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Islam and Women's Rights: Abu Zayd's Hermeneutical Reading of the Quran

Engy El-Refaee

Abstract

This paper examines the scholarly works of one of the most prominent Arab thinkers and Islamic reformists of the last two decades, Nasr Hamid Abu Zayd. While his writings cover a number of issues central to contemporary Islamic thought, this paper aims to address Abu Zayd's hermeneutical approach to the study of the Quran in relation to its historicity and applicability to women's rights, which he considers to be 'one of the most important issues' in contemporary Arab societies. This study employs a critical analysis method to evaluate and question the plausibility of Abu Zayd's thoughts around the issues of polygamy and inheritance. This paper concludes that there are critical weaknesses in his overall argument concerning these issues, notably in regard to the origins of polygamy prohibition, which had arisen much earlier than Islam itself; the contextual determinants employed by Abu Zayd are only relevant to seventh-century Arabia. Another weakness is Abu Zayd's view of arriving at an objective understanding of the Quran when it comes to assigning a fair inheritance share for both the man and the woman, when he never specified the conditions of this objective end.

Keywords: Islam; Hermeneutics; Women; Muslim World; Islamic Law

Introduction

The issue of women's rights has been one of the most important and contested issues in the Muslim world. For many years, Islam has been widely condemned for its oppression of women, with many societies considering Islam to be a religion that gives no rights to women, and instead prescribes their total subjugation to men in various ways. Women were often seen as inferior to men, and practices such as polygamy and giving women an unequal inheritance share, for example, have been widely viewed as legitimate practices in Islam. Not to mention, the scripture has often been quoted to justify these practices, especially by textual scholars, who assign universal meanings through their literal interpretations of the original Quranic text regardless of the contextual or

historical considerations that gave rise to the text at the time of the revelation, in the seventh century.¹ That brings us to contextualist scholars, who in contrast to textualists, place strong emphasis on the contextual determinants of such practices at that time, arguing that Quranic texts relating to polygamy and inheritance can only be understood through an historical lens that accounts for the social context of seventh century Arabia. They contend that these practices were limited - in both their relevance and application - to the Prophet Muhammad's time and are no longer applicable or relevant today. In such case, the verses possess a historical value rather than a normative one. While contextualist readings of the Quran are becoming increasingly popular these days, no modern scholar of Islamic thought has provoked as much controversy as Nasr Hamid Abu Zayd, best known for his valiant hermeneutical approach to the Quran and radical critique of the highly-politicised religious discourse in Egypt and the Arab region. Central to his intellectual endeavour was his views on women's rights which, he thought, were compromised at the hands of celebrated jurists and theologians, who believed in a 'single, precise and valid interpretation of the Quran handed down by the prophet for all times'.² Abu Zayd challenged their interpretations of the Quran, which often downgraded or restricted women's roles and freedom. In his view, Quranic texts cannot be considered as rigid templates that can *only* be understood through the traditional interpretations of scholars and commentators; interpretations based on political circumstances that have influenced much of their jurisprudence.³ Instead, Quranic texts must be situated in their wider social, cultural, political, economic and intellectual context. Abu Zayd described the discourse on women in the Arab region as overly sexist as a result of the patriarchal traditions and masculine dominance that gave rise to it. Asghar Ali Engineer, a renowned Indian Islamic scholar and activist, thought the same way, and argued that the interpretations of theologians and jurists of first century Islam, who had enjoyed great prestige among their communities and whose opinions were taken as final, must be viewed through the sociological conditions of their time, when women were considered instruments to perpetuate progeny, raise children and provide pleasure for their husbands.⁴ Not taking into account such contextual factors leads to misinterpretations of the pronouncements of the Quran. Of particular concern are specific assumptions in popular religious discourse that have not been fully examined and are generally ignored or avoided.

This study seeks neither to offer an in-depth discussion of these assumptions nor thoroughly analyse the methodology through which Abu Zayd interpreted the Quran; while worthwhile, such endeavours are beyond the scope of this paper. Instead, the paper aims to address Abu Zayd's hermeneutical approach to the Quran generally and relate it women's rights specifically. In doing so, it aims to evaluate his scholarly works around the issues of polygamy and inheritance, which, in his view, rest upon a methodological principle of essential to Islamic reform, that is, the *historicity* of the Quran. As a scholar of literary studies, Abu Zayd introduced the linguistic and historical dimensions of the Quran, and initially concluded that the Quran is a cultural production. Over time, Abu Zayd developed his thesis on the human aspect of the Quran and its inevitability in satisfying the changing needs of the Islamic society. Indeed, a humanistic reading of the Quran signifies a human-oriented interpretation of the Quranic text, where the human interpreter

represents an invaluable form of agency in the interpretational act. As will be shown, the historicity of the Quranic text is important for grasping Abu Zayd's thoughts on Islamic reform generally and on women's rights particularly; historicity acted as a preliminary step for his wider project, which was for one to find 'significance' in Quranic verses in accordance with the social, economic, and political realities around us. Abu Zayd's vision departed conceptually from the earlier interpretations of the Quran celebrated in the *turath* (Islamic tradition).

This study employs a critical analysis method to investigate and evaluate the scholarly works of Nasr Hamid Abu Zayd in regards to his hermeneutical approach towards the Quran and the implications therein when it comes to women's rights, particularly with respect to polygamy and inheritance. In doing so, primary and secondary sources are considered carefully, not only to trace how his scholarship developed throughout his writings but also to form my own impressions of his work, allowing for the critical evaluation of his assumptions given the influences that shaped his thought. While there has been growing interest among many Muslim scholars (such as Fazlur Rahman and Mohammed Arkoun) in utilising the concept of historicity as an inevitable means of reform, this paper discusses and evaluates Abu Zayd's work only. In what follows, I will briefly cover Abu Zayd's background before incorporating his conceptual views on the historicity and textuality of the Quran, including his main thesis of the 'plurality of interpretations'. After that, I will critically examine Abu Zayd's views on women's rights through the specific lens of his thoughts on the issues of polygamy and unequal inheritance.

