

The Scientific, Cultural, Social and Economic Conditions of the Female Scholar of Jurisprudence in Mecca during the 15th Century

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Abstract

Based upon the preliminary historical and jurisprudential sources, this paper tries to shed light on the scientific and cultural movement in Mecca during the 9th century A.H./15th century woman's AD. It also tries to highlight basic notes on the woman's role in general and her situation in Mecca's society during this period which has been described by modern historians as an age of collection, explanation and interpretation and not that of creativity or invention, as mental and political stagnation prevailed.

The paper concentrates on the female scholar of jurisprudence in Mecca and sheds light on its scientific movement, as well as the role played by the woman, whether scholar or learner, in the field of Jurisprudence and *Hadith* "speech of the prophet". It highlights the female scholar of jurisprudence's learning sources as well as the learning and licensing method, whether from man to woman, from woman to woman or from woman to man.

The research also refers to the jurisprudential doctrines which were dominant in Mecca during the study period, with an attempt to shed light on woman's journey to seek knowledge during this period.

The paper makes use of the biographies of the female scholars of jurisprudence to explain the number of scholars who lived during the same period and mention biographies of Female scholars of jurisprudence in Mecca, as the researcher has mentioned two hundred and seventy women scholars, with a biography for each, including the most significant scientific achievements.

Keywords: woman at Arab Peninsula, female scholars of jurisprudence, Mecca history

1. Introduction

Based upon the varied and different preliminary historical and jurisprudential sources, we try, through this research, to shed light on the scientific, cultural, social and economic situation of the female scholar of jurisprudence during the study period by explaining her general role in the scientific, religious and cultural movement and through highlighting woman's basic role and her situation in Mecca's society during that Mamlouki age, described by modern historians as an age of collection, explanation and interpretation which lacked creativity and innovation as mental and political stagnation was predominant.

The paper explores and discusses women's general situation in Mecca in that period within the framework of the situation of female scholars of jurisprudence and not vice versa.

The writer found that the female scholar of jurisprudence in Mecca lived a social and scientific life which is not very different in its essence from that of women in general in the Mamlouki Sultanate despite the fact that Mecca had its own peculiarity and spiritual significance as a holy shrine for the son's of Abraham.

The writer makes his utmost effort to explore and depict the situation of the female scholar of jurisprudence in Mecca during the study period and hopes that he has succeeded in his attempt.

2. The Scholar of Jurisprudence

In order to shed light on the female scholar of jurisprudence's education regarding its sources, background, and licensing method, the researcher studied two hundred seventy female scholars of jurisprudence including those who resided in Mecca and adjacent regions or those who made the pilgrimage, married and resided there. The researcher focused on the biographies of such women to shed light on the scientific / jurisprudential movement in Mecca and the woman's role as a scholar or learner in the fields of jurisprudence and *Hadith*.

The researcher found out that the available sources do not distinguish between modern jurisprudence in licensing and learning, as the jurisprudence encyclopedia defines licensing as "a permission to narrate, whether Hadith, a book, etc. It is a subsequent to disposition, as contrary to permission which precedes it. The sources have not distinguished between the narration of the Prophet's Hadith and learning Islamic Jurisprudence. They considered the prevailing Jurisprudence as that "which deals with the detailed evidence to infer the practical rules, it is a required duty and a must for the legally charged so as to learn and abide by it" (Kuwait Ministry of endowment and Islamic Affairs, 1995).

The subject matter of the Jurisprudence science deals with "the actions of the legally charged Muslims, as it shows what is legal or what is not or what should or should not be done" (Kuwait Ministry of endowment and Islamic Affairs, 1995). Therefore, Jurisprudence is deeply related to the Muslim's life, with regard to the doctrines or worship aspects.

3. The Situation of Scholars of Jurisprudence in Mecca

As a member of Mecca's community, the female scholar of jurisprudence suffered from several diseases, as it was the case for the rest of the society. It was confirmed that the death of newly born infants, at the age of one, two or three was something commonly known. There were also pre-natal and post-natal death cases. The female scholar of jurisprudence's husband may divorce his wife during pregnancy or leave the baby daughter which will become Jurisprudent, to be raised by his spouse (Al-Sakkawi, 1936). The female scholar of jurisprudence may die before marriage, or when she is twenty or thirty years old which was considered by AL-Sakhawi, one of the eminent historians of that period as untimely death. Death cases also occurred in Mecca among female scholars of jurisprudence when plague visited Mecca in (819AH/1416 AD), (833AH/1429 AD), (849 AH/1445 AD) and (881 AH/1475 AD), some of them died because of fever (Al-Sakkawi, 1936), hemiplegia that describes the relaxation in any of the body's organs, except for the head (Al-Tahanoni, 1998), melancholy which is defined as the change of thoughts and ideas from the natural way to corruption, fear and melancholic thinking, thus affecting the brain internally as well as externally the reason being inside or outside the brain (Al-Sakkawi, 1936). The first signs of melancholy include, bad thinking, fear without reason, rapid anger and love to loneliness (Ibn Sina, 1994). In addition to deaths by edema, and some others were killed under demolition, drowned in the Red Sea between Yanbu and Jeddah in the year (878 AH/1473 AD) or afflicted by urinary tract infections (Al-Sakkawi, 1936).

