

Women Attending the Masjid and Eid Salaah – Clarification and Response

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Some individuals within the Muslim community are strongly advocating that women should attend the Eid and congregational prayers in the Masjid stating that they should not deprive themselves of the blessings of the Sunnah. We have received queries from many sisters seeking clarity whether they should attend the Eid and congregational prayer or not.

Based on the verdicts of the Fuqahā' and the Dalā'il (proofs) of Sharī'ah, the Jamiatul Ulama KZN issued a ruling stating that women should neither attend congregational ṣalāh at the masjid nor attend the Eid Ṣalāh stating that it is strongly discouraged for women to attend these prayers and also highlighting that it is more virtuous for them to perform prayers in their homes.

The Jamiat has subsequently received a number of responses, including an “open-letter” from a sister¹, raising objections against its stance. Some of these objections reflect common misunderstandings. We therefore felt it would be appropriate to write a comprehensive clarification, addressing the following issues:

- Approach to Dīn and its Aḥkām (commands)
- Rulings may change based on circumstances and conditions attached to them
- Opinions of the Fuqahā' and their explanations of the Dalā'il (proofs)
- It is more rewarding for women to pray at home
- Women's Emergence from the Home and the Laws of Hijāb

In the course of the clarification, we hope to address the important points raised in these responses, in particular the claim that the Jamiat's stance opposes the clear guidance of the Sunnah on women being allowed to attend congregational ṣalāh at the masjid and being encouraged to attend Eid Ṣalāh.

Approach to Dīn

The purpose of Dīn is to attain nearness to Allāh by submitting to His Aḥkām (commands). It is necessary to subject our personal biases and convictions to the Aḥkām of Allāh. One must not attempt to change Allāh's Aḥkām based on his or her

¹ <http://islamicforum.org.za/index.php/2018/06/16/an-open-letter-to-the-jamiatul-ulama-kzn/>

individual opinions. We live at a time when general moral and cultural biases are, unfortunately, dictated by western liberal, modernist and secular ideas, rather than by Islāmic norms and principles. It is therefore important to adopt the correct approach when determining the Aḥkām of Allāh and to be suspicious of new-fangled opinions that are inspired by modernist philosophy.

The Aḥkām of Dīn have been preserved in the form of the four madhhabs of Fiqh. After the first few centuries of Islām, the strength of scholarship and piety diminished. It was therefore from the wisdom of Allāh that Muslims would take recourse to the four madhhabs of Fiqh when determining Allāh’s Aḥkām. Ḥāfiẓ Ibn Rajab al-Ḥanbalī (736 – 795 AH) explains that after the early generations, “Piety and scrupulousness become less and those who spoke about Dīn without knowledge increased, as did those who set themselves up for this position while unworthy of it.”² He then states: “If the condition in these later times was to continue as it was in the first period, where each individual issued legal verdicts according to what he asserts is the truth that appears clear to him, the structure of Dīn would undoubtedly crumble, ḥalāl would become ḥarām and ḥarām ḥalāl, and whoever wants would say what he wants, and our Dīn, because of that, would become like that of the people of the two scriptures before us.”³ He explains that it was from the wisdom of Allāh that He selected imāms on whose knowledge, piety and scrupulousness there is agreement, and “on whom all people depend for their legal verdicts, and refer to for knowledge of rulings.”⁴

As Ibn Rajab has warned, if people in these times are left to formulate their own opinions despite their lack of knowledge and piety, the Dīn will be subject to corruption and chaos. We see manifestations of this today, where Muslims, including some who are supposedly learned, say outlandish things in the name of Dīn while having little to no support from the traditional madhhabs of Fiqh.

Each of us must learn the Aḥkām of Allāh via our chosen madhhab of Fiqh. Once a madhhab is chosen, an individual should not leave the madhhab on individual issues, as to do so would amount to following desires. Imām al-Ghazālī (450 – 505 AH) explains: “It is not permissible for the follower of a mujtahid to choose the most

² ثم قال الدين والورع، وكثر من يتكلم في الدين بغير علم، ومن ينصب نفسه لذلك وليس هو له بأهل (مجموعة رسائل ابن رجب، ج ١ ص ٦٢٣)

³ فلو استمر الحال في هذه الأزمان المتأخرة على ما كان عليه في الصدر الأول بحيث أن كل أحد يفتي بما يدعي أنه يظهر له أنه الحق لاختل به نظام الدين لا محالة، ولصار الحلال حراما والحرام حلالا، ولقال كل من شاء ما يشاء ولصار ديننا بسبب ذلك مثل دين أهل الكتابين من قبلنا (المصدر السابق)

⁴ فاقترضت حكمة الله سبحانه أن ضبط الدين وحفظه بأن نصب للناس أئمة مجتمعة على علمهم ودرايتهم وبلوغهم الغاية المقصودة في مرتبة العلم بالأحكام والفتوى من أهل الرأي والحديث، فصار الناس كلهم يعولون في الفتاوى عليهم، ويرجعون في معرفة الأحكام إليهم (المصدر السابق، ج ١ ص ٦٢٤)

pleasing of different opinions to him and the most agreeable to his temperament. He must follow his imām, who he believes to have the correct and right madhhab in relation to others, and follow him in all that comes and goes. Hence, it is not permissible for a Mālikī to switch to the madhhab of al-Shāfi‘ī unless he has an overwhelming feeling that its opinions are more correct. In that case, it is necessary to follow him in all juristic rulings. Otherwise, there is no motive for him to oppose [his madhhab] besides base desire, just as it is not permissible for a mujtahid to oppose the conclusions that his ijtihād (juristic judgement) reached.”⁵ Al-Ghazālī and others have quoted a consensus of the scholars on this principle.

As al-Ghazālī explains in this passage, if an individual leaves his chosen madhhab, it will amount to “following desires.” If someone who is not capable of ijtihād (juristic judgement) leaves his or her madhhab based on their understanding of the Dalā’il of Qur’ān and Sunnah, this will still amount to “following desires” because they are not qualified to assess the Dalā’il of Qur’ān and Sunnah.

Common Muslims must therefore follow ‘Ulamā’ and Muftīs who will explain to them their madhhab’s position. They must not fall prey to the increasing trend of “shopping” for favourable opinions and interpretations. Such a trend is not following Dīn and Sunnah. Rather, it is following one’s desires in the guise of following Dīn and Sunnah.

The Jamiatul Ulama KZN is a body of Ḥanafī scholars, which issues rulings based on what the authorities of ijtihād in the Ḥanafī madhhab have explained. Each madhhab is based on a thorough assessment of the Dalā’il of Sharī‘ah. The scholars of the madhhabs have provided detailed explanations, in light of Dalā’il, on how they reached their conclusions. Common Muslims should appreciate that Fiqh is a highly developed and deeply intricate science, the complexities of which are not easily within the grasp of the average person.

On the issue of women attending the masjids, it should be noted that the Ḥanafī Fuqahā’, for over a thousand years, have clearly explained their stance in light of the Dalā’il. Their position is based on a holistic and compete assessment of the Sunnah, rather than on a superficial and prejudiced reading. Below, we will summarise their explanation, and present supporting evidence from Fuqahā’ belonging to other madhhabs (to show that the Ḥanafī madhhab is not isolated on this issue).

Rulings May Change Based on a Change of Circumstances

The most common objection raised against the Jamiat’s stance is that:

- The Prophet (ṣallallāhu ‘alayhi wasallam) himself allowed women to attend congregational ṣalāhs at the masjid, saying, according to a ḥadīth in *Ṣaḥīḥ al-*

⁵ لا يجوز لمقلد العالم اختيار أطيب المذاهب عنده وأوفقها لطبعه، وعليه تقليد إمامه الذي اعتقد صحة مذهبه وصوابه على غيره، ويتبعه في كل ما ورد وصدر، فلا يجوز عدول المالكي لمذهب الشافعي إلا أن يغلب على ظنه أنه أصوب رأياً فحينئذ يجب تقليده في جميع المسائل، فإن لم يكن ذلك فلا داعي له في المخالفة إلا الهوى، كما لا يجوز مجتهد مخالفة ما أنتجه اجتهاده، وكذا المقلد لمن قلده (المعيار المعرب، ج ١١ ص ١٦٤)

Bukhārī and *Ṣaḥīḥ Muslim*, “Do not prevent Allāh’s female slaves from the masjids.”⁶ Thus, female Ṣaḥābiyyāt would attend and offer ṣalāh in congregation behind the Prophet (ṣallallāhu ‘alayhi wasallam) in the masjid.

