

Chapter 6: Descriptive Books on Collections

Before introducing and describing some books, it seems useful to refer to some points.

History of Writing on Women

Compilation and writing on women's affairs and issues, in the realm of Islamic culture, goes back to ancient times and to the 3rd and 4th centuries. All the scientific efforts and searches can be divided into two totally different periods.

First Period: From 3rd till 13th Century

Independent and implicit works, in this period are relatively glaring, among which the following:

1. Kitaab An-Nikaah, Kitaab An-Nisa and Kitaab Al-Wildaan of Ahmad Ibn Muhammad Ibn Husayn Ibn Hasan Ibn Dowil Al-Qummi “d. 153H.”¹
2. An-Nisa Al-Ma'rufat Fi Quraysh, by Abu Mundhir Hisham Ibn Muhammad Al-Kalbi “d.205 H.”²
3. Ummahaat An-Nabi – Kitaab Munaqadat Ash-Shu'ara –

Akhbar An-Nisa, Kitaab Manakih Farazaq – Kitaab Al-Makr, Kitaab Man Tazawwjah Min Nisa Al-Khulafah and other books written by Abul Hasan Ali Al-Mada'ini “135225 H.”³ At-Tabaqaat Al-Kubra authored by Ibn Sad “168230 H.”, the eighth volume of which is dedicated for women. Kitaab An-Nisa Wal-Walah compiled by Muhammad Ibn Mas'ud Al'Ayyashi As-Samarqandi.⁴ Kitaab Ahkaam An-Nisa, authored by al-Imam Ahmad Ibn Hanbal “d.241H.”, which was printed and published by Daar Al-Kutub Al'Ilmiyyah in Beirut in 1986. Kitaab An-Nisa by Ahmad Ibn Muhammad Al-Barqi “d.274 H.”⁵ Uyoon Al-Akhbar, that was written by Ibn Qutaybah “d.276H.”, and its fourth volume is dedicated for women's affairs. The book An-Nisa Wa Ma Jaa Fihinnah Min Al-Khabar, by Ibn Al-Munajjim “241–300H.”⁶ And Sunan An-Nasa'i which was written by Ahmad Ibn Shu'ayb An-Nasa'i “d.303H.”, the seventh volume of which was called “Ishrat An-Nisa” and dedicated for discussing women's affairs.

- And also the book An-Nisa Wal-Wildan that was written by Ali Ibn Al-Husayn Al-Qummi “d.329H.”, the father of Ash-Shaykh As-Sadooq.⁷ Beside Kitaab An-Nisa of Ja'far Ibn Muhammad Qulawayh “d.367H.”.⁸
- The book Adab An-Nisa Wal'Farq Bayna Ahkaamihin, which was extracted from Al-Khasa'is of Ash-Shaykh As-Sadooq “d.381H.”.⁹ And Ahkaam An-Nisa Wa Risalah Fil'Mahr by Ash-Shaykh Al-Mufeed “d.413H.”, and was published by Ash-Shaykh Al-Mufeed Congress.
- The book Usd Al-Ghabah compiled by Ibn Athir Al-Jawzi “d.630H.”, a part of the 5th volume of which was dedicated for women. Nisa Al-Khulafah Min Al-Haraa'ir Wal'Imaa, authored by Ali Ibn Anjab Al-Baghdadi “d.674H.”,¹⁰ and Akhbar An-Nisa of Ibn Al-Qayyim “691751H.”, that was published in 1990 in Beirut.
- Beside Al-Isabah Fi Tamyeez As-Sahaabah, by Ibn Hajar Al-Asqallani “773852H.”, the eighth volume of which was dedicated for women. And Akhbar An-Nisa that was written by Ibn Al-Mubarrad Al-Hanbali “840- 909 H.”, and was published by Daar Al-Ma'arif in Hams. Beside many other works.
- Beside these books there being other articles and researches appeared in books of hadith and Fiqh under the title of Kitaab An-Nikaah, dating back to ancient times. Because discussions on marriage “nikaah” are common between women and men, while the aforementioned works be allocated for women. The researches of this long epoch were allocated for four realms: collecting and narrating the traditions, history and communicating the episodes concerning women, Fiqhi rules about women, a dervish's bow “Kashkool” and miscellany like 'Uyoon Al-Akhbar which contained miscellaneous writings like narration of hadith, history, scoffing... etc. These writings are in common in two particulars:

1. Being mostly devoid of any kind of analysis and decomposition.
2. Being mostly written in the way commonly known on the subject of woman “portraying her as an infirm, weak and seductive creature”.

Second Period: From 13th up to 19th Century

This period started with criticism and refutation; that is some were engaged in criticising some of religious and traditional beliefs concerning the woman and religious scholars took efforts in verifying and manifesting religious views. This era commenced in the 13th Hijrah century contemporaneously with Muslims' joining the Western world. In other words it started with socio-political movements of women during the first decade of the twentieth century in North America, Europe, Asia and Middle East.

Qaasim Ameen wrote a book in 1899 calling it Tahreer Al-Mar'ah, in which he analysed and criticised some religious issues concerning women. And his other book which was brought out under the title of Al-Mar'ah Al-Jadeedah in the year 1901, following the same course. It is said that 'Itisaam Al-Mulk translated the book Tahreer Al-Mar'ah into Persian in 1900, under the title Tarbiyate Niswan. 11

In Iran these conversations turned serious from constitutional revolution up to date, although before it some new questions and issues were set forth for discussion by some women like Bibi Khanum Astrabaadi, the author of Ma'ayib Ar-Rijaal in refutation of Ta'deeb An-Niswah "1312/1894AD.", and daughter of Nasir Ad-Deen Shah Taj As-Saltanah the writer of Khatirat Taj As-Saltanah.

Third Period: From 19th Century & Upwards

A) Books

Out from this date upwards the main religious works and articles have been written and compiled in Iran and Arab Muslim countries. As an example, we can name some of these writings that appeared in Iran:

Risalah Fi Wujub An-Niqab Wa Hurmat Ash-Sharab, by Mirzah Muhammad Sadiq Fakhr Al Islam "d. 1329H/1911AD";

Intibah Namah Islami, by Mirzah Riza Shari'atmadari Damghani "d. 1336H/1918AD";

Hikmat Al-Hijab Wa Adillat An-Niqab, by AsadAllah Al-Musawi Al-Khonsari "d. 1344H/1931AD";

Burhan Al-Muslimin, by Muhammad Ali Kashani "d. 1346H/1928AD";

Kashf Al-Ghurur of Mafasid As-Sufur, by DhabihAllah Mahallati "d. 1352H/1932AD.".

From other countries a reference can be made to the following books:

Al-Mar'ah Fil-Islam Wal-Hijab Was-Sufur, by Muhammad Hamdi Afandi "d. 1329H/1911AD";

Huquq Al-Mar'ah Al-Muslimah, by Ash-Shaykh Nadim Al-Mallah "d. 1346H/1928AD.";

Al-Mar'ah Fi Nazar Al-Islam, by Abd Al-Qadir Shubbayr Al-Kirmani "d. 1347H/1928AD."¹²

Beside other works of personages like Rashid Riza "d. 1354H/1936AD.", such as Huquq An-Nisa and Nida Al-Jins Al-Latif, with Sayyid Qutub and Abbas Mahmud Al-Aqqad and others.

B) Magazines and Journals

In these epochs, many magazines and journals concerning women's affairs were published and brought out beside the books.¹³

And in Iran more than twenty magazines concerning women were published before the culmination of the Islamic Revolution, like the following:

Danish, Shukufah, Zaban Zanan, Nama Zanan, Namah Banowan, 'Alam Niswan, Jahan Zanan, Jahan Niswan Watan Khah, Majallah Niswan, Majallah Sa'adat, Niswan Sharq, Dokhtaran Iran,¹⁴ Nidai Zanan,¹⁵ Azad Zanan, Ittelaat Banowan, Baano, Banowan Khorasan, Payk Sa'adat Niswan, Jam'iyat

Niswan Watan Khah Iran, Jahan Zanan, Huquq Zanan, Zanan Imruz, Zanan Iran, Alam Zanan, Qiyam Zan, Nam Banowan, Hifdah Dey,... etc. 16

And after the culmination of the Islamic Revolution, the following magazines have been published and issued in Iran:

Zan Rooz, Zanan, Payam Zan, Nida, Rah Zaynab, Payam Hajar, Farzanah, Gozidah, Rayhanah,... etc. 17

The writings of this period were mostly characterised with analysis and interpretation, paying attention to criticism and study, with their main axis being rights of woman “all family, political and social rights and others”, freedom of woman, employment, Hijab “cover” and other things. In fact the axis of these works has been issues with which all the world is inflicted nowadays.

With elapse of time, investigations and discussions concerning this topic became more and more extensive and profounder, leading to innovating numerous extant and valuable works.

C) Publications on Publications

Witnessing extension of these researches and writings, book identifications and biographies that have been published up to the present time:

1. Kitabnamah Athar Zanan Iran, Tehran, Women Organisation of Iran, 1970, p. 89.
2. Kitabshinasi Athar Zanan Dar Panjah Sal Akhir, “Identification of women's works during last fifty years”, from 1921 up to 1970, Master thesis of librarianship. Prepared and regulated by Yahyah Asadi, Tehran College of Educational Sciences Tehran University. Group of Librarianship, Academic year 1972–1974, p. 187.
3. Fihrist Manabi Marbut Bi Zan “index of references relevant to woman”, in Persian, by Muhammad Hasan Taqawi with cooperation of Jackline Rodolf Tabah, Tehran: Tehran University, College of Social Sciences, Social Studies & Researches Institute, 1979, p. 96.
4. Kitabnamah Zan “Treatise on Woman”, collected and compiled by Zahra ChihrahKhand and Sadiqah Sultanifar, with collaboration of Society of Islamic Revolution Women of Iran, Tehran: with collaboration of Iftikhariyan publications Foundation, 1980, p. 120.
5. A subjective list of books and articles regarding woman, published by Administration of publications and Propagation “department of women”, Tehran Ministry of Culture & Islamic Guidance, vol. I, 1984, p. 176; vol. II, 1987, p. 110.
6. Maqalahnaamah Zan, by Maryam Ra'iyat AliAbadi, Shahrazad Taahiri Lutfi and Nusheen Imrani, Tehran: Cultural Researches Bureau, 1989, p. 248.

7. Pezhuhish Namah Zanan Wa Khanawadah "Research on women and family", by UNISCO National Commission in Iran, Social Sciences Department, Tehran. Publications of UNISCO National Commission in Iran, 1992, p. 152.
8. Masadir An-Nizam Al-Islami Al-Mar'ah Wal-Usrah Fil-Islam, by Abd Al-Jabbar Ar-Rifa'i Kuwait Manshoorat Markaz Al-Makhtutat Wat-Turath Wal-Watha'iq, 1414H/1993AD, p. 564, in Arabic.
9. Fihrist Mushtarak Kitabha "Common Index of books", Articles and theses on women and education, in Persian Published by United Nations Children's Fund "UNICEF", Tehran Bureau, 1984, p. 127.
10. Analytic book on role of rural women in development of UNICEF and Bureau of Activities Development of Rural Women, Agriculture Ministry of Islamic Republic of Iran, 1984, p. 113.18
11. Kitabnamah Zan, Index of books compiled and translated by women "1979-1985". Published by Investigation Department in Az-Zahra University, Tehran: Az-Zahra University, 1985, p. 34.
12. Al-Mar'ah Biloghrafiyyan, by Faiq Fuduli, Baghdad: Daar Al-Aafaq, 1985, in Arabic.

