Critical and Comparative Analysis of the Legal Ruling Verses (*Āyāt al-Āḥkām*) in the English Translations of the Qur'ān

Submitted by

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to the **University of Exeter** as a thesis for the degree of

Doctor of Philosophy in Translation Studies

October 2023

Abstract

Qur'ānic translation is an area on which scholars focus their interrogation due to the book's relevance to the Muslims. Another interesting area is the influence of religious ideology on the rendering of the translation. This study aims to examine how Qur'ān translators transferred the language of the legal ruling verses into English. It also explores how the religious ideologies of specific translators are embedded in their Qur'ānic translations and how that might have influenced the meaning of the ruling verses that these verses contain. This study adopts a descriptive comparative approach, using critical discourse analysis, to examine the legal ruling verses of the Qur'ān and demonstrate how the religious ideologies of the translators have implications on the selected Qur'ānic translations. The research engages two analytical levels: the textual level, for which an analytical comparison was applied to the lexical and semantic choices and employed Ivir's (1987) translations strategies. At the paratextual level, the critical discourse analysis was limited to the translator's footnotes. The research was conducted to analyse the verses according to the standard beliefs of Islam that are based on a wide range of references such as Qur'ānic dictionaries, Qur'ānic exegeses, and the opinion of jurists and scholars. Due to the word limit, this study only analyses the Qur'ānic legal ruling verses related to Marital law and Punishment. The three selected Qur'ān translators are Ünal (2006), Yüksel (2007), and Nasr et al. (2015). The research conducted on Qur'ān translation reveals fascinating insights. Each translator had their own distinct purpose and ambition, which is evident from their footnotes. The research reveals the differences in reformist's and traditionalist's approaches to Qur'ān translation. The research also highlighted how translators used different strategies to translate words with legal connotations that were influenced by their cultural and religious ideologies. These findings have significant implications for comprehending legal ruling verses in the Qur'ān, as the translators' ideologies may be unconsciously or consciously reflected in their translations. This thesis draws attention to the fact that translators' ideologies must be taken into account while reading translations of legal terms. It also emphasises the vital role played by Qur'ān translators in translating legal ruling verses and lays the foundation for future research in this area.

Contents

Dedication

I dedicate this work to Sheikh Muhammad Khalil al-Qari (1966-2023), my noble and beloved teacher, to whom I became a friend and younger brother. He passed away during the final stages of my PhD so could not, sadly, celebrate with me the submission of this work.

Acknowledgment

All praise and thanks are above all due to Allāh, the Almighty, for providing me with the inspiration, strength, and ability to complete this thesis. I am humbly grateful for His blessings, without which this achievement would not have been possible. I acknowledge that any favourable outcomes are the result of His mercy and blessings, and any flaws are solely my responsibility. "My success is only with Allah; in Him I trust and to Him I devoutly repent!" (Q. 11:88).

I am immensely grateful to my esteemed parents for their boundless love, patience, prayers, and unwavering support. Their exceptional care, sincerity, generosity, and devotion have been a significant source of strength and motivation throughout my life. I am wholly devoted to reciprocating their kindness and dedication for the rest of my life. "My Lord! Show mercy to them for they nurtured me when I was young!" (Q. 17:24).

My deepest appreciation goes to my wife for her endless support, passionate care, and exceptional patience. I am also grateful to my siblings' unconditional love, unwavering support, and consistent prayers. Their presence in my life has been a blessing, and I appreciate their commitment to our family bond.

I would like to sincerely thank my supervisors, Prof Michelle Bolduc and Dr Mustafa Baig, for their invaluable support throughout my academic journey. Their guidance, important comments, and remarkable advice, coupled with their constructive feedback, have been instrumental in keeping me focused. Their profound and comprehensive discussions have significantly contributed to the production of my academic work.

Finally, I would like to extend my heartfelt gratitude to my esteemed colleagues Ahmed Aldhubayi, Idris Yana, Erdi Oz, Abdulaziz Altun, Sakir Yilmaz, Mehmet Yildiz, Yahia Hakami, Mazin Almas and Anas Alhaisony, for their unwavering support and companionship throughout the course of my doctoral studies. They have been my constant companions and supporters during my studies, and their contributions have been invaluable in helping me achieve my academic goals.

List of Tables

Arabic Transliteration System

Consonants			
Arabic	Transliteration	Arabic	Transliteration
ء	ʾ	ض	ḍ
ا	a	ط	ṭ
ب	b	ظ	ẓ
ت	t	ع	ᶜ
ث	th	غ	gh
ج	j	ف	f
ح	ḥ	ق	q
خ	kh	ك	k
د	d	ل	l
ذ	dh	م	m
ر	r	ن	n
ز	z	هـ	h
س	s	و	w
ش	sh	ي	y
ص	ṣ	ال	al-
Short vowels		**Long vowels**	
أَ	a	آ	ā
إِ	i	ُو	ū
أُ	u	يِ	ī

Throughout this thesis, all Arabic words will be transliterated using this specific system. However, some Arabic authors' names may not conform to this particular system. Additionally, certain terms that have been lexicalised in English will be represented in their English dictionary form. The transliteration system employed includes the representation of the three short and three long vowels in Arabic, as illustrated above.

Chapter One: General Introduction

1.1 Introduction

In this chapter, I outline the main aims and objectives of the research, the important questions that the research aims to answer, the envisaged contributions of the research and the limits of our study. I also explain the process of conducting the research and the structure of the upcoming chapters. Furthermore, I acknowledge both what I hope to achieve and the likely challenges to face. I highlight the methods I will use to gather and analyse data, explaining the tools and techniques I will employ. I present the layout of the research, showing how each chapter connects and contributes to the broader argument of the thesis. Essentially, this chapter illuminates the nature and structure of the thesis from goals to methodology and beyond.

1.2 Aims and Objectives

This research aims to examine how Qur'ān translators have transferred the language of the legal ruling verses into English. The primary objective of the analysis chapters is to investigate how traditional legal rulings were transferred into English, as well as explore how the ideological background of some translators might have influenced their translations of the Qur'ān. Thus, the study adopts a descriptive approach using critical discourse analysis to examine the legal ruling verses of the Qur'ān and reveal the religious ideological implications of the selected Qur'ān translations. Critical discourse analysis enables this research to a deeper understanding of texts and offers some clarification of why and how the related discourse works. By examining the legal ruling verses that were transferred into English, the researcher seeks to understand how much of the selected translators' thoughts about the ruling in question were based on their ideological inclination as reformists, modernists, Sufis, and/or traditionalists, and whether these ideologies influenced their translations or not. The critical comparative analysis was not conducted to uncover whether or not a translator is correct, but rather, to explore the notion that different translators have different ideas and ideologies, and those ideologies influence their translation and footnotes. In other words, the research is not attempting to

assert that certain translations (and legal interpretations) are wrong but rather to demonstrate how they differ from one another, and from the "orthodox" jurisprudential exegesis (see 1.6.2). In addition, the research is conducted to analyse the verses in accordance with the standard beliefs of Islam that are related to a wide range of references such as Qur'ānic dictionaries, Qur'ānic exegeses, and the opinion of jurists and scholars.

The comparative analysis of the research occurs at two levels. The first is the textual level, where the lexical and semantic choices made are analysed against Ivir's (1987) translation strategies. The second is the paratextual level, where the critical analysis is limited to the translator's footnotes. By applying Ivir's (1987) seven strategies in the textual analysis, this research attempts to investigate the strategies used and determine which of the selected translations has the highest potential for delivering the intended meaning of the legal ruling verses in English. Section 1.6.3.2 will provide a full explanation of Ivir's (1987) translation strategies and how they are evaluated in terms of delivering the intended meaning. In the footnotes, the critical and comparative analysis involves looking at different perspectives, such as the translator's understanding of the legal terms, their interpretation, and whether other schools of thought were adopted by and influenced the translator's religious and ideological understanding. Part of the aim of this study is to conduct a comparative analysis of how the translation of legal ruling verses from the perspectives of two jurisprudence exegeses – al-Qurṭubī's exegesis (classical) and al-Ṣābūnī's (modern) – affects the understanding of the intended meaning of these verses. The corpus of this study will be limited only to the Qur'ān translations of Ünal (2006), Yüksel (2007), and Nasr (2015) (see 2.6 for the rationale of selecting these translations). However, before commencing the corpus study in Chapter 4, the study uses different translations of the Qur'ān instead of the corpus selection when explaining sample verses in Chapters 2 and 3 so as to avoid crossing over into the corpus as well as being put in a position to choose one of the three over the others (to avoid a presumption of bias). These include "standard" translations of Ṣaḥīḥ International (1997), Abdulhaleem (2004) and Al-Amri (2023). These translators were chosen because they are widely accepted, produced at different times, and have translated the Qur'ānic text into clear and accessible English.

Nonetheless, these translations (among others) are cited on occasion as point of comparison against the corpus to present a broader analysis of the verses under discussion.

1.3 Research Questions

The thesis aims to examine the influence of religious ideology of three different translators on their English translation of legal rulings in the Qur'ān. Therefore, the study will address the following key research questions:

1- How does ideology influence the English translation of legal rulings in the Qur'ān?

2- How have these translators interpreted and commented on legal ruling verses based on their understanding of Jurisprudence?

3- How does these translators' use of footnotes affect the understanding of some Qur'ānic verses?

4- What are the strategies commonly employed by these translators to translate words with legal connotations?

5- What are the ideological representations to be found in the selected Qur'ān translation?

1.4 Contributions and Limitations

The selected model and framework will provide parameters for facilitating the analysis of the legal ruling verses of the Qur'ān, as well as that of lexical and semantic issues, and the elucidation of the ideologies underpinning each selected translation. Furthermore, the different methods and theories employed will pave the way for the analysis chapters and facilitate the understanding of this research's criteria. The translation of the Qur'ān is ripe for further research, and it is hoped that the comparative analysis of textual and paratextual elements in the translation of legal ruling verses of the Qur'ān will contribute to the field of Qur'ānic translation and deepen our understanding of the crucial role played by the Qur'ān translator in translating legal ruling verses. This will also shed light on the possibility of translators' ideologies being brought into the translation of the legal language of the Qur'ān and lay a foundation for future researchers to critically examine all legal

ruling verses and their translations. This study, therefore, adds to the growing body of research that indicates the importance of reading the legal ruling verses critically and emphasises the factors that influence Qur'ān translators, especially in translations with extensive footnotes.

The legal ruling verses in Chapter Four and Chapter Five are not arranged in the order of their placement or revelation in the Qur'ān. Instead, they are organised in accordance with two themes of jurisprudence: marital law and punishment. This categorisation is based on al-Ṣābūnī's exegeses, and the legal verses will be drawn from this book and be re-organised based on the two themes of legal rulings (See 1.6.2). Thus, part of the contributions of this researcher will be categorising al-Ṣābūnī's exegesis based on themes of jurisprudence. According to al-Ṣābūnī's work, there are around 67 legal verses categorised according to the *Surah* (chapters) of the Qur'ān. Due to the word limit, it is impossible to cover all rulings verses, so the research will critically analyse three legal verses within the two main themes of legal ruling, with each theme being examined in its own chapter. These two themes were chosen because they generate controversial and often heated debates, especially in Western societies. Therefore, examining the distinct features of marriage and punishment legal verses will provide a new lens for the understanding of the translation of the Qur'ān as a whole, and provide a deeper understanding of the kinds of influence on different translator responses that can be examined (See Chapter Four and Chapter Five). Although the number of verses under discussion here are limited, the research gives insight into the strategies and ideologies of the translators that can generally be applied to other legal verses (not always addressed here) that evoke similar debates.

Although the study has limitations, it aims to add to an understanding of the differences in legal opinions within Islamic law. Such differences amongst jurists' and exegetes' understanding of the afore-mentioned legal ruling verses show the possibility of terms with legal connotations to having several meanings. This study aims to contribute to the current body of literature on Qur'ān translation. It sheds light on the translators' understanding of the legal terms and their interpretation, and offers valuable insights into

how ideology shapes the translation of legal rulings in the Qur'ān. It is important to emphasise that the analysis of the three selected translations is done with a focus for understanding rather than searching for mistakes; hence any criticism of the translators should not be perceived as a means of undermining their hard work and dedication in translating the Qur'ān.

Measuring legal accuracy and terminological and paratextual alignment with the exegetical tradition is the aim here. Therefore, the thesis is not geared towards analysing other possible considerations in translation such as syntactical, lyrical-poetic, literary-rhetorical, sonorousness, cadence, prosody; an example of the latter cluster being the newest Qur'ān translation published at the time of writing by Rafey Habib and Bruce Lawrence titled *The Qur'an: A Verse Translation* (Habib and Lawrence, 2024). This is more so because the present research is focused on legal verses instead of, for example, narrative stories and ethical imperatives.

1.5 Outline of the Thesis

This thesis comprises six chapters, with each chapter focusing on a certain aspect of the research. Chapter One, which serves as an introduction, provides the reader with a general understanding of the topic, its significance, and how the research will be conducted. It includes the aims and objectives, research questions, scope and limitations, and a brief outline of each chapter. It also describes the methodology of the thesis, highlighting the analysis of various themes within the chosen Qur'ān translation. Moreover, the chapter discusses the theoretical framework and explains the use of textual and paratextual analysis as analytical tools to examine the selected Qur'ān translation.

The second chapter delves into the translation of the Qur'ān and the challenges that come with it. The chapter starts with a brief overview of Qur'ānic Arabic and then moves on to examine the unique features of Qur'ānic discourse that make it difficult to translate into other languages. The concept of the inimitability and untranslatability of the Qur'ān is also discussed, along with how this has influenced attempts at translating this holy book. The

chapter goes on to provide a critical review of English translations of the Qur'ān, exploring how each translator has been influenced by certain factors and various Islamic schools of thought. This section is divided into four subsections, starting with an introduction to early translations of the Qur'ān. The Orientalist approach to Qur'ān translations by non-Muslim translators from the 16th to the 20th century is explored in the second subsection. The third subsection examines the Qur'ānic translations rendered by Muslim translators in the 20th century, while the final subsection briefly touches on Qur'ānic translation post-September 11, 2001, and how this event has affected translations of the Qur'ān. The chapter then presents an overview of the three translations of the Qur'ān selected as the corpus of this research. It provides a literature review of each translator, critically examining their cultural and social background and explaining why the works of these three specific translators are worth investigating. This is followed by an outline of approaches to Qur'ānic translation and how translators' work can be impacted by their selection of different theories of translation studies.

Chapter Three provides an overview of the legal ruling verses in the translation of the Qur'ān. It examines the relationship between *sharīʿah* (rulings) and *fiqh* (jurisprudence) as two Islamic law principles, and further explores different schools of jurisprudence to understand the rationale behind jurists' different opinions in the process of interpreting legal ruling verses of the Qur'ān. The chapter then focuses on the legal rulings of the Qur'ān as a jurisprudential undertaking to pave the way for the subsequent discussions about the translation of legal rulings in the Qur'ān. To achieve this purpose, this section is divided into three sub-sections that include providing an account of the different themes of legal rulings in the Qur'ān, highlighting the different classifications of legal rulings and its examples from the Qur'ān and, lastly, discussing the translation of the legal rulings, their unique features, and the importance of inserting footnotes and commentaries. The chapter concludes by exploring the different categories of exegesis of the Qur'ān.

Chapter Four is the first core chapter of the thesis, and it focuses on analysing the legal rulings related to marital laws in the translations of the selected verses from the Qur'ān. The primary objective is to examine how translators transferred the language of legal

rulings into English and to elucidate the religious ideologies embedded in the selected translations. The analysis is conducted on two levels: textual and paratextual. The textual level analysed the lexical and semantic choices made against Ivir's (1987) translation strategies, while the paratextual level focuses on the translator's footnotes. Thus, the chapter is divided into three sections, and each section focuses on one Qur'ānic verse that is related to a specific aspect of marital law. The first section critically reviews the translation of verses related to the marriage of polytheists (*nikāḥ al-mushrikāt*). The second section discusses the translation of verses related to the legal rulings on polygamy (*al-taʿaddud*) in Islam, and the last section discusses the translation of verses related to legal rulings on solving marital conflicts (*al-nushūz*). Before delving into the comparative analysis, necessary background information and a critical discussion of various aspects is provided. These include historical accounts, clarifications of legal terms based on selected dictionaries, consideration of jurisprudence matters, the exploration of the legal schools of Islamic law and their views, and the supporting arguments on the translators based on jurisprudence exegeses.

The second core chapter of the thesis is Chapter Five, which delves into the analysis of the legal rulings related to punishment in the selected verses of the Qur'ān. Divided into three sections, this chapter scrutinises one or two Qur'ānic verses per section that pertain to specific laws on punishment. The first section evaluates the translation of verses associated with retribution (*qiṣāṣ*) in cases of murder. The second section discusses the translation of verses related to legal rulings on highway robbery (*ḥirābah*), and the final section examines the translation of verses concerning legal rulings on theft (*al-sāriqah*). The critical and comparative analysis takes into account various perspectives, including the translator's comprehension of the term with legal connotations commonly found in the book of jurisprudence, their interpretation, and whether other schools of thought influenced the translator's religious and ideological understanding.

In the sixth chapter, the research is concluded and the five research questions are briefly answered and the findings and implications of the comparative and critical analysis of the legal rulings in the Qur'ān are revealed. Additionally, suggestions regarding the

translation of legal rulings in the Qur'ān are provided along with recommendations for further research. This concise chapter also acknowledges the limitations of the research and proposes relevant topics for future research on the translation of legal ruling verses in the Qur'ān.

1.6 Research Methodology

This section is divided into three main sub-sections, the first of which introduces the theoretical framework used in this research. The following sub-section highlights the importance of the exegetical analysis and references to exegetical works. Furthermore, an account of two jurisprudence exegeses will be introduced, as they will play a role of guidance and serve as a reference. The last section then moves to elaborate the procedures and analytical tools used in the research. Accordingly, textual analysis, paratextual analysis and Ivir's (1987) model of translation are discussed, and the importance of using selected methods and models is justified, providing the framework for the examination of the selected legal ruling verses.

1.6.1 Theoretical Framework

There are different ways of doing research and each study requires a specific approach, depending on what the researcher aims to achieve. In this regard, Robson et al. state that "there is no overall consensus about how to conceptualise the doing of research". Similarly, in a qualitative research, O'Brien and Saldanha have stressed that "there is no clear distinction between data collection and analysis" (O'Brien and Saldanha, 2014, p. 83). Yet, Robson et al. further maintain that using different approaches such as experiments and surveys "expects you to develop your design through interaction with whatever you are studying and has data collection and analysis intertwined" (Robson and McCartan, 2016, p. 45). Accordingly, this section details the theoretical methodologies that are most relevant to this study's research goals.

1.6.1.1 Critical Discourse Analysis

Using O'Brien and Saldanha's research methodologies in translation studies (2014, p. 50-51) as a framework, this thesis is carried out using descriptive and explanatory purpose in mind to explore the textual product that is the outcome of the translation. As O'Brien and Saldanha (2014, p.50) emphasise, "whether a piece of research is process, product or context-oriented is not determined by the methodology itself or even the source of data, but the ultimate aims of the researcher". Taking this into account, the research will be assessing the translation as a finished product as opposed to exploring how it was done. By examining the finished product, inferences are made about how it was produced, in terms of the influence of ideology. This approach was supported by Hatim and Mason (1990) who stress that target readers perceive an end-product which is an outcome of the decision-making process and the translation practice. Readers have no access to the ways in which the translator made their decision or solved issues they may have encountered during the translation process (Hatim and Mason, 2013, p. 3). Thus, this research will be conducting a critical discourse analysis (CDA) (Baker and Saldanha, 2009, p. 50) to explore the processes that might have informed the decisions that translators take. Before going into analysis however, it is important to highlight its history within academic circles so as to provide the relevant context to understand its nature.

One of the key articles that address the methods around the concept of critical discourse analysis is that of Meyer (2009), who opines that the emergence of CDA as a framework was in the early 1990s. CDA started with the unveiling of Van Dijk's journal, *Discourse and Society* (1990), as well as the publishing of several books by a group of scholars, such as Gunther Kress (1990), Teun van Dijk (1993) and Norman Fairclough (1995). Since then, discourse analysis has become a recognised academic discipline across the world and is established within many departments and programmes (Meyer, 2009, pp. 3–4). As Munday (2012) reiterates, discourse analysis models have become increasingly popular among translation theorists with a focus on linguistics, as they offer a valuable framework for comprehending a text's linguistic structure and meaning. Many scholars of translation studies have applied discourse analysis theory and methodology to their research, and Munday (2012) has pinpointed several significant works that utilised the

Hallidayan model, including House (1997), Baker (2011), and Hatim and Mason (1990, 1997, 2013). The Hallidayan model views language as a communicative act within a sociocultural context (Munday, 2012, pp. 137–153). Munday and Zhang's volume, *Discourse Analysis in Translation Studies*, seeks to merge the fields of discourse analysis and translation studies. The introductory chapter provides readers with an overview of the evolution of discourse analysis in translation studies (Munday and Zhang, 2017, pp. 1–10). This volume is an invaluable addition to the field of translation studies, offering a fresh and insightful perspective through its use of discourse analysis (Kurosh and Kuhi, 2020, p. 132). While previous works in the field of Qur'ān translation have used CDA to examine verses, there are no tangible evidence that show if there is any research that utilised CDA in analysing the legal rulings verses in the Qur'ān. This draws attention to the fact that employing CDA in the analysis of legal verses can foster a new perspective to the scholarly discourse within translation studies, enabling a re-examination of concealed ideological perspectives. In essence therefore, this study aligns with the growth of CDA in Translation Studies and offers a useful method for critically analysing a translated religious text.

CDA examines how texts work within sociocultural practice, and focuses on relations between discourse and other social elements, such as power relations, ideologies, institutions, and social identities (Fairclough, 2003, pp. 26–31). According to Kim (2020), CDA is a powerful research methodology that delves into the underlying ideologies of language. Through an examination of how language is used to express certain ideological stances, CDA has opened up new areas of study in translation and interpretation. This methodology has led to a deeper comprehension of translation as a multifaceted socio-cultural and political endeavour with far-reaching consequences (Kim, 2020, pp. 120–121). While most CDA-inspired studies concentrate on detecting ideological clues in the source text and identifying ideological and textual changes in translations, Hatim and Mason (2013) adopt a more comprehensive approach to discourse analysis in translation and interpretation studies. They consider the broader social, political, and historical contexts in which texts are produced and received. Hatim and Mason's approach highlights the importance of understanding translation as a communicative process that

occurs within a social context. It emphasises the need to consider social and cultural factors that influence translation and the significance of contextual factors in shaping the meaning of the text (Hatim and Mason, 2013).

It is important to emphasise here that studies in CDA are manifold and thus is not aimed at providing a single theory but rather it is derived from different methodologies and theoretical backgrounds. With respect to CDA as a theoretical framework, Meyer (2009, p. 23) believes that "[n]either is there any guiding theoretical viewpoint that is used coherently within CDA, nor do the CDA protagonists proceed consistently from the area of theory to the field of discourse and the way back to theory". She further asserts that "there is no CDA way of gathering data" (Meyer, 2009, p. 27). Similarly, O'Brien and Saldanha (2014, p. 51) emphasise that CDA is not in itself a methodological aspect but in fact, is used as an umbrella term to indicate a different type of theories and methods that share the same approach to language examination. Thus, it can be concluded that one of the characteristics of CDA is its variety and diversity, and its openness to the broadest range of disciplines. Based on the foregoing, it can be understood that conducting a text analysis within a CDA framework could be difficult due to the lack of guidelines. This is why describing the research methods explicitly within the theoretical framework is very important.

Norman Fairclough, one of the founders of CDA as applied to sociolinguistics, used the descriptive approach mainly to "characterise approaches to discourse analysis whose goals are either non-explanatory, or explanatory within 'local' limits". He further argues that the descriptive approach, as he calls it, is "to be understood as a generalised characterisation of a tendency within discourse analysis and not as a characterisation of the work of any particular discourse analyst" (Fairclough, 2013, p. 45). This therefore means that the descriptive work in discourse analysis shares a wide range of characteristics with discourse such as a dependence on the notion of background knowledge and abandonment of power in the text (Fairclough, 2013, p. 45). According to Gee and Handford (2013), Fairclough compares the relations between discourse and social elements such as ideologies, power relations, and social identities. However, they

also argue that CDA is "a loosely interconnected set of different approaches, which differ for instance in the relative weight given to social as opposed to cognitive issues, or in the relative centrality given to social change (and therefore to concepts and categories such as interdiscursivity and recontextualization)" (Gee and Handford, 2013, p. 19). On the other hand, Paltridge (2012) goes a step further and argues that while Fairclough and Wodak (1997) describe the principles of CDA as issues related to society, politics and ideology, which are reflected in the use of discourse, it should be noted that there is no single complete view about the principles of CDA. Yet, different issues such as gender, ideology and identity, can be addressed by examining the use of the discourse choices (Paltridge, 2012, p. 190). However, Fairclough and Wodak argue that all texts need to be assessed by "taking sociocultural knowledge of the texts and the matter at hand more broadly into consideration" (Paltridge, 2012, p. 191).

One of the most important points raised about CDA is Paltridge's (2012) assertion that "the aim of a critical approach to discourse analysis is to help reveal some of these hidden and 'often out of sight' values, positions and perspectives" (Paltridge, 2012, p. 186). He goes on to declare that "critical discourse analysis examines the use of discourse concerning social and cultural issues such as race, politics, gender and identity and asks why the discourse is used in a particular way and what the implications are of this kind of use" (Paltridge, 2012, p. 186). This points to the fact that the objective of CDA is to investigate the relationship between the language as a discourse text and different social and cultural issues which can be mirrored in the text. CDA then perceives discourse "as an element of social life which is closely interconnected with other elements" (Fairclough, 2003). This stance is reflected in the discipline, as Translation Studies has shifted from a focus on the accuracy of the translation to the idea that the translator is "a socialised individual" who uses the sociological perspective as a methodological tool in the research of Translation Studies (Bayri, 2019, p. 1). The translator is not only a mediator between languages, but also a communicator of social meaning (Dubbati and Abudayeh, 2018, p. 148) hence the emphasis has shifted from evaluating the accuracy of the translation, to the influence of translators' works within socio-cultural, political and ideological contexts

(Toury, 2012). Because Qur'ān translators have a far-reaching influence on the translated text, it is necessary to recognise and evaluate their ideologies.

CDA focuses on how the choice of strategies can reflect ideologies, presuppositions and meaning. This is because CDA critically analyses the relationship between language, society and ideology in both national and international domains (Khosravi and Pourmohammadi, 2016, p. 153). It is important to note here that CDA differs from DA (discourse analysis), in that it applies more to whole texts and is considered a pragmatic process of meaning transfer (O'Brien and Saldanha, 2014, p. 51). In other words, critical analysis is a detailed textual analysis of various matters, which includes a description and explanation of the analysis. For instance, linguistic matters are considered as one of the main topics under frequent analysis within CDA, and the terms "Critical Discourse Analysis" and "Critical Linguistics" are often used interchangeably (Meyer, 2009, p. 1). More precisely, what is notable is that most researchers integrate linguistic classifications into their critical analysis with different emphasis and focus. This is why the corpus-linguistic approach is used as one of the methods of CDA (Meyer, 2009, pp. 20–21). However, Meyer (2009, p. 21) further argues that "CDA does not necessarily include a broad range of linguistic categories in every single analysis; one might get the impression that only a very few linguistic devices are central to CDA studies". Employing CDA on linguistics includes looking at word order, lexical style, coherence, semantic choice, rhetorical figures and syntactic structure. Therefore, by exploring the linguistic features of a text, the researcher can reveal underlying ideologies and beliefs (Paltridge, 2012, p. 186). Ideologies are reflected in the use of discourse and in relation to social constructions, including relationships based on power, gender and ethnicity (Paltridge, 2012, p. 190). Thus, CDA has been used to investigate matters of ideology in translation (O'Brien and Saldanha, 2014, p. 55).

There are different levels of engaging in textual analysis, as recognised by Fairclough (2003 p. 36) who divides relations of texts into internal and external (Fairclough, 2003, p. 36). Analysis of the external relations of texts is done in relation to other elements of social events, social practices, and social structure. On the other hand, internal relations

are those that examine semantic, lexical, and grammatical levels. Consequently, this research is examining the internal relations, according to Fairclough's categories, and thus will be looking at semantic and lexical levels as will be seen in the textual analysis section (see 1.6.3.1). However, although Fairclough has three-dimensional models for CDA (description, interpretation and explanation), this research will apply the descriptive approach to analyse the legal ruling verses of the Qur'ān (AlShurafa et al., 2021, pp. 3–5). What is interesting about Fairclough's descriptive model is that it "concerns the analysis of discourse-as-text (Fairclough 1992) and consists of description of choice and patterns of vocabulary, grammar, cohesion, text structure" (O'Brien and Saldanha, 2014, p. 84). This descriptive model is again considered as internal relations in Fairclough's relational model (Fairclough, 2003, pp. 36–39).

Thus far, this section has explored critical analysis as an approach that is suitable for this research's aim. This study uses a descriptive qualitative method with in-depth text-based analysis to understand the meaning behind texts and elucidate the ideologies embedded in the selected Qur'ān translation. By employing descriptive and critical analysis, this research aims to demonstrate how the cultural ideologies of selected Qur'ān translators are reflected in their translation. Thus, CDA enables this research to a deeper understanding of texts, and offers some clarification of why and how discourses work (Paltridge, 2012, p. 194; Rogers, 2004, p. 2). Thus, it can be said that the study undertakes said analysis and applies it to the legal ruling verses of the Qur'ān, and this analysis takes place within a framework provided by models in translation studies, as will be explained later in this section. Having discussed the theoretical framework, it is important to note here that the comparative and critical analysis will also be adopted to investigate texts around the Qur'ān translation, mainly footnotes, which can be termed external paratext as will be seen in Section 1.6.3.3. Additionally, by using footnotes in the translation of the Qur'ān, translators support their translation with a wide range of exegetical works and references, as will be explained in the next section.

1.6.2 Exegetical Work and Reference

As discussed in section 3.6.2, Translating the Qur'ān requires reference to exegetical works, otherwise, the meaning may be misrepresented in the target language. In this regard, Abdul-Rauf (2001, p. 40) opines that "the only way to penetrate this highly fortified text is to explicate its intricate multi-layered meanings through either 'within-the-text' exegetical material, as in the translation by Al-Hilali and Khan (1983) or through marginal notes and commentaries, as in the translations by Ali (1983) and Asad (1980)". He further states that "[only] exegetical translation can eliminate misconceptions among target language readers" (Abdul-Raof, 2001, p. 40). The importance of this has been emphasised by Ushama (2005, p. 258), who made aptly remarks that "the key to the treasure of the knowledge of the Qur'ān is its tafsīr [exegesis], and without it, it is impossible to arrive at the door of success; even though the Qur'ān is chanted and recited day in and day out with incantation" (Ushama, 2005, p. 258). This further brings out the issues around the barrier between a translator and exegesis interpreter of the Qur'ān especially in the case of Qur'ān translators, who might be influenced by the exegesis they use when explaining the meaning of the verses in footnotes which, for instance, may be influenced by a specific school of Islamic thought or other ideology positions. This could explain why "every group in the Muslim community has its corpus of tafsīr supporting and justifying its reading" (Al-Amri, 2010a, p. 88). However, a clear line needs to be drawn between the concept of Qur'ān translator and exegesis interpreter; more details are provided in Chapter Three.

To find the accurate exegetical meaning for the legal ruling verses of the selected Qur'ān translations, this research engages two jurisprudence-based exegeses: al-Qurṭubī (2003) and al-Ṣābūnī (1977). Using these two exegeses, this research engages in comparative analysis of the ways in which three selected Qur'ān translations render the legal ruling verses into English. In other words, the two jurisprudence exegeses selected in the analysis chapter of legal ruling verses on different jurisprudence themes guide translation and serve as a reference. Both jurisprudence exegeses will be consulted towards understanding the meaning of certain legal ruling verses and will be compared with the selected Qur'ān translations to determine whether they have successfully conveyed the intended meaning or not. While the selected Qur'ān translators have provided extensive

footnotes with exegetical references, this research will analyse in particular the ways in which each translator's work was influenced by different ideologies. By examining the legal ruling verses that were transferred into English, the researcher seeks to understand the selected translators' thought about the ruling and if it were based on their ideological inclination as reformists, modernists, Sufis, traditionalists, and whether these ideologies influenced their translations or not. Therefore, consulting with jurisprudence exegeses will be highly beneficial when looking at legal terms, footnotes, and commentaries of the selected translations. It should be noted here that adopting different ideologies can be due to different stances on Islam such as traditionalism, liberalism, Sufism, specific Islamic legal schools, particular exegeses, and so on. However, a more detailed account of exegesis of the Qur'ān in general and jurisprudence exegeses in particular, as well as a short biography of both selected exegeses, have been provided in Chapter Three.

Researchers have used exegetical works as a theoretical framework to understand the meaning of the Qur'ān. Translating the Qur'ān without using exegetical works as references will often result in misrepresenting the meaning of the Qur'ān (Abdul-Raof, 2001, p. 30). Moreover, scholars also designed exegetical translation methods, such as the one by James Dickins et al. (2002). Dickins et al. (2002) argue that translators can include informative footnotes or paraphrasing to reduce the loss of meaning and to clarify the culturally specific expressions that might occur in the source language. Dickins et al. (2002) have introduced different translation strategies, such as translation by omission, translation by addition, compensation, cultural transplantation, and cultural borrowing (Dickins et al., 2002, pp. 23–24) which could help facilitate better exegetical translations. Exegetical translation methods embody a form of compensation to reduce the loss of meaning and are considered crucial to producing clear and acceptable translations (Dickins et al., 2002, p. 48). Another important feature of exegetical translations is that they are not literal translations of the source text, especially in one which includes cultural expressions. Literal translation, according to Dickins et al. (2002), leads to loss of meaning since some words have no equivalent in the target language. In this regard, Ushama (1995) supports the exegetic translation method as the most appropriate tool to convey the accurate meaning of the Qur'ān into another language. In other words,

adopting such an approach can eliminate misconceptions and misunderstandings among target language readers and offer some background information for non-Arabic readers who might struggle in finding an equivalent meaning that would otherwise seem incomprehensible (Ushama, 1995, pp. 113–114). Dickins et al. (2002) makes a similar suggestion, but goes a step further to propose that the Qur'ān translator needs to be aware of exegetical translation methods to convey the meaning of the Qur'ān effectively to a non- Arabic readership (Dickins et al., 2002, pp. 48–49).

The first legal ruling exegesis used as an exegetical reference in this research, is *Rawaʾiʿ al-bayan: Tafsīr āyāt al-aḥkām min al-Qurʾan* which was written in the 20th century by the prominent Muslim scholar al-Ṣābūnī (1930-2021). There are several reasons for choosing al-Ṣābūnī jurisprudence exegesis over others as an exegetical reference for the analysis. One of the reasons is that his exegesis focuses on different perspectives when interpreting the legal verses. He begins by looking at the vocabulary of the language, summarising the rulings taken from the verses, mentioning the different arguments of the exegetical scholars, and including statements made by linguists. When dealing with legal rulings, the exegesis includes various perspectives; beginning with the verbal analysis to clarify the vocabulary and its meaning, mentioning the broad definition taken from the legal verses, and citing the reason for revelation. Another advantage is that al-Ṣābūnī's exegesis combines the abundance of materials and ideas from the 12th century books of jurisprudence and the presentation and clarity of style found in the 20th century books of legal rulings. Additionally, al-Ṣābūnī's exegesis will contribute to the analysis of the legal ruling verses because it explores the verses in detail by outlining different arguments from Muslim jurists along with their understanding and supported the argument by quotations from the *Ḥadīth* (Prophetic saying). One of the core advantages of using al-Ṣābūnī's exegesis is that he is writing in the same period as when the selected translations were written, hence it can be argued that his vision relates more to the modern context. Another rationale for using al-Ṣābūnī's exegesis is that he is not intolerant of any particular school (*Madhhab*), but rather follows what is supported by evidence.

Another jurisprudence exegetical reference which will be used as a secondary reference in the legal verses ruling analysis is *al-Jāmi'li Aḥkām al-Qur'ān,* by the prominent Muslim scholar al-Qurṭubī (1214-1273 CE). Al-Qurṭubī's book is a comprehensive legal exegesis of the Qur'ān. His exegesis is considered among Muslim jurists to be a treasure trove, as it includes not only the legal ruling verses but all aspects of Qur'ānic science (Al-Qurtubi, 2018). This twenty-volume commentary is one of the broadest exegeses that have attracted much interest among Muslim scholars hence its many editions. Al-Qurṭubī's exegesis is a jurisprudence book which introduces various aspects related to legal matters (al-Qurṭubī, 2003). He focuses on jurisprudence and explains the different views of theologians surrounding it. This is a jurisprudence category of exegesis which is based on *Ḥadīth*, but it also refers to classical poetry (see 3.6.1). In addition, this research will consult other exegeses such as Ibn- Kathīr (1999), al-Ṭabarī (1997), al-Bagahwi (1989) and al-Saʿdī (2013), which are classified as intertextual, historical and jurisprudence exegeses. These will be used for comparative analysis to explore the meanings of the legal ruling verses and to see whether the selected Qur'ān translations have successfully conveyed the intended meaning.

Therefore, a comparison of the traditional legal rulings using al-Qurṭubī's exegesis (which is the traditional one) and al-Ṣābūnī's book (which is the modernist one), will explore what the selected Qur'ān translations are trying to convey based on the words they have chosen for their translation. The two selected exegetical books will be used for the comparative analysis of the ways in which the selected Qur'ān translators render the legal ruling verses in the Qur'ānic text into English. Both exegeses will be consulted to understand the meaning of certain legal ruling verses and compared with the selected Qur'ān translation to see whether they have successfully conveyed the intended meaning or not. By using techniques of exegetical analysis such as marginal footnotes, paraphrasing and explanatory notes, Qur'ān translators can elucidate the unique linguistic forms, poetic, rhetorical and cultural expressions for the target readers, making the Qur'ān more understandable. Having discussed the significance of using exegetical tools in the translation of the Qur'ān the next section considers the procedures of analysing the legal ruling verses of the Qur'ān.

1.6.3 Methodological Framework

As has been explained earlier in this section, this research uses a descriptive approach and critical discourse analysis as the theoretical framework and will be analytically compared at two levels: the textual and the paratextual. At the textual level, the lexical and semantic choices made will be analysed against Ivir's (1987) translation strategies. At the paratextual level, the critical analysis will be limited to the translator's footnotes. Thus, this study can be described as descriptive qualitative research that uses in-depth text-based analysis to understand the meaning behind texts and elucidates the ideologies embedded in the selected Qur'ān translation. The research also seeks to determine how traditional legal rulings have been transferred into English and attempt to understand what the selected Qur'ān translators think about the legal rulings. For instance, are they reformist, modernist, Sufi, or traditionalist? Moreover, the research will closely look at the likely influence of the translators' ideologies and their beliefs on the legal ruling verses in the Qur'ān in order to establish and determine how that may influence their attempt to change the legal rulings. This will be done through close textual and paratextual analyses of three translations of the Qur'ān, more details are provided in the next section.

For this research, both textual analysis and paratextual analysis will be used as analytical tools. As Al-Amri (2019, p. 58) states, "any serious ETQ researcher (English translators of the Qur'ān) will be doing himself/herself a great justice by not only focusing on the micro (textual and co-textual) but by taking the macro (paratextual and contextual) into their stride as well" (Al-Amri, 2019, p. 58). In addition, each element of textual and paratextual analysis can provide a context for the "translational decision making" (Dubbati and Abudayeh, 2018, p. 3). Batchelor (2018) also adds that the presence of the translator "may become manifest in both textual and paratextual material[s]" (Batchelor, 2018, p. 32). Thus, analysing the paratextual elements included by the translator is a way of exploring the influence of their personal experience, cultural background, and sociological stance. Both textual and paratextual analysis, therefore, can provide the framework for the examination of the selected corpus of the research to determine the influence of

various factors on each translator as an individual. Having explored the framework and analytical tools in general, it is important to focus on both analytical tools in detail to understand how they will be used in the analysis of legal ruling verses.

1.6.3.1 Textual Analysis

As previously explained, critical discourse analysis enables this research to a deeper understanding of a text. It also illustrates why the text has been translated the way it has been and what the translator aimed to do. However, for this research, the selected model and frame provide parameters that facilitate the analysis of the legal ruling verses of the Qur'ān on textual and paratextual levels and elucidate the meanings of the ideologies underpinning each selected translation. It should be noted here that most researchers integrate linguistic classifications into their critical analysis. This is why the corpus-linguistic approach is one of the methods of CDA, since CDA strongly depends on linguistic categories including looking at matters related to word order, lexical style, coherence, semantic choice, rhetorical figures and syntactic structure (Meyer, 2009, pp. 20–21). Critical analysis is a detailed textual analysis of various matters, after which a description and explanation of the analysis can be obtained. For instance, by exploring the linguistic features of a text, a researcher can uncover the ideologies and beliefs underlying the text (Paltridge, 2012, p. 186).

Another indicator drawn from linguistic and textual analysis is the analysis at the semantic and lexical level. For instance, some Islamic terms such as *Ṣalāh*, *Deen*, *ʿbadāt* and *Taqwah* are often used in the Qur'ān. Capturing these terms in English is considered a difficult task, which raises such questions as: has the English translation represented the Islamic terms and conveyed the Islamic concept behind these terms correctly, or does it just provide the surface meaning of the expressions. This point is of particular relevance to Abdul-Rauf (2001, p. 32), who referred to this issue as semantic ambiguity, adding that "Qur'an translators have provided different translations as a result of semantic ambiguity". This issue is further discussed in the analysis chapters. In an attempt to understand the semantic and lexical meaning of legal ruling terms, this study will consult relevant

established Arabic-English dictionaries such as *Al-Mawrid. A modern Arabic-English Dictionary* (1998), *Al-Qāmūs al-Muḥīṭ* (2008), *Al-Muˈjam Al-Wasīṭ* (2004), *Lisān al-ˀArab* (2003), *Mufradāt Alfāẓ al-Qur'ān* (2004), *Arabic-English Dictionary of Qur'anic Usage* (2008), and *A Word for Word Meaning of the Quran* (2003).

In what follows, Ivir's (1987) model will be examined in detail to explore the significance of using the model in the analysis.

1.6.3.2 Ivir's (1987) Model

To determine whether the selected translators have conveyed a near accurate intended meaning of legal ruling terms that are related to Islamic Law, this research has adopted Ivir's (1987) suggested procedures for translating culture-bound terms. By applying Ivir's procedure, the researcher will be able to understand which procedures have been used by the selected translators and investigate the strategies used to determine which translation has the highest potential for delivering the intended meaning of the legal ruling verses in the Qur'ān. Ivir (1987, p. 36) states that "translating means translating cultures, not languages". He further defines the cultural word as "an element of the source culture which is absent from the target culture". The purpose of translation is to overcome cultural and linguistic barriers, particularly when it comes to translating religious text like the Qur'ān. Most importantly is the fact that terms related to Islamic law are culture-bound elements in nature. Based on this, Abdul-Rauf (2001, p.162) states that "religious concepts are culture-bound and can be categorised as semantic voids". As such, a mistranslation of legal ruling terms could result in the complete distortion of the meaning (Moradi and Sadeghi, 2014, p. 1736). According to Ivir (1987, p. 36-41), cultural references consist of two categories, the first of which is the difference in extra-linguistic realism of language in which cultural references do not comprise language. The second is the cultural differences that comprise language gaps and problems. In this category, the words exist but the cultural references make the translation process difficult.

When translating cultural elements, translators can struggle to choose between possible methods and decide which of them is most suitable for conveying a near accurate intended meaning. According to Ivir (2002, p. 119), one of the most crucial factors that help the translator to choose the correct methods of translating cultural elements is the communicative function in the precise context of the situation. He further claims that the translator's job is not linguistic mediation, but rather mediation in the act of communication (Ivir, 2002, pp. 123–124). Accordingly, Ivir (1987) suggests seven strategies to bridge the cultural gap and accomplish a communicative translation. It should be noted here that there are several factors that influence a translator's choice of the procedures to adopt in the translation process. Based on this, Ivir (2002) specifically emphasises that:

> The translator's strategy is determined by his understanding of the communicative function of the element of culture to be translated in that particular context of situation, his interpretation, of the position (value) of that element in the source culture and its possible counterpart(s) in the target culture, his knowledge of the contrastive relations between the source and the target language, and his awareness of the translating traditions in the target culture.

Ivir (1987) proposes seven strategies in the translation of cultural terms; Islamic legal terms are considered as cultural items in the broad sense (Abdul-Raof, 2001, pp. 162–166). These strategies are borrowing, definition, literal translation, substitution, lexical creation, omission, and addition. Each strategy will be explained in detail, to facilitate the understanding of the translator's choices, in the analysis chapters. The first strategy is literal translation which is the most commonly used strategy because of its closeness to the source text. This approach can fill the lexical and cultural gaps in the translation and is best used when the cultural terms have a similar lexical structure in both languages. According to Ivir, "the main value of this procedure is its faithfulness to the source language expression and its transparency in the target language" (Ivir, 1987, p. 41). This strategy can be achieved through the use of word-for-word translation. The addition strategy is used when translating implicit meaning into explicit information, which can require an additional note after the translation of the target word. For instance, the target

reader may not recognise certain words or abbreviations, hence, further explanation is needed.

The definition strategy involves the Qur'ān translator defining legal terms and explaining them in detail according to their knowledge and the target readers' expectations, either within the text or by inserting a footnote. However, it should not affect the way the target reader reads the translation. This strategy is best used in conjunction with the borrowing strategy. According to Ivir (1987, p. 41), "definition can quite accurately transmit the necessary cultural information depending on how extensive it is made". The omission strategy is required not by the nature of the cultural component, but by the nature of the communicative situation in which such a cultural element appears, thus the reader will immediately recognise its meaning. The substitution strategy is used when the cultural terms are overlapping, and there is no clear-cut occurrence of the element. In other words, this strategy can be used when there is a partial difference in lexical structure and culture. Thus, substitution eliminates the strangeness of the terms and uses terms that are similar but not the same. The lexical procedure takes a variety of forms, from semantic extension to vocabulary invention, and hence there is no restriction on how translators formulate word forms. However, this method is less frequently used compared to other strategies. On the other hand, borrowing is a frequently used procedure, and it involves the translator importing a source text into the target language text. The borrowed terms need to be seamlessly integrated into the target language (Ivir, 1987, pp. 39–46).

At this point, it is important to stress that while the translator can decide which strategy to adopt when translating, one cannot produce a translation by employing just one method; rather, the use of a combination of strategies is recommended (Ivir, 1987). Ivir (1987) suggests for these strategies to be adopted when translating cultural elements whenever a translator cannot find a term that is equivalent to the culturally specific one. Consequently, the translator should be able to deal with the source language and find a suitable equivalent that conveys the meaning of the source text in the target language. By analysing each legal ruling verse, the term with legal connotation in each verse can be classified and categorised based on the above-mentioned framework. These can then

be displayed in tables of the overall strategies employed for each selected Qur'ān translator in order to determine the frequency with which each strategy has been used. Thus, the term with legal connotation will be analysed on the basis of the translation strategies from Ivir's model in order to draw attention to the various methods employed in the selected translations to render the legal terms into their English equivalents.

There might be a case where the frequency of occurrence of each method can be considered in order to see which of Ivir's translation strategies has been used the most. In addition to that, by applying Ivir's model, the research aims to identify any differences between the strategies used in the selected translations and conduct a comparative analysis to find out which of the translations has the highest potential for conveying the intended meaning. The thesis will link the use of a particular strategy (over another) to the increased potential for conveying the intended meaning. The criteria to judge the "intending meaning" is determined by the two standard references of jurisprudential exegesis cited earlier, namely al-Qurṭubī and al-Ṣābūnī, in terms of assessing how the strategy of a particular translator leads to closer or further proximity to the meaning expressed by the two exegetes. This will be demonstrated in the analysis chapters that follow.

1.6.3.3 Paratextual Analysis

As previously explained, the use of exegetical works is crucial for any Qur'ān translator to understand the legal discourse of the Qur'ān. Thus, the Qur'ān translator must insert exegetical footnotes and commentaries to make the text more understandable and accessible to the target reader. However, while a more detailed account of the importance of the footnotes, paraphrasing, and commentaries in the translation of the Qur'ān will be discussed in Chapter Three (Sections 5 and 6), it is important to highlight Genette's theory of paratext, along with those of other scholars, as well as paratextual analysis in translation studies and paratext in the translation of the Qur'ān. Exploring different methods and theories will help pave the way for the analysis chapters and facilitate the understanding of the criteria of this research. Therefore, this section explores paratextual

analysis, beginning with providing a brief overview based on Genette's theory on the concept of paratext, as well as other definitions of paratext. It then highlights the importance of paratextual analysis in Translation Studies. The last part of the section presents a brief outline of paratext in the field of Qur'ān translation.

The French theorist Gérard Genette introduced the theory of "transtextuality" in 1987, focusing on the relationship between a text and its paratext (Amirdabbaghian and Shangeetha, 2020; Batchelor, 2018; Hijjo and Kaur, 2017; Philippe, 1998). According to Genette (1997, p. 4), paratextuality is "first and foremost a treasure trove of questions without answers". He further explains that the paratext "is what enables a text to become a book and to be offered as such to its readers and, more generally, to the public". Genette (1997) demonstrates how paratext plays a vital role in the understanding of a text and argues that "a text without a paratext does not exist and never has existed" (Genette, 1997, p. 3). More specifically, paratext refers to the elements surrounding a text; these may include the book's cover, blurb, footnotes, author or publisher interviews. On the other hand, according to Theo Hermans (1996), paratext provides an opportunity to signal the translator's agenda in a way that might influence the text by inserting the translator's ideology (Hermans, 1996). Tahir-Gürçağlar (2002, as cited in Yari et al. [2020]) goes on to caution that "when translation is considered as a paratext, only its original would benefit from its position and other elements influential in its production such as the target literary system, target readership or publisher are simply overlooked" (Tahir-Gürçağlar, 2002; Yari et al., 2020, p. 17).

Scholars have referred to the concept of paratextuality using alternative terms such as "extratextual material", "macro-structural features", "bindings", "paracontent" and "framing" (Batchelor, 2018, p. 142). Batchelor (2018) prefers to use the term "paratext" since it is well-known and an established term that is already being used in different disciplines, Translation Studies being one of these (Batchelor, 2018, p. 142). According to Genette (1997), paratexts can be divided into peritexts and epitexts, depending on the relationship between the elements and the main text (Hijjo and Kaur, 2017, p. 23). That is to say, any material that is part of the book is referred to as a peritext, while any material

that is not part of the translated book would be considered an epitext (Winters, 2017, p. 76). Thus, paratextual elements might appear physically in the text (peritext) or could be separate from the text (epitext). For instance, an interview with the author talking about their book would be considered as epitex. It should be noted here that the analysis of this research is dedicated to examining peritexts, specifically the footnotes that are published within the text, rather than epitexts. Genette (1997) also considers the publisher an "authorial ally" to the writer (Batchelor, 2018, p. 15). That is, if the preface is considered an authorial element, it means that the translator is a producer in the translation process, and the text belongs to the original writer (Batchelor, 2018, p. 21). On the other hand, Wolf (2006), as cited in Hijjo and Kaur (2017), argues that there are two types of paratexts: authorised and unauthorised. Authorised paratext consists of "those framing devices of the author of the original text", while unauthorised material refers to "those framing devices added to the framed original text by others, including translators" (Hijjo and Kaur, 2017, p. 23). In addition to the aforementioned materials which can be seen as paratext, according to Chesterman (1997), as cited in Dubbati and Abudayeh (2018), readers' expectations are also considered to be part of the paratextual elements (Dubbati and Abudayeh, 2018, p. 148). Therefore, it is of vital significance to consider the paratextual elements along with their effect on the translator and the expectations of the reader. Paratextual devices are very significant with regards to "re-framing tools that function outside the immediate text", and could be "a strategic device in the manipulation of reality" (Hijjo and Kaur, 2017, p. 21). However, in many respects, the mentioned definitions and categorisations represent specific attempts to engage with the details of Genette's paratextual theory.

