

## The Disqualification of Women's Witness: Early, Classical and Modern Qur'anic Exegesis on Women's Intellectual Capacity (Naqışāt al-'Aql)

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### Abstract

*For a long time, religious texts have included gender discrimination as a fundamental aspect of their structure and history. Despite being justified by references within religious texts, it is necessary to analyze and emphasize that discriminative behavior is not promoted by the texts themselves, but rather their interpretation by scholars. This research aims to examine the dynamics of gender discrimination within Qur'anic exegesis, identifying the root causes and proposing solutions to minimize discriminatory interpretation. The study utilizes a historical approach to comprehend discrimination dynamics within classical, enlightenment, and modern works of exegesis of verse 282 of Sura Al Baqarah (Q2:282). After conducting interpretative analysis of these texts, the investigation reveals that discrimination against females is evident in the disqualification of their witness, which is a prevalent argument among mufassir throughout history. The article further identifies two primary causes of discriminatory interpretation and proposes two alternative exegeses to put an end to gender discrimination within Qur'anic exegesis. The study concludes that discrimination against women has been deeply ingrained in Qur'anic exegesis since classical times, which has subordinated women in almost every aspect of life, whether consciously or unconsciously. The article makes a worthwhile contribution through its examination of early, classical and modern tafsir, supplemented with reference to the scholarly literature on Qur'anic verses, such as Q2:282, which strengthen its contribution.*

**Keywords:** Gender Discrimination, Women's Witness, Qur'anic Exegesis, Contextual Approach, Intellectual Capacity.

### INTRODUCTION

The issue of discrimination against women in Islam has been a topic of much discussion in recent times. However, it is a phenomenon that has existed historically and is rooted in the religion's classical era. Many works of Qur'anic exegesis have discriminated against women, particularly in legal areas, considering them incompetent to serve as witnesses, and their opinions are often disregarded in legal decisions. Furthermore, women have been portrayed as inferior intellectually, only possessing half the intelligence of men. This discrimination has been culturally justified and is thought to be the root of the violence and disparities that women face, according to Faqih (2000). It is important to acknowledge that this discrimination is not a product of Islam itself, but rather, a product of cultural interpretations and patriarchal practices. It is necessary to challenge these interpretations and practices to promote gender equality and respect for women's rights in Muslim communities.

Gender studies scholars often view discrimination as a result of cultural differences that are legitimized by society. Inequality between genders is created due to social segmentation and stratification, as shown in studies (Sudarso et al., 2019; Scarborough & Risman, 2018; Makama, 2013; Chawla, 2020). Sudarso et al. (2019) emphasize that patriarchal socio-cultural and religious norms shape the roles of women in society, which leads to discrimination being produced and repeated through cultural processes. Disparities and inequalities are embedded in the cosmological systems that apply in society (Ayman & Korabik, 2010; Hertz-Tang & Carnes, 2020; Jewkes et al., 2015; Smith & Woodward, 2013). Ayman and Korabik (2010) explain that women are subjected to limiting supportive roles that restrict their rights, opportunities and their capability to challenge men in domains traditionally held by males such as leadership. However, few studies have examined how gender

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discrimination is created through their examination of early, classical and modern tafsir. The analysis of exegesis can be used to understand how gender dynamics are created textually, and how textual representation influences the societal context of such gender representations.

The purpose of this article is to contextualize existing literature which outlines how gender discrimination can be analyzed and understood as a result of historical context. The treatment of women in society, along with the systematic discrimination they face, is reflected through written works and societal norms. The main goal of this study is to arrange a chronological list of interpretations of text, from earlier times to the present day, in order to demonstrate how discrimination against women has evolved. These works of interpretation are often used to justify and legitimize societal practices that discriminate against women. This study explores how gender is portrayed in texts within the Qur'an and challenges the belief that discriminatory practices towards women are supported by these texts. Women have been subjected to systematic discrimination in legal matters throughout history, especially when it comes to giving testimony, and these discriminatory practices have been justified by referencing verse 282 of *Sura Al-Baqarah*, and other texts from classical, enlightenment, and modern eras. Despite changing social norms, reinterpreting these texts has not been possible and new works have instead relied on referencing *hadith* to further reinforce traditional interpretations, resulting in continued discrimination against women.

This study contributes to the field by exploring how gender is constructed within the Qur'an and how these constructions intersect with broader social and political practices. By critically examining the textual sources of discriminatory practices against women, this study offers a potential tool for reinterpreting the Qur'an in a way that promotes gender equality. It challenges the assumption that discriminatory practices are inherent to the Qur'an, and instead argues that these practices are the result of historical and cultural biases that have been encoded into the interpretation of the text. Furthermore, it highlights the importance of contextualization and critical analysis in interpreting religious texts, and encourages a more nuanced and inclusive approach to religious discourse. Ultimately, this study helps to expand the conversation around gender and religion, and offers a foundation for future research and advocacy in this area.

