

**Women under U.S and Islamic Laws:  
Islam synonymous with women  
oppression?**

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## **I. Introduction**

Even though Women's situation worldwide has greatly improved nowadays, women still constitutes a population that is still oppressed in many places in this world. From employment, to social and political representation, women are still behind men. Many women earn less than men with the same qualifications and position and fewer women than men occupy seats on legislative bodies. However, many believe that countries where women are the most kept from having any social role are countries evolving under Islamic laws. Indeed, the idea of a Muslim women wearing a veil symbolizes for many and especially westerners the oppression of women. Nevertheless, this paper aims at demonstrating through a comparison of gender equality under U.S. laws and under Islamic laws that Islamic laws do not necessarily results in women oppression. Nevertheless, I also want to make it clear that U.S laws generally provide more protections to women than Islamic laws, but there are some areas where U.S Laws have failures. In an effort to prove this point, this paper will first explore how patriarchal notions have influenced interpretations of gender equality under U.S. and Islamic laws. This will lead us to conclude that depending on the method of interpretations, gender equality exists under Islamic laws. Then, the paper will analyze the issues of marriage and violence against women under U.S laws and Islamic laws. Finally, we will expose Islamic and American feminists' views on gender equality and understand what the future holds for women under these legal systems.

## **II. Patriarchy in the Law**

### **U.S Laws**

The United States operates under a male dominated, centered and identified system in which women had to struggle in order to hold the place that they have today. Before they were able to gain significant advancements in the social and political realms, women occupied much of the same status as slaves. Similarly to slaves, they were treated like minors who were supposed to be under the care and supervision of the white male. Male guardianship over women was justified by women supposed inferiority to men and inability to care for themselves due to genetic predispositions. This idea has been termed “romantic paternalism” and is defined as the white male’s role of protector and defender of the women. Nevertheless, “romantic paternalism “had the effect of keeping women in a cage (Kay and West, 2006, p.23).

Such view was so engrained in the mind of the American that the founding fathers did not include any provision in the U.S constitution declaring gender equality. In fact, Thomas Jefferson expressed the view that women should not be included in any decision making about society (Kay and West, 2006, p.23).As a result, the original text of the Constitution did not mention women and they remained unprotected from laws that discriminated against them in juries, in personal property and in employment (Sullivan, 2002, p.735).

Even the 14<sup>th</sup> Amendment to the U.S. Constitution which guarantees that “no state shall deprive any person of the equal protection of the laws or of the privileges and immunities of federal citizenship” did not imply at the time gender equality. Indeed, “the privileges and immunities” clause of the 14<sup>th</sup> Amendment was used in 1872, in the

case of *Bradwell v. Illinois* where Mary Bradwell brought a challenge against an Illinois statute that barred women from admission to the bar in Illinois. Nonetheless, her claim about her right to practice law was rejected on the basis it was not a privilege afforded by federal citizenship (Sullivan, 2002). The majority decision in this case announced by Justice Bradley well illustrates the patriarchal biases within U.S. laws. Indeed, Justice Bradley provided that one main reason why women should be excluded from the legal profession is a matter of accordance with the “law of the creator” which reserves the duties of motherhood and wife to the women. As a result, women should be maintained in their sphere which is the private and familial sphere (*Bradwell v. Illinois*, 1873).

Consequently, in the late 19<sup>th</sup> century in the United States, gender equality could not be conceived of since the “law of the creator” assigned specific roles to each gender and such view was sanctioned by the law of the land through the highest courts. In other words, the notion of women’s inferiority in the law has its origin in religion and illustrates how religion played a significant role in influencing the laws and views about women’s place in society.

