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Image of Women in Islam: Maqāsid Approach for Correct Interpretation

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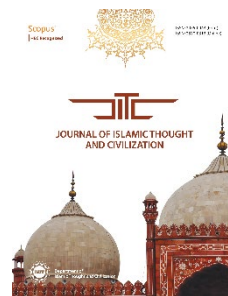
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Image of Women in Islam: Maqāsid Approach for Correct Interpretation

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The current study attempted to outline the necessity of using the purposes method (*al-manhaj al-maqāṣidi*) to understand the correct meaning of Islamic religious texts, particularly those related to the image of women, by analysing a set of Prophetic Hadiths in the canonical works of al-Bukhari and Muslim. When the purposes method is not utilized, these texts are typically understood as hostile towards women, leading many to question their validity. The current study employed the analytical and critical methods derived from holistically viewing the religious texts. The study argued that the purposes method should be used by gathering all the texts relevant to a particular topic, deriving specific purposes from general ones, linking branch issues to their origins, and assessing other contextual and situational evidences to create a correct understanding of religious texts that avoids explanations and violates the general principles of *Sharī'ah*. Moreover, the study also argued that the purposes methodology stands as a pivotal element in grasping the essence of an Islamic text, rooted in the overarching principles of the law, and is utilized to interpret and guide fragmented texts. It also serves as a subset of the principle of elucidating ambiguous issues and reverting the secondary matters to their original bases. Once validated, the objectives of the law serve as a benchmark for adjudicating any unresolved matter not explicitly addressed in the examination.

Keywords: hadīth, Islam, *maqāsid*, *Sunnah*, women

1. Introduction

Within Islam, a particular issue exists in developing an accurate picture of the religion's approach towards women including their creation, treatment, and the obligations that religion places upon them. The source of this issue can be found in the way concepts and rulings are derived from the foundational texts of Islam, as there is a deficiency in interpreting the desires of the Revelation, a conflict between the use of reason to understand revealed texts, and an inability to connect matters found in the texts with rulings that apply their purposes. Such issues have resulted in an inaccurate portrayal of women in Islamic discourse by supporting critical non-Islamic opinions of the religion's approach towards women. Therefore, it is necessary to outline the importance of the purposes approach (*al-manhaj al-maqāṣidi*) in interpreting the texts with multiple meanings, particularly Prophetic statements (*Hadīth*). This is because these statements may hide an evidentiary element not found in their apparent meaning to reach a correct and civilized understanding of the values and teachings of the *Sharī'a*.

The purposes/*maqāṣid* approach is a controlling factor in understanding an Islamic text as it is founded upon the general principles of the law and is employed to understand and direct partial texts. Moreover, it is also a branch of 'returning unclear matters to clarity' and 'returning secondary matters

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to their foundations.’ Once established as valid, the purposes of the law can be used to judge any unclear matter not covered by the investigation.¹

Utilizing a purposes “*Maqāsid*” approach ensures the correct interpretations of sacred texts, rectifies potential misinterpretations, and aligns the texts with overarching principles set forth in the entirety of sacred scriptures. It also safeguards the interpretations against impurities and deviations, unlike interpretations found in Hadith collections or commentaries that diverge from this correct approach grounded in fundamental principles.²

The terms of the Holy Qur’ān and *Sunnah* are not equal in their clarity and apparent value. Some carry a definite and precise meaning, reachable without using tools other than a sound understanding of the Arabic language. Whereas, other terms are unclear, requiring an analytical methodology, and specialized tools to understand the true meaning desired by God. These terms are so problematic that scholars have designated them with the category of ‘unclear (*mushkil*),’ or terms with a hidden meaning.³ Unclear terms may be understood through investigation and judicial interpretation (*ijtihad*) and are not intended to be undiscoverable. Instead, the term, or the way it is presented, carries several possibilities that can only be determined after the contemplation and review. They must be subject to analysis that reconciles texts with general purposes of the law. Therefore, the reasons for an ambiguous term may be reduced to two, that is, (1) an issue with the term itself and its immediate context or (2) an apparent conflict between texts.⁴ The current study attempted to use the purposes approach to reach a correct understanding of Islamic texts when one of these two reasons is present.

2. Texts Related to the Creation and Behavior of Women

Several Prophetic statements discuss women’s personalities and are misunderstood by many, following ambiguous rather than explicit Islamic texts. Therefore, this section presents three Prophetic statements found in the canonical texts of *al-Bukhari* and *Muslim*. It also discusses how purposes approach can be used appropriately to understand them considering the general principles of Islamic law.

2.1 First Statement

¹Taha al-‘Alwani, *Maqasid al-Sharī‘a al-Islamiyya [The Purposes of Islamic Law]* (Beirut: Dār al-Hādī, 2001), 125.

²Misinterpretation of certain texts discussing women and their roles in Islam has prompted some authors to question Sharia, jurists, or scholars, even accusing *Sharia* itself of promoting patriarchy or oppressing women. However, had these authors explored the Maqasid approach and proper methods of interpreting these texts, they would have realized that they do not inherently oppress women. Rather, the issue often lies in applying incorrect approach to interpret these texts or in isolating them from their context or implications, for instance: Rita Faraj, *The Woman of Jurists And The Woman of Modernity* (Tunisia, Dar Al-Tanweer for Printing and Publishing, first edition, 2015).

