

An Old Woman Performing Hajj without a Mahram

Q: Hajj-18: A woman aged 50 to 60 years and although Hajj became Fardh for her 2 to 3 years ago, she has been unable to perform the Hajj because she has no Mahram to accompany her. Will she be able to go for Hajj with her neighbour, who is upright and righteous? Can she go for Hajj with a group of women from the village? There is no other way in which she can go for Hajj, so will the Hajj remain Fardh upon her?

Answer: If a woman has the means to go for Hajj, but is unable to take a Mahram along with her, the Hajj will not be Fardh upon her. Shaami makes this clear that,? adding that it would not be necessary for her to go for Hajj if she cannot have a Mahram to go along with her. This is because having a Mahram accompany a woman is a precondition for the compulsion of Hajj.

A woman will therefore not be sinful for not going for Hajj when she has no Mahram, whereas she will be sinful for going for Hajj without a Mahram because she will be breaking the command of Rasulullaah SAW. and the Shari'ah. Performing Hajj without a Mahram will be Makrooh, though valid.

Rasulullaah SAW. said, "It is not permissible for a woman who believes in Allaah and the Last Day to travel a distance of a day or more without her. Mahram. A Mahram is a person whom one cannot marry under any circumstances. Another Hadith stresses that a woman may never perform Hajj without a Mahram.

Fataawaa Aalamgeeri (Vol.1 Pg.218) states that amongst the conditions for Hajj becoming Waajib (compulsory) for a woman is that she needs to travel. In the company of a Mahram if she resides a distance of more than three day's journey from Makkah. This applies regardless of the woman's age.

Fataawaa Qaadhi Khan (Vol,1 Pg.87) also makes it evident that according to the consensus of the Ulema, even an old woman may not travel without Mahram or be alone with a non-Mahram regardless of whether the man young or old.

Hidaayah (Vol.1 Pg.213) and other books of jurisprudence explain that there is the ever-present danger associated with a woman travelling by herself, a danger that would be amplified when there are many women travelling together. Furthermore, Rasulullaah SAW. emphasised that a woman may never perform Hajj without a Mahram.

The gist of it all is that a woman may not go for Hajj with a non-Mahram neighbour regardless of how upright or righteous he may be. She may also travel with a group of women.

Someone once said to Hadhrat Sheikh Naseer Aabaadi RAH. that there are many people who sit in the company of non-Mahram women, saying that there is no harm in this because they are pure at heart (and will therefore not entertain any evil thoughts). To this, the Sheikh replied, "The command and prohibitions of the Shari'ah will apply for as long as man's body exists and

he will thus always remain bound to the laws of Halaal and Haraam.

A Hadith states that whenever a non-Mahram man and woman are alone together, the third person there is Shaytaan. In fact, Shaytaan himself said "Even if it were Junaid Baghdadi and Raabi'ah Basriyyah alone together will blacken their faces (by making them commit adultery).

A woman therefore need not perform Hajj if she has no Mahram. If she really desires to do so, she should marry and take her husband along with her. There is no other alternative. If she is unable to perform the Hajj, she may make a bequest for Hajj Badal to be performed on her behalf. And Allaah knows best what is most correct.

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