



بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

RESPONSE TO A SISTER'S VIEWS ON WOMEN ATTENDING THE MASAAJID

Tazkiyyah Amra, in her response to an article on the above subject by the Jamiatul-Ulema KZN, attempts to use her limited understanding of the *Usool-ul- Fiqh* to prove that the attendance of musjid for females is permissible unconditionally. In the process she has committed some glaring errors, as I shall now outline.

First and foremost, before we even delve into the substantive arguments presented by her in this debate, one thing our sister failed to realize is that the first generation of Scholars after the Sahaaba-e-Kiraam (radhiyallahu anhum) had already issued rulings against the attendance of Masaajid by females. In fact, we can cite references to indicate that the ban on women attending the Musjid was enacted even during the era of the Sahaaba. In *Badaaius-Sanaai*' a well known work on Hanafi fiqh it is mentioned that Ameerul-Mumineen Omar bin Khattab (radhiyallahu anhu) had banned young women from attending Musjid. Allama Aini mentions in his commentary on Saheeh Bukhari, *Umdatul-Qaari*, that Hazrat Abdullah bin Omar (radhiyallahu anhu) would cast pebbles at women attending the Musjid (in an effort to discourage them). In *Majma'uz-Zawaaid* there is a narration stating that Hazrat Abdullah bin Mas'ud (radhiyallahu anhu) used to expel women from the Musjid on Fridays, saying: "Go back home! That is better for you!" These are high-ranking Sahaaba who understood the hadeeth of our Master (sallallahu alayhi wasallam) far better than any Aalim or Mufti after them. The illustrious and intellectual giants of Fiqh who succeeded the Sahaaba had already commented on this topic and declared their findings. I refer to great luminaries such as Imams Abu Hanifah, Ahmed, Maalik, and As-Shaafi'ee, Imam Sufyan Thauri, Imam Abdullah bin Mubarak, Imam Abu Yusuf, Imam Muhammed bin Hasan As-Shaybani, Imam Ghazali, (*rahima-humullah*) and a host of other outstanding stars on the firmament of Islamic Knowledge. These great Scholars ruled on the prevention of women from the Masaajid while having full knowledge of the existence of those hadeeth that allow women to attend musjid, and while being fully cognizant of the fact that women attended the Musjid in the time of Rasoolullah (sallallahu alayhi wasallam). Did they fail to understand the purport and meaning of this hadeeth? Can anyone claim to have understood the hadeeth of Rasoolullah (sallallahu alayhi wasallam) any better than the Sahaaba themselves, or the Tabi'een who followed them? Why is there even a need to attempt a direct interpretation of a hadeeth when these mighty and senior Scholars have already spared us the effort? Why should we by-pass such great teachers of Deen and endeavour to understand the hadeeth on our own, in the light of our limited and restricted knowledge of Deen? Anyone who does this is indirectly revealing his or her penchant towards the abandonment of taqleed. We are well aware that those who do not subscribe to the concept of Taqleed of a Mazhhab have embarked on a campaign to. Does it make sense to accept an interpretation of hadeeth rendered by modern-day claimants to knowledge, while casting aside the explanation provided by the eminent Scholars of former times

who possessed a greater understanding of hadeeth? One does not need to be well grounded in Deen to understand which option is the right one.

The sister speaks of *naskh* or abrogation. She has failed to understand that in this case there is no question of abrogation. Which Aalim does not know that abrogation of a law cannot take place after Wahi has terminated? With regards to the hadeeth that permits women attending the masjid, there is no abrogation whatsoever. The reality is that in the time of Allah's Messenger there existed two practices: a) women attending the Masjid for salaah; b) women being encouraged not to attend. The first was permitted, while the second strongly encouraged. Enforcing the one (for valid Shar'ee reasons) and not the other does not tantamount to abrogation or *naskh*. Abrogation means to substitute an old law with a completely new one. In our discussion, this is not found. There is no new ruling or new law. Furthermore, this objection was answered by Allama Ibnul-Hummam centuries ago. Allama Kamal ibnul-Hummam (d. 681) a renowned Hanafi scholars, states the following: *"Let it not be said that this (prevention of females from Masjid) is abrogation based on ta'leel (or determining the underlying reason for the rule) because we maintain the prohibition is based on (other) general rulings that hinge on the prevention of fitnah (between males and females), or (we will consider this) a conditional rule which will cease upon the cessation of the enabling conditions, like a law ends upon the expiry of its illah (legal cause)...."* There are many such examples in Shariah where a ruling changed when the illah or rationale behind it no longer existed. One such example is the exclusion of the *Muallafatul-Quloob* from the categories of zakaat recipients.

