



A Reappraisal of the Legal Ruling on Non-Lustful Gazing by Women at Non-Mahram Men in Imami Shi'i Jurisprudence

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Introduction

The legal ruling governing interactions between non-mahram men and women has long been a significant topic in Islamic jurisprudence because of its practical implications for everyday social life. Among these issues, the ruling on a woman's gaze toward a non-mahram man without lustful intention (*shahwah*) or fear of temptation (*raybah*) has received comparatively limited scholarly attention. While early Imami jurists did not discuss this issue independently, it gradually emerged in the writings of al-Muhaqqiq al-Hilli and later jurists, eventually becoming a subject of disagreement among contemporary Shi'i scholars.

Given the diversity of juridical opinions and the practical consequences of this issue in modern social interactions, a critical re-examination of the underlying legal evidence is warranted.

The primary objective of this study is to reassess the juristic

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foundations of the ruling on a woman's non-lustful gaze at a non-mahram man within Imami Shi'i jurisprudence.

The principal research question is whether such gazing is legally prohibited or permissible when it is devoid of sexual desire and intention of temptation (*raybah*).

The study hypothesizes that the evidences advanced in support of prohibition are methodologically insufficient and that, in the absence of conclusive proof, the principle of original permissibility (*asalat al-ibahah*) supports the permissibility of such gazing, except with respect to the private parts (*'awrah*).

Literature Review

The issue of a woman's gaze toward a non-mahram man received little attention in the works of early Imami jurists and did not emerge as an independent legal discussion until the period of al-Muhaqqiq al-Hilli and al-'Allamah al-Hilli. Subsequently, numerous jurists—including Ayatollah al-Khoei, Ayatollah Shubayri Zanjani, Ayatollah Sobhani, Ayatollah Safi Golpayegani, Ayatollah Sistani, Ayatollah Makarem Shirazi, and Ayatollah Sanei—addressed the issue and reached differing legal conclusions.

Existing studies have primarily focused on presenting and comparing these opinions, while relatively few have undertaken a comprehensive critical assessment of the Qur'anic, hadith, consensus-based (*ijma'*), and customary (*sirah al-mutasharri'ah*) evidences or examined the applicability of the principle of original permissibility. The originality of this study lies in its systematic re-evaluation of all major juridical arguments and its independent legal analysis based on Imami jurisprudential methodology.

Research Method



This study adopts a descriptive-analytical approach based on documentary research. Primary juridical sources, including the Qur'an, hadith collections, classical and contemporary Imami legal works, and principles of Islamic legal theory (*usul al-fiqh*), were examined. The collected evidence was then subjected to comparative and critical juridical analysis to evaluate the validity of the arguments supporting the competing legal opinions.

Findings

The findings indicate that:

1. The interpretation of Qur'an 24:31 as evidence for the absolute prohibition of a woman's gaze toward a non-mahram man is not textually persuasive.
2. The cited hadith reports suffer from significant deficiencies in both authenticity and legal implication.
3. Claims of scholarly consensus (*ijma'*) cannot be substantiated because the issue was largely absent from the works of early Imami jurists.
4. The alleged practice of the religious community (*sirah al-mutasharri'ah*) lacks demonstrable continuity with the period of the Imams and therefore cannot serve as an independent legal proof.
5. Juristic precaution (*ihtiyat*) cannot establish a legal prohibition where no valid evidence exists.
6. A general prohibition would impose unnecessary hardship (*haraj*) on ordinary social interactions, contrary to established jurisprudential principles.
7. In the absence of conclusive evidence establishing prohibition, the principle of original permissibility supports the permissibility of a woman's non-lustful gaze



toward a non-mahram man, except for the private parts ('awrah).

Conclusion

The critical evaluation of the Qur'anic verses, hadith evidence, claims of consensus, and the practice of the religious community demonstrates that none of these sources conclusively establishes the prohibition of a woman's non-lustful gaze toward a non-mahram man. Accordingly, the governing legal principle remains one of permissibility, provided that the gaze is free from sexual desire, intention of temptation, and the risk of moral corruption, and does not involve the private parts. Although lowering one's gaze represents a highly recommended ethical norm that contributes to personal virtue and social morality, it should not be regarded as a legally binding obligation in the absence of decisive textual evidence.

Keywords

Imami Shi'i Jurisprudence, Non-Lustful Gaze, Non-Mahram Man, Legal Ruling of Gazing, Intention of Temptation (Raybah), Original Presumption of Permissibility