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The Rules of Modesty

This issue is one of those from which numerous by laws are derived,such as those specifying the parts of one's body that must be covered ('*awrah*) and the parts of another person's body which it is *haram* to look at, those relating to the difference between *maharim* (relatives through lineage or marriage with whom marriage is prohibited) and non-*maharim* persons in this regard, the difference in this regard due to sameness or difference of sex, the difference between looking and touching and similar rules which are discussed below.

1. Looking at One's Own Body

The schools differ concerning covering of one's '*awrah* (private parts) from one's own view and whether it is *haram* for one to uncover one's '*awrah* in privacy.

The Hanafis and the Hanbalis observe: In the same way that it is not permissible for a person to expose his '*awrah* in the presence of anyone for whom it is not permissible to look at it, it is not permissible for him to expose it when alone without necessity, as arises at the time or bathing or answering the call of nature.

The Malikis and Shafi'is say: It is not unlawful but reprehensible (*makruh*) to be bare without necessity.

The Imamis state: It is neither *haram* nor *makruh* when no one else is looking at it.

Ibn Abi Layla holds an uncommon opinion that prohibits one from baring oneself even for bath for the reason that water is inhabited by living beings (*al-Majmu' Sharh al-Muhadhdhab*, ii, 197).

2. Woman and Her Maharim

The schools differ concerning the parts of the body a woman must cover in the presence of her *maharim* (except the husband) and Muslim women.[1] In other words, what constitutes the '*awrah* of a woman in the presence of Muslim women as well as her *maharim*, both through lineage and marriage?

The Hanafis and the Shafi'is say: It is *wajib* for her to cover the area between the navel and the knees in their presence.

The Malikis and the Hanbalis observe: She must cover the area between the navel and the knees in front of women, and in the presence of her *maharim*, her whole body except the head and the arms.

Most Imamis state: It is *wajib* for her to cover her rear and private parts in the presence of women and her *maharim*; to cover other parts as well is better though not *wajib*, except where there is a fear of sin.

3. Women and 'Strangers'

About the extent of the body to be covered by a woman in the presence of a 'stranger' (any male apart from the *mahrim*), the schools concur that it is *wajib* for her to cover her whole body except the face and hands (up to the wrists) in accordance with the verse 31 of *Surat al-Nur:*

وَلاَ يُبْدِينَ زِينَتَهُنَّ إِلاَّ مَا ظَهَرَ مِنهَا وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَى جُيُوبِهِنَّ

...And reveal not their adornment save such as is outward; and let them cast their veils over their bosoms (***Qur'an 24:31***)

considering that 'outward adornment' (*al-zeenah*) implies the face and hands. The word *'al-khimar'* (whose plural '*khumur'* occurs in the verse) means the veil which covers the head, not the face, and the word '*al-jayb'* (whose plural '*juyub'* occurs in the verse) means the chest. The women have been commanded to put a covering on their heads and to lower it over their chests. As to verse 59 of *Surat al-Ahzab*:

يَا أَيُّهَا النَّبِيُّ قُلْ لِأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمنينَ يُدْنِينَ عَلَيْهِنَّ من جَلاَبِيبِهِنَّ

'O Prophet, say to your wives and daughters and the believing women that they draw their veils close to them..., (***Qur'an 33:59***)

the word '*al-jilbab'* (whose plural *jalabib* occurs in the verse) does not mean a veil covering the head; rather it is a shirt or garment.

4. Man's 'Awrah

The schools differ concerning the parts of man's body which it is *haram* for others to see and for him to expose. The Hanafis and the Hanbalis state: It is *wajib* for a male to cover the area between the navel and the knees before all except his wife. It is permissible for others, irrespective of their being men or women, *maharim* or strangers, to look at the rest of his body when there is no fear of sin.

The Malikis and the Shafi'is say: There are two different situations for a male with respect to the extent he can expose his body: the first, in the presence of men or those women who are his *maharim*; the second, in the presence of women who are not his *maharim*.

In the former instance he is only supposed to cover the area between the waist and the knees, while in the latter it is *haram* for a woman stranger to look at any part of a man's body. Though the Malikis exclude the face and the arms if looked at without any sensual motive, the Shafi'is do not permit any exception2.

