

# Mahram: Women's Mobility in Islam

Islam has always encouraged women to take a public role in their communities, whether as students, wives, employees, or in practice of their faith. The requirement that a woman travel in the company of a *mahram* was established centuries ago, but modern Muslim women are socially mobile, contributing to *al-maslaha al-mursala* (public good) without need of a male escort.



## What Is Mahram?

Derived from the word *haraam*, which literally means something that is prohibited, *mahram* in *fiqh* (Islamic jurisprudence) refers to a person with whom marriage is prohibited because of their close blood relationship, because of *radaa'ah* (breastfeeding), or because of being related by marriage. When the Taliban took control of Kabul... in September 1996, the Supreme Council issued edicts forbidding women to work outside the home, attend school, or leave the house unless accompanied by a *mahram*. Since August 2021, the Taliban has increased control of girls' and women's freedom of movement and reinstated the requirement to be accompanied by a *mahram* whenever a woman leaves home. The use of *mahram* is becoming more prominent, with some women reporting that the male-relative escort is nonnegotiable and others sharing that they voluntarily adhere to this practice for fear of being attacked, punished, or harassed.

## What Does the Holy Quran Say About Mahram?

There is no specific verse in the Holy Quran prescribing that a woman be in the company of her mahram when she leaves home. Surah an-Nisa discusses those with whom marriage is prohibited:

*“Prohibited to you (For marriage) are: Your mothers, daughters, sisters; father’s sisters, Mother’s sisters; brother’s daughters, sister’s daughters; foster-mothers (Who gave you suck), foster-sisters; your wives’ mothers; your step-daughters under your guardianship, born of your wives to whom ye have gone in, no prohibition if ye have not gone in; (Those who have been) wives of your sons proceeding from your loins; and two sisters in wedlock at one and the same time, except for what is past; for Allah is Oft-forgiving, Most Merciful.”<sup>1</sup>*

According to this verse, a woman's mahram is an unmarriageable person because of their close blood relationship, breastfeeding, or because of being related by marriage. It follows that a woman is not allowed to marry her father, grandfather, great-grandfather, etc.; her son, grandson, great-grandson, etc.; her paternal and maternal uncles; her brother, brother's son, and sister's son; the brother and husband of the woman who breastfed her; the mother's husband, the husband's father, grandfather, etc.; or the husband's son, grandson, etc.

Other verses used by some Muslims to insist that women always leave home with a mahram are the 33rd and 59th verses of Surah al Ahzab:

*“Settle in your homes, and do not display yourselves as women did in the days of ‘pre-Islamic’ ignorance. Establish prayer, pay alms-tax, and obey Allah and His Messenger. Allah only intends to keep ‘the causes of’ evil away from you and purify you completely, O members of the ‘Prophet’s’ family!”<sup>2</sup>*

*“O Prophet! Say to your wives, your daughters and the women of believers that, (whilst going out,) they should draw their veils as coverings over them. It is more likely that this way they may be recognized (as pious, free women), and may not be hurt (considered by mistake as roving slave girls). And Allah is Most Forgiving, Ever-Merciful.”<sup>3</sup>*

These verses, which instruct the wives of the Prophet (ﷺ) to not “imitate pagan women” by wandering the streets, however, do not apply to all Muslim women nor at all times. Neither verse prohibits a woman from leaving her house or traveling without a mahram, nor does either require having a mahram in the workplace. The verses stipulate that when she leaves the house, a woman should observe the veil while outside. These commandments, in fact, are great justification for women stepping out of their homes and becoming active members within society.

## What About the Hadith?

Some Muslims point to two hadith to justify requiring women to have a mahram during travel, even though no verses in the Holy Quran speak to this. The first is reported by Abu Hurairah, who states that the Prophet (ﷺ) said, “It is not permissible for a woman who believes in Allah and the last day to make a journey of one day and night unless she is accompanied by a mahram (husband or male relative whom she is prohibited to marry).”<sup>4</sup>

The second hadith is reported by Ibn ‘Abbas, who states that the Prophet (ﷺ) said,

*“No man must be alone with a woman except in the presence of her mahram. No woman should travel except in the company of a mahram A man said: ‘O Messenger of Allah! I have been enrolled for such and such expedition, and my wife left for Haj.’ He (ﷺ) said to him, ‘Go and perform Haj with your wife.’”<sup>5</sup>*

