

Verse 4:34 (beating wife) - a comparative analysis of variant interpretations

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Prologue by Dr. Farhad Shafti

In any piece of research, scholars are keen to find and eliminate the possibility of bias. Bias normally does not take place intentionally, but is hidden in the background and personality of the researcher. This is why finding it is a very difficult job. A question can be raised, that given that the vast majority of the interpreters of the Qur'an throughout the history were men, does this not bring a bias to interpretation of some of the verses? Would we have the same understanding of some of the verses of the Qur'an if the situation was reversed, that is, the vast majority of interpreters were female scholars? A more fundamental question will be, given that the Qur'an was revealed in a very male dominant society, is it possible to argue that the directives of some of the verses were specific to that sociocultural situation and that these verses should not be taken literally for the modern age that we are in?

In the following article, Nikhat Sattar has keenly looked at questions like the above. She has studied interpretations of the verse of 'beating women' (4:34) by scholars from different backgrounds (traditional vs reformist, male vs. female) to illustrate how these interpretations are different in both assumptions and conclusions.

I am proud to host this article in Exploring Islam website as one of the few genuine attempts by a female student of Islam to understand this complex subject despite its controversial nature. I invite the visitors of the website to download and read this interesting article by Nikhat Sattar. If you have any feedback or comments about the article then please send them directly to the author who is keen to receive them: nikhat_sattar@yahoo.com.

1. Introduction

One of the leading figures who revolutionised Islamic thought was Allama Iqbal, the famous poet and philosopher. He says:

“The ultimate spiritual basis of all life, as conceived by Islam, is eternal and reveals itself in variety and change. A society based on such a conception of reality must reconcile, in its life, the categories of permanence and change. But eternal principles when they are understood to exclude all possibilities of change which, according to the Qur’an, is one of the greatest ‘signs’ of God, tend to immobilise what is essentially mobile in its nature.” (Muhammed Iqbal, 1927).

In my search for understanding the Quran and answering the questions that I have grappled with over time, I have found that change in Muslim thought is rarely welcomed by Muslim scholars. I also found that this field is heavily dominated by males who tend to determine how and why Muslim women should behave and conduct themselves according to their notions of Islamic precepts. Today, multiple

translations of the Quran in English and Urdu by men exist and are accepted widely, but any by women are unknown.

I decided to write a research paper on the different interpretations of women specific verses in the Quran, but was unprepared for the breadth and depth of the scope. It was not only a matter of interpretation, but how their variant readings have been transformed into Muslim personal law in different countries, and contributed to, and been influenced by changing social, political and economic scenarios. The interpretations of these verses are related closely to the history of how gender concepts have evolved and been understood, according to political and economic changes. Colonialism and macroeconomic policies have also shaped this debate to a large extent. Due to the complexity and scope of the task, I have restricted myself to one of the most debated verse: 4:34, but referred to some others where necessary.

Research Questions

The following questions formed the framework for my study and conclusions, and I address them through analysing the differences in translation, meaning and commentary by different categories of scholars.

1. Do women exegesists, thinkers, scholars and researchers interpret the Qur'an differently from men? Is gender a parameter/category to consider, in addition to the cultural, social, and environmental and personal bias?
2. Have women, (reformist, feminist), questioned interpretations made by men, or have they accepted them unreservedly? Has this need become more important recently?
3. How do men (traditional, rationalists, modernists, feminists) exegesists, scholars and researchers view the roles of women generally, as evident in their writings, and do these views affect their interpretation of the Qur'an?
4. To what extent have deeply ingrained cultural and social traditions and practices (patriarchal norms) influenced Qur'anic readings?
5. To what extent does the world view of women impact their reading, as compared with that of men?

I have used the traditional, rational and modernist grouping for male scholars and treated women scholars as a separate category. I have not used the division according to the period they live/d in, but according to the approach they applied. Thus, traditional scholars are those who considered the text and language per se, and took the verses piece by piece, in a literal manner. They use the text in a literal manner. Rationalists have analysed the verses in context of the era when the Quran was revealed, and have brought rational thinking into the explanation. They are, however, less cognizant of the current context and believe that the word of the Quran must be retained even with changes in context. They may be called semi textual scholars who use the historical context to some degree. Modernists have considered the context of the changing times to assess if and what overall principles the Quran emphasises. There are overlaps between these divisions but I have attempted to point out these where possible. They go beyond the context of seventh century Arabia, to assess the current context and derive principles from the Quran that may serve as guidance for today's realities. They believe that "the

role of Quran in a society is as a catalyst affecting behavior, each social context must understand the fundamental and unchangeable principles of the text, and then implement in their own reflection. It is not the text or the principles that change, but the capacity and the particularity of the understanding of reflection of the principles of text within a community of people. If there would be only one interpretation of the Quran, it will limit the extent of the text. Quranic text is flexible enough to accommodate cultural situations being universally beneficial for all. Therefore to force it to have a single perspective severely limits its application and contradicts the stated universal purpose of the Book itself.” (Campanini. M, as cited by Pakeeza.S and Chishti).

I have presented this paper in four main sections. Section 3 gives a few definitions; section 4 is a brief introduction of exegesis as a discipline. I have mentioned a few well known scholars who are famous for their influence during the centuries since the demise of the Prophet (sws). I have also given names of some key individuals in the four categories of traditional, reformist, modernist and women scholars. Section 5 gives a short description of the different hermeneutic approaches used by these scholars, followed by the main body of this paper, which is a review of the literature on comparative readings of verse 4:34. Section 6 presents my conclusions based on the above framework and a proposal for what may be done as a follow up research and debate.

I owe a huge debt to the late Amin Ahsan Islahi, whose Taddabur e Quran has been instrumental in teaching me the in depth meanings of the Quran and to Javed Ahmed Ghamidi, who has not only provided the material to fuel my intellectual desire through his books, but has been kind enough to discuss various issues which I have raised with him. And, above all, to Dr. Farhad Shafti for his guidance and painstaking review of this paper.

2. Limitations

This paper is limited by lack of literature written by women, in English and Urdu, in Pakistan. I have been able to obtain some books through Hasan Mir, to whom I am indebted and have made use of sources available on the internet. The study is further limited by the fact that no sources in Arabic or Persian have been consulted, except if their Urdu or English translations were available.

3. Definitions

Before I go any further, I believe it is important to define the terms gender, patriarchy, feminism and Islamic feminism.

Gender is differentiated from sex, in that it is a social construct and relates to roles and responsibilities of women and men. It is heavily influenced by attitudes and behavior and is subject to change over time and according to the specific norms in societies. Sex is a biological reality and is unchangeable.

Gender roles have gone through tremendous change over the centuries and at a faster pace from the 20th century onwards. However, a strong gender divide has always persisted. According to Quasim Amin, one of the early founders of feminism in Egypt:

“For him, (man) education and for them (women) ignorance. For him is sound reasoning and for them inferior reasoning. For him is light and open space, and for them darkness and imprisonment. For him are orders and for them obedience and patience. For him is everything in the universe, and for them part of the whole he has captured (cited in Badran and Cooke, 1990: 275).

Patriarchy is defined as “a system of society or government in which men hold the power and women are largely excluded from it.”

(<http://www.oxforddictionaries.com/definition/english/patriarchy>)

Feminism is defined as the belief that men and women should have equal rights and opportunities and is an organised activity in support of women's rights and interests

(<http://www.merriamwebster.com/dictionary/feminism>)

Badran. Margot (2002), cited in Hassen. Rim (2012) defines Islamic feminism, also known as "gender activism" and "gender *jihad*" (struggle) as a feminist discourse and practice that derives its understanding and mandate from the Quran, seeking rights and justice within the framework of gender equality for women and men in the totality of their existence. Islamic feminism explicates the idea of gender equality as part and parcel of the Quranic notion of equality of all *insan* (human beings) and calls for the implementation of gender equality in the state, civil institutions, and everyday activities”.

Feminism has come to be held with negative connotations and is often viewed with suspicion and ridicule, mostly by men but also by women. In conservative societies, it is seen to have been inspired by a Western agenda. In fact, women scholars such as Wadud and Barlas see this as a challenge to their acceptance by the mainly male dominated world of Quranic exegesis, as their writings are brushed off as being against Islamic tenets. It would be wrong to claim, however, that only women believe in equality of gender roles. There are several male scholars today, who believe in feminism and in equality of genders.

4. Exegesis of the Quran

Exegesis (*tafsir*), in simple language, is interpretation. The exegesis of the Quran has been developed as a very well reputed field of Islamic knowledge. Many Muslim scholars claim that exegesis requires a thorough understanding of the Arabic language, as well as that of Islamic *Fiqh*, *Hadith*, the Prophet's *Sunnah* and *Seerah*, and other Islamic fields of knowledge. In addition, the

scholar must be accepted by an established authority to ascertain that the exegesis produced does not violate accepted principles. There are also approved methodologies that must be used for the exegesis to be accepted by an authority. However, from the late 20th to early 21st centuries, many researchers have begun to develop and write interpretations that do not necessarily follow these guidelines. They have mostly produced interpretations of a few verses, but not of the whole Quran.

Many modern scholars, especially women, have emphasised that exegesis is only a human interpretation of the Quran, not the Quran itself. The Quran is God's Word, and humankind's understanding of it is necessarily limited due to limitations of the human intellect, language and social and individual prejudices. This indicates that there can be several readings or interpretations of the Quran, and to insist that only one's own reading is the right one is to deny the diversity of human beings and their inherent search for truth.

From the early years of Islam until the 20th century, exegesis of the Quran was almost exclusively the domain of men scholars. They used their own world view, and developed their methodologies, either based on the work done by their predecessors, or building on the same.

Tafsir has followed broadly three main methodological approaches: traditions (*tafsir bi'l math'ur*) and transmission (*tafsir bi'l riwayah*) which are roughly similar and *tafsir bi'l ra'y* which uses philosophical understanding, *hadith* and reason. The earliest traditional *tafsir*, *Jami-al-bayan 'an ta'wil ay al-quran* was written by Abu Jafar Muhammed ibn Jarir al-Tabari (d:923) .

Many subsequent exegesists came to rely on Tabiri's work, and the traditional methodology was followed by the well known Abu al-Qasim Mahmud ibn 'Umar al-Zamakhsiri (d:1144), *Mafatih alghayb (or Al tafsir al-kabir)* by Fakhr al-Din al-Razi (d:1209) and others by Qurtubi (d:1272), Mahalli (d:1459) and Suyuti (d:1505).

An especially known *tafsir* oft quoted by scholars even today is the *Tafsir al-quran al-'azim* by Imam al-Din Abi al-Fida Ismail ibn Kathir (d: 1373), who adhered strictly to the Prophet's traditions and those of his companions, disregarding any narratives rooted in Jewish or Christian tradition or Muslim literary sources.

Tafsir bi'l riwayah includes several forms of knowledge called *u'lum al quran*, which cover Quranic sciences such as *ashab-ul-nuzul* (occasions of revelation); *ahkam* (instructions with legal implications); grammar and language; general and specific verses, *mahkumat* (straightforward) and *mutashabihat* (allegorical) verses. It is also heavily reliant on *Hadith*.

Over the centuries, the large body of work in the *tafsir* has built up its authority through the self referential mode, repetition; citations and "a continuous building of the past" (Rippin, *Tafsir*, cited in Hidayatullah, 2014). Rippin and Esack also note that the traditional *tafsir*, too, depends upon the personal views, preferences and opinions of the *mufassir*. Hence, the difference between *tafsir bi'l ra'y* and *tafsir bi'l riwayah* are not too glaring in terms of the individual leaving his mark, or continuing in his predecessor's style.

With the onset of the 19th and 20th centuries, Quran scholars began to incorporate science, logic and rational thinking and democratic values to interpret the Quran with a view to reconcile the

“modern” view with its universal teachings. This major change occurred as a direct result of the end of the colonial era, the rise of nationalism and political views and the need for identity as well as for meeting challenges from the West. The Muslim “modernist” scholars included Sir Syed Ahmed Khan (1817-1898) from India, and Fazl-ur-Rahman of Pakistan (1919-1988). Muhammed Abd’uh (1849-1905) and his student Rashid Ridha were Egyptian scholars, who wrote *Tafsir al Manar*. They argued that Islam was the religion of “reason and progress” (Rippin, 2001 as cited in Hidayatullah, 2014). Abd’uh called for a return to the Quran and Sunnah to discuss the issues of modern life. Sir Syed Ahmed Khan held similar views, saying that the understanding of the primary text of the Quran was essential to any reforms in Islam.

Both Khan and Abduh advocated the interpretation of the Quran within the context of scientific reasoning; arguing that in case of any contradictions between the two, the Quranic verses were to be understood metaphorically and allegorically. They emphasised the modernist trend of disregarding any “legendary traits, primitive ideas, fantastic stories, magic, fables, and superstitions.” (Rippin, Muslims, cited in Hidayatullah: 2014). A particularly revolutionary idea was that since the Quranic interpretation was based on reason, it should be open to all human beings. Thus, the special Quranic sciences and methodologies which hereto had been confined to scholars were not necessary. Abduh emphasised the necessity of availability of *tafsir* to everyone. *Tafsir alManar* was written without any confusing references and recourse to complex theology. This view was shared by many early and later women scholars.

Abduh also believed that the Quran’s historical context (*siyaq*) was essential to obtaining a more realistic understanding. Language that held a particular meaning for the Quran’s direct addressees in seventh century Arabia needed to be contextualised with contemporary circumstances and societies. He focused, therefore, on what the text would have meant for its addressees at the time of revelation. Khan and Abd’uh both were skeptical towards the Hadith, with Khan rejecting the significance of Hadith entirely. A similar approach is strongly advocated by Ghamidi and Islahi, albeit with some exceptions.

In case where the meanings of some verses of the Quran and scientific rationale could not be correlated, many modernists resorted to “the limitations of human knowledge”. Abd’uh suggests that “what is unknown should be left as unknown” (Rippin, cited in Hidayatullah: 2014,). According to him, “any ambiguity that exists in the Qur’an.... is there for a reason: in order to divert attention away from the material world towards the spiritual”.

In the context of women and their roles as understood by Muslims through their interpretations, Abd’uh called for education of both men and women, the former in moral values, shedding of tyranny and oppression and greed; the latter in their understanding of their obligations and rights. (Stowasser: 1998). The rationalist approach focused more on ethical, social, cultural and economic issues than theological niceties. Abd’uh’s work led to innovative interpretations and *fatwas*, especially regarding polygamy and divorce laws. According to him, polygamy may have been appropriate for the early Muslim period, but it was a means of spreading “unbridled lust without justice and equity in his own time”. (Stowasser: 1998). Women should be able to seek divorce from a judge, for example, in case of harm from the husband. Abd’uh’s work was quite revolutionary and was put forth as a means to reform the Muslim society through “re-Islamisation”.

In mid 20th century, Mahmud Shaltut (d: 1963) and Amin al-Khuli (d: 1967) emphasised the importance of treating *tafsir* as themes. The text was treated as an organic whole, with different verses and their sequence being hermeneutically significant. For Shaltut, understanding the Quran requires understanding of its historical context, links between verses or phrases instead of a piece by piece approach. Unlike Khuli, both Shaltut and Abd'uh insist on the absolute truth of all the background references and narratives stated in the Quran. While Shaltut took a modern approach, his basis also followed tradition. On women's issues, he believed that in marriage, the husband's authority was not so much a right as an obligation due to his responsibilities. Men are not superior to women as such, but in an organic whole, "just as the right hand is superior to the left hand in the human body." (Stowasser: 1998).

4.1 Male traditional scholars

Traditional readings of the Quran occupy the major body of *tafsir* over the centuries. Ibn e Taymiyah, Tabiri, Zamakhshiri, Ghazali, Razi, Suyuti, Mahalli, Qurtubi, Abd Allah ibn Abbas, Abu Hanifa, Abu Hayyan al-Gharnati, Ahmad ibn Muhammad al-Tha'labi, Al-Baghawi, Al Baydawi and Syed Qutub belong to this group and are some of the most well known *mufassirs* who have had a heavy influence over the interpretations of the Quran. Their views have been based on literal meanings, focus on grammar and the widely popular social norms existing after and since the demise of the Prophet (sws). Ibn e Kathir was firmly against allowing multiple readings of the Quran and discouraged divergent views.

Latter day scholars include Israr Ahmed, Maududi, Shabbir Ahmed Usmani and several others. Of these, Maududi has had a profound influence on Muslims in general and those of the sub continent in particular. The common thread running in all their *tafsirs* is the rigidity with which they interpret Quranic verses in terms of the responsibility of Muslims to wage war in order to establish global supremacy, definition of Shariah and Sunnah and the role of women as being inferior to that of men.

