

**THE DIFFERENCE OF NAKEDNESS OF FREE WOMAN
AND FEMALE SLAVE IN ISLAM
(A Comparison Study of Opinions from Old Scholars until
Recent Scholars)**

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Abstract

The nakedness in Islam considered as one of important foundation in Islamic Jurisprudence because the debate in this area will bear to the different of limit in Hijab or veiling. Thus, this research aimed to understand the various opinions of scholars ranged from Four Great Schools until recent scholars about the nakedness of free woman and female slave in Islam to know the reason why they reached the conclusion mentioned in their writings. The method used in this research is a library research by taking the books written by Four Great School, Ibn Taymiyah, Nasiruddin al-Albani and Qassim Amin as main sources and reaching the conclusion by comparing their ideas. This research resulted some findings after observing the scholars' ideas, on of that they divided into three opinions regarding the limit of nakedness of free woman and about the female slave it is also divided into three opinions.

Keywords:

Free Woman, Female Slave, Nakedness, and Hijab

PREFACE

Islam is a peaceful religion which consist of many rules which will direct its followers' life to have a better quality. Speaking of the awrah's meaning that it is something bad that should be covered, Islam already gave big attention and enough explanation to all kind of covering manners. Some of those covering manners; covering awrah while taking bath, covering awrah while defecating, covering the secrets of marriage, covering the bad doing, and even it is ordered to cover our right hand while giving alms in order it can't be seen by others to avoid *riya'*. There are other orders in covering manners, and they are covering eyes from seeing the bad things, also the covering of shaytan's disturbance¹.

¹ Umar Daikha, *Ahkamu Satri fil Islam*, (Universit  D'el Oued: Jami'ah alwadiy, 2014), p. 28-34.

One of the complete rule that especially belongs to Islamic sharia is the rule of man's and woman's "awrah". In Arabic language the word "awrah" means blemish or fault². In accordance with that it can be said in arabic that the word "Awaar" (عوار) means people with any disability who is free from the obligation of paying zakah³. But the definition of "awrah" in Islamic Law is to cover up their bodies from unknown men's sight or even non moslem women.

In books of moslem scholars it is mentioned that Islam differed between the rule of nakedness between men against women, and the men between themselves and the nakedness between the women themselves, and there is also a special nakedness rule for a woman when they meet another woman from different religion and the nakedness of woman in front of their companions (*mahram*) and even there is a rule of nakedness for everyone while being alone⁴.

There are still different opinions among scholars in Islam to determine how far a woman in Islam should cover their bodies. And major debates between scholars' discussion in defining the term "awrah" refer to the definition to include the face and two palms of moslem women in it⁵.

RESEARCH METHOD

In this research the writer used the library research to find data which consist of the definition of *awrah* (nakedness) according to the books from the old history of moslem's scholars and combined by the data found in the books of medieval scholars and contemporary scholars.

Later in the discussion the researcher will divide the research into the opinion of old moslem scholars who represented by the great imam of four schools; Imam Abu Hanifa, Imam Shafi'I, Imam Malik and Imam Ahmad. After that the scholar who represented the medieval age is Ibn Taymiyah as his books often used as the basic of writing of many articles or books afterwards. While in the end of discussion the writer

² Ibn Manzur, *Lisaan al Arab*. (Beirut: Dar Sader, 1993), p. 616.

³ Ibn Manzur, *Lisaan al Arab*. p. 616.

⁴⁴ Umar Daikha. *Ahkamu Satri fil Islam*. (Universit  D'el Oued: Jami'ah alwadiy, 2014). p. 28.

⁵ Umar Wa Abdul Mun'im Salim. *Ahkamul Aurati linnisa*. (Maktabah Assawadi). p 42.

delivered the ideas from Syaikh Nasiruddiin al-Albani and Qassim Amin who are considered giving much attention to other scholars in their regions and their era.

While the woman in this research according to Islamic texts and histories can be divided into two, free woman and female slave. It is important to be discussed here because actually there are many different conditions between those two seen from their rights or obligations manner or seen from religious perspective or cultural context.

According to the seven approaches in Islamic studies introduced by Richard C. Martin, the approach used in this research is the approach by means of textual reading because the writer directly keep contact with the books of those scholars mentioned above and then in the last analyze and discuss the points at which it is hoped to reach the conclusion on what made them having various interpretations of woman's nakedness.

DISCUSSION

Hanafiyah, Shafiiyah, Malikiyah and Hanabilah Opinions about Women's Nakedness

When describing the requirements of praying, Syaikh Wahbah Zuhaili gave us big picture which also contained the limit of nakedness in Islam. And syaikh's explanation began with delivering opinions from Hanafiyah, Malikiyah, Shafi'iyah and then Hanabilah in sequence.

It is already well known that Islam with it's rich and old civilization has left many heritages including books in many Islamic schools which then confirmed that Islam has many various opinions about woman's dressing which are often considered as an oppression for woman's freedom in the eyes of western people, especially those who tend to claim themselves as feminism⁶.

⁶ Wahidatul Hannan Nazari. "A View Of Hijab Wearing From Muslim Feminism Perspective" (*UFUQ International journal of Arts and Social Science Research*). Vol. 1, No. 1, (Maret, 2021). p. 22.