- The Prophet (ṣallallāhu ‘alayhi wasallam) encouraged women to come out for the Eid Ṣalāh as found in a well-known ḥadīth of Umm ‘Aṭiyyah (raḍiyallāhu ‘anhā), also recorded in *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim*.⁷

The question, therefore, is: how can we oppose the clear guidance of the Sunnah, and hold that women in our time may not come out to congregational ṣalāhs and should not be encouraged to attend Eid Ṣalāh?

It is necessary to understand that rulings are sometimes dependent on circumstances and conditions. Thus, if the circumstances change, the subsequent ruling will be different. Sometimes the Qur’ān and Sunnah highlight that a ruling is conditional or is subject to change based on different circumstances. For example, the Qur’ān says it is forbidden for a person to consume ḥarām meat, but in the same passage explains that a person who is compelled to eat such meat may do so. This is a well-known example of where the ruling changes based on circumstance.⁸

The Permission for Women to Attend the Masjid is Conditional

The permission mentioned in ḥadīth for women’s attendance at the masjid is based on certain conditions. When the conditions are fulfilled, the permission mentioned in the Hadīth will apply, but when the conditions are not fulfilled, the permission falls away.

If the conditions are not being fulfilled, and a ruling is subsequently given that women may not attend, this is not contradicting the Sunnah. It would be similar to a person who is compelled to eat ḥarām meat and is given the ruling that he may do so. It would of course be a mistake to say that this ruling contradicts the Qur’ān. In the same way, it would be a mistake to say the ruling that women should not attend the masjid when the conditions are not being fulfilled contradicts the Sunnah.⁹ In fact, quite apart from being

⁶ لا تمنعوا إماء الله مساجد الله (صحيح البخاري، دار ابن كثير، ص ٢١٨، صحيح مسلم، مكتبة البشري، ج ٢ ص ٣٠٢)

⁷ عن أم عطية قالت: كنا نؤمر أن نخرج يوم العيد حتى نخرج البكر من خدرها، حتى نخرج الحيض فيكن خلف الناس فيكبرن بتكبيرهم ويدعون بدعائهم (صحيح البخاري، دار ابن كثير، ص ٢٣٦، صحيح مسلم، مكتبة البشري، ج ٣ ص ٢١٧)

⁸ حُرِّمَتْ عَلَيْكُمْ الْمَيْتَةُ وَالْدَّمُ وَخِمُّ الْحَنْزِيرِ وَمَا أَهَلَ لِغَيْرِ اللَّهِ بِهِ وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ وَالْمُتَرَدِّبَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبُعُ إِلَّا مَا دَكَّيْتُمْ وَمَا دُبِحَ عَلَى النُّصَبِ ... فَمَنْ اضْطُرَّ فِي مَخْمَصَةٍ غَيْرِ مُتَحَانِفٍ لِإِيْمِهِ فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ (القرآن)

⁹ It should be noted that this is not the same as “abrogation” (*naskh*). This is a misunderstanding expressed by the author of the open-letter. Abrogation means that an earlier ruling has been cancelled by a later ruling. This is not the case here. Rather, the original ruling is still in force, but that very ruling is conditional on circumstances and conditions. Hence, when the conditions change, the original ruling will not apply.

a contradiction, these rulings would be in complete conformity with the Qur'ān and Sunnah.

The conditional nature of the ruling on women's attendance at the masjid is found both explicitly and implicitly in the Aḥādīth themselves. Three such conditions are described below, together with the expert analysis of one of the foremost and most authoritative early Fuqahā' of the Ḥanafī madhhab, Imām al-Ṭahāwī (239 – 321 AH).

Applying No Fragrance

According to an authentic ḥadīth, after saying, “Do not prevent the female slaves of Allāh from the masjids”, the Prophet (ṣallallāhu ‘alayhi wasallam) added: “They must not come out except unscented (*tafilāt*).”¹⁰ The word “*tafilāt*” literally means to be unpleasant-smelling and practically means to not apply fragrance.¹¹ The Prophet (ṣallallāhu ‘alayhi wasallam) therefore only gave permission for women to attend the masjid when they do not apply fragrance.

In a ḥadīth of *Ṣaḥīḥ Muslim*, the Prophet (ṣallallāhu ‘alayhi wa sallam) said: “When one of you [women] attends ‘Ishā’ [at the masjid], she must not apply fragrance that evening.”¹² In another ḥadīth of *Ṣaḥīḥ Muslim*, he said more emphatically: “Any woman that has applied fragrance must not attend the ‘Ishā ṣalāh with us.”¹³ Qāḍī ‘Iyād (476 – 544 AH) comments on these Aḥādīth: “The Prophet (ṣallallāhu ‘alayhi wa sallam) forbade women from coming out to the masjids when they are perfumed and fragranced on account of men being tempted by their nice scent ... Included in the meaning of fragrance is the appearance of adornment, attractive clothing and the sound of bangles and jewellery.”¹⁴ In other words, women would not be allowed to attend the masjid if they apply or wear anything that will cause attraction.

Concealed by Darkness

¹⁰ عن ابن عيينة عن محمد بن عمرو بن علقمة عن أبي سلمة بن عبد الرحمن عن أبي هريرة قال: قال رسول الله صلى الله عليه وسلم: لا تمنعوا إماء الله مساجدا الله، ولا يخرجن إلا وهن تغلات (مصنف عبد الرزاق، المكتب الإسلامي، ج ٣ ص ١٥١)

¹¹ التفل سوء الرائحة يقال امرأة تفلة إذا لم تطيب ونساء تغلات (معالم السنن، ج ١ ص ١٦٢)

¹² عن رسول الله صلى الله عليه وسلم أنه قال: إذا شهدت إحداكن العشاء فلا تطيب تلك الليلة (صحيح مسلم، مكتبة البشري، ج ٢ ص ٣٠٣)

¹³ أيما امرأة أصابت بخورا فلا تشهد معنا العشاء الآخرة (صحيح مسلم، ج ٢ ص ٣٠٤)

¹⁴ ونهى النبي صلى الله عليه وسلم للنساء الخروج إلى المساجد إذا تطيبن أو تبخرن، لأجل فتنة الرجال بطيب ريحهن... وفي معنى الطيب ظهور الزينة وحسن الثياب وصوت الخلاخيل والحلى. (إكمال المعلم، ج ٢ ص ٣٥٥)

According to some Aḥadīth, the permission to attend the masjid applied only to the ṣalāhs of the night i.e. Fajr and ‘Ishā’, when the women could not be seen or recognised (as there was no street lighting at the time). This is found in some Aḥadīth of *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim*.¹⁵ ‘Ā’ishah (raḍiyallāhu ‘anhā) mentioned in a narration of *Ṣaḥīḥ al-Bukhārī* that when the women would come to the masjid for Fajr, they would do so “wrapped up in their cloaks, and then they would return to their homes not recognised by anyone.”¹⁶

Thus, explaining the Prophet’s (ṣallallāhu ‘alayhi wasallam) permission for women to attend the masjid, Imām al-Ṭaḥāwī states: “He did not intend by this to give them permission for all times in which ṣalāhs are attended, but he only meant the night specifically when they would be concealed, rather than the day when they will be visible.”¹⁷ Al-Ṭaḥāwī also refers to the ḥadīth mentioned earlier, “When one of you attends ‘Ishā’, she must not apply fragrance”, singling out ‘Ishā’, to show that the permission is limited only to the night-prayers.¹⁸

Note, the author of the “open-letter” referred to the practice of ‘Ātikah bint Zayd (raḍiyallāhu ‘anhā), a senior female Ṣaḥābiyyah, who would attend the masjid for ṣalāh. She was the wife of Sayyidunā ‘Umar ibn al-Khaṭṭāb (raḍiyallāhu ‘anhu) (d. 23 AH). However, the ḥadīth of *Ṣaḥīḥ al-Bukhārī* clarifies that she only attended the Fajr and ‘Ishā’ ṣalāhs, and not other ṣalāhs.¹⁹ This may also indicate that the practice at that time

¹⁵ عن حنظلة عن سالم بن عبد الله عن ابن عمر رضي الله عنهما عن النبي صلى الله عليه وسلم قال: إذا استأذنتكم نساءكم بالليل إلى المسجد فأذنوا لمن، تابعه شعبة عن الأعمش عن مجاهد عن ابن عمر (صحيح البخاري، دار ابن كثير، ص ٢١١) قال العيني: إن المطلق في ذلك محمول على المقيد (عمدة القاري، دار الكتب العلمية، ج ٦ ص ٢٢٥)

لا تمتنعوا النساء من الخروج إلى المساجد بالليل (صحيح مسلم، مكتبة البشري، ج ٢ ص ٣٠٢)

