

UNIVERSITY OF SOUTHAMPTON

FACULTY OF LAW, ARTS AND SOCIAL SCIENCES

SCHOOL OF SOCIAL SCIENCES

**UNDERSTANDING MUSLIM CONCEPTIONS OF
WOMEN'S RIGHTS IN MALAYSIA, EGYPT AND GREAT BRITAIN**

By

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ABSTRACT

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The thesis examines the processes by which certain sets of ideas about Muslim women's rights become dominant in particular localities, and questions the specificity accorded to Muslim women in both global human rights talk and transnational Islamic narratives. In order to do so, the thesis is therefore presented in two parts; the first provides the general arguments and theoretical positions in the debate, while the second contextualises and particularises these in the form of three case studies. The first section considers the interaction between social forces, ideas and agency at global and national levels in Muslim women's rights debates. The research consequently examines the relationship between power and ideology in the construction of understandings of Muslim women's rights. As a result it does not uncritically accept the claims made by those seeking to define Muslim women's empowerment or their rights. Additionally, the thesis considers the agency of Muslim women in particular contexts in order to assess the impact of Islamic discourses on the realisation of women's rights in Muslim communities. In order to do this without essentialising, or stereotyping, Muslim women, or Islam, the second part of the thesis examines three countries as case studies: Malaysia, Egypt and Great Britain. In each of the case studies the national context is elaborated and five key rights are examined. This enables comparison while maintaining the particularities of women's rights talk in each of the cases. The main conclusion of the thesis is that Islam alone cannot explain the strategies, negotiations and women's rights claims made in Muslim communities. Rather, these are embedded in a dynamic array of social, economic and ideological relations. Attempts at understanding the conceptualisation of women's rights in Muslim communities must therefore be a holistic analysis which resists essentialising and imposing predetermined interests on actors.

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CHAPTER 1: INTRODUCTION

1. An Outline of the Debate

Unlike human rights, the politics of Women's Rights are rarely denied. The politics of Muslim women's rights are denied even less. Indeed, nearly all writers on women's rights in Muslim communities claim to speak and act for the good of Muslim women. They claim to solve Muslim women's "problems". For some the solution relies on Muslim women being freed from a "religion that veils and reviles them", and the argument continues that if they were less 'Muslim' these women would have more rights. It is argued that the problems facing Muslim women are distinct from those faced by other women, in that they stem solely from "the substance and values of Islam".¹ For others, the problems are not because of Islam, but because of its lack. Within this framework, it is argued that if Muslim women were more pious, more observant, more 'Muslim', than they currently are, then their problems would disappear and their rights upheld.

In women's rights talk, we therefore find the return of culture in international relations. The return of culture is much lauded by those writers outside of international relations orthodoxy and it is grasped on by policy makers and international leaders.² In the current climate culture defines nations, states and communities as "either with us or against us". Cultural Otherness thereby emerges as part of a broader, trans-historical and enduring conflict between determinate civilisations; part of the "clash of civilisations."³ Women's rights adherence, or otherwise, is one of the cultural criteria by which nations and communities are judged. No area has been so judged in recent history than the Middle East, as Laura Nader wrote

The grid through which we rank the humanity of the area is based on how we perceive their treatment of womenfolk. The way in which we construct the place of Arab [Muslim] women is one of the keys to the

¹ N. EL SAADAWI, *The Hidden Face of Eve* (London: Zed, 1980), p. i.

² International relations, when used with lower case I am referring to the practice of international relations. When International Relations is used with upper case letters it refers to the academic discipline and study of these practices

³ S.P. HUNTINGTON, "The Clash of Civilisations," *Foreign Affairs* 72: 3 (1993).

control of others... The West is more civilised by the status and rights of women.⁴

Yet, as Amnesty International stated worldwide “women suffer more violations of human rights than any other group.”⁵ Indeed, if women’s rights adherence was truly a judge of membership of the “axis of evil,” all states would appear on that list of rogue states.⁶ The oppression of women, the exploitation, and social pressures, to which they are exposed, are not characteristic of Islamic societies or countries of the global south alone. Gender specific oppression constitutes an integral part of the global political-economic and cultural systems and of local systems throughout the world, regardless of whether these systems are “developed” or not.⁷ But, for the majority of writers, socio-economic underdevelopment and the lack of political and civil rights for women in Muslim societies are not related, nor are they identified with global or national economic and political factors.

In consideration of existing works framed in the above manner, my research originally asked whether indeed the denial of women’s rights in Muslim societies could be solely attributed to Islam. The hypothesis is that it could not be, but rather that it was a consequence of the interaction between Islamic discursive practices and power relations operating at global and local levels. In other words, the relations between Islam, the political economy, and dominant human rights discourses, present us with particular constructions of women’s rights in Muslim communities. The research aim consequently expanded to investigate the relationship between power and ideology in this case, and the possibilities for transformative change in the construction of rights in Muslim societies. The research examines the processes by which certain sets of ideas about Muslim women’s rights become dominant in particular localities, and questions the specificity accorded to Muslim women in both global human rights talk and transnational Islamic narratives. The research then analyses the extent to which

⁴ L NADER, "Orientalism, Occidentalism, and the Control of Women," *Cultural Dynamics* 2:3 (1989), p. 333.

⁵ S BAHAR, "Human Rights Are Women's Rights: Amnesty International and the Family," *Hypatia* 11:1 (1996), p. 107.

⁶ George W BUSH, *State of the Union Address* (The White House, 2002 [Accessed 12/02/2005]); available from <http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html>.

⁷ El SAADAWI, *The Hidden Face of Eve*.

Islamic discourses on women's rights represent alternative strategies of agency for acquiring rights for Muslim women. These strategies are contrasted with those afforded by adopting a neo-liberal position. The framework of the research also enables the limits to these discourses to be mapped. These issues are explored throughout the thesis.

1.1. Chapter Outline

This chapter offers an introduction to the key ideas, themes, hypothesis and theoretical framework of the research. Following, is an outline of the main theoretical influences which are broadly located within Critical Theory ideas (including Gramsci, Robert Cox, and critical feminist scholars). Proceeding from this section is a series of explanations for core concepts used throughout the thesis (including patriarchy, Islam, Islamism, human rights and women's rights). This introductory chapter then provides a series of research questions and hypothesis which provide a focus for the main body of the thesis. Finally a short outline of the structure of the thesis is provided to allow the reader some guidance in reading.

2. Theoretical Foundations for the Thesis

The theoretical and methodological framework of this thesis is, therefore, broadly located within a critical theory of International Relations. It relies on an understanding of International Relations theory and international relations practice that are founded on the possibility of emancipatory change. Drawing on the works of Gramsci, Robert Cox and critical feminists, this thesis attempts to acknowledge the normative claims within it. First, however, there is a brief outline of the broader conditions of Critical Theory.

Critical Theory in International Relations encompasses a broad range of epistemological and ontological positions. It is however most often framed as a commentary from the margins of the discipline of International Relations.⁸ For Chris Brown, Critical Theory is an attempt to save International Relations from

⁸ M WEBER, "Engaging Globalisation, Critical Theory and Global Political Change," *Alternatives* 27 (2002), p. 301.

the crisis of modernity, by rebuilding the grounds of knowledge.⁹ These new foundations of knowledge are developed through distinguishing between different types of knowledge-interests. To do so a typology of knowledge emerges which is derived from Gadamer and Habermas: empirical-analytical, historical-hermeneutical and critical theory.¹⁰ Critical theory knowledge is premised on a view of society as the site of power and domination, such that an interest in human freedom and emancipation is generated. The other knowledge-interests are implicated in the reification of existing power relations by providing problem-solving knowledge which makes these power relations function more smoothly. Jahn summarises the criteria of Critical Theory as reflexivity, historicity, holism and a normative aim of emancipation (or the recovery of the liberation of man).¹¹ To which I would add, that Critical Theory also includes a desire to understand and identify the possibilities for change.

One of the most substantive critiques of Critical Theory may be found in the work of Jahn who argues that the normative emancipatory aim of critical theory renders it reminiscent of liberal idealism and the imperialist projects of the last centuries.¹² She argues that the desire to see emancipation is premised on the eradication of difference and the preservation of a theory of truth located in the achievement of western rational autonomy.¹³ However, Weber argues that this follows from a misrepresentation or misreading of Habermas' concept of 'ideal-free communication'.¹⁴ Ideal communication should be understood as a regulatory ideal rather than a utopian goal, such that what is recognised in ideal communication is the realisation of Otherness as Other. As Ricoeur argues, the emancipatory ideal requires a reformulation of our understanding of relations between us and others:

⁹ C BROWN, "'Turtles All the Way Down': Anti Foundationalism, Critical Theory and International Relations," *Millennium* 23:2 (1994), p. 125.

¹⁰ Ibid.

¹¹ Ibid, Beate JAHN, "One Step Forward Two Steps Back: Critical Theory as the Latest Edition of Liberal Idealism," *Millennium* 27:3 (1998).

¹² JAHN, "One Step Forward Two Steps Back: Critical Theory as the Latest Edition of Liberal Idealism."

¹³ Ibid. BROWN, "'Turtles All the Way Down': Anti Foundationalism, Critical Theory and International Relations."

¹⁴ WEBER, "Engaging Globalisation, Critical Theory and Global Political Change."

... Suddenly it becomes possible that there are just Others, that we ourselves are an 'Other' among Others.¹⁵

How we view Others is central to understanding processes of control and relations of power. For Chris Brown, there are three possible ways to view Others. The first incorporates a preservation of difference in a superior/inferior relationship. The second asserts equality by eliminating difference. The third, which echoes the quote from Ricoeur, collapses the privileged status of the West and requires a study of ourselves in order to realise that categories we take as fundamental do not emerge, or appear differently, elsewhere.¹⁶ It is from this third position that critical theory retains its emancipatory goal.

This thesis is concerned with the ultimate Other of international relations – the Muslim woman. This Other is shown as the personification of powerlessness in international relations, and operates as an identity marker for the neo-liberal self. The Muslim woman is homogenised, and placed at the margins on international relations.¹⁷ In order to examine the key questions of this thesis, this marginality has to be incorporated theoretically as well as empirically. Furthermore, the site of research and the position of the researcher also need to be theorised such that the marginality of the subject is not reinforced by the researching processes. Critical Theory, as outlined above, provides a theoretical framework in which to proceed because it acknowledges the research position, research subject and researcher within its remit. This section of the chapter continues to outline in more detail Critical Theory and its application in this work through the central concepts developed by Gramsci, Cox and critical feminists. These are considered in turn.

2.1. Gramsci

Gramsci's notion of hegemony was originally formulated to explain the role of the state and the rise of the bourgeois within the domestic sphere. The concept has been expanded upon, and applied to international relations more generally.

¹⁵ Paul RICOEUR, *History and Truth* (Chicago: North Western University Press, 1965), p. 278.

¹⁶ BROWN, ""Turtles All the Way Down": Anti Foundationalism, Critical Theory and International Relations."

¹⁷ The term "Muslim woman" is explained and deconstructed later in the chapter.

Hegemony is the ability to rule by consent and coercion. Subsequently, although force serves as the final guarantor it becomes increasingly unnecessary as ideas of the “good life” homogenise. Hegemony is a form of domination creating legitimate inter-subjective consensus, “woven from many interlacing threads of social and cultural [and economic and military] power.”¹⁸ Hegemony, it is argued, “frames thought and thereby circumscribes action.”¹⁹ Importantly, hegemonic leadership is expressed “in terms of universal or general interests rather than just serving their own.”²⁰ It is particular interests, masquerading as universal. For Gramsci, hegemonic leadership lay in the dominant class, and its apparatuses.²¹ It is argued that the dominant, or hegemonic, class is able to maintain cohesion and identity within society through the propagation of common culture and civil society.²² Gramsci locates civil society within the role of private or non-State levels of the superstructure, enabling rule through consent rather than coercion. It is an inexhaustible complex of institutions (church, club, guild, association, community) which lies between the State and the individual, and at the same time connects the individual to authority while also protecting the individual from total political control.²³

For Orientalists one of the ways in which the Otherness and backwardness of Islamic culture could be demonstrated, is by pointing to the perceived lack of bourgeois civil society that enables the entrepreneurial spirit of modern capitalism to develop elsewhere.²⁴ This perception can be seen in Weber’s “Protestant Work Ethic” whereby the difference between the Occident and the Orient lies in the development of civil society engendered through Christianity. The Islamic resurgence of the post-colonial era could be perceived in this

¹⁸ R DEVETAK, "Critical Theory," in Scott BURCHILL and A. LINKLATER (Eds) *Theories of International Relations* (Basingstoke: MacMillan, 1996), p. 160.

¹⁹ R.W. COX, "Multilateralism and World Order," *Review of International Studies* 18 (1992), p. 179.

²⁰ R.W. COX, "Social Forces, States and World Orders: Beyond International Relations Theory," *Millennium* 10:2 (1981), p. 137.

²¹ Gramsci did not believe in limiting analysis of the state to government and its formal apparatus, indeed he argued that it is meaningless to do so, as they were constrained by the dominant class.

²² R.W. COX, "Gramsci, Hegemony and International Relations: An Essay in Method." in R.W. COX and T.J SINCLAIR (Eds.) *Approaches to World Orders* (Cambridge: Cambridge University Press, 1996).

²³ B.S TURNER, *Orientalism, Postmodernism and Globalism* (London: Routledge, 1994), p. 23.

²⁴ *Ibid.*

Orientalist way; interpreting the creation of an Islamic civil society and NGOs in the post-colonial era as signifying Muslim emergence into modernity. This however, ignores the wealth of information that suggests that civil society existed prior to and during the colonial era.²⁵ In light of Gramsci's theory of hegemony, Islamic resurgence in the Middle East, and Muslim communities elsewhere, is perhaps better viewed as the adaptation of the institutions of civil society to meet the perceived challenges of consumerism and the commoditisation of life-worlds.

2.2. Robert Cox

Moving beyond the Marxist routes of Gramsci, Cox argues for a focus on the full range of modernity's "global power relations."²⁶ Cox understands power as stemming from three spheres: material production, institutions and ideas. Social forces operate in these spheres, which are related to production, forms of State and world orders.²⁷ He views social structures as socially constructed, in that they become part of the objective world as agents ascribe meaning to them. For example, the State is no longer a given (as per realist theory); but rather the State, its function, its formation and its organisation are historically and socially determined.²⁸ Cox, like Gramsci, continues to argue that changes in the State are attributable to social and economic changes (material production and social forces), and that it evolved to encompass a range of functions, responsibilities and institutions – including civil society. For Cox, the State serves as a key institution in the current "historic bloc" (the particular configuration of social forces, institutions and ideas). This is because it serves to legitimise existing power relations. For Cox, hegemony represents a "fit between material power,

²⁵ For an account of the history of the Middle East and the relationships between Islam, women and states, please refer to: L. AHMED, *Women and Gender in Islam: Historical Roots of a Modern Debate* (London: Yale University Press, 1992); KEDDIE and BARON, *Women in Middle Eastern History* (1991); M.L MERIWETHER, "Women and Waqf Revisited: The Case of the Aleppo, 1770-1840" in M.C ZILFI (Ed.) *Women in the Ottoman Empire: Middle Eastern Women in the Early Modern Era* (Leiden: Brill, 1997); R RODED, (Ed.), *Women in Islam and the Middle East: A Reader* (London: IB Tauris, 1999); M.C ZILFI, (Ed.), *Women in the Ottoman Empire: Middle Eastern Women in the Early Modern Era* (Leiden: Brill, 1997).

²⁶ COX, "Social Forces, States and World Orders: Beyond International Relations Theory," p. 128, DEVETAK, "Critical Theory," p. 156.

²⁷ T.J SINCLAIR, "Beyond International Relations Theory: Robert Cox and Approaches to World Order," in R.W. COX and T.J SINCLAIR (Eds) *Approaches to World Order* (Cambridge: Cambridge University Press, 1996), p. 11.

²⁸ DEVETAK, "Critical Theory."

ideology and institutions.”²⁹ Cox develops the concept beyond the initial definition offered by Gramsci through re-introducing the relationship between ideas and the material world. Developing from Cox’s work, this thesis also incorporates the work of Appadurai, who envisions the relations of power in a series of fields or as he terms them ‘scapes’.³⁰ His work complements Cox’s by theorising more elaborately the movement of power relations and the details of the sites in which power operates.

2.3. *Critical Feminists*

Absent from the previous writings is a consideration of gender and the ways in which the processes of hegemony are gendered. Critical feminist theorists bring gender into the field. This body of thought is loosely defined so as to incorporate a wide range of feminist works within its remit. This variety is usefully shown by these two quotes, the first from El-Saadawi and the second from Booth. The first is a female Arab activist and the second a white male academic:

Women maybe used by the revolution as tools, as cheap labour, cheap fighters – to die first and be liberated last!³¹

And,

... The personal, the political and the international are all a ‘seamless’ web.³²

More specifically, influential in the structure, and theoretical positioning, of my research are the insights arising out of feminist standpoint theory and post-modern feminism, which to some extent are respectively incorporated within the two quotes above. Feminist standpoint theory acknowledges the positions and relations of women which enables them to know international relations in a particular way. It also recognises women’s knowing as valuable, and by incorporating it into analysis, thereby, provides a more complete and holistic answer to key research questions of International Relations. Contrary to some claims, standpoint feminism does not necessarily include a privileging of

²⁹ COX, "Social Forces, States and World Orders: Beyond International Relations Theory," p. 141.

³⁰ A APPADURAI, *Modernity at Large: Cultural Dimensions of Globalisation* (Minneapolis: University of Minnesota Press, 1998).

³¹ (El Saadawi Cited in, N TOHIDI, "Gender and Islamic Fundamentalism," in C.T MOHANTY, A RUSSO, and L TORRES (Eds) *Third World Women and the Politics of Feminism*, (Indianapolis and Bloomington: Indiana University Press, 1991), p. 260.

³² K BOOTH, "Security and Emancipation," *Review of International Studies* 17:4 (1991), p. 317.

women's knowledge over all others, but argues that its inclusion is necessary to understand and explain international relations more completely (more holistically). Post-modern feminism, as distinct from feminist post-modernism, retain the scepticism about the formation of social subjects from post-modern deconstructions of the subject and self, while retaining the acknowledgement and interpretation of what the subject says. What unites stand-point feminism and post-modern feminism is a promotion of a "new kind of politics" through establishing "feminist homesteads" in international relations.³³ These homesteads serve to "in-line" and "outline" women in international relations.³⁴ The former process introduces the decentring of the subject, by filling in the subject, especially the in-lining of identities. The latter is achieved through everyday forms of feminist theorising, which outlines women, power and international politics. It asks how is the agency of subjects, their out-lines' "created through situations and statuses conferred upon them?"³⁵ It is with this question in mind that this thesis began. However in recognising the difficulties of fixing a meaning onto the category of woman, the thesis also begins to in-line identities. This latter problem is examined below as I attempt to fill in the content of the category "Muslim woman".

3. Key Terminology

This section briefly introduces some of the key terminology used throughout the thesis. These terms are: patriarchy, Islam, and women's rights. These are considered in turn below.

3.1. Patriarchy

The concept of patriarchy has provided feminist writers many insights into the modes of exclusion and inclusion in international relations. This concept runs throughout the research. Its application is developed across each of the

³³ BROWN, "Turtles All the Way Down": Anti Foundationalism, Critical Theory and International Relations"; C. SYLVESTER, *Feminist Theory and International Relations in a Post-Modern Era* (Cambridge: Cambridge University Press, 1994).

³⁴ C. SYLVESTER, "The Contributions of Feminist Theory to International Relations," in S. SMITH, K BOOTH, and M ZALEWSKI (Eds) *International Theory: Positivism and Beyond*, (Cambridge: Cambridge University Press, 1996).

³⁵ J SCOTT, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (London: Yale University Press, 1985); SYLVESTER, "The Contributions of Feminist Theory to International Relations."

conceptual chapters. In the second chapter which analyses social forces, patriarchy is considered as a mode of exclusion and of suppression. In the third chapter, patriarchy is considered as part of the dominant framework of analysis in women's rights activists' discourses. In the fourth chapter, which considers Muslim women's agency, the "patriarchal bargain" is introduced. The concept of patriarchy has been much criticised as being unable to account for changes over time and place, and has been accused of setting false competitions between men and women.³⁶ However, in this thesis patriarchy is assessed as a dynamic explanation of women's systematic subordination to men, with its mechanics operating differently across class, history and geography. As a result patriarchy retains its conceptual usefulness and resists essentialising women's experiences.

3.2. Islam and derivatives

This section is divided into three subsections, the first outlines the distinction between Islam and Muslim; the second seeks to define Islamism (or political Islam); and third the label "Muslim women" is analysed. These are considered in turn.

Following writers in the field of Middle Eastern Studies and Religious Studies, I will adopt a separation in terms between Islam and Muslim. In accordance with Mandaville, to refer to a Muslim (in Arabic, 'one who submits') is to refer to an individual who considers themselves to practice, or possess, a form of identity derived from Islam.³⁷ In doing so it brings to the fore the role of agency and separates out actions justified in the name of Islam and from Islam itself. Furthermore, by recognising Muslim as a constituent part of identity it reminds that Muslims cannot be solely reduced to Islam. Muslims hold a variety of identity positions which may, or may not, be premised in Islam, such as gender, class, and race. In addition, by tying belief and practice in identity, the variety of practices and beliefs of Islam are shown. In this manner essentialism and false unification of Islam can be avoided. Islam is not, therefore, understood in this

³⁶ For an overview of the debates please refer to, S WALBY, "The 'Declining Significance' or the 'Changing Forms' of Patriarchy?" in Valentine MOGHADAM (Ed.) *Patriarchy and Development: Women's Positions at the End of the Twentieth Century* (Oxford: Clarendon Press, 1996).

³⁷ Peter MANDAVILLE, *Transnational Muslim Politics: Reimagining the Umma* (London: Routledge, 2004), p. 54.

work as a single absolute system of beliefs and practices which can be decoded from timeless laws and texts. However, Islam, in the singular form, does play a role in the construction and constitution of Muslim political communities. In that, for many Muslims there is a strong sense of a single Islam which unifies them in a community of believers.³⁸ In this way, Islam operates as a totalising abstraction through which meaning and discourse can be organised. Islam, therefore, becomes a *via media* enabling new ideas to travel through various political sites and allows for them to be organised, including women's rights. Conceptualising Islam as a *via media* repositions Islam as dynamic and fluid, located in the everyday practices and understandings of believers. In this way, sociology of religion is included, acknowledging that Islam is not simply the mechanical articulation of holy texts.³⁹ As a result, its boundaries and content are never entirely fixed, thereby allowing for diversity in the social construction of Islam while retaining a sense of Islam as generating a discursive field.

Islamism refers to the attempt to articulate a political order based around Islam. This can take a number of forms, sometimes leading to a reassertion of traditional values, and in others a reinterpretation of key sources. For Ismail there are three main categories of Islamist actors: conservatives, militants and moderates.⁴⁰ These actors loosely correspond to social origins and modes of action.⁴¹ However, uniting various strands of Islamism is the notion of activism – creating a new religio-political order while preserving orthodox religious observances. In other words, central to Islamism is the demand for the creation of *nizam*, an Islamic system of governance which takes responsibility for the *Muslimahh*, or *Umma*, usually through the implementation of *Shari'a* law.⁴² In the majority of cases, Islamism tends to be posited against a Western Other. Yet, the internal dynamics of Islamism must not be ignored regardless of the rhetoric

³⁸ A.S AHMED, *Discovering Islam* (London: Routledge, 1988); T. ASAD, "The Construction of Religion as an Anthropological Category" in T ASAD (Ed) *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore: John Hopkins University Press, 1993); J.L ESPOSITO, *Islam: The Straight Path* (Oxford: Oxford University Press, 1991).

³⁹ M.B HAMILTON, *The Sociology of Religion: Theoretical and Comparative Perspectives*. (London: Routledge, 1995).

⁴⁰ Salwa ISMAIL, "Being Muslim: Islam, Islamism and Identity Politics," *Government and Opposition* (2004), p. 615.

⁴¹ Ibid.

⁴² Francis ROBINSON (Ed.), *Islamic World* (Cambridge: Cambridge University Press, 1996); ISMAIL, "Being Muslim: Islam, Islamism and Identity Politics."

of Islamicist writers.⁴³ Indeed, Tim Winter indicates five key concerns with definitions of Islamism, not least its legitimation through Western tacit support for democratization or opposition to imperialism.⁴⁴ Other problems of interpretation of Islamic politics (as fundamentalism) include the ways in which Islamism is related to Islam as a whole, the ways in which it is situated in relation to the past or present, its consideration in isolation from other far right mobilizations of religion, and the qualitative value attributed to women's centrality to Islamism.⁴⁵ Consequently, given the loaded meaning assigned to fundamentalism in current popular debates, this thesis does not adopt the term "fundamentalism" as a descriptive category.

In contrast to the political formation of social movements, is the notion of a Muslim political community, which

relates to widely shared, although not doctrinally defined, traditions of ideas and practice... [T]he forms of political contest and discourse as well as the meanings of traditions vary widely but a constant across the Muslim world is the invocation of ideas and symbols, which Muslims in different contexts identify as Islamic, in support of their organised claims and counterclaims.⁴⁶

This distinction is made to ensure that there is no conflation between "being Muslim" and "being Islamist". The assertion of a Muslim identity does not automatically represent the endorsement of the ideas and activities of Islamist political movements. However, Muslim identities have been articulated in relation to Islamism.⁴⁷ Often, but not always, located within Muslim political communities is a drive towards Islamisation, or re-Islamisation. This is understood as a drive to invest social life with signs and symbols associated with Islamic cultural traditions, and relates primarily to informal politics and community maintenance, or activities in the social sphere rather than activities usually associated with formal politics. Islamists sometimes recreate Islamisation as a political agenda, re-centring the process as part of the creation

⁴³ Mustapha Kamal PASHA, "Globalisation, Islam and Resistance," in B.K. GILLS (Ed.) *Globalisation and the Politics of Resistance* (Basingstoke: Macmillan, 2000).

⁴⁴ Bronwyn WINTER, "Theoretical Issues: Fundamental Misunderstandings: Issues in Feminist Approaches to Islam," *Journal of Women's History* 13:1 (2001).

⁴⁵ *Ibid.*, p. 10.

⁴⁶ Dale EICKELMAN and James PISCATORI, *Muslim Politics* (Princeton: Princeton University Press, 1996), p. 4.

⁴⁷ ISMAIL, "Being Muslim: Islam, Islamism and Identity Politics," p. 615.

of *nizam*.⁴⁸ Therefore, as Mandaville argues, “what needs to be asked is why the language of Islam is used for the articulation of various socio-political projects.”⁴⁹

Knowing Muslim women is assumed to be simple. Ontological priority is accorded to their religious identity and behaviour. You can know a Muslim woman when you see her because she wears a *hijab*. Her attempts at invisibility in fact make her visible as a Muslim woman, they outline her.⁵⁰ It is also assumed that you may know a Muslim woman by knowing Islam. But as critiqued before, Islam itself is heavily disputed. Indeed this thesis serves to provide a more complex analysis of Muslim women and of the gender-religious identity markers by which we claim to know Muslim women. Acknowledging post-modern and critical theory turns in international relations, it is necessary to examine the power relations operating behind claims to know Muslim women. Some writers point to the ways in which categories of womanhood (by which we know all women) are in fact Euro-centric and serve to reinforce the power relations of domination between non-Western women and Western women.⁵¹ This is not to claim that Islam has nothing to do with the ways in which Muslim women are treated. Rather, Islam, operating as a discursive field in which Muslim women are known, partially constitutes them through its conjunction with other signifiers.

⁴⁸ Ibid., p.616.

⁴⁹ MANDAVILLE, *Transnational Muslim Politics: Reimagining the Umma*, p. 58.

⁵⁰ SYLVESTER, *Feminist Theory and International Relations in a Post-Modern Era*, Tim WINTER, "The Chador of God on Earth: The Metaphysics of the Muslim Veil," *The Dominican Council* (2004).

⁵¹ L ABU-LUGHOD, *Remaking Women: Feminism and Modernity in the Middle East* (Princeton NJ: Princeton University Press, 1998); C BULBECK, *Re-Orienting Western Feminisms: Women's Diversity in a Post-Colonial World* (Cambridge: Cambridge University Press, 1999); C TALPADE- MOHANTY, "Under Western Eyes: Feminist Scholarship and Colonial Discourse," in . P WILLIAMS and L CHRISMAN (Eds.) *Colonial Discourse and Post Colonial Theory, a Reader* (New York: Columbia University Press, 1994).

3.3. *Human Rights and Women's Rights*

“Women’s Rights” is an “essentially contested concept” whereby different and competing meanings exist.⁵² These different definitions of women’s rights are embedded in ideology, involve implicit assumptions, and in many ways operate as a subset of broader discourses that define the framework of the agendas in question.⁵³ In other words, women’s rights are not solely the consequence of abstracted thought processes but of competing forces operating outside and within our current understanding of human rights and international relations. Therefore, simply to list the rights allocated to women in international law ignores the politics of these claims, and simply legitimises the new political discourse. Consequently, the use of women’s rights both in the West and by Muslim groups has little to do with women *per se*.⁵⁴ Rather they are situated responses to and conditions of globalisation, which has led to the phenomenon of anomie and increasing demands to relocate political legitimacy in terms of cultural authenticity and identity. The politics of the debate can be usefully highlighted by a turn on Mandaville’s question earlier, so that now one should ask why the language of women’s rights is used for the articulation of various socio-political projects. It is possible to posit orthodox constructions of women’s rights, as found in international conventions, against those framed via an Islamic reference. In this narrative, neo-liberal understandings of women’s rights, as used by the West, support and maintain the unequal relations in the global world order. In contrast, Muslim conceptualisations of women’s rights are used to resist these unequal international relations. However, to frame the debate in line with a “clash of civilisations” negates the extent to which women’s rights conceptions are also used to maintain socio-economic and political stability within Muslim communities in the face of uncertain and rapidly changing times. To do so also masks local power relations, and how Muslim women use the tools provided by Islam as a strategy with which to claim rights. At each site/space it

⁵² W.I ROBINSON, *Promoting Polyarchy: Globalisation, U.S. Intervention and Hegemony*, (Cambridge: Cambridge University Press, 1996), p.49.

⁵³ Ibid.

⁵⁴ The “West” is defined geographically as Western Europe and North America; it can also be defined more generally as those cultures that draw heavily from the Enlightenment. For analysis of the meaning and impact of the West, c.f. T VON LAUE, *The World Revolution of Westernization: The Twentieth Century Perspective* (Oxford: Oxford University Press, 1987).

is instead necessary to consider the interplay of local and global structures which in part generate the different conceptualisations of women's rights. It is in this contextualisation of women's rights claims that this thesis seeks to understand the meaning and nature of Muslim conceptions of women's rights.

Nevertheless, rights have been codified in international conventions, which may provide a benchmark from which to begin analysis of the current position and rights strategies of Muslim women. In this thesis CEDAW is used as such a basis, and the consequences of this decision are outlined in more detail in Chapter five.

