

Eine Frau als Vorbeterin, Imam – auch vor Männern. Die Meinung von Abu Thaur und at-Tabari – nach dem Rechtshandbuch „*Bidayat al-mudjtahid*“ von Ibn Ruschd (Averroes). Fatwa by Dr. Abou El Fadl: On Women Leading Prayer.

[Klassisches islamisches Recht/Fiqh]
امامة النساء في الشريعة الاسلامية

Andreas Ismail Mohr

Was die Leitung des Gemeinschaftsgebetes durch eine Frau امامة النساء angeht, so ist die Mehrheit (*ġumhūr*) der Gelehrten der Auffassung, dass dies nicht möglich sei, jedenfalls nicht vor Männern. Ob eine Frau Imām vor Frauen sein könne (als Gebetsleiterin einer rein weiblichen Gemeinde), ist unter den Gelehrten umstritten.

Eine abweichende Auffassung (Rechtsmeinung) vertraten der berühmte Gelehrte at-**Ṭabarī** sowie der frühere **Abū Ṭaur** (*Abu Thaur*; zu diesen beiden siehe unten Näheres). Eine Frau kann nach ihrer Meinung als Imām (Vorbeterin) beim islamischen Gebet fungieren, und zwar ohne Einschränkung (d.h. auch vor Männern). Dies sagt kein geringerer als **Ibn Rušd** (in Europa früher als Averroes bekannt) in *Bidāyat al-muġtahid* – es handelt sich um ein juristisches Werk, ein Rechtshandbuch über die Unterschiede der sunnitischen *Fiqh*-Meinungen und jeweils die Begründung jeder Meinung. Das Werk ist nicht auf die sogenannten „Vier Rechtsschulen“ beschränkt.

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[Vielleicht ist hier im arabischen Text statt *aġāza* (bezieht sich auf at-Ṭabarī) *aġāzā* im Dual zu lesen, dann würde es sich klar auf beide beziehen.]

The majority agreed to prohibit her from leading men, because had this been permitted such permission would have been transmitted from the first generation (of Islam). Further, a known practice in prayer is that women should stand behind men; therefore, it is obvious that their being at the front is not permitted. The Prophet (God's peace and blessings be upon him) said: “Keep them behind insofar as Allāh has kept them behind.” It is for this reason that some jurists permitted them to lead women, as they have equal precedence for purposes of prayer. This has also been narrated from some members of the first generation.

Those who permitted her *imāma* argued on the basis of the tradition of Umm Waraqa Recorded by Abū Dāwūd “that the Messenger of Allāh (God's peace and blessings be upon him) used to visit her at her house and appointed a *mu`adhdhin* for her to recite the *adhān* for her. He ordered her to lead the members of her household in prayer.«

[*Bidayat al-Muġtahid* (engl. Übers. Bd. 1, S. 161). – Der zitierte Hadith »Stellt sie nach hinten, so wie Gott sie hintangestellt hat!« gilt allgemein, nach den meisten Hadithgelehrten **nicht** als Wort des Propheten Muhammad, sondern als Aussage eines Prophetengefährten.]

Siehe den arabischen Text unten, Seite 4; und noch einmal auf Seite 5 mit Interlinearübersetzung zu einigen Stellen.

(Abbildung der englischen Übersetzung von Imran Ahsan Khan Nyazee)

Bidāyat al-Mujtahid

2.3.2.2.4. Issue 4

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There are many issues under this topic of *imāma*, including their disagreement about the qualifications stipulated for the *imām*. We have left out their discussion as they are not expressly mentioned in the law.

The Qāḍī (Ibn Rushd) said: “What we have aimed for in this book is the discussion of issues that have been transmitted and of those that are closely related to the transmitted issues”.

