

Women Leadership Roles in Islamic Jurisprudence: A Contemporary Ijtihad

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Abstract

This article examines how the debate over women's leadership responsibilities in Islamic law has changed over time, drawing on modern ijthad, or independent legal reasoning. It explores whether Islamic tradition allows women to hold leadership roles in law, religion, and education, as well as the interactions among historical precedent, classical jurisprudence, and contemporary reinterpretation on the subject.

The study emphasizes the significant contributions of female scholars such as Aisha bint Abi Bakr, Umm al-Darda, and Karima al-Marwaziyya, who were vital to hadith transmission and legal advice, drawing on early Islamic history. Based on specific hadiths and gender-based legal analogies, classical jurists from the primary Islamic schools typically prohibited women from holding positions of public authority, especially in the judiciary and political leadership. However, rather than being based on unchanging religious principles, these interpretations were often shaped by sociocultural contexts.

In light of the Qur'anic principles of justice ('adl), consultation (shūrā), and the broad objectives of Shariah (maqāsid al-sharī'ah), modern scholars have reexamined these rulings. The study argues that extending women's leadership responsibilities in Islamic jurisprudence is justified by current ijthad, which is supported by ethical reasoning and historical evidence. It comes to the conclusion that reclaiming women's scholarly legacy is a return to the inclusive nature of early Islam as well as an act of justice.

Keywords

Women Leadership, Islamic Jurisprudence, Contemporary, Ijtihad

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Introduction

In Islamic jurisprudence (fiqh), the issue of women's leadership has long been contested and reinterpreted, particularly in Muslim cultures today that are attempting to balance traditional values with contemporary conceptions of gender justice (Ahmed, 2021; Koburtay et al., 2023). Islamic leadership encompasses religious, legal, educational, and political leadership, and the extent to which women can engage in these areas is often determined more by cultural and historical conditions than by divine directives (Fitria, 2025; Koburtay et al., 2023). From the perspective of ijthad, or independent legal reasoning, this article examines the legitimacy, scope, and evolution of women's leadership responsibilities within Islamic law.

Women have always had a significant impact on the early stages of Islam's development. The Prophet Muhammad's (PBUH) wife, Sayyidah Aisha bint Abi Bakr (RA), was a famous Hadith transmitter and jurist whose legal views impacted generations of scholars (Putra, 2022; Nadwi, 2007). Similarly, throughout the Umayyad era, Umm al-Darda was admired by both male and female jurists. He even instructed men at the mosque in Damascus, including 'Abd al-Malik ibn Marwan, who would later become a caliph (Hamisan & Nizam, 2025; Zaman, 2002). Despite these examples, patriarchal and socio-political frameworks that

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developed during and after the Abbasid era frequently excluded women from positions of authority in Islamic academia.

Considering a variety of Hadiths and interpretations of Qur'anic texts, classical jurists typically prohibited women from holding *wilāyah* ‘ammah (general leadership), (Muqtada et al., [2024](#)) particularly positions such as the caliphate or *qadi al-qudat* (chief justice). "A people who appoint a woman as their leader will never prosper" (Al-Bukhari, 4425) is a frequently referenced narrative that has been hotly contested over its breadth and context. The premise that these legal rulings were often influenced by historical facts rather than immutable divine decrees, on the other hand, allows for a re-examination of these verdicts via *ijtihad*. Scholars such as Abou El Fadl ([2001](#)), Wadud ([1999](#)), and Kamali ([2006](#)) have advocated for the return of *ijtihad* to address contemporary ethical and gender issues in Islamic law (Karimullah & Ibrahim, [2024](#)). The authors argue that modern legal thinking should prioritize principles such as consultation, justice, and the objectives of Islamic law (*maqāṣid al-sharī'ah*). To establish a fair, textually grounded, and culturally acceptable framework that retains the spirit and substance of Islamic law, this essay examines how modern *ijtihad* reconsiders traditional jurisprudence on female leadership.

Historical Overview of Women's Roles in Islamic Scholarship:

Women took an active role in the religious, intellectual, and legal life of the time, particularly in hadith, *fiqh*, and Qur'anic interpretation, thereby confounding the notion that women's leadership in religious studies is a modern phenomenon (Muqtada et al., [2024](#)). Aisha bint Abi Bakr (RA), Prophet Muhammad's (PBUH) wife, was one of the first and most notable female academics.

In addition to transmitting more than 2,200 hadiths, she was regularly consulted on legal and theological issues by the Prophet's companions and later jurists (Rehman, [2024](#)). Imam al-Zuhri referred to her as "the most knowledgeable person in Islamic law, medicine, and poetry" of her era due to her keen intellect and profound comprehension of Islamic principles (Nadwi, [2007](#), p. 43). As a teacher and jurist, Aisha established a standard for women's involvement in Islamic jurisprudence.

