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WHETHER TO KEEP WOMEN OUT OF THE MOSQUE:
A SURVEY OF MEDIEVAL ISLAMIC LAW

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It is commonly observed that women enjoyed greater freedom of movement in earliest Islamic law than later. For example, Azizah al-Hibri asserts that "Early Muslim women were actively involved in every aspect of the life of the nascent Muslim society. They included business women, poets, jurists, religious leaders and even warriors." She blames 'patriarchal jurisprudence and practice' for reducing them over time to 'inactive immature dependent beings.'¹ Unfortunately, her understanding of pre-modern Islamic law seems weak². Leila Ahmed has spent more time with medieval sources and acknowledges that both the Qur'an and the Prophet tended to restrict women's freedom of action, both in public life and private, although she insists that both also espouse an egalitarian ethic, on which basis the practical measures of the Prophet and the earliest Muslims might be reversed³. A practical measure she brings up several times is the exclusion of women from the mosque. The Prophet, she says, appointed Umm Warqa to act as imam for her household, 'which included, so far as can be ascertained, men as well as women.'⁴ But 'Umar assaulted women and tried to prevent them from attending prayers at mosques'⁵. The first main object of this study is to see how far medieval Muslim jurists indeed excluded women from the mosque.

¹ A. AL-HIBRI, *Islam, Law and Custom: Redefining Muslim Women's Rights*, in: *American University Journal of International Law and Policy* 12 (1997), p. 1-44, quotations at 5.

² E.g. v. her assertion that 'traditionally, a *hadith* which appears to contradict a Qur'anic passage is usually viewed as based on a false report or is reinterpreted in a fashion consistent with the Qur'an.' This is how many modern reformers treat inconvenient *hadith* but it is ridiculous as a description of the Sunni tradition.

³ L. AHMED, *Women and Gender in Islam*, New Haven, 1992, esp. chaps. 4, 5.

⁴ AHMED, *Women*, p. 61, citing IBN SA'D, *Biographien*, VIII, ed. K. Brockelmann, Leiden, 1904-40, p. 335. Ahmed's spelling suggests that she is working here through secondary sources. Ibn Sa'd does say that Umm Waraqa knew the whole Qur'an (*jama'at al-Qur'an*), which is related to the later (minority) Hanbali argument for allowing women to lead men in the ritual prayer, namely that knowing the Qur'an comes ahead of sex in determining who should lead a mixed group.

⁵ AHMED, *Women*, p. 60-61.

HADITH: THE BASIC ISSUES

Hadith reports in the classic collections of the ninth century cluster around several rules. The most basic is, "Forbid not the slave girls of God (to enter) the mosques of God." It is sometimes related with an extension: "Let them go out, if they go out, unperfumed."⁶ Second is, "If your wife asks permission of one of you (to go) to the mosque, let him not forbid her."⁷ In a third version, Ibn 'Umar relates that the Prophet said, "Permit women by night (to go) to the mosque." Then a son of his (usually anonymous but sometimes identified as Bilāl) protests that they will not permit them. Ibn 'Umar retorts, "I relate a hadith report to you of the Messenger of God... and you say this?" or something to the same effect⁸. Another hadith report describes how 'Umar himself reluctantly allowed his own wife to go to the mosque, since the Prophet had commanded it, and was eventually stabbed while his wife was at the mosque⁹. These last hadith reports seem designed to refute reports that 'Umar excluded women from the mosque¹⁰. The *isnād* is always Medinese in its upper reaches (Companion and Follower), branching out sometimes to Mecca, Kufa, or Basra.

Reports of what Followers did (the generation that never met the Prophet but did meet Companions who had met him) are presumptively older than reports of what Companions and the Prophet himself did¹¹. I

⁶ MĀLIK, *Muwatta'*, recension of Yahyá ibn Yahyá, *qiblah* 6, *mā jā'a fī khurūj al-nisā'*; 'ABD AL-RAZZĀQ, *al-Muṣannaf (Min Manshūrāt al-Majlis al-'Ilmī* 39), I, ed. Ḥabīb al-Rahmān al-A'zamī, Johannesburg, 1390-92/1970-72, p. 147, 151; AḤMAD, *Musnad imām al-muḥaddithīn*, II, Cairo, 1313, p. 16, 36, 151; V, p. 192; Dārimī, *Sunan, ṣalāh, bāb al-nahy 'an man' al-nisā' 'an al-masājīd*; Muslim, *ṣalāh, khurūj al-nisā' ilá al-masājīd*; Abū Dāwūd, *ṣalāh* 52, *mā jā'a fī khurūj al-nisā' ilá al-masājīd*.

