

Islāmic Guidelines for Women to Work and Hold Public Office Positions

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Abstract: *The issue of women working outside home and holding public office positions is a never ending issue in Muslim world. Researchers have concluded in their research that a woman is permissible to work outside home as well as to hold any public office positions as long she follows Islāmic guidelines. In fact, a truly Islāmic society actually must comprise of women who join the working forces. A part of discussing the main flaws of the scholars' arguments; this paper also discusses the Islāmic guidelines for women to work outside home and to hold public office positions. By the detailed discussion about the Islāmic guidelines, it is hoped that the disagreement opinions about the issue could be eliminated, or at least it can be reduced to a minimum level.*

Keywords: Women, work outside, public office positions and Islāmic guidelines

1. Introduction

Women can work and hold public office positions with Islāmic guidelines. This is the main finding of the main researcher's PhD dissertation [The PhD dissertation is entitled: "An Analytical Study of Women's Public Office Positions in Islāmic Jurisprudence: The Case of Malaysia" (in Arabic)]. In fact, there are many new positions nowadays; particularly for Malaysia whereby it also has Ministry of Women, Family and Community (The Ministry of Women, Family and Community, retrieved on 10/3/2015). This minister is mainly to cater women affairs in Malaysia and its main target group also is the women. Hence in Islām it could not be held by any men [The position actually still requires the woman to interact with some men, particularly the husbands. This is the reason for the researchers to also categorize it as one of "public office positions"; not a typical female office position]. The supporters and opponents have reasoned their opinions based on various arguments and sources. However analytical review of the literatures done by the researchers found that the on-going argument is much related to fanaticism among the adherents of *madhāhib* (Muslims sections of *fiqh*), current patriarchal culture and lack of profound understanding of the related texts (Asar AK & Bouhedda, 2015).

Both opinions discuss the issue as the traditional Muslim scholars have discussed it, i.e. by analyzing the related textual texts. They don't focus their discussion on the nature of women and the nature of the positions in detail. The supporters violate those valid texts of al-Qurān and Ḥadīth that state men should be appointed over women in the head of state or any positions that required strength in physical body. Their discussion about gender equality and *maṣlahah* (benefit) concepts seems like they reject the Prophet's saying which states that "People will not succeed when they appoint a woman to rule them" (Sahīh al-Bukhārī, ḥadīth no.: 4163). Meanwhile, the opponents appear that they exaggerate in their belief about *mafsadah* (evil) resulted from women to work outside home and to hold public office positions. In addition, the Muslims scholars seem do not

concern much on discussing about the detailed Islāmic guidelines for women to work outside home, let alone discussing those guidelines for holding public office positions.

2. Women are different from men

Women are different from men by nature and culture. It is known to all that a woman, compared to a man; is weak in the body structure; she could not endure what a man endures (Connell 1995: 45). This has been indicated by the Qurān: "So when she brought forth (the baby), she said: My Lord! Surely I have brought it forth a female and Allāh knew best what she brought forth. And the male is not like the female and I have named her Maryam (Mary) and I commend her and her offspring into Your protection from the accursed satan" (Sūrah Āl 'Imrān, 3: 36).

Women have their own nature, which is really different from the nature of men. A woman will undergo deficiencies in certain periods, where the mood is incomplete and disfunctional equilibrium such in the menstruation, pregnancy and postpartum. Therefore, Islām does not oblige a woman to be the breadwinner for herself nor her family. Her main roles are connected more at home, i.e. becoming a good daughter, wife and mother (Abu Fāris, 1420H/2000M).

3. Islāmic guidelines for women to work outside home and to hold public office positions

Islam has allowed women to buy, sell and lease; as well to involve in various trade or contract. A woman also can graze sheep or bring water to armies in the war. History of the Prophet Muḥammad and his companions also proves that Islām never prohibits women from leaving the house for work; especially to support her husband, her family, her parents, her relatives or herself. This fact also could be seen in the Qur'an, whereby Allāh has told us story of two daughters of prophet Shu'aib: {*And when he (prophet Mūsā*

as) arrived at the water (watering place) of Madyan, he found a group of men are watering (their flocks), and besides them he found two women who were keeping back (their flocks), he said: "What is the matter with both of you?", they said: "We cannot water (out flocks) until the shepherds take back (their flocks: and our father is a very old man} [al-Qur'ān, al-Qaṣaṣ, 28: 23].

