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Promoting Gender Equality within Islamic Tradition via Contextualist Approach

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***Abstract*—**The importance of advancing women's rights is closely intertwined with the development of civil society and the institutionalization of democracy in Middle Eastern countries. There is indeed an intimate relationship between the process of democratization and promoting gender equality, since democracy necessitates equality between men and women. In order to advance the issue of gender equality, what is required is a solid theoretical framework which has its roots in the reexamination of pre-modern interpretation of certain Qurʾānic passages that seem to have given men more rights than it gives women. This paper suggests that those Muslim scholars who adopt a contextualist approach to the Qurʾānic text and its interpretation provide a solid theoretical background for improving women's rights. Indeed, the aim of the paper is to discuss how the contextualist approach to the Qurʾānic text and its interpretation given by a number of prominent scholars is capable of promoting the issue of gender equality. The paper concludes that since (1) much of the gender inequality found in the primary sources of Islam as well as pre-modern Muslim writings is rooted in the natural cultural norms and standards of early Islamic societies and (2) since the context of today's world is so different from that of the pre-modern era, the proposed models provide a solid theoretical framework for promoting women's rights and gender equality.

***Keywords*—**Contextualism, Gender equality, Islam, Women's rights

I. The Importance of Promoting Gender Equality

THE significance of advancing women's rights in the modern period lies not only in the fact that this half of the population must be given equal rights to that given to men, but is also rooted in the idea that development of civil society and democratic institutions are impossible without promoting gender equality. The Inter-Parliamentary Council articulated the intimate relation between democracy and gender equality as follows: "The concept of democracy will only assume true and dynamic significance when political policies and national legislation decided upon jointly by men and women with equitable regard for the interests and aptitudes of both halves of the population" [1]. A number of scholars and activists have recognized the close relationship between the democratization process and promoting gender equality. According to Jahanshahrad, "there is a direct relationship between gender equality and democratization… women's demands for equal rights can theoretically be recognized as part of the general demands of Iranians for democracy". Referring to the context of modern Iranian society, she states that "it is necessary for the activists in the democratization movement to recognize the independent activities of the women's movement for advancing women's position in both private and public lives" [2]. In a similar vein, a number of Egyptian writers and columnists, during what is generally recognized as the "Arab Spring," called for revolutionists' immediate action to support women's rights and thus defy gender inequality since they believed that Egyptian women were able to play a central role in developing civil society through bringing substantial changes to the social and political spheres of their society [3]. It is in this context that Shirin Ebadi, Noble prize winner in 2003, warned Arab women against marginalization during the democratization process [4].

In practice, women have played an integral role in the growth of reform movements, as well as consolidation of the structures of democracy in various Middle Eastern countries. In this respect, female activists and male reformists often cooperated with each other and used similar strategies in order to influence social and political change. For example, in Iran "during (president) Khatami's two-term presidency, women and reformists attempted to use the electoral and institutional system to effect social and political change" [5]. They relied "on the media to publicize their efforts, draw support and educate the populace" [5, p. 151]. The reason why women's groups cooperated with male reformists is that they had a number of common objectives. Both movements, for instance, have attempted to call for individuals' equal rights in socio-political, as well as economic spheres of societies; indeed, equality among all individuals of society necessitates gender equality. However, it must be noted that despite women's efforts in promoting gender equality, the traditionalists and conservative forces opposed the women's movement to advance its goals. One reason behind this is that the women's group often lacked a solid theoretical methodology rooted in reinterpretation of primary and secondary sources of Islam to advance gender equality. In this sense, the purpose of this paper is to explain how the contextualists' approach to the Qurʾānic text and its interpretation given by three contemporary Muslim scholars, namely Rahman, Abū Zayd and Soroush, is theoretically capable of promoting gender equality.

