A Review of “Women in Islamic Communities: The Quest for Gender Justice Research”
Femin Ijtihad stands for "critical thinking" of gender notions and laws. Its aim is to research and share relevant and simplified academic scholarship on Muslim women's rights, to activists and organizations working at the grassroots. Over the years, academic ideas and theories have flourished the re-understanding of women's rights. F.I.’s Research Programs focuses on locating academic and activist articles, book chapters, or NGO-produced reports from a variety of disciplines (legal, theological, historical, anthropological, sociological, political science, and other social science methods) that analyze arguments on notions of exegesis of Islamic texts; contemporary legal reforms in Muslim-majority societies; various forms of Muslim women’s resistance; Muslim women in literature; and programs that empower men as partners in women’s rights efforts.
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Classification

**Audience:** Women politicians, institutions and organizations that are working closely with state and religious institutions in gender mainstreaming, or in designing strategies and programs via the Ministries to protect and promote women's rights; and those working with issues of political legitimacy, governance, and human rights.

**Nature of the article:** Scholarly article

**Discipline:** Law and socio-anthropology

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Abstract

This article analyzes some of the factors that shape contradictory policies towards gender equality in Muslim countries, specifically the influence that Islamic religious institutions exercise over the interpretation and application of women’s rights, in addition to the deference social policy gives to the views of these institutions. Further, it 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 analysis is limited to the perceptions religious institutions have of women’s roles and rights and the role they play in shaping socio-legal settings in Muslim communities, along which women’s rights are exercised, rather than delving into a discussion of specific rights. The argument is situated within the larger argument that contradictory social and policy practices towards women are based, not on Islamic grounds, but rather on traditional institutional frameworks that exert great influence in these countries. The article concludes with issues and research questions for domestic and international groups to consider when working for the improvement of women’s rights and gender equality in different Muslim communities.
1. Understanding the role of the state and other institutions in gender-inequality

The idea that contradictory policies towards gender equality in Muslim countries stem from the extraordinary influence exercised by religious institutions over the socio-legal order can enable organizations to recognize that the lack of gendered citizenship rights—or, alternatively, the lack of implementation of already existing gender-equality laws—and the discriminatory practices that some Muslim women confront are not necessarily related to the core message of Islam’s sacred texts, but rather to the interpretation of those texts given by some traditional political and religious institutions.

It is important for activists to be aware of how the state has used women’s bodies, labour and influence to serve their broader political interest. Indeed, in some traditional Muslim states women have been assigned certain roles and guaranteed some more egalitarian rights to serve specific political interests (e.g. build strong centralized states, maintain control and popularity over society, suppress competing social issues, mobilize and modernize society, marginalize certain kin or ethnic groups), and not because of specific concerns with the application of Islamic laws or recognition of gender equality. For instance, Sudanese women have been politicized and militarized as a political strategy of the government to try to mobilize the modernized Muslim society. The recognition and understanding of the direct links between traditional institutional frameworks and contradictory social and policy practices can provide activists with an argument for the contextualization of those discriminatory norms as the product of selective interpretation of Islamic jurisprudence by specific religious institutions and to expose the politics of claiming and legitimizing power within them.

2. Navigating through power

Religious institutions not only hesitate to change their interpretations of religious texts, but also hesitate to do anything that would put their claims to power in jeopardy. Activists must fully understand how government and religio-government institutions function (who they account to, where they receive their funding, what they are mandated to do, how they are appointed, who they most influence). Answers to these questions can inform more politically sensitive strategies, that may, amongst others, include engaging them in ways with predetermined outcomes that avoid jeopardizing their power and position.
3. Exploring Islamic discourses on what gives a state institution legitimacy and authority

How is power over Islamic interpretations claimed and legitimized in a nation state? This could be the basis of inquiry and research for activists. Activists can explore questions of legitimacy and authority in Islamic jurisprudence and history, and influence the exercise of discourse on legitimate authority as a way of constructively critiquing local state and religious institutions. This can be conducted outside and away from the discussion of women’s rights to avoid unnecessary backlash. The answers to the fundamental question of: When is power exercised legitimately? Who can exercise it? and When is resistance against power legitimate and necessary?, may generate civic vigilance. Phillip Pettit states, ‘...not just that the polity have appropriate institutions of government, but also that the citizens display civic virtue: that they are ready to keep an eye on government, and to force it to stay on suitable tracks.”