The concept of paratext has been an area of great interest in the field of Translation Studies. Ali (2018) states that "paratextual framing seems to be deeply rooted in the history of translation as a profession" (Ali, 2018, p. 91). In a similar vein, Hijjo and Kaur (2017) maintain that "in Translation Studies, endnotes, footnotes and glossaries give voice to translators and translation agencies by allocating a space where they can comment and express their views on the topic under translation" (Hijjo and Kaur, 2017, p. 13). In addition, investigating translators' visibility along with the paratext has been one

of the focus of Translation Studies (Yari et al., 2020, p. 17). Indeed, paratext has a huge influence on framing the text and facilitating its understanding, as it can be considered a sign of enquiry from individuals (translators, in this case) who are not the author. In contrast, Al-Amri (2019, p. 52) argues that inserting paratextual materials in a translated text might "play a pivotal role in changing the reception of a text or its interpretations". With regards to the relationship between paratext and translation, Batchelor (2018) establishes that "[a] paratext is a consciously crafted threshold for a text which has the potential to influence the way(s) in which the text is received" (Batchelor, 2018, p. 142). Based on this definition, the translated text would be considered a paratext in its own right. In contrast, Gürçağlar (2002) rejects the idea that the translation is part of the paratext which, in Genette's view, is subservient, by positing that a translation is a text in its own right, and that the paratext refers to the material surrounding the translated text (Tahir-Gürçağlar, 2002, pp. 45–50).

Batchelor (2018) explains that research in the field of translation studies as well as on paratexts should consider both cultural and sociological elements (Batchelor, 2018, p. 34). Kovala (1996), as cited in Amirdabbaghian and Shangeetha (2020), believes in a broader perception of paratexts that relates to the sociocultural field (Amirdabbaghian and Shangeetha, 2020, p. 85). That is, the paratext is understood as a sociocultural product and both Bourdieu's sociology and Genette's paratextual theory are "interconnected conceptual framework[s]" (Ali, 2018, p. 91). Batchelor (2018) views Deane-Cox's retranslation work (2014), which includes paratextual analysis, as being "shaped by their socio-cultural conditions of production" (Batchelor, 2018, p. 35; Deane-Cox, 2014). In addition to socio-cultural factors and their influences on paratexts, ideological and political agendas are subjects of great interest in the field of Translation Studies (Amirdabbaghian and Shangeetha, 2020, p. 85). Baker's narrative theory (2006) explains how translators use paratexts to position themselves within a particular ideological context. Through the use of paratexts, translators can "signal their agenda or their ideological sympathy towards the author or text" (Batchelor, 2018, p. 32). Therefore, the paratext in translation can create a different expectation from the translated text itself.

On the paratext in the field of Qur'ān translation, it important to emphasise that Translation Studies is a growing field with interdisciplinary subjects. Thus, translators of the Qur'ān make use of the theories, models and strategies which can be found within the field in order to better the practice. Al-Amri (2019, p. 59) asserts that a translator of the Qur'ān should not only pay attention to the micro-level of translation (textual level) but should also take the macro-level (contextual and paratextual) into consideration. He explains that the research in the field of translation of the Qur'ān would be more relevant if a wider range of methods and tools such as paratexts had been explored. He further questions this hypothesis and asserts that without including footnotes or explanations when translating a text such as the Qur'ān, the translator does not direct the reader or respond to their cognitive needs in order to correct the misconceptions which might influence them unintentionally. He finally adds that the paratext is of utmost importance in Qur'ānic translation (Al-Amri, 2019, pp. 45–60). However, translators of the Qur'ān vary in terms of the methods they employ to successfully convey the message within it; some, such as *Ṣaḥīḥ International* add very little to the translated text (Ṣaḥīḥ International, 1997), while others, such as *The Study Quran: A New Translation and Commentary*, include all kinds of paratexts with their translation (Nasr, 2015). Thus, it can be concluded that the importance of footnotes and paraphrasing comes from the Qur'ān translator's active role in providing a context where necessary.

1.6.4 Structure of Analysis Chapters

Before getting into the analysis of the legal ruling verses for each theme, the research will provide a historical account and a brief outline of the selected legal verses. This will then be followed by a clarification of the legal terms based on the selected dictionaries, the consideration of the jurisprudence matters, an exploration of the legal schools of Islamic law and their views and supporting the argument based on selected jurisprudence exegeses. Additionally, the research will be looking at different perspectives, such as the translator's understanding of the legal terms, its interpretation, and whether other schools of thought were adopted and thus influenced the translator. It will also explain the context of the verse preceding the selected legal ruling verse, and whether it is related to the legal

ruling. Subsequently, the research will look at al-Ṣābūnī's explanation regarding these legal terms and his view along with other jurists' interpretations. The analysis chapters will also review the translations and footnotes of selected legal verses and focus on the keywords and phrases that impact the understanding of the context and legal aspects of the verses. The ideologies and beliefs behind each Qur'ān translation will be critically analysed based on different criteria according to exegeses and with the use of authoritative dictionaries. One of the core objectives of the analysis chapter is to apply Ivir's (1987) seven strategies to the legal words that have been considered as common in the book of jurisprudence, to determine which of the selected translations has the highest potential for delivering the intended meaning of the legal ruling verses. The results of the analysis will be displayed in tables of the overall employed strategies for each selected translator, in order to understand the frequency of use for each method so as to have a clear understanding of the legal terms and their meaning.

1.7 Conclusion

This study sets out to provide a descriptive–analytical insight into how the legal ruling verses of the Qur'ān have been transferred into English and examine the influence of their translators' ideologies. The first chapter of the thesis provides a detailed and comprehensive outline of the study, including all its vital components. This section extensively elaborates on the principal aims and objectives of the research, the pivotal questions that the study endeavours to address, along with its contributions and limitations. Furthermore, it delivers a comprehensive overview of the chapter structure and research construction, thereby providing readers with a clear understanding of the study's overall framework and organisation.

This introductory chapter attempts to examine the methodology of the thesis in detail and highlight the analysis of different themes of the legal ruling verses within the selected Qur'ān translations. It explained how this descriptive qualitative study uses text-based, in-depth analysis to understand the meaning behind the legal verses. The chapter further discussed the theoretical framework, arguing that critical discourse analysis enables this

research to a deeper understanding of the translation text, and provides an illustration of why the text has been translated in the way it has and what the translator aimed to do. The chapter also demonstrates that critical analysis is a detailed textual analysis of various matters which leads to a description and explanation of the analysis. It further explains both paratextual and textual analysis, which will be used as analytical tools that provide the framework for the examination of the selected Qur'ān translations. Additionally, using Ivir's (1987) seven strategies in the textual analysis, the chapter highlights how the strategies will be used to investigate which of the selected translations has the highest potential for delivering the intended meaning of the legal ruling verses into English.

Chapter Two: The Qur'ān and its Translation

2.1 Introduction

The specific objective of this Chapter is providing background literature of the translation of the Qur'ān. It will begin by giving a brief overview of Qur'ānic Arabic. The chapter will then highlight some of the unique features of Qur'ānic discourse, such as linguistic and cultural, that arise when attempting to translate the Qur'ān into another language. To achieve this, the section is divided into two sub-sections, the first of which provides an account of linguistic features, including syntactic structure, pragmatic losses, near-synonyms and lexical items. The second sub-section focuses on cultural features, including cultural expressions and cultural collocation. It will then introduce the inimitability and untranslatability of the Qur'ān, and how this has influenced attempts at translating this holy book. The chapter then presents a critical review of English translations of the Qur'ān and explores how each translator has been influenced by certain factors and various Islamic schools of thought. In order to do this, the section is divided into four subsections, the first of which provides an introduction to early translations of the Qur'ān. The second sub-section highlights the Orientalist approach to Qur'ān translations by non-Muslim translators; 16th to 20th century. The third sub-section explores the Qur'ān translations rendered by Muslim translators in the 20th century. Finally, the last sub-section briefly discusses Qur'ān translation post-September 11 2001, and how this event has affected translations of the Qur'ān.

The chapter will then provide an overview of the three translations of the Qur'ān which were selected as the corpus of this research. It will present a literature review surrounding each translator, critically examine their cultural and social background, and shed light on why these three specific translations are worth investigating. In this section, the selected translations will be presented chronologically based on the date of their publication. The chapter will conclude by providing an overview of approaches to Qur'ān translation and how translators' work can be impacted by their selection of different theories of translation studies.

2.2 The Qur'ān

Allāh (God) bestows miracles upon his Prophets, and each Prophet was bestowed a miracle that would overpower the dominant skills associated with each specific nation he was sent to. Literary abilities such as poetry and eloquence were the prevalent skills among Arab tribes, and the Arabs were famous for their eloquence and oratory skills to the point that it has been used as a powerful weapon against other Arab tribes and enemies. Consequently, Allāh revealed the Qur'ān as a miracle to the Prophet Muḥammad Peace Be Upon Him (PBUH), and thus Arab rhetoricians and linguists consider the Qur'ān as the decisive and ultimate discourse of the Arabic language with its supreme eloquence, unique style and linguistic accuracy (Abdul-Raof, 2004, p. 91). What makes the Qur'ān more miraculous is the fact that the Prophet (PBUH) is an illiterate person who could neither read nor write, and had no interest in poetry before the Qur'ān was revealed to him. The Qur'ān states that: "You [Muḥammad] never recited any Scripture before We revealed this one to you; you never wrote one down with your hand. If you had done so, those who follow falsehood might have had cause to doubt" (Abdel Haleem, 2004, v. 29: 48).

That the Qur'ān is inimitable is proclaimed in the following Qur'ānic statement: "Say, 'even if all mankind and jinn came together to produce something like this Qur'an, they could not produce anything like it'" (Abdel Haleem, 2004, v. 17:88). Furthermore, the Qur'ān goes further to acknowledge that the Prophet Muḥammad (PBUH) does not speak of his aspiration, but that the verses have been revealed to him. In that sense, the Qur'ān declares that "He [The Prophet] does not speak from his own desire. The Qur'an is nothing less than a revelation that is sent to him" (Abdel Haleem, 2004, v. 53: 3–4). Hence, Muslims consider the Qur'ān as word of Allāh, and a guidance that clarifies and teaches every aspect of life. That is to say, as Nasr (2015, p. xxiv) explains, the "book [the Qur'ān], according to Islam, was revealed by Gabriel to the Prophet [Muḥammad] during the twenty-three years of his Prophetic mission on different occasions during night and day, in both Makkah and Madinah, in such a manner that, although the words of the Quran came out of his mouth, its Author is God".

The Qur'ān consists of 114 surah (chapters) that deal with every issue regarding human life, and it is "unique for being not only a Book of guidance but the Book of guidance" (Khalaf and Yusoff, 2012, p. 75). Moreover, the Qur'ān is "the most important of the sources of authority which underpin Muslim religious life" (Mustapha, 2009, p. 225). Thus, Muslims believe that the Qur'ān is the word of Allāh written in the Arabic language, which has been sent to the Prophet Muḥammad (PBUH) and that it does not contain a single alteration, as the Qur'ān states, "we have sent down the Qur'an Ourself, and We Ourself will guard it" (Abdel Haleem, 2004, v. 15:9). The Qur'ān has thus always been a core text for Islamic jurisprudence as well as an ultimate text for Arabic rhetoric and poetry. The Qur'ān constitutes authentic references for the Islamic religion. In this sense, Abdul-Haleem (2004, p. ix) states that "the science of Arabic rhetoric was developed in order to describe the features of the inimitable style of the Qur'an, the art of Arabic calligraphy was cultivated through writing down the Qur'an, the Qur'an is the basis of Islamic law and theology".

2.3 Qur'ān (Un)Translatability

The Qur'ān is considered an exceptional literature in the Arabic language, and it was revealed to the Prophet Muḥammad (PBUH) by the angel Gabriel between 610 and 632 AD, who was the designated deliverer of the word of Allāh to all the messengers (Al Aqad et al., 2019, p. 244). However, the third Muslim Caliph, ʿUthmān ibn ʿAffān (d. 656), commanded the companions of Prophet Muḥammad (PBUH) to produce one officially written text of the Qur'ān, which was to be an official version, so as to avoid any attempts to distort the holy text. Thus, "there is consensus among most Qur'ānic translators to use the 'Uthmanic Recension' as source text, i.e. the canonical version sanctioned by Uthman ibn Affan in the seventh century, which has a set order based mainly on the length of each *sura*" (Mustapha, 2009, pp. 226–228).

In the context of translating the Qur'ān, the literature shows that Qur'ān translation is a growing field of study and, according to Al-Amri (2019, p. 47), the number of articles,

books and conferences related to the translation of the Qur'ān are "awe-inspiring". Indeed, the Qur'ān and its translation into English is increasingly becoming more influential. In his comprehensive biography of the Qur'ān in English, Lawrence (2017, p. xxii) opines:

> The acceleration of Korans in English is even more startling when one compares rates. In the entire twentieth century there was about one translation every other year, but even less if one discounts rank plagiarisms. By contrast, in a little more than fifteen years, the twenty-first century has been witnessing almost three new translations every year, most original and several available online.

Although there are currently 120 translations of the Qur'ān, there remains uncertainty as to which translations are the most accurate and reliable (Al-Amri, 2019, p. 53). Indeed, "translation plays a vital role in conveying the message of the Qur'ān to the non-Arabic speaking world, with the ultimate goal of reducing translation limitations" (Khalaf and Yusoff, 2012, p. 74). The Qur'ān itself points out that it is a universal revelation for all humanity hence the Qur'ān needs to be translated into other languages to be accessible to all. However, prominent scholars have debated about the Qur'ān and its untranslatability (Lawrence, 2017, p. 60).

The Qur'ān contains a multitude of ideas in a language that is rich in poetic expressions. Indeed, a significant aspect of the Qur'ānic text is its richness of rhetorical styles. Its meaning is complicated by metaphors, figures of speech and imbricated verses explaining other verses and this encourages active interpretation and has an enduring effect on the understanding of the Qur'ān (Abdul-Raof, 2001). Capturing its meaning in a second language, especially one such as English, is recognised as a challenge for translators. Thus, a clear demarcation has to be drawn between the Qur'ān and its translation hence Islamic religious authorities do not permit translations of the Noble Book to be titled 'the Qur'ān' in order to ensure that the Qur'ān and its translations are distinguished from one another. As a consequence, most translators of the Qur'ān have not titled their translation as 'Qur'ān' but have instead given an indicative explanation in the title as to how their translations relate to the religious source text (Lawrence, 2017, pp. 60–61). For instance, Pickthall (1938) titled his work as "*the meaning of the glorious*

Koran"', while Arberry (1955) titled his work as "*the Qur'an interpreted"* (Arberry, 1955; Pickthall, 1938). These titles openly acknowledge translation's differences from the source text.

In terms of Qur'ān untranslatability, the book has two types of untranslatability; one is the "aesthetic linguistic" kind, which includes the style, syntactic and semantic features, while the other type of untranslatability is the "religio-philosophical" one, which refers to the cultural features and its contextual meaning (Behbudi and Turner, 2013, p. x). However, Muslim scholars have raised issues concerning the untranslatability of the Qur'ān as it is claimed that the "difference between the Qur'ān and any of its translations is ultimately the difference between God as the Author, Authority and Source on the one hand, and man as a mere translator/ interpreter on the other" (Mustapha, 2009, pp. 227–228). In fact, the context of Qur'ān's untranslatability, from a theological point of view, was a controversial issue among Muslim scholars. For example, Abū Ḥanīfah (a *Sunni* Muslim theologian and a leader whose adherents founded the Ḥanafī school of law) was among those who believed that it is illegitimate to translate the Qur'ān in a different language "unless the Arabic text was placed opposite the translation throughout" (Pickthall, 1938). Moreover, Abū Ḥanīfah authorised reading the first *sura al-Fatiha* (the opening) with its translated language during the prayer; however, Muslim scholars later prohibited this *fatwah* (Ruling) and declared that reciting *al-Fatiha* in the Arabic language was obligatory in prayers (Abdul-Raof, 2004, p. 92).

In contrast, other scholars believe that the Qur'ān needs to be translated to serve its purpose, which is to allow people to access Islam and its message. However, this view does not explain other motives behind translating the Qur'ān, which could be to insert different ideologies to serve a hidden agenda. In fact, some Muslim scholars even go beyond this and reject translations of the Qur'ān, and allow only the exegetical translation, which means that only the commentary is translated. This rejection was probably because of the semantic and lexical losses in the target language (Abdul-Raof, 2004, p. 92). However, this type of translation can be considered as exegesis (*Tafsīr*), which is an interpretation of the meaning of the Qur'ān (Khalaf and Yusoff, 2012, p. 73).

Accordingly, the question of translatability of the Qur'ān is one which continues to be debated over time. That is why some translations of the Qur'ān are considered as text-centred because of their focus towards the source text (Abdul-Raof, 2004, p. 97). Hence, "it seems that translations of the Qur'ān maintain quite a high degree of translatability restrictions" (Khalaf and Yusoff, 2012, p. 79). This view seems to explain the reason behind the wide range of introductions, footnotes and commentaries which have been inserted in the translation of the Qur'ān. In line with this view, Mustafa (2009, p. 226) believes that any translation of the Qur'ān "would function merely as a commentary, explaining or paraphrasing the source text but not replacing it". Similarly, Abdul-Raof (2004, p. 106) declares that "the Qur'anic message will always be inflicted with inaccuracies and skewing of information that can only be accounted for by the inclusion of informative exegetical footnotes. An English Qur'ān is a translational impossibility". Thus, the Arabic source of the Qur'ān cannot be replaced by any language regardless of the accuracy and competence of the translation.

In light of the enormous task faced by the translators of the Qur'ān, Abdul-Rauf (2001, p. 39) argues that "[w]hen the best of Arab poets, rhetoricians, linguists, etc., of a linguistically homogenous community of the time failed, one wonders how a bilingual/bicultural individual can succeed in reproducing an equivalent 'Qur'ān' in a language which is both culturally and linguistically incongruous to Arabic". In the same vein, Lawrence (2017, p. xi) notes that "[w]hen the text in question is the Arabic Qur'an there has always been hesitation, reluctance, and even resistance to translate". This can therefore pose a challenge for the Qur'ān translators in their quest to "achieve an acceptable, informative, and effective translation by observing the target language linguistic and cultural norms" (Abdul-Raof, 2004, p. 9). Although the subject of the translatability of the Qur'ān has been discussed historically, the "answers to what makes the Qur'ān an untranslatable text from linguistic and rhetorical perspectives have only reached the reader recently" (ibid. p. 1). Thus, the only way to penetrate the Qur'ānic text is to "explicate its intricate multi-layered meanings through both 'within-the-text' exegetical materials, as in the translation by Al-Hilali and Khan (1983), or through marginal notes

and commentaries, as in the translations by Ali (1983) and Asad (1980)" (ibid. p.40). It seems, in other words, that the inimitability of this sacred text due to its linguistic features and uniqueness in every respect plays an important role in its untranslatability. Thus, its inimitability continues to be a challenge to the translators whose task is to produce the miracle of the Qur'ān into another language.

The notion of untranslatability in Qur'anic translations is akin to the concept of equivalence and non-equivalence in the discipline of translation studies. Prominent translation theorists have attempted to categorise this notion such as formal equivalence versus dynamic equivalence (Nida, 1965), and communicative versus semantic (Newmark, 1981). Baker (1992, p. 69) argued that "a certain amount of loss, addition, or skewing of meaning is often unavoidable in translation; language systems tend to be too different to produce exact replicas in most cases". Abdul-Raof (2001, p.9) stresses that "the intrinsic, syntactic, semantic and pragmatic differences in languages lead to cases of both non-equivalence and untranslatability between languages". These disparities can result in instances of non-equivalence and untranslatability between languages, often caused by inherent linguistic and cultural differences. Further discussion on this topic will be provided in the subsequent section.

2.4 Unique Features of the Qur'ān

The Qur'ān is widely recognised for its *Iʿjāz*, which is a term that refers to its miraculous and original nature. The Qur'ān itself emphasises this point by stating, "Even if all mankind and jinn came together to produce something like this Qur'ān, they could not produce anything like it, however much they helped each other" (Abdel Haleem, 2004, v. 17:88). One of the most striking aspects of this uniqueness is the literary form of the text. Abdul-Raof (2006, p.98) explains that the "order system" is a linguistic concept that refers to the various orders of sentence constituents for different communicative functions. This literary feature is particularly crucial to the Qur'ān's inimitable style. Indeed, Pickthall (1983, p. vii) describes the Qur'ān as "an inimitable symphony, the very sounds of which move men

to tears and ecstasy". Consequently, this unique style presents a significant challenge for translators seeking to convey the Qur'ān's message to other languages. Lawrence (2017, p.30) emphasises that "[t]ranslators [of the Qur'ān] must know that other language – its grammar, its rhetoric, and its ambivalences – as well as they know their own".

Thus, a more comprehensive understanding of the various features of the Qur'ānic discourse is essential to appreciate the challenges and beauty of the Qur'ān's unique literary form. In what follows, I provide an account of its linguistic features.

2.4.1 Linguistic Features

The Qur'ān is viewed as a masterpiece of the Arabic language that contains a sophisticated linguistic and stylistic structure, (Khalaf and Yusoff, 2012, p. 75; Mustapha, 2009, p. 226). Indeed, it is a linguistic set characterised by a range of different semantic, syntactic and phonetic features distinct from any other form of Arabic text. However, this section will focus on the distinct and complex linguistic features of the Qur'ānic discourse and attempt to address various issues and challenges faced by Qur'ān translators when attempting to render the Qur'ān into another language.

Qur'ānic discourse is "characterised by particular syntactic and lexical items. Both the word order and the selection of specific lexical items are semantically oriented" (Abdul-Raof, 2004, p. 96). The syntactic structure of the Qur'ān can include particular linguistic pattern such as shifts from one person to another and word order shift which are considered as the most common syntactic features of the Qur'ān (Abdul-Raof, 2001, pp. 77–79). Verse 2:17 is an example of how pronoun shifts from singular to plural:

مَثَلُهُمْ كَمَثَلِ الَّذِي اسْتَوْقَدَ نَارًا فَلَمَّا أَضَاءَتْ مَا حَوْلَهُ ذَهَبَ اللَّهُ بِنُورِهِمْ وَتَرَكَهُمْ فِي ظُلُمَاتٍ لَا يُبْصِرُونَ

"Their similitude is that of a man who kindled a fire; when it lighted all around him, Allah took away their light and left them in utter darkness. So they could not see" (Ali, 1975, v. 2:17).

Here, there is a shift from singular (مَا حَوْلَهُ – around him) to plural (بِنُورِهِمْ – their light) which is understood from the verb structure (وَتَرَكَهُمْ – left them).

Another example on shift in the word order can be seen in verse 4:26-28, the Qur'ān states:

يُريدُ اللَّهُ لِيُبَيِّنَ لَكُمْ وَيَهْدِيَكُمْ ... وَاللَّهُ يُريدُ أَنْ يَتُوبَ عَلَيْكُمْ ... يُريدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ

"Allah would explain to you and guide you… Allah would turn to you in mercy… Allah would make the burden light for you" (Pickthall, 1938, v. 4:26-28).

Abdul-Rauf (2001, pp. 79-80) refers to this verse as an example of word order shift from verb يُريدُ (would) to subject noun اللَّه (Allāh) to verb يُريدُ (would). Pickthall's Qur'ān translation, as Abdul-Rauf indicates, fails to retain the structure of the Qur'ānic order, because of "the target text grammatical requirement" (Abdul-Raof, 2001, p. 80).

Another significant linguistic feature which poses difficulty in the translation of the Qur'ān is pragmatic loss. From a linguistic point of view, the pragmatic losses in Qur'ānic translation include issues such as loss of genre, culture-specific terms, ellipsis, word order and gender (Al-Azab and Al-Misned, 2012, p. 42). Since Qur'ānic discourse marks a specific type of characteristic, it cannot convey the Qur'ānic translation without a degree of loss. Thus, pragmatic loss plays a crucial role in the art of translation. A cursory look at the analysis of some selected verses in Al-Azab and Al-Misned (2012) shows that Qur'ānic discourse, both in terms of cohesion and coherence, marked some gender losses, "due to the differentiation in the morpho-syntactic structure". For instance, in verse 22:2, the Qur'ān states:

يَوْمَ تَرَوْنَهَا تَذْهَلُ كُلُّ مُرْضِعَةٍ عَمَّا أَرْضَعَتْ

"On the day when ye behold it, every <u>nursing mother</u> will forget her nursling" (Pickthall, 1938, v. 22:2).

"on the day when you behold it, every <u>suckling woman</u> shall neglect the child she has suckled" (Arberry, 1955, v. 22:2).

The Arabic word (مُرْضِعَةٍ) is feminine and cannot be used for a masculine, thus no need to add (ت: ta) of feminisation. However, in this verse of the Qur'ān, the lexeme has (ت: ta) of

feminisation to "serve a pragmatic function as in the case of the noble verse [22:2]". Al-Zamakhshari (2000), as cited in Al- Azab and Al-Misned (2012, p. 47), indicates that "there is a slight difference between 'مُرضِع' and 'مُرضِعة', the word 'مُرضِعة' means that she is in the state of suckling now, but the word 'مُرضِع' does not mean that she is suckling or feeding her baby now. It is her habit". It can be noted, therefore, that both translators have missed the pragmatic gender in verse 22:2. Al- Azab and Al-Misned (2012, p. 47) conclude that "a translator [of the Qur'ān] may compensate that loss via the use of 'now' as a time marker to convey the intended meaning and shed light on the pragmatic function". However, the example above clearly indicates that pragmatic losses fall beyond human ability to find the linguistic norms with which to render the exact meaning of the target text. This supports Abdul-Raof's statement that "the target language cannot accommodate the linguistic and the rhetorical norms of the Qur'anic discourse" (Abdul-Raof, 2001, p. 109).

The differences in near-synonyms' meaning are considered a crucial aspect in comprehending Qur'ānic discourse. Abdul-Ghafour et al. (2020) explain the semantic differences reflected in Qur'ānic translation and the contextual meaning of near-synonymy based on classical and contemporary exegeses. More precisely, they assert that some of the Qur'ānic synonyms could not be interchanged since there are minor semantic differences in their meaning. They acknowledge that "if the differences in meaning between the Qur'ānic near-synonyms are not understood by the reader or translator, the Qur'ānic message will not be conveyed appropriately" (Abdul-Ghafour et al., 2020, pp. 63–64). This can be seen in verse 6: 153 of the Qur'ān which states:

وَأَنَّ هَذَا صِرَاطِي مُسْتَقِيمًا فَاتَّبِعُوهُ وَلَا تَتَّبِعُوا السُّبُلَ فَتَفَرَّقَ بِكُمْ عَنْ سَبِيلِهِ ذَلِكُمْ وَصَّاكُمْ بِهِ لَعَلَّكُمْ تَتَّقُونَ

"And that this is My path, straight; so do you follow it, and follow not divers paths lest they scatter you from His path. That then He has charged you with; haply you will be godfearing" (Arberry, 1955, v. 6:153).

According to Abdul-Ghafour et al. (2020, p. 62-69), the lexical item (صِرَاطِ – path) has a positive meaning; it is a fast, precise and straight road, and always described in the Qur'ān as a path of truth, which refers to Islam. On the contrary, the lexical item (السُّبُلَ – paths),

as Arberry (1955) has translated, might refer to positive or negative meaning in the Qur'ānic discourse, depending on the context, as here in verse 6:153 the lexical item has a negative meaning; described as a path which may "scatter you" from the right road. On the other hand, upon contextual analysis of the same verse "عن سبيله – from His path", it was observed that the lexical item may also hold a positive connotation, given its association with Allāh. Such semantic differences are not reflected in some of the Qur'ān translations, such as Arberry (1955) and Ali (1975). The Qur'ān, therefore, exhibits a certain level of semantic diversity as each lexical item carries its own unique sets of inherent semantic features. This means that the choice of one lexical item over another is largely determined by the context and its semantic features (Abdul-Raof, 2017, p. 109). Abdul-Ghafour et al. (2020, p, 72) concluded that "the translators of the Holy Qur'an should look for the semantic differences between the Qur'anic near-synonyms whenever they encounter lexical items with similar meanings". Indeed, the Qur'ānic discourse has such a wide range of vocabulary that it gives different words for comparative meaning, which have just one word equivalent in the English language.

There are other challenges that Qur'ānic translators face while translating linguistic features. As Sharifabad et al.(2012) point out that "lexico-semantic ambiguity is the most common kind of ambiguity" in the Qur'ānic discourse (Sharifabad et al., 2012, p. 353). Moreover, there are some semantic differences regarding lexical items in terms of denotative and connotative meaning. For example, in verse 11:17, the Qur'ān states:

وَامْرَأَتُهُ قَائِمَةٌ فَضَحِكَتْ فَبَشَّرْنَاهَا بِإِسْحَاقَ وَمِنْ وَرَاءِ إِسْحَاقَ يَعْقُوبَ

Ali and Pickthall have translated it as follows:

"And his [Abraham] wife was standing (there), and she laughed: But we gave her glad tidings of Isaac, and after him, of Jacob" (Ali, 1975, v. 11:71).

"And his [Abraham] wife, standing by laughed when We gave her good tidings (of the birth) of Isaac, and, after Isaac, of Jacob" (Pickthall, 1938, v. 11:71).

Here, since Prophet Abraham's wife could not give birth because of her old age, the verse 11:71 explained that she was menstruating, indicating that she will give birth to a child, Isaac, and a grandchild, Jacob (al-Bagahwi, 1989, p. 229). According to Sharifabad et al.

(2012), the Arabic word (فَضَحِكَتْ) from the root word (ضَحَكَ) may mean 'to laugh' or 'to menstruate' and that based on the context of the verse, both translators have failed to convey the right meaning of the word. On the other hand, Ünal's translation explained the contextual situation of the verse 11:71 and the ambiguity which might arise in the translation. He translated as a follow:

"Meanwhile his (old, infertile) wife, standing by, felt she was menstruating (and smiled); and We gave her the glad tidings of (the birth of) Isaac and, after Isaac, of (his son) Jacob" (Ünal, 2006, v. 11:71).

Based on the foregoing, it can be seen that there are differences in translating lexical items both in terms of denotative and connotative meaning. This therefore highlights the need for the Qur'ān translator to look carefully for the semantic differences and exegeses in order to understand and render the exact meaning of Qur'ānic synonyms (Abdul-Ghafour et al., 2020, p. 72). These challenges could have been what led Al-Azzam et al. (2015, p. 33) to hold the view that the "Qur'anic exegeses that handled semantic implications of the expressions and technical allusions should be investigated and consulted" by translators.

However, in an attempt to avoid the loss of lexical ambiguity in verses being translated from the Qur'ān, translators insert the transliterations of the exact expression or provide a periphrastic translation right after the transliteration (Abdul-Raof, 2004, p. 94). In some instances however, translators of the Qur'ān depend on a variety of dictionaries to determine the specific meaning of lexical and semantic words (Ali et al., 2012, p. 590). The linguistic ambiguities, then, make translating the Holy Book an arduous task for the translators, as its text is complicated, and includes a variety of lexico-semantic, phonological and conjugational structures. Indeed, "the linguistic miracle of the Qur'ānic discourse looms over the text", which causes a conflict with regards to semantic and syntactic sense (Al-Azab and Al-Misned, 2012, p. 45). Thus, the Qur'ānic translator is required to be familiar with the linguistic form, the context of the situation of the verses, as well as the discourse of the Qur'ān and its features.

The following section focuses on the cultural features facing translators when attempting to render the Qur'ān into another language, and addresses the areas of cultural expression and cultural collocation.

2.4.2 Cultural Features

Translating culture-specific items is a challenging task, particularly when it involves vastly different cultures. This challenge is further compounded when attempting to convey the cultural nuances present in Arabic text from the Qur'ān into English. In order to achieve an effective translation of the Qur'ān, it is crucial for translators to possess a deep understanding of the cultural and historical context embedded within the text. As Nida (2001, 27) explains, "language represents the culture because the words refer to the culture". When translating content, it's important to consider "cultural-specific items". These are objects or concepts that are exclusive to a particular culture and may not have an equivalent in the target language. Additionally, these items may carry different meanings or connotations in their original cultural context. Translating these items accurately can be challenging, as it requires a deep understanding of the source language and culture (Moradi and Sadeghi, 2014, p. 1736). According to Hatim and Mason (1990), "it is certainly true that in recent years the translator has increasingly come to be seen as a cultural mediator rather than a mere linguistic broker" (Hatim and Mason, 1990, pp. 223–224). Therefore, for Qur'ān translators, it is essential to identify appropriate equivalents that can accurately convey the intended meaning of the text in the target language. This is particularly important when dealing with religious texts, as the cultural significance and nuances can be lost in translation if not handled with care and precision. A translator must possess a deep understanding of both the source and target languages, as well as the cultural context in which the text was written, in order to successfully convey the intended meaning of the text.

One of the core challenges that the Qur'ān translators encounter is cultural expressions, as the Qur'ān has its unique culture-specific expressions (Abdul-Raof, 2004, pp. 104–105). The mistranslation of cultural terms can distort the meaning of the source text

(Moradi and Sadeghi, 2014; p. 1735). Hence, the cultural gap is considered an obstacle for the Qur'ānic translator, which might result in the loss of some culture-bound expressions (Al-Azab and Al-Misned, 2012, p. 44). Qur'ān verse 63:4 states:

وَإِذَا رَأَيْتَهُمْ تُعْجِبُكَ أَجْسَامُهُمْ وَإِنْ يَقُولُوا تَسْمَعْ لِقَوْلِهِمْ كَأَنَّهُمْ خُشُبٌ مُسَنَّدَةٌ يَحْسَبُونَ كُلَّ صَيْحَةٍ عَلَيْهِمْ

"And when you see them, their forms please you, and if they speak, you listen to their speech. [They are] as if they were pieces of wood propped up – they think that every shout is against them" (Ṣaḥīḥ International, 1997, v. 63:4).

In this example, the cultural expression (كَأَنَّهُمْ خُشُبٌ مُسَنَّدَةٌ) refers to the hypocrites during the Prophet's period, whom, as the Qur'ān described, were worthless as hollow "pieces of wood propped up" (Ṣaḥīḥ International, 1997, v. 63:4). To illustrate this cultural expression, Abdul-Raof (2004, p. 105) explained that "the Arabs used to put planks of timber against the wall at the back of their houses when they were not needed, and as such the planks of wood were useless most of the time". Thus, the Qur'ān has used the expression for a person who is worthless and considered him as a hypocrite.

The translation of cultural notions is sometimes complicated, as the development of these expressions is immensely affected by the source culture, leading to numerous translation inaccuracies. To clarify this point, in the context of the Qur'ān, some verses mirror the social actions of Arabs that belong to the pre-Islamic era. For example, the Qur'ān states in verse 81:8:

وَإِذَا الْمَوْءُودَةُ سُئِلَتْ

"when the baby girl buried alive is asked" (Abdel Haleem, 2004, v. 81:8)

Burying female infants alive was a barbaric act practised in the pre-Islamic era, due to the fact that some men from Arab tribes felt ashamed to have daughters and feared that their daughters can be taken as captives during wars or because of fear of poverty. They therefore preferred to bury their baby girls alive, an act which was prohibited at the advent of Islam (al-Saʿdī, 2001, p. 1076). Al-Azzam et al. (2015, p. 31) illustrated that "socially, the act of infanticide cannot be easily conveyed in the target language and can hardly be accepted by modern day people". Therefore, the Qur'ān translator needs to put to into

consideration both social and cultural allusions to that particular pre-Islamic practice. The translator also needs to be aware of cultural expressions and support their translation by explaining the various social and cultural implications and consider the likelihood influence of various factors. Therefore, some cultural problems in translating such expressions that were historical in nature can be difficult to understand by modern target readers.

Qur'ān translators who are not well familiar with religious boundaries and culture-bound expressions might fail to maintain the semantic and euphemistic features of the Qur'ānic verses (Abdul-Raof, 2001, p. 68). This might explain why Qur'ān translators have supported their translations with a wide range of explanatory notes and commentaries, factoring in various social and cultural features, since it is a challenge to transmit intended meaning to the target culture without paraphrases and footnotes. Vladimir Ivir (1987) proposed seven strategies that the translator can adopt in order to translate culture-specific concepts, as explained in Chapter 1. The strategies are literal translation, addition, definition, omission, substitution, lexical creation and borrowing. While translators in general have the option of choosing any strategy, most Qur'ān translators have most often used the literal translation approach along with explanatory notes in their translation of culture-bound expressions, because of their Arabic culture orientation (Moradi and Sadeghi, 2014, pp. 1736–1745). Thus, the Qur'ān translator needs to embrace specific strategies to cope with and reflect cultural expressions.

Another significant challenge for Qur'ānic translators is translating cultural collocation into English. Baker (2018, p. 58) claims that "[d]ifferences in the collocational patterning of the source and target languages create potential pitfalls and can pose various problems in translation". Collocation has a significant presence in Arabic and English languages although what might be adequate for the Arabic target readers may not be so in the English text. An example of the occurrence of cultural collocation is in the Qur'ān verse 2:198:

فَإِذَا أَفَضْتُمْ مِنْ عَرَفَاتٍ فَاذْكُرُوا اللَّهَ عِنْدَ الْمَشْعَرِ الْحَرَامِ

"But, when ye press on in the multitude from 'Arafat, remember Allah by <u>the sacred monument</u>" (Pickthall, 1938, v. 2:198).

"When you press on in multitude from 'Arafāt (after you have stayed there for some time), mention God at <u>Mash'ar al-Harām</u> (al-Muzdalifah)" (Ünal, 2006, v. 2:198).

The above exemplifies cultural collocation, as the word (الْمَشْعَرِ الْحَرَامِ) in the Qur'ān is referred to a sacred place in Makkah called *Muzdalifah* (al-Saʿdī, 2001, p. 91). This cultural collocation has no equivalent in English which compels Qur'ānic translators to employ different strategies to convey the meaning. For instance, Pickthall (1938) paraphrased the meaning as the sacred monument, while Ünal (2006) chose to write the transliteration of the Arabic collocation as it is, and further explained the meaning of the collocation in parenthesis. These differences show that collocations pose obstacles when rendering a combined collocation in the target culture.

Qur'ānic discourse consists of a large number of culture-bound expressions that are deeply related to the Arabic culture hence it is very challenging for the Qur'ānic translator to correctly convey cultural collocations in the target language. Baker (2018, p. 58-59) indicates that cultural collocations might express a concept that does not exist in the target culture. A successful Qur'ān translator needs to "recognise the meaningful expression units [collocations] in the SL[source language]" (Al-Sofi et al., 2014, p. 43). For example, the Qur'ān in verse 6:127 states:

لَهُمْ <u>دَارُ السَّلَامِ</u> عِنْدَ رَبِّهِمْ

"For them will be <u>a home of peace</u> in the presence of their Lord" (Ali, 1975, v. 6:127).

"for them will be <u>the home of peace (paradise)</u> with their lord" (al-Hilali and Khan, 1997, v. 6:127).

Literally, the word *dār* (دار) means home, and the word *al-salām* (السَّلَام) means peace. However, when both words come together as a collocation, it means paradise. Al-Sa'di (2013, p. 305) explained that in paradise, there is no defects or harm but peace. While Ali (1975) translated the collocation literally, Al-Hilalli and Khan (1997) rendered the contextual meaning of the collocation in parenthesis, indicating that "the home of peace"

is "paradise" in this verse. Such a phrase, therefore, would be difficult to translate, especially from sacred texts like the Qur'ān, given that these religious texts heavily consist of unique linguistic and semantic features that the equivalent meaning of such culture-specific collocations do not exist in the target language (Al-Sofi et al., 2014, pp. 41–42). Conveying these cultural collocations entails "a certain amount of loss, addition, or skewing of meaning", which is "often unavoidable in translation" (Baker, 2018, p. 57). It is quite clear then, that collocations that include cultural and rhetorical aspects in the Qur'ānic discourse should be given more attention, as they include figurative meanings which could compel a translator to insert a parenthesis to explain the contextual meaning, as seen in the examples above.

This section has thus far demonstrated how factoring in cultural and social meaning can lead to an inevitable loss in the translation of the Qur'ān. Thus, the translator is playing a mediating role, weighing up between accuracy on the one hand and loss/addition on the other; both of which do not often square up exactly.

2.5 Critical Reviews of English Translations of the Qur'ān

In the following account, a critical review of English translations of the Qur'ān is provided. The section is divided into five subsections, the first provides an introduction to early translations of the Qur'ān. The second sub-section highlights early attempts by non-Muslim translators from the 16th to 20th centuries. The third sub-section addresses the Orientalist approaches that have been adopted to translate the Qur'ān. The fourth sub-section sheds light on the Qur'ān translations rendered by Muslim translators in the 20th century. Finally, the last sub-section briefly discusses Qur'ān translation post-September 11, 2001 and how the incident has affected attempts to translate the Qur'ān.

2.5.1 Early Translations of the Qur'ān

Muslims practised translation early in the Prophet Muḥammad's time for "diplomatic purposes" (Abdul-Raof, 2004, p. 91). Some of Prophet Muḥammad's companions spoke

other languages, such as Salman and Ṣuhaib, who spoke Farsi and Greek, respectively. Furthermore, delegates were sent to neighbouring territories around the Arabian Peninsula in order to render some of the verses of the Qur'ān to the empires, such as to the Emperor of the Romans (Abdul-Raof, 2004, p. 91). However, after the spread of Islam around the world, Qur'ān translation was needed for new, non-Arab Muslims, so that they could understand the religion and its practices. As a result, several efforts were made in the early stage of the Islamic era to translate the Qur'ān into different languages such as Turkish and Persian (Al-Zarkasyi, 1988, chaps. 11–17).

The translation of the Qur'ān from Arabic to other languages was forbidden and rejected by most Muslim scholars, except the Ḥanafī school of law (one of the four primary *Sunni* schools in Islam), and exegetical commentary to explain the ambiguous words was only allowed at that stage by Muslim scholars (Abdul-Raof, 2004, p. 92). This jurisprudential position appears to have deterred Muslims from translating the Qur'ān, which in the long run has led to it being translated by non-Muslims. However, the first early translation of the Qur'ān was done by Persian translators who converted to Islam during the period of the Abbasid Caliphate (c. 750-1258). Another Turkish translation of the Qur'ān was produced during the 11th century and was based on the previous Persian Qur'ān translation. These translations used word-for-word strategies to keep the original meaning with its stylistic and sentence structure, and added extensive commentary to explain the verses of the Qur'ān. Word-for-word translations are becoming increasingly less common in modern translations of the Qur'an, where different translators are vying for unique approaches and perspectives in their renditions. Not to mention, how the ideological inclinations of translators have become more prevalent, as will be discussed in detail below.

2.5.2 Orientalist Approach to Qur'ān Translations by Non-Muslim Translators; 16th to 20th Century

According to Edward Said (1979), "anyone who teaches, writes about, or researches the Orient and this applies whether the person is an anthropologist, sociologist, historian, or

philologist either in its specific or its general aspects, is an Orientalist, and what he or she does is Orientalism" (Said, 1977, p. 10). Similarly, Lawrence's comprehensive review of the "orientalist Koran" (2017) identified Orientalists as "those who study the East or the Orient, in this case, the Muslim East, which is also the Muslim West, since the Muslim world by the eighth century had already spanned North Africa as well as South Asia" (Lawrence, 2017, pp. 29–30). Musa (1992 cited in Siddiek 2018) has indicated that the Orientalists began their actions during the early stage of Islam, in the Islamic state of Andalusia, and showed great interest in the study of the Qur'ān, as it is considered a supreme source of information on Islam. Furthermore, the Orientalists concentrated on a variety of issues in terms of the Qur'ān translation and investigated its linguistic and legislative features (Siddiek, 2018, p. 43). Nevertheless, there are many approaches for translating the Qur'ān by non-Muslim translators which was mainly from an Orientalist perspective. Kidwai (1987) stated that "following a long polemical tradition, part of whose goal was also the production of a – usually erroneous and confounding – European version of the Muslim scripture, Christian missionaries started their offensive against a politically humiliated Islam in the eighteenth century by advancing their own translations of the Quran" (Kidwai, 1987, p. 66). On the other hand, Lawrence (2017, p.29) argues that among the first to practice translating the Qur'ān were the European Christians during the Crusades, in order to understand the Muslim enemy.

With regards to Qur'ān translators who adopt an Orientalist approach in their translation, Ushama (2011) laments that "it is distressing to realize how many readers have been misinformed how many students of comparative religion have been given the wrong concepts and how many [non-Muslims] in search of the truth about the Quran have been misguided by such Orientalists writings". He concludes that "translators [of the Qur'ān] must follow the correct methodology with in-depth knowledge of all the necessary sciences required for translation in translating the text of the Quran, whether literal or thematic or interpretive" (Ushama, 2011, pp. 186–188). According to Kidwai (1987), the Orientalists' approach and translations of the Qur'ān were, in fact, "far from being a just translation, replete as they [the Orientalist] are frequent transpositions, omissions, unaccountable liberties and unpardonable fault" (Kidwai, 1987, p. 69). In the same vein,

Siddiek (2018) asserts that "the purpose of distorting Islam seemed to be the ultimate goal for some scholars who created those translation" [Orientalist Qur'ān translation] (Siddiek, 2018, p. 40).

In 1649, the first English translation of the Qur'ān which adopted an Orientalist approach, was made by Alexander Ross, a Christian who translated a French translation of the Qur'ān (Andre du Ryer's rendition) into English. The translation entitled *The Alcoran of Mohmet* was an attempt to reflect upon the Ottoman Empire's Turkish vanities. This translation, according to Kidwai (1987), was a "very crude specimen of the Orientalist-missionary approach to the Qur'an". Indeed, the purpose of Ross' translation was explained clearly in his introductory part, cited in Kidwai (1998), as it says that "I thought good to bring it to their colours [Christian reader], that so viewing thine enemies in their full body thou must the better prepare to encounter... his Alcoran" (Kidwai, 1998; Ross, 1649). This could be why Ross' translation has been heavily criticised since the source of his translation (that is the French Andre du Ryer's rendition) was criticised comprehensively by George Sale (1988), who noted that the translation has "mistakes in every page, besides frequent transpositions, omissions, and additions, faults unpardonable in a work of this nature" (Sale, 1888, p. viii). Similarly, Arberry (1955) criticised this work by asserting that "thou shalt find it of so rude, and incongruous a composure, so forced with contradictions, blasphemies, obscene speeches, and ridiculous fables" (Arberry, 1955, p. 8). Along the same lines, Lawrence (2017, p. 38) subsequently argued that Ross's "attribution of the Qur'an to 'Mahomet', of course, follows a pattern of attributing the Book to Muhammad as its author, rather than Allah/God as the divine source". According to Abdul-Raof (2001, p. 19), the initial translations of the Qur'ān were fraught with inaccuracies and misunderstandings. These early translations were also heavily influenced by animosity, leading to further discrepancies and potential misinterpretations.

George Sale rendered the second Orientalist translation of the Qur'ān into English in 1734. Unlike Ross (1649), Sale (1734) used the Latin translation of Marracci (1698) rather than a translator of another European dialect (Khalifa, 1989, p. 65). His translation was

widely published in the West and considered to be a primary source of the Qur'ān in the West, having gone through no less than 123 versions (Lawrence, 2017, pp. 38–40). However, Sale's translation "suffers from biases against Islam to the extent that Sale criticizes Ross [who translated the Qur'ān in 1649] for not being anti-Islamic enough" (Nassimi, 2008, p. 50). It has been emphasised by Ushama (2011) that there is a growing concern over the misinformation that has been spread among readers, as well as students of comparative religion who have been taught incorrect concepts. Furthermore, those who seek the truth about the Qur'ān have also been misguided by Orientalist translators. In addition, Sale (1734) has also been criticised for his lack of knowledge of Arabic, and "could not fully masters the Arabic language" (Khalifa, 1989, p. 65). Nevertheless, his translation was used for about 150 years, and its impact has been enormous, to the point that it was "the Koran for all English readers almost to the end of the nineteenth century" (Arberry, 1955, p. 11). In light of the above, it could be argued that the translations by Ross and Sales contained errors that were resulted due to a lack of knowledge on the one hand and animosity on the other.

After Sale's translation, the English cleric and rector of St. Ethelberga in London, John Rodwell (1808-1900), produced his translation of the Qur'ān in 1861, entitled *The Koran* (Kidwai, 1987, p. 69). This translation (1861) includes many misrepresentations about the Qur'ān and Prophet Muḥammad (PBUH) in its preface. For instance, Rodwell refers to the Prophet Muḥammad (PBUH) as "the crafty author of the Qur'an" and "accuses the Qur'an to have Christian, Jewish, and Zoroastrian sources" (Nassimi, 2008, p. 50). The author has also been heavily criticised for concocting many mistranslations which aimed to present his own imaginary interpretation of the Qur'ān (Kidwai, 1987, p. 70). Moreover, Rodwell (1861) was criticised for having arranged the suras of Qur'ān according to their chronological order of revelation. However, "instead of being [the Qur'ān] arranged in order of revelation, it was arranged by the Holy Prophet himself according to a divine scheme… therefore, with the object of reconstituting the historical sequence of the revelation, he [Rodwell] completely changed the order of the suras [chapters]" (Khan, 1986, p. 85). Lawrence (2017, p. 45) clearly indicates that "[t]he motivation for [Rodwell]

translating the Qur'an, one could argue, is still to undermine Islam". That is why his translation involves many distortions and mistranslations (Kidwai, 1998, p. 104).

Richard Bell (1867-1952) is another Orientalist who translated the Qur'ān and excessively re-ordered its chapters based on his own criteria and preference. This is evident from the title of his translation, The Qur'an translated with critical rearrangement of the surahs (Bell, 1937). By re-ordering the Qur'ānic *surahs* , Bell went too far in his misrepresentation of the Qur'ān and thus "makes a thorough mess of the traditional arrangement" (Kidwai, 1987, p. 70). While the *surah* might contain verses from different periods according to their revelation to the Prophet Muḥammad (PBUH), Bell (1937), on the other hand, has rejected the traditional understanding of *surah* order. He even acknowledges that the story of Joseph in the 12th surah of the Qur'ān, which is considered a coherent and combined narrative in one complete surah, is a "patchwork of small fragments belonging to several periods" (Sadeghi, 2011, p. 268). Nevertheless, "there is consensus among most Qur'ānic translators to use as source text the 'Uthmanic Recension'… which has a set order based mainly on the length of each sura" (Baker and Saldanha, 2009). Moreover, Bell believes that the Qur'ān was written by the Prophet Muḥammad himself (Kidwai, 1987, p. 70). It is no wonder that Bell's translation has received extensive criticism from both Muslim and Western scholars due to his attempt to produce a theory based on expressions such as 'probably' and 'uncertain' in terms of his re-arrangement of the Qur'ān's chapters. Consequently, Bell fails to present the value of his translation or how it might add to the understanding of the Qur'ān (El-Awa, 2006, pp. 33–35).

The earlier English translations rendered by non-Muslims were uncertain, ambiguous, and confusing. Nevertheless, one of the best Qur'ān translations by a non-Muslim Orientalist, is Arberry's 1955 translation titled '*The Koran Interpreted'* (Lawrence, 2017, p. 84). Arberry (1905-1969) was a well-known British scholar who specialised in Islamic study at Cambridge University. His work is widely respected among the academic circles and Islamic world, and he was lauded by Muslim scholars for his impartiality compared to authors of previous translations (Kidwai, 1987, p. 71; Mohammed, 2005, p. 62). Arberry's translation is considered one of the traditional translations with "high quality and

international reputation" (Abuissac et al., 2020, p. 58). In terms of the Arabic language and its 'musical effect', as Abdulhaleem (2004) expresses, Arberry pays considerable attention to the source text language and its sentence structure in an attempt to bring the target language as close to the source text as possible. Arberry has also criticised previous Qur'ān translations for their lack of accuracy, clarity and artistry of the Qur'ānic verses, and places importance on stylistic quality and reliability. He admits that translating the Qur'ān is not an easy task, particularly when a translator aims to maintain the stylistic features of the Qur'ānic text (Nassimi, 2008, p. 55). Arberry supports the doctrine that the Qur'ān can be interpreted but not translated.

