THE NIQAB
AND
ITS OBLIGATION IN THE HANAFI MADHAB

Our discussion will entail the following:

1. Introduction
2. The juristic definition of shahwah (desire)
3. The Hanafi stance
   3.1. Types of gazes and their respective rulings
      3.1.1. A gaze accompanied with conviction of no possibility of attraction.
      3.1.2 A gaze accompanied with doubt of attraction
      3.1.3 A gaze accompanied with strong possibility or certainty of attraction
   3.2 The obligation of covering the face
4. Conclusion

1. Introduction
It is with great sadness that we note some confusion in the minds of certain students and even some scholars, concerning the obligation of the niqab (veil) in the Hanafi madhab.
The Hanafi madhab expressly classifies covering the face as binding on women and forbids the exposure of the face in the presence of ghair mabrums (strangers).

While there have been dozens of works penned on this issue, we wish to focus on the Hanafi stance, due to the abuse it is being subjected to.
We ask Allah Ta’ala to grant us the tanbih (ability) to explain the issue, in a manner pleasing to Him. Amin.

2. The juristic definition of shahwah (desire)
Before commencing with the discussion, it would be imperative to understand the definition of shahwah in the context of looking at a female.
The Hanafi jurists differ concerning the definition of shahwah in the context of hurmah al-musabarah⁠¹.

---
⁠¹ A specific marital prohibition due to unlawful contact between a male and a female.
Some define it as “an inclination and attraction of the heart”, while others stipulate that it must be accompanied by stirring of the male organ.

However, it must be noted that this difference is only applicable to the context of *burmah al-musabarah* and is inapplicable to the context under discussion.

The jurists have clearly stated that the *shahwah* meant here is “an attraction and inclination”, regardless of whether it is accompanied with stirring of the male organ or not.

Al-Quhustani², Al-Tahtawi³, Al-Nablusi⁴, ‘Abid al-Sindhi⁵ and Ibn ‘Abidin⁶ are amongst those who have expressly clarified this.

3. The Hanafi stance

Before discussing the stance of the madhab, it should be borne in mind that the madhab has tackled this issue from both the man’s perspective as well as from that of the woman.

The male perspective is discussed under the rulings of the gaze, while the female perspective is discussed under the issue of covering the face.

We will now discuss each of them separately:

3.1. Types of gazes and their respective rulings

A male’s gaze towards a strange female’s face or hands would fall under one of the following three categories:

1. جامع الرموز ٢/٣٠٥ ونصه: وَشُرَطَ لَحَلَّ الْنَّظَرِ إِلَيْهَا وَإِلَيْهِ الْآمَنُ بَطُور عِمَّى يَقِينٍ عَنْ شَهْوَةٍ أَيْ مِيلِ النَّفْسِ إِلَى
   القرب منها أو منه أو المس لها أو له مع النظر.
   حاشية الطهطاوي على الدر ١/١٩١ ونصه: قوله: (بِشَهْوَةِ) لم أُتَفَسِّرَها هنا، والمذكور في المصادرة أنه فيممن
   ينتشر بالانتشار أو زيارته إن كان موجوداً، وفي المرأة والفاني بميل القلب، والذي تفيده عبارة مسكنين في الحظر أنها
   ميل القلب مطلق، ولعله الأنسب هنا.
   ٢٤: أنظر رد المحترف ١/ ص ٥٠٦.
   ٥: أنظر طوائف الأنوار ١/ ق ٥٢٧/٥٠ (الأزهر).
   ٦: رد المحترف ١/ ص ٥٠٦ ونصه - بعد ذكر عبارة الطهطاوي: قلت: يؤدي ما في القول المعتب في بيان النظر
   لسيدي عبد الغني: بيان الشهوة التي هنا مناط الخروجة أن يتحرك قلب الإنسان ويميل بطعنه إلى اللثة، وربما
   انتشرت آلهة إن كثر ذلك الميلان، وعدم الشهوة أن لا يتحرك قلبه إلى شيء من ذلك بمنزلة من نظر إلى ابنه الصبيح
   الوجه وابنته الحسناء اهـ.
3.1.1. A gaze accompanied with conviction of no possibility of attraction.

