

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah

Ameer of Hizb ut Tahrir through his Facebook Fikri Page

Answer to Question

Women traveling without a Mahram

To Anas M Hirbawi

(Translated)

Question:

Assalamu Alaikum wa Rahmatullah wa Barakatahu,

I have a question about women traveling without a mahram...

The question is: What are the boundaries for which a woman's travel is considered travel, and it is not permissible for her to travel except with a mahram? So that if we wanted to measure it within Palestine, for example, we would say, for example: If a woman wanted to travel from Jerusalem to Umm al-Rashrash (Eilat), then her travel would be in one country, but if she wanted to travel from Jerusalem to Jordan, it would be closer to her than Umm al-Rashrash, so how are things measured? Is it measured on the borders that were set, so we measure it at the checkpoints, or is it measured at a certain distance, for example, 80 kilometers? Also, there are contemporary Al-Azhar people who are not trustworthy that say: In this time, women do not need a mahram to travel because things have become easier, and they linked this to the means of transportation, so is there anything from their words that can be taken or not...?

May you always be in Allah's safety and care

Answer:

Wa Alaikum Assalam wa Rahmatullah wa Barakatahu,

We previously answered a detailed answer about women's travel in its various cases on 5/11/2018, and I will quote from it what is related to your question:

[...]

First: If a woman's travel takes a day and a night, she must have a Mahram with her, and the legal evidence is extensive in this sense, and we mention among them:

- Al-Bukhari narrated on the authority of Abu Hurairah, may Allah be pleased with him, that he said: The Prophet (saw) said: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ تُسَافِرَ مَسِيرَةَ يَوْمٍ وَلَيْلَةٍ لَيْسَ مَعَهَا حُرْمَةٌ» **"It is not permissible for a woman who believes in Allah and the Last Day to travel for one day and night except with a Mahram."** That's mahram. And in a narration on the authority of Abu Saeed al-Khudri, "two days," and in a narration on the authority of Ibn Omar, "three days."

- And Muslim narrated on the authority of Abu Hurairah 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 halal for a woman who believes in Allah and the Last Day to travel the distance of a day and night without a man who is her mahram."** And in a narration on the authority of Abu Saeed al-Khudri, "a two-day march," and in another narration on his authority, "three days onwards."

- Al-Tirmidhi brought it out, and he said this is a good and authentic hadith, on the authority of Saeed bin Abi Saeed, on the authority of his father, on the authority of Abu Huraira, who said: The Messenger of Allah (saw) said: «لَا تُسَافِرُ امْرَأَةٌ مَسِيرَةَ يَوْمٍ وَلَيْلَةٍ إِلَّا وَمَعَهَا ذُو مَحْرَمٍ» “A woman must not make a journey of a day and a night unless she is accompanied by a man who is within the prohibited degrees.”

...

From it the following is clear:

1- **The restriction for travel is by time, as in the authentic texts.** It is forbidden for a woman to travel alone without a Mahram for the mentioned period, i.e. a full day (24 hours), night and day. This means that the texts refer to time as “day and night” and not to the distance. If she travels by plane without a Mahram, a thousand kilometer, so she went and came back without staying for that period, so it is permissible for her to do so. But if she travels twenty kilometers on foot and it takes more than one day and one night, then she is forbidden without a mahram.

- **The lesson in traveling without a mahram for a woman is the time, day and night, regardless of the distance. If the woman did not stay this time, but traveled and returned before that, then it is permissible for her to go without a mahram.**

2- **As for what was mentioned in the narration of Al-Bukhari, Muslim, Al-Tirmidhi, and Ahmad... (three days or three nights, two days...),** by combining the evidences, the legal ruling is that she should not travel the lesser march without a Mahram...

Therefore, it is forbidden for a woman to travel a day and a night’s journey except with a husband or a Mahram, and this is what we took and adopted in the social system.

Secondly: ...