(Averroës) Ibn Rushd , *The Distinguished Jurist's Primer*, transl. I. A. Khan Nyazee, vol. 1, 2000, p. 161

= <https://archive.org/stream/BidayatAl-mujtahidTheDistinguishedJuristsPrimer/TheDistinguishedJuristsPrimerVoll#page/n166/mode/1up>

Die englische Übersetzung von Imran Ahsan **Khan Nyazee**, die hier zitiert wurde, soll gut und zuverlässig sein:

Ibn Rushd: *The Distinguished Jurist's Primer*, Band 1. Garnet, 2000 — 660 Seiten.
(“Ibn Rushd's *Bidayat al-Mujtahid (The Distinguished Jurist's Primer)* occupies a unique place among the authoritative manuals of Islamic law. It is designed to prepare the jurist for the task of the mujtahid, the independent jurist, who derives the law and lays down precedents to be followed by the judge in the administration of justice.”) —

Die Passage über das Imamamt der Frau / Vorbeterin steht hier in Band 1, S. 161.

Arabisch: **Ibn Rušd**: *Bidāyat al-muğtahid*. Zwei Ausgaben:

(i.) 2 Bände [Nachdruck (einer älteren Ausgabe)], Beirut (Dar al-Ma'rifa) 1985 (inges. 992 Seiten); hier über das Imamamt der Frau in Band 1, Seite 145.

(ii.) Der arabische Text, aus dem mein unten auf S. 4 zu sehendes Bild entnommen ist, ist die Edition von al-'Abādī (al-'Abbādī?), ca. 2300 Seiten (4 Bände); sie ist anders gedruckt als (i.) und hat viele Fußnoten als Kurzkommentar. Die Stelle findet sich darin in Bd. 1, S. 439-440.

Abbildung des arabischen Textes aus (ii.)
(*nächste Seite*)

المسئلة الرابعة : اختلفوا في إمامة المرأة ، فالجمهور على أنه لا يجوز أن تؤم الرجال ، واختلفوا في إمامتها النساء ، فأجاز ذلك الشافعي ^(١) ومنع ذلك مالك ^(٢) وشذ أبو ثور ، والطبري ، فأجاز إمامتها على الإطلاق . وإنما اتفق الجمهور على منعها أن تؤم الرجال ، لأنه لو كان جائزاً ^(٣) لنقل ذلك عن

٣٤٠

الصدر الأول ، ولأنه أيضاً لما كانت سنتهن في الصلاة التأخير عن الرجال علم أنه ليس يجوز لمن ^(١) التقدم عليهم لقوله عليه الصلاة والسلام « أخروهن حيث أخرهن الله » ^(٢) ولذلك أجاز بعضهم إمامتها النساء إذ كن متساويات في المرتبة في الصلاة ، مع أنه أيضاً نقل ذلك عن بعض الصدر الأول . ومن أجاز إمامتها ، فإنما ذهب إلى مارواه أبو داود من حديث أم ورقة ^(٣) « أن رسول الله ﷺ كان يزورها في بيتها ، وجعل لها مؤذناً يؤذن لها ، وأمرها أن تؤم أهل دارها » .

وفي هذا الباب مسائل كثيرة : أعني اختلافهم في الصفات المشترطة في الإمام تركنا ذكرها ، لكونها مسكوتاً عنها في الشرع . قال القاضي : وقصدنا في هذا الكتاب إنما هو ذكر المسائل المسموعة ، أو ماله تعلق قريب بالمسموع .

شرح
بداية المجتهد ونهاية المقتصد

للإمام القاضي أبو الوليد محمد بن محمد بن محمد
ابن محمد بن رشيد القرطبي الأندلسي ٥٠٠٠
الشمس « بيان ورشد الحفيد »

شرح وتحقيق وتصحيح
د. عبد العبادي

المجلد الأول ، ص ٣٣٩ ، ٣٤٠

Ibn Rušd
(Averroes)
über das Imamat
der Frau

Siehe hier noch einmal den arabischen Text (ohne den letzten, hier nicht relevanten Abschnitt) mit einigen Worterklärungen und Interlinearübersetzungen, zusammen mit dem englischen Text. Die farbigen Markierungen erleichtern den Vergleich der Übersetzung mit dem Originaltext:

