

Women's Leadership in Islamic Perspective

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Abstract: *The existence of Prophet hadith which stated: "will not prosper. A people who submit their affairs to women", has provoked serious debate among Muslims. It is concerning about the legality of a woman as public leaders. The resistance of groups who refused is directly proportional to the group that is not questioned about the gender as a leader. Different viewpoints among khilafiyah caused the difference. Besides reviewing the authenticity of hadith above, the following article explains the diversity of scholars' opinions on women's leadership.*

Keywords: leadership, women, Islamic perspective

Introduction

In The discourse of women's leadership is always being serious debating among Muslims.¹ On the one hand there is a group that taboo making women as leader, but on different sides there are other groups that can accept women as a leader. The groups that prohibited it, base their arguments on the hadith of the Prophet which expressly called if

¹ In Indonesia, this women's leadership debating had erupted when the 1999 elections, Megawati Sukarno Putri that in fact as the current Chairman of the PDI-P is predicted to become candidates 1999-2004. Not a bit of Indonesian clerics who reject women become leaders for reasons not in accordance with Islamic teachings. On the contrary, many are not disputed by various reasons. (Cf.. Busman Edyar in the article "On Female Leadership" Daily Pelita, February 1999). The strength of this polemic caused some Muslim politicians like Amin Rais, Hamzah Haz, Nur Mahmudi Ismail, and several other Islamic political party building group Central Axis then successfully put Abdurrahman Wahid as the first President in the reform era. While the supporters of Megawati Sukarno Putri disappointment that originally were euphoric with victory in the elections, the relative can be muted by placing Megawati as Vice President.

any nation will not be lucky if led by women.² For those shar'ie, it is final provision and no other meaning aside of Prohibition makes women as leaders. Psychological reasons, Physical and other various minus perceptions towards women strengthen the rejection of women as leaders. Moreover, according to them and QS.4: 34 which are mentioned men as a leader of women.³

Otherwise, a group that allows women to be leaders usually arises from gender equality activators. For them every person has an equal right to get the leadership right. Gender cannot be an excuse to ban on female leadership because; Women are not second creation (creature grade two) or sub-ordinate of men. All human being are equal before God. Even though, in their point of view, the verse and the hadith related to women's leadership must be understood in context. Controversy women's leadership is not only related to theological issues its self, but also connected to sociological and political dimensions.

Matan Hadis

In the same editorial (except narrated by Ahmad), there are some histories who narrated the history regarding to the women's leadership, as follows; Riwayat Bukhari

1. In the book of Maghozi chapter 82 hadits number 4425.⁴

حَدَّثَنَا عُثْمَانُ بْنُ الْهَيْثَمِ حَدَّثَنَا عَوْفٌ عَنِ الْحُسَيْنِ عَنْ أَبِي بَكْرَةَ قَالَ لَقَدْ نَفَعَنِي اللَّهُ بِكَلِمَةٍ سَمِعْتُهَا مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَيَّامَ الْجُمَلِ بَعْدَ مَا كِدْتُ أَنْ أَلْحُقَ بِأَصْحَابِ الْجُمَلِ فَأُقَاتِلَ مَعَهُمْ قَالَ لَمَّا بَلَغَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّ أَهْلَ فَارِسَ قَدْ مَلَكُوا عَلَيْهِمْ بَنَاتٍ كَسَرَى قَالَ لَنْ يُفْلِحَ قَوْمٌ وَلَوْ أَمَرَهُمْ امْرَأَةٌ

² This hadith reads لَنْ يُفْلِحَ قَوْمٌ وَلَوْ أَمَرَهُمْ امْرَأَةٌ In this very popular hadith, the Prophet used the term qaum which is the wording nakirah. In the concept of usul fiqh, *lafazh* (words) in the form *nakirah* including *lafazh khaash* (خاص). However, because of *lafazh* قوم is in *nafi* redaction, then *lafazh* قوم including *lafazh 'aam* (عام). *Lafadz 'aam* is *lafadz* which includes on each afraad without restrictions. So *lafadz* قوم included in any group, whether related to the emergence of the hadith or not, including those that live today.

