

Analyzing Muslim Women's Leadership : The Contemporary Context

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Abstract

Women's leadership has become a contentious issue in the contemporary history of some Muslim societies. While it has been allowed by some Islamic scholars according to the necessity of the society in modern context, it has been largely rejected by majority Islamic scholars for its debilitating effects. Instances of women's leadership in general and as heads of the Muslim states can be found in the context of the success of Benazir Bhutto in Pakistan, Khalida Zia and Sheikh Hasina in Bangladesh¹, Megawati Sukarnoputri in Indonesia, Atifete Jahjaga in Kosovo, Roza Otunbayeva in Kyrgyzstan, and Mame Madior Boye in Senegal. The contentious issue is debatable because no clear-cut direction was stated regarding the headship of the state and high government position that makes the issue divisive and conflict-ridden.

Given the context, there is a need to analyze Muslim's leadership in contemporary context. The paper examines the concept, brief history, the importance of women's leadership and analyzes the views of Islamic scholars within the purview of contemporary Islamic thought, which is based on the textual arguments of the Qur'an and Sunnah. The paper concludes that though a tiny fraction of the whole Muslim spectrum tries to justify the permissibility of women's leadership in developing socio-economic and political perspectives, many Muslim scholars have viewed it as the violation of God's commands and, therefore, vehemently avert the appointment of women as the head of the state as well as government high

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Introduction

As a concept 'women's leadership' is not a new phenomenon in human history, because women being half of the organ of the society are able to contribute in nation-buildings spiritually, physically, intellectually, and morally. In contemporary society, widespread misunderstandings of women's roles and rights and their divergence consequences create an obstacle against socio-cultural and political-economic progresses. While women's leadership is generally permissible in all religions, some Muslim scholars justify it as acceptable while some forbid it from religious point of view. Islam strongly forbids women to display their beauty but allows them to strive for safeguarding basic human rights, developing the society and nation and defending the religion with their capacity. Prophet Muhammad (SAAS),

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during his life time did neither appoint nor prevent any of his woman companions as a governor or high government official. Though women's leadership absolutely is foreign culture to Islamic history and theology, some scholars, largely from the western intellectuals, disseminate Islam and Muslim as conservative and rigid. However, with the advent of Islam, women's position and dignity had been restored that allowed them to carry out Allah's commands, their duties for the progress of humanity.

Given this context, there is a need to determine women's position and to examine its Islamic stance. The paper will survey the history of women's leadership, analyze its necessity in contemporary context, and, finally, present the Islamic perspective on the issue. The paper does also briefly evaluate the responses of Islamic scholars with a textual analysis and inductive approach to analyze the prospects of formulating an Islamic stance on women's leadership in current context. It is hoped that the ideas raised will ultimately contribute to understanding and clarifying the Islamic stance on women's leadership for both Muslim and non-Muslim communities in contemporary society.

Concept of Women's Leadership

Leadership, in the American Heritage Dictionary of the English Language (2009), is to lead as to guide or direct in a course, or to go first as a guide. In the Arabic Dictionary *al-Mu'jam al-Wasit*, it is to lead as to head a group while being in front (Mustafa, 1989 : 719). In literal sense, the Arabic word '*wilayah*', '*Imamah*', and '*khilafah*' means 'leadership'. *Wilayah*, to Ibn Taymiah, is "to maintain a life that assists people toward understanding their religion", while *Imamah*, to Mawardi, is "to guard the religion and life from darkness to the light" (Basbous 1988 : 47 and al-Wakil 1988 : 22) as the Qur'an says : "I will make you an Imam to the people" (the Qur'an, 2 : 124). In Islam, '*Uli al-'Amr*' (one who has the ability of the command according to the Divine knowledge), who has been delegated the authority of making decision for determining policies, rules and laws. Women's leadership is defined as women's level of control in decision making positions, the control over the allocation of resources, the determination of policy, regulations and laws. It refers to an authoritative woman who holds the top position for making a final decision for a simple, systematic and standardized method for measuring national progress and for comparing the situations in different countries.

'Leadership', Don Clark defined, "is a complex process by which a person influences others to accomplish a mission, task, objective and direct the organization in a way that makes it more cohesive and coherent". It is an ability to get people to follow voluntarily and affect human behavior so as to accomplish a mission designated by the leader. It is classified into three types : (Kurt Lewin (1935), authoritarian, participative or democratic and delegative leaderships.

However, women's leadership can be looked at from various perspectives; women would have full access to religious, economic, social, political and intellectual participation that would allow for the growth and expansion of the individual and, consequently, for society at large. From religious perspective, a woman may participate in developing the economic growth for eliminating poverty, establishing social justice, and stabilizing the political system for good governance. The Muslims, for instance, permitted women to be judges in the courts, to produce agricultural products, and to help injured soldiers during the wars. A qualified woman may resort to lead a nation on behalf of a man, or one may enable to carry out her own responsibility as in the case of the contemporary prime ministers of various Muslim countries as a way of showing efficiency and demonstrating loyalty to the nation. In history, women's leadership was a common custom and practice among the aristocratic Greek people and it was prevalent until the 13th century of the Christian era. The total segregation of sexes is not the genuine Islamic system and the origin of these practices is rooted in the customs of non-Muslim people.²

The point being stressed here is that some Muslim scholars forbid women's leadership as it is against their original nature and innate quality gifted by Allah (SWT), which may cause social ruin and devastation in the Islamic society.³ Women in contemporary society are contributing for humanity to attain goals that are political, religious and ideological. It is also believed that holding any key position whether, in public offices or in private sectors is considered illegitimate and illicit that leads to social destruction and the way of straying (*dalalah*) from the right path.⁴ Islam prohibits all kinds of intermingling between sexes and they are obliged to look after the household affairs of the family and children.⁵

Buddhists monks and nuns also affirm "the equality of women in various aspects of life who are responsible in caring the family and society", as declared by Buddha Dharma Education Association held in 1998 on the issue of "Buddhism and Women". The Dalai Lama spoke at a conference on Women in Buddhism at the University of Hamburg in 2007 that "warfare has traditionally been carried out primarily by men who are physically better equipped for aggressive behavior. Women, who have the same potentials for aggression, on the other hand, tend to be more caring and more sensitive to other's discomfort and pain. He commented that if the majority world leaders were women, perhaps there would be less danger of war and more cooperation on the basis of global concern.

However, in current context, women's leadership proves the ability and efficiency in leading the nation, while it sometimes is used by politicians for political gains or personal ambition. Indeed, it is also a fact that the question was further highlighted with the success of Benazir Bhutto in the 1989 in Pakistan and Khaleda Zia in 1991 & 2001, Sheikh Hasina in 1996 and 2009 in Bangladesh as the heads of the respective governments. Moreover, recently some women in South Africa and other parts of the Muslim world also embarked on a similar

campaign claiming the right of leadership. Al Faruqi insists that women must be career women and must work for public interest as well as the entire humanity.⁶

Brief History of Women's Leadership

Research shows that women's leadership could be found throughout the history of humanity. Although it is not possible to recount here women's leadership in different ages but a few examples may provide a true picture of women in European culture in particular and human history in different ages in general. In Greek civilization, women were denied all rights and were always looked down with contempt. They were considered as the main causes of all human ills and misfortunes in the Jewish community who perceived that Eve was the root cause of the evil.

With regard to the responsibility of women in society, Judith Hauptman's historical survey according to Jewish tradition shows that a covenant was formed between the Israelites and the God of Abraham at Mount Sinai where men and women as the Torah relates, were present. The covenant was worded in such a way that it bound men to act upon its requirements and to ensure that the members of their family such as wives, children, and others met these requirements as well.⁷ During the middle Ages, in Europe, Jewish women had exclusively household roles and arranged marriages and were generally prohibited from holding formal leadership roles with authority over men. Regarding European Jewry, Abraham Grossman wrote, "Throughout the Middle Ages, which continued for about a thousand years, we do not find so much as a single woman of importance among the sages of Israel... Moreover, over a period of a thousand years, not a single Jewish woman wrote theoretical, mystical, or poetic work, with the exception of a handful of poems written by Jewish women in Spain." Middle Eastern Jewry, on the other hand, had an abundance of female literates. Those letters are related to piousness and poetic, which express a desire to be in closer or more frequent contact with a loved one that is far enough away to only be reached by written correspondence.⁸

In the case of the Romans about women's leadership, the family system remained unaffected because of conservative approach of the Romans but its undue rigidities softened down to moderation. Women's chastity was highly valued and considered as a criterion of the nobility of character but they were prevented from participating and leading in the nation-building activities. In Roman culture, women were enjoyment elements, extra-marital relations between male and female began as means to refrain from castigating those who cannot resist the temptation.⁹ In the ancient Jewish society, women were treated like slaves. Father had the legitimate right to sell his own daughter and she was prevented from inheriting father's properties.¹⁰ During the ancient period of Hindustan, death, hell, poison, snake, and fire all were not appalling than women.¹¹ Women were bound to sacrifice her life with the death of her husband. The Hindu society avoided women's leadership at any level of the society¹². It is

very interesting that no one raised voice against the discrimination and inequality of women in those periods. In Christian Europe, the Christian patriarch's concepts of women and conjugal relationship were not only opposed to human nature but unnatural to the extreme. The basic doctrine was that woman was the mother of sin and root cause of all evils. She is considered as the primary source of inciting man towards sin and corruption and thus herding him to Hell.¹³ Her beauty and charm was a means of satanic temptation. She must keep on atoning constantly for her inherent sins, because she was responsible for causing all disasters and misfortunes in the world.¹⁴ Tertullian (150 AC) said : "She opens the door to satanic temptations, leads man to the forbidden tree, breaks the law of God and corrupts man as the image of God".¹⁵ As St. John Chrysostom said, "She is an inevitable evil and eternal mischief, an attractive calamity, a domestic risk, a charming and decorated misfortune".¹⁶

However, in human history, the social status of women was in every way degraded. There was no scope for women to participate in building the nation and lead human society.¹⁷ In modern Europe, in the 18th century, the efforts made to uplift the womenfolk from decadence brought about wholesome effects in community life. However, Islam as the universal religion and the complete way of life is applicable equally for all men and women, who are co-vicegerents of Allah (SWT) on earth for worshipping and serving the humanity. Man and woman are equal in religious as well as civil responsibilities such as holding high government officials, participating in nation-building development and taking care of household matters for resolving the challenges faced by men and society. Muhammad Sharif commented that the Qur'an condemns in open and unambiguous terms the rule of Pharaoh of Egypt who was a man, but it does not express even a slight disapproval of the ruler who was a woman. So, it is not the gender of the ruler which is important, but it is, in fact, the nature and spirit of the rule which is significant. Circumstances may arise for the Muslim Ummah when the benevolent and democratic rule of a woman like Queen of Sheba may be preferable to the despotic and tyrannical rule of a man like Pharaoh of Egypt.

