

## **BREAKING THE PERCEPTIONS OF ISLAMIC MONOLITHISM INTRODUCTION**

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*Islam is a religion that provides freedom to practice its tenets within the framework of the Qur'an and Sunnah. It is for this reason that we see diverse views on many socio-legal issues. It is because of this freedom that we have four different madhahib among Sunnis. The paper discusses this aspect of Islam and concludes that Islam is a religion of interpretation and has been subject to cultural and historical influences. Islam does not preach for homogeneity.*

### **1. Introduction**

One of the biggest misconceptions about Islam is that Islam is the same everywhere. On the contrary, there are too much of the western thoughts that presuppose Islam to be a monolithic religion,<sup>1</sup> Islam is extremely diverse.<sup>2</sup> Even within unified Muslim communities, beliefs differ because Islam allows for each Muslim individual to choose his or her path to righteousness.<sup>3</sup> While Islam sets the principles to be achieved, one is free to choose how it will be achieved.<sup>4</sup> When considering the community at large, the variations of how Islam is practiced from one Muslim country to another can further illustrate the differences that exist among them.<sup>5</sup>

In celebrating the diversity that exists in Islam, this paper looks at one example of an inherently Muslim practice that is treated differently across different Muslim jurisdictions: the practice of polygamy. In doing so, this paper concludes that Islam is a religion of interpretation and is subject to cultural and historical influences. Treating the Muslim community as homogenous peoples is, therefore, unwarranted, as this paper proves it.

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## 2 / *Fatemah Albader*

This paper is divided into three parts. Part I provides a basic overview of the primary sources of Islamic law that are relevant to this discussion. Part II is dedicated to the discussion of polygamy and consists of three sections. Section A introduces and defines the practice of polygamy. Section B presents a historical overview of the practice. Section B also presents the basic requirements of polygamy along with the different variations that stem from these requirements. Section C examines why these variations across the different jurisdictions exist. Finally, Part III ties back the discussion to the point made at the beginning, that Islamic law is not by any stretch of imagination monolithic.

### 2. Foundational Basis

Before embarking on the issue at hand, let us first discuss the main sources of Islamic law that will govern throughout this paper. The two main sources of Islamic law are the Qur'an and *Sunnah* (Prophetic traditions). Muslims across all sects govern themselves according to the Qur'an, which has only one version.<sup>6</sup> In addition, all Muslims understand that they must turn to the narrations of the Prophet (saw) and his companions in attempting to decipher the Qur'an.<sup>7</sup>

How the different verses of the Qur'an, as well as the *Sunnah*, are interpreted, however, differ depending on the various scholars of the *Shari'ah*, which is the branch that is focused on the interpretation of Islamic law and principles.<sup>8</sup> From these various religious teachers comes the schools of jurisprudence that today make up the many different interpretations that exist among and within the different factions.<sup>9</sup> Among the Sunni population, there are four main schools of thought. They are the (1) Maliki, (2) Hanafi, (3) Hanbali, and (4) Shafi'i schools of thought.<sup>10</sup> The majority of the Shia follow the Ja'fari school of thought.<sup>11</sup> Together, these make up the five main schools of thought. These are not the only schools of jurisprudence. Saudi Arabia, for example, follows the minority Wahhabi school of thought, which rejects all other schools for not strictly adhering to Islamic law.<sup>12</sup> No one school of thought is adhered to exclusively. In addition, where two countries may follow the same school of thought, they may differ in its application based on differing contexts.

### ***Breaking the Perceptions of Islamic Monolithism Introduction / 3***

Because Islam encourages and allows for flexibility in the interpretation of the Qur'an, different interpretations will naturally result.<sup>13</sup> As long as those who interpret the Qur'an are deemed true scholars of Islam, there is no sin in choosing one interpretation over another. In fact, interpretations are required if a society is to understand what the different verses of the Qur'an mean in practice. Thus, the same verse in the Qur'an may be interpreted in one way by one society and in a completely different way in another, thereby proving that Islam is in no way monolithic. With this in mind, let us turn our attention to the first practice under discussion.

### **3. Polygamy**

#### ***(a) Understanding Polygamy***

Polygamy is the practice of having more than one spouse.<sup>14</sup> There are two main types of polygamy. The first, polygyny, involves a man having more than one wife.<sup>15</sup> The second, polyandry, involves a woman having more than one husband.<sup>16</sup> Polyandry is outright prohibited in the Qur'an.<sup>17</sup> There is no disagreement concerning this point. Polyandry is not permitted because, in part, it would otherwise be difficult to trace paternal lines.<sup>18</sup>

Polygyny is where most of the debate ensues. When this paper uses the term polygamy, it is referring only to the practice of men having more than one wife. Because people on both sides of whether Islam permits polygamy rely on its historical significance as support, the history of how polygamy developed will now be considered.

#### ***(b) The History, Development, and Different Interpretations of Polygamy***

Westerners may be surprised to hear that polygamy did not originate under Islam. Much of the pre-Islamic societies practiced polygamy unrestrictedly, meaning there were no limits to the number of wives men could marry.<sup>19</sup> Islam was considered more progressive when it introduced limitations to the practice:

*And if you fear that you will not deal justly with the orphan-girls, then marry those that please you of [other] women, two or three or four. But if*

#### 4 / *Fatemah Albader*

*you fear that you will not be just, then [marry only] one or those your right hand possesses. That is more suitable that you may not incline [to injustice].<sup>20</sup>*

The Prophet (saw) has also spoken on this limitation as evidenced by the son of one of the Prophet's (saw) companions below:

*Ghailan bin Salamah became Muslim and he had ten wives. The Prophet said to him: 'Choose four of them.'<sup>21</sup>*

It is clear, then, that Islam restricted the number of women a man may marry to four and only if all women could be treated equally.<sup>22</sup>

The definition of equality has been the subject of intense debate because of the following verse:

*And you will never be able to be equal [in feeling] between wives, even if you should strive [to do so]. So do not incline completely [toward one] and leave another hanging. And if you amend [your affairs] and fear Allah – then indeed, Allah is ever Forgiving and Merciful.<sup>23</sup>*

All schools of thought are in agreement that women must be treated equally in material possessions for the practice to be permitted.<sup>24</sup> This means that women are provided similar shelter, food, clothing, and other possessions that would fall under the husband's duty of maintenance.<sup>25</sup> These are possessions that fall under the heading of tangible possessions. Some schools of thought hold further that equal treatment means not only that women are treated equally in tangible possessions but also in love and compassion.<sup>26</sup> This means equality in non-tangible possessions as well. Otherwise, the practice is prohibited. Others argue that, while favorable, matters of the heart need not be equal, and the above verse is merely an instruction that men can never be equal in affection, so they need not worry about trying to accomplish that.<sup>27</sup> However defined, fairness is a necessary component to permitting the practice.

