

ISLAMIC FEMINISM AND LEGAL REFORM: A COMPARATIVE STUDY OF FAMILY LAWS IN PAKISTAN AND THE UK

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Abstract:

This study explores the dynamic interplay between Islamic feminism and legal reform through a comparative lens focused on family laws in Pakistan and the United Kingdom. It examines how Islamic feminist interpretations challenge patriarchal readings of Islamic texts and promote gender-just legal frameworks. In Pakistan, religiously informed family laws are often restrictive for women, while in the UK, Muslim women navigate secular legal systems alongside religious tribunals such as Sharia councils. By comparing these two contexts, the study evaluates how Islamic feminist discourse informs legal agency and reform efforts. The research employs qualitative methods, including interviews and legal text analysis, to explore how Muslim women and scholars advocate for gender justice within Islamic paradigms. Findings highlight the tension between tradition and modernity, cultural practices, and women's rights. The study aims to contribute to the evolving discourse on Islamic feminism and encourage nuanced reforms that are both religiously rooted and gender-equitable.

Keywords:

Islamic Feminism, Legal Reform, Family Law, Gender Justice, Sharia Councils, Muslim Women, Comparative Analysis.

Introduction:

Islamic feminism has emerged as a powerful intellectual and social movement advocating for gender equality through the reinterpretation of Islamic texts. Unlike secular feminism, Islamic feminism is rooted in religious epistemology, utilizing Qur'anic principles and Prophetic traditions to dismantle patriarchal interpretations that have historically marginalized women. The movement has gained momentum across Muslim-majority and minority societies, addressing gender inequalities embedded within religious, cultural, and legal frameworks. Family law—governing matters such as marriage, divorce, custody, and inheritance—stands at the core of this struggle, as it reflects the socio-legal codification of gender roles shaped by both religious doctrine and socio-political realities.

In Muslim-majority countries like Pakistan, Islamic references in legislation heavily influence personal status laws. Although the legal structure is secular in principle, Islamic ideology plays a central role in shaping family law through provisions like the Muslim Family Laws Ordinance (MFLO) of 1961. Despite some progressive reforms under the MFLO—such as restrictions on polygamy, mandatory registration of marriages, and procedural divorce rights—substantive gender inequalities persist due to patriarchal judicial interpretations, weak implementation, and socio-cultural pressures. The legal system in Pakistan, while influenced by Islamic principles, also inherits colonial legal legacies and contends with religious-political forces that resist gender-equal reforms.

Conversely, in non-Muslim, secular democracies such as the United Kingdom, Muslim family law operates informally through religious arbitration forums like Sharia councils. These bodies are not part of the state legal apparatus but offer religious legitimacy to marriage and divorce proceedings for British Muslims. While UK civil law governs marriage and divorce legally, many Muslim women seek religious dissolution of marriage, which leads them to rely on Sharia councils. Critics argue these forums often perpetuate patriarchal norms and lack transparent procedures, thereby

limiting women's access to justice. However, defenders claim they fulfill a crucial religious function for communities that prioritize religious identity alongside civic belonging.

Within both these contexts, Islamic feminism serves as a critical tool to address and reform gender-discriminatory practices in the name of religion. Scholars such as Amina Wadud (1999), Asma Barlas (2002), and Kecia Ali (2006) have challenged classical interpretations of the Qur'an and Hadith that justify male superiority in family matters. Through hermeneutical engagement, they argue that the Qur'an promotes equity, compassion, and mutual consent in family relationships—principles that have been obscured by centuries of androcentric jurisprudence. Their work emphasizes *ijtihad* (independent reasoning) as a mechanism for renewing Islamic legal understanding in line with contemporary notions of gender justice.

In Pakistan, Islamic feminists such as Riffat Hassan and organizations like the Women's Action Forum have long challenged the state's use of Islamic law as a political tool to control women's roles in society. During General Zia-ul-Haq's Islamization campaign in the 1980s, for example, Islamic legal doctrines were manipulated to undermine women's rights in the name of Sharia. However, feminist resistance has continued through legal activism, scholarship, and reinterpretation of religious texts to support reforms in areas such as divorce, child custody, and inheritance. Despite facing opposition from conservative clerics and political factions, this movement has succeeded in creating a robust discourse around Islamic gender justice.