4. Encouraging women’s meaningful participation in positions of power

In developing education, training and campaign programs, organizations should emphasize the importance of contextualizing sacred texts and interpreting them within today’s practical needs. Training and education programs should also acknowledge that every theological interpretation of the position of Islamic texts on women becomes ascendant or powerful only as long as its advocates are situated in positions of power. Thus training and education programs should not only equip women with the tools to interpret sacred texts, but develop their leadership, networking and coalition-building skills in order to develop the right political strategies to raise awareness and lobby for gender-equitable interpretations, amongst their constituencies.

Finally, the author contends that nationally and internationally concerned groups, who intend to develop activities and programs aimed at cultivating more gender-equitable ideology amongst state and informal institutions and improving women’s rights and gender equality, should conduct further research on gender justice in their specific community or country. In particular, research should examine the struggle of women against powerful variables such as strict fatwa, different legal systems 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 may offer opportunities for comparative analysis and modules for planning how to better approach socio-legal studies in a specific community or country. The lessons learned through these research projects and through networking can help expedite the pace for strengthening the ability of women to penetrate the theological discourse so that they may better negotiate their roles and rights.
5. Questions for self-reflection

1. Contradictory policies towards gender equality in Muslim communities often stem from the influence exercised by the views of conservative Islamic religious institutions over the interpretation of Islam’s sacred texts, and their control over the formulation of laws, policies, and social practices. Religious institutions not only hesitate to change their interpretations of religious texts, but also hesitate to do anything that would put their claims to power in jeopardy.

1. What are some of the discriminatory practices espoused by political and religious institutions (state and non-state) that are having direct and adverse effects on women in my community?

2. What influence do religious institutions have over these discriminatory traditions and/or in their reinstatement in policy practices in my community?

3. For what reasons (both expressed and underlying) are these practices encouraged by religious/political institutions (religious, political, economic)?

4. Can we brainstorm the ways in which these practices can be reformed to protect women’s well-being whilst still appeasing the initial concerns for allowing them? (for example, many men and women were uncomfortable with the outright ban of polygamy as they believed it was a privilege given by God that cannot be taken away. Therefore, some activists have instead encouraged the use of conditions in a marriage contract to allow women the option of a divorce in the case of polygamy)

5. How have the institutions gained legitimacy? Has this been done through a legitimate process? Are there mechanisms within that process to contest authority, when it is not exercised fairly and reasonably?

6. Can I identify religious institutions or religious figures that have shown support for women’s rights and agency in my community? In what areas of women’s rights have they shown their support for (perhaps women’s reproductive rights and education, though not necessarily her participation in politics)? How can I garner their influence, starting from their support in those aspects of women’s rights and agency? What kind of strategy can I create to build a successful alliance with them?
2. State reforms to improve women’s well-being and participation in society may not always be inspired by sincere reasons. Some state programs sometimes treat women as productive agents, or values’ guardians, or position them to be bearers of the new Islamic citizenship, while on the other hand, women cannot take advantage of full citizenship under state policies and laws. Muslim states sometimes play off reforms, in order to either serve some of their political interests or show their commitment to international human rights standards, while consolidating their internal priorities.

   a. Are government officials in my community guaranteeing more egalitarian rights and allowing women to access certain roles to serve their specific political interests? What political interests are these? How do I navigate through them? Or to what extent are they doing so to truly establish a more gender equal society?

   b. Do women in my community have the possibility to negotiate their roles and rights? In what ways are they already doing so already? Are they occupying positions of power? How can they use their positions as platforms to increase their influence and competence for women’s causes?

      1. Are women in my community considered guardians of specific Islamic values?

      2. Are some of the discriminatory practices towards women in my community justified as symbols of Islamic identity and cultural authenticity in contrast to the ones of the Western world?

      3. What are the impacts of these views on gendered citizenship rights?

      4. What, if any, economic, social, and political activities are recognized as legitimate activities for female participation in my community?

      5. Are these activities necessarily gendered? Can women overtly occupy them?

      6. What kind of power structures or gender hierarchy exist in those activities?

      7. Which key resources (e.g. education, health care, credit, formal legal rights) are directly accessible for women in my community?

