



## The Role of Women in Assuming Leadership from the Perspective of the Jurisprudence of Ahl Al-Bayt (Peace be Upon Them) and Hanafi Jurisprudence

**Ali Ahmad Amiri**, PhD Student in Political Jurisprudence, International Relations, Al-Mustafa Al-Alamiyah, Qom, Iran

**Dr. Khoda Rahm Moradi**, Assistant Professor at Al-Mustafa International University, Qom, Iran

**Dr. Hayatullah Yusufi**, Assistant Professor at Al-Mustafa International University, Qom, Iran

<http://dx.doi.org/10.18415/ijmmu.v13i2.7388>

---

### Abstract

This research examines the jurisprudential evidence regarding the permissibility of women's leadership from the perspective of the two jurisprudential schools of Ahl al-Bayt (peace be upon them) and Hanafi. In the jurisprudence of Ahl al-Bayt (peace be upon them), by relying on Quranic principles such as justice, human dignity, and the principle of not stipulating maleness, many jurists believe there is no explicit prohibition on women holding leadership positions, with scholarly and ethical competence being the main criterion. In contrast, Hanafi jurisprudence, based on certain narrations and specific interpretations of verses, proposes limitations on women holding high political offices, although in the administrative, educational, and social spheres, it deems women's participation permissible and even necessary. The evidence presented by proponents of its permissibility in both schools emphasizes the principle of justice, the actual ability of women, and historical examples of their roles in early Islam. Opponents primarily rely on the verse "Men are the maintainers (qawwamun) of women" (4:34) and certain narrations. However, from the perspective of many contemporary jurists, this evidence does not definitively indicate a prohibition on women's leadership. The research result indicates that the differences of opinion are largely due to variations in methods of jurisprudential inference and historical-social conditions, and a re-reading of this evidence can provide a basis for redefining the position of women in political leadership.

**Keywords:** *Women, Jurisprudence of Ahl al-Bayt, Hanafi Jurisprudence, Leadership, Holding Office, Jurisprudential Evidence*

### Introduction

The issue of women's participation and leadership in Islamic societies has long been a contentious subject among jurists and scholars. Given social transformations and contemporary needs, re-examining jurisprudential viewpoints in this area has gained particular importance. In Islamic history, women have played roles in various social, cultural, and even political arenas; examples such as Hazrat Fatima al-

Zahra (pbuh) in defending rights and Hazrat Zainab (pbuh) in managing the crisis of Karbala demonstrate the leadership capacities of women within the Islamic tradition. The jurisprudence of Ahl al-Bayt (peace be upon them), by emphasizing principles such as justice, human dignity, and scholarly and ethical competence, has considered the possibility of women's presence in managerial and leadership roles within the framework of Sharia regulations. In contrast, Hanafi jurisprudence, citing certain Quranic verses and narrations, posits limitations on women holding high political and judicial offices, although it deems their participation in educational, cultural, and social spheres to be legitimate and even desirable. This research, with a comparative approach, examines the Quranic and narrative evidence of both schools and shows that differences of opinion largely stem from variations in jurisprudential inference methods and the historical-social conditions of their eras. The main question is: What is the scope and role of women in holding leadership positions from the perspective of the jurisprudence of Ahl al-Bayt (pbuh) and Hanafi jurisprudence? The primary objective of the article is to re-examine this evidence to offer a new perspective on the position of women in holding political leadership roles.

### ***The Meaning of Leader***

The word "leader" (rahbar) is derived from the Arabic root "r-h-b-r" meaning the one at the front, the guide, and the director. In dictionaries, a "leader" refers to someone who shows the way and guides a group towards a specific goal. In Lisan al-Arab, this term means guidance and leadership, referring to an individual who guides people on the correct path (Ibn Manzur, 2005, Vol. 13, p. 104). Furthermore, in Mufradat by Raghīb, the word "leader" signifies guiding from darkness to light (Raghīb Isfahani, 2018, p. 472).

In religious, social, and political terminology, "leader" refers to an individual who undertakes the responsibility of guiding a group. In Islamic thought, a leader must not only be capable in terms of management and social skills but must also possess characteristics such as knowledge, piety, and jurisprudential expertise. In Shia religious texts, the concept of leadership is linked to terms like "guardianship" (wilayah) and "imamate," which signify guiding society towards worldly and otherworldly felicity. Imam Khomeini (r.a.) emphasized in his book *Wilayat al-Faqih* that a leader must possess scientific and ethical characteristics (Imam Khomeini, 2010, p. 32). Martyr Morteza Motahhari also stressed, in his works, the necessity of jurisprudential, scientific, and ethical characteristics for leadership (Motahhari, 2017, p. 57).

### ***The Meaning of Tenure***

"Assumption" (Tasaddi) is derived from the root "s-d-r" meaning to come to the fore, to undertake, or to assume responsibility. In dictionaries, this term means to accept responsibility or to undertake a specific task or duty. In Lisan al-Arab, "assumption" (tasaddi) is defined as initiating and taking on a task (Ibn Manzur, op. cit., p. 70). In Mufradat, it also means to formally and authoritatively assume responsibility and conduct affairs (Raghīb Isfahani, 2018, p. 512). In terminology, the term is used in its lexical sense, indicating the acceptance of an executive or leadership responsibility, whereby the responsible individual takes on the duties associated with that position. Therefore, the assumption of leadership means undertaking the responsibility based on law, Sharia rulings, public interest, and Islamic values.

