Women and the Transmission of the Quran: Marginalization, Legal Strategies, and *Maqāṣid al-Sharī'ah*-Based Resolution

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Abstract

The duty to maintain the authenticity of the Quran through verbal transmission is a collective obligation for every Muslim. However, several groups of Muslim scholars marginalize the role of women in the transmission of the Quran due to some *fiqh* rules. Various ethical-legal-formal rules governing women's association in the public space have limited women's access to the transmission process. This study explains the biographical evidence of women's marginalization, the causal factors restricting women's access to the transmission, and the implications and legal strategies women used to overcome these *fiqh* rules constraints. This is library research with a feminist approach and descriptive analysis. Data collection was carried out by observing literature through library research related to the role of women in the transmission of the Quran. This study showed women's marginalization due to an understanding of gender-biased Islamic doctrines regarding seclusion, prohibitions on traveling and mixing with men (*ikhtilāṭ*), and the doctrine of women's voices as *awrah*. Under these conditions, women develop some legal stratagems to break through these religious doctrines. This study recommends using the *maqashid al-sharī'ah* approach in resolving the problem of marginalization of women in the transmission of the Qur'an.

Abstrak

Kewajiban menjaga otentisitas Al-Qur'an melalui transmisi verbal merupakan kewajiban kolektif bagi setiap Muslim, baik laki-laki maupun perempuan. Namun, peran perempuan dalam transmisi Al-Qur'an masih terpinggirkan karena adanya sejumlah pembatasan aturan fiqih yang yang membatasi akses perempuan dalam proses transmisi. Studi ini bertujuan untuk mengeksplorasi bentuk-bentuk marginalisasi perempuan dalam transmisi Al-Qur'an, faktor-faktor penyebab, serta strategi hukum yang digunakan perempuan untuk mengatasi kendala-kendala tersebut. Studi ini merupakan studi pustaka dengan pendekatan feminis. Pengumpulan data dilakukan dengan pengamatan literatur melalui *library research* terkait peran perempuan dalam transmisi Al-Qur'an. Studi ini menunjukkan bahwa marginalisasi juru baca perempuan mewujud bentuk eksklusi nama-nama juru baca perempuan dari koleksi biografis juru baca Al-Qur'an dan mata rantai sanad Al-Qur'an, serta larangan perempuan untuk membaca Al-Qur'an di ruang publik. Marginalisasi terjadi akibat adanya sejumlah aturan fiqih yang membatasi pergaulan perempuan di ruang publik, seperti perintah pemingitan, larangan bepergian dan bercampur dengan laki-laki asing, serta stigma suara perempuan aurat. Meski demikian, pembatasan-pembatasan tersebut menginspirasi juru baca perempuan untuk mengembangkan strategi hukum guna mengatasi halangan-halangan normatif tersebut. Studi ini merekomendasikan penggunaan pendekatan *maqashid al-shari'ah* dalam menyelesaikan problem marginalisasi perempuan dalam transmisi Al-Qur'an.

Introduction

The Quran normatively affirms equality between women and men in all aspects of life, including equality in reading, understanding, and transmitting the scriptures (Barlas & Finn, 2019). However, several Muslim groups view this ethical-normative vision of Islam as in contrast with some legal-specific rules that limit women's association in public. Muslims inherited the legal-specific regulation formulated by the Islamic jurists (*fuqahā'*) of the classical era, passed through *fiqh* works, and became the dominant view throughout the history of Muslim societies (Ahmed, 2021). The existence of these legal rules of praxis inevitably exposes women to a dilemmatic choice between fulfilling the ideal vision of the moral of reading, understanding, and teaching the Quran, or obeying specific legal rules that limit women's social life. Leila Ahmed asserted that legal-specific rules (*fiqh*) have replaced the ideal-normative vision of Islam that signifies equality between men and women (Ahmed, 2021).

So far, there has been no study about women's participation in the transmission of the Quran specifically. Studies on women's involvement in disseminating Islamic knowledge are limited to two main trends. *First*, studies concerning women's participation in transmitting hadith (*muhaddithāt*) (Ma'tūq, 1997; Nadia, 2017; Nadwi, 2007; Salmān, 1994; Sayeed, 2002), Islamic law (*fiqh*), and sufism (Ali, 2020; Bautista, 2011; Roded, 1994; Schimmel, 1982). *Second*, studies about women's participation in the socio-political life of Muslim societies in the early days of Islam (Ahmed, 2021; Shuqqah, 1999; Stowaser, 1994). Previous studies with these two tendencies led to the primary thesis that external factors have influenced women's participation in the Islamic public sphere, namely the development of traditions and cultures of Muslim societies that tend to be increasingly patriarchal and gender-biased due to their contact with outside cultures and societies (Ahmed, 2021; Shuqqah, 1999; Stowaser, 1994).

This study aimed to complement the previous studies by emphasizing the internal factors that cause women's marginalization. The focus of this study was the relationship between the understanding of several religious doctrines and the phenomenon of marginalization of women in the transmission of the Quran. Correspondingly, this research addressed three questions. *First*, what types of marginalization of women are in the Quranic transmission tradition? *Second*, what doctrinal factors led to the marginalization of women in the Quranic transformation? *Third*, how do these religious doctrines imply women's participation in the Quranic transformation? Then, what is the legal strategy of the Quran reciter in responding to these marginalizing doctrines?

Method

This research relies on the primary sources of biographical collections of Quranic reciters (*al-qurrā'*), biographies of hadith experts (*muhaddithah*), and biographical collections of scholars-writers. In addition, this paper also uses the literature of the four *madhhabs'* fiqh scholars. Furthermore, secondary sources of this writing consist of biographical collections written by contemporary scholars about women Quran readers. This research utilizes data on marginalization, causal factors, and resistance strategies in transmitting the Quran, delving into the types of marginalization experienced by women reciters during the period. Causative factors were related to the understanding of religious doctrines standardized in *fiqh* (Islamic law) literature that presumably hindered women's access to the transmission of the Quran. Women's resistance was related to the preference for resistance strategies used by women to bypass these doctrinal barriers.

