

Women's Political Rights in Islamic Jurisprudence

PhD student. Soufyane Bouanani ¹, Dr. Okacha Hawalef ²

¹ Research Laboratory of Sharia Studies – Faculty of Humanities and Social Sciences
Department of Islamic Sciences – Abou Bekr Belkaid University of Tlemcen, Algeria

Email: soufyane.bouanani@univ-tlemcen.dz

² Ahmed Ben Bella University of Oran, Algeria. Email: okacha64@hotmail.fr

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Abstract

This study examines **women's political rights in Islamic jurisprudence**, as this issue has received considerable attention in both Islamic thought and contemporary constitutional jurisprudence due to its close relationship with the status of women in society and the extent of their participation in the management of public affairs. The study aims to clarify the Sharī'ah basis of women's political rights and to analyse the opinions of classical and contemporary Muslim jurists concerning women's participation in political life, with particular emphasis on their right to pledge allegiance (*bay'ah*), vote, stand for parliamentary elections, and hold public office, while also identifying the Sharī'ah principles governing these rights.

The study adopts a descriptive-analytical approach through an examination of the Qur'anic texts, the Prophetic Sunnah, and the opinions of Muslim jurists, as well as an analysis of the legal evidence and the various juristic perspectives. The findings reveal that Islamic Sharī'ah recognizes women as possessing full legal capacity and grants them a range of political rights. Juristic disagreement has primarily centered on the issue of the **Supreme Imamate (al-Imāmah al-ʿUẓmā)** and certain forms of public authority, whereas the majority of contemporary Muslim jurists have endorsed women's participation in various forms of political activity, including voting, candidacy for elected office, membership in representative councils, and holding most public positions, provided that the relevant Sharī'ah principles are observed and the public interest (*maṣlaḥah*) is realized.

The study further concludes that many forms of women's marginalization in some Muslim societies stem from particular juristic interpretations or prevailing social customs and traditions rather than from definitive Sharī'ah texts. Accordingly, greater efforts are needed to promote a sound understanding of women's rights in Islam and to highlight the higher objectives (*maqāṣid*) of Islamic law, which are founded upon justice and the complementary relationship between men and women.

Keywords: Women; Political Rights; Islamic Jurisprudence; Political Participation; Public Authority.

Introduction

The issue of women has long occupied a central position in human thought, both historically and in contemporary discourse, owing to its religious, legal, social, and political dimensions. It continues to generate extensive debate regarding the nature of rights and obligations, the limits of participation in public life, and the extent to which legal systems conform to the principles of justice and equality. Legal systems and intellectual traditions have differed considerably in defining the status of women and their political rights, with these perspectives often shaped by the cultural, philosophical, and

historical contexts in which they emerged. Consequently, such differences have significantly influenced legislation and practices governing women's participation in public affairs.

Scholars of Islamic studies generally agree that Islamic Sharī'ah recognizes women as possessing an independent legal personality and grants them a comprehensive set of rights and obligations that safeguard their human dignity while fulfilling the higher objectives of justice and stewardship (*istikhlāf*). Islamic law establishes that human superiority is based on piety and righteous deeds rather than gender, race, or ethnicity. Allah the Almighty says:

"Indeed, the most noble of you in the sight of Allah is the most righteous of you." (Qur'an 49:13)

Moreover, Islamic Sharī'ah affirms the principle of shared responsibility between men and women in cultivating the earth, promoting righteousness, and preventing wrongdoing. This principle provides a legitimate foundation for examining the nature of women's political rights and the legal parameters governing their exercise in light of the revealed texts and the established principles of Islamic jurisprudence.

Despite this well-established Sharī'ah foundation, women's political rights remain among the most debated issues in contemporary Islamic thought, particularly in light of the emergence of the modern state, constitutional and parliamentary institutions, the expansion of political participation, and growing international calls for greater representation of women in decision-making positions. These developments have prompted renewed examination of the relevant Sharī'ah texts and the juristic opinions of both classical and contemporary Muslim scholars. Consequently, three principal juristic trends have emerged: one adopts a restrictive approach toward women's political participation; another permits broad participation within the framework of Sharī'ah regulations; while a third distinguishes between the supreme public authority and other political and administrative offices. This diversity reflects the richness of Islamic jurisprudence and its capacity to accommodate legitimate juristic differences in accordance with the objectives of Sharī'ah and the interests of the Muslim community.

From a legal perspective, most Muslim-majority countries, including Algeria, have witnessed significant legislative developments aimed at strengthening women's political rights through recognizing their rights to vote, stand for election, and hold public office. These developments underscore the need to re-examine such rights from an integrated perspective that combines Islamic juristic foundations with legal analysis, while balancing the immutable principles of Islamic Sharī'ah with the requirements of the contemporary state, free from ideological bias or preconceived assumptions.

The research gap lies in the fact that most previous studies have addressed women's political rights either from a purely juristic perspective or from an isolated constitutional and legal standpoint. Comparatively few studies have adopted an interdisciplinary approach that integrates Islamic jurisprudence and law by examining the relevant Sharī'ah evidence in light of the higher objectives (*maqāsid*) of Islamic law, assessing its implications for contemporary political systems, identifying areas of convergence and divergence among the various juristic schools, and analyzing the reasons for their differing interpretations and their impact on women's political participation in Muslim societies.

Against this background, the present article seeks to examine women's political rights in Islamic jurisprudence through a scholarly approach grounded in Sharī'ah principles, juristic analysis, and legal comparison. It aims to present the principal juristic viewpoints, evaluate their supporting

evidence, and discuss them in light of the Qur'an, the Sunnah, the principles of Islamic legal theory (*uṣūl al-fiqh*), and the higher objectives of Islamic Sharī'ah.

The study is guided by the following main research question:

To what extent does Islamic jurisprudence recognize women's political rights, and what Sharī'ah principles govern the exercise of these rights in light of the relevant legal texts and the diverse juristic interpretations?

This main question gives rise to the following sub-questions:

- What is meant by political rights in Islamic jurisprudence, and what are their nature and Sharī'ah foundations?
- What are the principal juristic approaches to women's political rights, and what evidence supports each approach?
- What are the Islamic legal rulings concerning women's participation in voting, *bay'ah* (pledge of allegiance), candidacy for public office, and appointment to public positions according to the opinions of Muslim jurists?
- To what extent can the objectives of Islamic Sharī'ah be reconciled with the requirements of political participation in the contemporary state?
- How can Islamic juristic reasoning contribute to promoting a sound understanding of women's political rights while avoiding both excessive restriction and unwarranted expansion?

Accordingly, this study aims to clarify the concept of political rights in Islamic jurisprudence, analyze the relevant Sharī'ah evidence, review and critically examine the various juristic approaches, identify the Sharī'ah regulations governing the exercise of women's political rights, and demonstrate the flexibility of Islamic jurisprudence in addressing contemporary developments within the framework of the higher objectives and universal principles of Islamic law.

Methodologically, the study employs the descriptive method to present the relevant concepts and juristic trends, the analytical method to examine the Sharī'ah texts and derive their juristic implications, and the comparative method to identify points of agreement and disagreement between classical and contemporary Muslim jurists. It also draws upon the legal method by examining selected contemporary legislative applications relevant to the subject, thereby providing an interdisciplinary analysis that integrates Islamic jurisprudence and legal studies in accordance with the dual specialization in Sharī'ah and Law.

Based on this methodological framework, the study is divided into two main sections. The first examines the concept of women's political rights in Islamic jurisprudence and the Sharī'ah principles governing them. The second explores the principal manifestations of these rights, namely the right of *bay'ah* (pledge of allegiance) and voting, the right to stand for election, and the right to hold public office. It also presents and critically analyzes the major juristic opinions and their supporting evidence before concluding with the principal findings of the study.

1. Significance of the Study

The significance of this study stems from the importance of its subject matter—**women's political rights in Islamic jurisprudence**—which continues to attract considerable scholarly attention in the fields of Sharī'ah and law. This issue encompasses religious, constitutional, political, and social dimensions and remains the focus of ongoing academic and intellectual debate in light of the profound transformations taking place in Muslim societies, the expanding participation of women in public life, and the increasing international and regional emphasis on political empowerment and equality of

rights and responsibilities. These developments have prompted renewed examination of numerous juristic issues concerning women's political participation and reconsideration of certain classical juristic opinions in light of the higher objectives (*maqāṣid*) of Islamic Sharī'ah and the challenges of the contemporary era, making this topic a rich and significant field for scholarly inquiry and analysis. From an academic perspective, the study is significant because it seeks to provide an integrated analysis that combines Sharī'ah-based foundations with legal analysis. This is achieved through a comprehensive examination of the Sharī'ah texts related to women's political rights, a critical analysis of the opinions of both classical and contemporary Muslim jurists, and an evaluation of their legal evidence in light of the principles of *uṣūl al-fiqh* (Islamic legal theory) and the higher objectives of Islamic law. Such an approach contributes to the development of a balanced scholarly perspective that avoids both excessive restriction and unwarranted expansion, while remaining independent of ideological or political approaches that address the issue outside the framework of rigorous academic inquiry.

The importance of the study also lies in its attempt to correct several misconceptions regarding women's rights in Islam. In many instances, certain social practices and local customs have been mistakenly attributed to Islamic Sharī'ah despite lacking authentic legal evidence. This has contributed to inaccurate perceptions of Islam's position on women's participation in political life. Re-examining these issues in light of definitive Sharī'ah texts and authoritative juristic opinions therefore helps eliminate misunderstandings and highlights the moderation, justice, and balance inherent in Islamic legislation regarding the rights and responsibilities of women.