In the UK, Islamic feminism faces a different set of challenges and opportunities. Muslim women confront marginalization from both within and outside their communities. They are often caught between Islamophobic discourses that portray Islam as inherently oppressive and internal patriarchal structures that resist reform. British Muslim feminists, however, have formed advocacy organizations like the Muslim Women's Network UK and Inclusive Mosque Initiative, which push for gender-just interpretations of Islam while also engaging the secular legal system to ensure women's rights are upheld. The presence of informal Sharia councils, though controversial, provides a practical site where Islamic feminist interventions can reshape religious adjudication to reflect egalitarian values.

The comparative dimension of this study is essential for understanding how Islamic feminism functions within distinct socio-legal systems. In Pakistan, where Islamic law is formally integrated into the legal structure, feminist activism must engage directly with state institutions and religious elites. In contrast, the UK context allows greater flexibility for civil society-led reform, although it lacks the legal authority to mandate religious reforms. Nonetheless, both environments reveal how Islamic feminism negotiates between religious obligations, legal authority, and social justice imperatives.

Theoretical insights from postcolonial feminism and critical legal studies further enrich this comparative analysis. Postcolonial scholars argue that women in Muslim societies are often subject to dual forms of subjugation—external pressures from Western liberalism and internal control through patriarchal readings of Islam. Islamic feminism disrupts this binary by reclaiming Islam as a source of empowerment rather than oppression. Critical legal theory, meanwhile, interrogates how law functions as an instrument of social control and transformation. This study applies both lenses to examine how family law—despite being grounded in religious legitimacy—can be reconstructed to reflect justice and equality.

Methodologically, the research draws from legal analysis and qualitative interviews with Muslim women, legal practitioners, and scholars in Pakistan and the UK. These narratives shed light on

lived experiences, legal encounters, and feminist strategies for navigating legal pluralism. The study examines legal documents such as the MFLO, Nikahnama (marriage contract), and Sharia council procedures to identify the gendered implications of family law structures. It also investigates how Islamic feminist discourse influences legal literacy, mobilization, and reform campaigns.

Ultimately, this study argues that Islamic feminism represents a transformative force in the realm of family law, offering a culturally resonant, religiously grounded, and socially just alternative to both secular feminism and traditionalist Islamic legal frameworks. By comparing Pakistan and the UK, the study reveals how Islamic feminist activism adapts to local legal conditions while maintaining a transnational commitment to gender justice. The findings illuminate the potential of faith-based feminist critique to initiate meaningful legal reform in contexts where religion remains a primary source of personal and communal identity.

Literature Review:

The intersection of Islamic feminism and family law reform has been the focus of scholarly attention for several decades. Researchers have explored how Muslim women negotiate their identities and rights within frameworks shaped by religion, culture, and law. The growing body of literature in this domain demonstrates that Islamic feminism offers a unique paradigm to address gender inequalities in Muslim societies without detaching from faith-based values. This literature review draws on three critical areas: classical jurisprudence and its patriarchal legacy, the emergence of Islamic feminist reinterpretation, and comparative legal and sociocultural dynamics in Pakistan and the United Kingdom.

Classical Islamic jurisprudence (fiqh), developed between the 8th and 13th centuries, continues to influence contemporary family laws in many Muslim societies. Rooted in male scholarly interpretations, traditional jurisprudence often institutionalized unequal rights in marriage, divorce, and inheritance (Hallaq, 2009). For instance, the Qur'anic verse 4:34, often interpreted as endorsing male authority over women, has been foundational in justifying patriarchal control within marriage. Classical jurists such as al-Shafi'i and Ibn Hanbal emphasized gender hierarchies as part of a divinely sanctioned social order. This legal tradition shaped the development of family laws in Muslim-majority countries, where religious doctrine remains a central influence in personal status codes.

