

In The Name of God<sup>1</sup>, Most Gracious, Most Merciful

## **An Examination of the Issue of Female Prayer Leadership**

By  
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### **Introduction**

Imam al-Jurjani mentions that *fitnah* is “that which clarifies the state of a person, be that good or evil.”<sup>2</sup> It is also defined as “Strife breaking out among various peoples.”<sup>3</sup> In both of these meanings the controversy surrounding the “historic” female-led *Jumu'ah* prayer is a *Fitnah* for many Muslims in this country. This is undeniable when we see the deep divisions, bitter contestation, and outright enmity it is creating in the ranks of the believers. This is so when we see some people’s very faith shaken. This is so when we see spiteful accusations hurled by some Muslims at others. This is so when we see non-Muslims of nefarious intent seeking to exploit the situation to create confusion among the general public and the Muslims as to what Islam is, and who its authoritative voices are.

As I consider this a *fitnah*, the first thing I wish to say about this matter is that we should all stop for a moment and take time to ask God to protect us. We should ask God that He protects the fledgling Muslim community of this land. We should ask that He bless us to have wisdom equal to the challenges He has placed before. We should ask Him that He grants us all the strength to continue working for Islam in our various capacities. We should ask Him to help us to resist the many and increasingly sophisticated efforts to divide us.

Having said that, I wish to clarify my position concerning this matter. What I write below is based on the Sunni legal and linguistic tradition, as it has been historically understood. This is the tradition of the Islamic orthodoxy, which remains to this day, the only religious orthodoxy, which has not been marginalized to the fringes of the faith community it represents. My comments will be structured around specific evidences mentioned by Nevin Reda, in an article entitled, “What Would the Prophet Do? The Islamic Basis for Female-Led Prayer.”<sup>4</sup> Of the evidences ushered by Reda, only one is substantive to the issue at hand. Another is ancillary. The rest are considerations that

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<sup>1</sup> Throughout this article I use the word “God” instead of “Allah.” Use of the word God makes our writing far more accessible to non-Muslims, without betraying in any sense the essential meanings conveyed by the Divine Name. For example, in the American Heritage dictionary God is defined as, “A being conceived as the perfect, omnipotent, omniscient originator and ruler of the universe, the principal object of faith and worship in the monotheistic religions.” See William Morris, ed., *The American Heritage Dictionary of The English Language*, (Boston: Houghton Mifflin Company 1976) p. 564.

<sup>2</sup> Quoted in Salih b. ‘Abdullah b. Humayd, *Nadra an-Na'im*, (Judda, Kingdom of Saudi Arabia, 1999/1419) 5180.

<sup>3</sup> *Ibid.*, 5178.

<sup>4</sup> See Nevin Reda, *What Would the Prophet Do? The Islamic Basis for Female-Led Prayer*, March 10, 2005, at <http://www.muslimwakeup.com/main/archives/2005/03/002706print.php>.

would affect how rulings relating to gender issues might be implemented. However, they have no real weight in establishing a particular ruling in the divine law.

### Part 1 The *Hadith* of Umm Waraqa

As for her lone substantive evidence, it is the following:

The Prophet (peace be upon him) commanded Umm Waraqah, a woman who had collected the Qur'an, to lead the people of her area in prayer. She had her own *mu'adhdhin* [person who performs the call to prayers].<sup>5</sup>

This narration, found in the compilations of Abu Dawud,<sup>6</sup> ad-Daraqutni,<sup>7</sup> al-Bayhaqi,<sup>8</sup> al-Hakim,<sup>9</sup> the *Tabaqat* of Ibn Sa'd,<sup>10</sup> and other sources, is questioned by some scholars of *hadith* (prophetic tradition) because of two narrators in its chain of transmission.<sup>11</sup> The first is al-Walid b. 'Abdullah b. Jumay'<sup>12</sup>. Imam adh-Dhahabi mentions in *al-Mizan* that although Ibn Ma'in, Imam Ahmad, and Abu Hatim considered him an acceptable narrator, others refused to accept his narrations, among them Ibn Hibban. Imam al-Hakim also questioned his probity.<sup>13</sup> Ibn Hajar al-'Asqalani mentions that al'Aqili said there was inconsistency in his narrations.<sup>14</sup>

Although a case can be made for accepting the narrations of al-Walid, based on those who do affirm his probity, the state of another narrator in the chain of this *hadith*, 'Abd ar-Rahman b. Khallad, is *Majhul al-Hal* (unknown).<sup>15</sup> Al-Walid also relates this tradition from his grandmother. Imam ad-Daraqutni mentions that her state is also unknown.<sup>16</sup> In the opinion of the overwhelming majority of scholars, the existence of a narrator whose state is unknown would make the transmission conveyed by that chain, weak.<sup>17</sup> This combination of two potentially weak narrators makes it questionable to use the tradition of Umm Waraqa as the basis for establishing any rulings in the Divine law. While the questionable nature of this *hadith* does not undermine the widespread

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<sup>5</sup> Ibid., p. 1.

<sup>6</sup> Imam Muhammad al-'Adhimabadi, *'Awn al-Ma'bud Sharh Sunan Abi Dawud*, (Beirut: Dar al-Kitab al-'Arabi, nd) 2:300-301, #577-578.

