MUSLIM WOMEN & PUBLIC SPACE: THE DEBATE BETWEEN

CONSERVATIVE AND FEMINIST THINKERS

By

NIGHAT PARVEEN SALEEM

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Department of Theology and Religion

School of Philosophy, Theology and Religion

University of Birmingham

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Abstract

This thesis seeks to resolve the debate between conservative and feminist thinkers over

Muslim women's participation in public space. It is divided into two parts. The first part

examines the discourses of both partisans of the debate, taking Abu A 'lā Mawdudi as

representative of conservative thinking and largely Barbara Stowasser as representative

of feminist thinking. This examination identifies that the debate rests decisively on

conceptualizations of hijab and the pivotal role of the hadiths in informing these but that

both conservatives and feminists are selective and literal in their use of hadiths. The

second part examines the hadiths in the collections of Bukhari and Muslim in a full and

comprehensive manner in their original Arabic text on the topics of women's mosque

attendance, visitation of graves, joining funeral processions, travelling, jihad and veiling.

The findings largely uphold feminist positions but seriously challenge conservative

conceptualizations of hijab, demonstrating that these are informed as much by cultural

factors as by their reading of the hadiths. Above all, they confirm the hypothesis that

apparently "restrictive" hadith when read within the context of other hadiths are found to

be predicated in considerations other than to maintain gender segregation.

For my late Mother and Father

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I am greatly indebted to my supervisor Professor David Thomas who provided me much constant constructive feedback and greatly helped me in refining and developing my thoughts. My gratitude also goes out to other members of academic staff at the University of Birmingham. I am grateful to Dr. Haifa Jawad for her encouragement and motivation and Dr. Deyn Guest for her assistance in helping me in my preliminary research. Finally but not least I am also grateful to Dr. Salwa el-Awa who inspired in me the desire to search for the egalitarian voice in the hadiths.

TABLE OF CONTENTS

INTRODUCTION

I Statement of Problem

The feasibility and extent of Muslim women's participation in public space has always

been an issue of intense debate evoking a range of responses both within and outside the

Muslim tradition. The internal debate, though on-going since the formative period, has

generally been contained within the parameters of legal discussions and limited to

sporadic discussions such as the permissibility of visiting mosques and graves and other

public endeavours such as public employment, following funeral processions, travelling

and participation in military warfare.[1] Until recent times divergent legal rulings were

generally tolerated but with the growing influence of reformist movements, particularly

those advocating literalists approach to scripture and in which conservative discourses

generally fall,[2] the differences have assumed increasingly more polemical dimensions.

The debate however is the most intense between Muslim conservative scholars and

feminists,[3] the latter group including both Muslim and non-Muslim scholars. It has its

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[1] The following works provide an indication of the level of internal debate that persists regarding women's participation in various public endeavors. Abou el-Fadl, K, *Speaking in God's Name: Islamic Law, Authority and Women*. Oxford: Oneworld Publications, 2001. Al-Ghazali, M, *The Sunnah of the Prophet: The People of Fiqh versus the People of Hadith.* London: Dar-Al-Taqwa Ltd, 2009. Haddad, G.F, *Sunna Notes: Studies in Hadith & Doctrine, Vol2: The Excellent Innovation in the Qur'an and Hadith.* United Kingdom: Aqsa Publications, 2005.

[2] For a full discussion of these movements, consult the works of Brown, D, *Rethinking Tradition in Modern Islamic Thought*. Cambridge: Cambridge University Press, 1996 and Brown, J, *Hadith: Muhammad's legacy in the Medieval and the Modern World*. Oxford: Oneworld Publications, 2009. The term reformist here includes both that sought a modern interpretation of Islam and those also highly critical of the traditional scholarship like the latter but sought to advocate a more literal return to the seventh century paradigm of Islam. It must be noted here the latter are not all monolithic in their positions on women's public participation, some proposing more liberal views than the traditional perspective.

[3] It is acknowledged partisans of this debate may not always identify themselves by such nomenclatures. However such terms will be deployed for the purposes of this study in order to denote their affiliation in the debate.

inception in the mid-20th century as conservatives sought to theologically defend veiling and seclusion in the face of western criticism whilst feminists sought to challenge such understandings with the intention to appropriate Muslim women's rights. Not surprisingly the debate became inextricably associated with the symbolic value of Muslim women's clothing with feminists readings limiting it to modesty whilst conservative readings imputing it further with segregational value. However despite the deployment of a range of approaches ranging from secular to religious on part of feminists and on-going for considerable decades, the debate continues to remain highly contested and irreconcilable with no resolution in sight.

With the latter problem as the focus of this study, the research concerns itself with an investigation into the theoretical debate between conservatives and feminists over Muslim women's public participation with the aim to first explore whether a resolution is possible to the debate and secondly how it might be achieved. In doing so, this study will first evaluate representative conservative and feminists discourses in order to identify possible lacunae in the debate. As the latter evaluation will show the pivotal role of hadiths in sustaining conservative readings, the hadiths being the recorded sayings and deeds of Muhammad and yet methodological shortcomings in the approaches of both conservative and feminists who deploy them, both predominately being selective and literal in their approaches; the study will then focus on determining what an approach that avoids over selectivity and bias in its interpretations reveals in terms of the lives of the early Muslim women. In determining the latter it is envisaged resolution will be sought on the points of contention pertaining to the relevant scriptural ordinances that the evaluation shows remain unsatisfactorily unresolved.

Grounding a study based in hadiths raises legitimate concerns, prominently pertaining to its authenticity. This study acknowledges such concerns but as it will show in 2.2.2, these are largely grounded in assumptions that remain fiercely contested. Moreover the issue of hadith authenticity is as Philip Hoef argues "external to the Muslim community to such an extent that it is of little use when discussing matters internal to Muslims."[4] In as far as a discourse that seeks to impact Muslim thought, it requires therefore a serious engagement with the hadiths, particularly given the pivotal role the hadiths assume in this debate. For as Hoef also argues those narratives that "neglect history and sunnah …fail to develop a counter legitimate narrative" so that the "pre-existing narrative remains as strong as before."[5] Mir-Hosseini similarly argues "given the current realities of the Muslim world, in which the Islamists have the upper hand in defining the terms of reference of political and gender discourses…only those who are prepared to engage with Islam's sacred texts …can bring change from within." And though she writes within the context of women's experiences in Iran, her well qualified conclusion " there can be no substantial gains unless … gender relations are debated, challenged and redressed within the Islamic framework",[6] is equally applicable within the context of this debate. Simply if any progress is to be made, the hadiths must be engaged with from an internal Muslim perspective as the body of authentic sayings of Muhammad, at least those of Bukhārī and Muslim, that constitute a consistent set of authoritarian directives by virtue of the standing of Muhammad in Muslim eyes.

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[4] Hoefs, P, 'Women in the Sunnah of Muhammad: 'Amal ahl al Madinah and its Potential Impact on Women in Islam'. Paper presented at AMSS 34th Annual Conference, *'Muslims and Islam in the Chaotic Modern World: Relations of Muslims among Themselves and with Others'*, Temple University, Philadelphia, 2005, p.10.
[5] Hoefs, P 'Women in the Sunnah of Muhammad', p.5.
[6] Mir-Hosseini, Z, 'Muslim Women's Quest for Equality Between Islamic Law & Feminism.' *Critical Enquiry*, 2006, 32, p.644.

II Significance

The significance of addressing this issue cannot be underestimated. Despite the fact that conservative discourses were formulated in a certain political and social context,[7] yielding a far more uncompromising conception of the role and status of Muslim women than traditionally propounded, their increasing acquisition of normative value in parts of the Muslim world resulted in a consequential negative impact on Muslim women's lives. The impact was more visible in such regions as Afghanistan, Sudan and Iran where veiling and seclusion were physically imposed.[8] In other parts such as Pakistan conservative thought shaped perceptions of Muslim women, to be effectively used as a yardstick to measure their conformity to Islamic teachings so that women in public space were often perceived as transgressing religiously defined limits by their intrusion into male public space.[9] Furthermore the conservative force remains influential, the current political climate in fact giving rise to new emerging conservative forces that even further vehemently impose sanctions on Muslim women.[10] It is acknowledged the conservative

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[7] Leila Ahmed highlights how current Islamists positions are essentially reactionary in nature "to the discourses of colonialism and the colonial attempt to undermine Islam and Arab culture and replace them with Western practice and beliefs." Ahmed, Leila, *Women and Gender in Islam*. New Haven: Yale University Press, 1992, p.237. Similarly Katherine Bullock argues that the Western notion that the veil is oppressive was a construction to serve Western political ends, namely invasion and colonization and that it still continues to do so. *Bullock, K, Rethinking Muslim Women and the Veil: Challenging Historical & Modern Stereotypes*. Surrey: The International Institute of Islamic Thought, 2002.

[8] The case of the impact of the conservative force, the Taliban, on women in Afghanistan and its continuing influence is well documented. For a full discussion see Das, M "Taliban's War on Women: Live Experiences of Women in Transit on Ethnicity & their Identity in *Asia Research Working Paper 13*. London: London School of Economics & Political Science, 2006. The impact of various conservative ideologies in various other parts of the Muslim world is well documented in Lamia Shehadah's *The Idea of Women in Fundamentalist Islam*. Gainesville: University of Florida, 2003.

[9] This debate is fully captured in H. Mintjes' *A New Debate on "Women and Islam"*. Rawalpindi, Pakistan: Christian Study Centre, 1984.

[10] The Nigerian "Boko Haram" represents one such movement that essentially opposes western secularization of Nigeria and has part of its Islamization programme imposed narrow gender roles of men and women and strict imposition of rules of dress and sexual conduct on women as well as

influence is not universal but whilst it may be an issue that affects only the minority, the tremendous and apparently growing impact it continues to exert on the legal and social status of Muslim women warrants the necessity of continuous engagement with this issue.

Furthermore the issue has not remained confined to Muslim countries but has traversed also into the Muslim diaspora where pockets exist of Muslim communities that remain committed to ensuring that women remained veiled and segregated from public life, increasingly leading to confrontational problems with the indigenous community raising issues pertaining to what extent such practices are theologically ordained and hinder assimilation of Muslim women into society.[11] Moreover within the context of tense political situation between Islam and the West since 9/11, veiling in the West has also acquired the symbolic value of Islamic conservatism.[12]

However perhaps a more problematic issue is given that conservative discourses project themselves as normative, Muslim women seeking to implement teachings faithfully consequently face the dilemma of knowing to what extent their participation in various public endeavours is religiously acceptable. Of course it could be argued that juristic differences have always existed regarding extent of women's participation in various public endeavours and as such this does not represent a dilemma since conservative

a number of other discriminatory and abusive practices. See Zenn, J & Pearson, E "Women, Gender & the Evolving Tactics of Boko Haram" in *Journal of Terrorism Research*, Vol.5, Issue1.Avialbale at http://ojs.st-andrews.ac.uk/index.php/jtr/article/view/828/707. Accessed 23rd May 2014.

[11] Such confrontations date as far back as 1989 when in France, three schoolgirls were sent back home for refusing to uncover their hair, resulting in the ban of observing covering. See Barret, C, *"Confrontation at Cecil: Secularism, Multiculturalism and the 'Headscarves Affair' in France"*, Case Studies for Politics, Case Study 25, University of York, 1996. More recently in the UK, discussions of assimilation and communication obstacles were generated in the aftermath of Jack Straw's comments regarding the observance of complete veiling. See Meer, N, Dwyer, C & Modood, T, "Embodying Nationhood? Conceptions of British National Identity, Citizenship and Gender in the 'Veil Affair' " in *The Sociological Review*, 58:1, Oxford: Blackwell Publishing Inc., 2010.

[12] Chris Allen highlights this acquired meaning in his book *Islamophobia*. Surrey: Ashgate, 2010.

positions represent but one spectrum of juristic position, albeit extreme. However the problem is that conservative interpretations are projected as being the only valid and correct interpretations, others being a departure and not an accepted difference as would be traditionally accepted, and given their increasing penetration into Islamic thought; the dilemma for the lay person seeking to implement the religion faithfully is a well-founded one.

And indeed it is equally this dilemma besides the other influential impact of conservative discourses on women that motivates this research. For as a Muslim woman raised in a South Asian Muslim culture that is fundamentally conservative in its approach to women, the question of Muslim women's role and status has always been of long held interest. But witnessing the growing conservatism amongst the Muslim community and the ever-increasing polarization of debates over Muslim women's participation in various public religious endeavours, the quest for determining to what extent the conservative position is theologically sustainable has become even more imperative. However the researcher is also equally critical of the feminist position, keen to determine why it fails to make any effective impact on Muslim thought.

Given thus the practical and conceptual ramifications of this issue for Muslim women and the fact that it remains highly contested and irreconcilable, in seeking some form of resolution to the debate, it is envisaged that this study will provide much needed clarity to the issue of Muslim women's societal role.

III Literature Review

Perhaps one of the most influential and staunchest conservative defences is epitomized in Abu A 'lā Mawdudi's *Purdah and the Status of Women in Islam* that continues to enjoy popularity as testified by the fact that it has been published in over twenty editions since its first publication in 1939 and translated into several languages. Since this work will be outlined in the methodology that follows and subject of close scrutiny in the first chapter, not more will be outlined here except to highlight that it represents perhaps one of the most systematic and comprehensive conservative discourses that has grounded its position in sociologically driven rational arguments and sought validity for its scriptural interpretations in the hadiths, thus acquiring much credibility amongst the Muslim masses.

Another conservative discourse that engages with the issue just as comprehensively is that of Mohammed Madani's *Hijab*, but it merely reproduces Mawdudi's methodological approach in resorting to very similar sociological arguments and endorsing its scriptural interpretations with the hadiths.[13] In a similar vein is the work of Wahiduddin Khan's *Women Between Islam and Western Society* that similarly justifies women's seclusion from public space in sociological and religious terms.[14] Generally however it must be noted conservative discourses tend not to be written and published but rather

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[13] Madani, Mohammad, *Hijab*. Karachi, Pakistan: Allah Bukhsh Barkhurdaria Trust, n.d.
[14] Wahiduddin, Khan, *Women Between Islam and Western Society*. Translated by Farida Khannan. New Delhi: Al-Risala Books, 1995.

disseminated through sermons, audiocassettes, television programmes and locally published pamphlets.[15]

However on the other hand there is no dearth of literature that seeks to challenge conservative discourses for not surprisingly it has been the focus of much scholarship, particularly amongst feminist scholarship. Equally varied are the methodologies that have been deployed, ranging from the secular to the theological.

Leila Ahmed's *Women and Gender in Islam* approaches the issue as part of a wider attempt to demonstrate the influence of prevailing gender discourses on Muslim women throughout history to contend veiling and seclusion were pre-Islamic practices but only became appropriated into Muslim culture through assimilation. [16] Whilst her discourse sheds invaluable light on the origins of the practice of veiling and seclusion and the political context that has contributed to its re-emergence, it however fails to satisfactorily take into consideration the theological underpinnings that sustain these practices.

A number of works have extensively engaged with the issue from a theological perspective, perhaps one of the earliest published challenges is found in Qasim Amin's *The Liberation of Muslim women* in 1899,[17] which sought to challenge Muslim women's observance of *niqāb,*[18] jilbab[19] and seclusion. Despite a sound grounding in its theological arguments, the work attracted wide criticism; conservatives, nationalists, intellectuals condemning his work as "subversive to the fabric of society" and

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[15] The availability of such pamphlets and audiocassettes becomes apparent when one browses through local markets both in Muslim and diaspora communities. As far as television broadcasts are concerned, Israr Ahmed was a prominent Pakistani scholar who expressed the views of Mawdudi in Pakistan in a televised series during the 1980's, see H. Mintjes' *A New Debate on "Women and Islam"*

[16] Ahmed, Leila, *Women and Gender in Islam*. New Haven: Yale University Press, 1992.

[17] Cairo: American University Press, 2000.

[18] Material used to cover the face.

[19] The long outer clothing that covers a woman's body from head to toe.

"subverting God's law."[20] Feminists similarly condemned him for his appropriation of oriental arguments and further perceived it as a strategy to define women's role and status for the benefit of men.[21]

On the other hand recent theologically grounded feminists' works have yielded wide acclaim in western academia, the most prominent works being that of Barbara Stowasser, Fatima Mernissi and Asma Barlas. These works will not be discussed in much detail here since they will be outlined in more detail in the methodology that follows and will be the subject of close scrutiny in the second chapter, suffice to highlight at this point they have proffered some valuable and commendable contributions.

Conservative conceptions of veiling and seclusion are also the subject of this study, but given that the prime aspiration of this study lies in identifying the feasibility of a resolution between conservative and feminist conceptions, it differs therefore in its purpose. Consequently the research also extends to a sustained critique of feminist discourses too. Sustained critiques of conservative and feminists' works have of course been the subject of some scholarship, but not simultaneously as this research seeks to do. Moreover these have tended to be more in the nature of a critique of their methodological approaches, underpinned by various theoretical frameworks, towards their positions on women in general and not with a sustained exclusive focus on their conceptions of veiling and seclusion as this study seeks to. For example Lamia Shehada's critique of Mawdudi is underpinned by a comparative and sociological approach of his general

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[20] Rogan, Eugene, Eugene, *The Arabs: A History*. (2nd ed.) London: Penguin Books, 2012.
[21] For a full useful critique and its reception by feminists consult Mazid, Nergis, 'Western Mimicry or Cultural Hybridity: Deconstructing Qasim Amin's "Colonized Voice" in *The American Journal of Islamic Sciences*, 19:4, pp.42-67. Available at http://i-epistemology.net/attachments/691_Ajiss19-4%20-%20Mazid%20-%20Western%20Mimicry%20or%20Cultural%20Hybridity.pdf. Accessed 16th May 2014.

views on women with the aim to determine and demonstrate its similarities with other

discourses driven by fundamentalist political ideology.[22] And whilst Taiyyba Rehman

devotes some attention to an analysis of Mernissi's position on veiling and seclusion, it is

similarly underpinned by a sociological and comparative approach, assessing to what

extent it was influenced by post modernistic theories as well as her social and personal

context.[23] These works nevertheless provide invaluable insight in to the sociological

underpinnings of the respective writers, which this research shall be informed by to some

extent.

Roy Jackson on the other hand does confine himself to a critique of Mawdudi's *Purdah*

and the Status of Women in Islam,[24] however he limits itself largely to the sociological

underpinnings of his argument. Whilst undoubtedly, as will be seen in Chapter 1, the

latter occupies much attention in Mawdudi's discourse, it is his theological

underpinnings that appear to give force to the credibility of his position. So though the

sociological argument cannot be dismissed, any critique that is devoid of an engagement

with his scriptural evidence remains incomplete.

Perhaps the only sustained feminist critique is Bullock's examination of Mernissi's

position.[25] Restricting itself to a critical examination of the assumptions and

presumptions informing her scriptural evidence, it provides one of the most in-depth

examinations of Mernissi's position from a theological perspective. Perhaps the only

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[22] Shehadah, L, Rustum, *The Idea of Women in Fundamentalist Islam.* Gainesville: University of Florida, 2003.
[23] Rehman, Taiyyba, *Muslim Feminism: A case study of Fāṭimah Mernissi's works and Thoughts.* Doctoral Research, University of Birmingham, 2005.
[24] Jackson, Roy, 'Mawdudi, *Purdah* and the Status of Women in Islam' in Theodore Gabriel and Rabiha Hannan (ed) *Islam and the Veil: Theoretical and Regional Contexts.* London: Continuum International Publishing Group, 2011,pp.36-47.
[25] Bullock, *Rethinking Muslim women.*

shortcoming of this critique is its criticism that Mernissi chooses to adopt the strategy of accepting that the Qur'an mandates covering as opposed to those who reject that it mandates covering to challenge women's veiling and seclusion.[26] This, however, is not quite an accurate reflection for as will be seen in Chapter 2: feminists do accept covering is mandated in the Qur'an but they attempt to restrict its application to its addressees, Muhammad's wives.

Finally and perhaps most importantly another significant difference of this study and which constitutes its significant contribution, is its sustained and comprehensive engagement with the hadiths. Certain conservatives and feminists thinkers have of course also engaged with the hadiths to sustain their positions. This study however engages with them as a means to seek a resolution to the debate, or conversely determine whose position holds more credibility. Moreover this study also distinguishes itself in its approach to the hadiths, attempting to adopt an approach that avoids over selectivity and bias that afflicts the approaches of both partisans of the debate.

Determining the reality of the lives of early Muslim women in the hadith literature has been the focus of some studies. One of the earliest of such scholarships is Gertrude Stern's doctoral thesis: *The life and Social conditions of Women in Primitive Islamic Community as depicted in the 8ᵗʰ Volume of the Tabaqat al-Kubra and the 6ᵗʰ volume of Musnad Ibn Hanbal* submitted in 1936 as a doctoral thesis and later published in 1939 as *Marriage in Early Islam.* However as the titles suggests, the main preoccupation of its subject matter differs from the subject matter of this study, namely with an emphasis on marriage as opposed to veiling and seclusion. This study also differs in its sources for the

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[26] Bullock, *Rethinking Muslim women,* p.176.

hadiths, for reasons that will be explained in the methodology (3.2) this study confines itself to the hadith compilations of Bukhārī and Muslim.

A more recent investigation into the lives of early Muslim women is found in 'Abd al-Ḥalīm Abū Shaqqah's *Taḥrīr al-Mar'ah Fī 'Aṣr Al-Risālah* (The Emancipation of Women during the Time of the Prophet).[27] It concerns itself with various legislative issues and social conditions of the lives of early Muslim women, including their public participation and veiling as depicted in Bukhārī and Muslim and resorts also to early juristic rulings and opinions with the aim to demonstrate a very egalitarian Islam in its inceptions. As such it bears some similarities with this study, in as far as its focus on veiling and seclusion, though not exclusively as this study, and the choice of hadith compilations. However certain studies observe that Abū Shaqqah's work suffers from some selectivity of material. Fakhro for example points out in looking at hadiths for legislation governing the status of women, "…he selected those hadiths that highlight the prominence of many female personalities in Islam …in the days of the Prophet".[28] Similarly Roald concludes Abū Shaqqah's work "may not represent the whole picture…" attributing his "process of selection of hadiths and their interpretation" to the influence of an external political agenda.[29] This study however, as highlighted before, attempts to avoid over-selectivity and bias by the application of a holistic gathering and contextual reading of the hadiths: exactly what this study means by holistic and contextual will be explained in 3.2.

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[27] Abū Shaqqah, 'Abd al-Ḥalīm *Taḥrīr al-mar'ah f 'aṣr al-risālah:Dirāsāt jāmiʿah li-nuṣūṣ al-Qur'ān al-Karīm wa Ṣaḥīḥay al-Bukhārī wa Muslim.* 1st Edition: Kuwait, Daar Al-Qalam Lil Nashr Wat-Tawzi', 1990.

[28] Fakhro, M, "Gulf Women in Islamic Law" in Mai Yamani (ed.) *Feminism & Islam: Legal & Literary Perspectives*. New York: New York University Press, 1996, p.255.

[29] Roald, A.S, *Women in Islam: The Western Experience*. London: Routledge, 2001, p.169.

IV Methodology

The first part of the study, that seeks to identify lacunae in the debate between conservative and feminist positions, will do so by subjecting representative 20th century conservative and feminist discourses to close scrutiny, primarily by assessing the strengths and weaknesses of their adopted methodological approaches and assumptions influencing selection and interpretation of scriptural evidence.

For the conservative voice, focus will be largely on the highly influential political activist turned religious scholar, Mawdudi. Selection has been confined exclusively to him for three main reasons. Firstly, because of the formative global impact of his discourse on Muslim women that emanated largely from the tremendous influence he wielded on Muslim contemporary thought, given his apparently highly rational and convincing approach in projecting Islam as the panacea to all economic, social and political ills of society. And secondly because he provides one of the most sustained and comprehensive conservative discourses. And thirdly because of the popularity the discourse enjoys amongst the Muslim masses for reasons mentioned in the literature review, namely its ability to ground its interpretations in rational and scriptural proofs. Mawdudi's position is essentially built on the argument that social necessity demands women's seclusion from public space and so accordingly Islam in the lines of dictate and reason, also ordains it for which he finds further support for in the hadiths. Thus in evaluating his discourse, three particular areas will be assessed. Firstly the credibility of his sociological argument to determine to what extent it supports his claim that social necessity demands women's veiling and seclusion, secondly his scriptural interpretations to determine to what extent they support his claim that Islam mandates veiling and

seclusion and thirdly the process of his choice and interpretation of the hadiths to determine to what extent they lend credibility to his scriptural interpretations.

For the feminist voice, the focus will be on Stowasser, Mernissi and Barlas, as alluded to earlier, not just for the reason that their works yield wide acclaim in western academia but more importantly because their expressed objectives are to challenge conservative readings on Muslim women's veiling and seclusion. Stowasser however will largely be the focus of evaluation because, of the three, she substantially grounds her arguments in the hadiths. This is an important requisite for any challenge to be effective since, as highlighted in the preceding paragraph, conservative discourses largely ground their interpretations in the hadiths. Her chapter "The status of women in early Islam"[30] will be the focus of evaluation for, though one of her earliest published works, it provides one of her most sustained critiques of conservative discourses on veiling and seclusion and an equally comprehensive engagement with the scriptural evidence as well as the hadiths as Mawdudi. Subscribing to the view that the hadith literature represents rather a depiction of the historical reality of its time rather than a faithful reflection of Prophetic sayings, Stowasser proposes and applies a number of general principles to select hadiths she considers to be accurate representations of the reality of early Muslim women. In evaluating her discourse there will be an assessment of the credibility of her scriptural interpretations, more extensively however there will be an examination of her use of hadith, with a particular focus on the assumptions and principles that inform her selection of the hadith to determine to what extent they justify her selection criterion. Equally there will be an examination of to what extent her selected hadith support her arguments.

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[30] Freda Hussein (ed) *Muslim Women*, Sydney, Australia: Croom Helm Ltd, 1984, pp.11-43.

Mernissi, a sociologist, writer and highly regarded Arab-Muslim feminist, has also been an equally prolific writer on women's issues, her works spanning almost four decades and reprinted in several languages. Her widely acclaimed *Veil and the Male Elite*[31] will be the focus of this research for it proves to be one of her works that focuses considerably on challenging conservative conceptions of veiling and seclusion. It does so by limiting itself to a re-interpretation of only one particular scriptural ordinance, this being what is commonly referred to as the hijab verse, through an examination of the historical context it was revealed in. In doing so, she intricately details both the immediate context and the wider historical context in which it was revealed, expending much analysis on the hadith detailing the circumstances relating to the revelation of the hijab directive to argue that its purport was not to impose veiling and seclusion. In evaluating her discourse there will be a focus on determining to what extent her sole focus on the hijab directive is sufficient in challenging conservative conceptions and equally there will be an analysis of the methodological approach she deploys in sustaining her re-interpretation so that an assessment can be made on the credibility of her position.

Barlas, though Professor of Politics has become increasingly embroiled in women issues through her studies in Qur'anic hermeneutics and whilst she has not written prolifically on women issues as Stowasser and Mernissi, her seminal work *Believing women in Islam: Unreading Patriarchal Interpretations of the Qur'an*[32] has proved to be a valuable contribution to Muslim feminists studies. It will be the focus of analysis for not only is it one of her few works that engages with the issue, albeit as a subsidiary and consequential aim however nevertheless an important one, but more so because of her original

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[31] Mernissi, Fatima, *The Veil and the Male Elite*. USA: Addison-Wesley Publishing Co, 1987.
[32] Austin: University of Texas Press, 2002.

methodological approach. Building on Qur'anic hermeneutical principles espoused by Fazlur Rehman and Amina Wadud so as to read the Qur'an both intratextually and within its socio historical context, she applies it to two particular clothing directives, these being the khimar and the jilbab directives to argue that whilst the latter is no longer relevant in contemporary times, the real veil in the former is only that of the eyes and not the body. In evaluating her discourse there will be a focus on determining to what extent her choice of scriptural directives are effective in challenging conservative conceptions and equally an analysis of the methodological approach she deploys in sustaining her re-interpretations so that an assessment can be made on the credibility of her position.

The methodology that will be adopted in the second part of the study, which examines the hadiths to determine the reality of the lives of the early Muslim women, will be elaborated in the third chapter (3.2) so that it immediately precedes the hadiths to which it will be applied.

V Chapterization

Five chapters constitute this thesis. The first two chapters will be largely focused on an evaluation of conservative and feminist discourses respectively and concluded with an overall evaluation of the two approaches. The following two chapters will be focused on examining the hadiths to determine what it reveals in terms of the lives of the early Muslim women. These two chapters will be devoted to various indicators of participation deployed by conservative and feminist discourses in their arguments. So whilst the third chapter will be exclusively focused on the level of women's participation in

congregational prayers given the sheer number of hadiths pertaining to this public endeavour, the fourth chapter will be focused on other indicators of participation, including women's visitation of graves, participation in funeral processions and jihad, hajj and travelling. The fifth chapter will focus on examining the use of hijab in the hadith literature to determine what it suggests about the early Muslim understanding of hijab. The conclusion will summarize the findings of this research and reflect on what light they shed on Muslim women's societal role.

The Library of Congress system of transliteration will be adopted in the transliteration of Arabic terms in this thesis,[33] but transliteration of cited quotes and hadiths will be retained in the format of their sources. Transliteration however will not be applied to those Arabic words that now appear in the Oxford online Dictionary such as Qur'an, Sunnah, Hadith, hijab, khimar, jilbab, jihad, hajj etc.[34] Muhammad Asad's *Message of the Qur'ān* will largely be consulted for translation of the Qur'an, with occasional reference to other translations where relevant. Originally the full volumes of Dar-us-Salam and Ashraf Islamic Publishers were consulted for the hadith compilations of Bukhārī and Muslim respectively but on recognizing the availability of an online facility that similarly provides all volumes of these compilations both in the original language of Arabic and its English rendering,[35] these sources were then resorted to for ease of extraction and recording of evidence. Information presented in squared brackets represents parenthesis this study offers, whilst parenthesis of cited works will be retained in circled brackets.

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[33] http://www.loc.gov/catdir/cpso/romanization/arabic.pdf

[34] http://www.oxforddictionaries.com

[35] www.sunnah.com

THE CONSERVATIVE DISCOURSE

1.1 Introduction

Since the first aim of this research is to identify what scope there is for a resolution to the conservative-feminist debate over Muslim women's participation in public space, the purpose of the chapter here is to determine how the conservative discourse is articulated and its strengths and weaknesses. Before detailing the precise focus of analysis in evaluating the conservative discourse, it is first worth introducing at this point the pertinent scriptural ordinances that variously inform the conservative-feminist debate with a preliminary overview of some points of contention pertaining to them.

Perhaps one of the most pertinent directives pertaining to this issue is the instruction that stipulates, "staying at home" amongst a series of other instructions:

> O wives of the Prophet! You are not like any of the (other) women, provided that you remain (truly) conscious of God. Hence, be not over-soft in your speech, lest any whose heart is diseased should be moved to desire (you): but, withal, speak in a kindly way. And abide quietly in your homes, and do not flaunt your charms as they used to flaunt them in the old days of pagan ignorance; and be constant in prayer, and render the purifying dues, and pay heed unto God and His Apostle: for God only wants to remove from you all that might be loathsome, O you members of the (Prophet's) household, and to purify you to utmost purity…[1]

These verses are generally agreed as being revealed right after the "crisis" that led to Muhammad's seclusion from his wives for a month, though there appears to some

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[1] 33:32-34 Asad, p.817.

difference over what instigated this crises[2] and when they were revealed and are variously dated to have been revealed between 5AH and 9AH.[3] These differences are however irrelevant to the debate, the point of contention proves to be their scope of application, namely were these instructions specific to Muhammad's wives or should their legislative value be generalized to all women. Attempts on part of conservatives to generalize them and feminists to challenge such generalization however assume that the directive's purport is to impose a general restriction from public space. This however is questionable as highlighted by some feminist readings. Though its literal rendering remains questionable, simply for the sake of identification; this directive will be referred to as the "seclusion directive" in this study.

Other pertinent verses that equally inform the debate are what commonly known as the hijab verses that render into English as follows:

> O YOU who have attained to faith! Do not enter the Prophet's dwellings unless you are given leave; (and when invited) to a meal, do not come (so early as) to wait for it to be readied: but whenever you are invited, enter (at the proper time]; and when you have partaken of the meal, disperse without lingering for the sake of mere talk: that, behold, might give offence to the Prophet, and yet he might feel shy of (asking) you (to leave): but God is not shy of (teaching you) what is right. And (as for the Prophet's wives,) whenever you ask them for anything that you need, ask them from behind a screen [hijab]: this will but deepen the purity of your hearts and theirs. Moreover, it does not behove you to give offence to God's Apostle - just as it would not behove you ever to marry his widows after he has passed away: that, verily, would be an enormity in the sight of God.[4]

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[2] This crisis is widely recorded and though there appears to be some difference over its causes, nevertheless it is agreed that it led to a domestic turmoil of major proportions to the extent that Muhammad had to seclude himself. On completing his seclusion, divine revelation gave Muhammad's wives to either choose "God and His Prophet" or the "world and its adornments" which aptly became known as the "verse of choice."

[3] For a full discussion of the various opinions on the dates of this revelation see Stowasser, B. F, *Women in the Qur'an, Traditions and Interpretations*. Oxford: Oxford University Press, 1994.

[4] 33:53, Asad, p.825.

Unanimous agreement categorically establishes these verses were revealed during Muhammad's marriage to Zaynab, in 5AH.[5] Hadiths furnish the details that their revelation was instigated in response to visitors who overstayed and on whose departing Muhammad drew a curtain to screen the room his new wife was seated in,[6] hence the literal rendering of hijab as "screen" since it accords with the Qur'anic deployment of it in its literal sense, i.e. as a screen, barrier or curtain. Such a rendering finds general agreement amongst partisans of the debate; contention however emerges over its scope of application. Conservative readings do not confine it to its addressees, Muhammad's wives, but generalize it to all women. Moreover since it suggests gender segregation and entails a physical denial of appearance to men, conservatives find in it reason to impose women's restriction from public space and observance of complete veiling in public space, hence the consequent popular use of hijab as referring to Muslim women's clothing and its imputation with segregational value. Throughout this research the latter popular use will be identified as the concept of hijab/ *Purdah*[7] to distinguish it from its Qur'anic literal use, which will be identified as the hijab directive. Most feminists' challenges on the other hand attempt to limit the hijab's application to Muhammad's wives whilst some attempt to challenge its segregational value.

Given conservative conceptions of hijab, not surprisingly ordinances concerning Muslim women's dressing in general have also become embroiled into the debate. The Qur'an promulgates two particular directives for all Muslim women that will be respectively identified as the khimar and jilbab directives:

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[5] Ṭabarī, Abu Ja'far Muhammad Bin Jarir Al-, *The History of Al-Ṭabarī. Vol.8, The Victory of Islam*. Translated by Michael Fishbein. Albany: State University of New York Press, 1996,p.1.
[6] This is a widely transmitted hadith reported in several versions by both Bukhārī and Muslim. Bukhārī 65:314, 315,316,317, 79:6238 & 6239.Muslim 16:1428 b, e,f,g & h.
[7] The reason for the use of this term will become apparent from a later discussion in 1.4.2.

... And tell the believing women to lower their gaze and to be mindful of their chastity, and not to display their charms [*zīna*] (in public) beyond what may (decently) be apparent thereof; hence, let them draw their head-coverings [khimar] over their bosoms. And let them not display (more of) their charms to any …[8]

O Prophet! Tell thy wives and thy daughters, as well as all (other) believing women, that they should draw over themselves some of their outer garments [jilbab] (when in public): this will be more conducive to their being recognized (as decent women) and not annoyed…[9]

The debate concerning these directives may have become apparent in light of the former discussion, namely to what extent these clothing directives mandate complete veiling and accommodate segregational value. In the case of the khimar directive, the term '*zīna*' proves to be the contentious point given its vagueness allows divergent interpretative possibilities. Conservative readings render it as 'decorations' so that by implication it is only these, and not the face and hands, that constitute "what may (decently) be apparent." In the case of the jilbab directive, whilst unanimous agreement locates its revelation shortly after the hijab directive so as to protect women against male harassment in public space, what exactly constitutes jilbab proves to be the contentious point. Again since the description is vague, the term remains open to wide debate and divergent interpretations have existed since the formative period, conservatives undoubtedly favouring interpretations that advocate complete veiling. Feminists highlighting the vagueness of these terms stress clothing is prescribed very sparingly in both directives and highlight that both directives anticipate public presence.

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[8] 24:30-31Asad, p.687.
[9] 33:59, Asad, p.827.

Of these four directives, it is self evident that the seclusion and hijab directives prove to be the most pertinent scriptural ordinances relevant to the issue of Muslim women's segregation. More precisely it is the debate over the generalization of these directives that proves to be pivotal to the debate. As such the focus of evaluation of both conservative and feminists discourses will be how they sustain their generalization/non-generalization of these directives. Similarly it will also be examined how conservatives and feminist sustain their interpretations of the khimar and jilbab directives. Though it must be noted the primary concern of this thesis is not the debate over the extent of veiling Muslim women have to observe but their level of public participation. Its interest in examining interpretations of khimar and jilbab however lies in the purpose to determine to what extent they support conservative conceptualizations of hijab since undoubtedly the latter is fortified by the idea that women must observe complete veiling.

For reasons explained in the introduction of this thesis, Mawdudi will largely be taken as representative of conservative thought, predominantly because of the global and hugely formative impact of his discourse on women, which undoubtedly emanated from the tremendous influence he wielded on Muslim contemporary thought.[10] Before outlining and evaluating his discourse, a brief introduction follows to highlight the context from which his discourse emerges and an overview of his discourse on veiling and seclusion.

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[10] For a full discussion of his impact see Shehadah, L.R, *The Idea of Women in Fundamentalist Islam*. Gainesville: University of Florida, 2003.

1.2 Overview of Mawdudi's Works and Discourse on Women

Mawdudi's works need to be understood within his wider social and political context. Born at a time of great social and political upheaval as conditions of Muslims declined socially and politically since the British mutiny of 1857, constituting a leaderless mass by his time,[11] he became increasingly concerned not just with the physical challenge of western domination but more importantly about its challenges on a cultural, social and ideological level that he perceived to be threatening the very fabric of Muslim identity, particularly its youth.[12] Amongst his many concerns was also the issue of national dress; Mawdudi essentially viewing dress as a reflection of one's cultural and religious identity and regarding adoption of dress of another community as symbolic of discarding one's own culture for that of another which he attributed to no more than an inferiority complex.[13] Equally he saw the western world and Islamic world in a state of sickness and decay, the former on its path to a "colossal disaster" with the latter following suit in its blind imitation of the west.[14] The only logical solution he insisted was to return to pristine Islam, for in line with other emerging revivalist movements he too saw the decadence of the Muslim world in terms of their departure from true pristine Islam, arguing a return to the latter would restore Muslim dominance and free them from the clutches of western influences.[15] However this for him did not entail a literal return to the sources, but extracting from them principles to implement according to the context of

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[11] Hasan, Masudal, *Sayyid A'bul A'la' Mawdudi and his thought*. Vol.2, Lahore, Pakistan: Islamic Publications, 1984, p.1.
[12] Binder, Leonard, *Religion and Politics in Pakistan*. California: University of California Press, 1963, p.82.
[13] Hasan, *Sayyid A'bul A'la' Mawdudi*, p.69.
[14] Jackson, Roy, 'Mawdudi, Purdah and the Status of Women in Islam' in Theodore Gabriel and Rabiha Hannan (ed) *Islam and the Veil*. London: Continuum International Publishing Group, 2011.
[15] Mawdudi, A.A, *Witness Unto Mankind*. Leicester: Islamic Foundation, 1986.

modern living realities.[16] As such his many works, amounting to around one hundred and fifty and covering a wide range of issues, are characterized by a focus on the truth and relevancy of Islam and project a rational, systematic and modern interpretation of Islam, producing writings that as Jackson comments are "undoubtedly intelligent, persuasive and insightful".[17] His views on women are found to be dispersed in his hugely popular and widely published Qur'an commentary, *Tahfim al-Qur'an,* its first volume being published in 1950 and the last one in 1973. These however represent concise delineations of his views that he gathers in his two books devoted to women, these being *Marriage and Divorce in Islam* (first published in 1983) and *Purdah and the Status of Woman in Islam* that was first published in 1939. Even though the latter is one of his earliest works expressing his views on women, it will largely be the focus of this evaluation for two main reasons. The first being that his book *Marriage and Divorce in Islam* offers no discussion pertaining to the veiling and seclusion as its title indicates and secondly *Purdah and the Status of Woman in Islam*, by his own admission, represents a synthesis and expansion of all his thoughts on veiling and seclusion.[18]

In line with his characteristic style of establishing a rational foundation for his arguments, Mawdudi devotes over half his discourse (pp.4-124) in providing a rational explanation for the necessity of maintaining women's veiling and seclusion. Drawing on scientific data, human history, "laws of nature" and the "tragic consequences of western concepts of morality", he essentially argues that social necessity demands women's commitment to a domestic role and their restriction from public space. It is within the

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[16] Nasr, Seyyed, V.R, *Mawdudi and the Making of Islamic Revivalism*. Oxford: Oxford University Press, 1996,p.151.
[17] Jackson, 'Mawdudi', p.36.
[18] Mawdudi, A.A, *Towards Understanding the Qur'an* Vol. 1. Translated by Zafar Ishaq. Leicester: The Islamic Foundation, 1988.

context of such a proposition that he essentially sustains his conceptualization of hijab so that accordingly the seclusion directive is used to substantiate the woman's domestic role (pp.147-150) whilst the hijab, khimar, jilbab and again the seclusion directive become scriptural proof for gender segregation and veiling (pp.179-203). Finally he resorts to the hadiths to support his interpretation of the seclusion directive (pp.204-214). Maintaining that the literature depicts women as being restricted in all public endeavours except hajj and permitted participation only in jihad under dire necessity, Mawdudi is able to sustain a very restrictive and literal interpretation of the seclusion directive, and since this constitutes his most prominent textual validation for women's veiling and seclusion, the latter is considerably sustained by the hadiths.

It is clear therefore that Mawdudi's staunch defence of women's veiling and seclusion is grounded in three main discernible and interrelated premises. The first is his rational explanation, which will be identified as "the sociological argument", given the choice of evidences that constitute this argument. The second is his scriptural evidence and which will be accordingly identified as such and thirdly that will be identified as the "Hadith Narrative", given that it resorts to the evidence of the hadiths. Each of these premises will now be outlined and evaluated in the order they have been mentioned.

1.3 The Sociological Argument

It is worth engaging with Mawdudi's sociological argument to some extent since, as will become apparent in the next section, this argument significantly, though implicitly, sustains the generalization of the hijab and seclusion directives. Hence the focus here

will be to determine how well founded this argument is. Mawdudi's claim that social

necessity demands women's seclusion is effectively built on his observation of societies

that "endow undue freedom upon the fair sex" about whom he writes:

> …the latter's excessive freedom deals a fatal blow at the family which is the
> very basis of civilization. More than that, the free intermingling of the sexes
> brings in its wake a flood of obscenity, licentiousness and sexual perversion,
> which ruin the morals of the whole community. Along with this moral depravity
> starts the gradual weakening of the intellectual, physical and material energies of
> the community, which eventually lead to total collapse and destruction.[19]

The claim thus effectively is that social necessity demands women's seclusion because

societal stability is dependent on women's commitment to domestic role and their

segregation. In substantiating this claim, he expends much effort in establishing the rise

and fall of ancient civilisations correlated directly with women's role and level of public

participation.[20] He even further attempts to rationalize this proposition, essentially

arguing that women's seclusion and domestic role contribute to societal stability since

they ensure marital stability,[21] which in turn ensures societal stability because it is the

correct means of harnessing the strong sexual urge found in humans,[22] claiming that

destruction prevails if it is either repressed or let unbridled.[23]

Contribution of women's domestic role towards marital stability is explained in terms of

the demands of human civilisation, Mawdudi arguing that since humans as a civilized

race require for its continued progress successively more trained and educated workers

this can only be realized through long, dedicated and selfless commitment on part of the

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[19] Mawdudi, A.A, *Purdah and the Status of Woman in Islam*, (16th edition) Lahore, Pakistan: Islamic Publications Ltd, 1988, p.3.
[20] A whole chapter, The status of women in Different Ages, is devoted to supporting this claim, p.5-17.
[21] Mawdudi, *Purdah*, p.124.
[22] Mawdudi, *Purdah*, p.95.
[23] Mawdudi, *Purdah,* p.90.

woman in rearing the next generation whilst the man shoulders financial and leadership responsibilities,[24] arguing that negative societal repercussions transpire when such division of labour is not maintained.[25] Nature, Mawdudi argues, also insists such division of labour, maintaining biologically and physiologically women's bodies are "evolved to bear and rear children".[26]

Gender segregation ensures marital stability, Mawdudi asserts, since it is the most effective preventative measure to combat fornication, which must be treated as a crime against society for it not only destabilizes marriage but also inflicts far reaching negative societal repercussions. As a crime Mawdudi argues, it must be dealt with by the imposition of penal, reformative and preventative measures to counteract it,[27] claiming gender segregation is the most effective preventative measure since reformative measures have proven to be ineffective. [28]

The strength of this account lies in the fact that as Jackson points out it "reflects a genuine concern amongst many, Muslim and non-Muslim alike, that modernity, and 'post-modernity' have led to alienation and meaninglessness."[29]And indeed some of his observations do resonate with common human experiences whilst others do hold validity as will be pointed out in the evaluation that follows, but on the other hand it is flawed on a number of accounts.

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[24] Mawdudi, *Purdah,* p.92.
[25] Mawdudi, *Purdah*, p.114.
[26] Mawdudi, *Purdah*, p.116.
[27] Mawdudi, *Purdah*, p.109.
[28] Mawdudi, *Purdah*, p.110.
[29] Jackson, 'Mawdudi', p.47.

Firstly it hardly constitutes a rational argument, as he clearly perceives it to be, for on many occasions it is no more than a series of unfounded or weakly supported assertions. For example his proposition that societal stability is dependent on women's level of public participation and role is based on a very infantile understanding of rise and fall of ancient civilisations, predominantly the Roman and Greek empires, and as Jackson highlights simply generalizations regarding cultural attitudes towards women.[30] Causes for downfall of the Greek and Roman empires remain contested, economic, social and political issues being advanced as contributory factors and in reality it may be a combination of these. However, even if moral degradation is accepted as a contributory factor, to attribute it to intermingling of the sexes again reflects an unfounded notion.

Mawdudi's proposition effectively emanates from his understanding of human sexuality; this however, is highly contentious. His attempt to demonstrate its destructive nature by claiming "man has been endowed with it in an unparalleled measure… knows of no restriction in time and clime and there is no discipline that may control him sexually"[31] is based on no more than a general questionable comparison with animal sexual behaviour completely devoid of supporting evidence and furthermore assumes humans moral values have no restraining influence. And though he attempts to fortify it by attributing destruction of societies to a failure to control the sexual urge, it fares no better for again it is grounded in rather questionable and unsupported interpretations. For example, his claim "Historical and other evidence about nations which have met their downfall clearly show that pursuit of the pleasures of the body among them had transgressed all limits"[32]

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[30] Jackson, 'Mawdudi', p.40.
[31] Mawdudi, *Purdah*, p.85.
[32] Mawdudi, *Purdah*, p.89.

reflects a very infantile understanding, for even if conceded "pleasures of body transgressed all limits", what is the evidence to suggest this was contributory to societal destruction? His attempt to show that repression of the sexual urge also leads to societal destruction is similarly built purely on a series of questionable observations devoid of any supporting evidence such as "curbing the sexual urge is in fact curbing humanity itself… suppressing along with it the intellectual as well as the practical powers of man" and "…subduing and crushing all his capabilities leaving no hope for their regeneration, for the chief motivating force in man is his sexual power and ability". [33]

Secondly, in a number of instances the evidence simply does not support the deductions made. For example whilst certainly the woman's biological and physiological disposition define her reproductive function in society, and indeed her assuming domestic responsibilities do represent an efficient functional distribution of roles for human progress as Mawdudi argues, this however does not warrant the deduction it is her sole function. His attempts to restrict her to this function are similarly built on a number of unwarranted claims and questionable assumptions.

For example citing the time consuming and physically demanding nature of child rearing[34] as a reason assumes the shouldering of this responsibility by all women throughout their life and that it cannot be shared. And though he attempts to defend the latter by citing failures of nurseries, these citings however are no more than general unfounded observations which he even concedes to himself in remarking "their [meaning generations raised in nurseries] character, their morals, their achievements have yet to be

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[33] Mawdudi, *Purdah*, p.90.
[34] Mawdudi, *Purdah*, p.120.

tested by the world"[35] and moreover undermined by the very Muslim period he substantially draws on. For it was not uncommon amongst Arab culture, a practice that was upheld by Islam, for wet nurses to be employed and infants reared amongst such foster families, in fact Muhammad himself was reared as such![36]

Women's restriction from public participation and pursuance of financial responsibilities is further upheld by the claim that they simply lack characteristics and competencies needed for such work, claiming they are only equipped with characteristics to suit a domestic role such as "tender feelings of love, compassion, clemency, pity and sensitiveness" and so would not be able to function successfully in spheres of life that "demand firmness, authority, resistance, objective judgement and strong will-power."[37] Whilst women do generally possess such characteristics, it is an over generalization but more contentiously however it is highly arbitrary to proffer as Mawdudi does that public and domestic responsibilities require different set of characteristics. For surely domestic and child rearing responsibilities also require firmness, management and authority and whereas certain profession such as nursing, social work and teaching rely on caring characteristics such as affection, empathy and patience that he assigns to women.

Restriction is also upheld by the claim that effects of menstruation and pregnancy are so debilitating that they render her unfit for pursuing public pursuits and or lowering work efficiency.[38] While menstruation and pregnancy certainly do affect bodily changes, his claim is simply an over exaggeration for firstly women's experiences vary and secondly

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[35] Mawdudi, *Purdah*, p.120.
[36] Guillaume, A, *The life of Muhammad: a translation of Ishāq's Sīrat Rasūl Allāh*. Oxford: Oxford University Press 1978.
[37] Mawdudi, *Purdah*, p.122.
[38] Mawdudi, *Purdah*, p.121.

it is built on a number of deductions so unwarranted that they border on the verge of absurdity. For instance his claim menstruating women become nervous every time they corner when driving or that if a dentist, would have problems locating the right instruments.[39] Such debilitating problems would even render women incapable of undertaking the all-important duty of rearing and educating the next generation of progressive workers as he proffers.

Even if it is conceded division of labour maintains marital stability and is the woman's prerogative, particularly contentious is to regard this as a premise for maintaining women's seclusion. The reasoning is simply unsustainable.

However perhaps the most contentious deduction is that gender segregation serves as the most appropriate measure to combat fornication. It cannot be convincingly upheld firstly because it is effectively premised in an understanding of human sexuality that has shown above to be highly contentious. Secondly whilst the many harms of fornication cannot be denied, imposition of gender segregation is a highly practically challenging and questionable solution.

Mawdudi forcefully maintains it as a solution on the understanding that reformative measures, meaning those that morally educate humans from within, have proved themselves to be insufficient which he demonstrates by the failure of European and American communities to curb crime rates despite being considered the most civilised nations. He thereby poses the question "have human individuals really become so advanced culturally through education and moral training that their inner self can now be

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[39] Mawdudi, *Purdah*, p.117.

safely relied?" and highlights there still remains a need for police, law courts and jails.[40] But such reasoning is flawed since need for such judiciary remains to implement penal law, which he himself cites must be established as an appropriate measure against crime in general. Moreover it is particularly contentious since justification of a Muslim principle cannot be established in light of failures of non-Muslim practice for not only is there variance in terms of theoretical ideologies but also because practice is always at variance with ideology.

To summarize, there is no convincing rational explanation for maintaining women's seclusion for it is beset with a number of questionable assumptions, infantile understanding of history, unwarranted deductions and questionable logic, yielding not even a rational argument but rather a series of unfounded assertions. It can only be concluded that this argument clearly betrays a very patriarchal attitude towards women's role and status in society as well as a very depraved perception of human sexuality, particularly that of women's. An evaluation now of his scriptural evidence to determine to what extent it supports his position.

1.4 Scriptural Evidence

Having established what he perceives to be a rational argument for the necessity of maintaining women's domestic role and gender segregation as well as the inability of humans to maintain the correct balance of the human sexual urge and man-woman relationship in terms of duties and responsibilities, Mawdudi next projects Islam as offering the perfect solution. This is because he reasons, in line with the dictates of

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[40] Mawdudi, *Purdah*, p.110.

reason and nature, Islam mandates establishment of the marriage institution in line with earlier revelations and the correct division of labour and penal, reformative and preventative measures to maintain marital stability.[41] Systematically he discusses at great length the scriptural evidence endorsing such safeguards and measures that he collectively defines as the Social System of Islam. The following analysis however will confine itself to an outline and evaluation of scriptural evidences pertaining to division of labour and gender segregation given that it is these that are relevant to the discussion of women's veiling and seclusion.

1.4.1 "Islam's endorsement of Division of Labour"

Mawdudi's foremost evidence for upholding the argument that Islam mandates division of labour, constitutes the Qur'anic injunction that assigns 'qawwāmah' responsibilities on the man, Mawdudi citing the following rendering of it:

> Men are the governors of the affairs of women because Allah has made men superior to women and because men spend of their wealth on them.[42]

The two following hadiths, which will be referred to as the 'accountability' hadiths, also constitute his supporting evidence:

> The man is the ruler over his wife and children and is answerable to Allah for the conduct of their affairs.[43]

> The woman is the ruler over the house of her husband, and she is answerable for the conduct of her duties.[44]

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[41] Mawdudi, *Purdah*, p.133.
[42] Mawdudi, *Purdah*, p.146.
[43] Mawdudi, *Purdah*, p.147. Cited from Bukhārī.
[44] Mawdudi, *Purdah*, p.147. Also cited from Bukhārī.

Mawdudi further substantiates the woman's domestic role by reasoning that since the woman is exempted from participation in many public endeavours, it makes it very clear "the most appropriate place for her according to Islamic law is her home" continuing this is very clearly pointed out in the Qur'anic verse " stay in your houses" [meaning the seclusion directive]. [45]

This argument is supported only to the extent that the *qawwāmah* directive undoubtedly places financial responsibilities on the man. However the pertinent question is to what extent Islam prescribes a domestic role for women. Mawdudi's attempt to establish Islam prescribes the latter is weak. Firstly it relies not on any scriptural proof but effectively only one hadith, namely the one describing the woman as the ruler of the house. If division of labour were such an imperative part of the Social System of Islam as Mawdudi claims, it surely would find sanction in its scriptural sources and not rely on one solitary hadith, which in any case hardly constitutes convincing evidence for reasons that will become evident in 1.5.2. And though the 'accountability' hadiths taken literally do appear to sanction division of labour, the hadith literature also records on the one hand women working for an income, one such example being:

> Narrated `Amr bin Al-Harith: Zainab, the wife of `Abdullah said, … Zainab used to provide for `Abdullah and those orphans who were under her protection. So she said …I went to the Prophet and I saw there an Ansari woman who was standing at the door (of the Prophet with a similar problem as mine. Bilal passed by us and we asked him, 'Ask the Prophet whether it is permissible for me to spend (the Zakat) on my husband and the orphans under my protection.' … So Bilal went inside and asked the Prophet regarding our problem. …The Prophet said, "Yes, (it is sufficient for her) and she will receive a double rewards (for that): One for helping relatives, and the other for giving Zakat."[46]

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[45] Mawdudi, *Purdah*, p.148.
[46] Bukhārī 24:1466. Further examples can be found in Bukhārī 11: 938, Muslim 18:1483 & 44:2452.

On the other hand the literature also records men undertaking domestic responsibilities as clearly evident in the following that not just in fact depicts Muhammad undertaking domestic chores but clearly suggests other men did too:

> Hisham said, "I asked 'A'isha, 'What did the Prophet, may Allah bless him and grant him peace, do in his house?' She replied, 'He did what one of you would do in his house. He mended sandals and patched garments and sewed."[47]

Furthermore Roald highlights men are equally addressed as women with regard to the upbringing of children in the hadith literature.[48] These hadiths as such clearly undermine the credibility of Mawdudi's position and also clearly suggest selectivity in the choice of hadiths. Moreover in light of the latter hadiths, it could be argued the purport of the 'accountability' hadith is not to prescribe functional distribution of roles, but to lay an ethical principle, in this case that all actions of individuals are accountable in the sight of God. This of course highlights a problematic aspect of Mawdudi's approach to the hadiths, which will be further discussed in 1.5.4, this being reading hadiths in isolation of others and making unsubstantiated assumptions regarding their purport, which often results because of the former inadequacy.

Mawdudi however as alluded to earlier, attempts to substantiate the woman's domestic role by referring to the seclusion directive, claiming that it clearly supports the idea that the woman's role is confined to that of the private sphere. This argument however assumes a literal interpretation of the seclusion directive, namely that it implies a strict

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[47] Adab Al-Mufrad, 540. There are other such Hadith depicting Muhammad as undertaking household chores: Al-Adab Al-Mufrad, 538 & 541. These Hadith sdepict Muhammad as removing fleas from his garments, milking sheep and other household chores in the house that are not specified. Bukhārī 78:6139 depicts a man as preparing a meal for his visitor despite his wife's presence.
[48] Roald, A. S, *Women in Islam: the Western Experience*. London: Routledge, 2001, p.179.

restriction from public space. But there are plausible readings that challenge such a literal rendering. In the first place, as Mostafa Sherif highlights, the term *qarna* that is generally rendered as "stay quietly" according to its variant readings *qirna*, renders the meaning "have dignity and serenity".[49] Such difference inevitably shifts the emphasis away from a literal staying in the houses to that of what state to be in whilst in the home. Moreover the statement of the leading traditionalist of the third century of hijrah, Ibn Qutayba that the wives were not to observe hijab when outside their homes[50] suggests that even Muhammad's wives who are the addressees of this directive were not literally confined to their homes.

