Women in Islamic Communities: The Quest for Gender Justice

Adila Abusharaf
Gender Unit, IDRC
Gender Justice, Citizenship and Entitlement Workshop
November 13-14, 2003

Islam has been a consistent vehicle for popular classes to express their alienation from 'westernised' elite. It marks the great cultural divide between the beneficiaries and casualties of the changing socio-economic order. Islamic authenticity is evoked to articulate a wide array of worldly disaffection, from imperialist domination to class antagonism. This opens up the possibility of expressing such "antagonism in moral and cultural terms, with images of women's purity exercising a powerful mobilising influence. (Kandiyouti, 1991)[1]

I. Introduction

The concept of citizenship is traditionally understood in a liberal context. Today its application is premised on the indivisibility of political, civil, economic and social rights. The concept of gender justice deals with the analysis of gender relations across different political, socio- economic, legal and institutional settings. Thereby it broadens the scope for the analysis of gendered citizenship practices. This paper focuses on the socio-legal settings created by religious institutions in Muslim communities, and along which women's roles and rights are exercised. Given the absence of women's voice in the ideological struggle of equality, the paper attempts to grasp the existing controversial and conflicting views on the position, worth and constitution of women, a perception religious institutions use to control women's roles and rights.[2]

II. Literature Review and the Theoretical Approach

Research on Islam and women's rights is neither a new nor an easy task. Several studies have, directly or indirectly, touched upon the way in which Islam interfaces with women's participation in state formation, the labour market and the family sphere. Nonetheless, the present challenge is the mounting influence of discriminatory traditions, and their reinstatement in

---

[1] Denis Kandiyoti, "Introduction" in *Women, Islam and State* (Philadelphia: Temple University Press, 1991) 1-22, 8.
[2] The paper limits the analysis to the perception of religious institutions of women's roles and rights rather than delving into the discussion of specific rights. It is also based on the hypothesis that moderates views are in favor of gender equality while traditionalists view women's role in the public space as complementary to the role of men.

policy practices. This is evident in the lack of enforcement of women's rights at the social level, and/or setbacks in protection of their rights due to counteractions by conservative groups to the gender-equal policy-making process.

The literature has set grounds for conceptualising gender justice research to deal with these shortfalls. It has established that the role of Muslim women is not religiously fixed; [3] rather, it is juxtaposed against the political power and the conflicting views by traditionalists and moderates over how to preserve the identity of the Muslim community. The denial of Muslim women's citizenship rights is also perceived as a proximate effect of 'cultural authenticity', which stems from religious and traditional norms, and tends to inform social policy on the status of Muslim women in a conservative way.[4] The degree of 'religiosity' [5] in a society cannot be taken at face value.[6] Studies have shown that religion influences gender relations and outcomes, but the effects of specific religious affiliations vary, due to different interpretations and obligations of codes of conduct in cultural settings.[7] Moreover, the Arab League's report on countries' advance towards the Beijing Platform for Action has indicated that external factors, other than Islam, such as political violence and poverty, undermine policy change to take root in the improvement of the living conditions of Arab women.[8]

The OECD's working paper detailing the negative impact of social institutions' practices on women's economic participation, persuades donor agencies and

---

[3] Amina Wadud, *Quraan and Women* (New York: Oxford University Press, 1999). Cited by Nayereh Tohidi, "The Issues at Hand", in Herbert Bodman, ed., *Women in Muslim Socities: Diversity Within Unity* (London: Lynne Riener Publishers, 1998) 277-291, 278.

[4] See for example the discussion by Suaad Joseph, Concept Paper on "Gender and Citizenship in the Arab Region" (IDRC, Maroc 2020 and UNDP, 2002).

[5] Religiosity refers to the extent to which Muslims observe Islamic teachings in their deeds.

[6] Fadwa Labadi, Penny Johnson, Remma Hammami and Lynn Welchman Report, *Islamic Family Law and the Transition to Palestinian Statehood: Constraints and Opportunities for Legal Reform*, reproduced by Lynn Welchman ed., *Islamic Family Law in Comparative Perspectives* (London: Zed Books, 2002).

[7] Cited by Christain Morrison and Johanned Jutting, "The Impact of Social Institutions on the Economic Role of Women in Developing Countries" OECD Development Centre, Working Paper No. 234, OECD, May 2004, 13.

[8] Arab League Woman's Division Report, *The Unified Report on Arab Advance Towards Implementation of Beijing Platform for Action,* The Arab League Department of Social and Cultural Affairs, 2003, Part 3, 62-97.

policy makers to re-examine the role of traditional institutional frameworks. Its central point is that, the current understanding that increased access by women to the formal sector and legal rights is in conjunction with economic growth is myopic and is not necessarily manifested with the improvement of women's socio-economic role. The paper contends that social institutions - laws, norms, traditions, and codes of conduct - constitute the single most important factor determining women's freedom of choice in economic activities. To address gender inequalities effectively, policy makers and donors must think about and address institutional frameworks that discriminate against women, a task even more difficult than the tough exercises of increasing female enrolment rates or introducing sustainable micro-credit schemes. [9]

In this sense, the challenge for research on gender justice is to examine the complexities of local culture in the spatio-temporal context of social relations and the legal treatment of citizenship rights. The original contribution of this paper lies in its attempts to illustrate the linkages between traditional institutional frameworks and contradictory social and policy practices in relation to Muslim women's roles and rights. In that respect, this paper focuses on Islamic religious institutions, as one of the dynamic traditional institutional frameworks. It mainly seeks to explain why patriarchal systems have been successful in imposing their conservative views to control or disregard women's roles and rights in a changing economic and political environment.