Furthermore, the study highlights the richness and diversity of Islamic jurisprudence and its various schools of legal reasoning. The issue of women's political rights demonstrates the plurality of juristic opinions concerning voting, the pledge of allegiance (*bay'ah*), candidacy for public office, and the holding of public positions. Such diversity reflects the flexibility of Islamic jurisprudence and its ability to accommodate political and social developments while remaining faithful to the immutable principles of Sharī'ah. Moreover, this diversity facilitates a deeper understanding of the reasons underlying juristic disagreement and helps distinguish between immutable legal rulings and those based on juristic reasoning that may vary according to considerations of public interest (*maṣlaḥah*), custom (*urf*), time, and place. In doing so, it promotes a culture of constructive juristic dialogue and discourages rigid adherence to a single opinion in matters open to legitimate scholarly interpretation. The study is also important because of its close relevance to contemporary legislative developments. Most constitutions and legal systems in Muslim-majority countries now regulate women's participation in elected councils, legislative bodies, and public office. This reality necessitates a careful examination of the Islamic juristic position on these developments and an assessment of the extent to which they are compatible with the general principles of Islamic Sharī'ah. Such an analysis contributes to narrowing the gap between Islamic jurisprudence and positive law, while promoting greater harmony between them in addressing issues of public governance.

From an interdisciplinary standpoint, the study contributes to addressing a notable gap in research that integrates Sharī'ah and legal studies. While many previous studies have examined women's political rights either from a purely juristic perspective or from a constitutional and legal standpoint, this research seeks to bridge these disciplines by analyzing both the Sharī'ah foundations and their legal implications. Such an approach is consistent with the interdisciplinary orientation of

contemporary scholarship and provides researchers and students with a more comprehensive understanding of the subject.

In addition, this study enriches the academic literature by offering a reference that may benefit scholars working in Islamic jurisprudence, constitutional law, and political science. It also opens new avenues for future research on women's issues in light of the higher objectives of Islamic Sharī'ah and contemporary legislative developments, particularly in relation to political participation, parliamentary representation, sovereign public offices, and the methodology of juristic reasoning (*ijtihād*) in addressing contemporary legal and constitutional issues.

Finally, the significance of this study lies in the fact that it extends beyond merely presenting juristic opinions. Rather, it seeks to compare, evaluate, and critically assess these opinions, giving preference to those most strongly supported by Sharī'ah evidence and established principles of juristic preference (*tarjīh*), while taking into account the higher objectives of Islamic law and the public interest. Through this approach, the study aims to produce scholarly findings that contribute to the advancement of both Islamic jurisprudential and legal research and to the development of a balanced academic discourse that accurately reflects Islam's position on women's political rights, free from preconceived judgments and selective interpretations of the Sharī'ah texts.

2. Research Methodology and Structure of the Study

Given the nature of the subject and the juristic and legal issues it raises, this study adopts a set of complementary research methodologies that are consistent with its objectives and research problem. Primarily, the **descriptive method** is employed to examine the relevant Sharī'ah texts and the opinions of Muslim jurists, describe the concepts associated with women's political rights, clarify their linguistic and technical meanings, present the principal juristic approaches to this issue, and trace their development throughout both classical and contemporary Islamic thought.

The study also employs the **analytical method**, which is particularly appropriate for research in Sharī'ah and legal studies. This method is used to analyze the Qur'anic verses and Prophetic traditions related to women's political rights, derive their juristic implications, examine and critically evaluate the evidence advanced by Muslim jurists in light of the principles of *uṣūl al-fiqh* (Islamic legal theory) and the higher objectives (*maqāṣid*) of Islamic Sharī'ah, explain the methods of legal reasoning underlying different opinions, and identify the Sharī'ah foundations upon which rulings concerning women's political participation are based.

To highlight the diversity of juristic reasoning that characterizes Islamic jurisprudence, the study further adopts the **comparative method**. This involves comparing the views of classical and contemporary Muslim jurists, identifying areas of agreement and disagreement regarding women's political rights, and analyzing the reasons for these differences in light of varying methodologies of legal interpretation, differing assessments of public interest (*maṣlaḥah*), customary practice (*urf*), the higher objectives of Sharī'ah, and the political and social circumstances influencing juristic reasoning. Where appropriate, the comparison is extended to selected contemporary legal applications in order to demonstrate the extent to which Islamic juristic opinions have influenced modern legislation in Muslim-majority countries.

In addition, the study utilizes the **deductive method** by examining individual Sharī'ah texts alongside the general principles of Islamic jurisprudence in order to derive the legal rulings and regulatory principles governing women's political rights. This approach is undertaken in accordance with the higher objectives of Islamic Sharī'ah, particularly the realization of justice, the protection of human

dignity, the promotion of the public interest, and the establishment of a balanced relationship between rights and obligations.

Throughout all stages of the research, the author adheres to a rigorous academic methodology by accurately documenting the relevant Sharī'ah texts, consulting authoritative classical and contemporary juristic sources, and analyzing the various opinions with scholarly objectivity and impartiality, free from adherence to any particular juristic position. The study relies on authentic Sharī'ah evidence and sound juristic preference (*tarjīh*) as the primary basis for reaching its conclusions, in a manner consistent with the methodological standards of research in the fields of **Sharī'ah and Law**.

Structure of the Study

To provide a comprehensive examination of the subject and address the research problem, the study is organized into **two main sections**, preceded by an introduction and followed by a conclusion.

The **first section** examines the concept of politics and political rights by clarifying their linguistic and technical meanings. It then explores the concept of women's political rights in Islamic jurisprudence, reviews the principal juristic approaches concerning the legitimacy of women's enjoyment of these rights, and critically analyzes the evidence advanced by each approach in light of the Sharī'ah texts and the principles of *uṣūl al-fiqh* (Islamic legal theory).

The **second section** is devoted to the principal manifestations of women's political rights in Islamic jurisprudence. It examines women's right to the pledge of allegiance (*bay'ah*) and voting, their right to stand for election to representative councils, and their right to hold public office. It further discusses the Sharī'ah principles governing the exercise of these rights, presents the opinions of Muslim jurists on each issue, and analyzes these opinions in light of the higher objectives (*maqāṣid*) of Islamic Sharī'ah and contemporary juristic reasoning.

The **conclusion** summarizes the principal findings of the study, provides answers to the main research question and its subsidiary questions, and offers a number of recommendations and proposals intended to guide future juristic and legal research on women's political rights. These recommendations aim to strengthen scholarly inquiry in this field in a manner that fulfills the objectives of Islamic Sharī'ah while responding to the evolving realities of contemporary society.

Section One: The Concept of Politics and Women's Political Rights in Islamic Jurisprudence

This section examines the definitions of **right** and **politics** from both the linguistic and technical perspectives, followed by a discussion of the concept of **political rights in Islamic jurisprudence**.

First Branch: The Concept and Nature of Political Rights

First: The Definition of Right in the Linguistic and Technical Sense

1. The Linguistic Meaning of Right

The concept of **right** (*ḥaqq*) occupies a central position in Islamic jurisprudence, as it is closely associated with all Sharī'ah rulings governing the relationship between human beings and their Creator, themselves, and others. It also constitutes the foundation upon which the Islamic system of rights and obligations is built. Accordingly, both linguists and Muslim jurists have devoted considerable attention to defining this concept because of its profound legal and legislative implications.

Linguistically, the term *ḥaqq* derives from the Arabic root (**ḥ-q-q**), which denotes permanence, certainty, truthfulness, obligation, and necessity. It is the opposite of *bāṭil* (falsehood) and refers to that which is firmly established and free from doubt. It also conveys the meanings of justice, certainty,

wisdom, rightful share, and entitlement. The Arabs would say *haqqa al-shay'* ("a thing became established") when it became certain or obligatory, and *haqqa liqāḥuhā* to indicate that a camel's pregnancy had become confirmed.

Moreover, **Al-Ḥaqq (The Truth)** is one of the Most Beautiful Names of Allah, as He alone possesses absolute and eternal existence, perfect justice, and everlasting sovereignty that can never be affected by falsehood. Allah, the Exalted, says:

"So Exalted is Allah, the Sovereign, the Truth." (Qur'an 20:114)

He also says:

"That is because Allah is the Truth." (Qur'an 22:6)

Likewise, the Qur'an describes revelation, resurrection, divine judgment, and the balance of justice as *truth (haqq)*, indicating that the Qur'anic usage of this concept is consistently associated with justice, permanence, certainty, and obligation (Al-Fīrūzābādī, *Al-Qāmūs al-Muḥīṭ*, Vol. 1, p. 113; Ibn Manẓūr, *Lisān al-'Arab*, Vol. 10, p. 49).

From this linguistic perspective, it is evident that a right in Islam is not merely a privilege granted to an individual; rather, it is a firmly established Sharī'ah value derived from the commands of Allah and intended to realize justice, safeguard legitimate interests, and eliminate injustice. This distinguishes the Islamic conception of rights from positive legal theories, which generally regard rights as deriving from the will of the legislator or from social consensus.

