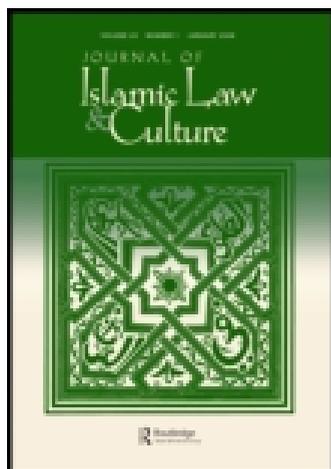


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### Women in traditional Sharī'a: a list of differences between men and women in Islamic tradition

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## Women in traditional Sharīʿa: a list of differences between men and women in Islamic tradition

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This article surveys early Islamic legal opinions concerning differences between women and men related to law, politics, and personal conduct. Contained in a 2nd/8th century tract, a list distinguishing features of the sexes reflects notions held by the very young Muslim community—both Shīʿī and Sunnī—on gender. It represents one of the earliest examples of what remains a common stance of Muslim modernists who espouse the idea of “equality but not uniformity” in discussing the status of women and women’s rights in Muslim contexts.

**Keywords:** women; gender; ḥadīth; equality/uniformity; Muṭahharī; Jābir b. Yazīd al-Juʿfī

In a chapter of his book *The Rights of Women in Islam* (1998) entitled “Equality but not uniformity,” Murtaḍā Muṭahharī, the prominent Iranian theologian and philosopher (d. 1979), writes:

According to Islam, a woman and a man are ... appropriated equal rights. [However.] women and men, on the basis of the very fact that one is a woman and the other is a man, are not identical with each other in many respects. The world is not exactly alike for [the two] of them and their natures and dispositions were not intended to be the same. Eventually this requires that in very many rights, duties and punishments, they should not have an identical placing. In the western world they are now attempting to create uniformity and sameness in laws, regulations, rights and functions between women and men, while ignoring the innate and natural differences. It is here that the difference between the outlook of Islam and that of western systems is to be found.<sup>1</sup>

Dissimilarities between men and women in Islamic tradition to which Muṭahharī refers have been the subject of modern studies, including a number of recent monographs in Arabic<sup>2</sup> and Persian.<sup>3</sup> This is, however, an old genre in Islamic tradition as lists of those differences appear in medieval Islamic legal and socio-ethical works.

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<sup>1</sup>Murtaḍā Muṭahharī, *The Rights of Women in Islam* (World Organisation for Islamic Services [WOFIS], Tehran, 1998), 124. In the same chapter Muṭahharī goes to some length to explain on a natural law basis how those dissimilarities do not necessarily mean discrimination (see also his *Islām va muqtaḍayāt-i zamān* (Adra, Tehran, 1370 [1991]) 1, 305–11). While some of his arguments have been criticized, his theory of “equality but not uniformity” has generally been accepted and remained as the standard answer by many Muslim modernists down to our time.

<sup>2</sup>For example, Muḥammad al-Raḍī al-Raḍawī, *Fawāriq bayna al-rajul wa-al-marʿa* (Tehran, 1392/1971–72); ‘Abd al-Karīm Zaydān, *al-Mufaṣṣal fī ahkām al-marʿa* (11 vols, al-Risalah, Beirut, 1993); and Murtaḍā al-Milānī, *Ahkām al-marʿa fī ‘l-Islām* (Qum, 2003).

<sup>3</sup>For example, Maryam Sāvijī, *Ikhtilāf-i huquq-i zan va mard dar Islām va qavānīn-i Irān* (‘Alī Akbar ‘Ilmi, Tehran, 1958); Ibrāhīm Shāfiʿī Sarvistānī, *Tāfawut-i zan va mard dar diyah va qishāṣ* (Safir-i Ṣubḥ, Tehran, 2001); and Muḥsin Jahāngīrī, *Barrasī-yi tamāyuz-hā-yi fiqhi-yi zan va mard* (Būstān-i Kitāb Qum, 2006).

