

Wearing Of Mask And Its Effect On Worships: A Comparative Jurisprudence Study

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Article Info	Abstract
<p>Article History</p> <p>Received: December 03, 2020</p> <p>Accepted: February 27, 2021</p> <hr/> <p>Keywords : Mask, Acts of worship, Jurisprudence, Islamic legal rules, Muslim jurists.</p> <p>DOI: 10.5281/zenodo.4568349</p>	<p><i>This article aims to offer and present a comparative jurisprudence study of Islamic legal rules on the wearing of a Mask. It also aims to examine the effect of Mask wearing on the Islamic acts of worship, as a Muslim may need to put it on when he or she is performing salat (prayer) or any other acts of worship, or during the state of ihram for the purpose of Hajj and Umrah during the time of purification from minor or major impurity. The study will also highlight the Islamic legal justification and evidence for wiping over the Mask, as well as the position of Islam on the mode and manner by which a legal guardian like a state authority is expected to guide her citizens to put on the mask in order to curtail the spread of a contagious disease and virus during the event of a pandemic like covid-19.</i></p>

Introduction

The rulings on common usage of Mask in the society and its frequent usage among the people in the community, especially in the recent times is worth to be examined from the Islamic legal points of view, as well as the impact of wearing it at the point of performing any of the Muslims' acts of worship, as ignorance in such matters may lead a Muslim to violate the provisions of the *Shariah*. This is based on the fact that a Muslim, in whatever circumstance, is not only expected to sincerely and properly carry out the acts of worships but also expected to carry it out in the legitimate way, and as prescribed. Attempt would, therefore, be made to carefully examine all these issues in the following order:

1. The Mask: Concept and the Islamic Legal rules on its usage:

A Mask is anything that is made from fabrics or from anything similar to fabric to cover a person's mouth and nose, and it is designed in such a way that it could be held by the ear loops so that when it is hung onto it, it would firmly attached to the ear or the neck or the areas around the head. These masks are used for different purposes, some people use them to prevent toxic gases or unpleasant odors, while some use it to protect themselves from the dust or dust that may cause allergies to them. It is used to prevent the infiltration of droplets or droplets full of viruses that may transpire through the respiratory system from one person to another, especially from those suffering from cough or sneeze, or from those infected with one of the viral diseases that affect the respiratory system. Mask could also be used when taking care of a person suspected to have a viral infectious disease. In recent times, these masks have become available to people of all kinds and forms, and have even become part and parcel of their dressing and appearance when at home on a journey. Some even oblige to wear it whenever they are leaving their homes, such as when going to the markets or their workplaces or whenever they are moving through any of the various means of transportation from one place to the other or probably when they attend the mosques or a place where there are large congregations.

It is, therefore, pertinent at this junction, to provide an answer to the question being raised about the Islamic rules on wearing of masks. The answer to that is not far-fetched, in that the wearing of a Mask, in the Islamic points of view, is regarded as a means of protecting oneself from things that may cause harm to a person if he or she does not wear it, because such a kind of negligence may lead someone to inhale toxic gases or the virus infiltrating the respiratory system, and so on and so forth. Taking preventive measures against anything that harms human health is one of the actions that are legitimate in Islamic law, because it is deemed as one of the means of preserving the health, through the measures of prevention of disease before it occurs. It is, therefore, regarded as a legitimate means of preventing disasters and catastrophes, which is almost the same as the preparation done by the armies to measure their strength so that they would not be conquered by the time they face the enemy; in terms of training, exercise, testing of equipment, honing of skills and learning the arts and crafts of war. This is what is inferred from the *hadith* narrated by Muslim in his *Sahih* (authentic book of *hadith*)

when the Prophet is reported to have said that: “Whoever consume seven *ajwa* (pure) dates as breakfast will not be harmed by poison or sorcery of that day.” This *hadith*, therefore, is the legal basis for the saying that goes thus: “Prevention is better than cure”. Hence, it is legitimate for someone to take the necessary measure to resist or prevent any disease before it occurs. Ibn al-Arabi further corroborates this assertion when he says that: “My own point of view is that if a person sees the causes of disease and fears that he may be infected, then it is permissible for him to cut off the causes of that disease with medication, if that is going to prevent the person from being infected.” In addition to that if the wearing of mask prevents harm or reduces it, then by not wearing it may expose a person to destruction or harm. Almighty Allah says: “Do not throw your [yourselves] with your [own] hands into destruction” (*Al-Baqarah: 195*).

