

Hadith on the Prohibition of Women Traveling without a Mahram (Application of Hermeneutic Theory Jorge J. E. Gracia)

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Abstract

This paper examines the hadith prohibiting women from traveling without a *maḥram* through the lens of Jorge J. E. Gracia's hermeneutic theory. A textual analysis utilizing three interpretive functions yields the following results: the historical function of the hadith is linked to the contexts of Hajj and war; the function of meaning suggests that women could travel without a *maḥram*, provided there is a shift in context; and the function of implication indicates that women could assume a more active societal role beyond the domestic sphere. Additionally, non-textual readings highlight that the core idea of this hadith is protection, aimed at ensuring safety and security. In this context, the concept of *maḥram* evolves to represent a security figure capable of providing assistance.

Keywords: Hadith, Hermeneutics, Jorge J. E. Gracia, Women Traveling

INTRODUCTION

The concept of *maḥram* for women has been a subject of ongoing debate, generating a variety of opinions. For example, Saudi Arabia requires female pilgrims to present a *maḥram* in order to fulfill the pilgrimage (Hajj). Similarly, women wishing to study in Saudi Arabia must be accompanied by a *maḥram*. These regulations are based on hadith, the second source of Islamic law.

This understanding of *maḥram* presents challenges in the contemporary era. In today's globalized world, women are increasingly expected to play an active role in all aspects of society, rather than being confined to domestic roles that limit their creativity and potential. However, some Muslims fear that advocating for this broader participation might conflict with the teachings of the Prophet Muhammad as conveyed in the hadith.

Given this context, the hadith on *maḥram* needs to be reinterpreted in line with the core message of the text, addressing the evolving needs of modern society. The application of Jorge J. E. Gracia's hermeneutics as an interpretive approach offers a contemporary methodology that allows for both textual and non-textual interpretations.

LITERATURE REVIEW

The term *hermeneutics* originates from the Greek word *hermeneuein*, meaning "to explain," and has since been incorporated into English vocabulary. In a narrow

sense, *hermeneutics* is understood as a method for interpreting and understanding complex expressions or symbols. In a broader sense, it is a field of study that examines the ontology, epistemology, and the terms and prerequisites of interpretation.

The term is linked to the figure of Hermes, the messenger who bridges communication between gods and humans. Consequently, hermeneutics has deep historical roots. However, as an academic discipline, it formally emerged in the 17th century, largely through the contributions of figures like Friedrich Schleiermacher and Wilhelm Dilthey. The intellectual foundations of hermeneutics, however, can be traced back to ancient Greek philosophers such as Aristotle.

METHOD

This article adopts a literature survey methodology, which involves reviewing and synthesizing existing scholarly works related to the topic at hand. The aim of this approach is to gain an in-depth understanding of the historical and contemporary discussions surrounding the hadith that prohibits women from traveling without a *mahram* and to apply the hermeneutic theory of Jorge J. E. Gracia to re-examine this hadith in the context of modern-day challenges.

The literature used in this study is divided into two categories:

- 1. Literature on Hadith Prohibiting Women from Traveling without a *Mahram*:**

This category includes classical and contemporary sources that discuss the hadith in question, its textual and contextual interpretation, and the legal and social implications of its application. The literature reviewed encompasses both historical and modern perspectives, addressing the traditional understanding of *mahram* and its role in Islamic law. Key works in this category are drawn from primary texts of hadith and secondary sources that analyze the implications of these hadiths in both classical and contemporary Islamic thought.

- 2. Literature on Hermeneutics, Specifically the Theory of Jorge J. E. Gracia:**

In order to apply a modern interpretive framework to the hadith, the article reviews Gracia's hermeneutic theory. Gracia's approach focuses on a twofold interpretive method that includes both textual and non-textual readings, which is considered a flexible and effective way to understand religious texts. The literature surveyed includes key writings by Gracia as well as other scholars who have applied his hermeneutics to religious and philosophical texts. This allows for a contemporary perspective on the interpretation of the hadith, enabling a re-examination of traditional rulings based on changing social contexts.

