

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Series of Questions Addressed to the Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqhi)

Answer to Question:

The Jilbab and Draping it Down and how it Distinguishes a Free Woman from a Slave Woman!

To: Mohamed Abou Youssef

(Translated)

Question:

Our distinguished Sheikh Ata Bin Khalil Abu Al-Rashtah, may Allah protect you, Assalamu Alaikum wa Rahmatullah,

It is stated in the book *The Social System in Islam*, (Arabic version p. 49) that: "It is stipulated that the Jilbab is draped down to the floor until it conceals the feet because Allah (swt) says in the Ayah: ﴿يٰۤاَيُّهَا النَّبِيُّ قُلْ لِّاَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِيْنَ﴾ **“to draw their cloaks (Jalabeeb) all over their bodies”** [Al- Ahzab: 59] i.e. they should drape their Jilbabs because the preposition min here is not partative but explanatory. In other words, they should drape their cover (Mula'a) and sheet (Milhafa) down towards the floor”.

The complete verse is as follows: Allah (swt) says: ﴿يٰۤاَيُّهَا النَّبِيُّ قُلْ لِّاَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِيْنَ﴾ **“Oh prophet tell your wives and daughters and the women of the believers to draw their cloaks (Jalabeeb) all over their bodies. That will be better, that they should be known (as free respectable women) so as not to be annoyed, and ever is Allah Forgiving and Merciful.”** [Al-Ahzab: 59]. If the word idna' (drawing down) is interpreted as to drape down, as shown above, the full meaning becomes incomprehensible to me in the words of the Almighty: ﴿ذٰلِكَ اَدْنٰى اَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ﴾ **“That will be better, that they should be known (as free respectable women) so as not to be annoyed.”** The meaning dose not sound right to me when women are asked to drape their cloaks (Jalabeeb) down because that is a way to be known so that they are not annoyed. And what does letting the Jalabeeb to drape down to the floor have to do with them being known and therefore remain safe from being annoyed? Whereas, the meanings contained in the Tafseer books for idna' is for the head cover, and the reasoning of the rule ﴿ذٰلِكَ اَدْنٰى اَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ﴾ **“that they should be known (as free respectable women) so as not to be annoyed.”** as shown in the reasons for revelation is regarding the free woman and the slave woman, so the meaning of the beginning of the verse is consistent with its end. Please clarify this, May Allah have mercy on you, and remove this confusion from me. Wassalamu Alaikum wa Rahmatullah.

Answer:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

Your question refers to what came in *The Social System in Islam* regarding the Jilbab and its draping dawn and how it distinguishes the free woman from the slave woman ... Before I answer you on what you said in the question, "The meaning dose not sound right to me", before that I will repeat for you what came in *The Social System* on pages 68-70 regarding the subject:

“As for the second verse which is the saying of Allah: ﴿يٰۤاَيُّهَا النَّبِيُّ قُلْ لِّاَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِيْنَ﴾ **“to draw their cloaks (Jalabeeb) all over their bodies”**, it does not indicate veiling the face at all.

Neither in terms of its wording (Mantuq) nor in terms of its understanding (Mafhum). Nor is there a word, which indicates this whether on its own, or as part of a sentence, assuming that the cause (Sabab) of revelation is correct. The verse says: ﴿يُدْنِينَ عَلَيْهِنَ مِنْ جَلَابِيبِهِنَّ﴾ **“to draw their cloaks (Jalabeeb) all over their bodies ”**. Its meaning is that women should cast from (Min) their cloaks over their persons and the preposition (Min) here is not used partatively but only to explain (Lil-bayan) that they should cast it over their persons. To lower the covering means to let it drape down. To lower the clothing means to let the clothing drape down, and they lowered their clothing means they let it drape down. The Jilbab is a cover (Milhafa), used to conceal a dress and other items of clothing. It can also be clothing which covers the entire body. It is stated in the al-Qamus (dictionary of) al-Muhit: that **the Jilbab, is in the form of the Sirdab or the Sinmar, which is the gown or a large garment for women under the cover (Milhafa), which is that which conceals her clothing like a cover (Milhafa)**. Al-Jawhari has stated in al-Sihah (another dictionary) that: **The Jilbab is the cover (Milhafa) and some say it is a sheet (Mulaah)**. Jilbab has been mentioned in the Hadith with the meaning of *Mila'ah* (sheet) which the woman wrapped over her clothes. It has been narrated on the authority of Umm Atiyya (ra): «أَمَرَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ نُخْرِجَهُنَّ فِي الْفِطْرِ وَالْأَضْحَى، الْعَوَاتِقَ وَالْحَيْضَ وَذَوَاتِ الْخُدُورِ، فَأَمَّا الْحَيْضُ فَيَعْتَزِلْنَ الصَّلَاةَ وَيَشْهَدْنَ الْخَيْرَ، وَدَعْوَةَ الْمُسْلِمِينَ. قُلْتُ: يَا رَسُولَ اللَّهِ، إِحْدَانَا لَا يَكُونُ لَهَا جِلْبَابٌ. قَالَ: لِيَتَلَبَّسْهَا أُخْتُهَا مِنْ جِلْبَابِهَا» **“We were ordered to bring out our menstruating women and veiled women in the religious gatherings and invocation of Muslims on the two 'Eid festivals. These menstruating women were to keep away from prayer, witnessing the blessing and call to the Muslims. I asked, “O Messenger of Allah! What if one of us does not have a Jilbab?” He said, ‘Let her wear the Jilbab of her sister.’”** (Narrated by Muslim). Which means that she did not have a garment to wear over her clothes to go out in. So, the Prophet (saw) ordered her to borrow one from her sister, which she could wear over her dress. The verse makes it clear that Allah has requested the Prophet (saw) to tell his wives and the wives and daughters of the Muslims to wear garments over their clothes which reach right down to the feet as evidenced by the narration of Ibn Abbas: “The Jilbab is the Rida (large sheet of cloth) which covers from top to bottom.” So, the verse indicates that the Jilbab, which is a large garment should be draped down to the bottom (feet) and does not indicate anything other than this.... This meaning, in terms of letting the Jilbab drape down, is found in the noble Hadith. It is narrated on the authority of Ibn Umar that the Messenger of Allah (saw) said: «مَنْ جَرَّ ثَوْبَهُ خِيَلَاءَ لَمْ يَنْظُرِ اللَّهُ إِلَيْهِ يَوْمَ الْقِيَامَةِ فَقَالَتْ أُمُّ سَلَمَةَ فَكَيْفَ يَصْنَعْنَ النِّسَاءُ بِذِيُولِهِنَّ قَالَ يُرْخِيْنَ شِبْرًا فَقَالَتْ إِذَا تَنَكَّشَفُ أَقْدَامُهُنَّ قَالَ فَيُرْخِيْنَهُ ذِرَاعًا لَا يَزِدْنَ عَلَيْهِ» **“On the Day of Judgement, Allah will not look with mercy towards the one who trails his garment behind him in haughty pride”**. Umm Salama asked: **“What are the women to do with the hems of their dresses?”** He answered: **“Let them increase their hems the length of a hand span.”** She rejoined: **“Then their feet will be uncovered! He then replied: “Let them increase a fore arm’s length and no more.”** (Narrated by al-Tirmidhi and he said this Hadith is Hasan Sahih...” **End.**

