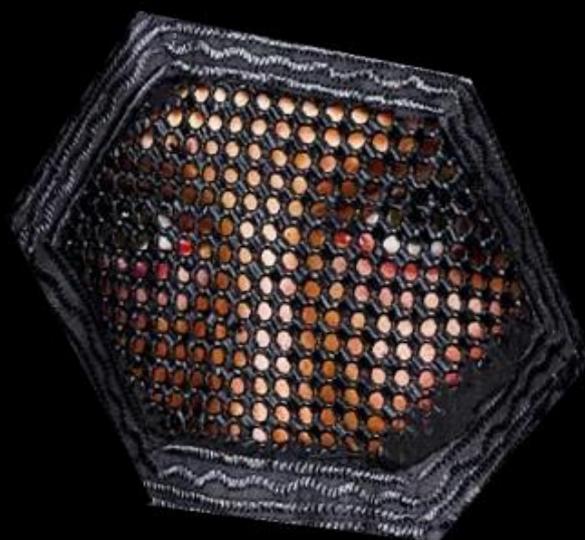




The Islam Research Group

Female Face Concealment in Islam



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(With thanks to KA)

Introduction: the pre-Islamic veil

The earliest record of the practice of veiling women is found in an Assyrian law code engraved onto clay tablets, dated to the twelfth century BC. This prescribes that women of a high social status must be veiled whilst women of a lower status, such as prostitutes and slaves, face severe punishments for veiling themselves - as do men who fail to report them.

"40. A wife-of-a-man, or ... women who go out into the main thoroughfare [shall not have] their heads [bare].

*Daughters of a man ... when they go about ... **in the main thoroughfare during the daytime, they shall veil themselves.***

A concubine who goes about in the main thoroughfare with her mistress is to be veiled.

A qadištu-priestess whom a husband has taken (in marriage) is to be veiled in the main thoroughfare,

but one whom a husband has not taken (in marriage) is to have her head bare in the main thoroughfare, she shall not veil herself.

A prostitute shall not veil herself, her head shall be bare. Whoever sees a veiled prostitute shall seize her, secure witnesses, and bring her to the palace entrance. They shall not take her jewellery; he who has seized her shall take her clothing; they shall strike her 50 blows with rods; they shall pour hot pitch over her head. And if a man should see a veiled prostitute and release her and not bring her to the palace entrance: they shall strike that man 50 blows with rods; the one who informs against him shall take his clothing; they shall pierce his ears, thread (them) on a cord, tie (it) at his back; he shall perform the king's service for one full month.

Slave-women shall not veil themselves...¹

The consensus amongst those who have written on the history of the veil² is that the practice of veiling women passed from Assyria to Persia and Rome, and from Rome to Byzantium. It became customary, although not obligatory, for women to be veiled, throughout Christendom during the Middle Ages. Often, as with the Assyrians, this was a symbol of high social status rather than subordination.

The custom is still perpetuated in the UK with the tradition of wearing of white veils at weddings and black veils during funerals. However, such use in the UK is now occasional, wholly a matter of an individual's aesthetic taste and widely recognised as consciously archaic. Moreover, such veils are invariably symbolic and transparent. The purpose of this paper is to consider the practice in the UK of Muslim women wearing items of clothing that conceal their faces in submission to Islamic teaching or culture mores.

¹ Translated Maren Stol, *The Middle Assyrian Law Book*

² *History of the Veil*, Alexandre Kinias, *Suppressed Histories*, Max Dashu, *The veil in Ancient Middle Eastern/Western Asian Cultures* Dr Pamela Chrabieh and *Virtue and Veiling: Perspectives from Ancient to Abbasid Times* Khairunessa Dossani

The Qur'an

There are two verses of the Qur'an that are principally cited in support of a conservative dress code for Muslim women: {24.31}, and {33.59}.

Surah 24 'The Light'

30. Tell the believing men to lower their eyes and guard their private parts. That is purer for them. Surely God is aware of whatsoever they do.

31. And tell the believing women to lower their eyes and guard their private parts and to **not display their adornment except that which is visible thereof. And let them draw their kerchiefs over their breasts and not display their adornment** except to their husbands or their fathers or their husbands' fathers or their sons or their husbands' sons or their brothers or their brothers' sons or their sisters' sons, or their women or those whom their right hands possess or male attendants free of desire or children who are innocent of the private areas of women.

Nor let them stamp their feet such that the ornaments they conceal become known.

And repent unto God all together, O believers, that haply you may prosper.

'Guard their private parts'

'Guard their private parts' has the unambiguous implication, for men or women, of remaining chaste. This phrase is used in several other verses in the Qur'an as a euphemism for avoiding illicit sexual intercourse³.

