Chapter 2
Reconciling Traditional Islamic Methods with Liberal Feminism: Reflections from Tunisia by Mohamed Talbi

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Abstract This chapter will examine Tunisian intellectual Mohamed Talbi's interpretation of Qur'an IV:34 as a case example of the nexus of European liberal and traditional Islamic thought. Using a textual analysis of Talbi's works on women, primarily *Ummat Al-Wasaṭ* and his articles in *Prologues* and *Jeune Afrique*, it will trace Talbi's search for the *maqāṣid* (ultimate intentions) of the Lawgiver. Following the application of his 'vectoral reading of the Qur'an,' Talbi concludes that God's intention for Muslims is gender equality and characterises the acts of the Prophet as 'feminist.' The chapter will discuss the inherent contradictions in Talbi's attempts to render equivalent liberalist ideas and terminology and Islamic history. It will also examine in brief Talbi's writing on polygamy. Ultimately, while his scholarship on personal status is subject to a number of contradictions and anachronisms, Talbi's writing has important implications for the role of women in Islam and for the fundamental compatibility of Islamic and Western thought.

Introduction

This chapter will examine Tunisian intellectual Mohamed Talbi's interpretation of Qur'an IV:34 as a case example of the potential nexus of European liberal and traditional Islamic thought. Using a textual analysis of Talbi's works on women, it will trace Talbi's search for the *maqāṣid* (ultimate intentions) of the Lawgiver. Following the application of his 'vectoral reading of the Qur'an', (Talbi 2004, p. 24) Talbi concludes that God's intention for Muslims is gender equality and characterises the acts of the Prophet as 'feminist'. The article will discuss the inherent contradictions in Talbi's attempts to render equivalent liberalist ideas and terminology and

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Islamic history. It will also examine in brief Talbi's writing on polygamy. Ultimately, while his scholarship on personal status is subject to a number of contradictions and anachronisms, Talbi's writing has important implications for the role of women in Islam and for the fundamental compatibility of Islamic and Western thought.

Background

Within the last two decades, Tunisia has witnessed a flurry of activity among its Islamic intellectuals. Situated between the authoritarianism of Ben Ali's government and an increasingly beleaguered Islamic opposition, a group of academics known collectively as "The Professors" has emerged (Lee 2008, p. 157). While the scope and specific objectives within this group vary substantially, all of its members have attempted in some way to reconcile these opposing forces in modern Tunisian society with Bourguiba's tradition of secularism. Their work is the substance of public debate and fills the pages of such popular publications as *Jeune Afrique*. Among these scholars, the work of Tunisian intellectual, Mohamed Talbi, has proven influential both within and outside of academic institutions in Tunisia. At the same time, a product of a traditional religious education and advanced graduate studies in France, Talbi sees that which is socially and religiously good in both Islam and the West. His ideas often serve to bridge the gap between Western liberal ideas and Islamic thought. The implications of his work are of significance in a spectrum of fields of importance to modern Muslims.

Talbi advocates a method of analysis wherein sacred text is to be read and interpreted in the context of the conditions surrounding it at the time of the revelation. Using this method, one can derive general, ethical principles from the text, separating this core from time bound injunctions which are abrogated with changing social conditions. These general principles can then be applied to find solutions to contemporary social questions. Talbi argues that this approach serves as a safeguard against the sloppy methodologies of modern historians and Islamic intellectuals who seek to equate contemporary social institutions with Islamic concepts. This article will serve as an introduction to Talbi's method, as applied to the question of the personal status. I will summarise and analyse the manner in which Talbi engages a number of key verses, most importantly Qur'an IV:34 relating to the condition of women in Islam, with a view to providing further clarification and analysis of his methodology and its implications.

Talbi's application of his historical method to verses relating to the status and treatment of women spans a number of works. The most important of these is his chapter on Qur'an IV:34 in *Ummat Al-Wasaṭ* (2006), perhaps the best example of a practical application of Talbi's 'historical reading' found within his body of writing. Therein, he guides his reader through his approach and its underlying logic and justifications. When analysed in conjunction with a companion article targeting a Francophone audience entitled "Mohamed Talbi: Lecture historique des versets 34 et 35 de la Sourate de Coran intitulée 'Les Femmes,'" *Ummat Al-Wasaṭ* allows for an invaluable insight into the historical precedents of Talbi's approach. The bulk of

this chapter will be devoted to that discussion, although Talbi's more abridged treatment of other verses and personal status issues, found in a series of articles in *Jeune Afrique*, will be discussed as well.