Thus, Jilbab is a wide and loose-fitting garment from top to bottom, and idna' (to draw it down) means to let it drape down.

Secondly, the reason for the revelation of the Ayah was to distinguish free women (*Hara'ir*) from those who are slaves (*Imaa*) as the Jilbab is not made obligatory on the slave women. So, some hypocrites used to approach slave women and say indecent words because they found the punishment for harassing a slave woman (Amah) is light, not as that for harassing a free woman (Hurrah). So, when one is heard saying that to a free woman he is taken to the judiciary and there he says, I thought she was a slave woman, so that he is given a lighter punishment... The verse came down to cut this excuse on them, so it obliged the free women believers to distinguish themselves from the slave women by wearing the Jilbab and to let it drape to the bottom of the feet, and then they (the hypocrites) cannot say that we thought it was a slave woman and the punishment is not made lighter for them because there is no excuse for them...

Ibn Saad said in the Tabaqat that Abu Malik said that the women of the Prophet (saw) used to go out at night for their need, and some of the hypocrites used to approach them and annoy them. When the hypocrites were confronted with this they said we only do that for the slave women, then this verse was revealed: ﴿يَا أَيُّهَا النَّبِيُّ قُلْ لَأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ﴾ **“Oh prophet tell your wives and daughters and the women of the believers to draw their cloaks (Jalabeeb) all over their bodies. That will be better, that they should be known (as free respectable women) so as not to be annoyed.”** [Al-Ahzab: 59]. Therefore, where is the uncertainty in not knowing the meaning of letting down their garments to the bottom to distinguish the free woman from the slave woman? You say: (If the word idna' (drawing down) is interpreted as to drape down, as shown above, the full meaning becomes incomprehensible to me in the words of the Almighty: ﴿ذَلِكَ أَدْنَىٰ أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ﴾ **“That will be better, that they should be known (as free respectable women) so as not to be annoyed.”** The meaning does not sound right to me when women are asked to drape their cloaks (Jalabeeb) down because that is a way to be known so that they are not annoyed. And what letting the Jalabeeb to drape down to the floor have to do with them being known and therefore remain safe from being annoyed. Whereas, the meanings contained in the Tafseer books for idna' is for the head cover...). So how come it does not make sense to you? This dress code (*Libas*) and this draping down is to distinguish the free from the slave woman so that the hypocrites cannot molest a woman and then not punished the punishment he deserves by saying I thought she was a slave woman! Because the free woman wearing of a Jilbab which is draped to the bottom distinguishes her from the slave woman, since it is not obligatory on the slave woman to wear the Jilbab, thus she does not cover her whole body to the feet... Therefore, wearing the Jilbab which is draped down by the free woman distinguishes her from the slave woman, and this is at the core of the meaning of the verse ﴿ذَلِكَ أَدْنَىٰ أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ﴾ **“that they should be known (as free respectable women) so as not to be annoyed.”**

Therefore, the meaning of the verse is to recognize the free woman from the slave woman, and the draping down of the Jilbab is for this recognition ﴿ذَلِكَ أَدْنَىٰ أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ﴾ **“that they should be known (as free respectable women) so as not to be annoyed.”** That is, it is not for identifying who she is... According to the Tafseer of al-Qurtubi (14/24): **“that they should be known (as free respectable women) so as not to be annoyed.”** ie, Al-Hara'ir (the free women), so that they are not mixed with the Imaa (slave women) ... and the desires are cut off from them, and the meaning is not that the woman to be identified until it is known who she is).

I hope that this is enough for the meaning to sound right to you and that it removes what you mentioned in your message: "The meaning does not sound right to me."

Your brother,

Ata Bin Khalil Abu Al-Rashtah

7th Muharram 1440 AH

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The link to the answer from the Ameer's Facebook page:

<https://web.facebook.com/AmeerhtAtabinKhalil/photos/a.122855544578192/917335245130214/?type=3&theater>

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