

Recent Developments Concerning Rulings on Qatari Women between Hanbali Fiqh and Qatari Law: Employment as a Model



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Research Problem

Undoubtedly, work is a value emphasized by the noble Islamic religion. Over time, and with changing social contexts, the impact and dimensions of work have evolved significantly. There has been a noticeable rise in workforce participation among both men and women. However, this shift has been particularly evident in the realm of women's work, as women have become increasingly visible in the various fields.

This research highlights these functions and opens the door for discussing the problems and obstacles associated with them. The study addressed these issues from both the Hanbali jurisprudential and a legal perspective, to uncover the most significant recent developments. This requires examining and comparing these functions within their practical reality, and analyzing them through the lens of Hanbali Fiqh and Qatari law. Accordingly, the research shall answer the question: What are the recent rulings concerning women's work in Qatari law and Hanbali Fiqh?





Research Questions

- What are the most prominent recent developments in women's employment?
- Which Qatari laws have addressed women's employment?
- What is the stance of Hanbali Fiqh towards women's employment?
- What are the recent developments in the Qatari law about women's employment?
- What are the most significant points of agreement and disagreement between Qatari law and Hanbali Fiqh regarding women's employment?

To answer the research questions, the comparative descriptive approach was adopted. It allows for examining the details of the Hanbali Fiqh (Jurisprudence) on one hand, and Qatari law on the other, to identify points of similarity and difference between them in the light of contemporary developments.

A strong emphasis is placed on analyzing Hanbali Fiqh and Qatari law in detail, with attention to recent changes in the field of work. The research article assesses the extent to which Qatari law aligns with Hanbali jurisprudential views in this context.

Research Objectives

- Clarifying the most important recent developments in women's employment.
- Identifying the positive and negative impacts of these developments.
- Examining the Qatari laws related to women's employment.
- Analyzing Hanbali Fiqh and the opinions of its scholars concerning women's Employment.
- Highlighting the points of agreement and disagreement between Qatari law and Hanbali Fiqh concerning women's Employment.

Research Findings

- Islam elevated the status of women, granting them their full rights.
- Women played multiple roles in the Islamic society, as seen through the examples of the female Companions who participated in migration and in defending the Prophet (Alaihissalaam) and Islam.
- Women set examples of patience and endurance, such as the wife of Prophet Job, Mary, and the wife of Pharaoh.
- The change of time and place has played a major role in the development of fatwas related to women's Employment, allowing rulings to adapt to contemporary conditions while maintaining the regulations that safeguard women's status and rights.
- Qatari laws seek to preserve the rights of working women in parallel with the principles of Islamic Sharia, with slight differences.
- The development of Islamic laws and Fiqh related to women reflects Islam's keenness to keep pace with the recent changes while upholding moral and social guidelines.
- The Hanbali School is the last of the four major schools of Islamic Fiqh and is characterized by its adherence to religious texts.
- Imam Ahmad ibn Hanbal, founder of this School, relied on the Prophetic Sunnah, the consensus of the Companions, the mursal (unattributed reports), and weak hadith, and refrained from issuing fatwas when the evidence was unclear.
- This school passed through several stages - from its formation to expansion and widespread adoption - with numerous scholars contributing to its development and dissemination.
- The fundamental sources of this School include the texts of the Qur'an and Sunnah, followed by the

fatwas of the Companions, then selecting from their differing opinions when necessary. These sources, in this hierarchical order, provide a balanced foundation for issuing rulings on women's employment, allowing flexibility in choosing opinions that suit modern developments and support women's participation within the framework of the Islamic Sharia.

- Qatari law is primarily derived from Islamic Sharia, and the Hanbali School is the official school of Fiqh in the State.
- In cases where no clear ruling exists, the Qatari law refers to the predominant opinion of the Hanbali School, as seen in family law and other personal status-related legislations.
- The Qatari law applies legislation derived from Hanbali Fiqh, while also allowing reference to the other three Sunni schools in cases where no ruling is available in the Hanbali School.
- Law in general - and the Qatari law in particular - is a set of rules regulating the lives of individuals in society, while the Constitution is the foundation upon which all laws are built.
- Women's employment has positive and negative effects on their personal lives and on society.
- Women's participation in the workforce is governed by religious and moral regulations, which are aimed at safeguarding their status and role within society.

Recommendations

- It is essential to take into consideration the recent developments and changes related to women's employment from both jurisprudential and legal perspectives.

- Women's working hours should be reduced, with a maximum of six hours, to enable them to maintain a balance between work and home responsibilities. This applies to both married and unmarried women.
- Qatari laws should monitor the evolving developments in women's employment and incorporate them into the legislative texts.
- Equality between men and women in the workplace should be applied only in areas where women are physically capable.

Conclusion

This research aims to shed light on the importance of women's work in general, and its role in the Qatari society in particular, while highlighting the most significant challenges faced by Qatari women in contemporary times.

On the jurisprudential side, the study extensively addresses the opinions of the Hanbali School scholars, discussing multiple issues related to the ruling on work and its legal regulations, and presenting practical examples drawn from the experiences of the esteemed female Companions.

From the legal perspective, the article reviews the role of Qatari law in regulating work, providing a comprehensive definition of Qatari law and outlining the mechanisms of its application.

Note: *This research was prepared as a Master's thesis under the supervision of Prof. Ibrahim Mohamed Zain, Professor of Islamic Studies and History of Religions at Hamad Bin Khalifa University (November 2024).*