Further many other works were published in the form of articles and pamphlets like the following:

1. Chihil Kitaab Piramoon Hijaab, Noor 'Ilm Journal, issue no.20, 1987, pp. 116-122.
2. Kitabshinasi Hijaab, by Sayyid Muhsin Sa'id Zadah; PayamZan Journal, issues Nos. 8, 9, 1992, pp. 59-64.
3. Kitabnamah Hijaab Wa Libas, Islamic Propagation Organisation Exhibition of Woman's Identity and Status, 1991, p. 40.
4. Kitabnamah Hijaab, Baqir Al-Oloom Research Centre, serial no.128.
5. Maqalaha Wa PayamNamaha Zanan "Articles and theses on women", Bureau of people's Promotion and Participation, Ministry of Construction Jihad.

In these collections, more than ten thousand books, articles, theses, research drafts regarding women's affairs have been introduced, in Persian and Arabic. Further the works published in other languages, and even in Arabic, were more than these. A vivid evidence for this claim, being the news about organising a book fair for Arab women in Cairo with 1500 book titles, in the period 16-20 November 1995. In this fair only 24 publication houses and universities participated. 19

Five Outstanding Works

After presenting this report surveying the situation of writings on women's affairs, it is proper to turn here to point out with explanation of five compilations on women's affairs. The reason why I chose them lies in

the fact that these books are more than one volume and tackled the issues with a new view, though their compilers having not one and the same mode of thinking. In these works, attention was concentrated on issues and subjects be more interested by woman to read, covering also the recent new questions and suspicions.

On the other hand, these books are inscribed in Arabic, and cannot be used by Farsi-speaking people. These general introductions can acquaint the Farsi-speaking people with other thoughts and ideas, to some extent. I think getting acquainted with these compilations helps complementing the discussions of this book. The identified collections are as follows:

1. Al-Mufasssal Fi Ahkaam Al-Mar'ah Wal'Bayt Al-Muslim 11 volumes.
2. Tahreer Al-Mar'ah Fi 'Asr Ar-Risaalah 6 volumes.
3. Masa'il Harijah Fi Fiqh Al-Mar'ah 4 volumes.
4. Al-Mar'ah Fil'Fikr Al-Islami 2 volumes.
5. Jami' Masaanid An-Nisa 2 volumes.

Al-Mufasssal Fi Ahkaam Al-Mar'ah Wal'Bayt Al-Muslim Fi Ash-Shari'ah Al-Islamiyyah, Compiled by Dr. Abd Al-Kareem Zaydaan

2nd print: Mu'assasat Ar-Risaalah Lil Tiba'ah WanNashr WatTawzi', Beirut, 1415H. 1995 AD". 11 volumes. This book was published first in 1413H. 1993 A.D., and in the year 1994 it won the world prize of Iran's Book Fair. Its author being a former professor of Baghdad University, who taught in Colleges of law, Arts and Islamic Studies. He has plenty of works and compilations, among which the following can be mentioned:

- Al-Wajeez Fi Osool Al-Fiqh
- Ahkaam Adh-Dhimmiyyin Wal-Musta'minin
- Al-Madkhal Lidirasat Ash-Shari'ah
- Nizam Al-Qaza Fil-Islam
- Majmu'at Buhooth Fiqhiyyah, and others.

The aforementioned book "Al-Mufasssal" is matchless in its subject of study, as it contains a comprehensive list of rules and questions related to women and family according to the Islamic jurisprudence "Fiqh". The researches of this book were divided into nine chapters:

- First Chapter "Kitaab" is dedicated for rituals "ibadat", including four sections expounding topics of

Salaat "prayers", Zakaat "poor-due", sawm "fasting" and Hajj "pilgrimage to God's House".

- Second Chapter is dedicated for vow "nazr" and oath, which were set forth in two sections.
- Third Chapter is dedicated for questions of dhabh "slaughter-sacrifice".
- Fourth Chapter, which was named hazr wa ibahah "prohibition and permission", included the following sections: Hunting and Tazkiyah "making lawful to eat", foods and drinks "beverages", treatment & medicines, gazing & touching, conversation between men & women, clothes & ornamentation, Tabarruj "displaying the charms", housekeeping, sport & entertainment, defence of life, and dignity & property.
- Fifth Chapter being under the title of Rights and Duties: Its 1st section discusses rights and duties, and its 2nd section expounds the rights in general and in particular, while its 3rd section reviews woman's duties.
- Sixth Chapter, which is titled: "Crimes and penalties." covers the main topics of crime and penalty, kinds of crimes, crime of aggression on life, crime of violation against organs and ta'zir "punishment".
- Seventh Chapter is dedicated for family affairs and issues related to marriage, manners of marriage waiting period "iddah", rules of children and relatives.
- Eighth Chapter discusses the properties and financial dealings.
- Ninth Chapter, titled "Patients and Deceased." discusses the questions relevant to the sick and rules of death.

The Conclusion of the book is dedicated for a research on wives of the Prophet, Prophet's children, his Household "Ahlul Bayt", and the Prophet's behaviour and conduct with his family.

In his introduction the author manifests the purpose of writing this book thus: "The motive behind compiling this book lies first in acquainting the Muslim woman with religious rules necessary for her, so as to act according to them and call others to follow them. The other aim being getting the Muslims acquainted with family rules in perspective of Islam and manner of constituting a family on basis of Islam." "vol. I, p. 7". Hereunder I present some issues related to introducing and scrutinising of this work in two parts:

First: Apart from this salient and manifest feature, through which the author has gathered researches related to woman in one collection, opening a broad and spread door before the researchers, and apart from the much fluent and eloquent pen, I am going to indicate some of its other characteristics:

1. In the outset of every research, the subject of discussion is introduced under the heading "Preamble" and "Research programme." with categorisation of researches. This method sets forth a bright appearance of the theme and subject of discussion under the disposal of the reader and researcher. Of

course we should not forget the fact that these classifications have gone to extremes losing their usefulness and influence.

2. Paying attention to the opinions of Islamic schools "mazaahib" being one of other privileges of the book, and the author has cited the views of well-known schools of thought, such as: Maliki, Hanafi, Hanbali, Shafi'i, Zaydi, Ibadi, Zahiri, and Shi'ah. But he has neither manifested the opinions of all the schools regarding all the questions and rules, nor taking into consideration the reasoning of all the Fiqhi views. In other words, comparativeness of this work has a great role in making it extant.

3. Paying attention to Qur'anic verses and viewpoints of interpreters being among the bright points of this work. The author, in every place of the book has resorted to Qur'anic verses, citing viewpoints held by interpreters.

4. After citing opinions of schools and Fiqhi inferences, he very often has given preference to one of them.

5. Among the other characteristics of this compilation being setting forth some of new Fiqhi issues, or giving a new finish to them. As an example for these researches, we can site the following:

Siqt Janeen "vol. III, pp. 119 and 132"; Mas'alah Nigah Wal'Lams "vol. III, pp. 141275"; Libas Wa Zeenat "vol. III, pp. 295-410"; Zeenat Zanaan Dar Dawran Hadir "vol. III, pp. 393-410"; Tabarruj Wa Ikhtilaat "vol. III, pp. 411-432"; Hoqooqe Zan "vol. IV, pp. 187-336"; Jihaad Zan "vol. IV, pp. 379-402"; Huquq Zawjayn "vol. VII, pp. 47322"; Talqeeh Masnooi "vol. IX, pp. 385-392"; Ahkaam Al-Awlad "vols. IX & X".

6. The compiler has presented some of the new viewpoints, to some of which I refer here:

- The woman can lead the congregational prayers for her household "vol. I, p. 352".
- The "Fuqaha" consider lawful the common "ordinary" ornament in the face and two palms for women, prohibiting excessiveness in adornment "vol. III, p. 195".
- It is allowed for woman to look at a foreign man "with whom marriage is lawful" without privy parts and without carnal lust "vol. III, p. 230".

Second: despite all the positive points this valuable work has, but several weak points are witnessed too, to some of which a reference is made here:

1. The subject of discourse of this compilation are more extensive than the title of the book, and the compiler gave the book the title: "Al-Mar'ah Wal'Bayt Al-Muslim. If the purpose be mentioning subjects related exclusively to women, but many of subjects being common between woman and man, so it was improper to gather them in this book and if the title "Al-Bayt Al-Muslim" is added for the sake of including this group of issues, so why the title of the subjects of seventh volume be Al-Bayt Al-Muslim?

And if the aim of the author be collecting researches on personal conditions, still some of the issues have no connection to them, to some of which I make a reference here:

All kinds of impurities "vol. I, pp. 1935"; purification Tahaarah "vol. I, pp. 4670"; fasting and sequestered life "vol. II, pp. 7143"; pilgrimage "vol. II, pp. 147390 except a few of issues"; oath "vol. II, pp. 399436"; Kitaab Al-Azahi – sacrifices – "vol. II, 443460"; said "hunting" and Tazkiyah "vol. III, pp. 740"; foods and beverages "vol. III, pp. 4190"; drugs and remedies "vol. III, pp. 91140"; slaves and bondswomen "vol. III, pp. 165175"; neighbours "vol. IV, pp. 4151"; sports "vol. IV, pp. 53114"; self-defence and property-defence "vol. IV, pp. 115142"; rights and duties "vol. IV, pp. 143186"; duties of woman "vol. IV, pp. 337-351"; bidding to good and forbidding from evil "vol. IV, pp. 353370"; crimes "vol. V"; marriage of non-Muslims "vol. VII, pp. 344". If the laborious writer had only concentrated on issues specially related to woman, endeavouring to achieve three aims, the following deficiency would have been eliminated:

- Gathering scattered subjects on rights of women;
- A new investigation and researching on woman's rights;
- Manifesting viewpoints of the Islamic Fiqh in a way that the present questions be answerable.

2. Another point of weakness in this compilation being its containing quotations more than reasoning and analysis. Moreover, the opinions of all the schools have not been transmitted in it with the same level; for instance the Shi'ah opinions have been cited in very few occasions. Besides, it has not included or reviewed the Fiqhi reasoning of all the opinions, e.g.; when it reports an opinion of the Shi'ah, this reporting does not include any Fiqhi reasoning on the part of Shi'ah Ulama'. In this extant work it was proper for the author to identify a number of schools or Fuqaha, reporting their views similarly, turning then to manifesting the reasoning "istidlaal" of all of them, choosing finally obstinacy, with analysis and decomposition.

3. In setting forth of the Shi'i viewpoints, some kind of shortcoming is clearly witnessed, despite the fact that the Shi'ah Fiqh being so rich, with Shi'i ulamaa' producing and compiling numerous Fiqhi books, and the author having lived in one of great Shi'ah scholarly centres, i.e. Iraq. As an example, I indicate here this shortcoming in four respects: · The number of Shi'ah opinions set forth, being very little, especially those regarding cases about which the Shi'ah hold contrary opinions, and being known to them; such as: fasting of day of Ashuraa "10th of the month of Muharram" "vol. II, p. 126", fasting of day of Nawrooz "vol. II, p. 140"... etc.

