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Women's Political Rights in Islam: A Review of Arguments from Qur'an and Sunnah by the Opponents and the Proponents

Mohammad Farid Ali Al-Fijawi ¹, Zulqernain Haider Subhani ^{2*}, Mek Wok Binti Mahmud³

¹Assistant Professor, ²Doctoral Candidate, ³Associate Professor

Department of Fiqh and Usul al-Fiqh, International Islamic University, Malaysia

ARTICLE INFO

Article History:

Received 29th April

Accepted 1st August

Online 31st August

DOI:

Keywords:

Women,
Political Rights,
Sharī'ah Framework,
Human
Interpretations,

ABSTRACT

Women's political rights have been a pressing issue in the contemporary world especially after universal suffrage became an inevitable distinction of modern polity. In this paper political rights are not peculiar to polity in its narrow sense, rather it discusses women's presence and role in public life as whole and more particularly from Islamic perspective. This study is confined to legal and shari'ah framework in terms of permissibility and impermissibility of women to participate in public sphere. The study investigates and examines the religious teachings from its original scriptures and their historical and contextual interpretations throughout the history including classical as well as modern literature. The study reviews interpretations and explanations of the Quranic verses and the Prophetic traditions. The differences are highlighted between original and scriptural discourse and historical and temporal thought. This paper employs qualitative study by collecting primary sources through library research. Then content analysis is applied to the interpretations from Islamic jurisprudence literature and historical works to analyze views of scholars and to identify those grounds and evidences of the opinions which belong to the fundamental sources of shari'ah; the Qur'an and the Sunnah. Amongst the findings are, that there is a huge difference between immutable teachings and Islam and its principles and historical and human interpretations of the latter two. Historical and human interpretations are subject to scrutiny. Islam opens up broad role for women in public sphere in general as well as in politics in particular which they should not be deprived of.

*Corresponding author's email: zhaidersubhani@gmail.com



Introduction

Women's political rights and roles have long been in discussion among Islamic scholars and jurists. There have been different levels of political involvement where presence of women has been discussed and deliberated including judiciary or *Qada*, public administration and governance or *Wilaya 'Ammah*, and supreme authority of a state or *Khilafah 'Uzma*. In modern time, this discussion has become more important and crucial because of drastically transformed social structure, social set-ups, changed perception of power and work in industrial and post-industrial societies.

In premodern societies where economy was mainly agricultural, and power and skills were gauged in terms of physical strength and safety was difficult to be ensured in those social conditions where communication was very poor and limited and mobility was very low. On the contrary, in modern and industrial societies, skills and eligibility are not confined to physical strength and communication is very efficient and security is easy to be given at public space and opportunities are high. Therefore, it is inevitable now to relook at the scholars' legal opinions and views which might have been influenced or based on particular social structure and specific socio-cultural conditions rather than fundamental and original sources and universal rulings of Islam.

The focus of the present study is on permissibility or impermissibility of women to participate in public affairs and political institutions. However, there have been other discussions on the given issue whether women are by nature and by psycho-biological ground more appropriate for public affairs or domestic responsibilities, but this is not the scope of this study. This study is confined to legal and *sharī'ah* framework in terms of permissibility and impermissibility of women to participate in public sphere.

The study analyzes the views of classical and contemporary scholars within three areas where women's rights and role have been deliberated and contested:

1. Women's role in judiciary
2. Women in public administration and
3. Women's eligibility to hold the position of a state leader.

This study applies content analysis method to analyze views of scholars and identifies those grounds and evidences of the opinions which belong to the fundamental sources of *sharī'ah*, the Qur'an and the Sunnah. Subsequently, the study reviews interpretations and explanations of those Quranic verses and Prophetic traditions and finally a conclusion is provided to assist the researcher to reach to an opinion on the given issue.