      8. How can I further utilize these activities and key resources to increase women awareness about power structures, the direct links between traditional institutional frameworks and contradictory social and policy practices, and stress the idea that every theological interpretation of the position of Islamic texts on women becomes ascendant or powerful only as long as its advocates are situated in positions of power?

      9. Can the socio-legal status of women in my community be used for comparative analysis and socio-legal studies in other Muslim communities or countries?
Synopsis

Literature Review and the Theoretical Approach

“The literature addressing the ways in which Islam interfaces with women’s participation in state formation, the labor market, and the family sphere is voluminous. And so while this area has been studied quite deeply, Abusharaf believes that what requires further research is the current challenge posed by the increasing “influence of discriminatory traditions and their reinstatement in policy practices”, and in particular their impacts on gendered citizenship rights (Abusharaf 715).

- Although Islam plays an important role in shaping gender relations in a society, the ultimate effects of specific religious affiliations vary from one culture to another depending on different religious interpretations and obligations of codes of conduct. Moreover, other socio-economic factors, such as political violence and poverty, may exacerbate the living conditions of Muslim women (716).

- The single most important factor determining women’s freedom of choice in economic activities and access to key resources such as education, health care, credit, and formal legal rights is the role of social institutions (laws, norms, traditions, and codes of conducts), which can constrain women from participating in economic, social, and political activities (716).

- Thus, in order to address gender inequality in Muslim communities effectively, it is fundamental to understand the role of social institutional frameworks—particularly of Islamic religious institutions—and their direct link to the formation of contradictory social and policy practices in relation to Muslim women’s rights and roles (717).

- The resilience of patriarchal systems in Muslim communities and their success in imposing their conservative views regarding women’s rights and roles may be attributed to two main factors:
  - A socio-legal factor: “the influence of religious institutions over the interpretation of Islamic jurisprudence governing Muslim women’s role and rights”
  - A political factor: the “deference social policy gives to the views of religious institutions over women’s rights and roles” (717).

The Religious Institutions’ Jurisprudential Grounds for Women’s Roles and Rights

- Distinction between Shari’a and fiqh:
  - Shari’a embodies the fundamental elements of the Islamic system of governance
Fiqh, or the Islamic legal science, refers to the methods of interpretation and application of the principles of Shari’a, which are derived from Islamic sacred texts (the Qur’an and the Sunnah), and from the views of the Islamic jurisprudential schools named after their leaders: Hanafi, Maliki, Shafi, and Hanbali”

However, national family codes do not strictly follow only one specific school (e.g. the family codes in Sudan and Algeria are derived from the views of both Hanafi and Maliki schools) (717).

**Role of government religious institutions and ulama (Islamic law jurists):**

- “Advice the government on whether their social policies and laws comply with Islamic principles”
- “Provide spiritual guidance for the public to understand the inner meaning of Islamic principles and how to apply these principles in their daily lives”
- In practice, they exercise a great influence over the formulation of laws, policies and social practices, and therefore “have the socio-political power to enhance, stop, or reverse any advances towards equality for women” (718).

The differences among the three main doctrines of Islamic legal thought (Sunni, Shia, Khariji) further increase the control of specific religious institutions over the interpretation and application of Muslim women’s role and rights as they are often used to “justify the lack of implementation of already ratified gender-equal laws and policies and legitimize gender discriminatory customary practices which in fact are not based on Islamic grounds” (718).

**Enforceability of Gender Equality Principles from Islamic Perspectives**

The extent to which gender equality principles, which govern women’s roles and rights in both the public and private spheres, will be recognized and enforced in a Muslim community “depends on the interpretation of the Islamic jurisprudence by specific religious institutions” (719).

1. **Enforceability in the public sphere**

- Gender equality in Islamic jurisprudence is based on the principle of shura (consultation), which suggests that men and women should negotiate over their family and public affairs (719).

- Influence and repercussions of ijtihad (giving religious opinions) in the public sphere:
  - In theory, only ulama and the government’s officially assigned mufti (Imam) can exercise ijtihad, giving their independent or original interpretation to issues not precisely covered by the legal sources of Shari’a. These “opinions should neither
forbid acceptable practices in compliance with the spirit of Islam nor permit prohibited deeds”.