The theoretical approach of this paper is the jurisprudential social legitimacy of Muslim women's roles and rights. Under this approach, two epistemological issues concerning the resilience of patriarchal systems will be discussed. The first issue concerns the socio-legal and relates to the influence of religious institutions or their domination over interpretation of Islamic jurisprudence governing Muslim women's roles and rights. The second issue is the political, which emanates from the traditional polity of Muslim states or the greater deference social policy gives to the views of religious institutions over women's roles and rights.

---

[9] For detailed discussion of these issues, see OECD Paper, 29.

The expected outcome of this paper is to provide a nuanced understanding of factors lying behind seemingly contradictory policies. This will be a departure point for future programming of regionally-based research on gender justice. Regional research can harness collaboration among nationally based groups and these would both internationally and nationally facilitate the formation of strategic action-plans across different Muslim communities.

III. The Religious Institutions' Jurisprudential Grounds for Women's Roles and Rights

In the historical development of Islamic societies, *Shari'a* has reflected the constitution of the Islamic state and the order under which society grows and crystallizes. *Shari'a* is generally understood as Islamic law, but it is broader. It embodies the fundamental elements of the Islamic system of governance. It differs from the *Fiqh,* or the Islamic legal science, which consists of the methods of interpretation and application of the principles of *Shari'a.* These principles are derived, among others, from the *Quraan* and *Sunna,* the views of Islamic jurisprudential schools, which are *Hanafi, Malki, Shafi,* and *Hanbli.* It is not an easy task to detail the views of these schools, but it is important to understand that national family codes do not strictly follow a specific school. For instance, the family codes of Sudan and Algeria are derived from the views of both *Hanfi* and *Malki* schools. Compared to other schools, *Malki* interpretations are moderate. For example with respect to marriage, *Malki* considers 18 as the age of marriage and women can marry without a guardian. However, the majority of Tanzanian Muslims are *Shafi,* with significant *Hanbli* communities and the codified marriage age for women there is 15.

 With the evolution of the Islamic state, jurists have to deduce new directives under changed social conditions.[10] Over time, religious institutions, either government run or independently come to rule the Muslim society through multiple functions. They advise the government on the legitimacy of certain actions, policies, and laws; and provide spiritual guidance in understanding the

---

[10] Jamal Nasir, *Islamic Personal Status*, (London, Dodrecht, Boston: Graham and Trotman, 1990), 9.

inner meaning of Islamic principles. Due to that they have become closely connected with and well respected by both the state and society.

This unique position has in fact enabled religious institutions to acquire important grounds for presenting their views over social order and women's roles and rights: they politically manipulate the religious legitimacy,[11] and immensely contribute to the formulation of laws and policies. In effect, they have obtained the choice of enhancing, stopping and reversing any advances towards equality for women, whose affairs are symbolic in these institutions' exercise of political power.[12] As their opinions are most readily available to the larger public, they influence not only popular theory but also social practises.

The other significant factor is the historical differences among religious institutions, which derive from the three main doctrines of Islamic legal thought: the *Sunni,* the *Shia* and the *Khariji.*[13] The four sources of difference between these schools are: (1) different interpretation of the verses of the *Quraan*; (2) disagreement on the authoritativeness of some principles derived from *hadyith* or the sayings of Prophet Mohamed; and (3) dissension on the acceptance of some legal sources. Today, these differences influence the level of protection of women roles and rights and dictate the lives of Muslim communities, as well as national laws and policies differently from one another. They shape the struggle along divisions over identities and rights. Accordingly, their views are in relation to the discussion of social legitimacy of Muslim women's roles and rights in light of the enforceability of gender equality principles from Islamic perspectives, and the justifiability of enforcing discriminatory social norms, which have no Islamic grounds.

---

[11] Abdullahi An-Na'im, ed. *Islamic Family Law in a Changing World: A Global Resource Book* (London, New York: Zed Books Ltd, 2002), 19.
[12] An-Na'im, 19.

A. Enforceability of Gender Equality Principles From Islamic Perspectives

It is beyond the scope of this paper to detail all the conflicting views between the *Sunni* and *Shia.* However, important points in understanding the implications of conflicting juristic views to enforceability of gender-equality from Islamic perspectives should be emphasized.

First, Islamic jurisprudence consists of gender equality principles governing women's roles and rights in both the public and private sphere. The extent to which these principles inform the visionary notions of a gender egalitarian society depends on the interpretation of the Islamic jurisprudence by specific religious institutions. In general terms, traditionalists' views on women's role and rights are based on 'abstract' interpretation of *Quraan's* verses; whereas those by moderates are 'situational' and cognisable of changes in gender roles, but this does not necessarily mean that they are in favour of a secular basis for reforms.

The main entry point for gender equality is the principle of *shura* (consultation), which entails that men and women should negotiate over their family and public affairs. In light of this principle, Muslim states have not registered reservations against Articles 7 and 8 of the Convention on Elimination of Discrimination Against Women (CEDAW), which call for the equality of women in public life and their right to adequate representation, respectively.