## **LITERATURE REVIEW**

### **Gender Discrimination**

Men and women have unequal roles and access in various aspects of everyday life, including education, health, and employment, as well as social, cultural, and political decision-making (de Looze et al., 2019; Shen et al., 2016; Bobbitt-Zeher, 2011). However, gender discrimination remains a global issue that affects both men and women in different spheres of life. In many cases, women are more likely to experience discrimination as a result of social and cultural norms that promote the subordination of women. These norms have become institutionalized and legitimized through formal and informal systems, and they have a detrimental impact on the lives of women.

Gender discrimination can be traced back to the disparity in the division of labor, which is both formally and informally institutionalized and legitimized, resulting in marginalization and stigmatization (Branisa et al., 2013). One of the main areas where gender discrimination persists is in access to education. Women are often denied educational opportunities due to cultural beliefs that prioritize male education and employment prospects. In addition, unequal access to healthcare is a major concern for women in many parts of the world, especially in countries where women's health is not seen as a priority by governments. Employment is another area where gender discrimination is prevalent. Women are often overlooked for job opportunities or promoted less frequently than men, which limits their career advancement and earning potential. Moreover, women are underrepresented in political and social decision-making, which perpetuates the systemic inequalities they experience.

Lorber (2010) conceptualizes gender discrimination as a social structure that distinguishes between men and women in a way that tends to negatively affect them. Women are most frequently affected by gender discrimination, as they are dominated by a patriarchal system created and shaped by religious, social, and cultural norms and practices (Etengoff & Lefevor, 2021; Bhagavatheeswaran et al., 2016; Thelwal et al., 2019). This

showed that gender discrimination arises from a social structure that creates distinctions between men and women and has deleterious effects on the latter. Women are particularly vulnerable to gender discrimination due to the patriarchal system that governs many societies. Religious, social, and cultural norms shape these systems and tend to exclude women from many aspects of everyday life. Gender discrimination limits women's access and minimizes their public activities. According to Chang et al. (2018), women in East Asia face limited access to education, healthcare, and economic opportunities due to patriarchal societal norms. This marginalization leads to physical violence and psychological trauma, as their access to resources is limited, resulting in the feminization of poverty. White et al. (2016) make a similar point, stating that daughters of poor families are not provided opportunities for education or access to family decision-making processes, but are instead taught to handle domestic duties. Women occupy a lower position in the social hierarchy, where men are prioritized over them, leading to a lack of access to employment, compensation, promotions, and leadership opportunities. This limits their opportunities for career advancement, especially after marriage and childbirth (Shin & Lee, 2020). Within a religious context, women are expected to obey men, particularly in the household during marriage (Rehman, 2020). Additionally, Nielsen et al. (2016) note that discrimination against women extends beyond the household, affecting the justice system where women's witness has a limited effect on courtroom decisions, even when they are victims of violence, abuse, and harassment.

### **Nuanced Relations between Text and Context**

Human communication is affected by both text and context. Understanding the context of a communication is essential to produce meaning and comprehend the participants, spaces, objects, and times involved, without which texts would be meaningless (Shen, 2012). This emphasizes that texts are meaningless without a context that produces meaning and provides an understanding of the particular individuals, spaces, objects, and times involved. Therefore, social interactions and phenomena must be interpreted in association with context (Mantzavinos, 2014). Context is understood as linking texts with certain socio-cultural behaviors and shaping how their function (field, tenor, mode) and background are understood (Lukin 2017). Context connects texts with specific socio-cultural behaviors and influences their field, tenor, mode, and cultural background. Therefore, texts must be interpreted in conjunction with context to explain social interactions and phenomena. Interestingly, the interplay between text and context forms the connection between the two, which helps in the establishment of meaning. Therefore, without context, texts would be meaningless, highlighting the importance of understanding both elements in human communication.

However, texts can be misinterpreted in particular contexts, leading to biased social activities and decisions that promote specific interests (Das, 2014). This revealed that texts are sometimes misinterpreted to advance specific interests within specific contexts, consequently influencing social activities and decisions. Institutions make independent decisions and regulations when social contexts differ from the context that produced the texts. For instance, Özkula (2020) notes that institutions may make their own decisions and regulations where social contexts differ from those that produced the text. Lukin (2017) similarly asserts that the interpretation of a text is contextual, and the connection between text and context relies on linguistic interpretation, cognitive abilities, and knowledge of psychology, as well as socio-cultural context. Bailin & Grafstein (2016) emphasize that the connection between text and context is useful in explaining how different and significant meanings are created. This underpins a study by Akou (2010), which explores how text and context intertwine in the interpretation of the Qur'an and its verses. Qur'anic exegesis is not merely a matter of delineating significance, but rather contextualizing the objective reality experienced by Muslims (Ren et al., 2013). According to Bauer (2012), Qur'anic exegesis is not about representing certain symbols, but rather adapting understandings to specific texts and contexts. Therefore, it must consider several points: the author's intent, the readers' characteristics, and the text's characteristics (context and linguistic mechanisms) (Duderija, 2011). It may thus be concluded that both text and context are crucial in Qur'anic exegesis, as it has a specific historical context within the history of faith and religion. When texts are deliberately misinterpreted, contradictions and misunderstandings arise, including in Islamic practices and education (Lahmar, 2011).

