

PROHIBITIONS OF TRAVEL IN HADITHS: BETWEEN CAUSE AND WISDOM

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Abstract

The study aimed at revealing the extent to which the prophetic narrations affirming the necessity of a male guardian accompanying a woman in her travel are authentic. It specifically aimed to determine whether the prophetic narrations have provided justifications for prohibiting a woman's travel without a designated male guardian (وصي). Besides, it aimed to understand the interpretations of jurists (Imams) regarding the ruling on a male guardian accompanying a woman in her travel. The causes of these prohibitions and the wisdom of Islamic law in dealing with women's travel are discussed. Moreover, it is a qualitative study that utilizes the comparative analytical method to analyze the texts of Islamic Law related to the prohibition of women's travel and compare between them. The study concludes that the guardian ("mahram" مخرم) has various qualifications and that the most cautious approach to ensuring the intended purpose of the requirement for a woman's travel is for the guardian to be an adult, sane, and prohibited from marrying the woman indefinitely. These findings will significantly impact the legal studies on women's travel as they provide deep understanding of women's travel in Islam.

Keywords: *Travel, prohibition, mahram, group of women, wisdom, and cause.*

Introduction

The topic of a woman's travel and the associated rulings has been a subject of extensive discussion in Islamic jurisprudence, with numerous hadiths addressing this matter in detail. These prophetic narrations emphasize the obligation for a female traveller to be accompanied by a *maḥram*, a male guardian from her unmarried relatives. This is to ensure her safety and uphold the Islamic principles during travel. The hadiths on this issue vary significantly in their wording and conditions.

This is what led the jurists to specify the conditions for the *maḥram*, stating that he must be discerning, rational, male, and trustworthy. This aligns with the varying conditions set forth in prophetic narrations regarding the permissible duration of travel without a *maḥram* to three days, while others specify two days, and some to a day and a night, or even just a single day. In some cases, the journey's length is left unspecified, suggesting a broader application. This diversity in the textual evidence has led to a corresponding variation in the opinions of Islamic jurists (*Imāms*), each interpreting the hadiths based on their understanding of the underlying principles and contexts. The differing interpretations of the hadiths, which vary in their wording and conditions, are at the heart of the juristic debate, leading to diverse views among Islamic jurists on the requirement of a *maḥram* for a woman's travel.

This divergence in views reflects the complexities of the issue, as some jurists from the Māliki and Shāfi'ī schools of thought have proposed that the requirement for a *maḥram* can be substituted by the presence of a group of trustworthy and reliable women, thus ensuring the woman's safety during travel. However, they diverge in their interpretations regarding the conditions for such a group. The Māliki scholars, emphasizing caution and the importance of safety in travel, equate this group to a large, organized caravan, capable of offering both physical security and social integrity. On the other hand, the Shāfi'ī school adopts a more flexible stance, permitting a smaller group of just two women, as indicated by figures such as al-Kawāsibī and others. This complex difference highlights the varying degrees of severity with which each school approaches the concept of safety and protection in the context of travel without a *maḥram*. They are, however, in agreement that a group of women is sufficient only for obligatory travel, such as *Hajj*.

This study examines the permissibility of travel without a *maḥram* in cases of necessity, such as during war or emergencies, as an exception to the general rule. This view is supported by the majority of jurists, aiming to protect women from harm. It also clarifies the concept of travel and outlines the differing opinions on

this issue among the four schools of thought, Ibn Hazm, and the scholars of Hadith, due to its direct relevance to the *maḥram* requirement.

The requirement for a *maḥram* in a woman's travel has been understood by some scholars as a rationally-based condition, meaning it is driven by a specific cause. According to these scholars, the cause is the presence of fear or potential harm. It is widely acknowledged that the cause (*'illah*) *علته* corresponds to the effect (*ma'lūl*) *معلول* either in existence or absence. Therefore, those who support this view argue that a woman is permitted to travel without a *maḥram* if security is assured.

Their evidence is based on the hadith of 'Adi, where the Prophet said: *Allah will surely complete this religion (i.e. Islam) so that a traveler from San'ā to Ḥaḍra-maut will not be afraid of anybody except Allah.*" (The sub-narrator, Baiyan added, "Or the wolf, lest it should harm his sheep.") (*Saḥīḥ al-Bukhāri*, Vol. 3, Hadith No. 3852).

