

# Hijab and Code of Public Sphere for Women in Islam

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## Abstract

In a Muslim society, the code of veil provides a basis for a separate sphere of activities for women. Since it demands some kind of segregation, it defines separate spheres for men and women and consequently generates the debate on whether women are allowed to go out of their homes and whether they can work. In this paper, we will study the code of dress and veil from the said perspective and will attempt to understand related commandments, whether they demand separation of men's and women's spheres and how they were practiced during the era of the Prophet (peace be on him) and his Companions.

The discussion will focus on following points:

- Purposes of dress have been defined and dress' relation to beauty has been highlighted. It has been argued that injunctions of dress have nothing to do with the sphere of women's activism neither with regard to *ḥukm taklīfī* nor *ḥukm waḍ'ī*.
- The textual evidences prove that the injunctions of *Sūrah al-Nūr* do not address common women. Al-Jaṣṣāṣ also support this view in his *Aḥkām al-Qur'ān*.
- Purposes of the injunctions of *Sūrah al-Nūr* and their implications as well as rules and regulations of the participation of women in the society have been defined.
- Citation of those events which are found in the Ḥadīth literature, help legislation and portray the period of the Prophet and the Companions. Only ten or eleven ḥadīths have been mentioned out of hundreds of ḥadīths.

The crux of this paper is that the law of the veil derived from the Qur'ān and Sunnah is about the etiquettes of mingling of males and females with each other and does not draw a line between the spheres of their activism. In other words, it defines the etiquettes and limitations of one's entering into the sphere of other gender.

Abiding by such rules women can contribute to the society according to their capacity and needs of society.

## Introduction

What is the sphere of a woman's activism is the burning issue of the day. The prevailing perception is that her real status is to stay at home. But this opinion is based on the regional concepts instead of the Qur'an and Sunnah. If some normative texts (nuṣūṣ) are presented in support of this opinion it is only because they are superficially interpreted, ignoring their context. In this paper, we will discuss the issue in the light of the Qur'an and Sunnah and will attempt to uncover the true intentions of the related normative texts (nuṣūṣ). It is to note that hundreds, if not thousands, of incidences have been recorded in the ḥadīths which contradict the current concepts about the sphere of women's activism.

Based on direct and profound study of the texts of the Qur'an and the Sunnah, we hold that the Qur'an and Sunnah do lay down rules and regulations of going out of homes for women but they forbid them neither from working nor from going out of home. On the contrary, the very existence of rules and regulations of going out of homes for women indicate that they have the right to go out and interact with men because if they did not enjoy such freedom then the law would be purposeless.

There are two kinds of Qur'anic texts; firstly, those texts which I have no disagreement with the general understanding of modern Muslim scholarship regarding their interpretation; secondly, those texts which I disagree with their prevailing Muslim understanding. A group of Muslim scholars did not care about the context of Sūrah al-Aḥzāb while crafting their arguments. Such scholars of Arabic and non-Arabic origins not only disconnect the Qur'anic verses from their context but also disjoint them from their inner coherence. For instance, in his book *al-Qur'an al-Karīm fī Maḥājāt al-Jāhiliyyah*, 'Alī b. Nāyif writes a chapter entitled "al-Mar'ah bayna 'Ifāf al-Islām wa Rijs al-Jāhiliyyah." In this chapter,

he bases his argument for the Islamic rule of *‘iffāh* (chastity) on the Qur’ān 33: 32-34.<sup>1</sup> However, the *tathīr* (cleanliness) mentioned in the verse, has nothing to do with general concept of *‘iffāh* (chastity). These verses are particularly restricted to the wives of the Prophet (peace be on him). They start with the phrase “.” Therefore, to generalize their meaning to include all women is like to generalize the law according to which the wives of the Prophet (peace be on him) are mothers of all Muslims and this would lead to declare the wives of every religious leader as mothers of his followers. Moreover, the *tathīr* (cleanliness) signifies here to save the wives of the Prophet (peace be on him) against the conspiracies of the hypocrites who have been mentioned in the immediately previous verse. Here, the *tathīr* (cleanliness) has been used in the same meaning which has been implied in the Qur’ān 5: 55.

The Qur’an has used the term *tathīr* (cleanliness) to denote removal of physical dirt, but never mentioned it to refer to *‘iffāh* (chastity). For inner purification, the Qur’an used the term *tazkiyah*. It is clear, on the basis of the context of 33: 32, that the *tathīr* here has been used in the sense of protection.

In this paper, we will mention commandments derived from the Qur’ānic verses in points and will present our view where we differ with the traditional scholars, along with our argument based on linguistics and Aslāf’s opinions. The argument has been based on the obvious meaning of the prophetic traditions without resorting to hermeneutical details. I will try to remain confined only to Bukhārī and Muslim to avoid any objection about the authenticity of the prophetic traditions. Moreover, references have been given in a new way by providing the ḥadīth number.

It is to note, however, that the permission of going out of home for women is not unrestricted; rather, like men they are also bound to follow all religious instructions while going out to perform any work of necessity or interest. Moreover, right priority should be

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<sup>1</sup> ‘Alī b. Nāyif, *al-Qur’ān al-Karīm fi Mawājat al-Jāhiliyyah*, (City???: al-Shahūd, 2010), 66.

made between different affairs and distinction must be made between necessities and entertainments. We will discuss some of these issues in this paper.

## Section One: Qur'ānic Commandments

### Commandments regarding the Dress

The Qur'ān first refers to the code of dress in 7: 26-28 and connects it historically to the era of Adam.

These verses point out following issues:

- The dress has two purposes; moral and natural i.e., to cover private parts of the body and decoration and defense against climatic effects respectively.
- The moral purpose of dress is to cover private parts of the body. The words “yuwārī saw'ātikum” refer to the cause of this injunction that is to avoid uncovering private parts of the body. This is a *ḥukm wad'ī*.
- The story of Adam and Eve indicates that carelessness with dress leads to deprivation from the Paradise.
- As the verse 28 indicates, the obligation of wearing dress is related to stop *fahshā'*. It is the cause of moral aspect of the dress as well as the prohibitive (*māni'*) of nudity.
- The second purpose of the dress is decoration and defense against climatic effects. This has been expressed by the word “*rīsh*” that refers to the feathers of birds which provide them with both beauty and warmth. These are natural causes of dress.
- The Qur'ānic statement “wa libās al-taqwā dhālik khayr” implies that the decorated dress should be guarded by fearing of God. This is a

purpose of dress whose commandments have been mentioned in Sūrah al-Nūr.

