

Understanding Multiple Interpretations on the Hadith that Husbands Allow Wives to have Outdoor Activities: A Study of Islamic Law Perspectives

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Submission date: 19-Oct-2022 02:30PM (UTC+0700)

Submission ID: 1929477624

File name: tanding_Multiple_Interpretations_on_the_Hadith_that_Husbands.pdf (503.24K)

Word count: 9200

Character count: 49110



2

Samarah: Jurnal Hukum Keluarga dan Hukum Islam
Volume 5 No. 1. January-June 2021
ISSN: 2549 – 3132; E-ISSN: 2549 – 3167
DOI: 10.22373/sjhk.v5i1.9106

1

**Understanding Multiple Interpretations on the *Hadith* that Husbands
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A Study of Islamic Law Perspectives**

2

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1

Abstract: Understanding the interpretation of a *hadith* is multifaceted, in which the Muslim clerics have multiple perspectives on certain *hadith*, including *hadith* on husband's permission to wife to engage in outdoor activities. This is a library research, in which we explore some literature on this issue. The analysis technique used is descriptive-analytical and comparative, while the approach used is historical-sociological. The focuses of this study are threefold: to understand the *mazhab* (traditional) scholars' and contemporary scholars' perspectives, and to review the Islamic law on the Muslim clerics' understanding of this issue. This paper concludes that *mazhab* scholars tend to understand the *hadith* textually, strictly and non-contextual—that is, asking permission to engage in outdoor activities is an obligation of the wife, otherwise it is considered disobedient to the husband. Meanwhile, contemporary scholars understand the *hadith* contextually and more flexible. They perceive that asking for permission to do outdoor activities is not an obligation; it is rather a recommendation for wives to seek for their husbands' permission. In fact, in the recent times, wives working outdoor would in fact support husbands in fulfilling household's needs. This difference can be understood because historically-sociologically the condition of the society has shifted and transformed. In the past, for instance, when women left the house they would cause danger in the middle of the desert such as robbery or wild animals. Meanwhile, nowadays mass communication and mass transportation have enabled families: husbands and wives to connect with each other. Likewise, when women going outdoor to seek knowledge, attending mosques for congregations, and or going for work, contemporary scholars do not see it as prohibited. Women doing activities outdoor has existed even by the time of the prophet and the companions, showing that most wives work outdoor for family benefits.

Keywords: Understanding *hadith*, husbands' permission, outdoor activities

2

|| Submitted: March 6, 201

|| Accepted: June 19, 2021

|| Published: June 30, 2021

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Abstrak: Pemahaman terhadap hadis memunculkan dinamika di kalangan ulama, sejak masa klasik sampai kontemporer. Termasuk hadis tentang keizinan suami kepada isteri untuk keluar rumah. Kajian ini merupakan penelitian kepustakaan dengan jenis data kualitatif. Teknik analisa yang dipakai bersifat deskriptif-analisis dan komparatif, sedangkan pendekatan yang digunakan adalah historis-sosiologis. Ada tiga hal yang menjadi fokus kajian ini yaitu; pemahaman ulama mazhab, pemahaman ulama kontemporer dan tinjauan hukum Islam terhadap pemahaman ulama terhadap tersebut. Tulisan ini menyimpulkan bahwa ulama mazhab cenderung memahami hadis secara tekstual dan ketat, yakni meminta izin merupakan kewajiban isteri jika tidak maka hal itu perbuatan yang makruh dan dianggap tidak taat kepada suami. Sedangkan ulama kontemporer memahami hadis secara kontekstual dan lebih lentur. Mereka berpandangan bahwa meminta izin bukan suatu kewajiban dan perempuan yang melakukan aktivitas diluar rumah dianggap sesuatu yang mubah bahkan mengandung sisi maslahat. Perbedaan ini dapat dipahami sebab secara historis-sosiologis kondisi masyarakat telah berubah, dahulu ketika perempuan keluar rumah akan menimbulkan bahaya di tengah gurun pasir seperti perampokan atau binatang buas. Sedangkan saat ini komunikasi dengan keluarga dapat dilakukan dan transportasi yang mengangkut orang secara massal perempuan tidak seorang diri. Begitu juga ketika perempuan keluar untuk menuntut ilmu, ke masjid, atau bekerja, ulama kontemporer berpandangan tidak ada larangan hukum. Apalagi dalam hadis Nabi serta riwayat sahabat dikisahkan bahwa beberapa perempuan yang melakukan aktivitas di luar rumah tentu terkait dengan yang mendatangkan manfaat bukan mudharat.

Kata Kunci: Pemahaman hadis, izin suami kepada isteri, keluar rumah, hukum Islam

Introduction³

The rights and obligations of husband and wife have been well defined in the Islamic teaching and in fact it has been preordained. One of the interesting topics to discuss is concerned with Islamic principles in regard with women/wives working outdoor. Referring to the time of the Prophet Muhammad, women/wives working outdoor has been a common phenomenon; most of them were engaged in social activities.

This is evident from several narrations that some *sahabiah*/the female companions of the prophet participated during important battles in the early Islamic history,¹ In addition, some of them in fact, participated in worship

¹The hadith narrated by Ummu Atiyah, a female *sahabiah* from Anshar. "she said ²at I joint battles with the prophet of Allah for seven times, I substitute male Muslims and <http://jurnal.arraniry.ac.id/index.php/samarah>

activities, whether carried out in congregation in and outside of the mosques,² participating in public celebrations such as wedding celebrations, holidays, welcoming events for large guests, providing spaces and food for the guests, they also engaged in community services as well as in the health sector (medicine and *ruqyah*) and like male *sahabah*, they were involved in spreading the message of Islam.

This suggests that the involvement of female Muslim/*sahabiah* in the religious and social activities has dated back to the early history of Islam. Most Muslim women have been capable of managing between domestic and social activities. However, there have been controversies and multiple interpretations regarding the prophetic traditions related to women's outdoor activities. Some scholars such Ismail (1994), Abu Syuqqah (1994), Fadlullah (2000), al-Ghazali (2008), Fudhail (2005) examined the *hadith* regarding women's roles in public spaces such as women's role as leaders, women's involvement in large congregations in mosques, women's roles in businesses, and women's role as witnesses.³

A study by Mustafa (2017), for example, examines women's possibility to engage in public congregation. He found that it is possible for women to pray in mosques if they get permission from their husbands. Nevertheless, if there is a concern with the security of women praying in public congregation, such as mosque, praying at home for these women is preferable.⁴

Afifah (2017) reviewed the rights of husbands and wives through the *hadith* perspectives, she then suggested that it is obligatory for husbands to provide a just treatment for wives, and in return, wives are encouraged to

prepare them with enough food." Imam Muslim narrated a *hadith* in his book, *Jihad a war strategy*, Chapter: women joining battlefields, and receive booty. Abu Husain Muslim bin al-Hajjaj al-Qasim al-Naisabury, *Shahih Muslim*, Beirut: Dar al-Kutub al-Islamisyah, 1992.

