

علمی و تحقیقی مجلہ فقہ اسلامی ﴿۸۵﴾ شوال المکرم ۱۴۲۳ھ ☆ دسمبر ۲۰۰۳ء

by marriage. It is preferable not to expand the field of permissibility in order to block the means to evil and to be far away from doubt and to take the Prophet (peace and blessings be upon him) as a model when there is no proof that he shook hands with a non-mahram woman. Also, it is preferable for the pious Muslim, male or female, not to stretch out his/her hand to shake the hand of anyone of the opposite sex who is not mahram. But if he/she is put in a situation that someone stretches out his/her hand to shake hands with him/her, then he/she can do that.

I have tried to clarify the detailed ruling of the issue here in order to inform those who are in the dark about it how to behave while sticking to the tenets of their religion. Also, when the detailed Islamic ruling is explained and people are fully aware of it, there will be no room for personal justifications that are not supported by legal backing.

**Allah Almighty knows best.**

ڈاکٹر نور احمد شاہتاہ صاحب کی درج ذیل کتب و رسائل ہمارے ہاں دستیاب ہیں

۱. تاریخ نفاذ حدود ۲. کاغذی کرنسی کی شرعی حیثیت ۳. کریڈٹ کارڈ (تاریخ، تعارف، شرعی حیثیت) ۴. کلوننگ (شرعی نقطہ نظر) ۵. امام و خطیب کی شرعی و معاشرتی حیثیت ۶. شیر زکے کاروبار کی شرعی حیثیت ۷. چند اہم معاملات کی شرعی حیثیت ۸. فحش مباحث علوم القرآن ۹. مختصر نصاب قرآن ۱۰. مختصر نصاب حدیث ۱۱. مختصر نصاب سیرت ۱۲. مختصر نصاب فقہ ۱۳. شرعی علوم کی ترویج میں کمپیوٹر کا کردار ۱۴. مفتی کون؟ فتویٰ کس سے لیں؟ ۱۵. انڈیکس شرح صحیح مسلم ۱۶. روزہ رکھنے مگر ۱۷! ۱۸. بھوک کے ذریعہ زکوٰۃ کی کٹوتی کی شرعی حیثیت ۱۸. کڑوی روٹی ۱۹. بھوک کے لئے آسمان اور مختصر دعائیں ۲۰. لوگ کیا کہیں گے ۲۱. رطب دیا بس (مجموعہ مقالات) ۲۲. قربانی کیسے کریں؟ ۲۳. مجلہ فقہ اسلامی

مکتبہ غوثیہ پرانی سبزی منڈی کراچی	مکتبہ رضویہ آرام باغ کراچی
ضیاء القرآن پبلی کیشنز اردو بازار کراچی	مکتبہ قادریہ داتا دربار مکیٹ لاہور

Madinah except the house of Umm Sulaim besides those of his wives. When he was asked why, he said, "I take pity on her, as her brother (Hiram ibn Milhan) was killed in my company." If this Hadith has excluded Umm Sulaim, then Umm Hiram is granted the same exclusion as her because they are sisters and resided in the same house; each one of them had her own apartment beside their brother Hiram ibn Milhan. So, the case is mutual between them, as reported by Al-Hafizh ibn Hajar. Moreover, Umm Sulaim is the mother of Anas ibn Malik, the servant of the Prophet (peace and blessings be upon him), and it was the habit of people that the master mixed with his servant and his family and did not deal with them as outsiders. Then, Al-Dumyati said: There is no indication in the Hadith showing that the Prophet (peace and blessings be upon him) had *khulwa* (privacy) with Umm Hiram, as this might have happened in the presence of a son, a servant, or a husband. Ibn Hajar replied: This is a strong likelihood, but it does not refute the original argument represented in looking for lice in the head and sleeping in her lap.

Ibn Hajar added: The best reply is that it is one of the distinctive traits of the Prophet (peace and blessings be upon him) (See *Fath Al-Bari*, vol. 13, pp. 230-231).

