

The concept of 'mahram'

By K.M.Z

ALTHOUGH the Holy Quran defines at length the term *mahram* — a relationship where marriage is prohibited (Surah Nisa, verse 23 & 24) — it does not mention anything about the company of a *mahram* in the case of a woman performing Haj or Umrah.

However, according to authentic *ahadith*, a woman is not allowed to undertake a journey (not only for Haj or Umrah) involving three days in the ancient mode of travelling or for a distance of 98 kilometres without her husband or *mahram*. So, a woman, who lives at a place from where she can proceed for Haj or Umrah in less than three days is allowed to perform Haj and Umrah alone and without a *mahram*.

The Holy Prophet (Peace be upon him) is reported to have said that a woman should not go for Haj without a *mahram*. Different schools of jurists have interpreted the *ahadith* in different ways. Imam Abu Hanifa Noman bin Sabt and Imam Ahmed bin Hanbal maintain that a woman, under no circumstances, can go for Haj without her husband or

mahram, while Imam Malik bin Annas says that she can go for obligatory Haj in the form of a group of women if she finds herself safe. In the opinion of Imam Mohammad bin Idrees Shafi, a woman can go for Haj (obligatory or optional) in a group of women where she feels secure.

These observations were made by Mufti Munibur Rahman, the chairman of the Central Ruat-i-Hilal Committee, while answering a number of questions raised in an article published in *Dawn Magazine* under the headline, *A daunting task* in the issue of March 7, 2004.

The specific questions raised were: Under which Shariah law is it necessary for a woman to be accompanied by a *mahram* to perform Haj or Umrah; If a woman has no *mahram*, how can she go to perform Haj or Umrah; Why is it necessary to read the Holy Quran in Arabic even if one does not know the language and why cannot one read the Holy Quran in English or Urdu without Arabic text; Under which Shariah law the punishment of cutting hands

and stoning to death are prescribed; Why are the institutions of *ijtehad* (interpretation) and *ijma* (consensus) not revived to bring Islamic laws in line with the requirements of modern times?

For the woman who has no *mahram* but has the means and will to perform Haj or Umrah, Mufti Munibur Rahman says: "She should not go for Haj or Umrah. Her very desire to perform Haj and Umrah will be rewarded by Allah. This obligatory pillar of faith will not be applicable to her. Because of her situation, she earns exemption. She can, if she has the means, send someone at her cost to perform Haj on her behalf, called Haj-i-Badal. There is a consensus among jurists on this issue. If she cannot do it during her lifetime, she should leave a will making the necessary provision for Haj-i-Badal.

Regarding the necessity of reading the Holy Quran in Arabic even for those who do not know Arabic, Mufti Munibur Rahman says that words of the Holy Quran in Arabic are those of Allah,

while the words of the Holy Quran in Urdu, English or any other language for that matter are the words of His creatures. So, in the case of the Holy Quran, the sanctity the Arabic scripture commands is unique and cannot be transferred to any other language. And this explains why it is necessary to recite the Holy Quran in Arabic. A closer and deeper look into the following Quranic verses clearly indicates that reciting the Holy Quran in Arabic was also Divine intention:

"It is He Who has sent amongst the unlettered an apostle from among themselves, to rehearse to them His Signs, to sanctify them, and to instruct them in Scriptures and wisdom ... " (Al Jumma, verse 2). This message is repeated in Surah Baqara (verses 129 and 151) and Surah Al-Imran (verse 164).

"For, believers are those who, when Allah is mentioned, feel a tremor in their heart, and when they hear His Signs rehearsed, find their faith strengthened, and put (all) their trust in their Lord" (Anfal, verse 2).

"Nay, man will be evidence

against himself, even though he were to put up his excuses. Move not thy tongue concerning the (Holy Quran) to make haste therewith. It is for us to collect it and to promulgate it. But when We have promulgated it, follow thou its recital (as

ing of the Holy Quran clearly, effectively and forcefully. In Pakistan, it is prohibited to print the translation of the Holy Quran in any other language without the Arabic text.

At the same time, sincere efforts should be made to

that the punishment is mentioned in Quran in Surah verse 41: "As to the man or female, cut their hands: a punishment example, from Allah, for a crime: and Allah