In modern Muslim history, women played a vital role in leading the state and society, who have been elected by people and ruled the nation as the prime minister wisely and efficiently such as in thirteenth century, Razia Sultana, daughter of Sultan Iltutmish, in India, and Shajrat-ul-Darr, daughter of King Nizam-ud-Din, in Egypt. Chand Bibi in southern part of India in sixteenth century, Sutt-ul-Mulk, daughter of Caliph Al-Aziz Billah, in Egypt in eleventh century AC and Queen Shahjahan Begum of Bhopal in India in early twentieth century, were the heads of the state. Their rule was never opposed or challenged by any of the well known ulama of their age, neither any of the contemporary jurists, scholars or leading ulama gave a Fatwa declaring their rule as *Haram* (unlawful). The large-scale women's leadership has also become all too familiar: supporting by the leading Ulama, the president candidate Fatima Jinnah in 1964 in Pakistan, the elected Prime Minister Benzir Bhotto in Pakistan in 1989,¹⁸ elected prime Minister of Bangladesh in 1991 and 2001, supported by

Bangladesh Jama'at-e-Islami, and elected Prime Minister Sheikh Hasina in 2006 and 2009. In 2001-2004, Megawati Sukarnoputri as president in Indonesia was elected, in 1993, Tansu Ciller as Prime minister in Turkey was elected, in 2011, Atifete Jahjaga in Kosovo was elected as president, in 2010, Roza Otunbayeva in Kyrgyzstan was elected as president, in 2001, Mame Madior Boye in Senegal was elected as prime minister, and in 2007, Nadia Yasmine on behalf of Justice and Charity Party in Morocco was a campaigner for the opposition.

In contemporary society, women's leadership is being accepted by many religious groups in many Muslim majority countries, such as Indonesia, Malaysia, Bangladesh, Pakistan, Iran, Egypt, Morocco, Turkey, and Saudi Arabia. The justification of the female's leadership in various sectors is not based on the views of the classical religious scholars but consist of the women's empowerment and authoritative for safeguarding their fundamental rights and participating in nation-building activities. However, women's leadership is potential in contemporary context that brings changes and prosperity in human life, property and dignity. In this respect, all religious scholars should come up with a concrete Islamic stance with guidelines in order to allow eligible women to participate in nation-building. The situation today demands sincere attempts to produce a divine-based guideline by the respective authorities in order to enjoy the equal rights of women and to establish peace and justice in society for all of humanity as servants and vicegerent of Allah on earth.

Women's Leadership: A Textual Analysis of the Views of the Muslim Scholars

Understanding women's leadership is essential in the present context in order to sustain their basic equal rights and allow them to participate in building society and nation from Islamic perspective. The verse 9 : 71 of the Qur'an commands that the believers, men and women, are protectors of one another, they enjoy what is just and forbid what is evil...on them will God pour His mercy. The verse 4 : 34 rules that men are *qawwamun*, i.e., guardian and maintainers of women; men were given more strength upon women; men look after women's expenses, manage family affairs and support them from their means; their rights are given by God, Allah as a trust. Men and women are equal, which are divine order. Men are leaders over women but if women are efficient and qualified, being a leader is permissible, which does not prevent the righteous women to be obedient and guard in the absence of their husband that is also divine order. Women's leadership in various aspects, according to religion, is permissible, which is rational and coherent in nation-building. Allah, the lord of the universe has given equal rights of both male and female who will be judged and rewarded according to their deeds and *taqwa*, not on the basis of appearance. As the Qur'an mentions : Allah has bestowed His gifts more freely on some of them than on others : to men is allotted what they earn, and to women what they earn, for Allah has full knowledge of all things".¹⁹ Allah has prepared forgiveness and great reward for Muslim men and women, for believing men and women, and for men and women who guard their chastity because both of them

have spiritual as well as human rights and duties in an equal degree and the future reward of the Hereafter.²⁰ The verse 4 : 1 demonstrates that men and women are equal to each other both intrinsically in biological process of their creation and extrinsically in respect of their relations, duties and responsibilities before God, Allah. Women in making a decision and leading a nation shall have rights similar to the rights against men according to what is equitable, even though men have a degree of advantage over them.²¹ *Darajah* (position) can be obtained by any individual or group, which has gifted by God, Allah through an unspecified category of doing 'good' deeds, as the Qur'an says : "Allah will exalt those who believe among you, and those who have knowledge, to high ranks; "We raised by grades of mercy whom We will, and over all endued with knowledge there is no more knowing".²² Academic qualification, intellectual ability and the style of livelihood in worldly life distinguish between male and female, by which, they may hold ranks one above another. Therefore, the wealth or physical strength are not the real distinguished characters but a functional distinction apparent to mankind and valued within society. God-fearing (*taqwa*) as one of the attributes of human being in the eyes of Him, also shows the equal rights in doing good deeds as the prophet says : "Verily, God, Allah will not observe your appearance and physical strength, but will observe your heart (*taqwa*)".

In Islam, God advises the believers, "men and women to be *Auliya* (guardian) for taking care of one another, living comfortably and a brighter future that allows women to carry out the family and social obligation. God, Allah also orders to enjoin what is *al-Ma'ruf* (good) and to forbid what is *al-Munkar* (wrong), to perform prayers sincerely, give *Zakat*, and obey Allah and His Messenger. Allah will have His Mercy on them. Surely, Allah is All-Mighty, All-Wise."²³ The Qur'an declares that the relationship between husband and wife is like a *Libas* (body cover) for safeguarding mutually their rights, properties and freedom. Truly God made between them *mawaddah* (love) and *rahmah* (mercy). Islam permits Muslims to stand up for their rights and enjoy their fundamental rights such as life, progeny, intellect, education, religion and property. It also emphasizes to forgive each other if there is any mistake, to advocate tolerance and disregard the conflict. As mentioned in the Qur'an : "They, are *Libas* (body cover) for you and you are the same for them. Allah knows that you used to deceive yourselves, so He turned to you, accepted your repentance and forgave you."²⁴ No matter what wrong they perceive as being done against one another, they must tolerate and seek forgiveness from their lord. They must have faith in God as He admonishes those who oppress others beyond the bounds of what is right and what is wrong. Reconciling, if there is any conflict between men and women, is an equal right according to what is equitable.²⁵

Hence regarding women's leadership, the revealed book of God, conveys a clear message to human beings wishing to protect women's rights and fulfill the trust of God, other fellow humans and creatures. The key is binding ties among them and improving relationship. As mentioned in the book of Judith Rebecca Hauptman (b.1943), "*Etz Hayim : Torah and Commentary*, according to Jewish tradition, "a covenant was formed between the Israelites

and the God of Abraham at Mount Sinai where men and women, as the Torah relates, were present. The covenant was worded in such a way that it bound men to act upon its requirements and to ensure that the members of their family such as wives, children, and others met these requirements as well, must improve their relationship".²⁶ Jesus (SAAS) says : "A new commandment I give unto you, That ye love one another; as I have loved you, that ye also love one another. By this shall all men know that ye are my disciples, if ye love one another?"²⁷ The requirements towards family members can be considered as obliged responsibilities for men and women. Given their responsibilities equally to establish the kingdom of God by using his intellectual and sensorial knowledge, we believe that this fundamental perception motivates them to protect life, wealth, honor, human dignity with peace, justice and co-existence. In Luke 8 : 1-3, it is said : "And it came to pass afterward, that he went throughout every city and village, preaching and showing the glad tidings of the kingdom of God: and the twelve were with him and certain women, which had been healed of evil spirits and infirmities, Mary called Magdalene, out of whom went seven devils, and Joanna the wife of Chuza Herod's steward, and Susanna, and many others, which ministered unto him of their substance."²⁸ It is also said that "...every head of every man is Christ, and the head of woman is the man, and the head of the Christ is God".²⁹

A Muslim scholar, Ibn Hazm in his *Muhalla*, allows a woman to hold every office apart from that of the Head of State based on this *Hadith*. At the 'liberal' extreme, Hafiz Ibn Hajr indicates in *Fathul Bari* that Imam Ibn Jarir Al-Tabari not only supports the unrestricted appointment of woman to judgeship, he permitted also her appointment as the Head of the State. A similar view is reported from Imam Malik Ibn Anas and adopted by some Maliki jurists.

With regard to women's leadership, on the basis of the verses of the Qur'an, Ibn Jarir al-Uabari argued that women should be given a chance to establish justice efficiently and professionally, which is their legitimate right in leading the society according to the views of some Maliki jurists³⁰. From the contextual reading of 9 : 71, Ashraf Ali Thanvi commented on the same verse, "Making maleness as a condition to be a judge, does not imply for *imamat-i-kubra* (high government officials) in Islam"³¹. Referring to the second caliph, 'Omar Ibn al-Khatab, who appointed Shifa bint Abdullah as an inspectress of markets³² that permits woman to be appointed as a manager of a *waqf*, or executor of wills and evidences, and referring to Ibn 'Abidin, who argued that the second caliph asked Hafsah, a wife of the Prophet (SAAS), about the distribution of *sadaqah* and accepted her decision³³. The *Jamhur Ulama* also allowed general leadership of women such as the appointment as a guardian for orphanage centre, or *Nazirah* for *waqf* foundation on the basis of the same argument, even though, Ibn al-'Arabi considers it as a fabricated Hadith³⁴.