What I conclude from the aforementioned narrations is that the mere touching is not *haram*. So, if there exists reasons for mixing as that between the Prophet (peace and blessings be upon him) and Umm Hiram and Umm Sulaim and there is no fear of *fitnah*, then there is nothing wrong with shaking hands when there is a need for it, such as when returning from travel, the non-*mahram* male relative visiting his female relative, and vice versa, especially if this meeting happens after a long period. Finally, I would like to ascertain two points:

Firstly, shaking hands between males and females who are not *mahrams* is only permissible when there is no desire or fear of *fitnah*. But if there is fear of *fitnah*, desire, or enjoyment, then handshaking is no doubt *haram* (unlawful). In contrast, if either of these two conditions (that there is no desire or fear of *fitnah*) is lacking between a male and any of his female *mahrams*, such as his aunt or foster sister or the like, then handshaking will be *haram* (although it is originally permissible).

Secondly, handshaking between males and females who are not *mahrams* should be restricted to necessary situations such as between relatives or those whose relationships are established

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Al-Hafizh Ibn Hajar has mentioned lessons that are deduced from this Hadith: The guest is permitted to nap in a house other than his own on condition that he is given permission and there is no fear of *fitnah*. According to this Hadith a woman is also permitted to serve the guest by offering him a meal, drink or the like. Furthermore, a woman is permitted to look for lice in his head, but this last was an object of controversy. Ibn 'Abd Al-Barr said, "I think that Umm Hiram or her sister Umm Sulaim had breast-fed the Messenger of Allah (peace and blessings be upon him). So, each one of them had become his foster mother or his foster aunt. That was why he (the Prophet) used to sleep in her house and she used to deal with him as one of her *mahrams*." Then he (Ibn 'Abd Al-Barr) mentioned what indicates that Umm Hiram was one of the Prophet's *mahrams*, as she was one of his relatives from his maternal aunts, since the mother of 'Abd Al-Muttalib, his grandfather, was from Banu An-Najjar. Others said that the Prophet (peace and blessings be upon him) was infallible and could control his sexual desires even from his wives, so what about other women who were illegal for him while he was granted infallibility from doing any wrong action or obscenity? This was one of his distinctive traits.

Al-Qadi 'Iyad replied that the distinctive traits of the Prophet are not proven by personal interpretations of Hadiths. As for his infallibility, it is indisputable, but the original ruling is that it is permissible to take the Prophet's actions as a model unless there is evidence that this action is one of his distinctive traits.

Furthermore, Al-Hafizh Al-Dumyati said: It is wrong to claim that Umm Hiram was one of the maternal aunts of the Prophet (peace and blessings be upon him) either by reason of marriage or fosterage. Those who breast-fed the Prophet (peace and blessings be upon him) are well known. None of them was from the Ansar except the mother of 'Abd Al-Muttalib. She was Salma bint 'Amr ibn Zaid ibn Lubaid ibn Khirash ibn 'Amir ibn Ghunm ibn 'Adyy ibn An-Najjar. While Umm Hiram is the daughter of Milhan ibn Khalid ibn Zaid ibn Judub ibn 'Amir ibn Ghunm ibn 'Adyy ibn An-Najjar. Umm Hiram has a common ancestor with Salma only in their grandfather 'Amir ibn Ghunm. So, they are not among his *mahrams* because it is a metaphorical relationship. Al-Hafizh Al-Dumyati added: If this is proven, it is reported in the *Sahih* books of Hadith that the Prophet (peace and blessings be upon him) used not to enter any house in

☆ جلب مصلحت کی نسبت مفاسد کو دور کرنا زیادہ بہتر ہے ☆

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is modest and generous. He euphemizes with what He wills in respect of what He wills. Ibn Taimiyah added: This opinion is believed to be the most correct.

The Arabs disagreed regarding the meaning of touching: does it refer to sexual intercourse or actions that precede it? The first group said that it refers to sexual intercourse, while the second said that it refers to actions that precede it. They sought the arbitration of Ibn 'Abbas, who supported the opinion of the first group and regarded that of the second as incorrect.

By transmitting all these sayings, I mean to show that when the word "*al-mass*" or "*al-lams*" (touching) is used to mean what a man does to a woman, it does not refer to mere touching but rather refers to either sexual intercourse or actions that precede it such as kissing, hugging, and any touching of the like that is accompanied by desire and enjoyment.