Hanafiyah

There is difference between the nakedness of men and women in Islam. It is said that the nakedness of man according to Wahbah Zuhaili who quoted opinions from previous scholars (Hanafiyah) is between navel and a little bit under their knees. And for woman the nakedness is all their bodies except the face and two palms, which mean it includes their hairs.

Syaikh Wahbah Zuhaili added another information about women's nakedness in Islam that may be categorized as a permission that women may show their parts of upper foot and the bottom of it for an emergency case.

The author of *al-Hidayah fi Syarh Bidayah al-Mubtadi*, Al-Marghinani mentioned specifically inside that the nakedness of a female slave is same as the man in Islam, between navel and knee. The reason it is same with the men because of the *athar* narrated from Umar bin al-Khattab that he was very angry to Dafar because she worn clothes like free women usually wear at that time⁷.

In the book of "Mabsut" belongs to Imam Sarakhsiy, a famous scholar in school of Hanafiyah said that seeing the unknown woman is not forbidden if the parts shown are the external beauty. According to the verse "ولا يبدين زينتهن إلا ما ظهر منها" and also various interpretations from prophet's companion like Ali and Ibn Abbas who interpreted it as the ring and kohl, while Aisha assumed it as one eye of woman and Ibn Mas'ud regarded it as footwear and the *sheet*. Imam Sarakhsiy wanted to show in his book that according to prophet's companions the source of woman's beauty is at her face, that is why seeing their faces is the strongest temptation more than seeing other parts of their bodies and on that cause their faces need to be covered. But the responsibility to fully cover their faces are eased because it is not possible to cover all the faces including two eyes for any woman, because they will need at least one eye exposed to see the street⁸.

By reading the book of "Mabsut" carefully, it is concluded that the author himself wanted to share an idea that the face of woman is not part of their nakedness.

⁷Al-Marghinani. *Al-Hidayah fi Syarh Bidayah Mubtadi*. (Beirut: Dar Ahya' Alturath Alarabi). p. 46.

⁸Muhammad bin Ahmed bin Abi Sahl Syams Al-Imaam Al-Sarakhsi. *Al-Mabsut Li Sarakhsi*. (Beirut: Dar Ma'rifah, 1993). p. 152.

Even he gave other scholars' opinion which basically have moderated mind like Hasan ibn Ziyad or Tahawi who said that the two palms of woman can no longer be considered as a rigid nakedness, as long as they used it to buy and sell something that sometimes may expose their palms. And it also happened to be claimed that the bare foot of those women selling or buying around which may be exposed can't be considered as nakedness because they may not get the socks or footwear ready every time. It is told that according to Abu Yusuf that even for some women who work at washing clothes they may show their elbows. But these remission remained as long as the man did not see those nakedness of woman with a lust⁹.

Shafi'iyah

And for Shafi'iyah the nakedness of men in Islam is between their navels and knees, and it applies in prayers, when doing "thawaf", and also in front of strangers, men and women of their "mahram". It based on the hadith narrated by Baihaqi that when a man doing intimate relation with his slave, she shouldn't see the man's nakedness. The opinion is supported by another Muhammad's p.b.u.h. words: "Please cover your thigh, because it's your 'awrah'"¹⁰.

Another narration written in the book is that the face and the two palms are not awrah because the using of "niqab" and gloves are prohibited to be worn by any women in "ihram" state, namely for hajj and umrah. If those two are considered as an "awrah" there will never be any law forbidding women in Islam to wear "niqab" and gloves, but the hadith stating that the prohibition is really exist¹¹. In the book of "Majmu' Sarh Muhazzab" which is considered as one of main sources in Shafi'i books, it is confirmed that the nakedness of women is all their bodies except the face and two palms based on the understanding of the verse "ولا يبدين زينتهن إلا ما ظهر منها" that the two mentioned are kind of external beauty that may be exposed. And

⁹ Muhammad bin Ahmed bin Abi Sahl Syams Al-Imaam Al-Sarakhsi. *Al-Mabsut Li Sarakhsi*, p. 153.

¹⁰ Wahbah bin Mustafa Al-Zuhaili, *Al-Fiqhul Islamiy wa adillatuh*, (Damaskus: Dar alfikr). p. 748.

¹¹ Wahbah bin Mustafa Al-Zuhaili, *Al-Fiqhul Islamiy wa adillatuh*, p. 750.

especially the face should be shown for a purpose of trade, giving and receiving, etc.¹².

While giving information about the nakedness of man and woman, an-Nawawi also described that there are two opinions in female woman's matter; First, All the bodies of slave woman is nakedness except for the head and elbow because that parts are almost shown while they have a work. Second opinion which is considered as strong opinion in Shafi'i school that the nakedness of female woman is between the navel and knee. According to the narration of Abu Musa al-Ash'ari on the podium that he will punish someone who see what is between female woman's navel and knee which confirm that seeing what is outside that nakedness is permitted¹³.

Malikiyah

The nakedness for Malikiyah is divided into two parts: The first is heavy nakedness and the second is light nakedness. The classification of this nakedness has an implication to the validity of moslem's prayer who didn't cover his/ her heavy nakedness that he/ she must repeat the prayer while those who didn't do it for light case don't need to repeat the prayer but it is considered as something "makruh" or something hateful.