However, in 1920, women were given the right to vote by the 19<sup>th</sup> Amendment to the U.S. constitution. This provision of the U.S. Constitution is the only one that focuses on women’s equality to men because it reads that “the rights of citizens of the united States to vote shall not be denied or abridged by the United States or by any State on account of sex (Sullivan, 2002, 737). Nevertheless, in their quest for equality, women were met with many defeats when attempting to extend this explicitly defined

gender equality to other areas of social life. Consequently, they turned to the Equal protection clause of the 14<sup>th</sup> Amendment in order to find ingenious ways that would lead to the incorporation of gender equality into the law of the land. Now Justice Ginsburg can be thought of as the architect of such a brilliant strategy because as a litigator and founding director of the American Civil Liberties Union Women's Rights Project, she convinced the court to read in the Equal Protection Clause a guarantee of gender equality by paralleling sex discrimination with race discrimination (Sullivan, 2002, 739). Consequently, the Supreme Court started to examine cases about sex discrimination with harsher standards of scrutiny which eventually lead the court to invalidate many stereotypical and patriarchal notions of gender roles.

One example of the success of women litigating for equality under the 14<sup>th</sup> Amendment's Equal Protection Clause is apparent in the Reed v. Reed case. In this case, the Supreme Court struck down an Idaho statute that gave preference to the father over the mother for the administration of the belongings of their son who died intestate. The main issue of this classification was that males were given preference over the administration of the estate of a deceased because it was widely accepted that men were better at managing anything that deals with finances unlike women. Such view truly reflects patriarchal biases and stereotypical notions associated with gender. Nonetheless, using the 14<sup>th</sup> A, the majority opinion in this case noted that any classification made on the basis of sex should be looked upon as inherently suspect and should be subjected to strict scrutiny under the 14<sup>th</sup> Amendment. As a result, the court held that it will strike down any statute that treats differently men and women similarly

situated with respect to a situation (Kay and West, 2006). Consequently, this case set the stage for striking down many legislations and practices that had the discriminatory effect of relegating women to a subservient position.

This section have just demonstrated how U.S. laws regarding women have been infiltrated with patriarchal biases stemming from religious notions of the role of women. Furthermore, it is only after a departure from religious notions that new ways of interpreting the Constitution were possible and brought about a sense of gender equality under U.S. laws. Similarly, the role of women under Islamic laws is deeply rooted in the Islamic religious tradition and an authoritative as well as valid reinterpretation of these religious teachings could constitute a departure from the traditional notion of gender inequality under the laws.

### Islamic laws

In the Islamic legal tradition, the Shari'a is the totality of Islamic laws and one of its main source in the holy book, the Qur'an (Glenn, 2006, 185). Riffat Hassan, a scholar in the field of feminist theology, argues that gender equality does not figure in Islamic Laws because the main sources of Shari'a, hence, the Qur'an, the Sunnah (the practice of the Prophet Muhammad), the Hadiths (the oral teachings of the Prophet), as well as the Fiqh (Islamic Jurisprudence) have been predominantly interpreted by men in places where women literacy is almost nonexistent. As a result, they have infiltrated the Shari'a with many patriarchal biases and gender stereotypes. She further asserts that only an alternative interpretation freed from masculine biases of the sources of Islamic law could lead to women and men equality under the law (Hassan, 2010, p.57). It is a

plausible argument if understood in light of issues of power and control in a society. Men who have provided interpretation would assure that they remain in position of power and control. Therefore, the society under which everyone would evolve becomes a society that is men centered and identified. Such view is verified in many instances and as I have shown earlier, the primary example of a similar societal organization is found in the American society where laws have reflected the biases of a society arranged around men dominion. Similarly, Asma Barlas explains that Muslim history shows that Qur'anic exegesis only became gradually antagonistic with gender equality when changes in political priorities, religious knowledge and interpretative methodology occurred (Asma Barlas, 2006, p.1).