However the far more plausible argument is that of the contemporary feminist Amina Wadud who argues that since the seclusion directive is immediately followed by the instruction "not to display finery as women used to do in the days of ignorance", it should be understood within the context of reducing the *jāhilīyah* practice of wanton display and so restriction applies only to the going out for purposes of wanton display and not all going out of women.[51] And this appears to be fortified by Sherif's observation that there is "scant evidence that the Prophet's wives were restricted in their movements".[52] In the light of such plausible arguments and observations, it becomes questionable therefore to what extent the seclusion directive can accommodate a literal interpretation.

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[49] Sherif, M H, 'What is Hijab?' in *The Muslim World*. Vol. 77, 1987, p.158.
[50] Sherif, 'What is Hijab?' p.156.
[51] Wadud-Muhsin, A, *Qur'an and Women*, p.98.
[52] Sherif, M H, 'What is Hijab?' p.157.

Furthermore his position also assumes the directive to be general in scope and not restricted to its addressees, Muhammad's wives. Before evaluating the premises that sustain Mawdudi's generalization of the seclusion directive, it might be first worthwhile briefly highlighting the principles that govern the process of determining a directive's scope of application. It is also important to highlight these for as mentioned in 1.1, the scope of application of the hijab and seclusion directives prove to be the contentious points regarding these directives and as mentioned in 1.1, it is these two directives that significantly sustain women's seclusion. Therefore examining how partisans of the debate sustain their generalization/ non-generalization merits particular attention and so their arguments will be evaluated against these principles.

Determining a directives scope of application is discussed under the rubric of "general expressions" *('āmm*) and "restricted (or "qualified") expressions" (*khāṣṣ*) whereby general expressions are defined as "that which applies to many things[53]/indicates a plurality of individuals[54]" whilst *khāṣṣ* are defined as those applying to a "limited number of things".[55] Reinhart highlights how jurists have identified certain principles in differentiating between the two, given these terms conceptually are relative.[56] Forms of expression such as generic nouns, plural definite noun and lexical indicants such as "those who" and "whoever" signal generality[57] whereas named individuals, or an individual belonging to a certain species or an individual belonging to a certain genus

[53] Kamali, H.K, *Principles of Islamic Jurisprudence* (2nd edition). Kuala Lumpur, Malaysia: Ilmiah Publishers Sdn. Bhd.1999, p.104.
[54] Reinhart A K, 'Jurisprudence' in Andrew Rippen (ed) *The Blackwell Companion to the Qur'an*. Oxford: Blackwell Publishing, 2006, p.444.
[55] Kamali, *Principles of Islamic Jurisprudence,* p.104.
[56] Reinhart, 'Jurisprudence', p.444.
[57] Kamali, *Principles of Islamic Jurisprudence,* p.104 & Reinhart A K, 'Jurisprudence', p.444.

such as human beings can signify restricted expressions.[58] The latter can also be

signalled by lexical considerations such as restrictive clauses or revelation in which a

part of the Qur'anic text however distant and even the Sunnah, qualifies another.[59] Apart

from an interrogation of these matters, Kamali highlights how reference must also be

made to the rules of the language, its usage by the people but also the context of the

speech[60] and the general requirements of reason, social custom, or the objectives of the

Sharī'ah.[61] A number of factors thus need to be taken into consideration in determining

a directive's scope of application and cannot be limited to just a scrutinization of who

constitutes its addressees for as Reinhart concludes some utterances seem to be general

but are actually restricted, and vice versa.[62]

Mawdudi in fact, at least initially, makes no effort to support his generalized

understanding of the seclusion directive. For him there clearly appears to be no doubt it

is general in scope. Such an assumption most presumably is undoubtedly upheld by what

is perceived to be the directive's objective, namely gender segregation for the purpose of

societal stability, an objective that has been clearly read into the directive on the basis of

his sociological argument. Certainly as discussed above, a directive's objective can

operate as a viable means of determining a directive's scope of application. But on the

other hand it is questionable to what extent this directive's objective is to mandate

gender segregation for as discussed above, its literal interpretation is open to question.

Secondly the notion that societal stability is dependent on gender segregation is not a

well-founded one has shown in 1.3. As such this argument is highly questionable.

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[58] Kamali, *Principles of Islamic Jurisprudence,* p.105.
[59] Reinhart, 'Jurisprudence', p.444.
[60] Kamali, *Principles of Islamic Jurisprudence,* p.105.
[61] Kamali, *Principles of Islamic Jurisprudence,* p.109.
[62] Reinhart, 'Jurisprudence', p.446.

On the other hand Mawdudi does provide a very forceful defence for it generalization, though in a very lengthy footnote, within the context of refuting the claims of those who argue the fact that it is addressed to Muhammad's wives sufficiently establishes its specific nature. His counter argument is "which of the instructions in the verse can be taken to be specially meant only for the wives of the Holy Prophet?" [63] In posing this question, he cites the instruction that immediately precedes the directive to stay at home, namely not to be complacent in speech and those that follow it, namely to attend to prayers, give alms to the poor and obey Allah and the Prophet, and the concluding statement that he renders as "Allah seeks only to remove uncleanliness from you and purify you". [64] Thereby he poses the questions "which of these instructions here as such is not meant for guidance of the common Muslim women?" continuing should they "not try to become God-fearing …be soft in speech with strangers so as to allure them… go about displaying their fineries as was done in the days of 'ignorance'… abstain from offering prayers and paying zakat and disobey Allah and his Prophet. Does Allah seek to keep them unclean?" He finally reasons, "If all these instructions are meant for Muslim women, why should the "stay in your homes…" only be taken to be specifically meant for the wives of the Holy Prophet?" [65]

Here Mawdudi is clearly resorting to the very immediate textual context of the directive and this too constitutes a viable means of determining a directive's scope of application. And certainly the logic is appealing since undoubtedly some of these matters are general in scope such as praying, fasting and showing obedience to God and Muhammad.

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[63] Mawdudi, *Purdah*, p.148.
[64] Mawdudi, *Purdah*, p.148.
[65] Mawdudi, *Purdah*, p.149.

However on the other hand, his rendering of the concluding statement omits the explicit address it makes to "members of the household", meaning the Prophet's household. In which case it could be argued that since the concluding statement explicitly refers to Muhammad's household, it serves to highlight that in this instance the directives are very specifically directed to Muhammad's wives. As such this argument remains only probable.

Mawdudi also recognizes that it is the statement that Muhammad's wives "are not like other women" that additionally supports the argument of those who advocate its non-generalization. In this instance his counterargument effectively rests on the notion of Muhammad's wives as role models, for he argues:

> … the context clearly shows, it is just like addressing a child of a respectable family, saying that "You are not like other children that you should roam the streets and behave unbecomingly …Such an observation is not intended to suggest that it is commendable for other children to roam about and behave indecently …The object is in fact to establish a criterion of good etiquette, so that every child who wants to live like good children tries to attain this ideal…The Qur'an has adopted this way of instructing women for a specific purpose. In the pre-Islamic days the Arab women were undisciplined and free…They were gradually made used to the culture of Islam …Therefore to begin with, the life of wives of the Holy Prophet was specially regulated so as to serve as model for other women …[66]

Here Mawdudi is plainly resorting to the context of the speech as he so clearly points out and this too can operate as a viable means of determining a directive's scope of application as highlighted above. Mawdudi reasons Muhammad's wives had to assume the position of role models so as to facilitate gradual implementation of legislation. However the Qur'an's gradualism has usually been manifested in changing laws rather

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[66] Mawdudi, *Purdah,* p.149.

than persons.[67] There is though one instance where Muhammad is specifically a recipient of legislation to set precedence, this being the sanctioning of marriage to the divorced wives of adopted sons. But in this instance the wording of the text explicitly generalizes it to all believers: "… there should be no burden on the believers concerning the wives of their adopted sons, when they (the latter) have terminated a business (or, purpose, desire) with them…" [68] In the case of the seclusion directive however, there is a lack of evidence to explicitly indicate its status as a precedent setting directive. As such this argument only remains probable until further substantiated.

However as will be seen in 1.5.3, Mawdudi's 'Hadith narrative' does appear at a cursory glance to support a literal and generalized understanding of the seclusion directive. As such an evaluation of his attempt to generalize the seclusion directive cannot be made until an examination of his 'Hadith narrative' is undertaken.

To summarize, Mawdudi's attempt to establish Islam ordains division of labour remains questionable on a number of accounts. Firstly it is largely premised on only one hadith, namely the 'accountability' hadith, and this hardly constitutes credible evidence particularly given other hadiths exist which appear to challenge the position that Islam prescribes a functional distribution of roles. Secondly, the interpretation of this hadith remains highly questionable and his approach to the hadiths exhibits clear selectivity. Such selectivity and bias in the approach to the hadiths clearly reflect the influence of the highly untenable presuppositions he holds on the status of women. Thirdly while he attempts to further support the woman's domestic role on the basis of the seclusion

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[67] Take for example the Qur'an's gradual prohibition against the consumption of alcohol.
[68] 33:37.

directive, this however assumes a literal interpretation and generalized understanding of

the seclusion directive, both of which stand contested. And though he attempts to sustain

its generalization by a number of viable means, there are limitations to these arguments

and they remain probable and effectively dependent on the evidence of the hadiths to

confirm their validity. Finally it must be said that even if it is conceded that Islam

institutes a functional distribution of roles, it constitutes however an unviable premise to

sustain women's seclusion as highlighted in 1.3 and so his attempts to establish this

argument are in reality futile.

1.4.2 "Islam's institutilization of gender segregation"

Mawdudi finds support for Islam's institutilization of gender segregation in the

seclusion, hijab, khimar and jilbab directives amongst a number of other directives that

he claims all form part of Islam's preventative measures to "practically segregate the

male and female spheres of activity".[69]

According to Mawdudi the hijab verse functions as a preventative measure since it

constitutes one of a number of directives regulating entrance because it commands

people "that if they have to ask of something from somebody else's house, they should

not straightaway enter the house but ask it from outside behind a covering".[70] He asserts

its objective of gender segregation is clearly stated in the words "this is purer for your

hearts and theirs", explaining its aim is to "safeguard the males and females against

sexual inclination and excitement by keeping them at safe distances so that they do not

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[69] Mawdudi, *Purdah,* p.163.
[70] Mawdudi, *Purdah*, p.179.

grow too intimate and free with each other".[71] Such measures must even be adopted in the presence of male household servants and not just strange men, Mawdudi claims citing the hadith depicting Fāṭimah, Muhammad's daughter, handing her child to Anas, Muhammad's servant from behind a curtain.[72]

The seclusion, khimar and jilbab directives also function as preventative measures because when these three directives are amalgamated, Mawdudi argues, they constitute etiquettes that are required of Muslim women in the presence of *non-maḥrams*.[73] What constitutes these etiquettes is very clearly indicated by the name that he denotes these three amalgamated directives, this namely being *purdah*. *Purdah* is an Urdu word synonymous to the concept of hijab so whilst literally meaning curtain it refers also to the veiling and segregation of women, be it in the home or from public space.

It is in this manner Mawdudi effectively transports both the term hijab and its segregational value to all clothing directives, transposition of the term clearly relying on the notion that the three directives he defines as *purdah* serve the same function as hijab, i.e. maintaining gender segregation [by way of the seclusion directive] and denying women's physical appearance to *non-maḥram* [by way of the khimar and jilbab directives]. Presumably it also relies implicitly on the assumption that since segregation is required in presence of *non-maḥrams* in private space as mandated by the hijab directive, latter assumed generalized, it becomes equally imperative therefore to maintain both women's restriction from and their invisibility in public space.

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[71] Mawdudi, *Purdah*, p.180.
[72] Mawdudi, *Purdah*, p.180. Cited from *Fath al-Qadr*.
[73] Mawdudi, *Purdah*, p.181.

Within the context of such conceptualization of the three directives, Mawdudi proceeds to provide a forceful defence of those interpretations of khimar and jilbab advocating complete covering on the one hand and on the other hand a very literal and restrictive interpretation of the seclusion directive. As such according to Mawdudi, these three directives also come to sustain women's segregation from public space and complete veiling independently of the hijab directive.

It is evident that Mawdudi perceives the hijab directive as a screen to regulate entrance for the purpose of imposing gender segregation. But on the other hand he uses the term hijab or rather its Urdu rendering, *purdah*, throughout his discourse to denote the amalgamation of the seclusion, khimar and jilbab directives, clearly upheld by the notion that the latter three directives are conflated in their function with the hijab directive. As far as the function of the latter is concerned, certainly he appears to be sufficiently supported by internal textual evidence in his claim that the hijab directive regulates entrance and its objective is to impose some form of gender segregation. The pertinent question however is whether it can be generalized to all women and its function be transposed to the three directives he defines as hijab/*purdah*.

For Mawdudi again, as was the case with the seclusion directive, there appears to be no doubt that the hijab directive is also general in scope as evident in the manner he presents his discussion. In the first place, regarding the people he writes "that if they have to ask of something from somebody else's house, they should not straightaway enter the house but ask it from outside behind a covering". This appears convincing to the extent that permission must be sought before entering homes in general. But this statement conflates what are distinctly two separate directives in the hijab verses, the first being the directive

calling on believers to seek permission before entering Muhammad's dwelling and the second being a later directive that calls on men to ask of Muhammad's wives for anything from behind a screen. Moreover in his rendering of the latter directive he omits the clear reference to Muhammad's wives, simply translating it "when you ask of women".

However such conflation and omission are most certainly a reflection of the two premises that also sustained his generalization of the seclusion directive. The first being the directive's perceived objective, namely gender segregation for the all important purpose of ensuring societal stability as he claims and the second being the notion of Muhammad's wives as role models. In as far as the former premise is concerned, Mawdudi is supported to the extent that the directive does appear to mandate some form of gender segregation. But the question here is whether its purpose is to maintain societal stability. It seems highly unlikely since firstly the notion that gender segregation maintains societal stability is not a very well founded one. Secondly a number of other plausible explanations have been offered to explain its imposition of segregation. Ahmed for example persuasively argues that hijab signified the unique and elite status of the wives, in line with pre Islamic and prevailing cultures attributing such a function to veiling.[74] On the other hand a number of writers have convincingly postulated that it served to afford the wives domestic comfort and privacy in an environment that was highly frequented by a public who were oblivious to privacy and insensitive to sanctity

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[74] Ahmed, Leila, *Women and Gender in Islam: Historical Roots of a Modern Debate*. New Haven: Yale University, 1992.

of the house.[75] As such this premise proves to be a highly questionable means of sustaining the directive's generalization.

On the other hand there is some plausibility to the second premise, namely the notion of Muhammad's wives as role models as was discussed within the context of the seclusion directive in 1.4.1. But however as was also highlighted in the latter discussion, this premise remains only probable until further substantiated. It could be argued that Mawdudi's citing of the hadith depicting Fāṭimah interacting behind a curtain confirms his position, but one solitary incident hardly constitutes convincing evidence for reasons that will be discussed in 1.5. 2. Therefore this premise remains probable until it is further substantiated.

Given therefore that the generalization of the hijab directive remains questionable, it undermines therefore to some extent his conceptualization of hijab, namely *purdah*. For as highlighted earlier, *purdah* is partly sustained on the implicit reasoning that since gender segregation is required in private space as mandated by the hijab directive, it becomes imperative therefore also to maintain women's restriction from public space and invisibility in public space. But as noted above the concept of hijab/ *purdah* is equally sustained on the understanding that the seclusion, khimar and jilbab directives also independently of the hijab directive, validate women's segregation and veiling. So it is worthwhile now exploring the credibility of Mawdudi's interpretations of these directives.

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[75] Amongst the many scholars who posit this view are Stowasser, Mernissi, Sherif and Guindi.

Both the khimar and jilbab directives constitute Mawdudi's textual proof for complete veiling. It must be recalled as far as the khimar directive is concerned, the clause " and not to display their charms [*zīna*] (in public) beyond what may (decently) be apparent thereof" has proved to be the contentious point given its vagueness allows a wide scope of interpretative possibilities and as such its interpretation remains highly contested.[76] Those advocating khimar does not mandate complete veiling largely subscribe to the view that "what may be apparent thereof" refer to the face and hands. Whilst those who advocate khimar mandates complete veiling subscribe to the view that '*zīna*' refers to the decorations, the stature of a woman's body and her external coverings since the display of these cannot be avoided.[77] Mawdudi undoubtedly favours and adopts the latter position. He further attempts to advocate this as the correct and only valid interpretation on two discernible reasons. The first reason being that "no-one has supported the view that the face and the hand should be displayed on purpose…"[78] The second being that interpretations advocating the uncovering of the face should be seen as attempts to "interpret according to their lights and in view of the genuine needs of women in how far the face and hand may be displayed if so required, or what cannot be helped."[79]

There are two particular shortcomings to this argument. Firstly the very fact that the debate over to what extent khimar mandates complete veiling remains highly contested testifies to the fact that it cannot be taken as definitive proof for complete veiling. Secondly his attempt to project his interpretation as the only valid position represents no

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[76] See 1.1.

[77] For a fuller discussion of the various positions held on the khimar's interpretation consult Engineer, A, *The Qur'an, Women and Modern Society*. New Delhi: Stirling Publishers, 1999 and Roald, *Women in Islam*.

[78] Mawdudi, *Purdah*, p.195.

[79] Mawdudi, *Purdah*, p.195.

more than a presumptuous belittling of other opinions and an unqualified suggestion that any uncovering that has been permitted should be perceived only as a concessionary permission. This argument thus fails to provide any convincing evidence to establish the khimar directive as textual proof for complete veiling.

In sustaining his interpretation of the jilbab directive, which he claims "specifically enjoins the covering of the face"[80] Mawdudi draws support from a number of commentators such as Ibn Abbās, Ṭabarī, Neishapuri, Rāzī and Baydawi to assert there has been unanimous agreement on such an interpretation.[81] Mawdudi also claims that after the revelation of this verse, "Muslim women of that period had started wearing the veil, and the practice of moving about with uncovered faces had been discarded"[82] though he makes no reference to any hadiths. One hadith that he does focus on is that of Muhammad forbidding women to wear the face veil while in *iḥrām*[83] which he reasons indicates the veil and gloves must have been in common use, stressing that even at that time the veil was referred to as *'niqāb'*.[84] Concerned that "this does not mean that women should make an open show of their faces", he promptly cites a couple of hadiths depicting ʿĀʾishah and her sister observing veiling when possible during hajj and ʿĀʾishah's statement that women should draw the outer garment near her face during hajj.[85] He reasons in the light of such evidence it cannot be denied that the "…Sharīʿah

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[80] Mawdudi, *Purdah*, p.196.
[81] Mawdudi, *Purdah*, p.196.
[82] Mawdudi, *Purdah*, p.198.
[83] A state of purity observed during hajj.
[84] Mawdudi, *Purdah*, p.199. *Niqāb* is a term used to denote a material that covers the face.
[85] Mawdudi, *Purdah*, p.198.

enjoins on women to hide her face from other people…" to conclude "though the veil has not been specified in the Qur'an, it is Qur'anic in spirit.[86]

This last statement clearly contradicts the earlier claim he made that jilbab specifically enjoins covering of the face and moreover highlights an acknowledgement of the fact that scripturally there is no clear prescription for the face veil. As such, this explains his emphasises on the Sharī 'ah as mandating complete veiling and so why his argument is substantially grounded in early opinions and hadith as opposed to a close examination of the directive itself.

He certainly is supported by the early opinions for, as Asghar Engineer also notes, a number of traditional scholars do uphold the view that jilbab calls for the covering of the face. However such interpretations cannot be considered conclusive for, as Hasan highlights, the definition of what constitutes jilbab has always and remains to be contested and cites the likes of Ibn 'Arabī who contested that it called for excessive veiling.[87] To this position Engineer adds the likes of Rāzī who stressed the intent of jilbab was to ensure women could be identified as Muslim and not that the face is not to be revealed.[88] In fact this is evidently clear in Mawdudi's presentation of Rāzī's commentary of jilbab in which he specifically states "For the woman who covers the

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[86] Mawdudi, *Purdah*, p.196.
[87] Hasan, U, 'The Veil: Between Tradition and Reason, Culture and Context' in Theodore Gabriel and Rabiha Hanna, *Islam and the Veil*. London: Continuum International Publishing Group, 2011, p.69.
[88] Engineer, *The Qur'an*, p.69.

face, though it is not obligatory to cover it...” [89] Mawdudi's position it appears is

contradicted by his own evidence.

Moreover given texts are undoubtedly read within one's socio-historical context, there is

a strong possibility that the prevailing and pre-Islamic practices of using veiling to

distinguish noble women from slave women as confirmed by historical investigation[90]

inevitably influenced interpretations of jilbab. This is particularly since this directive

does ask of women to distinguish themselves from slave women by differentiating their

clothing from the latter. Thus the evidence of the early opinions is not as convincing as it

may appear to be.

His resort to the claim that veiling has been the practice of Muslim women since the

Prophetic era is repeated throughout his defence,[91] clearly to give credence to the notion

that this practice has been unanimously agreed on as a Sharī 'ah ruling. Though it is not

grounded in any hadiths, it appears convincing since undoubtedly up until his time in a

number of parts of the Muslim world including Pakistan, complete veiling was largely

practiced. However of course again the issue is to what extent such practice, like

restrictive interpretations was grounded in cultural attitudes and prevailing customs. In

fact there is strong evidence to suggest the uptake of veiling and the use of the *niqāb*

could be attributed not to scriptural authority but assimilation of pre-Islamic practices

and other prevailing cultures.[92]

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[89] Mawdudi, *Purdah,* p.197.
[90] Ahmed, L, *Women and Gender in Islam*. New Haven: Yale University Press, 1992.
[91] Mawdudi, *Purdah*, see pages 198, 199 & 201.
[92] Ahmed, *Women and Gender.*

His argument however appears to derive some plausibility from Muhammad's instruction that women not cover their faces during the state of *iḥrām* in hajj for it does seem logical to infer that therefore face veiling was normative. However the question once again arises as to whether such practice was scripturally or culturally grounded. Moreover its interpretation is open to debate, for the likes of Ṭabarī in fact it constituted strongest evidence for refuting khimar mandates veiling! Mawdudi's reasoning appears to be supported by the hadith depicting the practice of 'Ā'ishah and her sister as well as a statement of the former. However the reliability of these hadiths cannot be verified. For the source for one of these is unknown and in the case of the other, it's source is known for the inclusion of weak hadiths, this being Abū Dāwūd, and it is difficult to determine whether Mawdudi has made any effort to assess its reliability. In the case of the third hadith its source is not even a Hadith collection but a commentary on Bukhārī, namely *Fath al Bari*. Thus whilst his argument derives some validity from the hadiths, on the other hand questionable interpretations and reliability of material undermines the credibility of his position.

Therefore in the case of the jilbab directive, again there appears to be no convincing scriptural evidence to support the position that it mandates complete veiling. And whilst his position derives some validity from the hadiths he presents, on the other hand it is undermined by questionable interpretations and sources of hadiths. This argument thus fails to provide any convincing evidence to establish the jilbab directive as textual proof for complete veiling.

However as evident from the outline presented at the beginning of this section, the khimar and jilbab directives do not constitute scriptural proof for women's restriction from public space, they are emphasised however to ensure that invisibility can be maintained *when in* public space. The more pertinent scriptural validation is the seclusion directive. It must be recalled Mawdudi expended much effort in refuting its non-generalization within the context of establishing it as scriptural proof for fortifying Islam's prescription of the woman's domestic role.[93] Within the context of his conceptualization of hijab, he expends much effort in establishing its literal interpretation. Its interpretation occupies such prominence that Mawdudi devotes a whole chapter entitled *Divine Laws for the Movement of Women* in which he effectively attempts to sustain a very literal and restrictive interpretation, predominately by resorting to the hadiths. The outline and analysis of this argument will likewise be presented in a separate section, identified as the 'Hadith Narrative' as follows.

1.5 The Hadith Narrative

Since Mawdudi first begins with an analysis of the seclusion directive before resorting to the hadiths to support its interpretation, it is this analysis that will be examined before examining the evidence of the hadiths.

1.5.1 Mawdudi's interpretation of the seclusion directive

For Mawdudi, the seclusion directive is "the final commandment given to women" along with the instructions of not to be soft in speech and stamp the ground to reveal hidden

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[93] See 1.4.1.

decorations and renders it as "…and remain [*qarna*] in your houses, and do not go about displaying [*tabarruj*] your fineries as women used to do in the days of ignorance…"[94]

Mawdudi acknowledges the two variants readings of *qarna* can render the first clause as either "stay in or stick to your houses" or "remain in your houses with dignity and peace" and comments no further.[95] This is presumably because as will be seen shortly, he accommodates both meanings in his interpretation.

Similarly he acknowledges *tabarujj* has two meanings, i.e. to display charms and walk in a coquettish manner displaying the charms of gait but insists the verse implies both meanings. Mawdudi continues Islam forbids such behaviour and "says that the real place for the woman is the house and she has been exempted from outdoor duties so that she may lead a dignified and peaceful life at home…" [96] It is quite apparent Mawdudi therefore draws on the second clause to both inform and fortify a literal and restrictive interpretation of the instruction to stay at home. This it must be noted is contrary to Wadud's view that the second clause qualifies the restriction only to that going out that is for the purpose of making a wanton display as highlighted in 1.4.1.

Mawdudi however does add women may go out for genuine needs but only if they observe complete veiling and minimum interaction with men and refrain from using soft speech and jingling their ornaments, concluding that if they do so they may go as and when required.[97] This at a cursory glance may suggest a not so restrictive interpretation

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[94] Mawdudi, *Purdah*, p.204.
[95] Mawdudi, *Purdah*, p.205.
[96] Mawdudi, *Purdah*, p.205.
[97] Mawdudi, *Purdah*, p.205.

of the seclusion directive, however as will be seen shortly in light of the hadiths he

presents to "see how the Prophet enforced this divine teaching, and how the Companions

and their women practised these laws"[98] he severely restricts what constitutes genuine

needs. It is evidently clear thereby, Mawdudi resorts to the hadiths to support a very

literal and restrictive interpretation of the seclusion directive. Before proceeding to his

evidence of the hadiths, it might be first worthwhile evaluating Mawdudi's use of them

as a means to exemplify how the early Muslims understood the directive and qualify its

interpretation.

1.5.2 Hadiths as an Exegetical Tool & Principles of Hadith Interpretation

In resorting to the hadiths, Mawdudi is drawing on the highly esteemed traditional

concept that the *Sunnah* of Muhammad, that is his words, deeds and actions, constitute a

scripturally authorized binding source of law and an invaluable source of contextual

information for interpreting the Qur'an. Indeed this concept appears to be credibly

substantiated by the Qur'an. For it "enjoins obedience to Muhammad and makes it a duty

of believers to submit to his judgement"[99] in a number of places, asks of believers to

obey both God and Muhammad,[100] take him as a role model,[101] and indeed stresses

submission to the authority of Muhammad "is not a matter of mere formalistic legality

but an integral part of the Muslim faith"[102] and further describes Muhammad's words as

being divinely inspired.[103]

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[98] Mawdudi, *Purdah*, p.205.
[99] Kamali, *Principles of Islamic Jurisprudence*, p.49. He cites 59:7 & 4:58-59 in supporting this.
[100] 4:80.
[101] 33:20.
[102] Kamali, *Principles of Islamic Jurisprudence*, p.49.He cites 4:65 in support of this.
[103] 53:3.

Moreover Qur'anic directives are couched in very general terms and stand in need of the *Sunnah* for clarification and as Kamali highlights where more than one meaning can be imparted, it is the *Sunnah* that specifies the meaning that must prevail.[104] It thereby explains, clarifies and determines the purport and can qualify a ruling or restrict it and according to some views can act as an independent source where the Qur'an is silent.[105] Thus Mawdudi's use of them to support his interpretation is well grounded for in principle their legally binding and exegetical use cannot be denied.

The problem lies with the repository, i.e. the Hadith literature, that the *Sunnah* is found in, for as a human record, like any other historical data it is susceptible to a number of limitations. The foremost undoubtedly is the authenticity of the material. This issue has occupied Muslim scholarship since almost its inception as evidenced by the gradual development of what became to be highly sophisticated method of verification, resembling somewhat modern day investigative journalism with an emphasis on the source of material and seeking corroboration with other sources and transmissions. The resultant grading of hadiths and their compilations according to varying levels of authenticity inevitably reflect Muslim concern and appropriation of the authenticity issue. The methods of hadith criticism have of course been questioned in the light of recent hadith scholarship, predominantly non-Muslim, as well as other issues such as the political and religious aspirations of the transmitters and compliers and the modes of transmission for the material and its age. But as mentioned in part I of the introduction of

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[104] Kamali, *Principles of Islamic Jurisprudence*, p.60.
[105] See Kamali, *Principles of Islamic Jurisprudence* for a full discussion of the relationship between the Qur'an and the Hadith.

this thesis, these challenges prove to be so external to the Muslim community that it is of little use when discussing matters internal to Muslims.

The second issue, and the more pertinent one, is that of its interpretation. In the case of the hadiths, there are a number of particular difficulties that present themselves. Perhaps one of the foremost difficulties is determining to what extent a hadith has normative value, which proves to be problematic predominately because Muhammad was known to vary commands on a given issue according to different people and circumstances.[106] Equally there is an increasing recognition that not all Sunnah may have legal value. [107] To compound the situation further, transmitters of hadiths were also prone to misinterpretation of Prophetic sayings, differing in various aspects such as meanings of words, a command's scope of application and their underlying causes. Moreover the fact that hadiths were largely transmitted not verbatim but in meaning further opened the possibilities for misinterpretation and contradiction.[108] Such historicity of the hadiths was perhaps no more evident than on the Maliki *madhhab*:

> …Hadith may be subject to forgetfulness, error, uncertainties, different possible interpretations, and abrogation; some untrustworthy may transmit from someone who is not; there may be two different commands, both of which are possible, such as making either one or two of the *taslīms* (at the end of the prayers). Similarly a man may have been present when the Prophet, gave a certain command and then been absent when he told (people) to do something: he will then transmit the first command and not the second, because he does not know it …[109]

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[106] Kandhlawī, M.Z, *The Difference of the Imams*. California: White Thread Press, 2004, p.10.
[107] Kamali, *Principles of Islamic Jurisprudence*, p.52.
[108] For a full discussion of such limitations of the Hadith s, see Kandhlawī, *The Difference of the Imams*.
[109] Cited by Yasin Dutton, quoting Ibn Qutayba from his work Kitāb Ta'wīl Mukhtalif al-hadīth in *The Origins of Islamic Law: The Qur'an, the Muwatta and Madina 'Amal*. Surrey: Curzon, 1999,p.50.

In resolving such limitations, besides the standard procedure of scrutinizing the *isnād* traditional scholarship has always emphasised on determining instances of specification and generalization, situation and context and nature of address as well as an interrogation of the language in understanding hadiths.[110]

Yusuf Qaradawi, a contemporary esteemed jurist, particularly emphasizes on determining the situational contexts of hadith in order to ensure that their underlying causes and objectives are fully understood in order to arrive at a correct understanding, just as is the case of resorting to the occasions of revelation to ensure a correct interpretation of Qur'anic commands he argues. Such a process is even more imperative within the case of the hadiths he asserts since unlike the Qur'an, which is general and permanent by nature, the Sunnah often deals with "localised difficulties, partial and time –bound matters."[111] This is because he argues, "some hadiths are based upon consideration of particular temporal condition in order to realize a recognized public good, or to ward off a specific harm, or to deal with a difficulty existing at the time."[112] Consequently Qaradawi asserts that whilst some injunctions may appear general, upon further consideration they may actually be founded upon a particular reason and so will only apply as long as the reason stays in force.[113] As an example he argues that the restriction found in the hadith stipulating a woman may not travel except with a *maḥram* was founded on the reason that travelling alone for a woman was difficult at that time.

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[110] Islahi, A.A, *Fundamentals of Hadith Interpretation*. Translated by Tariq M. Hashmi. Lahore, Pakistan: Al-Mawrid, 2013.
[111] Qaradawi, *Approaching the Sunnah*, p.125.
[112] Qaradawi, *Approaching the Sunnah*, p.124.
[113] Qaradawi, *Approaching the Sunnah*, p.124.

Given safety conditions have changed in contemporary times, he argues there is not much fear for a woman to travel alone.[114]

Equally there has been an emphasis on collating all the hadiths on a given issue in order to ensure a proper understanding and particularly for solving the problem of apparently contradictory hadiths.[115] Qaradawi highlights how collating hadiths together on a given issue and interpreting them within the context of each other helps determine the purport of Prophetic sayings. Decrying the situation of the Muslims who severely threat other Muslims for not wearing their *izār's*[116] slightly raised from the ground because of their literal understanding of the hadith that relates God will not speak to those who wear their *izār* to the ground amongst other things, he argues when this hadith is read within the context of other hadiths that have a bearing on this issue, its literal interpretation stands seriously challenged. One of the contextual hadiths he cites depicts Abū Bakr becoming highly concerned when it is related to him that God will not speak to the person who trails his *izār* with conceit since his *izār* was loose and often trailed. Given that Muhammad assures Abū Bakr that he is not amongst those who trail it because of conceit, there exist other hadiths that similarly emphasise the aspect of trailing an *izār* with pride, and Muhammad is depicted trailing his *izār* in another, Qaradawi concludes this plainly suggests that the threat is not against those who trail their *izār* but only those who do so to display arrogance. In other words, it is not the wearing of the *izār* low that incurs punishment but only if done so with the intention of displaying arrogance. [117]

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[114] Qaradawi, Y, *Approaching the Sunnah*, p.129.
[115] See for example Islahi, *Fundamentals of Hadith Interpretation* and Qaradawi, Y, *Approaching the Sunnah*.
[116] A lower garment.
[117] Qaradawi, Y, *Approaching the Sunnah*, p.108.

Though this example is not relevant to women's public participation and contextual hadith may not always be readily available, it nevertheless illustrates the importance both of collating all relevant issues on a given issue to ensure a proper understanding and exhausting the literature first before making any assumptions of the purport of Prophetic sayings to avoid literal interpretations. In scrutinizing Mawdudi's approach to the hadiths, it will be examined to what extent he has been informed by such principles.

1.5.3 "Divine laws for the movement of women."

Mawdudi draws on a number of indicators of participation such as women's attendance in mosques, visitation of graves and following funeral processions and travelling in order to establish women were restricted from all these foregoing public endeavours except hajj and jihad, participation in the latter being permitted only on grounds of great national emergency. However one of the first claims he makes is that women must seek permission to leave their homes. And since this claim and the hadiths he presents to establish it, essentially constitute the basis on which he propounds the "Divine Laws for the Movement of Women", it is these that will be examined first to determine their credibility.

Highlighting how " 'Umar had requested Muhammad to enjoin his wives to observe *Purdah*" and presenting the hadith depicting 'Umar admonishing Sawdah with the words " I have recognized you" when she came out of her home, Mawdudi infers 'Umar desired women be prohibited from coming out of their homes. He continues after the revelation of the "*Purdah* verses", 'Umar started more frequent checking of women

leaving their homes and admonished Sawdah again, but on this occasion she complained to the Prophet who replied "Allah has permitted you to go out of the house for genuine needs."[118] This Mawdudi concedes, indicates that the seclusion directive is not an absolute categorical restriction but continues; "this permission is neither unconditional, nor unlimited," claiming, "from the viewpoint of the Sharī'ah genuine needs are only those which require women to come out and work outside the house".[119] Moreover he argues since it is not possible to determine every aspect of the permission, "the law giver has thus made rules to regulate the movements of women" and it is within the context of these rules that genuine needs should be determined.[120]

This premises however is flawed on a number of accounts. Firstly, it represents a clear manipulation of terminology for in using "*purdah*", he is impressing on the reader that the reference here is to the seclusion, khimar and jilbab directives. However in its original language, the term hijab is used and so there is a very strong probability that the reference here is to the hijab directive. The significance of maintaining this distinction is crucial since if the reference is to the latter, which it very probably is, these hadiths become irrelevant to a discussion of the seclusion directive and of course only further confirms hijab as specific to Muhammad's wives since it clearly depicts one of his wives, Sawdah.

Secondly it is difficult to see how 'Umar's statement " I have recognized you" supports the inference that he desired women should be prohibited from leaving their homes. However there does appear to be a suggestion that the hijab directive may have been

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[118] Mawdudi, *Purdah*, p.205.
[119] Mawdudi, *Purdah*, p.206.
[120] Mawdudi, *Purdah*, p.206.

understood as restricting public participation as insinuated in Muhammad's statement that "Allah has permitted you to go out for genuine needs." But here the question arises as to what constitutes genuine needs and /or is there a possibility that this instruction is specific to Muhammad's wives. Mawdudi undoubtedly taking it as a general command however qualifies genuine needs to be only those that require women to work, a claim that as will be seen shortly later is substantiated by the evidence of the hadiths.

Finally it must be highlighted there has never been any formal recognition, classical or contemporary, of what he defines as "The Divine Laws for the Movement of Women", and it represents rather his own conception. This is partly because unanimity has not actually been reached on the various positions he projects as absolute. Mālik for instance permitted visitation of graves and even participation in funeral processions[121] whilst a growing number of prominent contemporary scholars and reformist movements encourage women's congregational prayers.[122] However it is of course these laws that sustain substantially his generalization of the seclusion directive and more importantly his qualifying of what constitutes genuine needs. They thus merit investigation and it these "laws" that will be outlined first before evaluating them in the following section.

Mawdudi effectively seeks to establish women were restricted in all public endeavours except hajj and permitted to relax "*purdah*" only during jihad. Foremost amongst

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[121] See Chapter 4 of this thesis.
[122] For example amongst scholars Qaradawi, Ghazali, Shaqqa are prominent vocalists on women's participation on congregational prayers in contemporary times. Amongst the reformist movements are both Salafi and progressive movements.

Mawdudi's evidence are Prophetic instructions encouraging women to pray at home,[123]

arguing such restriction applies for the reason that "the Law Giver has disapproved

women's coming out …and mixing with the males in congregation."[124] The hadith

reprimanding men, who prevent their wives participation in congregational prayers when

they seek permission,[125] also constitutes supporting evidence. For Mawdudi contends it

shows "men have not been instructed to send their women to the mosque" since women

"cannot be allowed to mix with men for moral reasons" but only that men cannot refuse

permission to women who want to offer a prayer of "less spiritual reward" since "it is not

a sin to go to the mosque".[126] However Mawdudi further attempts to establish such

permission is conditional by citing hadiths instructing women to refrain from use of

perfume, pray behind men and not raise their voices during congregational prayers.

Included also is the Prophetic instruction "let the women come to the mosque at night"

which he argues limits participation to only that of night time. But he concedes this

condition can be waived during *'īd* prayers as a number of hadiths reveal the Prophet

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[123] She said, " O Prophet of Allah, I desire to offer prayers under your leadership." The Prophet said, " I know that: but your offering the prayer in the corner is better than your offering it in your closet: and your offering the prayer it in your closet is better than your offering it in the courtyard of your house: and your offering the prayer in the courtyard is better than your offering it in the neighbouring mosque, and your offering it in the neighbouring mosque is better than your offering it in the biggest mosque of the town. Related on authority of Umm Humaid Sa'idiyyah and reported by both Imam Ahmad and Tabarani

"Do not prevent your women from coming to the mosques, though their houses are better for them" Abū Dāwūd.

" It is better for a woman to offer her prayers in her closet than in the main room of the house, and it is better for her to offer her prayers in her hiding place than in her closet" reported by Ibn Mas'ud in the collection of Abū Dāwūd.

[124] Mawdudi, *Purdah*, p.208.
[125] "Do not prohibit the slave girls of Allah from coming to the mosques of Allah. When a wife of one of you asks for permission to go to the mosque, she should not be refused. " Cited from Bukhārī and Muslim.
[126] Mawdudi, *Purdah,* p.209.

encouraging women's participation and taking his wives to *'īd* prayers, but insists such

participation is not compulsory.[127]

Women's restriction from attending funeral processions is premised on 'Umm

'Aṭiyyah's narration "We were prohibited, though not strictly, from accompanying

funeral processions."[128] The Prophet permitting a woman's participation in a funeral

procession on 'Umar's rebuke of her presence, Mawdudi explains was concessionary

only on account of the Prophet's regard for her feelings but that the "Law-giver did not

approve of this." [129] And this is the reason the Prophet permitted limited participation of

visiting graves Mawdudi reasons since certain hadiths indicate the Prophet not rebuking

women's presence at graves and it was their frequent visitation he cursed.[130] Here again

he implies visitation was permitted only on account of Muhammad's empathy for

women and not divine sanction.

In establishing restrictions exist for women in travelling Mawdudi points to the fact that

men can travel at free will whilst women have to be accompanied by a *maḥram* as

indicated by a number of hadiths.[131] Mawdudi recognizes these vary in the lengths of

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[127]Mawdudi, *Purdah*, p.211.

[128] Mawdudi, *Purdah,* p.212. Cited from Bukhārī.

[129] Mawdudi, *Purdah*, p.212.

[130] Mawdudi, *Purdah*, p.212. He cites the hadith "The Holy Prophet cursed the woman who visited the graves frequently " from Tirmidhī.

[131] Mawdudi, *Purdah,* p.150. He cites the following three hadiths:

It is unlawful for a woman who believes in Allah and the last Day that she should travel for three days or more unaccompanied either by her father, or brother, or husband, or son, or some other male *maḥram.*

A woman should not travel for a day and night, unless she is accompanied by male *maḥram.*

time periods, from a day up to three days that a woman must be accompanied, but he argues such differences are irrelevant and only indicate that "the time taken in a journey is not important" but "what is more important is that a woman not be given such freedom of moving alone as may land her in trouble." [132]

Mawdudi writes that though participation in hajj is permitted, he argues however that rules existed to maintain gender segregation citing 'Aṭā's narration that "women moved around the *Ka'bah* along with the men during the Prophetic era but did not mix with them." He also cites Ibn 'Umar's practice of sending his family in advance for the stone throwing ceremony [*jamrah*], claiming Asmā' similarly departed early whilst it was still dark and it was common practice amongst women during the Prophetic era.[133]

In supporting women's participation in jihad, Mawdudi resorts to number of hadiths depicting both Muhammad's wives and ordinary women's participation both before and after revelation of the *Purdah* verses though he stresses they undertook predominately ancillary duties.[134] *Purdah* in this instance has only been relaxed, Mawdudi maintains, for whilst participation in jihad is not the norm for women, but given if a situation arises in which "the whole collective strength of the nation should be mustered in defence",[135] it necessitates her participation.

It is unlawful for any woman that she travels for a night, unless accompanied by a male *maḥram*. This is referenced as Abū Dāwūd. It is not clear whether the other two Hadith have been cited from this collection or not.

[132] Mawdudi, *Purdah*, p.150.
[133] Mawdudi, *Purdah*, p.211.
[134] Mawdudi, *Purdah*, p.213.
[135] Mawdudi, *Purdah*, p.213.

It is self evident for Mawdudi it would only be situations of dire necessity such as national emergency that constitute genuine needs and in establishing this to be the case, he has been able to sustain not just the generalization the seclusion directive but also a literal and highly restrictive interpretation.

1.5.4 An Evaluation of the "Divine Laws of Movements"

At a cursory glance, the hadiths Mawdudi presents do appear to support his interpretation. However a close examination of these within light of the principles of hadith interpretation reveals a number of problematic aspects in his approach to the hadiths.

Perhaps one of the most problematic aspects of Mawdudi's approach to the hadiths is his highly selective approach for as chapters three and four will show, hadiths pertaining to the indicators of participation he has selected have not been found to be so limited as his evidence suggests, particularly in the case of women's participation in congregational prayers. Moreover as chapters three and four will also show, there do also appear to be the prevalence of relatively more "permissive" hadiths than what his evidence suggests. Indeed it is not clear what decisions have informed his selection of hadiths for there simply is no explanation justifying his selection. Possibly representative hadiths have been selected, but again there is no indication to suggest this.

His approach also proves to be highly literal. It is completely devoid of any attempt to determine the situational contexts of the hadiths he presents and assumes them all to

have normative value. However far more contentious and pervasive is his assumption that "restrictive" hadith are predicated on the need to maintain gender segregation. This assumption is in fact overtly expressed in his interpretation of the instruction for women to pray at home, reasoning such prohibition is no more than for the reason that "the Law-Giver has disapproved of women's coming out of the houses frequently and mixing with the males in congregations."[136] Such an objective has undoubtedly been read into the hadiths on grounds that "restrictions" found in the hadith must necessarily like the hijab and seclusion directives, serve also to maintain gender segregation. However, as highlighted above, an attempt must be made to exhaust the hadith literature first before making assumptions as to the underlying causes of hadiths. Qaradawi has already suggested hadiths stipulating women be accompanied in their journeys were predicated on the need to afford women protection. Similarly it could be argued that instructions for women to pray at home could be in the way of concessionary permissions, as may also be the case with the practice of women departing early for *jamrah* during hajj. But of course all these foregoing proposed underlying causes remain questionable until at least an attempt is not made to exhaust the hadith literature first. Determining underlying causes is particularly relevant within the context of "restrictive" hadith since if they are found to be grounded in contingent factors or prove to be concessionary allowances, then simply such restrictions apply only as long as the reason stays in place as Qaradawi argues.

Questionable at times are also Mawdudi's interpretations of the hadiths and clearly reflect the influence of the preconceived objective that Islam mandates women's

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[136] Mawdudi, *Purdah*, p.208.

segregation. This is perhaps no more apparent as in his interpretation of the hadith in which Muhammad admonishes those men who prevent their wives from visiting the mosques. Whilst this could be construed as indicating permissibility, he renders it rather as an instruction for men not to actively encourage women's participation, reasoning, "women cannot be allowed to mix with men for moral reasons."[137] He does though attempt to support his interpretation by seeking support in 'Umar's recorded practice of preventing one of his wives from attending congregational prayers, claiming 'Umar's action reflected the purport of Muhammad's instruction.[138] But not only is the latter claim questionable, on the other hand another hadith suggests 'Umar anticipated women's participation.[139] Hence again there appears to be a clear case of selectivity in choice of hadiths.

Similarly whilst the hadith exhorting women to be allowed to attend nightly prayers can be construed as indicating permissibility for prayers at night besides day prayers, Mawdudi renders it as a conditional qualification to be met for attendance. In other words women can only participate in congregational prayers during night. In supporting his interpretation he resorts to Nāfi's reasoning that night time has been specified because "women can easily observe *purdah*" and the hadith relating 'Ā'ishah's observation that Muhammad would offer the *fajr* prayer so early that women could not be recognized in the dark, when wrapped in their outer garments. Certainly the latter hadith suggests women would not be visible after *fajr* prayers but on the other hand it is difficult to see how it supports the inference that night time was specified because

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[137] Mawdudi, *Purdah,* p.208.
[138] Mawdudi, *Purdah,* p.209.
[139] Bukhārī, 11:90. This hadith will be discussed more fully in 3.4.1.

women could maintain invisibility. In fact this hadith is generally used to deduce the extent of covering women must observe and the timing of *fajr* prayers, as indeed does Bukhārī.[140]

This approach is similarly exhibited in his rendering of hadith that instruct women should pray behind men, clap and not raise their voices and not use perfume when attending mosque. For whilst these hadiths could be equally construed as reflecting women's attendance, he renders them as conditional requirements women must meet to attend congregational prayers. This may be the case but without any substantiating evidence, the argument remains questionable. Moreover if such reasoning was taken to its logical end, and given that the above hadiths conversely delineate regulations for men, it would imply that men's participation is similarly conditioned and so restricted as he concludes for women's participation.

At other times the assumption Islam mandates gender segregation even influences Mawdudi to relegate hadiths that clearly depict women's participation to that of a concessionary permission or non-obligatory status. This is best exemplified in his approach to the hadith in which Muhammad consoles a woman weeping beside a grave. Whilst this could be construed as indicating women's permissibility to visit graves, Mawdudi relegates it to that of a concessionary permission on the reasoning that permission was granted only on account of Muhammad's regards for the feelings of women and not that it was not approved by the Sharī'ah.[141] Such reasoning however is

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[140] Bukhārī, Book 8, Chapter 13: In how many clothes should a woman offer prayer? Hadith no.372. Book 9, Chapter 27: Time of the *Fajr* prayer, hadith no. 578.
[141] Mawdudi, *Purdah*, p.212.

contentious for it is tantamount to suggesting Muhammad contravened the Sharī 'ah and indeed questions which of Muhammad's sayings should then be taken as normative. Similarly despite the fact he cites a number of hadith depicting Muhammad clearly encouraging women's participation in *'īd* prayers and taking his wives, Mawdudi yet postulates without any convincing evidence that women's participation in *'īd* prayers is not compulsory.

Finally a close examination of his sources for the hadiths reveals he is quite dependent on sources traditionally recognized as including hadith whose authenticity is questionable. For example in establishing women's restriction from congregational prayers, he gives prominence to hadiths from Abū Dāwūd compilation and it is known for the inclusion of hadiths that have serious flaws in the *isnāds*.[142] Similarly he establishes women's restriction from visitation of graves on a hadith from al-Trimidhī's *sunan*, but yet this is traditionally recognized as including unreliable material.[143] Resorting to sources such as Abū Dāwūd and al-Tirmidhī is not problematic *per se*, however it is not clear to what extent Mawdudi has scrutinized the reliability of the hadiths he cites from them. Such ambiguity surrounding the reliability of his evidence inevitability undermines the credibility of his findings.

So though whilst a cursory glance of Mawdudi's "Divine laws for the movement of women" appear to support a very literal and restrictive interpretation of the seclusion directive, besides its generalization, a closer examination reveals it is also undermined by a number of methodological shortcomings.

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[142] Brown, *Hadith,* p.33.
[143] Brown, *Hadith,* p.33.

1.6 Conclusion

This chapter sought to determine how Mawdudi sustained his conceptualization of hijab and the strengths and weaknesses of his discourse. The particular focus was on how he sustained his generalization of the hijab and seclusion directives given that it is this issue that most prominently sustains women's seclusion.

There is no doubt Mawdudi's choice and interpretation of the pertinent scriptural ordinances introduced in 1.1 have been very clearly influenced by presuppositions he holds on women's role and status and in particular the notion that gender segregation maintains societal stability. Accordingly these scriptural ordinances all become part of Islam's preventative measures to impose gender segregation. As such the hijab directive is perceived as maintaining women's segregation in private space, Mawdudi finding explicit support for it's objective of gender segregation in its clause " it is purer for your hearts and theirs." On the other hand, the khimar, jilbab and seclusion directive, amalgamated and defined as hijab/*purdah*, are perceived as imposing women's restriction from public space and complete veiling in presence of *non-maḥrams.* The seclusion directive is further used to sustain the woman's domestic role.

Such conceptualization inevitability depends on a generalized understanding of both the hijab and seclusion directives. Their generalization appears to be significantly, though implicitly, sustained on the understanding that their objectives lie in imposing gender segregation for the all-important purpose of maintaining societal stability, which he attempts to establish on the basis of his sociological argument. At a cursory glance this argument certainly provides some credibility for in parts it does accord with common human experience and proffers some valid observations. Moreover it reflects genuine

concerns about the impact of modernity on family structure, values and gender roles. However a close examination reveals it is based on no more than a series of unfounded assertions, questionable assumptions and an infantile understanding of history and human nature. More contentiously it yields highly unwarranted deductions and exhibits highly questionable logic. As such this argument fails to sustain the generalization of the hijab and seclusion directives.

Their generalization however is also sustained on the notion of Muhammad's wives as role models and their immediate textual context. These attempts however, only remain probable and are found to be dependent on the hadiths to confirm their validity. In fact his interpretations of the other scriptural ordinances are also found to be dependent on the hadiths. Indeed the woman's domestic role is in fact only sustained on one hadith and though the seclusion directive is drawn to fortify it, the interpretation of the latter as highlighted above is heavily dependent on the hadith to confirm its validity. In the case of the jilbab directive, since there is no clear scriptural prescription for face veiling, Mawdudi's argument also depends heavily on the hadiths. And at a cursory glance, the hadiths do indeed appear to confirm all these aforementioned scriptural interpretations. This is thus the reason his discourse commands credibility, since these as shown operate as viable means of determining a directives interpretation and scope of application where relevant.

However a close examination of his approach to the hadiths he draws to fortify his interpretation of the seclusion directive reveals that he has been highly literal and selective as well as dependent on hadiths whose reliability is questionable. Furthermore his interpretations of these hadiths are also shown to be highly questionable and clearly reflect the influence of his highly questionable presuppositions of woman's role and

status in society and the notion that gender segregation maintains societal stability. In the case of the hijab directive, he made but only incidental reference to one hadith and that too from a highly questionable source. Similarly in sustaining his interpretation of the jilbab directive, he was found to be reliant on questionable sources and interpretations of hadiths. Selectivity and questionable interpretation of hadiths also afflicted his approach to the hadiths in establishing Islam mandates the domestic role for the woman. As such the credibility of most, if not all, of Mawdudi's scriptural interpretations fail to be sustained by the hadiths due to serious methodological shortcomings in his approach to them. Ultimately his conceptualization of women's veiling and seclusion stands seriously challenged.

FEMINIST DISCOURSES

2.1 Introduction

As mentioned both in the introduction of this thesis and 1.1, the first aim of this thesis is

to identify what scope there is for a resolution on the conservative-feminist debate over

Muslim women's participation in public space. Accordingly whilst the previous chapter

examined how the conservative discourse is articulated and its strengths and weaknesses

with a particular focus on how the generalization of the seclusion and hijab directives are

sustained, this chapter will examine feminist discourses for the same purpose.

Since an examination of the conservative discourse revealed the highly influential role of

the hadiths in sustaining their scriptural interpretations, particularly that of the seclusion

directive and so ultimately their conceptualization of hijab, it follows therefore for any

meaningful resolution to be sought, there should be an examination of those feminist

discourses that similarly ground their arguments in the hadiths. As mentioned in the

literature review, Stowasser is one of those few feminists who engages with the hadiths

just as comprehensively as conservative thinkers for the purpose of determining to what

extent they support conservative position as very clearly expressed in her statement:

> This order [meaning gender segregation] they sanction in religious terms by
> ascribing it directly to the Koran and the 'original order of Islam'…it is thus a
> worthwhile undertaking to investigate exactly and in some detail what the Koran
> and the Hadith contain…[1]

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[1] Stowasser, 'The Status of Women' in Early Islam' in Freda Hussein (ed.) *Muslim Women*,
Sydney, Australia: Croom Helm Ltd, 1984, p.11.

This is thus the reason that she will be largely the focus of evaluation in this chapter. In evaluating her discourse there will be an examination of how she attempts to sustain her non-generalization of the hijab and seclusion directives and her interpretations of the khimar and jilbab directives. The main focus of the evaluation however will be an examination of how the hadiths are deployed and to what extent they support her arguments.

There will also be a brief discussion on other feminist's approaches since an evaluation of their discourses will also help determine and define what scope there is for a resolution to the conservative-feminist debate over Muslim women's participation in public space. The chapter will conclude with an overall evaluation of debate in order to highlight what scope there is to seek a resolution to the debate.

2.2 Stowasser: Works & Overview of Position

Barbara Stowasser, Professor of Arabic and Islamic Studies and a world-leading scholar in studies on women in the Qur'an and the Hadith, has been a prolific writer on women issues. Her works, spanning over almost three decades, generally aim to establish that many strictures upon Muslim women emanate not from the textual sources but restrictive interpretations influenced by highly patriarchal thought that still continue to influence contemporary thought. So her seminal work *Women in the Qur'an, Traditions and Interpretations* (1994) compares and contrasts depiction of women of Muslim women in the three respective sources mentioned in the title to trace patriarchal developments. Likewise her article 'Gender Issues and Contemporary Qur'an Interpretations' (1998)

compares traditional and modern commentaries of the *qawwāmah* directive that was

mentioned in the previous chapter, whilst her two most recent articles, 'Old Shaykhs,

Young Women and the Internet: The Rewriting of women's political rights in Islam'

(2001), and the 'The Women's Bayʿa in the Qur'an and Sira' (2009) seek to establish

scriptural endorsement for Muslim women's political rights.

Of these works her seminal work engages with the issue of veiling and seclusion as one

of a number of issues that are depicted in the Qur'an and the hadiths in relation to

Muhammad's wives. The discussion focuses on establishing the very specific nature of

the legislation of veiling and seclusion to Muhammad's wives and its eventual

generalization to all women due to the efforts of medieval jurisprudence.

