

**The Issue of
Female Rulership**
Verdict of the Senior Scholars

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In the name of Allāh, the Most Merciful, the Beneficent

All praise belongs to Allāh and He suffices. Peace be upon His chosen slaves.

Based on the clear statements of the Qur’ān and Sunnah, it has been accepted and undisputed for fourteen centuries amongst the Fuqahā’ of the Ummah that the obligations of the post of rulership in an Islāmic government cannot be entrusted to a woman. ‘Allāmah Ibn Ḥazm [Allāh have mercy on him] has written a book called *Marātib al-Ijmā’* in which he compiled the issues in which the Ummah have reached consensus and unanimity. He wrote in this book:

واتفقوا أن الإمامة لا تجوز لامرأة (مراتب الإجماع لابن حزم، ص ١٢٦)

“[All ‘Ulamā’] are in agreement that [the post of] rulership is not permissible for a woman.”

This consensus is based on many evidences of the Qur’ān and Sunnah, which I will present below in order of clarity:

1. In *Ṣaḥīḥ al-Bukhārī* and other books, the following statement has been narrated from the Prophet ﷺ via several authentic chains:

لن يفلح قوم ولوا أمرهم امرأة (صحيح البخاري، كتاب المغازي، باب كتاب النبي صلى الله عليه وسلم إلى كسرى وقيصر، حديث نمبر ٤٤٢٥، وكتاب الفتن، باب الفتنة التي تموج كموج البحر، حديث نمبر ٧٠٩٩)

“People who entrust their affairs to a woman will never be successful.”

It is also mentioned in this ḥadīth that the Prophet ﷺ made this statement when the people of Iran appointed a woman as ruler. This is thus clear evidence for the impermissibility of making a woman the sovereign ruler.

2. It is narrated from Ḥadrat Abū Hurayrah [Allāh be pleased with him] that the Prophet ﷺ said:

إذا كانت أمراؤكم خياركم وأغنياؤكم سمحاءكم وأموركم شورى بينكم فظهر الأرض خير لكم من بطنها، وإذا كانت أمراؤكم شراركم وأغنياؤكم بخلاءكم وأموركم إلى نساءكم فبطن الأرض خير لكم من ظهرها (جامع الترمذي، أبواب الفتن، ص ٥٢ ج ٢)

“When the best of you are your rulers and your rich are your generous folk, and your affairs are decided based on consultation amongst yourselves, then the surface of the earth is better for you than its inside. And when your rulers are the wicked amongst you and your rich are your stingy folk, and your matters are entrusted to women, then the inside of the earth is better for you than its surface.”

This ḥadīth too is clear enough that no explanation is required.

3. Ḥadrat Abū Bakrah [Allāh be pleased with him] narrates that the Prophet ﷺ sent an army somewhere. Someone brought good news of victory from there. Hearing news of victory,

he ﷺ fell into prostration. Following the prostration, he took details from the messenger. He explained the details:

فكان فيما حدثه من أمر العدو: كانت تليهم امرأة، فقال النبي صلى الله عليه وسلم: هلكت الرجال حين أطاعت النساء (مستدرک الحاكم، ج ٤ ص ٢٩١؛ كتاب الأدب، باب سجدة الشکر)

“From what he told him about the affair of the enemy is: ‘A woman was in charge of them.’ The Prophet ﷺ said: **‘Men are destroyed when they follow women.’**”

Imām al-Ḥākim [Allāh have mercy on him] described it as “ṣaḥīḥ al-isnād”, and Ḥāfiẓ al-Dhahabī also considered it ṣaḥīḥ.

4. The Noble Qur’ān states:

الرجال قوامون على النساء بما فضل الله بعضهم على بعض

“Men are ‘Qawwām’ (overseers, authorities) over women on account of the distinction Allāh has given one over the other.”

Allāh [exalted is He] has clearly given the position of “Qawwām” in this verse to men. Although it appears the verse is essentially about domestic affairs, there is, firstly, no word in the verse that specifies it to domestic affairs and, secondly, it is obvious that since Allāh [exalted is He] did not grant this group authority over a small house, how then would He grant it authority to have sovereignty over all homes and the entire country?! Hence, if not by the direct meaning of the verse (‘*ibārat al-naṣṣ*’), then certainly by indirect indication (*dalālat al-naṣṣ*), it proves that a woman cannot be made ruler over any Islamic country.

5. In Sūrah Aḥzāb, Allāh [exalted is He] has clearly explained a woman’s sphere of activity. He said:

وقرن في بيوتكن ولا تبرجن تبرج الجاهلية الأولى

“Remain firmly in your homes and do not come out brazenly like the earlier Jāhiliyyah.”

It has clearly been stated in this verse that the primary obligation of a woman is her domestic duties. Making herself free of the chores and duties outside the home, she should fulfil the obligation of bettering her home and nurturing the family, which in reality is the foundation of an entire nation and civilisation. Hence, in terms of the default, and barring exceptional cases, no responsibility outside the home can be handed over to a woman.

Some people say that the address is specifically directed at the Pure Wives of the Prophet ﷺ, not that all women are being addressed. But this is so obviously incorrect that no lengthy discussion is required to refute it.

Firstly, while addressing the Pure Wives at this juncture of the Noble Qur’ān, a directive is made towards many issues like adopting Taqwā, obeying Allāh and His Messenger, avoiding lewd activities, etc. Not a single one of these matters is such that any sensible person can say the directive is exclusive to the Pure Wives and is not for any other women. Since all these directives are for all women, why is the command to remain at home alone made exclusive to the Pure Wives?

Secondly, which Muslim can doubt that the Pure Wives of the Prophet ﷺ were the best women of the Ummah in terms of scholarly and devotional capabilities, and were mothers of the entire Ummah? If in Islām the responsibility of governance and administration, livelihood and economy, could be handed over to a woman, there cannot be any woman more suited to this role than these holy women. Since the Noble Qur’ān has forbidden them from taking these roles and has instructed them to remain within the confines of their homes, which woman can there be of whom it is said, “The reason the Pure Wives were told to stay at home is not found in her”?!

6. The sphere of activity of a woman that is identified in Sūrah Ahzāb of the Qur’ān is explained by the leader of the two worlds ﷺ in this manner:

والمرأة راعية على أهل بيت زوجها وولده، وهي مسئولة عنهم (صحيح البخاري، كتاب الأحكام، باب ١، حديث
نمبر ٧١٣٨، وكتاب الجمعة، باب الجمعة في القرى والمدن، حديث نمبر ٨٩٣، ولاحظوا نمبر ٢٤٠٩، ٢٤٥٤، ٢٥٥٨، ٢٧٥١،
٥١٨٨، ٥٢٠٠)

“The woman is overseer of the household and children of her husband and is responsible for them.”

It has clearly been stated in this ḥadīth that the woman’s responsibility is to oversee the management of the house, nurturing the children and arranging domestic matters. No duty outside the house has been handed to her.

7. In Islām, “heading a government” and “being imām of Ṣalāh” are both so closely tied to each other that heading a government, in the terminology of Sharī‘ah, is also called “imāmah”. Just as the word “imām” is used for the one leading Ṣalāh, the head of government is likewise called “imām”. At many places of the Qur’ān and Ḥadīth, the head of government has been referred to by this term. The noble Fuqahā’ [Allāh have mercy on them] differentiate the two senses of “imāmah” by referring to leading Ṣalāh as “minor imāmah” (*imāmah ṣuḡhrā*) and leading government as “major imāmah” (*imāmah kubrā*).

It is established, and no one can deny, that a woman cannot lead men in Ṣalāh. Since Allāh [exalted is He] has not handed over the rank of lesser imāmah to her, how can the rank of greater imāmah be handed over to her?