II. Literalism versus Contextualism

The most straightforward definition of literalism is that "the exact wording of a text carries the whole weight of its meaning, excluding any unmentioned or extraneous data" [6]-[8]. In fact, literalism refers to the idea that the literal meaning of the text is privileged over all other forms of meanings in the process of interpretation. In this sense, the language used in

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the Qurʾānic text, for literalists, is limited to the codifying practices of lexicography and to the observable features of language. Another main characteristic of literalist interpretation of the Qurʾān lies in the assumption that words are able to be understood separately from their context. Ziauddin Sardar shows how today's Muslim literalists attempt to read and discover meaning in the Qurʾān by plucking verses out of context [9]. The result of taking the text out of its context is the partial and even contradictory understandings of Qurʾānic verses [10]. In addition, the approach of the literalists towards the Qurʾān relies on the idea of picking up particular verses from the text as a way of justification of their standards especially their political ideologies. By privileging singular and isolated verses and then suggesting that they should control the interpretation of numerous other verses, the literalists underestimate the complexity of the act of interpretation [11]. The main immediate result of such an approach is to consider Qurʾānic legal legislations as the sum total of the Qurʾān. This is why the literalists, according to Wahyudi, view moral and ethical principles of the Qurʾān as subjected to legal matters of the text [10]. Contextualists, however, maintain that the Qurʾānic teachings that concern social, political and legal matters are context-specific. In this sense, they advocate a reinterpretation of Qurʾānic teachings to make them applicable to the standards and norms of the present day. According to Fazlur Rahman, one of the most prominent advocates of the contextualist approach, a "double movement" is required if the Qurʾān is to be relevant to the present context: "In building any genuine and viable Islamic set of laws and institutions, there has to be a twofold movement. First one must move from the concrete case treatments of the Qurʾān—taking the necessary and relevant social conditions of that time into account—to the general principles upon which the entire teaching converges. Second, from this general level there must be a movement back to specific legislation, taking into account the necessary and relevant social conditions now obtaining" [12]. As such, the contextualists suggest that the contextual framework in which the Qurʾān came into existence plays a significant role in understanding the text. The Qurʾān, for them, is connected to the pre-Islamic norms, culture and practices of Arabian society. In addition, the contextualists often recognize the historical contingency of all texts dealing with interpretations of the Qurʾān (*tafsir* literature). They move from the assumption that the Qurʾānic text contains fixed and unchangeable meanings, to the understanding that its meanings may vary according to the historical context in which it is read. In this sense, they believe that the meaning of the Qurʾān does not only rely on one's literal reading of the passages that the text contains. It is in this context that the contextualists often call for implementing an appropriate hermeneutical approach that could disclose its relevance to the present context. In short, contextualism, unlike literalism, is marked by the search for a position that seeks to promote a number of modern standards and norms such as intellectual and religious pluralism, universal equality of rights, political democracy and gender equality. In what follows, the paper shows in detail how the contextualist approach proposed by Rahman, Abu Zayd and Soroush provides a solid theoretical framework for advancing women's rights and gender equality.

III. Fazlur Rahman

Fazlur Rahman, one of the most prominent advocates of the contextulaist approach in the 20th century, began his project by transferring the concept of revelation from a mere metaphysical notion to a historical one. To him, Qurʾānic revelations did not take place "in a vacuum" and without an appropriate historical setting. The Qurʾān was directly relevant to what was taking place in its immediate context; it "is the divine response, through the Prophet's mind, to the moral-social situation of the Prophet's Arabia" [12, p. 5]. In this sense, each of the Qurʾānic pronouncements on social matters had a background rooted in the "flesh and blood of history" [13]. In other words, social percepts of the Qurʾān came into existence within a specific context. Therefore, the real understanding of the Qurʾān requires the recognition of the Prophet's *Sitz im Leben*, the term which refers to the alleged context in which a text has been created. It is important to note that Rahman's approach to the Qurʾān stands in sharp contrast to that presented by most Muslim theologians and scholars who attempted to remove the Qurʾān from its historical and linguistic place of birth. In what follows, the author shows how Rahman uses his contextualist approach in order to promote the notion of gender equality.

