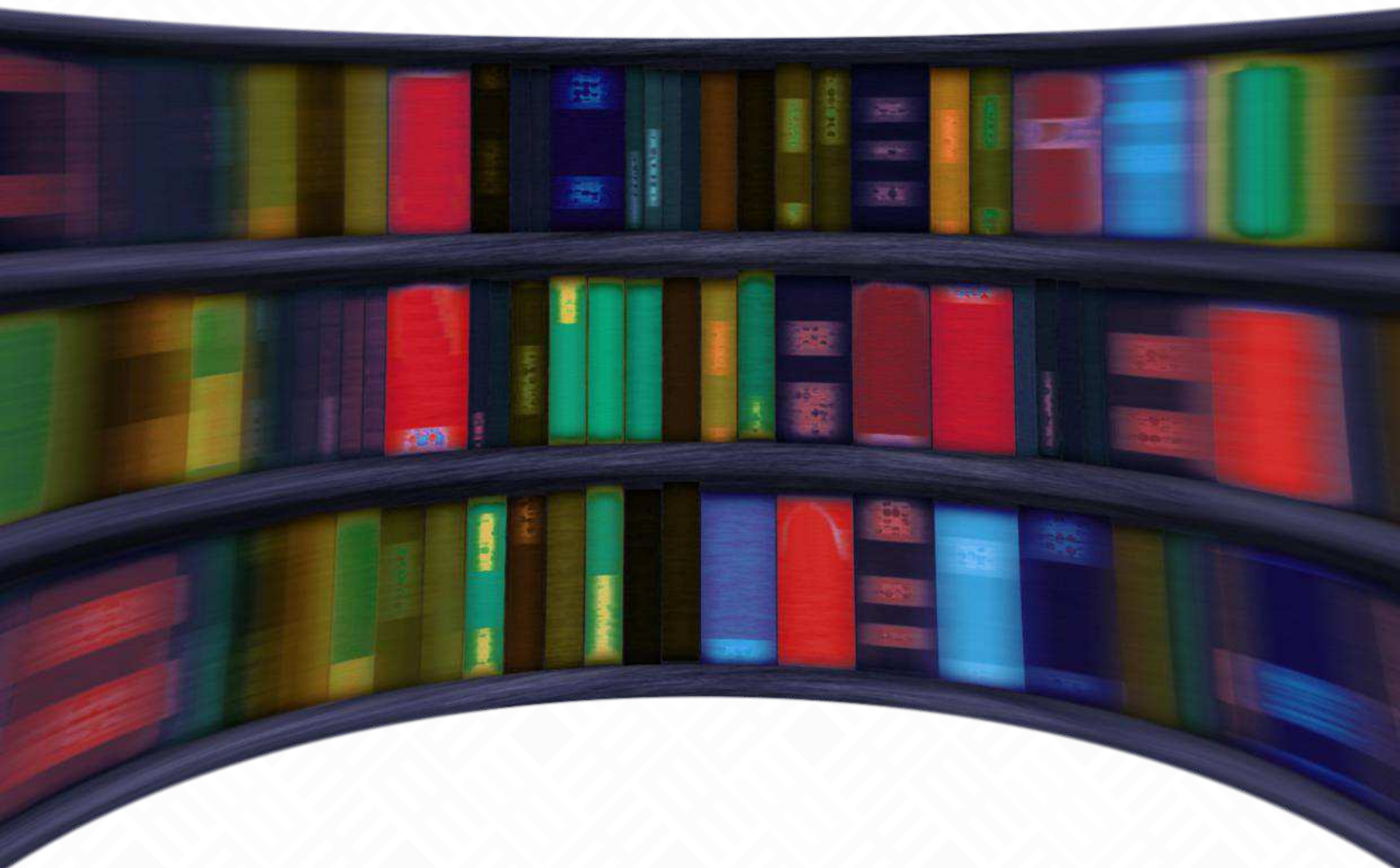




musawah
For Equality in the Family

COMPILATION OF RESOURCES

Related to Women's Rights in Muslim Family Laws



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Overview

Musawah ('Equality' in Arabic) is a global movement for equality and justice in the Muslim family. Launched in 2009, it seeks to link scholarship with activism, bring new perspectives on Islamic teachings and contribute constructively to the reform of Muslim family laws and practices. In collaboration with a group of Islamic scholars, academics, activists and legal practitioners from diverse Muslim contexts, Musawah developed a holistic *Framework for Action* that integrates Islamic teachings, universal human rights principles, national constitutional guarantees of equality and the lived realities of women and men. This Framework offers the possibility that these various approaches can be in harmony with each other and, together, can build stronger advocacy strategies according to specific needs and contexts.

Given the challenges in engaging with governments that use Islam to resist demands for human rights compliance, there is a growing realization among women's rights activists that religion can no longer be ignored in many kinds of rights-based work. Through its different activities, Musawah aims to empower women activists living in Muslim contexts to engage with Islam constructively to challenge the ways in which religion is used to justify discrimination. In this sense, Musawah's Knowledge Building Working Group aims to democratize access to existing knowledge and create new knowledge about women's rights in Islam, applying feminist and rights-based lenses in understanding and searching for equality within Muslim legal traditions.

Over the past two decades, research and resources on women's rights and Islam have proliferated from a variety of sources: academic circles, civil society organizations, governmental policy documents, intergovernmental agencies, etc. Yet the richness of the current stage of knowledge often remains unknown or inaccessible to those who seek to engage with advocacy and reform on topics related to these matters but are not familiar with Islamic studies and/or human rights standards. This document provides a pool of resources – including articles, book chapters, reports, videos, and international declarations and conventions – that are self-contained, accessible to non-specialists, and can be used in work related to women's rights within Muslim family laws.

This tool is designed for activists, human rights experts, and policy makers to better understand and access resources from the academic field and policy arenas. It outlines and brings together resources from the four corners of Musawah's holistic framework – Islamic teachings, universal human rights, national and constitutional guarantees of equality and the lived realities of women and men – broken down according to specific topics related to women's rights in Muslim family laws.

This compilation is not comprehensive and is a work in progress that is intended to be collectively and regularly updated. It is focused primarily on sources that are available in English. Musawah invites individuals and organizations to provide feedback and suggest additions by contacting us at: info@musawah.org.

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General Resources on Islam, Women, Family Laws & Reform



Introduction

Discussing issues related to 'women' and 'Islam' can be complex and sensitive. 'The position of women in Islam' has often been an important index of identity and authenticity for Muslims. It has also been a focus of dispute between the forces of tradition and modernity, both within the Muslim world and between the Muslim world and the West. But 'Islam' is not a monolithic entity; it takes different forms based on the diversity of cultures, contexts, and geography of Muslim populations in the world. Similarly, Muslim women do not constitute a homogenous group. They face many different challenges in their local contexts.

Debates about Muslim women have crystallized around legal and social gender-based inequalities in both private and public spaces. Such inequalities relate to matters ranging from education, clothing, marriage, polygamy, divorce, child custody, and inheritance, to different forms of violence against women. These issues are addressed in section II of this survey, and obviously are not confined to the Muslim world. However, within Muslim cultures, contexts, and legal regimes, these issues are questioned and debated at three levels: the interpretations of sacred texts; laws and policies implemented in different countries; and women's experiences in society (Mir-Hosseini, 1999, p.3).

The majority of contemporary Muslim family laws and practices sanction hierarchical gender relations and unequal gender rights, based on an assumption that men are, and should be, in charge of women. The gender inequality found in these laws and their underlying assumptions about women and men's nature and roles are traceable to dominant rulings and interpretations in Islamic tradition, and specifically in classical jurisprudence (*fiqh*) and exegesis (*tafsir*).

This model of male authority and female submission contradicts the guiding ethical principles of the Qur'an, as well as contemporary notions of justice and human rights norms. It is also at odds with contemporary economic and social realities that Muslim families face. However, the common belief that these rulings are directly derived from the divine message, and are therefore immutable, often makes reform difficult. Both Muslim women and Muslim family laws have become symbols of cultural authenticity and religious tradition in the Muslim communities. Yet they also suffer from the struggle between political Islam and Western secular feminism, both of which aim to impose their own definitions of women's rights.

In the midst of this polarized debate emerged a third discourse, which reclaims the key ethical principles of the Quran and reconciles the religious tradition with modernity, human rights, and feminism. It does this by highlighting the role that humans have always played in the interpretation of the sacred texts, based on their own contexts. As part of this new discourse, Musawah believes that discriminatory laws and practices justified in the name of Islam can be changed to ensure equality and justice for women.

To reveal the core egalitarian message of Islam, Musawah builds on juristic tools and concepts that exist within Muslim legal theory, namely:

- **The distinction between *Shari'ah*, the divine message, and *fiqh*, the science of Islamic jurisprudence**, which represents human understanding of the divine will. What is commonly considered to be 'Islamic law' and *Shari'ah* is, in fact, *fiqh* – jurisprudence. It is not divine law. It is human-made, fallible and changeable.
- **The distinction between two categories of rulings, *'ibadat* (devotional/spiritual acts) and *mu'amalat* (contractual acts)**. The rulings under the *'ibadat* category regulate relations between God and believers and thus offer limited scope for change. By contrast, legal rulings related to marriage and family are considered to be social and contractual matters. Such rulings that regulate relations between humans have always been open to reform, given changing times, spaces and circumstances.
- **The rich plurality within Muslim family laws that result from the legal concept of *ikhtilaf* (diversity of opinion)**. Muslim legal tradition comprises and celebrates multiple schools of Islamic law, as well as diverse laws and interpretations related to family matters. This fact contradicts the idea of a single, universal 'Islamic law' that is monolithic and immutable.

Drawing on these principles, Musawah contends that laws introduced in the name of *Shari'ah* and Islam must reflect the values of equality, justice, love, compassion and mutual respect among all human beings. This position is articulated in the Musawah *Framework for Action* (2009) and *CEDAW and Muslim Family Laws: In Search of Common Ground* (2012). Such values exist in the Qur'an and Muslim legal tradition, and they correspond with contemporary human rights principles.

The following subsections bring together and present general resources on women's rights in Islam and Muslim family laws, ranging from theoretical literature to advocacy tools and policy-related documents and analysis.

How has knowledge related to Muslim women been produced? Why and how did interpretation of Islam's sacred texts and dominant *fiqh* rulings become patriarchal? What are the reform methodologies and conceptual tools to challenge these views within Muslim legal tradition? What are the common grounds between feminism, Islam and human rights? How can these be reflected in Muslim family laws and practices?

The following resources provide an insight into the dynamic interaction between (1) the Qur'an, Muslim interpretive tradition, and gender; (2) feminist religious knowledge; and (3) Muslim family laws and gender justice. It can help build arguments and explore possibilities and strategies for reform not only within the Islamic framework but also grounded in constitutional guarantees of equality and non-discrimination, human rights principles and lived realities of women and men.

Muslim Tradition and Gender

The Qur'an, Muslim Interpretive Tradition, and Gender

There is an overwhelming consensus among Muslims that the Qur'an is the primary source of the religion of Islam and Muslim laws. Therefore, it is important that those who advocate for gender justice in Muslim contexts understand the process through which this textual source has traditionally been approached, and how it can be read and interpreted through a gender lens.

Muslims believe that the Qur'an was a message revealed from a transcendent source (God) to the Prophet Muhammad (pbuh). The prophecy began in CE 610 and continued for 23 years, until the death of the Prophet in CE 632. One aspect of the Qur'an as revelation that is distinct from other Abrahamic traditions is how the text was preserved. The Qur'an was not originally written down, but memorized, as was the custom in the oral culture of that time. The story of the written compilation of the Qur'an began one year after the death of the Prophet Muhammad (pbuh).

The Qur'an can be analysed and verses categorized in terms of style, content, principles, laws, and themes. The Qur'an contains 6,235 verses (*ayahs*), which are arranged (not chronologically) into 114 chapters (*surah*) of varying lengths. It is important to note that the Qur'an is not a legal or constitutional document, but a book of guidance and inspiration. The majority of the verses are devoted to moral and religious themes; devotional matters; the Hereafter; even the history of bygone events and parables. Fewer than 500 verses are of a legal nature, called *ayat al-ahkam*. Most of these were revealed in response to problems encountered by the nascent Muslim community in seventh century Arabia.

The resources below provide an introduction to the discipline of studying and understanding the Qur'an, including its revelation, transmission, interpretation, form, language and style. They can help in identifying major concepts of exegetical, or interpretive, tradition (*tafsir*) and the impact of these concepts in the creation of social contracts and legal structures (Von Denffer, 2009; Abou-Bakr, 2015). They demonstrate how the Qur'anic verses set an ongoing process of social transformation without dismantling the existing social structures (Muhammad, 2007).

They explore and challenge the different concepts of exegetical tradition and suggest new interpretative methods such as the contextual and the linguistic approaches (Muhammad, 2007; Wadud, 2006). Some of the authors review the work of modern Muslim scholars who have contributed to the development of modernist Quranic paradigms on gender rights (Scott, 2009; Stowasser, 1997). Others place women at the centre of the exegetical process and invite the reader to actively engage in the process of understanding the text and, thus, to challenge the male-normative paradigm (Lamrabet, 2016; Stowasser, 1996; Wadud, 2000, 2006).

- ◆ Abou-Bakr, Omaira. 2015. 'The Interpretative Legacy of *Qiwamah* as Exegetical Construct'. In: Ziba Mir-Hosseini, Mulki Al-Sharmani, and Jana Rumminger, eds. *Men in Charge? Rethinking Authority in Muslim Legal Tradition*, pp. 44–64. London: Oneworld. Summary available at: <http://www.musawah.org/sites/default/files/MICchapter2OABsummary.pdf>
- ◆ Lamrabet, Asma. 2016. *Women in the Qur'an: An Emancipatory Reading*. English translation by M. Francois-Cerrah. UK: Kube Publishing Ltd.
- ◆ Muhammad, Husein. 2007. 'Re-reading the Qur'an: The Relation between Text and Context'. In: H. Muhammad, F.A Kodir, L. Marcoes-Natsir, and M. Wahid, eds. *Dawrah Fiqh Concerning Women: Manual for a Course on Islam and Gender*, pp. 77–95. Cirebon, Indonesia: Fahmina Institute.
- ◆ Scott, Rachel M. 2009. 'A Contextual Approach to Women's Rights in the Qur'an: Readings of 4:34'. *The Muslim World* 99(1), pp. 60–85. Abstract available at: http://www.researchgate.net/publication/228043124_A_Contextual_Approach_to_Women's_Rights_in_the_Qur'an_Readings_of_434
- ◆ Stowasser, Barbara. 1997. 'Gender Issues and Contemporary Quran Interpretations'. In: Yvonne Haddad and John Esposito, eds. *Islam, Gender, and Social Change*, pp. 30–44. Oxford: Oxford University Press.
- ◆ Stowasser, Barbara. 1996. 'Women and Citizenship in the Qur'an'. In: Amira Sonbol, ed. *Women, the Family, and Divorce Laws in Islamic History*, pp. 23–38. Syracuse, NY: Syracuse University Press.
- ◆ Von Denffer, Ahmad. 2009. *Ulum al-Qur'an: An Introduction to the Sciences of the Qur'an*. Leicestershire, UK: The Islamic Foundation. Available at: <http://majalla.org/books/2004/intro-to-quran/1-introduction-to-the-quran.pdf>
- ◆ Wadud, Amina. 2006. 'Qur'an, Gender, and Interpretive Possibilities'. In: Amina Wadud. *Inside the Gender Jihad: Women's Reform in Islam*, pp. 187–216. Oxford: Oneworld.
- ◆ Wadud, Amina. 2000. 'Alternative Qur'anic Interpretations and the Status of Muslim Women'. In: Gisela Webb, ed. *Windows of Faith: Muslim Women Scholar-Activists in North America*, pp. 3–21. Syracuse, New York: Syracuse University Press.

The Science of *Hadith*, Interpretation, and Gender

In Islamic tradition, a *hadith* is a report about what Prophet Muhammad said, practised, approved, or disapproved. A *hadith* report consists of two parts; the first part gives a list of narrators of the report and the second part gives the text. The jurists and the collectors of *hadith* differed in their criteria about the normativity of a *hadith*. The process of collecting and producing literatures of *hadith* is also considered an act of interpretation, as the compiler chooses which *hadith* to include; how to organize them; how to categorize them; what titles to give the chapters; whether to provide commentary; all of which impact the rulings derived from this source.

For a large majority of Muslims, *hadith* are considered as the second 'primary revealed source' of Islamic tradition. Therefore, it is important for those working for gender justice to subvert the prevalent traditional-patriarchal interpretations and to engage with this complex source, exploring its possibilities and opportunities for reform.

The resources below provide an introduction to the science of *hadith* and the dynamic relationship between *hadith*, *sunnah*, the *Qur'an* and Muslim legal tradition (D. Brown, 1996; J. Brown, 2009; Koya, 2008; Musa, 2008). The authors explore the socio-historical

construction of this discipline though the definition of standards of reliability applied to transmitters, and the methodology of compilation and authentication of the texts (Brown, 2014; Kamali, 2002; Koya, 2008; Musa, 2008; Sayeed, 2013).

They examine early and modern approaches to this primary textual source, how it was used to deduce legal rulings and deconstruct dominant interpretations in the Islamic legal tradition that discriminate against women (Abou El Fadl, 2001; Ali, 2004; Kodir, 2007; Mernissi, 1987; Shaikh, 2004). Furthermore, they propose new methods of interpretation to engage with *hadith* as a dynamic body of knowledge and focus on readings that advocate issues of gender justice (Abou El Fadl, 2001; Ali, 2004; Chaudhry, 2015; Fadel, 2011; Kodir, 2013; Mernissi, 1987; Shaikh, 2004).

- ❖ Abou El Fadl, Khaled. 2001. 'Faith-based assumptions and determinations demeaning to women'. In: *Speaking in God's Name: Islamic Law, Authority, and Women*, pp. 209–263. Oxford: Oneworld.
- ❖ Ali, Kecia. 2004. "A Beautiful Example": The Prophet Muhammad as a Model for Muslim Husbands'. *Islamic Studies* 43(2), pp. 273–291. Reprinted in Andreas Goerke, ed. *Muhammad: Critical Concepts in Religious Studies*. London: Routledge, 2015. Available at: <http://www.jstor.org/stable/20837344>
- ❖ Brown, Daniel. 1996. *Rethinking Tradition in Modern Islamic Thought*. Cambridge, UK: Cambridge University Press.
- ❖ Brown, Jonathan A. 2014. *Misquoting Muhammad: The Challenge and Choices of Interpreting the Prophet's Legacy*. London: Oneworld.
- ❖ Brown, Jonathan A. 2009. *Hadith: Muhammad's Legacy in the Medieval and Modern World*. Oxford: Oneworld.
- ❖ Chaudhry, Ayesha S. 2015. 'Producing Gender-Egalitarian Islamic Law: A Case Study of Guardianship (*Wilayah*) in Prophetic Practice'. In: Ziba Mir-Hosseini, Mulki Al-Sharmani, and Jana Rumminger, eds. *Men in Charge? Rethinking Authority in Muslim Legal Tradition*, pp. 88–105. London: Oneworld. Summary available at: <http://www.musawah.org/sites/default/files/MICchapter4ACsummary.pdf>
- ❖ Duderija, Adis. 2015. 'The Relative Status of Hadith and Sunna as Sources of Legal Authority vis-à-vis the Qur'an in Muslim Modernist Thought'. In: *The Sunna and its Status in Islamic Law, The Search for a Sound Hadith*. UK: Palgrave Macmillan. Available at: http://www.academia.edu/14645890/The_relative_Status_of_Hadith_and_Sunna_as_sources_of_Legal_Authority_vis_a_vis_the_Quran_in_Muslim_Modernist_Thought
- ❖ Fadel, Mohammed. 2011. 'Is Historicism a Viable Strategy for Islamic Law Reform? The Case of 'Never Shall a Folk Prosper Who Have Appointed a Woman to Rule Them''. *Islamic Law and Society* 18, pp. 13–176. Available at: http://shanfaraa.com/wp-content/uploads/2011/06/ILS_018_02_131-176_Fadel_off.pdf
- ❖ Kamali, Mohammad Hashim. 2002. *Hadith Methodology: Authenticity, Compilation, Classification and Criticism of Hadith*. Kuala Lumpur: Ilmiah Publisher.
- ❖ Kodir, Faqihuddin Abdul. 2013. 'Gender Equality and the Hadith of the Prophet Muhammad: Reinterpreting the Concepts of "Mehram" and "Qiwamah"'. In: Ziba Mir-Hosseini, Kari Vogt, Lena Larsen, and Christian Moe, eds. *Gender and Equality in Muslim Family Laws: Justice and Ethics in the Islamic Legal Tradition*. London: I. B. Tauris.
- ❖ Kodir, Faqihuddin Abdul. 2007. *Hadith and Gender Justice: Understanding the Prophetic Tradition*. Cirebon, Indonesia: Fahmina Institute.
- ❖ Koya, P.K. (ed.). 2008. *Hadith and Sunnah: Ideals and Realities*. Kuala Lumpur: Islamic Book Trust.

- ◆ Mernissi, Fatima. 1987. *The Veil and The Male Elite: A Feminist Interpretation of Women's Rights in Islam*. Cambridge, Mass.: Perseus Books.
- ◆ Musa, Aisha Y. 2008. *Hadith as Scripture: Discussion on the Authority of Prophetic Traditions in Islam*. New York: Palgrave Macmillan. Available at:
<http://meine-islam-reform.de/index.php/component/attachments/download/119.html>
- ◆ Sayeed, Asma. 2013. *Women and the Transmission of Religious Knowledge in Islam*. New York: Cambridge University Press.
- ◆ Shaikh, Sa'diyya. 2004. 'Knowledge, Women, and Gender in the Hadith: A Feminist Interpretation'. *Islam and Christian-Muslim Relations* 15(1), pp. 99–108. Available at:
<http://www.wisemuslimwomen.org/images/uploads/shaikh-hadith.pdf>

Islamic Jurisprudence and Reform Methodologies

These resources explore traditional juristic tools that have allowed Muslim reformist scholars to address the challenges and realities of their time. They can help deconstruct the idea that Islamic laws are immutable, static and final; showing instead that they are derived from jurists' interpretations of Islamic textual sources to accommodate the social norms of their times (Hallaq, 2004; Rahman, 1968 (a)).

Mir-Hosseini (2003) identifies three main legal discourses that are reflected in contemporary Muslim family laws: 'traditionalist', 'neo-traditionalist' and 'reformist'. The traditionalist discourse takes a literal approach to the texts and considers gender inequality to be premised on the biological differences between men and women. This position, reflecting classical *fiqh* rulings, is held by a minority of countries, such as Saudi Arabia, but continues to be propagated by conservative Islamist political groups in many other countries.

The neo-traditionalist discourse emerged in the course of the twentieth century in the context of anti-colonial and nationalist movement, when the new nation-states started to modernize the legal system and codify the classical jurisprudential rulings. They take a pragmatic approach and argue for the complementarity of rights and duties between men and women while maintaining power relations in marriage and society intact. This neo-classical approach is the position of the dominant Islamic discourse today, and has inspired the majority of Muslim legal codes, family laws and literature on women and Islam (Mir-Hosseini, 2003).

The reformist discourse argues for re-interpretation of the sacred texts, according to changing and varied conditions through time and space. Reformists do not consider Islam's textual sources as providing a blueprint or programme of action for the social, economic and political problems of the Muslim world. Rather, they view textual sources as giving ethical guidance and principles for the creation of just laws. 'Islamic feminism' is that part of the reformist discourse that strives for an egalitarian construction of gender rights within an Islamic framework. It challenges patriarchy from within and, by democratizing the process of constructing religious knowledge, has opened the way for Muslim legal tradition to incorporate the idea of gender equality.

The authors of the following resources examine the different stages of social construction of *fiqh* and analyse the main juristic concepts, consensus of the Muslim community or scholars (*ijma'*), customs (*'urf*), analogy (*qiyas*), diversity (*ikhtilaf*), preference for something good (*istihsan*), public interest (*maslahah*), and independent reasoning to

reach new legal solutions (*ijtihad*) (Abu Zayd, 2013; Masud 2003(b), 2009; Mir-Hosseini, 2003; Rahman, 1968(b)). Furthermore, they review the work of reformist thinkers on which they build new reform methodologies that reconcile Islamic legal norms with contemporary notions of justice, human rights and egalitarianism (Abu Zayd, 2013; Chaudhry, 2006; Duderija, 2011; Hallaq, 2004; Masud, 1995, 2003(a), 2007; Mir-Hosseini, 2003; Rahman, 1973).

- ◆ Abou El Fadl, Khaled. 2014. *Reasoning with God: Reclaiming Shari'a in the Modern Age*. Lanham, Maryland: Rowman & Littlefield.
- ◆ Abu Zayd, Nasr. 2013. 'The Status of Women Between the Qur'an and *Fiqh*'. In: Ziba Mir-Hosseini, Kari Vogt, Lena Larsen, and Christian Moe, eds. *Gender and Equality in Muslim Family Law: Justice and Ethics in the Islamic Legal Tradition*. London: I. B. Tauris.
- ◆ Chaudhry, Ayesha S. 2006. 'The Problems of Conscience and Hermeneutics: A Few Contemporary Approaches'. *Comparative Islamic Studies* 2(2), pp. 157–170. Available at: http://www.academia.edu/5112991/The_Problems_of_Conscience_and_Hermeneutics_A_Few_Contemporary_Approaches
- ◆ Duderija, Adis. 2011. *Constructing a Religiously Ideal 'Believer' and 'Woman' in Islam: Neo-Traditional Salafi and Progressive Muslims' Methods of Interpretation*. New York: Palgrave Macmillan.
- ◆ Hallaq, Wael B. 2009. 'Modernizing the Law in the Age of Nation-States'. In: *Shari'a, Theory, Practice, Transformations*, chap. 16, pp. 443–499. Cambridge: Cambridge University Press.
- ◆ Kamali, Mohammad Hashim. 2009. 'Law and Ethics in Islam – The Role of the Maqāsid'. In: Kari Vogt, Lena Larsen, and Christian Moe, eds. *New Directions in Islamic Thought*, pp. 23–44. London and New York: I. B. Tauris.
- ◆ Kutty, Faisal. 2010. 'The Kutty "Islamic Law" Flowchart'. In: 'The Myth and Reality of Shari'a Courts in Canada: A Delayed Opportunity for the Indigenization of Islamic Legal Rulings'. *University of St. Thomas Law Journal* 7(3), pp. 559–601. Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2501095
- ◆ Masud, Muhammad Khalid. 2009. '*Ikhtilaf al-Fuqaha*: Diversity in *Fiqh* as a Social Construction'. In Zainah Anwar, ed. *Wanted: Equality and Justice in the Muslim Family*, pp. 65–91. Petaling Jaya, Malaysia: Musawah. Available at: <http://www.musawah.org/sites/default/files/Wanted-MKM-EN.pdf>
- ◆ Masud, Muhammad Khalid. 2007. 'Rethinking Shari'ah: Javed Ahmad Ghamidi on Hudud'. *Die Welt des Islams* 47(3–4), pp. 356–375. Available at: <http://www.jstor.org/stable/pdf/20140783.pdf>
- ◆ Masud, Muhammad Khalid. 2003(a). 'Dynamism vs Mechanism in Islam: Iqbal's Reconstruction of the Definition of *Ijtihad*'. In: *Iqbal's Reconstruction of Ijtihad*, pp. 101–131. Lahore, Pakistan: Iqbal Academy. Available at: <http://rekhta.org/ebooks/iqbal-s-reconstruction-of-ijtihad-muhammad-khalid-masood-ebooks>
- ◆ Masud, Muhammad Khalid. 2003(b). 'The Doctrine of *Ijtihad*'. In: *Iqbal's Reconstruction of Ijtihad*, pp. 13–41. Lahore, Pakistan: Iqbal Academy. Available at: <http://rekhta.org/ebooks/iqbal-s-reconstruction-of-ijtihad-muhammad-khalid-masood-ebooks>
- ◆ Masud, Muhammad Khalid. 2001. *Muslim Jurists' Quest for a Normative Basis of Sharia*. Leiden: ISIM. Excerpts available at: http://openaccess.leidenuniv.nl/bitstream/handle/1887/17474/ISIM_7_Muslim_Jurists_Quest_for_the_Normative_Basis_of_Sharica.pdf

- ❖ Mir-Hosseini, Ziba. 2003. 'The Construction of Gender in Islamic Legal Thought and Strategies for Reform'. In: *Hawwa: Journal of Women of the Middle East and the Islamic World* 1(1), pp. 1–27. Available at:
<http://www.beirutartcenter.org/images/publications/mir-hosseini-article-construction-of-gender--2003.pdf>
- ❖ Rahman, Fazlur. 1980. 'A Survey of Modernization of Muslim Family Law'. *International Journal of Middle East Studies* 11(4), pp. 451–465. Available at:
http://www.geocities.ws/islamic_modernist/FR_Survey_of_Modernization.pdf
- ❖ Rahman, Fazlur. 1982. 'The Status of Women in Islam: A Modernist Interpretation'. In: Hanna Papanek and Gail Minault, eds. *Separate Worlds: Studies of Purdah in South Asia*, pp. 285–309. Delhi: Chanakya Publications.
- ❖ Rahman, Fazlur. 1968(a). 'The Shari'a'. In: *Islam*, chap. 6, pp. 100–116. New York, Doubleday: Anchor Books.
- ❖ Rahman, Fazlur. 1968(b). 'The Structure of the Law'. In: *Islam*, chap. 4, pp. 68–85. Doubleday: Anchor Books.

Feminist Religious Knowledge

These resources provide insight into the groundbreaking work of Muslim female authors who have reasserted the importance of women's agency in the production of religious knowledge, particularly with regard to their roles and rights in Muslim legal tradition. In the midst of the debate around 'the status of women in Islam', these authors have opened a third way, which seeks to reconcile feminism, social justice and religious beliefs.

One main contribution of these resources is breaking down barriers to several traditionally male-dominated religious disciplines, thereby reclaiming women's authority and active role in Islamic history (Abou-Bakr, 2003, 2010, 2013; Ahmed, 1986; Al-Hibri, 1982; Kahf, 2000; Mernissi, 1993, 1996; Smith, 1985; Spellberg, 1991; Stowasser, 2012). Another contribution is dismantling the patriarchal structure of Islamic legal and theological thought and suggesting new emancipatory readings with a gender egalitarian perspective (Ali et al., 2012; Aslan et al., 2013; Barlas, 2013; Zein Ed-Din, 1982; Lamrabet, 2016; Mernissi, 1975; Mir-Hosseini et al., 2015; Reda, 2013; Shaikh, 1997, 2004, 2015; Wadud, 2005, 2006). Lastly, this section includes works that review this scholarship and outline current challenges in feminist interpretation of Muslim tradition (Ali et al., 2012; Failing, 2013; Hidayatullah, 2013; Lamprey, 2014).