4. Research Aims and Questions Outlined

4.1. Questions to be Answered by this Thesis

Given the theoretical concerns and the debates surrounding women's rights in Muslim communities, this thesis identified four key questions that remain as yet largely unaddressed in international relations research. These are:

- What do Muslim conceptions of Women's Rights reveal about global power structures?
- To what extent is Islam a determinant of Muslim women's ability to construct and seek rights?
- What conditions are necessary for Muslim conceptions of women's rights to be transformative?
- Why do the reformist Muslim conception of Women's Rights and the neo-liberal conception of women's rights coalesce/converge around the right to (be) labour?

4.2. Hypothesis Generated

Given the research questions outlined above and drawing on the research aims of this thesis, the research set out to examine four key hypotheses:

- Muslim claims of women's rights cannot be solely attributed to religious and cultural factors – rather these are founded/embedded in global, national and local political-economic systems

- Muslim conceptions of women's rights have the potential to be socially and conceptually transformative, but because of the existing modes of inclusion and exclusion may not always be so.
- Muslim claims of women's rights reveal that the neo-liberal hegemonic project is not entirely successful. Muslim women's strategies/agency reveals challenges and resistances to the dominant conceptions of women's rights.
- That Muslim conceptions of women's rights are at once a moment/condition of modernity and a reaction to it indicates why seemingly opposing views of women's rights converge on the right to labour.

5. Outline Principle Structure of Thesis

Robert Cox established that international relations may be understood through analysing social forces, ideas and institutions. This thesis adopts a conceptual framework divided along similar lines. The following chapter of this thesis is concerned with identifying the context and social forces in which Muslim women's rights strategies operate. It draws particular attention to globalisation and the political economy. The third chapter relates to the role of ideas in establishing a framework of meaning in which Muslim women construct rights. In this chapter the role of power and knowledge is examined, as are the discourses on women's rights established by feminism and Islamic sources. The fourth chapter is concerned with identifying the strategies and resistances of Muslim women regarding women's rights. Here, their agency is prioritised. The thesis, having established this framework, draws on three case studies - Egypt, Malaysia and the UK in order to assess the research hypotheses. The thesis concludes by drawing on the findings of the case studies and on the conceptual insights developed in the first section of the thesis.

CHAPTER 2: CONTEXT AND SOCIAL FORCES

1. Introduction

Conventionally, human rights, as codified in international treaties, charters and institutional practices, are viewed as a moral and ethical response to World War Two.¹ However, the current accord on human rights, and the emerging consensus on women's rights, may also be viewed as the legitimising discourse of neo-liberal economics and state-centric politics. In other words, it is possible to view human rights as the moral authoritative voice of actors with a vested interest in the maintenance of the *status quo*. In many ways, human rights, as so constituted, enables States to be seen to be "doing something without doing anything."² This is especially the case in light of changes in the relations of power.

To explain these changes in the nature and relations of power, in particular of those in the political economy, the concept of "globalisation" is deployed. Globalisation, as defined and understood by the dominant actors in the political economy, ensures that the *status quo* is perceived as natural and pre-given. It fails to ask why or how the silenced, the marginalised remain so. Human rights simply offer a language for these groups to speak, but does not seek to account for the causes of their position. Human rights therefore, on the one hand preserve the appearance of the status quo, yet on the other are deeply associated with the new changing globalised order. Human rights have become globalised; they are referenced and debated in networks of political institutions operating in a multitude of sites. However, the very processes which enable human rights to transcend their origins are also undermining its ability to serve as a tool of the silenced and oppressed.

¹ J. DONNELLY, *International Human Rights* (Oxford: Westview Press, 1993).

² T. EVANS and J. HANCOCK, "Doing Something without Doing Anything: International Human Rights and the Challenge of Globalisation," *The International Journal of Human Rights* 2:3 (1998).

Human rights, as suggested above, operate as one of the mechanisms by which the disempowered are managed, by providing a forum and language through which visions of the “good life” may be articulated. Nevertheless, the discursive practices of ‘human rights talk’ remain State centric and fail to incorporate the new idiom of economic globalisation (however it is narrated). Human rights and women’s rights, as understood in legal documents and international actors, are unable to account for the new demands and needs of citizens, who include Muslim women. Changes in economic context have meant that Muslim women (among others) are increasingly unable to access rights in the traditional manner via the State, and therefore new expressions of agency and rights are emerging. With reference to Muslim women, this chapter considers the new conditions under which rights may be claimed. In order to do this, an understanding of the mechanics of power in international relations is sought. While power can be understood as diffuse, the role of deep structures in directing that power cannot be ignored when considering the constraints of human rights conceptualisations and strategies.³ Indeed, it is possible to suggest that the very nature of such structures ensures that some groups will remain outside the networks which determine the extent and nature of rights. In this chapter this claim is examined specifically in relation to Muslim conceptions of women’s rights, which reveal that because they are ordinarily outside the traditional centres of power which define “women’s rights”, Muslim women have sought alternatives to such exclusion.

Alternative understandings and conceptualisations of women’s rights, such as those found within Muslim communities, as with other general human rights claims, are therefore embedded in global economic and political relations. These alternative “visions” are counter-hegemonic manoeuvres for political space and power. Yet, at the same time, they are attempts to reinforce local power relations challenged by the changes in the global political economy (legitimised, in part, through a human rights focus). Importantly, therefore, these reformulations of rights are not apart from modernity, but intricately part of the language and

³ The term “deep structures” is defined more precisely later in this chapter.

actualisation of it. This positioning of Muslim conceptions of women's rights is discussed later in this chapter.

1.1. Chapter Outline

This chapter attempts to address the nature of the political economy and its reciprocal impact on the construction of women's rights in Muslim communities. First, it considers how the international political economy is theorised, and analyses the neo-liberal narrative of globalisation, providing a series of critiques based on a model centred on various modes of exclusion and inclusion. Second, the chapter focuses on trends in the economic globalisation process and the impacts these have on the constructions of Muslim women's rights. These trends are loosely based on a taxonomy provided by the neo-liberal narrative. Third, the chapter examines the importance of "the local" by considering attempts by geographers, feminists and neo-Marxists to incorporate social constructions within the political economy. Finally, the chapter considers the work of Appadurai and Mandaville by way of conclusion.

2. International Political Economy Theory

This section of the chapter is divided into two parts. The first critiques the dominant explanations of globalisation. This is done by considering in turn three core ideas underpinning globalisation as the processes of the political economy. The section then provides a series of alternative conceptualisations for understanding the political economy which, are linked together through the broad themes of inclusion and exclusion.

2.1. Neo-Liberal Narrative of Globalisation

The neo-liberal narrative of globalisation does not speak directly of, or indeed to, Muslim women. On the occasions when Muslim women come into view, it is within predetermined "problem" categories of "other" and "woman", and as "underdeveloped" and specifically as "Muslim."⁴ They are thus described as part of "the problem" that needs to be solved, namely of underdevelopment. In this section, the larger themes of globalisation will be examined to highlight this

⁴ In other words, there is no critical acknowledgment about what these categories mean, and of the variation and difference within.

absence of Muslim women and the problem-solving assumption. In particular, it will uncover how this narrative undermines the realisation of Muslim women's rights, by denying difference, agency and power.

The neo-liberal globalisation taxonomy describes a "world in motion" with the reconstitution of the polity, economy and identity.⁵ Accordingly, the world is no longer a state-system of competing autonomous actors, but an ever increasingly interconnected and transnational network. Underpinning this description are three core ideas: first, that this vision of globalisation and of the future is inevitable; second, that there is a transfer or diffusion of power in the global system from states to an array of other international actors and that this process is beyond control; third, is the idea of time/space compression, represented in the collapsing of borders and the universality of rights. These are examined in turn below.

The first idea central to the neo-liberal construction of globalisation is that this process is inevitable. As Pasha argues,

...Imbued with mysterious and unbounded powers... this order, understood as globalisation, takes on the appearance of inevitability.⁶

Underpinning the sense inevitability is the idea that globalisation is part of the natural order of civilization; that there is a natural progression to modernity. Weber argues that the modernisation project is the imposition of rationality (in terms of means-to-ends schemes) to the total environment. In other words, there is a transformation from (global) village to (global) market, or in Weber's terminology from 'Gemeinschaft' to 'Gesellschaft' based social and associational relations.⁷ Globalisation symbolises a global modernisation project with rationality emerging a universal *modus operandi*. This global ideology of modernity rests, as Evans describes, on the twin goals of economic growth and

⁵ The term "world in motion" is used by Inda. Jonathon Xavier INDA and Renato ROSALDO, "Introduction: A World in Motion," in Jonathon Xavier INDA and Renato ROSALDO (Eds.) *The Anthropology of Globalisation: A Reader*, (Oxford: Blackwell, 2002).

⁶ PASHA, "Globalisation, Islam and Resistance," p. 241.

⁷ Bryan S. TURNER, *Orientalism, Postmodernism and Globalism* (London: Routledge, 1994), p.79

development.⁸ Both economic growth and development are defined in relation to the Western model of post-Fordist strategies of flexible wealth accumulation, the retrenchment of the state from welfare provision, the creation of legislation to protect the rights of property and capital, and the implicit redefinition of citizens as workers and consumers. The methods pursued to achieve these goals are frequently discussed within a scientific-technocratic framework, and the authoritative voices are those of scientists and technocrats/economists. Consequently, the imposition of rationality/modernity includes not only the goals to be achieved, but also how they are to be achieved. Valued knowledge is understood as that which contributes to this project and adheres to the positivist scientific method. Human and women's rights knowledge are similarly constructed as valuable when generated through this method. The most authoritative, valued and legitimised voices on human rights belong to bureaucrats and technocrats – the lawyers of The Hague and Geneva, and embassy or State officials at the U.N. Human rights genealogy is also shown to follow the progress of modernity: human rights are seen as developing from natural rights, to citizen's rights, to those granted by virtue of common humanity.

The second central idea in the neo-liberal narrative of globalisation is the diffusion of power. The desire to achieve the goals of modernity (development and growth) has led to strategic planning at the global level. Examples of this strategic planning are the creation of international institutions to determine finance, restructuring, and good governance, as operationalised in the World Bank, the IMF, and currency exchange mechanisms. Global management requires adherence to rules and ensures that all countries conform to the development-liberalisation model, so that the "hidden hand" of the market can operate efficiently.⁹ The implications for the Nation-State are widespread; for although the State persists, it does so in a different capacity than in previous eras. Rather than being the central actors, States are now the secretaries of a regime that upholds the rights of capital.¹⁰ The State is an administrative unit for the

⁸ Tony EVANS and Jan HANCOCK, "Doing Something without Doing Anything: International Human Rights Law and the Challenges of Globalisation," *The International Journal of Human Rights* 2:3 (1998), p. 10.

⁹ *Ibid.*, p. 11.

¹⁰ *Ibid.*, p. 10.

creation and orchestration of the conditions for globalisation, which enables capital to become disembedded from social relations. Consequently, while national policies may disrupt the processes of globalisation for a time, such as those which seek to protect State-elite interests, States cannot escape or opt-out of the process of globalisation.¹¹ As Philip Cerny writes,

What [economic globalisation] does do is ... transform [the] international economy, from one made up of holistic national economies interacting on the basis of national "comparative advantage," into one in which a variety of "competitive advantages" are created in ways which are not dependent on the nation state as a social economic and/or political unit.¹²

Nevertheless, understanding globalisation from within the neo-liberal framework, we are not to lament the demise of the State as an economic actor, because in the global-economic north, it is a redundant institution, and in the global south, it is at very best inefficient, and in many cases incompetent. As David Chandler reveals in his examination of humanitarian intervention, from the failings of the development programmes in the global South of the late 70s and 80s, many commentators drew the conclusion that "developing world states could not be trusted to pursue development."¹³ Instead, development should be managed (or at least overseen) by those with technical knowledge working in the World Bank, or the IMF.

This development of an international regulatory regime, termed market discipline, suggests the diffusion of economic-political power. Power is no longer held solely in the hands of states, as in the Realist interpretations of international relations that dominated in the Cold War era.¹⁴ Rather, power is held by a number of actors and institutions, it is impossible to pin down, it exists "out there".¹⁵ Thus, in exchange for the loss of the State as representatives of the citizenry, and as sovereign holders of international power, human rights are offered to guarantee the representation of the individual in international relations.

¹¹ Ibid.

¹² Philip CERNY, "Globalisation and Other Stories: The Search for a New Paradigm of International Relations," *International Journal* 51 (1996), p. 624.

¹³ D CHANDLER, *From Kosovo to Kabul: Human Rights and International Intervention* (London: Pluto Press, 2002), p. 32.

¹⁴ Kenneth WALTZ, *Theory of International Politics* (Reading, Mass: Addison-Wesley, 1979).

¹⁵ This compounds the first theme of neo-liberal globalisation (that it is an inevitable process) as it is unknown who or what to direct resistance at, or from where change can be enabled.

The third element to the neo-liberal understanding of globalisation is the idea that not only has the diffusion of power affected the notion of agency in international relations, but that it has also reconfigured the system in which globalisation occurs. The result is that as well as the agents themselves having changed, also the relations between them have undergone alterations under neo-liberal globalisation. Consequently, under globalisation, all levels of agency are interconnected in an anonymous abstract network consisting of universalised consumers, with relationships governed by capital. Jan Aart Scholte understands this global networking (i.e. globalisation), as the transcendence of borders, with the spread of “supra-territorial” or “trans-border” relations.¹⁶ He argues that this is more than merely the opening or crossing of borders, but that it involves the deterritorialisation of economic, social, financial and political relations.¹⁷ The globe becomes a single “place” in its own right.¹⁸ Of importance here, is the temporal and geographical compression of economic relations, or in other words, the disembedded and international nature of capital and trade. This is realised economically by the development of the post-Fordist regime of flexible accumulation.¹⁹ Flexibility is designed to speed up the process of both production and consumption, and to globalise consumption.²⁰ The freedom of multi-national companies to trade, produce and sell throughout the globe has altered the strategies, agency and relations of states in the quest for growth and development.²¹ The neo-liberal framework assures that this development can only be for the best because it creates a global division of labour, a global market of labour which can be more effectively harnessed for the acquisition of wealth and consumable goods, so that we can all buy IKEA furniture or GAP clothes. Furthermore, the ideology of “free trade” that coincides with this process of

¹⁶ Jan Aart SCHOLTE, "Global Capitalism and the State," *International Affairs* 73:3 (1997), p. 427, 29.

¹⁷ Ibid.

¹⁸ Ibid., p. 431.

¹⁹ This is understood as a regime which rests on flexibility in labour markets, patterns of consumption, and modes of production. It has resulted in (legal) deregulation of some areas but also the development of informal regulatory mechanisms.

²⁰ INDA and ROSALDO, "Introduction: A World in Motion."

²¹ The secretary general of UNCTAD stated in 1996 that “producers and investors increasingly behave as if the world economy consisted of a single market and production area” UNCTAD, "Globalization and Liberalization: Development in the Face of Two Powerful Currents. Report of the Secretary-General of UNCTAD to the Ninth Session of the Conference." (paper presented at the United Nations Conference on Trade and Development, Geneva, 1996), p. 4.

supra-territoriality is based on the principle of “comparative advantage”, whereby the maximization of wealth ensures everyone is wealthier.²² In addition, free-trade is seen as a more peaceful and harmonious means of increasing national wealth, as it promotes interdependence and cooperation.²³ As a result, the eradication of borders in the promotion of free trade (i.e. free movement of capital, labour and goods) and economic liberalism also sees the harmonization of political economies, and in a tautological move is central to the idea of globalisation. Furthermore, this relies upon the modernist understanding of the self, replacing the limiting pre-capitalist traditional ascriptive norms with a universalised criteria based on individual merit and achievement. Indeed this modern criterion is commonly referred to as human rights, in particular political and civil rights, which can be seen as the normative framework of the neo-liberal globalisation process.²⁴

2.2. *Modes of Inclusion and Exclusion*

This neo-liberal taxonomy, or narrative, of globalisation suffers from exclusions and points of closure. The analytical framework of modes of inclusion and exclusion draws on the work of Andrew Linklater.²⁵ Linklater argues that in order to identify power relations it is necessary to examine how membership is defined and the consequences of that boundary. In this way, modes of exclusion and inclusion suggest the operations of power in international relations. Three elements of exclusion are analysed below. First, is the notion of Otherness as exemplified by Orientalism’s Orient.²⁶ The second notion is that of gender inequality, upheld by patriarchy. The third is that of geography, which considers the dislocating of place and the place of rights, which also provides a detailed case study of Egypt.

²² It is not so much that someone gets a bigger slice of the cake, but that the cake itself has gotten bigger Scott BURCHILL, "Liberal Internationalism," in Scott BURCHILL and Andrew LINKLATER (Eds.) *Theories of International Relations* (Basingstoke: Macmillan/Palgrave, 1996).

²³ Ibid. This is of course independent of whether or not Free trade is actually practiced by all states.

²⁴ Tony EVANS, *The Politics of Human Rights* (London: Pluto, 2001).

²⁵ A. LINKLATER, "Dialogue, Dialectic and Emancipation in International Relations," *Millennium*, 23 (1994).

²⁶ E.N SAÏD, *Orientalism*, 1985 ed. (Harmondsworth: Penguin, 1978).

In relation to the first theme of neo-liberal globalisation, the presentation of an inevitable modernised-globalised-westernised future closes the possibility of alternative futures of economy, polity and society. In particular it denies a future based upon religious belief systems such as Islam, which some Muslim women subscribe to. By presenting the future as fixed, human agency and difference is denied. The essentialised Muslim Other is homogenised, and made known by religious reductionism that allows neo-liberalism to claim that (Muslim) opponents to the globalisation process are outside of modernity, and are therefore a backward form of consciousness.²⁷ Indeed, the only form of narrative on global relations that is not silenced (and considered backward) is that belonging to white, middle class and male positions. According to this position, globalisation is part of an inevitable progress towards ever increasing levels of “moral integration”, operating in parallel to the harmonisation of economies to the extent that there is global convergence of aspirations and norms.²⁸ This voice is heard primarily because it reiterates the needs of global capitalism, in that economic (human) agency is only conceived as Adam Smiths rational, autonomous consuming economic man.²⁹ This globalisation narrative continues to exclude other voices by denying agency to particular groups by labelling (and arresting and detaining) them as women, fundamentalists, terrorists and deviants. Muslim women are excluded on many interrelated grounds, as victimised female others (waiting to be saved), as living within an alien faith-based normative system (waiting for revelation), and as members of the third world (waiting for development).³⁰ They are “the outside” in any definition of “Other” that the neo-liberal framework adopts.

In relation to the second theme of the neo-liberal globalisation discourse, exclusions are linked to the diffusion of power. As the state becomes one of

²⁷ PASHA, "Globalisation, Islam and Resistance."

²⁸ EVANS, *The Politics of Human Rights*, p. 3-4; Jack DONNELLY, *Universal Human Rights in Theory and Practice* (Ithaca: Cornell University Press, 1989), p. 211-13.

²⁹ I do not have the capacity here to go into considerable detail of the points raised here, but please refer to A. TICKNER, *Gender in International Relations* (New York: Columbia University Press, 1992); BULBECK, *Re-Orienting Western Feminisms: Women's Diversity in a Post-Colonial World*.

³⁰ Having said this however, does not deny the great variety and differences found among Muslim women, differences such as class, nationality, observation and practice and so on. The point is that the neo-liberal narrative does deny these other characteristics.

many global actors, the realisation of alternative Other futures (rights) through the state becomes limited.³¹ As Held and McGrew highlight,

The internationalization of production, finance and exchanges is unquestionably eroding the capacity of the individual liberal democratic state to control its own economic future. At the very least there appears to be a diminution of State autonomy and a disjuncture between notions of a sovereign state directing its own future and the dynamics of the contemporary world economy.³²

To expand, human agency was traditionally realised through citizenship; human rights (as in the United Nations Declaration and Charters of Human Rights) reflect this in that they primarily speak to and of the State. However, the ability of the State to uphold citizens' rights is predicated on the State's monopoly of power. Yet as the neo-liberal version of globalisation progresses, the State is no longer the final arbiter or provider. In other words, as human rights and the State have become universalised concepts (and objects), they have become increasingly unable to fulfil the tasks for which they were initially created. Consequently, the very ideas and constructs which are lauded to Muslim women by the neo-liberal discourse as their "saviours," are inadequate tools.

Furthermore, Muslim women are excluded from the globalisation discourse because they do not figure in the "power" frameworks considered central to globalisation: of NGOs, multinational companies, or States etc. Muslim women remain Other and invisible for as long as they remain outside global capital. Muslim women are only granted power and agency if they are seen to rebel against traditional "Islamic" culture – if they attempt to eradicate difference by entering into the paid economy. There is considerable irony in the way that the Western media and popular discourse separate Muslim women from the "threat of Islam". It is as if their femininity neutralises them and makes them suitable objects to study, and to some extent the media and popular culture fantasises upon their otherness.³³ As a result, it sustains the fiction that allows Islamic politics in its entirety to appear as merely a cultural reaction to globalisation.³⁴

³¹ EVANS, *The Politics of Human Rights*.

³² D. HELD and A. MCGREW, *Global Transformations* (Cambridge: Polity Press, 1999).

³³ M LAZREG, "Feminism and Difference: The Perils of Writing as a Woman on Women in Algeria," *Feminist Studies* 14:1 (1988).

³⁴ PASHA, "Globalisation, Islam and Resistance," p. 243.

The second theme in this part of the chapter concerns the concept of patriarchy. Patriarchal structures operate in tandem with the global political economy. Indeed, many writers refer to the current phase of political economy as “Capitalist Patriarchy” or “Patriarchal Capitalism.”³⁵ Current critical discourses on the global political economy often ignore the gendered manner in which the complex and post-modern economy operates, focusing instead on the exploitation of androgynous workers. However, women’s oppression arises from their exploitation as workers within a gendered division of labour, and from the patriarchal institutions and ideologies in society, which place women as inferior. The two systems of control, patriarchy and complex post-Fordist capitalism, operate in a way that restricts women’s meaningful empowerment. They do so by logging women in three core ways: as gendered labourers, reproducers and consumers. Patriarchal institutions and ideologies provide the capitalist economy with the stable and ordered environment necessary for the unfettered pursuit of profit and wealth through consumption practices; whilst the capitalist economy enables the sustained justification for women’s unequal relations in society through the continued material and ideological devaluing of women’s labour and reproduction. Indeed, while the relatively recent phenomenon of women’s mass entry into the labour market has destabilised the core institutions of classic patriarchy, the gendered way in which this entry has occurred suggests the changing relations of patriarchy rather than its demise.³⁶ Paid-work can intensify, mediate, decompose and recompose some forms of gender subordination. As a result, it reveals the false dichotomy between workplace and home-space, which the neo-liberal consensus on women’s rights and the

³⁵ Key terms such as patriarchy are defined and discussed in more detail in the introductory chapter J EISENSTEIN, *Capitalist Patriarchy and the Case for Socialist Feminism* (New York: Monthly Review Press, 1979); S WALBY, *Theorizing Patriarchy* (Oxford: Blackwell, 1990).

³⁶ The decline of patriarchy as a result of women’s inclusion in paid labour is based on the premise that labour is emancipatory. However the emancipatory potential of labour can only be realised if women can control the proceeds of their labour, if their property rights are secured, if women’s bodies are secure, and women have an effective political voice based on gender-class consciousness. However many works question whether these conditions have occurred, and some argue that they have not because of the continuance of patriarchal structures WALBY, "The 'Declining Significance' or the 'Changing Forms' of Patriarchy?"

economy seeks to preserve.³⁷ Furthermore, while all women share oppression, their experiences of it are differentiated by other identity markers and points of exclusions, such as race, class and religion. Therefore, the specific ways in which the alliance between patriarchy and capitalism emerge varies over time and space, resulting in a variety of strategies and conceptions of women's rights. However, these remain bracketed off from research questions and subsumed under the totalising categories of Islam and women.

One form, in which the alliance between the political economy and patriarchal exclusions manifests itself, is through the production and manipulation of religious symbols and norms, such that gender inequality is upheld despite changing economic relations. The particular ideologies and practices embedded in Islamic discourses provide points both of tension and cooperation between social-patriarchal institutions and economic-capitalist ones, which manifest themselves in changing practices and conceptions of women's roles and statuses in Muslim communities. Islam works as a tool for the maintenance of the *status quo* in capital relations, by providing stability and order through a narrative of fatalism and acceptance of "Gods Will" (reflecting the neo-liberal construction of the political economy as "out there") and by insisting on the continued reproductive control of women through the family unit. However, Islam as a tool for patriarchal-capitalism is also subverted by the proletariat, the community of believers, and by women. It contains the potential to provide an alternative structuring of society, of consumption and of production, by creating a different vision of the "good life" based in a moral discourse. In this capacity, Islam operates in particular political spaces as a counter hegemonic construction. Nevertheless, the neo-liberal globalisation narrative which denies agency construed in any other way than as an autonomous labourer and consumer resists acknowledging this latent nexus between religion, capitalism and patriarchy and in fact, seeks to deny it by insisting upon the vision of the universal citizen and consumer.

³⁷ Ruth PEARSON, "Industrialization and Women's Subordination: A Reappraisal," in Valentine MOGHADAM (Ed.) *Patriarchy and Development: Women's Positions at the End of the Twentieth Century*. (Oxford: Clarendon Press, 1996).

Third to be considered in this section of the chapter, is the displacement of territory in consideration of rights as a mode of inclusion and exclusion in the neo-liberal understanding of international relations. The neo-liberal narrative on globalisation constructs the world as a single place and space, therefore makes the universality of trade, modernity and progress possible. This “global market place” also facilitates the pursuit of universally defined human rights. However, the legal understanding and development of human rights presupposes that where you are tells us about who (politically) you are and consequently the rights which you can draw upon.³⁸ In particular, it relies upon a symbiosis between ones legal identity as a citizen of a territorial state (from whom one can claim rights) and ones political identity as an actor in the “political” (where one claims rights). This is extended into international human rights laws, which continue to be premised on the rights of humans as citizens claiming rights from States in a community of States. Ultimately, in human rights law, States are conceived as both the guarantor of rights and as the oppressor of predetermined rights, which are debated in international court rooms. However, some Muslim constructions of women’s rights present a disjuncture between territoriality and rights. Through an appeal to a world wide *Umma*, some Muslim women are claiming rights not from the territorial sovereign, but from a trans-local community of believers.³⁹ Moral community, and conceptions of rights for this group of Muslims, do not emanate from any particular model of territorial community, or from any formal institution. Rather, membership and consequently those from whom you can seek rights, is based on a relationship with the divine and a shared spiritual space which transcends state boundaries. Furthermore, as Muslim women construct their meaningful political engagements and acts of self assertion in places which the State traditionally labels as outside and inferior, Muslim conceptions of rights have the potential to transform and expand the sites

³⁸ Peter MANDAVILLE, *Territory and Translocality: Discrepant Idioms of Political Identity: Working Paper for the 41st Annual Convention of the International Studies Association* (2000 [Accessed 13/09/2004]); available from www.ciaonet.org/isa/map01

³⁹ The term trans-local is borrowed from Appadurai, who drew on the notion of translocality to suggest the shift in the relationship between territory, identity and political affiliations. He uses the term to reference processes in which the territorial anchors of identity and community are problematised. A APPADURAI, "Sovereignty without Territoriality: Notes for Post-National Geography," in Patricia YAEGER (Ed.) *The Geography of Identity* (Ann Arbor: University of Michigan Press, 1996); MANDAVILLE, *Territory and Translocality: Discrepant Idioms of Political Identity: Working Paper for the 41st Annual Convention of the International Studies Association*.

where human rights are said to be actualised. Meaningful politics takes place in a variety of spaces which conventional human rights talk has yet to incorporate. A fissure emerges among local, trans-local and national spaces, which suggest that territory as the grounding of human rights is inadequate because political identity “is increasingly divorced from territory as the site of sovereignty and state control.”⁴⁰ While this dissolution of territoriality and rights seems to agree with the neo-liberal narrative of a single global space, a closer analysis of this global village indicates that the single universal space is only accessible to rational non-moral economic actors.

The geography of capitalism results in the social reorganisation of accumulation on a world wide scale such that the boundaries of places can no longer be easily demarked. However it remains uneven and above all inconstant in its distribution of resources and access to the tools of human rights.⁴¹ Consequently, the distribution of rights and the resources which enable Muslim women to access rights (both materially and ideologically) remain geographically determined under neo-liberalism. As a result, given the dominance of the State system in neo-liberal human rights talk, sovereignty and territoriality remain core ideational systems within which Muslim women negotiate and construct rights. The complex capitalist structures locate power in particular places and within particular networks, such that human rights and women’s rights remain conceived of within neo-liberal international relations theory. The neo-liberal narrative of rights enables the control of spaces through mapping them as safe or unsafe, as first or third world, as working or non-working places, as on or off the map. Human rights talk occurs in particular institutions and in particular metropolises, such as in the United Nations, Government departments, international law courts, elite universities, in London, New York, and Geneva. These sites are networked by global communications structures and a common discourse. Muslim women tend to inhabit spaces which rarely become absorbed into these elite power networks – instead they begin to form part of the “offshore

⁴⁰ APPADURAI, "Sovereignty without Territoriality: Notes for Post-National Geography."

⁴¹ A LAPIETZ, "New Tendencies in the International Division of Labour, Regimes of Accumulation and Modes of Regulation," in A SCOTT and M STORPER (Ed.) *Production, Work, Territory the Geographical Anatomy of Industrial Capitalism*, (London: Allen & Unwin, 1986), p 4-5.

proletariat”, whose State guaranteed rights are negated by their offshore/abroad status.⁴² Sassen talks of a narrative of evictions by which women, alongside a broad range of workers, are evicted from the places and territories in which rights are determined and guaranteed, thereby forming this offshore proletariat.⁴³ For those whose identity is further marked as proletariat by belonging to a range of subaltern classes, including Muslim women, the geography of capitalism and the geography of rights indicate that they remain “off the map”. Furthermore, as Ong’s work in Malaysia reveals, when such women do become visible “on the map” they are subject to increased social control of the spaces they inhabit and work in.⁴⁴ Surveillance and disciplinary techniques ensure that their behaviour is perceived as the multiple transgressions of working class, impious and footloose women, revealing that while female productive activities are deemed necessary for “development”, their civil rights are not.⁴⁵

These two elements are drawn together in the consideration of the human geography of Egypt. Egypt’s urbanisation and development process reveals the importance of place and space in the distribution, access and realisation of rights. The Middle East has a long tradition of urbanism, with the existence of pre-modern urban physical structures and society present in Egypt for over millennia. Nevertheless, these spaces have undergone significant changes through modernisation and globalisation, creating specific patterns and forms.⁴⁶ Understanding the changes in these structures and political spaces through the example of Egypt can help inform the mapping of the women’s rights debate. In 1994, Egypt was 45% urbanised (i.e. 45% of its population lived in urban areas) and by 2010 it is predicted that over 80% of its population will live in cities.⁴⁷ However, Egyptian cities have not developed the infrastructure or environmental

⁴² El SAADAWI, *The Hidden Face of Eve*.

⁴³ S SASSEN, *Globalization and Its Discontents Essays on the New Mobility of People and Money* (New York: New Press, 1998).

⁴⁴ Aihwa ONG, *Spirits of Resistance and Capitalist Discipline: Factory Women in Malaysia* (New York: State University of New York Press, 1987).

