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## **Reinstating the Queens: Reassessing the Hadith on Women's Political Leadership**

The leadership of women at the highest political level remains an ongoing controversial issue for Muslims.<sup>1</sup> And yet women have led both medieval and modern Muslim societies – Pakistan, Indonesia, and Bangladesh – thereby rendering this debate, in practice, moot. But quite a few Muslim men consider this reality as an abomination and perversion.

In his *Al-Aḥkām al-Sulṭānīyah wa al-Wilāyāt al-Dīnīyah*, al-Mawardi (d. 1058) discusses the imamate in the sense of the caliphate (*khilāfah*: Islamic leadership) and lists its conditions.<sup>2</sup> Rather surprisingly, gender is not one of them. However, Asghar Ali Engineer writes that “al-Mawardi maintained that a woman cannot be made head of state.”<sup>3</sup> Although the gender clause is not found in *Al-Aḥkām al-Sulṭānīyah* written by the Hanbali Abu Ya‘la al-Farra’ (d. 1113) and other early works, later scholars categorically include it.

The Shafi‘i Ahmad ibn Ali al-Qalqashandi (d. 1418) cites masculinity as the first of the fourteen conditions of eligibility. He bases his decision on the hadith reported by al-Bukhari and narrated by the Companion Abu Bakra. This scholar explains how a leader has to mingle with other men to discuss state affairs, an act that Islam prohibits for women. He adds that “because a woman is incomplete in her own right, as she does not even control her marriage, she cannot be made a leader over others.”<sup>4</sup> I contend that his and similar remarks are seriously influenced by cultural circumstances, ones that are not truly reflective of Islam.

### **The Hadith and Its Narrator**

Al-Bukhari reported that Abu Bakra (Nufay‘ ibn al-Harith) narrated that “when news reached the Prophet that the Persians had made Khosrau’s (Kisra Shirawayh) daughter (Buran) their queen, he said: ‘Never will such a people succeed who make a woman their ruler.’” This hadith has been used ever since to deprive women of holding leadership (e.g., leader and judge) positions. In his commentary on al-Bukhari, al-Qastalani (d. 1517) claims that this is the

majority opinion.<sup>5</sup> However, scholars actually hold three different positions: (1) It pertains to all women and all kinds of leadership, (2) it applies only to the caliphate, and that (3) it is either a fabrication or a narration by a single person. If the latter is true, the hadith must be considered inadmissible, especially in constitutional matters.

On the first position, scholars point out that its proponents neither related this hadith to various Qur'anic verses about female leadership, nor did they connect it to other related ones or to the totality of the Shari'ah or Islam's worldview. As a result, for the sake of fairness, it is suggested that this hadith must be understood in light of the others that are specific to Persia and Khosrau as opposed to being viewed in terms of a specific historical incident.

"Therefore, the hadith is specific to Persians under the umbrella of prophecy [foretelling the fates of other people] and glad tidings [for Muslims], and not in the domain of passing a legal ruling."<sup>6</sup> Although Islamic jurisprudence contains a principle that "considers the generality of the word rather than the specificity of the cause (*al-'ibra bi 'umūm al-lafz, lā bi khuṣūṣ al-sabab*)," there is strong evidence in this case to warrant that it be made specific. The evidence for this statement is the Qur'an's acknowledgement that the Queen of Sheba was a wise ruler who led her people to success [both religiously and politically] (Q. 27: 23-44).

This point is significant, since the Qur'an never discounts this particular example. Furthermore, Ibn Hajar al-Asqalani's (d. 1449) observation that the hadith serves as a complement to the story of Khosrau, who destroyed the Prophet's letter to him, strengthens the argument. This incident prompted the Prophet to pray that Persia's ruler and monarchy be destroyed. A hadith narrated by Ibn Abbas (d. 687) that actually precedes the "lack of success hadith" in al-Bukhari states:

The Messenger of God sent a letter to Khosrau (Barwiz) through Abd Allah ibn Hudhafa al-Sahmi. He ordered the latter to deliver it to the leader of al-Bahrayn (al-Mundhir ibn Sawi al-'Abdi), who, in turn, sent it to Khosrau. When he read it, he tore it up. I [al-Zuhri] believe Ibn al-Musayyib said: "Then the Messenger of God prayed that they be destroyed completely."<sup>7</sup>

Ibn Hajar explains how this prayer and prophecy came true by citing another hadith, one that proclaims that Khosrau wrote to Badhan, his representative in Yemen, and told him to send two people to the Prophet. Upon reading Badhan's message, the Prophet asked his emissaries to return home and inform their king that "My Lord killed your Lord last night."<sup>8</sup> This was the beginning of the series of events that resulted in the enthronement of Khosrau's daughter.