4.2 Male rational scholars

These include Hamiduddin Farahi, Wahiduddin Khan, Amin Ahsan Islahi and Javed Ahmed Ghamidi. They all have an approach different from that of traditional scholars in that they often (but not always) place the current context along with that of the time of revelation of the Quran, and seek to interpret the Quran from within itself, rather than from traditional *ahadith*. Their views about *jihad*, blasphemy, women and their interactions with men, the establishment of an Islamic state, attitude of Muslims towards non Muslims etc differs widely from those of the traditional scholars. Farahi was the brilliant scholar who developed the concept of *nazm* (coherence) within the Quran and his approach to interpreting the Quran has been followed by his students, Islahi and Javed Ahmed Ghamidi. The Farahi School of thought has spread to other countries including Egypt and more and more scholars are turning towards this approach.

4.3 Male modernist scholars

Modernist scholars derive principles of guidance for human beings from the Quran and seek to read it both inter and intra textually. They argue that specific Quranic instructions were meant for the Arabs of that time and that each instruction needs to be analysed within the changing context of time. Their approach is a reflection of the ground breaking work done by Fazl ur Rahman who had first proposed that the Quran must be looked as a source of guidance, not as a book of law or instructions.

Tariq Ramadan

Ramadan is a well known Egyptian scholar of Islam who teaches at and gives lectures at various institutes. He has given lectures in Europe and other parts of the world and is extremely well respected for his insight and depth of rational thought.

Ramadan believes that male scholars have read the Quran through the double prism of their gender and their culture, thus bringing a twofold subjectivity into their interpretation. After the demise of the Prophet (sww), the Companions and the religious men could only understand the Quran in their own context. While the Quran spoke about women, the men set out laws and defined roles for women, according to the functions proscribed to them. Women were wives, mothers, sisters and daughters: where was the agency, moral autonomy and integrity that God has given to both men and women, he questions.

For example, he says, the Quran had initiated a social reform movement by establishing certain laws for keeping slaves. Slavery was not abolished, however. Similarly for women, their inheritance rights and rights in marriage were a forward step towards realisation of their equal status in society. This reform movement was to be continued. However, it was stopped and a regressive, centuries long process followed. "A closer reading of the texts, however, shows that the purpose of the inner evolution just mentioned, revisiting women's status step by step, is in fact to bring the believing conscience to perceive women through their being, beyond their different social functions. This inductive movement towards the primacy of being naturally involves an effect on the issue of social status; this, however, implies allowing full scope to the interpretation process and accepting all its consequences". (Ramadan: 2013)

Abdullah Saeed

He is the Sultan of Oman Professor of Arab and Islamic Studies and the Director of the Centre for the Study of Contemporary Islam at the University of Melbourne, Australia. He has written widely on Islam, particularly the contextual approach. He is of the opinion that debates in Muslim tradition on the issue of being fixed for eternity and changeable are of great significance. He differentiates between Quranic injunctions that are obligatory and others that need to be evaluated under the prevailing cultural and social contexts. An example is that of *muamalat* (transactions) and *ibadat* (worship). "The former is seen as negotiable/mutable, the second as non-negotiable/immutable. This is based on the view that rules and regulations related to worship are injunctions from God and the Prophet (sww); no human being other than the Prophet has the authority to change them. Opposed to this is the *muamalat*, which includes things like buying and selling, which is based on local custom or practice and thus is negotiable. The second aspect is that of consensus (*ijma*)" (Saeed: 2006). Saeed takes the point from Shafi who argued that it was only the fundamentals of religion that could allow consensus to be achieved. Thus, a considerable body of rules and instructions where consensus has not or cannot be achieved may be

seen as mutable. Saeed also questions the view held by textualists that the *shariah* is immutable and therefore must remain unchanged. But they have not agreed on the definition of *shariah*. It could mean either the sources of *shariah* (such as the Quran and Sunnah) or the Islamic laws based on those sources (*fiqh*).

He quotes Tufi (d. 716/1316) who had argued that the *hadith*, 'No harm shall be inflicted or reciprocated' supported the absolute priority of 'public interest'. Laws – even those drawn from the Quran or the Sunnah – could be changed if the change served the public interest." (Saeed: 2006)

Saeed has not analysed 4:34 at length but believes that it was stated as a fact of the existing cultural norms at that time and was only relevant to the time of its revelation.

He presents a hierarchy of values that define or should define Islamic law. The first set of values are the obligatory ones, that relate to belief and religious practices and the second are the fundamental values of protection of life, property, honour, progeny and religion. While they are not defined as such in the Quran, they were arrived at by a process of "inductive corroboration". New values that have universal application could be added to this list, such as basic human rights. (Saeed:2006)

Other modernist scholars include Khalid Abou al Fadel, W.Mohammed and Edip Yuksul. They are discussed in some detail later.

4.4. Women Exegesists

Through the centuries, woman scholars are conspicuous by their absence. They either did not write any exegesis, or, even if they did, the documents are not available now. A study of women exegesists in Islam (Professor Dr. Aydar & Atalay: 2014) shows that Hazrat Ayesha (ra) was the first woman scholar and was taught directly by the Prophet (pbuh). She interpreted the Quran to other companions and the wider Muslim society. However, her interpretations were never written down. Some later scholars have attempted to collect her narrations and her views and compiled them. These include the doctoral dissertation by Dr. Abdullah Ebu's-Suud Bedr, which was published with the title *Tefsiru Ummi'l-Mu'minin Aisha*. In addition, another scholar Dr. Suud b. Abdullah, Al-Funeysan came up with a book titled *MerviyyatuUmmi'l-Mu'minin Aisha fi't-Tefsir*.

Ziyb An-Nisa (d: 1702), who was the daughter of the greatest Timurid kings of India, Shah Sultan Alamgir Al-Hindî, was a well recognised scholar, and wrote several religious books. A *tafsir* in Persian is attributed to her, but it is said that it is a translation of Al Razi's *tafsir* into Persian, and that actually, even this translation was carried out by Safiyuddin Al-Erdabîlî Al-Kaşmîrî.

It was in the mid 20th century when two women scholars wrote *tafsirs* of the full Quran, and came to be known for their work, although in limited circles. Nusret Begüm Emin of Iran, (d: 1983) and Aisha Abd-ur Rahman, (d: 1998) of Egypt produced well researched and argued *tafsirs*, and, although Aisha's work cannot be termed feministic, her interpretations are often more women friendly, as opposed to those of men scholars and traditional understanding, which persist to date. For example, she asserts that both Eve and Adam were created from the same essence as opposed to the notion that Eve was created from Adam's rib, a view widely propagated over the centuries.

Zaynab Al Ghazali (d: 2005) was also an Egyptian who produced a *tafsir* based on what her readings of the Quran. Her full *tafsir*, *Nazarât fî Kitâbillah*, could not be published because of the death of the owner of the publishing house, but what did get produced is a marked cry from that of traditional scholars. She is probably the first woman scholar who brought in both the context of the revelations and of current times. She emphasised on the need for Muslims to read the Quran in the context of today's political and economic realities.

Nâïle Hâşim Sabrî (b: 1944) is a Palestinian and her *Al-Mubassir li Nûri'l-Kur'ân* is an example of the form of *tafsir bir rivaya*, and uses a style that appeals to ordinary people facing issues today. Both she and Aisha Abdu r Rahman also make use of Ahadith in their *tafsirs*.

Including those mentioned above, there are about 13 women who have written either complete or partial *tafsirs* and who are mentioned in the above study. They belonged mostly to Egypt, Syria, Iran and Turkey. Since 2005, other women such as Amina Wadud, an African-American convert and Asma Barlas, a Pakistani American, have written about women specific verses, and their writings are research and academic oriented. These and others mentioned in the subsequent section are markedly different and focus on how the Quran addresses men and women in terms of their gender roles in society and their mutual responsibilities.

The study alluded to above concludes that early women scholars did not contribute anything significantly different from men. It also cites the increasing number of female students of Islam and Quranic sciences in universities and expresses the hope that female scholarship of the Quran will increase over the years. However, the scholars mentioned are limited to women in the Arab states, Iran and Turkey. Secondly, it has not taken into account the vast number of partial interpretations by women who have studied the Quran from a gender perspective. Gender based studies have gained importance only over the past decade or so and are opening up new ways of looking at sacred texts.

My own assessment of the analysis in the above study is that while the women scholars may not have differed in some of the interpretations, they have certainly done so in their understanding of the portrayal of women by some traditional scholars as "originators of sin", being created from Adam's rib, being unequal or inferior to men and so on. They also show more awareness of the problems faced by Muslims today and use Quranic injunctions to move towards a better understanding of the same. Their style is more people friendly, underscoring the fact that the Quran and its *tafsir* is for reading and understanding by everyone, not just by scholars who can speak only to each other.

Karimah Hamza, wrote an exegesis in 2008 in an easy format which could be understood by young people. Al Azhar University hailed this publication. It does not differ from established classical interpretations. Bint al Shati was another woman translator. Both Hamza and Shati were influenced by the males in their families and have adopted a conservative approach similar to that of previous traditional male scholars. Other conservative scholars were Saffarzade and Umme Muhammed. The second group of women translators and scholars apply a women sensitive reading of the Quran and includes Layleh Bakhtyar, Helminski, Wadud, Barlas and Hasan (Hassen.R: 2012). Bakhtiar was the first woman American translator of the Quran into English.

5 Women and gender roles- different approaches

The differences between interpretations of traditionalist, rationalist and modernist scholars seem to be not just of methodology, but also of their view of the meaning of Quran for the world in general, and for Muslims in particular. For traditional scholars, the Quranic literal text is the final word, and must be followed in letter. In their interpretation, (therefore in the practice of Muslims who follow them), they often use Fiqh (Islamic laws put into place at different times) in place of Shariah, the divine law that must be followed at all costs.” While it may appear that the Islamic establishment is free to legally regulate the family, in reality, the state typically has the upper hand when it comes to enacting and modifying Muslim family law. In this area, the instrumental and political needs of the state take precedence over those of the religious establishment. As a result, family law can be changed in major and minor ways when doing so suits the interests of the state. Both the religious establishment and the state have upheld a patriarchal version of the family.” (Bardon: 2010).

Male scholars and *mufassirs* from the traditional and rational school, differ among themselves in their interpretation of several verses related to women and men. The initial ideas of woman having being created from Adam’s rib and being the source of the original sin, to being inferior physically, intellectually and spiritually are supported by verses on evidence (2:282), polygamy (4:3), divorce (2:228), having sexual relations with the wife even if she does not want them (2:223) and marital discord (4:34). These scholars have also often used patriarchal language in their writings, using generalized statements about women, which show that they are allowing their personal views to reinforce their interpretations.

Tabari quotes traditions that indicate men’s superiority and excellence over women. For Tabari, the much debated verse 4:34 implies the husband –wife relationship, men’s obligations to maintain their wives financially, and those of wives to obey the husbands. The man has the right to discipline his wife to ensure obedience both to God and himself. Rebellion by women means assuming superiority over the husband, unnecessary freedom of movement, objection to sex when required by the husband and other acts of defiance.

Such interpretations that exist and are widely believed and promoted even today have had major effects on the physical, mental and psychological, political and economic status of women in Muslim societies. These have been analysed by Ahmad Ibn al-Khafaji (d.1659), quoted in Bellamy, J.A. ‘Sex and Society Islamic Popular Literature.’ (Ed. Malibu Marsot: 1979).

Here, we also note that Tabari’s preferred interpretation of the phrase: **banish them to separate beds (*a’hjiruhunna fi’al-maza’ji*)** is to tie the woman to the bed with the same rope that is used for tying the legs of camels and then forcing sex upon them. Fortunately, both Zamakhshari and Qazi ib-ul Arabi have criticised this strongly. (Husband or wife’s rebellion: in the eyes of the Qur’an; Professor Khurshid Alam, Al Ashraq, August 2013).

Tabari’s overall reading of 4:34 was reinforced by Baydawi, Zamakhshari and Razi. Baydawi states that

“men are in charge of women as rulers are in charge of their subjects, i.e., God has preferred one sex over the other, i.e., because God has preferred men over women in the completeness of mental ability, good counsel, complete power in the performance of duties and the carrying out of divine commands, hence, to men have been confined prophecy, religious leadership, (*Imama*), saintship (*Walaya*), the performance of religious rites, the giving of evidence in law courts, the duties of the holy war and worship in the mosque on Friday, the privileges of electing chiefs, the larger share of inheritance, and discretion in the matter of divorce, by virtue of what they spend of their wealth, in marrying (women), such as their dowers and bears cost of their maintenance” (cited in Shahid.K: *Feminism and Islam: Contextualizing, Equality of Gender in Islam*).

Notice how social practices have been merged with personal interpretations of the Quran to explain the roles of men and women vis a vis each other.

Yvonne Haddad and Elposito suggest that the status of women in Muslim societies has been affected not only by the interaction of Islam with diverse cultures, but also by the fact that the primary interpreters of Islam and those who developed Muslim laws were men. The Quran was applied in a socio cultural context by human beings who were products of their times, highly influenced by their prejudices. Early jurists developed a body of laws which may have been somewhat uniform, but reflected the reasoning and customs of patriarchal societies. The tribal societies of Arabia were patriarchal in every sense, in which the status of women was merely as wives, mothers and daughters (a status that continues to date in many Muslim countries) and not as humans by themselves. The Quran reformed but did not replace this society and its customs. It gave women several rights, raised their status by saying that pious men and women are equal in the eyes of God, and gave inheritance rights to them. It also restricted men from multiple marriages and outlawed female infanticide. It gave women the right to marry and gave them control over their property. But, given the resilience of patriarchal societies, women still remained subordinate to the men. Women’s roles were limited by social and economic factors. Men taking on more wives, divorcing in a manner against the *Shariah*, women’s lack of participation in the work force, the *pardah* system, preventing women from getting their rightful inheritance in order to keep it within the family are all customs and practices that are determined by social values than Islamic rules.

The role of women in religious public events was also restricted, although, during the Prophet’s times, women prayed in mosques, had earned reputations as scholars of Quranic sciences and were also imams. Indeed, in the centuries after the Prophet’s demise, scholars kept women away from religious places, citing their tendency to tempt men. According to Muhammed a Ghazali, “ ninety per cent of our veiled women do not pray at all, nor do they know of the other duties of Islam more than their names” (Haddad and Elposito: 1998).

Sayed Qutub (d:1966) combines traditionalism and some aspects of modern thought to interpret 4:34, in that “gender equality in the Western sense would bring an upheaval of the family institutions and social values of Islam. The family is the cornerstone of Muslim society, a safe haven for the spouses and a nurturing shelter for the young. Guardianship or superiority has been given to the husband to prevent friction and discord within the family. In any human organisation, power and authority belongs to the most qualified candidate, and God has given man necessary qualities and skills and also charged him with the duty to provide the structure’s upkeep.” (Stowasser: 1998). The wife has been charged with child bearing and child care. For this, they possess tenderness and immediate positive responses to

children. Men are hard and stern and think before acting. But their guardianship is not about curtailing women's personality or civic rights, but directing and protecting the family. Had women been given the responsibility to take care of the family, the family would be perverted and unbalanced. Thus, this structure is the most equitable. Syed Qutub's approach is also evident in the work of later scholars, Amin Ahsan Islahi and Javed Ahmed Ghamidi, hold similar views and declare that the family is an institutions which must have a head, and, according to the Quran, they argue, the husband is that head.

Following the older schools of thought, Muslim *fiqh* and personal laws have been developed in support of the woman's lesser role and authority in society. The practices that have been followed in most Muslim societies have been responsible for the common view that Islam is oppressive towards women and that the Quran is a patriarchal in its content and language.

Some women scholars, such as Wadud and Barlas have rejected this view, arguing that it is not the Word of God that is patriarchal but the interpretations which have been phrased thus. They also critique the hermeneutics and methodologies that have been used. Barlas, in particular, argues passionately that while the Quran was revealed in a patriarchal society and hence addressed men in general, (although many of its verses related to humans and some to both women and men), this does not follow that it is patriarchal in itself.

It is useful to note here that when undertaking Quranic translations or exegesis, men have used the male word for the protagonist and the female for the passive role. For example, the word "*azwaj*" can mean both wife and spouse. However, it is translated as wife without exception in all *tafsirs*. For example, the verses 37:21-22 and 36:55-56 refer to the rewards and punishments for human beings and their *azwaj* (mates). All scholars, whether traditional or rational, translate *azwaj* as wives and present men to be the leaders of their families.

The issue of language, too, is important. There is no neutral gender in Arabic, so words which could be interpreted as being relevant for both men and women are usually used in the masculine form. While traditional and rational scholars, whether men or women, use the usual "he, him and his" as well as the masculine for Allah or God in their translations. This reinforces the widely held belief that it is the male gender that God is talking to, except where God instructs women directly. Islamic feminist scholars place the alternate s/he and S/He. The use of the masculine gender reinforces the widely held belief of the Quran talking to men and putting them in charge of and being custodians of the earth, rather human beings as a whole.

