Introduction

In his interpretation of the punishment for recalcitrant wives, the exegete, jurist, and historian Muḥammad ibn Jarīr al-Ṭabarī (d. 310/923) came up with a novel solution for an exegetical problem. The problem, as al-Ṭabarī saw it, was that the Qurʾān seemed to go against men's legal rights in marriage. The punishment for recalcitrant wives outlined in Q. 4:34 is that the husband should *admonish them, shun them in the beds, and beat them. And if they obey you, seek not a way against them*. From this portion of the verse, it is clear that husbands have recourse to three steps, and that each step is predicated on the wife's continued disobedience. What bothers al-Ṭabarī is the middle step, which I have translated as *shun them in the beds*. For him, a wife's disobedience consisted of her refusal to have sex with her husband, so shunning this recalcitrant wife in bed is hardly a punishment at all; in fact, such a wife wants precisely to be left alone. This did not sit well with al-Ṭabarī, who, incidentally, never married. He reasoned that the earliest exegetical authorities must have missed the point in their interpretations of the verse's words, particularly *waʾhjurūhunna*, which I have translated above as 'shun them'.[1] Al-Ṭabarī

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[1] Abū Jaʿfar Muḥammad b. Jarīr Al-Ṭabarī, *Jāmiʿ al-bayān ʿan taʾwīl āy al-Qurʾān*, eds. Maḥmūd Muḥammad Shākir and Aḥmad Muḥammad Shākir (Cairo: Dār al-Maʿārif bi-Maṣr 1950–60), v. 8, pp. 307–8 (at Q. 4:34). I return to this interpretation in Chapter 5. It is also discussed at greater length in my dissertation, Karen Bauer, 'Room for Interpretation: Qurʾānic Exegesis and Gender', PhD Dissertation, Princeton University, 2008, and mentioned in Manuela Marín, 'Disciplining Wives: a Historical Reading of Qurʾān 4:34', *Studia Islamica* (2003): 5–40, at pp. 24–5, and Ayesha Chaudhry, *Domestic Violence and the Islamic Tradition: Ethics, Law, and the Muslim Discourse on Gender* (Oxford University Press, 2013), pp. 78–9.

referred to the 'speech of the ʿArabs', by whom he means the Bedouins, to interpret the Qurʾān from a perspective that is closer to its original milieu than al-Ṭabarī's own milieu of urban Baghdad.

The first of the three meanings of this word in Arabic, he says, is that 'a man avoids speaking to another man, which means he repudiates and rejects him'.[2] The second meaning is the 'profusion of words through repetition, in the manner of a scoffer'.[3] The third possible meaning is one that had not been suggested by any earlier exegete. It is 'tying up a camel, i.e., its owner ties it up with the *hijār*, which is a rope (*ḥabl*) attached to its loins and ankles'.[4] For al-Ṭabarī, only the third solution fits the bill. After cautioning husbands that they should never do this to an obedient wife, al-Ṭabarī advises: 'If they refuse to repent of their disobedience, then imprison them,[5] tying them to their beds, meaning in their rooms, or chambers, in which they sleep, and in which their husbands lie with them'.[6]

Saʿdiyya Shaikh, a modern feminist interpreter, is outraged by al-Ṭabarī's interpretation. She points out that it 'epitomises oppressive and abusive gender relations'.[7] For her, this interpretation embodies everything that is wrong with the medieval tradition, and against which she, a modern Muslim woman, must struggle to gain equality. But modern feminists are not the only ones to express their dismay at al-Ṭabarī's suggestion that husbands should tie their wives up to force them to obey. Although al-Ṭabarī was a well-respected scholar, in this instance his own scholarly community treated him with scorn: 'this is a deviant interpretation, and it is doubly so considering God's words *in the beds*, because there are no ropes (*ribāṭ*) in bed',[8] says al-Ṭūsī (d. 459/1066), an Imāmī Shīʿī exegete. According to the Shāfiʿī al-Māwardī (d. 450/1058), the narrative that al-Ṭabarī used to support his view contains 'no proof of his interpretation rather than another'.[9] The most involved rebuttal comes from the Mālikī jurist and exegete Ibn al-ʿArabī (d. 543/1148). He is astonished, and addresses al-Ṭabarī personally through the two centuries that separate them: 'What a mistake, from someone who is so

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[2] Ibid., v. 8, p. 306 (at Q. 4:34).   [3] Ibid.   [4] Ibid., v. 8, p. 307 (at Q. 4:34).