²The *hadith* is narrated from the companion Abu Said al-Khudri as written in the book of Bukhari and Muslim. Al-Bukhari: Holding firms with the Qur'an and the *hadith*, chapter: the prophet teach his Ummah, men and women alike. Abu Abdillah Muhammad bin Ismail bin Bardazbah al-Bukhary, *Shahih al-Bukhary*, Beirut: Dar-Kutub al-Islamiyah, 1992.

³ M. Syuhudi Ismail, *Hadis Nabi Yang Tekstual dan Kontekstual: telaah Ma'ani al-Hadis tentang Ajaran Islam yang Universal, Temporal dan Lokal*, Jakarta: Bulan Bintang, 1994. 'Abd al-Halim Abu Syuqqah, *Tahrir al-Mar'ah fi Asyr al-Risalah*, terj. Chairul Halim, Cet. I, Jakarta: Gema Insani Press, 1997. Sayyid Muhammad Husain Fadhlullah, *Dunia Wanita Dalam Islam*, terj. Jakarta: Lentera, 2000. Muhammad al-Ghazali, *As-Sunnah al-Nabawiyah baina Ahlu Fiqh wa Ahl al-Hadis*, diterjemahkan oleh Abas Basalamah, Jakarta: Khatulistiwa, 2008. Ahmad Fudhail, *Perempuan di Lembaran Suci: Kritik atas Hadis-Hadis Sahih*, Yogyakarta: Pilar Media, 2005.

⁴ Ilham Mustafa, *Perempuan Shalat di rumah: Tinjauan Syarah Ibnu Hajar dan Ibnu Rajab*, *Humanisma: Jurnal of Gender Studies* 1, No. 2, (2017), p. 24.
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communicate and seek husbands' permission when doing outdoor activities.⁵ However, Nasution (2015) suggests that narrations related to wives should not be understood textually because the Islamic law is flexible and shifted according to place, time and circumstances.⁶

One of the *hadith* regarding this issue is derived from Ibn Umar as narrated by al-Tabrani, Hakim, Ahmad and Turmizi. This *hadith* cannot be literally understood, and thus in-depth interpretation is required. The following *hadith* is based on the *lafaz of al-Tabrani*:

عن ابن عمر رضي الله عنهما قال: سمعتُ رسول الله صلى الله عليه وسلم يقول: إِنَّ المرأةَ إذا خرجت من بيتها وزوجها كارهٍ لذلك لعنها كل ملك في السماء وكل شيء تمر عليه غير الجن والإنس حتى ترجع. (رواه الطبراني)

Artinya: As narrated by Ibn 'Umar ra said: I have heard Rasulullah SAW say: "Surely a woman who goes out of the house while her husband hates it or does not wish her to go out, she will be cursed by all the angels and others she passes through except jinn and humans until she returns" (HR Al-Tabrani).⁷

Most studies shows that the prophetic traditions regarding women/wives' outdoor activities, have been interpreted differently by different groups of Muslim scholars. This study enriches studies on this issue, but this current work focuses on the use of Islamic law in understanding the dynamic of the *hadith* on women's activities in the public spheres. This study is also concerned with reviewing literature on both classical and contemporary Muslim scholars' perspectives on the issue and how they are shaped by the Islamic law perspectives.

This study is a qualitative library research conducted to examine various literature related to the topic under inquiry.⁸ This study is a qualitative library research conducted to examine various literature related to our inquiries. The data collection and its analysis were carried out following qualitative methods

⁵ Nurul Afifah, Hak Suami-Isteri Perspektif Hadis (Pemikiran Hasyim As'ari dalam *Da'u al-Misbah fi Bayan Ahkam an-Nikah*, *Jurnal Living Hadis* 2, No. 1 (2017), p. 39.

⁶ Muhammad Syukri Albani Nasution, Perspektif Filsafat Hukum Islam atas Hak dan Kewajiban Suami Isteri, *Analisis: Jurnal Studi Keislaman* 15, No. 1 (2015), p. 64.

⁷ Sulaiman bin Ahmad bin Ayub bin Mutir al-Lakhmi al-Syami Abu Qasim al-Tabrani, *al-Awsat*, Jilid I, Kairo: Dar al-Haramaian, 1415 H, p. 314.

⁸ Iskandar, *Metodologi Penelitian Kualitatif*, Cet. I, Jakarta: Gaung Persada Press, 2009, p. 11.

<http://jurnal.arraniry.ac.id/index.php/samarah>

of data collection and analysis⁹. The data was coded to be described and analysed through themes. In addition, the data analysis was conducted using historical-sociological perspectives, since they allow us to interpret our findings based on contexts.¹⁰ In our analysis of the data, we also take into account sociological and cultural practices of the Muslim communities.¹¹

Understanding of Tradisional Scholar on Hadith About Husbands' Permission for Wife to Leave the House

The majority of traditional scholar (*mazhab* scholar) take the *hadith* for granted. They suggest that it is mandatory for wives to secure their husbands' permission to do outdoor activities. This also includes their observance of the non-obligatory worship, receiving guests, spending the husband's property or other jobs. If the husbands do not permit their wives to doing all these activities, wives are not permitted to do so, because husband's permission is a "prerequisite" for women/wives' eligibility to doing all these activities. If wives continue doing outdoor activities without their husbands' permission, she is considered disobedient (*nusyuz*) to her husbands.¹²

The traditional Muslim scholars state that wives should obey their husbands in the following respects: wives should obey their husbands when they are invited to engage in a sexual intercourse; wives should secure their husbands' permission to do outdoor activities; and wives should also protect themselves, children and their husband's assets in their absent. Meanwhile, husbands should also educate their wives when necessary.¹³

Wahbah al-Zuhayli refers to the following verses when discussing wives' obligation toward their husbands (Surah al-Baqarah: 228) as follows:

وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ
عَزِيزٌ حَكِيمٌ

⁹ Soejono dan Abdurrahman, *Metode Penelitian; Suatu Pemikiran dan Penerapan*, Cet.II, Jakarta: Rineka Cipta dan Bina Adiaksara, 2005, p. 21-22.