Sister Tazkiya appeared to be quite surprised to read the Jamiatul-Ulema's statement that the hadeeth preventing women applied to the time of the Sahaaba only. Yet, the Jamiat was one hundred percent correct in their observation. What they have said is a matter of general consensus among Ulema of former times. It is nothing new. When Hazrat Imam Shaafi' (rahimahullahu) was asked about the hadeeth that states: *"Do not prevent the females slaves of Allah from the Masaajid of Allah"*, whether this was specific in its application or general, he had no hesitation in stating emphatically that it was indeed specific or *khaass*. (See *Ikhtilaaful-Hadeeth* of Imam As-Shaafi' ee (ra) that appears at the end of his famous Kitabul-Umm). According to Hazrat Imam Shaafi' ee this hadeeth is governed by certain conditions. Anyone who has studied the vast corpus of hadeeth will not fail to realize that most of the Blessed Statements of Our Rasool (sallallahu alayhi wasallam) are not *mutlaq* or unconditional. Instead they all are regulated by specific circumstances and fixed conditions. And it is only the Sahaaba and the learned Jurists who have the capacity to understand and define these parameters from Shar'ee sources.

Further examples to indicate that the aforementioned hadeeth of Rasoolullah (sallallaahu alayhi wasallam) is not general in its application:

- 1) It does not apply to Jumuah, because the words "night" and "morning" appear in other saheeh narrations. Thus, the Ulema will apply the conditions found in other ahadeeth to the one that is free of these conditions; hence, they maintain that the permission for women to attend Masjid is applicable to Fajr and Eshaa only, because of the narrations in Bukhari, Muslim, Abu Dawood and other works that specifically mention these two salaah times. Therefore, women will not be allowed to attend Jumu'ah salaah. (Fathul-Baari of Ibn Rajab Hambali)
- 2) A woman is not allowed to travel safar distance. This is proven from hadeeth of Saheeh Bukhari. So if she decides to attend a masjid that is more than the safar distance (i.e. 48

Shar'ee miles), she will not be allowed to do so because of the saheeh hadeeth prohibiting this. The husband will be fully within his right to refuse her permission. Yet the hadeeth under discussion grants general permission, making no distinction between safar distance and less. It is thus proven that we cannot regard this hadeeth to be general or sweeping in its application.

- 3) Likewise, all those ahadeeth that mention conditions for the attendance of masjid by females will be regarded as the conditions that must accompany such attendance. The Mutlaq (general or unconditional statement) will be interpreted by the Muqayyid or restrictive conditions that are derived from other Saheeh hadeeth, for example, dressing in simple and not fashionable garments; not applying perfume or makeup; no intermingling inside or outside the masjid. These are conditions that those Ulema have laid down who allow women to attend Masjid for Fajr and Eshaa, notwithstanding the fact that some of these conditions are not adhered to any longer. My intention here is to prove that the hadeeth under contention cannot be acted upon unconditionally, for then we contradict the other ahadeeth of Rasoolullah (sallallahu alayhi wasallam). An important principle in Usool-e-Hadeeth is the need to reconcile all the statements of Rasoolullah (sallallahu alayhi wasallam) on one particular topic. This is the forte of any Scholar of Hadeeth.
- 4) Hazrat Imam Shaafi'ee (RA) states that the greatest of Masaajid is the Masjidul-Haraam; so if the hadeeth that speaks of *the Masaajid of Allah* was indeed general in its application, a woman should not be restricted to a mehram for purposes of Hajj. Yet, in all Mazhabs a female is not permitted to proceed for Hajj or Umrah without a mehram, or without the accompaniment of pious, responsible females in the Shaafi'ee view. This again underscores the fact that this hadeeth is not general in its application. (*Ikhtilaaful-Hadeeth*)