³ Including in each of the four verses that forbidding sex save with either one's wives or 'those whom one's right hand possesses', {4.24}, {23.1-9}, {33.50} and {70.19-35}.

'Not display their adornment'

The verse contains a repeated instruction not to display a characteristic that the majority of translations considered⁴ renders as *'adornment'*. The term is probably intended to cover attractiveness itself as an adornment to the physical body. It is alternatively translated as *'charm'* and *'beauty'*⁵. Of the sixteen translations considered for this paper, only one⁶ renders the term as explicitly external (*'ornaments'*) - and to give the term this meaning seems unnatural within the context of the verse.

{24.31} contains two separate prohibitions of women of showing their *'adornment'*, each of which is accompanied by an exception.

The first limitation on the prohibition applies generally and is various translated as exempting:

"that which is visible thereof"

*"what is apparent"*⁷,

*"what is apparent outwardly"*⁸, and

*"that which appeareth thereof"*⁹

There is an obvious circularity in the Qur'an prohibiting the showing of something except so much of it as is visible, and so several translations have endeavoured to make sense of the verse by qualifying *'apparent'* *'visible'* etc by inserting a condition of compliance with social norms.

"... beyond what is [acceptably] visible" (Ali Qarai)

*"... except what (must **ordinarily**) appear thereof"* (Yusuf Ali)

*"... except that which is outward (**face and hands**)"* (Quaribullah & Darwish)

*"... except only that which is apparent (**like palms of hands or one eye or both eyes for necessity to see the way, or outer dress like veil, gloves, head-cover, apron, etc.**)"*

"... except what is permitted by the law" (Sarwar)

However, if such a qualification is implied into the text, this still largely begs the question, by having the Qur'an prohibiting that which is deemed by contemporary social standards not to be permitted.

The second prohibition against a woman showing off her adornment permits a woman to reveal herself before other women and specific categories of male relatives.

⁴ Arberry, Corpus, Daryabadi, Hilal & Khan, Maududi, Pickthall, Qaribullah & Dawish

⁵ *'Charm'*: Ahmad Ali, and Ali Qarai; *'beauty'*: Sarwar, Tala Itani, Yusuf Ali

⁶ Shakir

⁷ Corpus, Arberry, Pickthall, Talal Itani

⁸ Ali Ahmad

⁹ Daryabadi

Specific dress requirement

The verse contains only one specific requirement as to female attire. Women are to draw a '*khimar*' (literally a fabric cover) variously translated as '*veil*', '*scarf*', '*head cover*' or '*covering*') over their '*chest*'/'*breasts*'/'*bosoms*' etc.

Whilst this instruction prohibits the display of a woman's upper chest in front of non-family members, there is no prohibition in {24.31} that women should cover their faces. Such a rule would seem to be implicitly excluded since it would make little sense to expressly prohibit a woman from showing her upper chest without *assuming* that her face would be uncovered. The notion that the verse was announced specifically to prohibit ensembles that conceal the wearers face whilst displayed excessive *décolletage* - is so bizarre that it can safely be discounted.

Surah 33 '*The Parties*'

59. O Prophet, tell your wives and daughters and the women of the believers to **draw their cloaks over themselves.**

Thus it is likelier they will be known and not be disturbed. And God is Forgiving, Merciful.

The word [*jilbab*] in {33.59} that *The Study Quran* translates as '*cloaks*' has also been translated as '*wraps*', '*veils*' '*outer garments*', '*wrapping garments*' '*overgarments*' or '*chadors*'. Unlike '*khimar*' in {24.31} this indicates a designed item of outer clothing. Both '*khimar*' (verse {24.31}) and '*jilbab*' now refer to distinct items of Islamic conservative dress. However, there is no certainty that the these words referred to similar items of clothing back in the seventh century.



A modern khimar and jilbab

Whilst the instruction to women to cover their upper chests is associated in {24.31} with the modesty of the wearer - who is in the same verse told to 'guard her private parts' (refrain from fornication), not to stamp her feet so as to jangle any ornaments, and to repent – in {33.59} a different reason is given. The explicit purpose given for this instruction is to enable the wearer to be 'recognised' (presumably as a Muslim) and thereby to be afforded protection from being 'disturbed'.

Alternative translations express this protection in the following ways:

*"That would be more likely to distinguish them so that they will **not be affronted**",*

*"That makes it likely for them to be recognised and **not be troubled**",*

*"This will be more proper, that they may be known, and thus they will **not be given trouble**",*

*"So that they may be recognised and **not annoyed**",*

"This will make them distinguishable from others and protect them from being annoyed."