Historically, Islamic acceptance of the practice developed after war broke out, leaving many Muslim women and children husband- or fatherless.<sup>28</sup> The above verse was thus revealed to ensure that, during a time of urgency, surviving men would not question whether polygamy was permissible under Islam. Surviving men were permitted to take in additional wives to protect and

provide for the newly widowed, or orphaned, women and their children.<sup>29</sup>

Different Muslim-majority jurisdictions have interpreted the above verse differently. One country has interpreted it to ban polygamy entirely<sup>30</sup> while others have interpreted it to either allow for additional restrictions<sup>31</sup> or allow the practice to remain to the extent provided in the Qur'an.<sup>32</sup> Let us now take a closer look at the different variations that exist across the different Muslim jurisdictions, starting with the country that has placed a total ban on the practice of polygamy.

### *I. Total Ban on Polygamy*

Three Muslim-majority countries that have outlawed the practice of polygamy are Azerbaijan, Tunisia, and Turkey. Like other countries that have placed a total ban on polygamy, Turkey and Azerbaijan have abolished the practice based on secular justifications.<sup>33</sup> In contrast, Tunisia is the only Muslim-majority country that has relied on Islamic texts to prohibit the practice entirely.<sup>34</sup> Therefore, this part of the discussion will center on Tunisia.

Ninety-nine percent of Tunisian citizens consist of Sunni Muslims.<sup>35</sup> The Constitution recognizes Islam as the state's religion.<sup>36</sup> The country is influenced by the thoughts of two prominent scholars of Islam, which make up the Maliki and Hanafi schools of thought.<sup>37</sup> In regards to polygamy, both leading scholars emphasize that women must be treated justly not only in material possessions but also in matters of the heart.<sup>38</sup>

In 1956, then, the Tunisian government criminalized the practice of polygamy on the basis that no man could be fair and just among several wives, a necessary prerequisite to the practice.<sup>39</sup> Following Tunisia's independence from colonial rule, the new government pledged that both men and women would be equal in all aspects of the law. Because men could not be fair to each wife, the government argued the practice was unlawful and would result in the opposite of its intended effect. Rather than provide protection to women, women would more easily face discrimination in the household.<sup>40</sup> It was argued that, even if a man could distribute material possessions

## **6 / Fatemah Albader**

equally, he could not possibly provide equal affection to each woman, leading to possible conflicts within the family.<sup>41</sup> This has led the government to punish not only those who enter into polygamous marriages but also those who officiate for already married people.<sup>42</sup> In supporting this view, the Tunisian government pointed to the two verses quoted above to argue that, since men could not treat women as equals, they should not take additional wives.<sup>43</sup>

In addition, the government has argued that the polygamy verse was revealed in relation to a specific context and is no longer relevant.<sup>44</sup> Recall that some verses of the Qur'an were revealed to deal with more specific issues and others more generally. The government argues the polygamy verse was revealed for specific reasons and is now outdated. The polygamy verse was revealed to ensure the protection of women and children after a bloody war ensued, severely reducing the number of available men.<sup>45</sup> The government argues this is no longer the case because women in today's society no longer depend on the protection of men and have steadily entered the workforce. This means they are now able to financially support themselves.<sup>46</sup> Thus, the government argued that polygamy is abrogated under the rules of Islam.

Keeping in mind the verses in support of its argument, the Tunisian government argued that Islam preaches monogamy as the ideal and polygamy as the exception.<sup>47</sup> It interpreted the Qur'an as implicitly and gradually disposing of the practice, based on the understanding that it is impossible to treat all wives as equals.<sup>48</sup>

While there have been efforts to revive the practice of polygamy, these efforts are consistently foiled by feminist movements throughout Tunisia.<sup>49</sup> After the Arab Spring, for example, there were strong efforts toward more strongly re-politicizing Islam in Tunisia.<sup>50</sup> Feminists thwarted this.<sup>51</sup> This explains why a return to polygamy is highly unattainable and very difficult to achieve.

### *II. Partial Ban on Polygamy: The Marital Consent Requirement*

The bulk of Muslim-majority countries make it permissible to practice polygamy but ensure that the woman has a say in the process. A number of countries require that a husband obtain the

### ***Breaking the Perceptions of Islamic Monolithism Introduction / 7***

consent of his current wife before marrying another. One such country is Iran.

Iran is one of the few countries with a Shi'ite majority, making up about 90 percent of the total population.<sup>52</sup> The Constitution of Iran, titled the Constitution of the *Islamic* Republic of Iran, is quite clearly based on Islamic law and principles.<sup>53</sup> Because of its Shi'ite majority, the Constitution of Iran is founded upon the most prominent Shi'ite school of thought: the Ja'fari school of thought.<sup>54</sup> Exclusive to the Shi'ite schools of thought is the idea that sex for pleasure is permitted.<sup>55</sup> Because of this, a greater role for polygamy is required. Without polygamy, the government of Iran worries that the crime of adultery would flourish.<sup>56</sup> If adultery becomes widespread, men may carry diseases back to their faithful wives.<sup>57</sup> If polygamy were allowed, women can take sanctity in knowing their husbands are not bringing back incurable diseases due to required pre-marital screenings.<sup>58</sup>

In Iran, a Muslim man cannot take another wife without first obtaining consent from the existing wife.<sup>59</sup> There are some exceptions. For example, if the first wife is infertile, consent is not required. In the context of religion, this makes sense since Islamic marriages are about spreading the faith and ensuring Islam's existence among the future generations.<sup>60</sup> Iran strictly adheres to this function of marriage. This is exemplified by Iran's Constitution, which states that a woman's role, *inter alia*, is to aid the growth of the family.<sup>61</sup> If a woman cannot give birth, the only way to continue the man's Muslim heritage is to allow him to marry another woman, irrespective of consent. The alternative of divorcing the current infertile wife to marry another is viewed as much worse.<sup>62</sup> In general, though, the permission of the first wife is necessary before a man can marry another. Such a requirement has foundations underlying equality rights for women and does away with unfair discrimination.<sup>63</sup>