<sup>7</sup> Imam 'Ali b. 'Umar ad-Daraqutni, *Sunan ad-Daraqutni*, (Beirut: Dar al-Kutub al-'Ilmiyya) 1:284, #1071.

<sup>8</sup> Abu Bakr Ahmad b. al-Husayn al-Bayhaqi, *as-Sunan al-Kubra*, Muhammad 'Abd al-Qadir 'Ata, ed., (Beirut: Dar al-Kutub al-'Ilmiyya, 1994/1414) 3:186-187.

<sup>9</sup> Imam Muhammad b. 'Abdullah al-Hakim, *al-Mustadrak 'ala as-Sahihayn*, (Beirut: Dar al-Kutub al-'Ilmiyya, 1990/1411) 1:320, #730.

<sup>10</sup> Muhammad b. Sa'd az-Zuhri, *at-Tabaqat al-Kubra*, (Beirut: Dar Ihya at-Tarath al-'Arabi) 8:460, #4610.

<sup>11</sup> See Ahmad Khan, trans., *Sunan Abu Dawud*, (Lahore: Sh. Muhammad Ashraf, 1984) 1: 155-156.

<sup>12</sup> His name is properly pronounced in the diminutive form Jumay' as opposed to Jami'. See Ibn Hajar al-'Asqalani, *Tahdhib at-Tahdhib*, (Beirut: Dar al-Ma'rifa, 1996/1417) 6:87.

<sup>13</sup> See Shams ad-Din Muhammad b. Ahmad adh-Dhahabi, *Mizan al-'Itidal*, (Beirut: Dar al-Kutub al-'Ilmiyya, 1995/1416) 7:129.

<sup>14</sup> Ibn Hajar, *at-Tahdhib*, 6:88.

<sup>15</sup> See Ibn Hajar al-'Asqalani, *Taqrib at-Tahdhib*, (Beirut: Mu'assah ar-Risala, 1999/1420) p. 281; Ibn Hajar, *at-Tahdhib*, 3:339.

<sup>16</sup> Imam 'Ali b. 'Umar ad-Daraqutni, *Sunan ad-Daraqutni*, (Beirut: Dar al-Kutub al-'Ilmiyya, 1996/1417) 1: 284, #1071. Imam ad-Daraqutni mentions al-Walid as narrating the tradition from "his mother."

<sup>17</sup> See Imam Jalaladdin as-Suyuti, *Tadrib ar-Rawi*, (Beirut: Dar al-Kitab al-'Arabi, 1996/1417) 1:268; Mulla 'Ali al-Qari, *Sharh Nukhba al-Fikr*, (Beirut: Dar al-Arqam, nd) p. 519.

acceptance it has received from the earlier scholars, it does make it difficult to use as the primary evidence for a major precept of the religion, which is the case in this discussion.

Were we to assume that the tradition is sound, it would still be difficult to use it as the basis for establishing the permissibility of a woman leading a public, mixed-gender congregational prayer, for reasons we shall now mention, if God so wills. First of all, the Prophet, peace and blessings of God upon him, advised Umm Waraqa to stay in her house – *Qarri fi Baytiki*. This command is of import, as it creates two possible scenarios for the prayer she led. Either she remained in her house to lead the congregation, or she left her house to lead it in a mosque at an outside location. If she left her house to lead the prayer, she would have been acting contrary to the order of the Prophet, peace and blessings of God upon him. There is no transmitted evidence that the prayer took place outside of her home. Hence, we can conclude that her mosque was in her house.

Her establishing the prayer in a mosque located in her home would be consistent with numerous narrations where the Prophet, peace and blessings of God upon him, permitted various companions to establish mosques in their homes.<sup>18</sup> Imam al-Bukhari mentions that al-Bara' b. 'Azib led congregational prayers in the mosque in his house – *Salla al-Bara' Ibn 'Azib fi masjidihi fi darihi jama'atan*.<sup>19</sup> Imam al-Bukhari also mentions a *hadith* where the Prophet, peace and blessings of God upon him, went to the house of a blind companion, 'Itban b. Malik, to establish a mosque there.<sup>20</sup> Ibn Majah produces several narrations of this event.<sup>21</sup> In fact, the Prophet, peace and blessings of God upon him, ordered the generality of believers to establish mosques in their homes. 'Aisha relates, “The Messenger of God ordered that mosques be established in the homes [*Dar* plural of *Dar*], and that they be cleaned and perfumed.”<sup>22</sup>

Based on these and other relevant narrations, we can safely conclude that Umm Waraqa had a mosque in her house, and that the prayer she led was not in a public place outside of her home. A more controversial point is who was being led in the prayer? Here there are three possibilities: her *mu'adhdhin* (prayer caller) and two servants; the women from the neighborhood surrounding her home; the women of her house. As for the first possibility, the wording of the *hadith*, along with the narrations we quoted above, would lead one to believe that the residents of her house were being led in the prayer. All of those narrations use *Dar* to refer to house. This would support the interpretation of *Dar* as “house” as opposed to “area.” This interpretation is also consistent with the literal meaning of the term *Dar*. Al-Fayruzabadi, Ibn Mandhur, and Raghīb al-Isfahani all define *Dar* as a walled structure encompassing a building and a courtyard.<sup>23</sup> An interpretative principle relates that “the origin in expressions is their literal meaning, there is no resorting to derived meanings without a decisive proof.”<sup>24</sup> Hence, the term *Ahla Dariha* would be best translated “the people of her house.”

