

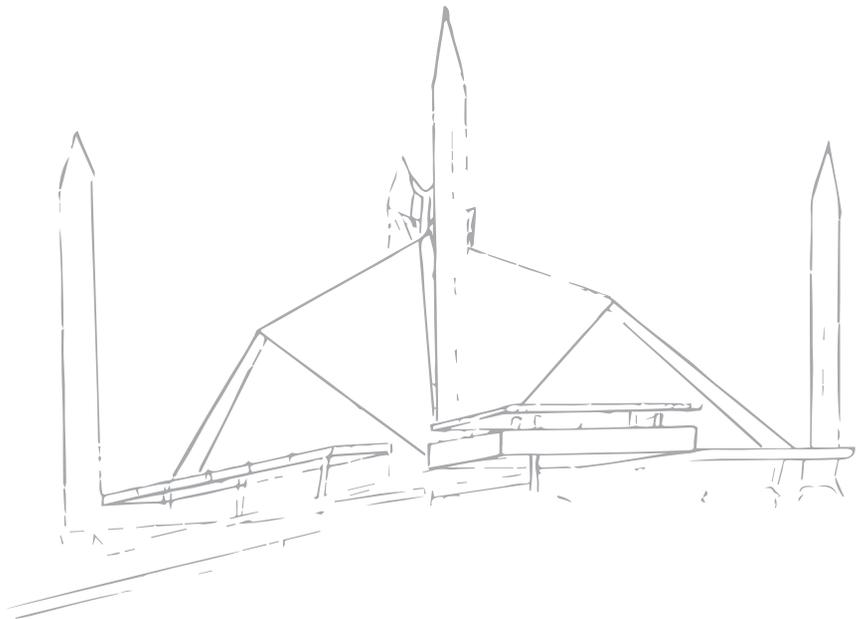


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**THE PAST, PRESENT AND FUTURE POLITICAL RIGHTS OF MUSLIM
WOMEN: A REFLECTION ON NIGERIA**

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ABSTRACT

There has been low level of participation of Muslim women in politics in Nigeria as the largest proportion of women are perceived as members of supporters' club, clapping club and team of cheers in contrast to their male counterpart. This problem is not peculiar to Nigeria but pervasive, covering both Muslim and non-Muslim women alike. Peculiarities of Muslim women however, occupied a special spectrum across the nations due to various interpretations given to the Qur'an and Sunnah in matters concerning women. In the recent time, there has been a global cry for a greater participation of women in politics and decision making to reflect the democratic level of the nations across the globe, particularly as democracy is a vital tool for the attainment of sustainable development. This paper therefore argues that, although the primary role of women in Islam is that of being a mother and dutiful wives to their husbands, Islam as a religion, does not limit their roles to domestic and family matters. It

permits them as members of the society to participate in other societal activities including politics, in so far as such would not affect their primary roles in life. The paper will at the end conclude that Muslim women have the capacity to contribute to the development of the society and therefore deserve more roles than what is currently obtained in the society.

Key words: Muslim women, Political rights, Reflection, Nigeria

INTRODUCTION

For some time past, there has been low level of Muslim women participation in politics in Nigeria. This problem is not limited to Nigeria but pervades Muslim countries across globe. The tide is however changing in some Muslim countries¹ as more and more women in many such countries like Algeria, Tunisia, Iran, Pakistan, Malaysia, Indonesia and Egypt have made tremendous progress in terms of their participation in politics and decision making over the years, especially after the fourth Beijing Conference.² In these and

¹ Women's Participation and the Political Process in Nigeria: Problems and Prospects. [Http://www.academicjournal.com](http://www.academicjournal.com)).

² Mapping of the situation of women in politics, Algeria, Morocco and Tunisia, <http://www.womenpoliticalparticipation.org>. Accessed on 11/1/2012 P. 7.

many other Islamic countries, Muslim women are now expressing their views on matters concerning politics in all spheres of life demonstrating that women have a vital role to play in the development of Islamic state. It can therefore be said that, there is an overwhelming increase in participation of women and Muslim women in particular in politics now than before. Although, involvement of women in politics in Nigeria is largely noticeable in voting and sometimes in supporting other fellow women and political parties of their choice, this participation has however not translated into women representation at the various levels of government. In the recent past, women, particularly, Muslim women have been making concerted efforts to raise their voice and prove to the world that their place is not restricted to the kitchen. They are capable of contributing to the development of the society, be it in the field of politics, governance, management, economy and commerce. They say it loud and clear that what men can do, women can equally do it if given equal opportunity. This paper therefore aims to examine the political rights of women in Islam with a view to determining the reality of Muslim women participation in politics. It also aims to put on the scale of Islam the agitation and the

claim of women of eligibility to lead without offending the principle of their faith.

