

## The Legislation of the Hijaab

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

All the praise is for Allaah, the Lord of all that exists; may prayers and peace be upon the most noble of Prophets and Messengers, our Prophet Muhammad; likewise upon his family members and companions altogether. As to what follows:

I have reviewed that which the one named Ahmad Bahaa'-ud-Deen has written in some of the newspapers and that which he claims from the making to be permissible that which Allaah has prohibited. Particularly that which he published in the daily section of the newspaper: Al-Ahraam based on their website: <http://al-ahram.org.eg/>, in numbers: 36992, 36993, 36994, and 36996; from his intolerance of the Hijaab and the Niqaab, the call to uncovering, considering the Hijaab to be an innovation from the innovations, and considering it to be from apparel; and apparel (according to him) is connected to the freedom of the individual; and that the women were wearing the Niqaab as inherited blind-following; and that Al-Islam has not commanded with it and has not indicated it (is obligatory); and that the women used to sit with the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ)<sup>1</sup> uncovered and work in trade, sheep herding, and war uncovered. And (he claimed) that the era was like that throughout the entire era of the rightly guided Khulafaah' and the Umayyad and 'Abbasid dynasties; and that when the Turks embraced Al-Islam they entered with their un-Islamic customs inherited from their tribes, such as the Burqa' and the Yashmak, and they made them obligatory upon the 'Arabs; unto the end of that which he wrote for the allowance of uncovering and repudiation of the Hijaab and other than that from falsehoods, calumnies, distortion of the evidences, and alteration of them from the reality of that which they indicate.

From that which is known is that the call to uncovering of the face of the woman is a false and rejected call, by way of the legislation and by way of the intellect, which is opposition to the Islaamic religion and insolent towards it. The Muslim is called to all which, regarding his affair, will increase his good deeds and minimise his sins secretly and publically, in all of his statements and actions; and that he distance himself from the means to Fitnah and the removal of that which causes it and its objectives.

<sup>1</sup> (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) (sallallaahu 'alayhi wa sallam) May the peace and blessings of Allaah the Most High be upon him

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The scholars are called to the spreading of good and teaching it in every sense. Whether this is concerning the acts of worship, social dealings, or the legislative etiquettes; individually as well as communally.

The callers to uncovering, who promote it, either call to that out of ignorance and heedlessness and the absence of awareness of its evil effects, or due to vileness of intention and craving for evil. They could not care less about virtuous manners nor does it have any value to them. Perhaps it is from enmity and hatred. It is done by the workers and employees who are in reality traitors and enemies. They work for this great corruption and dangerous disaster by night and by day; in secret and in public; communally and individually. They call to the liberation of the woman from moral excellence, nobility, modesty, and chastity to disgracefulness, vileness, lowliness, and the absence of modesty. It is obligatory to distance oneself from evil positions and the objectives of Shaytaan in action and in statement with the tongue and the heart.

It is upon the Muslim who leads (or directs) the people, that he call them to the path of guidance and uprightness and that he draw them near to the position of virtuousness and distance them from Fitnah and destructive situations, so that he will be, by way of that, a Rabbaanee (upright and guiding) scholar.

It has been narrated on the authority of 'Alee ibn Aboo Taalib (رضي الله عنه)<sup>2</sup>, that he said to Kumayl ibn Ziyaad in his advice to him: "O Kumayl! The people are of three types:

- The Rabbaanee scholar.
- The student upon the path to salvation.
- And the confused rabble who follow everyone who calls out; bending with every blowing wind. They are not guided by the light of knowledge and they do not lean upon firm support."

The call to uncovering and the rejection of the Hijaab is a call which will not bring to the Muslims, the males of them and the females of them, any good in their Religion nor in their worldly affairs. Rather, it will bring to them evil, corruption, and all of that which Allaah hates and disavows. Wisdom and goodness for all of the Muslims lies in the Hijaab, not in uncovering under any circumstance. Along with the fact that the origin of the Hijaab is worship due to the command of Al-Islaam (with it) and the its prohibition of its opposite in the Book of Allaah and the Sunnah of His Messenger (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) as we shall clarify in that which comes thereafter, if Allaah wills. It is also a protection because it helps in lowering the gaze, which (سبحانه و تعالی)<sup>3</sup> has commanded with lowering. It helps in curbing evil ambitions which are in their sick hearts. It distances the woman from free mixing with

<sup>2</sup> (رضي الله عنه) (rad iyallaahu `anhu) May Allaah the Most High be pleased with him

<sup>3</sup> (سبحانه و تعالی) (Subhana wa Ta'ala) May He be glorified and exalted

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men and entering upon them just as it helps cover the parts of adornment which stirs within the souls hidden desires.