- As the verse 27 indicates, carelessness is a Devil's deception for those who are devoid of faith. It further emphasizes the importance of injunction of wearing dress.
- The phrase "yā banī Ādam" signifies that this commandment has been addressed to the whole humanity whether they are men and women, young and old, and Muslims and non-Muslims.
- There is some casual relationship between the code of dress and the exclusion of Adam and Eve from the Paradise. It also shows the significance of the dress.

These verses further supported by prophetic traditions which prohibit the dress that does not cover the private parts of the body or causes immorality, as one ḥadīth narrates,

One may conclude that the purpose of the dress is to cover the private parts of the body in order to restrict the spread of immorality; that it is the essential implication of faith and fear of God (*taqwā*); that since it is meant for the whole humanity it is the human nature; that women are allowed to keep their faces and hands uncovered; that wearing the dress is a *ḥukm taklīfī*; that to avoid exposing private parts of the body is the cause of this injunction; and that this commandment bears no prohibition on women's going out of home.

## **The Commandment of Veiling**

The First Place

Allah says,

Say to the believing men that they should lower their gaze and guard their modesty: that will make for greater purity for them: And Allah is well acquainted with all that they do. And say to the believing women that they should lower their gaze and guard their modesty; that

they should not display their beauty and ornaments except what (must ordinarily) appear thereof; that they should draw their veils over their bosoms and not display their beauty except to their husbands, their fathers, their husband's fathers, their sons, their husbands' sons, their brothers or their brothers' sons, or their sisters' sons, or their women, or the slaves whom their right hands possess, or male servants free of physical needs, or small children who have no sense of the shame of sex; and that they should not strike their feet in order to draw attention to their hidden ornaments. And O ye Believers! turn ye all together towards Allah, that ye may attain Bliss.<sup>2</sup>

The first commandment for men and women, here, is to keep the sight down (*ghadd al-baṣr*). In other words, it is prohibited to gaze at the members of the opposite sex or to observe their beauty in a way which conveys some illicit message to the opposite sex or make them feel physical attraction to them.

- The second commandment for both men and women is to protect their chastity. Sometimes it is interpreted as to cover the private parts of the body. However, this is not the case; otherwise, covering of private parts (*satr-i farj*) would have been mentioned instead of protecting them (*hifz-i farj*). In fact, it includes any kind of sexual relation i.e., from exposing one's private parts to others to committing adultery. It demands to avoid feeling physical attraction to the opposite sex and to take care of one's clothes while moving around lest they expose nudity.
- The commandment of hiding one's beauty is exclusively associated with women. It demands them to hide their beauty except for those parts which are exposed during working or moving around such as hands and face which are usually exposed. 'Allāmah Zamakhsharī comments, "the divine statement 'illa

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<sup>2</sup> Qur'ān 24: 30-31. English translation of all Qur'ānic verses in this paper is of Abdullah Yusuf Ali.

*mā zahara minhā'* indicates to those parts which are habitually exposed or naturally kept uncovered.”<sup>3</sup>

- The *zīnah* is a very comprehensive word, in which beauty occupies central place regardless of whether it is natural or artificial. Afterwards, this word began to be metaphorically used for anything lends beauty such as jewelry and cosmetics. Therefore, it is to be noted that this commandment has nothing to do with the dress; rather, it is related to uncovering beauty before strangers. In other words, the prohibition includes drawing attention of strangers to one’s beauty through dress, make-up and coquetry. The tinkle of anklet mentioned in the verse is just an example of coquetry. Since, uncovering beauty includes disclosing physical appearance of body through the fashion of clothes or coquetry, revealing it through jewelry or make-up would have been prohibited in the first degree. Therefore, women are demanded not to display their beauty before male strangers, in addition to guard their modesty (*ḥifẓ-i farj*). For this purpose, they are given two instructions; first to draw their veils over their bosoms and second to take care of moving around lest it display their hidden beauty. Consequently, they are following three commandments:
  - 1 To draw their veils over their bosoms in order to hide their beauty
  - 2 To hide beauty from everybody except for a few relations to whom people normally do not feel physical attraction in an Islamic society. These relations include women as well; therefore, on the basis of *dalīl-i khitābī*, women are required to hide their beauty from other women except of female relations mentioned in the verse.
  - 3 Not to strike their feet in order to draw attention to their hidden ornaments

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<sup>3</sup> Al-Zamakhsharī, *al-Kashshāf*, 3: 231.

If pondered carefully, this injunction has nothing to do with the code of dress; rather, it forbids bad manners i.e., to exchange gazes or display ornaments when men and women meet. That is way, women are asked to hide their beauty even from other women.

It is to note that there are three manners, which cause the spread of immorality. First is to leer at the opposite sex in order to attract them. To control it lowering the gaze has been demanded. Second is to display the private parts of the body which is the most effective means to urge the opposite sex to commit a sin. To stop it the injunction to guard the modesty has been given. Third is coquetry. To end it hiding beauty has been required.

### **The Argument**

One may argue that the verse here does not demand women to stay in homes; rather, it requires them to be careful about the above-mentioned three matters. It means that if a woman can play a constructive role in the society while abiding by these manners, she is allowed to do so. In other words, this verse does not define the sphere of women's activism.

Since the possibility of deterioration in relations between men and women is the cause of these commandments they are declarative rules (*ahkām waḍ'īyyah*). It is as mush relevant to staying at home as to going out. Therefore, it does not prohibit women from going out. For instance, when the Prophet (peace be on him) says, “*al-Ḥamw al-mawt*” (Husband's bother is as dangerous as death), he never means to expel him from the household despite the fact that the purpose of this statement is to stress on veiling. Therefore, it is not a prohibition, rather just an expression of asking for taking precautions. To conclude, there is none of *waḍ'ī* or *taklīfi ḥukm*, which prohibits women from going out.



