

THE VEIL AT THE CROSSROADS: MUḤAMMAD SAʿĪD AL-ʿASHMĀWĪ AND THE DISCOURSE ON THE *HIJĀB* IN EGYPT

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ملخص

أثارت قضية الحجاب كثيرا من الآراء المتناقضة الأمر الذي أدى إلى كثير من الخلافات الحادة بين مؤيدي المساواة والإسلاميين وجماعة الليبراليين العلمانيين في مصر. ورأى محمد سعيد العشماوي - وهو من العلمانيين أن قضية الحجاب حُرِّفت من قبل الإسلاميين الراديكاليين من القضية الدينية إلى القضية السياسية، وذلك بتكفير المسلمات اللاتي يعارضن الحجاب. وهذا هو الأمر الذي جعل العشماوي لا يتفق معهم، واتهم المسلمين بأنهم يحورون الدين من أجل تحقيق أهدافهم الأيدولوجية والسياسية، الأمر الذي دفع العشماوي للرد عليهم في هذه القضية. ويرى العشماوي أن الحجاب ليس واجبا لأن الآيات القرآنية لا تدل على العموم دائما لأن لبعضها دلالة خاصة تتعلق بظروف معينة. منها الآيات التي تتحدث عن الحجاب، وعند تفسير هذه الآيات لا بد من ربطها بأسباب النزول. واستدل العشماوي بأن آيات الحجاب (الأحزاب: ٥٣) موجهة فقط إلى زوجات الرسول. أما آيات الخمار (النور: ٣١) و آيات الحجاب (الأحزاب: ٥٠) لا بد من إعادة النظر فيها من حيث الملابس في سبب نزول تلك الآيات وهي تصحيح عادة اللباس في ذلك الوقت والتي تهدف إلى التفريق بين المرأة الحرة والأمة. أما الأحاديث في الحجاب ففي رأي العشماوي فإنها ضعيفة لأنها مقطوعة السند، على حد تعبيره. ولذلك فإنه يرى بأن الحجاب ليس معناه تعيين نوع وشكل الملابس إنما يرمز إلى الموقف الأخلاقي لأجل تحصين النفس من ارتكاب المعاصي.

Abstrak

*Jilbab telah menjadi isu kontroversial yang mengakibatkan perdebatan sengit di kalangan feminis, Islamis maupun kelompok liberal-sekularis di Mesir. Muhammad Sa'īd al-'Ashmāwī melibat jilbab telah dibelokkan arab oleh kelompok Islam radikal dari masalah agama ke isu politik untuk menacap kafir wanita Muslim yang menolak jilbab. Inilah yang menjadikan ketidaksetujuan 'Ashmāwī. Kelompok Islam radikal dianggap telah memanipulasi agama demi tercapai kepentingan-kepentingan ideologis-politis mereka. Dari situ 'Ashmāwī kemudian membuat counter discourse tentang jilbab. Menurutnya, jilbab tidak wajib. Bagi dia, tidak semua ayat-ayat al-Qur'an bersifat umum, dan sebagian dari mereka bersifat spesifik yang terkait dengan kondisi tertentu. Ayat-ayat tentang jilbab masuk dalam kategori ini dan interpretasi terhadap ayat-ayat tersebut harus dikaitkan dengan konteks sebab turunnya ayat (asbāb al-nuzūl). Ashmāwī beralasan bahwa ayat *ḥijāb* (al-*Abzāb*: 53) sebenarnya hanya ditujukan kepada istri-istri nabi. Sedang ayat tentang *khimār* (al-Nūr: 31) dan tentang jilbab (al-*Abzāb*: 59) harus dilibat dari konteks sebab turunnya ayat yang berkenaan dengan koreksi tradisi berpakaian saat itu dan untuk membedakan antara wanita merdeka dan budak. Sedang hadis tentang jilbab dianggap lemah oleh 'Ashmāwī karena rawinya terputus. Oleh karena itu, menurut dia, secara esensial jilbab bukan berarti bentuk atau jenis pakaian tertentu, tapi merujuk kepada sikap mental untuk membentengi diri dari segala perbuatan dosa.*

Keywords: *ḥijāb*, jilbab, *khimār*, the veil, feminism, Muslim discourses, *asbāb al-nuzūl*

A. Introduction

Hijāb is commonly translated into English as “veil”. The use of the word “veil” to describe Muslim female dress is in fact problematic. This word implies that there is only one simple item of cloth worn by Muslim women. Meanwhile the practice of covering varies. The words *ḥijāb*, *khimār*, *jilbāb*, *niqāb*, *ṭarḥa*, *haiak*, *purdah* and *burqa* have different meanings and they reveal particular dimension of social and regional uses. The word “veil” is used for the reason of its familiarity. Here it means ‘covering the whole part of Muslim women’s body, with the exception of the face and palms’. When intending a specific meaning, the present author avoids using the word “veil”. It is however only

used interchangeably with the word *ḥijāb*.¹

Scholars, feminists and gender activists, Muslims and non-Muslims, have focused their attentions on this issue. Some of them discuss the veil by shedding light on the Qurānic verses and the ḥadīth concerning this subject.² Others explain it from political, social and anthropological perspectives.³ In Islam, there have been disputes over the veil. It has often induced a fierce controversy between those who support it and who oppose it. Its proponents maintain that wearing the veil is compulsory for women. Whereas the opponents of the veil contend that Muslims should look at the normative sources of it, the Qurʾān and the ḥadīth of the Prophet, and interpret these sources in the period on which such sources were revealed or produced.⁴ They argue that the Qurānic verses dealing with the commandment of wearing the veil were only exclusively addressed to the wives of the Prophet. Muḥammad Saʿīd al-ʿAshmāwī is one of the opinions stating that wearing the veil is not legal obligation to women in Islam.

¹The same problem has been faced by some authors. See for example Fadwa El Guindi, *Veil: Modesty, Privacy and Resistance*, (Oxford, Berg, 1999), Helen Watson, "Women and the Veil: Personal Responses to Global Process" in Akbar S. Ahmed and Hasting Donnans (ed.), *Islam, Globalization and Post-Modernity*, (London, Routledge, 1994), pp. 141-143; Anne Sofie Roald, *Women in Islam: The Western Experience*, (London and New York, Routledge, 2001), pp. 262-263 and Katherine Bullock, *Rethinking Muslim Women and the Veil: Challenging Historical and Modern Stereotype*, (Virginia, The International Institute of Islamic Thought, 2002), pp. xl-xli.

²Murtada Mutahhari, *Islamic Hijab Modest Dress*, translated by Laleh Bakhtiar, (Chicago, Kazi, 1988), Syed Mutawalli ad-Darsh, *Muslim Women's Dress: Hijab or Niqab?*, (Kuala Lumpur, Islamic Book Trust, 1997), Mohammad Ismail Memon Madani, *Hijab: The Islamic Commandments of Hijab*, translated by Mohammad Sadiq, (Karachi, Darul Ishaat, 2000).

³See for instance Fadwa El Guindi, "Veiling Infitah with Muslim Ethic: Egypt's Contemporary Islamic Movement" in *Social Problem*, 28, 4, 1981, Unni Wikan, *Behind the Veil in Arabia*, Baltimore, John Hopkins University Press, 1982, Arlene Elowe Macload, *Accommodating Protest: Working Woman, the New Veiling and Change in Cairo*, (New York, Columbia University Press, 1991), Nilufer Gole, *The Forbidden Modern: Civilization and Veiling*, (Michigan, The University of Michigan Press, 1996).

⁴See Fatima Mernissi, *The Veil and the Male Elite: A Feminist Interpretation of Women's Right in Islam*, (Cambridge, Perseus Books, 1991), Leila Ahmed, *Women and Gender in Islam, Historical Roots of a Modern Debate*, (New Haven, Yale University Press, 1992).

This article tries to discuss Muḥammad Saʿīd al-ʿAshmāwī's view about *ḥijāb* and the disputes over it in Egypt. First of all, it attempts to disclose the socio-political conditions in Egypt. In this part, I shall establish a reciprocal relation between al-ʿAshmāwī's thoughts on the one hand, with the Islamic movements and Muslim discourses, on the other. This sociological approach is intended to underline 'a constructive dialogue' between somebody's thoughts with the society. The veil is one of the controversial subjects. A lot of Muslims, be they Islamists, feminists or liberal-secularists, take part in the debates over this issue. I assume that there should be a link connected to these variables. Second, I shall examine al-ʿAshmāwī's view on the veil. In this section, al-ʿAshmāwī's method of interpretation on the sources of *ḥijāb*, namely the Qurʾān and the ḥadīth, will be discussed. By so doing, it will be understood the core of al-ʿAshmāwī's thoughts about *ḥijāb*.

A few pieces of research on al-ʿAshmāwī have been carried out by some scholars. David Sagiv has written about him in a comparative perspective. He compared al-ʿAshmāwī other Egyptian scholars and classified him as a liberal Muslim thinker.⁵ In 1996, William E. Shepard wrote about al-ʿAshmāwī and the application of the *sharīʿa* in Egypt. He discussed al-ʿAshmāwī's main ideas, covering his legal and political thoughts, extremism and the application of the *sharīʿa* in Egypt.⁶ The most current work about al-ʿAshmāwī was written by Carolyn Fluehr-Lobban. She has edited al-ʿAshmāwī's writings mostly concerning politics.⁷

B. Al-ʿAshmāwī: His Life and Works

There has been hardly any article or book written about Muḥammad Saʿīd al-ʿAshmāwī that contains element of his biography. The limited sources on his life have prompted me to try to write a little bit of his biography. I base it mainly on the curriculum vitae provided

⁵David Sagiv, *Fundamentalism and Intellectuals in Egypt: 1973-1993*, (London, Frank Cass, 1995).

⁶Williams E. Shepard, "Muhammad Said al-Ashmawi and the Application of the sharia in Egypt", *International Journal of Middle East Study*, no. 38, 1996, pp. 39-58.

⁷Carolyn Fluehr-Lobban (ed.), *Against Islamic Extremism: The Writings of Muhammad Said al-Ashmarwi*, (Florida, University of Florida Press, 1998).

by al-'Ashmāwī himself. Nevertheless, I shall also utilize scattered sources found in other books or articles.⁸

Al-'Ashmāwī was born in Cairo, Egypt, on December 1, 1934. He graduated in law from Cairo University in 1954. He went to the United States to join the Technical Program in Investment Stimulation and to study law at Harvard Law School, Harvard University in 1978. His career began in 1954 as an Assistant of District Attorney in Alexandria. In 1974, he was appointed Chief Prosecutor at Cairo. Three years later, he held the position of a Counselor of State for Legislation. In the following year, he was elected as a Chief Justice for the High Court and subsequently as a Chief Justice of the High Criminal Court. His final position was the Chief of the High Court for Security of State in 1981.⁹

Al-'Ashmāwī has won his reputation not only because of his occupation as a civil servant and his long experience in the courts in Egypt, but also as a writer. He is one of the most productive Egyptian writers. He has so far written a lot of books and articles, some of which have been translated into English, French and Indonesian. In addition to being a guest lecturer at universities in Egypt, he has attended in many universities around the world to give guest lectures and seminars, including in the United States, Europe and Asia. He has also participated in many international forums as a representative of Egypt.¹⁰

Al-'Ashmāwī's works might be classified into three fields; politics, law and philosophy. His works concerning Islamic law are *Usūl al-Sharī'a* (1983, 1996), *Islamic Law in Contemporary Society* (1983), *Islamic Jurisprudence* (1986), *al-Ribā wal-Fāida fil-Islām* (1988), *al-Sharī'a al-Islāmiyya wal-Qānūn al-Miṣrī* (1988). Al-'Ashmāwī's political idea can be read from

⁸See for example David Sagiv, "Judge Ashmawi and Militant Islam in Egypt", in *Middle Eastern Studies*, Vol. 28, No. 3, July, 1992. In this article, Sagiv gave a very small account on al-'Ashmāwī's biography, only one paragraph. Even in his twenty-page article about al-'Ashmāwī and the application of the *sharī'a* in Egypt, William E. Shepard did not talk about it at a length passage. See William E. Shepard, "Muḥammad Sa'īd al-'Ashmāwī and the Application of *Sharī'a* in Egypt", in *International Journal for Middle Eastern Studies*, No. 28, 1996, pp. 39-58.

