

## Some reflections on the Contextualist approach to ethico-legal texts of the Quran\*

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### Abstract

A “contextualist” reading of the Quran is becoming increasingly popular, particularly among those Muslims referred to as “progressive-ijtihadis”. One of the primary concerns of this reading is that in order to understand and interpret the ethico-legal content of the Quran and relate that content to the changing needs and circumstances of Muslims today, it is important to approach the text at different levels, giving a high degree of emphasis to the socio-historical context of the text. In the classical *tafsīr* this emphasis on socio-historical context was not considered important, particularly in the interpretation of the ethico-legal texts, despite the frequent use of *asbāb al-nuzūl* literature. In this paper, I will explore how progressive-ijtihadis are adopting a contextualist reading of ethico-legal texts of the Quran. To illustrate this, I will use one or two such texts (verses) and their interpretations by the progressive-ijtihadis and will seek to demonstrate the contours of this approach, and highlight some of the challenges this approach is facing.

Contemporary debates on the meaning of the Quran are complex and often controversial. Many Muslims are searching for a balance between “traditional” ways of living and modern conditions. How Muslims approach this balance is often related to the way in which they interpret the Quran. In this respect, most Muslims can be loosely grouped into one of three main categories: Textualists, Semi-textualists or Contextualists. These categories give a useful insight into the general trends of today’s quranic interpretation.

The first of these groupings, the Textualists, argue for a “literal” reading of the Quran and believe that its message should remain “pure” and should not be subordinated to the demands of modern society.<sup>1</sup> Semi-textualists differ from Textualists in that they make some minor concessions to the conditions of modernity and are often associated with an apologetic discourse.<sup>2</sup> Contextualists, who form the main focus of this article, are those who believe that certain teachings of the Quran could be applied differently depending on the specific time and place.

\* This article relies heavily on my work in Abdullah Saeed, *Interpreting the Qur’an: Towards a Contemporary Approach* (London: Routledge), 2006.

1 Saeed, *Interpreting the Qur’an*, 3.

2 Saeed, *Interpreting the Qur’an*, 3.

Advocates of this approach argue that in seeking a solution to an ethical question or problem, scholars must be aware of the social, political and cultural situation of the Quran's revelation as well as that of the place and time in which it is being interpreted. Provided that these conditions are met, Contextualists give a broad scope to contemporary scholars to interpret the Quran and to question the rulings of established authorities.

This article will explore key aspects of the Contextualist approach to interpretation of the Quran's ethico-legal texts. These texts contain prescriptions and injunctions relating to issues of daily importance to the lives of Muslims, such as marriage and divorce, commercial transactions, rules about ritual worship, relations with non-Muslims, and other instructions about what is permitted or prohibited. Many Contextualists question traditional interpretations of these texts, which have often been approached in a strict, legalistic-literalist manner. Proponents of this Contextualist approach seek to reinterpret the texts in a way which is less rigid and more relevant to the lives of Muslims today.

## Contextualists

The term Contextualists is used to refer to certain reformist Muslim scholars, thinkers and activists from a range of Islamic schools of law, theology or thought. These reformists belong to a broad trend rather than a single movement, and include a range of voices that represent Muslim liberals, modernists and even reform-minded traditionalists. Another term used for Contextualists is "Progressive Ijtihadis". While the term Contextualist reflects to the importance of context in the work of these scholars, "Progressive Ijtihadi" combines the words *ijtihād*, meaning to engage in an effort to seek the meaning of a quranic verse, and *progressive*, meaning someone who is questioning and challenging established traditions of a particular system of thought. Although not all thinkers and scholars who fall into this category would actively use or be comfortable using labels such as Contextualist or Progressive Ijtihadi to refer to themselves or to their work, for the purposes of this article these terms will be used to refer to those who share the concerns of this broad trend.

Although it is difficult to generalize about Contextualists, it is possible to identify some common themes in their work. For instance, most Contextualists are aligned with movements which today emphasize social justice, human rights and interfaith relations. They are also known for questioning accepted practices and methods of thought within Islamic traditions. Many argue that a number of Islamic practices, often accepted as fixed and essential parts of Islamic culture, were formulated at a time when many of today's problems and issues did not exist. They further argue that these practices need to be reconsidered in light of modern circumstances if they are to be relevant to Muslims today.<sup>3</sup> This questioning

3 Abdullah Saeed, *Islamic Thought: An Introduction* (London and New York: Routledge), 2006, 150–1.

of tradition means that Contextualist positions are often controversial and heavily criticized by more traditionalist Muslim scholars.

Contextualist work often focuses on providing an interpretation of the ethico-legal texts of the Quran which is compatible with the conditions of the modern world. This is an endeavour which they share with their intellectual predecessors, the Muslim modernists. However, in contrast to many modernists, Contextualists tend not to adopt a prescriptive approach to Islamic teachings, making fewer claims about what a Muslim should do, or how a Muslim should confront modernity. Contextualists are therefore generally less dogmatic than most other movements or trends in Islamic thought and can be seen as seeking to promote an Islam which is pluralistic, liberating and inclusive.

