

Contextualising Arguments on Deficiency of Women's Intelligence and Religion: Analytical Study on the Prophetic Traditions

Menafsirkan Pernyataan tentang Kekurangan Intelektual dan Agama bagi Wanita: Kajian Analisis terhadap Hadis Nabi

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ABSTRACT

Despite the increasing numbers of women and being majority of the world's population compared to men, women were still found to be discriminated and oppressed due to many reasons. Feminists claims that religious texts were to be blamed for spreading misogynistic contents, and male's interpretations became one of the main sources of conflict with regards to the women's issues. One of the statements which can be found in the Hadith literature that had been debated among them is "women are deficient in intelligence and religion". This paper aims to discover the sources of this Prophet's statement from the authentic source, and to analyse its interpretation based on the opinions of past and contemporary Muslim scholars. It is also to highlight the criticism towards this hadith among the feminists who argue that those Hadiths were interpreted in favour of men's interest and were influenced by patriarchal culture. Application of qualitative methodology, analytical approach was used to critically analyse the argument around this hadith, while contextual approach was applied to understand its interpretative context. The finding shows that different methods can be applied in understanding the Hadiths with misogynistic content. This is because they could not be interpreted literally, but figuratively and contextually; in order to avoid any misunderstanding against Hadiths concerning women among the community, society and humanities.

Keywords: Woman; Hadith; Deficiency; Misogyny; Feminist

ABSTRAK

Walaupun bilangan wanita semakin meningkat menjadikan mereka sebagai majoriti penduduk dunia berbanding lelaki, masih terdapat diskriminasi dan penindasan ke atas wanita di atas beberapa sebab yang berbeza. Salah satunya adalah disebabkan tek-teks agama yang difahami telah menyebarkan kandungan yang berbaur misogynistik, dan tafsiran lelaki menjadi salah satu sumber konflik utama berkaitan isu-isu wanita, seperti yang didakwa oleh pihak feminis. Salah satu kenyataan yang telah diperdebatkan dalam kalangan mereka adalah "wanita mempunyai kekurangan intelektual dan agama" yang boleh didapati di dalam koleksi Hadis Nabi. Makalah ini bertujuan untuk mencari sumber-sumber kenyataan yang diungkapkan oleh Nabi daripada sumber yang sah, dan untuk menganalisis tafsirannya berdasarkan pendapat ulama Muslim masa lalu dan kontemporari. Ia juga menyerlahkan kritikan terhadap Hadis ini dalam kalangan para feminis yang berpendapat bahawa hadis-hadis tersebut telah ditafsir demi kepentingan kaum lelaki dan telah dipengaruhi oleh budaya patriarki. Menggunakan metod kualitatif, kaedah analisis digunakan untuk menganalisis secara kritikal tentang perbezaan pandangan terhadap hadis ini, manakala kaedah kontekstual digunakan bagi memahami hadis berdasarkan interpretasi konteks. Penemuan kajian ini menunjukkan bahawa terdapat beberapa kaedah yang harus digunakan dalam memahami Hadis yang mengandungi misogini. Ini kerana mereka tidak boleh ditafsirkan secara harfiah, tetapi secara kiasan dan kontekstual bagi mengelakkan salah faham terhadap Hadis mengenai wanita dalam kalangan masyarakat.

Kata kunci: Wanita; Hadis; Kekurangan; Misogini; Feminis

INTRODUCTION

Issues pertaining to women's rights in Islam has long been debated on. Up to the present time, women are portrayed in media and news as victims who are oppressed, secluded, subjugated, exploited,

and mistreated (Afshari 1994; Hasan 2012; World Economic Forum 2017). The media repeatedly highlights that Muslim women are traditionally submissive and suffer religiously rationalised customs without considering the fact that these women are also highly educated and have successful

careers. On the other hand, women remain a subject in religious texts and have been manipulated as objects due to the difference in cultures and traditions. Consequently, stereotypical images of women, regardless of their religion, are difficult to change.

Based on debates among the feminists, they found that there are Hadiths pertaining to women are seen as degrading statements about women which either directly or indirectly contain features of misogyny. Misogyny can be defined as hatred towards women (Allen 2001). This term has been used theologically – though not sociologically – in many works on discrimination against women, whereby women are treated as subordinate to men. The label misogyny or also known as ‘anti-woman’ is consistent with ‘patriarchalism theological oriented’ and ‘male-dominated religious epistemology’, due to the belief that the Hadith that has been previously reported were based on patriarchal cultures and traditions (Ramli et al. 2013).

