


Chapter 18

Islamic Law and Women's Political Representation in Nigeria: A Critical Exposition

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Abstract

This chapter is an interrogation of how Islamic law's textual positions on gender relations is often erroneously applied to violate private and public rights of women, especially the right to political representation of women in Muslim societies such as in Nigeria. Adopting the hermeneutics approach and doctrinal methodology, the chapter argues that the theoretical assumptions of Islamic law, from a clear reading of the operative textual provisions, do not bar the active participation of women in the political decision-making process. It concludes by suggesting possible strategies and recommendations for the actual realisation of the theoretical aspirations of Islamic law in relation to women's political representation in Nigeria.

Keywords: Islamic law, Nigeria, Politics, Representation, Women

Introduction

Sociologists argue that gender roles are societal constructs (Brickell, 2006; Murray, 1996). These conceptual understanding and constructs of gender roles, according to analysts, affect women's political representation in any society and Nigeria is an illustrious example (National Gender Policy, 2008–2013; FAO, 2008). National statistics (NBS, 2022) demonstrate disparate levels and gender imbalance against women's right to representation in the political decision-making process in Nigeria. What is interesting is that in terms of educational requirements and literacy levels for political representation, there is no empirical basis for the varying levels of disparity between men and women (NBS, 2022). What appears to be the case is the system of role definition and space of operation with political representation

viewed as a public endeavour mostly populated by men while women are typically expected to populate the private space (Shahid, 2007; Orakzai, 2014). A major influence of this gender perspective are the prescriptions of religious laws and in the Nigerian context, perhaps the most notable example is Islamic law. What follows is a critical examination of this position to argue that the existence of any barrier, ideological and/or physical, to the political representation of women is contrary to clear Islamic textual provisions and the documented practical manifestations in classical Muslim societies.

Political representation in Islamic law: From hermeneutics to praxis

The relationship between Islam and politics generally has been the subject of enquiry by classical and contemporary scholars (Muti'i, 1926; Imara, 1989; Ibn Taymiyya, 2000; Nasr, 2001; Khan, 2006; Otto, 2010; March, 2015). Contemporary studies propose a term for this relationship as 'political Islam' which, as March (2015) argues, includes all manner of policies, ideologies and movements directed at an authoritative position for Islam in politics. This description is generally informative and over-inclusive. First, it is informative in the sense of an outsider's scholarly perspective of the relationship between Islam and politics. It is, however, over-inclusive because it suggests an uncritical acceptance of all movements, labels and ideologies that claim affiliation with the religion of Islam regardless of internal coherence with wider objectives of Islamic law. The internal coherence referred to are the unequivocal assertions of the essence of revelation in Islam and its relationship with political administration. By way of illustration, the Holy Qur'an provides in Q57:25 that: "We sent aforetime Our messengers with Clear Signs and sent down with them the Book and the Balance (of right and wrong), that human beings may stand forth in equity . . ." A critical look at this provision suggests that human socialisation at all levels with political administration at the peak must be fair and equitable. To underscore this point, it is also narrated by *Abū Sa'id Al-Khudri* from the Prophet of Islam, Muhammad (PBUH) that 'Indeed among the greatest types of *jihād* is a just statement before a tyrannical ruler' (*Jamī at-Tirmidhi*, 2174). Any system, ideology or movement that seeks a lesser standard, particularly exclusive political ideologies, would fall below the Islamic equitable standard. Thus, contemporary understanding of political representation as a concept that allows for the active participation of all components of society (Dovi, 2018) would clearly fall within the Islamic equitable standard. At this juncture, a question that needs to be answered is 'What is to be taken as the actual meaning of political representation in the popular sense?' The contention by Dovi (2018) is very persuasive for its position that there are competing

dimensions to political representation as well as the expectations of citizens from political representatives. It is not the intention here to attempt to proffer a conclusive definition to the concept of political representation. This is not only an academic impossibility within the context of a book chapter, but also far afield from the focus of concern. The essence of the analysis hereunder is to underscore the point that representation is not necessarily 'concrete presence' of all components of society but that there are no abstract or concrete barriers to the emergence of the political class. Put another way, all sections of the populace must be actively engaged in the process of the choice of the political leaders. Therefore, the Islamic philosophy of political representation, as the 20th century-born Indian Islamic scholar and peace ambassador Wahiduddin Khan (1999) correctly argues:

The political philosophy of Islam is flexible. It is not based on any rigid principles. Basically, it is the real circumstances of any given situation that determine the Islamic political system. In spirit [of equity, justice, and fairness], the Islamic political philosophy is eternal but in form, it is flexible. . . . Islam does not clearly outline a political system because politics by its very nature should be flexible and malleable. Otherwise, it would go against Nature and would not be sustainable (Khan, 1999:5).