The sunnah of the Prophet (ﷺ) and his companions, however, show that women during the time of the Prophet (ﷺ) traveled without a companion. For example, “Ibrahim narrated from his father, that his grandfather narrated that Umar in his last Hajj allowed the wives of the Prophet (ﷺ) to perform Hajj and he sent with them Uthman bin Affan and Abdul Rahman bin Auf as escorts.”<sup>6</sup> This tradition shows that Aisha and several of the Prophet’s (ﷺ) wives traveled from Madinah to Makkah without being accompanied by a mahram. Scholars Siti Fatimah Salleh et. Al note that, “It is based on this incident that the religious scholars and the mujtahid issued a legal ruling regarding a particular issue by taking into consideration the surrounding factors at that time.”<sup>7</sup>

Rulings of Islamic jurists about women traveling differ.<sup>8</sup> According to the Hanafi legal school, the requirement for a traveling woman to be accompanied by a mahram only applies when the one-way journey to a destination exceeds a travel time of three days.<sup>9</sup> The emphasis here is on actual travel time, not on the entire duration of a trip or stay elsewhere. This is explicitly clear in a respected

compendium for Hanafi legal opinion, the *Fatawa al-Hindiyya*, in reference to women traveling for the hajj pilgrimage: "One of the conditions for a woman, young or old, to travel for hajj is that she be accompanied by a mahram if the distance between her and Mecca is of three days. If the traveling distance is less than that, then she may perform her hajj without a *mahram*."<sup>10</sup>

Under the rules of *ijtihad*, including looking at the *asbab al wurud* (reasons why a hadith was said by the Prophet (ﷺ)), *isnad* (chain of narration), and *illah* (the effective reason), various Muslim scholars<sup>11</sup> have concluded that women were restricted at the time of the Prophet (ﷺ) out of concern for their safety. If the woman's safety concerns were addressed, there was nothing to prevent her from traveling without a *mahram*. Scholars support this view by referring to the hadith narrated by Adiy bin Hatim, which states that the Prophet (ﷺ) said:

*"If you live a long life you will see a woman traveling from Hirah (Iraq) to perform tawaf (in Mecca) fearing no one except Allah."*<sup>12</sup>

The Prophet (ﷺ) foresaw that in the future, a woman would travel without her spouse or *mahram*; the prohibition at the time existed because women were threatened by innumerable types of crime and their safety could not be guaranteed.<sup>13</sup> Numerous Muslim scholars have opined that a woman can travel without a *mahram* as long as her life and safety can be assured. This opinion is supported by modern-day scholars and institutions such as Sheikh Yusuf Al Qaradawi,<sup>14</sup> the European Fatwa Council, Darul Ifta of

Egypt, Shaykh Qaradaghi, and scholars from Al-Azhar, who state that it is permissible for a woman to travel without a *mahram*.



## Mahram and Women's Mobility in Islamic History

Making women's social mobility dependent on the presence of a male relative is not a traditional practice of Islam. The Prophet (ﷺ) legitimized participation of women in major political and social movements and encouraged group activities according to their abilities. For example, after the Prophet's (ﷺ) death, his widow Aisha, one of the most revered *sahaba*, a talented poet, and a knowledgeable scholar of *hadith* and *sunnah*, was an important public figure who received men and women seeking her expertise.<sup>15</sup> Abd'al Barr (d.1070), who focuses mainly on Aisha's public role, shares a narration by Ata ibn Abi Rabah, who said: "A'isha was the most revered person on issues of *fiqh*. She was the most knowledgeable of all people and was known to have the best opinion in public."<sup>16</sup>

*Kitab al-nisa* (Women's Volume) of the famous *Kitab al Tabaqat al Kubra* (The Great Generations) by Abu Abd Allah Mohammed ibn Sa'd (d.845) shows that many women participated in the *bay'ah* (pledge of allegiance to the Prophet (ﷺ)), in demanding divorce, or working and earning money.<sup>17</sup> Other women, as mentioned earlier, including family members of the Prophet (ﷺ), traveled to Mecca for pilgrimage without a *mahram*. On many occasions, even physical danger did not stop women from participating in public life or traveling, including traveling with armies. After the Prophet's (ﷺ) death, for example, Aisha led the army against caliph `Ali in the Battle of the Camel.

If the act of a woman stepping out of her home was prohibited, even under the conditions of insecurity, why did the revered wives of the Holy Prophet (ﷺ) and many others participate in battles? Aisha was not the only woman who went to the battlefield: Ibn Sa'd states that Umm Umara, also known as Nusayba bint Ka'b, fought using a sword and arrows at the battles of Uhud, Khaybar, Hunayn, and Yamama, suffering 12 wounds and losing a hand.<sup>18</sup> She also was one of the women at the Aqaba pledge (*bay'ah*) as well as the Treaty of Hudaibiyyah. Ibn Sa'd also mentions that Umm Salim participated in the

Battle of Uhud while pregnant and reports that when Umm Salim asked the Prophet's (ﷺ) permission to join the battle, he replied that many women had already asked him and been granted permission and gave her the option of joining his troop or remaining with her own tribe.<sup>19</sup> In addition, the first martyr in Islam was a woman named Sumayya bint Khayyat.