One of the issues debated in misogynistic reports of the Islamic text is a belief that women have lower capability than men in terms of intelligence and religion. The report from the Hadith can be understood that women are said to lack the necessary intellect. Therefore, two female witnesses are required in contrast to only one male witness in matters demanding legal evidence. They are also considered to be not as religious as men because they undergo a menstrual cycle every month during which they are not allowed to engage in prayer and fasting. Such a position has been argued by many scholars, particularly among the feminists and liberalists.

It is arguable that this type of religious texts has promoted offensive and discriminative content against women. Unfortunately, those perceptions related to women have been claimed to originate from the Hadith of the Prophet. Thus, many have blamed the Hadith for its misogynistic content and anti-women traditions (Ali 2006; Ali 2004; Hassan 1991, 1996; Mernissi 1991a; Stowasser

1994). Hadith has been accused to be a medium of oppression rather than liberation and influenced by the patriarchal culture (Barlas 2002). Fabricated or inauthentic Hadiths can be easily rejected; however, those misogynistic reports are found in authentic collections of Hadith.

Misogynism in the Prophetic traditions has been gradually debated on since the end of eighteenth century to date. Some people took the advanced way to reject the Hadith as a whole – known as *Qur’āniyyūn*, while some have selectively rejected the Hadith when it comes to the gender issue. These groups of people have called for the re-evaluation of Hadith and introduced the idea of so-called women-friendly interpretation (Mernissi 1991; Moghadam 2002; Othman 2006; Parvanova 2012). Simultaneously, the existing interpretation controlled by male scholars and influenced by patriarchy has been challenged (Hassan 1991). These individuals; comprising of both Muslims and non-Muslims, call themselves feminists and they engage in women issues and promote gender equality. The debate among the feminists also covers criticism against male narrators and scholars who transmitted and interpreted Hadiths pertaining to women.

SOURCES OF THE HADITH

In Arabic word, deficiency can be referred to terms *nāqishāt* and *nuqṣān*, which can be found in different versions of authentic Hadith collections: *Ṣaḥīḥ al-Bukhārī*, *Ṣaḥīḥ Muslim*, *Jāmi’ al-Tirmidhī*, *Sunan Abu Dāwūd* and *Sunan Ibn Mājah*. These Hadiths were also found to be narrated by different narrators that can be seen in detail as shown in Table 1. For ease of cross-referencing, the bracketed figures following each selection refer to a readily available English/Arabic edition, e.g. (*Ṣaḥīḥ al-Bukhārī* 2: 24: 541) indicates volume 2, book 24, Hadith 541. As in *Ṣaḥīḥ Muslim* and *Sunan Abi Dāwūd*, the numbers refer to a number of book and Hadith.

TABLE 1. Sources of related Hadiths on women’s deficiency in intelligence and religion

Books	Narrators	Sources of Hadith
Ṣaḥīḥ al-Bukhārī	Abū Sa’īd al-Khudrī	3: 48: 826
		1: 6: 301
		1: 6: 301
Ṣaḥīḥ Muslim	‘Abdullāh ibn Umar	1: 142
Jāmi’ al-Tirmidhī	Abū Hurayra	5: 38: 2613
Sunan Ibn Mājah	‘Abdullāh ibn Umar	5: 36: 4003
Sunan Abu Dāwūd	‘Abdullāh ibn Umar	41: 4662

Al-Bukhāri included three versions of this Hadith, all of which were narrated by Abū Saʿīd al-Khudrī. The first version appears in *Kitāb al-Shahādāt, Bāb Shahādāt al-Nisāʿ* (The Book of Witnesses, Chapter: The Witness of Women). The Prophet said:

“Isn’t the witness of a woman equal to half of that of a man?” The women said, ‘Yes.’ He said, “This is because of the deficiency of a woman’s mind.”

(*Ṣaḥīḥ al-Bukhāri* 3: 48: 826).

The second version is mentioned in *Kitāb al-Hayḍ, Bāb Tark al-Ḥāʾid al-Ṣawm* (The Book of Menstrual Periods, Chapter: A Menstruating Women Should Leave Observing Fasting). Narrated by Abū Saʿīd al-Khudrī:

The women asked, “O Allah’s Apostle! What is deficient in our intelligence and religion?” He said, “Is not the evidence of two women equal to the witness of one man?” They replied in the affirmative. He said, “This is the deficiency in her intelligence. Isn’t it true that a woman can neither pray nor fast during her menses?” The women replied in the affirmative. He said, “This is the deficiency in her religion.”