The following resources: (i) trace the historical roles of women as producers and transmitters of knowledge; (ii) introduce contemporary Muslim women's production of reformist knowledge through re-reading the Qur'an and re-engaging critically with exegesis, *hadith* and jurisprudence; and (iii) provide space for critical thinking through works that examine the epistemological and political significance of this contemporary feminist scholarship.

Historical Roles of Women as Producers and Transmitters of Knowledge

- ❖ Abou-Bakr, Omaima. 2013. 'Rings of Memory: "Writing Muslim Women" and the Question of Authorial Voice'. *The Muslim World Special Issue* 103(3), pp. 320–333. Available at:
<http://onlinelibrary.wiley.com/doi/10.1111/muwo.12016/abstract>
- ❖ Abou-Bakr, Omaima. 2013. 'Rings of Memory: "Writing Muslim Women" and the Question of Authorial Voice'. *The Muslim World Special Issue* 103(3), pp. 320–333. Available at:

<http://onlinelibrary.wiley.com/doi/10.1111/muwo.12016/abstract>

- ◆ Abou-Bakr, Omaima. 2010. 'Articulating Gender: Muslim Women Intellectuals in the Pre-modern Period'. *Arab Studies Quarterly* 32(3), pp. 127–144. Available at: <http://www.jstor.org/stable/41858621>
- ◆ Abou-Bakr, Omaima. 2003. 'Teaching the Words of the Prophet: Women Instructors of the Hadith (14th & 15th century)'. *HAWWA: Journal of Women of the Middle East and the Islamic World* 1(3), pp. 306–328. Available at: http://www.academia.edu/6068455/Teaching_The_Words_Of_The_Prophet_Women_Instructors_Of_The_Hadith_Fourteenth_and_Fifteenth_Centuries
- ◆ Ahmed, Leila. 1986. 'Women and the Advent of Islam'. *Signs: Journal of Women in Culture and Society* 11(4), pp. 665–691. Available at: http://rbedrosian.com/Sex01/Ahmed_1986_Women_Early_Islam.pdf
- ◆ Al-Hibri, Azizah. 1982. 'A Study of Islamic Herstory: Or How Did We Ever Get Into This Mess?'. *Women's Studies International Forum* 5(2), pp. 207–219. Available at: <http://www.sciencedirect.com/science/article/pii/0277539582900280>
- ◆ Kahf, Mohja. 2000. 'Braiding the Stories: Women's Eloquence in the Early Islamic Era'. In: Gisele Webb, ed. *Windows of Faith: Muslim Women Scholar-Activists in North America*. Syracuse, New York: Syracuse University Press.
- ◆ Mernissi, Fatima. 1993. *The Forgotten Queens of Islam*. English translation, Polity Press. Minneapolis: University of Minnesota Press.
- ◆ Mernissi, Fatima. 1996. *Women's Rebellion and Islamic Memory*. London and Atlantic Highlands: Zed Press.
- ◆ Smith, Jane. 1985. 'Women, Religion and Social Change in Early Islam'. In: Yvonne Yazbeck Haddad and Ellison Banks Findly, eds. *Women and Social Change*, pp.19–36. Albany: SUNY Press.
- ◆ Spellberg, Denise. 1991. 'Political Action and Public Example: A'isha and the Battle of the Camel'. In: Beth Baron and Nikki Keddie, eds. *Women in Middle Eastern History: Shifting Boundaries of Sex and Gender*, chap. 3, pp. 45–57. New Haven: Yale University Press.
- ◆ Stowasser, Barbara. 2012. 'Women and Politics in Late Jahili and Early Islamic Arabica: Reading Behind Patriarchal History'. In: Amira El-Azhary Sonbol, ed. *Gulf Women*, pp. 69–103. Syracuse, New York: Syracuse University Press.

Re-Reading the Qur'an and Re-Engaging with Exegesis, Hadith and Jurisprudence

- ◆ Al-Dakkak, Kelly. 2012. 'Reconciling Traditional Islamic Methods with Liberal Feminism: Reflections from Tunisia by Mohamed Talbi'. In: Terence Lovat, ed. *Women in Islam: Reflections on Historical and Contemporary Research*. New York: Springer.
- ◆ Ali, Kecia, Juliane Hammer, and Laury Silvers, eds. 2012. *A Jihad for Justice: Honoring the Work and Life of Amina Wadud*. USA: 48HrBooks.com. Available at: <http://www.bu.edu/religion/files/2010/03/A-Jihad-for-Justice-for-Amina-Wadud-2012-1.pdf>
- ◆ Aslan, Ednan, Marcia K. Hermansen, and Elif Medeni, eds. 2013. *Muslima Theology: The Voices of Muslim Women Theologians*. Berne: Peter Lang Edition.
- ◆ Barlas, Asma. 2013. 'Does the Qur'an Support Gender Equality, or, Do I have the Autonomy to Answer this Question?' Marjo Buitelaar and Monique Bernards, eds. In: *Negotiating Autonomy and Authority in Muslim Contexts*. Leuven, the Netherlands: Peeters.

- ❖ Chaudhry, Ayesha S. 2011. 'I Wanted One Thing and God Wanted Another'. *Journal of Religious Ethics* 39(3), pp. 416–439. Available at:
http://www.academia.edu/5111831/The_Dilemma_of_the_Prophetic_Example_and_the_Qur_anic_Injunction_on_Wife-Beating_I_wanted_one_thing_and_God_wanted_another_._._.
- ❖ Lamrabet, Asma. 2016. *20 Questions and Answers on Islam and Women from a Reformist Vision*. The Hague: Amrit Publishers.
- ❖ Mernissi, Fatima. 1987. *Beyond the Veil: Male-Female Dynamics in Modern Muslim Society*. Bloomington and Indianapolis: Indiana University Press, revised edition.
- ❖ Mir-Hosseini, Ziba, Mulki Al-Sharmani, and Jana Rumminger, eds. 2015. *Men in Charge? Rethinking Authority in Muslim Legal Tradition*. London: Oneworld. Chapter summaries available at: <http://www.musawah.org/knowledge-building/men-in-charge/chapter-summaries>
- ❖ Mir-Hosseini, Ziba. 1999. *Islam and Gender: The Religious Debates in Contemporary Iran*. Princeton: Princeton University Press.
- ❖ Reda, Nevin. 2013. 'From Where Do We Derive "God's Law"? The Case of Women's Political Leadership: A Modern Expression of an Ancient Debate'. In: Omaima Abou-Bakr, ed. *Feminist and Islamic Perspectives: New Horizons of Knowledge and Reform*, pp. 119–138. Cairo: Women and Memory Forum. Available at:
<http://www.wmf.org.eg/wp-content/uploads/2015/04/Final-English-Islamic.pdf>
- ❖ Shaikh, Sa'diyya. 2015. 'Islamic Law, Sufism and Gender: Rethinking the Terms of the Debate'. In: Ziba Mir-Hosseini, Mulki Al-Sharmani, and Jana Rumminger, eds. *Men in Charge? Rethinking Authority in Muslim Legal Tradition*, pp. 106–131. London: Oneworld. Chapter summaries available at:
<http://www.musawah.org/knowledge-building/men-in-charge/chapter-summaries>
- ❖ Shaikh, Sa'diyya. 2004. 'Knowledge, Women, and Gender in the Hadith: A Feminist Perspective'. *Islam and Christian-Muslim Relations* 15(1), pp. 99–108. Available at:
<http://www.wisemuslimwomen.org/images/uploads/shaikh-hadith.pdf>
- ❖ Shaikh, Sa'diyya. 1997. 'Exegetical Violence: Nushuz in Quranic Gender Ideology'. *Journal for Islamic Studies* 17, pp. 49–73. Available at:
http://www.academia.edu/381552/Shaiikh_S._1997._Exegetical_Violence_Nushuz_in_Quranic_Gender_Ideology._Journal_for_Islamic_Studies_17_49-73
- ❖ Wadud, Amina. 2006. *Inside the Gender Jihad: Women's Reform in Islam*. Oxford: Oneworld.
- ❖ Wadud, Amina. 2005. 'Citizenship and Faith'. In: Marilyn Friedman, ed. *Women and Citizenship: Studies in Feminist Philosophy*, chap. 9, pp. 170–187. Oxford and New York: Oxford University Press.
- ❖ Zein Ed-Din, Nazirah. 1982. 'Removing the Veil and Veiling: Lectures and Reflections Towards Women's Liberation and Social Reform in the Islamic World'. *Women's Studies International Forum* 5(2), pp. 221–226.

Epistemological and Political Significance of Contemporary Feminist Scholarship

- ❖ Ali, Kecia, Julianne Hammer, and Laury Silvers, eds. 2012. *A Jihad for Justice: Honoring the Work and Work of Amina Wadud*. USA: 48HrBooks.com. Available at:
<http://www.bu.edu/religion/files/2010/03/A-Jihad-for-Justice-for-Amina-Wadud-2012-1.pdf>
- ❖ Al-Sharmani, Mulki, and Jana Rumminger. 2015. 'Understanding *Qiwamah* and *Wilayah* through Life Stories'. In: Ziba Mir-Hosseini, Mulki Al-Sharmani, and Jana Rumminger, eds. *Men in Charge? Rethinking Authority in Muslim Legal Tradition*, pp. 219–255. London: Oneworld. Chapter summaries available at: <http://www.musawah.org/knowledge-building/men-in-charge/chapter-summaries>

- ◆ Failinger, Marie A., Elizabeth R. Schiltz, and Susan J. Stabile. 2013. *Feminism, Law, and Religion*. Surrey, UK: Ashgate.
- ◆ Hidayatullah, Aysha. A. 2013. *Feminist Edges of the Qur'an*. Oxford: Oxford University Press.
- ◆ Lamprey, Jerusha Tanner. 2014. *Never Wholly Other: A Muslima Theology of Religious Pluralism*. Oxford: Oxford University Press.
- ◆ Mir-Hosseini, Ziba. 2010. 'Islam and Feminism: Whose Islam? Whose Feminism?'. *Contestations: Dialogues on Women's Empowerment*, Issue 1: Islam and Feminism. Available at: <http://www.contestations.net/issues/issue-1/response-to-hania-sholkamy/>

Muslim Family Laws and Human Rights

Musawah privileges the use of the term 'Muslim family laws' instead of 'Islamic family laws' to emphasise the diversity of laws and practices and the agency that Muslim communities have in changing them. Musawah (Anwar et al., 2012, p. 2) categorises Muslim family laws as inclusive of the following:

- All family legal codes in countries where the majority is Muslim, whether the code is derived from Islamic sources or not.
- All family legal codes that are specific to Muslims, even when they are a minority community.
- All uncoded, part-coded minority/majority Muslim family laws where the constitutions explicitly permit Muslims or religious minorities to govern themselves through separate personal status laws, or to follow a variety of practices relating to family rights, responsibilities and obligations.

The following resources trace the socio-historical construction of Muslim family laws, examine the roots and varying degrees of their patriarchal biases, and challenge the common belief that Islam, human rights and gender justice are incompatible.

First, they deconstruct the idea that there is such a thing as unified 'Islamic law', instead showing that there is a diversity of legal systems shaped by a combination of local culture, politics and history – including different experiences of colonialism, independence and development. The authors review early and modern evolutions of Muslim family laws, retracing the story of codification and reform and their mixed impacts for women while showing the dynamic relationship between the religious authorities, states, and cultural and social practices (El-Azhary, 1996; Esposito, 2001; Moors, 1999; Tucker, 2008).

Second, they challenge dominant patriarchal interpretations of Islamic textual sources and trace how male dominance came to be inherent in Muslim legal tradition. The authors demonstrate how the interpretation of *Surah an-Nisa* 4:34 and the juristic construct of the concept of *qiwamah* became the basis of male privilege in classical *fiqh*; and how this concept continues to play a role in justifying gender equality in Muslim family laws (Mir-Hosseini and Anwar, 2012; Mir-Hosseini et al., 2015; Welchman, 2011; Tucker, 2008). Furthermore, these resources draw attention to the need to explore the relationship between Muslim family laws and the social experience of Muslim families from a gender equality perspective (OIC, 2015; Htun et al., 2012). They highlight the disconnect

between contemporary lived realities and the traditional conceptions and expectations of gender roles and rights (Mir-Hosseini et al., 2015; Spierings, 2014).

Third, the authors assert the importance of self-determination and engaging in an internal Islamic discourse to transform social attitudes (An-Naim, 2013; Quraishi, 2011; Mir-Hosseini, 2007, 2009; Welchman, 2004). Drawing on reform methodologies, they claim the right to shape the interpretations, norms and laws that affect Muslim lives by exploring the common grounds between Islamic values, contemporary notions of gender justice and ideals of human rights (An-Naim, 2013; Mayer, 1995; Mir-Hosseini, 2009, 2012; Mir-Hosseini et al., 2013; Moussa, 2011; Sonbol, 2010; Welchman, 2004, 2012).

Books, book chapters and articles

- ◆ An-Na'im, Abdullahi Ahmed. 2013. 'An Inclusive Approach to the Mediation of Competing Human Rights Claims'. *Constellations* 20:1. Available at: http://drive.google.com/file/d/0B_xWbXTA_LnIWFBmNzNLM0ImRTg/
- ◆ An-Na'im, Abdullahi Ahmed. 2002. *Islamic Family Law in a Changing World: A Global Resource Book*. New York: Zed Books Ltd.
- ◆ Bowen, Donna Lee, Valerie M. Hudson, and Perpetua Lynne Nielsen. 2015. 'State Fragility and Structural Gender Inequality in Family Law: An Empirical Investigation'. *Laws* 4(4). Available at: <http://www.mdpi.com/2075-471X/4/4/654/htm>
- ◆ Esposito, John, and Natana Delong-Bas. 2001. *Women in Muslim Family Law*. Syracuse, New York: Syracuse University Press, Second edition.
- ◆ Mayer, Ann Elizabeth. 1995. 'Rhetorical Strategies and Official Policies on Women's Rights: The Merits and Drawbacks of the New World Hypocrisy'. In: Mahnaz Afkhami, ed. *Faith and Freedom: Women's Human Rights in the Muslim World*, pp. 104–132. Syracuse, New York: Syracuse University Press.
- ◆ Mir-Hosseini, Ziba, Mulki Al-Sharmani, and Jana Rumminger, eds. 2015. *Men in Charge? Rethinking Authority in Muslim Legal Tradition*. London: Oneworld. Chapter summaries available at: <http://www.musawah.org/knowledge-building/men-in-charge/chapter-summaries>
- ◆ Mir-Hosseini, Ziba, Kari Vogt, Lena Larsen, and Christian Moe, eds. 2013. *Gender and Equality in Muslim Family Law: Justice and Ethics in the Islamic Legal Tradition*. London: I. B. Tauris.
- ◆ Mir-Hosseini, Ziba, and Zainah Anwar. 2012. 'Decoding the "DNA of Patriarchy" in Muslim Family Laws'. openDemocracy. Available at: <http://www.opendemocracy.net/5050/zainah-anwar-ziba-mir-hosseini/decoding-dna-of-patriarchy-in-muslim-family-laws>
- ◆ Mir-Hosseini, Ziba. 2012. 'Women in Search of Common Ground: Between Islamic and International Human Rights Law'. In: Anver M. Emon, Mark S. Ellis and Benjamin Glahn eds. *Islamic Law and International Human Rights Law: Searching for Common Ground?*, pp. 291–303. Oxford: Oxford University Press.
- ◆ Mir-Hosseini, Ziba. 2009. 'Islamic Family Law and Social Practice: Anthropological Reflections on the Terms of the Debate'. In: Siegfried Hass, ed. *Family, Law and Religion: Debates in the Muslim World and Europe and their Implications for Co-operation and Dialogue*, pp 37–48. Vienna: Austrian Association for the Middle East Hammer-Purgstall. Available at: <http://www.zibamirhosseini.com/documents/mir-hosseini-book-chapter-islamic-family-law-social-practice-2009.pdf>
- ◆ Mir-Hosseini, Ziba. 2009. 'Towards Gender Equality: Muslim Family Laws and the *Shari'ah*'. In Zainah Anwar, ed. *Wanted: Equality and Justice in the Muslim Family*, pp. 23–63. Petaling Jaya, Malaysia: Musawah. Available at:
 - English: <http://www.musawah.org/sites/default/files/Wanted-ZMH-EN.pdf>

- Arabic: <http://www.musawah.org/sites/default/files/03%20Mir-Hosseini.pdf>
- French: <http://www.musawah.org/sites/default/files/Wanted-ZMH-FR.pdf>
- ◆ Moors, A. 1999. 'Debating Islamic Family Law: Legal Texts and Social Practices'. In: Margaret L. Meriwether and Judith E. Tucker, eds. *A Social History of Gender in the Modern Muslim Middle East*. Boulder: Westview Press. Available at: http://www.academia.edu/3350048/_1999_Debating_Islamic_Family_Law_Legal_Texts_and_Social_Practices
- ◆ Moussa, Janine. 2011. 'The Rightful Place of Gender Equality within Islam'. openDemocracy. Available at: <http://www.opendemocracy.net/5050/janine-moussa/rightful-place-of-gender-equality-within-islam>
- ◆ Quraishi, Asifa. 2011. 'What if *Sharia* Weren't the Enemy? Rethinking International Women's Rights Advocacy on Islamic Law'. *Columbia Journal of Gender and Law* 25(5), pp. 173–249. Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1762767
- ◆ Sonbol, Amira. 2010. 'A Response to Muslim Countries' Reservations Against Full Implementation of CEDAW'. *Journal of Women of the Middle East and the Islamic World* 8(3), pp. 348–367. Available at: http://www.researchgate.net/publication/233618459_A_Response_to_Muslim_Countries'_Reservations_Against_Full_Implementation_of_CEDAW
- ◆ Sonbol, Amira El-Azhary, ed. 1996. *Women, the Family, and Divorce Laws in Islamic History*. Syracuse, New York: Syracuse University Press.
- ◆ Spierings, Niels. 2014. 'The Influence of Patriarchal Norms, Institutions, and Household Composition on Women's Employment in Twenty-Eight Muslim-Majority Countries'. *Feminist Economics* 20(4), pp. 87–112. Available at: <http://www.tandfonline.com/doi/abs/10.1080/13545701.2014.963136>
- ◆ Tucker, Judith. 2008. *Women, Family and Gender in Islamic Law*. Cambridge: Cambridge University Press.
- ◆ Welchman, Lynn. 2012. 'Musawah, CEDAW, and Muslim Family Laws in the 21st Century'. In: Anver M. Emon, Mark S. Ellis, and Benjamin Glahn, eds. *Islamic Law and International Human Rights Law: Searching for Common Ground?*, pp. 309–322. Oxford: Oxford University Press.
- ◆ Welchman, Lynn. 2011. 'A Husband's Authority: Emerging Formulations in Muslim Family Laws'. *International Journal of Law, Policy and the Family* 25(1), pp. 1–23. Abstract available at: <http://lawfam.oxfordjournals.org/content/25/1/1.short>
- ◆ Welchman, Lynn. 2004. *Women's Rights and Islamic Family Law: Perspectives on Reform*. New York: Zed Books Ltd.

Resources from international institutions and non-governmental organizations

- ◆ Anwar, Zainah, ed. 2009. *Wanted: Equality and Justice in the Muslim Family*. Petaling Jaya, Malaysia: Musawah. Available at:
 - Arabic: <http://www.musawah.org/wanted-equality-and-justice-muslim-family-arabic>
 - English: <http://www.musawah.org/wanted-equality-and-justice-muslim-family-english>
 - French: <http://www.musawah.org/avis-de-recherche-egalite-et-justice-dans-les-familles-musulmanes>
- ◆ Emory University Islamic Family Law Project. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/>
- ◆ Htun, Mala, and Laurel S. Weldon. 2012. *Sex Equality in Family Law: Historical Legacies, Feminist Activism and Religious Power in 70 Countries*. Washington, DC: World Bank. Available at: <http://openknowledge.worldbank.org/handle/10986/9204>

- ◆ Musawah. 2012. *CEDAW and Muslim Family Laws: In Search of Common Ground*. Malaysia: Musawah. Available at:
 - English: http://www.musawah.org/sites/default/files/CEDAWMFLReport2012Edition_1.pdf
 - Arabic: <http://www.musawah.org/sites/default/files/CEDAW%20and%20Muslim%20Family%20Laws-Arabic-edited.pdf>

- ◆ Musawah. 2009. *Home Truths: A Global Report on Equality in the Muslim Family*. Malaysia: Musawah. Available at:
 - English: http://www.musawah.org/sites/default/files/Home%20Truths-EN_0.pdf
 - Arabic: http://www.musawah.org/sites/default/files/Home%20Truths-AR_0.pdf

- ◆ Organization of Islamic Cooperation (OIC). 2015. *State of Gender and Family Well-Being in OIC Member Countries*. The Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC). Available at:
 - English: <http://www.sesric.org/files/article/505.pdf>
 - Arabic: <http://www.sesric.org/files/article/513.pdf>
 - French: <http://www.sesric.org/files/article/512.pdf>

- ◆ Oslo Coalition. 2013. *Justice Through Equality, Building Religious Knowledge for Legal Reform in Muslim Family Laws*. Oslo: Norwegian Center for Human Rights. Available at:
 - English: <http://www.musawah.org/sites/default/files/JusticeThroughEqualityOsloCoalition.pdf>
 - Arabic: http://www.jus.uio.no/smr/english/about/programmes/oslocoalition/docs/justice_through_equality_arabic.pdf
 - French: http://www.jus.uio.no/smr/english/about/programmes/oslocoalition/docs/justice_through_equality_french.pdf

- ◆ United Nations Population Fund. 2016. *Women, Faith and Human Rights*. Available at: <http://www.unfpa.org/publications/women-faith-and-human-rights>

- ◆ UN Women. 'The Global Gender Equality Constitutional Database'. Available at: <http://constitutions.unwomen.org/en>

- ◆ UN Women. *Transforming Economies, Realizing Rights: Progress of the World's Women 2015–2016*. Available at:
 - English: http://progress.unwomen.org/en/2015/pdf/UNW_progressreport.pdf
 - French: http://progress.unwomen.org/en/2015/pdf/SUMMARY_FR.pdf

- ◆ Women Living Under Muslim Laws. 2006. *Knowing Our Rights: Women, Family Laws and Customs in the Muslim World*. Third edition. Nottingham, UK: The Russell Press. Available at: http://www.wluml.org/sites/wluml.org/files/import/english/pubs/pdf/knowning%20our%20rights/kor_2006_en.pdf

- ◆ Women's Learning Partnership. 2006. 'Family Laws Chart'. Available at: <http://www.learningpartnership.org/lib/family-laws>



Resources on Topics Related to Muslim Family Laws



Introduction

While the first section of this survey highlights the diversity of the content and scope of application of Muslim family laws in different countries and Muslim communities, this second section focuses on a major feature many of these laws have in common: their inequitable treatment of women. The majority of Muslim family laws are discriminatory, entrenched in a patriarchal model of the family that is regulated by Islamic principles. They safeguard male authority while legalizing women's minor status; sanctioning unjust gender roles within marriage; embracing polygamy; and establishing barriers to women's access to divorce and custody of children. Such laws are limited and biased in provisions related to domestic violence against women, including in the ways they allow marital rape and female genital mutilation.

These issues are, of course, not confined to Muslim women, but common to women everywhere regardless of religious belief, cultural or socio-economic background. Given the widespread nature of patriarchy and the use of religion for political and social control, it is important to distinguish between Islam as a religious belief and the set of laws and rulings that claim its legacy.

Furthermore, the concept of 'family' is a complex social phenomenon that extends far beyond the bounds of law. Profound economic and social changes globally and within Muslim societies have altered the ways families function in society and individual family members relate to one another. Such changes underpin the need to reconceptualize family relationships around principles of equality and justice.

The following resources provide insight into multiple strategies to challenge discriminatory provisions Muslim family laws relating to the following issues:

- A. Marriage, including (1) child marriage, (2) marriage contracts, and (3) polygamy;
- B. Domestic violence;
- C. Divorce;
- D. Guardianship and child custody; and
- E. Overlaps between family laws and other laws such as (1) penal laws and (2) inheritance laws.

These resources highlight, in part, the key role played by Muslim women in producing egalitarian religious knowledge and their tireless advocacy to advance gender justice. They help explore the dynamic relationship and interaction between Islamic teachings; customs and traditions; international human rights standards; and feminist knowledge.

Marriage

In traditional religious and social systems, marriage entails a set of gender-based obligations and defines each family member's place and role within the household unit and in the social order. This institution in particular continues to be marked by the patriarchal legacy, whether entrenched in legal norms or manifested through social practices.

Musawah views marriage as a partnership of equals, with mutual respect, affection, communication and decision-making authority shared between both partners. This includes the equal rights to choose a spouse or choose not to marry; to enter into marriage only with free and full consent; to dissolve the marriage; and upon its dissolution. This view is articulated in the *Musawah Framework for Action* and the *Musawah Vision for the Family*.

The following resources trace the juridical construction of marriage in classical Islamic jurisprudence and explore the justifications and roots of gender inequalities. They provide tools and arguments to challenge these discriminatory provisions, addressing the issues of (1) child marriage; (2) the inequality inherent in the classical understanding of Muslim marriage contracts; and (3) the practice of polygamy.

Child Marriage

The Convention on the Rights of the Child (1989) defines a 'child' as any human being under the age of eighteen, unless the law states that majority is reached at an earlier age (article 1). The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1964) states that marriage shall be entered into only with the free and full consent of the 'intending spouses' (article 1). Since an individual under the age of majority does not have the legal capacity to consent to marriage, international law considers child marriage to be forced marriage. Therefore, the Convention calls on States parties to specify a minimum age for marriage, consistent with the age of legal majority (article 2) (Agberemi, 2004; De Silva-de-Alwis, 2008; Hashemi, 2007).

Attempts to set the minimum age of marriage at eighteen for both men and women are often met with resistance from conservative religious authorities who claim this goes against 'Islamic law'. A common argument used to justify child marriage is the example of the Prophet Muhammad's marriage to Aishah. However, there have long been debates about Aishah's actual age at the time of the marriage, and their marriage was not one of domination but of egalitarianism, respect and love. Needless to say, there have also been vast social, cultural and economic changes in society since the time of the Prophet. (Agberemi, 2004; Amin, 2016; Faqihuddin, 2015; Masud, n.d.; Musawah CEDAW, 2012; Musawah OHCHR, 2013).

Furthermore, while the Qur'an does not specify the age of marriage, *Surah an-Nisa'* 4:6 requires that orphans should be of sound judgment before they marry. Traditionally, all Islamic schools of law considered that menstruation signals physical (i.e., sexual) maturity (*bulugh*), at which point a girl can be married. Yet, *legal* capacity, for example, to be able to enter into a contract, requires intellectual maturity (*rushd* – 'maturity of mind') to handle one's own property and affairs. In other words, puberty without intellectual

maturity does not establish the legal capacity to contract marriage (Musawah OHCHR, 2013; Musawah CEDAW, 2012; Wan Azhar, 2013; Welchman, 2007; N-Map video (3)).

Child marriage is therefore a violation not just of human rights principles, but also Muslim juridical principles. The fact that several Muslim majority countries have equal minimum ages of marriage for males and females, e.g., Algeria, Bangladesh, Egypt, Morocco, Oman, Sierra Leone, and Turkey, shows that change is possible in Muslim contexts (Musawah OHCHR, 2013; Musawah CEDAW, 2012).

Early and forced marriages have many harmful consequences for girls, including psychological and emotional trauma; domestic violence; and health problems such as premature pregnancy, maternal mortality, and sexually transmitted infections. These marriages are also entangled with other forms of vulnerabilities such as economic and social marginalization. They often limit women and girls' rights to education, employment, and financial independence (Equality Now, 2014; Porzucki, 2015; N-Map videos, 2016; UNICEF, 2001, 2014, 2015; UNFPA, 2012).