¹⁰ Nourouzzaman Shiddiqi, *Sejarah: Pisau Bedah Ilmu Keislaman*; dalam Taufik Abdullah dan M. Rusli Karim, *Metodologi Penelitian Agama: Suatu Pengantar*, Cet. II, Yogyakarta: Tiara Wacana Yogya, 2004, p. 88.

¹¹ Hasan Basri, *Model Penelitian Fiqih; Paradigma Penelitian Fiqih dan Fiqih Penelitian*, Cet. I, Jakarta: Prenada Media, 2003, p. 248.

¹² Abu Bakr bin Mas'ud al-Kasani al-Hanafi, *Bada'i' al-Sana'i' fi Tartib al-Syara'i'*, Jilid II, Kairo: Dar al-Hadith, 2005, p. 331.

¹³ Wahbah al-Zuhayli, *Fiqh Islam Wa Adillatuhu*, terj. Abdul Hayyi al Kattani, Jilid IX Cet. I. Jakarta: Gema Insani Press, 2010, p. 302.

<http://jurnal.arraniry.ac.id/index.php/samarah>

7

Artinya: "And women have rights in proportion to their obligations given in a good way. And men (husbands) are one level higher in position than that of the wives. And Allah is most glorious and wise."

It bases on the following prophetic tradition:

عن أبي هريرة ، قال : قال رسول الله صلى الله عليه و سلم : لَوْ كُنْتُ
أَمْرًا أَحَدًا أَنْ يَسْجُدَ لِأَحَدٍ ، لَأَمَرْتُ الْمَرْأَةَ أَنْ تَسْجُدَ لِرَجُلِهَا لِمَا جَعَلَ اللَّهُ لَهُمْ عَلَيْهَا مِنْ حَقٍّ
(أخرجه الترمذي)

Meaning: If I can ask one to prostrate to a human being, then I will definitely command a woman to prostrate to her husband, because Allah has made him a right for her to be obeyed by the wife (HR. Al-Tirmidhi). He said this hadith hasan, from Abu Hurayrah.¹⁴

Wahbah al-Zuhayli added that one of the wife's obligations is to stay at home and should dedicate herself to paying attention to various household matters, such as taking care of the house and raising their children.¹⁵ In addition, Wahbah Zuhayli said that for women to stay at home does not mean locking her up or restricting her movements, this is because the house is the best possible place for women, and it is indeed a secure place for women or wives to stay in.

The Prophet Muhammad said that:

عن النبي صلى الله عليه وسلم قال: إِنَّ الْمَرْأَةَ عَوْرَةٌ فَإِذَا خَرَجَتْ اسْتَشْرِفَهَا الشَّيْطَانُ
وَأَقْرَبُ مَا تَكُونُ مِنْ رَحْمَةِ رَبِّهَا وَهِيَ فِي قَعْرِ بَيْتِهَا (رواه الترمذي)

Meaning: "Indeed, women are precious individuals. To be safe, she would better stay at home as it is possible for her to be close to the grace of Allah" (Narrated by al-Tirmidhi).¹⁶

This hadith is argued to be the basis for husbands to make their wives stay at home for their own good. In the opinion of most traditional scholars, it is indeed unsecured for women/wives to do outdoor activities, and this is what we refer to *sad al-dhari'ah* rule.

Regarding the performance of the obligatory and non obligatory pilgrimage, most traditional scholars, except Abu Hanifah argued that a wife

2

¹⁴Abu Isa Muhammad bin Isa Samrah, *Sunan al-Turmidzi*, Beirut: Dar al-Kutub al-Ilmiyah, t.th. Ahmad bin Hanbal, *Musnad Ahmad bin Hanbal*, Beirut: Dar al-Fikr, t.th.

¹⁵Wahbah al-Zuhayli, *Fiqh Islam Wa Adillatuhu...*, Jilid IX, p. 302.

¹⁶Abu Isa Muhammad bin Isa Samrah, *Sunan al-Turmidzi*, Beirut: Dar al-Kutub al-Ilmiyah, t.th. Wahbah al-Zuhayli, *Fiqh al-Islami...*, Jilid IX, p. 304.
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should secure her husband's permission. This is so because the obedience for husband is an obligatory, and it cannot be substituted with the non obligatory activities. In fact, the hajj or pilgrimage is an obligation that can be postponed. However, the Hanafi school of thought argued that it is permissible for a wife to do pilgrimage if she is accompanied by her close relative or *mahram*, and thus it is not proper for the husband to forbid his wife from going to perform the obligatory hajj (*fardu*) in this case.¹⁷

Regarding the issue of women leaving the house to go on pilgrimage, the traditional scholars do not differentiate between young women and old women, since the prophet did not seem to differentiate the two age groups in his narration.¹⁸ Likewise, the traditional scholars argue that husbands have rights to prohibit their wives from praying in the mosque. However, the majority of the traditional scholars state that old women may visit mosque for praying, not very recommended for young women, however. These scholars agree that it is preferable for young and old women to be at home even for performing the *ibadat* as it is better for them.

Abu Hanifah and two of his friends argued that it was imperative for girls not to follow congregational prayers absolutely, for fear of slander. Abu Hanifah said, it is permissible for old grandmothers (elderly women) to join the Fajr, Maghrib and Isha prayers in congregation, since these three times are safer for them, since bad people miss these three prayer times. However, the companions of Abu Hanifah allowed the elderly grandmother to participate in all the prayers, because there was no slander for them because it was unlikely to attract attention.¹⁹

This opinion is then supported by contemporary scholars suggesting that it is not recommended for women of all ages to participate in congregational prayers even for Friday prayers and for prayers of the two festivals in Islam or to participate in preaching Islam. This is because nowadays, criminal are more common and it is worried that women doing outdoor activities become the subject of criminal. In fact, Imam Maliki argues

¹⁷ Ibnu Hammam al-Hanafi, *Fath al-Qadir Syarh al-Hidayah*, Mesir: *al-Matba'ah Mustafa Muhammad*, Jilid II, t.th. p. 129-130, Muhammad al-Khatib al-Syarbayni, *Mughni al-Muhtaj*, Jilid I, Kairo: *Dar al-Fikr*, t.th., p. 467. Al-Dardir, *al-Syarh al-Kabir Bi Hasyiah al-Dasuqi*, Jilid II, Mesir: *al-Babi al-Halabi*, t.th. p. 10-11, Al-Syafi'i, *Al-Umm*, Mesir: *al-Matba'ah al-'Amiriyah*, Jilid II, t.th., p. 117, Ibnu Syihab al-Din al-Ramli, *Nihayah al-Muhtaj ila syarh al-Minhaj fi al-Fiqh 'ala Madhab al-Imam al-Syafi'i*, Jilid II, Mesir: *al-Matba'ah al-Bahiyah*, t.th., p. 383.

