



## **Lifting the Veil: A Consideration of Circumstances**

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There are Muslim women around the world who have chosen to cover their faces in public. Most of these women sincerely believe that it is their religious obligation to do so. Their decision can be met with resistance, especially in the workplace or when they are engaged in certain public activities. Often those who oppose their wearing the face veil cite practical considerations that they claim make the veil unviable. The women who wear the face veil can find themselves under a lot of stress. They sometimes feel that they have to choose between either functioning normally in society or obeying their Lord.

The matter of the woman covering her face has two dimensions. One is the matter of a woman showing her face in public. The other is that of the man looking at a woman's face. Scholars who discuss this matter might approach it from one of these two angles or both.

In brief, we can say the following with certitude:

- 1.** It is unlawful for a Muslim man to look lustfully at a woman who is not his wife, regardless of who the woman is or how she is dressed. If a man deliberately does so, then he is sinning.
- 2.** It is unlawful for a Muslim woman to present herself in any way with the deliberate intention of inciting the sexual desire of any man besides her husband. If she does so, then she is sinning.
- 3.** The matter of covering the face is something about which there is legitimate scholarly disagreement. The majority of scholars hold the view that it is not obligatory for the woman to cover her face, though many of these scholars consider it obligatory in cases where sexual temptation is feared. However, there are others who consider it obligatory for women in general, and they have evidence to support their opinion. Their view is to be respected. Likewise, a Muslim who holds either view on the matter has a right to do so and this also should be respected.

A Muslim who does not consider the face veil to be obligatory should not dismiss or belittle the needs of those who do. Likewise, a Muslim who advocates covering the face has no right to look down upon those who do not.

### ***The Degree of Seriousness***

Though some scholars are of the view that a woman must cover her face when she can be seen by unrelated men, their opinion is based upon an interpretation of the evidence. There is no direct, unambiguous statement on the matter.

When a matter in Islamic Law is of great importance, there is always unambiguous and direct textual evidence about it. This is the case for rulings like the prohibition of polytheism, adultery, and theft. It is also the case for the prohibition of a man and woman being alone together. This is why all scholars agree on these matters.

The prohibition against a woman showing her face in public, on the other hand, is based on indirect evidence. For instance, they cite the verse: *They should draw their head coverings over their bosoms.*<sup>1</sup> Those who say a woman must cover her face use this verse to argue that if Allah orders a woman to draw her head covering over her bosom, it means implicitly that she will be covering her face.

Other scholars counter that the same effect can be achieved by wrapping the head covering around the face and allowing it to drape over the bosom. This is, indeed, what we see most women doing. Therefore, we must realize that if the ruling on covering of the face had been a grave and serious matter, Allah would have addressed it with a direct and unambiguous statement. We are certainly not saying that the scholars who regard covering the face to be obligatory are wrong. In fact, the author of this article considers them to be in the right. However, even if we accept that they are right, the matter is not as serious as other matters of Islamic Law which are established by decisive texts.

### ***Relaxing the Veil***

We now will examine more closely the statements of those scholars who claim that it is obligatory for a woman to cover her face in public. When we read the statements of the jurists who held this view - among the most vociferous in this matter being Aḥmad b. Ḥanbal - we see that all of them allowed women to show their faces for a legitimate need. In brief, they allowed a woman to show her face in any case where the positive identity of the woman is needed and likewise, they permitted men to look at the face of the woman in order to make that positive identification.

Ibn Qudāmah, a leading Ḥanbalī jurist and proponent of covering the face, says the following in *al-Mughnī*: “A male witness may see the face of the woman he is to be a witness for. ... If a man engages in business with a woman, either buying and selling or entering into a rental agreement, then he has a right to see her face. ... It is related from Aḥmad b. Ḥanbal that he disliked his doing so if the woman in question is young, but not if she were old. It is likely that he meant that he disliked it for someone who feared temptation and in cases where it is not necessary for him to transact with her. As for when there is a need, and where there is no fear of overt sexual arousal, there is no objection.”<sup>2</sup>

Dr. Muḥammad b. Ṣāliḥ al-Duhaym, presiding judge at the Layth District Courthouse in Saudi Arabia, is a contemporary scholar who regards covering the face to be obligatory. He issued the following ruling: “If a woman is living in a country, or in a time, or under circumstances where she cannot cover her face and hands - whether the reasons are societal, political, or related to public safety - and if she might face difficulty or might lose out on a greater good, then it is permitted for her to uncover her face and hands.”