Being a male as one of the conditions to appoint women as a head of the state or a leader of any position in society, al-Murjinani, al-Kasani and al-Kamal bin al-Humam argued, cannot

be accepted because her witness is acceptable in making verdict in the courts,³⁵ though Muhammad Sadiq argued that man must be as one of the pre-condition to be a head of the state.³⁶ Abu al-Hasan al-Mawardi describes women's leadership as a judge in the courts is permissible,³⁷ referring to Abu Hanifah who argued that women can be a judge in cases in which she can be witness as al-Hafiz Ibn Hajr al-'Asqalani, Ibn al-Rushd and Ibn Hazm held the similar stance.³⁸ Ibn Jarqun and Ibn al-Qasim argued that if woman's witness is permissible, then woman's leadership as a Judge is also permissible and if the judgeship is permissible, then, the headship of the state should also be permissible.³⁹ Abdullah Yusuf commented on those verses that men and women should live together in the society with mutual support, comfort and protection like the role of garment is to protect the body of human while human should keep cleans of their garments. He continued that there is no distinction between male and female in terms of gender status, spiritual and moral aspects and fulfilling the obligatory injunctions of the *Shari'ah*.⁴⁰ Woman's headship according to Shi'ah scholars is prohibited on the basis of evidences,⁴¹ which are fabricated and doubtful according to some Shi'ah scholars.⁴²

The Ulama of Pakistan including Mawdudi accepted Fatima Jinnah's nomination as a presidential candidate in 1964 against Ayub Khan.⁴³

In this regard, a *fatwa* (decree) given by Ashraf Ali Thanvi, Muhammad Sharif argued, allowed the rule of Shahjahan Begum, the Queen of Bhopal in India and justified it on the basis of the rule of Bilqis, the queen of Sheba. Muhammad Sharif further argued that if the government is democratic and the affairs of the state are being conducted by the ruler with the help of elected representatives and in consultation with them, then there is no barrier against women in leading the society and nation.⁴⁴

With regard to woman's leadership, the verses 4 : 34 and 9 : 71, according to Rashid Rida, command that the sovereign power of women '*al-Wilayah al-Mutlaqah*' equally should be recognized justice.⁴⁵ The rights of men and women, Muhmud Shaltut argued, in the political system including the right to vote and other responsibilities are similar as Prophet Muhammad (SAAS) accepted the pledge of women.⁴⁶ Both verses indicate that men and women are equally responsible for enjoining what is good and forbidding what is wrong in the society. No one can escape from his or her responsibility at any level.⁴⁷ The verse 60:12 also acknowledges, Rashid Rida argued, that Prophet Muhammad (SAAS) accepted the pledge of allegiance (*al-Bay'ah*) from the female believers before *Hijrah* and after *Hijra* from both *Ansar* and *Muhajir*, which confirms the women's leadership as legitimate. The appointment of woman as the head of the state and a judge as Ibn Hajr quoted from al-Tabari, is permissible. A woman can be entrusted, *Abu Hanifah* argued, with the affairs in those matters in which her testimony is valid.⁴⁸

With regard to women's leadership, M. H. Shakir commented on the verse of 9 : 71⁴⁹ stating that the verse permits women to be guardian of a man, therefore, woman's leadership cannot

be denied according to the demand of the contemporary society. To him, the verse signifies mandatory upon a man and a woman to discharge the duty of affirmative and protective command that can only be discharged by being a leader and a head of the state or *Ulil Amr* (person in authority), which paves the way for a woman to become the repository of the government authority.⁵⁰ Enjoining the right and forbidding the wrong in the verse is primarily the duty of both males and females that make women as much as responsible as protecting friends of both genders. Discharging the duty of *al-amar bi al-maruf wa al-nahy al-munkar* has authorized women to be a leader either as a judge or a head of the government⁵¹.

Zeenath referred to the article of Abdul Hamid and explained the context of the revelation of the verse 4 : 34 that when sexual intercourse with non-spouses was a casual habit, women were treated like slaves and daughters were buried alive. Consequently, the guardianship of men over women was an essential for a new born Islamic society to prevent such animalistic activities and safeguard their chastity and modesty from disloyalty, slavery, and ill-treatment in order to improve their social status.⁵² Kaukab viewed that several verses on husband and wife relations had been revealed in different stages and at different times in order to differentiate between the status of men and women. To him, if any one considers drinking wine as permissible on the basis of the verse 4 : 43, which has been abrogated by the final revealed verses of 5 : 90-91, and the classical usury on the basis of 3 : 130 is acceptable, which has also been abrogated by the verse of 2 : 275 that prohibits any form of interest. Similarly, the verse 4 : 34, Kaukab argued, was not the last verse about men and women's relations and leadership, but many other verses also exemplify the relationship between men and women⁵³ such as 2 : 187.⁵⁴ Kawkab Siddique⁵⁵ commented on verses of 27 : 23, 32 and 44 that woman's leadership in accordance with the view of Ashraf Ali Thanvi who investigated the *Hadith* of Abu Bakrah, is permissible. His justification is on the basis of *Hadith* of Abu Bakra,⁵⁶ which prevents the autocratic rule by women, but their rule by consultation is allowed such as the case of Bilqis who had ruled the nation with the help of an assembly or legislative body. Therefore, the *Hadith* of Abu Bakrah is not applicable for preventing women's headship or leadership. According to a *Hadith*, narrated by Abu Bakra regarding the daughter of the King of Persia, "nation will not prosper because she was a despotic and dictatorial ruler and hence the Prophet condemned her rule."⁵⁷ Kawkab disagreed with the statement that 'Bilqis gave up her rule over the land of Saba after she accepted Islam'.⁵⁸ About the case of 'Ayshah, Kawkab Siddique argued that there is no *Shari'ah* injunction barring woman from being the head of an Islamic state or the head of an Islamic government on the basis of the Battle of camel led by 'Aysha, the wife of the prophet of Islam in which some prominent companions of the Prophet joined. Mohammad Sakhi argued that if the Qur'an and Sunnah does not specify prohibition of a issue or keep silence, it becomes as a general principle of the *Shari'ah* and one should take it as a positive look and consider it as permissible, not as prohibition in any way⁵⁹.

Adding to it, Muhammad Sharif stated that the verses 24 : 31 and 33 : 59 prevented the wives of the prophet and all believing women to display their beauty to others, cover them properly, lower their gaze and keep modesty, but not forbid to go out in leading the society and the state and participating in nation-building activities within the limit of the *Shari'ah*.⁶⁰ From contextual reading of the verse 4 : 34, the word '*qawwamun*', Amina Wadud argued, is not restricted only to the family relationship, or marital tie but it implies to the society at large⁶¹. To her, it is a functional relation between male members and female members of the society as Sayyid Qutb elucidated.⁶² It is not inherent superiority of men over women or Allah's preference of men over women, rather, it is qualitative and capability basis and reward or punishment will be given accordingly. Leading at the family level, or social or state levels is permissible because the verse does not prevent women to be a leader of the society. Appointing women, referred to Ibn Hazm, for the supreme control of national affairs is permissible. Her justification is based on the appointment of Shufa' as the inspector of the markets appointed by the second caliph of Islam, 'Omar Ibn al-Khattab and the *Hadith* of Abu Bakrah⁶³, which prevents appointing women as a caliph of the state, but not to take over the supreme control of national affairs as the Prophet Muhammad (SAAS) mentioned, "everyone is responsible and each of you will be questioned about his responsibility". A woman is the steward over the property of her husband and children, she will be held responsible for her subjects".⁶⁴ Amina⁶⁵ commented on Ibn Hazm's statement and argued that no text of the revelation forbids women's appointment as a public functionary in some affairs if qualified women are found who may carry out the responsibility of the society in more efficient manner in developing the nation.⁶⁶ She argued according to Ibn Hazm, that the caliphate does not exist today, furthermore, the Qur'an does not criticize the kinship of Queen of Shiba, Bilqis who was the head of the state and it does not imply that the position of ruler is inappropriate for a woman.⁶⁷

From historical perspective, according to a feminist, Fatima Mernissi⁶⁸ who rejected the *Hadith* of Abu Bakrah for three reasons: a) the context of the narration of the *Hadith*, which had been stated by Abu Bakra⁶⁹ after twenty-five years after the death of the prophet Mohammad (SAAS), which is questionable, while 'Ayshah was defeated at the battle of Camel. Abu Bakrah denied supporting 'Ayshah at the battle of Camel, which to Fatimah, was not a proper manner in the context of the battle because about 13,000 supporters including many companions of the prophet Muhammad (SAAS) fought in favor of 'Aysha but no one had raised the question of women's leadership. b) Weight of the opinion of *Fuqaha'* and the character of the narrator because, Abu Bakra was found guilty of false accusation and was even punished by the second caliph of Islam. The allegation was that he accused a prominent companion Mughirah bin Shu'bah of adultery but was unable to prove it, c) rejecting the said *Hadith* by Muslim *Fuqaha'* as evidence for the injunction of the *Shar'iah* because of its merit and authentication that deprives women from the political leadership although it has been compiled by Muhammad bin Isma'il al-Bukhari. In this regard, Muhammad Sharif's

analytical approach shows that no direct and clear verse of the revelation that either allows or prohibits women's leadership.⁷⁰ Keeping silence, to him, is a wisdom and sagacity, which indicates a full freedom and discretion of the Muslim Ummah in order to choose their leaders either male or female according to the socio-political demands and circumstances. He also commented that the verses also do not confine any hard rule to decide on the ruler regardless of gender, color, race, language or other qualifications.⁷¹ Selecting leaders of the community by consultation, which is democratic process, he argued, can be called in our society as elected form of the government. In this form, people are free to elect anybody who, they feel, would be able to discharge the responsibilities of the highest office of the chief executive or the head of the state. The ruler in Islam is not a despot, autocrat or dictator but he/she is to rule in consultation with others. So the ruler may be a man or a woman, he or she is to discharge duties of the office with the consultation and advice of the elected representatives of the people.⁷²

