

# Sharia Ruling on Verbal Communication between Psychoanalyst and Client from the Perspective of Imamiya Jurisprudence

## Abstract

In the psychoanalysis process, a free association has a key role. When viewed from a jurisprudential perspective, this subject raises the question: "What is the Sharia ruling over the verbal communication between the psychoanalyst and the client and the way feelings are expressed between the two?" To answer this question, first, two basic concepts in psychoanalysis should be explained: transference and countertransference. Then, the subject of having an interest in the non-mahram<sup>1</sup> is examined from a jurisprudential angle, which is concluded that the very interest, per se, in the non-mahram is not prohibited. Also, the ruling over talks between two non-mahram parties is discussed. The research finds that the reasons for this practice are incomplete. Later, expression of interest in the non-mahram is debated from a jurisprudential perspective. This practice is unlawful when it represents an example of "corruption." Accordingly, in psychoanalysis sessions, the client can express all his/her feelings to the psychoanalyst. The client's transference of feelings before the psychoanalyst represents a useful matter for the analysis of the client and understanding various parts of his/her personality and unconscious thoughts and feelings. Therefore, this practice does not represent an example of corruption and is not prohibited, either. However, the psychoanalyst's expression of feelings to the client takes another form. The expression of internal feelings by the psychoanalyst can block the transference pathway and prevent bias. This conduct not only does not help the therapy but will also be detrimental to the psychoanalysis. The outcome is the psychoanalyst's expression of feelings to the client is at least, in some cases, an example of "corruption" and is prohibited and unlawful.

**Keywords:** *psychoanalysis and jurisprudence, verbal communication with the non-mahram, transference and countertransference*

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## Introduction

In the psychoanalysis process, the free association has a key role. Since the psychoanalyst occupies the position of a "big other" before the client, this will certainly invoke feelings and thoughts the psychoanalyst has experienced in dealing with major people in his/her life. These affairs will be represented in different forms of silence, cancellation of the session, delayed presence, failure to pay for the session fees, etc. However, the most important instrument to express these feelings is to utter them in the form of words (Lacan, 1977:140). When viewed from a jurisprudential perspective, this subject raises the question: "What is the Sharia ruling over the verbal communication between the psychoanalyst and the client and the way feelings are expressed between the two?" Because this is a modern subject, existing sources, including books, articles, and scientific and credible research, have rarely addressed it. Regarding the expression of interest in the non-mahram, there are general fatwas that warrant research. Jurists have delved into one of the issues irrelevant to the current subject matter, thus bringing forth reasonings to prohibit or permit this practice (Ansari, 2018:178/1; Khoei, 2018:233/1). For the first time, the present article discusses the verbal communication between the psychoanalyst and the client using Imamiya jurisprudence. The knowledge of the subject matter

is critical for examining a ruling over a practice. The following discusses two key concepts of psychoanalysis, i.e., transference and countertransference.

### 1. An Explanation of two Basic Concepts of Psychoanalysis

#### 1.1. Transference

##### 1.1.1. Defining Transference

This term has different denotations in various approaches to psychoanalysis; its simplest denotation refers to a set of positive and negative feelings between the client and the psychoanalyst (Cabaniss, 2010:234).

##### 1.2.1. Significance of Transference

Psychoanalysis is mainly characterized by transference which serves as a tool to understand the outside world (Bateman; Holmes, 1995, 95). In psychoanalysis, transference is highly important because transferred feelings serve as a tool to perceive key relations in the client's life. When the psychoanalyst reacts to his/her client in a specific manner, one will speculate that s/he has also treated others the same in his/her life. If the psychoanalyst conveys the meanings behind these reactions to the conscious level of the client, s/he will seize the opportunity to consciously select the way s/he treats others in his routine life (Cabaniss, 2010:234).

<sup>1</sup> According to Islamic Sharia, non-mahram is the one who you can marry with, standing against *mahram*.

### **1.2.2. Confronting some Transferred Feelings**

Transferred feelings cover a wide spectrum, including love, dependency, anger and hatred. In this connection, the psychoanalyst faces several ways to deal with the client's love and dependency. First, the psychoanalyst can immediately sever the therapy process and refer the client to another therapist. This practice is correct from a legal and Sharia perspective; however, this will strip the therapist of a major instrument for treating the client. Moreover, this will make the client suffer from serious mental harm. Second, the therapist responds to the client's feelings and enters into a love affair with him/her. Thus, his practice is inappropriate from a Sharia and ethical point of view (Hosseinian, 2020:295). On the other hand, this will not help resolve the client's problems, and as Freud stated, "It will render in complete failure of the treatment process" (Freud, 1915:166).

