

4 Interpretations of Qur'an and Sunna (*manhaj*) and gender

In the present chapter we explain the importance of the interpretative and hermeneutical methodologies of approaching the Qur'an and Sunna (*manhaj*) in the process of constructing gender norms and rules in Islam. The first part of the chapter includes a short history of the Qur'anic exegesis that will illustrate the evolution of the various exegetical tendencies in Islamic thought. In the second part of the chapter we present the interpretative methods applied to the Qur'an in classical Islam that facilitated the construction of a hierarchical gender relation. The contemporary alternative hermeneutical strategies, used for the purposes of arguing in favour of Qur'anic based gender egalitarianism, will be detailed in the last section of the chapter.

1 A short history of Qur'anic exegesis

In general terms, Qur'anic exegesis (*tafsir*) refers to the process of explaining and interpreting the Qur'anic verses.¹ In Islamic history another term – *ta'wil* (literally “returning to the beginning”) – was also used in relation to Qur'anic exegesis.² The interpretation of the Qur'an over time became heavily dependent on hadith, reflecting the methodological commitments developed by the legal and theological schools of thought.³

In the Islamic interpretive tradition there are three main types of *tafsir* from the perspective of sources and methods of interpretation. The most prevalent one was considered to be the exegesis based on transmitted texts. This type of exegesis, known by the term *tafsir al-riwayah/ bi al-ma'thur*, was, therefore, heavily textualist in nature.⁴ Such a focus on texts was founded on the assumption “that there is an ‘acceptable’ body of literature based on the *Hadith* [...] that was handed down from one generation to the other without the intervention of reason, discernment, selection, or rejection of the transmitters”.⁵ The other approach is known as *tafsir bi'l-ray'*, the exegesis by reason/opinion. It is viewed by the proponents of heavily textualist *tafsir* as based on overly subjective personal inclinations and views which are considered not to be in accordance with relevant textual indicators.⁶ Finally, the exegesis by indication (*tafsir bi'l-isharah*), specific to Sufi Gnosticism, is centred on the purification of the heart and was dominated by the themes of spirituality and eschatology. It is characterised by a heavy dose of allegorical interpretation and the idea of the hidden, symbolic Qur'anic meanings.⁷

In the wake of colonialism in the eighteenth and nineteenth centuries, a more rational and scientific oriented type of exegesis was emphasised. The main goal of this early modern exegesis was to prove the compatibility of Qur'anic knowledge with

Western modern sciences and to pragmatically identify the general Qur'anic principles that would facilitate economic, social and political development of the Muslim world that could counter Western hegemony.⁸ Modernist Muslim exegetes promoted an interpretation of the Qur'an in the light of reason and less emphasis on transmitted texts such as hadith or mainstream *tafsir*.⁹ Scholars like Shah Waliullah (d. 1762), Ahmad Khan (d. 1898) and Muhammad Abdu' (d. 1905) represented this trend.¹⁰ These "classical modernists",¹¹ however, did not radically question many crucial aspects of the classical Islamic worldview such as interpretational and epistemological commitments and attitudes inherited from classical Islam as progressive Muslims scholars that have emerged in the closing decades of the twentieth century do.¹²

These progressive Muslim scholars, by relying on the insights of late modernity pertaining to the subjectivist nature of knowledge, embraced the idea of an open ended, dynamic and constructed character of the Islamic tradition that, in turn, generated a vital critical turn in the Qur'anic interpretation by adopting novel exegetical methods¹³ that will be detailed in the third section of this chapter. Progressive Muslim thought was also heavily influenced by Western modern literary historicism,¹⁴ as one characteristic of its broader commitment to "epistemological pluralism and methodological fluidity".¹⁵ One of the implications of this approach was that the concept of history itself was no longer reduced to a simple act of retrieval of the perfect sacred past, but was viewed as an open-ended, constantly appropriated and contested process.¹⁶

Having briefly outlined the broad contours of the development of *tafsir*, we now turn to the discussion of the main interpretational mechanisms that characterised classical exegesis and its gender based implications.

