

Series of Questions Addressed to the Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqhi)

Answer to Question:

Detailed Rulings on Women Travelling

To: Ghazi Jdira - Amine Dbibi - Mosab Al-Natsha – Mohammed Ahmed – Hamza Miftah –
Dr. Nisreen – Sister Ghamzah – Abdul Moumin Al-Zaila'i

(Translated)

Questions:

First:

(1) Ghazi Jdira

Assalamu Alaikum My Sheikh,

My Sheikh, many women travel to distant places to work or study without a Mahram (unmarriageable kin), either from one country to another or from one city to another, and spend a long time, sometimes up to a year, although the Prophet (saw) said: «لا يحل لامرأة تؤمن بالله واليوم الآخر أن تسافر مسيرة يوم وليلة دون محرم لها» **“It is not permissible for a woman who believes in Allah and the Last Day to travel for a day and night’s journey without her Mahram.”**

Can you please explain to us this question in detail, and what is Allah’s order in this matter?

Allah bless you, Wa Assalamu Alaikum wa Rahmatullah.

(2) Amine Dbibi

Our dear Ameer, the leader of the path to the Khilafah,

Assalamu Alaikum wa Rahmatullah,

Is it permissible for a group of women to travel without a Mahram?

(3) Mosab Al-Natsha

Assalamu Alaikum wa Rahmatullah: My virtuous Shaykh May Allah honor you, I have some questions regarding women travelling, please clarify. May Allah reward you all the best, help you, and grant you success.

The question: it states in the book, *The Social System in Islam*, under the title “Regulating the Relations between Man and Woman”: “It forbade the woman from travelling from one place to another for over one day and one night without a Mahram (unmarriageable man). The Messenger (saw) said: «لا يحل لامرأة تؤمن بالله واليوم الآخر أن تسافر مسيرة يوم وليلة إلا ومعها ذو محرم لها» **“It is not permitted for a woman who believes in Allah and the Day of Judgement to travel for a day and night’s journey except with her Mahram”** (Narrated by Muslim). Ibn Abbas reported that he heard the Prophet (saw) give a speech in which he (saw) said: «لا يخلون رجلٌ بامرأة إلا ومعها محرم ولا تسافر إلا مع ذي محرم» فقال: يا رسول الله: إن امرأتي خرجت حاجة، وإني اكتنبت في غزوة كذا وكذا، قال: «انطلق فحج مع امرأتك» **“No man should be in seclusion (Khulwahy) with a woman except with her Mahram. Also, no woman is to travel but with her Mahram.”** Upon hearing this, a man stood up and said: “Oh Messenger of Allah, my wife is out to perform Hajj and I have been conscripted in such and such battle”. The Messenger (saw) said: **“Go and perform Hajj with your wife.”** (Narrated by Muslim).”

Can it be understood from the first hadith that only the distance should not exceed one day and one night, such as a woman traveling from Amman to Istanbul three hours by plane

and staying in Istanbul for a week for shopping or recreation, or is it understood that the duration of the journey and the staying should not exceed one day and one night without a Mahram? And if a woman traveled to study in a country, would she become a resident of that country or should she have a Mahram?

As for the second hadith, the Messenger of Allah ordered the man to perform Hajj with his wife. Is this order specific for Hajj or is it for traveling in general? Is it understood from the words of the Prophet (saw) «انطلق فحج مع امرأتك» “**Go and perform Hajj with your wife.**” that a woman should not go for Hajj except with a Mahram?... Assalamu Alaikum wa Rahmatullah.

(4) Mohammed Ahmed

Assalamu Alaikum wa Rahmatullah, I want to ask you about the subject of traveling for women. Is it permissible for a group of women to travel without a male Mahram? If a woman travels with a male Mahram, and after completing the travel distance, is it this permissible that the woman goes alone to another town? Allah bless you.

Second: A question in a private message by Brother Hamza Miftah: You can find out the answer to your question from the general answers on Facebook about women travelling.

Third: The brothers and sisters who sent their questions about women travelling through their regions: (Dr. Nazreen, Sister Gamze, Abdel Moumin Al-Zaila'i) You can find the answer to your questions from the general answers on Facebook about women travelling.