Allāh also says that a woman can own money by the job she earns: {Whatever men earn, they have a share of that and whatever women earn, they have a share in that} - [al-Quran, al-Nisā', 4:32]. Hence preventing a woman from working outside home without any clear justification is contradictory action to verse. In fact, the *fatwa* (Islāmic decree) that is not based on any clear legal text; it merely based on the evil assumption against all women. Women have their right to go out of home to work or to hold public office positions provided they adhere to Islamic guidances. Without the guidances, a woman definitely is prohibited to go out home to work nor to hold any public office positions.

3.1 Islāmic guidelines for women to work outside home

These guidelines were drawn by the researchers from the writings of Muslim scholars on the subject. The researchers have categorized them into three main sections, they are as follows:

1) Those guidelines that related to women themselves

a) It should be out a permissible need

The permissible need for a woman to work outside might be as follows (al-Qarādāwī, 1418H/ 1998M):

- If she really needs the job, as if she is a widow or divorced or unmarried who does not have a resource or a breadwinner. By working she can avoid the humiliation of asking people to support her.
- Sometimes she needs to work to support her family such as to help her husband in alimony or to help younger siblings or her father. This was mentioned in the Qur'ān when Allāh swt told the story of two daughters of prophet Shu'aib [al-Qur'ān, al-Qaṣaṣ, 28: 23].
- It also may be the community in need of women's work, as in medicine and nursing women and girls' education, in which all are related to women. A woman in Islām at the first place should be treated by a woman; treatment by a man is accepted in *ḍarūrah* (necessity) and the necessity should not be exaggerated.

Regarding the verse of al-Qur'ān that ordered the wives of the Prophet saw to abide in their homes: {And abide in your houses and do not display yourselves as [was] the display of the former times of ignorance} [al-Qur'ān, al-Aḥzāb, 33: 33]. This verse came in the context of a series of etiquettes that Allāh enjoined upon the wives of the Prophet saw and Muslim women should follow the example of them in such etiquettes. In short, the verse orders the wives of the Prophet pbuh and Muslim women in general, to abide in their homes and not to go outside their homes as long as there is no need. Ā'ishah ra said that the Prophet pbuh said to women: ((Permission has been granted to you that you may go out for your needs)) - [Ṣaḥīḥ al-Bukhārī: no. 4939, vol. 5, p.2006; Ṣaḥīḥ Ibn Khuzaimah: no. 54, vol. 1, p. 32].

b) The permission of husband or guardian

The permission of the husband or the guardian of the woman must be obtained before going outside her home to do permissible work, because they are responsible for her before Allāh swt. Allāh Ta'ālā says: {O you who have believed, protect yourselves and your families from the hell whose fuel is people and stones...} - [al-Qur'ān, al-Taḥrīm,66:6].

Allāh the Almighty made it obligatory upon believers to protect themselves and their families from the hell. Therefore, it becomes obligatory upon the husband or the guardian to protect those people whom Allah the Almighty charged him with their responsibility, and they in turn have to obey him.

Ibn 'Umar, may Allah be pleased with him, said that the messenger of Allāh saw, said: ((Surely! Everyone of you is a guardian and is responsible for his charges: The imām (ruler) of the people is the guardian and is responsible for his charges; the man is the guardian of his family (household) and is responsible for his charges; the woman is the guardian in her husband's home and she is responsible for her charges; and the slave is the guardian of his master's property and he is responsible for his charges. Surely, every one of you is a guardian and responsible for his charges." [Ṣaḥīḥ al-Bukhārī: no. 853, vol. 1, p.304; Ṣaḥīḥ Ibn Ḥibbān: no. 4489 & 4490, vol. 10, p. 342]

In this ḥadīth, the Prophet saw, clarified that Allah will ask every guardian about what He charged him with, whether he preserved his charges or wasted them. Accordingly, the guardian has rights and duties. Some of his rights are to be obeyed as long as he does not order disobedience to Allāh swt. Hence, if the woman wants to work, she must seek permission of her husband or guardian. A survey conducted by the researchers also indicates that the majority of the respondents (81%) see that the most important factor that helps a woman to work outside is the husband's consent or permission

