

A CRITICAL ANALYSIS OF THE OIC PLAN OF ACTION FOR THE ADVANCEMENT OF WOMEN (OPAAW) AS THE EMPIRICAL APPROACH TO *MAQASID AL-SHARI'AH*

MUATH KHALIL AMAYREH*

This research paper presents the Organisation of Islamic Cooperation (OIC) Plan of Action for the Advancement of Women (OPAAW) with specific focus on an aspect of uniqueness that allows it to achieve a long awaited change in the status of women. It initially focuses on the importance of Maqasid as an Islamic methodology capable of achieving a dual objective and presents OPAAW as a solution that have the potential to derail the process of Maqasid from achieving its dual objectives, particularly, the unfortunate lack of reliance on empirical data as a vital component during the process of determining the new reality. The research demonstrates that OPAAW is a highly regarded plan conceived through the commitment of the OIC. It further advocates that CEDAW can play hand in hand with OPAAW in eliminating of all forms of discrimination against women and the advancement of the status of women in Muslim countries.

Key words: OIC, OPAAW, CEDAW, Women's rights

1. Introduction

In 2006, the Organisation of Islamic Cooperation (OIC) endorsed the formation of the Plan of Action for the Advancement of Women (OPAAW).¹ Since then, the OPAAW has been gaining momentum as OIC member states have demonstrated their determination to bring the plan into action. The intention of the OPAAW is to achieve long-awaited change in the status of women in the Muslim world. As an international plan of action, OPAAW has the ability to influence policy at national and international levels. It is also able to communicate effectively through other international conventions

* PhD Candidate, Department of Private Law, Ahmed Ibrahim Kullyyah of Laws, International Islamic University Malaysia, Kuala Lumpur, Malaysia, *E-mail:* amayrehjordan@gmail.com

such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), gaining valuable experience and support. However, the potential of OPAAW stems from its ability to combine policy making with social change, resulting in swift and long-lasting outcomes.

Changing the status of women requires changing realities and perceptions on social and legal levels. In the Muslim world, *Maqasid Al-Shari'ah* is often the Islamic discipline chosen to address the required changes needed to respond to modern dilemmas while maintaining the objectives of the Shari'ah on a legal and societal level. Therefore, the revival within Islamic literature experienced by the discipline of *Maqasid* shows its remarkable potential and responsibility. However the challenges facing the methodology of *Maqasid* have the potential to render the discipline ineffective. One of the identified challenges is the unfortunate absence of empirical data in its consideration of the vital changes occurring in women's roles within society.

In a nutshell, bringing significant and reliable empirical data to the process of *Maqasid* would facilitate practical and just conclusions to the process of the advancement of women. Therefore, OPAAW and *Maqasid* working hand in hand would bring about a change that would be endorsed without reservation, one with the potential to be both swift and permanent.

2. Why *Maqasid*?

Maqasid has recently been the focus of a great deal of attention within Muslim scholarly works.² A number of prominent scholars have stated the importance of *Maqasid* and embarked on redefining it. Some have gone as far as suggesting the addition of new aspects to its methodology.³ Recognising the reasons for the emergence of *Maqasid* as a discipline in recent years is of critical importance. Equally as important is recognising the definition of the *Maqasid* as a discipline. Both the meaning and the reason for the appearance of the discipline, assists in realising its potential and the possible ways it can be utilised. Finally, it is vital to determine the credibility of *Maqasid* not only as part of a new reformist idea but also as a deeply rooted method in the tradition of Islamic thought and practice.

Maqasid has surfaced recently within Muslim scholarly works for a number of significant reasons, the least of which has been the relentless international pressure for Islamic reform.⁴ Another equally pressing reason has been the number of uncharted complexities arising in the modern world caused by unprecedented advances in life-altering discoveries. For instance, ground-breaking medical and genetic advances have recently caused Islamic jurisprudence to re-examine even the most traditional questions, such as, “What really constitutes a family?”⁵ Similarly, rapid technological progress has resulted in a continual need to re-examine a wide range of fundamental definitions, such as privacy law or ‘drawn strikes’ within Islamic humanitarian law. Equally as complex, are the specialised and diverse concerns within the financial and international economic sectors.⁶ Changes in social levels have also been swift and dramatic, and it would not be an exaggeration to claim that in some aspects of the modern societies, *Maqasid* is a completely uncharted territory.

In summary, the reality is that every few years, the status quo becomes the old way of life with the emergence of new structures that are often the outcome of large scale social movements and international entities. Amongst all this, Islamic scholars insist that Islam has a major part to play. Hence, they have the honourable yet onerous task of continually making sense of the new reality and connecting it to the objectives of *Shari’ah*. In doing so, they may be able to fulfil the critical role of providing Muslims with adequate guidance, guidance that should be, to the best of their ability, nothing short of God’s intended way of life. For that purpose, the discipline of *Maqasid* has been put forward as many believe it has the potential to best handle this challenging environment.⁷

The exact meaning of *Maqasid* seems to differ amongst scholars, ultimately depending on the manner in which they utilise this science. Nevertheless, in all cases, *Maqasid* entails a rigorous investigation of the core reason,⁸ or what some have called the secret, purpose,⁹ or wisdom of the *Shari’ah* as it relates to a defined issue of concern. Part of its methodology embarks on the exercise of answering the ‘Why questions’ in specific *Shari’ah* commands, namely *mu’āmalāt*¹⁰ (transactions or dealings) and *Ibadah* (worship). Some examples are

the 'Why question' related to the command to grant a son double the inheritance of a daughter. Others may ask why prohibit alcohol, or why do adulterers face such a severe punishment in Islam? The *Maqasid* method initially works on finding and emphasising the exact reason of the command within the Shari'ah.¹¹ By doing so, it has the potential to provide the context and boundaries to the flexibility required for any possible changes. In most cases of *Mu'āmalāt*, answering the 'Why question' highlights the main objective of the law and consequently indicates which regulations should be considered in choosing to practice it or not. Nevertheless, in some situations, particularly in the area of *Ibadat*, the application of *Maqasid* is limited to providing an appreciation and religious understanding of a specific ritual, such as examining the details and manner of performing the Muslim prayers, (*Salah*).¹² Therefore, *Maqasid*, within Islamic tradition, is not always a process of making change, but also a process of preservation and appreciation of the current practices.