2. The Technical Definition of Right

In technical legal terminology, Muslim jurists have proposed various definitions of **right**, reflecting differences among their juristic and methodological schools. Nevertheless, all of these definitions revolve around the notion of a lawful entitlement recognized by the Sharī'ah that produces legal consequences. According to Islamic jurisprudence, a right is defined as:

"A legal entitlement established by the Sharī'ah that grants authority or imposes an obligation for the realization of a recognized legitimate interest." (Al-Zuhaylī, *Al-Fiqh al-Islāmī wa Adillatuh*, Vol. 4, p. 2865).

Some scholars of *uṣūl al-fiqh* define a right as **a legally recognized interest granted to an individual or a community, which gives rise to a corresponding obligation upon others**. This definition emphasizes that rights in the Islamic legal system are inseparably linked to legal responsibility. Accordingly, no right exists independently of accountability, and no freedom is detached from obligation, since Islamic Sharī'ah is founded upon the principle of balance between rights and duties (Abū Zahrah, *Uṣūl al-Fiqh*, p. 302).

Islamic jurisprudence therefore does not regard a right as an unrestricted authority vested in its holder. Rather, it is viewed as a trust (*amānah*) that must be exercised in accordance with the higher objectives (*maqāṣid*) of Islamic Sharī'ah. Consequently, the exercise of rights is limited by the prohibition of causing harm to others, based on the well-established juristic maxim:

"There shall be neither harm nor reciprocating harm."

Likewise, it is governed by the legal maxim:

"The ruler's decisions concerning the community are contingent upon the public interest."

Accordingly, rights in Islam are intrinsically linked to the realization of justice and the protection of both public and private interests.

Scholars of *Maqāṣid al-Sharī'ah* further expanded the concept of rights by linking it to the five essential objectives of Islamic law: the preservation of religion, life, intellect, lineage, and property.

Some contemporary scholars have also recognized the preservation of human dignity as a general objective of Sharī'ah. Consequently, all categories of rights—whether individual, collective, or political—ultimately serve the realization of these higher objectives (Al-Raysūnī, *Nazariyyat al-Maqāṣid 'inda al-Imām al-Shāṭibī*, p. 215).

Accordingly, rights in Islamic jurisprudence are not privileges granted or withdrawn by human authority according to political discretion. Rather, they constitute Sharī'ah-based legal rulings derived from divine revelation, which both society and the state are obliged to protect and guarantee within the limits prescribed by Islamic law. From this perspective, political rights form an integral component of the broader system of Sharī'ah rights founded upon the principles of **shūrā** (consultation), justice, responsibility, and participation in promoting the public interest, in a manner consistent with the higher objectives of Islamic Sharī'ah in fostering human civilization and fulfilling humanity's role as Allah's vicegerent on earth.

Second: The Definition of Politics in the Linguistic and Technical Sense

Before examining women's political rights in Islamic jurisprudence, it is methodologically necessary to clarify the concept of **politics**, as it constitutes the framework within which these rights are exercised. Political rights cannot be properly understood without first defining the meaning of politics in both its linguistic and technical senses and explaining its nature within Islamic thought. In Islam, politics is not merely the exercise of governmental authority or the administration of state affairs; rather, it represents a comprehensive system aimed at realizing the higher objectives (*maqāṣid*) of Islamic Sharī'ah, namely the preservation of religion, life, intellect, property, and lineage, while establishing justice among people and safeguarding their welfare in both this world and the Hereafter.

1. The Linguistic Meaning of Politics

The Arabic word *siyāsah* (politics) derives from the triliteral verb *sāsa-yasūsu-siyāsatan*, an authentic Arabic expression whose meanings revolve around governance, leadership, administration, supervision, and reform. Classical Arabic dictionaries attribute several related meanings to the term. It is said, *sāsa al-nās*, meaning "he governed the people and managed their affairs"; *sāsa al-ra'īyah*, meaning "he administered the affairs of the subjects through guidance and reform"; and *sāsa al-faras*, meaning "he trained and cared for a horse." Likewise, the expression *sāsa al-amr* refers to managing a matter wisely and administering it in a manner that achieves the public interest. Ibn Manẓūr defines politics as **administering a matter in a way that brings about its proper reform**, a definition that encompasses the various linguistic usages of the term (*Lisān al-'Arab*).

These linguistic meanings demonstrate that politics is not confined to the mere exercise of power. Rather, it encompasses essential concepts such as stewardship, leadership, sound administration, reform, and good governance. In its original sense, politics serves as a means of realizing the welfare of society and preserving public order rather than as an instrument of domination or authoritarianism. Furthermore, the linguistic derivation of *siyāsah* reflects its close association with the concept of responsibility. A person entrusted with managing the affairs of the people is described as a *sā'is* because he undertakes the administration of their interests and the protection of their rights. This understanding is fully consistent with the Islamic conception of public authority as a trust and responsibility before it is an honor or privilege.

2. The Technical Definition of Politics

The technical definitions of politics vary according to different philosophical, legal, and intellectual traditions. In contemporary political thought, politics is generally understood as the process through

which authority is organized within society, public decisions are made, and the relationship between the state and its citizens is regulated in order to promote the public interest and maintain social stability. It is also commonly defined as the art of governing the state and directing its institutions toward achieving political, economic, and social objectives.

The concept of politics in Islamic jurisprudence, however, differs fundamentally from the secular understanding. It is grounded in divine revelation and recognizes Shari'ah as the primary source for regulating the affairs of both the state and society. Accordingly, politics is not merely a means of acquiring or maintaining political power; rather, it is an instrument for realizing the objectives of Shari'ah and establishing justice among people.

For this reason, Muslim jurists devoted considerable attention to defining **Shari'ah-oriented politics** (*al-siyāsah al-shar'īyah*), formulating various definitions that consistently revolve around the realization of the public interest within the framework of Islamic law.

The Ḥanafī jurist **Ibn Nujaym** defined politics as:

"An act undertaken by the ruler in pursuit of an interest that he deems beneficial, even though no specific textual evidence exists concerning that particular act." (*Al-Baḥr al-Rā'iq Sharḥ Kanz al-Daqa'iq*)

This definition indicates that Islamic Shari'ah grants the ruler a sphere of discretionary judgment (*ijtihād*) in matters for which no specific textual evidence exists, provided that such judgment serves the public interest and does not conflict with definitive Shari'ah texts or the higher objectives of Islamic law.

Similarly, the Ḥanbalī jurist **Ibn 'Aqīl** defined politics by stating:

"Politics is any action that brings people closer to righteousness and farther from corruption, even if it was not explicitly established by the Messenger of Allah (peace be upon him) and no specific revelation was revealed concerning it." (Ibn al-Qayyim, *Al-Turuq al-Ḥukmiyyah fī al-Siyāsah al-Shar'īyah*)

This definition emphasizes the purposive (*maqāṣidī*) character of Shari'ah-oriented politics by making the promotion of public welfare and the prevention of corruption its central objective. It also demonstrates the flexibility of Islamic jurisprudence in responding to new and evolving circumstances.

Among the most comprehensive definitions is that offered by 'Abd al-Raḥmān Ibn Khaldūn in his *Muqaddimah*, where he defines Shari'ah-oriented politics as:

"Leading the community in accordance with the requirements of the Shari'ah regarding both their worldly and otherworldly interests, since all worldly affairs are ultimately considered by the Lawgiver in relation to the interests of the Hereafter. It is, in reality, succession to the Prophet in safeguarding religion and governing worldly affairs through it." (*Al-Muqaddimah*)

This definition reveals the distinctive nature of the Islamic political system, which integrates the pursuit of worldly welfare with success in the Hereafter and views the primary function of the state as safeguarding religion, establishing justice, and protecting the interests of society.

These definitions indicate that **Shari'ah-oriented politics** rests upon two fundamental principles. The first is strict adherence to definitive Shari'ah texts in matters governed by explicit legal evidence. The second is the exercise of qualified *ijtihād* in newly emerging issues for which no specific textual ruling exists, while observing the higher objectives of Shari'ah and the public interest. Consequently,

Muslim jurists maintain that the ruler's authority is not absolute but is constrained by justice and public welfare. This principle is expressed by al-Qarāfi in his celebrated legal maxim:

"The ruler's decisions concerning the people are contingent upon the public interest." (*Al-Furūq*)

3. Politics in the Qur'an and the Prophetic Sunnah

Although the technical term *siyāsah* (politics) does not explicitly appear in the Qur'an, its substantive meaning is reflected in a number of fundamental concepts that constitute the foundations of the Islamic political order, including governance (*ḥukm*), sovereignty (*mulk*), vicegerency (*istikhlāf*), empowerment (*tamkīn*), consultation (*shūrā*), and justice (*ʿadl*).

The Qur'an employs the concept of **sovereignty** in describing political authority. Allah the Almighty says:

"And We gave them a great kingdom." (Qur'an 4:54)

It also employs the concept of **empowerment**, as in His statement:

"Thus We established Joseph in the land, to settle therein wherever he wished." (Qur'an 12:56)

Likewise, Allah says:

"Those who, if We establish them in the land, establish prayer, give zakāh, enjoin what is right, and forbid what is wrong." (Qur'an 22:41)

These verses demonstrate that the ultimate purpose of political authority is the establishment of religion, justice, and social reform.

The Qur'an also affirms the principle of **vicegerency** (*istikhlāf*):

"Allah has promised those among you who believe and perform righteous deeds that He will surely grant them succession upon the earth." (Qur'an 24:55)

This verse indicates that political authority in Islam is a Sharī'ah-based responsibility aimed at promoting civilization and establishing justice rather than a means of domination or oppression.