The analysis follows a systematic approach: first, the historical and socio-cultural context of the hadith will be explored to understand its original significance and application. Then, Gracia's hermeneutics will be applied, particularly his model of interpretation, which involves both textual readings (examining the hadith's words and context) and non-textual readings (considering modern societal conditions). This dual approach will allow for a reinterpretation of the *mahram* concept, ensuring that the hadith is not seen as a rigid rule but as a dynamic principle that can be understood in new contexts, particularly in terms of women's roles in contemporary society.

The ultimate goal of this research is to provide a comprehensive and context-sensitive understanding of the hadith, facilitating a dialogue between traditional Islamic texts and modern-day issues, particularly those concerning gender roles, mobility, and security.

RESULTS AND DISCUSSION

Hermeneutics of Jorge J. E. Gracia and Its Relevance to Hadith Studies

In the field of hermeneutics, three primary schools of thought emerge regarding textual meaning: objectivist, subjectivist, and objectivist-subjectivist. Schleiermacher and Derrida are key figures who represent the objectivist and subjectivist approaches, respectively, while Gracia and Gadamer are prominent scholars who advocate for the objectivist-subjectivist approach. These scholars occupy a middle ground, seeking a balance between literal and liberal interpretations of texts.

Gracia expounds on his theories of understanding and interpreting texts in his book *A Theory of Textuality*. The book is divided into two primary sections: the logic of texts and the epistemology of texts. The latter, particularly the epistemology section, aligns more closely with the focus of this study.

Within the epistemological framework of interpretation, Gracia identifies three crucial components: the interpreted text (interpretandum), the added commentary (interpretation), and the interpreter (interpretes). The interpretandum refers to the historical text being analyzed, which serves as the object of interpretation. Interpretation, on the other hand, involves the creation of new text by the interpreter, providing explanation or clarification for contemporary audiences. This can take the form of translations, presentations, or commentary. Finally, the interpreter is the individual carrying out the act of interpretation. Together, the interpretandum and interpretation form the process of interpretation itself.

From the explanation of these interpretative elements, the first step in studying a hadith is identifying the text to be interpreted. This marks the initial task for the interpreter before engaging in the actual process of interpretation. In Gracia's terminology, the hadith text becomes the interpretandum.

The second key element is the interpretation, or the added information provided by the interpreter. While the interpreter's explanation may not always align perfectly with the original author's intent, such additional context is often necessary for modern audiences to understand the text. This is due to the fact that interpreters typically lack direct access to the original author to verify their interpretation. This situation presents what is known as the "dilemma of interpretation." To address this challenge, Gracia proposes a structured approach consisting of three interpretative functions: the historical function, the meaning function, and the implicative function.

Historical Function

In this stage, the interpreter's goal is to convey an understanding to contemporary audiences that aligns closely with the perspective held by the original author and the historical audience of the text. To comprehend the author's intentions, it is crucial to consider the historical context in which the text emerged. The parameters of understanding in this function aim to remain within the bounds of the original meaning understood by both the author and the historical audience.

To achieve this, the interpreter must transport themselves back to the time when the text was created, in order to capture its original meaning. Specifically, when interpreting hadith texts, the interpreter must enter the perspective of the Prophet and his companions, both as the authors and as the first audience. By understanding the intentions of the author and the context of the original audience, the interpreter hopes to engage in a dialogue that bridges the past with the present. One useful method for uncovering this is a socio-historical analysis of the context in which the hadith emerged, both at a micro and macro level. This is known in hadith studies as *asbāb al-wurūd*.

The term *asbāb al-wurūd* is composed of two words: *asbāb* (meaning "cause" or "reason") and *wurūd* (meaning "arrival" or "coming"). In this context, *asbāb al-wurūd* refers to the reasons or causes behind the emergence of a particular hadith, along with the historical circumstances that surrounded it. Micro analysis involves identifying specific events or questions that prompted the Prophet to issue a particular statement or perform an action. For example, *asbāb al-wurūd* at the macro level involves examining the socio-cultural conditions that existed in Mecca and Medina at the time the hadith was conveyed. In this sense, the interpreter adopts the role of a historian.

Meaning Function

At this stage, the interpreter seeks to create in the minds of contemporary audiences an understanding of the meaning of a text, whether or not that meaning aligns exactly with the understanding of the original author and historical audience. The interpreter's task is to present the meaning of the text in a way that is accessible to an audience that the original author and audience did not have the opportunity to reach. As such, the meaning of the text can evolve according to the interpreter's context.

