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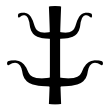
Munʾim Sirry (ed.)

New Trends in Qurʾānic Studies

Text, Context,
and Interpretation

Mun'im Sirry, editor

New Trends in Qur'anic Studies
Text, Context, and Interpretation



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Interpreting the Qur'ān between Shari'ah and Changing Custom: On Women's Dress in Indonesia

MUNIRUL IKHWAN

Although modernity has disrupted some central traditions of Muslim scholarship, it also has energized Islamic intellectual activity. One of the most contested issues in modern Muslim society is the question of women's *ḥijāb* (lit. veil), which frequently was characterized in western colonial discourse as a symbol of backwardness and subordination. Adopting a western colonial view, some liberal Muslim thinkers have advocated women's "liberation" by calling for the discarding of all symbols of "backwardness," including the veil commonly worn by women in the Arab world. It has been argued that there is no religious basis for the veiling of Muslim women. This controversial subject has attracted attention in Indonesia.

This chapter examines a response to the question of Muslim women's dress by an Indonesian Qur'ān exegete, Muḥammad Quraish Shihab (b. 1944), who has devoted his career to *tafsīr* (Qur'anic commentary) and *iftā'* (issuing Islamic legal opinions). For many Muslims in Indonesia, his opinion defines religious orthodoxy. In his writings, Quraish Shihab largely relies on a direct investigation of foundational texts, attempting to free himself from slavish adherence to the views of earlier generations of Muslims. To this end, he investigates the effective cause (*'illah*) behind religious instruction on women's attire. What is the true purpose of religion with regard to dress? What

This study draws on my PhD thesis, "An Indonesian Initiative to Make the Qur'ān Down-to-Earth: Muḥammad Quraish Shihab and His School of Exegesis" (Freie Universität Berlin, 2015).

should be done if a local custom differs from one endorsed or accommodated by the Qurʾān and Sunnah?

Muḥammad Quraish Shihab and Islamic Religious Reform

Muḥammad Quraish Shihab is a well-known figure in the field of qurʾanic exegesis among Indonesian academics and university students. His importance in Indonesian Islamic religious discourse is based not only on his numerous qurʾanic commentaries, but also on his long years of study at al-Azhar in Cairo, where he came into contact with the ideas of Islamic reformism promoted by high-ranking Azhari religious scholars (*ʿulamāʾ*) in the second half of the twentieth century.

Quraish Shihab was born on February 16, 1944 in Rappang, South Sulawesi, into a notable and educated family of ʿAlawi *sāda* (sing. *sayyid*), that is, descendants of the Prophet Muḥammad.¹ His father, Abdurrahman Shihab (1905–1986), was a merchant, politician, preacher, and professor of qurʾanic exegesis at the Muslim University of Indonesia (Universitas Muslim Indonesia, UMI) and then at the State Islamic University (Institut Agama Islam Negeri, IAIN) in Makassar. His mother, Asma, the sister of Sultan Rappang, was Bugis. As a boy, Quraish Shihab and his brothers used to listen to their father’s lectures at their home.² After finishing elementary school, Quraish Shihab went to Malang, East Java, to acquire religious knowledge at a *pesantren* or traditional religious boarding school, the Dār al-Ḥadīth al-Faqīhiyyah, under the guidance of a charismatic Tarim-born teacher, al-Ḥabīb ʿAbd al-Qādir b. Aḥmad Bilfaqīh (d. 1962), who impressed him with his charisma and spirituality.³ Quraish Shihab spent only two years (1956–1958) in Malang before travelling to Cairo to study at al-Azhar.

1. The ʿAlawi *sāda* trace their lineage to the Prophet Muḥammad through al-Ḥusayn, son of Fāṭima and ʿAlī. They are descendants of al-Imām Aḥmad b. ʿĪsā al-Muhājir (d. 345/956), who, in 952 CE, brought his family from Basra to Hadramawt, where they later occupied the highest social stratum. See A. S. Bujra, “Political Conflict and Stratification in Ḥaḍramaut,” *Middle East Studies* 3 (1967): 355–375; Natalie Mobini-Kesheh, *The Hadrami Awakening* (Ithaca, NY: Southeast Asia Program Publication, 1999), 25.

2. Muḥammad Quraish Shihab was the fourth son of Abdurrahman Shihab and Asma. His brothers and sisters are Nur, Ali, Umar, Wardah, Alwi, Nina, Nizar, Abdul Mutalib, Salwa, Ulfa and Latifah. See Mauluddin Anwar, Latief Siregar and Mustofa Djuraid Hadi, *Cahaya, Cinta dan Canda M. Quraish Shihab* (Jakarta: Lentera Hati & PSQ, 2014), 13.

3. *Ibid.*, 45–54.

Although born to a Hadrami family, Quraish Shihab was not sent to Hadramawt or Mecca for his studies.⁴ Rather, he was sent to Cairo, a city that, in the eyes of Indonesian Muslims in the twentieth century, offered a cosmopolitan milieu and modern experience.⁵ This choice may be explained by the fact that members of his family showed considerable interest in the ideas of religious reformism that had reverberated in the Muslim world in the second half of the nineteenth century. Quraish Shihab's grandfather, Ali Shihab (d. 1915), was involved in Jam'iyat al-Khayr (The Association of Good Deeds), a reform-oriented Arab social and educational organization based in Batavia (now Jakarta).⁶ His father, Abdurrahman, was educated at this institution. In his youth, Abdurrahman wanted to study religion in Cairo, but his parents would not allow it because he was the only son of his mother in Makassar.⁷

Abdurrahman was an open-minded person who was interested in religious renewal and higher education. Despite the family's Hadrami background, Abdurrahman advised his children to be a part of Indonesia and Indonesian society, an idea consistently propagated by Hadramis affiliated with the Association for Indonesian Arabs (*Persatuan Arab Indonesia*), formed

4. Members of the Hadrami diaspora in Indonesia used to send their children to study Islam in Yemen and the Hejaz, two main destinations for the pursuit of authoritative religious knowledge. See Mona Abaza, *Indonesian Students in Cairo: Islamic Education, Perceptions and Exchanges* (Paris: Association Archipel, 1994), 40; Nico J. G. Kaptein, *Islam, Colonialism and the Modern Age in the Netherlands East Indies* (Leiden: Brill, 2014), 5.

5. Michael Laffan, *Islamic Nationhood and Colonial Indonesia* (London: Routledge Curzon, 2003), 127.

6. Jam'iyat al-Khayr was founded in 1901, but it was officially acknowledged by the Dutch colonial government in 1905. Its founders were those newly emergent reformist Hadrami elites, primarily from the families of Shihāb and al-Mashhūr. Students who studied at this institution were familiar with progressive ideas and Islamic movements due to the institution's close relationship with proponents of Islamic reform in the Middle East, particularly in Egypt. It used to invite teachers from the Arab world to instruct students about the proper teachings of Islam. A prominent reformist teacher from Sudan, Shaykh Aḥmad al-Surkatī (d. 1943), who was deeply influenced by Muḥammad 'Abduh and Muḥammad Rashīd Riḍā, was also invited. An important figure of Islamic reform in Indonesia, al-Surkatī, founded al-Irshād in 1915, after a dispute with the Arab *sāda* of Jam'iyat al-Khayr regarding the position of *sāda* among non-*sāda* Muslims. See Mobini-Kesheh, *The Hadrami Awakening*, 36; Deliar Noer, *The Modernist Muslim Movement in Indonesia 1900–1942* (Singapore: Oxford University Press, 1973), 58; Abaza, *Indonesian Students in Cairo*, 41; M. C. Ricklefs, *A History of Modern Indonesia since c. 1200* (3rd ed.; Hampshire: Palgrave, 2001), 215.