POLITICAL RIGHT OF WOMEN UNDER VARIOUS LEGAL INSTRUMENTS

This segment of the work discusses the guarantee of the political right of women generally, Muslim and non-Muslim alike under various legal instruments and other instruments which are peculiar to Muslim women specifically. It therefore means that the discussion under this segment is divided into two, namely, political right of women under various human rights instruments and political right of women under Islamic law.

Political Right of Women under various Human Rights Instruments

The Universal Declaration of Human Right (UDHR),³ is the human right instrument proclaimed by a Universal International Organization. The General Assembly through the preamble to the instrument proclaims the instrument among other things to serve as the common

³Adopted 10 December 1948. G.A, Res. 217 A (iii), UN Doc. A/810 at 71 (1948).

standard of achievement for all people and all nations⁴. Similarly, the preamble contains the basic human rights by recognizing the inherent dignity, equality and inalienable rights of all members of the human family. Article 21 of the instrument specifically guarantees the right of everyone to equally participate in the government of a country either directly or through freely chosen representative. Although the instrument is not legally binding, it is universally acceptable by all states and thus become a common reference in human rights for all nations.

Similarly, the provisions of the International Covenant on Economic, Social and Cultural Rights⁵ (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR)⁶ elaborate and complement the basic human right contained in the Universal Declaration of Human Right. The two instruments were signed and ratified by Nigeria⁷. Article 1 of the two instruments respectively provides for the right of all persons to freely determine their political

⁴ See the last Paragraph of the Preamble to the Universal Declaration of Human Rights (UDHR)

⁵ Adopted and opened for signature, ratification and accession by the General Assembly Resolution 2200A(XXI) of 16th December 1966 entry into force on 3rd January 1976

⁶ Adopted and opened for signature, ratification and accession by the General Assembly Resolution 2200A(XXI) of 16th December 1966 entry into force on 23rd March 1976

⁷ Nigeria ratified the two Conventions on 29th July 1993

status among other things. Further to the above provisions, Article 3 of the ICCPR obliges state parties to ensure equal right of men and women to the enjoyment of all civil and political rights set forth in the instruments.

In the like manner, the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), otherwise referred to as the Women's Convention⁸ makes it mandatory for state parties to take appropriate measures to eliminate discrimination against women in political and public life of the country under its Article 7. It further mandates them to ensure that women are given equal right as their male gender to contest for all eligible posts⁹ and to participate in formulation of government policy and the implementation thereof, and the right to hold public offices and perform all public functions at all levels of government.¹⁰ Their right to participate in non-governmental organizations and associations concerned with the public and political life of the country is also guaranteed.¹¹ In the same vein, Article 8 provides for equal opportunity of both males and females to represent

⁸ Adopted 18 Dec. 1979, entered into force 3 Sep. 1981, G.A Res. 34/180, 34 UN GAOR, supp. (No 46), UN Doc. A/34/46, at 193 (1979), reprinted in 19 ILM 33 (1980).

⁹ Article 7 (9)

¹⁰ Article 7(b)

¹¹ Article 7(c)

their government at the international level and to participate in the work of international organizations. The Convention is a major milestone in the realization of human rights of women¹² being the first international instrument to deal comprehensively with the condition of women. Nigeria signed and ratified the Convention.¹³

Other international human rights instruments that seek to protect the political right of women in Nigeria are the Convention on the Political Rights of Women¹⁴ and the Beijing Declaration and Platform for Action Fourth Conference on Women.¹⁵ Article 1 of the Convention entitles women to vote in all election on equal terms with men without any discrimination while Article 2 provides for the right of women to hold public office and to exercise all public functions established by national law on equal terms with men without any discrimination. Similarly, Paragraph 13 of the Beijing Declaration requires the empowerment and the full participation of women in all spheres of decision making on the basis of equality.

¹² Ogwu J, "Women in Development: Options and Dilemmas in the Human Rights Equations." In Kalu A & O sinbanjo Y (eds) *Perspective on Human Rights*, Lagos, Vol. 12, Fed. Ministry of Justice, P.143.

¹³ Nigeria signed in April 23 1984 and ratified in June 13 1985

¹⁴ Adopted by the United Nations GA on 20th December 1952 and opened for signature on 31st March 1953 (U.N.T.S. 135). It entered into force July 1954.