Table 1: Descriptive statistics of the respondents who agree about the main factor which helps women to work outside home

		Male	Female	Total (Frequency)	Percent
Work_factor (for woman)	Husband	141	158	299	81.0
	Employer	3	11	14	3.8
	Self (her self)	22	27	49	13.3
	Maid	3	0	3	.8
	Cannot (woman cannot work outside home)	4	0	4	1.1
Total		173	196	369	100.0

Source: A sample data collection of 369 respondents

c) Adhering to the Shari'ah (Islamic legislation) rulings related to Muslim women

When a Muslim woman goes out of her home to do permissible work, she must adhere to what Islām has taught in its teachings about women's manners. She must avoid from those prohibitions such as flaunt grooming, movement or walking. She also needs to avoid such *harām* gender-

mixing, friction with the *ajnabi* (foreign man/ the one who can marry her), being alone with him, etc. Al-Qur'an has warned Muslim women those prohibitions, Allāh says: *{O Consorts of the Prophet! ye are not like any of the (other) women: if ye do fear (Allāh), be not too complaisant of speech, lest one in whose heart is a disease should be moved with desire: but speak ye a speech (that is) just. And abide in your houses, and make not a dazzling display, like that of the former times of ignorance: and establish regular prayer, and give regular charity; and obey Allah and His messenger, and Allah only wishes to remove all abomination from you, ye members of the family, and to make you pure and spotless}* - (al-Qur'ān, 33, al-Aḥzāb, 32- 33). For this reason, Abū Fāris (1420H/ 2000M) says, "many of the ignorant people choose women to promote some commercial and propaganda works for the promotion of goods through the temptation and revealing the women's 'aurah (parts of the body that must be covered) and flirting in word and movement.". The surrounding fact shows us that women are being used for those purposes.

A Muslim woman shall be committed to the Islāmic *hijāb* (dress code) that has been explained by the majority of Muslim scholars. Her *aurah* (body part to be covered) covers the whole body except her face and hands. The dress must not be transparent and it should be loose so that it does not identify her body. The dress also must not be the dress for fame. Allāh says: *{And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what (must ordinarily) appear thereof; that they should draw their veils over their bosoms and not display their beauty except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers or their brothers' sons, or their sisters' sons, or their women, or the slaves whom their right hands possess, or male servants who are free of physical needs, or small children who have no sense of the shame of sex; and that they should not strike their feet in order to draw attention to their hidden ornaments; and O ye believers! Turn ye all together towards Allah, that ye may attain bliss}* - [al-Qur'ān, al-Nūr, 24: 31].

Abu Hurairah ra said that the Messenger of Allāh saw said: *((Two types of people of hell that I have not yet seen: leaders with whips like the tails of cows to beat people and women who dress but appear to be naked, inviting to evil; and they themselves will be inclined to it. Their heads will appear like the humps of the camel inclined to one side. They will not enter paradise and they will not smell its fragrance which is perceptible from such and such a distance...))* - [Ṣaḥīḥ Muslim: no. 2128, vol. 3, p. 1680; Ṣaḥīḥ Ibn Ḥibbān: no. 7461, vol. 16, p. 500-501]

2) Those guidelines that related to work itself

a) The work must be permissible under Shariāh

The work must not be unlawful or *ḥarām* (not permissible) or results in the *ḥarām* or sins, such as to work as a servant of an *ajnabi* (strange/ marriageable) man, or the secretary to a male director whereby the position requires her to stay alone with the *ajnabi* man. Another example of the prohibited works is a dancer who arouses desires and

instincts, or a bar attendant who will serve liquor drinking. Same also to a woman who works as a model or promoter for clothing that requires her to reveal her body. The situation is worse for an airhostess whereby the work requires her to wear deviant outfit and to stay overnight abroad. Of course there are many other works and acts which are forbidden by Islām on women in particular; on men only, or on all men and women in general. There are still many works that suit a woman such teaching, medicine treatment, nursing, *hisbah* (verification) among women, *adhzān* (call for prayer) and *iqāmah* (second call for prayer) for women, leading women in prayer, women police, etc.

b) The work must not prevent her from fulfilling the rights of the husband and children

The work of the woman should not hinder her from her basic mission of being a wife and a mother. Accordingly, the permissible work could become impermissible if it results in the loss of greater benefit. The need of the *ummah* (Muslim community) for the role of the wife and mother is greater than its need for female workers who could be replaced by many men especially with the high rate of unemployment among men.

