

# NOQAB

## WAJIB OR SUNNAH

### MANDATORY

OR

### RECOMMENDED

## PROOFS FOR AND AGAINST

ENGLISH ONLY

ZNAID ABU NASER

2020

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

## NIQAB WAJIB OR SUNNAH – MANDATORY OR PRESCRIBED

This article is aimed at both the beginner and the advanced student of knowledge. The first part deals with some historical facts, different opinions of some of the leading contemporary Salafi scholars, and proofs for and against are given. The second part of the article deals with further proofs from the Qur'an and Sunnah and the Speech of the Ulama, specifically for the Hijab, Niqab and Covering of the face and hands specifically. Part A is mostly aimed at those that want a quick understanding of the opinions, while part B deals with more evidences as presented by the scholars.

- *First: An important thing worth noting is that here I am trying to resolve the difference of opinion in regards to ordinary Muslims, when the word hijab is mentioned it must be noted that the Wives of the Messenger had a different type of Hijab. They would wear the clothes complete with a khimar and jilbab, but the Mothers of The Believers had an extra layer, an outer tent like part which was placed over them so that they would be impossible to see when they were travelling etc.*
- *Second: Anything in this paper that goes against the Qur'an and Sunnah should be rejected. My opinions are not worthy of the opinions of the Ulama mentioned, they are there as commentary only.*

### PART A

#### LINGUAL MEANINGS:

**Hijab in Arabic means covering or concealing.** Hijab is the name of something that is used to cover. Everything that comes between two things is Hijab.

**Hijab means everything that is used to cover something** and prevent anyone from reaching it, such as curtains, door keepers and garments, etc.

**Khimar comes from the word khamr**, the root meaning of which is to cover. For example, the Messenger (peace and blessings of Allah be upon him) said: ***"Khammiru aaniyatukum (cover your vessels).*** Everything that covers something else is called its khimar.

However, in common usage khimar has come to be used as a name for the garment with which a woman covers her head; in some cases, this does not go against the linguistic meaning of khimar. Some of the fuqaha' have defined it as that which covers the head, the temples and the neck.

**The difference between the Hijab and the khimar is that the Hijab is something which covers all of a woman's body, whilst the khimar in general is something with which a woman covers her head. Niqab is that with which a woman veils her face (tantaqib).**

The difference between Hijab and niqab is that the Hijab is that which covers all the body, whilst niqab is that which covers a woman's face only. The woman's dress as prescribed in the shari'ah (Islamic dress), is that which covers her head, face and all of her body. But the niqab or burqa' – which shows the eyes of the woman – has become widespread among women, and some of them do not wear it properly. This then brings up questions regarding the Niqab, Hijab and everything in between. This short treatise will try and deal with most of the questions that are commonly posed, in sha Allah.

#### AS TO WHAT FOLLOWS:

As any matter of Fiqh, the matter of the Niqab (Face Cover) is contested by various scholars, most of the khilaf (difference of opinion) is in the past 100 years. It seems that scholars in the first 13 centuries of Islam wrote and discussed the matter of covering for a Woman but avoided making general rulings and mentioning specifics about the hijab as we know it today.

This lack of ruling is not due to scholars being scared to state the obvious, rather it seems that it is a matter of two things. First being travel, it was not as common as it became in the industrial age, and the second was that with the advent of the internet news get from a) to b) much quicker and positions begin to evolve and change, mostly due to knowledge on the customs of people becoming more available.

As much as we would like to make Islam uniformed, the same, world over, in both 'ibadah and look, the reality is that Islam has a broad spectrum of people, living on every continent, and their customs differed and varied for many different reasons.

And though we have an evolution of sort, of the Hijab over the centuries, there is also many different cultures who were contemporaries of one another, all claiming to follow the Qur'an and Sunnah, yet all had different concepts of the modest clothes a woman would and should wear. Sometimes customs demanded a certain type of khimar (head covering) and jilbab (loose covering of body). For some, the meaning of Hijab (Covering) was understood more loosely than others, like in certain parts of Africa, where the colors and styles differ to that of those on the Arab Peninsula, at least superficially, due to the Heat, while on the contrary in Afghanistan, Burqas (Complete Head To Toe Cover Including Face/Eyes) were much more common.

However, in this article I wish to speak on the Niqab (Face Covering) particularly, and the rulings for and against it, in sha Allah.

I wish to present the evidences and let the reader discern what opinion they wish to follow, I write this not as a person who studied Hanbali fiqh (The Hanabila being the strictest when it comes to the matter of Niqab), but as a simple student of all of the madhahib.

A matter which should be mentioned before preconceived ideas are developed is the matter of the three giants, contemporary and most often quoted by many students of knowledge and scholars. That example is the one of the incident in Makkah.