It is a well-known fact that ‘the reason for wearing a Mask is majorly linked to the root-causes of the dangers or harms or disease that may have led to wearing it. Likewise, there is no contradiction between the wearing of Mask to protect oneself from anything that causes harms to human health and what Al-Bukhari narrated in his *Sahih* that the Prophet says: “There is no infection and no evil castration”. Al-Nawawi (May Allah be pleased with him) is of the opinion that refutation of infection and evil castration in the *hadith* to deny the belief of the Arab in the era of *Jahiliyyah* (ignorance) that illness and calamity are triggered naturally by the cause of nature and not by the will or the action of Almighty Allah.

The above analyses constitute the Islamic legal rules on the wearing of Mask. However, the other question that poses itself at this junction is whether the wearing of Mask is permitted while performing an act of worship, like *wudhu* (ablution), *salat* (prayer), and while on the state of *ihram* for *Umrah* or *Hajj*. Is it permissible for a Muslim to put on the Mask and keep on worshipping in each of these cases or is it ordered that Mask should be removed during any of these acts of worship? This is what is going to be the focus of our attention in the subsequent analyses that follow.

2. The Effect of Wearing a Mask in the Chapter of Purity:

If there is a need for a Muslim to wear a Mask, and he wants to perform ablution for *Salat*, but he is, however, afraid that if he removes the mask, he may get infection due to his presence among the people with an infectious disease. Is it permissible for this kind of a person in the midst of people infected with disease to wipe the Mask with water during his ablution without removing it so as not to get infected?

It is a well-known fact that washing the face with water during ablution is a compulsory duty of ablution. It is, therefore, no wonder that the scholars unanimously agreed on that, based on the prescription of Almighty Allah when he says in the Glorious Quran that: “O you who have believed, when you rise to [perform] prayer, wash your faces and your forearms to the elbows and wipe over your heads and wash your feet to the ankles” (*Al-Maidah: 6*). On the basis of that verse of the Glorious Quran, the Muslim jurists are of the opinion that whatever prevents water from reaching the skin of any other parts meant for ablution must be removed. It is, therefore, forbidden to place or use any barrier that may prevent water from reaching the body during the ablution, unless otherwise it is warranted by needs or necessity, because necessities justify prohibitions. In a situation where a person afflicted with an infectious disease wears a Mask, so as not to cause the virus to be transmitted to others, or in a case where a healthy person wears it to protect himself from infectious viruses that can be transmitted through the respiratory system, it is right to wash the face completely after removing the Mask because of the following reasons:

(a). The basic Islamic principle on ablution is that it must be done properly, and it is forbidden, therefore, to breach some of its obligations. Nothing is not much more evidenced than what is narrated by Al-Imam Al-Bukhari in his *Sahih* that the Prophet says: “Woe from hell fire unto those who do not perfect their deeds.” The purpose of categorizing the face as essential part of ablution is that it has to be washed by pouring water on it. Hence, it is not permissible that it should be wiped.

(b). Wearing a Mask in the situation mentioned above is permissible even if it is in an exceptional instance, such as when it is warranted by necessity. There is therefore, the need to emphasize here that it is not everyone who removes the Mask that exposes himself to the epidemic, especially after a person might have performed ablution, as he may not be mixing with people and may even be alone, and for the fact that he has washed his face and hands with water, that alone had disinfected and sterilized his hands before his hands could touch his face, and as a result of that, the chances that he is going to be infected by the virus become weak.