With regard to women's leadership, majority of Muslim scholars agree that men must be the highest leaders of the Ummah, which is an essential pre-condition in nation-building and leading the Islamic society. Ibn al-'Arabi commented on the verse 4:34 stating that the verse signifies the guardianship and leadership only for men according to its *asbab al-nuzul* (context of verse). The context of the verse was to clarify men's guardianship over women, when the wife of Sa'd bin al-Rabi' misbehaved and quarreled with her husband over women.⁷³ Al-Ghazali argued that women's leadership in any form in Islam is prescribed whether all leadership qualities exist in them or not, the characteristics of determination and willingness exist or not? Putting male as one of the conditions to be the head of the state by Islamic jurists prevented women's leadership.⁷⁴ His justification on the basis of the verse 4 : 34, is that *qawwamun* as a leader to fulfill the rights of women. Al-Qadi 'Abdul 'Aziz bin al-Baraj commented on the same verse, "the word '*qawwamun*' as a leader to fulfill the rights of women at the family level".⁷⁵ The word '*qawwamun*' al-Qurtubi explained, means man's guardianship or leadership over women and referred to some other Muslim scholars.⁷⁶ As mentioned in the Qur'an, "And stay in your houses, and do not display yourselves, like that of the time of ignorance".⁷⁷ The verse 33 : 33, al-Qurtubi commented, ordains that "women should not go out of their houses unless necessity like for confessing witness or other reasons, because their beauty, appearance, the entire body and voice all are part of *purdah*".⁷⁸ In Fath al-Bari, the command of 'Omar bin al-Khattab, Ibn Hajar al-Asqalani argued, shows the prohibition of woman's leadership, not to even, go out for Hajj in the early period of his administration but at the end of *khilafah*, he became flexible and permitted them to carry out the responsibility of the society.⁷⁹

The interpretation of the word "*qawwamun*", al-Shawkani, 'Ala uddin 'Ali Ibn Muhammad al-Baghdadi and Abu al-Barakat Abdullah Ibn Ahmad Nasafi explained, prohibits social leadership of women.⁸⁰ Because the appointment of women as a leader is an unsuitable, inapt and a violation of the command of Allah and that struggle is not for the cause of Islam. Alusi

seems to be referring to two basic perceptions to find out the relationship related to men's leadership : (1) the gifted quality, (*wahbi*), the ability of man's leadership and (2) The acquired quality (*kasbi*), man's power of evaluation. The meanings of the word "*qawwamun*", Alusi argued, are "men's leadership quality and intellectual capability, which are self explanatory. Man's superiority over women, to him, is granted by God, Allah and the deficient in intellect and weakness in religion has prevented women's leadership, which is females in born natural quality. Muslims, he advised, should not leave their leadership on them. Moreover, women's leadership in which there is no hope of success or no possibility of avoiding *fitnah*, or no hope of boon or benefit for people and society except at home affairs. However, if there is any hope of achieving any of these, then women's leadership will not be harmful for people and society. From historical perspective, Alusi argued, no woman was prophet, *khalifah*, *imam* either "*Imamat-i-kubra or sughra*" (major and minor leadership), *muaddhin* for announcing/declaring *Adhan*, *Iqamat*, *khuthba* and so on that are confined to men, who are qualified to rule the nation and lead prayers.⁸¹

With regard to the limit of woman empowerment ordained by Allah, women's leadership and superiority, al-'Arabi commented on the verse of 2 : 228-229, is indicative of something wrong and violation of revealed guidance for Muslims as the Qur'an describes "and women have rights over their husbands as regards living expenses, similar to those of their husbands over them as regards obedience and respect to what is responsible, but men have a degree of responsibility over them, if any do transgresses the limits ordained by God, then such are the *Zalimun* (unjust)". Men's superiority, Ibn 'Arabi argued, is the Qur'anic ordained and prophetic ordained as prophet Muhammad (be upon him) said about their incapability in intellect and shortcoming in religion: "I have not seen any one of deficient intellect and weakness in *din* who is more destructive to the intelligence of a cautious man than you women. The women asked: "Why is that, O messenger of Allah? He replied: Do you not spend a few nights without performing *Salah* and without observing *Sawm*? This is the deficiency of her *din*, and the testimony of one of you equals half the testimony of a single man, this is the deficiency of her intellect".⁸² The consensus of 'ulama, Ibn al-'Arabi argued, is not to appoint them as the *Khalifah*.⁸³ On the basis of *Hadith*, to him, the superiority of man over woman is due to three reasons : a. perfect understanding, b. perfection of *din*, and c. participating in jihad and enjoining the good and preventing the evil. With all these qualities, men would be able to carry out the heavy burden of the nation and society.⁸⁴ It is a protective measure for women to remain at home, as al-Shami explained, for safeguarding their modesty and chastity from ill-treatment, evil-eyes, and slavery.⁸⁵ Al-Qurtubi held the similar view and argued that the judges, rulers and *mujtahidin* in the early period of Islam were among the men, not among the women⁸⁶. On the same verse, Hafiz Ibn Kathir commented that the *nubuwwah* (prophecy) is God-gifted quality selected by God only from men, not women.⁸⁷ Baidawi said that the quality of *nubuwwah*, leading the *Salah*, leading a society, a nation and a country, and establishing the other rules of the *Shari'ah* such as *Adhan*, and *Iqamah*, all are

only confined to men, not to women⁸⁸. Jamal Badawi argued that God, Allah opted for men as prophets because of commanding people to enjoy what is right and to forbid what is wrong, teaching people the revealed books, rituals and worship, reforming socio-economic dimensions, and leading the battle against the enemies of Islam.⁸⁹ Ibn Taymiyyah criticized the book of Ibn Hazm who discussed regarding women's rights widely but accepted his view about female leadership.⁹⁰

With regard to the limits of women ordained by the prophet of Islam, leadership by them is indicative of something solemnly erroneous for Muslims as the prophet said, appointing women as the ruler shall never prosper. The limits here are an unable to carry out hard responsibilities of the state and society, resolving challenges faced by men and society, recruiting employees, making hard-decisions, conversing and exchanging views with national and international delegates and being distressed and displeased during the perils and unfortunate situations.

Al-Mawardi disagreed, on the basis of *Hadith* of Abi Bakra "if a nation that appoints a woman as its ruler shall never prosper", appointing women for any ministerial position, which has been divided into two types i.e. one concerns the policies and laws made for the nation, and the second implements those policies and laws for the well-being of people in society. He further explained a *Hadith* stated by Abu Hurirah, "women have the lack of determination and the lack of knowledge of *Din*", and the prevention of free-mixing male and female by the Shari'ah, prohibits women's leadership.⁹¹ Abu Ya'la' al-Hanbali held a similar view : women who have lack of knowledge, lack of determination or deficiency of intellect or perfection of *din* (religion) may not be appointed as a leader of the society.⁹² Ibn al-Rushd commented that woman does not have any link to the leadership of the state.⁹³ The interpreter of al-Bukhari Badr al-Din and Hafiz Ibn Hajr al-'Asqalani opined that women's leadership at the state level is not allowed.⁹⁴ Ibn Qudama argued that the messenger of Allah (SWT) did not appoint woman as a Judge or administrator in the city. It is argued that if the leadership of woman was permissible, Muslims would appoint woman as the head of the state or a Judge.⁹⁵ Muhammad Ziauddin commented that even though, among Muslim scholars, there are different views about the appointment of women as Qadi but all Muslim scholars agreed not to appoint women as the head of the state.⁹⁶ Ibn Baz also provided the same view about women's leadership and said that women's leadership in Islam is forbidden.⁹⁷ However, if there are potential women who are eligible and qualified should be given a chance to take over the responsibility of the society within the Shari'ah paradigm.

Given some situations such as going out for maintaining various social activities, traveling without muhrim, commanding for jihad during the war, taking care of the entire activities of Muslim community, taking care of her children and family affairs including husband's duties,⁹⁸ Imam Zuwaini and Bagavi argued, are obstacles to be leaders,⁹⁹ though their witnesses and the appointment of judge are permissible.¹⁰⁰ Maududi emphasized on the

superiority of men over women on the basis of the verse 4 : 34; the term '*qawwamun*' means "men are in charge over women" at the family level, not at the high government official or the state levels. To him, handing over the supremacy of the state contradictory with the *Hadith* of Abu Bakrah, "nation would not prosper, if it hands over the supremacy of its state to a woman". On the same verse, Yusuf al-Qardawi commented that "man as the guardian over woman, such as guardianship of the family is an obligation upon man who should undertake the responsibility of his wife and children,¹⁰¹ as mentioned in the Qur'an 2 : 228, "but men have a degree of advantage over women and Allah is Exalted in Power, Wise".¹⁰² However, enjoying, Maududii argued, the right to vote for electing the qualified leaders is permitted as it was allowed in the early period of Islam but contesting for parliament or cabinet positions or the head of the state, is proscribed. Four conditions; being a male, a Muslim, an adult and a resident/citizen, to him, prevent women's appointment as the head of the state, parliament members and so on.¹⁰³ Staying at home, covering the body, maintaining the total seclusion of women, and the absolute segregation of sexes under the system of veiling are ordained by God that protect their modesty and virginity. Otherwise, it would be a violation of the divine order and a sinful act. Furthermore, men biologically are born with physical strength and hard working, while women are opposite; emotion, politeness, softness and weakness. Getting involvement in civil-political affairs would jeopardize family life and leads to chaos and social ill.¹⁰⁴

