

## Deconstructing Gender-Inequality In Nigeria: Challenges Facing Women Leadership Between *Sharī'ah* Theories And Cultural Diversity

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### ABSTRACT:

*Islam as a religion and a complete culture in its Sharī'ah principles has endowed the woman an honorable and humane position. Islam also granted all human beings certain rights without any discrimination of color or sex. However, indication shows that there is serious gender inequity in the participation of Muslim women in political leadership role in Nigeria. The problem arises from diverse culture and Sharī'ah theories. Islam commands the believers (men/women) to enjoin good and forbid evil, irrespective of gender. This translates into enjoining and participating in anything that leads to societal development. With this premises, the work seeks to address the problems and challenges facing Muslim women leadership in Nigeria. Using sampling methodology, statistics of women occupying leadership position in Nigeria at this period of time will be employed. While cultural discussion shall be restricted to the three major ethnic groups viz; Hausa, Igbo and Yoruba. The research shall be inductive thus Islamic textual proofs, published literatures and e-materials among others will be examined using qualitative data analysis. Bearing in mind that Sharī'ah is a human approach to Divine Will as reflected in the Qur'ān which is sometimes mediated through prevailing social ethos, the 'Ulamā' should revisit the question of Muslim woman leadership in Nigeria.*

**KEY WORDS:** Deconstructing, Gender-Inequality, Women-Leadership, Cultural-Diversity, Sharī'ah-Theories.

### Background

Nigeria has more than 250 ethnic groups, with varying languages and customs, creating a country of rich ethnic diversity. The largest ethnic groups are the Fulani/Hausa, Yoruba, Igbo, accounting for 68% of population. Nigeria is also home to a variety of religions which tend to vary regionally.

The largest religions of Nigeria are Islam and Christianity, including many followers of indigenous religions. Based on a 2003 survey, 50.4% were Muslim, 48.2% were Christian, and followers of other religions were 1.4%. The majority of Nigerian Muslims are Sunni, but a significant Shi'a and Sufi exists and a small minority of Ahmadiyya. Some northern states (12

in number) have incorporated *Sharī'ah* law into their previously secular legal systems, which has brought about some controversy.<sup>1</sup>

With this background into the religio-cultural diversity of the Nigerian nation, the crux of this work is a critique of those cultural and *Sharī'ah* ideo-political framework that stand as an impediment to Muslim women political advancement. Looking at the cultural diversity, the work will only cover the three major cultural groups in establishing the cultural factors that affect women leadership in Nigeria. On the other hand religious limitation is also another strong factor that hinders women advancement in leadership. The work will dwell strongly on the Islamic culture by examining the *Sharī'ah* theories advanced by different 'Ulamā' on the viability of Muslim women leadership.

### Theoretical Framework

Islam provides the same moral codes for men and women. It provides equal opportunities for male and female and both can share every aspect of religious virtues with the exception of those areas where sexual peculiarities matter. Allāh (SWT) says in the Qur'ān: 'the believers, men and women, are protectors one of another: they enjoin what is just and forbid what is evil.' Q9: 71.

While from the western perspective, the more cohesive and systematic efforts to promote women's rights since the formation of the United Nations Organizations in the 40's owe a lot to the theoretical formulations and explanations of women's equity with men and gender (deconstruction and reconstruction) theories. Such theories include the biological determinists' theory which holds that biology is destiny; that human nature and society are dictated largely or entirely by the demands of human physiology and that there is an essential unchanging difference

between the masculine and the feminine. That the man by physique is more suited for the social roles of seeking food. The woman is less physically built for the labor intensive tasks of farming and hunting. Also, her maternity roles make her dependent on male support for many years of her youth (during child bearing years). According to this theory, this dependency on male provision and protection only confirms nature's position that the man is superior.<sup>2</sup> The Islamic ideology on gender relations also recognized division of labor. The husband is saddled with the responsibility of feeding, clothing and accommodation and taking care of his wives and children as contained in the following Qur'ānic verse: Men are the protectors and maintainers of women, because God has given the one more (strength) than the other and because they support them from their means. Therefore the righteous women are devoutly obedient and guard in (the husband's) absence what God would have them guard. As to those women on whose part ye fear disloyalty and ill conduct, admonish them (first), (next) refuse to share their beds, (and last) beat them (lightly); But if they return to obedience, seek not against them means (of annoyance): For God is most High, Great (above you all) (Q4:34)

The cultural determinists' theory challenges, the biological arguments and assert unequivocally that, cultural norms and standards of behavior are responsible for the subjugation of women. These norms and expectations of male and female behavior vary from society to society and from time to time in the same society.<sup>3</sup> Wazir is a strong advocate of this theory as she states in her work *Women and Culture between Malay Adat and Islam* that, the problem of discrimination against women or male hegemony or domination is a cultural issue. Women's power vis-à-vis men differed in form and meaning according to cultural, customary and traditional constructs.