Based on the classification mentioned above, Malikiyah has a different opinion about the nakedness for a man and woman. For example of different men's nakedness is their statement that the thigh is not one of the nakedness of man for Rasulullah saw ever exposed his thigh in the war of Khaybar and Anas r.a. witnessed his white thigh. So the thigh may be considered as light nakedness in this story.

In a woman case their nakedness is all of their bodies except the face and the two palms. But it is obligated for young women to cover their faces not because it is "awrah" but because the fear of temptation that may be caused by seeing their beauties.

¹²Abu Zakariya Nawawi, *Al-Majmu' Sharh Muhazzab*. (Damaskus: Dar al-Fikr). p. 167.

¹³Abu Zakariya Nawawi, *Al-Majmu' Sharh Muhazzab*, p. 167.

For Malikiyah, the nakedness of female women is the same as the men but there is no difference between the heavy or the light “awrah” because it is assumed as heavy “awrah” in all condition¹⁴.

The meaning of “atraf” in the book of scholars are usually used for; the head (face and hair), the neck, 2 hands and 2 legs. And it is the “awrah” of women in Islam that may be exposed to the “mahram” (excluding husband).

Hanabilah

Now seen from Hanabilah perspective, the nakedness of men for them is between the navel and the knee. But they do confirmed that the navel and the knee itself are not the nakedness for them¹⁵. And then the “awrah” of female slave is same with the “awrah” of a man, between a navel and the knee by taking a hadith narrated by Amru bin Syu’aib as a basic¹⁶.

Syaikh Zuhailiy then added another information that according to Hanabilah the permission of female slave to expose their “awrah” more than a free woman was caused by their conditions that they should serve their masters, and doing many hardworks and physical things that made the men didn’t have any desire onto them¹⁷.

The last explanation given for Hanabilah, it is their women’s nakedness especially for youngster that they should cover their faces and two palms in all of matters. And in prayer they have stricter rule that they should cover the upper foot too. Because they thought that the part of the body which is prohibited to be exposed in the time of “ihram” means it’s “awrah” which means it also include the bare foot¹⁸.

Based on the book of “Al-Mughni” written by Ibn Qudamah, he explained that a woman may expose her face while praying. Even it has been a consensus between scholars that woman permitted to do it, and another consensus agreed is the woman must repeat the prayer if she exposed all parts of her head. Ibn Qudamah told

¹⁴ Abu al-Abbas Syihabuddin Al-Qarrafi, *Ad-Dhakhirah lil Qarrafi*. (Beirut: Dar Al-Gharb Al-Islami, 1994). P. 103

¹⁵ Wahbah bin Mustafa Al-Zuhaili, *Al-Fiqhul Islamiy wa adillatuh*, (Damaskus: Dar alfikr). p. 751.

¹⁶ Wahbah bin Mustafa Al-Zuhaili, *Al-Fiqhul Islamiy wa adillatuh*, p. 752.

¹⁷ Wahbah bin Mustafa Al-Zuhaili, *Al-Fiqhul Islamiy wa adillatuh*, p. 753.

¹⁸ Wahbah bin Mustafa Al-Zuhaili, *Al-Fiqhul Islamiy wa adillatuh*, p. 753.

that some scholars in Hanbali said that all parts of woman's body are awrah. But there are some easiness that the face and two palms may be exposed because covering it may become a burden for a woman¹⁹.

From those opinions it is concluded that all four famous scholars saw same condition of men nakedness that their nakedness is between the navel and the knee, except for Malikiyah who assumed that the thigh is not included as a nakedness for a man. And for the women's nakedness they have same classification to divide women to free women and female slave. They have a slight different opinion about the nakedness of free women that the foot, the upper or the bottom side may be seen as a nakedness for Hanabilah, Syafi'iyah and Malikiyah. While that the nakedness of female slave is considered in the same line that it is prohibited to them to expose something between knee and navel.

Ibn Taymiyah

Ibnu Taymiyah confirmed that the verse *قل لأزواجك وبناتك ونساء المؤمنين يدنين* "قل لأزواجك وبناتك ونساء المؤمنين يدنين عليهن من جلابيبهن" has strong meaning that the obligation to wear the hijab is only for free woman and not for female slave. He added that one of the reason was because this verse only mentioned the prophet's spouses and the girls and also the wives of all moslem without mentioning the phrase "slave"²⁰.

Syaikh then gave another reason emphasizing the previous opinion that there was a little talk among companions of prophet p.b.u.h. when he chose Safiyyah binti Huyay amongst many captives. They thought that if Safiyyah given hijab by Rasulullah p.b.u.h. means he chose her as his wife, and if she got no any hijab covering her means she will be one of his slave. This hadith then confirmed that the hijab is only for free woman²¹.

Ibn Taymiyahin his special book talking about the nakedness of men and women differed between their nakedness inside prayer and outside of prayer. For example, if a woman prayed by herself she is ordered to wear "khimar" and after or

¹⁹Ibnu Qudamah. *Al-Mughni Libn Qudamah*. (Kairo: Maktabat alqahira, 1968). p. 431.