Much of the process of the generalization of veiling and seclusion however is expanded

more fully in her later article 'The Hijab: How a curtain became an institution and a

cultural symbol' (1997), which provides a highly perceptive account of how the term

hijab underwent semantic shifts to evolve from a curtain to an institution due to the

efforts of medieval theologian lawyers. In it she describes how despite the fact that hijab

was a means of affording Muhammad's wives domestic comfort and privacy and also

protection from hypocrites by way of seclusion in the home on the one hand and jilbab

was concerned with individual female appearance when outside the home as a means to

offer them protection against male harassment in the streets on the other hand, the two

however became associated due to efforts of the medieval lawyers. This "semantic

association of hijab in its meaning of domestic segregation with garments to be worn in

public (jilbab, khimar) resulted in the use of the term hijab for concealing clothes worn

outside the homes."[2] Such an association, she argues was influenced by the assimilation of foreign practices of veiling and seclusion amongst the upper classes as well as the notion of Muhammad's wives as role models. The seclusion directive she argues was similarly generalized "in tandem with the hijab rule in its original meaning, namely a screen of separation from strangers in the home."[3] She concludes, "…the 'scripture based' legality of women's seclusion in the house, and even within the house under the concept of Hijab, thus also signified women's exclusion from institutionalised participation in the public sphere."[4]

This is a highly apt description of how hijab and seclusion became to be generalized to all women, for it must be recalled that Mawdudi indeed sustained the generalization of both the seclusion and hijab directives on the notion of Muhammad's wives as role models. But of course such an association was also supported on the reasoning that all clothing directives and the seclusion directive all serve the same function of maintaining gender segregation(1.4.2). Nevertheless the account certainly demonstrates a profound understanding of the complexity of conservative conceptions of veiling and seclusion.

But it is her article 'The Status of Women in Early Islam' (1984) that will largely be the focus of evaluation for, though one of her earliest published works and does not articulate so well the process of generalization of the hijab and seclusion directives as in the article outlined in the preceding paragraph, it is one of her works that extensively focuses on the hadiths to essentially challenge the generalization of the hijab and

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[2] Stowasser, B.F, 'The Hijab: How a curtain became an institution and a cultural symbol'in A. Afsaruddin & A.H.M. Zahniser (eds) *Humanism, Culture & Language in the Near East: Studies in honour of George Krotkoff.* Winona Lake: Eisanbrauns, 1997, p.95.
[3] Stowasser, 'The Hijab', p.97.
[4] Stowasser, 'The Hijab', p.98.

seclusion directives. Stowasser's thesis in this article, not surprisingly, is that the practices of veiling and seclusion were prerogatives due only to Muhammad's wives and not to believing women in general. She does so by attempting to first demonstrate the Qur'an only prescribes veiling and seclusion practices only for Muhammad's wives. Secondly she attempts to demonstrate that the hadiths likewise indicate only Muhammad's wives and not the ordinary women, who on the contrary led very public lives, observed veiling and seclusion. The following evaluation will determine the credibility of first her scriptural evidence and then that of the hadiths.

2.2.1 Scriptural Evidence

The purpose of the evaluation here is to determine to what extent Stowasser is effective in establishing that the hijab and seclusion directives were specific to Muhammad's wives and that the khimar and jilbab directives do not prescribe complete veiling.

The Qur'an, Stowasser maintains, "makes a clear distinction between the Prophet's wives on the one hand and believing women in general on the other"[5] on the issue of veiling and seclusion. She argues the seclusion directive is an example of legislation specific to Muhammad's wives. Highlighting "these verses are preceded by some that indicate clearly that the wives of the Prophet are not like other women, and are followed by a verse legislating the proper behaviour for all believing visitors who come to the Prophet's house" citing verses 33: 28 -32 and the hijab verses, she concludes "the context, thus makes it clear that the legislation applies to the Prophet's household

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[5] Stowasser, 'The Status of Women', p.23.

specifically and not to the believers in general."[6] Legislation applicable to believing women in general she contends is that found in khimar and jilbab directives, former laying down only "general rules of chaste and modest conduct."[7] Veiling and seclusion however, she maintains, became generalized to all women "by exegetes who interpreted the vague and general Koranic provisions to sanction them."[8]

It is very clear here that Stowasser in establishing the specific nature of the seclusion directive, is drawing on the subject of its addressee's and their incomparable status as well as the specificity of revelation [i.e. the fact that it institutes legislation only to be observed by Muhammad's wives] from verses preceding and following it. And certainly as discussed in 1.4.1, these do constitute viable means of determining a directive's scope of application. There is no doubt the preceding verses 28-32 clearly raise issues specific only to Muhammad's wives:

> O PROPHET! Say unto thy wives: "If you desire (but) the life of this world and its charms -well, then, I shall provide for you and release you in a becoming manner ;) but if you desire God and His Apostle, and (thus the good of) the life in the hereafter, then (know that), verily, for the doers of good among you God has readied a mighty reward!"
> O wives of the Prophet! If any of you were to become guilty of manifestly immoral conduct, double (that of other sinners) would be her suffering (in the hereafter): for that is indeed easy for God. But if any of you devoutly obeys God and His Apostle and does good deeds, on her shall We bestow her reward twice-over: for We shall have readied for her a most excellent sustenance (in the life to come).[9]

[6] Stowasser, 'The Status of Women', p.23.
[7] Stowasser, 'The Status of Women', p.24.
[8] Stowasser, 'The Status of Women', p.25.
[9] Asad, p.818.

For as pointed out in 1.1 and as Stowasser also points to in her seminal work,[10] these verses were revealed in response to specific disturbances in Muhammad's household as confirmed by a number of exegetes, highlighting that though they varied in the causes, nevertheless they concur these disturbances precipitated Muhammad's seclusion from them for about a month.

It is interesting that Stowasser should draw on the hijab directive to support the specific nature of the seclusion directive even though it is separated by over twenty verses. Nevertheless it still constitutes a viable means of determining a directive's scope of application for as discussed in 1.4.1, another Qur'anic text can operate as a viable factor no matter how remote it may be. In this instance too, she is drawing on the specificity of the revelation to sustain her non-generalization of the seclusion directive. However in doing so, at the same time this indicates that implicitly she takes the hijab directive to be specific in nature and as such expends no more effort in establishing its specific nature. It appears Stowasser unquestionably considers its specificity of revelation is sufficient to establish its non-generalization.

However determining a directive's scope of application cannot be just limited to a scrutinization of a directives subject of addressee's and its specificity of revelation, for as pointed out in 1.4.1 a number of other factors need also to be taken into consideration. And certainly there do appear to be a number of other plausible factors at play. For in the case of the seclusion directive, the very immediate textual context of the seclusion directive, as Mawdudi refers to, can suggest a generalized reading of the verse since its very immediate preceding and following instructions are undoubtedly of general

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[10] Stowasser, B.F, *Women in the Qur'an, Traditions and Interpretations*. New York: Oxford University Press, 1994, p.101.

application. Equally its context of speech, that also operates as a viable means of determining a directives scope of application, also suggests a generalized understanding of the directive since, as Mawdudi argues, it points to the position of Muhammad's wives as role models. It could be argued that the latter two factors are also applicable in the case of the hijab directive. Indeed, specifically on the issue of the textual context of the hijab directive, it is preceded by an instruction that would be applicable to all believers, namely seeking permission to enter residential dwellings hence the reason conservative thinkers find reason to generalize the hijab directive as was clearly seen in 1.4.2. As such whilst Stowasser does offer some highly plausible arguments to support a non-generalized understanding of the seclusion and hijab directive, they do however stand contested and need to be further substantiated to confirm their credibility.

Of course like Mawdudi, Stowasser also effectively seeks to substantiate her interpretations by resort to the hadiths, and so the credibility of her attempts to establish the specific nature of the hijab and seclusion directives, will be evaluated later in the discourse in a discussion on the hadiths she presents (2.2.3). Now though follows a discussion on her readings of the khimar and jilbab directives.

Stowasser's scriptural analysis in fact is very brief. She presents no discussion specifically on the veiling of Muhammad's wives; presumably she assumes her preceding discussion sufficiently establishes this on the presumption that the hijab verse constitutes the scriptural ordinance for the veiling of Muhammad's wives. On the other hand she places great stress on pointing to the fact that legislation applicable to believing women in general is that found in the jilbab and khimar verses, the latter laying "general

rules of modest conduct and behaviour for both men and women".[11] As such she argues

the Qur'an is "free of any clear or specific legislative detail at Muslim women to keep in

seclusion to their houses and to veil themselves".[12]

This however represents a very superficial and limited attempt to challenge conservative

conceptions. For whilst indeed the khimar lays down general rules of modest conduct for

both men and women, which conservative readings would not contest,[13] on the other

hand it cannot be denied that the verse does make reference specifically to women's

attire, which it does not do so in the case of men. The point of contention that needs to be

dealt here is, as pointed in 1.1, is what the term *zīna* in the instruction "and not to display

their charms [*zīna*] (in public) beyond what may (decently) be apparent thereof" refers to

since if it refers to bodily decorations such as jewellery as conservatives argue, it is these

that may be displayed in public and not the face and hands.

On the other hand, however, Stowasser does engage with the aforementioned instruction

but within the context of attempting to show that it only became to be interpreted in

increasingly restrictive terms with the passage of time. And certainly her supporting

evidence is highly convincing. For she illustrates that whereas Ṭabarī (d.310AH)

interpreted the clause "except that which is apparent" as referring to the face and hand on

the reasoning these parts are uncovered during prayer and so allowing for the lawful

uncovering of the face and hands, the later exegete Baydawi (d.685AH) argued

otherwise. For him what is exempted is not the face and hands, since these are pudendal

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[11] Stowasser, 'The Status of Women', p.24.
[12] Stowasser, 'The Status of Women', p.25.
[13] Mawdudi, *Purdah*, p.166. Here Mawdudi specifically discusses what obligations the khimar directive demands in terms of behavior from men.

but adornments such as jewellery and make-up. She shows that the exegete al-Khafaji (d.1069AH) further heightens this restrictive interpretation to the extent that the whole body is completely veiled and permitted uncovering only in very exceptional circumstances.[14]

However the reality is, given that *zīna* proves to be a highly ambiguous term, it does allow for a possibility of divergent interpretations, hence the reason the purport of this directive still remains highly contested. But far more importantly her effort to challenge conservative readings of khimar proves to be quite ineffective, for as highlighted in 1.4.2, it is more so the jilbab directive that proves to be the more pertinent scriptural ordinance that conservatives cite as scriptural proof for confirming Islam mandates complete veiling. And yet Stowasser fails to engage with this scriptural ordinance other than simply designating it as an ordinance that is applicable to believing women in general. Such lack of constructive engagement with a directive that certainly proves to be significant scriptural validation for the veiling of both Muhammad's wives and believing women, inevitably undermines the credibility of her argument that veiling was a prerogative due only to Muhammad's wives.

Moreover it must be noted that whilst she cites Ṭabarī to illustrate that he allowed for the uncovering of the face and hands in his reading of the khimar directive, on the other hand she fails to cite the fact that he forwarded two interpretations of jilbab; "complete veiling or covering of the face with an opening for the eye"[15] Since she has chosen Ṭabarī to support her interpretation of the khimar directive, she must also cite his interpretation of

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[14] Stowasser, 'The Status of Women', p.28.
[15] Roald, S, *Women in Islam: The Western Experience*. London: Routledge, p.270.

the jilbab. In choosing to ignore Ṭabarī's interpretation of jilbab whilst highlighting his interpretation of khimar, Stowasser is undoubtedly being selective in her evidence. Moreover as Roald highlights, Ṭabarī also generalized the hijab directive to all women and since she takes the hijab directive as scriptural proof for both veiling and seclusion,[16] it inevitability undermines her attempts to establish veiling and seclusion were prerogatives due only on Muhammad's wives.

Furthermore it must be noted that even Mawdudi concedes that there is no clear scriptural proof for face veiling and so relies heavily on the hadiths to confirm his position. So whilst Stowasser may be correct in highlighting that there is scripturally no proof for women's complete veiling, on the other hand this is also conceded to by conservative readings and so a more productive effort would be to scrutinize the hadiths to determine to what extent they support conservative readings of jilbab. She does of course resort to the hadiths to show veiling was not a prerogative due on the ordinary women, and so to what extent she has been able to sustain her position will be judged in light of an evaluation of the hadiths she presents.

It is now the evidence of the hadiths that will be explored to determine to what extent they support the foregoing interpretations of the hijab, seclusion and jilbab directives. Before presenting her evidence, Stowasser first discusses the nature and provenance of the hadith literature. It is worthwhile exploring this discussion since as will become apparent in sections 2.2.3 and 2.2.4; it inevitably influences her approach to the hadiths.

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[16] Roald, *Women in Islam*, p.269.

Thus the purpose of the examination here will be to determine to what extent her

perception of the status and provenance of the hadith literature can be upheld.

2.2.2 Nature & Provenance of Hadith

Stowasser begins by highlighting the challenges that formative Islam faced as it

expanded dramatically within the span of a few generations in making the message of

Islam workable for multitudes of peoples from culturally, politically, linguistically

diverse backgrounds. She contends, "one manner in which innovation and change could

be accommodated and legitimised is, and even foreign practices could be assimilated, is

constituted by the discipline of Koran exegesis (tafsir). Koran commentators set out to

legitimise actual usage of their own day by interpreting it in great detail into the Holy

Book."[17] " The process of change of women's status in Islamic society" she continues

"can be traced through a comparative study of Koran interpretations" and proceeds to

name a few Qur'anic exegetes.[18] She maintains the hadiths played a "similar role as the

Koran interpretations in the process of accommodating and legitimising changes in the

community" claiming:

> The deep going changes that engulfed the ever expanding Islamic community
> during the formative years of the Islamic Empire were in turn absorbed and
> legitimised through the sunna as codified in the Hadith through the technique of
> forgery of hadiths... innovations were legitimised by providing for them a fake
> chain of transmitters…[19]

This she writes, was "an effective way of dealing with changes since a hadith (even if

forged) was more convincing than rational argument" and "in this fashion Sunna was

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[17] Stowasser, 'The Status of Women', p.13.
[18] Stowasser, 'The Status of Women', p.13.
[19] Stowasser, 'The Status of Women', p.13.

adjusted by the addition of normative detail, to fit the needs of each new generation".[20]

Stowasser continues that the:

> challenge of uncontrolled proliferation of hadiths found its response in the emerging science of Hadith criticism with its weighty tones of biographical dictionaries (such as the Tabaqat of Ibn Sa'd, d.844) that established both biographical data and credibility of the individual traditionalists, together with a sound listing of the 'sound' material that- so their authors claimed- were free of forgeries were compiled from the mid-9th century onward among them are six canonical collections… [21]

In the light of this she argues material found in the hadith collections represent and reflect not just "the actual way of life of the first generations of Muslims" but also "a nostalgic re-interpretation and idealization of the early beginnings by the later generations" and thirdly "the growth and change that occurred during the later periods".[22] She concludes by stressing that "it should be understood, however that all of the material- no matter what its age or authenticity – is most valuable for our understanding because of the fact that it reflects actual social reality, even if not necessarily the social reality of the first generation of Muslims."[23]

It is very clear here that Stowasser subscribes to a perception of the hadith literature that emerged in the early twentieth century in the light of western hadith scholarship commencing with the likes of Ignaz Goldziher (d.1921) who similarly projected the view as Brown writes that "hadiths served not as a document of the Prophet's actual legacy, but rather as a direct reflection of the aspirations of the Islamic community."[24]

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[20] Stowasser, 'The Status of Women', p.13.
[21] Stowasser, 'The Status of Women', p.13.
[22] Stowasser, 'The Status of Women', p.15.
[23] Stowasser, 'The Status of Women', p.14.
[24] Brown, *Hadith*, p.205.

Certainly such views are warranted and they are supported by the fact that the hadiths were indeed fabricated to meet various political, theological and social needs as indeed is freely admitted and indeed chronicled by Muslim scholarship.[25] However whereas Muslim scholarship maintains such fabrication was dealt with effectively by its science of hadith criticism, this has been strongly contested by western hadith scholarship, which effectively claims that Muslim methods of hadith scholarship were simply not effective in dealing with the fabrication of hadiths.[26] It is clear that Stowasser also subscribes to the latter view since her account of the science of hadith criticism insinuates how such huge scale fabrication was dealt with by a method of hadith criticism that was not applied until over two hundred years after the inception of fabrication and that too with a focus on the scrunitization of the *isnād*, that was equally subject to forgery [as she highlighted earlier] and of course how could the trustworthiness of the transmitters of the hadiths be judged over two hundred years later.

However as Brown highlights recent hadith scholarship has brought into question some of the assumptions underlying them.[27] For instance the process of hadith transmission has been found to be largely the reason why hadith proliferated uncontrollably rather than due to its fabrication,[28] *isnād* fabrication has shown to be uncovered to a large degree with the three-tier method of verification, a process not fully realized by early

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[25] See for example the work of Abdul Ghaffar, S.H, *Criticisms of Hadith among Muslim with Reference to Sunan Ibn Maja* (2nd ed.), London: Ta-Ha & Al-Qur'an Society, 1986.
[26] See Brown, *Hadith*, for a full discussion of this debate.
[27] Brown, *Hadith,* p.224.
[28] Brown, *Hadith* citing the work of Abbott. With the hadith passing through increasing numbers with each generation, it is the number of transmission that the hadith went through that multiplied rather than the hadith itself, a fact that was failed to recognized by early western hadith scholarship. Azami also highlights this point in his work *Studies in Hadith Methodology and Literature*, Indiana: American Trust Publications, 1977.

hadith scholarship of Stowasser's period.[29] This three-tier method with its emphasis on seeking corroboration not just for the *matn* but also *isnād* meant also the grading of a hadith became less dependent on the subjective rating of transmitters. Additionally whereas canonical collections were not compiled over two centuries after the Prophet's demise, research reveals written collections commenced as early as the Prophetic era, albeit on a smaller scale purely because verbal transmission was considered the more reliable means of preservation and scarcity of writing material.[30] Though on the other hand Abbott's investigation of papyrus collections led her to conclude "written transmission went hand in hand with verbal transmission."[31]

Such findings inevitably challenge to what extent Stowasser's perception of hadith literature can be upheld and as such stands contested. However the more pressing methodological concern here if Stowasser's perception of the literature is upheld, is how early ascriptions are to be determined from later ones, since the assumption is the later the ascription, the less reflective it is of actual Prophetic teachings. Stowasser admits "it is as yet impossible in most cases to determine the exact age of information conveyed within a single collection" but proposes a "comparative study of Hadith collections…helps establish with the death date of each compiler serving as the *terminus ante quem* for all material within his – patterns and directions of development within Islamic doctrines and practice through the centuries".[32]

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[29] Brown, *Hadith.* Brown writes the three tired method of verification scrutinised not just the reliability of the transmitters in the chain as well as the contents of the *matn,* but it also included procedure of corroboration, i.e. was the hadith transmitted by other students of the teacher that the narrator claimed he heard from.

[30] Azami, *Studies in Hadith Methodology.*

[31] Abbott, N, *Studies in Arabic Literary Papyri II: Qur'anic Commentary and Tradition.* Chicago: University of Chicago Press, 1967,p.37.

[32] Stowasser, 'The Status of Women', p.14.

Here Stowasser is clearly implying that the later a hadith collection the more likely it is to contain hadith that are less reflective of actual Prophetic teachings. It is quite evident this proposal is built essentially on her assumption that since Qur'anic commentaries increasingly accommodated and legitimised change over time, the same can be considered for the hadith collections. However in the first place Stowasser provides no specific examples of how Qur'anic commentaries became increasingly restrictive with time. Presumably she is relying on the increasingly restrictive interpretations of two particular directives she presents in an earlier part of her chapter, one of which has already been mentioned above, namely that of the khimar directive. The other directive notably is that of the *qawwāmah*, which just like that of the khimar directive certainly was interpreted increasingly restrictively over the passage of time.[33] If that is the case, two examples are not sufficient to generalize it to the whole of the Qur'anic commentaries and further then to the hadiths collections.

Moreover the notion that the later hadith collections are characterized by more manipulated material appears also to be challenged by Ruth Roded's comparative analysis of the different genres of hadith collections from which she concludes:

> Surprisingly for the most part the authors related information about women from earlier sources without comment despite the claim that orthodox scholars and legists of the formative Abbasid period and later selected, altered, and interpreted the sources of Islam to the detriment of the women.[34]

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[33] Stowasser "The Status of Women", p. 25-26. For again she illustrates that whereas Ṭabarī confined to a literal interpretation of the *qawwāmah* directive, in that it endowed authority of the man over the woman and the obligation to provide for women, the later exegete Baydawi however, she continues, however additionally adds "restrictive detail and sanctions the view of women as creatures incapable of and unfit for public duties." More later al-Khafaji "further categorised and hardened the restrictive details" extending these to Friday prayers and gatherings during hajj.

[34] Roded, R, *Women in Islamic Biographical Collections: From Ibn Sa 'd to Who's Who*, USA, Lynne Rienner Publishers Inc., 1994, p.10.

To summarize Stowasser clearly subscribes to the view that the hadith literature is "both a record of the way of life of the early community and an indicator of the later changes and development". It is clear also that this perception is upheld by the claim that fabricated hadiths have not been fully expurgated from the hadith collections. But this however as shown above, is based on assumptions that remain highly contested. Given then that such a perception requires a means of distinguishing between later and earlier hadiths, Stowasser advocates that the later a hadith collection, the more likely it is to contain hadiths that are less reflective of true Prophetic teachings. However again this is based on questionable assumptions and appears challenged by Roded's findings. As such whilst Stowasser certainly has reason to uphold such a perception of the nature and provenance of the hadiths, on the other hand though, it does remain contested.

The hadiths she presents will now be explored in detail to determine exactly how and to what extent the approach to them is affected by her perception of the hadith literature and so consequently to what extent they support the credibility of her scriptural interpretations. Since she first presents hadiths pertaining to Muhammad's wives and then those pertaining to the ordinary women, the following evaluation will be structured likewise.

2.2.3 Hadith Narrative: Prophet's wives

Stowasser argues the hadith literature provides "unquestionable evidence" that hijab which implies not merely the face veil but also the sum practices connected with seclusion of women- was legislated and hence made obligatory for the wives of the

Prophet."[35] Her evidence constitutes a number of hadiths relating to various aspects. Prominently amongst these are those relating to circumstances of revelation of hijab that quite rightly as Stowasser points out, though contradictory, indicate the hijab verse was revealed in response to incidents concerning only Muhammad's wives.[36]

Secondly are a number of hadiths indicating hijab was only ever used by Muhammad's wives. Amongst these being, 'Ā'ishah secluding herself even from her grandsons from behind a hijab, Muhammad's wives travelling in secluded litters, those showing veiling abroad was seen as proof of the status of a woman as the wife of Muhammad in unclear circumstances, 'Ā'ishah veiling even before puberty, during *ṭawāf* and to avoid recognition when mingling amongst the crowds to view her husband's new wife Ṣafiyyah.[37]

Finally to indicate covering of the face and so veiling was definitely not a prerogative due to the ordinary women, she resorts to the hadith depicting 'Ā'ishah admonishing her niece for wearing a veil that reveals her bosom to cover then her chest with a thick veil while questioning her "Don't you know what God has revealed in the Surah of the Light?"[38] her reference here being to the khimar directive.

On the issue of the seclusion of Muhammad's wives, Stowasser highlights that whilst "some sources indicate confinement and immobility for Muhammad's wives after the

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[35] Stowasser, 'The Status of Women', p.32.
[36] Stowasser, 'The Status of Women', p.32. All hadiths are cited from Ibn Sa'd's *Ṭabaqāt.*
[37] Stowasser, 'The Status of Women', p.32-33. All hadiths are cited from Ibn Sa'd's *Ṭabaqāt.*

[38] Stowasser, 'The Status of Women', p.33.

Prophet's death, which he himself is supposed to have imposed on the Farewell

Pilgrimage and which e.g. Sawda and Zaynab observed…" she writes " 'A'isha on the

other hand, certainly did not adhere to this regulation. She engaged in numerous

manoeuvres in the public sector …The Hadith reports other pieces of evidence on such

mobility as well."[39]

Undoubtedly the hadiths Stowasser presents in demonstrating hijab as being specific to

Muhammad's wives proffer convincing evidence to support her claim. However on the

other hand Stowasser inadvertently undermines credibility of her findings. For example

she considers those hadiths that depict certain women became to be known as

Muhammad's wives through their observation of hijab whilst travelling as no more than

"story materials" some of which she finds "incomprehensible".[40] Many of the hadiths

depicting 'Ā'ishah 's veiling on the other hand are similarly regarded as precedent

setting as evident from her reference to them as depicting 'Ā'ishah as "the model of veil-

wearing", whereas she regards 'Ā'ishah's admonition of her niece as a "detailed

instruction put into her mouth". [41]

It is very clear that such perception of the hadiths inevitably emanates from her

understanding that these hadiths are of those that represent " a nostalgic reinterpretation

and idealisation of the early beginnings by later generations" as founded on her

perception of the nature and status of the hadith literature. In fact this is also clearly

confirmed in her seminal work, *Women in the Qur'an, Traditions and Interpretations*, in

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[39] Stowasser, 'The Status of Women', p.33.
[40] Stowasser, 'The Status of Women', p.33.
[41] Stowasser, 'The Status of Women', p.33.

which she describes hadiths pertaining to Muhammad's wives, specifically those relating to modesty, veiling and seclusion, as "(para-) legal texts in that their intended meaning is normative, not descriptive" and that "each recorded detail represents a facet of sunna in the making…'.[42] But as highlighted earlier, this perception though is premised on contested assumptions and moreover one wonders if there is so much doubt regarding the authenticity of this material, how could they possibly be relied on as admissible evidence.

It is difficult to see how her evidence on seclusion of Muhammad's wives supports her claim that seclusion was a prerogative due only of Muhammad's wives, for undoubtedly as she also observes, it is contradictory. However presumably she regards such contradiction as a reflection and so also a confirmation of the manipulation of the hadiths. However as highlighted earlier such perception of the literature remains to be highly contested and as the next section, 2.2.4 will show, the presence of contradictory material does not always necessarily have to be the product of manipulated material. As such it still remains that her evidence does stand as contradictory and so her attempts to establish seclusion as specific to Muhammad's wives proves not to be very convincing. Furthermore as will be seen in 2.2.4, certain hadiths she presents to evidence the ordinary women's participation in various indicators of participation, evidence also the participation of Muhammad's wives.

Moreover in both instances, i.e. both in relation to the issue of hijab and seclusion, Stowasser draws exclusively on hadiths from Ibn Sa'd's (d.230) biographical collection, *Ṭabaqāt al Kubrā* (The Great Book of Generations), a choice presumably informed by

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[42] Stowasser, *Women in the Qur'an*, p.115.

the notion that earlier works provide a more faithful representation of early Muslim life. Some of the limitations of this notion have already been pointed out in 2.2.2. Additionally there are certain limitations in using biographical collections as a source of hadiths. The first simply being that their main purpose is not to present hadith but simply biographical data, though there is some reference to hadiths that various persons transmit.

Equally, since these works are not characterised by complete and reliable *isnāds*, a feature that is only characteristic of material belonging to the genre of the hadith literature, their reliability in comparison to the *Ṣaḥīḥ* collections in particular, that have applied the methods of hadith criticism the most stringently is deemed weaker amongst Muslim consensus. For it must be borne in mind also that Ibn Saʻd's *Ṭabaqāt* predates the application of hadith criticism in its most developed form. However this is not to say that all of its material is unreliable, indeed it can yield a fruitful depiction of early Muslim life, but, and this is the main criticism on Stowasser's use of them, it is difficult to determine to what extent she has assessed the reliability of the material she cites.

In conclusion, whilst Stowasser's evidence for establishing the specific nature of the hijab directive appears largely convincing, it is though undermined to some extent by the question of how reliable the material may be given that it is largely drawn from Ibn Saʼd's *Ṭabaqāt* and it is not possible to determine to what extent the presented material has been assessed for reliability. This of course is a methodological shortcoming that also undermines the credibility of her attempt to establish seclusion as specific to Muhammad's wives. More importantly, the latter attempt is undermined also by the fact

that the evidence on this issue undoubtedly is contradictory. As such whilst Stowasser proves to be convincing to some extent in establishing hijab as specific to Muhammad's wives, on the matter of seclusion her attempts proves to be not so convincing.

An examination now of the hadiths pertaining to the ordinary women, again for the purpose of determining to what extent precisely her perception of the hadith literature affects her approach to the hadiths pertaining to the ordinary women and so consequently to what extent they support the credibility of her scriptural interpretations.

2.2.4 Hadith Narrative: The Ordinary Women

Like Mawdudi, Stowasser also draws on similar indicators of participation, however not for the purpose of showing women were restricted from participation in these various undertaking as Mawdudi does but to show women's active participation in them and so to establish her point that seclusion was not a prerogative due of the ordinary women. She also draws on certain hadiths to establish veiling was not ordained for the ordinary women.

Before presenting the hadiths pertaining to the ordinary women, Stowasser considers it necessary to highlight some characteristics peculiar to these hadiths. It is worthwhile presenting and examining these, for as will be seen shortly they inevitably influence her approach to the hadiths. She claims that "on the issue of veiling and seclusion, the Hadith material is quite contradictory" and that "three main characteristics are discernible without difficulty" from it. These namely being "restrictive material often exists side by

side with permissive often anchored in the same authority, relevant material often exists in clusters of related traditions with the longer and more detailed variants more often than not including restrictive material that is absent in the shorter versions and finally, restrictive material is therefore generally found more abundant in the later collections of Hadith".[43]

Admitting these are "general observations that will have to suffice here", Stowasser proposes:

> …one may argue that the traditions depicting *women's visibility and full participation in society* [italics are hers] are of the greatest importance and should be studied with the greatest care. For there is good reason to believe that they more or less faithfully reflect aspects of early Islamic society that were left behind by the later generations…[44]

It is self evident that this undoubtedly constitutes Stowasser's selection criterion in which it is clearly evident that selection will be confined to those hadiths that show women's participation and those hadiths that show their restriction will be disregarded on grounds that only the former are more reflective of true Prophetic teachings. However this selection criterion is undermined by a number of factors.

Firstly, it is based largely on general unqualified observations as evident not only from Stowasser's own admission, but equally the vague terms it is couched in. Secondly, it assumes contradictory material necessarily reflects manipulation of material. However contradictory material, which incidentally is not just confined to the issue of veiling and seclusion, exists in the literature for a number of valid reasons as discussed in 1.4.2,

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[43] Stowasser, 'The Status of Women', p34.
[44] Stowasser, 'The Status of Women', p.34.

such as Muhammad issuing different rulings for different people and different contexts, narrators difference in perceptions of reports and events so that specific orders were mistaken as a general order or vice versa and words of multiple meanings understood differently by different companions, etc. all of which had an impact on the wording and meaning of a hadith. [45]

Thirdly highly problematic is Stowasser's classification of material as "restrictive" and "permissive" for this is essentially subjectively driven, influenced effectively by contextually driven notions of freedom. This constitutes a considerable methodological weakness for as AbdolKarim Soroush points out "we can't impose our own values on the past, and assume that what we consider to be injustice, or essential rights were valid then; that's the worst kind of historiography."[46]

And indeed it would not be unreasonable to infer that it is exactly because Stowasser makes the assumption that these restrictive hadiths are predicated on the need to maintain gender segregation that is the ultimate reason that she chooses to disregard them. However as argued in 1.5.2, such assumptions cannot be made until an attempt is made to determine what underlying causes such hadiths are based on.

Simply there appears to be no sound reason to disregard the so-called restrictive hadith. For firstly they do not necessarily have to represent manipulated material all the time as she clearly suggests. Secondly the categorization of hadith into permissive and restrictive

[45] Kandhlawi, M.Z, *The Differences of the Imams,* California, White Thread Press, 2004.
[46] Quoted by Mir-Hosseini, Z., *Islam and Gender: the Religious Debate in Contemporary Iran.* Princeton: Princeton University Press, 1999.

is itself highly subjective. Thirdly and perhaps most importantly the assumption that restrictive hadith are predicated on the need to maintain gender segregation can not be made until an attempt is not made to determine their underlying causes as highlighted in 1.5. 2. In failing to do so, Stowasser therefore also exhibits an equally literal approach as Mawdudi, in accepting the outward meaning of the "restrictive " hadiths without recourse to the situational context from which they emerge.

Thus as far as her selection criterion is concerned, it clearly proves to be based on questionable assumptions and clearly demonstrates that her approach to the hadiths will be equally selective and literal as that of Mawdudi's. A close examination of her arguments confirms this and further highlights a number of other methodological shortcomings and weaknesses in her approach and arguments. These will be highlighted in the course of presenting and evaluating each of her arguments she puts forward for her chosen indicators of participation.

Stowasser chooses to engage with three particular indicators of participation, these namely being women's participation in congregational prayers, jihad and travelling. She also examines the level of interaction between men and women and besides attempting to demonstrate women participated freely in the aforementioned indicators of participation and there was a high level of interaction between men and women, she also attempts to establish that the hadith also demonstrate that veiling was not a prerogative due of the ordinary women. Since women's participation in congregational prayers proves to be an indicator that she relatively devotes more attention, the analysis here will begin with this indicator.

Stowassser claims "there is overwhelming evidence in the Hadith that women prayed in the mosques together with the men" and that " they even visited the mosques at night". She continues that "the sheer number of hadiths indicating that women had the right to and should not be prevented from visiting the mosques,"[47] "should be admonished to visit the *musalla* on the days of the festival [presumably referring to *ʿīd*],"[48] "must leave the mosque before men,"[49] one gate of the mosque is reserved for women"[50] and finally "are advised to perform prayers in the houses[51] in all probability reflect the various stages of the debates on this point that were raging in the early Islamic community…which ended with women's disappearance from public prayer"[52]

Perhaps one of the most problematic aspects of this account is its claim that the aforementioned hadiths that appear restrictive in their meaning reflect a growing debate that was increasingly tending towards the restriction of women from public space. For not only is it based on mere probability, but more importantly it undoubtedly emanates from the assumption that such hadiths are necessarily predicated on the need to maintain gender segregation. However as highlighted in 1.5.2, such assumptions cannot be made until an attempt is not made to determine their underlying causes.

Moreover this claim also highlights another methodological weakness in her approach, this namely being a reliance on hadith collections recognized for the inclusion of weak hadiths. For many of the hadiths are cited from Dāwūd and Ibn Hanbal; the former

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[47] Stowasser, 'The Status of Women', p.35. Cited from Bukhārī.

[48] Stowasser, 'The Status of Women', p.35. Cited from Bukhārī.
[49] Stowasser, 'The Status of Women', p.35. Cited from Abu Dāwūd 2:196.
[50] Stowasser, 'The Status of Women', p.35. Cited from Abu Dāwūd, 2:17, 53
[51] Stowasser, 'The Status of Women', p.35. Cited from Ibn Hanbal, Vol.6, 301, 371.
[52] Stowasser, 'The Status of Women', p.35.

collection being known for including hadiths with serious flaws in the *isnāds* whilst

Hanbal freely admitted the inclusion of weak material.[53] Moreover it must be noted Ibn

Hanbal's compilation belongs to the genre of *musnads*, the function of which was not to

collate the most reliable hadith but all the narrations of a given narrator, a genre that was

to prove highly valuable in checking for corroboration for *isnāds* and so for detecting

forged *isnāds*.[54] Again as in the case of Ibn Saʿd's *Ṭabaqāt*, their use must be

accompanied with a careful scrutinization of the reliability of the material, but on the

other hand it is difficult to determine whether Stowasser has assessed the reliability of

these hadiths. For if indeed they are found to be weak, they actually become immaterial

to the debate.

Equally problematic is the fact that the evidence she cites is not fully convincing. For

example in establishing the claim "there is overwhelming evidence in the Hadith that

women prayed in the mosques together with the men", her evidence constitutes two

citing's from Ibn Saʾd and four from Bukhārī. The shortcomings of using Ibn Saʾd has

already been highlighted, however the evidence from Bukhārī does not appear to be too

convincing. For though the hadiths depicting women returning home unrecognised after

fajr prayers[55] and the Prophet and men remaining seated on completion of prayers until

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[53] Brown, *Hadith*, p33.
[54] Brown, *Hadith*, p.29.
[55] Stowasser, 'The Status of Women', p.35. All of Stowasser's citing's of Bukhārī are from al-Bukhārī, Sahih (le receuil des traditions mahometanas par el-Bukhārī). Vol.I-III, (ed. L.Krehl). Leiden 1862-1868. Vol. IV, (ed. Th. W. Juynboll), Leiden, 1907-1908. The references provided here refer to these aforementioned publications whereby the first number represents the number of the book and the second number represents the chapter number. The following hadith is cited from Bukhārī 8:13:

women had departed[56] constitute credible evidence, it is difficult to see how the hadiths depicting 'Ā'ishah relating Muhammad's disapproval of display of pictures and patterns on materials during prayers,[57] and his disapproval of worshipping at graves at his death bed[58] confirm the participation of the ordinary women. This is because it is difficult to deduce how the latter hadith is related to the issue of congregational prayers and the former at the most only confirms 'Ā'ishah's presence at prayers which furthermore contradicts her claim that seclusion was observed by Muhammad's wives. Moreover another narration of this hadith in fact strongly suggests Muhammad expressed his disapproval during a prayer performed in private space since it explicitly makes reference to 'Ā'ishah's home.[59]

Narrated 'Ā'ishah: Allah's Messenger used to offer the fajr prayer and some believing women covered with their veiling sheets used to attend the fajr prayer with him and then they would return to their homes unrecognised.

[56] Stowasser, 'The Status of Women', p.35, citing Bukhārī 10:164:

Narrated Umm Salama: Whenever Allah's Messenger completed Ṣalāh with Taslim, the women used to get up immediately and Allah's Messenger would remain at his place for sometime before getting up. [The sub narrator (Az-Zuhri) said, " We think, and Allah's knows better, that he did so, so that the women might leave before the men could catch up with them."

[57] Stowasser, 'The Status of Women', p.35, citing Bukhārī 8.14:

Narrated 'Ā'ishah: The Prophet offered salah in a khamisa having marks. During the salah he looked at its marks. So when he finished the salah, he said, "Take this Khamisa of mine to Abu Jahm and get me his Anbijaniya (a woollen garment without marks) as it (the khamisa) has diverted my attention from the salah.

[58] Stowasser, 'The Status of Women', p.35, citing Bukhārī 77:19:

Narrated 'Ā'ishah and Abdullah bin Abbas: When the disease of Allah's Messenger got aggravated, he covered his face with a Khamisa, but when he became short of breath, he would remove it from his face and say, "It is like that! May Allah curse the Jews and the Christians because they took the graves of their Prophets as places of worship." By that he warned his followers of imitating them, by doing that which they did.

[59] Bukhārī 8:15: Narrated Anas: 'Ā'ishah had a Qiran (a thin marked woollen curtain) with which she had screened one side of her home. The Prophet said, "Take away this Qiran of your, as its

It must be said Stowasser does add that there are many more hadiths that evidence women's participation[60] but since no references are provided for these, it is difficult to accept the validity of this claim, particularly since for the references that she does provide, half of them prove to be questionable as just shown above. Moreover and perhaps more crucially, given the fact that she has decidedly chosen to focus on only "permissive" hadiths only, even if it was the case that these many more hadiths she refers too without any citation, provided positive confirmation, they would still though be the product of a highly selective approach to the hadiths.

This effectively leaves but only two hadiths and one of these explicitly relates to *fajr* prayers, which would not anyhow be contested by conservative thinkers. In fact even the other hadith she cites relating how women would depart before the men, she uses as will be seen shortly, to confirm women's participation in nightly prayers and such participation too is not contested either by conservative thinkers (see 1.5.3). As such, Stowasser's evidence at the most convincingly only supports women's participation in nightly prayers which is not anyhow contested and so only further confirms the conservative position that very limited participation is permitted during times of darkness since *purdah* can be maintained.

And so whilst she also makes the additional claim that women even visited at night, this proves to be futile for the reason just cited above. Moreover it must be noted that its evidence constitutes of four hadiths, two of which have already been cited to establish

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pictures are still displayed in front of me during my salah (i.e. they divert my attention from the salah)".

[60] Stowasser, 'The Status of Women', p.41.

women's overwhelming participation in congregational, prayers, namely the early departing of women, and their returning home unrecognised. This leaves effectively only two further hadiths that add to her evidence, one being 'Ā'ishah's narration that *'isha'* prayed had been delayed once so long that women and children had gone to sleep and the hadith relating the Prophetic saying that women not be prevented from visiting at night.[61]

There will now be an examination now of her position regarding the travelling of women. She argues "women were travelling widely in the early days of Islam" pointing out that whilst "Muhammad's wives -according to some authorities- were secluded even in their travels… other women however appear to have been much freer of movement." She continues "notably we find a discussion in the Hadith on how long (24hours, 3 days) a woman may travel by herself without a husband or male relative accompanying her. By the time of Ahmad Ibn Hanbal, however we find a hadith indicating that she may not travel without her husband or dhu maḥram."[62]

It is quite apparent that Stowasser's claim that women were travelling widely in the early days of Islam is essentially built but only one line of reasoning, and this simply being that attitudes became increasingly restrictive towards the travelling of women. It is clear that Stowasser upholds such reasoning since it is quite evident that she considers the variations in the time periods found in the hadiths instructing women to be accompanied in their travels as reflecting the development of increasingly restrictive attitudes, the hadith stipulating 24 hours undoubtedly belonging to a later restrictive period. Confirmation of such reasoning is moreover overtly expressed in her statement "by the

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[61] Stowasser, 'The Status of Women', p.35, all hadiths cited from Bukhārī 10: 162 & 163.
[62] Stowasser, "The Status of Women', p.35.

time of Hanbal, we find a hadith indicating that she may not travel without her husband or *dhu maḥram*."[63]

However again one of the most problematic aspects of this account is that it too, like that of Mawdudi's assumes the hadiths that stipulate a woman must be accompanied by a *maḥram* are necessarily predicated on the need to maintain gender segregation. However as highlighted earlier, such assumptions simply cannot be made until an attempt has not been made to determine the causes underlying them. It has already been highlighted how Qaradawi proposed the reason for a woman to be accompanied in her travels lay in practical considerations, this namely affording her protection during a time that travelling was dangerous.

Equally though such reasoning is built on the assumptions that the later the hadith collection, the more likely it is to contain increasingly more "restrictive" hadiths and that Ibn Hanbal's Musnad represents a later hadith collection and Bukhārī's *Ṣaḥiḥ* an earlier collection since she draws the various versions of the less "restrictive" hadiths from Bukhārī.[64] However in the first place the first assumption has shown to be based on questionable assumptions in 2.2.2. Secondly and perhaps more crucially as regarding the second assumption, the reality is that Bukhārī and Ibn Hanbal were contemporaries,[65] Bukhārī being the younger but more significantly the *musnad*'s predated the *Ṣaḥiḥ's*.[66] This being the case, simply therefore it challenges Stowasser's notion that later hadith collections were characterized by more restrictive material and of course more importantly it questions therefore the very reasoning that sustains her position that

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[63] Stowasser, 'The Status of Women', p.35.
[64] Stowasser, 'The Status of Women', p.35.
[65] Bukhārī (d256AH), Ibn Hanbal (d.241AH).
[66] Brown, *Hadith*, p.31.

women were travelling widely in the early period of Islam. For as mentioned earlier, the latter is built essentially only on the reasoning that attitudes became increasingly restrictive. This therefore clearly undermines her attempts to establish women were travelling widely in the early period of Islam.

Finally it must be noted also that whilst she comments that Muhammad's wives were secluded in their travels, it nevertheless demonstrates that they were still travelling and so questioning again to what extent seclusion was even mandated for Muhammad's wives.

As regarding women's participation in jihad, Stowasser highlights how it was a "matter of course for women in early Islam to accompany their men in battle and even to participate actively in battle."[67] Certainly the hadith she cites such as those depicting 'Ā'ishah and other women carrying water to the Battle of *Uhud*, Umar's recognition of Umm Khulthum's (Muhammad's daughter) contribution in the battle of *Uhud*,[68] and an enumeration of expeditions they participated in[69] do sufficiently support her claim. However again as with the issue of women's congregational prayers at night, such participation is not contested for it must be recalled that Mawdudi (1.5.3) maintains this is the only public endeavour women can participate in but not as a matter of course but only in situations of great national emergency. As such the point of contention is not whether women participated in jihad but rather whether their participation was only necessitated on grounds of dire necessity.

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[67] Stowasser, 'The Status of Women', p.34.
[68] Stowasser, 'The Status of Women', p.34, all hadiths cited from Bukhārī, 56: 63, 65-68.

[69] Stowasser, 'The Status of Women', p.34, hadiths cited from Bukhārī, 13: 20 & another version from 25: 81.

Moreover it must be noted those hadiths relating to the Battle of *Uhud* relate to a period before the revelation of all the clothing, hijab and seclusion directives, since this occurred in 3AH[70] and the aforementioned directives as highlighted in 1.1 were revealed after 5AH. This being the case, some of her evidence proves to be inadmissible. Interestingly some of her evidence also depicts 'Ā'ishah as a participant,[71] which therefore appears again to challenge the idea that seclusion was mandated for Muhammad's wives as she claims.

Besides focusing on the aforementioned indicators of participation, Stowasser also examines the hadiths to discern the level of interaction between men and the ordinary women, presumably to demonstrate that either hijab and/or seclusion was not a prerogative due to the ordinary women. In doing so she cites a number of hadiths that confirms a high level of interaction between men and the ordinary women such as hadiths depicting their meeting and greeting each other in the streets, men talking to women guests in the homes, visiting on sick women and women acting as hostess to husbands visitors and several depicting men proposing to women without the benefit of an intermediary generally in the woman's house.[72]

Stowasser also presents a number of other hadiths depicting women making autonomous decisions to accept Islam without consent of their husbands and making the *hijra* also

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[70] Guillame, A, *The Life of Muhammad: A Translation of Ibn Ishaq's Sirat Rasul Allah*. (21st Impression). Karachi, Pakistan: Oxford University Press, 2007,p.369.
[71] Stowasser, 'The Status of Women', p.34, cited from Bukhārī, 63:Chapter18 and 63: Chapter 22.
[72] Stowasser, 'The Status of Women', p.36.

without any *maḥram* or their consent,[73] presumably to demonstrate their independent spirit and freedom to make autonomous decisions.

Certainly the evidence is highly convincing and Stowasser must be commended to explore beyond the normal indicators of participation in highlighting the level of interaction between men and women and the reasonable level of freedom the women enjoyed to undertake autonomous decisions. However here again she relies largely on Ibn Saʻd's *Ṭabaqāt* and of course as highlighted earlier whilst the use of this source is not problematic *per se*, but on the other hand it must be accompanied with a careful scrutinization of the material given that it is recognized for the inclusion of weak material and yet it is difficult to determine to what extent Stowasser has done so.

Stowasser of course also attempts to establish the hadiths indicate that veiling was not a prerogative due of the ordinary women. Her evidence constitutes a cluster of hadiths commonly known as the "oath taking" hadiths given they delineate conditions women had to observe on pledging their allegiance to Islam. She argues that since it delineates a number of conditions such as asking women not to take partners unto God, steal, commit adultery, kill their children and a number of other conditions and that the veil is not mentioned, she concludes that the veil thus, is not one of the conditions that is imposed upon the ordinary women.[74]

But this is essentially an *e silentio* argument and as such is not sufficient to establish a conclusive claim. More crucially there do exist hadiths that are more relevant to the issue

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[73] Stowasser, 'The Status of Women', p.34.
[74] Stowasser, 'The Status of Women', p.34.

of veiling and which do appear to suggest face veiling, these being those that constituted Mawdudi's evidence for supporting his position Islam mandates face veiling (1.4.2). In choosing not to engage with these hadiths, Stowasser is clearly being selective in the choice of hadiths she engages with. As such her evidence of the hadiths fails to add any further support to her claim that complete veiling was not the prerogative of the ordinary believing women, which it must be recalled was weakly supported from a scriptural perspective too (2.2.1).

To summarize, Stowasser fails to satisfactorily establish the ordinary women led very public lives. This is because her findings are undermined largely by the fact that she has decidedly chosen to be very selective in her approach to the hadiths. Equally she has also been literal in her approach to the "restrictive" hadiths, in that she assumes them to be necessarily predicated on the need to maintain gender segregation, which without a doubt is the ultimate reason that she chooses to disregard them. This was particularly evident in her approach to the issue of women's participation in congregational prayers and their travelling whereby she assumed the more restrictive hadiths necessarily belonged to a later more restrictive period that sought to limit women's participation. A closer observation moreover revealed that some of these restrictive hadiths were cited from sources known for the inclusion of weak material as in the case of women's congregational prayers. At other times it was found that such restrictive material did not even emanate from later hadith collections as Stowasser claimed as in the case of travelling. This it must be noted undermined her claim women were travelling widely in the early period since it was built only on the one assumption that the more restrictive hadiths were found in the later collections.

To a lesser extent her findings are also undermined by questions over reliability of material, as was in the case of her attempts to establish the high level of interaction between men and women and the freedom women enjoyed in making autonomous decisions. At other times the evidence and the argument was not just weak but exhibited clear selectivity as was in the case of her approach to the issue of women's veiling. Finally it must be highlighted that in certain instances, her evidence rather than challenging conservative readings, in fact only further confirms their positions. This was seen both in the case of women's participation in congregational prayers and jihad. For in the case of the former, her evidence only at the most effectively established women's participation in prayers held during time of darkness which is not anyhow contested by conservative readings. In doing so, she confirmed their position that very limited participation is permitted only during times of darkness. In the case of jihad, whilst her evidence was convincing, again women's participation in jihad is not contested and so again it confirmed the conservative position that jihad is the only public endeavour women may participate in.

2.2.5 Conclusion

The purpose of the evaluation here was to determine to what extent Stowasser was effective in establishing the specific nature of the hijab and seclusion directives as well sustaining her interpretations of the khimar and jilbab directives. On both accounts it was found that her scriptural attempts remained only probable and dependent on the hadiths to confirm their validity. The hadiths however failed to satisfactorily support her scriptural interpretations largely because of her highly selective and literal approach to

them as well as questions over the reliability of the material cited. As such like Mawdudi, her position too is undermined on account of methodological weaknesses in her approach to the hadiths.

Before offering a final evaluation on the conservative-feminist debate, it might be first worthwhile briefly discussing other feminist approaches since an evaluation of their approaches will show firstly that they too have not been quite successful in sustaining their scriptural interpretations.

2.3 Other Feminist approaches

2.3.1 Fatima Mernissi

Mernissi, as mentioned in the literature review, focused exclusively on challenging the interpretation of the hijab directive claiming it was never meant to impose gender segregation as very clearly evident from her statement:

> … the Prophet during a troubled period at the beginning of Islam, pronounced a verse that was so exceptional and determining for the Muslim religion that it introduced a breach in space that can be understood to be a separation between the public from the private, or indeed the profane from the sacred, but which was to turn into a segregation of the sexes. The veil that descended from heaven was going to cover up women, separate them from men, from the prophet, and so from God.[75]

One of the most obvious shortcomings of this approach is its failure to engage with the seclusion directive. For whilst she does quite rightly engage with the hijab directive since it is used to refer to women's seclusion but on the other hand as evident from Mawdudi's discourse, whilst the term hijab is used as such, the scriptural proof for women's

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[75] Mernissi,F, *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam.* Translated by Mary Jo Lakeland. USA: Perseus Books Publishing, 1991, p.101.

seclusion lies predominately in the seclusion directive.[76] Nevertheless they do perceive it to be imposing gender segregation for all women; hence the reason they naturally extend it to public space. Therefore any examination of the hijab directive itself should be focused on to what extent it should be generalized to all women.

But Mernissi rather attempts to challenge its segregational value. Whilst it could be argued that in doing so, she is effectively therefore challenging the very premises that sustains conservative conceptions, her attempt however proves to be highly questionable. Bullock points to one of the most obvious fallacies of this attempt:

> …since the wives started covering their faces on its revelation, one can only assume the Prophet, his wives and the first community misunderstood a commandment from God, which God neglected to correct them before the Prophet died" questioning further "Did no-one else notice this error before Mernissi?[77]

Mernissi attempts to build her argument that hijab was not meant to impose gender segregation on the basis of three discernible arguments, but each of these prove to be highly questionable. In the first place she attempts to show that hijab only initially divided the space between two men and not men and women since she argues the hadith furnishing the circumstances surrounding its revelation [*asbāb al-nuzūl*] depicts Muhammad drawing a curtain between himself and his servant Anas. However whereas certainly this was the case, but as Bullock quite rightly highlights, Mernissi appears oblivious to the fact that Muhammad's wife Zaynab was also in the room with him.[78]

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[76] See 1.4.2.
[77] Bullock, K, *Rethinking Muslim Women and the Veil*. Surrey: The International Institute of Islamic Thought, 2002, p.175.
[78] Bullock, *Rethinking Muslim Women*, p.74.

Moreover the directive itself clearly addresses men to interact with Muhammad's wives from behind a screen.

Secondly she attempts to show that hijab only came to address the "boorish manners" of the Arabs[79] since she writes "a careful re-reading of this verse [meaning the hijab verse] reveals to us that Allah's concerns in this verse are about tact. He wanted to intimate to the Companions certain niceties that they seemed to lack, like not entering a dwelling without asking."[80] But this function is not contested for it must be recalled Mawdudi similarly maintains the hijab directive addresses the etiquettes of visiting people's homes.[81]

Thirdly she claims that the verse came only to address a whole web of conflicts specific only to that time. For she reasons given that the hijab's *asbāb al nuzūl* depicts the hijab directive being revealed in response to visitors who had overstayed the Prophet's reception meal for his wedding to Zaynab and Muhammad was known to deliberate for days over matters forwarded to him, she argues how could a minor irritation have instigated the rapid precipitation of a "draconian decision…which split the Muslim space in two?" [82] This, she concludes, merits and justifies a wider historical enquiry beyond that of its *asbāb al nuzūl*. Situating the time of Muhammad's wedding to Zaynab in its wider historical context, she notes how it was revealed during the "Prophets most disastrous year as military leader"[83] that was characterized by "an epoch of doubts and

[79] Mernissi, *The Veil*, p.86.
[80] Mernissi, *The Veil.* p.92.
[81] See 1.4.2.
[82] Mernissi, *The Veil,* p.89.
[83] Mernissi, *The Veil*, p.89.

military defeats undermined the morale of the inhabitants of Medina."[84] She furthermore reasons given the last verse of the hijab ends with the stipulation that Muhammad's wives are not to remarry after their husbands death which she highlights was revealed in response to proposals made to Muhammad's wives during the Prophetic era as explained by Ṭabarī, she argues this shows the crises must have been deep for such proposals "though only verbal" they were "symbolically dangerous threats." Thereby Mernissi concludes the hijab verse came not just to address etiquettes of entering homes, but it came also "to give order to a very confused and complex order." [85]

Perhaps one of the most problematic aspects of this argument is the historical-critical methodology she utilizes, for there are limitations to resituating the hijab verse in its historical context to challenge its interpretation as Booth similarly in her critique of Mernissi comments:

> I don't think that placing the Qur'ans pronouncement on women in historical context can alter either the gender based power relations it dictates or its theological and legislative power as God's immutable Word.[86]

Another problematic aspect of this account is that it relies on the assumption that hijab negatively impacted its first recipients, as clearly evident in referring it to as a "draconian decision." It is highly probable that this assumption most likely emanates from her own highly negative perception of hijab for as Bullock points out the personal trauma Mernissi faced during childhood and her mother's and other women of her mother's

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[84] Mernissi, *The Veil*, p.92.
[85] Mernissi, *The Veil.* p.92.
[86] Booth, Marilyn, 'Review: Back to Basics?' *The Woman's Review of Books*, Vol. 9, No 3, 1991, p22.

generation protests against the veiling practices in Morocco inevitably developed in her a negative attitude to veiling.[87]

Equally problematic are the inferences she draws. For example to draw the inference that proposals to Muhammad's wives from men wishing to marry them as "symbolically dangerous" verbal threats appears to be an unfounded and exaggerated inference. Similarly while it may have been a difficult time militarily and politically for Muhammad, to infer it was a demoralizing situation simply is an unsubstantiated assumption. Far more contentious however is to consider these contributory for revelation of hijab for as Reza Afshari puts it, "what bearing does the time of severe military crisis have on Muhammad's desire to get rid of the wedding guests so that he could start enjoying his new bride" [88]

Mernissi's attempt to challenge the segregational value of the hijab directive is simply unsustainable on several accounts. However having taking this approach, she undoubtedly then has to explain how hijab came to be used to sustain women's seclusion. Her attempt to do so however also proves to be equally highly questionable. For it is essentially built on the argument that hijab only became to be used to impose segregation because of 'Umar's insistence that women be veiled and secluded as a solution to the harassment Muhammad's wives and the ordinary women were experiencing in the streets at the hands of the hypocrites[89] Unfortunately, Mernissi

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[87] Bullock, *Rethinking Muslim Women*, p.138.

[88] Afshari, Reza, "Egalitarian Islam and the Misogynist Tradition." www.centerforenquiry.net. (n.d). Accessed 8th April 2014.

[89] Mernissi, *The Veil*, p.185.

writes, this debate occurred at a time the Prophet was old and militarily tested.[90] On the other hand 'Umar's solution appeared logical, for if the molesters excused their behaviour on the pretext that Muslim women were taken for slaves given they were dressed indistinguishably, it made sense free women protect themselves by observing veiling, hence the revelation of jilbab.[91] The Prophet yielded only, Mernissi claims, because "hurt and weakened, he lost his ability to stand up to 'Umar, and he agreed to the confinement of women. He gave his consent to *hijab*."[92]

This account proves to be highly problematic on a number of accounts. Perhaps one of the most serious shortcomings of this approach is its bringing down revelation to the level of human interference. For as Bullock writes:

> Umar's insistence on covering is either prescient or irrelevant … even if we accept that the prophet succumbed to Umar's pressure, it is not clear how that helps her arguments against the veil for as the word of God , once a verse is in the Qur'an , it is to be respected and obeyed, irrespective of its origins …A scholar using the traditional Islamic sciences cannot conclude that neither God as intended to harm women by instituting covering, nor that God had allowed ignorant hypocrites to triumph over believers.[93]

Another equally problematic aspect of this account is that it relies heavily on the assumption that hijab and jilbab are synonymous. For on the one hand she refers to the jilbab directive being revealed as a means of protection for women in the streets, which is factually correct, but on the other hand she conflates its function with hijab as clearly evident from the comment that Muhammad gave in to the confinement of women, here

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[90] Mernissi, *The Veil*, p.185.
[91] Mernissi, *The Veil*, p.186.
[92] Mernissi, *The Veil,* p.164.
[93] Bullock, *Rethinking Muslim Women*, p.176.