This hadith does not mention a *maḥram*, implying that the requirement may not be necessary when security is ensured. However, scholars have critiqued this interpretation, arguing that the hadith was revealed during the early spread of Islam and should be understood in its historical context, not as a general rule for all situations.

Given the variation in both the textual evidence and juristic opinions, the issue of a woman's travel remains an important subject within Islamic law. The diversity in hadiths regarding the requirement for a *maḥram* in a woman's journey underscores the complexity of this matter. This issue demands an analysis to reconcile differing viewpoints and address contemporary questions surrounding women's travel, especially with the advancements in modern transportation and societal changes that have altered travel dynamics. In this context, it is crucial to define and understand key jurisprudential terms, both linguistically and technically, to ensure a precise and accurate understanding of the subject.

Key terms such as "travel" and *Maḥram* need to be clearly defined to find out whether the requirement for a *maḥram* applies in all cases of travel or only under conditions where security concerns arise. By doing so, we can ensure that Muslims are well-informed and able to comprehend the rulings and opinions they encounter, particularly those expressed by jurists (*Imāms*). These terms hold significant weight in Islamic jurisprudence, and understanding their

proper context is essential for ensuring that Islamic rulings align with both the spirit of the law and the practical realities of modern life.

This study provides new insights into the *maḥram* requirement through a comprehensive examination of scholarly discourse and contemporary legal perspectives, while respecting the depth of Islamic jurisprudence and addressing the complexities posed by modern advancements. It explores the permissibility of travel without a *maḥram* in cases of necessity, such as during war or emergencies, as an exception to the general rule. Supported by the majority of jurists to protect women from harm, the study also clarifies the concept of travel and outlines the differing opinions on this issue among the four schools of thought, Ibn Hazm, and the scholars of Hadith, highlighting its direct relevance to the *maḥram* requirement.

Study Problem

The study investigates the authenticity of prophetic texts and narrated accounts concerning a woman's travel. It also presents a legal perspective on a real-world issue, elucidating the prevailing opinion among jurists regarding the dispute over a woman's travel without a male guardian. This is achieved by addressing the following questions:

To what extent are the prophetic narrations affirming the necessity of a *maḥram* accompanying a woman in her travel-authentic?

1. Have the prophetic narrations provided justifications for prohibiting a woman's travel without a *maḥram*?
2. How did jurists (*Imāms*) interpret the texts concerning the ruling on a *maḥram* accompanying a woman in her travel?
3. What are the causes of these prohibitions and to what extent the wisdom of Islamic law is evident in dealing with women's travel?

Study Objectives

The study aims to:

1. Revealing the extent to which the prophetic narrations affirming the necessity of a male guardian accompanying a woman in her travel are authentic.
2. Determine whether the prophetic narrations have provided justifications for prohibiting a woman's travel without a designated male guardian وصي.

3. Extract from the texts the interpretations of jurists (*Imāms*) regarding the ruling on a male guardian accompanying a woman in her travel.
4. Know the causes of these prohibitions and the extent to which the wisdom of Islamic law is evident in dealing with women's travel.

Study significance

The significance of this study lies in the following aspects:

- Addressing the issue of women's travel; which has become increasingly relevant with the advancements in its tools and means.
- Accurately presenting the predominant opinion regarding the prohibition of women's travel and whether it is justified or not. This is achieved through examination, analysis, and the application of scientific principles in prioritization, with emphasis on respecting other opinions put forth by previous *Imāms* أئمة, acknowledging their evidences and deductions.
- Highlighting Islamic jurisprudential flexibility; the study showcases the flexibility of Islamic jurisprudence and its adaptability to contemporary issues, particularly the subject under consideration in this study, by accommodating emerging challenges and circumstances.

Literature review

The previous studies explored the matter of a woman's travel from a jurisprudential perspective rather than a hadith-oriented viewpoint. These studies provided a comprehensive overview of the issue of a woman's travel. Such studies include "Understanding Muslim woman travel behaviour: A theoretical perspective."¹ As it touches the concept of *Maḥram* and its necessity, the study found that sociocultural and religious factors influence Muslim women and decision to travel. Another study was "The Requirement of a *Maḥram* for a Woman's Travel under the Contemporary Developments and Fatwās."² The study revealed that scholars have differed on this issue both in ancient and modern times.