<sup>18</sup> Imam al-Bukhari has included a section in his compendium of rigorously-authenticated ahadith entitled, “Mosques in the Houses.” Ibn Hajar al-‘Asqalani, *Fath al-Bari: Sharh Sahih al-Bukhari*, (Damascus: Dar al-Fayha', 1997/1418) 1:672.

<sup>19</sup> Ibid., sec. 46.

<sup>20</sup> Ibid., #425.

<sup>21</sup> Imam Muhammad b. Yazid b. Majah, *Sunan ibn Majah*, (Riyad: Dar as-Salaam, 1999/1420) 108, #755.

<sup>22</sup> Ibid., #759.

<sup>23</sup> Tahir Ahmad Zawi, *Tartib al-Qamus al-Muhit*, Beirut: Dar al-Fikr, nd) 2:229; Muhammad b. Mukram b. Mandhur, *Lisan al-'Arab*, (Beirut: Dar as-Sadir, 2000/1420) 5:325; Raghīb al-Isfahani, *Mufradat Alfadh al-Qur'an*, (Beirut: Dar al-Ma'rifa) 321.

<sup>24</sup> 'Ali Ahmad an-Nadwi, *al-Qawa'id al-Fiqhiyya*, (Damascus: Dar al-Qalam, 2000, 1420) 223.

Based on what has been narrated that would apparently include a male and female servant, along with the old man who was appointed by the Prophet, peace and blessings of God upon him, to serve as her *mu'adhdhin* (caller to prayer).<sup>25</sup> Reda rejects this interpretation, arguing that three people would not need a *mu'adhdhin*.<sup>26</sup> This is not the case. Those scholars who consider the *Adhan* (prayer call) a right associated with the obligatory prayer, or a right associated with the congregation, hold it to be *Sunna* (highly desirable in deference to the prophetic practice) to issue the call for any congregation assembled to undertake the five obligatory prayers.<sup>27</sup> The size of the congregation in this regard is irrelevant. According to a *hadith* mentioned by al-Bukhari and others, even a person who is praying alone in an isolated area should make the call to prayer.<sup>28</sup> Hence, Reda's conclusion is not sound.

On the basis of this interpretation, it is related that Imams al-Muzani, at-Tabari, Abu Thawr, and Dawud Adh-Dhahiri allowed for females to lead men in prayer.<sup>29</sup> Some modern scholars use this interpretation to allow for females to lead men in prayer in the confine of their homes, if the males lack the qualifications to lead the prayer.<sup>30</sup> The relevant point here is that the prayer was a private matter, conducted in the confines of Umm Waraqa's home, limited to the inhabitants of her house.

Were one to reject this first line of reasoning, a second possibility is that the people being led in prayer came from the area surrounding Umm Waraqa's home. This is the interpretation preferred by Reda. It has a basis in narrations from the Prophet, peace and blessings of God upon him. In the *hadith* of 'Itban b. Malik, it is related that *Ahli'd-Dar* used to gather there –*fathaba fi'l-bayt Rijalun min ahli'd-Dar*. Ibn Hajar mentions in his commentary on this *hadith* that *Ahli'd-Dar* refers to the people of the neighborhood – *al-Mahallah*.<sup>31</sup>

Based on this understanding, it is not unreasonable to interpret *Ahla Dariha*, in the *hadith* of Umm Waraqa, as the people of her "area," as Reda does. However, we are not left to guess as to who those people are. Imam ad-Daraqutni's narration of this *hadith* mentions that Umm Waraqa was ordered to lead her women in prayer –*wa ta'umma Nisa'aha*.<sup>32</sup> Hence, if the people praying with Umm Waraqa were from the surrounding area, they were all women, as Imam ad-Daraqutni's version of the *hadith* makes clear. Based on this second line of reasoning, we have to accept that they were women, in accord with an interpretive principle, "There is no room for speculation when transmitted evidence exists."<sup>33</sup> Here the text specifically states, "her women." Ad-Daraqutni's version would clarify a potentially vague expression in the other versions.

<sup>25</sup> See Adhimabadi, 'Awn al-Ma'bud, 301-303.

<sup>26</sup> Reda, 4.

<sup>27</sup> For the Shafi'i position on this issue see Muhammad b. al-Khatib ash-Shirbini, *Mughni al-Muhtaj*, (Beirut: Dar al-Ma'rifa, 1997/1419) 1:209.

<sup>28</sup> Ibn Hajar al-Asqalani, *Fath al-Bari Sharh Sahih al-Bukhari*, (Damascus: Dar al-Fayha', 1997/1418) 2:116, #609;

<sup>29</sup> We will discuss the opinions of these four Imams subsequently.

<sup>30</sup> 'Abd al-Karim az-Zaydan, *al-Mufassal fii Ahkam al-Mar'a wa'l Bayt al-Muslim*, (Beirut: Mu'assa ar-Risala, 1994/1410) 1:252. Muhammad b. Isma'il as-Sana'ni, *Subul as-Salaam*, (Beirut: Dar al-Kutub al-'Ilmiyya) 2:76.