⁴⁵ Aihwa ONG, "The Gender and Labour Politics of Postmodernity," *Annual Review of Anthropology* 20 (1991), pp 292-93.

⁴⁶ Michael E. BONNIE, "Population, Poverty and Politics: Contemporary Middle East Cities in Crisis," in Michael E BONNIE (Ed.) *Population, Poverty and Politics* (Gainesville, Florida: University of Florida, 1997), p. 2.

⁴⁷ *Ibid.*, pp. 4-5. Original sources were: Population Reference Bureau, *1994 World Population Data Sheet* (Washington: Population and Reference Bureau, 1994); Civil Society in the Middle East Project, "Composite Information Chart on the Middle East, 1993".

sustainability (such as sewage works, recycling initiatives, attempts to reduce air pollution, traffic management) to manage these growing numbers. Therefore, poor lighting, unstable electrical and water supplies, among other environmental factors, make the (poor) urban space a difficult place for women to access and claim political and civil rights. As Bonne argues,

It is specifically poor economic conditions that result in the marginalization of a substantial part, if not a majority, of the urban population. Without sufficient incomes, people cannot afford housing, medical care, or the amenities that may have attracted them (or forebears) to the city in the first place. Illegal shanty towns, slums, malnutrition, and other health problems are a consequence of the impoverished condition of many urban dwellers.⁴⁸

In Cairo one third of its population is without running water.⁴⁹ Furthermore, as Galal and Harrison's fieldwork in Giza (a district of Cairo) reveals, the inability to secure a consistent supply of food of reasonable nutritional value affects Egypt's urban population much more than inhabitants of rural areas. Food security is a central concern for many families.⁵⁰ In terms of the understanding and acquisition of women's rights,

...the poverty that affects the urban poor is particularly felt by women, whose health and psyches are closely tied to their roles as wives and mothers in the Islamic Middle East.⁵¹

The roles assigned to women as mothers and wives impacts upon their ability to use space and demand rights through the production of "Islamic values" especially of modesty and piety, which are normalised through the places and spaces in which women can be. Cairo is painted by local press and interviewees, as a series of places and times in which rights are guaranteed and violated to varying degrees.⁵² Women's mobility has been associated with their modesty and propriety through seclusion regimes which have been in place since pre-

⁴⁸ Ibid., p. 8.

⁴⁹ Ibid.

⁵⁰ Osman M GALAL and Gail G HARRISON, "The Crowded Metropolis: Health and Nutrition," in *Population, Poverty and Politics*, ed. Michael E BONNIE (Gainesville, Florida: University of Florida, 1997).

⁵¹ BONNIE, "Population, Poverty and Politics: Contemporary Middle East Cities in Crisis," p. 15.

⁵² Yasmine EL BEHIERY, "Cairo's 'Jack the Ripper' Terrifies Women," *ArtArabia: news without borders*, 07/07/2005; Marian FADEL, "Interview with Marian Fadel of the Cairo Institute for Human Rights Studies on Wednesday 14th April 2004," Katherine BROWN (Cairo: 2004), A.E. MACLEOD, *Accommodating Protest: Working Women and the New Veiling and Change in Cairo*. (New York: Columbia University Press, 1991).

Islamic times. Indeed during the invasion of Egypt by Great Britain and France in the Eighteenth, Nineteenth, and early Twentieth century, seclusion was promoted as an appropriate and Islamic way of limiting the cultural impact of the Westerners presence, which was particularly felt in the urban areas. Women's visibility in the city is still expressed in terms of their religiosity. Women's rights, women's mobility and women's dress are intertwined in the locality of urban Cairo. For example, a young woman wearing a *hijab* was raped in a public square at 8pm by five men and the local press reported that she was dressed provocatively, that she was travelling alone, and that these facts provided mitigating circumstances for the behaviour of the men.⁵³ Secor looks towards veiling regimes to explain women's mobility and power relations in Istanbul and a similar argument can be applied to Cairo and Egypt's urban spaces in general.⁵⁴ Veiling and Islamic dress is seen as an implicit bargain that enables women to increase their mobility in the city environment and act on their right to work and their right to safety.⁵⁵ These rights are increasingly sought because their environment inhibits other modes of economic survival. However, veiling is prohibited in certain spaces, such as working for state television as anchor women, or working in the diplomatic service. As a result, in some spaces veiling restricts women's ability to fully enjoy their right to work (with its associated rights) and to move freely. Veiling regimes are tied in with an ideology of gender segregation that will limit the perceived negative social consequences of modernisation. Therefore, alongside veiling strategies are 'women only' and 'men only' spaces. For example, there are women only carriages on the underground system and veiled women are not seen in cinemas or nightclubs. These spatial divisions arise not necessarily because of the moral choices of women, but because certain spaces are perceived as unsafe for veiled women. Veiling is also seen as optional and women may choose different veiling strategies at different points. Anecdotal evidence, is provided by the habit some women have of queuing up to enter the nightclubs located in five-star hotels in Cairo wearing "Islamic dress" (i.e. they are veiled and wearing the long black

⁵³ Nawla DARWICHE, "Interview with Mrs Nawla Darwiche of the New Women's Research Centre on the 22nd April 2004," Katherine BROWN (Cairo: 2004).

⁵⁴ Anna J SECOR, "The Veil and Urban Space in Istanbul: Women's Dress, Mobility and Islamic Knowledge," *Gender, Place and Culture* 9:1 (2002).

⁵⁵ Deniz KANDIYOTI, "Bargaining with Patriarchy," *Gender and Society* 2:3 (1988). Although as the case above shows it is not in itself always a guarantor of safety and security.

overcoat) but promptly remove these outer garments once inside. Similarly, whilst flying into Cairo from London few women wore a veil, however, upon landing a significant number of women immediately placed a headscarf on.⁵⁶ In terms of women's rights this suggests that there is not unconditional freedom of movement, but that it is negotiated through Islamic symbolism. Symbiotically, women's rights are implicated in the production of the urban space and Islamic knowledge. However, for rural and poor women, women's rights are not just a question of religion. They are also questions of structural adjustment policies, economic liberalisation policies and a decline in state provided services. In recognising the decline of the State services, urban and rural Muslim women are therefore looking towards other actors and narratives to secure their rights. These examples show modes of inclusion and exclusion operate in varied ways. They also show that the context in which women's rights are sought serves as a node around which power prohibits and enables the relative success of Muslim women's strategies.

3. Trends in Globalisation and Muslim Women's Rights

Trends in economic globalisation, such as changes in income and poverty distribution, the liberalisation of trade regimes, globalisation of production and the "hollowing out" of the State have all contributed to the destabilisation of Muslim women's traditional bases from which to negotiate their rights, as mothers, as wives and as believing women. These economic trends also destabilise the particular geographies in which Muslim women claim rights.⁵⁷ Thus, changes in the economic processes in particular Muslim communities have been mirrored by changes in the ideological commitments, which had previously unconditionally upheld structures of classic patriarchy. Consequently, Muslim women are seeking new ways in which to guarantee their rights and security and are engaging with the political economy at a variety of levels. Nevertheless, the nature of the existing discourses of rights, globalisation and Islam, means that the

⁵⁶ This anecdotal evidence is presented by author, reflecting on her journey's to and from Cairo for this field research. Other authors have noted similar trends please refer to MACLEOD, *Accommodating Protest: Working Women and the New Veiling and Change in Cairo*.

⁵⁷ This list is drawn from Lesley DOYAL, "Putting Gender into Health and Globalisation Debates: New Perspectives and Old Challenges," *Third World Quarterly* 23:2 (2002); David HELD et al., *Global Transformations: Politics, Economics and Culture* (Cambridge: Polity Press, 1999).

strategies Muslim women are employing have limits. While the trends of globalisation are flexible enough to accommodate Muslim women's strategies for rights, they nevertheless resist a reframing of rights and security that is premised on economic equality and radical economic change. Therefore, while Muslim women's voices are increasingly heard by State and non-State actors alike (because of their interaction with the public/paid economy) the platforms from which Muslim women are able to make their claims are consistently subject to challenges and continuously undervalued and undermined. The impacts of four key trends of globalisation are examined below.

3.1. Changes in Income and Poverty Distribution

The processes of globalisation and women's ability to access and secure their rights are directly and indirectly tied through the redistribution of income and poverty. Access to employment and promotion of economic growth has had positive effects in some communities. However, given that the effects of global economic restructuring have been uneven, this is not always the case, and in other settings there is evidence of increased inequalities both within and between communities, as well as a rise in the overall numbers in poverty. Furthermore, what has been noted, as a consistent trend in the redistribution of income, is a feminisation of poverty. UN estimates reveal that more women than men are in poverty in twelve out of fifteen developing countries and in five out of eight developed countries.⁵⁸ In addition to the statistical argument, the feminisation of poverty also indicates the gendered way in which poverty is experienced with direct and indirect consequences for securing women's rights, both materially and ideologically.

Poverty directly impacts on women's bodily security by jeopardising their economic right to life. Poverty impacts on women's ability to secure the material base of their self-realisation and personhood. Muslim women's poverty is constantly implied to be the result of a "poverty of culture" and of rights, rather than of economy.⁵⁹ It is assumed by the neo-liberal discourse that because

⁵⁸ UNITED NATIONS, *The Worlds Women in 2000: Trends and Statistics* (New York: United Nations, 2000).

⁵⁹ For an explanation of the term "Poverty of culture", please refer to L HOWE, "Where Is the Culture in the "Culture of Poverty"?" *Cambridge Anthropology* 20:1-2 (1998); WILLIS,

Muslim women do not form large essential labour reserves (as elsewhere in the developing world) they will remain impoverished both materially and as social agents. That they do not enter the economy in this way is attributed to Muslim culture, to Islam and to their “backwardness”. The argument maintains that until Muslim women are granted and access the right to labour, their agency and autonomy will remain circumscribed. However, poverty (as so understood) also forces Muslim women to seek unconditional employment, often resulting in their seeking labour regardless of the absence of labour rights, working in unsafe conditions and for a minimum wage because they enter the market in an unequal position, as sellers of primarily unskilled labour in a Dutch auction.⁶⁰ This affects women differently to men because of the ways in which patriarchal structures define women’s work as inferior before they even enter the auction of the labour market. Consequently, although Muslim women have entered the paid economy in a number of ways it is primarily as members of the proletariat or more broadly of the subaltern.⁶¹

Trends in globalisation affect not only the material conditions under which Muslim women seek their rights, but also the social institutions and ideological frameworks whereby rights are claimed. The ideologies or discourses of rights and Islam are adapting to new flexible labour regimes and increasing poverty in order to retain meaning and importance. New levels of insecurity in male employment have resulted in challenges to the traditional family unit in many Muslim communities, in particular those premised on the male breadwinner ideology. As a result, Islamic conceptions of women’s work and women’s rights, have adapted such that Muslim women are accorded the right to labour in order to maintain and preserve the heterosexual family institution. This is achieved by accepting women’s work when it is undertaken because of a perceived need, which is particularly linked to the “survival” of the family and of

Learning to Labour: How Working Class Kids Get Working Class Jobs (Aldershot: Ashgate, 1977; reprint, 1993). For a detailed discussion on the interplay between culture and the economy in literature pertaining to Muslim women please refer to Victoria BERNAL, "Gender, Culture and Capitalism: Women and the Remaking of Islamic 'Tradition' in a Sudanese Village," *Comparative Studies in Society and History* 36:1 (1994).

⁶⁰ EVANS, *The Politics of Human Rights*. The "Dutch Auction" serves as a metaphor that implies the value of the saleable item is constantly decreased as the bidding continues – inversely to the actual process of an auction which sees an increase in value.

⁶¹ This is discussed in more detail in Section 4.3.

children. In other words, decisions about employment are made for the family, often within the family, but not necessarily by all the family (equally). For the good of the family, women may legitimately claim their individual right to become labour. Muslim women have also begun reinterpreting the system of *purdah*, such that it is no longer simply a physical separation of the sexes and of public and private spheres, but relates much more to maintaining *purdah* through individual morality.⁶² Although this suggests some instability in the patriarchal bargain, where men are now no-longer able to maintain the breadwinning function, this is not always the case.⁶³ Indeed, the rights of the family are placed paramount in this discourse, such that although women's entry into the political economy suggests increasing levels of choice and rights within Muslim communities, it also masks uneven power relations in the family unit. Women's entry into the workplace has not guaranteed women's control over their subsequent income, nor has the burden of "domestic labour" been reduced, or have patriarchal relations been removed in either the family or the work place.⁶⁴ This is in part because the male-breadwinner ideology is still perceived as the ideal and, despite increasing numbers of female households, remains the norm against which other family units are judged. Furthermore, it is possible to discern a trend whereby Muslim majority States are creating a moral language to control Muslim women's entry into the work place, and to mask increasing social and economic instabilities brought on, in part, by the adoption of neo-liberal economic values. This is considered in more detail in a later section.

3.2. Liberalisation of Trade Regimes

The liberalisation of trade regimes has altered Muslim women's patterns of consumption and cultural choices. Muslim women are increasingly able to access transnational Islamic products and imagery to support their new visibility.⁶⁵ For example, the Islamic scarf is increasingly appropriated as a fashion accessory with changing trends in style and colour. This trend of

⁶² Naila KABEER, *The Power to Choose: Bangladeshi Women and Labour Market Decisions in London and Dhaka* (London: Verso, 2000).

⁶³ The term bargain is decidedly used here, as examined in the introductory chapter. Please also refer to KANDIYOTI, "Bargaining with Patriarchy."

⁶⁴ UNITED NATIONS, *The World's Women in 2000: Trends and Statistics*, vol. No. 16, *Social Statistics and Indicators Series K*, (New York: United Nations, 2000).

⁶⁵ G. STARRETT, "The Political Economy of Religious Commodities in Cairo," *American Anthropologist* 97:1 (1995).

globalisation has enabled Muslim women to be defined as consumers as well as labourers, creating niche markets as well as access to already defined global-populist consumables. This aspect of globalisation, which makes Muslim women less “Other” than expressed by dominant discourses, allows them the freedom to consume.

At the same time, however, de-regulation of markets and standards regimes in the pursuit of economic growth and development, may also result in the active promotion of products and consumption patterns, which threaten the rights of Muslim women. This is perhaps most visible when discussing the sale of pharmaceutical products, in particular reproductive drugs and devices, which have been banned in developed countries but are presented to Muslim women as unproblematic solutions to the problem of fertility, whilst actually offering little choice to such populations.⁶⁶ These risks are taken up by some conservative Islamic scholars to challenge the creation of an Islamic framework which acknowledges women’s contraceptive rights.⁶⁷ The liberalisation of trade regimes has also resulted in the end of State protectionism of local industries with an increase in cash crop production in many developing Muslim majority countries. Furthermore, for Muslims in developed countries, such trade liberalisation has resulted in the decline in labour intensive industries.⁶⁸ The first outcome directly impacts on the ability of many communities to feed themselves, and suggests a restructuring of agriculture towards large scale corporately owned farming, away from subsistence based land-owning farmers. Furthermore, increased technical sophistication of farming and other industries has taken away from Muslim women areas of the economy which were formally in their domain, such as caring for livestock and camels, and led to a decrease in their control in

⁶⁶ DOYAL, "Putting Gender into Health and Globalisation Debates: New Perspectives and Old Challenges."

⁶⁷ INTERNATIONAL ISLAMIC COMMITTEE FOR WOMAN AND CHILD, "Interview with Representatives from the International Islamic Committee for Woman and Child, on the 18th April 2004," ed. Katherine BROWN (Cairo: 2004).

⁶⁸ The U.K. textile industries are an example of this. The decline of the textile industries in northern cities has had a disproportionate effect on Muslim communities in these areas. This is discussed in part in the UK case study chapter and in the introductory chapter to the case studies. For a detailed examination of this please refer to Avtar BRAH, "'Race' and 'Culture' in the Gendering of Labour Markets: Young South Asian Muslim Women and the British Labour Market," (London: Women Living Under Muslim Laws (WLURL), 2001).

the formal economy and arguably a subsequent loss in status.⁶⁹ The second context likewise impacts on the ability of Muslim families to sustain themselves, with significantly higher levels of male unemployment in these regions than among the majority white populations. Within these communities signs/signals of anomie are increasing with cultural tensions and shifting sites of authority.⁷⁰

3.3. Globalisation of Production

As with all the trends identified in globalisation, the globalisation of production has also been gendered in its causes and effects. This trend manifests itself as a shift away from full time wage and salary workers, with fixed wages and fringe benefits, to unprotected casual or temporary workers employed in export processing, sub-contracting, and homework in the informal sector.⁷¹ It has also been racialised, with Orientalist imagery supporting new flexible labour regimes and uneven changes in the way goods and services are produced. These have often had an impact on Muslim women's conceptions of rights because of their increased engagement with the paid-public economy. While it is clear that waged work can offer Muslim women (as with all women) important advantages in terms of both material and social support, these advantages are often paid for in changes to ideological and ontological security.

The globalisation of production has resulted in the diaspora of manufacturing processes, in particular among those industries which require large unskilled or semi-unskilled labour reserves. Among these new sites of manufacturing and industry, the demand for greater profits by companies and for development by States contributes to the "Dutch auction" effect mentioned earlier. As a result the work forces employed are likely to be those with minimal union protection, those socialised according to desired attributes, and importantly with lower wages.⁷²

In older manufacturing contexts, the globalisation of production has not resulted

⁶⁹ KEDDIE and BARON, *Women in Middle Eastern History*.

⁷⁰ Anomie is understood here via Durkheim's works among others. J HORTON, "The Dehumanisation of Anomie and Alienation: A Problem in the Ideology of Sociology.," *British Journal of Sociology* 15:4 (1964); T PARSONS, "Durkheim's Contribution to the Theory of Integration of Social Systems," in K.H WOLFF (Ed.) *Emile Durkheim: Essays on Sociology and Philosophy* (London: Harper Torchbook, 1964).

⁷¹ Helen SAFA, "Gender Inequality and Women's Wage Labour: A Theoretical and Empirical Analysis," in Valentine MOGHADAM (Ed.) *Patriarchy and Development* (Oxford: Clarendon, 1996).

⁷² For example c.f. ONG, "The Gender and Labour Politics of Postmodernity."

in the increase in Muslim female labour in the public sphere, such as in large factories or out door workshops, but rather in the development of home working and family businesses. Across a global spread of local economic sites, political and economic inequalities persist, with women confined in most instances to the lowest paid and lowest status jobs and sectors which are often excluded from decision making. As John Lie argues, gender becomes operational with industrialisation: the cheapness of female labour is a product of the differentiated gender roles that pits the new norm (male work) against other deviations.⁷³ Specifically, across the different sites Muslim women are entering the paid economy within pre-determined categories of “woman” and as members of an essentialised religious community. Consequently, this double logging of Muslim women’s agency and identity limits their economic agency and efficacy. This is achieved through the ideologies of patriarchy, and epistemological issues of knowing the “Other”, which circumscribe the norms of behaviour and of acceptable employment. The organisation and management of production processes (such as remuneration, training programmes, style of management and supervision) are premised upon the basis of Muslim women’s particular position in communities, as defined by these discursive frameworks. The role of discourse is addressed more fully in the next chapter.

However, it is important to note that the globalisation of production and employers demands do not account solely for changes and differences in working patterns among women in Muslim communities: “[Muslim] women workers do not only exist as artefacts of employers strategies,” or of globalising trends. Muslim women, as individuals, within family units, and as members of communities, make decisions about whether or not to sell their labour.⁷⁴ Women’s agency and its limits are discussed in Chapter Four.

⁷³John LIE, "From Agrarian Patriarchy to Patriarchal Capitalism: Korea's Gendered Development in the Twentieth Century," in V. MOGHADAM (Ed.) *Patriarchy and Development: Women's Positions at the End of the Twentieth Century* (Oxford: Clarendon, 1996).

⁷⁴KABEER, *The Power to Choose: Bangladeshi Women and Labour Market Decisions in London and Dhaka*, p. 8.

3.4. *Hollowing Out the State*

The fourth trend in globalisation analysed here, is the phenomena referred to as the “hollowing out” of the State. The consequences of this process for Muslim women (and other women) are highlighted by Radhika Coomaraswamy, who notes that,

Structural adjustment programmes designed by the IMF or the World Bank call for cuts in government spending and for privatisation of state-owned enterprises and services. This may result in an increase in women's death rates by reducing their access to medical care, while failure to provide welfare and shelter facilities for women may prevent women from leaving violent situations and seeking help. In addition, economic and social policies which are side effects of promoting development, such as relocation for building infrastructure (e.g. dams), policies regarding reproduction and family planning, and housing policies frequently constitute or promote violence against women.⁷⁵

Furthermore, Coomaraswamy argued, in a report, which she issued as the UN Special Rapporteur on Violence Against Women, that

Macro-policies of states and governments may also result in human rights violations and violence. Examples of such violence are preventable malnutrition, preventable diseases or complications during pregnancy and childbirth resulting in death... Encouraging foreign direct investment (FDI) in the area of labour-intensive manufacturing by deregulating the labour market removes protection for workers, thereby exposing them to health risks. As women often are 80 per cent of such workers, the argument that such a policy is gender neutral is frequently untenable.⁷⁶

These two quotes reveal the impact of structural adjustment policies and the decline in state provided welfare services. The shift from state to individual welfare protectionism has an impact on Muslim women living in both developed and non-developed States. Within developing States the decline in services has directly impacted on the ability of Muslim women to demand their economic and social rights, both from the State and through traditional patriarchal mechanisms. This is because by adopting the politics of international financial institutions, developing States are unable to directly fulfil the needs of their populations through welfarist policies, and furthermore the traditional social institutions, which also provide mechanisms for rights acquisition, are likewise disempowered because of declining overall economic security.

⁷⁵ Fatemah FARAG, "The Girl Is Egyptian," *Al-Ahram - Weekly on-line*, 22-28/05/2003, Available from <http://weekly.ahram.org.eg/2003/639/fe2.htm>.

⁷⁶ Ibid.

The hollowing out of the State also recreates the places through which rights might be accessed. Lash and Urry show how the information soaked metropolises signify the new nodes and networks of power relations in the globalised world, and operate as the strategic sites for the coordination of global economic processes, rather than traditionally understood States.⁷⁷ This re-conceptualisation of important actors in the globalisation processes, as caused by neo-liberal economic policies, impacts on Muslim women's ability to secure human rights via traditional mechanisms. Lash and Urry also point to the locations within and outside these sites, which are denied access to the communication and information networks and consequently are excluded from the market of capital and of rights.⁷⁸ These sites, as they are emptied of the State, as yet remain unfilled by traditional civil society institutions or by economic service providers, Muslim women, among others, are left without recourse to claim rights within neo-liberal discourse.

4. The State and Islam

This section of the chapter focuses the discussion on a dominant particular context: namely the varied interactions between "State" and "Islam". The discussion below does not enter the debate on secularism but charts the different relations between the State and Islam. These terms are used with the cautions identified in the introductory chapter, that awareness of the porous boundaries of the State and the fluid dynamics of Islam must be retained in analysis. The discussion below focuses on four key relations: elite co-option of Islam; State institutionalisation of Islam; Islam as Private; and Islam as Anti-colonialism. These are presented as "ideal" types, although supported with examples, and recognise that in particular contexts, two or more of these types of relations may emerge, and that the boundaries between are unstable, and that other relations are possible. Nevertheless, this division is a useful way of analysing the common contexts in which Muslim women claim rights.

⁷⁷ S LASH and S URRY, *Economies of Signs and Space* (London: Sage Publications, 1994).

⁷⁸ J AGNEW and S CORBRIDGE, *Mastering Space Hegemony, Territory and International Political Economy* (London: Routledge, 1995).

4.1. Elite Co-option of Islam

As globalisation outpaces social change at the local level Muslim communities express dissatisfaction with modernity and dislocation from traditional roots/values.⁷⁹ This positioning of Islamic responses is somewhat more questionable and complex when considered as part of a domestic problematic (i.e. can no longer be seen as either simply divinely inspired or solely as resistance to foreign domination). The union of religion and the State is upheld in Islamic texts and in constitutions of Arab States, but as with the Christian Church, in recent years in Orthodox Islam in the Middle East, has upheld the interests of the bourgeoisie. Issues surrounding the “women question” are presented to be in the interests of all of society, when it can be argued to be primarily in interests of the elite, as this deflects attention away from increasing poverty, unemployment and youth dissatisfaction.⁸⁰ Mernissi argues that this focus occurred, in part, because of an uncontrolled population explosion. Arab States instead of forcing citizens to debate the consequences of an unplanned population explosion (which jeopardised many socio-economic policies on health, education and employment), or encouraging individual responsibility in men and women, facilitated the opposite. Consequently, women are encouraged to be good mothers (Islamic writings espouse how motherhood is the ideal condition for all women), access to contraception and appropriate health care facilities are severely restricted, and women are blamed for male unemployment and discouraged from entering the workforce.⁸¹ The result is a failure to criticise government or the ruling elite for the failings of nationalism or modernity. Rather, through elite co-option of Islamic values and norms, women’s bodies and behaviour are more easily presented as the causes for State failure to fully provide social and economic rights and persistent poverty.⁸²

4.2. State Institutionalisation of Islam

With the end of colonial rule in a number of Muslim majority countries, and the rise of nationalism, the new Nation-States sought to deepen their legitimacy and

⁷⁹ H.L BODMAN, "Introduction," in . H.L BODMAN and N TOHIDI (Eds.) *Women in Muslim Societies: Diversity within Unity* (London: Lynne Rienner, 1998), p.14.

⁸⁰ Fatima MERNISSI, *Women's Rebellion and Islamic Memory* (London: Zed Books, 1996).

⁸¹ *Ibid.*, p. ix.

⁸² *Ibid.*, p. x.

rule over their new citizens, and one of the mechanisms deployed was the manipulation of Islam through State institutions.⁸³ In a number of Muslim majority countries nationalist governments favoured this path, not least to minimise the efficacy and legitimacy of Islamist groups also seeking to further their influence among populations newly enfranchised.⁸⁴ The use of Islam to increase State control over the populace is gendered, in both its delivery and content. This is achieved through the institutionalisation of Islam into bureaucratic government functions, for example the introduction of a *Shura* council or the creation of a Ministry for moral and religious affairs.⁸⁵ However, this is not an unconditional adoption of the Islamic movements' demands; the development of an Islamic discourse is heavily controlled. The control techniques emerge as governments seek to dictate the content and delivery of Islam; this is made visible by the insistence on training the Imam's directly administering certain mosques, censoring the Friday sermons, and by strict laws on censorship, which include those on Islam or with an Islamic slant. By co-opting religious symbolism, rhetoric and ideology Muslim States are able to penetrate society with far less resistance and are able to redraw social boundaries to coincide with actual (or desired) political borders.⁸⁶

One of the key consequences of the institutionalisation of Islam in official State ideology has been a struggle between opposing groups to control the direction in which Islamic and State ideology progresses. Key struggles emerge over attempts at defining what is considered Islamic, authentic, and traditional – with only those policies and decisions made by the governments that can be so defined promoted and legitimised. As Tariq Ramadan argues, one of the consequences of this limitation of language and terms of reference is that it stifles debate and keeps it trapped within a dichotomy of “authentic” versus

⁸³ John HILLEY, *Malaysia: Mahathirism, Hegemony and the New Opposition, Politics in Contemporary Asia* (London: Zed Press, 2001).

⁸⁴ Two of the three case studies in this thesis display this trend, Egypt and Malaysia, and it is therefore discussed in more detail in later chapters.

⁸⁵ The term *Shura* is understood as consultative or consultation. In Egypt the *Shura* council is a consultative chamber in Parliament which the Government should consult on all foreign and domestic policy. The *Shura* Council is composed of religious leaders. Similar bodies exist in Iran, Malaysia and Pakistan.

⁸⁶ Seyyed Vali Reza NASR, *Islamic Leviathan: Islam and the Making of State Power* (Oxford: Oxford University Press, 2001).

“inauthentic”, “Islamic” versus “un-Islamic”.⁸⁷ In Egypt, for example, those who offer an alternative, “inauthentic” Islam are arrested, such that presently there are 16000 Islamists detained.⁸⁸ In Malaysia, opposition parties’ leaders are detained under “internal security laws” and their politics are recast as fundamentalist.⁸⁹ In some respects these binaries are a reproduction of the neo-colonial and Orientalist narrative. This binary is duplicated in discussions on women’s rights. In a correlative relationship, legitimate and authoritative claims about women’s rights are couched with Islamic references, and central to State expansion are the roles, rights, and duties of women. The particulars of which are discussed in chapters three and four. As Dr. Othman said, “the site of Islamic authenticity is women, their bodies, position and status.”⁹⁰ This is not to suggest that Islamic institutionalisation is simply about the control of women, but rather women are made to exemplify and maintain the cultural Islamic project, especially when it is tied to State or nation-building and development. As a result, women’s rights are at the fore of State campaigns to Islamise public and private space, and a key terrain for negotiating the effects of globalisation, development and modernity. This is revealed in the case studies of Malaysia and Egypt.

4.3. *Islam as Private*

The ability of women to strategise within the Islamic framework is complicated by the variety of opinion among the different schools of Islam, but also by a popular discourse that alternates between these different schools depending on the subject and context. The promotion of a particular view of Islam by States has been shaped by their successive governments’ relationships with varying Islamic groups.⁹¹ A concerted effort to co-opt Islamic ideals by many Muslim states can also be noted, Malaysia holds as a typical example. With a few notable exceptions, the particular version of Islam the States promote is one

⁸⁷ Tariq RAMADAN, Public Lecture, Kuala Lumpur, 11/07/03.

⁸⁸ DARWICHE, "Interview with Mrs Nawla Darwiche of the New Women's Research Centre on the 22nd April 2004."

⁸⁹ This is discussed in more detail in Chapter six

⁹⁰ Norani OTHMAN and Clive S KESSLER, "Interview with Dr. Norani Othman and Dr. Clive Kessler of the Institute of Ismaili Studies and the University of New South Wales Respectively, by Katherine Brown," (Kuala Lumpur: 2003).

⁹¹ Please refer to Talhami for an account of President Sadat’s relationship with Islamist groups in Egypt by way of example. Gahada Hashem TALHAMI, *The Mobilisation of Muslim Women in Egypt* (Orlando: University Press of Florida, 1996), p. 58.

where Islam is seen as modern, compatible with neo-liberal economics, and above all else, relegated to the private sphere of personal observance.

For example, in Malaysia and Egypt religious education and religious leaflets show Islam as encompassing personal observance and piety, while social justice and social reform are omitted.⁹² Islamic observance can also be noted in the media and official statements. On state owned or run television channels, programmes are interrupted so that daily prayers may be read, and on Fridays religious sermons are broadcast. These are all visual reminders of the religiosity of Muslim societies. Islamic references and *Hadiths* are replete in everyday language and activities. However, it is always presented as faith belonging to individuals, with responsibility to uphold Islam in their daily lives, but not as a collective or communal dogma.