¹⁶ عن الزهري قال: أخبرني عروة أن عائشة قالت: لقد كان رسول الله صلى الله عليه وسلم يصلي الفجر فيشهد معه نساء من المؤمنات متلفعات في مروطهن، ثم يرجعن إلى بيوتهن ما يعرفهن أحد (صحيح البخاري، دار ابن كثير، ص ١٠٤)

¹⁷ لم يقصد بذلك الإذن لمن كل الأوقات التي يخرج فيها إلى الصلوات، وإنما قصد به الليل خاصة الذي يخفين فيه دون النهار الذي يرين فيه (أحكام القرآن، مركز البحوث الإسلامية، ج ١ ص ٤٦٥)

¹⁸ المصدر السابق، ج ١ ص ٤٦٧

¹⁹ عن ابن عمر، قال: كانت امرأة لعمر تشهد صلاة الصبح والعشاء في الجماعة في المسجد، فقيل لها: لم تخرجين وقد تعلمين أن عمر يكره ذلك ويغار؟ قالت: وما يمنعني أن ينهاني؟ قال: يمنعني قول رسول الله صلى الله عليه وسلم: لا تمتنعوا إماء الله مساجد الله (صحيح البخاري، دار ابن كثير، ص ٢١٨)

was for women to only attend the ṣalāhs at night when they would be concealed by darkness.

Based on the two aforementioned conditions found explicitly in Aḥādīth, Imām al-Ṭaḥāwī argues that the permission to attend the masjid was only “for the night while having applied no fragrance.”²⁰

No Intermingling

Al-Ṭaḥāwī further refers to another ḥadīth (recorded in *Ṣaḥīḥ al-Bukhārī*) in which the practice of the female Ṣaḥābiyyāt is described by Umm Salamah (raḍiyallāhu ‘anhā): they would offer the ṣalāh and return immediately, while the men would remain seated. Umm Salamah (raḍiyallāhu ‘anhā) explains that the reason for this was so that the women could return before the men caught up with them.²¹ Al-Ṭaḥāwī thus says that “the Messenger of Allāh (ṣallāhu ‘alayhi wasallam) only allowed women to attend the ṣalāhs when they do not mix with men upon returning.”²²

The Statement of ‘Ā’ishah (raḍiyallāhu ‘anhā)

Thus, the conditional nature of the ruling is found explicitly and implicitly in the Aḥādīth. If these conditions as well as others that can be inferred from them are being violated, the ruling on women’s attendance at the masjid would change. This is how numerous scholars have understood the famous statement of ‘Ā’ishah (raḍiyallāhu ‘anhā) (d. 58 AH), recorded in *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim*, in which she said: “Had the Messenger of Allāh (ṣallāllāhu ‘alayhi wasallam) seen what women had begun, he would have forbidden them from the masjid.”²³ Meaning, that the conditions had changed in her time, and thus the ruling given by the Prophet (ṣallallāhu ‘alayhi wasallam) himself would now be different.

In another version of her statement, recorded in the *Musnad Aḥmad*, she firstly narrates the ḥadīth, “Do not prevent Allāh’s female slaves from the masjids, but they should emerge without fragrance.” Then she said: “Had he (Prophet (ṣallallāhu ‘alayhi

²⁰ قد يجوز أن يكون حظهن من المسجد وخروجهن بالليل تفلات على ما في الحديث الآخر

²¹ عن أم سلمة قالت: كان رسول الله صلى الله عليه وسلم إذا سلم قام النساء حين يقضي تسليمه، وهو يمكث في مقامه يسيرا قبل أن يقوم، قالت: نرى والله أعلم أن ذلك كان لكي ينصرف النساء قبل أن يدركهن الرجال (صحيح البخاري، دار ابن كثير، ص ٢١٢)

²² قَالَ أُمُّد: وَالْأَمْرُ فِي ذَلِكَ عِنْدَنَا وَاللَّهُ أَعْلَمُ عَلَي مَا قَالَ ابْنُ شَهَابٍ، وَعَلَى أَنْ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِنَّمَا أَطْلَقَ لِلنِّسَاءِ شُهُودَ الصَّلَاةِ إِذَا كُنَّ لَا يَخَالِطُنَ الرِّجَالَ فِي انْصِرَافِهِنَّ مِنْهَا (أحكام القرآن، ج ١ ص ٤٦٨)

²³ عن عمرة أنها سمعت عائشة زوج النبي صلى الله عليه وسلم تقول: لو أن رسول الله صلى الله عليه وسلم ما أحدث النساء لمنعهن المسجد كما منعت نساء بني إسرائيل (صحيح مسلم، مكتبة البشري، ج ٢ ص ٣٠٤، صحيح البخاري، دار ابن كثير، ص ٢١١)

wasallam)) seen their condition today, he would have prevented them.”²⁴ This gives a clear indication that according to her, the conditions taught by the Prophet (ṣallallāhu ‘alayhi wasallam) himself were no longer being strictly observed. She is not contradicting the Sunnah but affirming that the ruling of the Sunnah would be different in her context. While in the Prophet’s (ṣallallāhu ‘alayhi wasallam) time the conditions were being fulfilled, and therefore the permission mentioned in the ḥadīth applied, in her time, the conditions were absent, and thus it did not apply.

Imām al-Ṭaḥāwī makes the following comment on her statement: “ ‘Ā’ishah would only have said this about the Messenger of Allāh (ṣallallāhu ‘alayhi wasallam) regarding women after being convinced that he only allowed them in the masjids due to the absence of those conditions which occurred later on in her time. **If in the time of ‘Ā’ishah the women had already shifted from that lofty standard which was upheld in the era of the Messenger of Allāh (ṣallallāhu ‘alayhi wasallam), those women who came thereafter would have definitely been further away from the original lofty standard.**”²⁵ Similarly, he said in another place: ‘Ā’ishah’s statement on this – and she is trustworthy in what she says along with knowledge, understanding and alertness – proves that it was allowed for women to attend the masjids in the time of Allāh’s Messenger (ṣallallāhu ‘alayhi wasallam) because of a condition that prevailed at the time, and after him, the opposite of the former lofty standard was found. This new state of affairs negated that which was permitted for them, in terms of attendance in the manner that they would in the lifetime of the Messenger of Allāh (ṣallallāhu ‘alayhi wasallam). **Since in the time of ‘Ā’ishah the women had already shifted from that lofty standard which was upheld in the era of the Messenger of Allāh (ṣallallāhu ‘alayhi wasallam), those women who came thereafter would have definitely been further away from the original lofty standard**”²⁶

In short, the piety and understanding of the women in the time of the Prophet (ṣallallāhu ‘alayhi wasallam) and early Ṣaḥābah compelled them to observe the limits, restrictions and conditions for attending the masjid; and only because of that it was permitted for them. Already by the time of ‘Ā’ishah (raḍiyallāhu ‘anhā) a change was observed, based

²⁴ عن عائشة عن النبي صلى الله عليه وسلم قال: لا تمنعوا إماء الله مساجد الله، وليخرجن تفلات، قالت عائشة: ولو رأى
حاهن اليوم منعهن (مسند أحمد، مؤسسة الرسالة، ج ٤٠ ص ٤٧٠)

²⁵ لم يكن عائشة لتطلق هذا على رسول الله صلى الله عليه وسلم في النساء إلا بعد علمها أنه إنما إذن لهن في المساجد لعدم
حال قد صارت فيهن بعده، وإذا كن كذلك في زمن عائشة فهن بعدها مما كن عليه في زمن رسول الله صلى الله عليه وسلم أبعد
(أحكام القرآن، ج ١ ص ٤٦٥)

²⁶ كان قول عائشة في هذا، وهي المأمونة على ما قالت مع علمها وفقهها ويقظتها، ما قد دل على النساء إنما كان لهن إتيان
المساجد في حياة رسول الله صلى الله عليه وسلم واسعاً لحال كن عليها، وقد خرجن عنها بعده إلى ضدها، فانتفى بذلك ما
كان واسعاً لهن من إتيانهن إياه على ما كن يأتينه في حياة رسول الله صلى الله عليه وسلم، وإذا كن كذلك في حياة عائشة كن
بعد موتها من ذلك أبعد (شرح مشكل الآثار، ج ١٢ ص ١٤٢)

on which she could confidently assert that the Prophet (ṣallallāhu ‘alayhi wasallam) would have prevented the women of her time from attending the masjid. Imām al-Ṭaḥāwī points out that if this was the case in the time of ‘Ā’ishah (raḍiyallāhu ‘anhā), the deterioration in the conditions of people that occurs naturally over time means that this situation would only have been more pronounced in his time.

