

Gender Issues

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- ✚ [Talking to the Opposite Sex](#)
- ✚ [Women traveling](#)
- ✚ [Women and the Mosque](#)
- ✚ [Regulations of Clothing](#)

Talking to the Opposite Sex

1. A woman can speak to men out of necessity, such as for conducting a business transaction, or conveying religious knowledge. The wives of the prophet (may Allah bless him and grant him peace) used to relate knowledge to the Companions. They used to do it from behind a curtain, and although women other than them are generally not subject to the same strict codes, the scholars have said that if a sister is giving a regular class to brothers (and similarly if a brother is giving a class to sisters), there should be a curtain or some other separation between them. This is based on experience, for if a class is given on an on-going basis, it is very possible and almost inevitable that some kind of fitnah (e.g. development of some attachment between a brother and a sister) may result in the absence of a curtain. Imam al-Shafi`i had around 200 women teachers, and studied from them from behind a curtain.
2. As for casual conversation, without a need, this is surely opening the door to great fitnah and will almost inevitably lead to adultery of the tongue. "Allah has written for Adam's son his share of adultery which he commits inevitably. The adultery of the eyes is the sight (to gaze at a forbidden thing), the adultery of the tongue is the talk, and the inner self wishes and desires and the private parts testify all this or deny it." [Bukhari (8)74:260]
3. If a woman does speak to a man who is neither her husband nor her maHram (permanently non-marriageable kin) then the two may not be alone, for otherwise the third of them is Satan. This applies even if the man is her brother-in-law, and in fact even more so, for the Prophet (may Allah bless him and grant him peace) said, "The brother-in-law is death." [Bukhari] Further, scholars have deduced that the man and woman may not be alone with a third (non-maHram) man, but they can be with another woman.
4. If a woman does speak to a man (and vice-versa), it should be straightforward speech, for exceeding the limits of necessity opens the door to Satan. Also, the woman should make sure her voice is not soft and alluring. "And be not soft in speech lest he in whose heart is a disease be moved with desire." [Qur'an, 33:32]

Women Travelling

1. The Distance of the Journey
2. Definition of a maHram
3. Woman travelling alone?
4. Specific comments to the sister

1. The Distance of the Journey

There are various narrations on the order for women to travel with a maHram. (Brother Farooq (farooqm@uiu-fayette-1.uiu.edu) has been good enough to collect a number of them and has posted them to the net already.) A discussion of these hadith has been undertaken in the two major commentaries of Sahih al-Bukhari:

- by Hafiz Ibn Hajar in "FatH al-Baaree" (vol IV, pp. 90-91) from a Shafi`i perspective, and

- by Hafiz al-`Ayni in "Umdat al-Qaaree" (vol. VIII, pp. 411-412) from a Hanafi perspective.

The synopsis is that there is the narration of Ibn `Abbas in Sahih al-Bukhari which says that a woman must not travel without a maHram. It adds nothing else. There are other narrations, in Sahih al-Bukhari and elsewhere, which mention a lengths of journeys for which a maHram is required - some of the narrations specify three days, some two, some one, and some even less.

The Shafi`is took the narration of Ibn `Abbas as `aamm muTlaq (general and unrestricted), and deduced that a woman may not embark on any journey (longer than 81km) regardless of the length, without a maHram. The narrations specifying a length for the journey were taken by them as being in response to specific questions, or by way of illustration.

The Hanafis, on the other hand, considered the other narrations as containing additional information (ziyaadah), which was perhaps somehow dropped from the narration of Ibn `Abbas. Hence, they considered Ibn `Abbas' narration subject to specification by the others. Since the lengths of journey given in the various narrations differ, and it is not possible for us to determine the temporal succession of the narrations, their evidentiary capacity becomes speculative, and in such a situation we must take by the most certain position. Hence, the Hanafis took by the narration of three days and three nights (anything beneath that being speculative and inadequate to base a ruling upon). It should be noted that this refers to the distance usually covered by walking or by beast in three days, so that the restriction of travelling with a maHram applies if the _distance_ of the journey exceeds this, even if the journey itself is accomplished in a shorter time, as stated by the Grand Mufti of Pakistan, Muhammad Rafi` (may Allah preserve him and bring benefit by him).