Here, the interpreter conducts a linguistic study of the hadith, focusing on the relationships between the words in the text. In addition, it is necessary to

elaborate on the meanings of key terms within the text. Terms such as *damīr* (pronoun), *ta'rif* (definition), *majāz* (figurative language), and other linguistic components are critical areas of focus in this phase.

Implicative Function

The implicative function aims to help contemporary audiences understand the practical implications of the meaning of the interpreted text, even if these implications were not explicitly recognized by the original author and historical audience. At this stage, the interpretation moves beyond merely understanding the meaning of the text to exploring its broader consequences.

The interpreter's role is to prompt the audience to take action as a result of their understanding of the text's meaning. For instance, if a text says "Drink water," the implication for the reader is to drink water rather than other beverages like coffee or soda. In the case of hadith, this stage goes beyond simply presenting normative or static interpretations of the text; it aims to revive the hadith's relevance in the present-day context. The action taken by the reader after interpreting the hadith is the final stage of understanding. This highlights that hadith is not a static text but rather a dynamic source of guidance, offering inspiration for addressing contemporary issues.

Textual and Non-Textual Interpretation

The three functions mentioned above represent a methodical approach to understanding a text textually. According to Gracia, textual interpretation does not imply a literal understanding of the text but involves a layered exploration of its meaning. The first step is to present the original meaning of the text, as it was understood by the author and the historical audience. The second step involves understanding the meaning of the text according to what is perceived by contemporary audiences, regardless of whether their understanding matches the author's or the historical audience's. The third step is to help the contemporary audience understand the implications of the interpreted text's meaning.

On the other hand, non-textual interpretation, as defined by Gracia, is described as:

"Non-textual interpretation is that although the interpretation may be based on textual interpretation, it has something else as its primary purpose, even if that purpose involves or is a type of understanding as well."

This definition hints at a deeper level of meaning than what is immediately visible in the text. Non-textual interpretation goes beyond the text itself and involves external elements as part of the understanding process. In other words, the interpreter aims to uncover the implied or hidden meanings within the text. This distinction highlights the difference between textual and non-textual interpretation: textual interpretation focuses on revealing the meaning of the text and its implications, while non-textual interpretation seeks to explore the meanings that lie beneath the surface of the text.

Non-textual interpretation allows space for the text to be analyzed through contemporary approaches. One such approach is the historical method. Historical

interpretation seeks to reconstruct the flow of thought and ideas that are not explicitly recorded in the text being interpreted (the *interpretandum*). In this approach, the interpreter takes on the role of a historian, documenting the context of the community at the time the text was created. The interpreter also gathers data from outside the text, such as uncovering ideas not expressed by the author, examining other writings by the same or different authors, and exploring the causal relationships between texts. In other words, the interpreter not only engages with the three functions of interpretation (textual interpretation), but also incorporates a historical study, exploring elements outside the text and across other related texts.

The historical approach is not the only method used for non-textual interpretation. Other disciplines such as philosophy, law, politics, science, psychology, and others may also be applied, depending on the content of the text being interpreted. However, non-textual interpretation is only acceptable if two conditions are met. First, the interpreter should not present the results of their interpretation as textual interpretation, because the subjectivity involved in a particular perspective could lead to an excess in the use of that approach. Second, the interpretation should be grounded in understanding, not misunderstanding. This means that the interpreter must complete the process of textual interpretation before embarking on non-textual interpretation, as textual interpretation is an essential prerequisite to avoid misinterpretations in the non-textual analysis.

At this stage, hadith is integrated with the social sciences and humanities. A hadith scholar may employ a variety of contemporary approaches to understand the hadith. In this way, the interpreter seeks to uncover meanings that are not immediately obvious to the textual reader. This transforms the hadith from being solely a religious text associated with divine doctrine to a source that carries universal values capable of addressing contemporary issues.

Application of Gracia Theory

Hadith	Text	or	Interpretandum
			The author here will only focus on four hadith texts as the interpretandum. This is intended to facilitate the study of interpretation. The hadith texts selected are those narrated by Imam Bukhari and Muslim. The selection of hadiths from these two is due to their credible positions as the narrators of hadith. Meanwhile, two other hadiths from Ibn Majah are positioned as comparisons with differences in travel time and the specific context in which the hadith occurred. The hadith narrated by al-Bukhari is as follows: "Ishāq bin Ibrāhīm al-Hanzalah narrated to us, he said: 'I said to Abū Usāmah, 'Ubaydullāh narrated to you from Nāfi' from Ibn 'Umar may Allah be pleased with them that the Prophet, peace be upon him, said: "A woman should not travel for three days except with her mahram."

