Kecia Ali
Graduate Program in Religion, Duke University
kecia.ali@duke.edu

Teaching about Women, Gender, and Islamic Law: Resources and Strategies

Paper presented at the American Academy of Religion Annual Meeting, Denver (CO), November 2001

To attempt to speak about Muslim women, past and present, is an enormous undertaking. Variables of chronology, geography, and class, just to name a few factors that affect women's experiences, make sweeping generalizations about Muslim women's lives suspect. This diversity and variety has long been recognized by anthropologists and historians, who have endeavored to explore particular Muslim societies and groups within them. Nonetheless, in normative terms, "the woman question in Islam," has been treated as universal and unchanging. *Shari'a*, understood as "Islamic Law," has been held to provide a fixed norm against which women's rights and roles must be compared. Though people's actual practice is acknowledged to depart in significant respects from the norm, the ahistorical view of Islamic law has, until recently, held sway. However, significant research over the last decade on historical and contemporary manifestations of Islamic law, particularly in the realm of the family, as well as some emerging work on jurisprudence that deals with gendered rights and roles, has challenged the view of Islamic law as static and uniform. In doing so, this growing literature has provided a new, and I think underutilized, avenue for the understanding of women's lives in Muslim societies as well as gendered discourses.

Today, I will explore how a focus on aspects of Islamic law can provide a way to approach women and gender in Islam and Muslim societies. Certainly, an entire course could be designed to focus on women, gender, and law; more likely, in most case topics will be selectively integrated into other surveys or historical courses. Many of you here are Islamicists; some of you are even Islamicists who work on women and gender. If some of what I say seems obvious, please bear with me. I hope that what I present will be useful to those who know a lot about this subject; but I especially want to open up the topic for non-specialists, particularly those at smaller institutions who are called upon to teach about Muslim women and gender in Islam, despite their lack of formal training to do so.

My discussion today is not meant to be an exhaustive exploration of the literature, though I have provided a selected bibliography that takes a somewhat broader scope (and the Moors article listed in the first section provides further resources). My choice of topics and themes for classroom use relies on two criteria: first, that sufficient literature is available in English to support the focus and second, that the topic illuminates critical aspects of Islamic jurisprudence and legal history as well as gender and female experience. Three such

areas are: 1) the methodology of law and classical doctrine; 2) court practice, and women's access to legal recourse; and 3) contemporary debates over legal codes and family law reform. It is worth noting that I am generally focusing on marriage and divorce. The centrality of considerations of sex to this area of law might give the impression that all of Islamic law is thus organized; that is not the case. Most of the areas covered by traditional jurisprudence are unaffected by the sex of the parties involved: rules for commercial transactions, endowments, and of course the sphere of worship (*'ibadat*) applied equally to men and women. Nonetheless, though these areas of law were vital to the early development and classical history of Islamic law, today it is the so-called "personal status codes" regulating family relationships that are at the center of debates over Islamic law and its place in modern Muslim societies.

1. The Formative Period: Sources, Methods, and Doctrines

Islamic legal theory has considered Qur'an and *sunna*, that is, the model behavior of the Prophet, to be the two main sources of Islamic law, with analogy and juristic consensus providing a means to extend the rulings of these sources to cases not directly addressed by them.[1] Sounds simple enough, but this neat framework is far more complex in its application. A classroom exercise or writing assignment designed to familiarize students with traditional methodology while illustrating the possibilities for diverse interpretations would begin with passages from the Qur'an and *hadith* (the literature that records the *sunna*). A new resource that facilitates this type of assignment is Nicholas Awde's Women in the Qur'an and Hadiths, a thematically-organized collection of excerpts from the Qur'an and the most respected *hadith* collection (Sahih Bukhari).