Answer:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

Your questions are similar and related, and can be summarized as follows:

1. Is it permissible for a woman to travel for one day and one night or more without a Mahram (unmarriageable kin)?

2. Is it possible to estimate the distance of travelling for one day and one night, say, the rate of travelling a day and a night on a camel, for example, and not by walking or travelling by plane ... So, we estimated it to be 50 kilometers, for example, and then we make the condition for the obligation of having the Mahram in the distance and not in the time (one day and one night); is this permissible?

3. Is it permissible for a Mahram to return to his country of origin after reaching the intended destination and leave the woman alone there to carry out what she needs to do? Or should he stay with her until she completes her tasks/needs?

4. Does the subject of time as day and night apply to a woman travelling for hajj, meaning that if her journey is less than a day and a night, then can she go to Hajj without a Mahram? Or that Hajj has a special ruling, so regardless of the distance and time, she must be accompanied by the Mahram in Hajj?

To answer these questions we say, and Allah is the grantor of success:

First: Woman travelling if it takes a day and night, then she must be with her Mahram (unmarriageable man), and the legal evidence is extensive in this sense, such as:

- Al-Bukhari narrated that Abu Hurayrah (may Allah be pleased with him) said: The Prophet (saw) said: «لَا يَحِلُّ لِمَرْأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ تُسَافِرَ مَسِيرَةَ يَوْمٍ وَلَيْلَةٍ لَيْسَ مَعَهَا حُرْمَةٌ» “**It is not permitted for a woman who believes in Allah and the Day of Judgement to travel for a day and night’s journey without a Hurma**” that is, a Mahram (unmarriageable kin). In a narration from Abu Sa'eed al-Khudri, "two days", and in the narration of Ibn Omar "three days onwards."

- Muslim reported on the authority Abu Hurayrah, that the Messenger of Allah (saw) said: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ، تُسَافِرُ مَسِيرَةَ يَوْمٍ وَلَيْلَةٍ إِلَّا مَعَ ذِي مَحْرَمٍ عَلَيْهَا» **“It is not permitted for a woman who believes in Allah and the Day of Judgement to travel for a day and night’s journey except with her Mahram”**. In a narration from Abu Sa'eed al-Khudri, "two days journey", in another narration by him, "three days onwards."

-Al-Tirmidhi reported, and he said this is a Hasan Saheeh hadith, on the authority of Sa'eed ibn Abi Sa'eed, from his father, from Abu Hurayrah, who said: The Messenger of Allah (saw) said: «لَا تُسَافِرُ امْرَأَةٌ مَسِيرَةَ يَوْمٍ وَلَيْلَةٍ إِلَّا وَمَعَهَا ذُو مَحْرَمٍ» **“No woman is to travel for a day and night’s journey except with a Mahram.”**

- And Ibn Habban reported in his Saheeh on the authority of Said bin Abi Said Al-Maqburi, from Abu Hurayrah, that the Messenger of Allah (saw) said: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ تُسَافِرَ مَسِيرَةَ يَوْمٍ وَلَيْلَةٍ إِلَّا مَعَ ذِي مَحْرَمٍ مِنْهَا» **“It is not permitted for a woman who believes in Allah and the Day of Judgement to travel for a day and night’s journey except with her Mahram”**. In a narration from Abu Sa'eed from the Prophet (saw) "for two days".

- Ahmed reported that Wakee' told us, that Ibn Abi Dhi'b told us, from Saeed bin Abi Saeed, from his father, from Abu Hurayrah, who said: The Messenger of Allah (saw) said: «لَا تُسَافِرُ امْرَأَةٌ مَسِيرَةَ يَوْمٍ تَامٍ، إِلَّا مَعَ ذِي مَحْرَمٍ...» **“A woman should not travel for a full day’s journey except with a Dhu-Mahram”** In a narration by Abu Sa'eed al-Khudri "two days journey."

Abu Dawood reported: Qutaiba ibn Said al-Thaqafi told us, Al-Layth ibn Sa'd told us from Sa'eed ibn Abi Sa'eed from his father that Abu Hurayrah said: The Messenger of Allah (saw) said: «لَا يَحِلُّ لِامْرَأَةٍ مُسْلِمَةٍ تُسَافِرُ مَسِيرَةَ لَيْلَةٍ، إِلَّا وَمَعَهَا رَجُلٌ ذُو حُرْمَةٍ مِنْهَا» **“It is not permitted for a Muslim woman to travel for a night’s journey except with a man who is her Mahram”**.