Another assumption is that the psychoanalyst understands the client's interest in him/herself and respects and accepts it, though failing to respond to it in the form of conduct. However, s/he interprets it at the moment. It is noteworthy that psychoanalysis always emphasizes that behind every content lays another one. The psychoanalyst also views the inner layer of each speech and conduct uttered by the client. In the meantime, this practice comes from a psychoanalyst who has gone through a personal analysis stage and has received necessary guidelines from the professor during regular sessions (Cabaniss, 2010:237).

## **2. Countertransference**

### **2.1. Defining Countertransference**

The term countertransference also has different denotations like many other key psychoanalytical concepts. Over the past century, each prominent psychoanalyst has defined countertransference from their perspective (Bateman & Homes, 1995:115). One of the most conclusive definitions is the one provided by Fred Busch in the book "Creation of a Psychoanalytical Mind." For him, countertransference is the psychoanalyst's unconscious response to the client's unconscious message (Busch, 2012:234).

However, to understand the deep sense of this definition, it is required to delve into personal analysis sessions and continuously engage in psychoanalysis courses.

Thus, to simplify the subject matter, the definition provided in the psychodynamic psychoanalysis is regarded as the basis of the work: "It is a set of feelings that a psychoanalyst has towards his/her clients that include both conscious and unconscious feelings" (Cabaniss, 2010:252).

#### **2.1.1. Different Perspectives on Countertransference**

Since the inception of psychoanalysis, countertransference was considered a phenomenon that caused disruption of the treatment process and had to be removed. Countertransference

refers to a category of unresolved conflicts that arose along the working process with the clients and prevented the psychoanalyst from appropriately understanding the client, thus hindering the efficacy of the treatment process (Sandler, 1992:84).

In contemporary psychoanalysis, however, the utilization of countertransference is not only not inappropriate; but also, the thoughts and feelings in the form of countertransference serve as a useful component in working with the client and as a major source for the psychoanalyst to access their information (Cabaniss, 2010:256).

#### **2.2.1. Significance of Countertransference**

Below are some of the reasons for the importance of countertransference:

1. It is inevitable for the psychoanalyst to experience a wide spectrum of feelings such as love, annoyance, impatience and love when working with the client because treatment conditions are a two-way relationship between humans. This relation is not differentiated because one of the parties to the relation (e.g., the client) may have feelings, while the other party (therapist) may lack any emotions or feelings. Countertransference is rejected only if the psychoanalyst does not identify it and conduct is performed in a direction other than the treatment process (Tomeh & Keshle, 2010:92). If the psychoanalyst fails to use his /her analysis, and his supervisor or professor no longer supervises them, it is highly likely that their feelings in countertransference, which could have served as a very effective tool for the analysis of the clients, will catch them like a trap and lead them to an abyss of immoral conducts.
2. Concentration over countertransference will positively affect understanding of the client's unconscious and determine the type of interventions (Cabaniss, 2010:254). For example, the psychoanalyst may experience such feelings as unconventional worries, annoying and anxious feelings or states or get involved in unwanted and surprising imagination. However, the major psychoanalysis rule is that the psychoanalyst should adopt a balanced and impartial stance, because countertransference may be used as a cue, i.e., something has triggered the psychoanalyst's mind and must be attended to (Busch, 2012:234). In other words, having determined these feelings in them, the psychoanalyst will strive to learn what message the client has conveyed to them in their terms, tones and sentencing or a specific kind of behavior, which would lead to the incidence of such feelings. In them?

However, one should pay attention that these messages are mostly unconscious, or the client has not yet been capable of thinking of them. Therefore, the psychoanalyst cannot immediately interpret it for the client. Accordingly, in the next stage, the psychoanalyst will represent these messages for the client so their preconscious would be able to perceive them at the moments they are analyzed. The last stage for the psychoanalysts is to interpret the message for the client. The best time to interpret is when this interpretation is in harmony with the client's preconscious. The interpretative intervention is performed only when the psychoanalyst ensures that the client can "hear" what the psychoanalyst can do with the words (Busch, 2012:234). Here, the significance of the psychoanalyst's analysis and constant communication with a supervisor professor will be revealed once again. This is because all countertransference phenomena are not the same nor comply with the same pattern and should not be treated the same. Without two major elements of personal analysis and supervision, the psychoanalyst will not have the ability to perceive what has been created during the working process with the client, thus failing to perform the kind of interpretative intervention.