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her reference undoubtedly being to the segregation that the hijab directive imposes. This conflation of function is evident in other parts of her discourse. For example she writes:

> …the veil which was intended to protect women from violence in the street would accompany them for centuries, whatever the security situation, for them peace would never return, having to display their hijab, representing the vestige of a civil war that would never come to an end.[94]

For here again "the veil which was intended to protect women" is a reference to none other than the jilbab directive but yet she proceeds to identify it as hijab. But these represent two distinct injunctions for different purposes, as also maintained by Stowasser (2.2.1) and their functions having only been conflated due to conservative readings as Stowasser so well articulates (2.2.1) and as clearly evident from Mawdudi's discourse (1.4.2). As such this seriously challenges Mernissi's attempts to challenge the segregational value of hijab since it essentially relies on the assumption that hijab and jilbab are synonymous. Furthermore Mernissi's interchangeable use of them reflects a clear manipulation of text and additionally an implicit compliance to conservative readings.

In conclusion, not only is Mernissi limited in textual scope but moreover her attempt to challenge the interpretation of the hijab directive proves to be highly questionable on a number of accounts. For whilst she quite rightly focuses on the hijab directive, in attempting to challenge its segregational value not only proves to be unsustainable but a misdirected effort since it is its generalization to all women that proves to be the actual point of contention pertaining to this directive. In the case of the jilbab directive, rather than challenging its conflation with the hijab directive she rather appears to implicitly

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[94] Mernissi, *The Veil*, p.191.

accept such conflation, which proves to be one of the reasons she fails to challenge the segregational value of the hijab directive. As such Mernissi has also been shown to be ineffective in resolving the points of contention pertaining to the various pertinent scriptural ordinances for not only has she failed to engage with the more pertinent seclusion directive but has failed to provide a sustainable interpretation of the hijab directive.

2.3.2 Asma Barlas

Barlas, like Mernissi is also limited in textual scope since as mentioned in the literature review she focuses on only the khimar and jilbab directives in challenging conservative conceptions. Her reason for choosing not to engage with the hijab directive is evident from her reasoning that it does not refer to women's dress.[95] But this represents a highly superficial understanding of the conservative position since it fails to recognize that it is the hijab directive that sustains the segregational value of the clothing directives, hence the reason they are identified as hijab. So whilst indeed she is factually correct that the hijab directive does not refer to women's dress, nevertheless it is conflation of its function of gender segregation with other clothing directives that needs to be addressed if the segregational value of the clothing directives is to be challenged which is essentially what she seeks to focus on as part of her challenge.

However she rather attributes the segregational value of the clothing directives to the notion of women's bodies as sexually corrupting that she claims emanated from pre-

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[95] Barlas, A, 'Women Readings of the Qur'an' in Jane D McAuliffe, *The Cambridge Companion to the Qur'an*. Cambridge: Cambridge University Press, 2006, p.267.

Islamic misogynistic notions that infiltrated the hadith literature. The latter reason, it must be noted, is presumably one of the reasons she chooses not to engage with the hadiths in her arguments. It was such notions she claims that led "not only to forms of veiling that involved covering the head, face, hands and feet, but also to domestic segregation"[96], hence explaining her focus on challenging interpretations of the khimar and jilbab only since she clearly believes veiling and seclusion have been read into the khimar and jilbab directives This perception is also evident from her criticism of conservative interpretations of the khimar directive in which she criticises them for using it to "segregate and veil women" when in fact the real veil in this directive she maintains is that of the eyes.[97]

But this account is problematic for two main reasons. Firstly her claim that that the notion of women's bodies as being sexually corrupting led to both the veiling and seclusion of women is not grounded in any supporting evidence. She does make reference to Stowasser's findings[98] but these only show that it was increasingly restrictive interpretations of the khimar directive led to the complete veiling of women and not their seclusion.[99] Secondly whilst it may certainly be the case that covertly it is the notion of women's bodies as sexually corrupting that informs restrictive readings of the clothing directives, the reality is that overtly at least conservatives do have recourse to hadiths that do pertain to and suggest complete veiling as was shown in 1.4.2. Until

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[96] Barlas, A, *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an.* Austin: University of Texas Press, 2002, p.55.
[97] Barlas, *Believing Women*, p.158.
[98] Barlas, *Believing Women*, p.55. Here she cites the findings that have already been cited in 2.2.1 that Stowasser uses to support the notion that veiling and seclusion only became to be read into the scriptures over time.
[99] See 2.2.1.

such hadiths are not engaged with, Barlas's attempts to challenge interpretations of the

clothing directives effectively remain open to question.

In fact a close examination of her interpretation of the khimar directive reveals its

credibility is largely undermined because of her failure to engage with the hadiths. For in

attempting to establish that the real veil of the khimar is that of the eyes and not the

body, she deploys an intratextual approach, i.e. reading relevant verses within the context

of each and what is perceived as the Qur'anic worldview/ objectives on a given issue,

which she claims conservatives fail to deploy and so why restrictive readings

transpire.[100] But the reality is that as is so very clearly evident from Mawdudi's

discourse, his conceptualization of hijab is informed by an interrelated reading of the

scriptural ordinances relevant to the debate.[101] But whereas Barlas reads them within the

context of the Qur'an's teachings on chastity,[102] Mawdudi reads them within the

preconceived objective that it constitutes part of Islam's preventative measures to

maintain gender segregation.[103] This of course highlights the very subjective nature of an

intratextaul approach. i.e. it becomes dependent on one's subjective perception of what

constitutes the Qur'anic worldview and hence the traditional emphasis on the hadiths to

seek clarification on / substantiate scriptural interpretations.[104] And of course since

Mawdudi resorts to the hadiths and they do appear to support his interpretations whilst

Barlas does not, such lack of engagement inevitably undermines the credibility of her

position. This clearly provides a highly illustrative example of those exegesis that Hoef

describes as being "historically undercut" because of its failure to "link its arguments to

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[100] Barlas, *Believing Women*, p.8.
[101] See 1.4.2.
[102] Barlas, *Believing Women*, p.159.
[103] See 1.4.2.
[104] See 1.5.2.

the life of the Prophet Muhammad" which he argues is the reason why "the pre-existing narrative remains as strong as before" because "it continues to have the sanction of the Prophet."[105] As such Barlas's interpretation remains open to question until further substantiated.

Moreover a close examination of her re-interpretation of the jilbab directive also suggests that the credibility of her re-interpretation is undermined because of a failure to engage with the hadiths as well as the hijab and seclusion directives. For in attempting to establish jilbab as being specific to its historical context, she criticises conservatives for failing to recognize its specific nature because of their failure to distinguish between the specifics and the generals of the Qur'an that she attributes to their ahistorical approach to the Qur'an because of their conceptualization of the Qur'an's universalism. [106]

Barlas argues, viewed within its historical context, the function of jilbab was to "signify sexual nonavailability" because it was revealed within the context of a slave –owning society, in which sexual abuse, especially of slaves, was rampant.[107] Highlighting Judith Antonelli notes that "in ancient societies women in the public arena were considered to be prostitutes; in such societies, therefore the law of the veil distinguished 'which women were under male protection and which were fair game'…"[108] Barlas thus suggests that the Qur'an in mandating the jilbab, "explicitly connects it to a slave-owning society in which sexual abuse by non-Muslim men was normative, and its

[105] Hoefs, P Women in the Sunnah of Muhammad: 'Amal ahl-al Madinah and its Potential Impact on Women in Islam' in *Muslims and Islam in the Chaotic World: Relations of Muslims among Themselves and with Others*. Paper presented to Temple University, Philadelphia, 2005, p.5.
[106] Barlas, *Believing Women*, p.52.
[107] Barlas, *Believing Women*, p.56.
[108] Barlas, *Believing Women*, p.56.

purpose was to distinguish free, believing women from slaves, who were presumed by Jāhilī men to be nonbelievers and thus fair game." As such she argues that "only in a slave –owning Jāhilī society, then, does the jilbāb signify sexual non-availability…"[109] implying therefore that since such a society no longer exists, jilbab is no longer applicable.

However whilst Barlas certainly provides a highly compelling case to limit jilbab to its historical context for unquestionably it was revealed to deal with a situation that does appear to be specific to its historical context, but on the other hand her claim that conservatives fail to recognize this because of their theorization of the Qur'an's universalism is not well founded. For traditional as well as conservative theorization of the Qur'an's universalism has not precluded a historical approach to its exegesis as evident not just by the theory of abrogation that she acknowledges,[110] but also the use of *asbāb ul nuzūl* as an exegetical tool. Indeed as Denffer writes *asbāb ul nuzūl* has been drawn not just to determine the "imminent reason underlying a legal ruling" but also "whether the meaning of an *āya* is specific or of general application, and if so under what circumstances it is to be applied."[111]

She also attributes unwanted generalization of directives to a failure of conservative methodologies to recontextualize the Qur'anic teachings.[112] However re-contextualization of the Qur'an's teachings, if not accommodated through its exegesis is accommodated through jurisprudence, which as Kamali writes to "function as a vehicle

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[109] Barlas, *Believing Women,* p.56.
[110] Barlas, *Believing Women*, p.51.
[111] Denffer, Ahmad Von, *'Ulūm al-Qur'ān: An Introduction to the Sciences of the Qur'ān.* Leicester: The Islamic Foundation, 2000, p.90
[112] Barlas, *Believing Women*, p.53.

of accommodation and compromise between the normative values of the Sharī'ah and the practicalities of social change."[113] Indeed the tool *Istishan*, Equity in Islamic law, serves to adapt Islamic law to the changing needs of a society.[114] In the modern context, there is an increasing demand to draw on the *maqāsid al sharī'ah*, a process that seeks to determine the Qur'anic intent or purpose in order to assess the validity of the applicability of a ruling under changed circumstances.[115] Indeed, 'Umar, the second caliph and distinguished jurist suspended or else contradicted certain Qur'anic injunctions given their implementation would be contradicting Qur'anic intent. For example he suspended the punishment for theft during a famine given people were in need of basic supplies since the punishment would go against the general principle of justice, which he considered more fundamental.[116]

As such it is not a methodological failure that contributes to conservative generalized understanding of the jilbab directive but rather they find no reason to limit the jilbab's application to its historical context that sustains its continued relevance. And the reason undoubtedly is that jilbab as part of Islam's preventative measures seeks to impose gender segregation as evident from 1.4.2. Of course this again raises the issue of its conflation with the hijab directive and amalgamation with the seclusion directive and so the importance of engaging with the latter two directives and equally the hadiths, since it is these that ultimately sustain the generalization of the hijab and seclusion directive and

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[113] Kamali, *Principles of Islamic Jurisprudence,* p.513. Kamali writes the purpose of Islamic jurisprudence should be to extend the message of the Qur'an and sunnah to a variety of different situations and function as a vehicle.

[114] Kamali, *Principles of Islamic Jurisprudence,* p.324.
[115] See Kamali, *Principles of Islamic Jurisprudence*.
[116] Auda, Jasser, *Maqasid Al-Shariah as Philosophy of Islamic Law*. London, The International Institute of Islamic Thought, 2008, p10.

so their conflation and amalgamation respectively with the jilbab directive. So whilst Barlas provides a credible interpretation, it stands contested since conservative readings can equally sustain their interpretation. Moreover again since they appear to gain credibility for their interpretations from the hadiths and Barlas fails to engage with the hadiths, inevitably it undermines her attempts to challenge conservative readings.

Barlas of course does makes a case against the use of hadiths but this proves to be not very convincing. One of these reasons has been alluded to earlier, namely the notion that misogynistic hadiths represent pre-Islamic notions that have infiltrated the hadith literature. However since she admits that there are only six such hadiths in Bukhārī's collections out of approximately 70,000 as she claims and yet on the other hand there are "dozens of positive *Ahādith*",[117] it surely does not warrant a disengagement with the hadiths but rather a careful questioning of the so called misogynistic hadiths in light of the far more positive hadiths. This argument however also assumes pre-Islamic notions still constitute the canonical hadith collections, but as shown in 2.2.2, it remains to be highly contested.

Additionally she echoes concerns raised by Stowasser such as their compilation not over two centuries later,[118] rife proliferation of fabricated hadith,[119] and the ineffectiveness of scrutinizing the *isnād* in assessing their reliability[120] as well as concurring to the view the literature represents "not so much history-writing but history making."[121] Such concerns

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[117] Barlas, *Believing Women*, p.46.
[118] Barlas, *Believing Women,* p.42.
[119] Barlas, *Believing Women,* p.47.
[120] Barlas, *Believing Women,* p.48.
[121] Barlas, *Believing Women,* p.48.

are legitimate, but as was shown in 2.2.2 recent scholarship has shown these also to be based in contested assumptions.

But perhaps far more scathing is her highly critical view of their use as an exegetical tool. For whilst she acknowledges "sunnah provides an invaluable context for both Qur'anic exegesis and Muslim praxis" so regulating strategies for reading it, but on the other hand contends hadith are "two interpretations removed from the essential teachings of revelation" as supported by Tamara Sonn's observations that not only was the Prophet's behaviour "itself interpretative of Islamic principles, but …reports (hadiths) of that behaviour are themselves interpretations."[122] There is some validity to these observations. However traditionally Prophetic sayings are viewed as a valid interpretation for reasons discussed in 1.5.2, so that essentially his words and actions are seen as being divinely inspired and thus are regarded as the correct and proper interpretations. On the other hand traditionalists do accept hadiths themselves can be interpretations of Prophetic behaviour, as highlighted in 1.5.2. But it is for this reason as well as other limitations of hadiths as outlined in 1.5.2 that there is therefore an emphasis on collecting all hadiths together on a given issue and interpreting them within the context of each other. In other words such limitations of the hadiths are acknowledged but attempts are made to circumvent them through methodological procedures. Simply her critique is not sufficient to warrant a disregard of the hadiths and highlights rather the importance of gathering relevant hadiths and interpreting them within the context of each other, effectively in the same manner that she proposes that the Qur'anic verses must be read, i.e. intratextually.

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[122] Barlas, *Believing Women,* p.66.

In conclusion, Barlas too like Mernissi is limited in textual scope and fails without good reason to engage with both the hijab and seclusion directives. Moreover her re-interpretations of the khimar and jilbab directives whilst highly convincing, do though stand contested largely because of a lack of engagement with the hadiths, confirming thereby the necessity of engaging with the hadiths to substantiate scriptural interpretations. And though she attempts to make a case against the use of hadiths and indeed some of her concerns and observations are valid, they however do not warrant a disregard of the hadiths but rather highlight the need for an intratextual approach to them.

2.4 An Overall Evaluation of the conservative-feminist debate

The purpose of the preceding and this chapter was to evaluate conservative and feminist discourses in order to be able to identify what scope there is for a resolution to the conservative- feminist debate over Muslims women's participation in public space.

An evaluation of Mawdudi's discourse revealed that his scriptural interpretations, including the generalization of the hijab and seclusion directives, were sustained on the one hand on the basis of his presuppositions of the role and status of women in society and on the other hand by the hadiths. The former means however proved to be highly contentious given his presuppositions were shown to be built on highly questionable and unwarranted assumptions. In the case of the hadiths, certainly at a cursory glance, they appeared to sustain in particular the generalization of the seclusion directive and other scriptural interpretations. However a close examination revealed that he was highly

literal and selective in his approach, his interpretations were found to be highly questionable and clearly influenced by his highly questionable presuppositions of the role and status of women and his discourse was found to be quite dependent on hadiths whose reliability could not be verified. As such these methodological weaknesses clearly undermined the credibility of his position.

But on the other hand it was found that Stowasser, who was one of the few feminists who seriously engaged with the hadiths essentially also to substantiate her scriptural interpretations, particularly the non-generalization of the hijab directive, was also found to be methodologically fraught in her approach to the hadiths on a number of accounts as detailed in 2.2.3 and 2.2.4. As such methodological weaknesses in her approach to the hadiths clearly undermined the credibility of her position too.

It was also found that other feminists have not been able to convincingly establish their scriptural interpretations either. For an examination of their discourses revealed either they were methodologically fraught on a number of accounts as in the case of Mernissi or their interpretations stood contested as in the case of Barlas. Moreover both Mernissi and Barlas were also found to be limited in textual scope too.

Simply therefore the points of contention pertaining to the various scriptural ordinances relevant to this debate all remain unresolved. In other words, neither side of the partisans of the debate has been able to satisfactorily establish the scope of application of the hijab and seclusion directives and the purport of the khimar and jilbab directives.

Given that the evaluation shows the conservative position is substantially sustained on the basis of the hadiths but yet feminists have either disregarded or approached them just as selectively and literally as that of conservative thinkers, very clearly therefore a scope for a resolution to the debate lies in re-examining the hadiths in order to make any meaningful impact on Muslim thought since the overwhelming Sunni Muslim consensus views hadiths as a viable means of seeking clarification on scriptural ordinances. Needless to say, the hadiths need to be re-examined in a manner that avoids the over selectivity and bias that has been exhibited on part of both partisans of the debate which this study will attempt to do so by being more holistic in its selection of the hadiths and reading them contextually. What this study means by holistic and contextual reading will be elaborated in the methodology that will be outlined in the following chapter so that it immediately precedes the hadiths to which it will be applied.

MUSLIM WOMEN'S LEVEL OF ACCESS TO PUBLIC PRAYERS

3.1 Introduction

Having identified in the previous chapter the need to engage with the hadiths in seeking a resolution to the debate between conservatives and feminists over the issue of Muslim women's participation in public space, this chapter is one of the first of three that will examine the hadiths to determine what they reveal about the lives of the early Muslim women. In doing so, it is envisaged that some form of resolution can be sought on the contentious points pertaining to the scriptural ordinances that remain unsatisfactorily unresolved.

This chapter will only be confined to one particular indicator of participation, namely the level of women's access to public congregational prayers for two main reasons. The first reason is simply that the number of hadiths pertaining to this indicator of participation has been found to be so numerous that they require such extensive coverage. Secondly, because this issue occupies relatively greater focus in the discourses of both Mawdudi and Stowasser compared to other indicators of participation, this study will likewise equally treat this indicator of participation extensively.

Before examining the hadiths, there will first be an outline of the methodology that will be adopted in examining the hadiths presented in this chapter and the next two chapters. The chapter will conclude with an evaluation of what the applied methodology reveals in terms of the level of women's access to public congregational prayers.

3.2 Methodology

As explained in the previous chapter, the methodology that will be applied in this research will attempt to avoid the over selectivity and bias that has afflicted the approaches of both conservative and feminists thinkers who deploy the hadiths in their arguments.

Mawdudi, it was shown (1.5.4), gave undue prominence to "restrictive" hadith and assumed them to be necessarily predicated on the need to maintain gender segregation. This was an assumption that furthermore also influenced his interpretation of other hadiths so that "permissive" hadiths were either relegated to that of a concessionary or non-obligatory status or more often than not imputed with restrictive meanings.

On the other hand it was shown (2.2.4) Stowasser gave prominence to "permissive " hadith whilst disregarding the "restrictive" hadith. However not only is the categorization of hadith into "permissive" and "restrictive" subjectively driven but also it represents the worst kind of historiography. Moreover Stowasser like Mawdudi also assumes the "restrictive" hadith are necessarily predicated on the need to maintain gender segregation.

Thus ultimately it is the approach to the "restrictive" hadiths that proves to be the most problematic aspect of the approaches of both conservative and feminist thinkers and what effectively consequently contributes to the selectivity they exhibit in their approaches. And it can be soundly concluded that at the root of the problematic stance towards these "restrictive" hadiths is the assumption that they are necessarily predicated on the need to maintain gender segregation. It is important to address this assumption since ultimately it sustains conservative attempts at women's restrictions from public

space. For as shown in Chapter one women's restriction from public space is justified on two main premises. The first being that they are divinely ordained to assume domestic responsibilities in private space and the second being Islam mandates gender segregation which is read not just into the seclusion directive as shown in 1.4.2 but also further into the "restrictive" hadiths as shown in 1.5.4. However as has been argued in a number of places (1.5.2, 1.5.3, 2.2.4), such an assumption cannot be made until the hadith literature is not examined fully and systematically to determine what underlying causes such "restrictions" are based on. This is thus predominately the reason why both partisans of the debate prove to be literal in their approach. However the contention of this thesis is that when such "restrictive" hadiths are read within the context of other hadiths, they may found to be based on reasons other than to maintain gender segregation. It is possible for hadiths to be based "upon consideration of particular temporal condition in order to realize a recognized public good, to ward off a specific harm, or to deal with a difficulty existing at the time" as Qaradawi puts it.[1] And certainly his reasoning is sound for he argues that unlike the Qur'an, which is general and permanent by nature, the Sunnah often deals with "localised difficulties, partial and time –bound matters."[2] And if this proves to be so in the case of the "restrictive" hadiths, their rulings will only apply as long as the reason that they were founded on stays in force. Such hadiths simply then cannot be used to sustain women's restriction from public space as a universal restriction for all times, places and circumstances.

The viability of the hadith literature to act as its own source of contextual information in determining the underlying causes on which a hadith may be based has already been

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[1] Qaradawi, *Approaching the Sunnah*: *Comprehension & Controversy*. Translated by Jamil Qureshi. London: The International Institute of Islamic Thought, 2006, p.124.
[2] Qaradawi, *Approaching the Sunnah*, p.125.

illustrated in 1.5.2, where it was shown how Qaradawi aptly illustrated it with the

example of the hadith that relates how God will not speak to those who wear their *izār*

low. Here he challenged its literal interpretation, i.e. punishment for all of those wear the

izār low by reading it within the context of other hadith pertaining to the issue to argue

that punishment was only incurred by those who wear it low with conceit. Whilst of

course this example is not relevant to women issues, nevertheless this methodology

would prove highly useful in determining what causes apparently restrictive hadiths

pertaining to the various indicators of participation are based on.

This methodology essentially builds on the traditional emphasises on collating all the

hadiths together and reading them within the context of each other in order to ensure a

proper and correct understanding.[3] Traditionally as was also highlighted in 1.5.2, there

has also been an emphasis on determining the underlying causes of hadiths in order to

also ensure a correct interpretation.[4] Qaradawi here however highlights the possibility of

the hadith literature itself to act as a source of contextual information to help determine

not just a correct interpretation but also the underlying causes that a given Prophetic

saying may be based on.

It must be recalled amongst Qaradawi's evidence was a hadith depicting Muhammad

trailing his *izār* low.[5] This is a hadith that does not relate what Muhammad actually said

regarding the wearing of the *izār* but depicts the actual practice in relation to the wearing

of the *izār*. The latter type of hadith will be identified as "hadith depicting practice"

whilst the former will be identified as a "Prophetic saying". The usefulness of the hadith

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[3] See for example, Islahi, *Fundamentals of Hadith Interpretation.* Translated by Tariq M. Hashmi.
Lahore, Pakistan: Al-Mawrid, 2013.
[4] Islahi, A.A, *Fundamentals of Hadith Interpretation*.
[5] See 1.5.2.

depicting practice in challenging the literal interpretation the Prophetic saying that warns of the punishment incurred by those who wear the *izār* low may have become evident since it clearly illustrates that a literal interpretation of the Prophetic saying cannot be upheld. In other words, the actual practice here of Muhammad is serving to clarify the purport of his saying on the matter. Hadith depicting practice therefore inevitably shed light on determining a correct interpretation of a Prophetic saying. They have also been traditionally used to determine also what the normative position may have been on a given issue. Gabriel Haddad for example uses the following hadith to establish that there was a norm of permissibility for women to visit the graves:

> The Apostle of Allah happened to pass by a woman (who was sitting) by the side of a grave.[6]

Mawdudi, it must be recalled also resorted to this methodology but only arbitrarily and selectively. This is seen for example in his attempts to support a restrictive interpretation for the Prophetic instruction that women should not be prevented from attending congregational prayers by referring to Umar's practice of preventing one of his wives from attending congregational prayers. Umar's actions, Mawdudi asserts, clearly shows the intent of the Prophetic instruction was not to encourage women's active participation.[7]

This research will also search for such hadiths and use them either to seek a correct interpretation on a given Prophetic saying or to determine what the normative position may have been on a given issue. But it will use it as a consistent principle in interpreting the hadiths and furthermore also extend it to hadiths that depict the practice only incidentally. For example, women and congregational prayers is not the subject of the

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[6] Muslim, 11:926c.
[7] See 1.5.3.

following hadith, but nevertheless women's participation in congregational prayers can

be extrapolated by a careful reading of the hadith:

> Narrated `Amr bin Salama: "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? Who is that man? They would say, "That man claims that
> Allah has sent him (as an Apostle), that he has been divinely inspired, 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) … my father hurried to
> embrace Islam before (the other members of) my tribe… The Prophet afterwards
> said to them, 'Offer such-and-such prayer at such-and-such time, and when the
> time for the prayer becomes due, then one of you should pronounce the Adhan
> (for the prayer), and let the one amongst you who knows Qur'an most should,
> lead the prayer." So they looked for such a person and found none who knew
> more Qur'an than I because of the Qur'anic material, which I used to learn from
> the caravans. They therefore made me their Imam (to lead the prayer) and at that
> time I was a boy of six or seven years, wearing a Burda (i.e. a black square
> garment) proved to be very short for me (and my body became partly naked). A
> lady from the tribe said, "Won't you cover the backside 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."[8]

Searching for such hadiths is informed by Hoef's proposal; he advocates that a fruitful

means of determining the reality of the lives of the early Muslim women is searching for

those hadiths that are not about women but which provide "context and elements …for

evidence of women's lives," drawing on Peskowitz's observation that "gender can be

most powerful in ordinariness, in things that become common, nearly invisible until they

seem natural." [9] He seeks sanction for the viability of such hadiths as a credible source to

determine the reality of the lives of the early Muslim women in the methodology the

Mālikī School of law (*madhhab*) on the reasoning that the Mālikī *madhhab* similarly

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[8] Bukhārī, 64:4302.
[9] Hoefs, P, 'Women in the Sunnah of Muhammad:'Amal ahl al-Madinah and its Potential Impact on Women in Islam', Paper presented at AMSS 34th Annual Conference 'Muslims and Islam in the Chaotic Modern World: Relations of Muslims among Themselves and with Others'. Temple University, Philadelphia, 2005, p.24.

sought for the *Sunnah* of Muhammad in the living practice of the people of Medina.[10]

Indeed this is very clearly expressed in the following statement of a prominent Mālikī

jurist:

> …Ḥadīth may be subject to forgetfulness, error, uncertainties, different possible interpretations, and abrogation; some untrustworthy may transmit from someone who is not; there may be two different commands, both of which are possible, such as making either one or two of the taslīms (at the end of the prayers). Similarly a man may have been present when the Prophet, gave a certain command and then been absent when he told (people) to do something: he will then transmit the first command and not the second, because he does not know it …This is why Imam Mālik transmits a ḥadīth from the Prophet but then says, 'The 'amal in our city is such and such', mentioning something is different to the ḥadīth. (This is) because his city was the city of the Prophet and if the amal of his time had included such and such practice, that would become the amal of the following generation, and the generation after them, and the generation after them, and the generation after them- and it is not possible that all the people would have stopped doing something that they were all doing in his city at his time and then done something else instead- and one generation from one generation is a much greater number than from one from one. Indeed many people have related ḥadīths with complete chains of authority and then not acted according to them."[11]

The reasoning is very sound and in essence the traditional approach of using the hadith

depicting practice to determine the normative position on a given issue as was illustrated

by Haddad's use of them in establishing the permissibility of women to visit graves, is

essentially grounded in such reasoning.

Amongst Qaradawi's other evidence to challenge the literal interpretation of the hadith

that God will not speak to those who wear the *izār* low, are other narrations of this hadith.

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[10] Hoefs, 'Women in the Sunnah'.
[11] Cited by Yasin Dutton, quoting Ibn Qutayba from his work Kitāb Ta'wīl Mukhtalif al-hadīth in *The Origins of Islamic Law: The Qur'an, the Muwatta and Madina 'Amal*. Surrey: Curzon, 1999,p.50.

One of these being the hadith that stresses that God will not speak to those who wear the *izār* low *with conceit*.[12] The usefulness of other narrations in challenging the literal interpretation of a given Prophetic saying cannot be denied, for undeniably they can possibly shed light on the rationale and underlying cause on what a given Prophetic saying is based on. In this instance, the narration clearly clarifies that punishment is not incurred by all those who wear the *izār* low, but only by those who do so with conceit. Similarly this research will also resort to other narrations of a hadith here in order to determine the purport and /or underlying causes of a given Prophetic saying.

It is important here to note the distinction between 'hadith' and 'narration'. Borrowing the terminology of Brown, hadith here refers to "the instance of the Prophet speaking or acting" whereas narration represents "the varying transmissions of a hadith" given that a hadith can mutate as it is passed on from person to person and that they can " be repeated in expanded or contracted form".[13] As such, narrations are useful in providing contextual information in other ways too. This is because more often than not the "expanded forms" could possibly reveal the context in which Muhammad originally uttered a hadith or the context in which it was later repeated or even a later post prophetic period in which a hadith is recalled for the first time. Inevitably the immediate context in which a Prophetic saying is first uttered or recalled sheds invaluable light in determining how it was perceived.

Amongst Qaradawi's other evidence in challenging the literal interpretation of the hadith warning of punishment for those who wear the *izār* low, is a Prophetic saying that relates the punishment incurred by a man because of adorning himself in fine dress and

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[12] Qaradawi, *Approaching the Sunnah*, p.106.
[13] Brown, J, *Hadith: Muhammad's Legacy in the Medieval and Modern World*. Oxford: One world Publications, 2009, p.7.

admiring himself.[14] This is not a Prophetic saying related directly to the issue of the

wearing of the *izār* and neither does it depict practice pertaining to the wearing of the

izār, but it nevertheless also helps provide contextual information in which to seek a

meaning of the Prophetic saying under dispute. Such hadiths will be identified as

"contextual hadiths" in this study. From Qaradawi's example, it can be seen that such

hadiths also help determine the rationale and underlying causes on which a given

Prophetic saying may be based. This research will therefore also actively search for those

hadiths that provide any contextual information that have a bearing on the issue in hand

and indeed it is the contention of this research that it is possible to discern such

information by a careful scrutinization of all the hadiths, as the next three chapters will

clearly demonstrate.

The latter process admittedly could be prone to a certain degree of subjectivity and as

such it could mean that certain findings may be subject to being open to interpretation.

Nevertheless though on the other hand the findings here would still hold more credibility

than that of both Mawdudi's and Stowasser's since they are not based on preconceived

assumptions about what the "restrictive" hadith signify or are predicated on but do make

an attempt to allow the literature to "speak" for itself in determining what the underlying

cause may be.

Finally but not least, an analysis of key grammatical terms, concepts or words that have a

bearing on the meaning of a given hadith will also be undertaken where appropriate.

This research will take for its hadith sources the collections of Bukhārī and Muslim. This

is because on the one hand scrutinizing the *isnād* is a vital methodological procedure to

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[14] Qaradawi, *Approaching the Sunnah*, p.105.

gauge the level of reliability of the hadiths and on the other hand scrutinizing the *isnād* does not fall within the expertise of this researcher. Therefore it will confine itself strictly to the collections of Bukhārī and Muslim since traditionally these are recognized as representing the most reliable collections on the belief that the most stringent methods of verification was applied in assessing the reliability of the hadiths that constitute them. In doing so, therefore this research seeks to ensure that the credibility of its findings are not undermined on account of the inclusion of weak material, as it has been found to be the case with Mawdudi and Stowasser. There may be occasional reference to Mālik's *Muwaṭṭa'* but only when its hadiths can be independently corroborated by hadiths found in Bukhārī and Muslim.

The procedure that will thus be adopted in this study will be a scrutinization of every single hadith in the full volumes of both Bukhārī and Muslim to search not just for Prophetic sayings relating to a given issue, but also hadiths depicting the actual practice regarding a given issue and any other hadiths that shed contextual information in order to better understand the objectives and causes underlying instructions that appear restrictive. Such comprehensive gathering of the hadiths of the three types of hadiths regardless of whether they suggest a permissive or restrictive understanding, which this research identifies as and means by a 'holistic gathering', will therefore ensure there has not been over selectivity in the selection of hadiths. On the other hand interpreting the Prophetic sayings within the context of hadiths depicting practice and contextual hadith as well as other narrations, which this research identifies as and means by 'contextual reading', will ensure bias is avoided in the interpretation of the hadiths.

Scrutinization of every single hadith was conducted twice during the course of this research because initially full printed volumes of Bukhārī and Muslim were consulted

but resort was then made to an online facility[15] that was equally comprehensive and offered the English rendering alongside the Arabic for the ease of extracting and recording evidence. The only difference between this online collection and the printed volumes was the addition of translator's notes in the latter, which were not anyhow required. However only in very instances have these been referred to and are identified by the volume number preceding the book and hadith number. Otherwise all other references are to the online resources that are distinguished by a book number followed by a hadith number.

In determining the lives of the early Muslim women, this research will focus on those indicators of participation that have been deployed by both Mawdudi and Stowasser collectively, for it must be noted whilst Stowasser does not engage with indicators such as women's participation in following funeral processions and visiting graves, Mawdudi does not expend any effort in determining the use of hijab in the literature as Stowasser does. This research however will engage with all indicators of participation. Thereby there will be focus on women's level of access to congregational public prayers and their level of participation in other public endeavours such as visiting graves, following funeral processions and travelling. Certain rituals of hajj will also be examined to determine to what extent gender segregation was maintained during these as Mawdudi claims. Women's participation in jihad will also be explored, however not for determining permissibility of women's participation since this is not contested, but to what extent such permissibility is premised on dire necessity only as Mawdudi claims. As like Stowasser's approach, this research will also maintain a distinction between

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[15] www.sunnah.com

Muhammad's wives and the ordinary Muslim women to determine to what extent the seclusion directive was generalized.

Ultimately the purpose of examining the above named indicators of participation lies in determining what light they shed on the purport of the seclusion directive. However of course this is not the only directive that supports the conservative conceptualization of hijab but also the understanding that the clothing directives mandated complete veiling and the hijab directive was of general scope. Hence finally there will be an examination of the hadiths to determine to what extent they show complete veiling was observed and to what extent the hijab directive was generalized to all women.

The above examination of the hadiths, as also mentioned in the introduction of this thesis, will be addressed in the next three chapters of this thesis. So whilst this chapter will be exclusively devoted to an examination of hadiths pertaining to the level of women's access to congregational prayers, the following chapter will examine hadiths pertaining to the level of women's participation in other public endeavours. The final chapter will explore the early Muslim conception of hijab.

3.3 An Overview of the Conservative- Feminist Position On Women's Level of Access to Public Prayers.

Before exploring the hadiths pertaining to the level of women's level of access to congregational prayers, it is first worthwhile recapitulating Mawdudi and Stowasser's positions on this indicator of participation in order to clarify the research questions that will be addressed in the analysis that will follow.

Mawdudi it must be recalled (1.5.3) advocated that the hadith literature clearly indicates a norm of restriction exists for women's participation and that women wishing to offer a "prayer of less spiritual merit"[16] could only do so on meeting stringent conditions and at the most their participation was permitted for prayers during darkness since their invisibility could be maintained. Stowasser, on the other hand, (2.2.4) advocated the early Muslim women were widely participating in congregational prayer since the hadith literature clearly indicates their widespread participation in the early days of Islam.

But of course both have also been shown to be highly problematic in their approaches, Mawdudi focusing more so on the restrictive hadith and allowing his presuppositions of women's role and status affect his interpretations of them whilst Stowasser on the other hand also being equally selective. Both of course also make the assumption that apparently restrictive hadith are predicated on the need to maintain gender segregation. Moreover despite the fact that Stowasser applied a selective approach, at the most her evidence only convincingly established women's participation in nightly prayers, which as evident from Mawdudi's discourse, is not contested.[17]

Therefore there still remains a need to determine what exactly was the norm on women's participation in public prayers. Was it a norm of restriction as Mawdudi argues or that of permissibility as Stowasser argues? In attempting to answer this question, therefore there is a need to determine what the literature reveals in terms of the level of women's participation in public prayers and what the Prophetic utterances were on this issue. Were there any instructions that specifically restricted women's participation or that

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[16] Mawdudi, *Purdah*, p.208.
[17] See 1.5.2 and 2.2.4.

could accommodate a restrictive meaning? And if so, what was such restriction predicated on? In seeking an answer to these questions, in line with the methodology proposed outlined in 3.2, there will be a scrutinization of all the hadiths to determine what they reveal in terms of the actual practice of the women and the Prophetic sayings. As for those hadiths that are identified as appearing restrictive in meaning or which could possibly accommodate a restrictive meaning, an attempt will be made to determine their intent and what underlying cause they are based on by interpreting them within the context of other narrations, "hadiths depicting practice" and "contextual hadiths".

In scrutinizing the hadiths, every single hadith in the collections of Bukhārī and Muslim will be examined and any hadith that makes mention of women and congregational prayers will be selected for analysis, regardless of whether it suggests a "restrictive" or "permissive" meaning and this applies to both the hadiths depicting practice and Prophetic sayings. In the case of hadiths this research identifies as "contextual" hadiths, any hadiths that make mention of congregational prayers and shed any possible information that would have a bearing on the issue in hand or a given Prophetic saying, will also be selected for analysis.

3.4 Findings

The findings below represent all the hadiths identified as pertaining to congregational prayers by a scrutinization of every single hadith in the full collections of both Bukhārī and Muslim as according to the procedure outlined above. From a numerical perspective,

the findings identified forty-one hadiths relevant to the discussion of congregational prayers and this is excluding their narrations. Far more abundant in terms of numerical count were the hadiths depicting practice, twenty two in total, nineteen of which depicted women's participation in congregational prayers whilst three depicted them praying at home. Eight of the hadiths depicted Prophetic sayings whilst the remainder relate to contextual information. These findings will be analysed in more detail in the two sections that follow.

3.4.1Hadiths Depicting Practice

Three of the nineteen depicting women's participation in congregational prayers, confirm Mawdudi and Stowasser's position that women attended *fajr* and *'īsha'* prayers. The first one of these is 'Ā'ishah's widely transmitted hadith as also cited by both Stowasser and Mawdudi given its explicit reference to *fajr* prayers:

> Narrated ``Ā'ishah: Allah's Messenger used to offer the *Fajr* prayer when it was still dark and the believing women used to return (after finishing their prayer) and nobody could recognize them owing to darkness, or they could not recognize one another.[18]

The second confirms participation in both *'īsha'* and *fajr* prayers:

> Narrated Ibn 'Umar : One of the wives of 'Umar (bin Al-Khattab) used to offer the fajr and the isha Ṣalāh in congregation in the mosque… [19]

Equally indicative is the third hadith:

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[18] Bukhārī, 8:372,9:578,10: 867, 872. Muslim 5:645a, 646b, 646c.
[19] Bukhārī, 11: 900.

> Narrated 'Ā'ishah: Allah's Messenger once delayed the *Ishā* prayers and that was during the days when Islam still had not spread. The Prophet did not come out till 'Umar had informed him that the women and children had slept. Then he came out and said to the people in the mosque [*li-l-ahl fīl masjid*]: "None amongst the dwellers of the earth has been waiting for it (*Ishā* prayers) except you."[20]

There are two particular aspects about this hadith that confirm women's participation in *'īsha'* prayers. Firstly 'Umar's remark that all women and children had gone to sleep appears to suggest women were an anticipated constituent of congregational prayers, though of course it could be equally considered an incidental remark to show how late *'īsha'* had been delayed. However, on the other hand, women's participation appears to be strongly suggested in the Prophetic response. For in addressing the 'people in the mosque' resort is made to the term *ahl* for 'people' and this carries connotations of folk, family, kinsfolk, people, members and followers so strongly suggesting a mixed gathering was being addressed. Moreover this reading is further confirmed by Bukhārī's designation of another narration of this hadith under the chapter heading of: 'The going of women to the mosques at night and in the darkness', even though this narration does not even allude to what kind of group the Prophet is addressing:

> Narrated ''Ā'ishah: Once Allah's Messenger delayed the *`Isha'* prayer till `Umar informed him that the women and children had slept. The Prophet came out and said, "None except you from amongst the dwellers of earth is waiting for this prayer." …[21]

There is additionally an explicit Prophetic saying referring to this matter, its discussion however shall be deferred until the next section (3.4.2) in line with the structure of the presentation of the findings.

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[20] Bukhārī, 9:566.
[21] Bukhārī, 10: 864.

The other fifteen hadiths however clearly depict women participating in other congregational prayers of the day and optional prayers in the mosques. One of these strongly suggests participation in *maghrib* prayers, prayer held during sunset, as explicit reference is made to this prayer in its *matn*:

> Narrated Umm Al-Fadl bint Al-Harith: I heard the Prophet reciting Surat Al-Mursalat Urfa (no.77) in the Maghrib prayer, and after that Ṣalāh he did not lead us in any Ṣalāh (prayer) till he died. [22]

This particular woman's participation is further borne out by her statement that the "Prophet did not lead us in any prayer…" Here notably the term *lanā* is used to denote 'us' that as in the English can imply a gathering of both men and women, incidentally also suggesting such participation was not confined to the experience of one woman. Furthermore the term used to denote "I heard him…"also confirms the woman's presence in congregational prayer. For the verb used to denote it, '*sami'tu*' carries connotations of the experience of hearing within the company of the speaker and not overheard from a distance as it could be construed as. Noticeably other narrations of this hadith [23] also employ this verb and a number of men resort also to it in relating what they heard Muhammad reciting in congregational prayers. [24]

Another two suggest women were attending *Juma'ah* prayers, which notably is an afternoon prayer, as confirmed by two women testifying to what *sūrah* they heard and memorised from Muhammad on Friday.[25] That this participation relates to the *Juma'ah*

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[22] Bukhārī, 64: 4429.
[23] Bukhārī, 10:763, Muslim 4: 462a and 462b.
[24] Muslim, 4:456, 457R1 and several others in the same chapter.
[25] 'Amra daughter of Abd al-Rahman reported on the authority of the sister of Amra, I memorised (surah) Qaf:" By the glorious Qur'an" from the mouth of the Messenger of Allah on Friday for he

prayer is confirmed by an explicit reference to the fact that it was recited along with the

sermon, and this only takes place during *Juma 'ah*.[26]

Women it appears were also widely participating in *'īd* prayers as confirmed by three

hadiths, the most widely transmitted being Ibn Abbās's hadith:

> Narrated Ibn `Abbas: I am a witness that Allah's Messenger offered the Id prayer
> before delivering the sermon and then he thought that the women would not be
> able to hear him (because of the distance), so he went to them along with Bilal
> who was spreading his garment. The Prophet advised and ordered them to give in
> charity. So the women started giving their ornaments (in charity)…[27]

Equally indicative are the following two hadiths:

> Narrated Um `Atiya: We used to be ordered to come out on the Day of `Id …
> stand behind the men and say Takbir along with them and invoke Allah along
> with them …[28]

> Narrated Ibn Juraij: `Ata' said, "Jabir bin `Abdullah said, 'The Prophet went out
> on the Day of `Id-ul-Fitr … When the Prophet of Allah finished (the Khutba), he
> went to the women and preached to them, ... Bilal was spreading his garment and
> the ladies were putting alms in it.' "I said to Ata, "Do you think it incumbent upon
> an Imam to go to the women and preach to them after finishing the prayer and
> Khutba?" `Ata' said, "No doubt it is incumbent on Imams to do so, and why
> should they not do so?"[29]

Ibn Jurayj's hadith reveals two additional worthy observations. Not only does it of

course confirm women's participation during the Prophetic era but additionally since he

questions 'Ata whether it is incumbent upon the Imam (leader of congregational prayer)

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recited it on the pulpit on-every Friday. Muslim 872a. Testimony of the second woman is presented
in the next footnote.
[26] The daughter of Haritha b. Nu'man said:I did not memorise (Surah) Qaf but from the mouth of
the Messenger of Allah as he used to deliver the sermon along with it on every Friday…Muslim
872b.
[27] Bukhārī, 24:1449.
[28] Bukhārī 13:971.
[29] Bukhārī, 13: 958, 959, 960 & 961.

to go and preach to women it appears to strongly suggests women's participation was anticipated as a matter of course. Moreover this narration reveals such participation was anticipated and prevalent beyond the Prophetic era into the second century of Islam, since both Ibn Jurayj (d.150AH) and 'Ata (33-115AH) are prominent second century of Islam hadith scholars.[30]

The literature additionally also reveals that women partook in other congregational rituals in the mosque in the days just before *'īd* as suggested in the following hadith:

> 'Umar during his stay at Mina, used to say Takbir in his tent (with a loud voice) that the people in the mosque would hear it and they too would start saying Takbir and the people in the market too would do the same and then the whole of Mina would quiver with Takbir… Maimuna used to say Takbir on the day of Nahl. The women used to say Takbir behind Aban bin 'Uthman and 'Umar bin 'Abdul Aziz, along with the men in the mosque during the nights of Tashriq.[31]

That this hadith refers to rituals during hajj is evidenced by its reference to Umar's stay at Mina and the nights of *tashrīq*, two significant events of hajj preceding celebrations of *'īd*. Noticeably again this hadith confirms women's participation well beyond the post prophetic since it serves to illustrate the practice of succeeding caliphs which it must be noted extends to the Umayyad period, almost half a century after Muhammad's demise, given explicit mention of the practice of the Umayyad caliph 'Umar bin 'Abdul 'Aziz (d.101AH). [32]

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[30] Motzki, Harald, *The Origins of Islamic Jurisprudence: Meccan Fiqh Before the Classical Schools*. Translated by Marion H. Katz. Leiden: Brill, 2002. The Hadith of 'Ata are particularly esteemed since he related from two eminent hadith teachers, Ibn Abbās and Abdullah Ibn 'Umar.

[31] Bukhārī, 13, Chapter 12: no hadith number.

[32] Bosworth, C.E, *Islamic Surveys: The Islamic Dynasties*. Edinburgh: Edinburgh University Press, 1967, p.5.

It must be mentioned that a reference to women's participation to *ʿīd* prayers also appears in a Prophetic instruction, the discussion of this however will be deferred until the next section in line with this chapter's structure. Suffice to conclude at this point that certainly as far as hadith depicting practice are concerned; it shows participation of women in *ʿīd* prayers to be a widespread and common occurrence, extending well beyond the Prophetic era.

Besides evidencing widespread participation in *ʿīd* prayers, the literature also strongly indicates women's participation in a prayer for a solar eclipse and this too appears to be well attended by women. This is because two hadiths depict women testifying to their own participation but also incidentally that of other women too,[33] one of these explicitly confirming such participation was undertaken alongside with men.[34] Moreover even Muhammad's wife ʿĀʾishah testifies not just to her own participation but that of other women too, her participation being confirmed by an explicit reference to entering into the women's company in the mosque and additionally suggested by her observation of Muhammad's actions during prayer:

> …The Messenger of Allah mounted one morning on the ride, and the sun eclipsed. 'A'isha said: I came in the company of the women in the mosque from behind the rooms. The Messenger of Allah … came to the place of worship where he used to pray. He stood up (to pray) and the people stood behind him.

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[33] Asma' daughter of Abū Bakr reported: The sun eclipsed during the lifetime of the Apostle of Allah... I saw the Messenger of Allah standing in prayer. I stood along with him. He prolonged his qiyam till I wished to sit down. Then I cast a glance towards an old woman. So I said: She is older than I. I, therefore, kept standing. He (the Prophet) then observed ruku', and prolonged his ruku'. He then raised his head. He then prolonged his qiyam to such an extent that if a person happened to come he would have thought that he had not observed the ruku'. Bukhārī 30:1981.

[34] Amir b. Sharahil Sha'bi Sha'b Hamdan reported that he asked Fatima, daughter of Qais … Narrate to me a Hadith which you had heard directly from Allah's Messenger ... She said:... I heard the voice of an announcer making an announcement that the prayer would be observed in the mosque (where) congregational prayer (is observed). So I set out towards that mosque and observed prayer along with Allah's Messenger and I was in the row of the women, which was near the row of men. Muslim 41:7028.

'A'isha said: He stood for a long time. He then bowed and it was a long ruku'. He then raised his head and he stood for a long time, less than the first standing. He then bowed and his ruku' was long, but it was less than that (the first) ruku'…[35]

These prayers incidentally were performed in 10AH since another hadith records eclipsing of the sun on the day Muhammad's son Ibrahim died, which occurred in 10AH, notably even this hadith alludes to women's participation.[36] The location of this prayer in the very late Prophetic period is significant since most practices were undoubtedly normative by this time, hence strongly suggesting women's participation in congregational prayers as normative. Moreover the hijab directive had also been revealed well before this incident and since the hadith depicts 'Ā'ishah's participation, it also appears to challenge the notion of hijab as restricting the Prophet's wives mobility and participation in public prayer.

Besides all the above foregoing evidence confirming women's participation in various congregational prayers, two hadiths depict Muhammad's wives attending mosque for optional prayers, the first one of these being the following:

Narrated Anas bin Malik: Once the Prophet entered (the mosque) and saw a rope hanging between its two pillars. He said, "This rope is for Zainab who, when she feels tired, holds it (to keep standing in the Ṣalāh). The Prophet said, "Don't use it. Remove the rope. You should offer Ṣalāh as long as you feel active, and when you get tired, sit down."[37]

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[35] Muslim 10:903a.
[36] Jabir reported that the sun had eclipsed during the lifetime of the Messenger of Allah on the very day that Ibrahim (the Prophet's son) died. The Apostle of Allah stood up and led the people … he then moved backward and the rows behind him also moved backward till he reached the extreme (Abū Bakr said: till he reached near the women)…Muslim, 10: 904R1.
[37] Bukhārī, 9:1150.

That it refers to non-compulsory prayer is evident from two observations. In the first

place compulsory prayers are never so long that means must be employed to retain

posture. Secondly is Bukhārī's designation of this hadith into the Book of *Salat al-*

Taḥajjud and these are optional twilight prayers, offered between '*īsha'* and *fajr* prayers.

Interestingly Zaynab mentioned here is none other than the Prophet's wife, Zaynab bint-i

Jaḥsh as clarified in Muslim's compilation.[38] Thereby this hadith is undoubtedly located

in a period after revelation of hijab directive since this directive was revealed during

Zaynab's wedding to Muhammad, appearing to challenge once again the notion that

hijab restricted the mobility and public participation of Muhammad's wives, a point

which will be discussed more fully in Chapter 5.

The second of the hadiths pertaining to participation of Muhammad's wives in optional

prayers in the mosque is the one depicting them observing *i'tikāf,* an optional practice of

secluding in the fasting month of Ramadan for complete devotion to prayers in the

mosque in which there is a categorical reference to three of Muhammad's wives and the

mosque as the place of undertaking this practice:

> Narrated `Amra bint `Abdur-Rahman from ``Ā'ishah: Allah's Messenger used to
> practice I`tikaf every year in the month of Ramadan. And after offering the
> morning prayer, he used to enter the place of his I`tikaf. ``Ā'ishah asked his
> permission to let her practice I`tikaf and he allowed her, and so she pitched a tent
> in the mosque. When Hafsa heard of that, she also pitched a tent (for herself), and
> when Zainab heard of that, she too pitched another tent…[39]

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[38] Muslim, 6:784.
[39] Bukhārī, 33: 2041.

Again it must be noted the Zaynab referred to is no other than Zaynab bint-i Jaḥsh since this is clearly confirmed in another narration,[40] thereby clearly locating this event also in a period after revelation of hijab. Moreover this practice was not just confined to Muhammad and his family, but was also practice of other men too as confirmed by Abu Sa`id's participation in this practice.[41] Hence once again the literature depicts clear evidence to confirm hijab directive and or else the seclusion directive appeared not to restrict mobility and restriction of Muhammad's wives from public space even for what are clearly public prayers and practices not of an obligatory nature.

Up until now, establishing what forms of prayers women participated in the foregoing hadith has been relatively easy given explicit referral to the forms of prayer in the hadiths. However there are five hadiths in which the form of prayer cannot be determined. They could or possibly not add to the body of evidence presented above; nevertheless they further provide unquestionable evidence for women's participation.

One of these indeed postulates women's participation was anticipated as the norm even beyond the confines of Medina and that too in the very late prophetic period since explicit internal evidence locates it in the period after the Conquest of Mecca (8AH) three years before Muhammad's demise, this being the somewhat amusing hadith that was cited earlier in the methodology (3.2) relating the joy of Amr bin Salama when a woman from amongst the congregational prayer made a longer shirt for him so that his back was not exposed to her during prayers. Since the woman requests the boy be more fully covered it strongly suggests she must have been part of the congregation, otherwise

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[40] Bukhārī, 33: 2033 and 2045.
[41] Bukhārī, 33:2040 Narrated Abu Sa`id: We practiced I`tikaf with Allah's Messenger in the middle ten days (of Ramadan). In the morning of the twentieth (of Ramadan) we shifted our baggage, but Allah's Messenger came to us and said, "Whoever was making I`tikaf should return to his place of I`tikaf. Hadith 33:2036 also affirms men's participation

such a request would be futile. In fact the second hadith strengthens the reason why it became necessary to demand such a request, this hadith incidentally also strongly suggesting women's participation was anticipated:

> Narrated Sahl bin Sa`d: The people used to pray with the Prophet tying their Izārs around their necks because of their small sizes and the women were directed that they should not raise their heads from the prostrations till the men had sat straight.[42]

This particular narration confirms the woman's participation in Amr bin Salama's narration since her request for the boy be more fully covered from the back arose because of the postures adopted during prayer could expose visibility of the Imam's backside, who is always located at the front with his backside to them.

The third hadith also incidentally depicts women's participation, this being the following widely transmitted hadith:

> Narrated `Abdullah bin Abi Qatada Al-Ansari: My father said, "Allah's Messenger said, "Whenever I stand for prayer, I want to prolong it but on hearing the cries of a child, I would shorten it as I dislike to put its mother in trouble."[43]

Internal evidence is minimal to establish its congregational nature; but on the other hand it appears to be confirmed by the fourth hadith:

> Narrated Anas bin Malik: I never prayed behind any Imam a prayer lighter and more perfect than that behind the Prophet and he used to cut short the prayer whenever he heard the cries of a child lest he should put the child's mother to trial.[44]

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[42] Bukhārī, 10: 814.
[43] Bukhārī, 10: 707, 709,710, 868.
[44] Bukhārī 10: 708. Muslim, 4:470b.

Here the narrator's reference to an Imam strongly suggests the congregational nature of this prayer since such a role is largely appropriated in congregational prayer. Moreover this is positively confirmed by Bukhārī's designation of the above two hadiths and their numerous narrations in Book 10: The Call to Prayers, and heading 'Abdullāh bin Abi Qatadā's narration under the chapter title: "The waiting of the people for the religious learned Imam to get up" thereby further confirming its reference to congregational prayers.

The fifth hadith that relates to etiquettes in mosque also equally suggests both the anticipation and participation of women, this being Umm Salamah's widely transmitted detailing that after Muhammad would finish prayer, the women would get up to leave whilst the men remained in their places.[45] What is particularly interesting about these narrations is that the sub narrators in the longer versions express uncertainty as to why Muhammad remained seated and attempt to speculate its reasons. Both Az-Zuhri and Ibn Shihib, in a number of narrations, speculate Muhamamd remained seated so that women might leave before men, Az-Zuhri adding 'before men could get in touch /catch up with them.[46] It is significant that neither of them suggests such a measure was adopted to maintain gender segregation. Their uncertainty strongly suggests the absence of any developed notion of the need to maintain gender segregation extending again well into the Umayyad period since Az-Zuhri refers here to the distinguished hadith transmitter and compiler of the first official collection of hadiths, as commissioned during the Umayyad Caliphate.[47] Interestingly this hadith is transmitted only ever on the authority of one of Muhammad's wives, Umm Salamah, strongly suggesting her participation in

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[45] Bukhārī, 10:866.
[46] Bukhārī: 10: 837, 849, 850, 870, 875.
[47] Azami, M.M, *Studies in Early Hadith Literature*. Indianapolis: American Trust Publications, 1992.

public prayer and thereby adding to the growing evidence that Muhammad's wives were not restricted from participation in congregational prayers.

Against these aforementioned hadiths that clearly depict women's presence in congregational prayers, there are only three that depict them praying at home. However all these hadiths also further depict Muhammad and his servant, Anas bin Mālik, also praying with the women.[48] Moreover it is also clear that the prayers being conducted here are the supererogatory prayers, which as will be seen in the next section, are prayers that Muhammad recommended both men and women to pray at home anyhow. That such prayers are being undertaken in these hadiths is evidenced in the first place by the fact that one of them clearly refers to the fact that Muhammad performed only two *rak'ahs*,[49] which most definitely constitutes supererogatory prayers since congregational prayers constitute more than two *rak'ahs*. Secondly Muslim classifies the latter hadith and another under the heading that begins with " Permissibility of performing supererogatory prayers in congregation…"[50]

Finally mention must be made that the findings also interestingly reveal that the mosque was open to women in a number of other ways too. It appears the mosque was open for women to live and sleep as evident in the following hadith:

> Narrated ``'Ā'ishah: There was a black slave girl belonging to an 'Arab tribe and they manumitted her …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.[51]

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[48] Bukhārī 10:727 & 860. Muslim 5:660.
[49] A cycle of movements repeated during prayers, one standing, bowing and prostration representing one *rak'ah*.
[50] Muslim, 10:658 & 660.
[51] Bukhārī, 8: 439.