Among the fundamental political principles emphasized in the Qur'an is **justice**, as expressed in the verse:

"Indeed, Allah commands you to render trusts to whom they are due, and when you judge between people, judge with justice." (Qur'an 4:58)

The Qur'an likewise establishes the principle of **consultation** (*shūrā*), which constitutes the foundation of participatory decision-making:

"And whose affairs are conducted through mutual consultation." (Qur'an 42:38)

The **Prophetic Sunnah** also explicitly refers to politics in the authentic ḥadīth narrated by Abū Hurayrah and recorded by both al-Bukhārī and Muslim, in which the Prophet ﷺ said:

"The Children of Israel were governed by the Prophets. Whenever a Prophet died, another Prophet succeeded him. There will be no Prophet after me, but there will be successors (caliphs)..."

This ḥadīth demonstrates that politics fundamentally signifies the administration of the affairs of the Muslim community, the assumption of leadership responsibilities, and the realization of the people's welfare in accordance with the principles of Islamic Sharī'ah.

Taken together, these Sharī'ah texts demonstrate that politics in Islam is inseparable from religion. Rather, it serves as a means of realizing the objectives of Sharī'ah, establishing justice, safeguarding rights, and preserving public order. This, however, does not imply a conflation between immutable Sharī'ah rulings and changeable political judgments. Instead, **Sharī'ah-oriented politics** is founded

upon the integration of definitive textual evidence with sound juristic reasoning (*ijtihād*) guided by legitimate public interest. This methodology has enabled Islamic jurisprudence to respond flexibly to diverse political systems and institutions throughout history while preserving its fundamental principles and enduring values.

This comprehensive understanding of **Sharī'ah-oriented politics** provides the conceptual foundation for understanding political rights in Islam. Such rights are not regarded merely as individual privileges but as legal instruments intended to realize the higher objectives of Islamic law by enabling all members of society—both men and women—to participate responsibly in the cultivation of human civilization and the promotion of the common good within the framework established by Islamic Sharī'ah.

Third: Definition of Political Rights

Political rights constitute one of the most significant categories of public rights governing the relationship between the individual and the state. They represent the legal means through which citizens participate in the administration of public affairs, contribute to political decision-making, and promote the public interest. Their importance stems from their direct connection to the exercise of political authority, the selection of public officials, the oversight of governmental performance, and the realization of participatory governance. Consequently, political rights are regarded as one of the clearest manifestations of citizenship in the modern state and as a fundamental pillar of constitutional and political systems.

In general, **political rights** refer to those rights that accrue to an individual by virtue of membership in the political community and that enable participation, either directly or indirectly, in the governance of the state. They regulate the relationship between the ruler and the ruled and confer upon citizens the right to participate in the exercise of public authority through such mechanisms as voting, standing for public office, holding public positions, and serving in representative institutions that embody the popular will, in accordance with applicable constitutional and legal provisions. Constitutional scholars have therefore defined political rights as **the set of rights that entitle citizens to participate in the formation, exercise, and supervision of public authority** ('Abd al-Ḥamīd Mutawallī, *Constitutional Law and Political Systems*; Sulaymān Muḥammad al-Ṭamāwī, *The Three Powers in Arab Constitutions*).

This definition distinguishes political rights from civil rights. While civil rights are primarily intended to protect the individual and personal liberties—such as the rights to property, freedom of movement, and access to justice—political rights concern the individual's participation in the management of public affairs. Accordingly, they are more closely associated with the concepts of citizenship and membership in the political community than with purely private interests.

Within **Islamic jurisprudence**, the technical expression *political rights* does not appear in the form commonly used in contemporary constitutional law. Nevertheless, its substantive content is clearly reflected in classical juristic discussions concerning the **Supreme Imamate** (*al-imāmah al-ʿuẓmā*), public offices (*al-wilāyāt al-ʿāmmah*), the pledge of allegiance (*bayʿah*), consultation (*shūrā*), the judiciary (*qadāʾ*), the institution of *ḥisbah*, and the duty of enjoining good and forbidding evil. These subjects collectively address the organization of political authority and the legal relationship between rulers and the governed.

Accordingly, **political rights in Islamic jurisprudence** may be defined as **the set of authorities and legal entitlements established by Islamic Sharī'ah that enable members of the Muslim**

community to participate in the administration of public affairs, to select those entrusted with public authority, to oversee governmental performance, and to express opinions regarding matters affecting the welfare of the community, all within the framework of the principles and objectives of Islamic law. This definition demonstrates that the source of political rights in Islam is **divine revelation (Sharī'ah)** rather than a grant conferred by political authority. Consequently, the exercise of these rights is governed by the principles of legal accountability and the realization of the public interest.

Islamic Sharī'ah establishes several foundational principles that serve as the basis for these rights. Foremost among them is the principle of **consultation (shūrā)**, which the Qur'an identifies as a defining characteristic of the Muslim community:

"And whose affairs are conducted through mutual consultation." (Qur'an 42:38)

Similarly, the Qur'an affirms the principle of **justice** in the exercise of authority:

"Indeed, Allah commands justice and excellence." (Qur'an 16:90)

It also emphasizes the principle of **collective responsibility** in promoting social reform:

"The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong." (Qur'an 9:71)

This verse indicates that both men and women share responsibility for promoting the public good, each within the roles and legal parameters established by Islamic Sharī'ah.

The **Prophetic Sunnah** further reinforces this understanding through the institution of the **pledge of allegiance (bay'ah)**, which, in essence, represents a form of political participation in the Islamic state. The Prophet ﷺ accepted the pledge of allegiance from both men and women, as reflected in the Qur'anic verse:

"O Prophet! When the believing women come to you pledging allegiance to you..." (Qur'an 60:12)

This verse demonstrates that women formed an integral part of the political community in the earliest Muslim society and participated in the political covenant binding the community to its leadership. Although later jurists differed regarding the scope and forms of such participation, the legitimacy of women's inclusion within the political community itself was clearly established.

A survey of the classical literature of Islamic jurisprudence reveals that Muslim jurists did not overlook the issue of women's political rights. Rather, they examined it from the earliest periods of Islam, albeit under different juristic headings, including the Supreme Imamate, public offices, judicial appointments, *hisbah*, testimony, *bay'ah*, and *shūrā*. Significant juristic disagreement emerged concerning several of these issues, reflecting differences in the interpretation of the relevant scriptural texts, the legal characterization of public authority, and the extent to which considerations of public interest (*maṣlahah*) and customary practice (*urf*) should influence political rulings.

The **majority of classical jurists** restricted certain public offices—most notably the office of the Supreme Imamate—to men, relying upon scriptural evidence and juristic reasoning that they considered conclusive. By contrast, a number of scholars, particularly among **contemporary Muslim jurists**, have adopted a broader interpretation that recognizes women's participation in many forms of political activity, including voting, giving the pledge of allegiance, expressing political opinions, serving in consultative and legislative assemblies, and, according to some scholars, holding a wide range of public offices whenever the necessary competence and qualifications are present and no valid Sharī'ah impediment exists. These scholars base their position on the generality of the relevant

scriptural texts and on the higher objectives of Islamic Shari'ah in promoting justice, competence, and the public interest.

This diversity of juristic opinion demonstrates that the disagreement among Muslim scholars does **not** concern the inherent dignity of women or their legal capacity (*ahliyyah*). Rather, it centers primarily on the scope, conditions, and legal limits of certain forms of political authority. As such, it constitutes an issue of **juristic interpretation** (*ijtihād*), governed by the principles of legal reasoning and preference (*tarjīh*), and influenced by the nature of the particular public office under consideration as well as by the social and political circumstances prevailing at different historical periods.

Accordingly, a proper study of **women's political rights in Islamic jurisprudence** requires more than merely presenting the various juristic opinions. It also necessitates a careful analysis of their evidentiary foundations, a critical examination of their methods of legal reasoning, and an evaluation of their consistency with the higher objectives (*maqāṣid*) and general principles of Islamic Shari'ah. Such an approach makes it possible to identify the most persuasive juristic opinion in light of the relevant scriptural evidence and recognized public interest—an objective that will be pursued in the subsequent sections of this study through an examination of the principal forms of women's political rights and their corresponding juristic rulings.

Second Branch: The Juristic Position Opposing Women's Enjoyment of Political Rights

Proponents of this juristic position maintain that **general political authority** (*al-wilāyah al-‘āmmah*), together with the governmental and administrative offices associated with it, does not fall within the category of rights that women are permitted to exercise. Accordingly, they argue that women may not assume the office of **Head of State** or the **Supreme Imamate** (*al-imāmah al-‘uẓmā*), nor may they hold positions constituting general public authority. They likewise prohibit women from standing for election to representative bodies that, in their view, exercise sovereign governmental authority, as well as from occupying certain senior executive positions possessing a sovereign character. This opinion is founded upon a number of scriptural evidences and juristic considerations that have traditionally formed the basis of the position adopted by the majority of classical Muslim jurists and by some contemporary scholars. It represents the **traditional juristic view** embraced by the majority of scholars across the various schools of Islamic jurisprudence, although they differed regarding the scope of the prohibition. Some limited it exclusively to the office of the Supreme Imamate, whereas others extended it to encompass virtually all forms of public authority (Al-Qurṭubī, *Al-Jāmi‘ li-Aḥkām al-Qur‘ān*, Vol. 5, p. 168; Al-Māwardī, *Al-Aḥkām al-Sulṭāniyyah*, p. 65; Ibn Qudāmah, *Al-Mughnī*, Vol. 9, p. 39).

