
SOME CONSIDERATIONS ON AVERROES' VIEWS REGARDING WOMEN AND THEIR ROLE IN SOCIETY*

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Traditional views on women have been the subject of much debate, with some studies offering a comprehensive overview of the problem. The aim of this study is to contribute to the discussion by focusing on a Muslim philosopher, Averroes (Ibn Rushd, d. 1198), known in medieval Europe as an Aristotelian commentator. Modern research shows him as a philosopher in his own right. The originality of his views on women would place him in that category.

In the history of philosophy a predominantly negative conception of women is found even in modern rationalist philosophers, who believed in the universality of reason but largely held traditional views on women. Suffice it to mention briefly two modern rationalist philosophers, who lived centuries after Averroes and in liberal or post-Enlightenment societies and belonged to different religious traditions: Spinoza and Hegel. In his *Theological-Political Treatise* Spinoza, who flourished in the seventeenth century in the Netherlands, praises intellectual reasoning over imagination and prophecy on account of the fact that the Bible mentions female prophets.¹

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¹ 'The prophets were not endowed with a more perfect mind, but with a more vivid power of imagination. Scripture, too, provides ample material to confirm this. In the case of Solomon, it is clear that he surpassed others in wisdom, but not in the gift of prophecy. Heman, Darda and Kalkol were also men of outstanding wisdom, but prophets; on the other hand, countrymen who had no learning whatsoever—indeed, even women of humble station, like Hagar, the handmaiden of Abraham—were endowed with the gift of prophecy. This fact is in no way at variance with experience and reason. Those with a more powerful imagination are less fitted for purely intellectual activity, while those who devote

Hegel, who was active in late eighteenth and early nineteenth century Germany, claimed that women did not attain the intellectual level required for the practice of philosophy and science. He further stated that the difference between man and woman is like that between animal and plant, since women remain at the level of opinion. He famously claimed that a state ruled by a woman would be endangered.² Moreover, women cannot attain to the universal ideal, but rather turn universal ends to private ends.³

More recently an abundance of feminist literature and readings of Hegel's system has become available, pointing to a more complex and nuanced position on women.⁴ However, some of Spinoza's and Hegel's claims typify a certain approach to women as generally inferior to men.

One would expect Averroes to follow the approach that pervades the majority of philosophical writings on women. More particularly, one would assume his espousal of Aristotle's conceptions, for Averroes

themselves to the cultivation of their more powerful intellect, keep their imagination under greater control and restraint, and they hold it in rein, as it were, so that it should not invade the province of intellect.' Spinoza, *Theological-Political Treatise*, Ch. II, 'Of the Prophets', in Spinoza, *Complete Works*, with translations by Samuel Shirley; edited, with introduction and notes by Michael L. Morgan (Indianapolis/Cambridge: Hackett Publishing Company, 2002), 404.

² 'Women may well be educated, but they are not made for the higher sciences, philosophy and certain productions of art which require a general [idea]. Women . . . do not possess the ideal. The difference between man and woman is [like] that between animal and plant: the animal corresponds more to the character of man, the plant corresponds more to the character of woman, for she is rather quiet unfolding which acquires the more indefinite unity of feeling as its principle. If women stand at the head of the government, the state is in danger, for they act not according to the requirements of universality but according to haphazard inclination and opinion.' Hegel, *Grundlinien der Philosophie des Rechts oder Naturrecht und Staatswissenschaft im Grundrisse, Mit Hegels eigenhändigen Notizen und den mündlichen Zusätzen* (Frankfurt am Main: Suhrkamp, 1970), §165, Zusatz, 319–20. My translation.

³ 'Womankind—the everlasting irony [in the life] of the community—changes by intrigue the universal end of the government into a private end, transforms its universal activity into a work of some particular individual, and perverts the universal property of the state into a possession and ornament for the Family. Woman in this way turns to ridicule the earnest wisdom of mature age which, indifferent to purely private pleasures and enjoyments, as well as to playing an active part, only thinks and cares for the universal.' Hegel, *Phenomenology of Spirit*, transl. A. V. Miller with Analysis of the Text and Foreword by J. N. Findlay (Oxford: Clarendon Press, 1977), §475, 288.

⁴ See, for instance, P. J. Mills (ed.), *Feminist Interpretations of G. W. F. Hegel* (Pennsylvania State Press, 1996).

praised the Stagirite as the highest exponent of human intelligence. Indeed, he hailed him as the founder of the main philosophical disciplines, logic, physics and metaphysics, and remarked that nothing of consequence could be added to his writings.⁵

Aristotle's low regard for woman as compared to man is well known. He associates women in general with matter and potentiality. Moreover, his philosophy privileges the category of action over the category of passion (i.e., being affected), and actuality is always considered worthier than potentiality. One finds numerous instances of this position in the *corpus aristotelicum*. To mention but one, the Stagirite implies in the *Nicomachean Ethics* that to love is worthier than to be loved.⁶ Among other aspects of this position on women is his contention in the *Physics* that that which is ugly aspires to that which is beautiful, in the same way that the female is attracted to the male.⁷ In his biological works the

⁵ Averroes says of Aristotle: 'none of those who came after him could add to the things he treated, or refute anything of any importance or consequence. To find this in a single individual is strange and most extraordinary (*maxime miraculum*). For these [qualities], when they are found in a man, must be ascribed to a divine, rather than human, status. Hence the ancients called him divine.' *Prologue to the Long Commentary on the Physics in Aristotelis de Physico Auditu libri octo cum Averrois Cordubensis variis in eosdem commentariis*, vol. IV of *Aristotelis Opera quae extant omnia* (Venetiis apud Juctas, 1562), 5D–E. This admiration for the Stagirite is also patent in the *Long Commentary on De Anima in Averrois Cordubensis Commentarium Magnum in Aristotelis De Anima Libros*, ed. F. S. Stuart (Cambridge, MA: Medieval Academy of America, 1953), 433: 'I believe that this man [Aristotle] was a model (*regula*) in nature, an example (*exemplar*) which nature found to demonstrate the ultimate human perfection in material [beings]', both citations in C. Belo, *Chance and Determinism in Avicenna and Averroes* (Leiden: Brill, 2007), 122, n. 3.