We started with the presentation of an overview of scholars who do not allow women to participate in any political legal affairs, scholars who allow limited participation, and scholars who allow participation without any condition. This is followed by the discussion where the arguments of all three proponents from the Qur'an and Sunnah are scrutinized. Finally, the paper ends with conclusion.

Section One: Overview of Scholars' Opinions on Women's Role in Public Sphere

Before with regard to women's political rights and their role in public affairs there are 3 major sets of views among scholars and jurists of Islam with some sub-division under them. Proponents of each set justify their position referring to the primary sources of the *Shari'ah* the Quran and the Sunnah in addition to some other socio-cultural and psycho-biological grounds. Here we will present the opinions of scholars with their arguments and justifications without making any comment on those justifications and premises as following section is dedicated for the discussion on those premises.

1.1 Women are not allowed to participate in any political or public affairs

Major this view was represented by a great number of scholars both in classical and modern period. In classical period, majority of *Maliki* scholars held to the same opinion. Among them, *Ibn Juzzi* stated: "Among essential qualities of a person to hold any position of judiciary is to be a male."¹ Similarly, *Ibn Rushd* wrote: "as of necessary condition for the eligibility to hold any judiciary post is that the person should be male."² *Ibn Farhun*, another prominent scholar of *Maliki* School had declared the same condition³.

The *Shafi'i* Legal School held the same opinion that women are not allowed to take any position in judiciary. Imam *Nawawi* said: "It is not permitted for a woman to become judge or administrator because the Prophet (peace be upon him) said, **"(mā aflaha qaumun wallaw amrahum imra'ah)** a community will never be successful if they assigned their affairs to a woman."⁴ Imam *al-Mawardi* another eminent scholar of the *Shafi'i* School said: "Second condition for someone to become a judge is maleness. As for a woman it is not allowed to be made a judge."⁵

The *Hanbali* School of thought is also very vibrant and strict that women are not allowed in any circumstances to hold any public office. *Ibn Qudama al-Miqdasi* a famous *Hanbali* scholar stated: "Women are not allowed to hold the position of state leader, any administrator or any judiciary position as they have never been offered any such position neither by Prophet, nor by his successors. Had it been allowed, they would have been given such position throughout the history."⁶

Therefore, the Hanbali scholars are unanimous on the view that women are not allowed to participate in political and public affairs.⁷

In modern and contemporary time there are a number of scholars who committed to the same position when it came to women's public role and political rights. For instance, *Abu Zahra* expressed his view saying that women are not allowed to take part in political and judiciary or administrative affairs. They are responsible of domestic affairs.⁸ *Maududi* is another prominent scholar of modern time, who is of the opinion that women are not allowed to go for public administration and political roles.⁹ *Jamaluddin Afghani*,¹⁰ *Imam Sha'rāwi*,¹¹ *Abbas 'Aqqād*,¹² and *Muhammad al-Banna*¹³ are others among the scholars who are proponents of the opinion that women are not allowed to participate in public affairs, judiciary and political matters.

Scholars of this view base their position on four premises; the Quran, the Sunnah, *Sadd al-Dharai'* and socio-cultural conditions.

In the Qur'an, they refer to four verses in support of their position. Their first ground is where Almighty Allah states: ¹⁴ "*al-rijāl qawāmuna 'alā al-nisā'...*" The second ground is where in Almighty Allah says: ¹⁵ "*li al-rijāl 'alyhin darajah.*" The third ground is: ¹⁶ "*wa qarna fi buyūtikunna...*" The last argument from the Qur'an is: ¹⁷ "*(An taḍilla ihdāhuma fatadhakkar ihdāhuma al-ukhrā...*".

The second premise of this position is the Sunnah. The exponents of this view refer to two hadiths. First hadith is as referred previously "*lan yufliḥa qawmun wallaw amrahum imra'ah*"¹⁸ (such people as ruled by a woman will never be successful) and second hadith is "*al-nisā' nāqīṣāt 'aql wa dīn.*"¹⁹ (Women are deficient in intelligence and religion).