Ḥadīth of Umm ‘Atiyyah (raḍiyallāhu ‘anhā)

In his lengthy discussion, Imām al-Ṭaḥāwī also touches on the ḥadīth of Umm ‘Atiyyah (raḍiyallāhu ‘anhā) encouraging women to attend the Eid Ṣalāh. In al-Ṭaḥāwī’s opinion, this was something which the Prophet (ṣallāhu ‘alayhi wasallam) encouraged “before we were commanded to observe ḥijāb (purdah)...and the matter of women was then reduced to lowering the gazes from them, and they were commanded to remain in their homes.”²⁷ In other words, this encouragement was abrogated and no longer applies.

Those Fuqahā’ who would disagree that this encouragement has been abrogated, believe that it is conditional on correct practice and the absence of Fitna.

Opinions of the Fuqahā’ and their explanations of the Dalā’il (proofs)

The view of Abdullah ibn Umar (raḍiyallāhu ‘anhuma) and other prominent Fuqaha regarding women attending the Eid prayer

Abdullah ibn Umar (raḍiyallāhu ‘anhuma) did not take the women of his family to Eid prayer. His devotion and adherence to practicing every single sunnah is well-known. If the recommendation to have women attend Eid prayer was still applicable, why would Abdullah ibn Umar be negligent in acting upon it?

Similarly, the pious predecessors amongst the Taabi-een (generation after the Sahaabah) and the generation after the Taabi-een who were also some of the highest ranking scholars of their time and the children and grandchildren of the Companions like Urwah ibn Zubayr and Qasim ibn Muhammad ibn Abu Bakr also did not permit the women to go for Eid Salah - neither Eid al-Fitr nor Eid al-Adha.

From the above, we see that the Companions, their children, and their grandchildren practically demonstrated²⁸ that the ruling for having women attend Eid prayer was no longer applicable.

²⁷ هذا عندنا والله أعلم قبل أن نؤمر بالحجاب وكان مباحا للرجال للنظر إلى النساء لنظرن إلى الرجال ثم نسخ ذلك وردت أمور النساء إلى غض الأبصار عنهن وأمرن بلزوم البيوت (أحكام القرآن، ج ١ ص ٤٧٠)

²⁸ في مصنف ابن أبي شيبة

'Abdullāh ibn Mas'ūd (raḍiyallāhu 'anhu) Prevented Women from the Masjid

Apart from 'Ā'ishah (raḍiyallāhu 'anhā), whose statement a number of prominent scholars have interpreted as a fatwā prohibiting women from attending the masjid, the great Ṣaḥābī, 'Abdullāh ibn Mas'ūd (raḍiyallāhu 'anhu) (d. 32 H), also prevented women from attending the masjid on Friday, as established in an authentic narration from him.²⁹

It is important to understand the stature of 'Abdullāh ibn Mas'ūd (raḍiyallāhu 'anhu). He was one of the greatest and most learned of the senior Ṣaḥābah. It is reported that the Prophet (ṣallallāhu 'alayhi wasallam) said of him, "I am happy for my Ummah with what Ibn Umm 'Abd (i.e. 'Abdullāh ibn Mas'ūd) is happy for them."³⁰ Ibn Mas'ūd was also described as the Ṣaḥābī who resembled the Prophet (ṣallallāhu 'alayhi wasallam) most in his behaviour, conduct and mannerisms.³¹ Thus, just as 'Ā'ishah's statement was based on her intimate knowledge of the Sunnah, Ibn Mas'ūd's practice would also

٥٦٤٩ عَنْ نَافِعٍ ، عَنْ ابْنِ عُمَرَ : " أَنَّهُ كَانَ لَا يُخْرِجُ نِسَاءَهُ فِي الْعِيدَيْنِ . "

٥٦٥٠ عَنْ هِشَامِ بْنِ عُرْوَةَ ، عَنْ أَبِيهِ : " أَنَّهُ كَانَ لَا يَدْعُ امْرَأَةً مِنْ أَهْلِهِ تَخْرُجُ إِلَى فِطْرٍ ، وَلَا إِلَى أَضْحَى . "

٥٦٥١ عَنْ قُرَّةَ ، قَالَ : حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ الْقَاسِمِ ، قَالَ : " كَانَ الْقَاسِمُ أَشَدَّ شَيْءٍ عَلَى الْعَوَاتِقِ ، لَا يَدْعُهُنَّ يَخْرُجْنَ فِي الْفِطْرِ ، وَالْأَضْحَى " .

²⁹ قال ابن أبي شيبة: ((حدثنا وكيع (بن الجراح): حدثنا سفيان (الثوري الإمام) عن أبي فروة الهمداني (عروة بن الحارث، ثقة) عن أبي عمرو الشيباني (كوفي، ثقة) قال: رأيت ابن مسعود يحصب النساء يخرجهن من المسجد يوم الجمعة.)) (مصنف ابن أبي شيبة، ج ٥ ص ٢٠٢)

وقال عبد الرزاق الصنعاني: ((أخبرنا معمر، عن أبي إسحاق (السبيعي، ثقة، جليل)، عن أبي عمرو الشيباني، أنه رأى ابن مسعود يخرج النساء من المسجد، ويقول: «أخرجن إلى بيوتكن خير لكن»)) (مصنف عبد الرزاق، ج ٣ ص ١٧٢)

حدثنا (علي بن الجعد): أخبرنا شعبة عن أبي إسحاق عن أبي عمرو الشيباني قال: رأيت عبد الله بن مسعود يخرج النساء من المسجد يوم الجمعة (مسند ابن الجعد، ص ٣٧٢)

قال مسدد: ((حدثنا يحيى (بن سعيد القطان) عن شعبة: ثنا أبو إسحاق، ثنا أبو عمرو الشيباني، قال: رأيت ابن مسعود يخرج النساء يوم الجمعة من المسجد.)) (المطالب العالية، ج ٤ ص ٥٦٣)

وقال ابن حجر العسقلاني فيه: ((إسناده صحيح)) (المطالب العالية، دار العاصمة، ج ٤ ص ٦٥٣)

³⁰ عن القاسم بن عبد الرحمن قال: قال رسول الله صلى الله عليه وسلم: رضيت لأمتي ما رضي لها ابن أم عبد (مصنف ابن أبي شيبة، ج ١٧ ص ١٩٣؛ وانظر تخرجه هناك)

³¹ عن عبد الرحمن بن يزيد، قال: سألتنا حذيفة عن رجل قريب السم والهدى من النبي صلى الله عليه وسلم حتى نأخذ عنه، فقال: ما أعرف أحدا أقرب سمتا وهديا ودلا بالنبي صلى الله عليه وسلم من ابن أم عبد (صحيح البخاري، دار ابن كثير، ص ٩٢٣)

have been based on his intimate knowledge of the Sunnah – and he knew that in the situation that he found himself in, the Prophet (ṣallallāhu ‘alayhi wasallam) would not have allowed women to attend the masjid.

View of the Ḥanafī Mazhab

As noted, Imām al-Ṭaḥāwī was one of the great early mujtahid imāms of the Ḥanafī madhhab. We have briefly summarised his discussion on the Dalā’il (evidences). As any fair individual will observe, this is a coherent and sensible explanation by one of the most authoritative and erudite imāms of ḥadīth and fiqh. Moreover, it is consistent with what other imāms of the Ḥanafī madhhab, both before and after him, have explained. Thus, for followers of the Ḥanafī madhhab, this should be sufficient.

Imām Muḥammad (one of the prominent students of Imām Abū Ḥanīfah) quotes in *al-Aṣl* the view of Imām Abū Ḥanīfah (80 – 150 AH): “I do not permit women for any kind of emergence except an aged old woman, as I allow her to come out to the two Eids and for Fajr and ‘Ishā’ ṣalāhs.”³² Commenting on the stance of the early Fuqahā’ of the madhhab, al-Kāsānī (d. 587 AH) says: “They all agree that it is not allowed for a woman who is not old to come out for Jumu‘ah, the two Eids and any ṣalāh.”³³ Many of the later Ḥanafī jurists from the seventh century of Hijrah onwards regarded it to be impermissible for elderly women also to attend all ṣalāhs because the conditions had deteriorated even further.³⁴

Below we will touch on supporting statements from the Fuqahā’ of the other madhhabs to demonstrate that this is not an isolated view of the Ḥanafī madhhab.