One of the earliest examples of those lists is that prepared, in the form of an independent tract, by an early 2nd/8th-century Shī'ite scholar, Jābir ibn Yazīd al-Ju'fī (d. 128/745–6). He attributed the material to Imām Muḥammad al-Bāqir, the fifth Imām of Imāmīte Shī'ism (d. c.117/735), suggesting that he prepared it from the teachings of the Imām, given possibly on different occasions. Jābir, a prominent scholar of Kufa and a student of Imām Muḥammad al-Bāqir, was considered one of the main sources of religious knowledge in his day. Many of the distinguished Muslim scholars of the mid-2nd/8th century studied with him and transmitted *ḥadīth* from him. He authored numerous religious and historical works, some of which have partially survived through citations by later authors.<sup>4</sup>

The list is quoted in full in a work of a 4th/10th-century prolific Shī'ite scholar, Ibn Bābawayh al-Qummī (d. 381/991)<sup>5</sup> named *Kitāb al-Khiṣāl*. The text is reproduced below, followed by an English translation<sup>6</sup> and a reorganization of the material by placing each case under its appropriate legal or ethical category.

\* \* \*

### ثلاث و سبعون خصلة في آداب النساء و الفرق بين

#### أحكامهن و أحكام الرجال

حدثنا أحمد بن الحسن القطان قال : حدثنا الحسن بن عليّ العسكري قال : حدثنا أبو عبد الله محمد بن زكريّا البصري قال : حدثنا جعفر بن محمد بن عمار ، عن أبيه عن جابر بن يزيد الجعفي قال : سمعت أبا جعفر محمد بن عليّ الباقر عليه السلام يقول : ليس على النساء أذان ولا إقامة ، ولا جمعة ، ولا جماعة ، ولا عيادة المريض ، ولا اتباع الجنائز ، ولا إجهار بالتلبية ، ولا الهرولة بين الصفا والمروة ، ولا استلام الحجر الأسود ، ولا دخول الكعبة ، ولا الحلق إنهما يقصرن من شعورهنّ ، ولا تؤلى المرأة القضاء ، ولا تؤلى الإمارة ، ولا تستشار ، ولا تديج إلا من اضطرار ، وتبدء في الوضوء بباطن الذراع و الرجل بظاهره ، ولا تمسح كما يمسح الرجال بل عليها أن تلقى الخمار من موضع مسح رأسها في صلاة الغداة والمغرب و تمسح عليه في سائر الصلوات تدخل إصبعها فتمسح على رأسها من غير أن تلقى عنها خمارها . فإذا قامت في صلاتها ضمت رجلها و وضعت يديها على صدرها ، و تضع يديها في ركوعها على فخذيها ، و تجلس إذا أرادت السجود سجدت لاطئة بالأرض ، وإذا رفعت رأسها من السجود جلست ثم نهضت إلى

<sup>4</sup>On him and his works, see Wilfred Madelung, 'Jabir al-Dju'fi' in *The Encyclopaedia of Islam* (2nd edn), XII (Suppl., Brill, Leiden, London, 1960–2005) 232–3; and Hossein Modarressi, *Tradition and Survival: A Bibliographical Survey of Early Shi'ite Literature* (Oneworld, Oxford, 2003), 86–103.

<sup>5</sup>On him, see Martin McDermott, 'Ebn Babawayh' in *Encyclopaedia Iranica*, VIII, 2–4.

<sup>6</sup>The work has been repeatedly translated into Persian. My English translation is based on two different Persian translations by Muḥammad Bāqir Kamarah'ī (Islamiyyah, Tehran, 1375/1956) and Murtaqā Mudarris Gīlānī (Javiidān, Tehran, 1350 1971).