The concept of *ijtihad* (or giving religious opinions) has provided Muslim jurists greater discretion on approving or disapproving any matter that is not explicitly governed by the sources of *Shari'a.* The golden rule is that jurists' opinions should not forbid acceptable practices in compliance with the spirit of Islam or permit prohibited deeds. In effect, *Ijtihad* has opened the way for a normative sphere within which the state's policy and social practices are based. In this context, the gaps in the enforcement of gender equality are twofold. First, according to Joseph, "religion has underwritten the gendering of citizenship by

---

[13] It is worth noting that these schools evolved after the main jurisprudential school of *Malki, Hanfi, Shafi,*

its support of patriarchy".[14] The clerics in all religion sects in the Arab World have been exclusively male and that they themselves have been mostly hierarchically organized has invested most religious institutions in systems of the male authority. Consequently, the discourse on women's roles and rights is carried out in a representational capacity. Second, some *fatwa* or religious opinions by extremists contradict acceptable practices by *Shari'a*. For example, in rural Bangladesh, extremists have attacked NGOs, as they have become powerful symbols of modernization in the domain of gender relations.**[15]** They have mainly been critical of their programs on the empowerment of women to access the public space, which is in principle complies with Islamic principles.

The existence of different interpretations of women's roles and rights among religious institutions also raises issues about the primacy of gender-equality Islamic principles. In the sphere of private rights, the principle of *alkafaa* (compatibility) in marriage stipulates the woman's consent and the equality of the husband and wife in various qualifications such as Islam and financial ability among others. The traditionalists see the superiority of men as absolute and their justifications are based on the verses of *Quraan* governing women's duties towards their husbands, families, and society.

In addition, the coexistence of moderate and conservative views at both the national and local levels generates complexities, which make it difficult to ascertain the socio-legal status of women. The literature on 'essentialism', also discussed under section IV of this paper on the traditional polity, has reached a general consensus that, every theological interpretation of Islam's position on women has become ascendant or powerful only as long as its advocates have been situated in positions of power.[16]

---

and *Hanbli*.

[14] Joseph, 6.

[15] Dina M. Siddiqui. "Taslima Nasreen and Others: The Contest over Gender in Bangladesh" in Herbert Bodman and Nayereh Tohidi, ed*., Women in Muslim Societies: Diversity Within Unity* (London: Lynne Rienner Publishers, 1998) 205-225, 219-220.

[16] Barbara Stowasser, "Women and Citizenship in the Qura'n", in Amira Sonbol, ed. *Women, the Family and Divorce Laws in Islamic Hisotry* (Syracuse: Syracuse University Press 1996) 23-38 at 25.

The differences in jurisprudential views among religious institutions also create a multi-layered structure of codes, norms and practices. According to An-Naim, *fatwa* give rise to a "form of legal literature that introduces practical sources of reference for the students, judges and others".[17] In a similar fashion to statutory rules, they are binding and can only be abrogated by *almufti* or the Imam who stated them. With respect to the question of enforceability of gender equality principles across these legal settings, the research has shed light on the issue of 'governmentality' and revealed that in most of the time traditional norms based on religious principles prevail and compromise women's statutory protection.[18]

Using the language of Islamic reform and its appeals to consideration of human welfare, religious institutions have also participated in the modern discourse over Islam and women's rights from their different positions. To reiterate Islamic jurisprudenial views are divided into conservative and moderate and their enforcement is placed out in different cultural contexts.

The friction, for example, between CEDAW, which provides for precedence of secular law over religion and *Shari'a,* is that the former seeks to impact both private conduct, as well as public law, in signatory states and hence, is unconcerned with any distinction between the two spheres.[19] In *Shari'a*, there is no distinction between the religious and the secular, legal, ethical or moral interpretations. This last sub-feature is particularly central to understanding that religious and secular approaches to reforms of public or private laws converge.

---

[17]An-Na'im, 11.

[18] For detailed discussion, see Veena Das Paper on the "Co-existence of Customary and Statutory Law in India", The World Bank 5th Annual Conference on Gender and Law (Washington, DC. 2003).

[19] Bharathi Venkatraman, " Islamic Status and the United Nations on the Elimination of All Forms of Discrimination Against Women" Are the Shari'a and the Convention Compatible? *The American University Law Review 44*, (1995): 1949, 1965.

Moreover, the treatment of women's rights under secualrization of public laws is an obvious solution to the problem of reforming public law aspects of the *Shari'a* that are contrary to accepted international norms.[20] Accordingly, the general condemnation of some practices sanctioned by *Shari'a* that run against the grain of human rights norms in the public sphere has not been matched in the private sphere.[21] In other words, private law reform has proven to be a totally different matter. First, as family law is the main aspect of *Shari'a,* it has resisted replacement by European codes during the colonial period, and survived various degrees or forms of secularization of the state and its institutions in many Islamic countries. Islamic family law has become for most Muslims the symbol of their Islamic identity, the hard irreducible core of what it means to be a Muslim today. Moreover, traditionalists construe the abandonment of *Shari'a* in the family law field as the "final blow to an Islamic order that is distinctly patriarchal; which is perceived by modernists as a necessary step towards a more egalitarian society."**[22]** However, according to Venkatraman, "many men not consider equality as an advantage, but a loss of rights and powers…deep psychological biases and fears mesh with religion and tradition and with the total organization of society to form a barrier".[23]

B. Justicibility of discriminatory-customary norms

Haeri's considers that the propound role of social institutions' patriarchy and women's agency lies on the tension between what is 'customary' and what is 'religious'.[24] Her analysis has established that due to the persistent practice of old traditions they become accepted as religious and so recommended.[25] It is also of fundamental importance to note that some of these practices are based on cultural norms that are pre-Islamic. They have been incorporated into local

---

[20] Venkatraman, 1972.