7. Ali Shihab was polygamous. He had wives in Jakarta, Madura, and Makassar. Cf. Anwar, Siregar, and Hadi, *Cahaya, Cinta dan Canda*, 12. See also Alwi's testimony at Lebaran Bersama Keluarga Shihab (*Īd al-Fiṭr* with the Shihab family), which was aired on Metro TV on September 2, 2009 (accessed from YouTube on September 12, 2012).

in 1934.⁸ He also taught his children religious subjects, which, as Quraish Shihab subsequently learned, reflected the views of Muslim reformist scholars such as Muḥammad ‘Abduh (d. 1905), Muḥammad Iqbal (d. 1938) and Abul A‘la Maududī (d. 1979).⁹

Accompanied by his younger brother, Alwi (b. 1946), Quraish Shihab arrived in Cairo in 1958, two years after Gamal Abdel Nasser (d. 1970) came to power. The Nasser period was marked by the enactment of Reform Law Number 103 of 1961, which aimed to integrate al-Azhar and the ‘*ulamā*’ into a modernizing Egyptian society. With the inclusion of subjects like medicine, natural sciences, civil law, and English language and civilization in its curriculum, al-Azhar became more integrated with the secular sphere.¹⁰ The success of al-Azhar reform in the 1960s marks the victory of reformist ‘*ulamā*’ who shared Muḥammad ‘Abduh’s vision. These included Maḥmūd Shaltūt (Grand Shaykh of al-Azhar), Muḥammad al-Bāhī (Director of al-Azhar), and Aḥmad Ḥasan al-Zayyāt (editor of *al-Azhar Magazine*), who participated in drafting the new law.¹¹ Quraish Shihab’s encounter with reformist ideas took place during his studies in Cairo.

Quraish Shihab was able to establish personal contacts with some Azhari ‘*ulamā*’. He established a close relationship with Shaykh ‘Abd al-Ḥalīm Maḥmūd (d. 1978), who was, at that time, Dean of the Faculty of Theology. As a student at al-Azhar between 1927 and 1930, Maḥmūd was influenced by a number of distinguished reformist scholars who had been influenced by

8. Prior to Indonesia’s declaration of independence in 1945, the Hadrami diaspora maintained a strong commitment to their homeland, Hadramawt. Their ethnic exclusivism and the privileged status conferred on them by the Dutch colonial government served to separate them from Indonesia’s nationalist movements, which were on the rise in the early twentieth century. This situation evoked a response from some Indies-born Hadramis (*muwallads*) who decided to shift the idea of homeland from Hadramawt to Indonesia. They showed a commitment to total integration in Indonesian society and began to take part in national struggles for independence. See Ismail Fajrie Alatas, “Becoming Indonesians: The Bā ‘Alawī in the Interstices of the Nation,” *Die Welt des Islams* 51 (2011): 47–74; Mobini-Kesheh, *The Hadrami Awakening*, 138.

9. Anwar, Siregar and Hadi, *Cahaya, Cinta dan Canda M. Quraish Shihab*, 15–20; M. Quraish Shihab, *Membumikan al-Qur’an* (2nd ed.; Bandung: Mizan, 2013), 20.

10. Jakob Skovgaard-Petersen, *Defining Islam for the Egyptian State: Muftis and Fatwas of the Dār al-‘Ifṭā’* (Leiden: Brill, 1997), 186; Malika Zeghal, *Gardiens de l’islam: les oulémas d’al Azhar dans l’Égypte contemporaine* (Paris: Presses de la Fondation Nationale des Sciences Politiques, 1996), 99–100.

11. Wolf-Dieter Lemke, *Maḥmūd Šaltūt (1893–1963) und die Reform der Azhar* (Frankfurt: Lang, 1980), 168; Skovgaard-Petersen, *Defining Islam for the Egyptian State*, 184–85; Michael Feener, “Indonesian Movements for the Creation of a ‘National Madhhab,’” *Islamic Law and Society* 9 (2002): 83–115.

Muḥammad 'Abduh's ideas.¹² Maḥmūd's main concern was the rapprochement between revelation and reason, phenomena that he perceived as complementary to each other.¹³ Maḥmūd regarded the Qur'ān not only as a source of belief, but also as a source of Islamic rationalism and philosophy, in the sense that it contains divine injunctions concerning human nature, social relations, and universal values.¹⁴ Quraish Shihab acknowledges that he was deeply impressed by Maḥmūd's ability to reconcile revelation and reason.¹⁵ In addition, the availability of books in Cairo stoked Quraish Shihab's passion for reading. He had a special interest in the writings of 'Abbās Maḥmūd al-'Aqqād (d. 1964), who wrote *inter alia* on Islam and the Qur'ān in the modern context.

Quraish Shihab completed his bachelor's degree in Qur'anic exegesis (*tafsīr*) in 1967. Two years later, he obtained his master's in the same field with a thesis entitled *al-ʿĪjāz al-tashrīḥ li'l-qur'ān al-karīm*. In the 1970s, he spent most of his time in Indonesia, serving as Vice Rector for Academic and Student Affairs at the State Islamic University (IAIN) of Alauddīn in Makassar. In 1980, he returned to Cairo to pursue his doctorate at al-Azhar. In 1982, he successfully defended his thesis, *Naẓm al-durar li'l-Biqā'ī: Tahqīq wa-dirāsah*, earning the distinction *summa cum laude*. Al-Biqā'ī would later become an important source for the foundation of Quraish Shihab's approach to the Qur'ān, especially concerning the theory of correspondences (*ilm al-munāsabāt*) between Qur'anic verses, as evident in his sequential verse-by-verse interpretation of the Qur'ān, *Tafsīr al-Misbah*, which is regarded by many as his *magnum opus*. A reformist spirit is clearly visible in Quraish Shihab's writings: he makes the Qur'ān the cornerstone of religion, argues directly with the foundational texts of Islam, and approaches the Islamic intellectual legacy in an eclectic manner.¹⁶

Toward a Contextual Approach to the Qur'ān

Quraish Shihab holds that the Qur'ān addresses not only the Muslim community in the Prophet's time, but also subsequent generations. However, he criticizes the notion of universality on the ground that it subjugates everything to the religious interpretations of earlier Muslim generations. In his view, the Qur'ān speaks to all generations by means of continuous interpre-

12. Ibrahim M. Abu-Rabi, "Islam and the Search for a Social Order in Modern Egypt: An Intellectual Biography of Shaykh 'Abd al-Ḥalīm Maḥmūd" (PhD diss., Temple University, 1987), 78.

13. *Ibid.*, 89.

14. *Ibid.*, 186.

15. Anwar, Siregar and Hadi, *Cahaya, Cinta dan Canda M. Quraish Shihab*, 71.

16. See Munirul Ikhwan, "An Indonesian Initiative to Make the Qur'ān Down-to-Earth."

tation by Muslims,¹⁷ and its universality is realized through a mechanism of creative hermeneutics that may advance the “meaning” of the Qurʾān in order to cover new situations. The role of the interpreter is central to the construction of meaning, as there is no text without a reader. The text remains silent without the interpretive role played by the reader. But the reader cannot produce meaning outside of the text. The text must say something, and the reader must construct meaning from the text.