The fact that Bukhārī classifies it under the heading of "The sleeping of a woman in the mosque (and residing in it)" appears to suggest such access would be available to women in general and not just slave women since he uses the generic term *imrā't* which designates all women and not specifically slaves. Such access, it must be noted was permitted at a time that unmarried men were also sleeping in the mosque as clearly evident from `Abdullah bin `Umar's testimony that he slept in the mosque of the Prophet while he was young and unmarried, a hadith which Bukhārī similarly classifies under the chapter heading of "The sleeping of a man in the mosque".[52]

If the sleeping of men and women in the mosque could be permitted, it becomes untenable to uphold the position that Muhammad would have sought to restrict women's access to congregational prayers. Moreover there is even an instance of a woman visiting a sick man in the mosque.[53] The woman notably is Umm Al-Dardā' (d.81AH), a prominent first century most learned scholar[54] suggesting thereby not just that the mosque was open to women for such interactions up until the first century but that such interaction would not be in contravention to Prophetic teachings. Finally there is also an indication that women may have been working in the mosque:

> Narrated Abu Rafi: Abu Hurairah said, " A man or a woman used to clean the mosque." (Sub narrator added 'most probably a woman.') Then he narrated a Hadith of the Prophet where it is mentioned that he offered her funeral prayer at her grave.[55]

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[52] Bukhārī, 8: 440. Muslim also reports a similar hadith, 44: 2479b.
[53] Bukhārī, Vol.7, Book 75: no hadith number.
[54] Nadwi, M.Akram, *Al-Muhaddithat: the Women Scholars of Islam*. Oxford: Interface Publications, 2007, p.43.

[55] Bukhārī, 8: 460. Bukhārī also records another narration, 8: 458 that also expresses uncertainty over whether it was a man or a woman.

Admittedly the evidence is not conclusive; nevertheless it reveals the working of a woman in the mosque would not be considered improper. However this is but a subsidiary point, the main purpose of the research here was to determine what the hadith depicting practice reveal in terms of the level of access for women for congregational prayers and the types of public worship they participated in. And this it has established to be clearly far more extensive than both the findings of Stowasser and Mawdudi. For not only has it shown women participated not just even in the prayers held during darkness, the only form of participation Mawdudi concedes to and which Stowasser's evidence at the most convincingly establishes, but also in other congregational prayers and equally optional prayers and practices. Moreover the findings also suggest Muhammad's wives participated just as equally in the aforementioned types of prayers, challenging thereby Stowasser's claim that seclusion was prerogatives due only of Muhammad's wives. More importantly the findings equally challenge the notion that hijab should be understood as imposing segregation from public space, not even it appears even for Muhammad's wives.

In the light of such extensive level of participation in congregational prayers, it would be difficult to sustain the position that a norm of restriction existed for women to participate in public prayers. However academic integrity requires that what Muhammad also actually said regarding women's participation should also be taken into consideration. And it is these that will be the focus of attention now as well as any contextual hadith that help determine the intent of the Prophetic sayings. As mentioned in 3.3 all the Prophetic sayings pertaining to this issue, both what appear restrictive and permissive will be collated for analysis. An attempt will be made to determine the meanings and underlying causes of these Prophetic sayings by interpreting them within the context of

the other narrations of the Prophetic sayings, hadiths depicting practice and contextual

hadiths. This will be done in order to determine to what extent the Prophetic sayings

accommodate restrictive interpretations and if they are found to be mandating restriction,

to what extent such restrictions were predicated on the need to maintain gender

segregation.

3.4.2 Hadiths Depicting Prophetic Sayings and Contextual Information

As mentioned in 3.4, eight hadiths have been identified that pertain to Prophetic sayings

on the matter of women and congregational prayers. Perhaps one of the most significant

findings is that both Bukhārī and Muslim are completely devoid of any Prophetic

instruction encouraging women to pray at home, such a hadith it must be recalled

constituted Mawdudi's first and foremost evidence in establishing his position that

women's prayer must be restricted to private space.[56] In fact, one of the eight identified

and found to be widely transmitted, positively encourages women's participation in *ʿīd*

prayers, a congregational morning prayer held on *ʿīd*, the following hadith rendering it

explicitly as a Prophetic command:

> Narrated Muhammad: Umm ʿAtiyya said, "Our Prophet ordered us to come out
> (on *ʿīd* Day) with the mature girls and the virgins staying in seclusion." Ḥafṣa
> narrated the above-mentioned hadith and added, "The mature girls or virgins
> staying in seclusion, but the menstruating women had to keep away from the
> muṣallā."[57]

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[56] Mawdudi, *Purdah*, p.206.
[57] Bukhārī, 13: 974.

It must be recalled Mawdudi contended women's participation in *ʿīd* prayers is not compulsory,[58] their participation being an entirely voluntary act on their part only if they wish to do so. A close reading of the above hadith however suggests otherwise. For here notably the command "ordered" derives from the root word *a-m-r* meaning order, command thereby strongly suggesting this Prophetic instruction is of an obligatory nature. Moreover the obligatory status of this saying is substantially reinforced by the sheer level of women's participation in this prayer as shown in 3.4.1. Had Mawdudi taken this Prophetic saying into consideration, a saying which he noticeably fails to acknowledge, it would have become untenable to relegate the hadith depicting women's participation in *ʿīd*, to that of no more than optional involvement on part of women as he did.

Furthermore a longer narration of the hadith reveals that the Prophet sought actively not just to encourage participation but also discourage non–participation, and moreover recommended a solution in response to excuses presented to avoid participation:

> Narrated Aiyub: Hafsa bint Seereen said, "On Id we used to forbid our girls to go out for `Id prayer. A lady came and stayed at the palace of Bani Khalaf and I went to her… Once she asked, 'O Allah's Messenger! If a woman has no veil [jilbab], is there any harm if she does not come out (on `Id day)?' The Prophet said, 'Her companion should let her share her veil [jilbab] with her, and the women should participate in the good deeds and in the religious gatherings of the believers.' " Hafsa added, "When Um-`Atiya came, I went to her and asked her, 'Did you hear anything about so-and-so?' Um-`Atiya said, …He said, 'Virgin mature girls staying often screened (or said, 'Mature girls and virgins staying often screened--Aiyub is not sure as which was right) and menstruating women should come out (on the `Id day). But the menstruating women should keep away from the Musalla. And all the women should participate in the good deeds and in the religious gatherings of the believers'." Hafsa said, "On that I said to Um-

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[58] Mawdudi, *Purdah*, p.211.

`Atiya, 'Also those who are menstruating?' "Um-`Atiya replied, "Yes. Do they not present themselves at `Arafat and elsewhere?"[59]

Interestingly the solution comes in the form of jilbab, this namely the directive calling on women to distinguish themselves in public space by an outer garment which would have been promulgated by the time of this hadith since the first hajj was undertaken in 7AH[60] after the revelation of jilbab directive and this hadith very clearly refers to *'īd* prayers of hajj given its reference to Arafat.

This longer version additionally reveals a number of other interesting findings. Firstly it clearly suggests prevalence of restrictive attitudes towards women's participation, emanating not from religious reasons but cultural attitudes for otherwise Muhammad would not be opposing such restriction. Moreover it appears such restrictive attitudes furthermore were not just confined to Prophetic era but continued into the second century of Islam since its narrator Hafsa bint Sirīn was sister of first century scholar Mohammad bin Sirīn (33- 110AH)[61] and she is testifying to a prevalent practice of restricting women from participation in *'īd* prayers. However it must though be noted restriction seems to be only enforced in the case of certain groups of women, those menstruating and screening themselves, suggesting by implication women outside these groups were not subject to such restriction and so could participate freely.

The restriction of menstruating women's is comprehensible given praying and nearing prayer places is religiously not permitted during menstruation, however the hadith

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[59] Bukhārī, 13:980.
[60] Tabari, *The History of Al-Tabari, Vol.8. The Victory of Islam*, 1997, p.143.
[61] Nadwi, *Al-Muhaddithat*, p.101.

clearly indicates it was a misconception to extend such restriction to other religious rites of *'īd*.

Why certain women were kept screened raises the question why such practice existed and to what extent it could be attributed to religious causes since it certainly appears to entail some form of physical denial of a woman's appearance as appears also to be the function of the hijab directive. However it is important to note here that there is no reference to the term hijab in any of these narrations, rather what appears commonly in the original language is the term الْعَوَاتِقَ وَذَوَاتِ الْخُدُور, (*al-a'wātiqa wa-dhuwāt al- khudūr*), the meaning of which will be explored in some depth.

The term *khudūr*, plural of *khidr* derives from the root word *kh-d-r* that according to Lane's lexicon means "he or they (namely the family) made a girl to keep herself behind or within the curtain and kept her from menial employment and from going out to accomplish her needs, *Khidr* thereby referring to a curtain extended for a girl in a part of a house or chamber or tent of the like that conceals a person: or a chamber or house or tent in which is a woman, not otherwise".[62] In the sense it denies women's physical appearance, it certainly appears to have some resemblance to hijab. However unlike hijab that appears to be applicable for Muhammad's wives and or all women depending on whether it is open to generalization, this screening appears to be applicable to only a certain group of women, referred to as *'wātiqa*. This term as defined by Lane refers to "a girl who has attained to the commencement of the state of puberty and become kept behind the curtain, in the tent, or house of her family and not been separated to a husband, so called because she has passed forth from the state of childhood and attained to be marriageable; or because she has passed forth the state or condition of serving her father

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[62] Lane's online lexicon, p707-708.

and mother and has not yet been possessed by a husband". Another opinion is that "she

has attained to the wearing of a garment called *dhir* and has passed forth from the state of

childhood and of being required to help in the service of the family; or such is between

the stages of puberty and middle age or a woman who has passed forth from the

condition of serving her father and mother and from being possessed by a husband".[63]

This probably explains the uncertainty expressed by some narrators in the hadith cited

above as to whether it referred to mature girls or virgins staying in seclusion. [64]

Regardless of the difference, however what is common between these women is that they

are of marriageable age but unmarried so that it is most likely screening served to signify

such status. Moreover the cultural origin of this practice appears to be strongly

confirmed by historical documentation as in the highly regarded and reputed pre-Islamic

Odes, the *Mu'allaqat* of Imra ul qays that uses the term *khidr* in its reference to veiled

women in their tents [65] and Ahmed's historical investigation.[66]

The implications of this Prophetic instruction are profound. Here is a Prophet both

positively encouraging women's participation and challenging restriction of certain

women kept culturally secluded to participate in what undoubtedly are very large and

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[63]Lane's online lexicon, p.1948.

[64] This commonality is borne out in another version of the long narration:

Narrated Hafsa: (On `Id) We used to forbid our virgins to go out (for `Id prayer). A lady came and stayed at the Palace of Bani Khalaf…her sister asked Allah's Messenger "Is there any harm for a woman to stay at home if she doesn't have a veil?" He said, "She should cover herself with the veil of her companion and she should take part in the good deeds and in the religious gatherings of the believers." When Um 'Atiyya came, I asked her. "Did you hear anything about that?" She replied in the affirmative and said, "… He told us that **unmarried mature virgins who stay often screened or unmarried young virgins and mature girls who stay often screened** should come out and take part in the good deeds and in the religious gatherings of the believers…Bukhārī, 1652

[65] Pishgar, Ahad, *Imra' ul-Qays: Father of Simile in Pre-Islamic Times*. www.allamaiqbal.com/publications/journals/review/apr07/7.htm, n.d. (Accessed 11th June 2011).

[66] Ahmed, Leila, *Women and Gender*.

mixed gatherings. This being the case it clearly and significantly undermines the notion

that the underlying causes of apparently "restrictive" Prophetic instructions are

predicated on the need to maintain gender segregation as Mawdudi so staunchly

advocates, which he does so without recourse to any convincing evidence. But here we

find a hadith that very clearly challenges Mawdudi's claim. Moreover if surely

maintaining gender segregation were so imperative, would it not be applied more

vigorously in such large and mixed gatherings? Another implication of this Prophetic

instruction is that even if the participation of women kept culturally secluded is being

encouraged, undoubtedly therefore participation of women outside this group would be

unquestionably anticipated.

The second Prophetic saying is the widely transmitted and narrated instruction calling on

men not to prevent their wives from going to the mosque as cited by both Mawdudi and

Stowasser, one of its short narrations reading as follows:

> Salim narrated it from his father ('Abdullah b. Umar) that the Messenger of Allah
> said: When women ask permission for going to the mosque, do not prevent
> them.[67]

All other short narrations of this hadith are also narrated on the authority of 'Abdullāh

Ibn 'Umar,[68] one of which additionally includes the stipulation of night:

> Narrated Ibn 'Umar: The Prophet said, "Allow women to go to the Mosques at
> night." [69]

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[67] Muslim, 4:442a.
[68] Bukhārī, 67: 5238, Muslim 4:442 a & c.
[69] Bukhārī, 11:899.

It must be recalled whilst on the one hand Stowasser understood this instruction within

the context of a growing debate regarding women's access to public prayer,[70] Mawdudi

on the other hand interpreted it in a restrictive sense to argue it shows women should not

be actively encouraged to participate in public prayers but only that they cannot be

denied participation if they seek permission.[71] This interpretation however is strongly

challenged by the sheer number of hadiths that depict women's participation as shown in

3.4.1. Moreover within the context of the previous discussion of the Prophetic instruction

encouraging women' s participation in *'īd* prayers, there are very strong grounds to

consider this instruction should be likewise considered as reflective of challenging

restrictive attitudes as a means to encourage women's participation.

In fact such intent is strongly suggested by the longer narrations of this hadith, which

incidentally as in the case of women's participation in *'īd* prayers also reveal the

development of increasingly restrictive attitudes, in fact up to third generation Muslims.

This is evident by the fact the hadith's narrator, Ibn 'Umar, was a second generation of

Muslims being the son of the prominent companion 'Umar and all its narrations clearly

record opposition on part of his own sons as evident in the following narration:

> Ibn 'Umar reported: Grant permission to women for going to the mosque in the
> night. His son who was called Waqid said: Then they would make mischief. He
> (the narrator) said: He thumped his (son's) chest and said: I am narrating to you
> the hadith of the Messenger of Allah, and you say: No! [72]

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[70] Stowasser, 'The Status of Women', p.35.

[71] Mawdudi, *Purdah*, p.208.

[72] Muslim 4:442g. Muslim also records a number of other narrations:

Ibn 'Umar reported: The Messenger of Allah said: Do not prevent women from going to the mosque at night. A boy said to 'Abdullah b. Umar: We would never let them go out, that they may not be caught in evil. He (the narrator) said: Ibn Umar reprimanded him and said. I am saying that the Messenger of Allah said this, but you say: We would not allow! Muslim 4:442e.

Had the Prophetic instruction been understood as means of discouraging women's participation then surely Ibn 'Umar's sons would have justified their opposition by resorting to this hadith or conversely Ibn 'Umar would not resort to such a Prophetic instruction to counter his son's opposition. It is moreover interesting that the oppositional stance is neither justified in any other Prophetic instruction but rather recourse is made to personal judgements. This thereby very strongly suggests the lack of Prophetic instructions that would seek to restrict women's participation in public prayers.

In the collections also found is 'Umar's practice of preventing one of his wive's participation in congregational prayers, which Mawdudi uses to justify his interpretation that the Prophetic instruction that women should not be prevented from attending mosques is an instruction not to encourage women's active participation since 'Umar's action reflects such intent.[73] However a close reading of the complete hadith, as presented below, strongly suggests 'Umar's opposition reflects a personal stance:

> Narrated Ibn 'Umar : One of the wives of 'Umar (bin Al-Khattab) used to offer the fajr and the isha Ṣalāh in congregation in the mosque. She was asked why she had come out for Ṣalāh as she knew that 'Umar disliked it, and he has great Ghaira (self respect). She replied, "What prevents him from stopping me from

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Ibn Umar reported: The Messenger of Allah said: Do not deprive women of their share of the mosques, when they seek permission from you. Bilal said: By Allah, we would certainly prevent them. 'Abdullah said: I say that the Messenger of Allah said it and you say: We would certainly prevent them! Muslim 4:442h.

Abdullah b. Umar reported: I heard Allah's Messenger say: Don't prevent your women from going to the mosque when they seek your permission. Bilal b. 'Abdullah said: By Allah, we shall certainly prevent them. On this 'Abdullah b. Umar turned towards him and reprimanded him to harshly as I had never heard him do before. He ('Abdullah b. Umar) said: I am narrating to you that which comes from the Messenger of Allah and you (have the audacity) to say: By Allah, we shall certainly prevent them. Muslim 4: 442b.
[73] Mawdudi, *Purdah*, p209.

this act?" The other replied, "The statement of Allah's Messenger: "Do not stop Allah's Ima, (women-slaves) from going to Allah's Mosques, prevents him." [74]

This is because his opposition is justified in terms of one of his characteristics, namely *ghayra*, a term which carries all the connotations of jealousy, zeal, fervour, earnest concern, vigilant care, sense of honour and self-respect derived from the root word *ghāra* which means to be jealous of, display zeal, to guard or protect jealously[75] Lane further explains this jealousy has a man's dislike of another's participating in that which is his (the former's) right.[76] That the latter aptly describes such characteristic trait of 'Umar is clearly evident from a another Prophetic hadith relating that even in a dream he dare not venture into the palace of 'Umar where a woman is residing on account of his *ghayra.*[77] Moreover another hadith suggests 'Umar did not object to other women's participation in prayers[78] and in fact the literature does not record 'Umar as objecting to the participation of other women. Thereby there is sound reason to conclude 'Umar's opposition reflects a personal stance rather than a religiously motivated one as Mawdudi claims. As such Mawdudi has no convincing premises to justify his restrictive interpretation of the Prophetic instruction that women should not be prevented from attending mosques.

A closer observation of the above Prophetic instructions, both in its shorter and longer narrations reveals that whilst some impart the instruction in a general manner, some narrations specify it for night prayers. This thus confirms both Stowasser's and Mawdudi's positions as contradictory. For on the one hand whilst Mawdudi uses the

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[74] Bukhārī, 11: 900.
[75] Wehr's lexicon, p.690.
[76] Lane's online lexicon, p2316.
[77] Bukhārī, 59:3242.
[78] This is one of the hadiths presented in the previous section to evidence women's participation in *'īsha'* prayers in which 'Umar alerts the Prophet that the time had lapsed so much for *'īsha'* prayers that the women had gone to sleep. Bukhārī 9:566.

general instruction to discourage participation, he uses versions including reference to night-time as conditioning participation.[79] On the other hand, Stowasser disregards the general instruction as reflective of a growing debate; but she uses the version specifying night time to evidence women's participation.[80]

Three of the eight Prophetic instructions relate to etiquettes to observe in the mosque. It must be noted these have found to be those sayings Mawdudi reads as conditioning women's participation.[81] The fallacy of such reasoning has already been raised in section 1.5.4, namely these stipulations conversely also delineate etiquettes for men, and yet these have not ever been construed as conditioning men's participation. For example the first of these three stipulating the best rows for women are the back rows, nevertheless also stipulates that the best rows for men are the front rows.[82] Likewise the second hadith stipulating that women clap to draw attention to an error on part of the imam, likewise stipulates men should make a verbal declaration.[83] From the latter hadith, Mawdudi maintains that one of the conditions for participating in public prayers is that women must not raise their voices.[84] However this reading appears to be strongly refuted by the hadith presented in 3.4.1 that depict women saying *Takbīr* and other supplications along with men in the mosques in the days preceding *ʿīd* and on day of *ʿīd*.[85] The reason why women must clap to alert the imam to an error during prayer must simply lie in some other cause and not that they must not be heard.

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[79] Mawdudi, *Purdah*, p.209.
[80] Stowasser, 'The Status of Women', p.35.
[81] Mawdudi, *Purdah*, p209.
[82] Abu Hurairah said: The best rows for men are the first rows, and the worst ones the last ones, and the best rows for women are the last ones and the worst ones for them are the first ones. Muslim 440a.
[83] Bukhārī 10:684, Muslim 4:421a, 422a, 422b, and 422c.
[84] Mawdudi, *Purdah*, p210.
[85] Bukhārī 13: Chapter 12, no hadith no. & Bukhārī 13:971.

The third hadith does not delineate a counterpart etiquette for men, this being the instruction women should not use perfume when attending prayers.[86] However what is noteworthy about this Prophetic instruction is that it generally makes such a stipulation for prayers of the night, suggesting that it is not a condition to be met for all prayers.[87] But more significantly the literature also reveals that Muhammad equally stressed people not come to the mosque having consumed garlic and/ or also onions according to a widely transmitted hadith.[88] In fact this hadith is transmitted far more widely and through several prominent authorities such as Ibn Abbās, Ibn 'Umar, Ibn Suhaib, Abu Hurayra Ibn Jurayj, Abu Sa'id, Abdul Aziz and Jābir bin 'Abdullah whereas the instruction for women to not perfume when attending mosques is only ever reported by Abu Hurayra and Zaynab bin Thaqafiya. Moreover whereas the latter hadith simply state women should not perfume when attending prayers, the former hadiths in the vast majority of the narrations stipulate that the person should pray at home and not in the mosque, and in fact not attend the mosques if they have consumed garlic and or onion. It is clear that this instruction is applicable to both men and women since it does not address any gender specifically. In fact some narrations clearly locate this instruction in the event of the Battle of Khaybar and it is men who testify they resorted to eating garlic out of hunger.[89] The point is that the latter hadith clearly demonstrates "restrictions" can be imposed on men too from participating in public prayers and yet such hadiths have never been construed as making their participation conditional. More significantly it demonstrates the point this research contends, this being restrictions are not necessarily predicated on the need to maintain gender segregation.

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[86] Muslim 4:443a, 443b, 444.
[87] Muslim 4:443a, 444.
[88] Muslim 9:561b, 5:562a, 562b, 564a, 564b, 564c. Bukhārī 10:854, 855, 865, 70:5451, 5452.
[89] Muslim 5:565, 563, 561a.

In light of the above discussion and the sheer number of hadiths depicting participation of women in public prayers as shown in 3.4.1, the case becomes stronger to uphold these various aforementioned Prophetic sayings relating etiquettes to observe in public prayer as testifying to women's participation in public prayers as a prevalent practice.

One of the Prophetic sayings does exhort that some prayers must be said in the home[90] but this applies to only optional prayers[91] and moreover are not addressed specifically to women but are addressed to both men and women. In fact again the longer narrations of this instruction indicate this Prophetic instruction was related within the context of Muhammad admonishing some male companions for spending too much time praying excessively in the mosque.[92]

However another widely transmitted Prophetic saying does emphasise that it is better to pray in congregation,[93] however this is for the obligatory prayers and not optional prayers as clarified by another saying that states the best prayer of a person is that which he prays in the house except the compulsory prayer.[94] Admittedly a minority of these narrations use the term *rujul* in addressing its audience, this term specifically denoting the male gender, hence the reason the likes of Mawdudi maintain it is men who are encouraged to pray in the mosque and not women. However in the first place as alluded to, it is only a minority of the narrations that specifically use this term, in fact only two of the nine narrations[95] and so the evidence is not sufficiently conclusive to render this instruction as specific to men. Secondly and perhaps more importantly the emphasis in

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[90] Bukhārī, 19:1187. Muslim 6:777a, 777b, 778.
[91] Bukhārī, 10:731.
[92] Bukhārī 10:731, Muslim 6:781a.
[93] Muslim, 5:649a, b,c,d,e & g, 650a,b & c.
[94] Bukhārī, 10:731.
[95] Muslim, 5:649b, 650a.

all these narrations is that it is better to pray in congregation because it is better to pray in groups than in isolation, as for example in one of the following narration:

> Abu Huraira reported Allah's Messenger as saying: Prayer said in a congregation is equivalent to twenty-five (prayers) as compared with the prayer said by a single person.[96]

The point is that it appears very strongly that the underlying cause for stressing people to pray in the mosques is not because it is better to pray in the mosque *per se* but because it is better to pray in groups. Indeed it was the practice of the early Muslims to pray in groups even if not in a mosque and also when travelling and even during warfare. This being the case, it severely undermines Mawdudi's argument that the emphasis is on men only to attend mosque[97] since in the main most of the narrations are not addressed to men specifically and secondly the emphasis is on encouraging congregational prayer and not the place of worship.

However two narrations of one hadith do categorically state that it is better to pray in congregation than in the home or in the markets.[98] However no gender is specified and in fact the reference to both the home and the markets can imply an audience of both men and women given that the prevalent societal roles made women predominately occupiers of homes whilst men of the markets. Secondly and more significantly the reference to markets is particularly interesting in the light of another Prophetic saying that specifically states "the parts of lands dearest to Allah are its mosques, and the parts most hateful to Allah are markets."[99] The commentator of Muslim's translation reasons this is

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[96] Muslim 5:649d.
[97] Mawdudi, *Purdah*, p206.
[98] Bukhārī 8:477 and 34:2119.
[99] Muslim, 6:671.

so because markets being places of deception and material interests are places where evil is prompted in men whilst mosques help develop God consciousness.[100] I would further argue that this provides a rationale for the Prophetic instruction for encouraging men to pray at mosques. This namely being that congregational prayer is being emphasised on in order to ensure prayer takes place in a conducive environment and not one that is distractive, since both the home and markets can become places of distraction for women and men respectively. Indeed the sources record how Muhammad and the early Muslims undertook measures to ensure distractions were kept minimal during prayer. For example Bukhārī records several instances of Muhammad showing aversion to printed material, either worn or as a screen in the home on the basis that it caused distraction during prayer.[101]

Thereby it would not be improper to reason also that if there is greater emphasis in the literature on men to attend congregational prayers, it is for the reason that they are more so surrounded in an environment that is more distractive than that of the women's. Mawdudi claimed the greater emphasis on men to attend congregational prayers is because the Sharī 'ah wants to maintain discrimination in places of worship for men and women in order to maintain gender segregation[102] but the evidence of contextual hadith clearly challenges this.

Mawdudi of course also builds his argument on the basis that the literature specifically instructs women pray at home.[103] However as stated at the beginning of this section, the

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[100] Muslim, Vol. 1.B, 5:671.
[101] Bukhārī, 8: 373, 374, 375.
[102] Mawdudi, *Purdah*, p208.
[103] Mawdudi, *Purdah*, p206. These namely being those Hadith cited from Hanbal and Abū Dāwūd which depict the Prophet instructing women it is better to pray in the home than in the mosque and that too in the most inner part of their homes.

collections of Bukhārī and Muslim record no such hadith. However if one is to take into consideration one of the narrations Mawdudi presents for his evidence, a close reading of it within the context of the foregoing discussion, suggests that it too could be understood as predicated on the need to ensure tranquillity of the praying environment. For notably the emphasis is on what constitutes a better place to pray *within* the home and not that it is better to pray in the home than in the mosque as evident in the following hadith*:*

> 'Abd Allah (b. Mas'ud) reported the prophet (may peace be upon him) as saying; it is more excellent for a woman to pray in her house than in her courtyard, and more excellent for her to pray in her private chamber than in her house.[104]

Certainly as far as this narration is concerned, the evidence is not sufficiently conclusive to establish discrimination applies in the places of worship for men and women. Moreover such an interpretation stands challenged also for the reason that how does praying in the most inner part of the house ensure gender segregation since there is no need to maintain it in the home.

Finally it must though be mentioned that the research also reveals the inclusion of the hadith that is often cited to advocate women's restriction from public prayer, though surprisingly not by Mawdudi. This namely being the following:

> Narrated 'Ā'ishah: Had Allah's Messenger known what the women were doing, he would have forbidden them from going to the mosque as the women of Bani Israel were forbidden. Yayha bin Sa'id (a sub narrator) asked Amra (another sub narrator), "Were the women of Bani Israel forbidden?" She replied, "Yes." [105]

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[104] Abu Dāwūd, 2:570.
[105] Bukhārī, 10: 869. This hadith is also reported on the authority of Amra, daughter of Abdel-Rahman, Muslim, 4:445 and 445R1.

But it must be noted that this is not a Prophetic instruction and it merely represents an opinion of 'Ā'ishah's and so cannot take precedence over Prophetic instructions and in fact confirms women were not forbidden from attending mosques during the Prophetic era. Moreover it justifies the restriction not in terms of gender segregation but on account of what 'Ā'ishah perceived to be as a deterioration of women's behaviour.

3.5 Conclusion

Having identified in 3.3 that there still remained a need to determine whether a norm of restriction or permissibility existed over women's participation in public prayers, the main purpose of this chapter was to determine what a holistic gathering and contextual reading of the hadiths reveals in terms of the level of women's participation in congregational prayers. The findings here strongly suggest a norm of permissibility. This is suggested on the one hand, by the sheer number of hadiths depicting women's participation in congregational prayers and on the other by the lack of any clear Prophetic instruction restricting women's participation but on the contrary exhortations encouraging women to attend the large and mixed gatherings of *'īd* and *'īd* prayers. Notably had Mawdudi taken this Prophetic instruction into consideration, he would not have been able to relegate the considerable number of hadiths suggesting women's participation in *'īd* prayers to that of a non-normative status.

The only one restriction found however was one that emanated not from Muhammad but 'Ā'ishah but this too clearly suggested by inference that women were not restricted from attending mosques during the Prophetic era. Moreover it justified restriction not in terms

of gender segregation but rather what was perceived as a deterioration of women's behaviours.

Identified also was the hadith Mawdudi had interpreted in a restrictive sense, this notably being the Prophetic instruction that women not be prevented from attending congregational prayers. However this was on the one hand, challenged by the sheer number of hadiths that depicted women's participation and on the other hand by the fact that Muhammad positively encouraged women's participation in *'īd* prayers. Moreover the findings also challenged the premises on which Mawdudi sustained such an interpretation. For it found that 'Umar's practice of restricting one of his wives participation in congregational prayers did not reflect the intent of this Prophetic instruction as Mawdudi claimed but rather reflected a personal stance on part of 'Umar.

The findings simply did not identify any hadiths encouraging women to pray at home, the only hadiths that did encourage prayer at home pertained to supererogatory prayers and which were further general in scope. The exhortations found encouraging women to pray at home which constituted Mawdudi's main evidence were found to be in collections other than Bukhārī and Muslim and so cannot be given precedence over the positive Prophetic exhortations found in Bukhārī and Muslim. But more significantly a contextual reading of one of these strongly suggested it was not based in gender considerations as Mawdudi asserted but concerns over tranquillity of the praying environment as was also found to be the case with some hadiths which appeared to suggest it is better for men to pray, challenging thereby also Mawdudi's reasoning that such discrimination over place of worship existed to ensure gender segregation.

Simply therefore these findings challenge the very premises on which Mawdudi essentially sustained his position for simply the evidence is not substantially convincing to uphold the position that Islam mandates discrimination in the places of worship in order to maintain gender segregation as Mawdudi asserted. And given it was this claim that effectively influenced his interpretations of other hadiths, either relegating the permissive to that of a concessionary status or assigning a restrictive interpretation to what could be equally construed as permissive hadiths, most of his interpretations stand challenged.

But whereas the findings challenge Mawdudi's position, they also challenge Stowasser's claim that hijab and seclusion was a prerogative due only of Muhammad's wives. For here the findings clearly depict the wives' participation in a number of type of prayers and in fact they are the only women depicted as observing *i'tikāf* in the mosque. This at once challenges the understanding that the seclusion directive should be understood literally and or that the hijab was understood as imposing restriction from public space, particularly since a number of these can be clearly identified as belonging to a period after the revelation of the hijab directive.

On the other hand the findings do confirm Stowasser's claim that women were widely participating in public prayers, though as pointed out she did not do so convincingly. For though she claimed the hadith literature records widespread participation, the fact that she did not provide references to support this and on the other hand the references that she provided at the most only established nightly participation and that she applied a decidedly selective approach to the hadiths, made it difficult to accept the credibility of her statement. The research here however has been able to give more credibility to this position since it has been able to cite credible evidence and that too from sources that

Muslim consensus holds as the most reliable and moreover is grounded in an approach that has avoided over selectivity in the selection of hadiths and bias in the interpretation of the hadiths. It will now be seen what this approach reveals regarding women's participation in other public endeavours in the following chapter.

MUSLIM WOMEN'S LEVEL OF PARTCIPATION IN PUBLIC SPACE

4.1 Introduction

Having analysed the hadith literature to determine what a holistic gathering and contextual reading reveals in terms of Muslim women's level of access to congregational prayers in the previous chapter, this chapter will now focus on analysing the hadiths in the same manner to determine what they reveal in terms of Muslim women's level of access to other public endeavours.

It might be worthwhile here re-iterating again the contention of this thesis in order to emphasise the objectives of this chapter. It was argued in 3.2 that at the root of the problematic stance towards "restrictive" hadiths by both partisans of the debate, is the assumption that they are predicated on the need to maintain gender segregation, which is why conservatives gave such hadiths prominence whilst feminists disregarded them. It was also argued that it is important to address this assumption since it ultimately sustains conservative attempts to restrict women's public participation. In other words women's restriction from public space is sustained not only with the reasoning that women are only ordained to undertake domestic responsibilities, but more importantly to ensure that gender segregation is maintained for which proof is found in both the seclusion directive and "restrictive" hadiths. It is the contention of this thesis however that when such "restrictive" hadiths are read within the context of other hadiths, they could be seen to be predicated on contextually driven contingent factors. If this proves to be the case, such hadiths simply cannot be used to sustain women's restriction for all times and places.

In line with the methodology proposed in 3.2, there will first be an attempt to determine whether there was a norm of restriction or not by examining the hadiths depicting Prophetic sayings and the actual practices. If "restrictive " hadiths are identified or those that impart a "restrictive" meaning, an attempt will be made to determine their underlying cause by interpreting them within the context of other narrations, hadiths depicting practice and "contextual" hadiths.

The indicators of participation this chapter addresses as mentioned in 3.2 include the following:

Visiting graves & Following funeral Processions

Travelling

Hajj

Jihad

These indicators of participation will be discussed in the order presented above and each section shall commence with a brief summary of conservative and feminist's positions on these various indicators of participation in order to highlight the precise research questions to be addressed in the analysis that will follow them. As in the previous chapter, the findings represent all the hadiths identified as pertaining to a given indicator of participation by a scrutinization of every single hadith in the full collections of both Bukhārī and Muslim.

In scrutinizing both collections, any hadith that makes mention of the indicator of participation under question and women or both genders have been selected for analysis, regardless of whether it suggests a "restrictive" or "permissive" meaning and this applies

to both the hadiths depicting practice and Prophetic sayings. In the case of hadiths this research identifies as "contextual" hadiths, any hadiths that make mention of the indicator of participation under question and shed any possible information that would have a bearing on the issue in hand or a given Prophetic saying, have also been selected for analysis.

4.2 Visiting Graves and Following Funeral Processions

4.2.1 Introduction

As discussed in 1.5.3, hadiths pertaining to women's visitation of graves and following funeral processions constitute one of Mawdudi's indicators of participation to sustain a highly literal and restrictive interpretation of the seclusion directive. On the other hand Stowasser does not comment on hadiths pertaining to this indicator. The reasons can only be but speculated. Perhaps given an overwhelming impression from the hadiths that restriction may be the norm, as far as a cursory reading is concerned, and Stowasser has decidedly chosen to disregard "restrictive" hadiths, she chooses to retain silence on this issue. Such silence however only serves to strengthen the conservative position.

To recapitulate Mawdudi's position, he maintains commandments to follow funeral processions are meant only for men and not women since a clear prohibition is found in 'Umm 'Aṭiyyah's narration.[1] But given she additionally states the prohibition was not a strict one, Mawdudi has to concede the prohibition was not absolute. However he stresses the laxity in this prohibition emanates only from Prophetic regard for women's

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[1] Mawdudi, *Purdah*, p.212. He cites from Bukhārī the narration:
"We were prohibited, though not strictly, from accompanying funeral processions."

feelings and not the "Law-giver"; presumably the latter reference is to God. He finds support for this in the hadiths depicting Muhammad admonishing 'Umar for reproving a woman who had joined the funeral procession, in which 'Umar's actions are undoubtedly understood by Mawdudi as reflecting a norm of restriction.[2] His approach to the issue of women visiting graves is similar, again maintaining restriction was the norm but a strict prohibition did not exist only again because of the Prophetic regard for women's feelings and not because it was what the Sharī 'ah would approve of since the "the Law-giver did not approve that the male and the female should mix in such social and religious gatherings." [3]

It is clear what Mawdudi is implying here is that any participation that the literature indicates should be construed as reflective of a concessionary permission that emanated only from a Prophetic attitude and not that of the Sharī 'ah. As such the crucial question pertaining to this given indicator of participation is what the participation depicted in the hadith signifies. Does it signify a concessionary permission against a norm of restriction as Mawdudi maintains or does it on the other hand signify a general permission to participate without restriction? What the participation signifies essentially depends on to what extent restriction was mandated and so the analysis will first commence with an examination of the Prophetic sayings. Women's visitation of graves and following of funeral processions will be discussed separately, the former preceding the latter.

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[2] Mawdudi, *Purdah*, p.212.
[3] Mawdudi, *Purdah*, p.212.

4.2.2 Findings: Women's visitation of graves

A scrutinization of all Prophetic sayings pertaining to women's visitation of graves reveals there are no Prophetic sayings explicitly restricting women from visiting graves. Rather what have been identified is two hadiths encouraging the visitation of graves and there appears to be plausible internal evidence to suggest these instructions are not specific to men only. The hadiths in question are the following:

> Abu Huraira reported: The Apostle of Allah visited the grave of his mother and he wept, and moved others around him to tears, and said: I sought permission from my Lord to beg forgiveness for her but it was not granted to me, and I sought permission to visit her grave and it was granted to me so visit the graves, for that makes you mindful of death[4].

> Ibn Buraida reported on the authority of his father that the Messenger of Allah said: I forbade you to visit graves, but you may now visit them; I forbade you to eat the flesh of sacrificial animals after three days, but you way now keep it as along as you feel inclined; and I forbade you nabidh except in a water-skin, you may drink it from all kinds of water-skins, but you must not drink anything intoxicating.[5]

In the first place, the imperatives utilized 'so visit' and 'remind you' in the first hadith and 'had forbidden you' and 'you may now visit them' in the second hadith are in the second person masculine plural. And this according to the rules of Arabic grammar can imply an audience of both men and women. Admittedly this evidence is not conclusive; however it is enhanced by contextual evidence found within both the hadiths.

The first hadith assigns the purpose of visiting graves to the view that it reminds one of death. Given that according to the widely accepted notion that Islam makes no gender

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[4] Muslim, 11:976b.
[5] Muslim, 11:977a & 977b.

distinction in matters of the spiritual realm, and indeed it is not just men who stand in need of reminding themselves of death, it logically follows the permission applies to women too. Gibril Haddad in fact premises the permissibility of women to visit graves on this reasoning, highlighting that: "…the positive effects of remembering the hereafter, weeping and softening of the heart are not exclusively limited to men but extend to women as well…" [6]

The second hadith also makes mention of practices that were previously forbidden but now permitted. These practices, namely keeping sacrificial meat for three days and storing drinks in a certain named vessel, are certainly not practices confined to men, hence it would be logical to assume visitation of graves could be likewise be considered a practice common to both genders. Both hadiths moreover state grave visitations had been previously prohibited. A possible reason for such prohibition was the fear that visitation would degenerate into grave worship, a highly condemned practice in Islam since it is antithetical to *Tawḥīd*, the principle of strict monotheism to the one God that negates the worship to any other besides God. This reason in fact appears to be confirmed in the widely transmitted hadith of ʿĀʾishah relating how the Prophet cursed the Jews and Christians for turning the graves of their prophets into places of worship.[7] Again such prohibition would be applicable to both genders since it emanates from fear of transgressing a cornerstone tenant of Islam that would not just be specific to men but equally applicable to women too. Given if the prohibition applied to both genders, the uplifting of the prohibition would logically apply to both genders too, once again pointing to the general nature of this exhortation.

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[6] Haddad, Gabriel, F, *Sunna Notes: Studies in Hadith and Doctrine. Vol. 2, the Excellent Innovation in the Qur'an and the Hadith*. United Kingdom: Asqa Publications, 2005, p.191.
[7] Bukhārī, 23:1330, 1341 & 1390. Muslim 5:529.

Another Prophetic saying delineating what must be said on visiting the sick and the dead, also suggests the exhortation may have been general. The hadith in question is the following:

> Umm Salama reported Allah's Messenger as saying: Whenever you visit the sick or the dead, supplicate for good because angels say "Amen" to whatever you say. She added: When Abu Salama died, I went to the Apostle of Allah and said… Abu Salama has died. He told me to recite:" O Allah! Forgive me and him (Abu Salama) and give me a better substitute than he." So I said (this), and Allah gave me in exchange Muhammad, who is better for me than him (Abu Salama).[8]

Admittedly there is no specific reference to the visitation of graves, but there is strong reason to believe this is presumed given its reference to the visiting of the dead. The general nature of this instruction is suggested by a number of observations. Perhaps the first notable observation is that it is narrated on the authority of a woman, in this case who would soon be Muhammad's wife, Umm Salamah. Secondly again the imperative 'you visit' is in the second person masculine plural and as mentioned earlier, this can include an audience of male and females according to the rules of Arabic grammar. Thirdly and perhaps most significantly is the fact that the hadith clearly depicts Muhammad instructing Umm Salamah to implement this instruction, thereby undoubtedly confirming its general nature.

In the light of an absence of any specific restrictions in the hadith for women to visit the graves but rather a strong suggestion of general permissibility, it becomes highly untenable to uphold the view that any indication of participation should be construed as concessionary for as mentioned previously this argument only upholds if restriction can be established as the norm. Conversely it can be confidently argued that any participation the literature indicates only further confirms the general nature of the exhortations. So

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[8] Muslim 11:919.

now I undertake a closer examination of the literature to determine what exactly it reveals in terms of the actual practice of women.

As far as the hadith depicting practice are concerned, admittedly the findings reveal only two such hadiths, but then it should not be expected that the literature would record high level of participation since the activity of visiting graves does not fall into an obligatory duty but that of an exhortation and in fact the literature likewise records miniscule visitation of graves by men.

One of these hadiths is the one cited also by Mawdudi, this being the widely transmitted narration of Anas bin Mālik relating how the Prophet passed by a woman who was sitting and weeping beside a grave and was advised by the Prophet to be patient.[9] The second hadith in question relates to the actions of 'Ā'ishah as she narrates them, which incidentally does not constitute Mawdudi's evidence. The hadith is lengthy but 'Ā'ishah's actions and the dynamics of her dialogue with Muhammad reveal a number of interesting observations and so will be presented in full:

> ... He (Muhammad b. Qais) then reported that it was 'A'isha who had narrated this: Should I not narrate to you about myself and about the Messenger of Allah? We said: Yes. She said: When it was my turn for Allah's Messenger to spend the night with me, he turned his side, put on his mantle and took off his shoes and placed them near his feet, and spread the corner of his shawl on his bed and then lay down till he thought that I had gone to sleep. He took hold of his mantle slowly and put on the shoes slowly, and opened the door and went out and then closed it lightly. I covered my head…and then went out following his steps till he reached Baqi'. He stood there and he stood for a long time. He then lifted his hands three times, and then returned and I also returned. He hastened his steps and I also hastened my steps. He ran and I too ran. He came (to the house) and I also came (to the house). I, however, preceded him and I entered (the house), and as I lay down in the bed, he (the Prophet) entered the (house), and said: Why is it,

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[9] This hadith is recorded in various versions, both long and short and is found in both collections. Bukhārī, 23:1252 &1283. Muslim 11:926b & 11: 926c.

O 'A'isha, that you are out of breath? I said: There is nothing. He said: Tell me or the Subtle and the Aware would inform me. … I told him (the whole story). He said: Was it the darkness (of your shadow) that I saw in front of me? I said: Yes. He gave me a nudge on the chest, which I felt, and then said: Did you think that Allah and His Apostle would deal unjustly with you? She said: Whatsoever the people conceal, Allah will know it. He said: Gabriel came to me when you saw me. He called me and he concealed it from you. I responded to his call, but I too concealed it from you (for he did not come to you), as you were not fully dressed. I thought that you had gone to sleep, and I did not like to awaken you, fearing that you may be frightened. He (Gabriel) said: Your Lord has commanded you to go to the inhabitants of Baqi' (to those lying in the graves) and beg pardon for them. I said: Messenger of Allah, how should I pray for them (How should I beg forgiveness for them)? He said: Say, Peace be upon the inhabitants of this city (graveyard) from among the Believers and the Muslims, and may Allah have mercy on those who have gone ahead of us, and those who come later on, and we shall, God willing, join you.[10]

The first most noteworthy observation is that Muhammad duly complies with ʿĀʾishah's requests to furnish her with the prayer to be recited over the dead. This it must be noted is not a general prayer made for the dead outside the vicinity of the graveyard but one that was made on the entering of a graveyard as very clearly confirmed by the following hadith:

Sulaiman b. Buraida narrated on the authority of his father that the Messenger of Allah used to teach them when they went out to the graveyard. One of the narrators used to say this in the narration transmitted on the authority of Abū Bakr:" Peace be upon the inhabitants of the city (i. e. graveyard)." In the Hadith transmitted by Zuhair (the words are):" Peace be upon you, the inhabitants of the city, among the believers, and Muslims, and God willing we shall join you. I beg of Allah peace for us and for you."[11]

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[10] Muslim 11: 974b. Also records a shorter version, 11:974a.
[11] Muslim 11:975.

It follows that it would be highly reasonable to draw the inference here that Muhammad is clearly sanctioning 'Ā'ishah's visitation of graves. Secondly neither does Muhammad admonish 'Ā'ishah for having followed him furtively into the graveyard and this is significant since 'Ā'ishah's furtive following could be construed as breaking a norm of restriction. A closer analysis of Muhammad's reaction, in fact discloses a number of interesting observations. His immediate reaction on discovering 'Ā'ishah had followed him to the graveyard is particularly revealing and this being the remark "Did you think that Allah and His Apostle would deal unjustly with you?" This at once suggests there appeared not to be a Divine intention to deny 'Ā'ishah to partake in the visitation of the grave. And this is furthermore confirmed by his explanation, this namely being that he did not take her along with him, because Gabriel had not made the call to her because of her state of dress and he thought she had gone to sleep. It clearly indicates that the reason for what she may have perceived as apparent restriction was not due to Divine intention but lay only in some practical considerations. The implications of this dialogue are simply that was it not for these practical considerations; 'Ā'ishah too would have accompanied Muhammad to the graveyard. Such an implication very clearly therefore strongly challenges Mawdudi's claim that the "Law-Giver" does not approve of women's visitation of graves.[12]

Mawdudi furthermore also made the claim that Muhammad had permitted women to visit the graves only because he had regard for their feelings because "…they kept the memory of the dead ones fresh in their minds for a long time…and the Holy Prophet did not want to like to suppress their feelings."[13] The implication clearly here is that

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[12] Mawdudi, *Purdah*, p.212.
[13] Mawdudi, *Purdah*, p.212.

participation is permitted only on account of the fact that women grieve longer. However in the hadith cited above, there clearly is no evidence to suggest that ʿĀʾishah was in a state of mourning, but yet the Prophet sanctions her visitation without any qualifying conditions. This undeniably challenges one of the premises on which Mawdudi supports relegation of participation to that of a concessionary permission only.

These two aforementioned hadith therefore confirm there is evidence of women's participation in the visitation of graves. The more significant question however is what this participation signifies, concessionary against a norm of restriction as Mawdudi advocates or indicating a general permissibility. In the light of the analysis of the Prophetic sayings that clearly show a strong indication as to the permissibility of women on the one hand and the total absence of any hadith restricting their participation, it is highly plausible to therefore conclude the hadiths depicting practice signify a norm of permissibility and not restriction. Moreover a close reading of one of the hadiths depicting practice, namely ʿĀʾishah's hadith, not only further confirms the Prophetic sayings exhorting the visitation of graves should be understood as applicable to women too but additionally challenges two assumptions that influence Mawdudi's relegation of permissive hadith to that of concessionary, these namely being that the Sharī ʿah intends to restrict women's visitation of graves and permission was only granted on compassionate grounds.

Finally it might be worthwhile at this point to engage with the textual evidence that predominately influences Mawdudi's position, since this too sheds an interesting light on the issue. This namely is Abū Hurayra's hadith reporting, "The Holy Prophet cursed the

woman who visited the graves frequently" that he cites from Tirmidhī.[14] This hadith it

must be noted is drawn from a collection known for inclusion of weak material and it is

not clear to what extent Mawdudi has sought to verify its reliability. However the more

pertinent point is that it clearly only prohibits frequent visitation and not visitation as

such, which even Mawdudi concedes too. It is in other words, a qualified restriction, in

which restriction relates to frequent visitation only and not visitation in general. As Al

Qurtubi, the Mālikī scholar notes it seeks to restrict not all women but only those who

make frequent visitation of graves:

> The curse mentioned in this Hadith applies only to those women who visit graves
> frequently. The reason for this curse lies perhaps in the fact that it involves
> infringement of the rights of the husband, and leads to adornment and exhibition
> of their beauty to strangers, and shouting, yelling, and other similar things." It
> may be said that, "If no such harm is feared from women visiting graves, then
> there is no valid reason for preventing them from visiting graves, for indeed
> remembrance of death is something that both men and women equally need."[15]

Qurtubi speculates various reasons for such frequent visitation; however the literature

itself provides an insight as to why such restriction may have been mandated. For

instance there are a number of hadiths, as cited previously that forbid the practice of

turning the graves of the Prophets into places of worship.[16] Others strongly condemn the

practice of sitting and praying towards graves as well as constructing buildings over

them.[17] The nature of these instructions reflects that such practices may have been

common and collectively what they suggest is that visitation should not become

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[14] Mawdudi, *Purdah*, p.212.

[15] Al-Qurtubi in his tafsir (20:170) as cited by Shakwani, Muhammad Ibn Ali ibn Muhammad ibn
Abdullah, *Nayl al-Awtār*. Beirut: Dār al-Jīl, 1973, chapters on burial and the rulings pertaining to
graves.
[16] Bukhārī, 23:1330, 1341,1390. & 77: 5815 & 5816.
[17] Muslim, 11: 970a, 970b, 970c, 11: 971a, 971b, 11: 972a, 972b.

excessive to the point of worshipping the deceased. Now it has already been argued some of these reasons had prompted the previous prohibition of grave visitation. Similarly it can be argued that these reasons may have also prompted restriction for frequent visitation since frequent visitation could possibly lead to or else be a reflection of excessive attachment and so the committing of the undesired excesses. Another possible reason may be because frequent visitation could lead to the renewal of grief and mourning, which as will be discussed in the next section (4.2.4), was considered antithetical to the observance of patience. Patience is after all what the Prophet advises the woman to observe as in the first hadith cited to depict women's practice.[18]

The reason the curse was directed towards women was most probably on account of the fact that they tended to frequent the graves more than men because they tended to grieve more overtly and longer. The latter behaviour is in fact confirmed by the hadith literature since it largely shows it was the women who were admonished for wailing and limited in the period they could grieve.[19] As such it would be reasonable to conclude that if one was to concede that a restriction was mandated for women, it was imposed not on account of a need to maintain women's segregation but to curb deplorable actions that were more characteristic of women. Effectively the restriction lay not in gender considerations but deplorable actions. Moreover this hadith could furthermore be construed as affirming there was a general permission for women to visit graves for it suggests the women, simply, were visiting so frequently that they had to be admonished

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[18] Bukhārī, 23:1296, Muslim, 11:926b &c.
[19] For example hadiths pertaining to admonishing women for the practice of wailing include the following: Bukhārī, 23:1296, 33:2033. A number of others impose the requirement that women not wail as a condition for their allegiance to the faith to be accepted such as Bukhārī: 23:1306, 33:2036, 2037 & 2038. A representative of hadiths that delineate women's mourning periods include the following: Bukhārī 23:1280, 1281, 68:5340, 5341& 5342.

for their *frequent* visitation. By another line of reasoning, this admonition would have been unnecessary had women not been visiting graves in the first place, confirming therefore a general permission in place.

4.2.3 Conclusion

This analysis sought to determine whether the hadiths depicting women's visiting the graves should be construed as signifying concessionary permissions only as Mawdudi so staunchly advocated or a norm of permissibility. The findings suggest a norm of permissibility. This is because on the one hand there is a clear absence of any hadiths restricting women's participation; on the contrary the evidence suggested the exhortations to visit graves was general. On the other hand the hadith depicting the practice of ʿĀ'ishah clearly suggest women's visitation was sanctioned and that participation was not necessitated on grounds of the Prophet's regard for the feelings of women as Mawdudi argued and which gave him reason to relegate hadiths depicting practice to that of a concessionary permission only. The latter was also sustained by giving prominence to a hadith that appeared to impart a restrictive meaning. However neither was this hadith found in the collections of Bukhārī or Muslim, but more importantly a contextual reading of it very strongly suggested it was predicated not on the need to maintain gender segregation but to curb deplorable practices antithetical to Islamic teachings that were generally characteristic of women and moreover it confirmed women's participation! As such the findings clearly challenge Mawdudi's position and strongly suggest a norm of permissibility.

4.2.4 Findings: Following Funeral Processions

A scrutinization of all Prophetic sayings pertaining to the following of funeral

processions found the most widely transmitted Prophetic hadith to be that of an

exhortation enumerating the rewards for offering the funeral prayer and accompanying

the funeral bier until its burial.[20] These exhortations invariably emphasise the reward is

doubled for the one who offers the funeral prayer and then additionally accompanies the

bier until the time of its burial, an absence of the latter undertaking accruing but only half

the reward. The emphasis in a number of these narrations is on the burial, so it is not the

following of the funeral procession *per se* that accrues the reward but the witnessing of

the burial. This is perhaps most evident in Abū Hurayra's narration:

> Abu Huraira reported Allah's Messenger as saying: He who attends the funeral
> till the prayer is offered for (the dead), for him is the reward of one qirat, and he
> who attends (and stays) till he is buried, for him is the reward of two qirats. It was
> said: What are the qirats? He said: They are equivalent to two huge mountains.
> Two other narrators added: Ibn 'Umar used to pray and then depart (without
> waiting for the burial of the dead). When the tradition of Abu Huraira reached
> him, he said:" We have lost many qirats." [21]

As evident from the above narration, the rewards awarded for following the procession

until its burial are not miniscule but indeed immense since they are described as being

comparable to the size of mountains. Indeed all the narrations of this hadith emphasise

on this point, some narrations exhibit surprise on part of the recipients of the information

to the extent they are recorded as further seeking verification from ʿĀ'ishah as to the

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[20] Bukhārī, 23:1323,1325, Muslim 11:945d and those cited in the next two following footnotes.
[21] Muslim, 11:945a. Other narrations of this hadith: 945b, c, & e. A similar hadith is also reported
by two other narrators, 11: 945b & 946a.

immensity of the reward.[22] All these narrations additionally explicitly attribute the exhortation to Muhammad.

Again as in the case of the exhortations to visit graves, evidence suggests these exhortations to follow funeral processions may not be specific to men. For firstly all narrations of this hadith make use of the term '*man*' (مَن) in addressing its audience that is variously rendered as either 'a believer' or 'whoever' in translations of Bukhārī or else 'he who' in translations of Muslim. This form of address is one of those rare Arabic terms used for both masculine and feminine with no change in form and becomes feminine only when applied to something feminine. And whilst the term is generally followed by the verb 'follows' expressed in the third person masculine singular, hence the literal rendering 'he who' in translations of Muslim, it can be taken as a neutral, similar to the use of masculine singular in English to denote the generic. Thus a more appropriate rendering would be the generic 'whosoever', as found in the translations of Bukhārī. Admittedly the evidence is not conclusive but yet at the same time it cannot be denied that there is no indication in the text to suggest these aforementioned exhortations are specific to men.

Secondly given that Islam does not make a distinction between men and women in the realm of accountability and spiritual rewards as highlighted in 4.2.2, and given the immense rewards associated with following the procession up until its burial as highlighted above, it would follow that women should therefore be equally able to have the opportunity to accrue such spiritual benefits. It would therefore be reasonable to infer such exhortations are applicable to women too.

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[22] Muslim 11:945f & g.

The importance of attending funeral processions is further emphasised in a number of other Prophetic sayings. One particular saying specifically declares following a funeral procession is the right of a Muslim over that of another amongst two other rights, these being accepting an invitation and replying to the sneeze.[23] Again the latter two are undoubtedly equally incumbent on women, hence it would be logical to infer following a funeral procession would naturally also follow to be an obligation on women too.

Another quite widely narrated hadith delineates how the following of the funeral procession falls amongst a list of seven other duties the Prophet ordered Muslims to undertake.[24] Here notably the instruction has been elevated to that of an order, such status being further emphasised by the fact that some narrations of this hadith are followed by a list of doings Muslims were forbidden to undertake.[25] Given such obligatory status of the instruction, it naturally begs the question would women thus not also be obliged to undertake this order. Moreover amongst the list of duties ordered include duties that would be equally incumbent on women such as visiting the sick, accepting an invitation, replying to the sneezer, fulfilling an oath, returning a greeting and helping the oppressed and so it would be reasonable to infer that following the funeral procession also falls upon women as an obligation.

However there does appear to be an indication of restriction for women in the literature as found in 'Umm 'Aṭiyyah's narration. The hadith has been translated variously as "We were forbidden to accompany funeral processions but not strictly"[26], "We were

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[23]Bukhārī, 23:1240.