Umm al-Darda al-Sughra, another early role model, taught hadith and *fiqh* in Jerusalem and Damascus in the seventh century CE. Future judges and caliphs were among her students, and she taught both men and women (Stanekzai & Saeedi, [2023](#)). Because of the high regard for her knowledge, she was once designated as an official instructor at the Damascus Mosque, which is usually reserved for male scholars (Zaman, [2002](#)).

Fatima al-Fihri established the al-Qarawiyyin institution in Fez, Morocco, in the eighth century. It is often regarded as the world's oldest institution still offering degrees (Hoque & Abdullah, [2021](#)). Despite not being a jurist in the traditional sense, her support of knowledge demonstrates the significant leadership position that women occupied in Islamic education (Al-Azzawi & Al-Salman, [2021](#); Makdisi, [1981](#)).

In the discipline of hadith, female scholars were especially well-known by the ninth and tenth centuries. Scholars who were known for their accuracy in hadith transmission were Karima al-Marwaziyya, Zaynab bint al-Kamal, and Fatima bint Sa'd al-Khayr. In their biographies (Tadhkirat al-Huffāz, Tahdhib al-Tahdhib), Imam al-Dhahabi and Ibn Hajar al-‘Asqalani both commended these women for their dependability and piety (Nadwi, [2007](#)). For example, male academics flocked from far and wide to study under Karima, who was the main person in her area to disseminate *Sahih al-Bukhari*.

Despite these historical precedents, the medieval era saw a reduction in the public scholarly roles of women, especially as a result of strict patriarchal standards and sociopolitical shifts (Jamshaid & Maryam, 2025). Women were excluded from the mainstream of legal discourse in part because of the institutionalization of Islamic knowledge in madrasas, which over time became places dominated by men (Berkey, 1992; Sultan, 2024). Although they were not officially recognized, women nevertheless continued to participate in unofficial knowledge circles, particularly in private and familial contexts.

More often than not, societal norms and structural shifts were to blame for the marginalization rather than religious prohibition. According to scholars like Ahmed (1992), gender roles in classical Islamic cultures were influenced less by Islamic sources and more by political and cultural realities (Ahmed, 2021).

All things considered, the historical record shows that early and classical Islamic history had a strong tradition of female learning. Their exclusion in later eras is a historical evolution rather than a theological requirement, as women were jurists, hadith specialists, and educators. Any current ijtihad on women's leadership responsibilities in Islamic jurisprudence must acknowledge this tradition.

Classical Jurisprudential Perspectives on Female Leadership:

The classical Islamic legal system, or fiqh, developed a variety of viewpoints regarding the scope and acceptability of women's leadership positions in both religious and legal contexts (Jalajel, 2016). The majority of classical jurists placed severe restrictions on women's leadership in formal public and political arenas, particularly in positions of legal authority and governance, even though they were recognized as active participants in many facets of society, especially in scholarship, worship, and education (Yakar, 2022).

General Principles in Fiqh Regarding Leadership (Wilāyah):

Islamic jurists have traditionally distinguished between two primary categories of leadership:

General public power, or Wilāyah al-'Ammah, includes the caliphate, government, and judiciary. Specific or limited authority, such as educating, testifying, and giving legal opinions (fatwas), is known as wilayah al-Khāṣṣah. While most classical scholars concurred that women might have the latter, they disagreed on whether or not they qualified for general public power, especially in the political and judicial spheres. Their interpretations of specific Qur'anic passages and prophetic traditions were frequently the source of the limits. Arguments based on the Qur'an and Hadith often cite one particular hadith, which states that:

"Never will succeed a people who appoint a woman as their leader."

(Narrated by Abu Bakrah, Sahih al-Bukhari, 4425)

Classical jurists often interpret this narrative as a categorical ban on women in political leadership roles, like the caliphate. Scholars like Ibn Jarir and Imam al-Tabari (d. 923 CE) questioned the hadith's broad applicability, arguing that it applied to a particular political circumstance in Persia rather than a fundamental legal norm (Tabari, Jāmi' al-Bayān, 4:34). Another important verse that is frequently quoted is:

"Men are the protectors and maintainers of women..."

(Qur'an 4:34)

According to the traditional interpretation, this verse establishes male authority in the home and, consequently, in society. Contemporary scholarship, however, has contested this

interpretation (Wadud, [1999](#)), arguing that the verse refers to responsibilities rather than legal superiority.