⁶ 'Because the many love honour, they seem to prefer being loved to loving... but friendship seems to consist more in loving than in being loved... Friendship, then, consists more in loving; and people who love their friends are praised; hence, it would seem, loving is the virtue of friends.' Aristotle, *Nicomachean Ethics*, transl. with Introduction, Notes and Glossary by Terence Irwin (Indianapolis/Cambridge: Hackett, 2nd edn. 1999), Book VIII, Ch. 8, 1159a15–1159b1, §§1, 3, 4, p. 128.

⁷ 'Yet the form cannot desire itself, for it is not defective; nor can the contrary desire it, for contraries are mutually destructive. The truth is that what desires the form is matter, as the female desires the male and the ugly the beautiful – only the ugly or the female not in itself but accidentally,' Aristotle, *Physics*, Book I, in *The Complete Works of Aristotle* (The Revised Oxford Translation, ed. Jonathan Barnes, Princeton University Press, vol. 1, 1991), I. 192a20–24 (transl. R. P. Hardie and R. K. Gaye), 328. Averroes' comment on this passage states

Stagirite claims that the female is a mutilated, or otherwise defective, male.⁸ One scholar argues that Aristotle's remarks on the biology of women are the product of genuine empirical observation, albeit limited or influenced by cultural preconceptions, rather than an attempt at ideologically rationalizing a misogynist approach.⁹

Women in the Commentary on Plato's Republic

Is it possible to glean a coherent position on women in Averroes' work? If so, does he subscribe to Aristotle's low regard for women, as one might expect of an Aristotelian philosopher? His most comprehensive remarks on women are to be found not in an exegetical work on Aristotle but in his commentary on Plato's *Republic*, and also in his legal *opus magnum*, the *Bidāyat al-mujtahid wa nihāyat al-muqtaṣid* (*The Distinguished Jurist's Primer*). These two works will be the focus of the present study. The former is a philosophical commentary, the latter a manual of Islamic law. If a unified position on women is to be found in the two works we have probably found Averroes' opinion on the subject.

In examining the *Commentary on Plato's Republic* one is faced with obstacles, not least to distinguish his opinions from Plato's, but this

that woman is so by accident, 'since woman is an imperfect man, for femininity attaches to her due to a privation' ('similiter est foemina per accidens: quia foemina est homo imperfectus: foeminitas enim accidit ei ex privatione'), in *Long Commentary on the Physics*, 46G. However, the difference between the sexes as viewed here by Averroes could be construed as merely physical, since he does not expand on the observation.

⁸ 'For the female's contribution [to reproduction] also is a residue, and has all the parts in it potentially though none of them actually; it has in it potentially even those parts which differentiate the female from the male, for just as the young of mutilated parents are sometimes born mutilated and sometimes not, so also the young born of a female are sometimes female and sometimes male instead. For the female is, as it were, a mutilated male'. Aristotle, *Generation of Animals* in *The Complete Works*, II. 3. 73a23–2B (transl. A. Platt), 1144. Curiously, Averroes passes over in silence this negative reference to woman as a mutilated man in his commentary, see *De generatione animalium* in *Aristotelis Opera quae extant omnia* (Venetiis apud Juntas, 1562), VI. 74M.

⁹ See Robert Mayhew, *The Female in Aristotle's Biology. Reason or Rationalization* (Chicago: The University of Chicago Press, 2004). In analysing Aristotle's biology, Mayhew (pp. 30, 51) explains away, for instance, the claims of scholars who ascribe to Aristotle the view that in reproduction the female contribution is merely that of passive receptacle and that she does not contribute seed to the newborn but only inert matter.

problem can be surmounted by following the wording of the text. A sentence or paragraph introduced by 'he said' (*qāla*) refers to Plato, whilst one introduced by 'we say' (*naqūlu*) refers to the commentator's own reflections.¹⁰ Thus in certain passages Averroes expressly states this or that to be the opinion of Plato. For example, when expounding the notion, in Plato's ideal society, of different men sharing a community of wives—something that as a Muslim he was unlikely to endorse—he is particularly careful to stress it as Plato's opinion. He is undoubtedly offering his own considerations when drawing parallels with the contemporary situation in his Muslim Spain.

Other obstacles beset one who seeks to uncover Averroes' opinion. We cannot be certain that he had at his disposal Plato's *Republic* in Arabic translation or was, instead, using Galen's paraphrase. We lack the complete Arabic version of Plato's *Republic* or indeed Galen's paraphrase in Arabic.¹¹ Therefore any comparisons drawn here between Averroes and Plato explore the texts that are extant, Averroes' commentary and Plato's *Republic*. Furthermore, the original Arabic of Averroes' commentary is lost. What remains instead is a problematic

¹⁰ See Aḥmad 'Abd al-Ḥalīm 'Aṭiyya, 'Mulāḥazāt awwaliyya ḥawl waḍ'īyya al-mar'a 'inda Ibn Rushd' [Preliminary observations on Ibn Rushd's Position on Women], *Alif, Journal of Comparative Poetics* 16 (1996), *Averroës and the Rational Legacy in the East and West*, 145–57 of the Arabic section, 149. 'Aṭiyya notes Averroes' rationalism and his original approach to the issue of women's public role both in his *Commentary on Plato's Republic* and in the *Bidāyat al-mujtabid*, but focuses primarily on Averroes' general references to women in the aforementioned works, rather than explaining the philosopher's position in the context of his whole philosophy, in particular his Aristotelianism.