⁷ 'ABD AL-RAZZĀQ, *Muṣannaf*, I, p. 151; AḤMAD, *Musnad*, II, p. 9, 45, 57, 143 (two versions), 156; Dārimī, *Sunan, ṣalāh, bāb al-nahy 'an man' al-nisā' 'an al-masājīd*; Bukhārī, *adhān, isti'dhān al-mar'ah zawjahā fī al-khurūj ilá al-masājīd*; Muslim, *ṣalāh, khurūj al-nisā' ilá al-masājīd*; Abū Dāwūd, *ṣalāh* 52, *mā jā'a fī khurūj al-nisā' ilá al-masājīd*.

⁸ 'ABD AL-RAZZĀQ, *Muṣannaf*, I, p. 147; ABŪ DĀWŪD AL-ṬAYĀLISĪ, *Musnad*, Hyderabad, 1321, repr. Beirut, n.d., p. 258; AḤMAD, *Musnad* II, p. 36, 43, 49, 76, 127, 140, 143, 145; Muslim, *ṣalāh, khurūj al-nisā' ilá al-masājīd*; Abū Dāwūd, *ṣalāh* 52, *mā jā'a fī khurūj al-nisā' ilá al-masājīd*.

⁹ MĀLIK, *Muwatta'*, rec. Yahyá, *qiblah* 6, *mā jā'a fī khurūj al-nisā'*; 'ABD AL-RAZZĀQ, *Muṣannaf*, I, p. 148; AḤMAD, *Musnad*, I, p. 40; II, p. 7.

¹⁰ Noticed by AHMED, *Women*, 60.

¹¹ J. SCHACHT, *The Origins of Muhammadan Jurisprudence*, Oxford, 1950, p. 156. Schacht bases his presumption first on his perception that Follower hadith often espouses obsolete positions, Prophetic hadith what the classical schools espoused, second that our earliest recorded jurisprudence relied much more heavily on Follower hadith than later jurisprudence. Given that hadith could be projected backward at all, it seems more likely

would guess that the cluster of hadith allowing women to go to the mosque originated in opposition to a Kufan custom of forbidding women to attend most prayers at the mosque. Ibn Abī Shaybah (d. Kufa, 235/849), our chief source for early Kufan practice, offers some confirmation. His section in favour of allowing women to go to the mosque is almost entirely prophetic, hence we suppose more recent¹². (Our other best source for eighth-century doctrine, the *Muṣannaf* of 'Abd al-Razzāq [d. 211/827], is entirely prophetic on this point.) His section against allowing women to go to the mosque is from Companions and Followers, hence we suppose earlier. Ibn Mas'ūd (d. Medina, 32/653?), governor of Kufa for a time, threw rocks at women leaving the mosque on Friday. He and Ibn 'Abbās (d. Ta'if, 68/687-8) are both quoted in favour of women's praying at home, except perhaps for the elderly. The leading Kufan authority Ibrāhīm al-Nakha'ī (d. 96/714) allowed none of his three wives to attend group prayers at the mosque, whether on Friday or otherwise¹³. There is weak confirmation that opposition to the presence of women in mosques was weaker outside Kufa in a reported conversation between the two Basran renunciants Mu'ādhah al-'Adawīyah and Abū al-Sawwār al-'Adawī (*fl.* late 1st/early 8th cent.). He asked why women went to the mosque, lowered their heads, and raised their backsides. She told him not to look. He said he could not help it. Surprisingly, she is given the last word: if she stayed home, she would be distracted by children, whereas being in the mosque was invigorating (*idhā kuntu fī al-masjid kāna anshaṭ lī*)¹⁴.

THE RIGHT TO GO OUT TO THE MOSQUE

Abū Ḥanīfah (d. Baghdad, 150/767) discouraged women from going to the mosque for all but the dawn, evening, and festival prayers. The

that Prophetic hadith was so projected that classical Islamic law represents a rediscovery of actual Prophetic doctrine. Two good surveys of the methodological debate are H. BERG, *The Development of Exegesis in Early Islam (Curzon Studies in the Qur'an)*, Richmond, 2000, chap. 2, and H. MOTZKI, *The Origins of Islamic Jurisprudence (Islamic History and Civilization, Studies and Texts 41)*, trans. M. H. Katz, Leiden, 2002, chap. 1.