This is the case mentioned in most texts and which has been misunderstood by many. The ruling of the Imam’s of the madhab is clear in that this gaze would be permissible.\(^7\)

However this has been clearly conditioned with absolute conviction of no possibility of *shahwah* appearing in the heart towards her.\(^8\)

The early jurists of the madhab, who lived just after the Imams, knew that this scenario was only possible in the times gone by, when purity and chastity were dominant\(^9\) and thus expecting a young man’s gaze at a young woman to be completely free of desire is unfathomable in these times.

They thus classified such a gaze to be *makruh tahrimi* (highly disliked and close to forbidden).\(^10\)

From amongst the luminaries who mentioned this ruling are:

Abu ’l-Laith al-Samarqandi (d.373 AH)\(^11\), Al-Quduri (d. 428 AH)\(^12\), Al-Walwaliji (d. 540 AH)\(^13\), Siraj al-Din al-Awshi (d. 575 AH)\(^14\), Al-Sunnami (d. after 700 AH).
Authors of *Al-Fatawa al-Hindiyyah* (completed in 1085 AH), Al-Haskafi (d. 1088 AH), Al-Khadimi (d. 1176 AH), Al-Tahtawi (d. 1231 AH), Ibn ‘Abidin (d. 1252 AH), ‘Abid al-Sindhi (d. 1257 AH) and Al-Maydani (d. 1298 AH).
Also worthy of note, is that this ruling has been recorded from none other than the great Imam and Mujtahid of the madhab, Imam Abu Yusuf al-Qadi.26

This ruling is not applicable to old women who have passed the age of being desired, as they have been clearly exempted from these rulings.27

Thus, the authoritative position of the madhab is that while looking at the face of a strange female is not completely forbidden when there exists conviction of no desire at all towards her, it would still be makruh tahrimi.

3.1.2. A gaze accompanied with doubt of attraction
This type of gaze has been classified as haram (forbidden).28

3.1.3. A gaze accompanied with strong possibility or certainty of attraction
This gaze is also been forbidden, just as the one before it.29
3.2. The obligation of covering the face

While the madhab has not completely forbidden a male’s gaze towards a female’s face when there exists absolutely no fear of attraction, the woman has no way of knowing whether the gazes directed towards her are free of desire or not, especially out in public. The Hanafi madhab has, in accordance with the Qur’an and Sunnah, thus obliged a woman to cover her face in front of strangers.\(^{30}\)

This ruling is indicated to by Imam Muhammad in his *al-Asl\(^{31}\)*, which forms the basis of the *zahir ar-riwayah* of the madhab.

This is the authoritative position of the Hanafi School, as adopted by the major Hanafi legal masters over the centuries:

Abu Mansur al-Maturidi (d. 333 AH\(^{32}\)), Hakim al-Shahid (d. 334 AH\(^{33}\)), Jassas al-Razi (d. 370 AH\(^{34}\)), Al-Natifi (d. 446 AH\(^{35}\)), Qadi Khan (d. 592 AH\(^{36}\)), Al-

---

\(^{30}\) HanafiSchool

\(^{31}\) al-Asl

\(^{32}\) Abu Mansur al-Maturidi

\(^{33}\) Hakim al-Shahid

\(^{34}\) Jassas al-Razi

\(^{35}\) Al-Natifi

\(^{36}\) Qadi Khan
Marghinani-author of *al-Hidayah* (d. 593 AH)\(^{37}\), Al-Kirmani (d. 600 AH approx.)\(^{38}\), Mahmud Al-Bukhari-author of *al-Mubit* (d. 616 AH)\(^{39}\), al-Sunnami (d. after 700 AH)\(^{40}\), al-Sighnaqi (d. 714 AH)\(^{41}\), al-Qurashi (d. 854 AH)\(^{42}\), Ibn al-Humam (d. 861 AH)\(^{43}\), al-Quhustani (d. 950 AH)\(^{44}\), Ibn Nujaym (d. 970 AH)\(^{45}\), Sinan al-Khalwati