The incident involves, Shaikh Al-Albani, Shaikh Ibn Al-Uthaymeen & Shaikh Ibn Baz, while performing Umrah the wife of Shaikh Al-Albani was wearing a face covering as accustomed to the Saudi population (The Saudi and Jordanian Niqab Differs in shape and look). Nasseruddin Al-Albani was asked, "...**shaikh you say the face veil is not compulsory in your speeches and your writings, yet umm al-moumineen** (The Wife of Albani) **wears a veil here**". Albani answered, "...**she is following the customs of the people of Makkah**". The wife of shaikh Al-Albani did not wear a niqab in Jordan, though the Niqab was also customary in Jordan, however it was not as prevalent as it is in Saudi Arabia.

This incident leaves us with a dilemma of sorts. Shaikh Al-Albani, some say a mujaddid of his era, a muhaddith unlike many others, a proponent of salafi thought and the strongest in criticizing people of innovation, had an opinion that the Niqab was a sunnah (Not Compulsory), while Ibn al-Uthaymeen (Giant in Aqeedah and Fiqh) and Ibn Baz (The Mufti of Saudi Arabia) at the time, deemed it a fardh (Mandatory). All have since returned to their Lord, may Allah have mercy on the Scholars of Ahl Al-Sunnah.

**So what was Shaykh al'Abani's actual position on the Niqab**, it is a hadith found in Abu Dawood, from his famous book: *Jilbab Ul-Mar'at Il-Muslimah*.

*"It was narrated from Aishah that Asma bint Abi Bakr entered upon the Messenger of Allah ﷺ wearing a thin garment. The Messenger of Allah ﷺ turned away from her and said: "Oh Asma, when a woman reaches the age of menstruation, it is not proper for anything to be seen of her except this and this," and he pointed to his face and hands."*

**On the surface, if this hadith is Sahih, undoubtedly the Niqab is a sunnah and not mandatory, according to the words of RasulAllah ﷺ.**

[Sunan Abu Dawud (Darussalam Publishers, 2007), volume 4, p. 422, The Book of Clothing, chapter 31: "What a woman may show of her beauty," Hadith number 4104. Imam Abu Dawud said: "This Hadith is Mursal. Khalid ibn Duraik did not meet Aishah. (And Sa'eed bin Bashir is not strong (in narrating))."]

The Hadith is weak by itself but authentic due to supporting narrations and is used as evidence for this matter . . . It was authenticated by Sheikh Al-Albani in Sahih Sunan Abu Dawud, vol. 2, p. 774, number 3458. **Continued in PART B BELOW.**

Therefore, we can see how Shaikh Al-Albani came to the view that the correct position, based on his Ijtihad, is that the Niqab is (sunnah) recommended, and not fardh (obligatory).

Sheikh Al-Albani's knowledge of the Shawahid (supporting narrations in Hadith) was something which was uncontested to by other scholars of his day. Sheikhs Ibn Baz and Uthaymeen even testified to this. While some Hadith scholars would only grade the single Hadith, Sheikh Al-Albani would take into account all supporting narrations of the Hadith. So some Ahadith are authentic due to other texts with the same meaning, this is important to take note of when studying the way of Al-Albani. This made his methodology more correct versus other scholars of his day.

***"However, wearing the Niqab is better".*** Sheikh Al-Albani said: ***"Whoever adheres to the obligation, it is good enough; and whoever does the recommendation, it is better."*** (Jilbab Ul-Mar'at Il-Muslimah, p. 28, which is a Preface to the 2nd Edition)

At the time of the Revelation, the Muslims learned the rulings of Islam from the Messenger ﷺ through the verses of the Holy Qur'an and the ahaadeeth of his Sunnah. Hence there were no differences of opinion among them except about some minor issues. If that happened, the Messenger ﷺ would explain to them what was correct.

When the Messenger ﷺ died and the Sahaba spread out to various regions to teach the people Islam, there appeared some differences with regard to some matters of fiqh which arose at different times and in different places, as mentioned earlier. These differences were due to a number of reasons, which we sum up from the words of the scholars:

- The evidence had not reached the one who held a different opinion, and he made a mistake in forming his opinion.
- The hadeeth had reached the scholar, but he did not regard the transmitter as trustworthy, and he thought that it went against something that was stronger, so he followed that which he thought was stronger than it.
- The hadeeth had reached him, but he forgot it.
- The hadeeth had reached him, but he understood it in a way other than the intended meaning.
- The hadeeth reached him, but it was abrogated, and he did not know the abrogating text.
- He thought that it contradicted something that was stronger than it, whether that was a text or scholarly consensus (ijmaa')
- The scholar used a weak hadeeth as the basis for his ruling, or he derived the ruling by means of weak arguments.