Books, book chapters and articles

- ◆ Agberemi, Hameed. 2004. 'Violence Against Girl Children in a Rights Paradigm: Deconstructing Child Marriage from Islamic Perspectives'. Paper presented at the National Discussion on Sharia and Women's Human Rights in Nigeria, organised by BAOBAB for Women's Human Rights. Available at: http://www.sistersinislam.org.my/files/downloads/child_marriage_by_hameed_agberemi.pdf
- ◆ Amin, Yasmin. 2016. 'Age is just a number or is it? 'A'isha's age between Ḥadīth and History'. Paper presented at BRAIS Conference London, Senate House, University of London, 11–12 April.
- ◆ Faqihuddin, Abdul Kodir. 2015. 'Putting Women in the Subject Position on Child Marriage Issues: Dirasah Hadith 38th Edition'. *Rahima*, June 11, 2015. Available at: http://www.rahima.or.id/index.php?option=com_content&view=article&id=1360:putting-women-in-the-subjet-position-on-child-marriage-issues--dirasah-hadith-38th-edition&catid=63:hadith&Itemid=374
- ◆ Hashemi, Kamran. 2007. 'Religious Legal Traditions, Muslim States and the Convention on the Rights of the Child: An Essay on the Relevant UN Documentation'. *Human Rights Quarterly* 29(1), pp. 194–227. Abstract available at: <http://muse.jhu.edu/article/209781/pdf>
- ◆ Masud, Muhammad Khalid. n.d. 'Prophet Muhammad's Wife A'isha: How Old Was She at the Time of her Marriage?'. Summary of book by Hakim Niyaz Ahmad, *Tahqiq Umar A'isha al-Siddiqah* (Truth about the age of A'isha the Truthful), Karachi: Mashkur Academy. Available at: http://www.sistersinislam.org.my/files/downloads/aisha_age_of_marriage.pdf
- ◆ Wan Azhar Wan Ahmad. 2013. 'Child Marriage in Islam: a Myth?'. Sisters in Islam. Available at: <http://www.sistersinislam.org.my/news.php?item.1184.41>
- ◆ Welchman, Lynn. 2007. 'Capacity and Consent (in Marriage)'. In: Lynn Welchman. *Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy*, pp. 61–75. Amsterdam: Amsterdam University Press. Available at: http://openaccess.leidenuniv.nl/bitstream/handle/1887/13374/Women_and_Muslim_Family_Laws_in_Arab_States.pdf

Resources from international institutions and non-governmental organizations

- ◆ De Silva-de-Alwis, Rangita. 2008. 'Child Marriage and the Law'. Legislative Reform Initiative Paper Series. United Nations Children's Fund (UNICEF): New York.
Available at:
[http://www.unicef.org/policyanalysis/files/Child_Marriage_and_the_Law\(1\).pdf](http://www.unicef.org/policyanalysis/files/Child_Marriage_and_the_Law(1).pdf)
- ◆ Equality Now. 2014. *Protecting The Girl Child: Using the Law to End Child, Early and Forced Marriage and Related Human Rights Violations*. Available at:
http://www.equalitynow.org/sites/default/files/Protecting_the_Girl_Child.pdf
- ◆ Musawah. 2012. 'Responses to Common State Party Justifications for Non-implementation of CEDAW: Child Marriage and Freedom to Choose If, When, and Whom to Marry'. In: Musawah. *CEDAW and Muslim Family Laws: In Search of Common Ground*, pp. 30–33. Malaysia: Musawah. Available at:
http://www.musawah.org/sites/default/files/CEDAWMFLReport2012Edition_1.pdf
- ◆ Musawah. 2013. 'Statement to the Office of the High Commissioner for Human Rights on Child, Early and Forced Marriage'. Available at:
<http://www.musawah.org/sites/default/files/MusawahStatementOnChildMarriageForOHCHR.pdf>
- ◆ New Media Advocacy Project (N-Map). Videos on child marriage and female education in Northern Nigeria, March 2016, produced by N-Map) in collaboration with Isa Wali Empowerment Initiative (IWEI) and Women's Rights Advancement and Protection Alternative (WRAPA):
 - (1) 'Education is Our Future'. Available at: <http://vimeo.com/155578181>
 - (2) 'Girls in Their Own Voices'. Available at: <http://vimeo.com/149782032>
 - (3) 'Too Young to Consent and Too Young to be Judged'. Available at:
<http://vimeo.com/153276188>
- ◆ Porzucki, Nina. 2015. 'The Pakistani Film *Dukhtar* Shows what a Mother Will Sacrifice for Her Child'. *PRI's The World*, September 29, 2015. Available at:
<http://www.pri.org/stories/2015-09-29/pakistani-film-dukhtar-shows-what-mother-will-sacrifice-her-child>
- ◆ United Nations Children's Fund. 2015. 'A Profile of Child Marriage in Africa'. New York: UNICEF. Available at:
http://data.unicef.org/corecode/uploads/document6/uploaded_pdfs/corecode/UNICEF-Child-Marriage-Brochure-High-Single_246.pdf
- ◆ United Nations Children's Fund. 2014. 'Ending Child Marriage: Progress and Prospects'. New York: UNICEF. Available at:
http://data.unicef.org/corecode/uploads/document6/uploaded_pdfs/corecode/Child-Marriage-Brochure-HR_164.pdf
- ◆ UNICEF Innocenti Research Centre. 2001. 'Innocenti Digest: Early Marriage: Child Spouses'. Italy: UNICEF Innocenti Research Centre. Available at:
<http://www.unicef-irc.org/publications/pdf/digest7e.pdf>
- ◆ UNFPA. 2012. 'Marrying Too Young: End Child Marriage'. New York: United Nations Population Fund. Available at:
<http://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>
- ◆ UN Women. 'Definition of Forced and Child Marriage'. Available at:
<http://www.endvawnow.org/en/articles/614-definition-of-forced-and-child-marriage.html>
- ◆ Women's Islamic Initiative in Spirituality and Equality (WISE). 'Current Issues: Early Marriage'. Available at: <http://www.wisemuslimwomen.org/currentissues/earlymarriage/>

International conventions, declarations and resolutions

- ◆ Convention on the Rights of the Child, United Nations General Assembly Resolution 44/25 of 20 November 1989. Entered into force 2 September 1990. Articles 1, 2, 3, 6, 12, 19, 24, 28, 29, 34, 35 and 36. Available at: <http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>
- ◆ Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, United Nations General Assembly Resolution 1763 A (XVII) of 7 November 1962. Entered into force 9 December 1964. Article 2. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/MinimumAgeForMarriage.aspx>
- ◆ Convention on the Elimination of All Forms of Discrimination against Women, United Nations General Assembly Resolution 34/180, 18 December 1979. Entered into Force 3 September 1981. Article 16(2) on child marriage. Available at: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article16>
- ◆ Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage. Office of the High Commissioner for Human Rights Resolution 29/L. 15, 1 July 2015. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/L.15

Marriage Contracts

The institution of marriage in Islam is not a sacrament; rather it takes the form of a civil contract. However, it is the only religiously-sanctioned way for Muslim individuals to have legitimate sexual relationships and to procreate (Ali, 2003(b)). Classical Muslim jurists viewed the marriage contract, also called '*aqd al-nikah*' (the 'contract of coitus'—intercourse), as a contract of sale. It entails a set of obligations and rights, as well as conditions, for its validity and upon its dissolution.

The only impediments to marriage according to classical schools of jurisprudence are kinship, '*iddah*' (the specified waiting period before one can remarry), and the offer and acceptance procedures. Otherwise, jurists are divided on the question of the essential elements to conclude a valid Muslim marriage. For example, opinions differ on the requirement of a male guardian (*wali*) for females to enter marriage; the presence and qualifications of witnesses; consent and coercion (*ijbar*); and the dower (*mahr*) (Ali, 2008, 2012; Chaudhry, 2015; Mir-Hosseini, 2004; Quraishi, 2008, 2013; Welchman, 2007). Besides legalizing sexual intercourse between spouses, the classical Muslim marriage contract establishes a 'set of gender-differentiated but interconnected claims' (Ali, 2008, p.12), e.g., the husband's paternity; mutual (though not necessarily equitable) rights of inheritance; and mutual respect and good treatment.

The husband's duties include the payment of the dower (*mahr*) and provision of lodging, food, clothing, and domestic service to his wife (*nafaqah*). In exchange, he acquires the right to unconditional sexual access to his wife and, therefore, may exercise control over her mobility. The wife's main duty is to obey her husband and to be sexually available (*tamkin*). The spouses are entitled to include stipulations regarding the marital relationship in the contract. Women have used these stipulations to protect their rights and secure their option of divorce in case of breach (Ali, 2007, 2008; Welchman, 2011).

The classical *fiqh* definition of marriage continues to inform many aspects of contemporary Muslim family laws. At the heart of this juridical construction is the idea

that men have *wilayah* (guardianship) and *qiwamah* (protection and authority) over women. This legal postulate derives from a patriarchal interpretation of *Surah an-Nisa* 4:34 in order to sustain gender inequality. Musawah, in collaboration with scholars and activists from different countries, has been undertaking multi-dimensional research to demystify these two key concepts, and to re-interpret them from within Muslim tradition and as informed by lived realities. The first product of this research is a volume of essays entitled *Men in Charge? Rethinking Authority in Muslim Legal Tradition* (Oneworld, 2015).

The two concepts that lie at the core of the marital relationship are disconnected from present-day economic and social realities. Many men are unable or unwilling to protect and provide for their families, while women often serve as the protectors of their families, provide essential income for family survival, and contribute through unpaid labour. As part of its research on *qiwamah* and *wilayah*, Musawah worked with partners in nine countries to document the life stories of 55 women. This research is summarized in a report entitled *Women's Stories, Women's Lives: Male Authority in Muslim Contexts* (2016).

The following resources introduce the work of feminist scholars and activists who are challenging this classical construction of the Muslim marriage contract and/or exploring new alternatives for reform (Ali, 2003(a), 2004; Al-Sharmani and Rumminger, 2015; Chaudhry, 2015; Larsen, 2015; Quraishi, 2013).

Books, book chapters and articles

- ❖ Ali, Kecia. 2012. 'Just Say Yes: Law, Consent, and Muslim Epistemologies'. In: Kecia Ali, Juliane Hammer, and Laury Silvers, eds. *A Jihad for Justice: Honoring the Work and Life of Amina Wadud*, pp. 121–134. USA: 48 HrBooks. Available at: <http://www.bu.edu/religion/files/2010/03/A-Jihad-for-Justice-for-Amina-Wadud-2012-1.pdf>
- ❖ Ali, Kecia. 2008. 'Marriage in Classical Islamic Jurisprudence: A Survey of Doctrines'. In: Asifa Quraishi and Frank E. Vogel, eds. *The Islamic Marriage Contract: Case Studies in Islamic Family Law*, pp. 11–45. Cambridge, Mass.: Harvard University Press.
- ❖ Ali, Kecia. 2007. 'Obedience and Disobedience in Islamic Discourses'. In Suad Joseph, ed. *Encyclopedia of Women & Islamic Cultures*, Vol 5, pp. 309–313. Leiden: Brill.
- ❖ Ali, Kecia. 2004. "'A Beautiful Example": The Prophet Muhammad as a Model for Muslim Husbands'. *Islamic Studies* 43(2), pp. 273–291. Available at: <http://www.jstor.org/stable/20837344>
- ❖ Ali, Kecia. 2003(a). 'Progressive Muslims and Islamic Jurisprudence: The Necessity for Critical Engagement with Marriage and Divorce Law'. In: Omid Safi, ed. *Progressive Muslims: On Justice, Gender and Pluralism*, pp.163–189. Oxford: Oneworld.
- ❖ Ali, Kecia. 2003(b). 'Marriage Contracts in Islamic Jurisprudence'. *The Feminist Sexual Ethics Project*. June 19. Available at: <http://www.brandeis.edu/projects/fse/muslim/marriage.html>
- ❖ Al-Sharmani, Mulki, and Jana Rumminger. 2015. 'Understanding *Qiwamah* and *Wilayah* through Life Stories'. In: Ziba Mir-Hosseini, Mulki Al-Sharmani, and Jana Rumminger, eds. *Men in Charge? Rethinking Authority in Muslim Legal Tradition*, pp. 219–255. London: Oneworld. Summary available at: <http://www.musawah.org/sites/default/files/MICchapter9MASJRsummary.pdf>
- ❖ Chaudhry, Ayesha S. 2015. 'Producing Gender Egalitarian Islamic Law: A Case Study of Guardianship (*Wilayah*) in Prophetic Practice'. In: Ziba Mir-Hosseini, Mulki Al-Sharmani, and Jana Rumminger, eds. *Men in Charge? Rethinking Authority in Muslim Legal Tradition*, pp. 88–105. London: Oneworld. Summary available at: <http://www.musawah.org/sites/default/files/MICchapter4ACsummary.pdf>

- ◆ Karam, Azza. 1996. 'An Apostate, a Proposed New Marriage Contract and Egyptian Women: Where to Now?' *Women against Fundamentalism* 8, pp. 29–32. Available at: <http://womenagainstofundamentalism.org/wp-content/uploads/2014/05/waf8.pdf>
- ◆ Larsen, Lena. 2015. "Men are the Protectors and Maintainers of Women...": Three Fatwas on Spousal Roles and Rights'. In: Ziba Mir-Hosseini, Mulki Al-Sharmani, and Jana Rumminger, eds. *Men in Charge? Rethinking Authority in Muslim Legal Tradition*, pp. 197–218. London: Oneworld. Summary available at: <http://www.musawah.org/sites/default/files/MICchapter8LLsummary.pdf>
- ◆ Mir-Hosseini, Ziba, Mulki Al-Sharmani, and Jana Rumminger, eds. 2015. *Men in Charge? Rethinking Authority in Muslim Legal Tradition*. London: Oneworld. Chapter summaries available at: <http://www.musawah.org/knowledge-building/men-in-charge/chapter-summaries>
- ◆ Mir-Hosseini, Ziba. 2004(a). 'Marriage'. *Encyclopedia of Islam and the Muslim World*, Vol II, p. 424. Macmillan Reference USA.
- ◆ Mir-Hosseini, Ziba. 2004(b). 'Mahr (dower)'. *Encyclopedia of Islam and the Muslim World*, Vol II, pp. 430–433. Macmillan Reference USA.
- ◆ Mir-Hosseini, Ziba. 2004(c). 'Nikah (marriage contract)'. *Encyclopedia of Islam and the Muslim World*, Vol II, p. 510. Macmillan Reference USA.
- ◆ Mir-Hosseini, Ziba. 2000. *Marriage On Trial: A Study of Islamic Family Law*. London: I. B. Tauris.
- ◆ Shaham, Ron. 1999. 'State, Feminists and Islamists: The Debate over Stipulations in Marriage Contracts in Egypt'. *Bulletin of the School of Oriental and African Studies, University of London* 62(3), pp. 462–483.
- ◆ Quraishi-Landes, Asifa. 2013. 'A Meditation on Mahr, Modernity, and Muslim Marriage Contract Law'. In: Marie A. Failinger, Elizabeth R. Schiltz, and Susan J. Stabile, eds. *Feminism, Law, and Religion*, chap. 7, pp. 173–195. Surrey, UK: Ashgate. Available at: <http://media.law.wisc.edu/m/mzy3n/flrchapter-quraishi-landes.pdf>
- ◆ Quraishi, Asifa, and Frank E. Vogel, eds. 2008. *The Islamic Marriage Contract: Case Studies in Islamic Family Law*. Cambridge, Mass.: Harvard University Press.
- ◆ Sonbol, Amira El-Azhary. 2005. 'History of Marriage Contracts in Egypt'. *Hawwa: Journal of Women of the Middle East and the Islamic World* 3(2), pp. 159–196.
- ◆ Welchman, Lynn. 2011. 'A Husband's Authority: Emerging Formulations in Muslim Family Laws'. *International Journal of Law, Policy and the Family* 25(1), pp. 1–23.
- ◆ Welchman, Lynn. 2007. 'The Marital Relationship'. In: *Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy*, chap. 8, pp. 89–105. Amsterdam: Amsterdam University Press. Available at: [http://openaccess.leidenuniv.nl/bitstream/handle/1887/13374/Women and Muslim Family Laws in Arab States.pdf](http://openaccess.leidenuniv.nl/bitstream/handle/1887/13374/Women%20and%20Muslim%20Family%20Laws%20in%20Arab%20States.pdf)

Resources from international institutions and non-governmental organizations

- ◆ Alkhateeb, Maha. 2012. *Islamic Marriage Contracts: A Resource Guide for Legal Professionals, Advocates, Imams, and Communities*. Peaceful Families Project, Asian & Pacific Islander Institute on Domestic Violence, and Battered Women's Justice Project. Available at: http://www.peacefulfamilies.org/wp-content/uploads/2012/10/Islamic.Marriage.Contracts.Resource.Guide_Produced.By_.PFP-API.Institute-BWJP_2012.pdf
- ◆ Canadian Council of Muslim Women. 'Marriage Contract Toolkit'. Available at:

<http://ccmw.com/wp-content/uploads/2014/04/Muslim-Marriage-Contract-Toolkit-English.rev02-2014.pdf>

- ◆ Gohir, Shaista. 2016. 'Information and Guidance on Muslim Marriage and Divorce in Britain'. Muslim Women's Network UK. Available at:
http://www.mwnuk.co.uk/go_files/resources/MWNU%20Marriage_Divorce%20Report_WEB2.pdf
- ◆ The Muslim Institute. 2008. 'Muslim Marriage Contract'. Endorsed by Imams & Mosques Council (UK), The Muslim Law (Shariah) Council UK, Utrujj Foundation, Muslim Council of Britain, The Muslim Parliament of Great Britain, The City Circle, Muslim Women's Network-UK, Fatima Network and Muslim Community Helpline. Available at:
<http://www.muslimparliament.org.uk/Documentation/Muslim%20Marriage%20Contract.pdf>
- ◆ Psaila, Emma, et al. 2016. *Forced Marriage from a Gender Perspective*. Study for FEMM Women's Rights Committee. European Union Directorate-General for Internal Policies. Available at:
[http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556926/IPOL_STU\(2016\)556926_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556926/IPOL_STU(2016)556926_EN.pdf)
- ◆ Sisters in Islam. 2013. *Questions & Answers Booklet: Hadith on Women in Marriage*. Kuala Lumpur: Sisters in Islam (SIS). Available at:
http://www.sistersinislam.org.my/files/downloads/misogynist_hadiths_final_july_14.pdf
- ◆ Women's Islamic Initiative in Spirituality and Equality (WISE). n.d. 'Current Issues: Freedom to Choose Marriage Partner'. Available at:
<http://www.wisemuslimwomen.org/currentissues/marriagepartner/>

International conventions, declarations and resolutions

- ◆ Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. United Nations General Assembly Resolution 1763 A (XVII) of 7 November 1962. Entered into force 9 December 1964. Available at:
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/MinimumAgeForMarriage.aspx>
- ◆ Convention on the Nationality of Married Women, United Nations General Assembly Resolution 1040 (XI) 1 of 29 January 1957. Entered into Force 11 August 1958. Available at: http://treaties.un.org/doc/Treaties/1958/08/19580811%2001-34%20AM/Ch_XVI_2p.pdf
- ◆ Convention on the Elimination of All Forms of Discrimination against Women, United Nations General Assembly Resolution 34/180, 18 December 1979. Entered into Force 3 September 1981. Article 16 on matters relating to marriage and family relations. Available at: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article16>
- ◆ The Cairo Declaration on Human Rights in Islam, signed by the Organization of the Islamic Conference on 5 August 1990. Articles 5 and 6 on marriage. Available at:
<http://www.oic-oci.org/english/article/human.htm>
- ◆ International Covenant on Civil and Political Rights, United Nations General Assembly resolution 2200A (XXI) of 16 December 1966. Entered into force 23 March 1976. Article 23 on family rights. Available at: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

Polygamy

'Polygamy' is a generic term that encompasses 'polygyny' (a man married to more than one wife at the same time) and 'polyandry' (a woman married to more than one husband at the same time), although polygyny is much more common. Polygamous marriages exist in various societies, religions, and cultures in communities throughout the world (Gaffney-Rhys, 2011; Hale, 1996), even though the international trend at present is against the practice (CEDAW recommendation 29, 2013; CEDAW recommendation 21, 1994).

Polygamy is often considered to be a religious right held by Muslim men, sanctioned by the Qur'an and linked to their *qiwamah*. However, this pre-Islamic practice was restricted rather than encouraged by the Qur'an, which limited the number of wives to four at any one time. Polygamy was conditional on a man's ability to deal justly with all his wives. At that time, the institution was maintained and regulated to help poor unmarried, divorced or widowed women. These marriages ensured that such women had a provider and protector for themselves and their children (Ali, 2016; Badawi, 2012; Beaman and Calder, 2014; Hale, 1996; Johnson, 2005; Mir-Hosseini, 2004; Rodgers-Miller, 2005).

In contemporary times, however, polygamous marriages are more frequently used to fulfil men's sexual desires than to protect women and children. Even worse, many such marriages result in financial and emotional injustices for women and children. Polygamous marriages can also be detrimental to the men who contract them, and thus threaten the well-being of families in general (Ali, 2016; Al-Krenawi, 1997, 2014; Al-Sherbiny, 2005; Beaman and Calder, 2014; Johnson, 2005; Rehman, 2007; SIS, 2015).

The most common argument used to promote polygamous marriages and counter arguments against polygamy is the example of the Prophet Muhammad. However, though the Prophet had multiple wives, he was monogamous for more than 25 years, throughout the lifetime of his first wife, Khadija. This is an exemplary practice to encourage monogamous marriages and to abolish polygamy. Furthermore, Musawah maintains that Islam promotes monogamy, as can be seen in Surah an-Nisa' 4:3: 'If you fear that you shall not be able to deal justly with the orphans, marry women of your choice, two, three or four; but if you fear that you shall not be able to deal justly [with your wives], then marry only one [...] That will be more suitable, to prevent you from doing injustice' (Musawah CEDAW, 2012; Rohman, 2013; SIS, 2013, 2015).

The potential for change in Muslim contexts is reflected in the example of some Muslim countries that prohibit polygamy (Tunisia, Turkey, Kyrgyz Republic, Tajikistan and Uzbekistan) (see [Musawah Thematic Reports and Oral Statements on Article 16](#)). In other countries, a woman is entitled to stipulate in the marriage contract that, should her husband take another wife without her consent, this could constitute grounds for divorce. This clause could become a standard stipulation in marriage contracts and, thus, discourage the practice of polygamy (Musawah CEDAW, 2012; Welchman, 2007).

Books, book chapters and articles

- ◆ Ali, Kecia. 2016. 'Coda 2 (on Polygyny)'. In: *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence*, pp. 43–49. Expanded and revised edition. London: Oneworld.
- ◆ Al-Krenawi, Alean. 2014. *Psychosocial Impact of Polygamy in the Middle East*. New York: Springer E-books, York University.
- ◆ Al-Krenawi, A., J.R. Graham, and S. Al-Krenawi. 1997. Social Work Practice with Polygamous Families. *Child and Adolescent Social Work Journal* 14(6), pp. 445–458.
- ◆ Al-Sherbiny, Lotfi. 2005. 'The Case of First Wife in Polygamy: Description of an Arab Culture-Specific Condition'. *Arabpsynet e-Journal* 8, pp. 18–26. Available at: <http://arabpsynet.com/archives/op/apnJ8LotfiElsherbinie.pdf>
- ◆ Badawi, Jamal A. 2012. 'Polygamy in Islamic Law'. Islamic Research Foundation International, Inc. Available at: http://www.irfi.org/articles/articles_251_300/polygamy_in_islamic_law.htm
- ◆ Calder, Gillian, and Lori G. Beaman. 2014. *Polygamy's Rights and Wrongs: Perspectives on Harm, Family, and Law*. Canada, Vancouver: UBC Press.
- ◆ Gaffney-Rhys, Ruth. 2011. 'Polygamy: A Human Right or Human Rights' Violation?' *Women in Society* 2. Available at: <http://genderstudies.research.southwales.ac.uk/media/files/documents/2014-07-08/WIS.2.1.doc>
- ◆ Hale, Sondra. 1995. 'Gender and Economics; Islam and Polygamy – A Question of Causality'. *Feminist Economics* 1(2), pp. 67–79.
- ◆ Johnson, Heather. 2005. 'There are Worse Things Than Being Alone: Polygamy in Islam, Past, Present, and Future'. *William & Mary Journal of Women and the Law* 11(3), pp. 563–595. Available at: <http://www.portmir.org.uk/assets/pdfs/polygamy-in-islam--past--present-and-future--johnson.pdf>
- ◆ Mashhour, Amira. 2005. 'Islamic Law and Gender Equality: Could There be a Common Ground? A Study of Divorce and Polygamy in Sharia Law and Contemporary Legislation in Tunisia and Egypt'. *Human Rights Quarterly* 27(2), pp. 563–596.
- ◆ Mir-Hosseini, Ziba. 2004. 'Polygamy'. *Encyclopedia of Islam and the Muslim World*, Vol II, p. 552–553. Macmillan Reference USA.
- ◆ Rehman, Javid. 2007. 'The Sharia, Islamic Family Laws and International Human Rights Law: Examining the Theory and Practice of Polygamy and Talaq'. *International Journal of Law, Policy and the Family* 21(1), pp. 108–127. Available at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.131.5930&rep=rep1&type=pdf>
- ◆ Rodgers-Miller, Brooke D. 2005. 'Out of Jahiliyya: Historic and Modern Incarnations of Polygamy in the Islamic World'. *William & Mary Journal of Women and the Law* 11(3), pp. 541–562. Available at: <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1133&context=wmjowl>
- ◆ Rohman, Arif. 2013. 'Reinterpret Polygamy in Islam: A Case Study in Indonesia'. *International Journal of Humanities and Social Science Invention* 2(10), pp. 68–74. Available at: [http://www.ijhssi.org/papers/v2\(10\)/Version-1/H02101068074.pdf](http://www.ijhssi.org/papers/v2(10)/Version-1/H02101068074.pdf)
- ◆ Welchman, Lynn. 2007. 'Polygyny'. In: Lynn Welchman. *Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy*, chap. 7, pp. 77–86. Amsterdam: Amsterdam University Press. Available at: <http://openaccess.leidenuniv.nl/bitstream/handle/1887/13374/Women and Muslim Family Laws in Arab States.pdf>

Resources from international institutions and non-governmental organizations

- ❖ Cook, Rebecca J., and Lisa M. Kelly. 2006. *Polygyny and Canada's Obligations under International Human Rights Law Family, Children and Youth Section Research Report*. Department of Justice, Canada. Available at: <http://www.justice.gc.ca/eng/rp-pr/other-autre/poly/poly.pdf>
- ❖ Musawah. 2012. 'Responses to Specific Issues: Polygamy'. In: Musawah. *CEDAW and Muslim Family Laws: In Search of Common Ground*, pp. 33–36. Malaysia: Musawah. Available at: http://www.musawah.org/sites/default/files/CEDAWMFLReport2012Edition_1.pdf
- ❖ Musawah Thematic Reports and Oral Statements on Article 16. Available at: <http://www.musawah.org/international-advocacy/thematic-reports>
- ❖ Sisters in Islam. 2013. *Questions & Answers Booklet: Islam and Polygamy*. Kuala Lumpur: Sisters in Islam (SIS) Available at: http://www.sistersinislam.org.my/files/downloads/islam_n_polygamy_latest.pdf
- ❖ Sisters in Islam. 2002. 'Misunderstanding the Prophet's Sunnah on Polygamy'. Available at: <http://www.sistersinislam.org.my/news.php?item.293.7>
- ❖ Sisters in Islam. 2015. 'Poligami! Mitos dan Realiti di Malaysia', Sisters in Islam (SIS) original animation aiming to break the myth of polygamous marriages. Available at: <http://www.youtube.com/watch?v=kTbg3d9OSYo>
- ❖ Women's Islamic Initiative in Spirituality and Equality (WISE). n.d. 'Current Issues: Polygamy'. Available at: <http://www.wisemuslimwomen.org/currentissues/polygamy/>

International conventions, declarations and resolutions

- ❖ Committee on the Elimination of All Forms of Discrimination Against Women. 2013. 'General Recommendation 29: Economic Consequences of Marriage, Family Relations and their Dissolution'. Paragraph 21 (polygamy contrary to CEDAW and must be "discouraged and prohibited") Available at: http://www2.ohchr.org/english/bodies/cedaw/docs/comments/CEDAW-C-52-WP-1_en.pdf
- ❖ Committee on the Elimination of All Forms of Discrimination Against Women. 1994. 'General Recommendation 21: Equality in Marriage and Family Relations'. Paragraph 14 on CEDAW Art. 16. Available at: [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/A_49_38\(SUPP\)_4733_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/A_49_38(SUPP)_4733_E.pdf)
- ❖ Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), adopted by the African Union in 2003. Article 6(c) on monogamy. Available at: http://www.achpr.org/files/instruments/women-protocol/achpr_instr_proto_women_eng.pdf

Domestic Violence

Domestic violence is one of the most severe, least visible, and most common forms of violence experienced by women. It happens across countries, cultures, religions, classes, and life circumstances (UNICEF, 2000). The term ‘domestic violence’ refers to abusive and coercive behaviours such as physical, psychological and/or sexual abuses, which ‘occur within the private sphere and between individuals who are related through blood or intimacy’ (Resolution 58/147, 2004). Domestic violence includes economic deprivation and isolation as a means to exert power and control over the victim’s life choices and freedoms. Therefore, international bodies and experts, including the CEDAW Committee, have repeatedly urged the states to provide adequate legal protection to women from all kinds of violence and to take appropriate and effective measures to eradicate violence against women (CEDAW, 1992; HRC, 2010; OHCHR, 2015; Ertürk, 2008).

Domestic violence also reveals the pattern of traditional gender-based roles assumed (Shaikh, 1997). Although there are male victims of domestic violence, the majority of victims are women. Husbands often use violence as a tool to demonstrate power, authority, and control over their wives and children. In the majority of Muslim countries, spousal violence against women is often not prohibited outright and sometimes even justified on religious grounds (Douki et al., 2003; Hajjar, 2004). Based on a patriarchal interpretation of *Surah an-Nisa* 4:34, some laws implicitly or explicitly permit physical disciplining (*daraba*) of a wife in a state of ‘disobedience’ (*nushuz*), as long as it does not cause ‘great harm’. Furthermore, in many countries rape and sexual violence within marriage are not criminalized because marital sex is considered a husband’s right and a wife’s duty (Ali, 2006).

However, there is a range of opinions as to the meanings of the terms ‘*daraba*’ and ‘*nushuz*’, and applying different meanings could lead to opposite interpretations (Ali, 2003; Mahmoud, 2006; Shaikh, 1997). For instance, Syed Qutb, in *The Shade of the Qur’an*, defines ‘*nushuz*’ as ‘disruption of marital harmony’ and suggests three methods for regaining harmony: ‘*shura*’, consultation between the two parties or with the help of arbiters; separation from the bed, and giving one another time and space to calm down; and ‘*daraba*’, which he understands as ‘a single strike’ (SIS, 1991, p. 10). Furthermore, the word ‘*daraba*’ does not necessarily imply violence and has many other meanings within the Qur’an, such as to ‘strike out on a journey’ or ‘to set an example’ (Wadud, 1999).

Spousal violence goes against the practice of the Prophet Muhammad, who is reported to have said, ‘The most perfect of the believers is the best of you in character; and the best of you are those among you who are best to their wives’. In another report, he said: ‘Could any of you beat your wife as he would a slave, and then lie with her in the evening?’ (SIS, 1999, p. 14–15). In this regard, domestic violence, including marital rape, constitutes serious abuse of a wife and contradicts the Prophet’s practice.

The following resources provide an introduction to the work of several feminist and Muslim scholars who examine and challenge the work of classical exegetes and their interpretations of *Surah an-Nisa* 4:34 (Dunn et al., 2010; Hammer, 2016; Netller, 1999; Mahmoud, 2006). They demonstrate the negative workings of the classical juristic model of marriage based on a wife’s sexual submission and obedience to the husband in

exchange for financial maintenance, in which violence against women occurs (Ali, 2006; Shaikh, 1997). They offer a holistic reading and contextual interpretation that links Qur'anic verses and prophetic practices on marital relations. This interpretation leads to the condemnation of domestic violence and an egalitarian approach to spousal relations based on partnership (Abou El Fadl, 2005; Ali, 2006; Alkhateeb, n.d.; Dunn et al., 2010; Elsaidi, 2011; Kabbani et al., 2011; Silvers, 2006). Musawah maintains that prohibiting all forms of domestic violence is not against Islam but, on the contrary, is consistent with Qur'anic principles of justice, equality, dignity, love and compassion.