### **3. Ruling for Talks Between Non-Mahram Women and Men**

#### **3.1. First Reasoning: Jurists' Views**

Some previous jurists have considered as unlawful for the woman to reveal her voice to a non-mahram man (Allame Helli, 2020:154/3. & 2003:322/3; & 2001:5/89 & Mohagheghe Helli, 2019:213/2). For some, this theory is a widely-accepted fatwa agreed upon by most jurists (Shahid Avval, 2019:322; Fazel Hendi, 2017:38/4); accordingly, many jurists believe that women's recitation of the Koran while praying before non-mahram men are unlawful and a corruptor of the prayer (Shahid Avval, 2019:322/3). This indicates that talks between non-mahram men and women are forbidden. In the meantime, it is not true to claim that this ruling enjoys a consensus because this did not hold for the old jurists who even issued fatwas against it (Toosi, 2019:3/6). Most recent jurists have explicitly prescribed the hearing of a non-mahram woman's voice, thus not considering the talk between a non-mahram man and woman to be unlawful (Naraqi, 2017:74/7; Najafi, 1976:98/29; Tabatabaei-Haeri, 2019:169/3; Hamedani, 2019:228/11, & Yazdi, 2020:497/5).

#### **3.2. Reasoning Investigation of the Problem**

##### **3.2.1. Narratives on Prohibition of Talks Between Non-Mahram Woman and Man**

The prophet Mohammad (Peace be upon him) has forbidden the talk between non-mahram man and woman exceeding five

necessary words (Hor Ameli, 2020:212/20). The prophet has also said: "One of the four things which tremble the heart is excessive talk with women (Hor Ameli, 2020:197/20).

#### **Checking the Reasoning**

The document to the first hadith (known as prohibiting hadith) is weak because the narrator is "Shoeib Ben Waghed," whose name is not mentioned by famous hadith authorities (Khoi, 2007:34/9). Thus, the said hadith cannot be invoked. Although enjoying a credible source, the second hadith does not imply the forbidding of talks with women because the hadith suggests that excessive talk with women could tremble hearts. This signifies the prohibition of talk with the non-mahram. The evidence for this is that the rest of the hadith mentions an argument with a stupid person that is not certainly unlawful from the Sharia point of view.

#### **Second Reasoning: Narratives on Prohibition of Saying Hello to a Woman**

Imam Sadegh (AS) is quoted as saying: "Do not say hello to woman" (Kolini, 2017:535/5).

Imam Ali (AS) is quoted as saying: "Do not say hello to women at first" (Kolini, 2017:535/4).

#### **Checking the Reasoning**

The reason for not saying hello to women in these narratives maybe because, where the narratives were stated, a man's saying hello to a woman may have been customarily different from a woman's saying hello to a man. At times, women's saying hello to men was considered a common and natural thing; however, men's saying hello to a stranger woman could be regarded as his expression of interest in creating an affair with her. Thus, these narratives have barred men from saying hello to women. For this, the narrative by Mosadah Ben Sadghe suggests that men and women should not eat with each other. These narratives do not, thus, substantiate the unlawfulness of men speaking with women (Shobairi Zanjani, 2020:902/3).

#### **Third Reasoning: Narratives On Prohibition of Women's Recitation of the Koran and Eghamah<sup>2</sup>**

Imam Sadegh (AS) said: "It is not required of women to say Azan<sup>3</sup> or eghamah for performing prayers" (Ibn Babouyeh, 1996:298/1).

#### **Checking the Reasoning**

First, these narratives do not imply the prohibition of these affairs. It comes from some narratives that do not bar women from saying "Lebbeik" loudly and touching the Hajar Al-

<sup>2</sup> Saying Allah Akbar in Azan to stand for the prayer

<sup>3</sup> Prayer call

Aswad <sup>4</sup> and entering the Ka'ba. (Shobairi Zanjani, 2020:899/3). Second, assuming prohibition is substantiated by these narratives, this ruling cannot be inferred to substantiate the prohibition of a man's hearing of the woman's voice or his talk with her because the cause of this ruling has not been mentioned in the narrative. However, the generalization of this ruling to other cases will be included in the jurisprudential analogy, which is not argumentative from an Imamiya perspective (Seifi Mazandarani, 2018:163).

#### **Fourth Reasoning**

**First Premise:** A woman's voice is considered part of the genitals

**Second Premise:** Genitals must not be exposed to men

**Conclusion:** A woman's voice must not be revealed to men

#### **Checking the Reasoning**

No narrative suggests: "Woman's voice is an intimate part of the body" (Sobhani Tabrizi, 2019:79/1). Thus, the first premise of this analogy is incomplete and cannot be inferred to prohibit the talk between man and woman or the hearing of the woman's voice.

### **3.2.2. Permission Reasonings**

#### **First Reasoning: A Koranic Verse**

*"..... do not be complaisant in your speech, lest he in whose heart is a sickness should aspire; speak the honorable word"* (Ahzab, verse 32).

#### **Approximate Reasoning**

This verse forbids women from complacency in speech with men. That the verse bars women from speaking pleasingly with men signify that talk between men and women is not essentially unlawful from a Sharia point of view, this is because, if this was unlawful, talking could be, per se, prohibited. (Sobhani Tabrizi, 2019:79/1).