[5] *Istawthaq min*, according to Dozy, is 'imprison'.

[6] Al-Ṭabarī, *Jāmiʿ al-bayān*, v. 8, p. 309–10 (at Q. 4:34).

[7] Saʿdiyya Shaikh, 'Exegetical violence: nushūz in Qurʾānic gender ideology', *Journal for Islamic Studies*, 17 (1997): 49–73, at p. 65.

[8] Abū Jaʿfar Muḥammad b. Ḥasan Al-Ṭūsī, *al-Tibyān fī tafsīr al-Qurʾān*, ed. Muʾassasat al-Nashr al-Islāmī (Qom: Jamiʿa al-Mudarrisīn, 1992), v. 4, p. 451.

[9] Abū ʾl-Ḥasan ʿAlī b. Muḥammad Al-Māwardī, *al-Nukat waʾl-ʿūyūn*, ed. Sayyid b. ʿAbd al-Maqṣūr b. ʿAbd al-Raḥīm (Beirut: Dār al-Kutub al-ʿIlmiyya, 1992), v. 1, p. 483.

learned in the Qurʾān and the behaviour of the Prophet (*sunna*)! I am indeed amazed at you, [al-Ṭabarī], at the boldness with which you have treated the Qurʾān and *sunna* in this interpretation!'[10] These scholars do not question al-Ṭabarī's sources or methods; Ibn al-ʿArabī replicates his method of picking and choosing among *ḥadīth*s, performing linguistic analysis, and rejecting some early views in favour of others. To find the true meaning of the verse, Ibn al-ʿArabī reinterprets the reports of early authorities, obscuring their differences in order to find the one 'correct view', while chastising al-Ṭabarī for having missed it: 'And it is indeed strange that, with all of al-Ṭabarī's deep studies into the science [of the Qurʾān] and into the language of the Arabs, he has strayed so far from the true interpretation! And how he deviates from the correct view!'[11] Since Ibn al-ʿArabī does not object to al-Ṭabarī's method as such, it must be that the substance of his interpretation shows his incorrect use of that method. He has obtained an unacceptable result.

For these medieval interpreters, hierarchies in society and family life were natural and fair; all of al-Ṭabarī's medieval critics defend the gender hierarchy and assert that men should have the right to punish their disobedient wives. But even though they accept the premise, they sometimes struggle with the boundaries of a just hierarchy. They do not describe a husband's control as unbounded, unconditional, or absolute. Al-Ṭabarī's proposition for correcting a disobedient wife overstepped the mark: he went beyond the meaning and intention of the verse.

The responses cited here highlight much that is important in the genre of Qurʾānic interpretation (*tafsīr*): the early exegetical authorities, in theory, trump later interpreters like al-Ṭabarī, but in turn, their views can be reinterpreted; there is room for many conflicting views, but not every view is tolerated; respected works by respected scholars are read across the boundaries of legal schools; and the correct interpretation is bounded by common practice, common understanding, and ideas of right and wrong. Medieval interpretations of the gender hierarchy shed light on what these scholars considered to be good, just, and correct in their societies.

Today, the Qurʾānic gender hierarchy poses a different problem for religious scholars (*ʿulamāʾ*).[12] Their tradition takes hierarchy for granted.

[10] Muḥammad b. ʿAbd Allāh Abū Bakr Ibn al-ʿArabī, *Aḥkām al-Qurʾān*, ed. ʿAlī Muḥammad al-Bajawī ([Cairo]: ʿĪsā al-Bābī al-Ḥalabī, 1967), v. 1, p. 418 (at Q. 4:34).

[11] Ibid.

[12] I use the term *ʿulamāʾ* to refer to religious scholars who have been trained in the traditional sources. However, when possible, I differentiate between different types of scholars, particularly the *mufassirūn* (exegetes/interpreters) and *fuqahāʾ* (jurists).