"That will be better, that they should be known (as free respectable women) so as not to be annoyed",

*"... so they will be recognised and **not harassed**",*

*"It is likelier that they will be recognised and **not molested**",*

*"...that they should be known (as such) and **not molested**"*

*"That (is) more suitable that they should be known and **not harmed**",*

*"They will thus be recognised and **no harm will come to them**",*

*"It is likelier they will be known, and **not hurt**",*

*"...so it is likelier they will be known, and **not hurt**"¹⁰.)*

The Qur'an does not explain how a woman identifying herself as a Muslim would protect her from unwanted attention. It is suggested that the most likely explanation is that the author of the Qur'an has in mind women who may face harassment from Muslim men, whom it is hoped, would not molest women they could identify as belonging to their own community.

¹⁰ Daryabadi, Ali Qarai, Shakir, Pickthall, Sarwar, Hilali & Khan, Talil Itani, Maududi, Yusuf Ali, Corpus Ahmad Ali, Quaribullah & Darwish and Arberry respectively.

Circumstances in which the verses 24.31 and 33.59 were announced

The most widely read collection of hadith focussing upon the circumstances in which verses of the Qur'an were said to have been announced (the *Nuzul al Asbab* of Al Wahidi) contains no entries for either **{24.31}** or **{33.59}**. However, the most widely read Quranic commentary, the *Tafsir* of Ibn Kathir (writing c.1360) associates Mohammed's announcement of **{24.31}** with a hadith recorded by Muqatil bin Hayyan, writing shortly after the Abbasid revolution (750).

*"We heard - and Allah knows best - that Jabir bin `Abdullah Al-Ansari narrated that Asma' bint Murshidah was in a house of hers in Bani Harithah, and **the women started coming in to her without lower garments so that the anklets on their feet could be seen, along with their chests and forelocks.***

Asma' said: `How ugly this is!'"

Ibn Karthir also records a hadith contained within the collection Sahih al Bukhari (the most widely respected collection of hadith), compiled about a century later (ie the mid-ninth century) concerning the women of Medina's reaction to the announcement.

"Narrated Aishah:

*'May Allah bestow His Mercy on the early emigrant women. **When Allah revealed {24:31} they tore their Murat (woollen dresses or waist-binding clothes or aprons etc.) and covered their heads and faces with those torn Muruts.**'¹¹*

Finally Sahih Bukhari, the most widely respected collection of hadith, produces a hadith which relates Umar ibn Khatab (who was to become the second Caliph to rule the Islamic community after the death of Mohammed) following Sawda, one of Mohammed's wives to the toilet, and using his recognition of her to persuade Mohammed to impose a strict veiling requirement.

"Narrated `Aisha:

'The wives of the Prophet used to go to Al Manasi, a vast open place (near baqia at medina) to answer the call of nature at night. Umar bin Al-Khattab used to say to Allah's Messenger ...

'Let your wives be veiled'

But he did not do so. Once Sawda, the daughter of Zam`a went out and she was a tall woman. Umar bin Al-Khattab saw her while he was in a gathering, and said:

'I have recognised you, O Sawda!'

¹¹ Book 65, 4758

He (Umar) said so as he was anxious for some Divine orders regarding the veil (the veiling of women.) So Allah revealed the verse of veiling. (Al-Hijab; a complete body cover excluding the eyes).

Sahih Bukhari 1.4.148. A similar hadith is at 8.74 257 and in Sahih Muslim 26.5397

The hadith is unclear which verse is referred to as the 'verse of veiling' since this may relate to either **{24.31}** or **{33.59}**.

For Muslims this hadith is problematic since it suggests that God revealed an instruction to believers on the deliberate prompting of Umar, in less than auspicious circumstances.

The hadith also adds a third rationale for the wearing of enveloping clothing after modesty and protection: namely to provide anonymity. However it fails to indicate why Umar's ability to identify Sawda going to the toilet at night was something that it was important to avoid.

Other verses of the Qur'an relating to women's dress

A further verse in **Surah 24** reads:

Surah 24 'The Light'

60. *"As for elderly women who no longer anticipate marriage there is no blame on them to doff their garments without displaying any ornament. And it is better for them to be modest and God is Hearing, Knowing."*

This suggests that a modest dress code should be generally regarded as obligatory for younger women but merely preferable for older women: but gives no details as to precisely what garb is permitted or prohibited for either.

