

CHAPTER IV
M. SYAHRUR AND HIS OPINION
ABOUT AURAT AND JILBAB
WITHIN VERSE 31 AN-NURAND 59 AL - AHZAB

A. Implementation of Muhammad Shahrur Laws of Istimbatin
Interpreting the verse of Aurat and Jilbab

In reality, as a servant of Allah SWT and the follower of Rasulullah SAW, we are taught to always come back to Al-Quran and Al-Hadith to obtain assurance about the permissibility of a matter. Regarding this, Allah SWT said:-

يَا أَيُّهَا النَّبِيُّ قُلْ لَأَزُوجَاكِ وَبَنَاتِكَ وَنِسَاءَ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلَابِيهِنَّ ذَلِكَ أَدْنَىٰ أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا

“O Prophet! Tell your wives and your daughters and the women of the believers to draw their cloaks (veils) all over their bodies. That will be better, that they should be known (as free respectable women) so as not to be molested. “(Al-Ahzab: 59)

As for the decline in this paragraph the hadeeth narrated by Ibn Abi Hatim from Suday that people of tent ease for women when they go out at night, when they see them (the women) using headgear, then they leave because they know that women it was a free woman but if not then they tease him. Then this verse came down⁴⁶

⁴⁶ Muhammad Ali Ashobuny, *Shofwatut Tafasir*, (Beirut; Darul Fikr; 2001), p. 491

Besides, the scholars' commentators agree that this verse is because the decline at the time of both slaves and free women alike for a night performing at Ghaithan intent, there was no difference between both the free and the slaves. Because in Medina many wicked people who like to bully and disrupt the slave,⁴⁸ that when they know that they are free women then they leave and keep disturbing women slave. So the verse came down so that an independent woman who becomes easily recognized and not be disturbed.⁴⁷ The *جلا بيهن* which comes from the word "veil" its meaning is still disputed by the scholars'. Al-Baqa'i interpret it as loose clothing or veils she wore, or all of the clothes that cover a woman. Tabataba'i understand as clothing that cover the entire body or hood that cover the head and face of a woman. As for Ibn 'Ashur interpret it as clothes that are smaller than the cloak but greater than veils or face coverings.⁴⁸

Jilbab is a dress (of similar width to '*baju kurung*') worn by women to cover their bodies. Syeikh Dr Yusuf Al-Qardawi explained that when some women during the Jahiliah period left their houses, they loved to display some parts of their beauty such as the chest, neck and hair until they were being harassed by those wicked men who like to commit zina. Then, the above ayat was revealed commanding the Muslim women

⁴⁷Muhammad Ali Ashobiny, *Rawai'ul Bayan Fii Tafsiri Ayatil Ahkam*, (Beirut; Darul Fikri; 2001), p. 305

⁴⁸Quraish, *Tafsir Al Misbah: Pesan, Kesan dan Keserasian Al Qur'an*, (Jakarta; Lentera Hati; 2007), p. 320

to extend their jilbab so that the parts that could lead to fitnah will be covered. In this way, they would be identified as women who are protected ('afifah). As a consequence, they would not be molested.

Allah says in the Holy Quran Chapter 24 Surah Noor verse 31:

وَقُلْ لِلْمُؤْمِنَاتِ يَعْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَى جُيُوبِهِنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ آبَائِهِنَّ أَوْ أَبْنَائِهِنَّ أَوْ بُنَاتِهِنَّ أَوْ إِخْوَانِهِنَّ أَوْ بَنِي إِخْوَانِهِنَّ أَوْ نِسَائِهِنَّ أَوْ مَا مَلَكَتْ أَيْمَانُهُنَّ أَوْ التَّابِعِينَ غَيْرَ أُولِي الإِرْبَةِ مِنَ الرِّجَالِ أَوِ الطِّفْلِ الَّذِينَ لَمْ يَظْهَرُوا عَلَى عَوْرَاتِ النِّسَاءِ وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ زِينَتَهُنَّ وَتَوْبُوا إِلَى اللَّهِ جَمِيعًا أَيُّهَا الْمُؤْمِنُونَ لَعَلَّكُمْ تُفْلِحُونَ

