

International institute for Islamic Studies
Objective Jurisprudential Research Papers



The '*Awrah* (Intimate Parts) of the Muslim Woman and Its Relation to Certain Cosmetic Procedures

Author

Dr. Khālīd Naṣr

Dean of the International Institute for Islamic Studies

English Translator

Aḥmad Khālīd



special edition by the institute
distributed for free

All rights reserved

First edition

1445 AH – 2024 AD

**Sufyān ibn ʿUyaynah reported from
Maʿmar who said: "True knowledge is
hearing a dispensation (leniency) from
a reliable person, for as for strictness,
anyone can do that."**

Introduction

In the name of Allah, the Most Gracious, the Most Merciful

Praise be to Allāh, and blessings and peace be upon our Master, the Messenger of Allāh, Muḥammad ibn ‘Abdullāh, the descendant of the noblest lineage, and the resident of the most honorable place, and upon his family, his household, and all his companions.

To proceed:

The discussion about the *'awrah* (intimate parts) of the Muslim woman and its relation to cosmetic procedures has become widespread now due to the proliferation of these methods, their relative affordability, and the need for them by many women, which can be considered a prevailed necessity.

I will arrange the discussion in points without expanding on the mention of evidence, in order to keep this research concise.

* * *

First issue: The 'awrah of Muslim women

Firstly: The 'awrah of the Muslim Woman with Non-*Maḥram* Men (male strangers):

A non-*maḥram* man is anyone who is not a *maḥram* (unmarriageable relatives) to the woman. This includes both Muslim and non-Muslim men. Scholars have differed regarding the 'awrah of a woman with this type of man:

- The majority of jurists (*fuqahā'*) from various schools of Islamic law hold that the 'awrah of a woman with a non-*maḥram* man is her entire body except for the face and hands¹. The Ḥanafī school adds the feet to this exception², and Imām Abū Yūsuf, may Allāh have mercy on him, also adds the forearms³, as they are commonly exposed during work.

An exception is made for a woman of exceptional beauty who is likely to cause temptation; they require her to cover her face as well, not as an obligation, but as a precaution to blocking the

¹ See: *Al-Majmū' Sharḥ al-Muḥadhdhab* by An-Nawawī (3/167), *Mughnī al-Muḥtāj* by Ash-Shirbīnī (3/128), and *Al-Fiqh 'alā al-Madhāhib al-'Arba'ah* by Al-Jazīrī (1/175).

² See: *Badā'i' aṣ-Ṣanā'i'* by Al-Kāsānī (5/121, 122), and *Tabyīn al-Ḥaqā'iq Sharḥ Kanz ad-Daqā'iq* by Az-Zayla'ī (6/17).

³ *Ḥāshiyat ash-Shiblī* (6/17).

means to sins (*sadd adh-dharī'ah*)¹.

- Some scholars from various schools of Islamic law believe that the '*awrah* of a Muslim woman with non-*maḥram* men is her entire body, and nothing should be visible to them except what is necessary for her to see [i.e., the eyes]. They make an exception for elderly women who no longer attract desire, permitting them to lighten some of their clothing due to the implausibility of causing *fitnah*.

Secondly: The '*awrah* of the Muslim Woman with Other Muslim Women:

Jurists have also differed on this issue, and their opinions can be summarized as follows:

- The majority opinion, which is the preferred one among the Ḥanafīs, is the well-known one among the Mālikīs, and is the authentic one among the Shāfi'īs, and is also one opinion among the Ḥanbalīs, is that the '*awrah* of a Muslim woman with other Muslim women is from the navel to the knee, similar to the '*awrah* of a man with another man according to the opinion that the '*awrah* of a man with another man is from the navel to the knee.

¹ See: *Badā'i' aṣ-Ṣanā'i'* by Al-Kāsānī (5/122), *Mawāhib al-Jalīl fī Sharḥ Mukhtaṣar Khalīl* by Al-Ḥaṭṭāb ar-Ru'aynī (1/500), *Rawḍat aṭ-Ṭālibīn* (5/366), *Al-Mughnī* by Ibn Qudāmah (7/101), and *Al-Mawsū'at al-Fiqhiyyat al-Kuwaytiyyah* (40/341).