³ This verse reads الرجال قوامون على النساء (men are leaders for women)

⁴ Abu Abdullah Muhammad bin Isma'il Al-Bukhari, *Shahih Al-Bukhari*, (Beirut: Dar Ibn Kasir, 1407 H/1987M), cet III, Juz 4, h.1610

Based on the hadith above, the chain of narrators composed as follows: Abu Bakroh, Hasan, 'Auf, and Uthman ibn al-Haytham

2. In the book of Fitan hadith number.7099.⁵

حَدَّثَنَا عُثْمَانُ بْنُ الْهَيْثَمِ، حَدَّثَنَا عَوْفٌ، عَنِ الْحَسَنِ، عَنْ أَبِي بَكْرَةَ، قَالَ: لَقَدْ نَفَعَنِي اللَّهُ بِكَلِمَةٍ أَيَّامَ الْجَمَلِ، لَمَّا بَلَغَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّ فَارِسًا مَلَكُوا ابْنَةَ كِسْرَى قَالَ: «لَنْ يُفْلِحَ قَوْمٌ وَلَوْ أَمَرَهُمْ امْرَأَةٌ»

Based on the hadith above then its sanad composed of narrators as follows; Abu Bakroh, Hasan, 'Auf, and' Uthman ibn Haytham, as same as sanad hadith which is contained in the book of maghozi, with a slight difference editor only.

3. At-Tirmidhi in the book of Fitan chapter. 75 hadith 2262.⁶

حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ حَدَّثَنَا حُمَيْدُ الطَّوِيلُ عَنِ الْحَسَنِ عَنْ أَبِي بَكْرَةَ قَالَ عَصَمِي اللَّهُ بِشَيْءٍ سَمِعْتُهُ مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمَّا هَلَكَ كِسْرَى قَالَ مَنْ اسْتَخْلَفُوا قَالُوا ابْنَتَهُ فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَنْ يُفْلِحَ قَوْمٌ وَلَوْ أَمَرَهُمْ امْرَأَةٌ

Based on the hadith above then sanad composed of narrators as follows; Abu Bakroh, Hasan, Humaid At-Thowil, Khalid bin al-Harith, and Muhammad bin Al-Mutsann

4. An-Nasa'i in the book of Qudhot chapter 8 hadith number 5388.⁷

أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ قَالَ حَدَّثَنَا حُمَيْدُ عَنِ الْحَسَنِ عَنْ أَبِي بَكْرَةَ قَالَ عَصَمِي اللَّهُ بِشَيْءٍ سَمِعْتُهُ مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمَّا هَلَكَ كِسْرَى قَالَ مَنْ اسْتَخْلَفُوا قَالُوا ابْنَتَهُ قَالَ لَنْ يُفْلِحَ قَوْمٌ وَلَوْ أَمَرَهُمْ امْرَأَةٌ

Based on the hadith above then sanad composed of narrators as follows; Abu Bakroh, Hasan, Humaid, Khalid bin Harits, dan Muhammad bin Al-Mutsanna

5. Ahmad bin Hanbal

a. Hadits 20402.⁸

⁵ Abu Abdullah Muhammad bin Isma'il Al-Bukhari, *Shahih Al-Bukhari...* cet III, Juz. VI, h. 2600

⁶ Abi 'Isa Muhammad bin 'Isya bin Saurah At-Tirmidzi, *Sunan Tirmidzi*, (Beirut: Dar al Kutub al Ilmiyah, 1421/2000), Cet. I, juz 4, h. 263

⁷ Abi Abdurrahman Ahmad bin Syu'aib bin 'Ali bin Bahar An-Nasai, *Sunan An-Nasai; Syarah Hafiz Jalaluddin al Suyuthi*, (Beirut: Dar al Kutub al Ilmiyah, 1421/2000), Jilid IV Juz VIII, h. 227

⁸ Imam Ahmad bin Hanbal, *Musnad Imam Ahmad bin Hanbal*, (Bairut : Muassasah Risalah, 1995),juz 24 hal.43

حَدَّثَنَا يَحْيَى عَنْ عُيَيْنَةَ حَدَّثَنِي أَبِي عَنْ أَبِي بَكْرَةَ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَنْ يُفْلِحَ قَوْمٌ أَسْنَدُوا أَمْرَهُمْ إِلَى امْرَأَةٍ

Based on the hadith above then sanad composed of narrators as follows;; Abu Bakroh, Abi 'Uyainah, 'Uyainah, dan Yahya

b. Hadits 20474.⁹

حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ ، حَدَّثَنَا عُيَيْنَةُ ، عَنْ أَبِيهِ ، عَنْ أَبِي بَكْرَةَ ، قَالَ : سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ : لَنْ يُفْلِحَ قَوْمٌ أَسْنَدُوا أَمْرَهُمْ إِلَى امْرَأَةٍ .