Women participated in their communities and traveled without a *mahram* during the course of Islamic history. This practice continued in the period of the rightly guided caliphs after the period of Prophethood. It is relayed in the books of Sira that women were part of the parliament (*majlis al-shura*) during the period of 'Umar b. al-Khattab (may Allah be well pleased with him).<sup>20</sup> During the rule of 'Uthman (may Allah be well pleased with him), women were designated as ambassadors to other countries.<sup>21</sup> Women studied in various fields, including *tafsir*, *fiqh*, and hadith, math, science, music, rhetoric, and poetry, among others. For example, Sunni scholar Mohammad Akram Nadwi, in his work *Al-Muhaddithat*, identifies over 8,000 women scholars of hadith throughout Islamic history and shows that women attained high rank in all spheres of knowledge of the religion; were sought after for their *fiqh*, for their fatwas, and for *tafsir*; and taught both men and women.<sup>22</sup> Amat-Al-Wahid Sutaita Al-Mahamli from Baghdad (d.987), an expert in arithmetic and successoral calculations, excelled in many other fields including Arabic literature, hadith, and jurisprudence, and was praised by leading scholars of her time.<sup>23</sup> Lobana (or Lubna) of Córdoba, a tenth-century Muslim woman, was known for her knowledge in the sciences and was private secretary to al-Hakam II, the Umayyad caliph of Islamic Spain.<sup>24</sup> Maryam Al-Ijliya (d.967), a maker of astrolabes in Northern Syria, is mentioned in Ibn al-Nadim's bibliographical work *Al-Fihrist*.<sup>25</sup>

Participation in public life required women to leave their homes and at times travel long distances, often without a *mahram*. Means of travel included camels (in Arabia), horses (Anatolia and Asia), and boats. Historical accounts and journals of famous travelers such as Ibn Battuta (d.1369) and Evliya Celebi (d.1682) show that women's presence in caravans, hostels, or aboard ships was not infrequent or unusual.<sup>26</sup> Often, bad roads, difficult terrain,

and other challenges made traveling difficult for all. To address such issues, the Abbasid queen Zubayda (Zubaida bint Ibn Mansur) (d.831) commissioned a series of wells, reservoirs, and pools from Baghdad to Mecca and Medina to ease travel for pilgrims.

During these centuries, *mahram* was not a requirement. If it had been, many of these women would have been unable to get an education; work; or travel for work, family, or pilgrimage. The requirement of *mahram* developed later, when wars and social turmoil caused Muslim civilization to disintegrate into feudalism around the time of the Crusades. Disorder threatened the public sphere, leading jurists to rule that women had to be accompanied by a *mahram* for their safety. Over time, these rulings became extreme, and secluded and barred women altogether from the public sphere.



## Consequences of Restricting Women's Mobility

Requiring a woman to be in the company of a *mahram* to leave home or travel — to go to the hospital, attend school, or reach her workplace, for example — has serious implications for a woman's family and her community. Decades of war have changed gender dynamics in Afghanistan. More women have become heads of household, a role traditionally reserved for men, as men have been killed or injured. For these women, it is practically impossible to be accompanied by a *mahram*, as their male relatives may be dead, have gone missing,

or have migrated. This impedes them from safely leaving home to attain basic services such as health care (with negative impacts on maternal, children’s prenatal, and early-childhood health) or access water, food, and medicine.

Islam urges Muslim men and women to pursue spiritual and intellectual knowledge, participate in the life of their communities, seek justice, and have gainful employment.<sup>27</sup> None of these can be accomplished if a woman is restricted to the home and denied access to public places such as universities, mosques, hospitals, workplaces, and voting stations. Especially today, many women need to work to contribute to the economic well-being of their families. They need to travel to get an education or to take their children to the doctor. They need to go to the grocery store and pharmacy; to travel for work; to attend conferences, seminars, or charity missions; and to perform pilgrimage.

In particular, restricting women’s movement impacts those women who are heads of household and must work to care for their family. Preventing them from accessing sources of livelihood and taking care of their family clearly goes against the Islamic principles of justice and *maqasid of shariah*.<sup>28</sup> Asking men to accompany women to accomplish basic chores, to work, or to attend school adds to men’s burden and restricts their movement, as well. The result is the undermining of the central Islamic principles of *maqasid of shariah* and *masalih al-mursalah*.



