Shaking Hands with a Non-Mahram Woman

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Another issue is shaking hands. Of course, all of these issues arise only when there is no lust or fear of deviation present; otherwise they are clearly not permitted. Again, the traditions and religious edicts confirm one another in this matter. The Imam was asked if it is permitted to shake hands with a non-related woman. He said, "No, unless the hands be covered or the woman be mahram." One must not shake the hands with a woman who is not mahram unless [her hand is covered and even then, pressure should not be applied.'[1

These Are Issues Of Religious Edicts

Here there are two more points which should be mentioned. The first is that the issues mentioned up to this point were all referred to within the contents of the verses and the traditions. Perhaps no further questions would occur to a person up to this point, but these are some of the issues which have occurred to me.

Since this is a matter of an edict, everyone must note that I have mentioned my own point of view and referred to these proofs because of their necessity but the issue is one which must be followed according to the Divine Law. The second point is that edicts exist which are comparable to the ones mentioned that include the religious edicts of the great ulama but these are the edicts of the minority, not the majority.

For instance, Shaykh Tusi gave such an edict as well as Shaykh Hedayat and Shaykh Ansari. All three are among the most learned Shi'ite scholars. The others mention these reasons like Ayatullah Hakim in Mustamsak but when it comes to issuing a religious edict they hold back. The actions of Muslims, to this point, have been opposed to these views so the religious jurisprudent moves beyond the issue.

Muslim Custom

This itself is an issue that the customs and habits of Muslims oppose something which is clear from the verses of Quran and the traditions. The customs of the Muslims are not something which can be easily put aside. There is a need for an analysis as to what it is.

If we assume that Muslims have acquired a custom from the beginning of Islam whereby it is discovered to be from the customs of the Holy Prophet and the Imams, it should be preserved.

However, a custom of the people is not proof in itself except when it is discovered to be among the customs of the Holy Prophet. Then it becomes proof and must be observed. For instance, take the beard. Some people say that the real proof for it is that men from the time of the Holy Prophet and later all had beards. Thus, we rely upon this. Now note what they answer. If someone had said that it is forbidden to grow a beard we would have said that people in the past, according to custom, have a beard and this existed from the time of the Holy Prophet. Thus, it was not forbidden to have a beard. If it had been forbidden, it could not have become the custom. But the question then arises whether growing a beard is obligatory or recommended. We assume the possibility that it is a part of custom which is, at least, recommended or unspecified. Custom only dictates when there is a lack of respect involved. Therefore, it is either obligatory or recommended.

A thought has occurred to me here which is a historical social point and most often the reason why the religious authorities become fixed here is because they do not attend to the social issue. The modest dress did not exist among the pre-Islamic Arabs. Islam brought the covering of the head, neck, and chest, etc. and the forbidding of looking with lust. But a part of that which Islam brought existed in non-Arab areas. It was a very strong influence in Iran, in particular, among the Jews and people were influenced by their way of thinking. Islam did not make it obligatory to uncover the face. It said it is obligatory to cover the hair, not to display the face. Clearly, those nations which came to accept Islam were following their own customs because Islamic precepts did not say it was obligatory to display the face, except in the harem. Nor did they say it was forbidden to cover the face. It gave a choice. It left it up to the various nations to practice their own customs of the modest dress if they so desired. History shows that non-Arabs felt it was obligatory to cover the face. Thus, this custom of covering the face, as we find it now, is not a custom of the Holy Prophet and the Imams.

Another point which is very sensitive and should also be considered, relates to caution. Every religious jurisprudent speaks this way out of caution. They all know that these two things exist, one in a woman and one in a man. That which exists within a woman is the desire to show herself off, it is a part of her nature. That which exist within man is an inclination towards looking, not just looking but flirting and receiving pleasure from it. Both of these exist. Will Durant says that there is nothing in the world more firm and more persevering that a man's desire to look at a woman. It exists no matter how much it is restrained and it is referred to in the traditions. It is because of this that a religious jurisprudent does not find the courage, in spite of the fact that all of these reasons and proofs exist, to issue a religious edict. They say caution should not be put aside. The caution relates to human nature itself.

This brings up another issue. Some people follow a philosophy and that philosophy is that in those areas which are ruled by customs, whatever one does not say to the people is better. It is better not to say it than to say it.