[24] Bukhārī, 46:2445.

[25] Bukhārī, 23:1239.

[26] Bukhārī, 23:1278.

forbidden to follow the bier, but it was not made absolute on us"[27] and "We were refrained [this should possibly be 'restrained'] from following the bier, but it was not made absolute on us".[28] One of the narrations relates this instruction as part of a numeration of other directives and etiquettes for women to observe during mourning and does not include the clause at the end, its translation being "And it was forbidden for us to follow funeral processions".[29] However these foregoing hadiths are only ever reported on the authority of 'Umm 'Aṭiyyah and neither are they as widely transmitted as the positive exhortations, indeed orders, to partake in funeral processions. Equally significant is the observation that none of these hadiths explicitly attribute the uttering of this statement to Muhammad unlike the positive exhortations that do so. It has but only been assumed to be a Prophetic instruction and whilst such an assumption is plausible, nevertheless the possibility that it could be attributed to a companion cannot be disregarded. This is a point that shall be returned to later in this section.

Another noteworthy observation is that whilst it does suggest restriction, on the other hand three of the four narrations stress it was a restriction that was not strictly enforced. It might be worthwhile to highlight here that the verb that is often rendered as "forbidden" comes from the root word *n-h-y*, which not only means 'to forbid' but also has connotations of 'to restrain, suppress and hold back'.[30] A more appropriate rendering of the verb would be 'restrained' rather than 'forbidden' for something cannot be forbidden and yet not strictly enforced at the same time. This not so strict enforcement of restriction can suggest a number of possibilities; a plausible one being that it can imply the restriction was contingent on some contextual factor or some qualifying condition. If

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[27] Bukhārī, 33:2039.
[28] Bukhārī, 33:2040.
[29] Bukhārī, 68:5341.
[30] Hans Wehr *Dictionary of Modern Written Arabic*, 1976, p.1005.

this was to be the case, it suggests restriction predicated not from gender considerations for otherwise the restriction would be absolute.

Qurtubi, it must be recalled speculated a possible reason for women's restriction at graveyards was their shouting, crying and yelling.[31] A close examination of the literature strongly suggests this may have been also the reason women may have been restricted from participating in funeral processions. For the literature strongly condemns the deplorable pre-Islamic practices of wailing, tearing clothes and slapping of the cheeks[32] and particularly warns women of the spiritual damnation such practices incur.[33] These practices were so deplored that the literature also records how Muhammad sought measures to curb this practice. For example a widely transmitted hadith indicates he decreed women to undertake the promise they would not wail as part their oath of allegiance to Islam.[34] Another hadith, reported in several narrations, records Muhammad advising a companion to verbally admonish women from wailing on the death of an eminent companion and should they refuse to do so, then to throw dust into their mouths.[35] Such it seems was the severity against this practice.

However perhaps one of the most pertinent hadith to this discussion is the widely narrated hadith emphasising how wailing causes punishment to the deceased,[36] thereby clearly suggesting that the need to impose on women's restriction from following funeral processions predicated from the need to curb the practice of wailing given its dire consequences for the corpse. That this was indeed the underlying cause for restricting

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[31] Al-Qurtubi in his tafsir (20:170) as cited by Shakwani, Muhammad Ibn Ali ibn Muhammad ibn Abdullah, *Nayl al-Awtār.*
[32] Bukhārī 23:1294, 1297 & 1298.
[33] For example: Bukhārī 23:1296 & 33:2033.
[34] For example: Bukhārī, 23: 1306, 33:2036, 2037 & 2038.
[35] Bukhārī, 23:1291,1299,1305. Muslim 11:935a & b.
[36] Bukhārī, 23:1290,1291,1292. Muslim 11: 927a, b, c, d & 930.

women is in fact plainly evident in an explanation of Ibn Hajar al-'Asqalānī, the distinguished commentator of Bukhārī. Commenting specifically on 'Umm 'Aṭiyyah's narration, this being the one stating women were forbidden from following funeral processions but not strictly, he explains that if women refrain from wailing and other deplorable practices they *can* accompany funeral processions.[37] 'Asqalānī's comment thereby also confirms the restriction was a qualified restriction, imposed not on account of gender considerations but actions.

However interestingly a close examination of the hadiths accentuating wailing causes punishment to the dead, though explicitly ascribed to Muhammad, reveal they were largely related within the context of post prophetic deaths and funerals. For a number of these recall the saying within the context of the wounding of 'Umar just before his death,[38] the funeral procession death of 'Uthmān's daughter[39] and one additionally on the death of Qaraẓah b. Ka'b,[40] all of which occurred in the post prophetic period.[41] What this strongly suggests is that this particular Prophetic narration acquired greater significance and prominence in the post prophetic period. This being the case it can be argued it was the later Muslims who more vehemently sought to restrict women's participation in funeral processions on grounds of the increasingly developed notion of wailing causing punishment for the deceased. Indeed Halevi's scrutinization of the role

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[37] Asqalānī, Ibn Hajr, *Bulugh Al-Maram*. Translation supervised by 'Abdul Malik Mujāhid. Riyādh, Saudia Arabia, 1996, p.198.
[38] Bukhārī 23:1290. Muslim 11:927a, c, d, e & f.
[39] Bukhārī 23: 1286, Muslim 11: 927h & i, 928 a & b, 929a,b &c.
[40] Muslim, 11:933a.
[41] 'Umar has widely agreed was assassinated during his caliphate that undoubtedly was in a post prophetic era. Qaraẓah b. Ka'b here is an Ansari companion who dies in the caliphate of 'Alī. This is as according to Ṭabarī, Biographies of the Prophet's Companions, p.300. It is clear that the demise of the daughter of 'Uthmān, who is identified as Umm Aban in a number of narrations such as Muslim 11:928a, also occurred in a post prophetic era since the narrators here in a number of the narrations are first century hadith transmitters who are recalling their understanding of the Prophetic statement.

of women in early Islamic funerals indicates it was the circulation of this notion that contributed to the increasingly restrictive stance towards women's participation in funeral processions.[42]

This argument appears also to be supported by a point highlighted earlier in the discussion, this namely being there is a possibility that 'Umm 'Aṭiyyah's narration recalling that women were restrained from following the funeral procession but not strictly can be plausibly also attributed to a later Muslim understanding and not a Prophetic utterance given there is no explicit attribution of this narration to the Prophet. It is highly conceivable therefore in light of the discussion above that 'Umm 'Aṭiyyah's reference is to a restriction on part of early Muslim understanding and not a Prophetic instruction that thereby confirms it was the later Muslims who more vehemently sought to restrict women's participation in the following of funeral processions.

Moreover it must be recalled the literature records Muhammad as seeking to eliminate the practice of wailing not by restraining participation in funeral processions but by calling on women to swear they will not partake in this practice as part of their allegiance to Islam or else verbally admonishing them and if that fails, the throwing of dust into their mouths. And indeed as 'Ā'ishah so vocally protests, Muhammad had not meant that it is wailing that causes punishment to the deceased[43] and so there was the absence of the concern that was to become the impetus for the later Muslims to restrict women's participation.

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[42] Halevi, Leor, Wailing for the Dead: The Role of Women in Early Islamic Funerals. *Past & Present*, Number 183, May 2004.
[43] Such repudiation is evident in a number of the Hadith already cited and others too. Bukhārī 23:1286.Muslim 11:927h, i & f, 928 a & b, 929b, 931, 932 a & c.

In fact one hadith depicting practice suggests Muhammad did not object to the presence of women at a burial. The hadith in question relates how Muhammad consoled Jābir bin ʿAbdullāh's aunt when she began weeping over the martyrdom of Jābir bin ʿAbdullāh's father.[44] It is explicitly clear this event relates to the burial of Jābir bin ʿAbdullāh's father because another hadith depicts how Muhammad buried him along with other martyrs in the Battle of Uhud.[45] Now a burial typically takes place at the termination of the funeral procession in Muslim tradition after having been prayed on, and whilst in this case it was not a typical funeral procession on account of the fact that funeral prayers and ritual washing are not performed for martyrs, it nevertheless had elements of it. It had at least the important rite of the burial, which after all is the rite most singled out as accruing immense rewards in the Prophetic exhortations mentioned at the very beginning of this section. Therefore it would not be unreasonable to suggest this hadith suggests Muhammad would have permitted women's participation in funeral processions.

The literature does not record any further instances of women participating in funeral processions; however there appears to be some indication in Bukhārī's legal deduction of a hadith that relates the difference in attitudes of the righteous and unrighteous body whilst being carried in its coffin.[46] From this Bukhārī deduces the ruling men and not women are to carry the coffin. Now since typically the coffin is carried during a funeral procession, the fact that Bukhārī had to extract such a ruling presumes the presence of women in funeral processions since it would be irrational to deduce such a ruling if women were not permitted to participate.

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[44] Bukhārī, 23:1244.
[45] Bukhārī, 23:1347.
[46] Bukhārī, 23:1314.

4.2.5 Conclusion

The purpose of the examination here was to determine whether a norm of restriction or permissibility existed as regards women's following of funeral processions and so to what extent the practice depicted in the literature signifies a concessionary permission as Mawdudi advocates. The findings here appear to challenge the position that there was a norm of restriction. For on the one hand the very many Prophetic positive exhortations to follow funeral processions do not appear to be specific to men only and on the other hand there is a suggestion that the only one hadith that does suggest a restriction on women's participation may have emanated from the later companions of Muhammad. This being the case, it becomes untenable therefore to construe any indications of participation as concessionary. Moreover even if it is conceded that the restriction emanated from a Prophetic instruction, it has again been demonstrated to be a qualified restriction grounded not in the need to maintain gender segregation as Mawdudi so staunchly advocates but curb deplorable practices that were generally characteristic of women.

4.3 The Travelling of Muslim Women

4.3.1 Introduction

The travelling of women is an issue that occupies the discourses of both Mawdudi and Stowasser as shown in 1.5 and 2.2.4. To re-iterate not surprisingly Mawdudi maintained given that women have to be accompanied in all their journeys, it represents a restriction

for their travelling since men are not bound by such a regulation.[47] His supporting

evidence were the various Prophetic sayings that stipulate a woman must be

accompanied by a *maḥram* in her journeys but vary in the days before it becomes

incumbent for a woman to be accompanied, varying from one day up to three days.[48]

Mawdudi maintained these variations are irrelevant and reflect only changes in

circumstances. What is relevant however, he insisted is that women must be

accompanied in all their journeys.[49]

Stowasser on the other hand argued women were travelling widely in the early Islamic

period. Her evidence constituted the same as Mawdudi's, namely the hadiths stipulating

that women be accompanied in their journeys, varying though in the length of journeys

that women had to be accompanied. However whilst Mawdudi disregarded the

differences as irrelevant, Stowasser regarded these as a reflection of a growing debate on

the travelling of women, those stipulating that women cannot take undertake any length

of journey without a *maḥram*, undoubtedly belonging to a later restrictive period.

Both of course have been shown to be problematic in their approaches, the most

problematic aspect common to both being the assumption that the hadiths stipulating that

women be accompanied in their journeys is predicated on the need to maintain gender

segregation. Therefore perhaps one of the most pertinent research questions pertaining to

this indicator of participation is to what extent the stipulation of a *maḥram* to accompany

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[47] Mawdudi, *Purdah,* p.150.
[48] Mawdudi, *Purdah*, p.150. He presents the following Hadith in support of his position:
It is unlawful for a woman who believes in Allah and the last Day that she should travel for three days or more unaccompanied either by her father, or brother, or husband, or son, or some other male mahram.
"A woman should not travel for a day and night, unless she is accompanied by male mahram."
 "It is unlawful for any woman that she travels for a night, unless accompanied by a male mahram."
It is presumed all these narrations are from the one collection he cites after the last hadith, namely Abu Dāwūd.
[49] Mawdudi, *Purdah*, p.151.

women in their travels should be understood as predicated on the need to maintain gender segregation.

Both of course also as evident from their positions outlined above, differ in their understanding of what the variations in the time period that a woman must be accompanied in her journeys signify, Mawdudi considering them irrelevant whilst Stowasser considers them as reflective of a growing debate that increasingly sought to limit women's travelling. The second question therefore that this examination will seek to determine is what the variations in the time periods signify. Are they irrelevant as Mawdudi insists or do they reflect the development of increasingly restrictive attitudes as Stowasser suggests? Or is there a possibility that they might reflect rulings that are contingent on some contextual factor. And if this is the case, what contextual factor were they dependent on? It is inevitable the answers to these will therefore help shed some light on the first research question. These aforementioned research questions will be attempted by collating all Prophetic sayings pertaining to travelling and women and attempting then to determine their intent and underlying causes by recourse to any identified "contextual" hadiths that may shed any further light on the intent of the Prophetic sayings.

Finally this research will also attempt to determine what the hadiths depicting practice reveal in terms of the travelling patterns of women in order to determine what further light they shed on the purport of the Prophetic sayings.

4.3.2 Findings: Hadith depicting Prophetic Position

It has been found Bukhārī and Muslim do record all the widely transmitted Prophetic sayings delineating the various periods that a woman can travel unaccompanied before it

becomes incumbent on her to be accompanied by a *maḥram,* ranging from a day and a

night up to three days. The hadith stipulating a length of one day is only ever reported by

Abū Hurayra,[50] one of his narrations stipulating not even a day's journey but the journey

of a night.[51] On the other hand the narration stipulating a journey of two days is only

ever reported by Abū Sa 'id al - Khudri.[52] Both Abū Hurayra and Abū Sa 'id however,

also report the hadith stipulating a period of three days[53] as does Ibn 'Umar.[54] Thus from

a numerical perspective the most widely narrated is the narration stipulating a period of

three days. Moreover two of its narrating authorities are distinguished hadith narrators,

namely Abū Sa 'īd and ibn 'Umar, the latter in fact also a distinguished jurist. From a

numerical perspective and *isnād* evaluation, there are thus strong grounds to consider

that of these three variations, the one that may have the more normative value is that

stipulating a period of three days. In fact Hanafi *madhhab* accepts this as the normative

position.[55]

The literature of course also records a widely narrated hadith that is devoid of any

stipulation of what period a woman can travel unaccompanied and simply relates that a

woman should not undertake a journey except with a *maḥram* and as such can be

construed as indicating that a woman needs to be accompanied in all her journeys.

However this stipulation has been uttered within the context of delineating a general rule

of protocol between men and women, this being that a *non-maḥram* should never be

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[50] Bukhārī, 18:1088.Muslim, 15:1339b & c.
[51] Muslim, 15:1339a.
[52] Bukhārī, 18: 1864, 20:1197, 30:1995, Muslim,15:827 d& e.
[53] Muslim, 15:827f, g & h.
[54] Bukhārī, 18:1086, 1087, Muslim, 15:1338a&c, 15:1339d, 1340a & b.
[55] Tahawani, Zafar Ahmad, *I 'lā al-Sunan*. Ed Muhammad Taqī 'Uthmānī. Karachi: Idārat al-Qur'an wal—'Ulūm al-Islamiyya, 1995. Vol.10, p.11.

alone in the company of a woman unless there is a *maḥram* with her as clearly evident in its text:

> Ibn ' ʻAbbās reported: I heard Allah's Messenger delivering a sermon and making this observation:" No person should be alone with a woman except when there is a Mahram with her, and the woman should not undertake journey except with a Mahram." A person stood up and said: Allah's Messenger, my wife has set out for pilgrimage, whereas I am enlisted to fight in such and such battle, whereupon he said:" You go and perform Hajj with your wife."[56]

In fact a widely narrated hadith very strongly censures men not to be in the company of women in seclusion, especially at night to whom they are *non-maḥram*.[57] One hadith furthermore depicts Muhammad, during a sermon, commanding men not to enter the house of another in his absence when Abū Bakr complained of his dislike of men entering his upon his wife in his absence.[58] There thus exists an almost mandatory restriction on men not to be in the company of women in seclusion to whom they are *non-maḥram*, most undeniably for moral reasons. Therefore it can be argued that the intent of Ibn ʻAbbās's narration as presented above, is to emphasise that the person who should accompany the woman in her journeys should not be a *non maḥram* but a *maḥram* because *it is a restriction on men* to be in the company of women in seclusion.

Moreover this rationale is clearly brought out in the hadith of Ibn ʻAbbās as presented above, by virtue of the fact that Muhammad having related the command that no person be in seclusion with a woman, and thereby ordering a man to not go on jihad but accompany his wife on hajj very clearly indicates that the stipulation of a *maḥram* should be construed within the context of a strict restriction on *non-maḥram* to be in the company of women. Consequently it can be very plausibly argued that the purpose of

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[56] Bukhārī, 28:1862, 56:3006, 3061, 67:5233. Muslim, 15:1341a& b.
[57] Bukhārī, 5232 & Muslim, 15:1341c, 39:2171, 2172a,b&c.
[58] Muslim 39:2173 & 2174.

this hadith is not to impose a restriction on the travelling of women itself but on the *category of men* who are to accompany the woman in her journeys.

But of course the question still remains as to why there is so much emphasis in the literature on women to be accompanied in their journeys and therefore does it not constitute a restriction for women's movements? Contextual information strongly suggests this stipulation served to afford women protection at a time that travelling proved to be a dangerous venture. This, it must be noted, is a point that Qaradawi also suggested, however without recourse to any substantiating evidence.[59] The research here however provides confirmation to this claim through its examination of the hadiths for any contextual information. For it has found the literature records many Prophetic sayings warning on the dangers of travelling. In fact one hadith actually describes travelling as a difficult and tortuous journey,[60] another two suggest travelling as prone to highway robbery[61] and can be fatal,[62] whilst a number of others describe the dangers of traveling at night.[63] The hardship of travelling is further evident from a widely transmitted hadith that depicts Muhammad seeking refuge from the dangers of travelling and praying on safe arrival from a journey[64] and the fact that travellers are recipients of *zakāt*. However a most revealing and significantly pertinent hadith is the following:

> The Prophet said, "If the people knew what I know about traveling alone, then nobody would travel alone at night."[65]

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[59] See 1.5.2.
[60] Bukhārī, 56:3001 & Muslim 33:1927.
[61] Bukhārī, 61:3595.
[62] Muslim, 39:2222c.
[63] Muslim, 33:1926a&b.
[64] Muslim, 15:1342,1342a & b.
[65] Bukhārī, 56:2998.

It clearly suggests travelling at night was so dangerous that Muhammad encouraged both

men and women not to travel unaccompanied. That this hadith addresses both genders is

suggested by its use of '*an-nas*' for people, which as in the English is inclusive of both

genders. Moreover Bukhārī presents this hadith under his legal heading of "Travelling

alone" in which he follows it by a hadith depicting Muhammad assigning a companion to

travel with him.[66] In presenting the latter hadith, Bukhārī is therefore also clearly

demonstrating that he understands the Prophetic instruction as applicable to both genders

and his example in fact also suggests men also travelled in the company of others. It is

interesting to note Mālik also presents a similar legal discussion under the heading of

"What is said about the travelling alone of men and women"[67] supporting it with the

following hadiths:

> One rider is a shaytan. Two riders are two shaytans, and three are a riding-party.[68]
>
> Shaytan concerns himself with one and two. When there are three, he does not concern himself with them.[69]
>
> It is not halal for a woman who believes in Allah and the Last Day to travel the distance of a day and night without a man who is her mahram.[70]

This legal discussion clearly indicates Mālik also subscribed to the view that Muhammad

encouraged both men and women to travel accompanied. This is evident very clearly

from the fact that his chapter heading explicitly addresses both genders and that the

hadiths he presents include instructions that would be general in their nature, i.e.

applicable to both genders. But what is particularly more revealing is his inclusion of the

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[66] Bukhārī, 56:2997.
[67] Mālik bin Anas, *Muwatta Imam Mālik,* Vol2, Translated by F. Amira Zrien Matraji. Karachi: Darul Ishaat, 2000, 54: Chapter 14.
[68] Malik, 54: (1831) 36.
[69] Malik, 54: (1832) 37.
[70] Malik, 54: (1833) 38.

hadith stipulating that a woman be accompanied in her journeys for in doing so it very

strongly appears to suggest that Mālik understood the regulation that women be

accompanied in their journeys within the context of a general instruction for both men

and women to travel accompanied. This is a significant implication, for it confirms an

argument advanced earlier in the section. This being that the intent of the Prophetic

saying that stipulates that a woman is to be accompanied by a *maḥram* in her journeys

should not be construed as imposing a restriction on the travelling of women but to

impose a restriction on *non-maḥrams* to accompany women in their travels. This of

course is further strengthened by the observation that there is also an instruction for men

to also travel accompanied simply because it served a practical purpose at that time as

very strongly suggested by the contextual hadiths.

That both genders were in need of travelling accompanied appears to be further

suggested by a Prophetic prediction. In response to a Bedouin's complaint about

highway robberies amongst other issues, Muhammad predicts that there will come a time

so safe that a traveller will be able to travel alone from Ṣan'ā' to make pilgrimage.[71] The

fact that this hadith applies to both genders is confirmed by the fact that another narration

of this hadith explicitly identifies the traveller as a woman:

> Narrated `Adi bin Hatim: While I was in the city of the Prophet, a man came and
> complained to him (the Prophet,) of destitution and poverty. Then another man
> came and complained of robbery (by highwaymen). The Prophet said, "Adi!
> Have you been to Al-Hira?" I said, "I haven't been to it, but I was informed about
> it." He said, "If you should live for a long time, you will certainly see that a lady
> in a Howdah traveling from Al-Hira will (safely reach Mecca and) perform the
> Tawaf of the Ka`ba, fearing none but Allah." …`Adi added: (later on) I saw a

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[71] Bukhārī 61:3612 & 63:3852.

lady in a Howdah traveling from Al-Hira till she performed the Tawaf of the Ka`ba, fearing none but Allah…[72]

However a far more revealing aspect about this hadith is that it provides a plausible rationale as to the variations found in those hadiths stipulating various periods of time that a woman must be accompanied in her journeys ranging from a day up to three days. It must be recalled Mawdudi regarded these variations as irrelevant whereas Stowasser regarded them as reflective of the development of an increasingly restrictive attitude towards the travelling of women. However in the light of Muhammad's prediction it can be argued that these variations do indeed reflect contextually driven rulings since Muhammad's prediction very clearly suggests the safer the journey, the greater the flexibility to travel unaccompanied. In other words, the variations in the rulings can be interpreted as suggesting women can travel unaccompanied up to various durations depending on the level of safety.

Furthermore this Prophetic prediction also fortifies the suggestion made earlier that the stipulation of three days may have held the normative value in the late Prophetic period. This is because Muhammad predicts such a time of travelling without fear shall materialize and so it would not be unreasonable to infer that times were becoming increasingly less dangerous with the passage of time, which would therefore prompt Muhammad to increase the length of time a woman could travel unaccompanied from a day to that of three days. And this is further confirmed by the observation that the hadith stipulating a period of three days has been found to be the most widely narrated and that

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[72] Bukhārī, 61:3595.

too by more distinguished jurists, confirming the permissibility of this hadith as holding the greater normative value as discussed above.

In light of contextual information there are thus very strong grounds to uphold the position that the stipulation of an accompanying *maḥram* for a woman in her journeys served not to restrict women's movements but afford protection and safety and the variations in the periods a woman could travel unaccompanied reflected variations in the level of safety.

4.3.3 Findings: Hadith Depicting Practice

An examination now of the hadiths depicting the travelling patterns of women to determine what further light they shed on conclusions reached so far. Perhaps one of the most significant findings is that the literature confirms that it was not just women who travelled accompanied but also the men. For just as there are numerous hadiths indicating women travelling, and this includes both ordinary women and Muhammad's wives equally, accompanied for journeys such as hajj, jihad and migration, likewise numerous hadiths depict men travelling accompanied for these purposes either with their wives for hajj or other men for hajj and other ventures.[73] Of course it could be argued that some of these journeys would naturally be undertaken in large groups but on the other hand there are a substantial number of hadiths indicating men travelling in groups

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[73] The hadiths showing the traveling of women are too numerous to enumerate. A large number of these can be found in the Books of Hajj and Jihad of both Bukhārī and Muslim. The Hadith showing the men travelling accompanied are significantly more numerous and providing references would be impractical. A browse through the Chapters of Jihad, Military Expeditions, Hajj, Shortening Prayers in Travel and the Fear Prayer provide ample hadiths showing equally significant numbers of hadiths showing men traveling accompanied.

for other purposes too.[74] In fact in some instances, the literature shows Muhammad

sending men for purposes other than hajj and jihad in groups.[75] Quite a considerable

number of hadiths do not specify purpose but given that they are not included in the

Books pertaining to hajj and jihad and quite often do not make reference to very large

groups of men but simply other men, it would be reasonable to infer these probably

relate to purposes other than hajj and jihad.[76]

But perhaps more revealing is the fact that the literature also shows evidence of men

seeking to be accompanied in their journeys and the use of the term 'companion rider'.

Two hadiths confirm the first observation, the first one prominently, depicting

Muhammad actively seeking a person to accompany him as a companion rider,[77] whilst

the other depicts a man seeking to be blessed with a companion rider.[78] Similarly two

hadiths confirm the second observation, the first being a hadith in which a man

specifically refers to himself as a companion rider,[79] whilst another two describe

accompanying travellers to Muhammad as 'companion riders'.[80] The point is that there

very clearly appears to be a strong suggestion in the hadiths that men not only travelled

accompanied but that they sought to be accompanied in their travelling. And in fact very

rarely does the hadith literature depict men travelling unaccompanied; there are in fact no

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[74] Bukhārī, 3:125, 9:567, 10:628, 773, 40:2309, 48:2530,53:2691, 55:2780, 56:2996, 3082, 61:3639,63:3908, 64:4072, 4393, 66:5012.
[75] Bukhārī, 8:462, 56:3007, 67:5164.
[76] Bukhārī, 4:182, 206, 215, 8:361, 9:539,595,10:629,630,14:999,56:2888, 2962, 61:3574,3579.
[77] Bukhārī, 56:2997.
[78] Bukhārī, 62:3742.
[79] Bukhārī, 3:128.
[80] Bukhārī, 64:4289 & 4399.

more than five such recorded instances in Bukhārī.[81] Similar is the case with women too, who are also very rarely depicted as travelling alone as will be discussed below.

Such findings therefore undoubtedly confirm travelling accompanied was a practical requirement of the times for both men and women. In light of this observation it can also be then further affirmed that the emphasis in the literature for women to be accompanied by a *maḥram* should be understood not as an emphasis on the fact that they cannot undertake any journey unless accompanied by a *maḥram* but to ensure that the woman is accompanied by a maḥram and not a non *maḥram* since it is a restriction on the latter to be in the company of strange women.

A close examination of hadiths pertaining to the travelling of women moreover reveals a number of other significant findings. Firstly it must be noted that a majority of these relate to the middle of the prophetic period to post prophetic period. This is because many of them depict women making the journey for hajj and this was not instituted until 7AH, [82] four years before Muhammad's demise. A large number of hadiths depict also women travelling for expeditions and many of these were not undertaken until from the middle of the Medinan period onwards.[83] In fact one hadith depicts a woman participating in a post prophetic naval expedition for jihad.[84] Moreover the hadith literature shows Muhammad's wives travelling equally as extensively as the ordinary women. For a number of hadiths show how Muhammad was accompanied by his wives both during hajj and a number of his expeditions.[85] In fact 'Ā'ishah explicitly narrates

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[81] Bukhārī, 3:88, 56:3041, 63:3804, 3814 & 3861.
[82] Al-Faruqi, I.R and al- Fārūqī Lois Lamyā, *The Cultural Atlas of Islam*. London: Collier Macmillan c1986, p124.
[83] See section 4.5.4 in this chapter.
[84] Bukhārī, 56:2877.
[85] See section 4.5.4 of this chapter.

that Muhammad would make a point of taking his wives with him on many of his journeys[86] and given Muhammad undertook at least nineteen expeditions during his late Medinan years[87] that involved travelling for days, it indicates quite extensive traveling on part of Muhammad's wives. And of course well documented also is 'Ā'ishah's post prophetic political and public role in the civil war that ensued after 'Uthmān's caliphate. And as will be seen below, Muhammad's wives even performed hajj even after their husband's demise and that too without a *maḥram*! Clearly therefore there appears a suggestion in the hadith literature that women perhaps were not increasingly restricted in their travels with the passage of time and also that Muhammad's wives do not appear to be any more restricted in their travels in comparison to the ordinary women as Stowasser suggests.[88] The point is that despite the stipulation of a *maḥram*, it does not appear that it served to limit women from travelling.

Secondly the research identifies three hadiths that strongly suggest women made autonomous decisions to undertake travelling, quite long distance travelling in certain cases. The first depicts a young woman literally running to join departing Muslims as they leave for Medina from Mecca after the Treaty of Ḥudaybiyah at her own freewill.[89] It is most likely her desire to do so was instigated by her decision to accept Islam for a number of hadiths indicate several "migrating women" gave their pledge of allegiance to Islam after migrating from Mecca to Medina.[90] Two hadiths explicitly locates the event of "migrating women" undertaking the oath of allegiance in the aftermath of the Treaty

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[86] Bukhārī, 56:2879.
[87] Muslim, 32:4464, 4465, 4466.
[88] Stowasser, 'The Status of Women', p.151.
[89] Bukhārī, 53:2699.
[90] The Hadith are numerous but for a representative of such Hadith see Bukhārī 2713.

of Ḥudaybiyah.[91] In fact these aforementioned hadiths also show a number of other

women, similarly making autonomous decisions. Moreover one particular hadith very

strongly suggests these women may have been travelling without *maḥrams* since it

explicitly states such "migrating women" forsake their husbands when they migrated.[92]

Notably since the Treaty of Ḥudaybiyah was concluded in 6AH,[93] five years before

Muhammad's demise, these aforementioned hadiths additionally confirm the suggestion

that women's travelling was not being increasingly restricted in the late prophetic period.

The second hadith depicts how a woman resolved to pray in Bait al Maqdis if Allah

cured her of her illness, stopped in her journey however by Maymūna, one of

Muhammad's wives, who encourages her to rather pray in the Mosque of the Prophet to

accrue higher spiritual rewards.[94] Again evidence within the hadith strongly suggests this

incident relates to either a very late prophetic period or even post prophetic since

Muhammad did not marry Maymūna until 7AH, four years before his demise and she

passed away in the caliphate of the first Umayyad caliph, Muʿāwiyah.[95] It is interesting

to note the absence of any evidence to suggest the woman may have been accompanied.

The third hadith depicts a freed slave girl announcing her decision to ʿAbdullāh b. ʿUmar

to leave Medina on account of turmoil the city was experiencing.[96] This hadith very

clearly relates to a post prophetic period given the reference to the days of turmoil, which

most definitely relates to the period of the first civil strife amongst the Muslims and the

fact that a Prophetic statement is being recalled by Ibn ʿUmar. Again it is difficult to

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[91] Bukhārī 54:27, 64:4180. Both have been reported in two narrations.
[92] Bukhārī, 54:2733.
[93] Al-Faruqi, I.R and al- Fārūqī Lois Lamyā, *The Cultural Atlas of Islam,* p.124.
[94] Muslim 15:1396.
[95] Tabari, Abu Ja'far, *The History of Al-Tabari, Vol 39, Biographies of the Prophet's Companions and their Successors*, 1998, p.186.
[96] Muslim, 15:1377c.

determine from the hadith whether she would have been accompanied in her journey or not and also whether she even has a husband or any other *maḥram*. Interestingly Ibn ‘Umar does not respond by enquiring whether she would be accompanied by a *maḥram* or not and prevents her from doing so, not to restrict her from travelling but on the basis that it is more spiritually rewarding to remain in Medina.

Even the wives it appears also had freedom to make autonomous decisions to travel, as evident by the hadith in which ‘Ā’ishah makes the firm resolution never to miss the undertaking of hajj[97] and as will be demonstrated in the following paragraph, she and other wives travelled even in the company of *non maḥrams* for hajj. Within the light of these foregoing hadiths that very clearly demonstrate the freedom for women to make autonomous decisions to travel, Mawdudi's claim that women are restricted in their travels because only men have the freedom to make autonomous decisions to travel[98] stands seriously challenged.

Thirdly and perhaps most revealing is the hadith depicting Muhammad's wives travelling in the company of *non maḥrams* for hajj during ‘Umar's caliphate, namely 'Uthman bin 'Affan and 'Abdur-Rahman bin 'Auf, for neither of these were either the sons or brothers of any of Muhammad's wives.[99] This hadith not only very clearly depicts the wives were travelling in the post prophetic period but more significantly it demonstrates that the higher priority was to be accompanied and this furthermore affirms the notion that travelling accompanied was a practical need of the times. At the same time it also illustrates that a woman is not restricted in her travels if a *maḥram* cannot accompany her.

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[97] Bukhārī, 28:1861.
[98] Mawdudi, *Purdah*, p.150.
[99] Bukhārī, 28:1860.

Finally it must be mentioned that the instances of women travelling unaccompanied is no rarer than the instance of men travelling unaccompanied and just as in the case of men, it is difficult to determine the duration of the journey and in some cases whether the woman was accompanied or not. However one particular hadith clearly depicting a woman travelling a long distance unaccompanied is Imran Hussain's hadith relating certain hostile encounters between the tribe of Thaqīf and Muhammad's Companions.[100] His reference is most likely to the Siege of Ta'if since this encounter occurred between the Banu Thaqīf and the Muslims in the city of Ṭā'if 8AH.[101] Amongst the Muslim prisoners he makes mention of an Anṣāri woman relating how she manages to escape one of the nights back to Medina, which it must be noted is a distance of approximately 216miles/350km from Ṭā'if. This hadith thus not only depicts a woman making a journey unaccompanied but also for a journey that would have entailed a duration of minimum of two days given the distance and mode of transport, the hadith in fact making it explicit that she travelled on camelback.

Another hadith also strongly suggests that a woman was travelling unaccompanied. This is Jābir b 'Abdullāh's hadith relating how the Prophetic command to kill dogs was carried out so much that even a dog coming with a woman from the desert was also killed until the Prophet specified it was only a certain dog that was to be killed.[102] The evidence that suggests she was unaccompanied is the fact that it appears that it was the dog that was accompanying her as a means of protection as suggested by the manner in which the narrator expresses almost a regret of having to kill such a dog. It is of course difficult to determine the exact duration of the journey but there is a strong implication

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[100] Muslim 26:1641a. This hadith is also reported on the authority of another narrator with the same chain of transmission, 1641b.
[101] Guillame, *The Life of Muhammad*, p.587.
[102] Muslim, 22:1572.

that it may have been a journey of quite some distance given that the woman is coming

from a desert and given the vastness of deserts it is very likely that the journey was not

short. Furthermore the verb used for coming comes from the root word *q-d-m*, which

means to arrive[103] that carries connotations of travelling and not just perhaps a short walk.

There are also other hadiths that depict women travelling alone but it is not quite possible

to determine the duration of the journey. For example a hadith depicts a woman going

out in Medina, the fact that she was unaccompanied is suggested from the fact that she is

robbed of her ornaments, but it is very difficult to determine how long she may have

been travelling for.[104] There is also the instance of hadith depicting a woman going out to

pluck dates from her orchard, but again it is difficult to determine as to the duration of

the journey.[105] However it is clear that she is unaccompanied since a man rebukes her for

coming out of her '*iddah*, the period of seclusion women have to observe for a specified

time after divorce from or death of a husband.

Determining duration is difficult since information is lacking to determine it;

nevertheless the significance of the aforementioned hadiths is that they do suggest that

women did appear to travel unaccompanied. This being the case, they lend support to the

notion that women did not have to be accompanied in all their journeys as Mawdudi so

staunchly insists.

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[103] Wehr, Hans Dictionary, p747.
[104] Bukhārī, 87:6877.
[105] Muslim, 18:1483.

4.3.4 Conclusion

The research here attempted to determine the underlying causes for the Prophetic sayings stipulating women be accompanied in their journeys and the significance of the variations found in these instructions in the duration of the journey that women had to be accompanied. The findings here strongly suggested that purport of the Prophetic sayings was not to restrict women from travelling but to afford them protection. This is because on the one hand the literature depicts travelling as a dangerous pursuit and on the other hand it depicts men also equally travelled accompanied. Of course this raised the question as to why there was so much emphasises in the literature for women to be accompanied in their travels by a *maḥram*. However a contextual reading strongly suggested that such emphasis should be construed as placing a restriction on *non-maḥrams* to accompany women in their travels. As regards the variations in the hadiths over duration of journey a woman had to be accompanied, a contextual reading suggested these reflected contingent rulings that were dependent on the level of safety, with a strong possibility that the period of three days represented the normative position in the late prophetic period.

These conclusions were furthermore confirmed by the travelling patterns of the early Muslims, for not only did these reveal both men and women travelling accompanied but additionally considerable travelling of women, including that of Muhammad's wives too, and a strong suggestion that travelling was extensive up to the very late Prophetic period. Moreover the hadiths indicated the freedom for women to make autonomous decisions on their travelling, undermining Mawdudi's claim that women are restricted in their

traveling because they do not have freedom to undertake autonomous decisions to travel as men do.

The findings here thus challenge both Mawdudi's and Stowasser's assumption that the Prophetic instruction women be accompanied in their travels was predicated on the need to maintain women's public restriction and their differing understandings of the variations on the rulings. They furthermore challenge Mawdudi's claims that women were restricted in their travels and were limited also in their freedom to undertake a journey at free will. On the other hand the findings do support Stowasser's findings to the extent that women were travelling widely in the early years of Islam even though she provided no substantial evidence to support this but rather it was based on only one line of reasoning that has been contradicted by the findings here. Her reasoning namely being that attitudes became increasingly restrictive towards women, which emanated from the understanding that the Prophetic instructions were based on the need to maintain gender segregation and that those stipulating that a woman cannot undertake any journey except with a *maḥram* belong to a later restrictive period. Both of these arguments however have been shown to be highly questionable.

4.4 Hajj

4.4.1 Introduction

The contentious issue regarding hajj is not the permissibility of women to participate in this public ritual since this is not contested but rather whether rules existed during certain

rites to ensure gender segregation as Mawdudi claims.[106] His argument as shown in 1.5.3 rested on 'Aṭā's hadith that relates "women used to move round the *Ka'bah* along with the men during the time of the Holy Prophet, but they did not mix with them" and some hadith that show some women departing early for *jamrāh*, claiming it was a common practice during the Prophetic era.[107] Presumably to fortify his point he cites Umar's practice of forbidding men and women to mix during *ṭawāf* and that he actually whipped a man once on seeing him in the midst of women.[108] But as demonstrated in 1.5.4, this position assumes the cited practices for *ṭawāf* and *jamrāh* are predicated on the need to maintain gender segregation. Moreover none of the hadiths and practices he cites has been explicitly attributed to the Prophet and additionally there is the concern regarding his selective approach to the hadiths. As such the main focus of research here will be to determine what a holistic and contextual approach to the hadith literature reveals in terms of Prophetic sayings and practices pertaining to this issue, their interpretations and possible underlying causes for practices that appear to suggest the imposition of gender segregation.

4.4.2 Findings: Hadith Depicting Prophetic Sayings

A systematic scrutinization of the literature reveals there are no Prophetic directives appearing to suggest the imposition of any form of gender segregation during any of the rituals of hajj. The sayings largely focus on rules and regulations pertaining to the rituals of hajj, such as the assuming of *iḥrām*, performing *ṭawāf*, the running between two

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[106] Mawdudi, *Purdah*, p.210.
[107] Mawdudi, *Purdah*, p.211.
[108] Mawdudi, *Purdah*, p.211.

designated mounts (*sa'y*), *jamrāh* and animal sacrifice.[109] These are all in the way of

general instructions since many of these rituals equally apply to women. The only

sayings found to be particular to women are those that relate procedures to adopt in the

event of menstruation during pilgrimage.[110] Additionally there are the sayings discussed

in 3.2.2 that depict Muhammad as encouraging women kept culturally secluded to

participate in certain rituals of hajj.[111] These hadiths as was noted in 3.2.2, encouraged

these groups of women to participate in what most definitely were large and mixed

gatherings. But these hadiths simply make no reference as to whether gender segregation

should be maintained or not during these rituals. However it is noteworthy to note that

the only aspect these exhortations place emphasis on is the sharing of a jilbab with

another woman if the lack of jilbab is preventing participation.

It is perhaps worth noting also that many of the rituals of hajj are predominately

performed in shared public space, even sleeping in open air in the valley of Muzdalifah

during a designated night. Surely if maintaining gender segregation was an imperative

issue has Mawdudi implies, it would have been found more commonly given the

numerous public rituals and particularly for sleeping in shared public space.

The literature however does record what constitutes Mawdudi's evidence to claim gender

segregation was maintained during *ṭawāf* during the Prophetic era as follows:

> Ibn Juraij said, " ''Aṭā' informed us that when Ibn Hisham forbade women to
> perform Ṭawāf with men he said to him, 'How do you forbid them while the
> wives of the Prophet used to perform Ṭawāf with the men?' I said, 'Was this
> before decreeing of the use of the veil or after it? ''Aṭā' took an oath and said, 'I
> saw it after the order of veil.' I said, 'How did they mix with the men?' ''Aṭā' said,

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[109] The Hadith are too numerous to enumerate and are to be found largely in the Book of Hajj
(Book 25) in Bukhārī.
[110] See for example Bukhārī Book of Hajj, (Book 25), chapter 145.
[111] Bukhārī, 13:974 & 13:980.

> 'The women never mixed with the men, and ''Ā'ishah used to perform Ṭawāf separately and never mixed with men. Once it happened that ''Ā'ishah was performing the Ṭawāf and woman said to her, 'O Mother of believers! Let us touch the Black stone.' ''Ā'ishah said to her, 'Go yourself,' and she herself refused to do so. The wives of the Prophet used to come out in night, in disguise and used to perform Ṭawāf with men. But whenever they intended to enter the Ka'bah, they would stay outside till the men had gone out…[112]

This hadith cannot be technically classified as a Prophetic saying but rather a reflection of a later Muslim understanding, but it will be discussed here given it constitutes Mawdudi's main evidence. Mawdudi's interpretation that it showed gender segregation was maintained during *ṭawāf* in the prophetic era is plausible only to a certain extent. For a close reading of it in its full version as presented above and in its original language, strongly suggests that the prohibition of mixing applied to the Prophet's wives and not women in general. This is because in the Arabic, ʿAṭā's statement does not actually read, "The women never mixed with the men", but rather "they never mixed with the men". It is clear that the pronoun "they" refers to Muhammad's wives since ʿAṭā' is responding to Jurayj's question as to how the Prophet's wives mixed with the men. Moreover the specific nature of this prohibition is also strongly suggested by the fact that the hadith continues to highlight specifically the practices of only Muhammad's wives and not women in general. Equally suggestive is the fact that ʿĀ'ishah does not prevent an accompanying woman from touching the Black Stone and to do so would inevitably entail mixing with men since space would have to be traversed to approach the Black stone since it is located at one of the corners of the *Kaʿbah*. ʿĀ'ishah's response also

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[112] Bukhārī, 25: 1618.

clearly suggests approaching the Black Stone would have entailed mixing with men for otherwise she would not have refused to do so.

Another revealing aspect of this hadith is that it clearly demonstrates an attempt to impose gender segregation in the post prophetic era since Ibn Hishām here in all probability here refers to the tenth Umayyad caliph, Hishām ibn 'Abd al-Mālik (d.105AH)[113] and the narrator and questioner in the hadith are also second century hadith scholars, who were also contemporaries, since Ibn Jurayj (d.150AH), related a number of hadiths from 'Aṭā' ibn Abī Rabaḥ (33-115AH). The very fact that an attempt is being made to impose gender segregation in the post prophetic era is in itself indicative of the suggestion that such an imposition must not have existed during the Prophetic era. In fact this is very clear from 'Aṭā's objection that how can such an imposition be imposed when the Prophet's wives performed *ṭawāf* with the men. Of course whilst it is clarified that the Prophet's wives did not mix with the men, this practice however has been shown to specific to Muhammad's wives.

In light of this analysis, it would be reasonable to conclude that whilst this hadith does suggest some form of gender segregation was mandated during the Prophetic era, on the other hand it strongly suggests such gender segregation was specific to Muhammad's wives only.

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[113]Bosworth, C. Edmund, *Islamic Surveys: The Islamic Dynasties*. Edinburgh: Edinburgh University Press, 1967p.5.

4.4.3 Findings: Hadiths Depicting Practice

An examination now of hadiths depicting the practices of women during hajj to determine to what extent they suggest attempts were made to maintain gender segregation in practice.

Hadiths depicting practices of men and women during hajj are numerous in numbers and they largely relate how and when rituals were undertaken.[114] They however provide very little indication as to what extent these rituals were performed under segregated conditions, for the information simply does not lend itself to such examination. A number of them do suggest rituals were undertaken in large mixed gatherings, but again information is limited to determine whether gender segregation was maintained during these rituals. For example the two hadiths previously cited in 3.2.2 depicting women saying *takbīr* along with the men during one of the rituals of hajj and joining in other large mixed gathering such as Arafāt. On the other hand one certain hadith appears to suggest segregation may not have been maintained, this being the hadith that depicts Muhammad advising one of his wives to perform *ṭawāf* amongst the people:

> Narrated Um Salama: I informed Allah's Messenger that I was sick. He said, "Perform Ṭawāf (of the Ka`ba) while riding behind the people." So, I performed the Ṭawāf while Allah's Messenger was offering the prayer beside the Ka`ba and was reciting Surat-at-Tur.[115]

There is a possibility that Umm Salamah's riding on horseback could be construed as ensuring she was not mixing directly with the pilgrims. However on the other hand, as the hadith very clearly suggests, this was an allowance made for Umm Salamah on

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[114] Again such Hadith are too numerous to enumerate, see Bukhārī Book 25, Book of Hajj.
[115] Bukhārī, 25:1633 &1619.

account of her sickness. Moreover *ṭawāf* is ordinarily never performed on horseback given the sheer constraints of space and practical problems it would pose, not least because prayers are also undertaken during *ṭawāf*. Furthermore the fact that Umm Salamah relates which *sūrāh* she heard the Prophet reciting indicates her very close proximity to the pilgrims.

Moreover a number of other hadiths however certainly suggest there was interaction between men and women during hajj. One of these depicts a woman approaching the Prophet for a legal verdict and this very clearly occurred during hajj given the explicit referral of the narrator that this occurred during the Last Farewell Pilgrimage.[116] Another hadith depicts Abū Musa seeking the service of a woman to either delouse or wash and comb his hair according to some narrations, after completion of a certain ritual.[117] Whilst another depicts Abū Bakr conversing with a woman who he was certainly a *non-maḥram* to since she was unaware of his identity. It is clear that the hadith relates to an interaction during hajj since the woman had vowed not to speak during hajj, which may have prompted Abū Bakr to visit her. Moreover it appears it was quite a lengthy interaction given the prolonged questioning on part of the woman, which Abū Bakr also comments on.[118]

The literature records also the hadiths depicting women leaving early for *jamrāh* that constituted Mawdudi's supporting evidence since he perceived these practices were predicated on the need to maintain gender segregation (4.4.1). However, a gathering of these hadiths and their narrations and a close reading of them strongly suggests these

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[116] Bukhārī, 25:1513.
[117] Bukhārī, 64:4346.
[118] Bukhārī, 63:3834.

practices were permitted as concessionary allowances for weaker pilgrims for whom the physical undertakings proved to be demanding and were available even for men.

The concessionary nature of these practices is particularly highlighted in the two following widely transmitted narrations:

> Narrated `'Ā'ishah: We got down at Al-Muzdalifa and Sawdah asked the permission of the Prophet to leave (early) before the rush of the people. She was a slow woman and he gave her permission, so she departed (from Al- Muzdalifa) before the rush of the people. We kept on staying at Al-Muzdalifa till dawn, and set out with the Prophet but (I suffered so much that) I wished I had taken the permission of Allah's Messenger as Sawdah had done, and that would have been dearer to me than any other happiness.[119]

> Narrated `'Ā'ishah: Sawdah asked the permission of the Prophet to leave earlier at the night of Jam', and she was a fat and very slow woman. The Prophet gave her permission.[120]

It is evident from these narrations that Sawdah only was given permission to leave early on account of her physique. Had this been a practice predicated on the need to maintain gender segregation, it would have been applicable for 'Ā'ishah to also comply with this practice, which as clear from the hadith she did not, though wishing she had for the sake of ease.

Moreover another identified hadith clearly demonstrates that this allowance also extended to male weaker members:

> Narrated Ibn `'Abbās: I was among those whom the Prophet sent on the night of Al-Muzdalifa early being among the weak members of his family.[121]

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[119] Bukhārī, 25:1681.
[120] Bukhārī, 25:1680.
[121] Bukhārī, 26:1678.

Also identified is another hadith that also constitutes Mawdudi's evidence, this namely being the hadith referring to the practice of Ibn 'Umar of sending his family early for the ritual of *jamrāh*. But this too when read in its full textual context, explicitly confirms not only that Muhammad himself permitted this practice but more significantly it explicitly states the Prophetic rationale for permitting this practice was grounded in concessionary considerations:

> Narrated Salim: `Abdullah bin `Umar used to send the weak among his family early to Mina…So some of them would reach Mina at the time of the Fajr prayer and some of them would come later. When they reached Mina they would throw pebbles on the Jamra (Jamrat-Al- `Aqaba) Ibn `Umar used to say, "Allah's Messenger gave the permission to them (weak people) to do so."[122]

Such is the case also with the practice of Asmā' that Mawdudi also cites; and this hadith also concludes with the statement that it was concessionary permission on part of the Prophet.[123]

4.4.4 Conclusion

The research here attempted to determine to what extent attempts were made during the Prophetic era to impose gender segregation during certain rituals of hajj. A holistic gathering and contextual reading of the hadiths revealed a complete absence of any Prophetic suggestion to mandate gender segregation. The only suggestion found, and which constituted Mawdudi's evidence, was in a second century Muslim understanding but a close reading of this suggested gender segregation was maintained in the case of Muhammad's wives only. Information was lacking in the hadiths depicting practices

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[122] Bukhārī, 25:1676.
[123] Bukhārī, 25:1679.

during hajj to determine whether segregation was maintained, however on the other hand there were indications that men and women interacted during hajj. The only practices that could possibly be construed as means of maintaining segregation, on closer analysis were found to be have been premised in concessionary allowances. In conclusion, there simply is no conclusive evidence to sustain Mawdudi's argument that attempts were made by the early Muslims to maintain gender segregation during certain rituals; rather there is a strong indication to suggest any segregation was specific only to the Prophet's wives.

4.5 Jihad

4.5.1 Introduction

In referring to jihad in this discussion, the reference is only to physical striving in armed combat undertaken to predominately protect political stability and not the spiritual and intellectual striving undertaken to perfect the soul and mind.

As shown in 1.5.3 and 2.2.4, women's participation in jihad is not contested for both Mawdudi and Stowasser concur women participated in this undertaking. For Stowasser such participation was another indicator of women's full participation in public life. For Mawdudi it illustrated the only situation that would necessitate women's participation in public space since it is a situation in which "emergency had been declared" and "circumstances demand that the whole collective strength of the nation should be mustered in defence".[124] At the same time he wrote, "…it is also not obligatory for her to

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[124] Mawdudi, *Purdah*, p.213.

go to jihad, though if the occasion demands, she may go and serve the fighters."[125] Therefore it would be highly reasonable to conclude that for Mawdudi, women's participation in jihad is necessitated only by extreme circumstances, which therefore implies defensive jihad, since it is in only in such jihad that emergency would be declared that would "demand the whole collective strength of the nation." It is also equally clear therefore that the participation indicated in the hadiths, signify for Mawdudi, a concessionary permission against a norm of restriction.

Therefore the crucial question to address here is not whether women participated in jihad or not as Stowasser clearly only seeks to do and so why her challenge is not effective since women's participation is not contested, but to what extent it signifies a concessionary permission against a norm of restriction. In seeking to address these issues, therefore the pertinent questions to address are to what extent was there a norm of restriction and what kind of jihad did the women participated in. In other words was it just limited to defensive jihad as Mawdudi strongly implies or did it extend also to non – defensive jihad such as the other battles and expeditions the early Muslims participated in for various reasons, predominately though for protecting Islam from political destabilization. An attempt will be made to determine the first question, i.e. the extent to which there was a norm of restriction, by analysing Prophetic sayings and other contextual hadith whilst the second question will be addressed by analysing the hadiths depicting the practice of women for what kind of jihad they participated in.

It must be noted that both Mawdudi and Stowasser take the undertaking of ancillary duties as evidence of women's participation in jihad and not as the physical combat taken on the battlefield. So this research will likewise accept such activity as evidence of

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[125] Mawdudi, *Purdah*, p.148.

women's participation of jihad for after all regardless of what role the women undertook, such participation nevertheless demonstrates women's participation and equally extensive interaction with men in public space.

Hence in identifying hadiths for selection, those hadiths will be selected for examination that make mention of any of the expeditions and women regardless of what role they assume during these battles even it is just accompanying the men since this too provides evidence of their participation in public space.

It must also be noted that the hadith literature uses the term jihad both to refer to defensive wars that were undertaken to protect the survival of the Muslim community and for those battles and expeditions undertaken to prevent Islam from political destabilization, which as such can therefore be classified as non-defensive jihad. At times it also uses the term '*ghazwa*', which in its inceptions had connotations of raids, however it was adopted to denote also expeditions in the name of jihad.

4.5.2 Hadith depicting Prophetic Position

No Prophetic sayings has been identified that would suggest a restriction for women to participate in jihad; on the contrary some hadiths suggest a restriction for men as evident in the following hadith:

> Narrated `Abdullah bin `Amr: A man came to the Prophet asking his permission to take part in Jihad. The Prophet asked him, "Are your parents alive?" He replied in the affirmative. The Prophet said to him, "Then exert yourself in their service."[126]

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[126] Bukhārī, 56:3004.

This hadith is significant on two accounts. In the first place, it demonstrates restriction is predicated on account of caring responsibilities and secondly it places caring responsibilities as a priority above that of partaking in jihad. In fact another Prophetic saying, again in response to a man's query, explicitly delineates such order of priorities:

> Narrated `Abdullah bin Masud: I asked Allah's Messenger, "…What is the best deed?" He replied, "To offer the prayers at their early stated fixed times." I asked, "What is next in goodness?" He replied, "To be good and dutiful to your parents." I further asked, what is next in goodness?" He replied, "To participate in Jihad in Allah's Cause." …[127]

Another hadith in fact equates the spiritual benefits of looking after the dependents of a fighter to that of a fighter participating in jihad:

> Narrated Zaid bin Khalid: Allah's Messenger said, " He who prepares a Ghazi [warrior] going in Allah's Cause is given a reward equal to that of) a Ghazi; and he who looks after properly the dependents of a Ghazi going in Allah's Cause is (given a reward equal to that of) Ghazi."[128]

Within the light of these aforementioned hadiths it would be quite reasonable to draw the conclusion that the reduced women's participation, which it undoubtedly was as the next section will show, could be attributed to their role in society and not on account of a restriction to maintain gender segregation.

However the research identifies one hadith that is often cited to support women's restriction, though surprisingly not by Mawdudi, that could be possibly construed as restricting women's participation as follows:

> Narrated ``Ā'ishah: (That she said), "O Allah's Messenger! We consider Jihad as the best deed. Should we not fight in Allah's Cause?" He said, "The best Jihad

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[127] Bukhārī, 56:2782.
[128] Bukhārī, 56:2834.

(for women) is Hajj-Mabrur (i.e. Hajj which is done according to the Prophet's tradition and is accepted by Allah).[129]

But firstly it is questionable to what type of jihad 'Ā'ishah is referring to, for the term used here for 'fight' comes not from the root word *q-t-l*, which means 'to kill' but the root word for jihad. As such there is a possibility that it could be a reference to spiritual jihad, and this appears to be supported to some extent in Muhammad's response since the undertaking of hajj, though physical in its elements, nevertheless, is a spiritual journey undertaken to perfect the soul. However even if it is conceded that it refers to physical jihad, there is a possibility that it could be specific to Muhammad's wives. But on the other hand as the next section will show, Muhammad's wives though they did not undertake ancillary duties as the ordinary women did, nevertheless they accompanied Muhammad in a number of his jihad expeditions and are seen at times to be playing influential roles outside the battlefield.

More plausibly it could be argued that the purport of this Prophetic saying is to equate jihad with other acts of worship since this has also been shown to be the purport of the hadiths delineated above, namely the one recommending the man to serve his parents instead and the other elevating caring responsibilities over and above jihad and it would not be unreasonable to make such an inference. Furthermore these aforementioned hadiths, specifically addressed to men, have never been construed as imposing restriction on men's participation, so it can be plausibly argued 'Ā'ishah's narration should not be construed as instructing a restriction for women. Moreover there exists a hadith in which

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[129] Bukhārī, 56:2784.

Muhammad explicitly prays for a woman to be part of a post prophetic naval expedition as clearly evident in one of its narrations:

> Narrated Anas bin Mālik: Um Haram said, "Once the Prophet slept in my house near to me and got up smiling. I said, 'What makes you smile?' He replied, 'Some of my followers who (i.e. in a dream) were presented to me sailing on this green sea like kings on thrones.' I said, 'O Allah's Messenger! Invoke Allah to make me one of them." So the Prophet invoked Allah for her and went to sleep again. He did the same (i.e. got up and told his dream) and Um Haran repeated her question and he gave the same reply. She said, "Invoke Allah to make me one of them." He said, "You are among the first batch." Later on it happened that she went out in the company of her husband 'Ubada bin As-Samit who went for Jihad and it was the first time the Muslims undertook a naval expedition led by Mu'awiya[130]

Had Muhammad intended a restriction for women's participation in jihad, it would be highly unlikely that he would have responded in the affirmative to the woman's request in the aforementioned hadith.