One could take, for example, the subject of a man's divorce of his wife as discussed in the Qur'an and hadith. On the basis of only these passages, students would attempt to discern the main rules concerning divorce. There is likely to be disagreement among students, and perhaps perceived contradiction in the sources. After establishing what they consider to be the basic regulations, one could pose an inquiry that the jurists dealt with frequently: What happens if a man says to his wife at one sitting "I divorce you, I divorce you, I divorce you?". After having considered what the Qur'an and *sunna* seem to require in such a situation, one could proceed to the classical doctrines of each school, through English translations of important legal works. (These works are listed in the bibliography.) In addressing triple divorce, one finds universal condemnation of the practice as reprehensible. At the same time, all (surviving) Sunni schools of law consider it legally effective. Only the Ja'fari Shi'i school considers a triple divorce pronounced at once to be invalid and non-

[1] For a far more detailed exploration of these methods, see Kamali, Principles of Islamic Jurisprudence.

binding.[2] What accounts for these differences of opinion? How does Islamic legal methodology explain, or fail to explain, these drastically different results?

An assignment like this -- and one could be constructed using numerous other topics as well, such as a woman's "ransoming" herself by returning her dower, or the wife's consent to a marriage contracted on her behalf -- is vital because it illustrates the range of juristic responses to what may seem to be clear texts, and the ways in which contingent, fallible human reasoning is involved in the process of developing law from its sources. (This is particularly important for Muslim students who may be committed, in principle, to Islamic law without understanding the method and history of jurisprudence.) Additionally, the use of primary legal sources gives students insight into the jurists' logic and style of argumentation. Finally, this exercise illustrates the diversity of doctrines in classical jurisprudence more effectively than a simple exposition of varying school positions. Of course, it is not feasible to undertake such an investigation on every point of law; fortunately, the doctrines of three Sunni schools on marriage and divorce have been ably summarized by Susan Spectorsky. The classical doctrines of the remaining school, the Hanafi, have been treated extensively by other scholars because of its prominence as the official school of the Ottoman empire. (There is less work in English on Shi'i law, but Chapters 1 and 2 of Shahla Haeri's Law of Desire are useful as a secondary source.)

2. Court practice in the Ottoman era: women seek recourse

Until the middle of the twentieth century, it was generally believed that after the first few centuries of Islamic law there was a "closure of the gates of *ijtihad*" (independent legal interpretation) in Sunni law (although never in Shi'i law) and that the following centuries were a period of stagnation and decline. This view has now been definitively refuted.[3] Some of the most sophisticated research bearing out the claim that *ijtihad* never ceased has been done on family law. There has been an explosion, in the last ten years, in work that utilizes two types of legal sources for women's history: fatwa collections and court records.[4] The edited volume Islamic Legal Interpretation: Muftis and their Fatwas contains, besides several useful articles on family law, an excellent introduction to the difference between *ifta'*, the giving of advisory legal opinions or fatwas, and *qada*, binding ajudication in a court, which is the province of the qadi. (This distinction is one of the

[2] I am unaware of any English translation of a Shi'i legal text from the classical period. I have relied for my analysis on Abu'l-Fadl Ezzati, An Introduction to Shi'i Islamic Law and Jurisprudence (Ashraf Press, Lahore, 1976), pages 139-156, esp. page 143. See also Haeri, 1989.
[3] See Hallaq, 1997.
[4] See Moors, 1999.

least intuitive aspects of Islamic law for one familiar with only Western legal systems; it is important, therefore, for students to understand.)

Court registers (*sijjils*) from throughout the Ottoman empire have been used to demonstrate women's exercise of property rights, not merely in terms of dower and inheritance but also in trading and real estate ownership. Social historians have used these sources to glean information about marriage patterns and other family history. For purposes of a focus on family law, scholars have used court records to demonstrate that judges generally, in their application of the law, were amenable to women's claims and showed flexibility in their judgments.[5] Amira Sonbol has collected a number of essays based on archival research that explore stipulations in marriage contracts, women claiming their dowers, women seeking divorce, and struggles over child custody, particularly during the Ottoman era. Taken collectively, the studies present a portrait of women's exercise of legal rights, suggesting that "women in premodern Islamic society were quite dynamic and participated in legal decisions regarding legal and personal status." (1996: 7) These studies could be used to bring balance into an historical survey of Islamic civilization, for example, where the only references to women in standard narratives of the Ottoman empire are disparaging remarks about harem politics.[6]

While court records challenge the idea that judges blindly applied classical doctrine, the fatwa literature illustrates that the judges were often supported, in their efforts to achieve fair results, by muftis. The fatwa literature provides evidence that jurists were actively engaged in attempting to reconcile the aims of the law with inherited school doctrines, to promote just outcomes. Tucker argues that while judges and jurists in Ottoman Syria and Palestine could "be expected to act, in the main, as the guardians of the status quo" at the same time "they also worked to prevent and correct the abuses that could occur if male privilege were permitted to slide toward male license. They drew on the considerable room for maneuver afforded by the law to balance male prerogative and female right in the specific contexts presented by members of their communities." (1998: 183) This juristic flexibility, however, was significantly reduced by the codification of family law in the twentieth century.