Among the leading classical jurists who adopted this position were **al-Māwardī**, **al-Qurṭubī**, **Ibn al-‘Arabī al-Mālikī**, **Ibn Qudāmah al-Maqdisī**, and **Ibn Ḥazm al-Ẓāhirī**. Despite differences in their legal reasoning, they agreed that the exercise of general public authority requires particular qualities of strength, competence, and the capacity to administer the affairs of the Muslim community, and they maintained that the Shari'ah had reserved these responsibilities for men (Al-Māwardī, *Al-Aḥkām al-Sulṭāniyyah*, p. 65; Ibn al-‘Arabī, *Aḥkām al-Qur‘ān*, Vol. 1, p. 468; Ibn Ḥazm, *Al-Muḥallā*, Vol. 9, p. 428; Al-Qurṭubī, *Al-Jāmi‘ li-Aḥkām al-Qur‘ān*, Vol. 5, p. 168).

Among contemporary scholars, this position has been supported by **Abū al-A‘lā al-Mawdūdī**, **Aḥmad Ibrāhīm**, **Muḥammad al-Madanī**, **Aḥmad al-Qaṭṭān**, and **‘Abd al-Majīd al-Zindānī**. They argue that general political authority is incompatible with the role that Islam assigns to women

within the family and society. In their view, women's familial responsibilities constitute a primary Sharī'ah obligation that should not be compromised by the burdens associated with political leadership (Al-Mawdūdī, *Al-Hijāb*, p. 126; Aḥmad Ibrāhīm, *Al-Mar'ah Bayna al-Fiqh wa al-Qānūn*, p. 214; Al-Zindānī, *Huqūq al-Mar'ah fī al-Islām*, p. 98).

Shaykh **Aḥmad Ibrāhīm** contends that senior governmental offices require individuals capable of bearing the burdens of leadership, making critical decisions, and responding effectively to exceptional circumstances. According to his analysis, such responsibilities are incompatible with the characteristics that Allah has created in women, and therefore women should not assume positions of general public authority (Aḥmad Ibrāhīm, *Al-Mar'ah Bayna al-Fiqh wa al-Qānūn*, p. 214).

Similarly, **Abū al-A'ālā al-Mawdūdī** argues that the relevant Qur'anic and Prophetic texts provide conclusive evidence that the offices of Head of State, ministerial leadership, and membership in consultative bodies exercising final decision-making authority should not be entrusted to women. According to his interpretation, Islam assigns ultimate political leadership to men (Al-Mawdūdī, *Al-Hijāb*, p. 128).

In the same vein, **Aḥmad al-Qaṭṭān** maintains that restricting women's political participation serves to preserve their dignity and modesty while shielding them from political conflicts that might undermine their primary familial and social responsibilities (*Niẓām al-Usrah fī al-Islām*, p. 171).

A similar position was adopted by the **Fatwa Committee of Al-Azhar** in 1952, which concluded that women should not occupy the highest political offices. The Committee based its opinion on the Qur'anic concept of **qiwāmah** (male guardianship and responsibility) and on the understanding that women's primary mission lies in motherhood and family life, arguing that the burdens of political leadership might impede the fulfillment of these fundamental responsibilities (*Fatāwā al-Azhar*, 1952, Vol. 7, p. 213).

Supporters of this position further rely upon several Qur'anic verses, including Allah's statement: **"And men have a degree over them."** (Qur'an 2:228)

as well as: **"Men are maintainers and protectors of women."** (Qur'an 4:34)

and: **"Remain in your homes."** (Qur'an 33:33)

They argue that these verses indicate that political leadership and public authority are reserved for men.

In interpreting the verse concerning **qiwāmah**, **al-Zamakhsharī** explained that it denotes a form of authority grounded in the qualities of strength, sound judgment, and responsibility that Allah has granted to men. He regarded the Imamate, military leadership, judicial office, and certain public authorities as manifestations of this responsibility (*Al-Kashshāf*, Vol. 1, p. 525).

Likewise, **Ibn Kathīr** interpreted the phrase **"men have a degree over them"** as referring to the additional responsibilities entrusted to men, including financial maintenance and family leadership, together with certain forms of public authority (*Tafsīr al-Qur'ān al-'Azīm*, Vol. 1, p. 610).

Al-Ṭabarī, however, understood the verse primarily as establishing the husband's authority and responsibility within the family, while not considering it an explicit textual basis for all forms of public authority (*Jāmi' al-Bayān*, Vol. 4, p. 537).

Regarding the verse: **"Remain in your homes."** (Qur'an 33:33)

Ibn 'Āshūr emphasized that the primary addressees were the Mothers of the Believers, explaining that the command to remain at home was intended to honor their unique status and preserve their

dignity. He further observed that the verse should not necessarily be interpreted as imposing an identical obligation upon all Muslim women (*Al-Taḥrīr wa al-Tanwīr*, Vol. 22, p. 15).

By contrast, **al-Ṣābūnī** interpreted the verse as encouraging women to remain in their homes except where a legitimate Sharī'ah necessity exists, an interpretation upon which some jurists relied in supporting their opposition to women assuming positions of public authority (*Ṣafwat al-Tafāsīr*, Vol. 2, p. 476).

Advocates of this opinion also cite several Prophetic narrations, including the reports: "**Consult women, but act contrary to their advice,**"

"**Obeying women leads to regret,**"

And "**Men are ruined when they obey women.**"

However, the scholars of ḥadīth have unanimously judged these reports to be either **weak** (*da'if*) or **fabricated** (*mawḍū'*), rendering them unsuitable as evidence for establishing legal rulings. This assessment was explicitly affirmed by **Ibn al-Jawzī** in *Al-Mawḍū'āt* (Vol. 2, p. 273), **al-Sakhāwī** in *Al-Maqāṣid al-Ḥasanah* (p. 448), and **al-Albānī** in *Silsilat al-Aḥādīth al-Ḍa'īfah* (Vol. 1, p. 430).

They also invoke the narration:

"**When your rulers are the worst among you, your wealthy are miserly, and your affairs are entrusted to your women, then the inside of the earth is better for you than its surface.**"

Nevertheless, **Imām al-Tirmidhī** classified this report as **gharīb** (solitary), while later ḥadīth scholars criticized its chain of transmission, thereby weakening its evidentiary value for establishing a general legal principle (*Jāmi' al-Tirmidhī*, Book of Tribulations, Ḥadīth No. 2266).

The **strongest evidence** relied upon by proponents of this position is the authentic ḥadīth narrated by **Abū Bakrah** and recorded in *Ṣaḥīḥ al-Bukhārī*. Upon learning that the Persians had appointed the daughter of Kisrā as their ruler, the Prophet ﷺ stated:

"**A people who entrust their affairs to a woman will never prosper.**" (*Ṣaḥīḥ al-Bukhārī*, Book of Military Expeditions, Ḥadīth No. 4425)

The majority of classical jurists regarded this ḥadīth as the principal textual basis for prohibiting women from holding the office of the **Supreme Imamate**, maintaining that its wording is general despite being occasioned by a specific historical event, in accordance with the established legal principle that **consideration is given to the generality of the wording rather than the specificity of the cause** (Ibn Ḥajar al-'Asqalānī, *Fath al-Bārī*, Vol. 13, p. 53; al-Nawawī, *Sharḥ Ṣaḥīḥ Muslim*, Vol. 12, p. 201).

Nevertheless, a number of jurists and legal theorists have argued that this ḥadīth relates specifically to the historical circumstances of the Persian Empire and should therefore be confined to the office of the **Supreme Imamate** rather than extended to all forms of political participation, parliamentary membership, or contemporary public administration. This interpretation has become one of the principal foundations upon which contemporary scholars who support women's political participation have based their juristic position (Al-Qaraḍāwī, *Fatāwā Mu'āṣirah*, Vol. 2, p. 364; Wahbah al-Zuhaylī, *Al-Fiqh al-Islāmī wa Adillatuh*, Vol. 8, p. 6046).

Section Three: The View Permitting Women's Political Rights

The majority of contemporary Muslim jurists and scholars maintain that, as a fundamental principle of Islamic law, women possess full legal capacity (*ahliyyah*) and an independent legal personality. Consequently, the default rule is that women enjoy the same rights and obligations as men unless there is an explicit and authentic legal text restricting a particular right. Based on this principle,

proponents of this view argue that Islam does not prohibit women from participating in political life; rather, it recognizes their right to express opinions, provide consultation, participate in public affairs, and hold various public offices within the limits prescribed by Islamic law. Although differences remain regarding the position of the supreme leadership (*al-imāmah al-ʿuẓmā*), this position has gained increasing support in contemporary Islamic jurisprudence due to the transformation of the modern state and its institutions, which differ substantially from the classical caliphate. Consequently, many contemporary scholars have re-examined traditional juristic opinions concerning public authority while distinguishing between immutable legal rulings and those subject to change according to time and circumstances (Al-Qaradawi, *Fatāwā Muʿāṣirah*, Vol. 2, p. 365; Wahbah al-Zuhayli, *Al-Fiqh al-Islāmī wa Adillatuh*, Vol. 8, p. 6048).

