

## BOOK REVIEW

# Gender Equality and Women's Empowerment in Pakistan

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By Rashida Patel<sup>1</sup>

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Reviewed by Anne Theobald<sup>2</sup>

Pakistan ranks 112 out of 138 in gender inequality in the 2010 Human Development Report, which suggests clear deficits in terms of gender equality and equity.<sup>3</sup> Although the index reflects the situation of women in general terms by taking into consideration factors relating to health care, education, employment, and political participation, it is incapable of giving a more nuanced picture of the individuals' everyday life experiences. This gap is partly filled by Rashida Patel's monograph *Gender Equality and Women's Empowerment in Pakistan*. In this book, the author provides an overview of different forms of discrimination faced by Muslim women in Pakistan. She focuses on socio-legal problems related to the private sphere such as marriage, divorce, violence against women, etc. Patel

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<sup>1</sup>Rashida Patel, a renowned Pakistani lawyer, held various governmental and non-governmental offices, among others as an advocate of the Supreme Court of Pakistan, Vice President of the All Pakistan Women Association, and founder life patron of the Pakistan Women Lawyers' Association. She was a human and women's rights activist and has published several books and articles, until she passed away in December 2009.

<sup>2</sup> Anne Theobald is a PhD candidate and working as a research associate at the University of Tuebingen, Germany. She studied Political Science, European Studies, and Economic Policy at the University of Muenster and the Institut d'Etudes Politiques in Lille and holds a Master's degree in African Peace and Conflict Studies from the University of Bradford. Her main research interests are armed conflicts, non-state armed groups, political violence, and gender in (post-)conflict situations. Her regional focus is on Sub-Saharan Africa. The author's recent work on "The Role of Women in Making and Building Peace in Liberia: Gender Sensitivity versus Masculinity" is forthcoming as a book. Contact: [anne-leng.theobald@uni-tuebingen.de](mailto:anne-leng.theobald@uni-tuebingen.de)

<sup>3</sup>United Nations Development Programme, *Human Development Report 2010: The Real Wealth of Nations: Pathways to Human Development*, 2010, 158, <http://hdr.undp.org/en/reports/global/hdr2010/chapters/>

has worked as a lawyer and advisor to the Government of Pakistan and played an active part in various non-governmental organisations fighting for human and women's rights. In the book, she brings together her understanding of the Pakistani legal system including informal and religious provisions and her knowledge of the situation of women on the ground and her experience as an activist committed to legal reform. The book not only denounces discrimination against women, but also identifies their causes and proposes means to improve women's life conditions.

The five chapters of this book focus on violence, honour killings, nuptial concerns, divorce, and reproductive rights. By doing so, it brings up different aspects of social and legal discrimination against women and girls in the private sphere and in their families. Within these fields, a variety of specific forms of gender inequality concerning different aspects of family or individual life are identified. For instance, it highlights the state of insufficient health care provision for women, unequal rights for female spouses in marriage as well as divorce, or different forms of violence including (gang) rape and honour killings. The book approaches these issues from a predominantly legal perspective. On the basis of various legal texts – for example, the Pakistan Penal Code 1860, the Criminal Procedure Code 1898, the *Zina* Ordinance and Case Laws – the author reveals that discrimination against women is deeply entrenched in the legal body of the country. Even if there are legal provisions in favour of women and girls, they are often ineffective. They are not put into practice because of a lack of knowledge, cultural obstruction, or insufficient political will on behalf of the responsible institutions such as the police or courts. Furthermore, women in Pakistan are incapable of claiming their rights due to socio-cultural and economic obstacles or their lack of education and awareness. In particular, the section on violence against women reveals that women are legally discriminated against to such an extent that there is effectively a culture of impunity for the perpetrators. As such, it is difficult for women to obtain justice. However, Patel does not stop at denouncing deficits and inadequate behaviour. Instead, once they are identified she proposes concrete legal amendments or practical measures, which stem from her knowledge of both the legal system as well as the situation of the female population in Pakistan in order to improve their situation.

An important and recurring argument in the book is that gender inequality is not an inevitable consequence of religious conviction. Patel adopts a differentiated position towards Islam: She criticises the politicisation and “pseudo-religious misinterpretations”<sup>4</sup> of religion in Pakistan and underlines that Islam itself is not the actual source of gender-based discrimination. According to her, the problems stem from a combination of conservative, male-based interpretations of religious texts as well as cultural factors that prevail within society such as male domination, feudalism, and tribal traditions. Patel consistently demonstrates through citations from the Quran, other religious texts as well as *fatwas* (i.e. religious or judicial edicts),<sup>5</sup> and by referring to relevant interpretations by Islamic scholars, that a modern and dynamic interpretation of Islam provides “human rights granted to women by the Quran”.<sup>6</sup> However, numerous examples where conservative religious and political forces successfully opposed

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<sup>4</sup> Rashida Patel, *Gender Equality and Women's Empowerment in Pakistan* (Oxford & New York: Oxford University Press, 2010), 164.

<sup>5</sup> *Ibid.*, 262.

<sup>6</sup> *Ibid.*, 165.

legal reforms for women's benefit or their implementation highlight that the will to achieve such an understanding of Islam remains absent in Pakistan.

Nevertheless, the author's viewpoint is to be welcomed because not only does her position counter occidental perceptions of Islam as an inequitable religion, it also avoids an overly Western understanding of gender equality and empowerment. Hence, Patel's work allows for a culturally-sensitive conceptualisation of these notions that are embedded in a Pakistani context.

Though the author repeatedly mentions the link between gender inequality and socio-economic, political, and cultural factors, there is no effort to analyse these links in any systematic way. Therefore, the scope of the book is limited. Identifying issues of legal gender inequality in the private realm and proposing remedies to them is important. Nevertheless, this is insufficient given the manifold problems women face in different spheres including the public domain and the interdependence of these difficulties, which have to be tackled in an integrated way in order to effectively empower women.

The argumentative weakness is exacerbated in the lack of a cohesive structure in the book. The main chapters are subdivided into several, often very short, sections that are not always clearly connected. This allows the author to introduce detailed information relating to gender issues but the reader can easily lose sight of the connecting thread. The fragmented arrangement leads to repetitions and an overall weakened argument.

The book also lacks a theoretical foundation, but aims at shedding light on and improving the everyday living conditions of Muslim women in Pakistan. By recounting individual cases of women who have been victims of discrimination and by providing statistics on gender inequality throughout the country, the author successfully illustrates the intensity as well as the magnitude of the problem. In this way she lends substance to the seriousness of her claims for reform. Despite its strong focus on legal aspects, the book is easily accessible to a public that is not familiar with juridical language in general and an Islamic context in particular, as the terminology and texts, which can partly be found in the annex, are explained and interpreted in detail.

Despite its weaknesses, Patel's book nevertheless adds to the literature on gender inequality and empowerment in Pakistan in several ways. Not only does she provide a generally well-founded and illustrative overview of various forms of gendered discrimination that Muslim women and girls in Pakistan are confronted with in the private sphere, she also analyses them from a legal point of view and takes religious texts into consideration. She demonstrates that it is not Islam itself, but its interpretation and prevailing unequal power structures within society that are at the origin of gender inequality. Hence, Patel proposes a differentiated view on how Islam and gendered discrimination interact in Pakistan – and elsewhere – arguing that they are not mutually exclusive per se. The book does not require prior knowledge of the religious, political, or historical background of Pakistan and is therefore suitable for a broad readership outside academia that is interested in gaining insights from within on gender inequality and women's empowerment in Pakistan.