By now, it should be apparent that the sister's practice is baseless according to the Hanafi school. We now proceed to demonstrate its invalidity in the Shafi`i school also, and in order to do this, we need to define 'journey'.

'Journey' () in Arabic _lexically_ means 'the traversal of distance.' [see: al-Mu`jam al-WaseeT, (various), vol. I, p. 433; al-Qaamoos al-MuHeeT, al-Ferozabadi, 368.] However, as is the case with many Arabic words, the shari`ah takes the lexical meaning and makes it more specific. `Allamah al-`Ayni elaborates, "'Journey' is lexicially the traversal of distance, but that is not what is meant here. Rather, the import is a specific traversal . . . that whereby there occurs change in the regulations : shortening of salah, breaking the fast, wiping on the khuffs for three days and nights, the waiving of [the prayers of] Jumu`ah and the Two Eids, the waiving of [the obligation to] offer the uDHiyah (Qurbani), and the prohibition of a free woman going out without a maHram." [al-Bunaayah fee sharH al-hidaayah, vol. II, p. 741]

What is the evidence, then, that 'journey' takes on a more specific meaning in the shari`ah? First of all, it is a rational necessity. Since lexically, a journey is any traversal of distance, it becomes essential to fix a reference location such that departure from it constitutes a journey, and this location must be of finite (non-zero) dimensions. It is also intuitive that this 'home' location cannot be extremely small,

because we know through the consecutively inherited tradition of Islam that people do not shorten their prayers, nor exercise other travel-specific regulations in their day-to-day activities, in spite of the fact that they are traversing distance. "The best of you are those who, when they travel, they shorten their salah and do not fast." [al-Umm, Imam al-Shafi'i, vol. I, p. 208]

Let us provide another line of deduction also. A hadith states that the resident wipes for a day and a night, and the traveller three days and nights [Narrated by Daraqutni (Bukhari said it is Hasan, Tahawi said it is SaHeeH), Tirmidhi (Hasan SaHeeH) and others.] 'The traveller' here must refer either to a specific traveller, or to the entire category of travellers. Since it is obviously not the former, it must apply to every single traveller. Hence, someone travelling for less than three days and nights is not a traveller (in the context of the shari'ah). If such a person were to be considered a traveller, the statement 'the traveller' in the hadith could not be referring to the entire category () of travellers, and that is inadmissible, for it would imply that there are some travellers for whom wiping does not apply for three days, which would imply lying on the part of the Law-Giver, and that is clearly invalid. [See : al-Bunaayah, vol. I, pp. 570-517; vol. II, p. 744).

2. Definition of a maHram

A woman's maHram is a permanently non-marriageable male relative of hers. According to the majority of scholars, his being a Muslim is not a condition for his being a maHram. However, Imam Ahmad said that a Muslim woman's non-Muslim father is not her maHram, because he cannot be trusted with regard to protection of her religion. [See fatH al-Baaree] It is also only reasonable that the maHram should be capable of taking care of/protecting the woman, so that a baby son would not be suitable for this purpose, although he is technically a maHram.

3. Woman traveling alone?

Finally, a word on the hadith that a woman will travel and perform Tawaf of the Ka`bah without a husband/maHram with her. This hadith seems to suggest the permissibility of women travelling alone, but it needs further, more precise analysis. [See FatH al-Baaree and `Umdat al-Qaaree once again] The Shafi`i, for example, adduced this hadith as evidence that a woman may travel for Hajj without a maHram if the way is safe. According to the Shafi`i school, a woman can perform Hajj even in the company of other trustworthy women. The Hanafis, however, pointed out that this hadith is an account of something which is going to happen, and as such is not a sign of its approval or permissibility. In any case, it seems very shaky to deduce a general permissibility of a woman travelling alone in safety just from this hadith, especially in view of other evidences.

And Allah, the Flawless, is most knowledgable and most wise.