<sup>31</sup> Ibn Hajar, *Fath al-Bari*, 1:675.

<sup>32</sup> Ad-Daraqutni, *as-Sunan*, 1:284, #1071.

<sup>33</sup> 'Ali Ahmad an-Nadwi, *Qawa'id*, 180, 459.

A third possibility, also based on joining between the majority narration and ad-Daraqutni's version of the *hadith*, would lead us to understand that the people of Umm Waraqa's house were all women. Hence, *Ahla Dariha* (the people of her house) being led in prayer were women. There is no transmitted evidence to the contrary, as the opinion that *Ahla Dariha* were the two servants and the *mu'adhdhin*, mentioned above, is an assumption. In al-Mughni, Ibn Qudama al-Maqdisi mentions the incumbency of accepting this third interpretation.<sup>34</sup> God knows best.

This latter understanding that Umm Waraqa only led women in prayer is strengthened by two ancillary evidences: 1) The numerous narrations mentioning that 'Aisha, Umm Salama, and other female Companions led all women congregations;<sup>35</sup> 2) and the fact that when the Prophet, peace and blessings of God upon him, established a mosque in the house of 'Itban b. Malik, the congregation was all male –*Rijalun (men) min ahli'd-Dar*. It would therefore make perfect sense for the Prophet to establish an all female congregation elsewhere.

### Summary and Rulings

Based on the *hadith* of Umm Waraqa, its possible interpretations, and the other *ahadith* that mention women leading the prayer during the prophetic epoch, the Sunni jurists have deduced the following rulings:

1. The Shafi'i and Hanbali schools allow for a woman to lead other women in prayer without any restrictions. She can lead such prayers in the mosque or other places. The Hanafis permit a woman to lead other women in prayer. However, they hold it to be disliked.<sup>36</sup> All three of these schools stipulate that the woman leading the prayer should stand in the middle of the front row, without being in front of the women praying along with her. This is based on the description of the prayer led by 'Aisha and Umm Salama. The Malikis hold that a woman cannot lead other women in the prayer.<sup>37</sup>
2. Of the three Sunni schools that hold it permissible for a woman to lead other women in prayer, none of them hold it permissible to lead men. Although there is a minority opinion in the Hanbali school which permits a woman to lead men in *Tarawih*, if certain conditions prevail, providing she stands behind them.<sup>38</sup>

<sup>34</sup> See Muwaffaq ad-Din b Ibn Qudam al-Maqdisi, *al-Mughni*, (Beirut: Dar al-Fikr, nd) 2:34.

<sup>35</sup> For a examples of these female-led prayers see For a summary of these narrations see al-'Adhimabadi, 2:301-302; Abu Bakr Ahmad b. al-Husayn al-Bayhaqi, *as-Sunan al-Kubra*, Muhammad 'Abd al-Qadir 'Ata, ed., (Beirut: Dar al-Kutub al-'Ilmiyya, 1994/1414) 3:186-187; Muhammad b. Idris ash-Shafi'i, *Kitab al-Umm*, (Beirut: Dar al-Fikr, 1983/1403) 8:117. 'Abd al-Karim az-Zaydan, *al-Mufassal fii Ahkam al-Mar'a wa'l Bayt al-Muslim*, (Beirut: Mu'assa ar-Risala, 1994/1410) 1:251-256.

<sup>36</sup> See Muhammad Amin b. 'Abideen, *Hashiya Radd al-Mukhtar*, (Beirut: Dar al-Fikr, 1995/1415) 1:609; 'Ala ad-Din b. Mas'ud al-Kasani, *Bada'ii As-Sana'ii Fi Tartib ash-Shara'ii*, (Beirut: Dar al-Kutub al-'Ilmiyya, 1986/1407) 1:157.

<sup>37</sup> See Ahmad Zarruq and Qasim b. 'Isa at-Tannukhi, *Sharh 'Ala Matn ar-Risala*, (Beirut: Dar al-Fikr, 1986/1402) 1:192.

<sup>38</sup> For the Hanafi position on this issue see Ibn 'Abideen, *Hashiya*, 1:609; for the Shafi'i position see Abu Zakariyya b. Sharaf an-Nawawi, *Kitab al-Majmu' Sharh al-Muhadhdhab*, Muhammad Najib al-Muti'I, ed.

3. Imam an-Nawawi mentions the following ruling in the *Majmu'*, "If a woman leads a man or men in prayer, the prayer of the men is invalid. As for her prayer, and the prayer of the women praying with her, it is sound."<sup>39</sup> As for *Jumu'ah*, he mentions the following, "...if a woman leads men in the *Jumu'ah* prayer, there are two rulings [concerning her prayer]. They have been mentioned by al-Qadi Abu Tayyib in his *Ta'liq*, the preponderant opinion is that her prayer is invalid, the second is that it is lawfully begun as the noon prayer."<sup>40</sup>
4. Some modern scholars hold it permissible for a woman to lead men in prayer within the confines of her house, if there are no men qualified to lead the prayer.<sup>41</sup>
5. Imams Abu Thawr, Dawud adh-Dhahiri, and at-Tabari, whose legal schools have been defunct for centuries, are related to have held it permissible for a woman to lead men in prayer. This opinion is also related from Imam Muzani, one of the principal narrators of the Shafi'i school. We will examine this issue in greater detail, as it serves as one of the evidences offered by Reda for the validity of unrestricted female prayer leadership.