School-Specific Views

Hanafi School

The Hanafis allowed women to hold the position of qāḍī (judge) in matters in which they are eligible to testify (e.g., civil cases). Imam Abu Hanifa (d. 767 CE) is reported to have allowed women to be judges in mu‘āmalāt (civil transactions) but not in ḥudūd or qiṣās (criminal cases), based on the rules of admissible testimony (al-Kāsānī, *Badā’i‘ al-Ṣanā’i‘*, vol. 7).

Maliki, Shafi‘i, and Hanbali Schools

The Maliki, Shafi‘i, and Hanbali schools were generally more restrictive. They did not permit women to serve as judges or in political authority based on the hadith of Abu Bakrah and their interpretation of public roles requiring physical presence in male-dominated spaces (Ibn Qudamah, *al-Mughni*, vol. 9).

Shi‘a Perspective

Some Shi‘a scholars historically permitted more inclusive roles for women in religious leadership (Ghadikolaie, [2020](#)). For example, the Zaydi School allowed women to issue fatwas and even lead mixed congregations in some contexts. Ayatollah Montazeri, a modern Shi‘a jurist, argued for the equality of men and women in public roles when competency and justice are met (Ghobadzadeh, [2022](#)).

Fatwa and Teaching Roles

Despite restrictions in formal authority, classical scholars allowed and even encouraged women to issue fatwas, especially in private settings or in female circles. Ibn Taymiyyah (d. 1328 CE) and Ibn al-Qayyim praised learned women who taught hadith and issued rulings. Fatwa, being an advisory rather than executive position, was seen as more accessible to qualified women.

Critical Observations

It is important to note that the classical restrictions on women’s leadership were often grounded more in custom (‘urf), social context, and assumptions about gender roles than in definitive legal texts (qaṭ‘ī al-thubūt wa al-dalālah). Moreover, exceptions and disagreements existed even within schools, indicating that the issue was not unanimously settled. Contemporary scholars like Dr. Mohammad Hashim Kamali and Khaled Abou El Fadl argue that juristic rulings on female leadership should be reassessed in light of modern realities, changing norms, and the higher objectives of Islamic law (maqāṣid al-sharī‘ah), which emphasize justice, public interest, and competence (Abou El Fadl, [2001](#); Kamali, [2006](#)).

Contemporary Ijtihad and Re-Evaluation of Texts:

In the 20th and 21st centuries, Muslim scholars have revived ijtihād, or independent legal reasoning, to address gender justice issues that earlier jurists and societal contexts did not address. Contemporary ijtihād on women's leadership focuses on two areas: (1) methodological re-examination of revelatory texts, and (2) applying broader juristic principles such as maqāṣid al-sharī‘ah (higher objectives), public interest (maṣlaḥah), and justice (‘adl) to re-read those texts in light of current realities.

Redefining Ijtihād in the Modern Period

Modern theorists highlight that *ijtihad* is a disciplined, text-anchored process that responds to context, rather than a license for uncontrolled creation. Fazlur Rahman's "double movement" hermeneutic, for example, advances from the socio-historical context of revelation to current situations before returning to the text to derive enduring moral instructions (Rahman, 1982). According to Kamali (2006), new rulings are valid provided they adhere to the Qur'an-Sunna ethos and incorporate the five universal *maqāsid*: faith, life, intellect, lineage, and property. These theories create conceptual space for rethinking traditional gender

Hadith Criticism and the Case of Abu Bakrah's Report

Abu Bakrah's Prophetic report: "A people who entrust their command to a woman will never prosper" (*Ṣaḥīḥ al-Bukhārī*, ḥadīth 4425) is the most commonly cited hurdle to female governmental leadership. Scholars have rigorously examined this narrative from an *isnād* and *matn* perspective.

According to Fatima Mernissi (1991), the hadith was said during the Persian succession crisis under Empress Būrān, which limits its contextual validity.

Reliability of transmitter:

According to Scholars, they also point out that while Ali ibn Abi Talib's caliphate, Abu Bakrah, the hadith's transmitter, was involved in a legal controversy, which calls for an intensive study of his solitary narrations in legal rulings. According to Abou El Fadl (2001), the Prophet (PBUH) assigned women like Umm Waraqaḥ to lead household prayers and recognized their *bay'a* (political allegiance), which contradicts his categorical ban. This layered assessment does not "discard" the report; rather, it limits its scope in accordance with hadith science and Prophetic tradition, allowing for permissibility.

Qur'ānic Re-readings

Exegetes who apply gender-sensitive hermeneutics revisit texts that have historically been used to justify male-exclusive power.

("qawwāmūn 'alā l-nisā'"). (Quran 4:34) Amina Wadud interprets *qawwāmūn* as financial obligation rather than ontological supremacy, emphasizing the verse's ethics of mutual support and piety (Wadud, 1999). ("and men have a degree over them") - According to Barlas (2002), the "degree" (*daraja*) in the Qur'ān is a concession to 7th-century economic circumstances, and the general trend of the book is egalitarian. Contemporary interpretations emphasize the internal Qur'ānic concepts of fairness, consultation, and *taqwā*, arguing that leadership is based on merit and trustworthiness, not gender.