Hadith	narrated	by	Muslim:
"And Muhammad bin Rāfi' narrated to us, he narrated to us from Ibn Abī Fudayk, he informed us from al-Dahhāk from Nāfi' from 'Abdullāh bin 'Umar from the			

Prophet, peace be upon him, who said: "It is not lawful for a woman who believes in Allah and the Last Day to travel a distance of three nights unless accompanied by her mahram."

Hadith narrated by Ibn Mājah: "Abū Bakar bin Abī Shaybah narrated to us; Shabābah narrated to us from Ibn Abī Dhi'b from Sa'īd al-Maqbūrī from Abī Hurayrah, that the Prophet, peace be upon him, said: "It is not permissible for a woman who believes in Allah and the Last Day to travel a distance of one day unless she has a mahram."

"Hishām bin 'Ammār narrated to us; Shu'ayb bin Ishāq narrated to us; Ibn Jurayj narrated to me; 'Amr bin Dīnār narrated to me that he heard Abā Ma'bad, the freed slave of Ibn 'Abbās, from Ibn 'Abbās, who said: "A Bedouin came to the Prophet, peace be upon him, and said: 'I have been enlisted in this and that battle, while my wife has an urgent need.' The Prophet, peace be upon him, said: 'Go back with her.'"

Historical	Function	Analysis
The <i>asbāb al-wurūd</i> (reasons for the revelation) of this hadith are not clearly known because no explanation is found regarding them. However, from the hadith narrated by Ibn Mājah, it relates to the activity of performing Hajj. This means that a woman should not perform Hajj without being accompanied by a mahram. This is supported by Badr al-Dīn Muḥammad, who was quoted by Aḥmad Fawāid, stating that this hadith is related to the wives of the companions who wished to perform Hajj while a state of emergency was occurring due to war. The obligation of performing Hajj for Muslims was declared in the sixth year of the Hijra. This command is marked by the revelation of Allah's verse in Surah Āl Imrān, verse 97, which reads:		
"In it are clear signs, including the station of Abraham; whoever enters it (the Sacred House) will be safe. Hajj to the House is a duty that humanity owes to Allah, for those who are able to make the journey to it. And whoever denies it, then indeed Allah is Free of need from the worlds." (Āl Imrān: 97)		

This indicates that the hadith about mahram emerged in the 6th Hijri year and beyond. It is unlikely that the companions performed Hajj before the Prophet, as they would not have known the proper procedures. Meanwhile, during the period from the 6th to the 10th Hijri year, the social conditions of the Arab society (Mecca and Medina) were still unstable. Many wars took place involving the Muslims and the Quraysh, such as the battles of Khaybar, Mu'tah, Hunayn, and the conquest of Mecca. Therefore, it was very risky for women to travel without being accompanied by a mahram during that time.

Analysis	of	Meaning	Function
In this function, the interpreter attempts to develop the meaning, whether the meaning is understood according to the author and the historical audience or not. This phase requires the interpreter to conduct a linguistic study. Therefore, understanding the key words in the hadith is a must. According to etymology, <i>safar</i> means to undertake a journey. Meanwhile, in Islamic legal definition, it means leaving one's place of residence with the			

intention of traveling to a specific place. The word *imra'atun* refers to a woman, specifically an adult woman. The third key term is *maḥram*. Regarding *maḥram*, the Qur'an has provided an explanation in Surah an-Nisa, verses 22-23, which states:

"And do not marry those women whom your fathers married, except what has already occurred. Indeed, it was an immorality and hateful to Allah, and an evil way. Prohibited to you (for marriage) are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your nieces, the mothers who suckled you, your sisters through suckling, the mothers of your wives, and the stepdaughters under your guardianship who are from your wives with whom you have consummated marriage— but if you have not consummated marriage with them, then there is no blame upon you. And (prohibited to you are) the wives of your sons, and that you combine two sisters (in marriage), except for what has already occurred. Indeed, Allah is ever Forgiving and Merciful." (**An-Nisa: 22-23**)

According to Yūsuf Qardāwī, the difference in the limits of travel (one, two, or three days) is due to the different places of the person asking the question. The prohibition of traveling for three days does not imply that traveling for one or two days is allowed. There is no specific limitation regarding the minimum distance for a journey or the final destination. In this context, travel covers all types of journeys.