[21] Venkatraman, 1973.

[22] An-Na'im, 19.

[23] Venkatraman, 1973.

[24] Shahla Haeri Paper on "Customary Practices in Pakistan and Iran", the World Bank 5th Annual Conference on Gender and Law, (Washington D.C. 2003), 4

[25] Haeri, 5.

Muslim practices and what relates to the formal doctrine and its sources.[26] Some religious institutions have played a pivotal role in abrogating harmful discriminatory practices, such as Alazahar Alcherif, in Egypt, *fatwa* against child marriage and domestic violence. However, the reach of their views is still limited; especially as local leaders have different theological approaches or do not necessarily have the same in depth knowledge of Islamic jurisprudence. In addition, some religious institutions pay due regard to customary norms as far as the *Quraan* verses do not explicitly prohibit their enforcement. Their interest in maintaining family stability and social cohesion, consciously or unconsciously normalizes discriminatory practices and their reproduction over the course of time. Mhafoudha Alley[27] has related the prevalence of discriminatory customary norms to the lack of awareness among women:

The position of women in Muslim societies and in Islamic jurisprudence is readily susceptible to misunderstanding. In the first place, most of the women in these societies are illiterate; and even if they are not, those who live in non-Arab countries, probably do not know Arabic or have access to sources. Because of this, they form their own ideas about what is Islamic, something which can be very far off from the official teachings. Also, they are confronted with local religious leaders who in some cases have a little more or equal schooling than ordinary believers…. thus, what women are facing and challenging is not necessarily religion according to the letter of the Quraan, but religion as it is explained at the local level. Explanations are mingled with local traditions and hence are heavily influenced by the prevailing balance of power.

When social norms and codes are used in a counteraction sense, due to the lack of knowledge, women have no means to question their religious basis. In cases where women have been fully aware of their rights under *Shari'a,* expressing their views against customary norms or religious institutions is difficult due to the complete absence of a socio-legal culture on gender egalitarian society.

---

[26] Salma Maoulidi, "Battling for Spaces in Traditional Structures: The Case of Muslim Women in Tanzania" in Bene Madunagu ed., *Social and Gender Jusitce: An Anthology*) (Development Alternatives with Women for New Era (DAWN), 2003) 263-345, 317.

[27] Maahfoudha Alley Hami, "Women Rights in Islam" cited by Maoulidi, 315-317.

IV. The Traditional Polity of the State From the political to Women's rights

The state is not a single-minded actor with a unified set of interests. It is composed of different conflicting views and changing sets of social interests, and political leaders are embedded in local communities. It is most productive to see the state as a contested terrain, its actions reflecting local, national and even global conflicts and contradictions. [28]

The traditional polity of the state has historical roots and contemporary implications. To put issues into perspective, the following sections will discuss the role of Islam in state and politics and then turn to the implications for women's roles and rights.

A. Islam, the State and the Space for Patriarchy

Today, Islam's connection with politics varies by country and region, but there are several common reasons why religion and jurists are intimately connected to the state. First of all, by the 19th century most Muslim countries were in a state of internal decline, and they were vulnerable to colonization.[29] Religion took on political overtones on the part of Western colonialists and Muslims looked to the combination of religion and politics for a solution. Muslim responses to colonialism ranged from resistance or struggle, justified as *jihad* in the defence of Islam, to accommodation and/or assimilation with the West. Second, in the 20th century the failure of the political systems and economies and the break down of traditional order in Muslim states was associated to modernisation. Religious institutions redeemed a powerful position as they convinced the state to understand that the social decay related to the stray from the straight path of Islam. The states embraced these views but continue to believe that future success depends upon returning to a society whose politics are governed by Islam.

---

[28] Joseph,

[29] Dr. John L. Esposito: Role of Islam in State and politics http://www.gulf-news.com/Articles/Opinion.asp?ArticleID=96337

Under the ideal Islamic state, the community governed by God's law (nomocracy), rather than a theocracy or autocracy that gives power to the clergy or ruler. To restore this order the state applies the religion and politics in the way envisioned by the Holy *Quraan*, Prophet Mohammed's sayings and the views of ulma or jurists, in tandem with the Islamic tenet that spiritual belief and action are two sides of the same coin. Legal processes implement rules and judgements from the *Shari'a*, rather than creating new legislation. As well as a sense of balance should exist among three groups: the ruler, who serves as the guardian of both the faith and the community; the ulama (leaders of religious institutions), who provide religious and legal advice; and the qadis (judges), who resolve disputes in accordance with Islamic law.

Over time, many Muslims came to believe that this ideal blueprint and perfect state had actually existed and should be returned to. Contemporary militant movements particularly look back to this utopia as an example to be emulated today.

While a minority of Muslims today believe that modernity requires the separation of religion and state, many Muslims continue to maintain that religion should be integral to state and society. However, there is no clear agreement – indeed, there is considerable difference of opinion – on the precise nature of the relationship of Islam to the state.

For some, it is enough to say that Islam is the official state religion and that the ruler (and perhaps those who fill most senior government positions) should be Muslim. Others call for the creation of an Islamic state.

But even here, there is no single agreed-upon model of government, as attested to by the diverse examples of Saudi Arabia's conservative monarchy, Iran's clergy-run state, Sudan's and Pakistan's experiments with military-imposed Islamic governments, and the Taliban's Afghanistan. And still others reject all these experiments as un-Islamic authoritarian regimes and subscribe to more secular or Islamic democratic forms of governance.

Muslim states understand secularism as the marginalisation of religion.

