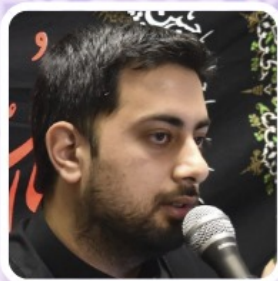


Looking at a Woman Being Sought For Marriage

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Article

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Recently a thread on the popular forum ShiaChat blew up into half-a-dozen pages, as a member posted up this ruling of Sayyid Sistani:

368. It is permissible for a man to look at the attractive features of the woman he intends to marry. Similarly, it is permissible to talk to her before proposing. So, it is permissible to look at her face, hair, neck, hands and wrists, and legs and other parts of her body, provided that he does not so without sexual gratification¹.

In a question and answer found in Sayyid Sistani's **A Code of Practice for Muslims in the West** it says:

416. Question: Is it permissible to look carefully at the body, with exception of the private parts, of the woman one intends to marry with sexual motivation or without it?

Answer: It is permissible to look at the woman's features like the face, the hair, and the hands but without lustful intention. And [it is permissible], even if one knows that lustful thoughts will naturally occur [by looking at her]. When a person has come to know about her features by the first look, it is not permissible to look again².

This ruling has come up a number of times on the forum and has been a subject of confusion, discomfort and arguments between members. It is one of many rulings where not only is a lot of context missing, but it can be misunderstood due to current customs, social norms and perceptions. In addition, this is one of those rulings where some aspects of it were in direct response to some of the jurists of another school of thought – as will be seen in this post. One limitation the followers of a Marja³ have is the loss of context and historicity to some of these rulings which could really help them understand their applicability and how to better contextualize them for their own lives.

Before expounding on the ruling, it is imperative to mention something about looking. Historically speaking, in classical works of Shi⁴i law, one will find sections discussing looking of one gender towards another in great depth. Anyone reading through these works will notice the emphasis put on the details of looking and ensuring that a man does not look at a woman and vice-versa, especially with lust. On

the contrary, it is also interesting to note that in these classical works, there is no chapter dedicated to the clothing of women or men. In fact, the only significant place where clothing is discussed in any length is in the rulings of prayers and what a man or a woman should wear while praying and how much they need to cover up or not.

This is important because it shows that though the rulings on Hijab were a given and something hardly disputed, they rarely made it to the major discussions within books of Shi'i law as an independent section. Rather, the rulings of looking are overly emphasized. The over-obsession with women's Hijab appears to be a reaction to the 19th and 20th century colonialism within the Islamic world³. This, however, seems to have come at the cost of negligence towards the importance of controlling our looks towards the opposite gender.

Rules Regarding A Muslim Man Looking At A Muslim Woman

There have generally been three opinions on a man looking specifically at a Muslim⁴ woman:

- 1) Some jurists believe it is allowed for a man to only look at the face and hands (up until the wrist) of a Muslim woman as long as there is no lust.
- 2) Some jurists believe it is allowed for a man to only look at the face and hands of a woman without lust, and only once. This view was held by many past jurists and even by some contemporary ones.
- 3) Some jurists believe it is not allowed for a man to look at a woman at all, not even hands and face, with or without lust. This view was also held by some jurists in the past.

Many Shi'i jurists hold the first opinion today⁵. However, many classical jurists held the second opinion and in classical jurisprudence, the ruling of looking at a woman for marriage is also generally being discussed with this presumption. In either case, any of the three positions above will be considered instances of primary rulings.

Primary rulings can and often do have exceptions. One of the exceptions discussed for this particular law is looking at the opposite gender in times of necessity, such as for medical treatment. Within those exceptions is also the exception of a man looking at a woman who he wishes to propose to. Hence, this permissibility is nothing but an exception to one of the three established positions.