But for many believers, the very notion of hierarchy is outdated: modern ideas of fairness are often based on the ideal of equality. Saʿdiyya Shaikh's reaction to al-Ṭabarī's interpretation is representative of many modern Muslims' struggles with the hierarchical and male-orientated medieval tradition. Squaring the medieval tradition with modern notions of fairness and egalitarianism is a challenge for both conservative and reformist ʿulamāʾ. For conservatives, the challenge is to prove that the patriarchal system outlined in the Qurʾān's hierarchical verses is appropriate today, in a time when many women are able to be educated, earning, and socially equal to men. Reformists support gender egalitarianism. For them, the challenge is to reinterpret the plain sense of these verses, to explain away centuries of interpretation, and to justify the correctness of their rereading. Through discussions of the gender hierarchy, ʿulamāʾ today indicate their adherence to a larger set of interpretative values, involving the role of tradition, reinterpretation, and human reasoning.

Not all Qurʾānic verses on women are hierarchical. Some verses affirm that believing men's and believing women's prayers and good deeds will be rewarded; others name specific women as either good or bad examples to all believers. As believers, women and men alike can either do good or go astray. They each seem to be responsible for their own spiritual destiny regardless of sex. Verses about the nature of the relationship *between* men and women in the world, however, draw distinctions between the sexes, and I argue that this distinction is hierarchical. Four such 'difficult' verses are the core of this study. Q. 4:1 deals with the creation of the first humans, widely understood to be Adam and Eve. Q. 2:228 and Q. 4:34 speak of the marital hierarchy: men's 'degree' over women, the necessity of wifely obedience, and the husband's right to punish his recalcitrant wife. Q. 2:282 refers to a woman's testimony as half of a man's testimony, which raises the question of the worth of a woman's word and of her mental abilities.

The following pages examine the content of these verses and their context in the Qurʾān, and trace how the ʿulamāʾ have interpreted them through time, from the earliest interpretations to the most recent, living interpretations, in the form of interviews with ʿulamāʾ from Iran and Syria.[13]

[13] My focus on the ʿulamāʾ in the Middle East and Iran, who write in Arabic and Persian, differentiates this book from much of the important recent work which examines the Qurʾān and tradition from a modern feminist lens, or which incorporates the interpretations of feminists writing in English. See, for instance, Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence* (Oxford: Oneworld, 2006); Asma Barlas, *'Believing Women' in Islam: Unreading Patriarchal Interpretations of the*

Through their views on women's role in marriage, creation, and testi-
mony, the *ʿulamāʾ* define their stance towards tradition and reinterpret-
ation. In turn, their views on both women and interpretation are
determined not only by a textual heritage, but by their own social,
intellectual, cultural, and political circumstances. The portrayal of women
in these texts may reveal more about their (male) authors' own attitudes
towards hierarchy than it does about women's actual social position:
women are portrayed as the proper subjects of an idealised, just male
rulership in medieval texts, and today the Qurʾān's verses on women have
become an axis of reformist–conservative debate over the place of trad-
itional social, political, and legal structures in the modern world. In this
book, the gender hierarchy becomes the lens through which to explore the
Qurʾān and its interpretation, the links between medieval and modern
interpretations, and the effect of social and intellectual context on the
production of religious knowledge.

MEDIEVAL INTERPRETATIONS, MODERN RESPONSES

The notion of tradition is immensely important for the *ʿulamāʾ*, and their
grounding in tradition differentiates them from other groups who inter-
pret the Qurʾān.[14] I use 'tradition' to refer to aspects of the medieval social
and intellectual heritage: the Qurʾān and its interpretation, *ḥadīth*s, his-
torical narrations, law, and custom. As others have noted, religious
thinkers often reference an idea or impression of tradition, rather than a
concrete reality.[15] However, although the *ʿulamāʾ* regularly draw on this
rhetorical notion of 'tradition', certain aspects of tradition are more than
just a rhetorical notion: they are traceable. 'Tradition' partially consists of

Qur'an (Austin: University of Texas Press, 2002); Ayesha Chaudhry, *Domestic Violence
and the Islamic Tradition*; Aysha Hidayatullah, *Feminist Edges of the Qur'an* (Oxford:
Oxford University Press, 2014); Saʿdiyya Shaikh, 'A Tafsir of Praxis: Gender, Marital
Violence, and Resistance in a South African Muslim Community', in *Violence Against
Women in Contemporary World Religions: Roots and Cures*, ed. Daniel Maguire and
Saʿdiyya Shaikh (Cleveland, OH: Pilgrim Press, 2007), Amina Wadud, *Qur'an and
Woman: Rereading the Sacred Text from a Woman's Perspective* (Oxford: Oxford
University Press, 1999, reprint edition).