When it comes to third premise, they argue that if women are permitted to hold public offices they will intermingle with males and this will lead to mischief (*fitna*) or likelihood of occurring immoral and illegal (sexually) actions.

Finally, the fourth premise of the argument is based on natural setting and division of works. If women will go for public affairs and political activities, the family system will be affected and the main task of women which is to nurture children and provide them good environment or their duties to take care of husband and look after domestic tasks will be interrupted. This will heavily affect the whole society.

1.2 Limited Permission for Women to participate in public and political sphere

The definition there is a number of scholars in classical as well as modern period, who articulate permission for women to participate in political activities and public affairs but with limitations. There are three groups of scholars in this unit.

Though they differ from each other in particulars, in general they all agree with limited participation of women in public and political spheres.

One group proposes that women can hold any political or judicial position except the position of state leader (*Khilafah*). The proponents of this view from classical scholars are *Abu Hanifah*, *Ibn Hazm*,²⁰ *Ibn Jarir al-Tabri*, *Hasan al-Basri*, and *Ibn Qasim* from the *Maliki* Legal School. From the modern period, *Yusuf al-Qardawi*,²¹ *Abdul Halim Abu shuqqa*,²² and *Arif Ali Arif* are some of the proponents.²³ They argue on the basis of ²⁴ “(وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ).” *Ibn Hazm* interprets that all men and women can judge provided the judgment is with justice. So, both men and women should be allowed to hold position where they can perform with justice and fairness.²⁵ Secondly, they premised their position on analogy as to pronounce legal opinion (*Ifta'*) is allowed to women as well as men. Therefore, women should be permitted to release orders being in office as well.²⁶ Another argument presented by this group is that the essence of administration, governance and judiciary is ability to deliver justice, welfare, and protect people's rights and interest and these things have nothing to do with gender.²⁷ The last argument of this group is the historical existence of likes of *Samra bint Nuhaik* and *Shifa bint Abdullah*. The former was appointed by the Prophet (peace be upon him) to take care of the markets of Makkah and the latter was appointed by 'Umar al-Khattab as *Muhasibah* (market magistrate) in Madinah.

The second groups of scholars who allow limited participation for women stipulate that women are allowed to hold position of only those judiciary issues where their witnesses are acceptable. Henceforth, they are not allowed to become judge in the cases of *hudud* and *Qisas* or criminal cases in the modern context. Majority of the scholars of Hanafi School hold to this position. *Al-Kasānī*²⁸, *al-Marghinānī*²⁹, *Kamāl Ibn al-Humam*³⁰ and *Ibn 'Ābidīn*³¹ are among those who articulated this view. Their arguments are similar to the previous scholars except that they argue that in cases where their witnesses are not accepted, how they can be given authority to judge those issues. The result of these scholars' argument is that women can hold any position except in criminal cases.

Third group of scholars allow women to serve only those public positions which are exclusively concerned with women. *Fuad Abdul Munim*,³² *Abdurrahman Abdul Hamid*³³ and *Tuma Sulaiman*³⁴ are the proponents of this view. They argue that women are more aware of women issues than men so they should be given authority to manage their affairs at public level as well as on judicial level.

1.3 Unrestricted Permission for Women to serve all Public Positions

Even though there has been consensus among classical scholars that women are not allowed to hold the position of state leader but there are some scholars especially in our contemporary time who say that there is no ground to deprive women from right of being candidate of state leader or participation in political activism without any barrier especially in the context of new definition of state and political institutions where there is no more *khilafah* institution anywhere. In premodern societies it was rare for women to become state leaders, but this was