Regarding Maududi's view and *Jama'at*'s stance related to women's leadership, one, Zeenath Kausar argued, should understand¹⁰⁵ according to all of his writings, not merely only one book, titled "the Islamic law and constitution". Having equal right in various aspects for women is divine order as Maududi said that; "separate consultative *Shurah* for women and fulfilling their family responsibilities are their rights.¹⁰⁶ The verse 2 : 228, Mahmud Saltut commented, does relate to man's leadership over women at home in fulfilling their all expenses, not to the position of king, ruler or high official of the government.¹⁰⁷

Being a supreme leader implies, Shawkat Muhammad 'Ulyan, Isma'il al-Badwi¹⁰⁸ and Muhammad Nasir al-Bani argued, that Allah wants women to remain firm at home that has been commanded by the prophet that would protect nation from devastation and desolation as "a nation cannot prosper".¹⁰⁹ Being manhood as a mandatory from legal perspective,¹¹⁰ Ibn Hajar stated, prohibits women's appointment as *Amir* (ruler) or *Qadi* (judge). No women, al-Siba'i explained,¹¹¹ were appointed by the prophet Muhammad (SAAS) as well as the four pious caliphs either at the state level or administrative affairs and no woman played a significant role in the political affairs.¹¹² Al-Siba'i argued that some women; Aysha the daughter of Abu Bakar and Hafsa sister of 'Umr bin al-Khattab and so on contributed in nation-building and social progress such as mosque-based activities, business, agricultures, politics, wars and etc, but their involvements in socio-political activities were not significant.¹¹³

Al-Siba'i further argued that the prohibition of women's leadership in Muslim society is not their incompetence and ineptitude, but for the greater national interest, social well-being, and safeguarding the entire community from illness and infirmity of men's desire. The reasons that prevented women for being leaders, are: hampering to concentrate on their suitable roles and responsibilities as wives and mothers, letting free mixing and *khalwa* (mixing alone) with *gahyr muhram* (men are allowed for marrying), obstacle for covering their entire body, traveling alone, and discussing alone the secret matter of the state. The above inevitable situations impede women to work smoothly and might vigor them to commit sins. While covering the *awrah* for Muslim women is an obligatory, the *Shari'ah* forbids Muslims, not to make *halal* as *haram* and *haram* as *halal*.¹¹⁴ These situations imply, he argued, that are less beneficial effort for the public well-being, disregard the rights of children and family, exploit the family bond and tie and make gap between husband and wife that cause severance and separation. However, al-Siba'i believed that the slogan of women's leadership as the head of the state has been imported from the Western society. After a thousand years they were given the political rights, but the question has raised, are these rights beneficial for the society and humanity? He advised the people of the Western society who have given the political rights of women that have broken the bond of their family and destroyed the relationship between the spouses.¹¹⁵

It is also argued that during the period of the Prophet Muhammad (SAAS), periods of four caliphs for 32 years, 14 caliphs of Umayyad's period from 661 to 744, 37 caliphs of Abbasid's period from 749 to 1258 and until the end of the periods of Ottoman, there was not a single female leader as the head of the state and even no one proposed to appoint any qualified woman as the leader. During the period of four caliphs, there were many qualified wives alive, but were not appointed as the head of the state. From the early period of Islam until today, Muslim scholars made *ijtihad* on various issues in order to solve problems faced by men and society, but women's leadership issue was so clear, that is why there is no *ijtihad* on this issue and no one gave fatwa as it is allowed¹¹⁶.

'Arif 'Ali argued on the basis of the views of Ibn al-Juz'a and other 'Ulama that woman has no guardianship over her own marriage, so how she will decide the dispute of others' marital affairs? Moreover, how she will settle the cases of others' divorce while she has no right of her own divorce? Al-Khattabi said: She cannot carry out her own marriage, so how she can make the arrangement of others marriage.¹¹⁷ But Abu Hanifa, Hasan Ibn Zaid, and Abu Yusuf agreed that women are allowed to be the guardianship of their own marriage as Allah (SWT) says : "do not prevent them from their marrying their husbands, if they mutually agree on reasonable basis."¹¹⁸ Some Muslim scholars argued that women should neither be appointed as the head of the state nor even be appointed as a *Qadi* because appearance and voice of women in Islam are considered as *'awrah* and it may provoke the trouble. Therefore, it is not lawful for a woman to show up in trading places or in open spaces or to undertake the administrative position. Ibn Farhun said : Her voice may provoke temptation, and her

appearance may make trouble for others.¹¹⁹ However, Abdul Karim Zaidan commented on verse 24 : 31 that her voice and appearance is not the part of purdah and this revelation does not mandate an essential and mandatory for covering them, it is rather permitted when she does not exceed the limit of usual beautification or embellishment, and must be without any excessiveness, because the immoderate embellishment, beauty and appearance are most likely to provoke the trouble and stimulate sexual desire, so this is prohibited.¹²⁰

Based on the above discussion, it is clear that woman's leadership is perceived as no concrete guidance from religious point of view. Women as the half organ of the society should not be ignored and it is therefore permitted to appoint her as a leader within the Shari'ah paradigm. Her quality and ability is God-gifted and it is therefore allowed to lead people, society and nation for the well-being of humanity. But, on the other hand, covering the entire body for women in Islam is an Islamic obligation for the sake of Allah in order to fulfill her responsibility as the servant and vicegerent of Allah on earth because in the eyes of Allah, both man and woman are equal in terms of reward and punishment, affirmative measure and protective measure, physical and spiritual, and biological. However, in Islam, women's leadership can only be allowed under some circumstances : a) safeguarding their private parts from illegal sexual acts and restraining the eyes from evil desires in the public (the Qur'an, 24 : 31), b) abstaining from displaying women's fineries and decorations before all other men except to their husbands, fathers, husband's fathers, sons, husband's sons, brothers, brother's sons, sister's sons and sisters in Islam (the Qur'an, 33 : 33), c) covering the entire body¹²¹ by outer dress like veil, gloves, head-cover, apron etc or by some other ways except only that which is apparent like palms of hands or eyes for necessity to see the way (the Qur'an, 24 : 31; the Qur'an, 33 : 59), d) lowering (both men and women) their gaze from looking at forbidden things, e) avoiding free-mixing, f) maintaining the motherhood, and g) obeying husband and protecting his rights and properties.

Today, it is essential for Muslim scholars to make a clear Islamic stance to all communities about the issue of women's leadership in Islam in order to benefit humanity from their contribution. Muslims should clarify the misconception of women's leadership among themselves. They believe that those misconceptions occurring in the present Muslim community are because of misunderstandings of religious teachings, discrimination factors, and western propagation, all of which stem from individual's self interest.

In modern context, Sultana Razia ascended the throne of the Mameluk dynasty in 1236 C.E. who was most qualified among three children of Mamluke as he recognized the merit of woman and said : "My sons are incapable of ruling, and that is why I have decided that my daughter must rule after me" (Sultanes : 131). Merit and justice, to him, are hand in hand. Bhutto's predecessor, Zia ul-Haq, once appointed the Ansari Commission to define the role of women in politics. The Commission recommended that women should be allowed to enter politics after the age of 50, with their husbands' permission, and a blood relative male should

accompany them abroad trips during the meetings with men. These recommendations have been rejected by the then president of Pakistan General Zia ul-Haq who was concerned about the conflict between purdah and female politicians. The response of extremists to this potential conflict is evident in Saudi Arabia and Afghanistan where women are practically barred from public life. In Iran, women play an undeniably active role in public life, but the government does require them to wear chadors (all-covering outer garments) to ensure some observance of purdah (Dawn, date : 9-5-83, and 9-9-83).

Therefore, it is recommended that if a Muslim woman shows her efficiency and capability to lead the society and nation, should be permitted that would be a reflection of the people's trust in her ability to respond to their needs and be a just leader.

Conclusion

Women's leadership is an old phenomenon though they were used by interest groups as a tool for joyfulness and cheerfulness, a tool to gain imperial interests, a tool in the name of liberation and equality, a tool to gain political interest, and a tool to use for personal interest over history. Women's leadership is also a contentious issue because of women's physical differences and weaknesses, intellectual incapability, emotional sensations, softness and motherhoodness. In the contemporary world, women's leadership has developed a positive impression as a capable and qualitative leadership who ruled different nations as the prime minister or president.

Women leadership is permissible in Islam but it is also proscribed as the head of the state even though no concrete injunction to permit it or to reject it is available. Women leadership could make more and better contributions to society if they are given chances, provided proper trainings, more scopes and opportunities with their counterparts to strengthen their stance in participating nation buildings. They can also be a part of the skilled and qualified leadership, rather than be an adversary in backwardness and conflicts. The Muslim nation should understand the necessity of their contribution in contemporary context and allow them as half organ of the society in leading the nation with sincere cooperation, mutual understanding, human dignity and respect. Preventing or allowing women's leadership requires the authorities and Islamic scholars concerned to identify sincerely the stipulation of their capability, the demand of the society, not use women for political and personal interests, and finally, not to be biased.

However, women's leadership is their unhindered legitimate rights in solving the socio-cultural and economic-political crisis according to their capacity. The consequences of women's leadership show that this phenomenon may not be regarded as the prohibition of women's leadership, but permissible of their leadership in accordance with the need of the contemporary society within the Shari'ah paradigm. The present circumstances also demand that every woman should be a career woman at least during some portion of her life, i.e.,

during her student days or motherhood period if she lives in a large extended family, or after her motherhood period. Furthermore, this paper recommends forming a world council of Muslim 'Ulama' that eliminates the confusions and debates among Muslims. The Qur'an declares :

“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 (SWT) is Exalted in Power Wise (the Qur'an, 2 : 228)”.

