

The legal rights of Muslim women A pluralistic approach

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This article seeks to draw attention to the fact that the subject of the status of women in Islam has so many different aspects. Thus it is very important to adopt a pluralistic approach to the legal rights of Muslim women, which involves anthropological, sociological, and psychological dimensions, i.e. an interdisciplinary approach. This article does not intend to offer any single interpretation but only to show the vast possibilities of the contradictory theories concerning the status of Muslim women.

This article adopts a pluralistic approach at different levels: a) vis-à-vis formal Islamic law (i.e. different interpretations of the *Qur'ān* and the *shari'ah*), b) geographical and cultural considerations etc., and c) on the normative level of the "semi-autonomous social field" (Moore 1978).

"The subject of women's status in Islam is complex and multifaceted, fraught with stereotypes and misconceptions" (Esposito 1976). The stereotype of the Muslim woman is that she is veiled, illiterate, helpless, meek, oppressed and passive. It is difficult in practice for Muslim women at large to identify themselves with this picture of the "Muslim woman", widely presented by the media. Muslim women living in Western Europe now and then protest against this image, but they are taken as exceptions and the stereotype persists. Women of Pakistan, Afghanistan, Iran and other Muslim countries, who have migrated to join their husbands, or come as refugees to Western Europe, become the victims of this image. Women living in the Muslim countries also do not fit the picture presented by the fundamentalist media in Muslim countries and Western media. Notwithstanding that women in the Muslim countries are going through a difficult period of struggle for their existence, this static stereotypical out-look fails to appreciate their plight. The people responsible for this stereotype are journalists and researchers travelling in the Muslim countries who return with a biased picture. Moreover, this tendency is strengthened in the West by increasing prejudice against immigrants from third world countries to Western Europe.

Before proceeding further, let us examine the effect of this on the situation of the Muslim women themselves. For women living in the

multi-cultural societies of Western Europe, one could say that in many ways their needs are neglected, their existence belittled and their rights minimized. If in some situations a considerate attitude is shown, it is paternalistic. Furthermore the Muslim women's needs are judged in the light of the needs and requirements of Western women. Social workers tend to put women from Muslim countries in a particular framework, not knowing the environment and background from which they come (Mortensen, Schmidt, Benzoni 1985). The worst effect for the women living in Muslim countries is that their development and struggle is underestimated; moreover, because they are based on stereotypes, almost all the programmes directed towards the development of women fail to achieve their aims.

Our information about women in Muslim societies is very limited. The conditions and status of women in urban and rural areas, respectively, are very different. Women belonging to different classes have not the same status. Indeed regions, groups, culture, and the role of tradition also determine the status of women. So, too, do politicians and governments. As Sadaawi rightly says:

"If we study Islam scientifically, look at its origins, compare it with other religions – Judaism, Christianity and other Asian religions – we find that almost all these religions have similar attitudes to women. Indeed, sometimes we find attitudes to women much more tolerant or progressive in Islam. So it is not Islam, it is not religion even, that oppresses women. And Islam is not one Islam. There is the Islam of Saudi Arabia, the Islam of Tunisia, the Islam of Lebanon. What you do find is that governments and politicians invariably pick from religion what suits them and use it to justify their position" (Sadaawi 1980:175).

The situation of women as prescribed in the *Qur'an* is interpreted differently. The same is true of *shari'ah* schools of law which provide women with different legal rights (Waines, 1982).

In various periods of history the status of women changed. In early Islam women had a better status compared with their pre-Islamic situation. "However, both later historical events and assimilated cultural influences unfortunately again compromised those rights" (Esposito 1976; 1975; Lokhandwalla 1987).

Therefore we should beware of making sweeping generalizations about Muslim women. A great deal of work remains to be done in the study of status of the women in Muslim societies.

For the purpose of this article, the formal *shari'ah* attitude towards women has been roughly divided into two (i.e., fundamentalist and

modernist), to show a vast difference in attitudes. The sole aim of this simplification is break the stereotypical presentation of a static view of Muslim women.