Surah 33 contains two verses directed specifically to or about the wives of Mohammed. The first appears within a series of verses addressed [*'O wives of the Prophet!'*]

Surah 33 'The Parties'

33 *"Abide in your homes and flaunt not your charms as they did flaunt them in the prior Age of Ignorance. Perform the prayer, give the alms, and obey God and His Messenger God only desires to remove defilement from you, **O People of the House**, and to purify you completely."*

The fact that this prophecy was directed specifically to the wives of Mohammed only is not merely clear from the its location within a series of instructions addressed to his wives, but is reinforced by

reference to the 'People of the House' (*Ahl al-Bayt*) a term commonly used in Islam to refer to the immediate family of Mohammed.

A further verse, {33.53}, that specifically relates to the protocol expected of visitors to the house of Mohammed requires such visitors to speak to his wives 'from behind a veil', by which is clearly meant a hanging or free-standing screen of some sort, rather than an item of clothing.

Some also refer to {7.22-26} the story of Adam and Eve (in the Qur'an: Hawa) in the Garden of Eden.

Surah 7 'The Heights'

"Thus [Satan] lured [Adam and Hawa] on through deception. And when they tasted of the tree their nakedness was exposed to them and they began to sew together the leaves of the Garden to cover themselves. And their Lord called out to them: 'Did I not forbid you from that tree and tell you that Satan is a manifest enemy unto you?'

[God said} O Children of Adam! We have indeed sent down upon you raiment to cover your nakedness and rich adornment. But the raiment of reverence is better' ...

Further hadith (i.e. not related to the announcement of Quranic verses)

Although there is no verse of the Qur'an that states or implies that Muslim women should cover their face, and no record of Mohammed instructing women to do so, there are several hadith that suggest that female followers of Mohammed did wear face veils:

- "It was narrated from Urwah that Aisha said:

*'The Messenger of God... used to pray Fajr and the believing women would attend (the prayer) with him, wrapped in their aprons, then they would go back to their houses **and no one would recognise them.**'¹²*

- "The Prophet ... said:

*'When any one of you proposes marriage to a woman, there is no sin on him if **he looks at her**, rather he should look at her for the purpose of proposing marriage even if she is unaware.'¹³*

¹² Sahih Bukhari: 365; Sahih Muslim: 645.

¹³ The *Musnad* of Ahmad bin Hanbal who wrote his collection of hadith from a lawyer's perspective in the mid-ninth century, at about the same time as the six major collections of hadith were being compiled.

- “It was narrated that Aisha said:

*‘The riders used to pass by us when we were with the Messenger of God... in ihram [in a state of being about to perform the Hajj pilgrimage to Mecca]. **When they came near us we would lower our jilbabs from our heads over our faces, and when they had passed by we would uncover our faces’.***¹⁴

The Tafsir (Qur’an commentary) of Tabari further reported a saying attributed to Abd Allah Ibn ‘Abbaas, Mohammed’s cousin:

“Allah commanded the believing women, if they go out of their houses for some need, to cover their faces from the top of their heads with their jilbabs, and to leave one eye showing.”

However, no such verse appears in the canonical Qur’an and this hadith was not accepted into any of the six major hadith collections.

¹⁴ Abu Dawood 1562

Broader Quranic context

Women in the Qur'an

The verses relied upon to enforce this conservative dress code for women is part of a wider raft of measures in the Qur'an that place women in a disadvantageous position to men.

These are detailed in a separate series of papers published by the Islam Research Group and include:

- ❖ Inferior marriage rights for women including:
 - the provision that men may divorce women as of right, **{2.225-9}**, but the absence of an equivalent right for women who may only attempt to negotiate their divorce through the payment of money or justify it to a sharia court,
 - the right of a man to have up to four wives concurrently, **{4.3}**, and to have intercourse with any woman whom his right hand possesses, contrasted with the assumption that women must remain chaste to one man, and
 - the right of a man to beat a wife to enforce her obedience, **{4.34}**;¹⁵

and

- ❖ Discriminatory inheritance rights for women which dictate that close female relatives, such as grandmothers, wives, daughters and granddaughters, receive half as much as their male counterparts, **{4.11 and 176}**.¹⁶

Based upon this subordination of women, subsequent Sharia law developed further rules to the effect that:

- ❖ the compensation paid for the death of or injury to a woman is calculated to be half that for a death or similar injury to a male;
- ❖ A woman's testimony would be excluded from some proceedings and afforded half that of a male in others.¹⁷

¹⁵ *The Qur'an as Reportedly Practised and Preached by Mohammed: 8. Inferior rights for women in marriage and divorce, including a husband's right to strike his wife to enforce her obedience*

¹⁶ *The Qur'an as Reportedly Practised and Preached by Mohammed: 7. Inferior inheritance rights for women*

¹⁷ Ibid.