(٣١)

“And says (O Prophet) to the believing women to restrain their gaze, and guard their private parts, and not to display their adornment except that which is displayed of itself, and to draw their veils over their bosoms, and not to display their adornment except before their husbands, their fathers, the fathers of their husbands, their sons, and the sons of their husbands (from other wives), their brothers, their brother’s sons, their sister’s sons, their female associates, and those in their possession, and male attendants incapable of sexual desire, and those boys who have not yet attained knowledge of sex matters concerning women. Also forbid them to stamp their feet on the ground, lest their hidden ornaments should be displayed “

This verse in the descending Medina which is verse of Surat an-Nur, the hundredth letter, including Madaniyah class. Narrated by Ibn Kathir of Muqatil of Jabir ibn Hayyan bin Abdillah Al-Anshary said that Asma bint Murtsid, palm plantation owners, women frequented playing in his garden without long berkain that looks bracelets on their ankles. Similarly, the appearance of

their breasts and bun, then Asma said: “How bad is the view” then this verse came down concerning the order for the believing women to cover their nakedness. Something similar was also narrated by Ibn Abi Hatim from Jabir.⁴⁹

Cleric commentary found for this verse down Arab communities have a tradition of covering the head but the chest is open. As quoted at the beginning of the view commentary *ash-shobuni in shofwatuttafasir*. So then in this verse there is a command “close the hood fabric to his chest”. That is why the head is closed, but the chest is more privacy is not closed. So good gentlemen close her chest.

There is a good phrase in this verse, let hold views and cock. It also hinted at what was actually genitalia. The first relates to the view and the second relates to the pubic. His commentary, what makes other people uncomfortable sights are what make us feel embarrassed according to the ethical standards that apply to a particular community or where we are then that is the foundation we determine genitalia. As for the practice, as it is very dependent on the culture of the people who apply it earlier. Thus, the culture of the Arab community, close the genitals for women is to close the head, chest, hands and some even upveiled indeed it is one of the forms of the practice of closing of privacy for certain people

⁴⁹Shaleh dan AA. Dahlan, *Asbabun Nuzul*, (Bandung: Diponegoro; 2007), p.383

who later legitimized by Islam as an example only because it happened to be the first Qur'an and Islamic time to interact with the community culture Arab.

He interpreted the above verse form of teaching, not the shari'ah, and fell in Medina which shows should be understood temporally with these security objectives of the two disorders, namely natural or weather disturbances and social adjustment to local traditions so as not to invite ridicule.⁵⁰ So the conclusion Shahrur to veil has maximum and minimum limits. Maximum limit is to cover the entire body except the face and palms, while the minimum limit is the only cover *juyub* which he includes cleavage, the body under the armpits, genitals, and buttocks. In addition it does not include genitalia and just adjust with the local tradition alone.

Shahrur interprets nakedness as shame if something looks and has nothing to do with halal and haram. Shahrur's analyze according to QS. [24]: 31 of the female genitalia with interpreting *juyub* consisting of genitalia, buttocks, armpits, and the breast is not a logical argument, because historically (which claimed the use of theory), women in the age of foolness/*jahiliyyah* has closed body with her clothes. This verse was revealed to Arab women to come out to the street to cover the private parts, at least with underwear only. Third, if the agency reasonably close according to the weather and distractions, so if the weather is hot Medina then closes her full body.

⁵⁰ Muhammad Syahrur, *Nahwa Ushul Jadidah*, (Damaskus: Al-Ahali, 2000) p 372-373

Shahrur defines *al-juyub* derived from the word *jawabaora* in the *Wawu* letters. This takes the meaning of the hole (*al-kharqu*) of the word *al-Jub*, but the meaning is *bahkannya* as the meaning of *al-jaib*, thus *al-pit holejaib* means female genitalia. Can we find that *al-juyub* literally means the open shirt and shirt pockets.