Accordingly, the following is indicated:

1- **The restriction of travel is in time as indicated in the authentic texts.** if the journey is for the period mentioned, i.e. a whole day (24 hours), a day and night. This means that the texts consider the time "day and night" and not the distance. So, if a woman travels by plane without a Mahram for a thousand kilometers, travelling and returning in less than a whole day, then this is permitted. However, if she travels twenty kilometers by walking which will take her more than a day and night then this is not permitted without a Mahram being with her.

- So, a woman travelling without Mahram is considered according to the time taken for the journey, a day and night, no matter what the distance is, if the woman’s journey was less than a whole day, i.e. she travelled and returned within the time, then she is permitted to travel without a Mahram.

2- As for what came in the narrations of al-Bukhari, Muslim, al-Tirmidhi, Ahmad and Ibn Hibban regarding the time (three days or three nights, two days, one day and one night, and one night), if we combine these evidences the Shar'i ruling becomes that she should not travel for the lesser journey except with a Mahram, i.e. not travelling for over a night, because not travelling for over one "night" achieves not travelling for two days, three days etc... Also, linguistically Arabs apply the word night “Al-Laylah” to the whole day, i.e. the day and night, the Almighty said in Surat Maryam: «قَالَ آيَتِكَ إِلَّا تُكَلِّمَ النَّاسَ ثَلَاثَ لَيَالٍ سَوِيًّا» **“He said, “Your sign is that you will not speak to the people for three nights, [being] sound.”**” [Maryam: 10]. And in Surat Al-i-Imran: «قَالَ آيَتِكَ إِلَّا تُكَلِّمَ النَّاسَ ثَلَاثَةَ أَيَّامٍ إِلَّا رَمْرًا» **“He Said, “Your sign is that you will not [be able to] speak to the people for three days except by gesture.”** [Al-i-Imran: 41]. It is clear from the verses that the word "nights" means “days”. And the Arabs say, "I wrote it for you after such nights have passed on such month." i.e. after such days. This means that Arabs apply the word night on the whole day.

It is therefore forbidden for a woman to travel for over one day and one night, except with a husband or a Mahram, and this is what we have taken and adopted in the social system.

Second: The evidence related to the distance:

There is a narration by Abu Dawood restricting travelling by distance, estimated by "Barid", and one Barid is equal to four Farasikh, i.e. (about 22 km) and it did not restrict it by time (day and night), **this narration is unlikely for the following reasons:**

1. It restricts the limits of traveling to distance. This means that time is not considered. A woman requires a Mahram if she travels 22 km whether she crosses them in one day or in two days. The other hadiths restrict travelling by time, one day and one night, regardless of whether she travels during this period one hundred kilometers or hundreds of kilometers. That is, applying the hadith on distance eliminates the factor of time, and applying the hadith on time eliminates the factor of distance. So, here is a contradiction, and when there is a contradiction we have to outweigh. It is clear that the hadiths of al-Bukhari, Muslim and the rest of the Sahih **all outweigh the single narration by Abu Dawood which mentions Barid, this is on the one hand.**

2. On the other hand, the narration of Abu Dawood that restricts the limits of travelling to Barid is confusing, as shown below:

Yusuf bin Musa told us, from Jurair from Suhail from Sa'eed bin Abi Sa'eed, from Abu Hurayrah who said: The Messenger of Allah (saw) said: «لا يحل لامرأة تؤمن بالله واليوم الآخر أن تسافر إلا معها ذو محرم» **"It is not permitted for a woman who believes in Allah and the Day of Judgement to travel a distance of one Barida except with a Mahram."**

Abu Dawood himself narrates from Sa'eed ibn Abi Sa'eed from Abu Hurayrah four hadiths in which he says one day and one night. As well, Abu Dawood himself narrated from Sa'eed ibn Abi Sa'eed from his father on the authority of Abu Hurayrah, two hadiths, in the first one he said 'one night' and in the second he says 'a day and night':