### ***The Permissibility of Women's Leadership in the Jurisprudence of the Ahlul Bayt***

To present the reasons that can be cited to support the permissibility of leadership by women, various sources can be referred to, which are found in the Quran, narrations, the principle of shared

obligation, reason, and the consensus of rational individuals. These reasons will be examined in the following section.

## 1. Verses

First, it must be noted that the Quran does not impose any prohibition on the leadership of women. In fact, the verses of the Quran generally refer to the equality of human beings in religious responsibilities and see no difference between women and men in terms of competence for leadership and the performance of social and political duties. In verse 35 of Surah Al-Ahzab, God Almighty explicitly states the equal status of women and men in religious responsibilities, saying: "...and for believing men and believing women, for devout men and devout women, for truthful men and truthful women, for patient men and patient women..."

In addition, there are verses in the Quran which some have used to argue for the possibility of prophethood for women. The reasoning for proving women's leadership is that if the prophethood of women is established, it would, by greater reason, prove the possibility of their leadership.

Among these verses are those that state God revealed to the mother of Moses, such as verse 7 from Surah Al-Qasas and verse 38 from Surah Taha. In Surah Al-Qasas, God Almighty says: "And We inspired to the mother of Moses, 'Suckle him; but when you fear for him, cast him into the river and do not fear and do not grieve. Indeed, We will return him to you and will make him [one] of the messengers.'" And in Surah Taha, He says: "When We inspired to your mother what was inspired."

The argument from the aforementioned verses is that the mother of Moses (peace be upon him) was addressed by God Almighty and revelation was sent to her, and this revelation is of the same kind as the revelation sent to Abraham regarding the sacrifice of Ismael. Therefore, it is clear that just as revelation was sent to prophets, it was also sent to the mother of Moses. The conclusion that can be drawn is that she was a prophetess who was worthy of receiving revelation.

Other verses in this regard are those that speak about Lady Mary, such as verse 91 of Surah Al-Anbiya which states: "And [mention] the one who guarded her chastity, so We blew into her [garment] from Our spirit and made her and her son a sign for the worlds." The argument from this verse is that it is placed in the context of the preceding verses which narrate the stories of the prophets, and from this unity of context, the prophethood of Mary is inferred (Mehrizi, Mahdi, *Women and Islamic Culture*, p. 51). Elsewhere, the Quran states: "She took, in seclusion from them, a screen. Then We sent to her Our Angel, and he represented himself to her as a well-proportioned man." (Maryam, 17) The argument from this verse is similar to the verses concerning the mother of Moses; meaning, given that God explicitly states that Gabriel descended upon Mary, we conclude that Mary was a prophetess. Verse 42 of Surah Al-Imran also explicitly states that the angels spoke to Mary and told her that God had chosen her: "And [mention] when the angels said, 'O Mary, indeed Allah has chosen you and purified you and chosen you above the women of the worlds.'" (Al-Imran, 42)

It must be noted that none of the exegetes have been able to deduce from the above verses the permissibility of women being sent for the position of prophethood, and even considering the verse, "And We sent not before you except men to whom We revealed" (An-Nahl, 43; Al-Anbiya, 7), they hold the opinion that its content is an absolute negation of the prophethood of women. (Ashkoori, 1994, Vol. 2, p. 568)

In exegeses that are of the Fiqh al-Quran genre, most do not mention these verses or elaborate on them. For example, in Fiqh al-Quran by Rawandi, no opinion is expressed regarding these verses. Therefore, no jurisprudential evidence from the exegeses or statements of Imami jurists permitting prophethood, and consequently, Imamate and leadership of women, can be found in the Quran. However, since relying on its general concept to justify the possibility is acceptable, the present research has listed the aforementioned verses for permissibility.

## 2. Narrations (Hadiths)

In many narrations, expressions and teachings are seen that refer to the human and intellectual status of women and emphasize that there is no difference in capability and competence for carrying out important social duties, including leadership, between women and men. Some narrations even indicate that women can play an effective role in social and political matters as well. In Shiite narrational sources, it is narrated that some companions of Imam al-Sadiq (a.s.) asked imam Jafar... and about the Mushaf of Fatima. The Imam remained silent for a long time. Then he said: "You ask about that which you desire and do not desire. Fatima lived for seventy-five days after the Prophet (pbuh), and intense grief from her father's passing befell her. Gabriel would descend upon her. He would console her and inform Fatima about the Prophet's station and the events that would befall his children. Ali (a.s.) would write these down. This collection is the Mushaf of Fatima." (Al-Kulayni, 1987, Vol. 1, p. 241, Hadith 5). The argument from this narration is that it mentions the Mushaf of Fatima (pbuh) and the descent of Gabriel upon her, indicating that Lady Fatima al-Zahra (a.s.) must have been a prophetess for Gabriel to descend upon her. Narrations of this kind are abundant in sources.

"From the perspective of Islamic thought, women may need more discipline and training to moderate their emotions compared to men. However, if, in the light of training, equal conditions arise, there is no reason to deprive women of the mentioned positions [prophethood, leadership, and authority], especially concerning the community of women." (Javadi Amoli, 2021, p. 353) Although this type of analysis of the issue is rational and intellectual, it is an indication that women can attain lofty stations.

## 3. The Jurisprudential Principle of Shared Obligation (Ishtirak)

One of the jurisprudential principles is the principle of shared obligation, which is used in various jurisprudential chapters. This principle has also been invoked and reasoned to support the permissibility of women assuming leadership and authority (Ali Agha Piruz, 2017, p. 327). Its concept is that all legally responsible individuals (including men and women, present and absent until the Day of Resurrection) share in the Sharia rulings. Therefore, it is discussed in detail in books on jurisprudential principles, especially in Fiqhi principles books where a section is dedicated to this title (Tabatabai Qomi, 2002, p. 79).

