



Is Hijab Religious or Cultural? How Islamic Rulings Are Formed

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Introduction

When it comes to the obligation for a Muslim woman to cover her hair and body, many have expressed their confusion as to where this commandment is rooted. In order to address this topic, this paper will explore how rulings in Islamic law are generally formed, while adopting the commandment for women to cover as a case study. We will explore the handful of sources jurists are presented with, and how they go about evaluating different texts to arrive at a legal conclusion.

In order to do so, we must first clarify the term *hijab*. In an attempt to understand the legal ruling on *hijab*, one often begins their search with this wording in mind. One will quickly recognize, however, that their search is futile. This is because our contemporary usage of the word “*hijab*” to refer to the legal ruling on covering is misleading. *Hijab* linguistically refers to a barrier past which one cannot see. The Qur’an uses this word in a number of contexts, including describing the physical barrier between the people of hellfire and paradise [Sūrat al-A‘rāf, 44-46], as well as the metaphysical barrier that distinguishes between the hearts of the believers and the disbelievers [Sūrat Fuṣṣilat, verse 5, Sūrat al-Isrā’, verse 45]. Other references to *hijab* include the exclusive mandate upon the wives of the Prophet ﷺ to maintain a physical barrier between themselves and non-related men [Sūrat al-Aḥzāb, verse 53]. This is in addition to their obligation of covering themselves, and hence not illustrative of the word *hijab* as we know it today. Thus, while scriptural mentions of *hijab* refer to a partition, in this day and age, *hijab* is most commonly translated as merely “headscarf.” For the purposes of this paper, we will adopt the word *hijab* in reference to covering both the hair and body. Clothing that is loose and opaque is taken for granted in this understanding as well, since that is mandatory for both men and women when covering one’s body (*‘awrah*). We reserve the discussion of what constitutes modesty and the *‘awrah*, however, for another paper in this series.¹

¹ Mohammad Elshinawy, “Understanding *Ḥayā’*,” *Yaqeen Institute for Islamic Research* (forthcoming).

Qur'anic sources

We begin where all jurists first turn to address a legal dilemma: the Qur'an. The Qur'an is the foremost primary source in Islamic law because it has been definitively established (*qaṭ'ī al-thubūt*). Put differently, because the Qur'an has been massively transmitted (*mutawātir*), we can be certain that the text that we have today is the same text revealed to the Prophet ﷺ. In turn, because we believe the Qur'an to be direct revelation from God, rulings in the Qur'an are unquestionably upheld as divine commands. That being said, although a Qur'anic verse may give us a clear command, the *way* in which a command is applied may be open to interpretation (*ẓannī al-dalālah*). For example, Allah commands believers in verse 6 of Sūrat al-Mā'idah to wash when they rise for prayer:

O believers! When you rise up for prayer, wash your faces and your hands up to the elbows, wipe your heads, and your feet to the ankles... [5:6]

This verse clearly establishes that we must wash before prayer. Yet, at the same time, it does not provide the details of how to fulfill this command. At first glance, we may agree on which limbs need to be washed, but is *wuḍū'* limited to washing these limbs alone? And do we have to wash them in a particular way or sequence? These open-ended questions demonstrate how a verse in the Qur'an, although providing a clear command, may still need to be interpreted. Through various sources such as Qur'anic exegesis, Prophetic precedent, and other methods of legal analysis, jurists, nonetheless, were able to establish precisely the limbs and process for carrying out *wuḍū'*. Similarly, the Qur'an establishes the command for women to cover in a way that, on the face of it, seems to leave room for interpretation. Thus, in order to establish what exactly is divinely commanded, one must consult other source texts for a more definitive conclusion.