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52. Muhammad Ziauddin, *al-Nazriat al-Siyasiyat al-Islamiyyah*, (Cairo : Dar al-Fikr, 1998).
53. Muhammad bin Isma'il al-Bukhari, *Sahih al-Bukhari*, Kitab al-Magaji, Kitab al-Fitan (Beirut : Dar al-Fikr, 1981), vol. 8. See also *Fath al-Bari* (Beirut : Dar Ihya al-Turath al-'Arabi, 1985, vol. 13).
54. Muhammad ibn 'Abd al-Rahman, *Tuhfah al-Ahwadhi bi Sharh Jami' al-Tirmidhi, Kitab al-Fitan*, (Beirut: Dar al-Kutub al-'Ilmiyyah, Bab 64, Hadith no : 2368, vol. 2).
55. Muhammad Ibn 'Ali al-Shawkani in Rhul Amin, *Nil al-Awtar* (Riyadh : Riasah 'Ammah li Idarat Buhuth 'Ilmiyyah wa al-Ifta wa al-Da'wah wa al-Irshad, 1982).
56. Muhammad Khalf Allah, *Ma'a Nuzul al-Qur'an*, (Cairo : Maktabah al-Nahdah, 1971).
57. Muhi al-Din al-Nawawi, *al-Majmu' Sharh al-Muhhadhib*, (Beirut : Dar al-Fikr, 1995, vol. 16).
58. Mulla 'Qari 'Ali Hanafi (d. 1014), *Fath al-Bari*, (vol. 9).
59. Mustafa al-Siba'i, *al-Mar'ah Bayn al-Fiqh wa al-Qanun*, (translated into Bangla Language by Akram Faruque, *Islam O Paschatyo Somaje Nari*, Dhaka : Bangladesh Islamic Centre, 1st ed, 1991).
60. Mustafa al-Siba'i, *al-Mar'ah Bayn al-Fiqh wa al-Qanun*, 5th ed. (Beirut : al-Maktab al-Islami, n. d.).
61. 'Abd al-'Aziz bin al-Baraj al-'Urabils, *al-Mahdhab*, edited by: Mu'assat al-Imam al-Sadiq, (Qum, Iran, Matb'at Mu'assat al-Nashr al-Islami al-Tabi'at li Jama'at al-Mudarrisin fi al-Hujat al-'Ilmiyyah, vol. 2).
62. 'Abd al-Karim Zaidan, *al-Mufsal fi Ahkam al-Mar'ah*, (Beirut : Muassasah al-Risalah, 1993, vol. 3).
63. 'Ali ibn Ahmad ibn Hazm al-Andalusi, *al-Fisal fi al-Milal wa al-Ahwa'i wa al-Nihal*, (Cairo : 1321H., vol. 9).
64. 'Ali ibn Ahmad ibn Hazm al-Andalusi, *al-Mahalli*, (vol. 10).
65. 'Ali ibn Ahmad ibn Hazm al-Andalusi, *Maratib al- Ijma'*, (Beirut : Dar al-Afaq al-Jadidah, 1982).
66. 'Ala uddin 'Ali Ibn Muhammad al-Baghdadi and Abu al-Barakat Abdullah Ibn Ahmad Nasafi, *Tafsir al-Khazin M'a Tafsir al-Nasafi* (Beirut : Dar al-Fikr, 1984, vol. 1).
67. Nasir al-Din Al-Baidawi, *Tafsir al-Baidawi*, (Beirut : Dar al-Kutub al-'Ilmiyyah, 1988).

68. 'Arif 'Ali 'Arif, *Tawalla' al-Mar'ah Mansab al-Qada' Bain Turathina al-Fiqhi wa al-Waq' al-Mu'asir*, (Kuala La Lumpur, Fajar Ulung Sdn Bhd, International Book center, 1999).
69. Ra'fat 'Othman Muhammad, *al-Nizam al-Qadaya fil Fiqh al-Islami*, (Kuwait, Maktabah al-Falah, 1989).
70. Ruhul Amin, *Irshad al-Bari*, (vol. 6).
71. Sa'id Hawa, *al-Islam II*, (Cairo : Maktabah Wahbah, 1977).
72. Shawkat Muhammad 'Ulyan, *al-Sultah al-Qada'iyat fi al-Islam*, (Dar al-Rashid, al-Riyad, 1982).
73. Wahbi Sulayman al-Albani, *al-Mar'ah al-Muslimah*, (Beirut : Dar al-Qalam, 1975).
74. Woman and Family Life in Islam, World Assembly of Muslim Youth, Riyadh, Saudi Arabia, First Edition 1995. A Representative of the Government of Saudi Arabia presented a paper in an International conference, organized by UN on the issue of woman in Beijing 1995.
75. www.dorar.net/mHadith.asp.
76. Yusuf al-Qaradawi, *Fatawa Mu'asirah*, (Kuwait : Dar al-Qalam, 1990).
77. Yusuf Al-Qaradawi, *Priorities of the Islamic Movement in the Coming Phase*, (Awakening Publications, U. K., 2000). (trans. Bengali Adhunik Jug : Islam Kaushal O Karmoshuchi, Dhaka, 2003).
78. Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, (American Trust Publications, U.S.A., p 14). In Bengali translation, *Islam-e Halal Abong Haram-er Bidhan*, (Khairun Prokashani, Dhaka, 1999).
79. Zeenath Kausar, *Sayyid Abul 'Ala Maududi on the Empowerment of Women in the Family, Society, State and Islamic Movement*, (KL : Thinker's Library Sdn., 2008).
80. Zeenath Kausar, *Woman as the Head of the State in Islam*, (Ilmiyyah Publication, KL, 2002).

End Notes

- ¹ Benazir Bhutto was elected twice in 1989, Khalida was elected twice in 1991 & 2001 elections and Sheikh Hasina was also elected twice in 2006 and 2009 as the heads of the government in Bangladesh.
- ² Muhammad Khalaf Allah, *Ma'a Nuzul the Qur'an*, (Cairo : Maktabah al-Nahdah, 1971), pp. 177-178.
- ³ Sa'id Hawa, *al-Islam II*, (Cairo : Maktabah Wahbah, 1977), p. 24.
- ⁴ Isma'il Al Faruqi, *al-Mar'ah al-Muslimah min Huda al-Islam*, (Amman, 1979), p. 81.
- ⁵ Wahbi Sulayman al-Albani, *al-Mar'ah al-Muslimah*, (Beirut : Dar al-Qalam, 1975), pp. 230-231.
- ⁶ Isma'il, Raji, al Faruqi, *Tawhid and Its Implications for Life and Thought*, (Virginia, Herndon, International Institute of Islamic Thought, 1998), pp. 168-169.
- ⁷ Judith Rebecca Hauptman (b.1943), "*Etz Hayim: Torah and Commentary*. Ed. David L. Lieber. The Jewish Publication Society, 2001. 1356-1359. She is a feminist Jewish Talmudic scholar, New York, USA.

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- ⁸ Levine Melammed, Renee. "Women in Medieval Jewish Societies." *Women and Judaism: New Insights and Scholarship*. Ed. Frederick E. Greenspahn. New York : New York University Press, 2009. 91-100. See also: Levine Melammed, 105-111.
- ⁹ Levine Melammed, pp. 22-23.
- ¹⁰ Levine Melammed, pp. 22-23.
- ¹¹ Levine Melammed, pp. 22-23.
- ¹² In India, Indra Gandhi was an elected Prime Minister in the Hindu society in 1990s because of secular perception.
- ¹³ Maududi, *Purdah and the Status of Woman in Islam*, p. 23.
- ¹⁴ Maududi, p. 25.
- ¹⁵ Mawdudi, p. 24.
- ¹⁶ Maududi, *op. cit*, p. 24.
- ¹⁷ Maududi, p. 27.
- ¹⁸ Sharif, p. 176.
- ¹⁹ The Qur'an, 4 : 32.
- ²⁰ The Qur'an, 33 : 35.
- ²¹ The Qur'an, 2 : 228.
- ²² The Qur'an, 58 : 11; the Qur'an, 12 : 76; the Qur'an, 20 : 75; the Qur'an, 6 : 132; the Qur'an, 46 : 19; the Qur'an, 43 : 32.
- ²³ The Qur'an, 9 : 71.
- ²⁴ The Qur'an, 2 : 187.
- ²⁵ The Qur'an, 2 : 228, see Abu al-Fadal Shihabuddin, *Ruhul M'ani fiTafsir al-Quran*, Dar al-Kutub al-'iliyyah, vol. 1, p. 570.
- ²⁶ Judith Rebecca Hauptman(b. 1943), *Etz Hayim : Torah and Commentary*. Ed. David L. Lieber. The Jewish Publication Society, 2001. 1356-1359. She is a feminist Jewish Talmudic scholar, New York, USA.
- ²⁷ John 13 : 34-35.
- ²⁸ Luke 8 : 1-3.
- ²⁹ Corinthians, 11 : 3.
- ³⁰ *Fath al-Bari*, (vol. 7, printed in Beriut, chapter regarding 'letter of the holy prophet to Qisra), p. 128.
- ³¹ *Fatwa-i-Imdadiyyah*, vol. 5, pp. 91-93.
- ³² Ibn al-Hajr al-`Asqalani, *al-Isabah fi Tamiz al-Sahabah*, vol. 4, p. 333. See also, Sayed Solaiman al-Nadvi, *Sirat-i-`Aysha*, p. 126, Za`far Ahmed Usmani, *'Ila' al-Sunan*, vol. 15, p.27, and Ibn al-Hazm, *Mahallah*, vol. 6, p. 429.
- ³³ Ibn 'Abidin, vol. 4, p. 370, Ibn Juja, *al-Qawanin al-Fiqhiyyah*, (Egypt, 1970), p. 281, Said Ramadan al-Buti, p. 180.