The female scholar of jurisprudence also suffered from certain psychological and family problems such as: mental disorder that made the spouse leave her, or she herself left her spouse, or got divorced due to his perpetual absence, or betrothed and separated before consummation, or got divorced by a pessimistic spouse, or became a widow (Al-Sakkawi, 1936). In this case, his brother married her, or she got married to her brother-in-law after the death of her sister. In some cases the spouse got married while the wife is in travel (Al-Sakkawi, 1936). Sometimes the marriage became illegal because the couple accidentally discover that they are breast brother and sister. In other cases, she became sick and remained in bed, or her husband and brother agreed to disinherit her or she gives all her wealth to her father in order to deprive the husband from his share (Al-Sakkawi, 1936).

As far as her married life is concerned, the female scholar of jurisprudence also suffered a lot. She was ill-treated by her spouse and she was also married and divorced two or three times. Some insisted to get married to give birth to baby boys but died during postpartum period, or divorced and never remarried. In some cases, she was married for a while and then got divorced without consummation. In other cases they got divorced on the ground of incompatibility (Al-Sakkawi, 1936). which was considered by some historical sources as the first case of divorcing a husband exempting him of her dowry or paying him a sum of money which represents The right by a woman to divorce through giving up some of her dues (Kuwait Ministry of endowment and Islamic Affairs, 1995), or she had been married prematurely as a second wife to her cousin and divorced (Al-Sakkawi, 1936), or her brother did not agree to let her get married, or she was divorced while pregnant, or her cousin married a second wife secretly or her second husband deprived her of her grandfather's inheritance, or she was married to a distinguished man and after his death she married a lowbrow person, or married to an illiterate man, or she is married to her father's slave after the death of her father and husband, or married to a marriage contracts clerk as a *muhallil* (The man who makes a woman lawful for remarriage with her initial husband, or married to her widower's slave) (Al-Sakkawi, 1936).

Some women were sheriffs, or emancipated, some were Ethiopian slaves, Cypriot slaves, or of Turkish origin. Some men freed their women slaves in order to marry them (Al-Sakkawi, 1936). One of the female scholars of jurisprudence was of Ethiopian slave father (Al-Sakkawi, 1936). One of the women was nicknamed "Mecca's

Beloved" because many people admired her because she was charitable, philanthropist and pious, or beautiful (Al-Sakkawi, 1936). They were also described as sane and friendly, patient, bashful and contentious, or described as a good and pious women doing all their religious duties (Al-Sakkawi, 1936). Sometimes, she was described as religious and helpful to orphans and widows, or she was described as a descendent of highbrow people (Al-Sakkawi, 1936; Abu Al- Kheir, 1986). Some of them were considered distinguished and remarkable for their wisdom, providence and distinguished mentality and some others were highly-respected by the Hanbali fudge in Mecca who used to stand up and meet her and the houses of some of these women were used as saloons where widows and homeless women find shelter and where young women receive their basic education.

Some Female scholars of jurisprudence were skilful writers and good fortune-tellers which might be considered as a sign of practicing witchcraft and soothsaying. They might be described as writers because they were interested in writing and calligraphy (Al-Sakkawi, 1936; Abu Al- Kheir, 1986). Some of them were charming, nimble and capable of managing things skillfully. They were remarkable for their generosity, good conduct, richness and hospitality (Al-Sakkawi, 1936).

4. Learning and Teaching of the Scholars of Jurisprudence

The female scholar of jurisprudence in Mecca learned and taught jurisprudence and Hadith. Sources indicate that the child attends to hear at the age of one, two or four years (Al-Sakkawi, 1936). It was also said that a one-year child was licensed by her father the Judge, or by her father, parental or maternal grandfather, grandmother or a woman is licensed by her father, uncle or mother, or even her son, licensed with her brother, heard by her aunt, her mother's aunt, or her mother's uncle (Al-Sakkawi, 1936). Her narration was also approved by men who were not relatives to her or by men who are legally forbidden to marry her (Al-Sakkawi, 1936). She was also approved by scientific and jurisprudent people in a subsequent period (Al-Hashmi Al- Maki, 1982)

, by women, a group of men, or by her master (Al-Sakkawi, 1936).

The narration of female scholars of jurisprudence was approved at the Grand Mosque in Mecca, AL-Madina AL_Monawara, Jerusalem, Hebron or Egypt, Damascus and Aleppo, Magreb Arab, or other Islamic cities (Al-Sakkawi, 1936).

It was also indicated that the female scholar of jurisprudence in Mecca traveled to seek knowledge and her narration was approved by Syrian or Egyptian jurisprudents (Al-Sakkawi, 1936). A male jurisprudent with presence of her brother and some other men studied under her (Al-Sakkawi, 1936). These male jurisprudents took jurisprudence from her family if the family is famous for Hadith and narration, or if she was born in a family in which there were major male or female scholars, or if her narration was approved by a respectable person (Al-Sakkawi, 1936). Some Female scholars of jurisprudence made pilgrimage or minor pilgrimage to Mecca and Madina to seek knowledge and worship. It was said that one of them made the pilgrimage thirteen times (Al-Sakkawi, 1936).