Maqāsid- and Maṣlaḥah-Driven Reasoning

Many jurists use the *maqāsid* framework to demonstrate how barring qualified women contradicts Sharī'ah's core objectives. Justice ('*adl*) – The Qur'anic mandate to "stand firm for justice... even against yourselves" (Q 4:135) is contradicted by a structural barrier against half of the people.

According to Kamali (2006), restricting eligible women to judicial or legislative positions hurts collective welfare in modern nation-states that prioritize talent maximization (*maṣlaḥah*). Dignity (*karāmah*) is a fundamental value as stated in the Quran (17:70). Institutionalizing a hierarchy based on gender rather than competence contradicts this value (Mir-Hosseini, 2013). As a result, even if prior jurists banned women for pragmatic reasons

(travel problems, safety, seclusion standards), those justifications are no longer uniformly applicable.

Collective Ijtihād and Institutional Shifts

Individual authors are not the only ones undergoing contemporary re-evaluation. Transnational initiatives like Musawah (founded in 2009) bring together scholars and activists to create gender-equitable fiqh stances; their 2011 Framework for Action expressly supports female religious authority (Winkel, [2021](#)). The state fatwa councils have also moved: Turkey's Diyanet began appointing women as vaizes (preacher-jurists) in 2005, and female muftis in 2020. Indonesia's Komnas Perempuan organized the 2017 Female Ulama Congress, which issued a collective fatwa confirming women's eligibility for national leadership (Feener & Cammack, [2018](#)). In 2018, Al-Azhar opened its Dar al-Iftā' training program to women, allowing certified graduates to issue fatwas (Alanazi et al., [2024](#)). These institutional precedents demonstrate that mainstream Sunni groups can and do accept women's juristic authority when supported by methodological justification.

Critiques and Safeguards

Traditionalists continue to raise concerns about the risks of liberalization, citing scholarly consensus (ijmā'). According to Al-Qaradawi ([1996](#)), contemporary mujtahidūn argue that (a) the Ḥanafīs' partial approval of female judges is a documented dissent, and (b) ijmā' loses binding authority when there is a credible juristic dispute. They emphasize that modern ijtihād must adhere to the following:

Textual integrity - No rule may contradict a clear, qat'ī text. Academic excellence requires proficiency in Arabic, uṣūl al-fiqh, and hadīth.

Ethical goals - Outcomes must promote justice, welfare, and dignity rather than just mimicking secular norms. Scholars contend that extending women's leadership restores the spirit of Sharī'ah, rather than diluting it.

Concluding this Contemporary ijtihād shows that limits on female leadership were historically contextual and not divinely immutable. Modern scholars and organizations have created avenues for women to serve as judges, muftis, and political leaders while adhering to Islamic legal theory, using critical hadīth analysis, Qurānic re-readings, and maqāṣid reasoning. This re-evaluation sets the context for the following section, which looks at real-world examples of how these theoretical breakthroughs have been used.

Women in Contemporary Leadership Roles

Women's visibility in religious, legal, and political leadership within Muslim-majority cultures has increased dramatically in recent decades, challenging long-held preconceptions about the positions acceptable to women under Islamic law. This improvement is a result of legal reforms, changing societal attitudes, and modern interpretations of Islamic jurisprudence (ijtihād). The following section examines the manifestations of women's leadership today in various Muslim societies and institutions.

Judicial and Religious Authority

In certain nations, women currently hold state-appointed positions as judges and religious authorities. Since the 1960s, Indonesian Islamic courts have appointed women judges. The Indonesian government recognizes women as "qāḍī" (Islamic judges) under state religious courts for family law. In 2017, the Congress of Indonesian Women Ulama (KUPI) issued a

landmark fatwa confirming women's right to be religious scholars and leaders. (Feener & Cammack, [2018](#))

Turkey has also made institutional gains. In the early 2000s, the Directorate of Religious Affairs (Diyanet) began selecting women as religious preachers (vaizes), and by 2020, their role had expanded to include female muftis in several provinces.

Diyanet's education system prepares these women to provide legal and religious views, advise communities, and promote social guidance (Gökariksel & Secor, [2010](#)).

Egypt has also granted women religious leadership in limited, symbolic ways. In 2018, Al-Azhar University incorporated women into its Dar al-Ifta' training program, allowing female graduates to contribute to fatwa issuing. While not totally equal in authority to their male counterparts, the presence of women in such vital institutions is a step toward inclusivity (Egyptian Gazette, 2019).