[14] Qasim Zaman takes the view that this attitude towards tradition separates the *ʿulamāʾ*, as
a scholarly class, from other groups in society, such as the Islamists (including the Salafīs)
and modernists, who, on the whole, have the attitude that tradition is not necessarily
needed in order to understand Islam. Muhammad Qasim Zaman, *The Ulama in Con-
temporary Islam: Custodians of Change* (Princeton, NJ: Princeton University Press,
2002), p. 10 ff.

[15] For instance, Chaudhry, *Domestic Violence and the Islamic Tradition*, p. 16.

specific interpretations that are passed from generation to generation, and
yet continually reinterpreted, appropriated, and repurposed through time
as the *ʿulamāʾ* engage with their intellectual legacy in changing circum-
stances. In the example given in the previous section, al-Ṭabarī records,
but then rejects, the early authorities' views of *shun them in the beds*.
These early interpretations were revived and defended by his detractors,
reformulated entirely by Ibn al-ʿArabī, and ultimately judged by a modern
feminist. It is possible to trace particular elements of tradition and show
precisely how they have been adopted, adapted, or rejected through time.

Scholars of history and religious studies have long acknowledged that
the past is subject to appropriation and reinterpretation. In a context
where many Muslim countries base aspects of their laws on medieval
sources, the appropriation of tradition has important implications for
women's rights. The most restrictive interpretation of women's rights is
often equated with the most traditional. This popular perception is some-
times reflected in the language used to describe the range of interpret-
ations among today's *ʿulamāʾ*. Ziba Mir-Hosseini describes three types of
clerics she encountered in Qom, Iran, in 1997, which she labels the
traditionalists, the neo-traditionalists, and the modernists. By 'traditional-
ist', she means a cleric who adheres strictly to pre-modern Islamic law.
The 'neo-traditionalists' adapt traditional rulings for today's times,
accepting that a certain amount of change is inevitable in Islamic law,
and that circumstances must determine understanding. The 'modernists',
not bound by medieval laws, boldly advocate new interpretations of
traditional sources.[16] The 'traditionalist' label is adopted by the *ʿulamāʾ*
themselves.[17] Such terminology is no accident: it plays directly into the
question of authenticity. As Zaman says: 'The *ʿulamāʾ* ... are hardly
frozen in the mold of the Islamic religious tradition, but this tradition
nevertheless remains their fundamental frame of reference, the basis of
their authority and identity'.[18] By adopting the label 'traditionalist',
conservative *ʿulamāʾ* are portraying themselves as the authentic, authori-
tative *ʿulamāʾ*, those who truly represent the past.

[16] Ziba Mir-Hosseini, *Islam and Gender: The Religious Debate in Contemporary Iran*
(Princeton: Princeton University Press, 1999), pp. 18–19.
[17] Ibid., p. 17: 'The clerics I came across in Qom fell into two broad categories: adherents of
the pre-revolutionary school, now referred to as Traditional Jurisprudence (*feqh-e son-
nati*); and those who promoted what they referred to as Dynamic Jurisprudence (*feqh-e
puya*)'.
[18] Zaman, *The Ulama in Contemporary Islam*, p. 10. He returns to this point later in the
book, for instance, p. 180.

These categories represent real differences between the interpreters. However, the terms 'traditionalist' and 'modernist' are problematic when used to describe modern conservative and reformist ʿulamāʾ: they can imply that only progressive or reformist readings are modern, and that the most conservative interpretation always emerges from the tradition. Yet neither of these assumptions is true. For instance, when I interviewed the Grand Muftī of Syria, Aḥmad Ḥassoun, in 2005, he told me that he had a new initiative to train women to be *muftī*s for other women.[19] A *muftī* is a person qualified to issue valid opinions on the law; unlike the opinions of a judge, a *muftī*'s judgment is non-binding. He presented the initiative to train women as *muftī*s as a reinterpretation of tradition in women's favour, and a way of involving them in legal authority. It is a reinterpretation of medieval law, but not in the direction of equality. According to almost all Sunnī schools of law in the medieval period, women were allowed to be *muftī*s for both women and men. The modern rereading, which restricts women's activities to other women, and to 'women's issues' such as menstruation and childbirth, does not grant women the same leeway that they were granted in medieval law.