For the practical nature of the Islamic political system and representation during the lifetime of the Prophet of Islam, Muhammad (PBUH), Khan rightly identifies three different political systems within the twenty-year period of prophethood (1999:5). The three different political systems demonstrated that Prophet Muhammad's (PBUH) political behaviour was always responsive to the prevailing circumstance. In the early period of prophethood which spanned a period of 13 years in Makkah, the system of government was what Khan (1999) describes as *Dar-al Nadwa* (loosely translated as *Tribal Parliament*). The Muslims were a political and ideological minority to the prevailing religio-political ideology of idol-worshipping. Prophet Muhammad did attempt to forcefully gain political dominance by force but immersed himself in peaceful propagation of Islamic ideology and way of life (Khan, 1999). Khan (1999) refers to this as 'positive *statusquoism* because it provides room to continue peaceful activity in fields other than politics' (p.5). Contemporary replication, perhaps, of this historical situation is the size of the Muslim population in India which is a staggering ratio in comparative terms to the size of the Nigerian Muslim population (India: 200 million of 1.3 billion (14.6%); Nigeria 97 million of 200 million (48%) - World Population Review, 2024). However, the Indian Muslims are a tiny religious minority against the dominant Hindu ideology of the ruling Bharatiya Janata Party (BJP) under Prime Minister Narendra Modi (Ahmed, 2022:4-5). The

second political system that Khan (1999) identifies from the lifetime of Prophet Muhammad (PBUH) started after his migration to Madinah, which was for ten years. This is specifically regarding the first half, during which time Prophet Muhammad (PBUH) was the political leader of a city comprising three communities - the Muslims, the idol worshippers and the various Jewish tribes. Khan (1999) describes the political system adopted as 'common politics' through the promulgation of the Charter of Madinah (*Sahifa-al-Madinah*) within which 'all three communities were to enjoy cultural and religious freedom' and the Jewish judicial system which had been in existence continued to operate (p.5). This second political arrangement calls to mind the system under constitutional democracies that recognises Islamic law as a legal source, amongst others such as the Nigerian example (The Constitution of Nigeria, 1999, as amended – Federal Republic of Nigeria, 1999). The third and final political method adopted by Prophet Muhammad (PBUH) was a system of unified political and religious leadership in the latter part of his lifetime through to his death when both Madinah and Makkah became homogenous religious societies under the prophet. Khan describes this final system as that 'governed completely by Islam' (1999:5). This assertion is only partially correct as the earlier two political systems practised by Prophet Muhammad (PBUH) can also be taken as being completely governed by Islam. The reason being that the basis of the different political systems can be validated from the spirit of the Islamic philosophy of political administration which is equity, justice and fairness as provided in the cited provision of Q57:25.

It is pertinent to note that there is no homogenous Islamic society that can be described as an Islamic state anywhere in the contemporary world of modern nation-states with border controls and immigration policies that determine citizenship and rights of residence. For emphasis, Nigeria cannot be described as an Islamic state. This is because according to the requirements of Islamic constitutional law, a core requirement for the attainment of the Islamic state status is that the basis of citizenship is the proclamation of adherence to the tenets of the Islamic faith regardless of race, colour, and lingual differences (Abū Faris, 1980:169; Al-Rasheed et al., 2013; al-Bannā, 1965; Isma'il & Hajjā, 2011). As such, requirements of citizenship by birth, long residence, naturalisation and so on, as is the case in citizenship and immigration laws of most modern nation-states, are contrary to the core requirements of describing a state or nation as Islamic. Thus, the homogenous society referred to above should be understood in the sense of a uniform religious ideology which is Islam and not on any other basis of distinction in terms of social identity such as race, skin colour, and language. Where there is uniform religious ideology based on Islam in any society, as Islamic jurists would argue, such society must be unified under a single spiritual and

political leadership (for example, Abū Faris, 1980). This unification, from the discussions so far, will clearly bar the emergence of a woman as the spiritual head, since a woman, because of biological composition but not spiritual inferiority as already stated, cannot occupy the office of an Imam. That is to say, because of the reproductive process of menstrual cycles and aftermaths of childbirth, a woman is excused from the rituals of worship such as five daily prayers and fasting which form part of the core of spiritual leadership as an Imam. It needs to be stated that even within the homogenous society as an Islamic state, as shall later be discussed, historical accounts indicate the representation of women at levels of political administration other than the overall spiritual and political head. In addition, it is important to note that within the Islamic philosophy of political representation as discussed above, Nigeria would qualify as a constitutional democracy, which is the second type of political system experienced by Prophet Muhamamd (PBUH) in Khan's (1999) typology. Within this system, as shall be examined in the next section, there appears to be no textual bases in Islamic law against women's political representation at all levels of political administration in Nigeria.

