

Published on Al-Islam.org (https://www.al-islam.org)

Home > Jurispudence Made Easy > Dialogue on miscellaneous issues (2)

Dialogue on miscellaneous issues (2)

In this session, I aim to enquire about matters concerning the young, in particular. I am going to start it with what I consider as the predicament of some sections of students.

- * As a component of their curriculum, physiotherapy students train in massage. This may entail applying massaging techniques to the body of a woman patient. If the students decline to carry out what they are required to do because of their course of study, they may fail the exam. Can they still enrol in such a course at the outset, and can those who are already doing it carry on with it?
- It is permissible on the account of the students' knowing that the field of specialist knowledge they have embarked on shall benefit some respected souls, albeit on a future date. Let, therefore, their practice of massaging techniques be free from any sexual innuendoes.
- * As a part of their training, medical students are required to examine women not related to them. Such examination could include the private parts of the patients, be they women or men. Can they carry out these examinations during their years of study and after their graduation?
- Yes, it is permissible for medical students and physicians to carry out such examinations, provided that preservation of the respected human life is at stake, even if it be in the future.
- * Among the nurse's job are duties such as taking the patient's pulse and dressing of wounds. Both may require direct touch,
- 1. Can a man patient refuse a female nurse feeling his body?
- He can ask for a male nurse to do the job, or ask the female nurse to wear gloves?
- 2. In certain circumstances, the medical case calls for direct contact with the body and a male nurse is not available. For this, or any other valid reason, is it all right?
- As suggested by the question, direct touch can be tolerated, provided it is restricted to the immediate part or area of the body that needs the attention.

- 3. An injury, that may need medical attention, could occur in the genitals. How should one go about it?
- The patient must ask the medical staff, attending his case, be they men or women, to wear gloves. If this was not feasible, direct touch could be tolerated within the remit of the immediate area of injury.
- * Suppose touch was substituted for looking. What is the ruling regarding the cases just discussed?
- The ruling on illicit gazing is the same as that passed on illicit touch. Thus, the cases are governed by the same parameters as detailed in the preceding answers to the examples posed.
- * If the patient was a woman and the medical practitioner was a man, would the same rulings outlined in the previous examples apply?
- Yes.
- * Some non-conformist husbands require their wives to a) abandon prayer and hijab (Islamic dress), b) serve their guests with alcoholic drink, c) force them to join in gambling sessions, and d) shake hands with men. If the wife is coerced to do all these vile deeds, has she the right to walk out on such husbands for the sake of upholding her religious obligations?
- Yes, it is within their legal right to do so; it should, however, be confined to that which is necessary. Such wives would still be entitled to full maintenance from their husbands.
- * Suppose a wife was insistent on wearing hijab. Her husband was equally adamant that she should not wear it, thus leaving her with no alternative but to ask for divorce. What can she do?
- She must not part with hijab, albeit this may lead to her husband divorcing her.
- * Yet, choosing this course of action may pose untold difficulty and embarrassment to some women. Should they still embark on it?
- Yes, they must patiently persevere in such a predicament, and call to remembrance Allah's Words,
- "..and whoever is mindful of (his duty to) Allah, He (ever) prepares a way out, and gives him sustenance whence he thinks not; and whoever trusts in Allah, He is sufficient for him; surely, Allah attains His purpose; Allah indeed has appointed a measure for everything". (65/2,3).
- * Could I move on and ask about matters relating to human reproduction: The use of contraceptives is commonplace these days. If this was not feasible due to fear of harm or out of necessity, can the woman seek medical advice that may entail local examination by a man doctor or a woman doctor, especially when pregnancy could endanger her health or cause her unnecessary trouble?
- For the reasons explained in the question, she can do whatever it takes to avoid an untenable situation or harm that may be triggered by pregnancy and conventional contraceptives. Yet, she should opt for a

woman doctor to examine her body, which could include her reproduction system. Only as a last resort, could she seek the attention of a man doctor.