There are a number of verses in the Qur'an that address the question of women's clothing and/or modesty in general, one of which is of direct interest. This primary verse reads:

And tell the believing women to lower their gaze and guard their private parts and not expose their adornment (*ẓīnah*) except that which

[necessarily] appears thereof and to wrap their headcovers (*khumurihinna*) over their chests and not expose their adornment except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, their brothers' sons, their sister's sons, their women... [24:31]

For the sake of this paper, we will focus on the first half of the verse that addresses the details regarding women's dress. In addition to the command upon men to lower their gazes and guard their private parts that appears in the preceding verse [24:30], women are commanded to 1) "not expose their adornment except that which [necessarily] appears thereof" and 2) "wrap their 'headcovers' over their chests." These two Qur'anic injunctions are clear commands that serve as the foundations for the legal obligation of "*hijab*." Let us begin by addressing the first clause of the command, which many often skip, instead citing the second clause as the primary injunction for wearing *hijab*. However, when jurists address women's covering in legal discussions, it is this first clause that serves as the central command, while the second condition primarily functions to provide further clarity.

In this first clause, Allah informs the Prophet ﷺ to command the believing women to cover their *zīna*, which is often roughly translated as adornment or beauty. In order to properly understand the meaning of this instruction, we turn to the science of Qur'anic exegesis (*tafsīr*). Early commentary on the Qur'an by the Companions of the Prophet ﷺ is critical in our understanding of the Qur'an. It not only relays to us the reasons and chronology in which a verse was revealed, but clarifies the meaning and implications of the original Arabic words used within a verse. It is also important to note that the Companions of the Prophet ﷺ had the most intimate knowledge of the Qur'an and Sunnah, as they witnessed its revelation and application, and learned directly from the Prophet ﷺ. Ibn 'Abbās, a giant in Qur'anic exegesis and the cousin of the Prophet ﷺ, for instance, explained that this clause meant that everything should be covered except the hands and face.² It was also narrated from 'Ā'ishah (rA) that the intended meaning

² *Al-Sunan al-kubrā lil-Bayhaqī, kitāb al-ṣalāh, bāb 'awrat al-mar'ah al-ḥurrah*, no. 3214, <https://al-maktaba.org/book/33024/3650#p>.

is “what appears from the hands and face.”³ Thus, “except that which appears thereof,” is understood to be an exception to the rule of fully covering wherein a woman can expose parts of her body that are required for daily activity, such as the face and hands. Jurists explain that these exceptions are granted because their exposure is necessary for the average woman to carry out the activities of her daily life.⁴ Showing her face may be required to legally complete a transaction, while her hands are required for taking and giving in the process. In line with the reasoning that exceptions are made based on necessity, the Ḥanafīs allowed a woman to expose her feet because they are among the body parts that involuntarily show when walking.⁵ Some Mālikīs also held this exception since covering the feet all the time may prove difficult.⁶

The second clause, which proceeds to command believing women to draw their *khumur* over their chests, further clarifies what must be covered. The word *khumur* here is translated as headcovers, but it is often rendered as simply “veils”—hence the confusion and ensuing debates about whether or not covering one’s hair is a commandment. A simple linguistic analysis, however, confirms the former meaning. *Khumur*, the plural word for *khimār*, is derived from the root letters *kh-m-r*, which at its most basic understanding means to hide or to conceal. These same root letters in the form “*khimār*” specifically take on the meaning of veiling one’s head and, in some denotations, the face as well. This understanding is reaffirmed in a number of ways. For starters, we can consider the meaning of *khimār* in light of other words with the same root letters. This is because, according to the general rules of Arabic grammar, words that contain the same root letters often share a common meaning. Wine in the Qur’an, for instance, is dubbed *khamr*. According to one of the most prominent classical Arabic dictionaries, *Lisān al-‘Arab*, it is labeled thusly since it conceals the intellect (*li-annahā khāmarat*

³ *Al-Sunan al-kubrā lil-Bayhaqī, kitāb al-ṣalāh, bāb ‘awrat al-mar’ah al-ḥurrah*, no. 3217, <https://al-maktaba.org/book/33024/3653#p1>.