- Fatwa (religious opinions) issued via *ijtihad* are binding and can only be abrogated by the Imam who declared them (719).
- In practice, *ijtihad* has provided Muslim jurists with the power to approve or disapprove any matter that is not explicitly governed by the sources of Shari’a. This has created a multi-layered structure of codes, norms, and practices due to the differences in jurisprudential views among religious institutions and has generated heated debates between moderate and conservative Imams, making it difficult to enforce gender equality principles in the public sphere (720).

2. *Enforceability in the private sphere*

- Different views of the principle of *alkafaa* (compatibility) requiring the equality of the husband and wife to ensure the suitability of two partners in marriage:
  - Moderates: *alkafaa* is an imperative condition in marriage contract
  - Traditionalists: the superiority of men is absolute (721).

- Islamic family law is considered the primary aspect of Shari’a and, for most Muslims, the symbol of their Islamic identity. Private law reforms in this field are often obstructed by traditionalists, who see these changes as the “final blow to an Islamic order that is distinctly patriarchal” (721).

**Justiciability of Discriminatory-Custumary Norms**

- Origins of gender discriminatory norms: cultural customs vs. Islamic doctrine and its sources
  - Some discriminatory norms that have been incorporated into local Muslim practices and accepted as religious, in fact originated from old, even pre-Islamic, cultural traditions
  - Religious institutions often justify the normalization of discriminatory practices and their reproduction over the course of time in the interest of “maintaining family stability and social cohesion” (722).
  - Women’s lack of awareness and/or education contributes to a misunderstanding between what is Islamic and what is a local tradition (723).

- Some religious institutions, however, have greatly contributed to the abrogation of harmful discriminatory practices (e.g. Alazahar Alcherif in Egypt issued a *fatwa* against girl-child marriage) (722).
The Traditional Polity of the State from the Political to Women’s Rights

It is important to comprehend the role played by Islam in state politics—which has been a factor since the inception of the Islamic civilization—to understand its implications for women’s rights and roles (723).

A. Islam, the State and the Space for Patriarchy

- Reasons behind the intimate connection between Islamic religion and jurists and the state:
  - Historical: religion became embedded in politics when Muslim countries started looking at a close combination of the two in search for a distinctive identity in contrast to the one of the Western countries who had colonized them in the 19th century.
  - Political-economic: religious institutions convinced the state, which was in search of legitimacy, that “the failure of the political systems and economies and the breakdown of traditional order in Muslim states” in the 20th century were related to modernization and the straying from Shari’a as a comprehensive political model.
  - Religious-cultural: the ideal Islamic state should be governed by Shari’a, derived from divine revelation, and based on a balance among three groups: the imams, the uluma, and qadis (judges). All Muslim states, regardless their differences in their models of government, recognize Islam and culture as the main sources of their constitutions (724).

- The wide spectrum—in intensity, depth, and scope—of the relationship between Islam and the state, however, varies from “Saudi Arabia’s conservative monarchy, to Iran’s clergy-run state, Sudan’s and Pakistan’s experiments with military-imposed Islamic governments, and Turkey and Indonesia, which lean toward Islamic democratic forms of governance” (724).

- Muslim states often play off reforms, especially in regards to women's rights, in one sector against repression in another with the intent to show their commitment to international human rights standards, for example, while consolidating their internal priorities (724).

B. Traditionalism and Muslim Women’s Roles and Rights

- Traditional polity, gender hierarchies and implications for women’s rights and roles:
  - Religious leaders have played exceptional and influential roles in states’ formation and alliances with kinship, thus contributing to the formation of a patriarchal order and gender hierarchies within Muslim societies.
  - Religious institutions positions themselves in families and communities through the teaching of divine duties respecting social hierarchies, thus collaborating with
the state in the institutionalization of social practices passed on by kin patriarchy (725).

- Traditional family codes and classic features of patriarchy are often the last domains to accept modern changes, as they represent the closest intersection between the states and religious institutions and an essential part in Islam ‘cultural authenticity’ (726).

- In some traditional Muslim states, however, women have been assigned certain roles and guaranteed some more egalitarian rights to serve specific political interests (e.g. build strong centralized states, maintain control and popularity over society, suppress competing social issues, mobilize and modernize society, marginalize certain kin or ethnic groups), and not because of specific concerns with the application of Islamic laws or recognition of gender equality (726).