According to her, male hegemony in biology, class and politics developed from the cultural meanings attached to sex and gender rather than from universals of the unknown.<sup>4</sup> With respect to this present work, this culture can be either Islamic culture or Nigerian traditional culture.

The Feminists approach on the other hand relies on gender consciousness as its basis, although it goes on to call for the abolition of prescribed gender roles. The earliest of feminists approach is liberal feminism advanced by Mary Wollstonecraft. It argues that women should have equal opportunities within society to jobs and education and oppose discrimination against women.<sup>5</sup> The conceptual ideology behind this theory shears similar beliefs with some Muslim Jurists by allowing the women to go out of their houses and to even partake in public activities with restriction as to the type of activities by some of them, while others have no restrictions as long as this public activity is not haram (illegal) at all.

It is on this premises that this work strongly construct its argument to show how both Nigerian culture and *Shari'ah* culture has been used abrasively to discourage especially the Muslim women from assuming leadership role.

### **Nigerian Socio-Cultural Factors**

This section is most concern about the overview of women leadership in the Nigerian traditional culture as represented by the three mentioned ethnic groups. Traditional cultural practices reflect values and beliefs held by members of a community for periods often spanning generations. These traditional cultural practices sometimes continue to affect and

guide the practices of some people in the society even as they embraced Islam.

It appears very clearly that in the Nigerian culture, women are allowed some form of political representation. In Yoruba land, Iyalode sat on the male dominated King's council, as women's representative and wielded considerable influence and authority. Madam Tinubu of Lagos was a wealthy trader who became a king maker. Among the Igbo ethnic group, women leaders controlled women's group and were so strong that the leaders fully mobilized the women to protest against taxation during the 1929 Aba women's riot. Igbo women like Mrs. Funmilayo Ransome Kuti, leader of the Abeokuta Women's Union and Mrs. Margret Ekpo were delegates to the constitutional negotiation that ushered in the First Republic. While in Hausa land, Queen Amina of Zazzau c. 1576 was a ruler who presided over an extensive empire and led her predominantly male army on wars of conquest.<sup>6</sup> Queen Daurama of Daura, the pivot of Hausa states married Abu Yazidu (Bayajidda) and produced seven sons who established the seven Hausa states, Hausa Bakwa. A Hausa woman, Gambo Sawaba of Zaria was an advocate for Northern women's political rights and campaign for their rights to vote and be voted for. Thus, the Southern women got electoral franchise in the First Republic, and their Northern counterparts were enfranchised only in 1979.<sup>7</sup>

This system of government in the Hausa land during the pre-Jihad period persisted even after the establishment of the Sokoto Caliphate as kaura mentioned in his write up. He thus explained that, men remained as the sole rulers of territories and districts while women have titles and functions confined in the palace (as Magajiya). Their activities had to do with the womenfolk. This he explains is due to the position of Islam in respect of women rulers who had to intermix with their subjects. And also, another reason he mentioned is that, the time of the Jihad leaders was a critical

one which kept rulers in constant struggle with the old order.<sup>8</sup>

We can conclude that, while women in the Nigerian tradition exercised some form of political participation, in most cases their power is not exercised over the men. This cannot be unconnected with the traditional values founded on systems of cultural beliefs and attitudes, about the physiology, psychological and social inferiority of women. Unfortunately, these systems of cultural beliefs and attitudes are reinforced as they are given the force of law (in Nigeria) being part of the Customary Law System.<sup>9</sup>

The research conducted by Legal Research and Resource Development Centre (LRRDC) reveals that, in Nigeria, political and ideological structures of society have created barriers against which women have to fight and struggle. Women had for several years had the same rights to vote as men. Despite this, they were culturally discouraged from seeking the subordination imposed by the customary law and practice regime they are not elected or appointed leaders. As a result, there is a wide gap between de jure and de facto equality. Also, the nature of the political environment in Nigeria is much characterized by violence and this has caused a great barrier for women.<sup>10</sup>

Economic power is also essential to effective participation in politics in most parts of the world. In fact, due to poverty and other economic deprivations prevalent in Nigeria, the role of money in the determination of political participation and outcomes has been glorified. With the structure of financial solvency tilting towards men, women are not able to match the capacity of men for money spending in politics.<sup>11</sup> These and many other factors explain the decimal

percentage of women representation in leadership position.