Despite adopting a public language of Islam, governments present and promote Islam as private, attempting to limit its place in the public sphere. It is public only symbolically – structural change such that *Shari'a* is followed in its entirety is removed from debate due to this symbolic tokenism. Although, this is not to say that those who do observe the practices of Islam are only superficially doing so, but that the collective outcome of Islamic practice, which is confined to prayer, fasting and *hajj*, is that it no longer represents a challenge to the organisation of the democratic, neo-liberal economic State. Indeed, the threat of political Islamists to some States is that they do not accept that Islam is private and should remain in the realm of personal observance, but demand that the state and state actors follow and encourage others to follow Islamic systems of banking, trade, employment and justice.

4.4. Islam as Anti-Colonialism and Opposition

Islamic discourses, when representing alternative economic, political and social visions of “the good life” to that provided by neo-liberalism, often adopt a language of essentialised Others: the West vs. us; the infidels vs. us; *dar al' Islam* vs. *dar al' harb*, so inverting the binaries of the Orientalist and neo-liberal

⁹² INTERNATIONAL ISLAMIC COMMITTEE FOR WOMAN AND CHILD, "Interview with Representatives from the International Islamic Committee for Woman and Child, on the 18th April 2004."

discourse.⁹³ In Egypt, Malaysia and the UK this language belongs to the disenfranchised;

Bombarded with publicity and hungry to consume, they (the poor) find in religion a means to give them what modernity has so far refused them – a decent citizenship of the global market, or rather global souq.⁹⁴

This is combined with the philanthropic and welfare services provided by Islamic societies, such as the Muslim Brotherhood in Egypt.⁹⁵ As indicated earlier, these opposition groups face imprisonment for their demands for alternative applications and understanding of Islam in the communities in which they live. It must also be noted that some are also imprisoned for the violent means by which they sometimes seek to introduce these changes. The use of Islam for these reasons is examined more closely in Chapter Four, which looks at the agency and strategies of Muslim women.

5. The Economics and Politics of the Local

Another aspect of globalisation is the increasing importance of the local in understanding the development and constructions of women's rights in Muslim communities. This section looks at three core frameworks of analysis: feminist everyday methodology, the idea of the "locale", and of habitus as embedded and disembedded social relations. Through these analyses, it is possible to discern some of the more complex ways in which conceptions of women's rights in Muslim spaces or "ethnoscapes" are formed.

5.1. Feminist Everyday Methodology

Feminist everyday methodology enables the hidden landscapes of politics and rights to emerge; it also facilitates the analysis of patterns of resistance, and enables the Muslim locale and the embedded (or disembedded) social relations to be revealed. Feminist everyday methodology is captured by the phrase "the

⁹³ These terms may be loosely defined as the World of Islam vs. the World of Infidels or ignorance.

⁹⁴ Fatima MERNISSI, "Arab Women's Rights and the Muslim State," in *Faith and Freedom: Women and Human Rights in the Muslim World*, ed. M AFKHAMI (London: IB Tauris, 1995), p. 43.

⁹⁵ Saad Eddin IBRAHIM, "Anatomy of Egypt's Militant Islamic Groups: Methodological Notes and Preliminary Findings," in *Egypt, Islam and Democracy: Critical Essays*, ed. Saad Eddin IBRAHIM (Cairo: American University in Cairo, 2002; Reprint).

personal is political; the political is personal.”⁹⁶ The implication of this is that these relations which are conceived as private and personal “are in fact infused with power, usually unequal power backed up with public authority.”⁹⁷ It is this exploration of power that allows us to examine how Muslim conceptions of women’s rights are constructed and the influences upon those strategising from these new platforms. Feminist everyday methodology engages with the core structures of capitalism and patriarchy, but simultaneously suggests the resistances and agency of Muslim women. It contends that in order to make sense of human rights and the various constructions and experiences of these, power has to be read forwards and backwards, it has to be analysed in the international arena and at the local arena in such a way that the relations between the two are highlighted. Therefore, how Muslim women enact rights and how they re-define rights from within a religious framework in their everyday private lives is indicative of global power relations and has the potential to transform these. Furthermore, looking at the experiences and knowledge of Muslim women on a global scale indicates the many different positions or standpoints from which International Relations may be known. Examples are replete in the three case studies and are examined in the chapters dedicated to them. Feminist everyday methodology is constantly examined and deployed throughout this thesis and underpins the case studies.

5.2. *Importance of Context and Habitus*

In order to consider the relations between the constructions of women’s rights in Muslim communities and the power relations which help define them, it is necessary to consider the economy as part of a social totality. To explore the duality of the situational framing of social totality and the impact of global economic structures upon agency, the concept of habitus is used.⁹⁸ The concept was developed by Bourdieu, who examined it in order to explain the role of culture on human agency.⁹⁹ For Bourdieu, the collective life of a community is organised around hierarchies of age, gender and its relationship to means of

⁹⁶ C. ENLOE, *Bananas Beaches and Bases: Making Feminist Sense of International Relations* (Berkeley: University of California, 2000).

⁹⁷ *Ibid.*, p. 195.

⁹⁸ First used by the anthropologist Mauss.

⁹⁹ Derek ROBBINS, *Bourdieu and Culture* (London: Sage, 2000).

production. These hierarchies embody a conceptual schema which represent the community's official account of its own social relations; its ideologies about itself. Membership to these hierarchies offers access to resources and opportunities to exercise agency, but within the terms and meanings laid out by these official accounts. Habitus refers to this idea of culturally conditioned agency, such that the term describes enduring, learnt, embodied dispositions for action. It is also described as embodied culture, as implicit controlling processes, and exists prior to self-conscious reflection setting limits to thought and chosen action. Through habitus, the socially created world appears as natural, and taken for granted, incorporating a sense of limits coinciding with a sense of reality. Habitus need not be territorially bounded, but may be used in conjunction with Giddens concept of locale.¹⁰⁰ The idea of a locale suggests a space within which the habitus is maintained, which is also where the conditions for creative interpretation of the rules of the habitus emerge. Agency and social change are accounted for through the duality of structure and agency, so that rather than the execution of rules in a mechanistic manner, individuals and groups interpret and reinvest meaning to those rules. Importantly, the idea of habitus enables content to be placed onto the "deep structures" of neo-Marxist theories of the political economy.

By recognising habitus and context when discussing the social forces of the global economy the analysis is able to adopt a more nuanced approach and reveals the possibilities for resistance and unintended outcomes within the structures of the global capitalist economy. It suggests the locality of social change, and the importance of ideology and discourse in the realisation and limits of agency. This is of particular importance to this discussion on globalisation and local economies because it reminds us that those constructions of women's rights in Muslim communities are varied and situated. Furthermore it allows for Muslim women to invest meaning and investigate change thereby acknowledging that the speech and actions of Muslim women can be indicative of the social world.

¹⁰⁰ Please refer to the following section for more detail.

5.3. *The Muslim Locale*

The work of Appadurai and Giddens can be used to indicate how the translocal, locale, and other various landscapes, where the politics of human rights are played out, are central to understanding the nuanced and diverse impact of Islam and women's rights.¹⁰¹ The concept of the locale initially referred to a bounded territory where meaning and social relations were invested. It suggested the social totality of a lived experience within a particular space, including identity formation, group memberships, community and cultural structures, and the maintenance of tradition and history through practices and actions occurring within that defined space. With the emergence of transnational networks, with globalisation of culture, and increasing diaspora of communities, the importance of locality and place has been critiqued.¹⁰² Nevertheless, critical geographers and social anthropologists point to the varied and nuanced ways in which these globalising trends have produced localised responses. Furthermore, with the deterritorialisation of politics has come the deterritorialisation of the locale, such that a locale can include multiple spaces across vast distances connected through networks of community, culture, language enabled by the increasing accessibility of international communications and travel. Accepting this deterritorialisation runs the risk of emptying the term of meaning and so it is used with caution. Aziz Al-Azmeh points to what he calls "false constructs" of community defined in terms of religion and culture, which in this view have emerged from the interaction of involution and ideology. He argues that such approaches ignore structural considerations of migration, such as spatial segregation, social involution, ghetto formation and the destruction of solidarities of oppression.¹⁰³ Indirectly, Al-Azmeh suggests that the importance of place is ignored in culture-ideology centric approaches.

¹⁰¹ APPADURAI, *Modernity at Large: Cultural Dimensions of Globalisation*, Anthony GIDDENS, *Modernity and Self-Identity: Self and Society in the Late Modern Age* (Stanford, CA: Stanford University Press, 1991).

¹⁰² Parminder BHACHU, "The Multiple Landscapes of Transnational Asian Women in the Diaspora," in *Re-Situating Identities: The Politics of Race, Ethnicity and Culture*, ed. Vered AMIT-TALAI and Caroline KNOWLES (Ontario: Broadview, 1998).

¹⁰³ Aziz Al-AZMEH, *Islam and Modernities* (London: Verso Press, 1993). Al Azmeh refers to an over Islamisation of Muslim identities.

In this thesis the concept of locale is used to situate the concepts of identity, community, culture, and tradition within the wider (global) political economy. The Muslim locale, therefore, can be understood as the combined processes of community, culture and identity which belong to groups, places and practices through which Islam and Muslims may be known. Consequently, the Muslim locale is also a concept which helps explore the ways in which community, identity and culture enable or limit the construction of alternative, or explicitly Islamic, concepts of women's rights. This following section unpacks the idea of the locale through the interaction of these concepts. These are dealt with in turn: identity, community, culture. The Muslim locale is then rebuilt through the example of the UK.

Identity and its formation are often contested in terms of class and gender consciousness. Through industrialisation and entry to paid labour it is assumed that a class-gender consciousness will emerge among Muslim women. This consciousness it is presumed, is premised on the transformative potential of labour and changing relations with the mode of production. In addition, it is considered that through changing economic and social relations, orthodox traditional constructions of identity are reformulated. In particular, the situation of anomie indicates alternative sites for moral and ethical authority premised on these new identities. The processes of migration and diaspora are also considered central to the creation of what are termed as hybrid or border-land identities.¹⁰⁴ Furthermore, the new formations and constructions of the self, and of group membership (community), are implicated in changing constructions of rights, and in particular of women's rights. For women in Muslim communities these new identities take many forms, but are an increasing trend because of a perception of self, tied to a global and "pure" Islam – a global *Umma* or sisterhood. This identity has become increasingly politicised and may be viewed as part of resistance strategies enacted by Muslim women in attempts to gain control over their lives and security. It is as if by adopting this identity position in public contexts Muslim women are becoming "professional Muslims". Another identity transformation is in the explicit demand for recognition as

¹⁰⁴ This is especially applicable to the UK case study. Please refer to Chapter five.

citizens; this arises in both the majority and minority population context. This is directly tied to the demand for political and civil rights vis-à-vis the State. This is also indirectly tied to demands for social and economic rights to be guaranteed by the state, such as through welfare mechanisms. These are explored in more detail in the chapter on Agency (Chapter Four).

The second part of this section introduces and importantly defines two key terms culture and community. Identity and shared identities are seen as central to culture and community in the numerous attempts at defining these terms. Culture is frequently understood as the organised system of knowledge and belief whereby people structure their experience and perceptions.¹⁰⁵ It is learnt behaviour and understandings of shared meanings in symbolic worlds. Those who share these meanings are understood to belong to a community. The difficulties of these terms, and recognising their mutuality, is the tendency to conflate them, such that “culture = community = (ethnic) identity = nature = culture”.¹⁰⁶ Human rights debates concerned with cultural relativism tend to make this move. It is argued that human rights emerged from a particular place, and that therefore they cannot be anything but culturally specific – specific to the individualistic West.¹⁰⁷ Culture (specifically, here, political culture of human rights) is tied to and fixed in a community (the West) which is helpfully located and territorially defined (the West). Possibilities for change and the processes of politics and rights are subsequently written out of the agenda in the rejection of movement. Problematically, this essentialises and limits the boundaries of meaning in the human rights and culture debates.¹⁰⁸ To frame culture and community in this cyclical equation imputes an essence and boundaries (both theoretical and actual), which limit the realisation of power in the determination of what it means to be “who we are”. “Who we are” is more helpfully theorised as a process of imagining, and by asking who, where, and in what manner is the

¹⁰⁵ GOODENOUGH, (1990), R.M KEESING and A.J STRATHERN, *Cultural Anthropology: A Contemporary Perspective*, Third ed. (London: Harcourt, 1998), p. 14.

¹⁰⁶ Gerd BAUMANN, *Contesting Culture: Discourses of Identity in Multi-Ethnic London*, (Cambridge: Cambridge University Press, 1996).

¹⁰⁷ Stephanie LAWSON, "Global Governance, Human Rights and the "Problem" of Culture," in Rorden WILKINSON and Steve HUGHES (Eds.) *Global Governance: Critical Perspectives* (London: Routledge, 2002), p. 76.

¹⁰⁸ To essentialise is to take an object from its relations. For example, identity and tradition considered apart from history, or custom isolated from practice.

creation of belonging conducted. However, as Benson asks: is imagining enough?¹⁰⁹ Indeed as Winant argues culture is a metaphor for

...institutionalised social relationships which combine processes of exploitation and domination on the one hand with processes of subjectification and objectification (struggles over meaning and identity) on the other.¹¹⁰

Thus for Clammer, culture is both “the necessary vehicle for personal and collective identity [but] it can also oppress and distort.”¹¹¹ By recognising that the struggles over meaning and identity are intertwined shows the distribution of cultural knowledge within and among communities. The relational nature of culture and community thus comes into the forefront of any understanding of the term, such that culture provides mechanisms for locating and interpreting experience and politics. Indeed the interrelationship between culture and social structures is succinctly captured by Geertz, who wrote that:

Culture is the fabric of meaning in terms of which human beings interpret their experience, guide their action; social structure is the form that action takes, the network... of social relations. Culture and social structure are... different abstractions from the same phenomenon.¹¹²

As a result, culture is not a blanket phenomenon, but exhibits a social distribution, and is not therefore independent of political and economic processes. It is, as Howe argues a particular idiom in which these processes are put into action.¹¹³

However, culture relies upon shared meanings and shared interpretations of behaviour among a group of people. It remains important to consider that these shared meanings are learnt, inherited from the past, developed and contested in the present, and transmitted across generations in to the future. Such a definition includes the idea of a distinct and continuous community (who do the sharing).

¹⁰⁹ BENSON, S. “Asians have culture, West Indians have problems: discourses of 'race' and ethnicity inside and outside of anthropology”, in Y. SAMAD O. STUART & T. RANGER (Eds), *Culture, Identity and Politics*, (Aldershot: Avebury 1996), p. 52.

¹¹⁰ H WINANT *Racial Conditions: theory, politics and comparisons* (Minneapolis: University of Minnesota Press, 1994), p. 267.

¹¹¹ CLAMMER, *Values and Development in South East Asia* (Petaling Jaya: Pelanduk Publishing, 1996), pp.4-5.

¹¹² C GEERTZ, "Ritual and Social Change: A Javanese Experience," *American Anthropologist* 59 (1957), p. 33-34.

¹¹³ HOWE, "Where Is the Culture in the 'Culture of Poverty'?" p.74.

In international relations, this community and culture is conflated with the State: a Malaysian culture, or Egyptian culture, is said to exist, such that we can locate cultures in particular spaces. However, as previous discussions show, the movement of people, ideas and goods render these boundaries problematic. Therefore, the spatial ordering of culture prompts important questions of how it's organised: ethnicity, race, gender and class on the one hand, and the community, city, region, nation and world on the other. This is considered in the example given below.

Before considering this example, however, I suggest a return to the specifics of the thesis and to provide some definitional framework to the concepts. Therefore, community and culture operate to create the webs of meaning around which Muslim conceptions of women's rights emerge. Culture and community are dynamic and boundaries are porous; constantly reproduced and reinterpreted by the actions of those identified within it. This fluidity of culture and community presents opportunities from which Muslim women are able to strategise and maximise from a variety of positions. However, although this dynamism suggests opportunity, as the concept of habitus shows, these social structures also function to restrict and bind the actions of those engaged in their reproduction.

It is helpful to discuss the issues raised above, of culture, the politics of geography, habitus and women's rights in the form of an example. Following, is an in-depth consideration of the UK and the geography and cultural processes impacting on Muslim women's claims to rights. The quote below shows the importance of place in understandings of Muslim women and their rights, which serves as the starting point for the discussion.

... There is a culturally embedded assumption that women should know their place, colonial peoples should know their place, and oriental women are too ethereal to have a place at all.¹¹⁴

¹¹⁴ Yasmin ALI, "Muslim Women and the Politics of Ethnicity and Culture in Northern England," in *Refusing Holy Orders: Women and Fundamentalism in Britain*, ed. G. SAHGAL and N. YUVAL-DAVIS (London: Virago Press, 1998), p. 101.

In the construction and contestation of women's rights within Muslim communities in Great Britain, the local dimensions of space are intricately tied to the structural considerations raised by Al-Azmeh's work.¹¹⁵ A number of Muslim communities tend to inhabit particular areas within cities, often forming autonomous enclaves from the rest of the city. Access to state and charity provided services, access to rights-narratives and access to alternative visions of the 'good life', are limited by the isolation of residential enclaves. These enclaves perpetuate social structures that are not necessarily in confluence with the host economy, in that they may not be fully integrated into the service-based post-modern economy. More generally, Lash and Urry point to processes of reflexive accumulation that give rise to an extensive managerial-service class, but also give rise to what is "becoming the bottom and excluded one third of the two thirds society."¹¹⁶ This excluded one third represents a structural downward mobility for sections of the organised-capitalist working classes, creating an underclass that, within the contemporary UK economy, corresponds with ethnic minority communities.¹¹⁷ The underclass, according to Wilson, becomes geographically excluded as well as socially and politically excluded.¹¹⁸ The creation of "wild areas" is contrasted with safe "tame areas" of middle class information soaked suburbia. In other words, in areas with a high percentage of peoples belonging to an ethnic minority there is a notable desertion of civil society institutions, which have yet to be replaced by info-communication networks that enable access into the larger "reflexive-service" economy.¹¹⁹

For Muslim women, in particular, this isolation supports long standing patriarchal assumptions that women's roles and duties are house-tied, and that

¹¹⁵ Al-AZMEH, *Islam and Modernities*.

¹¹⁶ This is with reference to Noam Chomsky's two thirds society. LASH and URRY, *Economies of Signs and Space*.

¹¹⁷ Lash and Urry make a distinction between organised and disorganised or post-organised capitalism. The former represents a nationally organised economy based on Fordist economic principles, with the nation-state as the territorial and political unit organising the flows of capital. Ibid.

¹¹⁸ Wilson describes six characteristics of the underclass: residence in a space isolated from other social classes; long term unemployment; female headed households; absence of training and skills; long spells of poverty; tendency to engage in street crime. William Julius WILSON, *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy* (Chicago: University of Chicago Press, 1987).

¹¹⁹ LASH and URRY, *Economies of Signs and Space*.

engaging with the economy and wider society leads to “corruption”.¹²⁰ The control of women is geographically marked as well as socially, for example, as one woman states she was told:

Don't go to the shops alone, “because our women don't do that” ... don't go to the cinema, or going out to sit in a pub, don't do any of these things ‘because our women don't do that’.¹²¹

This geographical control is reinforced by local council policies to distribute or “farm out” social services to community groups and religious groups, such as the Mosque. However, a number of Mosques do not encourage women to use the facilities.¹²² Often there are no spaces for young children, there is little literature about women's issues, and information is often only disseminated at the Friday sermon which men attend. This pattern occurs to a certain extent because of an assumption that husbands will inform wives, and that all households are male-headed.¹²³ Indeed this Mosque dependent approach taken by local councils to facilitate rights for women of ethnic minority backgrounds, also fails to take into account the “cultural” baggage of Imams, who tend to come from the Indian Sub-continent. The Imam may not be willing to impart knowledge that may be seen to contradict social norms, and he may not have enough knowledge about the UK legal system to offer practical advice to women whose rights are being violated.¹²⁴

Furthermore, in line with the dominant discourse on culture, it is assumed that ethnic community enclaves are homogenous, knowable through the space they

¹²⁰ AN-NISA, "Interview with the Treasurer of an-Nisa Southampton Branch," ed. Katherine BROWN (Southampton: 2004).

¹²¹ Southampton City Council, Asian Women's Project, Oral History Interview: CO287: Tape 4, side 1.

¹²² MUSLIM PUBLIC AFFAIRS COMMITTEE, *Muslim Sisters Not Welcome Here* (MPACUK, 2004 [Accessed 05/07/2004]); available from www.mpacuk.org/mpac/data/d8156a5a/d8156a5a.jsp

¹²³ Indeed some mosques do not have space for women even to pray in, and encourage them to use the side entrance rather than the main entrance. Furthermore, as the recent census indicates, there is a higher percentage of female headed households among Muslim population than the population at large. MUSLIM COUNCIL OF BRITAIN, "Interview with the Chair of the Women and Family Committee of the Muslim Council of Britain," Katherine BROWN (Southampton: 2003).

¹²⁴ Sajid IQBAL, "Interview with Sajid Iqbal, the Editor of 'The Revival - Voice of the Muslim Youth'" (Manchester/Southampton: 2004).

inhabit and the culture that they wear.¹²⁵ As a result, local authority and national policy outcomes reproduce a closed space in which individuals' behaviour and rights acquisition is reduced to community and a culture determined by male dominated public spaces. To this effect Southall Black Sisters wrote:

State agencies, in an effort to appear multi-cultural and even anti-racist, are often reluctant to intervene where Asian women are concerned. Guided by the belief that the Asian community have their own internal mechanisms to resolve marital problems they often deny Asian women the same advice and help offered to other women.¹²⁶

There is a degree of specificity that separates Muslim women from other ethnic minority women, which can be linked to "Islamaphobia". The fear and lack of understanding about Islam, in particular, among some state agencies and local authorities means that housing policies, the provision of services, and access to information is channelled through a racialised religious prejudice.¹²⁷ Another example is that among academics and policy makers, there is a long established "culturalist" based myth that "They all want to live together don't they!"¹²⁸ As Kelly argues,

Islam is a religion with congregational tendencies which lend themselves better... to residential clustering and organisational order.¹²⁹

It assumes that the "enclaves" of Muslim and Asian communities are formed because of a voluntary self-segregation, with Asian communities creating their own spaces that exclude others. For example, Asians are underrepresented in public (State provided) housing: it is assumed that the extended family will house

¹²⁵ This phrasing is used to refer the reader back to the importance of dress as a cultural and community marker. Please refer to previous discussions in the introductory chapter.

¹²⁶ SOUTHALL BLACK SISTERS, *Domestic Violence and Asian Women* (London: Southall Black Sisters, 1994). Furthermore, as Macey's research in Bradford highlighted when Muslim women sought protection from the police against forced marriage, the police felt there is a stark choice between responding to either to the men's demands for the return of "their" women, or to women's demands for refuge. The police failed to account for social divisions that mark Asian communities, which while such denial of heterogeneity acted as political expediency effectively constitutes a denial of women's rights. Marie MACEY, "Religion, Male Violence, and the Control of Women: Pakistani Muslim Men in Bradford," *Gender and Development* 7:1 (1999).

¹²⁷ Please refer to www.fairuk.org

¹²⁸ The "Culturalist" approach has long dominated "Asian studies" which elevate cultural processes to a position of determinacy vis-à-vis class and race. John CARTER and Trevor JONES, "Community, Ethnicity and Class among South Asians in Britain," in Steven VERTOVEC (Ed.) *Oxford University Papers on India: Aspects of the South Asian Diaspora*, (Oxford: Oxford University Press, 1991)

¹²⁹ Eleanor KELLY, "Transcontinental Families: Gujarat and Lancashire, a Comparative Study of Social Policy," in Colin CLARKE, Ceri PEACH, and Steven VERTOVEC (Eds.) *South Asians Overseas: Migration and Ethnicity* (Cambridge: Cambridge University Press, 1990).

other members, thus relieving local authorities of responsibility for housing.¹³⁰ This can have significant consequences for women attempting to secure their rights to divorce or for a safe home environment.¹³¹ Furthermore, there is an assumption that traditional practices continue and are static; that the community successfully replicates itself generation upon generation. However, the traditionally formed extended family support networks, as found in South Asia, which many women rely upon are declining in Great Britain. This raises particular difficulties for women who have come to the UK as young adults and wives, and who grew up within this extended family structure, especially when combined with the fact that the women often come from rural areas, and are not as equally educated as their new husbands.¹³² These women are placed in an unequal power relationship, whereby they are not always able to access services and provisions that facilitate and protect their rights. As Carter and Jones argue, “did they opt out of the system or were they pushed?”¹³³

Having said this, it is notable that within areas with high Muslim populations, institutional civil society is recreated around non-traditional sites, such as women-only sessions at the leisure centre, locally organised credit unions, and prayer meetings in people’s homes. Indeed, it is argued that the provision of ethnic-services in concentrated areas leads to autonomous zones that do not necessarily correspond with the definition of ghettos.¹³⁴ As Tahmina Saleem noted, during the 1960s and 70s many women married to migrant workers, who had worn the burqua in rural Pakistan, adopted “western dress” upon arrival to the UK in order to fit in. However, as the diaspora community has become established, with increasing opportunities to purchase materials for clothing, women have begun to wear more traditional clothing again, such as the thin scarf used to cover the hair.¹³⁵ In this way there is a dynamic flow and continuance of cultural and traditional practice in new settings, occurring in a way that generates new meanings. It facilitates the creation of a hybrid identity, the right to self-

¹³⁰ CARTER and JONES, "Community, Ethnicity and Class among South Asians in Britain."

¹³¹ These rights are discussed later on in the chapter.

¹³² Electronic Questionnaire Response. (2004) K. BROWN. Southampton.

¹³³ CARTER and JONES, "Community, Ethnicity and Class among South Asians in Britain."

¹³⁴ Ethnic services may be considered as shops selling *halal* (permitted) meat, or clothes shops selling materials from Indian sub-continent.

¹³⁵ Tahmina SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group," with Katherine BROWN (London/Southampton: 2004).

expression through the new spaces. Furthermore, contrary to images of ghettos devoid of economic activity, the residential enclaves of Muslim communities tend towards economic self sufficiency.¹³⁶ In Bradford, for example, Asian businesses employ 15% of all Asians in Bradford, with 50% of Asian businessmen employing their wives.¹³⁷ This pattern may be assumed to be replicated nationally. As one interviewee from Southampton Oral History Project said: “[I] finds everything close [-by]. All shop close, All Asians together, all community centres, and all Asia shops. I find it very nice.”¹³⁸

However, as Carter and Jones argue, in agreement with Al-Azmeh:

whatever the forms of communal support practiced by Asians in British cities – the pooling of capital, extended family support for dependents, insuring against emergency – they have a precedent in English working class tradition... it is no longer an exotic cultural importation.¹³⁹

However, the way in which culture and community are self-reproducing, the ways in which ideas about women’s rights interact with community and ethnicity and legitimate these self-help mechanisms can be argued to be specific, for they are grounded in a different version of “the good life” than that traditionally held among working classes. It is the way in which habitus is made meaningful that provides for the need to understand Muslim conceptions of women’s rights. For Muslim women, the strong association of “sisterhood” with women’s rights indicates a conceptualisation of women’s rights along group and community, rather than individual, lines. Indeed, it is the intra-Muslim self-help mechanisms that suggest that rights are articulated in new ways through understandings of community and private spaces. This is considered in the following chapters.

6. Conclusion

¹³⁶ This is not to suggest that there is 100% employment, indeed statistics suggest a higher rate of unemployment among the Asian populations. Instead it suggests that basic consumer needs are met within the locality and by local (or at least) Asian community members. Suresh PATEL, "Patterns of Growth: Asian Retailing in Inner and Outer Areas of Birmingham," in Steven VERTOVEC (Ed) *Oxford University Papers on India: Aspects of the South Asian Diaspora* (Oxford: Oxford University Press, 1991).

¹³⁷ Philip LEWIS, *Islamic Britain: Religion, Politics and Identity among British Muslims* (London: I.B. Tauris, 1994).

¹³⁸ Southampton City Council, Asian Women’s Project, Oral History Interview CO292(a) Tape 1, side 2 at 27.18 minutes.

¹³⁹ CARTER and JONES, "Community, Ethnicity and Class among South Asians in Britain."

This chapter reveals how the working of the global political economy and the ideas expressed about it, impact upon both the realisation of women's rights in Muslim communities and the generation of meaningful women's rights talk within them. The most substantial link is the changes in women's participation in the paid economy. While Muslim women have always worked, and have always engaged in trade and commerce, it was not until the post-colonial situation that women's systematic entry into the paid work force occurred.¹⁴⁰ Nevertheless, changes in material circumstances, such that there are now significant numbers of female headed households in many Muslim communities, together with unstable male employment conditions in a number of regions, have lead to an increase in female labour. In the past, therefore, Muslim women were marginalised from the processes of production and consequently, the orthodox views of human rights, and indeed women's rights, failed to account for them. Now, through processes of globalisation, Muslim women are directly inserted into the paid economy, although and importantly so, in a gendered manner. Muslim women's voices are now beginning to matter. Their articulations of rights are increasingly perceived as legitimate and their strategies of survival and resistance are viewed as elements of civil society, rather than simply the exotic behaviour of oriental women. Yet, as they themselves seek to define these new constructions of rights, other groups are also seeking to appropriate them and speak on their behalf. However, Muslim women, because of the structural nature of both patriarchy and capitalism, remain in unequal relations. As will be shown in the case studies and as supported in this chapter, the common thread running through the new constructions of women's rights in Muslim communities is the right to work. As this does not in itself challenge the hegemonic neo-liberal order, spaces are emerging for these rights to be articulated – but often with unintended consequences. However, the particular and varied relations in localities and translocal spaces lead to the specific articulations of women's rights in Muslim communities, namely they emerge at the multiple sites of negotiation and disjuncture between the economy, polity and ideology.

¹⁴⁰ Although noting that the percentage of women working in paid labour in the Middle East is lower than in other regions of the world.

These sites of disjuncture, which have led to the emergence of new articulations of women's rights, have been theorised as the uneven overlapping of a variety of dimensions of cultural flows which Apparaduri terms as "scapes". He identifies five core "scapes": ethnoscapes, technoscapes, mediascapes, ideoscapes, and financescapes. In line with this thinking, Sheila Carapico, writing about the Yemen argues:

It is not Islamic, Arab or tribal culture per se [that restricts or liberates women] but rather their relationship to the political economy within which they operate.¹⁴¹

In other words, the combination of relations (in this case, the specific features of class and status, and the national political and economic development) determines women's rights and roles.¹⁴² Yet, because of the global and deep structures of patriarchal capitalism, Muslim women remain systematically failed by dominant human rights practice and by neo-liberal promises, such that their new constructions of women's rights may be perceived as resistance strategies, as well as moments of globalisation.

¹⁴¹ Sheila CARAPICO, "Gender and Status Inequalities in Yemen: Honour, Economics and Politics," in Valentine MOGHADAM (Ed) *Patriarchy and Development*, (Oxford: Clarendon Press, 1996).

¹⁴² Ibid.