(Imamat (Vorbeteramt) der Frau) korr. المسألة
المسألة الرابعة: اختلفوا في إمامة المرأة، فالجمهور على أنه لا يجوز أن تؤم الرجال، واختلفوا في إمامتها النساء، فأجاز ذلك الشافعي (١) ومَنْع ذلك مالك (٢) وشدَّ أبو ثور والطبري، فأجاز إمامتها على الإطلاق. وإنما اتفق الجمهور على منعها أن تؤم الرجال، لأنه لو كان جائزاً (٣) لنقل ذلك عن الصدر الأول، ولأنه أيضاً لما كانت سنتهم في الصلاة التأخير عن الرجال علم أنه ليس يجوز لمن (١) التقدم عليهم لقوله عليه الصلاة والسلام «أخروهن حيث أخرن الله» (٢) ولذلك أجاز بعضهم إمامتها النساء إذ كن متساويات في المرتبة في الصلاة، مع أنه أيضاً نقل ذلك عن بعض الصدر الأول. ومن أجاز إمامتها، فإنما ذهب إلى ما رواه أبو داود من حديث أم ورقة (٣) «أن رسول الله ﷺ كان يزورها في بيتها، وجعل لها مؤذناً يؤذن لها وأمرها أن تؤم أهل دارها».

So wäre dies überliefert worden
absolut (ohne Einschränkung) ihr Vorbeten
bezüglich ihres den Frauen Vorbetens
= und A.T. und at-T. vertrauten eine abweichende Meinung
er erlaubte
er verbot es
dass sie es ist nicht (ist) auf d. große Mehrheit
vorbete erlaubt dass...
bezüglich des Vorbetens der Frau
sie waren unterschiedl. Meinungen
den Männern
den Leuten ihres Hauses
sie vorbeten

سريع
بداية المجتهد ونهاية المقتصد
د. عاتق التباوي
المجلد الأول، ص ٣٣٩، ٣٤٠
تدویر امامت الشافعی و امامت مالکی و امامت ابو حنیفہ رحمہم
عن المصنفين في نسخة الخطيب الاندلسي ...
الطبر « بيان وضحة الخطيب »

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(Averroës) Ibn Ruṣhd , *The Distinguished Jurist’s Primer*, transl. I. A. Khan Nyazee, vol. 1, 2000, p. 161

Ibn Ruṣhd (Averroës) über das Imamat der Frau

Zum arab. Text links, Zeile 3: **عَلَى الْإِطْلَاقِ = مُطْلَقًا** mutlaka absolut (ohne Einschränkung)

Dies sind islamische Rechtsmeinungen seit mindestens 1150 Jahren. Warum also heute das Theater, wenn ein Frau vorbetet?

Auch die Meinung, dass eine Frau Richterin sein könne und ebenso das “höchste Imamat” (*al-imāma al-kubrā*) innehaben könne (als **Imamin aller Muslime**), ist in dem berühmten Werk zu finden; mit anderen Worten: Eine Frau kann durchaus die *Imamin der Umma*, oder eben Kalifin aller Muslime sein.

Interessant ist auch, dass *Ibn Ruṣhd in Bidāyat al-muḡtahid* im “Buch der Strafen” zwar bei *zinā* (illegitimem Geschlechtsverkehr) erwartungsgemäß alles wie bekannt referiert, also wann und wie und ob Strafen vorgesehen sind, auch die Steinigung (für verheiratete Ehebrecher) usw. Aber das Thema *liwāt* (homosexueller Analverkehr; oft vereinfachend unrichtig mit “Homosexualität übersetzt”) taucht nicht auf. Normalerweise erwähnen *fiqh*-Werke im Strafrecht homosexuellen Geschlechtsverkehr im Sinne des *liwāt* (meist ohne weitere Details und nur kurz); weiblicher homosexueller Geschlechtsverkehr, d.h. *siḥāq* (“Tribadie”) wird oft gar nicht genannt. Aber Ibn Ruṣhd hat das Thema gar nicht. Er konzentriert sich auf die Hauptgebiete. (Dies nur als Beobachtung. Ob es etwas zu bedeuten hat, weiß ich nicht.)

Es folgen hier die EI-Artikel zu aṭ-Ṭabarī (224-310 H = 839-923 n.Chr.) [nur der Anfang des EI²-Art.] —
und weiter unten der EI²-Art. zu Abū Thaur (starb 240 = 854).
(EI = *Encyclopaedia of Islam*.)