2 Exegetic methods in classical Islam and gender inequity

2.1 Textualism/literalism

The dominant paradigm of medieval Muslim thought, and even of modern Muslim thought, remains literalism. In general, literalism designates at least a belief in the existence of a clear literal meaning dictated by text (the idea that the text "has"/"owns" a meaning) and a belief in the superiority and certainty of this "decontextualised" literal meaning (that only this meaning matters in the interpretive process), especially in religious and legal studies.¹⁷ However, as Gleave argues, the two notions of literalism interact: "the belief in the existence of a literal meaning, even when accompanied by a generous accommodation of the non-literal, is usually accompanied by a notion of the literal priority (either epistemologically, chronologically or both)".¹⁸

Textualism or literalism as used in this book refers to the strong tendency present in the exegetical tradition of classical Islam that views the Qur'an to have largely self-evident, stable and fixed meanings that reside "in totality in the mind of its Originator".¹⁹ Furthermore, according to this view, the understanding of Qur'anic message/s is largely unequivocal and was flawlessly transmitted from the Prophet Muhammad to the Companions and so on.²⁰ In this heavily textualist exegetical paradigm the Prophet's personality, cultural and historical conditioning were considered *not* to interfere in the nature and the content of the Qur'an at all.²¹ Moreover, the textualist exegesis was based on the idea that the exegetical tradition and those who engaged in exegesis did so in an objective fashion. In the words of Esack:

scholars were absolutely objective and dealt with “objective” transmissions which came to them in a timeless and spaceless zone from individuals who had no interest in, and therefore no biases towards, philosophical, political, and theological issues which were raging all over the Muslim world a mere one or two decades after the death of the Prophet.²²

Literalism is also based on a specific approach to what is considered as valid textual proof (*nass*). The textual proof, be it from the Qur'an or Sunna, is considered to be determined objectively by a single author, excluding any external inputs from its transmitters, collectors, audiences etc. Classical exegetes, by and large, thought it was possible to avoid subjectivity or at least minimise it greatly when it comes to Qur'anic interpretation by adopting what they considered to be a purely empirical, clear cut methodology, collecting what were supposed to be simple facts²³ without extracting a set of general, universal principles, rules and axioms.²⁴ Abou El Fadl considers this interpretational tendency to be part of broader “authoritarian hermeneutics” that do not take into account the multitude of subjective elements that influence transmission of texts.²⁵ More precisely, authoritarian hermeneutics “involves equating between the authorial intent and the reader's intent, and renders the textual intent and autonomy, at best, marginal”.²⁶

On the other hand, we must mention here that in Shia Islam the power to determine the true, real, secret and authentic meanings of the Qur'anic text is attributed exclusively to the Prophet Muhammad and the infallible Imams, the sinless exegetes who, by their perfect knowledge and morality, are able to embody the divine will and mediate it for the general masses. Any other interpretation is treated as being fallible and human.²⁷

The commitment to the textualist exegetical approach has additional interpretational implications. For example, it is unable to interpretationally distinguish what, from a non-textualist approach, would be considered contextually contingent from universalist elements of the Qur'anic teachings. Many Islamic legal prescriptions that delegated women a subordinated role in the family and society, as discussed in subsequent chapters, were premised on this literalist approach to textual proof.

2.2 Textual intentionalism

According to the classical interpretational paradigm, the role of the text in the extraction of meanings is overshadowed only by the major role given to authorial intent. A majority of classical Muslim scholars, especially in the legal field, supposed that there is a principle, discoverable intent behind the divine discourse.²⁸ Given the fact that the divine authorial intent was accessible to human comprehension, all interpretations were focused on simply deciphering it in an objective fashion.²⁹

Importantly, interpretational approaches based on textual intentionalism also fail to take into account that the limited textual indicators that are available and the incomplete authorial intent that the text offers are also “bounded by its audience, historical context, and language”.³⁰

2.3 Philological analysis

In the interpretive paradigm of classical Islam, philological analysis was the main interpretative instrument of identifying the divine intent. Classical Islam era jurists

supposed that God, as the author of the Qur'an, and the Prophet, as the author of the hadith reports, had a perfect knowledge of Arabic grammar and syntax, and the intent of abiding by such a linguistic usage. Thus, Muslim scholars had to learn the nature and structure of the Arabic language that mandated linguistic rules indispensable in understanding the authorial intent.³¹

This philologically oriented approach can be linked to the above discussed interpretational tendency of textualism as it depends on a specific view regarding the function and nature of language. According to this view, between morphology, syntax and meaning there is supposed to be an objectively identifiable relationship that allows us "to have access not simply to the meanings of words and sentences but to the actual thoughts in the minds of speakers".³² Duderija defines this process of the Qur'anic derivation of meaning as a closed one, because it is confined to the observable features of language, ignoring, or at least downplaying, the role of the interpreter in the process of arriving at meaning.³³ Moreover, it should also be kept in mind that even if God uses language perfectly, the language itself is a limited, imperfect human medium that could not fully incorporate the Divine Will, i.e. the authorial intent.³⁴ Therefore, the idea of an objective, philologically centred and mathematical like approach to Qur'anic interpretation, largely oblivious to many subjective influences, dominated the interpretive paradigm of classical approaches.