¹² IBN ABĪ SHAYBAH, *al-Muṣannaf, ṣalāt al-taṭawwu'* 219 = II, ed. S. al-Laḥḥām, Beirut, 1409/1989, p. 276. According to the one non-prophetic hadith report in the series, Ibn Mas'ūd's wife would pray the evening prayer in the Friday mosque.

¹³ IBN ABĪ SHAYBAH, *Muṣannaf, ṣalāt al-taṭawwu'* 220 = II, p. 276-277. AḤMAD also reports that Ibn Mas'ūd expelled women from the mosque on Friday: *K. al-'Ilal wa-ma'rifat al-rijāl*, III, ed. W. A. M. 'Abbās, Beirut, 1988, p. 215 = *K. al-Jāmi' fī al-'ilal wa-ma'rifat al-rijāl*, II, ed. M. H. Bayḍūn, Beirut, 1410/1990, p. 163.

¹⁴ AḤMAD, *al-Zuhd*, Mecca, 1357, repr. Beirut, 1403/1983, p. 385; ABŪ NU'AYM, *Ḥilyat al-awliyā'*, II, Cairo, 1352-57/1932-38, p. 251.

logic is presumably that women may go out at night, when they will be hard to see, but not otherwise. Akmal al-Dīn al-Bābartī (d. Cairo, 786/1384), among others, explains away the hadith reports permitting women to go out to the mosque as applying only to earliest Islam¹⁵. Ibn al-Humām (d. Cairo, 861/1457) states that in his own day, women were even more dangerously exposed by night than by day, hence they were to be forbidden to come to the mosque then, as well¹⁶. Ḥanafī handbooks also discuss whether the salutations at the end of the ritual prayer comprehend women. Whereas earlier jurists expressly mention Muslim men and women among those saluted (*muslimīn*, *muslimāt*), al-Marghīnānī (d. Marghīnān, 593/1197) states that one does not intend to salute any women 'in our time'. Akmal al-Dīn al-Bābartī explains that this is so 'by consensus of the latter-day jurists (*ijmā' al-muta'akhhirīn*)'. Ibn al-Humām explains al-Marghīnānī's opinion 'because they are forbidden to attend the assemblies'¹⁷.

Ibn al-Qāsim (d. Old Cairo, 191/806) quoted Mālik as affirming that women were not to be forbidden to go out to the mosque. But al-Bājī (d. Almeria, 474/1081) asserts that the Prophet's addressing husbands implies that, after all, they do have the right to forbid their wives to go out¹⁸. Ibn Rushd the grandfather (d. Cordova, 520/1126) relates Mālik's opinion from the *Mudawwanah*, distinguishing between the old woman and the young (*mutajāllah*, *shābbah*), the latter to be allowed to attend the prayers in the mosque only for the funerals of close relatives¹⁹.

The Shāfi'īyah seem more circumspect than the Ḥanafīyah about overruling hadith but do allow a man's right to keep his wife at home to trump her right to go out to the mosque. Al-Shāfi'ī (d. Old Cairo, 204/820) himself observes that a non-Muslim wife is forbidden to go to church or synagogue, just as Muslim women are forbidden to go to mosques²⁰. He dismisses the hadith report "Do not forbid the slave girls of God (to enter) the mosques of God" as applying to only one mosque, at Mecca for the required pilgrimage, since 1) it is known that a man

¹⁵ AKMAL AL-DĪN AL-BĀBARTĪ, *Sharḥ al-'Ināyah 'alā al-Hidāyah*, below Ibn al-Humām, *Sharḥ Faḥ al-qadīr lil-'ājiz al-faqīr*, I, Beirut, 1415/1995, p. 376.

¹⁶ IBN AL-HUMĀM, *Faḥ*, I, p. 376; similarly, AKMAL AL-DĪN AL-BĀBARTĪ, *'Ināyah*, I, p. 377.

¹⁷ IBN AL-HUMĀM, *Faḥ*, I, p. 328-329. Similarly, AL-'AYNĪ, *al-Bināyah sharḥ al-Hidāyah*, II, ed. A. Ṣ. Sha'bān, Beirut, 2000, p. 286.

¹⁸ AL-BĀJĪ, *al-Muntaqā*, I, ed. M. 'A. Shaqrūn, Cairo, 1331-32, repr. n.p., n.d., p. 342.