In the light of these findings, it can be concluded there appears to be a lack of any convincing evidence to suggest there was a norm of restriction for women to participate in jihad, for the only suggestion is contradicted on the other hand by a hadith depicting Muhammad's implied approval for women to participate. Interestingly what these findings do reveal is a Prophetic elevation of caring responsibilities over and above that of partaking in jihad so that it would be reasonable to conclude women's limited participation in jihad should not be construed as reflective as a norm of restriction to maintain gender segregation but circumscribed by their functional role in society. And this of course is confirmed by the hadiths that restrict men from participating in jihad, namely because they too had to shoulder caring responsibilities.

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[130] Bukhārī, 56:2799. This hadith has been widely transmitted in other narrations: Bukhārī, 56:2788, Muslim, 33:1912a,b, c & d.

4.5.3 Hadith Depicting Practice

To re-iterate, the purpose here is not just to determine the extent of women's participation but more importantly the type of jihad they participated in order to determine to what kind of jihad the women participated in. This is so that it could be determined whether women participated in only defensive jihad since it must be recalled it was shown that Mawdudi essentially argued that generally there was a norm of restriction for women to participate in jihad and only conditions of dire necessity necessitated their participation, hence the reason it was argued that effectively for Mawdudi the participation indicated in the literature signified a concessionary permission. Hence the purpose here is to determine whether women's participation in jihad was limited to just that of defensive jihad since essentially it would be such jihad that would constitute conditions of dire necessity.

The participation of men in jihad is, as expected far more extensive than women's participation,[131] but this should not be construed as reflective of a restriction for women for reasons just discussed in 4.5.3. Moreover men would be expected to participate more extensively simply because they are physically more suited to armed combat. Interestingly though, the literature gives attention to 'Uthmān's non-participation in the Battle of Badr, attributing it to the reason that he was tending to his sick wife, an undertaking for which Muhammad assured him that he would be equally rewarded as for participating in jihad.[132] Of course such emphasis on explaining men's absence from jihad in the literature is on account of the fact that jihad demonstrated the ultimate test of

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[131] This is clearly evident from a cursory glance of the Books on Jihad, Travelling and Expeditions in both the collections of Bukhārī and Muslim.

[132] Bukhārī, 57:3130 & 62: 3698.

faith for men but nevertheless this hadith fortifies the argument that role and not gender segregation explains women's reduced participation in jihad in comparison to men.

It must be borne in mind that of the many battles and expeditions Muhammad participated which vary in number according to what extent different raids are taken into account but typically nineteen as according to Muslim,[133] only the Battle of Uḥud and that of the Trench could be strictly considered as defensive jihad since these were fought in Medina in response to the attack of the enemy. Many of the other battles were fought on territories of their opponents and were not always defensive in nature. In chronological order, invasion of Banu Muṣṭaliq (6AH) was an attack launched in response to intelligence that Banu Muṣṭaliq was preparing to attack.[134] Battle of Khaybar (7AH) was launched against the Jews of Khaybar given that they were considered to be a constant threat in supporting the Quraysh of Mecca in their Battles against the Muslim and as Lings writes not because it was feared that Jews of Khaybar would actually launch an attack themselves.[135] Battle of Ḥunayn (8AH) was launched against the people of Hawāzin and Thaqīf as they continued to consolidate their power against the Muslims despite Mecca having been conquered.[136] The Siege of Ṭā'if (8AH) occurred as the Muslims pursued those who had fled from the battle of Ḥunayn to seek refuge in the city of Ṭā'if.[137] The Battle of Mu'tah (8AH) was a raid on the inhabitants of the Mu'tah, according to some sources as retaliation of the death of an ambassador of the Muslims.[138] Whilst the sources differ at times on reasons for the attack, nevertheless it cannot be

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[133] This is confirmed by three narrations, Muslim 32: 4464, 4465 & 4466.
[134] Tabari, *The History of Al-Tabari, Vol. 8, The Victory of Islam, 1997*,p.51.
[135] Lings, *Muhammad: His Life Based on the Earliest Sources*, p.129.
[136] Guillame, *The Life of Muhammad,* p.566.
[137] Guillame, *The Life of Muhammad,* p.587.
[138] Haykal, M, H, *The Life of Muhammad*. (8th Edition) Translated by Ismail A. R. Faruqi. New Delhi: American Trust Publications, n.d, p.388.

denied that many of these battles were not defensive in nature. Finally the Battle of Tabuk (9AH) was an expedition advanced in preparation for battle as news of Heraclius possible attack on Muslims reached them.[139] However regardless of the reason that may have initiated these expeditions, it is clear that they did not constitute conditions that could be declared as a great national emergency and which would require the whole collective strength of the nation to deal with. For it must be recalled it is such conditions that Mawdudi argued that necessitated women's participation. The only expedition that was set out with no intention to undertake warfare was the one that ended in the Treaty of Ḥudaybiyah (6AH) but nevertheless there was a possibility that the opponents could have taken up arms.[140]

And the findings reveal that whilst a considerable number of women participated in Uḥud, even 'Ā'ishah, they participated just as equally in a number of the battles and expeditions Muhammad undertook. It is worth highlighting here women's participation in Uḥud constitutes substantial evidence for both Mawdudi's and Stowasser's discourse. Mawdudi uses it to establish how hijab can be relaxed in dire circumstances whilst Stowasser uses it to establish hijab was specific only to Muhammad's wives. However, women's participation in Uḥud is not admissible evidence to establish their respective arguments, simply because this battle occurred before the revelation of the hijab verses. The usefulness of the evidence however rather lies in measuring what impact the hijab directive may have had on the lives of the early Muslim women. It is for this purpose only that this research will use the evidence of women's participation in Uḥud.

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[139] Guillame, *The Life of Muhammad,* 2007, p.602.
[140] Tabari, *The History of Al-Tabari, Vol. 8,* p68.

Women's participation in Uḥud is testified by a number of hadiths. A widely narrated hadith depicts ʿĀ'ishah and Umm Sulaym carrying water skins to and fro from the battlefield and pouring water into the mouths of the people.[141] Umm Saliṭ is likewise depicted as undertaking the same duty in another hadith.[142] Fāṭimah is depicted nursing her father for a broken front tooth.[143] And all these aforementioned hadiths make explicit reference to the Battle of Uḥud. Rubayyiʿ bint Mu ʿawwidh testifies she used to provide water and carry the wounded back to Medina and such an undertaking would have only been possible if the location was sufficiently close, therefore strongly implying her participation in Uḥud.[144] It could not have been during the Battle of Trench that was also fought in Medina simply because there were no casualties during this battle.

Women's participation in non-defensive jihad as mentioned before is shown to be more extensive, for the hadiths depict the women participating in a number of battles and expeditions other than Uḥud. For example Umm Sulaym is depicted as present during the Battle of Khaybar for the hadith explicitly relates how she dressed Muhammad's new wife Ṣaffiyah for her marriage during this expedition.[145] She is depicted again, this time carrying a dagger in a hadith that explicitly confirms this was on the Day of Ḥunayn.[146] It appears a considerable number of women attended the Battle of Ḥunayn. For this is first suggested by Anas bin Mālik's narration that this battle was attended by a large number of people, using the term *bashar* for people, which strongly suggest an audience of both men and women. [147] Moreover he also observes how the enemy also constituted a

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[141] Bukhārī, 56:2880. Muslim 32:1811.
[142] Bukhārī, 56: 2881.
[143] Bukhārī, 56:2903 & 2911 & 4: 243.
[144] Bukhārī, 56:2882 & 2883.
[145] Bukhārī, 8:371.
[146] Muslim, 32:1809a & b.
[147] Muslim, 12:1059g.

large group with the women lined behind the men. What this suggests is that it certainly

was common for women to accompany men in the battlefields in seventh century Arabia.

Therefore it is highly likely that a considerable number of Muslim women would have

also accompanied the men in this battle too.

In fact two hadiths provide further confirmation for this. One particular hadith depicts an

unnamed woman escaping from her captors, who are identified as the Banu Thaqīf in the

hadith and this was the tribe that was encountered during the Seige of Ṭā'if, which

occurred in the aftermath of the Battle of Ḥunayn.[148] Another hadith moreover evidences

Umm Salamah's participation in this expedition since she is depicted as interacting with

Muhammad and some men at Ji'rāna,[149] and this place has been confirmed as the place

Muhammad camped during the Battle of Ḥunayn and the siege of Ṭā'if.[150] Women were

also present at the Battle of Mu'tah since a hadith depicts how 'Abdullāh b. Rawāḥa was

consoled by his sister just before he passed away[151] and independent sources confirm

'Abdullāh was martyred at the Battle of Mu'tah.[152] Women were also present at the

Treaty of Ḥudaybiyah. Fāṭimah participated since a hadith depicts Ali requesting

Fāṭimah to allow Hamza's daughter to ride with her on the Muslims departure to Medina

and specifically states this occurred during the Treaty of Ḥudaybiyah.[153] More

significantly even Umm Salamah participated in the expedition to Mecca for the Treaty

of Ḥudaybiyah as explicitly confirmed in the narrations of Al-Miswar bin Makhrama and

Marwān who not only explicitly refer to the Treaty in the *matn* but also refer to the

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[148] Muslim, 26:1641a & b.
[149] Muslim, 44: 2497.
[150] Ibn Ishaq,Watt, Lings
[151] Bukhārī ,64:4267 & 4268.
[152] Bukhārī, Ibn Ishaq and Ibn Kathīr.
[153] Bukhārī, 53:2699.

solution she proposed to Muhammad as he faced opposition during difficult negotiations with his followers. Muhammad duly implemented her solution and secured agreement.[154]

Besides these hadiths that provide explicit confirmation of women's participation in expeditions and battles, there are also a number of testimonies that strongly suggest Muhammad took women along as a matter of routine, suggesting therefore that the actual level of women's participation was higher than indicated in the literature. For example there is Ibn 'Abbas's hadith who relates how Muhammad would take Umm Sulaym and other Anṣāri women with him on his expeditions and that they would treat the wounded and provide water to the soldiers.[155] In another longer narration he confirms that the women also fought along with Muhammad.[156] Similarly Rubayyi' bint Mu'awwidh confirms women used to take part in battles with the Prophet to provide water, tend to the wounded and bring them back from battle.[157] 'Umm 'Aṭiyyah furthermore testifies she participated in seven battles with the Prophet undertaking mainly ancillary duties[158] whilst Ḥafṣah Bint Sīrīn narrates how a woman testified her sister participated in six battles with the Prophet.[159] Given that Muhammad participated in a total of nineteen battles and expeditions, as according to the hadiths, such testimonies further demonstrate significant participation on part of women.

However it appears Muhammad was not just taking the ordinary women along to expeditions as a matter of routine but also his wives to accompany him. This is perhaps best evidenced in the following hadith:

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[154] Bukhārī, 54:2731& 2732.
[155] Muslim, 32:1810.
[156] Muslim, 32:1812a&b.
[157] Bukhārī, 56: 2883.
[158] Muslim, 32: 1812 g&h.
[159] Bukhārī, 25:1652.

> Narrated ʿĀ'ishah: Whenever the Prophet intended to proceed on a journey, he used to draw lots amongst his wives and would take the one upon whom the lot fell. Once, before setting out for Jihad, he drew lots amongst us and the lot came to me; so I went with the Prophet; and that happened after the revelation of the Verse of Ḥijāb.[160]

A particularly revealing aspect regarding this narration is ʿĀ'ishah's specific mention that the jihad she accompanied Muhammad in, occurred after the revelation of the Hijab verse. It is intriguing as to why she is depicted as stressing on this issue. The possibility that she may have been emphasising it to stress hijab did not serve to restrict participation cannot be discounted.

There are a number of hadiths depicting Muhammad's wives accompanying him in his journeys without specifying the purpose of the journey. [161] However given that most of Muhammad's journeys were undertaken for the purposes of undertaking expeditions, it can be plausibly be assumed within the light of ʿĀ'ishah's narration that Muhammad's wives accompanied him in many of his jihad ventures.

There are however some hadiths that do specifically depict Muhammad's wives travelling for expeditions. A most widely narrated one is that of ʿĀ'ishah's narration about the time she went on an expedition with the Prophet but was inadvertently left behind and relates the ensuing scandal as she returned home alone with a *non-maḥram*. [162] Not surprisingly this incident became well known by the name of the "*ifk* affair." It is clear that ʿĀ'ishah accompanied Muhammad in an expedition since she specifically

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160 Bukhārī, 56: 2879.
161 For example, Bukhārī 67: 5211.
162 Bukhārī, 52:2661.

refs to the journey as a *ghazwa*[163] but also because external sources confirm this incident occurred during the invasion of the Banu Muṣṭaliq in 627.[164]

Besides this hadith providing explicit confirmation, there are of course the two hadiths previously cited depicting Umm Salamah's participation in the Battle of Ḥunayn and the Treaty of Ḥudaybiyah. The latter hadith significantly also demonstrates an instance of Muhammad's wives assuming an influential role during expeditions, in this instance as highlighted previously, Umm Salamah essentially assuming the role of an advisor during difficult negotiations in which she proved to be successful. This however is not the only instance Muhammad's wives played an influential role in jihad. Very well documented by independent sources and suggested in the hadiths is ʿĀʾishah's highly political involvement and presence in the civil war that ensued after ʿUthmān's assassination.[165] However it cannot be denied that in comparison to the ordinary women, the participation of Muhammad's wives on the battlefield is severely limited, except in the one instance ʿĀʾishah is depicted as providing water to the solders on the battlefield. But as pointed before this was before the revelation of the hijab verses and given that the hadith overwhelmingly confirms that the ordinary women continued to assume such roles even after Uḥud, it strongly confirms hijab was not generalized to all women, whether understood as complete screening/ veiling or physical gender segregation. In the final analysis though, regardless of what role women adopted in jihad it nevertheless provides positive confirmation of their participation in public space and that too it must be noted with a high level of interaction with men.

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[163] Bukhārī, 56:2879.
[164] Ibn Ishaq & Ibn Kathir
[165] Bukhārī 92:7100 & 62: 3772.

4.5.4 Conclusion

The purpose of the research here was to determine to what extent there was a norm of restriction for women to participate in jihad and what kinds of jihad the women participated in order to determine to what extent the participation indicated in the literature signified a concessionary permission permitted on account of dire necessity only. The findings revealed there was no convincing evidence to suggest a norm of restriction for women to participate in jihad and that the women engaged equally extensively in non-defensive jihad as defensive jihad. As such the findings refute Mawdudi's claim that participation in jihad was necessitated only on account of dire necessity.

What the findings have also equally revealed is a strong suggestion that hijab directive was specific to Muhammad's wives. For after the revelation of this directive Muhammad's wives are not seen undertaking ancillary duties on the battlefield as they seen to be before its revelation whilst the ordinary women are still seen to be doing so even after the revelation of the hijab directive. However on the other hand it appears that the hijab directive certainly did not restrict them from accompanying Muhammad in the expeditions as well as assuming quite influential roles. In the case of 'Ā'ishah of course she is also depicted as engaging both politically and publicly in the post prophetic civil wars.

4.5 Conclusions

This chapter and the preceding chapter sought to determine the level of women's participation in public space by examining the hadiths pertaining to various indicators of

participation in order to be able to determine the purport of the seclusion directive. Mawdudi it must be recalled advocated a highly literal and restrictive interpretation of the seclusion directive on the understanding that women were restricted from various public endeavours except hajj and jihad, participation in the latter though only necessitated on grounds of dire necessity but not as a norm. Stowasser on the other hand drew on a number of these indicators of participation to argue seclusion was not a prerogative due of the ordinary women.

Both of course were shown to be selective in their approaches, which it was argued predominately emanated from their approach to the "restrictive" hadiths and which it was further argued ultimately stemmed from the assumption that they are predicated on the need to maintain gender segregation. However it is the contention of this research that when such "restrictive" hadiths are read within the context of other hadiths, they may be found to be based in reasons other than to maintain gender segregation. Hence the purpose here was to not just to determine what a holistic gathering of the actual practice and Prophetic sayings revealed in terms of what the normative position may have been on a given issue but also what a contextual reading of the "restrictive" hadiths reveals in terms of the underlying causes they were based on.

The findings here confirmed there was a general norm of permissibility, largely because on the other hand either no clear "restrictions" were found as such or they were found to be either qualified restrictions based in considerations other than to maintain gender segregation, predicated in the need to address a particular temporary situation or concessionary permissions. On the other hand, the hadiths depicting practice generally tended to confirm the women's participation in the various indicators of participation.

No clear restrictions were found in the case of women's participation in congregational prayers and their visitations of graves, rather on the other hand there appeared to be a strong suggestion of permissibility in the Prophetic sayings which was further confirmed by the women's actual practice, which was certainly shown to be highly extensive in the case of women's participation in congregational prayers. The restrictions that were cited to justify women's restriction for these two given indicators of participation were found to be absent from both Bukhārī and Muslim compilations. However a contextual reading of these "restrictive" Prophetic sayings revealed that they were not predicated on the need to maintain gender segregation. For example in the instance of women's participation in congregational prayers it was argued that the Prophetic saying that delineates successively the innermost part of the house as the best place for a woman to pray in should be understood within the context of ensuring tranquillity of environment and not a means to maintain gender segregation, as was also shown to be the reason as to why there was some emphasis in the literature on men to attend mosques for prayers. And in the case of the "restrictions" found for women's visitation of graves, a contextual reading strongly indicated that these should be understood within the context of curbing deplorable practices that were generally characteristic of women. Hence the restriction proved to be a qualified restriction that was not based on gender considerations but deplorable practices.

Regarding the other indicators of participation for which "restrictive" hadith were identified, these too were shown not to be predicated on the need to maintain gender segregation. For example, in the case of women's following of funeral processions, the identified "restriction" over which there was in fact a question as to whether it emanated from a Prophetic instruction or a later Muslim understanding, was also found to be

predicated on the need to curb deplorable practices as was the case with women's visitation of graves. Hence once again the restriction proved to be a qualified restriction that was not based on gender considerations.

In the case of the travelling of women, it was shown the identified "restriction" was predicated on the need to address a temporal condition, this being the dangers of travelling at that time. Hence the stipulation that women be accompanied was a means to afford them protection whilst travelling and not restrict their travelling. The sheer level of hadiths depicting their travelling of course confirmed this.

In the case of hajj, whilst of course here the point of contention was not whether there was a norm of permissibility or restriction since permissibility was agreed on but rather whether attempts were made during hajj to maintain gender segregation, it was first found there was a complete absence of any suggestion that gender segregation was instructed by Muhammad or practiced by the early Muslims. Secondly the "restrictive" practices identified were shown to be based on health considerations and not gender considerations as Mawdudi so strongly insisted. In other instances a restrictive meaning was a product of misinterpretation as in the case of 'Aṭā's hadith that appeared to suggest gender segregation was maintained during *ṭawāf* during the Prophetic era. But a close reading of this hadith clearly indicated that such gender segregation was applicable only for Muhammad's wives.

In the case of jihad, whilst here again the point of contention was not whether women participated or not but rather whether their participation signified permission necessitated only under conditions of extreme necessity against a norm of restriction, here again it was found that there was no clear restriction as such. The only hadith identified that

often is used to justify restriction, however was shown to be questionable in its interpretation from a number of aspects. The first being whether its reference was to jihad of the spiritual nature or that of armed combat. The second being whether it was just specific to Muhammad's wives since it was answered in response to a query from one of Muhammad's wives. Thirdly and perhaps more plausibly it was argued that it should be construed as a hadith whose purport is to compare the merits of participation in jihad with other forms of worship as was found to be the case with other Prophetic sayings on jihad. Moreover of course this conclusion was also affirmed by the actual practice of women's participation in which it was found women participated just as extensively in non-defensive jihad as defensive jihad.

Simply therefore the hadith literature is devoid of any clear restrictions for women to participate in the various indicators of participation scrutinized in this chapter and the preceding one. The only restriction it finds is that pertaining to the following of funeral processions, but even here there is a question mark over to what extent it represents a Prophetic instruction and furthermore proves to be a qualified restriction not based in any gender considerations.

Since Mawdudi's position was ultimately and substantially built on giving undue prominence to "restrictive" hadiths and assuming them to be predicated on the need to maintain gender segregation which thus sustained women's restriction from public space, the findings here thus seriously challenge his literal and restrictive interpretation of the seclusion directive. The evidence simply does not sustain his interpretation.

Another equally revealing finding is that Muhammad's wives equally participated in a number of the indicators of participation examined. Whilst at times the extent of their

participation may have been circumscribed as in the case of their participation in the battlefields, on the other hand though it did not appear to have limited their participation in public space. For the wives were also seen participating in public prayers, accompanying Muhammad in his expeditions, being sanctioned to visit graves, and participating in hajj even after Muhammad's demise. In the case of 'Ā'ishah of course she also participated highly politically and publicly in the post prophetic civil wars.

In the light of these findings, Stowasser's claim that seclusion was mandated only for Muhammad's wives also stands seriously challenged. This of course gives rise to the question as to what the purport of the seclusion directive was since it appears it did not appear to impose a strict restriction on the movements of both the ordinary women and Muhammad's wives. It can only be but concluded that the findings here confirm Wadud's interpretation that the restriction imposed in the seclusion directive is applicable for only that going out which is for the purpose of a wanton display given that the instruction to stay at home is immediately followed by this clause.

In the light of such conclusion, therefore the debate over the scope of application of the seclusion directive becomes irrelevant, which explains why the attempts of both Mawdudi and Stowasser at generalization and non-generalization respectively, were equally plausible. So whilst addressed to Muhammad's wives, it could be equally generalized to all women, on the understanding that its purport was not to impose a general restriction for going out but only for that going out which was for the purpose of making a wanton display. From this one can further draw the inference that even the restriction that the seclusion directive imposes is not predicated on the need to maintain gender segregation, which Mawdudi undoubtedly assumes, but again to curb a practice that was found to be deplorable and prevalent amongst women of that time.

Undoubtedly the findings here undermine Mawdudi's conceptualization of hijab since it was significantly built on a literal and restrictive interpretation of the seclusion directive. However on the other hand as we have seen (1.4.2), it is implicitly built on a generalized understanding of the hijab directive and a restrictive interpretation of the clothing directives and so it is now these issues that will be addressed in the next chapter.

HIJAB IN THE HADITH LITERTAURE

5.1 Introduction

Whereas the last two chapters examined the hadiths to determine what they revealed in terms of the level of women's participation in public space, this chapter will now as mentioned in the conclusion of the preceding chapter (4.5), examine the hadiths to determine what they reveal in terms of the purport of the hijab, khimar and jilbab directives.

These will be the focus of examination for on the one hand it is the understanding that hijab is general in scope and khimar and jilbab mandate complete veiling that also sustains conservative conceptualization of hijab as highlighted in 1.4.2 and on the other hand the purport of these directives have not been satisfactorily established by either of the partisans in this debate as concluded in 2.4.

Just to recapitulate, for Mawdudi the hijab directive was unquestionably of general scope given that it was assigned the function of a preventative measure for the all-important function of maintaining societal stability, a reason which consequently would not, confines its legislation to Muhammad's wives only. Of course such generalization was also implicitly sustained by the notion of Muhammad's wives as role models and the fact that the hijab directive was preceded by etiquettes that would be expected of all people entering the homes of others.

It could be argued that his incidental reference to Fāṭimah passing her child to Anas bin Mālik from behind a screen supports his argument, however on the other hand there was

a question over the reliability of this hadith. In supporting his interpretations of the khimar and jilbab directives, his main evidence was the Prophetic instruction that women not observe face veiling during *iḥrām* from which he thereby deduced that face veiling must have been normative and sought further support in 'Ā'ishah's hadiths that appeared to confirm his interpretation. However here again there was a question over the reliability of his sources for 'Ā'ishah's hadiths so that the Prophetic instruction still remained open to question. Moreover there is good reason to believe his evidence was the product of a highly selective approach.

Stowasser on the other hand provided quite substantial evidence from the hadiths to establish the specific nature of the hijab directive but again there was a question over the reliability of the information presented and of course to what extent she had been selective in her approach to the hadiths (2.2.3). Her attempt to establish jilbab does not mandate complete veiling however was based on a very weak argument and which failed also to take into consideration the hadiths that do appear to suggest face veiling may have been observed as cited by Mawdudi (2.2.4).

Mernissi attempted to offer a re-interpretation of the hijab, claiming it was wrongly interpreted to mandate complete veiling and seclusion but of course her attempt proved to be based on a highly problematic methodology (2.3.1). Barlas on the other hand failed to engage with the hijab directive without good reason. And though she proffered some highly convincing re-interpretations of the khimar and jilbab directives, they did though still stand contested (2.3.2).

As such there still remains a need to examine the hadiths to determine to what extent hijab can be generalized to all women and the khimar and jilbab directives mandate complete veiling.

Given the hijab directive enjoins men to interact with Muhammad's wives beyond a screen, one of the first issues that will be explored in determining to what extent the hijab directive was generalized to all women, is a comparison between the nature of interactions between men and Muhammad's wives and men and the ordinary women with respect to the use of a screen in private space. There will also be an examination of the kind of terminology that is used in referring to the screening or veiling in reference to these groups of women and to what extent it entailed complete veiling for this too should help determine therefore to what extent the hijab directive was generalized to all women.

Since there is a strong indication that the hijab directive was extended into public space as strongly suggested by the findings in the preceding chapter pertaining to travelling, hajj and jihad, there will also be a comparison between the nature of interactions between men and Muhammad's wives and men and the ordinary women in public space. Given that compliance to the hijab directive in public space would most likely be observed by maintaining invisibility, there will be a focus on to what extent the two groups of women differed with respect to what extent they maintained invisibility, how this was achieved and what kind of terminology is used in referring to the clothing of these women in public space. For again the latter will not just help determine to what extent the hijab directive was generalized to all women but also to what extent khimar and/or jilbab mandated complete veiling. The significance of determining the latter is imperative for the reason that transportation of the term hijab to other Muslim women's clothing derives

its validity implicitly from the argument that jilbab like the hijab maintained women's invisibility in public space.

Equally there will also be an exploration of hadiths that have not fallen within the scope of interactions but yet make reference to the term 'hijab' to determine what further light they shed on the purport of the hijab directive.

Another assertion Mawdudi makes of both the hijab directive and the concept of hijab is that their objectives are to "practically segregate the male and the female spheres of activity"[1] so as to "guard against the least probabilities of mischief."[2] It follows from this it would not be unreasonable to infer that Mawdudi also understands hijab/ *purdah* as keeping interactions between the two genders to cases of absolute necessity just as public participation is restricted to cases of absolute necessity. This in fact is quite evident also from his remarks that women "should not speak to them [meaning men] without necessity"[3] and "It is obvious that the Law which has such trends [meaning the "Divine Laws for the Movement of Women"] cannot be expected to allow that the two sexes should freely mix…"[4] Whilst of course the last two chapters have demonstrated women's public participation was not restricted to situations of dire necessity, and which also incidentally demonstrated a certain level of interaction between the genders particularly during jihad and hajj, it would be worthwhile here also exploring the level and scope of interactions between the genders so as to assess the validity of Mawdudi's claim. For it is ultimately this claim also that considerably justifies women's restriction from public space on the implicit understanding that since the hijab's purpose is to

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[1] Mawdudi, *Purdah*, p.163.
[2] Mawdudi, *Purdah*, p.180.
[3] Mawdudi, *Purdah*, p.205
[4] Mawdudi, *Purdah*, p.205.

segregate the sexes, then logically women's restriction from public space ensues. Stowasser of course also attempted to challenge this claim through the hadiths and certainly her evidence was convincing but as demonstrated in 2.2.4, there was a question over the reliability of the material and to what extent it was the product of a selective approach. Mawdudi, on the other hand, simply failed to engage with the hadiths on this issue, suggesting therefore selectivity on his part too. Again there will be a comparison between the level and purpose of interactions between the men and Muhammad's wives and men and the ordinary women in order to determine to what extent they differed in their level and scope of interactions with men.

It must be noted here that given the very nature of the questions that will be addressed in the research of this chapter, inevitably much of the focus will be on hadiths depicting practice, resort however will still be made to any Prophetic sayings or contextual hadiths that shed any further light on the issues under discussion.

In scrutinizing the hadiths, every single hadith in the collections of Bukhārī and Muslim will be examined and any hadith that makes mention of the particular issue under discussion will be selected for analysis, regardless of whether it suggests a "restrictive" or "permissive" meaning and this applies to both the hadiths depicting practice and Prophetic sayings. In the case of hadiths this research identifies as "contextual" hadiths, any hadiths that makes mention of the issue under discussion and shed any possible information that would have a bearing on the issue in hand or a given Prophetic saying, will also be selected for analysis. How the hadiths were scrutinized and selected for analysis will be discussed under each of the three areas being explored in this chapter.

5.2 Findings: Nature of Interaction

5.2.1 Private Space

Here only those hadiths were selected in which it was explicitly clear that interaction occurred between *non-maḥrams* and women and that it was undertaken in private space. For reasons explained in 5.1, the hadiths here were also scrutinized to determine to what extent a screen or any other form of barrier was used in the interactions between men and Muhammad's wives on the one hand and men and the ordinary women on the other hand and also what term is used to denote the screening. Discerning such information proved to be very difficult, since most of the hadiths depicting interactions were devoid of any reference as to how interaction may have been conducted, particularly in the case of the ordinary women. Such absence could signify that the practice was so customary that the narrator would not be compelled to make such an observation. In the case of the interactions of men and the ordinary women, it could even signify the lack of screening or use of hijab. The evidence appears to very strongly suggest it was the latter as will become evident in the analysis that follows.

The number of interactions between men and women, both Muhammad's wives and the ordinary women in private space are in fact too numerous to enumerate and many of these will be discussed later in 5.4.1 and 5.4.2. But here only those hadiths have been selected that provide some insight as to the nature of nature of interaction between the genders. The findings identified fifteen hadiths in total, seven referring to interactions between men and Muhammad's wives and eight referring to interactions between men

and the ordinary women and all strongly suggesting hijab to be specific only to Muhammad's wives.

Three of the seven hadiths pertaining to Muhammad's wives depict Muhammad as clearly only enjoining his wives and not the ordinary women to observe hijab. For in one of these Muhammad is seen explicitly enjoining Sawdah to observe hijab in the presence of a certain young boy when Muhammad learnt the boy's correct lineage rendered him to be a *non –maḥram* to Sawdah.[5] It is plainly clear the hijab directive is being referred to here since the imperative form of hijab is deployed.

The second hadith depicts Muhammad enjoining his wives to start observing hijab in the presence of a certain eunuch when he heard the eunuch describing physical features of a woman to his wives.[6] In this instance the hadith records Muhammad as instructing his wives not to allow this certain eunuch to visit them again. The hadith does not record him as specifically using any derivate of the root word of hijab, but it is clear this instruction requires compliance to observation of hijab given ʿĀ'ishah's concluding remark that thereafter the wives began "to observe the hijab from him" [*faḥajabūhu*].

Another reason it is explicitly clear that reference is being made to hijab in the latter hadith is because the literature depicts the use of hijab as means of regulating who was permitted to visit Muhammad's wives as evident in the third Prophetic instruction that is found widely transmitted on the authority of ʿĀ'ishah:

> 'A'isha reported that her foster-uncle whose name was Aflah sought permission from her (to enter the house) but she observed seclusion [hijab] from him, and informed Allah's Messenger who said to her: Don't observe veil [hijab] from him

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[5] Bukhārī, 49: 2533.
[6] Muslim, 39:2181.

for he is Mahram (one with whom marriage cannot be contracted) on account of fosterage as one is Mahram on account of consanguinity.[7]

Here notably the phrase "she observed seclusion from him" in its original Arabic language is "she observed hijab from him" (*faḥajabūhu)*, making it explicitly clear hijab was used within the context of determining who was permitted to enter upon Muhammad's wives. Implicit in this understanding is that those who were not permitted to enter upon Muhammad's the wives, had to therefore observe a screen in their interactions with them. And this of course is made explicit in the Prophet's instruction that since Aflah was a *maḥram* to 'Ā'ishah; there was no compliance to observe hijab in her interactions with him. Furthermore, in a number of narrations of this hadith,[8] 'Ā'ishah explicitly remarks this incident occurred after the revelation of the hijab verses, thereby clearly suggesting such regulation of visitors to the houses of Muhammad's wives were predicated on the hijab directive.

The remaining four hadiths pertaining to Muhammad's wives clearly show them screened in their interactions with men. One of these depicts 'Ā'ishah explicitly mentioning how she was following and engaging in a conversation of Muhammad with an unnamed man through the crevice of a door.[9] In another instance she records how Muhammad screened her whilst she viewed Ethiopians dancing on the occasion of *'īd*.[10] In this hadith, the root word for screening comes not from *h-j-b* but that of the synonymous root word *s-t-r*, which imparts the meaning to cover, veil, hide or conceal, its verbal noun (*sitr*) literally meaning curtain.[11] In fact the terms hijab and *sitr* are often used interchangeably. The hadith relating to the circumstances surrounding the revelation of the hijab directive as

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[7] Muslim, 17:1445i.
[8] Bukhārī, 67: 5103, 5239, 78:6156 and Muslim 17:1445a.
[9] Bukhārī, 23:1299 &1305. Also Muslim, 11: 935a & 935b.
[10] Bukhārī, 67: 5190.
[11] Hans Wehr Dictionary, p.397.

will be discussed in 5.4.1 for example uses *sitr* in some narrations[12] and hijab in other narrations,[13] to describe the screen/curtain Muhammad erected between himself and Anas bin Mālik. Its use in this manner clearly confirms its interchangeable use with hijab in the hadith literature. Another hadith records an observation on part of its narrator, Abū Salama of 'Ā'ishah's use of a screen, specifically using the term 'hijab', to denote it when she demonstrated to him how Muhammad performed his bath.

Finally a somewhat amusing hadith also very strongly suggests the use of hijab by Muhammad's wives in their interactions with men. The four narrations of the hadith depict that "some women of the Quraish" were conversing with Muhammad when 'Umar entered upon them, as permitted to do so by Muhammad, that the women "immediately went behind the curtain [hijab]"[14] or " quickly put on their veils [hijab]".[15] Though the hadith does not explicitly use the term "wives of the Prophet", there is very strong probability that this is a reference to Muhammad's wives as suggested by its internal evidence. According to Muslim's narrations these women were "raising their voices above the voice of the Messenger"[16] whilst in Bukhārī's narrations they were "asking him to give them more financial support"[17] or "asking him for more expenses."[18] These statements provide a very strong indication that the hadith refers to Muhammad's wives for the reason that not only would it have been unlikely for the ordinary women to make financial demands on the Prophet but also because historical sources confirm Muhammad's wives made financial demands on Muhammad in the wake of the

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[12] Bukhārī, 65:316, Muslim, 16:1428f & g.
[13] Bukhārī, 65:314, 315, Muslim, 16:1428e.
[14] Muslim, 44:2396 & 2397.
[15] Bukhārī, 62: 3683.
[16] Muslim, 44:2396 & 2397.
[17] Bukhārī, 78:6085.
[18] Bukhārī, 62:3683.

increasingly acquired wealth of the Muslims.[19] A number of Qur'anic commentaries further confirm Qur'an 33:30 was revealed in response to financial demands of Muhammad's wives.[20]

Regarding the ordinary women, there is not a single saying, prophetic or otherwise, enjoining them to observe screening or hijab in their interactions with men. Neither is there any hadiths depicting observations on part of narrators regarding their use of any form of screening or hijab. On the contrary, of the eight hadiths identified pertaining to them, three of these very strongly suggest they were visible to *non-maḥrams* visiting them.

The first of these three depicts Abū al- Sanābil bin Buʻkak calling on Subayʻah bint al-Ḥārith and expressing surprise as to why she is all dressed up, since being recently widowed as identified in the *matn*, Sanābil considers she should still be observing *'iddah*[21] and consequently not be dressed up as was the convention.[22] That this interaction occurred in private space is confirmed not just by the fact that Sanābil calls on the woman but also by the fact that the *'iddah* period mandates women to stay indoors for various specified periods. Additionally the hadith later depicts Subayʻah then preparing herself to go out to seek Muhammad's verdict regarding *'iddah* of the woman who has given birth. That Sanābil was a *non-maḥram* is confirmed by Umm Salamah who lists Sanābil as one of those who proposed to Subay'ah.[23] It is explicitly clear this incident occurred in a very late Prophetic period, between 10 and 11AH since Subay'ah explicitly states her husband

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[19] Watt, M, *Muhammad at Medina*, Karachi, Pakistan: Oxford University Press, p.286.
[20] Asad, p.817.
[21] This is the scripturally ordained practice of divorced or widowed women staying indoors for various specified periods during which re-marriage is not permitted.
[22] Bukhārī, 64: 3991.
[23] Ibn Sa'ds *Women of Medina*, pg.200.

died during the Last Pilgrimage and of course Muhammad met his demise the following year. Its location in time therefore very clearly suggests that even in the later Prophetic period, there is no notion of the ordinary women having to observe screening in private space in presence of *non-maḥrams*.

The second hadith similarly depicts Salmān enquiring as to why Umm ad-Dardā' is so shabbily dressed on visiting her.[24] That Salmān is a *non maḥram* to Umm Dardā' is evident from the fact that the narrator identifies a bond of brotherhood had been established between Salmān and her husband, Abu Dardā', this referring to the prosperity measures Muhammad initiated between the indigenous tribes of Medina and those emigrating to Medina to alleviate financial hardships of the latter. As such there was no blood relation between the Anṣār and the Muhājirūn but was artificially created for pragmatic purposes. It is evident this interaction occurred in private space since its narrator relates Salmān "paid a visit to Abu-Darda" and that a meal was prepared for Salmān. Additionally this interaction also occurred in the absence of the husband since the narrator mentions that Salmān had intended to visit Abu Dardā' but found him absent. It must be noted here that the interaction was not limited to a brief greeting but what appears to be a conversation and neither does the hadith depict any disapproval from Abu Dardā' on finding his wife conversing with Salmān but rather he is the one that is depicted as proceeding to prepare a meal for Salmān. Moreover it is clear this interaction occurred in a post prophetic period because Umm Dardā' (d.81) here is none other than a distinguished scholar of the second generation of Muslims as mentioned in 3.4.2. Undoubtedly it appears therefore interaction without use of screen for the ordinary women would not be in contravention to the teachings of Islam and moreover neither is

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[24] Bukhārī, 78:6139.

there a suggestion that the use of the screen was generalized to other women, certainly at least until the second century of Islam.

The third hadith that is a particularly interesting hadith, and found very widely narrated,[25] is one that has become commonly known as the hadith of Fāṭimah bint Qays, given the controversy it created amongst the early Muslims and later jurists, regarding rules of divorce.[26] However the latter issue is not the focus of the analysis here, but rather the advice Muhammad offers Fāṭimah as to where she observes her *'iddah*. In the narration under scrutiny,[27] Muhammad initially suggests Umm Sharīk's home but on reflection, advises Fāṭimah to rather observe *'iddah* in a blind man's home, Ibn Maktūm. It is the reasoning Muhammad offers that is most revealing, this being that Umm Sharīk, being a rich and hospitable woman, frequently entertained guests, and that Fāṭimah's "head may be uncovered" or the cloth may be removed from her shank and "strangers may catch sight of them" which Fāṭimah would dislike for it very strongly suggests absence of a screen in interactions between men and the ordinary women. For simply, if a screen was observed in interactions, such concerns over the state of dress would not arise. Another notable point is that the term employed for Fāṭimah's headdress is khimar therefore strongly suggesting khimar was ordinarily used for covering the hair and not the face. A further revealing aspect of this hadith is the extensive level of interaction it reveals between men and women as clearly evident from Umm Sharīk's frequent entertainment of guests, which is after all the reason that prompts Muhammad to reconsider where Fāṭimah should observe her *'iddah*. Furthermore this hadith very clearly demonstrates such extensive level of interaction and certainly also the non-

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[25] The extent to which this hadith has been narrated is evident from Muslim's Sahih, he presents twenty narrations of this hadith in Book 18: 1480 a to t.
[26] Nadwi, *al-Muhaddithat*.
[27] Muslim, 54:2942.

observance of hijab by the ordinary women to be a normative practice of the late prophetic period since this incident very definitely refers to a period between 10 and 11AH. This is because one of the narrations explicitly mentions Fāṭimah's husband issued her a divorce after he set off for the Battle of Najrān, and this occurred in 10AH.[28]

Whilst the aforementioned three hadiths very strongly suggest the women were clearly visible to men, another five of the eight identified very strongly suggest the lack of screening in their interactions with men. The first of these is a particularly striking and widely narrated hadith that depicts a bride serving drinks to a group of men including Muhammad, at her wedding meal; moreover all the narrations explicitly state that the bride herself served the food and drink.[29] That she is serving in person is clearly indicated by the fact that the word used for 'serve', in three of the narrations, comes from the root word *kh-d-m* which imparts the meaning of serve, be at service, to have a job, to work, to wait, to render a service,[30] thereby strongly suggesting physical interaction since a service cannot be rendered without interaction. The only narration[31] that does not use a derivative of *kh-d-m*, on the other hand narration uses the term '*qarrabahu*' for 'brought it' in referring to the bringing of the food by the bride, which derives from the root word *q-r-b*, that imparts the meaning of bringing near,[32] therefore again suggesting close proximity in interactions. In fact Bukhārī classifies this narration under the legal heading of "The serving of the bride herself for the men at (her) marriage party", thereby confirming this hadith clearly shows direct interaction between the bride and men, men who it must be noted would necessarily include *non maḥrams*.

[28] Ṭabarī, *The History of Al-Ṭabarī, Vol. 9: The Last Years of the Prophet*. Translated by Ismail K Poonawala. Albany: State University of New York, 1990, pp.82-84.
[29] Bukhārī, 83: 6685, 67: 5176, 5182, 5183.
[30] Hans Wehr , p.229.
[31] Bukhārī, 67:5182.
[32] Lane's online Lexicon, p.2504.

The second one depicts Muhammad visiting Rubayyiʿ bint Muʿawwidh the morning after consummation of her marriage, Rubayyiʿ specifically stating that Muhammad sat on her bed whilst conversing with her,[33] thus very strongly suggesting the lack of screening in their interaction.

The final three are those that have been discussed previously in 3.4.1, namely those depicting Muhammad and Anas praying in the company of a couple of other women, these being Anas's mother, grandmother and aunt, in their homes.[34] The fact that in all hadiths the women are described as being lined up behind Muhammad again would strongly suggest the lack of screening.

Whilst of course a number of these do not refer to the type of clothing or veiling these women were observing, the fact that one of them does explicitly refer to the fact that khimar was being observed and on the other hand there is no clear directive for them to observe hijab but rather only the khimar and jilbab as will be seen in the next section, and of course neither of these were ordinarily used to cover the face as mentioned earlier, there is a very strong probability that they were not observing hijab/ screening or complete veiling in private space.

In conclusion, as far as the observance of the hijab directive in private space is concerned, whilst the hadiths do not lend themselves very easily to providing details of the nature of interaction between the genders and understandably so, nevertheless they provide strong evidence to conclude the hijab directive was only observed by Muhammad's wives in private space. This is because on the one hand the literature reveals that Prophetic instructions to observe hijab were only ever directed to them and only they are seen as

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[33] Bukhārī, 64: 4001.
[34] Bukhārī, 10:727 & 860. Muslim 5:660.

observing hijab in their interactions with men in private space. On the other hand regarding the ordinary women neither is there any Prophetic instructing them to observe hijab and neither do any of the hadiths depicting practice suggest they screened themselves. On the contrary a number of hadiths strongly suggest they were visible to *non-maḥram* in their interactions that of course would also fortify the argument that jilbab and / or khimar do not mandate complete veiling.

5.2.2 Public Space

Here only those hadiths were selected in which it was explicitly clear that interaction occurred between *non-maḥrams* and women in public space. In some instances it was difficult to determine the place of interaction, particularly in the case of interactions between Muhammad and the ordinary women. But these have been included in this section since there is a very high probability these occurred in public space because it was quite common for women to visit on Muhammad for seeking religious instruction. Hence even if some of these interactions were seen as occurring in Muhammad's home, the women necessarily would have traversed public space. For reasons explained in 5.1, the hadiths here were scrutinized for what kind of terminology is used with reference to the veiling Muhammad's wives and the ordinary women use outdoors and to what extent it renders them visible or else invisible in public space in order to determine to what extent hijab was generalized to all women and the purport of the khimar and jilbab directives. Again, as in the case of the hadiths pertaining to interactions in private space, it proved very difficult to determine the nature of the interactions between men and

women, again simply because the hadiths do not lend themselves easily to yielding such information.

The number of interactions between men and women, both Muhammad's wives and the ordinary women in public space are in fact too numerous to enumerate and many of these will be discussed later in 5.4.1 and 5.4.2. But here only those hadiths have been selected that provide some insight as to the nature of nature of interaction between the genders and the form of screening or veiling observed. The findings identified seventeen hadiths in total, six referring to interactions between men and Muhammad's wives, whilst eleven referring to interactions between men and the ordinary women and they too strongly suggest hijab was specific only to Muhammad's wives in public space.

This is because all the six hadiths identified depicting interaction between men and Muhammad's wives all specifically make mention of some form of screening or hijab, whereas of the nine identified for interactions between men and women, six of them very strongly suggest the ordinary women's visibility in public space whilst another three clearly depict that only the khimar and jilbab directives were made obligatory for the ordinary women and these directives as will be seen below and have been shown in the previous section, were not ordinarily used to cover the face. The final hadith in fact appears to confirm these interpretations.

The use of hijab and maintaining invisibility of Muhammad's wives is perhaps the most explicitly evidenced in three hadiths pertaining to certain incidents surrounding Ṣafiyyah whom Muhammad married during the expedition of Khaybar.[35] As such these events are located in a period after the revelation of the hijab directive since the expedition of

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[35] Ṭabarī, *The History of Al-Ṭabarī, Vol.8*, p.122.

Khaybar was undertaken in 6AH, a year after the revelation of the hijab directive. One of these hadiths depicts people, who had been invited to the wedding banquet of Muhammad and Ṣafiyyah, conversing as to whether Muhammad had taken Ṣafiyyah as a concubine or a wife.[36] The revealing aspect about this hadith is the means by which the people decided whether Ṣafiyyah had acquired the status of a wife, this being it would become known if she had acquired the status as a "Mother of the Believers" if Muhammad "orders her to veil herself." Since Muhammad proceeded to veil her from the people, it confirmed to them that she indeed had acquired the status as a wife of the Prophet. Notably in both the references to 'veil' in this hadith, the original Arabic term is hijab. This hadith thus very clearly indicates that 'hijab' signified the status of a woman as the wife of Muhammad to the early Muslims and that the observance of the hijab directive also extended to public space.

This is further established by the second hadith in which Anas bin Mālik's confirming Muhammad consummated his marriage to Ṣafiyyah during Khaybar, further imparts the detail that "Ṣafiyyah was amongst those who were ordered to use a veil", using the term hijab for veil.[37] Mālik's statement likewise implies an understanding that 'hijab' was understood as symbolic of the status of a woman as Muhammad's wife. By implication it therefore also suggests that hijab was not understood as generalized to all women.

The third hadith depicts how Ṣafiyyah accidentally falls off her riding animal, most probably exposing herself to visibility since Abū Ṭalḥā, who is seen as accompanying her and Muhammad in their journey, takes great measures to first cover his face with a

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[36] Bukhārī, 67:5085.
[37] Bukhārī, 64: 4212.

garment before then throwing the garment on Ṣafiyyah to cover her.[38] It is very likely this hadith relates to a journey after her marriage to Muhammad since she is depicted as travelling with him on his riding animal from 'Usfan to Medina, 'Usfan being a small town between Mecca and Medina.[39] There is no reference to the use of hijab, but the significance of this hadith lies in indicating the imperativeness with which the invisibility of Muhammad's wives was maintained in public space.

That maintaining invisibility of Muhammad's wives in public space emanated from a compliance to the hijab directive is clearly borne out in the fourth identified hadith, this being the well known hadith of 'Ā'ishah that relates the events of what commonly became known as the "*ifk* affair" as mentioned in 4.5.3,[40] this being the scandal that ensued the time she was left inadvertently behind on a journey and was brought home by a *non-maḥram*. The association between hijab and maintaining invisibility in public space is clearly evident from 'Ā'ishah's emphasis on the fact that she was carried in a howdah (a covered litter) because this incident happened after the revelation of the hijab verses. That the hijab verse mandated the wives invisibility to *non-maḥram* is then further borne out in her statement "he recognized me on seeing me as he had seen me before the (revelation of) hijab" in referring to Ṣafwān who discovered and brought her home. For here the suggestion is that Muhammad's wives were visible to *non-maḥram* before the revelation of the hijab directive. To maintain her invisibility on being seen by Ṣafwān, 'Ā'ishah further relates how she covered her face with her jilbab [*fa-khammartu wajhi bi-jilbābī*]. It is these two latter statements of 'Ā'ishah's that are of greater interest here since they shed a highly revealing insight into the jilbab's function and so its purport.

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[38] Bukhārī, 56:3085.
[39] Guillaume, *The Life of Muhammad*, p.8.
[40] Bukhārī, 52:2661 & 64:4141.

Given that her face became visible to Ṣafwān and that she then uses her jilbab to cover it, very strongly suggests jilbab was not ordinarily used to cover the face, for otherwise neither would 'Ā'ishah's face become visible to Ṣafwān and neither would she have resorted to covering it with her jilbab. What it furthermore suggests is that there was a distinction between hijab and jilbab, the latter most definitely not conflated in its function with the hijab, challenging thereby the conservative transportation of hijab to all other women's clothing.

The fifth hadith depicts Umm Salamah communicating from behind a screen with Muhammad and some other men.[41] Here notably the term *sitr* is used, which as mentioned before is used synonymously with hijab in the hadith literature. It is clear this relates to an interaction in public space and that too in a period after revelation of the hijab directive since the hadith depicts Muhammad and his companions as camped at Ji'rāna, a place where Muhammad camped after the siege of Tā'if,[42] which occurred in 8AH[43] and historical sources confirm he was accompanied by Umm Salamah.[44]

Finally the sixth hadith records Ibn Jurayj enquiring of 'Aṭā what screen 'Ā'ishah was observing when he visited her during her stay at Jauf Thabir.[45] Such keen observation very strongly suggests there was a great interest in observing how Muhammad's wives maintained hijab in public space, an interest, which it must be noted, is never observed in the case of the ordinary women. Indeed in their case, as mentioned earlier there have been identified six hadiths that very strongly suggest their visibility in public space.

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[41] Muslim, 44:2497.
[42] Guillaume, *The Life of Muhammad*, p.592.
[43] Guillaume, *The Life of Muhammad*, p.587
[44] Guillaume, *The Life of Muhammad*, p.589.
[45] Bukhārī, 25:1618.

The first one makes it explicitly clear that ordinary women's faces were visible in congregational prayers. This is Jābir bin 'Abdullāh's hadith who relates that when Muhammad had finished preaching to the men and women on the day of *'īd*, a woman with a dark spot on her cheek got up to raise a question.[46] This hadith clearly relates to a period after 6AH since another narration depicts Muhammad as reciting the verses pertaining to the pledge of believing women, 60:12[47] on this occasion, which was revealed during the Treaty of Ḥudaybiyah [48] and this was concluded in 6AH.[49]

Another three hadiths depict responses on part of Muhammad to the ordinary women that would not have been possible if their faces were not visible. One of these is a hadith that has been referred to earlier (4.3.3), this being the hadith depicting Muhammad being approached by a woman for a legal verdict during hajj.[50] The hadith also depicts Al-Faḍl, who was riding behind Muhammad, looking at the woman and Muhammad responding by turning away the face of Al-Faḍl. Surely the woman must have been visible for otherwise Al-Faḍl would not have been viewing her and of course Muhammad then not having to turn his face away. This incidence undoubtedly occurred during 10AH since the hadith explicitly mentions it occurred during the Farewell Pilgrimage and this was undertaken in 10AH,[51] therefore strongly indicating that the covering of faces by the ordinary women was not a normative practice in the very late Prophetic period.

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[46] Muslim, 8:885b.
[47] Muslim 8:884a.
[48] Wāhidī, Alī ibn Ahmad, *Asbāb al-Nuzūl*. Translated by Mokrane Guezzou. Jordan, Aal al-Bayt Institute for Islamic Thought, 2008, p.154. This information is also confirmed in Bukhārī 50:2711, 2712 & 2713.
[49] Guillaume, *The Life of Muhammad*, p.499.
[50] Bukhārī, 25:1513 & Muslim, 15:1334.
[51] Guillaume, *The Life of Muhammad*, p.649.

The second hadith similarly depicts a woman approaching Muhammad, in this instance, to offer herself in marriage in presence of his companions.[52] One of the narrations clearly states Muhammad "looked at her carefully and fixed his glance on her …" before he decided to decline her offer.[53] The root word used for 'looked' derives from *n-z-r*, which imparts the meaning of perceiving something with the eyes, viewing, seeing something,[54] therefore plainly indicating Muhammad physically viewing the woman and not just considering the matter mentally. Such a response on part of Muhammad very strongly suggests that the woman was visible to him.

The third hadith depicts Muhammad calling out to Asmā', sister of his wife 'Ā'ishah since she is clearly identified as such in the *matn*, as he rides past her to offer her a ride as she walked back from working in the fields.[55] Again such a response on part of Muhammad clearly indicates Asmā' would have been visible to him.

Another two hadiths depict Muhammad conversing with women on the streets in a manner that suggests he is aware of their identity. In one of these, he specifically addresses the women as "mother of so and so …" [56] In the other, he is depicted as taking a woman to the side when she approaches him, who the hadith's narrator identifies as an Anṣāri woman, and telling her "…you (Ansar) are the most beloved people to me." [57] Given both hadiths suggest Muhammad knew the women's identities; they therefore very strongly imply the women must have been visible to Muhammad.

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[52] Bukhārī, 67: 5120,5121,5126, 5149.
[53] Bukhārī, 67:5126.
[54] Hans Wehr Dictionary, p.975.
[55] Bukhārī, 67: 5224 & Muslim, 39:2182a.
[56] Muslim, 43:2326.
[57] Bukhārī, 67: 5234.

As mentioned before, three hadiths clearly enjoin on the women to observe the khimar and jilbab directives. The first one being one which was discussed in 3.4.2 within the context of women's participation in *'īd* prayers, this being namely the Prophetic instruction commanding women who were kept culturally secluded to also participate in *'īd* celebrations and prayers. It must be recalled in these instructions, Muhammad recommended that if they do not have outdoor clothing, then they are to share the jilbab of another woman. And jilbab as shown above within the context of the 'Ā'ishah's hadith relating to the *ifk* affair, was not ordinarily used to cover the face.

Moreover this is further supported by another Prophetic instruction that exhorts men "to lower the gaze" amongst a couple of other matters to be heedful of if sitting on the roads by the men cannot be avoided.[58] This exhortation bears a striking similarity with the very first verse of the khimar directive, which it must be recalled also enjoins its addressee's "to lower their gaze", using the very same root words for both 'lower' and 'gaze' as in the Prophetic instruction. And as been quite rightly pointed out by a number of scholars,[59] this Qur'anic exhortation to lower the gaze necessarily implies that the face, at least, must be visible for otherwise such an exhortation would be futile. The same argument equally applies to the Prophetic instruction here, namely that such an instruction would be futile if women were not visible. In fact very interestingly, Bukhārī precedes this Prophetic instruction on the rights of the road with a hadith discussed previously, this being the one depicting Muhammad turning away Al-Faḍl's face from staring at a woman when she approached Muhammad to seek a legal verdict. This very clearly suggests Bukhārī understands the former Prophetic saying as an instruction not to stare at women in public space. I would further assert that since the Prophetic instruction

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[58] Bukhārī, 79: 6229.
[59] For example Barlas and Engineer.

explicitly relates to public space and the Qur'an mandates women to observe jilbab in public space, as does Muhammad, it could be very plausibly deduced that jilbab therefore does not mandate the covering of the face. Here thereby is further evidence to challenge the interpretation that jilbab enjoins the covering of the face.

The other hadith explicitly calls on women not to cover their faces whilst in a state of *iḥrām* during hajj.[60] It must be recalled this hadith constituted Mawdudi's main evidence to support jilbab mandates the covering of the face claiming it "clearly shows …the veil and the gloves were in common use to cover the face and the hands."[61] His reasoning appears plausible; Muhammad's instruction could be construed as suggesting covering the face was normative.

However a reading of the instruction in its original Arabic, whilst it indeed does render the meaning "a woman should not cover her face", the phrase it actually uses is *la tantaqibu al-mar'a* which literally renders as "the woman should not cover her face with a *niqāb*" given it employs the eighth derived form of *n-q-b* which renders as "she (a woman) veiled her face with a *niqāb*."[62]

The use of *niqāb* is significant because it implies women were not using the jilbab but *niqāb* to cover their faces, the use of *niqāb* being a practice that historical research convincingly attributes to cultural influences.[63] And so what this strongly suggests is that whilst women may have been covering their faces, it emanated not from scriptural authority but cultural influences. And given it strongly suggests that jilbab was not used

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[60] Bukhārī, 28:1838.
[61] Mawdudi, *Purdah*, p.198.
[62] Lane's online lexicon, p.2834.
[63] See for example the works of Ahmed and El-Guindi.

to cover the face, this Prophetic instruction does not furnish sufficiently convincing evidence to support the claim that jilbab mandates face veiling.