It is believed that the son (Shirawayh) had killed his father (Barwiz) in order to ascend the throne and that, before this, the father had been plotting to kill his son. The son died six months after his father. But, according to al-Qastalani, he had already killed all of his brothers so that the only family member left to succeed him was his daughter Buran.<sup>9</sup> The Prophet, upon learning of this, prophesied a dire fate for the people of Persia, as opposed to a statement of general application. As such, this hadith cannot be considered a religious ruling that disqualifies women from leadership positions.

As for the second position, its advocates have failed to consider the hadith in the context of other hadiths and the lack of any authentic proof that it specifies political leadership. The third position was faulted for totally rejecting the hadith as fabricated or as unworthy of consideration simply because only one person narrated it. However, this last position is perhaps the most significant, and possibly the most damning, one. Therefore, probing this issue further is necessary because its reliability, or lack thereof, could be a decisive factor in this debate. This is also imperative because the entire disqualification argument is based solely upon this hadith.

Questioning a hadith's reliability is usually due to its chain of transmitters (*sanad*) or text (*matn*). As Abu Bakra was the only Companion to narrate it, which he did for the first time some twenty-five years after Prophet's death, some modern scholars have subjected him to intense scrutiny. But before looking at their arguments, let's consider some biographical details about him recorded by earlier scholars.

In his *Usd al-Ghābah*, Ibn al-Athir (d. 1232) introduces this person as Nufay' ibn al-Harith ibn Kalada and then quickly points out that he might have been a son of al-Harith's slave Masruh.<sup>10</sup> He was called Abu Bakra because he was riding a young female camel (*bakra*) when joined the Muslims during the siege of Ta'if. The Prophet freed him upon his conversion, which conferred upon him the status of *mawlā rasūl Allāh*.

Most importantly, Ibn al-Athir points out that Abu Bakra was one of the distinguished (*fuḍalā'*) and finest Companions. But he was also one of those who accused al-Mughirah ibn Shu'bah, a fellow Companion, and a certain woman of adultery. Moreover Caliph Umar ordered him to be flogged for slander (*qadhf*) and then asked him to repent in order to avoid being discredited and regarded as an untrustworthy witness for the rest of his life. Abu Bakra refused to do so, saying that "Of course (*lā jaram*) [then], I will never bear witness between two [others]."<sup>11</sup> Although his sterling reputation is severely tainted, it seems that historians and Hadith compilers were willing to forgive or simply ignore the consequences of his conviction for bearing false witness.

Muhyi al-Din al-Nawawi (d. 1277), the well-known traditionist and commentator on *Ṣaḥīḥ Muslim*, echoes the same positive sentiment<sup>12</sup> in his *Tahdhīb* to such an extent that he does not even mention Abu Bakra's "false accusation" and punishment. One suspects that al-Nawawi's concern was to portray him as reliable and capable of narrating hadiths, for he mentions that this Companion narrated approximately 132 hadiths, eight of which both al-Bukhari and Muslim agreed upon (al-Bukhari reports five of Abu Bakra's other hadiths; Muslim reports a single additional hadith). For these hadith scholars to report and record a person's hadiths in their books is quite a recommendation of their authenticity. It is, therefore, hardly surprising that al-Nawawi chose not to inform his readers of Abu Bakra's tainted image. What is puzzling, however, is how he or even al-Bukhari and Muslim could have ignored that particular information, given the gravity of such a punishment (Q. 24: 4-5) and its serious implications in terms of narrating hadiths.

