

Shaykh Mashhūr Hasan Āl Salmān
(hafidhahullāh)

ON THE RULING OF WOMEN DRIVING¹

Answer from Shaykh Mashhūr (hafidhahullāh):

A number of questions have arrived in regard to the ruling of women driving cars. In Saheeh ul-Bukhārī: *“the best of women who mount camels are the women of Quraysh.”* Which of the two cover and protect a woman more: a woman mounting a camel [Ibl] or an Opel [a type of car]? The Ibl or the Opel? A car covers and protects a woman more than her mounting a camel, a woman getting in her car to fulfil her needs is easier than her mounting a camel!² With this the Prophet (*sallAllāhu ‘alayhi wassallam*) said: *“The best of women who mount camels are the women of the Quraysh.”* This matter goes back to the leaders in authority and their

¹ Dated 24th January 2014 from our Shaykh’s Q & A session, see:

<https://www.youtube.com/watch?v=Naxx2rvs84A>

Translation: ‘AbdulHaq ibn Kofi ibn Kwesi al-Ashantī.

² **Translator’s Note:** Shaykh Mashhūr here modified this play on words as similarly done by Imām al-Albānī (*rahimahullāh*) in *Silsilah Hudā wa’n-Nūr*, audio no.621, 44:42, wherein he stated:

“If it is allowed for a woman to ride a Himārah [donkey] it is allowed for her to drive a Sayārah [car]! Is there one who says it is not permissible for her to ride a donkey? No there is no one from the people of knowledge who said this, rather they said the opposite. Which of the two covers and protects a woman more? A Sayārah [car] or a Himārah [donkey]? A Himārah [the donkey]?! May Allaah guide you! [laughing].”

See:

<https://www.youtube.com/watch?v=VKRxugRMV-M>

Imām al-Albānī says the same in *Silsilah Hudā wa’n-Nūr*, audio no.654 after 47:54, see:

<https://www.youtube.com/watch?v=2SW3Zl4WtoQ>

The only issue is that in certain countries it is not safe for men to drive on the roads, let alone women!

customs, if the leaders in authority prohibit it then it is not allowed yet if they allow it then it is permitted.

In regard to prohibition and allowance has to be a study of the *Masālib* [benefits] and the *Mafāsīd* [harms] and the preponderance of the *Masālib* which overwhelm the *Mafāsīd*. *Masālib* could be more in one country yet the *Mafāsīd* could be more in another, if one time did not have any apparent *Mafāsīd* yet later these *Mafāsīd* were removed or there was equalisation between the *Masālib* and the *Mafāsīd* and if the *Mafāsīd* overwhelmed, or the other way around, then the rulings change. These rulings changing are neither a contradiction nor a criticism. A jurist moves with the *Masālib* and the *Mafāsīd*.

For instance: a disbelieving ruler rules over a Muslim people, what is the ruling of revolting against him? He is originally a disbeliever, like for example a Christian or a Nusayrī or any other disbeliever, a Drūzī for instance, rules over a Muslim people. revolting against him is harām, if *Mafāsīd* will result from rebelling against him. If *Masālib* will come about, then it is permitted to rebel but if *Mafāsīd* will come about as a result then it is not permissible to rebel. Thus, the ruling revolves between the *Masālib* and the *Mafāsīd*, whereas in regard to a Muslim leader it is prohibited to rebel against him however he is, however rebelling against a disbelieving ruler who rules over a Muslim people is defined by what? The *Masālib* and the *Mafāsīd*, and these *Masālib* and *Mafāsīd* fluctuate from country to country, and fluctuate from time to time.

So when we see the *Masālib* are overwhelming or underwhelming then this is referred to by the people of knowledge as '*Ikhtilāf uz-Zamān wa'l-Awān*' [Differences Between Times and Eras] and not '*Ikhtilāf Daleel wa'l-Burhān*' [Differences in Evidence and Proof]. Smoking for instance. Ash-Shawkānī has a treatise entitled *Majmū' Rasā'il as-Salafīyyah* and he was asked, and he died in the year 1250 AH [CE], about the ruling on smoking *Tunbāk* [tobacco] and he said it was halāl.³ In his time, tobacco was referred to as '*Nabāt ul-Mulūke'*

³ Shaykh Zayd al-Madkhalī (*rahimahullāh*) discusses this in his book *al-Mawqif al-Haqq* and relays that Imām ash-Shawkānī stated:

I say: the foundation which is testified to by the Noble Qur'ān and the purified Sunnah, is that everything on the earth is halāl and nothing at all from it is to be deemed as harām except that which has a specific proof of intoxication or deadly poisoning, or that which contains an immediate or delayed harm and the likes. Whatever does not have a specific proof is halāl based on the presumption of original freedom from liability and in adherence to the general evidences. Allāh Says,

“It is He who created for you all of that which is on the earth.”

{*al-Baqarah (2): 29*}

“Say, "I do not find within that which was revealed to me [anything] forbidden...”

