

Gender

ASMA SAYEED

A modern-day visitor to Jami' Amr ibn al-'As mosque in Cairo during the month of Ramadan can not miss the overt female presence in the women's quarter. That Muslim women of all ages attend this and other congregational mosques throughout the world is a fact that clearly contravenes a legal consensus arrived at during the formative period of Islamic law. After deliberation on the legality of women's attendance at mosques for congregational prayers, the majority of jurists, both Sunni and Shi'ite, concluded that women – particularly young, attractive women – should avoid mosques for fear of the social unrest (*fitna*) associated with their presence there.

The prescriptions of the legal consensus may not have been universally followed and have been modified and tempered by some jurists in the modern period. Nonetheless, it is important to revisit some of the early debates on women's presence in mosques as they clearly reveal the social forces and mentalities that shaped one area of juridical discourse regarding women's mobility in the public sphere.

The *ijma'* of major Sunni and Shi'ite *madhhabs*, from the second century AH to the modern period, on women's prayer at home being preferable to their prayer at the mosque, is certainly in keeping with other Shari'a injunctions that limit women's visibility in public spaces. This *ijma'*, however, contradicts numerous *hadith* that indicate that women did attend mosques in the time of the Prophet, and that they were not discouraged from doing so. We are thus faced with what appears to be a discrepancy between the Prophet's practice and Shari'a recommendations.

The first indicator of Islamic law, the Qur'an, does not directly address the issue of women attending mosques to perform the five daily prayers. In contrast to the absence of Qur'anic references, a number of *hadith* either explicitly or implicitly deal with the issue of women's presence in mosques.¹ These *hadith* can be arranged into the following categories: those indicating women's presence in mosques during the time of the Prophet; those favouring permission for women to go to mosques; those prescribing proper behaviour for women who go to mosques; and those discouraging women from praying in mosques. The *hadith* in the first three categories – those indicating that women can and did attend mosques – outnumber those in the final category in which women are encouraged to pray at home. Moreover, the reports in the last category do not occur with great frequency in the six well-known collections and are often narrated via problem-

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atic *isnads*. Nonetheless, the *hadith* in the final category have played a greater role in guiding and justifying early Sunni discussions regarding the legality of women's participation in *jama'at*.

Various Sunni stances

Of the four main Sunni schools, the Hanafis, the Malikis, and the Hanbalis can be grouped together as their reasoning is largely similar. They differ primarily in the severity of their prescriptions: the Hanafis emerge as the most restrictive, the Hanbalis as more lenient, and the Malikis as adopting a more moderate position. In general, all three schools are opposed to the presence of women at congregational prayers. *Fitna* resulting from women's presence at the mosque is the primary reason cited for this disapproval. Jurists of these schools further specify that young women, in particular, are to avoid *jama'at* while older women can attend if there is no fear of *fitna* from their presence. Finally, in the case that older women do go to the mosque, they should do so at darker times of the day, for the Fajr, Maghrib or Isha prayers. During these times, the darkness provides a natural veil for the women and their presence in the public arena is therefore less conspicuous than it would be otherwise. The various jurists referred to for this research focus resolutely on the disorder that may result from women's attendance at mosques and pay little or no attention to domestic duties that may prevent a woman from joining congregational prayers. Thus, they are more concerned with preserving a sense of public order or morality rather than with addressing how a woman may balance her religious and spiritual duties with her material, specifically domestic, obligations.

The fourth main Sunni school, the Shafi'i, maintain a position – as articulated first by al-Shafi'i (d. 204) himself – that is perhaps the most elaborate rationalization of the view that women can indeed be prevented from attending mosques. Al-Shafi'i says that the *hadith* which advise men not to prevent women from attending mosques are not general *hadith*. He argues that other *hadith*

that prevent women from undertaking journeys without *mahram* necessarily limit the application of the following *hadith*: 'Do not prevent the women of God from the mosques of God.' Interestingly, according to al-Shafi'i's deductions, the Ka'aba is the only mosque to which men must permit women to go. Because Hajj is a *farid* imposed on every capable Muslim, male or female, a man cannot prohibit his wife or daughter from undertaking the journey to the Ka'aba.² Al-Shafi'i also points out that the obligation of attending *jum'ah* is dropped for women and contends that since this is not required, their attendance at the five daily prayers as well as the voluntary prayers is also not required. The Shafi'i opinion conforms to that of the aforementioned *madhhabs*, meaning that congregational prayers for women in mosques are neither obligatory nor recommended.