4. Specific comments

The sister should be reassured that the practice she has been imposing on herself is not religiously required of her. Of course, if there are extraordinary circumstances on which she is basing her decision, such as the presence of some danger or other evil if she were to use the elevators and go down four floors on her own, then that is a different matter. A Muslim should not deliberately and needlessly expose him/ herself to danger. As for not going to the store, doctor, park, etc. without a maHmram/husband : If the sister prefers to stay at home - as a means for avoiding the various evils outside which affect a person to at least some extent - without making this practice an obligation, and in keeping with a more strict observation of the verse, ("And remain in your houses,") [Surah al-Hzaab] then that is her prerogative. However, it should be made clear that this is not a religious requirement, for it does not constitute a journey in the context of the shari'ah, as we have explained. Again, if there is a real danger of attack, rape or molestation, then she should not go alone, of course. If not, though, then let us not prohibit what Allah has made permissible. "Do not be hard on yourselves, lest Allah be hard on you. Indeed, there used to be people who were hard on themselves, and so Allah was hard on them. You see their remains in the monasteries." [Mishkat al-Masabih, from memory]

Women and the Mosque

Allah The Exalted mentions mosques in Surat al-Noor (Light), beginning at verse 36; (translation follows):

"In houses which Allah has permitted to be raised up and that His name may be remembered in them. There glorify Him therein, in the mornings and the evenings, men whom neither trade nor selling diverts from the remembrance of Allah and the establishment of salah and the giving of zakah; they fear a day in which the hearts and eyes shall turn about; (It is) in order that Allah may reward them for the best of what they have done, and give them more out of His bounty. Allah provides for whomever He wills without measure."

Regarding women attending congregational prayers in the mosque, it has been reported from the Prophet (peace be upon him) that if women ask for permission to go to the mosque, they should be given permission. He is also reported to have said , meaning 'Do not prevent the female servants of Allah (i.e. women) from (going to) the mosques of Allah'. However, the Prophet himself laid down certain conditions which are clear from authentic traditions; among these is that a woman attending prayers in the mosque should not use perfume.

The reason for this is clear - people go to mosques to pray, and in prayer concentration and humility are sought after; distractions such as a perfumed woman are certainly not conducive to a good prayer. If women go to mosques with decorated clothes and perfumes, this is against the spirit of prayer in the mosque. It is probably in this regard that Aishah (may Allah be pleased with her) said during the time of the Companions of the Prophet, that had the Messenger of Allah known what women have introduced after his death, he would have prevented them from going to mosques just as the women of the Israelites were forbidden to do so. [Reported in SaHeeH Muslim].

Jurists have specified that if a woman wants to attend prayers in the mosque, the following conditions should be satisfied:

- She should not be perfumed (as has already been mentioned)
- She should not have make-up or any other form of beautification, such as decorated or fancy clothes, such as would be distracting to men. Also, their clothes should not be such as to attract the attention even of other women, because they are coming to to the mosque to pray, not for a fashion show. Of course, it goes without saying that women should wear hijaab when they come to the mosque. People may argue that we see improperly dressed women all the time outside the mosque, so there is no harm if women come into the mosques without a head covering for example. But, we should remember that a mosque is a place of prayer, and aside from the distraction such a woman would cause, we know anyway that a Muslim woman should wear hijaab even outside the mosque. Besides, the fact that we see semi-naked women outside the mosque does not change the fact that such behavior is still wrong, and we should hate it with our hearts at least (this being the weakest form of faith), and certainly we should enforce the correct codes of dress and behavior in places which we do have control over.
- She should not mix with the men. The Prophet has told us that the best rows (in prayer) for men are the first (front) ones, and the worst for them are the last ones, while for women it is the opposite. [Reported by Muslim] (This applies to the case where men and women are praying together - if no men are present, and only women are praying in a room, then the best rows for women are the foremost (front) ones). The reason for this is that a woman in the backmost rows is furthest from the men, and so is least likely to be distracted by their movements, voices, etc. This is corroborated by the Hadith (reported by Muslim): Oh assembly of women! Do not raise your heads (from ruku/sujud) until after the men have done so.

In fact, according to Hanafi jurists, if a row of women is in front of a row of men, the prayer of the men behind the women is void (broken), since the men are disregarding the hadith . Similarly, If a woman is praying together with a man , standing next to him without any barrier between them, the prayer of the man is broken. Some scholars are of the view that if a woman passes in front of a man while he is praying, his prayer will be broken. Other jurists have also disapproved of women praying in front of men, although they did not think the men's prayers would become void. So, if the mosque also serves other purposes, such as providing various facilities for use by Muslim men and women, so that women may need to move around the mosque, they should bear these things in mind. Similarly, men should avoid praying in places where women cannot avoid passing in front of them.