¹¹ David Reisman cites Franz Rosenthal to the effect that, "Complete translations of Platonic Dialogues... according to the information obtainable from Arabic Bibliographies, were made very rarely. Not a single one of them has come down to us, and the character of those quotations which we have before us never seems, as far as we can now judge, to afford grounds for the slightest probability that we are concerned with the remains of a pure and complete text of a Platonic Dialogue; therefore, a certain doubt may be entertained as to whether the translations mentioned were verbal reproductions of an unaltered Platonic wording." As is clear from Franz Rosenthal's carefully worded statement, it is commonly accepted that no integral Arabic translation of any of Plato's dialogues was made during the more than two centuries of the Graeco-Arabic translation movement. This general statement may reasonably be extended to the case of Plato's *Republic*. What knowledge the authors working in Arabic had of the *Republic* seems to have come in a piecemeal fashion from summaries, abridgments, quotations or short references in doxographies and commentaries.' D. Reisman, 'Plato's *Republic* in Arabic. A Newly Discovered Passage', *Arabic Sciences and Philosophy* 14 (2004): 263–300, at 264.

Hebrew translation, used here as reference.¹² In spite of all these hurdles, I believe it is possible to reconstruct Averroes' position, because he has a unique approach that cannot be confused with Plato's.

Plato presupposes that female and male natures differ, and that males are stronger than females. He claims that women are weaker (*asthenesteron*) at any task (*Republic*, 455e). Hence the need to assign the lighter tasks to the latter. However, in his ideal state men and women are to perform the same duties and roles, since there is no single social (or political) function exclusive to women (*Republic*, 455d). To that end, women must receive the same education as men.¹³

It is beyond the scope of this study to furnish a full analysis of Plato's, or for that matter Aristotle's, views. However, an enlightening assessment of Plato's stance is found in Gregory Vlastos's article titled 'Was Plato a Feminist?', a question which he tentatively answers with a 'yes'. Vlastos argues that in the *Republic* women are given a role that was unimaginable in Ancient Athenian society. This position is revised in the *Laws*, but on the whole Vlastos considers Plato to be a feminist in the sense of defending women's rights and equality with men. This feminism is grounded in Socrates' moral teaching to the effect that virtue is not class-bound or gendered. He stresses that this is at variance with Aristotle's remarks, who in the *Politics* (a text not available to Averroes) affirms excellence in women to be equivalent at best to male mediocrity.¹⁴

In his *Commentary on Plato's Republic* Averroes' considerations stem from a comparison between the respective natures of men and women. From a metaphysical analysis of the difference or equality between the genders emanates a definition of societal roles. Women can only perform the same roles and tasks as men in society if they possess a similar nature.

¹² In the introduction to his edition and translation, E. Rosenthal states: 'the Arabic original of Averroes' *Commentary on Plato's Republic* must be presumably lost [...] In its absence, the Hebrew translation of Samuel b. Yehuda of Marseilles is here offered.' *Averroes' Commentary on Plato's Republic*, edited with an introduction and notes by E. I. J. Rosenthal (Cambridge: University Press, 1956), 1. A more recent English translation, by Ralph Lerner, (Cornell University Press, 1974), titled *Averroes on Plato's Republic*, uses different manuscripts from Rosenthal but does not provide the Hebrew text that he translates—hence my decision to use Rosenthal's Hebrew edition and English translation.

¹³ Plato, *Republic*, V, 451d–452a; see also 453e, 455c.

¹⁴ Gregory Vlastos, 'Was Plato a Feminist?' in Richard Kraft (ed.), *Plato's Republic: Critical Essays* (Oxford: Rowman & Littlefield, 1997), 115–28, esp. 115–16 and 123–4. I am grateful to Daniel Flory for drawing my attention to this article.

If however, they are found to possess a different nature, or essence, their roles must accordingly differ.

This is therefore the place for an investigation whether women possess natures similar to the natures of every single class of citizens—and in particular the Guardians—or whether the feminine natures are different from masculine.¹⁵

In addition, Averroes poses the question whether women can perform all three major roles in society like men, i.e.,—following Plato's tripartition of society into these three roles—become artisans, warriors/guardians, and rulers.

If women have a similar nature to that of men, then 'women are essentially on the same level with men in respect of civic activities in the same classes, so that there are among them warriors, philosophers, rulers and the like'.¹⁶ If they are different, they are not to perform the same roles as men. In that case, women would be limited to the tasks related to procreation, childbearing and the raising of children: 'Otherwise [if women have a nature different to that of men], women are only fitted for such activities in the state as the whole male population is not qualified <to discharge>, such as upbringing, procreation and the like'.¹⁷

Averroes concludes that women share the same kind or species (*mīn*) with men, and necessarily share in the same end as men (i.e., their function and duties in society should be like those of men):

We say that women, in so far as they are of one kind with men in respect of the ultimate human aim, necessarily share in it and only differ in degree. This means: man is in most human activities more efficient than woman; though it is not impossible that women are in some activities more efficient, as it is thought in respect of the art of practical music.¹⁸

Averroes states, then, that there is a difference in degree or a difference in more or less, in the sense that men are more efficient (*ḥārūṣ*) than women, though women might be better at certain activities like musical performance.¹⁹ He adds that since men and women belong to the same

¹⁵ *Averroes' Commentary on Plato's Republic*, First Treatise, transl. Rosenthal, 164; Hebrew, 53.

¹⁶ *Ibid.*

¹⁷ *Ibid.* Averroes examines the issue of whether women can perform the same roles as men, not whether men can undertake any of the traditional female roles such as raising children.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

species, they must perform the same activities in the state, except that they are weaker (*hālūsh*), hence the lighter tasks should be assigned to them.

As it is so, the nature of women and men being of one kind—and the nature that is one in kind turns in the State to one <and the same> activity—it is obvious that women will practise in this State the same activities as men, except that they are weaker at it.²⁰

It seems that Averroes has in mind here merely physical strength, not intellectual ability. In the light of his claim that they belong to the same species, and fall under the definition of humans as rational animals, women are rational in exactly the same degree.

He adds that ‘we see that women share with men in crafts, except that they are weaker at them; though in some crafts most women are more efficient than men, as in the crafts of weaving, sewing and the like.’²¹

At any rate he does not exclude the possibility of women participating in war. This is confirmed through examples drawn from other peoples, and with irrational animals. Women should participate in fighting and guardianship since the same role is observable in female and male dogs.²²

In his legal work *Bidāyat al-mujtahid*, a treatise on Islamic law, he states that non-Muslim women fighters can be lawfully killed in battle, and ought to be treated in the same way as male warriors, as we shall see.