⁹This is based on a curriculum vitae provided by al-'Ashmāwī.

¹⁰*Ibid.*

his article entitled *Islamic Government* (1986), and his books *al-Islām al-Siyāsī* (1987, 1996), *al-Khilāfa al-Islāmiyya* (1990). He also writes books about religion, reason and philosophy, such as *ḥiṣād al-‘Aql* (1974), *Risālat al-Wujūd* (1977), *Tarīkh al-Wujūdīyya fil-Fikr al-Basharī* (1976), *Amīr al-‘Ashr* (1979), and *Rūḥ al-‘Adala* (1983). His other works deal with the rise of religious extremism, such as *Jihad or Holy War in Islam, History of Terrorism in the Middle East, Militant Doctrine in Islam, Ḥaqqīqat al-ḥijāb wa ḥujjiyyat al-ḥadīth* (1995, 2000), *Ma‘ālim al-Islām* (1989), *Against Islamic Extremism: The Writing of Mubammad Said al-Ashmawī* (1998).

Al-‘Ashmāwī is famous for his sober criticism to extremism and militant Islamic political activities. He, along with other Muslims intellectuals, is increasingly expressing his deep concern over the growth of militant Islam in Egypt.¹¹ He refutes completely the extremist ideas which, he claims, have manipulated Islam for political aims. Al-‘Ashmāwī’s ideas seem to reflect what sort of man he is. His liberal, secular and substantial approaches to Islam put his life at risk. He and some prominent figures, like Fuad Zakariya, Adel Imam, Amina Said and Nawal al-Sadawī, are proclaimed as “enemies of Islam”, by the extremists and they received death treats.¹² Just such a threat was made against him after he had released his book, *Usūl al-Sharī‘a*, that caused a furor in 1979.¹³ Well aware of his predicament, he is prepared to take the risk. He has been reported as saying, “I believe I have a mission. I am not afraid of Islamic extremists at all. I believe my murder could be part of my mission”.¹⁴ Al-‘Ashmāwī is, however, still lucky. Even though the al-Azhar authorities appealed to have his books banned from the annual Cairo International Book Fair in 1992, the government eventually intervened and declined to ban his books.

¹¹David Sagiv, “Judge Ashmawī”, p. 531.

¹²Mahmud A. Faksh, *The Future of Islam in the Middle East: Fundamentalism in Egypt, Algeria, and Saudi Arabia*, (London, Preager, 1997), p. 46.

¹³Fluehr-Lobban (ed.), *Against Islamic Extremism*, p. 4.

¹⁴Shepard, “Muḥammad Sa‘īd al-‘Ashmāwī”, p. 43.

C. Al-‘Ashmāwī, Islamic Movements and Muslim Discourses in Egypt

Islamic movements in Egypt are varied. They are complicated mosaic of movements springing from different social, ideological, regional and economic backgrounds. There are plenty of Islamic movements in Egypt. The precise number is not known. According to one report, there are 36 groups of *jama‘at* (militant organizations), each of which has its own *imām*. This is not to mention 40 groups on university campuses.¹⁵ John Kifner of *New York Times* estimates that more than 50 groups of *jama‘at* are operating underground.¹⁶ Mustafa Kamal Murad, leader of Liberal Party, suggests that there are at least 200 *jama‘at* organizations throughout Egypt.¹⁷

Eric Davis, director of the Middle East Studies at Rutgers University, writing in 1987, has signaled out two waves of Islamic movements in Egypt. They are Islamic reform movements of the late nineteenth and early twentieth centuries and Islamic radical movements of the 1970s and 1980s.¹⁸ While the former were characterized by intellectual movements centered in the figures such as Jamāl al-Dīn al-Afghanī, Muḥammad Abduh and Rashīd Riḍā, the latter were salient in their efforts to organize the masses.¹⁹ It is, however, reasonable to argue that the most significant Islamic groups in Egypt, *al-Ikhwān al-Muslimūn* (the Muslim Brothers), was founded fairly early in the twentieth century by Ḥasan al-Bana in the late twenties. So, the distinction made by Davis cannot be effectively utilized to analyze this group. The fact that the Muslim Brothers is still active up to the present time suggests that this movement must be understood in a different way. It should be seen as a dynamic Islamic group throughout the early twentieth and the beginning of the twenty first century. Nevertheless, Davis’s explanation is helpful to be used as a general

¹⁵Robert Springborg, *Mubarak’s Egypt: Fragmentation of the Political Order*, (London, Westview Press, 1989), p. 223.

¹⁶*Ibid.*

¹⁷*Ibid.*

¹⁸Eric Davis, “The Concept of Revival and the Study of Islam and Politics”, in Barbara Freyer Stowasser (ed.), *The Islamic Impulse*, (London and Sydney, Croom Helm, 1987), p. 37

¹⁹*Ibid.*, p. 39.

clue to understanding Islamic movements in Egypt. Since this study deals mainly with al-'Ashmāwī, whose intellectual background is shaped during the second half of twentieth century and onward, it will be better to focus on the later phase of these movements.

Observers agree on the fact that there are complicated factors causing the rise of socio-political and religious movements in Egypt. Both Gilles Kepel, a French scholar, and Eric Davis maintain that the Islamic movements in Egypt are a response to the deteriorating socio-economic conditions, or what Davis calls "pressurization".²⁰ In addition to the multi dimensional crisis, comprised of economic difficulties, moral confusion and political instability, Ali E. Hillal Dessouki, a professor of political science at Cairo University, presumes that the absence of a synthesis between Islam and modernism is another point of friction from which the Islamic movements arose.²¹ Other scholars said that several major preceding events occurring to the Egyptian socio-political situation have prompted to the rise of the movements. These are the defeat of Arab-Egypt by Israel in 1967, Sadat's *infīṭāḥ* (open door economic) policy and his gesture to accommodate the Islamists to counter Nasserist and leftist oppositions.²²

Nazih Ayubi, an expert of Middle East politics from the University of Exeter, analyzed recent Islamic movements from a political point of view asserting that Egyptian's Islamic movements are complex phenomena. He divides them into four levels. First, the growing religiosity among people at large. It can be seen from the increasing numbers of people participating in prayer, pilgrimage and

²⁰See Gilles Kepel, *The Prophet and Pharaoh: Muslim Extremism in Egypt*, (London, Al Saqi Books, 1984), Eric Davis, "Islamic Radicalism in Egypt", in S. Arjomand (ed.), *From Nationalism to Revolutionary Islam*, (New York, Macmillan, 1984), p. 147.

²¹Ali E. Hillal Dessouki, "The Resurgence of Islamic Organization in Egypt: An Interpretation", in Alexander S. Cudsi and Ali E. Hillal Dessouki, *Islam and Power*, (London, Croom Helm, 1981), pp. 110-113.

²²Rudolf T. Zarzar, "The Rise of Neo-Fundamentalism in Egypt", in Santosh C. Saha and Thomas K. Carr (ed.), *Religious Fundamentalism in Developing Countries*, (London, Greenwood Press, 2001), p. 133, Saad Eddin Ibrahim, Egypt, *Islam and Democracy: Twelve Critical Essays*, (Cairo, the American University Press, 1996), pp. 2-3, Moheb Zaki, *Civil Society and Democracy in Egypt 1981-1994*, (Cairo, Ibn Khaldun Center-Stiftung, 1994), p. 109.

the adopting of Islamic modest dress. Second, rising social and political criticism by religious preachers, like Shaikh Hāfīz Salāma and Shaikh Khisk. Third, emerging of Islamic *salafism*, of which the Muslim Brothers appear to be the main representation, and, fourth, the proliferation of Islamic splinter groups that consists of *al-Jihād* and smaller militant organizations, like *al-Takfīr wal-Hijra*.²³

Relating to the Islamic movements, Elie Podeh goes one step further to divide the movements into three main groups: *salafī* (*al-Ikhwān al-Muslimūn*), *jihādī* (*al-Jamā'a al-Islāmiyya* and *al-Jihād*) and *takfīrī* (*al-Takfīr wal-Hijra*, *al-Tawaqquf wal-Tabayyūn* and *al-Shawqiyyūn*).²⁴ Other scholars also divide the movements into different divisions.²⁵ These groups are relentless in their struggle to create an Islamic society. They apply different methods of action. The period of Nasser and Sadat up to the term of the incumbent president, Husni Mubarak, all have different historical records of the mutual relationship, either conflict or accommodation, with them. From a political perspective, this pattern is probably a consequence of choice, depending on how each of these parties utilizes its counterparts for its own respective interest. The state's responses to them inevitably differ.

The Muslim Brothers, for instance, experienced severe repression during the reign of Nasser, but it enjoyed favorite treatment under Sadat's administration. The journal *al-Da'wa* propagating its ideologies reappeared in 1976 after being banned since 1954.²⁶ The state's accommodation has been continued under Mubarak's regime, and only

²³Nazih Ayubi, *Political Islam : Religion and Politics in the Arab World*, (London, Routledge, 1991), pp. 72-74.

²⁴Elie Podeh, "Egypt's Struggle against the Militant Islamic Group", in Bruce Maddy-Weitzman and Efrain Inbar (ed.), *Religious Fundamentalism in Greater Middle East*, (London, Frank Cass, 1997), pp. 4-5.

²⁵According to Foda, there are three main tendencies within Islamic movements in Egypt. They are the traditional (*taqlīdī*), the revolutionary (*thawrī*) and the affluent (*tharwī*) Islamist. See Faraj Foda, *Qabl al-Suqī*, Cairo, 1985, pp. 159-161. Meanwhile, Hāla Mustafā divided the movements into three. They are *al-Jamā'a al-Islāmiyya*, *Tanzīm al-Jihād*, and the remnants of Shukri's followers (*al-takfīr wal-Hijra*), quoted from Johannes J.G. Jansen, *The Dual Nature of Islamic Fundamentalism*, (London, Hurst and Company, 1997), p. 56.