Sex in the Qur'an

The only three instances in which sex is permitted in the Qur'an are:

- ❖ within marriage (as described above),
- ❖ the right of men to have sex with *'those whom their rights hands possess'*, generally interpreted and on one occasion in the Qur'an specified as captives of war,¹⁸ and
- ❖ in heaven with *houris*: supernatural beings described as *'fair skinned'* and *'full breasted'* with *'large beautiful eyes like pearls'*, invariably understood as having been created by God to provide reward – unambiguously erotic - to pious Muslim men in paradise.

As such, all permitted sexual activity referred to in the Qur'an is described from the perspective of the satisfaction of male sexual desire, within the context of relationships in which the male has a position of dominance over the female, and without any reference to (and in two of the three contexts explicit disregard to) female consent, pleasure or autonomy.

¹⁸ *The Qur'an as Reportedly Practised and Preached by Mohammed: 9. Sex is permitted with those whom one's right hand possesses*

Islam after Mohammed

The absence of face veiling in the Qur'an but its presence in hadith may indicate that the practice of face veiling had become more common by the second century after Mohammed than in Mohammed's own time.

The lack of documentary descriptions of women's dress in Islamic archives and the absence of artistic depictions make it difficult to form general conclusions as to how prevalent face covering has been in Islamic societies in the middle ages and early modern period.

The concept of '*hijab*'

The word '*hijab*', which in the present time is normally used to refer to the Islamic style of headscarf appears seven times in the Qur'an to describe different instances of separation but in none does it refer to an item of clothing and it most commonly refers to the separation of belief from unbelief, only once referring to women as a class (and then only Mohammed's own wives)¹⁹.

However the term '*hijab*' has come to embrace the more general separation of women from men that are not their husbands or close blood relatives. The most extreme visible manifestation of this doctrine of separation (the most extreme unseen manifestation being the keeping of women indoors) is found in the Islamic conservative dress that includes face-coverings to prevent non-family from seeing a woman's face. This is most commonly found in three forms:

- ☉ the **niqab**: a whole head covering scarf with an eye slit (commonly associated with Arabia);
- ☉ the **burka**: an item of clothing that envelops the whole of the wearer's body allowing just a fabric lattice in front of the eyes for vision (often associated with Afghanistan); or
- ☉ a detachable **veil**, covering the lower face.

¹⁹ The term '*hijab*' is used in the Qur'an to refer to:

- ❖ the barriers between Muslims or Mohammed and unbelievers in the afterlife, **{7:46}** and **{17.45}**;
- ❖ the division between God and mortals, **{42.51}**;
- ❖ an unspecified barrier that Mary put between herself and her people, **{19.17}**;
- ❖ a physical barrier that existed in Mohammed's house to separate visitors from his wives, **{33.53}**;
- ❖ the separation from the sun at night-time, **{38.32}**; and
- ❖ the impediment that prevents some unbelievers from believing, **{41.5}**.

The undoubted rationale for this separation is the discouragement of sexual attraction between unmarried men and women. The classical Hanafi doctrine is summarised on the Deoband.org website:

The juristic definition of shahwah (desire)

Before commencing the discussion, it would be imperative to understand the definition of shahwah in the context of looking at a female.

The [Hanafi²⁰] jurists have clearly stated that the shahwah in the context of gazing at a member of the opposite sex is “an attraction and inclination”; this is regardless of whether the gazing is accompanied with the stirring of the male organ or not...

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

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 imams of the madhhab is clear in that this gaze would be permissible. However, this has been clearly conditioned with absolute conviction of no possibility of shahwah appearing in the heart towards her.

*The early jurists of the madhhab, who lived just after the imams, knew that this scenario was only possible in bygone times when purity and chastity were dominant and, so, 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).***

...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.

2. A gaze accompanied with doubt of attraction

This type of gaze has been classified as haram (forbidden).

3. A gaze accompanied with a strong possibility or certainty of attraction

This gaze is also been forbidden, just as the one before it.

The obligation of covering the face

*While the madhhab 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 when out in***

²⁰ Of the four major schools of law (fiqh), the Hanafi places the greatest emphasis upon understanding the rationale for rules and adopting a purposive approach to their interpretation. The Maliki fiqh places a greater emphasis upon the imitation of the traditional practices of Medina, the Shafii and Hanbal fiqhs see the law as more conservatively bound by the strict words of the Qur’an and sunnah (recorded words and actions of Mohammed).

public. The Hanafi madhhab has, in accordance with the Qur'an and Sunnah, thus obliged a woman to cover her face in front of strangers.

This is the authoritative position of the Hanafi School, as adopted by major Hanafi legal masters over the centuries ... [26 names are listed]

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 Most High knows best"

Later Islam

It is outside the scope of this work to review the prevalence of face coverings for free women in Islamic societies throughout history in detail. The lack of accounts of women's dress and the strong Islamic discouragement of depicting humans in art make this problematic. It seems reasonable to conclude however that it has been extensive.