Maqasid, and its methodology, is not a new or reformist idea despite the fact that Muslims today consider it a practical Islamic method of addressing dilemmas facing modern societies. The term *Maqasid* and the methodology have a long history with Islamic practises beginning in the early stages of Islamic civilisation.¹³ It was initially used by the companions of the Prophet during the very early stages of Islam; these were individuals who may not have used the term itself, but who practised the reasoning and methodology that forms the basis of today's *Maqasid*. Pioneers, such as Abu Baker and Omar Ibn AlKatab, on a number of occasions, rationalised their decisions according to what today is called the *Maqasid* methodology.¹⁴ Both enlightened Caliphs made unparalleled decisions regarding essential issues within Islam and brought unprecedented changes to some of its practices. These early pioneers of *Maqasid* were followed in the centuries to come by scholars who in turn further developed the concept. This resulted in the development of a specific branch of rational thinking called the theory of *Maqasid*. Scholars such as Abu Manssour Al Materddy 333 A.H, Abu Almaali Al Joaynie 478 A.H, Abu Hammed Al Ghazali 505

A.H, Fakr Al Dean Al Razi 606 A.H, Al Shatibi 720-790 A.H Ebin Aashor 1296-1394 A.H, and many others.¹⁵ From the works of these and other scholars, a number of conclusions can be put forward: *Maqasid* is a highly sophisticated reasoning method that is firmly rooted in the Islamic tradition and has evolved throughout time to become a discipline in its own right.

In essence, *Maqasid* is concerned with addressing the reasoning and logic behind the commands and instructions found within Islamic sources. By doing so, it affirms the unchangeable basis of the Shari'ah and ascertains the scope of flexibility permissible in determining change appropriate to the present. Therefore, the highly regarded Islamic discipline of *Maqasid* is called upon to adequately address the unprecedented changes to Muslims' lives and to provide answers to the complexities of the modern world.

3. How does *Maqasid* work?

Determining the intention of the literature found within credible Islamic sources has been the noble, yet daunting task of Muslims since the death of the Prophet of Islam (saw). Amongst many disciplines, the method of *Maqasid* has been a major contributor in shaping beliefs. An overview of the methodology of the traditional *Maqasid* may assist in realising the extent of its ability to contribute to today's world as well as gaining an appreciation of the challenges the discipline faces.

Traditionally, the method of the *Maqasid* categorises all matters of concern within five pre-determined categories called the 'categories of preservation'.¹⁶ These categories are concerned with, first, the preservation and protection of religion or faith; second, the protection of life; the preservation of intellect; the preservation and protection of family; and finally, the preservation of property or wealth.¹⁷ Determining which category or categories a matter of concern falls within is often one of the first tasks a *Maqasid* scholar embarks on. For instance, which category would the prohibition of alcohol fall under?

It is common, that any particular subject would fall into two or more categories. In order to answer the previous question related to

the banning of alcohol, *Maqasid* scholars may determine that alcohol causes harm in many different ways. Therefore, the banning of alcohol in Islam may be considered according to four different categories: preservation of one's life, preservation of intellect, and in some cases, preservation of family and preservation of wealth.

The task of a *Maqasid* Scholar is also to determine the importance of the subject matter. Traditionally this is done by examining its significance according to three well-defined 'classifications of importance':¹⁸ the Essential purpose, the Complimentary purpose, and finally, the Desirable purpose of *Maqasid*. Determining which classification a particular subject matter falls under is critical in ascertaining the degree of flexibility allowed in the the area of change under consideration. Therefore, this stage often results in the most controversy amongst scholars.

The task of judging precisely, which 'category of preservation' and 'classification of importance' a subject falls under, cannot be taken lightly. The process of making the 'judgment' requires a considerable number of theoretical and practical skills, such as the ability to adequately examine the language of the literature according to the established method of stipulated for that type of literature. It also requires specialised proficiency in the subject matter. Most crucially, the *Maqasid* scholar must always consider the consequences of any judgement on the society as a whole. Although this aspect is not limited to *Maqasid*, its importance to *Maqasid* is of unique relevance since *Maqasid* address issues of change in a unique manner. Therefore, it is of paramount importance that any *Maqasid* scholar making judgements has strong understanding of current affairs supported by up to date, comprehensive empirical data. This is owing to the fact that the final judgement could result in change that is often extremely controversial, directly affecting practices based in the holy text and its commands.