²⁶Derek Hopwood, *Egypt: Politics and Society 1945-1990*, third edition, (London, Routledge, 1991), p. 117.

now has Mubarak changed his policy towards it. Unlike the Muslim Brothers, other Islamic groups chose confrontation with the state. The Military Academy Group (*Jamā'at al-Fanniyya al-'Askariyya*) entered into a bloody confrontation with Sadat's regime in April 1974.²⁷ In July 1977, the members of *al-Takfīr* shocked the public by kidnapping and murdering an ex-minister. Five people were arrested and executed for causing the death of the minister, including its leader, Shukrī Muṣṭafā.²⁸ Similar violence has also occurred under Mubarak's government.²⁹ The period between May 1987 and June 1992 was marked by an escalation of violent Islamist activities. It was sparked by *al-Jamā'at al-Islāmiyya* that failed in its target to assassinate Interior Minister Abu Basha.³⁰

What unites these movements into one similar group is to be found in the common denominator that they hold almost the same ideas. They bring discourses to the public aimed at offering a new alternative guide for state and society. Mahmud A. Faksh, a scholar from Duke University, has clearly underlined the major themes of contemporary Islamic movements. They usually consist of five grand themes, namely the fusion of religion and politic, the divine sovereignty, Islamic authenticity versus *jābiliyya*, Islamic universalism (*umma*) versus national particularism (*qawmiyya*) and jihad. According to Faksh, these discourses are inferred from the thoughts of three great Muslim thinkers, Abū A'lā al-Mawdudī (1903-1979) of Pakistan, Sayyid Qutb (1906-1966) of Egypt and Ayatullāh Khomeinī (1900-1989) of Iran, on whom most Islamists rely for their references.³¹ If we look at the discourses

²⁷Saad Eddin Ibrahim, *Egypt, Islam and Democracy: Twelve Critical Essays*, (Cairo, the American University Press, 1996), p. 62.

²⁸Hopwood, *Egypt*, pp. 118-119, Jansen, *The Dual Nature*, p. 83.

²⁹Maha Azzam, "Egypt: The Islamists and the State under Mubarak", in Abdel Salam Sidahmed and Anoushiravan Ehteshami (ed.), *Islamic Fundamentalism*, pp. 113-116.

³⁰Podeh, "Egypt's Struggle", p. 45.

³¹Mahmud A. Faksh, *The Future of Islam in the Middle East: Fundamentalism in Egypt, Algeria, and Saudi Arabia*, (London, Preager, 1997), pp. 4-15. The same conclusion is also made by Youssef Chouirey. He has exactly the same findings to Faksh about major themes of Islamic movements and about Muslim prominent figures to whom they mostly refer. See Youssef Chouiri, "The Political Discourse of Contemporary Islamist Movements", in Abdel Salam Sidahmed and Anoushiravan Ehteshami (ed.), *Islamic Fundamentalism*, (Oxford, Westview Press, 1996), pp. 19-33.

of Muslim groups in a certain state, this model (five variants) has sometimes followed by specific discourses that reflected particular socio-political conditions. In the case of Egypt, this specificity can be seen in the appeal of the application of the *sharī'a*. The idea of the integration of Islamic law into national legal system has proved to have been a strong plea in that country. No wonder that it has become the most disputed issue in the contemporary Egyptian legal field.

In conjunction with these themes, the Islamists hegemonize the general field of discursivity by constructing Islam as, what Robby S. Sayyid calls, “a master signifier”, the point to which all other discourse must refer.³² They make use of the comprehensive nature of Islam. They define Islam as *dīn* (faith), *dunyā* (way of life) and *dawlā* (a state or political order).³³

Al-‘Ashmāwī discusses exclusively the ideology of these movements. He is not interested in other aspects of the movements, like the numbers or the social position and background of members and leaders. He is concerned with the discourses and the ways these groups use to accomplish their purposes. For al-‘Ashmāwī, there is no difference among them, as long as they permit violence to achieve their goals, they are alike. Furthermore, he said

There is no difference between the segments of the Islamic tendency, either *jamaat* or the brotherhood, for all of these segments are based on one thought, which is to overthrow the system of government and to establish what is called Islamic government....as to claim by the old trend (the Muslim Brothers) that it is finished with violence and it desires to integrate into political life, that is a type of deception which is known in Islam by the name of *taqiyya*.³⁴

On another occasion, when he held an official position as Chief Justice of the High Court for State Security, he once said: “The Muslim Brothers and the terrorist groups are two sides of the same

³²Robby S. Sayyid, *A Fundamental Fear: Eurocentrism and the Emergence of Islamism*, (London and New York, Zed Books, 1997), p. 46.

³³*Ibid.*

³⁴*Akhir Sa‘a*, June 18, 1986 as it is quoted by Robert Sprinborg, *Mubarak’s Egypt*, p. 220.

coin...Experience has shown that they are not a moderate lot".³⁵

Al-'Ashmāwī's statement should be understood in the context of the policy of the Egyptian government and its endeavor to crack down on militant Muslim activities. His position as a state official seems to have affected his mind. He appears to have regarded all these movements as the same. They are in fact multi-layered movements.³⁶ It seems that each movement displays distinctive patterns of struggle. While the Muslim Brothers is noted for its accommodative, non-violent and cooperative attitude, *al-Jihād* and *Jamā'at Islāmiyya* has taken different, extreme approaches.³⁷ The best example to illustrate these varied approaches among these groups is the case of Luxor massacre in 1997. It that an accident, alleged members of *al-Jamā'at* have attacked the Luxor temple and murdered tens of tourists. The Muslim Brothers castigated the attackers for having no religion and warned its members not to have any link or association with *al-Jamā'at*.³⁸

Al-'Ashmāwī's cynical view about the Islamic movements is probably acceptable as long as he referred to the Muslim Brother's political ideologies clearly laid down in Sayyid Qutb's famous book, *Ma'ālim fī al-Tariq*, 'Milestones'. His book is read by many as a call for the overthrow of the infidel regimes.³⁹ This call implies that he suggested violence for seizing power.⁴⁰ This book also brought about the execution of its author in 1966.

Al-'Ashmāwī's concept of the *sharī'a*, the relationship between Islam and politics, jihad and the attention he paid to the upsurge of militant activities in violence can be situated in the context of his response to the fact that the militant groups are behind these discourses and they are responsible for the agitation and confrontation, in which

³⁵ *Rūḥ al-Yūsuf*, June 29, 1992, quoted from by Barry Rubin, *Islamic Fundamentalism in Egyptian Politics*, updated edition, (New York, Macmillan, 2002), p. 164.

³⁶ Ayubi, *Political Islam*, p. 72.

³⁷ Dennis J. Sullivan and Sana Abed-Kotob, *Islam in Contemporary Egypt: Civil Society vs. the State*, (London, Reiner, 1999), pp. 19-20.

³⁸ Fawaz A. Greges, "The End of the Islamist Insurgency in Egypt? Cost and Prospect", in *the Middle East Journal*, Vol. 54, No. 4 Autumn, 2000, p. 594.

³⁹ Rebellions among groups of Muslim have been inspired by Qutb's ideologies. See Johannes J.G. Jansen, *The Dual Nature*, p. 54.

⁴⁰ Podeh, "Egypt's Struggle", p. 44.

violence is a common that features their mode of actions. It is, therefore, obvious that al-‘Ashmāwī’s thoughts, to some extent, are inseparable from, for instance, the appeal for the application of the *sharī‘a*, the increasing of dangerous militant activities and the widespread of the use of jihad for radical political purposes. Al-‘Ashmāwī has put himself forward as a contender of radical Muslim movements by means of intellectual and discursive battles. Many people in Egypt have also attracted to take part into dynamic discussions about these matters.⁴¹

Al-‘Ashmāwī’s book *al-Islām al-Siyāsī* represents this kind of illustration. Islamist thinkers have severely criticized the book. There have also been some widely noted public debates between proponents and opponents of secularism, as what happened in the Cairo Headquarter of the Medical Association in July 1986 between Fuad Zakariya, on one hand, and Muḥammad al-Ghazālī and Yusūf Qarḍawī on the other.⁴² Another debate took place at the Cairo Book Fair in January 1992. In this debate, Faraj Foda and Muḥammad Aḥmad Khalaf Allah were the representative of secularist factions, and Muḥammad al-Ghazālī, Ma’mūn al-Hudaybī and Muḥammad ‘Imāra were the representatives of the Islamist groups.⁴³

Nevertheless, the arguments the secular-liberal scholars offer are not fully satisfying to their intended audiences.⁴⁴ Their arguments are still too unfamiliar to them. The Egyptian Muslims in general are still craving for normative perceptions about Islam which are inherited from the traditional Muslim scholar’s views, and they want to socialize them in a middle way, non-violent struggle.

⁴¹Sagiv excellently resumed intellectual responses to, what he calls, Islamic fundamentalist’s discourses. See David Sagiv, *Fundamentalism and Intellectuals in Egypt*, 1995.

⁴²Alexander Flores, “Secularism, Integralism, and Political Islam: The Egyptian Debate”, in Joel Beinin and Joe Stork (ed.), *Political Islam: Essays from Middle East Report*, (London and New York, I.B. Tauris Publishers, 1997), p. 86.

⁴³*Ibid.*

⁴⁴Jansen even contends that liberal alternative thoughts expressed by figures like al-‘Ashmāwī, Nasr Ḥamid Abū-Zayd, Faraj Foda and Fuad Zakariya have failed to attract a large following. See Jansen, *The Dual Nature*, especially chapter 5, pp. 95-116. In his evaluation of the al-Raziq’s case, Binder also believed that liberal idea has been unsuccessful since its first appearance. See Leonard Binder, *Islamic Liberalism*, especially chapter 4, pp. 128-169.

D. The Veil and the Feminist Movement in Egypt

The phenomenon of the veil in Egypt is inextricably bound up with the feminist movements in that country and it is highly controversial on feminist agendas. What they contested was not only the veil in the sense of face-veiling or *niqāb*, but, later, also in the sense of *ḥijāb*. The discussion about the veil was firstly initiated by Qāsim Amīn (1865-1908), an Egyptian lawyer and judge, who condemned the practice of face-veiling.⁴⁵ He is widely regarded as a pioneer of Arab feminism. In his *Tahrīr al-Mar'a* (The Liberation of Women), he put up a struggle for women's education, and opposed polygamy and access to easy divorce by men.⁴⁶ Secondly, Huda Sha'rawi (1879-1947), the founder of Egyptian Feminist Union (EFU), threw her face-veil away at the Cairo train station after returning from an international feminist conference in Rome in 1923.⁴⁷

These two junctures mark entry points to argue from which that feminism and the veil are closely related. In this passage, therefore, I shall describe the feminist movements in Egypt. I shall focus on the period in which feminism arose, how it grew and the issue of the veil within feminist discourses. In this context, I borrow Margot Badran's definition of feminism, which she defines as "an understanding that women have suffered from subordination or oppression because of their sex, and an advocacy of ways to overcome them to achieve better live for women, and for men, within the family and society".⁴⁸

There is apparently no agreement among scholars on what was the initial movement of feminism in Egypt. The ambivalence is caused by the way they define and characterise feminism. Azza M. Karam, a researcher at the International Institute for Democracy in Stockholm,

⁴⁵Thomas Philipp, "Feminism and Nationalist Politics in Egypt", in Lois Beck and Nikki Keddie (ed.), *Women in the Muslim World*, (Cambridge, Harvard University Press, 1979), pp. 278-279.