Many Hanafī jurists hold the view that a man can look at woman’s face as long as his doing so does not incite sexual desire. If it does incite such desire in him, then he is prohibited from looking at her face. Nevertheless, in cases where there is a compelling need for him to see her face, then he may look at it, even if he feels desire. The eminent Hanafī scholar, ‘Alā al-Dīn al-Samarqandī, writes in *Tuḥfab al-Fuqabā’*: “If there is a necessity, then there is no objection to the man looking at her face, even if he feels desire. This is the case for the judge or the witness. They can look upon her face in the dispensation of justice or when carrying out the function of acting as a witness. Likewise, he can do so if he is intent on marriage, since the purpose is not to indulge his sexual desires. This is because

of what is related from the Prophet (peace be upon him) that he said to al-Mughīrah bin Shu'bah: "If you would take a look at her, it is better for fostering harmony between you."<sup>3</sup>

We can see that the scholars who held that view that the face veil is obligatory all agreed that it can be removed when there is a need to do so. There are many cases where a positive identification is needed. This is the case when a person is giving testimony or being testified about in a court of law, or when a man needs to be a witness for the woman in some matter, or in business where a positive identification is needed - for instance at a bank - or when being questioned by law enforcement officials or when acting in the capacity of a law enforcement official. A modern but equally valid example would be when a woman goes to the polls to cast her vote in an election.

### ***Needs and Necessities***

Scholars of Islamic Law make a distinction between matters that are prohibited for their inherent evil and matters that are prohibited only because they have the potential to lead up to the perpetration of an inherent evil. For instance, murder, fornication, and drug abuse are prohibited in their own right. By contrast, a woman showing her face in public is prohibited - by the scholars who regard it as prohibited - because of the temptation that it might cause and that might lead to the sin of fornication or adultery. A woman is not required to veil her face for the mere sake of covering it.

This is an important distinction in Islamic Law. Things that are prohibited in their own right cannot be permitted except in cases of dire necessity (*ḍarūrah*). For instance, a person may not drink wine. However, if that person is choking on something and can only find wine to save himself, he may drink it out of necessity. By contrast, things that are prohibited only because they can lead to other unlawful activities are allowed for any valid need (*ḥājab*).

Ibn al-Qayyim explains this principle in *I'lām al-Muwaqqi'īn*: "Prohibitions regarding the means to wrongdoing are not like things that are prohibited for their own sake. Prohibitions regarding the means to wrongdoing will be lifted for a valid need (*ḥājab*). As for things that are prohibited for their own sake, their prohibition is not lifted except in cases of dire necessity (*ḍarūrah*)."<sup>4</sup> We have already seen in the statements of scholars who considered the covering of the face to be obligatory, many cases where they allowed a woman to show her face for a valid need.

In societies where there is no public segregation between the sexes, there are many situations where a face veil is impractical and poses hardship on women, especially in professional fields. This is the case where a woman is a teacher who needs to interact effectively with her students. It is also the case where female students are in a school with male teachers or classmates. It places great difficulties upon a teacher who has to manage a full classroom if he or she cannot see the faces of all of the students. Indeed, it is often difficult enough under normal circumstances.

People living in such environments cannot compare their circumstances with those of people living in societies like Saudi Arabia where schools and banks are segregated. We can see that the reason why there is segregation in banks in Saudi Arabia - as opposed to the general Saudi marketplace - is chiefly because of the impracticality of accommodating the covering of the face while carrying out banking transactions.

Therefore, the needs of teachers, students, and other people in the public sphere are legitimate needs which are recognized and accommodated by Islamic Law. In mixed societies, these needs have to be accounted for. Women who believe that covering the face is obligatory under ideal circumstances may relax the face veil in consideration of these legitimate needs.

It is important for Muslims living in non-Muslim countries to be aware of these matters. Muslims have a right to petition for their legitimate religious rights. Part of this means knowing what those rights are and what is reasonable to demand. In many non-Muslim countries, the government and the people are willing to accommodate the needs of the Muslims. When Muslims demand to be accommodated by non-Muslim countries under circumstances which Islamic Law itself deems exceptional and where Islamic Law makes concessions, this leads to unnecessary tensions between the communities which might lead to a souring of relations between them.

On a more general note, we must take time to consider the effect that the face veil has on relations between Muslims and non-Muslims in countries where Muslims are a small minority. For non-Muslims, covering the face can be a scary matter, and something that they have a difficult time accommodating. It is not the same as when a Muslim woman wears a head scarf, and should not be compared with it, since the visibility of the face is a great comfort to people who are not used to the veil and since the evidence for covering the head is far clearer in Islamic Law. The obligation of covering of the head is a matter of consensus (*ijmā'*). The matter of covering the face is not.

Therefore, the need for harmonious relations between Muslims and non-Muslims must be weighed against the benefits of a woman in that society covering her face under various circumstances. Muslims need to ask themselves: Will covering her face achieve the desired benefit of limiting sexual temptation in the society in which she lives and with respect to the people with whom she interacts? Will it produce negative consequences for her or for the society as a whole that outweigh those benefits? These are matters that the Muslims who live in such countries need to determine for themselves coolly and objectively. And Allah knows best.



#### END NOTES

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1. Qur'an 24:31.
2. *Al-Mughnī*, 9:498.
3. *Tuḥfat al-Fuqabā'*, 3:334.