...
(d. 989 AH) أ، Umar ibn Nujaym (d. 1005 AH) ب، Mulla Ali al-Qari (d. 1014 AH) ج، Al-Shurunbulali (d. 1069 AH) د، Shaykh Zada (d. 1078 AH) ء، Abd al-Halim (d. 1088 AH) هـ، Al-Haskafi (d. 1088 AH) خ، Al-Tahtawi (d. 1231 AH) د، Ibn ‘Abidin (d. 1252 AH) ض، As-Sawati (d. 1346 AH) خ، Al-Nahlawi (d. 1350 AH) ص.

البحر الرائق شرح كنز الدقائق/284 (ط. العلمية/1700): «قال مشاهدنا تمنع المرأة الشابة من كشف وجهها بين الرجال في زماننا للتفتنة».

45 قرة العيون في مناسك الحج ق. أ ونصه: «ووجب عليها أن تسدل شينها على وجهها وتجابه عن وجهها».

46 النها الفائق 98 ونصه: «دلت المسألة على أنها لا تكشف وجهها للأجانب أي أن يفعلها ذلك».

47 مناسك ملا على القاري ص. 5 ونصه: «و في النهاية: إن سدل الشين على وجهها واجب عليها، ودلت المسألة على أن المرأة منهة عن إظهار وجهها للأجانب بلا ضرورة».

48 حاشية الشرنابل على الدرر/234 ونصه: «و دلت المسألة على أن المرأة منهة عن إظهار وجهها للأجانب بلا ضرورة».

49 جمع الأثر 91/81 ونصه: «وفي المتنقي تمنع الشابة عن كشف وجهها لنن يؤدي إلى الفتن، وفي زماننا المع واجب بل فرض لغلبة الفساد و عن عائلة رضي الله تعالى عنها جميع بسدررة عيرة إلا إحدى ثمانين فحسب، لاندفاع الضرورة».

50 285/1 ونصه: «في النهاية أن السدل واجب و دلت المسألة على أن المرأة لا تكشف وجهها للأجانب من غير ضرورة».

51 حاشية عبد الحليم على الدرر/49 ونصه: «أما عند وجودهم و مواجهتهم فهو واجب، و عند عدم الإمكاني فالواجب حينئذ عض البصر من الأجانب».

52 النها الفائق 370 ونصه: «فرح النظر مقيد بعدم الشهوة وإلا نحرم، وهذا في زمانهم، وأما في زماننا فمنع من الشابة قبطان و غيره».

53 حاشية الطهطاوي على المراعي/31 ونصه: «ومنع الشابة من كشفه خوف الفتن، لا لأنه عورة وأنظر حاشية الطهطاوي على الدرر/191 ونصه:».

54 527/5 ونصه: «صرح في النهاية بالروجب وفي المحيط: و دلت المسألة على أن المرأة منهة عن إظهار وجهها للأجانب بلا ضرورة لأنها منهة عن تغطية حق النسك لولا ذلك».

واحده و نحوه في الخانة. وافق في البحر بِها حاصله أن منمل الاستجاب عند عدم الأجانب و مما عند وجودهم فالإرخاء واجب عليها عند الإمكاني، و عند عدمه يجب على الأجانب غض البصر».
4. Conclusion
We can thus conclude that it is obligatory on a man to lower his gaze from the face of strange women under all circumstances, just as it is binding on a woman to cover her face in the presence of strange men.

Allah Almighty knows best.

Husain Kadodia
14 Ramadan 1429 / 14 September 2008
Durban, South Africa

Imam al-Haramayn (d. 478 AH) said:
“There exists consensus of the Muslims on preventing women from emerging with their faces uncovered.”

(Mughni l-Muhtaj 4/203, Tuhfat al-Muhtaj 7/193)