This notwithstanding, Arberry's translation was also criticised for its omissions and mistranslations. For instance, he combined several individual verses in one paragraph without maintaining the numbers of each verse or following the verse numbering of the Qur'ān. He combined *surahs* that are less than five verses in length without numbering them and did not follow the revelation order of the chapters in the Qur'ān, just like Bell's translation. This could confuse any reader who is comparing the Arabic text and its translation (Al-Barakati, 2013, p. 74; Arberry, 1955; Nassimi, 2008, p. 55). Furthermore, explanations of ambiguous words were scarce in the commentary, which means that a reader without much knowledge of Arabic and Islamic terminologies would find it challenging to understand the translation. This is unsurprising, however, as Arberry (1955) points out in his preface, he decided to offer an unannotated version "because notes in plenty are to be found in other versions, and the radiant beauty of the original is not clouded by such vexing interpolations" (Arberry, 1955, p. 28). Arberry's translation, as Kidwai (1978, p. 71) points, "stands out above the other English rendering by non-Muslims in terms of both its approach and quality" and remains a reference choice in academic circles.

In view of the above-mentioned, it can be noted that Qur'ān translation like that of Ross spreads misconceptions about Islam. Ross's intention for translating the Qur'ān, as cited in Kidwai (1987:69), was because he "thought good to bring it to their colours, that so viewing thine enemies in their full body, thou must know the better prepare to

encounter...his Alcoran", attesting to how early translations were at times determined by "hostile intention" (Abdul-Raof, 2001, p. 19). In addition, early Qur'ān translations were full of distortions and bias, and translators lacked knowledge of Islam, let alone the source language, Arabic (Khalaf and Yusoff, 2012, p. 77). It is also important to note that the majority of previous Qur'ān translations were not meant to provide the reader with accurate representation of Islam. In fact, it could be argued that the aims of Orientalist Qur'ān translations were to serve an agenda and discredit the Qur'ān in numerous ways.

Orientalist translators have contributed to the misunderstanding and misrepresentation of Islam as a religion, and of the Qur'ān as the main source of Islamic law for Muslims. The early Qur'ān translations have raised questions about the authenticity of the Qur'ān and the role of the Prophet Muḥammad PBUH as a messenger, portraying him as the writer of the Qur'ān. It is no wonder, then, that much of the early translations of the Qur'ān (translated from an Orientalist approach) receive substantial criticism for their inaccuracies and misrepresentations today (Lawrence, 2017, pp. 29–49). Therefore, this motivated Muslims to take the initiative and counter the "allegations levelled by the Christian missionaries against Islam in general and the Quran in particular" (Kidwai, 1987, p. 67). That is to say, Muslim scholars were alarmed by previous Orientalist translation attempts, which played a significant role in encouraging alternative Qur'ān translation produced by Muslims. The earlier attempts to translate the Qur'ān have received much more criticism for the distorted translations than the later ones, which were produced by Muslims. This is largely based on the fact Muslims took the distorted translation by the orientalists as a challenge posed to them to present correct translations of the Qur'ān in Western languages, mainly English (Abdul-Raof, 2001; Asad, 1980; Kidwai, 1987). These translations of the Qur'ān sparked the desire to produce Islamic translations that would highlight the Qur'ānic meaning, and therefore what was witnessed in the twentieth century, as shall be seen in the next section, is an explosion of translations of the Qur'ān by Muslim translators (Lawrence, 2017, p. 49).

2.5.3 Qur'ān Translations by Muslim Translators in the 20th Century

Chapter Two: The Qur'ān and its Translation

The 20th century has seen the emergence of Qur'ān translations by Muslim scholars (Khalaf and Yusoff, 2012, p. 77). Lawrence (2017, p. 51) echoes the same as noted by Khalaf and Yusoff (2012) who maintain that "in less than forty years seven Muslims, including a British convert who lived in India (Pickthall), produced more Koran translations than all of the British Orientalists from the preceding three centuries (Ross— seventeenth, Sale— eighteenth, Palmer and Rodwell— nineteenth)". The first Muslim translation was produced in the early 20th century by Hakim Khan (1905). Khan's translation in particular, along with Abdul Fadl (1911) and Hirat Dihlawi's translations (1916), was produced in India, which was under British command at the time. These translations were written to defend the original message of the Qur'ān, to counter the distortions spread by the Orientalists during the 19th century, and as a response to the anti-Islamic missionary activity (Abdul-Raof, 2001, p. 20; Al-Amri, 2019, p. 58). Although the three Qur'ān translations mentioned above have tried to produce an accurate rendition, mainly against the orientalists, they also have some drawbacks, since the translators did not have a comprehensive understanding of the language of the Qur'ān and did not include the Arabic source text for their translations (Al-Amri, 2019, p. 58; Nassimi, 2008, pp. 51–52). However, it should be stressed once again, that the mentioned Asian Muslim translations reflect sustained albeit flawed efforts to reclaim not just the Arabic Qur'ān but the English Qur'ān, and to present Islam as the ultimate and triumphant religion (Lawrence, 2017, pp. 48–51).

In 1930, Marmaduke Pickthall, a native English Muslim translator, "holds the distinction of bringing out a first-rate rendering of the Qur'an in English" (Kidwai, 1987, p. 67). Pickthall was a British novelist who converted from Christianity to Islam in 1917. As Pickthall explained, he attempted to render the literal meaning of the Qur'ān in such a way that it maintains the beauty of the language, remain close to the source text, and capture the correct meaning of the verses (Pickthall, 1938). His translation was "very popular among Arabs and Muslims" (Abdel Haleem, 2004, p. xxviii). Pickthall's translation has more than one hundred and sixty editions, including a 2014 Kindle edition. This is a clear indication of its influence over other translations (Kidwai, 2017, p. 235). Nonetheless, although Pickthall's translation touched the hearts of Muslims during that

time as a faithful translation of the Qur'ān, it was not free of criticism. For instance, he uses Biblical and Jacobean English, which might have been considered an obstacle to average readers with regards to understanding its meaning (Kidwai, 2017, p. 242). Another critique is that Pickthall (1930) argues that the Prophet Muḥammad's journey to heaven at night (Verse 17:1) was not a physical journey but only a vision (Nassimi, 2008, p. 54). However, the first verse of the surah (Al-Isra': verse 17:1), which is translated as 'the night of Journey', has been explained clearly by Islamic scholars and in exegeses as being about the night journey, which was a physical one and took place from Mecca, to Jerusalem, to the heavens. Furthermore, traditional Islamic scholars have elaborated that the miraculous journey, known as an Ascension (*Mi'rāj*), is considered an extraordinary miracle to the Prophet Muḥammad (PBUH) (Abdel Haleem, 2004, p. 175; Nasr, 2015, p. 694). This notwithstanding, most critics agree that Pickthall's translation rightly conveyed Islam's message while trying to remain close to its original Arabic text (Kidwai, 2017, p. 231).

Abdullah Yusuf Ali produced another widespread translation in 1934. Ali was a Muslim Indian scholar who spoke both Arabic and English fluently. He came from a traditional *Sunni* background, memorised the Qur'ān at an early stage, and received an Islamic education which appears to have assisted him to grasp the meaning of the Qur'ān in a more profound fashion (Al-Barakati, 2013, pp. 72–73). Ali's translation, entitled *The Glorious Qur'an, Translation and Commentary*, was a significant written work which was placed alongside its Arabic text, together with intensive commentaries and explanatory notes. This makes it an excellent translation for readers who want to understand the background of the Qur'ān and its meaning (Abdel Haleem, 2004, p. xxviii). He points out that he did not express any personal opinions but rather relied on different exegetical explanations. Furthermore, Ali states that, by including short notes, an English reader should be able to fully understand the Qur'ānic text; he also suggests that a translator "necessarily exercises his own judgement" in choosing the English words (*ibid*). Besides, his translation was produced at a time when non-Muslims had written most of the previous Qur'ān translations, and hence, his translation was widely accepted and used in the Muslim world (Elimam, 2013, p. 108). In light of both Pickthall and Ali's Qur'ān

translations, it could be argued that a statement such as that of Lawrence (2017, p. 65), who aptly remarked that both translations "helped individual Muslims engage in personal study of the Qur'ān, at the same time that they created an English- language template for the Noble Book that gave precedence to Muslim sensibilities while countering negative portrayals created by non- Muslims" is very correct.

Several Qur'ān translations were produced after the mid-20th century and became widely popular and accepted because of their simplicity and accuracy. Among them is the translation by Taquiuddin al-Hilali and Muhammad Muhsin Khan. This translation, entitled *Interpreting of The Meaning of the Noble Qur'an in the English Language*, was produced in 1977 and became so popular that it was recommended by the government of Saudi Arabia (Nassimi, 2008, p. 59). The translation has many editions, but the most famous was printed by the King Fahad Complex in Madinah, Saudi Arabia, and proofread for religious accuracy by the Presidency of Islamic Research (*Iftaʾ*) in Riyadh, Saudi Arabia (al-Hilali and Khan, 1997). Al-Hilali and Khan place Arabic words that are difficult to translate within parenthesis, explain ambiguous words to facilitate understanding (Nassimi, 2008, p. 60). On the contrary, Muḥammad (2005) recognised Al-Hilali and Khan's translation as "more like a supremacist Muslim, anti-Semitic, anti-Christian polemic than a rendition of the Islamic scripture". He further called this translation a "Saudi –financed venture" which attempts to use commentaries of al-Ṭabarī, al-Qurṭubī and Ibn Kathīr, who are "medievalists who knew nothing of modern concepts of pluralism" (Mohammed, 2005, pp. 63–64).

Another translation that was popular in academic circles is Asad's translation, entitled *The message of the Qur'an* (Asad, 1980). Mohammad Asad, formerly known as Leopold Weiss, was an Austrian Jewish journalist who converted to Islam and adopted the traditional exegetical approach, which was reflected in his thought and translation (Kidwai, 1987, p. 69; Mohammed, 2005, pp. 64–65). For his Qur'ān translation, Lawrence (2017, p. 79) asserts that "[w]hat Asad produced is perhaps the most innovative, far-reaching rendition from the Asian subcontinent". However, while most of the Qur'ān translations which emerged after the second half of the 20th century aimed to avoid the archaic style

of the source text, Asad (1980, reprinted 2003) adopted a literal and archaic language and considered his work as a type of semantic translation (Abdul-Raof, 2001, p. 21). Although Asad's translation adopted a traditional exegetical approach, he also took on a rationalist approach, which caused some confusion and led to criticism. That is, Qur'ān translators who take the rationalistic approach might draw on the perception that a human would not believe in miracles that might go against rules of physics. As a result, they might rationalise some verses and interpret them in an incorrect way. For example, Asad's translation rationalised the presence of Jinn in order to make the Qur'ān look more convincing ,and for the purpose of "making the Qur'an address the more sceptical, cynical minds" (Al-Amri, 2019, p. 56), Asad (1980) believed that the presence of Jinn is used in the Qur'ān as an allegorical term. These interpretations, however, might cause distortions in the Qur'ānic text and its translation. Another outcome of his rational approach is that he chose to translate events in the Qur'ān strangely, and seems, by all account, to be hesitant to accept the literal meaning of some verses in the Qur'ān. For instance, Asad denies certain incidents in the Qur'ān such as Jesus speaking in the cradle, Abraham being thrown into the fire, and states that Luqman, Khidir and Zulqarnain were "mythical figures" (Kidwai, 1987, p. 69; Nassimi, 2008, p. 60).

There are other Qur'ānic translations considered to be widespread and influential in the second half of the 20th century. Among these is Irving's translation titled *The Qur'an: The First American Version* (Irving, 1985). Thomas Irving is an American who converted to Islam and produced a translation of the Qur'ān that can be easily read by English speakers. He used a communicative translation approach in which he introduced the Qur'ān in communicative modern English (Abdul-Ghafour et al., 2020, p. 66; Lawrence, 2017, p. 141). In addition, the work was presented with explanatory notes, commentary on the themes of each chapter with clear and straightforward language that addresses young people in the English-speaking world (Irving, 1985, p. xli). While Irving's translation provides modern language and its translation history, his work was not free of flaws and mistranslations. For instance, given his use of American English, Irving employed American idioms in his translation, "which, in place, are not befitting of the dignity of the Qur'anic diction and style" (Kidwai, 1987, p. 68). For instance, in verse 114:6, Irving

(1985) rendered the term al-jenna (الجِنَّة), which refers to 'Jinn', as 'sprite'. In this respect, Afrouz (2020, p. 119) maintains that "[t]he term 'sprite' (in stories) refers to a small creature with magic powers, especially one that is graceful or likes playing tricks". He further argues that "Irving's proposed equivalent is not precise since it refers to an imaginary or fictional creature, while, as Muslims truly believe, Jinn is a real creature" (Afrouz, 2020, p. 119). Another flaw is that he makes some simple linguistic errors which lead to the mistranslation of some Arabic words. For example, Irving translated *ahl ad-dhikr* as "people of long memories" instead of "people who know the scripture" (Abdel Haleem, 2004, v. 21:7). For such linguistic error, Mohammed (2005, p. 66) argues that "Arabic words are built from three-letter roots to which are added prefixes, infixes, suffixes, and vowels, and their context can lead to a wide range of meanings". Moreover, the title of the work was an issue for some Muslim Scholars, as it sounds more like a version of the Bible and could Indicate that the Qur'ān has different versions (Abdul-Ghafour et al., 2020, p. 66; Kidwai, 1987, p. 68; Mohammed, 2005, pp. 65–66; Nassimi, 2008, p. 62).

A few translations of the Qur'ān were produced and presented by the end of the 20th century. Among those were the ones produced by Ṣaḥīḥ International in 1997 and Abdulhaqq and Aisha Bewley in 1999. Ṣaḥīḥ International collaborated with three female English native speakers, (Emily Assami, Mary Kennedy, and Amatullah Bentley), who converted to Islam and produced the translation work (Lawrence, 2017, p. 99). This work was based on Hilali and Khan's (1977) translation of the Qur'ān because both works were printed in Saudi Arabia, both adopted a reasonably literal approach, and both used foreignising strategies rather than domesticating ones. Nevertheless, Ṣaḥīḥ International (1997) has been revised by making the language used clearer, replaced parentheses with footnotes, and adopted literal and exegetic translations with different words; specifically when translating euphemisms in the Qur'ān (Albarakati, 2019, pp. 34–43; Nassimi, 2008, p. 64; Ṣaḥīḥ International, 1997, pp. i–ii).

The last Qur'ānic translation produced by the end of the 20th century is *The noble Qur'an: a new rendering of its meaning in English,* by Abdulhaqq and Aisha Bewley in 1999. They

are a married couple who worked on their Qur'ān translation for some 25 years. One of the reasons behind their motivation to translate the Qur'ān was because previous translations "came through a glass darkly" (Bewley and Bewley, 1999, p. iii). The target reader for their translation was the Muslim English-speaker. Due to this, they did not translate some Arabic and Islamic terminologies like *Salat* and *Iman,* but left them as transliterations, with the expectation that the intended reader will understand them. Of particular interest is that the Bewleys' translation is based upon the *Warsh* way of reciting the Qur'ān, while most of the Qur'ānic text is based on the *Hafs* way of recitation. However, both *Warsh* and *Hafs* are considered among the main canonical methods of reciting the Qur'ān (Nassimi, 2008, p. 65). Moreover, while the majority of previous Qur'ān translations inserted commentaries and footnotes, the Bewleys' translation has not, because their core objective is to present "this new rendering: to allow the meaning of the original, as far as possible, to come straight through" (Bewley and Bewley, 1999, p. iii).

2.5.4 Qur'ān Translation Post-September 11, 2001

Numerous Qur'ān translations have been produced in the second half of the 20th century. Most of these intended to avoid linguistic inaccuracy, avoid archaic language, and use modern language easily understood by the target readers (Al Ghamdi, 2015, p. 128). In this respect, Al-Amri (2019, p. 47-48) asserts that "the Qur'an will only yield its fruits to those who approach it with the best of intention". However, translating the Qur'ān with the intention of distorting its meaning offers the opportunity to put forward an opposing view and spread misconceptions of Islam. Anti-Muslim propaganda in writing, especially in the media, has appeared since September 11, 2001 (Faris and Parry, 2011, p. 141). Yet, Islamophobia did not occur only as a consequence of September 11. It was deeply rooted in the early Orientalist Qur'ānic translations which supported the Christian missionary's attempt to sabotage the spread of Islam, which was seen as a threat to Christianity (Abdul-Raof, 2001, p. 20). Likewise, media hostility "seemed to create a political climate in which the Muslims can be demonized" (Faris and Parry, 2011, p. 141). Although recent Qur'ān translations intended to reflect the meaning of the Holy Book, Al-Amri (2019, p. 58) argues that they follow the Orientalist approach, and "carry the same trappings;

irreverence of the time-honoured Muslim traditions and treating the Qur'an merely as a historical text not regarding its sacredness".

One of the crucial aspects of 21st century translations of the Qur'ān is that the context of reception mutates. For instance, before the attacks of September 11 2001, the world differed a lot in terms of how Islam and the Qur'ān were received and what they represented and advocated (Rabasa et al., 2004, p. 1). For instance, a cursory look at the literature of Qur'ānic sciences shows that specific terms in the Qur'ān have been discussed in more depth after September 11. It is then no wonder that between 2001 and 2020, 90 translations of the Qur'ān appeared, and many of them use different interpretive approaches, which led to the expansion of the number of translations of one text (the Qur'ān) into one language. Most of the Qur'ān translations were produced in the presence of a political conflict, which consequently led to the explosion of translation activity. Translators of the Qur'ān are facing further questions following the incident of September 11, 2001, when the target readers' reception of the Qur'ān changed, particularly with regards to the way they interpret the holy text. For instance, commenting on the English Qur'ān translation titled *The Graphic Koran*, Lawrence (2017, p. xxvii-xxviii) emphasises that the translation is "a product of 9/11 that invites its twenty- first century audience to reconsider the legacy of Islam through reading the English Koran with background images from American life". Similarly, Yüksel's translation, which was first published in 2007 in the United States, was an attempt to highlight the peaceful and tolerant nature of Islam and counter the radical and extreme stereotypes being spread in the West following September 11 2001, and to show to the world that "Islam is not a warmonger religion, but it is a peacemaker religion" (Iskandar, 2016, p. 72). The view of the target readers on this translation of the Qur'ān is also supported by Geissinger (2016, p. 270) who asserts that "following 9/11, the question of which interpretations of the Qur'an can claim to be 'authentic' or to represent the 'mainstream' became even more politically freighted for Muslims in North America, and continue to be so".

As can be seen in the review above, any omitted details in the translation of the Qur'ān into a language like English might cause misunderstandings, and this is where the

translator is involved in the process of the translation as a mediator between languages and cultures. Three of the translations that emerged in the 21st century are amongst the Qur'ān translations selected for the corpus of this study, which will be discussed further in the next section.

2.6 Critical Reviews of the Selected Translations of the Qur'ān

This section aims to provide an overview of the three translations of the Qur'ān which have been selected as the corpus of this research. It will highlight the importance of each translator, exploring their cultural and social background, as well as presenting a literature review surrounding each individual. These translations will be presented chronologically based on their publication date.

The three translations are the following:

1- Ünal, A., 2006. The Qur'an with Annotated Interpretation in Modern English. Tughra Books, New Jersey, USA.
2- Yüksel, E., Al-Shaiban, L.S., Schulte-Nafeh, M., 2007. Quran: A Reformist Translation. Brainbow Press: Hundred Fourteen Books, USA.
3- Nasr, S.H. (Ed.), 2015. The Study Quran: a new translation and commentary. HarperOne, an imprint of Collins Publishers, New York, USA.

| Ünal (2006) | Yüksel (2007) | Nasr (2015) |
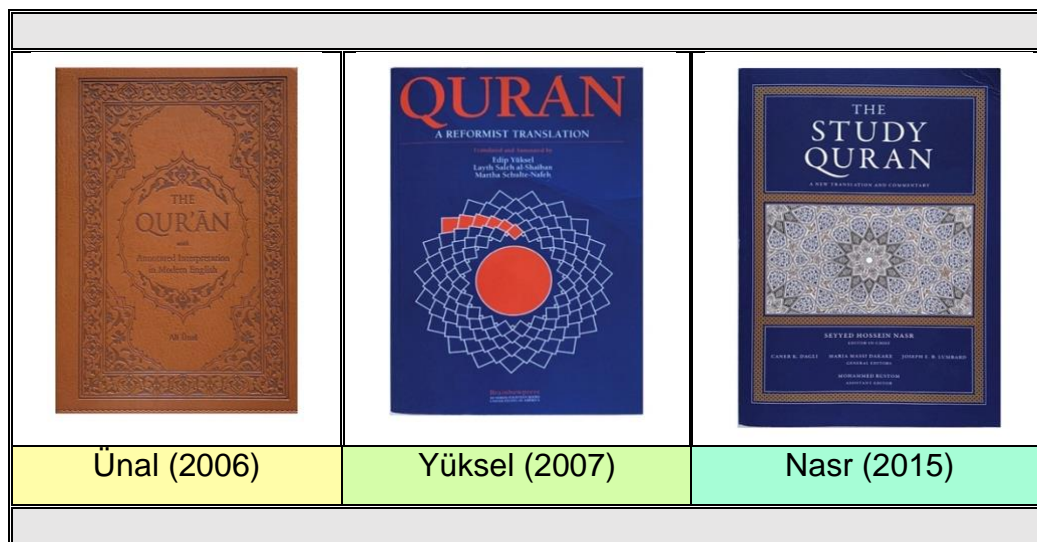
Figure 1. front covers, of the three translations of the Qur'ān.

There are several reasons why these three translations are worthy of investigation. Firstly, the translations were all published in the last twenty years, post 9/11, when there has been an increased attention to the Qur'an and Islam (and some of this attention focus on verses selected for this thesis) . Secondly, all three translations have used paratextual elements extensively (which is a crucial part of the methodology mentioned earlier). Thirdly, all translators have different ideological (religious) orientations, with mixed cultural backgrounds.

The researcher opted to avoid utilising renowned and extensively annotated translations of the Quran from earlier periods. Instead, translations from a later era (post 9/11) were selected, as there was a considerable surge in Quran translations during this time in response to Western curiosity about Islam. Although Muhammad Asad's *The Message of the Quran* contained a wealth of supplementary notes, the researcher excluded it from the analysis due to its initial publication in 1980 and subsequent reprinting in 2003, which placed it outside the timeframe of the corpus of this research.

The translations chosen are from two Turkish-born translators, Ünal and Yüksel (who have different ideological backgrounds), and one Iranian-American translator, Nasr. The study explores the differences between these translators through the lens of ideology, particularly the distinction between the Gülenist (Ünal) and the student of Rashid Khalifa (Yüksel), which will be explained later in this section. It is worth noting that this work does not claim to assert that these are the three "best" translations, but rather they were chosen because of the abundance of paratexts they include. For instance, a different Turkish translation was not included because it did not contain as many paratexts (footnotes). Additionally, while two of these translations (Yüksel and Nasr) were produced by teams led by the named translator, the lead translator spoke about these translations as their own. As a result, this research focuses on analysing the lead translator. The overview of the three translations of the Qur'an below examines their framing and contains a discussion of ideology that speaks to their intended audience(s). The study will address key questions, such as whether the translators are catering to different audiences,

whether these audiences share the ideology of the translator, and why the audience is critical to their translation strategy.

2.6.1 First Translation: Ali Ünal (2006)

Ali Ünal is a renowned Turkish scholar, author and a former chief writer and columnist at *Zaman* (a daily newspaper in Turkey that shut down following the failed Turkish 'coup attempt' in 2016). He is a prolific translator of works related to Islamic studies into the English language, having produced more than twenty translations from Turkish to English. Ünal has also published many books and translated various works into English by Fethullah Gülen (the founder and spiritual father of the Gülen movement). According to Kim (2008, p. iv), Fethullah Gülen "is known to be one of the most influential contemporary Muslim leaders, and has led a fast-growing movement expanded to global proportion". The Gülen movement represents one of the contemporary manifestations of Sufiism in the world. It is a movement that champions the idea that Gülen's thought and approach to Sufism could lead to a better understanding of Islamic society's current issues (Kim, 2008, p. 111). Said Nursi (1876-1960) and his approach to Sufiism paved the way for Gülen and his movement hence he has been referred to as Gülen's 'neo-Nurcu' approach (Yavuz, 1999, p. 592). According to Bilici (2006, p. 6), Nursi was not only a theologian but also a scholar who tried to link Muslim tradition with modernity. However, what is at stake here is that Ali Ünal has translated a collection of books written by Said Nursi entitled '*Risale-I Nur*'; a collection of Qur'ānic exegesis (Bilici, 2006, p. 7). Following September 11, 2001, the Gülen movement emerged to spread the idea of 'dialogue-oriented practice' of Islam and to counter other extreme Islamic practices. Thus, the Gülen movement and its political associates were not only introduced to the Turkish community but to Muslims around the world. However, as argued by Bilici (2006, p. 17), the Gülen movement "doesn't have a policy independent of the Turkish state on the Kurdish questions[and] has [a] limited interest in women's issues". As will be discussed further below, Ali Ünal's Qur'ān translation was not only influenced by the Gülen movement, which has a political agenda and adopts a liberal/sectarian thought of Islam, but also by the intellectual background and teachings of Said Nursi.

In terms of his translation of the Qur'ān, entitled *The Qur'an with Annotated Interpretation in Modern English*, it can be noted from his preface that Ünal is familiar with most classical and recent Muslim scholars who have interpreted the Qur'ān exegetically. As he mentions in his introduction, he has inserted from all Qur'ānic exegeses and used them as references in his translation (Ünal, 2006, pp. 1365–1367). What is interesting is that each exegesis of the Qur'ān uses a unique approach, reflecting varying beliefs about Islam. For example, Ünal mentions *Al-Khashshaf* by Al- Zamakhshari (1075-1144) as one of the exegeses he used. Al-Zamakhshari was influenced by the Mu'tazilite thought and doctrine in Islam (Lala, 2012, p. 35; Schmidtke, 2007, pp. 193–194). Among his sources are many traditional interpreters of the Qur'ān, such as Ibn Kathīr, al-Ṭabarī, al-Qurṭubī, al-Razī, and a range of recent scholars like Said Nursi and Fethullah Gülen. However, Lawrence (2017, p. 88) criticises Ünal's Qur'ān translation and argues that "[a]lthough its tone is progressive and tolerant, the translation itself lacks any rhythmic or elevated tone, while the detailed explanations of most verses relate to the two Turkish doyens of Islamic revivalism: Fethullah Gülen, together with his precursor, Bediuzzaman Said Nursi". Ünal (2006) has inserted an extensive parenthetical interpretation and annotation both in his body of translation and around it, such as prefaces and footnotes, which can at times be "overwhelming" (Al-Amri, 2010a, p. 108). Because of the extensive parenthetical exegesis, Ünal's translation will not be suitable for a beginner student/reader, but for someone who has more experience reading a religious text.

Ünal (2006) adopts Nursi's philosophy of comparing science and religion by applying the hermeneutic approach in his translation, as "the commentary accompanying the translation is replete with lengthy examples of scientific exegesis" (Ohlander, 2009, p. 625). The preface to Ünal's translation has been written by his teacher, Fethullah Gülen, on the topic of the Qur'ān and its translation. Similarly, Ünal (2006) has quoted Nursi's Qur'ānic exegesis in his translation of some verses (Gurbanveliyev, 2016, p. 5; Ohlander, 2009, p. 625). Although extensive articles have quoted Ünal's Qur'ān translation, no single book review of this translation has existed. It is also important to investigate whether Ünal's translation (2006) has been influenced by his cultural background and

whether both Nursi's Sufiism and Gülen's political agenda have influenced Ünal as a Qur'ān translator.

In 2016, Ünal was arrested over his links to the Gülen movement and has been accused by the Turkish government of belonging to a terrorist organisation following the failed coup attempt in July 2016. Ünal himself was accused of "attempting to overthrow the constitutional order" and of being a member of "a terrorist organization" (Arab News, 2018). The Turkish government claimed that the Gülen movement was behind the "attempted putsch", while the Turkish president (Recep Erdogan) accused Gülen of being the mastermind behind the coup attempt in 2016 (Demant, 2018, p. 17). On the 14th of November 2018, Ali Ünal was sentenced to 19 years and six months in prison (Arab News, 2018; SCF, 2018). Therefore, Ünal's background as a Turkish Muslim who does not speak Arabic as a first language, who has been influenced by both Said Nursi and Fethullah Gülen, and who was sentenced to 19 years in prison as a result of affiliations to a political movement, makes his translation a compelling case for study. This also makes Ünal's Qur'ān translation a unique sample to be investigated further.

2.6.2 Second Translation: Edip Yüksel (2007)

Edip Yüksel was born in 1957 and was raised in Turkey according to the *Sunni* Islam tradition. Because of his participation in Turkey as a political activist, Yüksel was sent to prison for four years in 1980. After his release, Yüksel migrated to the United States in 1989 and later became a citizen in 1993. Edip Yüksel is considered "a Turkish religious activist who immigrated to the United States to escape persecution in his homeland" (Musa, 2010, p. 13). Alsaggaf (2018, p. 161) introduces Edip Yüksel as an "American- Turkish- Kurdish", indicating Yüksel's cultural hybridisation. The translator has an American nationality as he currently resides in the US, a Turkish cultural background as he was born and raised in Turkey, and a Kurdish ethnicity as his family is originally from Kurdish region of Turkey (Ali Al-Saggaf et al., 2018, p. 161). After being in prison for four years, Yüksel's beliefs shifted from the *Sunni* tradition towards a more reformist thought of Islam (Yüksel et al., 2007, p. 5). His father, a devout *Sunni,* "disconnect[ed] [their] blood

relation" with his son as a result. However, given his life trajectory, it is unsurprising that Yüksel calls himself a "son of a clash of civilizations" (Iskandar, 2016, pp. 33–35).

Edip Yüksel became a reformist due to the influence of his teacher, Rashad Khalifa, one of the key figures who adopted the idea of the Qur'ān as the only source of authority in Islam (Khalifa, 1982; Yüksel et al., 2007). Commenting on this issue, Musa (2010, p. 18) points out that Yüksel is "another prominent figure among advocates of the doctrine of the Qur'an alone". According to Yüksel, the Qur'ān is a "self-sufficient scripture", meaning that no additional explanations are required from other sources (Lukman, 2015, p. 181). Yüksel also rejects the *Ḥadīth*, which is "the second scriptural source of law and guidance after the Qur'an for most Muslims" (Musa, 2010, p. 12). However, according to Hassan and Atwell (2016, p. 100), *Ḥadīth* present the only way to access the words and actions of Prophet Muḥammad (PBUH). Moreover, "Hadith contain teachings on all areas of Muslims life mentioned by prophet Mohammad" (Hassan and Atwell, 2016, p. 100). Yüksel's rejection of the *Ḥadīth* has led him to deny some of the conventional religious practices, as he applies his own thought and reasoning to passages of the Qur'ān (Musa, 2010, p. 19). For example, Yüksel (2007) believes that there are only three prayers a day for Muslims rather than five, as is stated in the Qur'ān. However, although the Qur'ān cites only three prayers, close to a dozen authentic *aḥādīth* clearly outline that worshipers must perform five daily prayers (Musa, 2010, p. 19).

 Yüksel's translation of the Qur'ān entitled: *Qur'an: A reformist translation*, is a "renewal in the field of Qur'an interpretation and translation based on the principle of gender equality" (Matswah, 2014, p. 304). According to Iskandar (2016, p. 37), the reformist translation (2007) was not solely a translation or interpretation, but a response to various issues and contextual problems that Muslims and non-Muslims' face regarding understanding Islam. Yüksel's translation includes extensive notes and endnotes at the end of each chapter of the Qur'ān. On the other hand, Yudha (2018, p. 60) states that three elements of Yüksel's translation reflect his ideology, the first being his use of modern monotheism. The second is his idea that the message conveyed by the Qur'ān is one of justice for all, regardless of nationality, gender or ethnicity, while the third aspect revolves

around the mission of peace and amity that the Qur'ān is spreading around the world (Yudha, 2018, p. 60). Yüksel (2007) employs five principles that directed the translation. These are: offering a non-sexist explanation of various verses, "rejecting the authority of the clergy", using a logical understanding of the Qur'ān, making reference to the Bible, and reflecting the message of the Qur'ān "for those who seek peace and ultimate freedom" (Yüksel et al., 2007, p. 6).

Yüksel is credited for being the primary translator, even though he was one of the three co-translators, (the remaining two being Al-Shaiban and Schulte-Nafeh) who were involved in this translation (Lawrence, 2017, p. 89). The collaborative team rejects all Islamic scholars, claiming that the scholars are biased in their thinking and have been influenced by their gender, beliefs and ideology. Moreover, the three authors have experienced life in the USA; as previously mentioned, Yüksel moved to the USA in 1989, while the other two have lived there for their entire lives. This trajectory is an important factor, as the production of each translation of the Qur'ān is "associated with the setting of life and thought of interpreter" (Iskandar, 2016, p. 32). Moreover, it appears that Yüksel's translation, which was first published in 2007 in the US, was a call to highlight the peaceful and tolerant nature of Islam and counter the radical and extreme stereotypes being spread in the west following September 11th 2001 (Iskandar, 2016, pp. 39–40). It is then quite telling that Yüksel's translation rejects the *Ḥadīth* but instead quoted verses from the Bible to support his interpretation of the Qur'ānic verses (Sitanggang, 2017, p. 279). According to Lukman (2015), the approach that Yüksel et al. have used in their translation is "subjectivist hermeneutic … as they deny the horizons of the text and rely on their own contemporary horizons" (Lukman, 2015, p. 181). Rahmi (2017, p. 109) states that in the commentary of his translation, Yüksel cites the explanation of the verses using other verses in the Qur'ān, which is why he claims that there is no need for the *Ḥadīth* or any other sources. Therefore, Yüksel's translation aims to answer questions raised in the modern era using the "rational context" approach (Rahmi, 2017, p. 109).

The intended readers for Yüksel et al.'s translation are clearly not those who follow Islamic traditional *Sunni* view but rather a modernist and reformist thought of Islam. (Recall that

both *Sunni* and *Shiʿi* are the main sub-sects of Islam; however, *Sunni* Islam is by far the largest group. Both divisions and their practices have their own roots and beliefs [Yu and Kwan, 2019, p. 17]). Yüksel et al. state clearly that their translation will highlight "the major differences between our approach [that is the reformist idea of Islam] and that of orthodox translations and commentaries" (Yüksel et al., 2007, p. 12). Similarly, Baker and Saldanha (2020) add that "the effect of such modernist and humanist thinking is clearly evident in the 2007 Qur'ān: A reformist Translation by Edip Yüksel, Layth Saleh al-Shaiban and Martha Schulte- Nafeh" (Baker and Saldanha, 2020, p. 468).

2.6.3 Third Translation: Seyyed Hossein Nasr (2015)

This "monumental work" consisting of almost two thousand pages results from a nine-year collaboration between Muslim scholars (Gorke, 2018, p. 250; Lawrence, 2017, p. 97). All editors, who are specialists in Islamic Studies and residing in the West, were recruited by Professor Seyyed Nasr, the translator and the editor-in-chief. Although Nasr is credited with being the editor-in-chief, the editing process was part of a collaboration that included three people, Caner K. Dagli, Maria Massi Dakake and Josephe E. B. Lumbard who were general editors with Mohammad Rustom as the assistant editor. All editors mentioned above are Muslim scholars in the field of Islamic studies and were educated in the West but with traditional Islamic backgrounds (Drury, 2016, p. 493). Although the work is a collaborative effort by Muslim scholars, they come from different cultural and religious backgrounds, indicating a need to understand the editors' various ideologies reflected in their translation.   For instance, the editor-in-chief Nasr is Persian and originally from Iran; he thus adopts the Shi'ite perspective of Islam. A well-known scholar both in Muslim and western communities who specialises in Islamic study and religion, Nasr is described as "a leading proponent of *religio perennis*, an ideology that perceives all religious traditions as sharing a single universal truth as a basis of the development of various doctrines" (Davary, 2016, p. 397). On the other hand, Maria Massi Dakake, the associate editor and co-author is an Associate Professor at George Mason University and director of the undergraduate Islamic Studies programme (Dakake, 2019, p. 362). Despite their Islamic backgrounds, the editors, including the editor-in-chief, reject

all thoughts and participation of "secular Orientalists", fundamentalists and "Muslim modernizers" (Medoff, 2016, p. 368). Yet, Nasr has criticised most Qur'ān translations for their figurative language problem and ambiguity (Nasr, 2015).

Nasr's translation is divided into three parts: the introduction along with the translation of the Qur'ān; the commentaries of each verse; and fifteen essays related to the Qur'ān and Islamic topics. In the introduction, Nasr (2015) explains the Qur'ān and its meaning for Muslims, as well as its influence on social life. What is unique about this translation, as Nasr (2015) has illustrated, is that it avoids the fundamentalist beliefs and modernist approaches in the interpretation of the Qur'ān. Moreover, "following 9/11, the question of which interpretations of the Qur'an can claim to be 'authentic' or to represent the 'mainstream' became even more politically freighted for Muslims in North America, and continue to be so" (Geissinger, 2016, p. 270). Nasr's translation (2015) references *Ḥadīth*, quotes from both *Sunni* and *Shiʿi* perspectives, and includes all Qur'ānic commentators, presented with a brief biography, in chronological order (Lawrence, 2017, p. 97). In his review of Nar's Qur'ān translation, Lawrence (2016, p. 637) states that Nasr "does acknowledge having consulted six well-known translations, of which Yusuf Ali is the first, yet he also asserts that our renditions are based on the Arabic text itself and not on any previous translation". However, what is unique about Nasr's translation is that it explains the revelation of each chapter as well as the structure of each part and verse. What is at stake here is that Nasr's project appears to be likely universal for an English-reading audience who seek a broad understanding of Islam by their Supreme sacred book. Lawrence (2016, p. 638) stresses that "[n]o one will be able to offer a basic course on Islam, or to propose an in-depth study of the Quran, without reference to this monumental achievement by a team of devoted scholars". It is not surprising, then, that Nasr has included several maps illustrating major Muslim battles during the Prophet's time, which indicates that the aim is for the text to be an educational resource (Davary, 2016, p. 397).

Nasr's translation is not without criticism. According to Medoff (2016), the translation has encountered issues, including, for example, the use of the second person singular in the archaic form, such as thou, thee and dost. The inaccessibility of the translation becomes

even more prominent when compared to other translations like that of Abdulhaleem (2004) which is a favourite of readers (Medoff, 2016, p. 369). In addition, the Ḥanbalī school of law (one of the four major *Sunni* schools) is hardly represented in Nasr's translation. This raises the question of whether the translation has adopted all major *Sunni* schools given that *Sunni* Islam is way and far the largest group, compared to *Shiʿi* even though both are the main sub-sects in Islam, with each division having its own roots and believers (Leaman, 2017, p. 595). Nasr's translation provides a vast number of commentaries and footnotes for each of the 144 surah of the Qur'ān. His translation has "several lengthy annotations extrapolating the scriptural meaning and their significance" (Drury, 2016, p. 493). Nasr's translation shows that a great effort was made to be comprehensive since forty *tafsirs* are indicated as sources and references for the translation. According to Geissinger (2016), Nasr's translation was written from a "faith-based" approach, as it took the "interpretive discourse" as the main focus of the translation. Such a perspective has not yet been used to produce any existing or previous translations of the Qur'ān (Geissinger, 2016, p. 270). However, with all the commentaries included, it could be argued that this translation is "neo-traditionalist" in the field of Qur'ān translation, and has introduced readers to a wide range of exegetes (Gorke, 2018, p. 251). Indeed, according to Gorke (2018), what sets this translation apart from previous ones is the extensive use of commentaries. Thus, "this is the first work that provides insight into the vast exegetical tradition of how specific verses were understood and how they informed Islamic law, theology, and other fields" (Gorke, 2018, p. 251).

Along with the commentaries, fifteen essays have been included at the end of the translation, discussing various topics currently debated worldwide. Among them are essays on the Qur'ān and its understanding, themes of Islamic law, as well as ethics and social dimensions (Geissinger, 2016, pp. 270–271). Furthermore, the writers of the fifteen essays originate from different geographical and cultural backgrounds and belong to different schools of Islamic thought. This was deliberate in order to ensure that the translation contains varying social, cultural, ethical and ideological perspectives (Davary, 2016, p. 398). This therefore points to the fact that this translation is a "comprehensive resource", as it comprises an in-depth verse-by-verse commentary of various and most

well-known traditions from Qur'ānic exegesis. In addition to this, the work is considered to be a window into the Islamic exegesis and Qur'ānic study (Celene, 2019, pp. 89–90). Thus, the work targets both Muslims and non-Muslims who seek a broad understanding of Islam (Drury, 2016, p. 494). That is to say, Nasr's translation (2015) "lends itself as an indispensable book for both readers who wish to approach the Qur'ān broadly and those who seek to delve deeper into the intricacies of its meanings" (Laabdi, 2017, p. 468).

2.7 Approaches to Qur'ānic Translation

Some Qur'ān translators described the approaches they have used while translating the Qur'ān. Pickthall (1930) for example specified that his translation is based on the literal approach. However, others, such as Al-Hilali and Khan (1997), have not described explicitly the approach and methods they adopted. It is then possible that each Qur'ān translator explains the purpose of their translations in their preface or introduction, but fails to indicate the approach they have adopted (Ali, 2019, p. 89). Translators of the Qur'ān also adopt a variety of strategies in page layout, and many include the Arabic source text alongside its translation. Abdul-Raof (2001) for instance categorises two main types of approaches to Qur'ānic translation: source-oriented and target-oriented approaches. The first type is the "literal word order" and uses archaic language and can be considered a semantic Qur'ānic translation. Among those translators who have adopted the source-oriented approach are Pickthall (1930), Arberry (1955) and Asad (1980). The second type of approach is the communicative translation, which adopts target-oriented translation, such as the Qur'ānic translations by Irving (1985) and Abdul-Haleem (2004) (Abdul-Raof, 2001, p. 21). Accordingly, Newmark (1981) states that "all translations must be in some degree both communicative and semantic". He explained that communicative translation exclusively addresses the target reader, while semantic translation gives its author loyalty (Newmark, 1981, p. 62). Both categories can be clearly identified based on the Qur'ānic translators' prefaces, and this can further reveal whether some translators adopt the semantic approach or the communicative approach.

Al-Ubayd (2002), as cited in (Ali, 2019, pp. 91–92), detected three approaches in the process of Qur'ānic translation; these are literal translation, lexical translation and exegetical translation. Al-Ubaid (2002) further asserts that exegetical translations (that is to translate directly from the Qur'ān or translate the exegetical materials of the Qur'ān) would be considered as more influential and accurate with regards to conveying the precise meaning of the Qur'ān. Therefore, the translators need to know Qur'ānic science and Islamic Jurisprudence to understand the Qur'ānic discourse and render it correctly. Some Muslim scholars, however, have recommended avoiding a literal translation and adopting a specific approach to Qur'ānic translation. Among them is Abdulhaleem (2004), who advocates using an "intertextual approach" based on the idea that one Qur'ānic textual component can explain another verse. In that sense, Abdulhaleem (2004) remarked that the method of intertextuality and the application of cross reference between each part of the Qur'ān has been used by the prominent *Sunni* theologian Ibn Taymīyah (d. 1328 CE), who said: "what I [Ibn Taymīyya] stated in a general way in one place [of the Qur'ān] is explained in detail in another; what is stated briefly in one place is explained at length in another" (Abdel Haleem, 2004, p. xxx). Thus, he offers a solution the dilemma of using different approaches, and asserts that the exegetical method and intertextual reading of the Qur'ān would be the most accurate method for translating it, specifically since Qur'ānic discourse has a cultural and religious meaning that the translator needs to take into consideration. Based on this, Elimam (2009) claimed that "translators of the Quran generally attempt to remain as close as possible to the text to reflect some features of the Quranic style in their work" (Elimam, 2009, p. 24).

Unlike Pickthall, who attempted to translate the Qur'ān literally, Abdul-Raof (2005) rejected the literal translation of the Qur'ān and suggested that Qur'ān translators should use exegetical footnotes to maintain the message of the target language. Similarly, Abdulhaleem (2004) rejects the literal translation of the Qur'ān, as the Qur'ānic discourse has different meanings depending on varying factors such as context, textuality, etc. This is due to the fact that a single meaning can cause distortions and mistranslations, which is why Qur'ān translators, according to Abdulhaleem (2004), need to insert footnotes and paraphrases to clarify any ambiguity within the Qur'ānic text. For Elimam (2009), on the

other hand, "some scholars have argued that rejecting literal translation indirectly implies following the dynamic equivalence technique [which] successfully safeguards the Qur'ān from the drawbacks of the literal translation technique" (Elimam, 2009, p. 25). This, however, raises yet more questions regarding how translators of the Qur'ān balance a wide range of different approaches while undertaking the process of translating the Qur'ān, and which approach would best ensure accuracy and produce a faithful rendition of the Qur'ān.

Unlike most of the approaches adopted by various Qur'ān translators, Ahamad (2004) adopted a reader-oriented approach. He advocates that his translation "aims to present younger English-speaking readers with what Muslims the world over hold to be the meaning of the words of the Qur'an" (Ahamed, 2004). According to Elimam (2009, p. 27), this is "probably the first time this approach has been adopted" in the translations of the Qur'ān. Yet, it remains to be seen whether translators of the Qur'ān adopt both dynamic/communicative and formal/semantic approaches, as can be noted from Abdul-Raof's (2001, p. 21) categorisation. It is no wonder then, that Qur'ān translators seem, whether implicitly or explicitly, to follow Nida or Newmark's approaches of translation. However, Elimam (2009, p. 24) sums up the dilemma and asserts that "the literature on various approaches to the Quran is largely a-theoretical".

2.8 Conclusion

This chapter offers a comprehensive overview of translating the Qur'ān, with a focus on the Islamic tradition of Qur'ānic inimitability and (un)translatability. It also delves into the cultural and linguistic aspects of Qur'ānic translation and suggests various approaches that can be employed to overcome the cultural and linguistic barriers between the source and target languages when translating the Qur'ān into English. Thus, the chapter suggested that a more comprehensive understanding of the various features of the Qur'ānic discourse is essential to appreciate the challenges and beauty of the Qur'ān's unique literary form. Furthermore, it provides a critical analysis of English translations of the Qur'ān, exploring historical attempts by non-Muslim and Muslim translators, as well

as the impact of post-September 11th events on Qur'ānic translation. According to the discussions in this chapter, early translations of the Qur'ān have brought up doubts about its authenticity and the role of Prophet Muḥammad (PBUH) as its messenger, suggesting that he was the writer of the Qur'ān. This led to Muslims taking action to defend Islam and the Qur'ān against accusations made by Christian missionaries. As a result, Muslims began producing translations of the Qur'ān that would accurately convey its meaning. As we move into the twenty-first century, there has been a surge in Islamic translations of the Qur'ān by Muslim translators. The chapter finally presents the three selected translations of the Qur'ān for this research, highlighting the significance of each translator and their cultural background, along with a literature review on each of them.

Chapter Three: The Qur'ān and Legal Rulings (*Aḥkām*)

3.1 Introduction

This chapter provides an overview of the legal ruling verses (*Ayat al-Aḥkām*) in the translation of the Qur'ān. It will examine the relationship between *Sharīʿah* and *Fiqh* as two Islamic law principles. It will explore how the term "Islamic law" is used to refer to the entire Islamic system of jurisprudence and explore the different sources of Islamic law and the appearance of the legal theory. The chapter will further explore different schools of jurisprudence (*fiqh*) to understand the jurisprudential thought behind jurists' different opinions in the process of interpreting legal ruling verses of the Qur'ān. This will be done through a comparative analysis of selected Qur'ān translations. The chapter will then focus on the legal rulings of the Qur'ān as a jurisprudential undertaking to pave the way for the subsequent discussions about the translation of legal rulings in the Qur'ān. This, chapter is therefore divided into three sub-sections which include providing an account of the different themes of legal rulings in the Qur'ān, highlighting the different classifications of legal rulings and its examples from the Qur'ān and, lastly, discussing the translation of the legal rulings, their unique features and the importance of inserting footnotes and commentaries. The chapter will conclude by exploring the different categories of exegesis of the Qur'ān.

3.2 Sharīʿah and *Fiqh*: Two Key Principles of Islamic law

Islamic law is the most enduring tradition of learning Islam. The theological significance of the law lies in the vital Muslim doctrine that God has provided guidelines by which His human subjects ought to live. Thus, Islamic law is fundamental for Muslims with regards to practicing the religion, and for Western tradition to understand the *sharīʿah* and its jurisprudence. Abdal-Haqq (2002, p. 29) has identified the importance of Islamic law by stating that "throughout the entire history of Islam, Islamic law has remained a prime focus of intellectual effort and recognised by Muslims as a religious duty to uphold and protect". Bederin (2019, p. 186) argues that Islamic law is "probably the most misunderstood legal

system, especially in the West". He further emphasises that one of the reasons for the misunderstandings is the differences between the terms *sharīʿah* and *fiqh*. This distinction is crucial to the understanding of the nature of Islamic law both in theory and practice. Abdal-Haqq (2002, p. 37) believes that the "blurring" line between both *sharīʿah* and *fiqh* appeared shortly after the collapse of Bagdad in 1258 CE, "to elevate and regard the schools of *Fiqh* as divinely ordained manifestations of Islam". Thus, the distinction between both terms should be explained and noted, as some writers used both terms interchangeably thereby confusing the reader seeking to understand the meaning of both terms. The distinction between the terms is often discussed in the Western description of Islamic law. In this regard, Abdal-Haqq (2002) indicates that "the more important and substantive distinction is between Sharīʿah and Fiqh, both of which are considered to be within the scope of the Western description of Islamic law, but with the former being preeminent and ideally forming the basis for all doctrine formulated under Fiqh" (Abdal-Haqq, 2002, pp. 32–33). It is therefore important to explore the different meanings of these terms as seen in the Holy Qur'ān and provided by different scholars.

The term *sharīʿah* signifies the pathway which shows the way to the source of life (Abdal-Haqq, 2002, p. 33). The Qur'ān indicates that Allāh has commanded believers to follow the straightforward way, which refers to the path of *sharīʿah*. In verse 45:18, the Qur'ān states: "Now We have set you [Muḥammad] on a clear religious path, so follow it" (Abdel Haleem, 2004, v. 45:18). *Sharīʿah,* as a term, is the constant divine revelation in its juridical principal form. It refers to Muslims' way of life with regards to the practice of religion. However, early Muslim scholars perceived the term *sharīʿah* as involving everything appointed by the lawgiver in all aspects of life, such as law, ethics, and rituals. Therefore, the *sharīʿah* as a principal and divine system of Islamic law could include both aspects of non-laws and strict laws. The Qur'ān contains Islamic ethical, spiritual, moral and legal stipulations, yet "not all *Shariʿah* stipulations are enforceable juridically" (Baderin, 2009, p. 186)*.*

An example of Qur'ānic verse that has a religious and spiritual obligation, but is not considered juridically enforceable, can be seen in verse 3:97, as the Qurʾān states: "Pilgrimage thereto is a duty men owe to Allāh,- those who can afford the journey; but if any deny faith, Allāh stands not in need of any of His creatures" (Ali, 1975, v. 3:97).