Asma Barlas, Amina Wadud, Riffat Hasan and Ziba al-Hosseini seek to interpret the Quran from within itself. Others such as Leila Ahmed and Fatima Mernissi are strong feminists who have accepted several views of non Muslim feminists and have analysed the Quran, partly by using unauthenticated *Ahadith* and narratives that reinforce the alleged patriarchy of both the Quran and the Prophet's teachings. But they also argue that it was the misogyny of Muslims soon after the death of the Prophet that was responsible for the distorted interpretations.

Hidayatullah has analysed these two sets of views critically, arguing that there is an element of apology in how the Muslim feminists interpret the Quran within their understanding of women's rights and roles as defined by today's realities, not by the Quran. She says that In order for the feminist *tafsir* to continue productively, we must openly admit that we are guided by conceptions of justice that are not found in

the Quranic text(Hidayatullah: 2014) . She also suggests that we must look carefully at the argument of feminist and modernist scholars who say that the Quran points to a moral and social process: “pointing us to higher moral practices even if not fully articulating these because of its context”. (Wadud: 2007). Wadud and Barlas say that the Quran describes the models of male hierarchy found in seventh century marriage subjugation, but does not prescribe these models to be emulated. Further, they say that the *khass* (particular) verses and even some of the *aam* (general) verses of the Quran are to be read with the historical context in mind. All these arguments are given to explain the hierarchical pronouncements in the Quran within the context of its need to communicate to its addressees in seventh century Arabia. Hidayatullah’s concern is that this argument may take us far beyond the text, and there may come a time when our concepts of social justice could become far removed from the Quran’s historical context. “Enough of the Quran’s pronouncements connote male- female hierarchy that, if we were to follow the logic of the trajectory argument to claim that we have to move beyond the Quran in order to follow the Quran’s trajectory, we will end up having to move numerous portions of the text”. (Hidayatullah: 2014)

Another critique of the feminist interpretation presented by Hidayatullah is the manner in which they treat some verses as normative and others as moving towards a trajectory, or even saying “no”, as Wadud does in the case of wife beating in 4:34. According to her, this selective choice is detrimental to the case for authenticity among the general critics of Islamic feminism.

Scholars from the third quarter 20th century onwards have tended to write theoretical treatises and critiques, rather than full *tafsirs*. The new modernists, led by the most well known Muslim thinker, Fazl ur Rahman, have sought to establish a theoretical model that explains the Qur’ans literal, situation specific laws in a historical context, discover the universal principles that are overarching and transcendent and then apply these to today’s situations. This was, according to Rahman, “a double movement, from the present situation to the Quranic times, back to present times. The Quran was the divine response, through the Prophet’s mind, to the moral-social situation of the Prophet’s Arabia” (Rahman: 1984). The Muslim legal tradition is erroneous, because it regards the Quran as the *book of law*, instead of the *source of law*. It adheres to the letter of the law, whereas the “*ratio legis*” is the essence of the matter. If the law fails to meet the *ratio legis*, it is the law that must be changed.

Amina Wadud-Muhsin (1952-) uses a similar two textual level theoretical model. The model differentiates between the historically and culturally contextualized text, and the “megatext of the universally applicable principles”. She classifies Quranic interpretations into the traditional, reactive and holistic. The former, according to her, uses an “atomistic approach”, lacking any appreciation of thematic unity and all written by men (however, we find that some women translators and scholars have also applied a similar approach). The reactive approach is used by feminists who, in their desire to vindicate the perceived position of women, contradict the Quran itself. The third is used by Wadud Muhsin herself, the consideration of the context, the grammar and semantics and the Quranic worldview. (Wadud Muhsin: 1999).

The translations and interpretations of women scholars/researchers differ greatly from those of men. Some, such as Wadud and Barlas read the Quran through a hermeneutic model which they have developed from within the Quran itself. Others, such as Lylah Bakhtiar, Leila Ahmed, Ayesha Hidayatullah and Fatima Mernissi trace the history of gender relations through the centuries and attempt to show how male oriented and andocentric interpretations have been influenced by pre

Islamic practices and beliefs of other religions, such as Judaism, Christianity and Zoroastrianism. Readings by women emanate from critical questioning of what male scholars have said and how Muslim societies have behaved in comparison with Quranic teachings. For example, through her research, Wadud arrives at the conclusion that “in Islam a female person was intended to be primordially, cosmologically, eschatologically, spiritually, and morally a full human being, equal to all who accepted Allah as Lord, Muhammad as prophet, and Islam as *din*” (Wadud Muhsin: 1999) .

Wadud and Barlas (Barlas: 2002) have explained at length why they believe that any reader of the Quran is justified, in fact, required to bring her/his own reading to the text and not depend on an external source for understanding and following the Quran.

Wadud explains how the exclusion of women from religious interpretation and independent thinking in Muslim societies has been developed. Because women were primarily excluded from public debate and discussions on Muslims and Islamic teachings, except possibly in the period of the Prophet (pbuh), their roles were confined to being subjects, rather as passive participants in defining what Muslim societies should look like and how they would function with the Quran as their guide. Men were considered to be the normal, while women were the “Other”, the secondary. Men defined the standards and hence they were full human beings. Women were taken to be without agency; men were the ones given *khilafah* in the world, while women were their subjects. This belief has been so deeply entrenched in Muslim thought and practice that most Muslims, be they man or woman, would not place men and women as being equal.

Wadud proposes a hermeneutics of *tauhid* to Quranic exegesis: developing a framework emphasizing the unity between the verses and applying principles to explain the relationship between what is universal and what is particular within the Text. (Wadud: 1999). She suggests that “In the social, political, and moral arena, a reciprocal relationship must be made between particular historical or cultural practices during the time of the Qur’anic revelation as reflections of the underlying principles and the diverse reflections of those principles in other historical and cultural contexts. This is one reasonable proposal for the continual following of textual guidance.” (Wadud:1999). This approach reflects what Fazl ur Rahman has also proposed.

As both Wadud and Ramadan explain, if only explicit and literal references had been followed, slavery would have been considered to be allowed even during current times (as is obvious from the practices of the Daesh and Taliban who have been trained along these lines). It was only by consideration of human dignity, justice and compassion that such complex reforms were possible. In the case of women specific verses, conservative scholars interpret them in their literal and explicit sense, without consideration of the changing social and economic cultures, and without reflecting on other Quranic verses that speak of the equality of women and men. Instead of taking each verse, piece by piece, the co-relation of verses must be considered in order to arrive at a comprehensive guidance.

Wadud has paid special attention to “*what* the Quran says, *how* it says it, *who* is saying *what* about it, and, very importantly, what is left *unsaid*: the silences and the ellipses”. (Wadud:).

She argues that the Quran is asking its reader to engage with it and respond to it as well in “surrender and belief” . According to her, “a female centered or female-inclusive reading might finally lend itself to

more than just syntactical structures, legal articulations, and historical renditions and help to weave a symbiotic relationship between the Qur'an and the reader, as indicated by the Qur'an's own statement about believers who read the text and "their eyes over-flow with tears" (5:83). She reads the Quran with a focus on "what is brought into relief and what is ignored, since both effect coherence. What can be learned through the relationship between foreground and background in the Quran?" She attempts to use this approach to produce a reading that is gender sensitive and advocates that such a reading is critical for a comprehensive analysis.

"If the way we view the text has been predominantly articulated on the basis of male experiences and through the male psyche, then visions that respond to the male-centre of being would have been considered in greatest detail, over and above any differences, inherent or contrived, in the femalecenter of experience. The extent to which women are seen as distinct from men, therefore, implies the necessity for a female-centered consideration of the Qur'an as the only means by which that distinctiveness will be justly considered in the formulas of basic Islamic identity." (Wadud: 1999)

Coming to specific women related verses, Wadud looks at them from two aspects: the Quran does not place an inherent value on man or woman. In fact, there is no system of hierarchy at all. The Qur'an does not also strictly define the roles of woman and those of man to as to propose only a single possibility for each gender. (Wadud: 1999). The Quran does not specify that women should be confined to the home, and does not declare men to be the only decision makers. Yet, these are the beliefs and practices that have been followed in Muslim societies.

Both Barlas and Wadud analyse how the Quran treats women from and within an Islamic framework. Rather than take extra-textual principles and apply them to the Quran, they take principles from the Quran and apply them to specific problems. Had the Quranic and Islamic concept of woman been implemented in its practical sense over the last 14 centuries, Islam would have been leading the world today on women's empowerment. (Wadud: 1999).

6 Review of Literature on Tafsir of Surah Nisa (4), Ayah 34

6.1 Traditional scholars

Some of the more common traditional translations of 4:34 are given below.

- 1. Men are the managers of the affairs of women because Allah has made the one superior to the others and because men spend of their wealth on women. Virtuous women are, therefore, obedient; they guard their rights carefully in their absences under the care and watch of Allah. As for those women whose defiance you have cause to fear, admonish them and keep them apart from your beds and beat them. Then, if they submit to you, do not look for excuses to punish them: note it well that there is Allah above you, Who is Supreme and Great. And if you fear a breach between spouses, appoint one arbiter from the relatives of the husband and one from the relatives of the wife. If the two sides sincerely desire to set things right, Allah will create a way' of reconciliation between them,**

for surely Allah knows everything and is aware of everything. (Maudoodi: 1903-1979, www.english tafsir.com/quran/4/index.html)

While Maududi describes the reconciliation process, he defines men as being “managers” of women and fails to explain how reconciliation is possible when the wife has already been punished. Also note “keep them apart from your beds, implying that they are to be removed to another bed.

2. Allah said,

(Therefore, the righteous) women, (are Qanitat), obedient to their husbands, as Ibn `Abbas and others stated.(and guard in the husband's absence) As-Suddi and others said that it means she protects her honor and her husband's property when he is absent, and Allah's statement,(what Allah orders them to guard.) means, the protected husband is the one whom Allah protects.

Ibn Jarir recorded that Abu Hurayrah said that the Messenger of Allah said,(The best woman is she who when you look at her, she pleases you, when you command her she obeys you, and when you are absent, she protects her honor and your property.) Then, the Messenger of Allah recited the Aya(Men are the protectors and maintainers of women,) until its end. Imam Ahmad recorded that `AbdurRahman bin 'Awf said that the Messenger of Allah said,(If the woman prayed her five daily prayers, fasted her month, protected her chastity and obeyed her husband, she will be told, 'Enter Paradise from any of its doors you wish.'(Ibn e Kathir: 1300-1373).

The focus above is on obeying and pleasing the husband.

- 3. Men shall take full care of women with the bounties which God has bestowed more abundantly on the former than on the latter, and with what they may spend out of their possessions. And the righteous women are the truly devout ones, who guard the intimacy which (God has ordained) to be guarded. And as for those women whose ill-will you have reason to fear, admonish them (first); then leave them alone in bed; then beat them; and if thereupon they pay you heed, do not seek to harm them. Behold, God is indeed, most high, great. (Mohammad Asad: 1900-1992, www.islamawakened.com/quran/4/st20.htm).**

Asad's explanation is somewhat balanced in terms of the men taking care of women because of the additional resources (earning or inheritance) men have. The “ill-will of women has not been defined but the beating aspect is retained. However, leaving her alone in bed may signify letting her remain in the marital bed.

- 4. Men are in charge of women, because Allah hath made men, the one of them to excel the other, and because they spend of their property (for the support of women). So good women are the obedient, guarding in secret that which Allah hath guarded. As for those from whom ye fear rebellion, admonish them and banish them to beds apart, and scourge them. Then if they obey you, seek not a way against them. Lo! Allah is ever High Exalted, Great. (Picthall:1875-1936, corpus.quran.com)**

Similar to the translation of Asad, but the word beat is replaced by a harsher term, "scourge". Also, men are again given the charge of women, as in Maududi's translation. Also, note the banishment to beds apart.

5. **Men are the protectors and maintainers of women because Allah has given the one more (strength) than the other and because they support them from their means. Therefore the righteous women are devoutly obedient and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and illconduct admonish them (first) (next) refuse to share their beds (and last) beat them (lightly); but if they return to obedience seek not against them means (of annoyance): for Allah is Most High Great (above you all). (Yousuf Ali: 1872-1953, www.quranonline.net/html/trans/options/yali/4.htm)**

Yousuf Ali's translation takes on a softer aspect, giving responsibility of "protecting and maintaining" women, rather than managing, he adds the word disloyalty ascribed to the ill conduct of women and the word lightly to the beating. The refusal to sharing of beds means that they can retain their marital bed.

6. **Men shall take full care of women with the bounties with which God has favoured some of them more abundantly than others, and with what they may spend of their own wealth. The righteous women are devout, guarding the intimacy which God has ordained to be guarded. (Syed Qutub: 1906-1966, www.islamawakened.com/Quran/4/34/)**

Here we find a softer approach, but the belief that men are the heads of the home because of their superior qualities. He cautioned that a man may only strike his wife in order to 'protect the family against collapse' (Qutb. S: 1980.)

7. Maulana Fateh Mohammed Jalendhri uses the Urdu word "**zudokob**" instead of "*marna*". The former is a severe kind of beating. (Urdu translation)
8. **"Men are superior to women on account of the qualities with which God has gifted the one above the other, and on account of the outlay they make from their substance for them. Virtuous women are obedient, careful, during the husband's absence, because God has of them been careful. But chide those for whose refractoriness you have cause to fear; remove them into beds apart, and scourge them: but if they are obedient to you, then seek not occasion against them: verily, God is High, Great!" (Rodwell's version of the Koran, Quran, 4:34, corpus.quran.com)**

This is a repeat of the harsher versions as above.

9. **"Men are the maintainers of women because Allah has made some of them to excel others and because they spend out of their property; the good women are therefore obedient, guarding the unseen as Allah has guarded; and (as to) those on whose part you fear**

desertion, admonish them, and leave them alone in their sleeping places and beat them; then if they obey you, do not seek a way against them; surely Allah is High, Great. (Shakir's version of the Koran, Quran, 4:34, corpus.quran.com)

Obedience is reinforced but they may be left in their “sleeping places”.

Men are given responsibilities for being stronger and having more resources and the approach towards disciplining women is softer, with a refusal to share beds and beating lightly. Notice how the stage by stage process of discipline has been explained. In other words, men should not immediately jump to the beating phase.

Of all the above traditional scholars, Maududi was the most vehement about men being “rulers” of women and the role of women in society. His strong views about veiling are also a testament to what he thought about the larger issue of gender interactions and how women should behave. Syed Qutub sees the verse within the context of the marital relationship, not between men and women in society at large. He says: “The man and the woman are both from Allah's creation and Allah ... never intends to oppress anyone from His creation”. The family is the institution of the society and as such, both husbands and wives have been given responsibilities. While women have been given the responsibility of child bearing, which requires “physical strength, stamina, intelligence, and deep personal commitment”, what would be the responsibility of the husband? To ensure balance and justice in the system, and to avoid oppression of one by the other, his responsibility must be equally significant for the continuation of the human race. The Qur'an establishes his responsibility as *qiwamah*: seeing to it that the woman is not burdened with additional responsibilities which could harm the primary and heavy responsibility that only she can fulfil. (Qutub.S: 1980).

Zamakhshari (d. 1143), has discussed the *asbab al-nuzul* (occasions of revelation) for the verse. A man slapped his wife, whose father then remonstrated with the Prophet Muhammad (sws) that his was a noble daughter, undeserving of such treatment. The Prophet Muhammad replied that a form of retaliation (*qisas*) should apply, however 4:34 was revealed before this *qisas* could take place. The Prophet Muhammad (sws) responds to the revelation by saying ‘We wished something and God wished something else. What God wishes is best,’ thus revoking the retaliation (al-Zamakhshari: 1998). However, this narration is not authenticated.

All medieval and the majority of scholars agree over the superiority of men and their power over women. They are concerned only with fairness to the women in case they disobey their husbands. Some have included the limitation aspect of the punishment by saying that the beating should be light, and should be only in case of the wife refusing to accept the rule of the husband at home. The main difference is the manner in which the key words: *daraja*; *qiwamah*, *nushuz* and *daraba* have been translated and interpreted. The above scholars, except Qutub, Mohammed Asad and Pictall see *daraja* as the “degree”, which implies that men have more advantage because of having more wealth and spending it on their wives. Others interpret *daraja* as the “grade” that means men would obtain more rewards because of their superiority. All scholars imply hierarchy of men over/above women.

6.2 Rational Scholars

Muhammed Abd'uh (1849-1905)

In his reading of 4:34, Abd'uh shares some beliefs with traditionalists, but also makes a departure from them in his arguments. According to him, God has not preferred men over women, but the family system is based on biological and social function of the two within the family. Thus, even if women had been allowed to perform religious rites, been prophets, fight wars, the roles within the family would have been the same. Men would still have been in charge because of their innate nature. (Stowasser: 1998).