©. Removing a Mask while washing the face during ablution does not involve any hardship. Therefore, it has to be removed when performing ablution. However, in a situation where a person wears a bandage, it will be difficult for a person to remove it. Hence, the jurists, permit that it should only be wiped over. In another vein, a person performing ablution may pour water on his face without removing the Mask, by lifting it slightly so that the water passes over onto his face. Therefore, it is not

permissible to make analogy between the Mask and the bandage when it comes to wiping or washing, by concluding that a bandage should be wiped over like a Mask.

The need to wear a mask may be to prevent a person from inhaling toxic gases or something that is harmful to human health. So, if such a person does not put on the Mask, he may inhale the toxic gas. Just as it happens to those working in the gas workshops or laboratories or those who are exposed to gas leakages. A person who finds himself in this kind of a situation is not without any of these two options:

- a. If a person is aware that he will be at such a kind of a place, and that he must cover his mouth and nose with the Mask, because of the fact that there are some hazards that may harm his health, like the poisonous gases for example, or if a person is working in a workshop or a laboratory and his stay therein extends for a long period of time, it is permissible for him to perform his ablution before he enters the workshop or the laboratory, and should try to preserve his ablution and pray if the time for prayer comes for Almighty Allah says: "So fear Allah as much as you are able..." (*Al-Taghabun: 16*). So, if it is compulsory that the face should be washed while performing ablution, then a person who is working in a place where he may not be able to remove the face Mask is expected to perform his ablution before he enters into that place, and if, however, he needs to repeat the ablution while he is still in a place where he cannot remove his Mask and he cannot go out to a safe place to perform ablution, then it is permissible for him to wipe over the Mask without removing it because 'hardship brings ease' and 'if a matter becomes narrow, it expands'.
- b. If a person unexpectedly or by accident finds himself in a place where there are leakages of poisonous gases, such as if a person finds himself in a place where the harmful gas to human health is leaking, and there is the need for the person to cover his mouth and nose with a Mask or with something similar to it, and the time for prayer comes in while he is still in the same condition, and he needs to perform ablution in order to observe the *Salat*, and he cannot remove the mask, and if he, in this situation is afraid that the time for prayer will lapse if he further delays, then it is permissible for him to perform his ablution and wipe over the Mask.

Islamic Legal Justification and Evidence for Wiping over the Mask:

Some of the Muslim jurists agreed that a number of legal evidences for wiping over the Mask are deduced from the various sources of Islamic Law, and they are as described below:

- a. Almighty Allah says: "Do not throw your [yourselves] with your [own] hands into destruction" (*Al-Baqarah: 195*). This verse indicates that it is prohibited to expose one's life to destruction like death or sickness. It is, therefore, inferred that by removing a Mask in order to wash the face for the purpose of performing ablution, especially at the time of leakages of poisonous gas or the spread of contagious disease may expose a person to harm or health hazard. It is, therefore, permissible for a person to wipe over the Mask instead of removing it.
- b. The analogy on the bandage: On the basic fact that it is not only a barrier blocking the water to penetrate into the skin but that it is difficult to be removed by a person aiming to perform ablution. The Muslim jurists, therefore, agreed that it is compulsory to remove a bandage or anything that is similar to it when performing ablution or when taking *ghuslu* (spiritual birth), if there is no harm in removing them. However, the majority of Hanafi, Maliki, Shafi'i and Hanbali jurists are of the opinion that it is compulsory to wipe over the bandage and whatever is similar to it, even if it is difficult to remove them. This is evidenced in what al-Imam al-Bayhaqi narrated that Ibn Umar (May God be pleased with him) performed ablution while his hand was covered with bandage. So Ibn Umar wiped over the bandage and washed the other places. What is therefore compulsory on a Muslim is to remove the medical mask when washing the face during ablution, if possible, and if it is not possible or it is difficult for him to remove it, then it is permissible for him to wipe over it, because the difficulty in removing it necessitates that the burden be reduced on the person. It should be noted that the permissibility to wipe over the bandage is granted at the event of confirmation of harm, as pointed out by some specialists and experts.