Women, gender, and political representation in Nigeria

As is generally known, gender refers to the socially constructed roles, attitudes, activities, and characteristics that any society perceives as being the proper representation of lived experiences for the biological sexes of women and men (Brickell, 2006; Murray, 1996). Evidence sourced from the Nigerian National Bureau of Statistics (NBS, 2022) on power and decision-making in the private, public, and political spheres suggests that the realisation of women's rights in this area is still far below the satisfactory levels. For example, the total projected population for 2021 was 211,493,324, with women constituting 49.99% (105,716,452), while men constitute 50.01% (105,776,862). Despite this close demographic margin of both sexes, the total number of female aspirants to the highest political offices of the President and Vice President for the years 2019 to 2022 were 6 and 22 respectively for each office, while that of male aspirants were 67 and 52 respectively for each office. For the gubernatorial offices for the 36 federating units of Nigeria as Governors and Deputy Governors, the female aspirants were 80 and 271 respectively for each office compared to 984 and 789 male aspirants respectively for the same offices. Regarding the senatorial position of the upper house of the Nigerian National Assembly as the lawmaking arm, there were 234 female aspirants compared to 1,649 male aspirants. In fact, since the return to democratic rule in Nigeria in 1999 to 2021, the percentage of female senators is 15.91% compared to a whopping 84.09% for male senators.

In fact, in the recently conducted gubernatorial elections in Nigerian of 18 March 2023, initial reports were that history was going to be made in Nigeria with the emergence of the first female governor for the federating unit of Adamawa state in the northern region of Nigeria (Shotayo, 2023). The election was, however, later declared as inclusive (Vanguard News, 2023) and the country awaits the pronouncement of the election tribunal. Out of a total number of 15,307 candidates who stood for the electoral offices of President, Vice President, Governors, Deputy Governors, Senate, Federal House of Representatives and State Houses of Assembly, only 1,552, amounting to 10% were females. All these figures and the disparate level between the sexes favours the conclusion that there is a gender imbalance against women's right to political representation in Nigeria. A close offshoot of the focus of concern for this chapter on women's political representation is the representation of women generally in the public sector. The statistical report also contains some details on the disparity in representation of the sexes in the various sectors comprising the Nigerian public professional sector. In the judicial sector, for example, statistics from the year 2020 demonstrate that there are 138 national judicial officers who are male compared to 66 female judicial officers. The judicial officers include the Chief Justice of Nigeria, Justices of Supreme Court, President of Court of Appeal, Justices of Court of Appeal, President of National Industrial Court, Judges of National Industrial Court, Chief Judge of Federal High Court, Judges of Federal High Court, Chief Judges of State High Courts, Judges of High Courts, and the Chief Registrar of Supreme Court. To illustrate the representation of the sexes in the medical sector, between 2018 and 2020 the percentage of male doctors was consistently around 62% to 65% compared to a percentage of 34% to 37% for women doctors. This fact is more disturbing if one considers the fact that the figures point to a representation of male doctors being twice the number of female doctors when it is the women who are most likely to visit health institutions on a higher frequency in relation to men. This is because of the added factor of reproductive health issues involving pre-natal, ante-natal, and post-natal cares outside of the natural health challenges that both men and women face. In the public service and administration sector, since the return to democratic rule in Nigeria in 1999 to 2021, there has never been a woman Secretary for the Federation. Additionally, only 13.73% of women have formed part of the federal cabinet as Ministers between 1999 and 2021 compared to 86.27% for men.

