151261 - Comments on the ban on the hijab and niqab in some countries, and the ruling on non-Muslim women being uncovered in Muslim countries

the question

It is well known what is happening now in France, and even in some Muslim countries, of opposition to hijab, which has become a focus of debate in some gatherings and TV shows, to such an extent that we now see some people saying: How can you ask others to give you freedom to wear the hijab in the manner you want when at the same time you are forcing them to wear hijab in your countries? It is the same thin. If you really think that forcing women to take off the niqab undermines personal freedom, then what you do here of forcing women to wear the abayah may also be regarded as undermining personal freedom. Do not be fanatical. You are not forced to live in their countries, but you have the right to migrate there, so keep quiet and accept their laws. I would like a convincing academic answer from you, as we are used to hearing from you concerning such matters. May Allah reward you with good for all that you have done and are doing, and may He benefit us by your knowledge, for indeed you are the best successors to the best predecessors. May Allah bless you.

Detailed answer

Praise be to Allah.

Firstly:

The Muslim who cares about his religion feels deeply hurt when he sees opposition to Islam and its symbols, not only from the disbelievers but even from Muslims who outwardly claim to belong to Islam. Among them are some who speak out of ignorance, and there are some who speak on the basis of evil and heresy.

When we compare the war on modesty and chastity in non-Muslim countries and some countries

that claim to be Muslim, we will find that the enmity in the latter countries is more severe and greater, because they have promulgated laws that ban covering the head, whereas those non-Muslim countries – such as France and Belgium – have promulgated laws that ban covering the face only. There is a clear difference between the two matters. But the distress in the hearts of those who care about Islam was – and still is – due to a number of reasons:

1. These countries are supposedly Muslim, not Christian or Jewish

2. They ban covering the head and punish people for doing so; they humiliate the chaste women who wear hijab, and prevent them from studying, working or seeking medical treatment.

3. Their war on chastity and modesty is an old one; they were decades ahead of non-Muslim countries.

Secondly:

With regard to the claim of some defeatists, that if we criticize the disbelievers for banning the niqab in the name of personal freedom, then how can we force their women to wear the abayah – or cover up – in our country, the answer to that is as follows:

1. There is no country in the Muslim world that obliges non-Muslim women to cover their bodies when they go out in the street, except one country, namely Saudi Arabia. We ask Allah, may He be exalted, to preserve this good and not let it change. As for the other Muslim countries, they do not oblige their own women to cover up, so how could they oblige non-Muslim women to do so?

2. Wanton display and nakedness are not permissible for Christians and Jews according to the original teachings of their religions; the command to them to cover up is the original command in their religions.

3. We do not criticise the disbelievers for banning face coverings for Muslim women, if their reasons for doing so stemmed from their religion. Rather we criticize them for several reasons, such as the following:

a. they claim that they are secular and that they have separated church from state, so why are they fighting a religious symbol?

b. They claim that they are protecting personal freedom, so why do they apply this to everyone who takes off her clothes or most of them, but they do not apply it to the one who covers her body or most of it?

c. They are not fighting anything but Islam using the issue of how its women dress. These countries all have different types of clothing for both men and women, so why are the women of those religions and groups and sects left to dress as they wish, except Muslim women, who are being put under pressure with regard to something that is obligatory for them in their religion?

Thirdly:

Those who oblige non-Muslim women to wear the abaya and cover up may be asked: have you obliged the women of your own country to do so? They will answer yes. They may be asked: Do you differentiate between a non-Muslim woman of one religion and a non-Muslim woman of another religion? They will say: No, we do not differentiate. And finally they may be asked: Does your religion enjoin you to do this? Their answer will be: Yes.

Hence no one should criticize those who rule according to secularism or anything else for allowing non-Muslim women to go uncovered in their own countries, but those who rule according to sharee'ah should not be blamed or criticized either. Secularism allows non-Muslim women to go uncovered, but the religion of Islam does not allow that, so the former allows them to do that and the latter does not. Hence wise people directed their blame and criticism to non-Muslim countries because they rule according to secularism yet despite that they ban the covering of the face, even though their own principles do not allow them to do that, let alone criminalize the woman who covers her face or those among her family who called her to do that or instructed her to do that. If that is not dictatorship or fascism or terrorism, then what is?

It is not permissible for anyone in a position of authority in any Muslim country to allow the uncovering of 'awrahs or wanton display from anyone in his country. He is responsible for every

sin that is committed in the area over which he has authority, even if it is committed by non-Muslims. There is to be no differentiation between a Muslim woman and a non-Muslim woman with regard to preventing wanton displays or nakedness, just as there is no differentiation between them in terms of it being prohibited for men to look at them.