Finally also identified is a hadith that recounts that when the khimar verse was revealed, and it does specifically relate the directive "they should draw their khimar over their necks and bosoms" the women cut their waist sheets and used it to cover themselves.[64] But this hadith is not a Prophetic saying and refers to 'Ā'ishah's observation. Secondly it does not imply a complete covering, even though the translation renders it as such, for the term used for 'covered' comes from the eighth derived form of *kh-m-r* and literally means, "she wore or put on her head a khimar". This hadith thereby confirms the suggestion made earlier that the khimar directive mandates the covering of the head and not complete veiling.

The final two clearly depict the women's use of khimar and jilbab in their interactions with men and further strongly suggest that these forms of veiling did not mandate complete veiling. The first of these relates a somewhat amusing incident, certainly Muhammad is depicted as considering it as such, for it demonstrates a woman, simply identified as the ex wife of Rifa 'a demonstrating the impotency of the person she was currently married to, by showing the fringe of her garment, which in this narration is referred to as jilbab.[65] Notably this action demonstrates it is highly unlikely that she was conversing from behind a screen for otherwise she would not have had the opportunity to animate her point! In another longer narration her garment is described as khimar and her demonstration of her husband's impotency is preceded by a conversation held between her and 'Ā'ishah in which 'Ā'ishah specifically exclaims that the bruising on her skin is

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[64] Bukhārī, 65:282.
[65] Bukhārī, 78:6084.

as green as her khimar and encourages Muhammad to also look at it.[66] Whilst it is not specified where the bruising is, and so it cannot be concluded with certainty what khimar mandates the covering of, nevertheless what it does suggest is that it certainly does not mandate complete veiling since 'Ā'ishah would not have called on Muhammad to view her bruising. It might be worthwhile noting here that whilst the narrations do differ in describing what form of dress the woman was wearing; nevertheless it is not referred to as hijab.

Finally in the last hadith Umm Sulaym is depicted as going out "wrapping her khimar hurriedly" to question Muhammad on a troubling issue.[67] Here there is a strong suggestion also that khimar does not mandate face veiling since Muhammad is depicted as addressing her by name in enquiring what matter brings her to him, for again in recognizing her there is a strong implication that her identity and thus her visibility was apparent to him.

In conclusion, as far as observance of the hijab directive in public space is concerned, whilst again the information is limited, it nevertheless provides strong evidence to conclude it was only Muhammad's wives who maintained their invisibility in public space. They maintained their invisibility either by travelling in covered litters or being completely veiled and the term often used in connection with this was hijab. As regards the ordinary women, there is no evidence to suggest that they maintained invisibility in public space; on the contrary the evidence suggests their faces were clearly visible. And whilst again the information is very limited in regards to what form of dress they were observing, the fact that two of them do identify them as observing the khimar and/or

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[66] Bukhārī, 77:5825.
[67] Muslim, 45:2603.

jilbab, and Prophetic instructions exhort them only to observe the khimar and jilbab, both of which have been shown to be not mandating face veiling, there is a very strong possibility that these women were not observing the hijab directive in public space.

5.3 Other References to Hijab in the Hadiths

As explained in 5.1, there will also be an exploration of hadiths that have not fallen within the scope of interactions but yet make reference to the term 'hijab' to determine what further light they shed on the early Muslim understanding of hijab. Here the hadiths were scrutinized for the use of the term hijab outside the context of gender interactions. The findings identified eight such hadiths, three of which appeared to be deploy hijab in its literal sense as a barrier/curtain and five specifically within the context of Muhammad's wives.

It is explicitly clear one of the three general ones uses hijab in its literal sense for it uses it to denote a screen, or rather lack of it, when God will speak to humankind.[68] The second also uses hijab to denote a curtain in which it is notably being understood as a means of regulating entrance given that Ibn Mas'ūd relates that the Prophet said that a sign that a person is permitted to enter is that the hijab is raised.[69] It is difficult to determine whether this regulation is general or one that would be applicable only for Muhammad's wives since internal evidence is lacking to shed light on this matter and so an attempt will be made to determine it within the light of the other findings of this section. The third hadith is particularly interesting for its narrator, Jarīr ibn 'Abdullāh, uses a derivative of *h-j-b*

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[68] Bukhārī, 97:7443.
[69] Muslim, 39:2169a.

[*mā hajabaniy*] within the context of relating that he was not denied permission to enter upon Muhammad.[70] Why Jarīr makes such an observation and a derivative of hijab is used within this context is curious; for generally when men and other women seek permission of Muhammad to enter, the term used is a derivative of the root word *'a-z-n,* which literally means to give permission. [71] Again this hadith will also be revisited in the light of the rest of the findings of this section.

The other five references to hijab as mentioned above are only used within the context of Muhammad's wives. The first of these is the widely narrated and well-known hadith of Anas bin Mālik relating the circumstances surrounding the revelation of the hijab directive.[72] The hadith has come in several narrations, but has only ever been narrated on his authority, which is perhaps not surprising since he was the only one privy to this occasion and in some narrations, he specifically states that he was the best informed about 'the verse of hijab'. A common meaning that is discernible from all its narrations is that the hijab verses were revealed when some visitors to the wedding meal of Muhammad to Zaynab overstayed their reception and Muhammad kept entering and leaving the room hoping for them to depart. On their eventual departure, Muhammad hangs a curtain at the entrance of Zaynab's apartment so that Anas who was about to enter the room along with Muhammad is denied entry. It is at this point that all the narrations concur that the hijab verse was revealed and all explicitly define it as 33:53. One of its longer narrations additionally adds "and henceforth the wives of the Apostle began to observe hijab."[73]

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[70] Bukhārī, 78: 6089 & 6090.
[71] Lane's online lexicon, p.41.
[72] Bukhārī, 65: 314, 315, 316 & 317, 79: 6238 & 6239. Muslim, 16:1428 b,e,f,g & h.
[73] Muslim, 16:1428g.

It is quite apparent here that hijab is being used as a means of regulating entrance, permission being denied to enter upon the inhabitants who have drawn it. Mas'ūd's narration as cited earlier, appears to accord with this meaning, since it too shows the use of hijab for such purpose. However the question it gave rise to and which also arises within the context of Anas's narration is whether such regulation was general or understood as specific to Muhammad's wives only. On the one hand it can be perceived as a general instruction applicable for all visitors since this would accord with the very first instruction that the hijab verses begin with, namely to seek permission before entering. This of course gave good reason for Mernissi to argue that the purport of the hijab verses was only to refine the Arab's etiquettes (2.3.1). And moreover this also gives good reason for conservative thinkers to generalize hijab since seeking permission to enter undoubtedly is an etiquette that would be general in nature (1.4.2). But here I would argue there are two hijabs in these verses of hijab, the first being what I identify as the 'general' hijab that addresses the etiquettes of entering dwellings and thus could be considered as general in scope, and the second being the 'specific' hijab, regulating the entrance of those entering upon apartments of Muhammad's wives which has been referred to as the hijab directive throughout this research up until now.

And there are very strong grounds to consider that the hijab being referred to here is the 'specific' hijab. This is because firstly and most importantly the Qur'an itself only uses hijab within the context of a screen to be observed in the interactions between men and Muhammad's wives. Secondly one of the narrations specifically states that thereafter the wives began to observe hijab, hence the reference here must clearly be to the 'specific' hijab. Finally the findings of the previous section overwhelmingly confirm hijab is only ever used in its 'specific' sense since it is only used within the context of Muhammad's

wives and never within the context of other women. And whilst of course there are some instances where hijab is not used within the context of Muhammad's wives, as depicted in Mas'ūd's and Jarīr's hadiths, there is strong reason to believe that hijab is being used here in its 'general' sense. Moreover in the case of Mas'ūd's hadith there may be a possibility that it could equally be referring to the 'specific' hijab of Muhammad's wives.

The other two identified hadiths are those that constitute Mawdudi's substantial evidence to support his interpretation of the seclusion directive and ultimately his conceptualization of hijab, these being those that depict the two encounters of Sawdah with 'Umar, before and after the revelation of the hijab verses and both of which are transmitted on the authority of 'Ā'ishah.[74] Before describing the first encounter 'Ā'ishah furnishes the information that Muhammad's wives would go out in the cover of the night to ease themselves and that 'Umar would request Muhammad to ask his wives to observe hijab but Muhammad refused to do so. Thereafter she describes how Sawdah went out during one of the nights when it was dark that 'Umar called her saying " we recognize you" on account of her tall height. 'Ā'ishah adds that 'Umar did this with the hope that the hijab verses would be revealed and concludes they were thereafter revealed.[75] In describing the second encounter she specifically states it occurred after hijab had been prescribed. On this occasion she reports 'Umar as conveying to Sawdah that she should be careful when she goes out since she cannot be concealed, which 'Ā'ishah again attributes to her tall stature. This time however, 'Ā'ishah continues, Sawdah informed Muhammad of 'Umar's admonition in response to which Muhammad, on receiving an

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[74] Hadiths that depict encounter before revelation of Hijab verses: Bukhārī, 79:6240& Muslim 39:2170d. Hadiths depicting encounter after revelation included Muslim 39:2170 a, b & c.
[75] Bukhārī 79:6240 & Muslim 39:2170d.

immediate revelation, declared, "Permission has been granted to go out for genuine needs."[76]

These narrations show the development of an understanding of hijab that has implications for women's participation in public space. And this of course gave reason for Mawdudi to argue these narrations clearly indicate women should be prohibited from going out that he inferred from 'Umar's responses. However whilst it was earlier argued that it was difficult to deduce this from 'Umar's responses for at the most they suggested invisibility must be maintained in public space, it was though insinuated in the Prophetic response that permission is granted to go out for genuine needs.[77]

However perhaps one of the most crucial points to note here is that these narrations represent but only 'Ā'ishah's interpretation of 'Umar's actions and whilst they may suggest the revelation of hijab may have been instigated by the need to limit women's public participation, as Mawdudi very clearly perceives, they cannot take precedence over that of Anas's narrations since the narration of the one privy to the event under question takes precedence over that of those who are not. And Anas's narrations as argued above clearly project an understanding of hijab as regulating only the nature of interaction between men and Muhammad's wives.

Secondly and equally significant is the fact that Muhammad's response appears to strongly negate the understanding that hijab should be understood as restricting public participation. Admittedly whilst it might appear as restricting participation due to the conditional qualification "genuine needs" and which of course Mawdudi attempted to show through the "Divine Laws for the Movement of Women" were only those that

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[76] Muslim 39:2170a.
[77] 1.5.3.

constituted dire necessity, the findings of the preceding two chapters however seriously challenge that "genuine needs" should be understood as such since they clearly demonstrate the women, both Muhammad's wives and the ordinary women, engaged in a number of public endeavours. Taking into consideration the earlier identified contextual hadith that depicts Muhammad as also enjoining men to avoid sitting on the roads and which thus could be very plausibly construed as enjoining men not to be in public space unnecessarily, it could be argued that the purport of the Prophetic saying in ʿĀ'ishah's hadith is that women should not also unnecessarily be in public space and/or for reasons that serve no particular purpose. This it must be noted resonates to some extent with the interpretation that was reached for the seclusion directive; this being that only that participation is restricted which is for the purpose of engaging in deplorable actions.

It must be recalled that it was also argued that Mawdudi was also able to support his interpretation by clear manipulation of terminology for in using the term "*purdah*" rather than hijab, he wanted to impress on the reader that the reference here was to the amalgamated seclusion, khimar and jilbab directives but however there was a strong probability that hijab here referred to only the hijab verses. And this has clearly been found to be the case since these narrations specifically use the phrase "The verses of hijab", which as demonstrated in Anas's narrations, show that the early Muslims understood these as Q 33:53. The point is that it is not the verses of khimar, jilbab and seclusion that are revealed in response to the first encounter, as Mawdudi would like the reader to believe but simply and only the hijab verses. Simply therefore these hadiths do not provide sufficiently convincing evidence to support an interpretation of the seclusion directive.

The fourth hadith identified records 'Umar himself narrating that he called on Muhammad to ask his wives to observe hijab since "good and the bad persons enter upon you." This appears to highlight another understanding of hijab, at least for 'Umar, this being that it also served as a means of protection from men with ill intentions. Notably this understanding appears to accord with the point made earlier, this being that there is a suggestion that 'Umar's concerns lay more with the idea that Muhammad's wives not be recognizable.

Another point of observation is that Bukhārī and Muslim never record 'Umar insisting on the use of hijab for other women or neither checking on their movements in public space, suggesting therefore that regardless of whatever function it signified for him, he still nevertheless understood hijab as specific to Muhammad's wives.

Finally the fifth hadith is one that has been discussed in 4.4.2, this being the one depicting Ibn Hishām's attempts to impose gender segregation during *tawāf* in the second century of Islam.[78] In the previous discussion, it was shown that such segregation proved to be specific to Muhammad's wives. Here however the point of interest is Ibn Jurayj's questioning of 'Aṭā as to whether the mixing of Muhammad's wives with men during *tawāf* occurred before or after the revelation of hijab. For this very clearly confirms there was an understanding that hijab served also the same function of mandating some form of gender segregation in public space as in private space. This of course is confirmed by 'Aṭā's response who relates the Prophet's wives still continued to perform *tawāf* after the revelation of the hijab verse but without mixing with the men or else at night in disguise amongst the men. The latter observation however highlights that it was not that Muhammad's wives were denied sharing public space with men but only that either they

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[78] Bukhārī, 25:1618.

maintained distance or invisibility when amongst them. Nevertheless regardless of these subtle differences, it is clear that this hadith appears to indicate that whilst hijab regulated the nature of interaction between men and Muhammad's wives, it did not though restrict their participation from public space.

In conclusion, whilst the aforementioned hadiths do appear to project various understandings of hijab, nevertheless they still all demonstrate an understanding that hijab was only ever understood as specific to Muhammad's wives only. Moreover there does appear to be a common theme that unites most of the projections of hijab, this being maintaining the invisibility of Muhammad's wives in the presence of *non-maḥrams* hence the reason hijab is extended also to public space and so 'Umar's concerns over their comportment in public space and them being approached by men of ill intentions. And though there appears to be the development of the notion of hijab as restricting public participation or denying the sharing of public space as in 'Ā'ishah's hadith, these notions are however challenged by the evidence of the given narrations themselves and by the findings of the previous chapters. Moreover 'Aṭā's hadith further suggests hijab rather served to regulate the nature of interaction between men and Muhammad's wives than participation in public space which of course is also confirmed by the hadiths depicting practice in the previous sections.

5.4 Findings: Level & Purpose of Interaction

As was explained in 5.1, the hadiths will also be examined for the level and purpose of interactions between the genders to determine whether hijab, both as a directive and a concept, should be understood as keeping interactions to situations of necessity as

implied by Mawdudi. Again there will be a comparison in the interactions between men and Muhammad's wives and men and the ordinary women to determine to what extent they differed in the level and purpose of their interactions. The hadiths here were scrutinized for any depiction of interaction between *non-maḥram* and women both in private and public space. The findings here have proved to be too numerous to enumerate and so quantifying them has been abandoned in this section.

5.4.1 Prophet's wives

The findings reveal a considerable level of interaction between men and Muhammad's wives, particularly in private space. Overwhelmingly and not surprisingly given the position of Muhammad's wives as authorities on religious teachings, a large proportion of these interactions are for purposes of seeking religious knowledge on part of the men. 'Ā'ishah prominently appears in most of these interactions, given her sound knowledge of the teachings. Thus a number of hadiths depict *non-maḥrams* approaching her for rules and regulation regarding bodily purification[79], prayers,[80] hajj,[81] funerals,[82] marriage and divorce[83] and a number of other matters.[84] Moreover there are a number of hadiths that simply begin with 'Ā'ishah narrated, or identify other wives of Muhammad as hadith authorities, and though there is not an indication in the *matn* that the information was transmitted through a male intermediary, it is visible in the *isnād*. This clearly suggests interaction between Muhammad's wives and men because hadiths were

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[79] Bukhārī, 5:251, 267, 286.
[80] Bukhārī, 463, Muslim, 4:717b, 719c, 730, 731, 738a, 741, 770, 783a, 835d, 746a.
[81] Bukhārī, 25:1618,1631, 1754.
[82] Bukhārī, 23:1299.
[83] Bukhārī, 67:5063, 5164.
[84] The level of interactions became too numerous to enumerate, however no books of both Bukhārī and Muslim are devoid of men seeking religious knowledge from Muhammad's wives.

extensively orally transmitted. Certain *non -maḥrams* are depicted as transmitting

information more prolifically than others, a most prominent one being Al-Aswad bin

Yazīd, a second -generation hadith transmitter[85] who related on a diverse range of issues

from 'Ā'ishah.[86] Moreover the very many transmissions of Al-Aswad's clearly

demonstrate prolific interaction in a post prophetic period.

It appears interactions for purposes other than imparting religious knowledge were not

miniscule either. The evidence suggests interactions at times were also for social or

entertainment purposes. The hadith depicting 'Ā'ishah watching Ethiopian forms of

entertainment on the day of *'īd* has already been cited.[87] A particularly striking one is

that of Muhammad refusing to accept a meal invitation from his neighbour, who is most

certainly a *non-maḥram* to 'Ā'ishah since he is described as of Persian descent in the

hadith, until 'Ā'ishah is not also invited whom the host refuses to invite until

Muhammad's third request.[88] Similarly Maymūna is depicted as interacting with men

invited to her house for a meal with Muhammad.[89] This interaction, it most be noted is

clearly located in a period after the revelation of hijab since Muhammad's marriage to

Maymūnah occurred in 7AH.[90] Likewise 'Ā'ishah is also depicted as extending a meal

invitation to Qāsim, a *non-maḥram* identified as the son of a freed slave woman in the

matn who incidentally 'Ā'ishah is also depicted as admonishing for committing mistakes

in transmitting hadiths.[91] It is highly likely this incident relates to a post prophetic period

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[85]Ṭabarī, *The History of Al-Ṭabarī, Vol.39, Biographies of the Prophet's Companions and their Successors,* 1998.
[86] Bukhārī 10:676,26:1787,19:1146, 24:1493,43:2386,55:2741,74:5595, 76:5741, Muslim 3:297e, 4:512e
[87] Bukhārī, 67:5190.
[88] Muslim, 36: 2037.
[89] Bukhārī, 72:5537.
[90] Guillaume, *The Life of Muhammad*, p.516.
[91] Muslim, 6:560a.

since transmitting hadiths, which the hadith clearly refers to, became more prominent in the post prophetic period. It seems Qāsim was not the only person she is depicted as admonishing, but also a man identified as Hishām's father given his abusing of Ḥassān bin Thābit, who was reciting poetry in her presence.[92] This hadith also exemplifies interaction for no more than social purposes, given Ḥassān recital of poetry in ʿĀ'ishah's presence and it very clearly relates to a post prophetic period since ʿĀ'ishah relates how Ḥassān used to defend Muhammad during his lifetime. ʿĀ'ishah moreover scolds another unnamed man, but who is definitely a *non-maḥram* since she is depicted as following the conservation of him with Muhammad through the crevice of a door for his failure to implement Muhammad's orders.[93] The point is that if interactions were to be limited to cases of absolute necessity as Mawdudi implies, ʿĀ'ishah would not have had the liberty to intervene in matters as it appeared she did on a number of occasions. ʿĀ'ishah is furthermore depicted as showing an interest in political matters in other parts of the Muslim world as clearly depicted in another instance in which ʿAbd al-Raḥmān bin Shumāsa approaches her, who is clearly a *non-maḥram* since he identifies himself as a person from Egypt when requested by ʿĀ'ishah to identify himself.[94] In this instance the man narrates that he had approached ʿĀ'ishah to inquire on a certain matter but on finding him to be from Egypt she wanted to know "the behaviour of the governor towards you in this war of yours."

The literature also records instances of Muhammad's wives being approached by *non-maḥrams* for assisting in reconciliations. For example Abū Salamah relates how he approached ʿĀ'ishah to give a verdict over a dispute between him and his people over a

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[92] Bukhārī, 64:4145.
[93] Muslim, 11:935a.
[94] Muslim 33:1828a.

piece of land.[95] This notably relates to a post prophetic period since Abū Salamah here is none other than Abū Salamah'Abd al-Raḥmān (d.104AH), a second century *qadi* and son of Muhammad's companion Abdur Raḥmān bin Awf (d.31AH).[96] Similarly 'Abdullah bin Ka'b relates how Umm Salamah sympathised with his father, Ka'b bin Malik,[97] regarding his decision not to participate in Tabuk, which Muhammad initially disapproved of.[98]

The literature also records an instance of a man approaching Umm Salamah for medicinal purposes, the man specifically stating that his people sent him to Umm Salamah. Moreover it appears Umm Salamah was frequently sought for such assistance since the narrator continues that whenever some one was afflicted with the effects of an evil eye or any other disease, they would seek the help of Umm Salamah.[99] Furthermore in another hadith he describes how she brought out some of the Prophet's hair to show him.[100] 'Ā'ishah is similarly depicted presenting to Abū Burda a patched woollen garment and this very clearly relates to a post prophetic period since 'Ā'ishah is depicted as confirming it was what Muhammad was wearing on his demise. [101]

The level of interaction of Muhammad's wives with men in public space does however appear to be relatively limited and it has been exemplified to a large extent in 5.2.2, namely by those hadiths depicting Abū Ṭālḥā 's encounter with Ṣafiyyah, Umm Salamah interacting with men during the expedition to Khaybar and 'Aṭā', the first century hadith

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[95] Muslim, 22:1612a.
[96] His mother was Tumadir bint al-Asbagh, a kalbite woman who was the first to marry into a Qurayshi family. Ibn Sa'd *Men of Medina*, p.103.
[97] An eminent Anṣāri companion of Muhammad, d.50AH. Ṭabarī, *The History of al-Ṭabarī, Vol39, Biographies of the Prophet's Companions & Their Successors*, 1998, p.291.
[98] Bukhārī, 65: 199.
[99] Bukhārī, 77:5896.
[100] Bukhārī, 77:5897& 5898.
[101] Bukhārī, 57:3108.

transmitter, recollecting the practice of Muhammad's wives during what *tawāf* and what 'Ā'ishah's screen was when he and another companion used to visit her during hajj and all of which clearly relate to a period after the revelation of the hijab directive.

Additionally there is another hadith that likewise depicts a group of young men visiting 'Ā'ishah whilst she was staying at Mina, which clearly locates their interaction in public space and that too during hajj given the reference to Mina.[102] Moreover there does not appear to be any particular purpose cited in the hadith at least for their visit. Interestingly they are depicted as laughing as they enter upon 'Ā'ishah to which she responds by enquiring what they found so amusing. Again this clearly depicts an instance of where interaction has not just been kept to a case of necessity and neither does it appear that these young men felt as if they had to maintain a certain decorum in presence of 'Ā'ishah, whose laughter it must be noted is not frowned upon by 'Ā'ishah suggesting it therefore to be acceptable behaviour in her presence. It is highly likely that this incident relates to a post prophetic period since its narrator, the second generation hadith narrator, Al –Aswad bin Yazīd is most likely to be the observer of this incident.

Given thus the extensive level of interaction between Muhammad's wives and men, even though primarily for the imparting of knowledge and predominately in private space, the findings indicate that whilst hijab may have served to regulate the nature of interactions, it did not though serve to limit the level of interaction and neither that to cases of necessity either.

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[102] Muslim 45:2572a.

5.4.2 Ordinary women

The findings reveal extensive level of interaction between men and women both in private and public space. Moreover they reveal that interactions were not just undertaken for cases of necessity like seeking religious knowledge but just as extensively for other purposes such as imparting knowledge, social visits, entertainment, business and sometimes there appears to be no apparent purpose at all.

The instances of women seeking knowledge and religious verdict from Muhammad are numerous. Some of these have already been mentioned in the previous section, such as Fāṭimah bint Qays seeking verdict on her divorce, Umm Sulaym questioning Muhammad on a troublesome matter and the woman approaching Muhammad during hajj for a legal matter. A number of these indicate a certain confidence on part of the early Muslim women that clearly defy the image of women as passive recipients of knowledge. In fact some of the issues they raised would probably make even a modern reader uncomfortable! For instance Umm Sulaym is depicted as questioning what a woman should do in the event that she experiences a menstrual discharge to which Muhammad responds quite candidly even though the *matn* depicts his wife Umm Salamah as visibly embarrassed.[103] Similarly 'Ā'ishah narrates how a woman enquired how to take a bath after completion of the menstrual period, an issue that even embarrassed Muhammad when the woman sought further literal clarification.[104] The case of the woman demonstrating the impotency of her husband with a fringe of her jilbab, as cited in 5.2.1 caused such clear discomfort to a male companion waiting outside that he demanded she be removed from Muhammad's presence, Muhammad however is

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[103] Bukhārī, 3:130.
[104] Bukhārī, 6:314 & 315.

depicted as simply amused at the situation.[105] Likewise Fāṭimah bint Abī Ḥubaysh is depicted as enquiring what a woman should do in the instance that uterus bleeding persists.[106] Women in fact are even seen demanding Muhammad to set a day for them to receive religious instruction since the men would be taking all his time, which Muhammad accordingly complied with.[107]

Some of these interactions show women approaching Muhammad not just to seek religious knowledge but challenge cultural norms. This is exemplified in two particular hadiths. One depicts a woman approaching Muhammad to challenge the cultural norm of divorced or widowed women not being sought consent on marriage, to which Muhammad judges in her favour.[108] Another depicts a woman seeking a verdict from Muhammad on the rules of *‘iddah* when a man scolds her for plucking dates whilst she was observing *‘iddah*.[109] Muhammad again judges in her favour. Another woman is depicted as further challenging religious knowledge. This being a woman identified as Umm Yaq‘ūb who on hearing ‘Abdullāh Ibn Mas‘ūd proclaiming that Allah curses those women who practice tattooing, remove hair from the face and create artificial space in the teeth, comes to challenge him on the source of such information.[110] Clearly this also relates to a post prophetic period since ‘Abdullāh Ibn Mas‘ūd (d.32AH) assumed religious authority after Muhammad's demise.[111] Women were thus not just passive recipients of knowledge but were demanding and proactive in seeking knowledge and furthermore at complete liberty to express their opinions and call for social reforms.

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[105] Bukhārī, 78:6084.
[106] Bukhārī, 4: 227.
[107] Bukhārī, 3:101.
[108] Bukhārī, 67:5138.
[109] Muslim, 18:1483.
[110] Bukhārī, 65:408.
[111] Brown, *Hadith,* p.20.

The findings equally reveal considerable interactions for the purpose of women imparting religious knowledge, which is probably not surprising given what appears to be a very keen desire in engaging with religious knowledge as seen in the preceding paragraphs. Umm Dardā', who became to be a highly esteemed scholar, is depicted as imparting knowledge on two occasions. One of these hadiths furthermore depicts her reprimanding the Umayyad Caliph, 'Abd al-Malik b. Marwān for cursing his servant. [112] The caliph notably had come to present gifts to Umm Dardā' and most definitely spent the night in her residence since Umm Dardā' scolds him in the morning for having cursed his servant during the night. In the other hadith she is imparting knowledge to an ex-husband and that too in the absence of her husband, since the hadith clearly identifies the visiting man as her ex-husband who had intended to visit her husband, Abu Dardā'. [113] Needless to say both these hadiths undoubtedly relate to a post prophetic period. The mother of Ibn Zubayr on the other hand is sought for clarification on a matter regarding hajj, [114] and this similarly occurs in a post prophetic period since the hadith depicts clarification for hajj being sought initially from Ibn 'Abbās (d.68AH), whose knowledge was actively sought after Muhammad's demise. [115] Ḥafṣah bint Sirīn is similarly sought to offer clarification as to how a certain person met his death[116] and this occasion also relates to a post prophetic period for Ḥafṣah was a religious authority in the second century of Islam. Fāṭimah bint Qays is likewise approached by a number of non-maḥrams to relate the incidence regarding her divorce.[117] Umm Hānī is likewise sought by a number of men for her knowledge regarding the 'aṣr prayer of Muhammad,

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[112] Muslim, 45:2598a.
[113] Muslim, 48:2733.
[114] Muslim, 15:1238a.
[115] Brown, *Hadith,* p.20.
[116] Muslim, 33:1916a.
[117] Muslim, 54:7028, and 18:1480d.

which it appears from the hadiths, that she was the only one who could testify to Muhammad's practice of it.[118] It must be noted that there are numerous hadiths that simply read that "so and so [woman] related…" however it is not identified in the *matn* itself as to who transmitted from the woman. A close scrutinization of the *isnāds* however reveals most of the first recipients of the knowledge are men, suggesting therefore inevitable contact between these women and men since verbal transmission was a common means of transmitting the Prophetic sayings. Women who are depicted as transmitting much information in this manner include Umm ʿAṭiyyah and Asmā' bint Abū Bakr. [119]

Asmā' bint Abū Bakr in fact relates an incident that exemplifies interaction for business purposes, relating how she deferred decision on a business proposal made to her by a man until her husband arrived.[120] Her husband on the other hand questions why she deferred judgement, clearly therefore suggesting the freedom available for women to make autonomous decisions also on financial matters. This hadith incidentally also demonstrates interaction occurring in the absence of the husband and this it appears was not uncommon. Muhammad, Abū Bakr and ʿUmar are similarly depicted as being welcomed by a woman to wait until her husband does not arrive who they had intended to visit.[121] A further two hadiths depicting such interaction in the absence of the husband have been presented in the previous section, this namely being those depicting Sanābil and Salmān visiting women *non- maḥram* to them in their homes. These latter two hadiths moreover provide evidence of interactions occurring for no more than just social

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[118] Bukhārī, 19:1176, 64:4292, Muslim 6:336e.
[119] See for example Bukhārī Book of Funerals, Book 23 to view an extensive number of hadiths she has related regarding funeral rites. Asma likewise relates a number of ḥadīths on a wide range of issues.
[120] Muslim, 39:2182b.
[121] Muslim, 36:2038.

visits. And the literature records a number of other hadiths depicting interaction for such purposes with Muhammad appearing quite prominently in a number of these. For example he is depicted often visiting Umm Sulaym's home, Anas bin Mālik's mother, explicitly attributing such visits to compassion he felt towards her since her brother was killed in his presence.[122] Anas furthermore reports how Muhammad once visited his mother whilst there was only him, his mother and aunt in the home and he was clearly a young boy since his mother presents him to Muhammad as a "young servant", asking him to invoke his blessing on him.[123] Anas further confirms these visits were quite frequent since in another hadith he specifically states that whenever Muhammad passed by his mother's home "he used to enter and greet her."[124]

Umm Sulaym was not the only woman Muhammad visited often. Abū Mūsa narrates how the Prophet visited the house of Ibn Masʿūd and his mother so often and for long periods that he thought they were related to him.[125] Anas relates how Muhammad went to Umm Ayman and refused to accept a drink she offered, Anas speculating that Muhammad may have been fasting.[126] It appears Muhammad frequently visited her house also since another hadith depicts Abū Bakr and ʿUmar, also paying her social visits, for the reason that the Prophet would often visit her.[127] The latter hadith show interactions for such purposes were a feature of the post prophetic period too. On another occasion Muhammad is depicted visiting the orchard of a woman and conversing with her generally regarding her trees.[128] The hadith depicting Muhammad paying a social

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[122] Bukhārī, 56: 2844 & Muslim, 44:2455.
[123] Muslim, 5:660a, & c.
[124] Bukhārī, 67:5163.
[125] Muslim, 44:2460a.
[126] Muslim, 44:2453.
[127] Muslim, 44:2454.
[128] Muslim 22:1552b.

visit is one that has been cited earlier, this namely him visiting Rubayyi' bint Mu'awwidh the morning after consummation of her marriage her.[129] It must be recalled Rubayyi' is one of those female companions who testifies to participation in battles and expeditions with Muhammad, one of her hadiths, cited in 4.5.3 exemplifies extensive interactions for purposes of nursing men on the battlefields. A number of other women of course as 4.5.3 shows also interacted with men for such purposes.

The findings also reveal some interactions with Muhammad simply for the purpose of making offerings to him. For instance a woman is depicted as offering him a present of a "*burda*" which is described in the *matn* as a piece of clothing with a woven border, which Muhammad duly accepted and wore as an *izar*.[130] On another occasion a woman offers to have a pulpit made for Muhammad, which he again duly accepts.[131] And of course there is also the occasion that a woman is depicted as offering herself in marriage to Muhammad as cited in 5.2.2. The latter hadith again confirms complete freedom for the women to express their sentiments.

Women also approached Muhammad to invoke blessings on their new-borns or young children. This has been exemplified in the hadith depicting Umm Sulaym presenting Anas to Muhammad, and another two hadiths similarly evidence this.[132] Given that 'Ā'ishah remarks it was common practice for new-borns to be brought to Muhammad for blessings,[133] there is a possibility that the occurrence of such interactions is higher than the two recorded instances.

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[129] Bukhārī, 64: 4001.
[130] Bukhārī, 77:5810.
[131] Bukhārī, 34:2095.
[132] Umm Qays bint Mihsin and Asma bint Abū Bakr relate how they presented their infants to Muhammad. Bukhārī, 4:223 & Muslim 38:2146b respectively.
[133] Muslim, 38:2147.

The hadith that depicts Muhammad advising Fāṭimah as to where to spend her 'iddah perhaps best exemplifies interactions for entertainment purposes for it must be recalled Muhammad advises Fāṭimah not to spend her 'iddah at Umm Sharīk's house simply because she frequently entertains guests. Another hadith previously cited that demonstrates such purpose is that of the bride serving food at her own wedding reception. The literature records some other instances of interaction for such purposes. Umm Sulaym for example is likewise depicted as serving a meal to Muhammad on his visit to her home whilst Anas reports how his grandmother invited Muhammad for a meal.[134] Furthermore Sahl narrates how happy he and his friends would feel on a Friday simply because a woman they would pass by after finishing their prayers would greet and invite them for a meal.[135]

The literature also reveals that it would not be uncommon to send women for certain errands. One particular hadith depicts a woman being sent to a group of men to seek help with curing a scorpion bite that her tribe's leader was afflicted by,[136] thus effectively being sent as a representative of her tribe. Another hadith depicts a man requesting a woman; the narrator is unsure whether it was his wife or his slave girl, to provide his equipment to a man coming to collect it, as he himself lay ill.[137] Whilst some doubt is expressed over whether the woman was a wife or slave girl, and as such the evidence is not completely conclusive, but on the other hand it reflects an attitude that it would not have been uncommon for the wife to interact with a man for such purposes. Moreover

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[134] Muslim, 5:658.
[135] Bukhārī, 79:6248.
[136] Muslim 39:2201c.
[137] Muslim, 33:1894.

one man is even depicted as sending his wife, Zaynab, to enquire a matter from Muhammad that she wanted her husband to enquire.[138]

On other occasions interactions were for the purpose of seeking the services of women, as depicted in Abū Mūsa's hadith cited previously, relating how he sought the services of a woman of his tribe to delouse and comb his hair after one of the rituals of hajj.[139] At other times there appeared to be no apparent purpose for interactions. This is exemplified in the hadith depicting Muhammad just taking a woman aside and commenting how beloved the people of Anṣār were to him as depicted in 5.2.2. Finally one hadith depicts interactions for purposing of making demands from *non-maḥrams* as depicted in a hadith showing a young woman pursuing 'Umar in the market to plead for financial assistance.[140] And this very clearly relates to a post prophetic period since she addresses 'Umar as the Chief of Believers, therefore indicating it was during the time of his caliphate.

These findings are not surprising since if hijab did not restrict the level of interaction between Muhammad's wives and men naturally therefore the ordinary women's level of interaction would not expected to be limited. However what is revealing here is that they did interact with men far more extensively in terms of scope than that of Muhammad's wives and more extensively also in public space. This would appear to suggest that perhaps Muhammad's wives were more restricted in their interactions, particularly in public space. On the other hand their participation in public space was not minuscule as evinced by their accompanying Muhammad in his expeditions and hajj and neither was their interaction with men in private space limited. However given that undoubtedly most of their interactions were for purposes of imparting knowledge, a most feasible

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[138] Bukhārī, 24:1466.
[139] Bukhārī, 25:1559.
[140] Bukhārī, 64:4160 & 4161.

explanation for their comparatively reduced level of interaction in public space can most plausibly be attributed to the prominence given to their greater role in imparting knowledge after Muhammad's demise, necessitating interactions therefore to take place extensively in private space as men visited them to seek and transmit knowledge.

But the more significant finding here is that it demonstrates that the purpose of hijab was not to limit the level of interaction between the men and Muhammad's wives but simply only to lay parameters for the nature of interaction between them. This being the case, the hijab directive simply cannot be used as a means to restrict women's participation from public space since its objectives do not lie in limiting the level of interaction between the sexes even in the case of Muhammad's wives.

5.5 Conclusion

This chapter sought to determine to what extent the hijab directive could be generalized to all women, the khimar and jilbab directives mandated complete veiling and to what extent hijab should also be understood as limiting interactions between the genders to cases of absolute necessity for it was these factors that sustained the conservative conceptualization of hijab and so women's restriction from public space. The findings here seriously challenged conservative readings for they strongly indicate the hijab directive was not generalized to all women, the khimar and jilbab directives did not mandate complete veiling and that the purpose of hijab was not to limit participation in public space and the level of interaction between men and Muhammad's wives but rather to lay parameters as to how the nature of interaction was to be conducted between them.

They did though suggest that the participation of Muhammad's wives in public space though not miniscule was relatively limited in comparison to that of the ordinary women.

However it was argued this could most probably be explained in terms of the responsibility they had in transmitting Islamic teachings, necessitating therefore most of their interactions to take place in private space as men visited them to seek knowledge and not because of any scriptural ordinance circumventing their public participation.

The only matter that Mawdudi could possibly be agreed on is the understanding that hijab reduced interactions to cases of necessity; given that the interactions of Muhammad's wives were predominately for purposes of imparting knowledge, which would therefore accord with his argument that the purpose of hijab was to "safeguard males and females against sexual inclinations"[141] and this does appear to be supported by the clause "it is purer for your hearts and theirs" that immediately follows the hijab directive. But of course hijab has been shown to be specific only to Muhammad's wives and so this objective only applies within their context. Moreover internal evidence from within the hijab verses suggests why this objective was specific to Muhammad's and this being that they were not to be remarried after Muhammad's demise as promulgated in its very last verse. This being the case therefore Muhammad's wives had to maintain a certain level of decorum that would not be expected of the ordinary women since the prohibition of remarriage clearly was not applicable to them. Hijab thus signified the status that they were not to be remarried after their husband's demise.

That hijab can be considered as symbolic of signifying such status is confirmed by other findings of this research that all strongly suggest that a woman's degree of veiling was seen to be inextricably associated with the degree to which men could freely approach women for marriage/ sexual intentions. We saw for example the cultural practice of young women being kept screened in their homes to signify their status as females of

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[141] Mawdudi, *Purdah*, p.180.

marriageable age and in being screened they were protected from being seen by men with ill intentions (3.2.2). The jilbab directive was revealed to signify the status of a woman as a believing woman and so not to be approached by men with ill intentions in public space. On the other hand we saw how Subayʿah was "dressed up" to signify her availability for marriage and there was a very strong suggestion that she was visible to the *non-maḥram* who specifically exclaimed " I see you all dressed up for the people to ask you in marriage" when visiting Subay'ah in her home.[142]

Clearly therefore it can be argued that the hijab directive also appropriated this symbolic function of dress to signify that Muhammad's wives were not to be approached with intentions of marriage. Their physical appearance was to be denied to men just as with the case of the young women being kept screened in their homes to protect them from being seen. Such restriction in terms of complete veiling simply could not be imposed on the ordinary women since they were not bound by prohibitions of remarriage, thus why we see Subayʿah "all dressed up" for suitors.

Another observation relevant to the discussion here is the specified period of seclusion, *ʿiddah*, women observed after a divorce or death of their husband, as was seen in the cases of Fāṭimah bint Qays, Subay'ah and the maternal aunt of Jabir who was scolded for coming out of her *ʿiddah*. Whilst such seclusion was observed to ensure there was no confusion over paternity, it could be plausibly argued that the act of seclusion itself signified that such women were not available to be approached for intentions of marriage in line with the prevailing culture of denying men the physical appearance of women to signal women's unavailability. Not only of course does this highlight that women therefore did not ordinarily observe seclusion but it explains why Stowasser found the

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[142] Bukhārī, 64:3991.

literature to be contradictory on seclusion of Muhammad's wives. For as she noted whilst some sources indicated their mobility others indicated their confinement and immobility. But as she notes, such confinement was observed after Muhammad's death that he himself imposed.[143] Whilst such hadiths have not been identified in Bukhari and Muslim, they can be taken as depicting reliable information because after Muhammad's demise, his wives would have had to observe an almost "permanent *'iddah*" given that they were permanently not available for remarriage. Hence the seclusion Muhammad's wives observed was not predicated on any compliance to any scriptural ordinance but again only to signify their unavailability for remarriage. The observance of such seclusion cannot be generalized to all women simply for the reason that there was no prohibition on them to remarry except only for a specified period.

Clearly therefore neither the hijab or the seclusion Muhammad's wives observed, simply cannot be generalized to all women for the reason that these practices were made incumbent on them only for reasons that are clearly only associated with their status as the "Mothers of the Believers." This of course also appears to be confirmed by the fact that the findings indicate that in the case of the ordinary women they are only ever mandated and seen as observing the khimar and jilbab directives, both of which the findings strongly suggest did not entail complete veiling.

One of the most contentious issues pertaining to the debate over Muslim women's participation in public space proved to be the symbolic value assigned to the clothing directives, feminist limiting it to modesty whilst conservatives imputing it with segregational value by conflating its function with that of the hijab directive and

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[143] Stowasser, 'The Status of Women', p.33.

amalgamating it with the seclusion directive, finding support for such conflation and amalgamation in the hadiths.

However the evidence of the most authentic hadiths simply does not lend support to such conceptualization. The findings of this chapter have clearly challenged the conflation of the khimar and jilbab directives with that of the hijab directive for the reason that as was concluded, the hijab directive served a function that was particular only to Muhammad's wives, namely to deny their physical appearance to men to signify their unavailability for remarriage, a prohibition that they were bound by and not women in general. This was confirmed on the one hand by the fact that the hadiths clearly only depicted hijab as being used only within the context of Muhammad's wives, that only their invisibility was maintained with great caution and indeed a woman's status as Muhammad's wife is known through her observation of the hijab or screening. On the other hand there was no such emphasis on the ordinary women to screen or observe complete veiling but rather exhortations to observe the khimar and jilbab directives, both of which did not appear to entail complete veiling.

The understanding that hijab served to impose gender segregation was also drawn to sustain women's restriction from public space. However this matter becomes irrelevant given that the findings challenge the generalization of the hijab directive. But even here it must be noted that the findings clearly challenged both the notions that hijab reduced the level of interaction between the men and restricted their participation in public space. Rather the general impression of the hadiths was that hijab served no more than to lay parameters to regulate the nature of interaction between Muhammad's wives and the men. Arguably it did divide space in the private sphere but this was a means to maintain Muhammad's wives were not visible to men.

The evidence of the hadiths did not either support the very literal and restrictive interpretation of the seclusion that ultimately sustained conservative attempts to restrict women from public space. It was found such an interpretation was ultimately supported on the understanding that the "restrictive" hadiths, like that of the seclusion directive are predicated on the need to maintain gender segregation. However a holistic gathering and a contextual reading of the hadiths revealed firstly "restrictive" hadiths were not as prevalent as projected in conservative discourses. Secondly and more importantly those identified as "restrictive" on a closer reading were either found not to accommodate a restrictive reading or simply the restriction proved to be a qualified one contingent on some contextually driven factor.

However whilst the findings undermine conservative readings, they do also challenge some assumptions feminists make. They challenge for example Stowasser's assumption that the purport of the hijab and seclusion directives was to mandate gender segregation. They challenge also Mernissi's claim that hijab was revealed only to address a complex web of conflicts and her use of hijab and jilbab as synonymous terms. But on the other hand, nevertheless they do confirm some of the positions they advocate. For example they confirm Stowasser's claim that hijab was specific only to Muhammad's wives, the khimar and jilbab do not mandate complete veiling and that the ordinary women were not restricted from public space.

It is hoped this research has been able to give more credibility to this position by way of a methodological approach that is not undermined by shortcomings that are inherent in the approaches of conservative and feminists analysed here. In seriously engaging with the "restrictive" hadiths that considerably sustain the conservative position and continue to do so and which feminists disregard, this study has shown they generally tend to be

contingent on a given contextually driven cause and so simply cannot be used to sustain

women's restriction from public space for all times, places and contexts.

CONCLUSION

The conservative conceptualization of hijab undoubtedly has been the ultimate determinant in restricting women's participation from public space. A term that in the Qur'an refers to a physical barrier to be used in the interactions between Muhammad's wives and *non-maḥram*, according to the conservative conceptualization has become an institution to maintain gender segregation and so the consequent restriction from public space for women and their complete veiling in public space.

Mawdudi proved to be one of the most influential ideologues of the conservative position. For not only had he provided perhaps one of the most articulate, systematic and persuasive exposition of the conservative conceptualization of hijab but also because of his popularity as a reformist political activist. Indeed attempts were made during the Islamization of Pakistan during Zia's regime to practically implement his discourse and whilst this is no longer the case, they still hold substantial sway amongst the masses. Moreover whilst Saudi conservative ideologues were equally influential, Mawdudi attracted a more wider and international readership largely because he exhibited generally a comparatively more modern and liberal understanding of various Islamic issues, even though in reality his views on women have been shown to be ultra conservative. Indeed both his attempted rational exposition and the hadiths yielded a far more conservative view of women than traditionally expounded. The fact that the hadiths gave support to his conceptualization of hijab is in particular the reason that his discourse found much credibility amongst the Muslims masses, illustrating very aptly Hoef's observation that those narratives that can link their exegesis with historical precedence continue to remain the dominant narrative. The hadiths are also particularly important in

conservative ideologues since it is these that are ultimately employed as an agency for restricting women's participation and not juristic positions as in the case of the more traditional approaches. This is because conservative ideologues largely take only the Qur'an and the hadith as legitimate sources for legal deduction and disregard traditional juristic positions on the reasoning that they are more reflective of cultural accretions than the true pristine Islam as encapsulated in the Qur'an and the hadiths.

This is why it was argued that on the one hand the hadiths should be focussed on in exploring the credibility of Mawdudi's discourse and on the other hand it is by constructively engaging with the hadiths in any challenge to the conservative conceptualization that any meaningful impact can be made. For as Hoef quite rightly observes those narratives that neglect history and Sunnah fail to develop a legitimate counter narrative. The hadiths are, as Richard Bulliet maintains, the operative reality for Muslims[1] and so it follows that any theoretical discourse that seeks to make meaningful impact on Muslim thought must seek to seriously engage with these sources. And indeed it was found that this was one of the reasons amongst others that certain feminists failed to provide any effective challenge. Barlas for example provided some highly credible interpretations but her failure to link her exegesis with the hadiths, which conservatives could, inevitably left her discourse unable to make any effective impact on Muslim thought. Moreover like Mernissi she too proved to be limited in textual scope without good reason. Mernissi's re-interpretation of the hijab directive moreover rested on a number of methodological shortcomings. On the other hand because Stowasser engaged comprehensively with the hadiths to support her scriptural interpretations and was also

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[1] Bulliet, Richard, *Islam: the View from the Edge*. New York: Columbia University Press, 1994, p.24.

comprehensive in textual scope, it was found that she was able to provide one of the most effective challenges to conservative discourses.

However it was shown that just like Mawdudi, she too had been selective and literal in her approach to the hadiths. Therefore it was argued that if any meaningful resolution is to be sought and one that would have any meaningful impact on Muslim thought, the hadiths must be re-examined in a manner that avoids the selectivity and bias that has been exhibited on part of both partisans of the debate.

It was argued that at the root of their selectivity was the assumption that "restrictive" hadith are predicated on the need to maintain gender segregation, an assumption that Mawdudi read into such hadiths and even into those that could be construed as permissive and which it appears Stowasser readily accepted. Undoubtedly such an assumption on part of Mawdudi emanated from his preconceived notion that such hadiths like the seclusion directive serve to impose gender segregation. Not surprisingly, Mawdudi gave such hadiths undue emphasis whilst Stowasser dismissed them on grounds that they must be reflective of the restrictive understandings of the later Muslims and not that of Muhammad.

Whilst of course there is some credibility to Stowasser's argument for indeed we do find hadiths indicating the development of such a trend, on the other hand it was based largely on assumptions that continue to remain highly contested. However the more pertinent issue here is given that such hadiths are to be found amongst the most authoritative hadith collections, they continue to command credibility amongst the majority of Muslim consensus and so Stowasser's disregard of them limits the ability of her discourse to make any effective impact on Muslim thought.

Indeed for just as it is crucial to engage with the hadiths to affect any meaningful challenge, it is also equally crucial to engage constructively with the apparently "restrictive" hadiths for the same purpose. And this is particularly so because as shown in the case of Mawdudi, such hadiths constitute considerable substantiating evidence. And as long as such hadiths continue to be cited, the conservative position continues to command credibility and as long as feminist discourses dismiss them, they fail to make any effective challenge.

Thereby this thesis sought to engage with such hadiths in a more constructive manner as opposed to the deconstructive manner adopted by the feminists. This thesis essentially argued that assumptions regarding the intent of hadiths could not be made until an attempt is made to exhaust the hadith literature first. It further proposed the hypothesis that when such "restrictive" hadiths are read within the context of other hadiths they may be found to be based on considerations other than to maintain gender segregation. This was a crucial assumption to challenge for ultimately it supported a restrictive reading of the hadiths and the seclusion directive and so conservative conceptualizations of hijab. And indeed a systematic examination and close reading of the hadiths that pertained to various indicators of women's participation in public space overwhelmingly confirmed this hypothesis.

The findings thus clearly confirmed Mawdudi's readings of the hadiths had been overly influenced by preconceived objectives that find little support from the hadith literature. This being the case, clearly therefore they undermined his scriptural interpretations and so his conceptualization of hijab. However it is not just a contextual reading of the hadiths that challenged his conceptualization of hijab but equally and just as importantly a reading of the hadiths in their original Arabic language.

Perhaps one of the most interesting findings of reading the hadiths in their original Arabic language is that they made a clear distinction between the terms of hijab, khimar and jilbab that in almost all translations are all simply translated as 'veil', clearly showing the pervasive influence of the conservative conceptualization of hijab. The importance of this distinction lies in the fact that the term hijab is only ever used within the context of Muhammad's wives and never interchangeably with that of the khimar and jilbab. This thereby clearly challenges Mawdudi's conceptualization of hijab since it crucially depended on the assumption that hijab is of general scope. It must be noted a reliance on translations has led also some feminists to fail to recognize this distinction that the hadiths make and is one of the reasons that the conservative feminist debate remains problematic, for as Roald highlights, one of the problematic features of the debate has been that of the terminology used in reference to Muslim women's forms of covering.[2] We saw this in the case of Mernissi who whilst attempting to offer a re-interpretation of the hijab directive, on the other hand nevertheless implicitly showed compliance to the conservative understanding that it is synonymous in its function with jilbab in her arguments. This proved to be one of the reasons that she failed to provide an effective challenge.

The above example clearly shows how translations themselves are culturally influenced. At other times a reading of the hadiths in their Arabic strongly suggested practices asserted as emanating from religious norms could in fact be attributed to cultural influences. This was seen clearly in the hadith that constituted Mawdudi's substantial evidence to support his argument that jilbab mandated complete veiling. For whilst it did suggest that the face should not be covered during *iḥrām*, and so the reason Mawdudi

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[2] Roald, A.S, *Women in Islam: The Western Experience*. London: Routledge, 2001, p.294.

could plausibly argue that face veiling was the normative, but a reading of the hadith in its original Arabic language questioned such reasoning. For it suggested that it was referring to a cultural practice of covering the face for notably it did not refer to the use of jilbab to cover the face but the *niqāb*, a term which appeared to be in circulation before the advent of Islam.

This thus clearly challenged Mawdudi's attempt to advocate jilbab mandates face veiling. In another instance reading in the Arabic also challenged his attempts to generalize the gender segregation that Muhammad's wives had to observe during *ṭawāf* to all women. This is because the hadith in question specifically used a pronoun that referred to Muhammad's wives only and women in general.

The above are but a few instances of how reading the hadiths in the original Arabic language has challenged Mawdudi's readings of the hadiths. There are very many other instances that illustrate how reading in the Arabic has undermined a number of Mawdudi's interpretations. For example there have been instances where they have suggested that certain outdoor religious pursuits may not be specific to men. In other instances they have suggested that the practice of women in outdoor activities may be of an obligatory nature and not that of an optional nature as Mawdudi as suggested. At other times they have revealed that Mawdudi has been clearly manipulative in his choice of terminology, suggesting for instance the hijab referred to in the hadiths depicting the interactions between 'Umar and Sawdah, refers to the seclusion and clothing directives whereas in fact it referred to the hijab directive only.

Reading the hadiths in Arabic has not only removed dependency on cultural translations but have clearly also shown a number of Mawdudi's interpretations and assumptions stand challenged and have been influenced by cultural attitudes.

The hadiths as contained in the two most authoritative collections when read contextually, holistically and in their original Arabic language simply therefore provide very little support for the conservative conceptualization of hijab.

It is hoped this research has been able to provide more clarity to the position of women regarding their societal role and equally fortified the position as voiced by a growing number of reformists and feminists that Islam in its inception was egalitarian in nature.

Equally importantly though it is hoped this research has been able to respond to the calls of those who advocate that change for Muslim women's position must come from within the tradition and seriously engage with all of its sources. For this discourse has sought to engage in a most constructive manner with the hadiths including the most problematic ones, neither seeking to challenge their authenticity or disregarding them. It has though called for a questioning of their intent, which is anyhow open to interpretation. Had this not been so, we would not have seen ʿĀʾishah questioning the interpretation of hadiths on a number of occasions. In fact in one instance she clearly resorted to actual practice to clarify the intent of interpretation of a hadith as this research also sought to do.[3] There is thus a historical precedence for this approach in the very early Muslim community.

It is hoped also that as a consequence of its constructive approach to the hadiths, this research has more importantly been able to provide a theoretical discourse that is

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[3] On hearing the hadith that reports a prayer is invalidated by the crossing of a dog, donkey and a woman, ʿĀʾishah retorted that how can this be when the Prophet used to pray while she lay in front of him. See Bukhārī, 8:511.

relevant and applicable at the grassroots level. For it is in this manner that any real change can be affected and moreover the possibilities for the findings of this research to be practically implemented become more feasible.

One of the means that the findings of this research can be practically implemented is through juristic reform. Contemporary jurists must seriously review to what extent current judicial positions that continue to restrict women's participation from public space still continue to be informed by the notion that the "restrictive" hadiths that they are grounded in are predicated on the need to maintain gender segregation. For such notions are not only particular to the conservative ideologues but also continued to be shared by the traditional *madhhabs* to various degrees.

Moreover even if such notions do not inform juristic rulings, jurists must further assess whether the current contemporary context still necessitates the imposition of rulings that continue to restrict women's participation from public space. Unfortunately it appears on the issue of women's participation in public space, rulings still largely appear to be grounded in social contexts that were particular to the time of their legal theorists.

Finally it goes without saying that one of the most practical ways to affect implementation of these findings is to disseminate them widely, particularly amongst Muslim women. This is not just so that Muslim women become more aware of their societal rights, which it appears the majority still stand in need of, but more crucially that they have the right to affect social change and question juristic opinions. For the findings not just show the early Muslim women as active participants in public space but also initiators of social reform, questioning not just the Prophet but also equally juristic opinions. Had it not been for their intervention in this manner, a certain number of

reforms or rulings particular to women may not have been promulgated. Therefore women must continue to initiate and call for social reform in light of their particular social contexts in the knowledge that this is both a right they enjoy and juristic rulings pertaining to social matters are more often than not contingent on contextual factors.

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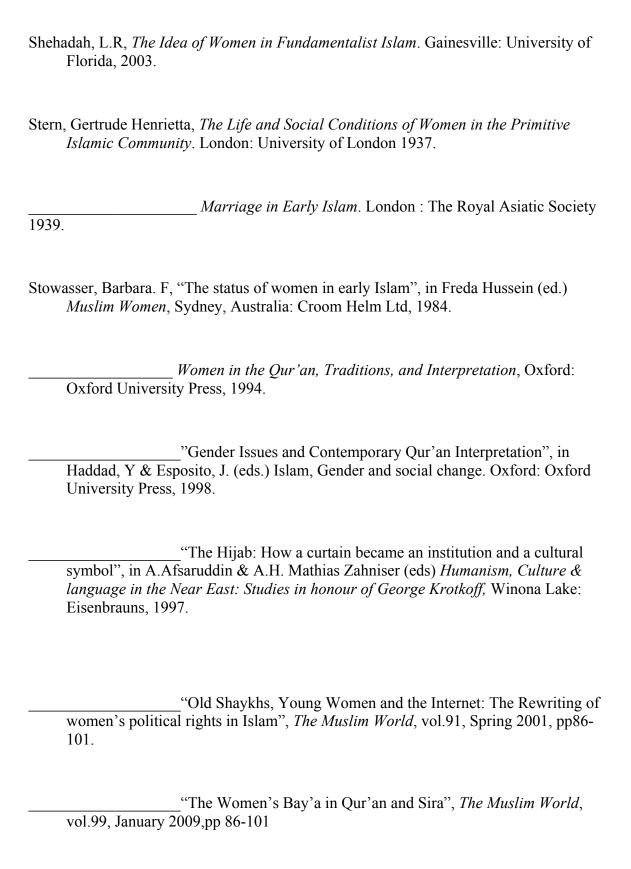
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