For Abd'uh, men are the leaders (*qiwammah*) of their wives; their relationship likened to the head of a body. They are superior because of some inherent and some acquired qualities: strong, complete, robust constitution, as is the case with other species. They also possess a stronger mind, ability to solve problems, can seek financial resources in a more diverse manner and are more creative. Women are dependent on men, and are rewarded, despite this dependency, with dower and financial help. However, the concept of *qiwammah* of men over women does not mean that they should oppress them, but that they should give them guidance in domestic issues and fiscal responsibility according to their available resources and limited mobility. Thus, the wives will learn to raise and manage their children better. According to Abduh, beating is only a permission that amounts to virtual prohibition. While Abduh appears to be making a case for non hierarchy between husband and wife, it is obvious that he believes that the husband is better able to "guide" the wife, even in domestic matters.

Amin Ahsan Islahi and Javed Ahmed Ghamidi

Men are managers of women, the reason being that God has made one superior to the other, and because they spend their wealth on them. Hence, the pious wives are those who obey and guard secrets, because God also guards secrets. And if you suspect rebellion from them, counsel them; leave them alone in their beds and punish them. But if they obey you, do not find ways against them. Verily, God is all Knowing and Great. (Islahi.A.A: 1975)

Islahi is a firm believer in the *qiwammah* of men over women and the latter's role being to obey their husbands and take care of the family.

Ghamidi's translation is the same as of Amin Islahi. Additionally, he refers to the continuity of verse 33, which says that people should not desire what God has given to others. Men will get rewards for what they accomplish, and women will be rewarded for what they do. In both Islahi and Ghamidi's translations and detailed tafsirs, the emphasis is on the "*faddilah*" given by God to men, because of their ability to earn in diverse ways and manage the financial burden of their families. Islahi also mentions the strength of men over women, thus referring to physical characteristics and both reinforce the child bearing and rearing responsibilities of women.

Amin Ahsan Islahi and Ghamidi belong to the school of Farahi, the brilliant scholar who developed the concept of "*nazm*" or coherence in the Quran, which describes the inter linkages between various Surahs and their central themes. All three scholars have done ground breaking work in deliberating on the Quran purely on a rational basis, using the Sunnah and Ahadith as complementary and supportive sources, but treating the Quran as the sole source, determining the over arching and normative guidance for Muslims. Their treatment of issues related to jihad, Islamic caliphate, and laws related to apostasy and blasphemy, law of evidence and inheritance and the rights of women are revolutionary. However, Islahi's patriarchal views manifest themselves in his comments regarding the roles of women in society. He says: "**Allah has made the husband the head of the house, because of his "*faddilah*" over**

woman, because of the former's ability to protect the woman and his capacity to earn a living by diverse ways and means. However, a woman has some qualities which differentiate her from man, such as the ability to bear children and look after the home, but these do not make her responsible for the home as such." (Taddabur e Quran: pg 291). Clearly then, Islahi would like to see women in the home, since he also says: **"pious women are those who obey their husbands with full loyalty and keep their secrets. From this it can be concluded that those women who have made it mandatory upon themselves to compete with men in every field are not "pious" but "rebellious" and they wish to turn the institutions of the family upside down."** (Islahi: 1975)

According to Islahi, with the level of authority given to the husband, he is within his rights to counsel the wife if she rebels against his authority. Islahi clarifies that the rebellion does not mean expression of her wishes or personality, but her intent to challenge the husband's authority that may have the potential to disturb the peace inside the home. In that case, the husband is allowed to deal with the wife in three stages: the first is the counseling stage; the second is physical separation and the third is hitting her. This last step should be taken in a manner of a teacher punishing a student, so as not to leave a mark, as per the Prophet's injunction. (Islahi:1975).

For his rational views on militancy and rights of women, Ghamidi has earned the wrath of traditional scholars, as well as that of the militants. However, his interpretation of 4:34, as expressed in his *tafsir Al Bayan*, and in an interview on his approach to Ahadith, are much the same as that of Islahi. He sees the family as the core societal institution and refutes the suggestion that the wife and husband can live as friends. (TV Q&A session). He also agrees with Islahi that the husband may hit his wife only as a teacher cautions a student, or a father disciplines his child and only as a last resort. (Ghamidi: 2015)

Both exegesists, in contrast to traditional scholars, agree with the equality of women and men in their spiritual beliefs and actions in the eyes of God, and in that they were created from the same *nafs*. Hence, women are not an inferior, unclean or evil being that tempt men away from piety. Ghamidi's views on the veiling of women, participation in society, including as leaders in politics are reformist in nature. He proves through Quranic verses that there is nothing that is forbidden to women in order to reach their full potential. However, both mention their perceived weakness of women (*sanf e nazuk*, or *kamzor sanf*), implying some form of intellectual, emotional or physical weaknesses, even if they have been enforced by societal norms and culture. Deeply entrenched beliefs about women in Muslim societies in general, and the sub continent in particular, seem to have seeped into these interpretations.

It is only in case of marriage in which Ghamidi insists that the decision maker is the man of the house and interprets the three stages of wife disciplining in a manner similar to other scholars. The woman, he says, must enter into marriage with the firm belief that she must obey her husband. According to him, marriage is not based on friendship. It is an institution that must have a head, and in this case, God has willed that the husband shall be that authority on account of his responsibility for financial upkeep. He also suggests that if the wife does not mend her ways through the first two steps, her husband can approach a court or another authority to discipline her. Thus, she will be disciplined, but the right to do so is given to anyone, her husband, or another authority. (Ghamidi: 2008). In case of a husband's *nushuz*, which he interprets as neglecting the wife, the court or the arbitrators from within the family can decide upon the matter.

Nowhere do the respected scholars explain how a husband could hit his wife in the manner of a teacher or a parent, since these relationships do not (or should) not exist in a spousal relationship. They seem to be apologist explanations, with a strong patriarchal connotation. In any case, no child should be hit, even by a teacher or parent.

It is also important to note here that while both scholars refer to other verses when explaining a particular point, in order to reinforce or prove the coherence and lack of contradiction in the Quran, they do not refer to those verses of the Quran that are egalitarian and condemn any sort of “*zulm*”, or love and mercy between spouses. In their interpretation, God has left it to the husband to determine if the wife is guilty of “*nushuz*”, as well as decide on what is *nushuz*, and carry out the disciplining process. These scholars have demonstrated an extraordinary capacity to read the Quran in a holistic manner for interpretations that relate to matters such as *iman*, *tauhid* and *taqwa*, or references to the non believers, but they do not refer to other verses that are related to 4:34, or the egalitarian and ethical themes when interpreting verses related to women.

In the readings of these scholars, the following questions remain unanswered:

- 1) Why has God allowed the husband to discipline his wife, when nothing close to this meaning has been given anywhere else?
- 2) What is *nushuz* and who has the right to define it? It has been defined differently as ill will, not guarding secrets, refusal to have sex, refusal to accept the husband’s authority (in which matters?), disloyalty, etc.
- 3) What is meant by being obedient to the husband? In which matters? Who defines it?
- 4) If both wife and husband share the financial responsibilities, or if the wife is earning and the husband cannot or will not, who is the *qiwamm*?
- 5) Would marital harmony, which the Quran calls for, be maintained and is mutual respect possible if one partner is allowed to beat the other?
- 6) How can light beating or symbolic beating be a disciplinary tool?
- 7) What can prevent a husband from assuming complete control of the life of a wife and being violent towards her if she dare disobey his unwarranted demands?

Both traditional and rational scholars are unanimous in their belief in the responsibility of the wife to obey her husband. So universal has this belief become that the woman is forced to follow the instructions of male members in all aspects of her life, whether before or after marriage. Wives have been known to have been burnt to death for going to visit their parents without permission of the husband or father in law.

6.3 Women scholars

In early 21st century, gender-sensitive women scholars began to reread the Qur’an, revisit the *Ahadith* and reconsider *fiqh* (Islamic jurisprudence). They have written formidably researched books on gender and Islam and are holders of doctoral degrees with specializations in a variety of academic disciplines. As expected, many male religious scholars have often responded with attacks rather than constructive

engagement. Most mainstream reformist intellectuals have ignored their work. Some leading progressive male scholars of Islam have taken the work of scholar-activist women seriously. (Bardon: 2010).

Amina Wadud Muhsin

“Men are [*qawwamuna* . 'a/a] women, [on the basis] of what Allah has [preferred] (*faddala*) some of them over others, and [on the basis] of what they spend of their property (for the support of women). So good women are [*qanitat*], guarding in secret that which Allah has guarded. As for those from whom you fear [*nushuz*], admonish them, banish them to beds apart, and scourge (them). Then, if they obey you, seek not a way against them.” (Wadud Muhsin:1999).

Wadud has discussed the highlighted Arabic words at length to present her point of view which is in sharp contrast with both traditional and reformist scholars. She especially uses Syed Qutub's *tafsir* to make her arguments.

Wadud goes to explain that the interpretation of this verse is also often linked with that of the one on divorce. “Women who are divorced shall wait, keeping themselves apart, three (monthly) courses. And it is not lawful for them that they conceal that which Allah has created in their wombs if they believe in Allah and the Last Day. And their husbands would do better to take them back in that case if they desire reconciliation. And [(the rights) due to the women are similar to (the rights) against them, (or responsibilities they owe) with regard to] the *ma'ruf*, and men have a degree [*darajah*] above them (feminine plural). Allah is Mighty, Wise. (2:228).”

The term *darajah* is wrongly assumed to mean that men are a level/grade above women and are thus the latter are subject to their instructions because of their superiority. This concept has actually formed the basis of laws and social norms that curtail women's development and their basic rights even to education and economic opportunities.

Women scholars have interpreted *darajah* differently. Umme Mohammed translates it as 'degree' and goes on to explain, in parenthesis, the superiority of husbands over their wives. Saffarzadeh describes *darajah* as a 'grade', indicating that men would have more rewards than their wives. Bakhtiar, too, translates the word as 'degree', which husbands possess 'over wives'. (cited as in Hassen.R: 2012)

Islamic feminists view the verses differently. Wadud says that the Quran does not define women or men by their biology. There is no role specifically defined for women. The roles for both genders are in terms of their deeds, albeit the values of these deeds are not defined. It is society that places this value, and more often, the deeds of men are valued higher in society. The Quran acknowledges the need for the human race to grow and develop, and even encourages it to do so: dividing the world 'into nations and tribes that you might know one another'. (49:13). “It allows and encourages each individual social context to determine its functional distinctions between members, but applies a single system of equitable recompense which can be adopted in every social context. (Wadud: 1999)” Unfortunately,

many Muslim societies have not considered the possibilities of developing the potential functions for women; hence, the stagnation of Muslim countries in general.

Daraja cannot be used by God to place man at a place higher than woman. In the verse above, it is used in the context of husbands being able to divorce without the approval of a third party. Wives cannot give divorce, they can ask for it, with the intervention of an authority. The Quran does not stipulate that women should not have the authority to repudiate a marriage; it merely says that women did not have this power at that time. Thus, *daraja* could be defined as the husbands having an 'advantage' because of not waiting for three months to marry again, of having more financial resources and of having the power to divorce.

The word "*maruf*" translated by Pictall as "kindness" has wider dimensions of "equitable, courteous and beneficial". The word precedes the *daraja* statement, thus indicating that "the basis for equitable treatment is conventionally agreed upon in society". (Wadud: 1999). The *daraja* is therefore not placing the man or the husband at a higher status, but refers to the husband's rights in case of a divorce.

Verse 4:34, says that God has preferred (given *faddila*) to some over others. The usual translation is that men are given *faddila* over women or husbands over wives. Unlike traditional and even rational scholars, Wadud places the word in a wider context. God has given human beings *faddila* over other creations (17:70). One group of people has been preferred over another. For example, the Children of Israel were preferred over other nations. Also, some prophets were preferred over others (2:253; 6:86). However, no distinction is made. *Faddila*, unlike *daraja*, cannot be earned. It has to be given by God.

In the translation given by Wadud, she inserts the words "on the basis of" for the Arabic '*bi*'. Thus, husbands have *faddila* only if two conditions are met: one, if God has given preference, and two, if the husband is the supporter of women from his means. If either condition is not present, then the man is not "*qawwam*" over the woman. The verse says that the *qawammah* condition is dependent on what God has preferred men over women with. In the Quran, the only material preference is that of inheritance. Men have been given an inheritance which is twice as large as that of women, but not always. The other condition for *qawammah* is that "they spend of their property". In other words, there is a situation of reciprocity between benefits and responsibilities. The larger share in inheritance has been given so that the men can support women. Wadud goes on to say that *faddila* here cannot be unconditional. Because the verse includes the word "*ba'd* (some) of them over *b'ad* (others)", God has preferred some of the men over some of the women. Likewise, He has preferred some women over some men. Most men scholars, including Islahi, interpret the partial preference by allocating qualities to men: they are better able to earn and are stronger; women are better at raising children.

While there is no reference in the verse of men being superior to women in strength and intellect, this is the interpretation given by traditional and rationalist scholars.

Similarly, according to Wadud, the Qur'an does not order a woman to obey her husband. It does not state that obedience to husbands is a characteristic of the 'better women' (66:5), nor is it a prerequisite for women to enter the community of Islam. "However, in marriages of subjugation, wives did obey their husbands, usually because they believed that a husband, who materially maintains his family, including the wife, deserves to be obeyed. Even in such cases, the norm at the time of the revelation, no

correlation is made that a husband should beat his wife into obedience." (Wadud:1999) As both Qutub and she point out, *nushuz* means a general state of marital disharmony, not of wifely disobedience.

Riffat Hasan

Riffat Hasan emphasises that "The intent of this verse is not to give men power over women but rather to ensure that while women are performing the important tasks of childbearing and child-raising, they do not have the additional responsibility of being breadwinners as well." (Hasan.R: 1996)

She suggests that "the reading of the Qur'an through the lens of the Hadith is a major reason for the misinterpretation of many passages which have been used to deny women equality and justice. The following *hadith* is often cited to elevate man to the status of *majazi khuda* ("god in earthly form"): A man came ... with his daughter and said, "This, my daughter refuses to get married." The Prophet said, "Obey your father." She said, "By the name of Him Who sent you in truth, I will not marry until you inform me what the right of the husband is over his wife." He said, "If it were permitted for one human being to bow down [*sajada*] to another I would have ordered the woman to bow down to her husband when he enters into her, because of God's grace on her." The daughter answered, "By the name of Him Who sent you, with truth, I would never marry!" (Hasan: 1996). This is, again, an unauthenticated *hadith*.

According to Hasan, the word "*qanitat*" means good women, not obedient wives. Wadud further believes that *qanit* is referred to in the Quran for both women and men, meaning obeying Allah. (Wadud: 1999).

"This belief in the need to obey the husband is a remnant of marriages of subjugation and is not exclusive to Muslim history. It has not progressed, although today, couples seek partners for mutual emotional, intellectual, economic, and spiritual enhancement. Their compatibility is based on mutual respect and honour, not on the subservience of the female to the male." (Wadud: 1999)

All women scholars agree that the verse does not say that women cannot be breadwinners, or support their family, including their husbands. According to Ghamidi, if women become the breadwinners, they can assume the headship of the family, but this is likely to turn the family institutions upside down, as it is against the norm of an Islamic society (personal communications, 2015).

Asma Barlas

Barlas is a strong believer of the non patriarchal nature of the Quran and suggests that the male centred readings have continued to retain the dominance of males in Muslim practices. She does not believe that the Quran has declared husband as the head of the family. She attributes this to the patriarchal mind set of the father-daughter and husband-wife relationship prevalent in many societies, not to be found in the Quran. Even the wives of the Prophet (sws) were not forced to obey him, and he did not beat them into obeying him.

The *tauhidic* paradigm is emphasized by Barlas as well as Wadud and Azizah al-Hibri to argue that actions that dictate hierarchy and obedience to one group of humans by another amounts to arrogance (al-Hibri) or to shirk (Barlas). The arrogance is satanic in nature, since it was Satan who refused to bow to

Adam (asm) out of his arrogance. This “*Iblisi* logic” leads to an “authoritarian, racist, classist or patriarchal society”. (Al-Hibri: 1997). According to these scholars, women and men must occupy a relationship of horizontal reciprocity, maintaining the highest place for God (Wadud: 1999). Barlas agrees that statements arguing for wifely obedience to husbands amount to allocating a God like authority to husbands, which violates the concept of *tauhid*. (Barlas:2002).

However, this concept of marriage being a situation in which wives must obey their husbands, whether they are the natural leaders, or are heads is widely spread in Muslim societies. Rationalists such as Ghamidi and Islahi give in to say that this does not mean that wives cannot express their personal likes and dislikes in ordinary matters, but that whenever a dispute arises in things that matter, it is the husband who must be obeyed.

The words *nushuz* and *wa-dribuhunna* are, perhaps the most difficult to explain. How could rebellion of a wife be defined? Traditional scholars read it as disobeying the husband even in ordinary matters; Islahi and Ghamidi define it as rebellion that may disturb the organisational discipline of the home, as they view the husband to be the head and the disciplinarian of his family.