At-Tabarruj is not freedom from the Hijaab only. Rather, it is, and the refuge is with Allaah, freedom from clinging to the Legislation of Allaah, departure from His instructions, and a call to lowliness. The fundamental wisdom in the Hijaab of the woman is that it wards off Fitnah. Everything that directly causes Fitnah, its mediums, and every means which cause falling into it is from the legislatively impermissible. It is known that the woman covering her face and her charms is an obligatory command. The Book, the Sunnah, and the consensus of the righteous predecessors prove its obligation.

From the proofs for the Hijaab and the prohibition of uncovering from the Book is His, (سبحانه و تعالى), statement:

**[“And tell the believing women to lower their gaze and to protect their private parts and not to show off their adornment except only that which is apparent; 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, 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 Allaah to forgive you all, O believers, that you may be successful.”]<sup>4</sup>**

There has come in this noble verse that which indicates the obligation of the Hijaab and the prohibition of uncovering in two places.

- The First: His, (تعالى)<sup>5</sup>, statement: **[“...and not to show off their adornment except only that which is apparent.”]** This proves the prohibition of all (forms of) showing anything from the adornment except that which has been made as an exception; and that it her outer clothing and that which shows unintentionally. And that is proven by the emphasis from Him (سبحانه و تعالى), by His repeating the prohibition of the showing the adornment in the same verse.
- The Second: His, (تعالى), statement: **[“...and to draw their veils all over their Juyoobinnah (i.e. their bodies, faces, necks, and bosoms).”]** It is explicit in lowering the Khimaar from the head to the chest. Because, the face is from the head which it is obligatory to pull the Khimaar over, intellectually, legislatively, and in the custom. There is not to be found any evidence proving the exclusion of the face from the term head in the ‘Arabic language; just as there has not come any text for its

<sup>4</sup> سورة النور - Soorah an-Noor [24: 31]

<sup>5</sup> Ta’aala (He, The Most High) (تعالى)

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exclusion or exception according to the text of the Qur'aan and Sunnah; nor from understanding of the Qur'aan and Sunnah. The exception of some of them (the scholars) and their assumption that it is not intended in the generality of the covering with the Khimaar is rejected by the legislative and linguistic understanding; and it is rebutted by the lasting statements of the scholars of the early generations and the later generations. Just as it is rejected by the two principles which the scholars of foundational aspects of the religion and the scholars of the sciences of Hadeeth have clarified; the first: The affirmative proof takes precedence over the negative proof; the second: if that which makes a thing permissible and that which restricts a thing are equal then the restricting agent takes precedence over the one which makes it permissible.

Since Allaah (سبحانه و تعالى) knows what is in the woman from the multiple means to temptation for the man, He has commanded her to cover these means so that she would not be a reason for temptation and as a result the one in whose heart is a disease will desire her. The adornment which it is prohibited to show, is a comprehensive term for all of that which the man loves from the woman and invites him to look at her. Equal as it relates to that, are the primary adornment or the acquired adornment which she adds in her body as a beautification and adornment. As for the primary adornment, then it is that which fixed; such as the face, the hair, and that which is from the places of adornment, such as the hands, the legs, the neck, and so on and so forth. Since the face is the foundation of adornment then it is, without contention, the foundational basis for Fitnah as it relates to the woman. Rather, it is the spring and source of desire for the men. So the forbiddance of showing it is emphasised more that the prohibition of every adornment which the woman brings about in her body.