· Some of the Shi'ah Fiqhi opinions have been mistakenly reported; such as: gazing of a man to a foreign woman "vol. III, p. 202", looking at a photo of an un-consanguine woman "vol. III, p. 226", mut'ah "temporary marriage" with full-grown mature girls "vol. III, p. 176". The author has referred to and consulted a few books, like:

· Al-Nihaayah of Ash-Shaykh At-Toosi; Sharayi' Al-Islam and Al-Mukhtasar An-Nafi' of Al'Allamah Al-

Hilli; Ar-Rawza Al-Bahiyyah of Ash-Shaheed Ath-Thani; Al-Fusul Ash-Shar'iyyah of Mohammed Jawad Maghniyyah. Nevertheless, other precious books, like Jawahir AlKalam were available. Some of the criticisms levelled at the Shi'ah, being so weak and poor, like:

1. In vol. I, p. 155, in respect of prohibition of recital of surahs of Aza'im "Alif, Lam, Mim Ha Mim Sajdah, An-Najm, and Al'Alaq" it is stated: "They have not manifested the reason of excepting the Surahs." is it meant the rational reason, while in devotional matters no place is there for rational proof, or meant the devotional reason when the Shi'ah resorted to Ahlul Bayt's narration for reasoning. In this regard the readers are asked to refer to: Jawaahir Al-Kalaam, vol. III, pp. 4445; Mustamsak Al-Urwah Al-Wuthqaa, vol. III, pp. 5052.

2. In discussion of question of Mut'ah "temporary marriage" many spiteful and frail answers ascribed to the Shi'ah have been given as: "They hold that Mut'ah causes the woman to be a means for sensuality of the man "vol. VI, pp. 179181", though the author in justifying polygamy "vol. VI, p. 290" and nushuz "disobedience of a wife towards her husband" "vol. VI, pp. 163164", and also in argument of subject of medical treatment, when they claim that the man's growing fat being abominable, but the woman is allowed to grow fat since her husband likes this "vol. III, pp. 100101", has plunged himself in this abyss.

3. We face sometimes weak deductions and analyses that are below the dignity of the author and his work; like:

· In explaining the reason of the zakat's being unobligatory on ornaments of women, it is stated thus: "in order that they can make use of them much as they can, so as to strengthen the connections between wife and husband." "vol. I, p. 426".

· In analysing the prohibition of making use of powder and other face adornment means, he resorted to guile and ravishment "vol. III, p. 364", saying: This adornment verily leads to cheating the man in time of asking for the hand of "a woman", despite the fact that the reason being more particular than claim, and if it be ravishment why making use of it for the husband is permissible!

4. Some of the viewpoints being classified as feeble, baseless and vulnerable to criticism. Herewith I refer to a few of them:

● He says, the origin "staying of the woman in the house" "vol. IV, p. 31", taking this idea from the verse "And stay in your houses" "33:32". Although the command to stay in the house being opposite to Tabarruj "displaying the finery" with the meaning that Allah orders the women: stay in the house and do not pink up yourselves, and never be frivolous, but the verse didn't order the women to retirement at home. Here a distinction should be made between the most important function of the woman, i.e. mothercraft, and the basis of staying at home. The Muslim woman is charged with various individual and social duties, the most important of which being looking after the children. This differs from the claim that the primary basis for the woman being staying at home, in the meaning that going out in emergent and special conditions is permissible.

- The author believes that the woman is not allowed to be a member of legislative councils "vol. IV, p. 333", since if this be for obtaining daily bread, her husband or father is responsible for supporting the family; or if it be taken as a social function then housekeeping is verily superior to it, moreover it would lead to intercourse between women and men. And as is evident these inferences are nothing but vain and frail approvals. · The author opposes the judicial divorce, saying that faith should be established inside the society "vol. VII, p. 357". Despite the fact that such recommendation may be capable of application, in an ideal society, but in communities where sensualities and selfishness of men be boundless and out of measure, this is not true!

- He considers the birthday festival to be a heresy "bid'ah" "vol. IX, pp. 310311".

- He opposes letting the fingernails to grow long on part of the women "vol. I, p. 56", without producing any proof for it, though Al-Imam As-Sadiq reporting a hadith from the Prophet (S) recommending that it is preferable for women to let their fingernails to grow a bit long, regarding this to be something nicer for them.²⁰

5. Concerning the woman, there are some debates regarding which no suspicions or questions were raised in the past, but nowadays they confront serious questions, though they were not set forth for discussion in the past but in present societies they turned to be object of suffering. Giving a finish to them and finding a proper solution for them have an effective role in manifesting the standpoint of Islam.

The compiler has passed by these issues with simplicity or even he has never referred to them at all. Nevertheless in some occasions, he turns to recital of wisdom behind rules and lateral questions, like argument about how to solve the problem of marriage of the youths "vol. VI, pp. 3536". Hereunder I state some of the mentioned issues:

- Recommended fasting by the woman without taking permission from her husband "vol. II, p. 131", the woman's travelling alone "vol. II, p. 176", stipulation of masculinity for state president "vol. IV, pp. 314–315", blood–money of women "vol. V, p. 357", Beating the women "vol. VII, p. 370".

- Some of the issues to which he never referred are as follows: expenses of woman's acquiring knowledge and medical care in the interim of debate of alimony "vol. VII", issue of family guardianship "vol. VII", woman's going out from the house on supposition of husband's being on travel or during his absence "vol. VII", disobedience of men "vol. VII", question of women's employment, and women's "physical" exercise,... etc.

6. One of weak points of such a Fiqhi compilation being its devoidness of assessments of rijal "transmitters" in respect of traditions and narrations stated in it. Throughout this detailed book only in two brief occasions a reference is made to chain of transmission, i.e. Sanad "vol. V, p. 130; vol. VII, p. 372".

With due attention to the fact that forged traditions are found in large number in narrative compilations, and it is not possible to rely on every narration or report whatsoever, until some Sunni Ulama' have

written more than ten books on fabricated traditions; Hence, it would have been proper to embark on criticising and studying the chains "asnad" of traditions.

7. Another point of weakness of this work being its ignorance of Fiqhi books and journals, which are brought out in recent centuries, containing criticism of numerous subjects "of discourse" on women, and introducing novel viewpoints. The compiler ought to pay attention to this fact and if he hadn't approved of these opinions, he would rather at least proceed on criticising them. For instance the journal of Risalat Al-Islam contains several articles on woman's affairs, in which some viewpoints that worth deliberation are presented; like: membership of woman in Consultative Assembly,²¹ polygamy,²² and other views.

In some of these subjects, there are valuable unique writings that deserved to be considered with attention by the author; since these books and magazines were written in the style of modern debates.²³

9. It was proper to initiate this compilation with two different preliminary subjects of discourse: One being producing a considerable general portrait of woman's character in Islamic perspective, under the auspices of which a criticism was made to doubts presenting a reversed portrait of woman. The necessity of this discussion lies in the fact that the Fuqaha were unknowingly affected by such mentalities, interfering in Fiqhi and legal arguments. As a sample, AshShafi'i holds that it is better that the man recites Salaat almayyit "dead prayers" on the woman, since he is closer to God than her and his prayer will be verily sooner granted,²⁴ etc.

And the other argument is concerned with the method of researching about subjects related to women, and the necessity of presenting such issues lies in the fact that they represent the key of investigating and studying the narrations and verses related to the subject.

9. Such a collection needs numerous technical indices, like: index of verses, index of traditions and one for biographical names especially table of contents.

The table of contents that was introduced by Ostaz Wahbah Zuhaili in his book Al-Fiqh Al'Islami Wa Adillatuh, being truly an aid and wide way for investigators and researchers. The necessity of this index lies in the fact that on the first hand, an index of subjects is presented in an alphabetic form of which the consulter can benefit, and on the other hand in it one issue was discussed in several places, making it accessible for all.

Tahreer Al-Mar'ah Fi 'Asr Ar-Risaalah

By Abd Al-Haleem Mohammed Abu Shaqqah "

1st edition: Kuwait, Daar Al-Qalam Lil Nashr Wat-Tawzi', 1410H/1990 A.D.", in six volumes.

It is one of valuable and worthy works in the field of subjects on women, a collection that is produced with the good efforts of Abd Al-Haleem Abu Shaqqah. In regard of his motive of compiling this book, the

author says: I was doing investigation and researching on the Prophet's Sirah "biography"; meanwhile I came across some traditions regarding the woman, that differed much from the conceptions current on this topic, therefore I abandoned the idea and turned to this argument. "vol. I, p. 28".

The opinion held by the author being that the Muslim woman in the contemporary world rests between two ignorance rapacious wolves: one of them being jaahiliyyah of twentieth century which inviting to debauchery and corruption. And the other being the ignorance "jaahiliyyah" of the fourteenth century in which very narrow-minded viewpoints governed over the woman "vol. I, pp. 2831". For deliverance from these two assaults, he "the author" considers the social-fiqhi study of the woman during the Prophet's lifetime to be something illuminating and enlightening, so he gave the book the title Dirasah Ijtima'iyah Fiqhiyyah 'An Al-Mar'ah Fi 'Asr Ar-Risaalah "vol. I, p. 38".

The course of the book took the name Manhaj Istiqrah An-Nusus, to this meaning that the texts of the holy Qur'an and Sunnah be induced correctly, and introduced with analysis. The author has presented in the footnotes useful exposition and interpretations for words of texts. And the compiler intended firstly to take as a foundation for his work the fourteen hadith books that is: Saheeh AlBukhaari, Saheeh Muslim, Sunan Abi Dawood, Sunan At-Tirmidhi, Sunan An-Nasa'i, Sunan Ibn Majah Muwattah Malik, Zawa'id Saheeh Ibn Hayyan, Musnad Ahmad, Musnad Al-Bazzaz, Musnad Abi Ya'la, Al-Mu'jam Al-Kabeer, Al--Mu'jam Al-Awsat, Al-Mu'jam As-Sagheer of At-Tabarrani.

But for accelerating the work, and making easy for the reader, and considering the position of Saheeh Al-Bukhaari and Saheeh Muslim, I have confined and presented the research in this stage within this section and field "vol. I, pp. 4041". The author is of the opinion that this programme has to be fulfilled in an encyclopaedia of human sciences, i.e. economy, politics... and alike "vol. I, p. 43". The style of this book can be likened to the style of writing of the book Al-Hayaat, compiled by Mohammed Riza Hakeemi and his brothers. The author believes that for restoring freedom of the Muslim woman and organising the society on a solid foundation, we should perform several researches and studies in the following five grounds:

1. Extracting all the texts of the Qur'an and Sunnah;
2. Gathering the opinions and exertions of the Islamic scholars of the past centuries;
3. Analysing the Muslims' new writings.
4. Making statistic studies and investigations for getting acquainted with the realities prevalent in the society;
5. Trying to become familiar with investigations and studies made by the Westerners in the connection of woman, like: psychology, education and training, sexual culture, employment, social and political activities "vol. I, pp. 4849".

The book is initiated by two short and long introductions made by two eminent researchers of contemporary Arab world, i.e. the late professor Mohammed Al-Ghazaali and Dr. Yousif Qardaawi.

