



Basics and Method of Quranic Research by Muhammad ‘Abed Al-Jaberi Concerning Verses Related to Women

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Abstract

In line with the neo-Mu'tazilite rationalist thinking, Muhammad ‘Abed al-Jaberi has criticized the Qur'anic and jurisprudential reading of some social issues, including women's issues. He claims the necessity of re-reading the rulings according to the requirements of modern life and its implications. Denial of hijab, prohibition of polygamy, equal share of inheritance and blood money for women and men and elimination of any gender discrimination in rights, regardless of roles and functions, are among his most important views when studying Quranic interpretations concerning social issues. Although he did not focus specifically on the issue of women, he did express his views while evaluating Islamic reason (‘Aql Islami). Al-Jaberi's ideas concerning women's Ahkam contain methodological errors in terms of interpretation, confusion of jurisprudential issues and methodological errors based on pure rationalism, which can be criticized and denied. This research, using analytical-descriptive method, has examined al-Jaberi's thoughts on women's issues with reference to his works and has criticized his method of Quranic research.

keywords: *Basics; Method; Quranic Research; Muhammad ‘Abed Al-Jaberi; Women*

Introduction

Several decades have passed since the emergence and development of the neo-Mu'tazilites, who claim to have revived Islamic thought in the modern world and to read the Qur'an and religious precepts purely rationally and empirically. Among the thinkers of this movement, Muhammad 'Abd al-Jāberī acknowledging the backwardness of the Islamic world from the modern world, is concerned with the liberation of women from the status quo, and in this regard, based on his own intellectual principles, criticizes the rules and Ahkam of women mentioned in the text of the Qur'an. He is interested in secularism and the relationship between tradition and modernity and Islam and the West, and relies on a kind of modernization of Arabic/ Islamic thought based on Ibn Rushdie's experience. The al-Jāberī Arabic Reason project has greatly affected the Arab world. Al-Jāberī's basis is the analysis of ancient texts with a historical and philosophical approach. At the same time, al-Jāberī's nationalist approach and political tendencies are evident in his work (al-Jāberī, 2010, p. 66).

However, the issue of women in terms of political dimensions is not far from his point of view and during his discussions, he has referred to some of the legal issues and rulings of women.

Nowadays, in numerous scientific-research articles, neo-Mu'tazilites' views on women's issues have been discussed.

Dadkhah et al., in the eighth issue of the *Journal of Women's Studies*, in the article "*The position of women from the perspective of modern Egyptian modernist writers*", after explaining the contemporary situation of Egyptian women, have reviewed the efforts of Egyptian modernist writers to create a new perspective on Egyptian women's issues in defense of their rights in terms of divorce, clothing, job, and social participation.

'Alasvand in her article "*New I'tizāl and Feminism*" published by Research Institute for Islamic Culture and thought on pages 151-181 of the book *'Itizāl and Legal Thoughts, Religious Science, etc.*, while criticizing the rational discourse and postmodern approach of the New Mu'tazilites, has pointed out to some thinking approaches taken by elites of neo-Mu'tazilites including their basics.

Also, Ashkar Tizabi, in the ninth issue of the *Journal of Qur'anic Interpretation and language* in 2016, in the article "*Analysis and Study of Dr. 'Abd Al-Jāberī's Method in historiography of the Holy Quran*", has analyzed al-Jāberī's method in the historiography of the Qur'an.

Muhammad Taghi Karami has studied al-Jāberī's thoughts in the book "*A Study of Muhammad 'Abd Al-Jāberī's Opinions and Thoughts*" published by *the Center for International Cultural Studies*, Tehran. It worth saying that in the last decade, more than a dozen other articles have been written in the analysis of various axes of the principles and methods of the neo-Mu'tazilites in dealing with tradition, history, hermeneutics, reason, etc., and even books have been written in this regard.

The above-mentioned researches and the majority of existing scientific activities on New I'tizāl have been focused on introducing neo-Mu'tazilite views in general and without restricting them to the issue of women and family. In rare cases, where the subject of women is the focus of research, the focus on the views of al-Jāberī is very intangible. Also, in the most existing research on women, the methodological approach of neo-Mu'tazilite researches, especially al-Jāberī, has not been the focus of the author. Accordingly, it should be acknowledged that the work that, while analyzing al-Jāberī's views and intellectual foundations, intends to study his research method on Islamic rules related to women's rights and duties, has not been observed in the studies. Therefore, the research problem in this article is to understand the gender-oriented, theological and interpretive method and principles of al-Jāberī in order to understand the core of his neo-'Etezali critique in the context and intellectual tradition of him.