This verse shows that performing *Hajj* (the pilgrimage) is a religious obligation for Muslims who can afford the journey, yet it is not enforceable juridically. This means that no strict legal action can be undertaken in the *sharīʿah* court against Muslims who have not performed the pilgrimage. Baderin (2019, p. 187) gives a similar explanation, but goes a step further by proposing that "Muslims believe that there may be adverse religious consequences in the hereafter against violators of such divine stipulations". The term *sharīʿah* therefore includes all the legal and ruling aspects that enjoin Muslims to act and perform the religion in an exemplary manner (Al-Matroudi, 2016, p. 263).

On the other hand, *fiqh* refers to applying the *sharīʿah* principles and rulings in hypothetical cases and different situations from Islamic law. *Fiqh*, in this sense, is a collective body of law and practical application gathered from *sharīʿah* by using a different methodology. Abdal-Haqq (2002, p. 37) explained the meaning of *fiqh* by stating that it "means 'intelligence' and implies the independent exercise of reasoning power in deciding a point of law, in the absence or ignorance of guidance from the Shari'ah on an issue". It should be noted that *fiqh* as an Islamic jurisprudential concept embodies two principles; the first is the science of deducing by which the Muslim Jurists deduced the law from the source's materials, and the second is applying the ruling and legal law. Likewise, *fiqh* as a process can be divided into two frameworks; the first is the concept of *ʾUṣūl al-fiqh*, which means the roots of *fiqh*, and is concerned with the sources of Islamic law, principles of interpretation and their order of priority. The second type of fiqh is called *Furu' al-fiqh*, which means the branches of *fiqh*. While the second type is derived from the first one as a root of *fiqh*, it tends to focus on the actual practice of law and deals with decisions being made (Kamali, 1996, p. 3).

Al-Ashqar (1982, p.9) noted that *fiqh* in the Arabic language means "understanding and learning". For instance, in verses 20:27-28, the Prophet *Mūsā* (Moses) asks Allāh when he receives a revelation:

وَاحْلُلْ عُقْدَةً مِنْ لِسَانِي يَفْقَهُوا قَوْلِي

"And untie the knot from my tongue, That they may <u>understand</u> my speech" (Ṣaḥīḥ International, 1997, v. 20:27-28).

Similarly, when the Prophet Muḥammad (PBUH) supplicated (made *du'a*) for his companion Ibn 'Abbās, he said:

اللَّهُمَّ فَقِّهْهُ فِي الدِّينِ

"O Allah! Make him (Ibn 'Abbas) <u>a learned</u> scholar in religion (Islam)" (al-Bukhārī, 1997, vol. 1, book 4, Ḥadīth No.145).

Al-Ashqar (1982, p. 11) explained that by "learned scholar", he meant for Ibn ʿAbbās to be made to understand the religion of Islam. More precisely, the word '*fiqh*' in Islam was explicitly related to the science of religion, both the Qur'ān and *Sunnah*. He emphasises that *fiqh*, in the terminology of Muslim scholars, means Islamic law, which is knowledge of practical legal rulings. Therefore, the legal rulings would not be considered *fiqh* unless they are extracted from sources of *sharīʿah*. Thus, the Muslim jurist is the one who bases every ruling of the *sharīʿah* on its evidence (Al-Ashqar, 1982, pp. 15–17).

Another important issue is identifying the differences between *sharīʿah* and *fiqh,* both linguistically and technically, to understand the origin of the terms in the Arabic language. *Sharīʿah* linguistically means 'ways' and 'path', from the verbal root *Sharaʿ* meaning to ordain a straight path. Technically, *sharīʿah* refers to the revealed law found in the Qur'ān and the *Sunnah*. Linguistically, the term *fiqh* means 'knowledge' and 'understanding' from the verbal roots *faquha,* meaning to comprehend. Technically, *fiqh* discusses the body of legal codes and principles based on the interpretation of the revelation. Al-Ashqar (1982) goes on to outline the meaning of both *sharīʿah* and *fiqh* by stating that *sharīʿah* is the religion revealed by God, while *fiqh* is our understanding of the *sharīʿah.* He further clarifies the differences between both terminologies by posing that the *sharīʿah* is the

complete religion of Islam, which deals with general rules and principles, while *fiqh* is the opinion of *mujtahid*s (legal opinion of Muslim jurists). Another difference he highlighted is that *fiqh* is the deduction of legal rulings from jurists who may address the problem of society in a time or place that may not be suitable for the problems of another time. This is, in fact, unlike *sharīʿah,* which is applicable to any time and place. He concluded by stressing that the provisions of *sharīʿah* are fixed and infinite (Al-Ashqar, 1982, pp. 19–20).

Thus far, the section has explored how the term 'Islamic law' is used to refer the entire Islamic system of jurisprudence within the religion of Islam. This means that the term Islamic law constitutes both the *sharīʿah,* the primary source of Law, and the term *fiqh,* which applies to the legal system (Abdal-Haqq, 2002, pp. 31–32). The *sharīʿah* is thus considered divine law while *fiqh* refers to human comprehension of the divine law. In the section that follows, the different sources of Islamic law will be explored.

3.3 Sources of Islamic Law

The Islamic law has four traditional sources; the Qur'ān, the *Sunnah*, *Ijmāʿ* and *Qiyās* (Baderin, 2009, p. 186). Abdal-Haqq (2002, p. 40) explains each source by indicating that the Qur'ān is the word of Allāh revealed to the Prophet Muḥammad (PBUH); the *Sunnah* is the application of the principles gathered from the Prophet's sayings; the *Ijmāʿ* is the consensus from the Prophet's companions or early Muslim scholars; and lastly, *Qiyās* refers to the analogical assumption of legal cases. These four concepts, which Islamic jurists recognise as the sources of Islamic law, are often called methods, and are considered the root of Islamic Jurisprudence. On the other hand, Ramadan (1970) classifies Islamic law into two main categories; the first is the primary sources, which includes the Qur'ān, the *Sunnah*, the *Ijmāʿ* and the *Qiyās*. The second category is the supplementary sources, which includes *Istiḥsan*, *Istislaḥ* and *ʿUrf*. He further stresses that apart from the Qur'ān and the *Sunnah*, every other source "has been a matter of controversy as to its validity or definition", and "were introduced at least a century after the Prophet and were built upon the opinions of individual jurists". The Qur'ān and

Sunnah, thus, are the main two sources of Islamic law, and all other juristic sources depend on them (Ramadan, 1970, pp. 33–34).

Muslims believe that the Qur'ān is the word of Allāh which was revealed to the Prophet Muḥammad (PBUH) in piecemeal over 23 years. The Qur'ān covers many subjects of varying lengths such as morals, ethics and parables, along with spiritual and legally-specific regulations and matters of religious worship (Baderin, 2009, pp. 186–187). The Qur'ān as a primary source is called "*al-Furqān*", which is translated as "the criterion" (Nassimi, 2012, p. 120). Ramadan (1970, p. 43) admits that the Qur'ān "is not an easy reference for legal studies" but is in fact, "more particularly an appeal to faith and human soul rather than a classification of legal prescriptions. This could explain the reason that the major portion of the Qur'ān is, as with every Holy Book, a code of Divine exhortation and moral principles". Therefore, the contents of the Qur'ān, "unlike any other man-made laws, are not amendable", and thus, remained the same without any single alteration (Nassimi, 2012, p. 120). Nassimi's (2012) point echoes verse 15:9, of the Qur'ān which states: "Indeed, it is We who sent down the Qur'an, and indeed, We will be its guardian" (Ṣaḥīḥ International, 1997, v. 15:9).

It should be noted that the Qur'ān was not revealed to the Prophet Muḥammad (PBUH) at once, but in stages in relation to different incidents which took place at the Prophet's time. According to Niyazee (2016, pp. 199-200), there are several crucial reasons behind the Qur'ān's gradual revelation to the Muslim community. The first is that it made it easier to memorise and understand for the Prophet's companions. In this regard, the Qur'ān states the following in verses 17:106 and 25:32:

"And [it is] a Qur'an which We have separated [by intervals] that you might recite it to the people over a prolonged period. And We have sent it down progressively" (Ṣaḥīḥ International, 1997, v. 17:106)

"And those who disbelieve say: Why is the Qur'an not revealed unto him all at once? (It is revealed) thus that We may strengthen thy heart therewith; and We have arranged it in right order" (Pickthall, 1938, v. 25:32).

The second purpose for the gradual revelation of the Qur'ān is that the application of Islamic law occurred in phases. The Qur'ān was often revealed to the Prophet Muḥammad (PBUH) following questions that were asked by the companions, or incidents which occurred. Thus, the gradual revelation facilitated the understanding of the importance of verses and legal rulings that often followed such occasions. The gradual revelation of the legal ruling verses, in particular, has simplified the implementation of the law in phases. For instance, the Qur'ān prohibited *khamr* (wine) in three stages. Below are the three relevant verses:

"They ask you about wine and gambling. Say, "In them is great sin and [yet, some] benefit for people. But their sin is greater than their benefit" (Ṣaḥīḥ International, 1997, v. 2:219).

"You who believe, do not come anywhere near the prayer if you are intoxicated, not until you know what you are saying" (Abdel Haleem, 2004, v. 4:43).

"O you who have believed, indeed, intoxicants, gambling, [sacrificing on] stone alters [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful" (Ṣaḥīḥ International, 1997, v. 5:90).

The three verses were revealed in this order at different periods to gradually urge Muslims to avoid intoxicants and maintain total sobriety. For instance, Ibn ʿUmar (Prophet's companion) reported Prophet Muḥammad (PBUH) as saying: "Every intoxicant is *Khamr* [wine] and every intoxicant is forbidden" (Muslim, 1980, bks. 23, No 4963). Moreover, there is a significant collection of *aḥādīth* explaining issues related to intoxicants. Therefore, the context for the revelation (*asbāb al-nuzūl*) can help understand the incidents and cases behind the revelation of each verse and facilitate the understanding of the application of the Islamic Jurisprudence and ruling verses in the Qur'ān (Niyazee, 2016, p. 200).

While the Qur'ān is considered as the primary source of Islamic *sharīʿah,* the *Sunnah* is considered the second. Accordingly, the Prophet Muḥammad (PBUH) was not only a messenger of Allāh but also a judge, as his explanations, clarification and guidance on the Qur'ān have formed the foundation of the *Sunnah*, which became the second source

of Islamic law (Baderin, 2009, p. 187). Indeed, the Prophet Muḥammad (PBUH) as a messenger "was able to combine the religious with the secular in one of the most backward corners of the earth, to establish a civilisation that ushered in the Renaissance in Europe, among other things. For this accomplishment, he has been called *the most influential person* in the history of the world by non-Muslim historian[s]" (Abdal-Haqq, 2002, p. 40). Moreover, the Qur'ān has praised the Prophet Muḥammad (PBUH) in many verses and underscores the fact that "nor does he speak from [his own] inclination. It is not but a revelation revealed" (Ṣaḥīḥ International, 1997, v. 53:3–4). The authentic *Ḥadīth*, which refers to the Prophet's sayings and actions, have been gathered in multi-volume collections and translated into English.

It should be noted that the practice of the Prophet Muḥammad's sayings is commonly named *Ḥadīth* or *Sunnah* and both terms are being used interchangeably. However, Abdal-Haqq (2002, p. 46) believes that there are differences in both terms with regards to meaning. He further emphasises that while *Ḥadīth* refers to what the Prophet has reported, such as his opinion on different matters, the *Sunnah*, on the other hand, refers to his way of living his life, actions, manners, and commands. In a similar vein, Baderin (2009, p. 188) outlines differences between *Sunnah* and *Ḥadīth*. He explains that "*Ḥadīth* is the oral or written narration of the *Sunnah* while the *Sunnah* is the actual practice or message conveyed by the narration in a *Ḥadīth*" (Baderin, 2009, p. 188). Unlike the two, Abdal-Haqq (2002, p. 47) claims that both terms have been used interchangeably in the current literature concerning the Prophet's practices and traditions, but went a step further to propose that *Ḥadīth* can be categorised into four types: these types are as follows: his own words; actions, consent of actions made in his presence; and finally, "descriptions of his physical attributes, personality, demeanor, and disposition". All four types of *Ḥadīth* are considered principal sources within Islamic law (Abdal-Haqq, 2002, p. 47). Based on the foregoing it can be concluded that the *Sunnah* covers all materials that are related to the Prophet Muḥammad (PBUH), throughout his lifetime, his sayings, his actions and rules in all different phases of life. Abdal-Haqq (2002, p. 54) sums up and opines that "the subordinate primary source of guidance would be the Sunnah of Mohammad as compiled in the Hadith" (Abdal-Haqq, 2002, p. 54).

While Muslim jurists believe that both the Qur'ān and *Sunnah* are divine and immutable sources of Islamic law which are the primary sources of the Islamic legal system, they consider two other human sources, namely *ijmāʿ* (consensus) and *qiyās* (analogy). *Ijmāʿ* is the unanimous agreement of experts regarding a particular matter, while *qiyās* refers to extending a ruling from an original case to a new arising case due to shared adequate cause. These two legislative sources of law have been developed by Muslim Jurists as two human methods to cover a new situation that might occur in human life, and which has not been covered directly in either the Qur'ān or *Sunnah*. In other words, *ijmāʿ* and *qiyās* are not divine and immutable, but products of human intellect (Baderin, 2009, pp. 187–188). It should be noted that there are other secondary sources based on *ijtihad.* For instance, the source of *Istiḥsan* (juristic preference) signifies a departure from the original ruling when its application contradicts its true intent. Another source is *Istislaḥ* (public interest), which refers to opting for the legal ruling to secure human welfare and protect people from harm. *ʿurf* (customary practice) is also one of the secondary sources, which is a combination of social customs into the body of laws for the sake of stipulating a general practice (Mahmood, 2014, p. 127).

It should be noted that during the lifetime of the Prophet Muḥammad (PBUH), the Qur'ān and *Sunnah* constituted "Islamic life", and the two were considered equal in terms of authority. However, the post-632 period saw the spread of Islam outside Arabia that increased the number of non-Arab local practices that could contradict the *Sunnah*; thus, it gave rise to legal reasoning where Muslim jurists, and the companions of the Prophet before that, had the authoritative status to interpret Islamic law according to their understanding. With the *Umayyad* period beginning in 661, *ijtihad* (legal reasoning) was exercised differently according to two primary schools of legal thought, i.e., *ahl al- Ḥadīth* (traditionalists) and *ahl al-ra'y* (rationalists). By the end of the 8th century, Muslim jurists had already developed legal theories. The two mentioned primary schools were further classified under several *madhabs* (legal schools), out of which, due to many factors, a minority survived. It was only the late 9th century that witnessed the emergence of the

Islamic law and legal schools, in the conventional sense of the terms. A brief introduction of each legal school of jurisprudence will be provided in the next section.

3.4 School of Jurisprudence

While the Qur'ān contains legal rulings of Islamic law, the Prophet Muḥammad (PBUH) demonstrated and provided guidelines for applying this law. After his death, Muslim jurists faced many challenges in the form of new questions and problems that arose after the spread of Islam which were not addressed explicitly in either the Qur'ān or *Sunnah* as the primary sources. Consequently, the jurisprudential thought of different opinions resulted in jurists establishing different schools of *fiqh* according to jurisprudential understanding (Ramadan, 1970). In this regard, Abdal-Haqq (2002, p.54) states that there are five *fiqh* methods a jurist needs to know to exercise the process of *ijtihad* (individual reasoning); these are *ijmāʿ* (consensus), *qiyās* (analogy), *Istiḥsan* (the public Interest), *istisḥab* (presumption of continuity) and *ʿUrf* (local custom). The *ijtihad*-based methods, as Abdal-Haqq (2002, p. 54) called it, played a significant role in developing Islamic studies and the differences between the four *Sunni* schools of Jurisprudence.

According to Ramadan (1970, p. 89), there were around 19 schools of *fiqh*, and only four *Sunni* schools survived (Ramadan, 1970, p. 89). He claims that the four schools have not survived due to government authority or support, but rather, "because they are rooted in the tradition of the societies in which their philosophy is prevalent" (Ramadan, 1970, p. 68). Unlike Ramadan (1970), Baderin (2009, p. 189) indicates that about five hundred schools of Islamic Jurisprudence were developed in the early stage of Islam, though, as he notes, most of them disappeared. Nevertheless, he (2009) agrees that only four *Sunni* schools remained. He further notes that "their differences of opinion on particular matters result from their different interpretations of relevant provisions of the Qur'ān and the *Sunnah* and also influenced by the different circumstances in the different provinces where the schools developed and flourished" (Baderin, 2009, p. 189). Therefore, the differences between the *fiqh* schools of Islamic Jurisprudence result from the different interpretations of the *sharīʿah* by Islamic jurists.

It should be noted that all the four schools of law agree on the four fundamental methodologies of Islamic law: the Qur'ān, *Sunnah*, *ijmā'* and *qiyās*. However, the differences arise in the process of how law was interpreted based on the different schools. In this respect, Abdal-Haqq (2002, p. 73-74) outlines that these differences may be attributed to three elements. The first one is their differences in interpreting the meaning of words for the legal process. The second is the conditions of acceptance of the *Ḥadīth* and its interpretation and differentiation between authentic and conflicting *Ḥadīth*. The third one is the different methods used among the four schools to apply the principles of legal ruling, as some put more emphasis on certain principles than others. Ramadan (1970, p. 90) explains the diversity of Islamic law and states that "the diversity of juristic opinion should be considered an active sign of the flexibility of Sharī'ah, and not as a dogmatic seal on its applicability".

It is equally important to note that the term *madhhab*, which means "ways of going" in Arabic, has been used to refer to the Islamic schools of Jurisprudence (Ramadan, 1970, p. 88). Having said that, the first school of law was the Ḥanafī *Madhab,* established by the prominent scholar Imam Abū Ḥanīfah (702-767 C.E). Abū Ḥanīfah, who lived in Iraq, adopted the rationalist approach; however, his *madhhab* was based on Qur'ān, *Sunnah*, *ijma'*, analogy (*qiyas*), juristic preference (*Istiḥsan*), and customs (*'urf*). While the Ḥanafī School opted for applying and deducing the law, the vital element of their methodology is the concept of consultation (*shura*). Another relevant point regarding the Ḥanafī School is that the opinion of the Ṣaḥaba (companions of the Prophet) was given great importance. The Ḥanafī School is presently dominant in India, Pakistan, Afghanistan, Turkey, Iraq, Jordan, Lebanon and Egypt. The second school of law is the Mālikī *madhhab*, named after Imam Mālik Ibn Anas (717-801 CE). Ibn Mālik, as he is known, lived in Madinah, and adopts the traditionalist approach based on Qur'ān, *Sunnah*, *ijma'*, *qiyas,* the practice of *Madinites*, *Istislaḥ*, and *'urf*. He was famous for his collection of *aḥādīth*. Thus, one of his critical distinguishing methodologies was that he gave great importance to the *a'māl ahl al-Madinah* (the practices of the people of Madinah; the

Prophet's city) as a method of *fiqh.* The Mālikī School of law is presently dominant in Libya, Morocco, Algeria, Tunisia, Nigeria, Mali, southern Egypt and Sudan.

The third school of law is the Shāfiʿī *madhhab*, developed and established by Imam Muḥammad Al-Shafʾo (769-820 CE). Al-Shafʾi, who travelled extensively between Madinah, Iraq and Egypt, attempted to reconcile the traditionalist and rationalist approaches. Al-Shāfiʿī studied under Mālik and Muḥammad al-Shaybani (a pupil of Abu Hanifah) and has been regarded as the founder of the legal theory and well-known for his credit as the first to define the principles of *fiqh*. He also established the criteria for the qiyās (Analogy) as the application of *fiqh* methodology. The Shāfiʿī school of law is prominent today in Egypt, East Africa, Indonesia, Malaysia, Palestine, Jordan, Syria, Yemen and Saudi Arabia.

The fourth school is the Ḥanbalī *Madhab*, based on Ahmad Bin Ḥanbal's practice (778-855 CE). Ahmad ibn Ḥanbal, who also travelled between many Arab countries, was a student of al-Shāfiʿī, and has moderated the use of qiyas. The approach is highly traditionalist based on the Qur'ān, *Sunnah*, *ijma'* and individual opinion of the companions. The Ḥanbalī School prefers the weak *Ḥadīth* of the Prophet over *Qiyās* (Analogy) as the fundamental *fiqh* methodology; however, the weak *Ḥadīth*, according to the Ḥanbalī *madhab*, can only be accepted if the weakness "was not attributable to transmission by degenerates or liars" (Abdal-Haqq, 2002, pp. 69–73). The Ḥanbalī School is presently dominant in Saudi Arabia, Qatar and Kuwait.

It should be said that differences in the legal schools' interpretive methodologies can be due to several reasons. For instance, jurists can adhere to different *Ḥadīth* and use different criteria to interpret and accept the *Sunnah*. Muslim jurists can use different secondary sources, and this might explain their differences due to the basic nature and different social and political contexts of the *madhhab*s. One particular reason for the differences is that the four Schools of Jurisprudence might interpret differently the legal ruling verses that are not explicit but rather implicit. This is because each legal school adopts different methods and refers to different sources. Having discussed the legal

Schools of Jurisprudence, the following section shifts its focus to the legal rulings of the Qur'ān as a jurisprudential undertaking to pave the way for the discussion of the translation of legal ruling in the Qur'ān.

3.5 Legal Rulings (*Aḥkām*) as Jurisprudence Phenomena

The Qur'ān has many key themes that are spread across different chapters and verses. The jurisprudential term which refers to the verses in the Qur'ān that deal with the practical legal ruling is *aḥkām*, which is considered a central theme in the Qur'ān, and has been a topic of research by scholars who specialise in the jurisprudence of the Qur'ān (Nassimi, 2008, p. 118). The word *Aḥkām* is the plural of *ḥukum*, which means ruling, command and judgement (Bālbaki, 1998, p. 483). The subject of legal rulings is considered as a primary source of Islamic Law, as the verses of legal rulings contain legal implications for every Muslim. Thus, the legal rulings in the Qur'ān "provide the touchstone to distinguish the lawful (*Halāl*) from unlawful (*Harām*) and the right from wrong in every sphere of life" (Nassimi, 2008, p. 119). Jurists rely upon the Qur'ān to discover its legal rulings in every case that they might face, either by looking for any legal rulings that are provided in the Qur'ān explicitly or "by implication, that is, through derivation (*Istinbāṭ*)". In order to approach the legal rulings in the Qur'ān through derivation, jurists need recourse to an explanation and clarification from the *Sunnah* (Niyazee, 2016, p. 198).

The subject of legal rulings has legal connotations which form the code of conduct for each Muslim and is a guidance to differentiate between legally permissible and prohibited acts (Nassimi, 2008, p. 120). The legal rulings in the Qur'ān can include both standings; one has a general meaning, and the other specific. The general definition means that legal ruling is in any verse in the Qur'ān that uses a jurisprudential ruling explicitly or implicitly. On the other hand, the specific definition of legal rulings includes the verses that indicate the jurisprudential rulings clearly (Al-Ashqar, 1982, p. 15). Consequently, it is essential to note that the legal ruling verses of the Qur'ān do not present the entirety of Islamic law. However, the law of Islam can be found within a wide range of sources from

the Prophet Muḥammad (PBUH), his companions to the early jurists who worked in the field of Islamic jurisprudence (Mahmood, 2014, p. 127).

Muslim scholars differ in their opinions on the number of verses that are related to the legal rulings. For Instance, Niyazee (2016) states that there are approximately 600 verses concerning the legal rulings related to Islamic jurisprudence (Niyazee, 2016, pp. 202–203). On the other hand, Al-Ghazali (prominent philosopher and theologian) said that there are around 500 legal ruling verses in the Qur'ān. Moreover, Abū Bakr Ibn Al-Arabi (scholar of Mālikī School of Jurisprudence) has expanded the legal ruling verses in the Qur'ān to around 800 (Alfara, 2010, pp. 5–6). Unlike the rest of the scholars, Baderin (2019, p. 187) claims that while Muslim jurists believe that there are around 350 to 500 verses in the Qur'ān that are related to legal rulings, the Western scholars believe it to be much less than that. He argues that what Western scholars consider the moral rules in the Qur'ān, are seen, as the legal verses by Muslim jurists. Al-Ashqar (1982) clarifies that the reason behind the differences of opinions among scholars, regarding the number of legal ruling verses, is their difference in interpretation of the meaning of legal rulings. For instance, some scholars have stated that legal rulings includes all verses from which a legal ruling can be deduced, while others have declared that the legal rulings involves only those verses which include a practice of the legal ruling (Al-Ashqar, 1982). A possible explanation for these differences is that each jurist uses a different body of juristic tools (ʾUṣūl al-Fiqh) to deduce the law directly from the Qur'ān. However, discussing different themes of legal rulings are not absent in the literature, as shall be seen in the next section.

3.5.1 Legal Rulings in the Qur'ān

Legal rulings in the Qur'ān appear in different places and based on different issues; all of the Qur'ānic legal ruling verses concern different topics that are related to Islamic jurisprudence (Niyazee, 2016, p. 202). For instance, there are verses related to the act of worship (*Ibādāt)*, trade and finance (*mu'āmalāt)*, family law, oath, crime and sentences, administrative matters, international law, etc. Similarly, Abdal-Haqq (2002, p. 64-65) outlines that most jurisprudence books categorised the subject areas pertaining to *fiqh* in

a standard manner; these are faith, hygiene, prayer, fasting, obligatory charity, pilgrimage, marriage, divorce, business transaction and etiquette. Consequently, the legal ruling verses that are related to the acts of worship in the Qur'ān are considered the majority; the Qur'ān has around 400 verses concerned with the act of worship. The remaining 200 verses concern the rest of the themes; for example, around 80 verses pertain to trade and finance, 70 verses to family law and around 30 verses pertain to the theme of crime and sentencing. The theme of worship includes ablution, prayer, almsgiving, fasting and pilgrimage. The legal ruling verses that are related to trade and finance include topics such as donations, loans, contracts, and guarantees. Other themes of legal ruling verses such as family law can include topics like marriage, divorce and inheritance. In contrast, legal ruling verses related to crime and sentencing contain topics such as penalty, robbery, slander and adultery (Nassimi, 2008, pp. 119–120).

Apart from the above classification, Niyazee (2016, p. 202-203) divides the legal rulings in the Qur'ān into three categories. The first is relating to *Aqā'id* (Tenets of Faith), which includes themes such as belief in God, His messengers and the day of judgement. The second category is relating to Qur'ānic ethics, such as themes that include disciplining and strengthening the self. The third category of legal rulings is relating to the words and acts of the subject. In this particular category, Niyazee (2016) asserts that this type of category "covers the entire field of fiqh", that is Islamic jurisprudence. He further indicates that this category can be divided into two parts; the first is the *Ibādāt*, which includes rules related to worship and the relationship between the creator and the individual. The second includes all legal ruling verses which "relate to conduct other than worship". The jurists call this type of rule the *mu'āmalāt,* which covers a wide range of topics related to the "private and public law" (Niyazee, 2016, pp. 202–203).

While the Qur'ān deals with a wide range of subjects such as creed, morals, beliefs, and legal matters, Al-Matroudi (2016, p. 261) argues that these diverse matters in the Qur'ān are interrelated. He further states that "although a large part of the Qur'ān does not contain explicit or even implicit legal rulings, it serves, however, to consolidate and establish the Islamic legal system". For instance, some of the Qur'ānic themes are

doctrinal, but they could be intertwined into the context of the ruling verses. In the same vein, Al-Matroudi (2016) claims that the Qur'ān would be considered as a book of religion rather than a book of the law if considering the legal ruling verses "in the narrowest sense of the term". Goitein (1960), as cited in Al-Matroudi (2016), comments that "it has often been stated that the Qur'ān contains comparatively few legal matters and that they are entirely unsystematic and haphazard" (Al-Matroudi, 2016, p. 262).

It should be noted here that there is a strong connection between the message of the Prophet in the Qur'ān and the legal system of Islam. For example, the Prophet's role was granted legislative authority in the Qur'ān; thus, there are numerous verses ordering believers to obey the Prophet and linking obedience of him with the obedience of God. The Qur'ān states, "He who obeys the Messenger, obeys Allah" (Ali, 1975, v. 4:80). In verse 9:128, the Qur'ān describes the Prophet as a messenger who is keen to increase believers' faith and righteousness.

لَقَدْ جَاءَكُمْ رَسُولٌ مِنْ أَنْفُسِكُمْ عَزِيزٌ عَلَيْهِ مَا عَنِتُّمْ حَرِيصٌ عَلَيْكُمْ بِالْمُؤْمِنِينَ رَءُوفٌ رَحِيمٌ

"There has certainly come to you a Messenger from among yourselves. Grievous to him is what you suffer; [he is] concerned over you and to the believers is kind and merciful" (Ṣaḥīḥ International, 1997, v. 9:128).

The Qur'ān also sheds light on the various roles of the Prophet by stating that he is a "warner" (33:45) and explaining his role in the Qur'ān as one who is "reciting to them [believers] His verses and purifying them and teaching them the Book and wisdom" (Ṣaḥīḥ International, 1997, v. 62:2). Another verse in the Qur'ān explains the Prophet's powerful role as a legislator, as "he will enjoin on them that which is right and forbid them that which is wrong" (Pickthall, 1938, v. 7:157). Based on the foregoing therefore, it can be said that there is a strong connection between the message of the Prophet in the Qur'ān and the legal system of Islam. Thus, these verses, among others, could be considered as legal and ruling verses in the Qur'ān. This serves to clarify the dilemma surrounding the difference among scholars on the number of legal ruling verses in the Qur'ān, and that the diverse themes in the Qur'ān are interrelated and serve to establish the legal system of Islamic law.

So far, this section has focused on different themes of legal rulings and the arguments between scholars concerning them. The following section will discuss the different classifications of legal rulings and support them with examples from the Qur'ān.

3.5.2 Classification of Legal Rulings in the Qur'ān

While the Qur'ān has been revealed by way of *tawātur* (recurrent transmission) and its legitimacy is *qaṭ'ī* (definitive), some of its words deliver explicit meaning, while others convey a probable connotative meaning which is subject to different interpretations. In this respect, Niyazee (2016, pp. 200-201) points out that the Qur'ān indicates the legal rulings in two grades of strength. The first is the "indication that is definitive concerning *sanad* (transmission) and definitive with [the] meaning". He further emphasises that these indications refer to the ruling words where "there is no such Ijtihād in a naṣṣ (explicit meaning not subject to interpretation)". For instance, the Qur'ān states in verse 4:12:

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ

"You inherit <u>half</u> of what your wives leave, if they have no children" (Abdel Haleem, 2004, v. 4:12).

The Qur'ān indicates clearly that with regards to inheritance, the husband's share is half of what his wife leaves after death, if there is no child. Thus, the word "half" has a definitive meaning, and the rule cannot be interpreted otherwise. The second grade of strength is the "indications that are definitive concerning *Sanad*, but are probable concerning meaning", and thus, are subject to different interpretations according to jurists. For instance, the Qur'ān states in verse 5:6 the following:

وَامْسَحُوا بِرُءُوسِكُمْ

"Rub your heads (with water)" (Ali, 1975, v. 5:6).

In this verse, the Qur'ān explains to Muslims how to perform *wuḍū'* (Ablution) which is a requisite ritual of purification before carrying out any religious duties or prayer. One of the obligatory acts of ablution is to wipe over the head. Nevertheless, as Niyazee (2016, p.

201) indicates, the meaning could probably be rubbing part of or the entire head with water. Jurists have a more precise and detailed explanation of the meaning, leading to different interpretations called *Ijtihād.*

Kamali (1991, p. 137) explains the classification of legal rulings in more detail, and states that there are two types of ruling verses in the Qur'ān: explicit (*sariḥ*) and implicit (*gayr sariḥ*). The explicit ruling, which covers both commands and prohibitions, requires individuals to fully obey, whether the action is rational or otherwise. For instance, verses relating to the act of worship that constitute commands such as praying and fasting are explicit. Thus, rationality does not play a part in the manner of implementation. The Qur'ān states in verse 24:56 "Perform the prayer, and pay the alms, and obey the Messenger – haply so you will find mercy" (Arberry, 1955, v. 24:56). Here, the Qur'ānic verse enjoins Muslims to perform the prayer and pay the alms; it is an explicit command regardless of whether it is found rational or not. Moreover, Kamali (1991, pp. 137–138) raises a question surrounding the explicit type of legal rulings thus: "should one follow the main objective of the Lawgiver or the literal requirements of the text which convey command or a prohibition?". This is an interesting question because it questions whether one should adopt the literal approach, and thus have full obedience and commitment, or consider the rationality behind the enforcement of commands. In the following verse, for example, Muslims are directed thus:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَى ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ ذَلِكُمْ خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ

"O you who have believed, when [the adhan] is called for the prayer on the day of Jumu'ah [Friday], then proceed to the remembrance of Allah and leave trade. That is better for you, if you only knew" (Ṣaḥīḥ International, 1997, v. 62:9).

On this note, Kamali (1991 p. 137) explores how it can be interpreted when the Qur'ān states that for the Friday congregational prayer, Muslims are required to "proceed to the remembrance of Allah and leave trade", Should the word (فَاسْعَوْا), which literally means (rush), and is an explicit command, be taken literally, or could it be said that it illustrates the importance of attending the prayer as soon as the call for prayer (*aḏān*) is heard (Kamali, 1991, p. 137). To reach an understanding of the legal ruling verses, a translator

needs to consult his/her translation alongside the Qur'ānic exegesis to discern the main objective of the ruling and convey the exact meaning or supplement his translation with explanatory footnotes. The legal ruling verses that are related to the Marital and Punishment laws will be discussed in depth, in the analysis chapters.

The second type of ruling verse in the Qur'ān is the implicit ruling, which, according to Kamali (1990, p. 137-138), is divided into two types. He clarifies that a legal verse is "conveyed in implicit terms but has been substituted by the explicit terms of the *Hadith* [Prophetic saying], in which case it becomes equivalent to an explicit ruling". An example is in the verse 5:6 in the Qur'ān mentioned earlier, which states:

وَامْسَحُوا بِرُءُوسِكُمْ

"Rub your heads (with water)" (Ali, 1975, v. 5:6).

In this verse, the preposition (الباء) in the word (بِرُءُوسِكُمْ) might have different meanings depending on the use of language. If the preposition here is based on the addition (*zā'idah*), meaning it does not benefit anything in terms of the meaning (except *tazyīn* in the case of the Qur'ān), the command of the verse is to wipe the head completely. On the other hand, if the preposition (الباء) is *tabyīḍ* (intended to denote a part of the whole), then the verse is directing the believer to wipe part of the head. While the legal term here has implicit meaning, it has been substituted by the explicit meaning in the *Ḥadīth*. For example, in the *Ḥadīth* narrated by Yahya Al- Mazini, when describing how the Prophet Muḥammad (PBUH) used to perform ablution, he said "… and then passed his [the Prophet] wet hands over his head from its front to its back and vice versa (beginning from the front and taking them to the back of his head up to the nape of the neck and then brought them to the front again from where he had started)" (al-Bukhārī, 1997, chap. Ḥadīth No.185). The second type of implicit ruling verse appears when the verse does not constitute a command or a prohibition but rather a "praise or condemnation of certain conduct". For example, when the Qur'ān states in verse 7:31 "God does not love the prodigals (al-musrifin)", Kamali (1991, p. 137) points out that "the text of this ayah [verse] does not indicate the precise legal or religious enormity of extravagance, and it cannot be

ascertained whether extravagance is prohibited or merely disapproved" (Kamali, 1991, p. 137).

The classification of legal rulings in terms of actions also varies. In this respect, Abdul-Haqq (2002, p. 66) indicates that there are five categories of assessment of actions in legal rulings; the first is the obligatory (*wājib)* form, which means that Allāh rewards Muslims who perform it and punishes those who neglect it. Thus, the obligatory acts are those "which are incumbent upon every Muslim regardless of an aspiration to saintliness or piety" (Reinhart, 1983, p. 195). The second category is the recommended acts (*mandūb*), which refers to the acts for which there is a reward for their performance, but their neglect is not penalised. The third category is the permitted acts (*mubāh*) in which there is neither a reward nor punishment. The fourth category is the discouraged acts (*makrūh*), in which there is no punishment for performance, but there is a reward for avoidance. The last category of acts performed in Islamic law is the forbidden act (*ḥarām*). In this particular category, Reinhart (1983, p. 195) adds that "performance of certain of these acts, or declaration of the legitimacy of performing them, is proof of apostasy". While there is a reward for avoiding such an act, there also is a punishment for performance. However, this function is based on legal theory or *ʾUṣūl al-fiqh* that comprises primary and secondary sources of Islamic law (Abdal-Haqq, 2002, pp. 65–66).

In a similar vein, Alfara (2010, p. 6) notes that the legal ruling verses in the Qur'ān are not only limited to commands and prohibitions but can come in different forms. For instance, the practical contents in the Qur'ān can constitute verses in the form of commandments and instruction. For example, the Qur'ān states in verse 4:11:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنْثَيَيْنِ

"<u>Allah instructs you</u> concerning your children: for the male, what is equal to the share of two females" (Ṣaḥīḥ International, 1997, v. 4:11).

Allāh directs Muslims regarding their children, indicating that this lexical term refers to an enjoined act; the verse here clarifies that children are to receive a share of the deceased's inheritance.

Similarly, it is a must for the jurists who deduce the Islamic law from the Qur'ān to be familiar with the language of the legal rulings. Consequently, the distinction between different forms of legal ruling verses in the Qur'ān such as commands, recommendations, and permissibility should be considered further in light of the objectives of jurisprudence, to be able to determine the intended meaning of the verses. The role of Qur'ān translators and the need for them to understand the legal ruling verses will be discussed in the next section.

3.5.3 Translation of Legal Rulings in the Qur'ān

While the difficulty of the Arabic language and its linguistic forms are recognised as a barrier to the understanding of the intended meaning, which needs to be conveyed in the translation, the legal rulings, in particular, led to more challenges with regards to translation. In this respect, Robert Jackson, as cited in Ramadan (1970, p. 27), outlines that "the barrier of language presents more than the usual difficulty of comparative law studies in the case of Islamic Law" (Ramadan, 1970, p. 27). He goes on to explain the difficulty of translating legal terminologies, and argues that "[i]t appears to be true of many Islamic legal terms that they wrap volumes of meaning into a single word, which may be expounded to us, but we not having the same concept in our law, have no legal term to fit it" (Ramadan, 1970, p. 29).

The language of the legal ruling verses in the Qur'ān has a unique style and structure. For example, many legal ruling verses begin with the words "O believers", directly addressing those who fully believe the message of the Qur'ān. This in fact indicates that the commands of the Qur'ān and its message can only be understood by true believers who are willing to follow it. This is clearly stated in the Qur'ān in many verses. For instance, the verse (24:51) says:

إِنَّمَا كَانَ قَوْلَ الْمُؤْمِنِينَ إِذَا دُعُوا إِلَى اللَّهِ وَرَسُولِهِ لِيَحْكُمَ بَيْنَهُمْ أَنْ يَقُولُوا سَمِعْنَا وَأَطَعْنَا وَأُولَئِكَ هُمُ الْمُفْلِحُونَ

"The answer of the Believers, when summoned to Allah and His Messenger, in order that He may judge between them, is no other than this: they say, "<u>We hear and we obey</u>": it is such as these that will attain felicity" (Ali, 1975, v. 24:51).

Nassimi (2008, p. 201) points out that the verses related to the legal rulings and its jurisprudence have unique features, making their translation challenging. Thus, "it is essential for the translator of the Qur'ān to be very familiar with the vast field of Qur'ānic sciences and especially with the hermeneutic tradition of the past fourteen centuries and the works of major commentators" (Nassimi, 2008, p. 201). He goes on to explain that the Qur'ān translator needs additional Islamic knowledge to convey the correct meaning of legal ruling verses. Nassimi (2008, p. 201) categorises the knowledge into that of Prophet's tradition, jurisprudence and contemporary issues.

As outlined earlier, the tradition, also called the *Sunnah*, is considered a second source of Islamic law and thus provides additional information and clarification about the meaning of the verses in the Qur'ān. *Aḥādīth* serve many crucial roles that help the reader to understand the message of the Qur'ān, such as making the general rules in the Qur'ān specific and giving numerous guidelines for the application of the teaching of the Qur'ān. The Qur'ān states clearly the Prophet Muḥammad's role in verse 62:2, which is translated as "It is He who has sent among the unlettered a Messenger from themselves reciting to them His verses and purifying them and teaching them the Book and wisdom" (Ṣaḥīḥ International, 1997, v. 62:2). That is why Nassimi (2008, p. 201) views this knowledge as fundamental to the translation of legal ruling verses.

The second additional knowledge that a Qur'ān translator requires for the translation of legal ruling verses, as stressed by Nassimi (2008, p. 201), is the knowledge of jurisprudence. Nassimi (2008, p. 201) explains that the legal ruling verses in the Qur'ān are considered to be "under the science of Islamic Jurisprudence" and thus, some of the legal ruling verses have different interpretations. He gives example with the verses related to the legal rulings, which come in the form of commands, which do not always indicate an obligation but could mean permission. One of these instances is in verse 62:10:

فَإِذَا قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِى الْأَرْضِ وَابْتَغُوا مِنْ فَضْلِ اللَّهِ

"Then, when the prayer is finished, <u>scatter in the land</u> and seek God's bounty" (Arberry, 1955, v. 62:10).

Based on this verse, Nassimi (2012, p. 122) argues that "while the statement of spreading out and seeking the provisioning right after the prayer has been worded in a command form, it is not meant to be a command, but a permission or option to seek the provisioning right after the prayer" (Nassimi, 2012, p. 122). Another example he gives is how two different translators interpreted verse 5:2:

وَإِذَا حَلَلْتُمْ فَاصْطَادُوا

"and when you are free from the obligations of the pilgrimage, <u>then hunt</u>" (Shakir, 2001, v. 5:2).

The verse explains that Muslims who perform the pilgrimage are prohibited from hunting animals, but after completing the requirements of pilgrimage, the Qur'ān allows (فَاصْطَادُوا), which means "then hunt". This means that the restrictions on hunting have ended and Muslims can hunt if they want. Unlike Shakir (2001), Ali (1975) rendered a different meaning that removes the ambiguity as he translated it as the following:

"But when ye are clear of the sacred precincts and pilgrim garb, <u>ye may hunt</u>" (Ali, 1975, v. 5:2).

Ali (1975) has clarified the point and indicates that the hunt is optional by inserting the word "may" in his translation, making the command not an obligatory one, but a permission or option.

The third requirement needed for the Qur'ān translator to convey the correct meaning of legal rulings is the knowledge of contemporary issues and how they are related to the Qur'ān, such as verses related to the *Jihād* (strive for Allāh). Nassimi (2008, p. 121-122) clarifies that there are some legal ruling verses in the Qur'ān which have been misinterpreted, and thus, the translator is required to insert some necessary context in the form of a commentary to explain the correct meaning (Nassimi, 2008, pp. 121–122).

Thus far, the section has explained the unique features of the legal ruling verses, their conditions, and the importance of inserting informative footnotes and commentaries in the translation of legal ruling verses. The aforementioned discussions about importance of understanding contextual issues regarding the translation of legal ruling verse draw attention to the importance of exegesis of the Qur'ān to its translating. The following section will therefore pay closer attention to the exegesis of Qur'ān and its role in translation.

3.6 Exegesis (Tafsir) of the Qur'ān

The Qur'ān has received significant attention among Muslim scholars who have devoted themselves to reading it, studying it and discerning Islamic jurisprudence. Accordingly, Muslim scholars have developed sciences related to the Qur'ān and its subjects. Among the Qur'ān science that has appeared in the literature pertaining to Qur'ān studies is the exegetical science. There is a growing body of literature that recognises the importance of the exegetical science in understanding the Qur'ān and its meaning. Therefore, the science of interpretation of the Qur'ān "rank[s] at the very top in Islamic jurisprudence" (Abdal-Haqq, 2002, p. 51). However, before discussing the importance of exegetical works and its different types, it is important to explore the different meanings of exegesis. The term "Qur'ānic exegesis" means clarifying the meaning of the Qur'ān and making it more understandable, accessible and comprehensible to the target reader (Abdul-Raof, 2001, p. 174; Al-Amri, 2010a, p. 82). The term "exegesis" is mentioned in the Qur'ān, in verse 25:33:

وَلَا يَأْتُونَكَ بِمَثَلٍ إِلَّا جِئْنَاكَ بِالْحَقِّ وَأَحْسَنَ تَفْسِيرًا

"And they do not come to you with an argument except that We bring you the truth and the best explanation" (Ṣaḥīḥ International, 1997, v. 25:33).

Iyās ibn Muʿāwiyah, cited in Al-Amri (2010, p. 110), indicates the importance of exegesis in understanding the Qur'ān and its message. According to the scholar:

> The example of those who read the Qurʾan without knowing its interpretation is that of a people to whom comes a letter from their sovereign at night, and they have no source of light—a state of anxiety overtakes them as they know not what is in the letter. The example of he who knows interpretation is that of a man who brings them a source of light so that they are able to read what the letter says (al-Qurṭubī, 2003, vol. 1,26).

Moreover, Al-Amri (2010, p. 82) states that "[t]he relationship between the Qur'ān and its Arabic tafsīr (exegesis, pl. tafāsīr) is longstanding and complicate[d]". One of the issues that can cause a conflict is that each exegete attempts to explain the Qur'ān from a different perspective, which would then be applied to their exegesis accordingly. In this sense, Abdul-Rauf (2013, p. 213) argues that "exegetes who belong to different schools of exegesis and different schools of thought are expected to provide different exegetical views on the same legal problem". Another issue around Qur'ānic exegesis is that the exegetes can adopt a different perspective and thus interpret the Qur'ān accordingly. For example, scholars who specialise in Arabic literature might interpret the Qur'ān from the literary perspective, giving importance to the language and its linguistic features, whereas scholars who specialise in Islamic jurisprudence are likely to focus on the themes related to legal ruling verses. Such a wide range of perspectives on exegetical issues has put its credibility into question.

According to Abdul-Rauf (2001, p. 175), there are six categories of exegesis in Qur'ānic studies: linguistic exegesis, philosophical and rationalistic exegesis, historical exegesis, intertextuality exegesis, jurisprudential exegesis and independent judgement exegesis. Each category has famous exegetes who specialise in the relevant subject of the Qur'ān. For example, Al-Zamakhshari's exegesis is an example of linguistic exegesis, Fakhr al-Dīn al-Rāzī is an example of rationalistic exegesis and Al-Tha'labi is an example of historical exegesis, al-Ṭabarī's and Ibn Kathīr's exegesis are an example of the intertextual and historical exegesis. Nevertheless, the jurisprudence exegesis is considered crucial to understanding the legal ruling verses in the Qur'ān.

3.6.1 Jurisprudential Exegesis

The jurisprudence exegesis, which considers matters of law and legal ruling verses that include the different views of Muslim theologians and jurists, is one of the most critical categories. This is due to the fact that the jurisprudence exegesis has been a topic of great interest among Muslim scholars as it is linked entirely to the discipline of the jurisprudence of Islamic law. In other words, these matters are essential to Muslims' social life and thus, provide the fundamental principle of Islam (Abdul-Raof, 2001, pp. 176–178). The jurisprudence exegesis includes themes such as acts of worship, transactions, family law and international law. Furthermore, several famous exegeses have been written about the legal ruling verses in the Qur'ān. One of the most famous books concerning legal ruling verses was written in the 12th century and called *al-Jāmi'li Aḥkām al-Qur'ān,* by the prominent Muslim scholar al-Qurṭubī (1214-1273 CE). From the present era, another famous legal ruling exegeses written in the 20th century is *Rawa'i` al-bayan: tafsir ayat al-ahkam min al-Qur'an*, by the prominent Muslim scholar al-Ṣābūnī (1930-2021) (al-Qurṭubī, 2003; al-Ṣābūnī, 1977).

It is important to state here that both exegeses mentioned above will be selected in the analysis chapter of legal ruling verses on two jurisprudence themes and will guide the discussions as well as serving as reference. In other words, both exegeses will be consulted to understand the meaning of certain legal ruling verses and compare them with the selected Qur'ān translation to see if they have successfully conveyed the intended meaning. Thus, the two selected exegetical books will be used for the comparative analysis of the ways in which the selected Qur'ān translators render the legal ruling verses in the Qur'ānic text into English. While a more detailed account of both exegeses has been given in the methodology section, the following section provides a short biography of both exegetes.

Al-Qurṭubī (1214-1273 CE) is a prominent scholar, an expert on *Ḥadīth* and best known for his comprehensive legal exegesis of the Qur'ān. His noble exegesis is considered among Muslim jurists as a treasure trove as it includes not only the legal ruling verses but all aspects of Qur'ān science. His twenty-volume commentary is one of the broadest exegeses, which captured much interest, and thus has many editions (Al-Qurtubi, 2018). Al-Qurṭubī's exegesis is a jurisprudence exegetical book which introduced various aspects related to legal matters (al-Qurṭubī, 2003). In this respect, Abdul-Raof (2001, p. 177) has this to say about the prominent scholar:

> Al-Qurtubi, abi Abdullah Mohammad bin Ahmad al-Ansari. His twenty-volume book Al-Jami' Li'ahkam Al-Qur'an is an extensively detailed exegesis. He concentrates on jurisprudence matters and explains the different views of theologians on these matters. This is a jurisprudence category of exegesis which is based on Hadith but it also refers to classical poetry.

The late Muḥammad 'Alī Al-Ṣābūnī (1930-2021 C.E) is a prominent scholar in the field of Qur'ān science and has published numerous books mainly on the exegesis of the Qur'ān. His exegesis focuses on Arabic vocabulary, summarising the rulings taken from the verses, mentioning the different arguments of the exegetical scholars, and including the statements of linguists. Al-Ṣābūnī's exegesis is unique in that it combines the style of classical books of jurisprudence in terms of the abundance of materials and ideas and the new books of legal rulings in terms of presentation and clarity. In legal rulings, the exegesis forms various perspectives; it begins with the verbal analysis to clarify the vocabulary and its meaning, it mentions the broad definition taken from the legal verses and it cites the reason for revelation. The book then indicates the legal ruling in detail by outlining different arguments from Muslim jurists and their understanding, supported by *Ḥadīth*, and mentioning the wisdom of legislation for each legal verse. Another distinguishing feature of the book is that it uses a variety of references from Muslim jurists.

Focusing on the Qur'ān and its interpretation, Abdal-Haqq (2002, p. 52) outlines the prerequisites for any exegete who is engaged in interpreting the Qur'ān. The first condition is that he/she needs to be an expert in Arabic linguistics and be familiar with classical Arabic. The second requirement is that the exegete must have a comprehensive understanding of Islam. The third one is that he/she must have the skill to distinguish meanings and simplify principles which appear the same in the various passages of the Qur'ān. The last requisite is that the exegete should be familiar with the *Sunnah* and the reports of individual companions of the Prophet. Similarly, Abdul-Rauf (2013, p. 209) outlines the required qualifications for exegetes as follows:

> In addition to the linguistic and stylistic competencies, the exegete is also required to be well-acquainted with Qur'anic studies and other exegetical theological devices such as Islamic legal rulings, sources of jurisprudence, circumstances of revelation, abrogating and abrogated ayahs, and the tenets of faith and Makkan and Madinan revelations.

Therefore, producing an exegesis of the Qur'ān is not an easy task. The exegete not only needs to fulfil the requirements above, but also "must adhere to a complex set of rules of interpretation, emanating from a particular school of fiqh, or a combination from among the schools, and apply them consistently" (Abdal-Haqq, 2002, pp. 52–53). This explains why this chapter has given a summary of each legal school and source of Islamic law to understand the different interpretations of legal rulings when following different legal schools. Having explored the different categories of exegesis, it is important to explain the role of exegetes and translation of legal rulings in the Qur'ān and this will be discussed in the next section.