⁴ Abū Bakr b. Mas’ūd al-Kāsānī, *Badā’i’ al-ṣanā’i’ fī tartīb al-sharā’i’*, ed. ‘Alī Muḥammad Mu‘awwaḍ and ‘Ādil Aḥmad ‘Abd al-Mawjūd, 10 vols. (Beirut: Dār al-Kutub al-‘Ilmiyya, 2003), 6:492.

⁵ Al-Kāsānī.

⁶ Muḥammad al-Ṭāhir b. ‘Āshūr, *Tafsīr al-taḥrīr wa-al-tanwīr*, 30 vols. (Tunis: Al-Dār Al-Tūnisīya Lil-Nashr, 1984), 18:207. It is worth noting here that a number of scholars argued that a woman’s face and hands must also be covered on the basis that they do not necessarily need to be shown. Ibn ‘Āshūr, nonetheless, points out that the majority of scholars considered the face and hands to be valid exceptions. Ibn ‘Āshūr, 18:207–08.

al-‘aql).⁷ In other words, wine shares the root letters for *khimār* since it literally “covers” (i.e., intoxicates) the mind. Hence, in both scenarios, *kh-m-r* is that which is related to covering the head in particular. In another example, the Companion Bilal (rA), when describing how the Prophet ﷺ once made *wuḍū’*, used the word *khimār* to illustrate the Prophet’s act of wiping over his turban.⁸ This verifies once more that the word “*khimār*” itself is used in reference to a head covering.

Analyzing this verse hence leaves us with two primary conclusions. One, women are required to cover their entire body except that which must necessarily show. The exceptions to this rule, primarily the face and hands according to the majority, are delineated based on prophetic narrations and the precedent of the Companions as will be further detailed below. They are also permitted on the basis of necessity (*darūra*), since these body parts are required to show when women engage in business sales and other transactions. Second, and *after* the clausal command on covering, this verse provides us with further clarification as to what covering entails—primarily, that one must continue the practice of covering the hair and extend that to include covering the chest.

The Prophet and Companions’ precedent

At this point, one may still argue for further room for interpretation based on the verse alone. In this case, we turn to our second primary source text in Islamic law: the Sunnah of the Prophet ﷺ. The foremost way we understand a Qur’anic verse is through the authoritative precedent of the Prophet ﷺ, which includes his tacit approval of his Companions’ actions. In fact, countless verses in the Qur’an can only be understood by reference to the Sunnah. For instance, one of the most fundamental markers of our identity as Muslims is our obligation to pray five times a day. Yet, nowhere in the Qur’an is there an explicit commandment to pray this precise number of times, nor any explicit indication of when each prayer must be prayed. This information is provided to us by the Prophet ﷺ and his Companions. This did not pose a problem to Muslim scholars nor laymen

⁷ Ibn Manẓūr, *Lisān al-‘Arab*, s.v. “*Kh-M-R*.”

⁸ *Ṣaḥīḥ Muslim, kitāb al-ṭahārah, bāb al-maṣḥ ‘alā al-nāṣiyyah wa-al-‘amāmah*, no. 275, <https://sunnah.com/muslim:275>.

throughout history since it was clear that multiple sources must be taken into consideration when clarifying the demands of the Shariah. This includes referring back to the Qur'an, Sunnah, and what scholars agreed upon (i.e., consensus).

A case of this in action can be seen in the authentic hadith that illustrates how the Companions of the Prophet ﷺ reacted to the revelation of Qur'anic verses prohibiting alcohol. In one narration, Anas b. Mālik recalls serving a few of the Companions wine when someone approached them and announced that wine had become prohibited. Upon hearing this, Anas immediately poured the contents of the pitcher in his hand.⁹ All of the Companions followed suit, after which it was said that the streets of Medina were flowing with spilled liquor.¹⁰ These traditions, among others, affirm our apparent understanding of the Qur'anic prohibition and explicates that ruling in a way that leaves no room for disagreement.