In terms of the influence of the neo-Mu'tazilite current of thought on the ideas of the world today, in the name of the views arising from the tongue of the Shari'a (i.e. The legislator of religious law, refers to God and the Holy Prophet), sufficient knowledge of the methodological aspects of neo-Mu'tazilite, especially in analyzing issues related to women, can be helpful in answering the doubts caused by Islamic feminism, in defending Islamic thought, and recognizing the right path in solving women's issues through a genuine Islamic approach. Because only with the tools of critique and evaluation of the research method of these thinkers, it is possible to identify the points of confusion, and their theoretical and interpretive excesses and then by criticizing and analyzing the discovered shortcomings, set them as a first step in informing the audience about the authentic Qur'anic view towards women's issues. Accordingly, the present study expresses al-Jaberi's gendered views on the rulings related to women and his theological and interpretive principles, and then examines and criticizes his method in researching verses related to women and the problems that arise from them.

1. Gendered Perspectives

1.1. The Necessity of Reconsidering the Rationality of Ahkams Related to Women

Al-Jaberi, referring to the verses 13 of Surah Al-Hujurat, 195 of Al-'Imran, 124 of Nisa', 71 of Tawbah, believes that according to the general principle of Islam, equality between men and women exists. In addition to these verses, he refers to narrations about the dignity and status of women, such as the narration of the Prophet (PBUH) about the paradise being placed under the feet of mothers, and expresses his opinion in proving the equality of men and women as follows:

It is clear that Islam has obligated women to the same religious duties that did oblige men, and has established equal responsibility between them; As it has banned the burial of girls alive (al-Jaberi, 1398, and, p. 157).

Al-Jaberi also asserts that when speaking of human rights in the Islam, three necessary points must be taken into account: The first is the teachings that state the generalities of Islamic law, the second is the texts that express its partial rules, and the third is the rational intentions and reasons for the revelation of these rules. (Ibid., p. 156)

Also, referring to the jurists' views on the distinction between worship - in which ijihad is not permissible - and transactions - which is the subject of ijihad, he admits that transactions are related to the purposes of the Shari'a, the causes of revelation, and what the jurists consider to be the causes. While the worship, on the other hand, does not tolerate rational interpretation. He argues that if it is permissible to relate a Hukm to purposes instead of causes, there should be no permanent and absolute restriction for the rule which is, "Ahkam change by changing their causes, not by changing their Hikmah;" Because this rule is the result of ijihad and nothing else. Therefore, the texts do not state the causes of the rulings; rather, the jurists obtain them with his intellect and by acknowledging that his inference is based on doubts and not certainty. al-Jaberi, proving the equality of rights between men and women as Islam's general attitude, points out that if there is a difference in rulings between men and women, the rationality of intentions and the reasons for the revelation of those rulings should be examined (ibid., P. 157). He examines three categories of women's rulings (women as witness, women's inheritance, and polygamy) that are indicative of the difference between men and women.

As he points out, by affirming *Istihsanat* as one of the fundamental principles of the Sunnis in deriving the Shari'ah rulings, al-Jaberi reiterates that the near-correct view is that in the partial Shari'a Ahkams, by changing the expediency, one should refer to the Shari'a generalities; because generalities in Shari'a are equal to *Muhkamat* in beliefs. Therefore, where it is necessary to reject a *Mutashabih* by *Muhkamat*, why not consider the conflict between the partial rulings and the new expediency as a kind of conflict between a *Mutashabih* that should be rejected by *Mutashabih*? (Ibid., pp. 161-162). By this

analogy, he seeks to prove that the minor *Aḥkam* of women are doomed to change with the change of expediency in the contemporary period, and that the minor *Aḥkam* should be reconsidered according to the principle of equality between men and women. Some of these rulings are inheritance, women as witness and polygamy, which we will discuss in the following.

1.2. Women's Inheritance

Referring to the verse 11 of Surah An-Nisa 'about the share of men's inheritance over women's being doubled, al-Jāberī claims that the Qur'an does not state the reasons for this difference, contrary to the ruling on women as witnesses. Hence, we must refer to the use of reason in understanding the purposes and causes of revelation. He believes that by referring to the age of revelation, the reason for the verdict is obtained. Because the Arab society in the pre-Islamic era, in addition to quarreling with other tribes, also defined the marital relationship as a kind of relationship not only between two persons or family but as a relationship among tribes. Hence, the marital relationship was also a kind of inter-tribal relationship, and distant relatives preferred to closer relatives; Marriage of a girl to a man from another tribe creates problems concerning woman's inheritance after the death of her father, as the inheritance of the daughter's father was passed from her father's tribe to the husband's tribe.