Abu Zayd's Background in Brief

The early years of Nasr Hamid Abu Zayd's life, and the first phase in the development of his intellectual thought, were framed by conventional religiosity. Born in 1943 in the small village of Quhafa in northern Egypt near the city of Tanta, Abu Zayd, like other children of the village, went through *Kuttab*, a traditional schooling system where he was a *Qari'* (could recite the Quran with its proper rules of citation) and whereby the age of eight, he had become a *hafiz* (memorised the Quran completely). After his father's death, Abu Zayd couldn't continue his high school education; he instead earned an industrial secondary diploma and worked as a telecommunications technician for some time to support his family. Ever since his childhood, Abu Zayd had been interested in Arabic literature.⁵ While working as a technician, he enjoyed reading books by Abbās Maḥmūd al-'Aqqād, Taha Hussein, and Sayyid Qutb. Eventually, Abu Zayd managed to achieve his dream of completing his secondary education. After graduating high school, he enrolled in Cairo University and earned a bachelor's degree in Arabic Studies.

In my reading, the second phase of Abu Zayd's intellectual thought began during his early postgraduate studies at Cairo University. Now that he had completed his undergraduate degree, he was offered work as an assistant lecturer at the university, finally leaving his job as a technician. At that time, he had earned his master's degree in Arabic and Islamic Studies, where in his master's thesis he tackled many fundamental issues related to the major trends in the interpretation of the Quran in the Islamic tradition. Titled *Qadiyyat al-Majaz fi al-Qur'an 'ind al-Mu'tazila* (Mutazilite

Rationalism in Quranic Exegesis), Abu Zayd's thesis dealt with the problem of 'metaphor' in the Mutazilite tradition. He paid considerable attention to theologians' presumptions regarding Quranic verses, which could be categorised as either *mutashabihat* (ambiguous) or *āyāt muhkamāt* (clear),⁶ this focus or interest is what led him to study modern linguistics. Abu Zayed was awarded a fellowship to study at the American University in Cairo, as he had also learned the English language to be able to expand his understanding of literature related to his new discipline. It was those years of post-graduate study, I believe, that constituted a form of preparation for the third phase of Abu Zayd's intellectual development, which is marked by his adoption of a relativist view of knowledge. The shift in Abu Zayd's academic focus - from theological interpretations of the Quran to Sufi interpretations - is evident in his doctoral thesis, wherein he addressed the foundation of the Sufi hermeneutics in the writings of Ibn 'Arabī. Abu Zayd was awarded a Ford Foundation fellowship and travelled to Philadelphia where he studied anthropology, linguistics, and hermeneutics.

In my view, both the Sufi trend inherited from Ibn 'Arabi and the rationalist position inherited from the Mu'tazila guided Abu Zayd's hermeneutical approach towards the Quran and the *Sunna* (tradition). I believe that this approach marks the fourth phase of his intellectual thought, one that had clarified itself during Abu Zayd's time abroad (in the United States, Japan, and the Netherlands) where he studied contemporary theories of communication and literary analysis, including hermeneutics as developed by Hans-Georg Gadamer and the semantic theoretical approach towards the Quran as developed by Toshihiko Isuzu.⁷ By that time, Abu Zayd held an open attitude towards knowledge obtained from foreign traditions, connecting it to a productive synthesis with knowledge obtained from his own religion; in my view he was curious to discover new cultures and worlds and understand other religions. Of course, one cannot disregard the changing political climate experienced by Abu Zayd in Egypt, during a period that witnessed violent struggle between right-wing and left-wing movements; the latter represented by the nationalism of former Egyptian president Gamal Abdel-Nasser, and the former represented by the neoliberalism of Nasser's successor, Anwar El-Sadat, as seen through his *Infatih* ('open' door) economic policy and peace treaty with Israel.⁸ The instrumentalization of religion was a key feature during both presidencies; perhaps pushing Abu Zayd further in his reformist project.

Abu Zayd's Historicity of the Quran

If perception of the Quran is limited to the ontologically-driven belief of its eternal nature, as represented by the '*al-Lawh al-Mahfuz* (Preserved Tablet: a metaphysical place or divine record considered eternal by many Muslims, and in which, before the inception of the universe, God inscribed all destinies and the creations of all beings),⁹ it is logical that the historical context of seventh century Arabia, in which the divine revelation took place, would often be overlooked. This was the view of Abu Zayd, who placed strong emphasis on the historicity of the Quran in virtue of Islamic reform. Central to the principle of historicity in Abu Zayd's theoretical approach is that the Quran can only be understood and properly interpreted against the background of the specific

historical circumstances of its first audience in seventh century Arabia; the Quran is not just a divine transcendental message that is equally comprehensible and applicable to all humans at all times. Abu Zayd did not give much attention to the widely accepted narrative of the Quran's proclamation of its divine origin. Instead, he saw the importance of arriving at a clearer understanding of the Quranic text through historicising it. Abu Zayd thought that Muslims who believe in the metaphysical prototype of the Quran (the concept of the Preserved Tablet), totally ignore the dialectical relationship between Quranic texts and their recipients, which he maintains in virtue of his argument, and to which Muslims themselves commit when they recite the Quran. Indeed, the worry with this belief, I think, is that it would necessarily implicate an excessive Muslim attitude in sanctifying the text and converting it from a linguistic to an imaginary text, beyond human understanding.¹⁰ Moreover, Abu Zayd believed that the metaphysical perception of the Quran is an abandonment of the interpretative tradition of *naskh* (the theory of abrogation), which stipulates the nullification of one verse of the Quran by another.

In his book *Reformation of Islamic Thought*, Abu Zayd defined *naskh* as a doctrine 'according to which they (the jurists) considered the historically later revelation to be the final rule, while the earlier one was considered abrogated.'¹¹ In his view, the concept of abrogation is living proof of the relationship between the Quran and its historical context. However, this does not mean that the meaning of the Quran must conform to that context. As will be argued in this paper, Abu Zayd differentiated between the historical meaning of the Quran and its significance. The historical meaning is represented by the historical context of seventh-century Arabia, while its significance lies in its meaning for the present. It is worth noting that Abu Zayd approached this concept of abrogation as a confirmation of the necessary connection between *wahy* (revelation) and *wāqi'* (reality),¹² challenging the unchanging nature of the Quranic stipulations. Abu Zayd believed that the main goal of *naskh* was to introduce an element of contextuality into the interpretative act so we can arrive at the verses' significance. While the abrogation doctrine was based on the Quran,¹³ it was considerably indefinite in Abu Zayd's opinion; he argued that 'the jurists achieved no consensus on what was abrogated, simply because the actual chronological order of the Quran has always been, and still is, disputed and debated.'¹⁴