The argument based on this principle is that if a ruling is established for one of the legally responsible individuals or a group of them, this ruling applies to all legally responsible individuals at all times until the Day of Resurrection, unless there is a specific characteristic in the subject of the ruling that applies only to a specific person, group, or time—such as the era of the presence and full authority of the Imam (peace be upon him)—and does not include others. Therefore, the default in Sharia rulings is their shared applicability and non-restriction to a specific time, place, or segment of people, unless a restriction is proven somewhere by evidence. One of the important cases of applying this principle is the shared status of women with men in rulings, unless a restriction is proven somewhere by evidence (Hashemi Shahroudi, 2003, Vol. 6, p. 68).

This is because, in Islamic anthropology, women and men share a single identity in their essential humanity and originate from the same essence. Islam does not consider the nature of women as inferior to men, nor as identical to them; because one is female and the other male, and they share similarities in many natural and instinctive aspects. The Quranic verses explicitly state this subject (An-Nisa, 1; An-Nahl, 72; Al-A'raf, 19, 20, and 22; Al-Isra, 65; Al-Ahzab, 35; and Al-Hujurat, 13). Gender difference does not cause one to be deficient or confer privilege over the other. The continuity of human life and the needs of his social life have willed the nature of these two to be dissimilar and unequal so that they complement each other and continue striving in life harmoniously together. This natural distinction necessitates that women and men are not identical in legal, penal aspects, or in undertaking individual and social responsibilities, and that they have differences, however slight (Ali Agha Piruz, 2017, p. 331).

Despite that, the default principle in religious duties and obligations is shared applicability, unless specific evidence for restriction exists and is explicitly stated in the religious sources; the result is that

wherever specific evidence exists, each of the man and woman acts according to it, and wherever its existence is negated, the principle of shared obligation is applied. (This issue has been discussed in detail in various chapters of jurisprudence and does not require argumentation or citation.) Consequently, when men possess the qualification for leadership, women also, by virtue of the principle of shared obligation, possess this right and can become leaders.

What is important is the method of inquiry regarding the nature of this sharing. Here, the question should not be framed as: Is it permissible for women to accept positions of supreme leadership and major social authority or not? This type of questioning is incorrect. The question should be framed as: Have women been prohibited from accepting responsibilities and high-level social leadership positions or not? As mentioned in jurisprudence, if the master says: 'You should pray only behind a man,' the principle of shared obligation does not necessitate that one can also pray behind a woman (Shobeiri Zanjani, n.d., Vol. 4, p. 924).

Therefore, due to the fact that evidence directly prohibiting women from assuming leadership and authority has not been established, or because the restriction of leadership and authority specifically to men is negated in the Sharia, the principle of shared obligation can be utilized to grant women this right to enter these fields. This is because the most significant evidence for prohibition is based on the general juristic consensus (*irtikaz al-mutasharri'ah*), which lacks the power to prevent it. Since the subject matter contradicts both conscience and the principle of shared obligation between men and women in duties, and scholars are in agreement on it, and the issue is among evident matters (Seifi, 2007, p. 167).

#### **4. Argument according to reason**

Among the reasons put forth for the permissibility of women serving as judges and rulers, on a shared basis, is the rational ruling that the person most qualified is the one who possesses better judgment and greater knowledge for governance and adjudication among people. Although men generally have an advantage over women in intellect and judgment, there may be cases where some women are more qualified than the available men for assuming a leadership position in terms of knowledge and judgment. In such a case, the subject of the rational ruling is realized, and it becomes permissible for women to assume these responsibilities as well.

Therefore, the argument based on rational judgment is that whenever a woman is found who is more virtuous and capable than the available men in a specific land or time period, according to rational judgment, this woman takes precedence over men in governance and high-level management; because reason rules based on the capacity of the best, most knowledgeable, and most capable, and gives precedence to the most deserving (Ali Agha Piruz, op. cit., p. 339).

It is necessary to note that the original ruler in this matter is God. According to rational judgment, the authority over governance primarily and essentially belongs to God, and this authority is then secondarily established for other than God. Rational judgment dictates that the right to delegate this authority to others belongs exclusively to God. Although reason does not claim a role for itself in this matter, this 'other than God' is not exclusively male; therefore, a woman may also have a share in that right.

#### **5. The Consensus of Rational People on the Permissibility of Women Assuming Leadership**

It has been argued that the consensus of rational people is based on the permissibility of women holding public office; with the explanation that rational people believe women can be utilized in the socio-political sphere. According to this established practice, rational people believe that in managing the affairs of society, one should refer to those who possess the appropriate knowledge and capability for it, and in this, there is no difference between men and women; therefore, many human societies in the present era strive to utilize the capacity of women, like men, in their administration and have entrusted many social affairs to them. Even apart from theoretical logic, given the use of women alongside men in many high-level administrative positions and entrusting the reins of a significant portion of affairs to women in the West, and indeed in the East, and the proven, albeit collective, ability to manage affairs by

them, this logic has permeated minds that women should not be deprived of holding office in social spheres.

This issue has grown in the present era to such an extent that, contrary to past times (of imposing prohibition), women have gained seats of power and its deniers are in a passive position. With the change in the dominant discourse towards the maximum presence of women in socio-political arenas, those denying the logic of women's permissibility in the present era are placed in a passive state and must surrender to this dominant discourse and be accountable regarding this matter.