Likewise, when the Qur'anic command for women to cover was revealed, 'Ā'ishah narrated:

By Allah, I never saw any women better than the women of the Anṣār or stronger in their confirmation of Allah's Book! When Sūrat al-Nūr was revealed, 'and to draw their *khumur* over their chests', they all tore up their waist-wraps and covered themselves with them.¹¹

This narration is extremely powerful for a number of reasons. First, it is important to recognize and appreciate that—like the thousands of other hadith she narrated—this hadith is narrated by 'Ā'ishah (rA). She was not only the wife of the Prophet ﷺ, but one of the foremost juristic scholars in our religion. She was also a woman who never held back on protecting the rights of women nor on what she understood to be the truth. A common criticism of the obligation to cover is that this command is ostensibly one propagated by male scholars alone. Yet, one of the most powerful evidences for the command comes through this narration by none

⁹ *Sahīḥ Muslim, kitāb al-ashribah, bāb taḥrīm al-khamr wa-bayān annahā takūn min 'aṣīr al-'inab wa-min al-tamr wa-al-busr wa-al-zabīb wa-ghayrihā mimmā yuskir*, no. 1980a, <https://sunnah.com/muslim/36/5>.

¹⁰ *Sahīḥ al-Bukhārī, kitāb al-tafsīr, bāb "laysa 'alā alladhīna āmanū wa-'amilū al-ṣāliḥāti junāḥun fī mā ṭa'imū" ilā qawlihi "wallāhu yuḥibbu al-muḥsinīn,"* no. 4620, <https://sunnah.com/bukhari/65/142>.

¹¹ *Sahīḥ al-Bukhārī, kitāb al-tafsīr, bāb "wal-yadribna bi-khumurihinna 'alā ju'yūbihinna,"* no. 4758, <https://sunnah.com/bukhari/65/280>; *Sunan Abī Dāwūd, kitāb al-libās, bāb fī qawlihi ta'ālā "yudnīna 'alayhinna min jalābībihinna,"* no. 4100, <https://sunnah.com/abudawud/34/81>.

other than ‘Ā’ishah. Moreover, in this narration, we learn how the women around the Prophet ﷺ responded to the verse. ‘Ā’ishah praised them for their immediate response in fully covering their bodies and thus embodying the intended meaning of the command. If one rejects this tradition as insignificant, one simultaneously rejects the voice and agency of the female Companions in both interpreting and applying this verse.

What often also goes unaddressed in discussions on dress is what seemingly unrelated traditions can tell us. By this, I am referring to narrations that indirectly describe the way female Companions embodied their obligation of covering. These traditions relay to us the natural result of how these women understood Qur’anic injunctions of modesty. One such example is the hadith narrated by Ḥaḥṣah b. Sirīn in which she noted that young, unmarried women and women who were menstruating were culturally required to stay at home. Once, a lady came to Ḥaḥṣah and told her about her sister who joined her husband in six battles to help care for the wounded. This sister had asked the Prophet ﷺ, “Is there any objection for a woman to stay at home if she doesn’t have an outer garment (*jilbāb*)?” In other words, some women were unable to come out in public to help because they did not have the means to cover themselves. In response, the Prophet ﷺ—rather than affirming the cultural practice at the time, or simply allowing women who could not cover themselves to stay at home and promise them good deeds for their intentions, or even encourage them to stay home for their privacy being better for them—said, “She should cover herself with her companion’s *jilbāb* [i.e., borrow clothing] and take part in the good deeds and in the religious gatherings of the believers.”¹²

This authentic narration elucidates a number of noteworthy implications. For one, we see how covering vis-a-vis *jilbāb*, or clothing that covers the entire body, was one taken for granted—so much so, that the female Companions recognized that they could not leave their homes without it. This once more confirms the interpretation of the Qur’anic verse as one in which the entire body must be

¹² *Saḥīḥ al-Bukhārī*, *kitāb al-ḥajj*, *bāb taqḍī al-ḥā’iḍ al-manāsik kullahā illā al-ṭawāf bi-al-bayt*, no. 1652, <https://sunnah.com/bukhari/25/133>; *Saḥīḥ Muslim*, *kitāb ṣalāt al-’iḍayn*, *bāb dhikr ibāḥat khurūj al-nisā’ fī al-’iḍayn*, no. 890c, <https://sunnah.com/muslim/8/12>.

covered with the identified exceptions. This hadith, moreover, is a powerful reminder as to the purpose of covering. It was not a means of shaming the female body, nor relegating women to the private sphere. Rather, it was a means of protecting and empowering women to actively engage in the community, to the extent that a customary practice at the time that could have been adopted by Islam was actively rejected in favor of women's participation.