¹⁹ IBN RUSHD, *al-Bayān wa-al-taḥṣīl*, I, ed. Muḥammad Ḥajjī, Beirut, 1404-7/1984-87, p. 420-422.

²⁰ AL-MUZANĪ, *Mukhtaṣar*, at AL-SHĀFI'Ī, *K. al-Umm*, III, Bulaq, 1321-25, p. 283 margin.

may forbid his wife to enter the mosque of her people and 2) no one disagrees that a man may forbid his wife to go to the mosque²¹. Al-Baghawī (d. Marw-i Rūdh, 510/1117?) states that a woman who wishes to go to the mosque should be allowed so long as no tribulation (*fitnah*) is feared²². Al-Nawawī (d. Nawa, 676/1277) states that the position of the school is that it is discouraged for a young woman or an old one who still feels desire (*tashtahī*) to go to the mosque and for her husband or guardian to allow her. The hadith report, "Do not forbid the slave-girls of God to go to the mosques of God" is quoted but said to illustrate *nahy tanzīh*, for a husband's right to keep his wife at home is not to be violated for the sake of performing a work of supererogation (*faḍīlah*)²³.

Ḥanbali writers usually defend the right of women to go to the mosque. The *Iqnā'* of Ibn Qudāmah (d. Damascus, 620/1223) states, "When the woman asks permission to go to the mosque, it is discouraged to forbid her." Al-Qāqūnī (d. Damascus, 763/1362) and al-Mardāwī (d. Damascus, 885/1480) reaffirm that this is the opinion of the school, whether by day or night. They also report several Ḥanbali jurists who made an express exception when one fears disorder or harm (*fitnah*, *ḍarar*) in allowing them to go out; e.g. al-Qāḍī (Abū Ya'la' ibn al-Farrā', d. Baghdad, 458/1065), Ibn al-Jawzī (d. Baghdad, 597/1201), al-Majd ('Abd al-Salām ibn 'Abd Allāh, d. Ḥarrān, 652/1254?)²⁴. One is quoted as saying, "In our time, forbidding them to go out is better for them and for men in several respects."²⁵ Ibn Qayyim al-Jawzīyah (d. Damascus, 751/1350) is aware that some Ḥanābilah call for a man to forbid his wife to go to the mosque but states expressly himself that a man may not forbid his Muslim wife to go to the mosque, in line with hadith²⁶. The later Ḥanbali jurists al-Futūḥī (d. Cairo, 972/1564-5) and Ibn Qā'id (d. Cairo, 1097/1685-6) both reaffirm that women and slave-girls should be given permission when they ask, although this is only the recommended position, not required²⁷.

²¹ SHĀFI'Ī, *Ikhtilāf al-ḥadīth*, Umm, VII, p. 170-171 marg.

²² AL-BAGHAWĪ, *al-Tahdhīb*, II, ed. 'Ā. A. 'Abd al-Mawjūd and 'A. M. Mu'awwid, Beirut, 1418/1997, p. 255.

²³ AL-NAWAWĪ, *al-Majmū'*, IV, ed. Z. 'A. Yūsuf, Cairo, 1966-69?, p. 95.

²⁴ AL-QĀQŪNĪ, *K. al-Furū'*, I, ed. 'A. L. M. al-Subkī, Cairo, 1379-88/1960-67, repr. Beirut, 1402, 1405/1985, p. 601; AL-MARDĀWĪ, *al-Inṣāf fī ma'rīfat al-rājiḥ min al-khilāf*, II, ed. M. Ḥ. al-Fiḳī, Cairo, 1955-58, repr. n.p., 1419/1998, p. 171.

²⁵ QĀQŪNĪ, *Furū'*, I, p. 601, apparently quoting AL-MAJD, *al-Muḥarrar*, and MARDĀWĪ, *Inṣāf*, II, p. 171, apparently quoting AḤMAD IBN ḤAMDĀN (d. Cairo, 695/1295), *al-Naṣīḥah*.

²⁶ IBN QAYYIM AL-JAWZĪYAH, *Aḥkām ahl al-dhimmah*, I, ed. Ṣ. AL-ṢĀLĪH, n.p.: n.p., 1381/1961, repr. Beirut, 1401/1981, p. 439.

²⁷ AL-FUTŪḤĪ, *Muntahā al-irādāt*, with IBN QĀ'ID, *Hāshiyat al-Muntahā*, I, ed. 'A. A. ibn 'Abd al-Muḥsin, Beirut, 1419/1999, p. 294.