Conservatives and reformists approach tradition in different ways.[20] The primary aim of conservative ʿulamāʾ is to preserve particular interpretations of past laws; but they pick and choose, use modern justifications, and sometimes create entirely new laws. Reformists seek to reinterpret past laws by rereading traditional sources. These varied approaches to tradition lead to practical differences between conservative and reformist interpretations on women. Conservatives explain the continued necessity of a gender hierarchy by saying that the Qurʾānic verses indicate differences in men's and women's innate characteristics and minds. To justify this today, they refer to scientific arguments about the natural differences between men and women. Reformists argue against the hierarchy by asserting that the Qurʾān's hierarchical verses were addressed to a specific time and place. Both groups claim tradition as

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[19] This initiative is also reported in 'Women Want Female Muftis', *Institute for War and Peace Reporting*, Syria Issue 16 (2 September 2008), accessed online at: http://iwpr.net/report-news/women-want-female-muftis; no author listed.

[20] Suha Taji-Farouki puts this nicely: 'Tradition is recruited either to legitimise change, or to defend against perceived innovations and to preserve threatened values'. Suha Taji-Farouki, 'Introduction', in *Modern Muslim Intellectuals and the Qur'an* (Oxford: Oxford University Press in association with the Institute of Ismaili Studies, 2004), pp. 1–36, at pp. 1–2.

their keystone, but they also use modern tools, arguments, and reasoning to re-examine and re-interpret their tradition.

Through time, the *ʿulamāʾ* have formed their views, in part, as a response to their particular intellectual context. Intellectual context includes textual genre, an interpreter's legal school, his personal opinion, his forebears, and his intended audience: teachers, students, and peers. It also includes the named sources of his interpretation, the Qurʾān and *ḥadīth*. Each of these aspects of intellectual context affect interpretations in different ways. Kecia Ali describes the importance of genre with regard to legal texts. She points out not only that the jurists 'use specialized terminology and rely on a wealth of assumed knowledge', but also that 'the rhythms or modes of argument characteristic of legal texts shaped the jurists' views'.[21] As in the juridical texts described by Ali, works of interpretation have their own language, methods, and lines of argumentation. Authors within each genre are involved in particular discursive contexts.

The context of intellectual jockeying can have a profound effect on discussions of 'women's status'. Often, a statement that seems integral to women's status is presented as a part of a wider argument, for instance, for or against a particular school of Qurʾānic reading, law, or grammar. Arguments that can seem vehemently to defend or deny women's rights, for instance their right to testify in court or to assume judgeship, may be primarily rhetorical attempts to discredit rival schools of law or interpretation. This type of argumentation leads to real differences in interpretations; but it is important to investigate the intellectual context of these arguments in order to understand their nature, particularly since ideas of women's rights have changed so radically in the modern age. A modern reader might assume that certain statements or rulings – such as the ruling that a single woman could testify to the live birth of a child – was an argument for, or at least towards, equality. But what a modern reader might regard as a natural corollary of a certain statement or law was by no means natural for its medieval author: they explained that women's testimony was only accepted out of necessity. In the classical period and beyond, the idea of sexual equality in the worldly realm seems to have been absent. In the worldly realm, hierarchies were the norm, and statements about women's rights were made with the underlying presupposition of the justice of these worldly hierarchies.

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[21] Kecia Ali, *Marriage and Slavery in Early Islam* (Cambridge, MA: Harvard University Press, 2010), p. 25.