So the conclusion Shahrur to veil has maximum and minimum limits. Maximum limits is to cover the entire body except the face and palms, while the minimum limit is to cover only *al-juyub* which he includes cleavage, the body under the armpits, genitals, and buttocks. In addition it does not include genitalia and just as with the local tradition alone.⁵¹

Then he interprets the verse “وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ” Do not show their jewelry, except for the usual appearance thereof”. That there are two women’s jewelry, body jewelry and jewelry that place⁵² Jewelry items for example clothing and accessories, jewelry is a whole body of women is commonly seen as the stomach, back, head, and legs. Then the rest of the body is allowed to be open based on the verse. Being hidden *al-juyub* (genitalia, buttocks, armpits, and breasts). In other words, a woman who is only wearing underwear just out of the house, is not considered to have violated the provisions of God. Or who appeared in her belly piercing is also not okay.

⁵¹ Muhammad Syahrur, *Al-Kitab wa Al-Qur’an: Qira’ah Mu’ashirah*, (Damaskus: Dar al-Ahali, 1990) p. 607

⁵² Muhammad Shahrur, *al-Kitāb wa al-Qur’ān*, Ibid, p. 606

Moreover, he stated that the vital female genitalia (armpits, breasts, and genitals) may be disclosed to the seven classes of men mentioned in the Qur'an. [24]: 31, the brother, father, kid sister, kid brother, his wife and his parents. Muslim women should express his opinion naked in front of the man. He said, "If parents see his daughter naked, then do not say that it is haram, but only a disgrace."⁵³

Therefore, the main reason (*'illah*) for the above ruling is to prevent Muslim women from being molested by wicked men. Attires that display women's beauty or women walking and talking in a seducing manner could arouse a man's sexual desire. Such behavior is an indirect invitation to the male for teasing and molestation.

Therefore clothing that covers the genitalia is very necessary so that no views on nakedness in which if seen then that person did not like. However, if in urgent situations, in which the male and female conversation or discussion then look to the other person is allowed, and in addition to these needs then instructed to turn the view toward the opposite sex. Opinions of Shahrur Muhammad the same as what is disclosed by Rasulullah Abdul Ghaffar Abdul Hasan Al-lust aroused initially and rose through the view. Seeing is the beginning of adultery and without seeing the small possibility of adultery. The Qur'an has outlined preventive efforts to avoid adultery of prohibition to see, ornate, speaking, and behaving that can arouse lust of a man, because it is human

⁵³*Ibid.*, p. 607

nature, especially a man tends to accept everything that comes out of nature a woman and all that comes out of a woman is the main attraction for a man who saw him not only because of beauty, how to walk, smell, fragrant body, a glance, a smile, a description of hair, eyebrows and a voice that excites male sexual instinct.⁵⁴

Islam provides an alternative to the prevention of adultery by avoiding eye contact containing lust and passion means that one's perspective on the opposite sex is not the intention of enjoying. There is a special obligation for women that cover their bodies from the sight of a stranger, do not flaunt jewelry, do not look flirtatious or spoiled. They should not do anything in any shape or form that provide opportunities to seduce men, because the sexual instinct can not be satisfied in certain limits.

Marzuki Umar Sa'abah found someone how to dress characterize certain behaviors and are used to represent emotional tentu. Seseorang who are familiar with the nightlife will quickly recognize as a peddler woman seksapalagi if supported by time and place, then people will quickly recognize biasapuni if someone has recognize the negative emotions will emerge, which in turn will dress can convey certain messages and can form sexual morality. By using Muslim clothing when out of the house at night a woman is expected to be maintained and safeguarded from tampering hands of

⁵⁴Marzuki Umar Sa'abah, *Seks dan Kita*, Gema Risalah Press, Jakarta, p. 208

ignorant and can form a virtuous person to achieve moral perfection of course it does not conflict with the rights of women.