³Muhammad b. Ahmad al-Sarakhsi, *Usul al-Sarakhsi [The Foundations of al-Sarakhsi]* (Beirut: Dār al-Ma‘rifa, 1973), 1:168.

⁴Muhammad al-Darini, *al-Manahij al-Usuliyya fi’l-Ijtihad bi’l-Ra‘i fi’l-Tashri‘ al-Islami [The Methods of Principles of Juristic Reasoning by Opinion in Islamic Legislation]* (Beirut: Mu’assasat al-Risāla, 1997), 95; Muhammad Abu Zahra, *Usūl al-Fiqh [Principles of Islamic Jurisprudence]* (Beirut: Dār al-Fikr al-‘Arabī, ND), 131.

‘Were it not for the Children of Israel then meat would not spoil, and if it were not for Eve, then women would never betray their husbands.’⁵

The first part of this text speaks of ‘spoiled meat,’ and early scholars of Hadīth disagreed on the connection between spoiled meat and the Children of Israel. Some interpreted the statement literally, believing that the Children of Israel stored the meat improperly to hoard it, and it spoiled resultantly. God punished them for their greed and caused all the meat to spoil that previously remained indefinitely edible.⁶ Other scholars believed that there was an omitted term in the text, ‘stored (*iddakharū*),’ which would change the meaning slightly to indicate that the Children of Israel were the first people to store meat, leaving it to be spoiled for those who came later when previously it would have been eaten and shared with the community.⁷

Talking about the second half of the statement pertaining to Eve, a reading of the apparent meaning of the statement would indicate that she not only holds the responsibility for betraying her husband, Adam, however, also carries the burden of all the women who would betray their husbands until the Day of Judgement. This is an incorrect interpretation, as general Islamic practice does not place Eve in such a low position. Resultantly, several scholars of Hadīth have proposed alternative interpretations of this statement throughout the Islamic history.

The majority of scholars have interpreted the betrayal of Eve as making the Tree of Knowledge desirable to Adam, enticing him to eat from it, even though God forbade it. In this instance, the term ‘betrayal’ refers to her agreement to go along with the trick devised by Satan to entrap her husband.⁸ This explanation most likely comes from Biblical sources, as it is in line with the verses from the Old Testament.⁹

However, this interpretation is inconsistent with the verses of the Qur’ān that reject this claim.¹⁰ According to the Qur’ān, the blame was initially placed on Adam and not Eve, and Eve did not entice Adam to eat from the Tree and cause their expulsion from Paradise. Instead, Satan tempted them

⁵Muhammad b. Isma‘il al-Bukhari, *Sahih al-Bukhari [The Sound Compendium of al-Bukhari]* (NA: Dār Ṭawq al-Najāh, 2001), 4:154, hadīth no. 3399; Muslim b. al-Hajjaj, *Sahih Muslim [The Sound Compendium of Muslim]* (Beirut: Dār Ihyā’ al-Turāth, ND), 2:1092, hadīth no. 1470.

⁶Yahya b. Sharaf al-Nawawi, *Sharh Sahih Muslim [An Explanation of the Sound Compendium of Muslim]* (Cairo: Dār al-Manār, 2003), 10:47; ‘Alī al-Qari, *Mirqat al-Mafatih Sharh Miskhat al-Masabih [The Sources of the Keys, an Explanation of the Lantern of Lanterns]* (Beirut: Dār al-Kutub al-‘Ilmiyya, 2001), 6:358; Muhammad al-Manawi, *Fayd al-Qadir Sharh al-Jami’ al-Saghir [The Overflow of the Omniscient, an Explanation of the Small Collection]* (Cairo: al-Maktab al-Tujārī, 1937), 5:344.

⁷Ahmad b. ‘Alī Ibn Hajar, *Fath al-Bari Sharh Sahih al-Bukhari [The Opening of the Orderer, an Explanation of the Correct Compendium of Bukhari]* (Beirut: Dār al-Ma‘rifa, 1959), 6:444; ‘Abd al-Rahman b. Abi Bakr al-Suyuti, *al-Dibaj ‘ala Sahih Muslim b. al-Hajjaj [The Robe, an Explanation of the Correct Compendium of Muslim]* (Riyadh: Dār Ibn ‘Affān, 1996), 4:80; ‘Ayad b. Musa ‘Ayad, *Ikmāl al-Mu‘allim Sharh Sahih Muslim [Completion of the Instructor, an Explanation of the Correct Compendium of Muslim]* (Cairo: Dār al-Ṭibā‘a, 1998), 4:101; ‘Abd Allah al-Qusaymi, *Mushkilat al-Ahadith al-Nabawiyya wa Bayanuha [The Complexities of Prophetic Statements and their Clarification]* (Cairo: Maṭba‘at al-Rahmāniyya, ND), 13; Muhammad Taqī al-‘Uthmani, *Takmilat Fath al-Mulham Sharh Sahih Muslim [The Completion of the Inspired, an Explanation of the Correct Compendium of Muslim]* (Beirut: Dār Ihyā’ al-Turāth, 2006), 7:140.

⁸Ibn Hajar, *Fath al-Bari*, 6:368; al-Nawawi, *al-Minhaj*, 10:59; al-Suyuti, *al-Dibaj*, 4:80.