STRUCTURE & SOURCES

This project started as a study of medieval Muslim interpretations of the gender hierarchy. I was curious to know whether, in the medieval interpretations of the Qurʾān, there was any notion of gender egalitarianism akin to the feminist notions common today (the short answer is no). To research this question, I undertook a study of the interpretation of three Qurʾānic verses, primarily in medieval works of exegesis (*tafsīr al-Qurʾān*). That project became my PhD dissertation on sixty-seven medieval interpretations of verses on creation and marriage – now, in a modified form, Chapters 3 and 5 of this book.[22] However, as I was working on my dissertation, it became apparent to me that these interpretations were shaped by certain types of constraints.[23] In order to undertake a deeper exploration of exactly what I was reading, I expanded the scope: this study includes the important question of women's testimony, goes outside the genre of *tafsīr*, and is based on both medieval and modern sources, drawing on both the earliest available Islamic source – the Qurʾān itself – and the most recent, in the form of interviews with the *ʿulamāʾ*. The following pages detail the structure of the book, as well as expanding on my use of Qurʾān, medieval and modern written *tafsīr*, and interviews as source material.

This book is divided into three main parts: Testimony, Creation, and Marriage. Testimony focuses on interpretations of Q. 2:282, *call to witness two of your men, and if there are not two men, then a man and two women, so that if one of the two women errs, the other can remind her*. Many *ʿulamāʾ*, both medieval and modern, attribute the difference in testimony between men and women to a difference in their minds. I have chosen to open the book with this issue since the question of mental equality is at the basis of the gender hierarchy as a whole. Creation discusses the creation of the first woman in the Qurʾān and its interpretation, centring on the interpretation of Q. 4:1, *fear your Lord, who created you from a single soul, and from it created its mate*. Medieval exegetes considered Eve, and by extension all women, to be secondary creations. Modern interpreters view men and women as equal in their

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[22] Karen Bauer, 'Room for Interpretation: Qurʾānic Exegesis and Gender', 2008.

[23] Jane Dammen McAuliffe, 'The Genre Boundaries of Qurʾānic Commentary', in *With Reverence for the Word: medieval scriptural exegesis in Judaism, Christianity, and Islam*, ed. McAuliffe et. al., Oxford: Oxford University Press, 2003, pp. 445–461.

created form. This fundamental transformation in references to women, from a discourse of inherent inequality to one of inherent equality, amounts to a change in consensus among the ʿulamāʾ. Underlying this change in discourse is a tectonic shift in notions of correctness, orthodoxy, and the sources of authority. Marriage describes how the ʿulamāʾ interpret verses that raise ethical issues around the nature of and reasons for the marital hierarchy. The verses at the centre of this discussion are Q. 2:228 and Q. 4:34. Q. 2:228 is about men's and women's rights: *women have rights like their obligations according to what is right, and men have a degree over them.* Q. 4:34, which today is one of the most controversial verses in the Qurʾān, reads:

Men are *qawwāmūn* [in charge/supporters/maintainers] over women, with what God has given the one more than the other, and with what they spend of their wealth; so the good women are obedient, guarding for the absent with what God has guarded, and those from whom you fear *nushūz* [ill conduct/disobedience], admonish them, abandon them in the beds, and beat them; and if they obey you, do not seek a way against them, for God is mighty, Wise.

Ethical notions are tested by a verse that orders wifely obedience regardless of considerations of the husband's piety, and allows a husband to beat his recalcitrant wife. This part of the book addresses the effect on interpretation of ethics, social mores, and truths taken for granted.

The interpreters see each of these verses as a part of a whole picture: the arguments they make about one verse are predicated on those they make about the others. So, thematically, all of the parts of this book are interrelated; but in terms of overall argument, each also builds on the last. Testimony broadly examines the way that generic conventions shape a discourse. Creation focuses on the development within, and sources for, one genre, that of *tafsīr*. Marriage focuses on the ethics of interpretation, describing how ethics, social mores, and culturally taken-for-granted arguments can influence interpretation, and how as these notions change through time, so does interpretation. Together, these parts document a subtle shift in the authorities cited in the medieval genre of *tafsīr*, from a genre that relied almost exclusively on the reports of early exegetical authorities, to one that relied much more heavily on reports attributed to the Prophet himself. Another shift in authoritative sources occurs in the modern period, when *ḥadīth*s are frequently dismissed or discounted, and science is used to frame and explain interpretations.

While it is possible to examine the trajectory of *tafsīr* and law on gender without ever really engaging with the text of the Qurʾān, each part