al-ḥākim al-shar'ī*) is required before one is permitted to implement the third stage, whereas in a marriage relationship, no such permission is required for the husband. When a wife has sinned by being recalcitrant, it is better, he argues, that such matters are resolved within the privacy of the home rather than for a stranger to be asked to intervene; in other words, her husband is the most suitable person to enjoin her to do good and forbid her from doing evil. Javādī Āmulī is quick to point out though that in such cases, it is a matter of the husband upholding the law of God with respect to his wife, not that men are in charge of women; hence, a husband can only resort to stage three in this situation, not in any other case (2014: 309).

Furthermore, Javādī Āmulī makes the distinction between 'rights' and 'laws' and asserts that 'hitting' in this context is a right of the husband, not a law; husbands are not being commanded to hit their wives, and it could well be that they find other, more effective ways to deal with the situation (2014: 328). Indeed, a husband and wife have a duty to resolve their differences through forgiveness and ethical behaviour as using the law on its own would not suffice (2014: 313).

Combining a juristic approach with a linguistic one, Javādī Āmulī maintains that there are two reasons why husbands are the *qawwām* of their wives: firstly, 'because of the advantage God has granted some of them [*ba'dahum*] over others [*ba'd*]. God has favoured men; the first 'some' (*'ba'd*) refers to men, and the second to women. Crucially, God did not say '*bimā faḍḍalahum 'alayhinna*' ('because of the advantage God has granted them [male plural pronoun] over them [female plural pronoun]'), as it is not true of all men and of all women. The '*bā*' (in '*bimā*') is of the type that assigns a reason (*ta'līlīyyah*); i.e. as long as the reasoning holds true, the statement applies. Therefore, if a wife manages the home better than her husband, then the husband would not be regarded as the *qawwām* of his wife. The second reason is stated in the verse as follows: 'and by virtue of their spending out of their wealth'. The same logic applies here as well; i.e. if a wife has greater economic power than her husband, then again there would be no reason for the husband to be her *qawwām* (2013: 553).<sup>23</sup>

Makārīm Shirāzī also acknowledges the possibility of women being

in a better position than men to support the family, but he maintains that rules are not specific to each and every individual; rather, they are made with the general and most common situation in mind and that is why the verse is formulated in a general way (1995: vol. 3: p. 370).

There are many works by Islamic feminists which critically examine traditional legal interpretations of verses such as 4:34 and go on to present alternative perspectives. Two such works published recently are, firstly, *Men in Charge? Rethinking Authority in Muslim Legal Tradition* (2015, edited by Ziba Mir-Hosseini et. al.), in which the contributors critically evaluate the concepts 'qiwāmah' and 'wilāyah' (guardianship) and how they have been translated into legal rulings by Muslim scholars; and secondly, *The Islamic Worldview: Islamic Jurisprudence – An American Muslim Perspective*, Volume 1 (2015) by Azizah al-Hibri, which examines traditional Islamic jurisprudence and aims to develop a modern understanding of gender issues in Islam.

### *Linguistic approach*

One of first things that Shi'i exegetes using the mega-method do in their works is to explain key or difficult words from a purely linguistic perspective. If necessary, they engage in a linguistic discussion at other times as well. For example, in his exegesis of 4:34, Ṭabāṭabā'i defines the words 'qawwām', 'ṣilāḥ', 'qunūt', and 'nushūz', and discusses the grammatical function of the particles 'bi-' and '-mā' (in 'bimā ḥafīza allāh'), and 'fa-' (in 'fa'izūhunna'). Furthermore, he explains how the linguistic context (*siyāq*) of the passage concerning the three measures that a husband can take with his recalcitrant wife signifies a sequential increment in severity, despite the fact that the conjunctive particle 'wa' is used – which does not on its own indicate sequence – instead of 'fa-', which does (1996: 343-5).

Javādī Āmulī (2014: 318-9) argues that, based on a particular linguistic quality that the word *qawwām* has, God attaches great importance to the role of husbands in relation to their wives. God does not simply describe husbands as 'qā'im' but as *qawwām*, which is an intensive grammatical form and which God uses only for very important and sensitive matters such as maintaining justice.<sup>24</sup> Javādī Āmulī quotes a well-known Qur'anic lexicon in support of this view:

*Qarwām* is an intensive form (*ṣīghah mubālighah*) [...]. It refers to someone who does his utmost in being independent and in standing on his own feet in what he does, without relying on anyone else; and he oversees the management of his wife's affairs and meets her needs. The noble verse points to a distinction he has over her from this perspective, that is, from the perspective of him being heedful of her affairs and overseeing and managing them, in addition to him giving from his wealth and her maintenance being in his hands; this necessitates that the overseeing and management be in his hands. (Muṣṭafawī 2008: vol. 9, p. 383)