In Islām, how strong is the link between Ṣalāh and heading a government? This can be appreciated from the following few issues:

- a. After acquiring power over any part of the earth, the very first obligation of the Muslim authorities has been determined as “establishing Ṣalāh”. The Qur’ān states:

الذين إن مكنهم في الأرض أقاموا الصلاة وآتوا الزكاة وأمرؤا بالمعروف ونهوا عن المنكر

“Those who if We establish them on the earth, they establish Ṣalāh and give Zakāt and command virtue and forbid vice.”

- b. From the Prophet ﷺ to the Khulafā’ Rāshidūn [Allāh be pleased with them], in fact for centuries after them, a continuous practice has been in force: the congregation in which the head of government was present, it is he that will would carry out the imāmah of Ṣalāh. Thus, the Fuqahā’ of all schools agree that the one who has the first right of imāmah of Ṣalāh is the Muslim head of government. When, on account of his final sickness, the Prophet ﷺ was unable to come to the Maṣjid, he appointed Ḥaḍrat Ṣiddīq Akbar [Allāh be pleased with him] to replace him in leading the Ṣalāh. The Noble Ṣaḥābah inferred from this that by handing over the “minor imāmah” to him there is an indication that the most deserving of the “major imāmah”, meaning the headship of government, after him ﷺ, is Ḥaḍrat Ṣiddīq Akbar [Allāh be pleased with him]. Ḥaḍrat ‘Alī [Allāh be pleased with him] said:

ما غضبنا إلا لأننا قد أخرجنا عن المشاورة، وإنا نرى أبا بكر أحق الناس بما بعد رسول الله صلى الله عليه وسلم، وإنه لصاحب الغار، وثاني اثنين، وإنا نعلم بشرفه وكبره، ولقد أمره رسول الله صلى الله عليه وسلم بالصلاة بالناس وهو حي (مستدرك الحاكم، ج ٣ ص ٦٦، وقال: صحيح على شرط الشيخين، وأقره الذهبي)

“We were upset only for not being included in the consultation. Otherwise, we believe Abū Bakr [Allāh be pleased with him] to be the most deserving of leadership after the Messenger of Allāh ﷺ. He is his companion in the cave, and the second of the two. We recognise his nobility and greatness. In his lifetime, the Messenger of Allāh ﷺ instructed him to lead people in Ṣalāh.”

- c. The head of government having the right to lead Ṣalāh has so much importance in Sharī‘ah that the head of government has more priority to lead Janāzah Ṣalāh than the heirs of the deceased. It is established that if the head of government is present in the Janāzah Ṣalāh, he has the first right to lead the Ṣalāh, and thereafter the heirs.

From all these rules, it is clear that, in Islām, heading the government has such a strong connection with Ṣalāh that it is inconceivable in Islām for a ruler to be unqualified to lead Ṣalāh. Regardless of the high level of Taqwā and chastity a woman has achieved, since she cannot lead men in Ṣalāh, she cannot be handed the function of the greater imāmah and heading a government.

8. There is a common element clearly evident in all rules of Islām: a woman has been considered a “hidden commodity” for whom it is not at all desirable to come out before a public congregation without need. The leader of the two worlds ﷺ said:

المراة عورة، فإذا خرجت استشرفها الشيطان (جامع الترمذي، أبواب النكاح، حديث نمبر ١١٨٣)

“The woman is to be concealed. Hence, when she emerges (from her home), Shayṭān directs his gaze at her.”

Hence, the woman has been told to observe “purdah” (staying behind a screen). Common Muslims have been given this order:

وإذا سألتموهن متاعا فاسئلوهن من وراء حجاب (سورة الأحزاب)

“When you ask them for something, ask from behind a purdah.”

There are many rules and features of Islām observance of which depends on coming outside. Women have been exempted from them. For example, the Jumu‘ah Ṣalāh is a thing of such great virtue, and there is much emphasis in Qur‘ān and Ḥadīth for men to join it. But, despite this, the Prophet ﷺ said:

الجمعة حق واجب على كل مسلم في جماعة إلا أربعة: عبد مملوك أو امرأة أو صبي أو مريض (سنن أبي داود، باب الجمعة للملوك والمرأة، حديث نمبر ١٠٦٧)

“Jumu‘ah is an obligatory duty on every Muslim to be performed in congregation, besides four: a slave that is under ownership [of another], a woman, child and sick person.”

In this ḥadīth, a woman has been excluded from such salient a feature of Islām as Jumu‘ah.

Similarly, in general circumstances, it has been described as a right of every Muslim for other Muslims, on the occasion of his death, to follow his bier to the graveyard. But women have been excluded from this rule also. Ḥadīrat Umm ‘Atiyyah [Allāh be pleased with her] said:

هيننا عن اتباع الجنائز (صحيح البخاري، ج ١ ص ١٧٠، باب اتباع النساء الجنائز)

“We were forbidden from following the deceased [to the grave].”

Similarly, a woman has been forbidden from travelling alone, and it has been decreed that they do not travel without a maḥram. The Prophet ﷺ said:

لا يجلب لامراة تؤمن بالله واليوم الآخر أن تسافر سفرا يكون ثلاثة أيام فصاعدا إلا ومعها أبوها أو أخوها أو زوجها أو ابنها أو ذو رحم منها (جامع الترمذي، كتاب النكاح، باب كراهية أن تسافر المرأة وحدها، حديث نمبر

(١١٧٩)

“It is not permitted for a woman that believes in Allāh and the Last Day to travel (a distance of) three days or more unless her father, brother, husband, son or another maḥram is with her.”

This is to the extent that even for the performance of Ḥajj – which is a sacred obligation from the pillars of Islām – it is a condition to have a maḥram accompanying her. It is not allowed according to anyone for a woman to travel alone for Ḥajj. In such a scenario, Ḥajj is waived. If a maḥram is not available right until death, Ḥajj may not be done, but a bequest for Ḥajj Badal (substitute Ḥajj) must be made.

How important a pillar is Jihād in Islām? The Qur’ān and Ḥadīth are replete with its virtues. But because this is an activity outside the home, the obligation of Jihād too is waived for women. The following statement of the Prophet ﷺ is narrated in some ḥadīths:

ليس على النساء غزو ولا جمعة ولا تشييع جنازة (مجمع الزوائد، ج ٢ ص ١٧٠، بحواله الطبراني، وفيه مجاهيل، والفتح الكبير للنبهاني، ج ٣ ص ٦١)

“Neither Jihād, nor Jumū‘ah nor following the bier [to the grave] is necessary on women.”

This is to the extent that once Ḥadrat Umm Salamah [Allāh be pleased with her] out of zeal for Jihād asked the Prophet ﷺ the following question:

يغزو الرجال ولا تغزو النساء؟

“Men do Jihād and women do not do Jihād?”

At this, this verse of the Noble Qur’ān was revealed:

ولا تتمنوا ما فضل الله به بعضكم على بعض (جامع الترمذي، كتاب التفسير، سورة النساء، حديث نمبر ٥٠١١، ومسند أحمد، ج ٦ ص ٣٢٢)

“Do not desire those things that Allāh has favoured some with over others.”

Let it be clear that in the time of the Prophet ﷺ, some women accompanied the armies to tend to the wounded etc. But the point is that, firstly, Jihād was not officially obligated on them. Secondly, they were not officially included within the fighting. Thus, Ḥadrat ‘Abdullāh ibn ‘Abbās [Allāh be pleased with him] said:

وقد كان يغزو بمن فيداوين الجرحى ويحذون من الغنيمة، وأما بسهم فلم يضرب لمن (صحيح مسلم، كتاب الجهاد، باب النساء الغازيات، حديث نمبر ٤٤٤٨)

“The Prophet ﷺ would take women into battle. They would tend to the wounded. They would be given something as a gift from the spoils. However, he ﷺ did not fix an official share from the spoils for them.”