2.4 *Ethical voluntarism*

The textual intentionalism and philologically oriented interpretational approaches discussed above, in turn, generated a rigid conceptualisation of the relationship between reason and revelation,³⁵ according to which human beings cannot know what is ethically right or wrong by appealing to the faculty of reason, but only by relying on the revelation and revelation-derived sources.³⁶ This perspective is known as ethical voluntarism.³⁷ The ethical corollary of this interpretational approach to the Qur'anic text, therefore, deemphasised interpretationally the idea of the rational and moral implications behind a divine command. In other words, according to this interpretational approach, the divine rule should be simply obeyed and not rationally questioned.³⁸

However, during the formative period of Islamic thought, the role of reason in the exegetic process was broader and more inclusive.³⁹ Under the pressure of specific theological and socio-political developments this was to change with the interpretations moving away from emphasising "legitimacy of reason and reason-derived opinion (*ra'y*) to that of the textually based sources of revelation, i.e. Qur'an and *Hadith*".⁴⁰ With this shift in the nature of scriptural reasoning, the application of reason was restricted to its analogical function (*qiyas*) and the process of arriving at Muslim scholars' consensus of opinions (*ijma'*).⁴¹ Similarly, during the formative period, *ijtihad*, i.e. independent legal reasoning, initially functioned as an instrument capable of harmonising the intellect with revelation in order to offer adequate solutions to the changing social necessities.⁴² Nevertheless, in the classical period, although in theory still an option, *ijtihad* became largely inconsequential.⁴³

Two main forms of scriptural reasoning were consolidated by this proclaimed servitude of reason in relation to revelation. One of them is what F. Rahman termed an "atomistic" approach⁴⁴ to the Qur'an that ignored its thematic coherence and unity. Another form of scriptural reasoning that became prevalent in classical Islam was premised on an overtly legal approach to the Qur'an in contrast to an ethico-religious

one.⁴⁵ For example, the theological school known as Asharism, one of the most widespread theological schools in mainstream Sunnism today, is representative of these two forms of scriptural reasoning, and considers that punishment and reward solely depend on the revealed law, not on human intellect (*'aql*) and, as a corollary, that only revelation can stipulate what is ethically good or bad.⁴⁶ Many of the contemporary legal verdicts, exceptionally discriminatory to women, developed this legalistic attitude to its extreme, conflating the law with the moral imperative.⁴⁷

2.5 Semi-contextualisation

Classical Muslim scholarship emphasised the idea of Qur'an as God's Eternal Speech that is co-constitutive of God and therefore having a nature that transcends history and time.⁴⁸ This view of the nature of the Qur'an resulted in an interpretational reluctance to adequately contextualise Qur'anic injunctions, especially those that had ethical, legal and social implications such as those related to gender. We term this interpretational tendency as semi-contextualisation. Consequently, this interpretational approach had two – not only interpretational, but socially relevant – consequences. First, what – from a contextualist perspective – are viewed as socio-historically contingent Qur'anic indicators (*adilla*) could not be systematically demarcated from the general, universalist ones.⁴⁹ Second, the historically contingent parts of the scripture were treated as part of the universal elements.⁵⁰ This resulted in the idea that specific practices and ideas of the historical community of the Prophet Muhammad were given an interpretationally elevated status that must be decontextually emulated by all subsequent generations of Muslims.⁵¹ Moreover, classical era exegeses became canonical in virtue of their proximity to the Prophet and the early Muslim community leaders.⁵²

An important factor that contributed to semi-contextualisation has its roots in what we term a hadith based concept of Sunna, discussed below, as well as in the atomistic approach of the Qur'an to which we turn next.