Interpretation, as Quraish Shihab defines it, is an attempt by an interpreter to decode God’s speech according to his intellectual capacity. Because the Qurʾān is regarded by Muslims as the word of God, Quraish Shihab argues, only God knows the exact meaning of the text, for He is its Owner (*Pemilik*).¹⁸ This conception suggests that the qurʾanic text has two levels of meaning. For God, it contains only one exact meaning (*dalālah ḥaqīqīyyah*) that indicates His purposes. For readers or interpreters, it may have several “relative” meanings (*dalālah nisbiyyah*), depending on the cultural and intellectual backgrounds of the interpreters.¹⁹

According to Quraish Shihab, the correct interpretation of the Qurʾān depends upon knowing its historical circumstances. As with most Muslim exegetes, Quraish Shihab’s knowledge of these circumstances is based on reports about the revelation of a given verse. These reports were identified and compiled by Muslim scholars and became a distinct genre, namely, *asbāb al-nuzūl* (the causes of revelation). A report is called a *sabab* (pl. *asbāb*) if it mentions persons or events that were related in some way to the life of the Prophet Muḥammad. The reports link a specific situation with the revelation of a specific qurʾanic text.²⁰

Muslim exegetes regard the *asbāb al-nuzūl* as an important tool for understanding the qurʾanic text.²¹ But they differ over whether the interpreter

17. Quraish Shihab, *Membumikan al-Qurʾan*, 132, 141.

18. *Ibid.*, 112–13.

19. *Ibid.*, 213.

20. *Ibid.*

21. ‘Alī b. Aḥmad al-Wāḥidī (d. 468/1075) said, “It is not possible to know the interpretation of a given verse without knowing its history and the causes of its revelation.” Ibn Daqīq al-‘Īd (d. 702/1302) said, “Exploring the cause of revelation is a firm way to understand the meanings of the Qurʾān.” Ibn Taymiyyah (d. 728/1328) contended that “knowing the cause of revelation helps in understanding a given verse; hence, knowing the cause leads to knowing the effect.” See Jalāl al-Dīn al-Suyūṭī, *Lubāb al-nuqūl fī asbāb al-nuzūl* (Beirut: Muʾassasat al-kutub al-thaqāfiyyah, 2002), 7. Muslim scholars commonly use *asbāb al-nuzūl* to identify the reason for the introduction of a divine ruling (*ḥukm*), to remove confusion over the meaning of the qurʾanic text, to specify the general wording of a qurʾanic verse, or to generalize a verse that initially addressed a specific context. See Jalāl al-Dīn al-Suyūṭī, *al-Itqān fī ‘ulūm al-qurʾān* (2 vols.; Medina: Majmaʿ al-Malik Fahd, 2005), 1:90–95; Badr al-Dīn al-Zarkashī,

should take into consideration “the generality of the wording” (*al-‘ibrah bi-‘umūm al-lafz*) or “the specificity of the cause” (*al-‘ibrah bi-khuṣūṣ al-sabab*) in order to extend the significance of the qur’anic messages to new problems and situations. Quraish Shihab holds that the majority defends the validity of approaching the qur’anic text through the generality of its wording on the grounds that it corroborates the universal mission of Islam. Proponents of this approach, such as Jalāl al-Dīn al-Suyūfī (d. 911/1505), argue that there is no fundamental difference between “the consideration of the generality of the wording” and “the consideration of the specificity of the cause.” In his view, the difference exists only on the theoretical level. In practice, both approaches produce similar interpretations.²²

Quraish Shihab does not agree with al-Suyūfī. In his view, the qur’anic revelation corresponded to the realities of the Prophet’s time and to the needs of the Muslim community. Pointing to the dialectical relationship between the qur’anic text and its context, he contends that “those realities must have preceded or at least occurred at the same time as the revealed verses.”²³ Accordingly, he argues that the relationship between the text and its context does not receive proper attention if it is approached exclusively from the perspective of the generality of the wording (*al-‘ibrah bi-‘umūm al-lafz*).

If the Qur’ān speaks to all generations, there must be an exegetical mechanism to connect the “original” meaning of the text with new circumstances. Interpreting the Qur’ān by considering the specificity of the cause, Quraish Shihab argues, must be conducted through a mechanism of interest-based analogy (*qiyās al-maṣāliḥ al-mursalāh*) in order to capture the essence of a particular qur’anic verse, which was revealed within a specific cultural and social context, and then to articulate the meaning in the new context. In this way, Quraish Shihab highlights the importance of considering human interest in the operation of analogy.²⁴ In other words, in order for the Qur’ān to be socially relevant, the interpreter must examine its text in its original context and connect it to the collective social condition of Muslim society in any given period.

Al-Burhān fī ‘ulūm al-qur’ān, ed. Muḥammad Abū al-Faḍl Ibrāhīm (4 vols.; Cairo: Dār al-turāth, 2000), 1:122–129.

22. Suyūfī, *al-Itqān*, 1:196–197.

23. Quraish Shihab, *Membumikan al-Qur’an*, 134.

24. Quraish Shihab affirms that interest-based analogy is different from the analogy that was employed by traditional Muslim jurists, which was derived from Aristotelian formal logic. He argues that this kind of analogy will not produce new interpretive insights, as it merely attaches new realities to the ones that were addressed directly by the Qur’ān, due to the perceived concurrence in the effective cause (*‘illah*). In his view, such an analogy revolves around the idea of bringing and attaching new realities to the already fixed premises derived from the *‘illah*. See Quraish Shihab, *Membumikan al-Qur’an*, 135–136.

It was the Sudanese intellectual and politician Ḥasan al-Turābī (b. 1932) who introduced the term *qiyās al-maṣāliḥ al-mursalāh* in an effort to refashion Islamic jurisprudence (*uṣūl al-fiqh*). However, nowhere does al-Turābī define the term in a precise manner.²⁵ Quraish Shihab learned about al-Turābī's idea from a book written by Yūsuf Kamāl, a critic of modernist thought.²⁶ Like al-Turābī, Quraish Shihab does not give a clear explanation of *qiyās al-maṣāliḥ al-mursalāh*. Be that as it may, Quraish Shihab attempts to follow the path of "Islamic utilitarianism," which treats Islam as a rational and dynamic religion in correspondence with human nature and interests.

The utilitarian approach to religion is well known among Muslim reformists, who hold that literal interpretation and traditional analogy no longer serve the interests of Muslim society in the modern world. Accordingly, they search in the Islamic tradition for a principle that might help them address changing conditions. Eventually they rediscovered such a principle in the concept of *maṣlahah*,²⁷ which was controversial among traditional jurists due to the fact that it purportedly serves to support human interests. Muslim utilitarians base their legal theory primarily on the theories of *maṣlahah* posited by classical Muslim jurists such as Najm al-Dīn al-Ṭūfī (d. 716/1316) and Abū Ishāq al-Shāṭibī (d. 790/1388). But they modify these theories according to the exigencies of their era.²⁸

Although Muḥammad 'Abduh was a leading proponent of religious utilitarianism, it was his pupil, Muḥammad Rashīd Riḍā (d. 1935), who transformed his master's idea into a legal theory. Riḍā not only had to modify the concept of *maṣlahah* "in such a way as to make it unqualifiedly palatable to the orthodox, but also to divest it of the fetters of the medieval theoretic-

25. Wael B. Hallaq, *A History of Islamic Legal Theories* (Cambridge: Cambridge University Press, 1997), 228.

26. Concerning the term *qiyās al-maṣāliḥ al-mursalāh*, Quraish Shihab consults a secondary source, Yūsuf Kamāl's *al-ʿAṣriyyūn mu'tazilat al-yawm*. The book was intended by its author as a response to modernist scholars in the twentieth century who, in his view, had gone too far in "deconstructing" the Islamic religious tradition by calling for independent reasoning (*ijtihād*). Kamāl highlights what he viewed as modernists' common approach to Islam, i.e., direct reference to the Qur'ān and *sunnah*, and great reliance on human reason. Kamāl argues against modernists who contend that the Prophetic tradition is not religiously binding for determining the rule appropriate for a new situation. According to these modernists, the Prophet's tradition must be examined in light of what they call the general principles and purposes of religion. Kamāl calls Muslim modernists "contemporary Mu'tazila." See Yūsuf Kamāl, *al-ʿAṣriyyūn mu'tazilat al-yawm* (Mansoura: Dār al-wafā', 1986), 11, 14.