Based on the hadith above then sanad composed of narrators as follows; Abu Bakroh, Abi 'Uyainah (Abdurrohman bin Jautsan), 'Uyainah, dan Muhammad bin Bakr

c. Hadits 20517.¹⁰

حَدَّثَنَا هَاشِمٌ، حَدَّثَنَا مُبَارَكٌ ، عَنِ الْحَسَنِ ، عَنْ أَبِي بَكْرَةَ ، قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : لَنْ يُفْلِحَ قَوْمٌ تَمْلِكُهُمْ امْرَأَةٌ .

Based on the hadith above then sanad composed of narrators as follows;; Abu Bakroh, Hasan, Mubarak; dan Hasyim

Asbab al Wurud al Hadist

The appearance of the Prophet statements about women's leadership is closely linked to the succession of events that occurred in the Persian Empire. A Prophet statement is also associated with previous events, where the Prophet had sent 'Abdullah ibn Hudaifah to send a letter containing an invitation to convert Islam the rulers of Bahrain.

After the objective was accomplished in accordance with the message, and accepted by rulers of Bahrain, then the rulers of Bahrain gave a message to Kisra. After reading the letter from Prophet Muhammad SAW, Kisra Refused and frazzled the letter. According bin al-Musayyab history –after the incident came to the Prophet Muhammad SAW- then the Prophet said: *"Anyone who has been tearing my letter, will be torn apart (self and kingdom) that person"* ¹¹

⁹ Imam Ahmad bin Hanbal, ...juz 24 hal.120

¹⁰ Imam Ahmad bin Hanbal, ... juz 24 hal. 149

¹¹ Al-'Asqolani, Ibnu Hajar. *Fath al-Bāri: Syarh Shahih al-Bukhari*. Jus VIII. Libanon: Dar al-Kutub al-Ilmiyah, cet. IV, 2003, h. 159

Not long after the incident, the Persian Empire was chaotic and killings committed by close relatives of the king. Until the killing happened in order to reach succession leadership, then, a woman named Buwaran bint Syairawaih bin D'Andrea (D'Andrea grandchildren who never sent the letter of the Prophet) was appointed as the queen (D'Andrea) in Persian. This is because the Buwaran father died and his son (brother of Buwaran) has been killed. Therefore, Buwaran then crowned as a queen. These events were recorded in history occurred in 9 H.¹² on hearing this, the Prophet said: "There will be unlucky if a people ruled by women".

Sanad dan Narrator Analysis

Based on a study of the narrator and sanad of hadith narrated from some of history, it can be concluded:

1. Sanad of the hadith narrated by Bukhari, Tirmidhi, Nasai and Ahmad in the first and second hadith indicates muttasil hadith means of transmission is not interrupted until the Prophet, this shows that the hadith is the hadith marfu.
2. Except for one hadith which is narrated by Ahmad (third history) showed no muttasil because at one sanadnya there is a hadith narrators that Mubarak Fadhlah bin Abi bin Umayyad known tobaqah never met with friends, thereby affecting the wa ta'dil indicating Jarh dha'iful hadith.
3. The hadith above included in ahad hadith i.e. each thabaqah consists of three, two or a narrator only. And based on the classification of hadith ahad hadith ahad hadith was categorized as' aziz ahad.
4. The Companions of Abu Bakrah gave the hadith to two people, namely Hasan and Abi Uyainah. Hasan received by three persons namely Mubarak, Humaid and 'Auf. From Mubarak hadith accepted by 'Affan bin Muslim and up to Ahmad, from Humaid hadith accepted by Khalid bin al-Harith and accepted by Muhammad ibn al-Mutsanna, from Auf hadith accepted by'

¹² Abu Falah 'Abd al-Hayy bin al-'Imad al-Hanbali, *Syazarat al-Zahab Fi Akhbar Man Zahab*, (Beirut: Dar al-Fikr), 1979, Jilid. I, hal. 13). See also Ibrahim bin Muhammad Kamaluddin al Syahir ibn Ib Hamzah Al Husainy al Hanafiy al Dimasqy, *Al Bayan wa Ta'rif Asbab al Wurud Hadis al Syarif*, Beirut : Maktabah Ilmiyah, 1402/1282), Cet. I, h. 125

Uthman ibn al-Haytham and reaching al-Bukhari, At-Tirmidzi and An-Nasai. From abi 'Uyainah accepted by' Uyainah then received by two, Muhammad bin Bakr and Yahya and up to Ahmad.