We gathered data on female Quran reciters from three genres of sources. First, we used biographical collections of Quranic reciters and scholarly writers, authored by classical and contemporary scholars. We included the latter because many Quran reciters were experts in other fields, such as *hadith, fiqh*, and sufism. Second, we consulted biographical collections of

hadith transmitters. This was necessary due to the lack of information on several early female Quranic reciters in the dedicated collections of Quran reciters. Third, we examined compilations of scholars from the four schools of *fiqh*. These sources offered insights into the legal-normative rules that restricted women's participation in Quranic transmission, as well as the forms of resistance women employed in response.

This research began by tracing the origins of biographical collections of Quran reciters and, more broadly, scholarly biographies. The biography of the Quranic reciter sheds light on the forms of marginalization and doctrinal constraints that hindered women's access to Quranic transmission. In addition, this study also explored the views of *fiqh* scholars about legal-normative rules governing women's association in public. The aim was to scrutinize how these doctrinal constraints were reproduced in the fiqh works of classical scholars and continued to be the dominant view throughout Islamic history. The data obtained from these sources were then analyzed using gender analysis.

Marginalization of Women in the Transmission of the Quran

Marginalization comes from the word marginal, which means a position on the edge or close to the edge (Sharma, 2018). Terminologically, marginalization is defined as a state of being or a process in which certain individuals or groups are placed on the outskirts of society so that their access to resources, power, and decision-making is limited (Bernt & Colini, 2013; Dwivedi et al., 2007). Restrictions on individuals or groups can occur either intentionally or unintentionally because the individual or group is seen as not meeting the expectations of values and norms that are considered ideal in society. Individuals or groups unable to fulfill these norms, values, and aspirations will be considered disadvantaged and/or marginalized (Dwivedi et al., 2007; Mowat, 2015). The concept of marginalization is often used interchangeably with social exclusion, namely a situation where individuals or groups cannot participate totally due to moral, social, and cultural restrictions, as well as state political policies, etc., in the main activities or benefits for the society in which they live (Galabuzi, 2016; Mowat, 2015). In this study, the two terms are used interchangeably, although marginalization refers more to a state where individuals or groups still have access, albeit limited, to resources. In contrast, social exclusion refers more to the total rupture of the benefits of society.

The marginalization of women in the tradition of Quranic transmission occurred through the exclusion process of female readers from the Quranic biographical collections, both classical and contemporary. In classical times, the misrecognition of women in the biographical collection of Quranic reciters was already in the generation of the Prophet Muhammad's Companions. Based on several historical pieces of evidence, at least four female readers of the Quran are of the Companion generation. Abū 'Ubayd ibn Sallām's reported in *al-Qirā'āt* three female names: 'Ā'ishah bint Abī Bakr, Ḥafṣah bint 'Umar, and Umm Salāmah (all three were wives of the Prophet Muhammad) were the sources of variants of Quranic readings (al-Zarqānī, 1362). The history of Quranic reading variants of these three figures still exists in the collections of hadith books (al-Tirmidhī, 1395), works of exegesis, and language dictionaries (Jeffery, 1937). In addition to the wives of the Prophet, al-Suyūṭī in al-Itqān cites a narration that mentions Umm Waraqah bint 'Abd Allāh ibn al-Hārith as a woman who was believed to be an *imām* for her family members because of her ability to memorize the Quran (al-'Asqalānī, 1384). However, none of the Quranic biography collections immortalized the four female reciters.

The process of exclusion of female readers also occurred in the post-companion generation. A search of a special collection of biographies of Quranic readers (*al-Qurrā'*) found only three names of female readers immortalized in this biographical collection. Al-Dhahabi (d. 1348 CE), in his work *Ma'rifat al-Qurrā' al-Kubbār*, wrote the biographies of 734 readers

but did not include a single female name in the list of Quranic readers (al-Dhahabī, 1933). Ibn al-Jazarī (d. 1429 C.E.) in *Ghāyat al-Nihāyah fī Ṭabaqāt al-Qurrā'* included only three female names out of the 3955 names of Quranic reciters (Jazarī (al), 1352). 'Adil Nuwayhid, who wrote a dictionary of the figures of the *Muʿjam al-Mufassirīn min Ṣadr al-Islām Ḥattā al-'Aṣr al-Ḥāḍir,* mentioned only one female name in his work (Nuwayhid, 1409).

The exclusion process of female readers from biographical collections also continued into the modern era. A search of the biographical collection of recent Quranic readers found only three names of female Quranic reciters (al-Balak, 2011; al-Khūlī, 1992; al-Qāḍī, 2007, 2007). Al-Sa'danī in *Alḥān al-Samā'* listed only three names: Karīmah al-'Adliyah, Munīrah' Abduh, and Nabawiyyah al-Nuhhās, as the Egyptian Quranic reciters. Unfortunately, he mentioned these three names only to tell the tragic denial story of broadcasting rights in the Quran recitation program on Egyptian radio (Sa'danī (al), 1996). This fact showed that women were not or less recognized and appreciated for their role in the transmission of the Quran by biographers.

Table 1.
Comparison of Male and Female Quranic Reciters in Biographical Collections

No	Biographies of Quranic Reciters	Number	
		M	F
1	*Maʿrifat al-Qurrā' al-Kubbār 'alā al-Ṭabaqāt wa al-A'ṣār*	1242	0
2	*Ghāyat al-Nihāyah fī Ṭabaqāt al-Qurrā'*	3955	3
3	*Al-Halaqāt al-Mudi'āt min Silsilah Asānīd al-Qirā'āt*	1637	0
4	*Muʿjam al-Mufassirīn min Ṣadr al-Islām Ḥattā al-'Aṣr al-Ḥāḍir*	2000	2
5	*Ash'hur man Qara'a al-Qur'ān fī al-'Aṣr al-Ḥadīth*	16	0
6	*Ashwāt min Nūr*	24	0
7	*'Abāqirah al-Tilāwah fī al-Qarn al-'Ishrīn*	45	0
8	*Alḥān al-Samā'*	17	3
	Total	8936	8