The traditional methods of examining a subject within *Maqasid* initially aim at discovering the precise objectives of the command within the literature. This consequently provides the ability to determine the degree of flexibility appropriate in applying the command or considering the type of change. Nonetheless, this

method is not unique to *Maqasid* alone. *Usul Al-Fiqh* is another discipline within the Shari'ah that is equipped with 'tools' allowing its scholars to conduct research and provide flexibility.¹⁹ The process within *Usul Al-Fiqh* is, in some of its aspects, a comparable method to that used in *Maqasid*. In fact, *Usul Al-Fiqh* is far more established as a Shari'ah science, which has consequently resulted in it having a reasonably regimented methodology. However, the two disciplines share a number of core concepts in the process of making a judgment such as *Masalah* 'People's Interest', *Mafsada* 'Mischief' and *Al-hikama* 'the wisdom of the law'.²⁰ Defining and utilising these concepts in a *Maqasid* way or a *Usul Al-Fiqh* way, generates a great deal of discussion amongst scholars. Nevertheless, many Shari'ah scholars question the usefulness of limiting the scope of *Maqasid* to the discipline of *Usul Al-Fiqh* as they consider *Maqasid* as the overarching discipline and the higher purpose of Shari'ah.²¹

In a nutshell, a central objective of the *Maqasid* is to fulfil a specific command in the holy Quran, a command that instructs Muslims to remove difficulties and bring adaptability to Muslims' daily lives. Hence, *Maqasid* is traditionally the chosen discipline within *Shari'ah* to address issues of change, and by utilising its methodology, determine the scope and boundaries of potential change. Nevertheless, the critical task of *Maqasid* comes with a number of challenges that could negate its very purpose.

4. Challenges faced by *Maqasid*

Continuous changes in human affairs have provided the science of *Maqasid* with a variety of challenges. Some are related to the concept and methodology itself while other types challenge the eligibility of the scholars and particularly their ability to appropriately incorporate the issues of their time. There are three challenges of *Maqasid* that can arguably be put forward as representative of the most ancient and modern predicaments facing the discipline.

The first challenge addresses the methods and the techniques utilised in determining the exact objective of the law.²² In other words, it concerns the ability to determine the exact intention of a statement in the holy text while taking into consideration issues presented by

the modern era. As elaborated previously, determining the objective and the reason of the commands is an essential part of the process of *Maqasid*, which is focused on identifying the degree of flexibility intended in the law. In fact, one of the meanings of the word *Maqasid* in Arabic is derived from the word 'intention'. Unfortunately, the dilemma of not being able to pinpoint the exact objective within the text has regularly confronted Muslim scholars. The most common outcome of such predicament has often been a dead-end. In such a case, commonly, any consideration of the required change would be avoided and the command in the text would retain its literal meaning, often incorporating its old, inherited practises. This, to an extent, justifies some of the current dead-ends facing Muslims today. Nevertheless, yesterday's dead ends do not need to be today's dead-ends as well, particularly with an extremely progressive religion like Islam. This challenge for the discipline of *Maqasid* can be addressed by continually re-examining its objectives in the light of today's sciences and the accumulated knowledge of the centuries.

The second difficulty facing the method of *Maqasid*, which often causes controversy is the task of determining the exact boundaries of permissible change.²³ As demonstrated previously, *Maqasid* is often sought after to assist in bringing about flexibility and ease in individual Muslims' daily lives. In simpler terms, it is an Islamic-guided process of finding different alternatives to the status quo. However the complex and daunting question for *Maqasid* scholars would consider exactly how far can bringing ease go before losing sense of the original text or departing from the true intent of the 'author'.²⁴ Muslims are constantly influenced, for good or bad, by today's globalised world, and consequently, ideologies and ways of life are regularly put on trial. One of many examples is the recent debate surrounding the veil worn by Muslim women which has erupted to become a topic of international concern for International and national Media outlets, in addition to international scholars and religious and community leaders, even government officials in some countries have joined the debate.²⁵ *Maqasid* scholars are left with the obligation to address in a fresh manner questions such as, "Do Muslim

women have to wear the veil and why? How obligatory is it? Is it a cultural or a religious practice?” and so on.

Robust debate and a great deal of scholarly work has been generated to determine the most practical and acceptable ways to adequately address the above two challenges. As the discipline of *Maqasid* continues to gain relevance, these two challenges will most likely remain a discourse of critical importance. However, when considering the gravity of the third challenge, it is astonishing as to how superficially it has been addressed in the past; it is of such importance it is discussed independently in the section below.

The third challenge confronting the outcome of the discipline of *Maqasid* is the insignificance granted to empirical evidence during the process of determining the *Maqasid*. Empirical data is a beneficial tool that has the unique ability to mirror the reality on the ground, especially with issues concerning social dilemmas. Facts, particularly on a large scale, are difficult to obtain; obtaining them certainly requires a great deal of planning, dedication and finance. When available, empirical data concerning social issues, allow scholars to evaluate the effect of their opinion, far beyond the towns or even the countries they reside in. Therefore, potentially, in today's world empirical data are a remarkable way of expanding the comprehension of the issue in question far beyond a single scholar's capacity. Notwithstanding that there is always a margin of error within empirical data that has to be taken in to consideration, it is hardly an option in today's world not consider the relevance of such data. Another way of putting it is that empirical data is as vital to a *Maqasid* scholar as radar is to a military leader or an ultrasound is to a doctor, inasmuch as it affords the ability to reveal more than the eye can see.

It is possible to question the necessity of making a substantial and lengthy point on the importance of the empirical data, almost as if it is stating the obvious. However, the astonishing reality is that empirical data is almost nowhere to be found when sifting through the discourse within *Maqasid*. Unfortunately, most of the available data has been neglected, ignored or, at best, referenced in a limited capacity and particularly only when it is convenient.