27. Muḥammad Khalid Masud, *Shāṭibī's Philosophy of Islamic Law* (2nd ed.; New Delhi: Kitab Bhavan, 2009), 162.

28. Hallaq, *A History of Islamic Legal Theories*, 214.

cal discourse of which the concept was an integral part.²⁹ Riḍā introduced ten principles of his legal theory, which he calls *muqaddimāt* (premises). First, God has perfected His religion for Muslims with the revelation of the Qur'ān and the prophetic tradition. Second, Islam supports ease, for God has omitted difficulty from it. Third, the Qur'ān is the cornerstone and the basis of religion (*aṣl al-dīn wa-asāsuh*). Fourth, the Prophet's statements concerning religious matters are infallible. Fifth, God has entrusted Muslims, individually and collectively, with the conduct of worldly affairs so long as they conform to the guidelines instituted by religion. Sixth, matters of belief and worship do not change across time and space. Seventh, the Prophet avoided responding to detailed questions from his Companions in order to avoid strictness in religion, or because the answer would only fit the interest of the people in his time, not that of subsequent generations. Eighth, the pious predecessors (*al-salaf al-ṣāliḥ*) denounced innovation and the use of reason to understand matters that the Prophet was reluctant to answer. However, those generations of Muslims who did not witness revelation employ reason to understand them; this is a manifestation of God's permission (*illā annahū yadhkulu fī-mā 'afā Allāh 'anhu*). Ninth, Islam flourishes when Muslims are able to exercise their independent reasoning. And tenth, the truth of religion must be accompanied by intellectualism, which is a deterrent of fanaticism.³⁰

Quraish Shihab's approach to the Qur'ān largely echoes the approach of utilitarians who use *maṣlaḥah* as a principle of religious dynamism.³¹ As the cornerstone of religion, Quraish Shihab argues, the Qur'ān provides detailed guidance only on matters that are beyond human reason and not subject to development or change, e.g., the foundations of belief, ritual, and metaphysics. As for matters that are subject to development and change, the Qur'ān only draws general principles that serve as guidelines for adaptation.³² In this context, he introduces the distinction between "religious" and "worldly" social affairs. Relying on al-Shāṭibī, Quraish Shihab contends that matters of worship, in which reason plays no role in interpretation, must be subject to the dictates of the revealed text, whereas matters concerning human transactions (*mu'āmalāt*) can be determined by understanding the substance and purposes of the revealed text.³³

29. Ibid.

30. Hallaq, *A History of Islamic Legal Theories*, 215–216; Muḥammad Rashīd Riḍā, *Yūs al-islām wa-uṣūl al-tashrī' al-'amm* (Cairo: Maṭba'at al-manār, 1928), 16–21.

31. Malcolm H. Kerr, *Islamic Reform: The Political and Legal Theories of Muḥammad 'Abduh and Rashīd Riḍā* (Berkeley and Los Angeles: University of California Press, 1966), 55; Skovgaard-Petersen, *Defining Islam for the Egyptian State*, 66.

32. M. Quraish Shihab, *Wawasan al-Qur'an* (2nd ed.; Bandung: Mizan, 2014), 620.

33. Quraish Shihab, *Membumikan al-Qur'an*, 120. In his *al-Muwāfaqāt*, al-Shāṭibī says, "The principle in worship for adult Muslims is pure spiritual devotion with-

Invoking the principle of adaptability, Quraish Shihab proposes a dynamic relationship between the fixed text and changing realities. In his view, the text must be interpreted by carefully examining its semantic meaning, on the one hand, and by taking into consideration a Muslim society's character, culture, and positive developments, on the other hand.³⁴ In other words, the text must be understood within the framework of the contemporary context; at the same time, the contemporary context must be linked to the general values expressed in the text.³⁵ Quraish Shihab rejects "total" submission to earlier interpretations of the Qur'ān for two reasons: first, because the Qur'ān speaks to all generations of Muslims; second, because certain interpretations must have been influenced by the social, cultural, and intellectual milieu of each generation. Compelling the current generation to adopt the religious understanding of a previous generation will generate hardship. In addition, Quraish Shihab contends, such an action tends to neglect the social dynamics and developments of a Muslim society.³⁶

Muslim Women's Attire in Modern Times

The discussion of women's "liberation" in the modern Muslim world began when an Egyptian Ottoman judge, Qāsim Amīn (d. 1908) published *Tahrīr al-mar'ah* in 1899. The book caused a public controversy and was sharply criticized by urban Egyptian Muslims and religious leaders. Amīn sought to reform the conditions of Egyptian women, particularly upper- and middle-class women, whom he perceived as ignorant, backward, and desperately in need of a proper education.³⁷ His main thesis was that family is the founda-

out [the need] to investigate the meanings [viz. the purposes], while the principle in human customs is to investigate the meanings [viz. the purposes]" (*al-aṣl fī'l-ibādāt bi'l-nisbah ilā'l-mukallaḥ al-ta'abbud dūna'l-iltifāt ilā'l-ma'ānī wa'l-aṣl fī'l-ādāt al-iltifāt ilā'l-ma'ānī*). See Shāḥibī, *al-Muwāfaqāt*, 2:300.

34. Quraish Shihab, *Membumikan al-Qur'an*, 134.

35. Quraish Shihab's approach to the Qur'ān is similar to that of Fazlur Rahman (d. 1988), who introduced a double-movement method of interpretation, from the present situation to Qur'anic times, then back to the present. The first movement is to examine the specifics of the Qur'ān in order to deduce and systematize its general principles, values, and long-range objectives, while the second is to embody these general principles and values in the contemporary social-historical context. Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1984), 7–8.

36. Quraish Shihab, *Membumikan al-Qur'an*, 141.

37. Malek Abisaab and Rula Jurdi Abisaab, "A Century after Qasim Amin: Fictional Kinship and Historical Uses of 'Tahrir al-Mar'a,'" *al-Jadid* 6 (2000); Qāsim Amīn, *Tahrīr al-mar'ah* (Cairo: Hindawi, 2011), 22.

tion of the nation and that the intellectual advancement or backwardness of women will influence the condition of the nation.³⁸ According to Amīn, national reform must begin with the reform of the family. One of the most controversial issues addressed by Amīn was the veiling and seclusion of women.³⁹ If women are secluded and have no access to a proper education, it will be impossible to produce competent Egyptian children who will become future leaders of the nation.

Amīn came from an aristocratic family and served as a judge. His nationalist agenda was linked to a reform project that targeted the conditions of upper-class patriarchy among whom the veiling and seclusion of women was a common practice.⁴⁰ This practice had been criticized by European colonialists, and Amīn, who was inspired by European ideas about emancipation, viewed the *ḥijāb* as a sign of cultural “backwardness.” Print culture, accessible primarily to male literati, helped to disseminate Amīn’s work at a time when female voices were exerting only modest pressure.