¹⁵ Beijing Declaration and Platform for Action Fourth Conference on Women, 15 September 1995, A/CONF.177/20(17October 1995) and A/CON,177/20/Add.1 (1995)

At the regional level, the African Charter on Human and People Rights¹⁶ and its Protocol on Women's Rights, otherwise referred to as Maputo Protocol,¹⁷ equally guarantee the political rights of women in Nigeria. Article 13 of the African Charter guarantees the right of every citizen to participate in the government of his country either directly or through the freely chosen representative in accordance with the law. Similarly, Article 9 of the Protocol to the Charter guarantees equal participation of women in political life of their countries through affirmative action, enabling national legislation and other measures.¹⁸ It also guarantees the right of women to participate in all election without any discrimination¹⁹, the right to be represented equally at all levels with men in all electoral processes²⁰ and be equal partners with men at all levels of development and implementation of state policies and development programs²¹

At the national level, Section 15 of the 1999 Constitution of the Federal Republic of Nigeria provides for the political objectives of the

¹⁶ Adopted 27 June 1981, entered into force 21 Oct. 1986, O.A.U. Doc. CAB/LEG/67/3/Rev.5, reprinted in ILM 58 (1982); 7 HRLJ 403 (1986). Nigeria signed the document on 31st August, 1982 and ratified on 22nd July, 1983.

¹⁷ Adopted by the Conference of Heads of State and Government Maputo-Mozambique 11 July 2003, came into force on 25 November, 2005. Nigeria signed the document on 16th December, 2003 but did not ratify same.

¹⁸ Article 9(1)

¹⁹ Article 9(1)(a)

²⁰ Article 9(1)(b)

²¹ Article 9(1) (c)

state when it provides under section 15(2) that the national integration of Nigeria shall be encouraged and that discrimination on the grounds of sex, place of origin, religion, status, ethnic or linguistic association or ties is prohibited. This section should be read in conjunction with the provision of Section 14 of the Federal Republic of Nigeria, which provides that Nigeria state should be based on the principle of democracy and social justice. The section went further to provide that Sovereignty of Nigeria state belong to the people of Nigeria,²² male and female alike. It is from the people that the government through the Constitution derives all its powers and authority to rule. In addition to the above, the provision went further to provide that the participation by the people in their government shall be ensured in accordance with the provisions of the Constitution²³. In view of the phrase '*in accordance with the Constitution*' connotes men and women in Nigeria are entitled to participate in the government since the Constitution itself prohibits discrimination²⁴.

²² Section 14(a) 1999 Constitution.

²³ Section 14(c) 1999 Constitution.

²⁴ See Section 42 of the 1999 Constitution of the Federal Republic of Nigeria.

POLITICAL RIGHT OF WOMEN IN ISLAM

There are divergent opinions among the Islamic scholars on the political right and participation of women in politics. This therefore generates a serious controversy as to whether a woman occupies the same position in the area of politics or not. The two sides quoted different verses to support their arguments. Although these arguments are not the focus of this work, the supporting verses are key to the discussion. The antagonists of women to hold political positions quote the following verse among others to support their argument: “Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means.”²⁵

This paper is of the view that the above Qur’anic verse does not in any way restrict Muslim women from participating in politics and decision making of the country, rather it explains the responsibility of a man towards his family. This responsibility as explained by the Qur’an falls within the family and cannot be interpreted and generalised to cover the whole affairs of the society. Hence, the man’s obligation towards his family does not in any way

²⁵ Q4: 34

restrict the right of a woman to participate in politics and affairs of her community. The woman only needs to engage in a fruitful discussion with her partner in such a way that mutual consensus would be reached between them.

Apart from the above Verse, the antagonists also supported their position with the hadith of the Prophet which reads that: “A nation whose affairs are led by a woman shall not succeed.”²⁶

It is also the view of this paper that the hadith in question speaks of success but does not entirely prohibit participation in governance. However, the argument regarding the qualification of a ruler in the contemporary Islamic society has been a subject of discussion in another work²⁷. It is therefore the view of this paper that the controversy generated by the scholars on the political status of a Muslim woman in Islam may probably be due to the narrow perception of the role of women, through narrow interpretation of Islamic injunctions dealing with women issues , such as the ones

²⁶ Sahih Bukhari (Muhsin han’s trans). Vol 1 x. hadith 219

²⁷ See Abdulraheem N.M, “Women Governance in Nigeria. Religion and Politics as Challenges” in Nigerian Journal of Food, Health and Drug Law, Vol.3 No.1, 2010 Published by Faculty of Law, Kogi state University, Ayingba, Nigeria, Pp 39-48

quoted above.²⁸ Hence there is a serious argument as to what the specific roles of women are in the society. This paper does not in any way dispute the fact that women primary role is that of bearing and rearing of children and general management of the home.²⁹ This however does not mean that a woman should always be confined to the four walls of the home. Admittedly, the Qur'an says:

And stay in your houses, and do not display yourselves like that of the times of ignorance, and perform As-Salat and give Zakaat and obey Allah and His Messenger. Allah wishes only to remove evil deeds and sins from you, O members of the family of the (Prophet) and to purify you with a thorough purification³⁰.