- Thus, the struggle for gender equality is not only about controversy over conflicting interpretations of the Shari’a, but also about the contradictions in states’ gender ideologies and social practices preserved by traditional religious institutions (727).

## Conclusion

- Topics internationally and nationally concerned groups should examine when planning on working for the improvement of status of women across different Muslim communities:
  - Struggle of women against powerful variables, such as strict fatwa
  - Different legal systems established by the discourse of religious institutions
  - Possibilities for women to negotiate their roles and rights
  - Socio-legal status of Muslim women in specific regions to use for comparative analysis and socio-legal studies in other communities or countries (727).
Literature Review and the Theoretical Approach

The mounting influence of discriminatory traditions, and their reinstatement in policy practices [...] is evident in the lack of enforcement of women’s rights at the social level, and/or setbacks in protection of women’s rights due to counteractions by conservative groups to the gender equality policy-making process (715).

Studies have shown that religion influences gender norms and outcomes, but the effects of specific religious affiliations vary, due to different interpretations and obligations of codes of conduct in cultural setting. Moreover, in Muslim communities, external factors other than Islam, such as political violence and poverty, undermine policy changes from taking root in the improvement of the living conditions of Arab women (footnote 7, 716).

The current approaches to gender equality [...] are based on the understanding that the increased access of women to education, health, credit and formal legal rights and employment opportunity, in conjunction with overall economic growth, will substantially improve the economic role of women in developing countries. However, the OECD’s paper argues that these measures might not be sufficient if the institutional framework within a country constrains women from participating in economic activities. This is particularly evident in the role of social institutions, such as laws, norms, traditions, and codes of conduct, because they constitute the single most important factor determining women’s freedom of choice in economic activities and access to key resources such as education and health care (footnote 9 & 10, 716).

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 Fiqh, or Islamic legal science, which consists of the methods of interpretation and application of the principles of Shari’a. The principles of Shari’a are derived from the views of the Islamic jurisprudential schools: Hanafi, Maliki, Shafi, and Hanbali (717).

With the evolution of the Islamic state, jurists have deduced new directives under changing social conditions. Over time, government religious institutions, ulama or Islamic law jurists have come to guide the Muslim society in multiple ways. [...] Because of this involvement, religious institutions have become closely connected with, and well respected by, both the
state and Muslim society. [...] They infuse politics with religious legitimacy and contribute immensely to the formulation of laws and policies. As their opinions are readily available to the larger public, they influence not only popular theory but also social practices (718).

The other significant factor in the increasing role of religious institutions on the sphere of women’s rights is the historical differences among these institutions. These differences derive from the three main doctrines of Islamic legal thought: the Sunni, the Shia, the Khariji. [...] Today, these differences influence the level of protection of women’s roles and rights and dictate the lives of Muslim communities, as well as national laws and policies, in different ways (718).

**Enforceability of Gender Equality Principles from Islamic Perspectives**

In general, 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 gender egalitarian society depends on the interpretation of the Islamic jurisprudence by specific religious institutions (719).

1. **Enforceability in the public sphere**

The concept of *ijtihad* (giving religious opinions) has provided Muslim jurists, whether traditionalists or moderates, greater discretion on approving or disapproving any matter that is not explicitly governed by the sources of *Shari’a* (719).

The differences in jurisprudential views among religious institutions in fact create a multi-layered structure of codes, norms, and practices. [...] In a fashion similar to statutory rules, *fatwa* are binding and can only be abrogated by *almufti*, or the Imam who declared them. Therefore, traditional Imam’s *fatwa* can impede the statutory protection of women equal rights in ways moderate Imams’ views will not (719).

In Muslim countries where conservative views prevail, *ijtihad* fosters the politics of exclusion. [...] In countries where gender-equal policies and law are in place, the domination of conservative views over local communities alienates women’s formal rights in two ways. First, these views shape the popular theory and social discourse, and in fact strengthen and mobilize the communities’ control over women’s choice of economic activities. [...] Second, women themselves influenced by these views decline to exercise their formal legal rights (720).