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- ³⁴ Ibn 'Abidin, vol. 4, p. 356.
- ³⁵ Al-Murgani, *al-Hidayah Sharh Bidayat al-Mubtadi*, (vol. 3, 1970), p. 107. See also al-Kasani, *Bida'y al-Sana'y*, (vol. 7), p. 3. See also *Fath al-Qadir*, (Beirut; Dar al-Fikr, vol.7), p. 253.
- ³⁶ Muhammad Hasan al-Najfi, *Jawahir al-Kalam Fi Sharh Shara'a al-Islam*, (vol. 40), p. 14.
- ³⁷ Abu Hasan al-Mawardi, *al-Ahkam al-Sultaniyyah*, p. 76.
- ³⁸ Al-Mawardi, , p.72. See also, Ibn Hajar, *Fath al-Bari*, (vol. 13), p. 146.
- ³⁹ Ibn Jarqun, *al-Masdar al-Sabiq*, (vol. 6), p. 86 and also Ibn al-Qasim in *Hashiyah al-Dasuqi 'al' Sarh al-Kabir*, (vol. 4), p. 188.
- ⁴⁰ Abdullah Yusuf, *The Meaning of the Holy Qur'an*, (Maryland, Amanat Corporation, 1991), p. 180, 195, and footnotes : 500 & 545.
- ⁴¹ 'Arif 'Ali 'Arif, *Tawalla al-Mar'au Mansab al-Qada*, (Malaysia, KL, Fajar Ulung, 1999), pp. 13-14. See also *Risalat al-Huq Lil Imam 'Ali bin al-Husain Jainal 'Abidin*, (Beirut, Dar al-Adwat, 1986), vol. 2, p. 284, al-Huli, *Tahrir al-Ahkam*, p. 186, Abu al-Husain Ibn al-Miftah, *Riyad al-Masail Fi Tahqiq al-Kalam Bi al-Dalil*, (vol. 8), p. 287.
- ⁴² Al-Sayyid Jawad al-'Amili, *Miftah al-Karamah*, (Iran, 1994, vol. 10), p. 70.
- ⁴³ Yusuf Al-Qaradawi, *Priorities of the Islamic Movement in the Coming Phase*, (Awakening Publications, U. K., 2000), p. 50. (Bengli tr. Adhunik Jug : Islam Kaushal O Karmoshuchi, Dhaka, 2003, p. 38). Another example is in Indonesia Megawati Sukarno Putri who was elected as the president of Indonesia with the support of some Islamic parties.
- ⁴⁴ Muhammad Sharif Chaudhury, *Women's Rights in Islam*, p. 173.
- ⁴⁵ Muhammad Rashid Rida, *Nida'un Li al-Jins Latif*, (Beirut : al-Maktab al-Islami, n.d.), pp. 11-12. See also the Qur'an, 4 : 135; the Qur'an, 5 : 8.
- ⁴⁶ Mahmud Shaltut, *Min Tawjihat al-Islam*, (Cairo : Dar al-Qalam, 1960), pp. 227-229.
- ⁴⁷ The Qur'an, 4 : 34, Men are the protectors and maintainers of women, because Allah has made one of them excel the other, and because they spend to support them from their means. Therefore, the righteous women are devoutly obedient to Allah (SWT) and to their husbands, and guard in the husband's absence what Allah orders them to guard their chastity, their husband's property. In another verse, 9 : 71, The believers, men and women, are protectors, they enjoin what is good, and forbid what is evil. They observe regular prayers, practice regular charity, and obey Allah (SWT) and His Messenger.
- ⁴⁸ Ibn Hajr al-Asqalali, *Fath al-Bari*, (vol. 8), p. 90.
- ⁴⁹ The Qur'an, 9 : 71, "And as for the believing men and believing women, they are the guardians of each other".
- ⁵⁰ 'Umar Ahmad 'Usmani, *Fiqh The Qur'an*, (vol. 3), pp. 258-261.
- ⁵¹ M. 'Umar Ahmad 'Usmani, (vol. 3), pp. 259-261.
- ⁵² Zeenath Kausar, *Woman as the Head of the State in Islam*, (Ilmiyyah Pulication, KL, 2002), p. 30.
- ⁵³ In Zeenath, Kaukab Siddiqi, *The Struggle of Muslim Women*, (Singapore, Thinker's Library, 1993), pp. 19-23.

- ⁵⁴ The Qur'an, 2 : 187, (They are your garments and you are their garments. Allah (SWT) knows what you used to do secretly among yourselves. But He turned to you and forgave you), talks about the equal rights of men and women in various aspects of life. The Qur'an, 3 : 195, (And their Lord has accepted of them and answered them), talks about the equal rewards of their actions in the eyes of Allah (SWT) (the Qur'an, 9 : 71) (The believers, men and women are protectors...), talks about guardianship of one to another in the family and society.
- ⁵⁵ Muhammad bin 'Abd al-Rahman, *Tuhfah al-Ahwadha bi Sharh Jami' al-Tirmidhi, Kitab al-Fitan*, (Beirut : Dar al-Kutub al-'Ilmiyyah, Bab 64, Hadith no : 2368, vol. 2), p. 449. (Abu Hurirah reported that the Messenger of Allah (SWT) said : When your rich are pious, your wealthy are generous and your affairs are governed by mutual consultation, the surface of earth is better for you than its crust; but when your leaders are corrupted, your rich people are pride, and your affairs are conducted by women, the crust of the earth is better for you than its surface).
- ⁵⁶ Muhammad bin Isma'il, *Sahih al-Bukhari*, (Beirut : Dar al-Fikr, 1981), (Kitab al-Magaji, Kitab al-Fitan, vol. 8), p. 227. See also *Fath al-Bari* (Beirut : Dar Ihya al-Turath al-'Arabi, 1985), vol. 13, p. 55. (Usman bin al-Haytham reports from 'Auf, who reports from al-Hassan, who reports from Abi Bakrah, who said: In the time of the battle of Camel, Allah (SWT) benefited me from this saying : that when the prophet (SAAS) heard that the Persians have made the daughter of Chosroes their king, he said; A nation will never prosper which puts a woman in command of its affairs).
- ⁵⁷ Ashraf Ali Thanwi, *Imdad al Fatwa*, (vol. 5), quoted in *The Struggle of Muslim Women*, pp. 58-59. trans. in *Bengali Muslim Nareer Sangram*, pp. 54-55.
- ⁵⁸ *The Struggle of Muslim Women*, (Bengali tr. Muslim Nareer Sangram), p. 53, 56.
- ⁵⁹ Yusuf Al Qaradawi, *The Lawful and the Prohibited in Islam*, (American Trust Publications, U. S. A., p 14). In Bengali translation, *Islam-e Halal Abong Haram-er Bidhan*, (Khairun Prokashani, Dhaka, 1999), p. 31.
- ⁶⁰ Muhammad Sharif Chaudhry, *Women's Right in Islam*, (SH. Muhammad Ashraf Publishers, Lahore, 1991), pp. 150-151. See also the Qur'an, 24 : 30.
- ⁶¹ Amina Wadud Muhsin, *Qur'an and Women* (Malaysia, KL, Penerbit Fajar Bakti Sdn, 1992), p. 72. According to some scholars, Amina Wadud is a controversial Muslim woman scholar who led *Salah al-Jum'ah* on Friday in the mosque. Her argument in leading prayer by women is not acceptable because there was no such example in the history of Islam.
- ⁶² In Amina, Sayyid Qutb, *Fi Ulal the Qur'an*, (Cairo, Dar al-Shuruq, 1980, vol. 2), p. 650. (the Qur'an, 4 : 34).
- ⁶³ 'A nation which gives the supreme control of its affairs to a woman does not prosper'.
- ⁶⁴ Muhammad bin Isma'il, *Sahih al-Bukhari*, (Kitab al-Ahkam, vol. 13, al-Hadith : 7138), p. 119.
- ⁶⁵ Professor of Islamic Studies, Department of Philosophy and Religious Studies, Virginia Commonwealth University.
- ⁶⁶ Ibn Hazm, *al-Fisal fi al-Milal wa al-Nihal*, (Cairo : 1321H., vol. 9), pp. 429-430.