It appears, then, that the Sunni schools may be arranged on a spectrum so, from least permissive at the left to the most permissive at the right:



But they all apparently consider their positions to have shifted over time in a less permissive direction.

WOMEN IN GROUP PRAYERS

The Ḥanafi school was divided over whether even to allow women to pray in groups. Kāsānī (d. Aleppo, 587/1189) acknowledges hadith as supporting the Shāfi‘i position, that group prayer is equally recommended for men and women,

but that was in the beginning of Islam. Later, (such hadith reports) were abrogated. It is not permitted for the young women among them to go out to group prayers, as we can see from what is related of ‘Umar (may God be satisfied with him), that he forbade young women to go out. Moreover, their going out to group prayers is a cause of temptation (*fitnah*). Temptation is forbidden, and whatever leads to what is forbidden is likewise forbidden²⁸.

Akmal al-Dīn al-Bābartī elaborates, saying that a woman must lead from the middle of the group, which is discouraged both for exposing her more and for not being the front. Avoidance of exposure is a heavier obligation (*farḍ* as opposed to *sunnah*) than leading from the front, hence a woman is simply not to lead prayers²⁹. Ibn al-Humām characterizes this as *karāhat al-tahrīm*, discouragement to the point of forbidding³⁰.

Mālik is usually said to have disallowed women to lead in prayer, whether the required or supererogatory³¹. Al-Māzarī (d. 453/1061) makes several arguments in favour of Mālik’s position. First, there is the prophetic hadith report, “The best row for women is the last and the

²⁸ AL-KĀSĀNĪ, *Badā’i’ al-ṣanā’i’*, I, Cairo, 1327-28, repr. Beirut, 1406/1986, p. 157.

²⁹ AKMAL AL-DĪN AL-BĀBARTĪ, *Ināyah*, under *al-Fath*, I, p. 362-363.

³⁰ IBN AL-HUMĀM, *Fath*, I, p. 362-363. ‘AYNĪ mentions and dismisses the same argument, *Bidāyah*, II, p. 321.

³¹ E.g. IBN RUSHD, *Bidāyat al-mujtahid wa-nihāyat al-muqtaṣid*, *ṣalāh*, *jumlah* 3, *bāb* 2, *faṣl* 2 = I, ed. ‘A. M. T. Ḥalabī, Beirut, 1418/1997, p. 207-208.

worst is the first." Second, he says, women's speech is something to be concealed ('*awrah*). The others argue by analogy with the slave, who is permitted to lead the ritual prayer, but Māzarī says, third, that women lack reason and religion, unlike slaves. The hadith report about the leader's being whoever knew the Qur'an best (*aqra'uhum*) applies only to men³². Al-Bājī (d. 474/1081) argues similarly and dismisses the story of Umm Waraqah and her household as a hadith report not to be depended on³³. However, Māliki sources report that the Andalusian Ibn Ayman (d. 330/941-2) aberrantly asserted that Mālik had approved of a woman's leading women in prayers, although not men³⁴. Māliki sources generally do assume that group prayers will include women as well as men. If the crowd is so great, that some men end up praying behind some of the women (presumably old), their prayer is still valid³⁵.

The Shāfi'i school is notably friendlier to female leadership of the ritual prayer. In the *Mukhtaṣar* of al-Muzanī (d. Old Cairo, 264/877?), Shāfi'i is quoted as briefly defending a woman's leadership of other women in the ritual prayer, citing the practice of 'Ā'ishah, 'Alī, and the dictum of the Medinese Follower Ṣafwān ibn Salīm (d. 132/749-50)³⁶. In the *Umm*, Shāfi'i is quoted as saying that if a woman leads the prayer (evidently the required prayer first of all), her performance of the prayer is valid but not that of any men or boys praying behind her³⁷. Al-Rāfi'i (d. Qazvin, 623/1226) says that (in his view) praying in a group is equally recommended for men and women but that the majority position (within the Shāfi'i school) is to consider it recommended only for men³⁸. Nawawī generally considers that group prayer is recommended for women³⁹.

The Ḥanbali school assumes that women will pray in groups and that women may lead them⁴⁰. The majority position of the school is that

³² AL-MĀZARĪ, *Sharḥ al-Talqīn*, II, ed. S. Sh. M. M. al-Salāmī, Beirut, 1997, p. 670.