not because of any Islamic principle or *Shariah* ruling, rather it was only because of that particular social structure where state was ruled based on a specific kind of power which was difficult for women to excel men and participate. Therefore, some contemporary scholars have opined that women are free to participate in any kind of political struggle where they can hold any political position or judicial role. Among the prominent proponents of this view in our time are *Ashraf Ali Thanwi*,³⁵ *Ali Sallabi*, *Mukhtar al-Shanqiti*³⁶ and *Enayatullah Subhani*.³⁷ They argue that the Qur'an narrated a story of a woman who was holding the position of a state leader, but the Qur'an did not depreciate her being state leader neither implicitly not explicitly. On the contrary, the Quran appreciates her way of ruling from two distinctive points of view: She was very inclusive and consulting kind of state leader who used to consult her people whenever she faced any issue as highlighted by *Rashid Rida*³⁸. Secondly, when she realized the truth of the Prophet Sulaiman, she brought all of her people to the path of truth and divinity as elaborated by *Muhammad Ghazali*.³⁹ *Shanqiti* articulates that it is a historical fact that women have never held position of state leader in Muslim history, but it is not a *shariah* ruling.⁴⁰ *Sallabi* says that the hadith which is used to deprive women from holding political positions are related to particular historical circumstances and cannot be generalized⁴¹. They present counter arguments to the verses and hadith discussed as evidence by the opposing scholars.

So far, we presented the positions of the scholars and their Quran and Hadith based arguments. In the up next section, we will scrutinize these arguments by looking into commentaries and explanations of all these verses and hadith with analysis.

Section 2: Discussion and Analysis of Argument Presented by the Scholars

Now we will discuss the textual arguments—Qur'anic verses and hadiths presented by scholars to defend their positions. Even though scholars presented non-textual arguments with the textual ones, we confined our discussion to textual arguments only. While discussing the textual arguments we referred to commentaries of the verses and the hadiths with the analysis.

2.1 Quranic Arguments and their analysis

The first verse presented to argue that women should not participate in public administration or judicial position is⁴²:

“Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore, the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (and last) beat them (lightly); but if they return to obedience, seek not against them means (of annoyance): for Allah is Most High, Great (above you all).”

The word *Qawwam* in this verse is the point of dispute and contestation because of possibility of being interpreted into various meanings. Most of the medieval period scholars interpreted it in terms of men's superiority and leadership over women.⁴³ This interpretation was taken up by many of the contemporary scholars.⁴⁴ On the contrary, many of the classical as well modern scholars interpret this word in terms of a family hierarchy system, decentralization of responsibilities, and relationship terms between husband and wife rather than men and women.⁴⁵ Even from a linguistic point of view *Qiwamah* is not necessarily about superiority or leadership. It denotes the meaning such as 'to take responsibility of' or 'to take care of'⁴⁶ as expressed by al-Qurtubi in his *magnum opus*. He wrote that the word *Qawwamun* means husbands will provide their wives sustenance and defend them against hardships.⁴⁷ If we go back to the context of the verse and consider the coherence of the Quran it is very clear that this verse is in the context of husband and wife relationship and a family structure. Moreover, the context and the reason of this verse as stated in the books of *exegesis* clarify that this verse is corresponding to the nature of relationship between husband and wife.⁴⁸ This verse has no bearing on leadership of men, superiority of men over women or any such meaning. The verse is not about gender role in a society. It is actually about the responsibilities of a husband in terms of providing sustenance, protection and other life necessities.⁴⁹ Subhani in an elaborate manner explains that as son is subordinate to his father and he has to follow his father when it is the matter within family or within the boundary of father-son relationship, but at the same time son can hold a public office where his father will have to follow son's orders. Similarly, within the husband-wife relationship and family issues wife in a sense is subordinate to her husband but at the same time in some other level she can be practicing power over people including her husband.⁵⁰ *Abu Shuqqah* presented similar arguments that *Qiwamah* is related to inner family structure whereas outside the family structure, women can be becomes ruler and there is no problem in that.⁵¹ *Arif Ali* adds another important point here saying that even within family *Qiwamah* has been given to husband not because of wife's incapability or her ineligibility. When husband goes for war for instance, or for earning livelihood she is the one who takes the responsibility of *Qiwamah*.⁵² The reason for the responsibility (*Qiwamah*) to be given to men is that women cannot be forced to conceive, deliver, breastfeed, nurture, take care of children and yet to earn livelihood for the family⁵³. Hence, to employ this verse in any other meaning apart from the nature of relationship between husband and wife is inconsistent with the context and the coherence of the verse as well as the practice of the Prophet and his companions and some other Quranic narrations as we will discuss later.