B. PURPOSE OF COVERING AURAT

The evidence from Al-Quran and al-Hadith clearly indicates that the issue of covering aurat is primary (qati'e and usul). In addition it is also one of the main sins advocated by Shaitan because exposing the aurat could lead to various other sins; zina (illegal sexual intercourse), pregnancy due to zina, killing of child from zina, divorce due to adultery and many more. Al-Qur'an renders evidence that Shaitan advocates exposure of aurat as its main strive:

" Then Shaitan whispered suggestions to them both in order to uncover that which was hidden from them of their private parts..." (Al-A'raf: 20)

In summary, among the main purpose Islam advocates the covering of aurat for both man and woman are as following:-

a. To differentiate Between Man and Beast.

Allah SWT said in Al-Qur'an:

"O children of Adam! We have bestowed raiment upon you to cover yourselves and as an adornment." (Al-A'raf: 26)

It is clear from the above ayat that covering of aurat is ordained to every human being (children of Adam). Those who refrain from the order has clearly outcast himself from the category

of children of Adam and descend into the category of beast that does not have the ability to follow Allah's enjoinder to cover aurat.

b. To protect woman from being molested

This is clear as per my explanation above according to Surah Al-Ahzab ayat 59.

c. As an attire or identification for Muslim.

In Surah Azhab ayat 59 Allah SWT said: « ... *That will be better, that they should be known (as free respectable women)...*»

The above ayat elucidates that covering the aurat is an emblem of a Muslim. Allah SWT also said:

وَمَنْ يُعَظِّمْ شَعَائِرَ اللَّهِ فَإِنَّهَا مِنْ تَقْوَى الْقُلُوبِ

*“And anyone who honours the **symbols** set up by God [shall know that] verily, these [**symbols** derive their value] from the God-consciousness in the [believers'] hearts “ (Al-Haj : 32)*

d. Sign of professionalism.

We could observe today that a number of organizations and restaurants prescribe certain dress code to its employee and guests to ensure high standards of professionalism. For example, it would be impossible to find someone wearing slippers in an international convention at PICC, Putrajaya. Nor could we come across employees of PETRONAS wearing slippers at their office in the twin towers. All of them need to comply with the dress code

ordained by their organization to show professionalism. Compare this with the owner of a grocery store that does not need to maintain any professionalism and could wear any attire he wants.

Islam as a professional way of life is also complete with its guidelines that cover every aspect of life; from private acts (going to the toilet) to administration of the country and economy. Nonetheless, Islam would not prescribe guidelines that are irrational and cause hardship to its followers. Therefore, the dress code in Islam would by no means cause nuisance to Muslims. Conversely it provides professionalism to those who embrace the guideline.

e. As a Trial From Allah SWT to Test the Taqwa of Muslims.

This is clear as Allah elucidates in Al-Quran that: “...*Who has created death and life that He may test you which of you is best in deed.*” (Al-Mulk: 2)

C. The Opinion of other Islamic Scholars

The classical experts of Quranic exegesis all support the legitimacy of the jilbab with only difference being whether it extends to covering that face. Here are some quotes from the most widely recognised Sunni sources.

When Ibn Jarir At-Tabari (d.310) interpreted Q.S al-Ahzab he said: ‘God Almighty said to His Prophet Muhammad (pbuh): Tell your wives, daughters and the wives of the believers...that they should draw over

themselves their jilbabs.’ He said that the order of wearing *jilbab* was presented only to wives of Prophet Muhammad (pbuh), his daughters, and the independent women of believers. But this order is not for slaves.⁵⁵

The meaning of “*al-idna*’ according to al-Tabari is: Allah order to women of believers to cover their faces from head with wearing *jilbab* when they came out from their homes for their needed. And they should show one eye only.⁵⁶

Al-Qurtubi (d.671):‘Jalabeeb is the plural of jilbab, and it is a garment larger than a khimar (headscarf). It has been narrated by Ibn ‘Abbas and Ibn Masud that it is a ridaa (large sheet of cloth). It is said that it is a qina’/veil but the correct view is that it is a garment which covers the whole body.⁵⁷ It has been reported in Sahih Muslim on the authority of Umm ‘Atiyyah who asked;

قَالَتْ امْرَأَةٌ يَا رَسُولَ اللَّهِ ، إِحْدَانَا لَيْسَ لَهَا جِلْبَابٌ . قَالَ (لِتَلْبِسَهَا صَاحِبَتُهَا مِنْ جِلْبَابِهَا)