القيام ، وإذا قعدت للتشهد رفعت رجلها وضمت فخذيها، وإذا سبعت عقدت بالأ نامل  
لأنهن مسؤولات ، وإذا كانت لها إلى الله عز وجل حاجة صعدت فوق بيتها وصلت ركعتين  
وكشفت رأسها إلى السماء فإنها إذا فعلت ذلك استجاب الله لها ولم يخبها ، وليس عليها  
غسل الجمعة في السفر ، ولا يجوز لها تركه في الحضر ، ولا يجوز شهادة النساء في شيء  
في الحدود ، ولا يجوز شهادتهن في الطلاق ، ولا في رؤية الهلال ، وتجاوز شهادتهن  
فيما لا يحل للرجل النظر إليه ، وليس للنساء من سرات الطريق شيء ، ولهن  
جنبتهن ، ولا يجوز لهن نزول الغرف ، ولا تعلم الكتابة ، ويستحب لهن تعلم المغزل ،  
وسورة النور ، ويكره لهن تعلم سورة يوسف ، وإذا ارتدت المرأة عن الإسلام استتبت ،  
فإن تابت وإلا خلدت في السجن ، ولا تقتل كما يقتل الرجل إذا ارتدت ، ولكنها  
تستخدم خدمة شديدة ، وتمنع من الطعام والشراب إلا ما تمسك به نفسها ، ولا تطعم  
إلا جشب الطعام ، ولا تكسى إلا غليظ الثياب وخشنها ، وتضرب على الصلاة و  
الصيام ، ولا جزية على النساء ، وإذا حضر ولادة المرأة وجب إخراج من في البيت من  
النساء كيلا يكن أول ناظر إلى عورتها ، ولا يجوز للمرأة الحائض ولا الجنب الحضور  
عند تلقين الميت لأن الملائكة تتأذى بهما ، ولا يجوز لهما إدخال الميت قبره ، و  
إذا قامت المرأة من مجلسها فلا يجوز للرجل أن يجلس فيه حتى يبرد ، وجهاد المرأة  
حسن التبعل وأعظم الناس حقاً عليها زوجها ، وأحق الناس بالصلاة عليها إذا  
ماتت زوجها ، ولا يجوز للمرأة أن تنكشف بين يدي اليهودية والنصرانية ، لأنهن  
يصفن ذلك لأزواجهن ، ولا يجوز لها أن تتطيب إذا خرجت من بيتها ، ولا يجوز  
لها أن تتشبه بالرجال لأن رسول الله ﷺ لعن المتشبهين من الرجال بالنساء ولعن  
المتشبهات من النساء بالرجال ، ولا يجوز للمرأة أن تعطل نفسها ولو أن تعلق في عنقها  
خيلاً ، ولا يجوز أن ترى أظفيرها بيضاء ، ولو أن تمسحها بالحناء مسحاً ، ولا تخضب  
يديها في حوضها لأنه يخاف عليها الشيطان ، وإذا أرادت المرأة الحاجة وهي في صلاتها  
صفقت يديها والرجل يومي برأسه وهو في صلاته ويشير بيده ويسبح ، ولا يجوز  
للمرأة أن تصلي بغير خمار إلا أن تكون أمة فإنها تصلي بغير خمار مكشوفة الرأس ، و  
يجوز للمرأة لبس الدباج والحريير في غير ضلوة وإحرام ، وحرّم ذلك على الرجال  
إلا في الجهاد ، ويجوز أن تتختم بالذهب وتصلي فيه ، وحرّم ذلك على الرجال .  
قال النبي ﷺ « يا علي لا تتختم بالذهب فإنه زينتك في الجنة ، ولا  
تلبس الحريير فإنه لباسك في الجنة » ولا يجوز للمرأة في مالها عتق ولا بر إلا باذن  
زوجها ، ولا يجوز لها أن تصوم تطوعاً إلا باذن زوجها ، ولا يجوز للمرأة أن تصافح