¹⁸ Muhammad Uthman al-Khasyat, *Fiqh Wanita Empat Mazhab*, terj. Abu Nafis Ibnu Abd al-Rahim, Cet.I, Bandung: Khazanah Intelektual, 2010, p. 170.

¹⁹ Ibnu Abidin, *Hasyiah Ibnu Abidin*, Mesir: *Dar al-Mukhtar li al-Hasfaki, al-Babi al-Halabi*, Jilid I, Mesir: *Dar al-Mukhtar li al-Hasfaki al-Babi al-Halabi*, t.th., p. 529.
<http://jurnal.arraniry.ac.id/index.php/samarah>

that it is permissible for women who often go around and are not the target of men's lust to go out to the mosque, pray the two 'ied, and other not obligatory prayers. Likewise, it is permissible for a girl who is not susceptible to slander to go out, whereas for girls who are afraid of defamation, they are not allowed to engage in outdoor activities.²⁰

Meanwhile, the Syafi'i and Hambali argue, it is not recommended for beautiful girls to participate in congregational prayers with men and it is preferable for the young sexy and beautiful girls to pray at home,²¹ However, it is permissible for not very charming girls to go out without putting on perfume with the permission of their guardians or for those who are married with the permission of their husbands, while the house is actually better for her.²²

This is as stated by the Prophet Muhammad which was narrated by Imam Ahmad, Al-Tabarani and Hakim in Al-Mustadrak from Umm Salamah ra, that he once said:

خَيْرُ مَسَاجِدِ النِّسَاءِ قَعْرُ بُيُوتِهِنَّ

Meaning: "The best mosque for women is their home." (HR. Ahmad).²³

That is how the traditional scholars perceive women's attendance of the mosque. However, we see it the other way around as we believe that women are treated very unfairly if they have to be differentiated in terms of physical appearance and ages; beautiful or not beautiful, old or young women. This is because the prophet has never discriminated against women in their rights to do outdoor activities based on their physical appearances, such as attending congregation in the mosques.

Meanwhile, the traditional scholars are divided in their perception regarding wives' visiting their parents who are in bad ill. Some suggest that wives should secure their husbands' permission to visit her parents, and yet their husbands may prohibit her from visiting parents. Some however, argued

²⁰Dardir, *Al-Syarh al-Kabir bi Hasyiah al-Dasuqi*, Jilid I, Mesir: al-Babi al-Halabi, t.th., p. 325.

²¹Muhammad al-Khatib al-Syarbayni. *Mughni al-Muhtaj*, Jilid I, Kairo: Dar al-Fikr, t.th., h. 220. Mansur bin Yunus al-Buhuti, *Kasysyaf al-Qina' 'an Matn al-Iqna'*, Jilid I, Riyad: Dar 'Alam al-Kutub, 2000, p. 446.

²²Wahbah al-Zuhayli, *Fiqh al-Islami...*, Jilid II, p. 290-291.

²³Isham bin Muhammad Al-Syarif, *Syarah Kumpulan Hadis Sahih Tentang Wanita*, terj. Muhammad Fatih, Cet. I, Jakarta: Pustaka Azzam, 2006, p. 355.
<http://jurnal.arraniry.ac.id/index.php/samarah>

1 that it is not a requirement for wives to seek their husbands' permissions from leaving the house to visit their parents.

According to the Syafi'i school of thought, it is discouraged or *makruh* for husbands to prohibit their wives from visiting their parents who are seriously ill or comes to mourn their death. Prohibiting wives from doing those deeds may in fact cause their disobedient. Meanwhile, the Hanafi school of thought allows wives to leave home without their husbands' permission if one of the parents is sick.²⁴

This legal standing regarding wives' outdoor activities seems to limit the spaces for women's creativities. This is so because the prophetic traditions are understood as is and they are interpreted literally. These traditional scholars did not contextualize the message of the *hadith*. For example, the *hadith* suggest that women are subject to slanderous acts, and thus they are better to be kept away from public spheres for their own good and their husbands'. Therefore, women are always under the authority of men in almost all matters, including in their freedom to do things within their rights without the permission of their husbands, such as going to public congregations, attending mosques for worship, attending Islamic learning circles, participating in the public welfares or preaching Islam in public.

Understanding Contemporary Scholars About The Hadith of Husbands' Permission on Wife When Leaving House

The Modern Period in Islam begins when the Islamic law becomes a formal constitution of the modern Islamic State.²⁵ This sub section attempts to discuss these contemporary ulama (muslim clerics') opinions on the *hadith* regarding husbands' permission on wives' outdoor activities.

Sayyid Muhammad Husayn Fadlullah (a scholar from Lebanon), in his book "*Dun ya al-Mar'ah*" argues that women can leave for any places so long that they are not ill-disposed places, this principle also applies to men. Being in unsavory places is treacherous for both men and women. Being in places that arouse suspicion (*Mawaqi 'al-Tuhmah*) is a law that is treacherous, for both men and women. If a woman can take care of herself and stay away from conditions that cause her to fall into *haram* (forbidden as proscribed by Islamic law) matters, she has the rights to take her freedom to do what she wills, as long as her intention and purpose to leave the house is for good causes and to places that give her benefits, such as formal and informal educational institutions, workplaces, even women are allowed to go to tourist places to

²⁴ Wahbah al-Zuhayli, *Fiqh al-Islami...*, Jilid IX, p. 303.

²⁵ Yayan Sopyan, *Tarikh Tasyri': Sejarah Pembentukan Hukum Islam*, Jakarta: Gramata Publishing, 2010, p. 17.
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enjoy their lives as long as they maintain religious norms regarding rules of conduct, dress manners and in a safe (conducive) atmosphere.²⁶

In this case, the contemporary Muslim clerics interpret the surah *Al-Ahzab*: 33 stating that:

وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ الْأُولَى

6

Meaning: "Settle in your homes, and do not display yourselves as women did in the days of 'pre-Islamic' ignorance (QS. *Al-Ahzab*: 33)."