3. Codification, Modernization, Islamization

The literature on the Ottoman period demonstrates women's ability to press claims in court under traditional legal systems. Beginning with Qadri Pasha's legal code of 1917, however, governments and jurists

[5] One difficulty with some of this literature is that it emphasizes flexibility and diversity in judicial practice by contrasting it with a rigid set of normative doctrines. This serves to reify the textual tradition which is complex and deserving of closer, more nuanced analysis.

ushered in a new era of codification in an attempt to modernize and reform many areas of law. Family law, though ultimately the least affected area (as compared, say, to commercial law), underwent varied changes, some quite extensive. This process could be taught as part of colonialist and nationalist politics. For classroom purposes, two basic approaches to this phenomenon are possible. First, one might choose to approach codification and reform through country case studies dealing with the period from the end of the nineteenth century to the third quarter of the twentieth century. There is a fairly extensive literature on Egypt and India/Pakistan, as well as a growing body of work on Iran during this period. Tunisia and Turkey, two countries that adopted especially far-reaching reforms, are also important to consider. A second approach would address reform on a particular legal issue cross-nationally, such as polygyny, marriage of minors, or women's rights to child custody. (This option would require the instructor to synthesize on the basis of available sources; I am not aware of any survey literature that follows this topical approach.) This latter way would also facilitate an exploration of the work of the "Muslim modernists" who sought to create an Islamically-acceptable law that was appropriate to the circumstances of the twentieth century.

In their attempts at reform, modernists and modernist-inspired legislators have relied on two main methods: selection (*takhayyur*) and patching together (*talfiq*). "Selection" refers to the jurists' adoption of a legal rule from a school other than the one on which a country's laws were based, and is possible because (as the exercise in legal method would have demonstrated for the classical period) the schools sometimes differed greatly. In a number of Hanafi jurisdictions, for example, the relatively extensive Maliki grounds for judicial divorce were adopted (see Masud, in Masud, Messick, and Powers, 1996; Shaham, 1997).[7] "Patching together" refers to a more extensive reconfiguration process where elements from various schools, or from minority opinions within the schools, are put together, creating a new doctrine that was not held in that form by any classical school. Esposito (1981) and Hallaq (1997) among others, have explored these methods, and found them generally lacking in both legal coherence and persuasive power. Reforms based on these methods have proven, first, insufficient for those desiring more equality in women's legal rights and, second, unconvincing to those who support "traditional" legal doctrines.

In the former camp are those such as Amira Sonbol, who states that "the historical transformations of the last two centuries, although allowing women a greater public role, actually brought about a general

---

[6] The corrective is Leslie Peirce, The Imperial Harem: Women and Sovereignty in the Ottoman Empire.
[7] See, though, Tucker (1998, on the appointment of deputy judges) and Masud (1996, on women's use of apostasy) for ways around this law in previous periods.

deterioration in social maneuverability, especially for women." (7) "It is a mistake," she argues, "to believe that the *shari'a* code applied by nation-states in the modern period is simply a vestige of the past … what [modern Muslim states] are involved in is the institution of new customs labeled as "*shari'a*" that deny previous freedoms while emphasizing earlier discriminations." (11) These are strong words, yet evidence suggests that, at least at a textual level she is correct. For example, Yesim Arat's study (in Gocek and Balaghi 1992) points out "patriarchal" aspects of the modern, supposedly secular, family law of Turkey including the wife's responsibility for doing the housework; rather than being a residue of traditional law, these provisions are in direct contradiction to classical Hanafi doctrine.