It is moreover clear from empirical observation and the comparison with other animals that women are fitted for the post of guardians and watching over citizens. On the basis of empirical experience, as we have seen, since the weapons of fighting are common to male and female, it is apparent that women too should fight:

For this purpose, nature sometimes, though rarely, gives the male a weapon to fight with which is not <found> in the female, as is the case with the wild boar. Since the weapons of fighting animals are mostly common to male and female, it is clearly <intended> that the female should likewise perform this function.²³

From the foregoing it emerges that women are fit to work as artisans and as guardians/warriors (respectively the lower and the middle ranks in the Platonic society). What then of the higher rank, that of the philosophers (or philosopher–rulers)?

Indeed, with regard to intellectual activity, Averroes goes on to state in his commentary on Plato’s *Republic* that women can be philosophers and

²⁰ Ibid, 165.

²¹ Ibid.

²² Ibid.

²³ Ibid, 166.

rulers, if they have been properly trained in those fields. 'Similarly, since women are formed who have a distinction and a praiseworthy disposition, it is not impossible that there may be among them philosophers and rulers.'²⁴

He then proceeds to discuss roles in religious leadership: 'because it was thought that this class rarely exists among them, some laws refused to admit women to the priesthood, that is, the High Priesthood (*ha-kohanāh ha-gedolāh*)'.²⁵ According to Averroes this refusal to admit women to the priesthood boils down to a social convention. He merely relates that in certain places this role is not permitted due to a perception that it is rarely the case that women are fitted for this task, whereas in other states it is allowed because it is not impossible, presumably because it is not incompatible with women's nature to serve as high priest: 'other laws, however refrained from this [from refusing to admit women to the priesthood] since the existence of such women among them was not impossible'.²⁶ This reference to female priests may strike us as odd since there is hardly any mention of women in religious roles in Plato's *Republic*. A reference is made to priestesses (*hierieiai*) offering prayers and sacrifices at official weddings (*Republic*, V, 461a) but perhaps because this was common practice, it was not an issue for Plato. Averroes, on the other hand, discusses the various customs regarding the admission of women to the priesthood. Perhaps he had in mind the Islamic debate over the admittance of women to the *imāma*, the role of *imām*, on which more later.

Having discussed in general the nature of women and their role in society, and having found that they are in essence equal to men and thus fitted for the same roles as men, Averroes goes on to criticize the inferior role they play in his society.

In these States, however, the ability of women is not known, because they are only taken for procreation there. They are therefore placed at the service of their husbands [lit. their masters] and <relegated> to the business of procreation, rearing and breast-feeding. But this undoes their <other> activities. Because women in these States are not being fitted for any of the human virtues, it often happens that they resemble plants.

That they are a burden (*mámas*) upon the men in these States is one of the reasons for the poverty of these States. They are found there in twice the number of men, while at the same time they do not, through training, support any of the

²⁴ Ibid, 165.

²⁵ *Averroes' Commentary on Plato's Republic*, First Treatise, transl. (slightly modified) Rosenthal, 165; Hebrew, 53.

²⁶ Ibid.

necessary activities, except for a few which they undertake mostly at a time when they are obliged to make up their want of funds, like spinning and weaving.²⁷

In his native Spain, he writes, women are employed only in the procreation and upbringing of children, and are at the service of their husbands. As a result they often resemble plants. He concludes that the women in these states (in Muslim Spain) are a burden on society and that their inactivity is a cause of poverty.

Thus women should be trained to perform the same tasks as men. He also seems to hint favourably at the economic independence of women, which at any rate is contemplated in Islamic Law.

Then Averroes proceeds to the exposition of Plato's support of the mixed practice of gymnastics with men, as well as the community of wives. This is formulated as a commentary rather than his own opinion, as can be deduced from the constant use of the phrase 'he [Plato] said', which he omits in examining the general role of women in society.²⁸

With regard to women, it is important to underscore Averroes' non-essentialist approach, in the sense that he perceives that men and women do not have a different essence or nature. He emphasizes this point in several passages. At the intellectual level, they are undoubtedly equal and identical. It is this non-essentialist stance that constitutes the basis for the affirmation that women are naturally equipped to perform the same roles as men.²⁹ If they had different essences they would not be prepared or

²⁷ *Averroes' Commentary on Plato's Republic*, First Treatise, transl. Rosenthal, 166; Hebrew, 54. 'Though he claims to be following Plato's return to this subject, his remarks about the relationship between women's natures and men's (52.30–54.16) are without parallel in Plato's text. To underline that he is speaking in his own name here, Averroes frequently employs the first person plural and points to the evils existing in the cities of his day because of the way women's capacities are understood. Even when he does rejoin the text of the *Republic*, he continues to speak frequently in his own name (see 54.17–21; 54.27–55.27; 56.22–57.4; and 57.23–25).' Charles Butterworth, 'Philosophy, Ethics and Virtuous Rule: A Study of Averroes' Commentary on Plato's Republic' in *Cairo Papers in Social Science*, vol. 9, Monograph 1 (Spring 1986), 36.

²⁸ Rosenthal (*Averroes' Commentary on Plato's Republic*, 9) mentions 'Averroes' frequent lengthy digressions, his introductory summaries of Plato's thought, the clear distinction between Plato's words and his own comments on them.' Lerner (*Averroes on Plato's Republic*, xxiii), however, holds that Averroes subscribes to the Platonic 'requirement that there be absolute communism of women and children.'

²⁹ *Averroes' Commentary on Plato's Republic*, First Treatise, transl. Rosenthal, 164; Hebrew, 53.

would not be able to perform the same roles. The only difference between the genders is that women are physically weaker.³⁰

In this theory on women one discerns two trends at work in Averroes' philosophy, his rationalism and his empiricism. This rationalism, expressed in a conviction in the universality of reason, presupposes one common intellectual basis for men and women. And drawing on empirical observation and data he observes that the genders can discharge the same duties. Moreover, not only is this the case, the contribution of women to society is necessary for the advancement of the state. Most clear and noteworthy is Averroes' condemnation of the relegation of women's role to procreation, since they become thereby a burden on society. Their capacities, identical to those of men, should not go to waste. Also, by virtue of belonging to the same species as men they should not be considered plants (for a plant would not even share the same genus with man) but treated as fully-developed human beings. The physical differences are not sufficient reason for excluding women from an active and public role in society.