What is interesting about the above cited statistics as well as the level of disparity if the margin of the population projection between women and men is considered, is that in terms of educational requirements and literacy levels for all the stated positions, there appears to be no basis for the varying levels of disparity in representation. The same report also noted that the

literacy rate in English language as the Nigerian official language from data sourced between 2018 and 2019 was 78.3% for men and a very close 72.3% for women. In the same vein, the total enrolment of men for undergraduate studies in Nigerian universities was 438,260 for men and 346,999 for women in 2019. In like manner, and especially as it relates to political representation of women, the disproportionate representation of women in the existing political offices continues to be at variance with the realities of the demography of registered electorates in terms of numerical strength. Electoral observers (such as Afolabi, 2022) have argued that this is a recurring decimal in the Nigerian electoral process. To underscore the point being made, statistics for the 2019 and 2023 general elections depict roughly half of the entire numbers of the registered voters and actual electorates as women (Afolabi, 2022:3). Yet, the political offices continue to be dominated by men (Afolabi, 2022:6-8). Some reasons have been suggested for the domination of electoral aspirants and winners of electoral offices by men even where the numerical strength of women as electorates should result in the opposite. Observers cite the monetisation of the electoral process, godfatherism, electoral violence and patriarchy in Northern Nigeria especially, as some of the reasons (Afolabi, 2022; CDD-EAC, 2023). Out of all the stated reasons, patriarchy as a factor is ideological and is often euphemistically understood in relation to cultural and religious beliefs. Other factors such as political violence are more concrete and will ordinarily affect both the voting process and the emergence of successful candidates. From the available statistics, the fear of electoral violence has certainly not deterred the high number of female registered voters who are willing to participate as voters. Thus, the low levels of female elected representatives seem to address more the idea of agency of women and their perception of their sphere of existence and operation. As Orakzai (2014) correctly argues, the gendered division of society into 'private' (domestic environment of the house and family life) and the 'public' (the social and political spheres) adversely influence popular conceptions of women's empowerment in Muslim societies. Additionally, this distinction is not only stereotypical of the roles of women, but also creates ideological barriers that 'limit their ability in society to perform as functional agents (Orakzai, 2014:2-5). What is most unfortunate is that these ideological limitations that are often passed off as religious, rob women of their agency. This is as a result of historical socialisation on those ideological bases which has the effect of setting women off against each other rather than seeing themselves as comrades. Thus, there is a sense of distrust in female capability in the public sphere which is why women candidates would not necessarily be victorious despite the high numerical strength of their electoral power. The argument is not that men and women should be in competition with each other, but that political representation can only be meaningful when

all the demographic components of society are represented at the decision-making level. Otherwise, second-hand information would take the place of lived experiences that can influence state policies and the effect of state institutions on their life in society.

Islamic law and the ‘public’ woman: From hermeneutics to praxis

During the coronavirus disease 2019 (COVID-19) pandemic, the need to contain the spread of the contagion forced the government to institute lockdown and movement restriction orders. Thus, most work that traditionally occurred outside of the home (public) was carried out inside the home (private) regardless of the gender of the worker. This experience informs the observation (Amoloye–Adebayo, 2020) that the dichotomy between the private and public professional space is false. This is because the status of work and the modicum of respect with which it is viewed are largely determined by whether it occurred in the private space (at home which was the case for several women) or outside of the home in the public space (typically populated mostly by men) as noted earlier. The denigration of work in the private sphere is not only performed by men, but even women would also look disparagingly at fellow women who are ‘professional’ home workers in relation to domestic chores as well as the care of the elderly and the young. This is notwithstanding the fact that home work may require longer hours than an average white-collar 9 to 5 daily job outside of the home with no holidays, times off, or weekends. Home work is often taken for granted; it is generally not remunerated and it is also not considered valuable in terms of family income (like reducing cost for a cook, cleaner, caregiver, driver for school and shopping, and so on). Again, in several cases, little or no consideration is accorded to the well-being of the woman concerned. Moreover, the fact that home work is usually regarded as the exclusive preserve of women alone (Shahid, 2007; Orakzai, 2014) means that most women are unable to participate at optimal levels no matter how eminently qualified in the public space, be it professional or political.

Interestingly, for varied reasons ranging from the need for additional income because of escalating costs of maintaining a family, to self-awareness, several women are required to combine work both in and outside of the home. However, while engaged in the public space for ‘professional’ jobs like men, they nonetheless must find personally constructed strategies or ‘coping mechanisms’ (since it is considered their sole duty and not joint responsibility) to juggle the domestic chores as well. This double responsibility that women bear, often alone, not only comes at great cost to their physical and mental health, but it must also necessarily reduce

productivity in any public sphere, resulting in poor representation of women even when they are overqualified (Orakzai, 2014; Amoloye-Adebayo, 2020). The societally accepted denigration of the domestic chores as less important, foster a culture of passivity in most men who then consider it out of their sphere of concern because it occurs in the private space. Several Prophetic traditions exist to the contrary on this point (for instance, 'I urge you to treat women well' al-Bukhari, 331; Muslim, 1468). On the flip side, out of the need to satisfy societal expectations of self-worth, some women who already engage in a day's work in the private sphere feel compelled to seek vocations in the public sphere even where such is not necessarily required for survival (Q4:34). The correct Islamic position is that there is textual validation of the agency of women as autonomous entities, and this is important in the process of self-determination of how best to contribute their quota to societal development through their natural abilities (Q2:226, Q2:187, Q30:21 and so on).