Accordingly, a woman may see her sister's [meaning sister in religion] hair, hands, feet, chest, abdomen, and back. They based this opinion on both rational and textual evidence. The textual evidence includes the sayings of the Prophet (peace be upon him): "Cover your thighs, for indeed the thighs are '*awrah*,'"¹ and "The thigh is '*awrah*.'"² Although these narrations are not free of points of criticism, they reinforce each other.

As for rational evidence, the Prophet (peace be upon him) defined the '*awrah*' for men with each other from the navel to the knee due to gender similarity, so it should be the same for women with each other due to gender similarity as well.

Imām Al-Kāsānī, may Allāh have mercy on him, said: "Whatever is permissible for a man to look at in another man is permissible for a woman to look at in another woman... so a woman may look at all of another woman's body except what is between the navel and the knee."³

This view is also mentioned by the leading scholars of the Mālikī, Shāfi'ī, and Ḥanbalī schools. For instance, Imām Al-Ḥaṭṭāb ar-Ru'aynī al-Mālikī says: "As for her situation with women, the well-known view is that it is like the situation of a

¹ Documented by 'Aḥmad in his *Musnad* (22931).

² Documented by Abū Dawūd (4016) and At-Tirmidhī (3026), and mentioned by Al-Bukhārī as commentary before *ḥadīth* (373).

³ *Badā'i' aṣ-Ṣanā'i'* by Al-Kasānī (5/124).

man with another man."¹

Al-Khaṭīb ash-Shirbīnī ash-Shāfi'ī said: "A woman with another woman is like a man with another man... it is permissible to look at what is between the navel and the knee when there is no fear, but it is forbidden when there is desire or fear of causing *fitnah*."²

Imām Al-Mardāwī al-Ḥanbalī said: "A woman with another woman and a man with another man can look at what is between the navel and the knee."³

- As for the second opinion, it is attributed to the Great Imām [Imām Abū Ḥanīfah] (may Allāh be pleased with him), and it is a less favored opinion within the Ḥanafī school: a Muslim woman with another Muslim woman is like her situation with male *maḥrams*. She may only see her face, hands, feet, head, chest, legs, and upper arms, but not the abdomen, back, or thighs⁴.

- The third opinion, which is held by the Ḥanbalīs in one narration and by the Zāhirīs, is that the '*awrah*' of a Muslim woman with another Muslim woman is only the severe '*awrah*', which includes the front and back private parts. They base this on

¹ *Mawāhib al-Jalīl* by Al-Ḥaṭṭāb ar-Ru'aynī (1/498).

² *Mughnī al-Muḥtāj* by Al-Khaṭīb ash-Shirbīnī (4/213).

³ *Al-'Inṣāf fī Ma'rīfat ar-Rājiḥ min al-Khilāf* by Al-Mardāwī (8/24).

⁴ See: *Majma' al-'Anhur fī Sharḥ Multaqā al-'Abḥur* by Shaykhī Zādah (2/538).

the analogy of the *'awrah* of a man with another man in their school¹. They support this view with the narration found in the *Ṣaḥīḥayn* (Al-Bukhārī and Muslim) from 'Anas ibn Mālīk, which states: "Then he (the Prophet) uncovered his thigh until I saw the whiteness of the thigh of the Prophet of Allāh (peace be upon him)."²

Thirdly: The *'awrah* of the Muslim Woman with Non-Muslim Women:

Scholars from different schools of Islamic law have also differed on this issue, and their detailed opinions are as follows:

- The Ḥanafīs, Mālīkīs, the most correct opinion among the Shāfi'īs, and one narration among the Ḥanbalīs hold that the *'awrah* of a Muslim woman with non-Muslim women is like her *'awrah* with non-*maḥram* men, as detailed earlier. A non-Muslim woman can only see the face, hands, and feet according to the Ḥanafīs, and only the face and hands according to the others.