In an effort to elaborate this viewpoint, we will turn to the different groups which have come up with different interpretations of the nature of gender equality under Islamic laws. Asma Afsaruddin identifies these groups as the Islamists and the Modernists. She explains that while on one hand, modernists advocate the view that a new interpretation of Islamic principles through a rereading of the Qur'an and hadith, a valid undertaking under the principle of independent reasoning (itjihad) found in Islamic jurisprudence, would reveal their adaptability to gender equality. On the other hand, Islamists tend to reject the adaptable capacity of the Shari'a which they see as reflecting absolute Islamic principles (Afsaruddin, 2010, 30). In other words, while Islamists would tend to advocate that the status of women today should remain identical to the status that they held in the past, Modernists would argue that the Qur'an allows for adaptability to a changing world; as a result, women could see their status improved.

The divergence in interpretation of the words in the Qur'an is illustrated by the meaning of the word "qawwamum". Riffat Hassan contends that those who adopt the position that women are inferior to men translate "qawwamum" as indicating that men are "rulers" and managers" of women. On the other hand, Peter Madsen explains that Asma Barlas views such way of interpreting as flawed and capable of being infiltrated with patriarchal biases. Indeed, she contends that words in the Qur'an should not be isolated for translation, but rather a translation that takes into account the contextual aspect of the words as well as general principles found in other parts of the Qur'an leads to a more accurate and truthful translation. Consequently, "qawwamum" could be translated as indicating that women and men have the duty of moral guidance and caring towards each other which translation is quite different than asserting men as superior (Madsen, 2010, p. 231). This example thus illustrates how an alternative perspective of interpretation leads to different outcomes on gender equality. From her remarks, we can understand that depending on the interpretation, the Qur'an can be used as a tool that furthers woman oppression or contribute to their liberation.

Let us examine Morocco in order to establish how legal reforms regarding gender equality where arrived at using Islamic laws. Katherine Weaver explains that there are conflicting verses in the Qur'an about women and men equality and those who advocate for women submission point to two verses. The first one says that "women have such honorable rights as obligations, but their men have a degree above them" and the second affirms that "men are in charge of women, because God has made the one of them to excel the other, and because they spend of their property [for



the support of women]." On the other hand, there are also verses in the holy book that explicitly mention women and men equality with regards to the law, labor, property and status. As a result, Morocco was able to use the contradicting verses in order to formulate gender equality. The method used by Morocco was to isolate the normative principles of Shari 'a from the culturally and contextually sanctioned discrimination (Weaver, 2007, 1). Thus, the case of Morocco further illustrates that there exist in fact conflicting verses in the Qur'an; as a result, how can one make the determination that the Qur'an promotes women submission.

Pakistan is a country evolving under Islamic laws; nonetheless, it stands as an example of the compatibility of Islamic laws with women rights. Through legal reforms, Pakistan was able to take steps towards the realization of gender equality before the law. The choice to include Pakistan in this research is important because Pakistan is unique. It is the first country to have established itself as an Islamic Republic, but at the same time, it is a country where the gravest abuses against women have taken place and have been sanctioned by the laws of the land because the country has known a period of islamization of its laws (Katherine M. Weaver, 2007, 1). As a result, using it as an illustration of a country committed to evolve exclusively under Islamic laws, but capable of moving towards providing protection to women reveals important insights about how Islamic laws could be made compatible to fundamental rights such as gender equality without departing from an accordance to God's will.

### **III. The issue of marriage**

#### **Islamic laws**

The area of marriage law is where women have been provided with the most protections and have seen their status greatly improved. In the past, they were victims of forced marriages and were often imprisoned, tortured or killed if they refused to accept a marriage. Indeed, Pakistan is notorious for honor killings with an alarming 400 percent increases in honor killings (Karen Foerstel, 2008, p.118). However, nowadays, thanks to the decisions of the highest courts in Pakistan, these practices are highly condemned by the law of the land. It is important to note that these decisions are based upon Islamic laws as well as the Pakistani Constitution.