3. The Effect of Wearing a Mask in the Chapter of *Salat* (Prayer):

The question that poses itself at this particular junction is that if a worshiper needs to wear a Mask purposely to cover his mouth and nose because of one of the reasons identified for wearing it, does this action have an effect on the person's *salat*?

The Islamic legal ruling on this issue can be linked with the rule of stuttering in prayer, that of which have been discussed extensively by the earlier jurists. The Muslim jurists (May God have mercy on them) agreed that it is detestable for men and women to cover up themselves in their prayer, based on the *hadith* that is narrated by Ibn Majjah in his *Sunan* (book of *hadith*) that: "On the authority of Abu Hurairah, the Messenger of Allah forbids the covering of one's mouth during the *salat*." Some of the jurists are therefore of the view that the wisdom behind the prohibition as mentioned by the Prophet in the *hadith* is that such a kind of action leads to exaggeration in religious practice, and it may affect the devotion of the worshiper during the *salat*, as a worshiper is forbidden

to be touching or playing with his nose during the *salat*. Should there be the need to cover up oneself in prayer, as may be in the case of severe cold, injury, or harm for example, then there is nothing wrong with that, because a detestable act is not to be reckoned with, as long as there is a need for that. If the lawgiver rules that something is legally detestable or disliked but not prohibited, and there is the need for a Muslim to act upon a matter that is disliked because it would be difficult for him to achieve his aim without acting upon that matter that is disliked, then the *Shariah* does not only overlooks the disliked matter but also grants permission to the person to act upon the matter that is detestable or disliked. In the same vein, Ibn Uthaymeen says: "It is detestable for someone to cover his mouth or nose with a scarf or turban, or muffler or shawl because the Prophet forbids a Muslim to cover his mouth during the *salat*, as this may lead someone to not properly pronounce the letters or recite very well when reading the Quran or when conducting the *zikir*. However, an exception is made for a person that yawns and covers his mouth until he is able to stop yawning or for a person that covers his mouth because of an unpleasant odor at the time of *salat*, as there is nothing wrong with that. It is however, detestable, if for no reason, a person covers his mouth during the *salat*, as this is only permissible because of necessity. The same rule is applicable to a person who has cold and becomes allergic, and is forced to be spluttering during the *salat*. It becomes clear from the above discussion that the basic principle regarding the covering of the mouth or nose during the *salat* is disliked, but this kind of an act that is disliked shall not be reckoned with in terms of overwhelming necessity. It is, therefore, permissible for people that offer *salat* congregation to cover their faces with masks if the need arises. This same rule is also applicable to those who may find themselves in an area where there is a widespread epidemic. The rule is also applicable to anyone who takes precautionary measures in order to protect himself from harm or perdition, as the rule is majorly and only prescribed out of necessity and for exceptional cases. This is the position of the various Muslim jurisprudence groups and *Fatwa* (Legal judgement) Councils like the Islamic Research Complex in al-Azhar, the Official General *Fatwa* Center of the United Arab Emirates, and the Permanent Committee for Research and Issuing of *Fatawa* in the Kingdom of Saudi Arabia.

4. The effect of wearing a Mask in the Chapter of *Hajj* (Pilgrimage):

In this portion of the article, the writer will take a look at the Chapter of *hajj* to see whether it is permissible for a person that is performing the *hajj* or *umrah* (lesser *hajj*) to cover his face with a Mask, and if it is permitted, is it limited only to when it is needed or necessary? The answer to these questions can only be extracted from a sub-chapter on *hajj* that deals with the Islamic legal rules on a person covering his face while on state of *ihram* for *hajj* or *umrah*.

