

Can a Female Give Salam to Her Brothers-In-Law as Well as Other Non-Mahram

Darulifta Ahlesunnat (Dawateislami)

Question

What do the noble scholars and jurists of Islamic law say about the following: It is permissible for a female to give salam to her brothers-in-law (husband's younger or older brother or sister's husband)? Similarly, is it permissible for her to give salam to the male staff members and security guards in educational institutes?

Answer

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

It is Makruh and prohibited for a young woman to give salam to ajnabi (non-mahram) men because giving salam leads to conversation between them, which then slowly leads to familiarity and becomes the cause of fitnah. Unnecessarily talking to close relatives, such as brothers-in-law, is more severely prohibited because there is a lack of shyness between them due to knowing each other and a greater chance of fitnah.

However, if there is fear that not saying salam to ajnabi relatives, such as brothers-in-law, will lead to resentment or misunderstandings about each other, and there is no fear of falling into fitnah, then sharī'ah grants leeway in this specific case to say salam in a plain manner, without adopting a soft or alluring tone or flexible manner or any form of delicacy in the voice.

Regarding it being prohibited for a woman to say salam to a non-Mahram ajnabi, it is stated in *Fath al-Bari Sharh Sahih al-Bukhari*:

وقال الكوفيون: لا يشع للنساء ابتداء السلام على الرجال لأنهن ممنعن من الأذان والإقامة والجهر بالقراءة، قالوا: ويستثنى المحرم فيجوز لها السلام على محرمها

Translation: The jurist of Kufa stated: It is not legislated by sharī'ah for women to initiate giving salam to men because they have been prohibited from Azan, Iqamah, and raising their voices for recitation. They also stated: The mahram relatives are excluded; hence, it is permissible for her to give salam to her mahram relatives. (Fath al-Bari, Vol. 11, p. 34, Publ. Egypt)

'Allamah Zain-Uddin Ibn Nujaim Misri رحمه الله تعالى عليه states in *al-Ashbah Wal-Naza'ir*:

الشابفة بسلام وتعزية تبتدأ ولا

Translation: A young woman should not initiate salam and condolences. (Al-Ashbah Wal-Naza'ir, p. 279, Publ. Dar al-Kutub al-'Ilmiyah, Beirut)

It is stated in *Ghamz 'Uyoon al-Basa'ir*, a commentary on *al-Ashbah Wal-Naza'ir*:

سلام الشابفة غير مسنون بل منهي عنه لما فيه من الفتنة

Translation: It is not sunnah for a young woman to give salam (to ajnabi males). Instead, it is prohibited because of the risk of fitnah. (Ghamz 'Uyoon al-Basa'ir Fi-Sharh al-Ashbah Wal-Naza'ir, Vol. 3, p. 392, Publ. Dar al-Kutub al-'Ilmiyah, Beirut)

It is stated in *Fath al-Bari Sharh Sahih al-Bukhari, al-Tawdeeh Li-Sharh al-Jami' al-Sahih, Sharh al-Nawawi Li-Muslim, Sharh al-Mishkat Lil-Teebi, Mirqat al-Mafateeh Sharh Mishkat al-Masabeeh* (following is cited from Mirqat):

وأما المرأة مع الرجل، فإن كانت زوجته أو جاريتها أو محرماً من محارمه فهي معه كالرجل، وإن كانت أجنبية؛ فإن كانت جميلة يخاف الافتتان بها لا يسلم الرجل عليها ولو سلم لم يجز لها رد الجواب ولا تسلم عليه، فإن سلمت لم تستحق جواباً، فإن أجابها كره له، وإن كانت عجوزاً لا يفتتن بها جاز أن تسلم على الرجل، وعليه الرد. قاله أبو سعيد المتولي قال: وإذا كان النساء جماعة فسلم عليهن الرجل، أو كان الرجال جمعاً فسلموا على المرأة الواحدة جاز إذا لم يخف عليه ولا عليهن ولا عليها أو عليهم فتنة

Translation: The ruling of a woman giving salam to a male is: If she is his spouse, slave girl, or one of his mahram relatives, she is for him as a male (i.e., their ruling is the same as that of two males, that it is mustahab for each to initiate salam and it is wajib for the other to reply). But if she is an ajnabi attractive woman and there is a fear of fitnah, a male should not give salam to her, and it is not permissible for the female to reply if the male does give salam, nor should she initiate the salam. And if she initiates salam, she is not deserving of a reply, and it is Makruh for the male to reply to her (verbally). If the woman is elderly and there is no fear of fitnah from her, it is permissible for the female to give salam to the male, and the male will reply. This is the statement of Abu-Sa'eed al-Mutawalli. He further states: If the females are in a group and a male gives salam to them, or if males are in a group and they give salam to a female, this is permissible, given that there is no fear of fitnah for the male, for the group of females, for the individual female, nor for the group of males (but if there is a fear of fitnah for anyone, it is impermissible). (Mirqat al-Mafateeh, Vol. 07, p. 2939, Publ. Dar al-Fikr, Beirut)

It is further stated in *Mirqat al-Mafateeh*:

قيل: وكثير من العلماء لم يكرهوا تسليم كل منهما على الآخر. ومهما قيل بالكراهة على ما هو الصحيح، فلم يثبت استحراق الجواب