View of the Shāfi‘ī Mazhab

In his commentary on *Mukhtaṣar al-Muzanī*, the great Shāfi‘ī jurist, al-Juwaynī (419 – 478 AH), explained that in the time of the Prophet (ṣallallāhu ‘alayhi wasallam) non-

³² لا أرخص للنساء في شيء من الخروج إلا العجوزة الكبيرة فإني أرخص لها في الخروج في العيدين وفي صلاة الفجر والعشاء (الأصل، الأوقاف، ج ١ ص ٣٦٥)

³³ أجمعوا على أنه لا يرخص للشباب منهن الخروج في الجمعة والعيدين وشيء من الصلاة (بدائع الصنائع، ج ٢ ص ٢٣٧)

³⁴ وفي الكافي: الفتوى اليوم على الكراهة في كل الصلوات لظهور الفساد (درر الحكام شرح غرر الحكام، ج ١ ص ٨٦)، وعلق عليه الشرنبلالي: قال غيره: وأفتى المشايخ المتأخرون بمنع العجوز من حضور الجماعات كلها. (المصدر السابق)

elderly women attended the Eid Ṣalāh, but “today we regard it to be reprehensible for them to emerge,” as “it was reported that ‘Ā’ishah forbade women from emerging.”³⁵

Another great Shāfi’ī imām, al-Māwardī (364 – 450 AH), states in reference to the emergence of non-elderly women for the Eid Ṣalāh, that it is “reprehensible based on the fear that they would be tempted by men and men would be tempted by them.” He also quotes the narration of ‘Ā’ishah (raḍiyallāhu ‘anhā) as support.³⁶

Similarly, Imām al-Ghazālī (450 – 505 H), who was also a Shāfi’ī authority, states: “The Messenger of Allāh (ṣallallāhu ‘alayhi wasallam) used to allow women to attend the maṣjids, but the correct position today is that it is not allowed except for elderly women, and indeed this was deemed sound in the time of the Ṣaḥābah,” and he quotes the statement of ‘Ā’ishah (raḍiyallāhu ‘anhā) as support.³⁷

Taqī al-Dīn al-Ḥiṣnī (752 – 829 H), a famous relatively late Shāfi’ī scholar, explains that the original ruling of the madhhab is that it “reprehensible for an attractive non-elderly woman and those of stature to attend [the Eid Ṣalāh], but it is desirable for an old woman to attend in unattractive clothing without fragrance.” He then says: “**In our time, there should be absolute certainty of it being impermissible for non-elderly women and those of stature to emerge because of the proliferation of corruption.** Although the ḥadīth of Umm Aṭiyyah supports emergence, but the condition that was there in the early generations has disappeared... That was a period of security: they would not expose their adornment and would keep their gazes low, as would the men lower their gazes. As for our time, they only emerge to show their adornment and do not lower their gazes and nor do the men lower their gazes, and the harms of their coming out have become a reality. It is authentically reported from ‘Ā’ishah that she said, ‘Had the Messenger of Allāh (ṣallallāhu ‘alayhi wasallam) seen what the women

³⁵ وكان يخرج على الصفة التي ذكرناها نسوة فيهن بقية أيضا، قال الشيخ: واليوم فنحن نكره لمن الخروج، وقد روي عن عائشة أنها نعت النساء عن الخروج فقليل لها: كن يخرجن في زمن رسول الله صلى الله عليه وسلم، فقالت: لو عاش إلى زماننا لمنعهن من الخروج (نهایة المطلب، ج ٢ ص ٦٢٠-٦٢١)

³⁶ فأما حضور النساء الشباب فقد استحببه بعض أصحابنا البغداديين تعلقا بحديث أم عطية أن رسول الله - صلى الله عليه وسلم - أمر بإخراج المخدرات إلى المصلى فقليل إنهن يحضن فقال رسول الله - صلى الله عليه وسلم - ليشهدن الدعاء والخير وهذا غلط، بل خروجهن مكروه، لما يخاف من افتتانهن بالرجال، وافتتان الرجال بهن، وحديث أم عطية فيجوز أن يكون متقدما لقوله - صلى الله عليه وسلم - في حجة الوداع لنسائه هي هذه ثم على طهر، قالت عائشة لو رأى رسول الله - صلى الله عليه وسلم - ما أحدث النساء بعده لمنعهن أشد المنع ومن اخترنا حضوره من النساء فيكره لمن الطيب والزينة، ولبس الشهوة من الثياب، لقوله - صلى الله عليه وسلم - وليخرجن تفلات (الحاوي، ج ٢ ص ٤٩٥)

³⁷ وكان قد أذن رسول الله صلى الله عليه وسلم للنساء في حضور المساجد، والصواب الآن المنع إلا للعجائز بل استصوب ذلك في زمان الصحابة، حتى قالت عائشة رضي الله عنها: لو علم النبي صلى الله عليه وسلم ما أحدث النساء لمنعهن من الخروج (إحياء علوم الدين، دار المنهاج، ج ٣ ص ١٨٩)

have begun, he would have prevented them from the masjids just as the women of the Israelites were prevented'. **Thus, this is the fatwā of the Mother of Believers in the best of generations, so what of this corrupt time of ours?! Many others besides 'Ā'ishah have said it is not allowed for women to come to the masjids... This was at that time. As for our time, no Muslim will hesitate in disallowing them except a fool... Thus, the truth is to have certainty of it being impermissible; and the fatwā is on this.**³⁸

Taqī al-Dīn al-Ḥiṣnī's position was corroborated by Shāfi'ī jurists after him, and they expressed support for it. 'Alī ibn 'Atīyya (d. 936 AH), a Shāfi'ī jurist from the tenth century of Hijrah, quotes the statement of al-Ḥiṣnī approvingly, prefacing it with his statement: "The fatwā in this time of ours according to the people of knowledge and piety is that they are not allowed in the masjids. In fact, 'Ā'ishah issued a verdict on this in her age, the best of ages, so what is your opinion on this corrupt tenth century? Do not think I am alone in this view. A large group of the earlier and later scholars have said this, and from those who said it explicitly is al-Taqī al-Ḥiṣnī."³⁹

Similarly, the famous late verifier of the Shāfi'ī madhhab, Ibn Ḥajar al-Haytamī (909 – 973 AH), quotes one of his predecessors who approved of al-Ḥiṣnī's fatwā and expanded on it saying that "this has become agreed-upon due to the absence of the condition of the permissibility of emergence in his (ṣallallāhu 'alayhi wasallam) time,

³⁸ نعم يكره للشابة الجميلة وذوات الهيئة الحضور ويستحب للعجوز الحضور في ثياب بذلتها بلا طيب؛ قلت ينبغي القطع في زماننا بتحريم خروج الشابات وذوات الهيئات لكثرة الفساد وحديث أم عطية وإن دل على الخروج إلا أن المعنى الذي كان في خير القرون قد زال والمعنى أنه كان في المسلمين قلة فأذن رسول الله صلى الله عليه وسلم لهم في الخروج ليحصل بمن الكثرة ولهذا أذن للحيض مع أن الصلاة مفقودة في حقهن وتعليقه بشهودهن الخير ودعوة المسلمين لا يناهني ما قلنا وأيضا فكان الزمان زمان أمن فكن لا يبدن زينتهن ويغضضن أبصارهن وكذا الرجال يغضون من أبصارهم وأما زماننا فخروجهن لأجل إبداء زينتهن ولا يغضضن أبصارهن ولا يغض الرجال من أبصارهم ومفاسد خروجهن محققة وقد صح عن عائشة رضي الله عنها أنها قالت: (لو رأى رسول الله صلى الله عليه وسلم ما أحدث النساء لمنعهن المساجد كما منعت نساء بني إسرائيل) فهذه فتوى أم المؤمنين في خير القرون فكيف بزماننا هذا الفاسد وقد قال بمنع النساء من الخروج إلى المساجد خلق غير عائشة رضي الله عنها منهم عروة بن الزبير رضي الله عنه والقاسم ويحيى الأنصاري ومالك وأبو حنيفة مرة ومرة أجازوه وكذا منعه أبو يوسف وهذا في ذلك الزمان وأما في زماننا هذا فلا يتوقف أحد من المسلمين في منعهن إلا غي قليل البضاعة في معرفة أسرار الشريعة قد تمسك بظاهر دليل حمل على ظاهره دون فهم معناه مع إهماله فهم عائشة رضي الله عنها ومن نحا نحوها ومع إهمال الآيات الدالة على تحريم إظهار الزينة وعلى وجوب غض البصر فالصواب الجزم بالتحريم والفتوى به والله أعلم (كفاية الأختيار، دار البشائر، ص 185)