غير ذي محرم إلا من وراء ثوبها ، ولا تباع إلا من وراء ثوبها ، ولا يجوز أن تصح تطوعاً إلا باذن زوجها ، ولا يجوز للمرأة أن تدخل الحمام فإن ذلك محرّم عليها ، ولا يجوز للمرأة ركوب البسرج إلا من ضرورة ، أو في سفر ، وميراث المرأة نصف ميراث الرجل ، وديتها نصف دية الرجل و تقابل المرأة الرجل في الجراحات حتى تبلغ ثلث الدية فإذا زادت على الثلث ارتفع الرجل وسفلت المرأة ، وإذا صلّت المرأة وحدها مع الرجل قامت خلفه ولم تقم بجانبه ، وإذا ماتت المرأة وقف المصلي عليها عند صدرها ومن الرجل إذا صلى عليه عند رأسه ، وإذا ادخلت المرأة القبر وقف زوجها في موضع يتناول وركبها ، ولا شفيع للمرأة أنجح عند ربها من رضا زوجها ، ولما ماتت فاطمة عليها السلام قام عليها أمير المؤمنين عليه السلام وقال : « اللهم إني راض عنه ابنة نبيك اللهم إنيها قد أوحشت فأنسها ، اللهم إنيها قد هجرت فصلها ، اللهم إنيها قد ظلمت فاحكم لها وأنت خير الحاكمين . »

Women are not required to say the public call to prayer (*adhān*) or its shorter version in the opening of the daily prayers (*iqāma*), nor to attend the Friday prayer or participate in the congregational prayers. They are not to visit the ill or to attend funeral processions. [In the pilgrimage to the house of God in Mecca] they are not supposed to raise their voice with the *talbiyah* [that is, the acceptance formula to God's invitation to His house that the pilgrims cry while approaching the house], run between the two mounts of Ṣafā and Marwah, kiss the Black Stone, enter the Ka'bah, or shave their heads; they will instead trim a little from their hair and nail. Women are not to act as judges, assume political leadership, or be consulted [on matters of administration]. Women are not to slaughter animals except in cases of absolute necessity. In ritual ablution for prayer, women wash the interior part of her forearm first while men do the exterior part first, and she wipes her head unlike men: she removes her headscarf for the purpose in the morning and evening prayers but enters her hand under it to wipe her head, without removing it, for all other prayers. When a woman stands up for her prayer, she puts her feet together and places her hands to her chest but she places them on her thighs when bowing down. When she goes to prostrate, she first sits down and then prostrates keeping her body down; when she lifts her head from prostration, she first sits down and then moves to full standing position. When she sits down for saying the ritual testimony in prayer (*tashahhud*), she [first raises her legs then] places her thighs together. When glorifying God (after the prayer), she counts the times with her fingers as they will be asked (on the day of resurrection of what she has done with them). When she wants to ask God about a need, she goes on top of her roof, says a two-cycle prayer, and removes her head cover facing up toward the sky. If she does that, God will answer her and will not let her down. She is not required to perform the ritual, full body ablution on Fridays while traveling but cannot miss it when at home. Women's testimony as witnesses is not valid in matters of criminal law, nor in issues of divorce or sighting of the new moon. It is, however, valid in matters that men are not allowed to directly investigate. Women should not walk in the middle of a walkway but on its two sides, nor to settle in the upper chambers