(*Ṣaḥīḥ al-Bukhāri* 1: 6: 301).

Next, the third version is in *Kitāb al-Zakāt, Bāb al-Zakāt ‘alā al-Aqārib* (The Book of Obligatory Charity Tax, Chapter: The Giving of Zakat to Relatives). In this version, on ‘*Id al-Fiṭr* or ‘*Id al-Aḍḥa*:

Allah’s Apostle went out to the *Muṣolla*. After finishing the prayer, he delivered the sermon and ordered the people to give alms. He said, “O people! Give alms.” Then he went towards the women and said, “O women! Give alms, for I have seen that the majority of the dwellers of Hell-Fire were you (women).” The women asked, ‘O Allah’s Apostle! What is the reason for it?’ He replied, “O women! You curse frequently and are ungrateful to your husbands. I have not seen anyone more deficient in intelligence and religion than you. O women, some of you can lead a cautious wise man astray.”

(*Ṣaḥīḥ al-Bukhāri* 2: 24: 541).

Muslim also recorded this Hadith, in *Kitāb al-Īmān, Bāb Bayān Nuqsān al-Īmān bi naqs al-Tāʾat wa Bayān Iṭlāq Lafz al-Kufr ‘alā ghayr al-Kufr billāh ka kufr al-Niʾmāt wa al-Huqūq* (The Book of Faith, Chapter: Clarifying that Faith Decreases with Shortcoming in Obedience, and the Word Kufr may be Used with regard to Matters other than Disbelief in Allah, such as Ingratitude for Blessings and Not Fulfilling One’s Duties). It was narrated on the authority of ‘Abdullāh ibn Umar that the Prophet observed:

“O Womenfolk, you should give charity and ask more forgiveness for I saw you in bulk amongst the dwellers of Hell.” A wise lady among them said: ‘Why is it, Messenger of Allah. That our folks are in bulk in Hell?’ Upon this the Prophet observed: “You curse too much and are ungrateful to your spouses. I have seen none lacking in common sense and failing in religion but (at the same time) robbing the wisdom of wise, besides you.” Upon this, the woman remarked: ‘What is wrong with our common sense and with religion?’ He (the Prophet) observed: “Your lack of common sense (can be well judged from the fact) that the evidence of two women is equal to one man, that is a proof of the lack of common sense, and you spend some nights (and days) in which you do not offer prayer and in the month of Ramadan (during the days) you do not observe fast, that is failing in religion.”

(*Ṣaḥīḥ Muslim*, 1: 142).

Other than that, in *Jāmiʿ al-Tirmidhī*, one version narrated by Abū Hurayra is available in *Kitāb al-Īmān ‘an Rasūlillāh Ṣalla Allāh ‘alaih wa Salām, Bāb Mā Jā’a fī Istikmāl al-Īmān wa Ziyādatih wa Nuqsānih* (The Book of Faith, Chapter: Regarding the Completion of Faith, Its Increasing and Decreasing). In this version, the Messenger of Allah delivered a sermon in which he exhorted them, and then said:

“O women! Give charity for you are the majority of the people of the Fire.” A woman among them said: “And why is that O Messenger of Allah?” He said: “Because of your cursing so much.” – meaning your ungratefulness towards your husbands. He said: “And I have not seen any among those lacking in intellect and religion and insight than you.” A woman among them said: ‘And what is the deficiency of her intellect and religion?’ He said: “The testimony of two women among you is like the testimony of a man, and the deficiency in your religion is menstruation, because one of you will go three or four days without performing Salat.” Imam al-Tirmidhi graded this Hadith as *ṣaḥīḥ*

(*Jāmiʿ al-Tirmidhī* 5: 38: 2613).

A similar Hadith also appears in *Sunan Ibn Mājah*, in *Kitāb al-Fitan, Bāb Fitna al-Nisāʿ* (The Book of Tribulations. Chapter: The Tribulation of Women). It was narrated by ‘Abdullah ibn Umar that the Prophet said:

“O women, give in charity and pray a great deal for forgiveness, for I have seen that you form the majority of the people in Hell.” A woman who was very wise said: “Why is it, Messenger of Allah that we form the majority of the people in Hell?” He said: “You curse a great deal and you are ungrateful to your husbands, and I have not seen anyone lacking in discernment and religion more overwhelming to a man of wisdom than you.” She said: “O Messenger of Allah, what is this lacking in discernment

and religion?” He said: “The lack of discernment is the fact that the testimony of two women is equal to the testimony of one man; this is the lack of reason. And (a woman) spends several nights when she does not pray, and she does not fast in Ramadan, and this is the lack of religion.”