⁴⁶See Qāsim Amīn, *Tahrīr al-Mar'a*, Egypt, Dār al-Ma'ārif, reprinted in 1970.

⁴⁷Earl L. Sullivan, *Women in Egyptian Public Life*, New York, Syracuse University Press, 1986, p. 29.

⁴⁸Margot Badran, "Competing Agenda: Feminists, Islam and the State in Nineteenth and Twentieth Century Egypt" in Deniz Kandiyoti (ed.), *Women, Islam and the State*, (London, Macmillan, 1991), p. 202.

stresses that intellectual debates on feminism were the sign of its emergence and pointed out that Amīn's book, *Tahrīr al-Mar'a*, was the first feminist call.⁴⁹ This assumption has provoked harsh criticism from other scholars, such as Leila Ahmed and Beth Baron. Ahmed has accused Amīn's thesis of being an imitation of colonial ideas. Moreover, she writes "far from being the father of Arab feminism, Amīn might more aptly be described as son of Cromer, a British Consul General in Egypt, and colonialism".⁵⁰ Baron, a scholar from City College of the City University, New York, contends that taking Amīn's book as a starting point of feminism has led to the misperception that women were not actively involved in advocating a change for their own social roles.⁵¹

Other writers emphasise women's magazines and writings as the crucible out which feminism arose. Thomas Phillip refers to the end of nineteenth century as the beginning of feminism, attributing it to the first women magazine, *al-Fatā*, launched in 1892.⁵² Margot Badran, a historian specialising in the history of Egyptian women, rejects a common view claiming that feminism was at the outset restricted to elite and upper-middle-class women.⁵³ She argues that the first genre of feminism can be traced back to the writings of women who lived in the secluded world of the urban harem,⁵⁴ for example Zainab Fawwāz (1850-1914), Warda al-Yāziǧī (1838-1924) and A'isha Taimūr (1840-1902).⁵⁵ But it is also arguable that harem is a place for middle class women.

A recent study of the Egyptian women movement which was conducted by Nadjé Al-Ali, an anthropologist from the University of

⁴⁹ Azza M. Karam, "Gender in Egypt Between Islamism, Feminism, and the State: Perspectives of Some Women Activists" in *Vena Journal*, Vol. 6 No. 1, 1994, p. 42.

⁵⁰ Ahmed, *Women and Gender*, pp. 162-163.

⁵¹ Beth Baron, *The Women's Awakening in Egypt: Culture, Society and the Press*, (New Haven and London, Yale University Press, 1994), p. 5.

⁵² Phillip, "Feminism and Nationalist Politics in Egypt", p. 277.

⁵³ Margot Badran, "Independent Women: More than a Century of Feminism in Egypt" in Judith Tucker (ed.), *Arab Women: Old Boundaries, New Frontiers*, (Indianapolis, Indiana University press, 1993), p. 129.

⁵⁴ Margot Badran, *Feminists, Islam and Nation: Gender and the Making of Modern Egypt*, (New Jersey, Princeton University Press, 1995), p. 96.

Exeter, shows that women activists today are not concerned with the question of whether feminism stems from men or women. What is important to them is whether the root of feminism is grounded in Western-colonialism or indigenous sources.⁵⁶

What Ali found in his research reminds us of a controversy about what is commonly called "cultural authenticity". After *Tahrīr al-Mar'a* had been released in 1899, the voices calling for women's emancipation and feminism were fiercely attacked, for they were strange to Egypt. The opponents of feminism in this period were mainly nationalists who invariably took a stand against foreign domination, such as Tal'at Harb (1867-1941) and Mustafa Kamil (1874-1908).⁵⁷ For Harb, the abolition of the veil and seclusion would be the real step toward a total disintegration of the indigenous values of Egyptian Islam.⁵⁸ Kamil opposed the emancipation of women, because it was associated with Western culture and society. National independence and unity, to Kamil, were far more important than social changes, such as the status of women in society.⁵⁹

Leila Ahmed asserts that the achievements obtained by two outstanding women figures, Nabawiyya Mūsa (1890-1951) and Malak Hifni Nasif (1868-1918) marked another sign of the stage of feminism. While the former was the first young woman to obtain secondary-school certificate in 1908, the latter succeeded in contributing her regular articles to *al-Jarīda*, the newspaper of the liberal secularist *Umma* party.⁶⁰ In addition, Nasif was the first woman to convey public feminist demands to the Egyptian Legislative Assembly in 1911.⁶¹ Her encouragement urging women to have rights in religious matters, such as basic religious education, to attend prayers in the mosque, and her defence against

⁵⁵See Marilyn Booth, *May Her Likes Be Multiplied: Biography and Gender Politics in Egypt*, (Berkeley and Los Angeles, University of California Press, 2001).

⁵⁶Nadje Al-Ali, *Secularism, Gender and the State in the Middle East: The Egyptian Women's Movement*, (Cambridge, Cambridge University Press, 2000), p. 58.

⁵⁷Sullivan, *Women in Egyptian Public Life*, p. 27.

⁵⁸Juan Richardo Cole, "Feminism, Class and Islam in Turn-of-the Century Egypt", in *International Journal of Middle Eastern Studies*, No. 13, 1981, p. 404.

⁵⁹Phillip, "Feminism and Nationalist", p. 279.

⁶⁰Ahmed, *Women and Gender*, pp.171-172.

⁶¹Sullivan, *Women in Egyptian*, p. 28, Badran, "Independent Women", p. 134.

unveiling has prompted some writers to classify her as a Muslim feminist.⁶²

This period, during the early twentieth century, the women's involvement in public sphere achieved a significant momentum. It was in the 1919 revolution that men and women launched a demonstration calling for independence from British occupation. Afaf Lutfi al-Sayyid Marsot, a scholar from the University of California, calls this women's action group "the revolutionary gentlewomen". She explains that the veiled gentlewomen of Cairo gathered in a rally shouting slogans calling for freedom from foreign occupation.⁶³ In this era, nationalist and feminist demands coincided, a call for independence.⁶⁴

A few years later, in 1923, a new movement in feminism rose in the form of an organisation. Huda Sha'rawi⁶⁵ who set up and headed *Al-Ittiḥād al-Nisā'ī al-Miṣrī* (the Egyptian Feminist Union). This organisation drew up agendas to improve women's roles in the political, social, legal and economic fields.⁶⁶ Its primary goal to demand education for women was accommodated in the Egyptian Constitution.⁶⁷ As a result, in the late of 1920s, women were admitted to universities and in 1933 the first women graduates from Egyptian university took their degrees.⁶⁸

Despite its huge achievements, the EFU, however, faced challenges. Most of its members were upper-class women. Its connection with some foreign women, especially from France, led to a strong impression that its feminism was not of an Egyptian origin. Moreover, the public gesture of its leaders, Sha'rawi and Saiza Nabarawi, who had previously discarded their face-veils at Cairo Station after

⁶²For example Denis J. Sullivan and Sana Abed-Kotob, *Islam in Contemporary Egypt: Civil Society vs. the State*, (London, Reinner, 1999), 101.

⁶³Afaf Lutfi al-Sayyid Marsot, "The Revolutionary Gentlewomen in Egypt" in Lois Beck and Nikkie Keddie (ed.), *Women in the Muslim World*, Cambridge, (Harvard University Press, 1979), pp. 268-269, see also Botman, *Engendering Citizenship*, p. 36.

⁶⁴Badran, "Independent Women", p. 206.

⁶⁵Badran has translated, edited and given an introduction to Sha'rawi's biography. See Huda Sha'rawi, *Harem Years: The Memoirs of an Egyptian Feminist (1879-1924)*, (New York, The Feminist Press of The City University of New York, 1987).

⁶⁶Badran, "Competing Agenda", p. 208.

⁶⁷Ahmed, *Women and Gender*, p. 177.

⁶⁸*Ibid.*

attending a women conference in Rome, only increased the impression that the EFU was a radical and secular women movement.⁶⁹ Consequently, one of its noted members, Zaynab al-Ghazali, withdrew from the EFU and established the Muslim Women Society (MWS) in 1936. Al-Ghazali campaigned for women's rights in the framework of Islam.⁷⁰ In a later interview about her decision to withdraw from the EFU, as quoted by Badran, al-Ghazali said "the Egyptian Feminist Union wanted to establish the civilisation of the Western women in Egypt and the rest of the Arab and Islamic world".⁷¹

During the period of the 1940s, two other women associations emerged. Fatma Ni'mat Rashid established *Ḥizb al-Nisā'i al-Waṭani* (National Feminist Party, NFP) in 1944. Its platforms were aimed at strengthening women's social and economic position, including support for birth control and abortion. Members of the National Feminist Party were mainly middle-class, professionals, writers, journalists and teachers.⁷² In 1948, Doria Shafik, a former member of the EFU, set up *Al-Ittiḥād Bint al-Nīl* (The Daughters of the Nile Union, DNU). The impetus behind its establishment was to promote political rights for women. In addition, it also campaigned to improve cultural, health and social services among the poor and to enhance mother and childcare.⁷³

These data imply that there were competitive agendas, ideologies and visions among feminists. While the EFU and the NFP tended to be secular and radical, the DNU seems to have been populists and the MWS was more Islamic in nature than the others. Because of their opposition to the state, this multi-faceted growth of feminism ended in its oppression by the state administration during Gamal Abdel Nasser's tenure. The state, according to Al-Ali, monopolised women's

⁶⁹ Azza M. Karam, "Gender in Egypt", p. 42, Badran, "Independent Women", p. 135, Botman, "Engendering Citizenship", pp. 40-41.

⁷⁰ Vallerie J. Hoffman, "An Islamic Activist: Zaynab al-Ghazali", in Elizabeth Warnock Fernea (ed.), *Women and the Family in the Middle East: New Voices of Change*, (Austin, University of Texas Press, 1985), pp. 233-254.

⁷¹ Badran, "Competing Agenda", p. 210.

⁷² Botman, *Engendering Citizenship*, p. 42.

⁷³ *Ibid.*, p. 43, Al-Ali, *Secularism, Gender*, p. 64, and Badran, "Independent Women", pp. 137-138.

issues and reformulated them as social welfare issues. The Ministry of Social Affairs was then designated to handle these matters.⁷⁴

The veil was debated among feminists in the 1970s and the 1980s. This debate can be seen in the writings or books written by feminists, who either criticised the practice of veiling or supported it. Ni mat Siddiqi, a young woman, wrote about her own account of wearing the *ḥijāb* in a book entitled *al-Tabarruj*. Kerima Hamza was the first television announcer to appear on air with the *ḥijāb*, and wrote about her experience of wearing the *ḥijāb* in her book, *Riḥlatī min al-Sufūr ilā al-ḥijāb*. At the same time Amina Said, an EFU activist and Sana al-Masri, a woman with leftist tendencies, released a counter-attack on veiling in the magazine *Hawa*, and the book *Khalf al ḥijāb* (1989) respectively.⁷⁵

To strengthen networks among women's movement and to gain international acceptance, Nawal El-Saadawi, an Egyptian writer and feminist, established The Arab Women's Association (AWSA) in 1982. It fights for freedom and human rights at the level of family, the nation and the international community.⁷⁶ By its slogan, "removing the veil from the mind",⁷⁷ the AWSA's feminism was confrontational with Islamist's notion about women.⁷⁸ During the national debate on the Personal Status of Law in 1985, feminists experienced a hostile split. While El Saadawi defended and campaigned actively for the law, the *Ittihad al-Nisā'i al-Taqaddumi* (an affiliation of the leftist *Tajammu* Party), along with Islamists and *al-Azhar* declined the law and regarded it as unconstitutional which was passed by Anwar Sadat's regime.⁷⁹ El Saadawi and the AWSA then became a target of both the government and anti-feminist forces. The AWSA's strong opposition to the government and its rejection to the 1991 Gulf War brought about its

⁷⁴ Al-Ali, *Secularism, Gender*, p. 66.