Talbi and Gender Equality

From the outset, Talbi makes no secret of his preference for what he refers to as 'equal treatment of the sexes,' even if the Qur'an makes no specific call for gender equality. His inclination serves to inform the application of his historical method. I will discuss the extent to which this occurs later in the chapter. For now, it is important to note that Talbi explicitly favours gender equality over what he deems the less satisfactory 'gender equity.' While Talbi does not expressly define the term 'gender equity,' he uses it throughout his work to mean justice of treatment among men and women, given certain innate differences between them. This, he argues, is the minimum standard of protection that the Qur'an expressly guarantees to women. To offer greater rights to women, or the pursuit of 'gender equality,' however, Talbi views as the ultimate intention of the Creator (Talbi 2005, p. 62). The justification of this position is at the core of his project, a difficult exercise, given that the Qur'an speaks of equity with far greater frequency than equality. It is worth quoting Talbi at some length on the matter, as he states his position as regards gender equality:

> I am personally for equality [of the sexes.] But the question arises for all of the monotheisms. Neither the Biblical text, nor evangelical texts, nor the Qur'an speaks in a clear way of equality of the sexes. Indeed, the texts speak of equity. If one takes them literally, one can say that women have a status of an inferior degree to that of men, as the Qur'an says. But … I believe, using my reason, as God commanded me to do, that this degree is not a degree of inferiority, but a degree of difference. That is not the same thing. (Talbi 2005, p. 62)

These words effectively summarise Talbi's position as regards the status of women. It is a viewpoint informed to a great extent by the liberal Western writing to which he was exposed throughout his education. Talbi's project can be construed as an attempt to reach the same conclusion by means of Islamic thought. The best example of this uniting strand in Talbi's works is to be found in his discussion of the corporal punishment of women and Qur'an IV:34. A detailed discussion of Talbi's arguments on the subject follows below.

Qur'an IV:34 and the Search for the Maqāṣid of the Lawgiver

The question to which Mohamed Talbi devotes the vast majority of his writing on personal status revolves around the meaning of Qur'an IV:34:

> Men are the overseers of women
> because God has granted some of them bounty in preference to others
> and because of the possessions which they spend.
> Righteous women are obedient,

> guarding the invisible
> because God has guarded [them].
> Admonish those women whose rebelliousness you fear,
> shun them in [their] resting places
> and hit them.
> If they obey you, do not seek a [further] way against them.
> God is Exalted and Great. (Jones 2007, p. 92)

Talbi applies his historical method to determine the intent and meaning of the verse, and specifically whether it authorises or endorses the corporal punishment of women, both in the context of early Islamic history and in the present. Talbi's arguments are presented in *Ummat Al-Wasaṭ*, with additional supplementary evidence listed in a series of articles in the francophone journals *Prologues* and *Jeune Afrique*. Drawing upon these works, I will briefly summarise Talbi's position before analysing the internal consistency and classical roots of the application his method and the nature of his conclusions.

Throughout his discussion on Qur'an IV:34, Talbi repeatedly refers to his methodology as the search for the *maqāṣid* of the Lawgiver. *Maqāsid* here is the plural of *maqṣad*, meaning 'intention, object, or ultimate meaning.' He often contrasts this attempt to find the divine *maqāṣid* with other efforts to interpret text which, owing to their lack of methodological rigour, fail to approach an understanding of God's ultimate purposes. Thus, Talbi writes during his exploration of Ḥadith associated with Qur'an IV:34: "This is not the place to analyse this text and comment on it, as it is subject to numerous interpretations, including the *maqāṣid* interpretation, which takes into consideration historical development and the purpose of the Lawgiver." (Talbi 1996, p. 128)

While throughout his writing Talbi welcomes and declares his tolerance for all interpretations, he is thus clear in his belief that not all interpretations are equal in weight. Those to be valued most are the interpretations that draw near in a methodologically sound manner to the *maqāṣid* of the Lawgiver. This process, by his admission, must take into account more than history. Rather, he writes:

> Our third and last observation has a methodological tinge based on what came before it. It concerns the revelation of Ayat 34 of Surat al-Nisā' in the environment in which it was revealed in its historical, human, social, and psychological dimensions, in order for us to understand the *maqāṣid* of the Lawgiver, from [these dimensions], according to the Qur'anic spirit in its entirety. (Talbi 1996, p. 118)

The first and second observations to which Talbi refers concern the larger importance of the question of personal status. Talbi notes, firstly, that the issue of corporal punishment of women continues to persist in Western societies and, secondly, that the confinement of women to a subordinate role to that of men has been justified within Christian and other texts.