The subjects of this six-volume compilation are introduced through five pivots, to which I briefly refer:

Woman's Character

This subject is presented in two sections: In the first section the author discusses the woman's personality according to the Qur'anic view, giving then some samples of prominent women from the Qur'an. In the second section he discussed and analysed the same topic in the view of the Sunnah, showing first signs and indications of the woman's character from the inner folds of traditions, introducing then numerous samples through detailed discussions and arguments. This section is concluded with a criticism and study of three well-known traditions: "Deficiency of Woman's Intellect." "Most of hell dwellers being Women." and "Creation of Woman from a curved rib."

Woman's Participation in Social Life

This subject for which volumes two and three being dedicated, has been discussed through two sections "babs". In the third section he pays to setting forth the topic and stabilisation of viewpoints. And the fourth section is dedicated for study of doubts and objections raised in this connection. In the third section, he studied first the motive of woman's participation, giving eleven motives in this connection, turning then to manners and rules of participation, setting forth special conditions of social participation of woman as a subject of discourse through five headings.

After citing the necessities and manners of participation, he sets forth witnesses for permission "of participation" in three chapters, citing first examples from the era of former prophets. Then he introduces samples of way of living of wives of prophets, turning in the conclusion to citing examples of participation and presence of women during the epoch of the Prophetic mission. After this stage, women's participation in social life is divided into three areas, each of which being given good attention: 1. employment; 2. social activities; 3. political activity.

The author interprets the social activities with works of public benefit like training and education or performed in a collective way "vol. II, p. 381", considering political activities like emigration, Jihaad "holy struggle", and fighting with the taghut "tyrant"... etc. "vol. II, p. 413". The fourth section, which is titled "Hiwar Ma'a Al-Mu'arizeen Li Musharakat Al-Mar'ah Fil-Hayat Al-Ijtimaiyya" "A Dialogue with Opposers to Woman's Participation in the Social Life", is dedicated for criticism and study of viewpoints of opposers to woman's participation. Also he gives replies to four objections raised against "participation licence's making use of narrations." setting at the end the opposers' views to criticism and study in seven points.

Of the author's interesting discourses in this section being that the opposers to woman's participation in the social life present two portraits in front of the woman: Either social participation and resemblance to the Western woman, or retirement in the house; and as the first case is not accepted, so the women's

participation should be prevented and curbed. His reply in this regard being that a third case is there for woman's participation which is set forth by the Islamic Shari'ah: Women's participation with observing the religious manners and rules.

In this very section a detailed discussion in regard of the verse of Hijab "veil" is cited, the purport of which, with holding fast eleven proofs, should have been considered among the traits of the Prophet's wives.

The last chapter of this section, which is the last part of the third volume of the book too, contains a debate concerning ghulu "exaggeration" for convenient motive or applying the rule Sadd Adh-Dharayi' "obstructing the justifications". The author considers the causes of this marrow-mindedness and exaggeration to lie in six points, paying attention to analysing and elaborating them.

Clothes and Adornment of Muslim Woman

The fifth section, which covering the fourth volume as a whole, is dedicated for discussing the issue of clothing and ornamentation of woman. The author is of the opinion that, the Islamic Law has never declared certain fashion for clothes and ornament for women, but reiterating the five conditions of which woman's clothes and ornament should never be out. The conditions are as follows:

1. The whole body "of the woman" except the face, two hands and two feet, should be covered;
2. Moderation should be observed in clothes and ornamentation;
3. This should not be irrelevant to the common law of the Islamic society;
4. The woman's covering "clothing" should differ in general from that of the man.
5. The woman's covering should differ completely from that of the disbelievers.

It is clear here that only the first two conditions are relevant to women exclusively, and the other ones should be observed in regard of the clothes of men.

Implicitly, this section cites elaborated interpreting discussions in respect of occasion of "revelation of" verses of Hijab, introducing also an all-inclusive argument on non-obligation of covering the face two hands and two feet. He made an investigation in this connection proving by which that wearing the mask "niquaab" and face veil not being among inventions of the Islamic Shari'ah, but were present in the pre-Islamic era "vol. IV, p. 222", circulating due to certain reasons after the Prophet's lifetime "vol. IV, p. 296".

Woman in the Family

The sixth section is dedicated for discussing the subject of woman and family. The subjects of discourse of this section were presented in the fifth volume, and were categorised under nine chapters with the following headings:

- Marriage in the Islamic Shari'ah – Proposing for marriage o dowry o marriage contract
- Rights of wife and husband "basic rights"
- Rights of wife and husband "partial rights"
- Differences between wife & husband and method of tackling
- Right of separation between wife & husband and polygamy.

Sexual Culture between Wife & Husband The fifth axis, which is set forth for discussion in the sixth volume, is dedicated within eight parts, for sexual rights of wife and husband. After stating the preliminaries of discussion, the following headings are seen:

- Sexual culture and bashfulness
- Acceptance of power of sexual lust by the Shari'ah
- Leniency of Shari'ah toward sexual enjoyments
- Shari'ah and techniques of enjoyment
- Prophet's conduct "lifestyle" in marriage and enjoyment "temporary marriage"
- Opinions of Fuqaha in regard of the sexual culture. In the aforementioned chapters and sections, the author has cited numerous samples from the era of the Prophetic mission as an evidence and example. After this brief report, we turn to cite some strange points and novel opinions and viewpoints given by the author in this work: 1. Every act on the part of the Mukallafun "who attained puberty" has a substance and shell, to the meaning that the substance appears through different conditions.

The important point here being how to discover and recognise the spirit and substance. The essence of duties and acts is eternal while the way of their appearance changes with duration of time and social conditions. This distinction is employed by the author in respect of women's affairs during the lifetime of the Messenger of Allah, declaring that training, employment, and sociopolitical of women have a substance approved by the Prophet, but manner of application in other epochs will be different "vol. I, pp. 3138".

2. The author is of the opinion that for comprehending some of the narrations, it can't be resorted to mental

probabilities choosing one of them. But rather, when content of hadith be related to external realities, help should be sought from modern sciences and understanding the hadith on their basis "vol. I, p. 280". On this basis, he makes interpretation of the hadith of "deficiency of woman's intellect" "vol. I, p. 277", and that of "creation of woman from a curved rib" "vol. I, p. 290" depending on seeking help from modern

sciences.

3. In interpreting the hadith "Many men reached perfection while among the women none attained perfection except Asia the wife of Pharaoh and Mary the daughter of Imran." he quotes some words from Ibn Hajar which indicating the prophethood of these women "vol. I, p. 312".

4. In regard of the issue of shaking hands of the man with a foreign "not intimate" woman, he reports texts indicating prohibition of this act, citing in return other texts certifying the permission to this practice. The conclusion got by the compiler out of these two groups of traditions, is that in case of non probability of occurrence of sedition as is commonly practised by the relatives nowadays no prohibition is there "to shaking hands" "vol. II, pp. 8993".

5. In the discussion of political sovereignty of woman, he reports a statement from Ash-Shaykh Mohammed Al-Ghazali, regarding it worth of contemplation and deep thinking.

Al-Ghazali says: Ibn Hazm took these words of the Prophet(S): "Verily failed those who entrusted a woman with their affair" to mean the highest successorship; but we have a statement profounder than this, which says that this speech be applicable to special conditions of the then Iranian land. Because Iran, in those days, with its feeble socio-political pillars, committed its administration to an infirm woman, the fact why the Messenger of Allah(S) recited the verses of surat An-Naml in Mecca for people, in which Balqis was named as a successful queen.

Based on this, what is considered the criterion being capability and power not being woman or man "vol. II, pp. 369372". 6. Contrary to the famous opinion considering attendance of the woman in Friday prayers to be something inadmissible or at least unpunishable, he considers this as a desirable and recommended act "vol. II, pp. 399402". 7. He quotes some long sentences from eminent Rijal "transmitters of hadith" and men of Fiqh: Al-Imaam Az-Zuhri said: "We never found any of the emigrant women to have apostatised after being faithful." "vol. II, p. 423". Also from Adh-Dhahabi he reported: "It is never reported of a woman that she lied in reporting a hadith" "vol. I, p. 118".

8. The author believes that familiarity and sociability, diminishing the sexual sensitiveness; and in respect of relations between woman and man he raises up the sensitivity in regard of full separation between these two sexes, reaching it to the degree of a sin "haraj" "vol. III, p. 31". In another place he says that sociability and habituation being of great effect in reducing the extent of seduction; in other words it diminishes the vehemence of seductivity in the connections between woman and man "vol. IV, p. 155".

9. Facilitation is one of firm rules of Shari'ah, on which a strong emphasis is laid by God in the holy Qur'an. Likewise when the Prophet is made to choose between two choices, he would select the easier one. On this basis, the boundaries of legally permissible things should never be tightened "vol. III, p. 163".

10. The author believes that the Fuqaha have received many of legal allowances from people, though these allowances causing preservation of freedom of man and encouragement of people to "heed to" the Shari'ah. On the other hand, exaggeration in prohibition being a Satanic trick for seducing and alluring human beings to sin and disobeying God the Almighty "vol. III, p. 168". The conclusion he gets from this rule being that the permitted means can be prohibited only with two conditions. One of them is that it very often be a cause leading to mischief, and the other is that mischief has preference over interest "vol. III, p. 177".

Following this discussion, he enumerates eleven instances in connection with women's affairs, in which the jurists, through exaggeration in making use of rule of Sadd Adh-Dharayi' "obstructing the justifications", have forbidden what was permitted "vol. III, p. 183".

The author considers factors causing this exaggeration to lie in six things, as follows:

- Negligence of conditions of the rule of Sadd Adh-Dharayi';
- undue understanding of woman's being seductive;
- pessimism in respect of the woman;
- men's blind jealousy;
- claim of corruption of vicissitudes of the world;
- some verses and narrations confirming pessimism toward the woman "vol. III, pp. 190222".

11. The author believes that the opinions and viewpoints of leaders of Fiqhi schools "mazaahib" being liable to criticism and study. And imitation here is undue, but rather their wording should be also measured and weighed according to the Qur'an and "Prophetic" Sunnah "vol. IV, p. 190". On this basis, he criticises the opinion of some of the schools that all the woman's body being privy parts "awrah".

12. The author, depending on the "Qur'anic" texts, considers it binding upon the Muslim woman to observe a limited amount of an outward adornment throughout all her lifetime, whether being at home or outside. And the outward adornment he considers to be: tinting the hands by Henna, colouring the eyes with dark-blue and painting the cheeks. The lawgiver exempts the woman from this obligation only in time of mourning ceremonies over the dead "vol. IV, p. 251".

For all of these matters he cited examples from the texts "from Qur'an and hadith" as an evidence. For instance he reported a hadith that the Prophet said to a woman: Change "colour of" your fingernails with Henna "vol. IV, p. 254". Then he says: Emphasis of texts on these points never means that only the women can benefit from them these days, but rather these things change with change of time and place "vol. IV, p. 262".