⁷⁵ Badran, "Competing Agenda", p. 223.

⁷⁶ Nawal El Saadawi, "Women's Resistance in the Arab World and in Egypt", in Haleh Afshar (ed.), *Women in the Middle East*, (London, Macmillan, 1993), p. 144.

⁷⁷ Miriam Cook, *Women Claim Islam: Creating Islamic Feminism through Literature*, (New York, Routledge, 2001), p. 133.

⁷⁸ Valentine M. Moghadam, *Modernising Women: Gender and Social Change in the Middle East*, (Egypt, The American University Press, 1994), p. 159.

⁷⁹ Al-Ali, "Feminism and Contemporary", pp. 178-179.

ban in 1991.⁸⁰

It is clear that what Egyptian feminists have been fighting for is to redefine and reassess the roles and status of women. For this reason, they had to compete with Islamists. Their target to improve women status and enhance women political and social roles were often uneasy effort to reach. They faced severe attack and accusation as “inauthentic”. Even there was a split among feminists. They did not reach into a single vision over the roles of women in the society, because of their different ideological frameworks and agendas. The veil is a good example of this disagreement.

E. Al-‘Ashmāwī’s View on the *Hijāb*

Hijāb is both a religious and a political phenomenon. It passes beyond the boundaries of the practical and material usage and is no longer a matter of a piece of cloth. It has become the subject of Islamist agendas, state policies and scholar debates. Although the *hijāb* can be different things for different women, some believe that the increasing number of *muhajabat* in many Muslim countries is the sign of the Islamists’s victory in their endeavor to create an Islamic society.⁸¹ It is, of course, correct to say that the *hijāb* is for many compulsory, but it is blended with state policies and political factors.⁸² The French government bans the *hijāb* in school. “Veiling is not inherently a political act, but rather, it becomes one when it is transformed into a public symbol”.⁸³ The Iranian Revolution has considerably changed the practice of veiling in that country.⁸⁴ The *hijāb* has also been a concern

⁸⁰*Ibid.*, p. 160.

⁸¹Denis J. Sullivan and Sana Abed-Kotob, *Islam in Contemporary Egypt: Civil Society vs. the State*, (London, Reinner, 1999), p. 113-116, Genieve Abdo, *No God but God: Egypt and the Triumph of Islam*, Oxford, (Oxford University Press, 2000), pp. 139-161.

⁸²M.M. Charrad, “Veils and Laws in Tunisia”, in Herbert L. Bodman and Nayereh Tohidi (ed.), *Women in Muslim Societies: Diversities within Unity*, (London, Reinner, 1998), pp. 63-79.

⁸³Dale F. Eickelman and James Piscatori, *Muslim Politics*, (New Jersey, Princeton University Press, 1996), p. 4

⁸⁴Hisae Nakanishi, “Power, Ideology, and Women Consciousness in Post Revolutionary Iran”, in Herbert L. Bodman and Nayereh Tohidi (ed.), *Women in Muslim Societies*, pp. 83-100.

of scholars, gender activists and feminists, Muslim and non-Muslims.⁸⁵

The aforementioned explanations are derived from the discussions about the socio-political and scientific discussions of the *ḥijāb*. But how do Muslims themselves perceive the *ḥijāb*, as it is mentioned in the Qur'an? Various opinions about the *ḥijāb* can be found among Muslims. It depends on whom one is quoting and on how one is interpreting the Qur'an. Both proponents and opponents of the *ḥijāb* base their arguments mainly on the text of the Qur'an and the ḥadīth, and on the opinions of the 'ulamā' count to a lesser degree. In Egypt itself, the country in which al-'Ashmāwī's thoughts were shaped, dissenting opinions about the *ḥijāb* are widely spread among Muslims. The proponents of the *ḥijāb* are usually 'ulamā' and Islamists,⁸⁶ while its opponents are liberal Muslims and feminists.

Al-'Ashmāwī represents the later group. He is one of those who reject forcing the *ḥijāb* on women. He says that veiling now becomes a lot of extremist's means to gain firm support from Muslims. In so doing, al-'Ashmāwī puts the *ḥijāb* in the center of scholarly debate. His views about the *ḥijāb* was published in *Rūḥ al-Yūsuf* in 1994 which drew a reaction from Muḥammad Sayyid Ṭaṇṭawī, the *mufti* of Egypt. The dialogue is published in a book entitled *ḥaqīqat al-ḥijāb wa ḥujjiyyat al-ḥadīth*.⁸⁷ In this book, al-'Ashmāwī presented his liberal views about the *ḥijāb*, even though he has also written about this topic in other books sporadically.⁸⁸ He is challenging traditional notions stating that the *ḥijāb* is a personal obligation that must be fulfilled by Muslim

⁸⁵Katherine Bullock, *Rethinking Muslim Women and the Veil: Challenging Historical and Modern Stereotypes*, Virginia, The International Institute of Islamic Thought, 2002. In this book, Bullock examined contemporary scholars and feminists approaches to the veil. She has divided them into two, namely liberal and contextual approaches.

⁸⁶Karam presented the 'ulamā' and Muslim figure's opinions about the veil. They all agree that in principle Muslim women must adopt the veil, because it is an obligation mentioned by God in the Qur'an. See Azza M. Karam, *Women, Islamism and the State: Contemporary Feminism in Egypt*, (New York and London, Macmillan and St. Martin's Press, 1998), pp. 183-200.

⁸⁷Muḥammad Sa'īd al-'Ashmāwī, *Ḥaqīqat al-Ḥijāb wa Ḥujjiyyat al-Ḥadīth*, (Cairo, al-Kitāb al-Dhahabī, 2002).

⁸⁸Muḥammad Sa'īd al-'Ashmāwī, *Ma'ālim al-Islām*, (Cairo, Sinā, 1989), pp. 124-125, Carolyn Fluehr-Lobban (ed.), *Against Islamic Extremism: The Writing of Mubammad Sa'id al-Ashmawi*, (Florida, the University of Florida Press, 1998), pp. 106-108.

women. Al-‘Ashmāwī’s views about the *hijāb* can be best understood from his theories of interpretation of the *sharī‘a*.

As it has been explained in the previous passage, al-‘Ashmāwī said that the verses of the Qur’ān must be interpreted in accordance with the contexts of their revelation. Some of these verses are temporary and specific, exclusively associated with the Prophet and his wives. He cites three verses that are directly concerned with the discourse about the *hijāb* in Islam, namely the Qur’ān 33:53, 24:31 and 33:59.

The first verse is about *hijāb*. It is in the Qur’ān 33:53. Al-‘Ashmāwī said that the *hijāb* literally means a “cover” and it was only intended to mean a cover or a screen between the wives of the Prophet and people.⁸⁹ The verse says

O ye who believe! Enter not the dwellings of the Prophet for a meal without waiting for proper time, unless permission is granted you. But if ye invited, enter, and when your meal is ended, then disperse. Linger not for conversation. Lo! that would cause annoyance to the Prophet, and he would be shy of (asking) you (to go); but Allah is not shy of the truth. And when ye ask of them (the wives of the Prophet) anything, ask it of them from behind a curtain. This is purer for your hearts and for their hearts. And it is not for you to cause annoyance to the messenger of Allah, nor that ye should ever marry his wives after him. Lo! that Allah’s sight would be an enormity.⁹⁰

The verse contains three lessons, namely ethics or rules for visiting the Prophet’s house, a demand that a curtain be hung between the wives of the Prophet and people, and a prohibition against marrying the Prophet’s wives after his death. Referring to the commentators of the Qur’ān, like al-Qurṭubī, al-‘Ashmāwī mentions different versions of the *asbāb al-nuzūl*. The first version stated that it was during the wedding of the Prophet to Zaynab bint Jaḥash that the verse was revealed. It is said that the people invited did not immediately disperse after the meal had been served and eaten. The verse therefore reminded people that what they did had really bothered the Prophet. The second

⁸⁹ Al-‘Ashmāwī, *Ḥaqīqat*, p. 22.

⁹⁰ Translation is quoted from Marmaduke Pickthall, *Holy Qur’ān*, (Karachi, Taj Company, 1st edition, 1969), p. 636.

version stated that the verse dealt with ‘Umar. As he was worried about the privacy of the Prophet’s wives, he suggested to the Prophet to hang a curtain between his wives and people, because all sorts and conditions of people often came to the Prophet.⁹¹

The way al-‘Ashmāwī did not referred to complete versions of *asbāb al-nuzūl*, as many *mufasssirūn* cited them in their books, cannot be justified as unfair. The problem here does not lie in to whom he was referring and in how many versions of *asbāb al-nuzūl* he quoted, but, rather to the consequence for his theories of interpretation. He conceive of this verses as a bond-context-related. Even though he mentioned, for instance, all versions of the *asbāb al-nuzūl* inferred from a number of the books of Qur’anic exegesis, this has not caused him to change his conclusion. He will insist on saying that the requirement of wearing the *hijāb* only applied specifically to the wives of the Prophet, not even to his daughters and Muslim women.⁹²

Al-‘Ashmāwī sustains his opinions by quoting the report by Anas bin Mālīk proving that women were uncovered during that period. Bukhārī and Muslim have also recorded this fact in their books.⁹³ According to this report, the Prophet once stayed for three days in a place between Khaibar and Medina when he married to Safiyya bint Ḥuyay. People said that if the Prophet concealed her, then she was the mother of the believers, otherwise, she would not have been, she would only have been a female slave. When the Prophet went home, she sat behind him and he put a curtain between her and people. This fact indicated, he argues, that she was the wife of the Prophet and no longer a slave, for she was concealed behind a *hijāb*.⁹⁴

The second verse al-‘Ashmāwī mentions is about *khimār*. It is in the Qur’an 24:31.

And tell the believing women to lower their gaze and be modest, and to display of their adornment only that which is apparent, and to draw their veils over their bosom.⁹⁵

⁹¹ Al-‘Ashmāwī, *Ḥaqqīqat*, p. 23.

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ *Ibid.*, p. 24.

⁹⁵ Pickthall, *Holy Qur’an*, p. 529..