However, because of its Shi'ite majority, a practice foreign to Sunni Muslims has entered into the mix. Because sex for pleasure is allowed, temporary marriages are permissible in Iran.<sup>64</sup> Temporary marriages are those that last for a predetermined amount of time, and there are no limitations to the number of temporary marriages a

## **8 / *Fatemah Albader***

man may commence.<sup>65</sup> Temporary marriages can be short or long in duration, as long as the timing is specified in the marriage contract along with the amount of dower that is to be paid to the woman.<sup>66</sup> Temporary marriages can be likened to the western concept of a partnership.<sup>67</sup> The only difference is it is now afforded legal status.<sup>68</sup>

The primary purpose of temporary marriages is to minimize the risk of adultery, a grave sin in Islam. Temporary marriages are a result of an amendment to Iran's Family Protection Act of 1975, which governs rules of polygamy. These types of marriages are viewed as loopholes to the restrictions on polygamy. First, there are no limits to the number of women a man may temporarily marry. Second, consent of the present wife is not required since temporary marriages are not seen as equal to full-term marriages that last indefinitely.<sup>69</sup> Therefore, while Iran's restrictions on polygamy appear exceedingly progressive, there are loopholes. However, because this paper involves a basic introduction to the possible interpretations of Islamic polygamy, the loopholes are not a major point of contention. For now, it is enough to know that they exist, and that they exist to counter the practice of adultery. Now, let us consider what has led the Iranian government to permit polygamy under Islamic law.

Iran applauds the practice of polygamy as "Islam's honor."<sup>70</sup> The practice was once unrestricted, to the extent allowed by the Qur'an. This makes sense when a country wishes to ensure that adultery is curtailed. When the secular government took power, it was drowned with demands to outlaw polygamy.<sup>71</sup> Conservative Muslims did not react well to these demands, which were made mainly by Muslim feminists. The conservatives stated that outlawing polygamy is intolerant to the views of Islam.<sup>72</sup> The secular government was confronted with having to appease two different groups and thus established a compromise. Women's consent would be required before allowing men to engage in the practice.<sup>73</sup> Were it not for the feminists who advocated for such change to come about, polygamy may have continued unrestricted. However, even before the revolution, Iran was considered fairly progressive during a time when other Muslim-majority countries were not considered as such.<sup>74</sup> The rights of women



### ***Breaking the Perceptions of Islamic Monolithism Introduction / 9***

were much advanced.<sup>75</sup> As such, this may make it harder to return to more backward, conservative laws.

Accordingly, polygamy, as it is understood in Iran, is a right but a conditional right. The practice can be restricted to ensure that women are allowed equal say on the matter. Given its progressive laws, the government adheres to the ruling that women must be treated equally in polygamous marriages. Otherwise, the practice is prohibited, and the husband must refrain from taking an additional wife.

Equality, here, is defined by material possessions.<sup>76</sup> The meaning of equality does not extend to non-material possessions because these fall outside the scope of human capability and cannot be controlled.<sup>77</sup> Therefore, it is acceptable to love one wife more than another. What is not acceptable is showing favoritism.<sup>78</sup> While one cannot control his emotions, he can control his behavior.<sup>79</sup> In ruling as such, the government has relied on the verse that states that men can never be equal in affection to rule that forcing men to account for their emotions is unjust.<sup>80</sup> The verse is merely meant to reassure men who fear taking additional wives because of fears they cannot love them equally.<sup>81</sup> As long as men can be equal in tangible possessions, they are free to marry additional wives so long as they have their existing wives' blessings prior to doing so.

Other countries have different variations of the consent requirement. Kuwait, for example, allows a woman to include a clause in her pre-marital contract that would permit her to divorce her husband should he take an additional wife.<sup>82</sup> While the existing wife cannot stop her husband from marrying another, she retains a right to divorce him after the fact as long as it was stipulated in the contract.<sup>83</sup>

#### *IV. Partial Ban on Polygamy: The Governmental Consent Requirement*

In addition to marital consent, some Muslim societies impose stricter constraints by requiring men to obtain consent from a government authority before entering into a polygamous marriage. Here, government approval is dependent on whether men can show that they satisfy the fairness requirement. In these jurisdictions, men *must*

## 10 / *Fatemah Albader*

show proof of consent of any existing wives.<sup>84</sup> One country imposing such rigid constraints is Morocco.

Over 99 percent of the Moroccan population is Muslim, with a majority Sunni population.<sup>85</sup> The country strictly adheres to the Maliki school of thought.<sup>86</sup> The Moroccan Constitution specifies Islam as the state's religion.<sup>87</sup>

Previously, Morocco allowed for polygamy to take place unrestrictedly to the extent allowed by Islam and without regard to women's consent.<sup>88</sup> Following independence from the French, Morocco created a *moudawana*, which would govern Islamic personal status issues.<sup>89</sup> In 2004, the Moroccan Family Code underwent significant change. Women's rights groups formed an alliance to guarantee gender equality rights under the Code.<sup>90</sup> One such change was to reform the polygamy laws, which was met with great success. This marked the first time that restrictions on polygamy were imposed by law.<sup>91</sup> The Code hinted at Morocco's intent on abolishing the practice based on its interpretation that Islam intended to make "polygamy quasi-impossible."<sup>92</sup> However, the Code noted that if polygamy were abolished, the practice would continue illegally.<sup>93</sup> In addition, Islamic conservatives would oppose any movement that seeks to rid society of the practice.<sup>94</sup> The practice is still deemed inherently Islamic, and abolishing the practice would be viewed as un-Islamic.<sup>95</sup>

While the Moroccan people believe polygamy cannot be abolished, many of them also believe the practice is not recommended. Thus, instead of eradicating it, the Code imposed restrictions that would ensure that polygamy would be Islamically permissible only under specifically defined circumstances, thereby making polygamy impossible.<sup>96</sup>

Several conditions were set out to counter the widespread practice of polygamy. First, a court has to authorize a man's right to polygamy. This right is only approved when a husband proves that he can treat all wives and children equally in both tangible *and* non-tangible possessions. In addition, the husband has to show "there is an objective and exceptional motive that justifies polygamy."<sup>97</sup> Infertility of the first wife or an incurable illness may be considered an