## **Part 2 The Ruling of al-Muzani, Abu Thawr, Dawud adh-Dhahiri, and at-Tabari**

As for the ancillary evidence<sup>42</sup> ushered by Reda, it is her saying:

The above Prophetic tradition (hadith) is the reason why several medieval Muslim scholars supported female leadership. These include Tabari (d. 310/923), author of the famous Tafsir: Jami' al-bayan 'an ta'wil ay al-Qur'an and Tarikh al-Rasul wal Muluk, Muzani, Abu Thawr and Abu Sulayman Dawud ibn Khalaf al-Isfahani (d. 270/884, founder of the Zahirite school).<sup>43</sup>

We mention this evidence as ancillary because it cannot be the basis for establishing a ruling. None of the extant Sunni schools consider the opinions of extinct schools as independently valid. This fact is not due to prejudice against the Imams of the extinct schools and unjustly favoring those whose schools have survived. It is due to a simple methodological issue. Namely, neither the full corpus of rulings from the extinct schools, nor the details of their legal methodology have reached us in their entirety. Therefore, we do not know if a particular ruling attributed to an extinct school has been abrogated. In

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(Beirut: Dar Ihya at-Turath al-'Arabi, 1995/1415) 4:151-152. For the Hanbali position see, Ibn Qudama, *al-Mughni*, 2:34.

<sup>39</sup> An-Nawawi, *al-Majmu'*, 4:152.

<sup>40</sup> Ibid., 4:165.

<sup>41</sup> See as-San'ani, *Subul as-Salaam*, 2:76; az-Zaydan, *al-Mufasssal*, 1:252.

<sup>42</sup> I use the term "ancillary" to describe this "evidence" as it cannot serve as a primary source of legal rulings. In some circumstances, it could possibly support or strengthen a ruling established by one of the primary sources of law. Hence, its description as ancillary.

<sup>43</sup> Reda, 1-2.

the case of the unrestricted female-led prayer, attributed to Imams at-Tabari, Dawud adh-Dhahiri, or Abu Thawr, we do not know if that ruling has been abrogated by a contrary ruling.

As for al-Muzani, he was a qualified jurisconsult within the Shafi'i rite and it cannot be established with certainty that he founded an independent school.<sup>44</sup> It is known that he narrates, in his *Mukhtasir*, the accepted opinion of the Shafi'i school that a woman can only lead other women in the prayer.<sup>45</sup> Concerning the opinion of Imam Dawud adh-Dhahiri, Ibn Hazm attempted to revive his school, based on a coherent, if debatable methodology.<sup>46</sup> This methodology led Ibn Hazm to some very liberal positions, such as an endorsement of music, and the permissibility of female prophets. However, on the issue of unrestricted female prayer leadership, Ibn Hazm opined that it was forbidden by consensus. The point here is that, based on a literalist methodology we can assume to be close to that of Imam Dawud adh-Dhahiri's, a contrary opinion has been reached.<sup>47</sup>

As for the reports of unrestricted female prayer-leadership that are attributed to the Imams we have mentioned, they have not reached us with unbroken chains, certainly not with irrefutable chains of transmission—*Tawatur*, as is the case of the extant schools. In other words, there is no way for us to say with any degree of certainty that those opinions are indeed the opinions of Imams at-Tabari, Abu Thawr, and Dawud adh-Dhahiri. That being the case, there is no basis to establish the preponderance of the position of the extinct schools over that of the extant schools.<sup>48</sup> Since the extant schools have a clear position on unrestricted female prayer-leadership, and it is established at the highest level of proof, in the Sunni rite,<sup>49</sup> one is obliged to take that position. This obligation arises from a legislative principle, "Certainty cannot be removed by doubt."<sup>50</sup>

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<sup>44</sup> Muhammad Hashim Kamali, *Principles of Islamic Jurisprudence*, (Cambridge: Islamic Texts Society, 2003) 491-492.

<sup>45</sup> See Muhammad b. Idris ash-Shafi'i, *Kitab al-Umm*, (Beirut: Dar al-Fikr, 1983/1403) 8:117.

<sup>46</sup> See Ibn Hazm al-Andulusi, *al-Ihkam fi Usul al-Ahkam*, Ahmad Shakir, ed., (Beirut: Dar al-Afaq al-Jadida, 1980). The differences between the methodology of Ibn Hazm and the mainstream of Ahl as-Sunnah have been most prominently highlighted by Imam al-Baji. See, Al-Mustafa al-Wadifi, al-*Munadhira fi Usul ash-Shari'ah al-Islamiyya: Dirasa fi at-Tanadhur bayna Ibn Hazm wa'l-Baji*, (Rabat: Ministry of Endowments and Religious Affairs, Kingdom of Morocco, 1998/1419).

<sup>47</sup> Ibn Hazm, *Maratib al-Ijma'*, (Beirut: Dar Ibn Hazm, 1998/1419) 51.