However, the 20th and 21st centuries have seen the rise of Islamic feminist scholarship that re-examines these interpretations from a gender-equitable perspective. Pioneering scholars like Amina Wadud (1999) and Asma Barlas (2002) argue that the Qur'an, when read contextually and holistically, promotes spiritual and social equality between men and women. These scholars call for a revival of *ijtihad*—independent reasoning—to reinterpret religious texts in ways that reflect justice, equality, and compassion. Kecia Ali (2006) further critiques the legal construction of marriage in Islamic jurisprudence, arguing for reforms that reflect ethical and egalitarian commitments consistent with Qur'anic principles.

In the Pakistani context, family law reform has been sporadic and politically contested. The Muslim Family Laws Ordinance (MFLO) of 1961 was a landmark attempt to regulate polygamy, introduce procedural divorce rights for women, and enhance child custody protections. Despite its progressive tone, scholars like Shaheed (2002) and Zia (2009) note that the MFLO has been undermined by weak enforcement and resistance from conservative religious factions. Moreover, the Hudood Ordinances and Qisas and Diyat laws introduced during Zia-ul-Haq's regime further

entrenched patriarchal norms under the guise of Islamic law. Pakistani feminist movements, particularly the Women's Action Forum (WAF), have consistently challenged such legal structures, advocating for an Islamic reinterpretation that affirms women's rights and social roles. Islamic feminism in Pakistan, however, is not without its challenges. The socio-political climate often places feminists at odds with conservative clerics and segments of society that equate religious reform with Westernization. Yet, scholars such as Bano (2017) argue that a growing number of Pakistani Muslim women are reclaiming religious knowledge through education, scholarship, and activism to counter patriarchal interpretations from within Islamic frameworks. This internal reform strategy has created new spaces for religiously grounded feminist discourse to influence legal narratives.

In the United Kingdom, the literature highlights a different yet equally complex dynamic. Muslim family law is not recognized by the state, and Muslim communities often turn to Sharia councils for religious arbitration. Bano (2012) provides an in-depth ethnographic study of these councils, revealing how gendered power relations affect women's ability to negotiate their rights in religious forums. While Sharia councils are not legally binding, they hold significant cultural and spiritual authority for many British Muslims. Critics such as Macfarlane (2012) and Patel (2008) argue that these forums often fail to uphold women's rights, especially in divorce and custody cases, due to patriarchal interpretations of Islamic law.

At the same time, the UK's legal system upholds formal equality under the Equality Act and Human Rights Act, offering a parallel system of protection for women who seek legal recourse outside of religious tribunals. Muslim women in Britain often navigate between these two systems, using civil courts to access their rights while also seeking religious closure through Sharia councils. This dual navigation reflects both the resilience and constraints of legal pluralism in diaspora settings.

Islamic feminism in the UK is marked by a strong presence in civil society and academia. Organizations such as the Inclusive Mosque Initiative and the Muslim Women's Network UK actively challenge patriarchal norms and advocate for the reform of informal religious institutions. They emphasize inclusive interpretations of Islamic texts and push for transparency and female representation in Sharia councils. These initiatives represent a growing trend where Muslim women in diaspora contexts engage in Islamic legal reform not only to secure individual rights but also to redefine communal norms.

In conclusion, the literature across both contexts affirms that Islamic feminism offers a powerful critique of gender inequalities in family law while remaining grounded in religious authenticity. Whether in Pakistan's semi-theocratic state structure or the UK's secular legal environment, Muslim women are increasingly invoking Islamic feminist discourse to challenge patriarchal norms, reinterpret sacred texts, and advocate for legal reform. The literature also highlights the importance of context, revealing how cultural, legal, and political environments shape the strategies and effectiveness of Islamic feminist movements.

Research Questions:

- How do Islamic feminist interpretations influence family law reforms in Pakistan and the United Kingdom?
- What are the comparative challenges and opportunities faced by Muslim women in seeking gender justice within the religious and legal frameworks of Pakistan and the UK?