### ***Breaking the Perceptions of Islamic Monolithism Introduction / 11***

exceptional reason to allow polygamy.<sup>98</sup> The exceptional circumstance requirement has led people to argue that Morocco has ensured that polygamy would become nearly impossible.<sup>99</sup> Second, an existing wife may stipulate in her marriage contract that her husband may not take an additional wife. Here, the husband is bound by the terms of the pre-marriage contract, and the court will not consider the issue if it is precluded by a pre-marriage contract.<sup>100</sup> If there is no previous stipulation of this sort, the existing wife and the wife-to-be are summoned by the court to formally consent to the practice.<sup>101</sup> If the wife does not consent, and the husband persists in petitioning the court for approval, she retains a right to divorce.<sup>102</sup> Should the husband provide the court with false information, which often happens when a husband moves to another town to marry a second, the first wife again retains her right to divorce.<sup>103</sup> The husband who engages in unauthorized polygamy or obtains authorization based on false information will likely face punishment, including jail time.<sup>104</sup>

The rules of polygamy in Morocco effectively curtail the practice and grant more rights to women. This is attributed partly to Morocco's European history, which some argued makes Morocco more tolerant toward women's rights than other Muslim countries.<sup>105</sup> The intention of the law is felt in Moroccan society. Polygamous marriages have decreased steadily since the enactment of the 2004 Code. Between 1986 and 1992, five percent of the Moroccan population was involved in a polygamous marriage.<sup>106</sup> Today, that rate has fallen to 0.31 percent.<sup>107</sup>

#### *V. No Ban on Polygamy*

Almost 100 percent of the Saudi Arabian population is Muslim, with a majority Sunni population.<sup>108</sup> The Kingdom of Saudi Arabia is the only country to employ the *Shari'ah* as its law and thus has no separate Constitution.<sup>109</sup> Additionally, there is no personal status code in Saudi Arabia.<sup>110</sup> The expectation is that courts will apply the strictest version of the – derive *Shari'ah* from a literal reading of the sources of Islam.<sup>111</sup> This is a characteristic of the Wahhabi school of thought, which is dominant in the Saudi Arabian society.<sup>112</sup>

## 12 / *Fatemah Albader*

Because there is no personal status code governing personal status matters, polygamy is practiced to the extent the Qur'an allows it without any additional restrictions. This is because polygamy is viewed as necessary to counter the ill effects of women who are considered unmarriageable for several reasons.<sup>113</sup> These women are often the older women of society, widows, or infertile women.<sup>114</sup> Without polygamy, it is believed that many women would not find husbands.<sup>115</sup>

However necessary, men are expected to refrain from marrying additional women if they cannot be equal among all of them.<sup>116</sup> The meaning of equality in Saudi Arabia differentiates between tangible and non-tangible matters. Only the former is essential to satisfy the equality requirement.<sup>117</sup> The latter is not necessary for justice based on the reading that men can never control their emotions.<sup>118</sup> The verse regarding non-tangible matters is merely an instruction that men can never provide equal love and affection for all but must still avoid treating one wife differently from another in matters within their control.<sup>119</sup> Otherwise, it is unfair to hold men accountable for matters outside their control.<sup>120</sup> Saudi Arabia often points to the *Sunnah* as evidence for its interpretation of the polygamy verses. As narrated by the Prophet's (saw) wife Aishah (ra):

*The Prophet would divide (his time) equally between his wives and said: 'O Allah! This is my division in what I have control over, so do not punish me for what You have control over which I do not have control over'.<sup>121</sup>*

Accordingly, because the only requirement is to treat wives equally in tangible matters, polygamy in Saudi Arabia is a common occurrence.<sup>122</sup> About 2.6 percent of men are engaged in polygamy, which amounts to more than half a million.<sup>123</sup> Monogamy is often the exception.<sup>124</sup> Consequently, because polygamy is viewed as an absolute and necessary right, restricting polygamy or even speaking ill of the practice is viewed as un-Islamic and immoral.<sup>125</sup>

### ***(c) Polygamy Across All Four Jurisdictions***

Up until now, we have seen that different Muslim jurisdictions treat polygamy differently. However, there are undeniably important

similarities. First, all these approaches to polygamy are grounded upon the protection of women. Also, they are all founded upon Islamic law. Most notably, they all rely on the same verses in the Qur'an. In addition, all jurisdictions agree that polygamy is, at some point, permissible under Islam. Because these decisions are based on the Qur'an and the *Sunnah*, each jurisdiction acknowledges that there is a four-person limit on the number of wives a man may (indefinitely) marry. This is true even in jurisdictions that would now prohibit the practice. Most importantly, all jurisdictions agree that equality is a major prerequisite to the practice and must be factored into the analysis on whether polygamy is permissible or forbidden. All jurisdictions agree that equality includes the woman's right to maintenance through food, shelter, and clothing.<sup>126</sup> However important, categorizing polygamy based on these superficial similarities misses the more substantive and purposive differences.

In general, differences in Islam exist because of differences in the interpretation of the *Shari'ah* here are differences among and within the different schools of thought, which lead to differences in the interpretation of the polygamy verses.

While all schools of jurisprudence agree that polygamy is permissible at some point, they differ in whether polygamy is applicable only at specific moments of time or whether polygamy is allowed to remain to the full extent allowed by the Qur'an.<sup>127</sup> This rests on the meaning of equality. The schools of thought attribute different meanings to the definition of equality, specifically whether the definition includes equality in non-tangible possessions, namely love and affection. Jurisdictions that argue that non-material possessions are necessary for equality conclude that it is impossible to achieve.<sup>128</sup> Accordingly, Tunisia, which follows the two most liberal schools of thought,<sup>129</sup> has incorporated the most progressive understanding of polygamy. This has allowed the Tunisian government to outlaw the practice based on the fact that women cannot be treated equally in affection in a polygamous household, a major departure from other schools of thought.

Because Morocco also follows one of the most liberal schools of thought, the Moroccan government has also ruled that equality is

necessary in both material and non-material possessions. While Tunisia's government outlawed the practice, Morocco's government chose not to abolish it based on fears that polygamy would secretly continue if it were deemed unlawful. To counter this, Morocco has allowed the practice to continue but under very stringent requirements such that it comes close to outlawing the practice de facto. The Iranian government, on the other hand, relies on the same verses used by Tunisia and Morocco regarding this point but comes to the opposite conclusion that only tangible equality is necessary. This is because Iran follows a school of thought that holds otherwise, true to its Shi'ite makeup. Finally, Saudi Arabia, which follows the most conservative school of jurisprudence, has also held that treating women equally in affection is not a necessary prerequisite to the practice. If Saudi Arabia were to hold otherwise, it would have to justify why polygamy is allowed to remain without any additional constraints except that which is provided in the Qur'an.