Most Contextualists argue that solutions to social problems will vary according to time and place and that there is no single, all-encompassing solution that can be derived from Islam's primary sources. As such, their principal aim is not to implement rigid rules, but to establish societies based on justice (*ʿadl*), as well as goodness and beauty (*ihsan*).<sup>4</sup> Many strive towards a "universal notion of justice in which no single community's prosperity, righteousness, and dignity comes at the expense of another".<sup>5</sup> This approach is not only a response to the demands of the modern world, but is also, in part, a response to the conservative and at times authoritarian approach espoused by much of today's traditionalist Islamic religious establishment. Thus, Contextualists are best described as social critics rather than ideologues.

## The idea of context

Central to the Contextualist approach to interpretation is the issue of context. Contextualists believe that the teachings of the Quran should be used to create good and just societies, rather than merely to derive rigid rules. Given the variation in social, political and cultural contexts in which this is to be achieved, Contextualists argue that it is not only permissible, but in fact necessary to allow for changes in the accepted interpretations of the quranic text.

In relation to understandings of the Quran, Contextualists generally recognize both a broad and a narrow context.<sup>6</sup> The narrow meaning of context refers to the words and sentences which surround a given idea in the Quran. For Contextualists, it is vital that such words, along with any verses related to a similar case or situation, be considered when attempting to understand a given quranic concept.

Equally important, the broad meaning of context refers to two things: the socio-historical context of revelation and the context in which the Quran is being interpreted. The socio-historical context includes the world

4 Omid Safi, *Progressive Muslims on Justice, Gender, and Pluralism* (Oxford: Oneworld), 2003, 1.

5 Safi, *Progressive Muslims*, 3.

6 Saeed, *Interpreting the Qur'an*, 105.

view of the first recipients of the Quran as well as the broader framework of the Prophet's life, the norms, values and practices of the time. The context in which the Quran is being interpreted reflects the norms, values and practices of that time. As time changes, there is always the possibility of change in the norms, values and practices of societies. This broad understanding of context was rarely considered in classical interpretations of the Quran and has been largely ignored in today's traditionalist exegesis. Despite this fact, Contextualists argue that it is this broader context which gives a more holistic meaning to many parts of the Quran and must be thoroughly understood by any interpreter of the text. For Contextualists, any interpretation attempted without considering both of these contexts is likely to render a meaning of the text which is both unsatisfactory and incomplete.

Although both contexts are considered highly important, Contextualists argue that the broad socio-historical context is particularly important in determining the relevance of the Quran's ethico-legal teachings to contemporary Muslims. Given that the Prophet's primary mission appears to have been to convey ethical-moral values and ideas related to creation's relationship with God, Contextualists suggest that the Quran was not concerned with changing all aspects of the culture of the Hijaz in the early seventh century CE. This idea is supported by a reading of the text which suggests that the Quran adopted culturally specific symbols, metaphors and expressions in order to convey its message more easily to its first recipients. Knowledge of this context provides greater insight into the importance and relevance of the Quran's ethico-legal teachings to the community of the Prophet. In turn, this understanding allows us better to translate that meaning into the context of the world today.

An obvious example of the Quran's incorporation of culturally specific ideas is its description of the Islamic concept of Paradise. Here, the Quran uses language that is closely associated with the local culture and popular imagination referring to images such as "gardens and springs",<sup>7</sup> "flowing streams",<sup>8</sup> and "every kind of fruit".<sup>9</sup> While such imagery may not appeal to everyone who reads the Quran today, to the largely desert-dwelling community of early Muslims, the lush, green beauty of Paradise would have seemed particularly idyllic in comparison to the harsh, dry conditions of desert life.

Some other texts which relate to the broader context of seventh-century Hijaz may be less apparent to today's reader. For instance, in relation to women, the Quran frequently expressed concepts which would have been considered socially progressive at the time. However, such examples were often couched in culturally specific terms and, without the necessary knowledge of these cultural concepts, may not translate easily into other contexts. For instance, in the case of inheritance, the Quran specifies that, in most instances, when a man and a woman are at the same level (such as

7 Quran 44: 52.

8 Quran 16: 31.

9 Quran 44: 55.

son and daughter), the woman should receive half as much inheritance as a man.<sup>10</sup> Read without reference to the broader socio-historical context of revelation, such an instruction appears to discriminate against women. Consideration of the broader context of the time enables the reader to gain a more holistic understanding of this verse and reveals the socially progressive nature of its message. For instance, the fact that women were allowed to receive any inheritance at all was a revolutionary notion considering that in pre-Islamic Hijaz women often were not entitled to inheritance. Secondly, the social structure of the time meant that men had greater economic responsibilities than women and so would have had greater financial needs.

### **Ethico-legal teachings and Contextualist interpretation of the Quran**

Throughout Islamic history, quranic interpretation, particularly of the ethico-legal texts, has been largely dominated by a legalistic-literalistic approach which many scholars claimed was the least error-prone and hence the most appropriate for interpreting the Word of God. From around the eleventh to twelfth centuries CE, when the doors of *ijtihād* were said to be “closed”, quranic interpretation was further restricted as scholars were expected to cease engaging creatively with the Quran in the area of interpretation. Although there are disputes about whether the doors of *ijtihād* were closed entirely, it is true to say that the tendency from the eleventh century CE onwards was to minimize creative and independent reasoning in favour of following well-established rulings and interpretations from one’s own legal school.