overlooking the roads. It is not for them to learn how to write but preferable that they learn wheel-spinning. [It is also recommended that they learn] *Sūrat al-Nūr* [chapter 24 of the Qur'an] but not *Sūrat Yūsuf* [chapter 12]. If a woman apostatizes from Islam, she is to be ordered to repent. If she complies [all will be fine], but if she does not she is to remain in jail [indefinitely], but not killed as in the case of a male apostate. [She is to be subjected to] hard labor and the bare minimum food and drink allowance of rough stock and clothing of rough material, and will be beaten and forced to perform the daily prayers and obligatory fasting. Women are not required to pay the poll tax. At the time of childbirth, any [nonessential] women have to leave the room so that they do not look at the private part of the woman in labor. A woman who is menstruating or who has not yet performed the ritual full body ablution after having sex should not attend the benediction of a dead, as that disturbs the angels, nor should women be present at burials. A man should not sit in a place where a woman has just left until the warmth left from her body dissipates. The Holy Struggle (*jihād*) for a woman is to take proper care of her husband. Her husband's rights form her priorities. He has the priority to [lead] performance of the ritual funeral prayer over her body if she dies. A [Muslim] woman should not shed her clothes in front of a Jewish or Christian woman as they may describe her looks to their husbands. [Muslim women] are not permitted to use perfume when going out. She is not allowed to make herself look like men as the Messenger of God cursed men who make themselves look like women and women who make themselves look like men. A woman should not be without adornment even if it is a simple string that she wears on her neck, nor leave her nails bare even if it is a touch of henna. [However,] she should not dye her hands while menstruating because of the risk of Satan's temptation. Should she need something while in prayer, she would call attention by clapping her hands whereas a man indicates [his need] with his head and hand and cries Glory to God. A woman cannot pray without a headscarf unless she is a slave in which case she prays with her head uncovered. A woman can wear thin silk or silk brocade except in prayer and pilgrimage to Mecca, but a man cannot except in war. A woman can wear a gold ring and pray in gold whereas a man cannot. The Prophet said: "O 'Alī! Do not wear gold rings, which will be your adornment in Paradise, nor silk, which will be your clothes in Paradise." A woman cannot make charitable donations nor free slaves or fast as supererogation except with her husband's approval. She cannot shake hands with a non-relative or pledge allegiance with her hand unless her hand is covered. She cannot go on a supererogatory pilgrimage to Mecca except with her husband's approval. A woman does not go to a public bathhouse as it is not allowed for her to do so, nor does she ride on a saddle [that is, on a horse] unless absolutely necessary or in a journey. Her share from the inheritance is half of that of a man and her blood money is half of that of a man. A woman equals a man in retribution for bodily injury until the financial compensation exceeds one third of the full [amount of] blood money [due for a man] after that [it is half of that of a man, so] it increases for the man and decreases for the woman. When the woman is praying alone with a man, she stands behind him and not by his side. When a woman dies, the one who performs the funeral prayer stands at her chest whereas in the case of a man, he stands at his head. When the body of the woman is being laid to rest, the husband stands where he can hold her thigh [to help place her in the grave]. Nothing will intercede for a woman before God more successfully than husband's satisfaction with her. When Fāṭimah [al-Zahrā'] died, the Commander of the Faithful ['Alī] stood up next to her body and said: "O God! I am pleased with the daughter of Your prophet. O God! She is in fear now; so, give her

comfort. O God! She departed us; so, connect to her. O God! She was treated unjustly; so, be her judge. You are the best of all the judges.<sup>7</sup>

\* \* \*

The cases outlined in this text can be reorganized as follows:

### A. Government administration

- (1) Women do not assume political leadership.
- (2) Women are not consulted for matters of administration.

### B. Judiciary

- (1) Women do not act as judges.
- (2) Women's testimony as witnesses is not valid in matters of criminal law, nor in the issues of divorce or sighting of the new moon. It is, however, valid in matters that men are not allowed to investigate directly.

### C. Rituals

#### Prayer

- (1) In ritual ablution for prayer, a woman washes the interior part of her forearm first, while a man does the exterior part first; she wipes her head unlike men: in the morning and evening prayers, she removes her headscarf for the purpose; for all other prayers, she enters her hand under the headscarf to wipe her head, without removing the headscarf.
- (2) When a woman stands up for prayer, she puts her feet together and places her hands to her chest, but she places them on her thighs when bowing down. When she goes to prostrate, she first sits down and then prostrates keeping her body down. When she lifts her head after that, she first sits down and then moves to stand up. When she sits down for saying the ritual testimony in prayer (*tashahhud*), she places her thighs together.
- (3) When glorifying God after the prayer, a woman counts the repetitions with her fingers.
- (4) Women are not required to say the public call to prayer (*adhān*), nor its shorter version in the opening of the daily prayers (*iqamah*).
- (5) Women are required to attend the Friday prayer.
- (6) Women are required to perform the ritual, full body ablution on Fridays while traveling, but cannot miss it when at home.
- (7) It is not recommended for a woman to participate in the congregational prayer.
- (8) Should she need something while in prayer, she would call attention by clapping her hands, whereas a man would point with his head and hand and cry Glory to God.