Within the contemporary literature on *Maqasid*, it is evident that there is a serious lack of desire to consider the idea of depending on empirical input, something particularly important for a leading contributor of any consideration of change. Consequently, the discourse of *Maqasid* often centres around previously addressed principles, Islamic jurisprudence of *Usul al-Fiqh*, linguistics and the intentions of the text. The analysis is often combined with simplistic knowledge of local incidents and events.²⁶

Unfortunately, even prominent scholars with great followings within the Muslim world embark on firmly stating their religious opinions on critical matters without any consideration of the available empirical data.²⁷ This includes matters as critical as the age of marriage for girls, something which has the potential to inflict tremendous injustice on helpless young girls. Yet the opinion in this type of case is usually derived by stating the age of the Prophet's wife, Aisha, followed by supporting literature related to puberty and some local successful experiences, eventually concluding in permitting the marriage of a child.²⁸ Despite one's opinion regarding the appropriate age of marriage, the challenge for the scholars in advancing the discipline of *Maqasid* is not to disregard the importance of available empirical data as a vital input that may tip the balance the other way. For instance, in the above example of the age of marriage, the data have the ability to provide facts regarding abuses that may occur to young girls, or the effect the age of marriage has on girls' education and consequently on the entire society,²⁹ or even its link to the sex trade industry, and so on. Consequently, by paying attention to the data while embarking on making a judgement regarding such a critical issue, the scale of justice may be far more balanced.

There could be a number of reasons contributing to the reluctance of using the empirical input as a major contributor in the decision making of *Maqasid*. One of these could be the all too common lack of trust to the source of the data. Naturally, scholars are, to some extent, a product of their time. After all, the last century for the Muslim world has been a century of resetting the effects of imperialism, colonialism and orientalism. Consequently, the reality desired by the international community is often viewed with a great

deal of distrust. These thoughts captivate the subconscious of a Muslim society resulting in suspicion that any new data presented as some form of Western agenda. While some of the concerns held by Muslim scholars may very well be founded, it is safe to state that others hold views that are completely unreasonable, even conspiratorial. Either way, the scholars often arrive at the same unfortunate conclusion, the exclusion of empirical data.

In summary, one of the biggest challenges facing *Maqasid* is the utilisation of empirical data as a tool to achieve justice. It is an approach that is clearly lacking in the current *Maqasid* process, which is, in some cases, resulting in a disparity between current religious opinions and the reality on the ground. The case of the disadvantages inflicted on women and their current status within Muslim societies is a prime example of such unwarranted disparity.

5. *Maqasid* and the advancement of women

Muslim women today have been the subject matter of large number of scholarly works espousing strong opinions covering a wide spectrum. At one end of the spectrum, there are arguments that seem to defend the present status of Muslim women at any cost, at times blindly brushing aside any concerns, or at best recklessly reducing those concerns to insignificant isolated incidents. At the other end of the spectrum there seems to be a fixed determination to push forward the claim that standards inflicted on Muslim women are inhumane. Ironically, in the name of liberating women, every aspect of their Muslim identity is manipulated to demonstrate a form of oppression against them. The following critical analysis does not subscribe to blindly defending the status of Muslim women today. Nevertheless, there should be no doubt that the analysis below does not belong on the other side of the spectrum either; it does not subscribe to the idea that their very Muslim identity is what oppresses them. Ultimately, the objective of echoing concerns regarding the status of Muslim women is for the purpose of the advancement of Muslim women.

There are two different types of complexities that seem to place Muslim women in an extremely disadvantaged position. The first is

related to the text combined with the manner in which it is applied. The second is mainly related to the manner *Usul Al-Fiqh* deals with culture and the excepted norms within a society.

The first type of complexity places Muslim women in the most difficult and arguably un-Islamic position. It confines them within the society; on one side discriminated against by rampant social injustice, while on the other side silenced by an interpretation of the commands of the holy text. For instance, the laws of inheritance in Islam can be considered iconic to this dilemma. Recently debate has surfaced attempting to change the inheritance laws.³⁰ The main issue in question is that in some cases sons are granted double the amount given to daughters. The Islamic position in this case is directly derived from the text and agreed upon by a majority of Islamic schools of thought. The justification for doing so is often related to the fact that Islamic social structure places the financial responsibility and burden on the male, while females are entitled to their full inheritance, to use as they choose. The text in the case of inheritance is believed to be direct and compelling. Therefore legal systems in Muslim nations have established clearly defined laws dividing an inheritance according to the Islamic formula.³¹

At the same time, within the same legal systems, regulations to ensure that the male upholds his end of the bargain are almost non-existent. The result is an unjustifiable imbalance as men increasingly fail to take on the financial responsibility, which is said to be the main reason for the larger portion.³² Whatever one's opinion about the ultimate shape of the inheritance formula in today's society, reality on the ground demonstrates an unambiguous case for the need to re-address the status quo. Quite simply, placing Muslim women in such circumstances is unjust and has a considerable harmful effect on the society as a whole.

The second type of complexity although more widespread is easier to address. It includes issues such as the limitations, in some Muslim societies, placed on girls' education or their freedom in choosing a career.³³ Also included is the current widespread restriction on women's ability to contribute to any decision making process.³⁴ These cases are not directly derived from the holy text. In fact these

decisions are mostly established by jurists within the *Usul Al-Fiqih* discipline in individual nations. There is an ongoing debate at local and international levels, amongst *Usul al-fiqh* scholars themselves as well as with social movements regarding the limitations mentioned above and many others.³⁵

6. Introducing the OPAAW as a solution

Comprehending the extent of the difficulties and limitations women face in many aspects of life within Muslim societies is a truly distressing reality. This is particularly distressing with the realisation that the significant challenges confronting the discipline of *Maqasid* have the ability to confine the discipline to more traditional boundaries and render it unable to bring about the changes necessary in today's world. Comprehensive investigation of the possible means to address such a dilemma points directly to the Organisation of Islamic Cooperation Plan of Action for the Advancement of Women (OPAAW) as the most realistic solution. The OPAAW has the potential to provide a forum for the discourse of *Maqasid* methodology accompanied by vital, up-to-date empirical data. It has the ability to address women's concerns on an international scale through international cooperation that is able to generate effective policy making.

