

Rulings On a Woman Wiping Over Her Veil in Islamic Law

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Abstract

This research deals with some of the jurisprudential issues related to women. Specifically, the rulings on wiping a woman's veil when performing ablution for prayer, which is considered one of the important issues in Islamic society, because ablution is a condition for the validity of prayer, and the order came from the wise legislator to impose the wiping of the head when performing ablution, but it is known that a Muslim woman puts a scarf or veil on her head. Is it permissible for her to wipe over the scarf in such a case, or does she have to lift the scarf and wipe over her head directly? This study deals with this issue by researching it by comparing it with the Islamic jurisprudential schools of thought that are well-known among the people. I begin by clarifying the issue, then mentioning the sayings of the jurists, with an explanation of the evidence used by each group, and then I mention the correct opinion from all of that.

Keywords: Women, Veil, Wiping, Jurists, Disagreement, Ablution

INTRODUCTION

Women's issues and the provisions related to them are sensitive and important issues in society, that women are half of society, and they share with men in all matters of life. In fact, they are the child's first school, where he learns the first good morals and behavior. In other words, we can say that women are the basic rule in society. If it is good and has a good level of culture, it will result in a good generation, but if it is bad, it may result in a bad generation.

If we go back in history to the past ancient times - the pre-Islamic era - we find that women were subjected to marginalization and various types of insults. Their rights were lost, they were treated as something secondary, and perhaps they were treated as a commodity to be bought and sold. When the Islam restored her status, gave her her rights, and honored them with a high position and a distinguished position. Islamic law was keen to explain all the provisions related to women in detail in order to preserve and care for them.

Among these provisions that Islamic jurists have taken care to explain are the provisions related to by wiping a woman over her veil during ablution. Is it permissible for her to wipe over her veil when she performs ablution for prayer, or is it necessary for her to wipe over her hair directly for her ablution to be valid?

In my research, I followed this inductive and analytical approach, so I began to trace the opinions of the jurists on each of the issues that I mentioned. I begin first by photographing the issue and highlighting the area of disagreement in it, then I mention the opinions of the jurists on it, and then finally, after completing each mentioned issue, I give preference to one of the statements without fanaticism. Or bias towards a particular doctrine, but rather follow the strength of the argument and evidence.

This research included the following topics:

- Definition of veil
- Evidence of the necessity of the veil or hijab
- The reason for imposing the hijab
- Sayings of jurists regarding the ruling on a woman wiping over her veil during ablution
- Evidence and discussion

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DEFINITION OF VEIL

Veil in the language: a name for something with which something is completely covered, whether it is cloth or something else, and whether it is physical or moral (Ibn Manzur, M.M. 1992, 4/257).

As for the Hijab in the language, it means covering, blocking, and preventing. The guard or gatekeeper is called (the eyebrow) because he protects the place he guards and prevents access to it. It is also called the eye's visor because it blocks the sun's rays from the eye. The veil is the barrier or barrier that prevents two things from meeting or their effect.

As for the veil in terminology, it is a name for what a woman covers her head with (Al-Barkti, M.A. 2003, 1/89), and we note here that the terminological definition does not deviate from the linguistic definition in its meaning of what is intended.

The term (hijab) is used today to refer to the covering of the head only, while in terminology or jurisprudence it means clothing that covers the entire body. As for the word khimaar, it is used today to refer to the covering of the face only, while in jurisprudence it means the covering of the head.

In general, the Muslim woman's hijab, which is meant by the clothing that covers her from foreigners, consists of: the jilbab; It is the garment that covers the body, in addition to the veil; It is the head covering.

EVIDENCE OF THE NECESSITY OF THE VEIL OR HIJAB

The obligation of the hijab is indicated by multiple evidence from the Qur'an and the Sunnah, and the practical consensus of the women of the believers from the era of the Prophet Muhammad through the era of the Rightly Guided Caliphate and beyond. It continued to be implemented even after the dissolution of the Islamic state into states in the middle of the fourth century AH. The nation's consensus was established on it and there was no disagreement about it. None of the Muslims across the centuries, whether in the past or in the successor, and thus the work of all Muslims has been repeated throughout the ages and they unanimously agreed that if a woman reveals what she is obligated to cover, then she has committed a forbidden sin from which she must repent to God Almighty.

Among the evidence for this is the words of God Almighty: {And tell the believing women that they should lower their gazes and guard their private parts, and not display their adornment except what is apparent thereof, and let them drink wine They cover their bosoms and do not display their adornment"} (Surat An-Nur: 31).

The verse indicates that a Muslim woman must wear a hijab or veil over her head and not show any of her adornment.