5. Based on the rules of sanad hadith validity, hadeeth narrated by al-Bukhari, at-Tirmidhi, an-Nasai and Ahmad on first and second hadith indicates the degree of quality hadith shohih, it's based on the criteria of hadith validity.
6. Based on the rules of sanad hadith validity, hadeeth narrated by al-Bukhari, at-Tirmidhi, an-Nasai and Ahmad on first and second hadith indicates the degree of quality hadith shohih, it's based on the criteria of sanad hadith validity
7. In terms of sanad between the narrator one and another on the sanad hadith narrated by Bukhari, Tirmidhi, Nasai and Ahmad history of the first and second sanad is connected (muttasil)
8. In terms *Jarh wa ta'dil* based on ratings and comments of the scholars *Jarh wa ta'dil* the narrators contained in the hadith narrated by Bukhari, Tirmidhi, Nasai and Ahmad history first and second. It can be said that they included a narrator-narrator has just character and dhabit (tsiqah).¹³
9. Generally narrators, they all are dhabbit (memorized perfectly hadith which receives and able to convey it to others).
10. Avoiding syuzuz (all syazan), because all tsiqat narrators, having more than one narration and from the aspect of honor did not contain contradictions.
11. There was no 'illat (defects) in both the sanad and matan hadith. While in the third Ahmad hadith found a narrator that is Mubarrok in its tobaqoh. he was mentioned never met with companions. Thus, in *Jarh wata'dil* was mentioned as weak and the hadith is dhoif. But because there is a martyr in the narration of Al-Bukhari, At-Tirmidhi and An-Nasai with the degree of quality hadith shohih then this hadith that had lifted dhoif to be hasan lighoirihi.

Matan Analysis

¹³ Jamaludin Abi Al-Hajjaj Yusuf Al-Mazi, *Tahdzibul Kamal Fi Asmair-Rijal*, (Bairut : Muassasah Risalah, tt.), hal.16, h 95, h 437, 505, jil 7, h 355, jil 8, h 35, jil 17,h 34, jil20 h.160, jil 23, h77,jil 24,h 530,jil 26, h.359, jil 27 h.180

Based on the hadith editors and some of the history above, there are some differences in the composition of the editorial. Hadith Al-Bukhari hadith seems to be a very complete in editorial writing compared to other hadith history. It can be understood from the content of Al-Bukhari hadith that explains about the circumstances at the time it was delivered by the Prophet hadith. It is the times of war when the best friend Jamal nearly joined the camel riders and friends wanted to fight with them- He said; 'When came to the Prophet sallallaahu' alaihi wasallam, that the population of Persia has been headed by a daughter of the king's D'Andrea, he said: "A people will not prosper, if it is led by a woman."

Likewise the hadeeth narrated by At-Tirmidhi and Nasai that explain about when the friend heard from the Messenger obituary D'Andrea, then the Apostle asked about who the successor. Then they answered her daughter who will replace D'Andrea. The Prophet sallallaahu 'alaihi wa Salam said: "There will be lucky a people who authorize their affairs to a woman." While the narration of Ahmad editor of the hadith directly shows the main points of hadith. it describes " will not be happy if a clan led by a woman". Here are some differences in the editorial matan hadith:

1. The history of Al-Bukhari, At-Tirmidzi and An-Nasai matan hadith editors used is:

لَنْ يُفْلِحَ قَوْمٌ وَلَوْ أَمَرَهُمْ امْرَأَةٌ

2. The history of Ahmad in the first hadits and the second matan hadith editors used is:

لَنْ يُفْلِحَ قَوْمٌ أَسْتَدُّوا أَمْرَهُمْ إِلَى امْرَأَةٍ

3. The history of Ahmad in the third hadith matan hadith editor used is:

لَنْ يُفْلِحَ قَوْمٌ تَمَلَّكُهُمْ امْرَأَةٌ

From the three matan hadith above, there are differences in the usage of the word *wallauw amraham*, *asnadu amraham ila*, and *tamlikuhum*, which has the meaning surrender, resting, authorize affairs. Although there are differences in the editorial to one and another in the above hadith, there is no contradiction in terms of the meaning of honor. In general the above of hadith convey one thing about a people will not be happy if it is led by a woman.