OPAAW is an international project concerned with the advancement of women and is currently in the process of gaining momentum. It emerged from the strong belief that women have been and always will be major contributors to the advancement of society, yet today they are suffering from discrimination. OPAAW was established in November, 2006 by member states of the Organisation of Islamic Cooperation (OIC).³⁶ Since then, representatives of fifty-seven OIC member states have met to refine, develop and advance the plan of action for the advancement of women in Muslim societies.³⁷ Commitment and determination to see the advancement of women rights within the Muslim Umma have been renewed regularly as ministers of the member states met in 2008 in Cairo, Tehran in 2010, Jakarta in 2012, Baku in 2014, and in Istanbul in 2016.³⁸

The structure of OPAAW as a (plan of action) starts with an introduction followed by general objectives, which are often detailed by sub-objectives. The plan ends with means and mechanisms of implementation.³⁹ The objectives of OPAAW are concerned with addressing a wide range of concerns such as education for women, including provision of vocational skills that would equip them with the ability to contribute directly to the society.⁴⁰ It also aims at improving health services for girls and, most crucially, providing them with necessary social protection. Additionally OPAAW is concerned with the empowerment of women from an economic aspect as well as 'enhancing political, economy, social and culture representation of women at all levels of decision-making'.⁴¹ Protection of woman from violence is another unwavering objective of OPAAW. Finally, OPAAW also recognises the difficulty women face during crises, disasters and armed conflicts, and therefore has dedicated three of its objectives to ensuring the protection of women and girls and the provision of access to humanitarian assistance.⁴²

In order to achieve its objectives, OPAAW relies on the collaboration of OIC member states as well as close cooperation with OIC subsidiary bodies, most notably, The Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC), which in turn contributes directly and indirectly to the advancement of women within Muslim societies. One of the many vital tasks of the SESRIC is to collect empirical data and determine areas of skill shortages in member states.⁴³ After processing the economic and statistical data from member states it works at identifying areas requiring socio-economic development and disseminates this information to all member states.⁴⁴ SESRIC also contributes to development by providing training in specific fields.⁴⁵ Finally SESRIC provides decision-makers attending OPAAW ministerial meetings with empirical data that is considered vital for any required development.⁴⁶

The uniqueness of OPAAW stems from its ability to satisfy and combine a number of vital categories that could not be achieved through other local or international bodies. First, it is a plan of action at an international level. The Organisation of the Islamic Cooperation

is the largest international organisation after the United Nations. Consequently, its achievements have the potential to advance the status of women on a wide scale. OPAAW is a manifestation of the strongly held belief and determination by OIC member states that women are major contributors to the development and advancement of Islamic Society and equally vital contributors in decision-making. Therefore the Islamic conference of foreign ministers adopted a resolution in its 32nd session, “Muslim Woman and their role in the development of Islamic society,” which aims to enhance the role of women in all walks of life and eliminate of all forms of discrimination against them.⁴⁷ It has the ability to communicate directly with communities, national and international media outlets, as well as trade unions and NGOs.⁴⁸ It has the potential to equip nation states and decision makers at all levels with vital input and direction with a focus on the advancement of women within Muslim societies.

The second uniqueness of OPAAW is that it reflects and represents the identity and values of the Islamic world, and is therefore, able to permeate Muslim commitments on international, regional and national levels. It would undoubtedly be received with fewer reservations than other international projects, such as the CEDAW. As elaborated upon previously, Muslim scholars, rightly or wrongly, are often selective in endorsing and supporting projects assumed to have an external agenda, however OPAAW represents nothing but an Islamic agenda.⁴⁹ The OIC ministerial conferences have stressed that injustices inflicted on women within Muslim societies are a product of non-Islamic customs and practices.⁵⁰ Therefore, OPAAW opens the forum, literally and metaphorically for scholars of *Maqasid*, as well as those from all other disciplines, to have a fundamental role in achieving its objectives. Consequently, the advancement of women within the scope of OPAAW has the potential to not simply remain as a policy but to become a social movement endorsed by a wider spectrum of the society.

Finally, OPAAW has the ability to coordinate with other international projects such as the CEDAW. The CEDAW, established by the United Nations (UN), is the international Convention on the Elimination of All forms of Discrimination Against Women.⁵¹

The CEDAW has profound experience and has gained extensive practical knowledge in dealing with the reality on the ground. It has also been an inspiration to countless movements resulting in effective changes which have advanced the status of women.⁵² Signed by a majority of Muslim nations, the CEDAW has an impressive record in working towards alleviating women's concerns within the Muslim world.⁵³ Therefore, both the Muslim-oriented OPAAW and the globally focused CEDAW have been working together to determine the most effective means of eliminating all forms of discrimination against women. While an advantage of OPAAW is its greater potential to communicate more effectively with the large segment of Muslim society, it needs to draw on CEDAW expertise and guidance. In other words, international expertise and guidance can be uniquely utilised by OPAAW within an Islamic framework.

In summary, the OPAAW is a project that is supported by international scale determination. It has the capacity to cause practical change for the benefit of women within OIC member states. It uniquely represents the values and identity of Muslim nations and involves Islamic discourse regarding change, thereby affording its agenda a higher possibility of success.