Among the Sunnah is what Aisha narrated, on the authority of the Prophet - may God bless him and grant him peace - that he said: "God does not accept the prayer of an arrogant woman except with a veil" (Al-Sijistani, S.A. 2009, 1/478).

The veil was also imposed on women because they are the subject of the gaze of men who are also commanded in Islam to lower their gaze, and so that a foreign man's dealings with a woman are not based on her appearance and beauty, but rather according to her humanity and morals, which results in her obtaining her rights without discrimination.

REASONS FOR IMPOSING THE HIJAB

Islam imposed the hijab for several reasons, the most notable of which is what God mentioned when He said: "That is most appropriate, that they should be known and not be harmed" (Surat Al-Ahzab: 59), in order to protect believing women, preserve them, demonstrate their chastity, and prevent immoral people from attacking them.

Among the reasons as well is what God mentioned when He said: "This is purer for your hearts and their hearts" (Surat Al-Ahzab: 53), which indicates the existence of a connection between what the eye sees and what

the heart attaches to, for the eye is the path of desire and sight is the mail of desire, so if the eye does not see, the heart does not desire.

SAYINGS OF JURISTS REGARDING THE RULING ON A WOMAN WIPING OVER HER VEIL DURING ABLUTION

Wiping the head during ablution is an obligation for which there has been repeated evidence from the Qur'an, Sunnah, and consensus. The jurists agreed that wiping the head during ablution is an obligation, but the jurists differed over two opinions regarding the ruling on a woman wiping over her veil:

The first opinion: The majority of Hanafi, Maliki, Shafi'i, and Ahmad jurists, in a narration, held that it is not permissible for a woman to wipe over her veil during ablution, but rather she must wipe directly over her head (Al-Sarkhasi, M.A. 1993, 1/101, Al-Ru'ayni, M.M. 1992, 1/207, Al-Nawawi, Y.Sh. n/a, 1/409_410, Al-Maqdisi, A.A. 1985, 1/222).

The second opinion: Some of the Hanafis, a second opinion of the Shafi'is, and Ahmad in a second narration stated that it is permissible to wipe over the veil during ablution, and that this takes the place of wiping over the head (Al-Sarkhasi, M.A. 1993, 1/101, Al-Nawawi, Y.Sh. n. /a, 1/410, Al-Maqdisi, A.A. 1985, 1/222).

Imam Ahmed, may God have mercy on him, stipulated two conditions: One of them: that the veil be placed under the palate and not completely loose, as it is not difficult to remove it, and the second condition: that the veil be worn in purity (Al-Othaimeen, M.S. 2005, 1/240, Al-Shammari, Sultan bin Saray, n/a, 1/ 7-8).

EVIDENCE AND ITS DISCUSSION

Evidence of those who hold the first statement

The authors of this statement supported the following:

The first evidence: God Almighty's saying: "And wipe your heads" (Surat Al-Ma'idah: 6)

God Almighty has commanded wiping the head, and if a woman wipes over the veil, she is not wiping over the head, but rather wiping over the barrier, which is the veil (Al-Uthaymeen, M.S. 2005, 1/239).

The second evidence: What was narrated on the authority of Aisha, "that when she performed ablution, she would insert her hand under the robe and wipe her entire head" (Al-Bayhaqi, A.A.H. 2003, 1/101, Hadith No. 2 86).

The third evidence: What was narrated on the authority of Nafi', who said, "I saw Safiya, the daughter of Abu Ubaid, performing ablution, removing her veil, and then wiping her head." Nafi' said: And I, on that day, p. Other than that, Muhammad bin Al-Hasan said: And from this we take, one does not wipe over the veil or the turban. We have been informed that wiping over the turban was So he was abandoned (Al-Asbahi, M.A. 1992, 1/45, Hadith No. 52).

This is the action of the mothers of the believers, Aisha and Safiya, may God be pleased with them, as they wiped their heads while wearing a veil, and this indicates that it is not permissible to wipe over the veil (Al-Qari, A.S. n/a, 1/126. Al-Hazmi, A.O. n/a, 8).

The fourth evidence: reasonable; The proponents of this opinion reasoned with reason, in many ways:

1- The veil is worn on a woman's head, so it is protection, and jurists have agreed that it is not permissible to wipe over protection, because there is no difficulty in removing it, as it is like a hat for a man (Al-Maqdisi, Abdullah bin Ahmed, 1985, p: 1/222).

2- It is not correct to compare wiping over the veil to wiping over the turban; Because wiping over the turban was only proven by text from the Messenger of God, may God bless him and grant him peace, and the veil is not in its meaning, so it does not apply to it (Al-Abdaliani, AR.O. 2009, p:1/109).