#### Hermeneutics of the *Shari'ah* Theories on Women Leadership

The debate about the role, responsibility and participation of Muslim women in the political arena has generated considerable controversy especially now that the Muslim societies are increasingly informed and controlled by the Western World ideologies.

The Qur'an did not make any explicit pronouncement on the participation of women in politics, even though it gives her some freedom of public activities with strict rules and regulations guiding her conduct. The only reference to women leadership in the Qur'an is with regard to the story of Bilqis who was a political head of her people. It was Bilqis' wisdom and wise consult that led her people to victory in their affairs with Prophet Suleiman and the Qur'an praised her for that. (Q27: 28-44). Therefore, the argument revolves around one hadith which states that:

Imam Bukhari reports from Abu Bakrah the following: 'Allah provided me with considerable benefit during the battle of the camel with one word (or one statement). When news reached the Prophet (SAW) that the Persians had appointed Chosroe's daughter as their ruler, he said: 'A nation which placed its affairs in the hands of a woman shall never prosper!'

From the earliest days of Muslim scholarship, those jurists who implicitly accept the hadith above as containing some injunctions have differed on the meaning of 'placing affairs in the hands of a woman.' Some scholars prohibit women from all public duties. Abu Hanifa permits a woman to hold public office, even to be a judge in matters in which her testimony is admissible—that is all cases other than those involving fixed



penalties (hudud) and retaliation (qisas). Ibn Hazm in his *Muhalla*, allows a woman to hold every office apart from that of the Head of State based on this hadīth. While, Hafiz Ibn Hajr indicates in *Fathul Bari* that, Imam Ibn Jarir Al-Tabari not only supports the unrestricted appointment of woman to judgeship, he permitted also her appointment as Head of State. A similar view is reported from Imam Malik Ibn Anas and adopted by some Maliki jurists (although the popular view in the mazhab is contrary to this). The point to be noted here is that there was no unanimity among scholars on this matter although, the vast majority barred women from the office of the head of state.<sup>11</sup> Contemporary scholars articulate its rejection of the hadīth cited by Abu Bakrah as evidence barring women from leadership from different perspectives. The 'feminist,' rejects the authenticity of the hadīth in its entirety. This view is represented by Fatima Mirnissi in her book *The Veil and the Male Elite: A Feminist Interpretation of Women Rights in Islam*. Mirnissi questioned the reliability of Abu Bakrah, a companion of the Prophet as a narrator of hadīth. She therefore rejects his authority and with it the evidence of the hadīth since to her is a fabrication.<sup>12</sup>

The second group adopts different line of argument, which is exemplified by Justice Aftab Hussain in his book *Status of Women in Islam*. The central argument of this group is that it is clear that Abu Bakrah did not understand from the words he narrated an injunction against the leadership of women. He was a companion of Aisha and followed her and fought among her troops and returned with her to Madinah after her defeat. He remembered this hadīth as he stated during the Battle of the Camel and yet neither left her side nor advised anyone else to. This group says that to insist that the hadīth is an injunction against female leadership places this companion

of the Prophet in a very unbecoming light.<sup>13</sup> Some other scholars on the other hand have rejected this Hadīth on the strength of its isolationist posture and that its authenticity is in question. However, these views stand as aberration in the Sunni Muslim world as there is a unanimous decision in the Sunni school that all the Prophet Sahaba are reliable, honest and truthful and also all the Ahadīth in *Sahih al-Bukhari* are authentic. The third group took a different course. This group accepts the hadīth as authentic but insists that it was a prophecy relating to the Kingdom of Persia and had no legal implications beyond that. The argument of this group is in Sanusi's view; best presented by Hiba Ra'uf in her book *Al-Mar-ah wa 'l-'Amal as-Siyasa*. This group argues that the hadīth must be read along with related ones in *Al-Bukhari* (See: Chapter on 'Letter of the Prophet to Chosroe and Caesar,' Hadīth Nos. 4424, 4425 and 6639) since, according to Hafiz Ibn Hajr, it merely completes the story of the Chosroe who tore the Prophet's letter.<sup>14</sup>