Imām Ibn 'Abidīn, one of our Ḥanafī scholars, said: "A believing woman should not expose herself in front of a polytheist woman."³

The Mālīkī scholar Al-'Adawī also explained: "In summary, the *'awrah* of a free Muslim woman with a disbelieving woman,

¹ See: *Al-Mughnī* by Ibn Qudāmāh (1/337).

² *Ṣaḥīḥ al-Bukhārī* (373) and *Ṣaḥīḥ Muslim* (4766)

³ *Ḥāshiyat Ibn 'Aābidīn* (6/371).

who is not her slave, is her entire body except for her face and hands."¹

- The second opinion is that the *'awrah* of a Muslim woman with non-Muslim women is the same as her *'awrah* with Muslim women, allowing her to see the entire body except for the area between the navel and the knees. This is the opinion of the Ḥanbalīs, and Al-Fakhr ar-Rāzī mentioned that this is the correct view among the Shāfi'īs.

Al-Mārdāwī stated: "As for the disbelieving woman with the Muslim woman, the correct view in the [Ḥanbalī] school is that her situation is the same as the Muslim woman with the Muslim woman."²

- The third opinion is the application of analogy based on the opinion of Imām 'Aḥmad on the *'awrah* of a man with another man, which is that the *'awrah* of a Muslim woman with non-Muslim women is only the severe *'awrah*, which includes the front and back private parts.

From all we have just mentioned, we can conclude the following:

The Ḥanbalī and Zāhirī schools are more lenient in defining the *'awrah* of a Muslim woman with other women, considering it to be only the severe *'awrah*, which includes the front and back

¹ *Ḥāshiyat al-'Adawī* (1/247).

² *Al-'Inṣāf by Al-Mardāwī* (8/24).

private parts. Meanwhile, the majority of scholars were more conservative on this issue, especially with regard to non-Muslim women. Each party has its evidence, although we see the Ḥanbalī school as more practical and closer to the spirit of the religious texts, and it provides greater ease for Muslim women in many aspects.

* * *

Second issue: The categorization of people's needs in general

The second issue we will discuss before drawing a conclusion on the topic of the research is the matter of categorizing people's needs.

I say: According to *Sharī'āh*, human needs are divided into:

1. Necessities: These are the things without which life cannot be sustained, such as food and drink and their equivalents.

Necessities permit what is normally prohibited if there is no alternative.

2. Needs: Life can continue without these, but with great difficulty for the accountable individual. Examples include the need for a car to go to work and the need for housing.

3. Enhancements and Luxuries: These are things for which there is no pressing need, and life can go on without them. If they are missing, the accountable individual's life is not typically affected. Examples include purchasing entertainment devices, upgrading a car, and home furnishings.

This is a general principle agreed upon. However, we must note that the boundaries between these categories sometimes overlap and vary depending on the accountable individual. What was considered an enhancement in the past might now be deemed a need. For instance, the internet, when viewed alone, might be

considered an enhancement since human life does not depend on it, and its absence does not cause hardship for many people. Nonetheless, for others, it has become a need because their work and communication with others depend on it, such as for those whose jobs rely on communication. Additionally, it has become a tool for spreading the Islamic message and disseminating knowledge, shifting it from the category of enhancement to that of need, and in some cases, it may even become a necessity.

If we apply this to the topic of our research, we find that some cosmetic procedures, including the removal of unwanted hair, which is deemed recommended or even permissible in many cases as an enhancement, may, under certain considerations, become a need. This includes:

- Removing it as a means of showing beauty to husbands.
- Its excessive growth and unsightliness.
- Its appearance in areas that are usually rare for hair growth for women.
- Discomfort and difficulty in its removal through normal methods like shaving, which can result in cuts, abrasions, infections, and discoloration of the skin.

These matters and similar ones can elevate hair removal from a mere enhancement to a need. Moreover, according to scholars, when a need becomes severe, it can warrant a ruling akin to necessity itself.