The majority of the Muslim jurists are of the view that it is permissible for a person on the state of *ihram* for either the *hajj* or *umrah* to cover his face, and there shall be no ransom to be paid by that person in respect of that. This is based on a *hadith* that is narrated by Al-Bukhari about a man whose camel treaded on him and died because of that. It is reported that the Prophet, on hearing this says: "Do not wrap his head, as he will be raised among those who are answering the Call (*labbaeka Allahummalabbaek*) on the day of judgement". One would note that the prohibition contained in the *hadith* is limited to the head, so the issue of face, which is the major issue of concern in this part of this paper, still remains unresolved. The Muslim jurists then went on to establish the Islamic legal ruling on a person covering his face during the state of *ihram* through the *hadith* of Prophet Muhammad (P.B.U.H) that was narrated by *al-Bukhari* in his *Sahih* about the dress code of a person in the state of *ihram*. It is reported that the Prophet says: "A woman in the state of *ihram* shall not wear the *niqab* nor wear the gloves." What is inferred from the *hadith* is that it is the woman that is forbidden from wearing the *niqab*. The concept of the *hadith*, therefore, indicates that it is permissible for a man in the state of *ihram* to do so, otherwise, the Prophet should not have limited the restriction only to the women. In another vein, it is reported that al-Imam Malik narrated in *al-Muwatta'* that: "Uthman ibn Affan, is said to be limping while on the state of *ihram* on a summer day, and also, had his face covered with a purple velvet". In addition to that, Ibn Qudamah said to have documented the views of some of the companions of Prophet Muhammad (P.B.U.H), such as Uthman ibn Affan, Zaid ibn Thabit, and Marwan ibn al-Hakam (May Almighty Allah be pleased with them) all of who are in support of that, when he says that: "We do not know of anyone whose view contradicts the one held by these companions during their era. Their views, therefore, is unanimous." Another group of Muslim jurists argued that it is not forbidden for a man in a state of *ihram* to cover his face, and if he covers it, he must pay ransom based on the *hadith* narrated by Muslim in his *Sahih* that Ibn Abbas, may Allah be pleased with both of them reported that when a Camel stepped on a man in a state of *ihram* and he died, Prophet Muhammad then says: "Wash his dead body with water and *Sidr*, wrap his body with his clothes, and do not wipe his body with perfume, neither do you have cover his head or face, for he will be raised on the day of resurrection as person answering the call to *hajj*." This is a clear stipulation that if the face of a man who dies while in a state of *ihram* is not to be covered, then it is more proper that his face should not be covered when he is alive. However, the majority of Scholars responded that the addition of the word: "nor his face" in the previous *hadith* is not documented. This is also confirmed by a number of Muslim scholars. Al-Imam al-Nawawi in a contradictory view to the above *hadith* states that: the covering of his face is only forbidden in order to safeguard his head, and

not for the purpose of exposing his face, because if they covered his face, they may not be sure that his clothes would be enough to cover his head.”

At this junction, I would like to point out that the text of the *hadith* is very clear when it forbids that the face of a man in a state of *ihram* should not be covered if he dies, but if it necessary that he has to cover his head, then I see no reason for not doing that. This is how we can be able to merge the view expressed in the *hadith* by the Prophet and the practices of his companions (May Allah be pleased with them). Thus, it is better and more preferred to say that a man in a state of *ihram* should not put on the Mask, as wearing it requires the covering of a large part of the face, because it is made to cover the nose, the mouth, and what is in between, and perhaps some parts of the cheeks. If, however, there is the need to wear the Mask in a state of *ihram*, purposely to protect oneself from contracting contagious diseases by breathing or by air, in either case, it becomes inevitable, that the view that permits that it should be put on, will be given preference because of the urgent medical need.