- There should not be any danger for the women on the road to the mosque, nor should there be any danger of the women causing distraction or mischief on the road.

- If a woman is praying while men are present, she should not recite aloud. This is based on the Qur'anic advice to women in Surat al-aHzaab, verses 33-34, (the translation of which is): "then be not soft in (your) speech, lest he in whose heart is a disease yearn; and speak a good word. And stay in your houses and do not display your finery like the displaying of the ignorance of yore;"

From this it is obvious that women coming to the mosque should not remain behind and talk unnecessarily. The sunnah is that they leave immediately after the prayer while the men remained engaged in , so that intermingling is minimized - this was the practice of the early generations of Muslims. Of course, this does not give men a license to remain behind to engage in useless talk. In order to further reduce mixing of the sexes, the Prophet (may Allah bless him and grant him peace) introduced a separate door to the mosque for women, and Umar (may Allah be pleased with him) used to prevent men from entering by his door.

-One other point regarding women in the mosque is regarding the Hadeeth (clapping is for women, tasbeeh [i.e.saying subHaanAllaah] is for men) [Reported by Muslim]. If, during the prayer, the Imam makes a mistake, men should say to alert him, but women should clap with their hands. This clapping is not the clapping together of the two palms as is done when playing or applauding; it refers rather to a woman tapping on the outer part of her left hand using the palm of her right hand - if she instead clapped by striking her two palms together with the intention of imitating the behavior of somebody playing or applauding, her prayer is broken.

Let us move to the issue of the jum`a prayer. The jum`a prayer is not compulsory for women, although if they wish they may perform it instead of Zuhr prayer.

1. Hanafi opinion

It is better (afDal) for the woman to pray Zuhr at home rather than go to the mosque and perform jum`a, since jum`a is not compulsory for her. Imam Abu Haneefah himself used to allow women to come to the mosque, but later, after his death, Imam Muhammad his student did not see any harm in forbidding women from coming since they did not observe the proper etiquette.

2. Maliki opinion

It is permissible (jaa'iz) for an elderly woman (whom men would not be unduly attracted by) to go to the mosque to offer jum`a. It is undesirable (makrooh) for a young woman to go, however, and if it is feared that she would be a cause of fitnah then it is forbidden (Haraam) for her to go.

3. Shafi`i opinion

It is makrooh for a good-looking woman to go to the mosque, either for jum`ah or for any other prayer, even if she wears plain (undecorated) clothes. It is permissible (not makrooh) for an elderly woman to go, but she must wear plain (non-fancy) clothes. In all cases two conditions must be satisfied first:

1. The woman should get permission from her father, or husband, or other male guardian,
2. There should not be any danger of fitnah, either on the way to the mosque or in the mosque itself.

If these 2 conditions cannot be fulfilled, it is Haraam (forbidden) for the woman to go to the mosque.

4. Hanbali opinion

It is neutrally permissible (mubaaH) for an elderly woman to go to the mosque, but disliked (makrooh) for a young, good-looking woman.

Evidences for these opinions in Hadeeth include:

"Do not forbid your women from the mosques, although their houses are better for them (to pray in)." [related by Imam Ahmad. Also by Abu Dawood, and its chain of narration (isnaad) is sound (SaHeeH),

as has been reported in Mishkaat-ul-maSaabeeH.]
"The best mosque for women is the depths of their houses."
[related by Imam Ahmad]

Also, the statement of Aishah has been taken to account, bearing in mind that she was , and that the condition of women today is generally as bad if not worse than at that time. From her statement, it is concluded that protection from fitnah is more important than women praying in the mosque. If both can be accomplished, that is fine, otherwise the former has a higher priority.

[Note: regarding fitnah, an Arabic word which is used above,since some people may not be familiar with it. The noun is derived from the root {f-t-n} which has the following meanings: In a general sense it means to try, probe, or test. From this follow further meanings such as 'to tempt', 'to visit or tempt by calamity', 'to incite to rebellion', 'to stir up revolt or discord'. Other meanings, which are appropriate to our case are: To charm by beauty, captivate, madden, fill with admiration, allure, enamor, arouse. So can mean infatuation, fascination, captivation, enchantment, seduction, trial, affliction, temptation.]