The case of Hemaira Mehmood, a 28 year old Pakistani, demonstrates how the courts have invalidated patriarchal biases in marriage law. Hemaira who was promised to her cousin, decided to marry another man without her parental consent. As a result, she was abducted, tortured and eventually forcibly married to her cousin. When the case reached the court, the justices did not hesitate to condemn forced marriages. They held that a woman's consent in her marriage is indispensable for the validity of the union as established by Islam, the Pakistani Constitution as well as International Human Rights Conventions. The Court further embraced an egalitarian interpretation of Islam and cautioned that "[m]ale chauvinism, feudal bias and compulsions of a conceited ego should not be confused with Islamic values." Indeed , the court emphasized that "Islam was a milestone in human civilization, as it changed the status of women from that of serfs and chattel to that of equals and conferred upon them an equal right to choose their life partners of their own free will"( Karin Yeffet, 2009, p.1).

One aspect of Islam that is often overlooked is that it was used to elevate women status. Katherine Wing explains that with the advent of Islam and subsequently Islamic laws found in the Shari'a, women were given an independent legal personality that they did not have under customary laws. Consequently, she argues that such development on women rights is important because it is comparable to western cultural advancements regarding women rights in the 19<sup>th</sup> century (Wing, 1994, p. 1).

### US Laws

Katherine Wing's position is well illustrated in the case of marriage under U.S laws. Indeed, in the past, women under U.S laws, were also discriminated and saw their status greatly improved. The prominent lawyer, William Blackstone in his commentaries exposes the situation of the married woman at common law. He explains that a married woman did not have an identity separate from that of her husband. She was under his "coverture" which means that without the consent of her husband, she could not enter into contract or own property. The only time a woman was considered separate from her husband was in the case of criminal liability. Furthermore, by law, a husband was authorized to give his wife moderate correction because the law thought that it was reasonable to give him the power to restraint her by domestic chastisement. In addition, many states' laws allowed women to get married earlier than men because it was thought that a woman's proper life choice was marriage while a man should marry later because he should devote himself to acquiring the education necessary to provide for his family (Kay and West, 2006, p. 224-226). Nevertheless, today, U.S laws undoubtedly consider married women separate from their husbands, but as we have seen, it was not

always the case. Consequently, Katherine Wing is right in asserting that in western countries like in Islamic countries certain laws have been invalidated in order to allow for women liberation.

If Islamic laws like U.S laws have been capable of shifting towards gender equality, why are Islamic laws still perceived as oppressive?

Although under both U.S laws and Islamic laws, women have seen their status improved, westerners still contend that Islam advocates women oppression. As far as I am concerned, westerners see Islam as the antithesis of women liberation because they rely on the practices of countries that have adopted a different interpretation of Islamic principles, country such as Saudi Arabia that have adopted a particular school of thought and thus a particular interpretation of the status of women. Saudis take a literalist approach to the reading of the Qur'an because they contend that there is absolute clarity in the text; as a result, there should not be room for interpretation (Dorthe Bramsen, 2010, 166). Nevertheless, they use a methodology of reasoning which makes the results that they arrive at only probable and not at all absolutely certain (Dorther Bramsen, 2010, 178). Indeed, Saudis make extensive use of qiyas which is defined as analogical reasoning (Glenn, 2010, 187). Consequently, it entails that they do not strictly adheres to the Qur'an literal meaning, but are engaging in an interpretative undertaking which contradicts their position about the clarity of the sources of Shari 'a. Furthermore, as I have demonstrated earlier, there exists conflicting verses in the Qur'an, so how do they intend to resolve such conflicts by using a literalist approach.

Such way of understanding Islamic laws is quite similar to that of Islamist fundamentalists which have a political agenda and whose primary aim is to counter western cultural invasion. As a result, Islamists seek to emphasize their polarity with the west by holding on to their customs and culture which authority they justify emanate from Islam and the Qur'an. Riffat Hassan well supports such contention by explaining that certain Muslim countries equate "modernity" with "westernization". Indeed, many see women emancipation as a symbol of "westernization" which they directly link to the efforts by the west to come in Muslim territories and colonize its people with western values and norms. As a result, forces of religious conservatism will push for legislations that diminish women status to that of less than men in order to signal to westerners that they will not hold western values and norms as the guiding standard for a movement towards modernization (Hassan, 2006, 58). Furthermore, Katherine Weaver explains that Human Rights Watch noted that the case of Pakistan and the islamization of its laws which translated in greater women oppression was initiated at a time of particular political, social, and economic conditions and was used by conservatives to consolidate state power (Weaver, 2007, 1).

