21922 - What is the ruling on taking pictures surreptitiously and transmitting them?

the question

What is the ruling on taking pictures surreptitiously, especially pictures of women, and transmitting them via mobile phones or via the internet, and the poor women do not know about that?.

Detailed answer

Praise be to Allah.

Doing this is undoubtedly haraam, and it involves several things that are forbidden according to sharee'ah, including the following:

1 – Transgressing the limits set by Allaah. Allaah says (interpretation of the meaning):

"And whosoever transgresses the set limits of Allaah, then indeed he has wronged himself"

[al-Talaaq 65:1]

2 – Looking at 'awrahs which it is forbidden to look at. The Prophet (peace and blessings of Allaah be upon him) said: "Do not follow one glance with another, for the first is allowable but not the second." Narrated by al-Tirmidhi; classed as hasan by al-Albaani in Saheeh al-Tirmidhi.

3 – Transgressing against the sanctity of another Muslim. The Prophet (peace and blessings of Allaah be upon him) said: "Every Muslim is sacred to his fellow Muslim – his blood, his wealth and his honour."

4 – If the one who takes the picture took it for a reason and is one who is allowed to see her 'awrah, such as a female doctor or a friend, etc, then her taking and transmitting her picture is a betrayal of trust, and there are many well-known texts which condemn betrayal. The Prophet

(peace and blessings of Allaah be upon him) said: “The one who is not trustworthy is not a believer, and the one who does not keep his promises is not religiously-committed.” Narrated by Ahmad and classed as saheeh by al-Albaani in Saheeh al-Jaami’, 7179.

5 – This action causes harm and annoyance to believing women, and Allaah has issued a warning to those who harm and annoy believing men and women for no offence on their part, as He says (interpretation of the meaning):

“And those who annoy believing men and women undeservedly, they bear (on themselves) the crime of slander and plain sin”

[al-Ahzaab 33:58]

The words translated here as “undeservedly” mean: without them having committed a crime for which they deserve to be annoyed, i.e., punished. The phrase “they bear (on themselves) the crime of slander” means, for annoying them for no reason; “plain sin” refers to their aggression against them and their transgression of the sacred command of Allaah.

See Tafseer al-Sa’di, p. 1120

The crime is more serious if that involves annoying or harming a neighbour.

Muslim (64) narrated from Abu Hurayrah (may Allaah be pleased with him) that the Messenger of Allaah (peace and blessings of Allaah be upon him) said: “No one from whose harm his neighbour is not safe will enter Paradise.”

“Harm” here means wrongdoing, deceit and annoyance.

6 – This is similar to the action of the hypocrites who used to harrass the believing women. Allaah issued a stern warning to them when He said (interpretation of the meaning):

“If the hypocrites, and those in whose hearts is a disease (evil desire for illegal sex), and those who spread false news among the people in Al-Madeenah stop not, We shall certainly let you overpower them, then they will not be able to stay in it as your neighbours but a little while.

61. Accursed, they shall be seized wherever found, and killed with a (terrible) slaughter”

[al-Ahzaab 33:60-61]

“We shall certainly let you overpower them” means: We will command you to punish them and fight them, and We will give you power over them.

The verse does not mention the action that they are supposed to stop doing, rather it includes every evil action that occurred to them, such as insulting Islam and its followers, spreading false rumours about the Muslims, seeking to sow discord among them, accusing the believing women of bad and immoral actions, and other sins committed by such people.

See Tafseer al-Sa’di, p. 1121

7 – It goes against the Islamic command to seek permission before entering people’s houses. Allaah says (interpretation of the meaning):

“O you who believe! Enter not houses other than your own, until you have asked permission and greeted those in them; that is better for you, in order that you may remember.