I have quoted the opinions of the 4 schools of thought regarding women and the mosque, in order to give some idea of the general rulings of the majority of muslim scholars. From the 4 opinions I posted, what can be seen is that most scholars preferred that women not go to the mosque. However, it is wrong to place an absolute ban on all women going to the mosque; such a ban would be against the advice of the Prophet. Regarding the statement of `Aishah that the prophet would have forbidden women from going to the mosque if he had known what they had introduced- this does not contradict the Prophet: the Prophet himself said that women should not come to the mosque with perfume. So, `Aishah meant that if the Prophet knew that women were coming to the mosque with perfumes and fancy clothes, he would have prevented them. And Allah knows best.

Al-Waanilee [in his book: al-masjid fil-Islam] mentions that the women used used to come to the mosque and pray the Jum`ah prayer during the time of the Prophet. He then goes on to say that women should realize that although Allah has permitted them to go to the mosque to listen to good talks of admonition and to learn about religious matters, Allah has also made it necessary for her that if she chooses to go, she should not use perfume. al-Waanili then mentions that the women requested the Prophet to give special lessons for them, and he did so.

Of course, it is true that many Muslim women nowadays do not observe correct dress and/or behavioral codes, and it is not correct to allow them to come to the mosque in this state. Regarding the Prophet giving lessons to the women, Al-Waanilee quotes from Shaykh al-Qaasimee, who remarked that women today are surely in greater need of of admonition than those in the time of the Prophet, due to the prevalence among them of innovations, wrong practices, nonsensical and misled beliefs, disobedience to their husbands, and countless other evils; thus it is incumbent on the muslim leaders to establish lessons for the women in the mosque, with somebody at the door to ensure that men do not enter during this time.

This article has attempted to address some of the main issues regarding women and the mosque. I ask that Allah bring benefit by it, and grant us the sincerity to act only for His sake. And may Allah bless the prophet Muhammad, his Noble Household and Companions, and send peace upon them. In conclusion, I praise Allah, Lord of the Worlds.

Regulations of Clothing

1.0 Inside Salah

1.1 Its Obligation

Among the prerequisites of salah is covering one's nakedness. This obligation is established by the Qur'an, sunnah and consensus (*ijma*).

From the Qur'an : Allah's words, (translated),

"O Children of Adam! Wear your [apparel of] beauty in every place of prayer" [Qur'an 7:31]

i.e. that which covers your nakedness.

From the sunnah : the Prophet (upon him be blessings and peace) said,

"Allah does not accept the salah of an adult woman (i.e. one who has reached puberty) except with a scarf."

[Narrated by :

Abu Dawud (*Book of Salah*, "Chapter : A woman praying without a scarf", p. 101),

Tirmidhi (who classified it as *hasan* in "Chapter : Allah does not accept the salah of an adult woman without a scarf", p. 50),

Ibn Majah (*Book of Menstruation*, "Chapter : When a woman passes menstruation, she shall not pray except with a scarf", p. 48),

Al-Hakim (who authenticated it in "Chapter : Allah does not accept the salah of an adult woman except with a scarf", vol. I, p. 251),

Bayhaqi (vol. II, p. 233), and

Ibn Khuzaymah (in his *Sahih*);

vide Bulugh al-Maram # 221, *Sahih Ibn Hibban* (*Book of Salah*).]

From consensus : Numerous scholars have reported consensus on the fact that covering the nakedness is a prerequisite for salah. [See Ibn al-Humam's *Fath al-Qadir*, vol I, p224 of *al-Hidayah* with its commentaries.]

1.2 For Men

The nakedness of a man is from below his navel upto (and including) the knee, because of the hadith :

On the authority of `Ata' ibn Yisar, on the authority of Abu Ayyub, who said : I heard the Messenger of Allah (may Allah bless him and grant him peace) say, "That which is above the knees is [part] of nakedness, and that which is below the navel is [part] of nakedness." [Narrated by : **Daraqutni** (p.85) and **Bayhaqi** (vol. II, p. 229).]