This section aims was to counter the belief that Islam and Islamic laws necessarily imply women inferior status with regard to the laws. However, this section also demonstrated that in certain Islamic countries, efforts to create legislations that oppress women are made in reaction to western expansionism. Consequently, Islamic justifications for these legislations are needed because they constitute one of the most

effective strategies for establishing their legitimacy in countries where an overwhelming majority of the people are Muslim believers.

#### **IV. The issue of domestic violence**

##### U.S Laws

Furthermore, while it is commonly held that U.S. laws provide more protections for women, I will use the issue of violence against women to expose that the U.S. legal system although well ranked among other legal systems that generally provide for women protection, fails to shield women against domestic violence. The 1999 case of Jessica Gonzales v. United States before the United States Supreme Court elucidates a disturbing U.S. reaction against women violence. In 1999, Mrs. Gonzales' estranged husband, Simon Gonzales, kidnapped their three young daughters in violation of a domestic violence restraining order. Even though Mrs. Gonzales made several calls to the Police department of her Colorado town, the police did not make any effort to search for and arrest Simon Gonzales. On the same day, ten hours after Mrs. Gonzales had placed her first call; her husband arrived at the Police station and opened fire. The Police shot him dead and found the body of their three daughters in his car. Jessica sought to bring suit in federal court on the basis that the police violated her Due Process guarantee stipulated in the 14<sup>th</sup> Amendment because it remained inactive although Colorado's had a "mandatory arrest" law. Nonetheless, her case was dismissed before discovery. As a result, the case arrived on the Supreme Court bench where Justice Scalia delivering the opinion of the court concluded that Jessica Gonzales did not have "a

personal entitlement under the Due Process Clause to police enforcement of her restraining order” (Caroline Bettinger-Lopez, 2008, 184).

This case thus illustrates that although the United States laws clearly provide protections for women in many areas and have allowed for gender equality, there are still areas where women are not completely protected. The Supreme Court has dealt poorly with providing protections for victims of domestic violence. Indeed, this case sends the wrong message to Police officers who are unwilling to intervene in what they see as personal issues. It also indicates to abusive husbands and men that they could carry out violence against women with impunity.

Even though the United States harbors itself, especially in comparison to countries evolving under Islamic laws, as a country committed to promote gender equality and protect women, such decisions by its highest court tarnish its reputation and raises important questions about the United States desire to indict Muslim countries for their failure to provide gender equality. My contention is that the United States will often use women issues in order to rally allies around the women cause in order to justify its ambitions with regards to the Muslim World. The fact that the United States has not signed any of the International treaties for the protection of women rights including the Convention of All Forms of Discrimination against Women (CEDAW) (Caroline Bettinger-Lopez, 2008, 184) furthers my position that U.S. commitment to women issues must be regarded as dubious.

### Islamic Laws

On the other hand, Pakistan with its long history of anti-women legislations and abuses has nonetheless been able to provide protections for its women in the case of honor killings. The courts have taken upon themselves to invalidate a practice that is wildly accepted and seen as retribution for a wrongdoing rather than a crime. Honor killing has been incorporated into the law through legislation such Qisas (Retribution) and Diyat (blood money) laws that “privatizes the crime by placing the choice of prosecution wholly in the hands of the victim’s heirs, allowing them to forgive the offense in exchange for compensation” (Karin Yeffet, 2009, p.16).