Meanwhile, regarding the permissibility of traveling without a *maḥram*, scholars have different opinions. Some scholars agree that when performing Hajj, women must be accompanied by a *maḥram*. Women are permitted to travel without a *maḥram* only in certain situations, such as migrating from a land at war due to concerns about their safety.

According to al-Bajī, the requirement for a *maḥram* only applies to young women. However, for older women, they are free to travel without a *maḥram*. This opinion was refuted by al-Nawawi, who argued that this view is unacceptable because every woman, regardless of age, may be prone to arousal and desire.

Such an opinion is very oppressive to women. It implies that the obligation of having a *maḥram* is solely because of a woman's body, as if women are inherently seen as temptresses. This view is not acceptable because it is biased and blames women.

Ibn Ḥajar, as quoted by Fawāid, also presents the opinions of scholars who permit women to travel without a *maḥram*. Imam al-Karasabī, for example, opines that women can perform Hajj without a *maḥram* as long as their safety during the journey is guaranteed. Similarly, Imām al-Qaffāl and Abū Maḥāsin al-Rayyānī allow women to travel without a *maḥram* in any situation, not just for Hajj. Imām al-Sāfi'ī and Ibn Taymiyyah hold the same view, provided the journey is safe. This is also the position held by contemporary scholar Yūsuf Qardāwī.

When understanding this hadith, it is essential to consider the socio-historical context of that time. Travel during the Prophet's era can be associated with

traditional methods. Journeys were often made by walking, riding camels, donkeys, or horses, which is a stark contrast to today's highly advanced transportation. In the modern era, travel can be undertaken using motorcycles, cars, buses, trains, planes, and other modes of transport. Thus, there has been a shift in the means of transportation between the time of the Prophet and the present day.

Traditional transport was very limited in carrying passengers. Camels, donkeys, and horses could accommodate a maximum of two people, meaning that if obstacles arose during the journey, it would be very difficult to overcome them. For this reason, it was very reasonable for the Prophet to require a mahram when a woman intended to travel. This was for her own well-being.

In contrast, modern transportation such as buses, trains, or airplanes are almost always crowded with passengers, ensuring that a woman is not traveling alone. If any problems occur during the journey, she can ask other passengers, conductors, or flight attendants for help. These service staff are there to assist and serve passengers, ensuring comfort and safety until they reach their destination.

Women in the time of the Prophet faced high risks if they traveled without a mahram. They would have to cross challenging terrains like rocky mountains and deserts. Moreover, the population was much smaller at that time. It was almost certain that they would have difficulty finding other people or settlements during their journey, except in specific places like oases or certain villages. However, the Bedouin tribes during the Prophet's time were nomadic, so their presence could not be predicted. This type of geographical and sociological condition could easily be exploited by bandits or robbers to carry out their actions. This would have posed a great danger to a woman's safety and wealth if she traveled without protection.

Unlike in the Prophet's era, today, even if one crosses tough terrain, the journey would not be as strenuous because buses, trains, or planes provide comfort. In countries like Indonesia, villages and populated areas are easily accessible by bus, reducing the likelihood of criminal activity.

Based on the explanation above, it means there is a dialectic between the text and contemporary audiences. Contemporary audiences respond to the text by juxtaposing it with their current context. They understand that women do not necessarily need a mahram to travel today. This understanding can have implications for the roles women play in society.

Looking back to the time of the Prophet, it can be assumed that women were mostly confined to domestic spheres. Their roles were limited to gathering firewood, drawing water, spinning, milking, and raising children. Women were treated as though they were servants to men, with little to no role in society. Husbands would often feel sad and ashamed if their wives gave birth to a female child.

This role of women has seemingly persisted until today, framed as tradition. In the context of Indonesia, for instance, the role of women in society is often seen in the division of labor between men and women. Women are typically involved in indirect productive domestic work, such as managing the household, giving birth, raising children, and caring for their husbands. Meanwhile, men engage in direct productive work in the public sphere. This division has led to a limited role for women in development.