Let us now look at this exception from Sayyid Sistani's Minhaj al-Salihin⁶ rather than the summarized English translation cited in the beginning of this post:

يجوز لمن يريد ان يتزوج امرأة ان ينظر الى محاسنها كوجهها وشعرها ورقبتها وكفيها ومعاصمها وساقها ونحو ذلك، ولا يشترط ان يكون ذلك باذنها ورضاها

نعم يشترط: ان لا يكون بقصد التلذذ الشهوي وان علم انه يحصل بالنظر اليها قهراً. وان لا يخاف الوقوع في الحرام بسببه. كما يشترط ان لا يكون هناك مانع من التزويج بها فعلاً مثل ذات العدة واخت الزوجة. ويشترط ايضاً ان لا يكون مسبقاً بحالها، وان يحتمل اختيارها وإلا فلا يجوز، والاحوط وجوباً الاقتصار على ما إذا كان قاصداً التزويج بها بالخصوص فلا يعم الحكم ما إذا كان قاصداً لمطلق التزويج وكان بصدد تعيين الزوجة بهذا الاختبار، ويجوز تكرر النظر إذا لم يحصل الاطلاع عليها بالنظرة الاولى.

It is allowed for a man who intends on marrying a woman to look at her attractive features, such as her face, her hair, her neck, her hands, her wrists, her shins and so on. Her permission and satisfaction are not a condition for this.

Yes, the look is conditioned to the fact: 1) That this does not happen with the intention of lust, even if he knows lust will be inevitable due to looking at her. 2) That there is no fear of falling into sin due to it.^{7 3)} Likewise, it is a condition for there to not be any obstacle to marrying her currently, for example, she should not be in her waiting-period or be the sister of the man's wife. 4) It is also a condition that one not be aware of her condition from before, and that her decision is probable⁸ – otherwise it is not allowed.

Obligatory precaution is that this look should only be if he is intending to marry a specific woman and so the ruling is not generalized to cases when he is merely intending on getting married and is in the process of searching for a spouse through this method⁹. It is permissible to look multiple times if the information one is seeking is not acquired with the first glance.

This ruling is being extrapolated and interpreted from numerous traditions that were uttered under specific historical contexts and norms. The traditions signifying this are many, both in Sunni and Shi'i works and there is a lot of discussion on them and the limits of what they prove.

The notion that this is supposed to be something that is done as the “last step” or when things are “almost confirmed” once a proposal has been sent or something along those lines, are all precautionary steps taken by society today. Otherwise, the ruling has nothing to do with these scenarios. In fact, this ruling is talking about looking even before a proposal for marriage has been sent and permission or the satisfaction of the woman is not required.

All Shi'i jurists and other schools of thought (Sunni and even Zaydi) say that her permission and her satisfaction is not required. Why do they make it a point to mention this? This is because Maliki jurists believed that her permission is indeed a condition, whereas no other jurisprudential school of thought agreed with this. The reason the Malikis would give is that this ruling would lead to abuse and everyone could justify it by saying they are looking to get married.

Muhammad b. ʿAbdillah al-Kharashi (d. 1101 AH) a Maliki scholar, in his Sharh al-Mukhtasar writes:

وَيُكْرَهُ اسْتِعْفَالُهَا لِنَلَا يَتَطَرَّقَ أَهْلُ الْفَسَادِ لِنَظَرِ مَحَارِمِ النَّاسِ وَيَقُولُونَ نَحْنُ خُطَّابٌ

Her lack of knowledge (to the fact that she is being looked at) is detested, so that people of corruption do not look at the relatives of people and say, “we are marriage proposers”¹⁰.

The Maliki ruling is very evidently based on the principle of Sadd al-Dharaʿi – which is a lengthy principle within jurisprudence and cannot be discussed in this paper. It is a term of Islamic law literally meaning, closing off the means that can lead to evil. Shiʿi jurists do not theoretically accept this principle – even if practically speaking some of the religious edicts appear to be rooted in such thinking. Other jurists respond to Maliki jurists by saying that the conditions for the permissibility of looking are clear and are in place to prevent abuse. The ruling is not a free pass for anyone to look at any woman. If someone decides to abuse this ruling by not abiding by its conditions, then such abuse of law can happen regardless of there being any conditions or not.

The question, however, remains – if permission is not required and her satisfaction is not a condition, then how is one supposed to look at the woman and what can be looked at? This is where we have records of early Sunni jurists saying that this look is taking place without her knowledge. Shiʿi scholars mean the same thing when they say her permission is not required – in fact, some Shiʿi scholars make this very clear in their works. In addition, a number of Sunni and Shiʿi jurists say that asking her permission to look at her will definitely defeat the purpose, as women are shy and will generally not grant permission to be looked at.