- The hadith of Abu Dawood, which we mentioned earlier: Abu Dawood reported: Qutaiba ibn Said al-Thaqafi told us, Al-Layth ibn Sa'd told us from Sa'eed ibn Abi Sa'eed from his father that Abu Hurayrah said: The Messenger of Allah (saw) said: «لا يحل لامرأة مسلمة تسافر مسيرة ليلة، إلا ومعها رجل ذو حرمة منها» **"It is not permitted for a Muslim woman to travel for a night's journey except with a man who is her Mahram."**

- Abdullah ibn Maslama and al-Nufaili, from Malik, told us, and ibn al-Hasan bin Ali told us, Bishr ibn Umar told us, Malik told me, from Sa'eed bin ibn Abi Sa'eed, that al-Hasan said in a hadith from his father, then they agreed upon Abu Hurayrah, that he said that the Messenger (saw) said: «لا يحل لامرأة، تؤمن بالله واليوم الآخر أن تسافر يوماً وليلاً» **"It is not permitted for a woman who believes in Allah and the Day of Last to travel for a day and night"**.

Then he mentioned its meaning. Abu Dawood said: he did not mention al-Qa'nabi, and al-Nufaili from his father, narrated by ibn Wahb and Othman ibn Omar from Malik as al-Qa'nabi said.

- Yusuf ibn Musa, from Jurair, from Salih, from Sa'eed ibn Abi Sa'eed, from Abu Hurayrah said: Rasul Allah (saw) said: he mentioned the same but he said "one Barida"

Thus, in all the narrations transmitted by Abu Dawood through the route of Sa'eed ibn Abi Sa'eed (sometimes from his father and others directly) from Abu Hurayrah he mentions the restriction of time (one day and night). Ahmad transmitted the hadith through the same route from Sa'eed ibn Abi Sa'eed from his father on the authority of Abu Hurayrah, and mentioned: "A whole day." And one narration for Abu Dawood from the same route from Sa'eed ibn Abi Sa'eed from Abu Hurayrah it says "one Barida".

These hadiths suggest that Abu Hurayrah told Sa'eed bin Abi Sa'eed (or his father), he told him day and night, and did not tell him Barida.

Therefore, the opinion which is outweighed is what we mentioned in the book of *The Social System* (one day and night), ie, "It is not permitted for a woman who believes in Allah and the Day of Judgement to travel for a day and night's journey except with her Mahram".

3. This is what we say but with the following remarks:

- We say the most correct and do not say our opinion is the definite one, this is the first...

- The second remark is that we say is that it is permissible for a woman to travel less than one day and one night without a Mahram, and we do not say that it is obligatory. **So, if a woman does not want to travel for half a day except with a Mahram she has that right, but it is important that she does not travel a day and night except with her Mahram.**

- The third is that the requirement in the hadiths that a woman should be accompanied by a Mahram during her journey indicates that it is necessary to protect and preserve women and that they should feel secure. Therefore, it is not permissible for a woman to travel if she does not feel secure except with a Mahram, so she must not travel without a Mahram even if the journey takes an hour, for her security is another condition...

- The fourth is that, she is not allowed to travel unless the husband or her guardian has authorized her, whatever the period, even if she is accompanied by a Mahram due to the Shar'i evidences regarding this.

Thirdly: The above is the answer to the issue of Mahram for women during travelling, but when a woman arrives to the country she is traveling to, which she does not take it as a permanent residence for her, but rather she travels to it for a purpose she wants to achieve, such as traveling for business, or for a course of study, or for visiting or treatment, in this case should the Mahram remain with her until she returns to her country of origin or is it permissible for her to do these things alone without the company of her Mahram...?