²⁰ Ibn Taimiyyah, *Majmu' al-Fatawa*. (Madinah: Majmu' Almalik Fahd Lithaba'ah Al-mushaf Asy-Syarif, 1995). p. 448.

²¹ Ibn Taimiyyah, *Majmu' al-Fatawa.*, p. 448.

before the prayer she might expose her hair and all the parts of head inside her house. By taking the “khimar” she gave Allah’s right in prayer’s requirements even though she is alone. Hence, he gave formula that sometimes a man or a woman should cover something in prayer that may be seen outside the prayer while in other time someone may show something in prayer but should cover it in front of strangers²².

According to Ibn Taymiyah in the mentioned book he confirmed that the face, two palms and two foots are included as a nakedness for woman that it must not be exposed to any stranger. This condition happened after *naskh*, while for woman covering that nakedness is not compulsory in prayer even the consensus of moslems agreed that woman may expose their faces inside prayer²³.

At another page Ibn Taymiyyah emphasized that the face of women, their two palms and foots are not strongly urgent to be covered during prayer, but it should be covered in front of strangers. And that nakedness mentioned may be exposed in front of another woman or their companions (mahram). Actually, it has no strong obligation to cover it in front of strangers, but it become obligated for a purpose of avoiding higher risk (saddzari’ah). Syaikh then mentioned the verse which affirming his idea, Allah said in His Holy Qur’an: "ذَلِكُمْ أَطْهَرُ لِقُلُوبِكُمْ وَقُلُوبِهِنَّ" which means it is more calming for hearts of every man and woman to cover those awrah²⁴.

While having opinion about the obligation of women to cover their faces, two palms and two foots, Ibn Taymiyyah won’t accept the opinion saying that even in prayer the women should also cover their two palms. His denial based on the fact that many women in Rasulullah’s p.b.u.h. era wearing “qumush” while making cakes, sewing clothes and sometimes the palms are exposed. In addition, they worn the same clothes in prayer²⁵. He added that women are not compulsory to cover their soles of the foots while in prayer because there was no any order from Rasulullah p.b.u.h. even though the sock and footwear were already exist. It is main as a no obligation

²² Ibn Taimiyyah, *Hijab Mar’ah Muslimah wa Libasuha fi Ash-sholah*. (Riyadh: Maktabah Ma’arafah). p. 5.

²³ Ibn Taimiyyah, *Hijab Mar’ah Muslimah wa Libasuha fi Ash-sholah*., p. 6.

²⁴ Ibn Taimiyyah, *Hijab Mar’ah Muslimah wa Libasuha fi Ash-sholah*., p. 11.

²⁵ Ibn Taimiyyah, *Hijab Mar’ah Muslimah wa Libasuha fi Ash-sholah*, p. 12.

except if there is strangers around her. This latest opinion also based on the hadith that the angels will not see the inner adornment²⁶.

In this book (حجاب المرأة المسلمة ولباسها في الصلاة) it is mentioned clearly that Ibn Taymiyyah amongst scholars who carried on the idea of the women's obligation to stay at home and to cover all their bodies from strangers because their appearance outside will cause any temptation²⁷. He added that a stare into women's face without any need is forbidden even though someone did it without having lust. That is why it is forbidden to be together with any woman while no one around because it is meant to prevent any moral decay. The prevention of something bad is prioritized if there was no any urgent condition. The stare of man to woman in proposal ceremony and in addition the stare of a doctor to his female patient resembling the urgent condition are excluded from the prohibition²⁸.

Ibn Taymiyyah clearly stated that there is a difference between the nakedness of free woman and female slave in Islam. He thought that free women are fully covered while the slaves exposed their face and palms happened back in Rasulullah's era saying that the hadith of Umar is valid to be a strong proof. The hadith told us that Umar saw his female slave wearing hijab and then he stroke her while saying "Will you imitate free women?" means that they should expose their heads, two palms and the face. But Ibn Taymiyyah did not generalize that all female slave should expose the mentioned nakedness, because for some female slave who have outstanding beauty still have an obligation to wear hijab and not to expose it in front of strangers, and the strangers also must not see them²⁹.

Many verses in Qur'an or hadith which are telling about the word "زكاة" or "أزكى" or "أطهر" are defined as a "pure" and clean from any sin³⁰. In addition, the goal to be pure or to be clean from any sin will not be achieved if someone can't keep his eyes from seeing a random woman, with purpose or without purpose. The sight to a random woman even if it is done without purpose should be stopped quickly after a

²⁶ Ibn Taimiyyah, *Hijab Mar'ah Muslimah wa Libasuha fi Ash-sholah*, p. 13.

²⁷ Ibn Taimiyyah, *Hijab Mar'ah Muslimah wa Libasuha fi Ash-sholah*, p. 15.

²⁸ Ibn Taimiyyah, *Hijab Mar'ah Muslimah wa Libasuha fi Ash-sholah*, p. 28.

²⁹ Ibn Taimiyyah, *Hijab Mar'ah Muslimah wa Libasuha fi Ash-sholah*, p. 17-19.