Syarah Hadits: Ulama's Opinions about Women's Leadership

As mentioned in the introduction above, a long polemic happened associated with whether or not a woman should be the leader. The following classifications of Khilafiyah. In the book *Subulus Salam* explained: "Abi Bakroh RA of the Prophet SAW: will not win a people who hand over their affairs (leadership) to women. The hadith narrated by Bukhari. "This hadith is a proposition on not allowed hand over the leadership of the Muslims to women, even though syarak decided women set as a leader in her husband's house. However Hanafi found about submitting some legal permission about law except hudud issue to women. While Ibn Jarir found it is allowed set a women as a leader unanimously, and the hadith explains only about not going to be lucky to hand over their affairs to a woman, they just banned deprived of luck, because the business that they do not lead to fortune.¹⁴

1. Prohibiting Opinion

The opinion, which forbids women became heads of state, relies primarily on the hadith of Abu Bakrah above and EMQ 4:34. From these two texts are among jurists of the Salaf, including schools of the four argued that the requirement to be al-imam is male and should not be women, except Hanafi, who believe a woman should be a judge in matters of the economy, because the permissibility of women become witnesses in terms muamalah, but not in matters of state leaders. It is based on the hadith ¹⁵

Ibn Kathir, for example, in *Tafsir Ibn Kathir* in interpreting Surah An-Nisa 4:34 states:

الرجل قيم على المرأة، أي هو رئيسها وكبيرها والحاكم عليها ومؤدبها إذا اعوجت. "بما فضّل الله بعضهم على بعض" أي: لأن الرجال أفضل من النساء، والرجل خير من المرأة، ولهذا كانت النبوة مختصة بالرجال، وكذلك الملك الأعظم؛ لقوله _صلى الله عليه وسلم: "لن يفلح قوم ولّوا أمرهم امرأة" رواه البخاري، وكذا منصب القضاء وغير ذلك "وبما أنفقوا من أموالهم" أي: من المهور

¹⁴ Muhammad bin Isma'il Al-Amiru Al-Yamani Ash-Shan'ani, *Subulus salam syarah bulughul maram*, (Riyadh: Maktabah Nazzar Musthafa Al-Baz, 1995 M/1415H), p.1924

¹⁵ An-Nasai..... Vol. IV , p. 227

والنفقات... فناسب أن يكون قيماً عليها كما قال الله تعالى: "وللرجال عليهن درجة" الآية، وقال ابن عباس: "الرجال قوامون على النساء" يعني أمراء عليهن، أي تطيعه فيما أمرها الله به من طاعته...)

The man is a woman leader ... because men are more important than women. Itulab why prophetic reserved for men as well as great king; ... As well as judges and other positions ... Ibn Abbas said: "Male female leader" meant as amir that must be obeyed by women

Ar-Razi in Tafsir Ar-Razi in line with Ibnu Katsir view:

واعلم أن فضل الرجل على النساء حاصل من وجوه كثيرة، بعضها صفات حقيقة، وبعضها أحكام شرعية وفيهم الإمامة الكبرى والصغرى والجهاد والأذان والخطبة والاعتكاف والشهادة في الحدود والقصاص بالاتفاق

The primacy of men over women arises from many sides. Some of it is factual properties were others in the form of sharia law such as al-Imamate as-kubro and al-imamate as-sughro, jihad, the call to prayer, and others¹⁶

Wahbah Zuhaili in dalam *Al-Fiqh al-Islami wa Adillatuhu* citing scholars ijma that one of the requirements to become an Imam is a man (dzukuroh):

وأما الذكورة فلأن عبء المنصب يتطلب قدرة كبيرة لا تتحملها المرأة عادة، ولا تتحمل المسؤولية المترتبة على هذه الوظيفة في السلم والحرب والظروف الخطيرة، قال صلى الله عليه وسلم: «لن يفلح قوم ولوا أمرهم امرأة» لذا أجمع الفقهاء على كون الإمام ذكراً.