The above are all observations made by the pious Scholars of the first and second generation after Rasoolullah (sallallahu alayhi wasallam). It is unreasonable and beyond the scope of rational thinking to expect us to divert from the interpretation rendered by those great Ulema of the past and opt for the averments of today's pretenders to the seat of learning.

AN INTERESTING OBSERVATION OF HAZRAT IMAM SHAAFI'EE (RA)

He states in his book *Ikhtilaaful-hadeeth*: "*We do not know of any of the wives of Rasoolullah (sallallahu alayhi wasallam) having left their homes to attend Jumu'ah or Jamaat salaah in any masjid, not even Masjid-e-Quba (with all its virtue) in spite of them having a very special position with the Messenger of Allah in relation to the fulfilment of the faraidh of Islam...*

A few lines later the great Imam says: *I do not know of any of our pious predecessors having instructed their wives to attend Jumu'ah or jamaat salaah in any masjid, at night or daytime; if there was virtue in this then these pious Scholars would have commanded their womenfolk to attend and would have granted them permission.*

Sister Tazkiya makes mention of Atika bint Zaid (radhiyallahu anhaa), who was married to Hazrat Omar (radhiyallahu anhaa) and her rigid attendance of the Masjid, even the day that her husband was martyred. She then says: "*It is puzzling that the Jamiat would put out a newsletter to the contrary*". I say: it is equally puzzling to me why the sister mentioned this incident. It is puzzling because she goes on to state further: "*Aisha (RA) is not considered to have legislative power and*

her statement is opinion rather than law”. So if the statement of Hazrat Ayesha (radhiyallahu anhaa) is not law, by what stretch of the imagination can the *action* of Hazrat Atikah (radhiyallahu anhaa) be construed as a legal Shar’ee precedent? Let us enlighten our sister with regards to the action of Atikah. She had mentioned Atikah’s attendance of the Musjid, but failed to say when and why the same Atikah **stopped** attending the Musjid! This incident and the details surrounding it are mentioned by Hazrat Moulana Rashid Ahmed Ganghoi (RA) in his renowned commentary of Saheeh Bukari, viz. *Laami’ud Duraari*, citing the book *Al-Isaabah* of Ibn Hajar, and Ibn Mundah. It is written that she married Hazrat Omar on three conditions: that he will not beat her, will not keep her away from the truth, and will not stop her from offering Salaah in Musjidun-Nabawi. It was for this reason that Hazrat Omar never stopped her, in spite of him disliking the idea of her attending. Atikah is on record as saying that ***had Omar stopped her, she would have obeyed him***. It is also written that she would leave for the Musjid only when her husband left, and would follow him to the Musjid. After the demise of Hazrat Omar (radhiyallahu anhu) she stopped attending the Musjid. Her new husband, Zubair (radhiyallahu anhu) carried out an ingenious plan to force her to stop attending the Musjid. One night he waited for her in the darkness, and as she passed by, on her way to the Musjid, he touched her buttocks. This shocked her so much that she stopped attending the Musjid. She then said: *“We used to attend the musjid when men were still men!”* (Meaning that men have now lost their morality, so we refrain from attending the musjid). From this we learn that both Hazrat Omar and Zubair were against this lady attending the Musjid. And both these Sahaaba were well aware of the hadeeth that says *do not prevent the female slaves of Allah from the Masaajid of Allah*. The only inference we can draw from this is that they knew this hadeeth was restricted to specific times and circumstances. It is illogical to assume otherwise.