To answer this, we say and Allah is the arbiter to Success,

After careful consideration and reflection on this issue, we see the following:

1- **The texts of the hadiths that we have reviewed above based the obligation of having a Mahram on the word journey "Maseera" and travel "Safar".** The word "Maseerah" is clear that it is during the journey before reaching the destination. Similarly, in the Arabic language the word "Safar" means on the way before reaching the destination:

- It came in Lisan al Arab (4/367) by the author Mohammed bin Makram, Jamal al-Din Ibn Manzoor al-Ansari (d. 711 AH):

"And as-Safar: antonym of al-Hadhar, which is derived from it because it involves going and coming as the wind goes with the leave and comes, and the plural of Safar is Asfar ... as-Safar, and al-Musafiroon (travelers) are of the same meaning... According to a hadith: The Prophet (saw) said to the people of Mecca in the year of conquest: O people of the country pray four (Raka'at), for I am a traveler (Safran)." End. For further information, at-Tabarani related in al-Kabeer this hadith in two narrations:

The first one is: from Imran ibn Hussain who said: **«مَا سَافَرَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَّا صَلَّى رَكَعَتَيْنِ حَتَّى يَرْجِعَ، وَأَقَامَ بِمَكَّةَ اثْنَيْ عَشَرَ يَوْمًا، كَانَ يُصَلِّي رَكَعَتَيْنِ ثُمَّ يَقُولُ: «يَا أَهْلَ مَكَّةَ قَوْمُوا فَصَلُّوا رَكَعَتَيْنِ فَإِنَّا سَافِرٌ»** "Rasul Allah (saw) never travelled except praying two Rak'aat until he comes back. And he stayed in Mecca for twelve days, praying two Rak'aat and says: "O people of the country pray four (Raka'at), for **I am a traveler**".

The second narration is: Imran ibn Hussain said: غَزَوْتُ مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَكَانَ لَا يُصَلِّي إِلَّا رَكَعَتَيْنِ حَتَّى رَجَعَ إِلَى الْمَدِينَةِ، وَحَجَّجْتُ مَعَهُ فَكَانَ لَا يُصَلِّي إِلَّا رَكَعَتَيْنِ حَتَّى رَجَعَ فَأَقَامَ بِمَكَّةَ ثَمَانِ عَشْرَةَ لَيْلَةً يُصَلِّي «أَتَمُّوا الصَّلَاةَ يَا أَهْلَ مَكَّةَ فَإِنَّا سَفَرٌ» I was in the company of the Prophet (ﷺ) in one of his Ghazawat and he was only praying two Rak'aat until he came back to Madinah. And I was in his company in Hajj and he was only praying two Rak'aat until he came back and stayed in Mecca for twelve days, praying two Rak'aat and says: "O people of the country pray four (Raka'at), for I am a traveler". (Al Mu'ajam Al-Kabeer by al-Tabarani)

- In al Qaamuus al Muheet (p. 408) by its author: Majd al-Din Abu Taher al-Fairuzabadi (d. 817 AH):

- A man Safrun, and a people Safrun, Safiratun, Asfaarun and Suffarun: people of travel, antonym of Al-Hadhar.

And Al-Safarah: Al-Katabatu (writers), plural of Safir, and the angels who enumerate the actions, and without the (ah) i.e Safar: crossing a distance.

- It came in As-Sihah Taj Al-Lughah Wa Sihah Al'arabiah (2/685), written by Abu Nasr Ismail al-Jawhari al-Farabi (d. 393 AH)

[Safar] Al-Safaru: crossing a distance, the plural is Al-Asfaru.

- Mukhtar As-Sihah (p. 148) by the author: Zain al-Din Muhammad ibn Abu Bakr Ar-Razi (d. 666 AH): (Al-Safaru): crossing a distance, the plural is (Asfarun).

Therefore, Mahram according to the hadiths is needed during travel, "crossing a distance", i.e. on the way as described above. And travel will not include the place where the journey ends unless there is a specific text to indicate that. There is a text on shortening the prayer and the permission of breaking fast (iftar) in Ramadan after the traveler reaches his destination, provided that he does not take the place as his permanent residence. There is a disagreement between the fuqaha over the determination of the period during which shortening the prayer and iftar in Ramadan are permitted after the traveler arrives at the intended destination... For example, some of them said that he may shorten the prayer and break the fast for four days, and some of them have said 15 days, while others said until one achieves the purpose for which he has traveled, but this, as we have said, is specific in shortening the prayer and iftar in Ramadan for the specific evidences in these two issues which are known in the books of Fiqh, otherwise travel applies to traverse the way as we have mentioned above.