Islamic feminists also closely examine the linguistic aspects of the text. For example, Wadud (1999: 76), having referred to *Lisān al-Arab* and Lane's *Lexicon* on the meaning of the word '*ḍarb*', asserts that it is very different from '*ḍarraba*', which means to strike repeatedly or intensely. She concludes that 'this verse should be taken as prohibiting unchecked violence against females. Thus, this is not permission, but a severe restriction of existing practices.' Laleh Bakhtiar (2007) asserts that the word '*ḍarb*' has 25 different meanings and chooses to translate it in the verse as 'to go away' rather than 'to beat'.<sup>25</sup>

### *Socio-historical approach*

With regard to hitting a recalcitrant wife, Javādī Āmulī (2014: 328) says that beating women in Arab society in the Age of Ignorance was both prevalent and the first point of recourse for a husband; Islam moderated this with the revelation of 4:34 by stipulating that hitting must be the last resort. Once again, this is the same as al-Hibri's view mentioned earlier.

Elsewhere, Javādī Āmulī (2009: 313-4) explores the following hypothetical cases: if in a tribal society hitting a recalcitrant wife is an effective way to preserve a marriage, then a husband could exercise this right. However, if in modern society hitting a woman, albeit lightly, would have a significantly negative effect and would lead to divorce, then he could not exercise this right. Javādī Āmulī goes on to argue that even if one were to presume that the law concerning hitting a wife was particular to a tribal society, this would not mean that the law has been abrogated,

as abrogation (*naskh*) of the final divine law is an impossibility. Rather, it would simply mean that whenever in the course of history, and wherever in the world, there existed a social system which was like that of tribal society at the beginning of Islam, then this right would be established for a husband. He adds that this is what is meant by Islamic laws being universal.<sup>26</sup>

Ṭabāṭabā'ī (1996: vol. 4, p. 351) refers to traditions in which women are reported to have to come to the Prophet to talk to him about religious matters and says that these traditions, and traditions on the rights of women, highlight the 'freedom of belief' that exists in Islam; despite women observing the hijab and looking after affairs in the home, they were not prevented from coming to the Messenger of God and trying to solve their problems.

It is worth noting the way Shi'a exegetes have adapted to changing socio-cultural factors. For example, some of the views of Ṭabāṭabā'ī – who died in 1981 – on 4:34, 2:228,<sup>27</sup> and other verses that deal with male-female issues, have not been taken up by Javādī Āmulī, even though the latter was his student. Indeed, as we have seen, there a number of exegetical interpretations that Javādī Āmulī and Islamic feminists agree on.

## Conclusion

Traditional Shi'a scholars consider the male and the female from two perspectives: firstly, from the perspective of their spirit (*rūḥ*): the spirit, which is the essence of a human being, is neither male nor female and hence men and women have equal potential for attaining proximity to God.<sup>28</sup> Secondly, from the perspective of their physical bodies: here, based on their different biological constitutions, men and women have different rights and duties. This does not mean that one superior to the other;<sup>29</sup> there is gender justice in Islam, even though this may not necessarily conform with modern ideas of gender equality.

Uṣūlīs present a credible critique of contextualist theory; furthermore, they offer strong arguments in support of the textualist approach to Qur'anic exegesis. Feminist and traditional Shi'a scholars, particularly Javādī Āmulī, hold the same opinion on some aspects of 4:34; the following shared opinions were identified in this paper, as shown in Table 1.



Javādī Āmulī	Feminist author holding the same view
Physically disciplining a recalcitrant wife means expressing dislike for her actions, as shown by the example of Prophet Job in 38:44.	Azizah al-Hibri
The statement in 4:34 is prescriptive, not descriptive.	Riffat Hassan
If a wife has greater economic power than her husband, there would be no reason for the husband to be her <i>qawwām</i> .	Kecia Ali
The revelation of 4:34 moderated the prevalent recourse to domestic violence at that time by stipulating that hitting must be the last resort.	Azizah al-Hibri

Table 1: Views of Ayatollah Javādī Āmulī and Islamic Feminists.

Both groups of scholars use the intratextual method extensively, and although the social and historical context is important to both of them, the use of the historical contextualisation method as defined in this paper is only used by feminist writers in the interpretation of 4:34. Linguistic, juristic, and *kalāmī* approaches feature in the works of both. In Shi'a exegetical works, exegesis by the sunnah is used more extensively and consistently.