<sup>48</sup> This point is made for the sake of argument. In reality, the issue under discussion is not one that is eligible to be settled by establishing preponderance, because one of the conditions for such issues is that the two opposing positions be acceptable for establishing a ruling. See Imam Sayfuddin b. Abi 'Ali al-Amidi, *Al-Ihkam fi Usul al-Ahkam*, (Beirut: Dar al-Kutub al-'Ilmiyya, 1985/1405) 4:460.

<sup>49</sup> The prohibition of unrestricted female prayer-leadership is established by the consensus of the four Sunni Imams: Abu Hanifa, Malik, ash-Shafi'i, and Ahmad. A generally accepted principle among the Sunnis is that what the four Imams agree on is a binding ruling. In the last section of his treatise on the Creed of *Ahl as-Sunnah wa'l-Jama'ah*, Muwaffaq b. Qudamah al-Maqdisi writes, "Association with one of the Imams in jurisprudential matters, such as the four Sunni schools, is not condemnable. Their [the Imams] differing in legal rulings is a mercy. Those who differed among them are praised for their differences, rewarded for their assertion [in trying to ascertain the truth]. [Again,] their differing is an expansive mercy, and what they agreed on is a decisive proof." Muwaffaq b. Qudamah al-Maqdisi, *al-'Itiqad*, (Cairo: Maktaba al-Qur'an, nd) 75. Ibn Hazm, and others, claim that the prohibition of unrestricted female prayer-leadership is established by binding consensus. See Imam Ibn Hazm adh-Dhahiri, *Maratib al-'Ijma'*, (Beirut: Dar Ibn Hazm, 1998/1419) 51. Were it indeed the case that binding consensus has occurred on this issue, to reject it would be considered disbelief in the Sunni tradition.

<sup>50</sup> 'Ali Ahmad an-Nadwi, *al-Qawa'id*, 105.

### Part 3 The Legislative Import of Hadith

The principal basis for Reda's argument for unrestricted prayer leadership is the *hadith* of Umm Waraqa. However, when the evidence advanced by *hadith* refutes her contentions, she discards the prophetic tradition. For example, she implies that the word *Saff* (rows) mentioned in the *hadith* narrated by Abu Hurayra has no connection to the prayers, rather it refers to "battle rows."<sup>51</sup> She arrives at this conclusion based on her position that this latter meaning of *Saff* is the only one that comes in the Qur'an.

An objective survey of the relevant *hadith* reveals there is absolutely no way to support the conclusion that *Saff* has nothing to do with prayer. Examples of the use of the word *Saff* (row) in connection to the prayer are too numerous to mention. For example, the Prophet, peace and blessings of God upon him, is related to have said just before the congregational prayer, *Sawwu Sufufakum fa inna Taswiya as-Saff min Tamam as-Salat* "Straighten yours lines (Sufuf, plural of Saff), for straightening the line (Saff) is from the completion of the prayer." Imam Muslim alone, in his rigorously authenticated collection of *hadith*, relates six versions of this narration from four different Companions.<sup>52</sup> This *hadith* is also related by al-Bukhari,<sup>53</sup> Abu Dawud,<sup>54</sup> at-Tirmidhi,<sup>55</sup> an-Nasa'i,<sup>56</sup> and Ibn Majah.<sup>57</sup>

She also mentions that there was no gender segregation in the Prophet's lifetime, rather it was introduced later<sup>58</sup> This claim is also refuted by *hadith*. In addition to the *hadith* narrated by Abu Hurayrah,<sup>59</sup> which Reda dismisses, there is overwhelming evidence to support gender segregation during worship services. As for gender segregation in the prayer, again, proof for that during the prophetic epoch is irrefutable. I will relate a few instructive examples. Imam al-Bukhari relates in his rigorously authenticated collection of *hadith*, from Anas b. Malik, "I prayed along with an orphan boy behind the Prophet, peace and blessings of God upon him, in my house. My mother, Umm Sulaym, [prayed] behind us."<sup>60</sup> There are numerous sound narrations of this *hadith*.

Another tradition relates that there was an extremely beautiful woman who used to pray in the congregation behind the Prophet, peace and blessings of God upon him. Some of the men would hasten to the front row of men in order not to be distracted by her. Others would procrastinate in order to be in the last row of men to look behind themselves at her when they bowed during the prayer.<sup>61</sup> This arrangement of the men in front of the women in the congregational prayer led by the Prophet, peace and blessings of God upon him, is affirmed by the Qur'an, as this incident was the occasion for the

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<sup>51</sup> Reda, 7.

<sup>52</sup> An-Nawawi, *al-Minhaj*, 4:376-388, #974-979.

<sup>53</sup> Ibn Hajar al-'Asqalani, *Fath al-Bari*, 2:272, #723.

<sup>54</sup> Imam Abu Dawud as-Sajistani, *Sunan Abu Dawud*, (Riyad: Dar as-Salaam, 1999/1420) 107, #668.

<sup>55</sup> Imam Abu 'Isa at-Tirmidhi, *Jami' at-Tirmidhi*, (Riyad: Dar as-Salaam, 1999/1420) 72, #227.

