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ABSTRACT ONLY – WORK IN PROGRESS

“Islamic Jurisprudence: Role of Women Scholars in Islamic
Family Law Reforms in Morocco”

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The divergence between Islamic law in theory and Islamic law in practice is the result of how Islamic family law was written into state law in the 19th and early 20th centuries throughout the Muslim world. A growing body of scholarship suggests that the process of legal codification was both selective and partial (Hallaq 2009; Tucker 2008). Far from advancing the legal status of women, legal codification actually narrowed the range of rights that women had access to, at least in theory, in classical Islamic jurisprudence (Quraishi and Vogel 2008; Sonbol 2008). Hence, for vocal factions of Muslims, the sphere of family law is regarded as a fundamental stronghold for religious values, and any concessions to be perceived by Western influence therein are met with particularly vociferous resistance. This paper aims to: (1) Examine the wave of changes in the approaches to Islamic jurisprudence, contemporary interpretations of Islamic texts related to women in order to advance women’s rights; (2) Document the voices of Muslim women scholars and their work on Islamic family law, and their contributions to Islamic jurisprudence in general including the *Mudawana* reforms in Morocco (2004); and (3) Study and analyze how these legal aspects influence Muslim women’s socioeconomic reality. Interviews will be conducted with selective women and men jurists who are involved in this work. Questions will address several legal strategies for advancing women’s rights by assessing the strengths, weaknesses, and likely outcome of each approach. Such strategies include implementing international law and secular reform, utilizing the domestic legislative process, reinterpreting the *Qur’an* and the *hadith*, exercising *ijtihad*, and contesting the development of *Islamic law*. This presentation outlines the most promising strategy for advancing gender justice and women’s rights in Islamic states and beyond. It concludes by discussing failed reform strategies, outlining effective reform strategies, and exploring the role of shari’a on gender justice, family stability and societal development.