13. He regards the narrations forbidding women from using sweet smell "teeb" to be allocated for three occasions: · In time of attending congregational prayers in the mosque; · Going out from the house with a manifest perfume;

14. Doing this with the intention of displaying the charms and exciting the men's lust. Other than these three cases, there is no interdiction on making use of scent whose colour be apparent and smell is hidden "vol. IV, p. 265". 14. The narrations forbidding women's imitating and copying the men, are interpreted to intend the general "outward" shape of the woman. That means the general form of the woman in clothing should not be similar to that of men, in the way that if one piece of clothes of the woman be like that of men there is no interdiction on this "vol. IV, 278".

15. The author believes that covering the women's faces being not only non-obligatory but also it be not recommended. "vol. IV, pp. 323-328". In this connection he writes: "Never think that recommendation to veiling the face has been an ancient habit and negating it being a new heresy, that was communicated by contagion from the Western community, since Qazi 'Iyaaz "d.544H." said: Recommending to veil the face for other than the Prophet's wives, being a controversial issue" "vol. III, p. 328".

16. In the author's view, if the women's being seductive was declared and informed by the Prophet(S), so he as being more aware than others and has laid down ways of preventing this, should not add to and exceed it. And the detriment incurred by exaggeration in woman's seductiveness afflicts the woman, causing to view her a weak creature, and pushing her to distress "vol. IV, p. 203".

In another place he says that for preventing the seduction of the woman, no opinion should be exerted or deviation made from the method determined by the Shari'ah. The route laid by the Shari'ah is to establishing faith inside hearts of God's slaves, developing and fostering of Godfearing and observing the frontage and limits of the Divine rules "vol. IV, p. 328".

17. Asking the hand "of a girl", though having a certain manner according to common law, being to go after family of the daughter, but in our time seven kinds of proposal "to marriage" are applied these days "vol. V, pp. 2934".

18. There are general and detailed texts cited in regard of rights of the wife and the husband. It should be known that the general texts being invariable for all times and ages, but the detailed ones are peculiar for special circumstances and they can't be generalised for all times. On this basis, the author says that there are certain traditions cited that encourage to the wife's obeying her husband, due to the situation prevailed in the Medina which was somewhat a kind of woman's being the chief of family. Therefore the second caliph declared in regard of the Medina men saying: Their wives are predominant over them "vol. V, p. 93".

19. In interpreting the verse "And they "women" have rights similar to those "of men" over them in kindness, and for men "their rights" on women, is a degree above" he writes that this verse shows equality of rights of women with that of men. And as some exegetes hold, what is intended by "and for

men on women is a degree above" is that the men dispense with their rights for the benefit of the women "vol. V, pp. 9495".

20. Circumcision of girls is considered by him a pre-Islamic habit, in regard of whose reduction and facilitation the Islamic Shari'ah has issued several rules and instructions "vol. VI, p. 150", believing it to have effect in diminishing the sexual enjoyment on the part of women, and considering the hadith on virtue of circumcision to be weak "vol. VI, pp. 160161".

21. The author is of the opinion that among the obscene mistakes of Muslims is their passionate stance toward the claim of the orientalist who said one day that the spiritual maturity never agrees with the sexual enjoyment. And the Muslims, instead of correcting this wrong thought, have submitted to it, presenting even feeble or forged texts in this connection which confirmed this false thinking.

Another day they said that the Prophet of Islam(S) had attachment to a woman. Then the Muslims embarked on stating that there were socio-political motives behind marriages contracted by the Prophet, as if desire for lawful enjoyment "istimta'", never suits his status "of course we never deny these socio--political motives, but believe that other things should not be denied, while the Qur'an has confirmed those aspects too, when it says: "It is not allowed unto thee to take women afterwards, nor shouldst thou change them for other wives, though their beauty may charm thee."

Again I tried my best to cover the texts about sexual enjoyments, though the spiritual development has no incompatibility with this lawful enjoyment whatsoever "vol. VI, pp. 183-184".

22. The author reports from some Fuqaha that the husband should satisfy his wife's sexual need, and it is not sufficient that he fulfils this duty only once every four months, and he has implicitly accepted this opinion "vol. VI, p. 233".

23. In this compilation, some of the traditions related to woman's affairs are considered weak or fabricated, to which a reference will be made in the following list:

- The Messenger of Allah (S) said to his daughter Fatimah "peace be upon her": "What thing is good for the woman "in your opinion"? She said: " "It is" that she never sees a man and no man sees her." The he embraced her saying: "An offspring one descending from the other" "vol. I, p. 36; vol. III, pp. 39&220".
- "Never teach them how to write nor make them dwell in the rooms" "vol. I, p. 287; vol. III, p. 216".
- "Submission to the woman brings regret" "vol. I, p. 287; vol. III, p. 216".
- "Were it not for the women, God would have been worshipped as truly as He should" "vol. I, p. 287; vol. III, p. 216".
- "Consult them and oppose them" "vol. I, p. 287".

- "Men verily perish when obeying the women" "vol. I, p. 287; vol. III, p. 216". · "The most antagonistic enemy to you is your wife" "vol. I, p. 287".
- "The women are verily only a game, anyone taking a game has to beautify it or approve of it..." "vol. III, p. 216".
- "I am "the Prophet" preferred to Adam with two traits: His "Adam's" wife was an assistance to him to commit sin, while my wives are helpers to me to obedience." "vol. III, p. 216".
- "Had it not been for women, men would have entered paradise" "vol. III, p. 216".
- "He narrated that Luqman passed by a maid writing something when he said: For whom this sword is being polished?" "vol. III, p. 219". · "Have recourse to nakedness against the women" "vol. III, p. 219".
- "Denude the women, they will verily submit "to you" " "vol. III, p. 219".
- "Conceal their "women's" privy parts inside the houses" "vol. III, p. 219".
- "The Prophet(S) forbade and restrained the women from going out "from the house" except a crippled old woman" "vol. III, p. 220".
- "Umm Salamah bint Hukaym is reported to have said: "I have come up the past child-bearing women performing the obligatory "daily" prayers with "behind" the Messenger of Allah (S) " "vol. III, p. 220".
- "Sulayman Ibn Hathmah reported from his mother that she said: "I have seen the past childbearing women praying with the Messenger of Allah(S) in the mosque" "vol. III, p. 220".
- "The crime "sin" of "Prophet" David was looking by eyes" "vol. III, p. 220".
- "No woman has ever performed a prayer better than that one "performed" in her house – except the prayers in mosques of Mecca and Medina – except a very aged woman" "vol. III, p. 220".
- "When anyone of you has sexual intercourse with his wife he should cover himself, as if he doesn't cover, the angels would be ashamed and go out. If they were to have a child, verily the Satan would have a share in it" "vol. VI, p. 148".
- "When anyone of you copulates with his wife he should use a cover and they should never lay themselves bare like nakedness of two wild asses" "vol. VI, p. 148".
- "When anyone of you sleeps with his wife or his bondmaid he should never look at her vulva, since this will cause blindness "to him" " "vol. VI, p. 149".
- "When anyone of you copulates with his wife he should neither look at her vulva, as it verily brings on blindness, nor speaks too much as it causes dumbness" "vol. VI, p. 149".

· "Circumcision is verily a Sunnah "law" for men and noble act for women" "vol. VI, p. 149". It is fit here to refer to some points, that had the author paid attention to them was much better:

1. In certain places punctual and logical classification was not observed. And had classification been observed in topics as I did in presenting the book, another good would have been added to the book.
2. The subjects were discussed in a scattered way and in several places, like the issue of veiling the face in the fourth volume. 3. It was more proper for the author to manifest whether he has cited all the texts from Saheeh Al-Bukhaari and Saheeh Muslim for every subject, or he has selected some of them, since in some places it was declared that all the traditions were mentioned. "vol. II, p. 171". 4. Reporting some weak traditions, like the one about the Prophet's hesitation in the outset of his mission "bi'thah", diminishes the standing of the book "vol. II, pp. 414-415".
5. Not having technical indices is another remarkable weakness of this valuable work. In conclusion, with my appreciation to this scientific worthy effort, I wish success for the honourable writer to complete the second stage, to which a reference was made in the introduction to the book "vol. I, p. 41", and bring out a valuable work for Islamic nations.

Critical Issues in Woman's Fiqh, Masa'il Harijah Fi Fiqh Al-Mar'ah

First volume: «As-sitr Wan-Nazar»

Second volume: «Ahliyyat Al-Mar'ah Li Twalli As-Sultah»

Third volume: «Hoqooq Az-Zawjiyyah »

Fourth volume: «Haqq Al-'Amal Lil Mar'ah»

The author is Mohammed Mahdi Shams Ad-Deen. «First edition: Mu'assasat Al-Manaar, Qum».

Masa'il Harijah Fi Fiqh Al-Mar'ah is the name of a collection which was compiled and written by Mohammed Mahdi Shams Ad-Deen.

The author believes that certain difficult issues in women's Fiqh, are subjects that have to be set in the area of woman's connection with the society. In other words, they are subjects which come in sight from contravention between rights and duties of the wife and her social presence. He believes that these issues include four things:

- issue of covering and looking;
- woman's competence to assume post of State president;
- matrimonial rights;

- woman's social presence.

The first volume which is titled *As-Sitr Wan-Nazar*, discusses the covering and looking. The subjects of this volume are introduced through one prelude and two questions.

In the prelude, some points regarding an investigation on *Flqh* of the woman, are cited, in the outset of which the woman's position in the system of Islamic values and right is determined. After that, he refers to notable women in history, that represented practical applicability of value system. In the end he makes a brief reference to biography of liberation and freedom of woman in the West and Islamic world.

The first question is about the covering. In this question he first clarifies the controversial points, believing that the face, two hands «palms», two feet and neck of mature women, who didn't reach the age of past child-bearing, being a theoretically controversial and disputable issue.

Before stating the proofs of the opposers and supporters of this issue, he reiterates the exigency of the theoretical basis proving companionship and *ratlonai* and *traditionai* acquaintance, with allowance of uncovering in controversial places.

Quoting evidences of those believing in allowance from the *Qur'an* Prophetic *Sunnah*, and unanimity, he gets the result that their exigency is permission to uncover the face, hands and feet. Then he criticises the proofs of those opposing this which are the Book «*Qur'an*», *Sunnah* and unanimity.

The second issue is regarding the discussions of looking, which the author sets forth in two parts: First part on looking of a man to an foreign woman. In the outset of this part the author presents clear-cut description of the subject, dividing the women in this connection into four categories:

- Freeborn adult Muslim woman.
- Freeborn adult non-Muslim woman.
- Bondswomen.
- Bedwin women.
- And he considers states of looking to be four also:
 - optional condition;
 - exigency condition;
 - looking for the sake of marriage;
 - looking for purchasing.

Then he gets the conclusion that the controversy and dispute being on looking at an adult Muslim

woman optionally «of course without suspicious intention».

In this regard there are three opinions: forbiddance of looking, permission and elaboration. In the beginning he criticised the view of prohibition and elaboration, turning then to establish a proof from the Qur'an and Sunnah on permission «to look».

The second branch is looking of a woman at a foreign man. Here also, in the outset he clears up the outward shape of the discussion, dividing men into five groups:

- Men who have no intention to get married to a woman, whether being free or slave of others, Muslim or non-Muslim.
- Men who have intention to get married to a woman.
- Woman's slaves who have manliness.
- Woman's slaves who don't have manliness «know naught of women's nakedness».
- Men who lack vigour «Ghayr Olil-Irbah»,

Afterwards he deems the controversial subject «of discourse» to lie in two cases: one looking without lust with free will and without intention to get married; and the other be looking at a man who has intention to get married.