As usual, the first thing that al-‘Ashmāwī looks at is the *asbāb al-nuzūl*. He says that this verse was sent down in a society where women were used to wearing *kbimār* (a head scarf). They wore it over their head and dropped it down to their back, but left neck and chest exposed. The verse then required Muslim women to correct this practice by covering those unconcealed parts of the body with a *kbimār*.⁹⁶ One reason for such a legal stipulation (*‘illat al-ḥukm*) is, he argues, to distinguish Muslim women from others. So, the *kbimār* was only a symbol by which to distinguish people. He draws an analogy between this injunction and that of shaving one’s moustache or of raising one’s beard, as the Prophet had suggested to men. This ḥadīth is, as many *fuqahā* have explained it a temporal one, only a suggestion, not an obligation, to distinguish Muslim men from others.⁹⁷ For this reason, he contends that the verse applies to a certain period of time, connected closely with the situation in which it was revealed.⁹⁸

In this case al-‘Ashmāwī has applied a different method of interpretation. He makes use of a legal analogy (*qiyās*) between the Qur’ān and the ḥadīth. He is no longer using the ḥadīth as an explanatory tool of the Qur’ān. He even seems to have made the ḥadīth as a determinant point by which to judge Qur’ānic verses. Moreover, he is uncritical of quoting this ḥadīth. Unlike in the case of the *hijāb*, he does not expound at all on the quality of this ḥadīth, nor does he explain to which book he refers.

The last verse al-‘Ashmāwī mentions is about *jilbab*. It is in the Qur’ān 33:59.

O Prophet! Tell thy wives and thy daughters and the women of the believers to draw their cloaks close to around them (when they go abroad). That will be better, that so they may be recognized and not annoyed.⁹⁹

Again, al-‘Ashmāwī points out that *asbāb al-nuzūl* of the verse was related to the customs of Arab women at the time of the Prophet.

⁹⁶ Al-‘Ashmāwī, *Ḥaqīqat*, p. 24.

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*, p. 25.

⁹⁹ Pickthall, *Holy Qur’ān*, p. 637.

At that time, they were used to going out to public toilets. Free women wore the same dresses to those of female slaves. Some uncouth men often bothered them. They complained about it and reported it to the Prophet. Therefore, this verse was a response to such an incident. They were subsequently enjoined to wear a *jilbāb*, a long outer garment, to cover their bodies.¹⁰⁰ So the instruction to wear the *jilbāb* was, he says, meant to distinguish free women from slaves. This distinction is the reason why the *jilbāb* was required. According to a legal maxim, law can be applied if there is a reason. He argues that in modern times, the world we live now, slaves do not exist. There is no need to make such a distinction. As a consequence, the *sharī'a* law, referring to wearing the *jilbāb*, can no longer be applied.¹⁰¹

The way al-‘Ashmāwī thinks is still relevant to his theories of the *sharī'a*. But in this regard, he has employs a legal maxim that appears to tally with his ideas. While he, on the one hand, rejects the most widely used legal maxim, that is “the meaning is derived from the general word and not from specific occasion”, he, on the other, has applied another one. Al-‘Ashmāwī has to expound the validity of these rules, in order to clarify his thoughts and render them readily understood. This is very important, for he is obviously inconsistent in his use of legal maxims.

In his *ḥaqīqat*, he briefly described the principle of the application of Islamic law, in which the *ḥijāb* is seen by many as part of Islamic laws. He argues that there is no “forcing in religion” (*lā ikrāba fī al-dīn*) in Islam. This, he says, is a basic code for applying Islamic teachings, including its laws.¹⁰² If Muslims, for example, do not practice Islamic tenets, “religious punishment” will be their reward, and it becomes a matter between them and God.¹⁰³ It is therefore unlawful, he explains, to enforce any Muslim women to wear the *ḥijāb*, either physically or mentally by, for instance, accusing those who reject donning it of being *kāfir*, because it is not approved by the Qur’ān or by Islam.¹⁰⁴ He

¹⁰⁰ al-‘Ashmāwī, *Ḥaqīqat*, p. 25.

¹⁰¹ *Ibid.*, p. 26.

¹⁰² *Ibid.*, p. 28.

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*, p. 29.

contends that a lot of women wear the *hijāb*, but it does not always mean that they are more religious or Islamic in their deeds than those who do not. They feel constrained to do so. They are allegedly paid by Islamists to adopt *hijāb*.¹⁰⁵ As a result, he adds, some *muhajjabat* are still going to discotheques, night clubs and dances.¹⁰⁶ For this reason, he believes that *hijāb* in its correct meaning is not as such a specific kind of cloth, but, rather, it is a self-restraint, a psychological barrier which prevents a person from committing wrongdoing.¹⁰⁷

Al-‘Ashmāwī’s views on *hijāb*, as he understood it from the Qur’ān, seem to be pretty simple ideas. He refers to the same Qur’ānic verses as many others do. Only his method of interpretation of the Qur’ān does distinguish him from others and prompts him to be a secular and a liberal Muslim. Although he does not consider *hijāb* a religious obligation, and disagrees with those who see *hijāb* as an Islamic injunction, similarities can still be found among them, namely the central point from which they begin to discuss *hijāb*.¹⁰⁸ This lies in the fact that both parties use the Qur’ān as their main sources, even to the point they refer to almost the same verses. Compared to others, al-‘Ashmāwī assumes “middle position” between the conservative ‘*ulamā*’ and Islamists and other more liberal Muslims, like Maḥmūd Muḥammad

¹⁰⁵Many unveiled women among Zuhur’s respondents accused veiled women of being paid by Islamists, even though none of the veiled respondents admit this. See Sherifa Zuhur, *Revealing Re-veiling: Islamist Gender Ideology in Contemporary Egypt*, (New York, State University of New York Press, 1992), p. 77.

¹⁰⁶ Al-‘Ashmāwī, *Ḥaḳīqat*, p. 29. According to Sullivan and Abed-Kotob, the growth of the use of Islamic dress in contemporary Egypt is not motivated only by religious conviction, but also increasingly by fashion. Many *muhajjabat* are using glaring makeup and dangling gold earrings, a scene that is inconsistent with the prescription on Islamic attire. See Denis J. Sullivan and Sana Abed-Kotob, *Islam in Contemporary Egypt*, pp. 114-115.

¹⁰⁷ Al-‘Ashmāwī, *Ḥaḳīqat*, p. 29.

¹⁰⁸See for instance Hala bint Abdullah, *A Comparison between Veiling and Unveiling*, (Riyad, Dār al-Salām, 1995), ‘Abd Manan al-Tibi, *Muhajjabat: Limādba?*, Maktabat al-Turāth al-Islāmī, 1990, Muhammad ‘Ali al-Hāshimī, *The Ideal Muslimah: The True Islamic Personality of the Muslim Women as Defined in the Qur’ān and Sunnah*, translated by Nassruddin al-Khattab, (Riyad, International Islamic Publishing Houses, 1999) and Syed Mutawalli ad-Darsh, *Muslim Women’s Dress; Hijāb or Niqāb?*, (Kuala Lumpur, Islamic Book Trust, 1997). All the writers of these books refer to the same verses, as al-‘Ashmāwī did.

Ṭaha, a Sudanese Muslim reformer, and Muḥammad Shaḥrūr, a Syrian Muslim thinker.

Both Ṭaha and Shaḥrūr hold unusual views on *ḥijāb* and women's dress in Islam. Ṭaha has said that *ḥijāb* is not an original precept in Islam.¹⁰⁹ In discussing it, Ṭaha does not even refer at all to the three main verses touching it. He mentions the Qur'ān 7:19-27 as his entry point. He wants to put the debate about *ḥijāb* in the context of Adam and Eve when God punished them, for they had violated His interdictions. He suggests that when in the Heaven, they were not wearing *ḥijāb*, but they were uncovered (*al-sufūr*).¹¹⁰ So, the principle is *al-sufūr*, because it is consistent with the original principle of freedom in Islam. *ḥijāb* is therefore a rational penalty for the abuse of freedom of *al-sufūr*.¹¹¹

Shaḥrūr began his studies of *ḥijāb* by quoting Qur'ānic verses dealing with it. He, like al-'Ashmāwī, agrees with the ideas stating that the verse on *ḥijāb* is exclusively related to the wives of the Prophet.¹¹² The Qur'ān 33:59 is not meant to be a legal prescription, but a piece of advice to draw distinction between Muslim women and slaves by wearing a long outer garment.¹¹³ He used the Qur'ān 24:31 as a source of minimum limitation (*al-ḥad al-adnā*) on women's dress in Islam.¹¹⁴ Whereas, the maximum limitation (*al-ḥad al-a'lā*) is that women cover the whole of their bodies except for face and palms, as it is stated by the ḥadīth.¹¹⁵ The Qur'ān 24:31 says that women must lower their gazes and they must guard their genitals. The verse also states that it is forbidden to expose *ẓīna* (ornament) except for certain people. He says that the whole body of a woman is *ẓīna* which is divided into *ḍābir* (visible or apparent) and *ghair ḍābir* (invisible or inward).¹¹⁶ Face, hands

¹⁰⁹Mahmūd Muḥammad Ṭaha, *The second Message of Islam*, edited and translated by Abdullahi Ahmed an-Naim, (Syracuse, Syracuse University Press, 1987), p. 143.

¹¹⁰*Ibid.*

¹¹¹*Ibid.*, p. 144.

¹¹²Muḥammad Shaḥrūr, *Nabwa Uṣūl Jadīda lil-Fiqh al-Islāmī: Fiqh al-Mar'a, al-Waṣīyya, al-Irth, al-Qawwama, al-Ta'addudiya, al-Libās*, (Damascus, al-Ahālī, 2000), p. 360.

¹¹³*Ibid.*, p. 372.

¹¹⁴*Ibid.*, 362.

¹¹⁵*Ibid.*, p. 373.

¹¹⁶*Ibid.*, p. 363, see also his *Al-Kitāb wal-Qur'ān: Qira'a Mu'āsira*, 6th edition, (Damascus, al-Ahālī, 1994), p. 607.

and feet are parts of apparent ornaments. He calls invisible ornaments the *juyūb* (holes) which include *al-thadyaini wa mā bainahumā* (nipples, breasts and parts around them), *al-farj* (vagina), *ihyatin* (bottoms) and *ibṭain* (armpits). These parts are the minimum limitation of the body that must be covered by women.¹¹⁷ But he has suggested that Muslim women should wear clothes which are socially considered modest.¹¹⁸

This comparison has shown that al-‘Ashmāwī occupies a middle position between ‘*ulamā*’-Islamists and the more liberal Muslims. His theories about the *sharī‘a*, especially that of *asbāb al-nuzūl*, have played a pivotal role in forming his views about the *hijāb*, even though he is inconsistent in his own theories. He makes use of the Qur’ān as his entry point from which he begins to expatiate on the *hijāb*. It suggests that even though he is classified by many as a liberal and a secular Muslim, his reasoning is still grounded in Islamic methodology. He uses both the Qur’ān and the ḥadīth as his main sources of interpretation. It is his methods that have led him to arrive at different conclusions and therefore distinguishes him from other Muslim scholars.

Al-‘Ashmāwī has examined the Qur’ānic verses that deal with the *hijāb*. His study has shown that none of these verses can be established as a bases for wearing the *hijāb* in Islam. He is convinced that a number of Qur’ānic verses have to be understood in the context of a particular time and place. The verses about the *hijāb* fit into this classification. If the verses establish clearly the requirement of wearing the *hijāb*, he argues, then there would be no more than one verse. He contends that there is no legal repetition.¹¹⁹ He therefore believes that each verse has its own meaning. So, the Qur’ān 33:53, 24:31 and 33:59 convey different messages that can be inferred from their respective *asbāb al-nuzūl*.