However, the government has outlined the roles women should play in the *Panca Tugas Wanita* (Five Duties of Women). These are:

1. As wives, supporting their husbands, being companions and friends in building a happy family.
2. As mothers, educating and nurturing the younger generation so that children are equipped with spiritual and physical strength to face the challenges of the times and become useful members of society.
3. As mothers, managing the household to ensure it is a safe and orderly place for all family members.
4. As workers in various professions, working in government, private companies, politics, entrepreneurship, and so on to contribute to the family income.
5. As members of community organizations, especially women's organizations and social bodies, contributing to the community through their efforts.

The assumptions outlined above can be explained through several theories:

First, the theory of naturalism. This theory is based on biological differences, where women, due to their biological structure, are considered to need protection from men. This assumption automatically places women below men, thus leaving no opportunity for women and men to be equal.

Second, the theory of functional evolution. This theory stems from the ideas of Herbert Spencer, who argued that men and women must be unequal. Women are seen as more suited to domestic work, as it is believed they are not fit for other roles. On the other hand, men continue to develop in ways that make them more suited for life outside the home.

Third, the economic theory. The development of industry, particularly capitalism, has widened the power gap between men and women. Domestic work is often deemed to have no economic value. Additionally, there is a societal belief that women should only perform tasks deemed appropriate for them within the family. There is also an ideology that portrays women as delicate and graceful.

However, today Muslim women face a dilemma created by two opposing views. **The first view** is a shallow and narrow perspective that deprives women of their rights. For instance, some hold the belief that women should not leave the house even to pursue an education. Such views severely limit women's roles in society, confining them to the domestic sphere. **The second view** is a liberal perspective

influenced by Western thought, which places men and women on an equal footing due to the belief in absolute equality. This view, rooted in the Enlightenment theory of John Locke, argues that God created human beings equal in terms of rights and duties. In essence, every individual has the same freedom and liberty, and biological differences should not act as a barrier, as every person has unlimited potential for development.

The roots of equality are not only found in Western thought but can also be traced in Islam, which also emphasizes equality between men and women. Before Islam arrived, the birth of a daughter was often considered a shame and sometimes resulted in the practice of infanticide. Women did not have inheritance rights before Islam. However, Islam elevated the status of women by granting them full rights, including the right to inherit and own property. Women were also free to choose their spouses, and their guardians had no right to force them into marriage. Men and women are also considered equal before the law. For example, if a woman seeks divorce, she can request a *khul'* (a form of divorce initiated by the wife).

Several aspects in the Qur'an indicate the principles of equality between men and women:

- 1. Men and women are both servants of Allah.**
As servants created by Allah, the ultimate purpose is for humans to worship Him. As stated in QS. Al-Dhāriyāt (51:56): "*And I did not create the jinn and mankind except to worship Me.*" There is no distinction between men and women in this role. Both have equal opportunities to be the best servants of Allah. Allah does not judge based on gender, but on piety. The more pious an individual is, whether male or female, the higher their rank in Allah's sight.
- 2. Men and women are both khalīfah (stewards) on Earth.**
In addition to being servants who worship Allah, men and women also serve as khalīfah on Earth. This is affirmed in QS. Al-An'ām (6:165): "*And it is He who has made you successors (khalīfah) upon the Earth. And He has raised some of you above others in degrees, that He may test you in what He has given you. Indeed, your Lord is swift in retribution, and indeed, He is Forgiving and Merciful.*" The term *khalīfah* in this verse refers to humans, both men and women. This means that both men and women share the same responsibility as khalīfah on Earth and will be held accountable before Allah, just as they are as servants.

These concepts highlight that Islam recognizes the inherent dignity and equality of men and women in their spiritual roles, responsibilities, and duties.

Men and women enter into a primordial covenant.
Before humans are born into this world, they have already made a pledge to Allah, as stated in QS. Al-A'raf (7:172): "*And [recall] when your Lord took from the children of Adam, from their loins, their descendants and made them testify of themselves, [saying], 'Am I not your Lord?' They said, 'Yes, we testify.'*"

This declaration of the oneness of Allah was made by both men and women. Therefore, the consequences of denying this covenant are the same for both, without any gender distinction. In the eyes of Allah, men and women are equal.