Al-Haafiz Ibn Hajar (may Allah have mercy on him) said, concerning the lessons learned from the hadeeth of Haatib:

Ibn al-Munayyir said: There is nothing in the hadeeth to say whether the woman was a Muslim or a dhimmiyyah (from a non-Muslim people living under Muslim rule); but because the ruling on the prohibition of looking at her unnecessarily applies equally to both (i.e., both the Muslim woman and the non-Muslim woman), the evidence refers to both.

Fath al-Baari (6/191).

At the time of the Prophet (blessings and peace of Allah be upon him) there was not a particular type of dress for non-Muslim women, because wanton displays and nakedness were not known among them; rather even the women during the Jaahiliyyah were not known to dress in indecent ways. The Prophet (blessings and peace of Allah be upon him) stated clearly that he had not seen this type of people, when he said: “There are two types of the people of Hell whom I have not seen, men with whips like the tails of cattle with which they strike the people, and women who are clothed yet naked, mumeelaat maa’ilaat walking with an enticing gait (or turning away from righteousness and leading others astray) with their heads like the humps of camels leaning to one side. They will not enter Paradise nor smell its fragrance, and its fragrance may be detected from such and such a distance.”

Narrated by Muslim (2128) from the hadeeth of Abu Hurayrah (may Allah be pleased with him).

Even if we say that we respect personal freedom, preventing the non-Muslim woman from dressing indecently and making a wanton display is not contrary to that principle – even if we go along with it – unlike banning the Muslim woman from covering her head or face, because that ban is contrary to the principle of personal freedom.

Shaykh Mahmaas ibn Jal‘ood (may Allah preserve him) said:

For non-Muslim women to go out in the midst of a Muslim society with clothing that provokes desire and temptation should either be within the framework of civil laws or within the framework of personal rights; in both cases it is not permissible for non-Muslim women to be uncovered in Muslim society.

Civil law is based on the obligation to respect the feelings of all people, and it is not permissible for anyone to provoke their feelings or desire, and cause pain to them. This manner of appearance of non-Muslim women in Muslim countries is offensive to people’s feelings and harmful to their spiritual wellbeing, whether the beholder is a Muslim or a non-Muslim. That is for two reasons:

1. If the one who sees those non-Muslim women dressing in a manner that is not chaste or decent is a Muslim, then he will see in that something which will provoke anger his this obvious violation of religious teaching and this kind ofconduct that is contrary to the rulings of Islam. If he is one of those who are weak in faith, he may feel sexually provoked which will cause him pain, embarrassment and hardship. No matter who he is, he is a sensitive human being, a man of flesh and blood, who is sensitive to what he sees and hears, and is affected by it whether in a positive or negative fashion.

2. If we assume that the Muslims lower their gaze and do not look at this nakedness and indecent scenes, the male non-Muslims will feel provoked sexually, which may prompt them to commit crimes of various kinds in order to quench that desire, which they cannot find anything to quench or direct it in sound ways, because they are so far removed from faith and Islam

In the case of civil laws that are based on Islamic sharee‘ah, it states that Muslims and ahl adh-dhimmah are equal in terms of outward moral duties, and no exception is made in that regard for the dhimmis apart from alcohol and pork. They may make and drink alcohol in private, so long as none of that or its harms affect the Muslims. And they may raise pigs, eat them and buy and sell them amongst themselves.

This applies if we say that by not allowing the non-Muslim women to go out dressed improperly is

in harmony with civil rights.

But if someone were to say that going out in whatever clothes she wants to wear is one of a woman’s personal rights, we say that despite the weakness of this view for reasons that we have mentioned above, we may add that the personal laws of the Jews and Christians are based on the Torah and the Gospel, despite the fact that they have been distorted, and there is nothing in the scriptures to suggest that these indecent kinds of dressing and this ignorant wanton display is permitted. Muslim societies deal with ahl adh-dhimmah in a manner that allows them to practice their religion with regard to personal matters, but with regard to that which is proven to be prohibited to them and to the Muslims, it is forbidden to all of them equally. The extant texts in the Gospel that speak of this matter instruct women to wear a face cover and mention different sizes thereof and the Torah also says that Rebekah wore a face veil because she was a respectable woman.

Al-Muwaalaah wa’l-Mu‘aadaah fi ash-Sharee‘ah al-Islamiyyah (2/684-691); this is a lengthy chapter and we have quoted only part of it.

And Allah knows best.