B. **Traditionalism and Muslim Women's Roles and Rights**

The literature on state formation has synthesised the modern historical origins of traditional polity and its contemporary implications for women's rights and roles. It has established that traditional polity is a critical inherited practice, downplayed by traditional powers and the political will.[30] Al-Chaarad's study of family codes in North Africa has mirrored the dimensions of traditionalism in relation to state formation and the alliance with kinship, among which religious leaders have exceptional and influential position. She has identified three distinct paths: an emerging state with close alliances with tribal kin groupings that adopted a conservative family law (Morocco); the state in partial alliance with tribal kin is stalled between alternatives before finally enacting a conservative family law (Algeria); finally, the state which managed to evolve in relative autonomy from tribal kin groupings was able to promulgate a progressive family code (Tunisia).[31] It is important to understand that religious institutions position themselves in the families and communities through teaching of the divine duties to respect social hierarchies and collaborate with state in the formulation of social polices passed on kin patriarchy.

Today, the extent to which traditional polity influence women's roles and rights vary from one country to another. Thousands of Muslim women, for example, come to live under extremely conservative regimes that embrace *Shari'a*, in its most reactionary forms regarding the role of women, (Iran, Sudan and Zamfara state in northern Nigeria). In these cases, women's social mobility is not

---

[30] for example see Chhachhi, Amrita, "Forced Identities: the State, Communalism, Fundamentalism and Women in India, in Kandiyouti, ed., 144-175, 162. Mahmoud Mamdoni, Citizens and Subject: Contemporary Africa and the Legacy of Late Colonialism: Princeton, New Jersey: Princeton University Press, 1996).

[31] Mounira Al-Charrad, Mounira, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco* (California: University of California Press, 2001).

exclusively restricted, but the strict application of Islamic laws in one way or another reinforces a status classified by western discourse as a second class citizenship. Others live in countries where either *Shari'a* is greatly modified (Iraq, Tunisia, Morocco and Turkey), or where it is marginal to the legal system, (Kenya, and Ghana, Sri Lanka and Philippines). Some others live in countries like Egypt, where the legal system has become the battleground between traditional Islamists and progressive reformists.

The concept of cultural authenticity has been utilized by some scholars to examine the gendered institutionalized hierarchy with respect to citizenship practices. In Hale's view, for instance, gendered practices are "primarily masculine enterprise".[32] The scholars have also observed that the changes in the economic and political environment have not played a role in modifying the culturally based political ideals, which continue to associate women with the values of the nation and men with the decision-making.[33] Ruddic has considered that these ideals are used in a way to "judge and to exclude".[34]

In the sphere of private rights, cultural authenticity is also understood as a paradox for reforms of family codes. This is because, it is a sensitive political subject that can either constrain or maintain the relationship between the state and religious institutions. Some scholars believe that, the presence of the traditional family and the prevalence of classic features of patriarchy are the interrelated issues relating to family honour in the Muslim world. Therefore, it is no wonder that some states continue to consider it as the last domain to accept troubling changes.[35]

An emerging body of literature has shed light on some Muslim states' political schemes on reinventing the Muslim society. It has established that the

---

[32] Sondra Hale, " The Islamic State and Gendered Citizenship in Sudan" in Suaad Joseph ed., *Gender and Citizenship in the Middle East* (Syracuse: Syracuse University Press, 2000).
[33] Joseph, 4.
[34] Sara Ruddic, "The Idea of Fatherhood" in Hilde Lindemann Nelson, ed., *In Feminism and Families* (New York, Routedge, 1997), 205-220.
[35] See for example, the discussion by Nayereh Tohidi, "The Issues at Hand", in Herbert Bodman, ed., Women in Muslim Socities: Diversity Within Unity (London: Lynne Riener Publishers, 1998)277-291, 278.

traditional polity does not necessarily mean an absolute exclusion of women. Instead, under these schemes women have been assigned certain roles to serve specific political interests. Joseph study on Iraq,[36] has detailed that the ex-Iraqi regime's political scheme was to dissolve confessional structures and to integrate women to maintain control and popularity. As a result, the secularisation of law in Iraq intended to build a strong centralized state to penetrate society, and to be able to suppress competing social issues.[37] The regime was not concerned with the strict application of Islamic laws. It intended to bring women into the state away from kin or ethnic groups and to encourage them to go to school, to access places of work and voluntary associations. The resulting reforms were the introduction of a uniform family code for all Iraqi women, regardless of their religious or social background (*Sunni, Shi'a* or Christians) and integration of women's participation in the political and public space.

Bharamitash's[38] study has reflected that despite the fundamentalists having constrained and complicated women's lives, the Iranian government's agitation and its attempts to eradicate poverty have led to a gradual loosening of religious codes concerning that integration of women to restore the goals of the welfare state.[39] Hale has also explained that, Sudanese women have been politicized and militarised, as a political strategy of the government's scheme on the mobilization of the modernized Muslim society.[40]

The above examples illuminate a complex state gender ideology in which women are producers and socializers of future national subjects and are themselves the crux of the invention of a new Islamic citizenship—all the while remaining marginal to the state and to full citizenship. Hale has analysed how Islamist women themselves are agents in transformation processes: as collaborators,

---

[36] Suad Joseph, "Elite Strategies for State-Building: Women, Family, Religion and State in Iraq and Lebanon" in Kandiyoti, ed., 176200, 197.
[37] Joesph, 198.
[38] Roksana Bahramitash, "Islamic Fundamentalism and Women's Economic Role: The Case of Iran" *International Journal of Politics, Culture and Society, Vol. 16, No.4, Summer 2002*, 551-568, 553.
[39] Bahramitash, 554.
[40] Bahramitash, 567.