## The Second Place

Allah Says,

Such elderly women as are past the prospect of marriage,- there is no blame on them if they lay aside their (outer) garments, provided they make not a wanton display of their beauty: but it is best for them to be modest: and Allah is One Who sees and knows all things. It is no fault in the blind nor in one born lame, nor in one afflicted with illness, nor in yourselves, that ye should eat in your own houses, or those of your fathers, or your mothers, or your brothers, or your sisters, or your father's brothers or your father's sisters, or your mother's brothers, or your mother's sisters, or in houses of which the keys are in your possession, or in the house of a sincere friend of yours: there is no blame on you, whether ye eat in company or separately. But if ye enter houses, salute each other—a greeting of blessing and purity as from Allah. Thus does Allah make clear the signs to you: that ye may understand.<sup>4</sup>

Such elderly women who no more expect to marry may lay aside their garments which are used to cover the bosoms, provided they make not a wanton display of their beauty. Here the word used is *mutabarrijāt* instead of *yubdīn*. The word *tabarruj* has to connotations; to display and to decorate. In the present context, therefore, *tabarruj bi zīnah* may be interpreted in two ways. First is to display but with more intensity than *yubdīn* i.e., the display of beauty in such a way which violates the norms of modesty. Al-Tifāshī says, “The *tabarruj* of a woman indicates her desire to be prominent and noticed.”<sup>5</sup> Therefore, if there is no display of beauty which violates the norms of modesty, elderly women are allowed to lay aside their garments which are used to cover the bosom.

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<sup>4</sup> Qur’ān 24: 60-62.

<sup>5</sup> Al-Tifāshī, *Surūr al-Nafs bi Madārik al-Ḥawās al-Khams*, ed. Manzūr ( 1980), 199.

Second is to wear make-up which means that if these women do not wear make-up, they may lay aside garments from their bosoms.

The phrase *ghayr mutabarrijāt bi zīnah* implies that this injunction is a relaxation in the commandment of *wa 'l-yadribna bi khumurihinna 'alā juyūbihinna*, since both are related to decoration; that the *zīnah* does not mean uncovering body rather just display of beauty, for the word *tabarruj* is not used for nudity; that *ghayr mutabarrijāt* is an adjective which implies behavior and intensity of the action; and that it is allowed to eat in the homes of friends both collectively and separately, for the context is of intermingling of men and women; therefore, separation and togetherness will also be related to both genders.

### **The Argument**

In these verses, nothing defines the sphere of activities; rather, they provide with some supportive commandments about healthy interaction of males and females such as enjoying feasts at the homes of friends. Moreover, there is no *wad'ī* or *taklīfī* rule which reduces the external sphere of women's activities. The only restriction is *tabarruj al-jabiliyyah* which is related to removing clothes rather than going out of home.

### **The Third Place**

Allah says,

Those who annoy Allah and His Messenger - Allah has cursed them in this World and in the Hereafter, and has prepared for them a humiliating Punishment. And those who annoy believing men and women undeservedly, bear (on themselves) a calumny and a glaring sin. O Prophet! Tell thy wives and daughters, and the believing women, that they should cast their outer garments over their persons (when abroad): that is most convenient, that they should be known (as such) and not molested. And Allah is Oft-Forgiving, Most Merciful. Truly, if the Hypocrites, and those in whose hearts is a disease, and those who stir up sedition in the

City, desist not, We shall certainly stir thee up against them: Then will they not be able to stay in it as thy neighbours for any length of time: They shall have a curse on them: whenever they are found, they shall be seized and slain (without mercy). (Such was) the practice (approved) of Allah among those who lived aforetime: No change wilt thou find in the practice (approved) of Allah.<sup>6</sup>

As it is evident by the verse 59, these commandments were introduced in the context of annoyance caused by hypocrites to the believers. To end this annoyance following instructions were given:

Believing women are asked to draw a veil of some kind of covering sheet over the face in order to be distinguished and hence not to be annoyed. If the hypocrites do not desist they will be punished and expelled from Madīnah and whenever they are found, they will be seized and slain.

Foregoing points indicates this commandment is not a religious/legal ruling rather a administrative one.

It does not include all Muslims rather only those are meant who are annoyed by hypocrites as evident by the words of “that is most convenient, that they should be known (as such) and not molested.” Perhaps the targets of such annoyance were the Prophet and prominent Muslims such as Abū Bakr, ‘Umar, ‘Uthmān and ‘Alī. Their defamation would result in disgrace of Islam, for then people might say Islam produced such peoples whose wives are of such a bad characters. The second purpose was to annoy Muslims, because jealous persons satisfy their feelings of jealousy by slandering respected families. The hypocrites supported by their leaders wanted to cause mischief by slandering Muslim elites in order to incite them, to create conflicts, to destabilize the government of Madīnah, to weaken

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<sup>6</sup> Qur’ān 33:57-62.

Islam socially and politically and to create opportunities to crush the newly-born religion. However, the Qur'ān by presenting a very different solution ruined all their plans.

### **The Argument**

Here is an amusing condition. When Muslim women were falsely being accused and their chastity and respect were threatened Allah did not prohibit them from going out. Instead He just instructed them to take a covering sheet over them in order to be distinguished so that hypocrites could not have any excuse for their evil doings. If Islam had really wanted women to stay at home the simplest solution would have been to ban on their going about in public or at least to restrict it.

The waḍ'ī ḥukm here is that annoyance caused by hypocrites is the cause of using covering sheet. The taklīfī ḥukm is that the usage of covering has been ordered in order to end hypocrites' conspiracies.