And, in part of a long hadith : On the authority of Siwar ibn Dawud, on the authority of `Amr ibn Shu'ayb, on the authority of his father, on the authority of his grandfather, that the Messenger of Allah (may Allah bless him and grant him peace) said, ". . . for that which is below the navel, upto the knee is [part] of nakedness." [Narrated by **Daraqutni**. **Siwar ibn Dawud has been regarded as a mediocre narrator by `Uqayli, but as trustworthy by Ibn Ma'in and Ibn Hibban. Imam Ahmad said there is nothing wrong with him. The hadith is *hasan*, inshaAllah.**]

It is clear that the navel is not part of the nakedness. However, the knee is included in the nakedness because:

i) A mentioned limit may either be included or excluded, but this matter is one of precaution, and so we rule that it is included.

ii) The knee is the intersection of a bone of the area of nakedness [i.e. the thigh] with another that is not [i.e. the shin], so that the lawful and the prohibited are combined therein and therefore cannot be differentiated. Further, if the knee is left uncovered, there is a danger of the thigh being exposed, and hence covering the knee can also be considered necessary to ensure covering of the thigh.

Strictly speaking, (ii) is really the reason that makes this matter one of precaution.

(iii) The hadith of Siwar ibn Dawud starts out by saying 'that which is below the navel,' which is an expression of generality (*sighat al-'umum*), indicating that everything below the navel, upto the feet, would be included. The next part of the statement, 'upto the knee' specifies the knee as the limit, and hence everything beneath the knee is excluded, but the knee itself remains included.

As for the hadith : On the authority of `Uqbah ibn `Alqamah, on the authority of `Ali, who said : the Messenger of Allah (may Allah bless him and grant him peace) said, "The knee is [part] of the nakedness."

[Narrated by **Daraqutni**]

it contains a weak narrator, and may not be used as a proof, although it may be used for substantiation.

1.2.1 : It is disliked for a man to pray with his shoulders bare, for the Prophet (may Allah bless him and grant him peace) has said,

"None of you must pray in a single garment of which no part comes over his shoulders." [Narrated by : Bukhari and Muslim; vide Bulugh al-Maram #223]

1.2.2 : It is forbidden for a man to keep his lower garment below his ankles out of arrogance, and severely disliked / close-forbidden (*makruh tahrimi*) to do so even without arrogance, for the Prophet (may Allah bless him and grant him peace) has said, "Allah will not look, on the Day of Resurrection, at that man who lets his lower garment below the ankles out of arrogance." [Narrated by : Bukhari and Muslim; vide Riyad al-Salihin]

This is especially important during salah, for another hadith says, "Allah does not accept the salah of a man who drags his lower garment." [Narrated by : Abu Dawud, with an isnad which is authentic according to the criteria of Muslim; vide Riyad al-Salihin]

1.3 For women

1.3.1 The entire body of the free-woman is nakedness, except for her face and hands.

"The woman is a nakedness, and so when she goes out, Satan raises his glance to her." [Narrated by : Tirmidhi, in the Chapter on Suckling, on the authority of Ibn Mas`ud (may Allah be pleased with him). He classified it as *hasan sahih gharib*. Also reported by Ibn Khuzaymah; vide Sahih Ibn Hibban (3.66)]

A woman should not cover her face or hands while in *ihram*, based on the authentic narration by Tirmidhi prohibiting a woman in *ihram* from wearing a veil or gloves. Similarly, she should not cover her face during salah, unless there are stranger-men around and a danger of fitnah. It may be noted that according to Imams Ahmad ibn Hanbal and Dawud al-Zahiri, the hands are a nakedness.

Evidently the head must be covered in salah. We have already quoted the hadith : "Allah does not accept the salah of an adult woman (i.e. one who has reached puberty) except with a scarf."

1.3.2 It is at least precautionary for a woman to cover the tops of her feet in salah. Umm Salamah, the wife of the Prophet (may Allah bless him and grant him peace), said, "A woman should pray in a shift that reaches down and covers the top of her feet." [Narrated by : Imam Malik in his Muwatta' (8.10.37), Abu Dawud ("Chapter : In how much should a woman pray", p. 101) and Bayhaqi (vol. II, p. 232).]

Scholars have differed regarding the feet of the woman : are they `awrah in salah, or outside salah, or both or neither? There are differences among the Hanafis themselves, and there exist three authentic opinions in the madhhab :

1) That the feet are nakedness

This is based on the direct implication of the hadith, "When a girl reaches puberty, it is not appropriate that any of her should be seen, excepting her face, and her hands upto the wrists." [Narrated by : Abu Dawud; It is a *mursal* narration at the level of *hasan*.]