Advocates of this position argue that the general scriptural texts address both men and women equally with respect to religious responsibility and social participation. Among the principal evidences is the Qur'anic verse: **"And whose affairs are conducted by mutual consultation among themselves"** (Qur'an 42:38), which does not distinguish between men and women regarding the principle of *shūrā* (consultation), but rather presents it as a defining characteristic of the believing community. They also cite the verse: **"The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong"** (Qur'an 9:71). According to this interpretation, the verse establishes the shared responsibility of men and women in promoting public welfare, since enjoining good and forbidding evil encompasses participation in social reform, monitoring public authority, and expressing opinions on public affairs—all of which fall within the modern concept of political participation (Al-Ṭabari, *Jāmiʿ al-Bayān*, Vol. 14, p. 333; Ibn Kathir, *Tafsīr al-Qurʾān al-ʿAẓīm*, Vol. 4, p. 209). They further invoke the verse: **"And women have rights similar to those against them according to what is equitable"** (Qur'an 2:228), arguing that it establishes the principle of equality in the origin of rights and obligations, while any exceptions should remain confined to their specific textual evidence (Al-Qurtubi, *Al-Jāmiʿ li-Aḥkām al-Qurʾān*, Vol. 3, p. 123). Supporters of this opinion also draw upon the Qur'anic account of the Queen of Sheba in Sūrat al-Naml. The Qur'an presents the example of a woman governing her people without condemning the mere fact of her leadership. Instead, it highlights her wisdom, prudence, reliance on consultation, avoidance of warfare, and eventual acceptance of faith, as expressed in the verse: **"She said, 'My Lord, indeed I have wronged myself, and I submit with Solomon to Allah, Lord of the worlds'"** (Qur'an 27:44). Several exegetes have argued that had female political leadership been inherently objectionable, the Qur'an would have explicitly denounced it. Instead, the narrative praises her sound judgment and political wisdom, leading some contemporary scholars to regard it as evidence supporting women's eligibility for public office (Ibn ʿĀshūr, *Al-Tahrīr wa al-Tanwīr*, Vol. 19, p. 274; Muḥammad Rashīd Riḍā, *Tafsīr al-Manār*, Vol. 19, p. 164).

This position is further supported by the Prophetic Sunnah, particularly the pledge of allegiance (*bayʿah*) given by women to the Prophet Muhammad (peace be upon him), which is explicitly mentioned in the Qur'an: **"O Prophet! When believing women come to you pledging allegiance to you..."** (Qur'an 60:12). A number of scholars interpret this pledge as a form of political participation and public recognition of the legitimacy of the Islamic state, demonstrating that women constituted an integral part of the political community from the earliest period of Islam (Ibn Ḥajar al-ʿAsqalānī, *Fath al-Bārī*, Vol. 8, p. 638). They also cite women's participation in migration (*Hijrah*), military campaigns, and, most notably, the consultation of Umm Salamah during the Treaty of al-

Ḥudaybiyyah, where the Prophet (peace be upon him) adopted her advice in a highly significant political and military matter. This incident, they argue, demonstrates the legitimacy of benefiting from women's opinions in matters of public concern (Ṣaḥīḥ al-Bukhārī, Book of Conditions, Hadith No. 2731).

Jurists supporting women's political participation differ, however, regarding the scope of public offices that women may occupy. One group permits women's participation in political life while excluding the office of the supreme head of state (*al-imāmah al-ʿuẓmā*), a view adopted by the majority of contemporary scholars. Another group advocates unrestricted eligibility for all public offices. Among those supporting the broader position are ʿAbd al-Ḥamīd Mutawallī and Zāfir al-Qāsimī, who argue that public offices fall within the domain of public interest (*al-maṣāliḥ al-mursalah*) and that competence and capability—not gender—should constitute the determining criteria for appointment, particularly in light of the structural differences between the modern nation-state and the historical caliphate (ʿAbd al-Ḥamīd Mutawallī, *Mabādiʾ Niẓām al-Ḥukm fī al-Islām*, p. 297; Zāfir al-Qāsimī, *Niẓām al-Ḥukm fī al-Sharīʿah al-Islāmiyyah*, p. 214).

The predominant contemporary position permits women to occupy virtually all public and political offices—including ministerial positions, parliamentary membership, senior administrative posts, and certain judicial offices—while maintaining an exception for the supreme leadership of the state. This exception is based primarily on the hadith narrated by Abū Bakrah: **"No people will prosper who entrust their affairs to a woman."** These scholars interpret the hadith as referring specifically to the institution of the caliphate or supreme political leadership rather than to all forms of public office, noting that the classical caliph combined religious, military, judicial, and executive authority in a single office—a structure fundamentally different from the separation of powers characteristic of the modern constitutional state (Al-Qaradawi, *Fatāwā Muʿāṣirah*, Vol. 2, p. 367; Wahbah al-Zuhayli, *Al-Fiqh al-Islāmī wa Adillatuh*, Vol. 8, p. 6050).

In greater juristic detail, Ibn Jarīr al-Ṭabarī held that women may serve as judges provided they possess the requisite qualifications and scholarly competence, without restricting judicial office exclusively to men. A similar opinion has been attributed to Ibn Ḥazm al-Zāhirī, who found no textual evidence prohibiting women from serving as judges and maintained that permissibility is the default rule in matters of public office unless explicit evidence indicates otherwise (Ibn Ḥazm, *Al-Muḥallā*, Vol. 9, p. 429; cited by Ibn Rushd, *Bidāyat al-Mujtahid*, Vol. 2, p. 531). The Ḥanafī jurists similarly permitted women to serve as judges in matters where their testimony is legally admissible, while excluding criminal cases involving *ḥudūd* and *qisās*, drawing an analogy between judicial authority and testimonial competence (Al-Kāsānī, *Badāʾiʿ al-Ṣanāʾiʿ*, Vol. 7, p. 3; Ibn al-Humām, *Fatḥ al-Qadīr*, Vol. 6, p. 458). Comparable views were also attributed to Zufar and certain Mālikī jurists, although the dominant Mālikī position generally opposed female judicial appointment (Ibn Rushd, *Bidāyat al-Mujtahid*, Vol. 2, p. 531).

According to proponents of this approach, women's assumption of public office should remain subject to the same general Sharīʿah regulations applicable to men. These include adherence to Islamic ethical standards, avoidance of unlawful seclusion (*khalwah*), observance of Islamic dress requirements, and ensuring that public responsibilities do not result in neglect of legitimate family obligations. These conditions, however, are viewed as regulatory guidelines rather than substantive restrictions on women's fundamental right to political participation (Muḥammad al-Ghazālī, *Al-Sunnah al-Nabawiyyah Bayna Ahl al-Fiqh wa Ahl al-Ḥadīth*, p. 58).

Today, this opinion represents the predominant trend among contemporary Muslim scholars. Its most prominent proponents include Shaykh Yūsuf al-Qaradawī, Shaykh Muḥammad al-Ghazālī, Shaykh Maḥmūd Shaltūt, Imam Muḥammad Rashīd Riḍā, and Shaykh Muṣṭafā al-Sibā'ī. Likewise, the prominent Islamic scholar Zaynab al-Ghazālī endorsed women's eligibility for virtually all political and administrative offices—including the positions of prime minister, cabinet minister, and member of parliament—while excluding only the office of the supreme head of the Islamic state, which she regarded as a unique institution governed by specific textual evidence and juristic consensus (Shaltūt, *Al-Islām: 'Aqīdah wa Sharī'ah*, p. 244; Al-Qaradawī, *Fatāwā Mu'āṣirah*, Vol. 2, p. 369; Muḥammad al-Ghazālī, *Qaḍāyā al-Mar'ah Bayna al-Taḳālīd al-Rākidah wa al-Wāfīdah*, p. 142; Muṣṭafā al-Sibā'ī, *Al-Mar'ah Bayna al-Fiqh wa al-Qānūn*, p. 189; Zaynab al-Ghazālī, *Naẓarāt fī Kitāb Allāh*, Vol. 3, p. 217).

A critical evaluation of the evidence advanced by both sides indicates that the juristic disagreement does not concern women's inherent legal capacity or human dignity. Rather, it centers on the interpretation of scriptural texts relating to public authority and the extent to which those texts apply to the institutional structures of the modern state. Accordingly, the prevailing trend in contemporary Islamic jurisprudence favors recognizing women's political rights—including voting, candidacy for elected office, and appointment to public positions—while limiting the principal exception, according to the majority of scholars, to the office of the supreme head of the Islamic state. This approach is considered consistent with the constitutional development of the modern state and with the higher objectives (*maqāṣid*) of Islamic law, particularly the realization of justice, public welfare, and merit-based governance.

Section Two: Types of Women's Political Rights in Islamic Jurisprudence

Women's political rights in Islamic jurisprudence encompass a set of rights that enable them to participate in the administration of public affairs and contribute to the governance and development of the state. These rights are founded upon the principles of universal vicegerency (*istikhlāf*) and the equality of men and women in legal and religious accountability (*taklīf*), while remaining subject to the regulations and ethical principles established by Islamic law (*Sharī'ah*). They include the right to pledge allegiance (*bay'ah*) and vote, the right to stand for election to representative assemblies and consultative councils (*Majālis al-Shūrā*), and the right to hold non-elective public offices. Nevertheless, a juristic disagreement continues regarding women's eligibility for the office of the Supreme Imamate (*al-Imāmah al-'Uẓmā*) or the headship of the Islamic state.