{*al-An’ām* (6): 145}

Thus, this is the most accurate view according to me, that the basis of all animals is that they are permissible [to eat] and nothing from them is prohibited except that which has a proof to specifically indicate that, such as carnivorous meat-eating animals, birds of prey, dogs, pigs and whatever has a proof to indicate its prohibition.

If this is acknowledged, you will know that this tree which some people call Tinbāk, and some call Tutūn, [i.e. different names for Tobacco], does not have a proof regarding its prohibition and it is not of the genus of intoxicants or poisons, and it is not from the genus of things which cause immediate harm. So whoever claims that it is harām has to bring evidence as there is not benefit in mere he-say she-say. Some of the people of knowledge use as proof for its prohibition Allāh’s Saying,

“...and makes lawful for them the good things and prohibits for them the evil...”

{*al-A’rāf* (7): 157}

Hereby including this tree under the rubric of “evil things” as a juristic reason documented in Usūl, and this is a clear error. Including this tree as being from the evil and vile things is up for discussion and using the noble verses as proof for that is confused expropriation of what is sought-after. The aforementioned *Istikhbāth* [deeming as evil] if related to the one who uses it and the one who does not, is invalid. The one who uses it regards it as being of the good things and not of the things which are deemed as vile. Yet if it is deemed as evil from a human aspect, then there are to be found some people who deem honey as being vile even though it is from the good things and it has been authenticated from Allāh’s Messenger (*sallAllāhu ’alayhi wassallam*) that he said: “*I feel that I have no liking for it*” and some of his companions ate it while he saw them and they heard what he said.

Whoever is just with himself will find that there are many animals and otherwise which The Legislator has permitted, or were halāl based on the original freedom from liability and the generality of the evidences. In this human way, a person may deem some things as vile and some things as good, which others may find evil. If the mere deeming as evil according to some people would be enough to necessitate prohibition then honey, camel’s meat, beef and chicken would be prohibited as there are some people who deem them to be evil and filth; such a binding necessity would be falsehood. Thus, what can be acknowledged is that using the fact some people find tobacco to be evil as proof for its prohibition is a mistake and fallacy.

Then Shaykh Zayd relays in the footnote to the above:

[the Royal Plant] and it was used to kill intestinal worms and was placed as a Tobacco Smoke Enema.

Then came along al-Mubārakfūrī, who was an optician of his day and also had knowledge of medicine, the author of *Tuhfat ul-Ahwadhī Sharh Jam' ut-Tirmidhī*, in *Sharh*

Refer to *Majmū' ur-Rasā'il al-Muneerah*, vol.2, pp.96-97. Al-Muhshī [the commentator on the marginal notes] stated, commenting on what ash-Shawkānī's statement that: **"...then honey, camel's meat, beef and chicken would be prohibited as there are some people who deem them to be evil and filth..."**:

This is a clear fallacy from ash-Shawkānī, as these things have their legality verified in the Book and Sunnah, even if many people dislike them. The tobacco tree is not something which has its legality verified, rather it is documented to be prohibited by all of the wise 'Ulama of the Muslims, due to its harm. It causes great harm on the entire body of a person and even those who use it acknowledge the harm, that his health weakens and that it results in decay. It is not verified that every subsidiary ruling has a determined proof for it [*Mansūs 'alayhi*] with a clear text to specify it. Rather, the ruling on some things is verified by a specific proof, and some via a general proof under which the subsidiary fits. This is not hidden from the one who has the least amount of comprehension of Usūl and the Qawā'id of the Sharee'ah.

The intelligent person knows that it [smoking] is wastefulness and Allāh has said,

"...but be not excessive."

{*al-A'rāf* (7): 31}

Allāh Says,

"...and do not spend wastefully. Indeed, the wasteful are brothers of the devils, and ever has Satan been to his Lord ungrateful."

{*al-Isrā'* (17): 26-27}

The Prophet (*sallAllāhu 'alayhi wassallam*) has also prohibited all intoxicants and sedatives as they lead a person to lose their mind and become sedated, they are thus destructive and Allāh Says,

"...and do not throw [yourselves] with your [own] hands into destruction..."

{*al-Baqarah* (2): 195}

It is also harmful and Allāh's Messenger (*sallAllāhu 'alayhi wassallam*) has said: "[there is to be] no harm and no causing harm."

End of quote from the *Hāshiyat* [Margins] of *Majmū' ur-Rasā'il al-Muneerah*, vol.2, p.97.

With this clear rebuttal based on resplendent evidence for all who claim that smoking, snuff, snus and also Qāt is permitted.

End of Shaykh Zayd's words.

Kitāb ul-Libās [Explanation of the Book of Clothing] he brings the words of ash-Shawkānī and refutes it and says that he errs. Because ash-Shawkānī used to think that the *Masālib* [benefits] of smoking outweighed its *Mafāsīd* [harms]. Yet it has become clear today that its harms are far worse than its benefits. As for our time today, then all of the intelligent people and doctors of the world hold that smoking is harmful and causes harm. Today there is no debate about the prohibition of smoking because of what medicine has indicated, in Britain, and other countries, these were the first countries to make separate areas for smokers away from non-smokers. The Europeans fight against smoking more than us!