⁹Genesis 3:11-13, 16, New International Version.

¹⁰Fadl ‘Abbas, *Qisas al-Qur’ān al-Karim [Stories from the Noble Qur’ān]* (Amman: Dār al-Nafā‘is, 2010), 137.

both; they both ate and were punished equally, with the statements directed to Adam because he is the man and leader of the household.¹¹ Through a reading of the relevant Qur'ānic passages, it is clear that God speaks to both Adam and Eve, and any future hardship resulting from their expulsion from Paradise would be upon Adam as he is the man, responsible for his family and home.

Other scholars have interpreted the meaning of Eve's betrayal as failing to follow Adam's advice. Ibn al-Jawzi stated, 'Eve's betrayal of her husband was that she didn't follow his orders to stay away from the tree.'¹² This interpretation connects the statement to the broader role of women as a messenger to direct her husband to that which pleases God. Therefore, the Hadīth includes a warning and is connected with the idea that women have two roles to play, that is, to act as a messenger with their husbands to enforce the will of God to develop His creation and to serve as the feminine counterpart to her husband, allowing the continuity of God's rule on Earth and complementing her first role.¹³

Connecting the concept of betrayal to a failure to follow the advice and Eve's deficiency in following her obligations to her husband can be understood linguistically, as the term 'betrayal' in Arabic carries several meanings. Most of the linguists have argued that betrayal is a form of deficiency, with Ibn Faris stating, 'the root of this word is one, and that is a deficiency or a failure to be loyal.'¹⁴ Al-Zamakhshari wrote that the term means 'deficiency, as opposed to loyalty which means completeness. A woman's betrayal of her husband causes him to suffer from a deficiency.'¹⁵ The Qur'ān used this meaning elsewhere, stating, 'O you who have believed, do not betray Allah and the Messenger or betray your trusts while you know [the consequence].'¹⁶ Betrayal here means deficiency in performing obligations, as described by al-Zamakhshari, al-Tabari, 'Ali, and Ibn Fares.¹⁷

This interpretation elevates the civilized role of women and guides them to their proper role, establishing them as participants in their families, society, and nation. Therefore, this Hadīth promotes the status of women.

2.2 Second Statement

Abu Sa'id al-Khudri narrated that the Prophet Muhammad passed by a group of women and said: 'O women, give your wealth in charity as I have seen that you are the majority in Hell.' They responded, 'Why, O Prophet of God?' He said, 'Because you often curse others and disbelieve your families. I have never seen such people deficient in reason and religion closer to the hearts of steadfast men than you.' They responded, 'What is our deficiency in religion and reason?' He said, 'Is the testimony of a woman not half that of a man?' They responded, 'Yes'. He then said, 'That is your

¹¹al-Hajj 20:117-20, Yusuf Ali translation.

¹²'Abd al-Rahman Ibn al-Jawzi, *Kashf al-Mushkil min Hadīth al-Sahihayn [Discovering the Unclear in the Two Correct Compendiums]* (Riyadh: Dār al-Waṭān, 1997), 3:504; Yahya b. Abi Hubayra, *al-Iḥṣān 'an Ma'ani al-Suhhah [The Clarification of the Meanings of the Correct Compendiums]* (Riyadh: Dār al-Waṭān, 1996), 7:230.

¹³al-Banna, *Nahw Manhajiyya*, 40.

¹⁴Ahmad b. 'Ali Ibn Faris, *Mu'jam Maqayis al-Lughā [Encyclopedia of the Boundaries of the Language]* (Beirut: Dār al-Fikr, 1979), 2:231.

¹⁵Muhammad b. 'Umar al-Zamakhshari, *al-Kashaf 'an Haqa'iq Ghawamid al-Tanzil [The Discoverer of the Truths behind the Unclear Matters of Revelation]* (Beirut: Dār al-Kutub al-'Arabiyya, 1986), 2:283.

¹⁶Ibid.

¹⁷Muhammad b. Jarir al-Tabari, *Jami' al-Bayan fi Ta'wil al-Qur'an [The Complete Explanation of Qur'anic Exegesis]* (Beirut: Mu'assasat al-Risāla, 2000), 13:485.

deficiency in reason. Is it not also true that if you are menstruating, you neither pray nor fast"? They responded, 'Yes.' He said, 'That is your deficiency in religion.'¹⁸

This statement has been used to promote a great injustice against Islamic heritage and is often completely removed from its context or generalized beyond reason. Some scholars have argued that the 'deficiency of reason' indicates that women are mentally inferior to men.¹⁹ Others have stated that the 'deficiency of religion' means that women are not as dedicated to the religion as men.²⁰ Both of these interpretations have been used to argue that Islam provides a negative image of women. This generalization was rebuked by Ibn Hazm who wrote, 'Prophet Muhammad clarified the deficiency of women as being only in the matters of testimony, as her statements are only worth half those of a man, and in the fact that if she menstruates, she is not required to pray or fast. This is not to be understood as a general deficiency, as it is well-known that many women are more intelligent and more pious than men in many ways not mentioned by the Prophet.'²¹

Using the purposes approach, this text and others can be interpreted to provide a completely different picture of women as honored by Islam. This can be done by examining the following evidences:

- (1) The Prophetic statement shows that a woman has total financial capacity in Islam, and no man has any power over her property.²² If the first part of the statement had indicated a general deficiency in reason, the Prophet would not have allowed her to decide where to spend her money without any guidance or limitations.
- (2) The context of the Hadīth praises women and their ability to influence men, as the Prophet mentioned that their impact was the closest thing possible to 'the hearts of steadfast men'. The heart is much stronger than reason, and if women can change men bound to the faith, this is a strong confirmation of their power.²³ Al-'Ayni wrote, 'If it is said to me that this [Hadith] is disparaging towards women, I would respond, "No, it is a statement of exclamation, describing that women have so much power over steadfast men".'²⁴
- (3) Some scholars view the Hadith as a general comment about women, with the Prophet meaning to say: 'O women, God has granted you the power to reach the hearts of steadfast men despite

¹⁸Muhammad b Ismail al-Bukhari, *Sahih al-Bukhari*, 1:68, no. 304; Muslim bin Hajjaj, *Sahih Muslim*, 1:86, no. 79.

¹⁹Muhammad b. Ahmad al-Sharbini, *Mughni al-Muhtāj [The Sufficient for the Needful]* (Beirut: Dār al-Fikr, ND), 4:375; Mahmud b. Ahmad al-Zinjani, *Takhrij al-Furu' 'ala al-Usul [Extracting Rulings from the Foundations]* (Beirut; Mu'assasat al-Risāla, 1977), 266-67; 'Abd Allah b. 'Umar al-Baydawi, *Tafsir al-Baydawi [The Exegesis of al-Baydawi]* (Beirut: Dār al-Fikr, 1996), 2:142; Muhammad al-Khayr Abadi, 'Hadīth "Naqisat 'Aql wa Din:" Ishkaliyya, Asbāb, Hulūl' [The Prophetic Statement 'Deficient in Reason and Religion:' Problems, Reasons, and Solutions], *Ma'alim al-Qur'an wal-Sunna* 1 (2005): 225-40.

²⁰Uthman b. Muhammad al-Dumyati, *I'anat al-Talibin 'ala Hal Alfaz Fath al-Mu'in [Support of the Students, an Explanation of the Terms of the Opening of the Helper]* (Beirut: Dār al-Fikr, ND), 3:268.

²¹'Ali b. Ahmad Ibn Hazm, *al-Fasl fi al-Milal wal-Ahwa' wal-Nihal [The Definitive in Sects]* (Cairo: Maktabat al-Khānjī, ND), 104.

²²al-Bukhari, *Sahih al-Bukhari*, 2:120, no. 1462.

²³Ibn Hajar, *Fath al-Bari*, 1:405.

²⁴Mahmud b. Muhammad al-'Ayni, *Umdat al-Qari Sharh Sahih al-Bukhari [The Pillar of the Reader, an Explanation of the Correct Compendium of Bukhari]* (Beirut: Dār Ihyā' al-Turāth, ND), 3:272, no. 302.

your weakness. Therefore, fear God, and do not use this power except in what is good!²⁵ Abu al-Layth Abadi stated, 'The Prophet's phrasing includes an exclamation that carries the meaning of praise, not disapproval from which could be understood a denouncement [of women].'²⁶

- (4) The Prophet described the deficiency of women's reason as the testimony of two women in financial matters equivalent to that of one man, following the Qur'ānic verse: '...And bring to witness two witnesses from among your men. And if there are not two men, then a man and two women from those whom you accept as witnesses – so that if one of them errs, the other can remind her.'²⁷ When a woman appears in front of a Court, the pressure of its power may cause her to forget or err in her testimony. This is a matter that can be corrected if another woman is present to keep her balanced and remove the burden of that pressure. This point goes directly towards the nature of women, that is, known and observed. For this reason, Ibn al-Qayyim stated that the conditions of the Qur'ān only apply when a woman is expected to testify under pressure and not when she is merely making a statement of truth.²⁸ Outside of official matters, any form of evidence can be provided that reaches the truth. Therefore, the testimony of a lone woman may be accepted in situations involving only other women and no men are available, for instance, a crime that occurred in a women-only bathhouse.²⁹
- (5) The Prophet explained the deficiency of religion as a woman foregoing prayer and fasting during menstruation or postpartum bleeding, taking into her physical and mental state, as a mercy from God to all women. This has nothing to do with a woman receiving a lesser award for her religious actions, nor is it a question of her piety.

From the above discussion, it is clear that the Prophetic statement does not discuss mental capacity of a woman to understand, interpret, and derive matters of life or religion. Quite the contrary, this Hadīth confirms that women have powers much more potent than men, allowing them to bend them to their will. An analysis of the Hadīth also shows that using contextual and circumstantial evidence is sufficient to discover the actual meaning behind it. This is because the context indicates that the statement was meant to highlight the power that women have over men and that their 'deficiencies' in reason and religion are limited to only the circumstances outlined by the Prophet. The purpose behind this statement is to encourage women to actively participate in society and act charitably, as they have the ability and power to promote men towards what is good in God's eyes.

2.3 Third Statement

'Make sure to advise women, as women were created from a rib, and the most twisted part of the rib is its highest part. If you try to straighten it, it breaks. If you leave it, it remains twisted. Be kind to women.'³⁰ In a similar narration, the Prophet said: 'Women were created from a rib, and they cannot be straight along the path. If you take pleasure from her, you take pleasure from her when she is twisted. If you seek to straighten her, you will break her, and breaking her is to divorce her.'³¹

²⁵ Abd al-Halim Abu Shaqqa, *Tahrir al-Mar'a fi 'Asr al-Risala [The Liberation of Women during the Age of Revelation]* (Kuwait: Dār al-Qalam, 1999), 276.