7. Empirical evidence for the status of women

Calls for the empowerment of women within Muslim societies have recently gained attention at an international level resulting in the establishment of a number of local organisations that work tirelessly on all fronts.⁵⁴ A number of improvements have been achieved by advancing some concerns related to women within Muslim societies. Nevertheless, the reality of life for women within Muslim societies unfortunately cannot, as yet, be described as being advanced. In its 2016 report, the 'State of Gender in OIC Countries: Prospects and Challenges'⁵⁵ SESRIC presents a considerable number of difficulties confronting Muslim societies relating to education, violence against women, social security and the role of women in decision-making.⁵⁶

For instance, education has always been considered a treasured quality in Islam. In fact, the significance Islam historically placed on education as a core principle arguably outshone that of many other

civilisations of the time. Yet, unfortunately, studies by SESRIC demonstrate that amongst every 100 women in the OIC member states only 70.4 that were able to read or write.⁵⁷ Moreover, studies show that women within the OIC member states face, not only considerable difficulties starting school, but also significantly greater obstacles to completing their schooling.⁵⁸ Statistics reveal this is an issue which mainly confronts girls as the number of boys enrolling in and completing schooling is much higher.

Another example concerns violence against women. Is it an irrefutable fact that violence against women is a non-Islamic practice, yet it seems to be prevalent within Muslim societies? Islamic sources are replete with statements granting and unconditionally guaranteeing the dignity of every member of the human race, male and female alike. Nonetheless, unfortunately, studies by SESRIC demonstrate that women in OIC member states, living within Muslim societies, face a much higher rate of physical violence than their counterparts living in developed countries.⁵⁹ Studies demonstrate that an average of 14.4% of women within the OIC group reported physical abuse, considerably higher than the average of 4.4% in developed countries or even the average of the world standard which is 12.9%.⁶⁰

A third concern which demonstrates the injustice inflicted on Muslim women is the issue of child marriage. This is endemic within Muslim societies as revealed by the reported number of child marriages and is an unjustifiable violation of girls' rights. Studies demonstrate that the OIC group has the highest child marriage rate compared with other groups.⁶¹ In fact, an outrageous 7.2% of marriages performed involved girls under the age of 15 years old. Additionally, the studies demonstrate the unfortunate but arguably guaranteed, rise in divorce rates within the same societies.⁶²

Statistics and empirical research demonstrate a number of other concerning realities confronting the advancement of women such as poor health awareness and the lack of access women have to decision-making, including a substandard ability to access power. In all the above, empirical evidence irrefutably portrays the unfavourable status of women in Muslim societies and the need to reconsider the direction of those societies regarding women.

Therefore, a project such as the OPAAW should arguably be endorsed and supported by both religious and community leaders, not only by policymakers. While policy making has a strong role to play, social force generated by religious opinion is also a major contributor, not only to the problem, but also to the solution.

8. The OPAAW: The project for all by all

The OIC Plan of Action for the Advancement of Women is not only a project for policymakers, but equally a project of community leaders and religious scholars. It is a unique project that has with the Islamic values and the benefit of the *Ummah* as its core objectives incorporated with needed backing from the international community. As a result, the joint approach of the OPAAW effectively aims for vital and long-lasting change.

When a state of injustice is inflicted on a sector of the society there is, arguably, a religious obligation to respond in unity in order to remove such injustice. As demonstrated, the data represents the grim reality of such injustice against woman within Muslim societies today. It illustrates an urgent need to address a number of issues from an Islamic perspective. The OPAAW project, in addressing concerns facing Muslim women, cannot be viewed as an externally imposed agenda, but rather an extensive local project. Therefore, the most advantageous approach would be the direct involvement of *Maqasid* scholars in advancing the agenda of the OPAAW. By doing so, *Maqasid* plays its part in lifting the injustice against women and the OPAAW assists *Maqasid* in addressing some of its challenges.

For instance, research demonstrates the urgent need to address violence against women within Muslim societies. The undisputed reality of the data calls for a serious campaign on all fronts to stop this abuse of human rights. Policy makers need to respond with firm and uncompromising policies while religious scholars address the masses with equally unyielding resolve, working together to eliminate this social disease. The task of both the OPAAW and Muslim Scholars in this case would be focused on preventing any continuation of this gross violation of women's dignity hidden under an Islamic excuse. Therefore, at this stage debating the letter of the text, in particular

Surat An-Nisa, verse 34,⁶³ could best lift for a post-violence era. Because, as it stands, despite what a specific single community is experiencing, research shows a considerable amount of abuse, humiliation and injustice being inflicted on Muslim women, in turn affecting the Muslim Ummah as a whole.

The recommended manner of addressing the issue of violence against women is that of the OPAAW project working in unity with *Maqasid*. By humbly, yet courageously and responsibly facing the problem, the results would almost certainly be swift and effective. Therefore it is safe to conclude that the many problems Muslim women are currently suffering from can be confronted and their circumstances consequently changed for the better. In summary, by empowering OPAAW, an effective unique Muslim project has the potential to drive a much desired and badly needed change.

9. Conclusion

If the tracing of gender interaction within societies throughout history can be used as evidence, it would prove that the advancement of women is one of the most challenging tasks to be undertaken. It requires the development of appropriate measures on a policy level, while addressing often stubbornly held social perceptions related to gender rights and roles. To successfully achieve the required changes, a great deal of commitment and time, in addition to a considerable budget, are required.

In order to achieve such a honourable aim, a number of international and local organisations, inspired by the CEDAW, are working tirelessly at eliminating all the forms of discrimination against women. Consequently, significant improvement in some aspects of women's lives can be recognised. However, unfortunately the ability to influence social change within Muslim nations has proven to be particularly challenging. One of the reasons is that changes on a social level within the Muslim world have been proven time and time again to be conditioned by Shari'ah approval. Policy making without considering social and religious beliefs renders even with the most principled and beneficial projects unattainable. Hence, a plan that would open the forum to religious scholars to be practically involved

in the process of change could ultimately be of extreme benefit to the cause.