The reasons for differences among the scholars i.e., about matters of fiqh, will be clear to the reader once they reach the end of this article, in sha Allah.

**Secondly:**

**Which scholarly opinion should the Muslim follow in matters where the scholars differed?**

The answer is one of the following two stances.

**Stance A – The Knowledgeable Muslim:** If the Muslim is one who has studied shar'i knowledge and learned its basic principles and minor issues, and he can distinguish right from wrong with regard to scholarly views, then he has to follow that which he thinks is correct and ignore that which he thinks is wrong.

**Second B – The Ordinary Slave Of Allah:** If he is one of the rank and file, or has not studied shar'i knowledge, and thus cannot distinguish between right and wrong with regard to scholarly views, then he must follow the fatwa of a scholar whose knowledge he trusts and who

he believes to be trustworthy and religiously committed, whether he is from his own country or another country, and differences between scholars will not matter after that. He does not have to change what he is doing because he hears another scholar issuing a fatwa that differs from the one he is following, unless he realizes that what he learned later on is the correct view, on the basis of his confidence in the religious commitment and knowledge of the second Shaykh.

Shaykh Muhammad ibn Saalih al-Uthaymeen said:

*“The one who has knowledge of evidence is required to follow the evidence, even if it goes against some of the imams, if it does not go against the consensus of the ummah.”*

The one who does not have any knowledge should ask the scholars, because **Allah says:**

*“So ask of those who know the Scripture, if you know not”*  
[al-Nahl 16:43].

He should ask one who he thinks has more knowledge and is more religiously committed, but that does not mean that doing so is obligatory, because the one who is better may make a mistake with regard to a particular issue, and the one who is regarded as less knowledgeable may be right with regard to it. But priority should be given to following the one who is more knowledgeable and more religiously committed.

**Allah says:**

*“And when you ask (his wives) for anything you want, ask them from behind a screen”*  
[al-Ahzaab 33:53]

Al-Qaadi Abu Bakr ibn al-‘Arabi al-Maaliki said: *“The entire woman is ‘awrah, her body and her voice, so it is not permissible to uncover that except in cases of necessity, such as when testimony is given against her, or medical treatment, or asking her about her health issues.”*  
End quote.

(Ahkaam al-Qur'aan by Ibn al-‘Arabi (3/1578, 1579).

Al-Qurtubi, who is also Maaliki, said: *“This verse indicates that Allah has given permission to ask of them from behind a screen if there is some need, or when they ask a question about something. That includes all women. Because it is a basic shar'i principle that the entire woman is ‘awrah, her body and her voice – as stated above – it is not permissible to uncover that except in cases of necessity such as when testimony is given against her, or medical treatment, or asking her about her health issues.”* End quote.

(al-Jaami' li Ahkaam al-Qur'aan (14/227)

**Fourthly:**

With regard to people who live in countries where the face veil (Niqab) has been banned, Like in France etc. This is something that makes us feel very sad, to hear that covering and chastity are being opposed and wanton display and unveiling are being encouraged everywhere, especially when that happens in a country that supposedly promotes equal rights and demon-cracy.

If the laws forbid women to cover, and you fear persecution because of covering your faces, then there is no sin on you if you do not do it in that case, so long as that is based on a (darura) necessity. So a woman should not go out of her house with her face uncovered except in cases of necessity. If she can break the law and put up with a little bit of hassle, let her do so for the hadith and the Maqasid say:

*“There is no obedience to any created being, if it involves disobedience towards the Creator.”*

## PART B

### FURTHER EVIDENCES & REASONING FOR AND AGAINST THE NIQAB

#### EVIDENCE FOR THE NIQAB:

I will try and present the most evident of the Evidences for the view that the Niqab (Face Covering) is obligatory. The evidences are many and to Allah belongs all praise, however for the goal of this article we shall look at 4 from the Qur'an and some from the Sunnah, in sha Allah.

#### FIRST EVIDENCE FROM THE SPEECH OF ALLAH:

Allah says:

*"And tell the believing women to lower their gaze (from looking at forbidden things), and protect their private parts (from illegal sexual acts) and not to show off their adornment except only that which is apparent (like both eyes for necessity to see the way, or outer palms of hands or one eye or dress like veil, gloves, headcover, apron), and to draw their veils all over Juyoobihinna (i.e. their bodies, faces, necks and bosoms) and not to reveal their adornment except to their husbands, or their fathers, or their husband's fathers, or their sons, or their husband's sons, or their brothers or their brother's sons, or their sister's sons, or their (Muslim) women (i.e. their sisters in Islam), or the (female) slaves whom their right hands possess, or old male servants who lack vigour, or small children who have no sense of feminine sex. And let them not stamp their feet so as to reveal what they hide of their adornment. And all of you beg Allah to forgive you all, O believers, that you may be successful" [al-Noor 24:31]*