Despite the fact that a range of reformers emerged in the eighteenth century arguing for the renewal of *ijtihād*, at the beginning of the nineteenth century, blind following of legal schools remained the norm throughout the Muslim world. Like the reformers of the eighteenth century, Contextualists today also seek to reawaken the Islamic tradition of *ijtihād*. Many seek to move away from the dominant legalistic-literalistic tradition of quranic interpretation, particularly in the area of the Quran’s ethico-legal texts. As such, much Contextualist scholarship is focused on questioning the legalistic and supposedly fixed nature of inherited Islamic scholarship and modes of thinking. Like Fazlur Rahman, one of the most important contributors to Contextualist scholarship, many Contextualists argue that the Quran is primarily a book of ethics and guidance, rather than a book of law, and that it is primarily intended to guide its followers towards leading moral lives, underpinned by belief in and worship of the one God.

This position is based on quranic verses which describe the Quran as “a healing for what is in [your] hearts, and guidance and mercy for the believers”,<sup>11</sup> but also more generally on the overall manner in which the Quran approaches ethico-legal matters. A thorough reading of the text

10 See Quran 4: 11–12.

11 Quran 10: 57.

reveals that this overall approach focuses on beliefs, ethics and moral values, as well as the individual's relationship with God. As illustrated in the following quranic verse, the Quran does not seek to set out numerous strict and explicit instructions to regulate the daily lives of Muslims. In contrast, it explicitly criticizes those who seek overly detailed regulation:

You who believe, do not ask about matters which, if made known to you, might make things difficult for you – if you ask them while the Qur'an is being revealed, they will be made known to you – God has kept silent about them: God is most forgiving and forbearing.<sup>12</sup>

### A model of Contextualist interpretation

Contextualist interpretation focuses primarily on the ethical core of the Quran. In recent years, Contextualist scholars have made a number of valuable contributions to the field of quranic interpretation.<sup>13</sup> Such scholarship has shed light on the quranic perspective on important contemporary issues such as social justice and gender equality, and has also produced numerous interpretations and ideas that are highly relevant to the lives of contemporary Muslims.

In what follows I will briefly describe a general four-stage model, which includes a number of ideas that illustrate key aspects of Contextualist interpretation of the Quran.<sup>14</sup> This model incorporates a number of Fazlur Rahman's ideas, which have influenced the work of many contemporary Contextualist scholars.<sup>15</sup>

The first stage of the model is common to any quranic interpretive process and involves a broad and general encounter with the text. This stage involves becoming familiar with the text through reading and listening.

Common to both Contextualist and more traditional approaches to interpretation, the second stage involves analysing the text independently of its historical or contemporary context. This includes analysis of: its linguistic aspects, such as syntax or the semantics of particular words and phrases; its literary context, including the way it relates to a particular chapter or the Quran as a whole; its literary form, i.e. whether the text

12 Quran 5: 101.

13 See, for instance, Suha Taji-Farouki (ed.), *Modern Muslim Intellectuals and the Qur'an* (Oxford: Oxford University Press, 2004); Safi, *Progressive Muslims*; Farid Esack, *Qur'an, Liberalism and Pluralism: An Islamic Perspective on Inter-Religious Solidarity against Oppression* (Oxford: Oneworld, 1997); Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: Chicago University Press, 1982).

14 This model is based on the "Model of interpretation" found in Saeed, *Interpreting the Qur'an*, 149–52.

15 See Rahman, *Islam and Modernity*, 20.

represents a parable, law or prayer; and any parallel texts which relate to the text in question.<sup>16</sup>

Often considered of little relevance to quranic interpretation more generally, the third stage is crucial to Contextualist interpretation. This stage involves an examination of the Quran's meaning to its first recipients. Beginning with a contextual analysis, including factors such as the culture, norms and values of the first Muslim community, this stage also involves classifying the message's nature, that is, determining whether it is legal, ethical or theological; exploring the text's messages to determine if they are likely to be universal or particular to the context of revelation; relating that message to the broader objectives of the Quran; and finally, evaluating the way in which the text was received, understood and applied by the first community.<sup>17</sup> As part of this stage, the interpreter derives some general principles from the text, such as justice, equality or freedom, which would then be used in the fourth stage.<sup>18</sup>

The fourth and final stage involves relating the meaning of the Quran to the current context in which it is being applied. This can be explained as formulating relevant and meaningful laws based on a thorough knowledge of the modern context, combined with the general principles arrived at in the third stage. This stage requires contextual analysis of current values, norms and social, political and economic issues. It also involves comparing today's context to the socio-historical context of the text in order to identify key similarities and differences; evaluating the universality or specificity of the text's message; and determining its relevance and potential application in the world today.<sup>19</sup>

Although the way in which individual Contextualists may apply these steps may vary, all of these stages of interpretation, in particular the third and fourth, are integral to any Contextualist analysis of the Quran at least in principle.

## A new approach to understanding "revelation"

The dominant Muslim belief regarding revelation of the Quran is, and for most of Islamic history has been, that the Prophet Muḥammad was a passive recipient of God's word (the Quran), which itself existed at a level beyond the social and cultural context of the Prophet's community.<sup>20</sup> The

16 Saeed, *Interpreting the Qur'an*, 150–51.

17 Saeed, *Interpreting the Qur'an*, 151.

18 For more information about Rahman's socio-moral theory see Fazlur Rahman, "Towards reformulating the methodology of Islamic law", *New York University Journal of International Law and Politics*, 12/2, 1979, 205–22; and Abdullah Saeed, "Fazlur Rahman: a framework for interpreting the ethico-legal content of the Quran", in Suha Taji-Farouki (ed.), *Modern Muslim Intellectuals and the Qur'an* (Oxford: Oxford University Press, 2004).