In addition to these dimensions, which all form part of his methodology, Talbi later adds that an "… exploration of its clear Arabic tongue using the probe of modern linguistic sciences," is critical to any attempt to understand the *maqāṣid* of the Lawgiver. (Talbi 1996, p. 119) In the case of his analysis on women, Talbi is unambiguous on what he regards as God's *maqāṣid*. The *maqāṣid* of the Lawgiver, he writes, "… have aimed for fifteen centuries and until today to reduce the imbalance

in the equation and aims in the end for a true equality that considers the advantages and virtues of the two genders." (Talbi 1996, p. 135)

Surat Al-Nisā': Reconciling Historical Context and Modern Realities

Talbi situates his analysis of Qur'an IV: 34 as an attempt to reconcile the gains made by feminists throughout the Arab world in practice, on the one hand, and religious discourse, on the other, which has remained entangled with dogma. In his words, "… this calls us to treat this case, as far as quick research will allow, until the pursuit of a deeper and more comprehensive image of the condition of women in Islam becomes feasible." (Talbi 1996, p. 116) Talbi reminds the reader that violence against women is not strictly an Arab or Muslim phenomenon. As proof of the universality of the problem, he cites a broadcast on the French Channel 2 which claimed that, in France, "… two million women were subjected to beating by their husbands, that is, at least one quarter of them." (Talbi 1996, p. 116) Within the context of his work, however, Talbi states his intention to limit his discussion of violence against women to the exegesis of the single verse, Qur'an IV:34.

Having established the scope of his discussion, Talbi takes the position that the text of Qur'an IV: 34 finds its context in the conditions created by anterior religions to Islam. Within the letters of Saint Paul, for example, he locates the advice, "O women, obey your husbands as you obey the Lord," thus positioning men as the subjects of something akin to 'worship' (Talbi 1996, p. 117). The spirit of Saint Paul's enjoinments formed the backbone of unequal Western gender relations until the advent of what Talbi refers to as "… the revolution of modernity." (Talbi 1996, p. 117)

Talbi contends that it is within this and other historic milieus that the reader must situate Qur'an IV:34. He appeals to the classical Islamic instrument of the *asbāb al-nuzūl* at this point, arguing for a methodological approach which must necessarily take into account the verse's historical, sociological, anthropological and psychological dimensions. In his view, this is the only valid approach by which the universal elements of the verse in question may be extracted. Talbi's objective in doing so is to derive a set of principles which may then be applied to modern circumstances. He summarises this view of the 'universality of the Qur'an' as follows, "Verily, the Qur'an is fitting to every time and place. Yes, and this is interpreted [to mean] that God addresses the mankind of every time and place with a living discourse, always new." (Talbi 1996, p. 117)

The methodology to which Talbi appeals assumes that, "God addresses a being with reason." (Talbi 1996, p. 117) It is incomprehensible to Talbi that God would endow humankind with such gifts, only to deny humanity the opportunity to use them in order to better know His intentions. As such, Talbi reasons as follows:

> We cannot understand the divine discourse, then, whose single time is always the present. We cannot comprehend in our fleeing present its lines regarding that which is to come, unless we understand it firstly within the context of the days of the distinguished revelation. (Talbi 1996, p. 118)

Otherwise stated, Talbi opens the possibility of a universal core of the Qur'an, an eternal ethic applying equally to all times. The manner in which society may best realise God's intentions, in contrast, is subject to temporal change. Understanding the divine message as God wanted it, as He wants it, and as He will want it are presented as entirely separate exercises. This process by which humankind engages history using the faculty of reason serves to demonstrate that, "… the divine dimension of the message descends into the human dimension" (Talbi 1996, p. 119).

Having introduced his methodology, Talbi moves on to outline the specific historical conditions in the early Islamic community of relevance to the revelation of Qur'an IV:34. In Mecca before the advent of Islam, Talbi explains that women were beaten as a matter of course and did not protest against the practice. Rather, he contends that it was among the cultural norms of the time and place. The "feminist question," as he calls it, did not find form until the Muslims of Mecca came to live in close quarters with the population of Medina (Talbi 1996, p. 120).