This highlights the significance of the relationship between text and context in creating nuanced and varied meanings. This understanding is particularly important when considering the Qur'an and the practice of Qur'anic exegesis, which involves contextualizing the text within the objective reality and experiences of Muslims. As such, exegesis requires a consideration of the intent of the text's author, the readers, and the linguistic and historical context of the text itself. The misinterpretation of such texts can lead to contradictions and misunderstandings, including in the contexts of Islamic practices and education. Thus, a thorough understanding of both text and context is essential in biblical and religious studies more broadly.

### **Qur'anic Exegesis and Its Practical Implications**

The Qur'an is the main source of Islamic teachings, serving as the primary guideline and source of knowledge for Islamic life (Rady & Verheijde, 2018). According to Paçacı (2013), Allah revealed the Qur'an as a sacred text to demonstrate desirable conditions for all. The Qur'an is a sacred text revealed by Allah to outline the conditions to which all should aspire. As a foundational religious text, it serves as the main source of religious knowledge and practices within Islam (Hakim et al., 2018). Understanding the meaning behind the Qur'an has always been a significant area of study (Al-Qinai, 2012; Rosa, 2017; Saeed, 2013). Scholars seek the interpretation of the Qur'an to reveal its significance, hidden messages and blessings contained in the text. Mohamad et al. (2015) stated that Qur'anic exegesis is an excellent tool to extract its quintessence, while Sulaeman (2015) sees it as an intertextual search to uncover the beauty of the sacred text, particularly focusing on moral value. This reveals that Qur'anic exegesis as an intertextual search for beauty within the sacred text, with an emphasis on promoting goodness and propriety.

Exegetes, or *mufassir*, often seek to address contemporary social issues (Zayed, 2017). When interpreting the Qur'an, it is necessary to consider the prophetic traditions, revealed word, and linguistic principles of the Arabic language, each of which has its own logic and morality (Al-Hamidy et al., 2017). Exegesis typically follows five methods: (a) *bi al-ma'thur*, (b) *bi al-rivāyah*, (c) *bi al-manqūl*, (d) *bi al-ra'y* / *bi al-dirāyah* / *bi al-ma'qūl*, and (e) *bil al-izdijāj* (Hakim et al., 2018). A common form of exegesis is *tahlīlī*, which interprets verses of the Qur'an in order while still allowing exegetes freedom of interpretation (Amin, 2017). However, this can lead to diverse interpretations of the Qur'an and its values. Most works of exegesis fail to maintain coherence between verses, creating conflicting interpretations (Khan, 2018). This inappropriate Qur'anic exegesis can cause misunderstandings that subvert other interpretations, creating tension and even violence (Zuhdi, 2010). A humanist interpretation of the Qur'an is necessary and would significantly influence Islamic law and its contextualization in everyday life (Duderija, 2016).

The importance of exegesis is highlighted in how it explains the blessings (*rahmah*) found in the Qur'an and its role in realizing Islamic morals (*rahmatan li al-alamīn*) (Mustaqim, 2018). The Qur'an's teachings emphasize the promotion of harmony and goodness in society, and this interconnects with Islam's central message of compassion, empathy, and understanding toward all human beings. This shows that the Qur'an is considered by Muslims to be the primary source of Islamic teachings and knowledge. It emphasizes the promotion of harmony and goodness within society and holds important moral values. Exegesis, or the interpretation of the Qur'an, is crucial to understanding its meaning and uncovering its underlying messages. The diverse interpretations resulting from exegesis highlight the importance of approaching the text using a variety of methods while still considering the prophetic traditions, revealed word, and principles of the Arabic language. Through continued study and analysis of the Qur'an, Muslims can continue to deepen their understanding of Islamic teachings and apply them to their lives.

### **METHOD**

This article focuses on examining the mistreatment of women as depicted in religious interpretations. It aims to not only trace the origins of discrimination against women, specifically in the primary sources of Islamic thought such as Qur'anic exegesis, but also to gain a deeper comprehension of the negative discourses present in these works from the classical to modern times. The research used a library-based methodology, which involved using both print and online resources. Primary data was obtained from Qur'anic exegesis written from

ancient to present times, while secondary data was collected from *ḥadīths* and works of Islamic jurisprudence (*fiqh*) that reinforced discriminatory language in verse 282 of *Sura Al-Baqara*.