The dearth of women's names in these biographical works prompted Muhammad Khayr Yūsuf to comprehensively search for the names of female reciters in biographical collections of Quran reciters. By combining several search criteria, he identified a total of 48 names of women who were actively involved in reading, studying the science of interpretation, or narrating the books of *Ulūm al-Qur'ān*, and memorizing the Quran. This yielded a total of 48 names of women reciters of the Quran (Ramaḍān, 1413). As stated in Ramaḍān (1413), a general tendency was identified in the inclusion of women's names in these biographical works. The presence of these names was indicative of kinship or marital relationships with renowned writers, as well as connections with officials or individuals wielding political influence. These relationships may have included being a relative of a governor or other political figures (Ramaḍān, 1413). A comprehensive investigation into the subject was conducted, drawing upon the insights of prominent scholars such as Abū 'Ubayd ibn Sallām and al-Suyūṭī in their work al-Itqān, as well as al-Sa'danī's Alḥān al-Samā'. The analysis yielded 55 names of female reciters, which were further categorized based on their lifetime. The distribution of these names is presented below:

Table 2.
Distribution of Women Reciters from the 1st to the 14th Century Hijri

Era of Preserving the Quran	Century	Number
Prophet and His Companions (*al-Ṣaḥābah*)	1	7
The Followers (*al-Tābi'ūn*)	2	2
Codification of Variant Readings (*Qirā'āt*)	3	1
	4	1
Post-Codification of Variant Readings	5	1
	6	6
	7	10
	8	6
	9	11
	10	4
	11	1
	12	1
	13	0
	14	4
TOTAL		55

As illustrated in Table 2, there was a decline in female participation during the initial five centuries. This decline can be attributed to two major factors: the standardization of Quran reading variants and the professionalization of the *qirā'ah* discipline. The professionalization of *qirā'ah* necessitates fulfilling specific conditions that pose significant obstacles for women seeking to engage in the transmission of the Quran. The process of becoming a *qirā'ah imām*, or Quran reciter, necessitates a search for a chain of *qirā'ah*, which involves traversing various regions and acquiring guidance from multiple instructors (al-Muṭayyarī, 2013).

This requirement confronted women with two significant challenges: the doctrine of the command to stay at home and the prohibition of traveling without a *maḥram*. In certain instances, women were accompanied by male companions, particularly their fathers, during their travels to learn *qirā'ah* from different centers of *qirā'ah* study. However, in general, *riḥlah*, as practiced by *qirā'ah* imām, was defined as the ability to travel alone without being constrained by domestic or financial responsibilities. Consequently, the precipitous decline in women's participation coincided with the rise of *riḥlah* among *qirā'ah* scholars, suggesting a correlation between these two phenomena. The *riḥlah* movement resulted in a decrease in women's participation in *qirā'ah* transmission from the middle of the second century until approximately the fifth century A.H. At that point, there was an increase in acceptance of the standardization of the *Qirā'ah Sab'ah*.

Nonetheless, an increase in the participation of women in the transmission of the Quran was observed from the fifth century Hijri onwards, particularly evident in the ninth century Hijri. This development is noteworthy because it transpired after the collapse of the Baghdad caliphate, following the assault of Hulagu Khan in 656 AH (1258 A.D). In this era, which is referred to as the beginning of the medieval period in Islamic history, Muslims' political life was characterized by dividing Islamic territory into three hostile powers. The three powers in question were the Islamic kingdom in Andalusia, the Mamluk kingdom in Egypt, and the Ilkhanate, a Mongol dynasty that ruled Persia (Shiddiqie, 1983). Of the three Islamic kingdoms, the Mamluk rule in Egypt was the only one that survived various external attacks. The metropolises of Cairo and Damascus emerged as destinations of choice for scholars from the West and East, propelling them to advance their scientific careers. This state of affairs fortified the ties that bind scholars within their familial networks, thereby fostering women's re-entry

into the hallowed tradition of Quranic transmission. When women's education within the family network is prioritized, the normative and legal barrier (prohibition of *ikhṭilāth*) to contact between men and non-mahram women can be partially overcome.

The participation of women had been increasingly unrecognized in the chain of transmission of the Quran, as stated in the diplomas (*ijāzah*) of the Quran. Although some biographical works of the Quran mentioned several female names in the Quranic transmission system, from the results of a temporary search of the transmission chain of Quranic readings, there was no female reciter in the transmission system. From the most recognized and popular transmission lines of the Quran among Muslims, the so-called *qirā'ah sab'ah* (the seven recitations) showed that all the narrators of the *qirā'ah* were men, from male teachers who narrated the recitation to their all-male students. The seven imams of *qirā'ah sab'ah* were 'Abd Allāh ibn 'Āmir al-Yahsabī (d.118 AH), Abū Muḥammad 'Abd Allāh ibn Kathīr al-Makkī (d.120 AH), 'Āṣim ibn al-Najūd al-Asadī (d. 127 AH), Abū 'Amr Zabbān ibn al-'Alā' ibn 'Ammār (d. 154 AH), Ḥamzah ibn Hubayb ibn az-Zayyāt al-Kūfi (d.156 AH), Nāfi' ibn 'Abd al-Rahmān ibn Abī Nu'aym al-Laithī (d. 169 AH), and Abū Ḥasan 'Alī ibn Ḥamzah al-Kisā'ī (d. 189 AH) (Mujāhid, n.d.).

Female reciters also found difficulty in performing Quranic recitation in public spaces. Al-Sa'danī, in his biographical collection, *Alḥān al-Samā'*, stated the fate of three female speakers in Egypt: Karīmah al-'Adliyyah, Munīrah 'Abduh, and Nabawiyyah al-Nuḥḥās. These three reciters previously had access to Quranic recitations at public festivals, religious events, funeral ceremonies, and feasts of joy. Furthermore, Munīrah 'Abduh was once the preeminent Quran reader who chanted their voice through various official radio stations in Cairo. However, since the eve of World War II, this access has been closed for good after several senior Egyptian clerics issued a fatwa on female voices being *awrat*. Al-Sa'danī said:

"Shortly before the onset of World War 2, some Mashayikh (senior Ulama) issued a fatwa that women's voices are awrah (private parts), and as a result, Shaykhah Munīrah's voice disappeared from the radio. The Voice of London and Paris Radios, which previously broadcast Quranic recitations by Munīrah 'Abduh, stopped broadcasting her records for fear of angering Senior Muslim Scholars. Despite the influx of hundreds of protest letters from listeners criticizing the non-broadcast of Sayyidah Munīrah's recitations, the radios could not do anything. The tradition of the Quran recitation by women has ended with the issuance of fatwas by Senior Mashayikh" (al-Sa'danī, 1996).