The evidence from this verse that hijab in general is obligatory for women is as follows:

1. Allah commands the believing women to guard their chastity, and the command to guard their chastity also a command to follow all the means of doing that. No rational person would doubt that one of the means of doing so is covering the face, because uncovering it causes people to look at it and enjoy its beauty, and thence to initiate contact. The Messenger of Allah (peace and blessings of Allah be upon him) said: "*The eyes commit zina and their zina is by looking...*" then he said, "... and the private part confirms that or denies it." Narrated by al-Bukhaari, 6612; Muslim, 2657.

From the above we derive, that If covering the face is one of the means of guarding one's chastity, then it is enjoined, because the means come under the same ruling as the ends.

2. Allah says: "...and to draw their veils all over Juyoobihinna (i.e. their bodies, faces, necks and bosoms) ...". The jayb (pl. juyoob) is the neck opening of a garment and the khimar (veil) is that with which a woman covers her head. If a woman is commanded to draw her veil over the neck opening of her garment then she is commanded to cover her face, either because that is implied or by analogy. If it is obligatory to cover the throat and chest, then it is more appropriate to cover the face because it is the site of beauty and attraction.
3. Allah has forbidden showing all adornment except that which is apparent, which is that which one cannot help showing, such as the outside of one's garment. Hence Allah says (interpretation of the meaning): "...**except only that which is apparent ...**" and He did not say, except that which they show of it. Some of the salaf, such as Ibn Mas'ood, al-Hasan, Ibn Sireen and others interpreted the phrase "**except only that which is apparent**" as meaning the outer garment and clothes, and what shows from beneath the outer garment (i.e., the hem of one's dress etc.). Then He again forbids showing one's adornment except to those for whom He makes an exception. This indicates that the second adornment mentioned is something other than the first adornment. The first adornment is the external adornment which appears to everyone and cannot be hidden. The second

adornment is the inward adornment (including the face). If it were permissible for this adornment to be seen by everyone, there would be no point to the general wording in the first instance and this exception made in the second.

4. Allah grants a concession allowing a woman to show her inward adornments to "*old male servants who lack vigour*", i.e. servants who are men who have no desire, and to small children who have not reached the age of desire and have not seen the 'awrahs of women. This indicates two things:
  - That showing inward adornments to non-mahrams is not permissible except to these two types of people.
  - That the reason for this ruling is the fear that men may be tempted by the woman and fall in love with her. Undoubtedly the face is the site of beauty and attraction, so concealing it is obligatory lest men who do feel desire be attracted and tempted by her.
5. The words (interpretation of the meaning): "*And let them not stamp their feet so as to reveal what they hide of their adornment*" mean that a woman should not stamp her feet so as to make known hidden adornments such as anklets and the like. If a woman is forbidden to stamp her feet lest men be tempted by what they hear of the sound of her anklets etc., then what about uncovering the face?

Which becomes the greater source of temptation – a man **hearing** the anklets of a woman whom he does not know who she is or whether she is beautiful, or whether she is young or old, or ugly or pretty? Or **his looking at a beautiful youthful face that attracts him and invites him to look at it**? Every man who has any desire for women will know which of the two temptations is greater and which deserves to be hidden and concealed.

#### SECOND EVIDENCE FROM THE SPEECH OF ALLAH:

**Allah says:**

*"And as for women past childbearing who do not expect wedlock, it is no sin on them if they discard their (outer) clothing in such a way as not to show their adornment. But to refrain (i.e. not to discard their outer clothing) is better for them. And Allah is All-Hearer, All-Knower" [al-Noor 24:60]*

The evidence from this verse is that Allah states that there is no sin on old women who have no hope of marriage because men have no desire for them, due to their old age (if they discard their outer clothing), subject to the condition that their intention in doing so is not to make a wanton display of themselves. The fact that this ruling applies only to old women indicates that the ruling is different for young women who still hope to get married. If the ruling on discarding the outer clothing applied to all, there would be no point in singling out old women here.

The phrase "**in such a way as not to show their adornment**" offers further proof that hijab is obligatory for young women who hope to marry, because usually when they uncover their faces the intention is to make a wanton display (tabarruj) and to show off their beauty and make men look at them and admire them etc. Those who do otherwise are rare, and the ruling does not apply to rare cases.