Culture or law?

Still, some hold that the obligation to “draw their *khumur* across their chest” does not indicate that one must cover their hair. They make this argument by positing that wearing the *khimār* itself was a cultural practice. Thus, in a society or culture wherein women do not cover their hair, one must merely cover their chest and this will constitute as sufficient grounds for embodying the obligation within this verse. There is no doubt that culture plays a role in the development and application of Islamic law. Nonetheless, when it came to the customs that the early Muslims inherited, Islam took one of three approaches: prohibitive, reformative, or affirmative.¹³ One, it would reject the cultural practice altogether, such as the custom of female infanticide. Two, it would identify the cultural practice and add restrictions, such as imposing limits on polygamous marriages. Or three, it would recognize and affirm the cultural practice at hand, such as the penalty of paying blood money (*diyyah*) in predicaments of manslaughter.

In our case, it was this latter approach that the Qur'an and Sunnah took in regard to women's dress. The Qur'an recognized that women covered their heads,¹⁴ adopted that custom as part and parcel of the religion, and then extended that practice to include covering everything but the hands and face. In this way, the practice of women covering their heads is no longer a customary consideration alone; it transforms into a divine commandment that one should try their best to fulfill. That

¹³ Ayman Shabana, *Custom in Islamic Law and Legal Theory: The Development of the Concepts of 'Urf and 'Ādah in the Islamic Legal Tradition* (New York: Palgrave Macmillan, 2010), 56–7.

¹⁴ Arabs, centuries prior to Islamic injunctions on dress, had inherited the Near Eastern practice of covering the head out of modesty and respect. For more, see Yedida Kalfon Stillman, *Arab Dress: A Short History from the Dawn of Islam to Modern Times*, ed. Normal Stillman (Leiden: Brill, 2003), 16; “Hijab,” *The Islamic World: Past and Present*, ed. John L. Esposito, Oxford Islamic Studies Online, <http://www.oxfordislamicstudies.com/article/opr/t243/e131>.

being said, culture continues to play a role in how—not *if*—the *hijab* is worn. Culture, for instance, can set normative standards for clothing colors and styles. The flexibility and practicality of culture, in turn, is bounded by the minimum requirements of the verse, which is to cover the body with the exceptions detailed above.

Those who characterize the *hijab* as a non-binding cultural practice, moreover, bear the burden of proving their claim. That is because divine commands are presumed to be legal and binding in nature. Otherwise, one could assert that being dutiful to one's parents or honoring one's guests are simply cultural practices. Few will contest, however, that treating our parents with respect is a religious obligation. Similarly, the texts relating to the *hijab* come from the same sources (i.e., the Qur'an and Sunnah) and use the same binding language. As such, they should be treated as equally binding legal commandments unless one can point to evidence that shows otherwise. In the absence of such evidence (and it is indeed absent), the presumption remains that these texts are legally binding.

Scholarly consensus and the legal method

One of the strongest evidences for the legal obligation of covering the hair and dressing modestly is the fact that scholars have come to a consensus on the matter. When scholars all agree, implicitly or explicitly, on a legal ruling, the third primary source of Islamic law manifests: that of *ijmā'* or consensus. The legal authority of consensus is rooted chiefly in the reports of the Prophet ﷺ that state that the Muslim community will never agree on an error.¹⁵ In other words, if the community all agrees on a legal obligation, it is inconceivable that it is an erroneous interpretation.