Causal Factors of Marginalization

The marginalization of women in the transmission of the Quran occurred due to several doctrinal teachings that regulated the ethics of women's association in public. These doctrinal teachings included limitations such as the domestication of women, the prohibition of mixing (*ikhṭilāṭ*) between foreign men and women (non-*maḥram*), the stigma that women's voices are *awrah*, and a ban on travel for women without *maḥram* (close relative) assistance. These doctrines were deduced by the *fuqahā'* from the statements of several verses of the Quran and hadith of the Prophet Muhammad and later standardized in the view of the schools of jurisprudence. The scholarly view of this school was reproduced in *fuqahā*'s works from time to time so that they became dominant throughout the history of Quranic transmission. The existence of these doctrinal constraints limited women's access to the Quranic transmission tradition and had a direct impact on their lack of recognition of their role in Quranic transmission.

"There is no doubt that due to the lack of mention of women reciters and memorizers of the Quran [...]. In general, it is because women *have to close themselves, maintain their honor, and not mix (with the opposite sex)—and when they listen and study (the Quran), all of*

this must be done within the limits and normative conditions prescribed by Islamic teachings. After they have finished studying the Quran, they are then content with teaching it to their family members or relatives, organizing scientific assemblies of Quranic exegesis and other Islamic disciplines, or providing themselves with teaching women, children, both boys and girls, thus causing them to be less well known and published in biographical works" (Ramaḍān, 1413).

"[...] What causes the absence of names of female readers since the first century in biographical works, except for a few, is that *they do not want to present and highlight themselves to be readers, because the basic law of Muslim women is to cover and stay at home. If she is commanded to do something more important than the Quran—that is, to pray in the mosque—when the prayer of the woman in the house is more important than the prayer in the mosque, then likewise in the case of reading the Quran, she must not present himself in public, chant the recitation of the Quran to them, listen to them the beauty of his voice and recite the Quran to them.* But (he was commanded) to read the Quran in his house, to recite it, and not to raise his voice except to his children, or those who were children if he wanted to teach them" (Ramaḍān, 1413).

The domestication immediately restricted women based on the command to stay at home: *"And remain in your houses and do not decorate and (behave) like the Jahilids of old"* (QS. al-Aḥzāb: 33). Since the revelation of this commandment, women's extensive participation in the time of the Prophet in various socio-religious affairs ended after being standardized in formal institutions. The lives of the Prophet's wives were the initial private spheres where restrictions were implemented, with the relevant verses revealed and enforced during the Prophet Muhammad's lifetime. After his death, these directives evolved into normative practices applied to all Muslim women (Ahmed, 2021). This restrictive doctrine later penetrated the teachings of all Islamic schools of jurisprudence. Islamic jurists from the four dominant schools agreed with prohibiting women from leaving their homes without the permission of their guardians or husbands. A woman leaving the house without her guardian's or husband's permission, even for noble purposes such as congregational prayer, is considered sinful. Al-Kasānī (d. 587), an Islamic jurist of the Ḥanāfī school, revealed:

"They agreed that there is no exemption for women who have started to grow into adolescence to go out for Friday prayers, Eid al-Fitr and Eid al-Adlha, and other prayers, based on the word of Allah (And you should remain in your homes). The command of silence (is the same as) the prohibition of going out because it is the cause of *fitnah* (slander), and slander is haram. Everything that leads to haram acts is haram (al-Kasānī, 1327).

Doctrine of the Prohibition of *Ikhtilāṭ* (Mixed with Non-*Maḥram*)

The command to stay at home has also given rise to the doctrine of the prohibition of *ikhtilāṭ* (al-Aḥzāb: 33). The primary purpose of the commandment to keep at home (for the wives of the Prophet) was to prevent their contact with foreign men. If the condition requires contact, then the interaction between them and foreign men should be done from behind a partition (*ḥijāb*) (al-Aḥzāb: 53). This prohibition also has a normative foothold in QS. al-Nūr: 31, which commanded the believing woman to keep a view of the opposite sex and preserve her *awrah*. Although the audience of this commandment was the wife of the Prophet, this provision also applies to all Muslim women (al-Qurṭubī, 1964). The prohibition of *ikhtilāṭ* in the *fiqh* scholars' views applies to women in all public spaces, including places of worship. Ibn Qudāmah, a follower of Hanbali, stated:

"If the *imām* prays with both male and female worshippers, then the *imām* and male worshippers are instructed to refrain for a moment until all the female worshippers have come

out of the mosque and have left after the *salām* (end of prayer). Umm Salamah said: "Women at the time of the Prophet (Peace be upon Him), when they had finished in the obligatory prayers, they immediately left, and the Prophet (Peace be upon Him) and the male congregation stayed for a moment, and if the Prophet left his place of prayer, then the male congregation followed him [...]. The Prophet's actions were to keep people out of the female congregation and to a mixture of men and women" (Ibn Qudāmah, 1968).

The Doctrine of Travel Prohibition

The four schools of Islamic jurisprudence also agreed with women's prohibition from traveling within a certain distance without being accompanied by their mahram. The difference between their views was only in determining the mileage of the forbidden trip. Ḥanāfiyyah and Shāfi'iyyah scholars restricted it to travel of three days or more ('Abd Allāh ibn Maḥmūd ibn Mawdūd al-Mawshulī Ḥanafī, 1937; al-Māwardī, 1999; al-Nawawī, 1347). On the other hand, Mālikiyyah and Ḥanbaliyyah scholars limited women to traveling more than one day (al-Maqdisī, 1405). The first opinion held that on the hadith of the Prophet: "*It is not lawful for a woman who believes in Allah and the day of judgment, to travel beyond the distance of three days or more, unless she is accompanied by a father, son, husband, brother, or relative with whom she has a mahram relationship*" (al-Naysaburī, n.d.). The second opinion maintained the hadith of Abū Ḥurayrah, which stated: "*It is not lawful for a woman who believes in Allah and the last days, to travel beyond the distance of travel by one or more days unless she is accompanied by a mahram*" (al-Naysaburī, n.d.).