3- **This is what we say, noting the following:**

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

- The second is that we say that it is permissible for her to travel for less than a day and a night without a Mahram, and we do not say that it is obligatory. **Therefore, if a woman wants not to travel a half-day journey except with a Mahram, then she has the right to that. The important thing is that she does not travel a day and night’s journey except with a Mahram...**

- And the third is that the hadeeth stipulates that the woman should be accompanied by a mahram during her travels, which indicates the necessity of protecting the woman and for her to be safe. **Therefore, it is not permissible for a woman to travel if she does not feel safe except with a Mahram, so she should not travel without a Mahram even if the time is an hour, because being safe is another condition...**

- And the fourth is that it is not permissible **for her to travel unless her husband or guardian gives her permission, whatever the period is, even if she was accompanied by a mahram for the Shariah evidence in that.**

Fourth: **Arriving at the destination:**

...

**** - If the intended place in the Islamic countries is other than Dar al-Islam, then this is divided into two parts:**

The first: If the travel is in regions in her state, but it is a vast country to which the hadiths of travel apply to the woman for a day and a night or more, and when she reaches the destination, the Mahram provides her with safe accommodation with her Mahrams if they exist, and if they do not exist, and she has acquaintances from righteous and trustworthy women, the Mahram is reassured of their righteousness, then he provides her with safe housing with one or two of these women. That is, she is not in a house alone, so she stays in it until she finishes her purpose, provided that he contacts her by phone or by means of (social) communication on a weekly basis at least... If she has a need for him, he must travel to her... **And when she wants to return, the Mahram must return to her and travel back with her to his country as long as her travel lasts a day and a night or more...**

If she does not have Mahrams or acquaintances who are righteous and trustworthy women, then either the mahram stays with her until she finishes her purpose, or they return together.

The second: If the travel is from an Islamic country to another Islamic country and each of them is in a state, and her travel between the two countries is a day and a night or more... In this case, if the woman reaches the region she is traveling to, the Mahram returns to his region and does not remain with her, provided that:

- The Mahram should provide her with housing in which she may stay in safety and security, such as if she is with her Mahrams or with her acquaintances who are good and safe women, i.e. not in a house alone... And the Mahram should stay for a week after securing her accommodation in order for him to be reassured of the safety of her movement from the house to her purpose during working days and on official holidays, and since this holiday is repeated during the week, then I do not see that he stays with her for less than a week to be reassured... And he should communicate with her by telephone or by (social) means of communication daily, and if it becomes clear to him that she needs him, he must travel to her immediately to be reassured... **And when she wants to return, the Mahram must return to her and travel with her back to his country as long as her travel lasts a day and a night or more...**

If she has no Mahrams or acquaintances of righteous women, then the Mahram either stays with her until she becomes acquainted with righteous and trustworthy women, and then he provides her with safe housing with those acquaintances and stays for a week after that...or they return together...

- If the intended place is in a non-Muslim country, then he looks at:

- If she has male Mahrams there in which she can live with or near them (close to them) so that the mahram traveling with her is assured that she will be safe there in her private and public life, or if she has female Mahrams there such as her mother, sister or aunt and she lives with her, it is not enough to live close to her. In these two cases, it is permissible for the Mahram traveling with her to return after reassurance of her safety and security, provided that the guardian or the husband agrees and provided that personal communication or correspondence is available with her whenever necessary...**Then when she wants to return, the Mahram returns to her to accompany her on the return journey as long as it lasts one day and one night and more.**

- If the above is not available, the Mahram must stay with her until she returns to her country of origin, because the security and safety requirements required by the

woman's life as an honor must be preserved. These requirements are not achieved in non-Muslim countries unless they are with her Mahrams, as we mentioned.

**** B - If the intended place, after a short travel, does not require a mahram** to travel and she wants to stay in the intended place for a day, two or three days...etc, what is her obligation in this case? Does she need Muharram?

The answer is as follows:

***- If the destination is Dar al-Islam**, whether it is in her wilayah or not, then it is permissible for her to travel without a mahram because the travel time is less than one day and one night. If she does not return on that day and wants to stay for a day, two or three...etc, then it is permissible for her to stay only with her mahrams or with acquaintances of her who are faithful, trustworthy and righteous women, not in a house alone, provided that she obtains prior approval to live with those acquaintances from the guardian or husband.