Although the Prophet ﷺ had given permission in his time for women to come to Masjid Nabawī at night and pray in congregation, along with this permission, he said:

ويؤتھن خير لھن (سنن أبو داود، كتاب الصلاة، باب خروج النساء إلى المساجد، حديث نمبر ۵۶۷، ۵۶۸)

“Their homes are better for them.”

The clear meaning of this is that it is more virtuous for women to pray Ṣalāh alone at home rather than to pray in the masjid, even though without a strong excuse, it is not permissible for men to miss congregation in the masjid. In fact, regarding women the following was stated:

صلاة المرأة في بيتها أفضل من صلاتها في حجرتها وصلاتها في مخدعها أفضل من صلاتها في بيتها (سنن أبو داود، حديث نمبر ۵۷۰)

“A woman performing Ṣalāh in her private room is superior to her performing Ṣalāh in the exterior room, and her performing Ṣalāh in her inner compartment is superior to her performing Ṣalāh in her outer compartment.”

It is evident from these ḥadīths that:

- a. Jumu‘ah is not obligatory on women.
- b. It is not allowed for a woman to travel without a maḥram.
- c. When alone, it is not obligatory for a woman to perform Ḥajj. If a maḥram is not available right until the dying breath, she must make a bequest for Ḥajj Badal.
- d. Jihād is not obligatory on a woman.
- e. It is not necessary for a woman to perform Ṣalāh in congregation.
- f. For a woman to pray Ṣalāh alone at home is better than praying Ṣalāh outdoors in congregation.

It is now a point to consider: The religion that has given such emphasis on preserving the sanctity and holiness of a woman that at various junctures it has waived important integrals and salient aspects of religion from her, how can it be conceivable that it will make her stand before not just the entire country but the entire world in handing over to her the important administrative duties of country and nation, and it will hand over all activity at a communal level to her – a responsibility it doesn’t even sanction for her on an individual basis?!

9. From the blessed time of the Noble Prophet, master of the two worlds ﷺ, until the righteous caliphate, and in fact centuries after the righteous caliphate, electing the caliph and the head of government was an important political matter for the Ummah. When electing a new caliph, many proposals were made every time. At the time, there were countless women who, from the perspective of knowledge and excellence, holiness and piety, intellect and understanding, held a distinguished position. But, not only was it that a woman never became the head of government, not even a trivial proposal was made that so-and-so female should be appointed ruler. This is clear evidence that the laws of Qur’ān

and Sunnah in this respect are clear to the degree that not even the thought came to the mind of a Muslim to make a woman ruler. And how could the thought come to them when in Islām no such ruler is conceivable who:

- a. Can never be the leader of Ṣalāh.
- b. It is undesirable for them to pray Ṣalāh in congregation.
- c. If they were to join a congregation they must stand behind all men.
- d. Several days of each month pass in which they may not even enter the Masjid.
- e. Jumu‘ah is not obligatory upon them.
- f. It is not permissible for them to follow the funeral procession.
- g. Cannot travel without a maḥram.
- h. Cannot do Ḥajj alone.
- i. Jihād is not obligatory upon them.
- j. Their testimony is considered half a testimony.
- k. It is not permissible for them to leave the house without need.
- l. Their maintenance and expenses are necessary on the father before marriage and on the husband after marriage.

This is to the degree that they do not even hold the position of leadership in their own house. This is evident in light of the Noble Qur’ān. But to our knowledge even amongst those who proclaim “women’s freedom” in this age, there isn’t a society on the surface of the earth where the woman is appointed leader of the family when the husband is present.

The Consensus (Ijmā‘) of the Ummah

Based on the aforementioned evidences of the Qur’ān and Sunnah, for fourteen centuries the Muslim Ummah have maintained a consensus in every age up until today that in Islām the function of heading a government cannot be handed over to a woman. The consensus of the Ummah is an independent proof in Sharī‘ah. To prove the consensus, at the start of this write-up, I have presented a citation from ‘Allāmah Ibn Ḥazm [Allāh have mercy on him]. In a book he wrote to establish only unanimous verdicts, he said:

واتفقوا أن الإمامة لا تجوز لامرأة

“[All ‘Ulamā’] are in agreement that [the post] of rulership is not permissible for a woman.”

Shaykh al-Islām ‘Allāmah Ibn Taymiyyah [Allāh have mercy on him], being the informed scholar that he is, wrote a critique of the aforementioned book of ‘Allāmah Ibn Ḥazm [Allāh have mercy on him] with the title *Naqd Marātib al-Ijmā‘*. He discussed some issues which ‘Allāmah Ibn Ḥazm [Allāh have mercy on him] determined to be a matter of consensus but according to the research of ‘Allāmah Ibn Taymiyyah [Allāh have mercy on him] are not matters of consensus, but in fact there is disagreement in them. In this book too, in the matter of female rulership, he did not object at all to ‘Allāmah Ibn Ḥazm [Allāh have mercy on him]. (*Naqd Marātib al-Ijmā‘ li Ibn Taymiyyah*, p126)

Apart from these personalities, ‘Ulamā’ and Fuqahā’ and experts on Islāmic politics who have written books on the political system of Islām, every one of them mentioned this point as a matter of consensus. ‘Allāmah Māwardī’s [Allāh have mercy on him] book is considered a very important resource on Islāmic politics. In it, let alone the headship of government, he has also determined handing the responsibility of viziership to women to be impermissible. In fact, he divided viziership into two categories: one is a “viziership of authorisation” in which determining policy is one of the roles of the vizier, and the second is “viziership of execution” in which policies are not determined but already agreed policies are executed. He said that the conditions for being qualified for “viziership of execution” are less in comparison to “viziership of authorisation”. Despite this, he does not regard it to be permissible to hand over the function of “viziership of execution” to a woman. He writes:

وأما وزارة التنفيذ فحكمها أضعف وشروطها أقل... ولا يجوز أن تقوم بذلك امرة وإن كان خبرها مقبولاً لما تضمنه معنى الولايات المصروفة عن النساء لقول النبي صلى الله عليه وسلم: ما أفلح قوم أسندوا أمرهم إلى امرأة، ولأن فيها من طلب الرأي وثبات العزم ما تضعف عنه النساء ومن الظهور في مباشرة الأمور ما هو عليهن محظور (الأحكام السلطانية للماوردي، ص ٢٥-٢٧؛ والأحكام السلطانية لأبي يعلى، ص ٣١)

“As for the viziership of execution, its rule is weaker and its conditions fewer...It is not permissible that a woman holds that [position] even though her report is accepted, given it incorporates the aspect of administrative duties that are removed from women based on the statement of the Prophet ﷺ: ‘A people will not succeed who delegate their affair to a woman,’ and because it entails reaching decisions and having firm resolve, which women fall short in, and [entails] being exposed when executing affairs which women are forbidden from.”

A second important resource for the political system of Islām is Imām Abū Ya‘lā Ḥanbalī’s [Allāh have mercy on him] book. He too has written this same thing verbatim.

Imām al-Ḥaramayn ‘Allāmah Juwaynī [Allāh have mercy on him] has written very important books on the political system of Islām. He lived at the time of such acclaimed a ruler as Nizām al-Mulk al-Ṭūsī. Upon his request, he wrote his seminal book *Ghiyāth al-Umam* on the political rules of Islām. In it, he wrote while explaining the conditions of the head of government:

ومن الصفات اللازمة المعتمدة: الذكورة والحرية ونخبة العقل والبلوغ، ولا حاجة إلى الإطناب في نصب الدلالات على إثبات هذه الصفات (غياث الأمم للجويني، ص ٨٢، مطبوعه قطر)

“Amongst the necessary characteristics that are taken into consideration are: being male, being free, firmness of mind and maturity. There is no need to elongate in producing proofs to establish these characteristics.”