19 Saeed, *Interpreting the Qur'an*, 152.

20 In support of the assertion that the Prophet was merely a passive recipient, proponents of this view cite quranic verses such as 4: 82, "If it had been from anyone other than God, they would have found much inconsistency in it" and 22: 54 "He causes those given knowledge to realize that this Revelation is your Lord's Truth".

Quran is believed to apply at all times and places in exactly the same way as it applied to the Prophet and his community, and is generally believed to have no more direct connection to the concerns and issues of the first Muslim community than to any other. Thus, in most classical interpretations of the Quran, neither the socio-historical context nor the role of the Prophet in the revelation were considered highly relevant to interpretation.

According to this traditional view, the Quran first existed in the realm of the Unseen, where it was beyond human comprehension. Whilst in this realm, it passed from God, to the Preserved Tablet, to the Angel Gabriel, before it was eventually revealed in this world, to the Prophet Muḥammad. Thus, the Quran was revealed in a form that could be understood by ordinary people, namely in the language of Arabic. Although it is still believed that people may, in some way, participate in the revelation after this point – through the act of quranic recitation, for instance – the dynamic process of revelation is believed to have ended when the words of the Quran were spoken by the Prophet.

Although Contextualists do not question the Quran's divine origin, they diverge from the traditional understanding outlined above at the point when the Quran was revealed to the Prophet Muḥammad. Given the lack of historical precedent for this line of thinking, a number of contemporary Contextualist scholars, such as Fazlur Rahman,<sup>21</sup> Nasr Hamid Abu Zayd<sup>22</sup> and Farid Esack<sup>23</sup> have begun to develop slightly different understandings of revelation. In contrast to traditional understandings, these alternative views emphasize the close connection between the Quran as Word of God, the Prophet and his mission, and the socio-historical context in which the Quran was revealed. Contextualists recognize what they see as the important role of these factors in influencing the actualization of the quranic message during the life time of the Prophet. As these factors change over time, Contextualists argue that the Quran's actualization will also change depending on the social or political context to which it is applied.

Part of this alternative view of revelation involves examining the influence of socio-historical factors on both quranic exegesis and the language of revelation itself. Contextualists argue that Arabic is a human language which reflects the values and norms of a particular culture. Thus, when the Quran was revealed in Arabic, to a certain extent, it became embedded in the Arabic culture of the time. During the period of revelation, the Quran was dynamic – not only did its understandings and physical praxis expand as it was explained and put into practice by the Prophet, but the text itself was also continuously being added to over this time as the quantity of revelations increased. As the quranic message continued to grow, it was also recited, taught, communicated and acted upon by the Prophet and his community. The message of the Quran and the

21 Fazlur Rahman, *Major Themes of the Qur'an* (Minneapolis, MN: Bibliotheca Islamica, 1994).

22 Nasr Hamid Abu Zayd, *al-Nass wa al-Sultah wa al-Haqiqah* (Dar al-Bayda: al-Markaz al-Thaqafi al-Arabi, 2000).

23 Esack, *Qur'an, Liberalism and Pluralism*.



Prophet's praxis of this message thus became increasingly embedded in the norms, customs and institutions of the Hijaz which were subject to the social and historical conditions of the time. This stage of revelation can be seen as the first, dynamic human actualization of the Quran. Contextualists argue that, as the Quran was being revealed, it responded to the specific circumstances of the Prophet and his community. This deep connection with the Prophet and his community is reflected in the Quran's constant references to the customs, norms, people and institutions of the time.

After the death of the Prophet, the Quran became a fixed text, and along with the first human actualization of its message, it became the foundation for all future understandings, interpretations and actualizations of God's word. From this point onwards it became necessary to understand the text in the light of matters such as the Prophet's mission, his personality and the general social context of revelation. As the quranic message continued to be actualized in different times and places, the praxis and understandings of the quranic message were added to further by generations of Muslims. Contextualists understand this process of evolving actualizations and understandings as a continuation of the revelation and God's guidance. The Quran also assures us that divine guidance will continue to be provided in a non-prophetic form to those who are conscious of God and seek to follow His path.<sup>24</sup>

Muslims today, therefore, rely not only on the Quran and the example of the Prophet for quranic interpretation, but also on non-prophetic guidance and the praxis and understandings of the Quran which have evolved over generations of Muslims since the Prophet's time. Thus, as the quranic message continues to be actualized in contexts and circumstances which are very different from those of the Prophet Muḥammad, Contextualists argue that recognition and understanding of these continuing aspects of revelation, in particular the socio-historical context of the first Muslim community, is not only desirable, but essential to any contemporary interpretation of the Quran.<sup>25</sup>

### The indeterminacy of meaning

In contrast to the idea expressed above – namely that the Quran will be actualized and understood differently in different socio-historical contexts – most quranic exegesis continues to rely heavily on a supposedly unchanging, referential theory of meaning.<sup>26</sup> According to this theory, all language is anchored in the real extra-linguistic world in a determinate and fixed way. Thus the meaning of a word is said to be stable, always to be found in the object to which it refers.<sup>27</sup>

24 See, for example, Quran 7: 178.

25 For further discussion on this broader view of revelation, see Saeed, *Interpreting the Qur'an*, 38–41 and Rahman, *Islam and Modernity*, 13–22.