This caused a lot of wars. Hence, some tribes, in order to solve the problem, instead of solving the problem, omit the problem and deprived the woman of inheritance altogether. While some other tribes reduced her share of the inheritance to one-third or even less. Referring to the limitation of property of the tribes, al-Jāberī believes that the girl's inheritance at that time disturbed the economic balance, especially in the case of polygamy. Therefore, in that period, depriving a girl of inheritance - as some tribes did - was a measure that was inevitable by social conditions (al-Jāberī, 1398, and, p. 159). By bringing up this introduction, he points out to the attention of Islam to the situation and expediency and acknowledges that the ruling on women's inheritance at that time was the middle ground suggested by the Qur'an, which was commensurate with the new stage established by the Medina government. Islam by halving the inheritance of women, makes alimony and dowry obligatory on men.

Al-Jāberī also endorses the rule that Islamic jurists have derived concerning facing a conflict between expediency and the holy texts (*Nas*), arguing that concerning inheritance, as was done in the interest of society in the early period of Islam, expediency must be observed in the contemporary period as well. (Ibid., p. 160). He considers a rational approach to inheritance necessary in the contemporary period and while expressing the conditions prevailing in the Arab society at the time of the revelation of the verses related to the inheritance of sons and daughters from a deceased father, he believes in the present time and due to changing society, the share of inheritance should be equal for men and women. (Ibid, 1991, pp. 54-55). In general, he considered the ruling that men's inheritance is twice as women as variables, so the implementation of which lacks good reason at this time.

1.3. Women's Testimony

Referring to verse 282 of Surah Al-Baqarah, concerning equating the testimony of two women with the testimony of a man, al-Jāberī pays attention to the cause of the verdict and says:

It is clear that the only reason this verse substitutes the testimony of two women for one man is the possibility that a woman will either be forgotten or mistaken, while forgetfulness and error are not part of the nature of her and in her essence, but it only goes back to her social and educational conditions.

Taking an analytical approach, he raises this question of whether, now that the conditions for the revelation of that verse have disappeared, the principle of "if the obstacles are removed, things will return

to normal." is used in this case, and the principle in this issue is equality between men and women, or should the word of the holy text be excluded here (al-Jāberī, 1398, and, p. 158)?!

1.4. Divorce and Polygamy

While addressing verse 3 of Surah An-Nisa' on the issue of polygamy, al-Jāberī is of the opinion that it is theoretically necessary to select two present issues in studying the women's rights in Islam; because Islam neither does encourage divorce and polygamy of men, nor has it created these customs; Rather, these two customs were common in the pre-Islamic period, and Islam accepted them under the conditions that were close to their prohibition. He writes:

The fact is that the annulment of polygamy, both in the time of the Prophet (PBUH) and in the time of the Companions, was a thoughtless concept, because especially in the tribal society of that time, was an accepted social phenomenon and considered desirable. But today, the abolition of polygamy as something contrary to women's rights is one of the issues that can be a subject of thinking in the light of the fixed principle of equality of rights and duties of men and women in Islam (al-Jāberī, 2009, and 213).

With this statement, he believes that the mentioned verse indicates the clear tendency of the Qur'an to prohibit polygamy.

Al-Jāberī also mentions the issue of divorce, referring to the hadith of the Prophet (PBUH) as the most hated halal, and while emphasizing the clarity of its implication, writes:

This statement has no meaning any longer that Islam has violated the right of women through divorce; Because Islam does not allow divorce and polygamy of men as an absolute Hillal; Rather, it has constrained it as Hillal by circumstances which are difficult to practice (ibid., p. 161).

2. Theological and Interpretive Principles

2.1. Reason

Al-Jāberī is of the opinion that by criticizing the Arabic reason, the ground can be prepared for a scientific and conscious reading of heritage. He considers the Islamic East as the bearer of intuitive reason and the Islamic West as the bearer of empirical reason (al-Jāberī, 1993, pp. 49-50). He considers the great flaw of Eastern philosophy to be the occult dimension and its mixing with religious beliefs (Ibid., Pp. 78-100). Therefore, he criticizes the Iranian philosophers and believes that the transcendental and *Ishraqi* face of Sheikh Al-Ra'īs has been completed by Suhrewardī and finally by Mulla Ṣadra, and his philosophy is a continuous process that has blocked the case of rationalism (Vaṣfī, 1997, p.125). This statement clearly shows his approach to revelation and religion.

According to him, reason ('Aql) is an Epistemological System that is influenced by the conditions and requirements of time and culture. He believes that reason is a network or system of the principles of acquiring knowledge or reproducing it, which is formed in the framework of a certain culture (al-Jāberī, 2010, pp. 31-32). Al-Jāberī distinguishes between two concepts of reason: First, an individual power which is a common tool of knowledge in all; Second, as a historical phenomenon that is the context and framework of the activity of this individual power which appears in different forms in different cultures and times and is accepted. At the beginning of his research, al-Jāberī uses the two terms "rational or subject reason" ('Aql Mukavven of Fa'il) and "rational or ruling reason" ('Aql Mukavvan or Hakim), respectively, to indicate the distinction between the two concepts of reason (Ibid, 1994, d, 15-16). But what is the subject of his focus is the ruling reason. However, for al-Jāberī, since the subject reason in Arabic and even Persian is the primary association of mind, Univocity of the reason causes distortion.

