

# Tracing women's rights through Islamic legal history



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Across Muslim-majority societies today, women's rights remain a topic of fraught public discourse. Inheritance, divorce, guardianship, and participation in civic life are debated not only in legislatures and courts, but also across digital platforms and drawing rooms. Beneath these debates lies a larger, more enduring question: can Islamic law serve as a foundation for gender justice in the modern world? Or is it irreconcilably tethered to a legacy of interpretive hierarchies shaped by historical legal and social conventions? These are not new questions, but they have acquired fresh urgency as legal reforms and feminist movements intersect with religious sentiment and political manoeuvring.

To understand how Islamic law became both a site of contestation and a source of potential empowerment, one must look beyond the present moment and revisit the intellectual and historical traditions from which it arose.

Islam articulated a bold vision for women's dignity and autonomy in its earliest revelations. The Quran, in seventh-century Arabia, introduced legal and ethical reforms that were nothing short of revolutionary at that time. It banned female infanticide, recognised women as moral agents, and granted them rights to property, inheritance, and divorce. These entitlements were not merely symbolic. Daughters were allocated fixed shares of inheritance (Quran 4:11), wives could retain their dowry, and the requirement of their consent in marriage was codified. While women received a smaller share than men, this discrepancy was justified contextually by men's financial obligations to the household. Importantly, the Quran emphasised that women's wealth was their own, untouchable even in marriage.

Similar contextual logic applied to the issue of polygamy. The Quranic provision permitting up to four wives (Quran 4:3) was revealed during wartime, when many women and orphans had been left without support. However, this allowance came with

a caveat: only if justice could be maintained among wives—a condition the Quran itself acknowledges is nearly impossible to meet (4:129). Early Islamic jurists recognised these conditions as manifestations of legal reasoning rooted in purpose—what Islamic legal theory refers to as *ratio legis* or *illah*.

Yet, as Islamic jurisprudence evolved, the early spirit of reform was gradually circumscribed by patriarchal interpretations. By the 10th century, many Sunni scholars declared the "gates of *ijtihad*" closed, effectively cementing a legal canon that reflected the sociocultural norms of medieval societies more than the ethical imperatives of the Quran. Women's roles, legal capacities, and public visibility became increasingly confined within juridical constructs developed almost exclusively by men.

It is often forgotten that in Islam's formative centuries, women played prominent roles as scholars, jurists, and transmitters of Hadith. Aisha bint Abu Bakr, wife of Prophet Muhammad (PBUH), was among the most prolific narrators of Hadith and was regularly consulted on complex legal matters. Over time, however, the institutionalisation of religious education marginalised female voices. The contemporary resurgence of women scholars in Islamic legal discourse thus represents not an innovation, but a return to a neglected tradition.

Contemporary debates over women's rights in Islamic contexts often centre on family law. Tunisia, for example, offers one of the most robust examples of Islamic legal reform. Following independence in 1956, the Tunisian state introduced a Personal Status Code that abolished polygamy, mandated judicial divorce, and enhanced women's rights within the family. These reforms were justified not by abandoning Islam, but by invoking its *maqasid*—the higher objectives of Shariah, including justice, welfare, and dignity. More recently, a proposal to equalise inheritance sparked widespread debate. While it ultimately failed, it forced

a public reckoning with the distinction between immutable revelation and mutable interpretation. Similar questions have arisen elsewhere.

In Egypt, inheritance laws remain grounded in Islamic principles, but legal disputes have emerged, particularly among religious minorities, challenging the unequal distribution of property. A notable case involved a Christian woman successfully petitioning for equal inheritance under her community's doctrine, marking a rare legal acknowledgement of intra-faith pluralism. In Morocco, reforms to the family code have allowed families to distribute property through lifetime gifts or discretionary wills, offering women a more equitable share without formally altering Quranic inheritance prescriptions. These creative legal solutions

promoting gender equality. This move, criticised by many civil society groups, reflected growing tensions between international human rights norms and domestic political currents shaped by cultural and religious narratives. As with many Muslim-majority contexts, the legal text is only part of the story; institutional will, judicial discretion, and social attitudes play equally decisive roles.

Marriage and divorce remain particularly salient. In many classical interpretations, men retain the unilateral right to *talaq* (divorce), while women must seek judicial intervention. However, reforms in countries like Egypt and Morocco have introduced provisions for *khul'* (no-fault divorce) and placed restrictions on polygamy, often requiring the consent of the existing wife and approval from a court. In

financial responsibility, not ontological hierarchy. When read alongside Quranic principles of mutual consultation (*shura*), compassion (*rahma*), and equity (*adl*), *qiwanah* can be reinterpreted as a model of partnership rather than patriarchy.