- * Is it permissible for a woman to look at that part of another woman's body, between the navel and the knee, excluding the anterior and the posterior?
- Yes, she is permitted to do so, provided that it is done without sexual arousal.
- * Some women refrain from getting pregnant, yet their husbands want them to get pregnant. So, they take to the pill or other means and devices of contraception. Are they allowed to do so?
- Yes, it is permissible for them to do so, provided that they do not put their wellbeing in harm's way.
- * What about the use of coil?
- Should the woman know that this could lead to the destruction of the inseminated egg, [she is not allowed to fit it].
- * Some women prevent their husbands from ejaculating inside. Are they entitled to such an action?
- No, they are not.
- * Has the husband the right to force his wife not to beget children?
- No, he does not have such a right.
- * In a sexual intercourse with his wife, has the husband the right to ejaculate outside?
- Yes, he has.
- * On the same count, can he use condom?
- Yes, [provided he obtains his wife's consent to that].
- * Some women use medications to delay the onset of their monthly period. Is it permissible?
- Yes. it is.
- * In its early days, it is easy to terminate the pregnancy. Has the woman the right to do so?
- No, she has not, unless the pregnancy poses a threat to her health.
- * Kissing and hugging between women in public, is it permissible?
- Yes, it is, provided that it is done without contemplating a sinful act.

- * Nowadays, women wear make-up and jewellery in public. Is it permissible?
- It is permissible insofar as the wearing of antimony and rings, provided women guard agaisnt falling prey to that which is haraam and avoid that which could seduce men.
- * In modern day life, be it at work or in the street, some women appear in public without hijab. Is it permissible to look at those women, not intentionally and without malice?
- Yes, it is permissible.
- * Can a woman appear in public with the top of her feet exposed?
- No, she is not permitted to do that.
- * What about while she is in prayer?
- It is permitted; the entire woman's foot, top and sole, can be exposed in prayer.
- * Are women allowed to travel alone in a chauffeur-driven vehicle?
- So long as she was sure that she was not going to commit anything that is haraam, she could travel in such a vehicle.
- * You mentioned to me that masturbation is haraam. Does this include both man and woman?
- Yes, the ruling applies to both sexes.
- * Can a patient give a specimen of his sperm, not extracted through conventional means, for a laboratory test for fertility treatment?
- Only when it is necessary.
- * Using modern techniques, medical practitioners can tell whether the foetus is healthy or deformed. If the check-up proved that it was deformed, can the pregnancy be terminated?
- Deformed foetus per se cannot be upheld as a valid reason for terminating the pregnancy. Of course, if the pregnancy posed a danger to the health of the mother, the pregnancy can be terminated. This, however, can be allowed only at any stage prior to the spirit entering the foetus.
- * If I could move on and ask about artificial insemination: Suppose the sperm of a man was used to impregnate his wife's egg through some artificial means. Is it permissible?
- Yes, it is permissible.
- * Can the sperm of a man be used to impregnate the egg of a woman, other than his wife?

- No, it is not permissible.
- * Is it permissible to fertilize the egg of a wife by the sperm of her husband in a test tube, and the fertilized egg is then implanted in the wife's womb?
- Yes, it is permissible.
- * Using the same technique, is it permissible to use the egg of another woman for fertilization, and then implantation in the womb of the man's wife?
- Yes, this too is permissible.
- * In such a case, to whom will the born child belong to the natural mother or to the surrogate one?
- There are two courses of action. (Whichever one is taken) intiyat must be the deciding criterion.
- * Is it permissible to inseminate the egg of a woman with the sperm of a man other than her husband?
- This must be avoided.
- * If I may take you back to matters relating to schooling: Should the permission of the parents of the pupils be obtained before the punishment by caning is carried out?
- It is permissible, only if such pupils were bent on harming other pupils or committing wrongful acts. The permission of the guardian must be obtained. The punishment is three lashes [not more], provided the delivery of these lashes is gentle such that the beating should not leave any mark on the body. Should it lead even to colouring of the skin, compensation (diyyah) shall be due.
- * Is cheating during school exams all right, especially when some teachers condone it?
- It is not permissible.
- * As a requirement of their curriculum, sculpture students are required to train into making statues, and similar objects; such statues could take the shape of creatures that have spirits. Is it permissible for them to do so, taking into account that if they decline, they shall be deemed failed?
- Making passing the exams contingent upon sculpture is not a valid justification by itself to carry out this [unlawful] work.
- * Is it permissible to engage in ball games, such as football, basketball with no bet placed?
- It is permissible.
- * What about boxing and wrestling?