[Zu ergänzen wären vielleicht noch die EI²/(EI³?)-Artikel zu „Imām“ und „Ibn Rushd (Averroes)“.]

al-Ṭabarī (224-310 H = 839-923 n.Chr.) – in der EI²:

Encyclopaedia of Islam, New edition (EI²): „al-Ṭabarī“

al-Ṭabarī, Abū Dja‘far Muḥammad b. Djarīr b. Yazīd, polymath, whose expertises included tradition and law but who is most famous as the supreme universal historian and Qur’ān commentator of the first three or four centuries of Islam, born in the winter of 224-5/839 at Āmul, died at Baghdād in 310/923.

1. Life. It should be noted at the outset that al-Ṭabarī’s own works, in so far as they have been preserved for us, give little hard biographical data, though they often give us leads to his teachers and authorities and help in the evaluation of his personality and his scholarly attitudes. Several persons who knew him directly wrote on his life and works at an early date, though none of the works in question has survived in extenso, and they are only known from excerpts preserved by later authors. Thus the judge Abū Bakr Aḥmad b. Kāmil (d. 350/961) was close to al-Ṭabarī and was an early adherent of al-Ṭabarī’s own *madhhab*, the Djarīriyya (see below), whilst Abū Muḥammad ‘Abd Allāh al-Farghānī (d. 362/972-3 [q.v.]) knew al-Ṭabarī when al-Farghānī was a student, prepared an edition of the latter’s *History* and wrote a *ṣila* [q.v.] or continuation to it which contained a long obituary notice of al-Ṭabarī. The Egyptian historian Abū Sa‘īd b. Yūnus al-Ṣadaḡī (d. 347/958 [see Ibn Yūnus]) included a section of al-Ṭabarī in his *K. al-Ghurabā* “Book of strangers [coming to Egypt]” because al-Ṭabarī visited Egypt for study (see below). But there seems to have then been an hiatus until al-Ḳifṡī (d. 646/1248 [q.v.]) compiled an enthusiastic biography, *al-Taḡrīr fī akhbār Muḥammad b. Djarīr*. For knowledge of these lost works, we rely on the authors’ material cited in the general biographical works of al-Ḳhaṡīb al-Baghdādī, in his *Ta’rikh Baghdād*, and of Ibn ‘Asākir, in his *Ta’rikh Dimashq* (because al-Ṭabarī came to the Syrian capital for study; see *Annales*, Introductio, pp. LXIX ff.), and, above all, the literary biographical work of Yāḡūt, the *Irshād al-arīb*.)

[....] _____

Abū Ṭaur (Abu Thaur, starb 240 = 854) – in der EI³:

Encyclopaedia of Islam, THREE (EI³): „Abū Thawr“

Abū Thawr Ibrāhīm b. Khālid b. Abī l-Yamān al-Kalbī (d. 240/854) was a Baghdadi legal scholar (*faqīh*) and traditionist (*muhaddith*) who may have founded his own school of law (*madhhab*) and was later associated with the spread of the Shāfi‘ī *madhhab*. He died in 240/854, at approximately seventy years of age.

Details of Abū Thawr's life are vague. The sources indicate that he lived in Baghdad, where he met al-Shāfi'ī (d. 204/820) and other prominent scholars. Any travels he may have undertaken are not described, and we do not know how he sustained himself financially.

The sources do indicate that he was a respected *muḥaddith* and *faqīh*, and that he studied with—in addition to al-Shāfi'ī—Mu'ādh b. Mu'ādh (d. 196/811–2), Wakī' b. al-Jarrāh (d. c.196–8/811–3), and other prominent figures. His *ḥadīth* transmissions appear in some of the standard collections. In several reports, Aḥmad b. Ḥanbal (d. 241/855) speaks highly of Abū Thawr. In one, he compares Abū Thawr favourably to Sufyān al-Thawrī (d. 161/778). (Whether the similarity of their names was relevant to Ibn Hanbal's comment is open to speculation.) In another, he notes Abū Thawr's ability as a *muḥaddith* and a *faqīh*.