Some husbands taught their wives writing, some taught them how to write and educe (Al-Sakkawi, 1936). Some of them used to come with their fathers, husbands, brothers, sons or grandsons to Mecca and Madina for worship, some of them lived in adjacent areas before marriage (Al-Sakkawi, 1936).

Sources described the female scholar of jurisprudence in Mecca as having mercy and passion, charitable (Al-Sakkawi, 1936). Some sources said those scholars used to offer learners the minimum fees, some used to spend a lot and became destitute to such a degree that they lived in a truss, while others were very generous (Al-Sakkawi, 1936). Some were exceptional in good understanding and imagination, while other benefited women in writing and calligraphy, and in matters of menstruation or alike, some were midwives for Mecca women, following in their mothers' footsteps, or some of them were invited to princesses' houses as midwives (Al-Sakkawi, 1936). Mecca Female scholars of jurisprudence had learnt the four jurisprudent sects, i.e., Hanabila, Shafia, AL-Malkia and AL-Ahnaf, in addition to the Sophi methods (Ibn Dawoud) (Al-Sakkawi, 1936). It was reported that the female scholar of jurisprudence had four sons who were interested in jurisprudence, so one of them adopted AL-Shafia sect, the second adopted AL-Hanafia, the third AL-Malkia, while the fourth was Hanbali. All of them proved to be skillful and knowledgeable in their in their sects (Al-Sakkawi, 1936).

5. Mecca Female Scholars of Jurisprudence and Endowment

Mecca Female scholars of jurisprudence established Waqf "endowments" and trusses and spent money on them (Al-Sakkawi, 1936). The female scholar of jurisprudence was able to manage the Waqf, one of them managed her mother's endowment, while others made religious endowments in Mecca, such as Fatimah AL-Masikinia who made religious endowment for widow women, in the year 811 AH/1408 AD, as they came to Mecca, mentioned by AL-Fasi in the year 832 AH/1428 AD, as AL-Masikinia truss (Al- Fasi & AL-Maliki, 2000).

Aisha AL-Thahiria also established a truss in the year 837 AH/1433 AD on a site overlooking the mosque. The truss provided all religious, social and food services every Saturday (AL-Sakkawi, 1936).

6. Circulated Jurisprudence and Hadith Books by Mecca Female Scholars of Jurisprudence

The following books were the most circulated by Mecca Female scholars of jurisprudence during the study period: AL-Sahihan by Muslim and AL-Bokhari, Masnad Imam Ahmad and Sahih Bin Haban, Ibn Maja, AL-Tormothi, AL-Baihiqi, AL-Darkonti, AL-Bagawi, AL-Omdah and AL-Hawi, Abi Shoja concise book in Jurisprudence, AL-Iz by Juma'a, AL-Mandili, Yousef bin Habal, Jamal Yousef AL-Sairafi, Imam Malek footstep on Yahia Ben Yahia narration or Yahia Ben Bakeeer narration, the three first by Fouad Ben Hojr, the forty Nawawia, the forty Ashria, the forty approval and forty minors by AL-Bahiqi, AL-Nisae biquadratic equations, Qazaz biquadratic equations, election by AL-Tabrani, prohibition and amusement dispraise by AL-Baldani, flashed speech methods by AL-Deerakoli, Amali Abi Sahl AL-Qatan, the urgency in conjugation, seal of healing, Ibn AL-Nakor five narrations, Osama bin Shareek three narrations, Abi Masher copy, AL-Araki The prophet" biography. AL-Razi six narrations, prophet ancestors by AL-Masibi, Abu Yali AL-Khalili part, Sofian Ben Ainia part, AL-Baytota part, AL-Bayanyasi part, Beshher bin Mater part, Ibn Jamee dictionary, the big hermitage by Ibn Jam'a, narration and recitation, AL-Shakratisia, pride Sheikhood by Ibn Amila, the pure ancestry, AL-Thahabi choice of pride Sheikhood, Jamal AL-Amioti Sheikhood, AL-Iraki interpretation, the selected one hundred from Ibn AL-Bokhari Sheikhood, the series by AL-Awlia, the series by Ibn Shaden, AL-Darami narration, the card part, Ibn AL-Talaya part, Journalistic vessel, AL-Hafedh AL-Marakeshi interpretation, AL-Bosiri poem (papyrology) in addition to genealogy and history books such as the first chapter of Baghdad history for AL-Khatibe AL-Baghdadi, and genealogy by AL-Zobeir Ben Bakar.

It is worth mentioning that we have found no indicator of for any available sources for books or compilations by Mecca or non Mecca Female scholars of jurisprudence, being circulated in Mecca during the study period, even though sources have indicated that at least two Female scholars of jurisprudence were considered as a source for Hadith narration.

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