2.6 The atomistic approach of the Qur'an

The atomistic approach to Qur'anic exegesis, also known as textual segmentalism,⁵³ is another interpretational tendency that is part of the scriptural reasoning paradigm of the classical era. By this approach we mean that the Qur'an was mainly interpreted in a word by word, verse by verse linear manner largely ignoring the fundamental unity and coherence of the sacred text.⁵⁴ This approach gave rise to an interpretational strategy of selecting and privileging some words or verses or passages of the Qur'an without scrutinising them in relation to general Qur'anic principles that are derived on the basis of a holistic and thematic approach to it. Hence, atomistic approaches are based on more subjective and partial perspectives.⁵⁵ As we will discuss in subsequent chapters, patriarchal gender dynamics were constructed, among others, on the basis of application of textual segmentalism.⁵⁶

2.7 Hadith-dependent concept of Sunna

As evident in its massive exegetical corpus, the Qur'an, as a text (*mushaf*), is in need of elucidation and interpretation. Recognising this, Muslim scholars developed a theory of the exegetical necessity of Sunna at an early date.⁵⁷ During the first three centuries Hijri

(AH) the concept of Sunna seems to have been understood as a general, unsystematically defined ethico-behavioural practice of the early Muslim community that had been formulated, preserved and transmitted either orally and/or through the practices of the Prophet's Companions.⁵⁸ Guraya, who investigated the concept of Sunna in the early Maliki school of thought, for example, has argued that during this period Sunna was a concept based on "recognized Islamic religious norms and accepted standards of conduct derived from the religious and ethical principles introduced by the Prophet".⁵⁹ We refer to this concept of Sunna as the *non-hadith dependent concept of Sunna*.

However, for various reasons, before the end of the first century AH, Muslims began to systematically document the events surrounding the Prophet Muhammad's life in the form of traditions known as hadith (*ahadith*).⁶⁰ This situation created an ever greater impetus for a systematic searching for, and collection of, the events surrounding the life of the Prophet, especially in its written form of *ahadith*.⁶¹ This entire process of documentation of the Prophet's life, over time, in turn, gave rise to the formulation and consolidation of hadith sciences (*ulum ul-hadith*). This process has been termed as the "hadithification" of Sunna, by which it is meant that the written hadith-based body of knowledge became Sunna's only vehicle of transmission/embodyment and the hadith dependent methodology of derivation of Sunna.⁶² Many gender related hadith are androcentric and patriarchal in nature and their conflation with Sunna has contributed to the patriarchal construction of the Islamic tradition as explained in Chapter 5.

3 Alternative contemporary exegetic methods and gender egalitarianism

3.1 *The Qur'anic text as a cultural product*

This interpretational principle is based on the premise that views the Qur'an as simultaneously a divine revelation that holds universal meanings that transcend its historical context, and a literary, socio-culturally produced discourse.⁶³ This approach, therefore, holds that there is a dialectical relationship (*'alaqa jadaliyya*) between the Qur'an and reality.⁶⁴ Given this relationship, the revelation had to modulate and adapt its message to the historically conditioned intellectual horizon of its first audience. In order to change the reality, it had thus to embody it.⁶⁵ Furthermore, according to this approach, since language represents an important instrument in understanding the world and is socio-culturally produced, God's revelation also has to function within an intelligible human discourse.⁶⁶ Therefore, "the meaning of God's speech is considered by necessity bound to the accepted standards of linguistic semantics".⁶⁷ This means that the Qur'an should also be viewed as a product of a particular culture (*muntaj thaqafi*), and approached interpretationally as such.⁶⁸ Henceforth, the Qur'anic text must be analyzed by using the same methodologies and rules applied to any verbal discourse.⁶⁹

Abu Zayd's historical contextualisation of the revelation that is based on the distinction between the meaning (*ma'na*) of the text and its significance (*maghza*) is an example of viewing the Qur'an as a socio-culturally produced text. Sukidi, in his exhaustive study of Abu Zayd's interpretive method *vis-a-vis* the Qur'an, explains this interpretational principle as follows:

The first task of the human interpreter, insists Abū Zayd, is to fully understand the historical meaning of the Qur'ān (*al-dalāla al-tārīkhiyya*) within the social, historical, and cultural contexts of the first addresses of the text, i.e. the Prophet and his

communities. *Meaning* (*ma'nā*) of the text may be valid and stable according to what the Prophet meant in the historical past. However, the *significance* (*maghzā*) of the text may vary in the present context as a result of the text's encounters with the human interpreter or the reader in a different time and space. A subsequent task Abū Zayd assigns to the human interpreter is to discover the changing character of *significance* of the text in the present context.⁷⁰

In this approach, the original, historical meaning of the scripture is, therefore, considered relative to the addressed cultural and linguistic community.⁷¹ The broader, enduring significance of the text, even if "firmly related and rationally connected to the meaning", is, however, changeable and transhistorical.⁷² The idea of significance of meaning (*maghzā*) is practically a reinterpretation of the meaning in accordance with the new socio-cultural contexts of the interpreter, and as such contributes to the idea that the Qur'anic injunctions can have relevance beyond their immediate context. The significance of applying this interpretational principle will become, for example, particularly evident in our discussions of the idea of the Qur'anically derived concept of *qiwamah* which in classical *fiqh* became associated with the idea of comprehensive and "natural" male authority over women. Gender egalitarian Muslim scholars are challenging such an interpretation of the relevant Qur'anic verse (4:34) precisely on this ground of its continued significance/relevance.