³⁰ Ibn Taimiyyah, *Hijab Mar'ah Muslimah wa Libasuha fi Ash-sholah*, p. 30.

first sight. According to the hadith narrated by Jarir, he said that Rasulullah p.b.u.h. said: "Turn over your eyes!" while Jarir stared at random woman.³¹

In the last part of the book Ibn Taymiyyah gave extra information that people who were able to keep their eyes from bad seeing will have three advantages: The first is a joy and sweetness from having the true faith which is sweeter than whatever he leaves for Allah's sake. Because according to a hadith someone who leaves something because of Allah will get better change. Second, it will give a light inside someone's heart and sharpen his feeling. Third, strong heart and resolution³².

Nashiruddin Al-albani

Syaikh Nashiruddin Al-Albani has an interesting comment about the quotes of some moslem scholars who interpreted some verses about female slave's nakedness like Suyuthi or Ibn Jarir. Both scholars said that it is not compulsory for slave moslem woman to cover their bodies which is making a big difference between them and free women because the free woman in Islam must cover all the bodies³³.

While that, there were people went further by saying that the meaning of woman in the verse "ونساء المؤمنين" is only specific for free woman and not including the slave. This idea has been taken worse that in some "mazhab" it is supposed that the strangers may see their hairs, their elbows, and even their chest or the breast because they equalize the nakedness of female slave with a man³⁴.

Syaikh then criticized that the opinion to equalize the nakedness of female slave with a man is by itself being at cross purposes with a purpose of Shariah. First one, because it is confronting the logical thinking that Islam in that era was already protecting the rights of all humankind including the slave, men or women. Hence, by interpreting that it is fine to disturb female slave there was no justice between the right of free woman and female slave. Second, from the perspective of hadith science, the *rawi* of the hadith narrating that the story of *munafiqun* disturbing a woman in desert assuming she was a slave was very weak. Syaikh explained three reasons why

³¹ Ibn Taimiyyah, *Hijab Mar'ah Muslimah wa Libasuha fi Ash-sholah.*, p. 31.

³² Ibn Taimiyyah, *Hijab Mar'ah Muslimah wa Libasuha fi Ash-sholah.*, p. 33.

³³ Muhammad Nashiruddin Al-Albani, *Jilbab Mar'ah Muslimah.* (Cairo: Dar assalam, 1991). p. 91.

³⁴ Muhammad Nashiruddin Al-Albani, *Jilbab Mar'ah Muslimah*, p. 92.

it has weak transmission, one of that is because Ibn Ka'ab al-Kurdhi was a *tabi'in* who never see or even meet Rasulullah.p.b.u.h. which made the quality of hadith become *mursal*³⁵.

If we look into syaikh's opinion about hijab, we will find that Syaikh even in his book "جلباب المرأة المسلمة في الكتاب والسنة" give us strong immersion that he defended the opinion that the face and two palms of women in islam is not part of nakedness for them. He even mentioned in the title of the book in a complete version that this book was written to argue other scholars who persevere in saying that the face and two palms of woman in islam are parts of their nakedness. Syaikh delivered many arguments to counter their ideas, and among those ideas syaikh stated that those people were in confusion when they treat the hadith which is actually "Sahih" or strong as "dha'if" or weak. The hadith meant here is the hadith of Aisha that narrated that the woman when they became "baligh" (mature in term of moslem'sfiqh) they should not expose their bodies except for the face and two palms³⁶.

Qassim Amin

In Ahmad Qassim Amin's perspective he was in the right and fair place assuming that he did not agree with western's thought in allowing woman to expose their bodies totally and he also disagree with the thought of almost moslem in his era that hijab was taken exaggeratedly which forcing women to not owe their freedom in thinking or literary. He believed his action is the image of a justice which even what he is calling now is the true hijab which is really meant in holy Qur'an³⁷.

In the last of 20th century, he said that there is a difference between the hijab's trend of his latest era and the last 20 years and there were many changes in the behaviors of society towards the life of woman. He said that women nowadays have a courage to go out from their houses enjoying the weather outside or fulfilling their needs. Some others went out accompanying their husbands in journeys which is rare to be found in the past because people only travelled with woman in the midnight in order the strangers could not see them. Even there was a prevalence that the mother

³⁵ Muhammad Nashiruddin Al-Albani, *Jilbab Mar'ah Muslimah*, p. 90.

³⁶ Muhammad Nashiruddin Al-Albani, *Jilbab Mar'ah Muslimah*, p. 12.

³⁷ Qassim Amin, *Tahrirul Mar'ah*. (Cairo: Hindawi, 2012). p. 37.

in law or the husband's sister or brother unwillingly eating together in the same table with that woman which confirmed the injustice position of woman at that era³⁸.

Qassim Amin gave another information supporting his idea that hijab itself is an old tradition that was not only familiar in moslem's society but it was also well known in almost tribes in the world. He then quoted the words from Larousse that the women of Greek worn "khimar" when they went out from their houses and they also covered their faces with the end side of their "khimar". Still in Larousse's quote he added that the trend of that clothes was the same kind of fashion bloomed in Middle East. That was the beginning of his deeper research which in the end of his study he found that the hijab should be seen from two perspectives; Religious and social manners³⁹.