CHAPTER 3: REGIMES AND DISCOURSE

1. Introduction

1.1. Ideas Matter

As outlined in the previous chapter, only scientific and technical knowledge is considered valid in the reproduction and articulation of human rights. This is not only limited to the legalistic approach to human rights, but also to how we know those involved in human rights claims. Muslim women are known to us in a variety of ways, they are positioned as “backward”, “victims”, “exotic”, “oppressed” such that they are presented as different to all other women. The differences among Muslim women are ignored as they are subsumed under the blanket of “Islam”. Consequently, Muslim women are always the Other. This was discussed in detail in the previous chapter. This chapter identifies the positions from which we claim to “know” Muslim women and their rights. The positions (or standpoints) that are adopted confer statuses upon Muslim women and locate them in particular relations of power. As a result, the reciprocal relations between the operation of power and knowledge cannot be underestimated. By demythologising core conceptual terms, it is possible to reveal the emancipatory potential in human agency and the resistance strategies which Muslim women (and others) adopt in order to secure meaning, and identity, in their lives. The examination of Muslim women’s agency occurs in the next chapter. This chapter is primarily concerned with outlining the dominant modes of the production of knowledge which seeks to define Muslim women, their rights and their communities. The chapter also considers alternative ways of knowing Muslim women’s human rights, via the emic understandings generated from Islamic discourses. The demystification of human rights and women’s rights is possible by examining them alongside the modes of inclusion and exclusion outlined in the previous chapter. In this chapter, a different language is deployed but the continuity of the claim is clear.

1.2. Chapter Outline

This chapter firstly offers a methodological and epistemological framework in which the relations between ideas, knowledge and power are examined. Second,

the chapter analyses the main concepts which appear to underpin neo-liberalism – Orientalism, neo-liberal human rights, and international law. The chapter then provides an alternative framework for understanding women's rights; namely an exposition of Islamic discourses. This third section of the chapter is divided into three main areas, the first provides a brief taxonomy of Islamic political thought, the second considers the understanding of women's rights within transnational Islam, and the third looks at the reformation movement in Islam. Within all of these sections, the chapter considers the implied collusion with the hegemonic formation in the women's rights discourse as well as the elements which present opportunities for change.

2. Power and Discourse Theory

Following from the arguments made in the previous chapter, power and agency occur in a diffuse and dynamic network of relations held together by what some theorists describe as “deep structures” or “scapes”.¹ As outlined in the conclusion of the previous chapter, this thesis follows the work of Appadurai, and envisages five “scapes” in which power operates and social actors are positioned: ideoscapes, ethnoscapescapes, financescapescapes, mediascapescapes, and technoscapes.² These structures, and our varied positions within them, ensure that some social agents will remain outside the networks which determine the meaning and content of human rights. The implication of this is that the different modes of inclusion and exclusion in globalisation and human rights raise questions of how knowledge is produced and distributed.³

The application of discourse theory to International Relations enables the mutuality of the deep structures and the organisation of knowledge to be explored, while also allowing for human agency. It does so by insisting that hegemonic projects are never entirely successful, that power is decentred and

¹ APPADURAI, "Sovereignty without Territoriality: Notes for Post-National Geography.", C GEERTZ, "Deep Hanging Out," review of CLIFFORD, J. (1997) *Routes: Travel and Translation*; CLASTRES, P. (1998) *Chronicle of the Guayaki Indians*, trans AUSTER, P. Xone Books., *New York Review of Books* 45:16 (1998); S. GILL, "Global Structural Change and Multilateralism," in S. GILL (Ed.) *Globalisation, Democratisation, and Multilateralism* (London: Macmillan Press, 1997).

² APPADURAI, *Modernity at Large: Cultural Dimensions of Globalisation*.

³ These modes of inclusion and exclusion are examined in the previous chapter.

diffuse; and that the effects of deep structures become visible as social agents invest meaning and operate within them. Challenges to the hegemonic project, and to change, occur most successfully when fundamental disjunctures emerge between these scapes. These become visible as agents attempt to reconcile the subsequent contradictions in meaning and action of subjects. Discourse theory, therefore, allows for the examination of the process of institutionalisation and codification of human rights, and is able to demystify the hegemonic project by which some groups have sought to determine the legitimate meaning and content of “rights”. In other words, it can identify the processes of power that maintain the international human rights regime.

Discourse theory begins with the premise that all objects, subjects and actions are meaningful. Social agents confer this meaning through the articulation of identity upon these actions and objects. This collective articulation of an object, or practice, and its meaning, is understood as discourse. The discourse is a concrete system of social relations and practices and always involves the exercise of power. This is because many different identities and meanings are possible, but social agents seek to fix the identity of objects and practices in particular ways. Furthermore, some social agents are more successful than others in asserting a particular meaning of a subject as the one ‘true’ meaning of that subject or object or action. This is achieved through a variety of “discursive practices” via particular “logics” or “regimes” – such as sexism, racism, and capitalism. In International Relations, both theory and practice, particular logics operate to centre the meanings or content of subjects, actions and objects, such that the different strands of discourse may dominate and organise the field of international relations in a particular way. For the purposes of the research here, the most useful logics of International Relations are orientalism, neo-liberal capitalism and patriarchy. These logics are stabilised by what discourse theorists’ term as “nodal points” or meta-narratives of a discursive field. Again, in International Relations, these may be usefully understood as democracy, human rights, security and sovereignty. The meanings of these terms (which in discourse theory are sometimes referred to as signifiers) are dynamic and contingent, such that the maintenance and reproduction of a particular meaning involves the exercise of power. However, because the possibility of alternative

meanings always exists, change remains possible. The points at which these alternative meanings surface are said to create 'third spaces', or hybrid identities, which coalesce around points of disjuncture and dislocation in the discursive structures. The existence of third spaces suggests the transformative potential in human agency. An example of the articulation of a third space can be said to occur in relation to Muslim women's conceptualisations of women's rights and Islam.

The problem for International Relations scholars in adopting discourse theory as a way of analysing the 'field' lies with discourse theorists insistence that discourse and ideas have no externality. Discourse theorists maintain that ideas have no material base but emerge from inherited ideas and knowledge, and that actions emerge because of the inter-subjective meanings we hold to be true.⁴ Nevertheless, discourse theory allows for the notion of structure through recognising the various positions, and relationships between the actors and each other. This provides the basis for the acknowledgement of power as a condition of social relations. However, in discourse theory power is understood as the ability to deny alternative identities, or subject positions, rather than exploitation or denial of resources. For International Relations scholars the real effects of power as exploitation and the denial of resources are not easily explained without an analysis of external material bases and scapes.

In an attempt to reconcile this tension between material structures and the importance of the discourse, two concepts may be utilised: habitus and hegemony. The second concept is outlined in the introductory chapter, and habitus is outlined in the previous chapter. Hegemony is understood here to mean the rule by consent and coercion. In order to achieve hegemony core ideas and identities have to be stabilised around particular projects (or nodal points) through discourse so that particular interests may successfully masquerade as universal. Habitus is the concept which explains the emergence of a dominant discourse in a particular context. Habitus reveals the relations among discourses,

⁴ J. GEORGE, *Discourses of Global Politics: A Critical (Re)Introduction to International Relations* (Basingstoke: Macmillan, 1994); A LOOMBA, *Colonialism/ Postcolonialism* (London: Routledge, 1998).

and the development of non-hegemonic social (and often local) discourses, while retaining the flexibility and resistances of human agency to over-arching structures that place common sense limits on the possible. Suggesting real limits realises that deep structures (e.g. capitalism and exploitation) exist independently of our will, such that they become visible only when social agents interpret their outcomes and effects, through the use of discursive strategies and ideas. Consequently the meaning imposed upon these effects may give rise to change.

As indicated earlier the hegemonic formations in international relations centre on key nodes of meaning: democracy, human rights and neo-liberal capitalism. The inter-relations of these nodal points facilitate the maintenance of current power relations and logics. This thesis is particularly concerned with the nodal point of human rights and the attempts made at universally fixing its meaning. It analyses the relations of power which keep the current meaning of human rights, and more specifically women's rights, fixed to neo-liberalism by examining the periphery of its content and geographical space: namely, in Muslim communities. An awareness of hegemony is necessary because it allows for an understanding of how ideas become dominant and for how the meaning of nodal points becomes fixed. Hegemony is also understood as arising out of particular "historic blocs" and from "wars of position."⁵ Thus to employ the language of Bourdieu, it also emerges as a particular habitus stabilises through the convergence of the scapes of power.⁶ However, because habitus is not merely the mechanical re-enactment of structure, but its constant reinterpretation, resistance strategies emerge. This is especially true at the border lands, where the content of the nodal point is less effectively secured by the discursive practices of the hegemonic historic bloc.

3. International Neo-Liberal Discursive Logics

As identified in the previous chapter, the current world order, or configuration of power structures can be said to be that of neo-liberalism. Neo-liberalism operates as a meta-narrative of modernity through which agents' objectives and

⁵ COX, "Social Forces, States and World Orders: Beyond International Relations Theory." For more detail on the concept of Historic Blocks and hegemony, please refer to the introductory chapter.

⁶ Jen WEBB, Tony SCHIRATO, and Geoff DANAHER, (Eds.), *Understanding Bourdieu* (London: Sage, 2002).

aspirations are determined to coincide with the material interests of the elite. Neo-liberal economics, politics and culture are presented as being in everyone's best interests. This section examines key underlying discourses which serve as "grids of interpretation" for neo-liberalism, namely Orientalism, human rights practices and international law, through which Muslim women's rights are known to us.

3.1. *Orientalism*

Edward Saïd's seminal work *Orientalism* derives from the insight that power and knowledge are intricately linked, and highlights the extent to which Western "knowledge" about "the Orient" acts as an ideological accompaniment of colonial power.⁷ *Orientalism* reveals how texts about the "the Orient" (such as paintings, travelogues, academic texts, journals, literature) consolidated certain ways of knowing, which in turn contributed to the functioning of colonial power.⁸ Consequently, Orientalism can be seen as a nodal point uniting otherwise competing discourses and texts (such as religious and scientific ones), generating the conclusion that colonialism had not one ideology but many.⁹ This makes Orientalism a powerful construct, which draws upon nuanced and varied ideas, texts, and identities, adapting to various spatial and temporal contexts.¹⁰ Such knowledge production is only possible, however, because of the power the West has over the East which is manifested in the ability of Europeans to travel, trade, study, excavate, describe and analyse the Orient unhindered.¹¹ In turn, the knowledge produced justifies the extension of Western power over the East.¹² The Orient and Orientals were presented not just as objects of study, but also as "Other", binary opposites to the "civilisation" of the "West."¹³ Such

⁷ The Orient is now referred to as the Middle East. These terms/concepts are in quotation marks due to the contested nature of the terms themselves. SAÏD, *Orientalism*.

⁸ LOOMBA, *Colonialism/ Postcolonialism*, p. 43-44.

⁹ Some current writers prefer the term "Colonial discourse" to Orientalism. P CHILDS and R.J.P WILLIAMS, *An Introduction to Postcolonial Theory* (Hemel Hempstead: Prentice Hall Europe, 1997).

¹⁰ Those who would disagree with me here include H. BHABHA and A. AHMAD, *In Theory, Classes, Nations, Literatures* (London: Verso, 1992).

¹¹ The West may be defined as those States who in the past colonised, and expanded to include the United States of America and other former Dominions. GREENBLATT, *Marvellous Possession: The Wonder of the New World* (Chicago: University of Chicago, 1991), p. 9.

¹² CHILDS and WILLIAMS, *An Introduction to Postcolonial Theory*, p. 100.

¹³ Please refer to the writings of Earl of Cromer, EARL CROMER, *Modern Egypt*, 2 vols. (New York: Macmillan Press, 1908).

constructions were central to the creation of European culture and to the maintenance and extension of European hegemony over “Other” lands.¹⁴ Within colonial discourse one of the most predominant binary opposites of Western civilisation is Islam. Religious difference operates as an index of and metaphor for racial, cultural and class differences.¹⁵ This can be seen today, as well as in the colonial era.

In the current era, although the centre of Orientalism’s power may have shifted from Europe to the United States of America (henceforth USA), its register of images remains consistent, and its power is perhaps even greater than in the colonial past. This is because, as the “war against terror” shows, on the one hand

Orientalists are directly linked to government policy making and power politics, and on the other the stereotyped knowledge of Orientalism can gain global and near-instantaneous dissemination thanks to the penetration of the mass media.¹⁶

The language of the powerful has changed, along with the methods of communication. There is no longer reliance on postcards and travelogues, nor on missionary zeal to “civilise the barbarian”, rather the (independent) mass media reproduce the Oriental exotic Others, and now the manipulation of Orientalism occurs with the enthusiasm of the human rights corpus to legitimise the status quo.

As moral justification for economic and political expansion moved away from a language of “civilising missions” to that of human rights, the “women’s problem” for the colonial rulers likewise became re-framed in the language of women’s rights with a distinctively liberal overtone.¹⁷ The consequence is that the current debate as expressed in the media, government, and by some mainstream experts, is still trapped in colonial discourse.¹⁸ The power of the West to create the identities and positions of Muslim (and non-Muslim) women continues through the predication of the production, and consequent ownership,

¹⁴ LOOMBA, *Colonialism/ Postcolonialism*, p. 44.

¹⁵ *Ibid.*, p. 106.

¹⁶ CHILDS and WILLIAMS, *An Introduction to Postcolonial Theory*, p. 101.

¹⁷ Liberal women’s rights, refers to a body of women’s rights which are primarily political and civil, and derive from a neo-liberal perspective.

¹⁸ There are, of course, a few notable exceptions.

of knowledge about women's rights on past colonial power. As with the days of colonialism, the language of feminism has been co-opted by the *malestream* of international relations.¹⁹ Accordingly, even as feminist claims and ideals are being ignored in the West, with a denial of men's oppression of women in these "developed" and "cultured" lands, feminism is redirected to Other men and the cultures of other men.²⁰ Current military campaigns in Other lands are justified because Other (mainly brown) men and their "backward" cultures oppress their powerless women. The image of the 'pre-modern' Muslim woman wearing a burqa has become the symbol of the evils of Islam, of terrorism, and of all Other crimes.²¹ Muslim women serve as the written and pictorial focus for the presumed innate difference that upholds the logic of exclusion in relations of power.

As the preceding arguments highlight, it is important to understand how the West creates images of the Other, how they are maintained, why they are so successful and how Islamic claims to women's rights operate as responses to Orientalist knowledge. What appears ironic is that Other men and Other religions accept the parameters of the debate. As will be outlined in subsequent sections, Muslim attempts to shake off colonial power have led to demands to preserve the traditional, authentic Islamic way of life; often framing Muslim women as the bearers and transmitters of national and cultural identity. By doing so, they likewise fail to consider women's rights in the same framework as exploitation, and the social and economic deprivation prevalent under existing political economic structures. Therefore, while at the global level Islamic attempts at

¹⁹ This term is used as a pun in main-stream. It has been used convincingly by number of feminist writers in international relations to reveal the gender (and male dominance) of the mainstream of the field.

²⁰ AHMED, *Women and Gender in Islam*, p. 151. Liberal feminism particularly suffers from this tendency to project essentialised images of victimization of Other women and present themselves as saviours. Please refer to works by Spivak D. LANDRY and G MacLEAN, *The Spivak Reader* (London: Routledge, 1996). As Nawal el Saadawi mentions, western women often go to countries such as Sudan or Egypt and "see" only clitoridectomy, but never notice the role of multi-national corporations and their exploited labour N. El SAADAWI, "Out of Egypt: A Talk with Nawal El Saadawi, T. Patterson, and A. Gillam," *Freedomways* Special Middle East Issue, part 2, 23:3 (1983).

²¹ Leila Ahmed comments, that the amount of time and energy spent debating a piece of women's clothing is "frustrating and ludicrous" AHMED, *Women and Gender in Islam*, p. 167. And as El Guindi argues, the Veil "has come to replace the earlier obsessions with *harem* and *hammams*" F El GUINDI, *Veil: Modesty, Privacy, and Resistance*; J.B EICHER, (Ed.) *Dress, Body, Culture* (Oxford: Berg, 1999), p. 10.

resisting these colonial moves can be considered as counter-hegemonic, they, as Cox eloquently puts it, like all would be assailants come to rest on the pillow of hegemony.²²

3.2. Neo-Liberal Human Rights Practice

The second grid of interpretation, through which neo-liberalism offers an understanding of Muslim women, is the discourse of human and women's rights. The dominance, and hegemonic nature, of the liberal human rights discourse is apparent through its almost universal acceptance (of both its methodology and principals) among policy advisors, governments and human rights activists.²³ However despite such agreement, neo-liberal human rights rhetoric may be viewed as individual interests masquerading as universal. The failure of the human rights corpus to deal with real social and economic inequalities, and the exploitation of the environment and vulnerable people, makes possible the unchecked economic expansion of the West through multinational companies. As Evans and Hancock highlight, among human rights policy makers and lawyers there is very little consideration of the context within which human rights violations occur, enabling the West to be seen to be "doing something without doing anything."²⁴ Consequently the West maintains the moral upper hand that "the West knows best" and doesn't have to change the international *status quo* that maintains its position of privilege.²⁵ The focus of women's rights is no less questionable because regarding women's rights as only political and civil rights (as entry into the public sphere) veils poverty, exploitation, and exclusion. Such a portrayal of women's rights masks Western involvement in the suppression and exploitation of Other women, and covers it with Other men, and Other religions. This section is divided into three main sub-sections: the first considers women's human rights as understood in neo-liberal discourses, the

²² COX, "Gramsci, Hegemony and International Relations: An Essay in Method." R.W. COX, "Social Forces, States and World Orders" in R.W. COX and T.J SINCLAIR (Ed.) *Approaches to World Order* (Cambridge: Cambridge University Press, 1996).

²³ As ever there are exceptions that prove the rule. Even declarations that seem to contradict the universal nature of human rights, such as the Prime minister of Singapore submitting Asian values as different to those espoused in the United Nations Charter of Human Rights do not question the underlying principal of a human right corpus merely the content.

²⁴ EVANS and HANCOCK, "Doing Something without Doing Anything: International Human Rights and the Challenge of Globalisation," p. 1.

²⁵ F. FUREDI, "The Moral Condemnation of the South," in C. THOMAS and P. WILKIN (Ed.) *Globalisation and the South* (Basingstoke: MacMillan Press, 1997).

second examines the concept of women's rights, and the third introduces the concept of good governance as the new mechanism through which neo-liberal women's rights may be acquired

This first section, examining neo-liberal human rights practices, considers women's *human* rights. Human rights as codified in international documents are presented to us as the culmination of centuries of liberal thought on the relations between the State and citizenry. As a result, and following the atrocities of World War Two committed by a State against its own citizens, human rights have focused on political and civil rights. Underpinning these claims are ideas of equality and citizenship composed in such a way as to encompass a purely public role played out in the *polis*, the public sphere, and premised upon a Homeric citizen-soldier model.²⁶ Liberal feminist demands have sought to secure women's equality in the *polis* through emphasising their common humanity with man. Gender equality has been sought by demanding women's access and voice to the *polis*, and by affirming the importance of political and civil rights. The grounding principle for this position is articulated in Article One of the UN Charter on Human Rights (henceforth UNCHR) stating that its purpose is, to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.²⁷

Liberal feminists have succeeded in granting women formal access to the *polis* based on a principle of common humanity, but only to a world already constituted. The definitions of equality and freedom impose a male citizenship model upon women – only accepted if their sameness (i.e. common humanity) dominates their difference (to men). Men have become the locus of an essential and cultural value, their behaviour, attitudes and values in the public are upheld

²⁶ The term *Polis* denotes the public-political realm, and is contrasted with *Oikos* which denotes the home and the private sphere of human activity. Sociologists often use the term *gemeinschaft* as synonymous with *Oikos*, and *geschellschaft* with the *Polis* – although others dispute such a conflation of terms. M. THORNTON, "The Cartography of Public and Private," in M. THORNTON (Ed.) *Public and Private: Feminist Legal Debates* (Oxford: Oxford University Press, 1995), p. 5.

²⁷ UNITED NATIONS, "United Nations Charter," (1945).

as the norm.²⁸ As will be examined in the next section, the UNCHR and its subsequent application by various international bodies adopt a very narrow view of equality and freedom: primarily, as negative freedom and equality in the public sphere of human relations but not in the private sphere. Such publicly understood political and civil rights (some) feminists argue have little relevance to the lives of women, obscuring and legitimising the realities of power and real inequalities.²⁹ Granting women access to an already defined public-political sphere, through the focus on political and civil rights, has meant that policy agendas and high politics remain unchanged, focusing on the military security of the State, high diplomacy, and so on. The *polis* remains essentially unchanged by the inclusion of women to its membership.

Furthermore the insistence on actual priority to political and civil rights means that the oppression women face in the market place and the family, through unequal pay, oppressive surveillance techniques, and a denial of labour rights, remain ignored.³⁰ This divide between civil-political rights and social-economic rights, and the priority accorded to the former is justified by the ideology of the public-private divide.³¹ This binary construction defines economic and market transactions as private, a “state” of non-interference from the public State, and therefore irrelevant to the laws of the community of States. The irrelevance of the private is further underscored within this framework because of the priority accorded to the public, understood as a site of reason, of logic and pursuit of self-interest, suggests that it is only through the management of the public space that the individual self can be fully realised. Other spheres of human activity, unregulated zones (unregulated by the Public that is), scapes dominated by subjectivity and desire, cannot grant meaning and rights to individuals.

²⁸ BUNCH, C. “Transforming human rights from a feminist perspective” in *Women's Rights, Human Rights: International Feminist Perspectives*. J. PETERS and A. WOLPER. (London, 1995), p. 11-17.

²⁹ A. PHILIPS, "Introduction," in A. PHILIPS (Ed.) *Feminism and Equality* (Oxford: Basil Blackwell Ltd, 1987), p. 10.

³⁰ S. L. BARTKY, "Discipline and the Female Subject," in I. DIAMOND and L. QUINBY (Ed.) *Feminism and Foucault* (Massachusetts: Northeastern University Press, 1988), Susan BORDO, "The Body and the Reproduction of Femininity: A Feminist Appropriation of Foucault," in Alison JAGGAR and Susan BORDO (Ed.) *Gender/Body/Knowledge* (London: Rutgers University, 1989).

³¹ For a detailed analysis of the pervasive nature of the public-private divide in international relations please refer to K. O'DONOVAN, *Sexual Divisions in Law* (London: Weidenfeld and Nicolson, 1984).

However, this application of the public-private discourse masks the fact that private spheres are regulated, that power is maintained within them, and that the boundaries between these public and private sites are increasingly porous and difficult to maintain. As a result, the institutions and bodies developed in the public have vested interests in the private, which may not always coincide with guaranteeing the rights of individuals. Thus, although civil and political rights discourse also proposes the State as the guarantor of human rights, the State is increasingly concerned with the rights of capital over the rights of women, such that “the interests of global capital are privileged over that of popular national or redistributive goals.”³² This is discussed in more detail when the Convention for the Elimination of Discrimination Against Women (CEDAW) is examined.

Originally women’s human rights were based on women’s sameness to men. However these rights, primarily, related to women’s activities in the public sphere. In attempting to extend human rights into the private sphere of the family, women’s rights activists demanded recognition for women’s inherent differences to men. This second part outlines this expansion of human rights. Difference and how difference is to be understood without undermining universal claims to human rights became central to extending human rights into the private. The human rights debate grounded women’s differences to men in women’s innate and “biological” function as mothers and reproducers. In listening to these differences, rights developed in international conventions which could only be granted to women. In addition, attempts at bringing women’s rights into the private sphere were aimed at reforming States’ family and personal laws globally. These mooted reforms were perceived to challenge the cultural autonomy of States, placing the benchmark for acceptable traditions, cultural norms and practices in international community. Nevertheless, despite the fact that human rights may challenge the *de jure* and *de facto* sovereignty of States, women’s rights are justified as simply an extension of rights and guarantees already afforded to men.³³

³² S. GILL, "Globalisation, Market Civilisation, Disciplinary Neoliberalism," *Millennium* 24:3 (1995).

³³ For example, the inclusion of the elimination of violence against women as a clause in CEDAW suggested parallels between the public violence men suffered (by the State or other individuals) and domestic violence.

However, these second generation of women's rights remain constrained by an acceptance of the public-private divide. As a result, the expansion of women's rights into the private sphere of human activity did not require substantive change of the power relations in the public sphere. This was, in part, because of the failure to recognise the structural causes of violations that in part rest in the different systems of patriarchal control.³⁴ Also, while women's rights in the private sphere may well have been legalised through the CEDAW, the significant number of reservations, justified in the name of tradition, to a number of articles that relate to the rights of women in the "private" sphere, suggest that such acknowledgement is merely tokenism.³⁵ The role of CEDAW is examined in a later section.

The discursive mechanism, by which neo-liberalism operates, namely good-governance, is the third brief focus of this section considering neo-liberal human rights practices. As indicated in chapter two of this thesis, good governance maintains illusions of Western moral superiority, and also enables Western States to berate Muslim societies for failing to maintain the standards set by Western governments.³⁶ Indeed, "good governance", operating as a conditionality of international loans, is still narrowly defined as holding elections, due legal process, restraining the powers of enforcement agencies, and so on. These are the operation of political and civil rights. Thus in the new human rights interventionism, there is no substantial or consistent embrace of indigenous land rights, women's rights, the rights of workers in multi-national companies (or elsewhere); that is to say, there is no recognition of rights, or privileges, that exist outside of the traditional political-civil rights framework. The impact for debates on women's rights is enormous, turning women's rights (as conceptualised in the West) into part of the hegemonic apparatus of the neo-liberal world order.³⁷

³⁴ KEDDIE and BARON, *Women in Middle Eastern History*.

³⁵ Please refer to Chapter Five for details of the reservations to CEDAW which the case study countries hold.

³⁶ T. EVANS, "Citizenship and Human Rights in the Age of Globalisation," *Alternatives* 25 (2000); FUREDI, "The Moral Condemnation of the South."

³⁷ The neo-liberal world order is considered hegemonic: a method of governance where the elite rule through consent and coercion, predominantly relying on the former, which is assured through the internalisation of the elites values by all groups and reflected in the institutions and framework of civil and political society.

Women's rights have come to signify the consensual apparatus through which the economic ideas of the elite are transmitted through various layers of society to maintain their privileged position.

3.3. *CEDAW and International Institutionalism*

Continuing the debate on neo-liberal human rights discursive practices, this section considers some feminist critiques of liberal conceptions of human rights as articulated through legal discourses and practices. In particular it draws attention to the silences contained therein, noting that women's rights are held up as the saviour of non-white women and yet these tools are fundamentally flawed in granting women (of any colour or religion) substantive change or emancipation or dignity. First, this section uses feminist insights to suggest that neo-liberal human rights law is failing women. Second, it looks specifically at CEDAW and the legal approaches contained within it. Third, it draws upon the insights generated through the relationship between gender and race as markers of social exclusion, and again revealing the limits of the neo-liberal human rights approach in providing a "politics of emancipation". However, despite the flaws noted in this section, this thesis will use CEDAW as a benchmark for analysing women's rights in the case studies. This choice is justified in Chapter Five.

Feminist critiques of international law begin with questioning not only the capacity of international human rights law to reinforce change, but also the normative assumptions behind it. In particular, these critiques question the argument that granting legal and political rights to women, premised on the mainstream understanding of rights, changes socio-economic practices in such a way as to enable women to secure their identity and body. As Bunch argues, even those violations suffered by women that appear indistinguishable from those suffered by men are not adequately dealt with, and that the gender specific aspects of these similar human rights violations are only minimally considered, so that violations of a woman's dignity are not adequately responded to or are ignored.³⁸ Standard interpretations of rights are androcentric, ignoring that men and women experience them differently, and exclude women from using human

³⁸ BUNCH, Charlotte "Women's Rights as Human Rights: Toward a Re-Vision of Human Rights." *Human Rights Quarterly*, 12, (1990), pp.486-498

rights by denying that women experience and speak in a different, and often marginal, voice. Women often speak from an ethics of care, which is excluded from neo-liberal human rights practice and protection.³⁹ As Chandler notes, human rights have been forced into international law courts, where (non-western) victims are “represented” and spoken for by “knowing” lawyers and NGOs. The victims lose collective bargaining power to seek change as “their struggle” has been taken out of the political context.⁴⁰ The question is, therefore, not whether all women speak with the same voice, but rather how is it that their differences among each other experiences are excluded. One of the ways in which this is achieved, as the above shows, is by the literal relocating of women’s rights and human rights claims. Another way women’s different experiences are factored out is by labelling them as outside of the State’s remit (and thus beyond the concern of international human rights institutions) which is achieved through defining them as personal and cultural, rather than political and legal. Thus, for example, for international human rights lawyers and government officials, domestic violence is not regarded as a human rights violation of the right to live without fear of persecution worthy of international concern, but a domestic and private affair.⁴¹ Even when such violence is carried out by State officials, the explicit gendered dimension is demoted from human rights concerns.⁴² Thus as Bunch argues, the message is clear:

³⁹ The ethics of care is juxtaposed against an ethic of reason as used in the law. J. ROBINSON, *Globalizing Care* (Oxford: Westview Press, 1999).

⁴⁰ Katherine BROWN, “New Humanitarianism: A Book Review of ‘Chandler: From Kosovo to Kabul,’ review of CHANDLER, D. From Kosovo to Kabul: Human Rights and International Intervention, London, Pluto Press, 2001”, *Global Dialogue* 5:3-4 (2003); CHANDLER, *From Kosovo to Kabul: Human Rights and International Intervention*.

⁴¹ This is despite the Declaration of the Elimination of Violence Against Women.

⁴² Consider the UN Special Rapporteurs opinion on rape. Rape is acknowledged as torture and a war crime in certain circumstances but not because of the harm done to women themselves but because of the symbolic harm done to the community and nation to which the women belonged. Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission resolution 1997/44 to the Economic and Social Council, E/CN.4/1998/54, 26/01/1998. Available at: <http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/c90326ab6dbc2af4c125661e0048710e?OpenDocument>. Although the Special Rapporteur on Torture, Mr. Nigel Rodley, followed the lead of his predecessor, Mr. Peter Kooijmans, Mr. Rodley stated that “since it was clear that rape or other forms of sexual assault against women in detention were a particularly ignominious violation of the inherent dignity and the right to physical integrity of the human being, they accordingly constituted an act of torture.” E/CN.4/1995/34, paragraph 16. In classifying rape as torture, the Special Rapporteur includes rape with beatings, electric shock, sleep and food deprivation, and death threats, with no distinction being made between these other forms of torture and rape. See also the General Assembly 9th Plenary Session, 1995, Rape and Abuse of Women in areas of

Stay in your place or be afraid, contrary to the argument that such violence is only personal or cultural, it is profoundly political. It results from structural relationships of power, dominations and privilege between men and women.⁴³

Continuing from the mainstream discourse on rights, feminist critiques highlight how existing methods for ensuring women's rights ignore competing rights. For example the freedom to have a family and the right to be free from abuse in the family present conflicting duties and rights that demand to be upheld. Even second and third generation of rights ignore the inequalities of power within the "peoples" whose rights are supposed to be guaranteed collectively therein.

The debate is not only limited to androcentric conceptions of human rights but it is also tied to a language which conflates development and economic growth with economic and social rights. The State is complicit in the oppression of women's rights in the private sphere by prioritising the neo-liberal agenda of development, growth and progress over the rights of labourers. As Chinkin and Wright argue, the right to development is not the right of individuals, including women, rather it is a right geared towards the servicing of transnational corporations and international economic institutions, as well as the (invariably male) elites of developing States.⁴⁴

For many feminists the State "recapitulate[s] the male point of view at the level of design" and furthermore, as the State is a masculinist construction to make it the guarantor of women's rights is problematic.⁴⁵ Consequently the State is part of the problem for women in their search for women's rights. Not least because while States will formally acknowledge gender inequalities and pledge resources

armed conflict in the former Yugoslavia, available at:
<http://www.un.org/documents/ga/res/50/a50r192.htm>

⁴³ BUNCH: pp. 490-91.