Political and Legal Leadership

Women have attained high-level political positions in various Muslim-majority countries, displaying both their leadership qualities and popular support despite customary constraints. Notable examples include Benazir Bhutto of Pakistan, who was Prime Minister from 1988 to 1990 and again from 1993 to 1996, becoming the first woman to lead a Muslim-majority country. Megawati Sukarnoputri was President of Indonesia from 2001 to 2004, following a successful political career as the daughter of the country's first president.

Sheikh Hasina of Bangladesh has served as Prime Minister for two non-consecutive terms, first from 1996 to 2001 and then from 2009 to the present, making her one of the Muslim world's longest-serving female leaders. Tansu Çiller was Turkey's first female Prime Minister, holding the role from 1993 until 1996. These leaders, who are not from traditional religious organizations, have challenged gendered norms in Muslim cultures, prompting fresh scholarly interest in the subject of women's political authority in Islamic jurisprudence.

Although these women rose to power through political processes rather than religious organizations, their leadership has sparked scholarly debate over the legitimacy of female rule. According to Kamali ([2006](#)), political leadership under Islamic law is based on competence, fairness, and consultation rather than gender.

In Tunisia and Morocco, legal reforms have enhanced women's participation in religious and civic leadership. Morocco established a program in 2006 to teach female religious advisers (murshidāt), who currently provide sermons, counseling, and community development under the Ministry of Islamic Affairs (Sadiqi & Ennaji, [2011](#)).

Challenges and Limitations

Despite the improvements made, substantial challenges remain. In many societies, cultural traditions and patriarchal views continue to limit women's influence, particularly in rural and conservative areas. Even when formal channels exist, institutional resistance, a lack of legal frameworks, and public mistrust frequently impede women's participation in leadership positions.

Furthermore, the acceptance of women in leadership is frequently determined by political will rather than religious agreement. For example, although some governmental institutions advocate for gender-inclusive policies, others oppose change, fearing that it will erode traditional traditions or pander to Western values.

The Role of Education and Advocacy

Islamic universities and women's organizations play crucial roles in legitimizing female leadership. Fatima al-Fihri founded Al-Qarawiyyin University in Morocco, which remains a center of female education. International Islamic University Malaysia (IIUM) and Jamia Millia Islamia (India) have produced prominent female academics who have contributed to modern Islamic jurisprudence. Advocacy groups like Musawah and Sisters in Islam have also contributed significantly to advancing gender justice within Islamic frameworks. Their efforts include developing gender-sensitive interpretations of the Qur'an, promoting public education, and campaigning for policy changes to discriminatory laws.

To summarize, the growing representation of women in leadership positions in Islamic law and public life illustrates the fluidity of Islamic legal philosophy. This essay explores how current *ijtihād*, founded on classical notions and applied to modern contexts, can provide a strong theological basis for inclusive leadership. While challenges exist, the presence of women in judicial, religious, and political positions demonstrates the sustainability and legitimacy of their roles in shaping the future of Islamic civilizations.

Challenges and Critiques

Although remarkable advancements have been made in recognizing and formalizing women's leadership roles in Islam and public life, there are still many obstacles to be overcome within traditional academic disciplines and broader social systems. These obstacles stem from ideological conservatism and cultural mores, as well as from political and methodological critiques of modern *ijtihād*.

Traditionalist Objections

According to scholars and institutions that follow classical jurisprudence, historical consensus has already established verdicts on women's leadership. The hadith "A people who entrust their affairs to a woman will never succeed" (Ṣaḥīḥ al-Bukhārī, 4425) by Abu Bakrah is widely used to discourage women from having positions of authority. These academics argue that reinterpreting such passages or challenging their normative scope undermines the rule of foundational sources and may lead to legal relativism (Al-Qaradawi, [1996](#)).

Furthermore, some researchers argue that enabling women to take leadership roles may pave the way for broader, more difficult modernization reforms, such as reinterpreting long-standing laws in family law and inheritance. This "slippery slope" argument is both theological and sociological, reflecting concerns about maintaining the integrity and purity of Islamic tradition amid rapid globalization.

Cultural Resistance

Many groups' antagonism toward women's leadership originates from ingrained patriarchal norms rather than scriptural logic. Local conventions, tribal rituals, and gender norms continue to influence societal expectations, particularly in rural and conservative areas. Even when government laws and religious institutions support gender-inclusive policies, community opposition often delays their implementation.

In South Asia and the Middle East, for example, women religious teachers or muftis face social stigma, limited public visibility, and a lack of institutional support. The combination of cultural conservatism and theological purity fosters a false yet compelling narrative: Islam excludes female leadership.