“ O Messenger of Allah! What about one who does not have a jilbab?”. He said, "Let her borrow the jilbab of her companion”

Fakhr ad-Din ar-Razi (d. 606):‘In the days of Jahiliyyah (pre-Islamic times) the free and women in bondage would go out uncovered and they would be followed by those intent on fornication and

⁵⁵Muhammad Jarir al-Tabari.*Jami’ al-Bayan fi Ta’wil al-Quran*.(Beirut; dar a-Kutub al-ilmy, 1992) p:230

⁵⁶ Ibid p:235

⁵⁷Abu Bakar al-Anshari al-Qurthubi.*Jami’ al-Ahkam a-Quran*. (Beirut: Dar al-Kutub al-Ilmiyyah) p: 324

consequently allegations would be levelled against them. So that is why God ordered the free women to wear the jilbab.’⁵⁸

Ibn Kathir (d.774):‘God Almighty commands His Messenger (Muhammad) to command the believing women – especially his wives and daughters – to draw the jilbab over their persons’⁵⁹

In Safwat at-tafasir, a modern work by Muhammad Ali as-Sabuni, which compiled the exegeses from most of the reputable works of Quranic exegesis, said that verse 59 of chapter Ahzab is saying to the Prophet to ‘tell the women that they should wear a wide outer garment.’ This order not only presented to wives of Prophet Muhammad (pbuh), his daughters, independent women o believers, but also it is ordered to slaves.⁶⁰

He also said in the other his exegesis work namely tafsir Rawa’i al-Bayan when interpreted Surah al-Ahzab verse 59:

The first :The order to wear *jilbab* on this verse is presented to wives of Prophet Muhammad (pbuh), his daughters, and the women of believers who are independent, adult, and Muslim.

The second : The order to wear *jilbab* is effort to keep the modesty of women.

⁵⁸Fahkr ad-Din ar-Razi.*Mafatih al-Ghaib*. (Beirut: dar al-Kutub al-ilmyah, 1992)p: 412

⁵⁹ Ibn Katsir. *Tafsir al-Quran al-Adzim*.(dar al-Wafa, 2008)p:211

⁶⁰Ali al-Shabuni.*Safwah at-Tafasir Vol III*, Beirut: Dar Al Fikr. 2001 p: 156

The third :*Jilbab* which intended by Islam should fill some requirements.

1. *Jilbab* must cover entire body 2. *Jilbab* must be heavy 3. *Jilbab* is not ornament whose light colour so that it can attract the men gaze 4. *Jilbab* must be loose and no tight 5. *Jilbab* is without perfume 6. *Jilbab* is not like men dresses.

The classical position that the jilbab is obligatory is the view generally held by contemporary scholars as well. Like the classical scholars their difference was on whether the jilbab should cover the face or not and not on the conditions of the jilbab.

D. Review Toward Muhammad Syahrur's Thoughts

The theory of limits makes four significant contributions to the enhancement of fikh. Firstly, by the theory of limits, Shahrur makes a fundamental paradigm shift for fikh. The meaning of *hudûd* is perceived rigidly by the *fukaha* (experts in canon law) as verses and hadits concerning legal punishment (*al-`uqûbât*) which should not be added to nor reduced, such as hand amputation for the thief, 100 lashes for adultery, and so on. Apart from that, the theory of limits (*nadzariyyat al-hudûd*) offered by Shahrur tends to be dynamic and contextual, not only in regards to legal punishment (*al-`uqûbât*).

One fresh contribution to the contemporary study of fiqh (Islamic jurisprudence) is the theory of limits (*nadzariyyat al-hudûd*) promoted by a Syrian liberal Islamic figure, Muhammad Shahrur. According to Wael B.