For men [as the terms of office of al-priests] because the workload requires great skills that generally cannot be done by women. Women also cannot take responsibility arising from this position in times of peace or war and a dangerous situation. The Prophet said: "There will be triumph of a people who gave leadership in women" Therefore, fiqh scholars agree that the office of priest to be male).¹⁷

¹⁶ Muhammad al Razi, *Tafsir Fahrur Razi*, Beirut : Dar al Fikr, 1426/2005, vol. IV, p. 77

¹⁷ Wahbah Zuhaili *Al-Fiqh al-Islami wa Adillatuhu*, Damaskus : Dar al Fikr, 1418/1997, vol. VIII, p. 5937

Certainly al-imam here is al-imam *al-udzma* or *al-caliph al-ammah* who heads the Muslim world. However, according to *Wahbah Zuhaili*, the issue of the post of *qadi* or judge, there are differences in fiqh scholars that are required to men or women are also allowed to occupy this position:

اتفق أئمة المذاهب على أن القاضي يشترط فيه أن يكون عاقلاً بالغاً حراً مسلماً سمياً بصيراً
ناطقاً، واختلفوا في اشتراط العدالة، والذكورة

*Imam schools agreed that the condition for qadhi is sensible, puberty, independent, Muslim, not deaf, not blind, not dumb. They differ in terms fair and men.*¹⁸

Scholars who allowed women to occupy the post of *qadi*, or judge are Abu Hanifah, Ibn Hazm and Ibn Jarir at-Tabari. Ibn Rushd detailing this difference of opinion in the book *Bidayatul Mujtahid*:

وكذلك اختلفوا في اشتراط الذكورة: فقال الجمهور: هي شرط في صحة الحكم، وقال أبو حنيفة
يجوز أن تكون المرأة قاضياً في الأموال. قال الطبري: يجوز أن تكون المرأة حاكماً على الإطلاق
في كل شيء

*Scholars differed about the requirement of men as judges. Jumhur say: it is a prerequisite for the validity of a legal verdict. Abu Hanifah said: should women be qadhi in problem assets. At-Tabari said: The woman may be a judge is absolute in all respects.*¹⁹

Imam Al Baghowi as described in the book of *Ahkam Ibanatul Syarah Bulughul Marom* believes that a woman should not be priests, heads of state and *qodli*. The grounds are a priest obliged him out of the palace to organize and carry out *jihad*. Meanwhile *qodli* must leave the house in deciding the case. Though this case the woman is considered *aurot* where such work does not fit, proper and reasonable for her because women are weak in some work.²⁰

Meanwhile, among the contemporary scholars who forbid women leadership was spearheaded by Wahhabi clerics. Abdul Aziz bin Abdullah

¹⁸ *Ibid.*

¹⁹ Abu Walid bin Muhammad bin Ahmad bin Muhammad bin Rusyd *al Qurtuby al Andalusy, Bidayatul Mujtahid fi Nihayah al Muqtashad*, Lebanon : Dar al Fikr, tt, Juz. I, h. 491

²⁰ Abi Abdillah Abdus Salam. *Ibanatul Ahkam Syarah Bulughul Marom*. (Beirut:Maktabah Darul Fikr , tth) Juz IV H: 274

bin Baz said in his fatwa that women are forbidden to occupy any high office in the government:

تولية المرأة واختيارها للرئاسة العامة للمسلمين لا يجوز، وقد دل الكتاب والسنة والإجماع على ذلك، فمن الكتاب: قوله تعالى: { الرجال قوامون على النساء بما فضل الله بعضهم على بعض، والحكم في الآية عام شامل لولاية الرجل وقوامته في أسرته، وكذا في الرئاسة العامة من باب أولى، ويؤكد هذا الحكم ورود التعليل في الآية، وهو أفضلية العقل والرأي وغيرهما من مؤهلات الحكم والرئاسة. ومن السنة: قوله صلى الله عليه وسلم لما ولي الفرس ابنة كسرى: (لن يفلح قوم ولوا أمرهم امرأة)، رواه البخاري ولا شك أن هذا الحديث يدل على تحريم تولية المرأة لإمرة عامة، وكذا توليتها إمرة إقليم أو بلد؛ لأن ذلك كله له صفة العموم، وقد نفى الرسول صلى الله عليه وسلم الفلاح عمّن ولاها، والفلاح هو الظفر والفوز بالخير.

*Women's leadership riasah ammah lil Muslims it is not allowed. Quran, Hadith and Consensus are already showing it. Evidence of the Al-Quran is Surah An-Nisa 4:34. Law of that paragraph includes male power and leadership in the family. Especially in public areas ... The proposition is the hadith the Prophet "A people will not prosper if it is ruled by a woman." There is no doubt that this hadith indicates the prohibition of women's leadership in the public authority or the authority of a special district. Because of them all have a common trait. Prophet has negated victory in a country led by women).*²¹

Fatwa Bin Baz above does not differentiate between *riasah ammah* the *al-Khilafat al-ammah* by *al-al-khassah* region. All high positions such as judges, ministers, governors, and all positions in charge of men haram occupied by women as well.