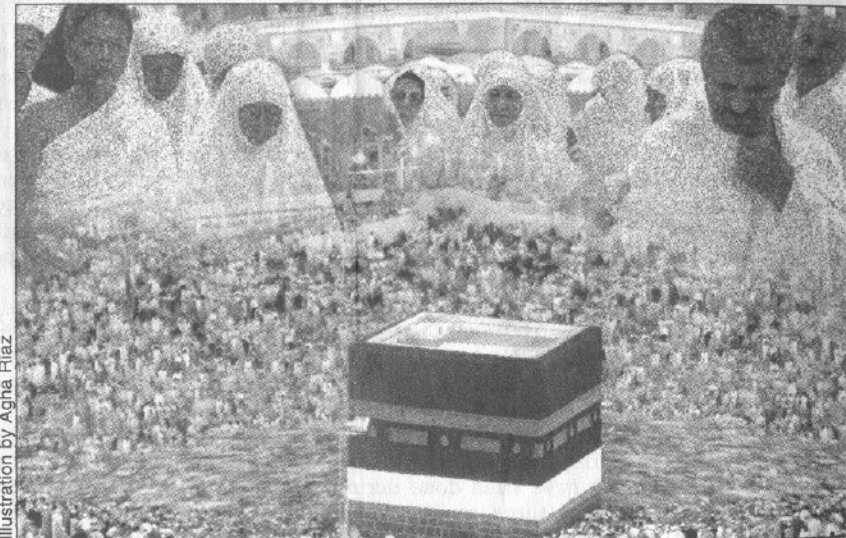


Illustration by Agha Riaz

promulgated)" (Al-Qiyamat, verses 14 to 18).

It is, therefore, binding from the Shariah point of view on every Muslim to read the Holy Quran in Arabic. Muslims regard the Holy Quran as a miracle and it is the duty of every Muslim to learn Arabic to realize and appreciate the glory and grandeur of the Holy Quran as its pristine purity comes out only if read in Arabic. No other language can convey the message and mean-

understand the meaning and message of the Holy Quran with the help of translation in the language one understands. By reading the Holy Quran in Arabic, one earns the reward of Allah, but by understanding its message and following its teaching in practical life, the rewards and benefits grow manifold.

About the punishment of cutting off hands for theft and stoning to death for adultery, Mufti Munibur Rahman says

crucifixion, or to cut their hands and feet, or to exile them from their world, and a punishment is their after."

For adultery, the punishment prescribed in Quran is mentioned in Al-Nur, verse 24, and the man guilty of fornication or adultery should be stoned to death. Mufti Munibur Rahman says let not compass

pt of 'mahram'

Imam Malik bin
she can go for
in the form of
en if she finds
the opinion of
had bin Idrees
can go for Haj
(optional) in a
en where she

ervations were
Mufti Munibur
airman of the
Ruet-i-Hilal
le answering a
tions raised in
shed in *Dawn*
the headline, A
n the issue of

uestions raised
ch Shariah law
or a woman to
by a *mahram*
or Umrah; If a
mahram, how
perform Haj or
it necessary to
uran in Arabic
not know the
ny cannot one
uran in English
t Arabic text;
ariah law the
cutting hands

and stoning to death are pre-
scribed; Why are the institu-
tions of *ijtehad* (interpretation)
and *ijma* (consensus) not
revived to bring Islamic laws in
line with the requirements of
modern times?

For the woman who has no
mahram but has the means and
will to perform Haj or Umrah,
Mufti Munibur Rahman says:
"She should not go for Haj or
Umrah. Her very desire to per-
form Haj and Umrah will be
rewarded by Allah. This obliga-
tory pillar of faith will not be
applicable to her. Because of
her situation, she earns exemp-
tion. She can, if she has the
means, send someone at her
cost to perform Haj on her
behalf, called Haj-i-Badal.
There is a consensus among
jurists on this issue. If she can-
not do it during her lifetime,
she should leave a will making
the necessary provision for
Haj-i-Badal.

Regarding the necessity of
reading the Holy Quran in
Arabic even for those who do
not know Arabic, Mufti
Munibur Rahman says that
words of the Holy Quran in
Arabic are those of Allah,

while the words of the Holy
Quran in Urdu, English or any
other language for that matter
are the words of His creatures.
So, in the case of the Holy
Quran, the sanctity the Arabic
scripture commands is unique
and cannot be transferred to
any other language. And this
explains why it is necessary to
recite the Holy Quran in
Arabic. A closer and deeper
look into the following Quranic
verses clearly indicates that
reciting the Holy Quran in
Arabic was also Divine inten-
tion:

"It is He Who has sent
amongst the unlettered an
apostle from among them-
selves, to rehearse to them His
Signs, to sanctify them, and to
instruct them in Scriptures and
wisdom ... " (Al Jumma, verse
2). This message is repeated in
Surah Baqara (verses 129 and
151) and Surah Al-Imran (verse
164).

"For, believers are those
who, when Allah is mentioned,
feel a tremor in their heart, and
when they hear His Signs
rehearsed, find their faith
strengthened, and put (all)
their trust in their Lord"
(Anfal, verse 2).

"Nay, man will be evidence

against himself, even though
he were to put up his excuses.
Move not thy tongue concern-
ing the (Holy Quran) to make
haste therewith. It is for us to
collect it and to promulgate it.
But when We have promulgated
it, follow thou its recital (as

ing of the Holy Quran clearly,
effectively and forcefully. In
Pakistan, it is prohibited to
print the translation of the
Holy Quran in any other lan-
guage without the Arabic text.