According to Sayyid Husayn Fadlullah that this verse was revealed specifically for the wives of the Prophet SAW and the phrase 'staying at home' in this verse does not mean the prohibition for women from leaving their houses. The verse rather speaks in the context of making their houses the foundation of the family life, especially for those who often wander (not comfortable living and settling in a place). Then the phrase, "and remain in your house, and do not display yourself", means that women do not go out of the house displaying themselves or wear garments excessively.

The above opinion is in line with Ibn Hajar's narration. In fact, the above verse was intended for the wives of the Prophet SAW, and is reinforced by the argument that Umar bin Khattab initially kept prohibiting them from going pilgrimage, and only allowed them to perform the Hajj when Umar performed his final pilgrimage at the end of his reign. Ibn Hajar also said: "Aisha and those who agree with her understand that the *targhib* (encouragement) to perform as mentioned in the hadith of Prophet SAW: "the best and most beautiful *jihad* for you is to perform Hajj." Thus it is permissible to perform Hajj repeatedly. At first it seemed as if Umar took a *tawaqquf* (silent) attitude. However, after having Aisyah's convincing narration, Umar finally allowed them (the wives of the Prophet SAW) to perform Hajj at the end of his reign."²⁷

Abu Syuqqah argues that if this verse is addressed to all Muslim women, it is contradicting with the fact that in the early history of Muslim communities, Muslim women indeed participated in public spheres²⁸. Unlike perceived by the traditional scholars, contemporary scholars tend to understand the *hadiths* about the wives' permission to leave the house contextually. The *hadith* is not seen as implementing strict rules that determine

²⁶ Sayyid Muhammad Husayn Fadlullah, *Dunia Wanita dalam Islam*, terj. Muhammad 'Abd al-Qadir Alkaf. Cet. I, Jakarta: Lentera, 2000, p. 127-128.

²⁷ 'Abd Halim Abu Syuqqah, *Tahrir al-mar'ah...*, Jilid I, p. xxx.

²⁸ 'Abd Halim Abu Syuqqah, *Tahrir al-mar'ah...*, Jilid I p. xxxi.
<http://jurnal.arraniry.ac.id/index.php/samarah>

women's attitudes in regard with their outdoor activities. For that reason, the Muslim women in the early history of Islamic civilization participated in religious and social activities in public spheres. Regarding the opinion of the majority of traditional Muslim clerics regarding the obligation of a wife to be obedient to her husband, in this case Sayyid Muhammad Husayn Fadlullah argued that Islam does not oblige a woman to obey her husband with an 'absolute obedience'.²⁹

In addition, he added that as a matter of fact, Islam does not require a wife to agree with her husband in terms of political and social views, or in fact, in terms of dietary preferences. Husbands cannot force their wives to be like them in term of dietary preferences or garments a wife should wear as long as what wives' choices are not contradicting with the message of Al-Qur'an. The contemporary Muslim clerics suggest that wives are free to choose their preferences on something beyond the household commitments. Nevertheless, in regard with domestic commitments, wives must submit their wills to the wills of their husbands as a consequence of the spouse's commitment. Regarding husbands' permission of wives outdoor activities, Sayyid Muhammad Husayn Fadlullah said, "In fact, the Qur'an instructs to treat the wife with kindness, including when asking their commitment to do outdoor activities (*al-Imsak bi al- Ma'ruf wa al-Mu'asyarah bi al-Ma'ruf*)". The family life should be based on those principles. For that reason, limiting wives' freedom to doing outdoor activities is against the principle of eliminating human's difficulties (*raf'u al-Haraj*) in practicing the religion.

However, women/wives are encouraged not to do outdoor activities during insecure conditions. They are also discouraged from leaving home for lawful activities if husbands are reluctant for wives to do as husbands need the wives to fulfill his biological needs, such as having a sexual intercourse. Meanwhile, in other circumstances, wives may leave the house, either to travel (traveler) or to do business, study, work, and other legal and positive activities, and in fact, husbands are not expected to prohibit their wives from doing such activities. Nevertheless, wives are still encouraged to seek their husbands' permission. For this reason, it is clear that a woman's obligations to ask her husband's permission when leaving houses or doing outdoor activities is only a recommendation; it is not an extreme obligation (*Iltizam Ikhtiyari*). However, husbands and wives should be committed to fulfill their needs to prevent both of them from committing destructive deeds, such as adultery or other kinds of infidelities.³⁰

²⁹ Sayyid Muhammad Husayn Fadlullah, *Dunia Wanita...*, p. 70.

³⁰ Sayyid Muhammad Husayn Fadlullah, *Dunia Wanita...*, p. 71.

<http://jurnal.arraniry.ac.id/index.php/samarah>

Likewise, if wives choose to travel for pilgrimage, they may do so for positive purposes and this is relevant to Ibn Taymiyyah's opinion in his book *al-Furu*. Ibn Muflih also said: "Honest and trusted women can also travel long distances to perform the pilgrimage without a *mahram* (close relative) and that applies to all types of long trips in the context of obedience to Allah SWT".³¹ Some of Ibn Muflih's companions also argue that it is permissible for all important journeys, such as pilgrimage (visit relatives) for business purposes, and it is better for them if they are accompanied by their close relatives.³²

The arguments regarding women's rights to travel without members of close relatives/ *mahram* if her safety is guaranteed and is accompanied by a number of trusted people are as follows:

First: A narration stated by al-Bukhari in his "Sahih", that the Caliph 'Umar ra allowed the wives of the Prophet SAW to go to Mecca to perform the pilgrimage, at the end of his reign. The Caliph Umar then assigned Uthman bin Affan and Abd al-Rahman bi Awf to accompany the mothers of believers' journey for pilgrimage. This is stated in the following hadith

و قال لي أحمد بن محمد هو الأزرقى : حدثنا إبراهيم عن أبيه عن جده أذن عمر رضي الله عنه لأزواج النبي صلى الله عليه وسلم في آخر حجة حجها ، فبعث معهم عثمان بن عفان و عبد الرحمن بن عوف (رواه البخاري)

Meaning: "Ahmad bin Muhammad told me, Ibrahim had narrated us from his father, from his grandfather, "Umar (may Allah be pleased with him) allowed the wives of the Prophet SAW (to perform Hajj) on his last Hajj. He sent Uthman bin 'Affan and Abdurrahman bin' Awf with them." (HR Bukhari).³³

Second: the hadith comes from 'Adiy bin Hatim ra narrated by al-Bukhari and Muslim. In a conversation with 'Adiy ra, Rasulullah SAW in his joy predicted the future and the spread of Islam and the popularity of Islam on earth. Among other things he said:

³¹ Ibnu Taimiyah, *Al-Furu*, Jilid III, p. 236.