(*Sunan Ibn Mājah* 5: 36: 4003).

In *Sunan Abi Dāwud*, the Hadith can be found in *Kitāb al-Sunnah, Bāb al-Dalīl ‘alā Ziyādat al-Imān wa Nuqṣānihi* (The Book of Model Behaviour of the Prophet. Chapter: Proof of Increase and Decrease of Faith). It also has been narrated by ‘Abdullah ibn Umar that the Prophet said:

“I did not see more defective in respect of reason and religion than the wise of you (women). A woman asked: What is the defect of reason and religion? He replied: The defect of reason is the testimony of two women for one man, and the defect of faith is that one of you does not fast during Ramadan (when one is menstruating) and keep away from prayer for some days.”

(*Sunan Abi Dāwud* 41: 4662).

As the Hadith is reported in *Ṣaḥīḥ al-Bukhārī*, it guarantees protection from *sanad* deficiencies and criticisms. Al-Tirmidhi and al-Albani also graded this Hadith as *ṣaḥīḥ*. *Ṣaḥīḥ* refers to the highest level of the authenticity by following conditions that its *sanad* (chain of narrators) and *matn* (text or narrative) must free from *shādh* (strange or isolated) elements and from *‘illah* (literally, sickness, i.e. any consideration that impairs its ‘soundness’) (Amin, 2005). In other words, a Hadith’s authenticity depends on several factors, among which are the reliability and credibility of its reporters and the link between one reporter and another. If the chain of narrators is interrupted, the Hadith can be considered less authentic and hence, dubious (Amin 2005; Khan 2007).

In terms of substance of the report (*matn*), the Hadith texts are slightly different between each narrator, but all mentioned the same key message that women are lacking or deficient in terms of intelligence and religion. The variations in the Hadith texts can be traced to three features: (1) the situation when the Hadith was narrated; (2) the description of the woman who questioned the Prophet; (3) the Prophet’s response of why women are defect of reason and religion.

Referring to the first feature, the historical situations of when the Hadith was narrated, also known as *asbāb wurūd* (reasons of narration), were

different from each other. Abū Sa‘īd al-Khudrī reported that he listened to the Prophet’s saying on Eid, which is a celebration day after fasting for the whole month of Ramadan. During this celebration, men and women go to the mosque to pray and celebrate Eid together. Hence, it might had been the best time for the Prophet to give advice and reminder as it is the time that many of them can listen to his Hadith. In addition, while no exact situation is mentioned in Ibn ‘Umar’s narration, Abu Hurayra reported that he listened to the Hadith during one of the Prophet’s *khutbah* (lecture), though he did not specify which one. In summary, these different situations demonstrate that the Prophet, through this Hadith, had said that women are lacking in intellect and religion on more than one occasion.

Considering to the second feature, the narrations differ in terms of the person who questioned the Prophet. This person can be described as a curious listener who wanted further explanation about his saying. Texts of Hadith narrated by Abū Sa‘īd al-Khudrī, Abdullah Ibn ‘Umar, and Abu Hurayra all reported that the one who asked the Prophet ‘why’ was a woman. Ibn ‘Umar described her as ‘a wise lady’. This is probably because among those who listened to this Hadith, she was the only one who had the courage and wisdom to question the Prophet. No other descriptions mentioned in Abu Hurayra’s and Abū Sa‘īd al-Khudrī’s versions. The Hadiths are actually not only mentioning that women are lacking in intelligence and religion, but some versions also contain message that women will be the majority population of the Hellfire. So, the different versions of Hadith have two issues addressed on women, and only a brilliant woman would be curious and demand further explanation from the Prophet.

Meanwhile, for the third feature, upon being questioned by a listener, the way the Prophet answered those questions varied between narrators. When he was asked why women are lacking in intellect, he gave similar answers in all versions, but, with different methods. The first method is answering a question with a question. The Prophet answered, “Isn’t the witness of a woman equal to half of that of a man?”. In term of the second method, the Prophet gave a proper statement and said, “The lack of discernment is the fact that the testimony of two women is equal to the testimony of one man; this is the lack of reason.” In order to answer why women are lacking religion, the Prophet gave similar answers which is because of menstruation where women will spend several days without performing prayer and fasting (in the month of Ramadan).