³⁹ والفتوى في زماننا عند أهل العلم والتقوى بمنعهن من المساجد، بل وأفتت به عائشة رضي الله عنها في قرنها خير القرون، فما بالك بالقرن العاشر الفاسد؟! ولا تظن أني تفردت بهذا القول، بل قال جم غفير من العلماء المتقدمين والمتأخرين، ومن صرح به التقي الحصيني في شرح الغاية (أحكام النظر، دار القلم، ص 144)

which is piety and chastity.” Ibn Ḥajar then comments: “How brilliant is this statement and how worthy of being correct!”⁴⁰

View of the Mālikī Mazhab

It is reported from Imām Mālik that he said when asked about women attending the masjid, “This differs for an elderly woman and a non-elderly woman. The elderly woman may come out to the masjid but should not attend too frequently. The non-elderly woman may come out to the masjid now and then.”⁴¹ In commenting on this passage, Ibn Rushd explains that according to Imām Mālik, a non-elderly woman may not come to Eid Ṣalāh despite the ḥadīth of Umm Aṭīyyah because of “what they began, in terms of coming out in a different condition to which their emergence was permitted, which is that they have no fragrance and do not show any adornment,” and he quotes the statement of ‘Ā’ishah (raḍiyallāhu ‘anhā) as support.⁴²

One of the major late verifiers of the Mālikī madhhab, Khalīl ibn Ishāq al-Jundī (d. 776 AH), after mentioning the Mālikī position that a non-elderly woman may emerge

⁴⁰ ثم قال فإن قلت أتقول بمنع خروج النساء إلى المساجد والمواعيد وزيارة القبور غير قبر النبي - صلى الله عليه وسلم - قلت: كيف لا أقول به وقد صار متفقاً عليه لعدم شرط جواز الخروج في زمنه - صلى الله عليه وسلم - وهو التقى والعفاف، وقد ذكر ذلك من المتقدمين الشيخان الإمامان الزاهدان الورعان الشيخ تقي الدين الحصني وشيخنا علاء الدين محمد بن محمد بن محمد البخاري... قال حجة الإسلام في الإحياء وقد كان أذن رسول الله - صلى الله عليه وسلم - للنساء في حضور المساجد والصواب الآن المنع إلا العجائز بل استصوب ذلك في زمن الصحابة - رضي الله عنهم - حتى قالت عائشة - رضي الله عنها - وذكر ما مر عنها وقال فيه أيضاً في كتاب الأمر بالمعروف ويجب منع النساء من حضور المساجد للصلاة ومجالس الذكر إذا خيفت الفتنة بمن فهذه أقاويل العلماء في اختلاف الحكم فيها بتغير الزمان. وأهل الأقاويل المذكورة هم جمهور العلماء من المجتهدين والأئمة المتقين والفقهاء الصالحين الذين هم من الممهرين فيجب الأخذ بأقاويلهم؛ لأنهم علم الأمة واختيارهم لنا خير من اختيارنا لأنفسنا ومن خالفهم فهو متبع لهواه فإن قيل فما الجواب عن إطلاق أهل المذهب غير من مر فالجواب أن محله حيث لم يريدوا كراهة التحريم ما إذا لم يترتب على خروجهن خشية فتنة وأما إذا ترتب ذلك فهو حرام بلا شك كما مر نقله عن ذكر... انتهى كلام بعض المتأخرين ملخصاً وما أحسنه وأحقه بالصواب (الفتاوى الفقهية الكبرى، ج ١ ص ٢٠٢-٣)

⁴¹ سئل عن شهود النساء الصلوات إلى المساجد، فقال: ذلك يختلف في المرأة المتحالة والشابة، فالمتحالة تخرج إلى المسجد ولا تكثر التردد، والمرأة الشابة تخرج إلى المسجد المرة بعد المرة (البيان والتحصيل، ج ١ ص ٤٢٠)

⁴² وأما النساء الشواب فلا يخرجن إلى الاستسقاء والعيدين ولا إلى المساجد إلا في الفطر، ولا إلى الجنائز إلا في جنائز أهلن وقرابتهن. هذا الذي يأتي على هذه الرواية وعلى ما في "المدونة"، فيجب على الإمام في مذهب مالك - رحمه الله - أن يمنع النساء الشواب من الخروج إلى العيدين والاستسقاء، ولا يمنعهن من الخروج إلى المساجد؛ لجواز خروجهن إليها في الفطر... ووجه قوله إنهن يمنعن من الخروج إلى العيدين والاستسقاء، مع ما جاء عن النبي - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - من خروج العواتق وذوات الخدور إلى العيدين - ما أحدثته من الخروج على غير الصفة التي أذن لهن بالخروج عليها، وهي أن يكن تفلات غير متطيبات ولا يبدن لشيء من زينتهن. وقد قالت عائشة - رَضِيَ اللَّهُ عَنْهَا - : لو أدرك رسول الله - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ما أحدثه النساء لمنعهن المساجد كما مُنِعَتْ نساء بني إسرائيل. (البيان والتحصيل، ج ١ ص ٤٢٠-٢)

occasionally for the masjid, states: “In our time, [complete] prohibition is stipulated (i.e. necessary), and Allāh knows best.” He then quotes the statement of ‘Ā’ishah (raḍiyallāhu ‘anhā) as support.⁴³

View of the Ḥanbalī Mazhab

‘Abdullāh, the son of Imām Aḥmad ibn Ḥanbal (164 – 241 AH), asked his father about women coming out to Eid Ṣalāh, and he replied: “As for this time of ours, No. Indeed, they are a temptation (fitnah).”⁴⁴ According to Ibn al-Jawzī (510 – 597 AH), the famous Ḥanbalī scholar, if there is an apprehension of temptation towards women, they are to be prohibited from attending the masjid, and he quoted the statement of ‘Ā’ishah (raḍiyallāhu ‘anhā) as support.⁴⁵ (Note: Temptation or fitnah is defined as being tempted towards “unlawful intercourse and its precursors like lustful glances, solitude, touching and the like.”⁴⁶)

Ibn Qudāmah (541 – 620 AH), the famous Ḥanbalī jurist, mentioned that the statement of ‘Ā’ishah (raḍiyallāhu ‘anhā) applies to those who failed to strictly observe the conditions of attending the masjid, amongst which he mentions: not applying fragrance, not wearing clothing that will make them stand out, not revealing any adornment, and not intermingling with men.⁴⁷

It is More Rewarding for a Woman to Offer Ṣalāh at Home

⁴³ ويتبعن في زماننا هذا المنع، والله أعلم، ويدل عليه قول عائشة رضي الله عنها المشهور: لو أن رسول الله صلى الله عليه وسلم رأى ما أحدث النساء الحديث (التوضيح، دار ابن حزم، ج ١ ص ٤٥٧)

⁴⁴ أخبرنا عبد الله بن أحمد بن حنبل، قال: سألت أبي عن خروج النساء في العيد؟ فقال: أما في زماننا هذا فلا، فإنهن فتنة. (أحكام النساء، ص ٦١-٦٢)

⁴⁵ قال ابن الجوزي: فإن خيف فتنة نُهيت عن الخروج واحتج بخبر عائشة المشهور (الفروع، مؤسسة الرسالة، ج ٢ ص ٤٥٨)

⁴⁶ المراد بالفتنة: الزنا ومقدماته من النظر والحلوة واللمس وغير ذلك (الفتاوى الفقهية الكبرى، ج ١ ص ٢٠٣)

⁴⁷ وقول عائشة مختص بمن أحدثت دون غيرها، ولا شك بأن تلك يكره لها الخروج وإنما يستحب لمن الخروج غير متطيبات ولا يلبس ثوب شهرة ولا زينة، ولا يخرجن في ثياب البذلة؛ لقول رسول الله - صلى الله عليه وسلم - : «وليخرجن تفلات» . ولا يخالطن الرجال، بل يكن ناحية منهم (المغني، دار عالم الكتب، ج ٣ ص ٢٦٥)

With regards to the five daily ṣalāhs, it is more rewarding for women to pray them at home. This is by agreement of the four madhhabs⁴⁸, and is proven by several authentic Aḥādīth:

1. It is reported in *Sunan Abī Dāwūd* that after saying, “Do not prevent Allāh’s female slaves from the masjids”, the Prophet (ṣallallāu alayhi wasallam) clarified: “And their homes are better for them.”⁴⁹ Al-Nawawī and others deemed it ṣaḥīḥ.⁵⁰
2. ‘Abdullāh ibn Masūd (raḍiyallāhu ‘anhu) reported, according to a ḥadīth in *Sunan Abī Dāwūd*, that the Prophet (ṣallallāu alayhi wasallam) said: “The ṣalāh of a woman in her room is more virtuous than her salāh in her courtyard, and her salāh in her inner chamber is more virtuous than her salāh in her room.”⁵¹ Al-Nawawī and others deemed it ṣaḥīḥ.⁵²
3. Aḥmad, Ibn Abī Shaybah and others transmit from Umm Salamah (raḍiyallāhu ‘anhā) that the Prophet (ṣallallāu alayhi wasallam) said: “The best masjid for a