When we consider the removal of a woman's body hair, which *Shari'ah* permits, we find that it varies depending on the area, detailed as follows:

1. If the hair is in a non-*'awrah* area such as the face and hands, it is permissible to seek assistance from trustworthy Muslim and non-Muslim women. It is not permissible to seek assistance from men because although it is permissible for them to look at what is not *'awrah*, touching is not allowed.

2. If the hair is in an area where scholars differ on whether it constitutes *'awrah*, which includes the woman's entire body except for the front and back private parts, some of those who define the *'awrah* as only the front and back private parts allow it. According to their school of Islamic law, it is permissible to remove the entire body hair except for the front and back private parts with the assistance of a trustworthy woman, whether Muslim or not.

They also permit it in cases of necessity or need akin to necessity, such as when hair removal is needed for medical treatment or similar cases under the aforementioned condition.

3. Regarding the private parts, most scholars prohibit it because there is no need calling for it, which is the majority opinion among jurists.

However, we argue that it may also be permissible if there is an emerging need for it, such as in cases where a man or a

woman has excessive dense hair that is difficult to remove using regular methods, or if its removal causes severe pain, diseases, abrasions, or if the individual is incapable of removing it themselves.

This opinion we have just mentioned is not our innovation, but rather it is endorsed by some Ḥanbalī scholars. Ibn Muflīḥ mentioned in his book (*Al-Furū'*) that one of the excuses for uncovering the 'awrah is shaving the pubic hair for those unable to do so themselves¹.

Some Shāfi'ī jurists have pointed out similar views. Al-Khaṭīb ash-Shirbīnī stated, "Know that the prohibition of looking and touching applies where there is no emerging need. However, in cases of an emerging need, looking and touching are permissible for medical examination, cupping, treatment, and even in the genital area, if there is an urgent need for it. This is because in such cases, prohibition would cause hardship."²

In reality, we gauge this based on common practices in gynecological clinics where, in most cases, the examination requires exposing areas considered 'awrah, even though the presence of illness is speculative.

Similarly, prostate examinations may require inserting a finger into the rectum, although the illness is speculative, and in many

¹ *Al-Furū'* by Ibn Muflīḥ (8/184).

² *Mughnī al-Muḥtāj* by Al-Khaṭīb ash-Shirbīnī (4/215).

cases, there may not be an actual disease but rather preventive measures.

Likewise, regular examinations on pregnant women often involve exposing areas considered *'awrah*, which is not out of necessity since there is no definite illness, but rather for monitoring and assurance purposes.

These are examples of similar issues where there is no apparent necessity or need.

To conclude, I would say:

Examining a woman's *'awrah* for the purpose of hair removal or similar cosmetic procedures is permissible under the following conditions:

1. The person performing these procedures on the woman must be a trustworthy woman and not a man. Checking the *'awrah* is neither one degree nor the *'awrah* itself is one degree, as Al-'Izz ibn 'Abd as-Salām mentioned¹.

Viewing by a man is different from viewing by a woman, and viewing a leg is different from viewing the private parts.

2. There should be no safe alternative that would avoid hardship.

Only hair- removable areas allowed by *Shari'ah* should be removed. Therefore, the hair on the head and eyebrows should

¹ *Qawā'id al-'Aḥkām fī Maṣāliḥ al-'Anām* by Al-'Izz ibn 'Abd as-Salām (2/165).

not be completely removed, and it is permissible, according to our view, to remove or shape (pluck [*tazjīj*]) some of this hair.

The evidence of prohibition does not apply to this partial removal. The same applied to other than hair removal operations such as skin tightening, removing spots and freckles, or repairing damage caused by time or illness, such as cosmetic surgeries for wounds or burns.

International Institute for Islamic Studies
Objective Jurisprudential Research Papers



**The 'Awrah (Intimate Parts) of the
Muslim Woman and Its Relation to
Certain Cosmetic Procedures**

Author
Dr. Khālid Naṣr
Dean of the International Institute for Islamic Studies

English Translator
Aḥmad Khālid

special edition by the institute
distributed for free