26 See how Islamic legal scholars deal with this issue in Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Selangor: Pelanduk Publications, 1995), 109–75.

27 Anthony C. Thiselton, "Meaning", in R. J. Coggins and J. L. Houlden (eds), *A Dictionary of Biblical Interpretation* (London: SCM Press, 1990), 435–8.

Although Contextualists generally agree that this theory is relevant to a specific and limited number of words in the Quran, such as names or physical objects, they appear to believe that there is a degree of indeterminacy in arriving at the meaning of most words and phrases, which must be recognized. This indeterminacy is related to the idea that meanings are not concrete objects but mental entities.<sup>28</sup> How these mental entities are experienced may vary from person to person and there is thus likely to be a high degree of fluidity in understanding the meaning of particular words, phrases or sentences. This is particularly true in relation to texts which are highly complex, such as the Quran's ethico-legal texts. This results in a situation in which it is virtually impossible to encompass all aspects of a word's meaning in a single utterance. As such, it has been suggested that no text, however simple or familiar, can be understood without some remainder: an aspect of its meaning which will always be overlooked or reduced.<sup>29</sup>

The indeterminate nature of meaning is further compounded by human psychology and the subjective way in which a text is received by those who read or listen to it. Put simply, when an idea or meaning is conveyed to another person through language, the way in which it is received will depend on the psychological state of the receiver as well as the unique circumstance of the utterance. In the case of the "spoken word" in particular, a word's meaning will be influenced by factors such as the tone and rhythm of the utterance, the relationship between the interlocutors and the reason for the discourse.<sup>30</sup> Given that the Quran is not only complex, but was originally conveyed as a spoken word, the subjectivity and fluidity inherent in understanding language is particularly relevant to understanding the words of the Quran. This is even more strongly the case with regard to its ethico-legal texts, the meanings of which, Contextualists would argue, are highly complex and dependent on the context in which they are understood and applied.

While most Textualist scholars claim that the text must be approached with complete objectivity, Contextualists would argue that, even if approached with the best of intentions, factors such as human psychology and context make such a reading an impossibility. The interpreter will always bring certain experiences, values, beliefs and presuppositions to the analysis of the Quran which will, to some extent, influence the understanding of the text.<sup>31</sup> These presuppositions may be reflected in the texts chosen for study, the framework used to interpret the texts, or the emphasis given to particular meanings or sections of the text.

These factors combined indicate that, from a Contextualist point of view, relatively few words of the Quran can be associated with meanings which are externally verifiable or fixed. Instead of trying to find meanings

28 Eddy M. Zemach, *The Reality of Meaning and the Meaning of Reality* (Hanover, NH: Brown University Press, 1992), 18.

29 Kevin Hart, "The poetics of the negative", in Stephen Prickett (ed.), *Reading the Text: Biblical Criticism and Literary Theory* (Cambridge, MA: Blackwell, 1991), 281–340, at 313.

30 Saeed, *Interpreting the Qur'an*, 105.

31 Esack, *Qur'an, Liberalism and Pluralism*, 73–7.

which are fixed and constant, Contextualists suggest that we should accept that the meaning of most words will change to a certain extent over time in response to individual receivers and variations in the general linguistic and cultural environment in which they are understood. Any interpretation given to the text, although useful, will therefore always be partial – some elements of its meaning will become redundant, new aspects will emerge and some aspects will not be successfully conveyed.<sup>32</sup>

Rather than trying to fight this process, Contextualists suggest that a greater awareness will allow for both a deeper understanding of the quranic text, along with a greater acceptance of the pluralistic nature of quranic interpretation. Thus, from a Contextualist perspective, it is crucial that the high degree of subjectivity of meaning be recognized in any genuine attempt to interpret the Quran.

### The mutable and the immutable

Strongly related to the idea of meaning in the Quran is the issue of mutability and immutability. In relation to the Quran, this refers to a debate regarding which interpretations are mutable, and therefore subject to change, and which are immutable – accepted as unchanging and fixed. In discussing this issue, many Contextualists draw not only on the arguments about indeterminacy outlined above, but also on the rich Islamic history of debate surrounding this issue. For instance, classical scholars often debated which verses fell into the category of transactions (*muʿāmalāt*) based on local customs and were generally considered negotiable/mutable, and which fell into the category of ritual and worship (*ʿibādāt*) and were considered immutable decrees made by God, subject to change only by God or the Prophet Muḥammad.<sup>33</sup>

Today, the tradition of debate surrounding this issue is largely ignored, and many contemporary Muslims consider the mere thought of changing any ruling based on the Quran as tantamount to heresy or unbelief (*kufr*). This view is based mainly on the argument of Textualist jurists who claim that all inherited interpretations of the Quran's ethico-legal texts are fixed and cannot be changed. Such jurists argue that Muslims are obliged to adapt to these interpretations regardless of social context.<sup>34</sup> Although this position is popular among traditionalists, the history of Islamic scholarship shows that reinterpretation and change were recognized at least by some leading authorities.