#### **Second Reasoning**

Imam Sadegh (AS) said: "the prophet used to say hello to women, and they answered his salutation." However, Imam Ali (AS) did not like to say hello to young women, saying: "I fear her voice will affect me, and what befalls me would be greater than the reward I had wanted to get" (Kolini, 2017:535/5).

#### **Approximate reasoning**

According to this narrative, the prophet (PBUH) used to say hello to women, but Imam Ali refrained from doing so, for it would make him be corrupted with sins. This narrative is suggested to say it is no problem for non-mahram men and women to say hello to each other.

#### **Third Reasoning**

Historical evidence clearly shows that women and men talked to each other during the lives of the Infallible Imams (AS), and the talks were not always about necessary things. This practice

was not either regarded to be a forbidden affair. It could be explicitly prohibited if it was forbidden from the Sharia jurist. Jurists have not prohibited this, with many narratives suggesting that the prophet (PBUH) and the Imams speaking to women (Najafi, 1996:98/92; SobhaniTabrizi, 2019:77/1, & Seifi Mazandarani, 2018:164).

### **3.3. Conclusion**

Talks between non-mahram men and women are jurisprudentially permissible, as the reasonings above cannot substantiate the prohibition of this practice. Moreover, its permission can be revealed for some reasons. Accordingly, the talk between the psychoanalyst and the client is also permissible.

### **4. Expression of Feelings towards the Non-mahram Person**

Before discussing this subject, it is imperative to provide a prelude to the expression of interest in the non-mahram.

In most fatwa jurisprudence sources, nothing has been raised about loving the non-mahram; however, the relevant ruling has been a subject of a fatwa. Some jurists argue that loving the non-mahram is permissible only if it is aimed at spirituality and piety. Otherwise, it is contrary to reservations (Behjat Foumani, 2015; 192/4). Some others, however, have permitted interest of this kind and suggest it comes from the soul's delicacy, though forbidding flirtatious acts and touching (Montazeri, n.d., 326/3).

There is no specific reason for having an interest in the non-mahram. However, Sheikh Hor Ameli cites several narratives and suggest in the book "Wasail Al-Shia": "Loving women is lawful, and expression of love for and selecting them as well as taking pleasure of them is more lawful than other pleasures" (Hor Ameli, 2020:21/20). On the other hand, he is quoted: "Excessive loving of women is abominable, while loving non-mahram women is unlawful" (Hor Ameli, 2020:24/20). He has also narrated words from the Imams, which indicate the abomination of loving women. Some of these narratives consider loving women to be like the sword of Satan, which culminates in fitna and sin before God.

This is inferred to say that love of a mahram woman is permissible, while excessive love is terrible, and the love of a non-mahram woman is unlawful.

In the meantime, contemplation about our narratives reveals that those referring to the abomination of love for a woman do not consider the intended intimacy and non-intimacy of the woman. Rather, these narratives suggest that if the emotional feelings of a woman serve as the only criterion of human decision-making, they will result in unreasonable conduct. Also, constantly pursuing sexual desires and taking pleasure

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<sup>4</sup> The holy black stone embedded in the Ka'ba

from women could make men commit sins and prevent them from achieving spiritual perfection.

These narratives cannot, thus, be inferred to prohibit the interest in the non-mahram. It is noteworthy that an internal interest in the non-mahram may lay the ground for unlawful conduct. Thus, interest in the non-mahram will take the form of a credo-based prohibition rather than a soul-based prohibition.

On the other hand, the narratives which encourage a love of women involve one of the two following senses:

- a) Interest in a mahram (lawful) woman and expression of love for her will encourage her tendency towards life and its consolidation
- b) In the Ignorance (Jaheliya) era, the female sex faced much repression. The narratives indicate that the male and female sexes have no difference from a human perfection degree. Here, Muslims are instructed to respect and honor the female sex (Shobairi Zanjani, 2020:6/1).

#### 4.1. Jurists' Views

Consistent with reasoning and fatwa sources, the subject of expression of love and interest in the non-mahram is not debated. This is because the outcome of this will, in most cases, result in the commission of such conduct, as look with the aim of lust, touching, etc., is prohibited. However, since the subject is a modern social phenomenon, it is specifically questioned by the religious authority, with none of the religious figures ever prescribed it<sup>5</sup>. Because many people seek to gain permission from publicly accepted figures of the society to justify their illegitimate behaviors<sup>6</sup>, especially in sensitive subjects tied to social corruptions, the religious authority has applied much reservation and does not prescribe those conducts, even those whose prohibition cannot be substantiated.

#### 4.2. Investigating the Reasoning of the Problem

##### 4.2.1. First Reasoning: Koranic Verse:

“..... lest he in whose heart is a sickness should aspire” (Ahzab, verse 32).

##### Approximate Reasoning

Although the audience of this Koranic verse is the prophet's wives, the verse encourages them not to speak obligingly and describes its causes: “lest he in whose heart is a sickness should aspire.” This suggests that this ruling does not just apply to the prophet's wives and whoever with these conditions.