By no means does this verse prohibit women from going out to contribute to the development of the society. Muslim scholars have diverse opinions on role of Muslim women in Islam, while some

²⁸ Zeenath K, *Political Participation of women, Contemporary Perspectives of Gender Feminists and Islamic Revivalist* (1997) Noordeen Publisher, Kuala Lumpur P. 19.

²⁹ Iqbal S, *Women and Islamic Law* (1997), Adam Publisher Delhi, P. 10. See also understanding the Role of Muslim Women <http://www.warwick.ac.uk> accessed on 11/1/2012.

³⁰ Q33:33

believe that the role of women is basically at home, that is bearing, rearing of children and general management of the home, others believe that apart from their basic roles, they can still participate in outdoor activities including politics. Notwithstanding this however, the political right of women in Islam have been traced to be as old as Islam itself. A Muslim woman is permitted in Islam to engage in politics just like her male counterpart, provided such engagement will not be detrimental to her basic roles in life. As a member of the society, she is entitled to be a member of legislative or executive arm of the government by involving herself in the consultative council of the Head of State³¹. As regards judicial appointments, the consensus of all the jurists is that a woman cannot be a judge (*Qadin*)³² following the principles that one cannot be a judge in a matter which one cannot be a witness, especially, criminal matters. *Abu Hanifah* held that a woman may become a judge in matters in which she is competent to serve as a witness, (this indicates all matters) except *hudud* and *Qisas* cases. On the other hand, *Ibn Jabir al – Tabari* and *Ibn Hazm* held that a woman may become a judge in all types of matter since

³¹ Iqbal S, *Women and Islamic Law* P. 83.

³² Nasir bn ‘Aqeel bn Jaseer *Al Qadai Fi’ahdi ‘Umar bn Khattab* (1994/1414) Maktabah At-Tawbah press, Riyad, Vol.1, 2nd ed. P.212

emphasis regarding qualification for the post of Judge is knowledge of *Shariah* and ability to make *ijtihad*³³

Apart from the position of a judge mentioned above, the protagonists of women holding political post are of the view that both men and women in Islam are equally responsible for restructuring and reforming the society as both are regarded as vicegerent of Allah on earth³⁴ so far as it does not harm the structure of the family. The Qur'an says: "Believer men and women are protectors, one of another: they enjoin what is just and forbid what is evil."³⁵ In another verse, the Qur'an says: "Then the Lord accepted their prayer and answered them: Never will I suffer the work of any worker among you to be lost, whether male or female, the one of you being from the other."³⁶ Similarly, the Qur'an provides:

Surely, those who submit (to God) men and women, those who believe, men and women, those who obey, men and women, those who are patient, men and women, those who are modest, men and women, those who fast, men and women, those who guard their modesty men and women and

³³ Ibid

³⁴ See Qur'an 2 :30

³⁵ Q 9: 71

³⁶ Q 3: 195.

those who remember their creator, men and women God has prepared for them forgiveness and great reward.³⁷

The above verses testify eloquently and are emphatic on the issue of equality of men and women in Islam, this is established beyond doubt. Although the Qur'an is silent on specific issues relating to human endeavours, it however places the two genders on the same pedestal in relation to any religious or mundane activities. Allah neither sleeps nor slumbers and was not mistaking in revealing the verses, nevertheless, the affairs of the Muslim community are left in the hands of generation after generation to decide according to the prevailing circumstances.

It is pertinent to note at this juncture that in Nigeria, there is cultural classification of gender roles into productive and reproductive functions with the former assigned to the male and the latter to the female. This belief was deeply rooted in the cultural beliefs and values of the society, as a result of which women generally and Muslim women in particular suffer undue discrimination, inequality and exclusion in the field of politics and decision making of the country. There is no evidence that Islam makes such water-tight compartment or division. Thus, political right of Muslim women in

³⁷ Q. 33: 35

Nigeria has been endangered by historical gender inequality.³⁸ To further buttress the position taking by this work, it is pertinent at this juncture to examine the political activities of Muslim women in the cradle of Islam.

POLITICAL ACTIVITIES OF WOMEN IN THE EARLY DAYS OF ISLAM

As earlier established, men and women are equally responsible for the reformation of the society whether in the area of social, political or educational development. This in essence, translates to the fact that Muslim women like their male counterparts possess equal rights to voice out their opinions on any matter that concerns the society. History speaks volume of political activities of women during the life time of the holy Prophet and the four rightly guided caliphs. It was sooner after this period that the women status and roles began to witness a decline in their identity, dignity and their rights as women generally as a result of failure to apply Islamic principles as taught by the Prophet. There are many examples to support this view both within and outside the family life of the Prophet. The following will suffice our purpose.

³⁸ Women's Participation and the Political Process in Nigeria: Problems and Prospects.