⁴⁴ C. CHINKIN and S. WRIGHT, "The Hunger Trap: Women, Food and Self-Determination," *Michigan Journal of International Law* 14:2 (1993), p. 306-07. This idea is also explored in Chapter two, although without explicit reference to women's rights and human rights.

⁴⁵ C. MACKINNON, "Difference and Domination: On Sex Discrimination," in H.A. BARNETT (Ed.) *Sourcebook of Feminist Jurisprudence* (London: Cavendish, 1997). There is not scope within this thesis to fully address how the State is a masculinist construction, although Chapter two alludes to this fact. For a full discussion please refer to: V.S PETERSON and A.S. RUNYAN, *Global Gender Issues* (Oxford: Westview Press, 1993); A. TICKNER, *Gender in International Relations: Feminist Perspectives on Achieving Security* (New York: Columbia University Press, 1992).

to redress the imbalance, the underlying structures and relations of domination and oppression located within patriarchal practices are denied, and indeed in some cases are legitimised in a language of cultural authenticity and nationalism. The significant number of reservations made to CEDAW is indicative of this fact. However, securing the content of human rights, as political and civil rights, ensures that the inadequacies of this response are ignored by malestream political actors and public discourse. Therefore,

A feminist account of international law suggests that we inhabit a world in which men of all nations have used the Statist system to establish economic and nationalist priorities to serve male elites, while basic human social and economic needs are not met. International institutions echo these same practices.⁴⁶

Therefore, the narrow definitions employed by human rights officials act to silence women's positions of knowing and experiences of human rights. However, such processes of silencing are not limited to definitions, but extend to the organisational structures of human rights institutions. This section considers the consequences of the ways in which CEDAW has been implemented in the United Nations system specifically. Women's rights bodies, committees, working groups and so on, are ghettoised and isolated from the mainstream by the same discursive strategy which then expects gratitude for allowing them to exist. It is argued that since CEDAW and its resultant committees have been established, gender-specific rights have been neglected within the mainstream bodies of international human rights organisations, with a neglect of women's concerns. The U.N. continues to sideline and under resource gender-specific bodies and committees compared to their ostensibly genderless counterparts. The result is the trivialisation of women's issues, the neglect of women's rights violations even when they appear to be the same as men's, and a failure to "gender-mainstream" throughout international bodies. In short it allows international bodies to be seen to be doing something (about gender inequality and women's rights abuses) without having to do anything. Charlsworth, Chinkin, and Wright clarify:

⁴⁶ H. CHARLSWORTH, C. CHINKIN, and S. WRIGHT, "Feminist Approaches to International Law," *American Journal of International Law* 85 (1991).

Because men generally are not the victims of sex discrimination, domestic violence, and sexual degradation and violence for example, these matters can be consigned to a separate sphere and ignored.⁴⁷

To reiterate, there are less enforcement mechanisms, fewer resources, limited power and prestige allocated to women's rights than other human rights. For example, CEDAW contains no enforcement mechanisms beyond that of monitoring and reporting. Therefore, much of the work done in expanding notions of equality and women's rights within international law has relied upon soft law and recourse to international "norms". These are not legally binding; they contain few of the monitoring and supervisory processes of mainstream human rights treaties, and are unenforceable and non-binding upon their signatories. It is argued that CEDAW attempts to overcome the limits of soft law by making it a legally-binding document. Indeed, the considerable number of State signatories (and later ratifications) indicates a degree of success to this end – namely willingness to make women's rights part of the same corpus of law as other United Nations conventions. However, States have submitted many reservations to a number of its articles – often in contrary to the spirit of the Convention - in particular to those articles enforcing rights within the private sphere.⁴⁸ As indicated earlier, although women have been granted access to human rights language through the acknowledgement of their sovereignty and citizenship, it is via a world already constituted as public and in accordance to male-masculinist values. In some way, this adoption of women in international law is little more than a token gesture. The tokenism remains, in part, because of the under-representation of women in international bodies. To compound this, their faces are not seen, or voices heard in the mainstream of State-to-State international relations. But as the role of discourse shows, it is not enough to "add women and stir" but a consideration of how ideas are organised to the systematic exclusion of women's knowledge and agency in international relations is necessary. Such as, the hegemonic construction of privacy, equality and rights exclusively centre upon the State and sovereignty, and therefore bears little relevance to the moral registers and lives of women, ensures women's marginalisation and absence in the field.

⁴⁷ Ibid., p. 625.

⁴⁸ Please refer to Chapter Five for detail of Malaysian, Great Britain's and Egyptian reservations.

Thus far, the debate has been focused on the ways in which women as a category and social group have been marginalised in international relations and the United Nations. Indeed women's rights talk in International Relations is premised on women's common oppression and the ways in which women's voices are silenced in international relations theory and practice and hopes to rectify this problem. However, third-world feminists, who are often influenced by Said and El-Saadawi, suggest that white western feminists, writing from a position of comparative advantage in academia, mimic the dichotomies of colonial predecessors. The colonial past, and feminisms legitimising role, is not easily ignored by those working from outside of the metropolises.⁴⁹ In colonial times, feminist ideas from the colonial centre (London and Paris) were used to justify the continued subjugation of colonial people: that Other men oppressed Other women was reason enough to justify their continued occupation.⁵⁰ Furthermore, feminists' claims to speak for women, hides the historical context in which such claims are made. In particular, it denies the mutually constitutive history of colonialism and imperialism. In short, colonialism meant the use of local women by colonisers, both by men and women. Thus, as Christine Sylvester wonders that in our (white female academics') concern for the other, that we are simply granting ourselves a megaphone through which to project our own egocentrism.⁵¹ For female academics working from outside of this position, the attempts to eradicate difference among women ignore the power that supports those differences. As Linklater notes; what is good for the well heeled women of New York is not necessarily good for the down trodden women of Harare.⁵² Furthermore, the obsession with (even fetishization of) the Muslim female Other, has resulted in the victory of the gaze over the eye, enabling us to project our own fears and identities onto the blank canvas of an anonymous *niquab*.⁵³ In addition, the denial of difference ignores the fact that resistance to colonialism encompassed a reassertion of colonized males' power over colonized women. This resistance resulted in particular dynamics of patriarchy in the former

⁴⁹ BULBECK, *Re-Orienting Western Feminisms: Women's Diversity in a Post-Colonial World*.

⁵⁰ AHMED, *Women and Gender in Islam*, LOOMBA, *Colonialism/ Postcolonialism*.

⁵¹ SYLVESTER, "The Contributions of Feminist Theory to International Relations," p. 264.

⁵² LINKLATER, "Dialogue, Dialectic and Emancipation in International Relations," p. 122.

⁵³ WINTER, "The Chador of God on Earth: The Metaphysics of the Muslim Veil."

colonial world. Therefore, analysis which hides the colonial past (and differences in patriarchy resulting from it) misunderstands the nature of the social world of many Muslim women. CEDAW is also often used as a “stick to beat” Muslim States with, and arguable reflects the values and ethical reasoning of Western capitalist States who allegedly dominate the U.N. system.

4. Islamic Discourse on Women’s Rights

Given the influence of the colonial past, important alternative visions of women’s rights are expressed via the medium of Islam. However, Islam is similarly historically located. Therefore, the ability of some groups to define their particular interpretations of Islam as somehow universal and valid for all time gives rise to “Islamic hegemonies”. Under the conditions of globalisation, the traditions of Islam are being challenged such that the central tenets of Islam are being reformulated and reinterpreted as Muslim communities engage with new global patterns. These discourses come to represent the new points of moral authority which emerge in conjunction (or in opposition to) new economic actors. This section of the chapter is divided into three parts. The first outlines the main taxonomies of Islamic political thought. The second considers the discourses of transnational Islam (complementarity, *hijab*, sisterhood and good mothering). The third examines the strategies of reformist Islamic thinkers, such as the idea of “pure” Islam, and the reinterpretation and contextualisation of Holy texts.

4.1. Categorisations of Islamic Political Thought

Acknowledging the variety of positions on the relations between politics and religion in Islam, modern commentators on Islamic discourses have categorised them according a variety of criteria. Traditionally, understandings which acknowledge the variety within Islam have focused on the four main schools of Islamic *Sunni* jurisprudence, *Maliki*, *Hanafi*, *Shafi’i*, and *Hanabali*.⁵⁴ However, adopting this division of Islamic political thought forces an overly legalistic approach to any study, and views Islamic thought as fixed and permanently

⁵⁴ For a brief explanation of the schools differences please refer to BODMAN, "Introduction," p. 10-11. Al-Hibri’s work provides an example of this distinction A. Al-HIBRI, "Islam Law and Custom: Redefining Muslim Women's Rights," *American University Journal of International Law and Policy* 12:1 (1997).

located in the medieval period when these schools emerged. It also negates the flexibility by which individual scholars and believers select which school to follow depending on the subject.

Another theological approach is to divide Islamic discourse according to how the scholars interpret Revelation and Islamic law.⁵⁵ Generally speaking the majority adopt a literal interpretation of revelation and maintain an “ideal past” as the guide for present actions. In this framework, the period of the Prophet’s Mohammad’s life and the four “rightly guided *Khalif’s*” represent the literal guides by which modern Muslims should live. The view of history perceives continual degradation of society from that era, in that society is moving further away from the perfect time (during the Prophet Mohammad’s life) and is now corrupted by “innovation”.⁵⁶ Political activity is consequently centred upon a focus on the life of the Prophet Mohammad and to encourage society to live by his example. The alternative view of revelation and history rests on the contextualisation of revelation. According to scholars adopting this perspective it is not so much the literal actions of the Prophet Mohammad and the *Khalifs* following him, but the intent informing actions and lifestyle. In this case the *Qur’an* and *Hadiths* are taken holistically and the verses viewed according to the overriding messages of Islam. Rather than viewing society as in a state of degradation, this view accepts that throughout history society and scholars have sought to find solutions to their contextualised problems, resulting in variety and change. In this instance a call for *Ijtihad* is upheld, whereby all Muslim believers should read the *Qur’an* and other holy texts with intellectual reasoning rather than simply receiving their understanding from the learned elite.⁵⁷ Some writers

⁵⁵ M AFKHAMI, "Gender Apartheid and the Discourse of Relativity of Rights in Muslim Societies," in *Religious Fundamentalisms and the Human Rights of Women*, ed. C.W HOWLAND (New York: Saint Martins Press, 1999).

⁵⁶ Sayyid QUTB, *Milestones: Revised Translation* (Indianapolis: American Trust Publications, 1990).

⁵⁷ KEDDIE and BARON, *Women in Middle Eastern History*; F. NOOR, *New Voices of Islam* (Leiden: International Institute for the Study of Islam in the Modern World (ISIM), 2002); A.E.A SONBOL, "Rethinking Women and Islam," in J.L ESPOSITI and Y.H HADDAD (Eds.) *Daughters of Abraham* (Gainesville: University Press of Florida, 2001), A WADUD, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective* (Oxford: Oxford University Press, 1999).

associate this movement with the reformation movement in European Christianity.⁵⁸

Yet others characterise Islamic thought according to the political orientation, linked to the socio-economic background of the scholars and believers, of its advocates. According to this division there are Modernists, Traditional Conservatives, Radicals, and (according to some) Post-modernists.⁵⁹ In addition, others see the political orientation as being more fundamentally linked to Islam's relationship with the modern State, in that the content and methods of dissemination vary if the movement is State-led or located in opposition politics.⁶⁰ A variation on this theme is to view the important categories for understanding Islam not by its relations with the State but according to the different engagements with the processes of globalisation.⁶¹

Another interpretation of the varieties within Islam is anthropological and sociological. For the anthropologist Geertz there are two main "brands" of Islam: a Scriptural Islam based in urban centres which he calls "Big Islam", and "Little Islam" located in rural areas with a greater focus on mysticism and saints.⁶² For Mernissi, Kandiyoti and other social scientists, this sociological and anthropological approach is considered central to understanding the "realities" of Islamic discourses.⁶³

⁵⁸ A.A AN'NAIM, *Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law* (London: Syracuse University Press, 1990).

⁵⁹ A AHMED, *Postmodernism and Islam* (London: Routledge, 1992); Mahmood MONSHIPOURI, "Islam and Human Rights: Competing Perspectives and Trends" (paper presented at the International Studies Association Annual Convention, Portland, Oregon, 2003).

⁶⁰ Nazih N AYUBI, *Over-Stating the Arab State: Politics and Society in the Middle East* (London: IB Tauris, 1995); G. KEPEL, *Jihad: The Trails of Political Islam* (London: IB Tauris, 2003); Sami ZUBAIDA, "Islam and Nationalism: Continuities and Contradictions," *Nations and Nationalism* 10:4 (2004).

⁶¹ H ANSARI, *Muslims in Britain* (London: Minority Rights Group International, 2002), MANDAVILLE, *Transnational Muslim Politics: Reimagining the Umma*, PASHA, "Globalisation, Islam and Resistance."

⁶² C GEERTZ, *Islam Observed: Religious Development in Morocco and Indonesia* (Chicago: The University Press, 1968).

⁶³ N. ATIYA, *Khul-Khaal: Five Egyptian Women Tell Their Stories*. (Cairo: The American University in Cairo Press, 1984); M. DRAPER, *Ethics and Ethnographic Research in the Context of Sufi Tariqas* (Birmingham University 2002 [Accessed 19/09/2002]); available from www.artsweb.bham.ac.uk/mdraper/transnatsufi/Research_Papers/Draper.htm; KANDIYOTI, "Bargaining with Patriarchy"; MERNISSI, *Women's Rebellion and Islamic Memory*.

Despite disagreement over detail, all of these groups employ particular knowledge structures and assumptions about women, their rights and status. The next section of the chapter considers the main logics by which women's rights are known and organised in transnational Islam. Followed by the positions which have emerged as responses to these thereby broadly following the theological distinctions over the interpretation of revelation. Adopting a broadly theological divide to organise Islamic discourses to women's rights allows for a greater focus on the religious references and discourses on women's status and rights, as opposed to a political or sociological one. This is not to set up a false dichotomy, as in many instances the boundaries are blurred and the line between positions identified here permeable; however for intellectual clarity two broad church positions are presented (transnational Islam and reformist Islam).

4.2. *Transnational Islam*

Islam has a global character, one that has evolved with the spread of Islam throughout the centuries. This global character can be identified in texts (the *Qur'an*, and *Hadiths*), in global networks of mosques, mystics and scholars, in global rituals, (the *Hajj* and *Ramadan*) among other things.⁶⁴ It is facilitated by the globalisation of communication and travel. There is a consistency within this transnational Islam, which hinges upon a tendency to look towards Mecca and Medina, or the Middle East more generally as the centre (and therefore authentic) representation of the faith. Sites of religious authority and authenticity remain Al-Azhar and Saudi Arabian or Gulf religious institutions (with some Iranian institutions, such as the religious schools in Qom, acknowledged). In addition, there is a suggestion that transnational Islam is inherently an urban phenomenon, thereby spilling from the cities out towards rural areas.⁶⁵ The over-ruling of local traditions by global Islam has had significant impact on women's lives, for example the adoption of "Islamic fashion", such as the *hijab* where it doesn't feature in traditional lifestyles, the increasing possibility of performing the *hajj* brought about by international travel, the increasing popularity of religious "Saturday" schools, and the disregard of pilgrimages to women Saints' shrines. In addition, there is a sharing of a common language and discourse that remains

⁶⁴ AHMED, *Postmodernism and Islam*

⁶⁵ GEERTZ, *Islam Observed: Religious Development in Morocco and Indonesia*.

modulated by local contexts (which is considered in the case studies) and is utilised in transnational spaces.⁶⁶ Ultimately, it suggests a convergence of Islamic symbols, modes of behaviour, and language, indicating the existence of an Islamic habitus. This section draws on concepts that appear to be replicated in numerous Muslim contexts and which are specifically made in reference to Islam. Four concepts that provide the religious discursive basis for Muslim conceptions of women's rights are examined consecutively: complementarity, *hijab*, sisterhood and good mothering.

Perhaps the most common discursive concept is complementarity.

Complementarity operates as a consistent logic in transnational Islamic discourses on women's rights. Complementarity relies on two key arguments, the first centres on the biological differences between the sexes, and the second on the ordering of society for the fulfilment of man's "regency on earth". These are considered in turn.

Positing a vision of women's role and value premised upon a woman's essential nature, complementarity offers equal value and respect without necessarily insisting on equal treatment. The religious arguments drawn from prescriptions about how to be a good Muslim man or woman or family, also rely upon bio-medical arguments presented in the nature-nurture debate about sex-gender-identity. As one interviewee from my fieldwork argued:

But men and women are different physiologically, and they complement each other, they bring different characteristics or skills to the family unit, and furthermore, you fulfil different roles and acquire different skills at various stages in your life, nothing is forever.⁶⁷

In *Islam: Ideology and Way of Life*, Fazlur Rahman writes:

It may, however, be pointed out that although woman, as a human being, occupies equal status with man... the fact remains that there is difference between the sexes. No amount of debating or discussion, physical exercise or hard industrial work can change her sex. As woman, her special function in life is different from that of a man, and she is naturally

⁶⁶ M.D STRINGER, "Discourse and the Ethnographic Study of Sufi Worship: Some Practical Suggestions," in A ZHELYAZKOVA and J.S NIELSEN (Eds.) *Ethnology of Sufi Orders: Theory and Practice* (CSIC & IMIR, 2001).

⁶⁷ SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group."

equipped with a different physical, physiological, biological and even psychological structure. Islam has taken these natural differences between the sexes into account in differentiating roles and allotting functions to each sex. Therefore to talk of absolute equality between men and women is complete nonsense.⁶⁸

Rights and duties are said to reflect the capabilities and excellences of the two sexes. As a result men are often given a moral and physical role as guardian over wives and other female relatives. To justify this, often cited from the *Qur'an*, is *Surat al-Nisa' 4*, which states

Men are the protectors and maintainers (*qawwamun*) of women, because God has given the one more [strength] than the other, and because they support them from their means.⁶⁹

In other words, men are placed in charge of women (*qawwam*) because God has endowed them with the necessary, biological qualities.⁷⁰ Furthermore, women's biological qualities ensure that a woman, in order to fulfil her role on earth, should become a wife and mother, thus *Surat 2:223* which refers to women as a "tilth", is interpreted by some to imply the purpose of women's life is to procreate. Syed Anwer 'Ali expands on this *Surat* to argue that women therefore have an obligation to satisfy the sexual urges inherently put in man for the procreation of children and continuation of his generation. He continues,

For that purpose Allah the Almighty has put in man all that is necessary for the carrying on the process of procreation, in which the part of woman is merely to submit and receive all that the man secretly entrusts her in the form of sperm, and keep and nourish it for the first nine months in her womb.⁷¹

However, coinciding with these increased rights of the husband in exchange for the obedience of the wife, are increased duties and responsibilities. The complementarity of the two genders ensures that husbands must financially and materially provide for women and children. In this sense, marriage becomes a contract in which the two parties agree to particular roles and responsibilities,

⁶⁸ Fazlur RAHMAN, *Islam: Ideology and the Way of Life* (London: Muslim Schools Trust, 1980), p. 396-98.

⁶⁹ *The Holy Qur'an: Text, Translation and Commentary*, trans. A. Yusuf Ali (Brentwood: Amana Corp, 1983).

⁷⁰ Rashad Khalifa, cited in SONBOL, "Rethinking Women and Islam."

⁷¹ Syed Anwer 'ALI, *Qur'an: The Fundamental Law of Human Life* (Karachi: Hamdard Foundation Press, 1984).

and (adult) women's rights are contained within these (natural) relations. This is further reflected in the ceremonies and legal frameworks of marriage and engagement.

The second argument for complementarity as a framework for discussing women's rights, hinges on ideas of justice and order. Many Islamic groups who attempt to tackle questions of equality frame their arguments in terms of social justice, including economic concerns such as poverty, access to state services, and the global political economy. Primarily, discussions of equality resist definitions that are premised on "sameness". Instead gender difference is valorised within the context of a gendered division of labour in the family and the community. As wives, sisters and mothers women are granted rights and duties in Islam.⁷² Therefore through recognition and valorisation of women's "unique" and "natural" role in society and family gender equity is promoted. In other words men and women are not equal; however their relations are equitable within Islamic constructions of motherhood, wifedom and sisterhood. Presented in this argument is a singular, logical and holistic concept of women's place in society with predetermined answers to women's economic social, ethical and psychological needs. Women's rights are seen to flow from this vision of their needs, and their rights are outlined in holy texts and traditions.⁷³ For example, it is argued that providing women with an education enables them to fulfil their duty as mother and wife more effectively. The Jordanian state argued that the key is to balance a woman's duty to her family and her ability to serve the State through employment.⁷⁴ The Muslim Brotherhood in Egypt likewise permits women to work, provided it does not seriously conflict with women's first duty to care for the family unit.⁷⁵ Western society is presented as having failed to balance these two elements of women's needs, and the alleged decadence, crime

⁷² Merali argued in interview that the Islamic model presented here, mirrors to some extent the international codes that currently exist. Firstly there are rights addressed to both men and women, and then there are gender specific rights aimed at women, that primarily relate to women's engagement with men, with their roles as wives, sisters and mothers. A MERALI, "Interview with Arzu Merali of the Islamic Human Rights Commission," (London: 2004).

⁷³ AFKHAMI, "Gender Apartheid and the Discourse of Relativity of Rights in Muslim Societies," p. 69.

⁷⁴ Cited in Charis WADDY, *The Muslim Mind*, Second Edition ed. (London: Longman, 1982).

⁷⁵ ESPOSITO, *Islam: The Straight Path*, p. 207.

and immorality is seen as arising from this failure.⁷⁶ Consequently, the argument is not that men and women should have equal (meaning the same) rights and roles in society but that they should be equitable and balanced in line with the duties and obligations which men and women are religiously obliged to fulfil.

It is proposed through this concept that men and women's rights are mutually constitutive, and that this relationship results automatically in equal relations.

Not all accept this deduction. As Zaki argued in interview

True, [it is] that in every institution (marriage included) each person serves a purpose - and thus each can be considered "complementary" to others - but that does not mean they are equal in power. For example, the janitor of a university complements the role of its president, since each is needed for a university to operate effectively... Yet no one claims that such complementarity implies equality between janitor and president, as some Islamic apologists allege exists between men and women because of their "complementarity" in the family.⁷⁷

Others challenge the interpretations of the *Surats* cited, and the conclusions deduced about women's roles. Furthermore, others have questioned the assumptions about women's "natural" and "essential" nature. As Nabawiyah Musa argued in Egypt in 1890:

It is unfair to compare the mind of an urban man with that of his wife. How can one compare the mind of a man of education and experience who has developed himself, with that of his wife which has been neglected since infancy? Her mind became rusty through lack of use... Her abilities were suppressed and she sheltered from life's experiences before her mind could develop naturally.⁷⁸

These replies to the transnational discourse on complementarity are discussed in more detail in the section considering progressive and reformist Islamic discourses.

The second concept which supports Muslim concepts of women's rights is the idea of *hijab* centred on gender segregation and modesty. The *hijab* represents

⁷⁶ Syed Mujtaba Musawri Lari is cited to have painted a particularly negative view of western decadence and "absurdities" WADDY, *The Muslim Mind*. This is discussed in more detail in the following section on privacy and *hijab*.

⁷⁷ Moheb ZAKI, "Interview with Moheb Zaki of the Ibn Khaldun Centre for Development Studies on the 8th Cairo 2004," ed. Katherine BROWN (Cairo: 2004).

⁷⁸ Cited by M BADRAN, *Feminists, Islam and the Nation: Gender and the Making of Modern Egypt*. (Princeton, N.J: Princeton University Press, 1995), p. 66.

not only the veiling of the hair and the adoption of “modest dress”, but also incorporates modest behaviour: the *hijab* of the heart.⁷⁹ The symbol and clothes of the *hijab* are seen as central to upholding the values and order of Muslim societies within the orthodox transnational Islam. It is however rarely premised on women’s inequality with men or as oppression and control. Instead it is understood through a variety of presentations. First, as a rediscovered tradition the wearing of the *hijab* is presented as a challenge and consideration of Western-European society. Second it is understood as a timeless and authentic expression of Islamic obedience and submission to the will of *Allah*. Third it is presented as an expression of Islamic feminism, as maintaining femininity within the political and public, in this sense it is the politics of embodiment.

In the light of Muslim societies’ experiences of colonialism, diaspora and globalisation, the *hijab* and concepts of female modesty are presented as alternative ways to organise social and public life. Central to this presentation of the *hijab* is a rejection of westernisation and modernisation as progress. History is mapped as prior to and post colonialism, and women’s positions are considered as markers of the reclamation of identity and authenticity from cultural imperialism. As the secular developmentalist models of statehood and society failed to ameliorate the social and economic position of the post-independence states, Islamic alternatives emerged. Not only were western models seen as inappropriate for former colonies, but also as failures for their own societies. The extravagances of Western-European society were seen as the result of the excessive freedoms of women, of society’s failure to control sexuality, and, in fact, of its publicity and sale of body aesthetics. Thus as Mawdudi wrote,

To develop magnetic attraction for a man has become a mania with the women there [Europe]... men, on the other hand, are growing more and more voracious in the sexual appetite... This disease is eating fast into the very vitals of the Western nations. No nation in the past has survived it. It destroys all the mental and physical capabilities of man that God has endowed him with for his well-being and prosperity.⁸⁰

⁷⁹ This was referred to by a female student at an Islamic Awareness Week presentation at the University of Southampton, 2003.

⁸⁰ Cited in ROBINSON, ed., *Islamic World*, p. xviii.

It was (and is still) argued that alternative frameworks for organising society were necessary. Alternatives which emerged in Muslim communities centred on the female body and the need to reinstate women's proper position in society as mothers: to make the *Hadith* that "paradise lies at the feet of the mother" meaningful.⁸¹ Within this presentation of the *hijab* and modesty, it is argued that modest dress is not abuse of women's rights, but a challenge to the continual parade and commoditisation of women's beauty.⁸²

The second presentation of the *hijab* and modesty centres on the piety and expressions of faith based identity. Here the *hijab* and modesty are not seen as new phenomena caused by the rejection of modernisation but a timeless display of faith and submission to *Allah* in following the example of the Prophet. The covering of the body and a modest composure are upheld as adherence to Islamic ideals. Cited are *Surats* in the *Qur'an* and the example of Ai'sha. The *Qur'an* asks believing men, and women, to lower their gaze and dress modestly, and women to wear a cloak when outdoors so that they may be known as believing (free and respectable) women. In addition, are the examples of the Prophet's wives who were spoken to through a curtain.⁸³ Ai'sha is said to have completely veiled herself in public to speak, most influentially at the funeral of her husband. This presentation of the *hijab* relies upon an interpretation of the *Qur'an* and the practices of the Prophet as literal, and the early Islamic period as a "golden" era for Muslim society. In this sense, the *hijab* and modesty become more than a symbol or identity marker of ones faith, but embody religious obligations, and are a link to a continuous past and history of the community of believers.

In the third consideration of the *hijab* and modesty within the transnational discourse is an explicit recognition of the politics of embodiment. Here the *hijab* is not seen as a denial of women's femininity or of their body but as an explicit recognition of it. In contrast to the feminism of 1970s and 1980s Europe, where arguably women denied their feminine form, the *hijab* allows women to obtain

⁸¹ AHMED, *Discovering Islam*, p. 195.

⁸² Juman Dr. KUBBA, *Women's Issues: Women in Islam: Revisited* [Website] (International Forum for Islamic Dialogue: Islam21, 2003 [Accessed 28/11/03 2003]); available from www.islam21.net/pages/keyissues/key2-12.htm.

⁸³ Maulana Abdul Ghaffar HASSAN, *The Rights and Duties of Women in Islam*, trans. Dr. Hassan SUHAIB (n/d).

political space and grants power within it. Hassan argues that this power emerges by the means of the protective function of the *hijab*, in that it minimises the risk of sexual harassment as women enter a mixed work place.⁸⁴ Merali locates this power in the power of seeing and visibility. She argues that women have power in the public sphere, as by wearing the *hijab* women decide who looks and how they (others) look.⁸⁵ Thus, acknowledging women's different identity allows for a move beyond being judged by aesthetics. By wearing modest dress, and the *hijab* a woman can only be judged by her merit not by her appearance. Within this presentation is an inversion of Tim Winters critique of the chador, instead asserting the power of the veil over the gaze.⁸⁶

They wear the veil to claim the gaze and to become the ones who observe the world. In a world where men set the fashions, the standards, and where men take the photographs and make the films, the only way to subvert the process is to don the veil and become minds rather than bodies.⁸⁷

The *hijab* is therefore both an ideal and a strategy to achieve that ideal.

In order to assist with obtaining the ideal, there is a network of support idealised through the concept of Sisterhood, as part of the worldwide *Umma*. The idea and realisation of sisterhood is considered in this part of the chapter. There has been a revival of the concept, to develop something universal, with increasing consciousness of "the *Umma*". The use of this concept is not a return to medieval political Islamic concepts, but a reinterpretation and utilisation of the concept to address contemporary concerns within Muslim communities. This revival can be seen as the beginning of a development of concepts and tools through which to negotiate and participate in discourses of civil society. In contrast, in the orthodox narratives there is a forced communitarian vision which both lacks and prevents full Muslim participation in anything beyond "Muslim affairs". This is because as the editor of Muslim News argued,

⁸⁴ Ibid.

⁸⁵ MERALI, "Interview with Arzu Merali of the Islamic Human Rights Commission."

⁸⁶ WINTER, "The Chador of God on Earth: The Metaphysics of the Muslim Veil."

⁸⁷ H AFSHAR, "Gendering the Millennium: Globalising Women," *Development in Practice* 10:3-4 (2000), p. 531.

The existence of the '*Umma*' does not mean you are uniform, yet there are universal values.⁸⁸

The development of the concept of *Umma* as a non-territorial Muslim community, sharing ideas and meanings, it opens up global spaces and discourses through which to demand rights that enable Muslim women to be part of a universal response to modernity. The *Umma* is not only a globalised concept but reintroduces unity among an otherwise divided community: divided by class, ethnicity and age among other categories. For example, in Egypt, the idea that "we are all Muslims here" or "all Egyptians" is prevalent among urban Egyptians. The image of a united and homogenous *Umma* has been generated through the presentation of one history of Egypt, of one nationalist struggle, of one Islam.⁸⁹ Religious community as founded in the *Umma* is thus mobilized to avoid the creation of institutions that can express social and ideological differences within the community.⁹⁰ The reinvention of the *Umma* can be a flexible space in which to redefine boundaries of ethnicity, religion and rights.