## Mahram and Women’s Mobility Today

Today, the tradition of *mahram* is falling away in many Muslim countries. No other Muslim nations have strict mahram rules like Afghanistan. Most recently, Saudi Arabia changed its laws regarding *mahram*: since August 2019, women over the age of 21 do not need a male guardian’s permission to travel.<sup>29</sup>

It is important to remember that the rule of mahram came about at a time when long-distance travel was extremely difficult. Travel has modernized and is much safer and more comfortable: neither women nor men need to travel long distances over difficult terrain on the back of a donkey, camel, or horse, and innovations in science and technology mean that long distances can be covered in less time and more securely.

Many contemporary *fiqh* scholars are of the opinion that women can travel without a *mahram*. For example, after evaluating the hadith that prohibits women from traveling and identifying the purpose (*maqasid*) of the legal ruling through the legal reasoning (*illah*) behind the prohibition, Al-Qaradawi concluded that women today can travel without their mahram. The reason for the prohibition, he says, was concern for women traveling alone without their spouse or mahram during an era where animals were



the only mode of transportation, journeys could entail crossing vast deserts, and women were subject to attacks and other violations.<sup>30</sup>

Islamic advisory body Dar al-Ifta Al-Misriyyah concluded: "The opinion appropriate for fatwa at present is that it is permissible and there is no objection to a woman traveling alone by the various safe routes and means of travel via their venues such as airports, harbors and the like. This applies whether she is traveling for something obligatory, recommended or permissible. The hadiths forbidding a woman to travel without a *mahram* pertain to lack of security which was the case in previous times. Based on this, if a woman's safety is ensured, the prohibition is lifted."<sup>31</sup>



There also are contemporary fatwas on women traveling to acquire knowledge, which say that it is permissible for a woman to travel to peaceful countries in order to acquire knowledge provided that the woman abides by the ethics of Islam.<sup>32</sup> Renowned Iraqi scholar Abdul Karim Zaydan (d.2014) was of the opinion that it is permissible for a woman to travel without a *mahram* for the purpose of obtaining knowledge. However, he said, a woman who wishes to travel alone abroad should ensure the safety and peaceful condition of the country and refer to its embassy or ministry to sustain the Islamic values of protection over women's safety and self-dignity.<sup>33</sup> Faqihuddin Abdul Kodir, a Muslim scholar and founder of the Fahmina Institute

in Indonesia, reminds us that the prohibition of women traveling without a *mahram* is a conditional thing and that the spirit of mahram is protection of weak people, whether physically (*dha'ief*) or socially (*mustadl'afin*).

The prohibition of women to work, travel, or go to school without a mahram is a violation of women's God-given rights to work, get an education, and have freedom of movement.<sup>34</sup> In society today, the state must be responsible for women's public safety and security and must not depend on others.<sup>35</sup> A state is not entitled to prohibit rights given by God if it is unable to provide for the security and safety of its people.

## Endnotes

- 1 Holy Quran 4: 22-23.
- 2 Holy Quran 33:33.
- 3 Holy Quran 33:59.
- 4 Sunan Al Bukhari and Muslim
- 5 Sunan Al Bukhari and Muslim
- 6 M.I. Al-Bukhari, *Sahih al-Bukhari dalam Mausū'at al-Hadith al-Sharif: al-Kutub al-Sittah*, ed. Salih bin 'Abd al-'Aziz Al al-Shaykh (Al-Riyad: Maktabah Dar al-Salam, 1999); Siti Fatimah Salleh, Engku Muhammad Tajuddin Engku Ali, and Tengku Fatimah Muliana Tengku Muda, "The Influence Of Social Changes On The Islamic Legal Ruling Concerning Travelling Women," *International Journal of Academic Research in Business and Social Sciences* 7, no. 8 (2017): 540-550.
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- 18 Amira Abou-Taleb, "Constructing the Image of Model Muslim Women..." (2020), 193.
- 19 Amira Abou-Taleb, "Constructing the Image of Model Muslim Women..." (2020), 193.
- 20 'Abd al-Razzaq, *al-Musannaf*, 6:180 §10420.
- 21 Al-Tabari, *Tarikh al-Umam wa al-Muluk*, 2:601.
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- 33 A. K. Zaydan, *Huquq wa Wajibat al-Mar'ah Fi al-Islam* (Lubnan: Mu'assasah al-Risalah, 2004) in Siti Fatimah Salleh et al., "The Influence Of Social Changes..." (2017): 547.
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