²⁶ al-Khayr Abadi, 'Naqisat,' 218.

²⁷ Al-Baqarah: 2:282.

²⁸ Muhammad b. Abi Bakr Ibn al-Qayyim, *al-Turuq al-Hukmiyya fi 'l-Siyasa al-Shar'iyya [Paths of Wisdom in The Politics of the Shari'a]* (Cairo: Matba'at al-Madanī, ND), 1:219.

²⁹ Taqī al-Dīn al-Nabahani, *al-Nizam al-Ijtima'i fi 'l-Islam [The Social System of Islam]* (Beirut: Dār al-Umma, 2003), 78; Ibn al-Qayyim, *al-Turūq*, 190.

³⁰ al-Bukhari, *Sahih al-Bukhari*, 7:26, no. 5186; Muslim, *Sahih Muslim*, 2:1091, no. 1468.

³¹ Muslim, *Sahih Muslim*, 2:1091, no. 1468.

Majority of the scholars who have discussed the deficiency of women in reason and religion through the Hadith above have also used this Hadith to claim that women are twisted and unable to be straightened. In their view, women cannot be loyal to their husbands or comply with the responsibilities placed upon them by God.³² However, the reality of the situation is quite the opposite, as the context of the beginning and end of the Hadith strongly advises that women should be treated with kindness and goodness.

Using the purposes approach, the true meaning and evidentiary value of the Hadith can be determined as the following:

- (1) The Hadith encourages to treat women well and states that men should not be harsh when they deviate from appropriate morals or practices.³³ This Hadith honors women, telling men to treat them with patience, and taking their emotional nature into account. The statement that women were created from a 'twisted rib' indicates that women were fundamentally created by God to evoke emotion, as the purpose of the ribs is to protect the heart, that is, the core of all human emotions. One recent study suggested, 'when contemplating the creation of women, one finds that she was created from the rib of Adam, the closest place to his heart. It is as if this is her natural place concerning her husband – to be next to his heart. Therefore, a man should treat her with comfort, love, and compassion, as she is the source of all passion and beautiful emotions.'³⁴
- (2) The statement of the Prophet that women are 'twisted' may be understood, as is regularly seen in daily life, to explain their ability to become quickly emotional or change their mood. When explaining the meaning of the Hadith, Ibn Hubayra stated that 'women are moody and easily irritated. She cannot be changed no matter how you wish her to be. This applies to most women. However, this does not mean that all women act in this manner, as many are pious and preserve the duties given to them by God.'³⁵ The instability of a woman's emotional nature often pollutes men's minds. It enrages them, a point confirmed by the Prophet Muhammad in the previous statement when He said that women 'often curse others and disbelieve their families'. This behavior often occurs at a moment of anger, the result of her irritability and its intensity.³⁶
- (3) The statement advises men to be patient in the face of emotions resulting from a woman's nature. Men must remember that women do not intentionally act this way to upset or embarrass them. Instead, it is the result of their nature. Therefore, men should be patient and forgiving and must recognize that this characteristic plays a vital role in the development of the family. This is because it allows women to take on their most important function of carrying and caring for children, a matter that requires robust emotional sensitivity.

As a result of the above discussion, it is clear that the Prophetic statement opens and closes with advice to men, encouraging them to understand the nature of women and to deal with it. Men must understand their actions and reliance on emotions, enabling them to fulfill their emotional needs and supporting the foundations of family, promoting its stability, and creating mutual understanding.

³²Ibn Hajar, *Fath al-Bari*, 6:368; 'Ali b. Khalaf Ibn Battal, *Sharh Sahih al-Bukhari [An Explanation of the Sound Compendium of Bukhari]* (Riyadh: Maktabat al-Rushd, 2003), 3:291.

³³Ayad, *Ikmal al-Mu'allam*, 4:680.

³⁴al-'Id, *Huquq al-Mar'a*.

³⁵Ibn Hubayra, *al-Ifsah*, 7:160; L. R. Brody, J. A. Hall, *Gender and Emotion in Context. Handbook of Emotions* (The Guilford Press, 3rd ed), 395-408; Jennifer K. Bosson, Camille E. Buckner, Joseph A. Vandello, *The Psychology of Sex and Gender* (Sage Publications, 2021), 330.

³⁶Abu Shaqqa, *Tahrir al-Mar'a*, 289; 'Abbas, *al-Qisas al-Qur'an*, 137; Muhammad b. Ahmad al-Qurtubi, *al-Mufham lima Ushkil min Talkhis Sahih Muslim [The Understanding of What is Unclear in the Summary of the Compendium of Muslim]* (NA, 1996), 4:221.

3. Texts Related to the Role and Position of Women

This section discusses three statements found in the works of either al-Bukhari or Muslim that includes religious obligations related to women. Although, these statements are well-known, the absence of purposes method in their interpretation has led to their misunderstanding and a failure to properly determine the role of women in society.