Miqdad Fadil Suyuri (d. 826 AH) a Shiʿi scholar, in his al-Tanqih al-Raʿi li-Mukhtasar al-Sharaʿi (vol. 3, pg. 21):

الثانية) ان مع الإمكان المذكور لا يشترط اذنها و لا علمها بإرادة نكاحها و يجوز تكراره قائمة و ماشية)

Second: With the possibility mentioned previously, her permission is not a condition, and neither is her knowledge with regards to him wanting to marry her. It is permissible to look (at her) multiple times, while she is standing and walking.

Muhaqqiq Thani (d. 940 AH) in Jamiʿ al-Maqasid fi Sharh al-Qawaʿid (vol. 12, pg. 29) writes:

و لا يشترط استئذانها في النظر – خلافا لمالك – للعموم، بل لا ينبغي، لأنها ربما زينت نفسها و أخفت عيبها، ففات مقصود النظر.

Her permission is not a condition for looking – unlike (Imam) Malik – due to generality (of the evidence). Rather, it is not appropriate (to seek permission) because she may beautify herself and hide her blemishes and the purpose of looking will be defeated.

Fadil Hindi Isfahani (d. 1137 AH) in his Kashf al-Litham (vol. 7, pg. 21) writes:

وإن لم يستأذنها للعموم، ولأنه ربما تعذر مع الاستئذان أو زينت نفسها وتهيأت فيفوت الغرض، خلافاً لمالك

...even if he does not seek her permission, due to generality (of the evidence), because perhaps it will become difficult (for him to look at her) after seeking permission, or she may beautify and adorn herself, in which case the purpose (of looking) will be defeated – contrary to the opinion of Malik (who says permission is a condition).

Numerous Sunni scholars express similar opinions. Muhammad b. Shahab al-Din al-Ramli (d. 1004 AH) in his Nihayah al-Muhtaj:

وإن قصد نكاحها سن نظره إليها وإن لم تأذن هي ولا وليها اكتفاءً بإذنه – صلى الله عليه وسلم – ففي رواية: (وإن كانت لا تعلم)، بل قال الأذرعى: الأولى عدم علمها، لأنها قد تتزين له بما يغره

If he intends to marry her, then it is prescribed to look at her even if she does not give permission nor her guardian, relying on the permission given by the Prophet (S) – in a tradition which says, “even if she does not know.” In fact, al-Adhraʿi (d. 783 AH) says: It is better that she does not know, because she may beautify herself for him and deceive him. [11](#)

Al-Bahuti (d. 1051 AH) a Hanbali scholar writes in his Kashf al-Qina:

وَلَوْ بِلَا إِذْنٍ (إِنْ أَمِنَ الشَّهْوَةَ مِنَ الْمَرْأَةِ (وَلَعَلَّهُ) أَيَّ عَدَمِ الْإِذْنِ (أَوْلَى) لِحَدِيثِ جَابِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ – صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ – «إِذَا خَطَبَ أَحَدُكُمْ الْمَرْأَةَ فَإِنْ اسْتَطَاعَ أَنْ يَنْظُرَ مِنْهَا إِلَى مَا يَدْعُوهُ إِلَى نِكَاحِهَا فَلْيَفْعَلْ» قَالَ فَخَطَبْتُ جَارِيَةً مِنْ بَنِي سَلَمَةَ فَكُنْتُ أُتَخَبُّ لَهَا حَتَّى رَأَيْتُ مِنْهَا بَعْضَ مَا دَعَانِي إِلَى نِكَاحِهَا» رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدَ

(Even if it is without her permission) as long as he is immune from lusting on the woman (and perhaps it) i.e. the lack of permission (is better) because of the hadith of Jabir who said: “The Messenger (S) said: ‘When one of you asks a woman in marriage, if he is able to look at what will induce him to marry her, he should do so.’ He (Jabir) said: ‘I asked a girl from Bani Salamah in marriage and I used to look at her secretly, until I looked at what induced me to marry her.’” The tradition has been reported by Ahmad and Abu Dawud [12](#) & [13](#).