Fundamentalist and modernist attitudes can be discerned on all levels: when interpreting the *Qur'ān*, in the *sharī'a*, on the social level, on the government level, etc. The fundamentalist view gives women a secondary status. On the other hand, according to the modernist opinions, the *Qur'ān* guarantees an equal status for women. They quote, for example, the verse from the *Qur'ān* that says: "You have rights over your wives and your wives have rights over you."

It should be stressed that there are variations; the presentation of attitudes towards women in such crude, black and white terms is not truly accurate. However, this rough separation of fundamentalist and modernist positions serves to demonstrate the wide range of attitudes between the two extremes of the spectrum.

To conclude, there is no one homogeneous Muslim attitude towards women. Just as the notion of a uniform Muslim world is a misconception, so too is the notion of a uniform attitude towards women.

The following examples illustrate the different interpretations of the rights of women in the *Qur'ān* (there are many other examples of such controversial verses). The same or different verses are used by the fundamentalist or the modernist to explain the status of women in their own ways.

On equality of women and the *Qur'ān*:

"Verily the Muslim men and Muslim women, the believing men and believing women, the devout men and devout women, the men of veracity and the women of veracity, the patient men and patient women, the humble men and humble women, the alms-giving men and the alms-giving women, the men who fast and the women who fast, the chaste men and the chaste women, and those of men and women who remember God frequently: for them hath God prepared forgiveness and great reward" (35:33).

The intention of this verse is interpreted as equality between the sexes (Lokhandwalla 1987:15). Further, the *Qur'ān* says:

"They are garments for you while you are garments for them" (2:187).

This is interpreted as meaning that just as a garment gives warmth, protection and decency, so do a husband and wife offer each other

intimacy, comfort and protection from committing adultery and other offences (Lemu 1978). Another verse in support of equality is:

“Whoever performs good deeds, whether male or female, and is a believer, we shall surely make him live a good life, and we will certainly reward them for the best of what they did (16:97).

On the other hand, fundamentalists argue:

“Men are in charge of women because Allah hath made one of them excel the other” (Sura 4:34).

The verse is interpreted as meaning that the *Qur'ān* postulates men's superiority over women.

On *purdah* (veil):

Qur'ān sura 24, verse 31 says:

“Tell believers to avert their glances and to guard their private parts; that is purer for them. God is informed about anything they do”

Qur'ān sura 24, verse 32 says:

“And tell the believing women to lower their gaze and be modest, and to display of their adornment only that which is apparent, and to draw their veil over their bosoms, and not to reveal their adornment save to their own husband or fathers or husband's fathers, or their sons or their husbands' sons, or their brothers or their brothers' sons or sisters' sons, or their women, or their slaves, or male attendants who lack vigour, or children who know naught of women's nakedness. And let them not stamp their feet so as to reveal what they hid of their adornment. And turn unto Allah together, O believers, in order that ye may succeed”.

This verse is often supplemented with sura 33, verse 59:

“O prophet, tell thy wives and thy daughters and the women of the believers to draw their cloaks close around them (when they go abroad) that will be better, that so they may be recognised and not annoyed. Allah is ever forgiving and merciful”.

The first two verses ask the believers to lower their gaze and be modest, and (for women) to display only those parts of their adornments that are necessary, to draw their veils over their bosoms. In verses 33:32 the wives of the Prophet are addressed and reminded that they are not like any other women, and therefore should stay at home and not display finery as in the pagan custom. The position of the modernists concerning these

verses is that no specific Islamic dress is being prescribed for women. Literally these verses address only the wives of the Prophet and applies only to them. Moreover Muslim men are asked to lower their gaze in the presence of women and be modest (Pal, 1990); while some authorities maintain that it pertains to all Muslim women. The practical implication is that women stay at home, stay within the four walls, etc.

Domestication of women is related to the above-mentioned *pardah* and segregation of women. According to the fundamentalists, women should be confined to the house and devote their energy to the preservation of family life. According to the modernists, seclusion of women came into Islam in the middle of the third century, whereas at the time of the Prophet women participated in all fields of life (e.g., their special role in business). Further, domestication is only an urban phenomenon. In rural areas, for economic and other reasons, women are not secluded and domesticated.