Al-Jāberī has also examined the rationality of the Qur'an, given the importance of the Qur'an in shaping Arabic culture and rationality. In his view, the rational and irrational dialectic in the discourse of the Qur'an takes the form of a struggle between monotheism and polytheism, and the Qur'an defines the history of all mankind as the history of this struggle. Al-Jāberī believes that the rationality presented in the Qur'an is as an invitation of people to return from the irrational to the rational. There are two types of rational and irrational struggle in the Qur'an. The first form is at the level of nature, where the sense and experience of the expressive reason from one side, and the imitation, neglect, and nudity of propositions, from the other side confront each other.

In this case, the reason challenges the non-reason in the light of sense, experience and the logic of expression, which is based on allegory and simile. But in the second case, it is irrationality that challenges reason and seeks proof not of nature, but of extraordinary miracles that are contrary to the laws of nature. Existence and its system, along with the Qur'an and its expression, are the two basic elements of the reference frame to which the reason in the Qur'an, in its struggle against the non-reason, refers. The polytheists want the presence of the supernatural in nature, but the Qur'an is fundamentally opposed to the logic of such a request and leads the polytheists to think about the existence and miraculous expression of the Qur'an (Ibid, 2010, pp. 206-213).

2.2. Sunnat (Tradition)

Al-Jāberī greatly emphasizes on the importance of epistemology and the use of new research methods to understand Sunnat, re-reading and critically confronting it. He seeks to find a solution to the current problems of Islamic societies by evaluating Sunnat. Taking modernist approach, he considers Islamic societies to be in crisis and degeneration and seeks the causes of this situation in Sunnat. In re-reading the tradition, al-Jāberī follows a special method of research and process that is not unrelated to his definition of the Sunnat. Sunnat, in his view, is a collection of ideas, knowledge, rules, laws and attitudes, in addition to the Arabic language, which carries and frames this knowledge and plays a role as a reference framework in the field of history and knowledge in the thought of the Arabs from the era of compilation (second and third centuries of Islam) until now (Ibid, 1991, vol., p. 30). In his definition of Sunnat, he believes that Sunnat is everything from the past that is present in us, or is with us this past, whether it is ours or the past of others, whether near or far (ibid., p. 45).

According to al-Jāberī, the researcher takes tradition from birth through words, corrections, anecdotes, superstitions and dreams, without evaluation and questioning. This causes the thought process to become a "reminder" instead of a discovery and a question, and the reader to remember instead of thinking concerning tradition (Ibid, 1993, a, p. 22). Hence, he has used all sources in his research to avoid being confined to accepted ideas as an epistemological barrier. For example, to prove the literacy of the Prophet (PBUH), he uses a linguistic interpretation that others have not paid attention to (Ibid, 2013, T, p. 97). In this way, he cites numerous evidences and documents and considers himself obliged to use any historical, narrative, cultural, intellectual, etc. evidence. Among the evidences that he introduces as his concluding words are the prevalence of reading and writing among the Quraysh, writing the peace document of Hudaybiyyah (Ibid., 84-88).

It is important to note that al-Jāberī uses the terms "discontinuity" and "attachment" in his critique of tradition. "Discontinuity" with the aim of avoiding the domination of the tradition and having rational view towards it, and "attachment" with the intention of up-to-dating the tradition, are the two main principles of his method. It can be said that he described his whole intellectual project in terms of these two principles. Al-Jāberī seeks a new reading of tradition, but this reading is not merely analytical research, but it is a clear and conscious interpretation that gives meaning to the text, in a way that at the same time has a meaning for its intellectual, social and political context, as well as for readers and modern man (Ibid, 1993, S, p. 11). Putting the text in the context of its formation and trying to understand the text

in relation to the political and social phenomena of the time is the epistemological part of this Intellectual design, which is the discontinuity and attachment of al-Jāberī project. Discontinuity means both moving away from tradition and sets it as subject matter and also distancing oneself from previous readings influenced by tradition, which is, of course, traditional in nature.

The design of a new way of interacting with tradition means that al-Jāberī seeks a new reading of tradition: a reading different from previous readings. Therefore, he must identify the shortcomings of previous readings. In this way, a part of his plan, which is a break from previous readings, is realized (Ali Zohreh, 2009, p. 20). Al-Jāberī's concern, as it is clear from the application of his structuralist method, in the first stage is to create a two-way distance between himself and the subject, so that after the realization of this break, he can establish a new interaction with the tradition. In other words, the intention of this break is to confront tradition critically in a way that it studies tradition as a scientific and objective subject (independent of nature) (al-Jāberī, 1379, b, p. 433).