Abu Zayd believed that Muslims' overemphasis on this divine dimension has essentially contributed to the stagnancy and rigidity of Islamic thought while disregarding the longstanding interpretive tradition of *naskh*, which has addressed Muslims' changing needs and circumstances throughout history. It should be noted that belief in the metaphysical prototype of the Quran presupposes the existence of a text in eternal time that precedes the reality addressed; such a belief is viewed by many people, including Abu Zayd, as a logical contradiction. Even so, it is worth noting that during Abu Zayd's time until now, there is an overall leaning towards this metaphysical belief, pushed by Islamic scholars and preachers in mosques and media outlets. Abu Zayd, who considered himself as a heir of the Mu'tazila school of thought (which emphasises the importance of rationality or logical reasoning in interpreting religious texts), repeatedly impugned such scholars for promoting this metaphysical perception of the Quran. The very idea of the eternal nature of the Quran existing independent of linear time and specific circumstance, Abu Zayd

posited, ignores the dialectical relationship between the Quranic text and its recipients. It also, as noted before, has given rise to the belief that the Quran is beyond human understanding, which cannot be the case, Abu Zayed contended, since the Quran is- in principle - a guide for humankind or humanity. Simply put, if the Quran is eternal, then upon what basis do Muslims relate to the scripture?

Perhaps the simplest way to illustrate the conceptual origin of Abu Zayd's philosophy is to delve into the medieval debate¹⁵ between the Ash'arites and Mu'tazilites on the nature of the Quran. The Mu'tazilites believed that the Quran was created in the context of time, for it is a phenomenal being that is composed of words arranged serially and is not co-eternal with God. Mu'tazilites were strictly committed to the concept of God's unity, and that of an abstract, impersonal and absolute God. The Mutazilites 'deny that they had any reality distinct from God's own reality'. In their view, as Peter Adamson argued, the Quran is open to interpretation by human reason and therefore they emphasised the historical context of the revelation.¹⁶

A few decades later, the Ash'arites arose in response to the Mu'tazilites' philosophical position and declared them a movement heretical to Islam. After rejecting the Mu'tazila doctrinal position on the createdness of the Quran, the Ash'arites instead maintained the Quran's eternal nature. The Ash'arites have gained the upper hand ever since then, forming the orthodox Sunni theology of Islam. Until the present time, the Sunni orthodoxy, which stresses strict adherence to the literal interpretation of the Quran, has dominated Islamic discourse at all levels.

Abu Zayd was the first modern Islamic scholar who shifted discussion of the Quran from its ontological-theological realm into one of historicity and contextuality. The socio-political and historical context in which Abu Zayd lived was dominated by the Ash'arite belief in the eternal nature of the Quran – a belief that has controlled Islamic theology since the ninth century. As Rahman noted, Abu Zayd revived the 'Mutazilite doctrine of the "created Quran" through a redefinition of the concept of revelation'.¹⁷ Even so, the conformist view of the metaphysical and eternal Quran has continued to impede reform initiatives in Islam, generally speaking.

The Quran as a Linguistic Text

In his book *Mafhūm al-Naşṣ: Dirāsah fī 'Ulūm al-Qur'an* [The Concept of the Text: A Study of the Qur'anic Sciences], Nasr Hamid Abu Zayd argued that the Quran is essentially a *naṣṣ lughawī* (linguistic text), which is fundamentally related to or embodies a particular culture or context. This view stems from Abu Zayd's hypothesis that the 'Quran was God's revelation to the Prophet Muhammad in the seventh century and therefore was, at the same time, a product of Arabic culture'.¹⁸ In other words, Abu Zayd took the Quranic text as a linguistic message utilised by God so that the first receivers (the first audience of the revelation) would understand it. Alternatively, he asserted, the Quran was a reaction to an existing culture. Abu Zayd maintained that the Prophet was not a person isolated from context but one who lived within it. In this case, with the revelation and citation of the Quran in human language, Abu Zayd thus dealt with the Quran through an Arabic literary approach. In his view, 'the Quran describes itself as being a message. The message

supposes a link between the person sending the message and the person receiving it, through a linguistic system. In the case of the Quran, the sender of the message could not be the object of scientific study. It is, therefore, natural that the text be studied through the prism of culture and historical circumstances.¹⁹ If the Quran was indeed revealed to the Prophet Muhammad in the seventh century²⁰ in response to Muslims' concerns, it follows that the revelation is a historical phenomenon.

It is worth mentioning that Abu Zayd was influenced by both Islamic Nahda (enlightenment) scholars like Rifa'a al-Tahtawy, Qasim Amin, and Muhammad 'Abduh and modernist intellectuals like Amin al-Khuli and Tahar Haddad,²¹ all of whom laid down the foundations of his reformist project. One should also note the influence of Sayyid Qutb, Islamic scholar and Muslim Brotherhood member, on Abu Zayd in his early years. Qutb would not agree with Abu Zayd's historicity of the Quran; rather, he argued in *Fī ṣīlāl al-qur'ān* [In the Shade of the Qur'an] for the relevance of the Quran to contemporary issues as if it has been revealed specifically for today's challenges.²² The crux of Qutb's influence on Abu Zayd, however, lied in their shared passion for the aesthetic dimensions of the Quran, as both a text and an acoustic piece of art. Even as both scholars adopted a literary reading of the Quran, they diverged to a considerable extent in their epistemologies.

Abu Zayd's Humanistic Hermeneutics and Plurality of Interpretations

Besides establishing the historical and linguistic dimensions of the Quran, Nasr Hamid Abu Zayd claimed that the Quran is a *naṣṣ insani* (human text). Once the Quran was revealed to the Prophet Muhammad in a human language, Abu Zayd asserted, it acquired a human existence as a human text, hence becoming subject to human interpretation and understanding.²³ He claimed that 'the text, since it was first sent down-when it was revealed and read by the Prophet Muhammad -has gone through a change from divine text to human text: a change from being *tanzil* (a sent-down message) to *takwil* (an interpretation of the message)'.²⁴ In other words, once the Quran was revealed to the Prophet Muhammad and acquired a *wujud* (human existence) as a human text, it became subject to human understanding and interpretation.²⁵ In that sense, it is a humanised text, where 'humanised' is a term Abu Zayd used to express what he had in mind, a view that stands in opposition to the political and religious authority that had existed ever since the infamous Battle of Siffin in 657 CE, which will be discussed in the next session. It is worth noting that Abu Zayd regularly used the term *ta'wil* (interpretation) to emphasise the share of the '*aql* (human intellect) in the interpretational act rather than the commonly known term *tafsir* (commentary, explanation), which gives priority to *naql* (narrated traditions) in understanding the text.