Understanding the Hadith in this context would help reconstruct the role of women in society. It means that women are not confined to the domestic sphere alone; they have equal opportunities with men in all fields. Women have the right to receive an education, engage in politics, and assume leadership roles, from being a school principal or a director to holding the position of president.

This will also contribute to women's independence. They will no longer rely on men for everything, and thus, men cannot treat them arbitrarily. Many cases of sexual violence and domestic abuse occur because women are perceived as powerless. They are often seen as weak beings, unequal to men. Therefore, the relationship between men and women should be based on mutual equality, benefiting one another.

This paradigm will indirectly contribute to national development. The country needs brilliant ideas from both men and women. This can only be achieved if women are active in all sectors, not just the family domain. Women can contribute to education, economy, social affairs, politics, and culture. If necessary, organizations should be established to voice women's aspirations for the progress of the nation.

Non-Textual	Interpretation	of	Hadith
The approach used in this non-textual interpretation is historical and intertextual. The Prophet Muhammad prescribed the necessity of a <i>maḥram</i> (a male guardian) for women traveling due to the unsafe conditions of the time. At that time, wars and conflicts with the Quraysh and other adversaries were ongoing, creating an unsafe environment. This situation required the Prophet to give such instructions, reflecting his deep care and concern for the well-being of women.			

From this historical reading, the author infers that the main idea of the Hadith is protection aimed at safety. Therefore, women are permitted to travel without a *maḥram* as long as their safety is guaranteed. This Hadith is situational. Even in the contemporary era, if conditions are chaotic, such as in times of war or during violent demonstrations, and travel is necessary, having a *maḥram* for protection is advisable. However, in such situations, not only women, but also men should be accompanied for their safety.

The concept of *maḥram* can also shift in the contemporary context. While previously it referred to certain individuals prescribed by Islamic law, today, security personnel such as the police or security guards can take on this protective role. In the modern era, a *maḥram* could even be represented by the contact details of law enforcement. If something dangerous happens, a woman can call the authorities for help.

This understanding becomes clearer when approached from an intertextual perspective. The Hadith narrated by Abi bin Hatim, recorded by al-Bukhari and

Muslim, is important:
"While I was with the Prophet (peace be upon him), a man came to him complaining about poverty, and another came complaining about highway robbers. The Prophet asked: 'O Adiy, have you seen the land of Al-Hirah?' I said: 'I have not seen it, but I have heard of it.' The Prophet replied: 'If you live long enough, you will see a woman traveling from Al-Hirah until she performs Tawaf around the Kaaba, fearing no one except Allah.'"

According to Yusuf al-Qaradawi, this Hadith is not merely a prediction of future events but also serves as a legitimization for allowing women to travel for Hajj without a mahram if the conditions are safe. This Hadith, spoken by the Prophet during his time, praised the development of Islam and its safety, implying that in the future, it would be possible for women to travel without a mahram. The current era, with advanced transportation methods like buses, trains, and airplanes, combined with security measures such as police forces that can be contacted at any time, supports this possibility. Therefore, women traveling without a mahram in the present day does not violate the Prophet's command.

CONCLUSION

The Hadith prohibiting women from traveling without a mahram, when approached using Gracia's hermeneutical theory, produces two readings: textual and non-textual. The textual reading consists of three steps: historical function analysis, meaning function, and implications function. On the other hand, the non-textual reading involves contemporary approaches such as history, psychology, and others. Based on the historical function, this Hadith is related to women's pilgrimage journey and the unsafe conditions in Arabia at the time. The meaning function allows for women to travel without a mahram, considering that the situation today is vastly different from the past. The implication of this Hadith is that women can have a broader role in society, not just confined to domestic affairs. Meanwhile, the central idea of the Hadith in the non-textual reading is about protection aimed at safety. Thus, as long as safety and security are guaranteed, it is permissible for women to travel without a mahram. In the present day, the concept of a mahram can be embodied by security personnel who are always available to assist when needed.

REFERENCES

Abdullah, A. F. (2005). *Wasiat Rosul (s.a.w) kepada kaum wanita*. Al-Qowam.

Annibras, N. R. (2016). Hermeneutika J.E. Gracia (Sebuah pengantar). *Al-Bayan: Jurnal Studi Ilmu Al-Qur'an dan Tafsir*, 1(1), 71–78.