Ibn Battuta, in his written accounts of having travelled extensively in the middle east in the fourteenth century, singled out the fact that Turkish women were unveiled, indicating that this was unusual for his time:

"[We] set out for the country of the Turks. ... It was conquered by the Muslims, but there are still large numbers of Christians there under the protection of the Turkmen Muslims. We travelled on the sea for ten nights, and the Christians treated us honourably and took no passage money from us. On the tenth day we arrived at Alanya [where the province begins]. This country ... is one of the finest in the world; in it God has brought together the good things dispersed throughout other lands. Its people are the most comely (handsome) of men, the cleanest in their dress, the most delicious in their food, and the kindest folk in creation.

*Wherever we stopped in this land, whether at a hospice or a private house, our neighbours **both men and women (these do not veil themselves)** came to ask after our needs. When we left them they bade us farewell as though they were our relatives and our own folk, and you would see²¹."*

Postcolonialism

European explorers seem to have found the veil an object of fascination, which found its way into the Orientalist artistic movement, veils in particular ironically acquiring alluring if not explicitly erotic connotations.

Nationalist movements were not so enamoured. Qasim Amin, in 1899, wrote a book that appears to have been particularly influential, *'The Emancipation of Women'*, in which he associated Islamic

²¹ Battuta, *Travels in Asia and Africa 1325-1354*

female face coverings with ignorance and superstition, and the antithesis to a strong society able to compete with the more economically advanced non-Muslim nations.

After the fall of the Ottoman empire most early to mid-twentieth century rulers of Muslim majority countries discouraged or banned the veil as an obstacle to modernisation. In the 1920s Shah Reza Khan in Iran, King Amanullah in Afghanistan and King Faouad of Egypt all banned the veil in their respective countries, Mustafa Kamal Ataturk strongly discouraged its use in Turkey, and by the 60s the veil appears to have become a rural anachronism throughout most of the Middle East.

However during the Algerian War of Independence (1958-62) French intolerance of the veil became a spur to nationalists who may have been the first to use the veil as a symbol of resistance to western 'cultural imperialism', a political significance developed by the Muslim Brotherhood in the 1970s.

Veil wearing appears to have remained constantly prevalent in the Arabian Peninsula.

Recent 'burka bans'

There are currently 6 countries in Europe that have instituted nationwide bans on face coverings in all public places:

France (2010), Belgium (2011), Latvia (2016), Bulgaria (2016), Austria (2017) and Denmark (2018).

Face concealment is also banned in several regions of Europe in countries where there is no national ban including Bavaria, Catalonia, Lombardy and Ticino. There are also some partial bans: for example the Netherlands has banned face coverings in certain public settings such as on public transport or in schools and hospitals.

Outside Europe:

Chad, Cameroon and Congo-Brazzaville have banned face coverings since 2015 (in response to two suicide attacks that year by burqa wearing terrorists in Chad);

Morocco banned the sale of face veils in 2017, also on security grounds.

Algeria banned public sector workers from wearing face coverings in 2018, prime minister Ahmed Ouyahia stating that civil servants must:

*"observe the **rules and requirements of security and communication** within their department, which impose their systematic and permanent physical identification".*

In 2016 and 2017 Egypt's legislature passed laws restricting the wearing of face veils – on both security and religious grounds (the latter on the basis that female face coverings contradict the requirements for women's dress set out in the Qur'an). However neither statute has yet been signed into law by President el-Sisi.

A proposed ban has also been debated in the Tunisian legislature and is believed to have popular support, but has been rejected as potentially destabilising.

Decisions of the European Court of Human Rights

The European Court of Human Rights (ECtHR) has separately considered whether the French and Belgium bans have contravened the European Convention on Human Rights (ECHR) and in each case has concluded that a state is entitled to conclude that laws to ban face coverings are 'necessary in democratic society'.

SAS v France (ECtHR 2014)

In SAS v France the court upheld the French ban on face coverings in public on the basis that the state interference with the rights of its citizens choice of clothing was necessary:

"to protect a principle of interaction between individuals which in its view is essential for the expression not only of pluralism but also of broadmindedness without which there is no democratic society."

The court accepted the French submission that *“the face plays an important role in social interaction”* and that veiling it deprives other members of society from interacting with the veil wearer in the way that society would consider normal, to the detriment of society at large.

The court did however reject the French arguments that the ban could alternatively be justified on the basis of enforcing gender equality since, in the view of the court, the ban would only interfering with the human rights of women who wished to wear the face covering, and whose right to equality was not being infringed by so wearing it.