Intrigued by the relationship between the Quran and its recipients, Abu Zayd asserted that in order for us as humans to understand the divine message of the Quran, we need to do so under changing historical circumstances; the idea was to find 'significance' in the Quran in accordance with the social, economic and political reality around us. The Quran, he thought, is not only a *text* authorised by Islamic clerics but a dynamic *discourse*, a dialectic between God and humanity that

necessarily evolves throughout human history. As the Quran is inherently reliant on interpretation through human reason, Abu Zayd was never inclined towards the percept that there should be an absolute interpretation of the Quran. In contrast, he advocated for a plurality of interpretations;²⁶ as the information in the Quran varies according to whoever receives it, to wherever they received it, to whenever they received it. Influenced by the works of Western hermeneutics such as Russian semiotician and literary scholar Jurji M. Lotman, Abu Zayd established a theoretical communication model in which the Quran, like any other message, represents a communicative relationship between the sender and receiver based on a specific code or linguistic system.²⁷ He thought that if the information conveyed in the text varies in accordance the individual reader's personal and cultural horizons, then the essence of the Quran's message to a twentieth century reader must necessarily vary from the essence conveyed to a Muslim in the seventh century. Influenced by literary critic E. D. Hirsch, Abu Zayd believed that an interpretation does not simply end by determining the text's historical meaning, which is fixed, but rather, to practise genuine interpretation, one must arrive at the text's significance, which is always changing in the contemporary context. As George Tamer put it, 'since the meanings borne in a language develop within the framework of historically specific cultural and social contexts, the cotemporary recipients of the Qur'an must decode its linguistic and cultural expressions, which belonging to the distant past, are no longer accessible to them'.²⁸

In differentiating between *ma'na* (meaning) and *maghza* (significance), Abu Zayd seemed to explain the discrepancy between the textual approach and his hermeneutical method. According to Michal Moch, Associate Professor and Head of the Department of Islamic Civilization at the Institute of Mediterranean and Oriental Cultures at the Polish Academy of Sciences, and co-author of the first Polish critical edition of Abu Zayd's texts, 'it could be argued, perhaps, that the difference between meaning and significance could be compared to the distinction between traditional exegesis, focused on the original, fixed, historical meaning of the given text, and hermeneutics, more directed at its changing, dynamic interpretation, taking into account historical and social developments'.²⁹ Abu Zayd thought that this account was more all-encompassing in comparison to his forebearers in the Islamic tradition, but as I will explain in the section on women's rights, it only rests on specific presuppositions he thought to be true and 'only' relevant to the historical context of the seventh century Arabia.

Unfortunately, the humanistic approach was, and still is, seen as a struggle against the claims of absolute interpretation. Abu Zayd argued that his philosophical position was nearly 'objective'. In his view, the Quran should not be dealt with as mere text that is reduced to ideological biases³⁰ by theologians. Rather than being regarded as a closed corpus, the Quran should be treated as a living phenomenon open for interpretation, a *discourse* that evolves through time. While Abu Zayd seemed to know what is truly entailed by 'objective', he failed to provide any normative criteria for his claim to be legitimate. I am usure if perhaps, even unwittingly, Abu Zayd had pushed the same methodology and metaphysical treatment of the Quran that he had criticised and opposed in regard to its interpretation, an issue that will be further detailed in the discussion on women's rights.

Interpretational Diversity is Lost

The historicity of the Quranic text and its human dimension are central to understanding Nasr Hamid Abu Zayd's concept of 'plurality of interpretations,' which traces back to his early academic work. This is particularly evident in his master's thesis, where he examined Mutazilite rationalism in Quranic exegesis and their efforts to demythologize Quranic metaphors within the socio-political and economic context of the time. According to Abu Zayd, the Mutazilites, influenced by Greek philosophy and logic, employed rational methods in interpreting the Qur'an: "Since God created man with the ability to reason, it is only expected that man use logic to further his knowledge of God."³¹ Abu Zayd continued this open approach to knowledge in his doctoral thesis, where he studied Muhi al-Din ibn 'Arabi's mystical interpretation of the Quran, which emphasized open systems of communication between God and man in the Quran. Ibn 'Arabi "wanted to bring modernity to bear on the Qur'an. He believed that Islamic thought should be flexible enough to absorb all of his society under Islam's umbrella."³² It could be argued that his description of Ibn 'Arabi arguably reflects Abu Zayd's own ideas, as he held that Arab-Islamic civilization thrived on pluralism, reason, and intellectual freedom.

These conditions, however, did not last for long due to socio-political factors. Abu Zayd gave the example of the Battle of Siffin, the first civil war in Islamic history and the first attempt to abandon reason for scripture. For many Muslims, this battle was widely seen as the event which divided Muslims into three major sects- Sunni, Shi'ia, and Khawarij. The battle was actually 'about a struggle between the Caliph 'Ali and his rival and eventual successor as Caliph Mu'awiyah, the first caliph of the Umayyad dynasty'.³³ On that occasion, the Umayyads held pages of the Quran on their swords asking for 'arbitration by God's book'.³⁴ From here, Abu Zayd maintained that the struggle for power across contending groups and factions demoted reason from its primacy, replacing it with ideological readings of the sacred sources while dissolving pluralism in the process. Abu Zayd believed that 'the disagreement was about perceptions, not about founding creed issues, and there is a difference between perception and phenomenon. Perception is produced by people at a particular moment of the phenomenon. The social sciences, to which discourse analysis belongs, examine perception and analyse its concepts'.³⁵ This quote details Abu Zayd's rejection of the absolutist theology that divorces the Quran from its context, that declares one interpretation as absolute truth. Indeed, he contested any claim that enforced a strict adherence to a fixed or literal meaning of the Quran, accessible only to *ulama* (religious scholars) who typically defend this normative interpretation of the Quran and turn it into a referential work. Using his own words, Abu Zayd called for liberation, hegemony, and supremacy in the name of the religious text.³⁶

The concept of advocating for a plurality of interpretations is applicable to the Quranic verses concerning women. Indeed, it is a fuller embrace of women's rights. In what follows, Abu Zayd's thoughts on women's rights will be explored. It is worth mentioning that Abu Zayd had two primary interests when it came to women's rights. First, he was interested in the judicial and practical conditions regarding the status of women;³⁷ in this paper, his views on polygamy and

inheritance will be analysed. Second, he was interested in the entangling of women in political discourse, which he thought had influenced the oppression of women considerably. For the purposes of this paper, only the former interest will be discussed in detail.