3.6.2 The Role of Exegesis in the Translation of the Qur'ān

There has been a recurrent argument in the literature of Qur'ān science about the roles of exegesis and translations of the Qur'ān. The most frequent argument is that exegesis plays a vital role in the translation of the Qur'ān. In this respect, Al-Amri (2010a, p. 23)

points out that "there is a great exegetical tradition built around this most sacred Islamic Text, which cannot be simply ignored if the end product of a translation is to be of any success". He further illustrates that "Qur'an translators should beware not to let the commentary seep into the translation, the aim must be to let the Qur'an speak for itself as much as possible and disengage it from subtexts and check the subtexts in place, that is an annotation" (Al-Amri, 2010b, p. 27). However, there is uncertainty and a very thin line that separates the translation of the Qur'ān from a *tafsir* (exegesis). Thus, there remains a critical discussion surrounding the relationship between both practices. Al-Amri (2010b) wrote a comprehensive article illustrating the differences between "the imitative act of translation and the explicatory act of exegesis". He notes that "translation and exegesis are neither identical nor wholly different" (Al-Amri, 2010a, p. 110). Similarly, Abdul-Raof (2001, p. 174-175) states that the exegetical works are considered as intratextual in the translation of the Qur'ān. In a similar vein, Taji-Farouki (2015, p. 3) remarked that "the act of rendering textual meaning in another language (translation) necessarily participates in interpretation and that, as a result, a translation necessarily incorporates an element of interpretation, or, as is often maintained, itself constitutes an interpretation". Thus, the translator of the Qur'ān needs the exegetical corpus in order to understand its message.

Another significant aspect of exegesis in the translation of the Qur'ān is the importance of using footnotes and commentaries among Qur'ān translators. In this respect, Al-Amri (2019, p. 58-59) opines that "any serious ETQ [English translation of the Qur'ān] researcher will be doing himself/herself a great justice by not only focussing on the micro (textual and co-textual) but by taking the macro (paratextual and contextual) into their stride as well". Similarly, Abdul-Raof (2001, p.140) reminds us that "a footnote or even an extended commentary can function as a torch that can penetrate the fog of both language and culture-specific religious words and concepts; by doing so, we can guarantee that at least some misconceptions diminish". However, because it provides external paratextual elements such as annotation around the Qur'ān, which can help in understanding the Qur'ānic message, Qur'ān translation has become exegetical in nature. Another factor that needs to be considered, which I discussed in detail in Chapter Two, is that each

translator is influenced by their ideologies and can affect their work. This therefore indicates that Qur'ān translators can be influenced by the exegesis they use, which may adopt a specific school of Islamic thought or other ideological positions. This could explain why "every group in the Muslim community has its corpus of tafsīr supporting and justifying its reading" (Al-Amri, 2010a, p. 88). In this regard, Al-Amri (2010b, p. 110) hopes that "Qur'an translators and interpreters more fully admit their ideological positions as they grapple with the ethical and spiritual questions of authority, the weight of tradition, and faithful representation".

Some Qur'ānic verses need to be explained by footnotes or commentaries to highlight their meaning further to the target reader, so as to make the text more accessible and easier to understand. Commenting on the relationship between Qur'ān translation and its footnotes, Abdul-Raof (2001, p. 139) writes:

> In the translation of the Qur'an, where accessibility and intelligibility of the target text are of paramount importance to other translation criteria, we believe that the translator [of the Qur'ān], as facilitator of communication, has no option but to opt for exegetical footnotes or commentaries in order to compensate for semantic voids or to explicate ambiguities. This proposal is based on the fact that the target language reader has no linguistic access to the exegetical literature written by Muslim exegetes due to the language barrier.

Indeed, footnotes need to be inserted in the Qur'ān to explain historical and geographical contexts, ecological words, metaphors, cultural expressions, legal/ instructional discourse, abrogated structure, intertextuality, religious concepts and scientific facts (Abdul-Raof, 2001, pp. 142–168). Without footnotes, the reader would be left to figure out culture-specific terms. It should be noted here that it is difficult to compensate for the language barrier due to the semantic voids of the Arabic language, which can lead to misconception and misunderstanding. In this respect, Abdul-Raof (2001, p. 140) gives an example with Pickthall and Arberry's Qur'ān translation which has no footnotes and hence could confuse the target reader and make it difficult for them to understand the semantic

voids of the Arabic language and the Qur'ānic concepts that need to be explained via commentaries or footnotes.

On the legal ruling verses of the Qur'ān, it is pertinent to note that the use of exegetical works is crucial for any Qur'ān translator in order for them to understand the legal premises of the Qur'ān. In fact, the translator should insert exegetical footnotes and commentaries to make the text more understandable and accessible to the target reader. In verses 2:183-184, Qur'ān states:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِنْ قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ◯ أَيَّامًا مَعْدُودَاتٍ

"O YOU who have attained to faith! Fasting is ordained for you as it was ordained for those before you, so that you might remain conscious of God: (2:184) [fasting] during a certain number of days" (Asad, 1980, v. 2:183-184).

In this verse, a footnote is used by Asad (1980, p. 74) to make the target reader understand the meaning of the Islamic term, fasting. The target audience might not be familiar with the legal term of "fasting", which is considered a ritual and act of worship for Muslims during the month of Ramadan. In this respect, Asad (1980, p. 74) explains the verse where it says, "fasting during a certain number of days" by stating that fasting occurs "during the twenty-nine or thirty days of Ramadan, the ninth month of the Islamic lunar calendar It consists of a total abstention from food, drink and sexual intercourse from dawn until sunset". Asad (1980) thus provides an exegetical footnote explaining the meaning of fasting to make the text more accessible particularly to those who are not familiar with fasting within the context of Islam. In this respect, Abdul-Raof (2001, p. 157) points out that apart from footnotes explaining the sensitive legal implication, a Qur'ān translator can refer other sources to the target reader for further reading.

Another example that demonstrates the importance of footnotes and the fact that a translation without commentaries can lead to profound misunderstanding is the abrogation and abrogated structures in the Qur'ān. Some Qur'ānic verses are abrogated by other Qur'ānic verses; thus, shedding light on the science of abrogation is essential for proper understanding of the Qur'ān. For example, in verse 4:43, the Qur'ān states:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنْتُمْ سُكَارَى حَتَّى تَعْلَمُوا مَا تَقُولُونَ..

"O you who believe! Do not come forward to (stand in) the prayer while you are in (any sort of) a state of drunkenness until you know what you are saying" (Ünal, 2006, v. 4:43).

Two different translations that underscore the importance of footnoting in this respect are Ünal (2006) and Asad (1980). While Ünal (2006) does not explain that the verse here is abrogated by another verse in the Qur'ān, Asad (1980), on the other hand, provides a commentary explaining that "some of the commentators assume that this ordinance represented the first stage of the total prohibition of intoxicants, and has been, consequently, 'abrogated' by the promulgation of the law of total abstinence from all intoxicants" (Asad, 1980, v. 4:43). The attempt to pray while in any state of drunkenness was prohibited at the beginning of Islam. In the later stage, this verse was abrogated by another verse (5:90) which forbade the consumption of wine at all times (al-Saʿdī, 2001, v. 5:90). Thus, the Qur'ān states:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ

"O believers, wine and arrow-shuffling, idols and divining-arrows are an abomination, some of Satan's work; so avoid it; haply So you will prosper" (Arberry, 1955, v. 5:90).

The inimitability of the Qur'ān and the wide range of exegesis could explain the challenges that the translator may face in the process of translation. The exegetical corpus should play an intermediary role in understanding the message of the Qur'ān; that is, exegeses should shed more light for a better understanding of the Qur'ān. As Al-Amri (2019, p. 50) emphasises, Qur'ān translation should "set it free from overbearing exegetical overlays" (Al-Amri, 2019, p. 50). Similarly, Al-Amri (2010, p. 35) stresses that what is urgent "is freeing up Qur'anic translations from gratuitous exegetical intrusions in order to better represent the original and bring out some of its richness in translation".

3.7 Conclusion

The aim of this chapter is to examine the legal ruling (*Aḥkām*) verses in the translation of the Qur'ān, and to provide critical literature on the legal ruling in the Qur'ān to pave the way for the analysis of different themes of the said rulings within the selected Qur'ān translations. This therefore necessitated the exploration of some of the perspectives that are relevant to Islamic law in general and the legal ruling verses and their translation in particular. The chapter has examined the meaning of *sharīʿah* and *fiqh* from a different perspective and illustrated that Islamic law refers to the entire Islamic system of jurisprudence within Islam. This means that the term Islamic law constitutes both the *sharīʿah,* the primary source of law, and the term *fiqh,* which refers to applying the system of law. The chapter then explained that the four traditional sources are the roots of Islamic jurisprudence and that other sources are based on *Ijtihād* (legal reasoning). Furthermore, the chapter demonstrates how Muslim jurists had developed legal theories from which several legal schools (*madhhab*s) appeared. A brief summary of each school of jurisprudence was provided, and it was explained that the four schools of jurisprudence might interpret the implicit legal ruling verses differently. The chapter further explored the unique features of the legal ruling verses, their conditions, and the importance of inserting informative footnotes and commentaries in the translation of legal ruling verses of the Qur'ān. It explained that the legal ruling verses in the Qur'ān provide the touchstone for distinguishing the lawful from unlawful in every sphere of life. Most significantly is that the subject of legal ruling verses in the Qur'ān contains a wide range of themes pertaining to different issues, and each theme of Qur'ānic legal ruling verses concerns different topics related to Islamic jurisprudence.

A significant point in this chapter is how it foreshadows the way the research will make a comparative analysis of the traditional legal rulings while consulting two jurisprudential exegeses, al-Qurṭubī's and al-Ṣābūnī's, to understand the commonly accepted intended meaning of the selected legal ruling verses. As identified earlier, translating the Qur'ān requires a reference to exegetical works, otherwise, the meaning of the Qur'ān will be considerably distorted and misrepresented in the target text. Both exegeses will be consulted to understand the meaning of certain legal ruling verses and compared with the

selected Qur'ān translation to see whether the intended meaning has been successfully conveyed. Thus, the section highlights how using techniques of exegetical analysis such as marginal footnotes, paraphrasing and explanatory notes can enable Qur'ān translators to elucidate the unique linguistic forms, poetic, rhetorical and cultural expressions for the target readers, making the Qur'ān easier to understand. However, despite all that has been mentioned so far, a question that should be asked here is to what extent should translators consult exegeses when producing their translation in order to understand the legal ruling verses, and are Qur'ān translators influenced by different ideologies and thus adopting specific exegesis to serve their agenda? These questions will be explored in the analysis chapters of the selected Qur'ān translators, which will be divided into two themes of legal ruling verses, with each theme being examined in its own chapter.

Chapter Four: Comparative Analysis of Qur'ānic Legal Rulings in Marital Law

4.1 Introduction

This chapter analyses legal rulings related to marriage in the translations of some selected verses of the Qur'ān. The primary objective of this chapter is to examine how Qur'ān translators have transferred the language of the legal ruling verses of marital and family laws into English. The chapter also elucidates the influence of religious ideologies embedded in the works of the selected Qur'ān translations which is also as a result of their ideological backgrounds. As I have explained in the Methodology section in Chapter One, this study adopts a descriptive comparative approach, using critical discourse analysis. The importance of using the selected methods, procedures, analytical tools, and the ways in which this research will be constructed, as has been explained in the Methodology section, is to provide the most suitable framework for the examination of the selected legal ruling verses. The analysis chapters are arranged in accordance with the themes of *fiqh* books, that is, marital law and punishment law. As mentioned in the Methodology, it is not possible to cover all the legal ruling verses in the Qur'ān, which is beyond the scope of this research. With this in mind, the research will critically analyse three topics within the themes of legal rulings, with each theme being examined in its own chapter. It should be noted here that the reason for choosing these two themes among others is because they are considered to be associated with the most debated and controversial areas of Islamic jurisprudence in the contemporary era. Therefore, this research would be more relevant if it investigates the religious ideologies embedded in the translations. Thus, I engage in critical comparison of the selected translations to the Qur'ān, as well as comparing the translations with one another.

The analysis conducted in this chapter has been done on two levels. First is the textual level, where the lexical and semantic choices made were analysed against Ivir's (1987) translation strategies. The second is the paratextual level, where the critical analysis was limited to the translator's footnotes. By applying Ivir's (1987) seven strategies in the textual analysis, this research investigates the strategies used to determine which selected translation has the highest potential for delivering the intended meaning of the

legal ruling verses in English. The results of the analysis will be displayed in tables to understand the frequency of use for each method and to have a clear understanding of the legal terms and their meaning. In the footnotes, as a paratextual element, the critical and comparative analysis will be looking at different perspectives, such as the translator's understanding of the legal terms, their interpretation, and whether other schools of thought were adopted by and influenced the translator's religious and ideological understanding. This chapter is divided into three sections with each section focusing on one Qur'ānic verse that is related to a specific aspect of marital law. The first section critically reviews the translation of verse related to marrying polytheists. The second section discusses the translation of verses related to the legal rulings on polygamy in Islam while the last section discusses the translation of verses related to legal rulings on solving marital conflict. Before conducting a comparative analysis, each section provides a critical discussion of various aspects. These include the historical occasion of revelation (*asbāb al-nuzūl*), clarification of the legal terms based on selected dictionaries, consideration of the jurisprudence matters, exploration of the legal schools of Islamic law and their views and supporting translator's argument based on jurisprudential exegeses. The three selected Qur'ān translators are Ünal (2006), Yüksel (2007), and Nasr et al. (2015).

Verse 1: Legal rulings on Marrying a Polytheist (*Nikāḥ al-Mushrikāt*)

Table 4. 1: Translations of Verses on Marrying a Polytheist

الموضوع: نكاح المشركات
{ وَلَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمِنَّ وَلَأَمَةٌ مُؤْمِنَةٌ خَيْرٌ مِنْ مُشْرِكَةٍ وَلَوْ أَعْجَبَتْكُمْ وَلَا تُنْكِحُوا الْمُشْرِكِينَ حَتَّى يُؤْمِنُوا وَلَعَبْدٌ مُؤْمِنٌ خَيْرٌ مِنْ مُشْرِكٍ وَلَوْ أَعْجَبَكُمْ أُولَئِكَ يَدْعُونَ إِلَى النَّارِ وَاللَّهُ يَدْعُو إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ وَيُبَيِّنُ آيَاتِهِ لِلنَّاسِ لَعَلَّهُمْ يَتَذَكَّرُونَ }
[Q. 2:221]

| I. | **Ünal** | Do not marry the women who associate partners with God until they believe. A believing slave-girl is better than a (free) woman who associates partners with God, even though she pleases and attracts you (with her beauty, wealth, status, or family). Nor marry (your |

		believing women) to the men who associate partners with God until they believe. A believing slave is better than a (free) man who associates partners with God, even though he pleases and attracts you. Those call to the Fire, while God calls to Paradise and forgiveness (of your sins) by His leave. He makes clear His Revelations for people, that they may reflect and be mindful (of their duty to God).
II.	**Yüksel**	Do not marry the females who set up partners until they acknowledge. An acknowledging servant is better than one who sets up partners even if she attracts you. Do not also marry the males who set up partners until they acknowledge. An acknowledging servant is better than one who sets up partners even if s/he attracts you. These invite to the fire, while God is inviting to paradise and forgiveness by His leave. He clarifies His signs for the people that they may remember.
III.	**Nasr**	Marry not idolatresses until they believe. Truly a believing slave woman is better than an idolatress, though she be pleasing to you. And marry none to the idolaters until they believe. Truly a believing slave is better than an idolater, though he should impress you. They are those who call unto the Fire, but God calls unto the Garden and forgiveness, by His leave, and makes clear His signs to mankind, that haply they may remember.

Discussions

A controversial debate that has been of great interest among Muslim jurists, which is linked entirely to the jurisprudence of Islamic law, is interfaith marriage – the marriage of a Muslim man to a non-Muslim woman. According to the Islamic schools, a Muslim woman is categorically prohibited from marrying a non-Muslim man no matter his religion, while a Muslim man is permitted to marry a non-Muslim woman, if she is a Christian or a Jew, as is indicated in the Qur'ān, verse 5:5. People of both Judaism and Christianity are considered as *ahl al-kitāb* (People of the Book), belonging to a religion where a divine scripture has been revealed to them, such as the Torah and Bible. Muslims believe that these books, along with the Qur'ān as the final revelation, contain a divine message (*risālah*) revealed by the same Creator of all humans. In the verse under discussion, the Qur'ān clearly prohibits the marriage of believing men and women to *mushrikīn* (polytheists), which are defined as those who worship idols (al-Qurṭubī, 2003). Al-Ṣābūnī (1977) addressed the general meaning of the verse and illustrated that the Qur'ān

prohibits Muslim believers to not marry polytheists until they believe in God and the last Day of Judgment. The verse also breaks the chain of social hierarchy by declaring the fact that a poor believing slave is better than a wealthy *mushrik* (polytheist). In other words, Islam discourages valuing people on the basis of their social status or wealth but rather, on other criteria, namely faith and the good morals associated with it. By doing so, Islam has balanced the ethnic jingoism and urged Muslims to get married to believers who hold strong belief and are conscious of their faith (al-Saʿdī, 2001, p. 164). The main value, then, that underlies this verse is the call for morality, honesty, and shared respect as the stakes of any marriage. However, the above verse is the only verse in the Qur'ān that indicates the legal issue of marriage with a classification of non-Muslims, and the order addresses both men and women on the same footing (Lamrabet, 2013).

Most of the classical and modern *tafāsīr* (exegeses) focus on the first part of the verse, which addresses Muslim men, and the different arguments centre on the legal topic of the believing women whom a Muslim man is permitted to legally marry. Muslim jurists also agreed unanimously *(ijmāʿ)* that the marriage of a Muslim woman to a non-Muslim man is prohibited (Elmali-Karakaya, 2022, pp. 3–5). For instance, the exegete Ibn Kathīr begins his interpretation of the verse 2:221 by considering polytheists as the people who worship idols (*ʿabdat al-awthān).* In fact, Imām Aḥmad Ibn Ḥanbal (the founder of the Ḥanbalī school of *Sunni* Jurisprudence) has the opinion that the polytheists mentioned in the verse refer to Arab polytheists who worship idols (Ibn Kathīr, 1999). Al- Ṭabarī concluded that the verse is to be taken literally to mean that Muslim men are prohibited from marrying polytheists, but gives permission for marrying *ahl al-kitāb* (al-Ṭabarī, 1997). He further goes on to argue that there are some rare *aḥādīth* which forbid the marriage of Muslim women to *ahl al-kitāb,* but are considered as weak *aḥādīth* in terms of authenticity by the majority of Muslim scholars (al-Ṭabarī, 1997, v. 2:221). To support the argument that the prohibition refers to pagan polytheism, Talḥa bin ʿAbdullah and Ḥudhayfah bin al-Yamān (companions of the Prophet) married Christian and Jewish women, respectively (al-Bagahwi, 1989). In fact, Christians and Jews, according to various Qur'ānic verses, are unanimously considered believers in religions revealed by Allāh, the Creator. Having said that, this prohibition, then, is taken as its literal meaning for marrying polytheists, and the

verse of *Sūrah al-Māʾidah* specified the permissibility of marrying the women from *ahl al-kitāb.* The majority of the exegetes, as mentioned above, based their interpretation on another Qur'ānic verse that proves that Muslim men are allowed to marry Christian or Jewish women because are not seen as being disbelievers. Indeed, Allāh says in the Qur'ān: "And [lawful in marriage are] chaste women from among the believers and chaste women from among those who were given the Scripture before you, when you have given them their due compensation, desiring chastity, not unlawful sexual intercourse or taking [secret] lovers" (Ṣaḥīḥ International, 1997, v. 5:5). According to the majority of the exegetes, this verse finalises the discussion on the supposed disbelief of Christians or Jews, and illustrates that they are neither polytheists nor disbelievers (Lamrabet, 2013, pp. 1–8).

Of relevance to the previous point is that Ibn ʿUmar (the jurist and companion of the Prophet) chose to prohibit marriage with polytheists, and the *Shīʿah* sect also support this argument and claim that the verse that allows marrying *ahl al-kitāb* (Q. 5:5) was partially abrogated by the legal ruling in this verse. Consequently, al-Ṣābūnī (1977) demonstrated that the Qur'ānic verse 2:221 cannot be abrogated with the verse (Q. 5.5), since the first verse was part of one of the first chapters that ware revealed to the Prophet (PBUH) in Madinah, and as for the verse in *Sūrah al-Māʾidah* (Q. 5.5), it is one of the last that ware revealed to the Prophet Muḥammad (PBUH) in Madinah. Al-Ṣābūnī concludes that the Islamic jurisprudential rule says that the later verse abrogated the previous, not the other way round (al-Ṣābūnī, 1977, vol. 1: p, 288). It is also important to note that, for some exegetes and Muslim scholars, the marriage of *ahl al-* kitāb should only occur in *dar al-Islam,* which refers to the territory of Islam where Islamic law prevails and includes any regions that allow Muslims to practice Islam freely. Moreover, the exegetes stress that the marriage should happen only in regions where there is a predominance of Islam, and not in regions where Muslims are the minority. This is because the purpose of marriage is going to be missed, since the main objective of such permission is that when a Muslim man marries a Christian or Jewish woman who is already close to the Islamic religion and with whom he shares a book, there is a chance of them converting to Islam. Jurists provided many conditions with regards to marrying *ahl al-kitāb,* such as women needing

to dress according to Islamic teachings and not feeding the children any haram (prohibited) food or alcohol. However, some scholars do not allow the marriage to ahl al-*kitāb* in today's society, because it is going to have the opposite effect of that which was originally intended (Elmali-Karakaya, 2022, pp. 5–7).

Comparative Analysis

In this section, the terms with legal connotation are analysed after being classified based on the translation strategies from Ivir's model to draw attention to the various methods employed in the selected translations to render the terms with legal connotation into their English equivalents. Ivir (1987) provides the translators with seven procedures and strategies in order to bridge the cultural gaps, including legal terms as culturally bound expressions, to identify which procedures were preferred by the selected translators, and to investigate the incidence of the used strategies in order to determine which ones are the most likely to deliver the intended meaning of legal terms. These procedures are definition, literal translation, addition, omission, lexical creation, substitution, and borrowing. The table below presents a comparison between the selected translators and the ways in which they translated the legal terms in the verse in question. It is worth noting that the words chosen for analysis have legal and cultural implications, which may lead translators to use different strategies for translation. Therefore, it is important to examine these words exclusively in the translation of the Qur'ān.

Table 4. 2: Terms with Legal Connotation

Legal Connotations	Ünal	Yüksel	Nasr
الْمُشْرِكَاتِ (*al-mush'rikāti*)	The women who associate partners with God	the females who set up partners	idolatresses
	Definition	Definition	Literal translation
أَمَةٌ مُؤْمِنَةٌ	A believing slave-girl	An acknowledging servant	Truly a believing slave woman

(*amatun mu'minatun*)	Literal translation	Literal translation	Literal translation
عَبْدٌ مُؤْمِنٌ (*walaʿabdun mu'minun*)	A believing slave	An acknowledging servant	Truly a believing slave
	Literal translation	Literal translation	Literal translation

In the case of the above three terms shown in table 4:2, the translators adopted different procedures with respect to Ivir's translation strategies to deliver a near-accurate translation of the intended meaning. As regards to the first one, the Arabic term مُشرك (*mushrik)* is embedded highly in Arabic-Islamic culture, thus making it necessary to be translated using the strategy of definition. According to Lisān al-'Arab, the term *shirk* literally means polytheism (Ibn Manẓūr, 2003, vol. 8, p. 68). In a similar vein, the term *mushrik* refers to the one who associates other deities in their worship (al-Amri, 2023, v. 2:221). Badawi and Haleem (2008) remarked that the word *shirk* as an Arabic root occurs 168 times in the Qur'ān in different forms. For example, the term مُشركون (*mushrikūn*) as a plural form of male is mentioned 42 times, while the word مُشركات (*mushrikāt*) as a plural form of female is mentioned three times (noting that females are encompassed in the male plural form in Arabic). According to Badawi and Haleem (2008), the term *shirk* means to become a partner or associate partnership, while the term الشرك (*al-shirk*) means polytheism. This is seen in verse 31:13 of the Qur'ān, which states "do not attribute any partners to God: attributing partners to Him is a terrible wrong" (Abdel Haleem, 2004, v. 31:13). In another Qur'ānic verse (42:13), the term مُشركات (*mushrikāt*) as a plural form of female is used to mean polytheist, stating that "hard for the polytheists is what you [Prophet] call them to" (Badawi and Haleem, 2008, pp. 483–484).

In the case of this term, as shown in Table 4:2, the translators adopted different procedures for conveying the meaning. Ünal and Yüksel both employed a definition strategy to clarify the meaning of a cultural term. However, their approaches differed slightly. Yüksel translated the term المُشركات (*al-mushrikāt*) as "the females who set up partners", but it is not clear whether this refers to God, in the way that Ünal has done. To ensure greater accuracy, Yüksel could have translated the term as "the females who set up partners with God". As for Nasr, he applies a literal-cultural translation (in a single

word) conveying the cultural practice and manifestation of *shirk* (associating partners with God), without any elaboration in the footnotes. This example shows the differences in translation strategies when working with Arabic terms that have particular Islamic connotations.

The next term is *amatun* (أَمَةٌ), a plural form of *imā'* (إِمَاء)*,* which refers to a maidservant, (Arberry, 1955, v. 24:32) and having one was a very common concept during the early days of Islam. It should be noted here that during the early days of Islam, 'owned woman' was a term used as opposite to 'free woman', and people used to call them 'O Slave-girl of God' similar to 'O servant of God' (Mustafa et al., 2004, p. 28). The term occurs twice in the Qur'ān, one in the single form أَمَة (*amah*) and one in the plural form إِمَاء (*imā'*) (Badawi and Haleem, 2008, p. 54). Regarding the term *amatun*, all translators have used literal translation. Another difference among these three translators is that, while Yüksel translated أَمَةٌ مُؤْمِنَةٌ as 'an acknowledging servant', Ünal and Nasr translated it as 'a believing slave'. Although the term أَمَةٌ could be referred to meaning both 'slave' and 'servant', the Qur'ān uses the term 'servant' in many verses translated as عبد (*'abd*), which means 'servant of God', such as in verses 4:172 and 17:3. It is also noteworthy that Yüksel used the word 'acknowledging' in translating the Arabic word مُؤْمِنَةٌ (*mu'minat*un) which is the present participle form and might imply the idea of 'confess and admit' (Doniach, 1972, p. 12). Therefore, it might be concluded that Yüksel has used the substitution strategy of Ivir's seven procedures to replace the original meaning with an ambiguous word that might mean a different thing. The last term being selected for the analysis is similar to the previous one, since it represents both male and female slaves, but the only difference is that in Ünal's translation, he differentiates between male and female slaves by inserting the word 'girl' in his translation, to indicate female slave.

Among the translators studied so far, it is only Nasr's translation that manages to make the target text less ambiguous and more accessible by using a footnote. While the verse causes different debates on the topic of marrying polytheists, which is a focus of great interest, it would have been useful if Ünal and Yüksel's translations had featured an explanation in brackets or footnote, since all the selected translators used extensive

footnotes as paratextual elements in their Qur'ān translation. Therefore, Nasr's use of footnotes to elucidate the discussion of polythetic marriage is what makes the difference in his work. One of the interesting points that Nasr mentions in his footnote is the possibility that the verse 5:5 is partially abrogated and refers to this view as being that of "some commentators". However, while Nasr supports his argument by referring to different exegetes, such as a al-Rāzī, al-Ṭabarī, and al-Qurṭubī in his discussion of the verse to allow marriage from among the people of the book, he did not insert any reference when arguing that "some jurists have also included in this category marriage with Zoroastrians and, in India, with Hindus" (Nasr, 2015, p. 97). This argument appears to be something related to the views of the *Shīʿah* (Esposito, 2003, p. 370). Zoroastrianism is one of the religions which arose among Iranian peoples and originated in ancient Persia. It was the national religion of most Iranians before the rise of the Islamic religion, at which point, it is believed, that a group of Zoroastrians immigrated to India. This Persian religion contains both monotheistic and dualistic elements (Foltz, 2011, pp. 75–79). While *Sunni* Muslim scholars have unanimously prohibited the marriage of members of non-scriptural religions such as Hindus, Sikhs, and atheists, only *Shīʿah* scholars give permission for the marriage to a Zoroastrian, thus including them as people of the book, along with the Jews and Christians. Having said that, the question arising from this is: why did Nasr insert a *Shīʿī* opinion without providing a reference? It might be that Nasr, who is an Iranian and is of *Shīʿī* background (although a perennialist), presented a different interpretation based on his cultural ideology. It could be argued, then, that Nasr attempted to transmit his sect's ideology, which is dominant in his country, into the interpretation of Qur'ān. However, it would have been more persuasive if he mentioned the names of the 'jurists' or their creedal beliefs as a reference, which would have provided a clear explanation to the target reader.

Another important point is that in Ünal's translation of the word (وَلَوْ أَعْجَبَتْكُمْ), which literally means 'even if she attracts you', he used addition by including an explanation in brackets to elucidate that the attraction is related to things such as "her beauty, wealth, status, or family" (Ünal, 2006, p. 140). Ünal may have added the explanation in square brackets so that the reader would not get the wrong impression that this clarification is part of the

Qur'ān. According to *Sunni* exegetes such as al-Baghawī, the term in the verse refers to wealth and beauty. Similarly, Ibn Kathīr also mentions an authentic *Ḥadīth* in his exegesis: "A woman is married for four qualities, for her wealth, her family status, her beauty, and her religion: so get the religious one and prosper" (al-Bukhārī, 1997; Muslim, 1980). Having said that, it can be noticed that Ünal, in his translation of this word, followed the classical exegeses and *Ḥadīth*, and inserted the interpretation into his translation in brackets. The interpretation addition in brackets could be argued as being his attempt to transmit from his religious ideology, or just the fact that his translation is based on the traditional exegeses and supported by authentic *Ḥadīth*.

Along these lines, another significant difference to note is that unlike Ünal and Yüksel, who translated the word (الْجَنَّةِ) as 'paradise', Nasr calls it 'garden'. While most Qur'ān translators, such as Arberry (1955), Al-Hilali and Khan (1997), Ṣaḥīḥ International (1997), Qarai (2004), and Al-Amri (2023), translated it as 'paradise', only a few translators, such as Pickthall (1938) and Shakir (2001), conveyed the meaning literally as 'garden'. On the other hand, Yusuf Ali (1975) translated it as 'Garden (of bliss)', which literally means جنة النعيم in Arabic, and is an expression that refers to paradise in different verses such as Q. 5:65, Q. 10:9, Q. 22:56, Q. 31:8, Q. 37: 43, Q. 56:12 and Q. 68:34. This could be clearer to the reader, especially one who is not familiar with Islamic terms like fire and garden, to be translated as 'hell' and 'paradise' or at least with an explanation in brackets, as is the case with Yusuf Ali's. Nevertheless, while it might be true that the word 'the garden' is related to the home of Adam and Eve in paradise, the Garden of Paradise is in fact a form of garden that is associated with Iranian origin. More precisely, the word garden originates from the ancient Iranian language and is used to signify the walled garden of Persia. The word Paradis means both paradise and garden in Persian (Fallahi et al., 2020, p. 6). More interestingly, the term is used for the Garden of Eden in the translation of the Old Testament. This is something that could reveal whether the translator, intentionally or not, is referring to the Bible as a reference for his translation, not to mention the fact that by inserting such a translation, it is more likely that he tries to transmit his religious ideology, which is dominant in his original country, Iran.

Aspects of ideology loads and its influences in the translation of the Qur'ān are not entirely absent from the corpus, as will be seen in the next verse.

Verse 2 Legal Rulings on Polygamy (taʿaddud *al-zawjāt*)

Table 4. 3: Translations of Verses on Polygamy

الموضوع: تعدد الزوجات وحكمته في الإسلام		
{ وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَى فَانْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَثُلَاثَ وَرُبَاعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أَدْنَى أَلَّا تَعُولُوا } [Q. 4:3]		
I.	**Ünal**	If you fear that you will not be able to observe their rights with exact fairness when you marry the orphan girls (in your custody), you can marry, from among other women (who are permitted to you in marriage and) who seem good to you, two, or three, or four. However, if you fear that (in your marital obligations) you will not be able to observe justice among them, then content yourselves with only one, or the captives that your right hands possess. Doing so, it is more likely that you will not act rebelliously.
II.	**Yüksel**	If you fear that you cannot be just to fatherless orphans, then marry those whom you see fit from the women, two, and three, and four. But if you fear you will not be fair then only one, or whom you already have contract with. So that you do not commit injustice and suffer hardship
III.	**Nasr**	If you fear that you will not deal fairly with the orphans, then marry such women as seem good to you, two, three, or four; but if you fear that you will not deal justly, then only one, or those whom your right hands possess. Thus it is more likely that you will not commit injustice

Discussions

Polygamy is one of the most controversial topics in modern Islamic discourse that is the subject of much debate among both the scholars and critics of Islam (Muradi and Nordin, 2019, p. 19). The term polygamy is "understood in the broader sense to include any simultaneous multiple marriage unions for one person, such as female polyandry and male polygamy" (Yamani, 2008, p. xi). In other words, polygamy is a practice where a

husband is married to more than one wife at a time. It is worth noting here that polygamy is an ancient practice found in many human societies. For example, the Bible did not denounce polygamy, as the Old Testament proves the validity of polygamy. In other words, the New Testament does not contain any direct commandment stating that marriage must be monogamous, nor does it contain any direct instructions prohibiting polygamy (Hillman, 1975, p. 140). This therefore shows that polygamy was not introduced by Islam, but had rather existed in different religions, such as Judaism and Christianity. What Islam does instead is framing the rules for polygamy such as basing the condition for polygamy on justice and equality between wives (Sani et al., 2021, p. 165). Another major intervention as stated in the Qur'ān (4:3) is limiting the number of wives allowed to four and providing strict conditions for such permissibility. Most of the exegetes explicitly agree that this verse did not establish a new authorisation for polygamy, but rather structured the practices of polygamy which were common in the pre-Islamic era by setting four as the maximum number of wives a man can have at a time (al-Qurṭubī, 2003; al-Ṣābūnī, 1977; Ibn Kathīr, 1999). It is then safe to say that polygamy is not a practice peculiar only to Islam but rather Islam regulates it and makes it permissible only if the husband can do justice among his wives.

In order for the meaning of the verse in question to be clear, it is important to understand the context of its revelation which can be established in the preceding verse. In Qur'ān 4:2, Allāh says "And give to the orphans their properties and do not substitute the defective [of your own] for the good [of theirs]. And do not consume their properties into your own. Indeed, that is ever a great sin" (Ṣaḥīḥ International, 1997, v. 4:2). In this verse, Allāh orders Muslims to protect the wealth of orphans and not abuse them because they need care, attention, help, and protection. Then, verse 4:3 explains the consequences that are also illustrated in the Ḥadīth of al-Bukhari, which recorded that `Ā'ishah said, "A man was taking care of a female orphan and he married her, although he did not desire to marry her. That girl's wealth was mixed with his, and he was keeping her portion from her. Afterwards, this āyah was revealed about his case; 'If you fear that you shall not be able to deal justly'" (Ibn Kathīr, 1999). Another purpose of polygamy in Islam is associated with the fact that it "was originally intended to honour the wives and children of fallen

warriors in the path of Islam. This is best demonstrated by the marriage of the Prophet (PBUH), where all of his wives, except for Aisha, were widows" (Muradi and Nordin, 2019, p. 19).

It should be noted that the woman who is desired by a man must be herself willing to enter into the marriage. That is to say, the consent and willingness on the woman's part is a prerequisite for her marriage to take place. Thus, a guardian is not allowed to force his daughter into marriage, and both marriage and polygamy are a matter of joint consent in Islam. It was narrated in al-Bukhari that the Prophet Muḥammad (PBUH) said "an unmarried girl should not be married until her permission has been taken" (al-Bukhārī, 1997; Muslim, 1980). This is why marriage is considered a legal arrangement that is secured with a contract (involving consent to enter the contract). Both man and woman have rights and consistent responsibilities over each other. Accordingly, the primary objective of marriage in Islam is to create an atmosphere that leads to the harmony and stability of the family. The Qur'ān thus pointed out the different purposes of marriage by stating "And of His signs is that He created for you from yourselves mates that you may find tranquillity in them; and He placed between you affection and mercy" (Ṣaḥīḥ International, 1997, v. 30:21). Islam does not favour marriage as a union only for the satisfaction of sexual lust, but as a social contract with varied responsibilities and obligations. The union is not a temporary relationship; rather, it is a permanent relationship in the sense that both parties have duties and obligations to fulfil towards one another once they have entered this marital contract. Islam applies specific conditions to a man who attempts to practice polygamy; such as him needing to have sufficient wealth, be able to treat all his wives justly, and being wise and rational enough to deal with all matters (Muradi and Nordin, 2019, p. 20). Indeed, the Qur'ān reformed the foundation of polygamy by demanding equal treatment for all wives. The Prophet Muḥammad (PBUH) forbade discrimination between wives and children. Moreover, if a man experiences any difficulty meeting his basic financial needs, which is necessary for the marriage, he should not further strain his finances by seeking a second marriage (Philips and Jones, 2005, p. 81). Not only in polygamy, but in fact, according to Islamic law, a man with a limited source of income who experiences financial difficulties should not pursue marriage in the first

place. Allāh clearly says in the Qur'ān; "But let them who find not [the means for] marriage abstain [from sexual relations] until Allah enriches them from His bounty" (Ṣaḥīḥ International, 1997, v. 24:33).

One of the aspects to be discussed within the legal ruling is the question of whether the word فَانْكِحُوا (Literally means 'then marry'), that is in the imperative form, indicates an obligation or permissibility. The majority of scholars believe that the word here is intended to be for permissibility, similar to the verse 7:31 where it is stated "and eat and drink" (Pickthall, 1953, v. 7:31). Another point to be considered here is that the verse indicates the prohibition of marriage to more than four wives, as was agreed upon unanimously among Muslim jurists (al-Qurṭubī, 2003; Ibn Kathīr, 1999). While the verse prohibits marrying more than four wives, as Ibn ʿAbbās makes clear, it is stated in the same verse that one should marry only one wife when he fears he might not do justice to his wives. Another juristic matter which has been discussed among Muslim jurists, such as by Ibn Ḥanbal, is that women can stipulate in their marriage contract that they will not allow the husband to take on another wife, and if it does occur, she has the right to request a divorce (Ibn Qudamah, 1968, vol. 7, p. 93). However, some modern critics argue that the practice of polygamy should end, as women in today's world have become involved in other activities outside their marital homes, and that a more active standpoint on the part of Muslim reformers to end polygyny, as it is being practised, may be necessary because the threat and abuse enabled by its very existence are detrimental to wellbeing of women and the image of Islam (Johnson, 2004, p. 596). Based on the Qur'ānic verse in question, it could be argued that Islam does not encourage Muslims to practice polygamy, and outlaws it if they cannot fulfil the conditions set out by Allāh. On the other hand, it can be understood that Islam allows polygamy for social and moral motives where it serves certain ends.

Thus far, this section has dwelled in a critical discussion of the literature related to polygamy in Islam. A detailed comparative analysis will follow in the following section.

Comparative Analysis

Table 4. 4: Terms with Legal Connotation

Legal Connotations	Ünal	Yüksel	Nasr
أَلَّا تُقْسِطُوا فِي الْيَتَامَى (allā tuqsiṭū fī l-yatāmā)	you will not be able to observe their rights with exact fairness when you marry the orphan girls (in your custody)	You cannot be just to fatherless orphans	you will not deal fairly with the orphans
	Definition+ Addition	Definition	Definition
فَانْكِحُوا مَا طَابَ لكم (fa-inkiḥū mā ṭāba)	you can marry, from among other women (who are permitted to you in marriage and) who seem good to you	then marry those whom you see fit	then marry such women as seem good to you
	Literal translation + Addition	Literal translation	Literal translation

Based on the translators' choice of the chosen two terms with legal connotations, three out of seven of Ivir's procedures were observed in the selected three Qur'ān translators, as shown in the above table. Moreover, the analysis demonstrates that among the three strategies used, the most frequently employed one are the literal and definition strategies, while the addition strategy was the least frequently used. In the case of the first term, shown in Table 4:4, none of the translators used the English equivalent of the word *tuqsiṭū* (تُقْسِطُوا), as such, they preferred the procedure of definition, except for Ünal, who, although he used the same procedure, he added an explanation in brackets in his translation to make the term easier to understand for the target reader. The term *tuqsiṭū* (تُقْسِطُوا), which comes from the lexeme *qisṭ* (قسط), denotes an action that literally means "to be just; act justly; establish justice", while it can also mean "justice, fairness, equity" (Bālbaki, 1998, p. 859). The root of the Arabic word *q-s- ṭ* (قسط) occurs 25 times in the Qur'ān, with five different forms, including *tuqsiṭ* (تُقْسِط), *qāsiṭūn* (قَاسِطون) and *muqsiṭīn* (مُقْسِطون). For example, the word *qāsiṭūn* in verse 72:14, as a plural form of *qāsiṭ*, means to act justly, while the word *muqsiṭīn* in verse 49:9, as a plural form of *muqsiṭ*, signifies "those who act justly or

fairly; those who are even-handed" (Badawi and Haleem, 2008, p. 756). On the rendition of the term *tuqsiṭū* (تُقْسِطُوا), while both Ünal and Nasr have deftly translated the word as 'exact fairness' and 'deal fairly' respectively, Yüksel translated it as 'be just' which is ambiguous. Such a rendition, it feels, is not only inaccurate but also vague. Yüksel seems to render this word in slightly different ways in various contexts. For instance, he translated the same word in verse 60:8 as 'equitably', which would have been a better fit than 'be just' in the previously mentioned verse. In other words, translating the word *tuqsiṭū* (تُقْسِطُوا) as 'equitably' would have made his rendition better, in terms of consistency and accuracy, and would have been more accurate in conveying its original meaning.

The term *al-yatāmā* (الْيَتَامَى) is related to a controversial discussion. What is interesting is that most Qur'ān translators, including Pickthall (1938), Arberry (1955), Hilali & Khan (1997), International (1997), Qarai (2004), Ünal (2006), Nasr (2015), and al-Amri (2023) translated the word الْيَتَامَى as 'orphans' or 'orphan girls'. On the other hand, Yüksel (2007) translated it as 'fatherless orphans'. This expression could hint at another meaning at first glance, indicating that an orphan is a child who has lost their father only. According to the dictionary definition, the word يتيم signifies orphans and parentless, while fatherless literally is يتيم الأب , and motherless literally is يتيم الأم, which refers to both those who have lost a father or a mother, separately (Bālbaki, 1998, p. 1251; Doniach, 1972, p. 847). Thus, an orphan can be either one who has lost their father or one who has lost his/her mother. However, according to Islamic law, there is a debate as to whether the term orphan only applies to those who have lost their father only, or either of the parents. The exegete Ibn al-'Arabī emphasises that one who has lost his/her father only would be considered an orphan (Ibn al-'Arabī, 2003, vol. 1, p. 402). However, it must be noted here that according to Islamic law, when an orphan child becomes an adult, he/she is no longer called an orphan. The Prophet Muḥammad (PBUH) said "There is no orphanhood after reaching puberty" (Abu Dawood, 2009, no. 2873). It should be noted that the term 'fatherless' is a Greek word that is mentioned in the New Testament (Hübner et al., 2009, p. 84). In this regard, Evans (2016) illustrates that "the group referred to as 'fatherless' appears 18 times in the Old Testament as part of the trilogy of foreigners, fatherless, and widows. The fatherless are mentioned an additional 23 times in the Old Testament"

(Evans, 2016, p. 124). The word mentioned should be purely translated as 'orphan', which emphasises the real meaning of the Qur'ānic verse. This was done by the above-mentioned translators, who have shown remarkable accuracy and consistency in their choices, leaving no room for any ambiguity on the term, with the exception of Yüksel. It is important to note that ambiguous rendition of the Qur'ān will leave the target readers unclear of the intended meaning and cause a loss of the overall meaning of the Qur'ānic context.

The Qur'ānic expression *fa-inkiḥū mā ṭāba lakum* (فَانْكِحُوا مَا طَابَ لكم) has presented certain challenges for the translators. The imperative *fa-inkiḥū* (فَانْكِحُوا) has been translated by Yüksel and Nasr as "then marry", and Ünal opted to translate it as "you can marry". While this may appear as a difference between the two translators versus the other, it is not as such, since the imperative can also give the meaning of "permissibility" (as in optional), as mentioned earlier, and the English renditions "marry" and "can marry" also allow for this. In the phrase *mā ṭāba lakum* (مَا طَابَ لكم) there is, however, slight difference. Based on Arabic dictionaries, the word *ṭāba* (طَابَ) can be translated as "to please; delight; to become good", depending on the context (Bālbaki, 1998, p. 171). Although the three translators have used a literal strategy in order to convey the word *mā ṭāba* (مَا طَابَ), Ünal offers a parenthetic explanation in his rendition. He clarified to whom the Qur'ān is referring to by stating that "you can marry, from among other women (who are permitted to you in marriage and) who seem good to you". This indicates that Ünal is adding in inter-textual Qur'ānic exegesis in his rendering (as the Qur'an elsewhere specifies those women not permissible in marriage (*muḥarramāt*)) and opted for translating the literal meaning along with an addition strategy to further clarify "which women" are permitted to marry. Such a clarification is usually found in the footnotes, but Ünal inserted it within the translation. Yüksel conveyed the word *mā ṭāba* (مَا طَابَ) slightly differently from the others, as he translated it as 'whom you see fit'. Semantically, *ṭāba* cannot be stretched to include this meaning as noted in the lexical meanings above. While this may not seem to have an ideological motivation (but reflect inaccuracy in transferring the word), choosing "whom you see fit" indicates suitability of the potential spouse rather than "what pleases." This maybe an intentional hermeneutical shift on his part to bring the understanding of the

verse closer to his ideas on gender quality, a principal aim of his translation (as explained in chapter 2). By examining the translator's consistency and accuracy in their attempts to render the selected phrases, it was found that Ünal shows a high level of clarity and consistency in his rendering, compared to others (who might have gender considerations, for example). It might be that Ünal paid extra attention to eliminate misunderstandings and ambiguities in his translation, as he usually provides explanations in parentheses, which can be quite lengthy and exegetical on occasion.

On the footnotes of the selected translators, it is clear that, unlike Yüksel and Nasr, Ünal inserted the longest footnotes in the verse under discussion, explaining different issues related to polygamy. Thus, it is worth investigating his footnotes in depth to find out whether they can shed light on the ways in which he has attempted to transmit his religious perspective into his translation. Ünal uses his footnotes to show that polygamy, as discussed earlier, is a very early practice in human culture and religion. He provided examples from the Old Testament and shows that Prophet Jesus (PBUH) "did not speak against polygamy, even though it was practised by the Jews in his society". He further clarified the reason as to why polygamy is permissible. Ünal opines that "there are places and times in which there are compelling social and moral reasons for polygamy. Islam, as a universal religion suitable for all places and all times, cannot ignore these compelling reasons" (Ünal, 2006, p. 176). Ünal gives a clear justification of the intended meaning of the verse, and with his clear and simple clarification. He argues that polygamy should not be seen as the Qur'ān exhorting believers to practice polygamy, or that polygamy is considered as an ideal situation. In other words, the Qur'ān tolerates or allows polygamy, and nothing more. The Qur'ān indeed did not sanction polygamy hence the verse is emphatic in its caution against unfairness. In many other verses, such as verses 30:20 and 2:226-237 there were legal rulings related to the marital relationship, such as engagement, marriage, and divorce, without mentioning polygamy or even hinting at it. Therefore, it can be argued that polygamy is a practice that shows the greatness of Islam in finding appropriate solutions, unlike other religions that may lack such solutions and, consequently, might encourage hidden relationships, i.e., the search for extramarital relations, while Islam has placed restricted conditions justly.

Ünal also refers to both social and moral reasons for polygamy. As regards the social reasons, for instance, he claims that females outnumber males in most of the world and calls this phenomenon "unbalanced sex ratio" (Ünal, 2006, p. 176). However, what is striking here is that towards the end of his footnote is another paragraph discussing modern civilisation and its relation to polygamy, in which he argues that those who reject polygamy are in fact "unwise and disadvantage social life". He goes on to say that "[a]s observed even in animals and plants, the purpose for and wisdom in sexual relations is reproduction". Thus, "[m]arriage is for reproduction and the perpetuation of the species" (Ünal, 2006, p. 177). Something worth noting here is that this paragraph constitutes the exact words written by Bediuzzaman Said Nursi, a *Sunni* Muslim theologian, who tried to link Muslim tradition with modernity (Nursi, 2008). As I have mentioned in Chapter Two, where I provided a short biography of Ali Ünal, he was not only influenced by the Gülen movement (via his teacher), which adopts a liberal and sectarian approach to Islam, but also by the intellectual background and teachings of Bediuzzaman Said Nursi (Lawrence, 2017, p. 88). According to Ohlander (2009), Ünal's Qur'ān translation adopts Nursi's philosophy of comparing science and religion by applying the Scientific hermeneutics approach in his translation, since his "commentary accompanying the translation is replete with lengthy examples of scientific exegesis" (Ohlander, 2009, p. 625). While Ünal has been influenced by Nursi's Sufi thought of Islam and thus, has translated a collection of books written by Said Nursi entitled *Risale-I Nur*, this would be more obvious had he mentioned the reference to Nursi's work in his footnotes. Such findings, although sometimes reasonable, clearly influenced his translation, and could reveal yet another fact, namely that Ünal's translation carries an ideological implication and could attempt to transmit his religious beliefs that are linked to his Sufi perspective to his readers. Moreover, it can be argued that he tried to follow Nursi's path by linking Muslim tradition with modernity.

In his detailed commentary on the translation of the relevant verse, Yüksel points out that "the consent of the first wife is necessary; otherwise, she can always seek a divorce" (Yüksel et al., 2007, v. 4:3). However, going back to the texts of Islamic law, it is clear

that a man does not need to inform his first wife or seek from her permission or consent before marrying a second wife, because marriage is a legal right of the husband determined by the Holy Qur'ān. What is stipulated by the Holy Qur'ān and echoed by the jurists in their works is the requirement of fairness and justice between wives in terms of maintenance and accommodation and not to be inclined towards one of them in this respect at the expense of the other. The Prophet (PBUH) practised polygamy, and it was not reported that he asked permission from any of his wives, and neither did his companions. The Permanent Committee for Scholarly Research and *Iftā'* in Saudi Arabia, known in Arabic as اللجنة الدائمة للبحوث العلمية والإفتاء, declared that "It is not obligatory for the husband, if he wants to practice polygamy, to please his first wife, or ask for her permission" (Volume 19/53). It must be noted that while Islamic law has permitted polygamy without the consent of the first wife, various *aḥādīth* advocate treating them with justice; as is narrated by the companion Abu Hurayrah, the Prophet Muḥammad (PBUH) said "A man who has two wives and he does not deal justly with them will be resurrected on the Day of Judgement with half his body paralysed" (al-Tirmidhī, 2007, no. 1141).

The consent of the first wife is not required for a man to marry another woman, and it is not permissible either for the first wife to demand her husband divorce his second wife. It was narrated that the Prophet Muḥammad (PBUH) said "It is not permissible for a woman to demand her sister's divorce so that she may take her place and get married; she cannot have more than what is decreed for her" (al-Bukhārī, 1997; Muslim, 1980). However, it is a recommended kindness to inform the first wife and seek her cooperation, so as to minimise the feelings of hurt and jealousy towards the second wife, as she will naturally struggle with the idea of a woman entering a spousal relationship with her husband. While it is true that a woman can stipulate that the person she wants to marry cannot marry another woman without her consent, according to some juridical schools such as the Ḥanbalī school, it is not necessary to seek permission from the first wife for the second marriage to be considered valid and legal ('Âbidîn, 2003, vol. 4, p. 138). Having said that, it might be that Yüksel, in his argument, refers to some Muslim countries that have introduced laws which make it obligatory for a man to obtain the consent and approval of

his wife before proceeding to arrange a second marriage. However, by including such a controversial sentence, Yüksel casts a shadow of uncertainty and ambiguity on his footnotes, and it is highly possible that this sentence has been inserted to illustrate the difficulty of polygamy, and to stand on the side of the first wife by claiming that she must agree to such an action.