- They are permitted, only if they do not lead to serious injury.
- * If I may move on to ask about parent/offspring relationship: What are the boundaries of parental instructions that children should comply with?
- Islam makes it incumbent on the child to be gentle with his parents.
- * Fair enough. Would it be sound, from an Islamic law standpoint, that one should obey his parents in every detail of daily life, such as the parent ordering his son or daughter to eat a particular type of fruit, or go to bed at a particular hour, etc.?
- Yes, it is a good thing to do.
- * Should the parents prevent their child from embarking on a certain action that, they believe, could result in putting him in harm's way? And is it incumbent on the child to comply, even though he thinks otherwise?
- It is not permissible for the child to go against the express wish of his parents, for what makes them take such a stand is their concern for the wellbeing of their child.
- * Suppose the child wanted to travel, and the parents were sure that no harm would befall their child, yet the parents could not contemplate the idea of their child being away from them; it could upset them. So, they objected to their child's making such a journey. Can the child still make the trip?
- Let me put it this way: If the child was not going to suffer adversely from travelling, and his insistence on making the trip could result in upsetting his parents, he must not go away.
- * If I may move on to ask about another subject: Is playing chess and black gammon, without betting, permissible?
- It is not permissible to play both.
- * There are other ways and means of playing games of chance, especially through machines and gadgets. If no betting was involved, can one use these tools?
- [It is forbidden to dabble in anything that has originally been intended for gambling, albeit without placing a bet].
- * What about playing computer games without a bet?
- If the images appearing on the monitor of the computer feature gambling gadgets, it is not permissible.
- * On another topic, can the woman perform any dancing act for her husband for fun?
- Yes, she can.

- * And what about her dancing before other men?
- She is not allowed to dance before men other than her husband, [rather, in front of other women too].
- * And man's dancing in public?
- [It is not permissible].
- * On happy occasions, men and women take to clapping. Is it permissible?
- It is permissible, so long as it did not lead to a sinful act.
- * Now, on a different subject, is it permissible to listen to religious songs?
- Do you mean the performance of religious chanting accompanied by conventional music?
- * Yes.
- It is forbidden to listen to these songs and any other non-entertaining words, be they supplications, words of praise, [or others], if they were performed to a musical tune.
- * What about entertaining words vocalized with music?
- That is conventional singing which is not permissible beyond any doubt.
- * What about conventional music?
- It is of two kinds. That which is conducive to the gatherings of play and delictation is haraam. That which does not bear these characteristics is not haraam.
- * Some types of tunes are played as a prelude, or a finale, to the broadcast of Qur'anic recitations, the call to prayer, or religious programmes. Is it permissible?
- In the main, these are of the second type that is halal.
- * What about musical interludes and musical preludes to news bulletins?
- They are covered by the same ruling, that is, they are halal.
- * Certain makes of watches have a device fitted in them whereby you can listen to musical phrases. Can one trade in such watches as well as listen to the type of music they play?
- Yes, it is permissible.
- * Is it all right to listen to classical music, that is said to soothe the feeling and that which could be prescribed for certain psychological disorders?

- Yes, music that does not involve play and delictation is permissible to listen to.
- * And is the music used in television films and serials, that is normally intended to move the viewer, permissible?
- In the main, it is of the kind that is permissible.
- * Some poems, with sentimental or patriotic overtures, are broadcast to the accompaniment of music. Is it permissible?
- They are governed by the same preceding ruling.
- * May I ask two more questions before ending this session?
- You may.
- * Can a woman appear in public, wearing perfume?
- She should avoid that. Rather, it is not permissible, if it was going to lead to seducing men or sexually arousing them.
- * Some women mourn their dead by wearing black clothes; they may resort to wailing as an expression of deep sense of loss. Is this outpouring of grief permissible?
- Yes, it is.

Thus, we concluded our dialogues. However, we may resume them, if need be.

Praise be to Allah, the Cherisher of the worlds.

Source URL:

https://www.al-islam.org/jurispudence-made-easy-sayyid-ali-hussaini-sistani/dialogue-miscellaneous-issues-2#comment-0