collusionists, instigators and negotiators.[41] Women are not absolutely molded subjects but it yet unclear what their limits of submersion and the limits of women being able to subvert some of the demands of the nation. [42] With Islam being the reference, it is clear that the struggle for women's rights is not only about a controversy over conflicting interpretations of the *Shari'a*, but also about the close relationship of the state with traditional religious institutions. The resilience of patriarchal order in Muslim communities relates to religious institutions powerful capture of social relations and political interests. Thus the other important question is to examine how the roles and rights of women are reinvented in the understanding of Modern Muslim society and what is the relationship of religious views to their expressions of 'belogning' or 'alienation'.

V. Concluding Remarks for Programming research on gender justice and citizenship

The above discussion has illustrated that the strong influence of religious institutions, compounded with the state-centrist approach has resulted in complex and contradictory implications for gender equality. Conservative views and official policies promote women's role and rights in the political scheme and in favour of very few women. Although there are progressive changes in the social status of women, the actual achievement of gender equality is slow, complicated and controversial.

Therefore, research on gender justice should examine the struggle of women against powerful variables such as strict *fatwa*, different legal settings established by the discourse of religious institutions, and the possibilities for women to negotiate their roles and rights. In that respect, regional research projects on the socio-legal status of Muslim women promise opportunities for comparative analysis and modules for planning how to better approach socio-legal studies in a specific community or country.

---

[41] Sondra Hale, " Alienation and Belonging-Women's Citizenship and Emancipation: Visions for Sudan's Post-Islamist Future" *New Political Science 23*, No. 1(2001) 25-43, 32-33.
[42] Hale, " Alienation and Belonging", 33.

These types of projects would also encourage collaboration among different institutions, such as, NGOs, scholars, government-research centers, and international and national consultants. Lessons learned through networking can help leapfrog the pace for strengthening the ability of women to penetrate the theological discourse to negotiate their roles and rights.

Glossary of Islamic Terms

Ahadyith   Prophet Mohamed sayings

Alwilaia   guardianship

Fatwa   giving religion opinion

Fiqh   science of Islamic Jurisprudence

ALKafaa   compatibility

Quraan   Muslim holy book

Sharia   Islamic political order and laws

Sunna   Mohammadian Priciples

References

Abdullahi An-Na'im, ed. *Islamic Family Law in a Changing World: A Global Resource Book* (London, New York: Zed Books Ltd, 2002), 19.

Bahramitash, Roksana. "Islamic Fundamentalism and Women's Economic Role: The Case of Iran" *International Journal of Politics, Culture and Society 16*, no.4, (2002), 551-568.

Al-Charrad, Mounira, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco*, (California: University of California Press, 2001).

Haeri, Shahla Paper on "Customary Practices in Pakistan and Iran", the World Bank 5th Annual Conference on Gender and Law, (Washington D.C. 2003).

Hale, Sondra. *Gender Politics in Sudan: Islamism, Socialism, and the State* (California: Westview Press, 1996).

Hale, Sondra. "The Islamic State and Gendered Citizenship in Sudan." In *Gender and Citizenship in the Middle East.* Syracuse: Syracuse University Press, 2000.

Hale, Sondra. "Alienation and Belonging-Women's Citizenship and Emancipation: Visions for Sudan's Post-Islamist Future" *New Political Science 23*, No. 1(2001): 25-43.

Joseph Suaad, Concept Paper on Gender and Citizenship in the Arab World, (IDRC, Maroc 2020 and UNDP, 2002).

Joseph, Suaad. "Elite Strategies for State Building: Women, Family, Religion and the State in Iraq and Lebanon." In *Women, Islam and the* State. Philadelphia: Temple University Press, 1991.

Kandiyoti, Deniz "Introduction" In *Women, Islam and the* State. Philadelphia: Temple University Press, 1991.

Mamdoni, Mahmoud. *Citizens and Subject: Contemporary Africa and the Legacy of Late Colonialism.* Princeton, New Jersey: Princeton University Press, 1996.

Maoulidi, Salma, "Battling for Spaces in Traditional Structures: The Case of Muslim Women in Tanzania." In *Social and Gender Justice: An Anthology.* DAWN: 2003..

Ruddic, Sara, "The Idea of Fatherhood." In *Feminism and Families.* New York: Routedge, 1997.

Siddiqui, Dina M. "Taslima Nasreen and Others: The Contest over Gender in Bangladesh" in In *Feminism and Families.* New York: Routedge, 1997.

Stowasser, Barbara. "Women and Citizenship in the Quraan." In *The Family and Divorce Laws in Islamic History.* Syracuse: Syracuse University Press, 1996.

Tohidi, Nayereh. "The Issues at Hand." In *Women in Muslim Societies: Diversity Within Unity.* London: Lynne Riener Publishers, 1998.

Das, Veena. Paper on "Co-existence of Customary and Statutory Law in India". The World Bank 5th Annual Conference on Gender and Law (Washington, D.C. 2002).

Wadud Amina. *Quraan and Women.* New York: Oxford University Press, 1999.