- But if she does not have mahrams or acquaintances among the righteous and trustworthy women whose guardian or husband agrees to live with, then she must return from that day or a mahram should travel with her to secure her accommodation, as we mentioned in the case of traveling with a mahram.

**** - If the intended place is located in the Islamic country in which she lives, but it is not Dar al-Islam**, and the travel time is less than one day and one night, then it is permissible for her to travel without a mahram. If she does not return on that day and wants to stay for one, two or three days...etc, then it is permissible for her to stay only with her mahrams or with acquaintances of trustworthy, righteous and righteous women, not in a house alone, provided that she obtains prior approval to live with those acquaintances from the guardian or husband with reassurance.

But if she does not have mahrams or acquaintances who are righteous and trustworthy women whose guardian or husband agrees to live with, then she must return from that day or a mahram should travel with her to secure her accommodation, as we mentioned in the case of traveling with a mahram.

**** - If the intended place is located in an Islamic country other than the one in which she lives, and it is not Dar al-Islam**, and the travel time is less than one day and one night, then it is permissible for her to travel without a mahram. But because traveling from her country to another country involves procedures at the border, she must be accompanied by at least one company of trustworthy women, and her purpose of travel is the same purpose for which the woman travels, in other words the purpose of the accompanying companionship, and the purpose of the traveling woman is the same... If she wants to stay there for a day or two, she is allowed under the following conditions:

They have mahrams there, and each one lives with her mahrams. If they do not have mahrams, then they must have acquaintances from among the trustworthy, faithful, and safe women, and the guardians or spouses must agree to the accommodation of the two women with those acquaintances according to the above conditions.

If the above conditions are not met, that is, if neither of them has mahram or acquaintances, the guardians or the spouses agree to the accommodation of the two women with those acquaintances, then she must return on that day.

***- If the intended place is located in a non-Muslim country, i.e. in the land of the Kuffar (infidels)**, then in this case it is obligatory for the woman to travel with her husband, guardian, or mahram, and the matter is the same as in the case of a long journey that needs a mahram...

Fifth: As for the evidence that we relied on to achieve safety and security for the woman after her arrival at the destination, whether it was after a long journey that needed a mahram, or it was after a short journey that did not need a mahram, they are the evidence that we mentioned at the beginning of reaching the destination, and I will repeat it:

[Accordingly, the rulings upon arriving at the place of destination differ from the rulings during travel on the road. This issue, i.e. arriving at the intended place without taking it as an original residence, this issue depends on the availability of security in that place with regard to the woman's residence, i.e. her security in her residence and security in her movement outside the house which is required by the situation of women and the safety of her life. In the introduction to the constitution, Article 112 states: (The origin is that the woman is a mother and a housewife, and she is an honor that must be preserved.), and as it is clear from the explanation of the article, a woman needs the permission of her guardian or her husband to go out...and she has a private life with special provisions that prevent her living with non-mahram men, rather with her husband or with her mahrams... In public life, she is prevented from being alone with other men except for a need approved by the Sharia... And she has a special dress, "the Jelbab, covering the private parts, and preventing adornment".]

And all of this requires security and safety for the woman in order for her existence to be realized from being an honor that must be preserved through security and safety, and this needs to fulfill the criteria...And what I recommend, in this matter, is what I mentioned above, subject to the availability of all the conditions... And Allah is All-Knowing and Most Wise.

... 27 Safar al-Khair 1440 AH - corresponding to 05/11/2018] **End**

As for what you mentioned of the sayings of some sheikhs (and there are also from the contemporary Al-Azhar people who are not trustworthy, who say: In this time, a woman does not need a mahram to travel because things have become easier and they have linked this to the means of transportation, is there anything from their sayings that can be taken or not...?)

It is a saying that has no value or weight, as the text is clear that the forbidden is obligatory, so it is a legal ruling that is not invalidated by sayings without an evidence...

Allah Knows Best and is Most Wise.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

14 Rajab Al Haram 1444 AH

Corresponding to February 05, 2023 CE

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

<https://www.facebook.com/HT.AtaabuAlrashtah/posts/746221687065203>