#### THIRD EVIDENCE FROM THE SPEECH OF ALLAH:

**Allah says:**

*“O Messenger! Tell your wives and your daughters and the women of the believers to draw their cloaks (veils) all over their bodies (i.e. screen themselves completely except the eyes or one eye to see the way). That will be better, that they should be known (as free respectable women) so as not to be annoyed. And Allah is Ever Oft-Forgiving, Most Merciful”* [al-Ahzaab 33:59]

Ibn ‘Abbaas said: *“Allah commanded the believing women, if they go out of their houses for some need, to cover their faces from the top of their heads with their Jilbabs, and to leave one eye showing.”*

The tafseer of the Sahaba is evidence, indeed some of the scholars said that it comes under the same ruling as marfoo’ reports that go back to the Messenger (peace and blessings of Allah be upon him).

The comment **“and leave one eye showing”** is a concession because of the need to see the way; if there is no need for that then the eye should not be uncovered. The jilbab is the upper garment that comes above the khimar; it is like the abaya.

#### FOURTH EVIDENCE FROM THE SPEECH OF ALLAH:

Allah says:

*“It is no sin on them (the Messenger’s wives, if they appear unveiled) before their fathers, or their sons, or their brothers, or their brother’s sons, or the sons of their sisters, or their own (believing) women, or their (female) slaves. And (O ladies), fear (keep your duty to) Allah. Verily, Allah is Ever All-Witness over everything”* [al-Ahzaab 33:55]

Ibn Katheer said: *“When Allah commanded the women to observe hijab in front of non-mahram men, he explained that they did not have to observe hijab in front of these relatives, as He explained that they are exempted in Soorat al-Noor where He said: “and not to reveal their adornment except to their husbands...”*

#### FIRST EVIDENCE FROM THE SUNNAH:

The Messenger ﷺ said: *“When any one of you proposes marriage to a woman, there is no sin on him if he looks at her, rather he should look at her for the purpose of proposing marriage even if she is unaware.”* Narrated by Imam Ahmad in his Musnad. The author of Majma’ al-Zawa’id said: its men are the men of saheeh.

The evidence here is the fact that the Messenger ﷺ said there is no sin on the man who is proposing marriage, subject to the condition that his looking be for the purpose of proposing marriage. This indicates that the one who is not proposing marriage is sinning if he looks at a non-mahram woman in ordinary circumstances, as is the one who is proposing marriage if he looks for any purpose other than proposing marriage, such as for the purpose of enjoyment etc.

If it is said that the hadeeth does not clearly state what is being looked at, and it may mean looking at the chest etc, the response is that the man who is proposing marriage looks at the face because it is the focus for the one who is seeking beauty, without a doubt.

#### SECOND EVIDENCE FROM THE SUNNAH:

When the Messenger ﷺ commanded that women should be brought out to the Eid prayer place, they said, *“O Messenger of Allah, some of us do not have Jilbabs.”* The Messenger ﷺ said, *“Let her sister give her one of her Jilbabs to wear.”* Narrated by al-Bukhaari and Muslim.

This hadeeth indicates that the usual practice among the women of the Sahaba was that a woman would not go out without a Jilbab, and that if she did not have a Jilbab she would not go out. The command to wear a Jilbab indicates that it is essential to cover. And Allah knows best.

#### THIRD EVIDENCE FROM THE SUNNAH:

It was narrated in al-Saheehayn that 'Aa'ishah said: *The Messenger of Allah ﷺ used to pray Fajr and the believing women would attend the prayer with him, wrapped in their veils, then they would go back to their homes and no one would recognize them because of the darkness.* She said: *If the Messenger of Allah ﷺ saw from the women what we have seen, he would have prevented them from coming to the mosques as the Children of Israel prevented their women.*

A similar report was also narrated by 'Abd-Allah ibn Mas'ood (may Allah be pleased with him).

The evidence from this hadeeth covers two issues:

1. Hijab and covering were the practice of the women of the Sahaba who were the best of generations and the most honorable before Allah.
2. 'Aa'ishah the Mother of the Believers and 'Abd-Allah ibn Mas'ood, who were both known as scholars with deep insight, said that if the Messenger ﷺ had seen from women what they had seen, he would have prevented them from coming to the mosques. This was during the best generations, so what about nowadays?!

#### FOURTH EVIDENCE FROM THE SUNNAH:

It was narrated that Ibn 'Umar said: The Messenger of Allah ﷺ said: *"Whoever lets his garment drag out of pride, Allah will not look at him on the Day of Resurrection."* Umm Salamah said, *"What should women do with their hems?"* He said, *"Let it hang down a handspan."* She said, *"What if that shows her feet?"* He said, *"Let it hang down a cubit, but no more than that."* Narrated by al-Tirmidhi; classed as saheeh by al-Albaani in *Saheeh al-Tirmidhi*.