Amīn discussed the *ḥijāb* on two levels: as a type of female clothing and in connection with female seclusion. He did not oppose the headscarf, but he did oppose the veil (*al-intiqāb wa'l-tabarqū'*) commonly worn by Egyptian upper-class women. In his view, veiling had never been a religious obligation, but he argued that covering a woman’s body, except the face and hands, is a foundation of Islamic ethics.⁴¹ Amīn apparently had been inspired by

38. Amīn, *Tahrīr al-mar'ah*, 69.

39. In modern times, Muslim women’s clothing is often called *ḥijāb*, a term that is never used in the Qur’ān to designate an article of clothing. Rather, it signifies separation between men and the wives of the Prophet (Q 33:53) and distinguishes the deity from mortals (Q 42:51), wrongdoers from the righteous (Q 7:46), believers from unbelievers (Q 17:45), light from darkness, and day from night (Q 38:32). The Qur’ān uses the terms *khimār* and *jilbāb*, two kinds of female clothing that were common in Arabian culture, to refer to modest and ethical clothing. The term *ḥijāb* in the sense of head-covering is a post-qur’anic innovation that gained significance in modern times, particularly in the 1970s as part of a rising Islamic consciousness and movement that spread across the Islamic world. See *The Oxford Encyclopaedia of the Modern Islamic World*, s.v. “Hijab” (F. El Guindi).

40. Margot Badran argues that segregation of the sexes was practiced by all classes in nineteenth-century urban Egypt, while seclusion was imposed on women of the upper- and middle-classes as a symbol of prestige and high status. The upper-classes observed the strictest segregation of the sexes and seclusion of women, while lower-class women had to leave their houses to work, but still wore the veil, which provided them with a kind of mobile seclusion. In the countryside, peasant women did not cover their faces, and the sexes interacted, although there was some segregation between them as well. See Margot Badran, “Dual Liberation: Feminism and Nationalism in Egypt, 1870s–1925,” *Feminist Issues* 8 (1988): 15–34.

41. Amīn, *Tahrīr al-mar'ah*, 37, 42, 44.

Muḥammad ‘Abduh, who, in the name of reform, criticized the tyrannies of men over women committed in the name of religion, thereby opening the door to what Margot Badran calls a “feminist” approach within Islam.⁴² It is likely that Amīn’s social reform project was approved by ‘Abduh.

As for female seclusion, Amīn condemned this practice. He was convinced that the weakness of the nation was due to women’s lack of education and to their exclusion from the public sector.⁴³ His opponents responded that women may receive good private schooling while remaining in seclusion, but Amīn thought that seclusion would impede their progress. Women might also attain knowledge by reading books, but reading, Amīn argued, must be accompanied by experience, i.e., work experience in public sectors, without which women would merely possess theoretical “fantasies” (*al-khayālāt*).⁴⁴

Amīn’s views on feminism were severely criticized by religious scholars and upper-class men. Shaykh Muḥammad Aḥmad Ḥasanayn al-Būlāqī, an Azharī scholar, denounced Amīn’s view on education, which would require women to interact with men. Al-Būlāqī argued that the concealment and seclusion of women from men represent a foundation of Islamic ethics.⁴⁵ Similarly, a leading Egyptian economist and national industrialist, Ṭal‘at Ḥarb (d. 1941), defended female seclusion and said that abolishing the *ḥijāb* and promoting mixing between two sexes were European aspirations for the Muslim world.⁴⁶ In his view, religion requires that women cover their faces and bodies, except in an emergency and with the permission of their husbands. He lamented that the softening of the requirement of the *ḥijāb* would lead to immoral acts (*fawāḥish*) that could spread like an epidemic.⁴⁷

The issue of the *ḥijāb* attracted the attention of modern Muslim scholars who endeavored to articulate a religious perspective on women’s clothing in a modern context. Ḥamūd al-Tuwayjirī, a Saudi scholar, opines that prior to the revelation of the *jilbāb* verse (Q 33:59), Arab women in the Hijaz used to go outside uncovered, with the result that men could see their faces and hands. Al-Tuwayjirī highlights two reports: one, attributed to Ibn ‘Abbās, states that

42. Badran, “Dual Liberation,” 18. Muḥammad ‘Imārah identifies some of the essays of Muḥammad ‘Abduh that influenced Qāsim Amīn’s *Taḥrīr al-mar’ah*, e.g., essays on the public position of women in the early period of the Muslim community, on female seclusion and on divorce. See Muḥammad ‘Abduh, *al-A’māl al-kāmilah li’l-imām Muḥammad ‘Abduh*, ed. Muḥammad ‘Imārah (Beirut: Dār al-shurūq, 1993), 103, 105, 114.

43. Amīn, *Taḥrīr al-mar’ah*, 47.

44. *Ibid.*, 48.

45. Muḥammad Aḥmad Ḥasanayn al-Būlāqī, *al-Jalīs al-anīs fī’l-taḥdhīr ‘ammā fī taḥrīr al-mar’ah min al-talbīs* (Cairo: Maṭba‘at al-ma‘ārif al-ahliyyah, 1999), 43–44.

46. Ṭal‘at Ḥarb, *Tarbiyyat al-mar’ah wa’l-ḥijāb* (Cairo: Maṭba‘at al-taraqqī, 1999), 3.

47. *Ibid.*, 94, 98.

a woman may uncover her face and hands, and the other, attributed to Ibn Mas'ūd, states that only a woman's outer dress may be seen. Al-Tuwayjirī contends that Q 33:59 clearly requires that a woman wear the *jilbāb*, which he defines as loose garment that covers the face and all parts of a woman's body, except for her eyes. He argues that the report attributed to Ibn 'Abbās refers to the period before the revelation of the verse, while the report attributed to Ibn Mas'ūd refers to the period after it.⁴⁸

In a response to Tuwayjirī, Nāṣir al-Dīn al-Albānī criticized the Islamist view, according to which the *jilbāb* is a garment that covers a woman's body and head, and *khimār* (headscarf) is a piece of fabric that covers the head and face. In his view, the *jilbāb* is an outer garment, while *khimār* is a piece of fabric that covers only a woman's head. Al-Albānī proposed that Muslim women are required to wear a *jilbāb* that covers the body and a *khimār* that covers the head.⁴⁹ He concluded that all Muslim women, both free and slave, must wear the *jilbāb* outside the house, and that they may uncover only their faces and hands. He based his argument on his understanding of female clothing practices during the Prophet's lifetime and on the Prophet's endorsement of those practices.⁵⁰

The *jilbāb* also attracted the attention of a former Egyptian judge and liberal thinker, Muḥammad Sa'īd al-Ashmāwī (d. 2013), who called for a definition of *ḥijāb*, *khimār*, and *jilbāb* in qur'anic usage. In an article initially published in an Arabic weekly magazine, *Rose al-Yousef*, al-Ashmāwī argues that the *ḥijāb* in Q 33:53 signifies the seclusion of the wives of the Prophet; the jurisdiction of the verse does not extend to other Muslim women.⁵¹ Meanwhile, *khimār* in Q 24:31 refers to a headscarf. Al-Ashmāwī contends that women used to wear the headscarf in the Prophet's time by lowering it onto their back and leaving the upper part of their bosom uncovered. For this reason, he argues, the verse instructs women to cover their bosoms, without specifying what clothing should be used for this purpose.⁵²

Al-Ashmāwī defines the *jilbāb* as a loose garment that covers the entirety of a woman's body. He highlights the context in which Q 33:59 was revealed. Some Arab women wore improper clothing when going out at night to relieve themselves. These women were approached by indecent men who assumed that they were slaves or unchaste. For this reason, the verse was revealed,

48. See further Ḥamūd al-Tuwayjirī, *al-Ṣārīm al-mashhūr 'alā ahl al-tabarruj wa'l-sufūr* (Beirut: Dār al-salām, 1979).

49. Nāṣir al-Dīn al-Albānī, *Jilbāb al-mar'ah al-muslimah fī'l-qur'ān wa'l-sunnah* (Beirut: Dār al-salām, 2002), 83–84.

50. *Ibid.*, 96.