Once the position is settled there are no Islamic textual barriers to the agency of a 'public' woman, then the question of political representation is a necessary corollary. In the first instance, it is useful to recall at this juncture the discussion on the Islamic philosophy of political representation which is crafted on the timeless spirit of equity, justice, and fairness. The categorical textual position and scholarly discussions disclose no basis of discrimination on the grounds of sex or gender roles for political leadership and representation. Thus, any limitation on representation by any member of society should be based on textual positions that serve the higher objectives of Islamic law. To exemplify the point being made, it is useful to restate the three different political systems that Khan (1999) distilled from the lifetime of Prophet Muhammad (PBUH). Political representation of women at the first two levels of *statusquoism* such as in India and constitutional democracy such as Nigeria, even to the level of the highest political office, would be compatible with the spirit and text of Islamic law. However, it would be textually impossible at the level of a homogenous religious society for a woman to occupy the highest political office, but women may occupy other public roles. The reason is not far-fetched. In the first two situations, there is a distinction between political leadership and religious authority. In the last system, both the religious and spiritual authority would be fused in one person who must be a man for religious but not political purposes. According to the dictates of Islamic devotional worship, only a man can occupy the public office of an Imam for congregational spiritual observance. Non-adherents and some adherents of the Islamic faith often erroneously misconstrue the reason for this Islamic position with claims that it indicates the inferiority of Muslim women in relation to Muslim men (Shahid, 2007). Men and women vary in their biological compositions that predisposes one sex as being more suited

for certain roles than the other. The reproduction process certainly places more strain on the life of a woman than a man in terms of the menstrual cycle, other physical indications of puberty, pregnancy, menopause and so on. During menstrual periods and some stages in the childbirth process, a woman is excused from the observance of certain rituals of worship whether alone or in congregation. These are matters that impact the private life of a woman and the Islamic position that a woman cannot be an Imam is to keep such occurrences as private matters for women. This will not be possible for an Imam who is expected to lead the members of society in congregational prayers. In terms of textual authority, the only Prophetic tradition regarding women's political leadership is the following tradition narrated by *Abu Bakra*:

During the days (of the battle) of A-Jamal, Allah benefited me with a word I had heard from Allah's Apostle after I had been about to join the Companions of Al-Jamal (i.e., the camel) and fight along with them. When Allah's Messenger (PBUH) was informed that the Persian had crowned the daughter of Khosrau as their ruler, he said "such people as ruled by a lady will never be successful" (Sahih al-Bukhari, 4425, Sunan of An-Nasai, 8/227).

It has been argued that patriarchal ideologies against women's political leadership in Muslim societies are based on this prophetic tradition (Wadud, 1999:80, 89). Scholarly discussion of this tradition varies. In the first place, political representation, as discussed, is not only about the highest political office. It is more about opportunities for representation in the decision-making process. Therefore, the chief executive officer as the president or governor is merely a part of the Islamic system of political administration which is expected to be based on mutual consultation between the political head and the citizenry but not on absolute authoritarianism. In this connection, it is useful to recall an earlier-cited Prophetic tradition of the spiritual praiseworthiness of speaking truth to a tyrannical leader. In classical Islamic political history from the lifetime of Prophet Muhammad (PBUH) and onwards, women were visibly represented in the political decision-making process as well as what should be taken as popular understanding of some Islamic textual positions. It is on record that during the reign of the second Caliph in Islamic political history,

"Umar (RA), he appointed a woman, Ashifa bint Abdullah, into the public role of market inspector and manager in charge of general quality assurance and price control."

This chapter argues that women's political representation is not only about occupying the highest political office, but about being active in public and

political life. Even in modern democracies such as the United States, the emergence of a female president continues to remain elusive.