Fourth: reaching the destination:

1. This is another matter that has rules other than those related to traveling along the road. These rules are related to the road. If the road ends and the destination is reached, it becomes a new matter, its rules are other than the rules of the road, whether the traveling is a long travel in need of a Mahram or a short travel which does not require a Mahram as we will explain below. Reaching one's destination has different rules from traveling on the way. If a woman arrives at the intended place and needs to sleep for a day or two ... She needs a secured housing, which preserves her private and public life, her legal dress and her movements until she finishes her purpose no matter how long or short her travel is... Therefore, the subject matter of the rules during the way is different from the rules when arriving the intended destination without taking it an original place of her residence (home), but rather temporary attending the place to serve her purposes such as for treatment, studying a course, or buying commercial items, etc.

2. Accordingly, the rules upon the arrival to the intended place are different from those in the course of travel on the road, this issue, i.e. arriving one's destination without considering it an original residence, this issue depends on the place being secure for the women to reside in, that is the security is guaranteed inside her home,

and in her movement outside her home, and this is required by the reality of woman and the safety of her life. Article 112 of The Draft Constitution states: "The primary role of a woman is that of a mother and wife. She is an honor ('ird) that must be protected." As it is clear from the explanation of the article, woman needs permission from her parents or husband to go out ... She has private life with special rules which forbade her from living with foreign men, but with her husband or with her Mahram men ... In public life, she is forbidden to be in seclusion (Khulwah) or to mix with men except for a need that is recognized by Shariah... And she has a specific Shari' dress, "the Jilbab, covering the Awrah, and prohibition of Tabarruj."

3. All this requires the security and safety for women in order to achieve her reality of being an honour ('ird) that must be protected, by ensuring the security and safety, and this needs the analysis of the underlying reality (Tahqiq al-Manat)... In examining this issue, the opinion that I outweigh is as follows:

a. If the destination is reached after traveling for one day and one night and above, i.e. with the Mahram, and the woman wanted to stay in the place for a day, two or three ... etc. to complete her work, does the Mahram remain with her or not?

The answer:

- In the beginning we say that if a woman is unable to manage herself, such as if she is traveling for treatment, or if she is young, **then the Maharam has to stay with her during her travel and during her stay in her destination until she achieves the purpose for which she traveled.**

But if she is matured and sane and can manage herself, the answer to this is explained as following:

- **If her destination is a Dar al-Islam, which is within the boundaries of the Khilafah (Caliphate) State,** whether it is in her governorship (Wilayah) or not, then the security and safety is realized by Allah's permission. Therefore, if she arrives at her destination after her travel, her Muharram should provide her secured residence with her Maharim (plural of Mahram) if any. If not and if she has acquaintances who are good trustworthy women who the Maharam is reassured by their righteousness, then he can provide her with a secured place to live with one or two of these women, that is, not to be in a house alone. But if she has no Mahram or acquaintances of good, trustworthy women, then the Mahram can use the institutions of the Khilafah State, which are responsible for taking care of the affairs of travelers within the state's provinces to provide secured accommodation. If the state institutions provide her a safe place that assures the woman's Mahram, the woman may spend the required period to complete her work. And whether the Mahram who accompanied her in traveling stayed with her or he returned, this is allowed as long as her secured living is achieved in Dar al-Islam, and communication with her is available in Dar al-Islam whenever necessary ... **and when she wants to return, her Mahram comes back to her and returns with her as long as the travel is for a day and night and above ...**

If she does not have Maharim or acquaintances of good, trustworthy women, or the Mahram is not reassured that the state institutions would provide a secured residence, then, either the Mahram remains with her, or they both return.

* - If her destination is in the Islamic countries other than Dar al Islam, these are divided into two parts:

The first: if traveling is in areas within her country, but it is a wide country, for which the hadiths of women traveling for one day and one night or more apply. If she reaches her destination, the Mahram should provide her secured residence with her Maharim if any. If not and if she has acquaintances who are good and trustworthy women who the Maharam is reassured by their righteousness, then he can provide her with a secured place to live with one or two of these women, that is not her being in a house alone. She stays there until she

finishes her purpose. He has to communicate with her by telephone or by means of social media at least once a week, and if it turns out that she needs him, he should travel to her. **And when she wants to return, her Mahram must go back to her and travels with her back to his country as long as the travel is for one day and night or more ...**

If she does not have Maharim or acquaintances of good and trustworthy women, then, either the Mahram remains with her until she finishes her purpose, or they return together.