In fact, base on these arguments, Muslim women are not only discouraged from leadership and political participation, but generally from all public activities in the name of Islam. According to al-Qaradawi, some Muslims go to the extreme of imprisoning the women at home, not allowing her to go out except to her grave. In his own point of view, this verdict has no basis from the Qur'an, Sunnah or in the history of Muslim Women in the first three centuries, which were the best.<sup>15</sup>

A careful study of the teachings of Islam or into the history of Islamic civilization will surely find a clear evidence of woman's participation in what can be called the 'political rights' today. Women are allowed to play advisory roles in the affairs of state during the Prophet's time. A special mention here must be made of Lady Ummu Waraqa bin Abdullah. According to Iqbal the Prophet often consulted this lady on various issues. The counsel

of his wives was valuable to him too. Even a slave-woman could question him.<sup>16</sup>

For example, ‘Aisha (RA), the wife of the Prophet (SAW) contributed to her community’s administration through her wise counsel, communications and interpretation of Islamic laws. It was with her approval, along with others, that ‘Ali was voted as a Caliph. During the Caliphate of Umar bin al-Khattab, a woman argued with him in the mosque, proved her point and caused him to declare in the presence of the Ummah: ‘A woman is right and Umar is wrong.’<sup>17</sup> Ummah Hani, the Prophet’s cousin and sister to the fourth Caliph, Ali bn AbuTalib (RA) led a group of people to the Prophet (SAW) and sought amnesty for them to prevent them from being

taken prisoners by the Muslims during the conquest of Makkah. The Prophet (SAW) obliged and shortly after announced a general amnesty for all the inhabitants of the state at the Holy Ka’aba.<sup>18</sup> These are just but few examples.

#### Muslim Women and Leadership in the Nigerian Context

The diversity of religions and cultures in Nigeria give rise to different religious and cultural perceptions and attitudes. Generally, these militate against women assuming authority over men. Currently statistics has proved that women occupy fewer than 10% of positions in government in Nigeria.<sup>19</sup> To be more specific the figure is put at 8.3%.<sup>20</sup>

**Table Showing The Statistics Of Women Holding Leadership Position In Nigeria From 1999-2007**

office	1999		2003		2007	
	Male	female	male	Female	male	female
ministers	35	9	32	12	37	8
senate	106	3	105	4	100	8
House of reps	347	13	339	21	330	27
governors	36	0	36	0	36	0
Deputy governors	35	1	34	2	32	4
chairmen	765	9	774	0		
Councilors	8667	143			1576	164
Speakers	35	1	36	0	36	0
State assembly	978	12	951	39	853	56

Source: Nigeria Gender Statistics Book 2008.<sup>21</sup>

From the table above, the Muslim women occupy far less than 50 percent of the total number of women in leadership in Nigeria today. Looking at the women office holders in Nigeria from the third republic to the present dispensation, the numerical imbalance in number between the Muslim and Christian women is obvious bearing in mind the percentage of Muslims population to Christians in the country. This is because of the socio-religious restrictions place on the Muslim women by Islam and the Nigerian Muslim society. Nigerian Muslims follow the Maliki School of jurisprudence and the popular opinion of this School is they don't recognize women's leadership as mentioned in page 9 of this work. Using the present regime of President Goodluck Jonathan (2010), as an example; at the Ministerial cadre out of eleven female Ministers, only three are Muslims, out of eight female senators, only two are Muslims. While among 27 female members of Reps, only three are Muslims.

Looking at the issue from Islamic perspective, the roles of a Muslim leader in Islam include leading the Muslims in prayer (Imam) in the Mosque, being a Qadi in his court, being a leader in social activities, religious matters and military activities. Also, women are not supposed to be isolated with men that are not their near relations and also Islam frowns at free mixing of the opposite sex. Bearing this in mind, it is difficult for a Muslim woman to be a leader especially in an Islamic state. Again, Nigerian politics is essentially Western in both its origin as well as its objectives. It is informed by Western political philosophy and culture which is often in conflict with Muslim belief and world-view. Also, conversing for a political post in the manner it is done in Nigeria is a product of Western political culture which runs contrary to the Islamic political culture in which power is not given to those who seek it. As Bugaje posited, is not only the Nigerian political system that is

Western in nature, but also the educational, economic and legal systems etc.<sup>22</sup> Hence, Muslim women are discouraged from participating in politics and assuming leadership role base on all these factors highlighted.