For his part, Ibn Kathir (d. 1372) reiterates in his *Al-Bidāyah* what had already been said about this Companion's originally distinguished character and the consequences of his punishment. He adds a report on Abu Bakra's neutral position during the Battle of the Camel.<sup>13</sup>

Some contemporary scholars, among them Fatima Mernissi and Jamal al-Banna, totally reject the reliability of Abu Bakra. After reviewing some of the earlier historiographers' statements, al-Banna remarks:

These statements speak of his virtue, but they do not deny the huge stain (*shā'ibah*) that is attached to him, a [stain] from which he did not repent alongside the other people. And this has impacted his honesty and probity as well as the soundness and integrity of his hadith. For the Qur'an is clear that: "and those who accuse chaste women and produce not four witnesses, flog them with eighty stripes, and reject their testimony forever. They indeed are the disobedient to Allah. Except those who repent thereafter and do righteous deeds; verily, Allah is Oft-Forgiving, Most Merciful." (Q. 24: 4-5)<sup>14</sup>

Even though this verse seems to require that the accuser be flogged, Muslims understand it to include all witnesses, should they number less than four. And if Umar actually punished this Companion and asked him to repent, then why, after his refusal to do so, should his "isolated" hadith be accepted, especially in light of the verse? The only possible explanation as to why scholars as rigid and strict as al-Bukhari and Muslim reported it is the general consideration that all Companions were honest in this regard. However, it seems that both of them committed a serious violation of the Qur'anic injunction by accepting this particular hadith and some of his other ones.

Does this mean that the complex discipline created by the traditionists to assess chains of transmitters does not apply to Companions? Otherwise, Abu Bakra's refusal to repent would have rendered him unreliable. But for modern scholars such as al-Banna, no one, including highly respected Companions, is exempt from the rule of the Qur'anic verse because nothing is more important than narrating the Prophet's hadith, particularly when it involves such decisive matters. Therefore, al-Banna suggests that Abu Bakra's hadith be rejected and that qualified Muslim women be allowed to assume their rightful leadership positions.<sup>15</sup>

Then there is the hadith's text, which some scholars consider "corrupt" due to its several versions and renditions. This is a problem for modern scholars, for who can be certain of the Prophet's exact words? Nevertheless, a strong case can be made for interpreting the hadith as specific only to Persia's future (not a general ruling) or for rejecting it and its implications for the reasons given above.

## **This Issue**

We begin with David Belt's "Islam as a Platform for Politics: The Post-9/11 U.S. Conservative Popular Security Discourse." His analysis provides a framework that conceptualizes popular discourses as interested fields of political struggle, deepens the characterization of this popular discourse as "Islamophobia," and analyzes how it has functioned politically at the domestic level. Belt specifically examines how a part of the conservative elite and institutions seized upon Islam as another opportune space to advance their struggle against their domestic political opponents.

Md. Mahmudul Hasan's "Discovering Doris Lessing: Convergences between Islam and Her Thoughts," which looks at this controversial British author's thoughts and locates possible commonalities with certain facets of Islamic thought. Hasan shows that her diverse ideas have various elements in common with Islamic perspectives.

AbdulHameed Badmas Yusuf's "On the Limitation and Openendedness of the Shari'ah's Necessary Universals: A Perspective" critically examines the viewpoints of various modern scholars who oppose limiting the necessary universals to five. He further establishes that these five values precisely represent humanity's basic needs. As such, the other proposed values can be regarded either as means or as complements to them.

This issue ends with Zahra Seif-Amirhosseini's "The Growing Trend of Homeschooling in the Washington Metropolitan Area Muslim Community,"

in which she shows that the main reasons for this are very similar to those of non-Muslim homeschoolers: religion, family values, and a morally based education provided in a safe environment.

I hope that our readers will find these papers not only thought-provoking and stimulating, but also sources of inspiration and motivation for their own research.