51. Muḥammad Sa'īd al-Ashmāwī, *Ḥaqīqat al-ḥijāb wa-ḥujjyyat al-ḥadīth* (Giza: Mad-būfī al-ṣaghūr, 1995), 14–15.

52. *Ibid.*, 15–16.

ordering women to wear the *jilbāb* so that people would not treat them as slaves, and so that they would not be exposed to harassment.⁵³ Al-ʿAshmāwī contends that the *ratio legis* (ʿillah) behind the instruction to wear the *jilbāb* is to distinguish free women from slaves and unchaste women and to protect free chaste women from male harassment. Applying a legal maxim, *al-ḥukmu yadūru maʿa ʿillatīhi wujūd^m wa-ʿadam^m* (a legal injunction is conditioned by its cause, both in its stipulation and its nullification), al-ʿAshmāwī argues that currently there is no obligation to wear such clothing, due to the absence of the ʿillah; there are no slaves at the present time and women do not go outside to relieve themselves.⁵⁴

Muḥammad Sayyid Ṭaṇṭāwī (d. 2010), who was the Grand Muftī of Egypt between 1986 and 1996, criticized al-ʿAshmāwī in an article published in the same magazine. Ṭaṇṭāwī rejected al-ʿAshmāwī’s argument that Q 33:53 requires only the Prophet’s wives to seclude themselves. He argued that the instruction applies to all Muslim women.⁵⁵ He also rejected al-ʿAshmāwī’s argument that Q 24:31 implies that women should cover only their bosoms and that they are not required to wear a headscarf. Ṭaṇṭāwī claimed that al-ʿAshmāwī missed the point of the qur’anic text that women should not expose their “adornments” except that which necessarily and commonly appears (*illā mā zahara minhā*), an exception understood by Muslim scholars to be the face and hands only.⁵⁶ As for the *jilbāb* verse (Q 33:59), Ṭaṇṭāwī rejected the argument that the purpose of wearing the *jilbāb* is to distinguish class and social status: between free women and slaves, or between decent and unchaste women. He reiterated the opinion held by most Muslim scholars that the verse commands Muslim women to cover their bodies in all situations.⁵⁷ Ṭaṇṭāwī apparently did not consider the context of the text to be important for the derivation of a legal ruling on women’s clothing.

An Indonesian Articulation of Islamic Respectable Clothing

In Indonesia, the seclusion of women has never been widespread,⁵⁸ and the headscarf is not commonly used by women in many parts of the archipelago. Pious Javanese Muslim women did wear a loose-fitting headscarf, typically made from a soft, translucent fabric (*kerudung* or *kudung*) that leaves parts of

53. Ibid., 16.

54. Ibid., 17.

55. Ibid., 26.

56. Ibid., 27.

57. Ibid., 28.

58. Suzanne April Brenner, *The Domestication of Desire: Women, Health, and Modernity in Java* (Princeton: Princeton University Press, 1998), 158, 273.

the neck and hair visible.⁵⁹ Wearing a headscarf that covers a woman's head except for her face only became a common practice in Indonesia at the end of the twentieth century, following the rise of Islamic consciousness and Islamist movements in the Muslim world.⁶⁰ For Indonesian women affiliated with Islamist movements, wearing a headscarf is a key symbol of piety and political identity. For Muslim women, in general, it is often seen as an attempt to reconcile "Islamic" modernity, individual autonomy, and a heightened commitment to religion.⁶¹ The issue of Islamic female clothing became a subject of public debate in the 1980s, particularly with respect to female students in public—and private non-Islamic—schools.⁶² With the success of "cultural Islamization" in the late twentieth century, wearing a headscarf has become a symbol of religious piety in public spaces and is understood as a manifestation of religious ethics. Popular democracy in the post-Suharto period has played some role in the spread and popularity of the headscarf.⁶³

The headscarf question is probably the most controversial part of Quraish Shihab's legal thought. His argument against its obligatory nature has been sharply criticized by proponents of the headscarf on the grounds that he challenges the boundary of women's *'awrah*, the parts of the body that must be covered in public, according to the "consensus" of Muslim scholars. According to his critics, the Qur'an explicitly commands women to cover their bodies, except those parts that can be visible, that is, the face and hands. For these critics, there are indeed disagreements among Muslim scholars, not about the boundary of *'awrah*, but rather about whether a woman's face and hands qualify as *'awrah*. Some of Quraish Shihab's critics assert that a scholar with credentials in religious knowledge should direct lay Muslims to the "correct" teaching of religion rather than confuse them with "unorthodox" opinions. According to his critics, he treats *'awrah* as conditional, local, and temporal, rather than final and universal.⁶⁴

59. Nancy J. Smith-Hefner, "Javanese Women and the Veil in Post-Suharto Indonesia," *The Journal of Asian Studies* 66 (2007): 389–420.

60. Fadwa El Guindi, *Veil: Modesty, Privacy and Resistance* (Oxford and New York: Berg, 1999), 129–130.

61. See Suzanne Brenner, "Reconstructing Self and Society: Javanese Muslim Women and 'the Veil,'" *American Ethnologist*, 23:4 (1996), 673–97; Carla Jones, "Fashion and Faith in Urban Indonesia," *Fashion Theory* 11:2–3 (2007): 211–232.

62. Nuraini Juliastuti, "Politik Pakaian Muslim," *KUNCI* (Yogyakarta, December 2003), 4–7.

63. Kurniawati Hastuti Dewi, "Javanese Women and Islam: Identity Formation since the Twentieth Century," *Southeast Asian Studies* 1 (2012): 109–140.

64. On September 21, 2006, a panel discussion was held at the Centre for Qur'anic Studies (Pusat Studi al-Qur'an, PSQ) to discuss Quraish Shihab's *Jilbab Pakaian Wanita Muslimah* (Headscarf, Muslim Women's Attire), first published in 2004. The

Quraish Shihab briefly discusses Muslim women's dress in his *Wawasan al-Qur'an* (1996) and in his commentary, *Tafsir al-Misbah* (2000–2003), with special attention to Q 24:31 and Q 33:59. He deals with this subject extensively in his *Jilbab*, where he discusses interpretations by Muslim scholars from the classical to the modern periods, albeit without expressing a preference for any opinion. He presents the subject as a matter of legal disagreement (*ikhtilāf*), and he probably wants to give readers greater flexibility with regard to the issue. It is interesting to note, as we shall see, that he highlights custom as a constitutive element for the understanding of religious injunctions.

Quraish Shihab argues that the discourse on Islamic female attire in the modern period has been driven by several factors: growing Muslim religious consciousness, contemporary fashion, and political expression.⁶⁵ He discusses the social and cultural contexts in which the Qur'an was revealed. His point of departure is that clothing is a product of culture, and its style develops and changes over time. Quraish Shihab contends that the headscarf was popular among women in the Prophet's time, but the practice of veiling women had appeared long before the coming of Islam, and was common among the Sasanians, the Byzantines, and the Indians.⁶⁶ Before and shortly after the emergence of Islam, some Arab women dressed in a manner intended to attract the attention of men. Some wore the headscarf, but let it hang down on their back, so that their jewelry and breasts were visible.⁶⁷ The Qur'an addresses this situation by giving ethical guidance.