The Imamis differentiate between the parts of other person's body which can be looked at and those parts of one's own body which ought to be covered. They observe: It is *wajib* for a male to cover only his rear and private parts, though it is *wajib* for women who are not his *maharim* to abstain from looking at any part of his body except his head and hands (upto the wrist).

To summarize the Imami opinion, it is permissible for a male to view the body of other men and his female *maharim* except the rear and private parts provided no sensual motive is involved. Similarly, a woman can view the body of another woman and her male *maharim* excepting the rear and private parts provided no sensual motive is involved.

5. Children

Concerning the body of a child, the Hanbalis say: It is not prohibited to touch or look at the body of a child below seven years. It is not permissible to look at the rear and private parts of a male child between the age of 7 to 9 years, and for 'strangers' the whole body of a female child above the age of seven.

The Hanafis observe: No part of the body of a boy of four years and below is prohibited from being looked at. Above this age only his rear and private parts are prohibited from being looked at as long as sexual desire has not awakened in him. If he reaches the age of sexual desire, the rule applicable to adults will be applicable to him with respect to both the sexes.

The Malikis state: It is permissible for a woman to look at and touch the body of a boy below the age of eight years, and only look at it till the age of twelve. A boy above the age of twelve is considered similar to an adult. It is permissible for a man to look at and touch the body of girl below two years and eight months, and to look at, though not touch, till she reaches the age of four years.

According to the Shafi'is, the rules applicable to an adult apply to an adolescent male child. But if a child is below that age and is also incapable of describing what he sees, all parts of his body can be looked at. But if he can describe what he sees with a sexual interest, he will be considered similar to an adult. As to a girl below the age of adolescence, only if she has developed sexual appeal will she be considered similar to a full-grown woman, not otherwise, though it will be *haram* for anyone except

someone who looks after her to look at her parts.

The Imamiyyah observe: It is *wajib* to cover one's *'awrah* in front of a child of discriminating age, who can describe what he sees, though it is not *wajib* before the one who is incapable of doing so, because (in this respect) he is similar to an animal. That was regarding the covering of the body in the presence of a child, but with respect to looking at a child's *'awrah*, al-Shaykh Ja'far in his book *Kashf al-ghita'* states: It is not *wajib* to abstain from looking at the parts of a child below five years, though it is absolutely impermissible to look at them with a sexual interest.

From what I have been able to ascertain from the traditions of the Ahl al-Bayt, the age limit for the permissibility of looking at the child's *'awrah* is six years, not five.

6. Woman's Voice

All the schools concur that listening to the voice of a woman is not prohibited, except where pleasure is involved or when there is a fear of sin. The (Imami) author of *al-Jawahir*, at the beginning of the chapter on marriage, has mentioned as his proof the continuing practice of Muslims belonging to different periods and regions, the sermons of Fatimah (sa) and her daughters, the innumerable instances of conversations of the wives of the Prophet (S), the Imams and the *'ulama'* – which cannot possibly be considered as having taken place due to emergency - and also the holding of mourning and wedding ceremonies by women in the presence of men from early times, the conversations between opposite sexes while conducting transactions, as well as the Qur'anic verse:

وَلا تَخْضَعْنَ بِالْقَوْلِ

Be not complaisant in your speech.. (***Qur'an 33:32***),

in which not speech itself but its manner and complaisance have been prohibited.

7. The Colour, Not the Shape

The schools concur that it is *wajib* to cover (the body's) colour, not its shape. This writer comments: If the colour of the covering is similar to the colour of the skin, so that it is not discernable from it, as in the case of skin-coloured stockings, the presence or absence of covering will be equal.

8. The difference between Looking and Touching

Every part that is permissible to touch, may be looked at, and every part that is *haram* to be looked at may not be touched. Here there is a general consent among the schools because touching involves greater pleasure than looking, and no legist of any school claims concomitance between the

permissibility of looking and the permissibility of touching.