However, if we investigate the *sahih* (sound) Hadiths that are narrated from the Messenger of Allah (peace and blessings be upon him), we will conclude that the mere touching of hands between a man and a woman without desire or fear of temptation is not prohibited. Rather, it was done by the Prophet (peace and blessings be upon him), whose actions are originally a source of legislation. Almighty Allah says: "**Verily in the Messenger of Allah ye have a good example ...**" (Al-Ahzab: 21). It is narrated on the authority of Anas ibn Malik (may Allah be pleased with him) that he said, "Any of the female slaves of Madinah could take hold of the hand of Allah's Messenger and take him wherever she wished." (Reported by Al-Bukhari)

The above mentioned Hadith is a great sign of the modesty of the Prophet (peace and blessings be upon him).

Furthermore, it is reported in the two *Sahihs* that Anas ibn Malik (may Allah be pleased with him) said, "The Prophet (peace and blessings be upon him) used to visit Umm Hiram bint Milhan, who would offer him meals. Umm Hiram was the wife of 'Ubadah ibn As-Samit. Allah's Messenger once visited her and she provided him with food and started looking for lice in his head. Then Allah's Messenger slept putting his head in her lap, and afterwards woke up smiling. Umm Hiram asked, 'What causes you to smile, O Allah's Messenger?' He said, 'Some of my followers who (in a dream) were presented before me as fighters in Allah's Cause (on board a ship) amidst this sea cause me to smile; they were as kings on thrones ...'"

☆ بکھرے الایثار بالقریب ☆ عبادت میں ایثار کردہ ہے ☆

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Almighty Allah's saying, "... or ye have touched women, ..." That is why Sheikh Al-Islam Ibn Taimiyah regarded as weak the opinion of those who interpreted "*mulamasah*" or (touching) in the Qur'anic verse to mean mere touching without desire. In this regard, he says, "As for the nullification of ablution with mere touching, it does agree with the original rulings of the Shari'ah, the unanimous agreement of the Companions and the traceable traditions reported in this respect. Moreover, those who held this opinion have not based their ruling on a textual proof or an analogical deduction."

So, if "touching" in Almighty Allah's saying "... or ye have touched women, ..." refers to touching with hands, kissing or the like, as said by Ibn 'Umar and others, then it is known that when "touching" is mentioned in the Qur'an or the Sunnah it refers to that which is accompanied by desire. We would like to cite here the following verse that reads, **"... and touch them not, while ye are in retreat in the mosques ..."** Here, it is not prohibited for the one who retreats to the mosque for devotion and worship to touch his wife without desire, but touching that is accompanied by desire is prohibited.

Also, this includes the Qur'anic verses that read **"O ye who believe! If ye wed believing women and divorce them before ye have touched them, then there is no period that ye should reckon ..."** (Al-Ahzab: 49) **"It is no sin for you if ye divorce women while yet ye have not touched them ..."** (Al-Baqarah: 236) For if he (the husband) touches his wife without desire, then the waiting period is not required and he is not required to pay her the whole dowry, according to the agreement of all Muslim scholars.

So, whoever assumes that Almighty Allah's saying, "... or ye have touched women, ..." includes general touching without desire has exceeded far beyond the language of the Qur'an and that of people. For if "touching" in which a man and a woman are included is mentioned, it is known that it refers to touching with desire. Similarly, if "sexual intercourse" in which a man and a woman are included is mentioned, it is well known that it refers to actual sexual intercourse and nothing else. (See the collection of *Fatawa Sheikh Al-Islam Ibn Taimiyah*, vol. 21, pp. 223-224) In another context, Ibn Taimiyah stated: The Companions had debate regarding Almighty Allah's saying, "... or ye have touched women, ...". Ibn 'Abbas, supported by a group, held the opinion that touching here refers to sexual intercourse and added: Allah

By transmitting these narrations, I mean to clarify that the evidence of those who are of the opinion that shaking hands with women is prohibited is not agreed upon, as is thought by those who do not resort to the original sources. Rather, there is some controversy concerning this evidence.