Nasr has a one-page footnote which is largely concerned with classical explanations of the verse. He is keen to stress that polygamy was not newly introduced in Islam nor encouraged by it (favouring neither polygamy nor monogamy), but the advent of Islam, rather, limited the number of wives and imposed regulations of equity between them. Note, that he does not make this a condition but states that "If a man is unable to adequately provide for multiple wives or treat them equitably, he is advised to take *only one*… Some have asserted that although treating one's wives equally is an ideal one should strive for, lack of perfection in this regard does not itself nullify the legitimacy of polygamous marriage." The footnote does emphasise the context specificity of the verse mentioning the interpretation of 'Aisha that it concerns "orphan girls who were vulnerable to abuse by their guardians". It instructs men tempted to be abusive not to marry women in their guardianship and criticises them for abusing them of their rights such as not giving them their bridal gift. Unlike Ünal, Nasr does not give (modern) sociological and other justifications for why polygamy is allowed but restricts his discussion to classical exegesis. This is quite characteristic of his paratext in that he refrains from directly engaging in modern issues around reform but instead presents aspects of the tradition that may speak or hint to some dimensions of modern discourse.

Verse 3 Legal Rulings of Solving Marital Conflicts (al-Nushūz)

Table 4. 5: Translations of Verses on Solving Marital Conflicts

الموضوع: وسائل معالجة الشقاق بين الزوجين

{ الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيًّا كَبِيرًا }

[Q. 4:34]

I.	**Ünal**	Men (those who are able to carry out their responsibilities) are the protectors and maintainers of women inasmuch as God has endowed some of humankind (in some respects) with greater capacity than others, and inasmuch as they (the men) spend of their wealth (for the family's maintenance). Good, righteous women are the devoted ones (to God) and observant (of their husbands' rights), who guard the secrets (family honor and property, their chastity, and their husband's rights, especially where there is none to see them and in the absence of men,) as God guards and keeps undisclosed (what should be guarded and private). As for those women from whose determined disobedience and breach of their marital obligations you have reason to fear, admonish them (to do what is right); then, (if that proves to be of no avail), remain apart from them in beds; then (if that too proves to be of no avail), beat them lightly (without beating them in their faces). Then, if they obey you (in your directing them to observe God's rights and their marital obligations), do not seek ways against them (to harm them). (Be ever mindful that) God is indeed All-Exalted, All-Great.
II	**Yüksel**	The men are to support the women by what God has gifted them over one another and for what they spend of their money. The reformed women are devotees and protectors of privacy what God has protected. As for those women from whom you fear disloyalty, then you shall advise them, abandon them in the bedchamber, and separate them; if they obey you, then do not seek a way over them; God is High, Great.
III.	**Nasr**	Men are the upholders and maintainers of women by virtue of that in which God has favoured some of them above others and by virtue of their spending from their wealth. Therefore, the righteous women are devoutly obedient, guarding in [their husbands'] absence what God has guarded. As for those from whom you fear discord and animosity, admonish them, then leave them in their beds, then strike them. Then if they obey you, seek not a way against them. Truly God is Exalted, Great.

Discussions

This section critically discusses the translation of the Qur'ānic verse 4:34, which offers a process for the resolution of marital conflict. The legal ruling of this verse is considered an *aḥkām al-nushūz* (laws regarding recalcitrancy) in the jurisprudence books of Islamic law (Nassimi, 2008, p. 31). The issue of treatment and process for the resolution of marital conflict and a recalcitrant wife (*nushūz*) is one of the much discussed and hotly debated issues in the literature concerning Muslim women, especially from Western scholars, which has caused much controversy. In this respect, Lawrence (2017, p. 101) maintains that the debate of the said verse "continues to reverberate in the twenty- first century". *The Qur'an and its Readers Worldwide* (2015) provides a comprehensive view of the global landscape of Muslim Qur'anic exegesis, offering insights into the efforts of Muslims across different regions and languages to comprehend, elucidate, and communicate the meanings of the Qur'an in the twentieth century (Taji-Farouki, 2015). Of special interest is Andreas Christmann's chapter (c. 10), "Setting the Record Straight: Contemporary Interpretations of Q.4:34 by German Muslims", in which he delves into the interpretation of Q 4:34, which deals with the subordination of women to men and the justification of violence, in German translations by Muslims. However, he points out a dilemma faced by German Muslims: although their critical stance against German "Orientalistik" has resulted in a negative perception of translations, they also strive to present an authentic Islamic interpretation of the text that showcases Islam in a positive light. As a result, translators have resorted to creative translations to reconcile the verse's message on gender relations with their overall concept of Islam (Christmann, 2015, pp. 510–522).

 There have been detailed discussions on this topic by both classical jurists and jurisprudent exegetes. The Qur'ān addresses the circumstance where the relationships between a husband and a wife are stressed. The verse offers a specific process for the husband to follow to avoid conflict or resolve it when it occurs. To discuss this issue in detail, it is necessary to consider both Qur'ān and *Sunnah* as the primary sources of Islam, after which come all the legal opinions of jurists and exegetes on specific matters, which might differ and be influenced by their methodologies, circumstances, cultures, and times. Furthermore, the verse must be discussed within the general framework of marital

law in the book of jurisprudence and legal rulings of the Qur'ān to facilitate a comprehensive and objective understanding of such circumstances. The critical analysis of the selected legal rulings is conducted on the basis of how some of the legal and cultural terms were translated, and how the translators' footnotes are critically examined to find out their religious understanding of the intended meaning of the verse and its legal implication.

The Qur'ān encourages marriage in Islam to be based on love, mercy and tranquillity. For instance, in verse 4:1, Allāh says in the Qur'ān "O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women" (Ṣaḥīḥ International, 1997, v. 4:1). In another verse, Allāh says "they are a cover ˹of modesty˺ for you and you are a cover for them" (al-Amri, 2023, v. 2:187). In this verse, it is elucidated that the relationship between a husband and wife is like a *libās*, which literally means a body cover or screen, indicating that both enjoy the pleasure of living with each other. Some translators have rendered this word as 'clothing for them' which refers to a source of tranquillity and rest, while others have rendered it as a 'garment' for each other (Ali, 1975; Qarai, 2004; Ṣaḥīḥ International, 1997). That is to say, the Qur'ān stresses that just like garments can offer tranquillity, comfort, and dignity, a husband and wife should function as such towards each other. The Prophet Muḥammad (PBUH) instructed Muslims on how to conduct themselves in their marital relationships in many *aḥādīth*. For instance, Abū Hurayrah (may Allāh be pleased with him) reported that the Prophet (PBUH) said: "The most perfect believer in his faith is the one who has the most excellent manners, and the best of you are those who are best to their wives" (al-Tirmidhī, 2007, n. Ḥadīth No. 5792). As such, one's wife is the most entitled to one's excellent behaviour. Indeed, a husband who has the best morals and manners is the one who treats his wife best. Moreover, in verse 4:19, Allāh says in the Qur'ān "if you come to dislike them, then it may be you dislike a thing and Allah endows it with good aplenty" (al-Amri, 2023, v. 4:19). *Aḥādīth* illustrates this same point as was narrated by Abū Hurayrah that the Prophet (PBUH) said "Let not a believing man hate a believing woman. If he dislikes one of her characteristics, he will be pleased with another" (Muslim, 1980, n. Ḥadīth No. 1469). In this *Ḥadīth*, the Prophet (PBUH) urges a man to not hate or mistreat

his wife if he dislikes some of her characteristics, as he will surely find one which he likes. Based on the foregoing, it is clear that the foundation of an enduring marital relationship is built on care, kindness, and compassion (Nawaz et al., 2022, p. 145).

Should problems emerge in a marriage, the Qur'ān encourages couples, as an initial step, to deliberate on them confidentially, out of respect and privacy. If the problem relates to the wife's way of behaving, her husband should follow the method that is mentioned in verse 4:34. When the husband notices signs of rebelliousness and disaffection in his wife, the Qur'ān commands him to counsel, admonish, and reason with her using wisdom and good morals as a first step. This provides ways to explore the possible resolution of the conflict, and thus grant her a chance to adjust. This initial step therefore puts emphasis on dialogue and counselling in resolving marital discord. If the wife fails to adjust, he can then take a more practical measure; that is to abstain from sexual relations while still sleeping in the same bed with her. This is to express his disapproval towards her inability to adjust, through non-verbal communication in order that she might realise the seriousness of the situation. This, according to Abusulaiman (2008, p. 14-15), is to give her an opportunity to reconsider the situation and to find a way to resolve the conflict, so as to restore the kindness and affection present in the marital relationship.

If this measure fails to work and the wife's attitude persists, the husband is given permission, as a third step, to chastise his wife and use a physical measure as the last option to make her adjust. That is to say, in the case that both steps have failed, the husband is permitted to 'beat' her (literally read). Scholars agree that its maximum limit is lightly with a *miswāk*, a small twig that is recommended in the *Sunnah* to be used to clean teeth, or something similar. According to the *Ḥadīth*, the hitting should not be *mubarriḥ*, which means not physically hurt. Jurists are also unanimous in emphasising that the hitting should not be done on the face (Muslim, 1980, no. 1218). In this respect, Ibn ʿAbbās illustrated that a 'strike' should be light with a *miswāk* (al-Ṣābūnī, 1977, vol. 1, p. 469). In his summary article of classical jurists' argument on the marital conflict and the controversy over it, Haneef (2012) argues that most legal scholars believe that the legal ruling of 'beating' in the verse is neither mandatory (*wājib*) nor recommended

(*mustaḥabb*) but in fact, is considered as an act that is permissible (*mubāḥ*). In contrast, others, such as ʿAṭāʾ (a prominent early Muslim jurist), believe that the act associated with the legal ruling in the verse is in fact reprehensible (*makrūh*). He further clarified by arguing that "God's intention in the verse in question has not been to sanction wife-battering" (Haneef, 2012, p. 3). In light of the above, it could be argued that a statement such as that of Haneef (2012, p. 1), who aptly remarked that "the three-stage procedure of disciplining a recalcitrant wife as legislated by the Qur'an, is intended to mitigate the harsh treatment of such wives in socio-cultural conditions in which wife-battering was normal".

Nevertheless, some jurists from the Ḥanbalī and Shāfiʿī schools believe that these three steps can be applied in any order; the majority of jurists, on the other hand, maintain that the husband has no right to take any step but rather to follow the Qur'ān step by step. Additionally, the Ḥanafī school of law argue that according to the *maqāṣid al-sharīʿah* (purposes of Islamic law), the step-by-step measures mentioned in the verse in a specific order correspond to the purpose of the *Sharīʿah*, "as it is consistent with the principle of the commission of the lesser of the two conflicting harms" (Haneef, 2012, p. 6). It must be noted here that these three steps are considered among the routes to take when aiming to resolve marital conflicts. However, a second route is explained in the verse that follows; the Qur'ān states "And if you fear dissension between the two, send an arbitrator from his people and an arbitrator from her people. If they both desire reconciliation, Allah will cause it between them. Indeed, Allah is Ever-Knowing and Acquainted [with all things]" (Ṣaḥīḥ International, 1997, v. 4:35). According to al-Ṣābūnī (1977, p. 469-473), there are some legal rulings that the majority of jurists approve. The first one is to follow the behavioural management measures outlined to resolve marital discord, while the second one is that the steps should be followed in the order given in the Qur'ān. The third legal ruling is addressed in verse 4:35, and concerns who should appoint the mediators. However, this verse is not included as a part of the analysis of the selected verses.

Having explained various topics in relation to the legal ruling on solving marital conflicts, the discussions that follow engage in a comparative analysis and examination of the translator's footnotes.

Comparative Analysis

Table 4. 6: Terms with Legal Connotation

Legal Connotations	Ünal	Yüksel	Nasr
قَوَّامُون (qawwāmūna)	the protectors and maintainers	to support	the upholders and maintainers
	Literal translation	substitution	Literal translation
تَخَافُونَ نُشُوزَهُنَّ (takhāfūna nushūzahunna)	whose determined disobedience and breach of their marital obligations you have reason to fear	whom you fear disloyalty	whom you fear discord and animosity
	Literal translation+ lexical creation	Literal translation	Literal translation
واضْرِبُوهُنَّ (wa-iḍ'ribūhunna)	beat them lightly (without beating them in their faces)	separate them	strike them
	definition+ addition	substitution	Literal translation

Before delving into the textual analysis, it is important to stress that by using Ivir's strategies, this research intends to determine which translation has the highest potential for delivering the intended meaning of the legal ruling verses in the Qur'ān. Thus, the purpose of adopting such a strategy is to overcome cultural and linguistic boundaries and ensure that the renditions have not distorted the meaning. Based on the translators' choice of the chosen three terms related to aḥkām al-nushūz, five out of seven of Ivir's strategies were observed as having been used in the table above. Once again, it should be noted here that of the five strategies that were used, the literal strategy was employed most frequently by the translators. This could be based on the fact that the literal strategy is the most common strategy used because of its faithfulness to the source language (Ivir,

1987, p. 41). That is to say, this strategy can bridge the lexical and cultural gaps in a translation. On the other hand, the substitution and lexical creation strategies were the least frequently used. Whereas the substitution strategy is used when the cultural terms are overlapping, and there is no clear-cut occurrence of the element, the lexical creation, on the other hand, is the invention of new lexical items in the target language to stand for the source of cultural element. However, according to Ivir (1987, p. 45), the lexical strategy must be culturally ready to convey the intended meaning of the source culture's element. In this way, the lexical procedure extends the vocabulary to a certain extent, so as to overcome cultural and linguistic boundaries. However, this was not the case with the selected translators, as will be seen below.

This section examines the Qur'ānic verse in the light of Ivir's strategies. As regards the first one, the Arabic term قَوَّامون (*qawwāmūn*) is a plural form of Qawwām, which refers to the protectors, preservers, and maintainers (al-Asfahānī, 2004, p. 464). According to exegeses such as Ibn Kathīr and al-Ṣābūnī, *qawwām* is an exaggerated form of *qā'im*, in the sense of preserving, protecting and maintaining. Therefore, in the marital relationship the man is considered as the guardian of the woman (al-Qurṭubī, 2003, vol. 6, p. 280; al-Ṣābūnī, 1977, vol. 1, p.463). Other Qur'ān translators clarify this verse by stating that "men are in charge of women because Allah favoured one over the other and of the money they 'men' spend" (al-Amri, 2023, v. 4:34). According to the exegete al- Ṣābūnī (1977), the Qur'ān gives two reasons for the guardianship of men over women; one that is by nature, and the other that is obtained. The word is used in the exaggerated form to refer to the all of the responsibilities and duties it entails and explain that men are the protectors of women, because Allāh has given one more strength over the other, thus, each has obligations and duties in the marital relationship (al-Ṣābūnī, 1977, vol. 1, pp. 466–467). However, while the husband is responsible for the protection and maintenance of the family, it should be within the framework of kindness and consultation (Badawi, 1999, p. 16). With regards to *qawwāmūna* (قَوَّامُون), as shown in Table 4:6, the translators adopted different procedures to deliver the intended meaning. Both Ünal and Nasr used literal translation to bridge the lexical and cultural meaning of the source term. Yet, each of them used two different terms to convey the intended meaning. For instance, Ünal

renders the term as 'the protectors and maintainers', while Nasr translated it as 'the upholders and maintainers'. Having said that, it is important to stress that this research is not attempting to decide which of the translations is most accurate. However, it is understood that this term can be referred to as the one who is in charge, the manager of affairs, and the protector and maintainer.

Unlike the others, Yüksel used something similar to the substitution strategy, which is used when there is an overlap rather than a clear-cut occurrence of the cultural element. However, this is not the case with this term, as it has been clearly defined in many dictionaries and explained by exegetes, as mentioned before. Yüksel's rendition is, therefore, different. For him, the term *qawwāmūn* means 'to support', which is not the suitable meaning. The meaning here refers to the guardianship of men over women, and thus, one of their duties and responsibilities in the marital relationship is to protect their family. It could be argued that Yüksel made this choice to avoid indicating that a husband manages the affairs and is in charge of his wife, as ordained by Allāh. Yüksel's translation of this term is problematic, and his translation highlights the major differences between the reformist approach and that of orthodox translations and commentaries, as he expresses. He further illustrates that his translation is offering a non-sexist explanation of various verses (Yüksel et al., 2007, pp. 6–12). No wonder then, that Yüksel's translation reflects his ideology that the message of the Qur'ān is one of justice for all, regardless of gender or ethnicity (Yudha, 2018, p. 60). This is clearly evidenced by rendering the said term as 'to support', indicating gender equity in Islam, and thus, not rendering it as a man who is 'in charge of women', as other translators did in this verse (Pickthall, 1953; Ṣaḥīḥ International, 1997). Badawi (1995, p. 11) summarises the issue of gender equity in Islam and the role of women in Muslim society, and remarks that "there is an emerging trend for the betterment of our understanding of gender equity, based on the Qur'an and Hadeeth [*Ḥadīth*], not on alien and imported un-Islamic or non-Islamic values and not on the basis of the existing oppressive and unjust status quo in many parts of the Muslim world".

The term نُشُوز (*nushūz*) is lexically derived from the verb *nashaza*, meaning 'to stick out', 'to rise', and 'to be elevated' (Haneef, 2012, p. 1). According to Abdul Haleem (2004, verse: 4:34), the verb *nashaza* from which *nushūz* is derived means to rise and to become elevated, and it relates to a circumstance where one spouse assumes superiority over the other and acts accordingly. Al-Amri (2020, verse: 4:34) provides a great clarification on the expression *takhāfūna nushūzahunna* (تَخَافُونَ نُشُوزَهُنَّ) by adding "disdainfulness and rebelliousness", which indicates that *nushūz* is for those wives from whom the husband fears arrogance, i.e., had a major rebellion or exhibits a refusal of basic religious responsibilities. According to dictionaries of Qur'ānic usage, *nushūz* is the disobedience that occurs between spouses and refers to recalcitrance, disobedience, and stubbornness (Fayrūzābādī, 2008, p. 1610). The literal meaning of *nashaza* is elevation, elevated place and high ground, while the expression of نَشَزَتِ المَرْأَةُ means to be or become recalcitrant, disobedient, and insubordinate (Bālbaki, 1998, p. 1172). According to *Mufradāt Alfāẓ al-Qur'ān*, the term refers to a woman's hatred of her husband and her disobedience to him (al-Asfahānī, 2004, p. 548). This term occurs five times in the Qur'ān in three different forms, such as *ʾnshaza* and *nushūz* (Badawi and Haleem, 2008, p. 940). The term *nushūz* can also be found in verse 4:128, which states "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" (Ṣaḥīḥ International, 1997).

Looking at different exegeses of the Qur'ān, it can be seen that al-Ṣābūnī illustrates that *nushūz* is disobedience and discord, while Ibn Kathīr calls it 'ill conduct', such as when a wife disobeys her husband, ignores him, acts as if she is superior to her husband, and dislikes him. (al-Ṣābūnī, 1977, vol. 1, p. 464; Ibn Kathīr, 1999, v. 4:34). On the other hand, although all Qur'ān translators have used the word 'fear' to render the term تخافون, the exegete Ibn al-ʿArabī has a different explanation. He translated it as 'if you suspect', and others as 'if you are sure' (Ibn al-ʿArabī, 2003, vol. 1, p. 532). Not only that, but Ibn al-ʿArabī clarified that the Qur'ānic expression واهْجُرُهُنَّ في المَضاجِع, which most of the Qur'ān translators rendered as 'remain apart and leave their bed', has four different meanings, according to the jurists. For instance, one possible meaning according to the exegete Ibn ʿAbbās is that he turns his back in the bed, meaning that the husband does not leave her

bed, which is similar to Nasr's translation. It could also mean to remain apart from the wife in the bed, which is similar to Ünal's translation. Moreover, according to the scholar ʿikrimah, the next step is to not talk to her or have intercourse with her (Ibn al-'Arabī, 2003, vol. 1, pp. 532–533). The classical jurists have differed in their definition of the term *nushūz*. For instance, the Ḥanafī *Sunni* school advocates that the term refers to the wife leaving the marital home without the husband's permission or refusing sexual intercourse with her husband. According to the Shāfiʿī school of law, the term signifies the disobedience of the wife with regards to the husband's legitimate needs, while in the Ḥanbalī school of law, the term *nushūz* denotes defying the husband in rebellion against God's command (Haneef, 2012, pp. 1–2).

Regarding the term mentioned, Yüksel and Nasr rendered it literally, whereas Ünal avoided a literal rendition and opted for a semantic one. Thus, Ünal combined a literal translation along with lexical creation. He used the expression 'breach of their marital obligations', which according to Ivir's strategy can be called a semantic extension to vocabulary invention. His decision to formulate this expression seems more viable, since the literal strategy would not make the meaning clear and might even confuse the reader. It is also important to note that some of the selected translators used extensive footnotes, clarifying the meaning according to exegetes, jurists, and dictionaries. However, other translators rendered this word with a different semantic meaning, such as 'rebellious, misconduct, ill-conduct, disdainfulness and desertion'. This is almost the same but carries slight differences owing to their own understanding, referencing of exegeses, and looking for the equivalent meaning in dictionaries and lexical forms.

The issue that arises mostly in this verse is the question of the word *ḍaraba* (ضَرَبَ), which is understood as a method to be used by the husband to resolve any act of marital conflict resulting from the wife's disobedience and stubbornness. In other words, the crux of the matter in the verse lies in the translation and interpretation of the word 'ḍaraba', within the context of a third step after the husband has attempted reconciliation by first cautioning the wife and refusing to share the marital bed to express his unhappiness. Subsequently, this practice has become the subject of debate and an issue of critical

consequence for women's rights and the position of Islam in terms of women's standing and treatment. Thus, in light of these general premises and by taking into account the issues that concern women's rights and their abuse, it is important to investigate this in detail, understand the higher objective of such an act, as well as to find out whether the selected Qur'ān translators conveyed the intended meaning, and whether they were influenced by any religious ideologies through analysing their extensive footnotes. It must be noted here that beating as the final measure is considered a more psychological than physical one. Thus, it might be resorted to only in case of the failure of the first two measures; otherwise, it is not acceptable. This verse must be interpreted along with other verses, to place it in a general framework within the objective of the revelation. For instance, Allāh says in the Qur'ān "And of His signs Is that He created for you from yourselves mates that you may find tranquillity in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought" (Ṣaḥīḥ International, 1997, v. 30:21).

Considering the fact that this verse has a particular historical context, the meaning of the word should be considered within its context to understand the intended meaning. According to dictionaries, the possible meaning of the word *ḍaraba* is to strike, hit, beat, knock, slap, etc. (Bālbaki, 1998, p. 710; Fayrūzābādī, 2008, p. 113). This term occurs 58 times in the Qur'ān in three forms; *ḍaraba*, *ḍuriba*, and *ḍarb*, yet the meaning in the Qur'ānic verse 4:34 is 'hit/strike' (Badawi and Haleem, 2008, pp. 547–548). In his comprehensive article, Abusulaiman (2008, p. 6) follows an inclusive method of research comprising a wide range of aspects, factors, and conditions relating to the issue of 'chastisement', as he calls it. He tackled this issue from the context of the Islamic jurisprudence and maintains that "the founders and scholars of juridical schools of thought differ in their juridical opinions (*fatāwā*) and decrees (*aḥkām*) regarding family matters, owing to differences in customs, traditions, and resources". In other words, the interpretation of a Qur'ānic verse such as this one can differ from time to time and place to place depending on the circumstances and understanding of scholars who are attempting to grasp the intended meaning (Abusulaiman, 2008, pp. 6–7). For instance, according to some jurists' *fatwā* (legal opinion), the implement that should be used during

the 'beating' might be something similar to *miswāk*. In this case, the jurists interpreted the word 'Ḍaraba' as a light strike with the use of the miswāk. On the other hand, other *fatāwā* follow an extreme description of the word *ḍaraba* by stating that chastisement should not exceed forty hits (Abusulaiman, 2008, p. 10; Nassimi, 2008, p. 134).

The word *ḍaraba* has been debated extensively by recent Muslim scholars in the West, as they argue that its correct meaning 'departure' or 'separation' in this particular context. Thus, the meaning in the said verse is that "the estranged husband deserts his wife altogether for some time, [to] help to bring the situation to a possible resolution" (Abusulaiman, 2008, p. 22). Other contemporary jurists assert that "beating should only be used as a last resort and should not be viewed, as some Europeans do, as a license to maltreat women" (Ḥaddād, 2007, p. 10). However, Badawi (1995, p. 17) asserted that "under no circumstances does the Qur'ān encourage, allow, or condone family violence or physical abuse". That is to say, while the term *ḍarb* literally means to strike and beat, the jurists agreed that the term denotes beating by way of punishing, and thus it is not meant to be understood with its metaphorical connotation of 'departure' or 'separation', as is indicated in other Qur'ānic verse. Having said that, it should be noted that God's intention in this verse was not to sanction the beating of wife, but rather, as jurists indicate, it is dependent upon numerous restrictions. For instance, the Ḥanbalī school of law advocates that the husband must have shown good behaviour and morals towards his wife and satisfied all his duties and responsibilities (Haneef, 2012, p. 4).

Al- Ṣābūnī (1977, p. 465) explains that for those who are determined to shirk their marital obligations, they should be beaten, as the third option, without it being severe; namely, a gentle beating that does not hurt. However, the exegete Ibn Kathīr clarified this measure by quoting the *Ḥadīth* which was reported by Mu'āwiyah bin Haydah, who asked, "O Allah's Messenger! What is the right that the wife of one of us has on him"? The Prophet said "That you should give her food when you eat and clothe her when you clothe yourself, or earn money; do not strike her on the face, do not revile her, and do not forsake her" except inside the house" (Ibn Kathīr, 1999, v. 4:34). Therefore, this last step, has been permitted as a force preference in a specific manner, as the Prophet Muḥammad (PBUH)

said in another *Ḥadīth* "ولنْ يضْرِبَ خِيارُكمْ", which means that the "good man among you will never beat women" (al-Suyūṭī, 2011, vol. 1, p. 523). However, ʿAṭāʾ does not agree with the hitting, rather, the husband should get angry at his wife, as he believed that the order of 'hitting' in this verse is a matter of permissibility (Ibn al-ʿArabī, 2003, v. 1, p. 536). In several *aḥādīth*, Prophet Muḥammad (PBUH) discourages this practical measure and has never struck a woman or a servant. The Prophet (PBUH) strongly reproved a husband who hit his wife, and thus, he set the highest example of mercy, compassion, and dignity toward his family. For instance, it was narrated by ʿAbdullāh ibn Zamʿah that he heard the Prophet (PBUH) say "Some of you would whip your wives as if they were slaves and then have intercourse with them at the end of the day" (al-Bukhārī, 1997, n. Ḥadīth No. 4942; Muslim, 1980, n. Ḥadīth No. 2855). Similarly, ʿĀishāh reported "The Messenger of Allah [PBUH] never struck anything with his hand, neither a woman nor a servant, except when he was fighting in the cause of Allah" (al-Bukhārī, 1997, n. Ḥadīth No. 3149; Muslim, 1980, n. Ḥadīth No. 1057). Thus, the Prophet (PBUH) never resorted to this physical measure, the circumstances notwithstanding. It should be pointed out that the Messenger of Allāh (PBUH) is the perfect role model for followers of the faith, and indeed he never struck or hit a wife of his. Allāh says in the Qur'ān "There has certainly been for you in the Messenger of Allah an excellent pattern for anyone whose hope is in Allah and the Last Day and [who] remembers Allah often" (Ṣaḥīḥ International, 1997, v. 33:21).

This section examines and analyses the Qur'ānic verse in light of Ivir's strategy, along with the translator's footnotes. Regarding the term *ḍaraba*, each translator used a different strategy to convey the intended meaning. This shows that this term in particular is another example of a term in Arabic that is highly embedded in Arabic culture, thus making it necessary to use a variety of procedures. This specific cultural word requires further explanation and notes but, in this case, only one translator provided these. In his rendering, Ünal used, once again, a parenthesis, in order to make the text understandable to the reader. What is worth noting here is how he quotes a phrase from the *Ḥadīth* when clarifying the meaning of *ḍaraba* by adding "without beating them in their faces". Another point to consider is that he inserted an additional clarification of the term 'beating' by adding the adverb 'lightly'. This is another example of quoting a *Ḥadīth* narrated in Muslim

(1218) which informs many scholars' unanimous agreement that the hitting should not be *mubarriḥ* (physically painful), i.e., the symbolic use of miswāk, as explained earlier. Ünal therefore used the strategies of definition and addition in his translation of the term *ḍaraba*. He also defined and explained it meticulously according to his knowledge of Islamic jurisprudence and *Ḥadīth*, which is similar to a definition strategy. According to Ivir (1987, p. 41), this strategy is best used in conjunction with the borrowing strategy, especially when translating implicit meaning into explicit information that needs an additional note to be added after the translation.

In the case of Nasr's translation, he used the English equivalent as he favoured the procedure of literal translation to that of definition. By translating the Arabic term *ḍaraba* into 'strike', he followed most of the Arabic dictionaries (Bālbaki, 1998, p. 710; Fayrūzābādī, 2008, p. 113). While this approach can give a meaning that is both cultural and literal in the translation, it should be considered within its context to understand the intended meaning, especially when there is no similar lexical structure in the target language. Undoubtedly, the reader would not understand the real meaning if there were no definition of this such terms with legal connotation. As regards Yüksel's rendition, he used a substitution strategy. At this juncture, it is pertinent to explore whether Yüksel has successfully transmitted the meaning into the target language using substitution strategy based on Ivir's procedure. According to Ivir (1987 p, 42), the substitution strategy is used when the cultural term is overlapping, and there is a partial edge in lexical structure and culture. That is to say, substitution eliminates the ambiguousness of the term and uses a term that is similar but not the same. Accordingly, it can be argued that this is not the case with Yüksel's translation. Furthermore, none of the exegetes has interpreted this word as 'separate them' (al-Qurṭubī, 2003; al-Ṣābūnī, 1977; Ibn Kathīr, 1999). However, Abusulaiman (2008, p. 22) stresses that after comparing the connotation of the verb *ḍaraba*, which has several figurative and allegorical connotations, the most straightforward translation should be that of "departure, separation or seclusion". He even goes further to indicate that the word *ḍarb* in this context "should be constructed as to 'leave' the marital home, to 'move away' or 'separate' from the wife" (Abusulaiman, 2008, p. 22). This is similar to Yüksel's translation, as it renders the meaning of the expression

more connotative. It is a direct lexical replacement that aims to soften the meaning and make it more reformed. In opposition to this lies lexical mitigation, which creates lexical replacement that has a harsh and aggressive meaning. This, therefore, suggests that Yüksel attempts to reform the Qur'ānic verse and displays his position on gender issues.

On the critical and comparative discussion of the translators' footnotes, one of the important points to note is that all the translators inserted an extensive footnote for the verse related to solving marital conflict (Q. 4:34). Thus, it is important to examine their footnotes in depth in order to determine whether any religious ideologies have been embedded therein. One of the critical points to be considered is Yüksel's interpretation of the term *ḍaraba*, and how it differs from the rendering of the rest of the translators. Yüksel argues that the term *ḍaraba* has been mistranslated by all Qur'ān translators, as he believes that the term has multiple meanings in Qur'ānic usage and, thus, has been used to refer to various actions such as to travel, to get out, to strike, to beat, to beat or regret, to set up, to give (examples), to take away, to ignore, to condemn, to seal, to draw over, to cover, and to explain. It can be argued here that Yüksel criticised 'scholars' who picked the meaning of 'beating' among other possible meanings in the Qur'ān and applied it in a verse that involves a relationship between a man and woman that should ordinarily be based on compassion, mercy, and affection (Yüksel et al., 2007, p. 138). This argument is similar to that of Abusulaiman (2008, p. 24), who makes the following suggestion on marital discord:

> [T]he true reading of the Qur'anic idiom *ḍaraba* directs the husband to "move away" from the wife, to "distance" himself from the wife and to "depart" from the marital home as a last attempt to restore her to reason and help her realise the gravity of recalcitrance and its potential consequences for her and their children. (Abusulaiman, 2008, p. 24)

In contrast to the above argument, Nasr's footnote contained a significant answer to the debate. According to Nasr,

> Some recent interpretations of *strike them* seek to avoid the sense of physical hitting entirely by invoking alternate idiomatic meanings of

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ḍaraba ("to strike"), arguing that the verb can mean simply to leave the wife, given other Quranic usages of ḍaraba, such as ḍaraba fi'l-sabīl (v. 94), which means to set out on a path, or ḍaraba fi'l-arḍ, which means to journey (2:273; 3:156; 4:101; 5:106; 73:20). Such interpretations are not entirely convincing, however, since the wider semantic range of ḍaraba they invoke is activated only by various prepositions and syntaxes not found in the present verse. (Nasr, 2015, pp. 207–208)

However, it should be emphasised that none of the jurists and exegetes interpreted this verse as Yüksel did. Nevertheless, according to exegetes, this verse should not be seen as a license to commit violence or bring harm to one's wife. Moreover, it should be noted, as Ünal argues, that "these measures are aimed at educating and saving the marriage from collapse in case of a wife's rebelliousness. It is not a matter of women being beaten only because they are women, but rather this punishment is only applicable to a truly rebellious person who is of evil conduct" (Ünal, 2006, pp. 193–194). However, among the distinctions the translators have made, if not exclusively, at least in many parts, it is clear that both Ünal and Nasr share some common beliefs hence they support their argument with Ḥadīth, classical exegetes, and prominent legal scholars. An interpretation, such as Yüksel's, does not lie in accordance to the principle of Islamic law, which seeks for the marital structure to be based on compassion and kindness, but rather, reflects his sensitivity toward gender equality and shows his attempt to reform the Qur'ānic verse, as well his rejection of the Ḥadīth, which is considered a second source of Islamic law. As an alternative solution, it would have been more appropriate for Yüksel to explain that Islamic law has granted an opportunity for a husband to seek ṭalāq (divorce) and for the wife to request khulʿ (release) from the marital relation. Yüksel fails to explain the meaning of the term ḍaraba and does not offer adequate information on the intended meaning based on the context. Ultimately, Yüksel's understanding of the Arabic word with its various semantic range in Qur'ānic usage is questionable.

Another criticism of the Ünal, Yüksel and Nasr's footnotes is that they have different clarifications on the term Qawwāmūn, which according to dictionaries, refers to the

protector, preservation, and maintainers (al-Asfahānī, 2004, p. 464). According to classical exegeses, a man, in a marital relationship, is considered as the woman's guardian who preserves, protects and maintains her wellbeing. (al-Ṣābūnī, 1977, vol. 1, p. 463; Ibn Kathīr, 1999, v. 4:34). However, it can be seen that each of the translator has different thoughts on this statement. For example, Nasr has clear traditional beliefs in this verse, as he points out in his footnote that "[t]his verse is the clearest statement of a man's role and authority in the marital relationship as head of the household in relation to his responsibility to provide for his wife" (Nasr, 2015, p. 206). Ünal shared the same conception as Nasr with regards to this term, and even went a step further by attempting to soften the statement and puts a condition by explaining that "this does not mean that men have absolute authority in the family; rather, this authority must be exercised according to the Prophetic principle" (Ünal, 2006, p. 193). On the other hand, Yüksel broke with tradition and classical thought in this verse by raising the question of the guardianship of men over women. He argues that "a majority of translators render the phrase *qawwamūna 'ala al-nisā'* (قَوَّامُونَ عَلى النِّسَاء) as 'in charge of women' rather than 'providers for women' or 'observant of women'". He further criticises the ways in which some Qur'ān translators rendered this word differently in other Qur'ānic texts and ironically argues that " [w]hen the same verb [that is *Qawwāmūn*] is used to depict a relationship between man and woman, it somehow magically transforms into a prescription of hierarchy and authority" (Yüksel et al., 2007, p. 138).

4.2 Conclusion

This chapter has so far examined how Qur'ān translators transferred the language of legal ruling verses relating to marital and family law into English. The second major undertaking of the chapter was elucidating the religious ideologies embedded in the selected Qur'ān translations and how they might have influenced the said translations. The most important finding to emerge from this chapter is that each translator used different strategies and extensive footnotes which, could be argued, are influenced by their cultural and religious ideologies in some way. For instance, with the first verse under discussion, Nasr (2015) attempted to transmit his religious ideology, this being the *Shīʿah* branch of Islam, when

looking at the much-debated topic of marriage to a polytheist and included in the category of *ahl al-kitāb* (People of the Book) the Zoroastrians and Hindus, without providing a clear reference. Similarly, in his translation of the term الْجَنَّةِ as 'garden', he seems to refer to the Bible as a reference for his translation or decided that this word could transmit the dominant ideology in his country, Iran. Likewise, Ünal (2006) in his translation of the term (وَلَوْ أَعْجَبَتْكُمْ), 'even if she attracts you', followed the classical exegeses and traditional *Ḥadīth* and inserted an interpretation in brackets; this demonstrates his attempt to transmit his religious ideology, or just the fact that his translation is based on the traditional exegeses and supported by authentic *Ḥadīth*.

In the analysis of second verse, Yüksel (2007), in his translation of the term (الْيَتَامَى) as 'fatherless orphans', did not succeed in rendering the Qur'ānic meaning. As discussed, this translation leaves the target readers unclear of the commonly accepted intended meaning and causes the loss of the overall meaning of the Qur'ānic context. He further explained that the consent of the first wife is necessary for a husband's second marriage to be valid. It is highly possible that this sentence was inserted to illustrate the difficulty and impossibility of polygamy and to stand on the side of the first wife by claiming that she must agree to the marriage. Ünal's footnote shows him to adopt Nursi's philosophy of comparing science and religion by applying the hermeneutic approach in his translation. He thus carried an ideological implication and may have attempted to transmit his religious beliefs that are linked to his Sufi perspective to his readers and tried to follow Nursi's path by linking Muslim tradition with modernity.

A comparative analysis of the last verse about solving marital conflict revealed significant ideological influence that leads to different interpretations. The most interesting findings were in relation to Yüksel's translation and footnotes. For instance, by translating the term *ḍaraba* as 'separate them', unlike other translators who rendered it as 'strike, beat and hit', Yüksel used a direct lexical replacement that aims to weaken and reform the meaning, and make the meaning of the expression more 'moderate'. A possible implication is that Yüksel attempts to reform the Qur'ānic verse and displays his position on gender-sensitive issues. On the other hand, Ünal and Nasr share some common

beliefs and support their argument in relation to the relevant verse with *Ḥadīth*, classical exegetes, and prominent legal scholars. With regards to their translation of the term *Qawwāmūn,* Nasr reflects traditional beliefs, and while Ünal shared the same thoughts as Nasr towards this term, he went further by attempting to soften the statement and put a condition on it. On the other hand, Yüksel broke with tradition and classical thought in this verse by raising a question over the guardianship of men over women. It is evident that Yüksel reflects his ideology of the reformist approach and his idea that the message of the Qur'ān is one of justice for all, regardless of gender or ethnicity.

Therefore, the questions that arise again is do the Qur'ānic expressions that are used to represent the legal ruling terms convey the right Islamic concept behind the term, and are the ideological implications of the selected Qur'ān translators the same as that of the Qur'ān? Another possible question to be asked concerns how legal rulings have been rendered and commented on using the translator's understanding of jurisprudence. Such questions, along with others, will be critically examined in the following chapter, which explores how translators tackle the concept of punishment in selected Qur'ānic verses.

Chapter Five: Comparative Analysis of Qur'ānic Legal Rulings in Punishment Law

5.1 Introduction

This chapter analyses the legal rulings related to punishment in the translations of selected verses of the Qur'ān. The primary objective of this chapter is to examine how Qur'ān translators have transferred the language of the legal ruling verses of punishment law into English. The chapter also explores how the religious ideologies of translators might influence the translations of the selected Qur'ānic verses. As explained in the introductory chapter, both Chapters Four and Five constitute the core focus of this thesis because it is where the researcher uses descriptive and critical discourse analysis to understand the meaning behind the texts and elucidate the ideologies embedded in the selected Qur'ān translations. Thus, this current chapter discusses the translation of the law of punishment, which is considered among the most contentious aspect of Islamic law and frequently elicits heated debates regarding its applicability to the contemporary world.

Classical Islamic law categorises crimes and their punishments into three main classifications, namely, *qiṣāṣ* (retribution), *ḥudūd*, and *taʿzīr*. The term *qiṣāṣ* is being referred to as equal retaliation in the case of murder, while ḥudūd is legally understood to mean specific, fixed crimes and punishments set by Islamic law. Both *qiṣāṣ* and *ḥudūd* offences have been the subject of many discussions by different Islamic jurists, classical jurisprudential interpreters, and contemporary scholars. On the other hand, the term *taʿzīr* refers to all crimes other than *qiṣāṣ* and *ḥudūd* under Islamic Law, in which no specific punishment is specified in the Qur'ān and *Sunnah*. In other words, *qiṣāṣ* and *ḥudūd* offences are specifically mentioned in the Qur'ān or the *Sunnah*, while *taʿzīr* offences are left to the discretion of the ruling authority. Apart from *qiṣāṣ* that is prescribed in the Qur'ān, there are six punishments categorised under *ḥudūd* in Islamic law; these are highway robbery, theft, adultery, false accusation, apostasy, and drinking intoxicants (Baderin, 2021, pp. 103–112).

Chapter Five: Comparative Analysis of Qur'ānic Legal Rulings in Punishment Law

It is important to emphasise here that this study does not include all legal rulings on punishment due to the word limit; thus, this chapter is limited to analysing three legal verses: the legal ruling of *qiṣāṣ* and two legal rulings of *ḥudūd* – highway robbery and theft. These verses were chosen because of the controversy they elicit among scholars and the fact that they are often heatedly debated, especially in western societies. Thus, I engage in a comparative and critical analyses of the selected translations of the Qur'ān, as well as comparing the translations with one another, based on the evaluation criteria. This chapter is divided into three sections, and each section focuses on one or two Qur'ānic verses that are related to the specific law on punishment. The first section critically reviews the translation of verses related to retribution (*qiṣāṣ*) in the case of murder. The second section discusses the translation of verses related to the legal rulings on highway robbery (*ḥirābah*), and the last section discusses the translation of verses related to legal rulings on theft (*sariqah*).

Before commencing the comparative analysis, I provide necessary background information and a critical discussion of various aspects on each section. These include historical accounts, clarifications of legal terms based on selected dictionaries, consideration of the jurisprudential matters, the exploration of the legal schools of Islamic law and their views, and the arguments of supporting translators based on jurisprudence exegeses. The critical and comparative analysis considers different perspectives such as the translator's understanding of the terms with legal connotation common in the book of jurisprudence, its interpretation, and whether other schools of thought influenced the translator's religious and ideological understanding. This research adopts a descriptive comparative approach using a critical discourse analysis of the traditional legal rulings while consulting a wide range of exegetical works and jurists' arguments which have been discussed in the methodology section in Chapter One. As pointed out in the introductory chapter, the critical comparative analysis is not meant to decide whether one translator is correct or not, but rather to suggest that different translators have different ideas and ideologies, and those ideologies influence their translation and footnotes. Thus, the translator is the first level of interpretation; they interpret the text according to the ideologies they hold. Another crucial point to be considered here is that this research is

not to attempting to assert that certain beliefs are wrong but rather to demonstrate how they differ from one another. The research is conducted to analyse the verses according to the standard beliefs of Islam that are related to a wide range of references such as Qur'ānic dictionaries, Qur'ānic exegeses, and the opinion of jurists and scholars.

Verse 1 Legal Rulings of Retribution (*Qiṣāṣ*) in Case of Murder

Table 5. 1: Translations of Verses on Retribution

		الموضوع: حَد القَتْل (القِصَاضْ)
		{ يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلَى الْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ وَالْأُنْثَى بِالْأُنْثَى فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتِّبَاعٌ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ ذَلِكَ تَخْفِيفٌ مِنْ رَبِّكُمْ وَرَحْمَةٌ فَمَنِ اعْتَدَى بَعْدَ ذَلِكَ فَلَهُ عَذَابٌ أَلِيمٌ ◯ وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ يَا أُولِي الْأَلْبَابِ لَعَلَّكُمْ تَتَّقُونَ } [Q. 2: 178-179]
I.	**Ünal**	O you who believe! Prescribed for you is retaliation in cases of (deliberate, unjust) killing: freeman for freeman, slave for slave, female for female. Yet if he (the murderer) is granted some remission by his brother (any of the heirs of the victim), then what falls on the pardoning side is fulfilling in fairness what has been agreed on, and the other side is making the payment kindly enough to please the other side. This is a lightening from your Lord, and a mercy. Whoever offends after that, for him is a painful punishment ◯ There is life for you in retaliation (if you understand), O people of discernment, so it may be that you (will perceive it and fulfill God's command and, in so doing,) attain the desired piety and righteousness and deserve His protection.
II.	**Yüksel**	O you who acknowledge, equivalent execution has been decreed for you in the cases of killings: the free for the free, the slave for the slave, and the female for the female. Whoever is forgiven anything by his brother, then it is to be followed with good deeds and kindness towards him; that is alleviation from your Lord, and a mercy. Whoever transgresses after that, he will have a painful retribution ◯ Through equivalent execution, you will be protecting life, O you who possess intelligence, that you may be righteous.
III.	**Nasr**	O you who believe! Retribution is prescribed for you in the matter of the slain: freeman for freeman, slave for slave, female for female. But for one who receives any pardon from his brother, let it be observed

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		honorably, and let the restitution be made to him with goodness. That is an alleviation from your Lord, and mercy. Whosoever transgresses after that shall have a painful punishment ◯ In retribution there is life for you, O possessors of intellect, that haply you may be reverent.

Discussions

Retribution has become one of the most controversial issues discussed in relation to the legal rulings on punishment in Islam, thus, it is a topic that is widely debated among the critics of Islam. According to the exegete Ibn Kathīr, the reason behind the revelation of the verse in question is that, during the *Jāhilīyah* (the era before the advent of Islam), one Jewish tribe (*Banū An-Naḍīr*) attacked another Jewish tribe (*Banū Quraiẓa*) and won. As a consequence, they established a law that states that when an individual from *Naḍīr* kills an individual from *Quraiẓa*, he is not to be killed as retribution but needs to pay a hundred *wasq* (measurement of weight) of dates. However, when an individual from Quraiẓa kills an individual from Naḍīr, he is to be killed as retaliation. If the Naḍīr tribe want to receive a ransom instead, the *Quraiẓa* tribe must pay two hundred *wasq*, which is the double amount of what the *Naḍīrs* must pay as *diya* (blood money). Therefore, regarding the penal code, Allāh ordered that justice be served and that misguided individuals be avoided (Ibn Kathīr, 1999, v. 2: 178). In this respect, Kamali (2019, p. 202) maintains that "[r]etaliation in pre-Islamic times often exceeded the limits of equivalence, and it was also not personal, but a collective revenge exacted on the group or tribe of the offender". He further takes the same view as Ibn Kathīr and maintains that the verse was revealed to the Prophet Muḥammad (PBUH) because of the mentioned incident, as Allāh says in the Qur'ān "but if you do judge between them, judge justly: God loves the just" (Abdel Haleem, 2004, v. 5:42).

Another reason for the revelation of this verse, according to Qur'ānic exegetes such as al-Ṭabarī and al-Ṣābūnī, is that war broke out between two Arab tribes shortly before the coming of Prophet Muḥammad (PBUH) and many free men, women, and slaves were killed. When the Islamic era began and the two tribes joined Islam, their grudges were still unresolved. Both tribes started negotiating the retribution for each side's blood

money. One of the most powerful tribes insisted that they would not accept anything less than the killing of a man for their women and a free man for their slaves (al-Ṣābūnī, 1977; al-Ṭabarī, 1997). This is why "in pre-Islamic Arabia, the blood feud was almost unrestricted in its scope" (Mohamed, 1982, p. 79). Consequently, the verse was revealed in response to their request, and Allāh says in the Qur'ān that "the free man for the free man, the slave for the slave, the female for the female" (Abdel Haleem, 2004, v. 2:178). Therefore, the purpose of this revelation was to refute their demand and establish that a free man should not be killed for a slave and a man should not be killed for a woman as retribution. The law commanded by Islam is that the killer is the one who must be killed. Moreover, if the killer is a slave, it makes no sense to target a free, innocent man in retribution. In Islam, injustices such as this are never tolerated (Shafī', 2004, v. 2:178).

By applying the legal ruling of retribution, the lives of all humans become sacred. In other words, the retribution for murder has come to an end. This acts as a deterrent, which as a result, will protect society from further crimes. "[I]f the law of Qiṣāṣ is not implemented, the life of the society will not be protected, blood will be shed with impunity, and eventually, the right of innocent persons to live their lives free from fear of murder will disappear" (Mohamed, 1982, p. 80). Thus, the objective of retribution is not to carry out an act of revenge for revenge's sake, but a way to guarantee the saving of lives by killing the killer. The vengeful feelings of the members of the family of the murdered individual are pacified, thereby reducing the chance of any further revenge and vengeful action. Another Qur'ānic verse which indicates the benefit of imposing the law of retribution is verse 5:32, when Qābīl (the son of Prophet Adam) kills his younger brother Hābīl, Allāh says in the Qur'ān: "on account of [his deed], We decreed to the Children of Israel that if anyone kills a person– unless in retribution for murder or spreading corruption in the land– it is as if he kills all mankind, while if any saves a life it is as if he saves the lives of all mankind" (Abdel Haleem, 2004, v. 5:32). However, retribution, according to Islamic Law, permits a way of settlement to be fixed between the killer and relatives of the killed person. While the agnatic relatives and legal heirs (ʿāqilah) of the murdered person would likely opt for the execution of the murderer, they can choose to receive blood money instead, or perhaps go beyond this and forgive, thereby forgoing retribution (Kamali, 2019, p. 201).

The blood money has the benefit of providing the grieving family with financial compensation for the death of their family member (al-Ṣābūnī, 1977; Shafīʿ, 2004). Mohamed (2017) categorised the punishment into two types which helps in understanding the different categories of punishments allowed in Islamic law:

> Qisas punishments are classified into two kinds: material and moral. The material Qisas is a punishment that harms the offender in the same way that he harmed the victim – soul for soul, eye for eye, and hand for hand. The moral Qisas is blood money or money that is paid as an alternative form of punishment by an offender who intentionally assaulted the life or the body of another. Thus, Islamic law scholars consider blood money a punishment of moral retaliation that is imposed in cases where the material punishment is not imposed (Mohamed, 2017, p. 37).

While it is true that the right of retribution is conferred on the legal heirs of the person killed, they have no right to take action on their own. In other words, the legal heirs cannot kill the murderer on their accord; instead, they must seek justice from the authorities. In this regard, Al-Qurṭubī (2003) discusses the legal ruling that is related to the question of who is responsible for the punishment of retribution. He explains that the *imams* of the *fatwā* (legal opinions) agreed that it is not permissible to take revenge from anyone without the authority of the *Sulṭān* (the lawful ruler). Al-Saʿdī (1970) adds that all scholars of legal opinion agreed unanimously that it is unlawful for any individual to carry out the retribution; it is the duty of the authority or the one who is appointed by them. The reason for this ruling is that retribution is a complicated issue with details that are simply beyond the reach of the person who seeks revenge or asks for justice. As a result, the legal heirs of the person killed may act excessively due to their anger. Ibn Taymīyah opines that "it should be known that the exercise of authority for the benefit of the people is one of the greatest religious duties. Neither religion nor world order may be established without it" (Ibn Taymīyah, 1966, p. 86). In the same vein, the exegete al-Qurṭubī, as cited in Mohamed (1980, p. 86), points out that "there is no dispute that qiṣāṣ is to be carried out by the ruler, since he is assigned to implement the law of qiṣāṣ. Allāh the Almighty, addressed his command to all believers to unite in carrying it out. Therefore, the authority

should replace them instead in performing this duty" (Mohamed, 1982, p. 86). Having said that, jurists have unanimously agreed that *al-ḥakīm al-sharʿi* (the lawful ruler) is the person responsible for implementing retribution or giving the right to implement it (Kamali, 2019, p. 207).