With the concept of segregation, the virtues of chastity, modesty and obedience are promoted. The argument presented is that absence of *pardah* leads to sexual anarchy (Seif Al-Hatimy 1979). What *pardah* and segregation mean to women is a matter interpreted differently by different writers (Webster 1984).

The above-mentioned examples show that the *Qur'ān* can be interpreted in different ways. The realisation that different interpretations were possible spread with the implementation of laws discriminating against women in Pakistan; women started reading the *Qur'ān* and *sharī'ah* to find another interpretation of women's rights than the one presented by fundamentalists.

Sharī'ah:

The *sharī'ah* evolved over several generations following the Prophet Muḥammad's death in 632 AD. Four schools of law (the Ḥanafī, the Ḥanbalī, the Mālīkī and the Shāfī) emerged within the predominantly Sunnī Muslim community. These schools differed in their definition of the rights of Muslim women. One of them would exel the others in assigning rights to women in one aspect while another school of law would be better in some other aspect. For example Ḥanafī law absolutely withholds from women the right to divorce, no matter how ill-treated they are by their husband, whereas Mālīkī principles are liberal in this regard.

One of the basic issues in Islamic *sharī'ah* is that either the door of

ijtihād (interpretation of Islamic principles according to the requirements of the time) is open or closed. Fundamentalists preach *taqlīd*¹ while modernists stand for the possibility of interpreting *sharīʿah* according to the needs and requirements of the changing ages. In Muslim countries one of the ways women have chosen to fight for their rights is within Islamic law. There is an interesting example of this in Pakistan where women appealed for *ijtihād*, protesting and resisting the islamization of laws, which seriously discriminated against women, and struggled to preserve the Muslim Family Laws Ordinance of 1961, which gave them more rights than the fundamentalists think they should enjoy.

When briefly presenting the variations in their legal status, it should also be mentioned that women have different legal rights in different Muslim countries. It is important to look at this issue in the context of a particular country, as well as at the varying details in these rights (Zia 1980).

On legal inequality – the position of the witness:

According to one interpretation, the evidence of a single woman is not acceptable, and in some cases the evidence of a women is absolutely excluded. Fundamentalists argue that by their very nature women are unable to act as independent adults and are so overcome by their emotions as to render their evidence invalid (Afshar 1988). Fundamentalists base their argument on the verse in the *Qurʾān* saying: “*Call in two male witnesses among you, but if two men cannot be found, then one man and two women, whom you judge fit to act as witnesses*” (2:282).

According to the modernists, the two women formula was intended as a safety device, “*so that if one (of the women) erreth the other will remember*”, but this became the basis for curtailing to a minimum women's rights to give evidence in criminal and civil cases (Lokhandwalla 1987). The modernists' argument goes further: that, if it is possible to have learnt two-thirds of the faith from ʿĀ'isha (wife of the Prophet), how could she possibly be half a witness; keeping in mind that ʿĀ'isha is considered to be one of the most reliable sources of *ḥadīth* by virtue of her intelligence and outstanding memory. More than a thousand *hadith* are reported by her and she is regarded as one of the great teachers of *ḥadīth*.

¹ *Taqlīd*: Imitation, uncritical adherence to the past precedent and law as expounded by the law schools.

On polygamy:

If ye fear that ye shall not be able to deal justly with the orphans, marry women of your choice, two or three or four; but if ye fear that ye shall not be able to deal justly (with them) then only one. (*Qur'ān*: 4:3).

The *Qur'ān* further says:

Ye are never able to be fair and just between women even if that were your ardent desire (*Qur'ān* 4: 129).

According to the modernist view, the apparent contradiction between these verses in fact shows the undesirability of polygamy. Thus polygamy is allowed only under special circumstances; otherwise it is forbidden in Islam.

