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A Case for the Permissibility of Looking at a Non-Mahram Based on the Rule of Abolishing Specificity in the Authentic Hadith of ‘Abbād ibn Ṣuhayb

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Abstract

Following descriptive-analytic method, the present article seeks to analyze and examine the doctrine of authentic hadith of ‘Abbād ibn Ṣuhayb. It discusses the issue in two distinct parts. In the first part, by referring to the Qur’an and the Sunna, the limitation instituted by Sharī‘ah for strangers in terms of looking at women is defined. In the second part, after presenting two hadiths, the article illuminates the fact that looking at non-Muslim women who do not cover themselves according to Sharī‘ah is allowed provided that there is no temptation. Further deliberation on hadith of ‘Abbād ibn Ṣuhayb-regarding the rule of removing specificity or specific characteristics of cases-reveals the permissibility of looking at Muslim women who deliberately refuse to cover themselves according to Sharī‘ah, and are not ready to change their behavior while facing those who enjoin them to do good, and forbid them to do evil.

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1. Introduction

In this research, we are to answer to the question that has engaged the minds of both religious individuals and academics, and that is: What is the Islam's point of view about looking at the hair or parts of body of those women who don't cover themselves according to *Sharī'ah* as a result of ignorance or unfamiliarity? Is it permitted or not and if it is so, is responsibility for the acts of enjoining good and forbidding evil by other believers still remains standing? We will answer these questions through the two following discussions:

2. First Discussion: Limitations of Looking at Strangers¹ According to Sharī'ah

Sharī'ah obligates women to wear Hijab when engaging in social activities with strangers and to not to be flamboyant about their beauties which are perceived tempting. It is important for the wearer of Hijab to believe what is being done, is for the good of themselves and their society. Islam intends to limit all forms of sexual pleasure in the frame of marriage and this is only achieved through having a moral society in which everyone wholeheartedly believes in the essence of Hijab as a regulatory mechanism of society; with or without presence of governmental reinforcement of such a law. From Qur'an's point of view, flaunt compromises chastity. Flaunt bears the meaning of maquillage and makeover (Yahaqi, 1993, vol. 2, p. 391). Considering the fact that there is a natural tendency in people toward beauty, especially among women, we should have a sensible approach toward this issue and distinct between this natural habit and what counters chastity which Qur'an characterizes as flaunt.

1. According to verses from *Sūrah al-Nūr*, any tempted staring is forbidden for both men and women, and Muslims should avoid gazing at strangers. "Tell believers to avert their glances,³ tell believing women to avert their glances" (24: 30-31)

Although the verbs used in the above sentences have present form, due to use of the verb "tell" before them, these sentences are being

¹. In this article the word stranger is used as a substitute for non-mahram (masculine) and non-mahram (feminine) in *Sharī'ah*.

understood as directives (Tabarsī, 1959, vol. 7, p. 616; Tabatabaei, 2009, vol; 15, p 111) that necessitates the action by believing men and women. In the book of *Wasā'il* a hadith is narrated as following: “Prophet Muhammad said to ‘Alī b; Abi Ṭālib: Oh ‘Alī, the first glance is for thee and the second is against thee” (Ḥurr‘Āmilī, 1993, vol. 20, p. 194)

Firstly, the hadith provides that the first glance is permitted, but the following ones, which would be temptative, are strictly forbidden. Because the first look is unintentional but what follows will be for the purpose of enjoyment and temptation, so as a result, it is forbidden. Secondly, since this hadith is directed toward tempted glance, looking at hands and faces of strangers, if not out of temptation, is permitted. Though it may be for the second or the third time. There is a hadith by Jābir ibn ‘Abdullāh Anṣārī, though its credibility is debated by Abu ‘Abdullāh Ju‘fī and considered weak in credibility by Najjāshī but is regarded as acceptably credible by ‘Alī ibn Ibrāhīm and al-Mufīd. It is as followed:

Jābir says: Once, Muhammad and I went to the house of Fāṭima l-Zahrā to see her; After greeting, Muhammad asked for permission to enter the house; Fāṭima l-Zahrā allowed entrance; Prophet said: Shall I come in with the man who is with me? Fāṭima l-Zahrā said: father, my head is not covered; Prophet said: Cover your head with the extra parts of your clothing. Then prophet asked again for permission to enter and she replied: come in. When we entered the house, we saw her face was pale. “Why are you like this?” asked Prophet Muhammad. “Because of starvation”; She replied. Prophet started praying and said: “Oh Allah, let my daughter not to be any longer hungry”; after his prayer, Fāṭima's face started to change, as if I was seeing the movement of blood under the skin of her face and she never was hungry again. (Kulaynī, 1986, vol. 5, p. 528; ‘Āmilī, vol. 20, p. 216; Majlisī, 1982, vol. 34, p. 62)

2. Holy Qur’an introduces the limitation of covering and veiling of women in three statements which we just will have a brief introduction of each: Firstly, women should not show off beauty of their body,

except for those that are naturally come into view, such as face, hands and wrists. (24: 31) There is a hadith by ‘Abdullah ibn Ja‘far in Qurb al-Asnād (Ḥimyarī, 1992, p. 40), in which he narrates the following from Mas‘ūd ibn Ziyād: I asked Imam Ja‘far ibn Muḥammad al-Ṣādiq about women's *zīnat* (ornament)² that are naturally shown. Imam answered: “They are face and hands”. Another hadith states that Imam answers as follows: “face, hands, the place of bracelet and wristlet”. (‘Āmilī, 1993, vol. 20, p. 205)

Secondly, women are supposed to extend their head scarves to their dress collars and cover their ears and earrings. (24: 31) Thirdly, women can show their *zīnat* in twelve occasions to their *maḥārim*³:

And show their charms only to their husbands, their fathers, their fathers-in-law, their own sons or their stepsons or their own brothers or their nephews on either brothers’ or sisters’ sides or their own womenfolk or anyone they have right on controlling or male attendants who lack sexual desires or children who have no carnal knowledge of women. (24: 31)

3. Any form of excitation and ostentation is proscribed, in other word, Islamic community should be free from all forms of instinctive excitations and ostentations. All behaviors, which lead to sexual arousal, should be stopped. There should not be a single behavior which directs others to sin. This directive prevents related mental illnesses in people. Women, too, should not talk in a way that pave way for the youth to sin because of such actions. They should also be cautious about their clothing and not to show off their bodies, because these kinds of actions would ease the path toward sin for men, especially for youngsters. It is also said in Qur’an that: “let them not to stomp their feet in order to let any ornaments they have hidden be noticed”. (24: 31) This is extendable to any sort of action which causes sexual arousal. In another part, Qur’an says: “Do not to dress up fancily (flaunt) the way they used to dress during [the time of] primitive ignorance”. (33: 33) This verse is about wives of the Holy Prophet Muhammad, but it could

². This word is used in Qur’an, Sūrah al-Nūr, verse 31 which roughly translates as beauty of women.

³. Plural form for non-stranger in Sharī‘ah.

be generalized to everyone.

Islam wants all to be in peace and be psychologically and mentally healthy and free from all forms of sin. Islam wants to prevent banality of men and women. Islam wants people to reach the higher levels of ethics and knowledge and reach the highest levels of humanity. Certainly, misbehaviors would be an obstacle in the way of reaching the reality of being.