## Endnotes

1. The modern debate on this issue began when Benazir Bhutto was elected prime minister of Pakistan in 1988. Charles Amjad-Ali, "Women Leadership in Islam," *Al-Mushīr* 31, no. 4 (1989): 123. For more on medieval-era female leaders, see Fatima Mernissi, *The Forgotten Queens of Islam*, trans. Mary Jo Lakeland (Cambridge: Polity Press, 1994).
2. Ali Ibn Muhammad al-Mawardi, *Al-Aḥkām al-Sulṭānīyah wa al-Wilāyāt al-Dīnīyah* (Beirut: Dar al-Kitab al-Arabi, 1994), 29-32.
3. Amjad-Ali, "Women," 130.
4. Ahmad ibn Ali al-Qalqashandi, *Ma'āthir al-Ināfa fī Ma'ālim al-Khilāfah* (Beirut: Alam al-Kutub, 1980) 1:31-32.
5. Shihab al-Din Ahmad al-Qastalani, *Irshād al-Sārī li Sharḥ Ṣaḥīḥ al-Bukhārī* (Beirut: Dar al-Fikr, 1990), 9:464.
6. Hibah Ra'uf 'Izzat, *Al-Mar'ah wa al-'Amal al-Siyāsī: Ru'ya Islāmīyah* (Herdon, VA: International Institute of Islamic Thought, 1995), 132-34.
7. Ahmad ibn Hajar al-Asqalani, *Fath al-Bārī bi Sharḥ Ṣaḥīḥ al-Bukhārī* (Beirut: Dar al-Ma'rifah, 1980), 8:126.
8. *Ibid.*, 127.
9. Al-Qastalani, *Irshād*, 9:464.
10. Abu Bakra himself reportedly said: "I am one of you in the religion, for I am a client (mawlā) of the Messenger of God. But if people insist on associating me [to my genealogy], then I am Nufay' ibn Masrūh." Ibn al-Athir, *Usd al-Ghābah fī Ma'rifat al-Ṣaḥābah* (Cairo: Dar al-Sha'b, 1970), 6:38.
11. *Ibid.*
12. Muhyi al-Din al-Nawawi, *Tahdhīb al-Asmā' wa al-Lughāt* (Cairo: al-Sina'at al-Muniriyyah, n.d.), 2:198.
13. Ibn Kathir, *Al-Bidāyah wa al-Nihāyah* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1985), 8:59.
14. Jamal al-Banna, *Al-Mar'at al-Muslimah bayna Tahrīr al-Qur'ān wa Taqyīd al-Fuqahā'* (Cairo: Dar al-Fikr al-Islamii, 1998), 81.
15. *Ibid.*, 82.

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## *Obituary*

# **In Celebration of the Life of Shaykh Taha Jabir al-‘Alwani**

**May 12, 1935 – March 4, 2016**

Shaykh Taha Jabir al-‘Alwani – professor of jurisprudence (*fiqh*) and the principles of jurisprudence (*uṣūl al-fiqh*); president of the School of Islamic and Social Sciences (SISS), which later became the Graduate School of Islamic and Social Sciences (GSISS); president of the Fiqh Council of North America, holder of the Imam Al-Shafi‘i Chair in Islamic Legal Theory at Corboda University; founding member and president of the International Institute of Islamic Thought (IIIT); founder-member of the Council of the Muslim World League in Makkah; member of the Organization of Islamic Cooperation’s Islamic Fiqh Academy in Jeddah; prolific writer; and world renowned Islamic scholar and expert in Islamic legal theory, jurisprudence, the principles of jurisprudence, Qur’anic sciences, and general Islamic thought – passed away on March 4, 2016, at Ireland’s Shannon Airport while stopping over on his way from Cairo to Washington, DC.

An intellectual giant, friend, father, husband, and teacher, he leaves an immense void in the lives of many people. The Muslim world mourns his loss and is the poorer for it.

Shaykh Taha spent his life serving humanity and the truth, working tirelessly not only to elucidate the principles and methodology of Islamic jurisprudence, but also to remove many of the myths and prejudices that had, over time, become entwined with Muslim cultural traditions and gained a strong foothold in the Muslim mind.