Second: If traveling is from one Islamic country to another Islamic country and each of them in a state, and her travel between the two countries is a day and night or more ... In this case, if the woman arrived in the region she is traveling to, it is permissible for the Mahram to return to his region, and not remain in her company, on the condition that:

- The Mahram provides her with a residence in which she resides in safety and security, such as with her Maharim or with her acquaintances of good, trustworthy women, that is not in a house alone ... The Mahram should remain with her for a week after securing her residence to reassure about the safety of her movement from the residence to her intention on work days and during the official weekend break. Since this break is repeated every week, so I do not think his staying with her should be less than a week to be reassured ... He should communicate with her by telephone or by means of social media every day, if it turns out that she needs him, he should travel to her immediately to be reassured ... **And when she wants to return, her Mahram must return to her and travel with her back to his country as long as her travel lasts a day and night or more ...**

If she does not have Maharim or acquaintances of good and trustworthy women, then, either the Mahram remains with her until she finds acquaintances of good trustworthy women, and then he provides her secured residence with these acquaintances and he stays there for a week, otherwise they both return...

- **If her destination is in non-Islamic countries, it is considered:**

- If she has men Maharim living there who she can live with them or near them (adjacent to them) so the Mahram traveling with her is reassured that she will be safe there in her private life and the public. Or if she has women Maharim living there, like her mother, sister or aunt and she lives with them, and not enough housing near them. In such cases, the Mahram traveling with her may return after reassurance of her security and safety, on the condition that the guardian or the husband consents, and provided that personal contact or correspondence is available with her whenever necessary ... **Then when she wants to return, her Mahram returns back to her to accompany her travel back as long as it is for one day and one night or more.**

- **If the foregoing is not available, the Mahram must continue with her until she returns to her country of origin because the requirements of safety and security required by the life of women as an honour ('ird) that must be protected, these requirements are not achieved in non-Muslim countries, unless when she is with her Maharim, as mentioned.**

B- If her destination is reached after a short travel and does not require a Mahram to travel and she wanted to stay in the intended place a day, two or three ... etc. What is her duty in this case? Does she need a Mahram?

The answer is as follows:

* - **If her destination is Dar Al Islam**, whether it is in her Wilayah or not, it is permissible for her to travel without a Mahram because the time of travel is less than one day and one night. If she does not return on the same day and wants to stay for a day, two or three ... then it is permissible for her to remain with her Maharim or with acquaintances of believing women who are righteous and trustworthy and not in a house alone, provided that she

obtains prior consent from her guardian or husband in safety to reside with those acquaintances with reassurance.

- But if she does not have Maharim or acquaintances of righteous and trustworthy women who, who her guardian or husband agrees for her to live with them, she must return on the day or travel with a Mahram who will guarantee her housing, as we mentioned in the case of traveling with Mahram.

* - If her destination is located in the Islamic country in which she lives, but it is not Dar Al Islam, and the time of travel is less than one day and night, it is permissible for her to travel without a Mahram. If she does not return on the same day and wants to stay for a day, two or three ... then it is permissible for her to remain with her Maharim or with acquaintances of believing women who are trustworthy and righteous and not in a house alone, provided that she obtains prior consent from her guardian or husband in safety to reside with those acquaintances with reassurance.

- But if she does not have Maharim or acquaintances of righteous and trustworthy women, who her guardian or husband agrees for her to live with them, she must return on the day or travel with a Mahram who will guarantee her housing, as we mentioned in the case of traveling with Mahram.

* - If her destination is located in an Islamic country other than the one in which she lives, but it is not Dar Al Islam, and the time of travel is less than one day and night, it is permissible for her to travel without a Mahram. However, because travelling from one country to another involves border procedures, she must be accompanied by a company of women, i.e. not less than one woman, who is trustworthy, provided that her purpose for traveling is the same as that for which the other woman travels, in other words the purpose of the accompanying company and the purpose of the traveling woman is the same ... If she wants to stay there for a day or two, she may be subject to the following conditions:

They both should have Maharim there where each of them resides with her own Maharim. If they do not have Maharim, they must have acquaintances of believing women who are trustworthy and righteous, and both their guardians or husbands agree for the two women to live with them as shown in the above conditions.