“Speaking complaisantly” denotes the woman's manner of speaking so that the men's erotic power is aroused. Since

expression of interest in the non-mahram entails such outcomes, this conduct is also prohibited by the verse.

##### Checking the Reasoning

Although many interpreters have considered “complaisance” to mean thinning the voice and making it delicate (Tabatabaei, 2020:309/16; Tabarsi, 2001:558/8, & Qutb, 2020:2859/5), more focus on the verse reveals that the verse does not convey such meanings and no such interpretation can be inferred from it. If the sense above were meant, the prohibition would be derived to suggest, “Do not thin your voice.” Meanwhile, the verse conveys another sense, and that is: “Making one's own humble by speech,” denoting that one should speak humbly before others. This advises women to not speak in a way that those who have sick hearts find it easy to dominate the women and develop the idea of controlling them. It is thus elucidated that this prohibition is specific to a case that entails outcomes of this kind. Since a cause generalizes a ruling to other cases with the same criterion, it will also render the ruling applies to the same case in which this cause exists (Shobairi Zanjani, 2015:920/3).

##### Second Reasoning

This reasoning is made of two consecutive analogies:

##### First Analogy

**First Premise:** Expression of interest in the non-mahram is indecent conduct.

**Second Premise:** Every customarily indecent conduct is an unchaste act.

**Conclusion:** Expression of interest in the non-mahram is an unchaste act.

##### Second Analogy:

**First Premise:** Expression of interest in the non-mahram is an unchaste act.

**Second Premise:** Every unchaste act harms justice.

**Conclusion:** Expression of interest in the non-mahram harms justice.

Since justice denotes the performance of the obligatory acts and quitting the forbidden, one would infer that an expression of interest in the non-mahram is unlawful (Ansari, 2018:178/1: Yazdi, 2020:189/3).

##### Explaining the Second Premise of the First Analogy

Some sources have defined “chastity” as follows: Refraining from what is not lawful and decent” (Ibn Manzour, 2021:253/9). Thus, failing to observe chastity denotes failure to refrain from what is unlawful or customarily indecent or unbeautiful. Thus, the performance of every act which is customarily indecent is an unchaste act.

<sup>5</sup> <https://www.sistani.org/persian/qa/01029> ;  
<http://hadana.ir/%D8%A7%D8%A8%D8%B1%D8%A7%D8%B2-%D8%B9%D9%84%D8%A7%D9%82%D9%87-%D9%88-%D8%B9%D8%B4%D9%82-%D9%BE%D8%B3%D8%B1-%D9%88->

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<sup>6</sup> For example, see Ayatollah Makarem Shirazi's answer to a question about hijab

### **Explaining the Second Premise of the Second Analogy**

Ibn Abi Yafour's narrative is quoted as saying: "I asked Imam Sadegh (AS): How is one's justice recognized among Muslims for his testimony for or against them to be legally bounded? The Imam said: "His justice is recognized by his chastity and humbleness, refraining from lust and caprice, non- seizure of the latter's property, keeping of his language from the evil, quitting of great sins, such as drinking wines and eating usuary for which God promises the fire of the Hell and annoying parents, running from the frontlines without the permission of the Imam, etc. These qualities are represented by turning away from what is indecent that Muslims are barred from. His mistakes and misconduct should be stated in his absence, and his rights should be defended when slandered. He can execute and authorize justice over others" (Toosi, 2020:241/6).

Consistent with this narrative, the performance of every act which is customarily indecent could result in corruption and vices. Thus, justice denotes avoiding any legally or customarily indecent and prohibited act.

#### **Checking the Reasoning:**

##### **Checking the Second Premise of the First Analogy:**

In terminologies that were compiled years before the *Lesan Al-Arab* book, chastity had different meanings; for example, in the book "Al-Ein" and "Al-Sehah," chastity is denoted as "unlawful," excluding what is contrary to social and customary acts (Farahidi, 2019:92/1; Jowhari, 2018:1404/5).

Majlisi also interpreted "chastity" to mean "avoiding the unlawful and suspicions," suggesting the avoidance of social customs is no longer meant as chastity (Majlisi, 2017:105/6).

##### **Checking the Second Premise of the Second Analogy:**

Firstly, assuming that chastity is lexically denoted as avoiding an act contrary to social customs, the observance of chastity, in this lexically broad sense, does not mean credible justice because the Ibn Abi Yafour's narrative denotes justice as refraining from the performance of the unlawful (Khoi, 2009:214/1 & Tabrizi, 2021:119/1).

If chastity is denoted as refraining from the unlawful, this narrative cannot serve as the reason for the prohibited expression of love of a non-mahram. This is because this narrative refers to avoiding conduct whose unlawfulness has already been made clear and that cannot substantiate the prohibition of an act that, if avoided, will potentiate justice.