⁴⁸ صلاة المرأة المكتوبة في بيتها أفضل من مسجد الجماعة (أحكام النساء لابن العطار الشافعي، ص ٥٤)

هذا رسول الله صلى الله عليه وسلم قد فضل صلاة المرأة في بيتها على صلاتها في المساجد (أحكام القرآن للطحاوي، ج ١ ص ٤٦٩)

عقد ابن الجوزي الحنبلي بابا في فضل صلاة المرأة في بيتها (أحكام النساء، مكتبة ابن تيمية، ١٠٧) وصلاتها في بيتها خير لها وأفضل لما روى ابن عمر... (المغني، دار عالم الكتب، ج ٣ ص ٣٩) جماعة النساء في البيوت أفضل من حضورهن المساجد للحديث المذكور، قال أصحابنا: وصلاتها فيما كان في بيتها أستر أفضل لها لحديث عد الله بن مسعود (شرح المذهب، مكتبة الإرشاد، ج ٤ ص ٩٣) قال سند بن عنان المصري المالكي في الطراز: خرج أبو داود عن ابن عمر أن النبي صلى الله عليه وسلم قال: لا تمنعوا نساءكم المساجد وبيوتهن خير لهن، وهذا يقتضي أن خروجهن إليها جائز وتركه أحب على ما قاله مالك في المختصر (مواهب الجليل، دار الكتب العلمية، ج ٢ ص ٤٥١)

⁴⁹ حدثنا عثمان بن أبي شيبة، حدثنا يزيد بن هارون، أخبرنا العوام بن حوشب، حدثني حبيب بن أبي ثابت عن ابن عمر، قال: قال رسول الله - صلى الله عليه وسلم - : " لا تمنعوا نساءكم المساجد، وبيوتهن خير لهن " (سنن أبي داود، دار الرسالة العالمية، ج ١ ص ٤٢٤) علق عليه الأرنؤوط: إسناده صحيح فقد سمع حبيب بن أبي ثابت من ابن عمر

⁵⁰ في رواية لأبي داود بإسناد صحيح على شرط البخاري إلخ (خلاصة الأحكام، مؤسسة الرسالة، ص ٦٧٨)

⁵¹ حدثنا ابن المنثني أن عمرو بن عاصم حدثهم: حدثنا همام عن قتادة عن مورك عن أبي الأحوص عن عبد الله عن النبي صلى الله عليه وسلم: صلاة المرأة في بيتها أفضل من صلاتها في حجرتها، وصلاتها في مخدعها أفضل من صلاتها في بيتها (سنن أبي داود، ج ١ ص ٤٢٦)

⁵² خلاصة الأحكام، ص ٦٧٨

woman is in the depths of her house.”⁵³ Ḥāfiẓ al-Būṣīrī (762 – 840 AH) described it as ṣaḥīḥ.⁵⁴

4. Al-Tabarānī narrates from Umm Salamah (raḍiyallāhu ‘anhā) from the Prophet (ṣallallāu alayhi wasallam): “A woman’s ṣalāh in her room is better than her ṣalāh in her courtyard, and her ṣalāh in her courtyard is better than her ṣalāh in her land, and her ṣalāh in her land is better than her ṣalāh outside of it.”⁵⁵ Al-Mundhirī said the chain is excellent (*jayyid*).⁵⁶
5. It is reported in *Musnad Aḥmad* from the Umm Ḥumayd (raḍiyallāhu ‘anhā) that she came to the Prophet (ṣallallāu alayhi wasallam) and said: “I love to pray with you.” He said: “I know you love to pray with me, but your ṣalāh in your room is better for you than your ṣalāh in your courtyard, and your ṣalāh in your courtyard is better than your ṣalāh in your land, and your ṣalāh in your land is better than your ṣalāh in the masjid of your community and your ṣalāh in the masjid of your community is better than your ṣalāh in my masjid.”⁵⁷ ⁵⁸ Ibn Ḥajar said the chain is ḥasan.⁵⁹

⁵³ خير بيوت النساء قعر بيوتهن (مسند أحمد، ج ٤٤ ص ١٦٥)

⁵⁴ إتحاف الخيرة، دار الوطن، ج ٢ ص ٦٤

⁵⁵ حدثنا مسعدة بن سعد، ثنا إبراهيم بن المنذر، نا محمد بن فليح، حدثني محمد بن زيد بن المهاجر بن قنفذ، عن أبيه، عن أم سلمة، زوج النبي صلى الله عليه وسلم، قالت: قال رسول الله صلى الله عليه وسلم: «صلاة المرأة في بيتها خير من صلاحها في حجرتها، وصلاحها في حجرتها خير من صلاحها في دارها، وصلاحها في دارها خير من صلاحها خارج» (المعجم الاوسط، ج ٩ ص ٤٨)

⁵⁶ عن أم سلمة رضي الله عنها قالت: قال رسول الله صلى الله عليه وسلم: صلاة المرأة في بيتها إلخ... رواه الطبراني في الأوسط بإسناد جيد (التريغيب والترهيب، دار الكتب العلمية، ج ١ ص ١٤١)

⁵⁷ عبد الله بن سويد الأنصاري، عن عمته أم حميد امرأة أبي حميد الساعدي، أنها جاءت النبي صلى الله عليه وسلم فقالت: يا رسول الله، إني أحب الصلاة معك، قال: قد علمت أنك تحبين الصلاة معي، وصلاحك في بيتك خير لك من صلاحك في حجرتك، وصلاحك في حجرتك خير من صلاحك في دارك، وصلاحك في دارك خير لك من صلاحك في مسجد قومك، وصلاحك في مسجد قومك خير لك من صلاحك في مسجدي (مسند أحمد، مؤسسة الرسالة، ج ٤٥ ص ٣٧)

⁵⁸ The author in the open-letter claimed that this ḥadīth is specific to Umm Ḥumayd but did not present any evidence to substantiate this claim. Classical scholars have applied it to all women. Its generality is supported by the other clear ḥadīths on the subject.

⁵⁹ وإسناد أحمد حسن (فتح الباري، دار طيبة، ج ٣ ص ١١٤)

This ḥadīth of Umm Ḥumayd (raḍiyallāhu ‘anhā) shows that even the Masjid Nabawī is not an exception to this rule.⁶⁰ Moreover, in a ḥadīth of *Ṣaḥīḥ Bukhārī*, the Prophet (ṣallallāhu ‘alayhi wasallam) explained that the extra reward of congregation is for the “ṣalāh of a man” (*ṣalāt al-rajul*). Ibn Rajab al-Ḥanbalī comments that this proves that a woman’s ṣalāh does not multiply in rewards in congregation and it is better for her to pray at home.⁶¹

From the classical period, Ibn Ḥazm (384 – 456 AH) adopted an isolated view that it is more rewarding for women to pray in the masjid. He regarded the ḥadīth of Umm Ḥumayd weak based on one of its chains.⁶² But he did not address another of its chains, described as “ḥasan” by Ibn Ḥajar. Nor did he address most of the Aḥādīth mentioned above.⁶³

Furthermore, Ibn Ḥazm did not align himself with any of the four famous madhhabs, and the strength of his scholarship in ḥadīth-criticism is questionable. Ibn ‘Abd al-Hādī al-Ḥanbalī (705 – 744 AH) thus said: “[Ibn Ḥazm] had opinions in which he was isolated in both the fundamentals and the peripherals, and everything in which he was isolated is a mistake, and he makes many errors in authenticating and weakening ḥadīth and the status of transmitters.”⁶⁴

However, despite Ibn Ḥazm’s solitary opinion on this issue, he quotes the ḥadīth in which the Prophet (ṣallallāhu ‘alayhi wasallam) made it a condition that women are

⁶⁰ فيه دلالة على جواز خروج النساء مطلقا سواء كن شواب أو عجائز للصلاة في مسجد الحرام أو مسجد النبي صلى الله عليه وسلم... ولكن ينبغي تقييده بوقت الضرورة، كما إذا حضرت المسجد للطواف في الحج والعمرة فلا بأس لها بأن تصلي فيه وحدها أو جماعة، أو حضرت المسجد النبوي للتسليم والصلاة على النبي صلى الله عليه وسلم فلا بأس لصلاتها في المسجد تحية أو مكتوبة، وأما أن تأتي المسجد الحرام أو المسجد النبوي لأجل الصلاة فحسب فينا فيه قوله صلى الله عليه وسلم: صلاتك في بيتك خير من صلاتك في حجرتك إلى أن قال: ومن صلاتك في مسجدي، والله تعالى أعلم (إعلاء السنن، إدارة القرآن، ج ٤ ص ٢٦٢)