Translation: It has been said that many scholars do not declare it Makruh for any of them (the males and females) to give salam to the other. But according to the Sahih (correct) opinion, it has been declared Makruh; hence, their being deserving of a reply has not been established. (Mirqat al-Mafateeh, Vol. 07, p. 2945, Publ. Dar al-Fikr, Beirut)

There is a greater risk of fitna with brothers-in-law. My master, A'la Hazrat, Imam Ahmad Raza Khan رحمه الله تعالى عليه states in *Fatawa Razawiyah*:

جیٹھ، دیور، پھپا، خالو، بھچا زاد، ماموں زاد، بھچی زاد، خالہ زاد، بھائی سب لوگ عورت کے لئے محض اجنبی ہیں، بلکہ ان کا ضرر زے بیگانے شخص کے ضرر سے زائد ہے کہ محض غیر آدمی گھر میں آتے ہوئے ڈرے گا، اور یہ آپس کے میل جول کے باعث خوف نہیں رکھتے۔ عورت زے اجنبی شخص سے دفعۃً میل نہیں کھا سکتی، اور ان سے لحاظ ٹوٹتا ہوتا ہے۔ لہذا جب رسول اللہ صلی اللہ تعالیٰ علیہ وسلم نے غیر عورتوں کے پاس جانے کو منع فرمایا، ایک صحابی انصاری نے عرض کی: یا رسول اللہ! جیٹھ دیور کے لئے کیا حکم ہے؟ فرمایا: الحموموت، رواہ الحمد والبخاری عن عقبہ بن عامر رضی اللہ تعالیٰ عنہ۔

Translation: (Elder and younger) brothers-in-law, uncles (paternal aunt's husband and maternal aunt's husband), and all cousins (paternal and maternal) are ajnabi for a female. Rather, the potential harm from them is far more severe than the harm from a completely unknown person because a stranger will fear entering the home, whereas they (the non-mahram relatives mentioned above) do not have any fear

because of constant interactions. A woman doesn't become attracted to a stranger at once, but she is comfortable with them (non-mahram relatives). Therefore, when the Noble Rasool ﷺ prohibited going to ajnabi women, one Ansari companion asked: what is the ruling for brothers-in-law? He ﷺ stated: Brothers-in-law are death; Imam Ahmad and Imam Bukhari have narrated this from 'Uqbah Bin 'Amir رضي الله تعالى عنه. (Fatawa Razawiyah, Vol. 22, p. 217, Publ. Raza Foundation, Lahore)

If a male gives salam to an ajnabi female and the male is young, the female is commanded to reply in her heart. Thus, it is stated in *Radd al-Muhtar*:

وإذا سلمت المرأة الأجنبية على رجل إن كانت عجزاً رداً الرجل عليها السلام بلسانه بصوت تسمع، وإن كانت شابة رداً عليها في نفسه، وكذا الرجل إذا سلم على امرأة أجنبية فالجواب فيه على العكس

(Radd al-Muhtar 'Ala al-Durr al-Mukhtar, Vol. 09, p. 609, Publ. Dar al-Ma'rifah, Beirut)
Non-mahrams have been permitted to talk to each other when necessary; therefore, it will also be permissible to give salam out of necessity, provided that it is done without adopting a soft or alluring tone, or a flexible manner, or any form of delicacy in the voice. Thus, 'Allamah Shami رحمه الله states in *Radd al-Muhtar*:

نجيز الكلام مع النساء للأجانب ومحاورتهن عند الحاجة إلى ذلك، ولا نجيز لهن رفع أصواتهن ولا تمطيطها ولا تليينها وتقطيعها المافي ذلك من استمالة الرجال إليهن وتحريك الشهوات منهم ومن هذا لم تجز ان تؤذن المرأة

(Radd al-Muhtar 'Ala al-Durr al-Mukhtar, Topic: Covering the 'awrah, Vol. 02, p. 97, Publ. Dar al-Ma'rifah, Beirut)

In Fatawa Razawiyah, A'la Hazrat, Imam Ahmad Raza Khan رحمه الله تعالى عليه was asked about which people a woman can speak to and let them hear her voice. He رحمه الله replied:

تمام محارم اور حاجت ہو اور اندیشہ فتنہ نہ ہو، نہ خلوت ہو تو پردہ کے اندر سے بعض نامحرم سے بھی۔ واللہ تعالیٰ اعلم

Translation: (She can speak to) All her mahram relatives. If there is a need and there is no fear of fitnah, nor are they in seclusion, (she can speak to) some non-mahrams from behind a veil. Allah Almighty knows best. (Fatawa Razawiyah, Vol. 22, p. 243, Publ. Raza Foundation, Lahore)

وَاللّٰهُ اَعْلَمُ عَزَّ وَجَلَّ وَرَسُوْلُهُ اَعْلَمَ صَلَّى اللّٰهُ تَعَالٰى عَلَيْهِ وَاٰلِهٖ وَسَلَّمَ

(Allah Almighty knows best and His Messenger صَلَّى اللّٰهُ تَعَالٰى عَلَيْهِ وَاٰلِهٖ وَسَلَّمَ knows best.)

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