If these conditions are not met, ie, if they both do not have Maharim or acquaintances of righteous and trustworthy women, who both their guardians or husbands agree for the two women to live with them, she must return on the same day.

* - **If her destination is in a non-Islamic country, i.e. in the country of the Kuffar**, in this case, the woman should travel with her husband, or her guardian or her Mahram, and the matter shall be as stated in the case of long travel that needs a Mahram.

Fifthly: As for the evidences that we have relied upon to achieve security and safety for women after they reach the desired place, whether it is after a long journey that requires a Mahram or after a short journey that does not require a Mahram, these are the evidences that we have already mentioned on the arrival to the destination:

[Accordingly, the rules upon the arrival to the intended place are different from those in the course of travel on the road, this issue, ie arriving one's destination without considering it an original residence, this issue depends on the place being secure for the women to reside in, that is the security is guaranteed inside her home, and in her movement outside her home, and this is required by the reality of woman and the safety of her life. Article 112 of The Draft Constitution states: "The primary role of a woman is that of a mother and wife. She is an honor ('ird) that must be protected." As it is clear from the explanation of the article, woman needs permission from her parents or husband to go out ... She has private life with special rules which forbade her from living with foreign men, but with her husband or with her Mahram men ... In public life, she is forbidden to be in seclusion (Khulwah) or to mix with

men except for a need that is recognized by Shariah... And she has a specific Shari' dress, "the Jilbab, covering the Awrah, and prohibition of Tabarruj."

All this requires the security and safety for women in order to achieve her reality of being an honour ('ird) that must be protected, by ensuring the security and safety, and this needs the analysis of the underlying reality (Tahqiq al-Manat)... And the opinion that I outweigh in this matter is what I mentioned above with all the conditions ... and Allah is the Most Wise and Most Knowledgeable.

Sixth: As for Hajj, the most correct view is the obligation of Mahram in Hajj, for the following evidence:

- Al-Bukhari related in his Sahih on the authority of Ibn Abbas (ra) who said: The Prophet (saw) said: «لَا تُسَافِرُ الْمَرْأَةُ إِلَّا مَعَ ذِي مَحْرَمٍ، وَلَا يَدْخُلُ عَلَيْهَا رَجُلٌ إِلَّا وَمَعَهَا مَحْرَمٌ» **“A woman should not travel except with a Dhu-Mahram (unmarriageable kin), and no man may visit her except in the presence of a Mahram.”**

So, a man stood up and said, "O Allah's Apostle! I intend to go to such and such and arm (for Jihad) and my wife wants to perform Hajj." The Prophet (saw) said (to him): «اُخْرَجْ مَعَهَا» **“Go along with her (to Hajj)”**.

- Ibn Hajar said in the explanation of the hadith in the book *Fath al-Bari*: **(and Darqatni related it and Abu Awana Hadith al-Bab corrected it through Ibn Hajar through Amru bin Dinar with the phrase: «لَا تَحْجُّنَّ امْرَأَةً إِلَّا وَمَعَهَا ذُو مَحْرَمٍ» “A woman does not go to Hajj except with Dhu-Mahram.”)**

These two hadiths mention Hajj in particular, and do not restrict it to traveling or to a specific period of travel. Any woman who travels for Hajj must have a Mahram to accompany her in her journey and Hajj, regardless of the length of travel. Also, traveling to Hajj as well as moving around between rituals, require the performance of acts which are not easy. So, it is essential that the woman turns to another person to help in her movements and other needs.

There are scholars, such as Shafi'i and Imam Malik, who allow women to perform the obligatory Hajj with the company of trustworthy women. Some of them allow this in every "obligatory travel" like Imam Malik. **But the most correct is that there must be a Mahram to do Hajj, whether the distance to reach Haj is long or short, and Allah is the Most Wise and Most Knowledgeable.**

Your brother,

Ata Bin Khalil Abu Al-Rashtah

27th Safar 1440 AH

05/11/2018 CE

The link to the answer from the Ameer's Facebook page:

<https://web.facebook.com/AmeerhtAtabinKhalil/photos/a.122855544578192/943047075892364/?type=3&theater>

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