28. And if you find no one therein, still, enter not until permission has been given. And if you are asked to go back, go back, for it is purer for you. And Allaah is All-Knower of what you do”

[al-Noor 24:27]

Imam al-Bukhaari (may Allaah have mercy on him) said:

“Chapter: Seeking permission to enter has been ordained because of the gaze”

al-Haafiz said:

i.e., it was prescribed because of that, because if a person enters without permission he may see something that the person whose house it is does not want him to see. A clear example of that appears in the report narrated by al-Bukhaari in al-Adab al-Mufrad, and by Abu Dawood and al-

Tirmidhi, and classed as hasan by the latter, from Thawbaan and attributed to the Prophet (peace and blessings of Allaah be upon him): “It is not permissible for a Muslim to look inside a house until he has asked permission; once he has done that, he has entered.” Classed as saheeh by al-Albaani in Saheeh al-Adab al-Mufrad. So once he has been given permission, then it is as if he has already entered, i.e., he comes under the same ruling as someone who is already inside the house.

Moreover al-Bukhaari (6241) and Muslim narrated that Sahl ibn Sa’d (may Allaah be pleased with him) said: “A man looked through a hole at the Prophet (peace and blessings of Allaah be upon him), and the Prophet (peace and blessings of Allaah be upon him) had a stick with which he was scratching his head. He said: “If I had known that you were watching, I would have stabbed you in the eye with it. Seeking permission has been ordained because of the gaze.”

Al-Nawawi said: “A stick [midra] with which he was scratching his head”: a midra is a piece of iron that is used to tidy the hair of the head. And it was said that it is like a comb.

“Permission has been ordained because of the gaze” – what this means is that seeking permission is prescribed and enjoined in sharee’ah, and it has been ordained lest the gaze fall upon something haraam. So it is not permissible for anyone to look through a door or anything else through which his gaze may fall upon a non-mahram women. And Allaah knows best.

Al-Bukhaari (6242) and Muslim narrated from Anas ibn Maalik that a man peeped into one of the apartments of the Prophet (peace and blessings of Allaah be upon him), and the Prophet (peace and blessings of Allaah be upon him) stood up with an arrowhead and it is as if I can see him now, trying to poke him (whilst the man was not aware).

This hadeeth indicates that it is permissible to punish the one who looks into a house without the permission of the owner by throwing something at him, even if it puts out his eye.

Muslim (2158) narrated from Abu Hurayrah that the Prophet (peace and blessings of Allaah be upon him) said: “Whoever looks into a house without the people’s permission, it is permissible for them to put out his eye.”

Al-Nawawi said:

With regard to the words of the Prophet (peace and blessings of Allaah be upon him): “Whoever looks into a house without the people’s permission, it is permissible for them to put out his eye,” the scholars said that this is to be understood as referring to a case where someone looks into a man’s house and he throws a stone at him and it puts out his eye. Is it permissible to throw something without warning him? There are two points of view among our companions, the more correct of which is that it is permissible, because of the apparent meaning of this hadeeth. And Allaah knows best.

8 – This action causes corruption in society and spreads immorality and evil. Allaah says (interpretation of the meaning):

“Verily, those who like that (the crime of) illegal sexual intercourse should be propagated among those who believe, they will have a painful torment in this world and in the Hereafter. And Allaah knows and you know not”

[al-Noor 24:19]

If this stern warning is addressed to one who likes in his heart that immorality should spread and prevail, then how about one who actually causes it to spread? Undoubtedly his punishment will be more severe and his sin will be greater.

9 – Keeping the picture is persisting in sin and transgressing the sacred limits set by Allaah, and it keeps the one who does it further away from repentance. Ibn ‘Abbaas (may Allaah be pleased with him) said: “There is no minor sin if one persists in it (i.e., it becomes a major sin).”

10 – Transmitting the picture further compounds the sin of the one who committed it, and takes him further away from the mercy and forgiveness of Allaah. The Prophet (peace and blessings of Allaah be upon him) said: “All of my ummah will be forgiven except those who commit sin openly. It is part of committing sin openly if a man does something at night and Allaah conceals him, but in the morning he says, ‘O So and so, I did such and such last night.’ His Lord had concealed him

all night long, but in the morning he disclosed what Allaah had concealed.” Agreed upon.

We ask Allaah to set the affairs of the Muslims straight.