<sup>56</sup> Imam Ahmad b. Shu'ayb an-Nasa'i, *Sunan an-Nasa'i*, (Riyad: Dar as-Salaam, 1999/1420) 112, #812-814.

<sup>57</sup> Ibn Majah, 140, #993-994.

<sup>58</sup> Reda, 7.

<sup>59</sup> Ibid.

<sup>60</sup> Ibn Hajar al-'Asqalani, *Fath al-Bari*, 275, #727.

<sup>61</sup> This narration is produced by Imam al-Bayhaqi in his collection. Al-Bayhaqi, 3:139, #5169, 5170.

revelation of the verse, *We know those of you who hasten forward [to the front prayer rows], and we know those who lag behind.*<sup>62</sup>

Imams al-Bukhari<sup>63</sup> and Muslim<sup>64</sup> produce a tradition relating that the Prophet peace and blessings of God upon him, used to address the women separately on the day of ‘*Eid*. One of Imam al-Bukhari’s versions is particularly instructive as it mentions, “... then he [the Prophet] advanced, splitting them [the rows of men] until he came to the women.”<sup>65</sup> He would then address them and exhort them to charity. The point here is that if the men and women were not segregated, as is the custom in our congregational prayers until today, why would the Prophet, peace and blessings of God upon him have to wade through the men to reach the women? He would have had to first gather the women. Hence, any claim that there was no gender segregation during the prophetic epoch is baseless. We could bring many more examples to prove this point, but what we have mentioned should suffice.

Similarly, Reda avoids the implications of *hadith* when she states, “Moreover, of the numerous occurrences in the Qur’an of *fitnah* or its derivatives, none apply to women.”<sup>66</sup> Based on this, and the authority of G.H.A. Juynboll, she concludes “...a *hadith* in which the Prophet supposedly referred to women as constituting man’s greatest *fitnah* in life.”<sup>67</sup> is “unreliable.”

As for the *hadith* in question, it reads, “I have not left a *fitnah* (tribulation) more harmful to men than women.” Al-Bukhari,<sup>68</sup> Muslim,<sup>69</sup> and at-Tirmidhi,<sup>70</sup> have all related this *hadith*. Although we could discuss its meaning, the report itself is rigorously authenticated. As for the authority of Juynboll, Harald Motzki has demonstrated the unreliable nature of his *hadith* scholarship. In discussing Juynboll’s effort to discredit all of the narrations from Nafi’ on the authority of Ibn ‘Umar, Motzki shows that his premises, conclusions, and methodology are all flawed. He notes:

The point of departure for our investigation has been the hypothesis that the main conclusions of Juynboll’s study on Nafi’ are not tenable. One of his hypotheses claimed that all of the Prophetic *ahadith* with the *isnad* Nafi’ –ibn ‘Umar found in the “canonical” collections –which are highly esteemed amongst Muslims –do not go back to Nafi’ but rather to Malik b. Anas.<sup>71</sup> We were able to show, using the same examples as Juynboll, namely the *hadith* on the alms of the breaking of the fast, that his hypothesis is wrong. There is no doubt that this *hadith* goes back to Ibn ‘Umar and was not invented by Malik.<sup>72</sup>

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<sup>62</sup> Al-Qur’an 15:24. For an explanation of the circumstance surrounding the revelation of this verse see Imam Jalal ad-Din as-Suyuti, *Lubab an-Nuqul fi Asbab an-Nuzul*, (Beirut: Dar al-Ma’rifa, 1997/1418) p. 172. This tradition is also related by Imams at-Tirmidhi, an-Nasa’i, al-Hakim, and others.

<sup>63</sup> Ibn Hajar al-‘Asqalani, *Fath al-Bari*, 2:601, #978-979.

<sup>64</sup> An-Nawawi, *al-Minhaj*, 3:420-421, #2054.

<sup>65</sup> Ibn Hajar al-‘Asqalani, *Fath al-Bari*, 2:601, #978-979.

<sup>66</sup> Reda, 8.

<sup>67</sup> Ibid.

<sup>68</sup> Ibn Hajar al-‘Asqalani, *Fath al-Bari*, 9:172, #5096.

<sup>69</sup> An-Nawawi, *al-Minhaj*, 9:57, #6880.

<sup>70</sup> At-Tirmidhi, 627-628, #2780.

<sup>71</sup> Juynboll insists that Imam Malik fabricated all of the *ahadith* he relates from Nafi’.

<sup>72</sup> Harald Motzki, “Whither hadith-studies? A Critical examination of G.H.A. Juynboll’s ‘Nafi’ the mawla of Ibn ‘Umar, and his position in Muslim *Hadith* –Literature Part 2” trans. Frank Griffel. *Der Islam* 73

Motzki further states:

Juynboll's conclusions in his article on Nafi' are generalizations. They are not limited to the analyzed example, the *zakat al-fitr hadith*, but are judgments on all the Nafi' –Ibn 'Umar –*ahadith*. Since we were able to prove Juynboll's conclusions wrong in at least one case, his general statements can be refuted.<sup>73</sup>