³² Yusuf al-Qaradawi, *Fatwa-Fatwa Mutakhir*, terj. As'ad Yasin, Cet. IV, Bandung: Pustaka Hidayah, 2000, p. 447.

³³ Ibnu Hajar al-'Asqalani, *Fath al-Bari*, terj. Amiruddin, Lc. Jilid 10, Cet. IV, Jakarta: Pustaka Azzam, 2006, p. 312.

<http://jurnal.arraniry.ac.id/index.php/samarah>

يُوشِكُ أَنْ تَخْرُجَ الظَّعِينَةُ مِنَ الْحِيرَةِ (بِالْعِيرَاقِ) تَوَّمُ الْبَيْتَ لَا زَوْجَ مَعَهَا لَا تَخَافُ إِلَّا اللَّهَ (رواه البخاري)

Meaning: Someday there will be a woman from the city of al-Hirah (Iraq) who almost leaves the house to visit Baitullah without a husband³⁴, not feeling afraid except for Allah (HR Bukhari).³⁵

According Yusuf Qaradawi, this *hadith* indicates that the prophet did not only predict the future of Islam but also gave hints that women were actually permitted to do outdoor activities. This *hadith* in fact suggests the prophet's amusement on the awakening of Islam to many corners of the world.³⁶ Looking from the sociological perspectives, Yusuf Qaradawi added that in this modern era, the way people traveled different from that of the ancient people. People in the past face a great risk travelling alone to far away places as they would become subjects of crimes. Whereas now, modern and safe mass transportations have been available, and there are many alternative kinds of vehicles can be chosen by women travelers, travelling to many places is more feasible for both men and women.

With these means of transportation, there should be no difficulties in traveling; and concerns on the safety of women travellers are eliminated in this modern day. This also suggests that the *hadith* concerning the prohibition of women to do outdoor activities cannot be interpreted textually, since it is irrelevant to this very day.³⁷

In addition to scrutinizing Middle Eastern contemporary Muslim clerics' understanding on the *hadith* regarding women's outdoor activities, the article presents the views of M. Quraish Shihab as a contemporary Indonesian scholar regarding women, especially regarding the understanding of the *hadiths* about women doing outdoor activities, such as attending religious congregation in mosques, seeking knowledge and also for employment. M. Quraish Shihab said:

"In the past, there were many who prohibited women from leaving the house, even for attending the congregation in mosques. Whereas there are many narrations stating that at the time of the prophet, women

³⁴ A kind of houses mounted on the camel's back to protect the rider from the scorching sun.

³⁵ Ibnu Hajar al-'Asqalani, *Fath al-Bari*..., Jilid 10, p. 328.

³⁶ Yusuf al-Qaradawi, *Fatwa-Fatwa Mutakhir*, terj. As'ad Yasin, Cet. IV, Bandung: Pustaka Hidayah, 2000, p. 448.

³⁷ Yusuf al-Qaradawi, *Fatwa-fatwa*..., p. 449.

<http://jurnal.arraniry.ac.id/index.php/samarah>

participated in congregation with the Apostle of Allah. In fact, the prophet reiterated: "Do not prohibit women from visiting the mosques of Allah." Indeed, the prophet once said, which means: "It is not acceptable to pray for a woman who uses strong fragrances to go to the mosque until she takes a bath, as it is a *junub* bath" (Narrated by Muslim, al-Nasa'i, and Abu Dawud via Abu Hurayrah). However, this hadith should be understood in the sense that it is prohibited to use strong fragrances that cause inconvenience. Therefore, neither can women put strong fragrances nor can they wear cooking clothes that does not smell good, which may disturb the congregations in mosques".³⁸

In addition, M. Quraish Shihab argues that some scholars prohibit women from going to the mosque, since it is worried that there will be a mixed group of male and female congregations leading to sexual stimulation (*ikhtilat*). However, the Islamic teaching does not prohibit male and female mixing in a large group unless they are secluded to doing adultery as written by al-Nawawi in his book "*al-Majmu*". M. Quraish Shihab in fact tends to recommend that both young and old women attend Friday prayers as was once done at the time of the Prophet Muhammad PBUH both Mecca and Medina. By participating in the Friday prayers, women educate themselves through *khutbah*. Furthermore, in this modern day, the likelihood for a large congregation to get sexual stimulation is not feasible. Therefore, it is not relevant that a mixed congregation should be prohibited for this very reason-getting sexual stimulation, since the congregation is performed in open spaces. For that reason, it is recommended to encourage female Muslims to attend Friday congregation, so much like the recommendation for women to attend the *ied* congregation. In fact, women in their period may attend the *ied* prayer should it is performed in open spaces.³⁹

M. Quraish Shihab also argues that Islam strongly encourages men and women to seek knowledge, since seeking knowledge is the path for paradise, and thus it is permissible for women to travel for this purpose. In fact, there are many verses and prophetic traditions praising those who are knowledgeable and at the same token criticizing those who are not knowledgeable. The prophet said as narrated by Abu Hurairah:

³⁸ M. Quraish Shihab, *Perempuan: Dari Cinta Sampai Seks Dari Nikah Mut'ah Sampai Nikah Sunnah dari Bias Lama Sampai Bias Baru*, Jakarta: Lentera Hati, 2005, p. 355.

³⁹ M. Quraish Shihab, *Perempuan...*, p. 357.

<http://jurnal.arraniry.ac.id/index.php/samarah>

عن أبي هريرة قال : قال رسول الله صلى الله عليه و سلم : من سلك طريقاً يلتمس فيه علماً
سهل الله له طريقاً إلى الجنة (رواه الترمذي)

*Meaning: "From Abu Hurayrah ra he said that Rasulullah SAW said:
"Whoever takes the path to seek knowledge, Allah makes it easy for
him to go to heaven" (Narrated by Al-Tirmidhi)" (HR. Al-Tirmidhi)*

M. Quraish Shihab also argued that as Islam require a significant role of mother is educating their children, women should then be given opportunities to seek knowledge and educate themselves. If they are well educated, they will produce astute and well behaved young Muslim generations.