2.3. Text Historicity

While emphasizing on the collection of important and scattered historical facts, Al-Jāberī considers these historical propositions necessary for any understanding of the Qur'an and consequently of Islam (Ibid, 2013, T, p. 26). Using the method of historical analysis, he argues that each text should be returned to its *Siyāq* (style) and historical origin. According to him, the necessity of this matter, on the one hand, goes back to the understanding of the historicity and genealogy of the thought or text under study, and on the other hand, to the accuracy test of the first stage, which is the application of structuralism (Ibid, 1991, J, p. 32).

This thinker does not consider historical analysis alone to be sufficient for a correct understanding of the text, and he considers the distinction between ideological elements and epistemological elements necessary to understand truth. In this regard, he argues that this allows us to pinpoint the period and historical style of each text, which in structural analysis was taken as an interconnected unit of time (Ibid, 1993, s. p. 24). Al-Jāberī believes that it is only in this case that the heritage, i.e. tradition, will synchronize with the present world (ibid., p. 25).

2.4. The Language of the Qur'an Is Secular

According to al-Jāberī, the language of people is not only limited to lexical symbols, but includes the treasury of the people's culture, i.e. customs and habits, past honors and their aspirations. He does not consider the Qur'an's emphasis on being revealed in the Arabic, to mean its words are in Arabic. Rather, he believes that this statement is intended to state that being Arabic is part of the nature of the Qur'an. According to this, the Qur'an was revealed not only in Arabic, but also according to Arabic custom, because otherwise it would not have been possible for them to understand it (al-Jāberī, 2013, T, 195).

He generally insists that the Qur'an was revealed in the same common language of Arab of Hijaz at the time of revelation; therefore, in order to understand the Qur'an, we have to refer to information that introduces to us the common language of those people. Hence, there are no strange rhetorical words in the Qur'an that are incomprehensible to the Arabs of the age of revelation. Spiritual obscurity is also unlikely in the realm of the Qur'an, and just as the *Mufradat* were familiar to the people, so are the combinations (*Tarkibat*) of the Qur'an comprehensible to them. As a result, according to al-Jāberī, there are no *Mutashabih* verses in the Qur'an in the sense that people do not understand the meaning of the divine intention (Ashkar Tizābi, 2016, pp. 47-62). For example, al-Jāberī about the characteristics of resurrection, heaven and hell, citing Shatibi's interpretation concerning the verse *فَأَلَمَّا يَسِرُّنَّادُ بِلِسَانِكَ لَعَلَّهُمْ يَتَذَكَّرُونَ* (Dukhan, 58) claims that what is exemplified of the blessings of Paradise agrees with the

knowledge of the Arabs of the age of revelation. This means that God has addressed the Arabs to what they know; not what they do not know (al-Jāberī, 2009, p. 143).

2.5. Text Constancy and Variables

In none of his works, al-Jāberī denied the Qur'an is a revelation and God has sent it through Gabriel to the Prophet (pbuh), and he believes that the Qur'an is in Arabic and of the kind of revelation that was in the books of the first apostles. (al-Jāberī, 2013, T, p. 24). However, he believes in the existence of variables in the Qur'an and considers it an open book. In other words, he means it is composed of independent surahs that have been created with gradual revelation. The surahs themselves are composed of verses that in most cases denote the separate events that are considered as the cause of revelation. For this reason, it is impossible to interact with the Qur'an as a text (Naṣ) that is arranged and formulated in a specific order. The Qur'an as an expressive text is born of revelation and not the product of a logical order. Revelation was revealed according to the circumstances, while the circumstances change from time to time (ibid., P. 243).

In al-Jāberī's view, the heavenly books have commonalities and differences. In other words, they have constancy and variables, the ratio of which is not the ratio of correspondence, but the ratio of partnership because in his opinion, all the revealed books are derived from the original version, i.e. Ummul Kitab. These versions are numerous, because societies are numerous and different, and times are variable, and what is in the best interest of a society or a period is not necessarily in the best interest of other societies or times. In addition, the heavenly books differ from each other in terms of status concerning time and social change. Change here does not necessarily mean the evolution of society over time from one situation to better situation, but may be the opposite, and that is what we mean by change, because the celestial mission, after a long period, has inevitably been distorted by its followers intentionally or unintentionally: the fact that necessitates sending a new messenger along with the book to return the religion to its truth and according to Ummul Kitab. Al-Jāberī therefore believes that the truth here is the belief of monotheism, which is constant and unchanging. But the Shari'a, that is, worship and transaction, varies from community to community; while in terms of morality and intentions, religion remains constant (Ibid., pp. 197-198).