Regarding the first question he believes that woman's looking at the face, two hands, neck and two ears of men to be permissible, hence reasoning with this opinion, and criticising the disagreeing opinions. Regarding the second question he also deems looking for the sake of marriage to be allowable.

The second volume, titled Ahliyyat Al-Mar'ah li Tawalli As-Sultah, discusses the subject of woman's competence to assume state presidentship. The author, in the introduction to this book, states that non-competence of woman to assume rulership being one of indisputable truths of Fiqh, but it should be known that what is self-evident being Fiqh, and Shari'ah is not self-evident. Nevertheless, many of self-evident truths of Fiqh, being also intuitions of Shari'ah. Hence, the ground for meditation and contemplation in such issues is made ready.

The subjects of the book start by declaring that the foremost duty of the woman being managing the house and family affairs, but this is not the only charge undertaken by the woman. The Fuqaha unanimously concur that the woman can practise activities in many other realms of life. The dispute concentrated on her political activity alone, as some considered this field to be totally improper for the woman, and others were of the opinion of permitting this domain with some details.

He gives the preliminaries necessary to enter into discussion, like identifying the framework of political profession, equality of woman and man in knowledge discipline, rights and values in Islam, with Qur'anic

and historical evidences on permission of political activity. He then says that this issue was not recorded in the Shi'ah Fiqh, and the Sunni Fuqaha concur on incompetence of the woman for such job. Then he sets forth proofs of opposers, deriving them from the Qur'an, Prophetic Sunnah, unanimity «Ijma'», approvals with the practical basis, subjecting all these to criticism.

In the end the author comes to believe that there is no manifest evidence on incompetence of the woman to assume post of presidency of government.

The third volume, titled Hoqooq Az-Zawjiyyah, is dedicated for discussing the rights of the wife and of the husband.

This book has an introduction and two subjects of discourse. The introduction sets forth for discussion the subject of discourse and considerable concepts like right «Haqq», judgement and Nushooz «wife's disobedience and abstinence towards her husband».

In it also it is stated that marriage contract has reciprocity and mutual responsibility on the part of the wife and the husband. For this issue, he makes use of the verse "And they «women» have rights similar to those «of men» over them in kindness." and the Prophet's hadith: "You are all guardians and you are responsible for your subjects... and the man is a guardian over his household ... and the woman is a guardian over the house of her husband and his children ... "

On this basis the author concludes that each wife and husband are bound to observe the right of each other, as long as the other side undertaking his/her responsibilities. And whenever the wife or the husband violates her/his legal duties the Nushooz will be ascertained.

After the introduction, the topics of the book continue through two sections. The first one concerns the consequences of marriage contract for the husband, and the second one about consequences of marriage contract for the wife.

In the first section he discusses the fact that disobedience «nushooz» and obedience are two reciprocal matters, but what can be got from the outward of the Qur'an being illegality of Nushooz not obligation of obedience. The narrations indicating obligation of obedience are extracted from prohibition of Nushooz, not from the fact that the original duty «takeleef» being obedience. On this basis, it is not that obedience of wife to her husband be absolutely obligatory. It is not to imagine that everywhere the husband be he can call his wife to account, to the effect that the husband had this right to do so, that is the reason why some confusion and obscurity is found sometimes in the debates of the Fuqaha.

For instance it is stated in a hadith that the wife can never pay alms out of her husband's house without his permission; this is not only a right for the husband but rather it is a Divine imposition, that every individual has no right to take possession of property of another person without asking his permission.

Or if it is said in a hadith that the true jihad «struggle» of the woman lies in tolerating her husband's

annoyances, it does not mean that the husband has the right to harm or annoy his wife.

He then says: what can be inferred from the legal proofs being that the husband has, according to stipulation stated in marriage contract, two rights: one right to enjoyment and the other is right to musakanah «cohabitation» and living of the wife with him. Other than these two rights, all other things are either not his right or among requisites of these two rights.

After quoting some statements from the Fuqaha, he turns to citing eleven narrations, considering some of them in his last analysis to be of weak Sanad «chain», believing that the others have no utility other than the right to enjoyment and cohabitation.

He then starts a discussion about these two rights and their boundaries. In regard of right to enjoyment he says that the husband has the right to every kind of sexual enjoyment and exploitation, unless a legal or physical impediment be there like menstruation, fasting, or physical impotence . . , etc.

Concerning the right to cohabitation he says: The wife should live with the husband in a way that it can be said she is living in the husband's house. After that he sets forth the question of woman's going out the house without asking permission from her husband.

He says that the Qur'an doesn't contain an evidence on incumbency of seeking permission of the husband, as the Qur'an propounds the issue of Nushooz «disobedience and abstinence», without clarifying in its verses with what this nushooz can be realised. In the end he says that the going out of the woman is forbidden in two cases: one when it being inconsistent with the right of enjoyment, and the other when it paves the way for perversion of the wife or others. In this case the husband has the right to forbid «her from going out», since the living together of wife and husband necessitates this. In other cases, if we admit the obligation of asking husband's permission on the part of the wife, it doesn't mean that the husband has the right all the time.

The hadith reported by Abdallah Ibn Sinan denotes that a Christian man went on a journey in the Prophet's lifetime, making a covenant with his wife not to leave the house «during his absence». Then the wife's father felt sick and passed away, but the Messenger of Allah (S) never gave her permission to go out of her husband's house neither for visiting her father nor for attending his funeral ceremonies. About this hadith he says that it first disagrees with association in kindness to which the Qur'an prescribed. And secondly he regards it as a particular episode whose judgement can never be generalised. In the conclusion he says: right to enjoyment and right to cohabitation are stipulated by association «mu'oshorot» in kindness to which the Qur'an has prescribed.

Other than these two rights, there is no right for the man, therefore what is seen in the words of some Fuqaha, with the general meaning, as obedience right, has no legal proof.

Likewise, the husband has no service right over his wife, the fact to which the original primary exigency and narrations invite. Rather there are some evidences indicating that the husband should provide his

wife with a servant.

The second subject discussed in the book pertains to wife's rights over the husband. Two rights are believed to belong to the wife, one being the sexual right and the other right to living together which includes also alimony «notoqoh».

In respect of the first right, he considers the famous opinion to be incorrect, holding the view that all the sexual need of the husband should be met, just as the husband has such right over the wife. He regards limiting a period with four months or alike to be something incapable of being proved.

In the second right he believes that an amount of concession which is called in numerous traditions with the term ghufran «forgiveness», to be incumbent upon the husband, and to be something other than association in kindness to which the Qur'an commands.

He regards right to alimony to be another part of right to joint living, stating the reason for obligation of alimony to lie in the consummation «of marriage» and its actuation, with tamkeen «compliance and submission by wife».

The fourth volume is dedicated for employment of women. The reason he gives for propounding this subject being the two extremist viewpoints in respect of confining the wife inside the house and her going out from the house. But he believes that religion being neither a dress that can be changed according to carnal desires, nor a fetter and chain on the hands and legs of man. Rather religion is the straight path, and the Faqih has to encounter these extremist views with open-mindedness and realistic insight, with preserving the established principles of religion.

The author believes that the motive for woman's employment in the view of Islam is not to realise economic independence but rather being one of these two: compensation for the economic shortcomings of the family, and performing the social duties to which Islam refers under the title of kifa'i duties.

For accomplishing the second issue, he initiates the discussion by turning firstly to its inherent legitimacy, and in the second place propounding for argument its essentials like intercourse or incompatibility with the husband's right. For the first position he relies on the generalities of the Qur'an, the «Prophetic» Sunnah and special narrations, inferring the result that the woman is permitted to work.

In the second place, he says that mixture «ikhtilaatt» transgresses sometimes the legal regulations necessitating forbidden things, and some other times it being not so, whereas intercourse between woman and man with observing the standards is not legally forbidden, considering the legal restrictions for mixture between woman and man inside offices and work places to lie in the following points:

- Covering;
- Lowering the gaze;

- Avoiding seducing conversation;
- Abstinence from solitude with a foreign woman.

In respect of inconsistency with rights of the husband, what is accepted also being right to enjoyment and cohabitation, beyond which the husband has no right.

The conclusion of that is as follows:

- The husband has no absolute obedience right «over the wife».
- The husband has no right of willingness to service on the part of his wife.
- The husband has no dominance on his wife's properties.
- The husband has no authority over his wife's leisure times and opportunities.

In the end of this brief report, I find it proper to refer to some points:

- Among the Subjects discussed and propounded in this book, there being the question of woman's looking at a foreign man and woman's competence to governorship, which were never given good attention in that extension and independence in the Shi'ah Fiqh. In fact, the author has priority over others in setting forth this issue. It is hoped that this work will open the door wide for other profound investigations and researchers.
- The author has made – within this book – several references to some of fiqhi and osooli principles and foundations. which worth study and contemplation on the part of scholars and researchers of Islamic sciences.

Common Law Authority

The author in this connection holds that common law can be sometimes authority of legislation and some other times authority of interpretation. In the first part he considers common law of time of legislator to be the criterion and should be recognised. In the second part, he regards common law of present time to be the basis and should be obtained. Confusing these two will verily entail numerous detriments. Then he shows some samples of these confusions and obscurities «vol. I, pp. 43–47».

Examples & Stories from the Qur'an

The author believes that the Qur'anic examples and stories are a reference for legislation, in cases and areas where no special text «of the Qur'an» is found. With this view all the Shari'ah can have a reference and source in the Qur'an «vol,t, pp. 39–41».

Authority of Signs

The author presents a new opinion on authority of signs, saying that the legal signs and arguments «hulo]», like decisiveness, have inherent authority, needing therefore no legal consideration. The proofs cited in the Shari'ah, which are based on forgery of authority, are guidance to reasonable stanchions, the basis on which he regards the well-known principle in argumentation of signs to be vulnerable to criticism «vol. I, pp. 170–178».

Precaution in Fatwa & Behaviour

The author deems the Faqih to be duty-bound to issue allowance verdicts in cases of legal permission. For him Fatwa to precaution «Ihtlvot» in such cases to be a kind of denial of God's Judgement, considering the justification that giving verdict to allowance causes leniency in religion, to be something disapproved «vol. I, pp. 234–239».

Method of Legislation

The holy law-giver adopts, in legislating significant issues, method of supervision and explicitness. Legislation in a permissible case or in the interim of another issue, is not proportionate with important legal precepts. The author, on this basis, criticises some narrations on woman's incompetence to be in charge of government «vol, II , pp. 84–85 & p. 114».

Jurisdiction of Practical Principles

The author believes that the important issues in the Shari'ah that are founded on a practical principle, can never be neglected, but rather the legislator has manifested the judgement, with all its particulars, in respect of such issues, in a way that it can reach all the Ummah.

These were the considerable foundations to which the author paid attention between the lines of the book, and from which he got a good result. If some points were given attention in this book, the style of writing would have been more precise, logically arranged and explanative. Herewith I refer to some of these points:

In the prelude it was proper for the author to dedicate a separate portion for "method of research in woman's affairs." putting other scattered texts on woman's affairs, or authority of common law, or objective of Qur'anic stories or other principles in the footnote of this part.