<sup>7</sup>Ibn Bābawayh, *Kitāb al-Khiṣal*, Persian trs Muḥammad Bāqir Kamarah'ī, II, 373–6, and Murtaḍā Mudarris Gīlānī, II, 208–11.

- (9) A woman cannot pray without a headscarf, unless she is a slave in which case she prays with head uncovered.
- (10) When a woman is praying alone with a man, she stands behind him and not by his side.

### **Death rituals**

- (1) Women are not to attend funeral processions.
- (2) A woman who is menstruating or has not yet performed the ritual, full body ablution after having sex should not attend the benediction of the dead.
- (3) Women are not to attend burials.
- (4) When a woman dies, the one who performs the funeral prayer stands at her chest, whereas in the case of a man, he stands at his head.
- (5) When the body of a woman is being laid to rest, the husband stands where he can hold her thigh [to help place her in the grave].
- (6) A deceased woman's husband has priority in leading the performance of the ritual funeral prayer over her body.

### **Fasting**

- (1) A woman cannot fast as supererogation except with her husband's approval.

### **Charity and religious taxes**

- (1) A non-Muslim woman does not pay the poll tax.
- (2) A woman cannot make charitable donations nor free slaves except with her husband's approval.

### **Pilgrimage to the house of God in Mecca**

- (1) A woman cannot go on a supererogatory pilgrimage to Mecca except with her husband's approval.
- (2) A woman should not raise her voice with the *talbiyah* (that is, the acceptance formula to God's invitation to His house that the pilgrims cry while approaching the house).
- (3) Women are not to run between the two mounts of Şafā and Marwah.
- (4) Women are not to kiss the Black Stone.
- (5) Women are not enter the Ka'bah.
- (6) A woman does not shave her head at the end of the ceremony; instead, she only trims a little from her hair and nails.

### **Jihād**

- (1) Women do not partake in the Holy Struggle (*jihād*).

## D. Laws

### Inheritance

- (1) A woman's share from the inheritance is half that of a man.

### Criminal law

- (1) If a woman apostatizes from Islam, she will be ordered to repent. If she complies [all will be fine]; if she does not she will remain in jail, but not killed as in the case of a male apostate; [She will be subject to] hard labor, minimum food and drink [of poor quality] and clothing of rough material. She has to perform her daily prayers and obligatory fasting.
- (2) A woman's blood money is half of that of a man.
- (3) A woman equals a man in retribution for bodily injury until the financial compensation exceeds one third of a full blood money; after that it is half of that of a man, so it increases for the man and decreases for the woman.

### Other

- (1) A woman does not slaughter an animal, except in a case of absolute necessity.
- (2) A woman can wear silk except in prayer and pilgrimage to Mecca, but a man cannot except in war.
- (3) It is not recommended for women to visit the ill.
- (4) A woman does not go to public bathhouses.
- (5) A woman does not ride on a saddle (that is, on a horse) unless absolutely necessary or on a journey.

## E. Code of personal conduct

- (1) A woman should not walk in the middle of a walkway but on its two sides.
- (2) A woman is not to settle in an upper chamber overlooking the road.
- (3) A woman cannot shake hands with a male non-relative or pledge allegiance with her hand, unless it is covered. A man should not sit in a place where a woman has just left until the warmth left from her body dissipates.
- (4) It is not for women to learn how to write but is recommended that they learn wheel-spinning.
- (5) Women should be taught *Sūrat al-Nūr* (chapter 24 of the Qur'ān where some of the rules of conduct for women are spelled out) but not *Surat Yusuf* (chapter 12, which describes the story of love of the Egyptian women toward Joseph).
- (6) At the time of childbirth, any [non-essential] women have to leave the room so that they do not look at the private parts of the woman in labor.
- (7) The Holy Struggle (*jihād*) for a woman is to take proper care of her husband.
- (8) The husband's rights form a woman's priorities.
- (9) A Muslim woman should not shed her clothes in front of a Jewish or Christian woman.
- (10) A woman should not use perfume when going out.
- (11) A woman is not allowed to make herself look like men. The Messenger of God cursed men who make themselves look like women and women who make themselves look like men.