Arif, M. (2015). Hermeneutika Heidegger dan relevansinya terhadap kajian al-Qur'an. *Jurnal Studi Ilmu-ilmu Al-Qur'an dan Hadis*, 16(1), 85–106.

al-Da'as, A. 'U. (1991). *Riyād al-Ṣāliḥāt* (Vol. 2). Dār al-Albāb.

Baharuddin, M. A. (2014). Visi-misi ma'ânî al-hadîth dalam wacana studi ḥadîth. *Tafâqquh: Jurnal Penelitian Dan Kajian Keislaman*, 2(2), 36–55.

al-Bukhārī, M. b. I. (n.d.). *Sahīh al-Bukhari* (Vol. 2, 4 vols.). Dār al-Kutub.

Fawaid, A. (2016). Reinterpretasi hadis tentang mahram (Pendekatan hermeneutika). *NUR EL-ISLAM: Jurnal Pendidikan dan Sosial Keagamaan*, 3(1), 176–195.

Gracia, J. J. E. (1995). *A theory of textuality: The logic and epistemology*. State University of New York Press.

Hanapi, A. (2015). Peran perempuan dalam Islam. *Gender Equality: International Journal of Child and Gender Studies*, 1(1), 15–28.

Ibn Mājah, A. A. I. Y. (n.d.). *Sunan Ibn Mājah*. Bayt al-Afkār.

Ibn Manzūr, M. I. M. (1966). *Lisān al-'Arab*. Dār al-Ḥadīth.

Ibrāhīm, M. al-S. (1997). *50 Wasiat Rasulullah SAW bagi wanita* (K. Suhardi, Trans.). Pustaka Al-Kautsar.

Jasmi, K. A., Mustari, M. I., & Muhammad, A. (2008). *Wanita dalam dakwah dan pendidikan*. Penerbit UTM.

Lestari, L. (2017). Epistemologi ilmu asbāb al-wurud hadis. *Jurnal Studi Ilmu-ilmu Al-Qur'an dan Hadis*, 16(2), 265–285.

al-Nawawī, A. Z. (1929). *Ṣaḥīḥ Muslim bi Sharḥ al-Nawawī*. al-Maṭba'at al-Mishriyyah.

Qardāwī, Y. (1992). *Kayfa nata'amal ma'a al-sunnah al-nabawiyah, ma'ālim wa ḥawābiṭ*. Dār al-Wafā' li al-Ṭiba'ah wa al-Nashr wa al-Tawzī'.

Qardāwī, Y., Yāsīn, A., & al-Kattani, 'A. H. (1995). *Fatwa-fatwa kontemporer*. Gema Insani Press.

Rinawati, R. (2004). Partisipasi wanita dalam pembangunan. *MIMBAR: Jurnal Sosial dan Pembangunan*, 20(3), 387–405.

Sa'adah, F. (2008). *Reformasi pendidikan wanita pada masa Rasulullah Saw.* Walisongo Press.

al-Shaykh, B. M. (1995). *Riyāḍ al-Ṣāliḥāt*. Dār al-Salām.

Shihab, M. Q. (2011). *Membaca sirah Nabi Muhammad Saw.: Dalam sorotan al-Qur'an dan hadits-hadits shahih*. Lentera Hati.

Soetrisno, L. (2016). Peranan wanita dalam pembangunan: Suatu perspektif sosiologis. *Populasi*, 1(1), 13–21.

Suhra, S. (2013). Kesetaraan gender dalam perspektif al-Qur'an dan implikasinya terhadap hukum Islam. *Volume*, 13(2), 373–394.

al-Suyūtī, J. al-D. (2004). *Al-Jāmi‘ al-Saghīr fī Aḥādīth al-Bashīr wa-al-Nadhīr* (Jāmi‘ al-saghīr). Dār al-Kutub al-‘Ilmīyah.

Syamsuddin, S. (2017). *Hermeneutika dan pengembangan ulumul Quran: Edisi revisi dan perluasan*. Nawasea Press.

Ulya, A., & Maulana, M. (2016). Penyertaan mahram pada pelaksanaan haji dan umrah. *Refleksi*, 15(2), 197–222.

Umar, N. (2001). *Argumen kesetaraan jender: Perspektif al-Quran*. Paramadina.