Methodological Critiques of Contemporary Ijtihād

Modern scholars encourage women's leadership using methodologies such as *maqāsid al-sharī'ah* (higher objectives of Shariah), contextual readings, and gender-sensitive hermeneutics. However, these techniques have been criticised. Some traditional jurists argue that such techniques, if not strictly regulated, risk subjectivity and selective interpretation. Excessive reliance on *ijtihād* without a firm foundation in traditional legal theory (*uṣūl al-fīqh*) can lead to unqualified interpretations of important Islamic verdicts.

Furthermore, opponents question whether current movements genuinely reflect scholarly agreement or if they represent restricted, Western-influenced academic concepts that are detached from mainstream Islamic philosophy. This critique questions authority, legitimacy, and the criteria for genuine *ijtihād* in the present day.

Institutional and Structural Barriers

Along with understudied cultural barriers, the limited access to advanced Islamic education, lack of representation on religious councils or intellectual councils, and absence of policy enforcement mechanisms in many Muslim-majority countries are practical barriers to the leadership of women. Even if women are allowed to have specialized positions, they are often removed from the decision-making processes or from the activities that are labeled as women's and children's work.

In simplified terms, the application of gender-inclusive leadership under Islamic law remains unequal. Progress has been achieved, yet the opposition rooted in custom and culture requires sustained attention, active debate, and systemic change. Building on the advances described above, the long-term normalization of women's leadership in Islamic jurisprudence requires a framework that is both textually reliable and institutionally practical. The alternatives described below are divided into four cross-cutting fronts: methodology, education, policy, and community engagement, to ensure that reform is coordinated across academia, structures, and society.

Methodological Guard-Rails

To advance gender-inclusive decisions, contemporary *ijtihād* must first demonstrate knowledge of *uṣūl al-fīqh*, *ʿulūm al-ḥadīth*, and Arabic sciences. Publishing peer-reviewed *fatāwā* and submitting them to recognized scholarly committees can prevent ad hoc or ideological readings (Kamali, [2006](#)).

Putting welfare (*maṣlahah*), justice (*ʿadl*), and human dignity (*karāmah*) at the center assures that rulings expand rather than destroy the ethical aim of revelation (Abou El Fadl, [2001](#); Mir-Hosseini, [2013](#)). Mixed-gender juristic panels, like Morocco's *Majlis ʿIlmī* and Indonesia's KUPI platform, should be the default venue for reconsidering contentious matters to avoid charges of individual prejudice (Feener & Cammack, [2018](#)).

Educational integration:

Seminaries and Islamic universities should include courses on gender-responsive jurisprudence, comparative legal history, and research methods alongside standard textbooks.

Government ministries, *zakāt* foundations, and NGOs can support advanced fellowships for female students to pursue *fiqh* doctorates, with supervision from renowned scholars, similar to Turkey's *Diyanet* fellowship program (Gökarıksel & Secor, [2010](#)). Massive open online courses (MOOCs) in Arabic, English, Urdu, and Bahasa Indonesia can provide rigorous instruction to women who are unable to relocate while ensuring credential integrity through proctored exams.

Policy and Institutional Reform

National fatwā councils, shari'ah courts, and university senates should reserve a minimum percentage of seats for qualified women until parity becomes self-sustaining. Malaysia's Shariah Judiciary Department has already taken this approach (Saifullah & Abdullah, [2021](#)). Codifying merit-based benchmarks (educational level, peer endorsements, years of service) helps dispel the notion that female appointments are purely symbolic. Where constitutions or personal-status rules still prohibit women from particular posts (e.g., chief qāḍī), parliamentary revisions with legal grounds are necessary for long-term change.

Community Engagement and Public Discourse

Friday-sermon toolkits, radio programs, and social-media infographics may demonstrate that female leadership has historical precedence and scriptural justification, debunking the myth that it is a "Western import."

Training influential imams, tribal elders, and youth leaders to encourage female scholars publicly increases the impact; research shows that when both genders champion change, community uptake accelerates (Warren et al., [2024](#)). Independent bodies should monitor the number of women in juristic positions, issue annual reports, and document best practices for replication across the Islamic world (Syahriani & Auliya, [2024](#)). In sum, a balanced strategy comprises robust uṣūl methodology, institutional improvements, and ongoing public outreach (Halim & Osmani, [2023](#)). By linking legitimacy to demonstrable ability and ethical outcomes rather than gender, Muslim nations might reclaim a greater juristic history in which women, like their forefathers, fully contribute to the formulation and application of Islamic law.

Conclusion:

The discussion of women in leadership roles in Islamic jurisprudence is a vital revival of Islam's deep ethical foundations and scholarly legacy, not an exception from tradition. Historically, evidence shows that women had a crucial role in the early decades of Islamic knowledge growth as recognized and authoritative jurists, muḥaddithāt, and educators. Their subsequent marginalization resulted from sociopolitical and cultural changes that reduced their institutional functions and public exposure rather than from divine decrees.