Women's Rights and the Role of Tradition

Nasr Hamid Abu Zayd believed that one of the key objectives of the Quran is justice, a principle he believed to be at the core of Islamic teachings. Accordingly, no regulation should be considered for its own sake but 'should derive its legitimacy from the principle of justice because its benefit is not inherent in itself but only in so much as it furthers, or at least, does not oppose this principle'.³⁸ For example, any legislation or any issue must have in mind 'what the ultimate objectives of the Quran really are'.³⁹ Abu Zayd used a principle of justice not recognised by the Arabs of seventh century Arabia. He accused textual scholars of using religion and their views on justice to maintain inequality in society. Even during his time, he argued that religious establishment was the custodian of hierarchy and patriarchy in Islamic societies. Abu Zayd wrote 'when it comes to women, the power structure remains in place. The wife's duty is to obey her husband, a woman must even obey her younger brothers'. Given that they are treated as inferior, 'women for the most part, are not given the same opportunities to experience life'.⁴⁰

Most importantly, Abu Zayd denied the possibility that religious texts can exist independently of interpretations. In his view, the Quran repeatedly calls for equality between men and women. Even so, jurists at times violate the message of the Quranic text in favour of their ideological, often misogynist, considerations. For instance, jurists completely ignore the Quranic story of creation in favour of the narrative from the Old Testament. Abu Zayd claimed that Muslim scholars like al-Tabari took stories from the Old Testament for granted and espoused them through their own interpretations.⁴¹ It is believed that this idea was also reinforced, as evidenced by an authentic hadith narrated by Al-Bukhari and Muslim 'whose narrations form the two major hadith compilations that are consensually agreed upon by the hadith scholars as authentic'.⁴² However, in Abu Zayd's view, the Quran clearly states that men and women are created from one soul, and are 'made in pairs'. This means, one would argue, that the origins and relationship between men and women are equal and equitable, perhaps neither one is able to exist or fully function without the other. Essentially, every story in the Quran has a man and a woman who carry the message together: Moses and Miriam, Jesus and Mary, Mohamed and Khadiga. Even so, as Abu Zayd argued, what was, and is still, more widely circulated is the biblical narrative that Eve was created out of Adam's rib, implying an inherent inferiority.⁴³ In this line of interpretation, Adam was made 'first', and then Eve 'from his rib'. But still, as well-known Bible commentator Matthew Henry argued, 'Eve was made of a rib out of the side of Adam; not made out of his head to rule over him, nor out of his feet to be trampled upon by him, but out of his side to be equal with him, under his arm to be protected, and near his heart to be loved'.⁴⁴

Returning to justice, Abu Zayd wrote, 'When I applied my critical scholarship to the subject of women, I saw how well this subject nestled into the concepts of justice and freedom, two essential

objectives of the Quran'.⁴⁵ Abu Zayd believed that jurists who insist on literal readings of the text violate Islam's intention of justice. He argued that any interpretation that is based on the corpus of classical *tafsir* (exegesis or critical interpretation of text) or the legacy of the Prophet Muhammad and his companions cannot trace the specific message of the Quran for each age. Even this Mohammedan legacy or *hadith*, which is also based on earlier interpretations and chain of *isnad* (transmissions), is nothing other than his own interpretation of the divine message. In principle, Muslims consider the hadith as the major secondary source of Islamic law. But in practice, they seem to place both the Quran and the hadith on equal footing. This is problematic, of course, because 'the details of Islamic Law are far more commonly derived from Hadith, and many aspects of Islamic theology and dogma come not from the Qur'an but from Hadith',⁴⁶ which is Abu Zayd's point. Besides, he also thought that such interpretations failed to capture the essence of the Quran, instead maintaining the very inferior status of woman at the time of revelation – a status that Islam intended to change. Abu Zayd argued that to perpetually preserve the message of the Quran to a specific and static meaning, without taking into account the specific time and place of the revelation, is to violate and twist God's word. Jurists should instead institute laws and regulations with the higher objectives in mind, since literal interpretations or readings do not always reveal the message of God. It is clear Abu Zayd was influenced by the ideas of Tunisian author and activist Tahar al-Haddad; he, too, believed that the higher objectives of Islam are not to be captured by the literal readings of the Quran at all.

Abu Zayd's provocative critical writings extended to Imam Shafi'i, one of the four great Imams of Sunni *madhabs* (sects). One of the reasons Abu Zayd targeted him with critique was his elevation of the Sunna's legislative authority, rendering it a legal source with equal authority to that of the Quran.⁴⁷ This was problematic for Abu Zayd because in his view the Sunna is simply a body of writing handed down through the generations by human transmitters who do nothing but trace specific sayings to the Prophet, whereas the Quran constitutes God's word - those divine utterances of revelation that were passed down from Angel Gabriel to the Prophet Muhammad. A weakness in Abu Zayd's argument can be detected through the following query: if the Quran, as a primary text, constitutes 'the *words* of Muhammad reporting what he asserts is the Word of God'⁴⁸, how is it different than other secondary texts, such as the Sunna that is essentially and also constitutes the sayings of the Prophet Muhammad? Or to pose the same question in another way: if the Quran is a human text, in what way does it differ from the Sunna? While it is clear that Abu Zayd rejected the authority of the Sunna and critiqued Imam Shafi'i, it's not clear how he preserved the divine status of the Quran in the face of those who accused him of apostasy, especially considering that the starting point of Abu Zayd's approach is the differentiation between human-generated religious thought, whose findings are open to critique, and divine revelation, which, in his view, any believer *must wholly accept*.