This same Imām al-Ḥaramayn [Allāh have mercy on him] wrote in another book of his *al-Irshād*:

وأجمعوا أن المرأة لا يجوز أن تكون إماما وإن اختلفوا في جواز كونها قاضية فيما يجوز شهادتها فيه (الإرشاد في أصول الاعتقاد لإمام الحرمين الجويني، ص ٣٥٩ و ص ٤٢٧، طبع مصر)

“Everyone agrees that it is not permissible for a woman to be the head of government, although there is disagreement whether she can be a Qāḍī in those things in which her testimony is valid.”

‘Allāmah Qalqashandī [Allāh have mercy on him] is regarded as an authority in literature and prose, and history and politics. In a book he wrote on the principles of governance, he described fourteen characteristics of competence for the head of government. To commence with he wrote:

الأول الذكورة.... والمعنى في ذلك أن الإمام لا يستغني عن الإختلاط بالرجال والمشاورة معهم في الأمور، والمرأة ممنوعة من ذلك، ولأن المرأة ناقصة في أمر نفسها حتى لا تملك النكاح، فلا تجعل إليها الولاية على غيرها

“The first is being male... The wisdom behind this is that the head of government cannot avoid intermingling with men and consulting with them in affairs, and the woman is forbidden from that, and because the woman is deficient in commanding her own self to the point that she has no independent authority over getting married, so authority will not be given to her over another.”

Imām Baghawī [Allāh have mercy on him] is a famous Mufassir, Muḥaddith and Faqīh of the fifth century of Hijrah. He wrote:

اتفقوا على أن المرأة لا تصلح أن تكون إماما... لأن الإمام يحتاج إلى الخروج لإقامة أمر الجهاد والقيام بأمور المسلمين... والمرأة عورة لا تصلح للبروز (شرح السنة للبيهقي، ج ١ ص ٧٧، باب كراهية تولية النساء، طبع بيروت، سنة ١٤٠٠ هـ)

“The Ummah are in agreement that a woman cannot be the head of government...because the imām needs to emerge to administer the task of Jihād and to oversee the affairs of the Muslims...while the woman is to be concealed & is not suited to come out [in public].”

After citing the ḥadīth of Ḥaḍrat Abū Bakrah [Allāh be pleased with him], Ḥaḍrat Abū Bakr ibn al-‘Arabī [Allāh have mercy on him] said:

وهذا نص أن المرأة لا تكون خليفة ولا خلاف فيه (أحكام القرآن لابن العربي، ج ٣ ص ٤٤٥، سورة النمل)

“This ḥadīth is a clear text that a woman cannot be caliph, and there is no disagreement on this.”

‘Allāmah al-Qurṭubī [Allāh have mercy on him] too in his *Tafsīr*, presented this citation of Ibn al-‘Arabī [Allāh have mercy on him] and gave it support, and said there is no disagreement amongst the scholars on this matter. (*Tafsīr al-Qurṭubī*, v13 p83, Sūrat al-Naml)

Imām al-Ghazālī [Allāh have mercy on him] said:

الرابع الذكورية فلا تعتقد الإمامة لامرأة وإن اتصف بجميع خلال الكمال وصفات الإستقلال (فضائح الباطنية للغزالي، ص ١٨٠، مأخوذ از عبد الله الدميجي، الإمامة العظمى، ص ٢٤٥)

“The fourth condition of headship is being male, hence being imām for a woman will not be realised even if she possesses all the characteristics of perfection and the qualities of autonomy.”

Nearly all books on ‘Aqā’id (beliefs) and Kalām (theology) undertake a study of the rules of being imām and politics. All of them state the condition of being a male as a matter of consensus. ‘Allāmah Taftāzānī [Allāh have mercy on him] wrote:

يشترط في الإمام أن يكون مكلفا حرا ذكرا عدلا (شرح المقاصد، ج ٢ ص ٢٧٧)

“It is a condition for the imām to be accountable (sane and mature), free, male and credible.”

These few citations from the Fuqahā’, Muḥaddithīn and scholars of Islāmic politics were presented as a mere sample. Otherwise, in whichever book the conditions of rulership are described, being male is stated as one important condition. If anyone did happen to omit mentioning this condition then it is because it is such a famous and well-known condition – like the condition of being sane and mature – that it was not considered necessary to officially mention it. Or else, there is no disagreement on this matter.

There are researchers of the present age who have written books on the topic of Islāmic politics. All agree that it is a point of consensus of the Ummah that it is impermissible for a woman to be head of government. I am presenting some citations below:

Dr Muḥammad Munīr ‘Ajlanī writes:

لا نعرف بين المسلمين من أجاز خلافة المرأة فالإجماع في هذه القضية تام لم يشذ عنه أحد (عبقرية الإسلام في أصول الحكم، ص ٧٠، مطبوعة دار النفائس، بيروت، سنة ١٤٠٥)

“We know of no scholar amongst the Muslims who permitted a woman being caliph, hence there is a complete consensus on this matter from which no one has strayed.”

Dr Muḥammad Ḍiyā’ al-Dīn al-Rayyis wrote a detailed book with extensive research on the rules of Islāmic politics. In it he wrote:

إذا كان قد وقع بينهم خلاف فيما يتعلق بالقضاء فلم يرو عنهم خلاف فيهما يتعلق بالإمامة، بل الكل متفق على أنه لا يجوز أن يلبها امرأة (النظريات السياسية الإسلامية، ص ٢٩٤، مطبوعة دار التراث القاهرة، سنة ١٩٧٦)

“Although disagreement has occurred amongst the Fuqahā’ regarding (the woman) being Qāḍī, no disagreement has been narrated regarding heading a government. In fact, everyone agrees that it is not permissible for a woman to hold that position.”

Dr Ibrāhīm Yūsuf Muṣṭafā ‘Ajū wrote:

مما أجمعت عليه الأمة أن المرأة لا يجوز لها أن تلي رئاسة الدولة (تعليق تهذيب الرياسة وترتيب السياسة للقلعي، ص ٨٢)

“The Ummah has reached consensus that it is not permissible for a woman hold the position of heading a government.”

‘Abdullāh ibn ‘Umar ibn Sulaymān al-Dumayjī wrote:

من شروط الإمام أن يكون ذكرا ولا خلاف في ذلك بين العلماء (الإمامة العظمى عند أهل السنة، ص ٢٤٣)

“Amongst the conditions of the head of government is that he is male. There is no disagreement amongst the scholars on this.”

The famous Mufassir of Qur’ān in the present age, ‘Allāmah Muḥammad Amīn Shinqīṭī [Allāh have mercy on him], wrote:

من شروط الإمام الأعظم كونه ذكرا ولا خلاف في ذلك بين العلماء (أضواء البيان في تفسير القرآن بالقرآن، ج ١ ص ٦٥)

“Amongst the conditions of the Imām A‘ẓam (head of government) is that he is male. There is no disagreement amongst the scholars on this.”

If all passages on this topic from the imāms, Mufasssirs, Muḥaddiths, Fuqahā, Mutakallimīn and thinkers in the history of Islām were gathered, then it would certainly become a large book, but these few examples are sufficient to establish that for fourteen centuries up until today there has not been any disagreement on this matter amongst the scholars of Islām.

The Stance of Ḥāfiẓ Ibn Jarīr al-Ṭabarī

Some people in our time mistakenly attribute to the famous Mufasssīr of Qur’ān, Ḥāfiẓ Ibn Jarīr al-Ṭabarī [Allāh have mercy on him], that he advocated the permissibility of a woman being ruler. However, no one has presented any citation from Imām Ibn Jarīr [Allāh have mercy on him]. From his works, the printed *Tafsīr Jāmi‘ al-Bayān* in 30 volumes is available. Until today, no one has been able to show a sentence from it from which this stance of his is inferred. We have ourselves looked at the likely places of his *Tafsīr* but found no such thing anywhere therein.