¹⁵ Ibn 'Umar narrated that the Prophet ﷺ said, "Indeed Allah will not gather my *ummah* upon misguidance." *Sunan al-Tirmidhī*, no. 2167. Though some of the scholars grade the chain of this hadith to be weak, they maintain that the meaning is sound. Ibn Kathīr says, "There are many authentic hadiths with this meaning (i.e., that the *ummah* will not unanimously agree on something incorrect). In fact, some of the scholars have said that this meaning has been established by diffusely congruent (*mutawātir*) reports." For more, see Ismā'īl ibn 'Umar ibn Kathīr, *Tafsīr al-Qur'ān al-'aẓīm*, ed. Sāmī b. Muḥammad al-Salāmah, 8 vols. (Riyadh: Dar Taybah, 1999), 2:412–13.

To better understand how this source of law comes into play, let us return to our example of *wuḍūʿ*:

O believers! When you rise up for prayer, wash your faces and your hands up to the elbows, wipe your heads, and your feet to the ankles... [5:6]

An apparent reading of the text seems to command us to merely *wipe*, and not wash, our bare feet. Yet, no school of law within Sunni scholarship validates one's ablution without fully washing the bare foot up to the ankle. This is because jurists pieced together other relevant hadiths—such as one in which the Prophet ﷺ warns the Companions against not washing their feet entirely—and then arrived at a consensus that “feet” in this verse ties back to the verb “wash” and not “wipe.”¹⁶ Based on this unanimous agreement,¹⁷ Muslims since the time of the Prophet ﷺ until today have washed their feet during ablution.

A common model used for presenting this source of law (i.e., *ijmāʿ*) is by beginning an argument with this premise. In our case, it is to say that we know that the *hijab* is obligatory because every scholar has agreed that it is. We then often proceed to retroactively lay down the other source texts to corroborate the scholarly consensus. This, of course, is a dangerous method in making any legal argument because it presumes that our starting point is human interpretation rather than divine inspiration.¹⁸ Thus, unsurprisingly, many contest the obligation of *hijab* as one that has a cultural or gendered bias (e.g., “all men of the past in a certain part of the world agreed to this”).

In reality, *ijmāʿ* operates almost exactly in the opposite manner. Scholarly consensus functions as the final step in the legal process by providing a “stamp” of

¹⁶ *Saḥīḥ al-Bukhārī, kitāb al-wuḍūʿ, bāb ghasl al-rijlayn wa-lā yamsaḥ ʿalā al-qadamayn*, no. 163, <https://sunnah.com/bukhari/4/29>.

¹⁷ Al-Nawawī has stated, “Muslims have unanimously agreed upon the obligation of washing the feet. Abū Ḥāmid [al-Ghāzālī] and others have mentioned that no scholar of merit has ever opposed this.” See Yaḥyā ibn Sharaf al-Nawawī, *al-Majmūʿ sharḥ al-Muḥadhdhab*, ed. Muḥammad Najīb al-Muṭīʿī, 23 vols. (Jeddah: Maktabat Al-Irshād, n.d.), 1:447.

¹⁸ For a thorough refutation on prioritizing consensus over the Qurʾān and Sunnah, see Ṣalāḥ al-Dīn Sulṭān, *al-Adillah al-ijtihādīyah bayn al-ghuluww wa-al-inkār* (Hillard: Sultan Publication, 2008), 200ff.

approval in light of a number of source texts that may not be definitive in nature.¹⁹ That is to say, our starting point is always Qur'anic text and Prophetic precedent. In the event, for example, that we are working with a source that is not absolutely decisive in indication (*qaṭ'ī al-dalālah*), meaning that it can be understood in more ways than one, our first step is to lay out other pieces of evidence on the matter that may clarify the intended ruling. In our case, it would be to identify every related verse and hadith on modesty and covering. After having compiled all of these texts and we establish that no text on its own is uncontestedly definitive, a ruling is derived from the *collective* authority of these sources.²⁰