Qur'an IV:34 is a Medinan verse, and thus, to fully understand it, Talbi argues that an accounting of the relevant historical conditions of the Medinan period is necessary. Following the *hijrah* of the Prophet from Mecca to Medina, the Meccan Qurayshīs, to whom Talbi refers as the Muhājirūn, and the original residents of Medina, known as the Anṣār, came to live in close quarters with each other. Talbi contends that the treatment of women differed significantly between the urban Anṣār and the tribal Muhājirūn. In Talbi's words, "There is no doubt that the women of Medina were urban. They were more emancipated than the women of Mecca. This is what we read in the texts. It was among the habits of the Quraysh in Mecca to beat their women, and no one saw to object." (Talbi 1996, p. 120) Talbi argues that Qurayshi women themselves were accustomed to such treatment and saw no reason to protest.

In Talbi's view, the Prophet was, to use a Western descriptor, a 'feminist,' seeking to generalise the model of gender relations provided by the Anṣār and to eliminate the practice of husbands' corporal punishment of their wives. Talbi contends that the Prophet went so far as to attribute to his preference a legal character, thus issuing the well-known Hadith, "Do not hit the (female) servants of God." (Talbi 1996, p. 121) Talbi recounts, however, that the injunction did not deter all husbands from beating their wives; in fact, he notes several cases in which the Anṣār came to adopt the custom of corporal punishment from the Muhājirūn. Each time that a case of this sort came to the attention of the Prophet, Talbi explains, he would order that the guilty husband should be beaten, on the principle that husband and wife were equal.

Talbi cites unanimous and sound accounts that the last woman to have sought sanction against her husband in this way was Ḥabībah bint Zayd bin Abī Zahr, the wife of Saᶜd ibn Rabīᶜ ibn Amr. Saᶜd ibn Rabīᶜ was a notable among the Anṣār and had won the respect of the community with his brave conduct in the Battle of Uḥud. Talbi notes that he was one of the Prophet's closest companions. Saᶜd ibn Rabīᶜ's punishment was never carried out. Instead, Qur'an IV:34 was revealed. As he announced the cancellation of the punishment, the Prophet said, "We wanted

something, and God wanted something [else.] What God wanted is good." (as cited in Talbi 1996, p. 122) It is this circumstance, Saᶜd ibn Rabīᶜ's commuted sanction, and the conditions that it represents in the early Islamic community, that Talbi argues holds the key to understanding Qur'an IV:34.

Application of Asbāb Al-Nuzūl to Qur'an IV:34

Having introduced the context in which Qur'an IV:34 was revealed, Talbi goes on to argue for the application of a classical device known as *asbāb al-nuzūl* in order to gain insight into the reasons for the commutation of Saᶜd ibn Rabīᶜ's punishment for violence against his wife. *Asbāb al-nuzūl* refers to the circumstances surrounding the revelation of the Qur'an. They were classically used as an exegetical device; throughout Talbi's work, however, he applies *asbāb al-nuzūl* in a manner that is slightly different from that found in the four Sunni schools, each of which had defined rigorous rules as to the scope and application of the *asbāb*. Talbi asserts that this exploration can shed light on reasons for the suspension of what he believes to be "three years of continuous feminist experimentation." (Talbi 1996, p. 125) Having done so, Talbi goes on to offer suggestions regarding the *maqāṣid* of the Lawgiver and solutions in the modern world that satisfy them.

Talbi argues that, from his reading of early Islamic history, he finds evidence of "two parties in Medina: a feminist party led by Um Salamah and an 'anti-feminist' party driven by ᶜUmr Ibn Al-Khaṭṭāb." (Talbi 1996, p. 122) Talbi reminds the reader that, independent of the lobbying of individuals, "Islam was a revolution, and this revolution opened to the women, after a life of complete subjugation, broad horizons, which they hastened to reach." (Talbi 1996, p. 123) In the context of the social realities of the time, Talbi suggests, the women of the 'feminist party' were impatient, pushing incessantly for change for which many were unprepared. As a result, change favouring equality between the sexes was accompanied by a certain degree of violence and hostility between husbands and wives.

So great was the antagonism between the sexes that many men began to exercise anti-feminist pressure on the Prophet. Talbi's research leads him to the conclusion that, "This movement was led by ᶜUmr ibn Al-Khaṭṭāb, and all that we know about his nature and his morals predisposed him to that." (Talbi 1996, p. 123) Talbi notes that ᶜUmr Ibn Al-Khaṭṭāb, acting on the urging of other members of the community, approached the Prophet with the following advice, in ᶜUmr's own words, "I came to the Prophet, PBUH, and I said, 'The women are in revolt against their husbands, so thus permit the beating of them.'" (as cited in Talbi 1996, p. 124) ᶜUmr Ibn Al-Khaṭṭāb was not alone in his preferences; Talbi adds that the leaders of the Anṣār, Saᶜd ibn Rabīᶜ among them, "noticed that their symbolic authority had been affected by the corrections that had been inflicted on men who beat their women." (Talbi 1997, p. 96) In Talbi's estimation, this represented a real threat to the structure of the community, a society in which reputation and public perception were treated as currency.