Rahman rejects the idea of most Muslim jurists who consider "the polygamy permission clause as having legal force" [14]. To begin with, Rahman considers the social circumstances in which the laws concerning polygamy were revealed. For Rahman, "neither monogamy nor polygamy can be regarded as the unique and divinely ordained order for every society in every season and that either institution may apply according to social conditions prevailing" [15]. According to him, during pre-Islamic times, polygamy was accepted as a social norm and standard among Arabs because of a "disproportionate decrease in the number of men as compared to women chiefly due to (tribal) wars" [15]. Given that polygamy was an established norm in Arabia at that time, "monogamy could not be enforced immediately" [15]. What is important concerning this legislation is the intention and guiding direction towards which Qurʾānic revelation was moving: "the sanctions put on polygamy (the idea that a man is allowed to marry up to four wives) were in the nature of a moral ideal towards which the society was expected to move, since it was not possible to remove polygamy legally at one stroke" [16]. In fact, the Qurʾān permitted polygamy only as "a legal solution of the situation", but regarded monogamy as "the moral law for long-term achievement" [15]. In this sense, "the overall logical consequence of (Qurʾānic) pronouncements is a banning of polygamy under normal circumstances" [15, p. 38]. In addition, Rahman states that, in approaching the Qurʾānic verses concerning polygamy, what should be considered is the social objectives or moral principles, namely justice, implied in that legislation: "the Qurʾān is talking of polygamy in the context of treating

orphaned girls who had come of age but to whom their guardians were unwilling to give back their properties. Instead, they would like to marry their wards, so that they could continue to use their properties… (in this sense, polygamy) is certainly in keeping with the purposes of the Qurʾān concerning social justice in general and with regard to women's justice in particular" [14, p. 299-301].

In order to promote gender equality, Rahman also states that the Qurʾānic verses that seem to emphasize men's authority or superiority over women (Q4:34; Q2:228) must be reinterpreted when its appropriate social context is taken into account. According to Rahman, the superiority that the Qurʾān speaks about in these verses is that of a "functional" and "not inherent superiority" [16, p. 49]. This is due to the fact that men, during the time when the Qurʾān was revealed, were the "primary socially operative factors" and thus were responsible for "defraying household expenditure" [14, p. 294]. In this sense, the notion of superiority or authority mentioned in the Qurʾān is not inherent in the nature of sexes, but rather based on certain qualities that men acquired within specific socio-economic contextual frameworks of Arabian society at the time of revelation: "if a woman becomes economically sufficient…and contributes to the household expenditure, the male's superiority would to that extent be reduced" [16, p. 49]. Rahman's main conclusion is that since today's context has changed, its associated religious percept concerning the superiority of men over women must change accordingly.

In a similar vein, the Qurʾānic verse saying that a credit transaction should be written down either in the presence of two male witnesses, or one male and two female witnesses (Q2:282) should be approached in its certain contextual framework. Rahman criticizes the traditional law that the testimony of a woman is considered half of that of a man, on the ground that "women in those days were normally not used to dealing with credit" due to the social framework in which they lived [16, p. 49]. He asks "how can one deduce from this a general law to the effect that under all circumstances and for all purposes, a woman's evidence is inferior to a man's?" [14, p. 292] Given that today's context is different from that of the revelation era, this legislation is not applicable in the present context. In a similar vein, the Qurʾānic statement about female's inheritance is closely related to economic roles assigned to men and women in tribal society. Inheritance reflects "the function of their actual role in traditional society…with social change, however, changes in shares must follow, since in a detribalized society social functions undergo radical changes" [14, p. 297]. Therefore, for Rahman, much of the gender inequality found in the primary sources of Islam is rooted in the cultural norms and standards of the early Islamic society, but "when the situation so changes that the law fails to reflect the *ratio*, the law must change" [16]. The history of Muslim legal pronouncements concerning women's rights shows that jurists often ignored the fact that "each legal or quasi-legal pronouncement is accompanied by a *ratio legis* explaining why a law is being enunciated". According to Rahman, they have also ignored the "moral ideal towards which the (early Islamic) society was expected to move" [16]. Instead of considering the fact that Islam lifted women's status and removed certain abuses to which they were subjected in pre-Islamic times, jurists have often "freezed" Islamic regulations about women's rights due to their literal understanding of the text. Indeed, jurists often ignored the "direction" towards which the nascent Islamic community was moving. This "direction", for Rahman, was to improve women's status and rights during the Prophet's time.