The argument for using the consensus of rational people to justify women holding office is as follows:

First: In accordance with the permissibility based on the consensus of rational people, the principle of the practice of rational people—as collective reason, and not just their practice in a specific case—has been confirmed and validated by the Legislator (Shari'). If in the past, women holding office was not considered a rational proposition, it was because women did not possess such rational capacity; however, today this equation has changed, and women have acquired these skills. Therefore, one can rely on the consensus of rational people as the Legislator's endorsement of this collective reason. According to this meaning, it is not necessary for each and every practice of rational people to be validated by the Legislator. Rather, because the Legislator, in His rulings, relied on collective reason, He usually validated them; therefore, whenever a proposition falls under collective reason, it can be cited with the Legislator's initial endorsement and used as evidence within the realm of Sharia. Although reliance on the consensus of rational people is not absolute and does not stand parallel to Sharia evidence, it operates within the framework of Sharia regulations and constraints, considering them, and is referenced within that scope.

Second: The consensus of rational people, under its specific conditions, can be used as evidence in jurisprudence; although this consensus in itself lacks authority in jurisprudence, its authority gains value alongside the Legislator's endorsement or the absence of His prohibition. While proving endorsement is ambiguous, proving prohibition is not established. Therefore, if the consensus of rational people does not lead to legitimacy, at least it does not entail the consequence of prohibition and illegitimacy (Khomeini, 1997, p. 57). Of course, the consensus of rational people, with such breadth, is not usable; in jurisprudence, it is not considered valid as an independent evidence, like consensus (ijma). It only has value when it reveals the Legislator's approval or the absence of His prohibition, where the Legislator's silence can be assumed as the absence of prohibition (Ali Agha Piruz, op. cit., p. 353).

### ***The Permissibility of Women Assuming Leadership from the Perspective of Hanafi Jurisprudence***

The appearance of Hanafi jurisprudence is that it has an open view on the issue of women; accordingly, there are those who believe that it is permissible for women to hold the position of governor and other high positions. This group has relied on verses of the Holy Quran, hadiths and other evidence to prove their claim, which are mentioned below.

#### **1. Verses**

Proponents of the permissibility of leadership and authority for women among Sunni scholars in general, and specifically among Hanafi scholars, have argued based on a number of Quranic verses, interpreting their meanings broadly and extensively to include women and establish for them the capacity, like men, to assume the leadership and authority of society (Fahdawi, 2008, p. 410). Some of the verses they argue from are presented below:

From the perspective of this group, Islam, as the final and most complete Sharia, has made succession and caliphate generally inclusive of men and women (ibid). Therefore, when men have the right to authority, women should not be deprived of these privileges without evidence. The Quranic evidence for this group is the following verses: "So their Lord responded to them, 'I will not deny any

among you, male or female, the reward of your work. You are all from one another..." (Al Imran, 195); "Whoever does righteousness, whether male or female, while he is a believer - We will surely cause him to live a good life, and We will surely give them their reward [in the Hereafter] according to the best of what they used to do." (An-Nahl, 97)

This group has also discussed verse 34 of Surah An-Nisa, verse 71 of Surah At-Tawbah, and verse 13 of Surah Al-Hujurat, and believes that from within these, it can be understood that women (like men) have the right to leadership and authority, and assuming these matters is not prohibited for them by Islam (Fahdawi, 2008, p. 411).

Reliance on these verses for the permissibility of assuming authority is not found in the classical Hanafi jurisprudential sources. These discussions simply did not arise in their old books, but new and contemporary students have tried to use them to support their claims, like those referenced in the footnotes.

Other verses that have been cited are the following: "She said, 'O eminent ones, advise me in my affair. I would not decide a matter until you witness [it]..." (An-Naml, 32-34). This verse is about the story of the Queen of Sheba. This wise woman, despite her own power and the obedience of her people, was not deceived and said: We must test Solomon to find out if he is a tyrant seeking power and wealth or a faithful prophet with a sincere call.

The argument from this verse is that the Queen of Sheba, when she met Solomon, with her alertness and insight, examined his behavior and objectives and realized he was a righteous prophet (Wendell Jibr, 1999, p. 225). This shows that women can attain high social positions and serve society.

"Because a woman possesses significant ability in terms of foresight, psychological understanding of people, and not being deceived by the displays of power and importance that followers and supporters show. With her awareness, she understood that many followers of leaders act only based on their own desires, without considering the realities or having sincerity in advice and guidance. These characteristics show that a woman can govern well and be skilled in politics." (Fuad Ahmad, 2002, pp. 198-199; Shaltut, 1963, pp. 7-8; Al-Ansari, n.d., p. 311) The argument this group presents to prove their claim is an analysis of women's character based on the following points: such as equality between men and women, religious responsibility, Islam's honor towards women, women's competence for assuming public responsibilities, women's capability for attaining perfection, the requirement of enjoining good and forbidding evil, participation in narrating and teaching tradition to people, performing duties that are among collective obligations, observing the etiquette of participation for men and women, and practical participation in political activity. In all these matters, women have the same status and standing as men and are influential in human societies (Wendell Jibr, 1999, p. 145).

Also, regarding the context of the revelation of Surah Al-Alaq, it is narrated that when it was revealed to the Prophet (pbuh), it caused severe psychological distress. The Prophet (pbuh) came home and asked to be covered with a blanket. After a while, he calmed down and discussed the matter with Khadijah, having said: "I fear that harm may come to me." Khadijah said: "Never! By Allah, Allah will never disgrace you. You maintain kinship ties, you bear the burdens of others, you help the poor, you are hospitable, and you assist in times of hardship and difficulty." (Al-Bukhari, 1990, Vol. 1, p. 25; Al-Qushairi, 1991, Vol. 1, p. 97). In this narration, Lady Khadijah comforts the heart of the Messenger of Allah (pbuh) with words full of wisdom and tranquility. Words that indicate the perfection of her intellect and power of reasoning, because she affirms the truthfulness of what the Messenger of Allah (pbuh) witnessed with evidence based on existing signs and indicators. Words filled with love, honor, and praise that restore peace to the Prophet (Wendell Jibr, 1999, p. 180). When a woman can assist a prophet in his mission, how can she not be capable of undertaking the leadership of the community?