Fundamentalists stand for man's absolute right of polygamy. A common argument used in favour of polygamy is that in the West "the man casts off the mistress when he is weary of her. It is better for a woman to live in Islamic polygamy – with a legitimate child in her arms – than to be reduced, cast out on the street with an illegitimate child" (Afza, Nazhat 1982:22; Ahmed, Khurshid 1982).

On divorce:

In Islamic law a woman can divorce as *khul'*² or she has the delegated power of divorce. Her situation is not equal to that of a man. But the *Qur'ān* says:

"...then keep them in all decency or part from them decently. It is not lawful for you to take anything you have given them" (*Qur'an* 2:229).

Again Mālikī principles grant women more grounds for divorce than do Ḥanafī. The 1939 Dissolution of Muslim Marriage Act in Pakistan definitely improved the situation of women but all grounds of divorce cited by women are subject to proof via judicial scrutiny, whereas a man need not state any reason for divorcing his wife. This is far from an equality of the sexes (Puri, Balraj 1987).

² *Khul'*: Agreement entered into to allow the dissolution of a marriage, if the woman seeks the divorce by paying an amount of money in compensation or a consideration to her husband.

On *qisās*³ and *diyāh*:⁴

Diyāh (blood money) of a woman is fixed at half of that of a man. One scholar queries that if *qisās* (the death sentence) as a punishment is equal, why is *diyāh* not gender-neutral? Hussain says:

“If for the purpose of *Qissas* the blood of men and women is equal there is no rational principle which may permit discrimination in the price, compensation, indemnity of what represents blood” (Hussain 1987:315).

These are just some examples to show various tendencies in the *sharī‘ah*, and there are other variables which should be taken into consideration for determining the legal rights of Muslim women.

Social, Political and Economic Systems

Under different governments, women enjoy different legal status depending on the policy of the regime. In some countries like Sudan, Pakistan and Iran, the situation of women has been exploited mostly to make them scapegoats, as this was both the easiest and the most effective way of showing progress in islamization.

Fundamentalists argue that a woman cannot be head of the state and different traditions from the holy Prophet are cited. They base their argument on the saying of the Prophet “that the government of a woman does not render her people happy”, and women’s intellectual capabilities are also said to be inferior to those of men.

Muslim women in a class and urbano-rural perspective

Different social classes of women do not enjoy the same rights. For example, working-class women do not wear the veil in Pakistan. It is mostly used by the middle class in the cities. In the same way a woman from an upper class family has more power, authority and status than others (Asad 1978). Education, which is not equally available to women of all classes, also plays an important role. Women in urban and rural areas also differ in their respective rights and status in Islamic societies. Thus, instead of generalizing about women in any one Muslim area, it is crucial to analyze their legal rights in the light of the above-mentioned variables.

³ *Qisās*: Punishment by causing similar hurt to the same part of the body of the offender as he has caused to the victim or by causing his death if he has committed murder.

⁴ *Diyāh*: Blood money, indemnity or compensation for injury or death.

A pluralistic approach towards women's legal rights

The second level of the pluralistic approach towards the rights of Muslim women is that the subject matter should be analyzed in the framework of legal pluralism and informal law (Griffiths 1986). Muslim state laws are largely biased in the men's favour. They totally neglect the real situation of women. To understand the legal position of women, it is necessary to deal with their actual living situations: *"Empirical knowledge about how women organize their lives, plus a comparison and combination of that knowledge with the make up and function of the legal system are necessary for an understanding of the real legal situation of women"* (Petersen 1992). There is a failure to recognize the real situation of women in Muslim countries when official statistics tend to underestimate the labour performed by women. The majority of Muslim women in the world live in poverty and their illiteracy rate is high; in such situations there is a tendency to underestimate the participation of women in economic activity. They are invisible workers, not protected by labour laws (Khan, Nighat Said 1989).