Al-Qurtubee said in his Tafseer: "The adornment is of two types: natural and acquired. The natural is her face, for it is the foundation of adornment and the beauty of her constitution; (it is) the object of the instinct due to what it has in it of benefits and paths of cognizance. The acquired adornment is that which the woman endeavours to do in the beautification of her constitution; such as clothing, perfume, Kohl, and dyes." (End of his statement)

Al-Baidawee said in his Tafseer: "...and not to show off their adornment..." "Such as the jewellery, the clothing, and make-up; not to mention the places where the jewellery clothing and make up are placed; to those who it is not permissible to show them to." (End of his statement)

Therefore if the face is the foundation of adornment without contention, in the textually and intellectually then Allaah, Majestic is His Ability, forbade the woman to show anything from her adornment; this is general, there being no particulars to it, in the Book and the Sunnah. It is not permissible to particularise it with the statement of so and so or so and so. So the statement from the statements of the people which aims to particularise this

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generality then it is rejected. Because the generality of the Noble Qur'aan and the Pure Sunnah, it is not permissible to particularise it with the statements of humans; and it is not permissible to particularise it by way of speculative applications or personal deductive reasoning. So the generality of the Qur'aan is not particularised except by the Noble Qur'aan or with that which had been affirmed from the Pure Sunnah or the consensus of the predecessors of the Ummah.

Due to this we say: How does he justify the forbiddance of the subsidiary; and that is, the acquired adornment; while permitting the primary, and that is the face which is the foundational adornment?!

What is intended by His, (عزوجل)<sup>6</sup>, statement: [**“...except that which is apparent from it”**] as was mentioned by Ibn Mas'ood (رضي الله عنه), and a group of the scholars from the Salaf, from the exegetes and other than them: “That which it is not possible to conceal.” Such as the cloak, the garment, and that which the women of the 'Arabs wear from the coverings which compliment their garments, and that which shows from the bottoms of the garments, and that which perhaps is revealed without intent, as the indication of which has preceded. So the woman is prohibited from showing anything from her adornment and she is commanded to strive in concealing all of that which is adornment.

Since He, (سبحانه و تعالی), has prohibited the woman from showing anything from her adornment except that which is apparent from it, He, (سبحانه و تعالی), has taught her how to cover the places of adornment; by wrapping the Khimaar which she places upon her head. He said: [**“...And to draw their veils...”**] Meaning: From the head and top of the face, [**“...all over Juyoobihinna.”**] Meaning: The chests; until she, with that, has safeguarded the head and that which it includes and the chest and that which is under it and that which is between that from the neck and that which is around it so that the woman has included with that the covering of the adornment both primary and subsidiary.

In His, (تعالی), statement as well at the end of this verse: [**“And let them not stamp their feet so as to reveal what they hide of their adornment.”**]-is an indication for His, (سبحانه)<sup>7</sup>, prohibition of the woman of that which invites to temptation, even to the point of movement and sound. This is the objective in the direction of the Muslim woman. And (it is) incitement from Allaah for her upon preservation of her nobility and repelling evil from her.

What testifies as well to the prohibition of showing the primary or acquired adornment is the action of Allaah's Messenger (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) with his wife Safeeyah, the action of the Mothers of the believers, and the action of the believing women in the time of Allaah's Messenger (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) after the sending down of this verse and the verse of Al-Ahzaab,

<sup>6</sup> (عزوجل) (Azza wa Jaal) Mighty and Majestic is He

<sup>7</sup> (سبحانه) (Subhanahu) The Exalted

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from the complete covering with the Khimaars and the Jilbaabs. The women were, before that, uncovered in their faces and their hands until the verses of the Hijaab were revealed.

With that, it is known that what have come in some of the narrations from the uncovering of some of the women was before the revelation of the verses of Hijaab. So it is not permissible to use it as a proof for the permissibility of that which Allaah has prohibited. This is because the proof is in the abrogating and not that which is abrogated, as is known with the people of knowledge and Faith.

From the verses of the Hijaab is the preceding verse from Soorah An-Noor. From them as well is His, (تعالى), statement in Soorah Al-Ahzaab:

**["O Prophet! Tell your wives and your daughters and the women of the believers to draw their cloaks (veils) all over their bodies. That would be better, that they should be known so as not to be annoyed. And Allaah is Ever Oft-Forgiving, Most Merciful."]<sup>8</sup>**

The scholars said: "الجلابيب the plural of الجلباب and it is every garment which encompasses the woman over the undergarments and the Khimaar to cover the places of adornment, from the fixed and the acquired."