Al-Hibri reads this part of the verse as referring to honouring the “marital covenants”, making the obedience pertain to God, and not to husbands. The extent to which this connotation of obedience to husbands raises the status of the latter above a wife is explained by both Barlas and Sadiyyah Shaikh. Obedience to one’s husband becomes a requirement of one’s obedience to God, the assumption being “that, no matter how indirect, God’s Sovereignty and man’s is coextensive”. (Barlas: 2002). Thus, God occupies the pinnacle, men the centre and women... the bottom rung”. (Shaikh: 1997). According to Shaikh, this situation has been consistently promoted by masculinising God and using a language that is andocentric and refers to attributes of God that are male centred.

Wadud sees *nushuz* to be a situation that is initiated by the husband too, as per verse 4:128: “If a woman fears *nushuz* by or desertion on the part of her husband, there is no fault in the two reconciling with each other”. Thus, she argues, *nushuz* is marital disharmony that may be caused either by the wife or husband, rather than a result of disobedience of the wife.

Wa-dribuhunna is the most controversial term that has yielded a multiplicity of contradictory meanings. Many traditional scholars translate it as “beat”, some using extreme words in a language such as Urdu as “*zudokob karna*” (scourge or beat severely). Others see it as a symbolic gesture only, to indicate to the wife that the final stage has been reached and that a parting of ways is the only way out if she does not reform her behavior. Modern and feminist scholars argue that the root of the term “*daraba*” does not necessarily mean “to beat” because it has several other meanings as well. Hasan suggests that the best translation would be “to hold in confinement” (Hasan: 1990).

Azizah Al Hibri

Al-Hibri notes that the verse is actually a severe restriction on the husband to “beat” his wife only in case of extremely serious violation of marriage fidelity, such as adultery or lewd behavior, and that the verse is a gradualist strategy for anger management. (Al-Hibri: 1997). For Al-Hibri, the verse has been revealed to first restrict husbands from being violent, then mitigate and finally eradicate domestic abuse altogether, in a society where such violence was very common and entrenched. Bringing other verses of

the Quran together, she argues that while 4:34 was a pragmatic approach to limit the powers of the husbands during the time of its revelation, it calls for elimination of marital violence altogether. She says: "The Quran is internally consistent because it is a divine revelation. The Quran 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. Domestic violence is diametrically opposite to each of these Quranic views and ideals expressed in the various verses. Because of its internal consistency, the Quran could not be extorting one ideal and enjoining the related conduct in some passages and its opposite in another one". (Al-Hibri: 1997)

For Al-Hibri, the meaning of verse 30:21: "and among God's signs is that (God) created mates for you from among yourselves so that you might find rest in them. And (God) has put love and mercy between you. Indeed, in that are signs for people who reflect" (30:21) outweighs meanings derived from the far more complex 4:34.

Another example using the inter-textual approach is one of verse 2:187 that says that wives are garments for the husbands, and the latter are garments for the wives. Deeper reflection shows that garments serve the purpose of covering one's frailty and nakedness; adding to the beauty of a human being and protection from inclement weather. If wives and husbands are thus to each other, where does any aspect of obedience or hitting come in?

Riffat Hasan argues that the root-word *daraba* is one of the commonest root-words in the Arabic language, with a large number of possible meanings. That the vast majority of translators — who happen all to be men — have chosen to translate this word as "beating" clearly indicates a bias in favour of a male controlled, male-oriented society.

In her later work, *Inside the Gender Jihad*, Wadud had a major change of view when she questions the use of the word *daraba*, given that one of its meanings is "to beat". She says that the presence of the word itself does not rule out the possibility of "beat". And here, an impasse is reached. Did God really intend husbands to beat wives, and if so, was it only meant for those times, and was it entirely a restrictive strategy? Wadud asserts that it may have helped limit domestic violence in earlier times, "but no longer produces the result of mitigating current levels of violence against women". (Wadud)

Similar views are held by Barlas who says that it is the interpretation that produces the contradiction between 4:34 and the Quranic principles of marital tranquility. To interpret the verse to sanction hitting is to contradict "the Quran's view of sexual equality and its teaching that marriages should be based in love, forgiveness, harmony and *sukun* (tranquility)" (Barlas: 2002)

Ayesha Hidayatullah

Hidayatullah argues that the interpretation of verse 4:34 can be both supportive of inequality between women and men, and egalitarian. Similarly, in combination with other verses, the Quran may be seen to be supporting patriarchy, or of merely speaking to a patriarchal society. In the first case, she says that however one explains the verse, "there is no getting around the fact that women in this verse are always cast in one or more of the following roles: as *recipients* of something, as actors in *deference* to men or God (I would say that the latter case should be the right one), potential performers of something to be

curtailed by men, or as people *acted upon* by men.(Hidayatullah: 2014). Women are thus passive, even when they are seen to be doing something.

While both Wadud and Barlas argue that the hierarchy verses should not be read in isolation of those calling for mutuality and interdependence between women and men, Hidayatullah differs from both their methodology and conclusions. For example, she considers the Quran's conditional allowance for men to marry up to four wives (4:3), the access to female slaves to whom they are not married (4:24, 23:6, 70:30) to be exclusive for men to act upon women, there being no parallel verses for women. She questions the implication of sexual access to ensure protection of women. There are other verses that imply the role of men as acting upon women, such as 2:223's instruction for men to "go into their wives". Barlas and others, including Ghamidi and Islahi, see this as a limitation on how men should approach their wives sexually, rather than an endorsement of unchecked sexual access to wives (Barlas: 2002). Ghamidi regards this to be a beautiful metaphor for the relationship between husband and wife (Q&A session on TV). Barlas believes that nonconsensual sex in marriage is a violation of the values of equality and mutuality. The same verses are used by several scholars citing a *hadith* that says that when a woman refuses her husband, angels curse her the whole night (Bukhari, 4794). Wadud, in her "Inside the Gender Jihad", admits that there is an "imbalanced expression of human sexuality in terms most specific to masculine, heterosexual dominance" (Wadud: 2006), within verses 4:3, 2:223 and verses 52:20, 55:72 and 56:22 on the *hur al-ayn* who will be given to men as a reward in Paradise. But, she says, that these are merely Quran's responses to the needs of the particular society in which it was revealed. Ghamidi explains the reward of *hurs* for men by saying that women are blessings for men, while men are women's need (personal communication, 2015).

Hidayatullah suggests a different approach than the one used by Wadud and Barlas. According to her, there are no tensions between the verses that are hierarchal and those that demonstrate mutuality between the two genders. In terms of the Quran and its time of revelation, she says, equality may not have been a requirement of love and care, and mercy and tranquility may not have precluded male dominance over women. The norms of the historical context, "being the guardians of women's bodies would not have necessarily been an affront to women's dignity or overall worth". (Hidayatullah: 2014).

Indeed, this is a belief still held by both men and women in many societies including in the sub continent. Then, as now, both women and men view the patriarchal culture as a comforting one, and consider women to play a passive role and requiring protection. Women, then as now, are often seen to be holders of men's honour. Islahi's *tafsir* of 2:49 says that the use of the word "sons" being killed by the Pharaoh in Egypt is to generate feelings of fatherly love and that of "your women" to create feelings of honour being offended. (Islahi: 1975). Note that the same belief is used in several ways to control women, including such practices as "honour "killing.

Another verse that feminists claim denotes patriarchy is 4:19, which says: "O ye who believe! Ye are forbidden to inherit women against their will. Nor should ye treat them with harshness, that ye may take away part of the dower ye have given them, -except where they have been guilty of open lewdness; on the contrary live with them on a footing of kindness and equity. If ye take a dislike to them it may be that ye dislike a thing, and Allah brings about through it a great deal of good." (Yousuf Ali). Scholars translate this as husbands disliking wives but bearing it with fortitude. Nowhere does it say in the Quran how wives should behave if they dislike their husbands.

Ziba Mir-Hosseini

Hosseini has written about Islamic jurisprudence in depth. She suggests that there are a variety of concepts, each resting on different theological, juristic, social and sexual assumptions and theories that contradict each other. This tension in Islam's essential ethical egalitarianism and the patriarchal context in which this message was presented and implemented has enabled both the advocates and opponents of gender equality to claim the legitimacy of their respective positions. According to her, Muslim family laws are based on socio-cultural assumptions and 'man-made' juristic reasoning about the nature of relations between men and women. The idea of gender equality, which evolved into concepts of justice only in the twentieth century, has presented Islamic legal thought with a challenge. Many of these laws are "neither defensible on Islamic grounds nor tenable under contemporary conditions". They are, in fact, contrary to the egalitarian spirit of Islam and are invoked mostly by men to deny Muslim women justice and dignified choices in life. (Mir-Hosseini: 2015)

Lylah Bakhtiar

Bakhtiar translates 4:34 as follows. "Men are supporters of wives because God has given some of them an advantage over others and because they spend of their wealth. So the ones (who are in accord with morality are the ones (f) who are morally obligated, the ones (f) who guard the unseen of what God has kept safe. But those (f) whose resistance you fear, then admonish them (f) and abandon them (f) in their sleeping place, *then go away from them (f)*; and if they (f) obey you, surely look not for any way against them; truly God is Lofty, Great" (cited in Patrick d' Silva: 2007)

Bakhtiar points out that there are 25 possible meanings available for *daraba*, so, why should Muslims choose one that is inconsistent with both the Qur'an and the Sunnah- the record of the Prophet's words and actions? She stresses that this verse cannot be fully understood without making reference to 2: 231 in the Qur'an that also address the ways husbands should conduct themselves with their wives, this time when contemplating divorce.

"When you divorce wives, and they (f) are about to reach their (f) term, then hold them (f) back honorably or set them (f) free honorably; and hold them (f) not back by injuring them so that you commit aggression, and whoever commits that, then indeed he does wrong to himself; and take not the Signs of God to yourselves in mockery; remember the divine blessing of God on you and what He sent forth to you of the Book and wisdom; He admonishes you with it; and be God fearing of God and know that God is knowing of everything. " (Bakhtiar).

One of the leading figures in the development of Islamic jurisprudence, the jurist Al-Shafi'i (d. 820), gave considerable thought to the issue. Kecia Ali states:

"Muhammad's *sunnah* governs the way Shafi'i discusses 4:34, rendering what is a straightforward textual permission or command into something that should, in fact, be avoided as much as possible. This illustrates [one of Al-Shafi'i's strategies+ in reconciling the evidence on striking women: differentiating between what is allowed and what is preferred. Despite the eventual permission for striking, Shafi'i still discourages it through his selection and presentation of Sunnah evidence. While the Qur'anic revelation necessitates a new Sunnah (to abrogate the explicit prohibition "Do not strike God's female servants"), this new Sunnah is clearly only grudgingly accepting of male use of the permission to strike. Thus, for

Shafi'i, the Prophet's words "The best of you will not strike" contain "an indication that striking them is allowed; [it is] not obligatory to strike them." In this context, Shafi alludes to the Prophet's personal behavior (Ali.K: 2006)

6.4 Modernist scholars

Fazl ur Rahman

"Men are in charge of women because God has given some humans excellence over others and because men have the liability of expenditure [on women]." (4:34). This shows that men have a functional, not inherent, superiority over women, for they are charged with earning money and spending it on women. the Qur'ān speaks often of the superiority of some men in wealth, power, etc. and also of the superiority of some Messengers over others, but that this superiority is not inherent but purely functional. If a woman becomes economically sufficient, say by inheritance or earning wealth, and contributes to the household expenditure, the male's superiority would to that extent be reduced, since *as a human*, he has no superiority over his wife." (Fazlur Rahman: Major Themes of the Quran pg: 33)

Many other modern, reform minded scholars have followed Rahman's thinking, "identifying the time bound from the eternally valid, and specific socio-economic laws from the underlying principles. This called for a level of hierarchy in the analysis of the value system of the Quran, saying that the moral and religious equality of women and men represents the highest expression of equality" (Esposito: 2001) and that 4:34 responds to the patriarchal Arabian society of the Prophet's time. In today's society, the concept of priority of a husband over his wife is not longer valid and is subject to change.

Mohamed Mahmoud

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An interesting aspect has been developed by him. He says:

'If we follow the exegetical tradition and read the verse sequentially this would be the point when the husband is permitted to beat his adamantly and tenaciously disobedient wife. The permission is simply expressed by the verb "*adribhunna*" without any qualifications. As in many instances of Qur'anic exegesis the un-specificity of a Qur'anic construction is made specific by the extra-Qur'anic material. In dealing with this verse, the exegetes follow two strategies to qualify the verb "*adribhunna*": a "limitation" strategy and a "virtual abrogation" strategy. What is described here as a "limitation" strategy is a reading of the beating measure that has achieved a near-consensus status among exegetes and jurists. Pushed to its logical extreme, this can turn into what may be described as a "virtual abrogation" strategy (Mahmoud.M: 2006).

Abdullah Yusuf Ali's 'insertion of the soft "beat them lightly" is an example of the 'limitation' strategy. The notion that 'the best of you' would not strike their wives is an example of the 'virtual abrogation' strategy. According to Mahmoud, while the 'limitation' strategy dominates exegetical analysis of this verse, the 'virtual abrogation' tactic is the only way to forge a path whereby the Muslim community may understand that its sacred text does not grant permission for any manner of domestic violence. (Mahmoud.M: 2006)

Edip Yuksel

Yuksel explains the verse from a relatively new and far more coherent perspective. He suggests that the traditional interpretation of 4:34 is contradictory to other Quranic verses that say that God has placed love within the hearts of spouses. "Among His signs is that He created for you spouses from among yourselves, in order to have tranquility and contentment with each other. He places in your heart love and care towards your spouses. In this, there are signs for people who think. (30:21)

According to Yuksel, the four key terms of "*qawwamunna*," "*Faddallallahu ba'dahum ala ba'd*," "*Nushuzhunna*," and "*Fadribhunna*" have been generally misunderstood. The Arabic verb translated by traditional male translators as "beat" or "scourge" -- *idribhunna* -- has numerous meanings that have been severally used in the Quran. These include: to travel, to get out: 3:156; 4:101; 38:44; 73:20; 2:273; To strike: 2:60,73; 7:160; 8:12; 20:77; 24:31; 26:63; 37:93; 47:4. To beat: 8:50; 47:27. to set up: 43:58; 57:13. to give (examples): 14:24,45; 16:75,76,112; 18:32,45; 24:35; 30:28,58; 36:78; 39:27,29; 43:17; 59:21; 66:10,11. to take away, to ignore: 43:5. To condemn: 2:61. To seal, to draw over: 18:11. To cover: 24:31. To explain: 13:17. In keeping with the translation used in 38:44, Yuksel translates the "beating" portion of 4:34 as "leave her", as by Laila Bakhtiar in her *The Sublime Quran*. Literally, the phrase might also be translated as "strike them out," meaning, "separate yourselves from such wives." In line with Wadud, Yuksel says that the word "*nushuz*" could mean infidelity or immoral behaviour –the clue is the phrase before "*nushuz*," which reads: ". . . they honor them according to God's commandments, even when alone in their privacy." This phrase emphasises the importance of being loyal to the spouse and it makes sense for what comes later.

Yuksel's argument is that the same word, "*nushuz*," is used again in 4:128 – but it describes the misbehavior of husbands, not wives, as it was in 4:34. The traditional translation of "*nushuz*", "rebellion" will not fit for both, but if "*nushuz*" is translated as marital disloyalty, it can apply to both verses. Yuksel's translation is **"Men take care of women – since God has endowed some with qualities that differ in degree, and since men spend from their financial resources. The righteous women are obedient (to God), and during the absence (of their husbands), they honor them according to God's commandment, even when alone in their privacy. As for those women who bring about in you a fear of disloyalty, you shall first advise them. Then (if they continue), you may desert them in bed. Then, (if they continue), you may leave them. If they obey you, (however,) then you must not do any wrong against them. God is Most High, Supreme. – 4:34"**

Yuksel refuses to accept that the "*idribhunna*" word could mean "beat those women". This word has multiple meanings and the word beat does not correspond with what God has stated about kindness and mercy towards spouses in other verses. God has given a step wise process to the husband to deal with marital disloyalty on the part of his wife. In the beginning, the husband should try to counsel his wife. If this does not work, he should stop sleeping in the same bed and see if this produces a change in behavior. And if still there is no improvement in the situation, the husband has the right to initiate a separation. It is this last action that the husband can take through bringing a third party or authority into the picture.

Yuksel believes that the Quran gives the same rights to women as that of men, to deal with disloyal husbands (4:128). He bases this belief on the principle that women have "similar" rights to men, as stated clearly in 2:28. If women suffer physical beatings for marital disloyalty and men do not, this would be unjust and unfair, a concept that is contrary to the attributes of God.