- ⁶⁷ Amina Wadud, *Qur'an and Woman: Reading the Sacred Text from a Woman's Perspective*, (Oxford University Press, New York, 1999), pp. 40, 89.
- ⁶⁸ Fatima Mernissi, *The Veil and the Male Elite*, (Reading : Addison-Wesley, 1991), pp. 54-55.
- ⁶⁹ Abu Bakrah (d.15 Hijriyyah) was Nafi' bin al-Harith bin Kaldah al-Thaqafi. He refused to participate to the battle of Camel and Siffin. See also '*Khulasa al-Tahzib*, p. 404.
- ⁷⁰ Muhammad Sharif Chawdhury, *Women's Right in Islam*, (Adam Publishers & Distributors, New Delhi, 2003), p. 175.
- ⁷¹ Sharif, p. 175.
- ⁷² Sharif, pp. 175-176.
- ⁷³ Ibn al-'Arabi, *Ahkam The Qur'an*, (Beirut : Dar al-Kutub al-'Arabiyyah), vol. 1, p. 415. See the Qur'an, 20 : 114, about man's guardianship over woman.
- ⁷⁴ Al-Ghazali, *Fadaih al-Batiniyyah wa Fadail al-Mustaḥhariyyah* (Beirut : Dar al-Kutub al-'Ilmiyyah, 2002), p. 180.
- ⁷⁵ 'Abdul 'Aziz bin al-Baraj al-Ḥarabīsi, *al-Mahdhab*, edited by : Mu'assat al-Imam al-Sadiq, (Qum, Iran, Matb'at Mu'assat al-Nashr al-Islami al-Tabi'at li Jama'at al-Mudarrisin fi al-Hujat al-'Ilmiyyah, vol. 2), p. 225.
- ⁷⁶ Abu 'Abdullah Muhammad ibn Ahmad Al-Qurtubi, *Al-Jami' li Ahkam al-Qur'an*, Reprint (Beirut : Dar Ihya al-Turath al-'Arabi, 1985) vol. 13, p. 183. See Suurah al-Naml.
- ⁷⁷ The Qur'an, 33 : 33.
- ⁷⁸ Al-Qurtubi, *Al-Jami' Li Ahkam the Qur'an*, op, cit, (vol. 14), p. 227.
- ⁷⁹ Ibn Hajr, *Fath al-Bari*, op, cit, (vol. 4), p. 446.
- ⁸⁰ Muhammad Ibn 'Ali al-Shawkani in Rhul Amin, *Nil al-Awtar* (Riyadh : Riasah 'Ammah li Idarat Buhuth 'Ilmiyyah wa al-Ifta' wa al-Da'wah wa al-Irshad, 1982), vol. 8, p. 273. See also 'Ala uddin 'Ali Ibn Muhammad al-Baghdadi and Abu al-Barakat Abdullah Ibn Ahmad Nasafi, *Tafsir al-Khazin M'a Tafsir al-Nasafi* (Beirut : Dar al-Fikr, 1984), vol.1, p. 374.
- ⁸¹ Alusi, *Tafsir Ruhul Maani*, (Beirut : Idarah al-Ḥiba'ah al-Muniriyyah, 1985), vol. 5, p. 23.
- ⁸² Abu Bakar Ibn al-'Arabi, *Ahkam the Qur'an*, op, cit, (vol. 1, verse 2 : 281), p. 416.
- ⁸³ Ibn al-'Arabi, *Ahkam The Qur'an*, op, cit, (vol. 3), p. 1445. See Surah al-Nahl.
- ⁸⁴ Ibn al-'Arabi, *'Aridah al-Ahwadhi bi Sharh Sahih al-Bukhari* (Beirut : Dar al-Kutub al-'Ilmiyyah, 1980), in his commentary of *Tirmidhi* on the basis of the *hadith* of Abu Bakrah, vol. 9, p. 119.
- ⁸⁵ Al-Shami, *Fatwa al-Shami*, (vol. 1), p. 458.
- ⁸⁶ Al-Qurtubi, *Al-Jami' li Ahkam the Qur'an*, op, cit, vol. 5, p.168.
- ⁸⁷ Ibn Kathir, *Tafsir Ibn Kathir*, vol 1, p. 503.
- ⁸⁸ Nasir al-Din Al-Baidawi, *Tafsir al-Baidawi*, (Beirut : Dar al-Kutub al-'Ilmiyyah, 1988), p. 111.
- ⁸⁹ Dr Jamal Badawi is an eminent Egyptian Islamic scholar and currently Chairman of the Islamic Information Foundation Canada.
- ⁹⁰ Ibn Tymiyyah, *Naqd Maratib al-Ijma'* (Beirut : dar al-Kutub al-'Ilmiyyah, 1970) p. 78.

- ⁹¹ Abu Hasan al-Mawardi, *al-Ahkam al-Sultaniyyah*, (Cairo : Dar al-Fikr, 1983), pp. 25-27.
- ⁹² In the book of Ruhul Amin, Abu Y'ala' al-Hanbali , *al-Ahkam al-Sultaniyyah*, p. 31.
- ⁹³ Ibn al-Rushd, *Bidat al-Mujtahid*, (Cairo : Maktabah Kulliyah Azhariyyah), vol. 2, p. 344.
- ⁹⁴ Badr al-Din al-'Uyaini, '*Umdat al-Qari*, (Cairo : Dar al-Fikr, 1968), vol. 18, p. 59.
- ⁹⁵ Abu Muhammad Abdullah Ibn Ahmad Ibn Muhammd Ibn Qudama (d.620), *al-Mughni Li Ibn al-Qudama*, (Cairo : Maktabat al-Jumhuriyah al-'Arabiyah, 1980), vol. 9, pp. 39-40.
- ⁹⁶ Muhammad Ziauddin, *al-Nazriat al-Siyasiyat al-Islamiyyah*, (Cairo : Dar al-Fikr, 1998), p. 284.
- ⁹⁷ Muhammad Ruhul Amin, *op. cit.*, pp. 24-25.
- ⁹⁸ Al-Bagavi, *Sharh al-Sunnah Li al-Bagavi*, (Beirut : al-Maktab al-Islami, 1979), p. 77.
- ⁹⁹ Imam al-Haramin Zuwaini, *Giyas al-Umam*, (Iskandariyyah : Dar al-Da'wah, 1979), p. 82.
- ¹⁰⁰ Ibid, *al-Irshad*, (Egypt), pp. 359 and 427.
- ¹⁰¹ Yusuf al-Qaradawi, *Fatawa Mu'asarah*, (Kuwait : Dar al-Qalam, 1990), vol. 2, p. 375.
- ¹⁰² Ibid, p. 375. See 2 : 228 and the Qur'an, 4 : 34.
- ¹⁰³ Maududi, *Islamic Law and Constitution*, (Lahore : Islamic Publication Ltd, 1983), pp. 242-243.
- ¹⁰⁴ Abu al-A'la' Maududi, *Tafsir Surah al-Nur*, (Cairo : Maktabat al-Jihad, n.d.), p. 27.
- ¹⁰⁵ Jamaat-e-Islami is a moderate Islamic Movement according to the modern context because it has women's wing of leadership, elected parliament members in Bangladesh in 2001, and supported Bangladesh Nationalist Party, Khaleda Zia to be form the government in 2001. Jamaat Leadership also believe that women contribution in nation building is not deniable and ignorable because they are half organ of the society.
- ¹⁰⁶ Zeenath Kausar, *Sayyid Abul 'Ala Maududi on the Empowerment of Women in the Family, Society, State and Islamic Movement*, (KL : Thinker's Library Sdn., 2008), pp. 90-91. It seems that his view is contradictory, because Jama'at -e-Islami supported the presidential candidate Fatimah Jinnah under Maududi's leadership in Pakistan in 1964, while he said that women's headship is proscribed. Zeenath Kausar explained that this stance of Jama'at was clarified based on the revelation in some national newspapers. Secondly, if the state faces some political crisis and there is no suitable male candidate to provide an alternative, the female candidate can be appointed, as the head of the state.
- ¹⁰⁷ Shaltut Mahmud, *al-Islam 'Aqidat wa Shari'at*, (Beirut : Dar al-Shuruq), p. 157.
- ¹⁰⁸ Shawkat Muhammad 'Ulyan, *al-Sultah al-Qada'y fi al-Islam*, (al-Riyad : Dar al-Rashid, 1982), p. 118. Isma'il Ibrahim al-Badwi, *Nidham al-Qda' al-Islami*, (al-Riyad : 1989), p. 207. Al-Mawardi, *al-Aahkam al-Sultaniyyah*, *op. cit.*, p. 65. Ibn Farhun, *al-Tabsirah*, *op. cit.*, (vol. 1), p. 24.
- ¹⁰⁹ Muhammad bin Ismail, *al-Sahih al-Bukhari*, (vol. 5, p.136, vol. 4, p. 97, Nisa': vol. 8, p. 227, Tirmidhi : vol. 5, p. 457. See also in Ibn Hajar al-'Asqalani, *Fath al-Bari*, (vol. viii), p. 90, al-Hakim : vol. 3, p. 188, Ahmad : vol. 5, p. 43. See also Muhammad Nasir al-Din al-Bani, *Irwa' al-Galil fi Takhrij Ahadith Manar al-Sabil*, (Al-Madinah : al-Maktabatu al-Salafiyyah, vol. 8),

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- p. 109. In al-Bukhari, Abu Bakrah narrated : "Allah (SWT) benefited me by the hadith of the prophet during the battle of Camel, 'when prophet Muhammad (SAAS) was informed that the daughter¹⁰⁹ of Qisra had been authorized the throne, he said : the nation which gives the supreme control of its affairs in the hands of women cannot prosper".
- ¹¹⁰ Ibid, p. 118. See also Isma'il Ibrahim al-Badwy, *Nizam al-Qada' al-Islami*, (1989), p. 207.
- ¹¹¹ Al-Siba'i, pp. 153-154.
- ¹¹² Mustafa al-Siba'i, *al-Mar'ah Bayn al-Fiqh wa al-Qanun*, 5th ed. (Beirut : al-Maktab al-Islami, n. d.), pp. 151-154.
- ¹¹³ Mustafa al-Siba'i, *al-Mar'ah Bayn al-Fiqh wa al-Qanun*, (trans in Bangla by Akram Faruque, 'Islam O Paschatyo Somaje Nari, Dhaka : Bangladesh Islamic Centre, 1st ed, 1991), pp. 101-102.
- ¹¹⁴ Ibid, pp. 104-105.
- ¹¹⁵ Al-Siba'i, pp. 106-108.
- ¹¹⁶ Ruhul Amin, *op. cit*, p. 16-17.
- ¹¹⁷ Al-Khattabi, *Tuhfa al-Ahwadha*, *op. cit*, (vol. 6), p. 542.
- ¹¹⁸ The Qur'an, 2 : 232.
- ¹¹⁹ Ibn Farhun, *Tabsirah al-Ahkam*, (Beirut : Dar al-Ma'rifah, 1980), vol. 1, p. 380.
- ¹²⁰ 'Abd al-Karim Zaidan, *al-Mufsal fi Ahkam al-Mar'ah*, (Beirut : Muassasah al-Risalah, 1993), vol. 3, p. 96.
- ¹²¹ Women should draw their veils all over *juyubihinnah* (i.e. their bodies, faces, necks and bosoms etc.) (the Qur'an, 24 : 31) in order to safeguard their modesty and virginity because Islam had prevented their unethical practices who had displayed their bodies, faces, necks and bosoms in the public.