Firstly, *Khadijah*, the wife of the Prophet and the popular wealthy *Makkah* woman was a successful business woman. She was so reputed in business that she employed male and female members in her business firm which operated within and outside *Makkah*. She engaged the Prophet in business trip to Syria. She was known for her support for the Prophet. When the Prophet trembled by his first experience of receiving the message, she comforted him and that had its impact on the stability of the society.³⁹ She also supported Islam at its infancy with her wealth. Even though she died before the establishment of Islamic empire in *Madinah*, she is recognized and known for her regular supply of materials and political backing to Muslims at that time⁴⁰.

Secondly, Umm Salmah was one of the women who left *Madinah* for *Makkah* to perform hajj but they were prevented as a result of which there was the *Hudaibiyyah* truce between the believers and the non-believers after which Muslims returned to *Madinah* without performing Hajj. Many Muslims understandably were frustrated to the extent of disobeying the directive of the Prophet to perform the rites

³⁹ Ibn Kathir, *Abridgment of Prophet Muhammed Biography*, (2007), Egypt, Pp.26-29

⁴⁰ Sa'd Yusuf A. A., *Rijaalu wa nisaahu hawla-r-Rasul*, (2010) Daarul-fajr lith-thuraath, 2nd ed., P.439

due. The Prophet confided in her that the disobedience of his order was an invitation to disaster. She advised the Prophet to carry out the rites. As he did, the Muslims followed him in the observation of the rites.⁴¹ She is therefore on record as having advised the Prophet on the treaty of Hudaibiyyah in the manner that averted disobedience to him by the companions,⁴² a situation which would have gone down the history forever⁴³ and impacted negatively on the religion of Islam. Also it was Umm Salmah who demanded that nothing was heard in respect of the efforts of women in hijrah and Q3:194 was revealed.⁴⁴

Thirdly, the contribution of *A'isha*, the wife of the holy Prophet and the Mother of the Faithful to the development of the administration both during and after the life of the Prophet cannot be overemphasized. Her distinct knowledge of interpretation of the *Qur'an* and Islamic law generally assisted the Muslim *Ummah* at large. Also, *A'isha* delivered *Qur'anic* lectures and instructions to men behind the

⁴¹ Muhammad-al-Khadariy, *Nurul yekeen fi sirah sayyid limurisalim*, Dar fitr, Lebanon, P.191

⁴² Ibn Kathir, Vol.7, P. 182

⁴³ Iqbal S, *Women and Islamic Law* P. 88. Kamali M.H, *Freedom, Equality and Justice*. P. 102.

⁴⁴ Ibn Kathir, *Tafsir li Qur'an al-Azim*, Vol. 1, Isa'h al babiy al halaby & co, Egypt, P.441. see also Ahmad As-Sawiy al- Malikiy, Hashiyattul-li 'allamah as-sawiy, Vol.1, P.263

curtain in the Prophet's home.⁴⁵ Her knowledge of *Qur'an* and *Hadith* created a special recognition for her, especially, during the pilgrimage considering the number of male and female who gathered round her for knowledge⁴⁶. It was on record that her students later became *Immams* and leaders who molded the society at a later time.⁴⁷ Some of her students were *Abdullahi ibn Zubair*⁴⁸, *Abu Musa al Ash'ariy* and a good number of others. In fact *Abu Musa*, while commenting on *A'isha's* intelligence stated that, whenever any of the Companions of the Prophet sought for clarification on any problem or question relating to any field of Islamic law, *A'isha* readily and satisfactorily made provisions or answers to such question or problem put before her.⁴⁹ *A'isha's* political involvement during and after the life of the Prophet recorded a positive influence in the Islamic administration of the entire Ummah.

Fourthly, Umm Haniy, Caliph Ali's sister and the Prophet's cousin gave refuge to a non-believer in her house, when his brother, Ali got to

⁴⁵Q33:35

⁴⁶See foot note 29

⁴⁷ Iqbal S, *Women and Islamic Law* P. 88. Chaundry M.S *Women's Right in Islam* P. 149. See also Kamali M.H, *Freedom Equality and Justice* P. 102.

⁴⁸ A'siha's nephew, that is the son of Asmau, bint Abubakr (A'isha's sister)

⁴⁹ Ibn Khathir, Vol.8,P.81. Additional information was received from personal interaction with Hon. Justice M.A Ambali, the retired Grand khadi, Sharia Court of Appeal, Ilorin, Kwara state Nigeria.

know of this, he insisted on killing the unbeliever. She took the matter to the Prophet and the Prophet replied: “We have given protection to whosoever you have protected”. This incident demonstrated the confidence the Prophet reposed on women and preferring her stand to Ali, both of whom were cousins to the Prophet. The Prophet trusted her that she would never give refuge to someone with harmful character. This instance is another way by which Muslim women influence the political stance of the *Ummah vis-a-vis* the surrounding circumstances

The political voice of women was not only valuable during the life of the Prophet, they were also allowed to participate in discussions with the Prophet on public and family matters. At times, the Prophet himself sought the advice of women. He was always consulting *Ummu Waraqa bn Abdullah* on various matters.⁵⁰ Furthermore, the directive of Caliph Umar ibn Al-Khatab that soldiers should not stay in war front beyond four months was based on the counseling of Hafsah bint Umar⁵¹. It was on record that a slave woman argued with the Prophet when the Prophet advised her to return back to her husband. She said “O Prophet! Do you order me? He replied that: he was not

⁵⁰ Ibid. See also Iqbal S, *Women and Islamic Law* P. 88.