The concept of these political rights has evolved alongside the development of political and constitutional systems. In contemporary constitutional democracies, the institution of *bay'ah* is generally regarded as the functional equivalent of the right to vote, while candidacy for representative assemblies corresponds to the right to seek election as a representative of the people, participating in legislation and exercising oversight over the executive authority. Likewise, ministerial and administrative positions within the public sector have come to be viewed as forms of public office (*wilāyah 'āmmah*) that have been extensively examined through juristic reasoning (*ijtihād*) in Islamic jurisprudence. This development reflects the adaptability of Islamic legal thought in addressing evolving political institutions while preserving the fundamental objectives (*maqāṣid*) and principles of the Sharī'ah.

Section One: The Right to Vote and to Pledge Allegiance (*Bay'ah*)

The *bay'ah* (pledge of allegiance) represents one of the earliest forms of political participation in the Islamic political system. Linguistically, the term derives from the Arabic word for "sale" (*bay'*), as the parties traditionally placed their hands together when concluding a transaction. In juristic terminology, however, *bay'ah* refers to the covenant of obedience and loyalty pledged to the Imam or ruler in matters that do not involve disobedience to God, together with the commitment to support his administration of the affairs of the Muslim community in accordance with the principles of Islamic law (al-Māwardī, *Al-Aḥkām al-Sulṭāniyyah*, p. 15; Ibn Khaldūn, *Al-Muqaddimah*, p. 191). Classical Muslim jurists generally regarded *bay'ah* as the legitimate legal foundation for the selection of the ruler, reflecting the consent and approval of the Muslim community (*ummah*). In this respect, it is broadly comparable to the modern constitutional concept of elections, whereby citizens choose those who will represent them in the conduct of public affairs.

Women were granted this right from the very beginning of Islam, as they actively participated in the *bay'ah*, demonstrating the Sharī'ah's recognition of their political capacity. The Qur'an explicitly records this participation in the following verse: **"O Prophet! When believing women come to you pledging allegiance (*yubāyi'naka*) that they will not associate anything with Allah..."** (Qur'an 60:12).

This verse constitutes explicit textual evidence affirming women's right to pledge allegiance. Qur'anic commentators unanimously agree that women pledged allegiance directly to the Prophet Muhammad (peace be upon him) through an independent pledge that possessed both political and religious significance, although it was conducted verbally rather than through handshaking, in accordance with the ethical norms established by Islamic law (Ibn Kathīr, *Tafsīr al-Qur'ān al-Azīm*, Vol. 8, p. 92; al-Qurṭubī, *Al-Jāmi' li-Aḥkām al-Qur'ān*, Vol. 18, p. 69).

Women's political participation was not confined to the pledge given after the conquest of Mecca. Earlier, they had taken part in the Second Pledge of al-'Aqabah, which constituted the political foundation for the establishment of the Islamic state in Madinah. The gathering included seventy-three men and two women—Nasībah bint Ka'b and Asmā' bint 'Amr (may Allah be pleased with them). The pledge entailed a commitment to support Islam and defend the emerging Muslim community, thereby demonstrating that women participated in the establishment of the Islamic polity from its earliest stages (Ibn Hishām, *Al-Sīrah al-Nabawiyyah*, Vol. 2, p. 41; Ibn Kathīr, *Al-Bidāyah wa al-Nihāyah*, Vol. 3, p. 162). Women also participated in pledging allegiance to the Rightly Guided Caliphs, confirming the continuity of this political right following the death of the Prophet (peace be upon him).

Contemporary Muslim jurists generally maintain that *bay'ah* in the Islamic political system is functionally equivalent to voting in modern democratic systems, since both are mechanisms through which members of society choose those entrusted with administering public affairs. From this perspective, voting constitutes a form of legal agency (*wakālah*), whereby the voter authorizes another person to represent his or her interests within legislative or executive institutions. Since Islamic jurisprudence recognizes the validity of agency in financial and other legal matters without distinguishing between men and women, contemporary scholars argue that women's participation in elections follows naturally from these general legal principles (al-Qaraḍāwī, *Fatāwā Mu'āṣirah*, Vol. 2, p. 371; Muṣṭafā al-Sibā'ī, *Al-Mar'ah bayna al-Fiqh wa al-Qānūn*, p. 193).

Another important manifestation of women's political participation in early Islam was their authority to grant protection (*ijārah* or *amān*). An authentic narration reports that the Prophet (peace be upon

him) upheld the protection granted by Umm Hānī' bint Abī Ṭālib to one of the polytheists during the conquest of Mecca, declaring: **"We grant protection to whomever you have granted protection, O Umm Hānī'."**

(Saḥīḥ al-Bukhārī, Book of Jizyah, Ḥadīth No. 3171; Saḥīḥ Muslim, Book of Jihād, Ḥadīth No. 336). In Islamic jurisprudence, *ijārah* denotes the granting of security or safe-conduct to a non-Muslim or enemy combatant, based on the Qur'anic injunction: **"And if any of the polytheists seeks your protection, then grant him protection..."** (Qur'an 9:6).

Some contemporary scholars regard this institution as an early precursor to the modern concepts of asylum or political protection. More importantly, it illustrates the Sharī'ah's recognition of a woman's legal competence to make decisions carrying both political and international implications, thereby confirming her participation in matters of public concern within the early Islamic community (Ibn Ḥajar al-ʿAsqalānī, *Fath al-Bārī*, Vol. 6, p. 187).

On the basis of these textual and historical evidences, the overwhelming majority of contemporary Muslim jurists conclude that women possess the right to vote as the modern constitutional extension of the classical institution of *bay'ah*. Neither the Qur'an nor the Sunnah contains any authentic text prohibiting women from electing public representatives or casting their votes in elections. Furthermore, the established juristic maxim states that **"the basic rule concerning matters is permissibility unless there is evidence establishing prohibition."** Since no authentic evidence excludes women from exercising this right, contemporary scholars generally affirm its legitimacy. In this regard, Muṣṭafā al-Sibā'ī observes:

"The electoral process is nothing more than a form of legal representation (*wakālah*). If a woman is permitted to appoint an agent to manage her property and other legal rights, there is no legal objection to her appointing someone to represent her in legislative assemblies." (Muṣṭafā al-Sibā'ī, *Al-Mar'ah bayna al-Fiqh wa al-Qānūn*, p. 195).

Section Two: The Right to Stand for Election to Representative Assemblies

The majority of contemporary Muslim jurists maintain that one of the legitimate manifestations of political participation is a woman's right to stand for election to parliamentary bodies or consultative councils (*Majālis al-Shūrā*). They argue that such institutions do not constitute the Supreme Imamate (*al-Imāmah al-ʿUẓmā*), but rather perform legislative, supervisory, and consultative functions while giving practical effect to the Qur'anic principle of *shūrā* (consultation). Since no explicit and authentic Sharī'ah text prohibits women from serving as members of these bodies, they conclude that such participation is legally permissible. This view is principally based on the Qur'anic verses:

"...whose affairs are conducted by mutual consultation (*shūrā*) among them." (Qur'an 42:38) and

"The believing men and the believing women are allies of one another..." (Qur'an 9:71).

According to this interpretation, these verses establish that both men and women share responsibility for participating in the management of public affairs and promoting the welfare of society (al-Ṭabarī, *Jāmi' al-Bayān*, Vol. 21, p. 547; Ibn ʿAshūr, *Al-Taḥrīr wa al-Tanwīr*, Vol. 25, p. 126).

With regard to the well-known Prophetic tradition, **"No people will prosper who entrust their affairs to a woman,"** proponents of this view argue that the ḥadīth should be interpreted as referring specifically to the office of the Supreme Imamate or the headship of the state. In their view, it does not extend to membership in representative assemblies, since these institutions do not exercise independent sovereign authority. Rather, they operate as collective bodies whose functions are

consultation, legislation, and oversight, with decision-making based on institutional deliberation rather than individual rule (al-Qaraḍāwī, *Fatāwā Mu'āṣirah*, Vol. 2, p. 373; Wahbah al-Zuhaylī, *Al-Fiqh al-Islāmī wa Adillatuh*, Vol. 8, p. 6052).

Supporters of this position further rely on the historical precedent of the Second Pledge of al-'Aqabah, during which the Prophet Muhammad (peace be upon him) instructed the people of Madinah to select twelve representatives (*nuqabā'*) from among themselves, saying: **"Choose for me twelve leaders from among you."** The historical accounts do not indicate that women were excluded from participating in this process of selection, leading these scholars to argue that the original legal presumption is one of permissibility unless a specific text establishes a restriction (Ibn Hishām, *Al-Sīrah al-Nabawīyyah*, Vol. 2, p. 43). They also cite the consultation between the Prophet (peace be upon him) and Umm Salamah during the Treaty of al-Ḥudaybiyyah. Faced with a critical political crisis, the Prophet accepted her advice, which ultimately prompted the Companions to comply with his instructions. This incident demonstrates the confidence placed in women's judgment and their ability to contribute effectively to political consultation and crisis management (Ṣaḥīḥ al-Bukhārī, Book of Conditions, Ḥadīth No. 2731).

Advocates of this position further observe that the Qur'an itself responded to a woman's plea and affirmed the legitimacy of her argument, as expressed in the verse:

"Indeed, Allah has heard the words of the woman who disputed with you concerning her husband..." (Qur'an 58:1).