The subject of woman's gazing at the man contains some obscure points, and the reader cannot recognise explicitly the author's opinion or what he intends to say. For instance when he says: "so much is certain of permission of woman's looking at the man being looking at face, two hands, two feet, two ears and neck" «vol. I, p. 270», can we understand from this expression that the woman is allowed also to look at the hair of a foreign man or not? .. Therefore, in my opinion, this subject «of discourse» needed more explanation, exposition and clarification.

Some of the inferences, especially in Subject of "woman's competence to undertake governorship" needed more precision. This topic seems to be more explicit in the answers it derives from the narrations «vot.II, pp. 82–84».

In the subjects of the second volume, it seems that the author has overlooked a few of sources like:

"Risalah Badi'ah Fi Tafsir Ayat Ar-Rijal Qawwamun 'Ala An-Nisa" «A wonderful treatise in interpreting the verse "Men are in charge of Women"», and others.

Al-Mar' ah Fil-Fikr Al-Islami

By Jamaal Mohammed Haqqi Rasool Al-Bajuri

1 st edition: General Secretariat for Culture and Youths in Kurdistan, Iraq, 1406H–1986» – two volumes, 286+255 pages.

This book constituted a part of Master thesis of the author in Baghdad University, of which he defended in 1985. This work is constituted of an introduction and two sections.

In the introduction he reiterates the situation of the woman in the past communities and religions.

In the first section, he discusses the subject of the woman in the Islamic thought, and in the second section, he broaches new questions related to woman.

The first section has three chapters:

- 1) Natural characteristics of woman;
- 2) Woman's rights in the house and society;
- 3) Woman's duties in the house and society.

The second section has also three chapters:

1. Social Issues;
2. Legal Issues;
3. Political Issues.

Herewith I give a brief account of the two sections.

In chapter one of the first section he considers the intrinsic and natural characteristics of woman to lie in power, capability, and the man's superiority over the woman «the author regards the man to be superior to the woman in faculty of reason and strength of body, and it is surprising that he deems this to be one

of woman's intrinsic traits». In continuation, he considers pudency, deceit, ornament, compassion, and kindness as special morals of the woman.

In chapter two, which is dedicated for rights, he presents a theoretical discussion on baab of rights, talking about humanity of the woman and her equality with the man. In respect of humanity he resorts to some Qur'anic verses and woman's participation in rullnqs, In regard of equality he refers to equality in belief and faith, performing good deeds, ownership, marriage, learning and education between the man and woman.

In the meantime, in the continuation of the discussion, he enumerates the differences between woman and man in worships, some of financial duties like alimony, inheritance and guardianship. He deems qualification to be one of traces of humanity and equality between woman and man, maintaining certain dimensions for it like religious, economical, social and family qualifications.

The other trace he believes to be employment which is permitted in itself but due to social and sentimental irreparable detriments he considers it to be something unnecessary. In regard of choosing the spouse and capability, he considers it as a right for the woman.

In the third chapter, he discusses the duties that to be performed by the woman. The first duty on her part is staying at home. The belief held by him being that the legislation of this precept was on the basis of women's condition, not that this precept was ordained exclusively for the Prophet's wives.

Of course he recommends retirement at home on the part of woman, for the sake of undertaking housekeeping in the best manner. In the continuation of this issue, he points out the wife's obedience to her husband. which being a result of men's authority over women. The author declares that men's authority «over women» never means their despotism or obstinacy.

The second duty of the wife is hijab «covering», that is the woman is prescribed to lower her gaze from looking at a foreign man and cover her body with a wide clothing. He says that the necessary limit of covering being veiling all the body except the face and two hands up to the wrist.

The last question in this chapter being polygamy and marrying more than one wife. He presents a short history of this practice among ancient nations, believing that it was so current among advanced nations, being approved and modified by Islam. He then sets forth for discussion the factors leading to legislation of the rule.

The last question in this chapter being polygamy and marrying more than one wife. He presents a short history of this practice among ancient nations, believing that it was so current among advanced nations, being approved and modified by Islam. He then sets forth for discussion the factors leading to legislation of the rule.

The second section is allocated exclusively for introducing new issues, in three fields: social, legal and

political.

In chapter one, which is concerning social issues, he refers to issue of education of women which he deems permissible according to some evidences. Then he says that Muslim thinkers have two viewpoints in this connection: a group believing in non-existence of any difference between women and men in respect of education; and the other group binding themselves with some restrictions and limitations, with whom the author agrees.

The second issue is employment, in connection of which he states three views. A group believing that women's occupation in all fields of life to be permissible or rather necessary. The second group believing in forbiddance of every kind of work and business on the part of the woman, outside the house. The third group, including the author himself, believing that the social conditions require the women to go out the house but stipulating certain provisions and limits for this practice. Then he turns to military business for women, saying that fighting is forbidden for women, but all other works related to war being permissible for women, citing evidences from the reporting and practical «Prophet's» Sunnah. He turns then to talk about the right of providing security to women, like men, for disbelievers to be fought, regarding this to be a privilege given by Islam to the woman.

In continuation of this subject, he turns to giving a share to women from war spoils, believing in women's right to take a share, against those believing in forbiddance of such thing.

The third subject set forth for discussion, is the hijab «veil». The author holds that propounding novel issues on the part of the Western thinkers in connection to issue of hijab is divided into three parts. A group believing that hijaab means staying in the house and this being a special feature for the Prophet's wives. Generalising this prescription to other women is a sediment from other nations, that the Muslim women are allowed to frequent among crowds with bare hands up to the wrists and uncovered face. This view is held by Qaasim Ameen and other writers.

The other group holds that out of Islamic texts it can be deduced that the Islamic Law permits going to and from by women outside the house, with uncovered face and hands up to the wrist.

The third group believing that the best shelter for women being home and family, and women's going out of the house with uncovered face and bare hand is allowed only in emergent and exigent cases.

In chapter two he sets forth legal issues, initiating the discourse with question of marrying the children by their guardians, considering it, contrary to opinion of the Sunni Fuqaha, to be something inadmissible. Also regarding the question of great difference in age between woman and man in time of marriage, which is done sometimes by coercion on the part of family of the woman, he considers it a rejected habit.

The second subject of discourse in this chapter being the issue of polygamy, in regard of which he cites three views. Some Fuqaha, like Mohammed Abduh, permit it conditioned to exigency and with the

judge's decision, seeing this opinion to exist in laws of so many Arab countries.

Another group considering polygamy to be totally inadmissible, believes that Islam wanted to prevent it step by step. Of course the author believes that polygamy is something allowed in Islam.

The third subject of this chapter being population control, which he set forth for debate in four topics. First he talks about the legal rule of isolation «'azl», admitting the third view of these three: prohibition, allowance and aversion.

The second topic being extermination of offspring. The author says that every act entails extinction of issue is haraam «unlawful». The third topic is control of Nasi «seed», regarding which two views are there: Some deeming the government's action to control of procreation as unlawful, and some others deeming it permissible, and the author holds the first view. The last question in this topic being the abortion, concerning which he cites various verdicts.

The fourth topic of this chapter is the issue of guardianship and testimony on the part of woman. The Fuqaha consider the innate and acquired virtue of men to be the agent of guardianship. He then refutes the doubts that suspect the guardianship of the man, like that related to the period of mastership of men and slavery or related to era of ignorance of women, and the time when the women had no economic earning.

Then he turns to the issue that whether the realm of men's authority is limited to marital life or being vaster than this, regarding which he cites two views, believing in limitation of authority to marital life.

Regarding the question of woman's giving witness, he quotes several statements showing that a group of Fuqaha believing that limitation is confined to financial affairs, and other than this the generalities of proofs being a witness in force. Apart from the fact that this pertains to ordinary circumstances, and in exigent cases the women's testimony is approved like that of men, as the witness of people of Scripture «Ahlal-Kitab» is approved.

The fifth topic being custody «hazaanah». The important point in this subject is the fact that custody is regarded mother's right, and in respect of expiry of custody «period» of mother, he prefers the court's decision from among various opinions.

The sixth topic is divorce. In this connection, the author, from the two opinions, whether divorce being the husband's right or that the judicial device should intervene, approves of the first opinion that it is the husband's right seeing no room for interference of a judge.

The seventh topic is inheritance by the wife. He refutes four suspicions raised by critics of woman's inheritance.

Chapter three is allocated for political topics. The first issue set for discussion in this chapter is the issue of women's participation in elections, citing two views of opposers and supporters, with criticising them

with evidences. But in the end he accepts permission to women's participation in elections.

In respect of post of minister, he repeats first the meaning of ministry in the past and at present, turning then to cite the views of supporters and opposers with the proofs the both have presented. The author is of the opinion that there should be distinction among the ministries, since some of them agree with woman's affairs and some are not compatible, thus there being two views, the first of which being totally disapproved.

He considers women's being ambassadors among countries to be impermissible, because, in his view, this job necessitates things that are incompatible with a Muslim woman's nature and position.

Concerning women's judgship, he quotes three views: a group believing in incompetence of woman for judgship «being a judge», another group deeming woman's judgship to be absolutely right, and the author believing judgship to be permissible on part of women in cases other than punishment limits «hodood» and retaliation «qisaas».

The author regards the woman's undertaking jurisdiction affairs to be forbidden, deeming such work to be unfit and incompatible with woman's duties in the house, her kindness and her mercy. Also he believes that woman's assuming state presidentship to be unfit for woman's conditions.

Jami' Masaanid An-Nisa Wa Dhikrihinnah Wa Ahwalihinna

By Ibraaheem Mohammed Al-Jamal

First edition: Ad-Daar Al-Misriyyah Al-Lubnaaniyyah, Cairo, 1412H/1992AD». In two volumes, 307 +320 pages.

Woman's human evolution under the auspices of the Divine Shari'ah – Islam – is unquestionable. And the human areas spread by the Messenger of Allah (S) before the women can never be compared to the past time. Women's human maturity in two arenas, knowledge and moral behaviour, is something liable to investigation and proving. It can be found in the Qur'an, the Prophetic Sunnah and history of first era of Islam, and can be also debated in other stages of Muslims' history.

The holy Qur'an has opened and clarified the way of moral behaviour before the women to the extent that it remembering Mary and wife of Pharaoh as two examples and patterns for all believers «66: 11-12». Also it praised Mary with the most exalted terms

«He hath chosen thee and made thee pure». (Qur'an,3:42).

This manifestation of the Qur'an was so profitable that several gnostic and ascetic women shone throughout Islamic history. Abu Abd Ar-Rahmaan Salmah «325-412H.» has compiled the book Dhikr An-Niswah Al-Muta'abbidaat As-Sufiyyahat, citing in it names of eighty gnostic women. Abd Ar-Rahmaan Ahmad Jami' «817-898H.», in his book Nafahat Al-Uns²⁵, mentions names of gnostic women.

Women's perseverance on moral behaviour was so well-known that Az-Zuhri said in their description:

"No woman has ever apostatised after being faithful."²⁶

Further so many women have attained to the highest degrees of knowledge. This can be also deemed as indebted to recommendations of the Qur'an and the Prophet's invitation to reservation of knowledge on part of women: "Seeking knowledge is a duty incumbent upon every Muslim man and Muslim women."²⁷ In this connection, learning, writing, narrating, scrutiny in sciences of Qur'an, hadith, Fiqh, and Osool, and alike are considered to be parts of this arena.