Belcemi and Oussar v Belgium (ECtHR 2017)

The court again accepted that face coverings were incompatible, within Belgian society, with social communication and the *“establishment of human relationships”* that were *“indispensable to ensure the functioning of a democratic society”*.

Islamic female face concealment in the UK

Within the UK the issue of whether to ban Islamic female face coverings is divisive. There is currently no law prohibiting face coverings of any sort, although police currently have power to require a person to show their face if they believe that an item is being worn to conceal their identity.

In 2006 Jack Straw, shortly after ceasing to be foreign secretary but whilst still in the cabinet, wrote a column in the Lancashire Evening Telegraph stating that Islamic female face concealment made him uneasy and that he had requested constituents to remove them before talking to him.

Setting out his reasoning he wrote:

“The value of a meeting, as opposed to a letter or phone call, is so that you can - almost literally - see what the other person means, and not just hear what they say. So many of the judgments we all make about other people come from seeing their faces.”

He also recorded his:

*“concern that wearing the full veil was bound to make better, positive relations between the two communities more difficult. **It was such a visible statement of separation and of difference.**”*

In 2018 another recent ex-foreign Secretary, Boris Johnson stirred greater controversy when he wrote in the Telegraph:

'If you tell me that the burka is oppressive, then I am with you.

'If you say that it is weird and bullying to expect women to cover their faces, then I totally agree – and I would add that I can find no scriptural authority for the practice in the Koran.

'I would go further and say that it is absolutely ridiculous that people should choose to go around looking like letter boxes; and I thoroughly dislike any attempt by any – invariably male – government to encourage such demonstrations of 'modesty'

Both Jack Straw and Boris Johnson stated unambiguously that they opposed any ban on face coverings.

Employees may be required to show their faces by their employers only if the employer can demonstrate that showing the face is necessary to perform one's work. It is suggested that this can lead to somewhat technical debates, such as when a teaching assistant's refusal of employment was upheld on the basis that young children need to see their teachers lips to pronounce new words correctly²² and that such issues do not address the true effect of Islamic female face concealment. By contrast it has been held that an employer could not lawfully refuse employment to a woman wearing conservative Islamic dress on the basis that they wished to create a liberated 'cool' ambiance for, for example, a clothes shop or hairdressers.²³

²² [Azmi v Kirklees Metropolitan Borough Council \[2007\]](#)

²³ [Noah v Desrosiers t/a Wedge \(2008\)](#)

In 2017 UKIP became the first UK political party to propose banning face coverings, Paul Nuttall, the then UKP leader, calling them '*a deliberate barrier to integration*'.

The For Britain 2018 Manifesto notes that:

"In a free society any person should have the freedom to wear whatever clothing they choose for the purposes that clothing is normally worn: comfort, decency, utility or style [but that] face coverings – whether worn to comply with the wearer's conservative religious mores or to conceal the wearers identity – are detrimental to social cohesion and the public good"

and pledges to:

"create a new criminal offence of wearing a facial covering in public or other specified places, subject to the wearer being able to demonstrate a good reason, which shall exclude compliance with a religious obligation or cultural norm."

Conclusion and Comment

A person's choice of attire is normally a matter upon which they should be afforded a high degree of personal freedom.

It seems in accordance with the general principles of liberty that a ban on wearing face coverings cannot be justified merely for the purpose of:

- preventing the wearer from expressing their personal commitment to a value system - even where those values can be shown to be detrimental to society;
- preventing individuals or communities from celebrating their heritage and culture; or
- preserving a distinctive core culture or to exclude 'otherness': even when that otherness is expressed in clothing that members of the majority, settled community find unsettling.

A ban may be justified if it were judged necessary to protect public safety or to prevent crime, but there is no evidence to show that the level of criminality involving Islamic dress in the UK is such that a general ban might be reasonably considered proportionate.

The European Court of Human Rights has twice endorsed bans on face coverings for the purpose of facilitating social interaction generally within society. However, it is suggested that, whilst the court's conclusion is welcome, its logic is neither honest nor convincing. Whilst a person's face is clearly helpful to communication, it is hard to say that one person's human rights are infringed by their not being able to see the face of another person who does not want to show it to them. It is suggested that the European Court of Human Rights relied upon contrived logic because it did not wish to rule, and the governments of France and Belgium felt constrained from arguing against the true mischief of Islamic face concealment which is based in the misogyny, sectarianism and endorsement of sexual exploitation that are rooted in the Qur'an.