So His, (تعالى), statement: ["...that is better, that they should be known."], proves the specification of the face; because the face is the point of recognition. So it is a text on the obligation of covering the face.

His, (تعالى), statement: ["...so as not to be annoyed."] This is a text on the fact that in knowing the beauty of the woman is annoyance for her as other than her with Fitnah and evil. Due to that Allaah has prohibited her from showing that from her body by which her beauty is recognised, whoever she may be. If there were not from the legislative proofs for the prohibition of uncovering the face except this text from Him, the Glorified and Exalted, that would have been sufficient in the obligation of the Hijaab and the covering the place of Fitnah on the woman, and from the beauty of the woman is her face; and it is the greatest of the places of her beauty. Because the face is that which she is recognised by and it is that which brings about temptation. Umm Salamah said: "When this verse: ['...to draw their cloaks all over their bodies.'] Was revealed, the women of the Ansaar went out as if there were crows upon their heads, from the coverings. And they covered with black garments which they wore."

Ibn 'Abbaas said: "Allaah has commanded the believing women, that when they go out from their houses for a need, that they should cover their faces from above their heads with the Jilbaab and reveal one eye."

<sup>8</sup> سورة الأحزاب - Soorah al-Ahzaab [33:59]

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Muhammad ibn Sireen said: "I asked 'Ubaydah ibn As-Salmaanee about the statement of Allaah (عز وجل): [**...to draw their cloaks all over their bodies.**'], so he covered his face and his head and let his left eye out."

The statements of the exegetes concerning the topic are many; this is not a sufficient place to mention them.

Also from the verses of the Hijaab is His, (تعالى), statement:

**["And when you ask (the wives of the Prophet ) for anything you want, ask them from behind a veil (Hijaab). That is purer for your hearts and their hearts."]<sup>9</sup>**

This verse is a clear text concerning the obligation of the veiling of the women from men and covering them (the women) from them, the men and the women. And Allaah the Exalted has made clear in this verse the wisdom in that; and it is that covering is purer for the hearts of the men and women and further away from lewdness and its causes.

And this verse is general for the wives of the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) and other than them from the believing women. Al-Qurtubee, (رَحِمَهُ اللهُ)<sup>10</sup>, said: "All women enter into this verse by the meaning and by what the principles of the legislation encompass, from the fact that the entire woman is 'Awrah; her body as well as her voice. So it is not permissible to reveal that except by necessity; such as bearing witness against her, or there being an ailment in her body etc. (And there are other) verses which prove the obligation of the Hijaab."

Al-Qurtubee said: "The voice of the woman is 'Awrah; meaning, if that is with softness. As for if her voice is normal then it is not 'Awrah, due to His, (تعالى), statement:

**["O wives of the Prophet! You are not like any other women. If you keep your duty to Allaah then be not soft in you speech, lest he in whose heart is a disease should be moved with desire, but speak in an honourable manner."]<sup>11</sup>**

So he, (سبحانه), forbade them from softness in speech so that the people with sick hearts will not be moved concerning them with desire. And He, (سبحانه), permitted them to speak honourably. The women in the time of the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) would speak to him and ask him questions and he did not reject that from them. Likewise, the women in the time of the companions of the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) used to speak to the companions and seek verdicts from them and they did not reject that from them. This matter is known and there is no ambiguity in it.

As for the proofs from the Sunnah, then from them is that which is established in the two Saheehs that the Prophet (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) ordered the women to go out to the area of the

<sup>9</sup> سورة الأحزاب - Soorah al-Ahzaab [33:53]

<sup>10</sup> (رَحِمَهُ اللهُ) (rahimahullaah) May Allaah the Most High have mercy on him

<sup>11</sup> سورة الأحزاب - Soorah al-Ahzaab [33:32]

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'Eed. "We (the female companions) said: 'O Messenger of Allaah! One of us does not have a Jilbaab.' He said: **'Let her sister dress her from her Jilbaab.'**"

This proves that the norm with the women of the companions is that the woman would not go out except with a Jilbaab. And in the command to wear the Jilbaab is evidence that covering and the Hijaab are a must.