The production of Qur'anic exegesis has been widespread across the world. To facilitate this study, the works have been classified based on their placement in Islamic history. Works were considered classical if they were created from 650 CE to 1250 CE, enlightenment texts were produced from 1250 CE to 1800 CE, and modern works from 1800 CE to the present day. About 44 exegesis texts were created in the classical era between 104 H and 638 H. Another 45 works were produced between 660 H and 1206 H, while 29 texts were created between 1224 H and 1431 H. The linguistic data in all of these works were written solely in Arabic.

As their sample, the authors selected four texts from the classical era and the Enlightenment era. For the modern era, seven texts were chosen. The texts were examined based on three aspects: first, the popularity of the text; second, the approach to exegesis - *tafsīr bi al-ma'thūr* (referencing historical sources), *tafsīr bi al-ra'y* (using human logic and rationality), and *tafsīr al-ahkām* (using *fiqh*); and third, the life experiences of the exegete. Seven modern texts were also selected, providing a means of exploring the changing discrimination against women in exegetical works. Secondary data were collected from compilations of *ḥadīths* and *fiqh* textbooks. Textual data was collected and then analyzed using interpretative analysis. This article's analysis is oriented towards understanding the meaning and message contained within exegetical works, as informed by their specific situation and context. By understanding the meaning of these works, the historical dynamics of discrimination against women can be traced.

## RESULTS

Studies on women and their legal testimony often refer to verse 282 of *Sura Al-Baqarah*, which establishes that the testimony of two women is equal to that of one man. However, the collected data indicate that works of exegesis have failed to consider this verse in the broader context of women and their legal testimony. To enhance the study's comprehension of the gender discrimination dynamics, it divides the works of exegesis into three periods: classical (650–1250 CE/30–648 H), enlightenment (1250–1800 CE/648–1215 H), and modern (1800 CE/1215 H–present).

Upon examining discrimination against women in classical works of exegesis, one can observe that it tends to be rooted in textual interpretations of Qur'anic verses. Specifically, the literal interpretation of *Surah Al-Baqarah* Verse 282, which states "if there are not two men [available], then a man and two women from those whom you accept as witnesses," is often used to justify gender-based discrimination. This understanding of the verse is deemed mandatory and examples can be found in Table 1.

**Table 1. Women as Witness in Classical Works of Exegesis**

Work	Exegesis of QS 2: 282	Approach	Note
<i>Tafsīr al-Ṭabarī</i> (w. 310 H), Vol. VI (p. 63).	Women must not testify independently (i.e. without a man) in matters of debt. The witness of two women is equal to that of one man. Women must testify together; if one errs, the other can remind her.	<i>Bi al-ma'thūr</i>	1. Exegesis uses a <i>bi al-ma'thūr</i> approach, i.e. departing from historical and genealogical considerations. 2. Factor considered: to remind each other
<i>Tafsīr al-Nukat wa al-Uyūn</i> by al-Mawardī (w. 450 H), Vol. I, p. 356	If two male witnesses are unavailable, it is possible for one man to testify together with two women, so that they can remind each other.	<i>Bi al-ra'y</i>	1. Exegesis uses a <i>bi al-ra'y</i> approach. 2. Factor considered: to remind each other
<i>Tafsīr Ahkām al-Qur'an</i> by al-Kiyā al-Harāsī al-Shāfi'i (w. 504), Vol. I, p. 251	The witness of two women is acceptable only when provided together with the witness of a man. Women's witness cannot be accepted on its own, because the Qur'an holds one man to be equal to two women, and even then, this is limited to matters of debt.	<i>Ahkām</i> approach	1. Exegesis uses an <i>ahkām</i> approach 2. Based solely on the text
<i>Tafsīr Majātib al-Ghayb</i> by Fakhr al-Dīn al-Rāzī (w. 606 H), Vol. VII, p. 95	One man's witness is equal to that of two women, as women are forgetful by nature. If women testify together, they can reduce the impact of this forgetfulness. As such, only	<i>Bi al-ra'y</i>	1. Exegesis uses a <i>bi al-ra'y</i> approach. 2. Factor considered: Women's forgetfulness

	when women testify together does their witness carry the same weight as a man's.		
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Data from Table 1 shows that discrimination against women tends to be rooted in their perceived forgetfulness. To mitigate the effects of this forgetfulness, women should testify together so that they may remind each other. Classical-era exegetes see "forgetfulness" as a social fact, one that cannot be changed. All four classical works equate the witness of two women to that of one man and limit this to matters of debt; they do not accept women's witness in other areas. As indicated above, women are commonly characterized as forgetful in the classical tradition, and this is used to legitimize discrimination against women and belittle their witness. Unfortunately, however, these exegetes failed to provide authentic evidence to support their arguments. Indeed, a comparative study found men's memories to be more subjective than women's memories (Holmen, 2014).