When presenting his research in the perspective of religious manner he used some former scholars' opinions in the limit of woman nakedness like Ibn Abidin, Uthman bin Ali az-Zaila'I, and even he took opinion in the book of "Raudh" belongs to the school of Shafi'i. All those scholars have same opinion that the women nakedness is all their bodies except the face and two palms. In those paragraphs of his book it can be clearly understood that he strongly disagreed with the idea that the face is part of woman's nakedness and it is confirmed too that he wanted to limit the nakedness of woman in Islam to be all their bodies except the face and two palms, not more⁴⁰.

Qassim Amin believed that sometimes the face of woman should be exposed according to islamic law like in the time of judgment inside the court when giving witness, and also in some specific condition for example in trades matter. The using of hijab in the conditions mentioned will ruin the quality of judgment or reduce the trust of buyers because there is possibility that the people using hijab will hide his or her deceptions⁴¹.

The discussion about woman nakedness in Islam will make it to be divided into two parts according to Qassim Amin, the first is discussion which focus on

³⁸ Qassim Amin, *Tahrirul Mar'ah*, p. 38.

³⁹ Qassim Amin, *Tahrirul Mar'ah*, p. 39.

⁴⁰ Qassim Amin, *Tahrirul Mar'ah*, p. 39-41.

⁴¹ Qassim Amin, *Tahrirul Mar'ah*, p. 42.

prophet Muhammad's p.b.u.h. spouses and the second is the discussion about all common women. When interpreting two verses of Holy Qur'an, namely in Al-Ahzaab verse 53 and also verse 32-33 Ahmad Qassim Amin stated that there was no debate in all Islamic schools to declare that those verses are special for the wives of Rasulullah p.b.u.h. and even the previous scholars have explained the reason why it was only obligated for them and not for common woman in Islam. The only reason stated was because of their privileges for becoming prophet's wives which made them different from another women in Islam⁴².

For the manner of common women in Islam Qassim Amin gave one hadith claimed to be inside "*Tarikh Tabari*" book which explained that even a woman may enjoy a dinner together with the husband and husband's guest. The hadith mentioned is the story of calliph Umar with his wife, Umm Kulthum when a guest came to his house then Umar told his wife to serve a dinner. After that He asked Umm Kulthum to come join them for a dinner but she objected to join which is expressing that the woman should not join men's dinner and instead covered her with hijab if she joined like a woman of Zubair or women of Thalbah. Umar then argued and gave permission that she was Ali's ibn Abi Thalib daughter and Umar's spouse and still insisted her to join. From the mentioned hadith Qassim Amin believed that the obligation to wear hijab which covered face is not for common women⁴³.

The dissimilarity between the rights of woman and man in Egypt at Qassim Amin's era made him criticize the using of hijab. Because according to him the using of hijab making the women became isolated from the societies and civilization which in the last giving impact to the progress of education globally in Egypt. The reason he said that was because isolation happened because the women wearing hijab, and after being isolated they didn't get same portion of education like the men, and the lack education of women will cause the lack education of children in Egypt since mothers had central position in educating their children in the home instead of fathers⁴⁴.

⁴² Qassim Amin, *Tahrirul Mar'ah*, p. 44.

⁴³ Qassim Amin, *Tahrirul Mar'ah*, p. 46.

⁴⁴ Qassim Amin, *Tahrirul Mar'ah*, p. 47.

Another critic delivered is that there is no specific data or any previous research confirming that the using of hijab will reduce the number of crimes in any society⁴⁵. He even compared the women of Islam and women of Christian by saying that Christian women have more good behavior than moslems because they are accustomed to be strong women and one of the cause is they mixed with men in almost their times, especially in work and for that reason they do not depend on men's work too⁴⁶. The using of hijab also isolated the life of woman in Islam which made them could not enjoy the sun, fresh air and they often banned from doing sports which make them having unhealthy life and fragile body⁴⁷.

Perspective about woman's Nakedness in Controversy

Every opinion which appear in Islamic world about feminism begin from the thinking of Qassim Amin in the last of 19th century. He begun to criticize the obligation of Hijab that he said that there is no any specific law in Islamic Shariah talking about the obligation of hijab. On the other side, he insisted that the hijab is only arabic culture which happen to be exist as the impact of acculturation with another tribes in the world. He gave another fact that according to him will confirm his opinion, he said that burqa and niqab is another older culture with the proof that the using of both kind of veil is still exist at some eastern tribes which still don't recognize islam⁴⁸.

The Definition of Hijab

Hijab usually defined as the prevention of something from reaching to specific point or in easier language, it is to block. That is the original definition of "hijab", that is why the "hijab" which is the kind of veil in islam named under name "hijab" because it will prevent a woman from being seen by men, and in another definition it is also called "Hajib" for gate keeper in Arabic because it will keep everyone from passing the gate without his permission. And the word "Hajib" also

⁴⁵ Qassim Amin, *Tahrirul Mar'ah.*, p. 50.

⁴⁶ Qassim Amin, *Tahrirul Mar'ah.*, p. 50.

⁴⁷ Qassim Amin, *Tahrirul Mar'ah.*, p. 50.