Apart from this, some volumes of his book *Tahdhīb al-Āthār* have been published. In that too no such thing has been found.

The reality is that some scholars have narrated from him that he advocates the permissibility of a woman being Qāḍī. Some people have misquoted this as the permissibility of a woman being head of government. Thus, Qāḍī Abū Bakr Ibn al-‘Arabī writes:

وهذا نص في أن المرأة لا تكون خليفة ولا خلاف فيه، ونقل عن محمد بن جرير الطبري إمام الدين أنه يجوز أن تكون المرأة قاضية ولم يصح ذلك عنه، ولعله كما نقل عن أبي حنيفة رحمه الله تعالى أنها إنما تقضي فيما تشهد فيه، وليس بأن تكون قاضية على الإطلاق، ولا بأن يكتب لها منشور بأن فلانة مقدمة على الحكم إلا في الدماء والنكاح، وإنما ذلك كسبيل التحكيم أو الإستبانة في القضية الواحدة (أحكام القرآن لابن العربي، ج ٣ ص ١٤٤٥)

“This ḥadīth is a clear text that a woman cannot be caliph, and there is no disagreement on this. However, it is narrated from Imām Muḥammad ibn Jarīr al-Ṭabarī [Allāh have mercy on him] that according to him it is permissible for a woman to be Qāḍī, but the attribution of this position to him is not correct. It appears that his position would be the same as what is narrated from Imām Abū Ḥanīfah [Allāh have mercy on him] that a woman can pass judgement in the matters in which she can give testimony. This does not mean she becomes a Qāḍī in an absolute sense. Nor does it mean that an official appointment will be made of her as Qāḍī and it will be declared that so-and-so woman has become a Qāḍī in matters apart from Qiṣāṣ and marriage. Rather, it means that she will be made a mediator in some matter, or a case is handed over to her on a one-off basis.”

From this clarification of Imām Ibn ‘Arabī [Allāh have mercy on him], the following matters become clear:

1. The issue of rulership is separate to the issue of becoming Qāḍī.
2. In the issue of rulership, Imām Ibn Jarīr [Allāh have mercy on him], in line with all scholars, agrees that a woman cannot be ruler.
3. The permissibility of a woman being Qāḍī has been reported from Imām Ibn Jarīr al-Ṭabarī [Allāh have mercy on him], but the attribution of this view to him is incorrect.
4. The permissibility of a woman passing a decree on judicial cases that has been narrated from Imām Abū Ḥanīfah and Ibn Jarīr [Allāh have mercy on them] is not concerning a woman officially becoming a Qāḍī, but concerning settling some specific case as a mediator on a one-off basis.

Anyhow, even if there is slight disagreement amongst the Fuqahā’, it is about a woman being Qāḍī. There is no disagreement over a woman becoming head of government. Hence, Imām al-Ḥaramayn al-Juwaynī [Allāh have mercy on him] wrote:

والذكورة لا شك في اعتبارها، ومن جوز من العلماء تولى المرأة للقضاء فيما يجوز أن تكون شاهدة فيه أحال انتصاب المرأة للإمامة، فإن القضاء قد يثبت مختصاً والإمامة يستحيل في وضع الشرع ثبوتها على الإختصاص (غياث الأمم للجويني، ص ٨٢ و ٨٣)

“There is no doubt over being male being a condition of rulership. The scholars who said it is permissible for a woman to be Qāḍī in those matters in which she can be a witness, they too consider it impossible to appoint a woman as ruler. This is because it is possible in terms of being Qāḍī that the parameters of autonomy are limited to some matters, but according to the principles of Sharī‘ah, it is not possible to limit the headship of government to any specific matters.”

The Incident of Queen Bilqīs

Some people in our time try to derive the permissibility of a woman being ruler from the account of Queen Bilqīs described in Sūrah Naml of the Noble Qur’ān. But it is completely incomprehensible how the permissibility of a woman being head of government can be established from the incidents described in the Qur’ān. The Noble Qur’ān has clearly stated that this queen was ruler of non-Muslims who worshipped the sun. The information that Hudhud shared with Ḥaḍrat Sulaymān [upon him peace] about them, according to the description of the Noble Qur’ān, included:

وجدتها وقومها يسجدون للشمس من دون الله

“I found her and her people prostrating to the sun, apart from Allāh.”

It is clear from this that she was the queen of a sun-worshipping cult. She herself would worship the sun. It is manifest that if a disbelieving nation appointed a woman as their ruler, how can it be evidence for Muslims, in opposition to the clear statements of the Qur’ān and Sunnah?!

Had Ḥaḍrat Sulaymān [upon him peace] accepted her as queen and handed over governance to her, then it would at most prove that in the Sharī‘ah of Ḥaḍrat Sulaymān [upon him peace] a woman can be ruler. But the Noble Qur’ān has stated with clear words that the reality is the complete reverse! Ḥaḍrat Sulaymān [upon him peace] did not accept her governance. In fact, the letter he sent addressed to her, in the blessed words of the Noble Qur’ān, was as follows:

ألا تعلوا علي وأتوني مسلمين

“Do not rise up against me & come to me in submission.”

These words clearly state that Ḥaḍrat Sulaymān [upon him peace] not only did not accept her governance, but ordered her to come under his authority. Not only this: he did not accept the gifts she sent but returned it, even though exchanging gifts between rulers is a matter of norm. The Noble Qur’ān also states that Ḥaḍrat Sulaymān [upon him peace] removed her throne and summoned it to himself and altered its appearance until Queen Bilqīs came to Ḥaḍrat Sulaymān’s [upon him peace] location and, according to the description of the Noble Qur’ān, said:

رب إني ظلمت نفسي وأسلمت مع سليمان لله رب العالمين (سورة النمل: ٤٤)

“Lord, I have oppressed myself and I surrender with Sulaymān to Allāh, Lord of the Worlds.”

This is the account that has been narrated in the Noble Qur’ān. Anyone who looks at the account in the Noble Qur’ān can only reach the conclusion that Ḥaḍrat Sulaymān [upon him peace] did not accept the governance of Queen Bilqīs. He ordered her to come to him in submission. Eventually, he terminated her rulership. Queen Bilqīs herself, after having coming into the presence of Ḥaḍrat Sulaymān [upon him peace], announced her submission.

There is no trace anywhere in this story, even from afar, that Ḥaḍrat Sulaymān [upon him peace] regarded her governance permissible or that he accepted it.

Some people present some Isrā’īlī accounts that Ḥaḍrat Sulaymān [upon him peace] married her and sent her back to Yemen. But this is definitely an unreliable account. It is not proven in any

authentic narration. Historical reports on this matter are very contradictory. According to some, Ḥaḍrat Sulaymān [upon him peace] married her and kept her with him, and according to others, he sent her to Shām, and according to others, he returned her to Yemen, and according to others, he gave her in marriage to the king of Hamdān. ‘Allāmah al-Qurṭubī [Allāh have mercy on him], wrote after citing all these unreliable reports:

لم يرد فيه خبر صحيح لا في أنه تزوجها ولا في أنه زوجها (تفسير القرطبي، ج ١٣ ص ٢١٠ و ٢١١)

“There is no authentic report about this, neither on him having married her nor him giving her in marriage.”

Since no authentic historical report is established on the events after Queen Bilqīs became Muslim, there can be no proper methodology besides adopting īmān in only those events that have been described in the Noble Qur’ān. It is evident that in that account, the rulership of Queen Bilqīs does not remain. Rather, her surrendering is mentioned. It is not mentioned that she became ruler after becoming Muslim. There isn’t even the slightest evidence of female rulership being permissible in this account.

Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] & the Battle of Jamal

Some people argue from the incident of the Jamal Battle for female rulership. They assert that the Mother of Believers Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] led this battle. But the reality is that Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] never claimed caliphate or headship of government, nor was it even a marginal thought of any of her companions for her to be made caliph. Their demand was only that it is necessary according to the rules of the Noble Qur’ān for Qiṣāṣ to be exacted from the murderers of Ḥaḍrat ‘Uthmān [Allāh be pleased with him]. At the time of the martyrdom of Ḥaḍrat ‘Uthmān [Allāh be pleased with him] all the Pure Wives had come to Makkah Mukarramah for Ḥajj. Ḥaḍrat ‘Ā’ishah and the other Pure Wives [Allāh be pleased with them] initially wanted to return to Maḍīnah Ṭayyibah and spur Ḥaḍrat ‘Alī [Allāh be pleased with him] to take Qiṣāṣ. However many people proposed that first they go to Baṣrah and take the support of the people there. The other Pure Wives [Allāh be pleased with them] refused to go to Baṣrah and said: “We will not go anywhere besides Maḍīnah Munawwarah.” However, Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] was influenced by the proposal of these individuals and headed out to Baṣrah. (*al-Bidāyah wa ‘l-Nihāyah*, v7 p230)

It was not even Ḥaḍrat ‘Ā’ishah’s [Allāh be pleased with her] intention to go to war. In fact, when she was heading to Baṣrah, *en route* they encamped at a certain place. At night, dogs began to bark. Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] asked people: “What is this place?” They told her that this is the area of “Ḥaw’ab”. Hearing the name Ḥaw’ab, Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] was startled. She remembered a statement of the Prophet ﷺ. Once, the Prophet addressed the Pure Wives ﷺ and said:

كيف بإحدانك تنبح عليها كلاب الحوآب (مسند أحمد، ج ٦ ص ٥٢ و ٩٧، ومستدرک الحاكم، ج ٣ ص ١٢٠، وصححه الحاكم ووافقه الذهبي، وقال الحافظ في الفتح ١٣: ٤٥: سنده على شرط الصحيح، وصححه ابن كثير في البداية ج ٦ ص ٢١٢)

“What will be the state of one amongst you when the dogs of Ḥaw’ab will be barking at her?”

Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] refused to go ahead after hearing the name Ḥaw’ab. She insisted to her companions to take her back. She remained there for one day and night. However, some individuals said: “Keep moving forward. On your account there will be reconciliation between two groups of Muslims.” According to some accounts, some expressed hesitation over this area being Ḥaw’ab. (*al-Bidāyah wa ‘l-Nihāyah*, v7 p231)

Thus, whatever was destined came to be. Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] reinitiated the journey. Upon reaching Baṣrah, when asked the reason for coming, she said:

أي بني، الإصلاح بين الناس

“My son, to reconcile between people.”

From all of this it is clear that the aim of Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] was not politics or governance, nor did she wish for any battle. Rather, the purely religious goals of strengthening the permissible demand for the Qiṣāṣ of Ḥaḍrat ‘Uthmān [Allāh be pleased with him], and in this connection, reconciling between the Muslims, was kept in view.

Despite this, because Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] moved a little away from the accepted parameters of the activity of women, and entered into communal matters, the Noble Ṣaḥābah and the other Mothers of the Believers [Allāh be pleased with them] themselves did not approve of this action of hers. Several Ṣaḥābah wrote letters to her. Mother of the Believers Ḥaḍrat Umm Salamah [Allāh be pleased with her] at this juncture wrote a gripping letter, the words of which were:

عن أم سلمة زوج النبي صلى الله عليه وسلم، إلى عائشة أم المؤمنين: فإني أحمد إليك الله الذي لا إله إلا هو؛ أما بعد، إنك سدة بين رسول الله صلى الله عليه وسلم وأمته، وحجاب مضروب على حرمته، قد جمع القرآن ذيلك فلا تندحيه، وسكر خفارتك فلا تبندليها. فالله من وراء هذه الأمة، ولو علم رسول الله صلى الله عليه وسلم أن النساء يحتملن الجهاد عهد إليك، أما علمت أنه قد نكح عن الفراطة في البلاد فإن عمود الدين لا يثبت بالنساء إن مال، ولا يرأب بمن إن انصدع؟ جهاد النساء: غضن الأطراف، وضم الزيول، وقصد الوهازة. ما كنت قائلة لرسول الله صلى الله عليه وسلم لو عارضك ببعض هذه الفلوات ناصّة قعودا من منهل إلى منهل؟ وغدا تردين على رسول الله صلى الله عليه وسلم. وأقسم لو قيل لي: يا أمّ سلمة ادخلي الجنة لاستحييت أن ألقى رسول الله صلى الله عليه وسلم هاتكة حجبا ضربه عليّ فاجعليه سترك، ووقاعة البيت حصنك؛ فإنك أنصح ما تكوينين لهذه الأمة ما قعدت عن نصرته (العقد الفريد ج ٥ ص ٦٦، مطبوع دار الباز مكة المكرمة)

“From the wife of the Prophet ﷺ Umm Salamah to the Mother of Believers, ‘Ā’ishah, I praise with you Allāh besides Whom there is no deity. To proceed. You are a door between the Messenger of Allāh ﷺ and his Ummah. You are a purdah that has been placed over the honour of the Prophet ﷺ. The Qur’ān has rolled together your hem – do not unroll it! It has safeguarded your honour – do not dishonour it! If the Messenger of Allāh ﷺ knew that the role of Jihād would fall on women, he would have advised you accordingly. Do you not know that he forbade you from going forward into [foreign] cities? If the pillar of religion wavers, it cannot resettle through women, and if it is cracked it is not possible to be mended by women. A woman’s Jihād is that she averts her gaze and rolls together her hem and walks in small steps. The deserts in which you are driving your camel from one watering place to another, if the Messenger of Allāh ﷺ came before you there, what would you have to say to him? You will soon have to go to the Messenger of Allāh ﷺ. I take an oath, if I am told: ‘Umm Salamah, enter Paradise’, even then I would feel ashamed that I meet the Messenger of Allāh ﷺ in a condition in which I have torn a purdah that he has placed over me. Make this your purdah. Consider the four walls of your house to be your fortress because for as long as you remain in your home you will be the biggest well-wisher of this Ummah.”

Pulsating from each and every word of this letter of Mother of the Believers Ḥaḍrat Umm Salamah [Allāh be pleased with her] is the pure temperament of religion that gave women the highest status of honour and holiness.

Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] too did not deny anything said by Ḥaḍrat Umm Salamah [Allāh be pleased with her]. Rather, she accepted her advice in principle and, in appreciation, said the following:

فما أقبلني لوعظك وأعرفني لحق نصيحتك

“I fully accept your advice and am fully aware of your right to give advice.”

However, clarifying her stance, she said:

ولنعم المطلع مطلع فرقت فيه بين فئتين متشاجرتين من المسلمين

“Great indeed is the stand from which I can become a barrier between two warring parties of the Muslims.”

It is very clear from this that she neither wanted headship of government, nor was Jihād in her view, nor was any political rulership her goal. Rather under view was reconciling two groups. Also in this letter, she said:

فإن أقعد ففي غير حرج، وإن أمض فإلى ما لا غنى لي عن الإزدياد منه (العقد الفريد، ج ٥ ص ٦٦)

“If I now sit back, there would be no harm. And if I go ahead, I will be going ahead towards increasing the fulfilment of something I have no recourse from.”

Despite such precaution, it was a time of tribulation. The efforts of the conspiracies of the enemies were taking effect. One goal of (the conspiracies) was for an internal war between the Muslims to take place. Thus, whatever was destined occurred. The Battle of Jamal ensued. Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] reached a point from which there was no return.

