

Women And Shame in Islamic Literature: From the Qur'an to Egyptian Constitutional Law

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Abstract

By examining how traditional Islamic gender norms have been enshrined in religious doctrine, state policy and social practices, this study provides insight into the persistent influence of Islamic literature on contemporary law and society. The study traces the historical and theological roots of patriarchal gender norms in Islamic jurisprudence, particularly through interpretations that link female sexuality with societal disorder. Scholars such as al-Ghazālī and Mālik ibn 'Anas discussed and theorised institutionalised control over women's bodies and choices, legitimising practices like female seclusion and strictly gendered roles within both the private and public spheres. This legacy is further entrenched in Egypt's 2014 Constitution, which upholds traditional gender roles under the guise of protecting the family unit. Through a critical analysis of both state discourse and feminist responses in the context of the 2014 Constitution, the study highlights the intersection of legal marginalization, religious authority, and patriarchal values in the regulation of female autonomy. The primacy of the family and a preoccupation with women as child-bearers over all else, essentially the reduction of women's role in society to their ability to bear children, is a prominent theme of traditional Islamic scholarship that echoes in modern Islamic legislature. Ultimately, this study argues that traditional Islamic interpretations of female sexuality and female bodies remain powerful frameworks through which the Egyptian state and society exert control over women's bodies and autonomy.

Keywords: seclusion; sexuality; Islamic law; gender; family