### **The Forth Place**

The foregoing discussion proves that the Qur'ān teaches certain manners and etiquettes regarding interaction between men and women which are mostly related to dress, precautionary manners and immoral activities. Abiding by these manners was made binding by law in order to stop deviation and safeguard the pure essence of society. Legislation of these laws proves the existence of interaction between men and women otherwise it was enough to prohibit women from appearing before men. None of these laws and manner prohibits women from playing their role in the society. There is not any restriction on their movements and activities provided they abide by these laws. However, there is one Qur'ānic commandment which can be interpreted implying such restriction. That is as follows,

O Consorts of the Prophet! Ye are not like any of the (other) women: if ye do fear ((Allah)), be not too complacent of speech, lest one in whose heart is a disease should be

moved with desire: but speak ye a speech (that is) just. And stay quietly in your houses, and make not a dazzling display, like that of the former Times of Ignorance; and establish regular Prayer, and give regular Charity; and obey Allah and His Messenger. And Allah only wishes to remove all abomination from you, ye members of the Family, and to make you pure and spotless. And recite what is rehearsed to you in your homes, of the Signs of Allah and His Wisdom: for Allah understands the finest mysteries and is well-acquainted (with them).<sup>7</sup>

In these verses, the wives of the Prophet (peace be on him) were given following instructions:

1. They should not soften their voice lest one in whose heart is a disease should be moved with desire.
2. They should speak a speech that is just.
3. They should stay quietly in their houses, and make not a dazzling display, like that of the former Times of Ignorance.
4. They should establish regular prayer, and give regular charity.
5. They should obey Allah and His Messenger.
6. They should recite the Qur'ān in order to benefit from its signs and wisdom.

One of these commandments is to stay quietly in their houses. On the evidence of “yā nisā’ al-nabī” and “ahl al-bayt” one may argue that this injunction is specifically addressed to the wives of the Prophet (peace be on him) and that rest of Muslim women are not bound to abide by it. Al-Jaṣṣāṣ writes, “Hishām narrated from Muḥammad b. Sīrīn that the verse ‘wa qarna fī buyūtikunna’ was addressed to Sawdah bint Zam‘ah.”<sup>8</sup> Sawdah bint Zam‘ah was wife of the Prophet (peace be on him).

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<sup>7</sup> Qur’ān 33: 32-34.

<sup>8</sup> Al-Jaṣṣāṣ, *Aḥkām al-Qur’ān*, 5: 229.

Some modern scholars argue that the wives of the Prophet (peace be on him) are role models for Muslim women. However, this is true in other matters but not in this case, because here Allah says, “You are not like any of the (other) women.” Therefore, staying quietly in houses can never be meant for rest of Muslim women.

Some other scholars argue that this commandment is common on the basis of plural masculine pronoun of “kum” rather it includes males too. The reason for this fallacious argument is ignorance about the Arabic expression. In Arabic language, after the word ahl al-bayt, plural masculine pronoun of “kum” comes, whether one or more women are addressed. And in both cases males are not included. For instance angels addressed Sarah the wife of Abraham (peace be on him) as follows:

Dost thou wonder at Allah’s decree? The grace of Allah and His blessings on you, o ye people of the house! For He is indeed worthy of all praise, full of all glory!<sup>9</sup>

### **The Argument**

It is quite evident from this verse that this injunction was specifically given to the wives of the Prophet (peace be on him) because of their unique status. They were distinguished from the ordinary women in many ways; they are like mothers of all Muslims, they were representatives of the household of the Prophet (peace be on him), the greatness the Prophet (peace be on him) and the honour of whole Muslim community depended on their modesty and immunity from allegation. Some harsh measures, certainly, could have been taken to stop the conspiracies of the hypocrites, but this might have caused damage to Islam; therefore, the wives of the Prophet (peace be on him) were asked to reduce their movement instead in order to solve the problem without inflaming any mischief. On the other hand, the hypocrites were warned that if they would not refrain from their mischievous behavior they would be severely dealt and would be expelled from the community.

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<sup>9</sup> Qur’ān 11: 73.

These verses again do not suggest that women are not allowed to take part in any kind of social activities. The impediment (*māni'*) to a normative ruling (*ḥukm-i taklīfi*) i.e. “Stay quietly in your houses” was the existence of hypocrites at that time. But this impediment (*māni'*) was exclusively found in the era when those hypocrites existed who bore the wives of the Prophet (peace be on him) ill will. And it is evident that the phenomenon of hypocrisy was associated only with the prophetic period. Today nobody can accuse anybody of hypocrisy, because it is quite possible that the person being annoyed be guilty.

To conclude, if we try to infer a impediment (*māni'*) for women’s going out using the method of declarative ruling (*ḥukm-i waḍ'ī*) from all foregoing commandments discussed by us above, following things have potentiality for *waḍ'īyyah*:

1. Existence of hypocrites
2. Fear of God
3. Modesty (*Ḥayā'*)
4. Spiritual Purification (*Tazkiyah*)
5. Accusation
6. Display of beauty

The first does not exist today and rests of them are not capable of being impediments (*mawāni'*), rather they are purposes and causes of the religious commandments. Those who consider them impediments (*mawāni'*) do not know the nature of Islamic law and could not accurately apply Islamic Jurisprudence otherwise these things were never mentioned by any scholar as impediments (*mawāni'*). For instance, has anyone ever mentioned that *taqwā* is a waḍ'ī for prayer? Yes, they have been discussed as purposes. However, though the display of beauty is not a impediment (*māni'*) for the sphere of women’s activities but it *is* a cause for covering the bosom.

## Section Two: Ḥadīth and the Sphere of Women’s Activities

In this section, we will discuss those *ḥadīths* which indicate that women used to play their role in every field of life during the prophetic period. I have studied hundreds of *ḥadīths* on this subject but I will confine myself to some of them only due to limited space of the paper, in order to prove my thesis.

Manuals of ḥadīth contain numerous incidences which paint the picture of women during the period of Prophet (peace be on him) and the Companions is in sharp contrast to what is thought in the present religious concept. Following events will help us to understand what kind of freedom women of the period of the Prophet (peace be on him) and rightly guided caliphs enjoyed and what kind of restrictions they were supposed to abide by. The study of these ḥadīths will also reveal that today's religious perspective is based neither on the Qur'ān nor on the ḥadīths rather they are bases either on self-perceived notions or on regional ideas.

### **Exchange of Greetings by Alien (*nā maḥram*) Men and Women and Working Together**

Bukhārī narrats from Sahl b. Sa'd that there was a woman amongst us who had a farm and she used to sow *Silq* (a kind of vegetable) on the edges of streams in her farm. On Fridays she used to pull out the *Silq* from its roots and put the roots in a utensil. Then she would put a handful of powdered barley over it and cook it. The roots of the *Silq* were a substitute for meat. After finishing the Ṣalāt al-Jumu'ah (Friday Prayer) we used to greet her and she would give us that food which we would eat with our hands, and because of that meal, we used to look forward to Friday.