A fatwa by Ayatollah Tabrizi is as follows:

The prophet (Peace be upon him) is suggested to ask a question in a hadith: "When does the woman get closer to her God?" Hazrat Fatema replied: "When a woman acts upon her inner self." Then, the prophet said: Fatema is part of my body".

"What does this hadith refer to? Is this a Sharia-based ruling for women, or does it refer to the preference of no companionship between man and woman?"

Answer: This is a recommended Sharia ruling for women, i.e., women for whom the observance of purity is desirable. The most decent chastity is revealed when stranger men do not see them" (Tabrizi, 2021:129/9).

This answer clearly shows that failure to observe chastity is not prohibited from a Sharia point of view.

Secondly: The prerequisite to this reasoning is to make the observance of compassion conditional on achieving justice. Meanwhile, this subject has not been adopted by jurists. For many jurists, observance of compassion is not a condition for the materialization of justice (Moqaddas-Ardabili, 2018:326/12; Bahrani, 2019: 16/10; Naraqi, 2017:122/18; Najafi, 2001:103/13; Eraghi, 2019: 239/2; Khoei, 2019:233/1; Golpayegani, 2018: 74, & Haeri, 2006:518).

### **Conclusion of the Second Reasoning**

Whether the expression of interest in the non-mahram contradicts or does not contradict the concept of justice depends on the aim of this conduct and the situation in which this conduct is practiced. Generally speaking, the expression of interest in the non-mahram cannot be regarded as an unchaste act. Therefore, the second reasoning cannot be invoked to substantiate the prohibition of the expression of interest.

#### **Third Reasoning:**

Evidence on prohibiting a look at the non-mahram suggests the prohibition of the expression of interest in the non-mahram (Ansari, 2018:178/1). For this, this reasoning can be elaborated as follows:

**First Premise:** Expression of interest in the non-mahram causes the erotic power to be aroused.

**Second Premise:** Any act that arouses erotic power is prohibited.

**Conclusion:** Expression of interest in the non-mahram is prohibited.

#### **Explaining the First Premise:**

Expression of interest in the non-mahram causes the sexual power to be aroused in humans. Its effects are greater in arousing lust when looking at the non-mahram.

#### **Explaining the Second Premise:**

Some evidence suggests the prohibition of looking at the non-mahram, which is the arousal of the erotic power to non-mahram women. Shairi is quoted as saying: "Lustful look is a poisonous arrow from Satan" (Shairi, n.d., 93).

Imam Sadegh (AS): "Consecutive looks at the non-mahram plants the seed of lust in the heart and is sufficient for the creation of fitna in the mind of the looker" (Ibn Babouyeh, 1999:18/4).

This suggests that any act that arouses the human's erotic power is prohibited from some evidence on the prohibition of looking at the non-mahram, the prohibition of expression of interest in the non-mahram.

### Checking the Reasoning:

Two things should be made clear in this regard:

- a) Inference of Prohibition Ruling Through the Analogy of Priority
- b) Inference of Ruling Through the Text-Based Cause Analogy

#### A) Inference of Prohibition Ruling Through the Analogy of Priority

The analogy of priority concept is used when the literal reasoning is manifested in the ruling, as the basis of the authentic citation of the analogy of priority is, in fact, the authenticity of the appearance, like the famous example “Do not say to your parents Fie” which prohibits the beating of the parents, let alone saying Fie to them (See Tabrizi, 2021:119/1; Rouhani, 2018:263/1, & Mozaffar, 2020:202/2). It is also clear that the sentences uttered in the narratives on the prohibition of looking at the non-mahram have not been manifested in the prohibited expression of interest in the non-mahram. Moreover, that expression of interest in the non-mahram will have a greater impact on the arousal of the sexual power than the look at the non-mahram is also debatable. In some cases, the expression of interest may not have such an impact. Therefore, the first premise of the said analogy is incomplete<sup>7</sup>.

#### B) Inference of Ruling Through the Text-Based Cause Analogy

The text-based cause analogy arises when what is explained from the reasoning is the cause of the ruling; in a way, the presence and lack of reasoning underlie the presence or lack of that cause. However, the obligation to prohibit looking at the non-mahram is not possible. It is required to consider looking at the non-mahram woman’s body and hair to be permissible if erotic power is not aroused. This ruling can be rejected. Thus, it should be stated that what ensues from the prohibited look at the non-mahram, as suggested by the reasonings, including wisdom, is a ruling, not a cause of it. Thus, the prohibition ruling cannot be extended to any case that arouses sexual power.

Therefore, the second premise of the analogy is also incorrect. Ayatollah Sistani’s answer to a fatwa is evidence of the subjects above.

“Question: Is sexual pleasure permissible by imaging a sexual affair, as the imagination may include a faithful woman, one’s wife or an indeterminate woman? Is the masturbation or non-masturbation of the imagination permissible?”