On the issue of the cited prophetic tradition about a woman ruler, it is useful to say that some Islamic scholars have made a case for its careful consideration. Baderin (2007), for example, argues that the tradition is the only known report against women's aspiration to the highest political office. It was not a categorical prohibition which as Wadud (1999) also notes, appear to contravene textual accounts in the Holy Qur'an. While Muslims believe that Prophetic traditions have elements of divine inspiration based on textual authority of the Qur'an, they also appreciate that not every account is authentic. A cardinal rule for guarding against possible fabrication is to determine the coherence of a tradition in question with the position of the Qur'an on the same matter. On the issue of a woman being at the helm of political affairs, the Qur'an gives an account of Queen *Bilqis* as the political head of the ancient city of Sheba. The textual depiction of her intellectual acumen and political sagacity as against the supposed wise counsel of her male subjects brought about the unification of her kingdom with the more prosperous one of Prophet Sulyman (PBUH) in the place of war and total destructions of the lives and properties of her people. The historical account is contained in the provisions of Q27:29–35:

(The Queen) said: "Ye chiefs! here is delivered to me- a letter worthy of respect. It is from Solomon and is (as follows): "In the name of Allah, Most Gracious, Most Merciful. Be ye not arrogant against me but come to me in submission (to the true religion)". She said: Ye Chiefs! advise me in (this) my affair: no affair have I decided except in your presence." They said: "We are endued with strength, and given to vehement war: but the commend is with thee; so, consider what thou will command." She said: "Kings, when they enter a country, be spoil it, and make the noblest of its people its meanest thus do they behave. But I am going to send him a present and (wait) to see with what (answer) return (my) ambassadors."

This historical account depicts a woman ruler in an extremely favourable way. In fact, aside from the Prophets and Messengers, she is the only ruler who is so favourably considered for her independence after consultation and sharp foresight. This is the reason why some scholars have suggested a great deal of caution in using the cited Prophetic tradition as the sole basis against women's political leadership.

To put the discussion so far in proper perspective, the textual authorities appear not to admit to any limitation against women's political participation and representation in Nigeria. The statistics on educational requirements for all professional, administrative, and political offices shows that there is

an almost even balance between men and women. It is here conceived that in spite of this balance, the imbalance in political representation is the result of societal outlook on gender roles through historical socialisation of Nigerian men and women along those lines. This socialisation is greatly influenced by what is taken to be the religious prescription on how men and women should operate within society. Unfortunately, it appears that over time women lost track of direct interrogation of the relevant religious prescriptions in order to chart self-defined paths to self-actualisation rather than simply succumbing to societal expectations that cannot be religiously validated. Therefore, women must take their destiny into their own hands. Certainly, the effect of sustained socialisation in a different way makes the struggle for change to be a Herculean task. But it is not insurmountable as the discussion in the next section demonstrates.

Countermeasures to women's agential passivity and recommendations to enhance women's political representation in Nigeria

The disparate level of gender representation is clearly a challenge to the meaningful protection of women's rights in all spheres of human existence, be it public or private. The problem of societal role definitions in relation to gender is acknowledged as an inhibiting factor against women, particularly where roles that are culturally and customarily constructed are passed off as religious positions. This is certainly true in the Nigerian situation where Islamic law is a constitutionally recognised source of law. Thus, certain gender role expectations by Muslim societies that keep women 'private' even when they have exceptional abilities for public, professional, and political excellence are erroneously understood and defended as 'Islamic' even by some Muslim women. The discussion of the textual provisions in the sections above is to demonstrate the fallacy of this position from a scriptural perspective.

Another challenge is that several women have been socialised into the erroneous conception that religious interpretation and application should be the exclusive preserve of men. Thus, there appears to be a level of passivity in terms of religious awareness of textually sound positions. This reduces the opportunity of direct perception of textual positions and the second-hand level of knowledge must undoubtedly affect their negotiating power in determining the future course of gender relations that are responsive to the clear textual assumptions. Put another way, this chapter recommends that women must acquire religious knowledge, not only just enough for spiritual observance but to be able to independently assume responsibility for self-awareness and self-actualisation. The numerical strength of the women

electorates and educational levels as discussed above show that external inhibiting factors can be surmounted but there must be a mindset change, and a paradigm shift from being a passive onlooker to an active agent. The process of agential activity must start from the domestic settings where socialisation of the sexes into different roles begin. Not all women are cut out for political leadership in the same way that not all men can perform successfully in political leadership. The point sought to be made is that where there are natural abilities for political leadership in women, religion should not be instrumentalised to erect cultural barriers to curtail their participation. Rather, men and women should partner for progress when there is the full realisation that a society that functions only on the basis of a segment of its members can only be successful to the extent and quality of the human resources at its public service. The Islamic textual position on the story of Queen *Bilqis* points to the ability of women as natural problem solvers when given the needed opportunity.