Moreover, Talbi takes note that the conflict reached its most tense juncture directly before the Battle of Uḥud, which was a great catastrophe for the Muslim community. Given the danger to the young *ummah*, Talbi contends, "In circumstances such as this, it was imperative to put an end to internal differences and to unite the rank of combatants, all of whom were men." (Talbi 1996, p. 125) Talbi suggests that this is the reason for the revelation of Qur'an IV:34. His argument is as follows. The Prophet's 'feminist' experiment had lasted for three years in Medina and had demonstrated that the early Islamic community was entirely unprepared for real gender equality. So contentious was the possibility of such gains for women that it threatened to create a rift at a time when the *ummah* was at its most vulnerable. The survival of Islam and the integrity of the community of believers was the higher value. Thus, Qur'an IV:34 was revealed.

In Talbi's view, the most central point of analysis in the application of the *asbāb al-nuzūl* to the exegesis of Qur'an IV:34 is the reconciliation of the Prophet's three-year 'feminist' project with the apparent victory inherent in the 'anti-feminist' verse. Specifically, Talbi asks: "Is there a contradiction between what God wanted and what His Messenger wanted?" (Talbi 1996, p. 124) The notion of an affirmative response, and the concurrent suggestion that the Prophet acted in a manner contradictory to the will of God for three years, is inadmissible to Talbi, both in a religious and in a logical sense. He eliminates the possibility that this is the case, based upon the contents of Quran LIX:7: "Whatever the messenger gives you, take it. Whatever he forbids you to have, leave it alone." (Jones 2007, p. 510) Instead, Talbi argues that the Prophet pursued the full equality of men and women with God's support. Had this not been the case, "and if that had been contradictory to [God's] will, He would have rectified the situation immediately – and He would have reprimanded His Messenger," in a manner which Talbi argues was sometimes the case throughout Muhammad's prophethood (Talbi 1996, p. 124).

Thus, Talbi contends that if there is no contradiction between the will of God and that of His Prophet, and if the will of God is wholly good, then both the Prophet's feminist project and the contents of Qur'an IV:34 were necessary and beneficial to the *ummah*. Between two values, gender equality and the survival of the *ummah*, God, "made that which was more important prevail over that which was important." (Talbi 1997, p. 96) By this logic, though, once the safety of the *ummah* was assured, the purpose of Qur'an IV:34 had been fulfilled. In the context of the conditions found in the modern Islamic world, the higher value is gender equality.

It is worth noting that the source material that forms the basis for Talbi's analysis and application of the *asbāb al-nuzūl* is quite dissimilar from that which he presents in the earlier works of his career. In his monograph on the Aghlabide Empire, entitled *Al-Dawlah Al-Aghlabiyah* (1985), he demonstrates a rigorous citation of sources that, no doubt, was emphasised throughout his graduate education. In contrast, in his application of the *asbāb al-nuzūl* to Qur'an IV:34, he cites the origin of his historical narratives only sporadically. In this regard, however, Talbi's use of the *asbāb* resembles many of the most famous classical examples of the device. To the modern scholar, the use of source material of unknown origin is a worrying

limitation to Talbi's writing, particularly as this material is being applied to no lesser objective than the derivation of guidance on the ultimate intentions of the Lawgiver. In addition to the issue of citation, Talbi himself admits that information on the conflict within Meccan society that led to the revelation of Qur'an IV:34 is both rare and incomplete. He asserts, however, that, "Neither the rarity of the information conveyed by these texts, nor the fact that they rest upon only some aspects of life of the age, nor even the various gaps that blemish them, may represent insurmountable obstacles before this understanding." (Talbi 1997, p. 96)

The Evolution of Islamic Thought on Marriage and the Treatment of Women

Talbi's application of his concept of *asbāb al-nuzūl* leads him to the conclusion that equal treatment of the sexes represents a universal ethic. As such, society must evaluate and synthesise its social and political decisions on the basis of the realisation of gender equality in order to conform to the will of the Lawgiver. Talbi contends, however, that to do so will require the abandonment of generations of anti-feminist thought, which found fertile ground in the misogynistic preconceptions of classical jurists. He finds that the majority of jurists in the second and third centuries of Islam, "dealt with verse 34 of Surat Al-Nisā'… on the basis of Ḥadith underscoring the inferiority of women, making of them sexual merchandise whose function is to prostrate themselves before the appetites of their husbands." (Talbi 1996, p. 128) This interpretation of the Qur'an and Ḥadith, Talbi notes, was in conformity with the norms of the age and did not arouse objection.