Shaykh Taha always took account of Islam as it is being practised in the modern world. For example, his seminal work *Apostasy in Islam* (2011), a masterful example of historical and scriptural

analysis, bravely disputes certain perspectives by placing its profound analysis firmly within a Qur'anic context so that the ongoing debate on this controversial issue could not be hijacked. His book *The Ethics of Disagreement in Islam* (1993), in a rather visionary sense, offered a methodology for resolving intra-Muslim conflicts.

Shaykh Taha always took into consideration the traditional approaches of studying the Islamic textual sciences and other fields of knowledge, giving primary importance to the Qur'an, followed by the Sunnah, the actions of the Sahabah, and, finally, scholastic interpretation. He not only understood his specialized subjects but also people, which enabled him to connect with Muslims residing in both the East and West, the young as well as the old. Thus it is little wonder that he became one of the contemporary Muslim world's great voices and that his life demands our notice and reflection.

Prophet Muhammed stated: "Who is the most favored of God? The one from whom the greatest good comes to His creatures."

Like all great scholars, Shaykh Taha shared a tremendous love of knowledge and this, when twinned with his even greater passion for faith, led him to try to achieve the highest standards in pursuit of both, a path that he traversed until his final days.

Born in Fallujah, Iraq, on May 12, 1935, he began studying at a very young age with some of Iraq's most prominent Islamic scholars. He continued his education at al-Azhar University, where he obtained a PhD in Islamic jurisprudence in 1973.

Always seeking to engage with people, even during his studies Shaykh Taha would look for ways to share his knowledge, as well as his spiritual and other insights, with others. Hence, by the 1950s and 1960s he was already teaching Islamic law, preaching, writing, delivering speeches, and involving himself in various activities. As a young man, he championed truth and reformation, empathized with the plight of those around him, and was not afraid to boldly oppose the socialist Ba'ath Party, a stance that ultimately forced him to leave Iraq in 1969.

But far from dampening his spirits, this enabled him to come into his own intellectually by being appointed a lecturer at Riyadh's Imam Muhammad Ibn Saud Islamic University. He spent the next

ten years teaching, completing his PhD in Cairo, and contributing to initiatives there.

His spiritual and intellectual journey took him to the United States, where he continued to advance academically. His stature as a scholar kept on expanding, and his life took on a whole new dimension by becoming a platform for service and leadership as well as inspiring others. During this period of his life he became involved with the International Institute of Islamic Thought (IIIT). He enthusiastically promoted its vision by serving as a founding member of its Board of Trustees and as its president between 1988 and 1996.

This fortuitous encounter with the other founder members, a blessed meeting of people who shared a common outlook with regard to intellectual thought and reform, resulted in lifelong friendships based upon a deep mutual affection that only became stronger as the decades passed. Eminently practical, like his fellow colleagues he strove to marry intellectual exploration and religion with action.

Everyone who met Shaykh Taha instantly liked him and sought to cultivate his friendship. Soon his reach was global, for he could – and did – touch the hearts and elevate the minds of people everywhere. His large frame and gentle demeanor, often seen behind a desk with papers and books surrounding him on all sides, became the image that people have come to most associate with him.

People are remembered by the footprints they leave behind. Recounting IIIT's formation, AbdulHamid AbuSulayman describes Shaykh Taha's arrival as completing the Islamic legal dimension of the institute's work and thought. Nadia Mustafa recounts that when Shaykh al-'Alwani took over direction of the research teams at IIIT's Cairo office in 1986, he completely transformed the teams by inspiring their members to adopt a much broader and global vision. Evidently Shaykh Taha left his mark wherever he went.

His contributions to IIIT began even earlier, specifically at a 1977 Islamic conference convened in Lugano, Switzerland, where over thirty scholars and thought leaders from all over the world gathered. This was where the decision was taken to establish the

IIIT with its headquarters in the United States. Shaykh Taha brought an evolved juristic mind to all of his reformation endeavors and to his leadership role at IIIT.