This has prompted al-‘Ashmāwī to look at the *hijāb* from another Islamic source, namely the ḥadīth. Al-‘Ashmāwī criticized both the content (*matn*) and the chain of transmission (*isnād*) of the ḥadīth. He maintains that the ḥadīth is the source of Islam,¹²⁰ but he reminds us

¹¹⁷ Shahrūr, *Nahwa*, p. 363.

¹¹⁸ *Ibid.*, p. 367.

¹¹⁹ Al-‘Ashmāwī, *Ḥaqīqat*, p. 50.

¹²⁰ Al-‘Ashmāwī, *Uṣūl*, p. 57.

that ḥadīth was collected in a later period approximately one and a half century after the Prophet had passed away.¹²¹ In the meantime, many ḥadīth were fabricated by people for certain purposes. He therefore suggests that we should expose the ḥadīth to a thorough scientific explanation.¹²² Although al-‘Ashmāwī is not an expert in ḥadīth, his general opinions about it will be presented here, because he views the ḥadīth about the *ḥijāb* from this perspective. He discusses ḥadīth only briefly and puts it into the following order: the definition of the ḥadīth, the method of the collection of the ḥadīth, the causes of the fabrication of the ḥadīth, and the characters of the ḥadīth.

Ḥadīth literally means *al-khabar* (news or report).¹²³ ḥadīth is a technical term referring to all reports dealing with the deeds, sayings and events in the life of the Prophet.¹²⁴ Al-‘Ashmāwī notes that at first the ḥadīth was spread orally. Later Muslims began to write down and compile the ḥadīth from the Prophet. There are many compilers of ḥadīth, like Ibn Juraij (d. 150) of Mecca, Muḥammad bin Ishāq (d. 151) and Mālik bin Anas (d. 179) of Medina, al-Rabī‘ bin Rabīh (d. 160), Sa‘īd bin Abī ‘Urba (d. 156) of Basra, Sufyān al-Thawrī (d. 161) of Kufa, al-Awzā‘ī (d. 156) of Syria, Ma‘mar (d. 153) of Yemen, Ibn al-Mubārak (d. 181) of Khurasan and al-Layth bin Sa‘d (d. 175) of Egypt.¹²⁵ Only the book of Anas bin Mālik, *Muwatta’*,¹²⁶ has been preserved in better condition than others and can be read up to now. The book was intended to be a collection of the ḥadīth that concern *fiqh* (Islamic law). It was also compiled to respond to the growing use of reason in legislation supported mainly by the Iraqi school.¹²⁷ Nevertheless, not all ḥadīth in *Muwatta’* are *Ṣaḥīḥ*, some of them are *mursal* (missing transmitters at the level of the *ṣaḥābat*, so the ḥadīth

¹²¹ Al-‘Ashmāwī, *Ḥaḥiqat*, p. 96.

¹²² *Ibid.*, p. 121.

¹²³ *Ibid.*, p. 96.

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*

¹²⁶ There are many versions of the *Muwata’*, of which the most famous and important are *Muwata’ Yahyā* and *Muwata’ Muḥammad*. For further information see Ignaz Goldziher, *Muslim Studies*, Vol. II, translated by C.R. Berber and S.M. Stern, edited by S.M. Stern, (London, George Allen and Unwin Ltd., 1959), pp. 204-209.

¹²⁷ Al-‘Ashmāwī, *Ḥaḥiqat*, p. 97.

was only transmitted by *tābi'īn*) and *munqaṭi'* (missing one or two transmitters). Because of this, Bukhārī and Muslim did not include all ḥadīth of *Muwatta'* in their books.¹²⁸

The method by which the ḥadīth is collected affects the quality of a book of the ḥadīth. The stricter the selection process of the ḥadīth, the more reliable the result is. The highest in rank of the book of ḥadīth is the *Ṣaḥīḥ Bukhārī*, compiled by Abū Abdullāh Muḥammad bin Ismā'īl al-Bukhārī (809-869), followed by *Ṣaḥīḥ Muslim*, compiled by Abū al-Ḥasan al-Ḥajjāj al-Qushayrī (817-875).¹²⁹ It is said that among seven thousands ḥadīth collected by Bukhārī, only two thousand seven hundred and sixty-two ḥadīth are *ṣaḥīḥ*. Muslim found only four thousands *ṣaḥīḥ* among his seven thousand two hundred and seventy-five ḥadīth collection.¹³⁰ Although both authors were cautious in selecting ḥadīth, they are nevertheless still exposed to critical remarks. Quoting Aḥmad Amīn,¹³¹ al-'Ashmāwī explains that some '*ulamā'* and *fuqahā'* have criticised one hundred and ten ḥadīth of *Ṣaḥīḥ Bukhārī*, thirty-two of which Bukhārī and Muslim had agreed, and seventy-eight of which had been compiled by Bukhārī himself.¹³² Al-'Ashmāwī appeals to Muslims to review books of the ḥadīth, especially those that occupy a place one level under these *ṣaḥīḥain*, for example *Sunan Abī Dāwud* by Abū Dāwud (817-888), *Sunan al-Nasa'ī* by Abū Abd al-Raḥman bin Shu'ayb (830-910) and *Sunan Ibn Māja* by Abū Abdullāh Muḥammad bin Yazīd (822-872).¹³³

Al-'Ashmāwī goes on to discuss the reasons behind the emergence of the *ḥadīth mawḍū'* (fabricated ḥadīth). He believes that there are a

¹²⁸*Ibid.*

¹²⁹*Ibid.*, pp. 98-99.

¹³⁰*Ibid.*

¹³¹Aḥmad Amīn (1886-1954) is an Arabic scholar, teacher and editor of the magazine *al-Thaqafa*. He taught Arabic language and literature at Cairo University in 1926, and continued to teach full-time in 1946 and part time until 1949. He has written many books, like *Fajr al-Islām*, *Dubā al-Islām* and *ʿnabr al-Islām*. See Arthur Goldschmidt JR., *Biographical Dictionary of Modern Egypt*, (London, Reinner, 2000), p. 20, see also Ali Mahmud Husain Mazyad, *Aḥmad Amīn: Advocate of Social and Literary Reform in Egypt*, (Leiden, E.J. Brill), 1963.

¹³²Al-'Ashmāwī, *Ḥaḥiqat*, p. 99.

¹³³*Ibid.*

number of reasons why *ḥadīth mawḍūʿ* emerged.¹³⁴ Firstly, at the outset Islamic legislation was limited to the Qurʾān and the ḥadīth. Meanwhile, the problems faced by Muslims increased both quantitatively and qualitatively. There were as yet not clear answers to these problems in either source. Some *fuqahāʾ* issued legal opinions (*fatāwā*) to tackle these problems and they attributed their *fatāwā* to the Prophet, as if it were the Prophet himself who produced them. This phenomenon has been so wide-spread that Abū al-ʿAbbās al-Qurṭubī, the author of *Al-Mufabhim fī Sharḥ Ṣaḥīḥ Muslim*, felt obliged to comment on it, saying that many jurists of rationalist schools allowed legal endorsements to be ascribed to the Prophet as long as they are based on an obvious analogy (*al-qiyās al-jalī*).¹³⁵ Secondly, political interests and theological discrepancies among splinter groups in Islam, like *shīʿa*, *qadariya* and *kbawārij*, have generated the production of *ḥadīth mawḍūʿ* for the sake of their own interests.¹³⁶ Thirdly, *ẓindīq* (atheist) people have made a remarkable contribution towards the creation and the dissemination of *ḥadīth mawḍūʿ*. The most prominent figures among them are ʿAbd al-Karīm bin Abī al-ʿAwjāʾ, Muḥammad bin Saʿīd bin ḥasan al-Asadī al-Shāmī and Kubyān bin Samʿān al-Hindī. ʿAbd al-Karīm once admitted that he had created four thousands *ḥadīth mawḍūʿ*. Kubyān was slain by Khalīd bin Abdūllah al-Qasrī, because he had made *ḥadīth mawḍūʿ* about the divine dimension of ʿAli ibn Abū Ṭālib.¹³⁷

In addition, al-ʿAshmāwī explains that *ḥadīth mawḍūʿ* can be identified by the confession of their creators, like from story tellers. They produced *ḥadīth mawḍūʿ* when they wanted to sustain their stories and arguments. A *shaikh* of the *Raḥīqa* sect reported that his group was accustomed to creating *ḥadīth mawḍūʿ*. Some people used *ḥadīth mawḍūʿ* when they wanted to flatter a caliph, like what Ghayyāb bin Ibrāhīm al-Nakhaʿī said to al-Mahdī. Using *ḥadīth mawḍūʿ*, al-Nakhaʿī praised the caliph when he was playing with his doves.¹³⁸ Al-ʿAshmāwī therefore recommends that Muslims be familiar with the criteria of *ḥadīth ṣaḥīḥ*.

¹³⁴*Ibid.*, p.100.

¹³⁵*Ibid.*

¹³⁶See Al-ʿAshmāwī, *Maʿālim*, p. 155.

¹³⁷Al-ʿAshmāwī, *Ḥaqqiqat*, p. 101.

¹³⁸*Ibid.*

This will help them to be able to recognize *ḥadīth ṣaḥīḥ* and to distinguish them from others.¹³⁹

Basing himself on the opinions of some scholars,¹⁴⁰ al-‘Ashmāwī classifies *ḥadīth* into three categories: *mutawātir*, *mashbūr* and *aḥād*.¹⁴¹ *ḥadīth Mutawātir* is the one that has been uninterruptedly transmitted from the Prophet by a number of *ṣaḥabat* (companions), *tābi‘īn* (followers) and *tābi‘u al-tābi‘īn* (followers of the followers). The numbers of people who transmit the *ḥadīth* are so high that it would have been impossible for them to perpetrate a fraud in transmitting it. So, the certainty that the *ḥadīth* originally came from the Prophet can be known. It is therefore an obligation on every Muslim to follow the rules contained in this *ḥadīth*, for example the *ḥadīth* about *al-sala* and *al-ḥajj*.¹⁴²

The second category is *ḥadīth mashbūr*. It occupies a place of certainty second only to *ḥadīth mutawātir*, for the number of the transmitter at the level of companion is fewer than that of *ḥadīth mutawātir*. It cannot, however, be said that the *ḥadīth* stemmed absolutely from the Prophet, but it was strongly alleged that it did, for example a *ḥadīth* about *al-niyya* and the five pillars of Islam transmitted by ‘Umar.¹⁴³ The last category is *ḥadīth aḥād*. It is transmitted by a fewer number of people at the level of the followers and the follower of followers. This explains its name, for only one transmitter is available.¹⁴⁴ Therefore the degree of certainty of this *ḥadīth* is only *ẓann* (assumption). No one can be said to be a sinner or a disobedient or a *kaḥfīr*, if one neglects it. Nor can it be made as bases for matters of theology and law in Islam.¹⁴⁵

¹³⁹*Ibid.*, p. 103.