The second verse which as presented to argue that women are not eligible to participate in public affairs is where Almighty Allah says⁵⁴:

Divorced women shall wait concerning themselves for three monthly periods. Nor is it lawful for them to hide what Allah hath

created in their wombs, if they have Faith in Allah and the Last Day. And their husbands have the better right to take them back in that period, if they wish for reconciliation. And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree (of advantage) over them. And Allah is Exalted In power, wise.

This verse is revealed in the context of husband-wife relationship and marriage-divorce system of Islam. There has been long discussion and several opinions on the meaning and connotation of the word “degree (*darajah*)” in this verse, some relate it to physical strength, others relate it to more opportunities to worship Allah by participating in *Jihad*, while some relate it to more proportion in inheritance. However, majority of the scholars interpret it identically to *Qiwamah*.⁵⁵ The context, coherence of the verse and the interpretations of scholars clearly show that this verse is particularly about the nature of relationship between husband and wife. So, whatever be the meaning of ‘degree’ here, it should be taken in the context of husband and wife only. *Al-Tabari, al-Qurtubi, and Ibn Atiyyah* related in their works to Ibn Abbas saying that the meaning ‘degree’ is that men should be more generous on women to provide them sustenance, behave with them kindly and deal with their mistakes gently.⁵⁶ Therefore, this verse has nothing to do with gender role in a society, public space and political arena.

The third verse which has been referred to in support of argument that women are not allowed to work in public space or participate in political activities is⁵⁷ where Almighty Allah while addressing the wives of the Prophet Muhammad (Peace be upon him) states:

And stay quietly in your houses, and make not a dazzling display, like that of the former times of ignorance; and establish regular prayer and give regular charity; and obey Allah and His Messenger. And Allah only wishes to remove all abomination from you, ye members of the family, and to make you pure and spotless.

Scholars have referred to this verse to argue the incapability and ineligibility of women to participate in public administration.⁵⁸ Even though the surface-meaning of the verse is clearly commanding women to stay at home and implicating not to involve in political and public affairs. In contrary, a cursory survey of scholars’ interpretation, qur’anic context and coherence reveals three very important points. Firstly, this verse is not directed to all Muslim women; rather it addressed exclusively the wives of the Prophet Muhammad.⁵⁹ Secondly, the meaning of “stay at home (*wa qarna buyūtikunna*)” should be understood in the context of the next phrase which says: “and do not display yourself as people used to display in the days of ignorance.” The first phrase actually is an emphasis of the second phrase and the focus is on the bedizenment. This kind of sentences is quite common in any language for instance if someone says: “keep silent and do not speak without thinking.” It does not mean now never speak and become

dumb forever, it simply means that speak only after thinking. Thirdly, the whole context in which this verse is revealed is an indirect response to the hypocrites of Madinah who would try to disturb the Muslims, the wives of the Prophet and the Prophet himself. So, this verse does not imply that at any point of time the wives of the Prophet used to display their body as the women used to do in the days of ignorance. So, Allah asked them to stay at home, rather the Quran addressed indirectly those women from the community of hypocrites who used to display their body in ignorant style and would try to provoke the wives of the prophet for being so simple and modest.⁶⁰ Hence, this verse does not support the opinion that women are not permitted to take any part in serving public and legal positions.