Nonetheless, Talbi takes comfort in the fact that many modern scholars are beginning to apply their own methods of interpretation to Qur'an IV:34 and have concluded that the corporal punishment of women runs in contradiction with the intentions of the Lawgiver. In his view, it is possible for society to suspend the permission contained within Qur'an IV:34 to hit women. In doing so, however, Talbi advances the argument that it is critical that society understands that it categorically could not have been revealed in error. Rather, of those who would believe so, Talbi states: "His servants, whom He endowed with reason to attain [an understanding of] His meanings, they debate badly, and they forget that His verses direct as He commanded them, so they fall into error." (Talbi 1996, p. 132) Talbi argues instead that the correct interpretation of Qur'an IV:34 is that the verse was only correct given the conditions that characterised its revelation. With the expiration of such conditions, however, he concludes: "The Lawgiver's ultimate intentions make necessary the withdrawal of this permission, given the disappearance of the circumstances which [called for] it." (Talbi 1996, p. 133) In doing so, Talbi contends that society does not diminish the value of the verse, but rather honours it with its efforts to determine its deeper meaning, a meaning which is "as if God is addressing us in our day and in our hour." (Talbi 1996, p. 133)

Talbi also argues that the words of Qur'an IV:34, taken in context with the verse that succeeded it, address families in crisis, not the ideal recommended by the faith. Before marital discord leads to violence, Talbi argues that, "God reminds [us] of a set of principles, defines the duties of the two parties, and recommends a procedure that aims to reconcile the two partners, [in order] to leave behind their animosities and to rebuild, to the extent that it is possible, the familial fabric that disaccord has abused and destroyed." (Talbi 1997, p. 102) In this way, Talbi contends that the recommendations of the Qur'an allow both parties to the marriage to salvage their relationship, thus avoiding divorce, which Talbi reminds the reader is the most detestable of legal acts to God.

Commentary on Polygamy

Given Talbi's interpretation of Qur'an IV:34, one might anticipate that he would apply his historical methodology to revoke the permission for polygamy in the same manner that he argued for the revocation of the permission to beat women. It represents an interesting departure from his preference for liberalist and 'feminist' solutions that he does not, in fact, do so. As a historical institution, in both *Ummat Al-Wasaṭ* and *Plaidoyer pour un islam moderne*, Talbi argues for the legitimacy of polygamy, while at the same time noting that the Qur'an recommends monogamy as "the organisation most conforming to equality of the sexes." (Talbi 1998, p. 138) I will briefly summarise his arguments before moving on to consider how Talbi's treatment of polygamy fits into his broader body of work on personal status.

Talbi opens his discussion on the nature and permissibility of polygamy with the assertion that Islam guarantees the complete equality of men and women in all domains (Talbi 1992, p. 124). He contends that polygamy represents no challenge to this understanding and proceeds to enumerate the reasons for his position. First, he notes that polygamy will only be the proper solution for a minority of cases, as, "The famous verse in this area, Al-Nisā' 3/4, is clear. It does not ban polygamy and does not impose it, but rather allows it cautiously in a manner that encourages monogamy, and prefers it due to the impossibility of equity." (Talbi 1992, p. 125) Second, he notes that polygamy can, in certain limited cases, serve as a solution for certain social problems, as it obliges men to bear responsibility for their sexual relations. Finally, he reminds his reader that women reserve the option to reject additional marriages through their marriage contract.

From a legal perspective, Talbi is quick to specify that permissibility in Islam and legality under the law are two separate matters. In his words, "medieval legislation stands upon the concepts of *ḥalāl* and *ḥarām*, while our contemporary legislation is based primarily, to different degrees, according to the different prevailing conditions in Arab and Islamic states, on the concepts of permissibility and prohibition." (Talbi 1996, p. 143) At the same time, he notes that modern states must speak in terms of 'legal' and 'illegal,' concepts which are entirely separate from the degrees of permissibility invoked by classical scholars.