Furthermore, some contemporary Muslim scholars have based their ruling concerning the prohibition of shaking hands with women on the Hadith narrated by Al-Tabari and Al-Baihaqi on the authority of Ma'qil ibn Yassar that the Messenger of Allah (peace and blessings be upon him) said, "It would be better for one of you to have himself stabbed on the head with an iron needle than to touch a woman that is illegal for him." Here, the following should be noted:

1. The scholars and Imams of Hadith have not declared the authenticity of this Hadith. Some of them say that its narrators are trustworthy, but this is not enough to prove the authenticity of the Hadith because there is a probability that there is an interruption in the chain of narrators or there was a hidden cause behind this Hadith. That is why Muslim jurists in the periods that followed the death of the Prophet (peace and blessings be upon him) have not based their ruling on the prohibition of shaking hands with women on this Hadith.
2. Some Hanafi and Maliki jurists stated that the prohibition is not proven unless there is a certain *qat'i* (definitive) piece of evidence such as textual proofs from the Glorious Qur'an or authentic Hadiths on which there is no suspicion regarding the chains of narrators.
3. If we suppose that the above-mentioned Hadith is authentic, it is unclear to me that the Hadith indicates that it is prohibited for males and females who are not *mahrams* to shake hands. That is because the phrase "touch a woman, that is illegal for him" does not refer to the mere touching without desire as happens in normal handshaking. But the Arabic word "*al-mass*" (touching) as used in the Shar'i texts of the Qur'an and the Sunnah refers to one of two things:
  1. Sexual intercourse, as reported by Ibn 'Abbas in his commentary to Almighty Allah's saying, '... or ye have touched women ...'. He stated that "touching" in the Qur'an refers figuratively to sexual intercourse. This is clear in the following Qur'anic verses that read: "**She (Mary) said: 'My**

☆ الاجر والضمن لا يجتمعان ☆ اجرت اور ضمانت ایک ہی شے میں جمع نہیں ہو سکتیں ☆

**Lord! How can I have a child when no mortal hath touched me?"** (Al 'Imran: 47) and **"If ye divorce them before ye have touched them ..."** (Al-Baqarah: 237)

2. Actions that precede sexual intercourse such as foreplay, kissing, hugging, caressing, and the like. This is reported from our righteous predecessors in the interpretation of the word "*mulamasah*".

Al-Hakim stated in his *Al-Mustadrak 'Ala as-Sahihain*: Al-Bukhari and Muslim have narrated many Hadiths that show that the meaning of the word "*Iams*" (touching) refers to actions that precede sexual intercourse. Among them are:

a) The Hadith narrated by Abu Hurairah that the Prophet (peace and blessings be upon him) said, "...The hands fornicate. Their fornication is the touch ..."

b) The Hadith narrated by Ibn 'Abbas that the Prophet (peace and blessings be upon him) said, "You might caress her."

c) The Hadith narrated by Muslim that Ibn Mas'ud is reported to have said that a person came to Allah's Messenger (peace and blessings be upon him) and told him that he had kissed a woman or touched her with his hand or did something like this. He inquired of him about its expiation. It was (on this occasion) that Allah, Glorified and Exalted be He, revealed this Qur'anic verse that reads **"Establish worship at the two ends of the day and in some watches of the night. Lo! good deeds annul ill deeds ..."** (Hud: 114)

d) 'A'ishah (may Allah be pleased with her) is reported to have said, "The Messenger of Allah (peace and blessings be upon him) used to visit us (his wives) and it was his habit to kiss and caress us and do actions other than sexual intercourse until he reached the one whose turn was due and he stayed there."

e) 'Abdullah ibn Mas'ud is reported to have said in his commentary to Almighty Allah's saying, **"... or ye have touched women, ..."** that it refers to actions that precede sexual intercourse for which ablution is obligatory.

f) 'Umar (may Allah be pleased with him) is reported to have said, "Kissing is to be considered among the touching acts, so perform ablution if you do." (*Al-Mustadrak*, vol. 1, p. 135)

Hence, the opinion of Imam Malik and the substantial meaning of the legal verdict issued by Imam Ahmad in this respect are that the touching of a woman that nullifies ablution is that which is accompanied by desire. And this is the way they interpreted