Scholars of fiqh state that one of the conditions of women's work is that it does not involve negligence of the rights of her husband and children. There are many evidences to support this fatwa, including the following ḥadīth: 'Abdullāh bin 'Amr bin al-Āṣ, may Allah be pleased with him, said, the messenger of Allāh saw said to me: *((I have been informed that you pray all night and observe fast every day; is this true? I replied: Yes, he said: don't do it, sleep, pray at night, fast and break. Surely your body has a right over you, your guest has a right over you and your wife has a right over you...))*- [Ṣaḥīḥ Ibn Ḥibbān: no. 3571, vol. 8, p. 337; Sunan al-Nasāī, al-Mujtabā: no. 2401, vol. 4. P. 215]

This ḥadīth indicates that there are rights upon the Muslim toward himself and his family. He has to fulfill these rights; otherwise, he would be considered negligent. Accordingly, when the woman works outside her home, she should not neglect the rights of her husband and children.

c) The work must not lead her to travel without a mahram or believing women

It should be clear that Islam cares for dignity and honor of women. Because of their weakness and vulnerability to being targeted by vile men, Islam is keen to close the doors to such situations by insisting that a woman should not travel long distances or stay away from home alone. There is a ḥadīth narrated by al-Bukhārī and Muslim from Ibn 'Abbās ra who said that the Prophet pbuh said: *((No woman should travel except with a mahram, and no man should enter upon her unless a mahram of hers is present*", a man said: "O Messenger of Allah, I want to go out with such and such an army and my wife wants to go for Hajj (pilgrimage)", he said: "Go out (for Hajj) with her)) - [Ṣaḥīḥ al-Bukhārī, no. 1763, vol. 2, p.658; Ṣaḥīḥ Muslim, no. 1341, vol. 2, p. 978].

This is completely wise, because travel involves hardship and exhaustion, and because of her weakness, a woman needs someone to help her and stay by her side. Things may happen to her that may cause her to lose control when her

mahram [It refers to her husband or all those males whom cannot marry her forever, i.e. her father, brother, son, etc)] is not with her. This is well known nowadays when there are so many accidents involving cars and other means of transportation, as well as crimes. Moreover, if a woman travels alone, that exposes her to temptation; men may approach her, someone may sit near her, as he does not fear Allah, and he may tempt her to do something *harām*.

However, what the researcher sees, the ruling is related to the customary practice or perception of local people. Travelling is most appropriate when someone travel a quite far journey that may enable him/ her to make *qasr al-salāh* (shorten the prayer). In the situation, it is not permissible for a woman to set out on such a journey except with her husband or *mahram*. For the short journey such from Petaling Jaya to Kuala Lumpur, is not customarily regarded as travelling. For this, it is permissible for a woman to go make a short journey to attend her needs without a mahram, she also has the right to go out alone by car or by any means of public transportation; provided that she feels safe with some adequate measures that have been taken by her, or provided for her; especially when the environment is the Islāmic or friendly with Islām.

d) Work that is suitable with the nature of women

Woman's work should be suitable with her nature. There must be a lot of wisdom for Allāh necessitates that a woman is different in nature to a man. Modern sciences point out the differences between man and woman and no one can ignore these differences except an obstinate person. Dr. 'Iyādāh (1422H/ 2001M) says: it is also required that a woman should not work with any jobs that are not appropriate with her society's custom, even though they are accepted in other countries such cleaning streets or shining shoes. She should choose appropriate jobs with her nature such as being a doctor, a nurse, teacher, cook and tailor. Let us look at the woman during the lifetime of the Prophet pbuh and in the three best generations, they used to undertake work that befitted women's nature. For instance, 'Ā'ishah, may Allah be pleased with her, taught people during the lifetime and after the demise of the Prophet saw, some of the women also work as midwives and caregivers of children, and many more.