However, such arguments are not found in the old books and primary sources of the Hanafis. These interpretations are the product of changes in modern social conditions and circumstances. In Hanafi books, it is only briefly mentioned that wherever the testimony of women is accepted, their leadership and

authority are also accepted, with the stipulation that this is an exception in the case of judgeship. That is, their testimony is accepted, but assuming the position of a judge is not permissible (ibid., p. 225; Afifi, 1982; Khalid Amoud, 2012; Al-Mawdudi, 1979).

## 2. Narrations (Hadiths)

Al-Qurtubi, in his exegesis, has cited narrations concerning the prophethood of Mary (peace be upon her). He believes that "Undoubtedly, the most perfect type of human beings are the prophets, and after them come the saints, which includes the truthful, the martyrs, and the righteous. If this premise is established, some have said that the perfection mentioned in the narrations means prophethood. Consequently, Mary and Asiya must also be prophetesses, and this view has been presented. The correct view is that Mary is a prophetess, for God sent revelation to her through an angel, just as revelation was sent to other prophets." (Al-Qurtubi, 1964, Vol. 4, p. 83)

He also added that "the apparent meaning of the Quran and narrations indicates that Mary is superior to all the women of the world, from Eve to the last woman. The angels conveyed divine revelation to her, including obligation, information, and glad tidings, just as it was conveyed to other prophets. Therefore, she is a prophetess, and a prophet is superior to a saint, so she is the most superior woman of all eras." (Ibid.) Since his exegesis is of the jurisprudential-ijtihad type, his opinion in affirming the station of prophethood for women is significant.

Although he was a follower of the Maliki school, he was not biased towards his own school; rather, he always proceeded with evidence and proof to reach what he believed to be correct, regardless of who said it. Perhaps this point is also among those truths he reached in his research and pointed out in his exegesis.

Ibn Hajar al-Asqalani also referred to the hadith "No women attained perfection except Asiya, the wife of Pharaoh, and Mary, the daughter of Imran" and argued for the prophethood of women. Narrations on this matter are numerous. These two cases are cited as examples. Overall, the line of argument based on them is not significantly different. What is important is that permissibility has been inferred from these narrations. However, there is much discussion regarding the validity and soundness of all of them.

## 3. Historical facts (Historical reality)

Some have cited the permissibility of female leadership for assuming governance, particularly by referencing the consensus of the Shia sect on the Imamate of women if they manage their affairs and rise against their opponents. As it has been argued: "Ghazalah, the mother of Shabib, became an Imam after Shabib's death; for when Shabib entered Kufa, he seated her on the pulpit of the grand mosque and she delivered the sermon." (Al-Hajwi, 1967, p. 38)

In Islamic history, there are also several incidents where women assumed leadership over public affairs and were the primary and final reference in religious and political matters. The most prominent example of this is the role of 'Aisha; when she rose in revolt under the pretext of demanding retribution for 'Uthman's blood and assumed the leadership of the army on the day of the Battle of the Camel. In this army, a number of major Companions were present who obeyed her orders (Al-Qasimi, 1987, Vol. 1, p. 344).

Some even inferred from these actions of 'Aisha that she coveted the caliphate, relying on her status with the Prophet (peace be upon him), her scholarly status within the community during and after the Prophet's lifetime, her rationality and steadfastness of opinion, and also the fact that her father was the first Caliph of the Muslims. If she had been victorious in the Battle of the Camel, outcomes might have ensued that are difficult to imagine (Wendell Jibr, op. cit., p. 230).

It has also been said that 'Aisha's conduct during the pledge of allegiance to Ali (a.s.) and her actions after the killing of 'Uthman and before the Battle of the Camel were akin to the actions of a head of state. It has been further explained that 'Aisha's actions were spontaneous and flawless, and the only



thing lacking was a formal pledge of allegiance to make her an Imam in the full sense (Al-Qasimi, op. cit., Vol. 1, p. 345).

It is narrated that she delivered a sermon to the people in the Masjid al-Haram, stirring their feelings against the killers of 'Uthman, because in her belief they had shed sacred blood, violated the sanctity of the sanctuary, seized unlawful wealth, and desecrated the sanctity of the sacred month (Al-Tabari, n.d., Vol. 4, p. 449).

Historians narrate that 'Aisha's caravan moved from Mecca towards Basra with seven hundred people, and gradually many people joined her until the number of her companions reached three thousand. In guiding and coordinating affairs, 'Aisha emphasized the importance of having an Imam for the people in prayer.

During this, Marwan bin al-Hakam asked: "Will Talha or Zubair be the Imam?" because both were among the ten who were given the glad tidings of Paradise. However, disagreement arose between the sons of these two regarding who would lead their fathers in prayer, as each wanted the Imamate for his own father. 'Aisha, in response to this situation, sent a message to Marwan saying: "Do you want to divide us, or should my nephew - meaning Abdullah bin Zubair - lead the prayer? He is one of the most deserving individuals, and whoever is the Imam in congregational prayer will be the leader of the people." (Ibid.)