Travel bans further marginalized female readers with the growing popularity of the tradition of wandering in search of sanad *qirā'ah*. This tradition of wandering was driven not only by the imperative preference for direct transmission (*talaqqī*) and oral (*mushāfahah*), and to shorten the chain of narration (*isnād 'ālī*) to increase one's reputation in this field, but also to have religious motives of carrying out Allah's commandments in QS. al-Tawbah: 122. In this verse, Allah commands that some Muslims set aside time and dedicate themselves to studying so that they can one day be a warning giver to their community. In addition, this journey was motivated by the desire to achieve merit in the afterlife. In a hadith, the Prophet said: "Whoever wants to travel to seek knowledge will make it easier for a person to enter heaven" (al-Tirmidhī, 1395).

The Doctrine of Women's Voice is *Awrah*

Although they did not view women's voices as *awrah*, all schools agreed that women's readings accompanied by *nagham* (rhythm) and songs include sounds that foreign men are forbidden to listen to. This view followed QS. al-Aḥzāb: 32: "O wives of the Prophet! You are not like other women if you are pious. Then do not submit (weaken, soften the voice) in speaking so that the lust of one who has sickness arises in his heart [...]." By referring to the phrase "soften the voice," scholars of the four schools of thought unanimously forbid—or at least consider *makrūh*—the recitation of the Quran from a woman in the presence of a foreign man. Since most of the recitation of the Quran with *nagham* (songs), scholars prohibited women from learning the Quran from non-mahram male teachers (Miṣrī (al), n.d.) The ban on learning the Quran to foreign male teachers is also based on two arguments: *First*, the Prophet's statement forbids women from reciting the Quran in prayers in mosques attended by foreign men. *Second*, the hadith of the Prophet stated: "Both ears, the adultery is by seeking to hear." Thus, the prohibition of women's Quranic recitation was because a *taghannī* (singing) usually accompanied a woman's recitation of the Quran for fear of arousing men's desire. Therefore, listening to a woman's voice—even if it is the recitation of the Quran—accompanied by desire

is adultery and unlawful (al-'Irāqī, n.d.). Based on both arguments, scholars agree to prohibit women from learning the Quran from foreign men (al-Miṣrī, n.d.).

Women Reciter's Legal Stratagem (*Ḥīlah/Makhraj*) in Facing Ethico-Legal Restrictions

In Arabic, the term *ḥīlah* (plural *ḥiyal*) denotes any means or stratagem to overcome a difficulty, either letting go by avoiding discomfort or managing the problems to which it originates (Cattelan, 2017). In Islamic legal praxis, *ḥīlah* or "legal stratagem" is understood in two ways: positive (permissible) and negative (forbidden). In a positive sense, *ḥīlah* means the intelligent use of legal argument or reasoning to achieve allowable goals unconventionally (Rafique et al., 2021) and still within the limits of the Islamic legal framework (Muhammad Omer Rafique et al., 2023). In this sense, *ḥīlah* is equivalent to *makhraj* (legal exit) (Rafique et al., 2021), that is, the way out of any legal impasse in ways that do not conflict with the law itself (Smolo & Musa, 2020). In a negative sense, *ḥīlah* is a legal strategy designed to achieve impermissible goals by formal, legitimate means of the Shari'a. In other words, *ḥīlah* means to change something that should be prohibited to be allowed while still formally following the existing "formal law" (Cattelan, 2017). The concept of *ḥīlah* used in this study is *ḥīlah* in its positive meaning, namely, intelligent use of legal argument or reasoning to achieve allowable goals unconventionally.

The existence of several *fiqh* doctrines above has implications for women's limited access to the transmission of the Quran. The ban on going out of the house and the ban on traveling without a *maḥram* have automatically restricted women's access to the process of seeking *sanad* (links) for the transmission of Quranic recitations. One of the requirements for becoming a Quran reciter is possessing a chain of recitation that traces back to the Prophet of Allah, verified through an official Quranic certification (*ijāzah*)." To meet this requirement, the reciter of the Quran must perform the tradition *of riḥlah* (travel) in search of a more senior teacher to get the *sanad 'ali* (shortest link) that connects his recitation to the Messenger of Allah. But with the ban on going out and traveling, it has become increasingly complex for women to qualify for transmission. A woman can only become a Quran reciter if she has a family member of a Quran reciter or has a *maḥram* companion accompanying her on a journey.

However, several precedents point to the efforts of Quranic scribes to develop legal strategies (*ḥīlah/makhraj*) to anticipate the doctrine of the prohibition against leaving the house and traveling. 'Ā'ishah, the wife of the Prophet, in her rebellion against 'Ali, known as the Camel War, opposed the domestication order. As the wife of the Prophet, she chose to leave the house to lead a rebellion against 'Alī ibn Abī Ṭalib, who committed tyranny for protecting those who killed Uthmān ibn 'Affan. The Prophet's Companions viewed her leadership in this rebellion as a violation of the doctrine of denial, which required the Prophet's wives to stay home. In addition, 'Ā'ishah also strongly criticized Abī Sa'īd al-Khudrī's fatwa about requiring *maḥram* assistance for women in travel. He stated that not all women have a *maḥram* to accompany their journey. With this argument, 'Ā'ishah supported women's right to travel without a *maḥram* in all circumstances and conditions (al-Dukhayyil, 1409).

Furthermore, several Quran reciters opposed the travel ban was also shown. Various accounts of the wanderings of female readers in search of the sanad of the Quran revealed that the prohibition of traveling without a mahram was within certain limits, ignoring the purpose of transmission. The following two cases of Quranic reciters demonstrate the fact of such neglect:

"Ibnat al-Fayz al-Qurṭubī made a *riḥlah* (journey) to Andalusia with the aim of the Spanish city of Denia to meet the most famous Quranic reciter of his time, Abū 'Amr al-Dānī. But unfortunately, he came when the teacher lay sick on the bed, which led to his death, and he also attended the funeral procession of the master. However, he did not give up hope and

asked the companions of Abū 'Amr al-Dānī, who advised him to study with Abū Dāwud al-Balnasī. He also traveled to Balnasiyyah (Valencia). He also learned to read the Quran with Qirā'ah Sab'ah to him" (al-Ghantūsī & Aḥmad, 2014).