3.2 The role of the interpreter

In the previous section we discussed two main assumptions on which classical exegesis was premised, namely the idea that the sacred text was supposed to speak for itself in a socio-cultural vacuum and that the author's intentions were made comprehensible and clear to an unbiased interpreter who simply had to retrieve the objective meaning of the text. This interpretational tendency risked the idea of having the opinion of an exegete easily conflated with that of God's Will. With the development of critical historicism and other related disciplines, the role of the interpreter in the process of derivation of meaning was emphasised. The meaning of a text was considered not to be simply discovered, retrieved or reproduced by but significantly *influenced* by a host of interpreter biases such as the cultural, political, historical, social, and educational background of the exegete and his/her own preferences, inclinations, psychological makeup, gender and personal experiences.⁷³

This interpretational recognition of the importance of this "prior text" impacted on the understanding of the very nature of religious knowledge, namely its constructedness and inherent subjectivity.⁷⁴ This means that religious knowledge, including the understanding of the Qur'an, is human, fallible and interacting with other types of knowledge. Any form of knowledge, religious included, is therefore subject to contraction and expansion.⁷⁵ In other words, Qur'anic interpretations are destined to be plural, mutable, imperfect and incomplete because the process of extracting the meaning is partially dependent on and relative to the interpreter and her/his prior text.⁷⁶

Traditional exegesis, which was exclusively the foray of males,⁷⁷ was conceived in and thus reflected an overwhelmingly patriarchal society that promoted androcentric gender norms and sexist attitudes.⁷⁸ Women's interests and experiences were by and large excluded from the exegetic enterprise and were defined according to masculine interests and sensitivities.⁷⁹ In the words of Geissenger: "... the primary exegetical gaze

mirrors as well as reinforces the dominant position of free elite males in medieval jurists' theoretical conceptions of a 'rightly-guided' societal order, and is thus textually constructed as emblematically 'masculine'".⁸⁰ Moreover, the exegetical materials that were attributed to female figures in classical Muslim exegesis were cited much less frequently than those attributed to men.⁸¹ This led to the devaluation of women's perspectives and understanding in the process of Qur'anic interpretation in general.

Gender egalitarian interpretations consciously incorporate the input of voices of women and incorporate their gender sensitivities and perspectives into the process of the production of knowledge.⁸² This can and has led to the emergence of new gender egalitarian interpretations of the Qur'an as partially documented in this book.

3.3 *Ethical objectivism*

In line with the classical proponents of ethical rationalism, gender egalitarian scholars consider that the ethico-legal injunctions in the Qur'an are rationalist in nature.⁸³ This view implies that everything that the intellect/'*aql*' evaluates as ethically good or bad coincides with the divine perspective.⁸⁴ These scholars argue that God has instilled in human beings *fitrah*, or sense of moral sensibility/intuition, as the source of ethical and moral guidance that is pre-revelatory and applicable to the entirety of humanity regardless of their specific faith or non-faith commitments. Hence, the concept of *fitrah* can serve as the origin of rational moral values which humans are capable of recognising irrespective of revelation. Revelation is but a particularistic form of *fitrah* whose function is to merely (re-)confirm a rationalist ethico-moral worldview.⁸⁵ *Fitrah*, is, in other words, "the inner essence of an individual or intuitive sense by which one distinguishes right from wrong and moral from immoral".⁸⁶

Moreover, according to this view, all humanity is honoured by God and shares a "noble nature"/*karam*, and therefore participates in a universal ethic whose ultimate source is God.⁸⁷ This noble nature does not need any other justification independent of its own internal measure. Regardless of the fact that the Qur'an recognises the historical and social determination of moral concepts, it also insists that various human cultures must extract the universal ideal from the diversity of human conditions, namely a common ethical language indispensable for the construction of a just, intercultural society.⁸⁸ A similar argument justifying the objective nature of ethical values in Islam is advocated by Abou El-Fadl who asserts that "Divine is the very embodiment of all that is moral, ethical, good, and right and therefore, the presence of the Divine as an objective reality necessarily means the existence of ethical values such as justice and goodness as an objective reality".⁸⁹ Otherwise, the divine attributes such as Justice and Mercy would not be meaningful and comprehended by the human moral compass.⁹⁰