In other words, these laws place the burden of prosecution on the victims’ families rather than on the state. Furthermore, they constitute an incentive for parents of victims that are conspirators in the crime and could be tempted to hire somebody to kill their daughter in exchange for money. However, in the case of a man that killed his daughter as well as her husband and their children, the court held that although the heirs of the deceased were willing to forgive and receive money in exchange for the murders under the Diyat law, the father was prosecuted and sentenced to death. The court further insisted that the infringement on a woman’s right to marry is repugnant to the Pakistani Constitution and Islam which both recognize the equality of the sex. (Karin Yeffet, 2009, p.17).

This case thus illustrates that while the U.S. has failed to provide protections for women on issues of domestic violence, Pakistani Islamic Laws have been able to stand for women even against practices that are socially sanctioned. Indeed, such undertaking by the court is very risky and could be considered as a judiciary’s desire to overstep its



boundaries which in turn could be a source of social upheaval. Nonetheless, against all the possible risks involved in taking such a stance, the Pakistani judiciary showed a commitment to free women from bondage.

#### Can Shari'a Courts defend women?

Even more surprising, in Pakistan, the Shari'a courts which are mainly thought in the West to be the principal advocates of women subordination and major players in bestowing upon women a desperate situation are the greatest defenders of women rights against the legislature. Indeed, Yeffet exposes the case of a legislation called the Citizenship Act whose aim was to discriminate against women on the basis of a marriage choice. Indeed, while a man's marriage to a foreigner automatically gave that foreigner Pakistani citizenship, a woman marrying a foreigner did not constitute a valid ground for the obtaining of Pakistani citizenship for her foreign husband.

This legislation was according to the government, for the purposes of national security in order to prevent foreigners to come in Pakistan and marry a woman in order to enjoy citizenship. Such legislation rested on the assumption that unlike men, women cannot be trusted on their choice to marry; as a result, the state had the obligation to step in and protect them. However, the Federal Shari'a Courts struck down this legislation that was left untouched for so long on the basis that it constituted a violation of fundamental Islamic principles. Indeed, the court went as far as stating that "Islam stands wholeheartedly for the equality of rights between men and women; thus, any law that discriminates against either of the sexes is in violation of Islamic law and thereby unconstitutional and void" (Yeffet, 2009, p. 22).

A Shari 'a court that makes such a determination with respect to gender equality might come as a surprise to many. Indeed, with the plethora of Qur'anic verses pointed out by those who advocate women submission, it becomes difficult to understand how one could arrive at gender equality under Islamic Laws.

## **V. Feminist perspectives on gender equality**

### **Islamic laws**

Asma Barlas, a Muslim woman, a professor and an advocate of gender equality, explains that the Qur'an should be read by the Qur'an and not by way of the hadiths, the practice of the Prophet Mohammad as it has been reported by his closest followers. According to her, God's words in the Qur'an exhort reading the Qur'an in an effort to arrive at its best meaning. As a result, reading the Qur'an by its best meaning implies that there could be competing and different ways of interpretation which in turn translates into the idea that there exist different notions of the best interpretations (Asma Barlas, 2006, p.5). In other words, this part of the Qur'an constitute an effective tool for Islamic feminists who could argue that unless, they are given to chance to provide an alternative interpretation which is permitted by the holy book, the current interpretations infiltrated by patriarchal biases could not be conceived of as being the best meanings of the Qur'an.

An even more interesting part of Asma Barlas discussion is the competing verses she offers as counterparts of these many verses that are used to further women oppression. For instance, she addresses the verse about wife beating and discovers that the word for "to beat" as its root in the word "daraba" which has different senses

including “to separate”. Also, she affirms that in the Qur’an, polygamy is mentioned in the context of social justice because it constitutes a way to provide protection for female orphans. Furthermore, she points to other parts of the Qur’an where on one hand, it is stated that men inherit twice the share of women, but on the other hand, it is also stated that mothers inherit twice the share of fathers (Asma Barlas, 2006, p. 8).