I may have mentioned that I once received a letter in praise of the book I wrote called Stories of Good People. The ritual prayer leader in Khuzistan read the book. He said that he looked up all of the stories. Although not one idea was changed and they had been presented in a very readable, pleasant style, he had two criticisms. The first criticism related to a story about the blessed Fatimah and Ali, peace be upon them. Their work had been divided so that Imam Ali did the work outside of the house and she, the work within the house, a division which the Holy Prophet had made at the very beginning of their marriage.

When Imam Ali was home, he helped her within the house and when he was not at home, she did the work outside the house as well. One day she was covered from head to toe in soot from having started the fire and because there was no flowing water in Madinah, it had to be carried from the wells, often at some distance away, the pressure applied by the straps of her water bag remained on her body because of all the water she had carried to her house. This man said that even though this story was true and was part of the traditions, I should not have mentioned it because it could be misused.

I do not deny the general principle that if telling the truth will cause the people to deviate; it should not be said because the reason for telling the truth, in the first place, is to guide the people, not to turn others away from it. Of course, the Holy Quran tells us, "Those who conceal the clear (Signs) that we have sent down and the Guidance after We have shown them clearly in the Book ... on them shall be God's curseand the curse of those entitled to curse ..." (2:159)

The tone of this verse is very strong. There are very few verses in the Holy Quran where such a strong and angry tone is found. At the same time, I believe the purpose to be that people should not conceal the truth because of their own interests but to conceal the truth because of the truth itself under very limited, temporary and definite conditions so that it is not misused and does not fall under this verse. In other words, it is forbidden to lie but it is not always obligatory to speak the truth. That is, there are occasions when one must remain silent.

I am of the belief that this kind of prudence, when it is based upon the real issue of the truth, has no problem but, when it is based on individual, personal or group interests, it is a different story. Now the point is whether or not it is prudent thinking not to issue a religious edict about buying or selling a radio or that it is not obligatory for a woman to cover her face and hands. Is it a correct kind of thinking? Is it intelligible? Does it produce the correct result or not? Will some women who cover their face and hands then uncover their face and hands and finally

their whole form by saying this truth? Or is the opposite true? That is, many men and women think that the bases of the religious viewpoint is that the face of a woman should not show for when the face shows, there will be no stopping the rest. On the other hand, the covering of the face is impractical and, from the point of view of logic, it is indefensible. No reasoning or deduction can be given for it being so. Therefore, they will then completely uncover themselves.

Some sociologists believe that the cause for the extremity in women's dress and their lack of modesty is because of the erroneous belief that society had about the modest dress. Yet the error was that the truth was not spoken! If it had been expressed just as the Islamic precepts express it, things would never have reached this point. It is here that one should refer to the proverb, "being, more Catholic than the Pope," or "jumping from the frying pan into the fire."

The Holy Quran says in Surah Hujarat, "O believers, advance not beyond God and His Messenger " (29:1). What is meant by 'advance' is a point beyond which God and His Prophet said one needed to go, thereby, 'advancing beyond God and His Messenger'.

Imam Ali, peace be upon him, said, "God has given limits. Do not aggress beyond them. That is, he has specified the forbidden, do not disobey. He has specified the obligatory and the precepts; do not shun them and as to the things for which He remained silent about neither forbidden nor obligatory it was not because He forgot them but rather He wanted you to be free in regard to them. Therefore, do not restrict yourself there and make something your duty in the name of God's religion and God."

The Holy Prophet said in a tradition recorded in Jama'al-Saghir, "Just as God dislikes that which He prohibited, people should obey and He likes them to do what is allowed; whatever is without any problem should be considered to be such and they should not forbid anything which God has not forbidden ..."

This tradition has also been recorded as the following, "God loves people who allow whatever He has allowed and prohibit whatever He has prohibited."

Perhaps I am mistaken. As I have mentioned, in areas covered by religious edicts, each person must follow the edicts of their own mujtahid.

But, in regard to that which is mentioned as prudent thinking and saying it is not advisable to mention something even though it is the truth, I disagree with this prudent thinking. I believe it is advisable to express the truth and that which is advisable is to counteract the concept that women today express, "The modest dress is impractical." We must prove to them that the Islamic modest dress is logical and practical.