Quraish Shihab highlights the context in which "hypocrites" and womenizers used to tempt women when they were going out at night to relieve

speakers were Quraish Shihab, Jalaluddin Rakhmat, Adian Husaini, and Elly Maliki. Both Adian Husaini, a Muslim activist and preacher, and Elly Maliki, an Azhari graduate and an expert on Islamic law, strongly opposed Quraish Shihab's position. Husaini wrote his personal report about the panel in his note, *Mendiskusikan Jilbab di Pusat Studi al-Qur'an* (Discussing the Headscarf at the Center for Qur'anic Studies). Previously, on March 28, 2006, a similar discussion, which I attended, was held in Cairo. The speakers were three Indonesian post-graduate students of al-Azhar, Muchlis M. Hanafi, Ahmad Zain an-Najah, and Aep Syaifullah. All of the speakers disagreed with Quraish Shihab, who argued that wearing the headscarf—whether it is compulsory or not for Muslim women—is a matter of disagreement (*ikhtilāf*) among Muslim jurists. I am indebted to my colleague, Aang Asy'ari, who showed me his personal note, "Buku Quraish Shihab dikritisi di Mesir" (Quraish Shihab's Book being Criticized in Egypt). Zain an-Najah wrote a book, entitled *Jilbab Menurut Syari'at Islam* (Headscarf in Islam), which is available on his personal website: <http://www.ahmadzain.com/karyatulis/30>.

65. M. Quraish Shihab, *Jilbab Pakaian Wanita Muslimah* (6th ed.; Jakarta: Lentera Hati, 2012), xi–xii.

66. Quraish Shihab, *Jilbab Pakaian Wanita Muslimah*, 40–41.

67. *Ibid.*, 46; Quraish Shihab, *Wawasan al-Qur'an*, 228.

themselves. The dress worn by these women suggested to some that they were slaves. For this reason, a revelation was sent down, ordering the Prophet's wives, daughters, and Muslim women to cover themselves with their *jalābīb* (Q 33:59). The purpose of covering was to distinguish these women from female slaves and, thereby, to avoid sexual harassment.⁶⁸ Most Muslim scholars, Quraish Shihab observes, understood the verse as imposing a religious obligation upon Muslim women not only in the Prophet's time, but also after that. According to modernist Muslims, by contrast, the verse was binding only on the Prophet's wives, daughters, and Muslim women at that time. In modern times, when there are no slaves, the obligation ceases.⁶⁹

The only qur'anic verse that mentions the parts of a woman's body that must be covered in public is Q 24:31: "And tell the believing women to lower their vision and guard their private parts and not expose their adornment (*zīnah*), except that which [necessarily] appears thereof, and to wrap [a portion of] their head-covers (*khumur*) over their chests." This verse is frequently cited to support the practice of veiling. Quraish Shihab focuses on two important aspects of the verse: first, the meaning of *zīnah* (adornment) and the exception (*istithnā'*) that is made; and second, the command that women lower their head-covers over their breasts. Quraish Shihab contends that *zīnah* means something that makes another thing beautiful,⁷⁰ for example, earrings, necklaces, bracelets, and mascara. By extension, he argues, it also refers to those parts of a woman's body and clothing that may attract the attention of men.⁷¹ In this regard, *zīnah* may be either natural (*khilqiyah*) or acquired (*muktasabah*); a woman's body is *khilqiyah*, while earrings, necklaces, bracelets, and anklets are *muktasabah*.

The exception in Q 24:31 suggests that some of a woman's adornments may be exposed in public space, without specifying which ones. This unspecified exception becomes a site of disagreement. Quraish Shihab cites Muslim exegetes who say that the exception is based on "custom." Which custom? Was it the custom of the Arabs during the period of revelation or the custom of other times and people? The majority of Muslim scholars, especially those living before the modern period (*al-mutaqaddimūn*), Quraish Shihab observes, specify the custom of the period of revelation. Based on prophetic traditions,

68. Quraish Shihab, *Jilbab Pakaian Wanita Muslimah*, 86; Quraish Shihab, *Tafsir al-Misbah* (5th ed., 15 vols.; Jakarta: Lentera Hati, 2012), 13:533; Quraish Shihab, *Wawasan al-Qur'an*, 227.

69. Quraish Shihab, *Jilbab Pakaian Wanita Muslimah*, 88–89.

70. Ibid., 97; Quraish Shihab, *Tafsir al-Misbah*, 8:527.

71. Quraish Shihab, *Jilbab Pakaian Wanita Muslimah*, 93.

they conclude that only the face and palms of a woman's hands may be exposed in public.⁷²

The majority view is not convincing for Quraish Shihab, who reflects on the changing custom of clothing in modern times as well as the tradition of female clothing in Indonesia. He refers several times to the clothing practices of the wives of Indonesian Muslim leaders (*kya*), especially in Java before the turn of the twenty-first century. The clothing worn by these women does not meet the standard of female "Islamic" clothing in the Arab world with regard to body covering. Quraish Shihab is convinced that Indonesian Muslim leaders before the turn of the twenty-first century were aware of Islamic rulings and would not have allowed their wives to violate these religious rules.⁷³ In his view, the definition of "custom" as the custom of the society in the Prophet's time not only contradicts the notion that the Qur'an "speaks to all generations," but also is inconsistent with the idea that clothing is a matter of culture.

Quraish Shihab reexamines the discourse of female veiling among classical Muslim scholars. Several prophetic traditions, he observes, regardless of their authenticity, suggest that Muslim women should cover their bodies, except for their faces and hands.⁷⁴ This is why most Muslim scholars argue that a woman's *'awrah* is the entire body except for the face and hands.

Quraish Shihab also examines some early discussions on this issue within the Ḥanafī School. Abū Ḥanīfa Nu'mān b. Thābit (d. 150/767), the school's eponymous founder, held that a woman's feet are not *'awrah* and, thus, may be exposed, on the grounds that coverage may cause difficulties for women who work in rural areas. Similarly, Abū Yūsuf (d. 182/798), one of Abū Ḥanīfa's pupils, held that the lower part of a woman's arms may be uncovered.⁷⁵ By citing the opinions of Abū Ḥanīfa and Abū Yūsuf, Quraish Shihab demonstrates that there have been changes in Muslim classical discourse on the definition of a woman's *'awrah* and clothing. These changes may occur at any time so long as they do not prevent a woman from carrying out her activities in a proper manner.

In support of his argument, Quraish Shihab cites a statement made by the Andalusian exegete and judge, Ibn 'Aṭīyya (d. 541/1146). The basic premise,

72. Quraish Shihab, *Tafsir al-Misbah*, 8:533; Quraish Shihab, *Wawasan al-Qur'an*, 234–235.

73. See, for example, Quraish Shihab's statement on national television in response to a question from an audience regarding the headscarf and its adoption by female members of his family: <https://www.youtube.com/watch?v=tyVRjW7IdA&index=7&list=PL4BF7E495DC370673>, accessed on July 16, 2013.

74. Quraish Shihab, *Jilbab Pakaian Wanita Muslimah*, 157.

75. *Ibid.*, 198; Quraish Shihab, *Tafsir al-Misbah*, 8:531; *idem*, *Wawasan al-Qur'an*, 233.

according to Ibn 'Aṭīyyah, is that a woman should not expose her adornment; the exception (*istithnā*) in Q 24:31 must be seen as a response to the needs of a woman to move about comfortably in her daily life.⁷⁶ The exception, Quraish Shihab emphasizes, can be understood variously, depending on the degree of necessity encountered by Muslim women at different times and in different places.⁷⁷ Ibn 'Aṭīyyah was inclined to make the face and hands the exception, although even the face should be covered, when needed, as a measure of caution.⁷⁸ However, Quraish Shihab does not adopt this legal opinion, perhaps because Ibn 'Aṭīyyah was reflecting on the tradition and custom of his era, when it was common for women to uncover their face and hands.