Here, under the pretext of introducing Jami' Masaanid An-Nisa I am going to set forth an account of the narrative role of women. In other words, an effort will be exerted to reiterate their notable contribution in safeguarding and spreading the legacy of traditions.

Men scholars hold that the narration reported by a woman is not rejected because its being reported by a woman. In this connection Ash-Shawkaani said: "It is never reported from anyone of the Ulamaa' that he disapproved any report by a woman due to her being a woman only, as many sunnahs have been approved and adopted by the Ummah, which were reported by one woman from among the Sahabah, the fact that can never be denied by anyone having the least knowledge of the Sunnah."²⁸

Also no scholar has ever rejected any hadith reported by a woman just because it is reported by a woman, since the Ummah approved so many traditions reported by a woman. More than this, he claims that Adh-Dhahabi has said: "It is never reported from any woman that she has ever falsified a hadith."²⁹

More than ten books were written with the title Musnad Fatimah or Mushaf Fatimah, containing narrations and speeches uttered by Fatimah Az-Zahra (a.s.), the daughter of the Prophet (S).³⁰ Also some other books with other titles were compiled in this field, like Nahj Al-Hayaat or Farhang Sukhanan Fatimah,³¹ and 'Awaalim Sayyidat An-Nisa,³² and others.

Badr Ad-Deen Zarkashi «d.794» has produced the book Al-Ijabah Li Irad Ma Istadrakathu 'A'ishah 'Ala As-Sahaabah,³³ gathering in it all the narrations said by 'A'ishah in criticism of the Companions. In this book ninety traditions are recorded showing objection against the Sahabah.

He says that Adh-Dhahabi has compiled a book under the title Akhbar Umml-Mu'mineen³⁴. Ibn Hajar Al-Asqallani (772-852H.) has also written a book calling it Musnad 'A'ishah³⁵. In the book Mawsu'at Ummahaat Al-Mu'mineen, 1470 traditions, which were reported by the Prophet's wives, are cited, categorised according to their subjects.³⁶

Further there have been many women who were authorised to grant licenses with great men learning in their hadith schools Ibn Hajar Al-Asqallani holds eighty-one shaykhs licenses that he got from women. Ibn 'Asaakir, also used to acquire hadith in a school «maktab» run by a woman called Fatimah bint Al-Manja.³⁷ Also Ibn Al-Arabi «560-638H.» has got his narration license from Fakhr An-Nisa.³⁸ Further

Al-Azhari and Al-Farra used to report hadith from a woman named Umm Salamah, and Al-Khatib Al-Baghdadi used to study Saheeh Al-Bukhari under a woman called Karimah, and he with Sama'nai studied the same book under another woman named Muruziyyah.

Ibn Al-Jawzi also learnt Musnad Ash-Shafi'i under a woman called Fatimah bint Al-Husayn, and others.
39

In the contemporary history of Iran, the name of Lady Ameen is so notable. She has granted permits of narration to eminent dignitaries like Al-'Allamah Al-Amini, the author of Al-Ghadeer, and Ayatullah Al-Mara'shi An-Najafi.⁴⁰

In many books on rijaal of the Shi'ah and Ahl As-Sunnah, a portion is allocated for exposing biography of woman narrators. As a sample I can refer to some Shi'i books:

- 1) Rijaal Ibn Dawood, by Ibn Dawood Al-Hilli, Ar-Razi publications, pp. 222-224, names of 22 woman narrators.
- 2) Tanqih Al-Maqal, by Abdallah Al-Mamaqani, Al-Murtazawiyah press, Najaf, vol. III, pp. 69-83.
- 3) Mu'jam Rijaal Al-Hadith, by Ayatullah Al-Khui, Madinat Al-Ilm publications, vol. XXIII, pp. 170-201, names of 134 woman narrators.
- 4) 'Alaam An-Nisa Al-Mu'minaat, by Muhammad Al-Hassoon, Uswah pubuconons, pp. 687-693, names of 148 woman narrators.
- 5) In the references of Rijaal «transmitters of hadith», a reference can be made to: Tahdheeb Al-Kamal, of Abul-Hajjaj, Daar Al-Fikr publications, Beirut, vol. XXII, pp. 290-503», containing names of 256 woman narrators.

Other than these, many separate books have been written in which names of woman narrators are recorded, like:

- Muhaddithat Shi'ah, by Nahlah Gharawi Na'ini, University of Teachers Training, Tehran, 1996. This book is a Doctorate thesis exposing biography of 195 women narrators.
- Zanan Danishmand Wa Rawi Hadith, by Ahmad Sadiqi Ardasdistani, Islamic Propagation Bureau, Qum, 1996. In this work, 1 76 women narrators of hadith were subjected to study and investigation.

Now I present a brief account on the book Jami' Masaanid An-Nisa. It is a name of a book in which traditions being reported that were collected by women. In this two-volume collection, 1752 unrepeated traditions are cited, of which 814 traditions appeared in volume I and 938 ones in volume II. Number of women who reported these traditions exceeded one hundred.

The books and references on which the author depended and from which he extracted the traditions, are

twenty-eight. Here is their titles:

1. Saheeh Al-Bukhaari.
2. Saheeh Muslim.
3. Sunan Ibn Majah.
4. Saheeh Sunan Ibn Majah.
5. Mustadrak Al-Hakim.
6. Sunan Ad-Daraqutni.
7. Musanaf Ibn Abi Shaybah.
8. Saheeh Ibn Hayyan.
9. Saheeh Ibn Khuzaymah.
10. Musnad Ash-Shafi'i.
11. Musnad Abi Hanifah.
12. Musanaf Abd Ar-Razzaq.
13. Musnad Ad-Daarimi.
14. Hilyat Al-Awliya'.
15. Saheeh Ibn Awwanah.
16. Sunan Al-Bayhaqi.
17. Sunan Abi Dawood.
18. Sunan At-Tirmidhi.
19. Saheeh Abi Dawood.
20. Musnad Ahmad.
21. Al-Fath Ar-Rabbani.
22. Mawt'a' Imam Malik.
23. Ma'ajim At-Tabarrani.

24. Musnad Abi Ya'ia.
25. Musnad Al-Bazzaz.
26. Nayl Al-Awtar.
27. Majma' Az-Zawa'id of Al-Haythami.
28. Jami' Al-Osool, of Ibn Al-Athir.

The first part of this book contains the narrations taken from Saheeh Al-Bukhari and Saheeh Muslim, and in the second part other traditions are recorded. The order and classification of traditions are done in the same manner as that of Saheeh Al-Bukhaari.

The author claims that the traditions whose weakness was widely known have not been stated in this book «vol. 2, p. B», In the introduction to volumes I & II a brief account on the most distinguished women narrators is introduced. Number of women whose biographies are shown was forty, of whom 27 names appeared in volume I and thirteen names in volume II. A short biography also of the Prophet's wives is given in the outset of volume I.

In the footnotes the author mentions the sources of traditions, adding to them details about chain of transmission «sound», narrators, and meaning of some words. He states that the traditions reported by 'A'ishah were 2210 ones «vol. I, p. I I », In the conclusion of the book he gives indices of notable women «'Alaam», with parties and themes of the traditions, for facilitating its use for readers.

It is clear that this book, with this extensive shape, can be considered novel and taken as a reference and basis for better and stronger works. Hence the effort of the author deserves appreciation and applause.

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1. Rijal An-Najashi, pp. 65-66; Adh-Dhari'ah, vol. XXIV, p. 132.
 2. Adh-Dhari'ah, vol. XXIV, p. 132.
 3. Al-Fihrist, of Ibn An-Nadeem, p. 114.
 4. Ad-Dahar'ah, vol. XXIV, p. 132.
 5. Ad-Dahar'ah, vol. XXIV, p. 132.
 6. Wafayaat Al-'Ayaan, vol. VI, p. 78.
 7. Ad-Dahar'ah, vol. XXIV, p. 132.
 8. Ibid.
 9. Fihrist Kitabkhanah Markazi Danishgha, vol. XII, p. 2798. issue no 3819.
 10. Kashf Az-Zunoon, vol. II, p. 1950.
 11. Journal of Neema Digar, issue no. 17, Winter 1992, p. 9.
 12. ibid., issue no 14 spring 1991, p. 108.
 13. ibid., issue no 17, winter 1992, p. 8.
 14. Journal of Kalak, issue no 55-56, pp. 45-46.
 15. Matbu'at Iran, of Husayn Abu Turaabiyah, p. 154.

16. Shnaasnaamah Matbu'at Iran, of Mas'ud Barzin.
17. For more information refer to journal of Nada, issue no 10, pp. 35–41.
18. Journal of Goftogo, issue no. 9, pp. , 133–135
19. Hamshahri daily, 4th year, issue no. 869 (28–12–1995), p. 10.
20. Wasa'il As-Shi'ah, vol. I, p. 435, Baab 435, Ha, I.
21. Journal of Risalat Al-Islam, 4th year, issue no 3.
22. Ibid.
23. As an example we can refer to these books: Ahkam Al-Awrah Fi Fiqh Al-Islami, two volumes; Al-Libaas Waz-Zeenah Fi As-Shari'ah Al-Islamiyyah; Tahreer Al-Mar'ah Fi Asr Ar-Risaalah, by Abd Al-Haleem Abu Shaqqah.
24. Tadhkirat Al-Fuqaha', vol. I, p. 47
25. Nafahat Al-Uns, pp. 615–635.
26. Tahreer Al-Mar'ah Fi 'Asr Ar-Risaalah, vol. II, p 423 quoted from Saheeh Al-Bukhaari, vol. VI, p. 281.
27. Bihaar Al-Anwaar, vol. I, p. 177, Ha.54; Mustadrak Al- Wasa'il, vol. XVII.
28. Tahreer Al-Mar'ah, vol,I, p. 118, quoted from Mizan Al-'Itidaal, the introduction.
29. ibid., quoted from Nayl Al-Awtar, vol, VIII , p. 122.
30. Fatimah Dar Ainah Kitaab, pp. 322–325.
31. Nahj Al-Hayaat, by Mohammed Dashti.
32. 'Awaalim Sayyidat An-Nisa, by Abdallah Al-Bahrani Al-Isfahani, pp. 279–634.
33. Al-Ijaabah (op. cit.), of Badr Ad-Deen Zarkashi.
34. Tadhkirat Al-Huffaz, vol. I, p. 29; Mizan Al-'Itidaal, vol. I, (introduction).
35. Musnad A'ishah, of Ibn Hajar Al-Asqallani.
36. Mawsu'at Ummahaat Al-Mu'mineen, of Abd As-Sabur Shaheen and Islah Abd As-Salam Ar-Rifa'i.
37. Dhikr An-Niswah Al-Muta'abbidaat, pp. II.1 2.
38. Tarjuman Al-Ashwaq, by Ibn Al-Arabi, pp. 7– 8.
39. Fusul an Al-Mar'ah, by Hadi Al-'Alawi, pp. 67–68.
40. Banoye Mujtahid Irani, pp. 113–116.

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