Interestingly, in Shiʿi works there is a report where Imam Baqir (a) describes a similar incident that he says Jabir recalled for him:

Abdullah informed us from Muhammad who informed us saying, Musa narrated to me saying, my father narrated to us from his father from his grandfather Jaʿfar b. Muhammad from his father, from his grandfather Ali b. al-Husayn from his father, from Ali (a) who said, the Messenger of Allah (S) said:

When one of you intends to marry a woman, then there is no problem in looking towards those parts of

her which will encourage him towards marriage. Jaʿfar b. Muhammad said, my father (i.e. Imam Baqir) said to us, I remember Jabir b. ʿAbdillah al-Ansari said to us: When I heard this tradition from the Messenger of Allah (S), I hid myself from an Ansari girl who was in her father’s (house) yard, and I looked at that which I intended and as well as that which I did not intend. Then I married her and she was from the best of women. [14](#)

In order to get a better understanding of this ruling, a few more aspects of this discussion will be opened up below.

Marriage Is A Contract

In Islamic law, marriage is treated as a contract between two parties: a man and a woman. This contract resembles a business transaction – which is also a contract. The idea that a marriage contract resembles a business transaction is explicitly demonstrated in a number of traditions and in the words of jurists. Both sides have the right to know what they will be getting. Like in a business transaction, both parties have the right to know what they are getting in exchange of what they are giving so there is no fraud or deception.

1) ʿAli b. Ibrahim has narrated from his father from Ibn Abi ʿUmayr from Abi Ayyub al-Khazzaz from Muhammad b. Muslim who said: I once asked Aba Jaʿfar (a) about a man who wanted to marry a woman, if he could look at her. He (a) said: Yes, he can do so because he is purchasing her for a high price. [15](#)

2) Shaykh Saduq: My father – may Allah have mercy upon him – narrated from ʿAbdillah from Ahmad b. Muhammad b. ʿIsa from al-Bazanʿi from Yunus b. Yaʿqub who said: I asked Abi ʿAbdillah (a) about a man who intends to marry a woman, if he could look at her. He (a) said: Yes and she should thin her clothes for him, because he intends on purchasing her for a high price. [16](#)

3) ʿAbdullah informed us from Muhammad who informed us saying, Musa narrated to me saying, my father narrated to us from his father from his grandfather Jaʿfar b. Muhammad from his father, from his grandfather ʿAli b. al-Husayn from his father, from ʿAli (a) who said, the Messenger of Allah (S) said: When one of you intends on marrying a woman, then there is no problem in his look extending (towards her), because he is a buyer. [17](#)

4) Abu ʿAli al-Ashʿari has narrated from Muhammad b. ʿAbd al-Jabbar from Safwan from Ibn Muskan from al-Hassan b. al-Sari who said: I asked Abi ʿAbdillah (a) about a man who wants to marry a woman, if he can think about her, look at her back and her face. He (a) said: Yes, there is no issue with a man who wants to marry a woman to look at her back and her face. [18](#)

5) Al-Husayn b. Muhammad has narrated from Muʿalla b. Muhammad from some of our companions, from Aban b. ʿUthman from al-Hassan al-Sari, who asked Abi ʿAbdillah (a) about a man who looks at

a woman before he marries her. He (a) said: Yes, he can do so; for what else is he giving his wealth for?¹⁹

Given its resemblance to a transaction and in light of numerous traditions, looking at the woman before sending her a proposal and committing to her is an exception to the rules of looking. Many classical and contemporary scholars have granted women the exact same permissibility since the same reasoning is present for her as well.

It should be pointed out however, a few Shi'i jurists did restrict this exception to just a man and not vice-versa²⁰. This is because we have no traditions on women being permitted to look at a man who they intended on marrying and issuing a verdict permitting it would be an instance of Qiyas (speculative conjecture) which is prohibited. Nevertheless, a woman can consult the opinion of her current jurisconsult on the applicability of this ruling.

What Is Allowed To Be Looked At And How?

All schools of thought – Shi'i or otherwise – agree that a man can look at the face and hands of a woman who he intends on marrying. In fact, many classical Shi'i jurists restricted this look to just the face and hands. This makes sense because many of them also held the view that either it is not allowed for a man to look at the face and hands of a woman at all, or it is only allowed for him to look at it once. With this exception, it would have been allowed for him to look at the hands and face for a lengthier period of time until he had enough knowledge of what she looked like.