Apart from Ḥaḍrat Umm Salamah [Allāh be pleased with her], other Noble Ṣaḥābah [Allāh be pleased with them] forbade her from taking on any obligation outside the confines of her home. Thus, Ḥaḍrat Zayd ibn Sūḥān [Allāh be pleased with him] wrote to Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] in a letter:

سلام عليك، أما بعد، فإنك أمر بأمر وأمرنا بغيره، أمرت أن تقرري في بيتك وأمرنا أن نقاتل الناس حتى لا تكون فتنة، فتركت ما أمرت به وكتبت تنهيننا عما أمرنا به، والسلام (العقد الفريد، ج ٥ ص ٦٧)

“After sending salām, you have been commanded with something and we have been commanded with something else. You have been ordered to remain firmly in the home and we have been ordered to continue fighting until there is no more tribulation. You have abandoned your obligation and are forbidding us from the task that we have been ordered.”

Further, the matter did not end here. Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] herself continued to express utmost remorse over this action of hers. Thus, Ḥāfiẓ Shams al-Dīn al-Dhahabī [Allāh have mercy on him] said:

ولا ريب أن عائشة ندمت ندامة كلية علي مسيرها إلى البصرة وحضورها يوم الجمل، وما ظنت أن الأمر يبلغ ما بلغ (سير أعلام النبلاء للذهبي، ج ٢ ص ١٧٧)

“There is no doubt that Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] was completely remorseful over travelling to Baṣrah and being present at the Battle of Jamal. She did not imagine the affair would reach what it reached.”

Imām Ibn ‘Abd al-Barr [Allāh have mercy on him] narrated with his chain that once Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] asked Ḥaḍrat ‘Abdullāh ibn ‘Umar [Allāh be pleased with him]: “Why did you not stop me from making this journey?” Ḥaḍrat Ibn ‘Umar [Allāh be pleased with him] said: “I saw one individual (meaning, Ḥaḍrat ‘Abdullāh ibn al-Zubayr [Allāh be pleased with him]) had overpowered your thinking.” Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] replied: “By Allāh, had you prevented me, I would not have emerged.” (*Naṣb al-Rāyah li ‘l-Zayla’*, v4 p70)

Furthermore, the condition of Ḥaḍrat ‘Ā’ishah’s [Allāh be pleased with her] remorse over the Battle of Jamal and the journey to it was that when, while reciting the Noble Qur’ān, she reached the verse in Sūrah Aḥzāb in which Allāh [exalted is He] commanded women:

وقرن في بيوتكن

“Remain firmly in your homes.”

She would cry so much that her mantle would become drenched with tears.

إذا قرأت هذه الآية: وقرن في بيوتكن، بكت حتى تبل خمارها (طبقات ابن سعد، ج ٨ ص ٨٠؛ وسير أعلام النبلاء، ج ٢ ص ١٧٧)

The remorse reached the point that initially she had desired to be buried in her own house next to the leader of the two worlds ﷺ. However, after the Battle of Jamal she abandoned this desire. Qays ibn Abī Ḥāzim narrated:

قالت عائشة رضي الله تعالى عنها وكان تحدث نفسها أن تدفن في بيتها مع رسول الله صلى الله عليه وسلم وأبي بكر، فقالت: إني أحدثت بعد رسول الله صلى الله عليه وسلم حدثا، ادفنوني مع أزواجه، فدفنت بالبقيع (مستدرک الحاكم، ج ٤ ص ٦؛ قال الحاكم: هذا حديث صحيح على شرط الشيخين ووافقه الذهبي)

“Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] had in mind that she will be buried in her house with the Messenger of Allāh ﷺ and Ḥaḍrat Abū Bakr [Allāh be pleased with him]. However, afterwards, she said: ‘I perpetrated an innovation after the Messenger of Allāh ﷺ. Bury me with the other wives of the Prophet ﷺ.’ Thus she was buried in Baqī’.”

Commenting on this statement, Ḥāfiẓ Dhahabī [Allāh have mercy on him] said:

تعني بالحدث مسيرها يوم الجمل فإنها ندمت ندامة كلية وثابت من ذلك على أنها ما فعلت ذلك إلا متأولة قاصدة للخير (سير أعلام النبلاء، ج ٢ ص ١٩٣)

“By ‘innovation’ Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] meant going to the Battle of Jamal because she was completely remorseful over this action of hers and repented from it, even though this action of hers was based on judgement and her intention was good.”

From all these accounts, it is clear that Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] had never desired nor claimed headship of government, nor did anyone propose that she be made the ruler, nor was it her objective to officially lead a battle. She emerged merely to enact a Qur’ānic command and to reconcile between Muslims, but the conspiracy of enemies ultimately gave this journey of hers the form of a war. However, because her mission overall held a specific political

purpose, the Noble Şahābah [Allāh be pleased with them] did not approve of it, and she herself was extremely remorseful over it, to the point that on account of remorse she did not approve of being buried in the Rawḍah of Allāh’s Messenger ﷺ.

Now one can conclude themselves with fairness: How can an argument be made using an action that the Mother of Believers Ḥaḍrat ‘Ā’ishah [Allāh be pleased with her] had herself ultimately considered an error, wept over, and felt ashamed – for remorse over it – to be buried close to the Prophet ﷺ? Even then, the argument is for rulership, the remotest idea of which did not cross Ḥaḍrat ‘Ā’ishah’s [Allāh be pleased with her] mind!

A Write-Up of Ḥaḍrat Thānawī [Allāh have mercy on him]

To argue for the permissibility of female rulership some people attempt to offer a write-up of Ḥakīm al-Ummat Ḥaḍrat Mawlānā Ashraf ‘Alī Ṣāhib Thānawī [his soul be sanctified], which has been published in *Imdād al-Fatāwā*. In it, Ḥaḍrat Thānawī [Allāh have mercy on him], while answering a question on the ḥadīth: *لن يفلح قوم ولوا أمرهم امرأة*, said a democratic government does not fall under the purview of this warning.

But before understanding the reality of this write-up of Ḥaḍrat Thānawī [Allāh have mercy on him], it is necessary to understand that Ḥakīm al-Ummat Ḥaḍrat Thānawī [Allāh have mercy on him] too, just like the entire Ummah, holds that it is not permissible for a woman to be head of an Islāmic government. Thus, in this very write-up of *Imdād al-Fatāwā* Ḥaḍrat [Allāh have mercy on him] himself wrote:

The respected Fuqahā’ have considered being male a condition of validity for imāmah kubrā (headship of government) and although it is not a condition for being Qāḍī, it is nonetheless a condition for being safeguarded from sin. (*Imdād al-Fatāwā*, v5 p92)

Furthermore, Ḥaḍrat Mawlānā Thānawī [his soul be sanctified] explained this issue with further clarity in his *Tafsīr* in these words:

There is a prohibition in our Sharī‘ah for a woman to become queen, so no one should entertain any doubts from the story of Bilqīs. Firstly, this was the practice of idolaters. Secondly, even if the Sulaymānī law allowed it, it is not proof when it is opposed by the Muḥammadan law. (*Bayān al-Qur’ān*, v8 p85, Sūrat al-Naml)

Furthermore, the section of *Aḥkām al-Qur’ān* that Ḥaḍrat Thānawī [Allāh have mercy on him] delegated to Ḥaḍrat Mawlānā Muftī Muḥammad Shafī‘ Ṣāhib [Allāh have mercy on him], in this too, under the incident of Queen Bilqīs, the matter is explained clearly. With reference to Ḥaḍrat Thānawī [Allāh have mercy on him] himself, it refutes the argument that the Noble Qur’ān has narrated the account of Bilqīs’s rulership without condemnation. (*Aḥkām al-Qur’ān li ‘l-Muftī Muḥammad Shafī‘*, v3 p29)