In addition, all countries differ on their interpretation of polygamy based on whether the country is considered progressive or conservative. Saudi Arabia is the only country to incorporate the *Shari'ah* laws, thereby making it the most conservative of all countries. By contrast, Tunisia, Morocco, and Iran all include a role for Islam as the state's religion but do not employ shari'a law exclusively. Tunisia, Morocco, and Iran are very liberal toward women's rights across all Muslim-majority jurisdictions.<sup>130</sup> While Iran may be considered more conservative than Tunisia and Morocco, its personal status code is more progressive than that of Saudi Arabia's. This is because Iran, along with Tunisia and Morocco, all have a personal status code that consists of a mix of the Islamic law and other elements. In addition, the progressive histories of all three countries indicate that a return to strong Islamic politicization is highly unlikely.

One marked difference between the other countries under discussion and Iran is the development of temporary marriages. Iran is different from the other countries that are discussed here due to its Shi'ite composition. This is because Shi'ites allow for the engagement of sex for pleasure, meaning a greater need for polygamy is required. Therefore, while the Shi'ites only allow up to four permanent wives,

***Breaking the Perceptions of Islamic Monolithism Introduction / 15***

the exclusive use of temporary marriages allows men to temporarily marry an unlimited number of women. This has roots in trying to respond to the consequences of adultery. If Iran is to counter the effects of extra-marital sex, it needs to provide a greater role for polygamy. At the same time, Iran has recognized that women should be afforded greater protection under the law.

Differences in interpretations also arise based on differences in pressure from women's groups and other societal groups. Iran had to appease women and conservative demands. If not for those societal demands, Iran might have continued to practice polygamy unrestrictedly to the extent allowed by the Qur'an. By contrast, Tunisia's reforms came about not because of societal demands but because of the government's pledge to provide equal protection to women. Consequently, we see better protection for women in Tunisia than in Iran. While Morocco's reforms also came about due to societal demands, Morocco is viewed as more liberal than Iran because of its European history. Of course, Saudi Arabia's conservative backdrop has "prevented modern ideas from taking a hold or from allowing change to happen."<sup>131</sup> With this comes the idea that no derogation from the Qur'an is allowed.

Finally, the justifications for (and against) polygamy as viewed by each country also provide reasons for the variations in interpretations. Tunisia has criminalized the practice based on its justification that polygamy is no longer necessary for the protection of women. Iran, on the other hand, views polygamy as necessary to counter the possibility of adultery, which would run rampant in Iran if not for polygamy and Iran's use of temporary marriages. Saudi Arabia, which views polygamy as a God-given right, views polygamy as necessary for the advancement of the Saudi Arabian society. Without polygamy, the undesirable women of society would remain unmarriageable. Husbands would have to choose between divorcing the current wife or remaining with a wife who, for example, is infertile and cannot continue the family line. Similar to Tunisia, Morocco finds no justification to allowing the practice but acknowledges that the practice would continue underground if Morocco were to abolish the practice. Instead, Morocco has chosen to make the practice more

difficult to attain. When compared to Saudi Arabia, this certainly appears to be true. The practice of polygamy is eight times more likely to occur in Saudi Arabia than in Morocco. This statistic does not factor in the number of women who practice polygamy in Saudi Arabia. Therefore, the number is actually much higher considering the fact that there are at least two women per man in Saudi Arabia who are engaged in polygamy. In any event, the justifications provided by each country help sway a country one way or another on its stance regarding polygamy.

While each country appears to justify its position based on the protection of women, what is actually required for protection may be progressive, patriarchal, or based on gender stereotypes. While Saudi Arabia's justifications ensure that many women as possible are marriageable, Iran's justifications are based on a compromise that the alternative of adultery is far worse. Morocco and Tunisia both view polygamy as contrary to women's equality and must, therefore, be eradicated in one form or another. Thus, differences exist based on what values are prioritized in each country: Equality for women in the case of Tunisia and Morocco, the obliteration of adultery in Iran, and the increase in marriageable women in Saudi Arabia.

In all cases, it appears that the justifications are grounded upon the protection of women. Even with Iran, the purpose is to ensure that fewer men engage in adultery, which may result in bringing contagious diseases back home to their wives. While the spread of disease is not confined to extra-marital sex, Iran requires both parties to undergo a pre-marital screening before a marriage license is granted.<sup>132</sup> This tests for genetic and contagious diseases, including sexually transmitted diseases.<sup>133</sup> This is true even for temporary marriages.<sup>134</sup> The chances of disease are therefore greatly reduced. Therefore, while all jurisdictions aim to protect in some way, some jurisdictions go farther than others.

If we only looked at the surface, it would appear that polygamy is the same in every Muslim-majority jurisdiction, with the exception of Tunisia that has outlawed the practice. Such a superficial look does not do Islam any justice. If we take a deeper look, we will find that polygamy rules vary from one jurisdiction to the next. While



### ***Breaking the Perceptions of Islamic Monolithism Introduction / 17***

each jurisdiction relies on the same sources to justify their approach to polygamy, how they interpret the decision depends on what school of thought is followed, whether they follow a progressive or conservative approach to Islam especially in regards to women's rights, any societal or governmental pressures that exist, and what values are considered most important. This in itself proves that Islam is in no way monolithic. To truly drive this fact home, let us look at one more example.

#### **5. Conclusion**

Different countries interpret the same verse to reach diverse conclusions based on a variety of factors, which include, but are not limited to: differences in schools of thought, whether the country is progressive or conservative, any pressures that may exist, and what values are considered most important. As evidenced by the two examples provided above, Islam is continuously evolving, and different jurisdictions apply Islamic law differently. As jurisdictions begin to move away from traditional views of Islam, we begin to see more drastic change. These differences show the versatility of the religion for those seeking change. This change is still grounded in the interpretation of the Qur'an. If it were grounded upon secular reasons, change would be hard to come by. For this reason, we cannot speak of one single Muslim identity. Rather, we must think of Islam as diverse and capable of changing with changing social conditions. If not for its immense adaptability, Islam would probably cease to exist, and this is acknowledged by the God-given right to implement one's own interpretation. Accordingly, it is time to leave it to rest any misconceptions that Islam is monolithic and celebrates the inherent flexibility that lies at the heart of Islam.