3.Second Discussion: Explication of Hadith of ‘Abbād ibn Şohayb

God has sent his Prophets and through them his words and *Sharī‘ah* to affect his ultimate goals. The purpose behind punishment and reward is to persuade people, whether in quest for rewards or escape from God's punishments to abide by His directions. God does not want to force people to act according to His directions so they all go to heaven. If it was so, He would not have given humans the power of choice and free will. Qur’an says: He created them [people] to test which of them is finest in action (67: 2) so He let everyone act as they wish themselves (18: 29) and reminds people that good or bad of their will eventually return to them. (17: 7) He points out to His Prophet that except humans, all creatures in their behavior are bound to confinements of their instincts. (3: 83) He says upon Prophet Muhammad not to force people to believe in his words. (10: 99) Although He dislikes atheism (39: 7) He does not want to spread His words by any means and at any price. In His *Sharī‘ah*, He principally specifies punishment for those actions which offend other people's rights and emphasizes that believers should not cross these boundaries. (2: 229) Now, if we live in a society, in which, non-Muslim women or those Muslim women who do not heed Hijab directive of *Sharī‘ah* also live, what would be the duty of believers who want to respect *Sharī‘ah* boundaries? Should they stay at their houses to uphold their belief, or rather, they could be active members of their society, especially in scientific associations, to vivify their religion. According to the hadith we will discuss, the second approach is the right course of action. Looking at the body and hair of non-Muslim women, who do not cover themselves according to *Sharī‘ah*, is permitted (of course to the extent that does not follow in

temptation and debauchery). The reason for this conclusion comes from these two hadiths:

1. Sukūnī⁴ narrates from Imam Ja'far ibn Moḥammad al-Sādiq who said that Prophet said once that: “It is not haram (Forbidden by Sharī‘ah) to look at hands and hair of non-Muslim women” (‘Āmilī,1993, vol. 20, p. 205).
2. Abdullah ibn Ja'far in his book *Qurb al-Asnād* narrates from Imam Ali ibn Abī Ṭālib that: “Looking at hairs and hands of non-Muslim women is not haram” (ibid) From this hadith and what is said in Surah al-Aḥzāb, verse 59, in Qur’an, the direction for *ḥijāb* sets a boundary between free Muslim women and the others. It should be expounded that: Firstly, the permission in the two aforementioned hadiths is due to the fact that non-Muslims do not consider this act of looking as a sign of disrespectfulness. Secondly, the permission of looking at atheists is by the priority and it is understood that this permission stands for looking at all non-Muslims. Thirdly, because of the fact that holy Prophet does not talk about the face, we deduce that it was already being permitted. Fourthly, though this hadith is just about hair and hands, other parts of the body which are not covered are inclusive. The hadith of ‘Abbād ibn Ṣohayb is mentioned by al-SHayḥ al-Kulaynī l-Rāzī in book of *al-Kāfi* with its reference and by Ṣadūq in the book of *Man lā Yaḥḍuruḥu l-Faqīh* with another reference. (Ṣadūq, 2003, vol; 3, p; 470)

In the first referred hadith, the phrase “a numbers of our companions” consists of five Shia scholars, whose names are as followed:

1. Abū Ja'far Muḥammad ibn Yaḥyā l-‘Attār al-Qumī
2. ‘Alī ibn Mūsā ibn Ja'far al-Kumīzānī
3. Abu Sulaymān Dāwūd ibn Kūre l-Qumī
4. Abu ‘Alī Aḥmad ibn Idrīs ibn Aḥmad al-Ash‘arī l-Qumī(Who died in 306 AH)
5. Abu l-Ḥasan ‘Alī ibn Ibrāhīm ibn Hāshim al-Qumī (Kulaynī,1986, vol. 1, p. 48; ‘Āmilī,1993, vol. 3, p. 147) Aḥmad ibn Moḥammad ibn ‘Isā, who is referred to after the above in the hadith, is of the seventh

⁴. He is one of the Sunni Muslim experts who has narrated from Imam Ja'far ibn Moḥammad al-Sādiq and is also trusted by Shia scholars.

class and Ḥasan ibn Maḥbūb is one of *aṣḥāb ijmāʿ* and of the sixth class. ʿAbbād ibn Ṣohayb was one of the followers of Imam Muḥammad ibn ʿAlī l-Bāqir and Imam Jaʿfar ibn Muḥammad al-Sādiq. He is trusted by Najjashī and ʿAlī ibn Ibrāhīm; Ḥakīm in the book *Mustamsak* points out his trustworthiness in the light of *ʿilm ul-dirāyat al-ḥadīth*. In the second hadith, Moḥammad ibn Mūsā and ʿAbdullāh ibn Jaʿfar are also trustworthy. In this hadith, Imam Jaʿfar ibn Moḥammad al-Sādiq says:

“It is not a problem if someone looks at hair of women of Tahāma,⁵ Nomads, Sawād⁶ and ʿAlūj (non-Arabs and non-Muslims). The reason is that prohibiting them [aforesaid women] has no effect. He also adds looking at body and hair of mentally retarded without the intention of temptation is not a problem as well”. (Kulaynī, 1986, vol. 5, p. 525; ʿĀmilī, 1993, vol. 20, p. 206)

There are two distinct perceptions from the hadith of ʿAbbād ibn Ṣohayb:

4. First view: Permission to look is based on followed difficulties

Looking at the people who do not have Hijab for someone who encounters with them in everyday life is not considered a misbehavior. Because not doing so would have negative effects on ease of life of the believer. God says in Qurʾan that “He does not want you to be in hardship concerning [your] religion, the sect of your forefather, Abraham; He has named you Muslims both previously and right now” (22: 78)

It means during encounter with women who do not have Hijab, believing men are not obligated to close their eyes in order not to sin. However, this does not mean that looking at these women is permitted at all times.

5. Second view: Encumbering ḥurmat (State of being haram in Sharīʿah)

Looking at the people who do not have *ḥijāb* is not prohibited regarding encumbering *ḥurmat*. The reason is that people who do not abide by

⁵. Southern parts of the Jazīratul-ʿArab, sometimes it also refers to Mecca.

⁶. Around the City of Baghdad.

Sharī'ah in this matter, impede *ḥurmat* for other believers. Because of *ta'wīl* in the hadith, the permission for looking is acquired due to non-persuadability of disregarding members of society. 'Abbād ibn Ṣohayb's hadith is comprisable as the following: First, where forbidding evil is not effective, looking without temptatious intentions is alright. Second, because here only hair is mentioned and not face and hands, we can conclude that they were *mafrūq 'anh*. Third, the word "intentional" used in the clause "*mā lam yata'ammad dhālik*" is not meant as opposite of accidental, but it is contrasting with the act of looking that aims at satisfying sexual desires. This means that the permission for looking at aforementioned women in the hadith does not stand for temptation. *Aḥkām* (laws of *Sharī'ah*) are hinged on true higher benefits and consequential harms. There are some of *aḥkām* which believers should submit themselves to, out of devotion to God, even though their benefits might not be easily recognizable by human intellect alone. In *aḥkām* which are concerned with family, society, economy and politics, pillars of benefits and harms are inferable by sagacity. Looking at women who do not cover their body according to *Sharī'ah*, principally, is not prohibited. Furthermore, according to the hadith of 'Abbād ibn Ṣohayb this is generalizable to all women who do not abide by Islamic law about veil and in general Hijab in the circumstances that enjoining good and forbidding evil do not yield satisfying results.

We'd like to emphasize again on the fact that this conclusion is true when it does not lead to debauchery or temptation or endangering public health. Therefore, regarding abolishing specificity and common reason about hadith of 'Abbād ibn Ṣohayb we infer that looking at hair and body of women who are not veiling themselves according to *Sharī'ah*, whether Muslim or not, without temptation is not prohibited (Khoei, 1984, vol. 1, p. 35). However, this does not stand for the women who generally act according to *Sharī'ah* in this matter and have *ḥijāb*. Motahhari in the book of Hijab refers to hadith of 'Abbād ibn Ṣohayb followed by fatwa of some of *fuqahā* (*Sharī'ah* sages) which embed this conclusion in them. (Motahhari, 2023, vol. 19, p. 519)

6. Conclusion

Looking without temptation at parts of body of non-Muslim or Muslim women which they do not cover is permitted, when this course of action cannot be averted by enjoining good and forbidding evil with respect to the fact that divine laws on social matters are hinged on ultimate benefits and harms which are inferable by sagacity and reasons of Sharī'ah. Limitation for looking at strangers is to prevent debauchery. This *Sharī'ah* directive is handed down out of respect for Muslims. Unlike Muslim women who are faithful to Hijab, non-temptatious looking at other Muslim women who intentionally are not veiling themselves according to *Sharī'ah* while the acts of enjoining good and forbidding evil do not yield positive effect on them is permitted.

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