Answer: The prohibition of gaining sexual pleasure by imaging sexual affairs with the wife or others in case the semen does not come out has not been substantiated” (Sistani, n.d., 338).

<sup>7</sup> The client’s interest in the psychoanalyst also emphasizes this point. The therapist expresses his/her feelings towards the client using technique of free association and with the aim of recognizing the psycho-psychological issues and different

### Fourth Reasoning

The reasonings that discuss the abomination of some affairs imply the prohibited expression of interests in the non-mahram; these affairs are as follows:

- a) When a man sits in a place already occupied by a woman, not yet got colder

The prophet (PBUH) is quoted as saying: “When a woman sits in a place and then gets up, no man shall sit there until the sitting place gets cold” (Kolini, 2017:564/4).

- b) When the Muslim woman has not covered herself against non-Muslim women

Imam Sadegh is quoted as saying: “It is not worthy of the Muslim woman to expose herself to the Jewish and Christian women because they will tell their husbands the characteristic of the Muslim woman (e.g., her body and hair, etc.)” (Kolini, 2017:519/5).

- c) When a woman has no covering when a discriminating child cups her

Imam Ali (AS) is quoted as saying: A woman who a discriminating child cups while being uncovered in front of him should refrain from doing so for the child may tell others” (Kolini 2017:55/4).

### Checking the Reasoning:

Reasoning based on this evidence is exactly like the third reasoning, and the same conflict is raised in this reasoning:

It is not clear whether or not the cause of the aforementioned abominated affairs was the arousal of lust. It may be so in some cases, which would render it abominable. For example, the abomination of a woman’s cupping by a child may be because the child is a discriminating one, as Allame Majlesi considers the sentence “If the child clearly describes the woman for others” to be a reference to a discriminating child stating “the one who discerns good from bad” (Majlesi, 2009:372/20).

Also, the abomination of Muslim women’s non-covering of their bodies before non-Muslim women may be because disbelievers could learn about the Muslim women’s characteristics. Thus, the Muslim women’s non-covering before Muslim women is not abominable. However, Muslim men are likely to be informed of the bodily characteristics of Muslim women.

Another problem with this is if the analogy is authentic and the cause of the abomination of this is the arousal of lust, how can one conclude the prohibition of another subject? (Khoi, 2007:219/1).

### Fifth Reasoning:

**First Premise:** Expression of interest in the non-mahram is an example of corruption.

parts of the his/her personality. In many cases, expression of this kind is not only pleasurable and does not cause sexual arousal, but also causes the client to feel suffering.

**Second Premise:** Corruption is prohibited.

**Conclusion:** Expression of interest in the non-mahram is prohibited.

**Checking the Reasoning:**

Glossary books define “corruption” to be contrary to “good” (Jowhari, 2018:1404/4 & Ibn Manzoor, 2021:128/5).

Corruption and its derivatives have been frequently used in the Koran. A collection of Koranic verses suggest that corruption is a terrible phenomenon, as in the following verse:

*“This is the abode of the Hereafter, which We shall grant to those who do not desire to domineer in the earth nor to cause corruption, and the outcome will be in favour of the Godway”* (Ghesas, 83).

*“God does not like the workers of corruption”* (Bagharah, 205).

One would say that the abomination level of “corruption” is equivalent to the importance of “good.” In other words, when a good is highly important before the holy Sharia, it is unlawful to eliminate it. For example, having faith in the principles of the religion constitutes the basis of religiosity. In contrast, its opposite, i.e., eliminating this faith, constitutes an example of corruption and is unlawful. Also, protecting life is a very important concept of Sharia. Thus, killing one’s or another’s life is an example of corruption and is prohibited. Since protecting the family’s establishment is critical, conduct that would disintegrate it is prohibited from a Sharia view. Accordingly, the sixth reasoning is partially correct, with the explanation that the expression of interest in the non-mahram is an example of corruption. For example, if a man falls in love with a married woman and expresses his infatuation with her in various ways, and the woman has dissatisfaction with her marital life, the man’s expression of interest will reduce this woman’s interest in her husband and create discouragement in her life affairs; this will inevitably weaken the family’s foundations. Thus, this is an example of corruption and is legally prohibited, as suggested by the sixth reasoning. However, this case does not hold for all cases of expression of love of the non-mahram. As a result, this reasoning is a specific claim substantiating the expression of interest in the non-mahram only in cases that are examples of “corruption.”

**4.2.2. Result of Reasoning on Expression of Feelings towards the Non-Mahram**

The reasoning cannot be inferred to suggest the prohibition of the very essence of expression of interest between man and woman, as the expression of interest in the non-mahram is unlawful only if it is an example of corruption. However, the prohibition of this practice does not hold in other cases.