3. Evaluating Bases and Method

3.1. Reason Sufficiency

Al-Jāberī has sufficed to reason in examining the rulings of women and has put it before revelation. But the fact is that the concept of reason considered by al-Jāberī is fundamentally different from the meaning of reason in Islamic reason and theology. By the word reason, al-Jāberī does not mean the power of reason and its content. Rather, he merely presents a structure in which the identity and culture of a nation is formed. According to this view, the Arabic-Islamic reason is a set of concepts and mental activities that have always shaped the worldview of the Arab-Islamic man over time and this man has also grown and evolved within the Arabic-Islamic culture. (ibid, 2002, N, pp. 15-17).

In his works, al-Jāberī constantly emphasizes the Arabic reason instead of the Islamic reason. The reason for this, according to him, goes back to the general lines of his thought, which are along the lines of cultural and civilizational discussions. In fact, al-Jāberī appears as a philosopher of culture in the analysis of issues and tries to find new answers to current problems by criticizing heritage (Ibid, 1990, pp. 40-41). He views Islam as a civilization and culture, and in this regard, he may inadvertently share insights with Orientalists. Now, the point of conflict is that al-Jāberī, despite his cultural and civilizational conception of Islam, limits his epistemological sources to verses and hadiths, and in many of his works, he turns to the Qur'an and hadiths to find solutions in scientific discussions, but in terms of women's issues, he puts the text of the verse aside and, despite his civilized view towards it, explicitly and without

providing *Manat* and precise scientific methods, claims Ahkam related to women can undergo changes. This shows his dual approach in the rational analysis of issues that we also encounter in the issue of women's inheritance.

In general, al-Jāberī's thought is influenced by the Western Enlightenment movement, which believes in the independence of the authority of reason and the rejection of revelation. The critique of Arabic-Islamic reason through the critique of heritage is made by this reason. A reason that rejects the authority of revelation and insists on limiting truth inside the borders of the senses. It seems that the difficulty of understanding reason by al-Jāberī is mainly due to the lack of a clear idea of the internal structure of reason and its relationship with the general state of human existence, which in turn is due to his epistemological foundations (Safi, 2003, p. 4).

Rejecting his view, it should be said that basically in Islam, revelation and reason are two inseparable things. Islamic scholars have asserted this. 'Umarah, for example, considers revelation and reason in Islam as two inseparable things and believes that what prevailed in the West was the reliance on pure reason, which was opposed to religion due to the irrationality of the distorted Western religion ('Umarah, n.d., p. 45-50). Therefore, it is possible for the West to follow the pure and separate reason from the irrational teachings of the Church and even owe its path of progress to this separation, but the truth is that the separation from religious reason in Islam due to its connection with rationality and thought will lead to nothing but destruction.

The important point that al-Jāberī neglected in his analysis is that in the category of human reason, the limitation of reason in perceiving the divine essence and the details of religious rules is a definite matter, and even the reason itself admits its inability to do so. In this regard, Ayatollah Javadi Amuli believes that the limitation of perception is not a point that one imposes on the reason, rather the theoretical reason itself admits its ignorance and negligence in many cases. Therefore, he considers the best cause of the need for revelation and prophecy to be the theoretical reason (Javadi Amuli, 2007, pp. 59-60).

On the other hand, the religion of Islam on many occasions has recommended man to learn knowledge and use reason in the development of life (Saduq, 1413, p. 156). The link between reason and revelation in Islam is a profound one. There is enough evidence to prove this in the Qur'an and hadiths, which are not mentioned here. al-Jāberī has ignored the point that the revelatory reason has considered all aspects of human existence and has considered all his needs, talents and capacities in his planning and legislation; while the human scientific reason is deprived of this comprehensiveness and power due to its inability to surround existence and transcendental dimensions. Today, Western scientific reason has moved away from value rationality and has become instrumental rationality.

3.2. Lack of Stability of Religion

Accepting the views of al-Jāberī on the necessity of re-reading the rulings of women leads to the denial of the stability of religion. He considers the religious rulings related to women as changeable rulings. However, he did not provide a comprehensive explanation of the rulings. Islamic scholars have dealt with the issue of rulings in full. Islam has provided the necessary predictions to meet the constant and changing needs of human beings. The mechanisms that fixed religion has provided for changing needs are fixed rules and principles that have inside capability to adapt to different temporal and spatial conditions. Some of these rules which are dealt with in the specialized religious sciences are: adaptation of general rules with subjects, the role of custom in determining the subject of rules, the principle of priority of more important over important, secondary titles along with the first titles, *Imzae (confirmed)* rules and *Tasisi (established)* rules.