These differences are found in terms of text or substance of Hadith. This indicates that different persons, three narrators for particularly this Hadith, who directly listened to the Prophet's saying might produce different versions or interpretations. The narrators are among the Companions who lived together with the Prophet and their *thiqah* (reliability) have been reported in the books of Hadith. Nonetheless, authentic Hadiths from such reliable narrators have been questioned and treated as arguable by the feminists.

FEMINISTS' ARGUMENTS ON THE RELATED HADITHS

The Hadiths mentioned above have drawn attention in many of its aspects, however, the assumption that women lack intellect and religion has been generally rejected by numbers of feminist. The supposed deficiency of women as mentioned in the Hadith is interpreted as biased and unjust. This is because men also have imperfections, but their flaws are not found mentioned in Hadith literature.

Feminists such as Riffat Hassan acknowledged that the claim 'women are deficient both in prayer (due to menstruation) and in intellect (due to their legal witness counting is less than men's)' is one of the popular misogynistic traditions. She believes that this Hadith is one of the reasons why laws of giving women lower niches than men could be enacted and accepted in Muslim societies, particularly in Pakistan (Hassan 1991). The Hadith also seems to support several rules in the Qur'an i.e. women will get smaller inheritance compared to men and two female legal witnesses are equal to one male witness (Hassan, 2001). She argues that Muslim societies emphasise more on the women's inferior positions and disregard the fact that "women as autonomous human being capable of being righteous as an act of choice" (Hassan 2002: 149).

Ruth Roded had quoted this Hadith in her book, *Women in Islam and the Middle East: A Reader* (1999), but abstained from further analysis. She mentioned that the Hadith on women's deficiency is one of the Hadiths in *Ṣaḥīḥ al-Bukhārī*; the most authenticated collection of Hadiths, which has created one of the biggest issues in gender equality.

Asma Barlas holds a view that any Hadith which contradict to the Qur'an is rejected. She argues that biological difference between men and women should not be a reason that women could be treated differently, or could be viewed morally or socially

deficient, weak, inferior to, or less than men (Barlas, 2002). She found that the teachings in the Qur'an are radically egalitarian and anti-patriarchal, and there are also big numbers of non-misogynistic reports in Hadith literature compared to the negative one. But, the bias perception or stereotype image of women is still difficult to change.

Similarly, Nazira Zein el-Din has also questioned that if women were deficient in mind and faith, why did the Prophet deliver many preferential thoughts on women in many of his words and deeds. There are many concerns mentioned in the Hadith which address women rather than pointing out their deficiency. She also emphasised that the final words of the Prophet contained a highly important message regarding women (Zein Ed-Dīn 1982).

Unfortunately, the perception on women's deficiency was supported by patriarchal culture in one's society. Barbara Stowasser (1994) claimed that the idea of such deficiency is one of the reasons why gender roles exist in society, where man is the head of household and its provider, and woman is a child-bearer and looks after the household. She also argued that it is also a reason for excluding women from political participation due to their so-called lacking intelligence and religion. She also believed that it is one of many other Hadiths that had produced a huge impact on the inferiority of women.

In a research conducted by Tuksal (2000), she found that the Hadith mentioning that women are lacking both in reasoning ability and religion, is one of the misogynistic reports that contributed degrading opinion against women. The Hadith was also found to merge with the expression that deals with women comprising the majority of inhabitants in Hell. She made a good effort by analysing the reason for narrating this Hadith and found that the Hadith could be manipulated if it is not seen in wider perspectives. However, she criticised those misogynistic reports as they place women at a lower position than men, and suggested that they require new methods to assess their authenticity and authority (Tuksal 2014).

STANDS OF MUSLIM SCHOLARS

Muslim scholars of the past and present have various interpretations of the Hadith mentioned previously. They might have similar and different interpretations on the meaning of women's deficiency as mentioned in the Hadiths. The following are few examples of Muslim scholars' view on the terminology of deficiency which are specifically directed to women.

Al-Nawawi (d. 1277) explained in *Al-Minhāj bi Sharḥ Ṣaḥīḥ Muslim* that the Hadith is actually an encouragement for women to give charity and to perform good actions, because good deeds remove evil deeds. The deficiency of a woman's 'aql refers to the requirement of testimony of two women equivalent to one man. This is to allow them to remind each other if one of them forget; since according to Imam al-Marazi, a woman hardly retain things (*qalīlāt al-dabṭ*). The deficiency of woman's *din*, however, is only due to their abandonment of prayer and fasting during the period of menstruation (pp. 66-69).