THE HADEETH OF UMMI HUMAID

In response to the Jamiat’s statement that women were encouraged to offer salaah at home, Sister Tazkiyya responded with three arguments:

- a) The Jamiat based its statement on a solitary hadeeth, and that is the incident of Umme Humaid (radhiyallahu anhaa);
- b) This incident is not applicable to women in general but is confined to a certain context and is thus specific or *khaas*.
- c) All other ahadeeth stating the best place for a woman to offer her salaah is the home, are *dha’eef* or weak according to Allama Ibn Hazm.

My Response to the above arguments:

- a) The Jamiat has not based its claim only on the hadeeth of Umme Humaid. This is wholly incorrect. Instead, the concept of the home being the best place for a female’s salaah is the standard and widely accepted view of all the Scholars of the past, including those whose names I have already mentioned earlier on in this article. They all rule that the best place for a female to offer salaah is the innermost section of her home, and they all have based their fatwa on the numerous ahadeeth in this regard, the same ahadeeth that sister Tazkiyyah has incorrectly branded as *dha’eef*. We shall disprove her claim further on.
- b) It is once again puzzling why the sister regards the hadeeth of Umme Humaid as *khaas* or specific within a certain context, yet failed to consider the same with regards to the hadeeth that instructs men to allow women permission to attend the Musjid. That hadeeth, she

claims, is *aam* or general in its application. Whereas for the hadeeth of Umme Humaid the sister is at pains to provide a specific context, citing other works of hadeeth in support; yet, she hasn't done research to ascertain whether the hadeeth of general permission is conditional or not. She further states that the Banu Saaidah had their own mosque and council. If that was the case, then why did the Messenger of Allah (sallallahu alayhi wasallam) not instruct her to offer salaah in her own mosque? Why advise her to offer salaah in the corner of her home? This strongly indicates the preference of Rasoolullah (sallallahu alayhi wasallam) in this regard. Those sisters who wish to "reclaim the masjid" should ask themselves whether they are acting in accordance with the preference of our Master (Sallallahu alayhi wasallam) or the preference of their own nafasaani dictates? Sister Tazkiyya goes on to add that the Messenger of Allah had ordered Umme Humaid to *pray at home or her tribe's mosque*. When one looks at the wording of the hadeeth, there is no such instruction from the Messenger of Allah at all. She was not instructed to offer salaah in the mosque of her tribe or locality. She was advised that the best salaah is inside her home. The words of the hadeeth are: "...*your salaah in the corner of your bedroom is better than salaah in (other sections of) your room; and your salaah in your room is better than salaah in other areas of your house; and your salaah in your house is better than salaah in the masjid of your tribe; and salaah in the masjid of your tribe is better than salaah in my masjid.*" At the end of this narration it is stated that a prayer area was prepared for Umme Humaid (radhiyallahu anhaa) in the darkest corner of her room, wherein she offered salaah till her death. (Musnad-e-Ahmed) Clearly, Umme Humaid had understood the preference of Our Rasool; hence, she was not going to do anything to the contrary, not even to offer salaah in the masjid of her tribe.

