



جامعة الموصل  
كلية التربية للعلوم الانسانية  
قسم التاريخ

## الفقيهاة والمحدثات في المشرق العربي والإسلامي للقرن (3-7هـ/9-13م)

أطروحة تقدم بها الطالب  
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إلى

مجلس كلية التربية للعلوم الإنسانية / جامعة الموصل وهي جزء  
من متطلبات نيل شهادة الدكتوراه في التاريخ الإسلامي

بإشراف

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## المستخلص بلغة الاطروحة

اهتم الاسلام بالمرأة اهتماما بالغا، وعني بها عناية فائقة في تعليمها وتربيتها واعطائها حقوقها، فالنساء شقائق الرجال، لذلك أعطى الاسلام المرأة مكانة تليق بها، وتتناسب مع واجباتها الدينية، وحياتها الاجتماعية في مجتمع جديد، يختلف بمبادئه وقيمه عما كان عليه في الجاهلية، فأصبح للمرأة دور في صياغة المجتمع، صياغة إسلامية، بل في رسم هويته في ضوء هذا الدين الجديد، فشاركت المرأة في فعاليات هذا المجتمع الجديد، ضمن الحشمة والأدب، في حضور مجالس الرسول (ﷺ) وفي تربية الأسرة، والدعوة الى الله على بصيرة، والمساهمة في التعلم والتعليم.

إن جهود المرأة في خدمة الاسلام عامة، والفقهاء والحديث خاصة استمر منذ عصر النبوة إلى عصرنا هذا، وإن من يطالع تاريخ أمتنا عبر العصور يلاحظ انه لم يأت عصر من العصور إلا والمرأة مشاركة فاعلة فيه، ولو بشكل يسير في خدمة العلوم الشرعية بصورة عامة. وبذلك نجد أن المرأة دائما تكون مشرقة بعملها بسبب المكانة والبطانة التي توفرت لها بعد الإسلام وحماية حقوقها فحفزها ذلك ان تبحث وتسال عن أمورها الحياتية المرتبطة بالشرع من أجل العمل به والتفريق بين الصائب منه وما يرتبط بالمشبهوات، ودائما ما تعدُّ نفسها مسؤولة أمام الله تعالى لذا تطلب منها ان تتعلم وتعلم مما انتفعت منه. لقد كرم الاسلام المرأة؛ إذ جعل لها الحق في التعليم والتأديب بما ينفعها في امر دينها ودنياها، فقد كانت المرأة منذ بزوغ فجر الاسلام حريصة على التعليم والتفقه مثل الرجال تماما وذلك حق قد كفله الاسلام لها، فضلا عن الدعم والحافز الذي حفزها في التوجه للعلم، وقد سبق الإسلام غيره في اعطاء المرأة الحق في تلقي العلم الذي كان تماما للرجال الا في الخصوص الذي اختص به الرجال. ولقد جاء تأكيد العلماء والفقهاء على تعليم المرأة الامور الدينية وبعادها عن المجالات الاخرى، فظهرت لنا المرأة الفقيهة المحدثة العاملة، وقد بلغ بعضها من الشهرة حتى انها كانت تقفي في الكثير من القضايا، وهذا ما تناولناه في حقبة البحث.

إن الهدف من دراسة ((الفقيهات والمحدثات في المشرق العربي والاسلامي من القرن الثالث الى القرن التاسع عشر الهجري/ التاسع الى الثالث عشر الميلادي)) - وكان هذا التحديد الى نهاية القرن السادس ومنتهاى الى القرن السابع الهجري - وهو دراسة أكاديمية عن أشهر الفقيهات والمحدثات في المشرق العربي والاسلامي، وإلقاء الضوء على هذا الموضوع ذي الأهمية الكبيرة لأنه يتطرق الى أمرين مهمين، أولهما المرأة وتعليمها، وثانيهما ظهور دور واضح وجلي للمرأة في مجال الفقه والحديث، ومن هنا جاءت الرغبة في تسليط الضوء على حقبة مهمة من التاريخ الاسلامي إذ تميزت فيه المرأة بهذا المجال، وقدمت الى الاجيال الوارثة صورة واضحة ومميزة يستفيدون ويتعهدون فيه بالمضي ومواصلة تشييد صرح ما حضره اسلافهم.

أما المنهجية المتبعة في الدراسة فهي نهج البحث التاريخي التحليلي والخوض في امور مهمة تخص المرأة، فضلا عن التعريف بكل علم من الفقه والحديث في بداية كل فصل، ومن ثم ذكر اشهر الفقيهات والمحدثات وحسب سنوات الوفيات ولارتأينا الخوض في ذكر بعض النساء والمعمرات اللاتي عاصرن القرن السادس والسابع الهجري كونهن برزن منذ القرن السادس الهجري وعمرن وتوفين في القرن السابع الهجري.

مسؤول الدراسات العليا

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## Abstract

Islam was concerned with the issues of woman remarkably by providing her with special care in education, upbringing and rights. Women are equal to men that Islam granted them special status that suits their religious duties and social life in the new society. Islam differs in principles and division from the pre-Islamic era or what is called the Age of Ignorance. Woman had a role in building a society, in the Islamic formulation and even in shaping its identity in the light of this new religion. Woman participated in the activities of this new society in the case of compassion and good manners in the presence of the prophet's council "peace be upon him". In addition to raising the family, calling for Allah on sagacity and the taking part in learning and teaching.