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him) never touched the hand of any woman ...” Al-Hafizh Ibn Hajar said: she swore to ascertain the news as if she (‘A’ishah) wanted to refute the narration of Umm ‘Atiyyah. It is narrated on the authority of Ibn Hibban, Al-Bazzar, Al-Tabari, and Ibn Mardawih that Umm ‘Atiyyah said in respect of the story of taking the oath of allegiance of women, “The Messenger of Allah (peace and blessings be upon him) held out his hand from outside the house and we (the immigrating women) held our hands from within the house, then he said, ‘O Allah, bear witness.’” In another narration reported by Al-Bukhari, Umm ‘Atiyyah said, “... thereupon a lady withdrew her hand (refrained from taking the oath of allegiance)...” This narration indicates that they (the immigrating women) took their oath of allegiance by shaking hands. Al-Hafizh said: we reply to the first saying that holding out hands from behind a veil is an indication of the acceptance of the allegiance even if there was no shaking of hands. As for the second narration, withdrawing hands indicates the postponement of accepting the pledge of allegiance or that taking the pledge of allegiance happened from behind a veil. This is supported by that narration of Abu Dawud on the authority of Al-Sha’bi that when the Messenger of Allah (peace and blessings be upon him) wanted to take the pledge of allegiance of the immigrating women he brought a garment and put it over his hands saying, “I do not shake hands with women.” Furthermore, in his book *Maghazi*, Ibn Is-haq is reported to have said that when the Messenger of Allah (peace and blessings be upon him) wanted to take the pledge of allegiance of the immigrating women, he would dip his hands in a vessel and a woman would dip her hands with him in the same vessel. Al-Hafizh Ibn Hajar said: it is possible that taking the pledge of allegiance happened on more than one occasion. Sometimes, it happened without touching hands by any means, as narrated by ‘A’ishah. Another time it happened that the women’s oath of allegiance was accepted by shaking their hands with the Prophet (peace and blessings be upon him), as narrated by Al-Sha’bi. A third time it happened that they dipped their hands in the vessel as mentioned by Ibn Is-haq.

The most correct view seems to be that it occurred on more than one occasion, if we realize that ‘A’ishah talked about taking the pledge of allegiance from the immigrating women after the Truce of Al-Hudaibiyah, while Umm ‘Atiyyah talked about what seems to be the oath of allegiance of the believing women in general.

حدیث فی الارض تہی لاجل الارض من ان یطروا الارضین صلوات اللہ علیہ



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the meat of the lizard although it is permissible. Then, the Prophet's refraining from shaking hands with women (other than his wives) is not evidence of the prohibition, and there should be other evidence to support the opinion of those who make shaking hands absolutely prohibited.

However, it is not agreed upon that the Prophet (peace and blessings be upon him) refrained from shaking hands with women to take their oath of allegiance. Umm 'Atiyyah Al-Ansariyyah (may Allah be pleased with her) reported another narrative that indicates that the Prophet shook hands with women to take their oath of allegiance. This is unlike the narration of the Mother of the Believers 'A'ishah (may Allah be pleased with her) who denied this and swore that it had not happened.

It is narrated that 'A'ishah, the wife of the Prophet (peace and blessings be upon him), said, "When the believing women migrated to the Messenger of Allah (peace and blessings of Allah be upon him), they would be tested in accordance with the words of Allah, '**O Prophet! If believing women come unto thee, taking oath of allegiance unto thee that they will ascribe nothing as partner unto Allah, and will neither steal nor commit adultery nor kill their children, nor produce any lie that they have devised between their hands and feet, nor disobey thee in what is right, then accept their allegiance and ask Allah to forgive them. Lo! Allah is Forgiving, Merciful.**' (Al-Mumtahanah: 12)" 'A'ishah said, "Whoever among the believing women agreed to that passed the test, and when the women agreed to that, the Messenger of Allah (peace and blessings be upon him) said to them, 'Go, for you have given your oath of allegiance.' No, by Allah, the hand of the Messenger of Allah (peace and blessings be upon him) never touched the hand of any woman, rather they would give their oath of allegiance with words only." And 'A'ishah said, "By Allah, the Messenger of Allah (peace and blessings be upon him) only took the oath of allegiance from the women in the manner prescribed by Allah, and the hand of the Messenger of Allah (peace and blessings 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.'" (Reported by Al-Bukhari)