- (12) A woman should not be without adornment even if it is a simple string that she wears on her neck, nor should she leave her nails bare even if it is a touch of henna. However, she should not dye her hands while menstruating because of the risk of Satan's temptation.
- (13) Nothing will intercede for a woman before God more successfully than a husband's satisfaction with her.
- (14) When a woman wants to ask God for a need, she goes on top of her roof, performs a two-cycle prayer, and removes her headscarf facing up toward the sky. God will not disappoint her.

\* \* \*

Almost all of this material has been independently quoted on the authority of Prophet Muḥammad in the Sunnī collections of *ḥadīth*. Even the peculiar proposition that women should not settle in an upper chamber overlooking the road, that they should not be taught how to write but rather how to do wheel-spinning, and that they should learn chapter 24 of the Qur'ān but not chapter 12, has parallels in Sunni *ḥadīth*.<sup>8</sup> Some of the legal dissimilarities mentioned in the text, such as those in the fields of government administration and the judiciary are well-known and well-supported in both legal systems,<sup>9</sup> while many others, such as women's dependence on a husband's permission in making charitable donations and the like, were rejected across the board in later periods.<sup>10</sup>

The list is certainly far from complete. Even some of the well-known Qur'ānic cases are absent here,<sup>11</sup> a fact that may support the above suggestion that what the author is offering here is a list of what he received from the Imām on the topic on various occasions and not a complete list of the actual differences. Otherwise, it would be inconceivable that the Imām or a prominent scholar of the Qur'ān as Jābir was<sup>12</sup> could have ever missed those well-known Qur'ānic passages on differences between men and women. This is, however, a valuable early text on how the community thought at the time about some of the main questions on which men and women were considered to be different. A much fuller picture is now offered by modern writings on this topic.<sup>13</sup>

<sup>8</sup>Al-Hākim al-Naysābūrī, *al-Mustadrak 'ala 'l-Sahihayn* (Hyderabad, 1334/1915), II, 396. The reference against teaching women how to write is so deeply engraved in traditionalists' minds that an Indian Muslim author wrote a monograph arguing for its legality: Muḥammad Shams al-Ḥaqq al-'Azīmābādī, *'Uqūd al-jumān fī jawāz ta'līm al-kitābah li 'l-niswān* (Pakistan, 1988).

<sup>9</sup>For instance, Ibn Rushd, *The Distinguished Jurist's Primer*, trs Ikram Ahsan Khan Nyazee (Garnet, UK Reading, 1994), I, 174 (women are not required to pray Friday prayer), 272 (what part of the woman's body the one who performs the funeral prayer stands at), 398 (a woman does not raise her voice with the *talbiyah* in pilgrimage to Mecca), 455 (women do not participate in *jihād*), 483 (women do not pay *jizyah*), 546 (a woman does not slaughter an animal); and II, 553 (women do not act as judges).

<sup>10</sup>For a discussion, see Mahdī Mihrīzī, *Zan va farhang-i dīnī* (Hast-namā, Tehran, 2003), 89–102.

<sup>11</sup>The best-known among them being IV, 33: "Men are the managers of the affairs of women for that God has preferred one of them over another, and for that they have expended of their property. Righteous women are therefore obedient ..." and II, 282: "When you contract a debt ... call to witness two witnesses from among your men, and if there are not two men, then a man and two women ... so that if one of the two women gets confused, the other one can remind her."

<sup>12</sup>Modarressi, *Tradition and Survival*, 94.

<sup>13</sup>Examples were mentioned above in notes 2 and 3.