Aisha also wrote letters to the nobles of Basra, including Ahnaf bin Qays and others, requesting their support. In her letters, she pointed out that her behavior and actions for leadership were, in principle and foundation, sufficient and worthy of leadership (Zahiya Mustafa, 1947, p. 169).

Aisha wrote to the nobles of Basra, including Ahnaf bin Qays and others, asking for their support. When she arrived in Basra, a group including Abu Bakrah came to meet her. Upon seeing her, Abu Bakrah said: "She commands and forbids, and the command is her command." (Ibn Abi al-Hadid, 2022, p. 231)

Aisha personally conversed with those who came to her camp. In fact, individuals who previously went to Talha and Zubair now came to her because they knew the matter was in her hands and Ahnaf's. This was when Qa'qa' bin Amr was sent to Basra on the orders of Ali (a.s.), hoping to establish peace between the two groups. He met Aisha in his first meeting (Al-Qasimi, op. cit., Vol. 1, p. 347).

What is noteworthy from the perspective of a researcher of the governmental system is that this leadership, even if it was spontaneous, lacked nothing of a pledge of allegiance for the Imamate, and all the meanings of Imamate were present in it! (Ibid., p. 231)

From the perspective of proponents, the bold movement and rebellion of Aisha against Imam Ali (a.s.) establishes the permissibility of women assuming political leadership and authority in Islamic society for the following reasons:

Aisha personally spoke with individuals who came to her camp, and in some cases even interacted with those sent by Ali (a.s.) for mediation, such as Qa'qa' bin Amr. This indicates her leadership position and influence in determining the course of events.

Due to her spiritual and social status as the Mother of the Believers and her closeness to the Prophet (pbuh), she enjoyed high credibility and influence. This status caused people to naturally accept her as a leader.

Due to her intelligence, wisdom, and management skills, Aisha was able to play a significant role in guiding the opponents of Ali (a.s.). These characteristics distinguished her from others and caused even prominent personalities to be influenced by her.

One of the reasons that gave Aisha and her associates confidence was their belief that her status as the Mother of the Believers would prevent war and military action against her. This belief played a significant role in their decisions and actions.

This section demonstrates the role of Aisha in the historical events of Islam, where she appeared as a political and social leader beyond a spiritual figure. Her behavior and decisions during this historical period greatly influenced the events and represent the power of women in an environment often described as patriarchal. (Ibid.)

Furthermore, the author continues his argument:

What draws the researcher's attention is that this leadership, which may have formed naturally and informally, only needed a pledge of allegiance to become complete Imamate. It is true that this incident, with all its circumstances and individuals, was not repeated, but it has occurred in other similar forms. What is sufficient for us is that the hero of this incident, namely Aisha, taught us half of our religion, and her companions are among those promised Paradise! (Ibid., p. 347)

Another case mentioned in Islamic history is that of "Al-Hurrah Al-Sulayhiyyah," who ruled for a long period in Yemen. This person is Arwa bint Ahmad, known as "Al-Hurrah Al-Sulayhiyyah," who lived from 1052 to 1137 CE. She witnessed the early part of the 6th century AH.

Arwa bint Ahmad bin Ja'far bin Musa al-Sulayhi, al-Sayyidah al-Hurrah, also known as "Al-Hurrah Al-Kamilah" and "Bilqis Al-Sughra," was a decisive and managing queen in Yemen. She married "Al-Mukarram," and afterward, affairs were entrusted to her. She built a fortress in "Dhi Jiblah" where she resided for several months each year. Arwa assumed the management of the country and its wars until Al-Mukarram died in 1091 CE. After him, her cousin Saba' bin Ahmad succeeded, but Arwa remained in power and orders were issued from her. She was allowed to command from behind a veil, and the ministers of the country would attend her and seek her counsel (Al-Zirikli, 1980, Vol. 1, p. 289).

She was so respected that in the pulpits of Yemen, after mentioning the name of "Al-Mustansir" (the Fatimid Caliph) and "Al-Sulayhi," the name "Al-Hurrah" was specially mentioned. In these ceremonies, they would say: "O Allah, perpetuate the days of the perfect, free lady, the guardian of the believers."

When Saba' died in 1099 CE and the royal power of the Sulayhids weakened, she took refuge in "Dhi Jiblah" and gained control over the surrounding areas and fortresses. She also appointed ministers and agents for herself. She remained in this position for forty years, during which she had many achievements including charitable works, building roads, and endowments.

In Hanafi jurisprudence as well (similar to Imami jurisprudence), no independent chapter or entry regarding women assuming the position of leadership has been considered. All these discussions are addressed under the book (Judgeship and Imamate) on a case-by-case and very brief basis.

#### **4. Opinions Permitting (Leadership by Women) in Hanafi Jurisprudence**

The general opinion of Hanafi scholars is that: A woman residing in Dar al-Islam and having citizenship of this land (i.e., Islamic nationality) has the right to hold a suitable public office in this land. The Hanafis have permitted a Muslim woman to undertake the work of judgeship except in cases of hudud (prescribed punishments) and qisas (retaliation). From the perspective of Abu Hanifa and Ibn Jarir al-Tabari, women have the right to perform the work of judgeship absolutely—except in hudud and qisas. Al-Tabari reasoned that the work of judgeship is like the work of giving fatwas (legal opinions), for which being male is not a condition; therefore, it is the same for judgeship. Ibn Hazm al-Zahiri, in his book *Al-Muhalla*, has reported from Ibn Jarir al-Tabari that it is permissible for a woman to hold the position of judge, and it is narrated that Umar ibn al-Khattab appointed a woman named Shifa from his tribe as the market inspector (muhtasib). In response to the statement that the Prophet said, "A people who entrust their affairs to a woman will not prosper," it must be said: This hadith which the

Prophet said refers to public office, meaning the caliphate, and no text has come prohibiting a woman from overseeing some public offices (Zaydan, 2015, p. 181). A more detailed and documented account of this view can be seen in the primary sources of Hanafi jurisprudence. (See: Al-Kasani, n.d., Vol. 7, p. 4; Ibn Hazm, n.d., Vol. 9, pp. 429-430; Ibn Rushd, 2004, Vol. 2, p. 138; Al-Kattani, 2005, Vol. 1, pp. 284-285). Those who agree with women attaining political positions have interpreted the prohibitive narrations and placed constraints on them such that they cannot prevent permissibility.