"This noble figure of our education is Sayyidah bint 'Abd al-Ghānī ibn 'Alī ibn 'Uthmān Umm al-'Alā' al-'Abdariyyah al-Gharnāṭiyyah [...]. He studied with Abū Zakariyyā in Granada (Spain). This shows that um al-'Alā' al-'Abdariyyah, although her father had died and she had been orphaned since childhood, persisted in facing all obstacles and barriers in studying. She also traveled (to Granada, Spain) in order to study, and she began by learning to memorize the Quran and deepen her knowledge. Then he moved to Fez (Morocco), then returned to Granada, and then settled in Tunisia and taught at the king's court in Tunisia" (al-Miknāsī, 1394).

The prohibition of *ikhtilāṭ* (mixing of men and women) and the doctrine of the voice of women *awrah* also have implications for limiting women's access to the transmission process. In learning the Quran, a student must interact orally with the teacher through the *mu'aradlah* (oral transmission) method. This normative provision requires long-term teacher-student interaction with a level of closeness that allows the teacher and student to communicate verbally. With such rules, women can only study with *maḥram*-related teachers or fellow female teachers. Vice versa, a female reader can only teach female students or teach her family members. In addition, the doctrine of the voice of *awrah* women also implies that women are not allowed to read the Quran in public spaces. The ban of three Quran reciters from broadcasting rights on Egyptian Quran radio occurred because of the insistence of conservatives who considered women's voices to be *awrah* and not for the public (al-Sa'danī, 1996).

However, Quranic reciters use several legal strategies (*ḥīlah*) to anticipate these doctrinal constraints: *First*, establishing *maḥram* relationships through the mechanism of adult breastfeeding (*riḍā al-kabīr*). 'Ā'ishah applied this strategy to include foreign male students to study in her school. If a male prospective student wanted to join her school, she would ask him first to drink the breast milk of one of her sisters. Through this mechanism, she and her male students became a *maḥram*. This mechanism relied on the precedent used by the Prophet to solve the problem of Salim, Abū Hudhayfah's adopted son, so that he became part of the family (al-Sijistānī, n.d.; al-Bukhārī, 1978).

Second, the female teacher built a relationship with the *mahram* or female students. The teacher-student *maḥram* relationship also occurred in the case of Maymūnah bint Abī Ja'far Yazīd ibn al-Qā'qā' (Jazarī (al), 1419). Salmā bint Muḥammad Ibn al-Jazarī, (al-Jazarī, 1933) and 'Ā'ishah bint al-Shaykh Abī Mūsā 'Imrān ibn al-Hājj Sulaymān al-Manūbī (Wahhāb (al), 1405). While the teacher-student relationship between females was shown in the case of Sayyidah bint 'Abd al-Ghānī ibn 'Ālī ibn 'Uthmān um al-'Alā' al-'Abdariyyah al-Gharnāṭiyyah; Khadījah bint Yūsuf ibn Ghanīmah ibn Ḥusayn al-Baghdādiyyah al-Dimashqiyyah; Asmā' bint al-Fakhr Ibrāhīm ibn 'Irṣah; um Muḥammad 'Ā'ishah bint Ibrāhīm ibn Ṣiddīq al-Sulamī al-Dimashqiyyah; Bayram bint Aḥmad al-Mālikiyyah and Asmā' bint Mūsā al-Ḍajjā'ī. These characters chose to teach the Quran to females.

Third, female reciters learned the Quran before the age of puberty. From the tracing of Quran reciters, the average age at which female Quran reciters began learning the Quran was between the ages of 4 and 12. 'Ā'ishah bint Yūsuf al-Bā'ūniyyah started studying the Quran with her father at the age of 4, Maryam bint 'Alī al-Hawarīniyyah began studying the Quran from the age of 7. Starting from a very early age to learn, it is unsurprising that they managed to memorize the Quran from a very young age. Ḥafṣah bint Sīrīn al-Anṣāriyyah had mastered the *qirā'ah* of the Quran when she was 12 years old (*qad qara'at al-Qur'ān wa hiya bint thintay 'ashrah sanah*) (Dhahabī (al), 1933). Meanwhile, Fāṭimah Ibnat al-Shams Muḥammad ibn Yūsuf ibn Aḥmad ibn Muḥammad al-Dayrūtī learned the Quran at the age of 7 from several teachers in Makkah (Ramaḍān, 1413).

The *Maqāṣid al-Sharī'ah* Solution to the Issue of Marginalization

The data presented herein indicates that the involvement of women in the transmission of the Quran is frequently subject to a series of *fiqh* rules that impose limitations on their access to transmission praxis. While it does not fully address the role of women in the transmission of the Quran, the existence of these fiqh rules undeniably restricts women's access to this transmission. Confronted with this limitation, the women reciters endeavor to identify a solution (*makhraj/ḥilah*) to these challenges by establishing *maḥram* relationships through the *rida' al-kabīr* mechanism, fostering teacher-student relationships among *maḥram*s, acquiring knowledge prior to puberty, and utilizing the assistance of *maḥram*s in the learning process.

In the context of *maqāṣid al-sharī'ah*, the involvement of women in the transmission of the Quran can be regarded as a strategy to safeguard religion (*ḥifẓ al-dīn*), aimed at ensuring the preservation of the holy book and the integrity of the Islamic faith. The integration of women in the transmission process is a crucial aspect of preserving reason, as it provides women with opportunities to contribute to the dissemination of knowledge (al-Ghazālī, 1993). Concurrent with these tenets is the imperative to seclude (domesticate), the proscription of *ikhtilāṭ*, the interdiction of traveling, and the voice of women's *awrah*. These imperatives are predicated on the overarching goal (*maqāṣid al-sharī'ah*) of preserving women's honor (*ḥifẓ al-nasal/al-'irḍ*) and safeguarding the soul (*ḥifẓ al-nafs*) (al-Shāṭibī, n.d.). However, the results of this study's biographical tracing indicate that the objective of preserving honor (*ḥifẓ al-'irdl*) imposes certain limitations on female readers regarding their participation in the transmission process (*ḥifẓ al-dīn*).