A number of examples of reinterpretation from the formative period of Islam, made by Companions and other leading figures from later generations, were recorded in Islamic legal and *ḥadīth* literature.<sup>35</sup> In

32 See Hart, "The poetics of the negative".

33 Saeed, *Interpreting the Qur'an*, 123.

34 For a discussion of the problems associated with this assertion, see Saeed, *Interpreting the Qur'an*, 123–4.

35 For examples of such rulings, see Syed Sabahuddin Abdur Rahman, "Jurisprudence a la Umar – its contribution and potential", *Islamic and Comparative Law Quarterly*, 2/4, 1982, 241–9.

particular, the second caliph, ʿUmar ibn al-Khaṭṭāb (r. 13–23/634–644), was well known for changing a number of rulings which appear to fall into the accepted category of immutable laws which are clearly stated in the Quran and sunna. An example of this is the case of *zakāt*.

Clearly spelled-out quranic rulings relating to *zakāt*, one of the pillars of Islam, are accepted by Muslim jurists as immutable. Among these rulings is a list of eight categories of possible recipients of *zakāt* payments, including “those whose hearts need winning over”.<sup>36</sup> Muslim tradition holds that this included a number of tribal leaders whose political support was considered important in early Islam. The practice of giving such leaders a fixed share from the proceeds of *zakāt* existed during the time of the Prophet and the reign of the first caliph, Abu Bakr (r. 11–13/632–634). During ʿUmar’s reign, however, he adopted a more pragmatic approach to *zakāt*. He decided that Islam was no longer in need of the support of these tribal leaders and so refused to give them their share of the *zakāt* funds. This was a clear departure from the earlier example of the Prophet, who had, in the case of *zakāt*, implemented a literal reading of the quranic instructions. ʿUmar’s reasoning appears to be associated with emphasizing the objective behind the quranic instruction, not its literal reading. For him, when circumstances changed, while the underlying objective should be retained, there was no need to apply the instruction literally.<sup>37</sup>

### Examples of key Contextualists

In this section I will discuss briefly the scholarship of a number of prominent Contextualists including Fazlur Rahman, Amina Wadud, Muhammad Shahrour and Khaled Abou El Fadl.

One of the primary figures in the Contextualist movement, Fazlur Rahman, was a Pakistani–American scholar who believed that Muslim societies had suffered greatly by imitating inherited practices and modes of thinking. He argued that *ijtihād* – independent reasoning – was an essential tool in the endeavour to create a society which was both relevant to contemporary Muslims and founded on ethical Islamic ideals. Rahman saw the Quran primarily as a source of ethical-moral principles and described the teachings of the Quran as “directed towards the creation of a meaningful and positive equality among human beings”.<sup>38</sup> In order to achieve this aim, Rahman argued that:

... The implementation of the Qur’an cannot be carried out literally in the context of today because this may result in thwarting the very purposes of the Qur’an, and that, although the findings of the fuqaha’ or the ulama’ of Islam during the past thirteen centuries or so should

36 Quran 9: 60.

37 Abd al-Salam al-Sulaymani, *al-Ijtihad fi al-Fiqh al-Islami*. (Rabat, Morocco: Wuzarat al-Awqaf, 1996), 132–3.

38 Fazlur Rahman, “Some reflections on the reconstruction of Muslim society in Pakistan”, *Islamic Studies* 6/9, 1967, 103–20, at p. 103.

be seriously studied and given due weight, it may well be found that in many cases their findings were either mistaken or sufficed for the needs of that society but not for today.<sup>39</sup>

In line with this view of quranic teachings, Rahman saw the Prophet as a social reformist who sought to empower women and the poor, weak and vulnerable in society. Rahman argued that, in contrast to the Prophet's example, Islamic family law has been practised in a way that is unfair to women, a claim which has been further explored in the work of other Contextualists such as Amina Wadud, Asma Barlas and Farid Esack. In a statement which illustrates his thoughts on gender discrimination, Rahman argued:

The Qur'an insistently forbids the male to exploit the female on the strength of his stronger position in society, and Islam set into motion the whole complex of measures – legal and moral – whereby sex exploitation would be completely eradicated. It forbade the recourse to polygamy under normal circumstances, allowed the woman to own and earn wealth, declared her to be an equal partner in the society: noting and allowing for the disadvantages she had in the society of that age. It laid down the basis of matrimonial life to be mutual love and affection, and that spouses were like garments unto each other. It strictly regulated the law of divorce.<sup>40</sup>

Another prominent Contextualist, the American scholar Amina Wadud, has been described by fellow scholars as a central figure in the formation of a "hermeneutics of equality".<sup>41</sup> Wadud describes herself as engaging in a "gender jihad",<sup>42</sup> serving to highlight both her commitment to gender equality and the common misperception in contemporary media discourse that "jihad" is related only to war and anti-Western sentiments. Wadud also engages with ideas of postmodernism, arguing that such ideas provide useful tools for a "rethinking" of the past. She argues that a rethinking of inherited traditions and interpretation is necessary in any attempt by Muslims to create a future which is more pluralistic and heterogeneous.<sup>43</sup>

Wadud's work is founded on her belief that the Quran both liberates and empowers women. For instance, she argues that the Quran does not support the assertion that woman was created after man; nor does the

39 Fazlur Rahman, "The impact of modernity on Islam", *Journal of Islamic Studies* 5/2, 1966, 112–28 at p. 127.

40 Rahman, "The impact of modernity on Islam", 111.

41 See Asma Barlas, "Amina Wadud's hermeneutics of the Qur'an: women rereading sacred texts", in Taji-Farouki, *Modern Muslim Intellectuals and the Qur'an*, 97–123, at pp. 97, 106–12.