The Hanafis used to say: A woman's judgeship in financial matters, i.e., in civil adjudication, is permissible because her testimony in transactions is accepted. However, whoever appoints her for this matter (for which she is not suitable) is sinful due to the hadith that says, "...will not prosper." But in hudud and qisas, i.e., in criminal adjudication, she cannot be appointed as a judge because her testimony is not accepted in this domain, and it is known that the qualification for judgeship goes along with the qualification for testimony (Al-Zuhayli, 2007, Vol. 6, p. 483).

Ibn Jarir al-Tabari said: It is permissible for a woman to be appointed as a judge in all matters without exception, because if she is allowed to be a mufti (jurisconsult), it is permissible for her to be a judge as well (Fahdawi, 2008, p. 410).

Issuing fatwas is a high religious position. When women reach scholarly levels, they possess this capability like men. Will the permissibility of issuing fatwas pave the way for women to attain positions of leadership, public authority, guardianship over people, and the competence for social governance? The ebb and flow present in Islamic teachings does not accept that women can easily, like men, attain these positions under the banner of the Sharia.

Considering what has been mentioned, in their important jurisprudential books (such as Al-Hidayah fi Sharh Bidayah, Al-Muhit al-Burhani fi al-Fiqh al-Nu'mani, Al-Mabsut by al-Sarkhasi, Tabyin al-Haqaiq Sharh Kanz al-Daqaiq, Al-Inayah Sharh al-Hidayah, Fath al-Qadir by Kamal ibn al-Humam, Al-Bahr al-Raiq Sharh Kanz al-Daqaiq, Al-Durr al-Mukhtar Sharh Tanwir al-Absar, etc.), when listing the conditions for an Imam and a judge in the discussion of Imamate and judgeship, they do not mention maleness as a condition for them. Or they consider the condition of maleness to be negated. Proponents of permissibility have used this opening and have argued for the permissibility of women assuming leadership in Islamic society.

## Conclusion

A comparative examination of the perspectives of the jurisprudence of Ahl al-Bayt (peace be upon them) and Hanafi jurisprudence reveals that the difference of opinion regarding the permissibility of women's leadership stems more from the method of jurisprudential inference and the historical-social conditions of each school than from definitive texts. The jurisprudence of Ahl al-Bayt (peace be upon them), by emphasizing principles such as justice, human dignity, and scholarly and ethical competence, does not provide an explicit prohibition for women assuming leadership positions and considers historical examples of women's roles in early Islam as support for this view. In contrast, Hanafi jurisprudence, citing certain narrations and specific interpretations of verses, proposes limitations on women's political and judicial leadership, although it deems their participation in social, cultural, and educational spheres to be legitimate and desirable.

The overall conclusion of this research is that there is no definitive or consensus-based evidence for an absolute prohibition of women's leadership. The differences in views largely originate from the historical and social conditions of the time and variations in methods of jurisprudential inference. Both schools, despite their differences, emphasize the importance of women's social role in Islamic society. Re-examining jurisprudential evidence in light of contemporary needs can provide a basis for redefining the position of women in leadership and social management.