2. Allowing Opinion

Along with a group that prohibit women become leaders, then there are also the group that allowed it. M. Qurays Sihab for example, argues that the above hadith specifically intended for the Persians only and not to all societies and in all affairs. Consequently, according to Qurays Sihab none of the arguments can be understood as a ban on involving women in the political or provisions restricting certain fields for men.²²

²¹ Abdullah bin Abdul Azin bin Baz, *Maj, muk Fatawa Ibn Baz*, no. fatwa: 30461, hlm. I/424. A similar opinion is also visible on the Standing Committee Fatawa Ad-Daimah, Fatwa number: 11780, p. XVII/ 13.

²² M. Qurays Sihab, *Wawasan Al Qur'an ; Tafsir Tematik Atas Pelbagai Persoalan Umat*, Bandung : MizanMedia Uatama, 2007, second edition, p. 416

Likewise, Muhammad Sayid Thantawi, Sheikh of Al-Azhar and the Grand Mufti of Egypt, stated that the leadership of women in any job position does not conflict with sharia. It is allowed for both as head of state (al-al-udzma region) as well as positions underneath. In his fatwa magazine quoted Ad-Din wal Hayat, Tantawi asserted:

ان تولي المرأة رئاسة الدولة لا يخالف الشريعة الإسلامية لأن القرآن الكريم أشاد بتولي المرأة لهذا المنصب في الآيات التي ذكرها المولى عز وجل عن ملكة سبأ وأنه إذا كان ذلك يخالف الشريعة الإسلامية لبين القرآن الكريم ذلك في هذه القصة وحول نص حديث رسول الله صلى الله عليه وسلم : (لم يفلح قوم ولو أمرهم امرأة)، قال طنطاوي ان هذا الحديث خاص بواقعة معينة وهي دولة الفرس ولم يذكره الرسول صلى الله عليه وسلم على سبيل التعميم: فللمرأة أن تتولى رئاسة الدولة والقاضية والوزيرة والسفيرة وان تصبح عضوا في المجالس التشريعية إلا أنه لا يجوز لها مطلقا أن تتولى منصب شيخ الأزهر لأن هذا المنصب خاص بالرجال فقط لأنه يحتتم على صاحبه إمامة المسلمين للصلاة وهذا لا يجوز شرعا للمرأة.)

Women who occupied the position as head of state does not conflict with sharia as the Koran praised the woman who occupies this position in a number of verses about Queen Balqis of Saba. And that if it is contrary to the sharia, then surely Al-Quran will explain it in this story. As for the Prophet's words that "A people will not prosper if it is ruled by women" Tantawi said that this hadith is specific to a particular event that is the kingdom of Farsi and the Prophet did not call it in general. Therefore, women should occupy the position as head of state, judges, ministers, ambassadors, and became a member of the legislature. Only women are not allowed to occupy the position of Shaykh Al-Azhar for this office specifically for men only because he was obliged to become the prayer that sharia is not permissible for a woman.²³

This opinion was approved by Yusuf Qaradawi. He affirmed that women have the right to occupy the post of head of state (riayah daulah), mufti, members of parliament, the right to elect and be elected or any position in the government or in the private sector because of the attitude of Islam in this matter is clear that she has the ability to perfect (tamam al Ahliyah). According to Qaradawi none nash Quran and hadith that forbids women to occupy any position in the government. However, he warned that women who work outside the home should follow

²³ Saudi daily Okaz, 28 Muharram 1429 edition, p. 39 quoting from the magazine Ad-Din wal Hayat Egypt as quoted A. Fatih Syuhud in *Pemimpin Perempuan dalam Islam*, <http://www.fatihsyuhud.net/2013/11> accessed on October 20, 2015

predetermined rules of sharia as a) there should be no seclusion (alone in a closed room) with the opposite sex are not mahram, 2) should not forget its main task as a mother who educate children, and 3) have to keep Islamic behavior in dress, say, behave, and others.²⁴ But in the book *Fikh Daulah fi al-Islam*, Al Qordhawi explained that the purpose of the ban on Hadith *امرأة أمرهم ولو أقوم يفلح لن* is a ban on being a leader in public power against the ummah everything, meaning that dilaramg just become head of state, while the leadership of some of the problems there is no obstacle for women to carry it. Seeing this speaker Yusuf Qaradawi thinks it is likely to allow a woman to become president, but did not become caliph, because the president is not the same as the caliph, who just led the party of the ummah only, ie only one country is not a head of state in the sense of Caliph.