In the present times, various disciplines of knowledge have developed significantly. Therefore, the obligation of women to study is no longer limited to religious disciplines, but has expanded in such a way that their field of study can cover a wide range of disciplines. For that reason, women leaving home without a mahram for seeking knowledge are permissible and can be justified as long as her honor and safety are preserved. Indeed, prophet prohibited women to travel without their *mahram*. However, this prohibition is an act of caution fearing for the security of the women themselves. If a woman travels together with some of her companions, in which no harm will be made to them, their journey will be permissible in the Islamic principles.⁴⁰

Likewise, in the case of women leaving the house for employment, M. Quraish Shihab stated that there is no clear and definite religious text was found, either in Qur'an or in the *hadith* that prohibit women to seek employment. Therefore, in principle, women cannot be prohibited from working the Islamic law suggesting that: "In social matters, everything is permissible if it is not prohibited, while in the case of pure worship, everything is not allowed if there no guidance to do it". In addition, an Egyptian Islamic law scholar, Abu Zahrah, as quoted by M. Quraish Shihab, said: Islam is not against women seeking employment as long as they keep paying attention on their main roles within the family-taking care of the house and the properties of their husbands, educate their children and raise them up well so that they grow up with strong characters.⁴¹

Furthermore, Muhammad al-Ghazali, a prominent contemporary scholar, stated four responsibilities of women in relation to their family:

⁴⁰ M. Quraish Shihab, *Perempuan...*, p. 359-360.

⁴¹ M. Quraish Shihab, *Perempuan...*, p. 362.

1. The woman has extraordinary abilities that are rarely possessed by men, and thus allowing her to work, produces benefits for the society because of her own strengths, while limiting spaces for them to seek employment is in fact harmful as their strengths cannot be accommodated.
2. Women should choose decent career, such as educators and midwives. Muhammad al-Ghazali - quoting an expert on Islamic law, Kamal al-Din Ibn al-Humam, "Husbands must not prohibit their wives from doing communal work such as being a midwife", but when going out to work, women are expected to wear a decent outfit.
3. Women work to help their husbands. In this case, they are free to choose kinds of career preferable to them, such as in agriculture, trading, or other types of employment.
4. Women need to work to fulfill their daily needs and the needs of their families if no one guarantees the fulfillment of their needs or sufficient income.⁴²

In this regard, M. Quraish Shihab said that in principle, Islam does not prohibit women from seeking employment in the private or the government sector and day or night shift, as long as the work is carried out in a respectful atmosphere, and as long as they can maintain religious guidance and void the negative effects of their jobs on their wellbeing, their families and the environment. Islam also does not specify a certain number of hours and days for work. However, the work should not be a burden to bear, either because of the length of working hour or because of the nature of the job itself. In this context, the Prophet Muhammad said:

عن عائشة : أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَعَثَ إِلَى عُثْمَانَ بْنِ مِظْعُونٍ فِجَاءَهُ، فَقَالَ : فَاتَّقِ اللَّهَ يَا عُثْمَانُ فَإِنَّ لَأَهْلَكَ عَلَيْكَ حَقًّا ، وَإِنْ لِنَفْسِكَ عَلَيْكَ حَقًّا .. (أَخْرَجَهُ أَبُو دَاوُدَ)

*Meaning: Aisyah tells that the Prophet (PBUH) sent someone to Uthman bin Mazhun. Uthman also came to Rasulullah SAW. He said: "Believe Uthman! Your wife has rights over you, and you have your own rights too..." (HR Abu Daud)*⁴³

This message of the *hadith* suggests that any kinds of employment Muslim women have should not exceed their own capabilities to carry out.

⁴² M. Quraish Shihab, *Perempuan...*, p. 363.

⁴³ Muhammad Shiddiq Hasan Khan, *Ensiklopedia Hadis Sahih; Kumpulan Hadis*

3intang Wanita, terj. Muhammad Arifin, Cet. I, Jakarta: Hikmah, 2009, h. 6.

<http://jurnal.arraniry.ac.id/index.php/samarah>

The Prophet Muhammad SAW also reminded his companions and all Muslims to assign the resting time for themselves. These women should take some resting time from their work or worship. The basic tenet of the prophet's message is to carry out jobs in accordance with their own capabilities to carry out.⁴⁴

Based on the opinions of these contemporary scholars, the authors perceive that in general, it is not required for wives to secure their husbands' permission when leaving for outdoor activities. It implies that women are allowed to do outdoor activities, such as going for congregation in public spheres, for seeking knowledge and also for employment. In conclusion, these contemporary scholars perceive that husband's permissions should be sought accordingly. Finally, the authors conclude that contemporary scholars interpret the *hadith* contextually, in which husbands and wives should promote healthy communication.

Interpretation of Islamic Scholar on The Hadith of Permission to Husband Wife When Leaving the House and Its Impact on The Islamic Law

Understanding the *hadith* literally without giving sufficient interpretations leads to inconclusive and false understanding of the *hadith* itself. In fact, it will also lead someone to falsehood and narrow-mindedness in perceiving certain practices within the Muslim communities, which is also contradictive to the guidance of the Prophet Muhammad. In this context, for example there are controversies in understanding the *hadith* that wives should secure their husbands' permission upon going out for some activities. The traditional Muslim clerics tend to interpret the *hadith* literally, suggesting that women are tightened up with certain regulation, which then turns them to be powerless. In addition, according to the literally interpretation of the *hadith*, young women are not allowed to do outdoor activities without their husbands' permission, including join congregation at mosques except for senior female citizens. In fact, women are not allowed to converse with men except their close relatives, and for them, women should cover the whole body except for eyes. This kind of rigid perspectives emerge due to their misinterpretation of the messages of the *hadith* and *Al-Qur'an* regarding women. As these perspectives persist, women are oftentimes marginalized and their rights are frequently ignored. Since the messages of the *Qur'an* and *hadith* are misinterpreted, oftentimes the women are disadvantaged. There are examples of *hadith* which are misinterpreted by these traditional Muslim clerics, such as the *hadith* from Al-Bukhari: After my death, there left no temptation more

⁴⁴ M. Quraish Shihab, *Perempuan...*, h. 364.

<http://jurnal.arraniry.ac.id/index.php/samarah>

dangerous to men than the temptation of women (Narrated by Al-Bukhari). The majority of traditional Muslim clerics tend to generalize the message of the *hadith*, in which they interpret women as a temptation which may drive men to engage in unlawful manners. This interpretation is not only faulty but it encourages the marginalization of Muslim women.