**5. Comparison of Jurisprudential Investigations of Expression of Feelings in Psychoanalysis Sessions**

The two concepts of transference and countertransference have a pivotal role in psychoanalysis. The presence of transferred feelings in the client toward the therapist is a human and

natural affair. Considering jurisprudential investigations, the very interest in the non-mahram is not prohibited by itself. In contrast, expression of interest in the non-mahram person is prohibited and unlawful only if it is an example of corruption. Accordingly, the expression of transferred feelings in the psychoanalysis session, including the client’s interest in the therapist, is prohibited because this conduct is not an example of corruption. The psychoanalyst must have the needed qualities to occupy this position. S/he must also consult their supervisor professor to improve the sessions. If this is observed, the client’s expression of feelings before the therapist will serve as a useful matter for analyzing his/her character and understanding various parts of his personality and unconscious thoughts and feelings. Meanwhile, in many cases, unconscious feelings will be represented in the form of self-contradicting feelings. For example, the client’s expression of feelings can serve as a defense against their hostile feelings towards the psychoanalyst. The result is that the expression of love feelings by the client toward the therapist will not amount to “corruption.”

However, the psychoanalyst’s expression of feelings toward the client is different. The psychoanalyst should avoid “self-disclosure” and preserve their neutral position against the client. This is because the human psyche is ambivalent toward every subject related. Thus, the psychoanalyst’s responsibility is to pave the way for the projection of these feelings expressed by the client toward themselves and of the client’s awareness of these two-way feelings towards main people in life. However, the psychoanalyst’s expression of their inner feelings is not only in the direction of their personal needs but also represents professional ethics; the transference direction is blocked, and ambivalence is rejected (Gabard., 2014, 110).

For example, a sharia-based client insistently asks the therapist to express their stance on religious beliefs and feelings towards believers. If the therapist, either honestly or dishonestly, introduces themselves as a religious person and an interested person in believers, with the justification that: “I must gain the client’s trust,” the client will feel comfortable and enjoy peace of mind. However, the client may sever these sessions because s/he may reveal more aggravated anger at religious people, e.g., their parents, despite great interest in them. Thus, the therapist’s conduct may cause the client’s associations to be severed and the transference pathway to be blocked.

As with countertransference discussed earlier, the psychoanalyst’s various feelings toward the client are natural, and s/he can utilize countertransference when working with the client. However, s/he should work out these feelings with the psychoanalysts and their supervisor professor. The expression of these feelings toward the client in the psychoanalysis sessions will be unprofessional and sometimes unethical, which won’t help improve the treatment process and becomes

detrimental to the analytical therapy. For some experts, the psychoanalyst's expression of feelings can cause the client's indignation and turn them away from the problems (Tomeh & Keshleh, 2010:108).

According to this, the psychoanalyst's conduct in some cases is an example of "corruption" and is prohibited; in the meantime, the psychoanalyst is never allowed to turn the analysis session into an atmosphere of love or to establish a relationship with the client, assuming that an expression of love of the client will make them resolve their problems. Although most professional principles include standards for avoiding double standards, and sex affairs with clients are always immoral and often illegal (Prout & Wadkins, 2021: 70), many complaints against psychotherapists pertain to the unprofessional and unethical relationships established by therapists and clients. These corruptions will never occur if the psychoanalyst conducts the analysis sessions by meeting the conditions and following the rules (Gabard, 2016: 182)

#### **methodology**

#### **And Discussion**

The main question in this article is what is the ruling on the verbal communication between the analyst and the therapist from the perspective of Imami jurisprudence?

One of the difficulties of this research was that no research has been done before. And according to the author's information, no researcher has addressed this question before.

In this article, an attempt was made to give an answer to the previous question by using the library method, after explaining some important concepts in psychoanalysis, using the principles of Shia jurisprudence and referring to the sources of Shia jurisprudence. And in this field, important results were obtained. The results that can open the way for many who are religious and intend to enter the field of psychoanalysis.

#### **6. conclusion**

1. It is jurisprudentially permissible for a non-mahram man and woman to speak; thus, a dialogue between heterosexual psychoanalysts and clients in psychoanalysis sessions is not prohibited.
2. Jurisprudential sources cannot be inferred to suggest the prohibition of interest in the non-mahram; therefore, the presence of various feelings in the client toward the therapist and vice versa is jurisprudentially permissible.
3. Expression of interest in the non-mahram is unlawful only if it is an example of corruption.
4. The client's expression of feelings toward the psychoanalyst in the session constitutes part of the major category of "transference," which serves as a key tool in psychoanalysis. This behavior is not an example of corruption and is not prohibited, either.

5. Consistent with psychoanalysis rules, the psychoanalyst should not express his feelings to the clients. This conduct will sever the transference pathway and inhibits the understanding of the two-way feelings of others, especially the main people in life. If this conduct represents a "corruption case," it will be unlawful.

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