This hadeeth indicates that it is obligatory for women to cover their feet, and that this was well known among the women of the Sahaba (may Allah be pleased with them). The feet are undoubtedly a lesser source of temptation than the face and hands, so a warning concerning something that is less serious is a warning about something that is more serious and to which the ruling applies more. *The wisdom of shari'ah means that it would not enjoin covering something that is a lesser source of temptation and allow uncovering something that is a greater source of temptation.* This is an impossible contradiction that cannot be attributed to the wisdom and laws of Allah.

#### FIFTH EVIDENCE FROM THE SUNNAH:

It was narrated that 'Aa'ishah said: *The riders used to pass by us when we were with the Messenger of Allah (peace and blessings of Allah be upon him) in ihraam. When they came near us we would lower our Jilbabs from our heads over our faces, and when they had passed by we would uncover our faces.* Narrated by Abu Dawood, 1562.

The words *"When they came near us we would lower our Jilbabs from our heads over our faces"* indicate that it is obligatory to cover the face, because what is prescribed in ihraam is to uncover it. If there was no strong reason to prevent uncovering it, it would be obligatory to leave it uncovered even when the riders were passing by. *In other words, women are obliged to uncover their faces during ihraam according to most scholars, and nothing can override something that is obligatory except something else that is also obligatory.* If it were

not obligatory to observe hijab and cover the face in the presence of non-mahram men, there would be no reason not to uncover it in ihraam. It was proven in al-Sahehayn and elsewhere that a woman in ihraam is forbidden to wear the niqab (face veil) and gloves.

Shaykh al-Islam Ibn Taymiyah said: *"This is one of the things which indicate that the niqab and gloves were known among women who were not in ihraam, which implies that they covered their faces and hands."*

#### **THE LAST EVIDENCES FOR THE NIQAB ARE:**

Reasoning and analogy (Qiyas) which form the basis of this perfect shari'ah, which aims to help people achieve what is in their best interests and encourages the means that lead to that, and to denounce evil and block the means that lead to it.

If we think about unveiling and women showing their faces to non-mahram men, we will see that it involves many bad consequences. Even if we assume that there are some benefits in it, they are very few in comparison with its negative consequences:

- Fitnah (temptation). By unveiling her face, a woman may be tempted to do things to make her face look more beautiful. This is one of the greatest causes of evil and corruption.
- Taking away haya' (modesty, shyness) from women, which is part of faith and of a woman's nature (fitrah). Women are examples of modesty, as it was said, *"more shy than a virgin in her seclusion."* Taking away a woman's modesty detracts from her faith and the natural inclination with which she was created.
- Men may be tempted by her, especially if she is beautiful and she flirts, laughs and jokes, as happens in the case of many of those who are unveiled. The Shaytaan flows through the son of Adam like blood.
- Mixing of men and women. If a woman thinks that she is equal with men in uncovering her face and going around unveiled, she will not be modest and will not feel too shy to mix with men. This leads to a great deal of fitnah (temptation) and widespread corruption.

Al-Tirmidhi narrated (5272) from Hamzah ibn Abi Usayd from his father that he heard the Messenger of Allah ﷺ say, when he was coming out of the mosque and he saw men mingling with women in the street; the Messenger of Allah ﷺ said to the women, *"Draw back, and do not walk in the middle of the road; keep to the sides of the road."* Then the women used to keep so close to the walls that their garments would catch on the walls because they kept so close to them. (*Classed as hasan by al-Albaani in Saheeh al-Jaami', 929*)

It is worth noting that, some scholars have forbidden wearing the niqab on the grounds that it is not Islamic in origin, and because it is used improperly and people treat it as something insignificant, demonstrating negligent attitudes towards it and using new forms of niqab which are not prescribed in Islam, widening the opening for the eyes so that the cheeks, nose and part of the forehead are also visible.

Therefore, if the woman's niqab or burqa' does not show anything but the eyes, and the opening is only as big as the left eye, as was narrated from some of the salaf, then that is permissible, otherwise she should wear something which covers her face entirely.

Shaykh Muhammad al-Saalihi al-'Uthaymeen said:

*The Hijab prescribed in shari'ah means that a woman should cover everything that it is haraam for her to show, i.e., she should cover that which it is obligatory for her to cover, first and foremost of which is the face, because it is the focus of temptation and desire. A woman is obliged to cover her face in front of anyone who is not her mahram (blood relative to whom marriage is forbidden). From this we learn that the face is the most essential thing to be covered. There is evidence from the Book of Allah and the Sunnah of His Messenger (peace and blessings of Allah be upon him) and the views of the Sahaba and the imams and scholars of Islam, which indicates that women are obliged to cover all of their bodies in front of those who are not their mahrams.* (Fataawa al-Mar'ah al-Muslimah, 1/ 391, 392)

#### **EVIDENCES & REASONING AGAINST THE NIQAB:**

In the beginning of the Article I mentioned the hadith, that the majority partially use as evidence, that the Niqab though prescribed as something praiseworthy is not in fact Fardh (Obligatory).