According to the gender egalitarian paradigm, the Qur'an-Sunna teachings assert that there is a moral human consciousness independent from and prior to revelation.⁹¹ Therefore the proponents of this approach reject the view that rationality and ethical objectivity are "Western" but consider them an integral part of the Islamic tradition. Gender egalitarian Muslim scholars justify this approach also on the basis of the nature of early Muslim intellectual history. They point to the fact that, during the formative period of Islamic thought, reason and reason-based opinions (*ra'y*) could not contradict textual based proofs and concepts, and that intellect ('*aql*) and *ra'y* played a major role in ethico-legal and theological reasoning.⁹² The proponents

of the gender egalitarian paradigm also point to the fact that it was only in the third century AH that the forces of ethical voluntarism started to dominate the Islamic intellectual tradition.⁹³

3.4 Comprehensive contextualisation

Comprehensive contextualisation of the Islamic normative sources is one of the most important alternative interpretational methods that facilitate egalitarian readings of the Qur'an. Duderija defines comprehensive contextualisation in the following manner:

By comprehensive contextualization I mean investigating, in a methodical manner, the role of context in shaping of the very content of the Qur'an and its worldview. For this to take place we need to recognize the Qur'an's orientation towards the assumed operational discourse of its revelational context that manifests itself in the Qur'anic content and is reflected in the grammatical and syntactical structures employed in the Qur'an's language. This Qur'anically assumed operational discourse must be seen as often reflecting the prevalent religious, cultural, social, political and economic situation of its direct audience, its community of listeners and participants upon which a dialogical nature of the Qur'an's discourse is premised.⁹⁴

In this interpretive approach, therefore, the historical embeddedness of the very nature and language of revelation is emphasised and the ethico-legal Qur'anic content is understood and interpretationally evaluated in the light of the socio-cultural, legal, political, economic, historical, spiritual, and broader ideological and civilisational contexts in which the verses were revealed and applied.⁹⁵ The application of Qur'anic ethico-religious teachings by the Prophet and the leaders of the early Muslim community, as far as they are discoverable and known, are also approached in the same manner.⁹⁶ Moreover, the voices and experiences of the interpretative communities of the Qur'an must be analysed as they are an integral part of the revelation; the Qur'an ceases to be the Qur'an in the absence of this audience.⁹⁷ According to this view, the gradually realised prophetic experience itself, constantly renewed and expanded, in both its inward, mystical dimension, and its outward, social and historical aspects and stances, created interactions that fashioned the Qur'an's particular structure and composition.⁹⁸

Compressive contextualisation is best embodied by what Saeed terms a contextualist approach to the Qur'an. For Saeed, there exist three approaches to interpretation of ethico-legal texts among Muslims in the modern period, namely textualist, semi-textualist, and contextualist. Saeed's classification is based on two criteria which delineate between the approaches, namely the extent to which the interpreters:

- (1) rely on just the linguistic criteria to determine the meaning of the text, and
- (2) take into account the socio-historical context of the Qur'an as well as the contemporary context of today.⁹⁹

In Saeed's assessment, "textualists" advocate a rigid following of the literal meaning of the text whose meaning is considered as static and universal in its application regardless of changes in context. "Semi-textualists" also adopt a literalist approach to interpretation but "package the ethico-legal content in a somewhat 'modern' idiom, often within an apologetic discourse".¹⁰⁰

The contextualist approach for Saeed provides “a critical alternative” to dominant textualist based approaches. It highlights the contextual contingency of the ethico-legal content of the Qur'an as well as its interpretations from the classical period. In Saeed's own words:

They [the contextualists] argue for understanding the ethico-legal content in the light of the political, social, historical, cultural and economic contexts in which this content was revealed, interpreted and applied. Thus they argue for a high degree of freedom for the modern Muslim scholar in determining what is mutable (changeable) and immutable (unchangeable) in the area of ethico-legal content.¹⁰¹