The creation of sisterhood, as a gender specific element of the *Umma*, is locally dependent. That is, it becomes meaningful through networks of interaction in communities, such that it represents a "shoulder to cry on."⁹¹ Nevertheless sisterhood retains the global connotation of the *Umma* as well, through the identification with other Muslim women throughout the world. In this way there is a displacement of space as important signifier of community identification. The most prominent recent example is the British-Muslim reaction to the French government's proposal in December 2003 to ban the *hijab* from schools. This has resulted in protests outside the French embassy by British Muslims identifying themselves and their rights as part of a pan-ethnic or transnational community.⁹² It is also interesting that the debate in Great Britain, with regards to this decision, has been discussed from within a human rights dialectic in order

⁸⁸ Ahmed VERSI, "Telephone Interview with Ahmed Versi, Editor of 'Muslim News'" (London/Southampton: 2004).

⁸⁹ These images are discussed in more detail the chapter which provides a case study of Egypt.

⁹⁰ Addi LAHOURARI, "The Islamist Challenge: Religion and Modernity in Algeria," *Journal of Democracy* 3:4 (1992).

⁹¹ Anonymous Interview: SOT109. And also challenges nationalist linkages between womanhood and the nation. Please refer to P CHATERJEE, *The Nation and Its Fragments: Colonial and Post-Colonial Histories* (Chichester: Princeton University Press, 1993).

⁹² This is being organised by the Islamic Human Rights Commission among others.

to express Muslim women's grievance. This is in contrast to the language adopted by the French government and French protestors which are expressed in terms of citizenship and identity ("I vote too" and "I'm French and proud" were slogans on banners held by French Muslim women wearing the *hijab*, and other women wearing *hijabs* in the design of the tricolour).⁹³ Despite these differences though, the emergence of a globalised supranational Muslim identity commonly referred to as the *Umma*, reveals a new way of configuring rights and rights activism by Muslim women. Therefore, not only does the concept of *Umma* remove barriers in the construction of the nation, but also generates a globalised community, one which unites believers by a common faith and experience.⁹⁴

However, this global identity and Islamic rights discourse is gendered, and experienced in a gendered manner. Indeed this new global space is still heavily contested, both in terms of the voices emerging and their legitimacy. Certain groups are demanding for an inclusive and expansive space, while others see it as a means to limit the debate to legitimate voices. This is because, the unity of the *Umma* is predicated upon adhering to an Islamic way of life guided by the *Shari'a*, and those who challenge the nature of that way of life, or the *Shari'a*, threaten the very unity and power through which Muslim groups have sought to negotiate and interact with the secular State. Additionally, legitimacy in this global space is still heavily determined by a formal or classical training, preferably within the Middle East. This is to such an extent that some have referred to the Arabization of Islam. Therefore, some Muslim voices and spaces maintain the ability to determine the meaning of women's rights from an Islamic perspective.⁹⁵

⁹³ BBC, *France Stands Firm on the Headscarf Ban* (BBC, 2004 [Accessed 18/05/05]; available from <http://news.bbc.co.uk/1/hi/world/europe/3877873.stm>; BBC, *Headscarf Ban Sparks New Protests* (BBC, 2004 [Accessed 18/06/2005]); available from <http://news.bbc.co.uk/1/hi/world/europe/3405453.stm>

⁹⁴ Nick HOPKINS and Vered KAHANI-HOPKINS, "The Antecedents of Identification: A Rhetorical Analysis of British Muslim Activists' Constructions of Community and Identity," *British Journal of Social Psychology* 43 (2004).

⁹⁵ It worth reminding, that there are also particular sites and voices which maintain legitimate authority to determine the content of women's rights from within secular and neo-liberal positions.

The concepts of complementarity and *hijab* are linked together by the practice and ideals of gender specific roles. The ideals of good women, good wives and good mothers, which provide the practical realisation for some Muslim women of complementarity and *hijab* are examined below. In the context of globalisation this attempt at actualising women's rights in gender roles is particularly pertinent. Despite official statements regarding Muslim States' adherence to Islam, Muslim societies have not escaped the collapse of the extended family and its economic substructure, or the domestic economy. This destruction has occurred in many States because of the takeover of land by capitalist units of production, the expansion of agribusiness, and the export-orientation of the agricultural sector.⁹⁶ As a result, a new familial norm has been created, most often that of the nuclear family, in order to safely place women outside of the public sphere. The ideal of the new wife and mother based on the nuclear family, places women within the caring framework. The idea of the new mother and wife is formed around a cult of domesticity which valorises women's position in the home. However, the modern formation of this setting is denied in Islamic discourses of the ideal wife and mother. The 'new wives' are linked to an idealised past and a continuity with the present through historical references and Islamic symbols. Often cited is the *Hadith* where the Prophet (pbh) repeated three times that a mother's honour and kindness is greatest as an example of this eternal Islam and ideal motherhood.⁹⁷ This suggests that women should remain true to their "traditional" and Islamic function in society, namely within the family. Women are further, upheld and honoured as wives and mothers because of their biological ability to reproduce, and their roles in the socialisation of children (the continuation of ideology). Therefore, it is in this new role and new family unit that women become "good Muslims". In addition, this cult is seen as a form of resistance to the demands of the global economy which forces women into the work place. This challenge is framed in a language of justice, Suhaib Hassan argues that to "make a woman earn a living is an injustice because it implies that what a woman does in the home is not enough."⁹⁸

⁹⁶ Fatna SABBABH, *Woman in the Muslim Unconscious* (Oxford: Pergamon Press, 1988).

⁹⁷ HASSAN, *The Rights and Duties of Women in Islam*.

⁹⁸ *Ibid*.

4.3. *Progressive Islam and Reformism*

Progressive or Critical Islam is defined through a particular orientation that is marked by a willingness to historicise the normative import of particular religious interpretations. Namely, there is a recognition that Islamic practices, and jurisprudence, are conditioned by the social and political contingencies of the socio-cultural settings in which they occur. Consequently, there are two strands which succinctly represent a reformist position. The first is to seek a return to an Islam untainted by historical precedent and cultural habits. In this version it remains possible to factor out culture and history in order to understand the “true” meaning of revelation. The second version, suggests that there is no one true interpretation of revelation and Islamic traditions, but that exegesis and *Ijtihad* should always be understood in the context of the social problems which are attempting to be resolved. In this second vision *fiqh* and *Shari’a* are moot, dynamic and profane.

The desire to return to a “pure” culture free Islam serves as an attempt to find appropriate solutions to the perceived failure of Muslim communities to retain the rightful respect (in thought and practice) of women. This position enables Muslim women to present an Islamic ideal to other members of their community and demand that this ideal is observed. Change and adherence to the ideal becomes the responsibility of the community as a whole, rather than located in the piety and religious observance of women. By positing an ideal, and questioning the existence of a gap between reality and that ideal, allows for answers to be found in society: culture, socio-economic position, and politics. The answer becomes part of the public sphere of activity. Primarily, answers focus upon culture, such that those aspects of a culture which are perceived as oppressive from a women’s rights perspective are denounced as non-Islamic. For example as the coordinator of the Muslim Women’s Help Line in the UK said:

Culture is engrained, the migrants brought their culture, but failed to bring or forgot their religious obligations beyond rituals.⁹⁹

⁹⁹ MUSLIM WOMEN'S HELP LINE, "Telephone Interview with the Coordinator of the Muslim Women's Help Line," (London/Southampton: 2004).

She continues with the example on women seeking a divorce:

... Their family won't let them. '...because in our family, in our culture divorce is never heard of'. Especially for older women, there is a lot of pressure from families, of fear of reactions from brothers and sisters back home (in the Indian Sub-continent), so for many years they 'just put up with it', although now they've lost patience.¹⁰⁰

This reflects the arguments often repeated in the attempt to separate culture and religion, namely that negative practices "occur that are forbidden in Islam." In an interview with the author, Tahmina Saleem, chair of the Islamic Society of Britain women's political participation committee, argued that practices which violate women's rights "are reflections of culture, not of Islam". But, she argued when violations of women's rights occur, Muslim women have an outlet, a back up: "they can go to the book". As with other Muslim groups, it was clear that she considered that violations of women's rights (as granted to them under Islam) occurred because tradition and culture is often confused with faith. She argued that it occurs because "they don't know better." She used the example, that Islam permits assisted marriages but forbids forced marriages, but the idea of assistance is abused because of a lack of knowledge.¹⁰¹ Merali argues that this attempt to form an ethnic-free or pure Islam suggests a moving away from an exclusive concept of faith and ethnicity to one which includes an inclusive normative element. Furthermore, she argues, people are not a single monolithic identity; they hold multiple identities and positions. Consequently, the debate between culture and religion is part of the internal problematiques of individuals searching for a suitable ethical code. It is the way of "negotiating how you live with religion."¹⁰²

Operating from an almost opposite position is the desire for religion to be in negotiation with how you live. Central to the attempt to reclaim Islam from culture, is also the reclamation of Islam from the past. Essential to the demand

¹⁰⁰ Ibid.

¹⁰¹ SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group." The fact that individuals and groups aspire to the separation of culture and religion (and believe that they are doing it), is the important aspect in the conceptualisation of women's rights, and not the 'objective facts' of the matter as to whether or not this separation is possible.

¹⁰² MERALI, "Interview with Arzu Merali of the Islamic Human Rights Commission."

for women's rights, and the underlying logic for this reclamation, is the reinterpretation of *Qur'an* and *Shari'a*. As Amina Wadud argues:

In the Islamic state, as imagined in conventional thinking, women are second-class citizens enjoying no right to self-determination. In historical *Shari'a*, Muslim women are simply appendages to their men, first their fathers and brothers and later their husbands (and possibly, at the end of a long life, finally their sons). Within historical *Shari'a*, the situation is one where Muslim men exercise domination over women and employ a monopoly of political power and force... [historical *Shari'a*] cannot now be appropriately implemented because of its inability to accommodate modern understandings of gender relations and the status of women. Because it is male biased, a new interpretation need to be arrived at – which it readily can – through a new methodology of *Qur'anic* interpretation.¹⁰³

Sonbol argues that one of the reasons for the persistence of this conventional view of women, and the male bias of *fiqh*, is that the interpretation of the *Qur'an* and the formulation of the law based upon that interpretation has largely been a male prerogative.¹⁰⁴ Sisters in Islam (a Malaysian NGO) argue a similar point: that women are regarded as inferior and subordinate to men in modern Muslim societies, is made possible because men have had exclusive control over the interpretation of the text of the *Qur'an* and the creation of political and legal institutions.¹⁰⁵ Two solutions emerge; the first requires a fresh examination of Muslim women's historical status, position and change, and the second requires widening the franchise on interpretation. The first has resulted in Muslim women's history being revealed as dynamic, active and in-lines "the realities of Muslim women's lives, which include but also transcend the boundaries of sacred texts and traditional norms."¹⁰⁶ Challenging the perception that women's status and roles have remained fixed and unchanging over the centuries implies that *Shari'a* and understandings of the *Qur'an* vis-à-vis women have also been applied and understood differently. Another consequence of this new research on Muslim women's history is that it challenges the portrayal of women and their

¹⁰³ A WADUD, "Muslim Women as Citizens," in *The Many Faces of Islam: Perspectives on a Resurgent Civilisation*, ed. Nissim REJWAN (Gainesville: University press of Florida, 2000).

¹⁰⁴ SONBOL, "Rethinking Women and Islam."

¹⁰⁵ SISTERS IN ISLAM, "A Framework on How Interpretation Is Done, Syariat," in *Training Sessions 2003* (Kuala Lumpur: 2003).

¹⁰⁶ John L. ESPOSITO, "A Review of Keddie and Baron (Eds) (1991): Women in Middle Eastern History," review of KEDDIE, Nikki and BARON, Beth (Eds) *Women in Middle Eastern History: Shifting Boundaries in Sex and Gender*, *The American Historical Review* 98:1 (1993).

lives by the religious medieval scholars (who are now used by some Islamists to justify the denial of women's rights). If these medieval scholars are shown to have misunderstood the condition of women in their time, they can no longer provide a reliable basis for interpretation in the present. The second solution to the male bias in interpretation is to de-limit the rights of interpretation from those who are qualified for the authoritative rank of *mjutahid* (one who claims to exercise *Ijtihad*). Thus it is possible to empower every individual to *Ijtihad*.¹⁰⁷ This is a controversial position as it threatens the existing religious authority of Imams, *mjutahids* and other clerics. Their authority is based on life-long learning and reflection on the *Qur'an* and *Shari'a*, the implication that "anyone" can do as they have been doing is resisted.¹⁰⁸

The question then emerges as to how this reinterpretation might be achieved. Rahman is developing what he terms as a "*Qur'anic weltanschauung*".¹⁰⁹ He calls for a reinterpetive hermeneutical process which depends first on formulating an understating of the *Qur'anic weltanschauung* within its historical context, and then second on a revaluation of contemporary social and moral context(s) within which Islamic values may be applied. As Zaki of the Islamic reformation project at the Ibn Khaldun Centre in Cairo argues:

Many verses of the *Qur'an* if interpreted in the ossified traditional manner would be irrelevant to the life of Muslims in this time and age. Modernisation is changing things. And as a result, new ideas are needed about Islam and what it should mean to be a Muslim nowadays. Modernity asks new questions of Islam.¹¹⁰

¹⁰⁷ *Ijtihad* is broadly conceptualised here to include the demand that all Muslims "use their own faculties" in order to reason the Islamic path. Meena SHARIFY-FUNK, "Women, Islam and the Politics of Interpretation: Analysis of the Textual and Contextual Strategies of a Transnational Social Movement" (paper presented at the ISA Annual Conference, 26/02/2003).

¹⁰⁸ For example: "It is important to be careful as to where you take your Islam from, and know where not to go. Different opinions are allowed within Islam so you need to go with what you feel is best. But there are always limits to these differences, and should look to the consensus of scholars on an issue." IQBAL, "Interview with Sajid Iqbal, the Editor of "the Revival - Voice of the Muslim Youth"."

¹⁰⁹ Fazlur RAHMAN, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1982).

¹¹⁰ ZAKI, "Interview with Moheb Zaki of the Ibn Khaldun Centre for Development Studies on the 8th Cairo 2004."

He and Rahman suggest a general movement based on concrete examples in the *Qur'an* – taking social conditions into account.¹¹¹ This requires an acknowledgement of the interactions between text, interpreter and context. Therefore a “critical” Islamic approach balances the claims of the text with consideration of the needs and existential circumstances of the Muslim society and its interpreters.¹¹² This is contrasted with the traditional approach which directs all attention to the authoritative text while ignoring questions about who is interpreting and under what circumstances.

Combined with this approach is a demand for a reflexive methodology and to reinterpret religious traditions holistically. What is proposed here is that answers to social problems sought in the *Qur'an* should be found in terms of the overarching and overlooked textual and contextual values, in order to promote the empowerment of women and the initiation of reflexive change of Muslim societies. In other words, by creating holistic general principles upon which the entire teaching converges and applying these to modern society women’s rights can be realised. However, the question remains as to how to determine what the general principles are, and, how to resolve contradictory elements within the *Qur'an*. The contradictions relate to the difference in tone and content between the verses of Mecca and Medina. In the past these differences have been managed by applying a principle of “gradual revelation” such that the later verses are seen as the most accurate depiction of revelation.¹¹³ Modern scholars have sought to achieve a different attempt at reconciliation by suggesting that some verses are normative, while others are contextual examples, and that is the former which should provide the basis of current *Ijtihad*.¹¹⁴

¹¹¹ Examples of those who have sought to do this are: Al-HIBRI, "Islam Law and Custom: Redefining Muslim Women's Rights", WADUD, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*.

¹¹² SHARIFY-FUNK, "Women, Islam and the Politics of Interpretation: Analysis of the Textual and Contextual Strategies of a Transnational Social Movement", p. 24.

¹¹³ While this is a logical understanding of revelation, its difficulty lies with the later verses seeming contradiction with ideas of democracy and human rights. ZAKI, "Interview with Moheb Zaki of the Ibn Khaldun Centre for Development Studies on the 8th Cairo 2004."

¹¹⁴ A.A ENGINEER, *The Rights of Women in Islam* (London: Hurst, 1992).

5. Conclusion

The beginning of this chapter revealed the importance of ideas upon the ability to enact meaningful visions of the “good life”. The chapter then outlined the particular vision of the “good” as found in liberal human rights institutions and practices. When this is considered in conjunction with the previous chapter it reveals that women’s rights claims are intricately tied to power relations.

However the chapter went on to consider an alternative understanding of the “good” as found in Islamic discourses on women’s rights. By doing so the chapter also shows that the content of women’s rights need not be successfully fixed by the hegemonic truth claims of the neo-liberal agenda. The next chapter moves on to consider the strategies Muslim women employ in order to realise the discursive manoeuvres outlined here.

CHAPTER 4: MUSLIM WOMEN'S AGENCY

1. Introduction

In the previous chapter, agency and structure were theorised in such a way that power and knowledge were intimately linked. In this chapter, the focus is the agency of actors in the 'scapes' identified where power relations may be observed.¹ By acknowledging actors' agency it is possible to theorise change and resistance to power relations. Challenges to power and possibilities for change occur most successfully when fundamental disjunctures emerge at the intersections of various scapes. These scapes are made visible as agents attempt to reconcile the subsequent contradictions in meaning and action of subjects. In many ways, the various strategies of agency by Muslim women re-conceptualising and reformulating human rights practices, and Islamic practices, serve as archetypal examples of these processes.

1.1. Chapter Outline

This chapter explores some of these key issues outlined above in three main sections. It begins by examining the core issues of structure and agency theorisation in International Relations. Second, the specifics of women's agency are theorised by feminist insights into agency and power in relation to human rights discourse. Third, the chapter proceeds to consider Muslim women's strategies of rights in Muslim communities. In this main section of the chapter, the strategies used by Muslim women are examined in two ways: first, the nature and location of these strategies are explored; second, the form and content of these strategies are analysed in two parts, as Islamic strategies and as rights strategies.

2. Strategies and Agency in International Relations

Many attempts have been made to appropriately theorise the relationship between agency and structure in international relations. This thesis does not attempt to provide a final totalising answer to this much argued dilemma. Rather, within this thesis the interplay between structure and agency is

¹ Please refer back to chapter Three for an elaboration of the concept of 'scapes'. Please also consider APPADURAI, *Modernity at Large: Cultural Dimensions of Globalisation*.

recognised without granting causal or ontological priority to one or the other. Suffice to say, social structures, or scapes, do not determine the outcomes of social agents positioned there, but rather make certain actions more probable than others. The concept of habitus outlined in the previous chapter shows that there need not be structural determinism, but agents' actions remain circumscribed by what are loosely termed as the "limits of the possible". The limits of the possible in this particular example are considered at the end of the chapter. In light of these insights particular forms of agency are discussed in this chapter, namely those conceptualised as "strategy". This is examined below in more detail.

Political agency consists not merely of actions that accomplish some definitive social end, but also those engaged with participation in the processes of interpretation and reinterpretation. The possibility to analyse human agency, in relation to the various scapes through which interactions and power is exercised, is realised when patterns of human behaviour emerge. Such patterns are theorised as strategies. These strategies take on many forms but are often conceptualised as resistance. Strategic agency implies more than unorganised informal everyday actions, it also refers to those practices which may loosely be understood as discursive practices. As Wickham writes, strategy denotes regularly reproduced pattern of effects.²

Resistance is theorised in this thesis as activities and agency which incorporate both organised protest, or sustained mass movements, viewed over time, as well as individual agency located in everyday struggles. Resistance is not merely the struggle for resources, such as money, property, food and work, but includes the contest over the appropriation of symbols, of how the past should be understood and labelled to identify rights and violations. Resistance is also the disputes over the facts to which shared values (human rights) might apply, who is violating rights, who is the victim of such violations. Resistance includes the prosaic but constant struggles against institutions and organisations of power.³ As Scott

² Gary WICKHAM, "Power and Power Analysis: Beyond Foucault," in *Towards a Critique of Foucault*, ed. Mike GANE (London: Routledge, 1986), p. 153.

³ SCOTT, *Weapons of the Weak: Everyday Forms of Peasant Resistance*.

argues, some survival strategies, that deny or mitigate claims of patriarchy or other forms of oppression, may be called resistance.⁴

Discussion on power and resistance in International Relations rarely exclude some reference to Foucault's work, mapping the networks of power relations and the sites in which the technologies and techniques of power may be observed.⁵ Foucault's reconceptualisation of power as diffuse, de-centred, yet all pervasive, presents challenges to the possibility for change and resistance. Acts of resistance are understood as tactical and strategic, but power produces, fixes in place, and manages resistances, turning them into supports, targets or adversaries. Resistances are, therefore, objects of power analysis with definite conditions of existence, and are defined against policies. As such it is possible to argue that resistance is determined by the power policies which it challenges, thereby reifying the conditions of existence which made those particular power relations possible. If this is the case, then it is necessary to abandon the concept of emancipation as no relations, or strategies, exist outside of power relations as they simply lead to the development of new networks of power. However, as a challenge to this reading of Foucault, it is possible to suggest that power relations represent one of the conditions of existence of resistance strategies, but do not necessarily determine their outcomes or content.

Theorising Muslim women's agency as resistance need not automatically lead to claims about their totalised subordination. This is enabled when power is not theorised as something the dominant possess and the dominated lack in a hierarchical relationship. The dominating are as much part of the network of power relations, and the particular social matrix in which they are constituted, as the dominated.⁶ Rather, although power is exercised this activity is never complete, especially in the so called "margins". This serves as an alternative conceptualisation of power, such that margins or third spaces do exist in the intersections of scapes and discourses. In the diffusion of power among

⁴ Ibid.

⁵ M FOUCAULT, *A History of Sexuality: An Introduction*, trans. Robert HURLEY (London: Penguin, 1990).

⁶ David Couzens HOY, "Power, Repression and Progress: Foucault, Lukes and the Frankfurt School," in *Foucault: A Critical Reader*, ed. David Couzens HOY (Oxford: Basil Blackwell, 1986), p. 8.

hegemonic projects power is less stable and less totalising, in these spaces, than at core sites of policy and practice articulation. Therefore, Muslim women's site of realisation as subjects occurs in these intersections, and therefore, enables emancipation and moves of disengagement from power structures. It is also possible to argue that it is in the hybrid formations and the "third spaces" where agency and resistance is most visible. Theorising elements of women's agency as resistance enables Muslim women's varied positions and agency to be situated within the social contexts in which they emerge.

3. Feminist Theory and Women's Agency

Women's agency has been further theorised by feminist writers in International Relations to indicate women's specific strategies of resistance and the specific modes of oppression which they subvert. With relevance to this thesis such theorising has developed in two significant strands: firstly, in feminist literature critiquing how women are constructed and identified in human rights talk; and secondly in the development of the concept of patriarchy. These two key strands are addressed below.

3.1. Women as Actors in International Relations and Rights Talk and Practice

This section identifies the ways in which women's agency is premised upon recognising women as agents in international relations and human rights practice. It is divided into three main parts. Firstly it shows how women are present (or not) in mainstream human rights talk. The second part realises that when women are included it is as a binary Other to an already established male norm. The third develops these insights by revealing that women's agency also includes their theorising and knowing of international relations and human rights.

The majority of feminist literature on human rights focuses on the absence of women in international human rights law. This absence is evident in all levels: women are absent as law makers, as subjects of the law, and as knowers of the law.⁷ The extent to which women are considered in human rights practices is

⁷ CHARLSWORTH, CHINKIN, and WRIGHT, "Feminist Approaches to International Law."

constrained by the ways in which women's agency is identified, conceptualised and theorised. Primarily, in human rights talk women are conceptualised in two ways, either as the same or different to men. In conceptualising women as the same as men, within the catch all phrase human, women's meaningful agency is presumed to operate in the same way and in the same places as men's. This construction of woman represents the denial of female-feminine identities and positions. Women's agency is accepted only to the extent that mimics, or can be codified within (read from), existing male strategies. In contrast, the doctrine of human rights through difference

Seeks to compensate women for what we are or have become distinctively as women (by which is meant unlike men) under existing conditions.⁸

However, uniting the two approaches is as Catherine MacKinnon argues that the ultimate failing of existing women's human rights codification is that they initially accept the "male yardstick."⁹ Concealed in both of these approaches therefore, "is the substantive way in which man has become the measure of all things."¹⁰

However, as men have become the substantive measure of human rights European women have become the yardstick by which all women are known. Therefore, women are also known in international relations and in human rights talk as needy Others, as Other women, and as victims. Constructing women in this light is premised on a Eurocentric world vision which presupposes that European women are male already (i.e. have achieved sameness with men). Other women are denied agency in their status as victims and as markers of backward identity positions. Specifically, Muslim women are the visible signifiers of the Others' backwardness. This is because, according to good-governance and neo-liberal rhetoric, in their display and observance of an 'irrational Islam' lies the cause of human rights violations and the failure to develop in Muslim communities. Thus Muslim women are portrayed as both the cause and victim of their Other status. Therefore, only if practices intrinsic to

⁸ MACKINNON, "Difference and Domination: On Sex Discrimination," p.212-13.

⁹ Cited in H CHARLSEWORTH, "Transforming the United Men's Club: Feminist Futures for the United Nations," *Transnational Law & Contemporary Problems* 4 (1994), p. 60.

¹⁰ MACKINNON, "Difference and Domination: On Sex Discrimination," p. 212-13.

Islam (and ultimately Islam itself) are cast off, it has been argued, can Muslim societies develop and progress.¹¹ To that end, in the colonial era, as part of a “civilising mission”, colonialist critics of Islam repeated a long list of atrocities perpetrated on women from which Muslim women should be saved. The emergence of “women” as the centrepiece of the Western narrative of Islam in the latter part of the nineteenth century fused seemingly contradictory ideas of liberal feminism and notions of Western cultural, racial, and societal, superiority.¹² That “Other” men, namely men in colonised societies or in societies beyond the borders of the “civilised” West, oppressed women was to be used in the rhetoric of colonialism to define Islamic societies’ general and comprehensive backwardness as well as to deny Muslim women their agency and subjectivity.¹³ Muslim women had to be saved, as part of the “white mans burden”, but they could only do this with the help of the civilised. In the contemporary era, Muslim women are known within the same discursive strategy, and the message is clear: Muslim women must be saved from a religion that “veils and reviles them.”¹⁴

Indeed “the veil” has become a most potent symbol in the Western media, expressing all that is Muslim, leading to articles, reports and confessionals with titles like “The Other Side of the Veil”, “Egypt Draws Veil Over Top Pop Star”, and “Lifting the Veil”.¹⁵ The coverage given to the speeches of Cherie Booth and Hilary Clinton in November 2001, on the necessity of unveiling women,

¹¹ This rhetoric not only legitimated colonial practices, but combated feminism within the West as well. As Ahmed informs, that Earl Cromer was a founder and one time president of the Men’s League for Opposing Women’s Suffrage in England, AHMED, *Women and Gender in Islam*, p. 153.

¹² While recognising that Feminism is not a monolithic idea, and is heavily fractured, during the nineteenth century liberal feminism predominated. Information on the varying schools of feminism can be found in A. JONES, “Does Gender Make the World Go Round? Feminist Critiques of International Relations,” *Review of International Studies* 22 (1996). Also in V.S PETERSON, “Transgressing Boundaries: Theories of Knowledge, Gender and International Relations,” *Millennium* 21:2 (1992).

¹³ AHMED, *Women and Gender in Islam*, p. 151.

¹⁴ A MERALI, “They Hate Women, Don’t They?” *The Guardian*, June 20 2002.

¹⁵ M BUNTING, “The Other Side of the Veil: Can Islam Liberate Women?” *The Guardian Weekend*, December 8 2001 8/12/2001, L LOGAN, *Lifting the Veil* [Website] (GMTV, 2002 [Accessed 18/06/2002]); available from <http://www.gmtv.co.uk/index.cfm?Articleid=2080>; G SAVILLE, “Egypt Draws Veil over Top Pop Star,” *The Independent* 14/01/02

presented these First Ladies as liberators of women everywhere.¹⁶ In the majority of the unveilings of Muslim women there is a Western feminist proclaiming her third world counterpart's new found rights.

In this way women are known in International Relations and human rights talk as victims, and Muslim women specifically as victims, not so much of "men or certain classes of men, but by an entire body of scriptural canons and ritual practices."¹⁷ Thus Christine Sylvester questions whether in knowing, and making visible, our "Other" women, the organisation of knowledge is reinforced rather than challenged.¹⁸ Indeed, as Bulbeck highlights many "women of colour" have been critical and sceptical of western middle class female academics purporting to reveal and speak of their third world counterparts.¹⁹ Thus in Great Britain, concerns about honour killings are seen as distinct from other forms of domestic violence, and Muslim women are seen as victims of a the "problem" culture, who are unable to make contributions towards potential solutions.²⁰ Furthermore, Other women wonder whether we can know women (any woman) so easily.²¹ If, as many argue, there is no universal signifier of the category woman and womanhood, the boundaries of man-woman and us-Other are maintained by relations of power, particularly the power to identify subjects within these constructs. White feminists arguing for universal women's rights do so premised on a false universalism, which serves to hide the different experiences and situations of women under a blanket of "sisterhood." The blanket of sisterhood, consequently, similarly veils the knowledge "that white women stand in a power relation as oppressors of black women."²² In other words, a feminist theory accounting for women's rights which is predicated on a single-axis theory of sexism ultimately fails to account for the Otherness of race

¹⁶ BBC, "Cherie Blair Attacks Taliban Cruelty," (London: BBC, 2001), Sanjay SURI, *Row over Cherie Blair's Remarks on the Burkha* [Article] (Rediff.com, 2001 [Accessed 28/12/2002]); available from <http://www.rediff.com/us/2001/nov/20uk.htm>.

¹⁷ P CHATTERJEE, *Nationalist Thought and the Colonial World: A Derivative Discourse*, 2nd ed. (Minneapolis: Oxford University Press, 1993), p. 118n.

¹⁸ SYLVESTER, *Feminist Theory and International Relations in a Post-Modern Era*.

¹⁹ BULBECK, *Re-Orienting Western Feminisms: Women's Diversity in a Post-Colonial World*.

²⁰ This is discussed in more detail in the case study of Great Britain.

²¹ SYLVESTER, "The Contributions of Feminist Theory to International Relations."

²² Hazel CARBY, "White Women Listen! Black Feminism and the Boundaries of Sisterhood" in *Cultures in Babylon: Black Britain and African America*, ed. Hazel CARBY (London: Verso, 1999).

and the power relations embedded within it that allows for their position to see all women.²³

As the failings identified above highlight, untangling the relations of power situated in discourses of race, human rights and gender is shown to be near impossible if the many identities and lives of women are incorporated. As a result, recognising women's agency, and theorising the power relationships in which it occurs, need not be contained by the ivory towers of academia. Instead women themselves can be conceptualised such that they are not only knowable in international relations but may know it. In that from their standpoint (whether that is subaltern, marginalised or otherwise) that women may know human rights. This approach is termed "everyday feminist theorising" as it traces the "trails of engagement with the bananas, beaches and bases of international relations."²⁴ As Cynthia Enloe argues, "every time a woman explains how her government is trying to control her fears, her hopes and her labour" new and more accurate theories of international relations and human rights are being made.²⁵ In order to conduct everyday feminist theorising it is argued that the theorist should follow people and events rather than imposing a pre-formed totalising narrative on them.²⁶ Enloe, in her many works, reveals that to follow events and people it is necessary to locate them in their places of action.²⁷ In other words, it is the everyday activities and lives in everyday places where international politics may be known. It is in this vein which this thesis operates: that specifically, Muslim women may construct and know human rights in such a way as to challenge orthodox explanations.