#### **Argument**

This narratin indicates that more than one men used to go to a woman to have lench with her on Fridays and that there existed a healthy interaction between men and women. This picture, however, is in stark contrast to what is percieved today. It is to note that when



imām Bukhārī records the same ḥadīth in the *kitāb al-ist'dhān*, he titled the chapter as *bāb taslīm al-rijāl 'alā 'l-nisā' wa 'l-nisā' 'alā 'l-rijāl* (the chapter on men's greetings to women and women's greetings to men).

### Interaction between Men and Women and Mutual Consultation

Narrated 'Amr bin Salamah: "Abū Qilābah requested me to visit him and ask him. So I met him and asked him. He told, 'We were at a place which was a thoroughfare for the people, and the caravans used to pass by us and we would ask them, "What is wrong with the people? What is wrong with the people? Who is that man?" They would say, "That man claims that Allah has sent him (as a Messenger), that he has been inspired Divinely or that Allah has revealed to him such and such." I used to memorize that (Divine) Talk, and feel as if it was inculcated in my chest (i.e., mind). And the Arabs (other than Quraish) delayed their conversion to Islam till the Conquest (of Makkah). They used to say, "leave him (i.e., Muḥammad) and his people Quraysh; if he overpowers them, then he is a true Prophet." So, when Makkah was conquered, then every tribe rushed to embrace Islam, and my father hurried to embrace Islam before (the other members of) my tribe. When my father returned (from the Prophet) to his tribe, he said, "By Allah, I have come to you from the Prophet (peace be on him) for sure!" The Prophet (peace be on him) afterwards said to them, "Offer such and such *ṣalāh* (prayer) at such and such time and when the time for the *ṣalāh* (prayer) becomes due, then one of you should pronounce the *adhān*, and let the one amongst you who knows the Qur'ān most should lead the *ṣalāh* (prayer)." So they looked for such a person and found none who knew more of the Qur'ān than I because of the Qur'ānic verses which I used to learn from the caravans. They therefore made me their *imām* [to lead the prayer] and at that time I was a boy of six or seven years, wearing a *Burdah* (i.e., a black square garment) proved to be very short for me (and my body became partly exposed). A lady from the tribe said, "Won't you cover the buttocks of your reciter for us?" So they bought (a piece of cloth)

and made a shirt for me. I had never been so happy with anything before as I was with that shirt.<sup>10</sup>

### **Argument**

This narration proves that even after the conquest of Makkah, when several years had passed on the legislation of the laws of veiling, women not only went to mosques but also advised men.

### **Gathering of Men and Women in the Mosque**

Manuals of ḥadīth record numerous incidents which prove that nā maḥram men and women used to go to mosque and talk each other. For instance,

‘Urwah bin al-Zubayr (narrated) that he heard Asmā’ bint Abī Bakr say: “The Messenger of Allah (peace be on him) stood up and mentioned the trial with which a person will be tested in his grave. When he mentioned that the people became restless, which prevented me from understanding what the Messenger of Allah had said. When they settled down, I said to a man who was near me: ‘May Allah bless you, what did the Messenger of Allah (peace be on him) say at the end?’ He said: ‘It has been revealed to me that you will be tested in your graves with a trial close to that of the Dajjāl.’”<sup>11</sup>

### **Argument**

This narration implies that during listening the prophetic speech men and women used to sit close to each other.

### **Couple’s Doing Li‘ān in front of People**

Narrated Sahl b. Sa’d (may Allah be pleased with him): “A man said, ‘O Allah’s Messenger! If a man finds another man with his wife (committing adultery), should the husband kill him?’ Later on I saw them (the man and his wife) doing *li‘ān* in the mosque.<sup>12</sup>

### **Argument**

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<sup>10</sup> Al-Bukhārī, Kitāb al-Maghāzī, Bāb, 5: 359).

<sup>11</sup> Al- Nasā’ī, Kitāb al-Janā’iz, al-Ta’awwudh min ‘Adhāb al-Qabr, 3: 139.

<sup>12</sup> Al-Bukhārī, Kitāb al-Ṣalāh, Bāb al-Qaḍā’ wa ’l-Li‘ān fī ’l-Masjid bayn al-Rijāl wa ’l-Nisā’, 1: 273.

According to this ḥadīth, the Prophet (peace be on him) did not ask men to leave the mosque for the presence of a woman; rather, he gave a verdict concerning the sex in the presence of men and then asked the couple to do *li'ān*.

### **A Woman's Residence in the Mosque**

‘Ā’ishah (may Allah be pleased with her) narrated: “There was a black slave-girl belonging to an Arab tribe and they manumitted her but she remained with them. The slave-girl said, ‘Once one of their girls (of that tribe) came out wearing a red leather scarf decorated with precious stones. It fell off from her or she placed it somewhere. A kite passed by that place, saw it lying there and mistaking it for a piece of meat, flew away with it. Those people searched for it but they did not find it. So, they accused me of stealing it and started searching me and even searched my private parts.’ The slave-girl further said, ‘By Allah! While I was standing (in that state) with those people, the same kite passed by them and dropped the red scarf and it fell amongst them. I told them, “This is what you accused me of stealing and I was innocent and now here it is.”’” ‘Ā’ishah added: “That slave-girl came to Allah’s Messenger and embraced Islam. She had a tent or a small room with a low roof in the mosque. Whenever she called on me, she had a talk with me and whenever she sat with me, she would recite the following: ‘The day of the scarf (band) was one of the wonders of our Lord, verily, He rescued me from the disbelievers’ town.’” ‘Ā’ishah added: “Once I asked her, ‘What is the matter with you? Whenever you sit with me, you always recite these poetic verses.’ On that she told me the whole story.”<sup>13</sup>

### **Argument**

This also indicates that an alone woman stayed in a tent or a small room with a low roof in the mosque. Imām Bukhārī titled this chapter as *bāb nawm al-mar’ah fi ’l-masjid* (chapter on a woman’s sleeping in the mosque).

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<sup>13</sup> Al-Bukhārī, Kitāb al-Ṣalāh, Bāb Nawm al-Mar’ah fi ’l-Masjid, 1: 281.