Ibn Kathir (d. 1373) has applied this Hadith as an explanation to the Qur'anic verse 2: 282 in his exegetical work. He imposed that the requirement of two women witnesses equivalent to one male witness is only for contracts involving money; either directly or indirectly. The use of two women is to remind each other due to their shortcomings of forgetfulness.

Qadi 'Ayyad (d. 1149) in *Ikmāl Al-Mu'lim bi Fawā'id Muslim* (a commentary on *Ṣaḥīḥ Muslim*) suggested to look at the Hadith from a wider angle. A version narrated by Abdullah ibn 'Umar mentioned that the Hadith is an answer to the question asked by a woman. She asked in respectful manner and reacted in appropriate way without criticising or challenging the Prophet. Although the content of the Hadith mentioning the deficiency of woman, she was described as *imra'atun jazlah* which means wise, intuitive and intelligent (p. 338). This view shows that deficiency mentioned in the Hadith refers to a very specific meaning, which might not be applied in all matters.

Abu Shaqqa (d. 1996) in his six-volume book: *Tahrīr al-Mar'ah fī 'Asr al-Risālah* devised a serious approach for re-interpretation of the Hadith, particularly those concerning women. He categorised the deficiency of women based on an acquired deficiency, rather than a natural deficiency that can be considered as madness. This type of deficiency occurs due to specific reasons such as menstruation or pregnancy, which are temporary and does not affect women's natural abilities (Abu Shaqqa, 1999). He also analysed that the Hadith has been narrated on the day of festival, so it was impossible for the Prophet to say anything harsh particularly to women by saying that they are defective. He found that most of women that attended during the narration of the Hadith were from the Ansar tribe, who were known to have strong and brave personalities. Therefore,

the purpose of narrating this Hadith is not to show their imperfections, but educationally tested on their actions after hearing this Hadith. This is apparent, because women in the hadith gave their necklace and adornments for charity right after listened to the Prophet's words.

Badr al-Dīn Al'Ayni (d. 1453), a Hanafi jurist, interpreted that women are not really deficient in the primary type of rationality, but they lack a secondary type, which relates to her 'acquired rationality' (her memory) and 'active rationality' (her authority) (Bauer, 2010).

Rashid Al-Ghannushi, a Tunisian Islamic opposition leader, viewed that although this Hadith is authentic, it cannot be regarded as legal Hadith, rather it is an educational Hadith. As quoted from an interview by Roald, (2001), al-Ghannushi said, "It is meant as a guidance and meant to tell that men should not treat women in a harsh way, as women are sensitive. The Hadith says that one should treat women well and the meaning is not that women are deficient (*intiqās*)" (pp.135-136).

Khaled Abou El Fadl (2001) found that the Hadiths above as a whole could be interpreted that: "women constitute most of the inhabitants of Hell; they are slanderous and ungrateful beings; they are deficient in intellect and religion; and they lead sagacious men into error" (p. 229). These interpretations have been applied in many traditional and patriarchal society. However, Abou El-Fadl viewed that if a woman is deficient in both intellectual and religion, that deficiency is born out of legal technicalities, and is not originally inherited to have limited emotional and intellectual capacity. He referred to Ibn Baz's *Majmū' fatāwa wa Maqālāt Mutanawwi'āt* (1990, 4: pp. 292-294) that deficiency in the Hadith means legal incapacity, and not natural inability (p. 225).

On the other hand, Hamid Ali Abdullah (2014) defines 'aql as "discriminatory capacity or awareness or vigilance", and *dīn* as "ritual observance or regimented acts of obedience". He disagrees if the terms 'aql is defined as intelligence, and *dīn* as religion, based on the *matn* (text) of the Hadith. This definition of terms; according to him, raise sensitivity since each term might carry gender discrimination. Each man and woman have their own capacity to overcome their weakness, as both genders are not perfect either in terms of intelligence and religion. Abdullah (2014) also mentioned that the meaning of the Hadith on women's deficiency might be interpreted "In spite of your strength and

worth being underestimated by most men, you are better at subduing the most firm [firmest] of men than even the best of men are capable of” (p. 9). The Prophet was not picking on women, rather his words indirectly meant to give opportunity for women to perform good deeds and to avoid evil deeds, so that they can become closer to God.