Secondly, we must make efforts to establish cultural, social, and health activities, particular to

women, and resist the mixed activities which are imitated from Europe. It is only in this way that women will rediscover their real personality and the possibility that they will no longer be a .tool, a toy and a means to men's lust in the name of freedom and equality

The Religious Edicts on These Issues

We have seen through these lessons that according to the precise and moderate precepts of Islam, in regard to the relations of a man and a woman based upon the reliable sources and practices of the Holy Prophet and pure Imams, it is documented that it is not obligatory to cover the face and hands as well as the fact that they strengthen the permissibility for men or women to look at each other upon the condition that it is not for lust (unless they are husband and wife) nor fear of deviation. Now we will briefly refer to the edicts of the religious jurisprudents because it is important to know how they have interpreted this issue from the beginning of Islam to the present.[2]

To begin with, what is the opinion of religious jurisprudents as to the covering of the face and hands and secondly, what edicts have they issued in regard to looking?

As to the fact that it is not obligatory to cover the face and hands, there appears to be no difference of opinion among all of the religious jurisprudents, Shi'ite or Sunni. There was only one Sunni who disagreed. He was Abu Bakr ibn 'Abd al-Rahman ibn Hisham and it is not clear if his opinion related solely to the ritual prayer or if it included those people who were not mahram, as well.

There is no difference of opinion as to the face but some differences have appeared with regard to the hands to the wrist and the feet to the ankles as to whether or not they are included among the exceptions. Before mentioning what they have said, two points should be noted. First, the issue of covering is dealt with in two places in jurisprudence. One is in relation to the fact that it is obligatory in the ritual prayer for women to cover all of their body, whether or not a non-mahram is present.

Here the question arises whether or not the face and hands must also be covered . The second place the issue is discussed is in relation to marriage and to what extent a suitor has the right to look at the woman he may decide to seek permission to marry. Here, there is most often a general discussion about covering and the permissibility or impermissibility of looking.

Thus, from the point of view of jurisprudence, we have two kinds of covering. One is the covering which is obligatory for the ritual prayer which has certain rules such as the clothes worn must be ritually pure, not usurped, etc. The other is the covering which is obligatory, other than for the ritual prayer, before men with whom a woman is not mahram and which does not

have the special requirements of the covering for the ritual prayer. As we will later point out, there appears to be no difference as far as extent of covering before a mahram.

The second point to be noted is that the religious jurisprudents employ a term which refers to the body other than the face and two hands. This term is 'aurah', 'exposed' or 'bare' or 'naked'. It is possible that this term appears unattractive to some people in the sense that nakedness may be considered to be unattractive. We then ask if a woman's body, other than her face and hands, be something which is considered to be ugly or unattractive from the point of view of Islamic jurisprudence?

The answer is that the word aurah in no way refers to something ugly or unattractive. In the first place, not every ugly or undesirable act is referred to as aurah and the opposite is also true. The word aurah is often used in reference to something which has nothing to do with ugliness.

In the Holy Quran, the word is used in verse 33:12, "Truly our houses are open "(exposed, vulnerable, aurah) ,by which excuse they hoped to be exempt from fighting. It is clear that no ugliness is referred to in relation to their houses. In verse 24:59, which will be referred to, three times are mentioned where even a mahram needs to seek permission to enter an area of another's privacy (except a husband or wife) and these are called the time of "three aurah".

In the Majma' al-Bayan the author, who is incomparable among the commentators in his ability to cleave apart the meanings of words in reference to the use of the word aurah in verse 33:14 says, "aurah refers to anything which can easily be harmed which one is concerned about like the borders or frontiers of a country or something related to a war. A bare or exposed or naked place or house is a house which is vulnerable and easily harmed."[3]

Thus, it becomes clear that the word is not used by the religious jurisprudents to abase or weaken. The body of a woman is referred to as vulnerable because it is like a house which contains no walls and can be easily harmed and must be covered by some kind of an enclosure.

Now let us look at what the edicts say. Allamah in Tazkirat ul fuqaha' wrote, "The totality of woman's body is aurah (vulnerable) other than her face." All of the ulama in the various cities confirm this other than Abu Bakr ibn Abd al-Rahman Hisham who believes all of the body of a woman is vulnerable. His opinion is in the minority.