Books, book chapters and articles

- ◆ Abou El Fadl, Khaled. 2005. 'The Beating of Wives' and 'The Beating of Wives Revisited'. In: *The Search for Beauty in Islam: A Conference of the Books*, pp. 107–122. New Edition. Oxford: Rowman and Littlefield Publishers.
- ◆ Ali, Kecia. 2006. "The Best of You Will Not Strike": Al-Shafi'i on Qur'an, Sunnah, and Wife-Beating'. *Comparative Islamic Studies* 2(2), pp. 143–155.
- ◆ Ali, Kecia. 2003. 'Understanding a Difficult Verse, Qur'an 4:34'. The Feminist Sexual Ethics Project. Available at: <http://www.brandeis.edu/projects/fse/muslim/diff-verse.html>
- ◆ Douki, S., F. Nacef, A. Belhadj, A. Bouasker, and R. Ghachem. 2003. 'Violence Against Women in Arab and Islamic Countries'. *Archives of Women's Mental Health* 6(3), pp. 165–171.
- ◆ Dunn, Shannon, and Rosemary B. Kellison. 2010. 'At the Intersection of Scripture and Law: Qur'an 4:34 and Violence against Women'. *Journal of Feminist Studies in Religion* 26(2), pp. 11–36.
- ◆ Hammer, Julianne. 2016. 'To Work for Change: Normativity, Feminism, and Islam'. Roundtable on Normativity in Islamic Studies. *Journal of the American Academy of Religion* 84(1), pp. 98–112.
- ◆ Hammer, Julianne. 2013. "Men are the Protectors of Women": Negotiating Marriage, Feminism, and (Islamic) Law in American Muslim Efforts against Domestic Violence'. In: Marie Failing, Elizabeth R. Schiltz, and Susan J. Stabile. *Feminism, Law, and Religion*, pp. 232–256. Surrey, UK: Ashgate.
- ◆ Hajjar, Lisa. 2004. 'Religion, State Power, and Domestic Violence in Muslim Societies: A Framework for Comparative Analysis'. *Law & Social Inquiry* 29(1), pp. 1–38.
- ◆ Elsaidi, Murad H. 2011. 'Human Rights and Islamic law: A Legal Analysis Challenging the Husband's Authority to Punish "Rebellious" Wives'. *Muslim World Journal of Human Rights* 7(2), pp. 1–25.
- ◆ Kabbani, Hisham M., and Homayra Ziad. 2011. *The Prohibition of Domestic Violence in Islam (FATWA)*. Washington, DC: World Organization for Resource Development and Education. Available at: <http://www.worde.org/wp-content/uploads/2011/12/DV-Fatwa-Online-Version.pdf>
- ◆ Nettler, Ronald L. 1999. 'Mohamed Talbi's Commentary on Qur'an IV: 34: A "Historical Reading" of a Verse Concerning the Disciplining of Women'. *The Maghreb Review* 24(1–2), pp. 19–31.
- ◆ Mahmoud, Mohamed. 2006. 'To Beat or Not to Beat: On the Exegetical Dilemmas over Qur'an, 4:34'. *Journal of the American Oriental Society* 126(4), pp. 537–550.
- ◆ Scott, Rachel M. 2009. 'A Contextual Approach to Women's Rights in the Qur'an: Readings of 4:34'. *The Muslim World* 99, pp. 60–85.
- ◆ Shaikh, Sa'diyya. 1997. 'Exegetical Violence: Nushuz in Quranic Gender Ideology'. *Journal for Islamic Studies* 17, pp. 49–73. Available at: http://www.academia.edu/381552/Shaiikh_S._1997._Exegetical_Violence_Nushuz_in_Quranic_Gender_Ideology._Journal_for_Islamic_Studies_17_49-73

- ◆ Silvers, Laury. 2006. "In the Book We Have Left Out Nothing": The Ethical Problem of the Existence of Verse 4:34 in the Qur'an'. *Comparative Islamic Studies* 2(2), pp. 171–180. Available at: <http://laurysilvers.files.wordpress.com/2011/11/silversin-the-book-we-have2008-02-21.pdf>
- ◆ Usta, Jinan, JoAnn M. Farver, and Christine Sylva Hamieh. 2015. 'Effects of Socialization on Gender Discrimination and Violence Against Women in Lebanon'. *Violence Against Women* 22(4), pp. 416–431. Available at: <http://vaw.sagepub.com/content/early/2015/09/18/1077801215603509.abstract>
- ◆ Wadud, Amina. 1999. 'Nushuz, The Disruption of Marital Harmony'. In *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*. New York: Oxford University Press, pp. 74–78. Available at: <http://www.weldd.org/sites/default/files/Wadud%20Amina%20Qur'an%20and%20Women.pdf>
- ◆ Wadud, Amina. 2006. 'Qur'an, Gender, and Interpretive Possibilities'. In: Amina Wadud. *Inside the Gender Jihad: Women's Reform in Islam*, chap. 6, pp. 187–216. Oxford: Oneworld.

Resources from international institutions and non-governmental organizations

- ◆ Cross, Pamela. 2013. *Violence Against Women. Health and Justice for Canadian Muslim Women*. Canadian Council of Muslim Women. Available at: http://ccmw.com/wp-content/uploads/2013/07/EN-VAW_web.pdf
- ◆ Ertürk, Yakin. 2008. *Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences: Indicators on Violence against Women and State Response*. Human Rights Council, A/HRC/7/6. Available at: <http://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/104/47/PDF/G0810447.pdf?OpenElement>
- ◆ Sisters in Islam & Yasmin Masidi. 1991, revised edition 2009. 'Are Muslim Men Allowed to Beat Their Wives?' Malaysia: Sisters in Islam. Available at: http://www.sistersinislam.org.my/files/downloads/are_muslim_men_allow_to_beat_their_wives_v12-1.pdf
- ◆ UNICEF. 2006. *Behind Closed Doors: The Impact of Domestic Violence on Children*. UNICEF Child Protection Section: New York. Available at: <http://www.unicef.org/media/files/BehindClosedDoors.pdf>
- ◆ UNICEF Innocenti Digest. 2000. *Domestic Violence Against Women and Girls*. UNICEF Innocenti Research Centre: Italy. Available at: <http://www.unicef-irc.org/publications/pdf/digest6e.pdf>
- ◆ Women's Islamic Initiative in Spirituality and Equality (WISE). n.d. 'Current Issues: Domestic Violence'. Available at: <http://www.wisemuslimwomen.org/currentissues/domesticviolence/>
- ◆ Women's Islamic Initiative in Spirituality and Equality (WISE) Muslim Women's Shura Council. n.d. 'Domestic Violence: A Violation of Islam'. [2-Page Digest]. Available at: http://www.wisemuslimwomen.org/images/uploads/WISE_Shura_Council_2-page_Digest_Against_Domestic_Violence.pdf

International conventions, declarations and resolutions

- ◆ Committee on the Elimination of Discrimination Against Women (United Nations). 1992. 'General Recommendation 19: Violence against Women'. Available at: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf
- ◆ 'Declaration on the Elimination of Violence Against Women', United Nations General Assembly Resolution 48/104 of 20 December 1993. Available at: <http://www.un.org/documents/ga/res/48/a48r104.htm>

- ◆ 'Elimination of Domestic Violence Against Women', United Nations General Assembly Resolution 58/147 of 19 February 2004. Available at: <http://www.worldlii.org/int/other/UNGARsn/2003/185.pdf>
- ◆ 'Accelerating Efforts to Eliminate All Forms of Violence Against Women: Eliminating Domestic Violence', Human Rights Council Resolution 29/ L.16, UN Doc. A/HRC/29/L.16/Rev.1, 1 July 2015. Available at: <http://documents-dds-ny.un.org/doc/UNDOC/LTD/G15/140/16/PDF/G1514016.pdf?OpenElement>
- ◆ 'Accelerating Efforts to Eliminate All Forms of Violence Against Women: Ensuring Due Diligence in Prevention', Human Rights Council Resolution 14/12, UN Doc. A/HRC/RES/14/12, 30 June 2010. Available at: <http://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/147/99/PDF/G1014799.pdf?OpenElement>

Divorce

Although the Qur'an privileges reconciliation between spouses, Muslim marriage contracts, like any other contract, can be dissolved. However, in most Muslim family laws, women and men still have unequal access to divorce. While under classical *fiqh*, marriage is defined as a bilateral act requiring the consent of both contracting parties, divorce is defined as a unilateral act that takes legal effect at the will of the husband (*talaq*). This form of divorce, which is the most commonly practiced, does not require the wife's consent. Furthermore, a repudiated wife must observe a waiting period (*'iddah*) of three menstrual cycles (approximately three months) to make sure she is not pregnant. During this period, she is entitled to receive financial maintenance, the deferred portion of her dower when applicable and, depending on the school of *fiqh*, a 'gift of consolation' (*nafaqah al mut'ah*) paid by the husband (Ali, 2003(a); Ahmad, 2009; Sonbol, 1996; Mir-Hosseini, 2004; Welchman, 2007).

Depending on the school of jurisprudence, in classical *fiqh*, women have only two forms of access to divorce: divorce for compensation (*khul'*) and judicial divorce for cause (*faskh*, *firaq* or *taqliq*). Divorce for compensation requires the consent of both parties, and involves a renunciation of the wife's post-divorce financial rights (*mahr* (dower)). She is also sometimes required to pay additional compensation (*'iwad*).

Divorce for cause differs among the traditional schools in terms of the grounds on which women are allowed to initiate divorce. One exception is that all schools allow one spouse to annul the marriage contract before its consummation. Other grounds range from presumed widowhood (husband missing for a long period), to non-support, abandonment and injury (*darar*). In all forms of divorce, the wife must observe a waiting period of *'iddah* before being able to remarry (Ali, 2003(a); Mir-Hosseini, 2007; Sonneveld, 2012; Welchman, 2000, 2007).

Women are often disadvantaged under '*talaq*' and '*khul'*' forms of divorce, as they may impact women's economic situation and well-being (Anwar, 2006; SIS, 2014). The husband's right to unilateral divorce violates international standards of equal rights and responsibilities during marriage and its dissolution (CEDAW, 1979; ICCPR, 1996). Furthermore, it contravenes two Qur'anic verses: *Surah al-Baqarah* 2:229, which calls on parties to the marriage to 'either hold together on equitable terms (*ma'ruf*), or separate with kindness (*ihsan*)'; and *Surah an-Nisa* 4:35 on spousal parity in arbitration and

mediation proceedings: 'If you fear a breach between a married couple, appoint (two) arbiters, one from among his people, and the other from among her people' (Ali, 2003).

Various *fiqh* schools have provided grounds for more egalitarian access to divorce. 'Delegated divorce' (*talaq-i-tafwid*), as commonly practiced in South Asia, allows women the right to initiate by stipulating in the marriage contract that the husband delegates to his wife the right to unilaterally repudiate the marriage without cause (Carrol and Kapoor, 1996). Women can also initiate divorce for breach of stipulations as contracted by the spouses (*ta'liq*) (Ali, 2008). When the Moroccan family code (Moudawana) was reformed in 2004, a new form of egalitarian divorce was introduced by drawing on *Surah an-Nisa* 4:35. This procedure enables both Moroccan women and men to file for divorce on grounds of 'irreconcilable differences' (*shiqaq*). Once filed, and if all attempts at reconciliation fail, the courts must grant the divorce within six months (Kristianasen, 2007).

It is thus possible for Muslim states to abolish the husband's right to unilateral divorce; and to formulate divorce laws that provide equal rights at the dissolution of marriage, including the grounds for divorce, the division of matrimonial assets and child custody. The following resources offer a critical analysis of divorce laws in classical Islamic jurisprudence and demonstrate its various applications under Muslim family laws. They provide tools and arguments to advocate for equal rights and responsibilities at the dissolution of the marriage contract (Ali, 2003(b), 2016; Gohir, 2016; Mehdi et al., 2012; Mir-Hosseini, 2000; Pereira, 2000; Wadud, 1999; Welchman, 2007).

Books, book chapters and articles

- ◆ Ali, Kecia. 2016. 'Lesser Evils: Divorce in Islamic Ethics'. In: Kecia Ali. *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence*. Expanded and revised edition. London: Oneworld, pp. 28–49.
- ◆ Ali, Kecia. 2008. 'Marriage in Classical Islamic Jurisprudence: A Survey of Doctrines'. In: Asifa Quraishi and Frank E. Vogel. *The Islamic Marriage Contract: Case Studies in Islamic Family Law*, pp. 11–45. Cambridge, Mass.: Harvard University Press.
- ◆ Ali, Kecia. 2003(a). 'Divorce'. *The Feminist Sexual Ethics Project*. July 1, 2003. Available at: <http://www.brandeis.edu/projects/fse/muslim/divorce.html>
- ◆ Ali, Kecia. 2003(b). 'Progressive Muslims and Islamic Jurisprudence: The Necessity for Critical Engagement with Marriage and Divorce Law'. In: Omid Safi, ed. *Progressive Muslims: On Justice, Gender and Pluralism*, pp.163–189. Oxford: Oneworld.
- ◆ Ahmad, Nehaluddin. 2009. 'A Critical Appraisal of "Triple Divorce" in Islamic Law'. *International Journal of Law, Policy and the Family* 23(1), pp. 53–61.
- ◆ Anwar, Zainah. 2006. 'Stemming the "I Divorce You" Trend'. *New Straits Times*. Available at: <http://www.sistersinislam.org.my/news.php?item.356.6>
- ◆ Carrol, Lucy and Harsh Kapoor, eds. 1996. *Talaq-i-Tafwid, The Muslim Woman's Contractual Access to Divorce: An Information Toolkit*. Women Living Under Muslim Laws: Grabels. Available at: <http://www.wluml.org/sites/wluml.org/files/import/english/pubs/pdf/misc/talaq-i-tawfid-eng.pdf>
- ◆ Kristianasen, Wendy. 2007. 'Divorce Moroccan-style'. *Le Monde diplomatique, English Edition LMD*. Available at: <http://mondediplo.com/2007/08/07divorce>
- ◆ Masud, Muhammad Khalid. 2012. 'Interpreting Divorce Laws in Pakistan'. In: Rubya Mehdi, Werner Menski, and Jørgen S. Nielsen, eds. *Interpreting Divorce Laws in Islam*. Copenhagen: DJØF Publishing.

- ◆ Mehdi, Rubya, Werner Menski, and Jørgen S. Nielsen, eds. 2012. *Interpreting Divorce Laws in Islam*. Copenhagen: DJØF Publishing.
- ◆ Mir-Hosseini, Ziba. 2004. 'Divorce'. *Encyclopedia of Islam and the Muslim World*, Vol I, p. 182–183. Macmillan Reference USA.
- ◆ Mir-Hosseini, Ziba. 2007. 'When a Woman's Hurt Becomes an Injury: "Hardship" as Grounds for Divorce in Iran'. *Hawwa: Journal of Women in the Middle East and the Islamic World* 5(1), pp. 111–126. Available at: <http://www.zibamirhosseini.com/documents/mir-hosseini-article-when-women-hurt-becomes-injury-2007.pdf>
- ◆ Mir-Hosseini, Ziba. 2000. *Marriage on Trial: Islamic Family Law in Iran and Morocco*. Revised edition. London: I. B. Tauris.
- ◆ Sonbol, Amira El-Azhary. 1996. *Women, the Family, and Divorce Laws in Islamic History*. Syracuse, New York: Syracuse University Press.
- ◆ Sonneveld, Nadia. 2012. *Khul' Divorce in Egypt: Public Debates, Judicial Practices, and Everyday Life*. Cairo: The American University in Cairo Press.
- ◆ Wadud, Amina. 1999. 'Divorce'. In: *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*, pp. 79–80. New York: Oxford University Press. Available at: <http://www.weldd.org/sites/default/files/Wadud%20Amina%20Qur'an%20and%20Women.pdf>
- ◆ Welchman, Lynn. 2007. 'Divorce'. In: *Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy*, pp. 107–132. Amsterdam: Amsterdam University Press. Available at: [http://openaccess.leidenuniv.nl/bitstream/handle/1887/13374/Women and Muslim Family Laws in Arab States.pdf](http://openaccess.leidenuniv.nl/bitstream/handle/1887/13374/Women%20and%20Muslim%20Family%20Laws%20in%20Arab%20States.pdf)
- ◆ Welchman, Lynn. 2000. 'Getting Divorced: Deeds and Processes of Talaq and Khul'. In: *Beyond the Code: Muslim Family Law and the Shar'ia Judiciary in the Palestinian West Bank*, chap. 6, p. 247–280.
- ◆ Welchman, Lynn. 2000. 'Litigating Divorce: Claims and Procedures for Tafriq and Faskh'. In: *Beyond the Code: Muslim Family Law and the Shar'ia Judiciary in the Palestinian West Bank*, chap. 7, p. 281–318. The Hague: Kluwer Law International.

Resources from international institutions and non-governmental organizations

- ◆ Canadian Council of Muslim Women (booklet). 2014. *Divorce: Muslim and Canadian Family Laws*. Ontario, Canada: CCMW. Available at: <http://ccmw.com/wp-content/uploads/2014/04/Divorce.pdf>
- ◆ Gohir, Shaista. 2016. 'Information and Guidance on Muslim Marriage and Divorce in Britain'. *Muslim Women's Network UK*. Available at: http://www.mwnuk.co.uk/go_files/resources/MWNU%20Marriage_Divorce%20Report_WEB2.pdf
- ◆ Human Rights Watch. 2004. 'Divorced from Justice: Women's Unequal Access to Divorce in Egypt'. *HRW* 16(8)(E). Available at: <http://www.hrw.org/reports/2004/egypt1204/egypt1204.pdf>
- ◆ Pereira, Faustina. 2000. *Dossier 22: Post Divorce Maintenance for Muslim Women and the Islamist Discourse*. Women Under Muslim Laws. Available at: <http://www.wluml.org/node/334>
- ◆ Sisters in Islam. 2014. 'Divorce by Text Message'. Sisters in Islam. Available at: <http://www.sistersinislam.org.my/news.php?item.157.27>

- ❖ Women's Islamic Initiative in Spirituality and Equality (WISE). n.d. 'Current Issues: Separation & Divorce Laws'. Available at:
<http://www.wisemuslimwomen.org/currentissues/separationanddivorcelaws/>

International conventions, declarations and resolutions

- ❖ Convention on the Elimination of All Forms of Discrimination against Women, United Nations General Assembly Resolution 34/180, 18 December 1979. Entered into Force 3 September 1981. Article 16(c) on equality of rights during marriage and its dissolution. Available at:
<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article16>
- ❖ Committee on the Elimination of Discrimination Against Women. 2013. 'General Recommendation 29: Economic Consequences of Marriage, Family Relations and their Dissolution'. Section VII on economic and financial consequences upon dissolution of relationships. UN Doc. CEDAW/C/GC/29. Available at:
<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhslDCrOIUTvLRFDjh6%2Fx1pWDn3WHqqJ3IVTSBdup3cNv3DQC%2FGcQdgTzvPZJiBI3Uvy2%2FdGCrYDfjaxHtk2Xa0GOPds69ZKD4rX0xgLCmpw%2FA>
- ❖ International Covenant on Civil and Political Rights, United Nations General Assembly resolution 2200A (XXI) of 16 December 1966. Entered into force 23 March 1976. Article 23(4) on rights and responsibilities of spouses. Available at:
<http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

Custody and Guardianship of Children

The Convention on the Rights of the Child (1989) asserts that the best interests of the child shall be a primary consideration in all actions concerning children (article 3). It further states that the parents have the primary responsibility to secure the conditions of living necessary for the child's physical, mental, spiritual, moral and social development (article 27). According to the CEDAW Convention (1979), the parents share the same rights and responsibilities in matters relating to their children, whether they are married or not. This includes the same rights 'to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights'. Furthermore, the parents must have equal 'rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount' (article 16).

Traditional *fiqh* jurisprudence distinguishes between '*wilayah*' (commonly defined as guardianship) and '*hadanah*' (commonly defined as custody). During marriage, the father traditionally has the prerogative of *wilayah*, literally meaning 'to protect' or 'to defend', which consequently allows him to take decisions on behalf of his children. The mother holds the prerogative of *hadanah*, the nourishing and upbringing of her children. The financial maintenance (*nafaqah*) of the child (shelter, food and clothing) is incumbent upon the father (Rafiq, 2014; *Oxford Dictionary of Islam*).

In case of divorce, all Sunni schools of *fiqh* agree that the physical custody of children belongs to the mother or other women relatives during the child's initial years (approximately until the age of seven) while the father retains legal guardianship. The Sunni schools of *fiqh* differ in custody laws for boys and girls after the age of seven. According to the Hanafi school, custody is transferred to the father or other male relatives after the age of seven for the boy and after puberty for the girl. For the Shafi'i and Hanbali

schools, the mother retains the physical custody of both girls and boys until the age of seven. After this period, children have the right to choose with whom they want to live. For the Maliki school of law, mothers retain custody of their sons until they reach puberty and until their daughters get married (Abou Ramadan, 2002; Rafiq, 2014; Welchman, 2007; *Oxford Dictionary of Islam*; WLUMML, 2006).

In traditional Shi'a *fiqh*, a mother has the physical custody of her son until he reaches the age of two, and of her daughter until she reaches the age of seven. After this initial period of custody, the children are often handed over to their fathers.

The majority of contemporary Muslim family laws on child custody continue to discriminate against women. For instance, if the mother remarries, she often loses custody of her children. This is based upon a *hadith* reporting the Prophet to have said that a divorced mother has the primary right to care for her children unless she remarries. However, this *hadith* could also be interpreted as giving the mother a prior right of custody over her children before she remarries. After, both parents have equal rights to custody, according to the children's best interest.

While mothers are often given physical custody (*hadanah*) of their children, they cannot hold guardianship (*wilayah*) over their children. Thus, the father or other male guardian must consent to medical treatment, obtaining identity documents, travel, enrolment in or transfer to new schools, management of finances, etc.

In addition, divorced mothers often suffer from inadequate state or institutional procedures for ensuring that fathers pay maintenance for their children. Therefore, in addition to facing the loss of custody when their children grow older, mothers can potentially lose physical custody of their children because of financial constraints (Abou Ramadan, 2002; Shehada, 2009; SIS, 2013; Welchman, 2007; WLUMML, 2006).

The Qur'an does not distinguish between fathers and mothers where the upbringing of children is concerned. *Surah al-Baqarah* 2:233 states that 'No mother should be harmed through her child, and no father through his child' and that parents should exercise 'mutual consent and consultation' with each other regarding the upbringing of their children. Parental roles are often dominated by patriarchal gender-based norms both within the Muslim world and outside of it. Women are considered to be caregivers and men providers. However, given contemporary realities, women are often providing for themselves and for their children, whether they are married or divorced. The ability to parent well and provide good care for the child requires that both mothers and fathers share the right to guardianship, taking into account the best interests of the child (Ishaque et al., 2015; Möller, 2015; Shehada, 2009; SIS, 2013; Wadud, 1999; Welchman, 2015; WLUMML, 2006; Yassari, 2015).

Musawah believes that both parents should have the same rights and responsibilities in matters relating to their children, and that the child's best interests should be paramount in determinations of custody and guardianship rights. Some Muslim countries have already implemented equal rights for men and women in terms of custody and guardianship of children, demonstrating that such change is possible ([Musawah Thematic Reports and Oral Statements on Article 16](#); Möller, 2015; Welchman, 2007; WLUMML, 2006; Yassari, 2015).

Books, book chapters and articles

- ❖ 'Hadana'. Definition in *The Oxford Dictionary of Islam*. Oxford Islamic Studies Online. Available at: http://www.oxfordislamicstudies.com/article/opr/t125/e756?_hi=0&_pos=4
- ❖ Ishaque, Shabnam and Muhammad Mustafa Khan. 2015. 'The Best Interests of the Child: A Prevailing Consideration within Islamic Principles and a Governing Principle in Child Custody Cases in Pakistan'. *International Journal of Law, Policy and the Family* 29(1), pp. 78–96.
- ❖ Möller, Lena-Maria. 2015. 'An Enduring Relic: Family Law Reform and the Inflexibility of Wilaya'. *American Journal of Comparative Law* 63(4), pp. 893–925. Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2714361##
- ❖ Rafiq, Aayesha. 2014. 'Child Custody in Classical Islamic Law and Laws of Contemporary Muslim World (An Analysis)'. *International Journal of Humanities and Social Science* 4(5), pp. 267–277. Available at: http://www.ijhssnet.com/journals/Vol_4_No_5_March_2014/29.pdf
- ❖ Ramadan, Moussa Abou. 2002. 'The Transition from Tradition to Reform: The Shari'a Appeals Court Rulings on Child Custody (1992–2001)'. *Fordham International Law Journal* 26(3), pp. 595–655. Available at: <http://pdfs.semanticscholar.org/1270/1e1bbd5947af8a772953cf7f9182434bbd79.pdf>
- ❖ Shehada, Nahda. 2009. 'Negotiating Custody Rights in Islamic Family Law'. In: Thomas Kirsch and Bertram Turner, eds. *Permutations of Order*. Aldershot/Burlington: Ashgate. Available at: <http://repub.eur.nl/pub/18438/shehada.pdf>
- ❖ Wadud, Amina. 1999. 'Child Care'. In: *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*, pp. 89–91. New York: Oxford University Press. Available at: <http://www.weldd.org/sites/default/files/Wadud%20Amina%20Qur'an%20and%20Women.pdf>
- ❖ Welchman, Lynn. 2015. 'Qiwamah and Wilayah as Legal Postulates in Muslim Family Laws'. In: Ziba Mir-Hosseini, Mulki Al-Sharmani, and Jana Rumminger, eds. *Men in Charge? Rethinking Authority in Muslim Legal Tradition*, pp. 132–162. London: Oneworld. Summary available at: <http://www.musawah.org/sites/default/files/MICchapter6LWsummary.pdf>
- ❖ Welchman, Lynn. 2007. 'Parents and Children'. In: *Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy*, chap. 10, pp. 133–150. Amsterdam: Amsterdam University Press. Available at: [http://openaccess.leidenuniv.nl/bitstream/handle/1887/13374/Women and Muslim Family Laws in Arab States.pdf](http://openaccess.leidenuniv.nl/bitstream/handle/1887/13374/Women%20and%20Muslim%20Family%20Laws%20in%20Arab%20States.pdf)
- ❖ Yassari, Nadjma, Lena-Maria Möller, and Imen Gallala-Arndt. 2015. 'Introduction – Negotiating Parenthood in Muslim Countries: Changing Concepts and Perceptions'. *American Journal of Comparative Law* 63(4), pp. 819–827. Available at: http://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID2714307_code1429743.pdf?abstractid=2714307

Resources from international institutions and non-governmental organizations

- ❖ Canadian Council of Muslim Women. 2014. *Custody and Child Support* (booklet). Ontario, Canada: CCMW. Available at: http://ccmw.com/wp-content/uploads/2014/04/Custody_and_Child_Support.pdf
- ❖ Sisters in Islam. 2002. *Guardianship Law and Muslim Women*. Kuala Lumpur: Sisters in Islam (SIS) Working Paper Series. Available at: <http://www.sistersinislam.org.my/news.php?item.1164.51>
- ❖ Women Living Under Muslim Laws. 2006. 'Matters Related to Dissolution of Marriage: Custody and Guardianship of Children'. In: WLUML. *Knowing Our Rights: Women, Family, Laws and*

Customs in the Muslim World, chap. 10(d), pp. 337–347. Third edition. Nottingham, UK: The Russell Press. Available at: http://www.wluml.org/sites/wluml.org/files/import/english/pubs/pdf/knowning%20our%20rights/kor_2006_en.pdf

- ❖ Women's Islamic Initiative in Spirituality and Equality (WISE) Muslim Women's Shura Council. 2011. 'Adoption and the Care of Orphan Children: Islam and the Best Interests of the Child'. [The Digest]. American Society for Muslim Advancement. Available at: http://www.wisemuslimwomen.org/images/activism/Adoption_%28August_2011%29_Final.pdf
- ❖ Women's Islamic Initiative in Spirituality and Equality (WISE). n.d. 'Current Issues: Parental Rights'. Available at: <http://www.wisemuslimwomen.org/currentissues/parentalrights/>

International conventions, declarations and resolutions

- ❖ Convention on the Elimination of All Forms of Discrimination against Women, United Nations General Assembly Resolution 34/180, 18 December 1979. Entered into Force 3 September 1981. Article 16(d), (e) & (f) on parents' rights and responsibilities in matter relating to their children. Available at: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article16>
- ❖ Convention on the Rights of the Child, United Nations General Assembly Resolution 44/25 of 20 November 1989. Entered into force 2 September 1990. Articles 2, 3, 5, 14, 18, 19. Available at: <http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>
- ❖ Convention on the International Recovery of Child Support and other Forms of Family Maintenance. Hague Conference on Private International Law, concluded 23 November 2007. Entered into force on 1 January 2013. Available at: <http://assets.hcch.net/docs/14e71887-0090-47a3-9c49-d438eb601b47.pdf>
- ❖ Convention on the Civil Aspects of International Child Abduction. Hague Conference on Private International Law, concluded 25 October 1980. Entered into force 1 December 1983. Available at: <http://assets.hcch.net/docs/e86d9f72-dc8d-46f3-b3bf-e102911c8532.pdf>

Intersections Between Laws

The boundaries between the different areas of law are not watertight. Discriminatory provisions of family law frequently overlap with other areas, such as penal and inheritance laws. For instance, since marriage is the only religiously sanctioned way for Muslims to have sexual relations, what occurs outside this institution constitutes an offence in some countries and may be sanctioned by penal laws. Such laws often discriminate against women and children born out of wedlock.

Similarly, the classical marriage contract, based on the concept of *qiwamah* (the husband's protection and authority over his wife) and *wilayah* (male guardianship over dependent family wards), is at the root of the discriminatory provisions of inheritance laws. Under the *qiwamah* logic, men are expected to provide for the family, and women to be provided for by their male guardians. As such, women are traditionally granted lesser shares of inheritance.

Penal Laws

By definition, sanctions are coercive measures imposed by the legislator against those who breach the law. Under classical *fiqh* jurisprudence, human acts are generally classified into five categories: mandatory (*wajib*); recommended (*mustahab*); permitted (*mubah*); disapproved (*makruh*); and prohibited (*muḥaram*). Consequently, based on their interpretation of Islamic primary textual sources (Qur'an and *Sunnah*), classical *fiqh* jurists have defined three categories of crimes according to punishment: *hudud* (limit, restriction or prohibition); *qisas* (retribution); and *ta'zir* (discipline) (Peters, 2005).