When there is a conflict (*ta'āruḍ*) between *maqāṣid*, the best option is to use a compromise approach (*al-jam' bayn al-maqāṣid*), which is to favor an approach that realizes two or more *maqāṣid* simultaneously, rather than an approach that acknowledges only one *maqṣad* by suspending the other *maqāṣid* (al-Shāṭibī, n.d.). When a compromise approach cannot be taken, Muslim scholars offer a hierarchy of *maqāṣid* values. Based on this hierarchy of values, *maqāṣid* that have a high degree of urgency and emergency for human survival must be prioritized over *maqāṣid* that are less urgent (al-Shāṭibī, n.d.). *Maqāṣid* priority may also be given to laws that bring greater benefit (*jalb al-maṣlaḥah*) and prevent greater harm (*dar' al-mafsadah*), even if this step requires a temporary suspension or deviation from the literal aspect of the law (*tanzīl al-maṣāliḥ wa dar' al-mafāsid*) (al-Jawziyyah, 1973). In addition to the hierarchy of values approach, the compromise between *maqāṣid* can also be achieved by using an approach based on the distinction between *maqāṣid* (ends) and wasā'il (means). The ultimate purpose (*maqāṣid*) of the law is eternal and unchanging, but the means of achieving that purpose may vary according to circumstances and conditions (al-Jawziyyah, 1973).

In accordance with the aforementioned principles of *maqāṣid al-sharī'ah*, the objective of preserving religious authenticity (*ḥifẓ al-dīn*) through preserving the sacred text and upholding the dignity of women (*ḥifẓ al-'irdl*) may be compromised through *the al-jam' bayn al-maqāṣid* approach. Women reciters have endeavored to identify a means of navigation (*makhraj/ḥilah*) through the *riḍā al-kabīr* mechanism, the establishment of *maḥram* relationships, the cultivation of teacher-student relationships between *maḥram*s, the acquisition of knowledge prior to puberty, and the pursuit of guidance from *maḥram*s. These endeavors can be interpreted as a dual-faceted strategy, aimed at achieving two overarching objectives: the preservation of religion (*ḥifẓ al-dīn*) through transmission activities, and the safeguarding of women's honor (*ḥifẓ al-'irdl*). However, the findings of this study indicate that these normative rules may impede women's access to transmission. Consequently, exploring an alternative approach (*fatḥ al-dharā'i'*) is imperative to ensure greater equitable access and justice for women.

In this context, efforts to maintain the objective of preserving religion (*ḥifẓ al-dīn*) and the proscriptions against domestication, interaction with foreign men, travel, and the doctrine

of women's voices have to be understood within the context of Arab society at the time of their revelation (al-Qarāfī, 1998). A comprehensive understanding of these rules necessitates an examination of the cultural characteristics, geographical conditions, and historical and cultural context of Arab society during that period. The verses of the Quran or hadiths related to these provisions no longer have to be applied textually. However, the ethical vision (*maqāṣid*) of these verses and hadiths can still be realized universally, everywhere, and every time (al-Shāṭibī, n.d.).

The command of seclusion—such as the directive to remain at home—and the prohibition of *ikhtilāṭ* (free mixing) can be understood as specific instructions directed to the wives of the Prophet and are not universally applicable to all Muslim women ('Abduh & Riḍā, 1947). The effectiveness of the Prophet's preaching in disseminating Islam has resulted in a considerable influx of individuals from diverse ethnic and interest backgrounds into the mosque. During this period, the Nabawi mosque functioned as the central government office where the Prophet Muhammad conducted all religious and social affairs. This included receiving delegations from tribes interested in embracing Islam. During the negotiation process, the tribes resided in tents set up in the mosque yard. The mosque also serves as a place of residence for *ṣuffah* experts (students) who wish to study religion directly from the Prophet (Ahmed, 2021). Concurrently, the Prophet resided with his wives in a modest dwelling, or *ḥujurāt*, situated in close proximity to the eastern facade of the Nabawi mosque. Some of the doors leading to his wives' chambers faced directly into the mosque. In such dense and confined spatial conditions, the prohibition on leaving one's home and engaging in *ikhtilāṭ* (intermingling) with unfamiliar males is intended to uphold the image of the Prophet and ensure the stability of a growing society, particularly in the face of external threats and internal intrigue (Auda, 2008).

The doctrine that a woman's voice is *awrah* also utilizes the normative basis of QS. al-Aḥzāb: 32). This verse prohibits the Prophet's wives from lowering their voices, as doing so would incite the passions of individuals afflicted with spiritual maladies. Instead, they are instructed to articulate words conducive to positive emotions and thoughts. On the one hand, the verse under scrutiny merely prohibits the act of softening the voice; on the other hand, it instructs the Prophet's wives to speak words that are considered beneficial. This demonstrates that a woman's voice is not subject to prohibition, as if it were, then all forms of women's speech would be forbidden, including the expression of positive sentiments.

Conversely, a specific proscription against softening the voice would be rendered superfluous. This perspective is further substantiated by the historical practices of women during the Prophet's era. During the Prophet's lifetime, women participated in the Prophet's assemblies, playing an active role in these forums by posing questions to the Prophet in front of an audience of men. Notably, the Prophet himself never condemned or prohibited the active involvement of women in his assembly. If the voices in question were considered *awrah*, then it is reasonable to conclude that their presence in the Prophet's assembly would be denied (al-'Asqalānī, 1397). This is due to the fact that the Prophet would not tolerate evil. Therefore, the prohibition does not pertain to the voices of women but rather to the nature and context of their use.