⁵¹ Jalalud Din As-Suyuti, *Tarikhul Khulafai*,(1974/1494) Darul fikr, Lebanon, P.131

making an order, but was only making a recommendation. She replied, if this is a recommendation, I do not wish to go to him”⁵².

Furthermore, the *Qur’anic* injunction in respect of *Zihar* was revealed as a result of a woman (khawlah bint Thalaba) protest against her being wrongly divorced in pagan manner of *Zihar* by her husband. She contested against the process of her separation, prayed to Allah and her prayer was accepted. Then, the Qur’an was revealed⁵³. “Allah has indeed heard (and accepted) the pleads with thee concerning her husband and carries her complaint (in prayer) to Allah.”⁵⁴

In addition to the above evidences, an old woman rose to prevent *Umar*, the second Caliph of Islam during his life time, from attempting to fix an amount of *Mahr* since the Prophet did not do it. *Umar* realized this and dropped the idea. He announced publicly that he (*Umar*) was wrong⁵⁵. *Umar* also allowed a woman *Ash-Shafwu bint Abdullahi al Adawiy* for her intelligence to voice her opinion publicly, involve her in consultation⁵⁶ and appointed her as a market superintendent. She was assigned the responsibility to supervise the

⁵²Riyaadus-Saliheen, Maktaba li ‘ Ilm Hadith 252, P.122

⁵³Tafseer Ibn khathir, (2005),Darul-Aafaq Al-Arabiyyah,Cairo, Vol.4 1st ed. P.448

⁵⁴Q 58:1.

⁵⁵Kamal Ibn Sayyid Salim, (2003) Saheeh Fiqh Sunnahmaktabatu-Taofiqiyyah, Cairo, 1st ed.

⁵⁶Iqbal S, Women and Islamic law, P. 88

affairs of the market of *Madinah*. The woman was recognized for her intelligence, honesty and capacity to rule.

These instances in the early days of Islam evidenced the fact that men and women equally participated in political activities regardless of gender and that superiority is only based on piety and good character.⁵⁷ Hence Muslim women are eligible to hold political positions in the like manner as their male counterparts.

MUSLIM WOMEN AND POLITICS IN SOME CONTEMPORARY MUSLIM SOCIETIES

As previously discussed, the recent involvement of Muslim women in politics is not a new phenomenon, it has been in existence since the time of the Holy Prophet and his rightly guided Caliphs. Before now, some Muslim countries practiced questionable system of democracy as they left no space for women to participate in politics based on the faulty assumption that Muslim women were not capable of expressing themselves in the political platform.⁵⁸ For instance, some of the arguments usually raised against women are that: “Women are affectionate and emotional and have weaker nerves – men, however,

⁵⁷ Musnad Imam Ahmad Ibn Hanbali vol. 7. Dar li fikr lilta’at 1994 P. 127.

⁵⁸ Understanding Gender Roles <http://www.waowickac.uk>).

are wise and intellectual and have strong nerves, which make them more qualified to strive, struggle and campaign against the odds of everyday life”.⁵⁹

Today, some Muslim women in some popular Islamic countries have recorded impressive achievements in politics and leadership as discussed later in this paper. In Nigeria, Muslim Women are often prevented or discouraged from participating in politics and decision making of the country. This exclusion generally debar them from participating or contributing at the decision making level which may affect family or community at large. As such, they are prevented from taking active role in government cabinet where major decisions that affect the country are to be taken.⁶⁰ Many use religion to discourage them and the few of them who refused to be discouraged do not receive good names from the society. They are normally regarded as bad Muslims and of low morals that could not but

⁵⁹ Allamrah Muri, quoted in Shireen, *The position of women in Shia Iran: Views of the Ulama in Women and family in the Middle East: New Voices of Change* (Elizabeth Warnock Fernea, ed. 185: This is quoted from Eissa D, *Constructing the notion of male superiority over women in Islam. The influence of sex and gender stereotyping in the interpretation of the Qur'an and the implications for a modernist exegesis of rights* P. 18).