References to woman in the Bidāyat al-mujtahid

How does this square with Averroes' philosophy in his other works? Is this inconsistent with his Islamic belief? Nowhere does he state his views on women as explicitly as in the commentary on the *Republic*, but an analysis of the *Bidāyat al-mujtahid* is also enlightening. This legal work serves several purposes. It records the rulings of the Maliki school of law, dominant in Muslim Spain. However, it is not merely a manual listing Mālik's legal opinions, since Averroes compares the opinions of not only the three other major Sunni schools of law, but of other jurists too. In addition, he provides his own judgement. His purpose is to furnish guidance for someone looking to become a *mujtahid*, one who in deciding on an individual case uses *ijtihād*, or individual reasoning, to establish a ruling (rather than merely choosing from available rulings).³¹

³⁰ Ibid, 165.

³¹ '*Bidāyat al-Mujtahid* is considered to be a book on *khilāf*, a discipline that records and analyses the differences among Muslim jurists. It is sometimes treated as a book on comparative Islamic law that records the views of different schools and compares them, which is in fact the same thing as *khilāf*. Yet, this is not its declared purpose. Ibn Rushd states in this book, on various occasions and in different ways, that his purpose in writing this book, over which he spent more than twenty years, is the imparting of skills that make a student of law a competent jurist (*mujtahid*), someone who can independently derive the law from its sources.' Ibn Rushd, *The Distinguished Jurist's Primer*, A Translation of *Bidāyat al-Mujtahid*, transl. Imran Ahsan Khan Nyazee, reviewed by

By the time Averroes had written this work the gate of *ijtihād* was long considered closed. It was thought that all cases could be decided on the basis of previous ones, with no need to devise new solutions and exercise one's own judgement. Hence the novelty of Averroes attempt to revive *ijtihād*, a project to which this compendium is the main testimony.³² Why is it necessary to revive *ijtihād*? The author provides an example to illustrate this need: a cobbler should not merely possess ready-made shoes, but should have the necessary skills to make new shoes lest a customer should require a shoe size which he does not happen to have in stock.³³

This work covers a range of topics. In many cases it expressly deals with the role of women, and Averroes often proposes his own judgement, now following that of a particular jurist, now contributing a new solution.

A reflection on the coherence of the Averroist corpus is in order here. Owing to the commentator's prolific output in different fields of knowledge, there has been a tendency in Averroes scholarship to separate the various genres of the corpus as representing different, and sometimes incompatible, aspects of his thought. The chief distinction is that drawn between the commentaries on Aristotle and the 'original' works such as *Faṣl al-maqāl* (*The Decisive Treatise*) and *Tahāfut al-Tahāfut* (*The Incoherence of the Incoherence*), where he speaks in his own voice, his true opinion being variously attributed to one or the other genre. Some have claimed that his true thought is to be found in the commentaries, inaccessible to most of his contemporaries, rather than in his 'original' works, addressed to the educated general public (in particular the ulema) with the aim of warding off charges of unbelief formerly levelled against the Muslim philosophers, such as Alfarabi and Avicenna, by al-Ghazzālī. Others preferred to examine the 'original' works in order to glean Averroes' own philosophy.

Mohammad Abdul Rauf (Center for Muslim Contribution to Civilization: Garnet Publishing Ltd., 2 vols., 1994, 1996), 'Introduction' xxvii. Hereafter cited as *Bidāya*.

³² Misgivings surrounding the authorship of this work, and whether it had been written by Averroes' grandfather are dispelled by the fact that he refers to his grandfather and dates the completion of the work to 1188. See Maḥmūd 'Alī Makkī, 'Contribución de Averroes a la ciencia jurídica musulmana' in Andrés Martínez Lorca (ed.), *Al Encuentro de Averroes* (Madrid: Editorial Trotta, 1993), 17, n. 13, and 18–19.

³³ Cited in the 'Introduction', *Bidāya*, xxvii.

However, the corpus shows a marked coherence, in spite of a natural evolution of Averroes' thought, such as a rejection of the Neoplatonist schema of emanation. For we find in his 'original' works not only an acceptance of the main Aristotelian doctrines such as causality, but also frequent references to Islamic theological controversies in his commentaries, which would be out of place if his interest in Aristotle were merely academic.

One might also be tempted to consider his legal treatise, the *Bidāya*—(or, for that matter, his medical writings)—separately from his philosophical works, the former being a pure exercise of Averroes the jurist. Yet on closer inspection this turns out not to be the case. His predilection for *ijtihād* and a tendency for generalization reveals his rationalistic tendency.³⁴ With regard to women, he does not advocate a kind of equality that would contravene basic principles of Islamic law, but a tendency to favour women is observable.

However, and in spite of the fact that Averroes keeps within the general framework of Islamic law in the *Bidāya*, there is an evident harmony between the *Commentary on Plato's Republic* and this legal work.

Broadly speaking, Averroes prefers the views that give women more power and independence, both in the *Commentary on Plato's Republic* and in the *Bidāya*.

³⁴ Brunschvig's excellent article on Averroes the jurist points to that congruence between the *Bidāya* and his overall philosophical/rationalistic approach: 'In the *Bidāya*, which we have examined, by virtue of the subject matter at hand the dialectic between reason and faith is kept at a level that is not influenced by the great problems and where antithetical or controversial positions are not debated. There is no metaphysics to speak of, but [one finds] the direct acceptance of the scriptural data, geared towards practice and comportment, and, out of respect for an orthodox tradition, the deduction of logical norms, elaborated within the traditional teaching. In this respect, Averroes writes like a professional [jurist] expert in the methods of discussion, conversant with the accepted and controversial solutions, and the way to support them. And yet, in spite of the specificity or rather technicality which he displays in these matters, he betrays certain aspects of his philosophy in other domains: the tendency for a strict rationality, and the *leitmotiv* according to which the general principles precede and dominate particular cases, and—in an ideal exposition method—have priority over them; it has been said that this is his reasoning method in political science; it is also the procedure he recommends in medicine, at the end of his *Kitab al-Kulliyat*.' R. Brunschvig, 'Averroès Juriste' in *Études d'Orientalisme dédiées à la Mémoire de Lévi-Provençal*, (Paris: G.-P. Maisonneuve et Larose, 1962), i. 35–68 at 66–7. (My translation.)