## **Women were not Forbidden from Going to the Mosque despite Scarceness of Clothes**

Sahl (may Allah be pleased with him) narrated: “The men used to offer prayer with the Prophet (peace be on him) with their *izzār* (lower-half body-cover sheet) tied around their necks as boys used to do; therefore, the Prophet (peace be on him) told the women not to raise their heads (from prostration) till the men sat down straight (while praying).<sup>14</sup>

### **Argument**

Being the Bedouins of Arabian Desert and especially after migration the companions of the Prophet (peace be on him) were living in poverty. That is why, many of them possessed only one sheet which they wore to cover their body and private parts. However, some part of their private parts was exposed in the state of prostration due to shortness of covering sheets. Therefore, women were instructed to postpone raising their heads from prostration. Had the Prophet (peace be on him) thought such segregation which is considered as a part of religion nowadays, he would certainly have forbidden women from coming to the mosque. Though it is evident that men’s and women’s separation is meant only because of gender issue, women were not forbidden from visiting mosques, despite the fact that men’s private parts were partially exposed in the state of prostration.

### **Abū Bakr’s Attempt to Persuade a Woman to Speak**

Qays b. Abī Ḥāzim narrated: “Abū Bakr went to a lady from the Aḥmas tribe called Zaynab bint al-Muhājir and found that she does not speak. He asked, ‘Why does she not speak?’ The people said, ‘She has intended to perform Ḥajj without speaking.’ He said to her, ‘Speak, for it is illegal not to speak, as it is an action (i.e., tradition) of the Pre-Islamic Period of Ignorance. So she spoke and said, ‘Who are you?’ He said, ‘A man from the emigrants.’ She asked, ‘Which emigrants.’ He replied, ‘From Quraysh.’ She asked, ‘From which branch Of Quraysh are you?’ He said, ‘You ask too many questions; I am Abū Bakr.’ She said, ‘How long shall we enjoy this good order (i.e., Islamic religion) which Allah has brought after the Period of Ignorance?’ He said, ‘You will enjoy it as long as your Imāms keep on abiding by its

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<sup>14</sup> Al-Bukhārī, Kitāb al-Ṣalāh, Bāb Idhā kān al-Thawb Ḍayyiqān, 1: 244-45.

rules and regulations.’ She asked, ‘What are the *Imāms*?’ He said, ‘Were there not heads and chiefs of your nation who used to order the people and they used to obey them?’ She said, ‘Yes.’ He said, ‘So they (i.e., the *Imāms*) are those whom I meant.’”<sup>15</sup>

### **Argument**

Abū Bakr was stranger to that woman but they communicated with each other. The details of the event indicate that their meeting continued for a considerable period. That is why; Abū Bakr noticed her intentional silence. Certainly, he must have observed this abiding by the Qur’ānic etiquettes.

### **Women and Agriculture and Gardening**

It is narrated in Ṣaḥīḥ of Muslim that a divorced woman asked the Prophet (peace be on him) to give permission for harvesting. In response to her request, the Prophet (peace be on him) granted her the permission. The narration reads as follows:

Jābir b. ‘Abd Allāh said: “My maternal aunt was divorced and she wanted to harvest her date palms. A man rebuked her for going out, so she went to the Prophet (inquiring about going out during *‘iddah*) and he said: ‘No, go and harvest your date palms, for perhaps you will give charity or do an act of kindness.’”<sup>16</sup>

### **Argument**

It proves that women are not only allowed to go out for work in normal circumstances but also can do so during the period of *‘iddah*, if they needed.

### **The Prophet’s (peace be on him) Visits to the House of His Son Ibrāhīm’s Foster-Mother**

It was narrated that Anas b. Mālīk said: “The Messenger of Allah said: ‘Last night a boy was born to me, and I have named him after my father Ibrāhīm.’ Then he gave him to Umm Sayf, the wife of a blacksmith who was called Abū Sayf. He set out to go to him and I followed him. We came to Abū Sayf and he was pumping the bellows, and the house was filled with smoke. I quickened my pace and went ahead of the Messenger of Allah and I said: ‘O Abū

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<sup>15</sup> Al-Bukhārī, Kitāb Manāqib al-Anṣār, Bāb Ayyām al-Jāhiliyyah, , 5: 105.

<sup>16</sup> Muslim, Kitāb al-Ṭalāq, Bāb Jawāz Khurūj al-Mu’taddah al-Bā’in wa ’l-Mutawaffā ‘anhā Zawjuhā fī ’l-Nahār li Ḥājatihā, 4: 174.

Sayf! Stop, for the Messenger of Allah has come.’ So he stopped, and the Messenger of Allah called for the boy. He embraced him . . . .”<sup>17</sup>

### Argument

The Prophet (peace be on him) himself used to visit the home of his son Ibrāhīm’s foster-mother in the company of Anas b. Mālīk to look after him, although this was possible through women.

### Nursing Ghayr Maḥram Man

Khārijah b. Zayd b. Thābit narrated: “Umm Al-‘Alā’, an *Anṣārī* woman who gave the *bay‘ah* (pledge) to the Prophet (peace be on him) informed me (saying): ‘The *Anṣār* drew lots concerning the dwelling of the emigrants. We got in our share ‘Uthmān b. Maẓ‘ūn. ‘Uthmān fell ill and I nursed him till he died.’”<sup>18</sup>

### Argument

This indicates that a woman nursed a ghayr maḥram man until he died.

### Daily Works of out of Home

Asmā’ bint Abī Bakr narrated: “When Zubayr married me, he had no property or any slave or anything else, except a camel which drew water from the well, and his horse. I used to feed his horse with fodder and drew water and sew the bucket for drawing it, and prepare the dough, but I did not know how to bake bread. So our *Anṣārī* neighbours used to bake bread for me, and they were honourable ladies. I used to carry the date-stones on my head from Zubayr’s land given to him by Allah’s Messenger and this land was two-third *farsakh* (about two miles) from my house. One day, while I was coming with the date-stones on my head, I met Allah’s Messenger (peace be on him) along with some *Anṣārī* people. He called me and

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<sup>17</sup> Muslim, Kitāb al-Faḍā’il, Bāb Raḥmatihī Ṣallā Allāh ‘alayhi wa Sallama al-Ṣibyān wa ‘l-‘Iyāl wa Tawāḍu‘ihī wa Faḍl dhālik, 6: 169-170.