Furthermore, "*Mahram Implications in Women's Travel*"³ revealed the cases in which a woman is prohibited from travel without a *maḥram*. Apart from this, "*Challenging the Status Quo, Khaled M. Abou El Fadl's Perspectives on Islamic Legal Authority and the Restrictive Fatwāon Women's Solo Travel*"⁴ revealed that El Fadl

criticises the CRLO's authoritarian *fatwā* regarding the prohibition of women travelling alone without a *maḥram* using a hermeneutic framework. "*Reconstruction of The Concept of Maḥram in Women's Safar Based on Ibnu Qayyim al-Jauziyyah's Legal Change Theory*"⁵ revealed that the urgency of the *maḥram* in women's travel comes as a guarantee of security from the dangers. Apart from this, "*Mahram for Women in the Implementation of the Hajj According to Classical and Contemporary Ulama*"⁶ found differences of opinion among scholars regarding the travel of women to perform the pilgrimage. "*Understanding Multiple Interpretations on the Hadith that Husbands Allow Wives to have Outdoor Activities: A Study of Islamic Law Perspectives*"⁷ revealed that asking for permission to do outdoor activities is not an obligation. Rather, it is a recommendation for wives to seek for their husbands' permission. "*Shifting the Meaning of Mahram for Women in the Implementation of Hajj and Umrah*"⁸ found different opinions of Muslim scholars regarding the idea of woman travel. This is similar to what was found in "*Recreation and the creative Muslimah*".⁹

"*Imam Ash-Shafi'i's Opinion on Hajj without a Mahram and Its Relevance to the Present Day*"¹⁰ revealed that the majority of fiqh scholars are of the opinion that women must be accompanied by their *maḥram* to perform the pilgrimage. Apart from this, "*The Negative Consequences of Gender Mixing and Its Rulings in Islamic Shariah*"¹¹ found that religious legislation emphasizes the importance of separation and distance between unrelated men and women. In a similar context, "*Amplification of Islamic doctrines in hadith memes prohibition of women travels without a mahram on Indonesian social media*"¹² found that the existence of the meme hadith is a re-actualization of classical discourse that is intended as resistance to a variety of religious social phenomena that are deemed deviant. Apart from this, "*Ethical Principles of Social Activity of Muslim Women*"¹³ revealed that Islam allowed women to participate in different social activities but to the extent that never exposed them to danger. In a different context, "*Gendered pilgrimage: Hajj and Umrah from Women's Perspectives*"¹⁴ revealed differences in the views of Muslim scholars regarding women's travel for pilgrimage. Finally, "*Locating Muslimah in the Travel and Tourism Research*"¹⁵ revealed that female Muslims' perceptions and experiences of travel/tourism are majorly impacted by their religious and gendered identities. These studies have analyzed different perspectives of *maḥram*. However, they have not made a complete examination of hadiths related to a woman's travel. Besides, they didn't include various jurisprudential schools, virtual schools, and the opinions of contemporary jurists (*Imāms*).

Thus, this study focuses on the hadith perspective and is characterized as an analytical study that relies on a complete examination of hadiths related to a woman's travel. It is distinguished from the previous studies by combining various jurisprudential schools, virtual schools, and the opinions of contemporary Jurists. It is also distinguished by integrating an analysis of the narrations in terms of their authenticity and understanding (reason and wisdom).

Methodology

This qualitative study utilizes the comparative analytical method to analyze the texts of Islamic Law related to the prohibition of women's travel and compare between them. It further employs a comparative jurisprudential approach by presenting the evidence put forth by jurists, highlighting the predominant views based on a scientific methodology. The criteria of relying on hadiths implies that if the hadith is found in both *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ al-Muslim*, narrated by the same companion, it is stated as "agreed upon" متفق عليه. The study also includes the ruling for each hadith mentioned, whether it is authentic, weak, or otherwise, and if there is a weakness in narration; the study clarifies it. Data is collected through conducting a review of documents; hadiths and jurisprudential texts. Furthermore, the content analysis method is used to analyze the hadiths related to the research topic.