Ali Jumah Muhammad Abdul Wahab, the mufti of Egypt today, among the influential cleric who allow women to be head of state and any high office such as judges, ministers, members of Parliament, and others. However, he agreed with Yusuf Al-Qaradawi that the position of the Imamate of al-Udzma which oversees the entire Muslim world must be held by men as one of its tasks is to become the prayer. Ali Jumah stated that the leadership of women in various positions has often happened in the history of Islam. No fewer than 90 women who had served as a judge and head of the region, especially in the era of the Ottoman Caliphate. For Jumah, the decision of women to occupy public office is a personal decision between her and her husband.²⁵

Analysis on Ulama's Opinions on Women's Leadership

From the opinions of scholars above, the speakers tend to the opinion that allow women as leaders, but to become a president, has a condition that is very tight, which is for women who are really able to assume responsibility as a leader, to be able to solve the problem of Ummah

²⁴ Yusuf Qardawi dalam *Fatawa Muashirah*. Also posted on the official website: <http://goo.gl/P3k8Nt> sebagaimana dikutip A. Fatih Syuhud dalam *Pemimpin Perempuan dalam Islam*, <http://www.fatihisyuhud.net/2013/11> accessed on October 20, 2015

²⁵ Ali Jumah Muhammad Abdul Wahab in his fatwa that was published in the Egyptian daily *Al-Jumhuriyah*, edition January 28, 2007 as cited in A. Fatih Syuhud *Pemimpin Perempuan dalam Islam*, <http://www.fatihisyuhud.net/2013/11> accessed on October 20, 2015

complex. In understanding the hadith that states that any nation that is led by women would not be happy, will not prosper, speakers better understand based asbab al wurud, which is associated with the background of the release of the statement of the Prophet. The least three things are; First, the Prophet's response to the situation in the succession of the Persian Empire. The transition of power from the late Emperor to his daughter, where previously D'Andrea also act arrogant to tear the letter Prophet who was sent to him, until the Prophet angry and criticized him, saying he was going to hurt, and it becomes a fact, he was killed in the power struggle, then his leadership was continued by a female leader, which it violates the conditions at that time.

Secondly, in relation to the position of a woman at the time, it is no secret that women at that time did not have room to move freely as it is today, although there is, but the amount is very small. Patriarchal culture is so entrenched have put women at a marginal position. They are no more just as a complement of three corners namely wells, a kitchen, and a mattress. With a system like this they are not prepared to get out of the confines of the three dimensions.

Third, regarding the problem of power system centered on a person. By managing the country depends on a person, in the absence of power sharing as Montesqueu, then a king (emperor) will determine the fate of a state in black and white. If the state is managed by a woman, while during this culture that just puts women domestic padaposisi, of course, very risky if they are later involved in the public domain.

Thus, when there is such a drastic social change in which women are now many well-educated and trained to be involved in various ways including being a leader, then why are not they as leaders, if their skills are adequate for it. Associated with the paragraph that says that man is a leader for women, then in our view this in the context of the household, as described by many commentators in various books of tafsir. This means that one should not a woman performing as a leader in the public domain, but when it is in the domestic realm he remained as the wife of her husband (the husband as head of household) and as the mother of his children. While a woman can carry out this task, then it is legitimate to be a leader in public affairs.

Conclusion

Scholars differed on whether a woman should be a public leader. One reason for the emergence of the difference is related to the Prophet's hadith which states that the nation will not prosper if it is led by a woman. Matan or the sanad from the side, this tradition included authentic. Because, in addition narrated by Bukhari, hadith is also narrated by Tirmidhi, Nasa'i, Abu Daud and Ahmad. In other words, we can be sure that hadis is indeed derived from the Prophet.

Those who opposed the leadership of women, tend to understand this hadith is *leterleks*. If it has been outlined by the Prophet, the obligation of Muslims is *sami'na wa atha'na*. on the contrary, the group that did not question the leadership of women, tend to understand this tradition contextually. That is, *asbab al wurud* tradition or community social background when the hadith the Prophet said, so a serious consideration on the permissibility of female leader.

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