Method/ Approach	Trad. Shi'i	Feminist	Notes
Intratextual method	✓	✓	Used extensively by both
Historical contextualisation	✗	✓	Social and historical context important to both
Linguistic	✓	✓	
Juristic	✓	✓	
<i>Kalāmī</i>	✓	✓	
Exegesis by the sunnah	✓	✓	Used more extensively and consistently in Shi'a exegetical works

Table 2: Summary of Approaches.

Traditional Shi'a scholars maintain that giving primacy to the apparent meaning of legal texts does not mean that today's socio-legal issues have to be dealt with in an outdated, ineffective, or unjust manner. Rather, they assert that the wide-ranging scope of the mega-method, the dynamism of Shi'i jurisprudence, and the vast corpus of traditions from the Ahl al-Bayt enable them to interpret verses and to modify religious rulings, when required, in a way that is pertinent to the needs of society today and just to both men and women.

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## Notes

<sup>1</sup> This paper was presented at the 'Second International Conference on Shi'i Studies', May 2016, London, UK.

<sup>2</sup> I use the term 'Uṣūlī' (rationalist) in contrast to 'Akhbārī' (traditionist). For an overview of the Uṣūlī and Akhbārī positions, see Gleave (2014: 26-9 & 184-6). For a detailed examination of the use of Shi'a Uṣūlī hermeneutics in Qur'anic exegesis, see Ṣādiqī (2012).

<sup>3</sup> Saeed (2014: 6) terms this category 'ethico-legal texts'.

<sup>4</sup> Later in his book, Saeed examines several examples of 'Umar ibn al-Khaṭṭāb's approach, such as the caliph's interpretation of 9:60 concerning the recipients of zakat, and his treatment of 8:1-2 and 59:7 concerning the distribution of war booty (Saeed 2014: 26-37).

<sup>5</sup> The phrase '*tawhidic* paradigm' was coined by Amina Wadud in *Inside the Gender Jihad* (2006: 24).

<sup>6</sup> All translations of Qur'anic passages in this paper are from Ali Quli Qara'i's *The Qur'an: With a Phrase-by-Phrase English Translation* (London: ICAS Press, 2005). For a diverse range of possible English renditions of this verse, see, for example, Bauer (2015: 169).

<sup>7</sup> *Qiwāmah* has been translated in a number of ways, some of the most common being: 'management', 'maintenance', 'protection', 'guardianship', 'having charge', and 'taking good care'.

<sup>8</sup> This is similar to the view held by Shaykh Muhammad Saeed Bahmanpour, a contemporary Shi'a Uṣūlī scholar. In an email to me, which he kindly gave me permission to quote here, Shaykh Bahmanpour wrote: 'Usually beating is urged by anger. The verse forbids anger-driven beating by putting thoughtful measures before it and by restricting it to denying the right of the husband for conjugation. Denying a husband his conjugal rights leads to divorce. Therefore, beating is a measure just before divorce or *shiqāq* [separation] mentioned in the following verse. Having said that, the term 'beating' itself is *mujmal* [ambiguous] and like all *mujmal* terms in the Qur'an, such as *ṣalāh* [prayer], it should be explained by *sīrah* [the practice of the Infallibles] or hadith. There is no practice of beating in *sīrah* and the hadith restricts it to a very soft physical rebuke. If a marriage could be preserved by this soft physical rebuke, all the better; otherwise, there will be *ḥakamayn* [the appointing of an arbiter by each spouse] and then separation.' (Email received on 18 March 2016).

<sup>9</sup> 'And of His signs is that He created for you mates from your own selves that you may take comfort in them, and He ordained affection and mercy between you. There are indeed signs in that for a people who reflect.'

<sup>10</sup> 'But the faithful, men and women, are comrades of one another: they bid what is right and forbid what is wrong and maintain the prayer, give the zakat, and obey Allah and His Apostle. It is they to whom Allah will soon grant His mercy. Indeed Allah is All-Mighty, All-Wise.'

<sup>11</sup> Qara'i's translation of this verse has been slightly amended here.

<sup>12</sup> 17:88: 'Say, "Should all humans and jinn rally to bring the like of this Qur'an, they will not bring the like of it, even if they assisted one another."'

2:23: 'And if you are in doubt concerning what We have sent down to Our servant, then bring a surah like it, and invoke your helpers besides Allah, should you be truthful.'

11:13: 'Do they say, "He has fabricated it?" Say, "Then bring ten surahs like it, fabricated, and invoke whomever you can, besides Allah, should you be truthful."'