Sonbol's claims are open to debate, though, and students can weigh, though the literature, various factors in determining how legal circumstances have changed for women -- for better or for worse. Despite diminished flexibility, various authors have pointed out how women -- as well as men -- have continued to manipulate the court system to serve their own interests (Mir-Hosseini, 1993; Hirsch 1999; Hasan and Cedderoth, 1997; Shaham, 1997) . Though the scope for judicial flexibility is reduced by codification, litigants continue to formulate their claims in such a way that they have the best chance of achieving their aims -- which may be quite distinct from the legal issue brought forward. Ziba Mir-Hosseini's study of Iran and Morocco, for example, suggests that Moroccan women press for enforcement of maintenance obligations while Iranian women claim their dowers as a legal strategy for gaining rights in divorce and child custody. In each case, the codified law affects how claims are brought, but it does not necessarily determine the ultimate outcomes.

While some within Muslim societies have argued that the reforms of family law did not go nearly far enough, others have suggested that the modernizing reforms are essentially un-Islamic. The literature on "Islamization" of family law in Pakistan and Iran, in particular, presents important opportunities for classroom analysis. Most discussions of fundamentalism refer to male ideologues and their movements. While veiled women are referred to occasionally, the importance of "personal status codes" is often glossed over. Yet these laws are, in one scholar's phrase, the "preferential symbol for Islamic identity." (Helie-Lucas, in Moghadam, 1994) The repeal, in the name of Islamization, of many reforms that arguably benefitted women, without a concomittant return to the judicial flexibility that was the "hallmark" of the earlier system (Tucker 1998) has meant, in some cases, the worst of both worlds. The case of Pakistan's rape laws represents a particularly egregious example of this phenomenon. As well as providing a chance to contrast classical doctrine with

contemporary legislation, discussion of these laws, part of the Hudood Ordinance, in a classroom setting provides a point of departure for exploration of the colonial legacy of Anglo-Muhammadan law. The extensive literature surrounding the Shah Bano case in India, similarly an outcome of Anglo-Muhammadan law, can also illustrate the tensions between religious and civil law in pluralist society.

Finally, Iran presents a unique possibility for a country case study, given its history of modernizing reforms under the Shah followed by a total "Islamization" after the Revolution. The scholarly debates about "progress" and "modernity" seem particularly acute in this case, with some lamenting women's lost legal protections and emphasizing the inequalities in the current system, and, on the other hand, at least one scholar arguing that within the parameters of Islamic discourse a new, more egalitarian vision for law is being developed and gaining strength. Articles in the several edited collections on women in post-revolutionary Iran published in the 1980s and 1990s as well as numerous monographs explore aspects of this problem.

4. Limitations to the Study of Women through Legal Sources

Having just spent time explaining why it is useful and important to teach about women and gender through law, I would like to conclude by noting the problematic relationship between women's "rights" (and obligations) as spelled out in law and the ways in which these rights have figured in women's lives. Much discussion of "women's rights", "women's status", and "the woman question" in Islam has focused on the disparities between men and women, particularly on the subordination of women as wives, enshrined in Islamic law and Muslim custom. The assumption is that the marital relationship, and in particular the distribution of rights and duties between husbands and wives, is the key locus for negotiations and conflicts over power in the household.

This assumption is borne out by the studies of law and jurisprudence that I have mentioned (and included in the bibliography). Marriage, divorce, and conjugal life figure prominently in classical legal texts, and these household matters are those that eventually appear before the courts. If one were to present a picture of women's rights in Muslim societies drawn only from studies of legal doctrine and judicial practice, it would essentially affirm that women are subject to male authority in the household, but that jurists and judges place restraints on the use and eventual abuse of this authority, particularly by scrupulously upholding women's property rights (to dower, maintenance, and inheritance). Other literature, however, particularly the anthropological literature, foregrounds different relationships -- between mother-in-law and daughter-in-law, for instance, or between a woman and her natal kin. These works suggest that one needs to look at law -- both

doctrine and court practice -- as only one element of Muslim women's lives, and often not the most important element. Nonetheless, the continued resonance of the ideal of a universal "Divine Law" governing all Muslims -- however unrealized and unobserved in practice -- means that the study of Islamic law must be a vital part of any attempt to teach about women and gender in Muslim societies.

Women, Gender, and Islamic Law

Selected Bibliography

Kecia Ali
Graduate Program in Religion, Duke University
November 2001
(Please send suggestions for additions to kecia.ali@duke.edu)

Key texts

This short list is meant to serve as a starting point for an exploration of women and Islamic law, especially family law. It includes primary sources, comparative essays, and monographic studies, both contemporary and historical.