Qisas laws concern crimes committed against another person, such as bodily harm and homicide (*jinayat*). Drawing from the eye-for-an-eye principle, while limiting liability to intentional acts, these laws involve private claims of compensation (*diyya*), and may include honour crimes. *Ta'zir* laws are the most flexible. They apply to crimes whose punishment is not specified by textual sources, but left to the judge's discretion (Al-Jaffal, 2015; Azam, 2013; Mir-Hosseini, 2010; Peters, 2005).

Qisas and *ta'zir* laws follow the principle of equivalence between the sentencing and the seriousness of an offence, *hudud* laws concern crimes with mandatory and fixed punishments derived from the primary Islamic textual sources (Qur'an and *Sunnah*). This category covers five offenses: illicit sexual intercourse (*zina*); unfounded allegation of *zina* (*qadhf*); theft (*sariqa*); highway robbery (*as-sirqa al kubra*); and wine-drinking (*khamr/sukr*). Some schools (Hanbali, Maliki and Shafi'i) include bodily harm, rebellion and apostasy, increasing the *hudud* offenses to eight (Burton, 1993; Mir-Hosseini, 2010; Peters, 2005).

Women often face discrimination in the prosecution of *zina* offences and their related punishments, such as whipping or stoning. *Zina* is defined as 'the act of sexual intercourse between two persons outside a valid marriage (*nikah*), 'established by confession or by the testimony of four eyewitnesses who have witnessed the actual act of penetration and must concur in their accounts' (Mir-Hosseini 2010, p.14). The *fiqh* literature further demonstrates the complexity and multiple dimensions of the set of norms developed for the regulation of sexuality; to safeguard blood relations and honour; and to ensure legitimate paternity (*ibid*, p. 20). Although classical jurists differed about the conditions required for a valid confession and testimony, they tried to make conviction for *zina* impossible, given the seriousness of unfounded allegations of *zina* (Ali, 2003; Abu-Odeh, 1996; Azam, 2013; Burton, 1993; Jansen, 2000; Mir-Hosseini, 2010).

Zina laws are not divine and immutable, as is often claimed, but were meant to guard public decency and serve as a call for repentance and self-reformation. Mir-Hosseini explores the different ways in which these laws can be challenged, through the re-examination of the textual sources from which these rulings have been inspired (Qur'an and *hadith*), suggesting that *zina* laws must be seen as a crime of public indecency rather than a punishment for private consensual sexual relationships (2010, p. 25) (see also Ali, 2003; Burton, 1993; Engineer, 2007; Mir-Hosseini, 2010; Quraishi, 2008).

The following resources introduce the historical context and mechanisms of construction of penal laws within Muslim legal tradition. They explore the dynamic relationship between politics, religion, law and gender that led to the recent revival of *zina* laws and punishments in contemporary legal systems across the Muslim world (Peter, 2005). They provide challenges from legal and religious perspectives and tools and arguments that

can lead to the abolition of *zina* laws (Ali, 2003; Engineer, 2007; Mir-Hosseini, 2010; Peters, 2005; Terman, 2007; Quraishi, 2008).

Books, book chapters and articles

- ◆ Abu-Odeh, Lama. 2010. 'Honor Killings and the Construction of Gender in Arab Societies'. *The American Journal of Comparative Law* 58, pp. 911–952. Available at: <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2644&context=facpub>
- ◆ Ali, Kecia. 2003. 'Flogging, Stoning and Illicit Sex: A Look at *Hadd* Punishments for Adultery and Fornication in Qur'an, *Ahadith* and Islamic Jurisprudence'. *Azizah* 3(2), pp. 14–19.
- ◆ Al-Jaffal, Omar. 2015. 'Blood Money Marriage Makes Comeback in Iraq'. *Al-Monitor*. Available at: <http://www.al-monitor.com/pulse/originals/2015/06/iraq-tribes-women-blood-money-marriage-dispute-settlement.html>
- ◆ Azam, Hina. 2013. 'Rape'. In: *The [Oxford] Encyclopedia of Islam and Law. Oxford Islamic Studies Online*. Available at: http://www.academia.edu/2083376/Rape_in_Islamic_Law
- ◆ Burton, John. 1993. 'Law and Exegesis: The Penalty for Adultery in Islam'. In: Gerald R. Hawting and Abdul-Kader A. Shareef, eds. *Approaches to the Qur'an*, pp. 269–284. London: Routledge.
- ◆ Engineer, Asghar Ali. 2007. 'Adultery and Qur'anic Punishment'. Institute of Islamic Studies. Available at: <http://www.csss-islam.com/iis/iis-archive36.htm>
- ◆ Jansen, W. 2000. 'Sleeping in the Womb: Protracted Pregnancies in the Maghreb'. *The Muslim World* 90, pp. 218–237.
- ◆ Mir-Hosseini, Ziba. 2010. 'Criminalizing Sexuality: Zina Laws as Violence Against Women in Muslim Contexts'. *Women Living Under Muslim Laws*. Available at: <http://www.zibamirhosseini.com/documents/mir-hosseini-article-criminalizing-sexuality.pdf>
- ◆ Peters, Rudolph. 2005. *Crimes and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-First Century*. Cambridge: Cambridge University Press. Available at: <http://legalportal.am/download/library/p16v8rklpq19vo3pn1vh3ugb1cbe3.pdf>
- ◆ Quraishi, Asifa. 2008. 'Who Says Shari'a Demands the Stoning of Women? A Description of Islamic Law and Constitutionalism'. *Berkeley Journal of Middle Eastern and Islamic Law* 1(4), pp. 163–177. Available at: <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1003&context=jmeil>

Resources from international institutions and non-governmental organizations

- ◆ Karamah: Muslim Women Lawyers for Human Rights. 'Zina, Rape and Islamic Law: An Islamic Legal Analysis of the Rape Laws in Pakistan'. Available at: <http://karamah.org/wp-content/uploads/2011/10/Zina-Rape-and-Islamic-Law-An-Islamic-Legal-Analysis-of-the-Rape-Laws-in-Pakistan1.pdf>
- ◆ Terman, Rochelle. 2007. 'The Stop Stoning Forever Campaign: A Report'. *Women Living Under Muslim Laws*. Available at: <http://www.violenceisnotourculture.org/sites/default/files/StopStoningForever.pdf>
- ◆ Women's Islamic Initiative in Spirituality and Equality (WISE). n.d. 'Current Issues: Stoning'. Available at: <http://www.wisemuslimwomen.org/currentissues/stoning>

International conventions, declarations and resolutions

- ◆ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, United Nations General Assembly resolution 39/46 of 10 December 1984. Entered into force 26 June 1987. Articles 1 and 16 against torture, cruel, inhuman or degrading punishments. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.a>
- ◆ International Covenant on Civil and Political Rights, United Nations General Assembly resolution 2200A (XXI) of 16 December 1966. Entered into force 23 March 1976. Article 7 against torture, cruel, inhuman or degrading treatment of punishment. Available at: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

Inheritance Laws

The term ‘inheritance’ refers to a set of goods and/or properties that one receives upon the death of a relative by way of succession. The structure of inheritance laws, as developed by classical *fiqh* jurists, is one of the most enduring legacies of classical legal thought and one of the most resistant to reform. Those who claim inheritance rights are immutable cite a set of very detailed Qur’anic verses: *Surah al-Baqarah* 2:80 and 240; *Surah an-Nisa* 4:7–9, 11–12, 19, 33, and 176; and *Surah al-Ma’idah* 5:105–108.

The main objective of Muslim inheritance laws is to ensure a fair distribution of the estate of the deceased between her/his close relatives, and therefore to restrict the capacity to bequeath the estate by will. After payment of funeral and burial costs, debts and legacies, specific fractional shares of the estate are distributed according to a detailed scheme of defined heirs. The inheritance rules revealed to the Prophet Muhammad were major reforms from the pre-Islamic customary practices. In those customary practices, females and minors were excluded from inheritance; the nearest adult male agnate (one who trace his relationship to the deceased only through males) inherited the entire estate of the deceased; and descendants (sons) were preferred to ascendants (fathers and grandfathers). Within a specific social structure in which women were expressly disadvantaged, these verses came to safeguard their right to a share in the deceased’s estate.

The traditional *fiqh* rules of inheritance are derived from the basic structure set out in the Qur’an, which was then elaborated and systematized by the various schools of law (*madhhab*), through jurisprudential methods and interpretations. Many modern Muslim nation-states have adapted these rules from one of the major Sunni or Shi’ite schools of law. However, the Qur’anic original intent to ensure a fair and progressive reform of the distribution of the estate was not fulfilled. Women have been discriminated against in inheritance laws based on the interpretation of *Surah an-Nisa* 4:11–12, which makes ‘the share of the male’ equivalent to the ‘portion of two female (siblings)’. This ‘preference principle’, at the root of gender-based discrimination within inheritance rights, has been reinforced by classical jurisprudence schools, and informs the discriminatory contemporary legal inheritance schemes in the Muslim world.

Contrary to the commonly held view, human interpretations have played a key role in shaping both the traditional inheritance rules and the modern codifications of inheritance laws. Therefore, the standard articulation of these rules cannot be considered divinely revealed and immutable rules, but rather man-made *fiqh*. Inheritance rights are crucial for Muslim women because distribution and control of property and assets significantly affect their ability to enjoy stable and fulfilling lives, and to exercise other rights.

Inheritance provisions in many contemporary Muslim laws must thus be conceived from a just and equitable perspective in order to ensure there is fairness and justice in all aspects of family life.

The following resources introduce the construction of inheritance rules in classical Islamic jurisprudence (Bulbul, 2013; Cheema, 2012; Powers, 1986; Radford, 2000) and explore the possibilities of gender-sensitive reforms (Chaudhry, 1997; Reem, 2000; Wadud, 1999; Zaireg, 2014; COHRE, 2005; ICRW, 2006).

Books, book chapters and articles

- ❖ Bulbul, Afroza. 2013. 'Implication of Islamic Law of Inheritance: Ultimate Solution to Family Conflict'. *Asian Journal of Applied Science and Engineering* 2(2), pp. 118–126. Available at: http://publicationslist.org/data/ajase/ref-53/54_11_Template.pdf
- ❖ Chaudhry, Zainab. 1997. 'The Myth of Misogyny: A Reanalysis of Women's Inheritance'. *Albany Law Review* 61, pp. 511–555.
- ❖ Cheema, Shahbaz Ahmad. 2012. 'Shia and Sunni Laws of Inheritance: A Comparative Analysis'. *Pakistan Journal of Islamic Research* 10, pp. 69–82. Available at: <http://www.bzu.edu.pk/PJIR/vol10/eng%206%20Shahbaz%20Cheema%2004-11-13.pdf>
- ❖ Powers, David. S. 1986. *Studies in Qur'an and Hadith: The Formation of the Islamic Law of Inheritance*. Berkeley: University of California Press.
- ❖ Radford, Mary F. 2000. 'The Inheritance Rights of Women Under Jewish and Islamic Law'. *Boston College International and Comparative Law Review* 23(2), pp. 135–184. Available at: <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1205&context=iclr>
- ❖ Reem, Leila. 2000. 'The Better Half?' *Al-Ahram Weekly* 491. Available at: <http://weekly.ahram.org.eg/Archive/2000/491/li1.htm>
- ❖ Wadud, Amina. 1999. 'Inheritance'. In: *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*, pp. 87–88. New York: Oxford University Press. Available at: <http://www.weldd.org/sites/default/files/Wadud%20Amina%20Qur'an%20and%20Women.pdf>
- ❖ Zaireg, Reda. 2014. 'Morocco's Inheritance Dilemma' (translated from French by Pascale el-Khoury). *Al-Monitor*. Available at: <http://www.al-monitor.com/pulse/culture/2014/02/morocco-debate-inheritance-law-women.html#>

Resources from international institutions and non-governmental organizations

- ❖ Canadian Council of Muslim Women (booklet). 2014. *Inheritance*. Ontario, Canada: CCMW. Available at: <http://ccmw.com/wp-content/uploads/2014/04/Inheritance.pdf>
- ❖ Centre on Housing Rights and Evictions (COHRE). 2005. *A Place to Live, Women's Inheritance Rights in Africa*. Netherlands: COHRE. Available at: <http://allafrica.com/download/resource/main/main/idadts/00010683:bc45dfa3d613981a7ac5ff93d6dda56d.pdf>
- ❖ International Center for Research on Women (ICRW). 2006. *Property Ownership and Inheritance Rights of Women for Social Protection – The South Asia Experience*. New Delhi, India: ICRW. Available at: <http://www.icrw.org/files/publications/Property-Ownership-and-Inheritance-Rights-of-Women-for-Social-Protection-The-South-Asia-Experience.pdf>
- ❖ Sisters in Islam. 'Inheritance Reform on Rights'. Available at: http://www.sistersinislam.org.my/files/downloads/inheritance_reform_on_rights.pdf

- ◆ Women's Islamic Initiative in Spirituality and Equality (WISE). n.d. 'Current Issues: Economic Equality and Inheritance Rights'. Available at:
<http://www.wisemuslimwomen.org/currentissues/economicequality/>

International conventions, declarations and resolutions

- ◆ Convention on the Elimination of All Forms of Discrimination against Women, United Nations General Assembly Resolution 34/180, 18 December 1979. Entered into Force 3 September 1981. Article 16(h) on same rights for both spouses in respect of the ownership. Available at:
<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article16>



Resources on Specific Regions and Countries



Introduction

The diversity of codified/uncodified regulations governing matters related to marriage and family life reflects the geographical, cultural and social diversity of the Muslim world.

During the 20th century, Muslim states followed one of three paths in the establishment of their political and legal systems:

1. Islamic law was preserved and governed all matters without codification. This reflects a minority of countries, such as Afghanistan, Saudi Arabia and other Gulf states.
2. Islamic law was selectively codified in matters related to women, family, and inheritance, and abandoned in other matters. Later, some of these codes were amended based on the same selective process. This reflects the majority of countries in the Muslim world.
3. Islamic law was completely abandoned and replaced by a secular legal system. This took place only in Turkey, which replaced Islamic law with the Swiss Civil Code, (among other other legal reforms drawn largely from western European systems), giving Turkish women equal rights and opportunities, including political rights.

Mir-Hosseini (2009, 2012) demonstrates how the rise of political Islam in the 1970s affected the situation of Muslim women in all countries, even where Muslims represent a minority of the population. The main claim of these Islamist movements was the 'return to *Shari'ah*' and its implementation in both private and public law matters. In some Muslim majority countries this led to the dismantling of family law reforms introduced by early modernist governments, and to the reintroduction of abandoned elements of Islamic law such as criminal law (Pakistan, Iran, Nigeria). In countries where Muslims are a minority, Islamist groups took steps to undermine Muslim women's access to equal rights, even where guaranteed by secular constitutions.

The following resources can help in understanding the diversity of laws, codified and uncodified regulations, customs and practices, created from various interpretations of *Shari'ah* in Muslim countries and Muslim minority communities. The first section is a brief list of resources on the development of Muslim family laws generally. The second section contains resources that provide tools, arguments and statements to challenge discriminatory laws in regional or national contexts: (1) Sub-Saharan Africa; (2) Asia; (3) the Middle East and North Africa; and (4) Muslim minority communities in the Global North.

General Resources on the Development of Muslim Family Laws

- ◆ Esposito, John, and Natana Delong-Bas. 2001. 'Modern Muslim Family Law in Comparative Perspective'. In: *Women in Muslim Family Law*, pp. 47–126. Syracuse, New York: Syracuse University Press.
- ◆ Rahman, Fazlur. 1980. 'A Survey of Modernization of Muslim Family Law'. *International Journal of Middle East Studies* 11(4), pp. 451–465.
- ◆ Sonbol, Amira El-Azhary. 'The Genesis of Family Law: How *Shari'ah*, Custom and Colonial Law Influenced the Development of Personal Status Codes'. In Zainah Anwar, ed. *Wanted: Equality and Justice in the Muslim Family*, pp. 179–207. Petaling Jaya, Malaysia: Musawah. Available at:
 - English: <http://www.musawah.org/sites/default/files/Wanted-AEAS-EN-2ed.pdf>
 - Arabic: <http://www.musawah.org/sites/default/files/07%20Sonbol.pdf>
 - French: <http://www.musawah.org/sites/default/files/Wanted-AEAS-FR.pdf>
- ◆ Welchman, Lynn. 2007. *Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy*. Amsterdam: Amsterdam University Press. Available at:
[http://openaccess.leidenuniv.nl/bitstream/handle/1887/13374/Women and Muslim Family Laws in Arab States.pdf](http://openaccess.leidenuniv.nl/bitstream/handle/1887/13374/Women%20and%20Muslim%20Family%20Laws%20in%20Arab%20States.pdf)

Resources on Regional and National Contexts

Sub-Saharan Africa

Regional Resources

- ◆ Callaway, Barbara, and Lucy Creevey. 1994. *The Heritage of Islam: Women, Religion, and Politics in West Africa*. Boulder, CO: Lynne Rienner.
- ◆ Jeppie, Shamil, Ebrahim Moosa, and Richard Roberts, eds. 2010. *Muslim Family Law in Sub-Saharan Africa: Colonial Legacies and Post-Colonial Challenges*. Amsterdam: Amsterdam University Press.
- ◆ Gopal, Gita, and Maryam Salim. 1998. *Gender and Law: Eastern Africa Speaks*. Proceedings of a Conference organized by the World Bank and the Economic Commission for Africa. Washington: The World Bank.
- ◆ Omariba, R.W., and M.H. Boyle. 2007. 'Family Structure and Child Mortality in Sub-Saharan Africa: Cross National Effects of Polygyny'. *Journal of Marriage and Family* 69(2), pp. 528–543.
- ◆ Walker, J.A. 2012. 'Early Marriage in Africa – Trends, Harmful Effects and Interventions'. *African Journal of Reproductive Health* 16(2), pp. 231–240. Available at: <http://www.bioline.org.br/pdf?rh12032>
- ◆ Westley, David M. 1999. 'Female Circumcision and Infibulation in Africa'. *Electronic Journal of Africana Bibliography* 4. Available at: <http://ir.uiowa.edu/cgi/viewcontent.cgi?article=1009&context=ejab>

National Resources



Ethiopia

- ◆ The Revised Family Code Proclamation No. 213/2000. Federal Negarit Gazetta Extra Ordinary Issue No. 1/2000. Available at (English): <http://www.ethioconstruction.net/sites/default/files/Law/Files/family%20code%20%28English%29.pdf>
- ◆ Emory University Islamic Family Law Project Ethiopia Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Desplat, Patrick, and Terje Østebø, eds. 2013. *Muslim Ethiopia: The Christian Legacy, Identity Politics, and Islamic Reformism*. USA: Palgrave Macmillan.
- ◆ Karimi-Taleghani, Patricia H. 2010. "Women's Spirit" and "Spiritual Matter(s)": Gender, Activism and Scholarship in an Ethiopian Eco-Spiritual System'. In: Zayn R. Kassam, ed. *Women and Islam*. California: ABC-CLIO, LLC.



The Gambia

- ◆ Muslim Marriage and Divorce Act, Act No. 1 of 1941. Laws of the Gambia, Vol. 7, Chapter 42:01. Available at: <http://blogs.loc.gov/law/files/2013/12/Gambia-Muslim-Marriage-and-Divorce-Act.pdf>
- ◆ Women's Act (2010). The Gambia Office of the Vice President and Ministry for Women's Affairs. Supplement "C" to The Gambia Gazette of 2010, ISSN 0796-0298. Available at: <http://www.ilo.org/dyn/natlex/docs/MONOGRAPH/90619/115464/F-1335047347/GMB90619.pdf>

- ◆ Emory University Islamic Family Law Project Gambia Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Musawah. 2015. *Musawah Thematic Report on Muslim Family Law: The Gambia*. 61st CEDAW Session. Geneva, Switzerland. Available at: <http://www.musawah.org/sites/default/files/MusawahThematicReportGambia61.pdf>
- ◆ GAMCOTRAP. 2003. *Gambian Women, Law and Customary Practices*. Bakau: The Gambia Committee on Traditional Practices Affecting the Health of Women and Children (GAMCOTRAP). Available at: <http://allafrica.com/stories/200411300568.html>



Ghana

- ◆ Ghana: Act No. 367 of 1971, Matrimonial Causes Act. 1971. Available at: <http://www.refworld.org/docid/548edc3d17.html>
- ◆ Marriage of Mohammedans Ordinance Gold Coast. 1951. Available at: <http://landwise.resourceequity.org/record/1771>
- ◆ Emory University Islamic Family Law Project Ghana Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Ammah, Rabiātu. 2013. 'Islam, Gender and Leadership in Ghana'. *Crosscurrents* 63(2), pp. 227–257. Available at: <http://onlinelibrary.wiley.com/doi/10.1111/cros.12027/abstract>



Kenya

- ◆ Mohammedan Marriage and Divorce Registration Act(1906), Laws of Kenya, Chapter 155, rev. ed. 2012. Available at: <http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/MohammedanMarriageandDivorceRegistrationActCap155.pdf>
- ◆ Emory University Islamic Family Law Project Kenya Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Alidou, Ousseina D. 2013. *Muslim Women in Postcolonial Kenya: Leadership, Representation, and Social Change*. Wisconsin: The University of Wisconsin Press.
- ◆ Hirsch, Susan. 2010. 'State Intervention in Muslim Family Law in Kenya and Tanzania: Applications of the Gender Concept'. In: Shamil Jeppie, Ebrahim Moosa and Richard Roberts, eds. *Muslim Family Law in Sub-Saharan Africa: Colonial Legacies and Post-Colonial Challenges*. Amsterdam: Amsterdam University Press.
- ◆ Wangila, Mary Nyangweso. 2007. *Female Circumcision: The Interplay of Religion, Culture and Gender in Kenya*. New York: Orbis Books.



Mali

- ◆ The Personal and Family Code, Republic of Mali Law No. 11-080/AN-RM (2011). Available at (French): <http://www.demisenya.org/wp-content/uploads/2013/03/mali-code-personnes-famille-2-decembre-2011.pdf>
- ◆ Schulz, Dorothea E. 2003. 'Political Factions, Ideological Fictions: The Controversy Over Family Law Reform in Democratic Mali'. *Islamic Law and Society* 10(1), pp. 132–164.
- ◆ Soares, Benjamin F. 2011. 'Family Law Reform in Mali: Contentious Debates and Elusive Outcomes'. In: Margot Badran, ed. *Gender and Islam in Africa: Rights, Sexuality, and Law*. Stanford: Stanford University Press.

- ◆ Soares, Benjamin F. 2009. 'The Attempt to Reform Family Law in Mali'. *Die Welt des Islams* 49(3-4), pp. 398–428.



Mauritania

- ◆ Personal Status Code (Code du Statut Personnel) (2001). Journal Officiel de la République Islamique de Mauritanie n° 1004, Loi n° 2001.052, pp. 406–436. Available at: (Arabic) <http://www.masef.gov.mr/IMG/pdf/codestatutpersonnelar.pdf> (French) <http://droit-afrique.com/upload/doc/mauritanie/Mauritanie-Code-2001-statut-personnel.pdf>
- ◆ Mauritania Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20MAURITANIA_ar_2016.pdf
- ◆ Musawah. 2014. *Musawah Thematic Report on Article 16: Mauritania*. 58th CEDAW Session. Geneva, Switzerland. Available at: <http://www.musawah.org/sites/default/files/MusawahThematicReportArt16Mauritania.pdf>
- ◆ Fortier, Corinne. 2012. 'The Right to Divorce for Women (*Khul'*) in Islam: Comparative Practices in Mauritania and Egypt'. In: Rubya Mehdi, Werner Menski, and Jørgen S. Nielsen, eds. *Interpreting Divorce Laws in Islam*, pp. 155–175. Copenhagen: DJØF Publishing. Available at: <http://las.ehess.fr/docannexe/file/1931/womendivorcemoorsegypt.pdf>
- ◆ Fortier, Corinne. 2011. 'Women and Men Put Islamic Laws to their Own Use: Monogamy versus Secret Marriage in Mauritania'. In: Margot Badran, ed. *Gender and Islam in Africa: Rights, Sexuality, and Law*. Stanford: Stanford University Press.



Nigeria

- ◆ Marriage Act (1990), Laws of the Federation of Nigeria Vol XI, Chap. 218. Available at (English): <http://www.nigeria-law.org/Marriage%20Act.htm>
- ◆ Matrimonial Causes Act, Chap. 220. Laws of the Federation of Nigeria Vol XII (1990). Available at (English): <http://www.nigeria-law.org/Matrimonial%20Causes%20Act.htm>
- ◆ Emory University Islamic Family Law Project Nigeria Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Badran, Margot. 2011. "'Shari'a' Activism and 'Zina' in Nigeria (Zamfara Province) in the Era of 'Hudud'". In: Margot Badran, ed. *Gender and Islam in Africa: Rights, Sexuality, and Law*. Stanford: Stanford University Press.
- ◆ Christelow, Allan. 2002. 'Islamic Law and Judicial Practice in Nigeria: A Historical Perspective'. *Journal of Muslim Minority Affairs* 22(1), pp. 185–204.
- ◆ Ekhtor, Eghosa Osa. 2015. 'Women and the Law in Nigeria: A Reappraisal'. *Journal of International Women's Studies* 16(2), pp. 285–296.
- ◆ Imam, Ayesha M. 2005. 'Women's Reproductive and Sexual Rights and the Offense of Zina in Muslim Laws in Nigeria'. In: Wendy Chavkin and Ellen Chesler, eds. *Where Human Rights Begin: Health, Sexuality, and Women in the New Millennium*. New Brunswick, New Jersey: Rutgers University Press. Available at: <http://www.pambazuka.org/gender-minorities/women%E2%80%99s-reproductive-and-sexual-rights-and-offence-zina-muslim-laws-nigeria>
- ◆ Nwogugu, E.I. 2014. *Family Law in Nigeria* (Third Edition). HEBN Studies in Nigeria Law. Ibadan, Nigeria: HEBN Publisher Plc.
- ◆ Mack, Beverly B. 2011. 'Muslim Women's Knowledge Production in the Greater Maghreb: The Example of Nana Asma'u of Northern Nigeria'. In: Margot Badran, ed. *Gender and Islam in Africa: Rights, Sexuality, and Law*. Stanford: Stanford University Press.

- ❖ Sada, Ibrahim N. 2005. *Promoting Women's Rights Through Sharia in Northern Nigeria*. Centre for Islamic Studies, Ahmadu Bello University, Zaria, with the support of DFID Nigeria's Security, Justice and Growth Programme implemented by the British Council. Available at: http://www.ungei.org/resources/files/dfid_promoting_womens_rights.pdf
- ❖ Wallace, Adryan. 2014. 'Agency through Development: Hausa Women's NGOs and CBOs in Kano, Nigeria'. *Feminist Economics* 20(4), pp. 281–305.



Senegal

- ❖ Family Code (Code de la Famille) (1972) with amendments (1974, 1979, 1989, and 2000). Available at (French): <http://jafbase.fr/docAfrique/Senegal/SenegalFam1.pdf>
- ❖ Emory University Islamic Family Law Project Senegal Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ❖ Creevey, Lucy. 1996. 'Islam, Women and the Role of the State in Senegal'. *Journal of Religion in Africa* 26(3), pp. 268–307.
- ❖ Sow, Fatou. 2013. *Gender Parity in Politics and Women's Movements in Senegal*. Women Living Under Muslim Laws, Workshop, 13–20 January. Available at: http://www.weldd.org/sites/default/files/Women_s%20Movements%20and%20Gender%20Parity%20in%20Senegal.pdf



Somalia

- ❖ Law of Personal Status No. 23 (1975). Official Gazette No.1, appendix 3 of 8 March 1975.
- ❖ Emory University Islamic Family Law Project Somalia Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ❖ UNICEF Report. 2002. *Women's Rights in Islam and Somali Culture*. Hargeysa, Somaliland: The Academy for Peace and Development. Available at: http://www.unicef.org/somalia/SOM_WomenInIslam.pdf



Sudan

- ❖ The Muslim Personal Law Act (1991). Available (Arabic) at: <http://moj.gov.sd/content/lawsv4/6/27.htm>
- ❖ Sudan Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20SUDAN_2016_B%C3%A0T.pdf
- ❖ Emory University Islamic Family Law Project Sudan Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ❖ Abdel Halim, Asma M. 2011. 'Gendered Justice: Women and Criminal Law in the Sudan'. In: Lutz Oette, ed. *Criminal Law Reform and Transitional Justice: Human Rights Perspectives for Sudan*. Burlington, VT: Ashgate.
- ❖ Abdel Halim, Asma M., and Rogaia Abusharaf. 2000. 'Questioning the Tradition: Female Circumcision in the Sudan'. In: Meredith Turshen, ed. *African Women's Health*, pp.125–143. Trenton, NJ: Africa World Press.
- ❖ Abdel Halim, Asma M. 1994. 'Challenges to the Application of International Women's Human Rights in The Sudan'. In: Rebecca J. Cook, ed. *Human Rights of Women: National and International Perspectives*. Philadelphia: University of Pennsylvania Press.
- ❖ Strategic Initiative for Women in the Horn of Africa (SIHA). 'Men as Allies' (video). 2016.

Available at: <http://www.youtube.com/watch?v=V5-AcBkpajY&feature=youtu.be>
Tønnessen, Liv and Al-Nagar Samia. 2015. 'Women and Girls Caught between Rape and Adultery in Sudan: Criminal Law Reform, 2005–2015'. CMI CHR Michelsen Institute. Available at: <http://www.rafto.no/assets/laureates/5661-women-and-girls-caught-between-rape-and-adultery.pdf>

- ◆ Tønnessen, Liv. 2011. 'Feminist Interlegalities and Gender Justice in Sudan: The Debate on CEDAW and Islam'. *Religion and Human Rights: An International Journal* 6(1), pp. 25–39.