Even in a legal sense, though, Talbi declines to recommend the banning of polygamy, in spite of his clear preference for monogamy as the 'most equal familial arrangement'. To do so would amount, in Talbi's words, to "… accusing Islam, or societies, which, as a function of their own context, are [led] to make different choices." (Talbi 1998, p. 140) Talbi makes clear that his own preferences and experiences cannot be applied universally, nor should the law attempt to intervene to do so. In his view, liberty, including the right to the family life one prefers, is not the privilege of the majority. Even if monogamy is the most prevalent form of marriage, "… one must remember that exceptions exist everywhere." (Talbi 1998, p. 140) Talbi contrasts such polygamous 'exceptions' to the case of the West, where he argues that monogamy's hegemonic exclusion of other forms of marriage leads to an unfortunate state of affairs in which sexual unions outside of marriage afford women no protection. Given the choice, he states that he would rather that Islamic societies retain polygamy as a legal option.

Talbi and Liberal Feminism: A Textual Analysis

In both his arguments on polygamy and in his discussion of Qur'an IV:34, Talbi invokes the term, 'feminism', characterising acts as feminist and classifying figures from the Prophet's community as feminists and anti-feminists. In light of this trend, it is worth analysing what feminism means to Talbi. 'Feminism' is hardly a united movement; depending on the writer and the milieu, it may include individual and collectivist, secular and religious, anthropological and economic, and liberal and radical narratives of women's ideal and real place in society. Talbi does not explicitly define what the term means to him; however, there is some evidence within his writing of what feminism represents in the application of his historical method. The following paragraphs will analyse and comment on his use of the term and its implications for his discussion of Qur'an IV:34.

At this point, it is worth discussing Talbi's use of the term 'anti-feminism', or *ḍidd al-nasāwī*. 'Anti-feminism' is used in two places within Talbi's discussion of Qur'an IV:34 in a manner that sheds light on his understanding of feminism. In the first instance, Talbi contrasts the feminism of Um Salamah with the 'anti-feminism' of ᶜUmar ibn Al-Khaṭṭāb (Talbi 1996, p. 122). In the following pages, however, Talbi only assigns one political objective to ᶜUmar ibn Al-Khaṭṭāb; he was against the prohibition of the corporal correction of women. Later, Talbi discusses the 'anti-feminist movement' of the second and third centuries A.H., which were characterised by "the telling of *aḥadīth* emphasising the inferiority of women and underscoring their complete subordination to men. Her social sphere was limited to the home, as she was the queen of that prison, a queen who was disciplined, of course, by beatings from her master, should she disobey him." (Talbi 1996, p. 126) Thus, 'anti-feminism', for Talbi, includes the permission for men to physically discipline women, ideas on women's inferiority and subordination, the confinement of women to the private sphere, and the notion that women owe men some degree of obedience.

As for Talbi's use of the term 'feminism', once again, the most enlightening text in his analysis of Qur'an IV:34 concerns the figure of Um Salamah. Of her significance, he writes:

> These few pieces of information that have reached us are very important, since without a doubt, [Um Salamah] was not the only woman of her type. She represented a tree that informs us of the presence of a forest. Despite the small size of this forest, it uncovered efforts that, without a doubt, were filled with feminist demands of equality with men in everything. (Talbi 1996, pp. 122–3)

From this, we can conclude that Talbi holds Um Salamah to be representative of a 'feminist' sub-section of the Prophet's community and that in this case, 'feminism' is defined as gender equality in all spheres of life. He later reiterates this definition, arguing that the Prophet's 'feminist experiment' had sought to realise "… full equality between men and women." (Talbi 1996, p. 125)

Thus, for Talbi, "This feminist issue … condemns disciplining the wife via beating and demands equality between the two sexes." (Talbi 1996, p. 120) The negative definition of 'feminism' within his work is unambiguous enough, that women should not be subjected to beatings or confined to their homes. The positive definition of the term proves to be more problematic, however, as Talbi at no point defines the 'equality' that the Prophet had sought to realise within his community. Talbi himself would seem hesitant to adopt an absolute vision of gender equality, as demonstrated in his brief discussion of polygamy. On the subject of polygyny, he writes as the apologist, explaining, "Polygamy was an exceptional practice intended to treat exceptional situations. Is it more valid to treat such a case with polygamy or with sexual relations outside of marriage?" (Talbi 1998, p. 137) He goes on to argue that societies choosing the latter solution are forced to contend to a growing extent with the problem of single parenthood. Clearly, for Talbi, gender equality must entail certain practical limits. On the extent of those limits and, thus, a more precise definition of his 'feminism,' he remains vague.