#### ***Notes***

1. See Mohsin Hamid, *Islam is not a monolith*, GUARDIAN (May 19, 2013, 3:00 PM), <https://www.theguardian.com/global/2013/may/19/mohsin-hamid-islam-not-monolith>.
2. Derya Iner & Salih Yucel, *Muslim Identity Formation in Religiously Diverse Societies* 216 (Cambridge Scholars Pub., 2015).

**18 / Fatemah Albader**

3. *Id.* at 214.
4. Zainab Alwani, *The Qur'an: The Arbiter of Diverse Interpretations*, AL-MADINA INST. (Mar. 19, 2014), <http://almadinainstitute.org/blog/the-quran-as-the-final-arbiter-of-diverse-interpretations/>.
5. INER, *supra* note 2, at 213.
6. Christopher M. Blanchard, *Islam: Sunnis and Shiites*, CONG. RES. SERV. 1, 2 (Jan. 28, 2009). Additional beliefs are commonly shared by all Muslim sects, but that is outside the scope of this paper.
7. The Qur'an clearly states that the Prophet (peace be upon him) could not read nor write, which creates further evidence that the Qur'an contained the unaltered words of Allah. See *Qur'an* 29:48 (Sahih Int'l trans.) [hereinafter *Qur'an*].
8. *Id.*
9. *Id.* at 5.
10. M. Cherif Bassiouni, *Schools of Thought in Islam*, MIDDLE E. INST. (Jan. 24, 2012), <http://www.mei.edu/content/schools-thought-islam>.
11. *Shi'a Islam*, RELIGION FACTS, <http://www.religionfacts.com/shia> (last visited Apr. 4, 2017).
12. Telegraph Reporters, *What is Wahhabism? The reactionary branch of Islam said to be 'the main source of global terrorism'*, TELEGRAPH (Mar. 29, 2016, 2:54 PM), <http://www.telegraph.co.uk/news/2016/03/29/what-is-wahhabism-the-reactionary-branch-of-islam-said-to-be-the/>. Wahhabism has origins tracing back to the Hanbali school of thought, but it rejects Hanbali deviations from strict interpretations of Islam. See *The Hanbali and Wahhabi Schools of Thought As Observed Through the Case of Ziyarah*, Cameron Zargar, OHIO ST. U. 1, 1 (2014), [https://etd.ohiolink.edu!etd.send\\_file?accession=osu1398829915&disposition=inline](https://etd.ohiolink.edu!etd.send_file?accession=osu1398829915&disposition=inline).
13. *Id.*; Asghar Ali, *Qur'an, many interpretations*, ISLAMIC RES. FOUND. INT'L, [http://www.irfi.org/articles/articles\\_1551\\_1600/quran\\_many\\_interpretations.htm](http://www.irfi.org/articles/articles_1551_1600/quran_many_interpretations.htm) (last visited Apr. 4, 2017).
14. Paul Valley, *The Big Question: What's the history of polygamy, and how serious a problem is it in Africa?*, INDEPENDENT (Jan. 6, 2010, 12:00 AM), <http://www.independent.co.uk/news/world/africa/the-big-question-whats-the-history-of-polygamy-and-how-serious-a-problem-is-it-in-africa-1858858.html>.

**Breaking the Perceptions of Islamic Monolithism Introduction / 19**

15. *Id.*
16. *Id.*
17. Qur'an, *supra* note 7, at 4:24.
18. See *Polyandry in Islam*, ISLAMWEB (Aug. 9, 2004), <http://www.islamweb.net/mainpage/index.php?page=showfatwa&Option=FatwaId&Id=88608>.
19. *An Introduction to Polygamy in Islam*, ISLAM RELIGION (Apr. 25, 2006), <https://www.islamreligion.com/articles/325/an-introduction-to-polygamy-in-islam/>.
20. Qur'an, *supra* note 7, at 4:3.
21. Sunan ibn Majah, *The Chapters on Marriage*, Vol. 3, Book 9, Hadith 1953.
22. Nate Olsen, *Marriage and Divorce in Islamic and Mormon Polygamy: A Legal Comparison*, 1 Intermountain W. J. Religious Stud. 88, 91 (2009).
23. Qur'an, *supra* note 7, at 4:129.
24. Rachel Jones, *Polygyny in Islam*, 1 Macalester Islam J. 1, 4 (2006), <http://digitalcommons.macalester.edu/cgi/viewcontent.cgi?article=1014&context=islam>.
25. *Id.* Under Islamic law, a woman has a right to demand maintenance of her husband. When a woman marries, her husband becomes responsible for all of the wife's financial matters that are deemed necessities – including food, shelter, and clothing. Saumya Shukla, *Maintenance in Muslim Law* 1, 1-2, [http://www.academia.edu/15648532/Maintenance\\_in\\_Muslim\\_Law](http://www.academia.edu/15648532/Maintenance_in_Muslim_Law) (last visited Apr. 21, 2017).
26. *An Introduction to Polygamy*, *supra* note 19.
27. Muhammad S. al-Munajjid, *Plural marriage and fair treatment of co-wives*, ISLAM QUESTION & ANSWER (Aug. 16, 2003), <https://islamqa.info/en/10091>.
28. Olsen, *supra* note 22, at 90.
29. *Id.* at 90-91.
30. Valentina M. Donini, *Polygamy and Family Law*, RESETDOC (Apr. 17, 2009), <http://www.resetdoc.org/story/00000001317>.
31. Sanam Vakil, *Women and Politics in the Islamic Republic of Iran: Action and Reaction* 187 (Bloomsbury Acad. 2011); *The Family*