Later scholars found it difficult to categorise Abū Thawr as a legal thinker. Most of the biographical sources note Abū Thawr's decision to abandon the *aṣḥāb al-ra'y* (partisans of personal opinion) and to follow al-Shāfi'ī instead. The statements of praise offered by Ibn Ḥanbal, who was hardly a supporter of al-Shāfi'ī, suggest that Abū Thawr enjoyed broad appeal. Some sources suggest that he established his own *madhhab*, distinct from that of al-Shāfi'ī. Others equivocate. Ibn al-Nadīm (d. c. 385/995), for instance, lists Abū Thawr as a student of al-Shāfi'ī but also suggests that he established his own *madhhab*, which continued to be followed in Azerbaijan and Armenia until Ibn al-Nadīm's own time.

Al-Ṭabarī (d. 310/923) includes a number of Abū Thawr's legal opinions in his *Ikhtilāf al-fuqahā'* ("Differences among jurists"). Many of Abū Thawr's views mirror those of al-Shāfi'ī, but others agree with Abū Ḥanīfa (d. 150/767) or Mālik b. Anas (d. 179/796). More often, however, Abū Thawr's solutions diverge from those of other authorities, suggesting that he followed his own approach to legal questions. Unfortunately, these citations are few and do not offer conclusive insights into Abū Thawr's legal reasoning or confirm whether he founded a distinct *madhhab*. Ibn al-Nadīm attributes to Abū Thawr several works whose titles suggest a particular concern with matters of ritual. None of these works is extant.

Modern scholars continue to struggle with Abū Thawr's position in Islamic legal development. Wael Hallaq suggests that Abū Thawr did establish his own personal school, which was eventually subsumed into the Shāfi'ī *madhhab* (Hallaq, 123, 168–70). According to Christopher Melchert, Abū Thawr was part of a moderate, "semi-rationalist" movement that compromised between the traditionists and the *aṣḥāb al-ra'y* (Melchert, 85–6). The difficulty Abū Thawr has presented to both classical and modern scholars reflects the ambiguity and flexibility of *madhhab* labels during the third/ninth century. It also reflects the tendency to revise the *madhhab* identities of early Muslim legal scholars after the triumph of the four surviving Sunnī *madhhabs*, particularly in cases like that of Abū Thawr, in which several legal traditions sought to claim him as their own.

Steven Judd

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Wael B. Hallaq, *The origins and evolution of Islamic law* (Cambridge 2005), 123, 168ff.

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Man könnte hier noch ergänzen:

EI²/(EI³?)-Artikel „Imām“

EI²/(EI³?)-Artikel „Ibn Rushd (Averroes)“

Andreas Ismail Mohr, Berlin 2015

Fatwa by Dr. Abou El Fadl: On Women Leading Prayer

Salaam Aliekum,

Dear Brother Khaled,

We here at [...] have a small problem which I hope you can advise us on. Having met you when you [...] and being a frequent distributor of the book, "The Place of Tolerance in Islam," to friends, I believe you might be able to offer some guidance in the following matter:

For the past two years the young students here, male and female, have been guided in prayer by a young man, Egyptian, raised in Saudi Arabia, who led Jumma prayers and offered the Khutbah**.*

** gemeint ist: das Freitagsgebet ** er hielt die Predigt*

He is graduating this spring. This leaves three girls (Afghan, Lebanese and Pakistani) as the students most informed about Islam and able to lead prayer. There are two young boys, just past puberty. All together will be eight Muslims. I am their advisor. I believe that the girls should be able to lead prayer and are competent to do so.

I believe that given the small size of the group the imam can be in the center with girls on one side and boys on the other with no one behind.

Is this acceptable? The girls are very willing. The boys are very hesitant, including this year's Imam, who believes I am offering something that is very Haram.

Could you please help use through this conundrum? If the girls do not lead we might not have a Jummah Prayer.

For years I have been trying to train the students to lead their own prayers so that when they go off to college they will be leaders in their own right. I don't want them to be dependent on me to lead prayers and solve problems – except this one.

Wasalaam,

[Name]

* * *

By the name of God the most Merciful and Compassionate

Al-salamu 'alaykum,

Thank you for contacting me, and I pray that you are in the best of health and spirit.

As you know, you raise a very controversial issue. First, I will say something about the purpose of an imam in prayer, and second, I will comment on the gender issue.