Likewise, is that which is established in the two Saheehs on the authority of 'Aa'ishah<sup>12</sup>, (رضى الله عنها), who said: "Allaah's Messenger (صلى الله عليه وسلم) used to pray the dawn prayer and the women from the believers who pray with him hidden by their Muroot, then return to their houses and no one would recognise them from the darkness."

The scholars of the Salaf are united upon the obligation on the Muslim woman to cover her face and that it is 'Awrah which she is obligated to cover except the one who is a Muhrim. Ibn Qudaamah said in Al-Mughnee: "The woman, her Ihraam is in her face. But when she wears the Hijaab, she hangs it down over her face." Its general meaning is that it is forbidden for the woman, in her Ihraam, to cover her face just as it is forbidden for the man to cover his head; except for that which has been narrated on the authority of Asmaa (رضى الله عنها), that she would cover her face while in a state of Ihraam.

Al-Bukhaaree and others have narrated that the Prophet (صلى الله عليه وسلم) said: **"The woman is not to veil her face nor is she to wear gloves (on Hajj)."** As for when she needs to cover her face due to the passing of men near to her, then she lets the garment upon her head hang down over her face; this is due to what has been narrated from 'Aa'ishah, (رضى الله عنها), who said: "Some riders passed by us while we were in a state of Ihraam with Allaah's Messenger. So when they were parallel with us one of us would let her Jilbaab hang down from her head over her face. When they had passed we removed the cover." The woman in the state of Ihraam was prohibited from the Burqa', the Niqaab, and the likes from that which is used as a covering for the face specifically; she was not prohibited from the Hijaab absolutely.

Ahmad said: "It is only for her that she let (the garment) hang down upon her face from above; not that she raise the garment from beneath."

Ibn Rushd said in Al-Bidaayah: "They (the scholars) are unanimous that the Ihraam of the woman is in her face and that it is for her to cover her head and cover her hair; and that she may let her garment hang down upon her face from above her head lightly to cover with it from the looking of men at her."

...And so on from the speech of the scholars. From this and its likes it is derived that the scholars of Al-Islam have unanimously agreed upon woman's uncovering of her face while in a state of Ihraam and they have unanimously agreed that it is obligatory upon her to

<sup>12</sup> Umm-al-Mumineen 'Aaishah, the Mother of The Believers (رضى الله عنها)



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cover it in the presence of men. So if uncovering the face in a state of Ihraam is obligatory then covering when not is more obligatory.

Asmaa, (رضى الله عنها), would cover her face absolutely; and the wearing of the Niqaab by the woman in the state of Ihraam is not permissible due to his (صلى الله عليه وسلم) prohibition of that in the preceding Hadeeth. And it is from the greatest of the evidences that the woman covers her face in regular circumstances. The meaning of: **“The woman does not wear the Niqaab nor does she wear gloves.”** Is: She does not wear that which will separate, section off, and is sewn as relates to the face; such as the Niqaab; and as it relates to the hands; such as the gloves. It is not that the intended meaning is that she is not to cover her face and her hands as some of the people have been deluded to believe. For it is obligatory to cover them (on Hajj), but with other than the Niqaab and the gloves. This is what the jurists and the scholars have explained. From them is the ‘Allaamah As-San’aanee, (رحمة الله).

With this the obligation for the woman to wear the Hijaab and her covering of her face is known; and that it is forbidden for her to show anything from her body and that which is upon her from the types of adornment, absolutely; except that which is apparent from all of that in a case of necessity or unintentionally as the clarification for that has preceded. This prohibition has come to repel the Fitnah. Whoever says anything besides this or calls to it then he has erred and opposed the legislative evidences. And it is not permissible for anyone to follow desires or customs in opposition to the legislation of Allaah (سبحانه و تعالی). This is because Al-Islaam is the religion of Truth, guidance, and equity in everything. In it is the call to upright morals character and good actions, and the prohibition from that which opposes it from bad manners and evil actions.

And Allaah is asked to grant us and all the Muslims success in that which is pleased with and that he give us refuge from the evils of ourselves and our evil actions. He is Kind and Generous. May prayers and peace be upon our Prophet Muhammad, his family members, and his companions.