It is also worth noting the somewhat incongruous nature of Talbi's very use of the word, 'feminism', in this discussion. Throughout his work, Talbi serves as a frequent critic of the common tendency in modern Islamic literature to 'back-project', assigning modern definitions and associations to terms that would have meant something very different in the lifetime of the Prophet. He has been a vocal critic, for instance, of the tendency among Islamists to politicise the word, *ummah*, and of the common usage of the word as a translation of the French *nation*. He argues that the manner in which it is used today is wholly different from the way it would have been understood in the Prophet's time, when it signified an entirely spiritual community. In Talbi's view, this has provoked a number of dangerous anachronisms (Talbi 1992, p. 97).

Given this constant focus on understanding the meaning of words as they were used and interpreted at the time of the revelation, it is slightly odd that Talbi insists throughout his discussion of Qur'an IV:34 that the Prophet and specific members of the community surrounding him were 'feminists', to be contrasted with an opposing set of 'anti-feminists'. The term 'feminist' is a term so thoroughly imbued with modern images and connotations that it cannot be used without summoning an entire body of ideology and social history that would have been wholly foreign to the

Prophet and his community. Indeed, the term itself is a vague one, having been alternatively employed in numerous historical movements and by liberal, Marxist, green, critical theory, and other authors to varying ends. Regardless of the definitions inherent in these various movements and approaches, however, all feminisms, including apologist schools, derive from a single intellectual launching point, the debates surrounding gender and reason in the Enlightenment (Hannam 2007, pp. 17–20). Thus, while religious feminisms have since formed and gathered momentum, feminist thought most essentially finds its roots in the rejection of religious authority. As such, to call the Prophet's inclinations or actions 'feminist' would seem to be an odd anachronism.

Conclusion

As we have noted, Talbi's approach to history, his method, his understanding of *asbāb al-nuzūl*, and his conclusions deviate markedly from the classical traditions that he often invokes. Like many modern Islamic intellectuals, Talbi was heavily influenced by the ideas of European liberalist writers. Throughout the period of his French education, he studied under Louis Massignon and surrounded himself with liberal thinkers. He later applied a liberal methodology in his early historical writings. In the context of his more recent writing on women, he uses the term, 'feminist', frequently without discussing the meaning of the word, its role in liberalist thought, and the controversy of applying it to early Islamic history. At the same time, Talbi states repeatedly that his project is to pursue gender 'equality'. In doing so, Talbi once again defends the ideals contained within the liberalist teachings with which he would have, no doubt, familiarised himself in the course of his French education. The predominant strand of his arguments favours equality in the liberal sense over classical religious inclinations toward equity. Still, his methodology, while modified substantially from contextual interpretation as it was found in the four Sunni schools, can be traced to Islamic origins. Within this juxtaposition of influences lies the importance of Talbi's project. It is an attempt to reconcile Islamic with Western thought, traditional with modern. This approach not only has implications for the articulation of new understandings of the role of women in Islam, but also speaks to the fundamental compatibility of Western and Islamic thought.

References

Hannam, J. (2007). *Feminism*. Harlow: Pearson Education.

Jones, A. (Trans.). (2007). *Qur'an*. Exeter: E.J.W. Gibb Memorial Trust.

Lee, R. D. (2008). Tunisian intellectuals: Responses to Islamism. *Journal of North African Studies, 13*(2), 157–173.

Talbi, M. (1985). *Al-Dawlah Al-Aghlabiyah (148–296, 800–909)*. Beirut: Dār Al-Gharb Al-Islāmī.

Talbi, M. (1992). *Iyāl Allāh*. Tunis: Ceres Editions.
Talbi, M. (1996). *Ummat Al-Wasat*. Tunis: Ceres Editions.
Talbi, M. (1997). Mohamed Talbi: Lecture Historique Des Versets 34 et 35 de la Sourate de Coran Intitulée “Les Femmes”. *Prologues, 9*, p. 89–106
Talbi, M. (1998). *Plaidoyer pour un islam moderne*. Tunis: Cérès Editions.
Talbi, M. (2004). Le Coran et le châtiment corporel des femmes. *Jeune Afrique, 2277*, 24.
Talbi, M. (2005). *Réflexion d’un musulman contemporain*. Casablance: Editions le Fennec.