Study Plan

The study is organized into two main sections as follows:

1. Hadiths on a woman's travel, includes two requirements:
 - a. Hadiths explicitly prohibiting a woman's travel without a *maḥram*.
 - b. Hadiths and narrated accounts permitting a woman's travel without a *maḥram*.
2. A woman's travel without a *maḥram*, its terminology and implications, includes two requirements:
 - a. The meaning of travel and the accompanying *maḥram* as stated in the hadith texts.
 - b. The jurisprudence of the prohibition mentioned in the hadiths, along with other hadiths indicating permissibility and their implications.
 - c. The textual implications, both expressed and inferred, and their impact, determining the predominant understanding in a woman's travel without a *maḥram*.

- d. Afterward, the study presents the outcomes and the conclusion.

Hadiths on a woman's travel, includes two requirements:

1. Hadiths explicitly prohibiting a woman's travel without a *maḥram*.

Some narrations specify a duration of three days, as mentioned in the hadith narrated by 'Umrah bint 'Abdul Rahman. She said, "I asked 'Ā'ishah and she informed me that Abu Sa'eed al-Khudri reported from the Messenger of Allah (*Ḥaḍrat Muhammad Rasūlullah Khātam un Nabīyyīn Ṣallallahu 'alaihi wa 'alā Ālihi wa Aṣḥābihi wa Ṣallam*) that he said: It is not lawful for a woman to undertake three days journey except when there is a *maḥram* with her. 'Ā'ishah then turned towards us and said, 'Not all of them have a *maḥram* with them!'¹⁶ Similar statements are also reported from Ibn Umar."¹⁷

The diversity in the time durations in authentic hadiths suggests that they were specific occurrences, taking into consideration the circumstances and the individual's situation, and that they were not intended as absolute rules. An illustration of this is found in the narration of Ibn Abbas where he reported that the Prophet (*Ḥaḍrat Muhammad Rasūlullah Khātam un Nabīyyīn Ṣallallahu 'alaihi wa 'alā Ālihi wa Aṣḥābihi wa Ṣallam*) said: "A woman should not travel except with a *maḥram*."¹⁸ This is a general prohibition without specifying a time frame. Similarly, "A man must never be alone with a woman unless there is a *maḥram* with her. A woman also may not travel with anyone except with a *maḥram*."¹⁹

Ibn Abbas, in his narration, encompassed all types of travel, making it a general prohibition, consistent with the content of various other narrations. Therefore, it is inclusive of all the aspects that were mentioned in the other hadiths, and one should not restrict the understanding to a specific duration, as mentioned in some interpretations.²⁰

2. Hadiths and narrated accounts permitting a woman's travel without a *maḥram*.

While the explicit hadiths prohibit a woman from traveling without a *maḥram* are all proved to be narrated from Prophet (*Ḥaḍrat Muhammad Rasūlullah Khātam un Nabīyyīn Ṣallallahu 'alaihi wa 'alā Ālihi wa Aṣḥābihi wa Ṣallam*). In this respect, there are established reports from some companions that contradict this explicit prohibition. For example, 'Ā'ishah used to travel without a *maḥram*²¹, as narrated by 'Ata, and once she said, "Not every woman has a

maḥram, or can find one."²². 'Ā'ishah also said she asked the permission of the Prophet (*Ḥaḍrat Muhammad Rasūlullah Khātām un Nabīyyīn Ṣallallahu 'alaihi wa 'alā Ālihi wa Aṣḥābihi wa Ṣallam*) to take part in *jihād*, and he replied, "The *jihād* (جهاد) of you women is the pilgrimage."²³

There is a narration from Prophet (*Ḥaḍrat Muhammad Rasūlullah Khātām un Nabīyyīn Ṣallallahu 'alaihi wa 'alā Ālihi wa Aṣḥābihi wa Ṣallam*) reported by 'Adi bin Hatim in which the Prophet (*Ḥaḍrat Muhammad Rasūlullah Khātām un Nabīyyīn Ṣallallahu 'alaihi wa 'alā Ālihi wa Aṣḥābihi wa Ṣallam*) said to him: "If you should live for a long time, you will certainly see that a lady in a Howdah traveling from Al-Hira will (safely reach Mecca and) perform the *Tawāf* (طواف) of the *Ka'bah* (الكعبة), fearing none but Allah" 'Adi added: (later on) I saw a lady in a Howdah traveling from Al-Hira till she performed the *Tawāf* (طواف) of the *Ka'bah*, fearing none but Allah.²⁴ This is mentioned in *Ṣaḥīḥ al-Bukhārī* and is also reported by al-Dārquṭnī as "The lady in a Howdah travelling from Al-Hira will perform the *Tawāf* of this house, fearing none but Allah".²⁵

Apparently, the narration indicates the permissibility of a woman traveling, as implied by the context rather than explicitly stated.