'*Ulamā*' (religious scholars) and elites in the Muslim countries make interpretations about the rights of women. These never reach the majority of women, whose lives are governed by local traditions and customs, i.e., the semi-autonomous social field (Moore 1978). Not only do the laws of the peripheral capitalist states not correspond to the real situation of women and the norms regulating their lives, but these states are also guilty of corruption when laws are used by men to exploit women (Hoebel 1965; Mehdi 1990).

In the Third World setting, as in peripheral capitalist states, the character of the formal laws is such that they have lost their credibility (see the analysis of instable and inconsistent legal systems in my forthcoming book on islamization of laws). In one situation, state laws could be oppressive while in other instances they could also be progressive for women. For example, the Muslim Family Laws Ordinance of 1961 in Pakistan, promulgated at the insistence of progressive women, imposed restrictions on polygamy and introduced other reforms in family laws.

On the whole the lives of women are regulated in the semi-autonomous social field, i.e., by traditions and customs which are relatively independent of state laws (Moore 1978). The norms of the semi-autonomous social field can be equally oppressive for women, but take more account of their real situation. The question of how much power women have in this sphere is discussed under the next heading.

It should be remembered that state laws, in the context of which the rights of the Muslim women are judged, are not very effective in the Muslim world. There is a wide gap between state laws and the traditional and customary laws relevant to the majority of the Muslim women living in rural areas (Mehdi 1993; Pearl 1971; Kurin 1986). A forthcoming article of mine shows that women in the villages and small towns are totally unaware of the existence of the rights which they enjoy in Pakistani state laws, and that these state laws are widely disregarded in practice. This occurs despite the fact that the sanctions are very severe in the formal state laws. The same has been observed with regard to women in Turkey and in Morocco (Cosar 1978; Maher 1978).

The perspective presented by Hanne Petersen on the postmodern situation of women in the West is important for the understanding of the relationship between formal and informal laws and what impact it has on the lives of women (Petersen 1992). When she speaks of the normative understanding and norms of consideration in the semi-autonomous social field, she focuses on the informal norms enjoyed by women for their benefit, outside the formal law. In the situation of Muslim women another important aspect is the oppressive nature of customs and traditions, but of course the norms of consideration are there, too. Her conclusion, that informal laws do not satisfy the needs of all women but only the powerful, is yet to be tested in the Muslim women's situation.

The discussion brings us to the question of human rights and Muslim women: there is no doubt that Western women, through struggle, have achieved human rights for themselves. Mayer argues that in (formal) Muslim state laws there is generally a reluctance to condemn the principle of equality, in order to avoid international embarrassment, but in practice there is an absence of any willingness to recognize women as full, equal human beings who deserve the same rights and freedom as men (Mayer 1991). Formal Islamic law argues that Islam is the best in granting women rights but when it comes to details it is said that a woman's place is in the home, caring for the family and doing her household duties, etc. On the other hand, one also notices the progress of modernism and the achievement of Muslim women's rights in formal Islamic law. Informal legal norms, governing the lives of women, are as oppressive as formal Islamic laws, but here is found the real situation of women, attached to their concrete needs (for example, the practice of child marriage, polygamy etc). Thus on the one hand these norms are oppressive (formal *shar'ah* makes reforms there of), but on the other

they fulfill practical needs (by e.g. arranging marriages securing land in the family, and polygamy becomes a solution for divorced women who have no other means of security). Is polygamy beneficial? Yes; when the woman has the possibility of being left alone, it is good for her to be a secondary wife instead of being left alone without a roof. This is a far different perspective from the one-sided picture of polygamy as oppression of women. Briefly stated, international standards of human rights can only be applied to women when their basic needs are fulfilled and they are in a position to choose. This is a crucial question when the demand is made for the same human rights as women have in the West. Fundamental human rights are only meaningful bearing in mind the real situation of women – if their material conditions are changed accordingly. Therefore recognition of women's labour and education and elimination of their poverty are necessary if they are to enjoy human rights.

Hence a closer examination of Muslim societies shows that the *shari'ah* of the Muslim state laws does not represent the real situation of women. It is important to look at Muslim women's rights under the norms which regulate their lives in the semi-autonomous social field. And the relationship and dynamics of these two would determine their real legal situation. What is needed then is a period of empirical analysis for Muslim feminism.