IV. Nasr Hamid Abu Zayd

Central to Nasr Hamid Abū Zayd's contextual project is the idea that sending of the revelation from God to the Prophet Muhammad was context-related. Like Rahman, he argues that understanding the Qurʾān's key themes, including those relating to legal matters, involves a realization of their socio-historical context. Abū Zayd insists that the Qurʾān stands in a dialectical relation with pre-Islamic practices, norms and culture [17]. In addition, he considers the Qurʾān as a "human text" and a "historical text," as well as a "cultural text". The Qurʾān's "occurrence in time" (*al-huduth fi'l-zaman*), which inevitably brings to the fore its links with the culture, is a central concept throughout Abū Zayd's writings [18]. In other words, since the Qurʾān emerged during a period of 23 years in a specific culture and context, the latter had a crucial role in shaping the former. Such understanding of the nature of the Qurʾān enables us to identify those parts of the revelation that are contingent. In this respect, Abū Zayd criticizes many Qurʾānic commentators for not being "aware of the historical background (of the Qurʾān)….That is a simplistic way of reading the Qur'an, but not a historically correct one" [19]. He goes on to state that literal interpretation of the Qurʾān inevitably "leads to fundamentalism" which "manipulates religion in order to wield power" [20].

Abū Zayd's understanding of revelation constitutes the basis of his project of Islamic intellectualism. His contextualist approach enables him to put forward a number of arguments that aims to improve women's rights. For instance, he argues that the Qurʾānic discourse concerning women's status emerged in an absolute patriarchal environment and therefore the addressees were naturally males, who received permission to marry, divorce, and marry off their female relatives. It was in this context that "polygamy was widely practiced" [20, p-172]. Indeed, since the Qurʾān is a cultural product and God had to adapt and adjust his message to the cultural horizons of the first recipients of revelation, the discourse of patriarchy found its way to the Qurʾān. In addition, according to Abū Zayd, polygamy was a solution to the social problem that took place during the period after the battle of Uhud, which witnessed the martyrdom of many Muslims, resulting in a many uncared for orphans, at which point the Qurʾān permits Muslims of the time to practice polygamy [21]. In this sense, he states that "I don't believe I can conclude that the Qurʾān is against polygamy", but "it was a practical solution to a pressing, historical problem". In other words, polygamy was not a law; rather, it was only a solution for a historical problem, i.e. the problem of orphans. Like Rahman, Abū Zayd concludes that since today's context is different from that of

the early Islamic society, polygamy is not applicable in the present world: "given our present-day social circumstances, polygamy is insulting to women, as well as to the children born into the family" [20, p. 174].

According to Abū Zayd, the Qurʾānic verse stating that men are *qawwamūn* (to be superior, or to be responsible) over women (Q4:34) should not be interpreted literally. By applying his contextualist method, Abū Zayd rejects the literalists' idea that women should always be subject to the authority of men. He states that within the historical context of the Qurʾān's emergence, men were considered *qawwamūn* to women because they were the major source of family income. In fact, for Abū Zayd, like Rahman, the notion of *qiwama* does not refer to the inherent superiority of men over women, but rather is based on certain qualities that both genders could possess. In this sense, if the woman is the main source of family income, she becomes *qawwamūn*: "in modern times, because of the changes that have affected all our social institutions, and therefore our social structure, women can be considered *qawwamūn*" [20, p. 176].