One of the questions that have been at the core of scholarly debates and which is of great interest among Muslim jurists concerns who qualifies as an avenger of blood (*Walī al-dam*). While the avenger of blood is entitled to demand retribution, jurists disagree on who qualifies as one; the majority of jurisprudence schools say that all the heirs are entitled to demand retribution, whether they be male or female, children or adults. On the other hand, the Mālikī school of law maintains that the avenger of blood can only be the male agnate (*ʿaṣib*), while the Ẓāhirī school says that all relatives, whether they are inheritors or otherwise, can demand retribution. Nonetheless, all jurists agreed that if the murdered person has no heir, the authority takes the charge of the action. In this respect, the Prophet Muḥammad (PBUH) says "the ruler is the heir of anyone who has no heir" (Mohamed, 1982, p. 84). Another debate emerged over the accurate meaning of the verse 5:44 that is related to retribution, as Allāh says in the Qur'ān "We prescribed for them a life for a life" (Abdel Haleem, 2004, v. 5:45). On the other hand, although the Qur'ānic verse "life for life" is used in the singular form, it also includes the killing of a single person by a group of people. Jurists differed on the circumstance of a group of people; killing of one person regarding whether they would be killed or not. According to the majority of jurists and all four legal schools, a group of men should be killed as retribution for killing one person, while the Ẓāhirīs school and one opinion of the Ḥanbalī school of law stress that a group of people should not be killed in such a circumstance, but instead only one person should be killed as retribution for the murder of another. The second is on the Qur'ānic verse that is related to retribution, as Allāh says in the Qur'ān "You who believe, fair retribution is prescribed for you in cases of murder" (Abdel Haleem, 2004, v. 2:178). This verse stipulates equality and similarity, and there is no equality between one person and a group of people. The Ẓāhirī school also referred to the Qur'ānic verse "We prescribed for them a life for a life" (Abdel Haleem, 2004, v. 5:45) to back their stance.

On the other hand, the majority of schools that maintain that a group of people should be killed for the murder of one person rely on several pieces of evidence. For instance, during the time of ʿUmar ibn al-Khaṭṭāb (second caliph), there was a debate about how to interpret the Qur'ānic phrase in question, which refers to the brutal murder of a person in Yemen by a group of people. After carefully studying the situation, the caliph asserted that people's lives would not be protected unless every criminal is punished, and the victim granted justice. The Caliph then decided that all perpetrators should be executed. The caliph further emphasised that "If all the residents of Ṣan`a' (capital of Yemen today) collaborated on killing him, I would kill them all". No opposing opinion was known or held by any of the Prophet's noble companions during that time; thus this became the consensus among them (Ibn Kathīr, 1999, v. 2:178). The renowned companion ʿAlī ibn Abī Ṭālib (fourth caliph) was also involved in a similar situation where he demanded the execution of three people who had conspired to kill one man. Both incidents contributed to the formulation of the legal ruling that applies to this situation and it is supported by all legal schools, the *Sunni* and *Shiʿi*, and has been upheld by consensus (Kamali, 2019, p. 205). Commenting on this, a majority of jurists say that Islamic law legislated retribution for self-preservation, and if people believed that a group would not be killed as retribution for the death of one person, then people would cooperate to kill common enemies without facing consequences. Therefore, oppression and corruption would spread (al-Ṣābūnī, 1977, vol. 1, p. 182).

Having explained various debates in relation to the legal ruling of retribution, I will, in the discussion that follows, engage with the strategies employed by Ivir (1987) in rendering of selected terms with legal connotation, as shown below. I will then proceed with the comparative analysis and examination of the translator's footnotes.

Comparative Analysis

Table 5. 2: Terms with Legal Connotation

Legal Connotations	Ünal	Yüksel	Nasr
الْقِصَاصُ (al-qiṣāṣu)	retaliation	equivalent execution	Retribution
	Literal translation	Lexical creation	Literal translation
عُفِيَ (ʿufiya)	granted some remission	forgiven anything	receives any pardon
	Addition	Literal translation	Addition
اعْتَدَى (iʿʿtadā)	offends	transgresses	transgresses
	Literal translation	Literal translation	Literal translation

The above terms with legal connotation are analysed based on the translation strategies from Ivir's model to draw attention to the various methods employed in the selected translations to render the terms into their English equivalents. By doing so, the researcher aims to identify any differences between the strategies used in translating the selected terms and conduct a comparative analysis to determine which of the translators has accurately conveyed the intended meaning. The strategy used in this work was selected with the aim of overcoming cultural and linguistic boundaries and ensuring that the renditions do not distort the original meaning. In the case of these three terms, the translators adopted different procedures of Ivir's translation strategies to deliver a near-accurate translation of the intended meaning. Based on the translators' rendering of the three chosen terms, three out of seven of Ivir's procedures were observed to have been used by the translators, as illustrated in the table above. Moreover, the table revealed that among the three strategies used, the most frequently employed is the literal strategy, while the lexical creation is the least frequently used. Regarding the first one, the Arabic term al-qiṣāṣ (الْقِصَاصُ) is a well-known term in Islamic law, hence its translation ought to be literal. According to the exegete al-Ṭabarī (1997, v. 2:178), the expression (كُتِبَ عَلَيْكُمُ الْقِصَاصُ) means that legal retribution is an obligation for Muslims. The word qiṣāṣ is mentioned in the Qur'ān and is associated with murder and causing bodily harm.

According to Al-Mawrid (1998), the term qiṣāṣ can be translated into several words, such as punishment, penalty, sanction, retribution, and retaliation. The term can be defined in

Arabic as (عقاب-جزاء- انتقام- ثأر), synonymous words with close meanings to each other (Bālbaki, 1998, p. 862). This notwithstanding, the term *qiṣāṣ* literally means retribution (Doniach, 1972, p. 1067). The Arabic-English dictionary of Qur'ānic usage mentions the selected Qur'ān verses 2:178-179 and explains the meaning in two ways. The first one is that the term *qiṣāṣ* means "retribution equal to the crime, just or fair retribution". The second meaning is that the term qiṣāṣ refers to "the law governing acts of retribution for killing" (Badawi and Haleem, 2008, p. 761). Interestingly, in the dictionary *Mufradāt Alfāẓ al-Qur'an*, it is found that the term *qaṣṣa* as an Arabic root occurs several times in the Qur'ān in different forms and meanings. For example, the form *qāṣ*, seen in verse 18:64, means retracing and following, as the Qur'ān states "So the two turned back, retraced their footsteps" (Abdel Haleem, 2004, v. 18:64). In verse 3:62, the form *al-qaṣāṣ* means story, narration, and explanation, as the Qur'ān states "Indeed, this is the true narration" (Ṣaḥīḥ International, 1997, v. 3:62).

As shown in Table 5:2, the translators adopted different procedures for delivering a near-accurate meaning. It is evident that both Ünal and Nasr used the meaning found in dictionaries and thus adopted a literal translation, since they rendered the term *qiṣāṣ* as retaliation and retribution. As for Yüksel, he applied lexical creation, based on Ivir's procedures. While the use of "equivalent" appears to be lexically sound (because of the root holding the additional meaning of retaliating "like for like") he in fact is not intending to convey the commonly accepted intended meaning. Therefore, by translating the term into 'equivalent execution', Yüksel attempts to soften the clear statement made in the Qur'ān that indicates the death penalty as a punishment for murder. The use of the word "equivalent" here signifies the de-emphasis of the death penalty for murder, and emphasises instead that "[t]he family of the victim might be satisfied with monetary compensation" (Yüksel et al., 2007, p. 92). This is why the analysis in the above table states that Yüksel has made use of lexical creation, and this has the effect of "weakening" and tilting the meaning, especially given that he already titled the verse's translation as "Limitation to Capital Punishment via the Rule of Equivalency and Forgiveness" (ibid). Such a heading within the translation confuses the target reader and gives the impression that the understanding originates from the Qur'ānic text and not the translator (and this

will be further elaborated on in his footnotes as analysed below). Note, that no other translator has inserted such an adjectival rendition in their translation (Abdel Haleem, 2004; al-Amri, 2023; al-Hilali and Khan, 1997; Pickthall, 1938), whereas Yüksel has done so for ideological reasons and not literal (or terminological) accuracy.

The next term under analysis is *ʿufiya* (عُفِيَ), which is a passive verb of the word *ʿfw* (عفو) that occurs 35 times in five forms in the Qur'ān. For instance, the form (*ʿfā*) is mentioned 26 times and (*ʿafuww*) 5 times; on the other hand, the form (*ʿufiya*) is only mentioned once in the Qur'ān, in the verse under consideration (Badawi and Haleem, 2008, p. 630). Several meanings can be deciphered based on the term's root, such as forgiveness, pardon, and condonation (Bālbaki, 1998, p. 769). According to some Qur'ān exegetes, this term refers to the situation where the relatives of the victim choose to forgive the murderer and accept blood money in return for this forgiveness, in the case of intentional murder (Ibn Kathīr, 1999). Al-Ṣābūnī (1977, vol.1, p. 170) explains that the term means forgiveness, and a similar meaning can be found in another verse, as the Qur'ān states that "God forgives what is past" (Abdel Haleem, 2004, v. 5:95). Al-Saʿdī (2001, vol. 1, p. 132) indicates that in this verse, there is evidence that the basic principle is to kill the killer, and that blood money is an alternative to killing. On the authority of the exegete Ibn ʿAbbās, forgiveness is to accept the blood money as retribution for the intentional killing, and it should be performed with kindness (al-Ṭabarī, 1997). Similarly, Al-Amri (2023, v. 2:178) expressed that if the killer is forgiven by the brother or the relatives of the victim in exchange for blood money, then this should be adhered to with fairness and justice.

It is difficult to determine exactly which strategies were adopted to translate the term *ʿufiya*. However, it can be noted that all the translators used literal translation in some way, with slight differences notable in Ünal and Nasr's rendering. Both translators inserted an addition translation, according to Ivir's strategies. For instance, Ünal translated the term as "granted some remission", while Nasr translated it as "receives any pardon". According to Ivir's strategy, addition translation is used when translating implicit meaning into explicit information. This can result in the translator needing to insert additional detail within the translation. In the current case, Ünal and Nasr inserted the verbs "grant" and

"receive" to illustrate the nouns "remission" and "pardon" respectively. Another important point is that if we take a cursory look at the Qur'ānic verse, the Arabic word *šayʾ* (شيء) which literally means "in any way" is mentioned later in the Qur'ān and thus could be translated as "if anyone who is pardoned in any way". Thus, every translator inserted the meaning within the translation of the term *ʿufiya* (عُفِيَ), hence making it more understandable and less ambiguous to the reader. While all the translators opted for a literal translation, Ünal and Nasr employed an addition strategy, as they inserted an additional verbs "grant" and "receive" respectively to the nouns, making it more comprehensible.

The last term being selected for analysis is *iʿtadā* (اعْتَدَى). As with the previous terms, all the translators decided to use literal translation to convey a near-accurate meaning. However, in this case, there are no additional details on the literal meaning. Yüksel and Nasr translated the term as "transgresses", while Ünal render it as "offends". The term *iʿtadā* (اعْتَدَى) is an intransitive verb and could hold several meanings, including "to assault, to commit an aggression, to violate the commands, to act unlawfully" (Badawi and Haleem, 2008, p. 606). According to Ibn Kathīr, the Qur'ān states that whoever transgresses the limits shall have a painful torment (Ibn Kathīr, 1999, v. 2:178). Having said that, it can be argued that translations of this verse are not very different from each other. However, their differences arise mainly in the footnote of each translation.

An important point to note is that all the translators used footnotes to explain the target text, thus making it less ambiguous and more accessible. For example, Yüksel inserted the shortest footnote, raising one point, which will be considered later, while Nasr shed further light on the verse with an extensive footnote, mentioning a wide range of topics related to retribution and its repercussions. It is therefore important to examine their footnotes in depth to determine whether any religious ideologies are embedded therein.

Ünal explains that the law of retribution is not something new in Islam, and that while it was prescribed in the Bible, the law of remission and forgiveness did not exist in the Bible. Likewise, in his footnote, Nasr goes on to say that "[t]he understanding of *qiṣāṣ* in Islamic

law resembles *lex talionis* in Roman Law as well as other systems of compensation/retaliation in the ancient and premodern worlds, including the Anglo Saxon and other European legal traditions" (Nasr, 2015, p. 77). However, Ünal declares that the West was unfair in how they enforced criminal punishment, and thus, all culprits were sentenced to imprisonment. This is why, according to Ünal, Islam "takes into consideration both the criminal and the victim, as well as the society and the fundamental moral and spiritual values all together" (Ünal, 2006, p. 84). However, according to Ünal, none of these values can be found in the principle of imprisonment. Yüksel echoes Ünal's argument about the unfairness of the criminal punishment of imprisonment and goes one step further by arguing that "If the murderer is not deemed a danger to society, monetary compensation or mandatory work might be more useful, productive, and rehabilitative than a prison sentence"(Yüksel et al., 2007, p. 93). Evidently, Yüksel does not support imprisonment as a punishment, let alone death penalty as retribution for murder.

According to the Mālikī school of law, if the victim is killed intentionally (*qatl 'amd*), in the case of "inequity" where a free person kills intentionally a slave, then the punishment is to imprison the victim for one year and up to 100 lashes. However, the majority of Jurists do not order imprisonment here. The Ḥanafī school of law believed that equal retribution is obligatory in this case, while according to the Shāfiʿī and Ḥanbalī schools of law, only blood money is required in such an event (Alšuḥood, 2012, p. 27). However, although the majority of jurists agree with killing the killer as retribution in this case, in his footnote, Yüksel attempts to lessen the punishment, by not only denying the retribution, but also declaring that monetary compensation might be more useful for the victim than a prison sentence. While Ünal supports the death penalty as retribution, Yüksel, on the other hand, makes a counter argument and lends support to the idea of releasing the murderer by giving compensation or mandatory work. These are two very different ideas surrounding a sensitive topic related to crime and punishment law. Thus, one could categorise these religious ideologies into two groups: traditionalist, as being represented by Ünal in this case, and the modernist and secularist, as shown in Yüksel's views on Islam. Taking these two categories into account, it can be argued, then, that Yüksel attempted to transmit his religious ideology of reforming the Qur'ān, softening the meaning, and making

the practice of retribution seem almost impossible in the contemporary world. It would have been better if Yüksel engaged with the jurists' and exegetes' different interpretations here which would have provided a broader explanation to the target reader.

Another significant difference to be noted is that each selected translator inserted different thoughts on the topic of a man killing a woman and vice versa. While Ünal and Nasr uphold that there are no differences in retribution between killing men and women and that everyone is to be punished accordingly, Yüksel, on the other hand, opposes this argument and calls for an unusual dimension of equality required for the possibility of retribution. To stress this, Yüksel critically argues in his footnote that "the death penalty is not applicable to every murder case. For instance, if a woman kills a man or vice versa, the murderer cannot be sentenced to death; instead, the convict will be punished by society with a lighter punishment" (Yüksel et al., 2007, p. 93). However, prior to this, Ünal placed a footnote that counteracts this line of argument (which Yüksel would go on to make in his translation a year later). He posits that "[t]he expressions 'freeman for freeman, slave for slave, female for female' do not mean that a freeman will not be liable to retaliation for a crime against a slave, or that a man will not be liable to retaliation for a crime against a woman" (Ünal, 2006, p. 84).

According to Ibn Kathīr, although Alḥasan and ʿAṭāʾ (prominent early Muslim jurists) claimed that men could not be killed for killing women, the majority of jurists disagreed, using a *Ḥadīth* as evidence, since it was narrated from Ibn ʿAbbās that the Prophet (PBUH) said: "The blood of every Muslims is equal" (Ibn Mājah, 1952, no. 2683). This *Ḥadīth* means that the blood of all Muslims and believers is equal in terms of blood money and retribution, and that they are all equal regarding rights and duties. Therefore, the Qur'ānic verse "life for life" became the core of equivalence in retribution, and it makes no difference between any element of discrimination, regardless of gender, ethnicity, and religion (Kamali, 2019, p. 203). Moreover, the exegete al-Saʿdī explained the details of the said verse and indicated that "the free for the free" is included in its utterance, the male with the male, the female with the female, female with the male, and the male with the female. Therefore, its utterance takes precedence over the concept of the Qur'ānic

verse "female by female", with the indication of the *Sunnah*, as mentioned earlier (al-Saʿdī, 2001, v. 2: 178). Based on the foregoing, such findings, although sometimes reasonable, clearly influenced Yüksel's translation. This may point to the fact that Yüksel's translation carries an ideological implication and could attempt to transmit his religious beliefs that are linked to his reform, which aims to soften the meaning of the Qur'ānic verse. Moreover, it can be argued that Yüksel, whether intentionally or not, revealed his position toward gender equality in retribution.

Of relevance to the previous point is that while Nasr discusses the topic of a man killing a woman, he also mentions that some jurists prohibit forgiveness for a criminal who murders a woman. Nasr argues that "[f]or other possible scenarios all jurists are agreed on the matter of *qiṣāṣ,* which is to say that there is no distinction made in capital punishment between victims who are males or female, adult or child, sane or insane, or notables or commoners, with the possible exception that some jurists disallow the possibility of forgiveness for someone who murders a woman (IK)" (Nasr, 2015, p. 77). However, a more significant concern appears in the second part of his comments, which comes right after the discussion surrounding the killing of a woman by a man. Nasr refers to Ibn Kathīr and claims that "some jurists disallow the possibility of forgiveness for someone who murders a woman" (ibid). However, what Ibn Kathīr stated in his exegesis was not in the context of a distinction made in the punishment of criminals whose victims are males or females. Rather, he discusses this issue in reference to the acceptance of blood money (by the relative of the victim in return for forgiving the killer) in the case of intentional murder. Ibn Kathīr further states that according to Abū Ḥanīfah, Mālik, and al-Shāfiʿī, it is not for the guardian of blood to pardon the blood money except with the consent of the murderer. The remaining jurists opine that a pardon may be given even if the murderer does not agree to it. Ibn Kathīr goes into detail and maintains that a group of Muslim jurists, such as Alḥasan, qatadah, al-Layth, and al-Awza'l, held the view that pardons cannot be received by the killer when the victim is a woman, although, the rest of the jurists disagree with them. Nevertheless, it remains unclear whether Nasr meant to quote this from Ibn Kathīr's exegesis. It would have been better if he provided the citation in the right context, thereby giving a clear explanation to the target reader. It is possible

that Nasr attempted to present different thoughts around the issue of a man killing a woman, and that he turned to the different opinions of jurists and their creedal beliefs as a reference. Despite this, it is important to acknowledge the fact that, in his footnote, Nasr bases his opinion on the traditional Qur'ān exegeses and authentic *Ḥadīth*. However, aspects of ideology loads and their influences on the translation of the Qur'ān are not entirely absent from the corpus, as will be seen in the next verse.

Verse 2 Legal Rulings of Highway Robbery (*Ḥirābah*)

Table 5. 3: Translations of Verses on Highway Robbery

		الموضوع: حد الحرابة (قطع الطريق)
		{ إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ ◯ إِلَّا الَّذِينَ تَابُوا مِنْ قَبْلِ أَنْ تَقْدِرُوا عَلَيْهِمْ فَاعْلَمُوا أَنَّ اللَّهَ غَفُورٌ رَحِيمٌ } [Q. 5: 33-34]
I.	**Ünal**	The recompense of those who fight against God and His Messenger, and hasten about the earth causing disorder and corruption: they shall (according to the nature of their crime) either be executed, or crucified, or have their hands and feet cut off alternately, or be banished from the land. Such is their disgrace in the world, and for them is a mighty punishment in the Hereafter ◯ Except for those who repent (and desist from their crimes against order) before you have overpowered them, (although the judgment as to specific crimes against individuals is left to those individuals or to their heirs). Know that God surely is All-Forgiving, All-Compassionate (especially toward His servants who turn to Him in repentance).
II.	**Yüksel**	The recompense of those who fight God and His messenger and seek to corrupt the land, is that they will be killed or crucified or that their hands and feet be cut off on alternate sides or that they be banished from the land. That is a disgrace for them in this world. In the Hereafter, they will have a great retribution ◯ Except for those who repent before you overpower them, then know that God is Forgiving, Compassionate.

III.	**Nasr**	Verily the recompense of those who wage war against God and His Messenger, and endeavor to work corruption upon the earth is that they be killed or crucified, or have their hands and feet cut off from opposite sides, or be banished from the land. That is their disgrace in this world, and in the Hereafter theirs shall be a great punishment ◯ Save those who repent before you overpower them. And know that God is Forgiving, Merciful

Discussions

This verse in *Surah al-Māʾidah* contains one of the five punishments (*Ḥadd*) that are divinely ordained by Islamic law against those who commit crimes related to highway robbery. The crime and sentence covered under this punishment are referred to in Islamic law as *ḥirābah*, which includes penal codes for highway robbery and banditry (al-Saʿdī, 2001, v. 5:33). *Ḥirābah* is a series of crimes under Islamic criminal law, and their punishment is the only punishment in the Qur'ān that contains four penalties. This legal verse, which regulates judicial killing, focuses particularly on those who disturb society's peace and purposefully endanger the lives and livelihoods of others (al-Saʿdī, 2001, pp. 415–416). Commenting on this verse, Al-Amri (2023, v. 5:33) argues that "[s]uch heinous violations of God's laws and the rights of others are taken as waging war against God and His Messenger, because they brazenly breach religious teachings" (ibid). Similarly, Asri and Ruslan (2020, p. 385) argue that "ḥirābah does not only affect the rights of individuals and the society, but the rights of Allāh as well". The meaning of *ḥirābah* itself has drawn the attention of many jurists, exegetes, and scholars in the field of the Qur'ān. Exegetes have addressed the meaning of the crime from a wider perspective, and thus tackled many issues and provided extensive detail of various matters from the context of the Islamic jurisprudence (Asri and Ruslan, 2020). For instance, the exegete Shafi (2004) differentiated between the penal code of the world for such acts and the punishment prescribed by Islamic law. He opines:

> [T]he Holy Qur'an, unlike the penal codes of the world, does not stop at
> a simple codification of crime and punishment. Instead of doing that, it
> combines with each crime and its punishment the ultimate fear of Allah

and the Hereafter making the later almost present before him whereby it would turn the human orientation towards a state of being the very thought of which leaves a person all cleansed from every defect and sin (Shafīʿ, 2004, v. 5:33).

According to jurists and exegetes, there are a few causes of the revelation of this verse; for instance, the verse addressed idolators, asserting that even if they confess their sins before being apprehended, they will still be subjected to punishment (Ibn Kathīr, 1999, v. 5:33). The most well-known cause of the revelation was the case of the people of the ʿUraynah tribe, otherwise known as the case of ʿUraniyyūn. According to narrations in the aḥādīth, the case involved a group of eight people from 'Uraynah who came to the Prophet Muḥammad (PBUH) and offered him their pledge to follow Islam. They also sought medical advice because they were suffering from a fever at the time. The members of the ʿUraynah tribe were then instructed by the Prophet (PBUH) to depart from Madinah (the city of the Prophet) with a shepherd and a group of camels and were directed to consume the milk and urine of the camels as a treatment for their illness. The men became apostates, murdered the shepherd, robbed the camels, and terrorised people as soon as they recovered from their illness. After a while, they were caught and brought to the Prophet (PBUH). Their eyes were branded, and their hands and feet were cut off. They were then exiled to a place called Ḥurrah in Madinah. They asked for water but were not given any until they died (al-Bagahwi, 1989; al-Qurṭubī, 2003; al-Ṭabarī, 1997; Ibn Kathīr, 1999). Commenting on this verse, al-Saʿdī opines that it deals with the rulings on bandits who attack people in villages and deserts and force them to give their money, frighten, and kill them. Therefore, Allāh revealed the verse to outline their punishments. Similarly, the noble companion Ibn `Abbas states that for those criminals who take up arms in a Muslim land and cause fear and are captured for their crimes, the Muslim leader has the option of having them killed, crucified, or their hands and feet cut off (Ibn Kathīr, 1999, v. 5:33).

Many contemporary scholars argue that the Qur'ānic definition of ḥirābah is broad enough to include other acts or offences such as terrorism (Baderin, 2021, p. 105). This is

interesting to note, since the interpretation of the verse then will not only include stealing the traveller's property, but also any act or offence that could cause people harm. Kamali (2019, p. 111), in his outstanding book on crime and punishment in Islamic law, maintains that *ḥirābah* is considered the "nearest shariah concept to contemporary terrorism". He goes on to justify his argument by referring to the fact that some "salient new feature[s]" could also be related to terrorism nowadays, such as suicide bombing, a contemporary manifestation that has not been discussed among classical jurists. For him, any act that involves violence or causes harm upon people could be included under the term *ḥirābah* (ibid). Shafi (2004, v. 5:33) argues that the verse is meant for a group of people who rob and disrupt the law of the land by force using weapons. However, one could argue that the term ḥirābah is "broad enough to subsume such other criminal activities experienced in our time such as drug trafficking, human trafficking, Mafia-like crime syndicates, and loan sharks" (Kamali, 2019, p. 139). The ideology of terrorists played a major role in terms of distinguishing terrorism from an ordinary crime. In this respect, Kamali (2019) identified this modern manifestation which provides a clear indication of the main opinion among modern scholars:

> Comparing contemporary terrorism with Ḥirābah, there is a certain shift of context and motivation from the political to the religious: whereas Ḥirābah was mainly politically motivated, the practitioners of contemporary terrorism have added a religious dimension as they are also motivated either in whole or in part by a religious imperative and consider violence as a divine duty or a sacramental act (Kamali, 2019, p. 127).

Thus, it is possible to say that *ḥirābah* is considered the nearest legal criminal concept to terrorism, and that any act of violation is included in this verse. The Prophet Muḥammad (PBUH) said "whoever carries weapons against us is not one of us" (al-Bukhārī, 1997). Another similar *Ḥadīth* states that "Everything belonging to a Muslim is inviolable for a Muslim; his honour, his blood and property" (al-Tirmidhī, 2007). This illustrates the extreme gravity of *ḥirābah*, and explains why those rebels who seek to break up the unity of Muslims and carry weapons against them deserve the punishment stipulated in the *Sharīʿah* law (Kamali, 2019, p. 116).

One of the aspects that this research focuses on within the legal ruling of highway robbery is the difference of opinion among the Muslim jurists regarding the rulings contained in this verse. For instance, they differed on whether the punishment on highway robbery is optional, and if the *imam* or ruler has the legal authority to impose whichever of the four punishments, or a combination thereof, as he deems fit in the relevant case. This decision, depending on the circumstances, is based on an evaluation of how much terror the robber inflicted on others as well as the severity of their crimes. According to the Mālikī school of law and other jurists such as Mujahid and Ad-Dahhak, the ruler has a choice in judging those robbers to either judge them by any of the rulings enjoined by the Qur'ān, such as killing, crucifixion, amputation, and exile. On the other hand, according to the Ḥanafī, Shāfiʿī, and Ḥanbalī schools, the verse indicates the arrangement of rulings and includes the word "or" mentioned in the sense of division of labour. That is to say, there are different punishments that can be applied to various conditions of highway robbery and banditry. Thus, according to them, whoever kills and loots will be killed and crucified, and whoever loots but does not kill anyone will have his hand and legs cut off from opposite sides, and whoever terrorises people and disrupts public peace but does not kill or take money will be exiled (al-Qurṭubī, 2003; al-Ṣābūnī, 1977; al-Saʿdī, 2001; Shafīʿ, 2004). Moreover, Baderin (2012) summarised the juristic differences and their views on the punishment of highway robbery, and opined that "[t] he minority view is that the judge has a discretion to impose any of the listed punishments, while the majority view is that the listed punishments would be applied by gradation in relation to the severity of harm inflicted on the victim" (Baderin, 2021, p. 104).

Another matter that has been discussed among Muslim jurists is that of the expression "keeping away" or "turning out from the land" which means that the criminal should leave *Dar al-Islam* (the land of Islam). Some argue that they should be expelled from the place where they committed the robbery. In cases like this, ʿUmar ibn al-Khaṭṭāb (second caliph) ruled that if the criminal was removed from one place and allowed to roam free in other places, he would undoubtedly cause trouble. Therefore, this criminal should be

incarcerated, and this will become his "keeping away" or "turning out" from the land. This is also the viewpoint held by the Ḥanafī school of law (al-Qurṭubī, 2003; al-Ṭabarī, 1997).

Within the classical jurisprudence schools, the answers of Muslim jurists vary regarding the question of to whom this *muḥāribūn* (fighting) applies. A cause of this variation lies in the fact that some jurists believe that this act of offence can only be committed if the crime occurs outside the city, while others held the view that the punishment could be applied even when it is committed inside the city. According to the Mālikī school of law, the *muḥāribūn* is the one who takes up arms against the people and frightens them, whether in the city or outside. For the Ḥanafī school however, they believe that the *muḥāribūn* is the one who is subject to the rulings on banditry, such as carrying weapons in the desert; a case that would not take place in the city. On the other hand, the Shāfiʿī school of law believes that the *muḥāribūn* refers to anyone who is a thief, whether in a house, on the road, in a desert, or in a village. The Shāfiʿī school's understanding of *ḥirābah* is similar to that of the Ḥanbalī's who also stress that it can be committed in or outside of cities and the perpetrator can be armed with any weapon as long as it frightens and terrorises people (Baderin, 2021, p. 104). Accordingly, al-Ṣābūnī concluded that *muḥāribūn* is inclusive in this verse, and thus, the punishment applies to every case of highway robbery and banditry as there might be robbers in the city that could frighten people and threaten to take their money and lives (al-Ṣābūnī, 1977, vol. 1, p. 551). In the same manner, Kamali asserts that "[t]he majority (jumhūr) view on this is that committing ḥirābah in cities and urban centres is an aggravating factor that renders the crime even more dangerous" (Kamali, 2019, p. 117).

The punishment of highway robbery can be viewed as either restrictive or permissive (Asri and Ruslan, 2020, pp. 392–393). The restrictive approach considers *Ḥirābah* as including highway robbery and grave theft. This view is best understood in the language of jurists and Qur'ān exegeses. In this regard, Asri (2020, p. 389) stresses that "[t]he influence of the classical jurists from the four schools is evident in the works of the exegetists where most of them have discussed *ḥirābah* the way the crime is understood and explained by the jurists". On the other hand, the permissive approach, which gained widespread

acceptance among prominent contemporary figures, furthers the opinion that *ḥirābah* does not specify any description of the crime itself, and thus, highway robbery could be included, among others. As the Qur'ān does not specify the nature of the perpetrator, the agent of *ḥirābah* may be a Muslim or non-Muslim, a free man or a slave, and the crime may be committed in the city or the countryside by an individual or a group (Kamali, 2019, pp. 115–116). Based on the foregoing, it can be established that ḥirābah applies to unlimited forms of crimes such as terrorism, rape, espionage, drug trafficking, and smuggling (Asri and Ruslan, 2020, pp. 389–409).

Although all punishments mentioned in the Qur'ān are final, as no ruler or authority can amend it, the punishment of robbery in this verse is the only punishment in the Qur'ān for which there is an exception made for those who repent. More precisely, the robber's punishment is dropped if he or she repents prior to being arrested and demonstrates regret and remorsefulness through actions. Allāh says in the following verse, which discusses the legal ruling of highway robbery and banditry, that "unless they repent before you overpower them– in that case bear in mind that God is forgiving and merciful" (Abdel Haleem, 2004, v. 5:34). Kamali (2019, p. 121) asserts that "[t]he Qur'an allows repentance only if it precedes subjugation of the offender by the authorities and not afterwards". In the same manner, Baderin (2021, p. 110) indicates that "there is agreement that in the case of *ḥirābah*, repentance before the bandit is apprehended is a mitigating factor for waiving the *hadd* punishment". Other than this verse, the remaining punishments cannot be forgiven in this world, regardless of whether they repent before or after being arrested. However, through sincere repentance, the sin destined to bring punishment in the Hereafter can be forgiven (al-Ṣābūnī, 1977, vol. 1, p. 547).

Thus far, this section has dwelled in a critical discussion of the literature related to the punishment of highway robbery. A detailed comparative analysis will follow in the following section.

Comparative Analysis

Table 5. 4: Terms with Legal Connotation

Legal Connotations	Ünal	Yüksel	Nasr
يُحَارِبُونَ اللَّه (*yuḥāribūna l-laha*)	fight against God	fight God	wage war against God
	Substitution	Substitution	literal translation
يُقَتَّلُوا (*yuqattalū*)	be executed	be killed	be killed
	Substitution	Literal translation	Literal translation

One significant difference to be noted in the translations of verse 5, 33-34 is that Ünal included an extensive explanation in the bracket; thus, opted to translate the meaning using the addition strategy to further clarify the intended meaning. One of the advantages of inserting an explanation in brackets is that it gives a clear indication to the reader that the content is an addition. As such, Ünal may have added the explanation in square brackets to avoid giving the reader the wrong impression and leading them to believe that this clarification is part of the Qur'ān. However, the addition of the interpretative content in the brackets could be seen as his attempt to transmit some personal message. On the other hand, it could be a result of the fact that his translation is based on traditional exegeses and supported by authentic *Ḥadīth*. Al-Amri (2010) indicates that Ünal (2006) inserted an extensive parenthetical interpretation and annotation both in his body of translation and around it, such as footnotes, which can at times be "overwhelming" (Al-Amri, 2010a, p. 108).

This section examines and analyses the Qur'ānic verse in light of Ivir's strategy, along with the translator's footnotes. To begin with, it can be noted that the translators adopted different procedures for delivering a near-accurate meaning in the case of the above two terms shown in Table 5:4. Regarding the first term, the Arabic word مُحَارَبَة(*muḥarabah*) is derived from the term حَرْب(*ḥarb*) and essentially means to wrest and snatch away. In Arabic usage, *ḥarb* is used as the opposite of the term *Salm*, which means peace and safety, and thus, the Arabic term *ḥarb* is used in the sense of spreading disorder by utilising force and causing the destruction of public safety (al-Ṣābūnī, 1977, vol. 1, p. 546). Badawi and Haleem (2008) remarked that the word *ḥarb*, which means "spear", occurs

11 times in the Qur'ān in different forms, such as *ḥāraba*, *ḥarb*, *miḥrāb* and *maḫārīb*. The most commonly used forms are *ḥāraba* and *ḥarb*, which can be translated as 'to wage war' (Badawi and Haleem, 2008, pp. 196–197). In the case of this term, as shown in Table 5:4, an interesting point to note is that by rendering the term as 'fight', both Ünal and Yüksel failed to deliver the accurate meaning. The term 'fight' refers to the Arabic word '*muqatalah*', yet, when looking at Arabic dictionaries, there are differences between the term '*muḥarabah*', as mentioned in the verse, and the term '*muqatalah*'. More specifically, the term *muqatalah* literally means 'fight' and refers to a bloody fight, whether it ends in death or not. On the other hand, the term *muḥarabah* is used in the sense of disorder, causing harm, and destruction of peace (Shafī', 2004, v. 5:33).

While Ünal and Yüksel seem to use a substitution strategy, Nasr on the other hand, used a literal one, and by doing so, Nasr's translation is the closest to the intended meaning. He rendered the term as 'wage war against God', which is the meaning of the Arabic term *muḥarabah*; as opposed to Ünal and Yüksel, who rendered the meaning as 'fight against God', which could be translated as '*muqatalah*' in the Arabic language. In his footnotes, Nasr refers to Al-Qurṭubī and explains that the term *muḥarabah* is "understood to mean those who attack and terrorize members of the Islamic community directly, since one cannot 'wage war' against God" (Nasr, 2015, pp. 292–293). On the other hand, none of the other translators used the term "fight" when translating the Arabic term '*muḥarabah*' (al-Amri, 2023; al-Hilali and Khan, 1997; Pickthall, 1938; Qarai, 2004; Shakir, 2001). Had they done so, it would have seemed strange for both Ünal and Yüksel to not have made efforts to find an adequate English equivalent term that conveys, to some extent, the intended meaning accurately. Moreover, it can be said that Nasr's rendition of the term '*yuḥāribūna*' as 'wage war' reflects his pursuit of an exegeses-based meaning that encompasses the terms with legal connotation. Thus, according to the above example and based on the various clarifications concerning the term under discussion, both Ünal and Yüksel are less accurate in maintaining the figurative meaning. Nasr, on the other hand, reflected the linguistic implication, provided a more suitable interpretation and maintained the intended meaning.

The next term is 'يُقَتَّلُوا' (*yuqattalū*) which is a hyperbolic form of the Arabic word 'قَتْل' (*qatl*). This word is mentioned 170 times in the Qur'ān in different forms, but most commonly under the form *qatala*, which appears 63 times and can be translated as "to kill" (Badawi and Haleem, 2008, p. 736). The form *qattala* and its present tense '*yuqattalū*', as appeared in this verse, are considered an exaggeration of the verb 'to kill' (Mustafa et al., 2004, p. 715). Al-Amri (2020), for instance, translated the term as "relentlessly killed", and by doing so, used Ivir's addition strategy by placing "relentlessly" before the Arabic term. In his footnote, he adds an important explanation by asserting that "[t]his word, 'relentlessly', is used to compensate for the hyperbolic form (*ṣīghat al-mubālaghah*) in which these types of punishment come, i.e. *yuqattalū* (killed), *yuṣallabū* (crucified), *tuqaṭṭaʿa* (cut off)" (al-Amri, 2023, v. 5: 33). The hyperbole in Arabic is a noun derived from the transitive verb and works to exaggerate the meaning of the present participle, and thus "refers to the intensification of meaning" (Najjar et al., 2021, p. 152).

Regarding the term mentioned, while Yüksel and Nasr used literal translation by rendering the term as 'be killed', Ünal, on the other hand, conveyed the meaning using the substitution strategy. He translated this term as "be executed", which could refer to capital punishment for murder. However, it would be more suitable to translate this as "be killed" to convey the literal meaning of the legal term. Execution refers to killing by lawful means, in essence, the judicially sanctioned killing of someone who has already been sentenced to death. So, while the term "to be killed" means to be put to death, the term "be executed" refers to killing as punishment for capital crimes. Be that as it may, it is important to question why Ünal, who seems to have mastered both Arabic and English languages and inserted extensive explanations in his translation work in brackets, failed to convey the literal (and most likely) meaning of a term and instead used an ambiguous word that might indicate a different meaning. Taking a cursory look at other Qur'ān translators, it can be observed that none of them inserted such a word in their translation, but instead, they conveyed the meaning as "to be killed" (al-Amri, 2023; al-Hilali and Khan, 1997; Pickthall, 1938; Ṣaḥīḥ International, 1997).

Looking at the footnotes of the selected translators, one can notice that Nasr makes the target text more accessible and less ambiguous using an extensive footnote. In contrast, unlike Nasr or Yüksel, Ünal did not insert any footnotes in the verse under discussion, despite the fact that he does use footnotes. In fact, he inserted a long footnote for a verse discussing polygamy, as explored in Chapter Four. One could then argue that it would have been more persuasive if Ünal's translation featured an explanation in the footnote, since the other two translators used footnotes as a paratextual element in their Qur'ān translation. However, it might be that, as I have mentioned earlier, Ünal has inserted an explanation in a bracket within his translation, thus making legal and cultural terms easier to understand for the target reader. Another interesting point is that Yüksel titled the verse as "Live by the Sword, Die by the Sword". He further uses the expression again in his footnote, and repeats the same quotation for the third time when discussing the meaning of the Arabic term '*fasad'*, stating that "[t]he Bible has a similar statement: 'those who kill by the sword must die by the sword'" (Yüksel et al., 2007, p. 160). In modern times, this saying also describes people who knowingly engage in dangerous activities for entertainment but accept the risk of serious injury or death. It is also used as a proverb and idiom to mean that a violent response is to be expected from one who uses violence, or that you should anticipate others to use the same methods against you if you employ a forceful and aggressive approach. In light of this, one has to acknowledge the fact that one of Yüksel's five principles that directed his translation is to refer to the Bible. Additionally, he reflects on the message of the Qur'ān for those who seek peace and freedom (Yüksel et al., 2007, p. 6). Yüksel's translation aims to answer questions raised in the modern era, such as those related to terrorism in this verse, using the "rational context approach", and thus combining incidents discussed in the Qur'ān with logical understanding (Rahmi, 2017, p. 109). This indicates that the translator, whether intentionally or not, is referring to Biblical sources and modern quotations to convey a modernist and humanist thinking, as can be clearly seen in his translation (Baker and Saldanha, 2020, p. 468).

To support his detailed commentary on the translation of the relevant verse, Nasr inserted a long footnote discussing different issues related to highway robbery. Thus, it is worth

investigating his footnotes in depth to identify the possible ways in which he has attempted to transmit his religious perspective into his translation. In his footnote, Nasr provides a clear overview of various topics such as the cause for the revelation, the meaning of ḥirābah, the list of punishments, specific procedures for carrying out the punishments, and the wide range of debates that exist among Muslim jurists and Qur'ānic exegeses (Nasr, 2015, pp. 292–294). This seems to be one of Nasr's criteria in his translation, which perhaps is considered universal by English-reading people who seek a broad understanding of Islam and its various topics (Geissinger, 2016, pp. 270–272). It can also be noted from the extensive footnote in Nasr's translation that he holds traditional beliefs in the verse, as he exerts great efforts to ensure his footnote is comprehensive by quoting a wide range of Qur'ānic exegeses as sources and references for the translation. Nasr provides very comprehensive footnotes that leave no room for any misunderstandings regarding the verse. Nevertheless, the influence of religious ideology that led to different interpretations is not entirely absent from his footnotes.

A noteworthy point mentioned by Nasr in his footnote is the idea that the term *ḥirābah* in the verse could refer to apostates (*murtaddun*). According to him,

> Given that the perpetrators were also, among other things, apostates (murtaddun), since they embraced Islam in the presence of the Prophet, then renounced it through their actions, a small minority have considered the verse to apply to apostates in general (Ṭ) (Nasr, 2015, p. 293).

A careful glance at the al-Ṭabarī exegesis, which is referred to in the previous quotation as (Ṭ), tells us that there is no clear indication of al-Ṭabarī saying that a "small minority have considered the verse to apply to apostates in general". At the beginning of his interpretation, al-Ṭabarī indicates that the Qur'ānic term (*muḥāribūn*) refers to the one who wages war against Muslims and raids their cities, or attacks them on their roads, and that there is no disagreement among scholars that whoever wages war against Muslims is to be called '*muḥārib*'. Consequently, it is worth noting here that al-Ṭabarī, who holds the religious views of early Islamic scholars, includes his own analysis and assessment of the varying claims in his work. For example, when al-Ṭabarī moved on to discuss the punishments mentioned in the verse, he outlines certain scholars' view that a '*muḥārib*'

should be punished according to his crime, and that those who support this view quote the following authentic *Ḥadīth*: "The blood of a Muslim who confesses that none has the right to be worshipped but Allah and that I am His Apostle, cannot be shed except in three cases: In qisas for murder, a married person who commits illegal sexual intercourse and the one who reverts from Islam (apostate) and leaves the Muslims" (al-Bukhārī, 1997, no. 6878). He further explains that according to some scholars, this verse was revealed to the people of books, while others said it was revealed to polytheists. Yet, al-Ṭabarī concluded that the closest saying, according to his own evaluation, is that the verse was revealed to anyone who wages war against Allāh and His messenger, and who spreads corruption upon the earth (al-Ṭabarī, 1997, v. 5:33). This means that when al-Ṭabarī discusses claims such as the one mentioned in Nasr's footnote, he does not support or agree with them, but furthers his analysis and evaluates the different views on each topic. Having said that, although Nasr quotes many different sayings on various issues and supports them with references from Qur'ānic exegeses, it remains to be seen whether he was influenced by a specific religious ideology over another. As explained earlier, he shows a great effort by comparing different views among jurists and providing background on a wide range of legal debates on various issues. However, it would have been more accurate for Nasr to clarify that the statements mentioned in al-Ṭabarī's exegesis are some of the opinions held among jurists, with a clear explanation of who holds which view. This way, the target reader, especially the one reading the footnote as an exegetical reference, has a clear understanding of the beliefs or Islamic thoughts on the matter.

Along these lines, another significant point to be considered is that Nasr's footnote follows an interpretation of the legal verses drawn from both *Sunni* and *Shiʿi* exegeses; in fact, in his footnote, Nasr refers to five exegeses (symbolled in his footnote as Q, Ṭ, JJ, TS, W). It is important to trace the development of these Qur'ānic exegeses, as this will help to examine this point in depth and identify any religious ideology that may have been embedded within the translation. These exegetes include al-Qurṭubī (Q), who was a prominent *Sunni* and Mālikī legal scholar. His exegesis pays particular attention to the legal ruling verses of the Qur'ān. Al-Ṭabarī (Ṭ) was also a *Sunni* historian with expertise in Qur'ānic exegesis, and he followed the Shāfiʿī legal school. Al-Suyūṭī (JJ) was a prolific

scholar of both law and exegesis and also adopted the Shāfiʿī legal school. Al-Ṭabrisī (TS) is one of the *Shiʿi* scholars who adopted the rationalist Muʿtazilite and is best known for his famous *Shiʿi* inclined exegete. Lastly, al-Wāḥidī (W) is a prominent scholar who was born in Iran and is best known for his exegete, which is distinguished as one of the oldest works that treats only verses that are related to the circumstances of the revelation of the Qur'ān. The inclusion of jurisprudence-based references from this selection of various exegetes, both *Sunni* and *Shiʿi*, is significant as it reveals yet another fact about Nasr's work: his Qur'ān translation is not biased and can be considered a window into the Islamic exegesis and Qur'ānic study (Celene, 2019, pp. 89–90).

Although Nasr relied upon most of the *Sunni* legal schools, i.e., al- Ḥanafī, al-Mālikī and al-Shāfiʿī schools, he does not refer to any exegetes from the Ḥanbalī school, such as Ibn al-Jawzī, al-Saʿdī and al-Shinqīṭī. Since the verse under discussion contains one of the five punishments divinely ordained in the Qur'ān, which has been the subject of controversial debates and of great interest among Jurists and Qur'ānic exegetes, it would have been more inclusive if Nasr had featured all legal schools of thought, especially given the Ḥanbalī school's renewed significance in many Muslim countries. Leaman (2017), who reviewed Nasr's translation, argues that "[i]n the [Nasr's] text itself the commentators are carefully chosen, and there is little represented here from the Ḥanbalī school and Ibn Taymiyyah. Perhaps if they are ignored they will go away? For example, Saudi Arabia does not appear, at least in the index, which makes one wonder where the editors think Mecca and Medinah are today" (Leaman, 2017, p. 595). In light of the above, it can be concluded that while Nasr's footnote is drawn from both *Sunni* and *Shiʿi* exegeses, it seems that Nasr's claim of following all Islamic legal schools is questionable, and selection bias is another potential concern that a further study may reveal.

Thus far, this chapter has critically analysed two legal ruling verses in the Qur'ān. In the section that follows, the critical and comparative analysis of the legal ruling of theft will be examined.

Verse 3 Legal Rulings of Theft (*al-Sāriqah*)

Table 5. 5: Translations of Verses on Theft

الموضوع: حد السرقة		
{ وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءً بِمَا كَسَبَا نَكَالًا مِنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ ◯ فَمَنْ تَابَ مِنْ بَعْدِ ظُلْمِهِ وَأَصْلَحَ فَإِنَّ اللَّهَ يَتُوبُ عَلَيْهِ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ } [Q. 5: 38-39]		
I.	**Ünal**	And for the thief, male or female: cut off their hands as a recompense for what they have earned, and an exemplary deterrent punishment from God. God is All-Glorious with irresistible might, All-Wise ◯ But he who repents after having done wrong, and mends his ways, surely God accepts His repentance. For God is All-Forgiving, All-Compassionate
II.	**Yüksel**	The male thief, and the female thief, you shall mark, cut, or cut off their hands/means as a punishment for their crime, and to serve as a deterrent from God. God is Noble, Wise ◯ Whoever repents after his wrongdoing and makes reparations, then God will accept his repentance. God is Forgiving, Compassionate
III.	**Nasr**	As for the male thief and the female thief, cut off their hands as a recompense for what they have earned, as an exemplary punishment from God. Truly God is Mighty, Wise ◯ But whosoever repents after his wrongdoing, and makes amends, God will relent unto him. Truly God is Forgiving, Merciful

Discussions

This section discusses the translation of the Qur'ānic verse 5:38-39, which offers the process for the punishment of theft. The legal ruling in both verses is considered as one of the four punishments mentioned in the Qur'ān and is referred to as an *Āḥkām al-Sāriqah* in the books of jurisprudence and interpretation of legal rulings of the Qur'ān. As highlighted in the introduction section of this chapter, the punishment for theft falls under the category of 'ḥudūd' in the Qur'ān and is considered as the right of Allāh (*Haqqullah*), since the Qur'ān has fixed this punishment, meaning that it has not been left to the discretion of relevant authorities. The focus in this section is on a wide range of topics related to the punishment of theft within Islamic law, beginning with the wisdom behind the legislation followed by discussion of issues pertaining to when cutting the hand of a

thief becomes necessary. Other aspects related to theft that are explored in this section include various discussions from the context of the Islamic jurisprudence as well as repentance and its impact on the punishment of theft. It is important to stress that by including all jurisprudence matters that are related to the punishment of theft, the research outlines the intensive literature on the punishment of theft and the different opinions among jurists, which will be debated in the next section under the comparative analysis of the existing selected Qur'ān translations.

The punishment of theft is the subject of a great deal of discussion in both traditional and contemporary scholarly circles. Al-Ṣābūnī for instance mentions the connection between the verse under consideration and the previous one. He points out that when the Qur'ān mentions the story of Qābīl (the son of Prophet Adam) killing his young brother Hābīl and describes the gravity of the crime in verses 5:27-32, the verse that follows discusses the penalty for those who wage war against Allāh and His messenger and thus strive to cause corruption upon the earth. Then, verses 5: 38-39 reveal the punishment of theft, which is considered a form of corruption and a threat to the safety and peace of society. Al-Ṣābūnī goes on to say that the Qur'ān has legislated punishments as a deterrent to people from committing crimes, thus, it is logical for both highway robbery and theft to be mentioned (in verses 33 to 39) immediately after discussing the crime of murder (al-Ṣābūnī, 1977, vol. 1, p. 545).

Muslim jurists defined theft in Islamic law as a situation in which an adult takes an individual's belongings or specific amount of money stealthily from where similar things are normally kept, without any rights to it. According to the Arabic lexicon, the term '*sāriqah*' is used to refer to a situation where a person takes another person's belongings from a secured place secretly, without his or her permission (al-Ṣābūnī, 1977, vol. 1, p. 553; Shafī', 2004, v. 5:38). Ibn Rushd defines theft as "taking the property of another by way of stealth, when the thief has not been entrusted with it" (Ibn Rushd, 2000, vol. 2, p. 536). Theft is considered as a forbidden act in Islamic law, due to its invasion of other people's rights and the taking of their belongings unlawfully. Its prohibition is indicated in the Qur'ān and *Sunnah*, and jurists agree on this unanimously (al-Ṣābūnī, 1977). The fact

that the female thief is specifically mentioned in this verse is intended to make it clear to the recipients that the ruling applies to both genders equally. According to the exegete Ibn ʿĀshūr, as referred to by al-Amri, the verse indicates this point noticeably due to "the fact that the Arabs at the time of revelation shunned women and deliberately excluded them from such grave documents of legalization and did not strictly apply their penal codes to them" (al-Amri, 2023, v. 5:38).