³³ BĀJĪ, *Muntaqā*, I, p. 235.

³⁴ BĀJĪ, *Muntaqā*, I, p. 235; 'ABD AL-WAHHĀB AL-THA'LĀBĪ, *al-Ishrāf 'alā nukat masā'il al-khilāf*, I, ed. Ḥ. ibn Ṭāhir, Beirut, 1420/1999, p. 296; MĀZARĪ, *Sharḥ*, II, p. 670.

³⁵ AL-ḤAṬṬĀB (d. 954/1547), *Mawāhib al-jalīl, al-ṣalāh, fī ṣalāt al-jamā'ah* = II, ed. Z. 'Umayrāt, Beirut, 1416/1995, p. 434-435; IBN AL-MAWWĀQ (d. 897/1492), *Tāj al-iklīl*, below *Mawāhib al-jalīl*, *loc. cit.*

³⁶ MUZANĪ, *Mukhtaṣar*, at *Umm*, I, p. 120-121 marg.

³⁷ SHĀFI'Ī, *Umm*, I, p. 145.

³⁸ AL-RĀFI'Ī, *al-'Azīz*, II, ed. 'A. M. Mu'awwiḍ and 'Ā. A. 'Abd al-Mawjūd, Beirut, 1417/1997, p. 142.

³⁹ NAWAWĪ, *Majmū'*, IV, p. 88, 96.

⁴⁰ 'ABD ALLĀH IBN AḤMAD, *Masā'il al-imām Aḥmad ibn Ḥanbal*, ed. Z. al-Shāwīsh, Beirut, 1401/1981, p. 114.

women are recommended to pray in a group but, unlike men, not required⁴¹. For neither sex, however, does group prayer necessarily mean going to the mosque, for two constitute a group. As for women's performing the prayer in the mosque behind men, there is disagreement: most later authorities hold that it is discouraged for younger women, allowable (*mubāh*) for older, but many that it is equally allowable for both. All authorities prefer that women pray at home⁴².

Some jurists allowed women to lead even men in ritual prayers if they should be the best qualified. In the ninth century, Abū Thawr (d. Baghdad, 240/854), Muzanī, Dāwūd al-Zāhirī (d. Baghdad, 270/884), and al-Ṭabarī (d. Baghdad, 310/923) are all said to have upheld such a position⁴³. Alternatively, Abū Thawr, Muzanī, and Ṭabarī are said to have allowed her to lead the *tarāwīh* prayer in Ramaḍān, from behind, if she alone should be able to recite the Qur'an⁴⁴. In the classical period, it was a distinctive feature of the Ḥanbali school to allow women to lead men in the ritual prayer. From the eleventh century, all the school allowed a woman to lead the *tarāwīh* prayers if she should be able to recite the Qur'an but the men not. Some Ḥanbali jurists of the eleventh century and later allowed such women to lead men in other prayers as well⁴⁵.

Early on, Twelver (Imāmi) Shi'ah strictly forbade women to lead men in prayer but recommended them to lead women. Ja'far al-Ṣādiq is quoted as saying women lead from the midst of the group⁴⁶. However, some later jurists forbade them to lead anyone in prayer⁴⁷. Although it is not required, women may attend group prayers⁴⁸. Isma'ili

⁴¹ MARDĀWĪ, *Inṣāf*, II, p. 149-150.

⁴² MARDĀWĪ, *Inṣāf*, II, p. 151.

⁴³ THĀLABĪ, *Ishrāf*, I, p. 296 (Abū Thawr only); BĀJĪ *Muntaqā*, I, p. 235 (Dāwūd and Ṭabarī); MĀZARĪ, *Sharḥ*, II, p. 670; IBN RUSHD, *Bidāyah*, I, p. 207-208 (Abū Thawr and Ṭabarī). No such position is advocated in *bāb imāmat al-mar'ah* of MUZANĪ, *Mukhtaṣar* but this does not necessarily indicate that Muzanī has been misquoted, for the extant *Mukhtaṣar* is only the short version, the long version being lost, for which v. IBN AL-NADĪM, *Fihrist*, fann 3, maqālah 6 = ed. G. Flügel, et al., Leipzig, 1872, 212.

⁴⁴ MĀZARĪ, *Sharḥ*, II, p. 670; AL-'IMRĀNĪ, *al-Bayān*, II, ed. Q. M. al-Nūrī, Jeddah, 2000, p. 398; 'AYNĪ, *Bināyah*, II, p. 329.