The fourth verse of the Qur'an presented by scholars to support the view that women are not permitted to hold public positions because they are inferior to the men in terms of intellect, memory, and other character traits is verse 282 of surah al-Baqarah.⁶¹ In this verse, Almighty Allah states:

... O ye who believe! when ye deal with each other, in transactions involving future obligations in a fixed period of time, reduce them to writing let a scribe write down faithfully as between the parties: let not the scribe refuse to write: As Allah has taught him, so let Him write. Let him who incurs the liability dictate, but let Him fear His Lord Allah, and not diminish aught of what He owes. If the party liable is mentally deficient, or weak, or unable Himself to dictate, let His guardian dictate faithfully, and get two witnesses, out of your own men, and if there are not two men, then a man and two women, such as ye choose, for witnesses, so that if one of them errs, the other can remind her....

There has been a long discussion on why the Qur'an stipulated witness of two women as equivalent to witness of one man. Majority of the classical and medieval scholars take the cue from this verse that women are weaker in intellect and memory.⁶² However, there are scholars who perceive this verse in a completely different way. *Arif Ali* argues that weakness of intellect or memory in women are not natural and intrinsic as understood by classical scholars, rather this was outcome of only a particular social structure, societal pressure, psychological condition and social environment. Hence, by improving social conditions, uplifting their psychological level and providing them good training and apprenticeship their level of intellect and capability to involve in such things can go up like that of men.⁶³ However, majority of the classical and modern scholars defined the word *taḍilla* synonym to *tansa* (forgets) which definitely do not carry the same connotation in Arabic language. *Syed Qutub* deliberately drew a line of distinction between the meanings of both words and interpreted the verse in a very different way. He says: *ḍalāl* might be the result of different reasons and factors, major one is the women were not familiar with the terms and conditions of financial transactions in that social setting and consequently

they might misunderstand and err in the witness but in case of two witnesses one can help the other to understand and dispense with the undertaking of the witness.⁶⁴ *Enayatullah Subhani's* approach to this verse is similar. He took into consideration the particularities of the social and psychological conditions of the women and in-depth understanding of the Quranic usage of words and language style. Firstly, he refuted the classical commentaries due to the confusing and converging the meaning of '*taḍilla*' for '*tansa*'. He elaborated that this verse did not equate two women to one man in witnessing, rather the verse is indicating the social structure of that time that women were rarely involved in financial transactions in public places, rather they would not even come alone to public place. Since women's presence in public space was not available especially alone, so for two reasons one woman is asked to accompany with another woman. Firstly, it will be uncomfortable for one woman to be alone among men but if she is accompanied by another, she will feel safer and more comfortable. Secondly, since, women were not accustomed of and familiar of terms of contracts and transactions as they were not involved in it in that society, they are more likely to be misguided or misled by any of the parties. However, if there are two women then this is likely that they both will help each other to comprehend the terms and witness accordingly. For this very circumstantial reasons and deep meaning, the word *taḍilla* instead of *tansa* is used in this context.⁶⁵ Muhammad Asad presented similar arguments saying: "The stipulation that two women may be substituted, or one male witness does not imply any reflection that on the women's moral and intellectual capability; it is obviously due to the fact that, as a rule, women are less familiar with business procedure than men, and therefore more liable to commit mistakes in this fact."⁶⁶ So here actually witness is only from one woman and the other is simply to provide her physical, emotional, psychological and substantial support as asserted by Asghar Ali "If one reflects on the verse of the Qur'an about the testimony of man and woman it is more than obvious that actually the testimony is to be rendered only by one woman, not by two. The other woman is only to remind her if she errs."⁶⁷ That is why many of the scholars take this ruling peculiar to this kind of transactions only where women were not generally involved, and not as a general rule about women witnesses.⁶⁸ *Al-Razi* referred to the Qur'anic verse on divorce requiring only two witnesses⁶⁹ to corroborate the view that it is not a universal requirement of Qur'an to demand two women for one man, but it is restricted to only business transactions and financial procedures.⁷⁰ *Subhani* adds one more argument on equality of men and women in witnessing that when the Qur'an discussed the issue of *li'ān* (a case when a husband accuses his wife of illegal sexual relationship, but he does not have any witness except himself). The Qur'an required equal number of testimonies from both.⁷¹ ⁷²Therefore, this verse does not support the notion of depriving women from participating in public affairs.