Let us use our case study as an example. Our first point of departure is always in reference to the Qur'an, which we recognize as the word of God, and thus most authoritative. We come across the verse in Sūrat al-Nūr that commands believing women to lower their gaze and cover their *zīnah* except that which necessarily shows. One may argue, for instance, that there is room for interpreting “what must necessarily show.” On the one hand, this could be understood as covering the entire body, including the face and hands, while on the other, it could imply revealing other parts of the body. We then continue to identify and assess other sources. We come across verse 59 in Sūrat al-Aḥzāb in which the Prophet ﷺ is commanded to tell the believing women to fully wrap themselves when going out. We identify hadith narrations such as the one describing the female Companions' reaction to the Qur'anic verse and the precedent they established. We also come across the hadith wherein the Prophet ﷺ tells Asmā' b. Abī Bakr that a woman must cover all but her hands and face when she reaches the age of puberty.²¹ And so on and so forth.

A scholar who is confronted with all of these sources may grade each of these sources independently as equivocal (*ẓannī*). Thus, whatever legal ruling they make after assessing these texts may be subject to disagreement. However, two steps

¹⁹ According to Aron Zysow, the primary purpose of *ijmā'* is “to confirm the results of legal procedures, analogy, interpretation, and the acceptance of unit-traditions that are not in themselves certain.” Aron Zysow, *The Economy of Certainty: An Introduction to the Typology of Islamic Legal Theory* (Atlanta: Lockwood Press, 2013), 122.

²⁰ Wael Hallaq, “On the Authoritativeness of Sunni Consensus,” *International Journal of Middle East Studies* 18, no. 4 (1986): 427–54.

²¹ *Sunan Abī Dāwūd, kitāb al-libās, bāb fī mā tubdī al-mar'atu min zīnatihā*, no. 4104, <https://sunnah.com/abudawud/34/85>.

remain in the legal process before a ruling can be established. First, the scholar must take all primary sources into consideration, and then scrutinize and hierarchize their degrees of veracity (e.g., grade the strength of the chain of narrators, cross-examine similar texts with unique chains, etc.) before making a legal determination. In tandem, these sources, albeit not decisive on their own, strengthen one another to collectively offer a more conclusive injunction. Only after taking all of these considerations into account does consensus come into play. When scholars are finally presented with this cumulative argument (i.e., all of the sources and interpretations of *hijab*) and then unanimously agree on a legal ruling, our cumulative argument which may have prior had some room for interpretation is elevated to the status of definitive and incontestable. In short, consensus is not a single-handed argument nor does it form the premise of an argument; rather, it functions as transforming a strong argument into a definitive proof.

Conclusion

In reading this, one may think that the methodologies applied by scholars are overly complicated; had this been a clear divine obligation, why was it not explicitly detailed in the Qur'an? To that, I would remind readers that one of the most fundamental acts as Muslims—the obligation to pray five times a day—is not explicitly elaborated upon in the Qur'an. However, there is no debate at any point in history within Sunni Islamic scholarship that praying five times a day is an obligation. Knowing this does not usually cause confusion and doubt among Muslims. Rather, it is a reflection of the various source texts a jurist must piece together. It also emphasizes the necessity of relying on the authoritative precedent set by the Prophet ﷺ and our rational faculties to derive law.

No contestation, moreover, exists about the lack of explicit details over praying because our obligation to pray became very early on *ma'lūm min al-dīn bi-al-ḍarūrah*, or known within the religion by necessity. In other words, it became an obligation whose inclusion in the religion cannot possibly be doubted because of the overwhelming knowledge and precedent established by the prophetic community and those who inherited it. This is to say that some commands within

Islamic law needed to be explicitly drawn out and their evidence made clear. Alternatively, other commands such as *ṣalāh* were so inherent and obvious to the essence of Islam that it became taken for granted that every Muslim would know of this obligation without clarifying the proofs. For this reason, most legal books often gloss over *why* we pray five times a day and focus instead on *how* our prayer is to be conducted. In the same way, the obligation for both men and women to dress modestly, and for women to cover their hair in particular, was a natural application of not simply these Qur'anic verses, but an obvious conclusion from prophetic precedent.