⁶⁰ Sada I.N. & Ors “Shariah and the Rights of Muslim Women in Northern Nigeria”.P.52

compromise their religion⁶¹. The reflection of this can be seen in the number of Muslim women occupying elective or appointive positions in the country. In contrast some men find it difficult to have their wives hold a different opinion from theirs as they believe that such wives must toe their husbands' line of political thinking. In some instances, such approach has caused a break in matrimonial relationship or even greater consequences. For instance, Mrs. Lami Sadu was divorced in 1999 for having the audacity to vote for a particular party against her husband's wish. In the same vein, in January 2011, Hajia Halima Tijani was battered and her elbow broken for daring to contest for a political position.⁶² Aside this, Women cannot afford the kind of money thrown around by their male counterparts during campaigns in the contemporary world.

The above assertion does not intend to totally dismiss the participation of Muslim women in politics and decision making of the country. Some of them have even been actively involved in politics to the extent that the country had at one time or another elected or appointed them as Ministers, Deputy Governors, and Senators among other positions. Nonetheless, the contention of this paper is that the

⁶¹ Ibid P.53

⁶² Women and 2011 Elections in Nigeria <http://www.boelnigeria.org>).

number of those who hold or have held political positions is negligible when compared with their numeric strength in the country. For instance, the political activities of Queen Amina of Zazzau in the Pre-colonial period cannot be overestimated. Also the activities of Hajia Gambo Sawaba, Hajia lateefat Okunnu and Sinat ojikutu, who held position of Deputy Governor in Ogun and Lagos states respectively, Architect Halimat Tayo Alao was a Minister for state for Environments in 2003/2007, and Prof. Rukayat Ahmed Rufai was a Minister for Education in 2011/2014. In addition Hajia Zainab Maina is the current Minister for Women Affairs. Recently, in the just concluded election in March 22, 2015, Lagos state has just elected a Muslim woman as the Deputy Governor for the state. She is expected to be sworn in on May 29, 2015. Also in the last concluded election, the country almost produced Barr. Jumai -al -Hassan as the first female and first female Muslim Governor from Taraba state. She unfortunately lost the position to her male opponent after her victory was erroneously proclaimed. She was said to lose the election on the basis of religion. At the Federal legislative house, there were Senator Rukayyah Gbemisola Saraki, Hon. Nimata Oba, and currently, Hon. Abike Dabiri and Hon. Mulikat Akande among few others. In the same

vein, the research carried out by Jemila Nasir supports the above position of this paper. According to her, in Shariah states of Northern Nigeria,⁶³ out of 36 space available at the Federal Senate across the Shariah states, only 1 was occupied by female. In the House of Representatives, out of 137 space available to the states only 2 were occupied by female, while only 3 out of 12 was recorded for Federal Minister. Similarly, for the position of Governors and Deputy Governors, 0 was recorded against 24, while at the various Houses of Assembly, only 6 seats was occupied out of 360 available space. In summary, out of a total number of 569 positions available at various level, only 12⁶⁴ were occupied by female, a number which is pitiful according to Jemila Nasir.⁶⁵

In reality however and as seen from the earlier quoted injunctions, it could be categorically stated that Islamic law does not prevent the female gender from participating in politics and decision making of a country. Evidence revealed that the Prophet used to seek

⁶³ The states are according to the research Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe and Zamfara.

⁶⁴ A number which a times may include non- Muslim women, especially in states like Bauchi, Borno, Gombe, Kaduna, Niger and Yobe where the inhabitants are inclusive of non- Muslims and are equally eligible to vie for the positions.

⁶⁵ See generally, Nasir J.M, "Shariah Implementation and Female muslims in Nigeria states in Ostien P, Shariah Implementation in Northern Nigeria, 1999-2006, Vol. III, Spectrum Books, P88

the opinions of the women during his life time and many of them made useful and relevant opinions. To this end, women under Islamic law are allowed to hold key positions in politics except for the post of President, a constraint which is brought about by the nature of creation. Even this has equally being a subject of controversy among Muslim scholars as many women in some Islamic countries have risen to become leaders of their respective countries, though Nigeria is yet to get to that level. It is on record that some of the popular Islamic countries at one time or another had women as their leaders while others actively engaged in politics. For instance, Indonesia elected Megawati Sukanmoputri as the President, Pakistan had Benazir Bhutto as their Prime Minister, and she was recorded as the first Muslim woman to lead a Muslim State. In fact, it was reported that the election was fixed on her expected date of delivery, she contested few days after delivery and recorded electoral victory. Bangladesh had Kheleda Zia and Sheikh Hasina as Prime Ministers. Also, Afghanistan since 2002 has the highest number of female politicians and Saudi women are currently allowed the right to vote. The Muslim majority region of Kosovo unanimously elected President Atifete Jahjaga on April 7, 2011 election. Similarly, 27.1percent of the Ministers in Iran are

women, while 3.4percent are in the parliament. In the same vein, nearly 1/3 of parliament members in Egypt⁶⁶ are women, to mention a few. Recently also, in October 2014, Sweden appointed Aida Hadzialic as minister for education. She is on record to be the first female Muslim to occupy the position of a minister in the state and therefore set a role model for other Muslim politician in that state. Although Sweden is not an Islamic state, Muslim in that state constitute 450,000 and 500,000 of the Sweden's 9 million people.