¹⁴⁰Although the category of *ḥadīth* that al-‘Ashmāwī uses is quite popular and acceptable, it seems strange to me because al-‘Ashmāwī refers to scholars of *Uṣul al-fiqh* rather than to scholars or experts of *ḥadīth*. He refers to for example Zakariya al-Barr in his *Uṣul al-Fiqh al-Islāmī*, Muḥammad Zakariya in his *Uṣul al-Fiqh*, ‘Abbas Mutawallā in his *Uṣul al-Fiqh*, ‘Abd al-Wahhāb Khalāf in his *‘Ilm Uṣul al-Fiqh wa-Tarīkh al-Tashrī‘ al-Islāmī* and Aḥmad Ab- al-Fath, *Al-Mukhtārāt al-Fathīyya*.

¹⁴¹Al-‘Ashmāwī, *Ḥaḥīqat*, p. 107.

¹⁴²*Ibid.*, p. 108.

¹⁴³*Ibid.*

¹⁴⁴*Ibid.*, p. 109.

¹⁴⁵*Ibid.*

After presenting his general views on the ḥadīth, al-‘Ashmāwī then starts discussing the ḥadīth about *ḥijāb*. Al-‘Ashmāwī mentions two ḥadīth about *ḥijāb*.¹⁴⁶ The first ḥadīth is transmitted from ‘A’isha. It said

The Prophet said that it is unlawful for a girl, who believes in God and the Last Day, if she has reached the age of puberty, to expose (her body) except her face and her hand up to this, and he held half of his forearms.¹⁴⁷

The second ḥadīth is also transmitted from ‘A’isha.¹⁴⁸ It is said that

When Asmā’ bint Abī Bakr came to the Prophet, he said to her: O Asmā’, when a girl reaches the menstrual age, it is not proper for her to be seen except this, and he pointed to his face and palms.

Al-‘Ashmāwī has investigated them through a process called *takbrij al-ḥadīth*. This process involves two main steps of criticism. The first step is to criticize the line of transmission of ḥadīth (*isnād*). In this process, a reviewer of the ḥadīth examines the quality of the transmitters. The background of the transmitters is traced, like their personal quality, their associations both with their *shaiḳs*, from whom they receive the ḥadīth, and their students, to whom they transmit the ḥadīth. Unfortunately al-‘Ashmāwī does not apply a proper procedure of *sanad* criticism in reviewing the ḥadīth. He does not describe the chain of the transmitters, let alone explain the quality of every transmitter. He refers only to Abū Dāwud who himself admitted that this ḥadīth is *mursal*, because one of the transmitters is missing.¹⁴⁹ Khālīd bin Darīk, who received the ḥadīth from ‘A’isha, had in fact never met

¹⁴⁶In his response to al-‘Ashmāwī, *Shaiḳh Ṭaṭṭāwī* uses these two ḥadīth as well. He left the quality of the ḥadīth unexplained, arguing that it is better to receive the ḥadīth based on careful consideration (*iḥṭiyād*). See *ibid.*, p. 38. He also asserts that it is obligation to follow and practise *ḥadīth aḥād*, see *ibid.*, p. 41.

¹⁴⁷Al-‘Ashmāwī uses this ḥadīth in the first chapter of his book without mentioning the source to which he refers, but he does not use it in his last chapter.

¹⁴⁸Abu Dāwud Sulaiman al-Sijistānī al-Azadī, *Sunan Abī Dāwud*, Vol. III, (Egypt, Muṣṭafā Maḥmūd, 1935), p. 62.

¹⁴⁹*Ibid.*, p. 116.

with her. They lived in different periods.¹⁵⁰ So, there should have been another transmitter between them. Al-‘Ashmāwī then concludes that these ḥadīth are *aḥad* and consequently they cannot be used as *ḥujja* (argument).¹⁵¹

The second step is to examine the content of the ḥadīth (*matn*). By comparing these two ḥadīth, he says that they contradict each other. The first ḥadīth explains that the Prophet held his forearms when saying it, which means, al-‘Ashmāwī argues, that what parts of the body of women that may be looked upon are the face and half of forearms, including of course the palms.¹⁵² Whereas the second ḥadīth clearly stipulated the parts of women’s bodies that are allowed to be seen, namely the face and palms only. In addition, both ḥadīth use different words to imply a degree of prohibition against seeing women. They give different impressions. The term ‘unlawful’ in the first ḥadīth is closely related to the matters of law, while the word ‘not proper’ in the second refers only to things that are preferable or more proper to do or avoid in the context of a particular society.¹⁵³

Because they are ḥadīth *aḥad* and contradict each other, al-‘Ashmāwī believes that they cannot be used as the grounds for insisting on the wearing of the *ḥijāb*. In this, he is challenged by another ḥadīth that looks to be more reliable to be used as the bases for the covering, even though it is only in the context of prayer. According to it, women’s prayers will not be accepted by God unless they are wearing a *khimār*. Al-‘Ashmāwī argues that this ḥadīth was transmitted by four reliable *rāwī*, they are Ibn Maja, al-Tirmidhī, Ibn ḥanbal and Abū Dāwud.¹⁵⁴ So, from the perspective of *sanad* criticism, it is therefore more reliable to use than the two previous ones. Al-‘Ashmāwī contends that this ḥadīth implies that when not praying, women do not have to cover.¹⁵⁵

¹⁵⁰Muṣṭafā Ḥasan also comes to the same conclusion as al-Ashmawi found, even Hasan clearly explained Daṛik and other transmitters of the ḥadīth in a long passage. See Darwis Muṣṭafā Ḥasan, *Faṣl al-Khiṭāb fī Mas’alat al-Ḥijāb wal-Niqāb*, (Dār al-‘Itisām, 1987), pp. 86-88.

¹⁵¹Muḥammad Sa’id al-‘Ashmāwī, *Ḥaqīqat*, p. 116.

¹⁵²*Ibid.*, p. 27.

¹⁵³*Ibid.*

¹⁵⁴*Ibid.*, p. 117.

¹⁵⁵*Ibid.*

Moreover, al-‘Ashmāwī’s views about the *ḥijāb* have been influenced by the socio-political situation in Egypt. He argues that Islamists have made the veil a part on their agendas. They attempt to force Muslim women to adopt it, commonly called *al-zīyy al-shar‘ī*. Even though al-‘Ashmāwī does not support his statement about the enforcement of veiling with a concrete data, as a scholar he is required to do so, he once said

After the heavy wave of migration to the Gulf states in the 1970s, women were forced to don the veil, and preachers and propagandist of political Islam stressed that the veil was an Islamic dress required by the Qur’ān and the Prophetic tradition. Yet there is no mention of the veil in Egyptian law. Young men who sought to intimidate young women said that if a woman failed to wear the veil she was dueling with God. Many Egyptian girls donned the veil in fear, without questioning the real meaning of the Qur’ān verses or the verbal traditions that support it.¹⁵⁶

The aim of al-‘Ashmāwī’s arguments on the *ḥijāb* is to perceive the issue of women’s dress in Islam from the Qur’ān and the ḥadīth. Despite the fact that his argument is sometimes weak, for he is inconsistent in his own theories and he has no adequate data to support his arguments, he attempts to assure Muslims that the wearing of the veil has no grounds in Islam. Having explored both the Qur’ān and the ḥadīth, he concludes that Islam does not oblige Muslim women to wear the veil. It even becomes obvious that the appeal of adopting the veil is part of Islamist agendas. It is in this context that al-‘Ashmāwī’s views on the *ḥijāb* must be placed. They have to be seen as an effort to launch a counterattack against the Islamists’s domination over interpreting Islam, including the *ḥijāb*.

F. Conclusion

Muḥammad Sa‘īd Al-‘Ashmāwī is one of those who do not consider *ḥijāb* to be an Islamic obligation. The way he thinks shows that he is a distinguished Muslim thinker. He has been classified by some authors as a secular and a liberal Muslim. This study shows that

¹⁵⁶ Fluehr-Lobban (ed.), *Against Islamic Extremism*, p. 106.

he attaches overall importance to the authoritative Islamic texts. His main interest in these texts is their substance. *hijāb*, for al-‘Ashmāwī, is not a kind of piece of cloth. He believes that the essential or substantial meaning of *hijāb* is to establish a self-control over any religious deviations, a psychological barrier to avoid sacrilegious attitudes.

Moreover, al-‘Ashmāwī’s views about *hijāb* can be explained from two sides: epistemological or theoretical and sociological aspects. His theory also brings about radical changes in understanding the source of the *sharī‘a*, the Qur’ān. Even though some parts of his theory are only reproductions of the ‘*ulamā*’ and *fuqahā*’s opinions, they still sound strange to many. The most striking examples of his theory are that *asbāb al-nuzūl* plays a key role in understanding the Qur’ān and that some verses of the Qur’ān should be understood in a particular context of time and place. He deals with *hijāb* in these theoretical frameworks.

After citing and explaining the verses of the Qur’ān pertaining to the debates about *hijāb* in Islam, al-‘Ashmāwī then turns into the second source of Islam, the ḥadīth. He contends that the ḥadīth about *hijāb* are *aḥad*. ḥadīth *aḥad*, a ḥadīth whose one of the transmitters is missing, is not a reliable source in Islam. It is enough to apply ḥadīth *aḥad* neither in the matters of theology nor in law, including *hijāb*. Besides, two ḥadīth about *hijāb* are in contradiction to each other. While the first ḥadīth obliges women to cover, except for face and palms, the second one only suggests covering.

Sociologically, al-‘Ashmāwī’s views on *hijāb* can be understood from the socio-religious conditions in Egypt. The veil has become a controversial subject in Egypt since the end of nineteenth century that was brought up by Qāsim Amīn in his book *Tahrīr al-Mar’a* who rejected completely face-veiling (*niqāb*). The debate has continued and it touches the veil in the sense of *hijāb*, a sort of Muslim women dress that cover the whole body with the exception of face and palms, commonly called *al-zīyy al-sharī‘ī*. In Egypt, *hijāb* firstly became a striking phenomenon in 1970s and it has been contended among feminists, liberal Muslims and Islamists since then. The dissenting opinions among feminists over *hijāb* is mainly induced by various ideological frameworks they are working with. While secular-leftist-radical feminists, like Amina Said, Sana al-Masri and Nawal El Saadawi, give their adamant refusals

to *hijāb*, the Islamist feminists do advocate *hijāb* as an obligation in Islam, as what done by Zaynab al-Ghazali and Ni'mat Siddiqi.

The veil has also been contended by liberal Muslim, like al-'Ashmāwī, and the Islamist, like the *Mufti* of Egypt, *Shaikh* Ṭaṇṭawī. Al-'Ashmāwī is afraid that the *Shaikh's* judgment for *hijāb* as an Islamic obligation will give ample opportunities for extremists to agitate women strongly to adopt *hijāb*. The extremists even accuse unveiled Muslim women of being *kāfir*, for they do not wear *hijāb* and consequently they disobey God's commandment. Although al-'Ashmāwī's views on *hijāb* are theoretically weak and lack convincing data to support his idea, he expresses his opinions in such a simple way that every person can easily understand. His liberal views are directed against those of the extremist. It is in this context that al-'Ashmāwī's views on *hijāb*, like his other religious and political ideas, should be placed, namely an intellectual battle against the domination and the oppressing of the extremist's ideology in interpreting Islam.

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