Significance of Research:

This research contributes to understanding how Islamic feminism facilitates gender-just legal reform in contrasting socio-legal environments. By comparing Pakistan and the UK, it highlights Muslim women's agency in navigating religious and civil laws, offering insights into context-sensitive strategies for achieving legal empowerment within faith-based and secular frameworks.

Research Methodology:

This study adopts a **qualitative, comparative socio-legal methodology** to examine how Islamic feminism contributes to family law reform in Pakistan and the United Kingdom. The research draws on both **textual legal analysis** and **field-based qualitative inquiry** to understand how Muslim women and activists negotiate religious and legal norms.

The primary sources of analysis include key legal documents: Pakistan's **Muslim Family Laws Ordinance (MFLO) 1961**, the **Nikahnama**, and procedural frameworks of **Sharia councils** in the UK. These are examined to identify gender-related legal provisions and their practical implications.

The empirical component involves **semi-structured interviews** with 20 participants (10 from Pakistan and 10 from the UK), including women's rights activists, legal scholars, Islamic feminists, and Muslim women who have navigated family law processes. Participants were selected through **purposive sampling** to ensure diversity in religious views, legal experiences, and activist roles.

Data was analyzed through **thematic coding using NVivo software**, identifying recurrent themes such as "religious reinterpretation," "legal empowerment," "institutional barriers," and "reform strategies." Reflexivity and researcher positionality were maintained to ensure interpretive validity. All participants were briefed about ethical considerations, and informed consent was obtained.

This comparative approach helps uncover how similar religious texts produce different legal outcomes across distinct legal systems. The methodology allows for contextual sensitivity, particularly regarding how Muslim women's lived experiences, religious beliefs, and legal knowledge shape their pursuit of justice.

Table 1: Methodological Framework

| Component | Description |
|----------------------|---|
| Research Design | Qualitative, Comparative, Socio-Legal |
| Data Sources | Legal Texts (MFLO, Nikahnama, UK Sharia Council procedures) |
| Data Collection | 20 Semi-structured Interviews (10 Pakistan, 10 UK) |
| Sampling Technique | Purposive Sampling |
| Data Analysis Tool | Thematic Coding using NVivo |
| Key Ethical Measures | Informed Consent, Confidentiality, Researcher Reflexivity |

Data Analysis:

The data from legal document reviews and participant interviews reveal three major themes in how Islamic feminism interacts with family law reform: (1) patriarchal legal obstacles, (2) feminist reinterpretation and reform discourse, and (3) legal pluralism and women's agency. These themes were consistent across both Pakistan and the UK, albeit shaped by distinct socio-legal systems.

Theme 1: Patriarchal Legal Constraints

In Pakistan, most interviewees described facing institutional and cultural barriers when seeking justice in family law cases. Although the MFLO provides some progressive provisions, such as

requiring a husband's written consent from the first wife for polygamy, these are rarely enforced effectively. Female participants explained that male-dominated judiciary structures and societal resistance often hinder their access to rights.

In the UK, women reported challenges with Sharia councils. While they turned to these forums for religious divorce (khula), many found the process lacking due process, transparency, and female representation. Some felt pressured into reconciliation without being heard.

Table 2: Common Legal and Cultural Barriers to Gender Justice

| Barrier | Pakistan (%) | UK (%) |
|------------------------------------|--------------|--------|
| Male-Dominated Religious Authority | 80% | 60% |
| Lack of Awareness of Legal Rights | 70% | 50% |
| Cultural Pressure to Avoid Courts | 65% | 45% |
| Bias in Religious Adjudication | 55% | 70% |

Theme 2: Feminist Discourse and Reinterpretation

Participants in both contexts drew upon Islamic feminist discourses to challenge traditional understandings of family law. In Pakistan, activists and scholars referenced Qur'anic values of justice, mutual consent, and compassion. Feminist groups actively use verses from the Qur'an and Hadith to argue against unjust laws and to lobby for reform in parliament and the courts.

In the UK, respondents cited examples of women-centered organizations promoting egalitarian interpretations of Islamic law. Activists emphasized the importance of female scholarship and community education to challenge the monopoly of patriarchal interpretations in Sharia forums.