Reda presents the thinking of the orthodoxy on the issue of '*Ijma*' as a state of confusion. This disguises the fact that after the initial centuries of debate, most of the Sunni scholars were able to settle on a consistent definition of "*Ijma*". Wahba az-Zuhayli captures this meaning with the following definition, "The agreement of the qualified scholars from the Community of Muhammad, peace and blessings of God upon him, on a legislative ruling, after his death, during any subsequent era."<sup>74</sup> As this definition hinges on the agreement of qualified scholars in a particular era, the consensus claimed by Ibn Hazm concerning unrestricted female prayer-leadership, would not be impossible. The Kharijites, due to their literalism, are not known to have produced high-level scholars. Hence, in the era '*Ijma*' may have occurred on the issue of unrestricted female prayer leadership, there could well have been no qualified scholars among the Kharijites to dissent. As for groups such as the Ja'fari Shiites, who generally do not recognize the legislative import of '*Ijma*', their ruling on the issue being discussed, agrees with the position of the Sunnis. Hence, there would likely be no dissension from their camp. As for the opinions of al-Muzani, Abu Thawr, Dawud adh-Dhahiri, and at-Tabari, we have mentioned some considerations earlier in this article, which would lead us to reject any statement attributed to them on this issue as being definitive. Surely, God knows best.

## Conclusion

The other evidences mentioned by Reda, numbered from 3-7, dealing with the Qur'anic story of the Queen of Sheba, gender justice, gender discrimination, justice in general, and the need for men to listen to women, will not be dealt with in this article because they have no bearing on the derivation of legal rulings.<sup>75</sup> However, they are of importance in determining how existing rulings are to be understood and implemented. In this regard, Reda's passionate plea for greater compassion, justice, and understanding is appreciated.

From what we have presented above, it should be clear that a woman leading a mixed gender, public congregational prayer is not something sanctioned by Islamic law, in the Sunni tradition. Her leading the Friday congregational prayer is even more unfounded, as she would be required to do things that are forbidden or disliked in other prayers. Saying this, we should not lose sight of the fact that there are many issues in our community involving the neglect, oppression, and in some instances, the degradation of

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(1996): 1.

<sup>73</sup> Ibid., 18.

<sup>74</sup> Wahba az-Zuhayli, *Usul al-Fiqh al-Islami*, (Beirut: Dar al-Fikr, 1998/1418) 1:490.

<sup>75</sup> Reda, 2.

our women. Until we address those issues, as a community, in an enlightened manner, we are open to criticism, and will likely encourage various forms of protest.

In addition to gender issues, we are faced by many other nagging concerns. These problems defy simplistic solutions. Only through the attainment of the prophetic virtues that Islam seeks to cultivate in its adherents will we have a chance to even begin dealing with them. One of the greatest of these virtues is humility. Perhaps, if the men of our community had more humility, we would behave in ways that do not alienate, frustrate, or outright oppress our women. Greater humility will help immensely in improving our condition. Our Prophet, peace and blessings of God upon him, has said in that regard, “No one humbles himself/herself for the sake of God except God elevates him/her.”<sup>76</sup> In addition to this elevation, one interpretation of this *hadith* is that the esteem of the humble person will be magnified in the hearts of others. Certainly, a healthier appreciation of each other would go a long way towards relieving the growing tension between the sexes in some quarters of our community.

We must also understand that Islam has never advocated a liberationist philosophy. Our fulfillment in this life will never come as the result of breaking real or perceived chains of oppression. That does not mean that we should not struggle against oppressive practices and institutions. However, when we understand that success in such worldly struggles has nothing to do with our fulfillment as human beings, we will be able to keep those struggles in perspective, and not be moved to frustration or despair when their outcomes are counter to our plans.

Our fulfillment does not lie in our liberation, rather it lies in the conquest of our soul and its base desires. That conquest only occurs through our enslavement to God. Our enslavement to God in turn means that we have to suppress many of our souls’ desires and inclinations. Therein lies one of the greatest secrets to unleashing our real human potential. This is so because it is our spiritual potential that separates us from the rest of this creation, and it is to the extent that we are able to conquer our physical nature that we realize that spiritual potential.

We must all realize that we will never achieve any meaningful change in our situation relying on our own meager resources. The great sage Ibn ‘Ata Allah as-Sakandari has said, “Nothing you seek through your Lord will ever be difficult; and nothing you seek through yourself will ever be easy.”<sup>77</sup> Now is the time to give ourselves to our Lord, totally. The trials and tribulations we are currently witnessing will only intensify as we move closer to the end of time. If we are not living for our Lord, relying on His guidance and help, and trusting in His wisdom, we will find it very difficult to negotiate our way through this world.

When we live for our Lord it becomes easy to live with each other. If in our personal relations we can come to embody the spirit of mutual love, mercy and affection, encouraged by our Prophet, peace and blessings of God be upon him, we will be able to live together in harmony, and make a beautiful and lasting contribution towards the uplift of men and women alike. The times we live in cry out for such a contribution. The question is, “Who will respond?”

Your Brother in Islam,

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<sup>76</sup> An-Nawawi, *al-Minhaj*, 9:358, #6535.

<sup>77</sup> ‘Abdul-Majid ash-Sharnubi, *Sharh al-Hikam al-‘Ata’iyya*, (Damascus: Dar Ibn Kathir, 1992/1413) 38.

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