1. A woman's travel without a *maḥram*, its terminology and implications, includes two requirements:
 - a. The meaning of travel and the *maḥram* as stated in the hadiths.
 - b. The previous hadiths included various terms which must be clarified.

Firstly: Travel (As-Safar السفر)

In linguistic terms: the word "Safar سفر" is derived from the root "s-f-r, س-ف-ر" with the singular form being "Safa سفر," and the plural forms being "asfar أسفار" and "suffar سفار."²⁶ In the Arabic language, "Safar" سفر has multiple meanings. It can mean the act of covering a distance with the plural "asfar أسفار (Travels)"²⁷ or the act of setting out for a journey²⁸. In Islamic terminology, jurists have differed in their interpretations of travels.²⁸ Therefore, we should refer here to the jurists' opinions on the technical definition of travel. The first religious sect believes that travel should be understood in its general sense without specific restrictions, and its determination is based on common understanding among people.²⁹ The second religious school of thought tends to restrict the definition of travel. However, there are differing opinions within this school regarding the

specific consideration for determining travel, which can be categorized into two main views:

1. Consideration of time, but they differ in the specific duration, the minimum duration commonly agreed upon by them is one day.

Ibn Abbas is reported to have said that travel involves a journey of at least one full day, and this view is also supported by Al-Awza'ī. Ibn al-Mundhir mentioned that the majority of jurists share the opinion that the journey should be at least a full day, and this is what we follow.³⁰

2. Consideration of distance, the minimum distance agreed upon by them is three miles.

Looking at both considerations, one finds that they are interconnected. Whoever limits travel by time must, by necessity, cover a certain distance within that time. Conversely, when restricted by distance, there must be a duration associated with covering that distance. After examining the opinions of jurists, it is observed that the Māliki³¹ (المذهب المالكي) and Shāfi'ī Islamic legal schools (المذاهب الفقهية)³² agree that travel is the intention to journey without sinning, covering a distance of four buruds, sixteen *farsakhs*, or a journey of one day and night in moderate travel.

Contrastingly, the Ḥanbali Islamic legal School³³ states that travel involves a journey lasting two moderate days without nights, or a journey of two moderate nights without days, or a journey of one day and one night. This opinion aligns with that of Imam Mālik.³⁴ Some contemporary jurists estimated these distances to be close to each other. It was suggested that the four buruds are equivalent to eighty-five kilometers³⁵, while others proposed eighty-one kilometers.³⁶

As for the Ḥanafi School, they define travel as the intention of an individual to reach a place within a journey of three days and nights, using the pace of camels and walking.³⁷ This is the predominant view in their school, but there is a difference of opinion among them.

Ibn Hajar said: "Most Jurists have acted upon this general wording due to the variations in restrictions."³⁸

Secondly: Al-Maḥram المَحْرَم

In the linguistic sense, it is derived from the root “ḥarama حرم”, and it signifies something prohibited. It is used to express the restriction or prohibition of an action. The term “*Ḥurma* حرمة” refers

to what is not permissible to violate. It carries the connotation of sanctity and respect. Besides, it can also be used to describe a woman, and its plural form is “*Al-Ḥurum* الخُرْم”.³⁹

The concept of "*Al-Maḥram*" in Islamic terminology: jurists of Ḥanafī⁴⁰, Mālīkī⁴¹, Al-Rāfi‘ī⁴², Shāfi‘ī and Ḥanbali Islamic legal schools⁴³ agreed that “*Al- maḥram*”⁴⁴ refers to three reasons: lineage, affinity by marriage, and breastfeeding. Although they agreed on the reasons for being considered *Maḥram*, their definitions of "*al-maḥram*" varied in terms of clarification, as follows:

Firstly, according to the Ḥanafī School: *al-Maḥram* is defined as any sane, pubescent person who is not a libertine or a magian, such as a spouse or someone whose marriage is permanently prohibited due to lineage, affinity, or breastfeeding, even if the marriage was unlawful.