At the same time, sincere
efforts should be made to

that the punishment for a thief
is mentioned in the Holy
Quran in Surah Al-Maida,
verse 41: "As to the thief, male
or female, cut off his or her
hands: a punishment by way of
example, from Allah, for their
crime: and Allah is exalted in

power." In the
same Surah,
verse 36, the
punishment
for armed rob-
bery and
spreading dis-
sension is
mentioned in
these words:
"The punish-
ment for those
who wage war
against Allah
and His
Apostle, and
strive with
might and
main for mis-
chief through-
out the land is:
execution, or

their case, in a matter pre-
scribed by Allah, if ye believe
in Allah and the Last Day: and
let a party of believers witness
their punishment."

Although in the Holy Quran
stoning to death for adultery is
not specifically mentioned, this
punishment was awarded by
the Holy Prophet, according to
the Jewish scriptures, as men-
tioned in Ahadith.

The enforcement of these
punishments presupposes the
existence of a society based on
Islamic principles. In a Islamic
state based on welfare, justice
and fairplay, the possibility of
such crimes will be minimal.

About *ijtehad* (interpreta-
tion) and *ijma* (consensus),
Mufti Munibur Rahman says,
"It is a continuous process and
can never be kept in abeyance.
It has established and well-set
principles. It comes into opera-
tion as and when the need aris-
es, specially to meet new situa-
tions. Cases in point are mat-
ters relating to test-tube
babies, genetic engineering,
cloning and implantation of
human organs.

Under Saudi law, a woman is
not allowed entry into the coun-
try unless accompanied by her
husband or *mahram*. However,
a cross-section of people regard
it as discrimination against
women and call for *ijtehad* at
the level of the Organisation of
Islamic Countries, so that it
may become applicable to all
Muslim countries, overriding
all local/national laws. ■

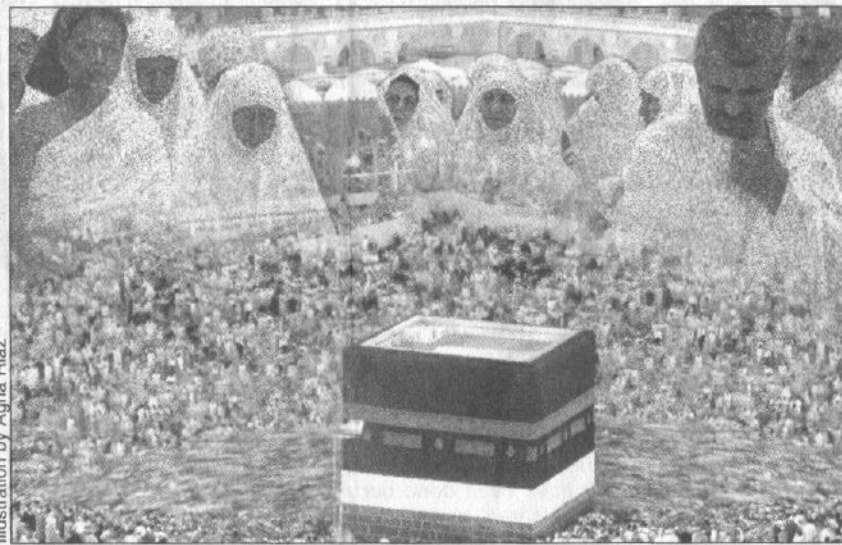


Illustration by Agha Riaz

promulgated)" (Al-Qiyamat,
verses 14 to 18).

It is, therefore, binding from
the Shariah point of view on
every Muslim to read the Holy
Quran in Arabic. Muslims
regard the Holy Quran as a mir-
acle and it is the duty of every
Muslim to learn Arabic to real-
ize and appreciate the glory
and grandeur of the Holy
Quran as its pristine purity
comes out only if read in
Arabic. No other language can
convey the message and mean-

understand the meaning and
message of the Holy Quran
with the help of translation in
the language one understands.
By reading the Holy Quran in
Arabic, one earns the reward of
Allah, but by understanding its
message and following its
teaching in practical life, the
rewards and benefits grow
manifold.

About the punishment of
cutting off hands for theft and
stoning to death for adultery,
Mufti Munibur Rahman says

crucifixion, or the cutting off of
hands and feet from opposite
sides, or exile from the land:
that is their disgrace in this
world, and a heavy punish-
ment is theirs in the here-
after."

For adultery, the punish-
ment prescribed in the Holy
Quran is mentioned in Surah
Al-Nur, verse 2: "The woman
and the man guilty of adultery
or fornication — flog each of
them with a hundred stripes;
let not compassion move you in