They contend that this verse reflects the respect accorded by Islam to women's opinions and their participation in addressing issues of public concern. It demonstrates that women are not excluded from the public sphere but are recognized as active contributors to the welfare of society. Accordingly, Muṣṭafā al-Sibā'ī argues that a woman's membership in representative assemblies is fundamentally no different from her participation in education, healthcare, or other public professions, provided that the relevant Sharī'ah regulations are observed. In his view, eligibility for public office should be determined by competence, integrity, and the realization of the public interest (*maṣlahah*), rather than by gender alone (Muṣṭafā al-Sibā'ī, *Al-Mar'ah bayna al-Fiqh wa al-Qānūn*, p. 198).

Section Three: Women's Right to Hold Non-Elective Public Offices

Islamic jurisprudence has addressed the issue of women's eligibility to hold non-elective public offices within the broader framework of public authority (*wilāyah 'āmmah*). The majority of contemporary Muslim jurists conclude that women may occupy a wide range of administrative and ministerial positions, provided that they possess the requisite competence, integrity, and trustworthiness. Most scholars, however, continue to exclude the office of the Supreme Imamate (*al-Imāmah al-'Uẓmā*), relying on the previously cited ḥadīth narrated by Abū Bakrah, which they interpret as applying exclusively to the caliphate or the headship of the state (Wahbah al-Zuhaylī, *Al-Fiqh al-Islāmī wa Adillatuh*, Vol. 8, p. 6055; al-Qaraḍāwī, *Fatāwā Mu'āṣirah*, Vol. 2, p. 376).

Classical Muslim jurists classified the office of minister (*wizārah*) into two principal categories. The first is the Ministry of Delegated Authority (*Wizārat al-Tafwīd*), in which the caliph delegates broad executive powers to the minister, authorizing him to administer state affairs and make decisions on the ruler's behalf. In this capacity, the minister exercises most of the ruler's executive functions, making this position broadly comparable to that of a prime minister in contemporary parliamentary systems (al-Māwardī, *Al-Aḥkām al-Sulṭāniyyah*, p. 42). The second category is the Ministry of

Execution (*Wizārat al-Tanfīdh*), in which the minister's role is limited to implementing the caliph's directives and administering governmental affairs without independent decision-making authority. This model resembles the position of a cabinet minister or secretary of state operating within the general policy framework established by the head of state or head of government (Abū Ya'la al-Farrā', *Al-Aḥkām al-Sulṭāniyyah*, p. 57).

Many contemporary Muslim scholars maintain that modern ministerial and administrative offices do not constitute the Supreme Imamate in its classical juristic sense. Rather, they are executive and administrative positions characterized by institutional specialization and the distribution of governmental responsibilities. Consequently, they argue that women may legitimately occupy such offices whenever they satisfy the requirements of competence, integrity, and professional qualification. This position has been adopted by prominent contemporary scholars, including Yūsuf al-Qarāḍāwī, Muḥammad al-Ghazālī, Maḥmūd Shaltūt, Muḥammad Rashīd Riḍā, and Muṣṭafā al-Sibā'ī, among others. These scholars emphasize that Islamic law regards eligibility for public office as dependent primarily upon the ability to discharge public responsibilities effectively and to realize the public interest (*maṣlaḥah*), while remaining fully committed to the ethical and legal principles governing public service under the Sharī'ah (Shaltūt, *Al-Islām: 'Aqīdah wa Sharī'ah*, p. 245; Muḥammad al-Ghazālī, *Qaḍāyā al-Mar'ah bayna al-Taqālīd al-Rākidah wa al-Wāfīdah*, p. 145; Muṣṭafā al-Sibā'ī, *Al-Mar'ah bayna al-Fiqh wa al-Qānūn*, p. 201).

Conclusion

This study has concluded that the issue of **women's political rights in Islamic jurisprudence** is among the most extensively debated subjects in both classical and contemporary Islamic legal scholarship. This is primarily due to the interaction between the revealed texts and the evolution of political systems, as well as the differences between historical and modern state structures. The study demonstrates that Islamic law recognized women as possessing an independent legal personality from the very beginning of the Islamic message, granting them full legal capacity to bear rights and obligations and establishing them as partners with men in fulfilling the responsibility of vicegerency (*istikhlāf*) and the development of the earth. This is based on the Qur'anic verses: "*The believing men and believing women are allies of one another*" (Qur'an 9:71), and "*Women have rights similar to those against them, according to what is equitable*" (Qur'an 2:228). Likewise, the Prophet Muhammad (peace be upon him) affirmed this principle by stating: "**Women are the counterparts (or twin halves) of men**" (Reported by Abū Dāwūd, Hadith No. 236; authenticated by al-Albānī). The study further reveals that Islam preceded many modern legal systems in recognizing women's civil, social, and political rights at a time when women in numerous ancient civilizations were deprived of even the most fundamental human rights. Islamic law granted women the right to pledge allegiance (*bay'ah*), to offer consultation (*shūrā*), to express their opinions, and to participate in public affairs. It also recognized their right to participate in selecting those entrusted with governing the Muslim community, which corresponds in contemporary constitutional systems to the right to vote. Moreover, Islam permitted women to contribute to various aspects of public life within the framework of the legal regulations established by the Sharī'ah to safeguard religion, life, the family, and society.

The study also demonstrates that the disagreement among Muslim jurists has never concerned women's human dignity or legal capacity. Rather, the controversy has been confined to the scope of certain public offices, particularly the supreme leadership of the state (*al-imāmah al-ʿuẓmā*). While

the majority of classical jurists maintained that women should not occupy this position, many contemporary scholars have adopted a broader approach by permitting women to participate in a wide range of political and administrative positions, while continuing to differ regarding the office of the head of state. This diversity of juristic opinions reflects the continued openness of *ijtihād* in political matters and indicates that many rulings governing political authority remain closely connected to considerations of public interest (*maṣlaḥah*) within the framework of the objectives of Islamic law (*Maqāṣid al-Sharī'ah*).

Furthermore, the study concludes that the relationship between men and women in the Islamic worldview is founded upon complementarity, cooperation, and the sharing of responsibilities rather than competition or conflict. Each has distinct functions and responsibilities that contribute to the welfare of the family, society, and the state. Consequently, women's participation in political life does not contradict their family responsibilities, provided that an appropriate balance is maintained between public duties and family obligations. Islam neither considers women's family role as a justification for denying their other legitimate rights nor regards public participation as an excuse for neglecting family responsibilities. Instead, it advocates a balanced approach based on moderation and the harmonious integration of rights and obligations.

Based on the foregoing discussion, the principal findings of the study may be summarized as follows:

- ✓ The study confirms that Islamic law honored women by recognizing their independent legal personality and granting them several political rights from the earliest period of Islam, particularly the rights of *bay'ah*, consultation, and participation in public affairs.
- ✓ Islamic jurisprudence has never reached a unanimous consensus prohibiting women from exercising political rights. Rather, juristic opinions have been divided into several approaches, the most prominent of which permits women to participate in most public offices while excluding the supreme leadership of the state according to the majority of contemporary scholars.
- ✓ Women's rights to vote, stand for election, and serve as members of representative councils are supported by the general Qur'anic principles of consultation (*shūrā*), enjoining good and forbidding evil, as well as by practical precedents established during the Prophetic era and the period of the Rightly Guided Caliphs.
- ✓ Many juristic disagreements stem from differing interpretations of the textual evidence relating to public authority and from the substantial differences between the structure of the modern state and the historical institution of the Caliphate.
- ✓ Eligibility for public office in the contemporary state should primarily be determined by competence, trustworthiness, and the realization of the public interest, within the framework of the principles and objectives of Islamic law.
- ✓ The relationship between men and women in Islam is one of cooperation and complementarity rather than conflict, and the prosperity of society depends upon the harmonious fulfillment of their respective responsibilities in building both the family and the state.

In light of these findings, the study proposes the following recommendations:

- ✓ Promoting comparative academic research between Islamic jurisprudence and constitutional law concerning women's political rights in order to contribute to the development of contemporary Islamic legal thought.

- ✓ Organizing academic conferences, seminars, and specialized training programs aimed at introducing women's rights in Islam and correcting widespread misconceptions concerning their political and social status.
- ✓ Enhancing legal and Sharī'ah awareness regarding women's rights and responsibilities to encourage their constructive participation in public life within the framework of Islamic legal principles.
- ✓ Encouraging scholars and specialists in Islamic law, constitutional law, and political science to examine emerging issues related to women's political participation in light of the objectives of Islamic law and the realities of the modern state.
- ✓ Supporting objective scholarly dialogue on women's issues, free from ideological bias or preconceived assumptions, in order to develop a balanced vision that reconciles the authenticity of Islamic law with contemporary societal needs.
- ✓ Giving greater attention to historical and contemporary examples of Muslim women's contributions to public life, thereby reflecting the Islamic conception founded upon justice, complementarity, and shared responsibility.

In conclusion, despite the diversity of juristic opinions, Islamic jurisprudence has established a balanced framework for women's participation in political life. This framework seeks to preserve the objectives of Islamic law, protect the family institution, and enable women to contribute effectively to the service of their societies and states. It thus embodies the principles of shared vicegerency (*istikhlāf*), human development, justice, equality, and complementarity that constitute the core values of the Islamic Sharī'ah.

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