Hence, a woman cannot choose jobs that typically associated with men, such as contractor, road builder, mechanist, fisherman or wiring man. In fact, statistics released by the Department of Statistics, Malaysia (2014) has shown that most Malaysian women do not work in heavy work. The woman should also stay away from the job that will make her to travel far away from her husband and children such airplane pilot and ship captain. It is also not right for a woman to hold those public offices which normally associated with men as being Minister of Defense and Minister of Internal Security and the likes. The participation of women in those jobs that related to men is directing her out of her personality as a wife and mother to children. In addition to this, Malaysian government (Malay mail online, 2015) is still in the study of the main reason for the high unemployment rate of female graduates of university. The researchers believe that the main reason for that

unemployment is that the women nowadays compete against men in men's jobs.

3) Those guidelines that related to society

The community/ society environment must be Islāmic or friendly environment with Islām. This was referred by al-Qaradawi (1418H/ 1998M) when he has forbidden Muslim women to work in unsafe country. The researchers hold that it is prohibited for a Muslim woman to work in a non-Muslim or Islam-friendly environment; except in necessity situation such as poverty. Islam has made numerous means to protect women from poverty; they are the receiving side for the *mahr* (dowry) or other marital gifts. A woman may spend as she wishes to do and even if she wants to invest them. Her *nafaqah* (obliged expenses) are not due on herself, they are obligatory for her father and her brothers, or her husband if she is married. At the time of divorce, there are some guarantees during the *'iddah* (waiting period); if she is divorced and does have a child, the child's *nafaqah* will be borne by her ex-husband. In fact, no matter what Muslim scholars have differed opinions about accomodation for a widow; the researchers hold that she and her child/ children are entitled for the accomodation since it is one of *ḍarūriyyāt* (basic necessities) of life.

Hence, a woman should have confident or certainty that it is safe for her to get out of the house to work. If she fears that she may be in a dangerous situation, then it is not permissible for her to work outside home. She may take some adequate assistance or help to ensure her safety such as by using mobile hand-phone, as well as to go out in the morning and to return before the coming of night.

3.2 Islāmic guidelines for women to hold public office positions

The researchers have concluded that it is permissible for a woman to hold any public office positions except the highest position in a country such becoming the head of state and it's alike due to the existing authentic hadīth that clearly prevents it. She also should not hold those positions that clearly require manhood strong body and mental, such as Ministry of Defense, Ministry of Homeland Security, etc. Holding other public office positions is permissible in Islām. However, the ruling is based on some new guidelines to the existing Islāmic guidelines for women to work outside home. These new Islāmic guidelines are as follows:

- 1) **Appointing women to hold public office positions will remain subject to the approval of her Muslim community/ society.** If the community do not accept a woman to hold a certain public office positions; then she does not supposed to fight for the position. She must make sure about her need and the need of her society. The scholars and politicians have to establish open dialogues and discussions to those who oppose women to hold public office positions.
- 2) **Appointing women to hold those positions that related to women is a must.** Position such as Minister of Women, Family and Community Development in Malaysia, must be given to a woman; it should not be handled by any man since this kind of position and the like are designed for women. Researchers also found that

women are should be given priority over men in those positions that related to caring of people such as health minister or education minister.

- 3) **Appointing women to hold those positions is the right for women who have the criteria and skills to bear the responsibilities of the positions.** They are not meant to all women; same as that not all men are qualified to a position. Therefore, determining basic criteria for all types of public office positions is a must.
- 4) **Necessities allows prohibitions.** In case of necessity; women are allowed to hold any public office positions eventhough to be head of state, minister of defense, minister of homeland security, or other male positions. Necessity should not be exaggerated and there is no room for its analogy. This situation such if the Muslims did not find any qualified man, especially when if we look at the current democratic system.

4. Conclusion

Man and woman are completing each other, each has his or her own strength; there is no such thing to compete against each other as what is being promoted by some movements nowadays. The main issue here is giving the right person with the right position/ job; this is the essence of this issue. By the detailed discussion about these Islāmic guidelines, it is hoped that the disagreement opinions among Muslim scholars about the issue could be eliminated, or at least it can be reduced to a minimum level.

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