Table 2. Women's Witness in Enlightenment Era

Work	Exegesis of QS 2: 282	Approach	Note
<i>Tafsir al-Qurtubī</i> (w. 671), Vol. III, p. 391	Cites the majority opinion ( <i>jumbūr</i> ), which holds that women may only be involved in matters of wealth when together with a man. Women may not serve as witnesses in other matters, including in matters of marriage. However, al-Qurtubī also notes that the <i>'ulamas</i> allow women to testify in emergencies, such as when they are the only witnesses.	<i>Ahkām</i>	1. Exegesis uses an <i>ahkām</i> approach 2. Factor considered: based solely on the text
<i>Tafsir al-Bayḍawī</i> (w. 685 H), Vol. I, p. 164	If there two men are not available, the witness of one man may be replaced by that of two women. According to the al-Shāfi'i school of thought ( <i>madhhab</i> ), this is only applicable in matters of property. According to the Ḥanafī school, meanwhile, women's witness cannot be accepted in matters of <i>ḥudūd</i> (punishment) or <i>qisās</i> (retribution). The witness of two women is necessary to ameliorate their <b>intellectual deficiencies and limited self-control</b> .	<i>Bi al-ra'y</i>	1. Exegesis uses a <i>bi al-ra'y</i> approach 2. This text begins to justify the discrimination against women by citing their intellectual capacity
<i>Tafsir al-Tashil li 'Ulum al-Tanzil</i> by Ibn Juz'ā'i al-Gharnaṭī (w. 741 H). Vol. 1, p. 139.	The witness of two women is not allowed, except in conjunction with that of a man. Gharnaṭī cites Imām Mālik, who argues that the witness of one man and two women is allowed only in matters of wealth. Furthermore, two women may only testify in matters not involving men, such as <i>wilādah</i> (the blood that accompanies childbirth), the first menses, and other matters in the feminine domain.	<i>Bi al-ra'y</i>	1. Exegesis uses a <i>bi al-ra'y</i> approach 2. Factor considered: based solely on the text
<i>Tafsir Ibn Kathīr</i> (w. 774 H), Vol. 1, p. 724	One man's witness is equivalent to that of two women, as women lack the same intellectual capacity as men. This refers to the <i>ḥadīth</i> narrated by Imām Muslim, from Abī Hurayrah: The Prophet was asked, "What is deficient in our intelligence and religion?" He said, "Is not the evidence of two women equal to the witness of one man?" They replied in the affirmative. He said, "This is the deficiency in her intelligence."	<i>Bi al-ma'thūr</i>	1. Exegesis uses a <i>bi al-ma'thūr</i> approach 2. Ibn Kathīr emphasizes women's limited intellectual capacity ( <i>naqīṣat al-'aql</i> )

In the Enlightenment age, discrimination against women in matters of jurisprudence rapidly evolved. Exegesis in the classical era was limited to textual understandings of the Qur'an, but arguments in the Enlightenment age began to use intertextuality, using the text of the *ḥadīth*s to support the exegesis offered by the mufassir. An early exegete from the Enlightenment era, al-Qurtubī, used a textual approach to explain the jurisprudence related to women's witness. Fourteen years later, al-Bayḍawī applied an intertextual approach, combining verse 282 of Sura Al-Baqarah with a *ḥadīth* that dealt specifically with the matter of "*naqīṣat al-'aql*" (women and their intellectual shortcomings). Subsequent exegetes followed in al-Bayḍawī's footsteps.

*Naqīṣat al-'aql* is a phrase used by Prophet Muhammad in a *ḥadīth* narrated by Imām al-Bukhārī (1997) from Abū Sa'īd al-Khuḍrī. During one instance, the Prophet visited a Muṣallā to offer the Eid-al-Adha or Al-Fitr prayer. Passing by a group of women, he advised them to give alms as he had seen many dwellers of hell-fire were women. The narration of the *hadith* is as follows:

Once Allah's Apostle went out to the *muṣallā* (to offer the prayer) o 'Id-al-Adha or Al-Fitr prayer. Then he passed by the women and said, "O women! Give alms, as I have seen that the majority of the dwellers of Hell-fire were you (women)." They asked, "Why is it so, O Allah's Apostle?" He replied, "You curse frequently and are ungrateful to your husbands. I have not seen anyone more deficient in intelligence and religion than you. A cautious sensible man could be led astray by some of you." The women asked, "O Allah's Apostle! What is deficient in our intelligence and religion?" He said, "Is not the evidence of two women equal to the witness of one man?" They replied in the affirmative. He said, "This is the deficiency in her intelligence. Isn't it true that a woman can neither pray nor fast during her menses?" The women replied in the affirmative. He said, "This is the deficiency in her religion."