<sup>13</sup> 4:82: 'Do they not contemplate the Qur'an? Had it been from [someone] other than Allah, they would have surely found much discrepancy in it.'

47:24: 'Do they not contemplate the Qur'an, or are there locks on the hearts?'

38:29: '[It is] a blessed Book that We have sent down to you, so that they may contemplate its signs, and that those who possess intellect may take admonition.'

<sup>14</sup> 3:138: 'This is an explanation for mankind, and a guidance and advice for the Godwary.'

<sup>15</sup> See, for example, Al-Sistani (2015: 3).

<sup>16</sup> See, for example, Riḍā'i Isfihānī (2010: 323) and 'Alawī Mihr (2002: 195).

<sup>17</sup> Ṭabāṭabā'i's *Tafsīr al-Mizān*, Makārim Shīrāzī's *Tafsīr-i Namūnih*, and Javādī Āmulī's *Tasnīm* are major contemporary Shi'a exegetical works that employ the mega-method.

<sup>18</sup> Bauer (2015: 89) would most-likely categorise many of Javādī Āmulī's interpretations of 4:34 as 'neo-traditionalist', i.e. 'open to reinterpretation from a base in tradition'.

<sup>19</sup> Javādī Āmulī's view here is significant, not least because it is contrary to the view of perhaps the most famous Shi'a exegete, his teacher Ṭabāṭabā'i; see *al-Mizān* (1996: vol. 4, p. 343).

<sup>20</sup> Unfortunately, however, Javādī Āmulī does not provide evidence for his view here nor does he explain what exactly these other types of disciplinary measures would entail.

<sup>21</sup> This is a reference to 49:13: 'Indeed the noblest of you in the sight of Allah is the most Godwary among you.' Makārim Shīrāzī makes the same point (1995: vol. 3, p. 371).

<sup>22</sup> Hassan (1991: 55) also argues that the statement in this verse is prescriptive, not descriptive; i.e. it is saying 'that men ought to have the capability to provide [...] in view of the heavy burden that most women shoulder with regard to childbearing and rearing, they should not have the additional obligation of providing the means of living at the same time.'

<sup>23</sup> Ali (2016: 153) also argues the same point: 'If men are *qarwamun* in part "because of what" [...] they spend on women, then their role is dependent on their exercise of financial responsibility. If men no longer support women, then they lose any resultant authority. Thus, in a family where both husband and wife contribute to the household expenses, the husband would not be the wife's *qarwam*.'

<sup>24</sup> In 4:135: 'O you who have faith! Be maintainers [*qarwām*] of justice and witnesses for the sake of Allah...'; and in 5:8: 'O you who have faith! Be maintainers [*qarwām*], as witnesses for the sake of Allah, of justice....'

<sup>25</sup> Bauer (2015, p. 237) writes that in an interview she conducted with Makārim Shīrāzī in 2011, 'he added an interpretation that *ḍaraba*' could mean 'to depart', rather than 'to hit'. In this interpretation, the husband does not beat his recalcitrant wife at all; he merely walks away.'

<sup>26</sup> In the terminology of Uṣūlīs, in the absence of evidence to prove otherwise, Qur'anic injunctions are deemed to be 'verity-propositions' (*al-qadāyā al-ḥaqīqīyyah*); i.e. whenever the subject matter (*maḥdū'*) of an injunction comes into existence, it becomes the subject of the predicated matter (*maḥmūl*). Opposed to this type of propositions are 'actuality propositions' (*al-qadāyā al-khārijīyyah*), in which 'only the present referents of the subject matter with their own particularities are considered and subjected to the ruling' (Elmi 2014: 272).

<sup>27</sup> '[...] The wives have rights similar to the obligations upon them, in accordance with honourable norms; and men have a degree above them, and Allah is All-Mighty and All-Wise.'

<sup>28</sup> These scholars point to a number of verses in support of their view; for example, Javādī Āmulī (2009: 307) refers to the following three verses: (1) 4:124: 'And whoever does righteous deeds, whether male or female, should he be faithful – such shall enter paradise and they will not be wronged [so much as] the speck on a date-stone.' (2) 40:40: 'Whoever commits a misdeed shall not be requited except with its like, but whoever acts righteously, whether male or female, should he be faithful – such shall enter paradise,

provided therein without any reckoning.' (3) 16:97: 'Whoever acts righteously, [whether] male or female, should he be faithful – We shall revive him with a good life and pay them their reward by the best of what they used to do.'

<sup>29</sup> This perspective is sometimes termed the 'equal-but-different' position; see, for example, Bauer (2015: 223-4).