In regards with the issue of women's inheritance, Abū Zayd asserts that although the Qurʾān specifies that women should inherit half of that of men, this was written at a time when women were not allowed to inherit. The pre-Islamic cultural norms of Arabian society did not allow women to inherit because the eldest son received everything. As a result, what is concealed beneath the semantics of Arabic is the *progression* towards which the Qurʾān is moving. While the related Qurʾānic verse (4:11) literally states that women's inheritance is half of men's, it was "moving in the direction of equality between men and women" when the social context of the revelation era is taken into consideration [20, p. 178]. Given the social circumstances of early Islamic society, the Qurʾān could not have enforced equality of inheritance between males and females in a short period of time, but in the present context in which we experience an absolutely different macro context, men and women should inherit equally.

According to Abū Zayd, Muslim legalists in the course of Islamic history institutionalized a number of legislations concerning women without taking into the consideration the real historical context of the revelation. The misunderstanding of some Qurʾānic concepts that relate to women's status is caused by de-contextualization of these verses. If we recognize an appropriate contextualist method, "we are in a better position to enunciate that, according to paradigm-shift of meaning where equality is an essential component, equality in intermarriage is possible." [22] In this sense, it is important to consider "the status of women and their position in society before the Qurʾān, not just a comparison between Qurʾānic discourse and our legitimate wishful thinking concerning a woman's status" [21]. Therefore, like Rahman, Abū Zayd concludes that (1) the position of women expressed in the Qur'an, in general, is relatively and historically speaking progressive compared to their status in the pre-Islamic era and (2) much of the gender inequality found in primary sources of Islam were closely intimated to the historical and cultural circumstances in which women were naturally considered inferior to men.

V. Abdolkarim Soroush

Abdolkarim Soroush's intellectual project is based on two main hermeneutical approaches towards the primary and secondary sources of Islam, i.e. the Qurʾān and the *tafsir* literature. Firstly, in his *Expansion of Prophetic Experience*, Soroush argues that Muhammad's prophetic mission was highly affected by specific linguistic and cultural norms which had already been dominant in his society prior to the rise of Islam. "One of the difficulties of the mission of all prophets", Soroush points out, is that "they must declare a supra-historical message within a historical context… Today, if we wish to understand the meaning and the content of the prophet's message, we must put ourselves in that cultural context" [23]. In this sense, for Soroush, socio-political aspects of revelation do not belong to the essential features of religion. As these aspects are historically specific, Soroush refers to them as *accidentals*. Secondly, in his theory of *Expansion and Contraction of Religious Knowledge*, Soroush conceptualized the distinction between religion and religious knowledge, stating that while religion in itself is a sacred and eternal phenomenon, human knowledge of religion is worldly and temporary. In fact, all understandings of religion are reflective of our subjective human knowledge and do not represent sacred knowledge. On the basis of such distinction, Soroush concludes that religious knowledge, like any other branches of human knowledge, is highly dependent on the evolution of our understanding of the physical world [24].

Soroush's hermeneutics are used in his discussion on the rights of women. Soroush distances himself from the apologetic approaches adopted by many contemporary Muslim scholars about women's rights in Islam. He accepts the idea that some Qurʾānic passages, as well as some Prophetic traditions, give men more rights than they give to women. He says "it cannot be denied that there are many legal inequalities in Islam…including the inequality between the rights of men and women" [23, p. 4]. Having analyzed Imam Ali's letter to his son, Soroush concludes that Imam's words are uncongenial to women [25]. Such problems, according to Soroush, "cannot be resolved by providing new justifications to defend an outmoded worldview, hoping women will be lured back into accepting them". [25, p. 230] Not only do some Qurʾānic verses give men more authority than women, but also the majority of pre-modern Qurʾānic commentators interpreted the Qurʾānic verses dealing with women's issues in a highly patriarchal way. The inequality of men and women accepted by pre-modern Qurʾānic commentators stands in line with the macro context of pre-modern period. Soroush writes "if Muslim scholars defined women's status in a way we find unacceptable today, it is not because they wanted to humiliate women or undermine their status, but because that is how they understood and interpreted the religious texts." In pre-modern period, women accepted such patriarchal norms "not because they were stupid or oppressed but because they had no problems with such understanding and interpretation" [25, p.