Woman's efforts Al Hadeth in the service of Islam in general and in Al Fekih and tradition in particular continue from the prophesy era to the present. One who looks at the history of woman will notice woman has a crucial role in every era that advances legal sciences. Therefore, we always notice that woman is prosperous in her position due to circumstances which were provided after the emergence of Islam. These circumstances motivated woman to seek for her life matters that are linked with legalization in order to follow and differentiate between what is right or not. Woman considers herself responsible in front of Allah. Therefore, she had to lean and be aware of what she has learnt.

Islam has honored woman and given her the right to learn what it is useful concerning her life and religion. Woman was careful about learning and Al Fekih like men from the beginning of Islam. Besides, the motivation and impetus for the direction of knowledge, Islam has preceded the other religions in providing woman with learning that was totally for men unless in the fields that were specified for men. Scientists and jurists emphasize the learning of woman in the religious matters and let her away from the other fields that lead some women to reach fame by legitimating in many cases. This is the content of the dissertation.

The main aim of studying ((Al Fekihat and Al muhadethat in the Islamic and Arabic Orient from the Third to the Seventh Century)) is an academic study about the most famous female jurists and modernists in the Islamic and Arabic Orient. This subject will be focused on due to two important reasons: First is about woman and her education, second is about the emergence of the role of woman in Al Fekih and Al Hadith. For

this reason, it is essential to shed light on important era from the history of Islam in which woman became distinguished in this field by presenting a clear picture for the following generations who will follow and continue the way of their ancestors.

The method which is followed in the study is an analytic historical method that clarifies the matter and goes into important issues concerning woman. In addition to this, there is definition of Al Fekih and Al Hadith at the beginning of every chapter. The, the names of the most famous female jurists and modernists will be mentioned according to their death time especially those who witnessed the sixth and the seventh century because they became prominent in the sixth century and died in the seventh century.

This dissertation is divided into four chapters and a conclusion. Chapter one deals with woman and the religious sciences. A geographic survey is presented of the Islamic and Arabic Orient that begins from Egypt to regions behind the river by mentioning the most important cities that emerged in this field. This chapter also emphasizes the status of woman in Islam, Sunna and Qur'an by mentioning the verses that are about this field in addition to the traditions that clarify the position of woman under the Islamic period and the difference from the Ignorance Era. This chapter also discusses the learning of woman in Islam and how the learning movement is characterized that represent the Islamic civilized phenomenon. The rights of woman is considered as an excellent image that Islam has granted to woman that is useful in her life and religion. Therefore, it is important for woman to learn about the legal sciences in her daily life. This chapter also includes woman and her inclination towards Al Fekih and Al Hadith by presenting a clear image about women who appeared in this field.

Chapter two is about the factors that encourage the emergence of Al Fekih and Al Hadith by including the learning system in Islam that is considered as the most important characteristic of the Islamic Arabic civilization that is linked with Islam. Its basic duty was to care for science and scientists whether they are men or women in different fields especially in the legitimate fields. This chapter also deal with abundance of scientists, jurists and modernists and their campaigns. Scientists were shinging stars that illuminate women who appeared in the field for Al Fekih and Al Hadith by the encouragement of those scientists in learning.

This chapter also contains the role of the family in the leaning of woman that it has the first and enormous rule in motivating woman in acquiring the legitimate sciences. Most women received knowledge by the motivation of her father, brother or husband who accompanies them to scientists to receive education. An important role is mentioned that is the encouragement of caliphs for women by supporting science and scientists and providing the suitable atmosphere for scientists and their students whether they are male or female. Another important matter is discussed in this chapter is the intellectual centers and the most important intellectual cities which produces scientists, Al Fekih and Al Hadith and mentioning each city and the limit of its influence on knowledge and its students.

Chapter three is about female Al Fekih by presenting a terminological and lingual definition about Al Fekih by presenting the most important doctrines that were spread in the Islamic Arabic oriental territories and giving a general clarification of each doctrine in relation to the reasons and in which and largest city they appeared and spread. This chapter also dealt with the scientific expeditions that each one has aims and goals by focusing on the most famous female jurists and their scientific expeditions. The important reasons that pushed female jurrists for Al Fekih are mentioned. Then, they are classified according to their death period and each expedition and the scientists that those female jurists received their education from. This chapter also includes the manuscripts and the remains. In spite of their little numbers, we want to expose the role of woman in this field and her participation tough the circumstances that she had passed through. We showed the important reasons that made women reluctant and her direction toward composing and classification.

Chapter four is concerned with Al Hadith. It provides a lingual and terminological definition of modernity by showing its main types. It states the fields of Al Hadith and showing a definition of each type of modernity and mentioning each field due to the time in which it was appeared. This chapter also implies the famous female modernists and their expeditions in order to get the modern science. Women cared a lot in tradition due to its a crucial importance in life of Muslims. It is considered the second in legislation after The Holy Qur'an. Then, it deals with the most famous female modernists according to the years of their death. Those whom we do not know the exact period of their death are

classified according to the alphabetical order. This chapter also deals with female modernists and their marks. Manuscripts appeared for those women who linked tradition in a long series of scripts and for those who amend part or more due to their scientific degree that we had showed in this chapter. It also states the names of female modernists who granted degrees for modern scientist. Woman has a role in granting degrees to scientists. We have showed in this chapter the meaning of grant in giving definition concerning language and terminology. Finally, this chapter deals with the remains and manuscripts that woman have appeared and mentioned according to the time of their death.

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**AL- Fakihat and AL- Mouhdthat in the  
Islamic and Arabic Orient from century  
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