⁶¹ وفي حديث أبي هريرة الذي خرجه البخاري: صلاة الرجل في الجماعة تضعف، وهو يدل على أن صلاة المرأة لا تضعف في الجماعة، فإن صلاتها في بيتها خير لها وأفضل (فتح الباري لابن رجب، مكتبة الغرباء، ج ٦ ص ١٩)

⁶² وأما حديث عبد الحميد بن المنذر فهو مجهول لا يدرى من هو (المحلى، ج ٣ ص ١٣٦)

⁶³ Ibn Ḥazm does cite the ḥadīth of Ibn Mas‘ūd (raḍiyallāhu ‘anhu) favourably, but quotes it incorrectly, leading him to believe it encourages women to go to the masjid! (see: *al-Muḥallā*, 3:137)

⁶⁴ أبو محمد بن حزم... له اختيارات انفرد بها في الأصول والفروع، وجميع ما انفرد به خطأ، وهو كثير الوهم في الكلام على تصحيح الحديث وتضعيفه، وعلى أحوال الرواة (طبقات علماء الحديث، مؤسسة الرسالة، ج ٣ ص ٣٤٩)

“*tafilāt*” before they emerge. Ibn Ḥazm defined this word “*tafilāt*” as “having bad odour and dress.” He therefore explained that if a woman applies fragrance or wears attractive clothing she “should be disallowed” from coming to the masjid.⁶⁵

If the Ṣalāh is better at Home, why did the Prophet (ṣallallāhu ‘alayhi wasallam) Allow Women to Attend the Masjid?

Someone may ask, why, if it is more rewarding for them to pray in their homes, did the Prophet (ṣallallāhu ‘alayhi wasallam) not prohibit women from coming to the masjid? Imām al-Ḥalīmī (338 – 403 AH), one of the early authorities of ijtihād in the Shāfi‘ī school, wrote in answer to this very question: “Because they had a reason to attend...Namely, being included in the supplication of the Prophet (ṣallallāhu ‘alayhi wasallam) when he prayed and his salām when he made salām to the congregation...The blessing of his supplication and salām may amount to more than the virtue that they had in remaining at home. This factor would not be as pronounced with respect to those other than the Prophet (ṣallallāhu ‘alayhi wasallam); thus, it will be best to remain at home.”⁶⁶

In short, in the time of the Prophet (ṣallallāhu ‘alayhi wasallam) and the early Ṣahābah, great blessings were derived from praying behind such immense personalities, and thus the Prophet (ṣallallāhu ‘alayhi wasallam) did not deprive the women of this blessing. But, as their ṣalāhs at home were more rewarding, this was not established as a common practice. As mentioned earlier, ‘Ātikah (raḍiyallāhu ‘anhā) initially only attended Fajr and ‘Ishā’ ṣalāhs at the masjid. Later on she abandoned these as well. It appears to have been the normal practice for non-elderly women to not attend.⁶⁷ If the ṣalāhs were more virtuous in the masjid, why did ‘Ātikah not attend all the ṣalāhs? And why did she not continue with this practice? And why is it not recorded as a virtue of the great female

⁶⁵ ولا يجلب لمن أن يخرج من متطيبات ولا في ثياب حسان، فإن فعلت فليمنعها...ولا يخرجن إلا وهن تفلات، قال علي: والتفلة السيئة الريح والبنزة (المحلى، ج ٣ ص ١٢٩، ١٣٠)

⁶⁶ فإن قيل: فهلا منعهن المساجد إذا كان الفضل لمن في الخلوة والانفراد، كما منع الرجال من التخلف عن الجماعة، إذا كان الفضل لهم في حضورها؟ قيل: لأنه كان لمن في الحضور عذر لم يكن مثله للرجال في التخلف. وهو الدخول في دعاء النبي صلى الله عليه وسلم إذا قنت، وفي سلامه إذا سلم على القوم فيحليل. فإن كان ذلك يحصل بمن إذا حضرن ويقربن إذا تخلفن، وكما لا يطبن نفسا بالفوت فلم يضيق عليهن. وجاء أن يصل بحب ظنهن، وينتهي بركة دعاه وسلامه إلى أكثر من الفضل الذي كان يكون لمن في لزوم البيوت. وهذا المعنى في جانب غيره، لا يقوى كقوته في جانب النبي صلى الله عليه وسلم كان الأولى بمن لزوم البيوت والله أعلم (المنهاج، دار الفكر، ج ٢ ص ٣٣٥)

⁶⁷ قال الإمام سند بن عنان المالكي المصري في الطراز: ولعل هذا هو المعهود من عمل الصحابة فلا يعرف أن أبكارهن ومن ضاهاهن يخرجن إلى المسجد ولو خرج جميع النساء لمألن المسجد وعادلن الرجال في ذلك (مواهب الجليل، ج ٢ ص ٤٥١)

Şahābiyyāt, like the Mothers of the Believers, and Fāṭimah, Umm Sulaym, Asmā' etc. (raḍiyallāhu ‘anhunna), that they would regularly attend the masjid for congregation?

Women’s Emergence from the Home and the Laws of Hijāb

Some people have expressed the sentiment that, nowadays Muslim women frequent various public places so why should they be discouraged from coming to the masjid. In this regard we state that it is not the case that women should only avoid attending the masjid but should freely frequent other places. Rather, Muslim women should endeavour to uphold the pristine teachings of Islam in relation to emergence from the home and the proper observance of hijāb in general. Despite the norms of the society we find ourselves living in, we should all endeavour to firmly hold onto the laws of Sharī‘ah .

Nonetheless, we do recognise the need to have proper arrangements made within Mosques to accommodate women who are outdoors and require a place to perform Salaah. These arrangements should be made to cater for the needs of women with proper segregation.

Note: In this article we have focused specifically on the issue of women attending family Eidgahs and the congregational Salaah in the masjid in light of the approach adopted by some who are quite extreme in their support and encouragement for women to attend congregational prayers to the point that they consider women who wish to pray at home to be deprived of the blessings of the Sunnah. This approach is incorrect and goes directly against the guidelines of the Sunnah.

Dīn-conscious Muslims should take guidance from righteous ‘Ulamā’ and Muftīs on specific cases and scenarios.

Conclusion

- The permission mentioned in the ḥadīth for women attending the masjid is not unconditional. Conditions are found explicitly and implicitly in the Aḥādīth themselves.
- Strict observance of the lofty standards began declining from the time of the Şahābah. From that time on, the classical Fuqahā’ expressed the need to restrict women’s access to the masjid.
- All four madhhabs agree, based on clear and authentic Aḥādīth, that a woman’s ṣalāh at home is better and more rewarding. The Prophet (ṣallallāhu ‘alayhi wasallam) did not stop them from attending the masjid so that they could occasionally derive the blessings of praying behind him. That benefit no longer applies.

There is nothing alarming or strange in the Jamiat's ruling that women should not attend the masjid for congregational ṣalāh or Eid Ṣalāh. The Jamiat's stance is in complete conformity with the views of the illustrious Fuqahā.

Those advocating a diametrically opposite view unfortunately do so by adopting a very selective reading of the Aḥādīth. They cite the permission mentioned in the ḥadīth for women attending the masjid but fail to mention the conditions with which and circumstances in which this permission was given. The Fuqahā' who discouraged or prohibited women from attending the masjid did so because they understood that these conditions were not being observed and these circumstances have changed. Their position is one based on a holistic and complete understanding of the Sunnah.

In conclusion, we reiterate that virtue and excellence in any action is attained through adherence to the commands of Allah Ta'ala and the Sunnah of Rasulullah (Sallallahu Alaihi Wasallam). We cannot achieve virtue or excellence in actions based on our own desires and preferences. It is of extreme importance that we follow the verdicts of the illustrious Fuqaha of the early period of Islam who had a deep understanding of the laws of Shariah which they learnt from the Sahaabah and which has subsequently been preserved in the four Madhhabs

The necessity of following the Sahaabah of Rasulullah (Sallallahu alayhi wasallam) in understanding the Sunnah can never be over emphasised. The Sahaabah represent the pivot upon which the wheel of Islam revolves. Without the reports, comments, interpretations and rulings of the Sahaabah it is not possible to correctly understand the Qur'aan and the sacred utterances and practical actions of Rasulullah (sallallahu alayhi wasallam).

And Allah Ta'ala Knows Best

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