This interpretive turn is not unprecedented. Islamic law has always been pluralistic and context-sensitive. Jurists across the centuries have disagreed over matters ranging from the age of marriage to the permissibility of women leading prayers. What distinguishes the current moment is the unprecedented access women have to religious education, digital platforms, and transnational networks—tools that allow them to participate directly in the production of religious knowledge.

And yet, structural challenges remain.

Legal reform, however eloquent on paper, often stumbles in implementation. Surveys across Muslim-majority countries continue to show alarmingly high rates of domestic violence, unequal access to justice, and limited female representation in legal institutions.

In some contexts, religious authorities have resisted reforms, framing them as Western impositions rather than endogenous responses to ethical demands.

It is tempting to frame the conversation as a binary: tradition versus modernity, faith versus feminism. Yet, such oppositions oversimplify a far more complex reality. At its core, the debate reflects deeper questions of political legitimacy and institutional control. Interpretive authority over Islamic law is often embedded within state bureaucracies, religious establishments, and legal elites whose interests may not always align with broader societal needs. Competing visions of religious authenticity, national identity, and legal reform intersect with shifting power dynamics, leaving little consensus on who gets to speak for the tradition and to what end.

In this context, the authority to define religious meaning—and to shape how law reflects it—is not fixed but contested. The future of Islamic legal reform may well depend on whether this contestation is navigated through dialogue, intellectual humility, and a shared commitment to justice.

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Quran, after all, initiated an ethical discourse premised on human dignity and accountability. To sustain that vision in the present requires not a break from tradition, but a re-engagement with its interpretive possibilities.



VISUAL: SALMAN SAKIB SHAHRYAR

illustrate how states are negotiating between fidelity to tradition and the pursuit of justice in contemporary contexts.

Elsewhere, the trajectory has been more circuitous. In early 20th-century Turkey, sweeping reforms replaced Islamic law with a secular civil code, granting women formal equality in marriage, inheritance, and education. Yet, recent decades have seen a reassertion of religious and nationalist values, accompanied by contested legal interpretations and rising gender-based violence. A notable flashpoint was Turkey's withdrawal in 2021 from the Istanbul Convention, a landmark treaty aimed at preventing violence against women and

Malaysia, Islamic family courts now include women judges who oversee cases involving marriage, divorce, and custody, marking an important institutional step towards inclusion. The country has also launched initiatives to provide legal aid and mediation services through Shariah courts, making them more accessible to women. These reforms draw on Islamic jurisprudence while responding to evolving social realities.

Perhaps no concept has generated as much debate as *qiwanah*, commonly translated as male authority or guardianship. Quran 4:34 is often invoked to justify male superiority within the household. Yet, a growing number of scholars argue that the verse speaks to

# Escaping the shadows of a broken education system



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Of all the reforms that Bangladesh must undertake in this transitional moment of its history, none is more foundational—or more urgent—than education reform. For it is not roads, ports or policies that build a democracy; it is the people. And an educated people, one capable of reasoned thought and civic discernment, don't easily fall prey to the charms of authoritarianism. The previous regime knew this all too well. To manipulate curricula, politicise history, silence inquiry, and reward mediocrity was not mere negligence; it was strategy. A docile, underinformed populace is easier to rule, easier to deceive. The antidote to such decay is not only political change—it is intellectual renewal.

Bangladesh today stands at the threshold of a decisive transformation, its youthful population brimming with promise, and its future increasingly defined by a single question: what kind of education shall we offer the next generation?

For too long, our education system has remained trapped in a model better suited to a bygone era. A culture of rote memorisation, outdated textbooks, opaque assessments,

and politicised curricula has left students ill-prepared for the world beyond the classroom. In a global age that rewards adaptability, creativity, and technical skill, we have been preparing our children to recite, not to reason.

The consequences are stark. Over 40 percent of our youth aged 15–24 years are classified as NEET (not in education, employment, or training). Unemployment among university graduates remains stubbornly high, while technical and vocational training, long viewed as a secondary track, remains marginal in both policy and perception. In our collective failure to reform the education system, we have left too many young people behind.

This failure is not accidental. Over the past decade, the politicisation of education has undermined both content and credibility. Textbooks have become vehicles for ideological reinforcement rather than vessels for intellectual discovery. Even history, that sacred archive of a nation's soul, has been edited to serve political ends. Meanwhile, allegations of plagiarism in school materials and leaks of public examination papers have

further eroded public trust.

Yet, we are not without a way forward.

A new policy vision—comprehensive in scope and pragmatic in its ambition—offers Bangladesh a rare opportunity to rebuild its education system from the ground up. It proposes a market-aligned, skills-focused curriculum that connects learning with life and education with employment. It calls for integrating project-based learning, critical thinking, digital literacy, and personal finance into the core curriculum—subjects considered extracurricular luxuries rather than essentials for too long.

To begin with, the reform must be grounded in equity. Rural schools, which continue to operate with insufficient infrastructure and undertrained staff, must be brought up to parity with their urban counterparts. Access to electricity, internet, and digital tools is no longer optional—it is foundational. Satellite learning platforms and mobile classrooms can help bridge geographic divides.