3.1 First Statement

‘There is no such thing as the direct transmission of disease and judging bad luck by the flight of a bird.³⁷ Misfortune comes from three things, that is, women, home, and beasts.’³⁸ In another similar narration, the Prophet Muhammad stated: ‘If misfortune exists within things, it exists in three, that is, the home, women, and horses’.³⁹

The Prophet’s wife, A’isha, rejected the literal interpretation of this statement in one instance when two men approached her and said, ‘Abu Hurayra narrates that the Prophet said, “Bad luck judged by birds comes from women, beasts, and the home”. Abu Hurayra said, “One feather of it is in the sky and another lands on the ground”’. A’isha responded by stating, ‘I swear by the Qur’ān that the Prophet never said such a thing. Rather, he stated, “People before Islam used to say that: Bad luck judged by birds is in women, the home, and beasts”’. She then recited the following verse of the Qur’ān: ‘No disaster strikes upon the earth or among yourselves except that it is in a register...’⁴⁰

Muslim scholars developed several different interpretations of this statement that has been summarized by following points:

- (1) The statement may be understood literally, with al-Nawawi writing, ‘Malik and some other scholars stated: God may make the residents of a home the reason for harm or misfortune. Likewise, taking in a woman, horse, or servant could cause destruction based on the judgment of God. This may cover the meaning meant by the term “misfortune” as existing within three things as stated by the Prophet’.⁴¹ Ibn al-Jawzi, Ibn Qutayba, and al-Khatibi confirmed this approach.⁴²
- (2) The term ‘misfortune’ may be interpreted as something which is incompatible, inappropriate, or harmful in its nature. Therefore, the misfortune of a home is that it is too small to fit the family, the misfortune of a woman is that she is not compatible with her husband and is disobedient to

³⁷It was a popular belief amongst pre-Islamic Arabs that the fortune of a caravan journey could be determined according to the flight path of the first bird they saw after leaving their home. If it flew to their right, the journey would be successful. If the bird flew to their left, the journey would be a commercial failure.

³⁸al-Bukhari, *Sahih al-Bukhari*, 7:135, no. 5753; Muslim, *Sahih Muslim*, 4:1747, no. 2225.

³⁹al-Bukhari, *Sahih al-Bukhari*, 5:1959, no. 4806.

⁴⁰Al-Hadīd 57:22; Ahmad Ibn Hanbal, *Musnad al-Imam Ahmad [The Compendium of Imam Ahmad]* (Beirut: Mu’assasat al-Risāla, ND), 43:97.

⁴¹al-Nawawi, *Sharh Sahih Muslim*, 14:220; Sulayman b. Khalaf al-Baji, *al-Muntaqa Sharh al-Muwatta [The Chosen, an Explanation of the Well-Trodden Path]* (Cairo: Dār al-Kutub al-Islāmī, ND), 7:293.

⁴²Ibn al-Jawzi, *Kashf al-Mushkil*, 2:267; ‘Abd Allah b. ‘Abd al-Majid Ibn Qutayba, *Ta’wil Mukhtalif al-Hadīth [Explaining Differing Prophetic Statements]* (Beirut: al-Maktab al-Islāmī, 1999), 1:170-73; al-Nawawi, *Sharh Sahih Muslim*, 14:220.

him, and the misfortune of a horse is its destructive nature.⁴³ Al-Nawawi also approved this meaning as well as al-Qadi 'Ayad.⁴⁴

- (3) The statement may be understood using the concept of 'general principles over partial rulings', which rejects misfortune from all things including those specifically mentioned. Instead, the three items mentioned in the statement were to refer people to common misconceptions, with the Prophet denying that misfortune comes from any of them. This approach was first mentioned by al-Zarakshi and was confirmed by Ibn Battal, Ibn Hubayra, al-Baydawi, al-Tahawi, and al-Albani.⁴⁵

If one follows the narrations found in the foundational texts of Islam and the evidence they contain, it becomes clear that all these statements can be read together to confirm the approach of 'A'isha. This statement was only made to recall what pre-Islamic Arabs believed about determining the misfortune. The beginning of the statement makes this clear, as the Prophet started his statement by denying beliefs, such as the automatic transfer of diseases and judging misfortune according to birds. Therefore, anyone who attempts to use this statement to demean women has no ground to stand on. Instead, this statement denies pre-Islamic beliefs that disparaged women, returning matters to their rightful place in the eyes of God.

3.2 Second Statement

'No people will succeed if a woman is appointed over their affairs.'⁴⁶ Some scholars have understood this statement generally, ruling that women are prohibited from taking all forms of political leaderships. This view was adopted by al-Sana'ani⁴⁷ and al-Shawkani, with the latter writing,

This Hadīth indicates that women are not qualified for political leadership and it is not permissible for people to appoint a woman to a political position, as avoiding a matter that would lead to failure is a religious requirement. All scholars, except jurists in the Hanafi school, have agreed that the conditions for a judge include that they should be male. The Hanafis also exempted women from participating in rules for proscribed punishments (*hudūd*). Another scholar, Ibn Jarir, confirmed this exception. The evidence for the majority opinion is that adjudication requires developing an opinion and the views of women are deficient and not as complete as found in the generality of men.⁴⁸

⁴³Hamza Qasim, *Manar al-Qari Sharh Mukhtasar al-Bukhari [The Light of the Reader, and Explanation of the Abbreviated Compendium of Bukhari]* (Damascus: Maktabat Dār al-Bayān, 1990), 4:100.