Hence, though it is permissible for a man to look at a female stranger's face or hands, it is not permissible for him to touch her except in an emergency such as for medical treatment or for rescuing her from drowning. The following tradition has been narrated from al-Imam al-Sadiq (as):

(هل يصافح الرجل المرأة ليست له بذي محرم؟ قال: (لا، إلاّ من وراء ثياب.

(Al-Imam al-Sadiq (A) was asked:) "Can a man shake hands with a woman who is not his *mahram*?" The Imam (A) replied: "No, unless there is a cloth in between."

The Hanafis exclude shaking hands with an old woman from the prohibition. In the book of Ibn 'Abidin (vol.1, p.284) it is stated: It is not permissible to touch the hands or face of a young woman even with the assurance of absence of any sexual motive. As to an old woman who has no sexual appeal, there is nothing wrong in shaking hands with her with the assurance of absence of a sexual motive.

The Imamis and the Hanafis allow touching the body of any *mahram* provided no sexual motive or pleasure is involved.

The Shafi'is prohibit touching even those parts of a *mahram's* body which it is permissible to look at. It is even not permissible in their opinion for a person to touch the belly or back of his mother, pinch her ankles or feet or kiss her face. Similarly, it is not permissible for a person to ask his daughter or sister to press his legs. (al-'Allamah al-Hilli, *al-Tadhkirah*, vol.2, beginning of "bab al-zawaj").

9. The Difference Between Exposing and Looking at

The Imamis observe: There is no concomitance between the permissibility of exposing the body and the permissibility of looking at it. Hence it is permissible in their opinion for a man to expose the whole of his body except his rear and private parts, while it is not permissible for a non-*mahram* woman to look at it. I have not found anyone expressing this opinion in the numerous books of the four Sunni schools.

10. Old Women

God Almighty says in the Qur'an:

وَالْقَوَاعِدُ مِنْ النِّسَاءِ اللاَّتِي لاَ يَرْجُونَ نِكَاحاً فَلَيْسَ عَلَيْهِنَّ جُنَاحٌ أَنْ يَضَعْنَ ثِيَابَهُنَّ غَيْرَ مُتَبَرِّجَاتٍ بِزِينَةٍ وَأَنْ يَسْتَعْفِفْنَ خَيْرٌ لَهُنَّ وَاللَّهُ سَمِيعٌ عَلِيمٌ

And such women as are past child-bearing and have no hope of marriage, it is no sin for them if they put off their clothes, so be it that they flaunt no ornament; but to abstain is better for them,

and God is All-hearing, All-knowing. (***Qur'an 24:60***)

This noble verse indicates that it is permissible for old women who have no desire for marriage due to their old age "to expose their face and a part of their hair and arms, and such other parts which aged women usually keep exposed. The traditions of the Ahl al-Bayt (as) also point to the same, on condition that such exposure be not with the intent of display. Rather, it is to allow them to come out for fulfilling their needs, though it is better for them to keep themselves covered."[3]

This permission is with the assumption that it is not permissible to expose any of the above-mentioned parts of the body if there is fear of its leading to something *haram*, because a woman, regardless of her elderly age, may remain sexually attractive. Therefore, if there is any likelihood of that kind, the rule applicable to her will be the rule applicable to young women.

Islam is lenient with respect to elderly women and strict regarding young women. But in practice we observe the opposite of what the Qur'an has ordered. We see shamelessness and display of charms among some young women, while elderly women keep themselves covered and are reserved. So where God is strict, they are lenient, and where He is lenient, they are strict.

1. Verse 31 of Surat al-Nur mentions those before whom women can expose their adornment, and among them are Muslim women. Thus the verse prohibits a Muslim woman from exposing herself before a non-Muslim woman. The Shafi'is, Malikis and Hanafis construe this prohibition as implying tahrim.
Most Imamis and Hanbalis say: There is no difference between Muslim women and non-Muslim women. But according to the Imamis, it is makruh for a Muslim woman to expose herself before a non-Muslim woman, because she may describe what she observes to her husband.
2. al-Fiqh 'ala al-madhahib al'arba'ah, vol.1, mabhath satral-'awrah.
3. Al-Jawahir, at the beginning of "bab al-Zawaj".

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