It can be summarised that majority of the Muslim scholars above did not identify women’s deficiency as their weaknesses or inferiority, because the term should be justified in certain context and not to be literally generalised.

WOMEN’S DEFICIENCY: TEXTUAL VERSUS CONTEXTUAL

Many scholars have interpreted the Hadith as specifically depicting the role of men and women at the time of the Prophet by following the command in the Qur’an that one man is equal to two women. The Qur’an says: ‘...And bring to witness two witnesses from among your men. And if there are not two men (available), then a man and two women from those whom you accept as witnesses – so that if one of the women errs, then the other can remind her...’ (The Qur’an 2: 282).

According to Muhammad Asad (1980), the above Qur’anic verse was a rule and practical guide for Muslims in the early Arab community. At that time, women did not have the relevant expertise or experience in financial matters. Thus, in this specific case, if only one man is present, the testimonies of two women can be used in addition to that man. The stipulation of two women does not negatively reflect on women’s intellectual and moral capabilities. Instead, this arrangement was necessary because when someone is less familiar with a certain matter, one’s might commit a mistake regardless of their gender. However, this rule is applied only to matters regarding loans and borrowing, to testimony in business transactions and commercial contracts (Chishti, 2012). For other cases that require witnesses, there is no difference in rules for men and women (The Qur’an 4: 15, 5: 106, 65: 2).

Nevertheless, many scholars had used this Hadith as a reason for stating that two women witnesses are equal to one man. It is clearly mentioned in the Hadith that when questions ‘*Isn’t the witness of a woman equal to half of that of a man*’ and ‘*Is not the evidence of two women equal to the witness of one man?*’ were asked, a similar answer by the Prophet was given, which is that ‘*This is the deficiency in*

her intelligence.’ As a result, Muslim jurists took the view that a woman’s testimony is only allowed in certain matters. Although women can give testimony in financial matters as mentioned in the Qur’an, the legal community agreed that their testimony will not be accepted in *hudūd* cases. Nonetheless, there is no disagreement that their testimony is important in issues that only women have knowledge about, such as childbirth, menstruation, women’s physical defect, and similar feminine affairs (Al-’Alwani 1996; Sayeed 2009), as well as if there are cases where men lack adequate knowledge. In such cases, Fazlur Rahman (1980) agrees that their evidences can equal to men.

In terms of intelligence, it is not due to a difference in gender; regardless of male or female, it is their ability to follow what are revealed to their conscience (The Qur’an 8: 29) and their fear of God. Furthermore, there is no difference between men and women in terms of their abilities, their tendency to forget and make mistake, their possibility to present false witness, or their capacity to speak either truthfully or to lie (Al-’Alwani 1996). Contextually, one female witness is sufficient in a few circumstances. As an example, in the case of ‘Uqbah bin al-Harith in which his mother was the only witness who proclaimed that she had breastfed ‘Uqbah and his wife, and the Prophet accepted just her testimony (*Ṣaḥīḥ al-Bukhārī* 3: 48: 827). Two women witnesses as equal to one man are needed in the case of one woman who habitually forgets.

Historically, there are many intellectual figures among Muslim women. For example, ‘Aisha was one of the most intelligent women at the time of the Prophet, and even after his passing, she became a reference among the Companions and Successors, both male and female. Her characteristics and knowledge were praised by the Prophet himself (*Ṣaḥīḥ al-Bukhārī* 7: 65: 339) and acknowledged by many scholars (Siddiqi, 1993). Umm Salamah, who narrated many Hadiths and became one of the reasons Qur’anic verses (The Qur’an 33: 35, 9: 102, 9: 118) revealed were pertaining women. Meanwhile, Shifa’ bint Abdullah was requested by the Prophet to teach writing to his wife, Hafsa (*Sunan Abī Dāwūd* 28: 3878). She was also appointed as an overseer of the market by ‘Umar, whereas Hafsa bint ‘Umar was responsible for protecting the manuscript of the Qur’an (*Ṣaḥīḥ al-Bukhārī* 6: 61: 510). These examples were reported in the authentic Hadith collections, which acknowledged the importance of women not only in domestic affairs, but also in other aspects that involves men. Various other examples of

women scholars who have contributed intellectually throughout Muslim history are available. Furthermore, these women are not only found in the seventh century, but key Muslim women figures have excelled in many fields, along with men, until the present day.