For instance, he argues not only that a woman cannot be forced to marry against her wishes, but also that she can contract her own marriage, independently of a guardian.³⁵ In this (rejecting guardianship as a necessary condition for marriage) he sides with the Hanafis, rather than with the Maliki school to which he belongs. The rights of her guardians are preserved in giving them the authority to revoke the marriage if the husband's status affects them.³⁶ This echoes his claim in the *Commentary on Plato's Republic* to the effect that marriage should be celebrated within, not outside, one's class.³⁷

With respect to divorce he defends the position that the wife has a right equivalent to the husband's right of divorce, namely a right of redemption (*khul'*), claiming that most jurists (*fuqahā'*) agreed on its permissibility.³⁸ In order to guard against this right being exploited by

³⁵ In interpreting the Qur'ān, Averroes states (*Bidāya*, ii. 12): 'a woman has the right to contract her own marriage and the guardians have a right to revoke it if it is not in conformity with her status. This is the manifest requirement of the law, but none of the jurists has expressed it. Arguing on the basis of a part of a verse and not arguing on the basis of the remaining part exhibits weakness (of method). There is no evidence of exclusivity in the verse in attributing the contract of marriage to them (the women), but the principle is that it is exclusive, unless an evidence to the contrary is adduced to contradict this.'

³⁶ *Bidāya*, ii. 12–13: 'When discretion (*rushd*) is found in a woman, it is sufficient for purposes of the marriage contract, for it is deemed to be so in the case of financial transactions. It may be said, however, that a woman is inclined toward men more than she is inclined toward wealth, and it is for this reason that the *shar'* has been cautious in interdicting her permanently in this respect; the shame that may result from her casting herself in a place out of her status will most likely affect the guardians. It is, however, sufficient to say here that the guardians do have a right of revocation and inquiry.'

³⁷ *Averroes' Commentary on Plato's Republic*, First Treatise, transl. by Rosenthal, 164; Hebrew, 52–3: 'We say: it is evident that if we wish the natures of these Guardians to be preserved through procreation, that is, that they should generally beget children like themselves, this will not be the case if they have intercourse with any chance women, but only with women who are like themselves in nature and have grown up with the same education. This is indeed imperative not only for the Guardians but also for every <other> class of citizens.' One should note that a three-class system, demonstrative, dialectical, and rhetorical, with respect to the understanding and interpretation of scripture, is also found in the *Decisive Treatise*, albeit not exactly equivalent to the three-class system to be found in the *Commentary on Plato's Republic*. A certain elitism is at work in both cases.

³⁸ *Bidāya*, ii. 79: 'The terms *khul'*, *fidya*, *ṣulḥ* and *mubāra'a* all refer to the same meaning, which is "(a transaction in which) compensation is paid by the wife for obtaining her divorce". The term *khul'*, however, in the opinion of

the husband in order to repossess the dowry, it must be initiated by the woman.³⁹

The *Commentary on Plato's Republic* explores the possibility of women acceding to the highest religious office, the high priesthood. In the *Bidāya* Averroes discusses whether women can lead prayers. He examines first whether they can pronounce the call to prayer (*adhān*) and the beginning of prayer (*iqāma*), and concludes by citing a tradition stating that 'Ā'isha, the Prophet's wife, used to do both. He adds:

The disagreement refers to the dispute over whether a woman can lead the prayers. It is said that the original rule is that she has the same duties as a man, unless an evidence is adduced to qualify this, and it is also said that she has the same duties and it is only in some cases that a qualifying evidence is required.⁴⁰

Averroes presents, as customary, the various views proposed. While he agrees that a woman should stand behind men in prayer (with the implication that she would not lead men in prayer) he mentions the possibility of their leading other women. However, he leaves the whole issue of a women's *imāma* open in citing a tradition in which a woman leads the prayers in her household, presumably also for men.⁴¹

In the *Commentary on Plato's Republic* he considers all main public roles open to women, including fighting. In the *Bidāya* too he considers that women can participate in war, in which case they are also entitled to the spoils of battle.⁴²

the jurists is confined to her paying him all that he spent on her, the term *ṣulḥ* to paying a part of it, *fidya* to paying more than it, and *mubāra'a* to her writing off a claim that she had against him.'

³⁹ *Bidāya*, ii. 81.

⁴⁰ *Ibid*, i. 121.

⁴¹ *Ibid*, i. 161: 'Those who permitted her *imāma* argued on the basis of the tradition of Umm Waraqa recorded by Abū Dāwūd "that the Messenger of Allah (God's peace and blessings be upon him) used to visit her at her house and appointed a *mu'adhdhin* for her to recite the *adhān* for her. He ordered her to lead the members of her household in prayer".'

⁴² *Bidāya*, i. 469: 'They [the majority of jurists] agreed that it is permitted to women to participate in war; therefore, those who held them to be similar to men granted them a share in the spoils, while those who held them to be less effective in battle than men in this context either did not grant anything to them or granted them what was less than a share, and these were gifts. It is better to follow the tradition. Al-Awzā'ī believed that "the Messenger of Allah (God's peace and blessings be upon him) granted a share to women at Khaybar".'