3- The permission to wipe over a man is proven by the text, but as for wiping over the veil, it has not been proven by authentic transmission, so the license does not cover it; Because the license is not proven with doubt (Al-Abdaliani, AR.O. 2009, 1/109).

Evidence of those who hold the second opinion

The authors of this statement supported the following:

The first evidence: God Almighty's saying: "And wipe your heads" (Surat Al-Ma'idah: 6)

God Almighty has commanded wiping the head absolutely, whether it is done directly or something on it, as evidenced that wiping in most cases does not affect the head, but rather wipes over the hair, which is an obstacle between the hand and it (Al-Maqdisi, A.A. 1985, 1/219).

The second evidence: It was stated in the hadith of Bilal, may God be pleased with him: (The Messenger of God, may God's prayers and peace be upon him, wiped over the socks and the veil) (Al-Naysaburi, M.H. n/a, 1/231, Hadith No. 275).

The hadith indicates the permissibility of wiping over the veil, and the veil here means the turban. It was given this name because it covers the head, and women are included in the general discourse, and for this reason they came under the rule of the socks, and because it is a member of the body, it is permissible for a man to wipe over his private part, and so it is for a woman (Al-Qurtubi, A.O. n/a, 1/534, Al-Basri, AR.O. 2005, 1/109).

The Third evidence: The narration is authentic on the authority of Amr ibn Umayyah, on the authority of his father, who said: "I saw the Prophet, may God bless him and grant him peace, wiping over his turban and socks" (Al-Bukhari, M.I. 2000, 1/52).

The hadith indicates that the Messenger, may God's prayers and peace be upon him, wiped over the turban. Ibn Hazm said: "Six of the Companions narrated that on the authority of the Prophet, may God's prayers and peace be upon him, with uncontested and uncontested chains of narration: Al-Mughirah, Bilal, Salman, Omar, Ibn Umayyah, Ka'b bin Ujrah, and Abu Dhar. This is what the majority of the Companions and Followers say, and the turban is the veil of the head, which indicates the permissibility of wiping over the veil for a woman (Al-Dhahiri, A.A. n/a, 1/305).

The fourth evidence: It was narrated on the authority of Umm Salamah, may God be pleased with her: (She used to wipe over the veil) (Ibn Abi Shaybah, A.M. a n/, 1/30, No. 249).

Umm Salamah, may God be pleased with her, used to wipe over her veil, and if she had known that that was forbidden, she would not have done it (Al-Harrani, A.AH. 1999, 1/266).

The fifth evidence: The reasonable, as the proponents of this opinion used the reasonable as evidence, and that is from the following aspects:

1- The Prophet, may God's prayers and peace be upon him, explains the words of God Almighty, and explains what comes in the Qur'an. The Prophet wiped over the turban, and commanded wiping over it. The veil is worn and worn on the head, and there is difficulty in removing it, so it resembles a turban, and it is permissible to wipe over it. The Turban (Al-Sharh Al-Kabir on Mattan Al-Muqni', 1/152, Al-Mughni, 1/222. Al-Mughni, 1/219

2- The head is one of the parts on which the obligation of wiping through tayammum is dropped, so it similar to that of the ancients in the permissibility of wiping over the barrier on which it is (Al-Maqdisi, AR.M. 1995, pp:1/150-151).

3- Wiping over the turban is fixed for a man. Imam Ahmad said: "wiping over the turban is narrated in five ways on the authority of the Prophet, may God bless him and grant him peace, and the khimaar here means the turban. It was given this name because it covers the head, and women are included in the general discourse, and for this reason they were included in the generality of the discussion regarding the ruling on wiping over the socks. Likewise, the head is an organ on which a man may wipe over a barrier that is on him. The same

applies to a woman. (Al-Maqdisi, A.A. 1985, 1/219, Al-Qurtubi, A.O. 1996, 1/534, and Al-Abdaliani, AR.O. 2009, 1/109).

The most likely opinion

What prevails in my opinion on this issue is what was taken by the people of the first opinion who said that wiping was not permissible because there was no explicit and correct text stating that it was permissible.

RESULTS

At the end of my research, I came to some results, including:

1_ The jurists agreed that it is permissible to wipe over the turban. Because the Messenger, may God bless him and grant him peace, wiped over his turban.

2_ But they differed as to whether it is permissible to wipe over a woman's veil, to two opinions: Some of them permitted wiping over the veil, and some of them prohibited that.

Finally, I recommend to my fellow researchers to increase research into jurisprudential issues related to women. Because it has great importance in people's lives.

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