

21183 - Shaking hands with a non-mahram woman

the question

I would like a detailed answer on the ruling on a man shaking hands with a woman, and the views of the four imams and the majority of scholars on that.

Detailed answer

Praise be to Allaah.

Firstly:

It is not permissible for a man who believes in Allaah and His Messenger to put his hand in the hand of a woman who is not permissible for him or who is not one of his mahrams. Whoever does that has wronged himself (i.e., sinned).

It was narrated that Ma'qil ibn Yassar said: the Messenger of Allaah (peace and blessings of Allaah be upon him) said: "For one of you to be stabbed in the head with an iron needle is better for him than that he should touch a woman who is not permissible for him."

Narrated by al-Tabaraani in al-Kabeer, 486. Shaykh al-Albaani said in Saheeh al-Jaami', 5045, that this hadeeth is saheeh.

This hadeeth alone is sufficient to deter and to instill the obedience required of us by Allaah, because it implies that touching women may lead to temptation and immorality.

It was narrated that 'Aa'ishah the wife of the Prophet (peace and blessings of Allaah be upon him) said: "When the believing women migrated to the Messenger of Allaah (peace and blessings of Allaah be upon him), they would be tested in accordance with the words of Allaah (interpretation of the meaning):

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'O Prophet! When believing women come to you to give you the Bay'ah (pledge), that they will not associate anything in worship with Allaah, that they will not steal, that they will not commit illegal sexual intercourse'

[al-Mumtahanah 60:12]

'Aa'ishah said: Whoever among the believing women agreed to that had passed the test, and when the women agreed to that, the Messenger of Allaah (peace and blessings of Allaah be upon him) said to them: "Go, for you have given your oath of allegiance.' No, by Allaah, the hand of the Messenger of Allaah (peace and blessings of Allaah be upon him) never touched the hand of any woman, rather they would give their oath of allegiance with words only." And 'Aa'ishah said: "By Allaah, the Messenger of Allaah (peace and blessings of Allaah be upon him) only took the oath of allegiance from the women in the manner prescribed by Allaah, and the hand of the Messenger of Allaah (peace and blessings of Allaah be upon him) never touched the hand of any woman. When he had taken their oath of allegiance he would say, 'I have accepted your oath of allegiance verbally.'"

(narrated by Muslim, 1866)

It was narrated from 'Urwah that 'Aa'ishah told him about the women's oath of allegiance: "The Messenger of Allaah (peace and blessings of Allaah be upon him) never touched any woman with his hand. He would explain to the woman what the oath of allegiance implied, and when she accepted, he would say 'Go, for you have given your oath of allegiance.'"

Narrated by Muslim, 1866

This infallible one, the best of mankind, the leader of the sons of Adam on the Day of Resurrection, did not touch women. This is despite the fact that the oath of allegiance was originally given by hand. So how about men other than the Prophet (peace and blessings of Allaah be upon him)?

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It was narrated that Umaymah the daughter of Raqeeqah said: The Messenger of Allaah (peace and blessings of Allaah be upon him) said, "I do not shake hands with women."

Narrated by al-Nasaa'i (4181) and Ibn Maajah, 2874; classed as saheeh by al-Albaani in Saheeh al-Jaami', 2513.

Secondly:

It is not permissible to shake hands even with a barrier in between, such as shaking hands from beneath a garment and the like. The hadeeth that was narrated allowing that is da'eef (weak).

It was narrated from Ma'qal ibn Yassar that the Prophet (peace and blessings of Allaah be upon him) used to shake hands with women from beneath a garment."

Narrated by al-Tabaraani in al-Awsat, 2855.

Al-Haythami said:

This was narrated by al-Tabaraani in al-Kabeer and al-Awsat. Its isnaad includes 'Ataab ibn Harb, who is da'eef (weak).

Majma' al-Zawaa'id, 6/39.

Wali al-Deen al-'Iraaqi said:

The words of 'Aa'ishah, "He used to accept the women's oath of allegiance by words only" mean that he did so without taking their hands or shaking hands with them. This indicates that the bay'ah of men was accepted by taking their hands and shaking hands with them, as well as by words, and this is how it was. What 'Aa'ishah mentioned was the custom.