- c) As for sister Tazkiyah's claim that ahadeeth mentioning the best place for a woman's salaah are all *dha'eef*, well, this is totally contrary to reality. I enlist a few of these ahadeeth hereunder:
- A hadeeth of Abdullah bin Omar (radhiyallahu anhu) states: "Do not prevent your womenfolk from the Masjaaid, but their homes are better for them" – Narrated by Abu Dawood and Haakim, and the latter said that this hadeeth is *saheeh* and meets the conditions of Bukhari and Muslim.
 - A hadeeth of Abu Hurairah (radhiyallahu anhu) states: For a woman to offer prayers in the corner of her room is better than offering prayers in other parts of her home. Ibn Hazm declared this hadeeth weak on the basis of a narrator by the name of Abdullah bin Rajaa. However, Ibnul-Mulaqqin, in his book Tuhfatul-Muhtaj, has rejected this claim of Ibn Hazm, saying: 'Earlier on Ibn Hazm said Abdullah bin Rajaa is sadooq (truthful); Abu Hatim said he is reliable and acceptable; Ibnul-Madeeni said that all the Ulema of Basra have consensus on his reliability; Imam Bukhari used his narration in his Saheeh.' The hadeeth is thus free of any defect or weakness.
 - Hazrat Umme Salma (radhiyallahu anhaa) narrates that Rasoolullah (sallallahu alayhi wasallam) said: A woman's best salaah is the innermost corner of her home. Imam Suyooti states in Jami'us-Sagheer that this narration is hasan or good for evidence. This hadeeth is also narrated by Ibn Khuzaima in his Saheeh, in the footnote of which Shaikh Albani says: This hadeeth is hasan and can be used as supportive evidence.
 - Imam Hakim narrates in his Mustadrak that Abdullah bin Mas'ud narrated from the Nabi of Allah, who said: *The salaah of a woman in the corner of her bedroom is better than her salaah in (other sections of) her room; and her salaah in her room is better than her salaah*

in other areas of the house; Hakim then says: This is a saheeh hadeeth, according to the conditions of Bukhari and Muslim.

- Abdullah bin Mas'ud (radhiyallahu anhu) took an oath, with great emphasis, on the following: '*A woman has not offered a salah more beloved to Allah than the salaah in her home..*' (Ibn Battal in his commentary on Saheeh Bukhari)
- Several other Ulema have declared the above ahadeeth as Saheeh and have used these to establish the Shar'ee preference of females offering salaah inside their homes.

The claim that the above ahadeeth are dha'eef has thus been clearly rebutted and disproven. If so many great Scholars have taken these ahadeeth as the basis of their fatwa, there is no doubt as to authenticity of these narrations.

Sadly, our sister has failed to *present all sides of the argument*, and *all views of the madhahib*, and she has ignored difference of opinions that exist on this matter. She quotes the Maaliki mazhab but lacks *good scholarship and honesty* in determining what exactly the Maliki Ulema have written.

Allama Qurtubi, a renowned Maliki Scholar of the seventh century Hijri, writes in his Tafseer, under verse 37 of Surah Noor: *Menfolk are specifically mentioned in this verse because women have no rightful share in the Musjid; hence Jumu'ah and Jamaat are not compulsory upon the, and their homes are better for them (for salaah).*

In *Al-Mudowwana* and other Maliki works it is stated that: a) Old, unattractive women may attend the Musjid but should not do so very often; b) Young women may attend the musjid now and then (some saying once every two weeks); c) None of them should be allowed to attend Eid and Istisqaa gatherings. It is waajib on the leaders to stop the young women from attending Eid salaah. **Ibn Abdil-Barr** and other Malilki Scholars have written more or less the same. This is a summary of the Maliki view on this mas'ala.

Here are a few more views of the early Fuqaha:

Sufyan Thowri (RA) a distinguished Imam and Muhaddith of the second century Hijri said: "There is no better place for a woman to offer salaah than her house, even if she is old." Abdullah bin Mas'ud (radhiyallahu anhu) used to say: "A woman is an object of concealment. She is the closest to Allah when she is in the corner of her home." Imam Thowri further states: "Today I disapprove of women attending the Eid salaah." (*At-Tamheed* of Ibn Abdul-Barr)

Imam Abdullah bin Mubarak, a contemporary of Imam Abu Hanifa states: "I disapprove of females nowadays attending the Eid Salaah. If a woman insists on attending then she should attend when she is clean and she shall not adorn or beautify herself. If she refuses to abide by this condition then the husband must not grant her permission." (Ibid)

Imam Ebrahim Nakh'ee, another eminent Imam of the first century Hijri, whose name appears in some of the chains of hadeeth in Saheeh Bukhari, used to prevent his womenfolk from attending Jamaat and Jumu'ah salaah. (Ibn Battal mentions this in his commentary on Saheeh Bukhari)

Note: The above three Imams are Mujtahids in their own right. In their time the four Mazaahib had not yet been formed.