**Table 3. Women's Witness in Modern Works of Exegesis**

Work	Exegesis of QS 2: 282	Approach	Note
<i>Tafsir al-Baḥr al-Madīd</i> by Ibn 'Ajibah (w. 1224 H), Vol. I, p. 314	Women are required to testify in pairs so that one may remind the other if she forgets. This is rooted in women's perceived intellectual and religious deficiencies.	<i>Bi al-ra'y</i>	1. Exegesis uses a <i>bi al-ra'y</i> approach 2. Factor considered: women's intellectual and religious deficiencies
<i>Tafsir Nayl al-Maram</i> <i>Tafsir Ayāt al-Aḥkam</i> by Muḥammad Ṣiddīq Khan al-Qannujī (w. 1307 H), Vol. I pp. 117–118	Women may not bear witness independently, without being accompanied by men, except in matters that are not known by men (as these are emergencies). Owing to intellectual deficiencies, women are often forgetful.	<i>Aḥkam</i>	1. Exegesis uses an <i>aḥkam</i> approach 2. Factor considered: women are forgetful because of their intellectual deficiencies
<i>Tafsir Marāḥ Labīd</i> by Muḥammad bin 'Umar Nawāwī (w. 1316), Vol. I p.	Women are required to bear witness together, as one may remind the other if she forgets (due to her intellectual deficiencies).	<i>Bi al-ra'y</i>	1. Exegesis uses a <i>bi al-ra'y</i> approach 2. Factor considered: women are forgetful because of their intellectual deficiencies
<i>Tafsir al-Mannār</i> by Muḥammad Rashīd Riḍā (w. 1354), Vol. III, pp. 124–125.	Muḥammad 'Abduh, as cited by his student Rashīd Riḍā, stated that earlier arguments that women are prone to forgetfulness owing to their intellectual deficiencies, and because of their cold temperaments were incorrect. Rather, women (at the time) were never involved in financial transactions or other matters of wealth, and thus their knowledge and memories of such matters were limited. This was not true in domestic matters, in which they were involved every day, and in which matters their knowledge surpassed that of men. Men and women focus their knowledge and memory on their primary areas of concern.	<i>Bi al-ra'y</i>	1. Exegesis uses a <i>bi al-ra'y</i> approach 2. Factor considered: rational, as contemporary women were never involved in transactions, and thus their memories were lacking.
<i>Tafsir al-Taḥrīr wa al-Tanwīr</i> by Muḥammad Ṭāhīr ibn 'Ashūr (w. 1393 H), Vol. III, p. 109.	The witness of two women in matters of <i>mu'amalah</i> does not only apply when men are indisposed; this is a common misunderstanding. Rather, in revealing the Holy Qur'an, Allah considered the value of women's testimony within the context of contemporary women, and this was intended to increase their economic involvement—something they ignored in the <i>jāhiliyyah</i> times (i.e. the age of ignorance).	<i>Bi al-ra'y</i>	1. Exegesis uses a <i>bi al-ra'y</i> approach 2. Factor considered: the socio-historical context
<i>Tafsir al-Munīr</i> by Wahbah al-Zuhaylī (w. 1436 H/2015 CE), Vol. 3, p. 110	Allah provides a clear justification: so women can remind each other, thereby ensuring the validity of their witness. Women are often uncertain, show little concern, and are forgetful. Customarily, women have cared little for transactions and	<i>Bi al-ra'y</i>	1. Exegesis uses a <i>bi al-ra'y</i> approach 2. Factor considered: Women have no certainty, show little concern, and are forgetful. A return to the classical age

	matters of wealth, and thus had limited knowledge of all involved matters. Today, although many women are involved in matters of wealth, the jurisprudence regarding their witness remains. In short, jurisprudence must recognize the condition of the majority, and thus those involved in commerce are ignored.		
<i>Tafsir Ḥadā'iq al-Rūḥ wa al-Rayḥān</i> by Muḥammad al-Amin al-Harāfi (w. 1441 H / 2019 CE)	Women's witness may be accepted, as if one forgets, the other can remind her. This is because of their intellectual deficiencies and their limited self-control.	<i>Bi al-ra'y</i>	<ol style="list-style-type: none"> <li>1. Exegesis uses a <i>bi al-ra'y</i> approach</li> <li>2. Factor considered: women's intellectual deficiencies and limited self-control.</li> </ol>