⁴⁵ QĀQŪNĪ, *Furū*, II, p. 18; MARDĀWĪ, *Inṣāf*, II, p. 185-186.

⁴⁶ AL-ṬŪSĪ, *K. al-Khilāf*, I, ed. 'A. al-Khurāsānī, et al., Qum, 1416-21, p. 548, 562; idem, *Mabsūṭ*, I, ed. M. T. Kashfī and M. B. al-Bahbūdī, Tehran, n.d., p. 153, 157.

⁴⁷ AL-'ALLĀMAH AL-ḤILLĪ (d. 726/1325), *Nihāyat al-iḥkām fī ma'rifat al-aḥkām* (*Mu'assasat Āl al-Bayt li-Iḥyā' al-Turāth*, 7-8), II, ed. M. al-Rajā'ī, Beirut, 1406/1986, p. 15. Cf. AL-ḤILLĪ AL-MUḤAQQIQ AL-AWWAL (d. 676/1277?), *Sharā'ī 'al-islām, k. al-ṣalāh, rukn 4, faṣl 3 fī al-jamā'ah, ṭaraf 1 = I*, Najaf, 1389/1969, p. 124, which plainly foresees that the imam may be a woman, the women led being directed to pray to her sides.

⁴⁸ AL-'ALLĀMAH AL-ḤILLĪ, *Nihāyah*, II, p. 26, 42.

Shi'ah disallowed women to lead men but did allow them to lead women⁴⁹.

Here, the spectrum from least permissive school to most seems to run similarly:

Ḥanafī Mālīkī Twelver Ismā'īlī Shāfi'ī Ḥanbalī

└──────────┘ └──────────┘ └──────────┘ └──────────┘ └──────────┘

Again, some change over time is observable, especially amongst the Ḥanafīyah and Twelvers, whose opposition to women's participation in group prayers hardened.

CONCLUSION

I would start with two methodological points. First, it is risky to rely on any one authority for the position of a whole school, since there was usually disagreement within schools as well as from one school to another. Riskier still are parallel treatments of all schools. Ibn Rushd, *Bidāyat al-mujtahid*, is useful, but simplistic in detail; still more are such modern syntheses as those of Maghnīyah and Jazīr⁵⁰. It is riskiest of all to rely for the position of a school on a writer from another school.

Second, our sources are stubbornly ideal. It was not the purpose of such medieval handbooks of Islamic law as I have examined either to sketch the historical evolution of the law or to tell us what was going on around our writers. Jacques Waardenburg has distinguished among official (ideal) Islam, valid Islam, and actual Islam, the first and narrowest being what we find in handbooks⁵¹. Asides about actual practice, as from Ḥanafī writers that in our day, there are no women in mosques to be saluted, are probably more reliable than pronouncements about whether women ought to be in mosques. Moreover, jurists after about 1000 C.E. accepted that disagreement was a permanent condition.

⁴⁹ AL-QĀDĪ AL-NU'MĀN, *Da'ā'im al-islām, k. al-ṣalāh 6, dhikr al-imāmah* = I, ed. Ā. 'A. A. Fayḍī, Beirut, n.d., p. 152-153.

⁵⁰ IBN RUSHD, *Bidāyat al-mujtahid*, also now available in English translation as *The Distinguished Jurist's Primer (The Great Books of Islamic Civilization)*, trans. I. A. Kh. Nyazee, Reading, 1994, 1996; M. J. MAGHNĪYAH, *al-Fiqh 'alā al-madhāhib al-khamsah*, 6th edn., Beirut, 1979; 'A. R. JAZĪRĪ, *al-Fiqh 'alā al-madhāhib al-arba'ah*, Istanbul, 1983. Fuller but still tending to minimize disagreement within schools is W. AL-ZUḤAYLĪ, *al-Fiqh al-islāmī wa-adillatuhā*, 4th edn., Beirut, 1418/1997.

⁵¹ J. D. J. WAARDENBURG, *Official and Popular Religion as a Problem in Islamic Studies*, in: *Official and Popular Religion (Religion & Society, 19)*, ed. P. H. Vrijhof and J. Waardenburg, The Hague, 1979, p. 340-386.

From this point forward, it was enough to show that the position of one's own school was plausible. There was no longer serious hope of persuading adherents of other schools to abandon their positions. Jurisprudents argued to display their acumen, not to change the world⁵². In all, then, it is difficult to infer social history from handbooks of Islamic law. As far as our evidence goes, modern feminists who argue that early Muslim women were hugely more active in Islamic public life than later are right to make out increasing restriction over time but exaggerate the degree of change.