Awde, Nicholas, trans. and ed. *Women in Islam: An Anthology From the Qur'an and Hadiths*. New York: St. Martin's Press, 2000.

Esposito, John L. with Natana J. DeLong-Bas. *Women in Muslim Family Law*. Syracuse, N.Y. : Syracuse University Press, 2001.

Mir-Hosseini, Ziba. *Marriage on Trial: A Study of Islamic Family Law, Iran and Morocco Compared*. London and New York: I.B. Tauris & Co., 1993.

Moors, Annelies. "Debating Islamic Family Law: Legal Texts and Social Practices." In Margaret L. Meriwether and Judith E. Tucker, eds. *Social History of Women and Gender in the Modern Middle East*. Boulder (CO): Westview Press, 1999.

Sonbol, Amira El Azhary, ed. *Women, the Family, and Divorce Laws in Islamic History*. Syracuse, N. Y.: Syracuse University Press, 1996.

Spectorsky, Susan A. *Chapters on Marriage and Divorce: Responses of Ibn Hanbal and Ibn Rahwayh*. [Selections from *Masa'il Ahmad ibn Hanbal*] Austin: University of Texas Press, 1992.

Tucker, Judith E. *In the House of the Law: Gender and Islamic Law in Ottoman Syria and Palestine*. Berkeley: University of California Press, 1998.

Primary Legal Sources

Ibn Rushd. *The Distinguished Jurist's Primer: A translation of Bidayat al-Mujtahid*. 2 volumes. Nyazee, Imran Ahsan Khan, trans. Reading, UK : Centre for Muslim Contribution to Civilization : Garnet Publishing, 1994-1996.

al-Misri, Ahmad ibn Naqib. *Reliance of the Traveller: A Classic Manual of Islamic Sacred Law* [Umdat al-Salik]. Revised edition. Keller, Nuh Ha Mim, trans. and ed. Beltsville (MD): Amana Publications, 1999 [1991].

Malik ibn Anas (Imam Malik) Aisha Abdurrahman At-Tarjumana and Yaqub Johnson, trans. Idris Mears, ed. *Al-Muwatta*. Norwich (England): Diwan Press, 1982.

Marghinani, `Ali ibn Abi Bakr, d. 1196 or 7. *The Hedaya, or Guide; a commentary on the Mussulman laws*. [Al-Hidayah] Charles Hamilton, trans. 2d ed., with pref. and index, by Standish Grove Grady. Lahore : Premier Book House, 1975.

Classical Law: History and Method

Hallaq, Wael B. *A History of Islamic Legal Theories: An Introduction to Sunni Usul Al-Fiqh*. Cambridge:

Cambridge University Press, 1997.

Kamali, Mohammad Hashim. *Principles of Islamic Jurisprudence*. (Revised edition) Islamic Texts Society.

Masud, Muhammad Khalid, Brinkley Messick, and David S. Powers, "Muftis, Fatwas, and Islamic Legal Interpretation." In Masud, Messick, and Powers, eds. *Islamic Legal Interpretation: Muftis and Their Fatwas*. Cambridge (MA) and London: Harvard University Press, 1996.

Classical Law: Doctrine and Analysis

Fadel, Mohammad. "Two Women, One Man: Knowledge, Power, and Gender in Medieval Sunni Legal Thought." *IJMES*, 29, 1997, pages 185-204.

Gribtez, Arthur. *Strange Bedfellows -- Mut'at Al-Nisa' and Mut'at Al-Hajj: A Study Based on Sunni and Shi'i Sources of Tafsir, Hadith and Fiqh.* Berlin: Klaus Schwarz, 1994.

Hawting, G.R. "The Role of Qur'an and *Hadith* in the Legal Controversy about the Rights of a Divorced Woman during her Waiting Period (*'Idda*). *JSOAS*, 52:3, pp. 430-445.

Marmon, Shaun E. "Domestic Slavery in the Mamluk Empire: A Preliminary Sketch." In Marmon, ed. *Slavery in the Islamic Middle East*. Princeton: Markus Wiener Publishers, 1999.

