290202 - Refutation of those who say that a woman’s `awrah before her mahrams is the area between the navel and the knee

the question

What is the evidence relied on by those who say that a woman’s `awrah before her mahrams is the area from above the navel to below the knee?

Detailed answer

Praise be to Allah.

This is the view of some of the Shafa`is, in which they differed from the majority of scholars by saying that it is permissible for a man to look at what is above the navel and below the knee of his mahrams if there is no fear of temptation and his desire is not provoked.

They based their view on a religious text and a rational argument.

The text is:

The verse: { … and not show their adornments except to their husbands, their fathers, their husbands’ fathers, their sons, their husbands’ sons, their brothers, their brothers’ sons, their sisters’ sons, their [fellow Muslim] women, slaves whom they own, male retainers who are free of physical desire…} [An-Nur 24:31].

They said: The word az-zinah (adornments) mentioned in the verse is to be understood as referring to the area between the navel and the knee.

The rational argument is:

They said: That is because it is not permissible for him to marry her [his mahram] under any circumstances, so it is permissible for him to look at that [anything other than the area between

the navel and the knee], as in the case of a man looking at another man.

Al-`Imrani ash-Shafa`i said:

It is permissible for a man to look at a woman who is his mahram, and it is permissible for her to look at him, even if there is no necessary reason, because Allah, may He be exalted, says: { and not show their adornments except to their husbands, their fathers, their husbands' fathers }. Regarding the parts of her that it is permissible for him to look at there are two views, both of which were narrated by al-Mas`udi:

The first view:

This is the view of the Baghdadis among our companions: that it is permissible for him to look at all of her body, except for the area between the navel and the knee, because it is not permissible for him to marry her [his mahram] under any circumstances, so it is permissible for him to look at that [anything other than the area between the navel and the knee], as in the case of a man looking at another man.

The second view:

This is the view favoured by al-Qaffal: That it is permissible for him to look at whatever appears of her when she is doing housework, because there is no need for him to look at anything more than that.(*Al-Bayan*, 9/129).

Al-Khatib ash-Sharbini said:

He should not look at the area between the navel and the knee of his mahram; that is, it is prohibited for him to look at that, according to scholarly consensus.

And it is permissible for him to look – without desire – at anything other than what is mentioned above. That is everything apart from the area between the navel and the knee, because the fact that she is a mahram means that it is prohibited to marry her, so they are like two men or two women, therefore it is permissible to look at the navel and the knee, because they are not `awrah

for a mahram.

And it was said: Rather it is permissible to look at what appears of her when she is doing housework only, because in other situations there is no need to look at anything than that. What is meant by that which appears when she is doing housework is the face, the head, the neck, the arm up to the elbow, and the leg up to the knee.(*Mughni al-Muhtaj*, 4/210).

Secondly:

With regard to quoting the verse as evidence, the response to that is that this verse states that it is permissible to show what usually appears and is difficult to guard against, because one mixes with them a great deal. So it is not valid to quote this verse as evidence for more than that, such as showing the stomach, back and so on.

The verse forbids showing hidden adornments except to mahrams. What is meant by adornments is the places where adornments are worn, not the adornment itself. So women should not show their necks, heads, arms or limbs, and they should not allow anyone to see that except their mahrams.

The one who reflects on the context of the verse and what it enjoins will realize that the concession was only granted to relieve hardship regarding what usually appears of a woman in her house.

Ibn `Atiyyah said: What this verse means is that women should make sure that they conceal hidden adornment, such as the anklets, earrings and so on, and not be careless about that, and they should not allow anyone to see that except those mentioned in the verse.(A*l-Muharrar al-Wajiz)*.

Ibn `Ashur said:

Because it is often very difficult to conceal hidden adornment, and because a woman mixes frequently with her family members and in-laws, if she were obliged to conceal her adornments all the time it would be too difficult for her, a concession is granted in this situation.

Ibn Qudamah said: It is permissible for a man to look at what usually appears of his mahrams, such as the neck, head, hands, feet and so on. But he does not have the right to look at what is usually covered, such as the chest, back and the like.

Al-Athram said: I asked Abu `Abdillah about a man who looks at the hair of his father's wife or his son's wife. He said that is mentioned in the Qur'an: {and not show their adornments}, except to certain people.

I said: What if he looks at his father's wife's shin or chest?

He said: No; I do not like that.

Then he said: I disapprove of him looking at such parts of his mother or sister, or looking at anything with desire.(*Al-Mughni*, 7/98).

See also the answer to question no. 82994.

As for drawing an analogy between that and a man looking at another man, on the grounds that in both scenarios no marriage is allowed, that is drawing an analogy despite the great difference between the two scenarios in terms of fear of temptation and falling into sin. Moreover, in the case of men, these parts of the body may be uncovered in many situations, but the direct opposite applies in the case of women.

Ibn Qudamah said, explaining the reason for the prohibition on looking at that which does not ordinarily appear of mahrams:

It is not permissible to look at that which does not ordinarily appear, because there is no need to look at it, and there is no guarantee that desire would not be provoked and what is prohibited would not happen. Therefore it is prohibited to look at it.(*Al-Mughni*, 7/98).

If it were to be said that it is permissible to look at what is above the navel, by analogy with what one man may look at of another man, the grounds that in both scenarios no marriage is allowed, that would imply that it is permissible for a man to look at anything of his mahram other than the

private parts, according to those who say that the thigh is not `awrah, and it is quite obvious that this view is invalid and that it could lead to much evil and corruption.

It is well known to people of sound human nature that a man’s uncovering his chest and stomach is not like a woman’s uncovering the same parts.

And Allah knows best.