- Protection Act (1975), FOUND. IRANIAN STUD. <http://fis-iran.org/en/women/laws/family> (last visited Apr. 4, 2017); *See The Moroccan Family Code (Moudawana) of February 5, 2004*, HREA 4, para. 4, <http://www.hrea.org/wp-content/uploads/2015/02/Moudawana.pdf>.
32. Valentina M. Donini, *Polygamy and Family Law*, RESETDOC (Apr. 17, 2009), <http://www.resetdoc.org/story/00000001317>; *See Saudi Arabia Criminal Laws, Regulations and Procedures Handbook – Strategic Information, Regulations, Procedures 97* (Ibp 2016).
33. Jean-Paul Charnay, *Social, Economic and Political Studies of the Middle East 68* (Brill Acad. Pub. 1981). Turkey abolished polygamy in when it implemented its secular Turkish Civil Code in 1926. Azerbaijan has outlawed the practice because of its ties to the former Soviet Union, which abolished polygamy decades earlier. Both countries have in place a secular constitution. *See* Const. of the Azerbaijan Republican (Nov. 27, 1995), Art. 18; Const. of the Republic of Turkey (Oct. 18, 1982), Art. 2.
34. Jones, *supra* note 24, at 9.
35. Tunisia, CIA, <https://www.cia.gov/library/publications/the-world-factbook/geos/ts.html> (last updated Jan. 12, 2017).
36. Tunisia's Const. of 2014, art. 1.
37. Ayyus S. Chusnayaini, *Dynamics of Tunisian Polygamy Law in Gender Perspective*, ST. ISLAMIC U. MAULANA MALIK IBRAHIM 1, 44 (Mar. 27, 2014).
38. *Id.*
39. Ruth Gaffney-Rhys, *Polygamy and the Rights of Women*, 1 *Women Soc'y* 1, 3 (2011); Donini, *supra* note 30.
40. Chusnayaini, *supra* note 37, at 71.
41. *Id.*
42. *Id.* at 77.
43. *See* Qur'an, *supra* note 7, at 4:3.
44. *See* Haje Keli, *Polygamy in the Muslim world and new restrictions in Iraqi Kurdistan*, KURDISH HERALD (Feb. 2010), <http://www.kurdishherald.com/issue/v002/001/article08.php>.
45. *Id.*

**Breaking the Perceptions of Islamic Monolithism Introduction | 21**

46. Maha A. Yamani, *Polygamy and Law in Contemporary Saudi Arabia* 593 (Kindle Edition 2008).
47. Keli, *supra* note 44.
48. Donini, *supra* note 30.
49. Kathryn M. Yount & Hoda Rashad, *Family in the Middle East: Ideational Change in Egypt, Iran, and Tunisia* 1, 126, 128-29 (Routledge 2008).
50. Fatima Sadiqi, *Women's Movements in Post-"Arab Spring" North Africa* 9, 215 (Palgrave MacMillan 2016); Mounira M. Charrad & Amina Zarrugh, *The Arab Spring and Women's Rights in Tunisia*, E-INT'L REL. (Sep. 4, 2013), <http://www.e-ir.info/2013/09/04/the-arab-spring-and-womens-rights-in-tunisia/>.
51. *Id.*
52. *Sunnis and Shia in the Middle East*, BBC (Dec. 19, 2013), <http://www.bbc.com/news/world-middle-east-25434060>.
53. Const. of the Islamic Republic of Iran (Dec. 3, 1979).
54. *See id.* at Art. 9.
55. The Monotheist Group, *The Natural Republic: Reclaiming Islam from Within* 201 (Brainbow Press 2010).
56. *See* Shirin Ebadi, *When adultery means death*, GUARDIAN (Aug. 7, 2010, 1:00 PM), <https://www.theguardian.com/commentisfree/2010/aug/07/iran-sakineh-mohammadi-ashtiani>.
57. Valentine M. Moghadam, *Women in the Islamic Republic of Iran: Legal Status, Social Positions, and Collective Action*, WILSON CTR. 1, 6, <https://www.wilsoncenter.org/sites/default/files/ValentineMoghadamFinal.pdf> (last visited Apr. 21, 2017).
58. *Id.*; *Marriage Blood Tests*, Kaieteur News (Mar. 15, 2009), <http://www.kaieteurnews.com/2009/03/15/marriage-blood-tests/>; *Iran: Premarital Genetic Testing Mandatory*, SciPol (Feb. 13, 2017), <http://www.kaieteurnews.com/2009/03/15/marriage-blood-tests/>.
59. VAKIL, *supra* note 31.
60. *See A woman is married for four reasons*, ISLAM WEB (Nov. 9, 2016), <http://www.islamweb.net/en/article/163819/a-woman-is-married-for-four-reasons>.

61. Const. of Iran, *supra* note 53, at Woman in the Constitution.
62. Seyed J. Ganji & Roza Memari, *The Rights of Women in the Procedure of Divorce Between Iranian-Shia and Indian-Sunni Muslim Law*, 17 *IPEDR* 1, 1 (2011).
63. See Hamideh Sedghi, *Women and Politics in Iran: Veiling, Unveiling, and Reveiling* 139-40 (Cambridge U. Press 2007).
64. See Elaine Sciolino, *Love Finds a Way in Iran: 'Temporary Marriage'*, *N.Y. TIMES* (Oct. 4, 2000), <http://www.nytimes.com/2000/10/04/world/love-finds-a-way-in-iran-temporary-marriage.html>.
65. Marian Brehmer, *Temporary Marriage in Iran*, *QANTARA* (2013), <http://en.qantara.de/content/the-documentary-film-in-the-bazaar-of-sexes-temporary-marriage-in-iran>.
66. Sciolino, *supra* note 64.
67. *Id.*
68. *Id.*
69. See *Iranian women fight controversial 'polygamy' bill*, *AMNESTY INT'L* (Nov. 30, 2011), <https://www.amnesty.org/en/latest/news/2011/11/iranian-women-fight-controversial-polygamy-bill/>.
70. Sahar Sepehri, *Iran: Women Fight Polygamy Proposal*, *Global Arab Network* (Feb. 3, 2010, 4:15 PM), <http://www.wluml.org/node/5929> (quoting Ali Motahari, a conservative Iranian politician).
71. *Id.*
72. *Id.*; Alean Al-Krenawi, *Psychosocial Impact of Polygamy in the Middle East* 15 (Springer-Verlag 2014).
73. Sepehri, *supra* note 70.
74. *Iran's Family Protection Law*, *REVOLVY*, [https://www.revolvy.com/topic/Iran's%20Family%20Protection%20Law&item\\_type=topic](https://www.revolvy.com/topic/Iran's%20Family%20Protection%20Law&item_type=topic) (last visited Apr. 22, 2017).
75. *Id.*
76. Fatma Saleh, *Women in Islam: A Dialogue with a Muslim Scholar*, *ALL ABOUT SHI'AS*, <http://allaboutshias.com/polygamy/> (last visited Apr. 10, 2017).
77. *Id.*