The definition excludes females, as women are not considered "*Maḥram*" even if they are elderly.⁴⁵ Those related through general kinship or brotherhood are excluded. The relationship of the wife's sister, aunt, and maternal aunt through affinity is also excluded. The requirement for the prohibition to be permanent is stated, as it removes suspicion in seclusion.⁴⁶

Secondly, according to the Mālīkī School, the term "*Al-Maḥram*" is defined as any distinguished, trustworthy individual from whom sufficiency is obtained, either a husband or someone whose marriage is prohibited permanently due to lineage or breastfeeding.⁴⁷ The Mālīkī School takes a more cautious approach regarding the prohibited relationships.

Thirdly: The Shāfi‘ī exempted from the *maḥram* status relatives falling under the category of "forbidden lineage" like the son of the paternal aunt or maternal aunt, and the wife's sister or the wife's aunt. The prohibition is also lifted in cases where there is a legitimate reason, such as the mother of the one involved in a suspicious situation and her daughter, and the prohibition for her to travel alone is due to its severity, as it is considered a strict prohibition.

Fourthly: A *maḥram* according to the Ḥanbali School is anyone who legally fulfills the criteria that render marriage permanently forbidden based on lineage or due to a legitimate reason, such as breastfeeding, marriage affiliation, or lawful intimate relations.⁴⁸ In summary, the rulings outlined by the jurists aim to safeguard women during their travels, ensuring security against potential risks.

Jurisprudence of Prohibition in Light of Hadiths with Other Hadiths Indicating Permissibility and their evidences:

Firstly: The preventing evidences: The jurists who prohibit women from traveling without a *maḥram* include the Ḥanafis⁴⁹, Ḥanbalis⁵⁰, followers of hadith, as well as notable figures like Al-Nakha‘i, Al-Hasan Al-Basri, Sufyan Al-Thawri, Abu Thawr, Ishaq ibn Rahawayh, and jurists like Muhibb al-Din al-Tabari⁵¹, Ibn Taymiyyah⁵², Al-San‘ani⁵³, Al-Shawkani, and Siddiq Hasan Khan⁵⁴. They base their stance on various evidences, including:

1. From The Holy Qur’ān:

- Verse 97: “Pilgrimage to this house is an obligation by Allah upon whoever is able among the people.”⁵⁵
- The Ḥanafi⁵⁶, and the Ḥanbali School⁵⁷, hold the view that if a woman has a *maḥram*, then she can perform the pilgrimage to the house of Allah, as she is capable of riding and descending, and her *maḥram* ensures her safety.

2. From the Prophetic Sunnah:

- Ibn ‘Abbas reported that the Prophet (*Ḥaḍrat Muhammad Rasūlullah Khātam un Nabīyyīn Ṣallallahu ‘alaihi wa ‘alā ‘Ālihi wa Aṣḥābihi wa Ṣallam*) said, "A woman should not perform Hajj unless she has a *maḥram* with her." ⁵⁸ They said that this Hadith is clear in its ruling, and it is because she is initiating a journey within the Islamic state, and it is not permissible for her to travel without a *maḥram*, similar to voluntary Ḥajj.⁵⁹
- The Prophet (*Ḥaḍrat Muhammad Rasūlullah Khātam un Nabīyyīn Ṣallallahu ‘alaihi wa ‘alā ‘Ālihi wa Aṣḥābihi wa Ṣallam*) said, "A woman should not travel for three days except with a *maḥram* or her husband."⁶⁰

Secondly: Evidence of those who permit it: Those who permit women to travel without a *maḥram* are divided into two groups. The first group permits a woman to travel without a *maḥram*, relying on the company of trustworthy women.

This includes the Māliki and Shafi‘ī schools. The second group allows a woman to travel when there is no *maḥram* or husband present, without restricting it to the company of trustworthy women. This group includes the Zāhiri (virtual) school, and their overall evidence presented as follows:

1. From The Holy Qur'ān:

- Verse 97: "Pilgrimage to this House is an obligation by Allah upon whoever is able among the people."⁶¹
- The view adopted by the Māliki and Shāfi'ī schools is that capability is fulfilled with a *maḥram* or trustworthy company. According to them, a woman travel for Ḥajj only with a trustworthy companion.