<sup>18</sup> Al-Bukhārī, Kitāb Manāqib al-Anṣār, Bāb Maqdam al-Nabī Ṣallāh ‘alayhi wa Sallāma wa Aṣḥābihi ‘l-Madīnah , 5: 165-166.

then, (directing his camel to kneel down) said, “*ikhi! ikhi!*” so as to make me ride behind him (on his camel). I felt shy to travel with the men and remembered Zubayr and his sense of *ghayrah*, as he was one of those people who had the greatest sense of *ghayrah*. Allah’s Messenger (peace be on him) noticed that I felt shy, so he proceeded.”<sup>19</sup>

### **Argument**

This ḥadīth reveals following three facts: Firstly, a woman travels alone as far as two miles for cultivation. Secondly, she performs difficult jobs. Thirdly, the Prophet (peace be on him) wishes to ride her behind him (on his camel) in the presence a group of *nā mahram* men.

### **Concluding Remarks**

Only one normative text (*naṣṣ*) is enough to prove some claim. But manuals of ḥadīth literature contain hundreds of such events among which we referred to only eleven ḥadīths, which convincingly prove that a woman in a Muslim society can work and go out provided she abides by the divine laws and etiquettes.

The ḥadīths support our conclusions drawn from the Qur’ān. On the basis of the Qur’ānic texts, we had reached the conclusion that women were not compelled to confine themselves within the boundary of the household; rather, while opening the outer sphere of activities for them they were asked to just abide by some precautionary laws and etiquettes. Compatibility with the Qur’ān and ḥadīth is a sign of the authenticity of our standpoint. We hold that the commandment of “staying quietly in the houses” is exclusively related to the wives of the Prophet (peace be on him) and to “stay quietly in your houses” and that the commandment of “casting the outer garments over their persons (when abroad)” was due to a temporary necessity. Ordinary women are only required to abide by the instructions given in the Sūrah al-Nūr, otherwise manual of ḥadīth would not have recorded these incidences so frequently.

## **Section Three: Women, Work and Balance**

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<sup>19</sup> Al-Bukhārī, Kitāb al-Nikāh, Bāb al-Ghayrah, 7: 103-104.

Since Islam holds the man essentially liable for the finance of house, women do not bear any financial liabilities. Therefore, if they wish to work according to their need, desire, and capabilities they have to abide by some manners.

### **First Manner: The Purity of Dress and Veiling**

They must not violate any rules prescribed in the Qur'ān and Sunnah and must abide by the laws of dress and precautions about interaction with men. Some laws are legislated in the ḥadīth which are naturally and spiritually inferred from the Qur'ān. For instance, the Prophet's (peace be on him) forbade the women to put on perfume when they interact with men. This instruction comes under the commandment of "wa lā yubdīna zīnatahunna."

Zaynab al-Thaqafiyyah used to narrate that the Messenger of Allah (peace be on him) said: "If one of you wants to attend *'Ishā'* (prayer), let her not put on perfume that night."<sup>20</sup>

### **Second Manner: Abiding by the Shar'ī Rulings**

Any activity which violates any Islamic creed or juristic ruling is unlawful. More importantly, it is obligatory to abide by Islamic laws even regarding earning of one's livelihood and foods. If a Muslim fulfils his desires abiding by these rules Islam has no objection to this. If an activity is not contrary to the shar'īah, it cannot be declared unlawful, whatever the case may be. For instance, the Prophet (peace be on him) himself granted permission for the performance of jokers in the following ḥadīth,

'Ā'ishah narrated: "Once I saw Allah's Messenger at the door of my house while some Ethiopians were playing in the mosque (displaying their skill with spears). Allah's Messenger, was screening me with his *ridā'* so as to enable me to see their display."<sup>21</sup>

Religious teachings are classified as rights of Allah and rights of peoples. If a person does any kind of serious, leisure, creative, reformist, religious or research work in accordance with these rights, it is islamically lawful. And in this respect there is no difference between man and woman.

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<sup>20</sup> Muslim, Kitāb al-Ṣalāh, Bāb Khurūj al-Nisā' ilā 'l-Masājid idhā lam Yatarattab 'alayhi Fitnah wa Annahā lā Takhruj Muṭayyabah, 6: 556.

<sup>21</sup> Al-Bukhārī, Kitāb al-Ṣalāh, Bāb Aṣḥāb al-Ḥirāb fī 'l-Masjid, 1: 288.



### **Third Manner: Difference between Basic and Secondary Matters**

One must keep in mind that from the religious perspective social and religious activities are two kinds; basic and secondary. It is illogical to practice the works of secondary status and leave the essential ones unpracticed. Divine commandments do contain natural support. It is quite natural that during the menses, pregnancy, delivery and some days of post-delivery period some activities might hinder a woman from performing some religious obligations to some extent. In the same way, upbringing of children and a number of other related responsibilities naturally lie more on the shoulders of women than on men's. Therefore, except for the case of necessity a child must not be deprived of his/her mother's love and affection merely because their mother engages herself in other activities of entertainment or pleasure. One must maintain balance between the two kinds of activities.

Islam forbids neither entertainments nor leisure activities, but it does require that essentials must not be sacrificed on the altar of entertainment or leisure. It is like if a person plays cards or cricket while his family is starving. Such kind of entertainment is unlawful because it neglects the basic obligations. In the same way, until a woman is completely helpless she must strike a balance between her activities. Therefore, a mother might involve herself in activities of her interest or serve society, provided she fulfils the duties of motherhood. However, when she reaches an age when she becomes free from family obligations, she certainly can completely devote herself to the work. On the contrary, since the man is liable for family expenses it is his essential duty and he never can neglect it.