It is also strengthened by the narration that the Prophet (may Allah bless him and grant him peace) was asked, when he mentioned the prohibition of dragging the lower garment, about what women should do with the ends of their garments. He said, 'They should extend them a span.' Umm Salamah said, 'Then, their feet will be uncovered!' He said, 'Then, they should extend them a cubit, not exceeding that.' [Narrated by : Tirmidhi, who graded it as *hasan sahih*, Nasa'i and Abu Dawud, with the words, "then she will be uncovered."]

This opinion was presented as the madhhab of Abu Hanifah by al-Quduri in "Bidayat al-Mubtadi", and is also espoused by al-Jassas in "Ahkam al-Qur'an" and by Qadi-Khan. Similarly, in Sharh al-Aqta', it is stated, "The authentic [opinion] is that it is `awrah, from the apparent [implication] of the report." [See al-Bunayah, vol. II, p. 63] Of the latter Hanafi scholars, al-Ghunaymi has inclined towards this view in "al-Lubab." The feet are also considered nakedness by Imams Malik, al-Shafi'i and Ahmad ibn Hanbal.

2) That they are not nakedness.

The argument for this is based on two points:

- i. If the establishment of the nakedness is by the saying of Allah, the Exalted, (translated), "And let them not show their beauty, except that of it which is apparent," then the foot is not customarily a location of beauty (it may be for a minority, but regulations are set according to the general rule), and thus Allah, the Exalted, has said, (translated), "And let them not strike their feet in order to make known that adornment which they are hiding," i.e. the ringing of anklets, and this conveys that the feet themselves are of the beauty which is apparent. This is fortified by the fact that the Mother of the Believers, `A'ishah, said, commenting on the verse, (translated), "And let them not show their beauty except that of it which is apparent", "the toe-ring, a silver ring which is [placed] on the toes." [Narrated by Ibn Abi Hatim, as quoted by Ibn Taymiyyah in "Hijab al-Mar'ah", p. 17.]
- ii. If the establishment is by the Prophet's saying, "The woman is to be covered," along with it being established that some of her body is excluded due to hardship of [avoiding] exposure, then, by analogy, it should necessitate that the feet also be excluded, due to the corroboration of hardship. This is because she would be put to hardship by her foot showing when she walked barefooted or with shoes, for she may not always find khuffs or socks with which to cover them. Along with this, desire is not aroused by looking at the foot such as is aroused by looking at the face, and so if the face is not `awrah, in spite of the plentiful arousal of desire, then the foot is more appropriate to remain uncovered in view of the hardship associated with covering it. [See "Fath al-Qadir" : al-Hidayah with its commentaries, vol. I, p.225, and al-Bunayah, vol. II, p.63.]

This opinion has been reported by al-Hasan from Abu Hanifah. Al-Marghinani graded it as the more authentic opinion in "al-Hidayah", and Ibn al-Humam and al-'Ayni acknowledged this in their commentaries thereof. This view has been presented as the madhhab by latter *mutun*, such as "Nur Idah" and "al-Durr al-Mukhtar". al-Thanvi concluded in "T'la al-Sunan" that it is sounder from the point of rationale.

3) That they are nakedness outside salah, but not in salah.

Ibn `Abidin reported this as one of the authentic views in "Radd al-Muhtar".

It may be noted that Hafiz Ibn Taymiyyah, the Hanbali, also favored this opinion. He says, "And similar [is the case with] the foot. It is permissible for her to show it [in salah] according to Abu Hanifah, and [this] is the stronger [position], for `A'ishah considered it of the apparent beauty. . . . So, this is an evidence that women used to show their feet initially, just as they used to show their faces and hands . . . for they used not to walk in khuffs or shoes. [Moreover], to cover these in [salah] poses a great hardship, and Umm Salamah said, 'A woman should pray in an ample garment which covers the tops of her feet,' and so when she makes sajdah, the bottoms of her feet may show." [Hijab al-Mara'ah wa-Libasuha fi al-Salah, pp. 17-18]

Some scholars opined that the feet are not nakedness in that she is not required to cover them, but they are nakedness for the purposes of looking and touching, i.e. it is not permissible for stranger men to look at or touch her feet.