42 See, for instance, Amina Wadud-Muhsin, *Inside the Gender Jihad: Women's Reform in Islam* (Oxford: Oneworld, 2006).

43 "Muslims, Interview – Amina Wadud", *Frontline – PBS*, March 2002, accessed 25 February 2007, <http://www.pbs.org/wgbh/pages/frontline/shows/muslims/interviews/wadud.html>

Quran “assign responsibility for the expulsion of this pair [Adam and Eve] from Paradise to the woman”.<sup>44</sup> She further states that the Quran places men and women on the same ontological level. Wadud argues that, within Islam, the only basis for differentiation between a woman and a man is their degree of “God-consciousness” or *taqwa*.<sup>45</sup>

This approach is reflected in her interpretation of the well-known quranic verse 4: 34<sup>46</sup> which instructs men to protect and provide for women, and has traditionally been understood as giving men control over their wives and female relatives. It is also understood to allow, in certain circumstances, a husband to “beat” his wife if he fears her “rebellion”. Wadud argues that a holistic reading of the Quran indicates that men have a responsibility to protect and provide for women while they are raising a child; a provision which, Wadud argues, does not grant men control over women, nor does it negate a woman’s right to provide for herself, even while raising a child, if she has the desire and the means to do so.<sup>47</sup>

In relation to the supposed permission for men to beat their wives, Wadud argues that such an interpretation must be rejected on the basis that it contradicts basic Islamic teachings which emphasize respect and harmony between spouses and encourages mutual consultation and discussion when problems do arise.<sup>48</sup> She further argues that the Arabic term usually translated as “beat” does not necessarily indicate the use of force. She also argues that its mention in this verse serves only as a “severe restriction of existing practices [of wife-beating]”.<sup>49</sup>

Muhammad Shahrour trained as a civil engineer and later became a self-taught scholar of Islam. Shahrour’s works have been influenced by intellectuals as diverse as al-Farabi (d. 338/950) and Ibn Rushd (d. 595/1198) through to Charles Darwin and Hegel.<sup>50</sup> Drawing on these influences, Shahrour formulated what he refers to as a “defamiliarization” theory of approaching the Quran. According to Andreas Christmann, “defamiliarization” involves “the explicit wish to undermine the well-established canon of interpretations and to suggest alternative ways of reading a text. He [Shahrour] wants his readers to understand the Qur’an ‘as if the Prophet

44 Asma Barlas, “*Believing Women’ in Islam: Unreading Patriarchal Interpretations of the Qur’an*” (Austin, TX: University of Texas Press, 2002), 114.

45 Barlas, “Amina Wadud’s hermeneutics of the Qur’an”, 114.

46 Quran 4: 34: Husbands should take full care of their wives, with [the bounties] God has given to some more than others and with what they spend out of their own money. Righteous wives are devout and guard what God would have them guard in their husbands’ absence. If you fear high-handedness from your wives, remind them [of the teachings of God], then ignore them when you go to bed, then hit them. If they obey you, you have no right to act against them: God is most high and great.

47 Margot Badran, “Feminism and the Qur’an”, in Jane D. McAuliffe (ed.), *Encyclopaedia of the Qur’an* (Leiden: E.J. Brill, 2002), Vol. 2, 199–203, at p. 203.

48 Amina Wadud-Muhsin, *Qur’an and Women: Rereading the Sacred Text from a Woman’s Perspective* (New York and Oxford: Oxford University Press, 1999), 75.

49 Wadud, *Qur’an and Women*, 76.

50 Andreas Christmann, “‘The form is permanent, but the content moves’: the qur’anic text and its interpretation(s) in Mohamad Shahrour’s *al-Kitab wal-Qur’an*”, in Taji-Farouki, *Modern Muslim Intellectuals*, 263–95, at p. 265.

has just died and informed us of this book’.”<sup>51</sup> The controversial nature of Shahrour’s work has resulted in it becoming the object of heated debate throughout the Arab-Muslim world.<sup>52</sup>

Among some of Shahrour’s more controversial claims is the suggestion that *ta’wīl*, a form of quranic interpretation, “can be carried out by anyone, regardless of whether they are believers or unbelievers, Muslims or non-Muslims, Arabic speakers or non-Arabic speakers”.<sup>53</sup> He bases this belief on his interpretation of Quran 3: 7, in which he interprets “those firmly grounded in knowledge” as referring to “scholars and philosophers who occupy the most eminent place in society”,<sup>54</sup> and may not necessarily be Muslim. Like other Contextualists, Shahrour also argues for the compatibility of Islam with democracy. Based on his understanding of Quran 42: 38, Shahrour argues that *shūrā* or “consultation”, like prayer, is a core principle of Muslim belief.<sup>55</sup> Drawing on a complete reading of the quranic text, Shahrour argues that in modern society “genuine *shūrā* [consultation] means genuine pluralism of points of view, and democracy”.<sup>56</sup> Further, Shahrour argues that practices such as “peaceful political resistance, autonomy in journalism, peaceful demonstration and the freedom to express oneself”<sup>57</sup> are essential components of any attempt to implement *shūrā* whilst fulfilling the quranic injunction to “order what is right and forbid what is wrong”.<sup>58</sup>