2. From the Sunnah:

- The Prophet (*Ḥaḍrat Muhammad Rasūlullah Khātam un Nabiyyīn Ṣallallahu 'alaihi wa 'alā Ālihi wa Aṣḥābihi wa Ṣallam*) said, "A woman should not travel except with a *maḥram*."⁶²
- 'Ā'ishah (*Raḍi Allah 'anhū*) said: "Not every woman has a *maḥram*, nor can she find one." She also said, commenting on those who prevent women from traveling without a *maḥram* for more than three days: "Do you find a *maḥram* !"⁶³
- 'Ā'ishah (*Raḍi Allah 'anhū*) said, she asked the permission of the Prophet (*Ḥaḍrat Muhammad Rasūlullah Khātam un Nabiyyīn Ṣallallahu 'alaihi wa 'alā Ālihi wa Aṣḥābihi wa Ṣallam*) to take part in jihād, and he replied, "The jihād of you women is the pilgrimage."⁶⁴
- Regarding Umar Bin Al-khattab (*Raḍi Allah 'anhū*); it is narrated that he gave permission for the wives of the Prophet (*Ḥaḍrat Muhammad Rasūlullah Khātam un Nabiyyīn Ṣallallahu 'alaihi wa 'alā Ālihi wa Aṣḥābihi wa Ṣallam*) to perform Hajj. Al-Bayhaqi commented on this after the death of the Prophet (*Ḥaḍrat Muhammad Rasūlullah Khātam un Nabiyyīn Ṣallallahu 'alaihi wa 'alā Ālihi wa Aṣḥābihi wa Ṣallam*), saying that the intention of this narration is the obligation of Ḥajj for them once in their lifetime, similar to the obligation on men once, not a prohibition from performing Ḥajj more than once."⁶⁵
- Umar ibn al-Khattab (*Raḍi Allah 'anhū*) ordered permission for women to perform Ḥajj, and they should not be prevented from it. He did not stipulate the presence of a *maḥram* for them. Since it is an obligatory journey, it became obligatory not to prevent them from performing it without any conditions. Moreover, since the presence of a *maḥram* مَحْرَم is not a condition for the obligation of any act of worship, it is not a condition for its performance, just like all other acts of worship.⁶⁶

- Adi bin Hatim narrated that he came to the Prophet (*Ḥaḍrat Muhammad Rasūlullah Khātam un Nabīyyīn Ṣallallahu ‘alaihi wa ‘alā Ālihi wa Aṣḥābihi wa Ṣallam*) who said to him: “The lady in a Howdah travelling from Al-Ḥira will perform the *Ṭawāf* this house, fearing none but Allah”.⁶⁷

Māliki School stated: the role of a trustworthy companion does not suffice in non-obligatory travel.⁶⁸ However, the Māliki jurists make an exception for a woman traveling without a *maḥram* if she is part of a large caravan.⁶⁹

Thus, jurists derived from the hadiths that prohibit women from traveling alone the prohibition of non-essential travel. Those who permitted women to travel without a male guardian stated the necessity of having a substitute, such as trustworthy women or a secure caravan. Textual implications explicitly and implicitly, and their predominant significance in women's travel

Meaning of Cause and Wisdom

1. **Cause Linguistically:** It refers to what causes a change in something when it occurs. It is also said to be the necessary sign.
2. **Cause (*‘Illah*) in terminology:** It refers to what makes the existence of something contingent on the existence of something else. It is external to the essence of the thing and does not necessitate the existence of another thing. However, the absence of the latter necessitates the absence of the former.⁷⁰
3. **Wisdom (*Ḥikmah*) Linguistically:** Derived from "*Ḥikm* حِكْم," meaning prevention. Knowledge is called wisdom because it prevents ignorance, and the reins of a horse are called wisdom because they prevent it from disobeying its rider.
4. **Wisdom (*Ḥikmah*) in terminology:** It refers to an apparent description that is not regulated and varies according to people's perspectives.⁷¹

The jurists agree on the requirement of a *maḥram* for a woman's travel.

Is the requirement of a *maḥram* for a woman's travel due to a reason?

Upon examining the authentic hadiths regarding a woman's travel, it becomes evident that the obligation of having a *maḥram* for every journey is emphasized. However, these hadiths do not explicitly mention or hint at a description or rationale that explains the reason behind this requirement. Therefore, the derived purposes and

expected rulings are merely interpretations and do not directly engage with the concept of the rationale, whether present or absent.