Tanzania

- ◆ The Law of Marriage Act, Chapter 29 with amendments (1971). Available at (English): http://www.tanzania.go.tz/egov_uploads/documents/Marriage%20Ordinance,%20%28cap%2029%29_1.pdf
- ◆ Emory University Islamic Family Law Project Tanzania Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Musawah. 2016. 'Musawah Oral Statement on Tanzania'. 63rd Session of the CEDAW Committee. Geneva, Switzerland. Available at: <http://www.musawah.org/sites/default/files/MusawahOralStatementTanzania63.pdf>
- ◆ Fluet, Edward R., Mark J. Calaguas, and Cristina M. Drost. 2006. *Legal Pluralism & Women's Rights: A Study in Post-Colonial Tanzania*. Loyola University Chicago School of Law, Paper 1683. Available at: http://democraciaejustica.org/cienciapolitica3/sites/default/files/legal_pluralism__womens_rights_in_tanzania.pdf
- ◆ Hirsch, Susan. 2010. 'State Intervention in Muslim Family Law in Kenya and Tanzania: Applications of the Gender Concept'. In: Shamil Jeppie, Ebrahim Moosa and Richard Roberts, eds. *Muslim Family Law in Sub-Saharan Africa: Colonial Legacies and Post-Colonial Challenges*. Amsterdam: Amsterdam University Press.
- ◆ Rwezaura, Barthazar A., and Ulrike Wanitzek. 1998. 'Family Law Reform in Tanzania: A Socio-Legal Report'. *International Journal of Law Policy Family* 2(1), pp.1–26.

Asia

Regional Resources

Central and East Asia

- ◆ Fathi, Habiba. 1997. 'Otines: The Unknown Women Clerics of Central Asian Islam'. *Central Asian Survey* 16(1), pp. 27–43.
- ◆ Hämmerle, Christa, et al. eds. 2008. *Gender Politics in Central Asia, Historical Perspectives and Current Living Conditions of Women*. Germany: Böhlau Verlag & Cie, Köln Weimar Wien.
- ◆ Shirkat Gah. 1995. *Assertions of Self: The Nascent Women's Movement in Central Asia*. Lahore: Shirkat Gah Women's Resource Centre.
- ◆ Tokhtakhodjaeva, Marfua, and Cassandra Balchin. 1995. *Between the Slogans of Communism and the Laws of Islam*. Lahore: Shirkat Gah Women's Resource Centre

South Asia and South East Asia

- ◆ Asian-Pacific Resource & Research Centre for Women (ARROW). 2013. Reclaiming & Redefining Rights. ICPD+20: Status of Sexual and Reproductive Health and Rights in Asia Pacific. Kuala Lumpur: ARROW. Available at: http://arrow.org.my/wp-content/uploads/2015/04/ICPD-20-Asia-Pacific_Monitoring-Report_2013.pdf
- ◆ Chhachhi, Amrita. 1989. 'The State, Religious Fundamentalism and Women: Trends in South Asia'. *Economic and Political Weekly* 24(11), pp. 567–578. Available at: <http://www.wluml.org/sites/wluml.org/files/import/engli sh/pubs/pdf/dossier4/D4-SouthAsia.pdf>
- ◆ Center for Reproductive Rights. 2014. Child Marriage and Personal Laws in South Asia: International Standards Requiring Governments to End Human Rights Violations Based on Religious Norms. New York: Center for Reproductive Rights. Available at: http://www.ohchr.org/Documents/Issues/Women/WRGS/Earlyforcedmarriage/NGOs_Individuals/CRR1.pdf
- ◆ Jones, Gavin W. 1994. *Marriage and Divorce in Islamic South-East Asia*. New York: Oxford University Press.
- ◆ Mahmood, Tahir, ed. 2005. *Cases in the Muhammadan Law of India, Pakistan and Bangladesh*. Second edition. New Delhi: Oxford University Press.

National Resources



Afghanistan

- ◆ Law on Marriage (1971), Official Gazette No. 190 (1350/1971). Available at (English): <http://www.asianlii.org/af/legis/laws/lom1971ogn190p1971080813500517a383/>
- ◆ Civil Law (1977), Official Gazette No.353 (1355/ 1977). Available at (English): <http://www.asianlii.org/af/legis/laws/clotroacogn353p1977010513551015a650/>
- ◆ Shiite Personal Status Law (2009), Official Gazette No. 988. Available at (English unofficial translation, USAID): <http://www.refworld.org/pdfid/4a24ed5b2.pdf>
- ◆ Musawah. 2013. *Musawah Thematic Report on Article 16: Afghanistan*. 55th CEDAW Session. Geneva, Switzerland. Available at:

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AFG/INT_CEDAW_NGO_AF_G_13762_E.pdf

- ◆ Kamali, Mohammad Hashim. 2008. 'References to Islam and Women in the Afghan Constitution'. *Arab Law Quarterly* 22(3), pp. 270–306. Abstract available at: http://booksandjournals.brillonline.com/content/journals/10.1163/157302508x336629;jsessionid=b_Y_VUmD9oXk9VlatDVUJUOW.x-brill-live-03
- ◆ Kamali, Mohammad Hashim. 2005. 'Islam and its Shari'a in the Afghan Constitution with Special Reference to Personal Law'. In: Nadjma Yassari, ed. *The Shari'ah in the Constitution of Afghanistan, Iran and Egypt - Implications for Private Law*, pp. 23–43. Tubingen: Mohr Siebeck.
- ◆ Max Planck Institute for Foreign Private Law and Private International Law. 2005. 'Family Structures and Family Law in Afghanistan: MPI-Report of the Fact-Finding Mission to Afghanistan. January – March 2005'. Available at: http://www.mpipriv.de/files/pdf3/mpi-report_on_family_structures_and_family_law_in_afghanistan.pdf
- ◆ Choudhury, Nusrut. 2007. 'Constrained Spaces for Islamic Feminism: Women's Rights and the 2004 Constitution of Afghanistan'. *Yale Journal of Law & Feminism* 19(1), pp. 155–199. Available at: <http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1263&context=yjlf>



Bangladesh

- ◆ The Muslim Family Laws Ordinance No. VIII of 1961. Available at: http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=305
- ◆ The Muslim Marriages and Divorces (Registration) Act No. LII of 1974. Available at: http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=476
- ◆ Emory University Islamic Family Law Project Bangladesh Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Ahmed, Fauzia Erfan. 2014. 'Peace in the Household: Gender, Agency, and Villagers' Measures of Marital Quality in Bangladesh'. *Feminist Economics* 20(4), pp. 187–211. Abstract available at: <http://www.tandfonline.com/doi/abs/10.1080/13545701.2014.963635>
- ◆ Chowdhury, Farah Deebea. 2013. 'Muslim Family Law in Bangladesh: Resistance to Secularisation'. In: Mavis Maclean and John Eekelaar, eds. *Managing Family Justice in Diverse Societies*. Oxford and Portland, Oregon: Hart Publishing.
- ◆ Fyzee, Asaf A.A., edited and revised by Tahir Mahmood. 2005. *Cases in the Muhammadan Law of India, Pakistan and Bangladesh*. New Delhi: Oxford University Press.
- ◆ Hashmi, Taj I. 2000. *Women and Islam in Bangladesh: Beyond Subjection and Tyranny*. New York: St. Martin's Press.
- ◆ Hossain, Sara. 2014. 'Remedies for Forced Marriage in Bangladesh'. In: Sara Hossain and Lynn Welchman, eds. *Remedies for Forced Marriage: A Handbook for Lawyers*, chap. 3. London: INTERIGHTS. Available at: <http://www.interights.org/forced-marriage-handbook/index.html>
- ◆ Kabeer, Naila, Lopita Huq, and Simeen Mahmud. 2014. 'Diverging Stories of "Missing Women" in South Asia: Is Son Preference Weakening in Bangladesh?' *Feminist Economics* 20(4), pp. 138–163. Abstract available at: <http://www.tandfonline.com/doi/abs/10.1080/13545701.2013.857423>
- ◆ Pereira, Faustina. 2002. *The Fractured Scales: The Search for a Uniform Personal Code*. Calcutta: Stree.
- ◆ Shahid, Tahrat Naushaba. 2013. *Islam and Women in the Constitution of Bangladesh: The Impact on Family Laws for Muslim Women*. The Foundation for Law, Justice and Society at Wolfson College, University of Oxford. Available at: <http://www.fljs.org/files/publications/Tahrat.pdf>

- ◆ White, Sarah C. 2010. *Domains of Contestation: Women's Empowerment and Islam in Bangladesh*. *Women's Studies International Forum* 33(4), pp. 334-344. Abstract available at: <http://www.sciencedirect.com/science/article/pii/S0277539510000166>



Brunei

- ◆ Islamic Family Law Act, Laws of Brunei Chapter 217 S 12/2000 (revised edition 2012). Available at: http://www.agc.gov.bn/AGC%20Images/LAWS/ACT_PDF/cap217.pdf
- ◆ Marriage Act. Laws of Brunei Chapter 76 of 1984 (revised edition 2013). Available at: http://www.agc.gov.bn/AGC%20Images/LAWS/ACT_PDF/cap076.pdf
- ◆ Married Women Act. Laws of Brunei Chapter 190 S 30/1999 (revised edition 2014). Available at: http://www.agc.gov.bn/AGC%20Images/LAWS/ACT_PDF/cap190.pdf
- ◆ Musawah. 2014. *Musawah Thematic Report on Muslim Family Law: Brunei Darussalam*. 59th CEDAW Session. Geneva, Switzerland. Available at: <http://www.musawah.org/sites/default/files/MusawahThematicReportArt16Brunei.pdf>
- ◆ Emory University Islamic Family Law Project Brunei Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>



India

- ◆ The Bengal Muhammadan Marriages and Divorces Registration Act (1876). Available at: http://www.lawsofindia.org/pdf/west_bengal/1876/1876WB1.pdf
- ◆ The Muslim Personal Law (Shariat) Application (Kerala Amendment) Act 42 of 1963. Available at: <http://www.lawsofindia.org/pdf/kerala/1963/1963KERALA42.pdf>
- ◆ The Muslim Personal Law (Shariat) Application (Tamil Nadu Amendment) Act 18 of 1949. Available at: http://www.lawsofindia.org/pdf/tamil_nadu/1949/1949TN18.pdf
- ◆ The Assam Muslim Marriages and Divorces Registration (Amendment) Act 10 of 2013. Available at: <http://www.lawsofindia.org/pdf/assam/2013/2013Assam10.pdf>
- ◆ Emory University Islamic Family Law Project India Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Holden, Livia. 2012. 'Divorce at the Woman's Initiative in India, in Pakistan and in the Diasporas'. In: Rubya Mehdi, Werner Menski, and Jørgen S. Nielsen, eds. *Interpreting Divorce Laws in Islam*. Copenhagen: DJØF Publishing. Abstract available at: <http://womenproperty.hypotheses.org/273>
- ◆ Kumar, Hajira, ed. 2002. *Status of Muslim Women in India*. Sarojini Naidu Centre for Women's Studies. New Delhi: Aakar Books.
- ◆ Nainar, Vahida. 2000. *Muslim Women's Views on Personal Laws: The Influence of Socio-economic Factors*. Mumbai: Women's Research and Action Group (WRAG).
- ◆ Niaz, Noorjehan Safia. 2003. *Maintenance After Divorce: A Major Concern of Muslim Women*. Mumbai: Women's Research and Action Group (WRAG).
- ◆ Subramanian, Narendra. 2008. 'Legal Change and Gender Inequality: Changes in Muslim Family Law in India'. *Law & Social Inquiry* 33(3), pp. 631–672. Abstract available at: http://www.jstor.org/stable/20108777?seq=1#page_scan_tab_contents
- ◆ Vatuk, Sylvia. 2014. 'The Application of Muslim Personal Law in India. A system of legal pluralism in action'. In: Elisa Giunchi, ed. *Adjudicating Family Law in Muslim Courts*, pp. 48–69. Abingdon: Routledge.



Indonesia

- ❖ Law No. 1 of 1974 Concerning the Marriage. Gazette of the Republic of Indonesia No. 3019. Available at: (Bahasa Indonesia) <http://peraturan.go.id/inc/view/11e44c4e2b91e0a0a9e3313231323135.html>
- ❖ Musawah Fact Sheet: Marriage and Family Relations, Indonesian Government CEDAW Review. 2012. 52nd CEDAW Session. Geneva, Switzerland. Available at: <http://www.musawah.org/sites/default/files/MusawahThematicReportArt16Indonesia.pdf>
- ❖ Emory University Islamic Family Law Project Indonesia Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ❖ Azra, Azyumardi. 2003. 'The Indonesian Marriage Law of 1974: An Institutionalization of the Shari'a for Social Changes'. In: Arskal Salim and Azyumardi Azra, eds. *Shari'a and Politics in Modern Indonesia*. Singapore: Institute of Southeast Asian Studies.
- ❖ Bowen, John R. 2003. *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning*. Cambridge: Cambridge University Press. Abstract available at: <http://www.cambridge.org/gb/academic/subjects/anthropology/social-and-cultural-anthropology/islam-law-and-equality-indonesia-anthropology-public-reasoning?format=PB&isbn=9780521531894>
- ❖ Bowen, John R. 2006. 'Fairness and Law in an Indonesian Court'. In: Muhammad Khalid Masud, Rudolph Peters, and David Powers, eds. *Dispensing Justice in Islam: Qadis and their Judgements*, chap. 5, pp. 117–142. Brill: Leiden.
- ❖ Imelda, J. D. 2011. *Mobilizing Motherhood: Case Study of Two Women's Organizations Advocating HIV Prevention Programs in Indonesia*. PhD thesis. Faculty of Social and Behavioural Sciences, Amsterdam Institute for Social Science Research (AISSR). Available at: <http://dare.uva.nl/record/1/363831>
- ❖ Marcoes, Lies. 2002. 'Women's Grassroots Movements in Indonesia: A Case Study of the PKK and Islamic Women's Organizations'. In: Kathryn Robinson and Sharon Bessel, eds. *Women in Indonesia: Gender, Equity and Development*. Singapore: Institute of Southeast Asian Studies.
- ❖ O'Shaughnessy, Kate E. 2009. *Gender, State and Social Power in Contemporary Indonesia: Divorce and Marriage Law*. New York: Routledge. Excerpt available at: http://samples.sainsburysebooks.co.uk/9781134023561_sample_547930.pdf
- ❖ Nurmila, Nina. 2009. *Women, Islam, and Everyday Life: Renegotiating Polygamy in Indonesia*. London and New York: Routledge.
- ❖ Summer, Cate. 2010. *Access to Justice: Empowering Female Heads of Household in Indonesia*. PEKKA and AusAID. Available at: <http://www.smeru.or.id/sites/default/files/publication/accesstojustice.pdf>
- ❖ Van Dijk, Kees and Nico J.G. Kaptein. 2016. *Islam, Politics and Change: The Indonesian Experience after the Fall of Suharto*. Leiden, The Netherlands: Leiden University Press. Available at: www.open.org/download?type=document&docid=605451



Iran

- ❖ Civil Code of the Islamic Republic of Iran (1928), amended in 1985 and 2006. Available at (English): <http://www.wipo.int/edocs/lexdocs/laws/en/ir/ir009en.pdf>
- ❖ Emory University Islamic Family Law Project Iran Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>

- ❖ Bahramitash, Roksana, and Jennifer C. Olmsted. 2014. 'Choice and Constraint in Paid Work: Women from Low-Income Households in Tehran'. *Feminist Economics* 20(4), pp. 260–280. Abstract available at: <http://www.tandfonline.com/doi/abs/10.1080/13545701.2014.957710>
- ❖ Boe, Marianne. 2015. *Family Law in Contemporary Iran: Women's Rights Activism and Shari'a*. London: I. B. Tauris.
- ❖ Halper, Louise. 2011. 'Authority, Modernity and Gender-relevant Legislation in Iran'. In: Roksana Bahramitash and Eric Hooglund, eds. *Gender in Contemporary Iran: Pushing the Boundaries*, chap. 1. USA: Routledge.
- ❖ Mir-Hosseini, Ziba. 2012. 'The Politics of Divorce Laws in Iran: Ideology versus Practice'. In: Rubya Mehdi, Werner Menski and Jørgen S. Nielsen, eds. *Interpreting Divorce Laws in Islam*, pp. 65–83. Copenhagen: DJØF Publishing. Available at: <http://www.zibamirhosseini.com/documents/ZMH%20-%20Politics%20of%20Divorce%20Laws.pdf>
- ❖ Mir-Hosseini, Ziba. 2010. 'Sharia and National Laws in Iran'. In: Jan Michiel Otto, ed. *Sharia Incorporated: A Comparative Overview of Legal Systems in Twelve Muslim Countries in Past and Present*, pp. 318–371. Leiden: Leiden University Press. Available at: <http://www.zibamirhosseini.com/wp-content/uploads/2012/03/ZMH-Sharia-national-law-in-Iran-book-chapter.pdf>
- ❖ Mir-Hosseini, Ziba. 2007. 'How the Door of Ijtihad was Opened and Closed: A Comparative Analysis of Recent Family Law Reform in Iran and Morocco'. *Washington & Lee Law Review* 64(4), pp. 1499–1511. Available at: <http://www.zibamirhosseini.com/documents/mir-hosseini-article-how-the-door-of-ijtihad-closed-2007.pdf>
- ❖ Mir-Hosseini, Ziba. 2002. 'Debating Women: Gender and the Public Sphere in Post-Revolutionary Iran'. In: Aryn Sajoo, ed. *Civil Society in Comparative Muslim Contexts*, pp. 95–122. London: I.B Tauris & Institute of Ismaili Studies. Available at: <http://www.zibamirhosseini.com/documents/mir-hosseini-book-chapter-debating-women-gender-public-sphere.pdf>
- ❖ Mir-Hosseini, Ziba. 1999. 'Family Law iii'. In: Modern Persia, *Encyclopedia Iranica* 9, pp. 192–96.



Kazakhstan

- ❖ The Matrimonial and Family Code of Kazakhstan, No. 518-IV (2011). Available at: <http://adilet.zan.kz/eng/docs/K1100000518>
- ❖ Imanbayev, Kuat, et al. 2015. 'Islamic Obligation in Kazakh Customary Law (For Example, the Institution of Family and Marriage)'. *Asian Social Science* 11(26), pp. 121–128.
- ❖ LoBue, Elise. H. 2007. 'Kazakhstan's Soviet Past, Globalized Present and "Emancipated Women": A Case for a New Gender and Development Domain'. PhD thesis. University of Iowa. Abstract available at: <http://gradworks.umi.com/33/01/3301725.html>
- ❖ Snajdr, Edward. 2005. 'Gender, Power, and the Performance of Justice: Muslim Women's Responses to Domestic Violence in Kazakhstan'. *Journal of the American Ethnological Society* 32(2), pp. 294–311. Abstract available at: <http://onlinelibrary.wiley.com/doi/10.1525/ae.2005.32.2.294/abstract>



Kyrgyz Republic

- ❖ The Family Code of the Kyrgyz Republic, No. 201 (2003). Available at: <http://legislationline.org/documents/action/popup/id/4950>
- ❖ Djanaeva, Nurgul. 2009. 'Puddles in Kyrgyzstan'. *openDemocracy*. Available at: <http://www.opendemocracy.net/content/puddles-in-kyrgyzstan>
- ❖ Djanaeva, Nurgul. 2002. *Kyrgyzstan Women in Transition*. Bishkek.

- ◆ Pannier, Bruce. 2016. 'The Mullah and Marriage In Kyrgyzstan'. 'Qishloq Ovozi' blog, *Radio Free Europe*, January 9. Available at: <http://www.rferl.org/content/the-mullah-and-marriage-in-kyrgyzstan/27478640.html>
- ◆ Wood, Colleen. 2015. 'Women in Kyrgyzstan Strive for Economic Empowerment'. *Muftah*. Available at: <http://muftah.org/women-in-kyrgyzstan-strive-economic-empowerment/#.VvfLVxLhCuU>



Malaysia

- ◆ Islamic Family Law (Federal Territory) Act 303 (1984), with amendment P.U.(A) 247/2002. Available at (English): http://www2.esyariah.gov.my/esyariah/mal/portaltv1/enakmen2011/Eng_act_lib.nsf/858a0729306dc24748257651000e16c5/1d314361e2750042482569810025f0fc?OpenDocument
- ◆ Emory University Islamic Family Law Project Malaysia Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Anwar, Zainah. 2013. 'From Local to Global: Sisters in Islam and the Making of Musawah'. In: Ziba Mir-Hosseini, Kari Vogt, Lena Larsen, and Christian Moe, eds. *Gender and Equality in Muslim Family Law: Justice and Ethics in the Islamic Legal Tradition*. London: I. B. Tauris.
- ◆ Anwar, Zainah. 2001. 'What Islam? Whose Islam? Sisters in Islam and the Struggle for Women's Rights'. In: Robert W. Hefner, ed. *The Politics of Multiculturalism: Pluralism and Citizenship in Malaysia, Singapore and Indonesia*. Honolulu: University of Hawai'i Press.
- ◆ Archer, Brad. 2007. 'Family Law Reform and the Feminist Debate: Actually-Existing Islamic Feminism in the Maghreb and Malaysia'. *Journal of International Women's Studies* 8(4), pp. 49–59. Available at: <http://vc.bridgew.edu/cgi/viewcontent.cgi?article=1399&context=jiws>
- ◆ Basarudin, Azza. 2015. *Humanizing the Sacred: Sisters in Islam and the Struggle for Gender Justice in Malaysia*. Washington: University of Washington Press.
- ◆ Kamali, Mohammad Hashim. 2000. *Islamic Law in Malaysia Issues and Development*. Kuala Lumpur: Ilmiah Publishers
- ◆ Kamaruddin, Z. and Abdullah, R. 2008. 'Protecting Muslim Women against Abuse of Polygamy in Malaysia: Legal Perspective'. *Journal of Women of the Middle East and the Islamic World* 6, pp. 176–201. Available at: <http://repository.um.edu.my/56894/1/HAWWA%20-%20Polygamy.pdf>
- ◆ Mohamad, Maznah. 2000. 'Islamic Family Law Reforms in Malaysia: Problems and Prospects for Women's Empowerment'. In: Maznah Mohamad, ed. *Muslim Women and Access to Justice: Historical, Legal and Social Experience in Malaysia*, pp. 60–76. Penang: Women's Crisis Centre. Abstract available at: <http://www.popline.org/node/186999>
- ◆ Moustafa, Tamir. 2013. 'Islamic Law, Women's Rights, and Popular Legal Consciousness in Malaysia'. *Law and Social Inquiry* 38, pp. 168–188. Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1950668
- ◆ Shah, Nik Noriani Nik Badli. 2008. 'Legislative Provisions and Judicial Mechanisms for the Enforcement and Termination of the Islamic Marriage Contract in Malaysia'. In: Asifa Quraishi and Frank E. Vogel, eds. *The Islamic Marriage Contract: Case Studies in Islamic Family Law*, pp. 183–198. Cambridge, Mass.: Harvard University Press.



Maldives

- ◆ Family Act No. 4 (2000). Available at (English): <http://www.agoffice.gov.mv/pdf/sublawe/Family.pdf>
- ◆ Emory University Islamic Family Law Project Maldives Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>

- ◆ Musawah. 2015. *Musawah Thematic Report on Muslim Family Law: Maldives*. 60th CEDAW Session. Geneva, Switzerland. Available at: <http://www.musawah.org/sites/default/files/MusawahThematicReportArt16Maldives.pdf>
- ◆ Fulu, Emma. 2014. *Domestic Violence in Asia: Globalization, Gender and Islam in the Maldives*. New York: Routledge.
- ◆ UNDP Maldives. 2011. *Women in Public Life in the Maldives - Situational Analysis*. United Nations Development Programme in the Maldives. Available at: http://www.undp.org/content/dam/maldives/docs/Democratic%20Governance/Women_in_Public_Life_Report.pdf



Pakistan

- ◆ The Muslim Family Laws Ordinance (VIII of 1961). Available at (English): <http://punjablaws.gov.pk/laws/777a.html>
- ◆ The Family Courts Act (XXXV of 1964). Available at (English): <http://punjablaws.gov.pk/laws/177.html>
- ◆ Emory University Islamic Family Law Project Pakistan Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Balchin, Cassandra, ed. 1994. *A Handbook on Family Law in Pakistan*. 2nd ed. Lahore, Pakistan: Shirkat Gah, Women Living Under Muslim Laws.
- ◆ Haider, Nadya. 2000. 'Islamic Legal Reform: The Case of Pakistan and Family Law'. *Yale Journal of Law & Feminism* 12(2), pp. 287–341. Available at: <http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1166&context=yjlf>
- ◆ Holden, Livia. 2012. 'Divorce at the Woman's Initiative in India, in Pakistan and in the Diasporas'. In: Rubya Mehdi, Werner Menski, and Jørgen S. Nielsen, eds. *Interpreting Divorce Laws in Islam*. Copenhagen: DJØF Publishing. Abstract available at: <http://womenproperty.hypotheses.org/273>
- ◆ Masud, Muhammad Khalid. 2012. 'Interpreting Divorce Laws in Pakistan'. In: Rubya Mehdi, Werner Menski, and Jørgen S. Nielsen, eds. *Interpreting Divorce Laws in Islam*. Copenhagen: DJØF Publishing.



Philippines

- ◆ The Family Code of the Philippines, Executive Order No. 209 (1987). Available at (English): <http://www.chanrobles.com/executiveorderno209.htm#.VviX5BLhCuW>
- ◆ Code of Muslim Personal Laws of the Philippines (1977). Available at (English): http://www.lawphil.net/statutes/presdecs/pd1977/pd_1083_1977.html
- ◆ Emory University Islamic Family Law Project Philippines Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Angeles, Vivienne. 2014. "'Paradise Lies at the Feet of the Mother': Muslim Women's Rights, Gender Roles, and Philippine Laws". Berkley Center for Religion, Peace & World Affairs, Georgetown University. Available at: <http://berkleycenter.georgetown.edu/posts/paradise-lies-at-the-feet-of-the-mother-muslim-women-s-rights-gender-roles-and-philippine-laws>
- ◆ Antonio, Isabelita Solamo. 2003. *The Shari'a Courts in the Philippines: Women, Men and Muslim Personal Laws*. Philippines, Davao City: Pilipina Legal Resources Center. Available at: <http://www.wluml.org/node/506>



Singapore

- ❖ Women's Charter, Chapter 353, Ordinance 18, of 1961 with amendments (revised edition 2009). Available at (English): <http://lnk.fr/hFiacSta>
- ❖ Administration of Muslim Law Act, Chapter 3, Act 27 1966 with amendments (revised edition 2009). Available at (English): <http://lnk.fr/iHiacSua>
- ❖ Emory University Islamic Family Law Project Singapore Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ❖ Arora, Mandakini. 2007. *Small Steps, Giant Leaps: A History of AWARE and the Women's Movement in Singapore*. Singapore: Association of Women for Action and Research (AWARE).



Sri Lanka

- ❖ The Muslim Intestate Succession Ordinance (1931). Available at (English): <http://www.srilankalaw.lk/Volume-V/muslim-intestate-succession-ordinance.html>
- ❖ The Muslim Marriage and Divorce Act (1954). Available at (English): <http://www.srilankalaw.lk/Volume-V/muslim-marriage-and-divorce-act.html>
- ❖ Emory University Islamic Family Law Project Sri Lanka Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ❖ Goonesekere, Savitri. 2000. *Muslim Personal Law in Sri Lanka: Some Aspects of Law on Family Relations*. Sri Lanka: Muslim Women's Research & Action Forum.
- ❖ Haniffa, Farzana. 2008. 'Piety as Politics amongst Muslim Women in Contemporary Sri Lanka'. *Modern Asian Studies* 42(2/3), pp. 347–375. Abstract available at: http://www.jstor.org/stable/20488023?seq=1#page_scan_tab_contents
- ❖ Wijeratne, Kumala. 2016. 'Women Bound to Muslim Law in Sri Lanka Seek Changes to End Discrimination'. *Global Press Journal*. Available at: http://globalpressjournal.com/asia/sri_lanka/women-bound-muslim-law-sri-lanka-seek-changes-end-discrimination/



Tajikistan

- ❖ The Family Code of 1998, amended in 2011. Available at (Russian): <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/90339/104080/F1297490250/TJK90339%20Rus.pdf>
(English): <http://cis-legislation.com/document.fwx?rgn=2316> (unofficial translation)
- ❖ Epkenhans, Tim. 2013. 'Defining Normative Islam: Some Remarks on Contemporary Islamic Thought in Tajikistan – Hoji Akbar Turajonzoda's Sharia and Society'. In: John Heathershaw and Edmund Herzig, eds. *The Transformation of Tajikistan: The Sources of Statehood*, pp. 95–110. London and New York: Routledge. Abstract available at: <http://www.tandfonline.com/doi/abs/10.1080/02634937.2011.554056>
- ❖ Harris, Colette. 2004. *Control and Subversion: Gender Relations in Tajikistan*. London: Pluto Press.
- ❖ Harris, Colette. 2013. 'State Business: Gender, Sex and Marriage in Tajikistan'. In: John Heathershaw and Edmund Herzig, eds. *The Transformation of Tajikistan: The Sources of Statehood*, pp. 111–126. New York: Routledge. Abstract available at: <http://ueaeprints.uea.ac.uk/41537/>



Turkmenistan

- ◆ Family Code of Turkmenistan, Law No. 258-IV of 10 January 2012. Available at: (Russian): <http://turkmenistan.gov.tm/?id=779>
(English): <http://cis-legislation.com/document.fwx?rgn=50609> (unofficial translation)
- ◆ Blackwell, Carole. 2013. *Tradition and Society in Turkmenistan: Gender, Oral Culture and Song*. New York: Routledge.
- ◆ Liczek, Irina. 2005. 'Cultural Parameters of Gender Policymaking in Contemporary Turkmenistan'. *Comparative Studies of South Asia, Africa and the Middle East* 25(3), pp. 567–583. Excerpt available at: <http://muse.jhu.edu/article/193156>



Uzbekistan

- ◆ The Family Code of 1998, as amended in 2011. Available at: (Russian): <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/90264/103948/F555464629/UZB90264.pdf>
(English): <http://cis-legislation.com/document.fwx?rgn=973> (unofficial translation)
- ◆ Fathi, Habiba. 2006. 'Gender, Islam, and Social Change in Uzbekistan'. *Central Asian Survey* 25(3), 303–317. Abstract available at: <http://www.tandfonline.com/doi/abs/10.1080/02634930601022575?journalCode=ccas20>
- ◆ Tokhtakhodjaeva, Marfua. 2008. *The Re-Islamization of Society and the Position of Women in Post-Soviet Uzbekistan*. Folkestone, UK: Global Oriental.
- ◆ Tokhtakhodjaeva, Marfua. 1995. *Between the Slogans of Communism and the Laws of Islam: The Women of Uzbekistan*. Lahore: Shirkat Gah Women's Resource Centre.