Although insights within classical jurisprudence are varied, they often mirror the sociocultural conditions of their particular historical epochs. The constraints placed on women's leadership, for instance, arose through ijtihad, qiyās, and ta'līl, rather than from outright denial in the Qur'an. The utilization of specific hadiths and Qur'anic verses in the context of gender exclusion has come under scrutiny from scholars, particularly those focused on ethical redress in the Qur'an—justice, consultation, and equity.

Ijtihad reflects a coherent and evolving concept capable of re-examining and revising old decrees. As a part of the Shariah objectives of Shariah (maqāṣid al-sharī'ah), ijtihad today justifies and promotes the active involvement of women, as well as their leadership roles, within the legal, religious, and scholarly spheres of society. This greater participation is confirmed by the increasing numbers of female muftis, judges, and Islamic scholars in the Muslim World, and the activities they engage in, as they illustrate the societal advantages and religious permissibility of these positions.

Women's leadership is not an accommodation to modernity; rather, it is a re-embracing of the integrative aspect of the earliest period of Islam, which appreciated wisdom, virtue, and skill beyond the boundaries of the woman-man divide. The future of Islamic legal thought is likely to configure a balanced system that revitalizes the long-overlooked contributions of

women to scholarship and nurtures an ecosystem of equity and scholarship that is unreservedly open to all, beyond the artificial constructs of gender.

References:

- Abou El Fadl, K. (2001). *Speaking in God's name: Islamic law, authority and women*. Oneworld.
- Ahmed, L. (1992). *Women and gender in Islam: Historical roots of a modern debate*. Yale University Press.
- Ahmed, L. (2021). *Women and gender in Islam: Historical roots of a modern debate*. Yale University Press.
- Alanazi, M. S. A., Hidayat, S. R., & Alyusufi, A. O. A. (2024). Fatwa, Marketing, and Halal Certification: A Socio-Legal Analysis of The Indonesian Ulama Council Fatwa Number 80 of 2022. *International Journal of Law and Society*, 3(2), 156–172. <https://doi.org/10.59683/ijls.v3i2.96>
- Al-Azzawi, A. R. G., & Al-Salman, I. M. A. (2021). University of Al-Qarawiyyin's Position Regarding the French Educational Policy Between 1918-1925. *Annals of the Romanian Society for Cell Biology*, 25(4), 9363–9374.
- Barlas, A. (2002). *“Believing women” in Islam: Unreading patriarchal interpretations of the Qur’an*. University of Texas Press.
- Berkey, J. (1992). *The transmission of knowledge in medieval Cairo: A social history of Islamic education*. Princeton University Press.
- Feener, R., & Cammack, M. (2018). *Islamic law in contemporary Indonesia*. Harvard University Asia Center.
- Fitria, T. N. (2025). Women in Political Leadership: An Islamic Economic Perspective on Women's Empowerment, Gender Justice and Socio-Economic Welfare. *Jurnal Ilmiah Ekonomi Islam*, 11(2), 29–49.
- Ghadikolaei, S. O. (2020). Women's religious authority in Shi'i tradition: A quest for justice. In M. Renaud & W. Schweiker (Eds.), *Multi-Religious Perspectives on a Global Ethic* (pp. 46–58). Routledge.
- Ghobadzadeh, N. (2022). Wasatiyya Discourse in Shi'i Islam: Ayatollah Montazeri and Human Rights Jurisprudence. *Religions*, 13(2), Article e126. <https://doi.org/10.3390/rel13020126>
- Gökarıksel, B., & Secor, A. (2010). The politics of public piety: Islam, secularism, and the headscarf in Turkey. *Signs: Journal of Women in Culture and Society*, 36(1), 123–149. <https://doi.org/10.1086/652918>