Therefore, the rulings can be broadly divided into two categories. One kind of rulings does not change and the time, place and *ijtihad* cannot change them. But there is a second type of judgment which varies according to the expediency of time and place; such as the amount of *ta'zir* (the Seal of the Prophets) and the goods for which they charge *ta'zir* and their attributes. In these cases, the *Shari'ah* prescribes certain the Seal of the Prophets according to the expediency and time and place conditions, and in short, the amount of punishment can be changed (Ibn Qayyim, 1975, p. 330). It is noteworthy that based on which *Manat* al-Jāberī has categorically placed the rulings of women in the second category of rulings, especially in the discussion of polygamy rulings. *Manat* means expediency. The ultimate knowledge of al-Jāberī concerning expediency is the social appearance that is seen. But he cannot claim that he has a complete scientific coverage of the issue of polygamy in all societies and periods of history. Hence, al-Jāberī's claim that the polygamy ruling should be changed is based solely on his own opinion and did not have the necessary scientific support.

On the other hand, knowing *Ahkam* as changing is in conflict with the narrated evidence that implicate the Qur'an is far from abrogation (*Naskh*) and its teachings are immortal. 'Allameh *Tabatabai* writes in this regard,

The verse of the Qur'an: “... و انه لكتاب عزيز لاياتيه الباطل من بين يديه و لا من خلفه” (*Fussilat 41-42*) (...indeed this is a Mighty Book; falsehood does not come to it from before it or from behind it.) indicates that the contents of the Qur'an cannot be undergone abrogation and there is no factor that has led to the invalidation of any of its contents, and like the verse of the Qur'an, “ ما كان محمد ابا احد من رجالكم و لكن رسول ” (Ahzab:40) (Muhammad was not the father of any of your men, but he is the Messenger of God and the seal of the Prophets.) also signifies the end of prophecy and signifies the perpetual permanence of Qur'anic designs; Of course, it is also clear from the Qur'an that it does not consider any reform plan obtained through ways other than revelation and prophecy to be true and correct, and the result is the plans of Islam are valid until the extinction of human. (*Tabatabai*, 2008, pp. 402-403).

3.3. Confusion between Ideology and Knowledge

While al-Jāberī does not consider any knowledge to be devoid of ideology, he sees his method as a mixture of structuralism, historical analysis, and the separation of ideological elements from epistemic elements. However, he considers the definitive answer about the correctness of this method to be dependent on the future and believes that the choice of such a method is not arbitrary, but is a matter of necessity which is meant the nature of the subject and the method of research are the main determinants of the method (*Ibid.*, p. 425).

Criticizing this ideological basis of al-Jāberī that has strengthen the theory of changing women's *Ahkam*, it should be said that despite his claim to try to distinguish between ideology and knowledge, within the framework of his critical rationality towards contemporary issues, and in this regard towards women's issues, is caught in the ideological view and insists on it. For example, his ideology in rejecting tradition is clearly evident in his method. Al-Jāberī on women's issues has, in fact, been a critique of the traditional view of women's issues. In dealing with the intellectual heritage of the past, he turns to the method of structuralism and believes that a deep and complete insight requires a structuralist view. Because in this kind of view, the whole receives more attention than the components and the components are seen in the context of the whole (al-Jāberī, 1991, vol., p. 42). The result of his structural analysis is that the absolute, trans-historical, and fixed issue turns into relative, historicity, and variable issue. According to him, the application of this analysis reveals the invisible rationality of some phenomena. Some phenomena present themselves as irrational, but with this analysis, their invisible rationality are discovered (*ibid.*, p. 47).

Al-Jāberī, in addition to the flaws exists in his structuralist analysis from the ground up, has not been able to make a proper distinction between the religious and revelatory sciences, and social and empirical knowledge. His approach to the religious sciences is primarily historical and empirical, due to the way in which reason precedes revelation, which al-Jāberī acknowledges; and this approach opens his way to present any free and non-religious opinion on current issues of Islamic society, including women's issues.

3.4. Historicity

The testimony of women is an example of the application of the historical method of al-Jāberī in the face of the problems of the contemporary world. He generally believes that there is no such thing as ahistorical. In other words, he considers both the method and the subject and the cognitive subject as part of historical affairs. He even explicitly acknowledges that the action of the Companions in the realm we are discussing is influenced by relativity and historical perspective, and this factor causes their action to be open to review and *ijtihad* (al-Jāberī, 1996, p. 12). According to this view, the stand taken by the companions in the beginning of Islam towards women's issues, including testimony, needs to be reconsidered in today's era.