Middle East and North Africa

Regional Resources

- ◆ Abu-Odeh, Lama. 2012. 'Of Wife and the Domestic Servant in the Arab World'. Georgetown Law Faculty Publications and Other Works, Paper 1072. Available at:
<http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2078&context=facpub>
- ◆ Aldosari, Hala. 2016. 'The Personal is Political: Gender Identity in the Personal Status Laws of the Gulf Arab States'. Issue Paper #8. Washington, DC: The Arab Gulf States Institute in Washington. Available at: http://www.agsiw.org/wp-content/uploads/2016/08/Aldosari_ONLINE_updated.pdf
- ◆ Al-Ghanim, Kaltham. 2013. 'The Hierarchy of Authority Based on Kinship, Age, and Gender in The Extended Family in the Arab Gulf States'. *International Journal of the Jurisprudence of the Family* 3. Abstract available at:
http://www.researchgate.net/publication/256060285_The_Hierarchy_of_Authority_Based_on_Kinship_Age_and_Gender_in_the_Extended_Family_in_the_Arab_Gulf_States
- ◆ Database on Women's Legal Rights on the MENA region's countries: Arab Women Legal e-Platform. Launched by the Centre for Arab Women Training and Research (CAWTAR), UN Women, and the UNDP Regional Bureau for Arab States. Available at (Arabic):
<http://www.arabwomenlegal-emap.org/SitePages/Home.aspx>
Abstract available at (English):
<http://arabstates.unwomen.org/en/news/stories/2016/3/legaldatabase>
- ◆ Badran, Margot. 1985. 'Islam, Patriarchy, and Feminism in the Middle East'. *Trends in History* 4(1), pp. 49–71. Available at:
<http://www.wluml.org/sites/wluml.org/files/import/english/pubs/pdf/dossier4/D4-MidEast.pdf>
- ◆ Brown, Nathan. 1997. 'Sharia and State in the Modern Muslim Middle East'. *International Journal of Middle East Studies* 29(3), pp. 359–76. Abstract available at:
<http://www.cambridge.org/core/journals/international-journal-of-middle-east-studies/article/sharia-and-state-in-the-modern-muslim-middle-east/60A5CEB794152C9AA2384B891A2169BA>
- ◆ Charrad, Mounira. 2001. *States and Women's Rights. The Making of Postcolonial Tunisia, Algeria and Morocco*. Berkeley: University of California Press. Abstract available at:
<http://www.ucpress.edu/book.php?isbn=9780520225763>
- ◆ Collectif 95 Maghreb Égalité. 1996. *One Hundred Steps, One Hundred Provisions: For an Egalitarian Codification of Family and Personal Status Laws in the Maghreb*. Translation of Women Living Under Muslim Laws. Available at:
<http://www.wluml.org/sites/wluml.org/files/import/english/pubs/rtf/misc/100-steps.rtf>
- ◆ Gulf Cooperation Council. 2001. *Muscat Document of the Uniform Code (the Law) of Personal Status for GCC Countries*. Available at: <http://www.alnogaithan.com/en/wp-content/uploads/downloads/2014/04/Muscat-Documnet-of-the-Uniform-Code-the-Law-of-Personal-Status-for-GCC-Countries-1422-AH-2001-AD.pdf>
- ◆ Hassani-Nezhad, Lena and Anna Sjögren. 2014. 'Unilateral Divorce for Women and Labor Supply in the Middle East and North Africa: The Effect of Khul Reform'. *Feminist Economics* 20(4), pp. 113–137. Abstract available at:
<http://www.tandfonline.com/doi/abs/10.1080/13545701.2014.932421>
- ◆ Mashhour, Amira. 2005. 'Islamic Law and Gender Equality – Could There be a Common Ground? A Study of Divorce and Polygamy in Sharia Law and Contemporary Legislation in Tunisia and Egypt'. *Human Rights Quarterly* 27(2), pp. 562–596. Abstract available at:
<http://muse.jhu.edu/article/182773>

- ❖ Mayer, Ann Elizabeth. 1996. 'Reform of Personal Status Laws in North Africa: A Problem of Islamic or Mediterranean Laws?' WLUML Occasional Paper No. 8. Available at: <http://www.wluml.org/sites/wluml.org/files/import/english/pubs/pdf/occpaper/OCP-08.pdf>
- ❖ Moors, Annelies. 2003. 'Introduction: Public Debates on Family Law Reform: Participants, Positions, and Styles of Argumentation in the 1990s'. *Islamic Law and Society* 10(1), pp. 1–11.
- ❖ Oulé-Jansen, Y. 2007. 'Muslim Brides and the Ghost of the Shari'a: Have the Recent Reforms in Egypt, Tunisia, and Morocco Improved Women's Position in Marriage and Divorce, and Can Religious Moderates Bring Reform and Make It Stick?' *Northwestern Journal of International Human Rights* 5(2), pp. 181–212. Available at: <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1052&context=njihr>
- ❖ Welchman, Lynn. 2007. *Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy*. Amsterdam: Amsterdam University Press. Available at: <https://openaccess.leidenuniv.nl/bitstream/handle/1887/13374/Women+and+Muslim+Family+Laws+in+Arab+States.pdf;jsessionid=1907BA5B179C9A3F177CEF6AAE1679D3?sequence=1>

National Resources



Algeria

- ❖ Code de la famille (Algerian Family Code) (1984). Journal Officiel, 12 Jun 1984. Available at:
 - Arabic: <http://www.vitamedz.org/articlesfiche/1112/1112221.pdf>
 - French: <http://lexalgeria.free.fr/droitdelafamille.htm>
- ❖ Musawah. 2012. *Musawah Fact Sheet on Article 16: Algeria and Jordan*. 51st CEDAW Session. Geneva, Switzerland. Available at: <http://www.musawah.org/sites/default/files/MusawahThematicReportsArt16AlgeriaAndJordan.pdf>
- ❖ Algeria Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20ALGERIA_ar_2016.pdf
- ❖ Emory University Islamic Family Law Project Algeria Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ❖ Bennoune, Karima. 1995. 'Between Betrayal and Betrayal: Fundamentalism, Family Law and Feminist Struggle in Algeria'. *Arab Studies Quarterly* 17(1/2), pp. 51–76.
- ❖ Catalanoa, Serida L. 2010. 'Shari'a Reforms and Power Maintenance: The Cases of Family Law Reforms in Morocco and Algeria'. *The Journal of North African Studies* 15(4), pp. 535–555.
- ❖ Slyomovics, Susan. 1995. "'Hassiba Ben Bouali, If You Could See Our Algeria": Women and Public Space in Algeria'. *Middle East Report* 192, pp. 8–13.
- ❖ Smail Salhi, Zahia. 2003. 'Algerian Women, Citizenship, and the "Family Code"'. *Gender & Development* 11(3), pp. 27–35. Available at: http://www.artsrn.ualberta.ca/amcdouga/Hist247/winter_2011/resources/Algerian%20Women%20and%20the%20'family%20code'.pdf



Bahrain

- ❖ Bahrain's Family Law promulgated by Legislative Decree No 19 (2009). Available at (Arabic): <http://www.moj.gov.bh/default7850.html?action=article&ID=1620>
- ❖ BCHR Report on Family Law in Bahrain. 2014. Bahrain Center for Human Rights. Available at: <http://www.bahrainrights.org/sites/default/files/BCHR%20Report%20on%20Family%20Law%20in%20Bahrain.pdf>

- ❖ Bahrain Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20BAHRAIN_2016.pdf
- ❖ Emory University Islamic Family Law Project Bahrain Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ❖ Musawah. 2014. *Musawah Thematic Report on Article 16: Bahrain*. 57th CEDAW Session. Geneva, Switzerland. Available at: <http://www.musawah.org/sites/default/files/MusawahThematicReportArt16Bahrain.pdf>
- ❖ Al Awadi, Badria, Hameed Al Mubarak, and Ahmed Al Attawi, eds. 2009. *Women's Rights in the Kuwaiti Personal Status Law and Bahraini Shari'a Judicial Rulings*. Manama, Bahrain: Freedom House. Available at: [http://maktabatmepi.org/sites/default/files/resources/english/Women's%20Rights%20in%20Kuwaiti%20Personal%20Status%20Law%20and%20Bahraini%20Judicial%20Rulings%20\(Theory\).pdf](http://maktabatmepi.org/sites/default/files/resources/english/Women's%20Rights%20in%20Kuwaiti%20Personal%20Status%20Law%20and%20Bahraini%20Judicial%20Rulings%20(Theory).pdf)
- ❖ Welchman, Lynn. 2010. 'Bahrain, Qatar, UAE: First time Family Law Codifications in Three Gulf States'. In: Bill Atkin, ed. *International Survey of Family Law*, pp. 163–178. Available at: http://eprints.soas.ac.uk/10899/1/Welchman_'Bahrain,_Qatar,_UAE'_ISFL_2010.pdf



Egypt

- ❖ Law No. 1 of 2000 on the Reorganization of Certain Terms and Procedures of Litigation in Personal Status Matters (*qanun el-khula*). Available at: (Arabic): <http://lnk.fr/hLiccSra>
- ❖ Law No. 91 of 2000 amending Law No. 1-2000 on Matters of Personal Status, *Al Jarida al-Rasmiyya* 18 May 2000, vol. 20. Available at (Arabic): <http://bit.ly/2fRZO5V>
- ❖ Law No. 10 of 2004 promulgating the Law on the Establishment of the Family Courts. Available at (Arabic): <http://www.mohamoon.com/montada/Default.aspx?action=ArabicLaw&ID=108>
- ❖ Law No. 100 of 1985 amending Certain Provisions of Egypt's Personal Status Laws (Law No. 25-1920 and Law No. 25-1929). Available at (Arabic): <http://old.qadaya.net/node/71>
- ❖ Law No. 25 of 1929 amending Law No. 25-1920 for Matters of Personal Status. Available at (Arabic): <http://bit.ly/29dKAIH>
- ❖ Egypt Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20EGYPT_2016.pdf
- ❖ Emory University Islamic Family Law Project Egypt Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ❖ Abu-Odeh, Lama. 2004. 'Egyptian Feminism: Trapped in the Identity Debate'. *Yale Journal of Law & Feminism* 16(2), pp. 145–191. Available at: <http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1215&context=yjlf>
- ❖ Al-Sharmani, Mulki. 2013. 'Qiwama in Egyptian Family Laws: 'Wifely Obedience' between Legal Texts, Courtroom Practices and Realities of Marriages'. In: Ziba Mir-Hosseini, Kari Vogt, Lena Larsen, and Christian Moe, eds. *Gender and Equality in Muslim Family Law: Justice and Ethics in the Islamic Legal Tradition*, pp. 37–56. London: I. B. Tauris.
- ❖ Al-Sharmani, Mulki. 2012. 'Egyptian Khul: Legal Reform, Courtroom Practices and Realities of Women'. In: Rubya Mehdi, Werner Menski, and Jørgen S. Nielsen, eds. *Interpreting Divorce Laws in Islam*, pp. 85–104. Copenhagen: DJØF Publishing. Available at: <http://www.rwi.uzh.ch/dam/jcr:ffffff-c577-dc11-0000-0000224a00e6/AlSharmaniLegalReformCourtroomPractices.pdf>
- ❖ Al-Sharmani, Mulki. 2009. 'Egyptian Family Courts: Pathway to Women's Empowerment?' *Hawwa: Journal of Women of the Middle East and the Islamic World* 7(2), pp. 89–110. Abstract available at: <http://booksandjournals.brillonline.com/content/journals/10.1163/156920709x12511890014504>

- ◆ Arabi, Oussama. 2001. 'The Dawning of the Third Millennium on Shari'a: Egypt's Law No. 1 of 2000, or Women May Divorce at Will'. *Arab Quarterly* 16: 2–21.
- ◆ Bernard-Maugiron, Nathalie. 2010. *Personal Status Laws in Egypt: FAQ*. Promotion of Women's Rights (Egypt), German Technical Cooperation (GTZ). Available at: <http://gender-in-german-development.net/custom/images/contentBilderGalerie/bilderGalerie1000507/GTZ-BMZ-NWRO-IRD-Personal-status-laws-in-egypt-2010-EN.pdf>
- ◆ Center for Egyptian Women's Legal Assistance (CEWLA): <http://www.cewla.org/>
- ◆ Chowdhury, Jamila Ahmed. 2006. 'Family Court A.D.R. in Egypt and Some Exemplary Provisions for Other Muslim Countries'. *Studies in Islam and the Middle East* 3(2). Available at: <http://majalla.org/papers/2006/02/fam-court-in-egypt.pdf>
- ◆ Cuno, Kenneth M. 2009. 'Disobedient Wives and Neglectful Husbands: Marital Relations and the First Phase of Family Law Reform in Egypt'. In: Kenneth M. Cuno and Manisha Desai, eds. *Family, Gender, and Law in a Globalizing Middle East and South Asia*, pp. 3–18. Syracuse, New York: Syracuse University Press.
- ◆ Fawzy, Essam. 2004. 'Muslim Personal Status Law in Egypt: The Current Situation and Possibilities of Reform through Internal Initiatives'. In: Lynn Welchman, ed. *Women's Rights and Islamic Law*, pp. 17–94. U.K.: Zed Books.
- ◆ Fortier, Corinne. 2012. 'The Right to Divorce for Women (Khul') in Islam: Comparative Practices in Mauritania and Egypt'. In: Rubya Mehdi, Werner Menski, and Jørgen S. Nielsen, eds. *Interpreting Divorce Laws in Islam*, pp. 155–175. Copenhagen: DJØF Publishing. Available at: <http://las.ehess.fr/docannexe/file/1931/womendivorcemoorsegypt.pdf>
- ◆ Karam, Azza. 1996. 'An Apostate, a Proposed New Marriage Contract and Egyptian Women: Where to Now?' *Women against Fundamentalisms* 8, pp. 29–32. Available at: http://womenagainstofundamentalism.org/?page_id=217
- ◆ Mashhour, Amira. 2005. 'Islamic Law and Gender Equality: Could There be a Common Ground? A Study of Divorce and Polygamy in Sharia Law and Contemporary Legislation in Tunisia and Egypt'. *Human Rights Quarterly* 27(2), pp. 563–596. Abstract available at: <http://muse.jhu.edu/article/182773>
- ◆ Shaham, Ron. 1999. 'State, Feminists and Islamists: The Debate over Stipulations in Marriage Contracts in Egypt'. *Bulletin of the School of Oriental and African Studies, University of London*, 62(3), pp. 462–483. Abstract available at: <http://doi.org/10.1017/S0041977X0001853X>
- ◆ Shahd, Laila S. 2001. 'An Investigation of the Phenomenon of Polygyny in Rural Egypt'. *Cairo Papers in Social Science* 24(3).
- ◆ Sharafeldin, Marwa. 2014. *Personal Status Law Reform in Egypt: Women's Rights NGOs Navigating between Islamic Law and Human Rights*. PhD thesis. University of Oxford. Abstract available at: <http://ethos.bl.uk/OrderDetails.do?uin=uk.bl.ethos.644661?>
- ◆ Sharafeldin, Marwa. 2015. 'Islamic Law Meets Human Rights: Reformulating *Qiwamah* and *Wilayah* for Personal Status Law Reform Advocacy in Egypt'. In: Ziba Mir-Hosseini, Mulki Al-Sharmani, and Jana Rumminger, eds. *Men in Charge? Rethinking Authority in Muslim Legal Tradition*, pp. 163–196. London: Oneworld. Summary available at: <http://www.musawah.org/sites/default/files/MICchapter7MSsummary.pdf>
- ◆ Sherif, Bahira. 1999. 'Gender Contradictions in Families: Official vs. Practical Representations Among Upper-Middle Class Muslim Egyptians'. *Anthropology Today*, 15(4), pp. 9–13.
- ◆ Singerman, Diane. 'Rewriting Divorce in Egypt: Reclaiming Islam, Legal Activism, and Coalition Politics'. In: Robert W. Hefner, ed. *Remaking Muslim Politics: Pluralism, Contestation, Democratization*, pp. 161–188. Princeton and Oxford: Princeton University Press.

- ◆ Sonbol, Amira El-Azhary. 2005. 'History of Marriage Contracts in Egypt'. *Hawwa: Journal of Women of the Middle East and the Islamic World* 3(2), pp. 159–196.
- ◆ Sonbol, Amira El-Azhary. 2004. 'Women in Shari'a Courts: A Historical and Methodological Discussion'. *Kelam Araştırmaları* 2(2), pp. 25–56.
- ◆ Sonbol, Amira El-Azhary. 'Law and Gender Violence in Ottoman and Modern Egypt'. In: Amira El-Azhary Sonbol, ed. 1996. *Women, the Family, and Divorce Laws in Islamic History*. Syracuse, New York: Syracuse University Press.
- ◆ Sonneveld, Nadia. 2012. *Khul' Divorce in Egypt: Public Debates, Judicial Practices, and Everyday Life*. Cairo: The American University in Cairo Press.



Iraq

- ◆ Law No. 188 of 1959, Personal Status Law and amendments. Available at:
 - Arabic: http://www.iraq-lg-law.org/ar/webfm_send/803
 - English: <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=469cdf3011&skip=0&query=Personal%20Status&coi=IRQ>
- ◆ Iraq Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20IRAQ_2016.pdf
- ◆ Emory University Islamic Family Law Project Iraq Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Musawah. 2014. *Musawah Thematic Report on Article 16: Iraq*. 57th CEDAW Session. Geneva, Switzerland. Available at: <http://www.musawah.org/sites/default/files/MusawahThematicReportArt16Iraq.pdf>
- ◆ Ali, Zahra. 2015. *Women and Gender in Iraq: between Nation-Building and Fragmentation*. PhD Thesis. Paris EHESS, Ecole des Hautes Etudes en Sciences Sociales. Abstract available at (French): <http://www.theses.fr/2015EHES0101>
- ◆ Cole, Juan. 2009. 'Struggles over Personal Status and Family Law in Post-Baathist Iraq'. In: Kenneth M. Cuno and Manisha Desai, eds. *Family, Gender and Law in a Globalizing Middle East and South Asia*, pp. 105–125. Syracuse: Syracuse University Press.
- ◆ Coleman, Isobel. 2006. 'Women, Islam, and the New Iraq'. *Foreign Affairs*. January/February. Available at: <http://www.foreignaffairs.com/articles/iraq/2006-01-01/women-islam-and-new-iraq>
- ◆ Efrati, Noga. 2005. 'Negotiating Rights in Iraq: Women and the Personal Status Law'. *Middle East Journal* 59(4), pp. 577–595. Abstract available at: <http://www.ingentaconnect.com/content/mei/mei/2005/00000059/00000004/art00004>



Israel

- ◆ The Ottoman Law of Family Rights (1917). Available at (Arabic): <http://lnk.fr/mYidcSva>
- ◆ Equal Rights for Women Law (1951). Available at: http://financeisrael.mof.gov.il/Financelisrael/Docs/En/legislation/LaborSocialPolicy/5711-1951_Equal_Rights_for_Women_Law.pdf
- ◆ Emory University Islamic Family Law Project Israel Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Abou Ramadan, Moussa. 2015. 'Islamic Legal Hybridity and Patriarchal Liberalism in the Shari'a Courts in Israel'. *Journal of Levantine Studies* 4(2), pp. 39–67. Available at: http://www.levantine-journal.org/NetisUtils/srvrutil_getPDF.aspx/1B1W3s/jls%204%202_39-68.pdf

- ◆ Fournier, Pascale, Pascal McDougall, and Merissa Lichtsztral. 2012. 'Secular Rights and Religious Wrongs? Family Law, Religion and Women in Israel'. *William & Mary Journal of Women and the Law* 18(2), pp. 333–362. Available at: <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1333&context=wmjowl>
- ◆ Rouhana, Houda. 2005. *Muslim Family Laws in Israel: The Role of the State and the Citizenship of Palestinian Women*. Women Living Under Muslim Laws, Dossier 27. Available at: <http://www.wluml.org/node/501>
- ◆ Sezgin, Yuksel. 2012. 'The Promise and Pitfalls of Women Challenging Muslim Family Laws in India and Israel'. In: Anissa Helie and Homa Hoodfar, eds. *Sexuality in Muslim Contexts: Restrictions and Resistance*, pp. 98–123. London: Zed Books. Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2205296



Jordan

- ◆ Personal Status Law No. 36 of 2010, *Al-Jarida Al-Rasmiyya*, Vol. 5061, 17 October.
- ◆ Musawah. 2012. *Musawah Fact Sheet on Article 16: Algeria and Jordan*. 51st CEDAW Session. Geneva, Switzerland. Available at: <http://www.musawah.org/sites/default/files/MusawahThematicReportsArt16AlgeriaAndJordan.pdf>
- ◆ Jordan Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20JORDAN_2016.pdf
- ◆ Emory University Islamic Family Law Project Jordan Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Sonbol, Amira El-Azhary. 2004. 'Muslim Women and Legal Reform: The Case of Jordan and Women's Work'. In: Yvonne Haddad and Barbara Freyer Stowasser, eds. *Islamic Law and the Challenges of Modernity*, pp. 213–232. Oxford: AltaMira Press.
- ◆ Sonbol, Amira El-Azhary. 2003. *Women of the Jordan: Islam, Labor, and the Law*. Syracuse, New York: Syracuse University Press.
- ◆ Welchman, Lynn. 2009. 'Family, Gender, and Law in Jordan and Palestine'. In: Kenneth M. Cuno and Manisha Desai, eds. *Family, Gender, and Law in a Globalizing Middle East and South Asia*, pp. 126–144. Syracuse, New York: Syracuse University Press.
- ◆ Welchman, Lynn. 1988. 'The Development of Islamic Family Law in the Legal System of Jordan'. *International and Comparative Law Quarterly* 37(4), pp. 868–886.



Kuwait

- ◆ Kuwaiti Personal Status Law no. 51 (1984) and amendments. Available at (Arabic): <http://www.e.gov.kw/sites/kgoarabic/Forms/QanoonAlAhwalAlMadaniyah.pdf>
Available at (English translation): Appendix No.1, Kuwaiti Personal Status Law of 1984 and Amendments. In: Badria Al Awadi, Hameed Al Mubarak, and Ahmed Al Attawi, eds. 2009. *Women's Rights in the Kuwaiti Personal Status Law and Bahraini Shari'a Judicial Rulings*. Manama, Bahrain: Freedom House, pp. 199–285
[http://maktabatmepi.org/sites/default/files/resources/english/Women's%20Rights%20in%20Kuwaiti%20Personal%20Status%20Law%20and%20Bahraini%20Judicial%20Rulings%20\(Theory\).pdf](http://maktabatmepi.org/sites/default/files/resources/english/Women's%20Rights%20in%20Kuwaiti%20Personal%20Status%20Law%20and%20Bahraini%20Judicial%20Rulings%20(Theory).pdf)
- ◆ Kuwait Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20KUWEIT%20_2016.pdf
- ◆ Emory University Islamic Family Law Project Kuwait Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles>
- ◆ Musawah. 2011. *Musawah Thematic Report on Article 16: Kuwait and Oman*. 50th CEDAW Session. Geneva, Switzerland. Available at:

<http://www.musawah.org/sites/default/files/MusawahThematicReportsArt16KuwaitAndOman.pdf>

- ◆ Al Awadi, Badria, Hameed Al Mubarak, and Ahmed Al Attawi, eds. 2009. *Women's Rights in the Kuwaiti Personal Status Law and Bahraini Shari'a Judicial Rulings*. Manama, Bahrain: Freedom House. Available at:
[http://maktabatmepi.org/sites/default/files/resources/english/Women's%20Rights%20in%20Kuwaiti%20Personal%20Status%20Law%20and%20Bahraini%20Judicial%20Rulings%20\(Theory\).pdf](http://maktabatmepi.org/sites/default/files/resources/english/Women's%20Rights%20in%20Kuwaiti%20Personal%20Status%20Law%20and%20Bahraini%20Judicial%20Rulings%20(Theory).pdf)
- ◆ Meyer, Katherine, Helen Rizzo, and Yousef Ali. 1998. 'Islam and the Extension of Citizenship Rights to Women in Kuwait'. *Journal for the Scientific Study of Religion* 37(1), pp. 131–144.
- ◆ Tétreault, Mary Ann. 2001. 'A State of Two Minds: State Cultures, Women, and Politics In Kuwait'. *International Journal of Middle East Studies* 33(2), pp. 203–220.



Lebanon

- ◆ *Lebanon has 15 distinct personal status laws for its recognized religions, guaranteed by article 9 of the Lebanese Constitution (1926).*
- ◆ Lebanese laws (Arabic): <http://ahdath.justice.gov.lb/nsous.htm>
- ◆ Lebanese Shari'a courts website (Arabic): <http://slc.gov.lb/default.asp?MenuID=37>
- ◆ Lebanon Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20LEBANON_2016.pdf
- ◆ Emory University Islamic Family Law Project Lebanon Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Musawah. 2015. *Musawah Thematic Report on Muslim Family Law: Lebanon*. 62nd CEDAW Session. Geneva, Switzerland. Available at: http://www.musawah.org/sites/default/files/MusawahThematicReportLebanon62_0.pdf
- ◆ Deeb, Lara. 2006. *An Enchanted Modern: Gender and Public Piety in Shi'i Lebanon*. Princeton, New Jersey: Princeton University Press.
- ◆ Human Rights Watch. 2015. *Unequal and Unprotected: Women's Rights Under Lebanon's Religious Personal Status Laws*. Available at: http://www.hrw.org/sites/default/files/reports/lebanon0115_briefer_ForUpload.pdf
- ◆ Tarabey, Lubna. 2013. *Family Law in Lebanon: Marriage and Divorce Among the Druze*. London: I. B. Tauris.
- ◆ United Nations Population Fund Lebanon. 2010–2014. *Tanseeq (Coordination) for Ending Gender Based Violence in Lebanon*. Biannual newsletter. Available at: <http://www.unfpa.org.lb/Publications.aspx?title=tanseeq>
- ◆ Usta, Jinan, JoAnn M. Farver, and Christine Sylva Hamieh. 2015. 'Effects of Socialization on Gender Discrimination and Violence Against Women in Lebanon'. *Violence Against Women* 22(4), pp. 416–431. Available at: <http://vaw.sagepub.com/content/early/2015/09/18/1077801215603509.abstract>



Libya

- ◆ Family Law No. 10 on Marriage and Divorce (1984). Available at (Arabic): <http://aladel.gov.ly/home/?p=1246>
- ◆ Law No. 14 of 2015 amending some provisions of Family Law No. 10/1984. Available at (Arabic): <http://lnk.fr/gJiccSqa>
- ◆ Libya Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic):

http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20LYBIA_2016.pdf

- ❖ Emory University Islamic Family Law Project Libya Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ❖ Al-Hadad, Naeima Faraj A.A. 2015. *Working Women and Their Rights in the Workplace: International Human Rights and Its Impact on Libyan Law*. USA: Ashgate Publishing.
- ❖ Langhi, Zahra'. 2014. 'Gender and State-building in Libya: Towards a Politics of Inclusion'. *The Journal of North African Studies* 19(2), pp. 200–210. Available at: http://www.academia.edu/6704632/Gender_and_State-building_in_Libya_towards_a_politics_of_inclusion
- ❖ Mayer, Ann. 1978. 'Developments in the Law of Marriage and Divorce in Libya Since the 1969 Revolution'. *Journal of African Law* 22(1), pp. 30–49. Abstract available at: <http://www.cambridge.org/core/journals/journal-of-african-law/article/developments-in-the-law-of-marriage-and-divorce-in-libya-since-the-1969-revolution/EA292BA4111BF43916131B964F30ED70>
- ❖ Schnelzer, Nadine. 2016. *Libya in the Arab Spring: The Constitutional Discourse Since the Fall of Gaddafi*. Erlangen, Germany: Springer VS.
- ❖ Stigall, Dan. E. 2014. 'The Civil Codes of Libya and Syria: Hybridity, Durability, and Post-Revolution Viability in the Aftermath of the Arab Spring'. *Emory International Law Review* 28(1), pp. 283–344. Available at: <http://law.emory.edu/eilr/content/volume-28/issue-1/articles/civil-codes-Libya-Syria.html>



Morocco

- ❖ Law No. 70-03 Concerning the Family Code (*Moudawana*) of 2004, consolidated version of 2016. Available at: (Arabic) <http://bit.ly/2fD2DVf>
 - (French) <http://adala.justice.gov.ma/production/legislation/fr/Nouveautes/Code%20de%20la%20Famille.pdf>
 - (English, unofficial translation) <http://www.hrea.org/programs/gender-equality-and-womens-empowerment/moudawana/>
- ❖ Morocco Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20MAROC_2016.pdf
- ❖ Emory University Islamic Family Law Project Morocco Legal Profile 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ❖ Catalanoa, Serida L. 2010. 'Shari'a Reforms and Power Maintenance: The Cases of Family Law Reforms in Morocco and Algeria'. *The Journal of North African Studies* 15(4), pp. 535–555.
- ❖ Elliott, Katja Zvan. 2012. 'The Moudawana and Rural Marital Relationships: Reformed or Resolute?' In: Chitra Raghavan and James P. Levine, eds. *Self-Determination and Women's Rights in Muslim Societies*, pp. 147–168. Waltham, Mass.: Brandeis University Press. Available at: <http://bir.brandeis.edu/bitstream/handle/10192/31474/Raghavan.pdf>
- ❖ El Hajjami, Aicha. 2013. 'The Religious Arguments in the Debate on the Reform of the Moroccan Family Code'. In: Ziba Mir-Hosseini, Kari Vogt, Lena Larsen, and Christian Moe, eds. *Gender and Equality in Muslim Family Law: Justice and Ethics in the Islamic Legal Tradition*, pp. 81–105. London: I. B. Tauris.
- ❖ El Quahabi, Amina Lemrini. 2005. 'The Women's Movement in Morocco and the Project of Reforming the Code for Personal Status Law (*Moudawana* – Islamic Law)'. In: Norani Othman, ed. *Muslim Women and the Challenge of Islamic Extremism*, pp. 157–177. Selangor, Malaysia: Sisters in Islam.
- ❖ Kristianasen, Wendy. 2007. 'Divorce Moroccan-style'. *Le Monde diplomatique, English Edition LMD*. Available at: <http://mondediplo.com/2007/08/07divorce>

- ◆ Mir-Hosseini, Ziba. 2007. 'How the Door of Ijtihad was Opened and Closed: A Comparative Analysis of Recent Family Law Reform in Iran and Morocco'. *Washington & Lee Law Review* 64(4), pp. 1499–1511. Available at: <http://www.zibamirhosseini.com/documents/mir-hosseini-article-how-the-door-of-ijtihad-closed-2007.pdf>
- ◆ Newcomb, Rachel. 2012. 'Justice for Everyone? Implementation of Morocco's 2004 Mudawana Reforms'. In: Rubya Mehdi, Werner Menski, and Jørgen S. Nielsen, eds. *Interpreting Divorce Laws in Islam*, pp. 105–127. Copenhagen: DJØF Publishing. Available at: <http://www.rwi.uzh.ch/dam/jcr:fffff-c577-dc11-ffff-ffff85f7c33a/NewcombJusticeforEveryone.pdf>
- ◆ Rosen, Lawrence. 2008. 'Revision and Reality in the Family Law of Morocco'. In: Rubya Mehdi, Hanne Petersen, Erik Reenberg Sand, and Gordon R. Woodman, eds. *Law and Religion in Multicultural Societies*, pp. 131–144. Copenhagen: DJØF Publishing.
- ◆ Sadiqi, Fatima. 2008. 'The Central Role of the Family Law in the Moroccan Feminist Movement'. *British Journal of Middle Eastern Studies* 35(3), pp. 325–337. Abstract available at: http://www.jstor.org/stable/20455613?seq=1#page_scan_tab_contents
- ◆ Salime, Zakia. 2011. *Between Feminism and Islam: Human Rights and Sharia Law in Morocco*. Minneapolis: University of Minnesota Press.
- ◆ Salime, Zakia. 2009. 'Revisiting the Debate on Family Law in Morocco: Context, Actors and Discourses'. In: Kenneth M. Cuno and Manisha Desai, eds. *Family, Gender, and Law in a Globalizing Middle East and South Asia*, pp. 145–162. Syracuse, New York: Syracuse University Press.
- ◆ Wuerth, Oriana. 2005. 'The Reform of the Moudawana: The Role of Women's Civil Society Organizations in Changing the Personal Status Code in Morocco'. *Hawwa: Journal of Women of the Middle East and the Islamic World* 3(3), pp. 309–333.