Reinhart, Kevin A. "Impurity/No Danger." [On menstruation] *History of Religions* (1990).

Sanders, Paula. "Gendering the Ungendered Body: Hermaphrodites in Medieval Islamic Law." in Nikki R. Keddie, and Beth Baron, eds. *Women in Middle Eastern History: Shifting Boundaries in Sex and Gender.* New Haven and London: Yale University Press, 1991.

Siddiqui, Mona "The Defective Marriage in Classical Hanafi Law: Issues of Form and Validity." In G.R. Hawting, J.A. Mojaddedi, and A. Samely, eds. *Studies in Middle Eastern Texts and Traditions in Memory of Norman Calder*. Oxford: Oxford University Press (on behalf of the University of Manchester), 2000.

———. "*Mahr*: Legal Obligation or Rightful Demand?" *Oxford Journal of Islamic Studies.*

———. "Law and the Desire for Social Control: An Insight into the Hanafi Concept of *Kafa'a* with Reference to the Fatawa 'Alamgiri. " In Mai Yamani, ed. *Feminism in Islam: Legal and Literary Perspectives*. New York: New York University Press, 1996.

Historical Studies: Courts, Law, and Jurisprudence

Masud, Muhammad Khalid, Brinkley Messick, and David S. Powers, editors. *Islamic Legal Interpretation: Muftis and Their Fatwas*. Cambridge (MA) and London: Harvard University Press, 1996.

Moors, Annelies. *Women, Property, and Islam: Palestinian Experiences, 1920-1990*. Cambridge: Cambridge University Press, 1995.

Shaham, Ron. *Family and the Courts in Modern Egypt: A Study Based on Decisions by the Shari'a Courts, 1900-1955*. Leiden and New York: E. J. Brill, 1997.

———. "A Woman's Place: A Confrontation With Bedouin Custom in the Sharia Court." *The Journal of the American Oriental Society* 113, no. 2 (1993).

Sonbol, Amira El Azhary, ed. *Women, the Family, and Divorce Laws in Islamic History*. Syracuse, N. Y.: Syracuse University Press, 1996.

Toledano, Henry. *Judicial Practice and Family Law in Morocco: The Chapter on Marriage From Sijilmasi's Al-'Amal Al-Mutlaq.* Boulder (CO): Social Science Monographs, 1981.

Tucker, Judith E. "Muftis and Matrimony: Islamic Law and Gender in Ottoman Syria and Palestine." *Islamic*

Law and Society 1, no. 3 (1994).

Welchman, Lynn. "The Development of Islamic Family Law in the Legal System of Jordan." *International and Comparative Law Quarterly* 37 (1988): 868-86.

Women and the Family in Contemporary Legal Systems: Muslim and Non-Muslim Societies

Abdullah, Ustaz Yoonus. *Sharia in Africa*. Ijebu-Ode, Nigeria: Shebiotimo Publications, 1998.

Al-Hibri, Azizah Y. "Islamic Law and Muslim Women in America." in Marjorie Garber, and Rebecca L. Walkowitz, eds. *One Nation Under God? Religion and American Culture.* New York and London: Routledge, 1999.

Bara-Acal, Amer M., and Abdulmajid J. Astih. *Muslim Law on Personal Status in the Phillipines*. Quezon City, Phillipines: Central Professional Books, 1998.

Cachalia, Firoz. *The Future of Muslim Family Law in South Africa*. London: Centre for Applied Legal Studies and Johannesburg, University of the Witwatersrand. South African Constitutional Studies Centre, Institute of Commonwealth Studies, 1991.

Charrad, M. M. "Cultural Diversity Within Islam: Veils and Laws in Tunisia." In Herbert L. Bodman, and Nayereh Tohidi, eds. *Women in Muslim Societies: Diversity Within Unity.* Boulder (CO): Lynne Reiner Publishers, 1998.

El-Alami Sudqi, Dawoud and Doreen Hinchcliffe. *Islamic Marriage and Divorce Laws of the Arab World.* London and Boston: Kluwer Law International, 1996.

Haeri, Shahla. *Law of Desire: Temporary Marriage in Shi'i Iran*. Syracuse (NY) Syracuse University Press, 1989.

