

3285 - Ruling on appointing women to positions of high public office

the question

Is it legal islamically to acknowledge females as our leader?

Detailed answer

Positions of leadership and high public office means taking on the mission of establishing Islam by reviving religious knowledge and establishing its foundations, engaging in jihad for the sake of Allah – which includes preparing armies and distributing war booty – establishing the judicial system, carrying out judicial punishments (hudud), fighting oppression, enjoining what is good and forbidding what is evil, acting as a deputy of the Prophet (peace and blessings of Allah be upon him).

There is no dispute among the scholars that one of the conditions of the imam or leader is that he should be male. Ibn Hazam reported in his book *Maratib al-Ijma'* that there was scholarly consensus on this point. In the section he says: “Out of all groups of the people of the Qiblah [i.e., all Muslim sects], there is not one that allows the leadership of women.” Al-Qurtubi reported something similar, and al-‘Allamah al-Shanqiti said, “There is no difference of opinion among the scholars on this point.”

The evidence for this is the general meaning of the ayah (interpretation of the meaning): “Men are the protectors and maintainers of women, because Allah has made one of them to excel the other...” [al-Nisa 4:34]. It is also clearly indicated by the hadith of Abu Bakrah who said that when the Prophet (peace and blessings of Allah be upon him) heard that the Persians had appointed the daughter of Chosroes as their queen, he said, “No people who appoint a woman as their leader will ever prosper.” (Reported by al-Bukhari, 13/53).

This is because positions of leadership and government require a person to join men’s gatherings, which is not allowed for women according to shari’ah because of the ayah (interpretation of the meaning): “And stay in your houses, and do not display yourselves like

that of the times of ignorance...” [al-Ahzab 33:33]. These positions also require perfect wisdom, reason and alertness, and the testimony of a man has been made equal to that of two women, the reason for which Allah has explained in the ayah (interpretation of the meaning): “... so that if one of them (two women) errs, the other can remind her...” [al-Baqarah 2:282].

Imam al-Muwaffaq Ibn Qudamah said:

“For this reason the Prophet (peace and blessings of Allah be upon him) and his successors (khulafa) and those who came after them never appointed a woman to be a judge or a governor of a province, as far as we know. If it were permissible, it should have happened.”

Imam al-Ghazali said:

“The position of leader (imam) could never be given to a woman even if she possessed all the qualities of perfection and self-reliance. How could a woman take the position of leader when she did not have the right to be a judge or a witness under most of the historical governments?”

Imam al-Baghawi said:

“The scholars agreed that women are not fit to be leaders or judges, because the leader needs to go out to organize jihad and take care of the Muslims’ affairs, and the judge needs to go out to judge between people, but women are ‘awrah and it is not right for them to go out. Because of their weakness, women are not able to do many things. Women are imperfect, and the positions of leaders and judge are among the most perfect of positions for which only the most perfect of men are qualified.”

Undoubtedly this is proven by reality. People know from experience that only men are fit for leadership, because women by nature are more emotional and more easily swayed by their feelings and compassion. These qualities have been created in women to enable them to carry out their most important duty, which is that of motherhood and nurturing children. Men, on the other hand, are not usually swayed by their emotions as women are. Their way is usually one of logic and deliberation, which form the essence of responsibility and leadership.

With regard to the question of whether a woman may be appointed as a judge, the majority of Maliki, Shafi'i and Hanbali scholars say that a woman cannot be appointed as a judge, because of the general meaning of the hadith of Abu Bakrah quoted above.

Al-Hafiz ibn Hajar said:

“Ibn al-Tin said: Those who say that a woman cannot be appointed as a judge use the hadith of Abu Bakrah as evidence, and this is the view of the majority.”

With regard to other administrative positions, there is no shar'i reason why women should not be appointed to run institutions where they will work with other women and not men, because in this case there are no shar'i reservations about their work.

There is no validity in what most modern writers say about how women have to go out and take part in parliaments and public councils, and that these are part of the rights granted to women by Islam. These writers have not examined the issue from the correct Islamic viewpoint. The truth is clear, but unfortunately they look at it with minds filled with the heretic trends of East and West. Therefore you see them weakened and defeated, dazzled by the false civilizations of those nations, then they come and misinterpret the texts and change the words from their right places until they agree with their whims. We ask Allaah to keep us safe and sound.