230]. But, "today women don't accept or believe in such a position" [25]. In such approaches to the legal rights of women, both Soroush's hermeneutics are applied. Soroush argues that the Qurʾānic verses dealing with women's rights are only reflections of the socio-historical circumstances of Arabian society at the time of revelation. For instance, since the Qurʾān came into existence in line with the patriarchal norms of 7th century Arab society, many of the blessings promised in paradise- such as black-eyed perpetual virgins- appeal only to men [25, p. 228-229]. In an interview on the subject of women's rights entitled *Contraction and Expansion of Women's Rights*, Soroush says "we should not devise rights and duties that their historical, biological and psychological existence has declared impossible, undesirable or inappropriate." [26]. This is to say that, the concept of women's right, as we understand it today, could not be shaped in the context of Arabian society in the 7th century. Therefore, the inequality between men and women does not belong to the realm of the essentials of Islam, but rather is a part of the accidentals of religion because it came into existence as a result of specific socio-cultural norms of Arabian society [23, p. 4]. In addition, Soroush, by applying his theory of *Expansion and Contraction of Religious Knowledge*, concludes that pre-modern Muslim interpretations of some Qurʾānic passages were formed within the patriarchal context of pre-modern societies and thus they are in great need of new interpretations: "In the past, this and many other issues were so much in line with popular culture that there was no need for thinking. In our time such (issues) have been dealt such devastating blows that no one finds it expedient to tackle them or to confront such a formidable torrent". [25, p. 226] This idea stands in line with Soroush's proposal that there is nothing sacred in human understanding of revelation, which evolves in time and is filtered through our own cognitive universe. The corollary of this argument is that, if the Qurʾān was revealed in the context of the 21st century, it would have approached this topic in a different way. This is to say that, since the contextual framework of today's societies is different from that of the pre-modern era, there is a need for reinterpreting those Qurʾānic verses that were used in the pre-modern period to justify the inequality of women.

Unlike Rahman and Abū Zayd, Soroush does not deal in details with issues relating to women's inheritance, testimony and polygamy, but his approach, in general, stands in line with that proposed by Rahman and Abu Zayd. The main similarity between the approaches proposed by the named scholars is that the Qurʾānic verses that give fewer rights to women than it gives men must be interpreted within their specific social context, and not within today's contextual framework. In this sense, if the Qurʾān was revealed in the 20th or 21st centuries, it would approach this issue in a different way. In fact, Rahman, Abu Zayd and Soroush maintain that since the macro contexts of the pre-modern and modern periods do not match, social provisions of the Qurʾān including those relating to women's status must undergo substantial revision. Soroush adds that the main reason for patriarchal interpretation of the Qurʾān, which is prevalent among pre-modern Muslim scholars and commentators, appears to be that they came into existence in a social, cultural and economic context that women were subordinate to men. In fact, drawing on his theory of *Expansion and Contraction of Religious Knowledge*, Soroush maintains that the pre-modern interpretations of Qurʾānic verses dealing with women's status were only reflective of the socio-political circumstances in which interpreters lived. In this sense, modern interpreters of the Qurʾān can, and must, propose methods of interpretation that promote gender equality.

VI. Conclusion

It has been shown in this paper that the contextualist methods proposed by three contemporary scholars, namely Rahman, Abu Zayd and Soroush, have the capability of promoting gender equality. The quest for advancing women's rights in their writings is rooted in their re-examination of religious, rather than socio-political, discourse. In fact, the scholars whose thoughts were examined in this paper provide us with a solid theoretical-theological argumentation for promoting gender equality. Their project does not begin with issues relating to women's status, but rather starts from a rereading of the scripture through taking the historical aspect of the revelation into serious consideration. In this sense, the methodological framework proposed by the named scholars and other contextualist thinkers goes beyond improving women's status since it also involves issues such as political legitimacy, human rights questions and the like. The author should finally point out that this line of thought is a considerable force in helping to set the stage and agenda for advancing women's rights in Muslim societies.

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