The famous Imam Abu Hanifa is reported to have said: "Women were formerly allowed to attend Eid salaah. But today I disapprove of them attending Jumu'ah and the faradh salaah with jamaat. I will allow very old women to attend Fajr and Eshaa salaah only. Besides them, no other women may attend." (*Al-Istizhkaar* of Ibn Abdul-Barr) His two famous disciples, Abu Yusuf and

Muhammed bin Hasan (RA) share the same view on young females, but that they believe old women may attend all five daily salaah.

Imam Nawawi, a great exponent of the Shaafi'ee mazhab, states: “Young women or middle-aged who have desires, shall not be allowed to attend jamaat salaah. And her wali or husband shall not grant her permission for this. As for old women who have no more desire for men, they will be allowed to attend the Musjid. There are several saheeh ahadeeth that demand this differentiation between types of females. It is mustahabb (meritorious) for the husband to grant such old women permission to attend. However, if he does not grant her permission, he has hasn't committed a haraam act. This is our (Shaafi) mazhab. Imam Bayhaqi says: And this is the view of the vast majority of Ulema. As for the hadeeth that says women should not be prevented from the Musjid, that prohibition is of the tanzeehi category (meaning it is not haraam or sinful to refuse permission)” (*Al-Majmoo'*)

With regards to the virtue of offering salaah in the haramayn, Allama Suyooti and others have confined that to menfolk only, while others have maintained the generality of that narration because of its exclusivity. Besides, women go there for Hajj or Umrah, so by default these two Masjaad are excluded from our discussion.

Sister Tazkiyya supports her argument with the principle that the general public should not be punished for what a few did. Why does she view the prevention of women from masaajid as a “punishment”? Why such negativity towards Deen? Far from a punishment, it is blessing that women could opt for a mode of practice that conformed to the pleasure and preference of Rasoolullah (sallallahu alayhi wasallam). Furthermore, the sister has misunderstood the principle in action here. The fatwa of women not being allowed in the Masjaaid is not ‘punishing’ people for the actions of a few; rather it is the application of a general rule that will close down the door on any future evil or wrong-doing. This principle is found quite extensively in Shariah. The laws of purdah are ordained to shut the door on acts of zinaa. Yet, there are many who have good morality and will not fall prey to such sin. But the law of Shariah applies to one and all, equally. The same applies to Shar'ee Laws on business, inheritance, and so many other aspects of Deen. The fault my lie with a few, but the risk of others falling prey is eminent and distinct; hence, the law will apply to all in general. This is a principle of Shariah accepted and practiced by all Madhahib.

The question was raised as to why did Rasoolullah (sallallahu alayhi wasallam) not erect a wall or curtain to separate the men from the women in the masjid. The answer is simply that the level of taqwa or Fear for Allah among the Sahaaba was high enough to act as a deterrent against any potential fitnah. There was, therefore, no need for such segregation. Secondly, the dressing of women in those times was a far cry from the modernity and flashiness of today's females. Today even a jilbaab has become an item of attraction. Thirdly, and this is my personal view on the matter, had Rasoolullah (sallallahu alayhi wasallam) erected a wall for females, it would have eventually become a permanent structure in all Masaajid after his time. It would mean that female attendance would, by default, gain a place in the Ummat equal to that of menfolk. And this was contrary to the design of Shariah, hence the encouragement given to females to pray salaah at home. Allah Ta'ala knows best.

Finally, my advice to sister Tazkiyya is not to challenge Ulema on matters about which she possesses limited knowledge. You cannot barge into the realm of Deeni Knowledge and attempt to hijack a legacy that has been passed on from the time of the great Imams to the present generation

of Ulema. That is just unacceptable. The Ulema are custodians of Deeni knowledge; they continue to uphold a system that is Divine in its origin and that has been handed down from one generation of Scholars to another. All the references and proofs tended above bear testimony to this fact.

May Allah Ta'ala guide us all to His Pleasure, aameen

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