*"It was narrated from Aishah that Asma bint Abi Bakr entered upon the Messenger of Allah ﷺ wearing a thin garment. The Messenger of Allah ﷺ turned away from her and said: "Oh Asma, when a woman reaches the age of menstruation, it is not proper for anything to be seen of her except this and this," and he pointed to his face and hands."*

*[Sunan Abu Dawud (Darussalam Publishers, 2007), volume 4, p. 422, The Book of Clothing, chapter 31: "What a woman may show of her beauty," Hadith number 4104. Imam Abu Dawud said: "This Hadith is Mursal. Khalid ibn Duraik did not meet Aishah. (And Sa'eed bin Bashir is not strong (in narrating))."]*

The Hadith is weak by itself but authentic due to supporting narrations and is used as evidence for this matter . . . It was authenticated by Sheikh Al-Albani in Sahih Sunan Abu Dawud, vol. 2, p. 774, number 3458.

Sheikh Al-Albani explains reasons behind this Hadith's authenticity in great detail:

*" . . . (The narration's chain is) Bashir from Qatadah from Khalid ibn Duraik from Aishah. Ibn Adiy added that he (Khalid) once attributed it to Umm Salamah instead of Aishah. Abu Dawud said after citing it, 'This Hadith is Mursal. Khalid ibn Duraik did not meet Aishah.' Also, Sa'eed ibn Bashir is weak according to Hafidh ibn Hajar in At-Taqrib. However, this Hadith has been reported via other ways that strengthen it:*

*(1.) A Mursal report recorded by Abu Dawud (no. 437) from Qatadah with an authentic chain that includes neither ibn Duraik nor ibn Bashir: 'Indeed, once a young girl reaches menses, it is not right for her to expose except her face and hands to the wrists.'*

*(2.) At-Tabarani (in Al-Kabir 24/143/378 and Al-Awsat 2/230/8959) and Al-Bayhaqi recorded via ibn Lahi'ah from Iyadh from Abdullah from Ibrahim bin Rufa'ah Al-Ansari from his father from (he believed) Asma bint Umays that Allah's Messenger (peace be upon him) entered Aishah's house while she had with her sister Asma bint Abi Bakr, who was wearing wide-sleeved clothes (see the report in question for the remainder of this Hadith's text) . . . There is no doubt that a report by ibn Lahi'ah does not go below the level of Hasan when it has supportive narrations, as is the case here . . ." (Jilbab Ul-Mar'at Il-Muslimah pp. 58-59)*

It is worth noting that everyone since the revelation agrees upon the fact that a Muslimah needs to cover her body from non mahrams, and it is also worth noting that those who oppose the Niqab as an Obligation use almost the same proofs I used above to advocate for the Niqab, however they interpret them differently. This is ikhtilaaf amongst the Ulama, which is a mercy from Allah.

#### **OPINION OF SCHOLARS:**

- The majority of contemporary scholars outside of Saudi Arabia maintain that it is not obligatory for a woman to cover her face or wear gloves. The permissibility of exposing her face and hands is based on the Quranic verse: *"And tell the believing women to reduce [some] of their vision and guard their private parts and not expose their adornment except that which [necessarily] appears thereof"* (An-Noor 24:31).
- The majority of scholars from among the companions and those who came after them interpreted 'adornments' in the above verse to mean the face and hands. They based their opinion on reports from ibn Abbas, Anas, and 'Aisha, may Allah be pleased with them, and on the words of Allah the Almighty: ... *"Wrap [a portion of] their headcovers (khimar) over their chests"* (An-Noor 24: 31).

- The khimar referred to in the above verse is a headcover and al-jayb refers to the front opening of shirt. In this verse, Allah commands Muslim women to cover their chests with their headcovers. If it were obligatory for a Muslim woman to cover her face, then the verse would have indicated this explicitly.

#### **COUNTER ARGUMENT ON THE SAME HADITH USED FOR THE NIQAB:**

Some scholars maintain that a woman must cover her face due to 'Aisha's narration which states: "*Riders used to pass by us when we were with the Messenger of Allah ﷺ wearing ihram. When they came near, each one of us would lower [part] of her garment from her head over her face. When they passed by, we would uncover our faces*" (Ahmed, Abu Dawud, ibn Majah).