Asma Barlas thus offers a feminist perspective on the ways in which the Qur’an has been misinterpreted. As a result, efforts to implement gender equality must come first from Muslim men who must have the willingness to revisit their interpretations of the Qur’an and allow women to expose a competing version on the marketplace of ideas. Nevertheless, women also have a role in making changes for gender equality. First, they have to fight against patriarchy in their own homes by holding their sons and daughters to the same standards while educating them. Njoki Wainaina raises an important question that furthers my viewpoint “how do you start telling a boy whose mother trained him only disrespect for girls to honor women in adulthood” (Karen Foerstel, 2008, p. 138). Indeed, if women in Islamic countries are placed in the private sphere and are in charge of the education of their children, they have the power to make a difference through the teachings imparted to their children. Furthermore, they should also seek knowledge that will be crucial in their efforts to bring competing interpretations on the marketplace of ideas. However, it is important to recognize that women, especially in very oppressive societies, face impediments with access to education. But, they should strive to acquire as much knowledge as they can if they want to allow their daughters or granddaughters to enjoy and make use of crucial

knowledge that will benefit Muslim societies as a whole. In fact, if women participate in society, they will make contributions that will result in better development for these countries.

### US Laws

Similarly in the U.S., Katherine Sullivan explains that constitutionalizing woman equality is an important step to arrive at complete gender equality. As it has been mentioned earlier, women do not figure in the U.S. constitution; as a result, women should seek to have allies in the room where the interpretation of the founding documents of the United States is undertaken. Nonetheless, she seeks to explore different approaches through which the Constitution should be amended as to include women because she contends that the victories of feminists' constitutional lawyers such as Justice Ginsburg and the precedents they have set "resemble a cookbook on what to cook when there is nothing in kitchen (Sullivan, 2002, p. 763-764).

In other words, if women equality is included in the Constitution, this document will constitute a more effective tool for gender equality instead of being just a foundation for possible strategic tools in order to arrive at gender equality. However, she has emphasized the need for reinterpretation and the role that women presence in the interpretation room could play in providing alternative views; we must compliment the United States for having two women on the Supreme Court bench. Nonetheless, we must also bear in mind that women constitute half of the population; consequently, a ratio of one third on the bench still does not constitute full equality.

This section allows us to understand that whether Muslim or American; women must form alliances with men in the effort to combat inequalities that are the result of women exclusion from the societal realm. Women as well as men must take an active part in making changes through providing alternative ways of interpretation for the whole world to benefit from women contributions in development and decision making.

## **VI. Conclusion**

This paper sought to explore gender equality under U.S. and Islamic laws. It has demonstrated that these diverging legal systems often where met with the same challenges regarding patriarchy. Under both systems, women were expected to remain in the public sphere and the laws sanctioned their oppression. In the United States, Feminists lawyers such as now Justice Ginsburg devised strategic interpretation of the 14<sup>th</sup> Amendment in order to obtain gender equality in many areas such as employment, inheritance, education overruling previous decisions entirely based on stereotypical notions of women's role. Similarly, under Islamic laws, countries like Morocco and Pakistan adopted an alternative interpretation of the sources of Shari 'a in order to create legislations that would forbid socially sanctioned discrimination against women and contradict Islamic conservatism whose interpretation of the sources of Islamic laws is a mean of power against American cultural expansionism. The Highest Constitutional Court in Pakistan as well as the Federal Shari 'a Courts have provided protection and emphasized Islam and The Pakistani Constitution commitment to gender equality on the basis of new interpretations of the sources of Islamic Laws. Consequently, under both legal systems, the need for alternative interpretations of the sources of Law was crucial

in liberating women. Nonetheless, even though women status has known remarkable progresses in the U.S. and more strikingly under Pakistani Laws notorious for being unusually discriminatory and harsh against women, there is still a need to continue a progressive realization towards full equality. As a result, both men and women worldwide should form alliances and engage in a struggle for equality because the world will benefit from the contributions of women.

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