Therefore, OPAAW is in a unique position. It arguably is working towards including all elements of success. It is supported by an international scale budget and the determined resolve of OIC member states. It also represents Islamic values and therefore has the potential to open the forum to all sectors, importantly including the scholars of *Maqasid*. By doing so, it creates a 'home made' recipe with potential to cause swift and permanent social and policy changes. While OPAAW is at the stage of gaining momentum it is vital that it considers the following recommendations.

It is highly recommended, first of all that the OPAAW should continue to work closely with the CEDAW. As a sister international project aimed at the advancement of women and the elimination all forms of discrimination against them, the CEDAW is vital to the success of OPAAW. The expertise available through CEDAW and its support would hasten and enhance the chances of the success of the OPAAW.

Secondly, OPAAW needs to strengthen a committee that facilitates objective communication amongst OIC member state policy makers. One of the difficulties the OPAAW currently faces in progressing to the next stage is generating sufficient interaction and support from the report generating and data supplying entities of OIC member states. The OPAAW relies on the support of the Member States, as it is a project aimed at the advancement of women within OIC societies. Therefore it is vital for these member states to provide the SESRIC with the data necessary to achieve the objectives of the OPAAW.

The uniqueness of the OPAAW approach lies in its ability to successfully engage sectors within Muslim societies resulting in faster and more permanent solutions. Therefore, it is highly recommended that the OPAAW actively engage in communication on two different levels. It must be party to the discourse with religious institutions and prominent scholars regarding advancing the status of women. While OPAAW is currently in constant contact with the International Islamic *Fiqh* Academy, it needs to expand its participation through

the exchange of means, methods and empirical data with a broader audience. Second, a vital form of communication for OPAAW is engagement with appropriate sectors of the societies within the OIC member states. Publicising the aims and objectives of OPAAW as a local Muslim agenda at all levels of society is crucial for achieving the objectives of the plan for the advancement of women.

Notes

1. Organisation of Islamic Cooperation, OPAAW, O. F. (2016, November 3). Retrieved July 25, 2018, from <https://www.oic-oci.org>
2. A large number of prominent Scholars stated the importance of Maqasid today, such as Tariq Ramadan in the Ramadan, T. (2009). *Radical reform: Islamic ethics and liberation* (2nd ed., Oxford cholarship online: Religion module). Oxford: Oxford University Press, Auda, J. (2010). *Maqasid al-Shari'ah as philosophy of Islamic law: A systems approach*. Kuala Lumpur: Islamic Book Trust. Also Ahmad Mesawi and Andan Ibrahim in a number of publications.
3. Particularly Al Qaradawi in Qaradaòwi, Y. (2012). *Dirasat fi fiqh maqasiðd al-shari'ah: Bayna al-maqasiðd al-kulliyah wa-al-nusuðs òal-juziyah*. Cairo, Arab Republic of Egypt: Dar al-Shuruq. As he suggests adding Justices to the five classifications of *Maqasid*.
4. Tariq Ramadan, "Radical reform: Islamic ethics and liberation", in Oxford scholarship online: Religion module 2nd edition. (Oxford University Press: 2009), pp. 11-26.
5. Referring to the ability of genetic advances introducing a third person (female) as a carrying mother to the Zygote of both biological parents.
6. Asyraf Wajdi Dusuki and S. Bouheraoua, "The framework of maqasid al-Shari'ahh (objectives of the Shari'ahh) and its implications for Islamic finance" in International Shari'ah Research Academy for Islamic Finance (ISRA), 1st edition., Issues 22-2011 of Research paper. (International Shari'ahh Research Academy for Islamic Finance: 2011). General premises
7. A large number of prominent Scholars stated the importance of Maqasid today, such as Tariq Ramadan in the Ramadan, T. (2009). *Radical reform: Islamic ethics and liberation* (2nd ed., Oxford cholarship online: Religion module). Oxford: Oxford University Press, Auda, J. (2010). *Maqasid al-Shari'ah as philosophy of Islamic law: A*

systems approach. Kuala Lumpur: Islamic Book Trust. Also Ahmad Mesawi and Andan Ibrahim in a number of publications

8. Yubi, Muhàmmad Sa'd ibn Ahòmad ibn Mas'ud. "Maqasòid al-shari'ah al-Islamiyah wa-àlaqatuha bi-al-adillah al-shar'iyah." , (Dar al-Hijrah lil-Nashr wa-al-Tawzi»:1998).pp.28-39.
9. There is an objection by some scholars by defining *Maqasid* using the term (spirit) since the meaning of such term may be ambiguous and have an effect on the way they view the way *Maqasid* process works.
10. Commercial and civil acts or dealings under Islamic law, Oxford dictionary of Islamic ...
11. Jasser Auda, "Maqasid al-Shari'ahh as philosophy of Islamic law: A systems approach." (Islamic Book Trust: 2010), pp. 1-8.
12. *Ibid*.
13. Jassir, Awdah, J. "Fiqh al-maqasòid: Inatòat al-ahòkam al-shar'iyah bi-maqasòidiha. Bayrut: Al-Ma'had al-Àlami lil-Fikr al-Islami".(Islamic book Trust, 2008), pp.28-30.
14. Jassir, Awdah, J. "Fiqh al-maqasòid: Inatòat al-ahòkam al-shar'iyah bi-maqasòidiha. Bayrut: Al-Ma'had al-Àlami lil-Fikr al-Islami".(Islamic book Trust, 2008), pp.28-30
15. M. E. Mesawi, "Ibn ashur - treatise on maqasid al-Shari'ahh." (IIIT Publications: 2013), pp. 25-50.
16. Mohammed Hashim Kamali, "Maqasòid al-ShariaÒh, ijti had and civilisational renewal", Occasional Papers, 2012, Vol. 20, pp-16-27.
17. Yubi, Muhàmmad Sa'd ibn Ahòmad ibn Mas'ud. "Maqasòid al-shari'ah al-Islamiyah wa-àlaqatuha bi-al-adillah al-shar'iyah." , (Dar al-Hijrah lil-Nashr wa-al-Tawzi»:1998), pp-49-55.
18. *Id* at pp-49-55.
19. Mohammed Hashim Kamali, "Maqasòid al-ShariaÒh, ijti had and civilisational renewal", Occasional Papers, 2012, Vol. 20, pp-28-35
20. Jasser Auda, "Maqasid al-Shari'ahh as philosophy of Islamic law: A systems approach." (Islamic Book Trust: 2010), pp. 2-4.
21. Tariq Ramadan, "Radical reform: Islamic ethics and liberation", in Oxford scholarship online: Religion module 2nd edition. (Oxford University Press: 2009), pp.113-125.