Ibn Hazm

In contrast to the chorus of the four major Sunni schools, the Zahiri *madhhab* permits and even gives preference to women's participation in *jama'at* at mosques. In an articulate exposition of the Zahiri view, Ibn Hazm (d. 456) first clarifies that prayer in *jama'at* is not a *farid* for women. Ibn Hazm's brief convergence with the four Sunni schools terminates at this juncture. In his characteristically unequivocal style, Ibn Hazm condemns those who hold that women's prayer in the home is preferable, thereby preventing women from going to mosques. His proof is found in the *hadith* which affirms that congregational prayers are preferable to solitary prayers by 27 degrees. This report is general and cannot be applied only to men. Ibn Hazm also refers to several *hadith* that confirm women's prayer in mosques during the Prophet's lifetime. Thus, the Prophet's Sunna provides Ibn Hazm with further proof that women attended congregational prayers with men and that they should not be prevented from continuing in this fashion. Two arguments in Ibn Hazm's discussion render his treatment of this subject unique. The first involves the often-quoted *hadith* of A'isha which holds that had the Prophet seen the corruption which occurred after him, he would have forbidden women from going to the mosques.³ Contrary to the positions of other Sunni jurists, Ibn Hazm argues that this *hadith* cannot serve as proof for preventing women from going to mosques. According to him, God Himself has knowledge of the future, and He did not inspire His Prophet to prevent women from going to mosques. Since the Prophet did not forbid this and in fact continued to allow women to attend *jama'at* until his death, A'isha's report does not suffice to abrogate the Prophet's practice. Also, *zina*, the worst type of corruption, existed during the Prophet's time, and this did not lead the Prophet to ban women from the mosques. Ibn Hazm, through his elaboration of this view, emerges as the lone advocate for women's participation in congregational prayers. His is perhaps the only early juridical stance that does not allow the concern for *fitna* to prevail in formulating *ahkam* on this topic.

This discourse, to a certain extent, influenced the historical practices of Muslims. However, as in all other areas of law, practice did not always conform to theory. The architectural layout of many mosques throughout the Muslim world clearly indicates that provisions were made for women's attendance and supports the view that women attended mosques in spite of the weight of legal discourse which discouraged them from doing so. In addition, the fact that *fatawa* throughout Muslim history address this issue further attests to women's mosque attendance. Presumably, if the issue had been laid to rest by early Sunni discourse, there would be no need for *fatawa* on this topic.⁴

In summary, the issue of *fitna* prevails in shaping the early legal discourse on women's participation in *jama'at*. While this fear of social disorder has determined the outcome on most legal discussions when it comes to women's mobility in the public sphere, it is particularly interesting when it comes to women's presence in mosques. In this case, the traditional sources for Islamic law are subverted to an overarching purpose of limiting *fitna* as defined by the predominantly male jurists. The *hadith* that strongly indicate a positive preference for women attending mosques are only minimally considered by most jurists in favour of preserving a general sense of social order. In the more recent legal discourse, those *hadith* which were earlier conferred secondary importance are being recalled to reclaim women's rights to attend mosques. In this sense, *hadith* become handmaidens in the service of jurists who wish to advocate a temporally determined sense of social order and social good. Depending on how jurists choose to incorporate these ascriptions, *hadith* can either serve to support women's participation in mosques, or to discourage it. ◀

Notes

1. Unless otherwise cited, the following editions of *hadith* collections were used for this article: Ibn Hajar al-Asqalani, *Fath al-Bari bi-Sharh Sahih al-Bukhari*, Cairo: Maktabat al-Kulliyat al-Azhari, 1978. *Sahih Muslim bi-Sharh al-Nawawi*, Beirut: Dar al-Ma'rifa, 1994. *Musnad al-Imam Ahmad Ibn Hanbal*, Beirut: Maktab al-Islami, 1993. Abu Dawud, *Sunan*. Homs: n.p.
2. Al-Shafi'i, *Ikhtilaf al-Hadith*, Beirut: Dar al-Kutub al-Ilmiyya, 1986, 103-5.
3. Ibn Hazm, *Muhalla bil-Athar*. Beirut: Dar al-Kutub al-Ilmiyya, 1988, 3:112, 115-6.
4. See, for example, *Fatawa Imam Rashid Rida*. Beirut: Dar al-Kitab al-Jadid, 1981, 2:436-7.

Asma Sayeed, PhD candidate at Princeton University, Department of Near Eastern Studies, is writing her dissertation on Women's Education in Early Islamic History.
E-mail: asayeed@princeton.edu

ANNOUNCEMENTS

ISIM Online

The ISIM website (www.isim.nl) is in the process of establishing itself online in the field of the study of Islam and Muslim societies. One of the main functions of the ISIM website is to provide a 'cyber-secretariat', offering the latest on ISIM activities and programmes. This means that, even more than the *ISIM Newsletter*, the ISIM website offers update information on calls for papers and application deadlines, as well as specific and more elaborate information on workshops and conferences. Moreover, after such events have taken place, the ISIM publishes the outcome and papers on the website so as to further the dissemination of results and follow-up activities.

Application forms for all ISIM activities can be downloaded from the site. Furthermore, the ISIM questionnaire, which serves as the basis for the ISIM database and mailing list, can be printed out from the site and sent to the ISIM. The ISIM aims at offering its internet services to all relevant institutes world-wide. In order to do so, we ask that you send any relevant hyperlinks to the following E-mail: isim@rullet.leidenuniv.nl