However, there are a number of traditions in Shi'i works which indicate that a man can indeed look at more than just the face and hands. Some narrations mention the feet, while some even mention the hair. The question is, those jurists who permit looking at more than just the face and hands, how did they expect the rule to be implemented since her permission was not a requirement?

Some jurists would say if a man is unable to look at the woman himself, because she is overly covered, and is unable to get satisfactory knowledge about her condition, then he should send a woman to go and look for him. For example, al-Shahid al-Thani writes in his Masalik al-Afham (vol. 7, pg. 40–41):

و ينبغي أن يكون قبل الخطبة، إذ لو كان بعدها وتركها لشق ذلك عليها وأوحشها. و لو لم يتيسر له النظر بنفسه بعث إليها امرأة تتأملها و تصفها له، للتأسي فإن النبي صلى الله عليه وآله و سلم بعث أم سليم إلى امرأة و قال: انظري إلى عرقوبها، و شمي معاطفها

It is appropriate for this look to take place before the proposal, because if it takes place after the proposal and he abandons her, it will be burdensome upon her and make her very uneasy. If it is not feasible for him to look at her himself, he should send a woman who can contemplate over her and describe her for him. This can be done as a following of the practice of the Prophet (S) as he sent Umm

Sulaym to a woman and said: “Look at her ankles and smell her sides.”

When you look at the words of the classical jurists (Sunni and Shiʿī), you will see that this ruling of looking is generally being implemented in day to day life – especially given the fact we are discussing a context where her permission is not required, and she does not know she is being looked at. In such a scenario, if a woman happens to expose part of her leg while walking, as would happen quite often in those days, or if a part of her neck or shoulder is exposed, or she did not wear many layers of clothes and hence the shape of certain parts of her body would be observable, like the curves and size of her chest, or if part of her hair would be showing as would also happen quite often, or part of her arm got exposed etc. then in those cases a man who is looking to get married could look at those parts of the body to get an idea of her. This is also why you find the scholars saying that this look can take place while she is standing, walking and sitting – a reference to day to day activities and movements.

An invaluable 2-volume work titled *Rasail Hijabiyyeh* has gathered numerous papers written during the period of roughly 60 years (from 1911 to 1969) on the topic of Hijab. After the Iranian Constitutional Revolution, the trend of taking one’s Hijab off was becoming common – a new phenomenon in Iran at the time. This work is a treasure chest for anyone seeking to learn about this trend and how scholars were dealing with it, in light of modernity and Hijab. In one of these articles, Muhsin Faqih Shirazi is responding to an anti-Hijab treatise where the author argues that Hijab makes marriage near impossible for the youth as they are unable to determine if a woman will meet their preferences of beauty. An excerpt from Shirazi’s response shows how he utilizes this specific ruling:

Based on what you have said, in all this time-period where Hijab had been present in Iran, most of the adults during their youth – which is when their faculty of lust is at its strongest – would have remained celibate and asleep, and in fact they would have never engaged in any form of intimate relationships.

I will leave the validity and invalidity of this claim to your honest intuition. Yes, it is possible that in some phases of their lives when they are active, they could have spent their time in indecent gatherings, as is the inclination of many of those who are careless. However, this is not due to Hijab, rather it is due to not submitting to the laws of Islam, otherwise, Islam had always mentioned that a man who wishes to marry a woman should look at her, as you yourself have also confessed. Muhaqqiq Hilli (d. 676 AH) has said: “It is allowed to look at the face of a woman who one wishes to marry, even if he does not seek her permission. This permission is restricted to her face and hands²¹. He is allowed to look at her multiple times, while she is standing and walking. The permissibility of looking at her hair and her attractive features and her body over thin clothing has also been reported.”

For the sake of God, think over this. See how much the Legislator of Islamic law has taken into consideration. From one perspective, He has made it impermissible to look at strangers and has made Hijab obligatory so that men and women do not fall into adultery and fornication, and from another perspective, He has given permission to a groom to look at the bride to observe her beauty so that he does not regret his decision after marriage.