The implication of this view is that al-Jāberī claims that the human reason today has become more complete and powerful over time than the human reason of the past, but this claim is problematic. Because in the past there were geniuses that no one has yet been able to surpass their power of thought and reason. Al-Jāberī is unaware of the fact that the intellectual structure of man is formed on the basis of axioms and theoretical knowledge is based on it, and other unknowns also become known on the basis of these axioms (Tusi, 1371, p. 192). This system was ruling on reason of men from the very beginning and still, after centuries, it works by the same mechanism. In this way, how can it be accepted that the reason of today is different from the reason of centuries ago?! On the other hand, al-Jāberī theory entails aspects that are not acceptable. By accepting historicity, he has denied the existence of any definite matter and proven reference. As a result, he has welcomed relativism.

Another reason is that even from the study of al-Jāberī's works over the years and over time, it is obtained that despite the fact that he believes in historicism in theory, in practice, he has an eye on the results of the texts of the past (Mazoghi, 2007, p. 57). In addition, he has neglected the fact that his theory is inherently self-defeating, and by accepting historicity, his words will also be considered historic and time-bound (Arab Salehi, 2014, 340-341). He does not mention this explicitly, but his emphasis on the historical approach and the confinement of research topics in the strait of time suggests that he tends to take sensory approach to recognize the historical dimension. In addition, al-Jāberī's intellectual attachment to Marxism practically draws him towards material and sensory tendencies.

3.5. Text Fluidity

Another problem that al-Jāberī has in presenting his theory concerning women's *Aḥkām* is related to his theoretical foundations of the meaning of the text. When asked about some of his uncommon views, he openly acknowledges that it is not proper for him to play the role of advocate or accountant; because, as the authors say, when a work is published, it does not belong to the author any more, but it belongs to the reader (al-Jāberī, 1379, b, p. 412). Obviously, this statement means he admits that the meaning of the text is fluid and therefore it requires him not to accept any fixed and absolute meaning for the text. The idea of the fluidity of the meaning of the text has inside conflicting points and comes to a standstill from the very beginning. Every text has fixed semantic cores that never change.

Its sign is the infinite of the meaning occurs in a text always and throughout history and in different cultures and different times and places uniformly. These numerous and innumerable denials of

the meaning of a text during historical and cultural periods are the reason that the text has a special domain of meaning that always remains within it and as long as this meaning is not understood, it is not possible to understand the text and no compromise will be made (Arab Salehi, 1393, b, p. 121).

On the other hand, these understandings and meanings, no matter how many they are, are not baseless and criteria-less, but there are rules and criteria for distinguishing between correct and false interpretations, which are known as *interpretive rules*.¹ Therefore, if the new life of the text after being separated from the author means reasonable and regulated interpretations of the text, it must be said that as the immortality of the Qur'an and its responsiveness to human needs is true for all times so attributing this feature to the Qur'an is correct. But if he means that any interpretation of the Qur'an is free, this theory is not acceptable. Because, first of all, as human understanding is affected by human development, it is erroneous and subject to evolution, and is not capable like dogmatic evidence.

Secondly, his words mean that there is no fixed understanding. Whereas if all human understandings and interpretations are not fixed, this very claim of him that there is no fixed understanding can be changed. Therefore, if we accept the relativity of human understanding, there will be no more fixed understanding and all human sciences, including this claim will be distorted (Rezaei Isfahani, 1390, p. 305). The last point is that if the author of a text has limited the way of understanding his phrase to a certain method or persons, it cannot achieve the meaning of the author other than the specified path. Regarding the Holy Qur'an, the divine verses have made the infallibles responsible for their explanation (Nahl: 44).

In order to prevent possible plagues in understanding the Qur'an, he also suggests methods such as referring *Mutashabihat* to *Muhkamat* and following argument and reason. In spite of this, the going beyond the scope set by the author himself and dealing with other unregulated possibilities will take us away from the narrator's intention, while in the sacred texts no other purpose is defined unless discovering the divine will. (Rezaei Adriani, 1395, pp.99-100)

Conclusion

In his gender principles, al-Jāberī believes in equality between men and women and the need to review the rules of women, including inheritance, polygamy and testimony of women. He stressed the equality of the inheritance share of men and women, the equality of the testimony of men and women and the prohibition of polygamy in today's conditions. Believing in rationalism, historicity with his own views on tradition and its opposition to religion, the secularization of language and the variables of the text, he holds that, given the intentions of the rulings, it is necessary to change them in today's context concerning women's issues.

Al-Jāberī's theological and interpretive methods and foundations have serious flaws, which are mainly based on rationality, empiricism and historicity. He confuses ideology with knowledge and affirms the fluidity of the text and the instability of religion. In general, the views of this neo-Mu'tazilite thinker face fundamental and serious challenges that go back to his theological, interpretive and gender foundations in Qur'anic research.

¹ In works such as the method of Qur'anic interpretation by Mahmoud Rajabi and the logic of Qur'anic exegesis by Dr. Rezaei Isfahani, these rules have been discussed.

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