The prohibition on traveling without a *maḥram*, as outlined in the framework of *maqāṣid al-sharīʿah*, is aimed at safeguarding honor (*ḥifẓ al-'irḍ*) and soul (*ḥifẓ al-nafs*). These prohibitions emerge in societies lacking well-developed public security and transportation systems. Women can access safe transportation, public infrastructure, the legal system, and state protection in modern society. The determination of security no longer relies on the concept of *maḥram*; instead, it is governed by a system that safeguards the rights and well-being of all citizens, irrespective of their gender. If these normative regulations are adjudged to impose constraints on women's engagement in transmission, the responsibility of the maḥram can be

entrusted to the administration of Islamic boarding schools or state institutions. An interview with the administration of the Sulaimaniyah female Islamic boarding school revealed that, in the context of female student enrollment at the Sulaimaniyah Islamic boarding school in Turkey, the responsibility of the *maḥram* was transferred to the institution's management in Indonesia and Turkey (Nawawi, 2025).

The concept of distinguishing between means and ends can also be applied in the context of transmission processes. The process of learning (*talaqqī*) the Quran between teachers and students, which necessitates the presence of both in one assembly (*mushāfahah*), serves as a conduit for the transmission of the Quran. Organizers of *taḥfīẓ al-Qur'ān* education must innovate to identify alternative methods that can simultaneously achieve two objectives: preserving the sacred text's authenticity and upholding the students' dignity. In this context, information technology, as has been employed during the COVID-19 pandemic by several *taḥfīẓ* Islamic boarding schools, can serve as a solution for female Quran reciters in the transmission process (Nawawi, 2025). Utilizing online learning platforms, such as Skype, Zoom, Google Meet, and analogous tools, facilitates the convergence of non-*maḥram* teachers and students in a virtual space, enabling the execution of *mushāfahah* without physical proximity. The utilization of social media has the potential to circumvent the prohibition of ikhtilāṭ with non-*maḥram*s and to ameliorate the issue of distance with instructors, thereby obviating the necessity for women to travel (*safar*). She can take a higher sanad from the teacher, even though a great distance separates the two.

So far, studies from the perspective of *maqāṣid al-sharī'ah* have generally focused on efforts to harmonize Islamic teachings with local traditions, such as those carried out by Jubba in the Kokoda community and Nashiruddin in Minahasa, who successfully harmonized religious obligations with Christian customs (Hasse Jubba et al., 2024; Yūsuf et al., 2025). Elfia also demonstrates that the maqāṣid approach can transform Minangkabau's inheritance practices into more collective and productive ones, thereby fostering shared welfare (Elfia et al., 2024). Meanwhile, Abdul Kodir combines maqāṣid with the principle of *mubādalah* to create a more gender-equitable fatwa (Abdul Kodir et al., 2025). These findings suggest that *maqāṣid* can be a solution to the tension between religion and local culture. However, this study offers a different perspective by highlighting that tensions often arise not from outside, but from internal conflicts between laws within the teachings of religion itself.

Conclusion

This study found that female reciters experienced marginalization since the early days of the transmission tradition (the era of the Companions) and continued through the post-Sahaba generation to the contemporary era. The marginalization of female Quran reciters, as evidenced in this study, manifests in three primary forms: the exclusion of female reciters' names from biographical collections of Quran readers, the non-recognition of female reciters within the chain of transmission of the Quran, and the prohibition of female reciting in public spaces. The present study demonstrates that marginalization appears to occur due to numerous social norms that impose limitations on the presence of women in public spaces. A series of normative rules, including seclusion, restrictions on associating with unfamiliar males, travel bans, and the social disapproval of women's voices as *awrah*, have restricted women's involvement in transmitting the Quran. The existence of normative rules that limit women's presence in public spaces has inspired women reciters to develop several legal strategies to surpass these fiqh rule boundaries. These strategies include the establishment of adult breastfeeding relationships, relationships between female teachers or students in a *maḥram* relationship, and mechanisms for learning the Quran before puberty.

However, the present study demonstrates that several legal strategies developed by female reciters have not been sufficient to guarantee equal access to female reciters throughout the history of transmission. It has been determined that there are at least three domains in which women continue to experience restrictions. *First*, women are still excluded from biographical works of Quran reciters. The exclusion of female reciters from biographical collections has persisted from early generations to the present. It has been observed that biographical collections of Quranic reciters represent public domains that continue to present significant challenges for female reciters. Although works are published for the public, the names of female reciters are still considered taboo and are often omitted from these publications. This condition directly impacts the small number of female reciters whose names are enshrined in biographical collections. *Second*, female reciters remain excluded from the chain of the Quranic *ijāzah*. Despite certification programs designed to equip individuals with the skills necessary to recite the Quran, women's presence within the transmission chain remains a rarity. *Thirdly*, women encounter challenges in accessing public spaces to recite the Quran in a public setting. The view that women's voices are *awrah* remains dominant among Quran transmission activists.

Using the perspective of *maqāṣid*, this study provides a broader normative basis and offers solutions based on the core principles of Islamic law (*maqāṣid al-sharīʿah*). Using the principle of harmonization between *maqasid* (*al-jam' bain al-maqasid*) and the distinction between ends (*ahdāf*) and means (*wasāʾil*), this study can harmonize the goal of preserving the Quran (*ḥifẓ al-dīn*) through transmission practices and the goal of preserving women's honor (*ḥifẓ al-ʿirḍ*) through normative rules regulating women's relationships. The prohibition on leaving the house and engaging in *ikhtilāṭ* with strange men, the travel ban, and the fatwa that women's voices are *awrah* are legal means to preserve women's honor. If this means restricting women's access, then the implementation of these *fiqh* rules can be reviewed, and other alternatives can be sought to open up equal access for men and women. Several legal strategies developed by Quran reciters in the past can become theological precedents for Quran reciters in the future to establish various legal strategies that can realize the goal of preserving religion and preserving honor simultaneously.

However, the study is subject to limitations imposed by the data sources, particularly the Quran reciters' biographical collection. This study exclusively captures the general tendencies in transmitting the Quran based on the biographical data of Quran reciters. Meanwhile, historical works on the socio-political development of Muslim societies from classical, medieval, and contemporary eras also contain information on women's involvement in transmitting the Quran. The practices of marginalization of women are not limited to a single factor, doctrinal-normative, but have experienced periods of fluctuation as Muslim societies have changed their socio-political structure throughout their history. Consequently, the study proposes additional research to elucidate the historical sociopolitical factors that have influenced the fluctuations in women's participation in the transmission of the Quran. The factors that influence it must also be considered.

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