Quraish Shihab does adopt legal arguments proposed by a Tunisian jurist and exegete, Muḥammad al-Ṭāhir b. 'Āshūr (d. 1973), especially regarding the relationship between religion and custom. Ibn 'Āshūr affirmed that religion does not seek to determine the styles of clothing, housing, and transport used by Muslims, because the “customs of a particular people—as conventional practices—should not be imposed on other people in the name of religious legislation (*tashrī'*) or on those with different customs.”⁷⁹ Religious legislation that, coincidentally, is consistent with the custom of a people should be considered in light of the impetus of the adoption of the custom in question and the purpose of religion behind that legislation. As an example, Ibn 'Āshūr highlights Q 33:59 concerning the command to wear the *jilbāb*, which he defines as an outer garment worn exclusively by free Arab women, not by female slaves.⁸⁰ “This is legislation (*shar'*) in which the custom of the Arabs is taken into consideration. Thus, people who do not wear *jalābīb* [as their custom] are not subject to this legislation.”⁸¹

76. See Abū Muḥammad b. 'Aṭīyyah, *al-Muḥarrar al-wajīz*, ed. 'Abd al-Salām 'Abd al-Shāfi Muḥammad (6 vols.; Beirut: Dār al-kutub al-'ilmiyyah, 2001), 4:178; Abū 'Abd Allāh al-Qurṭubī, *al-Jāmi' li-ahkām al-qur'ān*, ed. 'Abd Allāh b. 'Abd al-Muḥsin al-Turkī (24 vols.; Beirut: Mu'assasat al-Risalah, 2006), 15:213.

77. Quraish Shihab, *Tafsir al-Misbah*, 8:532; Quraish Shihab, *Wawasan al-Qur'an*, 234.

78. See Ibn 'Aṭīyyah, *al-Muḥarrar al-wajīz*, 4:178.

79. Muḥammad al-Ṭāhir b. 'Āshūr, *Maqāsid al-sharī'ah al-Islāmiyyah*, ed. Muḥammad al-Ṭāhir al-Misawī (Amman: Dār al-Nafā'is, 2001), 322.

80. Muḥammad al-Ṭāhir b. 'Āshūr and Muḥammad b. Ibrāhīm Bouzghiba, *Fatāwā al-Shaykh al-Imām Muḥammad al-Ṭāhir b. 'Āshūr* (Dubai: Markaz jum'at al-mājid li'l-thaqāfah wa'l-turāth, 2004), 350.

81. Ibn 'Āshūr, *Maqāsid al-Sharī'ah al-Islāmiyyah*, 323; Quraish Shihab, *Tafsir al-Misbah*, 8:533. Quraish Shihab finds the opinion of Ibn 'Āshūr highly relevant for his formulation of the question of women's dress. Concerning Ibn 'Āshūr, he says “a great contemporary scholar and the mufī of Tunisia whose authority is acknowledged in the Islamic world.” See Quraish Shihab, *Wawasan al-Qur'an*, 219, 236.

For Quraish Shihab, Ibn ‘Āshūr’s position on the relationship between religion and custom is relevant to the contemporary question of Muslim women’s dress. The convergence of religion and Arab custom should be considered in light of the purpose of religion, not exclusively in light of the physical manifestation of this convergence. As clothing is a matter of custom, Quraish Shihab argues that the definition of custom, which is the basis of the exception in Q 24:31, should be the custom of any given culture. Accordingly, the religious purpose of women’s dress, that is, modesty and deflecting the male gaze, may be accomplished with any kind of clothing.⁸² Quraish Shihab probably wants to underline the explicit command in Q 24:31, which instructs Muslim women to cover their breasts, “and to wrap [a portion of] their head-covers over their chests.” Note, however, that the verse does not mention any instruction to cover women’s heads. In this verse, the Qur’ān addresses the clothing practices of Arab women in the Hijaz in the seventh century CE. These women already wore head-coverings. The verse offers moral guidance on the ethics of the appearance of Muslim women in public space by commanding them to cover their breasts with a part of their headscarves.

Quraish Shihab also discusses the imperative form (*amr*) in Q 24:31. It is commonly understood by Muslim jurists that the imperative form in the Qur’ān and prophetic tradition does not always signify a religious obligation. The imperative form is also used to express recommendation, preference, or guidance. Quraish Shihab compares female veiling with debt transactions, where the imperative form in the Qur’ān signifies only a recommendation (*anjuran*) or guidance, not an obligation.⁸³ Islam, he says, is concerned with modest and respectable clothing (*pakaian terhormat*) that does not stimulate sexual desire.⁸⁴ For him, it is good for Muslim women to wear a head-cover, as it corresponds with the literal meaning of the Qur’anic text in its original context. He argues, however, that generalizing the command of wearing the head-cover in a different context may have gone beyond what is actually required by religion. He writes:

Finally we might say that women who cover all parts of their bodies except for their faces and hands follow the literal meaning of the verse. Perhaps, they have exaggerated in implementing the verse. At the same time, however, we should not claim that those [women] who do not wear headscarves or who expose part of their hands have definitely violated religion. Is it not the case that

82. Quraish Shihab finds that Ibn ‘Āshūr also mentions the opinion of an anonymous scholar, according to whom the exception may cover feet and hair. Muḥammad al-Tāhir b. ‘Āshūr, *al-Tāhīr wa’l-tanwīr* (30 vols.; Tunis: al-Dār al-tūnisiyyah li’l-nashr, 1984), 8:207; Shihab, *Tafsīr al-Misbah*, 8:528.

83. Quraish Shihab, *Tafsīr al-Misbah*, 8:534; Quraish Shihab, *Wawasan al-Qur’an*, 237.

84. Quraish Shihab, *Jilbab Pakaian Wanita Muslimah*, 429.

the Qur'ān mentions the limits of *'awrah*? Muslim scholars themselves disagree when discussing it.⁸⁵

Conclusion

If Quraish Shihab had lived in Indonesia in the first half of the twentieth century or before, would his position on the headscarf have become a target of severe criticism? He was already discussing the headscarf in the 1990s, but his views never aroused controversy. He was only criticized after he published *Jilbab* in 2004. This book opens a discussion on the boundary of Muslim women's *'awrah*, provides a history of female veiling, questions the Muslim "consensus" on the obligation of wearing the headscarf, and highlights the views of some liberal Muslim thinkers. The book appeared after the headscarf had become a key symbol of growing religious consciousness, modernity, autonomy, and political expression in Indonesia.

Following the exegetical methods of modern reformist scholars, Quraish Shihab discusses the headscarf by investigating the qur'anic text, sound prophetic tradition (*sunnah*), and human custom. He argues that the Qur'ān does not clearly determine the boundaries of "Islamic" clothing, and that the boundaries established by the *sunnah* refer exclusively to Arab custom at the time of the Prophet. In his view, the idea of "respectable clothing" as taught in the Qur'ān must be determined by a consideration of local custom. The subject of female clothing does not belong to the class of religious rulings (*ahkām*) whose details are subject to the dictates of the revealed text. This implies that the imperative form in the Qur'ān with regard to female clothing does not signify a religious obligation.

In this manner, Quraish Shihab provides a theological justification for Muslim women who prefer not to wear a headscarf. More importantly, he has elevated the issue of female head-uncovering to the domain of "orthodox" *ikhtilāf* (approved legal disagreement), calling on those who hold for the obligation of wearing a headscarf to respect the decision of those who do not wear it. In his view, both positions are lawful, so long as women pay attention to what he calls "respectable clothing" that does not stimulate sexual desire.

85. Quraish Shihab, *Tafsir al-Misbah*, 8:534.