## Sources

1. Al-Qasimi, Zafer bin Muhammad Jamal al-Din, *Nizam al-Hukm fi al-Shari'ah wa al-Tarikh al-Islami*, Dar al-Nafa'is, 1407 AH / 1987 CE.
2. Ibn Abi al-Hadid al-Mu'tazili, *Sharh Nahj al-Balaghah*, Edited by: Muhammad Abu al-Fadl Ibrahim, Dar Ihya al-Kutub al-Arabiyyah Isa al-Babi al-Halabi wa Sharikah.
3. Ibn Hazm al-Andalusi, Abu Muhammad, Ali bin Ahmad bin Saeed, *Al-Muhalla*, Edited by: Dr. Abd al-Ghaffar Suleiman al-Bandar, Dar al-Fikr, Beirut, n.d.
4. Ibn Rushd al-Qurtubi, Abu al-Walid Muhammad bin Ahmad bin Muhammad bin Ahmad, *Bidayat al-Mujtahid wa Nihayat al-Muqtasid*, Dar al-Hadith, Cairo, 1425 AH / 2004 CE.
5. Ibn Manzur, Muhammad bin Mukarram bin Ali, Abu al-Fadl, Jamal al-Din Ibn Manzur al-Ansari al-Ruwaifi'i al-Ifriqi (d. 711 AH), *Lisan al-Arab*, Marginalia: by al-Yaziji and a group of linguists, Dar Sader – Beirut, 2005 CE.
6. Ahmad Fuad Abd al-Mun'im, *Mabda al-Musawah fi al-Islam*, Al-Maktab al-Arabi al-Hadith, Alexandria, Egypt, 2002 CE.
7. Al-Ansari, Abd al-Hamid Ismail, *Al-Shura wa Atharuha li al-Dimuqratiyyah*, Al-Maktabah al-Asriyyah, Lebanon, n.d.
8. Al-Bukhari, Muhammad bin Ismail, *Sahih al-Bukhari*, Cairo, Arab Republic of Egypt, Ministry of Endowments, Supreme Council for Islamic Affairs, Committee for Reviving Books of Sunnah, 1410 AH.
9. Al-Hajawi, Muhammad Mahdi, *Al-Mar'ah bayn al-Shar' wa al-Qanun*, Morocco, Matabi' Dar al-Kitab, 1967 CE.
10. Al-Hurr al-Amili, Hidayat al-Ummah ila Ahkam al-A'immah (a.s.), Mashhad, *Majma' al-Buhuth al-Islamiyyah*, First Edition, 1412 AH.
11. Khomeini, Ruhollah al-Musawi, *Wilayat al-Faqih*, 2010.
12. Khalid Hamud al-Azb, *Al-Musharakah al-Siyasiyyah lil Mar'ah Ru'yah Shar'iyyah wa Tanmawiyah*, 1433 AH / 2012 CE, Mu'assasat al-Tanwir li al-Tanmiyyah al-Ijtima'iyah.
13. Khomeini, Ruhollah, *Al-Ijtihad wa al-Taqlid*, Tehran, Mu'assasah Tanzim wa Nashr Athar Imam Khomeini, 1997.
14. Raghbi Isfahani, *Mufradat Alfaz al-Qur'an*, Dar al-Salam Publications, 2018.
15. Zahiyyah Mustafa Qadourah, Aisha Umm al-Mu'minin, Egypt, Sharikat Mu'assasah Maliyan Arabiyan, 1366 AH / 1947 CE.
16. Al-Zirikli al-Dimashqi, Khayr al-Din, *Al-A'lam: Qamus Tarajim li Ashhar al-Rijal wa al-Nisa min al-Arab wa al-Musta'ribin wa al-Mustashriqin*, Vol. 1, Beirut, Dar al-Ilm li al-Malayani, 1980 CE.
17. Zaydan, Abd al-Karim, *Huquq wa Takalif al-Mar'ah fi al-Islam*, Translated by: Suhaila Roustami, posted on the website Aqeedeh ([www.aqeedeh.com](http://www.aqeedeh.com)), 2015.
18. Seifi, Ali Akbar, *Dalil Tahrir al-Wasilah (Wilayat al-Faqih)*, Qom, Mu'assasah Tanzim wa Nashr Athar Imam Khomeini (r.a.), 2007.
19. Shobeiri Zanjani, Musa, *Kitab al-Sawm*, Qom, Markaz Fiqhi Imam Muhammad al-Baqir (a.s.) Publications, n.d.

20. Shaltut, Sheikh Mahmud, *Al-Mar'ah wa al-Qanun*, General Secretariat of the Islamic Research Assembly of Al-Azhar, 1963 CE.
21. Al-Tabari, Muhammad bin Jarir, *Tarikh al-Umam wa al-Muluk / Tarikh al-Rusul wa al-Muluk*, Edited by: Ibrahim, Muhammad Abu al-Fadl, Beirut, n.d., n.d.
22. Afifi, Muhammad al-Sadiq, *Al-Mar'ah wa Huququha fi al-Islam*, 1982.
23. Ali Agha Piruz, *Barrasi Fiqhi Mudiriyat Zanan dar Manasib Siyasi*, Tehran, Sazman Intisharat Pajhuhishgah Farhang wa Andisheh Islami, 2017.
24. Fahdawi, Khalid, *Al-Fiqh al-Siyasi al-Islami*, Damascus, Nashr al-Awa'il, 2008 CE.
25. Al-Qurtubi, Muhammad bin Ahmad al-Bardawi al-Ansari, *Al-Jami' li Ahkam al-Qur'an*, Edited by: Ahmad al-Barduni and Ibrahim Atfish, Dar al-Kutub al-Misriyah - Cairo, Second Edition, 1384 AH / 1964 CE.
26. Al-Qushairi, Muslim bin Hajjaj, *Sahih Muslim*, Cairo, Dar al-Hadith, 1412 AH.
27. Al-Kasani al-Hanafi, Ala al-Din, *Al-Badai' wa al-Sanai'*, Vol. 1, p. 156.
28. Al-Kattani, Sheikh Abd al-Hayy, *Al-Hukumah al-Nabawiyah al-Musamma al-Taratib al-Idariyah*, Persian: *Nizam al-Hukumat al-Nabawiyah, Motale'ah wa Tadwin Kutub*, 2005. Al-Zuhayli, Wahbah, *Al-Fiqh al-Islami wa Adillatuhu*, Dar al-Fikr, Damascus, 2007 CE.
29. Al-Mawdudi, Abu al-A'la, *Al-Islam fi Muwajahat al-Tahaddiyat al-Mu'asirah*, Hafiz Muhammad Anwar Wilayat al-Mar'ah fi al-Fiqh al-Islami...
30. Motahhari, Morteza, *Majmu'ah Athar*, Sadra, 2017.
31. Hashemi Shahrudi, Mahmoud, *Farhang Fiqh Motabeq Madhhab Ahl al-Bayt (a.s.)*, Qom, Mu'assasah Da'irat al-Ma'arif Fiqh Islami bar Madhhab Ahl al-Bayt (a.s.), 2003.
32. Wendell Jibr, *Al-Mar'ah wa al-Wilayat al-Ammah fi al-Siyasah al-Shar'iyah*, Amman, Dar Ammar, 1420 AH / 1999 CE.

## Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal. This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).