- This hadith does not include evidence on the obligation of wearing niqab because the actions of the companions are not proof that something is an obligation. Moreover, the niqab here may have been specific to the Mothers of Believers, as mentioned at the very beginning of the article, like the ruling that forbade them to marry after the Messenger's death.
- It is determined in Ilm al-Usul (Principles of Jurisprudence) that anything that has multiple interpretations cannot be used as evidence.
- The Messenger of Allah (peace and blessings be upon him) said, "A woman in ihram is not to cover her face nor wear gloves" (Bukhari). Based on this statement there is a scholarly consensus that a woman must not cover her face nor wear gloves during prayer. It follows from this that a woman's face and hands are not 'awrah (those parts of the body that must be covered).
- It is not conceivable that the Shari'ah would legislate that a Muslim woman expose her 'awrah during prayer or while in ihram.

**Allah Almighty says:**

*"And say to the believing women to lower their gazes and guard their chastity, and let them not display of their charm - except what is apparent." (An-Noor 24:31)*

Commenting on the phrase: "*..what is apparent*" Ibn 'Abbas, the famous Companion and the Qur'an exegete, said: "*It means face and hands.*" In other words, according to Ibn 'Abbas, a woman must cover all her body except her face and hands while in the presence of men who are not related to her directly. The list of those in whose presence she needs not cover is clearly outlined in Surat An-Noor 24: 31.

The majority of imams - including those of the four schools, as well as others - share the above interpretation of Ibn 'Abbas, and thus hold the opinion that a woman is not obliged to cover her face and hands.

When judged critically, the position of the majority on this issue seems to be more consistent with the general understanding and evidences of the Qur'an and Sunnah than of those who advocate covering the face and hands as well. There are several proofs which point to this conclusion:

**First:** The verse quoted above from the Qur'an seems to presume that the women it addresses are not wholly covered, i.e. face and hands. Otherwise, there is no sense in ordering both genders to lower their gazes.

**Second:** It is a consensus among scholars that a woman is not required to cover her face and hands while performing salah (ritual prayers). If these were deemed to be 'awrah, it would certainly have been necessary to cover them.

**Third:** A woman is required to bare her face while she is in a state of ihram (at Hajj or 'Umrah). This again confirms what was said earlier.

Considering the above, without a doubt a Muslim woman is required to cover all her body except her face and hands, according to most scholars belonging to all schools. Covering the head, is not at all a disputed issue among them as mentioned earlier.

**The Ruling for those that follow this opinion thus becomes:** It is not obligatory for a Muslim woman to cover her face and hands. Niqab falls under 'permissible acts'; a woman is rewarded for wearing it but not punished for abstaining from it. A woman fulfills her religious duty concerning her attire by wearing the hijab. Meaning she covers everything loosely except that which is seen, her face and her hands.

## WHERE DOES THIS LEAVE US?

As for the controversial part of the issue, we should think of it as a sign of Allah's mercy that He left some things open, so that there will be no hardship for people, and that they can make use of such things according to their own benefit. For example, if a woman is so beautiful to the extent that she attracts men's attention and her beauty tempts them, she would cover her face, as an aspect of preventing harm, even if it is agreed that niqab is not obligatory. On the other hand, some women may have some breathing or skin problems that they do not tolerate wearing face cover. Here, we realize that the difference of opinion in relation to niqab is really an aspect of Allah's mercy.

My personal view after assessing all evidences is that it is preferred to cover the face in front of non-mahram men. There is a great deal of evidence and scholarly views concerning that, among the Hanabila, The Maalikis, The Shafiyah and The Ahnaf. Many of them said that it is not permissible for a woman to uncover her face in front of non-mahram men, not because it is 'awrah but because uncovering it runs the risk of fitnah. Though some of them think that it is 'awrah. Hence women, in their view, are forbidden to go out in front of non-mahram men with their faces uncovered.

Finally, I'd like to stress that differences among scholars are only in minor and secondary things, and never in the fundamentals of faith. This is in fact an aspect of Allah's mercy, as the Messenger ﷺ said:

*"Allah has prescribed certain obligations for you, so do not neglect them; He has defined certain limits, so do not transgress them; He has prohibited certain things, so do not do them; and He has kept silent concerning other things, out of mercy for you and not because of forgetfulness, so do not ask questions concerning them."* (Reported by ad-Darqutni.)

Guidance and Success is only From Allah.

Anything wrong is my own doing, anything correct is a Blessing from Allah.

Anything that goes against the Qur'an and Sunnah should be rejected. My opinions are not worthy of the opinions of the Ulama mentioned, they are there as commentary only.

**Zinaid Abu Naser**

Wednesday, July 01, 2020

*For a much more detailed discussion on the difference of opinions amongst the madhahib and others, read Raf' al-Malaam 'an al-A'immati'l-A'laam by Shaykh al-Islam Ibn Taymiyah, and al-Khilaaf bayna al-'Ulama': Asbaabuhu wa Mawqifuna minhu by Shaykh al-'Uthaymeen.*