Data from the modern era show a significant and progressive shift. However, the first two texts still treat women discriminatively, treating their witness the same as during the Enlightenment era. Subsequently, *al-Mannār* used a different argument, employing a sociological approach: they argued that women experienced discrimination because they were rarely involved in financial transactions, and thus it was logical for a second witness to be required. *Al-Mannār* rejected the argument that the marginalization of women's witness could be justified by their intellectual deficiencies. A similar rejection was voiced in *Kitāb al-Taḥrīr wa al-Tannīr*, written approximately three decades later. Moreover, as shown in Table 3, however, there has been a return to more discriminatory exegesis. *Tafsir al-Munīr*, written by al-Zuhaylī, provides irrefutable evidence of this return to discrimination. Despite being written 47 years after *Al-Taḥrīr wa al-Tannīr*, this text does not challenge the discrimination experienced by women. *Ḥadā'iq al-Rūḥ wa al-Rayḥān*, written by an author who only died in 2019, similarly retains a discriminatory perspective. A review of *fiqh* literature, including *Al-Mansū'ab al-Kumaytīyyah* (1427 H), shows that no significant changes have occurred in Islamic jurisprudence, even though exegesis has evolved.

This study has explored works of exegesis from the classical era through the modern era, with a particular focus on the discrimination faced by women when bearing witness. In the classical and Enlightenment eras, exegetes employed a worldview that positioned women as "half beings." In the enlightenment era, mufassir even presented women as having half the intellectual capacity of men. They were authoritarian, presenting their interpretations of religious texts and Allah's will as absolute, as the only valid and legitimate ones, and using the ḥadīths to support their arguments (Al-Fadhil, 2001; Al-Bukhārī, 1997). So hegemonic were their paradigms that subsequent exegetes often returned to them.

In the modern era, some exegetes began to criticize the discrimination experienced by women. Muḥammad 'Abduh, a mufassir who promoted Islamic reform in the 19th century, introduced new paradigms to the world of exegesis. Having lengthy experience with European (particularly French) thought, he attempted to introduce elements of rationality to the interpretation of the Qur'an (Rif'at, 2002). 'Abduh was followed by many subsequent exegetes, and there thus emerged contestation between orthodox interpretations that promoted discrimination and heterodox interpretations that rejected discrimination. Ultimately, however, discriminatory regimes often dominated contestation, and many new exegeses have again promoted discrimination since the turn of the millennium. Furthermore, Al-Zuhaylī (w. 2015) underscores that jurisprudence regarding women and their witness has not changed. Discriminatory exegeses continue to dominate Islamic thought. Heterodox interpretations that challenge such discrimination, conversely, have had difficulty taking root.

## DISCUSSION

Discriminatory exegesis has generated new attitudes and behaviors that subordinate women, creating injustice in Islamic law and undermining the equality embedded in the Qur'an. Human beings heavily rely on the teachings of their religion in their everyday attitudes and behaviors. At the same time, most Muslims view the Qur'anic interpretations of their ulama as sacred (taqdīs al-afkār) and having the same imperative strength as the Qur'an itself (Arkoun, n.d.). Among Muslims, the Qur'an is perceived to legitimize the subordination of



women, although this discrimination is rooted in the sacralization of human thought (*taqdīs al-afkār*), including exegesis and jurisprudence.

Discrimination against women can be observed in *fiqh*, where jurists have ruled that only men can enjoy the right of state leadership (*waliy al-amr*) (al-Baghawi, 1995). Women are believed to lack the capacity to become *waliy al-amr*, and it is also claimed that any people led by a woman will experience nothing but misfortune. Similarly, family law holds that any wife who rejects intimate relations with her husband will be cursed by Allah until morning. These examples illustrate how jurists and exegetes collaborate to restrict the spaces and agencies available to women, even though the Qur'an provides them with freedom and liberation. As Jamal Al-Bannā (1997) notes, women must negotiate between the limitations imposed upon them and the freedom provided by the Qur'an. If Muslim intellectuals continue to permit this treatment of women, it will promote further injustice and undermine the principles of equality embedded in the Qur'an. Moreover, it will perpetuate the mistaken belief that the Qur'an and its teachings are discriminatory towards women.

Two factors contribute to discriminatory exegesis: textual and extra-textual. Textual factors are rooted in the Qur'an itself, which on the surface seems to promote gender bias. Within the context of women and their witness, the Qur'an states that "if there are not two men [available], then a man and two women from those whom you accept as witnesses" (QS 2: 282). This has led exegetes to take a literal approach and understand a woman's witness as half as valuable as a man's witness. Similar tendencies are evident in other exegeses. Take, for example, Surah al-Nisā', Verse 34, which reads: "... those [wives] from whom you fear arrogance – [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them." This verse is understood to legitimize the practice of violence against women who are perceived as *nushūz* (arrogant, disobedient). This contrasts significantly with the treatment of men who are seen as *nushūz*, viz. Surah al-Nisā', Verse 128: "And if a woman fears from her husband contempt or evasion, there is no sin upon them if they make terms of settlement between them – and settlement is best. Literal readings of such verses commonly produce discriminatory exegesis.