In general, there has been two main orientations regarding the qualifications of an imam at prayer – especially Friday services – the first more liberal than the second. The first orientation practically demands nothing of an imam other than the ability to pray. As long as a man could perform the requisite set of acts and oral recitations required in prayer, the first orientation argued, he was deemed qualified to lead prayer.

The second and more demanding orientation set out what can be called a priority or preference system for an imam. This orientation saw the imam as a sort of teacher to the community – someone who could perform an educational or instructional role during the Friday services. Therefore, the second orientation gave preference to the person who memorized more of the Qur'an compared to others in the community, so that he could recite various portions and expose the community to a wider selection of the Qur'an. The second orientation gave preference to the person who could pronounce and vocalize the words of the Qur'an the best. Importantly, it also gave preference to the person who was the most learned in religion and also the most learned about the affairs of the community. During the khutba this person would be able to educate the community about the meaning of the Qur'an and Sunna and apply the teachings of Islam to the specific issues that are relevant to the community of worshippers. The first orientation practically expected nothing of the khutba – it was deemed sufficient for the imam to remind people of a few religious obligations and exhortations and then move on. The second orientation, relying on the precedent set by the Prophet and al-Khulafa' al-Rashidun, expected the khutba to be an opportunity for inspiring a discourse in the community about the most pressing or pertinent issues confronting the imam's own community. Therefore, it is not enough that the imam be able to recite a few suras from the Qur'an. Rather, the imam should be able to provoke the love of learning in the community, and should set an example as to how the teachings of Islam should and can inform and affect real-life challenges. The way these scholars used to put it is that the imam should play a leading role in creating a community bonded by enjoining the good and forbidding the evil (i.e. bonded by an ethical and moral discourse).

Between the two orientations, I believe, and God knows best, that the second is by far the more correct and the most true to the spirit of jumu'a.

Now, as to the gender issue.

There is no question that the vast majority of jurists excluded women from ever leading men in prayer. Many jurists, however, permitted women to lead women in prayer, if no male is available to lead the prayer. Some jurists said women may lead women even if a male is available to lead as long as women lead only women.

The Qur'an itself does not mandate that only men be allowed to lead prayer. The Sunna is indecisive on the issue. There is evidence that the Prophet on more than one occasion allowed a woman to lead her household

in prayer – although the household included men – when the woman was clearly the most learned in the faith.

Up to the fourth Islamic century, there were at least two schools of thought that allowed women to lead men in prayer, if the woman in question was the most learned. In such a case, the men stood to the side so that they were not praying behind the woman imam. However, these schools (al-Thawri and Ibn Jarir) became extinct. So it is fair to say that since the fourth century all schools of thought did not allow women to lead men in prayer.

In my view, I look at the evidence and ask the following question: if a female could better teach and instruct the community about the Islamic faith should she be precluded from doing so because she is a female? Now, there is no dispute that a female could hold a class (halaqa) and instruct women and men about Islam. I think everyone agrees on that point. But the question is: Is there a specific exclusion against women when it comes to prayer? It seems to me that if there is such an exclusion the evidence in favor of this exclusion ought to be strong, if not unequivocally so. But the legal evidence in favor of such an exclusion is not very strong – it is more an issue of customary practice and male-consensus than direct textual evidence.

Consequently, in my opinion, priority ought to be given to what is in the best interest of the community, and knowledge is the ultimate good. It seems to me that if a female possesses greater knowledge than a male – if a female is more capable of setting a good example in terms of how she recites the Qur'an and also in terms of teaching the community more about the Islamic faith, a female ought not be precluded from leading jumu'a simply on the grounds of being female.

I do agree with your position that the community of students should learn to depend on themselves. I also agree that if a female leads prayer, the males should not stand directly behind her – she could stand ahead of the lines with the men standing to her side.

This is a controversial issue, and so I do not offer this advice lightly. Ultimately, God knows best, and I might be wrong. So please read what I have written, reflect on the matter, pray on it, and then do what your conscience selflessly dictates. It is the conscience that is the ultimate protector from liability before God. I pray that God guides us both to what pleases Him, and leads us to His straight and just path.

I pray this has been of some assistance to you, and please remember me in your prayers.

Al-salamu 'alaykum.

Sincerely,

Shaykh Abou El Fadl

– aus: <http://www.scholarofthehouse.org/onwolepr.html>