### **Fourth Manner: Woman and the Liability of Family Expenses**

As mentioned above, wife is not liable for family expenses; rather, it is the sole responsibility of the husband. It is narrated on the authority of Jābir b. 'Abd Allāh that the Prophet (peace be on him) said, "Their (women's) right over you is that you should provide them with food and clothe in a reasonable manner."<sup>22</sup> However, if a woman needs to earn, she can do so, but she cannot be forced to earn. Nor can be she compelled to perform duties which are against

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<sup>22</sup> Al-Bukhārī, Kitāb al-Ḥajj, Bāb Ḥajjat al-Nabī Ṣallā Allāh 'alayhi wa Sallama, 3: 350.

her natural elegance or feminine honour. In Islam, a woman is a symbol of modesty. She enjoys respectable status and can never be disgraced. In Arabic literature, she is figured as *ḥafīzah*, a thing that is protected/defended. Therefore, it must be engaged in activities which suit her. It is narrated on the authority of ‘Abd Allāh b. ‘Umar that the Prophet (peace be on him) said, “This world is no more than temporary joys. And there is no temporary joy of this world that is better than the righteous wife.”<sup>23</sup>

Therefore, according to women’s capabilities and interests, they must be provided with healthy fields of works which protect them against any kind of disrespect, shock and evil, lest this most precious asset of life is wasted.

## Doctrinal Discussions

### Qur’ān, Sunnah and Consensus

In this paper, the Qur’ān and the Sunnah occupy central position. Moreover, the Qur’ān occupies more central place compared to the Sunnah. Since my topic is a product of the modern age, a consensus could not be reached on this issue in the earlier periods. The consensus is, no doubt, a reliable source of law. But a consensus of all scholars of the Muslim community can never be reached in the past. If a consensus is held, it is of the four schools of Islamic jurisprudence or of the jurists of only one school. Muslim scholars from the very beginning declare a person non-Muslim who denies religious teachings transmitted from one generation to the other with general agreement from the Prophet (peace be on him). However, we did not violated this kind of consensus on which imām a-Shāfi‘ comments on, “No one shall be excused for disregarding something [that is supported by] a clear text of the Book or a generally accepted sunna, for there is no doubt concerning either one of them, and he who refuses to accept either one must ask forgiveness.”<sup>24</sup>

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<sup>23</sup> Muslim, Kitāb al-Riḍā‘, Bāb Khayr Matā‘ al-Dunyā al-Mar’ah al-Ṣāliḥah, 4: 127.

<sup>24</sup> Muḥammad b. Idrīs al-Shāfi‘ī, *al-Risālah*, ed. Ahmad Shākir (Maktabat al-Ḥalabī, 1358/1940), 460. The translation is of Majid Khadduri, trans., *al-Imām Muḥammad ibn Idrīs al-Shāfi‘ī’s al-Risāla: Treatise of the Foundations of Islamic Jurisprudence*, 2nd ed. (The Islamic Texts Society, 1961), 278.

Umar says about the second category of consensus when he wrote to Shurayḥ, “When you face some [new] situation, give verdict according to the Book of Allah. And if the situation you are facing has not been [described] in the Book of Allah, give the verdict according to the decision of Allah’s Messenger. And if you face a situation which has not been described in the Book of Allah nor has Allah’s Messenger (peace be on him) left any example for it, give the verdict according to what the people have reached a consensus on. And if you face a situation which has not been described in the Book of Allah neither Allah’s Messenger has left any example for it and nor anyone discussed it earlier, either one of the two matters you like, adopt it.”<sup>25</sup>

As for our present subject concerns, there does not exist any opinion of the majority of jurists let alone the consensus. Therefore, the field is open for further research.

### Linguistic Principles

The Qur’ān is composed in Arabic. Since its style is divine, but it itself is not divine rather revealed in Arabic, it is subject to all linguistic principles applied to understand a text. Following three principles have always been agreed upon:

1. *Mufradāt*: These are the words which are considered as metaphor and simile. For defining the meanings of such words authentic dictionaries and Qur’ānic commentaries are consulted.
2. *Qarā’in Maqāliyyah* (Contextual Indicatives): These are symbols, indicatives, and helping concepts which assist in understanding the meaning of a text. Any decision about *ishtirāk*, metaphor or *taqdīm-o takhīr* is made on the basis *qarā’in maqāliyyah*. For instance, in “Rōṭī kamānā āsān nahīḥ hē” (Earning livelihood is not easy) the word “rōṭī” is common between bread and livelihood. However, the word “kamānā” (to earn) is an indicative of not taking the word “rōṭī” in its literal meaning “bread.”
3. *Qarā’in Ḥāliyyah* (Extra-contextual Indicatives): These are external indicatives. Familiarity with them makes the text meaningful. For instance, if a father asks his son

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<sup>25</sup> Ibn ‘Abd al-Barr, *Jāmi’ Bayān al-‘Ilm wa Faḍliḥ* (Dār Ibn al-Jawzī, 1994), 2: 846.

to wear suitable dress, the weather and the occasion of the speech would define the meaning of dress; if it is winter, warm dress would be meant; if it is raining, such dress would be meant which would protect against rain; and if the time is to go office or attend some wedding ceremony, the dress would be meant accordingly. All these are *qarā'in ḥāliyyah* (extra-contextual indicatives).

### **Declarative (*Wad'i*) and Normative (*Taklifi*) Commandment:**

The foregoing discussion concludes that the Islamic law legislates a declarative commandment (*wad'i ḥukm*) that when men and women intend to interact with aliens (*nā mahrams*) they must take care of veiling (*ḥijāb*). It never describes any condition (*shart*), cause (*sabab*), or impediment (*māni'*) for the sphere of women's activities. Therefore, since the Islamic law does not give any declarative ruling (*wad'i ḥukm*) about the subject under discussion, it would be permissible for women to serve society and perform works of their interest and needs. "Stay quietly in your houses" presents an impediment (*māni'*), but the contextual indicatives prove that this impediment (*māni'*) has nothing to do with ordinary women. These *nuṣūṣ* do not provide any normative ruling (*taklifi ḥukm*) about the sphere of women's activities; rather, *all* qur'ānic verses and prophetic traditions prove that it falls into the domain of permissibility.

However, all manners and etiquettes of veiling and precautionary measures are normative rulings (*taklifi ḥukms*) which must be abided by while dealing with external matters whereas instructions traditionally considered impediments (*mawāni'*) are indeed etiquettes for going out and declare the permissibility of the external sphere of women's activities.