Feminist movements in Muslim Countries

There exist different progressive movements among Muslim women. Their development has been different from that of Western feminism as it is derived from their own conditions and requirements. These feminists have interpreted *shari'ah* from women's perspective (Patel 1986; Jahangir and Jilani 1990).

Feminist movements in Muslim countries are mainly concentrated to the cities. When fighting for their rights women take it for granted that their lives are regulated by state laws, and the feminists take advantage of the reforms in the formal laws. When it comes to state laws, which discriminate against women, it is more likely that, in practice the women in the villages or the lower classes will suffer and be victimized by them (Mehdi 1990). One example of this from Pakistan is that the official requirements for the registration of marriages and divorces are often ignored. In special cases, at the instigation of men, these laws have actually been used against women without resources. On the one hand,

women struggle to challenge gender-biased interpretation of *sharī'ah*; on the other they seek to preserve the rights won in the formal law and spread them among women at large, to make women aware of their rights, and to make alternative interpretations in those spheres, where their rights are curbed.

Work needs to be done in the sphere of the semi-autonomous social field, to comprehend the real situation of women in which their lives are regulated, and to struggle for changes in their material conditions – those conditions where women's rights are meaningful to them.

It is important for feminists in Muslim countries to struggle for rights in the formal state laws as these are relatively oppressive, even if they only affect the lives of the small group of educated upper-class Muslim women. However, the greatest need is to investigate the informal legal norms which govern the lives of the majority of women.

The semi-autonomous social field and the exercise of power by women

It is relevant to note that some of the studies conducted by sociologists and anthropologists investigating the power enjoyed by women in the semi-autonomous social field – that arena outside the state legal structure – help us understand the dynamics of the formal state laws and the informal laws, their relationship and hence the real legal situation of women. It is significant to recognize the actual gender-power position, as this is highly relevant to the legal norms concerning women in Muslim societies.

Some writers have attempted to find the sphere of power and exercise of power by women in the Muslim societies from within and beyond their domain (Webster 1984 Lawrence 1985). Altorki has shown that female control and manipulation of information have far-reaching economic and political consequences in Saudi Arabian society where kinship alliances dominate both local and national politics, Lawrence observed in Morocco how women effectively control men from the so-called private sphere by the arrangement of various social pressures within the household or family. As they are not in a position, like men, to impose decisions from above, women must work with the primary resources available to them (i.e., the relations among members of the family) in order to influence situations and decisions to their own advantage (Lawrence 1985).

In this regard, Cynthia Nelson's argument is relevant,. She says:

"By reversing the usual perspective, the segregation of women can be seen also as an exclusion of men from a range of contacts women have among themselves, forming exclusive solidarity groups which are able to employ considerable social influence and control"

Nelson's argument is that social power is a particular kind of relationship, the central feature of which is a reciprocity of influence where men and women "negotiate" the rules which define and circumscribe that relationship. So then the question is to investigate how women act in this reciprocal, negotiated order. A re-evaluation of the metaphors of private and public life in terms of the domestic and political dynamics is necessary. Nelson says that ethnographic material clearly suggests that women do approach public affairs, but they do so from a private position (Nelson 1974; Altorki 1977). Aswad's findings in a Turkish village show that, because of their exchange network, women could not be labelled domestics just because they are held at home (Aswad 1978).

Religious or supernatural ritual provides avenues of influence as well. Fatima Mernissi has analysed women-saint relationships. She mentions women-saints who specialize in solving problems of sexuality and reproduction, saying that: "*These women in the supernatural realm do not respect the traditional Muslim sexual division of labor which excludes women from power in religion and politics. In the supernatural realm, women may refuse to assume domestic roles and play an active role in both religion and politics*" Mernissi 1987).

Some research has been done on this in Pakistan. An example from Pakistan is *Choki* (Meeting): where women organize a singing session and a trance is achieved whereby they are able to analyse their problems with the help of supernatural powers. The sessions are led by women. Where male family-members are allowed to participate, they are dependent on their women to enter into trance and analysis of their problems.