⁴⁴al-Nawawi, *Sharh Sahih Muslim*, 14:220; 'Ayad, *Ikmal al-Mu'allim*, 7:148.

⁴⁵Muhammad b. Bahadur al-Zarakshi, *al-Ijaba li-Irad ma Istadrakathu 'A'isha 'ala al-Sahaba [The Answer to What I Have found in the Companions Statements]* (Beirut: Mu'assasat al-Risāla, 2004), 107; Ibn Hubayra, *al-Ifsah*, 4:11; 'Abd Allah b. 'Umar al-Baydawi, *Tuhfat al-Abrar Sharh Masabih al-Sunna [The Gift of the Innocent, an Explanation of the Lanterns of the Sunna]* (Kuwait: Wizārat al-Awqāf wal-Shu'ūn al-Islāmiyya, 2012), 3:186; Ahmad b. Muhammad al-Tahawi, *Sharh Mushkil al-Athār [An Explanation of Unclear Prophetic Statements]* (Beirut: Mu'assasat al-Risāla, 1994), 2:253; Muhammad Nasir al-Din al-Albani, *Mawsu'at al-Albani fi al-'Aqida [The Encyclopedia of al-Albani in Theology]* (San'a: Markaz al-Nu'mān li'l-Buḥūth wal-Dirāsāt, 2010), 3:1155.

⁴⁶al-Bukhari, *Sahih al-Bukhari*, 838, no. 4425.

⁴⁷Muhammad b. Isma'il al-Sana'ani, *Subul al-Salam Sharh Bulugh al-Maram [Paths of Peace, an Explanation of Reaching the Point]* (Cairo: Dār al-Ḥadīth, ND), 2:575.

⁴⁸Muhammad b. 'Ali al-Shawkani, *Nayl al-Awtār Sharh Muntaqa al-Akḥbār [Hitting the Mark, an Explanation of the Meeting of Reports]* (Cairo: Dār al-Ḥadīth, 1993), 8:304.

Others have limited this statement to only reporting the specific reality of Persians, as the Prophet said this when learning of the female leader of the Persian Empire. Prophet Muhammad only announced their impending demise, accurately describing their political situation. If they had followed the path of consultation and not placed their matters in the hands of a single individual, the case might have turned out differently.⁴⁹

Therefore, these scholars view the Prophetic statement as specific to the Persian situation and not subject to generalization. Resultantly, it cannot be used as an evidence to prohibit women from taking on a political position or even being the Caliph. Al-Tabari and Imam Malik, in one opinion attributed to him by Ibn Hajr, found that nothing prohibits a woman from being a head of state.⁵⁰ A more recent study conducted by Dr. Bassam al-'Amush has discussed the opinions on both sides of this issue in detail, concluding that the opinion allowing women to take political positions is stronger for 44 different reasons.⁵¹ Other contemporary scholars including 'Abd al-Hamid Mitwally and Muhammad 'Izzat Darwaza have also come to the same conclusion.⁵²

The classical Andalusian scholar Ibn Hazm argued that this statement only prohibits women from taking on the highest political position in Islam, that of the Caliph. He based his view on another report in which the Prophet said, 'Everyone is a shepherd responsible for his flock, and a woman is the shepherd and responsible for her home, husband, and children'.⁵³ The Prophet, in his view, connected different types of responsibilities in this statement. Islam has allowed women to make bequests and act as agents in commercial transactions, a form of commitment.⁵⁴ Therefore, the term 'responsibility' is general, however, the intention is specific, and other texts can be used to allow women to take positions of political responsibility. This is confirmed by reality, moreover Ibn Hazm argued that the restriction in the Prophetic statement only includes the highest levels of political authority.

A well-known principle in Islamic jurisprudence is that consideration is given to general meanings of terms, not their specificities. The Prophetic statement should be understood considering this principle and should only lose its general meaning if strong evidence appears to the contrary. There have been several general situations throughout the history where women have been in political positions and performed much better than men.

Resultantly, stating that failure comes from putting women in charge of political affairs is limited to the situation of Persians. A leader whether male or female is coincidental and the accurate measurement of failure is connected with incompetence that results from individuals inheriting positions without considering their ability to lead.

3.3 Third Statement

'Prayer is interrupted by the passing of a woman, a donkey, or a dog. This can be prevented by praying behind something like the back of a saddle.'⁵⁵

⁴⁹'Abd al-Jabbar Sa'id, "Manhajjiyyat al-Ta'amul ma' al-Sunna al-Nabawiyya," [The Methodology of Dealing with Prophetic Practice], *Journal of Islamization of Knowledge* 18 (1999): 84-85.

⁵⁰Ibn Hajr, *Fath al-Bari*, 2:57.

⁵¹Bassam al-'Amush, "Ri'asat al-Dawla min Manzur Islami," [The Presidency of a Nation from an Islamic Viewpoint], *Majalat Dirasat 'Ulum al-Shari'a wal-Qanun* 37, no. 2 (2010): 405-23.

⁵²Ibid.

⁵³al-Bukhari, *Sahih al-Bukhari*, 1030-31, no. 5200.