Importantly, the contents of civic education and social studies curriculum for educational instruction at the pre-primary, primary and post-primary levels require serious revision to be in tune with the dictates of collective aspiration to greatness. The educational socialisation should ignite the agency of all children towards patriotic engagements for national progress regardless of sex. Girls as well as boys must learn that they must not simply take the back seat in the decision-making process at all levels of their socialisation. Additionally, it is observed that at the level of tertiary educational enrolment, women are visible in the public space and in fact perform brilliantly. But the demand of domestic and family life often affects the professional progression of women later in life and determines the level and quality of out-of-home engagements. Hence, it is suggested that time taken off work for domestic responsibilities such as maternity leave and time off for the care of the elderly and children should be counted as active community service in the continuation and nurturing of human existence. This is in addition to adequate and government-backed childcare facilities to encourage professionalism by women while not sacrificing family life. The point sought to be made is that in some cases, society expects women to make a choice between meaningful contribution to family life and professional excellence or public participation. Because it is usually taken for granted that women will most often than not sacrifice profession for family, lots of rich human resources remain untapped and undiscovered in the domestic space. The experience of the COVID-19 pandemic has given so much impetus to the position that a lot of professional and public work can be carried out from the domestic front. All that is required is robust consideration towards ensuring that women can contribute their quota to a successful family life while not sacrificing their other capabilities. The quest for strategies for ensuring a

family life-work life balance should therefore be a shared concern for both men and women and not be viewed as a burden for women alone.

Conclusion

The chapter has demonstrated that Islamic law is not against the political representation of women at all levels of society. Ideological barriers through societal definition of gender roles that socialises men solely as 'public' operators and women as most functional only in the 'private' space in Nigeria are not religious constructs, at least from the Islamic law perspective. It is hoped that women will realise this position and be active agents in the process of mindset change so that future indices of socialisation of both boys and girls will be representative of the Islamic law textual aspiration of an equitable, inclusive and egalitarian society where all segments of society can contribute their quota to the process of national and political development through exemplary leadership.

References

- Afolabi, E. 2022. *Analysis: Female candidature and Nigeria's 2023 elections*. Centre for Democracy and Development report. Available at: https://www.cddwestafrica.org/uploads/reports/file/ANALYSIS--Female-candidature-and-Nigeria_s-2023-elections.pdf. [Accessed 25 June 2023].
- Ahmed, H. 2022. *Rethinking Muslim political representation in India*. Center for the Advanced Study of India, University of Pennsylvania. [online]. Available at: <https://casi.sas.upenn.edu/iit/hilalahmed>.
- Al-Bannā, H. 1965. *Majmū'at rasā'il al-imām al-shahīd H. asan al-Bannā*. Beirut: Dār al-Andalus.
- Al-Rasheed, M., Kersten, C., & Shterin, M. 2012. The Caliphate: Nostalgic memory and contemporary visions. In: M. al-Rasheed, C. Kersten & M. Shterin (eds.), *Demystifying the Caliphate: Historical memory and contemporary contexts*. (pp: 1-31). New York, NY, USA: Oxford University Press USA. Available at: <https://global.oup.com/academic/product/demystifying-the-caliphate-9780199327959?q=demystifying%20the%20caliphate&lang=en&cc=gb>.
- Amoloye-Adebayo, A.O. 2020. *COVID-19 Restrictions & (Re)Definition of Gender Roles in Nigeria*. [online]. Available at: <https://www.africanwomeninlaw.com/post/covid-19-restrictions-re-definition-of-gender-roles-in-nigeria>. [Accessed 3 April 2023].
- Baderin, M.A. 2007. Islam and the realization of human rights in the Muslim world: A reflection on two essential approaches and two divergent perspectives. *Muslim World Journal of Human Rights*, 4(1).