Internet Resources

Association independante pour le triomphe des droits des femmes
Area of focus Family Codes in Algeria
26 Boulevard Mohamed V, Alger 16000
Ph #: 50 31 42 or 02 73 62 20

Association Pour l'Emancipation De La Femme
Area of focus women's rights in Algeria
Chouaki Ourida /Ait Kaki Djazia
Foyer Municipal BT C Hussein Dey, Alger
Ph #: 2774810
Fax #: 2743002
Association SOS Femmes en Detresse
Focus on refugee women in Algeria
Complexe Culturel De Ben Aknoun, Alger
Ph #: 02 66 87 25 or 02 73 60 59 or 213 260 0793

Union Nationale des Femmes Sahraouies
(The National Union of Sahrawi Women (NUSW))
Work for Saharawi women to reinforce their role in the struggle for the liberation and independence of the Western Sahara and for orienting women in the social and political fields to improve their level of education and training. On the international level, the organization works for the establishment of security and peace in the world, equality between the sexes and the reinforcement of human rights and democracy.
c/o Mission de la RASD
B.P. 10, El Mouradia, 1, Rue F. Rooswelt, DZ-16 000 Alger
In the refugee camps
ph#: (213 7)93 14 80 or 93 16 46 or 93 23 32
fax#: (213 7)93 18 22 or 93 13 76
Saharawi Mission in Algiers
ph#: (213 2)74 79 07 or 74 78 20
fax#: (213 2) 74 79 84
website: http://www.arso.org/UNFS-Homepage.htm

UNITED NATIONS CONTACTS

Bureau d'Alger - Algérie
PNUD- Programme des Nation Unies pour le Développement
9 A Rue Emile PAYEN Hydra Alger - B.P. 823 Alger-Gare
Ph #:213-21-69 12 12
Fax #:213-21 69 23 55
Email: Registry.dz@undp.org
Website: www.dz.undp.org
Division for the Advancement for Women
Department of Economic and Social Affairs
United Nations
New York, NY 10017, USA
Fax#: (212) 963-3463
Email: daw@un.org
Website: www.un.org/womenwatch/daw
UNDP Africa
One United Nations Plaza, New York, NY 10017, USA
Fax#: (212) 906-6478
Website: http://www.un.org/rba

UNIFEM - French Speaking West Africa, Central and North Africa & Lusuphone countries
Countries: Algeria, Benin, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Cote Ivoire, Democratic Republic, Egypt, Equitorial Guinea, Gabon, Gambia, Guinea Bissau, Libya, Mali, Mauritania, Morrocco, Niger, Sao Tome and Principe, Senegal, Togo and Tunisia
PO Box 154 Immeuble Falycal
19 Rue Parachappe
Dakar, Senegal
Ph#: 221 823 5207
Fax#: 221 823 5002

Afghan Women's Network
The Afghan Women's Network is a non-partisan network of women working to empower Afghan women and ensure their equal participation in Afghan society. The Network seeks to enhance the effectiveness of its members by fostering partnership and collaboration between members, undertaking advocacy and lobbying, and building their individual capacities.
PO Box 426, Islamabad, Pakistan
Or PO Box 855, Peshawar, Pakistan
Ph#: +92-51-859489
Fax#: +92-51-211450
Email: habibakbar@hotmail.com
Web: www.afghanwomensnetwork.org
Afghan Women's Council
The AWC is located in Peshawar, Pakistan, and runs the Ariana School, the Mother and Child Health Clinic in Peshawar, which provides education and medical care to refugee families, and the Nazo AnaClinic, a 20-bed hospital in Kabul, Afghanistan, that kept its doors open throughout all five years of the Taliban regime. AWC also manages humanitarian relief efforts for newly-arrived refugees and publishes the monthly journal, Zan-e-Afghan (Afghan Women) to mobilize women to bring peace and stability to the country.
GPO Box 1215
Peshawar, Pakistan
Fax#: 928-832-3054
Email: afghanw@afghanistanwomencouncil.org
Web: www.afghanistanwomencouncil.org

Bangladesh Manobadhikar Sangstha
72, Jhikatala Road
Dhanmondi, Dhaka, 1209
Ph#: + 861 0591
Fax#: + 88 02 861 7269
Coalition Against Trafficking in Women (CATW)
52 Tejkuni Para, Tejgaon, Dhaka 7 - 1215
Ph #: 880 2 9125800
Fax #: 880 2 9260210
E-mail: ild@bdmail.net
Website: www.uri.edu/artsci/wms/hughes/catw
Naripokkho (For Women)
Grassroots network monitoring government policy on violence against women
House 51, Road 9A, Dhanmondi R/A, Dhaka 1209
Ph #: int+ (880-2) 819-917
Fax #: int+ (880-2) 813 310
E-mail: nasreen@office.pradeshta.net

Alliance for Arab Women
The Alliance for Arab Women (AAW) is a voluntary organization registered with the Ministry of Social Affairs. It has its secretariat in Cairo and several branches in Upper and Lower Egypt governorates. It has a consultative status with the UN ECOSOC. Acting as an umbrella of about 350 NGOs spreading throughout the governorates of Egypt. Issues include gender, women's rights, development, advocacy, networking, building partnerships
28 Adly St. Apt. #74, Cairo
Ph #: 20 2 3939899
Fax#: 20 2 3936820
Email: aaw@link.com.eg
Website: www.AllianceForArabWomen.org

Arab Women's Solidarity Association (AWSA)
The Arab Women's Solidarity Association works for the liberation of Arab people and freedom from economic, cultural and media domination. As an international organization, AWSA promotes Arab women's active participation in social, economic, cultural, and political life.
Issues: Networking group
4A Dareed Saad Street, Kast El Ainy, Cairo
Ph#: 202 3543715
Fax#: 202 3554200
Email: for General Questions or cihrs@idsc.gov.eg or for Web & Mailing list
Website: www.awsa.net