Fully dedicated to the institute, his life shows how tirelessly he worked to serve its mission while simultaneously engaging in a wide range of other Islamic intellectual activities. While living in the United States he participated in numerous local and international scientific academies. Among these were the following: founding member of the Muslim World League in Jeddah, founding head of the Islamic Fiqh Council of North America, founding editor-in-chief of the *Islāmiyat al-Ma'rifah* journal, and founding head of SISS (later GSISS) in Leesburg, VA. In recognition of his highly developed acumen and growing prominence in Islamic intellectual thought, he was the first professor to be appointed to the joint program of Islamic studies offered by ten American universities in the Greater Metropolitan Washington, DC, area.

A life-long exemplary seeker of knowledge, he constantly pushed himself through reading, research, and discussions with others. He labored to develop the formulation, clarification, and articulation of his ideas. However, in all humility and sincerity he would change them when he saw fit to do so, for his attachment was not to those ideas but to the truth. His personal mission was to attain greater self-awareness in order to spread as widely as possible the essence of the Qur'an to the best of his ability. He lived to convey its message and the Sunnah in actionable terms for people in different cultures and localities so that they could live virtuous and successful lives.

It is no wonder, then, that Shaykh Taha sought to instruct and deliver knowledge, deeply rooted in his academic specialization, in the principles of jurisprudence and a jurisprudence of minorities (*fiqh al-aqalliyāt*), as most applicable to issues of modern Islamic thought and everyday concerns for people in different places. His lifelong concern was to enhance their lives directly and guide them to their own higher awareness and the truth. In pursuit of this goal, during the last decade of his life he devoted himself completely to reflecting upon the Qur'an. He published approximately ten books on related themes; a further eight books on his deepest reflections will be published soon.

Shaykh Taha's approach could also be described as a "jurisprudence of reality," for he married higher-level academic thought with reason and basic common sense and then made his insights available so that people could both conceptually understand and apply them to their every day lives. One way in which he sought to do this was to use a categorization of the five fundamental aims of Islamic Law (*maqāṣid al-Sharī'ah*) and implement it to deal with particular situations and concerns. His mastery of this approach to jurisprudence helped him found and lead the Fiqh Council of North America and establish a critically needed methodology to develop a *fiqh* for Muslim minorities.

Shaykh Taha was blessed with other qualities that enabled him to serve with such intensity. Many people were aware of his encyclopaedic memory, due to the astonishing ease with which he could quickly recall verses from the Qur'an, Prophetic Hadiths, and statements made by Muslim jurists, complete with their sources.

Whenever he was charged with issuing a fatwa, Shaykh Taha would diligently seek out input from people with expertise on the issue around which it revolved. He took equal care to consult Muslim scholars throughout the world, as well as Muslim minority communities. And thus his rulings were a communal interpretative effort, which illustrated the principle of consultation in practice.

Shaykh Taha, a man of incredible courage and strength who empathized with people and understood ordinary human existence, never backed down in the face of harsh criticism and backlash. Rather, he would continue the good fight by standing firm and resolute, voicing critical opinions and readaptations of thought that scholars sought to isolate from reform. His critiques and readaptations entailed a process of prudent textual interpretation, linking the texts to their temporal and geographical milieus, rethinking long-established legal rulings in light of the Qur'an's authority over other texts, and bolstering reinterpretations and his dissenting views from the majority with compelling evidence. In this context, he would quote *Sūrat al-Aḥzāb* 39: "Those who convey God's messages [to the world], and stand in awe of Him, and hold none but God in awe: for none can take count [of humanity's doings] as God does." Shaykh Taha traversed and demonstrated a fearless path to revealing the essence of the Qur'an.

Shaykh Taha is greatly missed. He was an amazing individual whose like is seldom seen and whose intelligence, heart, and soul touched us in so many enduring ways. We count ourselves blessed to have known him.

May his son Ahmad and his daughters Zaynab and Ruqayya, as well as all family members, including his grandchildren, IIIT colleagues, and students find comfort that his essence, gifts, and love live on in each of them. May we choose to walk as firmly in the Prophet's footsteps as Shaykh Taha did. May our principles govern our actions as his did. May our passion for service in devotion to God and love of humanity blaze as brightly as his did, and may we submit ourselves to the truth as fearlessly as he did. We pay our deepest respects to Shaykh Taha Jabir al-'Alwani, to his life and legacy.

To God do we belong, and to Him shall we return.

IIIT Family