- Brickell, C. 2006. The sociological construction of gender and sexuality. *Sociological Review*, 54(1):87-113. <https://doi.org/10.1111/j.1467-954X.2006.00603.x>
- CDD-EAC. 2023. *Votes, violence, and validity: our understanding of Nigeria's 2023 sub-national elections*. Centre for Democracy and Development Post-Election Briefing Nigeria 2023/3. Available at: <https://www.cddwestafrica.org/reports/votes-violence-and-validity-our-understanding-of-nigeria-s-2023-sub-national-elections/>. [Accessed 25 June 2023].
- Dovi, S. 2018. Political representation. *The Stanford Encyclopedia of Philosophy*. Available at <https://plato.stanford.edu/entries/political-representation/> [Accessed 3 June 2023].
- Federal Republic of Nigeria. 1999. *Constitution of the Federal Republic of Nigeria*. [online]. Available at: <https://dullahomarinstitute.org.za/acjr/resource-centre/Nigeria%20Constitution.pdf>.
- Food and Agriculture Organization of the United Nations (FAO). 2008. *National Gender Policy Strategic Framework (Implementation Plan)*. [online]. Available at: <https://faolex.fao.org/docs/pdf/nig151427.pdf>.
- Ibn Taymiyya, T. 2000. *Al-Siyasa al-Shar'iyya fi Islah al-Ra'i wa'l-Ra'iya*. Beirut: Dar al Kitāb al-'Ilmiyya.
- Imara, M. 1989. *Ma'rakat al-Islam wa-Usul al-Hukm*. Cairo: Dar al-shuruq.
- Ismā'il, M., & Hajjāj, M. 2011. Badī': al-khilāfa al-rāshida wa-ih. yā' dawlat al-Islām wa'l-sharī'a hadaf al-Ikhwān, al-Yawm al-Sābi', 29 December 2011. Available at: <http://www.youm7.com/news/newsprint?newid=565958>. [Accessed 14 September 2023].
- Jamī at-Tirmidhi*, Book 33, hadith 17 (English translation Vol.4, book 7, Hadith 2174).
- Khan, M.M. (ed.) 2006. *Islamic democratic discourse: theory, debates, and philosophical perspectives*. Lanham, MD, USA: Lexington Books.
- Khan, W. 1999. The political philosophy of Islam. *The Pioneer*, August 8. [online]. Available at: https://link.springer.com/chapter/10.1057/9781137002020_9
- March, A.F. 2015. Political Islam: Theory. *Annual Review of Political Science*, 18(2015):103-123. <https://doi.org/10.1146/annurev-polisci-082112-141250>
- Muh.ammad 'Abd al-Qādir Abū Fāris, al-Nizām al-sisāysī fī 'l-Islām (Jordan: n.p., 1980), 169.
- Murray, S.B. 1996. We all love Charles: Men in child care and the social construction of gender. *Gender and Society*, 10(4):368-385. <https://doi.org/10.1177/089124396010004002>
- Muti'i, M.B. 1926. *Haqiqat al-Islam wa-Usul al-Hukm*. Cairo: al-Matba'a al-Salafiyya wa Maktabatuha.
- Nasr, S.V.R. 2001. *Islamic leviathan: Islam and the making of state power*. New York: Oxford University Press.

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- National Bureau of Statistics (NBS). 2022. *Gender statistical quarterly bulletin (Q1 2022)*. [online]. Available at: <https://nigerianstat.gov.ng/download/1241167>. [Accessed 3 April 2023].
- Orakzai, S.B. 2014. The rights of women in Islam: The question of 'public' and 'private' spheres for women's rights and empowerment in Muslim societies. *Journal of Human Rights in the Commonwealth*, 2(1):42-51. <https://doi.org/10.14296/jhrc.v2i1.2100>
- Otto, J.M. (ed.) 2010. *Sharia incorporated: A comparative overview of the legal systems of twelve Muslim countries in past and present*. Leiden, Netherlands: Leiden University Press.
- Shahid, K. 2007. Feminism and Islam: Contextualizing equality of gender in Islam. *Pakistan Journal of History and Culture*, XXVIII(1):121-153. Available at: http://www.nihcr.edu.pk/Downloads/Feminism_and_Islam.pdf.
- Shotayo, N. 2023. *Binani on her way to becoming Nigeria's first female governor-elect*. *Pulse Nigeria*, March 19. [online]. Available at: <https://www.pulse.ng/news/politics/binani-on-her-way-to-becoming-nigerias-first-female-governor-elect/pj5b5tb>. [Accessed 3 April 2023].
- Vanguard News. 2023. *Breaking: INEC declares Adamawa guber poll inconclusive*. *Vanguard News*, March 20. [online]. Available at: <https://www.vanguardngr.com/2023/03/breaking-inec-declares-adamawa-guber-poll-inconclusive/>. [Accessed 3 April 2023].
- World Population Review. 2024. *Top 10 countries with the largest number of Muslims (2021)*. [online]. Available at: <https://worldpopulationreview.com/country-rankings/muslim-population-by-country>.