Now if the people of Iran and others are not ready to implement this very clear law, and the guardians of girls are not satisfied with a man looking at their daughters, what is the sin of Islam? What criticism is there against the followers of Islam?

Furthermore, we say, amongst the people, it is common that a group of blood-relatives and close friends such as one's mother, sister, aunts and their likes, visit the house of the girl when he decides to marry. They observe and look at her attractive features, from her eyes, eyebrows, lips, mouth, to her overall beauty or inelegance, and then describe them for the groom.

It is possible that after a year or two of looking and searching, he comes across a girl who matches his preferences, who they can then choose for marriage. Based on what has been said, Hijab is no barrier for a man to abandon marriage with a woman, and there is no justification (for not observing Hijab) except one's desires and carelessness towards Islamic law²².

There are further intricate discussions on some traditions that talk about a woman wearing "thin" clothing or fabric and that a man can look at her if she is wearing those. Whether this is referring to see-through clothing or just fewer layers of clothing is disputed. Many believe it is referring to fewer layers, in which case her shape would be a bit more observable.

Now since the legal ruling says her permission is not required, this necessarily implies that with her permission and satisfaction it would definitely be allowed. For example, consider the following question and answer by Ayatullah Sistani:

Q: What is allowed for a girl to expose to her proposer, from her beauty, if she is in a position of being requested and proposed to?

A: It is permissible for her to expose – for one who wishes to marry her – her places of beauty such as her hair, neck, wrists, shins and the like.²³

This question appears to presume that a woman is already aware of the proposal and is comfortable with fulfilling the request of her proposer. If she is also interested in marriage and there is a chance she may also agree to his proposal if he does propose, she can grant him permission and is allowed to expose parts of her body to him as explicitly mentioned in the rulings. However, the girl is under no legal or moral obligation to do any of this. As was clear even from the words of the classical jurists, asking permission would defeat the purpose since most women would never allow such a thing to happen, be it out of embarrassment and shyness, or simply due to the risk factor that exists, particularly in today's day and age.

Given the conditions mentioned earlier, some jurists, including some contemporary ones, extend the permissibility of looking at the whole body except the private parts. Other contemporary scholars have restricted this permissibility of looking at what a lady would generally uncover in the comfort of her own home and have given precautionary verdicts. On a side note, it should be known that this ruling does not

just apply to real life, but also to pictures. In another response given by Ayatullah Sistani he says:

Q: What is the ruling if I am going forth with a proposal to a girl and I see her picture without Hijab?

A: If it is known that looking at the picture will be useful in giving information about all that which you intend to know regarding the girl, then there is no problem in looking at the picture.[24](#)

What Constitutes “Intent To Marry”?

There are two opinions on what constitutes “intent to marry”. Most classical jurists believed intent here referred to the mere intention to marry – without the man having decided on a girl yet. In other words, a person has not yet specified a woman he is interested in proposing to but is in the process of finding a spouse. The mere intent of marriage to a woman would grant him this permission. In which case, if for example, a friend were to come and inform a man about a potential wife, he would be allowed to look at her even if he did not yet have any intention to propose to her.[25](#)


However, many contemporary jurists – as it was seen in the ruling of Sayyid Sistani as well – believe this permission is granted to only a man who is interested in a specific woman and already wishes to propose to her. Other contemporary jurists further add statements to their verdicts which indicate that the decision to propose needs to be certain.

On a final note, it is important to reiterate that the ruling is restricted to the attainment of knowledge. Once a man has acquired or has been made aware of the girl’s physical qualities, the primary ruling of looking at a woman become applicable again until after the marriage contract is recited.

1. Source: <https://www.al-islam.org/a-code-of-practice-for-muslims-in-the-west-ayat...> [2]

2. Source: <https://www.al-islam.org/a-code-of-practice-for-muslims-in-the-west-ayat...> [2]

3. I have not come across any research papers on this, it is merely an observation and should be taken with a grain of salt. Although on a similar note, Ustad Muhammad Soroush Mahallati recently shared some comments discussing mistakes we make on the issue of Hijab, which I thought were worthy of contemplation. Some of the errors he mentioned were:

1) Perceiving a certain type of covering to be mandated – while Hijab only requires women to cover up, our perceptions of this covering is that this needs to be done with either a Chador, or an  Abaya etc. in order for it to be a correct covering. This is an erroneous perception and forces us to make unwarranted negative judgments about women covering up in a different manner.