Hallaq, Shahrur's theory of limits solves the epistemological deadlock of previous works (Wael B. Hallaq: 1997). Through his controversial works, *al-Kitâb wal Qur'ân: Qirâ'ah Mu`âshirah*, Shahrur asserts that the theory of limits is an approach within *ijtihad* (individual interpretation) to study the *muhkamât* verses (clear and direct verses of law) of the Koran. The term limit (*hudûd*) used by Shahrur refers to the meaning of "the bounds or restrictions of God which should not be violated, contained in the dynamic, flexible, and elastic domain of *ijtihad*."

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Secondly, Shahrur's theory of limits offers the stipulation of minimum limits (*al-hadd al-adnâ*) and maximum limits (*al-hadd al-a`lâ*) within which to carry out Allah's laws. It means that Allah's laws are elastic, as long as the sentence is between the minimum and maximum

limits. To Shahrur, the domain of human's *ijtihad* is between that minimum and maximum limit. The elasticity and flexibility of God's law is illustrated as the one who plays soccer within restraints, as long as it is inside the limits of the sports ground. Briefly, as long as a Muslim acts within the domain of *hudûd-u-LLâh* (Allah's determination between the minimum and maximum limits) he should not be consider to be outside of Allah's law.

Take for instance: the stipulation of hand amputation for a thief (Q.S. al-Mâ'idah: 38). To Shahrur, hand amputation is the maximum sanction (*al-hadd al-a`lâ*) for a thief. Its minimum limit is to be forgiven (Q.S. al-Mâ'idah: 34).

Here Shahrur assumes that a judge may perform *ijtihad* by observing the objective conditions of the thief. Besides giving the punishment of hand amputation to enforce sharia, the judge may perform *ijtihad* around those maximum and minimum limits, such as giving a prison verdict. The dismissal penalty for a corrupt officer is also still between both limits. Shahrur argues that the essence of a legal punishment is daunting for the offender. Therefore state or government which do not execute hand amputation, stoning, *qishas* (death sentence) and several other laws in Koran and hadits, should not be accused as being infidel states as claimed by the fundamentalists.

In the case of woman's attire (*libâs al-mar'ah*), Shahrur considers the minimum limit of woman's attire to be *satr al-juyûb* (Q.S al-Nur: 31)

or covering the chest (breasts) and genitals so as not to be naked. Its maximum limit is the covering of the whole body excluding the palms of one's hand and one's face. In this approach, the woman who does not wear *hijab* has in fact fulfilled Allah's stipulation. On the contrary, women who cover their whole body including the face are considered to have gone beyond *hudûd-u-llâh* (Allah's limits) since it is beyond the maximum limit determined by Koran. This means that women who cover their face and their whole body are "not Islamic".

Thirdly, through his theory of limits, Shahrur deconstructed and reconstructed the methodology of *ijtihad*, mainly of the verses of *hudûd* that have been claimed as *muhkamât* verses which contained single interpretations. To Shahrur, the *muhkamât* verses may be perceived dynamically and may have interpretational alternatives, since the Koran was revealed to respond to human problems and is valid forever. All the Koranic verses can be perceived, even pluralistically, since the meaning of a verse can develop, and sometimes have changed from the former meaning when it was revealed for the first time. Hence, an interpretation is relative according to the progress of the ages. In other word, by the theory of limits, Shahrur wants to make a productive reading (*qirâ'ah muntijah*) of *muhkamât* verses and not a repetitive and retrospective one (*qirâ'ah mutakarrirah*).

Fourthly, by the theory of limits, Shahrur wants to prove that Islamic teaching is truly a relevant teaching for all times and places.

Shahrur assumes that the positive side of the Islamic message is that it contains two aspects of movement: constant movement (*istiqâmah*) and dynamic and flexible movement (*hanîfiyah*). This Islamic flexibility is within the frame of theory of limits which he perceived as the bounds or restrictions that God has placed on man's freedom of action. The analytical framework of the theory of limits is based on two main Islamic characters (the constant and the flexible) which will lead to Islam's survival. Those two contradictory things will deliver dialectic movement (*al-ḥarakah al-jadaliyah*) in knowledge and social science. Here the new paradigm is expected in the formation of the Islamic legal legislation (*tasyri'*), therefore it will result in an incessant dialectic and progress of the Islamic legal system.