⁴⁸ Farah Mandhur Almu'addi. "Mausu'ah Qur'aniyyah wa aayat zinatul mar'ah". *Majallah Jami'ah liddirosat al-Idlamiyyah*. Vol. 28, No. 4, (November, 2020). p. 466.

can be used in arabic for an elbow because it will prevent dusts from entering the eyes directly.⁴⁹

Based on the definition given by Lisanul Arab, it is written in the hadith that Banu Qusay said: "There is *al-Hijabah* who is among us", and they meant the *hijabah* here with the people who bring the key of Ka'ba to protect it and prevent unknown people from entering it. The word "Hijab" also can resemble any other word that has the meaning of something that will prevent something other, yet it is said that the mother will be "*mahjub*" or blocked by brothers in Islamic inheritance because she will be blocked from getting 1/3 of parts and turned to get 1/6⁵⁰.

While the hijab from the perspective of shariah means:

هو حجب المرأة المسلمة من غير القواعد من النساء عن أنظار الرجال غير المحارم لها⁵¹

That Arabic statement means hijab is something that will cover adult women from being seen by unknown man especially those who are not one of her rightful companions (*mahram*). It is also stated there that the word "Qawa'id" means the old women who usually will not attract men because the beauty has gone by the age.

The woman who covers her face with niqab and khimar can be assumed wearing hijab. Because niqab is like a thin cloth worn on the face and then still left an opening for two eyes. While khimar is a big cloth used to cover all parts of woman's head until half of her body.⁵²

In Al-Qur'an the word "Hijab" mentioned 8 times, but the verses did not talk about the real hijab as defined by the book except in two places, in ayat " فاتخذت من " and " وإذا سألتموهن متاعا فاسألوهن من وراء حجاب " and " دونهم حجابا

The History of Hijab

Many people believed that hijab is the true symbol of Islam and it is originated from the mentioned religion. This perception of hijab barely come and well known among western people with the majority of them are Christians. Unfortunately, from

⁴⁹ Muhammad Ahmad Ismail Maqdim. *Audatul Hijab*. (Riyadh: Dar Thayyibah Linnashir, 2006). p. 70.

⁵⁰ Ibn Manzur. *Lisaanul Arab*. (Beirut: Dar Kutub Ilmiyyah, 1414H). p. 352-353.

⁵¹ Muhammad Ahmad Ismail Maqdim. *Audatul Hijab*. (Riyadh: Dar Thayyibah Linnashir, 2006). p. 70.

⁵² Muhammad Ahmad Ismail Maqdim. *Audatul Hijab*, p. 72.

reading the Bible and the Torah, it can be found that those two books clearly described the using of Hijab for their women. The using of hijab is already spreading and accepted among people of Ibrani from the era of Ibrahim until the time of all prophets among them and still used until the day the Christian spread. And the burqa also well known in both religions, it is mentioned at the chapter of twenty-four of the Genesis that a woman uncovered her burqa after seeing Ishaq.⁵³ There are many other verses of bible telling about the wearing of burqa and hijab amongst their women, and even the using of hijab is still well spread between their nuns that even some women also enter the churches wearing the hijab and some nuns covering their faces with thin cloth⁵⁴.

Before the emerging of islam, it is known that in the jahiliyah era the people already practiced the hijab of “Wall”⁵⁵ and then they knew niqab, and it is believed that the practice is a heritage descended from the era of Ibrahim just like the tradition of *Khitan* and *aqiqah*. The previous Arab who lived before Islam also knew the kind of *tabarruj* that later prohibited by Islam. The mentioned version of *tabarruj* can be found at many markets that the woman showing their jewelries to the foreigners⁵⁶. Another version of *tabarruj* can be found when women and men walking around Kakbah to do *thawaf* while exposing all their naked bodies and without any single of thread. This is done by them for a reason that they are not going to do *thawaf* with the clothes which they wear to do evil things, confirming that they actually have a high respect to the holy Kakbah⁵⁷. Still in previous era, the women who usually stay at home and keeping that as a habit will have more prestige than the women who get out often. This is something written in the poem of Imra’ Qais⁵⁸.

⁵³ Muhammad Ahmad Ismail Maqdim. *Audatul Hijab*, p. 76.

⁵⁴ Muhammad Ahmad Ismail Maqdim. *Audatul Hijab*, p. 78.

⁵⁵ The mentioned word widely used for women who have limitation of their movement that they can't go outside of their homes.

⁵⁶ Muhammad Ahmad Ismail Maqdim. *Audatul Hijab*, p. 78

⁵⁷ Muhammad Ahmad Ismail Maqdim. *Audatul Hijab*, p. 79.

⁵⁸ Muhammad Ahmad Ismail Maqdim. *Audatul Hijab*, p. 80.

The Purpose of Covering Awrah in Islam

Allah has confirmed in His Holy Qur'an that covering awrah is one of many God's signs by mentioning the chapter of Al-A'raf: 26. And that Sayyid Quthb asserted the pious and clean heart will have tendency to cover the awrah and will try very hard to cover it in almost every condition⁵⁹. And in the same verse of Qur'an, At-Thabari said that the word "سَوَاتٍ" means something bad that made every one try to cover it from his or her body. According to the natural intention of human being they will have tendencies to cover it regardless of the religion⁶⁰.

Still in relation with the word "سَوَاتٍ", Dr. Hassan Abu Ghuddah then interpreted the verse of Al-A'raf: 22 in the story of Adam and Eve when they ate the forbidden fruit which undressed them and then exposing their "سَوَاتٍ" and awrah. After feeling ashamed, both of them tried to cover their "سَوَاتٍ" and awrah with leaves because this is the natural intention of human being⁶¹.