Abu Zayd also criticised Imam Al-Shafi'i due to his sainthood status among Muslims. Abu Zayd constantly reminded his readers of Al-Shafi'i's human identity. Therefore, criticising Abu Zayd's ideas (that he believed were influenced by his tribal loyalties or the Arab-Persian tensions of his time) and treating them like any other human-created body of writing is religiously

permissible. In his book, Abu Zayd demonstrated how specific historical, political or religious motivations originally underpinned specific interpretations that have become canonised within the contemporary range of existing interpretations.⁴⁹ It is worth noting that Al-Shafi'i was the first Muslim scholar to create the principles of *Usul al-Fiqh* (Islamic jurisprudence); and yet, besides Abu Zayd, other Arab modernists 'in their attempts to devalue the rules of reading, understanding and interpreting divine texts, attack him and accuse him of "innovating" the Muslim intellect and mind regarding the authority of the divine texts as he bound it to methodology'.⁵⁰ Like Abu Zayd, they accused him of having cooperated with the Umayyads.⁵¹ To this end, he urged everyone to go beyond the agreed upon *Sharia* (Islamic law) in contemporary times with literal or fixed rules and examine what he called *al-Maqasid al-Kulliyya* (the Higher Objectives), which he believed to be lost within Islamic literature.

Since the Quran is the product of culture of seventh century Arabia, Abu Zayd argued that some of its content is necessarily 'descriptive' rather than 'prescriptive'. He thought that many of the verses mentioned in the Quran described that culture and their practices back then. In this view, polygamy and the unequal inheritance share received by women were merely a reflection of that historical context and culture rather than constituting something that is dictated by Islam in any way. Indeed, Abu Zayd believed that Islam set the direction towards the liberation of women and their possession of equal rights to men, and he stressed that the measurement for determining that direction should be the conditions of women in society before the revelation. It should not be measured through a comparison of the Quranic text to our wishes, even if they are valid, 'meaning today's standards for women's rights'.⁵² In other words, he believed that the status of women in modern times can only be understood when we know their status in the pre-Islamic period. At that time, there was neither a scriptural authority nor a legal one. There were only traditions and age-old practices that sanctioned what people did and did not do. What the Quran did, however, was to give a definite normative and legal shape to women's rights. Abu Zayd maintained that by the time of revelation, the Quran filled that vacuum, and it is imperative in that regard to assert the historicity of the Quran to interpret the Quranic verses in light of the Islamic spirit more broadly, and women's rights in particular.

While Abu Zayd's argument provided for a central role for human agency in interpreting Quranic text, there is a weakness in his justification. Abu Zayd accused the traditional literalist scholars of conflating the 'descriptive' with the 'prescriptive' while interpreting the Quran, and distinguishing the verses tied to their historical context with those possessing a universal timeless validity. This perhaps exposes a dilemma: in historicizing the Quran, Abu Zayd seemed to know with certainty which parts of the Quran should be viewed in historical context and which parts did not need historical context. In what follows, Abu Zayd's thoughts on polygamy and inheritance issues will be discussed.

Polygamy

Nasr Hamid Abu Zayd argued that polygamy was a popular practice in human societies long before the advent of Islam. In his view, having more than one wife was a pre-Islamic custom, one that

imposed no limit on the number of women a man can marry. Therefore, it is a mistake to think of polygamy as part of the Islamic revelation. Abu Zayd indeed criticised the classical thought for interpreting the text related to polygamy in a way that deprives it of any historical and linguistic context. Abu Zayd provided his own interpretation of the Quranic verse, which allowed polygamy:⁵³

Give orphans the property which belongs to them. Do not exchange their valuables for worthless things or cheat them for their possessions; for this would surely be a grievous sin. If you fear that you cannot treat orphans with fairness [giving them their inheritance], then you may marry other women who seem good to you: two, three, or four of them. But if you fear that you cannot maintain equality among them [within a marital relationship], marry only one or any slave-girl you may own. This will make it easier for you to avoid injustice.⁵⁴

If one examines the verse in totality, he argued, it should be obvious that the purpose of the verse is twofold; first to address an orphan's rights to their money, and second to maintain women's rights generally. Abu Zayd believed that this verse was revealed in Medina after the Battle of Uhud where many men had died, leaving behind widows and orphans. In order to address what he called *mawqif tāri*⁵⁵ (unexpected situation), the Quran allowed Muslims at that time to engage in polygamy; and so, in his view, the command to practice polygamy was not actually intended as an *amr tashrī' dā'im* (permanent legal decree) but was rather decreed for a specific or limited time. Furthermore, having more than one wife was a pre-Islamic custom that imposed no limit whatsoever on the number of wives.

Abu Zayd provided two readings to support his view. He argued that the historical context shows that permission was granted to marry a widow or a female orphan so that she could be protected and provided for in this particular society, a society that preyed upon widows and female orphans, often stealing their inheritance from them'.⁵⁶ In such case, he maintained that polygamy was a solution to the salient issues of the seventh century, among them the issue of orphans and widows. The Quranic verse offered a practical solution, he claimed.

Abu Zayd also argued that the linguistic structure of the Quranic verse can hardly be said to approve polygamy indefinitely, for it evidently conditioned polygamy on the husband treating all wives equally, which is not humanly possible. Here the Quran poses a requirement based upon fairness: if a man cannot apply this principle, then he may marry only one woman. Therefore, according to Abu Zayd, a man violates Islamic morals by entering into a polygamous marriage with the knowledge that it is not possible for him to be just.⁵⁷