22. *Ibid.*
23. This point is the general premises of Jamâl al-Dîn »Amîyah, “Towards realization of the higher intents of Islamic law: Maqasòid al-shari’ah: A functional approach.” (Islamic Book Trust: 2010), pp. 20-84.
24. This concept is generally mentioned in a number of sources such as Ibrahim, D. A. <http://www.adnanibrahim.net/category/english>, Retrieved 25 July 28, 2018.
25. The debate is generally related not only to the veil but mainly to the entire gender issues in Islamic thought, see; Asma Binti Hammad, “A study of the students perceptions of the impact of globalisation on Islamic values in Malaysia: With special reference to the International Islamic University Malaysia”(IIUM)(Master’s thesis). Kuala Lumpur. And Bahar Davary, “The image of woman in Islamic tradition: A study of its formation in language and tradition.” (MI: UMI Dissertation Services: 2004).pp.122-167.
26. [Television series episode]. (2012, November 30). In *Al Sin Al Char’i Li Azzawâj (Quran)*. Retrieved July 25, 2018, from <https://www.youtube.com/watch?v=6jraMCzy2jc&frags=pl,wn>
27. [Television series episode]. (2012, June 25). In *زواج القاصرات*. Al-Madinah, Kingdom of Saudi Arabia: Ar-Rasikhoon. Retrieved July 25, 2018, from https://www.youtube.com/watch?v=_AApEPrPUrg&frags=pl,wn
28. [Television broadcast]. (2016, January 16). Riyadh, Kingdom of Saudi Arabia: AshashaS. Retrieved July 25, 2018, from <https://www.youtube.com/watch?v=kPyZHUsWbkE&frags=pl,wn>
29. *State of Gender in OIC Countries: Prospects and Challenges* (Rep. No. 9789756427484). (2016). Retrieved July 25, 2018, from <http://www.sesric.org/files/article/556.pdf>
30. [Television broadcast]. (2018, January, 16) Hiwar Hawal al Mirath https://www.youtube.com/watch?v=_21OouQVFs&frags=pl%2Cwn
31. *Ibid.*
32. *Ibid.*
33. *Ibid.*
34. *State of Gender in OIC Countries: Prospects and Challenges* (Rep. No. 9789756427484). (2016). Retrieved July 25, 2018, from <http://www.sesric.org/files/article/556.pdf>

35. Tariq Ramadan, "Radical reform: Islamic ethics and liberation", in Oxford scholarship online: Religion module 2nd edition. (Oxford University Press: 2009), pp. 113-126.
36. Which at the time was called the Organisation of the Islamic Conference.
37. Organisation of Islamic Cooperation, OPAAW, O. F. (2016, November 3). Retrieved July 25, 2018, from <https://www.oic-oci.org>
38. *Ibid.*
39. *Ibid.*
40. *Ibid.*
41. *Ibid.*
42. *Ibid.*
43. SESRIC, <http://www.sesric.org/sesric-about.php>, English, Retrieved July 25, 2018
44. *Ibid.*
45. *Ibid.*
46. *Ibid.*
47. Organisation of Islamic Cooperation, OPAAW, O. F. (2016, November 3). Retrieved July 25, 2018, from <https://www.oic-oci.org>
48. *Ibid.*
49. International Islamic Fiqh Academy. (n.d.). Retrieved July 25, 2018, from <http://www.iifa-aifi.org/N>. (2009). Al-Maqasid: Nawawis manual of Islam (N. H. Keller, Trans.). Beltsville, MD: Amana Publications
50. Organisation of Islamic Cooperation, OPAAW, O. F. (2016, November 3). Retrieved July 25, 2018, from <https://www.oic-oci.org>
51. The Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) <http://www.un.org/womenwatch/daw/cedaw/>. Accessed, July 25, 2018
52. *Ibid.*
53. *Ibid.*
54. Referring to the many NGO's in constant communication with the CEDAW Committee. See, The Convention on the Elimination of All

A Critical Analysis of the OIC Plan of Action for the Advancement... / 377

forms of Discrimination Against Women (CEDAW) <http://www.un.org/womenwatch/daw/cedaw/>. Accessed, July 25, 2018

55. State of Gender in OIC Countries: Prospects and Challenges (Rep. No. 9789756427484). (2016). Retrieved July 25, 2018, from <http://www.sesric.org/files/article/556.pdf>
56. The report is presented by SESRIC as an official report, generated in 2016.
57. State of Gender in OIC Countries: Prospects and Challenges (Rep. No. 9789756427484). (2016). Retrieved July 25, 2018, from <http://www.sesric.org/files/article/556.pdf>
58. *Ibid.*
59. *Ibid.*
60. *Ibid.*
61. *Ibid.*
62. *Ibid.*
63. This Verse in the Holy Quran is widely excepted to allow husbands to discipline there wife's by hitting them lightly in the case of 'Nushoz'. The exact meaning of the word 'Nushoz' is controversial.