The Debate between Hijab and Sufur

The people who disagree with the ideas of Qasim Amin said that the ideas brought by Qasim Amin is just a part of westernization, because the western did stirred the problems in jihad, slave's matter and polygamy etc. Feeling they are succeeded with the mentioned matters they tried to go inside the matter in woman's hijab. All the denials about Qasim Amin's ideas recorded in the book titled "عودة الحجاب معركة الحجاب والسفور" or can be translated as "The return of Hijab, the war between Hijab and Sufur".

People like Qasim Amin got the occasion to abort the obligation of hijab by telling that many scholars said that women may expose their faces and two palms and they may also go out from their homes to fulfill their needs. It is added with the fact that women usually got involved in many wars to give water or to cure injured person. It is written in many fiqh's book too that women may come to mosques to do together

⁵⁹ Umar Daikha, *Ahkamu Satri fil Islam*, (Universit  D'el Oued: Jami'ah alwadiy, 2014). p. 26.

⁶⁰ Umar Daikha, *Ahkamu Satri fil Islam*, p. 27.

⁶¹ Umar Daikha, *Ahkamu Satri fil Islam*, p. 27.

praying and they may join in teaching time. All these facts give impression that women are free to do anything and to go outside their houses.⁶²

The ideas which have been introduced by Qassim Amin were likely to influence the feminism organization. His “Tahrir al-Mar’ah” let people like Sa’adZaghloul, Huda Sha’arawi, Safiya Zaghloul to continue his ideas. But even the insults to those wear hijabs were more severe, like saying that women who wear hijab is like wearing the *kafn* (special cloth used for moslem before buried).

It is said that the prevention is better than cure, this is the main idea carried by people who declared that wearing hijab is a must for women in Islam. The opinion itself has been supported by the well-known legal maxim to prevent bad thing to happen, it is “Sadd Zari’ah”. The most feared thing that they are trying to avoid is the seduction of woman which may come from many sides, therefore they confirmed rules which may help many moslem not to be trapped in the woman’s seduction. The example of those rules are; The wearing of hijab, the prohibition of flaunt/overdress, the rule of *salam* especially before entering someone’s house, the order to cover the sight from unknown woman, the prohibition to shake woman’s hand or to touch it, the prohibition of “khalwat”, and the prohibition of woman to take a journey without right companion (mahram).⁶³

THE CONCLUSION

After introducing many opinions derived from the old scholars, medieval scholars and also contemporary scholars we may reach into the conclusions that can be easier understood by examining the table below:

No.	Scholars	Free Woman’s Nakedness	Female Slave's Nakedness
1	Hanafi’s School	All body except face and two palms, even some permitted a bit of exposed bare foot	Between navel and knee

⁶² Muhammad Ahmad Ismail Maqdim. *Audatul Hijab*. (Riyadh: Dar Thayyibah Linnashir, 2006). p. 18-20.

⁶³ Muhammad Ahmad Ismail Maqdim. *Audatul Hijab*. p. 38.

2	Maliki's School	All body except face and two palms	Between navel and knee
3	Shafi'I's School	All body except face and two palms	Between navel and knee in strong opinion
4	Hanbali's School	Some scholars in <i>madzhab</i> said faces and two palms are included as nakedness	Between navel and knee
5	Ibn Taymiyah	All body including face and two palms	Face, head and two palms are not nakedness except for beautiful one
6	Nashiruddin al-Albani	All body except face and two palms	Same with free woman
7	Qassim Amin	All body except face and two palms	-

For the free woman in Islam the scholars were divided into three opinions, first opinion is delivered by almost the scholars in this research, and they are Maliki's School, Shafi'I's school, some scholars from Hanbali's school, Nashiruddin al-Albani and Qassim Amin who said that the nakedness of free woman in Islam is all their bodies except face and two palms. Second opinion belongs to Hanafi's school which give looser rule about the nakedness of free woman in Islam by saying that not only the women may expose their face and two palms but in many opportunities they may also expose their bare foot and even a quarter of their legs in some cases like the dress of poor family. The third and last opinion originated from some scholars of Hanbali's School and among them is Ibn Taymiyah who defined that the nakedness of women in Islam is all their bodies. He argued that woman in islam should cover their faces although he didn't say that originally, but it is obligated for them with the reason to avoid any bad risk (*sadddzari'ah*).

The next group of women is the nakedness of female slave in Islam, according to the discussion above, we may divide the opinions of the scholars also into three opinions. The first opinion belongs to most of the scholars in this research, and they

are from all four schools in Islamic Jurisprudence (Hanafi, Maliki, Shafi'i and Hanbali) who said that the nakedness of female slave in Islam is between the navel and the knee. The second opinion is from Ibn Taymiyah who said that head (including face), two palms are not nakedness except for the slave that has outstanding beauty. The last opinion is delivered by Nashiruddin al-Albani who said that nakedness of female slave is the same as the free woman in Islam. Nashiruddin al-Albani's opinion believed to be influenced by the thought of Ibn Hazm from Dhahiriyah school who was earlier introduced the similarity between the two kinds of women.

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