In the opinion of Shi'ite ulama, the two hands up to the wrist are like the face and are not considered vulnerable (aurah). Malik ibn Anis Shafe'i, Uwaz'i and Sugyan Thawri agree with the Shi'ite ulama because ibn Abbas had recorded from the Holy Prophet who said, "The face and two hands are included in the exception." But, according to the view of Ahmad Hanbal and

Dawoud Zahiri, the two hands must be covered. The words recorded by ibn 'Abbas are sufficient to disregard this opinion.

Allamah refers to the two feet saying, "As can be seen, the religious jurisprudents refer to Surah Nur for the covering required for the ritual prayer yet it does not refer to the ritual prayer. That which must be covered in the ritual prayer is that which must be covered before a non-rnahram and if there is a difference of opinion, it is about whether or not more areas need to be covered for the ritual prayer. But, as to the fact that which is not obligatory to cover in the ritual prayers is the same as that which is not obligatory to cover with a non-mahram, there is no difference of opinion."[4]

Ibn Rushd, the famous Andulusian religious jurisprudent, physician and philosopher wrote, "It is the opinion of the majority of ulama that the body of a woman, other than her face and two hands, is vulnerable, aurah. Ahmad Hanifah believes that the two feet are also not included. Abu Bakr Abd al-Rahman Hisham believes that the total body of woman is aurah without any exceptions.

Shaykh Jawad Mughniyah wrote in his book al-Fiqh ala Mazahib al-khamsah, "All of the Islamic ulama agree that it is obligatory for men and women to cover that part of the body for the ritual prayer which they cover outside of the ritual prayer. The difference arises as to how much needs to be covered.

The question in regard to women is whether or not it is obligatory for her to cover her face and hands to the extent necessary for the ritual prayer and the question in regard to men is if it is obligatory for them to cover more than the navel to the knee." Then he says, "According to Imamiyah Shi'ite ulama, it is obligatory for women to cover that much in the ritual prayers which she covers before non-mahram other than during the ritual prayer."

What is strange is that some contemporary ulama have thought that the view of the ulama in the past was that it was obligatory to cover the face and this is wrong.

As to the permissibility of looking, Allamah wrote, "A man looking at a woman or a woman looking at a man is either necessary (like the look of a suitor) or not. If there is no necessity, it is not permissible to look at more than the face and hands and if there is fear of deviating, this much is also not permissible. If there is no fear of deviating, according to Shaykh Tusi, there is nothing to prevent it but it is disapproved. The majority of the Shafe'i believe the same but some believe that it is forbidden to look at the face and hands."

In regard to looking at the face and hands, there are basically three opinions. First, the opinion that it is absolutely forbidden according to Allamah and a few other people including the author of the Jawahir. Second, it is permissible to look once and what is forbidden is repeated

looking. Muhaqiq in Sharae', Shahid Awwal in Lum'ah and Allamah in his other books hold this view. Third, it is absolutely permissible according to Shaykh Tusi, Kulayni, the author of Hada'iq, Shaykh Ansari, Naraqi in Mustamad and Shahid Thani in Masalik. Shahid Thani dismisses the reasoning of the Shafe'i which Allamah had accepted but he says at the end, "There is no doubt that caution should prevail."

The above were the views of the past jurisprudents. Most contemporary jurisprudents do not refer directly to these two issues and, most often, cover it over by means of 'caution'. But among the contemporary jurisprudents, Ayatullah Hakim in his recital Minhaj al-Salihin,[5] in the section on marriage, gives a direct edict in which he states the face and hands are an exception. "It is permissible to look at a person one intends to marry as well as dhimmah women as long as there is no lust in the glance including women whom one cannot prevent from not covering and women who areb rnahram. It is forbidden to look at any other woman, other than their face and two hands to the wrist, and that only if there is no lust involved."

Notes:

[1]. Ayatullah Sayyid Muhammad Kazim Tabatabaie Yazdi, Urwatul Wusqa, Section on Marriage, Chapter One, Issue 39.

[2]. The last section of this lesson was added later by Murtaza Mutahhari and is not on the tapes but because of the importance of the issues referred to, it has been translated and appears here.

[3]. Majma'al-Bayan, Commentary upon the Quran, 33:14.

[4]. Bidayat al Mujtahid, vol.1, p.111.

[5]. Minhaj al-Salahin, 9th edition, issue 3.