There are three weaknesses in Abu Zayd's argument. First, although Abu Zayd was correct in stating that polygamy was a prevalent practice in human societies long before Islam, it was not *only* Islam that attempted to prohibit polygamy. Actually, 'before Islam, polygamy was already known by Hindus, Israelites, Persians, Arabs, Romans, Babylonians, Tunisians and others'⁵⁸ and the literature reveals that the origins of polygamy prohibition extend far beyond Islam and the

presuppositions of Abu Zayd.⁵⁹ Indeed, almost ‘half a millennium before the advent of Christianity, both Greek and Roman laws prohibited polygamy. In their view, it was a form of “barbar[ism]” and domestic “tyranny” that violated the natural human need for pair bonding’.⁶⁰ I was surprised to learn that the Greco-Roman laws actually shaped the Christian and later, ‘western marital norms that eventually gained global influence’.⁶¹ It is worth mentioning that while both the Greeks and Romans advocated monogamy, they also accommodated polygamous relationships outside their families.⁶² Besides that, one interesting observation was that the Torah actually prohibits polygamy too.⁶³ The Book of Leviticus, the third book of the Torah and the Old Testament, banned polygamy using the same historical and textual evidence used by Abu Zayd. So, the issue of prohibition is not limited to Islam alone as Abu Zayd posited, and the conditions under which he thought polygamy became banned were so different than the conditions relevant to the Roman emperors. Witte argued that it was Roman emperors ‘who established the first anti-polygamy laws in the third century, denounced the practice as “unnatural and dangerous”, placing it in the same category as rape and incest’.⁶⁴ Indeed, polygamy was a celebrated practice in all sects and creeds. Had Abu Zayd emphasised that point, his argument would have been stronger, especially that he had considerable interest in interfaith relations and had been viewed by his contemporaries in the West as a humanist in that regard. Unfortunately, nowadays one of the most frequent misconceptions often propagated in Western writings and media is the association of polygamy with Islam and monogamy with Christianity, which is a deceptive association. Witte argued that it was only in the twelfth century when ‘polygamy was made a formidable “boundary maker” between true Christians of the west and various Jews, Muslims, Asians, and Africans who preached or practiced polygamy’.⁶⁵ It was only then, after the medieval Catholic Church developed a robust sacramental theology and canon law, that polygamy began to be condemned in Christianity as a heretical violation of the enduring marital sacrament. Had Abu Zayd emphasised the historical progression of polygamy in this way, aside from religion, his argument would have been stronger.

Second, one could argue that based on what was established by the Sunna after the Prophet’s time, polygamy was public legislation for women; it was not a matter of protecting orphans at all. Proponents of polygamy at that time believed, in many cases, that it is contingent upon the woman’s wish and willingness to be a second wife and is thus a matter of her autonomy. Or, if the wife is sick or infertile and did not want a divorce, she would accept that her husband marry again.⁶⁶ However, there is a problem with the view of infertility as a justification for polygamy, as it is not compatible with the context of the verse. I can imagine Abu Zayd replying to such an interpretation, saying ‘We cannot find in the Quran that infertility can be a reason for the polygamy practice’. Besides, my problem with this utilitarian interpretation is that it rests on the unwritten proposition that polygamy is for the welfare of the man and the woman. Isn’t it also a matter of welfare for either a woman or a man to feel that their partner is inherently theirs? In my view, polygamy has no basis in Islam. It was a pre-Islamic era custom that Islam had intended to change through its gradualistic method. I know from history that ‘most Arab men of the pre-Islamic era

had an unlimited number of wives, whom they used for cultivating land, doing the housework and for pleasure'.⁶⁷

Third, and it seems like a limitation rather than a weakness in Abu Zayd's argument, it is clear to me that Abu Zayd had long challenged the authority of the literal readings of textual theologians as religious discourse inferior to his own, thereby betraying a contradictory attitude that did, in some way, claim greater access to truth rather than his opponents claimed. Indeed, Abu Zayd consistently stressed the fallibility of human agency in their interpretations, showing what he believed to be weak reasoning in their scholarship by casting doubt on the motives behind their works. Yet, at the same time, he emphasised this literal reading when the verses in question matched his modernist view of women's rights. The least he could have done is account for how the issue of polygamy became permissible in Islam in contemporary times, even when the Grand Imam of al-Azhar, Dr. Ahmed el-Tayeb, asserted that polygamy can be unjust to both women and children.⁶⁸

Inheritance

Through inheritance traditions, it was customary in pre-Islamic Arab societies for a man to marry his brother's widow. It was also permissible for her deceased husband's family to marry her off to one of their own family members (or indeed to whomever they wanted) thus preventing the wife from taking part of her husband's wealth, causing such wealth to be lost to the husband's family.⁶⁹ In this view, once societies understand this context, they should realise that Islam improved women's status considerably. People throughout the world perceive Islamic law (Sharia Law) on inheritance as limiting for women, given that daughters receive only half of the share of inheritance compared to their brothers. This law is justified in the Quran through a literal reading of the verses on the inheritance shares of men and women. Indeed, the verse maintains that the brother receives twice the amount of inheritance as his sister, because under Islamic law, it is the man who has the financial obligation to provide support for his family, including but not limited to his sister. In principle, such was the view of textual scholars, who formed their opinions on how inheritance ought to be allocated among family members. Their understanding of the Quran and the hadith provided the foundations of these interpretations, which were built on legal reasoning of their times. Abu Zayd challenged this reading in two ways. First, following his methodology of historicism, Abu Zayd argued that 'this issue will not be solved by any interpretation or counter-interpretation but by a real understanding of the socio-historical context of the text'.⁷⁰ In pre-Islamic times, inheritance was greatly dependent on the social and economic structure of the society, and the function of a particular gender as well. Inheritance at that time occurred on the basis of the patriarchal 'principle of proximity', in which 'wealth and assets were passed along the male lineage of the family, starting with immediate members and moving distally across family members'.⁷¹ This practice surely put women at an economic and social disadvantage, and thus they were forced to seek an alternative, relying on their brothers, fathers, husbands and other male relatives to provide care for them. Given this historical context, Abu Zayd thought that to introduce equal inheritance would have been entirely out of the bounds of the historical framework. In his

view, to enforce an understanding that is dated by fourteen centuries is a grave violation of Sharia Law's principle of equality.⁷² So, unlike the pre-Islamic custom where maleness functioned as a criterion of value, Abu Zayd argued that under Islam, the female's share acts as the basis for the regulation of the male's portion. In his view, legitimating a woman's share is the main meaning (*al-Ma'nā*) of the verse. Abu Zayd's view is a significant insight into that social-historical context, where being a male used to be a sole criterion. Indeed, such discrimination was the direct outcome of patriarchal domination in Arabia in pre-Islamic times, which was necessarily sociological in that regard, not theological.