Some of the mufasssireen mentioned that the Prophet (peace and blessings of Allaah be upon him)

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called for a vessel of water and dipped his hand in it, then the women dipped their hands in it. And some of them said that he did not shake hands with them from behind a barrier and had a Qatari cloak over his hand. And it was said that 'Umar (may Allaah be pleased with him) shook hands with them on his behalf. None of these reports are sound, especially the last one, How could 'Umar (may Allaah be pleased with him) have done something that the Prophet (peace and blessings of Allaah be upon him), who was ma'soom (infallible), would not do?

Tarh al-Tathreeb, 7/45

Shaykh Ibn Baaz (may Allaah have mercy on him) said:

The most correct view is that this (i.e., shaking hands with women from behind a barrier) is not allowed at all, because of the general meaning of the hadeeth, according to which the Prophet (peace and blessings of Allaah be upon him) said, "I do not shake hands with women;" and so as to ward off the means that may lead to evil.

(Adapted from Hashiyat Majmoo'at Rasaa'il fi'l-Hijaab wa'l-Sufoor, p. 69)

The same ruling applies to shaking hands with old women; this is also haraam because of the general meaning of the texts on this issue. The reports that say it is permissible are da'eef (weak).

Al-Zayla'i said:

"As for the report that 'Abu Bakr used to shake hands with old women, it is also ghareeb."

(Nasab al-Raayah, 4/240)

Ibn Hajar said:

I cannot find this hadeeth.

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(al-Diraayah fi Takhreej Ahaadeeth al-Hidaayah, 2/225)

Fourthly:

With regard to the views of the four imams, they are as follows:

1 - The Hanafi madhhab:

Ibn Nujaym said:

It is not permissible for a man to touch a woman's face or hands even if there is no risk of desire because it is haraam in principle and there is no necessity that would allow it.

Al-Bahr al-Raa'iq, 8/219

2 - The Maaliki madhhab:

Muhammad ibn Ahmad ('Ulaysh) said:

It is not permissible for a man to touch the face or hand of a non-mahram woman, and it is not permissible for him to put his hand on hers without a barrier. 'Aa'ishah (may Allaah be pleased with her) said: "The Prophet (peace and blessings of Allaah be upon him) never accepted a woman's oath of allegiance by shaking hands with her; rather he (peace and blessings of Allaah be upon him) used to accept their oath of allegiance by words only." According to another report, "His hand never touched the hand of a woman, rather he would accept their oath of allegiance by words only."

(Manh al-Jaleel Sharh Mukhtasar Khaleel, 1/223)

3 - The Shaafa'i madhhab:

Al-Nawawi said:

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It is not permissible to touch a woman in any way.

Al-Majmoo', 4/515.

Wali al-Deen al-'Iraaqi said:

This indicates that the hand of the Prophet (peace and blessings of Allaah be upon him) did not touch the hand of any woman apart from his wives and concubines, whether in the case of accepting the oath of allegiance or in other cases. If he did not do that despite the fact that he was infallible and beyond suspicion, then it is even more essential that others heed this prohibition. It appears from the texts that he refrained from doing that because it was haraam for him to do so. The fuqaha' among our companions and others said that it is haraam to touch a non-mahram woman even if that is not touching parts of her body that are not 'awrah, such as her face. But they differed with regard to looking when there is no desire and no fear of fitnah. The prohibition on touching is stronger than the prohibition on looking, and it is haraam when there is no necessity that would allow it. If it is the case of necessity, e.g. medical treatment, removing a tooth or treating the eyes, etc., if there is no woman who can do that, then it is permissible for a non-mahram to do that because it is the case of necessity.

Tarh al-Tathreeb, 7/45, 46

4 - The Hanbali madhhab

Ibn Muflih said:

Abu 'Abd-Allaah - i.e., Imam Ahmad - was asked about a man who shakes hands with a woman. He said, No, and was emphatic that it is haraam. I said, Should he shake hands with her from beneath his garment? He said, No.

Shaykh Taqiy al-Deen also favoured the view that it is prohibited, and gave the reason that

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touching is more serious than looking.

AlAdaab al-Shar'iyyah, 2/257

And Allaah knows best.