In stipulating who can be slain in a battle against non-Muslims, he states that ‘if a woman fights the shedding of her blood becomes permissible’.⁴³

In addition, Averroes leaves open the question whether a woman may become a judge, citing various opinions. He states that the majority hold that a judgement must be pronounced by a male, but quotes Abū Ḥanīfa to the effect that she may be a judge in financial matters, and al-Ṭabarī to the effect that she may judge on any matter. Averroes does not show himself averse to the possibility of women becoming judges.⁴⁴

The consensus, he states, stipulates that women should not become head of state. However even this ban cannot be taken at face value. Suffice it to recall Averroes’ restrictions on the establishment and use of consensus (*ijmāʿ*) in his *Decisive Treatise*. Those restrictions mean that it is practically impossible to find a consensus on theoretical matters, which could potentially include the ban on female heads of state.⁴⁵

In the *Commentary on Plato’s Republic* passages above Averroes shows an undeniably ‘feminist’ streak, which did not go unnoticed by scholars. However, several have also noticed that tendency in the *Bidāya*, such as Brunschvig, Makkī and ‘Aṭīyya.⁴⁶ Makkī remarks that he often

⁴³ Ibid, i. 458.

⁴⁴ In establishing the requirements for becoming a judge, Averroes states (*Bidāya*, ii. 553–4): ‘They differed about the condition of being a male. The majority said that it is a condition for the validity of the judgement. Abū Ḥanīfa said that it is permitted for a woman to be a *qāḍī* in cases involving financial claims. Al-Ṭabarī said that it is permitted to a woman to be a judge in all things without any restrictions. . . . Those who denied the right of a woman to be a judge compared it (the office of the *qāḍī*) to the office of the head of state, and also compared a woman to the slave due to the deficiency in her legal capacity. Those who permitted her judgment in cases of financial claims, did so comparing it to the permissibility of her testimony in such claims. Those who considered her judgment as executed in each thing said that the principle is that any person who is able to render judgment among people his decision is valid, except in matters restricted by consensus, like the office of the head of state.’

⁴⁵ Averroës, *Decisive Treatise and Epistle Dedicatory*, translation with introduction and notes by Charles E. Butterworth (Provo, UT: Brigham Young University Press, 2001), 10–12.

⁴⁶ Brunschvig (‘Averroës Juriste’, 67) states: ‘If Averroes tends towards a rather strict interpretation of certain Qur’anic precepts, such as the obligation to pray, the interdiction of usury, wine, fornication, his choices reveal a certain liberalism (if the term is not out of place here) on other issues, concerning worship, food, personal status: noticeably in favour of women but also minors and slaves. His decisions for instance, in favour of the emancipation of young women and adolescents is remarkable, above all coming as it does from a professional judge.’ (My translation.)

departs from Maliki law in giving women further rights within marriage.⁴⁷ He also refers to Averroes' views on dress code and the possibility of women judges.⁴⁸

Excursus on Avicenna's views

In order fully to appreciate the radical originality of Averroes' position on women, it is appropriate to compare it with his predecessors. It has become apparent that on this subject the Cordoban philosopher was not influenced by Aristotle. What about an influence from within the Islamic philosophical tradition? It would be impossible to furnish an overview here, but in his article 'Aṭīyya offers some observations on Averroes' forerunners in Islamic philosophy. He refers to al-Āmirī as defending equality between men and women in arts and crafts, albeit the latter are weaker. They can perform all tasks like men although they are weaker at them.⁴⁹

A notable influence on the Cordoban philosopher, Alfarabi, does not contemplate a political role for women, but upholds the traditional Aristotelian association of man with form and woman with matter in his *Principles of the Opinions of the Inhabitants of the Virtuous City*.⁵⁰ However, in spite of the fact that the female soul tends to mercy and compassion (the weaker accidents) whereas the soul of the male tends towards 'wrath' (the stronger accidents of the soul), in the case of the faculty of sense, the faculty of representation and the faculty of reason, male and female do not differ.⁵¹

⁴⁷ 'The body of Ibn Rushd's opinions on women is interesting. His points of view show progressive thinker in favour of women rights [...] Ibn Rushd approves the opinion which requires that the bridegroom fulfil the demand imposed by the wife, such as not marrying another woman. It is noteworthy that this opinion is contrary to that stipulated by Maliki law.' Maḥmūd 'Alī Makkī, 'Contribución de Averroes', 37. (My translation.)

⁴⁸ 'With regard to the veil, Ibn Rush recommends modesty, but does not stipulate that women cover their faces. That in which our philosopher appears more liberal is the chapter on judgements. He cites the opinion of the eastern imām al-Ṭabarī which seems revolutionary in medieval Islamic society: he does not object to a woman becoming a judge. Ibn Rushd appears to approve of this decision.' Ibid, 38. (My translation.)

⁴⁹ 'Aṭīyya, 'Mulāḥazāt awwaliyya', 147.

⁵⁰ See R. Walzer, *Al-Farabi on the Perfect State: Abū Naṣr al-Fārābī's Mabādī' arā' abl al-madīna al-ḥādīla*. A revised text with introduction, translation and commentary by R. Walzer (Oxford: Oxford University Press, 1985), 187–97.

⁵¹ Ibid, 194–7. In his *Political Regime*, explicit references to women in the democratic cities (among the cities of ignorance) are pejorative. Men in those cities think and act like women, seeking merely the beautiful and pleasurable. Alfarabi, *Kitāb al-siyāsa al-madaniyya, Al-Farabi's The Political Regime*,

In his *Metaphysics of the Healing* (*al-Shifā'*) Avicenna also lays down his assessment of women. He highlights that 'animal' does not become 'species' through the division into male and female, i.e. they do not constitute different species.⁵² Neither does the distinction between male and female constitute a differentia (the distinguishing quality, such as 'rational' in humans, forming a separate species). 'Moreover, there would be things belonging specifically to genus that divide it, as in the case of animal into male and female, but which do not in any respect whatsoever constitute differentiae.'⁵³

The differentia, according to Avicenna, originates in an accidental difference in form. Hence male and female do not differ according to form but to matter—'the two parts of the division do not belong to differentiae but are among the necessary accidents in it—I mean, things like maleness and femaleness'.⁵⁴ The species is thus independent of this distinction, with the assumption that both male and female are fully rational. Otherwise, if woman were not rational, she would not be part of the human species, which results from the combination of the genus 'animal' with the differentia, 'rational'.