Actual practice, we may suppose, showed a good deal more variation of time and especially place than our sources make out. Ibn 'Asākir (d. Damascus, 571/1176), a Shāfi'i, refers to a woman of his acquaintance who preached to other women in various mosques⁵³. In his *Khiṭaṭ*, al-Maqrīzī quotes an appalled 13th-century Maghribi traveller, Ibn Sa'īd (d. Tunis, 685/1286-7?), who reports how the mosque of 'Amr ibn al-'Āṣ has been made a thoroughfare, with men, women, and children passing through and picnicking, among other indignities⁵⁴. The Hui Muslims of China are said to have maintained separate mosques for women, including female imams, for the past 150 years⁵⁵.

The theme of the conference is public order. This seems to be the main concern when it comes to women in the mosque, whether the question is their attending at all (the Ḥanafī school is the most reluctant to allow it, expressly for fear of social disturbance) or their leading prayers (similarly, Ḥanafī scholars argue that it is unseemly for them to lead as they are supposed to, as it exposes them to view, or simply fear that a congregation of women must soon do wrong). Questions of ritual purity seem to be incidental, capable of less drastic solutions, especially among the Sunni schools⁵⁶.

Rules for and against admitting non-Muslims to mosques are a valuable control. Although there is not space here to show this in detail, they

⁵² V. Y. MERON, *L'obligation alimentaire entre époux en droit musulman hanéfite* (Bibliothèque de droit privé, 114), Paris, 1971, p. 323-329, and N. CALDER, *The Law*, in: *History of Islamic Philosophy* (Routledge History of World Philosophies, 1), ed. S. H. Nasr and O. Leaman, London, 1996, p. 979-998.

⁵³ IBN 'ASĀKIR, *Tārīkh Madīnat Dimashq*, s.n. Fāṭimah bt. Sahl = LXX, ed. M. D. A. S. al-'Amrawī, Beirut, 1415-21/1995-2000, p. 25.

⁵⁴ Kindly pointed out to me by Paulina Lewicka, with some other examples: AL-MAQRĪZĪ, *K. al-Mawā'iz wa-al-i'tibār bi-dhikr al-khiṭaṭ wa-al-āthār*, I, ed. M. 'A. R. Q. al-'Adawī, n.p., 1270, p. 341.

⁵⁵ Joseph Askew has pointed out to me M. JASCHOK and Sh. JINGJUN, *The History of Women's Mosques in Chinese Islam*, Richmond, 2000, among other recent accounts.

⁵⁶ For a full discussion, v. the forthcoming article by Z. MAGEN, *Strangers and Brothers*.

tend to be inversely correlated with rules for and against admitting women to mosques. That is, the Ḥanafīyah least encourage the presence of women in mosques, while the Ḥanābilah and most Twelver jurists seem to be the most tolerant of it, whereas the Ḥanafīyah seem to be most tolerant of unbelievers in mosques, the Ḥanābilah and Twelvers least tolerant⁵⁷. What the Ḥanābilah and Twelvers (before the Safavi state established Shi'ism) had in common was being in the minority *vis à vis* the other Sunni schools and the Sunnis, respectively. It follows the standard model that such minoritarians should have been more concerned with boundary maintenance than majoritarians but less concerned to maintain hierarchy within than majoritarians⁵⁸. It follows the same model that the Twelvers should have become more tolerant of unbelievers in mosques in the modern period, when state sponsorship has made them securely majoritarian and politically supreme in Iran and at least politically supreme in northern Yemen.

⁵⁷ Regrettably, this characterization must supersede that in *Religion in Geschichte und Gegenwart*, 4th edn., s.v. 'Moschee', by Ch. MELCHERT.

⁵⁸ W. MADELUNG similarly denies that the Imāmi law of divorce and inheritance seems more favourable to women because of a fundamentally different attitude towards women, rather because Imāmi jurists were more willing to go against majority practice in favour of Qur'an, hadith, and loyalty to the house of the Prophet: *Shi'i Attitudes toward Women as Reflected in Fiqh*, in: *Society and the Sexes in Medieval Islam* (Giorgio Levi Della Vida Conference, 6), ed. A. L. S. MARSOT, Malibu, 1979, p. 69-79.

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