It is clear from these citations that Ḥaḍrat Thānawī [Allāh have mercy on him], like the scholars of the Ummah, believes that it is not permissible in Sharī‘ah for a woman to be made head of government. However, the question arises that if a region opposed this ruling of Sharī‘ah and a woman was made ruler, will the warning that has been stated in the ḥadīth that such people will never find success apply to them? In answer to this, Ḥaḍrat Thānawī [his soul be sanctified] said if the government is inclusive and complete, as found in a personal sultanate (or as occurs in the Islāmic caliphate) and a woman is made head of government, then undoubtedly the warning in the ḥadīth applies. However, if the government is of a democratic kind, failure is not necessary. Ḥaḍrat Thānawī [Allāh have mercy on him] explains the reason for this as follows:

The reason for this is that the reality of this governance is mere consultation, and a woman is qualified to be consulted. (*Imdād al-Fatāwā*, v5 p92)

It is clearly evident from this that Ḥaḍrat Thānawī [Allāh have mercy on him] did not only say that a woman’s actual governance is not permissible but he also considered it a cause of failure. Thus in terms of the original issue, his stance is that a woman cannot be head of government. However, regarding a democratic government, he expressed his view that this is not really

governance but merely consultation. Hence, Ḥaḍrat Thānawī's [Allāh have mercy on him] entire thesis hinges on this: is a democratic government really governance or merely consultation? This question is not a ruling of Sharī'ah but a question of reality. Ḥaḍrat Thānawī [Allāh have mercy on him] felt the ruler of a democratic government is in reality not a ruler, rather that, in the capacity of a member of parliament, his word merely holds the position of consultation. Hence, in this write-up he said:

A woman who has democratic rulership is an apparent ruler, not in reality a ruler. Rather, she is one member of consultation. The true ruler is the composite body of those consulted. (*Imdād al-Fatāwā*, v5 p91)

It is again made clear from this citation that he accepts that a woman being ruler is impermissible and a cause of failure. He did not disagree with this, but according to the information he had, he did not regard the ruler of a democratic government to be a true ruler. This disagreement is not over the original matter, but over the reality of a democratic government.

The reality is that although the prime minister in a parliamentary system is merely a member of consultation in his capacity as a member of parliament, he has two other capacities based on which it is not possible to consider him merely a member of consultation. The first capacity is that he is head of the executive branch of the country. In this capacity, he has full autonomy, while keeping within the boundaries of the law and constitution, to the point that he has the power to reject the consultation of the entire cabinet and act according to his own judgement.

The reality is that in a democratic system, three functions of the state have been separated out: one is legislation, which is delegated to the legislature i.e. parliament. The second function is the administration of the country, which is delegated to the executive branch. The third function is to adjudicate disputes which is delegated to the judiciary. From these three branches of the state: the legislature, executive and judiciary, "government" is used unconditionally for the executive branch. The legislature and judiciary are indeed secondary branches of the state but is not a part of government. Only the executive branch is referred to as government. The prime minister is head of this executive branch. He has complete authority to run the activities of government while remaining within the parameters of the law. Neither does he present everything for consultation to the legislature nor can he, nor is that necessary. He must pass important executive decisions by the cabinet but is not bound by their decision. In fact, in a cabinet session, his decision is final. It is evident that an individual with such power cannot be referred to as merely a "member of consultation".

In terms of the legislature, undoubtedly, he is a member of consultation. However, in the conventional system of parliamentary parties, he holds a further capacity which does not limit him, even in this legislature, to merely a member of consultation. That capacity is the leader of the powerful majority party and leader of the legislative chamber. Hence his decision in the parliament is not merely a personal opinion, but at times represents the majority of the legislative chamber. In particular, if on behalf of his party, he enforces any policy for the members of parliament of his party, all members of his party are bound to vote according to this policy in the assembly. In the parliamentary jargon, this is called "party whip". Meaning, after this whip is put into motion, all the members of the party in the parliament are compelled to accept the opinion for which the whip was put into motion.

Now it is evident that the person who puts this whip into motion cannot be called a mere "member of consultation". From this perspective, the capacity of the prime minister in the legislature is not merely that of a member of consultation, but of a leader of the majority party

and leader of the legislative chamber. In practice, he follows the consultation of others less and others follow his consultation more. Although theoretically, the president is the leader of the state and the prime minister of the executive branch, in the parliamentary system, the function of president is mostly ceremonial, while true powers rest with the prime minister. Hence, in the view of the entire world, the prime minister is considered the true ruler.

From this explanation it has become clear that Ḥaḍrat Thānawī [his soul be sanctified] did not at all consider the rulership of a woman to be permissible. He states this in clear words. However, the question before him was: is the leadership of a democratic government a real rulership or not? This question has no connection with the study of Sharī‘ah, but with a conventional democratic system. It is evident that Ḥaḍrat Thānawī’s [Allāh have mercy on him] primary field was the study of Sharī‘ah. Ḥaḍrat Thānawī’s [his soul be sanctified] field was not studying the political systems of the present age. It is evident that if the realities explained above in connection with the prime minister of a parliamentary system were to be brought before Ḥaḍrat Thānawī [his soul be sanctified], he would have definitely revised his opinion that a prime minister is merely a member of consultation.

Some Historical Precedents

Some people, in arguing for the permissibility of female rulership, offer some examples of history: at such-and-such time, a certain woman held power. But it is obvious that all kinds of events occurred in history, both permissible and impermissible. These incidents are no evidence in religion. Evidence is Qur'ān and Sunnah. Thus, if at times some incidents of female rulership sporadically occurred, the clear rules and evidences of the Qur'ān and Sunnah cannot be abandoned based on them. Furthermore, most of these sporadic incidents are such that Muslims did not tolerate such governance and eventually they came to an end. At the time of even those governments, it never happened that a jurist or scholar gave fatwā of female rulership being permissible.

In this vein, some people present as evidence the candidacy of Miss Fāṭimah Jinnāḥ for presidency, but to our knowledge there is no scholar in the country who defended this action and said that a woman can be head of government. Thus presenting this incident as evidence is nothing besides obfuscation.¹

¹ Here, Muftī Rashīd Aḥmad Ludhyānwī comments: “At this time too, the ‘Ulamā’ have publicised the fatwā of impermissibility of female rulership.”

The Verdict of the ‘Ulamā’ of all Schools of Thought in Pakistan

The impermissibility of female rulership is an accepted rule, based on the clear statements of Qur’ān and Sunnah and the consensus of the Ummah. Not a single jurist or scholar of the Ummah has disagreed with this ruling. When the ‘Ulamā’ of all the different schools of thought in Pakistan convened for a conference on legal issues in Karachi in 1951, in which 33 eminent members of all schools of thought: Deobandī, Barelwī, Ahl e Ḥadīth, Jamā‘at e Islāmī and Shī‘ah, were present, they agreed on 22 famous articles which according to them maintained foundational importance in Pakistan’s law. The 12th article is:

It is necessary for the leader of the country to be a Muslim male, on whose piety, capability and sound judgement the public or their elected representatives have confidence.

The ‘Ulamā’ of all schools of thought in Pakistan agreed on these 22 articles, and till today no disagreement has arisen amongst them.

Thus, for a woman to be head of any Islāmic government is not at all permissible. If this occurs somewhere, it is necessary for Muslims to exploit all available avenues to swiftly change the leadership.

Allāh [glorified is He] grants guidance.

Muḥammad Rafī‘ ‘Uthmānī

Jumād al-Ūlā, 1409 (December, 1988)

[Signed by]:

[Muftī] Rashīd Aḥmad Ludhyānwī

[Muftī] Walī Ḥasan Tonkī

[Mawlānā] Salīmullāh [Khān]

[Mawlānā] Muḥammad Yūsuf Ludhyānwī

(*Aḥsan al-Fatāwā*, 6:149-182²; *Nawādir al-Fiqh*, 2:151-94)

² Following this, from pages 183-192 of volume six of *Aḥsan al-Fatāwā*, Muftī Rashīd Aḥmad Ludhyānwī adds a short addendum in which he addresses some further “arguments” of those who claim female rulership to be permissible in Islām.