In furtherance of participation of Muslim women in politics, Hassan al Banna of Egypt established a Muslim Sisterhood and mobilized women for active participation in politics. The organisation supported fully the political involvement and activism of such women like Zaynab al - Ghazzali, who was imprisoned for 6 years and brutally tortured during the regime of Naseer. Zaynab was an Islamic activist and known for her great devotion for revival of Islam. Her sufferings are a testimony of her spiritual strength and example worthy of emulation for the contemporary Muslim women in politics.⁶⁷ The Islamic revivalist under the leadership of Hassan Turabi of Sudan did

⁶⁶ The 5th Populous Islamic Country.

⁶⁷Zeenath K, *Political participation of women, contemporary perspectives of Gender Feminists* P. 24. See also Pp. 59 – 60

not only endorse in theory the full participation of women in politics but also made it empirically a reality⁶⁸.

In 1986, two women in persons of Suad al-Fatah and Hikmat Hasan Syed Ahmed, were members voted into the parliament under the auspices of the Islamic Natural Front (INF) an organisation headed by al-Turabi himself. Some years later, 10 percent of the Sudanese Parliament consisted of 3 women Ministers and one Judge at the Supreme Court. The government has further established quotas to increase the number of women participation in politics. In an interview conducted by Zennath Kausar, Al –Turabi, despite giving full support to women participation in politics, he however did not deny the fact that preference should be given to the family first before any other mundane matters outside the home.⁶⁹ In Tunisia, Rashid al Ghamudin of Islamic Movement opined that the number of women in politics has increased from what it used to be.⁷⁰

In view of above instances, this work submits that the position of the Muslim women in Nigeria vis-a-vis their participation in politics and decision making of the country should be reconsidered,

⁶⁸ Ibid.

⁶⁹ Ibid. P. 25

⁷⁰ Ibid, P. 27.

after all, their political right was recognized during the early era of Islam and throughout the period of the rightly guided Caliphs who governed according to Islamic law, therefore, to insist on Islam as the basis to deprive women of political rights in Nigeria amounts to hypocrisy. Women therefore have roles to play in the society, be it legislative, security, law and order, health and so on. Depriving them of political participation and holding political posts may amount to a loss or shortage to the entire Muslim community as their other female counterparts from other religions are not disallowed. Equally, depriving them may be due largely to the ambitious Muslim male counterparts who may not be comfortable or could not withstand the competition from female gender and decided to black mail them using a verse of the Qur'an which focused mainly on maintenance.⁷¹

CONCLUSIONS

This paper discusses Muslim women and their rights to participate in politics. It confirms and supports that the major role of women in Islam is that of bearing and rearing of children to boost the population of the Muslim *ummah* in particular and generally, to fulfill the essence

⁷¹ Q4:34

of creation and procreation as ordained by Q4:1 (regardless of their faith in the day of judgment). However, it was succinctly argued that the role of women is not restricted to the four walls of the home because women, like their male counterparts, have key roles to play in the affairs of the society. The paper further postulates that in Islam men and women enjoy equal rights. It also enunciates unequivocally, the women activists and their roles during the life time of the Prophet and the rightly guided caliphs. The paper blamed the low pace of participation of women in the development of the society on the parochial interpretation of the relevant verses of the Qur'an and a time on the selfish attitudes of the male which has indeed pose serious challenges to active participation of Muslim women in politics.

This work therefore submits that the *Qur'an* is of universal application and its interpretation should not be restricted to the period of revelation or the time of the Prophet and the righteous guided caliphs or any particular age. Its general principles should be applied elastically to all the circumstances in any given age and place. Its application must equally be extended to the contemporary needs of the Muslim societies.⁷² Although some scholars opined that women have a

⁷² Ibid

clear guideline to stay at home and take proper care of children and other house management, they nonetheless agreed to the fact that women are free to get education and serve the nation but ruled out their right to participate in politics. Going by this argument, the question is: where a woman is educated by virtue of which she is entitled to serve the nation, how would she be able to serve if restricted to the four walls of her home? After all, her service to the nation is quite different from her service to the home. Hence, to shut them out of politics is to short change the entire Muslim community of their quota in the nation's cabinet. It is for this reason that the paper prefers the argument that Muslim women's right in politics should be preserved and respected