2.0 Outside Salah

2.1 Its obligation

It is obligatory upon every sane adult to cover his / her nakedness outside salah, from himself, as well as from others for whom it is not lawful to look at his nakedness. Excepted from this are cases of necessity, such as medical treatment, for which it is permissible for him/her to expose such portion of his/her nakedness as is necessary. Similarly, it is permissible for him to expose it for *istinja*, bathing, answering the call of nature and the like if he is alone to the extent that nobody can see him. It is not permissible to look at the nakedness of a man or a woman, whether attached to the body or severed.

The Prophet (may Allah bless him and grant him peace) has said, "A man shall not look at the nakedness of [another] man, nor shall a woman look at the nakedness of [another] woman." [Narrated by : Muslim (in Kitab al-Hayd), Tirmidhi, who rated in *hasan gharib sahih*, Ibn Majah, Ahmad]

And, the Prophet (may Allah bless him and grant him peace) told Mu`awiyah ibn Haydah, "Protect your nakedness [from all] except from your wife and your slaves."

....

He said,

"How about if one of us is alone?"

The Prophet (may Allah bless him and grant him peace) replied,

"It is [even] more appropriate that modesty be shown for Allah than for people." [Narrated by : Abu Dawud, Tirmidhi, who graded it *hasan*, Ibn Majah, Ahmad]

2.2 For Men

The nakedness of the man outside salah is what is between his navel and his knees, based on the evidences we have already mentioned. It is permissible for other men or women to look at anything beyond that, provided there is immunity from temptation, although according to Imam Abu Hanifah, a woman may not look at a man's belly or back. [al-Hidayah] In any case, men should not leave their chests or backs exposed if there is a danger of their being seen by women and of *fitnah* ensuing subsequently.

The thigh is a nakedness, and hence Muslim men may not, in public, wear shorts which expose the thighs.

The Prophet (may Allah bless him and grant him peace) has said,

"Cover your thigh, for the thigh is [part] of the nakedness." [Narrated by : Tirmidhi, who graded it as *hasan*, and also by Abu Dawud, Ahmad, Malik and Ibn Hibban. Similar narrations are also narrated by Ahmad, and by Tabarani in "al-Mu`jam al-Kabir." Tirmidhi also narrated, "The thigh is a nakedness" and graded it *hasan gharib*. Bukhari quoted this as ta`liq.]

2.3 For Women

The fundament here is the words of Allah the Exalted, (translated),

"And let [the believing women] not reveal their beauty, except that of it which is apparent, and let them clasp their scarves over their bosoms. And, let them not reveal their beauty except to their husbands, or their fathers, or their husbands' fathers, or their sons, or their husbands' sons, or their brothers, or their brothers' sons, or their sisters' sons, or their women [i.e. Muslim women], or their slaves, or male servants free of desire, or children who have no sense of the shame of women's nakedness." [Qur'an, 24:31]

2.3.1 If she is in the presence of stranger-men (*ajnabiyy*, i.e. non-mahram men, viz. men other than her permanently-non-marriageable male relatives, such as father, brothers and sons.), or non-Muslim women, then her nakedness is all her body, except for her face and palms. This is also the view of Imam Malik, and one of the views of Imam al-Shafi'i. Ibn `Abbas said that the 'apparent beauty' referred to in Allah's saying, (translated),

"And let them not expose their beauty, except that of it which is apparent."

is antimony and a ring, (i.e. the face and the hands). [Narrated by : Tabari, Bayhaqi, Ibn Abi Shaybah, Abdur-Razzaq, Tahawi. It has a solid chain.]

And, we have already mentioned the hadith,

"When a girl reaches puberty, it is not appropriate that any of her should be seen, excepting her face, and her hands upto the wrists."

Thus, the hands and face are not nakedness, and it is lawful to look at them if one is immune from temptation. It is worth pointing out this does not grant a license for indiscriminate looking, for one will generally not know whether or not one will be allured by a woman's looks before one has looked at her. In fact, even accidental glances should be brought in check as soon as one realizes them, for the gaze is one of Iblis' poisoned arrows.

Jabir (may Allah be pleased with him) said, "I asked the Prophet (may Allah bless him and grant him peace) about an accidental look, and he told me to avert my gaze." [Narrated by : Muslim]

It is not lawful to touch a woman's face or hands, even if one considers oneself secure from lust. [al-Hidayah]

"The hand of Allah's Messenger did not touch any woman's hand except the hand of that woman his right hand possessed." [Narrated by : Bukhari]