Teacher training, too, must be revisited. An ambitious retraining programme—with periodic recertification, international best practice modules, and incentives for performance—will be essential if we are to break the cycle of mediocrity. Teachers must be empowered not only to deliver content, but to inspire curiosity and foster independence of thought.

Early childhood education must receive special attention. It is in these formative years that children learn not only to read and count, but to empathise, reflect, and imagine. Ethical instruction—emphasising empathy, fairness, and integrity—should be woven into

the curriculum. This is not a sentimental luxury; it is a national necessity in a society grappling with corruption and declining civic norms.

At the secondary and tertiary levels, vocational and technical education must be mainstreamed. In too many cases, students leave school with credentials but no skills. We must align education with industry demand, develop public-private training partnerships, and introduce programmes on entrepreneurship, innovation, and digital fluency. Recognition of Prior Learning (RPL) schemes, inspired by India's National Skill Development Corporation, could help validate the informal knowledge of millions who remain outside formal education channels.

One of the most compelling and under-acknowledged reforms needed is linguistic. Bangladesh must embrace multilingual education at the primary level—not only to preserve its own cultural diversity, but to prepare its children for global competition. English alone is no longer sufficient. Early exposure to multiple languages improves cognitive flexibility and opens the mind to the wider world. A multilingual child is a child prepared not merely to work in the world, but to lead in it.

To implement this vision, political will must be matched with financial commitment. Bangladesh currently spends just over one percent of its GDP on education—well below the regional average and far below the UNESCO recommended four to six percent. Without increasing the education budget, talk of reform will remain just that: talk. Investing in libraries, labs, classrooms, and

digital infrastructure is not just an economic imperative, but a moral one.

We must also move beyond the obsession with high-stakes examinations. Competency-based, continuous assessments offer a fairer and more holistic picture of student growth. At the same time, measures must be taken to secure the integrity of public assessments. Encrypted digital systems, randomised question banks, and independent oversight are essential to ending the cycle of question paper leaks and corruption.

Finally, education must be protected from political interference. Textbooks should be written and reviewed by independent scholars, not partisan appointees. History should be taught in its full complexity. To give students a curated version of the past is to rob them of their intellectual freedom in the present.

We can draw inspiration from beyond our borders. Finland's student-centred pedagogy, China's vocational-industrial alignment, and India's gender-focused training programmes offer rich lessons. But imitation is not enough. Reform must be adapted to our own social and economic realities. The goal is to create a generation of Bangladeshis who can think critically, compete globally, and contribute meaningfully to national development.

In the end, a nation's character is etched most clearly not on its monuments or manifestos, but on its blackboards. If we are to build a Bangladesh that is prosperous, just, and confident in its place in the world, then education reform must be more than a policy debate—it must be a national mission. The time to act is not tomorrow, but now.

**ACROSS**

- 1 Art class staple
- 6 Simmer
- 10 Zodiac ram
- 11 Bones near radiuses
- 13 Pick up the tab
- 14 Intensify
- 15 Sty resident
- 16 Target
- 18 "... man – mouse?"
- 19 Expert at cajoling
- 22 – "Miserables"
- 23 Snaky fish
- 24 Parcels out
- 27 Out of style
- 28 Rock's Clapton
- 29 Broadcast
- 30 Feud participant
- 35 Historic time
- 36 Band blaster
- 37 Use deceit
- 38 Less common
- 40 Sports spot
- 42 Miniature
- 43 Low cards in pinochle
- 44 Woes
- 45 Brainy
- DOWN**
- 1 Ways to go
- 2 Cupid's missile
- 3 Long attack
- 4 Pot brew
- 5 Manor settings
- 6 Other name for
- 7 Bullfight cry
- 8 Calls forth
- 9 Symbol of honor
- 12 Thinly scattered
- 17 – "a deal!"
- 20 Put in office
- 21 Get smart
- 24 Excludes
- 25 Folding craft
- 26 Not figurative
- 27 Crust holders
- 29 Sleeve filler
- 31 Some nobles
- 32 Justice Kagan
- 33 Pit worker
- 34 Bread-making need
- 39 Building wing
- 41 Brink
- 44



## MAY 12 ANSWERS

C	A	S	T	C	L	O	G
R	I	S	E	A	E	S	O
I	N	T	R	T	W	O	A
P	E	R	F	U	M	E	D
U	M	A	P	R	P	L	E
P	A	L	L	E	E	D	Y
A	S	H	O	A	S	H	E
S	H	A	G	A	N	K	A
P	E	R	S	O	R	B	O
A	B	C	P	E	R	S	I
T	R	A	C	E	O	H	A
S	E	D	A	N	L	O	N
W	E	D	S	U	O	A	D

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