- Halim, M. A., & Osmani, N. M. (2023). Good governance in western and Islāmic Traditions: A comparative study. *Al-Risalah: Journal of Islamic Revealed Knowledge and Human Sciences*, 7(2), 312–329. <https://doi.org/10.31436/alrisalah.v7i2.469>
- Hamisan, N. S., & Nizam, A. W. K. (2025). Umm al-Dardā'al-Ṣuḡhrā: A Legacy of Scholarship and Empowerment for Contemporary Muslim Women. *Ma'ālim al-Qur'ān wa al-Sunnah*, 21(1), 65–81. <https://doi.org/10.33102/jmqqs.v21i1.527>
- Hoque, M. N., & Abdullah, M. F. (2021). The world's oldest university and its financing experience: a study on Al-Qarawiyyin University (859-990). *Journal of Nusantara Studies (JONUS)*, 6(1), 24-41. <https://doi.org/10.24200/jonus.vol6iss1pp24-41>
- Jalajel, D. S. (2016). *Women and leadership in Islamic law: A critical analysis of classical legal texts*. Routledge.
- Jamshaid, S., & Maryam, Z. (2025). Gender roles in Quran/hadiths and Bible: A comparative study of text, interpretation, and social practice. *Journal Of Arts and Linguistics Studies*, 3(3), 3511–3539. <https://doi.org/10.71281/jals.v3i3.380>
- Kamali, M. H. (2006). *Shari'ah law: An introduction*. Oneworld.
- Karimullah, S. S., & Ibrahim, Z. S. (2024). rethinking gender in islamic law. *Musāwa Jurnal Studi Gender Dan Islam*, 23(1), 99–113.
- Koburtay, T., Abuhussein, T., & Sidani, Y. M. (2023). Women leadership, culture, and Islam: Female voices from Jordan. *Journal of Business Ethics*, 183(2), 347–363. <https://doi.org/10.1007/s10551-022-05041-0>
- Makdisi, G. (1981). *The rise of colleges: Institutions of learning in Islam and the West*. Edinburgh University Press.
- Mernissi, F. (1991). *The veil and the male elite: A feminist interpretation of women's rights in Islam*. Perseus.
- Mir-Hosseini, Z. (2013). Justice, equality and Muslim family laws. In Z. Mir-Hosseini, K. Vogt, L. Larsen, & C. Moe (Eds.), *Gender and equality in Muslim family law* (pp. 7–36). I.B. Tauris.
- Muqtada, M. R., bin Mustapha, A. S., & Mufid, A. (2024). Fiqh contestation on women's public leadership in Indonesia and Malaysia: Reproducing Qur'anic and Hadith interpretations. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 19(1), 221–248. <https://doi.org/10.19105/al-lhkam.v19i1.13163>
- Nadwi, M. A. (2007). *Al-Muhaddithat: The women scholars in Islam*. Interface Publications.
- Putra, A. (2022). The Prophet's household problems and the solving method in hadith. *AJIS: Academic Journal of Islamic Studies*, 7, 1–26.
- Rahman, F. (1982). *Islam and modernity: Transformation of an intellectual tradition*. University of Chicago Press.

- Rehman, S. (2024). *Gendering the Hadith Tradition: Recentering the Authority of Aisha, Mother of the Believers*. Oxford University Press.
- Sadiqi, F., & Ennaji, M. (2011). Introduction: contextualizing gender and violence in the Middle East. In F. Sadiqi & M. Ennaji (Eds.), *Gender and violence in the Middle East* (pp. 1–9). Routledge.
- Saifullah, A. H. M., & Abdullah, R. (2021). A brief overview on the inquisitorial method in Malaysian shariah courts. *Journal of Shariah Law Research*, 6(1), 67–88.
- Stanezkai, P., & Saeedi, W. M. (2023). Judge and women's judgement in Islamic Sharia and the laws of Afghanistan. *Journal of Positive School Psychology*, 7(7), 218–232.
- Sultan, Y. (2024). Space and gender in islamic law: The early discourses. *Journal of Islamic and Muslim Studies*, 9(2), 1–25. <https://doi.org/10.2979/jims.00033>
- Syahriani, F., & Auliya, N. L. (2024). The position of women witnesses in Islamic law: An analysis of women's contribution to the judicial process in Indonesia. *USRATY: Journal of Islamic Family Law*, 2(2), 113–123. <https://doi.org/10.30983/usraty.v2i2.8708>
- Wadud, A. (1999). *Qur'an and woman: Rereading the sacred text from a woman's perspective* (2nd ed.). Oxford University Press.
- Warren, M. A., Torjesen, K. J., Wamue-Ngare, G., Warren, M. T., & Sam, A. A. (2024). Leading change by leveraging cultural strength: When religious leaders champion gender equity with religion as a strength. In A. Akande (Ed.), *Leadership and Politics: New Perspectives in Business, Government and Society* (pp. 417–441). Springer.
- Winkel, H. (2021). Islamic feminism. Thinking gender justice as a religious knowledge practice. In C. Gärtner & H. Winkel (Eds.), *Exploring Islam beyond Orientalism and Occidentalism: Sociological Approaches* (pp. 179–210). Springer.
- Yakar, E. E. (2022). Women's political leadership: One question and two divergent fatwās. *Journal of Law and Religion*, 37(2), 332–362. <https://doi.org/10.1017/jlr.2022.15>
- Zaman, M. Q. (2002). *The ulama in contemporary Islam: Custodians of change*. Princeton University Press.