**Breaking the Perceptions of Islamic Monolithism Introduction | 23**

78. *Id.*
79. *Id.*
80. *Id.*
81. Asghar A. Engineer, *The Qur'an, Women and Modern Society* 84 (New Dawn Press 2004).
82. See Kuwaiti 1984 Code of Personal Status, art. 40 (original in Arabic).
83. *Id.*
84. See Mona Medini, *Polygamy: How Moroccans trick to have a second wife*, MBC TIMES (Jan. 23, 2015), <http://www.mbctimes.com/english/life/polygamy-how-moroccans-trick-to-have-a-second-wife>.
85. *Countries With The Largest Muslim Population In The World*, WORLD ATLAS, <http://www.worldatlas.com/articles/countries-with-the-largest-muslim-populations.html> (last visited Apr. 9, 2017).
86. *Id.*
87. Morocco's Constitution of 2011, art. 3.
88. *Reforming Moroccan family law: the Moudawana*, CTR. PUB. IMPACT (May 2, 2016), <https://www.centreforpublicimpact.org/case-study/moroccan-moudawana-reform/>.
89. Ashraf Booley, *The Rights and Freedoms of Moroccan Women: Has the 2004 reforms benefited Moroccan women?*, 19 PELJ 1, 7 (2016).
90. *Reforming Moroccan family law*, *supra* note 88.
91. See *The Moroccan Family Code*, *supra* note 31.
92. *Id.*
93. *Id.*
94. *Reforming Moroccan family law*, *supra* note 88.
95. Rachel Newcomb, *Women of Fes: Ambiguities of Urban Life in Morocco* (Contemporary Ethnography) 71 (U. Pa. Press 2010).
96. Another country that has placed extensive restrictions on the practice is Algeria. Both Algeria and Morocco have similar restrictions, and thus only one need be discussed here. For more information on Algeria's restrictions, see *Algeria: Information on forced marriages and polygamous marriages, including the treatment of women*, Refugee Documentation CTR. (July 22, 2011), <http://www.refworld.org/docid/4e3ba9212.html>.

**24 / Fatemah Albader**

97. *The Moroccan Family Code*, *supra* note 31.
98. See Sharia, SAYLOR 1, 10 (2011), <https://www.saylor.org/site/wp-content/uploads/2011/08/HIST351-2.3.2-Sharia.pdf>.
99. Birthe Pedersen, *Ten years of the law that transformed Moroccan society*, KVINFO (Nov. 18, 2013), <http://kvinfo.org/mena/ten-years-law-transformed-moroccan-society>.
100. *Reforming Moroccan family law*, *supra* note 88.
101. *Id.*
102. *The Moroccan Family Code*, *supra* note 31, at art. 45.
103. Medini, *supra* note 84.
104. *Id.*
105. Booley, *supra* note 89.
106. Helen Tierney, *North Africa* (2002), <http://gem.greenwood.com/wse/wsePrint.jsp?id=id14>.
107. The Advocates for Human Rights & MRA Mobilising for Rights Associates, *Morocco: Submission to the Committee on Economic, Social and Cultural Rights Relating to the ESC Rights of Women for the 56th Session*, ADVOCATES & MRA 16 (Aug. 2015).
108. *Saudi Arabia Population 2017*, WORLD POPULATION REV., <http://worldpopulationreview.com/countries/saudi-arabia-population/> (last visited Apr. 9, 2017).
109. Saudi Arabia's Constitution of 1992 with Amendments through 2005, art. 1.
110. *Regional Overview for the Middle East and North Africa*, UNICEF (2011), <https://www.unicef.org/gender/files/REGIONAL-Gender-Equality-Profile-2011.pdf>.
111. See Nathan J. Brown, *Why won't Saudi Arabia write down its laws?*, FOREIGN POL'Y (Jan. 23, 2012), <http://foreignpolicy.com/2012/01/23/why-wont-saudi-arabia-write-down-its-laws/>; Toni Johnson & Mohammed A. Sergie, *Islam: Governing Under Sharia*, COUNCIL FOREIGN REL. (July 25, 2014), <http://www.cfr.org/religion/islam-governing-under-sharia/p8034>; YAMANI, *supra* note 46, at 2980.
112. *Saudi Arabia: Wahhabi Theology*, LIBR. CONGRESS COUNTRY STUDY (Dec. 1992), <http://www.au.af.mil/au/awc/awcgate/loc/sa/wahhabi.htm>.



**Breaking the Perceptions of Islamic Monolithism Introduction | 25**

113. See SAUDI ARABIA CRIMINAL LAWS, *supra* note 33.
114. YAMANI, *supra* note 46, at 449, 460, 471.
115. *Id.*
116. *Id.* at 344.
117. *Id.* Qur'an, *supra* note 7, at 4:3.
118. *Id.* at 4:129.
119. YAMANI, *supra* note 46, at 312.
120. *Id.*
121. Jami' at-Tirmidhi 1140, Vol. 2, Book 6, Hadith 1140.
122. 'Sharing is caring: why many Saudi women don't mind polygamy, AL ARABIYA NEWS (Sept. 27, 2012), <http://www.alarabiya.net/articles/2012/09/27/240384.html>.
123. See *Saudi Arabia Population 2017*, *supra* note 108; *Over half million Saudi men engaged in polygamy, report shows*, AL ARABIYA NEWS (Oct. 25, 2016), <https://english.alarabiya.net/en/variety/2016/10/25/Over-half-million-Saudi-men-engaged-in-polygamy-in-2016-report-shows.html>. These statistics reflect only the number of men who are engaged in polygamy. No statistics on the number of women are provided, but we can reasonably deduce that the percentage would at least double for each man who is engaged in a polygamous marriage.
124. YAMANI, *supra* note 46, at 312.
125. *Id.* at 1179, 1210.
126. Jones, *supra* note 24, at 4.
127. YAMANI, *supra* note 46, at 314.
128. Jones, *supra* note 24, at 4.
129. JOHN L. ESPOSITO, WOMEN IN MUSLIM FAMILY LAW 51 (Syracuse U. Press 2001).
130. Cecilia F. Fyfe, *A Comparison of Women's Rights in the United Arab Emirates and Saudi Arabia references against the United Nations Human Rights Legislation and selected United Nations' Millennium Development Goals*, AUCKLAND U. TECH. 1, 14, 15 (2013), <http://aut.researchgateway.ac.nz/bitstream/handle/10292/7865/FyfeC.pdf?sequence=3>.

**26 / Fatemah Albader**

131. *Id.* at 15.

132. *Marriage Blood Tests*, *supra* note 58.

133. *Id.*

134. Robin Wright, *The Last Great Revolution: Turmoil and Transformation in Iran 176* (Vintage 2001).