2) Deeming Hijab to be an absolute ruling for all women of all ages, even though slaves and elderly women are an exception to these rules.

3) Equating Hijab with chastity and absence of it with debauchery – even though this interpretation is invalid because Islamic law makes an exception to the rules of Hijab for certain women but does not make any exception to chastity.

4) Equating the absence of Hijab with social corruption – though Hijab is a religious obligation which has societal benefits, its absence does not necessarily result in corruption. Islamic law makes an exception to the Hijab but does not make exceptions to causing social corruption.

5) Legislating the Hijab as a general civil law for all women, including non-Muslim women, even though Islamic law makes no such demand.

6) Over-sensitivity towards the absence of Hijab as opposed to harassment of women – while obligation of Hijab and prohibition of harassment are laws that go hand-in-hand, we have come to focus more on the clothing of women, rather

than the harassment they may face due to men.

[4.](#) The academic discussion and conclusions differ when it comes to looking at a non-Muslim woman, and will not be discussed in this post. Also, the Muslim woman being presumed in our discussion is one who follows the rules of covering as prescribed by Islamic law.

[5.](#) For example, in the chapter of marriage, ruling #14 from vol. 3 of Minhaj al-ʿAliʿin, Ayatullah Sistani says it is allowed for a man to look at the face and hands of a woman without lust and fear of falling into sin, even though it is a recommended precaution to not do so.

[6.](#) Vol. 3, pg. 15, issue # 28.

[7.](#) This is a reference to sins such as masturbation, fornication and the like. As for why it is still allowed to look even if he knows it will result in lust, then that requires a separate explanation which is outside the scope of this post. Those familiar with Farsi can refer to Sayyid Shubayri Zanjani's Kitab al-Nikah, vol. 1, pg. 40 where he divides lustful intentions into 4 and only deems two of them to be haram.

[8.](#) I.e. there is a reasonable chance she will accept the proposal. If the man knows she will not accept his proposal, then it is impermissible to look at her.

[9.](#) Sayyid Sistani is mentioning this because most past jurists held the view that if a man had the mere intention of getting married, even if it was not to anyone specific, then he would be allowed to look at a woman. Sayyid Sistani is saying it is only permissible to look once a person has already gone through the process of identifying someone and they intend on sending a proposal to them specifically.

[10.](#) Volume 3, pg. 166.

[11.](#) Volume 6, pg. 186.

[12.](#) The tradition can be found here: <https://sunnah.com/abudawud/12/37> [3]

[13.](#) Volume 5, pg. 10.

[14.](#) Al-Jaʿfariyyat, of Muhammad b. Muhammad al-Ashʿath, pg. 93.

[15.](#) Usul al-Kafi, v. 5, pg. 365.

[16.](#) ʿIllal al-Sharaʿi, v. 2, pg. 500.

[17.](#) Al-Jaʿfariyyat, of Muhammad b. Muhammad al-Ashʿath, pg. 93.

[18.](#) Usul al-Kafi, v. 5, pg. 365.

[19.](#) Usul al-Kafi, v. 5, pg. 365.

[20.](#) In response to question # 9910, Imam Khomeini writes: The exception is regarding a man looking at a woman, not the other way.

[21.](#) This is an example of a classical jurist restricting this permission to just the face and the hands. In the last line of this ruling, Muhaqqiq Hilli implies that reports saying you can look at other parts of the body have also been transmitted, but he does not appear to give an explicit ruling on them.

[22.](#) Rasail ʿijabiyyeh, volume 1, pg. 272-273.

[23.](#) Source: Question #2 – <https://www.sistani.org/arabic/qa/0460/> [4]

[24.](#) Source: Question #5 – <https://www.sistani.org/arabic/qa/0460/> [4]

[25.](#) For an example of this ruling being explained in a classical work, refer to the paragraph beginning: (It is permitted to look at the face of a woman who one wishes to marry) even if he does not seek her permission, under Chapter 1 – Introduction of Kitab al-Nikah from Sharh al-Lumʿah.

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