⁵⁴Ali b. Ahmad Ibn Hazm, *al-Muhalla bi'l-Athar* [The Sweetened Work with Narrations] (Beirut: Dār al-Fikr, ND), 9:430; Ibn Hajar, *Fath al-Bari*, 2:57.

⁵⁵Muslim, *Sahih Muslim*, 1:365, no. 266.

The Prophet's wife, 'A'isha, rebuked Abu Hurayra when he narrated this statement from the Prophet, saying, 'When reciting this statement, you have compared women to donkeys and dogs. By God, I saw the Prophet praying when I was lying under his bed between him and the direction of prayer. When I felt the need, I did not wish to disturb him and quietly moved out from between the legs of the bed'.⁵⁶

Most scholars have agreed that prayer is not interrupted by the things mentioned in the statement.⁵⁷ For instance, Ibn 'Abd al-Barr wrote, 'A majority of scholars have ruled that nothing interrupts prayer. This is the opinion of Malik, al-Shafi'i, Abu Hanifa, and his students, al-Thawri, Abu Thawr, Dawud, al-Tabari, and a group of the Prophet's followers.'⁵⁸ Additionally, al-Shafi'i rejected the Prophetic statement for several reasons including that it conflicts with the other sound Hadiths and the explicit text of the Qur'an.⁵⁹ Even scholars who have confirmed the validity of statement have understood the 'interruption' of prayer to mean a loss of focus and not the idea that the passing of a woman, donkey, or dog invalidates the prayer. Therefore, there is no conflict between the narration of Abu Hurayra and the response of 'A'isha. Perhaps Muslim, who provided the answer of 'A'isha in his narration, was one of these scholars.⁶⁰ Either way, the statement does not indicate that prayer is invalidated or corrupted. The other scholars above have provided the correct interpretation of the statement.

What can be determined from this discussion is that whenever a text is provided, it must be interpreted following its context and application or seen in the light of general benefit it seeks to provide and the rule it means to establish. This method does not require the provision of a literal interpretation. Instead, it requires that the law's spirit be considered. If the true wisdom behind the text can be reached, the text should be read with that in mind.⁶¹

Using reason to understand revealed texts is an established evidentiary method that needs great care and also requires significant effort to implement it successfully. The scholars of Prophetic Hadiths established strong rules inspired by their reason to confirm the authenticity of a statement. There is no doubt that the source of negative picture of Islam, presented by many, is the result of ignorance of these methods. When texts appear to contradict one another, this is nothing more than a problem of interpretation that has failed to grasp the correct rules based on the purposes of the law and its wisdom. Throughout the Islamic history, great scholars have understood that no text may contradict another, so long as it is transmitted accurately, and that any apparent contradiction may be resolved with sound and correct reasoning.⁶²

⁵⁶al-Bukhari, *Sahih al-Bukhari*, 1:108, no. 511; Muslim, *Sahih Muslim*, 1:366, no. 270.

⁵⁷Many scholars have followed the literal meaning of the hadith and ruled that women, dogs and donkey interrupt the prayer, i.e. Ibn Omar, Abu Hurayra, Ibn Abbas, Anas Ibn Malek and Abu Dharr (may Allah be pleased with them), in addition to Ahmad Ibn Hanbal, Ibn Hazm and Ibn Daqeeg al-Eid. al-Shawkani, *Nayl al-Awtar Sharh Muntaqa al-Akhabar* [Hitting the Mark, an Explanation of the Meeting of Reports], 3:15

⁵⁸Yusuf b. 'Abd Allah Ibn 'Abd al-Barr, *al-Tamhid lima fi al-Muwatta' min al-Ma'ani wal-Asanid* [The Introduction to What is in the Well-Trodden Path in Terms of Meanings and Chains of Narration] (Morocco: Wizarat 'Umum al-Awqaf wal-Shu'un al-Islamiyya, 1967), 21:168.

⁵⁹Muhammad b. Idris al-Shafi'i, *Ikhtilaf al-Hadith* [Debates in Prophetic Statements] (Beirut: Dar al-Ma'rifa, 1990), 8:623-24.

⁶⁰al-Baji, *al-Muntaqa*, 1:278.

⁶¹Hamid Hassan, *Fiqh al-Maslaha wa Tatbiqatuhu al-Mu'asira* [Law of Purposes and Modern Applications] (Jeddah: al-Bank al-Islami li'l-Tanmiyya, 1993), 23.

⁶²'Abd Allah b. Bayyah, *Mashahid min al-Maqasid* [Examples of Purposes] (Abu Dhabi: Markaz al-Muwatta' lil-Dirasat wal-Ta'lim, 2017), 84.

4. Conclusion

The current study has shown that the correct method to interpret Islamic legal texts must recognize the reasons, rulings, purposes, and cultural contexts behind them. Texts, apparently different from one another, must be reconciled through a return to agreed-upon ideas, creating a civilized conceptualization of the meaning of Islamic teachings. Resultantly, a correct image of women appears in Islam, clear from doubt and denigration. Eve did not betray her husband, her reason and religiosity are no less than that of a man, she is not the cause of misfortune, and she may take up any political position so long as she meets the same conditions required from a man. Any interpretation that states otherwise is incomplete and not based on Islamic texts, however, comes from a poor understanding and an incorrect methodology.

Conflict of Interest

The authors of the manuscript have no financial or non-financial conflict of interest in the subject matter or materials discussed in this manuscript.

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