External factors, meanwhile, include textual and atomistic approaches to exegesis. Under such approaches, interpretations of religious texts are based solely on their linguistic components. This produces a partial understanding, rather than a comprehensive portrait of the Qur'an as one text (Rahman, 1984). The Qur'an is understood solely from its written text, without considering the context in which its verses were revealed. This promotes misinterpretation and misunderstanding, concealing the fact that discrimination against women is derived not from the text itself but rather particular understandings of it.

The topic of discrimination against women is interesting, having drawn scholarly and academic attention throughout the ages. However, although many have explored the discrimination against women, this study differs significantly in ways. First, it provides a comprehensive exploration of exegetical works over time, from the classical era through the modern era. Second, it shows the factors used to justify discrimination against women, indicating that various approaches have been used over time to legitimize such practices.

This encourages that further investigation is necessary to produce an exegetical approach that remains friendly to women. Two points are important to note. Firstly, it is urgent to promote a contextual interpretation of the Qur'an that recognizes the specific and general context in which the Qur'an was revealed. The specific context refers to the words and sentences that shaped how the verse was signified when revealed. The broader context refers to the socio-historical context of Arabic society when the Qur'an was revealed as well as the context in which it is being interpreted today (Saeed, 2006). Additionally, it is important to consider the life history of the Prophet Muhammad (*sīrah nabawīyyah*), as well as the norms, values, and practices of the time. Such a contextual approach would understand the legal stances offered by the Qur'an as historical solutions to problems that existed when the Qur'an was revealed (Saeed, 2006). Using such an approach, *mufasssirs* would have broader agency and could develop a more holistic and unbiased exegesis. Such an approach would recognize that when the social situation changes, interpretations of the Qur'anic text must also adapt.

Secondly, it is necessary to apply a *maqāṣidī* approach to exegesis in which the laws contained within the text are not understood literally but as a means of achieving the universal goals desired by the text. A *maqāṣid* approach would seek to "promote *maṣlahah* (the good) and reject *mafsadat* (the bad)." The universal goals of the Qur'an are reflected in five substantive goals, known collectively as *al-darūriyyāt al-kebāmah*: promoting faith, maintaining the soul, nurturing the mind, ensuring the continuity of the family, and safeguarding one's wealth (Al-Ghazzālī, 2007). If Surah Al-Baqarah, Verse 282, were analyzed using this approach, it would offer a meaning and significance that promotes women's welfare and minimizes discrimination. In other words, this approach addresses the shortcomings of the literal and textual approach used by *mufassir* in the classic and enlightenment era.

## CONCLUSION

This study has found that discrimination against women, evidenced by the disqualification of their testimony, has been present throughout the classical, enlightenment, and modern eras of exegetical works, and that such discrimination has been justified for various reasons. In the classical era, exegetes claimed that women were neglectful in their transactions and inherently forgetful. In the enlightenment era, women were identified as intellectually deficient (*naqīṣāt al-'aql*), and their testimony was deemed less valuable as a result. This interpretation was justified by reference to ḥadīths, resulting in numerous false interpretations. In the modern era, despite efforts to mitigate discrimination against women by identifying the disqualification of women's witness as resulting from the socio-historical context in which relevant verses were revealed, several *mufassir* have criticized earlier exegetes and their discriminatory position regarding women. Unfortunately, influential exegetes have returned to discriminatory interpretations of the Qur'an and related texts in the early years of the new millennium.

The rise of discriminatory exegesis can be attributed to several fundamental issues. First, because the text of the Qur'an appears gender-biased at the surface; second, because exegetes have long relied on literal, textual, and atomistic approaches. To address these issues, there is a need to develop an approach that promotes a more woman-friendly exegesis. Two approaches can be combined: the contextual approach and the *maqāṣidī* approach. The contextual approach would understand the text of the Qur'an both within its specific linguistic context as well as within its broader socio-historical context at the time of revelation. The *maqāṣidī* approach, on the other hand, would emphasize the universal goals of the Qur'an. Using such approaches will reorient Qur'anic exegesis from the process that subordinates women to one that emphasizes equality.

This study has shown that one Qur'anic verse, Q2:282, has regularly been interpreted and reinterpreted through discriminatory exegesis. This verse has been used to disqualify women from bearing witness in transactions. A more comprehensive understanding could be obtained by exploring and analyzing other sacred texts. Many Qur'anic verses could potentially be interpreted for discriminatory purposes, including those regarding inheritance, polygamy, marriage, etc. Thus, further research is necessary to obtain a more comprehensive understanding of discriminatory exegesis throughout history. This would provide space for creating comprehensive spaces wherein women have the agency to create their own spaces, and wherein men and women can achieve prosperity together.

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