Yusuf al-Qaradawi in his "*Fatawa al-Mu'asirah*" states that the *hadith* is just a kind of warning that to some extents, men are easily tempted on women, and thus they would drive men toward the evil deeds. However, temptation does mean always an evil thing; it is rather a reminder for men that women are a great temptation for men, which is hard to bear. This is similar to the verse in the *Qur'an* that wealth and children are trial or temptation for mankind.

⁴⁵ Allah states in the *Qur'an* (*al-Taghabun*:15) berikut:

إِنَّمَا أَمْوَالُكُمْ وَأَوْلَادُكُمْ فِتْنَةٌ ۚ وَاللَّهُ عِنْدَهُ أَجْرٌ عَظِيمٌ

Meaning: "Yet, your wealth and children are only a mischief (trial), and Allah it is with Whom (in His Presence) is the Greatest Reward."

Likewise, in the other verses (*QS. Al-Munafiqun*: 9):

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تُلْهِكُمْ أَمْوَالُكُمْ وَلَا أَوْلَادُكُمْ عَنْ ذِكْرِ اللَّهِ وَمَنْ يَفْعَلْ ذَلِكَ فَأُولَٰئِكَ هُمُ الْخَاسِرُونَ

Meaning: "Let not your wealth, or your children, divert you from the remembrance of Allah; and whoever does that, these are the losers."

QS. Al-Syura: 49 also states that :

يَهَبُ لِمَنْ يَشَاءُ إِنَآثًا وَيَهَبُ لِمَنْ يَشَاءُ الذُّكُورَ

Meaning: "He creates what He pleases; He grants to whom He pleases daughters and grants to whom He pleases sons."

The other verse in the *Qur'an* also states that Allah loves His creation and gives them great sustenance. *QS. Al-Nahl*: 72 suggests:

وَاللَّهُ جَعَلَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا وَجَعَلَ لَكُمْ مِنْ أَزْوَاجِكُمْ بَنِينَ وَحَفَدَةً وَرَزَقَكُمْ مِنَ الطَّيِّبَاتِ أَفَبِالْبَاطِلِ يُؤْمِنُونَ وَبِنِعْمَتِ اللَّهِ هُمْ يَكْفُرُونَ

⁴⁵ Yusuf al-Qaradawi, *Fatwa-Fatwa...*, h. 532-533.
<http://jurnal.arraniry.ac.id/index.php/samarah>

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Meaning: “And Allâh has made for you mates from your own species and has given you sons, (daughters) and grand children from your mates and has provided you with good and pure things. Will the people still believe in vain and false things and deny the blessing of Allâh?”

According to al-Qaradawi, warning against the temptation of the women is similar to Allah’s warning to the temptation of wealth and children and grandchildren, and that all mankind are reminded not to get astray from Allah’s path. The other *hadith*, which is wrongly interpreted is the one reported to be narrated from Ali bi Abi Thalib, written in *Nahj al-Balaghah* ‘that women are all evils-from their own evils’, this narration if wrongly interpreted leads to men’s unjust treatment over women. Husbands are more likely to prohibit their wives or daughters from participating in outdoor activities.⁶ This is also aggravated by the interpretation of the verse in the Qur’an: Settle in your homes, and do not display yourselves as women did in the days of ‘pre-Islamic’ ignorance (QS. *Al-Ahzab*: 33).

In his interpretation of this verse, M. Quraish Shihab commented that the prohibition of women from going out of the house for outdoor activities is a form of Allah’s punishment for immoral women (adulterers). The adulterers are not allowed to leave home to their death or there are people willing to marry them. For this reason, the verse is not applicable for all Muslim women. The verse is only a kind encouragement for women or wives to be mindful to her domestic affairs. In line with M. Quraish Shihab, Sayyid Qutub (1958 M) in his exegesis that this verse does not imply the extreme prohibition for women’s leaving house for some activities, this verse rather remind all wives to be mindful to their tasks and responsibilities domestically. In addition, M. Quraish Shihab added that restricting women’s access to public activities actually give more disadvantages to the community development.⁴⁶

In Indonesia alone, the perception that women are not well received to engage in outdoor activities is still persistent. There are some changes in reality indeed, in which nowadays more Indonesian Muslim women are participating in public spheres as employees in various workforces. However, most of them are still worried that their participation in public spaces is still perceived as inappropriate. As a result of misinterpretation of the *hadith* and verses regarding women’s well being, domestic violences are persistent. News in various forms of media show that violences against wives are escalating

² ⁴⁶ M. Quraish Shihab, *Perempuan...*, h. 354-355.
<http://jurnal.arraniry.ac.id/index.php/samarah>

as husbands perceive their wives as not obedient. In addition, divorce rate are also increasing as spouses are not in consensus of their respective responsibilities.

In addition, many ulama in this very day are against womens' participation in congregation in the mosque for Friday prayer observance or for the night prayers in the month of Ramadhan. This is so because of their misinterpretation of the messages conveyed in the *hadith* or some verses of the Qur'an. For that reason, it is arguable that husbands should always request their wives to secure permission for outdoor activities, since it is not applicable in all communities. Although this kind of rigid interpretation on the *hadith* regarding women's participation in public spheres is only popular in traditional Muslim clerics, their views are persistent as this view is well disseminated through books and other kinds of media. As a result, it is rarely found prominent Muslim women scholars within Muslim communities, since they have lacked opportunities to engage in self-empowerment. However, for contemporary Muslim clerics, the notion of securing permission is actually defined as 'letting husbands know' should wives leave home for positive causes, such as seeking knowledge or working in some workforces.

Conclusion

Referring to the aforementioned discussion, it can be concluded that the *hadith* regarding the husband's permissions for wives' outdoor activities is related to the dynamism in understanding the text, which has implications for the construction of the Islamic law. Traditional *ulama* tend to understand the *hadith* textually and strictly, namely that asking for permission is an obligation otherwise it is considered disobedient to husbands. This view may have been influenced by the contexts at that time, when women could be subject to criminal acts upon leaving home without men companions. Meanwhile, contemporary scholars understand the *hadith* contextually and flexibly. They argue that asking for permission is not an obligation and that women who do outdoor activities are considered advantageous. This difference can be understood because of historically-sociologically differences. Nowadays people travel in mass transportation where security is assured. Finally, understanding this *hadith* should not stand alone because several traditions of the Prophet and the history of early companions explain that women's participations in public spheres give more benefit than harm.

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