"Beating women who are cheating and betraying the marriage contract is not a solution, and it is not consistent with the promise of equitability and comparable rights that appears in 2:28. Since the Quran is free from any inconsistency, this seems to be the best understanding. But "striking out" disloyal wives – that is, separating from them -- is consistent, and it is the best solution. It is also fair." (Yuksel: <http://www.yuksel.org/e/books/rtq.htm>)

Waqas Mohammed

Another Quran scholar, Waqas Mohammed, has produced a similar, and detailed, logical and coherent explanation of 4:34. He has translated and analysed the frequency and meanings of the key words *qawammah*, *faddala*, *qanitat*, *nushuz* and *idribu* and by cross referencing them with other verses, has come up with a meaning very close to that stated by Yuksel.

The men are supporters/maintainers of the women with what God bestowed on some of them over others and with what they spent of their money, so the righteous women are dutiful; guardians to the unseen with what God guarded. And as for those women you fear their disloyalty, then: (first) you shall advise them, and (second) abandon them in the bed, and (lastly) cite them. If they obeyed you, then seek not against them a way; Truly, God is High, Great. [4:34]

And if you (authority) feared a rift between them two, then appoint a judge from his family and a judge from hers. If they both want to reconcile, then God will bring agreement between them. God is Knowledgeable, Expert. [4:35]

First, he discusses the word *Idribu*. The word has about 100 meanings and its specific meanings are associated with certain prepositions or subjects. The Quran itself uses this word in different ways. Note the similarity here of the arguments put forth by Barlas, Hasan and Wadud, Fadel and Yuksel.

"The default meaning of *daraba* is "to put/show forth (from one person/place to another person/place)". This core meaning fits into every occurrence.

Unlike most male scholars and similar to women scholars, Mohammed looks deeply into the verses that precede and follow 4:34, since all of these refer to the relationship between husbands and wives. His take is that the verse can be explained only if the entire text is considered as a whole, rather than as piecemeal.

- And do not envy what God preferred/bestowed with it, some of you over others. For the men is a portion of what they gained, and for the women is a portion of what they gained. And ask God from His favour, God is knowledgeable over all things. [4:32]
- And for each We have made inheritors from what the parents and the relatives left, and those you made an oath with you shall give them their portion. God is witness over all things. [4:33]
- The men are supporters/maintainers of the women with what God preferred/bestowed on some of them over others and with what they spent of their money, so the righteous women

are dutiful/devout; guardians/protectors to the unseen with what God guarded/protected. And as for those women you fear their uprising/disloyalty, then you shall advise them, and (then) abandon them in the bed, and (then) *idribu* them. If they obeyed you, then seek not against them a way; Truly, God is High, Great. [4:34]

- And if you (plural) feared disunion/breach/rift between them two, then appoint a judge from his family and a judge from hers. If they both want to reconcile, then God will bring agreement between them. God is Knowledgeable, Expert. [4:35]
1. “If *qawamm* is cross referenced with the occurrences of the same word in 4:135, 5:8 and 4:5, 5:97, male-centric translations, such as "charge of" (M. Pickthal), "managers of" (Arberry, Hilali/Khan/Saheeh), "superior to" (Rodwell) are not tenable. “The Quran does not mention managing one's wife or being in charge of her. There is not a single example of God addressing the husband/wife relationship in this manner, e.g. all examples involving decisions between marriage partners are in the reciprocal Arabic word form, e.g. "*taraadaa*" [2:232-233, 4:24], "*tashaawar*" [2:233], which means they are mutual. If society is to be governed by mutual consultation [3:159, 39:18, 42:38, 58:11], then this principle should apply to the most basic social unit, the family, and done with what is *maruf* (honourable, known/recognised as good, befitting, fair, kind), 2:231, 4:19.”

Arguments similar to those of W.Mohammed are given by Barlas and other women scholars as well as Fadel.

This view of W.M contrasts with the main view proposed by Islahi and Ghamidi who declare that the head of the family is the man and hence the women should be obedient to him. In fact, the example given by both Ghamidi and W.M of consultation in society is the same. Ghamidi suggests that the parliament is headed by the Prime Minister whose decisions must be obeyed.

According to W. Mohammed, the verse limits the scope of meaning of *qawwamoon* to maintenance, not on managing or ruling. Similarly, he goes on to say that

2. “not all men are preferred equally, and/or not all men are preferred more than women. The term preferred in this case may refer to distribution of wealth, e.g. inheritance, as mentioned by similar phrasing in 4:32. Since spending of wealth is mentioned separately, the preference refers most likely to the fact that men do not have the physical burden of pregnancy, hence are in a more favourable position to work/provide by default, or simply that some men are in a position to work whilst other men may not be.”
3. “The word *qanit* has been used in the Quran to mean dutiful/devout/obedient to God in all verses and in some verses is used to describe this quality for both man and woman [2:116, 2:238, 3:17, 3:43, 4:34, 16:120, 30:26, 33:35, 33:35, 39:9, 66:5, 66:12]. In 33:31 it states "*qanit* to God and His messenger", but this still implies it is in the context of God's commands. For example, the root tay-waw-ayn is commonly used to mean "obey" in the Quran without the dutiful/devout connotation. Thus if obedience to the husband was

meant, this word would have been more appropriate than qaf-nun-tay. If translated as "obedient" in 4:34 (*as suggested by Islahi and Ghamidi, it implies obedience to husbands as their inferiors*)- my italics. The same word is mentioned in 66:12 as a description of Mary who, according to the Quran, did not even have a husband. In this verse, as Mary confirmed the Words of her Lord and His revelations, she is described as of those who are "*qanit*", again implying it is in the context of abiding by God's message."

4. "...And as for those women you fear..." (Arabic: takhafoona, root: kha-waw-fa) is in the imperfect form, meaning an action in the process of being done, NOT completed. This should be carefully compared to 4:128 in which this same word is in the perfect form (i.e. an action completed). Thus, in 4:34, the fear being felt by the husband is an ongoing thing, about something that may or may not take place. It is important to note that the context strongly implies that the husband does not wish to end the marriage, hence him "fearing" and the conflict-resolution measures that follow."
5. "uprising" (Arabic: *nushuz*, root: nun-shiin-zay) is the literal meaning and in context means rising up (above relationship/marital limits). There is a measure of relativity about *nushuz* in the sense that what constitutes *nushuz* in the eyes of one person may not be so viewed by another, or the judgment that one's spouse has been guilty of *nushuz* is partly a subjective and personal one. That is why the verse says: "if you fear *nushuz*..." instead of for example, "if you find *nushuz*...". In other words, *nushuz* is unlikely to mean something in the husband's presence or obvious/blatant in his presence as 4:34 says "if you fear", so it is reasonable to assume it refers to something not done in the husband's presence. This could be related to the earlier use of "...guardians to the unseen...". If we take these factors into account, it suggests unseen "disloyalty/infidelity/ill-conduct/rebellion" in some way.
6. "...then/so you shall advise them..." (Arabic: ithoo, root: waw-ayn-za), and does not indicate in a harsh manner, as can be seen by its occurrences in The Quran, for example 31:13-19. The "fa" meaning can only apply to the wife in whom the husband fears *nushuz*, not others. It also implies that what follows is a sequential order of recommendations and not simultaneous.
7. "...and abandon them in the bed..." (Arabic: hjuroo, root: ha-jiim-ra), means forsake, leave off, desert, abandon [see 19:46, 73:10, 74:5]. This verb applies to the husband, NOT the wife, thus translations such as "banish them to beds apart "(M. Pickthal), "send them to beds apart" (Dawood), are incorrect. This is further proven by the use of "fee" meaning "in". In other words, this means that the wives are to be left in their beds. Lastly, "al madajiAA" (root: dad-jiim-ayn) is plural, and literally means "the times/places of rest/sleep/reclining", thus could mean 'the times of sleep' or 'the bed' or even 'the bedroom'.
8. "If they obeyed you..." (Arabic: ataAAna, root: tay-waw-ayn) is in the perfect form, i.e.

an action completed. This "obeyed" MUST refer to something in the context, thus the only possibility is the admonition given by the husband. Note how tay-waw-ayn is used here and not qaf-nun-ta as used previously, which implies that there is a difference in connotation between these words, reinforcing our finding as discussed previously. Thus, the previous "obey" was to God, and this "obey" is to the husband.

Extrapolating from the above arguments, W. Mohammed goes to say that It may be inferred "that the 'abandoning them in bed' step could be limited in time, whilst the advice part, whilst still maintaining normal sexual relations does not have a time limit, further reinforcing this first step as what is preferred, hence it being first."

10. "And if YOU feared disunion/breach/rift between them..." (Arabic: shiqaa, root: shinqaf-qaf), and the "feared" before it is in the perfect form, i.e. an action done/completed. The "you" is in the plural form and can only refer to the community/court/authority/etc, in contrast to other translations, which assume that this refers to the husband."
11. "...then appoint a judge..." (Arabic: ibAAatho hakaman, roots: ba-ayn-thal, ha-kafmiim), literally means to put in motion or send/appoint a judge/arbiter. The Arabic confirms that the plural "you" can ONLY refer to someone/something in a position to put this in motion, so it cannot mean either side's family for example. Also, appointing an arbiter from each side is not a simple task as it would require representations from husband and wife or each side of the family, and suggests the process has become formalised, i.e. judicial. This clearly confirms the court/authority is involved at this stage."

Compare the above reasoning with 4:128, in which a wife fears *nushuz* from her husband: 12. "They ask you for divine instruction concerning women. Say, "God instructs you regarding them, as has been recited for you in the book about the women orphans who you want to marry without giving them what has been ordained for them, as well as the powerless children, and stand for orphans with equity. Whatever good you do, God has full knowledge of it. [4:127]"

13. "And if a woman feared from her husband uprising/disloyalty or alienation /turning away, then there is no blame upon them that they reconcile between themselves reconciliation; and the reconciliation is better. And miserliness/selfishness is present in the souls, and if you do good and are conscientious/forethoughtful, then surely God is aware what you do. [4:128]"
14. "And you will not be able to be fair between the women even if you make every effort; so do not deviate all the deviation so you leave her as one hanging. And if you reconcile and are conscientious/forethoughtful, then surely God is Forgiving, Merciful. [4:129]"
15. "And if they separate, then God will provide for each of them from His bounty. God is Vast, Wise. [4:130]"

Here, W. Mohammed says,

16. "... and if a woman feared...what follows is what to do if "nushuz or iAAaradan" is feared to have taken place or is feared to be happening.
17. "...uprising or turning away..." (Arabic: iAAaradan, root: ayn-ra-dad) literally means "turning away" and is stated separately from "uprising / nushuz".
18. "Again the word "feared" implies a degree of relativity, i.e. judging "iAAaradan" is subjective, thus is not something obvious. Many translators opted for "desertion" which is not quite right because if the husband is unwilling to initiate divorce, "desertion" is unlikely to be feared. Also, whatever "iAAaradan" means it must be sufficiently distinct from "nushuz", hence a differentiation can be made. By crossreferencing its other usage in The Quran, the only possibility is "turning away", and in this context may be better understood as alienation; which means: make withdrawn or isolated or emotionally dissociated.
19. "Since *nushuz* can be done by either partner (husband or wife), the term cannot signify a ruler-ruled relationship, as some translators imply. This fact has been glossed over by most scholars, who emphasise punishment or disciplining of the wife by the husband but never the other way around."
20. "...then there is no blame upon them that they reconcile between themselves reconciliation; and the reconciliation is better..." "Since the wife feared a wrong has been done, even in such a situation, reconciliation is better than being uncompromising or separating. This can be equally applied to a reversal of situation, as shown by 4:34."
21. "miserliness/selfishness" (Arabic: al shshuhha, root: Shiin-Ha-Ha) literally means nongiving / stingy, and is understandable in the context of reconciliation, compromise, possible compensation etc. It also links with 4:127.
22. "conscientious/forethoughtful" (Arabic: tattaqoo, root: Waw-Qaf-Ya) literally means guarding or guarding oneself by means of something, i.e. by being thoughtful/conscientious/mindful/preserving of one's duty, guards oneself from any possible punishment from God.
23. "...so do not deviate all the deviation..." (Arabic: fala tameeloo kulla al mayli, root: MiimYa-Lam), see 4:27 for similar occurrence (Arabic: tameeloo maylan AAatheeman). This implies some deviation has occurred, advising not to deviate all the way, i.e. emphasising to do the right thing. This usage further reinforces the implication that the husband is in the wrong in this situation or the cause of negativity, and use of the perfect/past tense of "feared".
24. "... as one hanging..." (Arabic: ka al muAAallaqati, root: ayn-lam-qaf) literally means like/as the suspended/hanging/stuck. Lane's Lexicon states for this specific context: a wife whose husband has been lost to her or been left in suspense; neither husbandless nor having a husband; husband does not act equitably with her or release her; left in suspense.

4:35 shows that an authority has become involved and is appointing arbiters, we need to look for answers to: how and why has the authority got involved? How does the authority know the extent of disagreement between the couple?

25. "A mechanism should exist that allows the authority to be notified and resolves a situation like this in a fair manner. This is shown by an example in in 58:1-4 in which a woman argues with the prophet complaining how the husband has estranged/alienated her by claiming her to be as his mother's back, which was a practice of the time, making the wife unlawful for himself but also not technically divorcing her allowing her to remarry, i.e. leaving her suspended. If this could be considered as a case of iAAradan/alienation or shiqqa /rift, then the next step the wife took was to cite her husband's actions to the authority, which would have been the Prophet at the time. The correlation is specifically with 4:129 which advises the husband not to leave her suspended and this is the exact situation described in 58:1-4, thus showing that in a situation of no resolution, the next step would be to cite the partner/situation to the authority. If this example is correlated to what the next step would be in 4:34, if the first two steps are followed and no resolution is forthcoming, the next step would be to cite the partner to the authority. This would explain how the court/authority knew of the situation between the couple in 4:35. **Since 'idriboo them' is the only step in between "abandon them in bed" and the authority becoming aware of the situation, is there a Classical Arabic meaning of *daraba* that fits in the sequence? The answer is a resounding yes, as one of its primary and most common meanings is: to cite/propound, declare/mention, put/show forth, point out or indicate. It is a perfect fit."**
26. "If the wife can cite her husband to the authority when the problem in her marital situation is not her fault in 58:1-4, what is stopping the husband from doing the same with his wife in 4:34? This understanding would make the Quran cater for all possibilities. The onus is on whoever is in the wrong to either amend or initiate divorce/release. The court can become involved when, whoever is in the wrong does not initiate divorce, spouse can cite them to court/authority, then judgement and/or arbitration can be made as necessary."
27. "For the court/authority to be involved at situation also makes sense because in a situation of unfairness an authority is needed for mediation. Since whichever partner initiates release may have to provide compensation, a mechanism must be in place to solve the problem if the partner in the wrong refuses to do so, most probably in order to protect their wealth. This link to wealth also perfectly explains the context surrounding both verses, 4:34 and 4:128, and why neither partner who is potentially in the wrong is initiating divorce, i.e. the wife in 4:34 and the husband in 4:128."
28. **The meaning of "beat" in 4:34 is problematic with the following verse as it is highly unlikely that a peaceful conflict resolution step such as arbitration would be recommended after allegedly permitting physical violence.**

28. "Post divorce during interim period 65:6 "...and do not harm/afflict them to distress on them..." What this tells us (and most male translations) is that during the interim period, a husband is forbidden from harming, hurting, injuring or using force against her, making hardness/distress/difficulty on her, while for a woman who wants to stay married, it is permissible for her husband to beat her, according to traditional understanding. This is a huge inconsistency."
29. "The more obvious examples in the Quran of a person *daraba* to another person (2:73 and 38:44) have been severely mistranslated and the distortion just so happens to favour the meaning of beating. It is possible that not so long after initial revelation, the interpretation of these verses became twisted in favour of such justification for men to oppress women. The evidence of the do not beat one's wife mixed within the traditional narrations/hadith shows possibly that they were not able to eliminate the evidence against it completely."
30. "If the Quran is as it claims: complete [6:114-115, 18:10], clear [2:99, 6:126, 7:52, 11:1, 44:2], fully detailed [12:111, 16:89], contains all necessary examples [17:12, 18:54], then if *daraba* means beat/strike in 4:34, then it is not clarified at all, i.e. with what? where? severity? limits? Neglecting to mention these things would be highly unusual for the Quran. Is there any other example of a physical punishment like this which is not clarified? Is there any other example of a physical punishment that is issued by individuals without evidence rather than through a court/authority with evidence?"
31. "And if you have divorced the women, and they have reached their required interim period, then either you remain together with fairness/kindness*, or part ways with fairness/kindness. And do not retain them harmfully that you transgress; whoever does so is doing wickedness to his soul; and do not take God's revelations lightly. And remember God's blessings towards you, and what was sent down to you of the scripture and the wisdom, He warns you with it. And be aware of God and know that God is Knowledgeable in all things. [2:231]
- This shows one cannot reconcile with them to harm them, but somehow are we meant to believe the traditional interpretation that prior to divorce, it is allowed to harm them by beating, as in 4:34? In which case, the Quran would be saying that a wife who has been officially divorced and then the couple gets back together should be treated better than a wife not divorced! Where is the logic/consistency in this? This would effectively promote women to choose divorce over marriage, and thus such an understanding of 4:34 is significantly problematic. Such an interpretation could be tantamount to ordering munkar (bad) and deterring from *maruf* (good), which is the definition of a *munafiq* (hypocrite) according to 9:67."
32. "Counter evil with good [2:148, 28:54, 13:22, 16:126, 23:96, 41:34] - thus counteracting suspected evil with physical harm would be contradictory, if done in 4:34.