Saeed provides a number of reasons as to why this is the case. One important consideration has to do with the premise that a contextualist approach permits more interpretational flexibility which is seen as very important in meeting the various needs and addressing the various challenges of contemporary Muslims.¹⁰² One of the social changes Saeed identifies relates to ethical and moral issues, such as understanding the dignity of the human person, in the area of gender relations which have important socio-political and legal implications. These changed perceptions and institutional structures have repercussions for law and governance.¹⁰³ Another reason as to why a contextualist method is necessary pertains to the idea that only a contextualist driven Qur'anic hermeneutic is able to fully capture the spirit and underlying objectives of the Qur'anic message.¹⁰⁴ In adopting this contextualist approach, Saeed maintains further, the Qur'an and its message will be more applicable to the lives of Muslims and hence preserve its relevance, something that many Muslims earnestly desire.¹⁰⁵ Importantly, Saeed considers the contextualist approach to be in harmony with the actual nature of the Qur'anic revelation¹⁰⁶ and that it is “deeply rooted in the Islamic tradition”¹⁰⁷ from its earliest times.¹⁰⁸

Another argument in favour of a contextualist Qur'anic hermeneutic provided by Saeed is premised on the idea that classical non-contextualist approaches and methodologies should not *a priori* be considered as invariably applicable or forever valid.¹⁰⁹ Hence, for Saeed there is an urgent need for contemporary Muslim scholars “to explore the tradition in the light of contemporary experience, including modern knowledge and methods of research”, including rational, historical, and critical scholarship as part of relevant modern day academic endeavours.¹¹⁰ Such an approach, however, Saeed repeatedly underscores, does not *in and of itself* reject the legacy of classical Islamic scholarship.¹¹¹ Finally, for Saeed, the Qur'an, including its ethico-legal texts, should be treated as not merely language, but also a *discourse*, an aspect of the nature of the Qur'an which further favours a contextualist approach to its interpretation.¹¹² Therefore, for contextualists, in the overall process of interpretation of ethico-legal elements of the Qur'an, it is imperative to take into account social change that has taken place since the time of revelation.¹¹³

3.5 *The maqasid (aim/purpose) approach*

The formalism and textual intentionalism that characterised the classical exegesis emphasised a heavily textualist approach to the Qur'an. Over time, however, a discourse within the classical paradigm emerged that looked beyond the letter and more to the spirit of the sacred text. This approach was based on the idea that socio-legal

injunctions found in the Qur'an in particular, and Islamic legal philosophy in general, aim to fulfill certain values and purposes such as justice, compassion, facilitation of welfare and avoidance of harm.¹¹⁴ Some evidence of the early Muslim community engaging in this kind of reasoning was proffered in support of this approach that became known by its technical terms *maqasid al shari'ah*.¹¹⁵ Nevertheless, the classical interpretive paradigm applied this aims based approach within the confines of its semi-contextualist interpretive model based on ethical voluntarism, and hence it was insufficiently developed and utilised, especially in relation to gender issues.¹¹⁶

Gender egalitarian approaches employ the aims based approach with other interpretational mechanisms, some of which were mentioned above such as contextualisation and ethical objectivism, in order to open the Qur'an up to new interpretational possibilities with respect to socio-legal issues in general, and gender issues in particular.¹¹⁷ The universality of the Qur'anic text is manifested in identifying and applying moral trajectories identified in the Qur'an.¹¹⁸ For example, when taking into consideration the idea of Qur'anic moral trajectories, Muslims were able to stop the practice of slavery, that is permitted in the Qur'an, without being accused of violating the sacred text.¹¹⁹

3.6 Thematicoholistic approach

The gender egalitarian paradigm recognises that the Qur'anic text lacks internal connectedness in terms of its chronological arrangement or content organisation, but this aspect is just a proof of its "essentially oral, disjointed, and narratively parsimonious" character.¹²⁰ Given this nature of the Qur'anic text, thematic, holistic and corroborative based interpretive approaches become indispensable. Furthermore, since the Qur'an is made up of a web of interwoven ideas, this method allows for the uncovering of "the comprehensive constant",¹²¹ or the fundamental principles of the Qur'anic worldview, by means of a thematic and holistic approach to its content. Thus, according to this method, a Qur'anic concept that is to be considered as truly universal cannot be properly arrived at unless "all the relevant verses dealing with that concept are analysed and subsequently synthesised into a larger framework of its interpretation".¹²²

Wadud's interpretational approach with respect to the concept of *tawhid* or what she terms the hermeneutics of *tawhid* is an example of this holistic approach.¹²³ According to Wadud, each Qur'anic verse should be analysed:

1. in its context; 2. in the context of discussions on similar topics in the Qur'an; 3. in the light of similar language and syntactical structures used elsewhere in the Qur'an; 4. in the light of overriding Qur'anic principles; and 5. within the context of the Qur'anic Weltanschauung, or world-view.¹²⁴

Such a holistic approach to the Qur'an maintains the distinction between the temporal, particular and the universal, inviolable Qur'anic principles that have, amongst others, important gender based implications¹²⁵ as discussed throughout this book.