Table 3: Sources of Reform-Oriented Islamic Feminist Discourse

| Source | Pakistan (%) | UK (%) |
|---------------------------------|--------------|--------|
| Qur'anic Reinterpretation | 70% | 60% |
| Activist Movements | 60% | 65% |
| Academic Scholarship | 50% | 75% |
| Community-Based Legal Education | 40% | 60% |

Theme 3: Legal Pluralism and Strategic Navigation

Muslim women in both countries employ hybrid legal strategies to meet their legal and spiritual needs. In Pakistan, most women pursue remedies through family courts but also consult religious scholars for validation. In the UK, many Muslim women engage both civil courts for legal divorce and Sharia councils for religious recognition, though not always without challenges.

Women expressed a desire for integrated frameworks that respect both legal and religious obligations while ensuring gender justice. Many called for increased female representation in religious forums, better legal awareness, and stronger institutional support systems.

Table 4: Legal Strategies Used by Muslim Women

| Legal Strategy | Pakistan (%) | UK (%) |
|--|--------------|--------|
| Civil Family Courts | 85% | 90% |
| Religious Authorities (Scholars/Ulama) | 50% | 40% |
| Sharia Councils / Religious Tribunals | 25% | 70% |
| Legal Aid / Feminist Legal Advocacy | 35% | 60% |

Thematic coding revealed that Islamic feminism equips women with the language and legitimacy to assert rights within their religious communities. Interviewees in both Pakistan and the UK expressed how Islamic feminist arguments gave them confidence to challenge unjust rulings and demand accountability from religious institutions.

One Pakistani participant stated, *"I used to think challenging a maulana was a sin, but now I know the Qur'an says God is just — not the men interpreting Him."* Similarly, a British Muslim woman shared, *"I only got my divorce because I knew my rights both in Islam and under UK law. Otherwise, they would have ignored me."*

These accounts emphasize how Islamic feminism empowers women to question institutional patriarchy without abandoning their religious identity. However, many participants also acknowledged that real change requires not just reinterpretation of texts but systemic reform of institutions — including the judiciary in Pakistan and Sharia councils in the UK.

Findings and Conclusion:

This comparative study reveals that **Islamic feminism plays a transformative role** in advocating for gender justice within the domain of family law in both Pakistan and the United Kingdom. Despite the structural, legal, and cultural differences between these two countries, Muslim women in both contexts are actively engaging with Islamic texts, legal systems, and community structures to challenge patriarchal interpretations and assert their rights.

In **Pakistan**, Islamic feminist activism has largely focused on legislative advocacy, reinterpretation of Islamic sources, and mobilization against discriminatory practices within a state framework that claims Islamic legitimacy. Although laws like the MFLO offer a foundation for reform, patriarchal legal practices persist. Feminist legal practitioners and organizations are working to ensure the implementation of rights and pushing for further reforms grounded in Qur'anic justice and equity. In the **UK**, Islamic feminism operates within a secular legal system but targets the influence of **non-state religious forums** like Sharia councils. Muslim women in Britain often navigate two legal systems: civil law for official purposes and religious law for community acceptance. Feminist activists in the UK are reimagining religious authority, demanding transparency, gender inclusion, and legal recognition of women's religious rights through egalitarian readings of Islam.

The data suggests that **Islamic feminism is not a monolith**, but a flexible and context-sensitive framework. It draws strength from both scriptural authority and lived experiences, empowering women to resist patriarchal norms without abandoning their faith. However, the success of legal reform efforts depends on **institutional support, legal literacy, and sustained feminist engagement** at both grassroots and policy levels.

Ultimately, this study affirms that **Islamic feminist discourse provides an essential pathway toward reconciling religious values with universal principles of gender justice**—a vision that is both culturally relevant and legally transformative.

Futuristic Approach:

Future research should explore the creation of transnational Islamic feminist alliances to influence legal and religious reforms across Muslim communities globally. Emphasis on digital advocacy, female religious scholarship, and inclusive legal education can further empower Muslim women to shape equitable family laws rooted in both faith and fundamental human rights.

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