Differences in legal opinions exist regarding the minimum quantity, in the case of stolen goods, and the value for which the thief's hand is to be cut off. According to Abū Ḥanīfah and Althouri, the value of the stolen goods must be at least ten *Dirhams* (unit of value) or its equivalent, while other legal schools such as Mālikī and Shāfiʿī, maintain that the value should be at least three *Dirhams* or one-quarter of a *Dinar*. The first ruling is based on the authority of a *Ḥadīth* in which the Prophet Muḥammad (PBUH) said "[h]and is not mutilated except [for the theft of] ten dirhams". Many of the Prophet's companions who were considered jurists, such as Ibn ʿAbbās, Ibn Masʿūd and Ibn ʿUmar, also agreed that the hand should not be mutilated for a value that is less than ten *Dirhams*. The second ruling relies on the *Ḥadīth* that states that "[t]he Messenger of Allah cut off (a thief's hand) for a shield which was worth five Dirham's". Ibn 'Umar also narrated that the Messenger of Allāh (PBUH) cut off the hand of a thief for stealing a shield that was worth three *Dirhams* (al-Ṣābūnī, 1977, vol. 1, pp. 553–554). On the other hand, Ibn Kathīr discusses the second opinion and quotes the *Ḥadīth* where a Prophet Muḥammad (PBUH) says "[t]he hand of the thief shall only be cut off if he steals a quarter of a Dinar or more". He further points out that this is the view of the Ḥanafī school of law and elaborates that the *Ḥadīth* has fixed the value since it shows that the minimum amount of theft for which amputation is sanctioned is a quarter of a *Dinar*. The value of a *Dinar* was equal to twelve Dirhams, meaning that three *Dirhams* equalled a quarter of a *Dinar*. Accordingly, it is possible to harmonise both views (al-Ṣābūnī, 1977; Ibn Kathīr, 1999). The exegete al-Qurṭubī explained this matter in detail and asserted that the apparent meaning of the verse indicates the generality in every theft; however, this is not the case, as the Prophet Muḥammad (PBUH) said: "The hand of the thief shall only be cut off if he steals a quarter of a Dinar or more". Therefore, the meaning of "theft, male or female" in the verse includes

some thieves, not all of them. Al-Qurṭubī concluded that if the value of the stolen belongings is a quarter of *Dinar*, then the punishment applies (al-Qurṭubī, 2003, vol. 7, p. 450).

The punishment for theft existed during the time of *Jahiliyyah*; thus, Islam upheld this punishment and provides conditions that must be present in order for the legal ruling of theft to be applied. Apart from Qur'ān mentioning the punishment of theft, there are also relevant *aḥādīth* that specify certain conditions, supplementing the Qur'ānic verses and shedding light on the different components and applications of the law of theft (Baderin, 2021, p. 104). Muslim jurists have narrowed the definition of theft in Islamic law, because of the severity of its punishment, and stipulated a large number of conditions that need to be present before the penalty of amputation can be executed (Kamali, 2019, p. 96). According to the classical jurisprudential schools, belongings and items must have been taken from their usual safe custody (known juristically as *ḥirz*) and they must be worth a minimum value known as *niṣāb* (al-Qurṭubī, 2003, vol. 7, pp. 450–453). The exegete Shafiʿ also added conditions to include that the belonging must have been privately owned, safely secured, and then taken clandestinely (Shafiʿ, 2004, pp. 147–148). Should a circumstance fail to meet the aforementioned conditions, the crime would not be legally determined and no punishment of amputation can be enforced (al-Saʿdī, 2001, p. 418). Baderin (2021) asserts that "offences such as breach of trust (khilsah), usurpations (ghasb), even though punishable as taʿzīr offences, do not amount to sariqah [theft] attracting the hadd punishment". He further explains the evidential requirement and standard of proving a criminal offence mentioned in the Islamic law and emphasises that "[a]part from zinā [adultery], which requires four corroborating witnesses, all other offences require the testimony of two witnesses or confession by the offender" (Baderin, 2021, pp. 104–113). This shows, once again, that no punishments can be executed unless strict conditions are met, and where this is not the case, no punishment can be enforced.

Another bone of contention is concerning the hand that is to be cut off. While the verse indicates that the hand should be cut off as the punishment for theft and there is a consensus among jurists that it should be the right hand, they differ on which joint of hand

should be cut. The majority of jurists claim that the hand should be cut off from the wrist, and not from the elbow or the shoulder. Some say that the hand should be cut off from the shoulder, while others believe that only the fingers should be amputated. Moreover, if an individual returns to stealing, his left leg should be cut off, something that jurists agree on. However, if the thief is caught stealing for the third time, then according to Ḥanafī and Ḥanbalī schools of law, there is no amputation, but one must return the belonging and should be put in jail until he or she shows repentance. Other schools, such as that of Mālikī and Shāfiʿī, claim that if an individual returns to stealing for the third time, his left hand should be cut off, and if he does it for the fourth time, his right leg should be cut off (al-Qurṭubī, 2003, vol. 7, pp. 467–468; al-Ṣābūnī, 1977, vol. 1, p. 556). On the other hand, *Shīʿah* believe that only the four fingers on the right hand need to be mutilated, leaving the palm and thumb intact (Kamali, 2019, p. 107). In his commentary on the Qur'ān, Shafī' provides a significant response to the debate that amputation is considered harsh and brutal. He stated that "[t]he Islamic Legal Punishments which the modern highbrows of the West label as harsh and savage shall be taken up in details with comments on the wisdom behind them, their need and benefits" (Shafī', 2004, vol. 3, p. 150).

There are different opinions regarding various juristic matters in the legal ruling of theft among jurists, exegetes, and modern scholars. In his jurisprudence exegesis, al-Qurṭubī discusses 27 legal matters that are related to the legal ruling associated with the punishment of theft. For instance, he argues that the punishment does not apply if it is a parent who has stolen money from their children and quotes a *Ḥadīth* in which the Prophet Muḥammad (PBUH) says: "You and your wealth belong to your father". Al-Qurṭubī further argues that, according to the Ḥanafī school of law, the punishment of amputation does not apply in the case of kin or relatives who are classed as being too closely related to each other, such as aunts and sisters. On the other hand, according to the Mālikī, Shāfiʿī, and Ḥanbalī schools of law, the punishment of theft should be applied to everyone, including relatives. Al-Qurṭubī furthers the discussion of the legal matter by expressing that if someone steals money from the thief himself, it warrants punishment, and thus amputation should be applied. The majority of scholars support applying the punishment, while according to the Shāfiʿī school of law, for instance, no punishment of amputation

should be enforced, because the belongings must have been privately owned and secured prior to the theft, which is not the case here. Al-Qurṭubī also considers the situation of the thief stealing the same items a second time; according to the majority, the punishment is still to be applied, while the Ḥanafī school of law believes that there should be no amputation (al-Qurṭubī, 2003, vol. 7, pp. 449–473).

In addition, there are also different opinions regarding whether spouses are subject to the punishment of theft for stealing from one another. An interesting view is that of the Shāfiʿī school of law, who believe that the wife is not liable if she steals from her husband, since the husband is responsible for her maintenance, whereas the husband is liable if he steals from his wife. Disagreement has also arisen among the leading schools of law over stolen copies of the Qur'ān. Al-Shāfiʿī and Abū Yūsuf, the disciple of Abū Ḥanīfah, maintain that the punishment applies if its value is equal to the unit value indicated for the punishment of theft. Other scholars hold the view that punishment does not apply for such an offence (Kamali, 2019, pp. 97–98). Furthermore, questions have arisen concerning the matter of stealing for the second time. While the majority of legal schools agree upon the second amputation, prominent companions, such as Ibn ʿAbbās and ʿAṭāʾ, held the view that no further amputation is required for the second theft, and they quoted the Qur'ānic verse as a support for their argument (Kamali, 2019, p. 107). However, Al-ʿAwā, aptly remarked that the minority opinion here is "nearest to the spirit of Islamic law" ('Awwā, 1982, p. 30). It must be stressed here that references to the contribution of leading classical and contemporary opinions of such legal matters arise either from the difference in the understanding of the evidence, or the taking of some evidence over others, such as the divergence that occurs between the schools of jurisprudence, as mentioned above. These differences, in reality, are not a cause of disorder and conflict in the Islamic legal system, although it might appear as such at first glance; rather, they add a jurisprudential and scientific wealth to the Islamic law and are a manifestation of diversity that ultimately leads to unification and class unity. The Prophet Muḥammad (PBUH) said that "If a judge issues a ruling, having tried his best to decide correctly, and his ruling is right, he will have a double reward, but if he issues a ruling, having tried his best to decide correctly, and his ruling is wrong, he will have a single reward" (al-Bukhārī, 1997, no. 7352). Such

widespread difference in the legal rulings of theft, this research argues, have led the issue to draw greater attention and have inspired more jurists and contemporary scholars to critically discuss a wide range of topics.

In the second verse on the punishment of theft, Allāh says in the Qur'ān "but if anyone repents after his wrong doing and makes amends, God will accept his repentance: God is most forgiving, most merciful" (Abdel Haleem, 2004, v. 5:39). Al-Jazīrī, a prominent jurist scholar, points out that the leading eminent Muslim jurists agreed that when a thief sincerely repents, renounces his act, and regrets his sin while there are also indications of his sincerity and resolve to not repeat his offence, Allāh the Almighty acknowledges his repentance. Al-Jazīrī goes on to quote the *Ḥadīth* in which the Prophet Muḥammad (PBUH) says "one who repents his sin is like the one who has not incurred a sin" (Jazīrī, 2005, p. 1211). On the other hand, Kamali (2019, p. 110) argues that the punishment of theft cannot be suspended due to repentance or prolonged good behaviour; the punishment must be applied once the crime is established. This line of argument is continued with a degree of emphasis when Kamali clarifies further that:

> What is proposed here is that both of these positions are valid and that repentance should not be excluded altogether but treated as an integral part of the penal philosophy of ḥudūd. No one would say that repentance and reform should be featured so forcefully that it would erode the deterrent effect of punishment, but no one can deny that including them is an integral part of both the Qur'ān and Sunnah (Kamali, 2019, p. 110).

Having explained various topics in relation to the legal ruling on theft, the discussions that follow engage in a comparative analysis and examining the translator's footnotes.

Comparative Analysis

Table 5. 6: Terms with Legal Connotation

Legal Connotations	Ünal	Yüksel	Nasr
فَاقْطَعُوا (*fa-iq'ṭaʿū*)	cut off	you shall mark, cut, or cut off	cut off
	Literal translation	Addition strategy	Literal translation
نَكَالاً (*nakālan*)	an exemplary deterrent punishment	to serve as a deterrent	an exemplary punishment
	Definition strategy	Definition strategy	Definition strategy

Based on the translators' choice of the chosen two terms that have terms with legal connotation, three out of seven of Ivir's strategies were observed as having been used by the translators, as shown in the table above. It should be noted here that of the three strategies that were used, the definition strategy was the most frequently employed by the translators. On the other hand, the literal and addition strategies were the least frequently used. A more critical and detailed discussion will be undertaken in the following section, along with an analysis of selected terms to determine whether the translator has overcome terms with legal connotations and language boundaries, particularly when it comes to translating a religious text such as the Qur'ān.

The issue that arises mostly in this verse is the question of the expression "cut off their hand", which is understood to be amputation as the punishment of theft. Subsequently, this practice has become the subject of debate and a topic of critical discussions for human rights advocates and the position of Islam in terms of the application of such sentences. Thus, in light of these general premises and by taking into account the issue surrounding the excessive punishment of theft, it is important to investigate this matter in detail, understand the higher objective of the act, and find out whether or not the selected Qur'ān translators conveyed the intended meaning accurately by opting for the most suitable translation strategy. This analysis will also seek to discover whether they were influenced by any religious ideologies through exploring their extensive footnotes. Although in the section below, the textual analysis within the translation itself is conducted based on Ivir's strategies, it is crucial to refer to the translator's footnote, and it will be

done after conducting the analysis based on Ivir's translation strategy. This is because the selected translators used extensive footnotes to clarify their argument on the meaning of the legal term "*fāqṭāʿū*".

Regarding the first word, the Arabic term فَاقْطَعُوا (*Fāqṭāʿū*) is a plural obligatory form of the triliteral form (*qaṭaʿa*). According to the Al-Mawrid dictionary, the possible meaning of the word '*qaṭaʿa*' is to cut off, chop off, and cut down. The term could also refer to the Arabic word أَوْقَفَ, which means "to stop, suspend, discontinue, cease". In another form, the meaning can change entirely if a preposition is added after the word *qaṭaʿa*. For instance, the expression قَطَعَ عَنْ could be referred to as "to prevent (from), hinder (from); to forbid (to), prohibit (from)" (Bālbaki, 1998, p. 867). Al-Muʿjam Al-Wasīṭ, which is a contemporary rendering of the Arabic dictionary, illustrates the different forms of the mentioned term to maximise the understanding of the meaning. For instance, the expression قَاطَعَ فُلاناً: هَجَرَهُ literally refers to a person abandoning someone, while the expression قُطِعَ بِه: إذَا انْقَطَعَ رَجَاؤُه signifies that someone's hope comes to an end (Mustafa et al., 2004, p. 745). This is similar to what is found in a *Hadīth* in which the Prophet Muḥammad (PBUH) uses the word *inqaṭaʿa* انْقَطَعَ, which is a past perfect verb from the root *q-ṭ-ʿ*, to refer to the end of life. The Prophet (PBUH) said, "When a man dies, his deeds come to an end except for three things: Sadaqah Jariyah (ceaseless charity); a knowledge which is beneficial, or a virtuous descendant who prays for him (for the deceased)" (Muslim, 1980, no. 1631). According to Mufradāt Alfāẓ al-Qur'ān, the term *qaṭaʿa* means separating a thing that is either perceived by sight or perceived by insight. This word is used in relation to the punishment of theft in verse 5:33 as an example of cutting of part of the human limb (al-Asfahānī, 2004, p. 455).

According to dictionaries of Qur'ānic usage, the roots *q-ṭ-ʿ* occur 36 times in the Qur'ān in 10 different forms. For instance, the form *qaṭaʿa* occurs 11 times, *qaṭṭaʿa* nine times, *taqaṭṭaʿa* five times, and *quṭiʿa* is mentioned only once in the Qur'ān. Of this root, the Qur'ān uses different meanings according to context. For instance, it could be referred to as "to cut down" as in verse 59:5 or "cut off, to sever" as in verse 5:38, or "to separate" as in verse 2:27, as well as "to cover a distance, to travel" as in verse 9:121 (Badawi and

Haleem, 2008, pp. 765–766). This demonstrates the richness of the Arabic language and its variety of forms that can lead to a different meaning based on the context of the situation. The Qur'ān, which is viewed as a masterpiece of the Arabic language, contains a sophisticated linguistic structure characterised by a range of different semantic forms (Khalaf and Yusoff, 2012, p. 75; Mustapha, 2009, p. 226). Capturing its meaning in a second language, especially one such as English, is recognised as a challenge for translators hence the strong need for Qur'ān translator to be familiar with the linguistic form, the context of the situation of the verse, as well as the wide range of exegetical references.

With regards to this term, as shown in Table 5:6, the translators adopted different procedures to deliver the intended meaning. Both Ünal and Nasr used literal translation to transmit the terms with legal connotations of the source term, and thus opted for "cut off". According to Ivir's seven translation procedures, the literal strategy is the most commonly used because of its closeness to the source text and its transparency in the target language. It is therefore used to convey the lexical and cultural meaning of the source term (Ivir, 1987, p. 41). Unlike Ünal and Nasr, Yüksel used something similar to the addition strategy, which is employed when translating implicit meaning into explicit information, and thus can require a note to be added after the translation of the target word. For instance, the target reader may not recognise certain words or abbreviations, and this usually necessitates further explanation. However, this is not the case with the term فَاقْطَعُوا (fāqṭaʿū), as it is clearly defined in many dictionaries. While both Ünal and Nasr translated the term as "cut off", Yüksel on the other hand decided to translate it as "you shall mark, cut, or cut off" (Yüksel et al., 2007, p. 153). In his footnote, he provides extensive detail on various topics related to the legal ruling of theft punishment, but a particular emphasis is put on the term "cut off", as he provides all the derivatives and forms that occur in the Qur'ān. He further explains that the derivative that reads as "qattaʿa" occurs 17 times in the Qur'ān and has several meanings, such as physical cutting off, metaphorical cutting off, and physically cutting or marking something (ibid). Yüksel goes on to argue that the expression "cut off their hand" in verse 12:31 of the Holy Qur'ān was metaphorical. This is because in verse 12:31, which describes the women

who were gathered and mesmerised by Prophet Joseph's physical form as cutting their fingers with knives, features a metaphorical sort of cutting. Allāh says in the Qur'ān "When she heard their malicious talk, she prepared a banquet and sent for them, giving each of them a knife. She said to Joseph, 'Come out and show yourself to them!' and when the women saw him, they were stunned by his beauty, and cut their hands, exclaiming, 'Great God! He cannot be mortal! He must be a precious angel!" (Abdel Haleem, 2004, v. 12:31). In this regard, Yüksel indicates that "[o]bviously, those women did not cut off their fingers". He went on to conclude that "[i]t is up to the society to choose one of these meanings [mentioned above] or a combination of them depending on the severity of the crime" (Yüksel et al., 2007, pp. 160–161). Yet for us to understand his argument, we need to go further and relate it to various other references.

According to Qur'ān exegeses, the term فَاقْطَعُوا (*fāqṭāʿū)* in this verse means to cut off the hands as a punishment for theft, and the Qur'ān has legislated punishments to deter people from committing crimes (al-Qurṭubī, 2003; al-Ṣābūnī, 1977; al-Saʿdī, 2001; Ibn Kathīr, 1999). Taking a cursory look at other Qur'ān translators, it can be observed that none of them inserted an alternative meaning but rather delivered it literally as "cut off their hands" (Abdel Haleem, 2004; al-Amri, 2023; al-Hilali and Khan, 1997; Ali, 1975; Arberry, 1955; Pickthall, 1953; Shakir, 2001). Indeed, determining which of the translations is more accurate is a difficult task, however, the majority views are more convincing, since the term is explained clearly in various Qur'ān dictionaries. In addition, with the exegete's opinion in mind, the translation of the term *fāqṭāʿū* is consistent with the exegete's view. Having cited various exegetical and translation works, Yüksel's rendition, therefore, stands out as different. For him, the term could possibly be understood in three alternative ways; cutting off their hands, marking their hands, or cutting their means to steal. This is not the likely meaning of the Qur'ānic verse, and thus, it could be argued, that Yüksel chose to provide an alternative meaning that aims to soften and reform the intended one, by using the addition translation strategy to avoid mentioning the clear punishment which is amputation. Yüksel's translation of this term is problematic and ideologically inclined, and his translation highlights major differences between the reformist approach that he adopted and that of "orthodox translations and

commentaries", as he calls them (Yüksel et al., 2007, p. 13). For him, his Qur'ānic translation may be understood through using logical understanding to "determine the likely meaning of disputed passages" (Yüksel et al., 2007, p. 7). This, therefore, suggests that Yüksel attempts to alter the meaning of a Qur'ānic verse and display his position on punishment-sensitive issues. It is also noteworthy that Yüksel did not include the possible alternative three meanings in square brackets to indicate that they are an addition thereby letting the readers know that this clarification is not part of the actual Qur'ānic text. The fact that he is not limited by religious ignorance, as explained in Chapter Two, has enabled him to openly render the legal term in question in three alternative ways. However, it could be argued, once again, that Yüksel attempted to transmit his reformist ideology in his interpretation of the Qur'ān.

The term *nakāl* (نَكَال) is lexically derived from the verb *nakāl* which means punishment, lessons, and warning (Fayrūzābādī, 2008, p. 1650; Sijistānī, 1982, p. 198). According to dictionaries of Qur'ānic usage, the root *n-k-l* نَكَل occurs five times in the Qur'ān in three different forms. The form *nakāl* occurs three times, while both forms *tankīl* and *ʾankāl* only appear once in the Qur'ān (Badawi and Haleem, 2008, pp. 965–966). Each form refers to a specific meaning depending on the context of the Qur'ānic verse. For instance, *nakāl* in verse 2:66 means warning and lesson, as the Qur'ān states that "We made this an example to those people who were there at the time and to those who came after them, and a lesson to all who are mindful of God" (Abdel Haleem, 2004, v. 2:66). On the other hand, *tankīl* in verse 4:84 means punishment and retribution, as the Qur'ān states "for He is stronger in might and more terrible in punishment" (Abdel Haleem, 2004, v. 4:84). Al-Asfahānī (2004, p. 562) quotes the Qur'ānic verse 5:38 and maintains that the action of *nakāl* signifies a deterrent punishment. In the same vein, Mustafa et al. (2004, p. 953) claim that *nakāl* in Arabic refers to punishment in a way that deters theft and frightens others away from doing anything similar. Moreover, al-Amri (2023) states that the term *nakāl* is "penalization which is set as an example for others". He further points out that "[o]rginally the word *nakala* means to prevent; it is called *nakāl* because it deters both the one who is punished from carrying out the crime at a subsequent time as also others from doing it" (al-Amri, 2023, n. v: 5:38). The exegete al-Ṣābūnī (1977, p. 547) illustrates the

general meaning of the verse and argues that *nakāl* means punishment. He further expresses that after Allāh the Almighty mentions the punishment for theft, he makes it clear that those punishments are what people earned for committing this reprehensible crime. Similarly, al-Qurṭubī (2003, p. 472) writes that the term *nakāl* can be referred to as a verbal noun, or it could be a causal object. He further clarifies that *nakāl* is a punishment that serves as an example for others. Another significant statement was made by the eminent scholar Shafī' in his exegesis named 'Ma'ariful Qur'ān, in which he argues thus:

> [T]ranslation of this word [*nakāl*] in the idiom of any other language would have to have a sense of lesson and dissuasion both. The hint given here is that the stern punishment of cutting hands is based on a consideration which is special and wise. In simple words, it amounts to punishing one and chastening the rest so that this ugly crime is eradicated totally (Shafī', 2004, v. 5:38).

Regarding the term under consideration, all the translators used Ivir's definition strategy with slight differences in their rendering, which could be due to their attempt to accurately convey the meaning. On this note, it is pertinent to explore whether the translators have successfully transmitted the meaning into the target language using the definition strategy based on Ivir's procedure or not. According to Ivir's translation procedure, the definition strategy involves the translator defining terms and explaining them in detail according to their knowledge and the target readers' expectations, either within the text or by inserting a footnote, without affecting the way the target reader reads the translation. For Ivir, the definition strategy "can quite accurately transmit the necessary cultural information depending on how extensive it is made" (Ivir, 1987, p. 41). Unlike Yüksel and Nasr who used the definition strategy, Ünal on the other hand, used something similar to the addition strategy along with the definition one, based on how he conveyed the meaning as "an exemplary deterrent punishment". Indeed, in his rendering, he once again used a combination of strategies in order to make the text understandable to the reader. He defines and explains it meticulously according to his knowledge of Islamic jurisprudence and exegesis, which is again similar to employing the definition strategy. Ünal's rendition, therefore, is almost the same as others, but carries slight differences owing to their

understanding, referencing of Qur'ān exegeses, and attempt to find the equivalent meaning in dictionaries and lexical forms. Therefore, Ünal's use of a combination of strategies is what distinguishes his translation from others. The translator's decision to adopt a definition strategy rather than a literal one seems more viable, since the literal strategy would not make the meaning clear and might even confuse the reader. The meaning of this term should be considered within its context to obtain a near-accurate rendition of the intended meaning, especially when there is no similar lexical structure in the target language. Undoubtedly, the reader would not understand the intended meaning if there were no definition of this terms with legal connotation. This demonstrates that this term in particular is another example of a term in Arabic that is highly embedded in Arabic culture, thus making it necessary to use a definition procedure.

Regarding the translators' footnotes, it is pertinent to note that all the translators inserted an extensive footnote for the legal verses 5:38-39 which focus the punishment of theft. Thus, it is important to examine their footnotes in depth in order to explore the possibility of religious ideologies being embedded therein. While Ünal provides details regarding conditions that apply to the legal ruling in the penal law of Islam, Yüksel did not include much juristic discussion in his footnote, but instead provides possible ways to understand the alternatives to the punishment for thieves. On the other hand, unlike Ünal and Yüksel, Nasr provides various juristic discussions on topics such as the five punishments in the Qur'ān, how the penalty is equally applicable to both male and female thieves, making amends, and finally whether or not repentance spares a thief from the punishment of amputation. Thus, it can be said that each Qur'ān translator has a different purpose and aim that can be understood by examining their footnotes. In this regard, Lawrence (2016, p. 634) asserts that "[w]hat distinguishes The Study Quran [Nasr's translation] is not merely its collective authorship but the scope and scale of its ambition". He further opines that "[n]owhere else in the vast inventory of works interpreting the Quran for English readers can one find a series of reflections that provide reference to *Sunni*, *Shiʿi*, Sufi and philosophical commentaries, each valorised and often combined in a single entry" (Lawrence, 2016, p. 634). Among the distinctions made by the translators, at least in many parts (if not in all), it seems clear that both Ünal and Nasr share some common

beliefs in that they both support their argument with *Ḥadīth* and classical Qur'ānic exegeses, and link the content of their footnotes with issues found in contemporary world. Based on the foregoing, one possible implication of this finding is that a Qur'ān translator "need[s] to have a proper knowledge of such issues [of today's world] so that they can carefully render the related verses in the light of those issues without making any compromise in the accuracy of the meaning of the verses" (Nassimi, 2008, p. 122). In addition to contemporary issues, Nassimi (2008, p. 201) also believes that a Qur'ān translator requires additional Islamic knowledge to convey the meaning of legal ruling verses and he categorises the knowledge into that of the Prophet's tradition and jurisprudence.

In the case of Ünal's translation, he provides scientific facts about the Qur'ān and penal law acting as deterrent. For instance, at the beginning of his footnote, Ünal opines that "the penal law is not the fundamental law upon which a complete system of life has been founded. Rather, it is a collection of sanctions and cautions that help to maintain a healthy system" (Ünal, 2006, p. 243). He further points out that "by stressing and giving particular importance to repentance and reformation, Islam approaches the matter [penal law] as one of education and upbringing, showing that it aims to enable individuals to attain human perfection" (ibid). Ünal gives a clear justification of the accepted intended meaning of the common verse and concludes that "Islam brings piety, reverence for God, and life to the forefront" (ibid). This illustrates the way in which Ünal uses his footnote to display the importance of Islamic attributes to these principles and its moralities. He further presents several examples that indicate that the purpose of punishments in Islam is to preserve the Islamic system and deter people from committing crimes. He also shows the importance that Islam attaches to values and justice in all aspects of life and that punishments must be viewed as part of the Islamic system in terms of all its social and political dimensions, and the principles of morality, education, and reform (ibid).

Evidence of ideological influence in Ünal's footnote can be found in several instances. For example, he repeats words such as values, principles, morality, and education. He also mentions expressions such as human rights, freedom, a healthy system, and human

perfection. These terms reflect the influence of the Gülen movement on Ünal, which advocates for moral values, discipline, and dialogue. As explained in Chapter Two, Ünal was influenced by the Gülen movement (via his teacher Fethullah Gülen), an Islamic-based movement that calls for a "modern interpretation of Islam" (Yavuz, 1999, p. 548). Ünal adopts Gülen's vision of Islam, which is based on the discourse of tolerance, and exerts efforts towards building a positive image of Islam as well as launching the idea of dialogue-oriented practice (Bilici, 2006, pp. 1–18). The Gülen movement raises topics that concern "how to save Islam in the face of modern scepticism" (Yavuz, 1999, p. 604). In almost the same way, Ünal, in his footnote, maintains that "[t]he penalties Islam legislated for the crimes committed against basic human rights and freedoms, such as the right to life, personal property, belief, reproduction, and individual and public security, and basic values like chastity and innocence, and those verses that legislate for crimes against mental and physical health, show the importance Islam attaches to these values and their protection" (ibid). Such a connection, although sometimes reasonable, clearly influenced his translation and could point to the fact that Ünal's translation carries an ideological implication, and that he attempted to transmit his religious beliefs that are linked to the Gülen movement to his readers.

5.2 Conclusion

This chapter set out to examine how Qur'ān translators transferred the language of the legal ruling verses of punishment law into English. The second major undertaking of the chapter was to elucidate how the religious ideologies of certain translators were embedded in their Qur'ānic translations and how that might have influenced the meaning as well as the rulings that these verses contain. The research has revealed that each translator used different translation strategies to translate the terms with legal connotation and the choice of strategy, it could be argued, was influenced by their cultural and religious ideologies. However, these results must be interpreted with caution given the fact that most of the Qur'ān translators used literal translation, based on the Ivir translation strategy. Moreover, it must be highlighted that the critical and comparative analysis was not only conducted on selected terms with legal connotation, but also on the translators'

footnotes. Therefore, this study investigates the effect of religious ideologies on the translator's footnote as well.

In the analysis of Verse 1, Yüksel (2007), in his translation of the term *qiṣāṣ* avoids mentioning the death penalty and attempts to soften the clear statement in the Qur'ān that indicates the death penalty for a punishment analogous to the crime. Yüksel used the lexical creation strategy, which takes a variety of forms, from semantic extension to vocabulary invention and selected an ambiguous word that might indicate different meaning, instead of conveying the commonly accepted intended meaning, based on the relevant dictionaries, jurists and Qur'ān exegeses. It is very likely that he made this choice to soften the meaning through using his ideological inclination and religious beliefs that are linked to his reformist approach. This is clearly evidenced by his rendering of the term as "equivalent execution" rather than a "retribution", as the other translators did for this verse. Another important finding was that while Ünal and Nasr maintain that there are no differences in retribution between killing men and women and that all should be punished accordingly, Yüksel, on the other hand, opposes this argument and calls for equality in retribution, claiming that women should not be killed for a man, nor a man killed for a woman. Such findings once again show that Yüksel's translation carries an ideological implication, along with his attempt to transmit his religious beliefs, and reveal his position toward gender equality in retribution. Such an argument casts a shadow of doubt about inconsistency on his footnotes.

Similarly, while the majority of jurists held the view of killing the killer as retribution, Yüksel, in his footnote, attempts to weaken the punishment, not only by denying the retribution, but also by declaring that monetary compensation might be more useful than a prison sentence for the victim. He further declares his support for the idea of releasing the criminal by giving compensation or mandatory work. This argument is contrary to that of Ünal (2006), who supports the punishment of retribution, and expresses that it saves the community fundamentally, something that imprisonment cannot do. This rather contradictory outcome may be the result of their differing ideological beliefs. Indeed, their religious ideological beliefs can be categorised into two groups: Ünal is a traditionist; while

Yüksel represents the modernist and secularist thought of Islam. Thus, it could be concluded that Yüksel, in his favouring of easing the punishment and denying retribution in society, attempted to transmit his religious ideology of reforming the Qur'ān, softening the meaning, and making the practice of retribution appear almost impossible in the contemporary world.

Another worthy point to note in Verse 2 is that although the translators applied different strategies, for the most part, to convey the legal connotation of *yuḥaribon*, Nasr is likely the closest to providing an accurate rendition of the intended meaning. He rendered the term as "wage war against God", which is the meaning of the Arabic term *muḥarabah*. On the other hand, Ünal and Yüksel rendered the meaning as "fight against God", which could be translated as "*muqatalah*" in the Arabic language. Nasr with his translation of the term *yuḥaribon* as "wage war" followed the dictionary meaning of the Arabic term. Another noteworthy finding is concerning the term *yuqattalū*. While Yüksel and Nasr used literal translation by rendering the term as "be killed", Ünal translated this term as "be executed", which could refer to capital punishment for murder. Ünal seems to convey the meaning by using the substitution, based on Ivir's strategies; however, it would have been more suitable to translate this legal term as "be killed" to convey the commonly accepted intended meaning. It is somewhat surprising that Ünal, who inserted an extensive explanation within brackets in his translation, refused to convey the literal meaning of a term that seems the most likely but instead replaced it with an ambiguous word that might indicate a different meaning. Another interesting finding was in relation to Nasr's extensive footnote, which discussed an interpretation of the legal verses drawn from both *Sunni* and *Shiʿi* exegeses. Nasr's translation is considered a window into Islamic exegesis and Qur'ānic studies, thus, his translation is not biased (Celene, 2019, pp. 89–90). Nevertheless, although he relied upon most *Sunni* schools of law, such as al-Mālikī and al-Shāfiʿī, he barely mentioned the Ḥanbalī school of law, which is also *Sunni*, or referred to *Sunni* exegetes, such as Ibn al-Jawzī, al-Saʿdī and al-Shinqīṭī, who adopted Ḥanbalī schools of Islamic jurisprudence. Nasr's translation would have been more relevant if it had featured all legal schools of thought, particularly given the fact the Ḥanbalī legal school is adopted in many Muslim countries. It seems then that Nasr's claim of following

all Islamic legal schools in his footnote is questionable, and selection bias is another potential concern that a further study may need to investigate.

A comparative analysis of the last verse about the punishment of theft revealed a significant ideological influence that led to different interpretations. One of the most significant findings to emerge lies in the difference of Yüksel's rendition of the term *fāqṭāʿū*. Unlike Ünal and Nasr, who delivered the meaning literally, Yüksel argued that the term could be understood in three alternative ways; cutting off their hands, marking their hands, or cutting their means to steal. It could be argued that Yüksel provided these alternatives to soften and reform the meaning and employed an addition translation strategy to avoid rendering the actual meaning of amputation. Yüksel's translation of this term is problematic, and his translation highlights the major differences between the reformist approach that he adopted, and that of the traditionist. This therefore suggests that Yüksel attempted to reform the Qur'ānic verse and displayed his position on punishment-sensitive issues. Another interesting finding was in relation to Ünal's footnote, which mirrors the Gülen movement's influence on him. The research also revealed that from the choice made by the translators, it could be concluded that both Ünal and Nasr share some common beliefs and therefore both support their argument with *Ḥadīth* and classical Qur'ān exegetes, and within their footnotes mention issues found in today's world. It is therefore likely that a connection exists between the two translators. Nevertheless, given that the analysis was only conducted on a few legal rulings' verses, caution must be applied, as the findings are limited.

Chapter Six: Conclusions and Recommendations

6.1 Introduction

In this chapter, the study will come to a close by presenting key observations that have emerged from a comparative and critical analysis of three translations. A brief summary of the study's findings will be provided, and these will be used to address the research questions posed in Chapter One. Additionally, this chapter will discuss the strategies employed by translators when dealing with terms with legal connotation. Finally, suggestions and recommendations will be offered for future research in the area of Qur'ān translation, particularly concerning the translation of legal ruling verses.

6.2 Findings and Implications

This study attempted to provide a descriptive-analytical insight into how the legal ruling verses of the Qur'ān have been transferred into English and examine the influence of Qur'ān translators' ideologies. The research was analytically compared at two levels: the first is the textual level, where the lexical and semantic choices made were analysed against Ivir's (1987) translation strategies. The second is the paratextual level, where the critical analysis was limited to the translator's footnotes. The research was conducted to analyse the verses according to the standard beliefs of Islam that are related to a wide range of references such as Qur'ānic dictionaries, Qur'ānic exegeses, as well as the opinion of jurists and scholars. The study focused on three prominent Qur'ān translators; Ünal (2006), Yüksel (2007), and Nasr et al. (2015). The researcher's aim was to gain insight into how the translators' ideological leanings – as reformists, modernists, and traditionalists – influenced their translations of the rulings related to marriage and punishment.

The most interesting findings were that each Qur'ān translator had a different purpose and ambition that can be understood by examining their footnotes. The comparative and critical analysis of both the marital and punishment verses revealed the significant

ideological influences that led to different interpretations. Based on the examination of the translator's footnotes, it was concluded that, as Haneef (2012, p. 1) points out, some Qur'ān translators tend to be reformists, while the majority remain traditionalists. This is evident in the group of Qur'ān translators selected in this study, where Yüksel, for instance, take a reformist approach, while others such as Ünal and Nasr stick to traditional interpretations.

In Ünal's (2006) translation, he appears to have included his Sufi perspective and religious beliefs while following Nursi's philosophy of comparing science and religion. He uses the hermeneutic approach in translating Verse 1 of Chapter 4. Nasr also attempts to convey his religious ideology, which was the *Shīʿah* sect of Islam, and discusses the topic of marriage to a polytheist. He includes Zoroastrians and Hindus, categorising them as *ahl al-kitāb* (People of the Book) without a clear reference. For his translation of the term الْجَنَّةِ (al-Jannah) as 'garden,' it is possible that he referred to the Bible or that this choice simply reflects the dominant ideology in his country, Iran. Nasr's footnote on the legal rulings of highway robbery presents an interpretation of legal verses drawn from both *Sunni* and *Shiʿi* exegeses. However, he relies mostly on *Sunni* schools of law and barely mentions the Ḥanbalī school of law, even though it is also *Sunni*. This raises questions about his claim of following all Islamic legal schools and suggests a potential selection bias that further studies can investigate.

In legal rulings regarding marital conflict, Yüksel translated the term *ḍaraba* (ضَرَبَ) as 'separate them', differing from other translators who used 'strike, beat and hitting'. This suggests that Yüksel opted for a direct lexical replacement to soften and moderate the expression's meaning. This may indicate Yüksel's stance on gender-sensitive issues and an attempt to reform the Qur'ānic verse. Another important finding in the legal rulings of retribution, as Yüksel applied Ivir's lexical creation strategy in his translation of the term *qiṣāṣ* (قِصَاصْ) into "equivalent execution", which by no means conveys the commonly accepted intended meaning. Yüksel avoids mentioning the death penalty and attempts to soften the clear statement in the Qur'ān that indicates the death penalty for a punishment analogous to the crime (see Table 5:2). It is very likely that he made this choice to weaken

the meaning given the ideological inclination and religious beliefs linked to his reformist approach. Yüksel's translation of the legal rulings regarding polygamy in Islam also stands out. He claims that the first wife's consent is necessary for a husband's second marriage to be valid. This sentence may have been inserted to highlight the difficulty and impracticality of polygamy and to support the first wife's position. Overall, Yüksel's translations carry an ideological implication, revealing his beliefs and position towards gender equality in legal rulings of retribution and polygamy.

To determine whether the selected translators have conveyed a near accurate intended meaning of the legal ruling terms that are related to Islamic law, this research has adopted Ivir's (1987) suggested procedures for translating culture-bound terms. This research also shows that terms related to Islamic law are culture-bound elements in nature, as indicated by Abdul-Rauf (2001, p.162). The table below shows the number of different strategies of the selected translators based on Ivir's procedure, and the occurrence frequency of each strategy.

Table 6. 1 Translation Strategies Employed by Qur'ān Translators

Strategy / Translator	literal translation	definition	addition	substitution	lexical creation	borrowing	omission
Ünal	8	4	4	2	1	0	0
Yüksel	7	3	1	3	1	0	0
Nasr	12	2	1	0	0	0	0
Total	27	9	6	5	2	0	0

The research conducted found that different translation strategies were employed by each translator to render the terms with legal connotation into English. It has been suggested that these strategies may have been influenced by cultural and religious ideologies. It is important to exercise caution when interpreting these results, as the literal translation strategy was the most frequently used by the selected Qur'ān translators to convey the

terms with legal connotation of the source terms. This strategy was used 27 times by all Qur'ān translators, and it is commonly used due to its closeness to the source language, especially when the term has a similar lexical structure in both languages. The research also indicated that the definition and addition translation strategies were the second most commonly used by the selected Qur'ān translators, with nine and six occurrences respectively, while substitution and lexical creation strategies were less frequently employed. Furthermore, the analysis revealed that neither the omission nor borrowing strategies were used among the seven translation strategies in the analysis verses.

The table also revealed that literal translation is the preferred strategy adopted by Nasr, whereas lexical creation was not at all used in his translation. Ünal is ranked first among all translators in applying the addition strategy. Yüksel, on the other hand, is the least likely to use literal translation when rendering terms with legal connotation and the most one to use substitution strategy. The substitution strategy is generally used when cultural terms are overlapping and no clear-cut occurrence of the element can be found. However, this was not the case with the terms with legal connotation mentioned in Table 4.6. Yüksel's translation of the term *qawwāmūn* as 'to support' does not convey its intended meaning, which refers to the guardianship of men over women and their responsibility to protect their family in the marital relationship. It could be argued that this choice was made to avoid indicating that a husband manages family affairs and is in charge of his wife, as ordained by Allah. Yüksel's translation highlights the significant differences between the reformist and orthodox approaches to translations and commentaries.

In this research, it was discovered that the translators mostly use literal translation strategy to convey legal terms, but Nasr's translations were found to be the most accurate. This was evident in the legal ruling for highway robbery, for which Nasr translated the term "*muḥarabah*" as "wage war against God", which accurately reflects its Arabic meaning. On the other hand, Ünal and Yüksel translated it as "fight against God", which is more akin to the Arabic term "*muqatalah*". It is possible that the inaccuracies in their translations were due to their limited knowledge of Arabic, as both translators are from Turkey, where Arabic is not the primary language. However, it is worth noting that Nasr,

who is originally from Iran, had the help of four editors who likely contributed to the accuracy of his translations. Taken together, these findings do not diminish the efforts of the selected translators who strove to establish accuracy and clarity as primary factors in their translations. However, their discrepancies were primarily influenced by their individual perspectives and backgrounds. Nevertheless, the analysis was conducted on only a few legal ruling verses; thus, caution must be applied, as the findings cannot be generalised. These findings have significant implications for the understanding of how terms with legal connotation could be translated. For example, it is possible that the most appropriate procedure and strategy to be used for translating terms related to Islamic law in the Qur'ān is literal translation, which was employed frequently by the selected Qur'ān translators.

The thesis also found that Yüksel's argument is generally contrary to that of Ünal and Nasr. This is shown in the legal rulings concerning retribution. While Ünal and Nasr maintain that there are no differences between killing men and women with regards to retribution and that all should be punished accordingly, Yüksel opposes this argument and calls for equality in retribution, claiming that no women should be killed for a man, nor a man killed for a woman. Similarly, while the majority of jurists held the view of killing the killer as retribution, Yüksel attempts to soften the punishment not only by denying the retribution, but also by declaring that monetary compensation might be more useful than a prison sentence for the victim. This argument is contrary to that of Ünal and Nasr, who support the punishment of retribution, and express that it saves the community fundamentally, something that imprisonment cannot do. Another evidence of Yüksel's arguments generally opposing those of Ünal and Nasr can be found in the translation of the legal rulings on theft. Unlike Ünal and Nasr, who delivered the rendition of the term *fāqṭāʿū* (فاقطعوا) literally, Yüksel argued that the term could be understood in three alternative ways: cutting off their hands, marking their hands, or cutting their means to steal. Once again, this outcome may be the result of the translators' differing ideological beliefs. Specifically, their religious beliefs can be classified into two groups: Ünal and Nasr are fundamentalist and traditional, while Yüksel represents the modern thought of Islam.

Based on the research, it was discovered that Ünal and Nasr share similar beliefs and both use *Ḥadīth* and classical Qur'ān exegetes to support their arguments. They also include relevant issues in their footnotes that are present in the world today. It is therefore likely that a connection exists between the two translators. For instance, when discussing the legal rulings on marital conflict, both translators support their arguments with *Ḥadīth*, classical exegetes, and the words of prominent legal scholars. Ünal tends to insert interpretations in brackets more often, which indicates his attempt to convey his religious ideology or his translation's basis on traditional exegeses and authentic *Ḥadīth*. On the other hand, Nasr includes more extensive footnotes that explore the interpretations of legal verses from both *Sunni* and *Shīʿī* exegeses. These findings demonstrate that Qur'ān translators differ in conveying meaning and discussing legal matters. Additionally, the length of their footnotes may indicate ideological influences. Some translators, like Ünal, insert short footnotes, while others, like Nasr, insert more intensive footnotes.

This study presents an insightful analysis of the legal verses related to marital law and punishment law. Based on the literature debates, it is observed that the verses pertaining to marital law are generally less controversial. However, the translations of these verses exhibit a significant degree of variation among different translators. On the other hand, legal verses concerning punishment law are heavily debated, but the translations tend to be more consistent among translators, except for Yüksel, who once again offers unique translations. It is important to note that not every verse falls into these categories, and some legal rulings related to marital law have little variation in the translations despite being subject to extensive debates in jurisprudence literature. This is the case for the legal rulings concerning the resolve of marital conflicts, for instance. Furthermore, the critical analysis revealed that certain legal rulings related to punishment law have not been subjected to significant controversies.

The findings have significant implications on the understanding of the legal ruling verses in the Qur'ān and shed new light on the possibility of translators' ideologies being brought into the legal language of the Qur'ān, whether intentionally or otherwise. Therefore, this study adds to the growing body of research that indicates the importance of reading the

legal ruling verses critically and emphasises the influences that act upon Qur'ān translators, especially in translations with extensive footnotes. It is important to emphasise here that this study did not include all the legal rulings of the Qur'ān, due to the word limit; thus, it was limited to analysing six legal verses. In spite of this limitation, the study seeks to understand the differences in legal opinions within Islamic law. Such differences and polarity of opinion amongst jurists and exegetes' understanding of the mentioned legal terms reflect the possibility that certain terms have several meanings. Thus, translators, who are not experts in legal and jurisprudence knowledge, can fail to transfer the intended meaning.

Contrary to expectations, in some of the selected legal verses, it was difficult to prove whether the translators were influenced by a specific religious ideology over another. However, a significant difference was found between each Qur'ān translator with regard to the wide range of topics they explored in their footnotes. This may be due to the fact that each translator had specific reasons, objectives, and ambitions for inserting a footnote and could mean that, despite these promising results, certain questions over the influences of ideology remain unanswered. These results, therefore, need to be interpreted with caution, and future studies taking other legal verses into account need to be conducted.

This study has shown that the translation of legal rulings requires the translator to know the traditions (*Sunnah*) of Prophet Muḥammad (PBUH), exegetical references, and have knowledge of jurisprudence (*fiqh*). Moreover, it must be noted that this research's critical comparative analysis was not conducted to decide whether a translator is correct or not, but rather to suggest that different translators have different ideas and ideologies that influence their translations and footnotes. Nonetheless, this study has enhanced our understanding of the important role played by Qur'ān translators in translating legal ruling verses and revealed the possibility of translators' ideologies being brought into the translation of the legal language of the Qur'ān; it also lays the groundwork for future research that critically examines all legal ruling verses and their translation. This new insight should help to improve the prediction of the impact of Qur'ān translators and thus

assist in the planning of a further study on various legal verses of the Qur'ān. Notably, the chapter did not include all legal ruling verses in the Qur'ān. Notwithstanding, the analysis of the relatively limited number of legal verses upon which this research focused has offered valuable knowledge into how Qur'ān translators transferred the language of the legal ruling verses surrounding marital and punishment law into English. It also adds to our understanding of the religious ideologies embedded in the selected Qur'ān translations and how they might have influenced them.

6.3 Suggestions and Recommendations

Based on the results of the current study, some general recommendations can be made with regards to translating the Qur'ān, as well as specific research opportunities. The researcher suggests that a similar study be conducted using other legal ruling verses in the Qur'ān, as this study critically only analysed six legal verses from al-Ṣābūnī's jurisprudence exegesis that were categorised into two themes of legal rulings: marital and punishment law. Al-Ṣābūnī's jurisprudence exegesis states that there are approximately 67 legal verses based on the chapters of the Qur'ān. Future research could focus on critically and comparatively analysing other legal ruling verses or legal rulings mentioned in specific chapters of the Qur'ān. Additionally, it could include verses from different themes of jurisprudence such as acts of worship, family law, trade and finance, crime and sentences, and international law (see 3.5.1) to yield more expansive results. In order to accurately assess the effectiveness of translating Qur'ānic verses based on their ideological background, it is crucial to conduct comparative reviews of other English translations. This should not only be limited to the themes of this particular study, but also extend to other themes such as, stories (*Qaṣaṣ*) and parables (*Amthāl*). Further research can also focus on comparing these themes.

It would also be beneficial to broaden research findings by having other Qur'ān translators from diverse cultural backgrounds and analyse the data set. According to Al-Amri (2019), there are currently 120 English translations of the Qur'ān, with more translations being published recently. By examining these translations, we can gain a better understanding

of the important role played by Qur'ān translators and the various factors that influence their work. This could include investigating cultural, sociological, and ideological influences of English translators from Indian, Türkiye, or Middle Eastern cultural backgrounds. It would be interesting to explore the influence of a translator's cultural background, native language, and place of origin on their translations, as well as changes in the translations over time due to readers' expectations and the translators' Islamic background, beliefs, and adopted Islamic schools. Lawrence's comprehensive book (2017) provides a biography of the Qur'ān in English by author and date, as well as numerous online sources for translations of the Qur'ān. Overall, further study focusing on a specific timeframe of Qur'ān translation, such as the last 20 years, and examining other translators' familiarity with the authentic corpus of *Ḥadīth* would greatly enhance our understanding.

A potential research idea is to conduct a comparative and critical analysis of translations of the Qur'ān produced before and after 9/11. The study could explore whether recent translators responded to this specific political event in their translations, and whether there are any differences in how legal verses are rendered compared to previous translations. It could also investigate whether translations produced in the context of a political conflict differ from those produced before. Another area of research could include looking at how translators handle verses related to holy war (āyāt al-Jihad) and how they respond to specific political events. Following 9/11, the reception of the Qur'ān by readers changed, particularly in terms of interpretation, which raises further questions for translators (see 2.5.4). Moreover, future research could also examine different approaches to Qur'ānic translations, as some translators describe their approach while others do not (see 2.7). For example, research could explore translations from an orientalist approach or compare translations by Muslim and non-Muslim translators and their ideological understanding of specific verses (see 2.5.2). It is suggested that further studies take these variables into account.

Furthermore, it may also be beneficial to explore alternate theoretical frameworks or theories and examine other factors that may impact translators, such as cultural,

sociological, and political influences. The methodology employed can draw inspiration from a wide range of theoretical backgrounds. For example, the neo-hermeneutic approach (cultural translation), Pierre Bourdieu's approach (sociology of translation), and narrative theory (ideology factor) can all inform the methodology. Advocates of the neo-hermeneutic approach, such as Ricoeur and Berman, see the translation process as a subjective and creative act that relies solely on the translator's interpretation and transfer decisions. Conversely, the hermeneutic approach is empirical and interpretive, whereas the neo-hermeneutic approach emphasises the "human factor" (House, 2001), as identified by Steiner. This approach is particularly useful when exploring the relationship between the translator as a meaning creator and the original text. Bourdieu's sociological perspective (1977, 1991) can be used to incorporate concepts such as habitus, which links to areas like field and cultural capital that are central to recent sociological work in translation studies (Ali, 2018). Additionally, Mona Baker's narrative theory (2006) can be useful when exploring the translator's ideological position and the use of paratexts to indicate their hidden agenda and ideological sympathies towards the text (Batchelor, 2018). Therefore, adopting a neo-hermeneutic approach and Bourdieu's concept of habitus, capital, and regulatory behaviour, alongside a social dimension and sociological perspective, can be advantageous for future research.

It is possible to compare the use of critical discourse analysis (CDA) with corpus linguistic (CL) for identifying the ideology of individual translators (refer to section 2.4.1). The theoretical framework of the research might be extended to investigate all the terms with legal connotation that are often used in the Qur'ān and have special and unique meanings. This includes evaluating the various English translations of the Qur'ān to determine if they convey the right Islamic concepts behind the terminologies. Further research using paratextual analysis is also necessary to comprehend the effects of the Qur'ān translator's cultural and sociological influences. As explained in Section 1.6.3.3, the concept of paratext has been an area of great interest in the field of Translation Studies generally, and in the field of Qur'ān translation in particular (Al-Amri, 2019). Paratexts have a significant impact on framing the text and facilitating understanding, and they can also affect the way the text is received. Bourdieu's sociology and Genette's

paratextual theory are interconnected conceptual frameworks that should be adopted in further studies. The researcher recommends exploring these areas to yield fruitful results.

Implementing these suggestions and recommendations in future research will lead to valuable additions being made to the current literature on English translations of the Qur'ān.

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