



## IS A FATHER-IN-LAW/SON-IN-LAW A MAHRAM AFTER THE SON/DAUGHTER PASS AWAY? IF SO DO ALL LAWS STILL APPLY? CAN THEY BE A MAHRAM FOR TRAVELLING PURPOSES?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

هو الموفق

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وَيَجُوزُ شَهَادَةُ الرَّجُلِ لِوَالِدِهِ مِنَ الرِّضَاعَةِ وَوَالِدَتِهِ؛ لِأَنَّ الرِّضَاعَ تَأْتِيهِ فِي الْحُرْمَةِ خَاصَّةً، وَفِيهَا وَرَاءَ ذَلِكَ كُلِّ وَاحِدٍ مِنْهُمَا مِنْ صَاحِبِهِ كَأَلْجَنِيِّ.  
(ألا ترى) أَنَّهُ لَا يَتَعَلَّقُ بِهِ اسْتِحْقَاقُ الْإِرْثِ وَاسْتِحْقَاقُ النَّفَقَةِ خَالَةَ الْبَسَارِ وَالْعُسْرَةَ، وَبِهِ يُفَرَّقُ بَيْنَ الْإِخْوَةِ وَالْوَالِدِ فَأَلِإِخْوَةُ لَا يَتَعَلَّقُ بِهَا اسْتِحْقَاقُ النَّفَقَةِ عِنْدَ عَدَمِ الْبَسَارِ بِخِلَافِ الْوَالِدَةِ وَالزَّوْجِيَّةِ فَإِنَّهُ يَتَعَلَّقُ بِمَا اسْتِحْقَاقُ خَالَتِي الْبَسَارِ وَالْعُسْرَةَ  
وَيَجُوزُ شَهَادَةُ الرَّجُلِ لِأُمِّ امْرَأَتِهِ وَلِزَوْجِ ابْنَتِهِ؛ لِأَنَّ الْمَصَاهِرَةَ الَّتِي بَيْنَهُمَا تَأْتِيهِمَا فِي حُرْمَةِ النِّكَاحِ فَقَطُّ. فَأَمَّا مَا سِوَى ذَلِكَ لَا تَأْتِيهِ لِلْمَصَاهِرَةِ فَهِيَ بِمَنْزِلَةِ الرِّضَاعِ أَوْ ذُوْنَهُ. (ج ١٦ ص ١٢٥ المبسوط للسرخسي)

During the discussion of giving witness Imam al-Sarakhsi highlights the illegality of relationships due to fosterage and marriage. He states that this is a specific type of illegality which is only limited to marriage and does not affect other laws such as for example inheritance.

In the Qur'an we see the following

وَقُلْ لِلْمُؤْمِنَاتِ يَعْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَى جُيُوبِهِنَّ  
وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ آبَائِهِنَّ أَوْ أَبْنَائِهِنَّ أَوْ بُعُولَتِهِنَّ أَوْ إِخْوَانِهِنَّ أَوْ بَنِي إِخْوَانِهِنَّ أَوْ بَنِي  
أَخْوَانِهِنَّ أَوْ نِسَائِهِنَّ أَوْ مَا مَلَكَتْ أَيْمَانُهُنَّ أَوِ التَّابِعِينَ غَيْرِ أُولِي الْإِرْبَةِ مِنَ الرِّجَالِ أَوِ الطِّفْلِ الَّذِينَ لَمْ يَظْهَرُوا عَلَى عَوْرَاتِ النِّسَاءِ  
وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ مِنْ زِينَتِهِنَّ وَتُوبُوا إِلَى اللَّهِ جَمِيعًا أَيُّهُ الْمُؤْمِنُونَ لَعَلَّكُمْ تُفْلِحُونَ (\*) [سورة النور] الآية

31

This aya states that amongst the men who are considered mahram are 'their husband's fathers (father-in-laws)...and their husband's sons'. Hence these individuals will continue to be mahram even after the death of the son/daughter or their divorce.



حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخْوَاتُكُمْ وَعَمَّاتُكُمْ وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ وَبَنَاتُ الْأُخْتِ وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخْوَاتُكُم مِّنَ الرَّضَاعَةِ وَأُمَّهَاتُ نِسَائِكُمْ وَرَبَائِبُكُمُ اللَّاتِي فِي حُجُورِكُمْ مِّن نِّسَائِكُمُ اللَّاتِي دَخَلْتُمْ بِهِنَّ فَإِنْ لَمْ تَكُونُوا دَخَلْتُمْ بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ وَحَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ وَأَنْ تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ إِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا (\*) [ سورة النساء ] الآية 23

This aya states that amongst the women who are considered mahram are 'the mothers of your wives (mother-in-laws)'!...'the wives of your sons (daughter-in-laws)'. Hence these individuals will continue to be mahram even after the death of the son/daughter or their divorce.

In conclusion, the hurma/illegality is established by marriage and as a result the son-in-law and father-in-law are considered mahram. However, this is a specific type of illegality which affects the possibility of marriage. Hence to not practice full hijab in front of one's son-in-law/father-in-law is established by the aya, but this is a restricted form which does not make legal the other legal relationships which exist between a woman and her blood mahram. As this is a permanent form of hurma/illegality then it would be permissible to be considered as a mahram. As a result it is permissible to travel with one's father-in-law and son-in-law. However, one must exercise caution and avoid this if the journey is long or the age gap between them is not significant (less than around 25 years).

والله اعلم وعلمه أتم

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21<sup>st</sup> Safar 1437/3<sup>rd</sup> December 2015