3.7 A non-hadith-dependent concept of Sunna

Gender egalitarian based approaches to Sunna revive the conceptual and semantic distinctions that were made between hadith and Sunna during the first two centuries of

Islamic thought.¹²⁶ According to this view, Sunna is not solely known or to be extracted from the written canonical hadith, but the process of authentication of hadith themselves should not be restricted to those sciences established by classical hadith scholars.¹²⁷ Moreover, hadith are not considered as the exclusive indicators of what constitutes Sunna, but also reason and rational ethical thought.¹²⁸ Throughout Islamic history, the Prophet Muhammad's authority was co-opted, constructed, and reconstructed on the basis of a particular approach to and invocation of *Sunna-hadith dynamics*, giving rise to certain understandings of gender roles and norms. In the patriarchal paradigm this Sunna-hadith interpretational relationship justified a decidedly patriarchal worldview.¹²⁹

Duderija has developed a systematic hermeneutic of Sunna that is conceptually and interpretationally independent of the concept of a sound hadith and hermeneutically linked to that of Qur'anic hermeneutics that can be used for the purposes of justifying a gender egalitarian paradigm. Duderija argues that it is within the confines of the broader Qur'an-Sunna interpretational mechanisms discussed above that the function and normative value of hadith in Islamic thought is to be assessed. In this respect, Duderija outlines his methodology as follows:

- i Acknowledge the interpretationally symbiotic and interdependent relationship between Qur'an and Sunna that existed during the early formative period of Islamic thought.
- ii Take into account the conceptually and interpretationally independent relationship between Sunna and hadith and, by implication, that of Qur'an and Sunna that was evident during the early formative period of Islamic thought.
- iii Recognise that the classical formulation of Islamic legal theory did not make the distinction in i) and ii), engendering a largely hadith-centred Qur'ano-Sunnaic Islamic legal theory.
- iv Acknowledge that, in the final analysis, contemporary debates on the assessment and evaluation of the function and the significance of the hadith body of knowledge in Islamic thought are not to remain solely within the theoretico-epistemological framework of the classical hadith sciences, but that these scholarly discourses need to be closely linked to the questions relating to the development of Qur'anic (or more precisely Qur'an-Sunna) models.¹³⁰

In this context, the most fruitful assessment and evaluation of the value and the significance of each hadith will not solely or even primarily be conceptualised in terms of its authenticity/reliability or its epistemological value as stipulated by classical hadith sciences, but by how its message fits into an overall broader hierarchically structured Qur'an-Sunna interpretational model. So the crucial questions in this context are not just whether or not a particular hadith has an impeccable chain of transmission or what its epistemological value is,¹³¹ but: what are the delineating features and underlying methodological and epistemological assumptions governing the interpretational processes of a certain scholar pertaining to conceptualisation and interpretation of the nature and scope of the Qur'an and Sunna bodies of knowledge who uses this particular hadith in order to argue a particular point of view; and where, according to his/her hermeneutic, does hadith fit into it?

Many misogynist and sexist *ahadith* would not have been validated in the classical Islamic tradition if this approach to Sunna had been used.¹³² Gender discriminatory

ahadith would not have been invested with such a disproportionate authority if classical scholars had tried to respect a proportionality between the validity of the textual sources and the moral and social consequences that the texts produce.¹³³ Furthermore, we must remember that, according to Duderija who has employed the above outlined understanding of Qur'an-Sunna-hadith dynamics, the patriarchal interpretations of the hadith (and the Qur'an) are not in accordance with the concept of Sunna as the concept was understood during much of the formative period of Islam.¹³⁴

4 Conclusion

In the present chapter we described the different methodologies of interpretations of the Qur'an and Sunna and some of their general interpretational implications. As we will further analyse in the following chapters, the heavily textualist, ethically voluntarist, semi-contextualised and atomist understandings of the Qur'an and Sunna tend to support patriarchal approaches to gender relations in Islam. On the other hand, aim-based, rationalist, contextualist and historically informed approaches to the Qur'an and Sunna are able to generate a perspective compatible with a gender egalitarian understanding of Islam. Moreover, this chapter's analysis of the construction of normativities in Islam is indispensable in understanding the fascinating diversity of other historically marginalised and/or specifically localised Islamic discourses and practices that will be discussed in Chapter 11.

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