Another prominent Contextualist, Khaled Abou El Fadl, is also a classically trained scholar of Islamic law. In his works, Abou El Fadl focuses primarily on the context in which the Quran is interpreted. For instance, he highlights a number of value-based assumptions present in Islamic jurisprudential discourses that are often unstated. For example, Muslim jurists have generally asserted that Islamic law has five essential values or purposes that it is supposed to protect: religion, life, intellect, lineage and property. These values are said to be purely based on a reading of the fundamental texts. However, Abou El Fadl notes that an analysis of the actual values at play in Muslim jurisprudence reveals a number of other values that are the product of an interplay between the text and the society, or context, of the jurists. For example, Abou El Fadl notes that “one

51 Christmann, “The form is permanent”, 263.

52 *ibid.*, 264.

53 *ibid.*, 282.

54 *ibid.*, 283.

55 Quran 42: 38: “[Those who] respond to their Lord and keep up the prayer; conduct their affairs by mutual consultation; give to others out of what We have provided for them”. Shahrour argues that this verse identifies both prayer and consultation as fundamental Islamic beliefs. See Muhammad Shahrour, “The divine text and pluralism in Muslim societies”, *Muslim Politics Report* (New York: Council of Foreign Relations, 1997), no. 14, pp. 8–10, accessed 18 September 2007, [www.quran.org/shahroor.htm](http://www.quran.org/shahroor.htm)

56 Shahrour, “The divine text and pluralism”.

57 Muhammad Shahrour, “The concept of freedom in Islam”, *Islam21 – The International Forum for Islamic Dialogue*, April 2005, accessed 19 September 2007, [http://islam21.net/main/index.php?option=com\\_content&task=view&id=130&Itemid=39](http://islam21.net/main/index.php?option=com_content&task=view&id=130&Itemid=39)

58 Quran 9: 71.

suspects that in some Muslim juristic cultures, order, stability and obedience, the exclusion of women from public life, and the protection of the financial interests of the elite are the actual primary values of the legal systems".<sup>59</sup>

Like other Contextualists, Abou El Fadl argues that the Quran should remain a "work in movement" or an "open text" that remains open to multiple interpretive strategies; although he does not suggest that it should be completely open to any interpretation.<sup>60</sup> He believes that the meanings of Islamic texts are not fixed; rather, they are evolving, and must be allowed to speak "with a renewed voice to successive generations of readers" if they are to remain relevant.<sup>61</sup> As soon as a text becomes closed, it is in danger of becoming irrelevant, since readers no longer need to engage with the original to discover its meaning.<sup>62</sup>

Abou El Fadl's approach to interpretation contrasts with that of some other Contextualists in that he places importance on the need to revive, rather than dismiss, certain threads of Islamic jurisprudential tradition. Abou El Fadl emphasizes the importance of learning from jurisprudential practices that have led to historical cases in which Muslims have successfully built pluralistic and relatively democratic societies.<sup>63</sup> He also stresses the importance of exploring classical debates on issues such as the existence of multiple correct answers to the same question.<sup>64</sup> He believes that traditional Islamic legal methodology, for all its limitations, was essentially "open-ended and anti-authoritarian" in nature.<sup>65</sup> Fundamental to traditional Islamic law was an "evolutionary process of exploration, investigation, and adjudication that ... resisted settlement or inertia".<sup>66</sup> However, he believes that Islamic law exists today only as a set of positive commandments (*ahkām*); but as "an epistemology, process, and methodology of understanding and searching, as a *fiqh*, Islamic law, for the most part, is dead".<sup>67</sup>

## Concluding remarks

From the time of the Prophet there has been a rich tradition of debate and scholarship, and a recognition by many scholars of the complex nature of the Quran. In a world which is very different to that of the time of the Prophet, Contextualist scholarship recognizes the need to continue this tradition and to allow it to develop in accordance with scholarly

59 Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (Oxford: Oneworld, 2001), 155.

60 Abou El Fadl, *Speaking in God's Name*, 146.

61 *ibid.*

62 *ibid.*

63 David Glenn, "Who owns Islamic law?", *The Chronicle of Higher Education*, 25 February 2005, 51/25, 14–6.

64 Abou El Fadl, *Speaking in God's Name*, 147–50.

65 *ibid.*, 170.

66 *ibid.*, 170.

67 *ibid.*, 171.



developments of our own time. Contextualists argue that a literal and fixed interpretation of the Quran not only breaks from this tradition but, without reference to context, often results in interpretations which are both incomplete and incompatible with modern ideas, values and cultural contexts. They argue that inherited tradition should be questioned rather than merely accepted as a set of rigid rules which must be followed. In the light of context – both at the time of revelation and today – Contextualists are reawakening the Islamic tradition of debate and offering Muslims a range of ways in which to remain true to the core teachings of Islam, whilst fully engaging in the modern world.

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