Evidence for those claiming that the *maḥram* is required for security reasons: hadith narrated by 'Adi bin Hatim, where the Prophet (*Ḥaḍrat Muhammad Rasūlullah Khātam un Nabīyyīn Ṣallallahu 'alaihi wa 'alā Ālihi wa Aṣḥābihi wa Ṣallam*) said to him: "The lady in a Howdaj حودج travelling from Al-Ḥira will perform the Ṭawāf of this house, fearing none but Allah" 'Adi commented on this by then knowledge that he witnessed the woman traveling without any fear except of Allah.⁷²

Our preference is that the *maḥram* must align with what is explicitly stated in the authentic texts. Deputizing, on the other hand, relies solely on reasoning and does not have a solid basis in explicit texts.

Main Results of the Study

1. A number of hadiths explicitly prohibited women's travel without a *maḥram*. This is evident in the hadith narrated by 'Umrah bint 'Abdul Rahman. She said, "I asked 'Ā'ishah and she informed me that Abu Sa'eed al-Khudri reported from the Messenger of Allah (*Ṣall Allahu 'alaihi wa sallam*) that he said: It is not lawful for a woman to undertake three days journey except when there is a *maḥram* with her. 'Ā'ishah then turned towards us and said, 'Not all of them have a *maḥram* with them! similar statements are also reported from Ibn Umar." Furthermore, "A man must never be alone with a woman unless there is a *maḥram* with her. A woman also may not travel with anyone except with a *maḥram*."⁷³
2. The travel distance limit varies among jurists based on considerations rely on customary practices, with a broad linguistic interpretation.
3. The requirement of a *maḥram* for a woman's travel is a subject of disagreement among jurists, but their divergence is more pronounced in the case of obligatory travel, such as Ḥajj. The Māliki School delegated the trusted companionship to stand in for the *maḥram* in the absence or refusal of the latter. The Shāfi'ī school allowed trusted companionship even in the presence of a *maḥram*, contrary to the Ḥanafī and Ḥanbalī schools, which prohibited travel without a *maḥram* in all circumstances.
4. The Māliki School has a specific ruling on a woman traveling without a *maḥram*. They permit it if she is part of a large caravan, given the absence of fear.
5. The disagreement among jurists regarding the requirement of a *maḥram* for a woman's travel stems from their different interpretations of the texts prohibiting a woman's travel without a *maḥram*. Similarly, if security is ensured through a means other

than a *maḥram*, such as a trustworthy group, the prohibition is also lifted. However, those who believe that the prohibition is absolute and not contingent on specific circumstances maintain that a woman's travel is only allowed with a *maḥram*, and they do not permit any alternative means that ensure security without a *maḥram*. This view is considered more plausible.

Conclusion

This study has examined the prohibitions of travel in Hadiths. The focus was made upon the concept of *maḥram* and its importance for women travel. In this respect, the findings revealed that the guardian “*maḥram*” has various qualifications and that the most cautious approach to ensuring the intended purpose of the requirement for a woman's travel is for the guardian to be an adult, sane, and prohibited from marrying the woman indefinitely. The authentic hadiths support the requirement of a male guardian for a woman's travel and that this requirement is ritualistic, contrary to the view that it is rationalized.

Significantly, the journey distance limit varies among jurists based on considerations of customary practices, with a broad linguistic interpretation. In a sense, the necessity of a *maḥram* for a woman's travel is a subject of disagreement among jurists. This is the outcome of their different interpretations of the texts prohibiting a woman's travel without a *maḥram*. If security is ensured through a means other than a *maḥram*. Such as; a trustworthy group, the prohibition is also lifted.

However, those who believe that the prohibition is absolute and not contingent on specific circumstances maintain that a woman's travel is only allowed with a *maḥram* and they do not permit any alternative means that ensure security without a *maḥram*. The current study finds this view more plausible.

The researcher discerns that in case a woman's security is guaranteed, at the physical and psychological levels, she can travel without a *maḥram*, since the purpose behind travelling with a *maḥram* is to ensure the safety of women.

Suggestions for further research

Since the current study has examined the prohibitions of women travel in hadiths, there is still an importance to carry out future research on the following topics:

- The position of Islamic jurisprudence on women travel in the age of modern transportations.
- The role of *Ijtihād* in bridging the gulf between Islamic idea of *maḥram* and modern transportations.

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