If *daraba* in 4:34 means "beat/strike", this would be the only example of husband as: judge, jury and executioner; the only example of guilty verdict based on a fear/suspicion; the only clear example of non-equivalent punishment; the only example of punishment for no actual/proven crime etc. These are fundamental concepts core to

The Quran and cannot be put aside, unless they can be explained away without causing logical/conceptual inconsistencies.”

33. “If it is only the husband who fears disloyalty/uprising/infidelity, or even if he is sure of it, and if there are no witnesses/evidence, then he must follow the procedure in 24:6-9 and cannot take it upon himself to administer any punishment. Since a "fear/suspicion", as in 4:34, is certainly less than being sure, it also cannot warrant any punishment. Anything to the contrary would be an internal inconsistency in The Quran's ruling.”
34. “In a real life scenario in which a husband thinks his wife is guilty of disloyalty/infidelity and therefore undergoes the steps in 4:34, as traditionally understood, then before the wife is "hit/beat" she simply needs to say "let's go to court and apply 24:6-9 to your accusation" to which the husband would be dumbfounded as he is allegedly allowed to "beat" her, yet according to 24:6-9 his accusation would be rejected by the court! Thus giving us the ridiculous situation of a wife being legally vindicated of her husband's accusation, yet is still allowed to be punished by her husband! There is no escaping this obvious contradiction in the traditional understanding.”
35. In 65:1, it clearly states that the husband can only evict the wife from the home if she has committed a clear/evident lewdness/immorality (*fahish mubayyin*), thus logically one must do less punishment for a suspected immorality as in 4:34. Thus, the only logical position left for the traditional/common understanding is to say wife battery is less harsh than eviction, thus logically acceptable. Of course, this subjective opinion has no basis in the Quran, and is a forced position resulting from their view.”
36. IF the traditional view is if beating doesn't work, then it moves onto next step which is arbitration this would imply the authority decides upon "ok, you have beat them enough, we feared no reconciliation, now it is time to appoint arbitration!". How is this even practically possible? Do they inspect the beatings? Do they give a time limit on beating? Do they take the husband's word for it when it comes to how much beating is enough and how long for and if it was done in an appropriate manner? “
37. The following verses discuss the relationship between male and female: O people, we created you from the same male and female, and rendered you distinct peoples and tribes that you may recognize one another. The best among you in the sight of God is the most God-conscious/righteous. God is Knowledgeable, Aware. [49:13]
 - And from His signs is that He created for you mates from yourselves that you may reside with them, and He placed between you affection and mercy. In that are signs for a people who reflect. [30:21]
 - "...They are a garment for you and you are a garment for them..." [2:187]
 - And those who say: "Our Lord, grant us from our mates and our progeny what will be the comfort of our eyes, and make us righteous role models." [25:74]

- And the believing men and women, they are allies to one another. They order good and deter from doing wrong... [9:71]
- Recompense for a crime/sin/injury is its equivalence, but whoever pardons and makes right, then his reward is upon God. He does not like the wrongdoers/unjust. [42:40]
- ...oppression is worse than murder... [2:191, 2:217]
- Not equal are the good and the bad response. You shall resort to the one which is better. Thus, the one who used to be your enemy* may become your best friend. [41:34]
O you who believe, from among your spouses and your children are enemies* to you; so beware of them. And if you pardon, and overlook, and forgive, then God is Forgiver, Merciful. [64:14] *Ayn-Dal-Waw.

38. "These verses show that with an enemy one should resort to action that is better, and even if one considers a spouse an enemy, one should forgive etc. Thus, if we give an example of two wives: one in whom fears uprising/disloyalty, and the other is considered an enemy, it is recommended to forgive the enemy wife whilst the suspected wife should be beaten, according to the traditional/common understanding. This would mean a harsher punishment for a lesser offence, giving another conceptual inconsistency."

39. "Under the entry of *nushuz*, classical Arabic dictionaries only cites the part of *nushuz*: when a woman rejects her husband. It continues: "he is also *nashez* as per verse 4:128 also, and if he stays away from her, beat/harmed her (*darabaha*)". This is interesting because if DRB is cited under *nushuz*, then if we apply this meaning to The Quran, it will cause a contradiction if "beat her" is chosen in 4:34, i.e. God suggests a solution to the husband to prevent a marriage ending, i.e. the steps in 4:34, but this step (e.g. DRB/beat) would give the wife a legitimate reason for ending the marriage according to 4:128 as this behaviour is *nushuz*. In other words, God's suggested solution to prevent a marriage ending gives the women a legitimate reason for ending the marriage. Of course, this is highly unlikely."

40. "If 4:34 meant to clearly mean "beat/strike" why does the Quran use one of the most multiple meaning words in the Arabic language? Similarly, one could ask, if it was not meant to mean "beat/strike" why use a word that could have this implication? The reason for this is twofold: 1) only a careful study of the Quran leads to deciding which one is the most likely choice 2) it is one of many internal distinguishing mechanisms contained within the Quran. Many read The Quran and use it to justify their crimes, whilst others can read The Quran and use it as a force for good. Some examples:

- The verse which recommends us to give the excess when we give [2:219] which to those naturally stingy/insincere will use to justify withholding and giving less and whilst others who

are naturally righteous/sincere will know exactly what to give: that which is truly due in an honourable manner.

- When verses discuss women's dress code, emphasising modesty, some will interpret that to the utmost extreme and ask women to fully cover up, whilst others will never request such a thing as they truly fear exceeding the just limits set out in The Quran. As such there is no consensus on women's dress code. In fact, it could be said that an internal distinguishing mechanism is purposely built into The Quran, see 3:7.

41. "Knowing this, it could be said that the Quran used the most profound and distinguishing of word choices in 4:34 and surely God would not choose His Words in a haphazard manner. If multiple options exist, then a word meaning must be chosen that is consistent with the spirit of The Quran and certainly not one that contradicts its content [see 39:18]. We must remember that a book is sometimes only as good as its reader. Whatever disposition a person has will determine HOW they understand The Quran. Their moral convictions will determine what they will get from it and how they will interpret it, what they choose to apply. More importantly, it will determine which definitions of any given word they will gravitate to and seek to uphold. In part, this is the beauty of The Quran: it can bring out what is already within us: our true selves."

W. Mohammed's rendering of the verse is thus: *"The men are supporters/maintainers of the women with what God bestowed on some of them over others and with what they spent of their money, so the righteous women are dutiful; guardians to the unseen with what God guarded. And as for those women you fear their disloyalty, then: (first) you shall advise them, and (second) abandon them in the bed, and (lastly) cite them. If they obeyed you, then seek not against them a way; Truly, God is High, Great. [4:34]."* To be read with *"And if you (authority) feared a rift between them two, then appoint a judge from his family and a judge from hers. If they both want to reconcile, then God will bring agreement between them. God is Knowledgeable, Expert. [4:35]"*

I have given W.M's views somewhat at length and mostly in his own words because of the logic and depth of analysis of a large number of related verses. This is inter-textuality and coherence at its best. A lot of this analysis and related conclusions have been arrived at by many of the women scholars, as can be seen above, but they still not presented as a comprehensive argument based on such objectivity and explanation of Quranic consistency.

Khaled Abou el Fadel

Fadel is the Omar and Azmeralda Alfi Distinguished Professor of Law at the UCLA School of Law where he has taught courses on International Human Rights and Islamic jurisprudence. He explains his take on 4:34 by referring to a woman who took her case to him. She was struck by her husband and she found it difficult to accept this indignity. She was told by the imam of her mosque that as a believing woman, she should see her husband as her boss who is within his rights to hit her. She did not seek divorce, but felt betrayed at being treated thus. El Fadel explained to her that he could not give a conclusion but only his views.

The traditional translation is: "As for those women who you fear their *nushuz*, admonish them, abandon their beds and beat them. If they obey you, do not seek to persecute them for God is high and greater than you all."(4:34)

"And, if you fear a breach between them, then appoint two arbitrators, one from his family and the other from her family. If they wish for peace, God may facilitate between them for God knows everything." (4:35)

El Fadel says that much depends on who is being addressed, the context and what does *nushuz* mean? Is there a woman who finds beauty or dignity in a beating?

"Considering our knowledge of men, is there a reason for God to entrust husbands with the administration of equitable beatings? God informs us that the purpose of marriage is to find friendship, tranquility and mercy. (30:21)(7:189). Is this consistent with an empowerment to administer a beating? In the Qur'an, men have not been empowered to beat even a servant or child, so what is the secret of their power over their wives? Furthermore, a trustworthy person is one who follows the Sunnah with his children and his wife. Was there ever a single occasion where the Prophet (sww) struck one of his wives? Even more, he is reported to have said that the worst of you are those who beat their wives. Elsewhere, it is reported that he said that those who beat their wives are not among the best of you. If a man neither follows the Sunnah, nor is of the best character, why should he be entrusted with the just administration of violence?"

"Readers of the Quran must be certain before they ascribe something to God, especially in case of words that create torment in the heart and gives men total power over their pair. God commands that in the case of a breach, two arbitrators will be chosen. "The jurists disagreed on whether the arbitration and its judgment is optional or a mandatory delegation to the state. Ali, the companion, ruled that the arbitrators act as judges and if a husband wishes a marriage to continue, he must comply with their adjudication. It is reported that Ali told a husband that he is not free to ignore the results of arbitration. There is an inconsistency in arbitration that follows a beating. To say, "if you fear a breach," after the authorization of beating, is an inconsistency. If there is a beating after being abandoned in bed, a breach has already occurred. If the husband has already abandoned his wife and beat her, then what is the point of the arbitration? Is not this the same as calling for a trial but assigning the punishment first? Why is the husband entrusted to be the accuser, judge and enforcer, and, after he is given this power, he is asked to go for arbitration for reconciliation! What if the husband believes his wife is a *nashiz*, and then beats her, but the arbitrators decide that he is a cat-torturing scoundrel who is hopelessly disturbed?"

"What is *nushuz* and who is the *nashiz* and who is being addressed? The jurists say that a *nushuz* is arrogance and defiance, and a *nashiz* is an arrogant and disobedient person. Some jurists, such as Ibn Rushd, (d. 520/1126), said that a *nashiz* is a deviant woman who refuses to pray, fast or cleanse herself from impurities. But there is a problem here. The word *nushuz* is used to describe men as well. God says:

If a wife fears from her husband *nushuz* or rejection (i'rad) there is no blame on them if they seek an amicable settlement between them. Amicable settlements are best, although the souls of people incline towards greed. If you do good and practice self-restraint God knows all that you do. (4:128)

“What the jurists agreed upon is that this verse means that a form of reconciliation between husband and wife is better than a separation. What does *nushuz* mean in the second verse (4:128)? Does it mean the disobedience of a husband to his wife? But does this mean that a husband owes a duty of obedience to his wife? Is a husband a *nashiz* if he disobeys his wife? And, why does God distinguish between rejection (i’rad) and *nushuz* when it comes to a husband? If *nushuz* means arrogance, defiance and disobedience in the case of the wife, does it mean the same thing in the case of a husband?”

“The jurists said that *nushuz*, in the case of a wife, means disobedience, and in the case of a husband, means a grave and known sin (*fahisha mubina*). This could also mean that *nushuz* in the case of wives means a grave and known sin as well? A wife commits *nushuz* if she commits a grave and known sin.”

“It is reported that the Prophet (sww), in his final pilgrimage proclaimed, 'O' people, I command you to treat women with kindness, for they are your support. You have no other rights over them, unless they commit a grave and known sin (*fahisha mubina*). If they do, abandon them in beds and beat them lightly, but if they comply, do not transgress against them.

“The Prophet (sww) uses the expression *fahisha mubina* as the equivalent of *nushuz*, and *nushuz* means a *fahisha mubina* (a grave and known sin). If that is so, then *nushuz* cannot mean disobedience or a case of simple disagreement. If there is a serious disagreement, then the state may compel arbitration. But this is entirely different from a *fahisha mubina*. Ibn Rushd was once asked whether a man who caught his wife performing lewd acts with a foreign man in bed, could beat his wife and imprison her. Ibn Rushd responded that the husband may forgive his wife or divorce her, but anything beyond that would be a transgression. For it is God Who said, "Do not hold them despite their will to harm them," (2:231) and it is God Who also said, "Either stay with them in kindness or divorce them with kindness." (65:2)

“The Qur’an talks of a marriage full of tranquility and kindness, or a divorce restrained by justice and kindness. Where is a place here for abandonment and beatings? In 4:15, God decrees that women, guilty of lewdness (*fahisha*), upon the testimony of four witnesses, are to be confined to their houses until repentance. For God in the Qur’an says: "As to your women who are guilty of lewdness (*fahisha*), take the evidence of four witnesses from among you against them. If the witnesses testify, confine them (the women) to houses until death claims them or until God ordains for them some other way. If men among you are guilty of lewdness, punish them. But if they (the men or women) repent and amend (their behavior), leave them alone, for God is forgiving and merciful." (4:15-16)

“What if verse 4:34 is a specification or limitation upon verse 4:15? Therefore, what if the one who commits a *fahisha* is a wife and four witnesses are not available, then the remedy is spelled out in 4:34? Alternatively, what if 4:15 is stating the rule for unmarried women and 4:34 states the rule for married women? If abrogation is accepted, then 4:15 and 4:34 would both be abrogated. But abrogation is not accepted, then 4:15 spells out the punishment for *fahisha*, not *zina*, for unmarried women, and 4:34 spells out the punishment for *fahisha*, not *zina*, of married women. In both cases, you need witnesses and evidence; in both cases a finding and a judgment are needed.”

“4:34 could be stating a rule of proportionality. Admonishment is the normal rule, but if a wife resorts to abandonment, she could be abandoned and if she strikes her husband, she could be struck? But if the parties do not wish to engage in a tit for tat, then the solution is arbitration blessed by God. Alternatively, 4:34 is not addressed to husbands at all but to the state. If there is an allegation of a grave and known sin and it is proven by the resolution of a court, a separation or corporal punishment may be ordered. In case of a disagreement not involving a grave and known sin, arbitration may be ordered. In other words, the remedy is not left to the discretion of husbands, but is given to a court. Nothing in 4:34 necessitates that the remedy be in private hands, for history and creation have shown that **when it comes to punishment, husbands are hardly the ones to be trusted.**”

“The *hadith* of the Prophet (saws) as to 4:34 equated *fahisha mubina* and *nushuz*. Does the *hadith* necessarily extend to 4:128? Many jurists thought that the *nushuz* of 4:34 (for women) means arrogance or aloofness and the *nushuz* of 4:128 (for men) means a lewd sin. Because of the Prophet's *hadith*, it is exactly the opposite. Even if *nushuz* always means a lewd sin, all that 4:128 says is that there is no harm in reaching a compromise if it is to avoid a divorce. There is nothing in 4:128 that says husbands may not be punished for lewd acts. In fact, the practice in pre-Islamic Arabia was that only were men subject to criminal penalties, women were left to the disposition of their families. Criminal punishment for men was assumed. Criminal punishment for women is specified in the Qur'an, but specification does not necessarily mean the exclusivity of a rule, but it could mean the extension of the rule to a category otherwise presumed not to be covered. Furthermore, 4:16 does require punishment for men as well. But it does not specify the punishment. Instead, it just says, 'harm them.' It could be that whether the man is married or unmarried, if there is a *fahisha mubina*, the punishment is the same.”

“If 4:15 refers to unmarried women what does God mean when God says, 'or until God ordains for them some other way?'” Those who accept abrogation said that it means the abrogation of the rule by the decreeing of the punishment of zina. So if the woman is unmarried and she has committed lewdness, she is under a form of house arrest until marriage or repentance. If she is married then 4:34 applies and it is as we have previously said.”