Hassan, Sharifa Zaleha Syed, and Sven Cedrroth. *Managing Marital Disputes in Malaysia: Islamic Mediators and Conflict Resolution in the Syariah Courts*. Nordic Institute of Asian Studies Monograph Series, 75. Surrey: Curzon Press, 1997.

Hoodfar, Homa, editor. *Shifting Boundaries in Marriage and Divorce in Muslim Communities*. Montpellier, France: Women Living Under Muslim Laws, 1996.

Layish, Aharon. *Divorce in the Libyan Family: a Study Based on the Sijjls of the Shari'a Courts of Ajdabiyya and Kufra*. New York: New York University Press and Jerusalem: Magnes Press, Hebrew University of Jerusalem, 1991.

Matin, Abdul. *Bangladesh: The Muslim Personal Laws*. Dhaka: Palok Publishers, 1989.

Nakamura, Hisako. *Divorce in Java: A Study of the Dissolution of Marriage Among Javanese Muslims*. Yogjakarta, Gadjah Mada University Press.

Pearl, David and Werner Menski. *Muslim Family Law*. London : Sweet & Maxwell, 1998.

Shaheed, Farida. "Controlled or Autonomous: Identity and the Experience of the Network, Women Living Under Muslim Laws." *Signs* 19 (1994): 997-1019.

Hassan, Sharifah Zaleha Syed and Sven Cedrroth. *Managing Marital Disputes in Malaysia: Islamic Mediators and Conflict Resolutions in the Syariah Courts.* Richmond, England: Curzon, 1997.

Contraception and Family Planning: Legal Issues

Al-Hibri, Azizah Y. "Family Planning and Islamic Jurisprudence." In *Religious and Ethical Perspectives on*

Population Issues. Washington, D.C.: The Religious Consultation on Population, Reproductive Health and Ethics, 1993.

Musallam, Basim. *Sex and Society in Islam: Birth Control Before the Nineteenth Century*. Cambridge: Cambridge University Press, 1983.

Omran, Abdel Rahim. *Family Planning in the Legacy of Islam*. London
New York: Routledge, 1992.

Rape Law in Pakistan

Haeri, Shahla. "The Politics of Dishonor: Rape and Power in Pakistan." in Mahnaz Afkhami, ed. *Faith and Freedom: Women's Human Rights in the Muslim World.* Syracuse (NY): Syracuse University Press, 1995.

Mehdi, Rubya. "The Offence of Rape in the Islamic Law of Pakistan." *International Journal of the Sociology of Law* 18 (1990): 19-29.

Quraishi, Asifa. "Her Honor: An Islamic Critique of the Rape Laws of Pakistan From a Woman-Sensitive Perspective." in Gisela Webb, ed. *Windows of Faith: Muslim Women Scholar-Activists in North America.* Syracuse (NY) : Syracuse University Press, 2000.

Zia, Afiya Shehrbano. *Sex Crime in the Islamic Context: Rape, Class, and Gender in Pakistan*. Lahore, Pakistan: ASR, 1994.

Shah Bano Case: Religious and Civil Law in India

Akhtar, Saleem. *Shah Bano Judgement in Islamic Perspective, a Socio-Legal Study*. New Delhi: Kitab Bhavan, 1994.

Awn, Peter J. "Indian Islam: The Shah Bano Affair." in John Stratton Hawley, ed. *Fundamentalism and Gender*. New York and Oxford: Oxford University Press, 1994.

Baxamusa, Ramala M. *A Historic Perspective on Muslim Personal Law in India*. Bombay: Research Unit on Women's Studies, Vithaldas Vidya Vihar, SNDT Women's University, 1984.

Bhatnafar, J. P. *Commentary on the Muslim Women: Containing the Muslim Women (Protection of Rights on Divorce) Act, 1986, the Muslim Women (Protection of Rights on Divorce) Rules, 1986, Maintenance, Etc., Etc.* Allahabad: Ashoka Law House, 1992.

Gani, H. A. *Reform of Muslim Personal Law: the Shah Bano Controversy and the Muslim Women (Protection of Rights on Divorce) Act, 1986*. New Delhi: Deep & Deep Publications, 1988.

Jai, Janak Raj. *Shah Bano*. New Delhi: Rajiv Publications, 1986.