Egyptian Center for Women's Rights
 Promotes women's participation in the political arena, raises legal awareness for women, and provides legal aid to women
56 Missr Heluan Elzerae St., Apr.2 Floor 12, Maadi, Cairo
Ph#: 202-351-8219
Fax#: 202-524-6804
E-mail: ecwr@egyptonline.com or ecwr@hotmail.com

Media and Women in the Rural Areas of the Arab World
Promoting communication research in the field of gender in Egypt and Arab countries. Organizing training courses to promote cultural abilities and skills to women journalists in various fields of mass communication. Establishing an accurate database concerning stereotypes of women in Egypt.
Center for Women & Communication Studies
Faculty of Mass Communication Cairo University,
Tahrir Square, Cairo, Egypt
Ph#: 20-2-572-9878 or 29-2-573-3727
Fax#: 20-2-573-3727

The New Woman Research and Study Centre
Issues: Campaigns for women's equaltiy and human rights, information, networks with local, regional and international women's and human rights organizations.
39 El Ansar Street, Dokki Square, Cairo
Ph#:/Fax#: (20) 2 398 6106
Email: hosams@intouch.com

Indonesian Women's Coalition for Justice and Democracy
University of Indonesia, Dept of Political Science, FISIP Kampus Baru UI, Depok

Indonesian Conference on Religion and Peace - Women Division
Issues: Human Rights/ Political Status of Women, Support Groups, outreach and Mission, Conflict Resolution, Interfaith Dialogue
Jl. Percetakan Negara No. C553 lt.3 Jakarta 10570
Ph#: 62 21 422 6442
Fax#: 62 21 422 6448
E-mail: smranti@cbn.net.id

Women Living under Muslim Laws
Network of women whose lives are shaped, conditioned or governed by laws based on interpretations of the

Koran.
Department of Sociology and Anthropolog
Concordia University
1445 Blvd. De Masionneuve
Montreal, Quebec H3G1M8, Canada
Ph #: (1-514) 848-2166
Fax #: (1-514) 8484539
E-mail: hhoodfar@aol.com

General Arab Women Federation (GAWF)
The organization works to acquaint world public opinion with the conditions of Arab women and their role in building up the society and promotes women's integration in the society to enable
their participation in economic and social development.
Hay Al - Maghreb Mahaela 304 Zuqaq 5/33
Ph # : (964) 422 71 17
Fax #: (964) 421 30 14; 964 425 2372
E-mail: gfiwmail@uruklink.net

Defense of Iraqi Women's Rights (DIWR)
DIWR aims to investigate into the status of Iraqi women with a focus on Kurdistan of Iraq where the absence of supremacy of law resulted in giving way to ancient tribal practices against women encouraged by recent Islamist influences.
Contacts: Yanar Mahmoud: yanar2002@hotmail.com
Khayal Ibrahim: khayal71@yahoo.ca
Sammar Aziz: a.sammar@rogers.com
Website: http://www.equalityiniraq.com/

Iraqi Women's Rights Coalition (IWRC)
The organization is a network of various women's rights activists and organizations aiming to influence the policy-making of the new Government in Iraq. It aims to ensure that women's equal rights are secured and a secular constitution is established. The IWRC is proposing the complete separation of Government and religion in Iraq, to establish the only possible chance of secular rule, which is inclusive of all Iraqis, regardless of gender, religion, ethnicity, and political opinion.
Contact Person: Houzan Mahmoud
Ph#: 0044 795 688 3001
E-mail: iraqwrc@hotmail.com or equalrightsnow@hotmail.com
Coordinators:
Houzan Mahmoud - UK-London: iraqwrc@hotmail.com
Aroba Samir - USA: arobasamir@yahoo.com
Halala Rafi - Sweden: halalarafi@hotmail.com
Khayal Ibrahim - Canada: khayal71@yahoo.ca
Layla Mohammed - Australia: layla4@ipirmus.com.au
Equal Rights Now, the fortnightly paper of the IWRC, is available at:
http://www.equalityiniraq.com/iwrc.htm
Website: http://www.equalityiniraq.com/iwrc.htm

Institute for Women's Studies in the Arab World
Promotes networking between Arab women and women all over the world and
to empower women through action programs
Lebanese American University, PO Box 13 - 5053, Beirut
Ph#: 961-1-786-456164
Fax#: 961-1-791645
Email: iwsaw@beirut.lav.edu.lb

Working Women Organisation (WWO)
Creating awareness about women's human rights and encouraging participation of women in familial decisions
E/ 36, St # 2, Iqbal Park, Walton Road, Lahore Cantt.
Ph #: 92 42 668 6382
Fax #: 92- 42- 668 6519.
E-mail: wwo@brain.net.pk
International Movement Against All Forms Of Discrimination and Racism (IMADR)
141 Anadarajakaruna Mawatha, Colombo 8
Ph #: (94-1) 576672 or 94 72 47595
Fax #: 94 74 617711
E-mail: imadr@slt.lk
Center for Empirical Research and Women's Studies - Documentation Centre
Sana'a' University, P.O. Box 1802, Sana'a'
Ph#: +967 01 219 339
Fax#: +967 01 219 341
Women's Forum for Research and Training
P.O.Box 5655 , Taiz
Fax#: (967-4) 211 226
Website: www.wfrt-yemen.org/