“In summary, 4:34 is not talking about disobedience: it is talking about lewd acts. In the case of a lewd act, known and proven in court, a court may order a separation or corporal punishment for a wife. In the case of a husband, corporal punishment may be ordered but we are not sure about an order of separation. But 4:35 is talking about normal but serious marital disputes. In the case of a rift between husband and wife—a rift unrelated to allegations of lewdness or the like—a court may order an arbitration.” (Abou Fadel, <http://www.scholarofthehouse.org/exbykhabelfa.html>)

There is striking similarity of both the analytical approach and conclusions of W.M. Yuksel and El Fadel. All three use arguments from within the Quran, inter-relationships between various verses as well as grammar, syntax and lexicon to explain what 4:34 means. They agree that *nushuz* here is not used in the sense of disobedience, and that *daraba* cannot mean “to beat”. If reconciliation is the aim of any arbitration or dispute resolution process in marriage, it would be against other Quranic injunctions if the husband were allowed to beat his wife for alleged rebellion or disobedience. Both verses 4:34 and 4:128 are comparable and should be read conjointly to obtain a more comprehensive and just understanding.

7 Analysis of differences of interpretation

a) Classical vs. rational scholars (extent to which rational scholars subscribe to traditional thought)

Traditional and rational scholars do not differ greatly in their definitions and understanding of men and women's roles in society, especially with regard to 4:34. While many of the traditional scholars assume that the words *qawammah* and *faddila* in the first part of the verse apply to men and women at large, both Islahi and Ghamidi are certain that they refer to the husband wife relationship. However, both categories of scholars agree on men being "managers and protectors" of women, on account of them having some level of superiority over women. This superiority, for the traditional scholars is primarily because of the strength, both physical and intellectual, of men. Women are weak, by their biology and by their inherent lower levels of reasoning and deductive powers. In case of Islahi and Ghamidi, women must be obedient to husbands and accept their headship of the family. In this role, the husband has the power to discipline his wife.

As I noted earlier, the meanings of the Qur'an are dependent of who reads it, and in what context. The social mores of society affect an individual scholar's interpretive results, as well as her/his bias, personal experiences and beliefs. It can be seen how interpretation has changed over the centuries as societal conditions and views about the roles of women in social and economic development changed. The political situation, mostly influenced by colonized societies, the policies of the rulers vs the local people and the rise of nationalism and religious identity all served to add to these changing conditions and perception of gender roles.

Traditional scholars all use a purely textual methodology, without consideration of the context in which the Quran was revealed. The environment and culture of the Arabs of seventh century of Arabia determined the addressees of the Quran, but these translators and *mufassirs* assume that the addressees should take the words in linguistic literality. The rationalists have applied more reasoning, logic and wisdom and drawn parallels from within the Quran to their interpretation and in some cases, their views of women related verses have changed, but they remain influenced by their belief system in the traditionally, i.e biologically defined roles for women, even though they may not admit that they believe in the superiority of men. As mentioned earlier, in case of 4:34, no rational scholar has attempted to address the questions that arise about women from this verse from within the Quran. Their explanations on women related verses have been extra-textual, taken from ahadith or their own views.

An example can be seen in how Maududi views women's role in society. Maududi was in favour of the most strict *pardah* for women, while Ghamidi, who studied with him, developed very different views. While he remained with the overall instructions of modesty for both men and women, and limited interactions, he is against gender segregation. It must be noted that Ghamidi's views have evolved over time, and in this, he must be commended as he is of the rare species of scholars who continue to review their perspectives by reading and listening to other's views.

Another example is one of Islahi, who, while explaining his *tafsir* of this verse, mentions that the role of women is that of taking care of the house and children. "They (the wives) should obey their *qawam* and live as pious women, instead of behaving like men, as they do in today's world. Such women are *fasiqat*

(defiant) instead of being *qanitat* (righteous) and are disrupting the system on which the blessings and happiness of family life depends.” (Islahi, Vol.2, pg.292). Islahi was also an advocate of *pardah*.

We see, therefore, that rational scholars generally subscribe to traditional views when interpreting women related verses and especially 4:34. They remain influenced by the culture and practices and their personal views when interpreting the verses.

- b) Women scholars vs. traditional scholars (the extent to which concepts of gender equality, globalisation and education and wider understanding of human rights have influenced interpretation by women)

Until the 20th century, women scholars were only a handful, having had little education and opportunity to think and reflect for themselves. As new ideas evolved post the two world wars and break up of colonies, women (both Muslim and non Muslim) have read the interpreted the Quran to try and resolve the apparent mismatch between concepts of equality and egalitarianism and existing practices in Muslim societies, which many traditional Muslim men say are based on the Shariah. The gap between such women scholars and the traditional ones (mostly men but also women, such as Farhat Hashmi) is wide. Not only is their methodology different, the premise they start off with is also opposite to that of the other. The men begin with defined roles for women and assume that men have control and power over women that are given to them by divine sanction. Quranic interpretations in the literal sense (note that the Quran was talking to a patriarchal society) are reinforced with Ahadith (e.g, more women will be found in hell than men; if a wife refuses her husband, she is cursed by angels throughout the night) based on unproven historical events that often possess negative connotations for women. Women scholars generally take an equality approach, using hermeneutics from within the Quran. They are also more inclined to pose questions, whereas the traditional scholars base their interpretations on earlier works. Most traditional scholars are dismissive of any work of women, claiming that they are feminists, a word used mostly in the negative sense, inspired by the Western agenda, and leading to immorality in society. Such scholars also claim that education and concepts of equality have given women wrong ideas and disrupted the well defined structure of a Muslim family.

Muslim women scholars, especially those who have read widely and been exposed to socio economic issues have created a niche for themselves separate from “western feminism” of which they are often accused. They wish to remain true to their religion and to the word of the Quran, but aim to apply their own intellect and reasoning to understanding what God is saying to them and to the world. Whilst remaining within an Islamic framework, they have developed methodologies and analytical approaches to read the Quran and try to answer questions about the reasons for the extremely poor human development indicators of women in Muslim societies. I refer to their levels of education, health, access to assets and economic opportunities, involvement in public life and decision making and control of their own lives.

One main difference between traditional male scholars and women scholars is the heavy reliance of the former on earlier interpretations and recycling of older material. They question less and often believe that their readings are the best and hence should be accepted. Women scholars apply a query approach and are less rigid about their claims to having reached the final truth. Women also use inter textual methodologies and while they agree that the Quran was revealed in a patriarchal society, they argue that it is not the Quran that is patriarchal but its interpretation by biased male scholars that has been so androcentric and misogynistic leading to the discrimination and oppression of women.

c) Women scholars vs. rational male scholars

Rational scholars such as Islahi and Ghamidi are less patriarchal and rigid in their interpretations of women related verses, but their world view of the role of the women as an obedient wife and her responsibilities within the home are similar to that of the traditional scholars. The woman is seen as someone who is likely to commit errors and hence needing discipline. In Ghamidi's *Maqamat*, the title of the chapter on *aurat ki taadeeb* (disciplining of the woman) is in itself a reflection of his belief that it is the wife who needs to be disciplined by the husband in case of rebellion, although he agrees that this responsibility could be given to a court.

Both scholars emphasise in their interpretation that women are half of God's human creation and that there is equality in front of God in terms of their spiritual and pious deeds, but their concept of equality does not extend to equality in marriage, and equality in using a gender sensitive language. The addressee for them is always the man, even though the word could have been easily translated for both man and woman, such as "spouse" for "wife.

Rational scholars have, in many ways, changed the way others think about women, but still reflect patriarchal concepts of responsibilities and roles for women in society. Most, including the more recent rational ones use Arabic literature, Arabic grammar and language construction in support of their interpretation.

Women scholars insist that the Quran does not define specific roles based on biology and that these are gender constructs that change over time. Developing their interpretation on the basis of *tauhid*, marital harmony and egalitarianism as stated in the Quran, women emphasise that obeying the husband would be tantamount to giving a god like stature to him. They are also different from their male rational counterparts by presenting their hermeneutic approach and by showing how and why their readings are necessarily different. Male rational scholars, similar to the traditional ones, usually go forward in their interpretations, assuming that what they say will be accepted by others. It is doubtful that they would have read any of the writings by women scholars, probably because most of the non- traditional interpretations by women have been written in English. Equally, the reason could be that no traditional or rational scholar considers it necessary to understand what women are thinking.

d) Women scholars vs. modernist scholars (influence of contextuality and gender equality)

There are considerable similarities between women scholars and male scholars who follow either a contextual approach or believe in gender equality. The contextual approach was developed first by Faz ul Rahman and more recently by Abdullah Saeed. They debate less on the grammar, lexicon and cross referencing of the text, and more on deriving broad principles from the Quran to be able to apply them to current contexts. Abou el Fadel uses arguments based on the egalitarian and justice based principles of the Quran to show that 4:34 may have a different explanation that giving a license for wife beating. Others, such as W.Mohammed and Edip Yuksel use an inter-textual approach, finding arguments for equality and justice from within the text, to arrive at their interpretations. Indeed, Yuksel's and W. Mohammed's arguments are so convincing in terms of Arabic grammar and lexicon that one wonders how the rational scholars, who have worked on the basis of coherence and consistency within the Quran could have missed out on.

Women scholars use a mix of both approaches. They combine inter-textual analysis, lexicon and egalitarian arguments.

e) Rational vs. modernist scholars

Rational scholars, while applying reason and logic to their interpretations, prefer to stick to literal readings of the verses. They agree that some verses were relevant only for the time of revelation, but not the major ones which were later transformed into *fiqh*, as for punishments for theft and murder, or family laws. They call the modernists liberal Muslims, who are willing to change their reading of the Quran. They are also proponents of the superior status of the husband in marriage. Thus, they would say that, had the Quran been revealed in today's world, it would have been the same. Modernist scholars prefer to extract broad principles, differentiating from rules of worship from other rules (*ibadat* vs. *muamalat*).

8 Conclusions

In developing my conclusions, I use the following framework.

1. Do women exegesists, thinkers, scholars and researchers interpret the Qur'an differently from men? Is gender a parameter/category to consider, in addition to the cultural, social, and environmental and personal bias?

Most women who have written in the 20th and 21st centuries do indeed read and interpret the Quran, especially the women related verses, differently from men scholars, particularly those who are traditional. There are, however, women who conform to the interpretation by men and believe in their own inferiority, often choosing to adopt the conventional approach. Both seem to be influenced by the context of their times, their education and upbringing, their experiences and their personal prejudices.

It would not be wrong to say that the increasing discussion on how gender, as a social and cultural construct has formed the discourse on the roles and rights of women has greatly impacted the manner in which Quranic interpretations have been developed. The norms for gender are determined by how societies view and assign roles to women and men. As social and economic needs change, so do gender roles. While this has happened faster in Western countries, Muslim societies have been more resistant, mainly due to the interpretations of the Quran and Sunnah, a process that was carried out mostly by men. Women scholars, apart from a very few, have widely different perspectives on readings of the Quran, although a relatively new group of modernist or gender sensitive scholars have begun to enter the discourse. Much of the debate has remained confined to countries where such material is either published or readily available, or where opportunities exist to meet and discuss. This has limited the discourse to Western countries or the internet. Gender, as a relatively new parameter of analysis and study has opened up diverse concepts, which, if applied to Quranic interpretations, could yield different and new views, contributing to bringing the Quran from a confined arena of exclusive male scholarship to women inclusive readings.

2. Have women, (reformist, feminist), questioned interpretations made by men, or have they accepted them unreservedly? Has this need become more important recently?

More women have questioned various interpretations by men, but there are also exceptions. There are several traditional women who may not be scholars as such, but who simply take what has been written

by traditional male scholars and become preachers of the same interpretations. Female scholarship, with an independent and objective approach is becoming increasingly important to add richness and diversity to this search for truth and to bring the perspective that has been missing for over 14 centuries in Muslim thought, including Islamic laws. Women question the male dominated interpretations, but their doubts and queries often land them into the “feminist” category, a group reviled by traditional scholars and often ridiculed.

3. How do men (traditional, rationalists, modernists, feminists) exegetes, scholars and researchers view the roles of women generally, as evident in their writings, and do these views affect their interpretation of the Qur’an?

Traditional and rational scholars see women as wives and mothers, dependant on “their men”, and view women as the “weaker sex”. Some rational scholars, such as Ghamidi see women as participating equally in life, but putting their wifely obedience to their husbands first. The traditional role of the women as the home maker and carer and the man as the breadwinner and head of the house dominates the interpretations of all traditional and rational scholars. Traditional scholars, over the centuries have made such interpretations as to confine women in their houses and limit their personal freedom to a minimum, even denying them education and fresh air. While most of these have been cultural practices, they have been provided religious foundations by men. Very often, the views such scholars hold are evident in the language they use, in the examples they give and in the stories they relate.

Feminist and modernist male scholars consider women to be on an equal footing to men. Some question a few of the verses themselves, suggesting that these could be abrogated, or that they were relevant only for the time of the Prophet (sww), or that they are not to be taken literally. Others argue from within the text, bringing proof of equality from the Quran. For them, women and men have equal rights.

4. To what extent have deeply ingrained cultural and social traditions and practices (patriarchal norms) influenced Qur’anic readings?

The situation of women in Muslim countries, in the sense that they have remained largely deprived of developing their innate intellectual potential and contribute to human development has been due to the social and cultural traditions first in Arabia, and then in the lands conquered by Muslims in later centuries. Saeed says; “By juxtaposing Quranic instructions, the situation of women in Hijaz in the early first/seventh century and the norms and values of conquered regions, Muslims began to develop ideas about women, some of which may not have had the support of the Quran itself. It seems that the way women were viewed gradually worsened and this was later consolidated through incorporation of such views in law and exegesis. Women, in later Islamic periods and in many communities, were often considered incapable of providing even good advice and counsel in matters related to governance and public life. Intellectually, they were regarded by many male scholars as weak, and their opinions not worthy of consideration. These ideas continued to dominate the thinking of many men, including scholars of religion, up until today.”

These ideas persist very strongly even today, despite proofs to the contrary, in terms of the intelligence, logic and focus that women can apply to any and all problems. In Pakistan and elsewhere too, women

are considered half the value of men, given the interpretation of verses on testimony in case of witnessing a financial document, inheritance laws and, of course, giving the husband power of beating his wife. These have been reinforced by cultural practices of considering women as something to be owned by the men of the family, and hence their honour. This has led to refusing women the decision making of choosing their partners, child marriages, working and earning, choosing to stay single and other such patriarchal norms.

5. To what extent does the world view of women impact their reading, as compared with that of men?

Women seem to be more aware of the practices of oppression against themselves in Muslim societies, and the extent to which such practices receive sanction of being Islamic by Muslim men and scholars. For example, a large majority of Muslim men believe that “their women” must obey them in all matters, even the most minor ones and that they are justified in violence ranging from minor beatings to torture and killing. They also believe that any woman who goes outside her home has a loose character and their religion has given them carte blanche to be lewd towards them. There are several laws based on such interpretations that are detrimental to the honour, dignity and self respect of a woman.

These experiences and observations have led women to question what the male scholars have said, and in what way. Language is a very important tool and the words used to convey meanings can make all the difference. Many male scholars use language that is andro-centric, sexist and discriminatory or, at least, gender insensitive.

In conclusion, it may be said that Quranic exegesis is going through a transformation, propagated both by men and women who dare question the traditional schools of thought, especially of verses of related to the role of women in society and within the family. The rigid, once restricted arena of interpretation is giving way to individual interpretation and multiple readings of the Text and this is being pioneered by several scholars who are mostly based in Western countries. The reason for this is mainly because their own countries are still caught within the confines of the traditional narratives, refusing to allow free debate and discussions. Much of the new thought is contributed by women of scholarly stature, who can hold their own, provided men are ready to listen to them with humility and discernment. Also, it is evident that the oppressed and subjugated nature of women in Muslim countries is due to the male centric views of what women should or should not do and the fact that they have integrated these views within their readings of the Quran which then have been perpetuated over generations of practice. The above analysis also shows that the manner that women scholars interpret the Quran is different from that of men, as it has to be, but that women do not have to be anti Islam, as many men claim, to insist that the Quran may have addressed a patriarchal society, but is not patriarchal in itself.

This analysis has been a path of learning for me, an eye opener but a painful one. The path towards truth is always strewn with difficulties and I have been overcome by doubts about my religion several times. I have queried my own thoughts several times and wondered if I have not been wrong all along. I have tried to be as truthful and objective as possible, but being subject to similar prejudices as others, I am sure that my bias must have crept in.

9. Future research possibilities

There are several parts of this research which I could not take up or go into the level of depth I may have liked to. In particular, it would be enlightening to analyse differences between women scholars and modernist scholars in greater depth and to have broadened the scope to include other verses and other scholars. I hope that someone, somewhere, may take up this research further and that in addition to debating the ideas presented, develops new ways of analysing how different interpretations of the Quran may have been influenced by changing contexts of our times. Scholars such as Fadel, Saeed, Yuksel, W. Mohammed, Hibri, Hasan, Hidayatullah, Wadud and Hosseini are adding new depths of interpreting the Holy Text in ways that address our desire for spiritual meanings and truth, as well as spur our intellectual growth.

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