In the context of religious obligation, according to a few Muslim scholars, women might be spiritually lacking for they are exempted from performing prayer and fasting for a specific number of days every month. Undeniably, there are certain rulings that are specifically designed for women when they experience bleeding; either menstruation or post-natal discharge. If they follow these rulings that exempt them from performing *ibādah* (religious deeds), they will be rewarded similarly as when they have performed it.

According to Sakhāwi, there are a few Hadiths that apply to or concern menstruating women. First, they will be rewarded like an ill person who is unable to perform his or her religious obligations. The Prophet said: “When a slave falls ill or travels, then he will get a reward similar to that he gets for good deeds practiced at home when in good health” (*Ṣaḥīḥ al-Bukhārī* 4: 52: 239). Second, they will be rewarded to some degree for their good intention to perform their religious duties i.e. praying and fasting, even though they are exempted from doing so. The Prophet said: “He who intended to do good, but did not do it, one good was recorded for him, and he who intended to do good and also did it, ten to seven hundred good deeds, were recorded for him. And he who intended evil, but did not commit it, no entry was made against his name, but if he committed that, it was recorded” (*Ṣaḥīḥ al-Bukhārī* 8: 76: 498, 9: 93: 592; *Ṣaḥīḥ Muslim* 1: 233, 236, 237). Other than religious duties, women can also be rewarded for doing good and avoiding bad deeds during their temporary bleeding periods. They can perform their prayers as usual when they are clean, i.e. when they stop bleeding.

Moreover, the Hadith also proved that women can be religiously and spiritually excellent. Specific women have been mentioned in Hadith literature, listed as among the best women figures. In the Hadiths of Anas and Ali ibn Abi Talib (in different narrations), both narrated that the Prophet said: “Sufficient for you among the women of mankind are Maryam bint ‘Imran, Khadijah bint Khuwailid, Fatimah bint Muhammad, and Āsiyah the wife of Fir’aun.” This Hadith is graded as *ṣaḥīḥ*. (*Jāmi’ al-Tirmidhī* 1: 46: 3877, 3878). The same Hadith was also narrated by Abu Musa al-Ash’ari (*Musnad*

Aḥmad 2663). These four women were incredibly religious and high in moral and intellect. They have been rewarded due to their patience and persistence, despite being women. Nevertheless, the fact that they are women will contradict any suggestion that women are less religious compared to men.

It is crucial to highlight that women are not naturally born deficient in intelligence and religion. Misinterpretation of the Hadith can happen if it is not understood in the right context. Women have many different characteristics and abilities, and they are given a special ‘vacation’ to exempt them from performing certain religious duties for several days. Additionally, the intellect and spirituality of a person is not determined by gender. Thus, this Hadith acts as an explanation for the Qur’anic verse on the role of woman as a legal witness in financial matters only where women at the time of the Prophet were less knowledgeable in that field compared to the present.

CONCLUSION

As a conclusion, a woman is not deficient in intelligence and religion simply because she is a woman. There might be a reason why women have been assigned a secondary position compared to men (in cases involving witness and inheritance), but it was not because of her lack of intellectual capacity or less opportunity to practice religion. It is vital to highlight that the related Hadiths in this matter have described women’s characters and nature, since all humans are neither imperfect nor inferior to one another.

Unfortunately, these Hadiths are among many other Hadiths that have been patriarchally interpreted. Although Muslim scholars have stated their opinions and have made attempts to justify the real context of these Hadiths, the Hadith has been accused to be a medium of oppression rather than liberation and influenced by a patriarchal culture (Barlas, 2002). This culture of oppressing women applied these Hadiths for the sake of male superiority and dominance over women, which resulted in feminists’ rejection against this Hadith and other so-called anti misogynistic reports in Hadith literature.

Furthermore, it is unavoidable if these Hadith are misinterpreted because there are many other Hadiths concerning women that should not be interpreted literally. The text and context of Hadith can be appropriately interpreted by considering many issues including religion, cultural, social, interpersonal, and contextual backgrounds (Khair

& Dahlan 2017). Contextual approach is crucial to comprehend the Hadith with regard to historical, sociological, and anthropological contexts in which the Hadith was conveyed. However, this approach is used within certain conditions and should consider universal, rational, and local aspects that must not contradict the Qur'an (Al-Qaradawi 2006). Any wrong interpretation without its proper context might produce negative perception to women. Consequently, women's rights were adversely impacted. Not only that, it will leave bad reputation on the Hadith as a source of the Islamic law and besmirches the image of Islam. In the end, the implication of negative interpretation towards Hadiths concerning women among the community, society and humanities will lead to more destructions and negative outcomes.

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