Oman

- ◆ Personal Status Law adopted by the Royal Decree No. 32 (1997). Available at:
 - (Arabic) <http://www.mola.gov.om/Download.aspx?Lid=56>
 - (English, unofficial translation): http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf
- ◆ Musawah. 2011. *Musawah Thematic Report on Article 16: Kuwait and Oman*. 50th CEDAW Session. Geneva, Switzerland. Available at: <http://www.musawah.org/sites/default/files/MusawahThematicReportsArt16KuwaitAndOman.pdf>
- ◆ Oman Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20OMAN_2016.pdf
- ◆ Al-Azri, Khalid M. 2013. *Social and Gender Inequality in Oman: The Power of Religious and Political Tradition*. London: Routledge.



Palestine

- ◆ West Bank: Jordanian Personal Status Law No. 61 (1976). Available at (Arabic): <http://wrcati.ps/wrcati/laws/PDF/15849.pdf>
(English): http://www.dcaf.ch/content/download/98731/1522185/file/Legal_Collection_Women_EN.pdf (pp. 59–80)
- ◆ Gaza Strip: Egyptian Law of Family Rights No. 303 of 1954. Available at (Arabic): <http://wrcati.ps/wrcati/laws/PDF/11076.pdf>
(English): http://www.dcaf.ch/content/download/98731/1522185/file/Legal_Collection_Women_EN.pdf (pp. 44–57)

- ◆ Compilation of Current Legislation Related to the Status of Palestinian Women: Centre for the Democratic Control of Armed Forces (DCAF). 2012. *Palestinian Women and Security: A Legal Collection*. Geneva: DCAF. Available at (English): http://www.dcaf.ch/content/download/98731/1522185/file/Legal_Collection_Women_EN.pdf
 - (Arabic): [http://www.dcaf.ch/content/download/35934/527085/file/Legal%20Collection%20Women_final%20Arabic%20version%20\(05-04-2011\).pdf](http://www.dcaf.ch/content/download/35934/527085/file/Legal%20Collection%20Women_final%20Arabic%20version%20(05-04-2011).pdf)
- ◆ Palestine Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20PALESTINE_2016_B%C3%A0T.pdf
- ◆ Emory University Islamic Family Law Project Palestinian Territories Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Al-Botmeh, Reem. 2011. *A Review of Palestinian Legislation from a Women's Rights Perspective*. United Nations Development Programme (UNDP). Available at: http://www.lacs.ps/documentsShow.aspx?ATT_ID=5813
- ◆ Hammami, Rema and Penny Johnson. 2013. *Change and Conservation: Family Law Reform in Court Practice and Public Perceptions in the Occupied Palestinian Territory*. Birzeit: Institute of Women's Studies. Available at: <http://fada.birzeit.edu/bitstream/20.500.11889/2259/1/Change%20and%20conservation.pdf>
- ◆ Hammami, Rema. 2004. 'Attitudes Towards Legal Reform of Personal Status Law in Palestine'. In: Lynn Welchman, ed. *Women's Rights and Islamic Family Law: Perspectives on Reform*, pp. 125–143. London: Zed Books.
- ◆ Welchman, Lynn. 2009. 'Family, Gender, and Law in Jordan and Palestine'. In: Kenneth M. Cuno and Manisha Desai, eds. *Family, Gender, and Law in a Globalizing Middle East and South Asia*, pp. 126–144. Syracuse, New York: Syracuse University Press.
- ◆ Welchman, Lynn. 2000. *Beyond the Code: Muslim Family Law and The Shar'ia Judiciary in The Palestinian West Bank*. The Hague: Kluwer Law International. Available at: <http://core.ac.uk/download/pdf/2786162.pdf>
- ◆ Women's Centre for Legal Aid and Counselling (WCLAC). 2012. 'Palestinian Women and Personal Status Law: Policy Brief'. Ramallah and Geneva: WCLAC and The Geneva Centre for the Democratic Control of Armed Forces (DCAF). Available at: http://www.marsad.eg/wp-content/uploads/2015/02/documenten_10117.pdf
- ◆ Yazbak, Mahmoud. 2002. 'Minor Marriages and Khiyār Al-Bulūgh in Ottoman Palestine: A Note on Women's Strategies in a Patriarchal Society'. *Islamic Law and Society* 9(3), pp. 386–409. Abstract available at: <http://booksandjournals.brillonline.com/content/journals/10.1163/156851902320901206>



Qatar

- ◆ Law No. 22 Promulgating 'The Family Law' (2006). Available at:
 - Arabic: http://www.sjc.gov.qa/lawlib/Court_family/court_family/laws/22-2006/1.htm
 - English: http://www.rwi.uzh.ch/oe/cimels/law/countries/qatar/Law_22_2006_2558.pdf
- ◆ Musawah. 2014. *Musawah Thematic Report on Article 16: Qatar*. 57th CEDAW Session. Geneva, Switzerland. Available at: <http://www.musawah.org/sites/default/files/MusawahThematicReportArt16Qatar.pdf>
- ◆ Qatar Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20QATA_2016.pdf
- ◆ Emory University Islamic Family Law Project Qatar Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>

- ❖ Welchman, Lynn. 2010. 'Bahrain, Qatar, UAE: First time Family Law Codifications in Three Gulf States'. In: Bill Atkin, ed. *International Survey of Family Law*, pp. 163–178. Available at: http://eprints.soas.ac.uk/10899/1/Welchman_'Bahrain,_Qatar,_UAE'_ISFL_2010.pdf



Saudi Arabia

- ❖ *Saudi Arabia does not have a codified family law. Marriage, divorce, and other family related matters are governed by decisions of the Shari'a courts, which are predominantly based in the Hanbali jurisprudential school.*
- ❖ Saudi Arabia Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20SAUDI_2016.pdf
- ❖ Emory University Islamic Family Law Project Saudi Arabia Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ❖ Al-Ahmadi, Hanan. 2011. 'Challenges Facing Women Leaders in Saudi Arabia'. *Human Resource Development International* 14(2), pp. 149–166. Abstract available at: http://www.researchgate.net/publication/241724155_Challenges_facing_women_leaders_in_Saudi_Arabia
- ❖ Al-Fassi, Hatoon Ajwad. 2012. 'Women in Eastern Arabia: Myth and Representation'. In: Amira El-Azhary Sonbol, ed. *Gulf Women*, pp. 25–47. Syracuse, New York: Syracuse University Press.
- ❖ Almihtar, Zainah. 2009. 'Human Rights of Women and Children under the Islamic Law of Personal Status and its Application in Saudi Arabia'. *Muslim World Journal of Human Rights* 5(1). Abstract available at: http://www.researchgate.net/publication/240793639_Human_Rights_of_Women_and_Children_under_the_Islamic_Law_of_Personal_Status_and_Its_Application_in_Saudi_Arabia
- ❖ Gulf Cooperation Council. 2001. *Muscat Document of the Uniform Code (the Law) of Personal Status for GCC Countries*. Available at: <http://www.alnogaithan.com/en/wp-content/uploads/downloads/2014/04/Muscat-Documents-of-the-Uniform-Code-the-Law-of-Personal-Status-for-GCC-Countries-1422-AH-2001-AD.pdf>
- ❖ Human Rights Watch. 2016. *Boxed In: Women and Saudi Arabia's Male Guardianship System*. Available at (Arabic and English): <http://www.hrw.org/report/2016/07/16/boxed/women-and-saudi-arabias-male-guardianship-system>
- ❖ Le Renard, Amélie 2008. "Only for Women:" Women, the State, and Reform in Saudi Arabia'. *The Middle East Journal* 62(4), pp. 610–629. Abstract available at: http://www.researchgate.net/publication/233578031_Only_for_Women_Women_the_State_and_Reform_in_Saudi_Arabia
- ❖ Tønnessen, Liv. 2016. 'Women's Activism in Saudi Arabia: Male Guardianship and Sexual Violence'. CMI CHR Michelsen Institute. Available at: <http://www.rafto.no/assets/laureates/CMI-Report-Saudi-Arabia-by-Liv-T%C3%B8nnesen.pdf>
- ❖ Vogel, Frank E. 2000. *Islamic Law and the Legal System: Studies of Saudi Arabia*. Boston: Brill.
- ❖ Wynn, Lisa. 2008. 'Marriage Contracts and Women's Rights in Saudi Arabia: *Mahr*, *Shurut*, and Knowledge Distribution'. In: Asifa Quraishi and Frank E. Vogel, eds. *The Islamic Marriage Contract: Case Studies in Islamic Family Law*, pp. 200–214. Cambridge, Mass.: Harvard University Press.
- ❖ Yamani, Maha A.Z. 2008. *Polygamy and Law in Contemporary Saudi Arabia*. Reading, UK: Ithaca Press.



Syria

- ◆ Personal Status Law (1953), Legislative Decree 59/1953 - Modified by law 34 of 1975. Available at (Arabic): <http://elawpedia.com/viewfile/36>
Summary available at (English): <http://www.syrianlawjournal.com/index.php/main-legislation/family-law/#17-1>
- ◆ Syria Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20SYRIA_2016_B%C3%A0T.pdf
- ◆ Emory University Islamic Family Law Project Syria Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Berger, Maurits S. 1997. 'The Legal System of Family Law in Syria'. *Bulletin d'études orientales* 49, pp. 115–127. Abstract available at: http://www.jstor.org/stable/41608430?seq=1#page_scan_tab_contents
- ◆ Jabbour, George. 2006. 'Syrian Women and Human Rights'. Paper presented at the 'Woman in Syria Today' conference, Damascus University, 25-26 June 2006. Available at: http://www.fafo.no/~fafo/media/com_netsukii/SW-Jabbour.pdf
- ◆ Maktabi, Rania. 2010. 'Gender, Family Law and Citizenship in Syria'. *Citizenship Studies* 14(5), pp. 557–572. Abstract available at: <http://www.tandfonline.com/doi/abs/10.1080/13621025.2010.506714>
- ◆ Sparre, Sara L. 2008. 'Educated Women in Syria: Servants of the State, or Nurturers of the Family?' *Critical Middle Eastern Studies* 17(1), pp. 3–20.
- ◆ Stigall, Dan. E. 2014. 'The Civil Codes of Libya and Syria: Hybridity, Durability, and Post-Revolution Viability in the Aftermath of the Arab Spring'. *Emory International Law Review* 28(1), pp. 283–344. Available at: <http://law.emory.edu/eilr/content/volume-28/issue-1/articles/civil-codes-Libya-Syria.html>
- ◆ Van Eijk, Esther. 2016. *Family Law in Syria: Patriarchy, Pluralism and Personal Status Law*. London and New York: I. B. Tauris.



Tunisia

- ◆ The Tunisian Code of Personal Status (1956). Available at:
 - Arabic: <http://www.legislation.tn/sites/default/files/codes/StatutpersonnelArabe.pdf>
 - French: <http://www.legislation.tn/sites/default/files/codes/Statutpersonnel.pdf>
 - English: Translation by George N. Sfeir. 1957. The Tunisian Code of Personal Status. *Middle East Journal* 11(3), pp. 309–318.
http://www.jstor.org/stable/4322925?seq=1#page_scan_tab_contents
- ◆ Tunisia Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20TUNISIA_ar_2016.pdf
- ◆ Emory University Islamic Family Law Project Tunisia Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Charrad, Mounira. 2007. 'Tunisia at the Forefront of the Arab World: Two Waves of Gender Legislation'. *Washington and Lee Law Review* 64, pp. 1513–1527. Available at: <http://law2.wlu.edu/deptimages/Law%20Review/64-4Charrad.pdf>
- ◆ Charrad, Mounira, and Amina Zarrugh. 2013. 'The Arab Spring and Women's Rights in Tunisia'. *E-International Relations*. Available at: <http://www.e-ir.info/2013/09/04/the-arab-spring-and-womens-rights-in-tunisia/>

- ◆ Charrad, Mounira, and Amina Zarrugh. 2014. 'Equal or Complementary? Women in the New Tunisian Constitution after the Arab Spring'. *The Journal of North African Studies* 19(2), pp. 230–243. Abstract available at: <http://www.tandfonline.com/doi/abs/10.1080/13629387.2013.857276>
- ◆ Grami, Amel. 2008. 'Gender Equality in Tunisia'. *British Journal of Middle Eastern Studies* 35(3), pp. 349–361. Abstract available at: http://www.jstor.org/stable/20455615?seq=1#page_scan_tab_contents
- ◆ Largueche, Dalenda. 2010. 'Monogamy in Islam: The Case of a Tunisian Marriage Contract'. *Institute of Advanced Studies, School of Social Science Occasional Papers* Number 39. Available at: <http://www.sss.ias.edu/files/papers/paper39.pdf>
- ◆ Mashhour, Amira. 2005. 'Islamic Law and Gender Equality: Could There be a Common Ground? A Study of Divorce and Polygamy in Sharia Law and Contemporary Legislation in Tunisia and Egypt'. *Human Rights Quarterly* 27(2), pp. 563–596.
- ◆ Voorhoeve, Maaïke. 2014. *Gender and Divorce Law in North Africa: Sharia, Custom and the Personal Status Code in Tunisia*. London: I. B. Tauris.



Turkey

- ◆ The Turkish Civil Code, Law no. 4721 (2001). Text updated Law no. 4963, dated 2003, published in Official Gazette No. 25192 dated 07/08/2003. Available at (English): http://www.tusev.org.tr/urfiles/files/Turkish_Civil_Code.pdf
- ◆ Ilkcaracan, Pinar. 2001. 'Islam and Women's Sexuality: A Research Report from Turkey'. In: Patricia Beattie Jung, Mary E. Hunt, and Radhika Balakrishnan, eds. *Good Sex: Feminist Perspectives from the World's Religions*, pp. 61–76. New Jersey: Rutgers University Press.
- ◆ Magnarella, Paul J. 1973. 'The Reception of Swiss Family Law in Turkey'. *Anthropological Quarterly* 46(2), pp. 100–116.
- ◆ Saktanber, Ayse. 2002. *Living Islam: Women, Religion and the Politicization of Culture in Turkey*. London: I. B. Tauris.
- ◆ Yildirim, Seval. 2005. 'Aftermath of a Revolution: A Case Study of Turkish Family Law'. *Pace International Law Review* 17(2), pp. 347–371. Available at: <http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1151&context=pilr>
- ◆ Yilmaz, Ihsan. 2005. 'State, Law, Civil Society and Islam in Contemporary Turkey'. *The Muslim World* 95(3), pp. 385–411. Abstract available at: http://www.researchgate.net/publication/228008541_State_Law_Civil_Society_and_Islam_in_Contemporary_Turkey



United Arab Emirates

- ◆ UAE Federal Law No. 28, Law of Personal Affairs (2005). Available at (Arabic): <http://ejustice.gov.ae/portal/page/portal/eJustice%20MOJ%20Portal/About%20Us/Law%20of%20Personal%20Affairs>
(English): <http://ejustice.gov.ae/portal/page/portal/eJustice%20MOJ%20Portal/About%20Us/Law%20of%20Personal%20Affairs>
- ◆ UAE Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): <http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20EMIRAT%202016.pdf>
- ◆ Emory University Islamic Family Law Project, UAE Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ◆ Musawah. 2015. *Musawah Thematic Report on Article 16 & Muslim Family Law: United Arab Emirates (UAE)*. 62nd CEDAW Session. Geneva, Switzerland. Available at: <http://www.musawah.org/sites/default/files/MusawahThematicReportUAE62.docx>

- ❖ Crabtree, Sara Ashencaen. 2007. 'Culture, Gender and the Influence of Social Change amongst Emirati Families in the United Arab Emirates'. *Journal of Comparative Family Studies* 38(4), pp. 575–587.
- ❖ Schvaneveldt, Paul, Jennifer L. Kerpelman, and Jay D. Schvaneveldt. 2005. 'Generational and Cultural Changes in Family Life in the United Arab Emirates: A Comparison of Mothers and Daughters'. *Journal of Comparative Family Studies* 36(1), pp. 77–91. Abstract available at: http://www.researchgate.net/publication/266003141_Generational_and_cultural_changes_in_family_life_in_the_United_Arab_Emirates_A_comparison_of_mothers_and_daughters
- ❖ Welchman, Lynn. 2010. 'Bahrain, Qatar, UAE: First Time Family Law Codifications in Three Gulf States'. In: Bill Atkin, ed. *International Survey of Family Law*, pp. 163–178. Available at: http://eprints.soas.ac.uk/10899/1/Welchman_'Bahrain,_Qatar,_UAE'_ISFL_2010.pdf



Yemen

- ❖ Law No 20. of 1992 regarding Personal Status, as amended by Law No. 27 of 1998, Law No. 24 of 1999, Law No. 34 of 2003. Available at (Arabic): <http://www.zipo-ye.org/ar/yemenilaws/11.pdf>
- ❖ Yemen Legal Profile, in the Arab Women Legal e-Platform. Available at (Arabic): http://www.arabwomenlegal-emap.org/DocArablegislation/LCP%20YEMEN_2016_B%C3%A0T.pdf
- ❖ Emory University Islamic Family Law Project Yemen Legal Profile. 2002. Available at: <http://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/>
- ❖ Al-Sakkaf, Nadia. 2012. *Yemen's Women and the Quest for Change: Political Participation after the Arab Revolution*. Germany: Friedrich-Ebert-Stiftung. Available at: <http://library.fes.de/pdf-files/iez/09434.pdf>
- ❖ Badran, Margot. 1998. 'Unifying Women: Feminist Past and Presents in Yemen'. *Gender & History* 10(3), pp. 498–518.
- ❖ Dahlgren, Susanne. 2010. *Contesting Realities: The Public Sphere and Morality in Southern Yemen*. New York: Syracuse University Press. Review available at: <http://cy.revues.org/2569>
- ❖ Dahlgren, Susanne. 2005. 'Women's *Adah* versus 'Women's Law': The Contesting Issue of *Mahr* in Aden, Yemen'. *Egypte/Monde Arabe*, pp.125-144. Review available at: <http://ema.revues.org/1045>
- ❖ Hussein, Douaa. 2012. 'Legal Reform as a Way to Women's Rights: The Case of Personal Status Law in Yemen'. *OIDA International Journal of Sustainable Development* 3(1), pp. 21–46. Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1985565
- ❖ Messick, Brinkley. 2008. 'Interpreting Tears: A Marriage Case from Imamic Yemen'. In: Asifa Quraishi and Frank E. Vogel, eds. *The Islamic Marriage Contract: Case Studies in Islamic Family Law*, pp. 156– 79. Cambridge, Mass.: Harvard University Press.
- ❖ Molyneux, Maxine. 1995. 'Women's Rights and Political Contingency: The Case of Yemen 1990–1994'. *Middle East Journal* 49(3), pp. 418–431. Abstract available at: http://www.jstor.org/stable/4328832?seq=1#page_scan_tab_contents
- ❖ Molyneux, Maxine. 1991. 'The Law, the State, and Socialist Policies with Regard to Women; The Case of the People's Democratic Republic of Yemen 1967–1990'. In: Deniz Kandiyoti, ed. *Women, Islam, and the State*. Philadelphia: Temple University Press, chap. 9, pp. 236–271.
- ❖ Wurth, Anna. 2003. 'Stalled Reform: Family Law in Post-Unification Yemen'. *Islamic Law and Society* 10(1), pp. 12–33. Abstract available at: <http://booksandjournals.brillonline.com/content/journals/10.1163/15685190360560906;jsessionid=QkzRX7V5JcXAE9DDxCHpx3A6.x-brill-live-03>

Muslim Minority Communities – Global North

North America

- ◆ Awad, Abed. 2014. 'Islamic Family Law in American Courts: A Rich, Diverse and Evolving Jurisprudence'. In: Elisa Giunchi, ed. *Muslim Family Law in Western Courts*, pp. 168–192. New York: Routledge. Available at: http://www.americanbar.org/content/dam/aba/uncategorized/international_law/islamic_family_law_in_american_court_8_16_13.authcheckdam.pdf
- ◆ Berger, Maurits S., ed. 2013. *Applying Shari'a in the West: Facts, Fears and the Future of Islamic Rules on Family Relations in the West*. Leiden: Leiden University Press. Available at: <http://openaccess.leidenuniv.nl/bitstream/handle/1887/33860/Applying%20Shari%60a%20in%20the%20West.pdf>
- ◆ Bullock, Katherine. 2010. 'Religion as a Spring for Activism: Muslim Women Youth in Canada'. In: Zayn R. Kassam, ed. *Women and Islam*, pp. 325–346. Santa Barbara, California: ABC-CLIO, LLC.
- ◆ Canadian Council of Muslim Women. 2014. 'Marriage Contract Toolkit'. Available at: <http://ccmw.com/wp-content/uploads/2014/04/Muslim-Marriage-Contract-Toolkit-English.rev02-2014.pdf>
- ◆ Clarke, L., and P. Cross. 2006. *Muslim & Canadian Family Laws: A Comparative Primer*. Toronto: Canadian Council of Women. Available at: <http://ccmw.com/wp-content/uploads/2014/04/PRIMER.pdf>
- ◆ Cook, Rebecca J., and Lisa M. Kelly. 2006. 'Polygyny and Canada's Obligations Under International Human Rights Law'. Family, Children and Youth Section Research Report. Department of Justice Canada. Available at: <http://www.justice.gc.ca/eng/rp-pr/other-autre/poly/poly.pdf>
- ◆ Fournier, Pascale, Aida Setrakian, and Pascal McDougall. 2012. 'No-fault Talaq: Divorce in Canadian Immigration and Family Law'. In: Rubya Mehdi, Werner Menski, and Jørgen S. Nielsen, eds. *Interpreting Divorce Laws in Islam*, pp. 235–258. Copenhagen: DJØF Publishing. Available at: http://www.pascalef.com/wp-content/uploads/2013/10/22-pfournie_fournier_mcdougall_setrakian.pdf
- ◆ Hammer, Juliane. 2016. 'To Work for Change: Normativity, Feminism, and Islam'. Roundtable on Normativity in Islamic Studies. *Journal of the American Academy of Religion* 84(1), pp. 98–112. Abstract available at: <http://jaar.oxfordjournals.org/content/84/1/98.abstract>
- ◆ Hammer, Juliane. 2015. 'Marriage in American Muslim Communities'. *Religion Compass* 9(2), pp. 35–44. Abstract available at: http://www.researchgate.net/publication/272522216_Marriage_in_American_Muslim_Communities
- ◆ Macfarlane, Julie. 2012. *Islamic Divorce in North America: A Shari'a Path in a Secular Society*. New York: Oxford University Press.

Europe

- ◆ Al-Sharmani, Mulki, Sanna Mustasaari, and Abdirashid Ismail. 2017. 'Faith-based Family Dispute Resolution in Finnish Mosques: Unfolding Roles and Evolving Practices'. In: Samia Bano and Jennifer L. Pierce, eds. *Gender and Justice in Family Law Disputes: Women, Mediation and Religious Arbitration*. Waltham, MA: Brandeis University Press.

- ❖ Al-Sharmani, Mulki. 2015. 'Striving against the "Nafs": Revisiting Somali Muslim Spousal Roles and Rights in Finland'. *Journal of Religion in Europe* 8, pp. 101–120. Abstract available at: <http://booksandjournals.brillonline.com/content/journals/10.1163/18748929-00801006>
- ❖ Bano, Samia. 2013. 'Muslim Dispute Resolution in Britain: Towards a New Framework of Family Law Governance?' In: Mavis Maclean and John Eekelaar, eds. *Managing Family Justice in Diverse Societies*, pp. 61–88. Oxford: Hart Publishing.
- ❖ Bano, Samia. 2012. 'Muslim Women, Divorce and Shari'ah Councils in Britain'. In: Rubya Mehdi, Werner Menski, and Jørgen S. Nielsen, eds. *Interpreting Divorce Laws in Islam*, pp. 259–288. Copenhagen: DJØF Publishing.
- ❖ Bano, Samia. 2012. *Muslim Women and Shari'ah Councils: Transcending the Boundaries of Community and Law*. London: Palgrave Macmillan. Table of contents available at: <http://www.palgraveconnect.com/pc/doifinder/view/10.1057/9781137283856.0001&preventCache=1466294400064>
- ❖ Bano, Samia. 2011. 'The Practice of Law Making and the Problem of Forced Marriage: What is the Role of the Muslim Arbitration Tribunal?' In: Aisha K. Gill and Sundari Anitha, eds. *Forced Marriage: Introducing a Social Justice and Human Rights Perspective*. London: Zed Books.
- ❖ Büchler, Andrea. 2011. *Islamic Law in Europe? Legal Pluralism and its Limits in European Family Laws*. Farnham, England: Routledge.
- ❖ Caeiro, Alexandre. 2010. 'The Power of European Fatwas: The Minority *Fiqh* Project and the Making of an Islamic Counter-public'. *International Journal of Middle East Studies* 3, pp. 435–449. Abstract available at: <http://www.cambridge.org/core/journals/international-journal-of-middle-east-studies/article/the-power-of-european-fatwas-the-minority-fiqh-project-and-the-making-of-an-islamic-counterpublic/C48639821788298DA88BD361FD779EB3>
- ❖ Charsley, Katharine, and Anika Liversage. 2013. 'Transforming Polygamy: Migration, Transnationalism and Multiple Marriage among Muslim Minorities'. *Global Networks* 13(1), pp. 60–78. Abstract available at: <http://onlinelibrary.wiley.com/doi/10.1111/j.1471-0374.2012.00369.x/abstract>
- ❖ Freeland, Richard, and Martin Lau. 2008. 'The Shari'a and English Law: Identity and Justice for British Muslims'. In: Asifa Quraishi and Frank E. Vogel, eds. *The Islamic Marriage Contract: Case Studies in Islamic Family Law*, pp. 331–347. Cambridge, Mass.: Harvard University Press.
- ❖ Fournier, Pascale. 2010. *Muslim Marriage in Western Courts: Lost in Transplantation*. Farnham, UK: Ashgate.
- ❖ Giunchi, Elisa, ed. 2014. *Muslim Family Law in Western Courts*. New York: Routledge. Excerpt available at: http://samples.sainsburysebooks.co.uk/9781317750314_sample_844300.pdf
- ❖ Gohir, Shaista. 2016. 'Information and Guidance on Muslim Marriage and Divorce in Britain'. *Muslim Women's Network UK*. Available at: http://www.mwnuk.co.uk/go_files/resources/MWNU%20Marriage_Divorce%20Report_WEB2.pdf
- ❖ Jones-Pauly, Christina. 2008. 'Marriage Contracts of Muslims in the Diaspora: Problems in the Recognition of *Mahr* Contracts in German Law'. In: Asifa Quraishi and Frank E. Vogel. *The Islamic Marriage Contract: Case Studies in Islamic Family Law*, pp. 299–330. Cambridge, Mass.: Harvard University Press.
- ❖ Liversage, Anika. 2012. 'Muslim Divorces in Denmark – Findings from an Empirical Investigation'. In: Rubya Mehdi, Werner Menski, and Jørgen S. Nielsen, eds. *Interpreting Divorce Laws in Islam*. Copenhagen: DJØF Publishing.
- ❖ Mehdi, Rubya, and Jørgen S. Nielsen, eds. 2011. *Embedding Mahr (Islamic Dower) in the European Legal System*. Copenhagen: DJØF Publishing.
- ❖ The Muslim Institute. 2008. *Muslim Marriage Contract*. Endorsed by Imams & Mosques Council (UK), The Muslim Law (Shariah) Council UK, Utrujj Foundation, Muslim Council of Britain, The

Muslim Parliament of Great Britain, The City Circle, Muslim Women's Network-UK, Fatima Network and Muslim Community Helpline. Available at:
<http://www.muslimparliament.org.uk/Documentation/Muslim%20Marriage%20Contract.pdf>

- ◆ Nielsen, Jorgen S. 2013. 'An Early Discussion on Islamic Family Law in the English Jurisdiction'. In: Maurits S. Berger, ed. *Applying Shari'a in the West. Facts, Fears and the Future of Islamic Rules on Family Relations in the West*. Leiden: Leiden University Press. Available at:
<http://openaccess.leidenuniv.nl/bitstream/handle/1887/33860/Applying%20Shari%60a%20in%20the%20West.pdf>
- ◆ Pilgram, Lisa. 2012. 'British-Muslim Family Law and Citizenship'. *openDemocracy*. Available at:
<http://www.opendemocracy.net/lisa-pilgram/british-muslim-family-law-and-citizenship>
- ◆ Vogt, Kari. 2010. 'Religious Practice and Worldview of Muslim Women in Western Europe'. In: Zayn R. Kassam. *Women and Islam*, pp. 303–324. Santa Barbara, California: ABC-CLIO, LLC.