The consequences of face concealment

In ordinary settings²⁴ there are two main physical consequences of wearing a face-covering:

The wearer denies those they encounter from identifying the wearer by their face. Given that in the context of Islamic conservative clothing, the attire as a whole is almost always dark coloured and unpatterned, in practice the effect of Islamic female face coverings is to deprive the wearer's physical appearance of almost *any* sign of individual identity, rendering them, not merely anonymous, but, so far as is practicable, dehumanised.

²⁴ As opposed to specific settings where a face covering may have a specific practical purpose such as in a hospital to prevent the transmission of germs, or in extremely cold weather to keep the face warm.

The wearer also places a barrier to non-verbal communication through facial expressions. Most important in the loss of facial expressions is the inability of the wearer of face coverings to smile at another person, smiles in particular being an almost essential component in the building of relationships of any emotional depth.

Together with these two physical consequences is the unambiguous message communicated by the wearing of Islamic face coverings that is clearly understood by those that the wearer encounters: that the wearer's visual individuality and ability to communicate emotions are both being purposefully withheld in order to communicate their sexual unavailability to all men they come within the sight of, however fleetingly, to the exclusion of all their individual attributes.

Face coverings are not mandated for women in the Qur'an. On the contrary, in {24.31} women's showing of their faces is implicitly permitted. Nor is there any hadith in which Mohammed is said to have instructed women to conceal their face. Nevertheless, the veil has an early and long history in Islamic societies because it carries to the ultimate conclusion themes that are very evident in the Qur'an:

the lack of rights of a woman, summed up in Mohammed 's exhortation to men to

“Treat women well, for they are [like] domestic animals with you and do not possess anything for themselves”²⁵,

the repression of sexual autonomy,

the legitimisation of harassment of non-Muslims as identified by their 'immodest' dress.

As such Islamic female face coverings are designed to achieve, and do achieve, two effects that are inconsistent with a secular liberal democratic society.

I Face coverings as a physical device in the oppression of women

The freedom and equality of women is dependent upon their being respected and being able to forge and maintain meaningful friendships and professional connections as autonomous individuals. The economic independence of women relies in large part upon their being able to live and work alongside men as equals without gender-based barriers.

Islamic female face coverings do not merely visually promote the Islamic doctrines of women's inferior rights and status, and present the wearer as defined solely in terms of a sexually objectivised, if unavailable, entity. They act as a physical barrier to women exercising effective individual autonomy.

Whilst some women undoubtedly embrace this loss of autonomy voluntarily, either to cultivate an inner attitude of piety by self-negation, to find emotional strength by immersing themselves completely into Islam's collective communal identity, or for some other reason, it would be naïve to suggest that many women in the UK are not compelled to wear face coverings due to childhood

²⁵ Mohammed's Farewell Pilgrimage sermon

indoctrination and cultural isolation, coercion by husband or family, and/or irresistible peer pressure from the surrounding Muslim community, possibly strengthened by the fear of retaliation by Sharia vigilantes.

The prevention of women being forced to wear face coverings and thereby being kept isolated from the ordinary social interactions that have the potential to enhance their freedom, must supersede the interest of those who wear face coverings through a genuine individual exercise of free choice.

II Face coverings as a physical barrier to integration

The barrier formed by face coverings to the formation of meaningful relationships – with men and women – is not merely a barrier between the wearers and those around them, but it also acts as a barrier to social integration between Muslims and the wider community which is essential for long term cohesion of society.

As Muslim-majority areas grow in extent and homogeneity, women living an ultra-conservative Muslim lifestyle and following the Quranic instruction to ‘*abide in their homes*’ where possible, will have fewer and fewer opportunities to interact with non-Muslims. Since face coverings are a trait of the most conservative religious traditions within Islam, many wearers will inevitably have been raised in conservative all-Muslim backgrounds or will have had their exposure to wider British society deliberately limited by others. By wearing face coverings such women will severely restrict such opportunities that they do have to communicate at any emotionally significant level with non-Muslims. Inevitably they will also be poorly equipped to raise future generations to respect British values of individual freedom and secular democracy.

In ***Muslims in Britain***²⁶ the Islam Reform Group highlights the growing segregation of Muslim communities in some British towns and cities. This process is hardened by:

- transnational marriages (with, for example, 80% of babies born in Bradford of Pakistani or Bangladeshi ethnicity having one of its parents born outside the UK);
- consanguineous marriages (with, for example, 37% of babies born in Bradford of Pakistani or Bangladeshi ethnicity, being the children of first cousins); and
- a developing parallel legal system of sharia councils.

This paper concludes that major intercommunal conflict between Muslim and non-Muslim areas is likely to occur within one or two generations. Islamic female face concealment constitutes a significant physical barrier to social integration and one of the more easily removable factors in the current and extremely dangerous fracturing of society.

²⁶ See ***Islam Research Group*** homepage.