2. **Enforceability in the private sphere**

In the sphere of private rights, the principle of *alkafa’a* (compatibility) in marriage requires the woman’s consent and the equality of the husband and wife in various qualifications, such as the level of education and financial ability, among others (721).
The treatment of women’s rights through the secularization of internally-based public laws is an obvious and theoretically feasible solution to the problem of reforming public law as it does not contradict Islamic principles governing women’s role in public sphere. Notably, however, the general condemnation of some public-sphere practices sanctioned by Shari’a that run against the grain of human rights norms has not been matched in the private sphere (721).

Islamic family law has become, for most Muslim, the symbol of their Islamic identity, the hard irreducible core of what it means to be a Muslim today. [...] according to Venkatraman, “many man do not consider equality as an advantage, but a loss of rights an powers” (722).

Justiciability of Discriminatory-Customary Norms

Shahla Haeri propounds that the tension between what is customary and what is religious leads to the social institutions’ restrictions on women’s agency. Her analysis has established that old traditions have become accepted a religious simply because they are persistent. It is fundamentally important to note that some of these practices are based on cultural norms that are pre-Islamic. [...] these practices have been incorporated into local Muslim practices and are, albeit wrongly, justified as stemming from the formal Islamic doctrine and its sources (722).

When social norms and codes are used in ways actually contradictory to Islamic teaching, women have no means to question their religious basis because they lack fundamental knowledge of Islam. 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 supporting a gender egalitarian society (722).

The Traditional Polity of the State from the Political to Women’s 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, after its founding by Prophet Mohammed (570-632 A.D.), Islamic civilization experienced a period of rapid expansion for nearly one thousand years; a period of decline then set in and by the nineteenth century many areas of the Muslim world had come under colonization. Religion took on political overtones in Muslim countries as, searching for identity, they looked to the combination of religion and politics (724).
Second, in the twentieth century the failure of the political systems and economies and the breakdown of traditional order in Muslim states were associated with modernization. Religious institutions advocated a powerful position as they convinced the state, which was in search of legitimacy, that the social decay was related to the straying from Shari’a as a comprehensive political model (724).

By looking at the existing models of Muslim governments, there is no clear cut evidence on the precise nature of the relationship of Islam to the state. This includes the examples of Saudi Arabia’s conservative monarchy, Iran’s clergy-run state, Sudan’s and Pakistan’s experiments with military-imposed Islamic governments, and Turkey and Indonesia, which lean toward Islamic democratic forms of governance. However, all Muslim states recognize Islam and culture as the main sources of their constitutions (724).

B. Traditionalism and Muslim Women’s Roles and Rights

Today, the extent to which traditional polity influences women’s roles and rights varies 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 the Zamfara state in the northern Nigeria). [...] Others live in countries either where Shari’a is greatly modified (Iraq, Tunisia, Morocco, and Turkey), or where it is marginal to the legal system (Kenya, Ghana, Sri Lanka, and the Philippines). Still others live in countries like Egypt, where the legal system has become the battleground between traditional Islamists and progressive reformists (725).

The literature on state formation, traditional polity and the concomitant contemporary implications for women’s rights and roles has established that traditional polity is a critical inherited practice, affected by traditional powers and the political will. [...] It is important to understand that religious institutions position themselves in families and communities through the teaching of divine duties respecting social hierarchies and thus collaborate with the state in the institutionalization of social policies passed on by kin patriarchy (725).

The concept of cultural authenticity has been utilized by some scholars to examine the institutionalized gender hierarchy of citizenship practices. [...] Scholars have also observed that changes in the economic and political environment have not modified the culturally-based political ideals, which continue to associate women with the values of the nations and men with the decision-making (725).

In the sphere of private rights, cultural authenticity is also understood as a paradox for reforms of family codes because it is a sensitive political subject that can either constraint of maintain the relationship between the state and religious institutions (726).

An emerging body of literature has shed light on some Muslim states’ political schemes to reinvent the Muslim society. This literature has established that the 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 (726).
With Islam being the reference, it is clear that the struggle or women’s rights is not only about a controversy over conflicting interpretation of the Shari’a, but also about the traditional polity of the state and the greater deference it gives to traditional institutions. The resilience of patriarchal order in Muslim communities relates to the religious institutions’ powerful capture of social relations and political interests (727).

Conclusion

Therefore, research on gender justice should examine the struggle of women against powerful variables such as strict fatwa, different legal systems 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 sociolegal status of Muslim women promises opportunities for comparative analysis and modules for planning how to better approach sociolegal studies in a specific community or country (727).