As for a woman who is in a state of *ihram*: the Muslim scholars agreed that it is forbidden for her to cover her face with *niqab* on the basis of what is mentioned in the *Sahih* that the Prophet says: “A woman in a state of *ihram* shall not put on the *niqab*”. This is also applicable to every other dress sewn to cover the face, such as the cloak or the veil, as they are all included the ruling of prohibition. Based on that, Ibn al-Qayyim adds that: Anything that is sewn for the purpose of covering the face, such as the *niqab* or veil, is among the prohibited dresses to be put on by a woman in a state of *ihram*, as there are no differences between them because they serve the same purpose. Therefore, if the wearing of *niqab* is prohibited, then the prohibition of other items like the veil or cloak should be greater. Based on that, it established that wearing of a Mask and other things similar to it are prohibited for a woman in a state of *ihram*, even if it does not cover the whole face, because some of the jurists conclude that the covering of some parts of the face is like covering it all. If it is worn out of necessity, such as illness or a harmful odor, then she is permitted to wear it and pay the ransom. Shaykh Zakaria Al-Ansari says: “Whoever wears what it is forbidden to be worn in a state of *ihram* covers the place that is forbidden to be covered out of necessity or purposely because of the heat or cold or medication, then it is permissible for him to do so, but not without the payment of ransom.”

5. The Islamic legal rules guiding the state authority obliging its citizens to wear the mask:

The Islamic law gave the guardian or whoever is acting in that capacity, a wide discretionary authority in managing the affairs and interests of the state. In addition to that, the Islamic law ordered that the state authority, in the course of performing its duties should be obeyed. However, this authority as granted by Islam to the state is not arbitrary or absolute, and not without certain conditions that could protect it from deviating from its goals or protect it from abusing the power that is granted. There is no doubt that one of the duties of the rulers is to protect the life of the citizens from evils and disturbances. Therefore, it is permissible for the ruler or the state authority to enact the laws that control what is permissible and what is forbidden in the interests of the subjects or the citizens, because the duties and actions of the rulers should be geared towards the protection and preservation of the interest of the individuals and the public. In view of that, if a decision is reached by the state authority or whosoever is acting in that capacity that a Mask must be worn by the subjects or citizens in public or where people mix together or when performing the *salat* in the mosques or during the *umrah* or *hajj*, in order to preserve the life and property of the citizens, then it is obligatory for everyone to abide by it, so that there would be no confusion or destruction. In no any circumstance should a citizen disobey the state authority in its directives. This is what is being emphasized in one of the resolutions of the Egyptian *Dar al-Iftaa*, (No: 5117) dated 06/06/2020 that: The State authority or the rulers are legally mandated to strive and take the necessary measures to protect the life and property of their citizens in accordance with the social contract of allegiance and obedience between the ruler and the ruled through the enactment of laws and edicts that may guarantee this honorable purpose, and in a manner that governs the interests of the people, and guarantees their safety and security in their communities. It is, therefore, the duty of the subjects and the citizens to obey these rules and adhere properly to its principles, as strict obedience and commitment, legally leads to reward, while the violation of these regulations leads to punishments and consequences.

Conclusion:

In the foregoing analyses, it is made clear that the wearing of a Mask for the purpose of protecting oneself from harm and illness or disease is not only permissible but also legit. Hence, there is no contradiction between the wearing of Mask to protect oneself from anything that causes harms to human health. It is, therefore, a well-known fact that ‘the reason for wearing a Mask is majorly linked to the root-causes of the dangers or harms or disease that may have led to wearing it. Religious-wise, if there is a need for a Muslim to wear a Mask, and he wants to perform ablution for *Salat*, but he is, however, afraid that if he removes the mask, he may get infection due to his presence among the people with an infectious disease, it is permissible for this kind of a person in the midst of people infected with disease to wipe the Mask with water during his ablution without removing it so that he does not become infected, and it is also permissible for him to wear it during the *salat*, if there is the need for that, otherwise it is better to remove it. A Muslim is also cautioned not to put on the Mask while in a state of *ihram* if there is no any pressing or urgent need to wear it, and State-wise, if a decision is reached by the

state authority or whosoever is acting in that capacity that a Mask must be worn by the subjects or citizens in public or where large number of people mix together or when performing the *salat* in the mosques or during the *umrah* or *hajj*, in order to preserve the life and property of the citizens, then it is obligatory for everyone to abide by this directive, so that there would be no confusion or destruction, and in no any circumstance should a citizen disobey the state authority in its directives.

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