In the patriarchal and feudal setting, in which the majority of Muslim women live, domestic or home life diverges from the Western model. In this setting, the family is in the centre, with women playing a very influential role. During my visits to villages in Pakistan in 1992, I noticed that during the season after the harvest people spent much time arranging marriages. The matter is discussed in the family. Usually it is the mother who finds a match for her son. Women play an active part in arranging marriages, which perform a social and economic function,

determining the distribution of land. Small acts can be very significant. For instance, if the girl returns to her parental home after her marriage, the length of her stay can be considered so important that it becomes a serious point of grievance and dispute, spoiling the relationship between the families. Therefore it should not be forgotten that women play an integral role in the society where the family is central. In this sphere women exercise a great deal of control.

Considering women and power, the purpose is not to say that women have enough power and to justify their condition, but to say that in their oppressed situation they have found ways and means to survive (survival tactics). If this is so, it is important to examine the case to understand the psyche of women.

Maybe one should differentiate between survival tactics and manipulation and the real power which women enjoy. For example a mother's manipulation of her children against the authority of their father is a common phenomenon in Pakistan (perhaps because these children are the only hope and security for her future). Her special status as a mother-in-law is also significant. Does she control by way of manipulation (a part of her survival tactics) or does she exercise direct power? Aswad asks, whether it is a negative power, "that of cajoling, threatening, humiliation, withholding favors, gossip, pressuring and so on"? (Aswad 1978). One could argue that these patterns are institutionalized in the societies under discussion.

In the extended family and the collective family system, the oldest son usually lives with the parents. The property is supposed to be divided among the children according to Islamic instructions. In practice a woman receives no share of the land – although the formal law gives her the right to property – and she never demands it; instead, families arrange large dowries for girls at the time of their marriage. This is seen as a sign of honour. I discussed the issue of dowry with a family in a village, and it was actually argued that while the girls do not receive any share in the land, their dowry was the only share which they are given. However, according to the state law of Pakistan dowry is a social evil and therefore there is a restriction on how much dowry may be given to a girl at the time of her marriage. In fact, if state laws were obeyed, a woman would receive nothing in practice.

In the villages of Pakistan, there are also examples where women work as mediators and wise women. In the families these roles are widely respected and play an important part in solving disputes; these women

are accorded status in society. Their actions and style of behavior seem to reflect their position.

To conclude this discussion, one might simply state that the power enjoyed by women can be equated to the privileges and rights they enjoy in the cultural setting in which they live. But the fact still remains that women are not in the mainstream but on the edge and exercise power according to this position.

Conclusion

The situation of Muslim women is a vast field of research. It is a misconception to regard all Muslim women in one perspective because there are different interpretations of Islam, and Muslim women have different problems depending on the different social and economic environments in which they live. Furthermore, the reality of Muslim women's lives is complex and varies from one region to another, and different aspects of their problems must be considered in their particular contexts.

Women's different rights in formal *shari'ah* need to be studied according to its different interpretations. On this level modernism and fundamentalism can be differentiated. However, Muslim women's actual standing necessitates the study of women in the semi-autonomous social field. Formal and informal *shari'ah* have their advantages and disadvantages for women.

We should bury the traditional stereotypes of Muslim women. It is important to follow the women's movements in Islamic countries and support their cause in the light of their conditions and demands. Existing problems must be addressed in their context, as must the stereotypes created by the media and strengthened by superficial research. Such is the purpose of this paper, which is not a justification of the condition of women because women of the Third World are the most oppressed group, living in the worst conditions. *Shari'ah*, however, does not reflect the true situation of women; there is a vast difference between state imposed *shari'ah* laws and the actual practice thereof.

Table

Total subjection to men	Equality
Domesticity of women	Non-domesticity
Segregation	Participation
Legal inequality	Legal equality
Half witness	Full witness
Not assigned leader	Can lead
Limited rationality	Full Rationality

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