Islam aims at purification of the soul and the improvement and rebuilding of the society. Thus, the Qur'ān describes the Muslims as: 'Those who if we give them power in the land, establish the system of salat (prayer and worship) and zakat (poor due) and enjoin virtue and forbid evil.' Q22: 41.

Islam recognizes two political arrangements in the world; an Islamic state where the Sharī'ah is the law and a non-Islamic state where Muslims also reside. One of the beauties of Islam is that it gives the non-Muslim in an Islamic state the rights to worship. By the same token Islam demands that Muslims in a Multi-religious state enjoy personal freedom of worship. This is significant when we remember that, to the Muslim religion is at the core of personal relationship. There is thus the imperative for Muslims in a Multi-religious political setting like Nigeria to guard jealously the values of Islam, to purify the Ummah by protecting the Muslim individual, families and the society at large from falling prey to secular values generated by the impact of the non-Muslims.<sup>23</sup>

Based on this, there are so many reasons why the Muslim woman must come out and join hands in the building of the nation. For some decades in Nigeria, the non-Muslim woman is the doctor, lawyer, teacher, nurse, midwife, minister, commissioner, and educationist etc. They are also in the civil service sector in the country. We must not analyze the negative effect of the above statement on the Muslim Ummah as the Ummah has already realized that. But the most important issue is that, up till now, little has been done to overcome this situation.

In this new era of women's rights, certain quota is allocated in the civil service sector for the female labor force (though not yet constitutionalized). If the 'Ulamā' and the Muslim Ummah continue to frown at the public appearance and preached against the public and political and leadership of the Muslim women, then certainly, it is not the Muslim men that will fill in those gaps created by the absence of the Muslim women, but the non-Muslim women in the country alone. This is another blow to the Muslim Ummah in the country.

It is necessary to indicate here that in the present situation, Nigerian Muslim woman (and the men) in various fields of specialization, committees and government agencies could do a lot to enhance the realization of transforming our societies, into the dreamed Sharī'ah society. By so doing, a more enabling Islamic environment will be provided for the women to display their talents and help in the development of the society along with the Christian women and just like it used to be in the past when women have served as advisers, councilors, and Jihadist.

These words (advisers, councilors, jihadist), are relative terms just like Islam is not a stagnant religion but rather it responds to the changes in the realm of time and environment. If women during the time of the Prophet (SAW) served as advisers and councilors from their homes, then they can also serve the same purpose outside their homes while observing the Islamic limits of modesty. If the orthodox 'Ulamā' and the leaders of the schools of thoughts have formulated the Sharī'ah each inline with his environmental conditions and without negating the basic rules of the Qur'ān and Sunnah indication of which we have variations in the different schools of thoughts, then the Nigerian 'Ulamā' should also provide the necessary guidance that will redefine

the Nigerian socio-cultural terrain without going out of the injunctions of the Qur'ān and hadīth.

The Muslim woman should be educated both in secular and higher Islamic knowledge, so as to enable her translates the dictates of Islam by herself to suite her necessities and needs in her life. The Muslim woman should be allowed to contribute to the development of Nigeria, a multi-religious country in whatever way possible as long as it did not contradicts the dictates of Islam. She can do so by making sure that when she is out she observes the necessary rules of modesty (as much as possible) as ordained by Allāh (SWT) in the Qur'ān.

#### Conclusion

The duty of woman is to build up a family and to manage her house so as to live with her family in a relaxed and comfortable atmosphere that promotes the activity required for the continuity of life. This however, does not prevent her from doing work to satisfy a need or even a desire, in the fields where she can perform her duties without any violation of her nature and character so as to fulfill them successfully according to her abilities.

As we live, in the world where issues of environment, human rights, democracy, liberalism and globalization top the agenda. The Muslims must make proper use of the aprioristic to plan the feature. During the time of the Prophet (SAW) women were involved at every level of his Islamic mission. Similarly the period of the Khulafa Rashidun did not see any need to keep Muslim women behind. They were actively participating in the exacting and continuous task of establishing Islam. Therefore, the situation calls for a reassessment of the issue within the Nigerian context by the 'Ulamā'.

#### Recommendations



The Nigerian Muslim woman should participate in politics and while observing high moral values, with the sole aim of promoting Islamic values of fear of Allāh, justice, security and honesty.

The Muslim woman must seek all kinds of knowledge as this will help her in conducting herself modestly and conducting the affairs of the nation wisely and intelligently.

Efforts should be exacted by both Muslim male and female to see that they create an enabling environment for Islam and the Muslim women to thrive.

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