In his explanation of the saying of 'A'ishah, "No, by Allah, the hand of the Messenger of Allah (peace and blessings be upon

کسی سر زمین پر ایک مسجد کے بنانے کی ہر گز ممانعت نہیں ہے۔ یہودیوں اور عیسائیوں کی عبادت گاہوں کی تعمیر کو روکنا اور ان کے تباہ کرنا جائز ہے۔

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marriage, it is no sin for them if they discard their (outer) clothing in such a way as not to show adornment. But to refrain is better for them. Allah is Hearer, Knower.” (An-Nur: 60)

Allah explains that there is no sin on the old barren women if they decide to remove their outer garments from their faces and such, so long as they do not do it in a manner in which they would be exposing their beauty wrongly.

Here the object of discussion deals with other than these two cases. There is no surprise that shaking hands with women is *haram* (unlawful) according to the viewpoint of those who hold that covering all of the woman's body, including her face and the two hands, is obligatory. This is because if it becomes obligatory to cover the two hands, then it would become *haram* for the opposite sex to look at them. And, if looking at them is unlawful, then touching them would become *haram* with greater reason because touching is graver than looking, as it provokes desire more.

But it is known that the proponents of this view are the minority, while the majority of Muslim jurists, including the Companions, the Successors and those who followed them, are of the opinion that the face and the hands are excluded from the prohibition. They based their opinion on Almighty Allah's saying, **“And tell the believing women to lower their gaze and be modest, and to display of their adornment only that which is apparent ...”** (An-Nur: 31) So where is the evidence on prohibiting handshaking unless there is desire?

In fact, I searched for a persuasive and textual proof supporting the prohibition but I did not find it. As a matter of fact, the most powerful evidence here is blocking the means to temptation, and this is no doubt acceptable when the desire is roused or there is fear of temptation because its signs exist. But when there is no fear of temptation or desire, what is the reason for prohibition? Some scholars based their ruling on the action of the Prophet (peace and blessings be upon him) on the day of the Conquest of Makkah. When he wanted to take the pledge of women he said to them, “Go, for you have given your oath of allegiance.” But it is known that the Prophet's leaving a matter does not necessarily indicate its prohibition, as he may leave it because it is *haram* (forbidden), *makruh* (reprehensible), or because it is not preferable. He may also leave it just because he is not inclined to it. An example of this last is the Prophet's refraining from eating

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## Shaking Hands with Women An Islamic Perspective

*Mufti Sheikh Yusuf Al-Qaradawi*

There is no doubt that shaking hands between males and females who are not *mahrams* (illegal for marriage) has become an intricate issue. Reaching an Islamic verdict on this issue away from extremism and dispensation needs a psychological, intellectual, and scientific effort so that the Mufti gets rid of the pressure of all imported and inherited customs unless they are based on the textual proofs of the Qur'an or the Sunnah. Before tackling the issue in point, I would like to exclude two points on which I know there is agreement among the Muslim jurists of the righteous predecessors.

Firstly, it is prohibited to shake hands with a woman if there is fear of provoking sexual desire or enjoyment on the part of either one of them or if there is fear of temptation. This is based on the general rule that blocking the means to evil is obligatory, especially if its signs are clear. This ruling is ascertained in the light of what has been mentioned by Muslim jurists that a man touching one of his *mahrams* or having *khalwah* (privacy) with her moves to the prohibited, although it is originally permissible, if there is fear of *fitnah* (temptation) or provocation of desire. Secondly, there is a dispensation in shaking hands with old women concerning whom there is no fear of desire. The same applies to the young girl concerning whom there is no fear of desire or temptation. The same ruling applies if the person is an old man concerning whom there is no fear of desire. This is based on what has been narrated on the authority of Abu Bakr As-Siddiq (may Allah be pleased with him) that he used to shake hands with old women. Also, it is reported that 'Abdullah ibn Az-Zubair hired an old woman to nurse him when he was sick, and she used to wink at him and pick lice from his head. This is also based on what has been mentioned in the Glorious Qur'an in respect of the old barren women, as they are given dispensation with regard to their outer garments. Almighty Allah says in this regard: "As for women past child bearing, who have no hope of