2.2 Arguments from Hadith and their analysis

When it comes to the hadith-based arguments, scholars have mainly relied on two hadiths which we will discuss now:

The first narration says “*al-nisā’ nāqisāt ‘aql wa din.*” The proponents argue on the basis of this hadith that women are intellectually and religiously imperfect or deficient thus, do not qualify to serve public positions. Even though this narration has been reported in many reputed books of hadith such as in *Sahih al-Bukhari, Sahih Muslim, Jami al-Tirmidhi* and *Sunan Ibn Majah* and possesses quite a strong chain of transmission but this has been harshly criticized and questioned from textual analysis perspective and it has been pointed by those feminists and orientalist scholars who blame Islam for having misogynistic element in it⁷³. In other words, this hadith though stands authentic in terms of *sanand* but seems to be very problematic from *matan* point of view. Israr Khan while thoroughly analyzing this narration says: furthermore, the term *Naqisat aql wa din* (intellectually and religiously deficient) is a derogatory and insulting phrase tantamount to calling someone an idiot, and Islam does not allow use of humiliating words as in the Quran^{74 75}. *Abu Shuqqah* says it is quite impossible that the Prophet will insult or offend the whole community of a gender or degrade them especially on the pleasant and blessed occasion of Eid.⁷⁶ Other scholars say that this was an exclusive address to a particular group of women who tried to dominate their husbands, and this cannot be considered as a foundation to deprive women from public administration.⁷⁷

The other narration which is considered the most important basis for the discussion of women’s rights and role in politics and public administration is the famous hadith where the Prophet is reported saying:

Mā aflaha qawmun wallaw amrahum imra’ah

In some other books:

Lan yaflaha qawmun wallaw amrahum imra’ah

This is a part of long narration and to understand the meaning of this hadith it is important to look into complete narration. The complete narration is as follows:

Abu Bakra has been reported saying: “Allah benefitted me a lot by a hadith I heard from the Prophet. I was about to join the party of Camel and fight along them, but this hadith prevented me from that. When the Prophet was informed that the Persian people have assigned their governing to the daughter of the king, the Prophet said: People will never be successful if they have given their power to a woman.⁷⁸

This hadith is understood differently by different scholars. *Imam Nawawi* and *al-Mawardi* among many other scholars believe that this hadith forbids women to participate in any political, judicial or public affairs.⁷⁹ Other scholars have rendered this hadith in the context of state leader (*khalifah*). *Ibn Jarir al-Tabari, Ibn Hazm, Muhammad al-Ghazali* and *Al-Qardawi* are among those who juxtapose this hadith specifically on the issue of state leader. *Ibn Hazm* while commenting on

this hadith says: “the Prophet (ﷺ) spoke these words in the context of the state leader which is *Khilafah*.”⁸⁰ Muhammad *al-Ghazali* asserts: “indeed Islam has not forbidden women from holding any position except the state leadership or *Khilafah al-Uzma*.”⁸¹ There are other scholars who consider this narration as merely as an account (*khabr*) of the consequence of that particular empire instead of rendering it as a universal *Shari’ah* ruling. *Imam Taibi*, *Khalid Muhammad Khalid*, *Mukhtar Shanqiti* are among those scholars who see this as account of an incident (*Ikhbār*). *Al-Manawi* quoted *Imam Taibi* saying: “this was a prediction about the failure of the people of Persia and the glad tidings about the victory of Arabs.”⁸² However, there are other scholars who have questioned the authenticity of the hadith itself basing on the scrutiny of chain and content.⁸³ Nevertheless, after scrutinizing the context of the full hadith there arises several critical questions:

- The Quran had revealed the story of Saba to the prophet where a lady state leader represents a governing system where Islamic principles of governance such as *Shura* or consultation prevails and then finally she happens to save all her people by her wisdom and her successful governing policies. Then how can the Prophet make this general rule that if a woman becomes the state leader the people will never be successful? *Muhammad al-Ghazali* has also pointed to the similar argument saying, the reason behind her (daughter of Persian King) failure goes back to the despotic and tyrant governing system which was prevailing in Persia at that time. Therefore, their failure and defeat were forecasted. Had they been practicing *Shura* like Balqis the situation would have been completely different. So, in fact, the matter is not about manhood or womanhood.⁸⁴
- *Subhani* raised an important question here saying: “if *Abu Bakra* did not join the party of camel because the leader of that party was a woman (mother Aisha), then why did not he join the other party which was being led by a man (Ali)?”⁸⁵
- Another important question is that had it been an Islamic principle about women’s presence and role in public sphere how can it be possible that no other great companions of the Prophet, his wives and his caliphs were unaware about it as no other great companion has narrated this hadith?
- *Abu Shuqqa* has also highlighted this point that when Mother Aisha protested against the Caliph Ali regarding the blood of Uthman, Ammar bin Yasir did not discouraged it on the basis of being a woman when he addressed the gathering.⁸⁶
- Another important question is that according to the narration the Prophet said these words in the context of the Persian King’s demise and his daughter’s succession of him, so does this imply that the nation was successful when the king was the ruler? Did not the same king behave extremely rudely and intolerantly when the messenger of the Prophet sent his letter to the king, the king out of rage and anger tore apart the

letter into pieces?

- Another important question is *Abu Bakra* narrated this hadith in relation to the mother Aisha when she was leading a group of people to claim the blood of Uthman (RA), and she was not trying to become *Khalifa* or state leader. Thus, on what basis scholars consider this hadith exclusive to the issue of state leader or *Khalifah*?
- On the other hand, if this hadith is understood in its literal meaning that women should not be given any authority at any level over men, then, what will be the vindication of the facts that during the time of the Prophet, a female companion, *Samra bint Nuhaik*⁸⁷ was appointed as market administrator or market magistrate (*Muhasibah*) in Mecca, or as Umar bin Khattab appointed a female companion *Shifa bint Abdullah*⁸⁸ as market magistrate (*Muhasibah*) in Madinah?

Basing on the counter-arguments of the scholars to this hadith, it does not stand as an argument to prohibit women from political involvement at any level.

Conclusions:

The nature and norms of political participation and public administration change with the change in social structure, social institutions and social circumstances. In the past, women were rarely involved in the political sphere, public affairs or judicial matters in any society and at any point of history including Muslim societies. However, some scholars attributed this fact of the history to the *Shari'ah* rulings or Islamic teachings. They referred to several verses of the Quran and hadith of the Prophet which we presented and discussed. This study finds that all of these verses and hadith have been used out of context, or without considering the coherence of the verse. The Qur'an did not restrain women from political or public participation implicitly or explicitly. On the contrary, the Quran has revealed the story of a woman state leader who is portrayed as governing her people on the principle of *Shura* and finally leading all of her people to the success by joining with all of her people to the right path revealed by Allah to the Prophet Sulaiman. The Prophetic traditions presented and discussed are also not different in this sense except that there is one narration which bears many possibilities as discussed in the previous section, and the preferred connotation of that hadith is that it was merely an account of the fall of Persian Empire.

Political leadership and administration are primarily concerned with the particular skills and expertise which are definitely not peculiar to any gender. Moreover, there are multiple examples of successful women in the leadership and statesmanship. It should also be born in mind that leadership or administration is not an individual work especially in the Islamic perspective. It is a collective task which should always been performed with consultation of all (*Shura*) and mutual planning. So, it does not matter which gender is serving the position of political authority. What matters is the leader serves the Islamic values such as justice, *amanah*, and integrity in an utmost manner.



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