There is a weakness in Abu Zayd's historical argument. One may respond to Abu Zayd that the verses were at times situated in their historical context. According to Mu'ammār Zayn Qadafī, former lecturer at the Department of Qur'ānic Studies (Illum Al-Quran dan Tafsir) at Sunan Kalijaga State Islamic University in Indonesia and a graduate student of Islamic Sciences at Albert-Ludwig Universität at Freiburg University, many of the classical or textual scholars criticised by Abu Zayd understood the meaning of the verse in the same way as Abu Zayd. He noted that 'Ibn Kathir also considered the verse as God's gift for women. So did al-Qurtubi and al-Tabari'.⁷³ According to them, Islam corrected the severe injustices in seventh century Arabia. In my perspective, Abu Zayd was neither critical of the views of both scholars nor critical of Islamic heritage. Rather, he was critical of the *al-khitāb al-dīnī* (The official discourse in Islam), and the way in which it propagated such views.⁷⁴

There is another weakness in Abu Zayd's historical argument. Abu Zayd had always differentiated between the meaning of the Quranic verse and *al-Maghzā* (significance), and this differentiation is what rendered his views distinct from those of his forebearers. As argued by Qudafi, Abu Zayd's significance was the legalised principle of *tawāzon* (balance) between the two, which was not necessarily based on the social functions assumed by both the man and the woman back then but was restricted to their conditions as he saw them. Abu Zayd thought that his interpretation and perception of 'significance' provided justice to women more so than earlier interpretations in the Islamic tradition, which is not precisely the case. According to the classic or textual interpretations of al-Qurṭubī and al-Tabari, the Quran gave more rights to women besides that of an equal inheritance share, such as the rights to contract their marriage and receive a dowry and maintenance from their husbands. Those rights, which are not recognised by Abu Zayd, rest on two principles, not just one: the principles of balance and justice. Imam Al-Shafi'i, whom Abu Zayd criticised, claimed that back then husbands assumed tasks such cooking, cleaning the house, and taking care of finances. And so, in this view, the 'two: one' inheritance share made sense and seemed quite plausible given the social reality back in seventh century Arabia.

Besides a historical reading, Abu Zayd offered a literal reading as well. The long verse allocating the portions of inheritance in the Quran concludes by stating that 'these shares (hudoud) are an obligation imposed by Allah'.⁷⁵ Here, Abu Zayd asserted that the word *had*, believed to mean 'law' by traditional scholars, actually means 'limit' rather than 'law'. In his close reading of the Quran, Abu Zayd found that the word 'had' focused on the share of the man's inheritance, not the woman's share. And so, he deduced, the purpose of the Quranic text was to place a *had* (limit)

on a man's inheritance, rather than making it a timeless law. This limit, in his reading was *no more* than twice that of a woman. In Abu Zayd's view, the advent of Islam marked the beginning of a new system of inheritance.⁷⁶ Indeed, in considering a male's *maximum* share as double that of woman's share, and female's *minimum* share as half of a male's share, an *ijtihad* (The Process of Independent Thought) must be undertaken by considering all conditions of both the man and the woman *objectively*, including conditions that are not necessarily economic nor defined by gender roles practised in seventh century Arabia. While not denying the difficulty of such a task, Abu Zayd seemed to agree with certainty that an objective evaluation of such conditions would determine each amount between the maximum and minimum share, thus solving the problem of inequality in inheritance shares between men and women. He even argued that 'it is permissible for a judge to set the same division (if it is required) because it did not conflict with the [notion of] limit which was determined by God'⁷⁷. I understand Abu Zayd's view of 'significance' as one that takes the concept beyond its literal meaning, paving the way for Quranic interpretations of determining inheritance to be made in a new way, possibly codified into civil law like the one celebrated throughout Europe in general. It is clear here that Abu Zayd, in regards to his conceptualisation of significance, differed in his approach from earlier scholars.

There are two notable weaknesses in Abu Zayd's literary approach despite his deftness with Arabic linguistic analysis, differentiating between meaning and significance. First, Abu Zayd did not specify, at all, the conditions by which the judge would be able to assign a fair share for the man and the woman. Qudafi argued that 'his idea left a question concerning heir's objectivity and devisor subjectivity'.⁷⁸ Indeed, attaining this objective standard is new problem that needs to be resolved. Second, Abu Zayd supposed that by assigning the matter to a judge, justice would be attained. But what made him think that judges, especially in Egypt, would not be biased or act upon their ideological considerations? Moreover, how is it possible for a judiciary to be independent in a country under authoritarian rule? Abu Zayd himself was subjected to injustice by a judge in Egypt when the court of cassation in 1996 declared him an apostate from Islam for his views, even though he professed to be Muslim. Judges are not immune to the influences of politics and culture, especially in authoritarian regimes.

Conclusion

This paper examined the hermeneutical approach of Nasr Hamid Abu Zayd in general and in regard to women's rights particularly. It offered a critical assessment of some of his views and presuppositions around the issues of polygamy and inheritance. It could be argued that in historicising the Quran, Abu Zayd brought an epistemological revolution to contemporary Islamic thought, which was much needed in conventional scholarship at the time and remains a very relevant innovation in Islamic scholarship to this day. Indeed, his ability to creatively re-read Islamic heritage through contemporary Western hermeneutical methods proved to be the most valuable element of his scholarly works. After all, Abu Zayd wanted to renew Islamic discourse in a way that aligns with the evolving character of Sharia Law. However, as has been shown, his

arguments suffer from some weaknesses, the most important of which, in my view, is that he did not offer normative criteria for determining the ‘objective’ meaning of the Quranic verse of inheritance. I also think that some degree of subjectivity is inevitable regardless.

The fact that Abu Zayd re-introduced the rational theology of Islam with his historicity of the Quran, which has been overlooked since the Mutazilites, is worth praising. The primary challenge, however, (which has always been present is likely to remain present for the foreseeable future) is the power of tradition in limiting the development or evolution of the reformist narrative in any substantial way. In my view, tradition is one of the most complex and contentious issues faced by contemporary Muslims. While Abu Zayd was perceptive in understanding the challenge of tradition, and he did great work synthesising past and present in a productive manner, his work was mostly received by a limited circle of liberal scholars and academicians.

To conclude, I would want to restate my own conviction that Abu Zayd brought an epistemological shift in my thoughts about Islam. I certainly believe that his ideas will open pathways for other researchers who, like myself, seek change from within their own tradition.

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