

About the Book

Lā Dhukūriyyah fī al-Fiqh or *There is no Male-Preference in Islamic Law* is an important treatise written by the great Moroccan legal scholar Muḥammad b. Qasim Al-Ta'wīl the mufti of Fez who taught at the Qarawiyyīn central mosque, the College of Shariah, and other important institutions. The book repudiates the common allegation of Islam possessing an inherently male bias to the detriment of women as a false stereotype promulgated by the enemies of Islam whose goal is to alienate Muslim women and others from their unique moral tradition. Islam's opponents have taken advantage of Muslim ignorance of their religion through colonization and its colonial advocates by undermining religious education, removing Islam from public life, and replacing it with secular law codes thereby transforming Muslim culture.

The book is divided into three chapters: (1) an introduction; (2) a chapter refuting the claim of the male bias in *fiqh*; and (3) a third chapter highlighting the secrets behind legal distinctions between men and women. The author explains in his introduction that the primary reason behind the confusion of Islam's critics is that they make the error of assuming that the role of Muslim jurists is to legislate, which results in men codifying laws that grant them advantages over women. Al-Ta'wīl rejects this misapprehension and clarifies that the job of the jurist is and has always been to merely elucidate scripture and disclose knowledge of God's predetermined judgments, as they believe them to be, based upon the interpretative tools at their disposal. If error happens, it is the result of the failure to properly comprehend the sources and the misapplication of legal principles, not from animus against women nor spiritual corruption. Among the topics covered in Chapter 2 are a woman's right to attend mosques, the role she plays in her own marriage, the financial rights of a divorcee and widow, and the fate of the female apostate and sorcerer. The author highlights

in each subsection cases of male jurists who supported the interests of women while their female counterparts stood in opposition of those same interests. This is done to underscore the fact that neither male nor female Muslim jurists are motivated by love of their own sex nor hatred for the other in their juristic deliberations. Rather, it is in pursuit of the strongest evidence before them and the pleasure of God that guide their scholarly endeavors. In Chapter 3, the author covers the many topics of controversy often held up as signs of Islam's patriarchal bias and putative misogyny. These include the discussions of polygyny, the wergild, testimony, leadership, divorce, inheritance, and man's charge over women. He weaves through each topic presenting the viewpoints of Islam's critics, and then proceeds to refute each objection in detail.



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