However, later in the *Metaphysics of the Healing*, his remarks on marriage and divorce, and considerations on women belie any true equality with man. In this case, sharing a common essence does not ensure equality. Regarding the preservation of marriage 'the assurance with respect to the woman consists in not placing in her hands the right to make the separation. For in reality, she is of a feeble intellect and is quick to follow passion and anger [...] The means for separation must not be placed in the hands of the less rational of the two—the one more prone to disagreement, confusion, and change'.⁵⁵ These claims are in marked contrast to Averroes' judgement to allow women an equivalent of divorce. Avicenna also stresses the need

to legislate that the woman should be veiled and secluded from men. Thus, unlike the man, she should not be a bread-earner. For this reason, it must be legislated that her needs be satisfied by the man upon whom must be imposed her expenses. For this the man must be compensated. He must own her, but not she him.⁵⁶

Arabic Text, edited with an introduction and notes by Fauzi M. Najjar (Beirut, Imprimerie Catholique, 1964), 102–3.

⁵² Avicenna, *The Metaphysics of the Healing*, a parallel English–Arabic text, translated, introduced and annotated by Michael E. Marmura (Provo, UT: Brigham Young University Press, 2005), Book 5, Ch. 4, 168.

⁵³ Ibid, 170.

⁵⁴ Ibid, 170.

⁵⁵ Ibid, Book 10, Ch. 4, 372, 373.

⁵⁶ Ibid, 373–4.

Averroes was acquainted with the *Metaphysics of the Healing*, but in this, as in other fundamental philosophical matters, he does not follow Avicenna. His defence of freedom for women does not really find an echo in the tradition, with the exception, to a certain extent, of Plato's defence of women's full participation in society in the *Republic*.

In addition to his assumption that men and women are equally rational, other aspects of Averroes' philosophy may help us to understand his position on women, such as his conception of the human intellect. Some philosophers who have highlighted the equality between men and women have stressed the similar intellectual abilities, distinguishing them from, or downplaying, the corporeal differences.⁵⁷

In the case of Averroes this rationalism is at work in his understanding that the universe is created on a rational plan that is ultimately intelligible by the human mind. It is also expressed in the universality of human reason, which becomes radicalized in his mature position on the human intellect, stipulating a single intellect serving all humanity.⁵⁸ In effect, the later position sees the different intellects of human beings as only distinguishable in material, individuating aspects, not in their universality.⁵⁹ Thus material or individual elements are not involved in

⁵⁷ 'And as in the soul there is one element which deliberates and aspires to domination, and another element which is submissive and obedient, so in the bodily realm woman is made for man. In mental power she has an equal capacity of rational intelligence, but by the sex of her body she is submissive to the masculine sex. This is analogous to the way in which the impulse for action is subordinate to the rational mind's prudent concern that the act is right'. Saint Augustine, *Confessions*, a new translation by Henry Chadwick (Oxford: Oxford University Press, 1998), 302.

⁵⁸ 'In effect, the Long Commentary [on *De Anima*] endorses Themistius' position, as Averroes understands it, construing the human material intellect as a single incorporeal, eternal substance that becomes attached to the imaginative faculties of individual men in some nonessential fashion. Averroes adds that the material intellect stands directly below the active intellect in the hierarchy of existence, as the last of the incorporeal existences.' H. A. Davidson, *Alfarabi, Avicenna, and Averroes on Intellect* (Oxford: Oxford University Press, 1992), 295.

⁵⁹ This consists in stating that the human (material) intellect is in reality eternal and unmixed with matter, and as such is not individual. For according to the medieval philosophical tradition, individuation of substances occurs through matter, more specifically through the combination of matter and form. Averroes' stress on the separate nature of the intellect is a way of preserving the spiritual nature of the human intellect. See Davidson, *Alfarabi, Avicenna, and Averroes*, 297, where he also traces the evolution of Averroes' thought on the material intellect: 'At an early stage of his thought, we can conclude with a fair degree of confidence, Averroes followed Ibn Bajja and construed the material intellect as a

the human intellect, unless through the faculty of imagination. In absolute terms, the same intellect serves all humans. How could this be connected with Averroes' views regarding women? Since at the highest intellectual level there is nothing particular to distinguish humans, so there is nothing to distinguish between men and women, as they share the same intellect. The material element, which distinguishes women, has no influence at the highest intellectual level.

Conclusion

Averroes' considerations on women, as expounded here, offer a remarkably original insight. He considers women on a par with men in essence and intellectual ability. His references to woman break new ground, and prefigure important debates that would flourish in modern Europe. He urges society, in particular his Muslim contemporaries, to allow women a greater role in public affairs, for the benefit of the entire state. Averroes does not see a contradiction between this and his Muslim faith—as the difference between the genders is at bottom physical. According to him there is nothing precluding women's full participation in society. Underpinning his position is a stark rationalism, namely the view that reason pervades creation, noticeably in the way God devised and created a universe that is intelligible to human beings. Moreover, rationality is a feature of all human beings, including women. Even the physical differences between men and women do not ultimately detract from that essential identity between the genders, since women, like men, are fully rational.

disposition in the imaginative faculty of the soul. Somewhat later—if we rely on the general assumption that he wrote the Middle Commentaries after the Epitomes—he construed the material intellect, with Alexander, as a disposition in the soul without specifically locating it in the imaginative faculty. Still later, he arrived at the intermediate theory that an individual material intellect is engendered whenever the active intellect joins the inborn disposition awaiting it in an individual human soul. At what we can presume was the crowning stage of his thought, he construed the human material intellect as a single eternal substance shared by all men, consisting in the quasi matter that analysis can discover in other incorporeal beings and standing immediately below the active intellect in the hierarchy of existence.' See also, Taylor, 'The Separate Material Intellect in Averroes' Mature Philosophy' in R. Arnzen and J. Thielmann (eds.), *Words, Texts and Concepts Cruising the Mediterranean Sea: Studies on the Sources, Contents and Influences of Islamic Civilization and Arabic Philosophy and Science. Dedicated to Gerhard Endress on his sixty-fifth birthday* (Leuven: Peeters, 2004), 289–309.