²³ Harold SMITH, ed., *British Feminism in the Twentieth Century* (Aldershot: Elgar, 1990), SYLVESTER, "The Contributions of Feminist Theory to International Relations."

²⁴ SYLVESTER, "The Contributions of Feminist Theory to International Relations," p. 263. Sylvester is making reference to ENLOE, *Bananas Beaches and Bases: Making Feminist Sense of International Relations*. Cynthia Enloe is often credited as being the first to make use of this approach in International Relations.

²⁵ ENLOE, *Bananas Beaches and Bases: Making Feminist Sense of International Relations*, p. 201.

²⁶ SYLVESTER, "The Contributions of Feminist Theory to International Relations."

²⁷ ENLOE, *Bananas Beaches and Bases: Making Feminist Sense of International Relations*; C. ENLOE, *The Curious Feminist: Searching for Women in a New Age of Empire* (London: University of California Press, 2004); C. ENLOE, *Does Khaki Become You? The Militarisation of Women's Lives* (London: Pandora, 1988); C. ENLOE, *The Morning After: Sexual Politics at the End of the Cold War* (Berkeley: University of California Press, 1993).

3.2. Patriarchal Bargain

The second influential theorisation of women's agency in human rights is that developed by Deniz Kandiyoti, which she termed the patriarchal bargain.²⁸ In an influential article she argued women strategically bargain with patriarchal authorities in order to maximise their interests within already established patterns of relations. The concept of patriarchal bargaining implies rational choice decision making in the first instance. However, Kandiyoti argued that the bargains are shaped more by the unconscious aspects of women's gendered subjectivity, since they permeate the context of their early socialisation, as well as their adult cultural habitus.²⁹ She argued that women's strategies varied across communities and classes because the form and mechanism of patriarchy varied across similar fault-lines. These bargains therefore exert powerful influences on shaping gender ideology and on the potential and form of women's active or passive resistance. She also argued that in times of economic change, the nature and form of patriarchy is broken down and transformed, and consequently women's bargaining positions alter.³⁰ This notion of bargaining, also suggests that women are complicit in the maintenance and perpetuation of patriarchal structures as they invest into it through their agency and struggles. Relating this concept to the articulation of women's strategies in Muslim communities forces an awareness of women's partial subordination, and that women's agency and activities should not be automatically equated with equality. As Okely argued:

The danger is that the Western observer, imbued with an ideology which associates the feminine with passivity, is so astonished at finding individual women elsewhere to be self-possessed that s/he confuses individual agency with Western notions of freedom and equality.³¹

In other words, just as power need not be overtly enunciated, nor need resistance. Nevertheless given a theorisation of hegemony as never complete, subordinate agency is only relatively disempowered never absolutely. By including an awareness of patriarchy does not deny women's agency, but recognises that it emerges in contexts of unequal power relations.

²⁸ KANDIYOTI, "Bargaining with Patriarchy."

²⁹ Ibid.

³⁰ Ibid.

³¹ Judith OKELY, "Defiant Moments: Gender, Resistance and Individuals," *Man* 26:1 (1991).

4. Women's Rights Strategies in Muslim Communities

This section brings to the debate more particularity. It first considers the nature of Muslim women's rights strategies, second the section outlines the sites where these strategies of Muslim women's rights emerge, and third it provides a more detailed analysis of Islamic women's rights strategies.

4.1. Nature of these Strategies

The nature and content of the strategies deployed by Muslim women must be considered in order to fully understand the possibilities for transformation of rights and Islam. Following Healey's identification of women's strategies, ranging from overt resistance and defiance to accommodation and complicity, this work theorises women's strategies in three key ways, as contradictory, as self-formative and as expressed in every-day activities.³²

First, as power may be nebulous so may the nature and form of women's agency and strategies. Women's strategies in Muslim communities may be ambiguous, contradictory and constantly changing in different contexts. The incomplete formation of identity and the decisions to prioritise certain identities, at certain moments involves the inclusion of incomplete and contradictory strategic acts. These acts may be individually carried out, but may also include the tacit approval or assistance by other women. Often symbolic compliance will accompany acts of resistance, in order to minimise compliance at the level of actual behaviour, which sometimes leads to the appearance of contradiction.

Second, following from Foucault's work on power and knowledge, it is clear that current technologies of power focus on bodies and sexualities, emerging in biopolitics, or body politics.³³ For Foucault, the social regulation of bodies is inseparable from their incitement to subvert or resist power alignments. The individual, or body, therefore, serves to operate as a site of political, cultural,

³² L. HEALEY, "Gender, Power and the Ambiguities of Resistance in a Malay Community of Peninsular Malaysia" *Women's Studies International Forum* 22:1 (1999).

³³ A ONG and M. PELETZ, "Introduction," in A ONG and M. PELETZ (Ed.) *Bewitching Women and Pious Men: Gender and Body Politics in South East Asia* (London: University of California, 1995); FOUCAULT, *A History of Sexuality: An Introduction*.

economic, and social transformation. The struggles of meaning and values emerge in the everyday strategic acts and decisions of individuals, as well as in their collective actions. As a result (following a feminist methodology), it is possible to show how the constant struggle for rights emerges in women's everyday acts.³⁴ In literature focussing on individual agency, acts of defiance, subversion, gossip, false compliance, and so on, have been theorised as evidence of resistance and as critiques of hegemonic ideologies.³⁵ Some examples may be easily identifiable as resistance strategies, such as women dressing to defy cultural norms or not performing their domestic duties as expected. However, these are not always acts of resistance or strategies for rights, nor do they always include formal political activity. They become identifiable as such, only when understood in terms of the local particularity of relationships and subjectivities within broader social and cultural changes, and when a broad definition of politics is adopted.³⁶

Third, women's strategies are self formative activities. Women's strategic acts of compliance or resistance to rights claims in their communities need not be consciously articulated nor publicly affirmed (although they maybe). However, these strategies are primarily self-formative activities, which they relate to the maintenance and creation of identity positions as well as to material survival. Healey's focus on women's resistance in Malaysia identifies the ways in which key norms and cultural signs and symbols are contested in everyday lives and shows how these struggles over meaning are more than claims for material resources.³⁷ For example, a case study in her research showed how one woman resisted not only her husbands' domestic abuse but also the gender norms which

³⁴ ENLOE, *Bananas Beaches and Bases: Making Feminist Sense of International Relations*.

³⁵ L ABU-LUGHOD, "The Romance of Resistance: Tracing Transformations of Power through Bedouin Women," *American Ethnologist* 17 (1990); Susan ACKERMAN, *Cultural Process in Malaysian Industrialisation: A Case Study of Malay Women Factory Workers* (San Diego: University Microfilms, 1980); HEALEY, "Gender, Power and the Ambiguities of Resistance in a Malay Community of Peninsular Malaysia"; KANDIYOTI, "Bargaining with Patriarchy."; Aihwa ONG, "State Versus Islam: Malay Families, Women's Bodies and the Body Politics in Malaysia," in Aihwa ONG and M PELETZ (Ed.) *Bewitching Women, Pious Men: Gender and Body Politics in Southeast Asia* (London: University of California press, 1995), SCOTT, *Weapons of the Weak: Everyday Forms of Peasant Resistance*.

³⁶ HEALEY, "Gender, Power and the Ambiguities of Resistance in a Malay Community of Peninsular Malaysia", p. 50.

³⁷ Lucy HEALEY, "Gender, Power and the Ambiguities of Resistance in a Malay Community of Peninsular Malaysia," *Women Studies International Forum* 22:1 (1999).

determined legitimate and appropriate responses.³⁸ In this thesis, it is similarly possible to identify women's everyday acts as strategies which challenge conceptual norms of gender, rights, and Islam. By engaging with the normative and ideological frameworks of everyday life these strategies are also self-formative activities. However, adopting this approach incorporates in its analysis Muslim women's strategies that are also concerned with improving their material position.

4.2. Sites of Muslim Women's Strategies

Describing the form and nature of Muslim women's strategies also requires knowledge of the sites where these strategies emerge. In other words, it is necessary to explore the geographies of women's strategies for rights acquisition.

First, it is important to recognise that the sites of Muslim women's agency are not discrete bounded spaces, and that the platforms from which Muslim women may negotiate rights operate at multiple sites. Multiple sites are understood as where a variety of discourses and practices meet. For example, women's strategies to debate female genital surgeries (FGS) occur in three different discursive sites: biomedical discourse, development discourse and Islamic discourses. In the attempts to promote or reduce the practice different discursive strategies travel across these sites so that religious references and bio-medical terms are used by a variety of actors in different sites.³⁹ The insistence by medicinal NGOs of the separation of culture and religion, and continual refer to religious texts, to deny FGS religious authority, and for Imams (and other religious authority figures) to reveal the health implications of the practice through a bio-medical discourse to worshippers, highlights the movements across discourses. The concept of multiple and intersecting sites also refers to where the local and the global meet, adopting Peter Mandaville's conception of translocality.⁴⁰ An example of this may be in the strategies of young British

³⁸ HEALEY, "Gender, Power and the Ambiguities of Resistance in a Malay Community of Peninsular Malaysia"

³⁹ Female Genital Surgeries is used as a term to describe a procedure that varies across communities. It is usually the partial removal of a woman's labia majora, but may include the removal of the labia minor. The practice is also referred to as female genital mutilation and female genital cuttings.

⁴⁰ MANDAVILLE, *Transnational Muslim Politics: Reimagining the Umma*.

Asian Muslim women who utilise the resources and help offered by the British Foreign Office in India if they are subjected to a forced marriage. Further, collapsing and blurring of boundaries between the private and the public spheres of human activity means that their agency occurs and affects both spheres. This divide is subject to assault in the strategies deployed by Muslim women. An example, is the use of religious symbols to insist for a right to employment and yet at the same time demand recognition for domestic labour as work through an exegesis of the *Qur'an*.⁴¹

Continuing with the theme of women's rights strategies existing in the private sphere, Pasha argues that Islamic resistance is primarily located in third world urban spaces where he observes the visible "insertion of an 'Islamic' texture into the social fabric of everyday life."⁴² Muslim women's strategies occur in their everyday activities, located in the private realm of activity. In undertaking housework, in preparing meals, in gossip, in negotiating family relations, women may seek strategies which encourage the adherence and maintenance of their rights. Examples can be found in among working (paid) women's insistence that the *Qur'an* does not require women to do the housework in order to remain in *Ta'ah* (obedience) thereby freeing them from the "double bind" of employment and housework. In these cases, women cite the Prophet Mohammad's marriage and home life as the exemplar or refer to the concept as a marriage contract's purpose is to provide companionship not a servant.⁴³ Other examples relate to personal status codes such as Muslim women's increasing autonomy in deciding appropriate marriage partners (asserting the right to marital choice), in demanding rights of divorce in pre-nuptial contracts, and insisting on the right to pray at work.⁴⁴

However, resistance is not confined to the everyday acts of individuals, and the other key site in which Muslim women strategise is civil society and the public sphere more generally. Civil society is understood as the inclusion of other forms of political organisation which mediate relations between the State and the

⁴¹ This strategy is discussed in more detail in the case studies.

⁴² PASHA, "Globalisation, Islam and Resistance," p. 247.

⁴³ AL-HIBRI, "Islam Law and Custom: Redefining Muslim Women's Rights."

⁴⁴ All of these examples are discussed in more detail in the case studies.

individual. Therefore, women's strategies for women's rights also exist in civil society. In more urban areas attempts are seen to create "a zone of piety" formed in the life and growth in religious centre, mosques and pietist associations. This is contrasted with the zones of *harb* (war and ignorance) which, instead, characterise other modern urban existences. It is not possible to "read" Islam into all the strategies employed by Muslim women. Indeed many strategic resistances originate in marginalisation and strategies located simply in language and the discourse of survival. Some Muslim women's organisations explicitly utilise a non-religious ideology in order to successfully achieve their aims, especially in contexts with a secular polity. This is examined in the following example about Malaysia.

In Malaysia, civil society is a contested space with the formal apparatus of the State attempting to determine its boundaries. The relationship the Malaysian State has with its burgeoning women's non-governmental (henceforth NGO) sector is considerably paternalistic, to the extent that women's activism is said to be scripted and constrained by the State. As Martinez writes, women's NGOs speak from the margins, and speak almost exclusively to the State in a language that is alien to the majority of Malaysian women.⁴⁵ Martinez draws on the example of the sexual harassment campaign, and argues that in a developing country it "seems a little inappropriate", she asks "is this what is the most important issue for the grass roots?"⁴⁶ One can consider the demands and requests made by women's groups. They are all directed to the State, requesting that the Government changes one factor or another rather than speaking to the population at large or demanding that individuals and citizens must change.⁴⁷

Having said this, those women's groups which operate within the Malaysian government's Vision 2020 and Islamic paradigm have been successful in

⁴⁵ Patricia MARTINEZ, *From Margin to Center: Theorising Women's Political Participation from Activism on the Margins to Political Power at the Center* (Copy from Author.) Also at www.philanthropy.org, [Accessed 30/05/2003].

⁴⁶ Patricia MARTINEZ, "Interview with Dr Martinez, Senior Research Fellow of the Asia-Europe Institute, University of Malaya, by Katherine Brown," (Kuala Lumpur: 2003).

⁴⁷ This is despite the fact that in nearly all my interviews, interviewees when asked felt that the most important thing to change was male attitudes. One can consider the Women's Agenda for Change document as an example of this supplication to the State.

negotiating from the “margins”. One key NGO negotiating women’s rights within this development framework, is the National Council of Women’s Organisations (henceforth the NCWO), which like other NGO’s focuses on training and skills acquisition as solutions to women’s rights violations.⁴⁸ Service-providing NGOs agendas dovetail with the government development agenda: it is expedient for the nation as a modernizing State to promote women’s rights located within the paid economy and within the family. The NCWO works closely with the government in order to achieve objectives, for example it has engaged in State pre-budget dialogue sessions since 1981 and provides memoranda to the government.⁴⁹ It is currently involved in a programme called “networking women – empowerment through ICT”, which seeks to promote the benefits of Information and Communications Technology (ICT) and to provide ICT training initiatives.⁵⁰ This neatly coincides with the Governments plan to make Malaysia a key player in the multi-media market through the creation of the multi-media corridor, while at the same time providing forums and networks for women’s groups and women’s issues. Many of the other “projects” undertaken by the NCWO (or its affiliates) are also tied to the “modern” economy.⁵¹ Yet, in an interview with Mrs Guruswamy President of the NCWO, she stated that the NCWOs current way of working was not a philosophical or theoretical decision but one of practicality, “we marched in the 70s” she said, but they found that it was not effective “you have to work with the government otherwise things don’t get done.”⁵²

⁴⁸ The NCWO is an umbrella organisation which develops the skills of other NGO’s in order to tackle women’s rights violations. As well as running its own programmes it seeks to strategise within the governments agenda through lobbying.

⁴⁹ The NCWO, *Memoranda to the Ministry of Finance, Malaysia at Pre-Budget Dialogue Sessions 1981-2001* (Kuala Lumpur: The NCWO, 2002).

⁵⁰ “The National Information Technology Council of Malaysia (NITC Malaysia) functions as the primary advisor and consultant to the Government on matters pertaining to IT in Malaysia’s national development. The Honourable Prime Minister of Malaysia chairs the Council. The Honourable Deputy Prime Minister of Malaysia is the Deputy Chairman and the CEO and President of MIMOS Berhad serves as the Secretary. The Council Secretariat resides in MIMOS Berhad.” Available from: http://www.nitc.org.my/nitc_about.shtml, The NCWO, *Projects - Science and Technology* (The NCWO, 2003 [Accessed 27/08/2003]); available from <http://www.NCWo.org.my> <http://www.NCWo.org.my/projectscience.htm>.

⁵¹ It is worth noting how modernity and being modern, is understood as being feminine. Please refer to: HEALEY, "Gender, Power and the Ambiguities of Resistance in a Malay Community of Peninsular Malaysia," p. 53.

⁵² P.R GURUSWAMY, "Interview with Mrs Guruswamy, President of the NCWO, by Katherine Brown," (Petaling Jaya: 2003).

One of the reasons why Malaysian women's NGOs are successful in negotiating women's rights in line with the modernity discourse is that the women engaged in the NGOs come from social groups that have benefited disproportionately from the development programmes and Vision 2020. Women's NGOs are so much dominated by middle class women that working class women are poorly represented in civil society. Consequently, the problems and solutions are framed through a (global) neo-liberal framework, which is often legalistic and technical in outlook and conceptualisation. As Shanti Thambiah notes

They [the women's NGO's] think that by changing laws women's economic position will change by magic ... Urban poverty is especially camouflaged.⁵³

For example, when a senior member of *Puteri UMNO* was questioned over the double burden of women (as housewives and as workers) her reply was that husbands have to get a housemaid if necessary.⁵⁴ Here women's advancement and empowerment was clearly only envisaged for middle-class professional women, and there was no association with working class women who might become the housemaids she demanded as part of the marital contract. Structural or radical change of the (international) economy (or family) is consequently not considered.

4.3. Islamic Resistance Strategies

This section moves towards a consideration of resistance which is more specific in the form of Islamic resistance, as opposed to resistance that happens in Muslim spaces. There are two main aspects to how Islamic strategies are theorised the first is through a consideration of social and mass movements, the second through the private and individual strategies of identity and empowerment.

Orientalism, or Colonial Discourse, continues to serve as the ideological grid through which neo-liberal knowledge is mapped, operating as its code of

⁵³ Shanti THAMBIAH, "Interview with Dr Shanti Thambiah, Co-Coordinator of the Gender Studies Programme University of Malaya, by Katherine Brown," (Kuala Lumpur: 2003).

⁵⁴ Sharifah SYAHIRAH, "Interview with Education Officer for Puteri UMNO, Sharifah Syahirah," ed. Katherine Brown (Kuala Lumpur: 2003).

interpretation.⁵⁵ The impact for debates on women's rights is enormous, turning women's rights (as conceptualised in the West) into part of the hegemonic apparatus of the neo-liberal world order.⁵⁶ Women's rights have come to signify (and are) part of the global and local consensual apparatus through which the ideas of the elite are transmitted among various layers of society to maintain their privileged position. For example, Furedi shows how campaigns by Western liberal feminists on certain women's rights strengthen the notion that the "West knows best" such that the right of the West to intervene has become a moral imperative.⁵⁷ This presupposed "right to intervene", and assumption of moral authority is expressed in the case of Lieutenant Colonel McSally who began to sue the US government in 2002, for treating her "like a piece of Muslim property" because she was required to wear an *abaya* when off-base in Saudi Arabia in the name of cultural sensitivity.⁵⁸ The support she received from within the U.S.A stemmed from the presumed cultural superiority of the "American way" and is tied to the arguments for reform in Afghanistan. Thus Bob Smith (a Republican Senator) noted,

What makes this particularly bizarre is that we are waging a war in Afghanistan to remove the *abayas* and the very soldiers who are conducting that war have to cover up.⁵⁹

This collapsing of definition between the "War in Afghanistan" with the forced wearing of the *abaya*, but mimics the old colonialist campaigns using "the women problem" as their zenith for racial and sexual superiority claims. The consequence of reinforcing and ideologically maintaining this "moral imperative" is that ideological agendas are being set through unequal power relations of race, class and gender.

⁵⁵ P WILLIAMS, *Concepts of Ideology* (Brighton: Wheatsheaf, 1988).

⁵⁶ The neo-liberal world order is considered hegemonic: a method of governance where the elite rule through consent and coercion, predominantly relying on the former, which is assured through the internalisation of the elites values by all groups and reflected in the institutions and framework of civil and political society.

⁵⁷ This is especially the case with female genital surgeries and polygamy. FUREDI, "The Moral Condemnation of the South," p. 83, 86-87.

⁵⁸ An *abaya* is similar to a *burqua*. D USBOURNE, "The Wrong Stuff," *The Independent*, 08/01/02, p. 1.

⁵⁹ And similarly argues Lionel van Deerlin (former U.S. congressman) "What mockery that the reforms in Afghanistan should be achieved while, in friendlier surroundings, we abjectly copy the medieval mode of Saudi Arabia" Ibid.

Islamic responses to these Western neo-liberal claims operate at a number of levels, and it is important to remember that there is no one single Islamic response, rather there is a multitude of complex positions with religion intersecting with class, race, and gender.⁶⁰ Nevertheless, the most vocal position is that stemming from the neo-Islamic and nationalist positions.⁶¹ In the early periods of modern state formation in Muslim countries, a union between the institutions of religion and nationalism arose, generating class alliances in resisting, colonial rule and later neo-colonialism, and Western cultural and economic penetration in general. A historically determined essentialised Islam, which is alleged to account for Muslims' actions, is presented as the answer to Western Orientalist discourse and domination.⁶² Nevertheless, having accepted the "woman problem" as one of tradition, and fearing Western cultural imperialism and hegemony, or "crusader mentality", women's rights were and are debated within totalised categories of culture and identity.⁶³ Islamist-Nationalists took up the women's question as a problem already constituted for it: namely as a problem of tradition.⁶⁴ The anti-colonist movements framed the women's question as a quest for an "authentic identity" based in the private sphere of religion and tradition, but not as a question of citizenship or public policy. Separating the public and private spheres enabled an "authentic" cultural heritage based in the Middle Ages to be preserved, while manufacture, trade and commerce were able to move beyond this "mythical golden era".⁶⁵ This distinction is justified, by another binary construction between the spiritual and the material, which maps the public sphere as the domain of the material; and the private represents true spiritual identity. Extending this mapping of concepts the

⁶⁰ Just as it is argued that there is no one true Islam, but that it consists of many forms, expressions and texts played out in a multiple of ways in the everyday lives of Muslims. F. HALLIDAY, *Islam and the Myth of Confrontation* (London: I.B.Tauris, 1995).

⁶¹ Neo-Islamic is defined as those positions which operate from a position of intellectual, theological and social reform and revival. Often this term is associated with fundamentalism or totalitarianism. The neo-Islamic movements are seen as twentieth century phenomena which understand Islam in a different way to previous Islamic movements. See also Manfred HALPERN, *The Politics of Social Change in the Middle East and North Africa* (Princeton: Princeton University Press, 1963); I LAPIDUS, *Contemporary Islamic Movements in Historical Perspective* (Berkeley: University of California Press, 1983); I LAPIDUS, "State and Religion in Islamic Societies," *Past and Present* 151 (1996), pp. 3-27.

⁶² HALLIDAY, *Islam and the Myth of Confrontation*, p. 111.

⁶³ Y.H HADDAD, "Islam, Women, and Revolution in Twentieth Century Thought," *The Muslim World* 74 (1984).

⁶⁴ CHATTERJEE, *Nationalist Thought and the Colonial World: A Derivative Discourse*, p. 119.

⁶⁵ MERNISSI, *Women's Rebellion and Islamic Memory*, p. 73-74.

public world becomes “a treacherous terrain of the pursuit of material interests where practical considerations reign supreme.”⁶⁶ It is also typically the domain of the male. The home at its core, it is argued, must “remain unaffected by the profane activities of the material world, and woman is its representation.”⁶⁷

This quest for the “authentic” Islam and pure Muslim woman, as a response to Orientalism’s language of conquest, occurs in contexts with very real economic incursions, such as structural adjustment programmes, and multi-national company exploitation. Building on the nationalist movements in colonial times, neo-Islamic responses view women’s primary roles as mother and housewife, which are considered biologically determined, roles that are seen to symbolically and practically uphold the identity and purity of Islam, and the Islamic nation. Consequently, they advocate female modesty, limiting women’s public roles and gendered segregation.⁶⁸ For example, the Saudi State has forcibly forbidden women from participating in public life, and the Taliban in 1996 sacked all female employees of State agencies, including teachers and nurses.⁶⁹ These “natural”, domestic, options for women are presented as better than Western models of womanhood, which are seen to have resulted in promiscuity, prostitution and the debasing of women.⁷⁰ In Iran, the parliamentary speaker Ayatollah Hashemi Rafsanjani argues that Western women have been “forced to abandon their natural talents, as created by God, and endorsed by men” and consequently have been pushed from their “natural and humane domestic environment” into the workplace, “obliged to adopt shameless and dishonourable roles which go against their gentle and sensitive nature.”⁷¹ And once again in a number of contexts, the *hijab* has become more than a mere item of clothing, symbolising modesty and religiosity, but is additionally seen as a sign of

⁶⁶ CHATTERJEE, *Nationalist Thought and the Colonial World: A Derivative Discourse*.

⁶⁷ *Ibid.*, p. 120.

⁶⁸ Please refer to the previous chapter for a more detailed examination of the justifications for these positions.

⁶⁹ N TOHIDI, "The Issues at Hand," in H.L BODMAN and N TOHIDI (Eds.) *Women in Muslim Societies: Diversity within Unity* (London: Lynne Rienner, 1998), p. 283.

⁷⁰ R RODED, (Ed.), *Women in Islam and the Middle East: A Reader*, p. 16.

⁷¹ Cited in H AFSHAR, "Women, Marriage and the State in Iran," in N VISVANATHAN, et al (Eds.) *The Women, Gender and Development Reader* (London: Zed Books, 1997), p. 319.

resistance against a culturally imperialist West.⁷² Resistance to (perceived) western cultural imperialism is also seen at a State level by Muslim States reservations to the Convention on the Elimination of Discrimination Against Women (CEDAW). Some Muslim States instead offer a relativist platform clearly expressed in the Cairo Declaration of Women's Rights in Islam in 1993. At a local level, resistance to a culturally expansive West occurs in many domains, for example, there is the considerable media interest in "Repentant Stars" who are famous actresses, dancers and singers (mainly from Egypt), who have given up their careers and adopted the *hijab*, and adopted an "Islamic" way of life. These born-again stars are portrayed, by the media, as embattled, waging war against "merchants of lust" and "sex stars", and upholding the moral good of the nation.⁷³

Islamic resistance is often only analysed in relation to external forces; resistance to the homogenizing and alien forces of neo-liberal markets as the material outcomes of Orientalist discourse. However such analysis, if assumed as a complete explanation, women's choices, denies the internality and differences within Islamic resistances. Despite the presentation of unanimity of opinion and faith, attitudes to particular issues do vary. For example, attitudes to women working outside the home alter depending on economic and national needs of the State or community. In the oil-rich based economies of the Gulf, neo-Islamic ideology limits women working outside the home. However in Morocco or Tunisia this is not necessarily the case.⁷⁴ In Bangladesh, as Siddiqi notes, the promotion of an Islamised Bangladeshi nationalism did not deter Ziaur Rahman (who ruled from 1975-1981) from taking advantage of development assistance directed at bringing women out of the home and into the public wage labour sector.⁷⁵ Variations are also present depending on whether Islamic discourses are

⁷² M.M CHARRAD, "Cultural Diversity within Islam: Veils and Laws in Tunisia," in H.L BODMAN and N TOHIDI (Eds.) *Women in Muslim Societies: Diversity within Unity* (London: Lynne Rienner, 1998).

⁷³ L ABU-LUGHOD, "The Marriage of Feminism and Islamism in Egypt: Selective Repudiation as a Dynamic of Post-Colonial Cultural Politics," in J.X INDA and R ROSALDO (Eds.) *The Anthropology of Globalisation: A Reader* (Oxford: Blackwell Press, 2002).

⁷⁴ V. MOGHADAM, *Patriarchy and Economic Development* (1996).

⁷⁵ SIDDIQI, D.M, "Taslima Nasreen and Others: The Contest over Gender in Bangladesh," in H.L BODMAN and N TOHIDI (Eds.) *Women in Muslim Societies: Diversity within Unity* (London: Lynne Reinner, 1998), p. 210-11.

State sponsored or part of a popular Islamic platform. For example, Margot Badran shows how the differences in Islamic ideology between the Muslim Brotherhood and Muslim authorities in Egypt emerged in the 1930s.⁷⁶ Further, the continuing denial of the local embeddedness of Islamic resistances in existing research ensures that, as Kamal Pasha writes,

Global neoliberalism increasingly takes on the appearance of cultural homogenization, sustaining the fiction that allows Islamic politics in its entirety to appear as merely a cultural 'reaction' to globalisation.⁷⁷

He continues to argue that understanding Islamic politics as cultural response to a force originating "out there" denies that Muslim communities are part of modernity. Deriving from this is the indiscriminate mixing of Muslim agents, positions, and interests as categories of research, forcing the focus of analysis towards elements which favour religious infinities.⁷⁸ There is a tendency to lump all heterodox phenomena arising in Muslim communities under the heading "Islamic fundamentalism", and to bracket off all forms of Islamic consciousness as resistance to globalisation, thereby seeing Islam as backward and irrational.⁷⁹ Thus, for the majority of writers, socio-economic underdevelopment and Islamic resistance among Muslim women are not related, nor are they identified with global or national economic and political factors. Instead, their resistance is often presented as part of a broader, trans-historical and enduring conflict between determinate civilisations; part of the "clash of civilisations".⁸⁰

Islamic resistance is however, concerned with economic alienation and marginalisation. Kamal Pasha argues that Islamic movements and resistance were initially designed as self-help mechanisms among the disenfranchised, and have become sources of resistance and alternatives to globalisation as mass consumption.⁸¹ It is also localised, with the various local anxieties and local inheritance. The variation in Islamic movements, in their form, aims, and structures reflect the particular contexts in which they emerge. For example, the

⁷⁶ M BADRAN, "Competing Agenda: Feminists, Islam and the State in 19th and 20th Century Egypt," in D KANDIYOTI (Ed.) *Women, Islam and the State* (Basingstoke: Macmillan, 1991), p. 208-20.

⁷⁷ PASHA, "Globalisation, Islam and Resistance," p. 243.

⁷⁸ *Ibid.*

⁷⁹ LAPIDUS, *Contemporary Islamic Movements in Historical Perspective*, p. 2.

⁸⁰ HUNTINGTON, "The Clash of Civilisations."

⁸¹ PASHA, "Globalisation, Islam and Resistance," p. 250.

role and formation of the Muslim Brotherhood in Egypt is different to the creation and aims of Muslim Council of Britain in the UK. They reflect different concerns, one of immediate survival the other of negotiating diasporic identities and disenfranchisement in British politics and national economy. Furthermore, the extent to which Islamic movements represent resistance to modernity is counterbalanced with the insight that they are also moments of modernity. It is the conditions of modernity which have facilitated their rise, especially in civil society.⁸²

The above considers Islamic resistance as organised public movements but, Islamic resistance also emerges in the everyday lives and private moments of Muslim women. This resistance is not necessarily targeted against globalisation or abstracted economic conditions, instead this resistance struggles against daily moments of subordination and disempowerment. Resistance takes a variety of forms (as discussed above), but what makes Islamic resistance identifiable is the constant referral and appeals to Islamic symbols and references, as well as the outward display of acts of religious observance and devotion. Examples may take the form, among others, of Muslim women attending the shrines of saints, wearing a *hijab* in environments where it is not commonly seen, the formation of women's prayer circles, and an insistence to retain monies earned as granted to them in Islam, and denying causality to globalisation or State powers by appealing to the "will of Allah."⁸³ Islamic strategies concerning women's rights are embedded in attempts to reconstruct and reinterpret what Islam means and what it means to be Muslim. Islamic strategies of rights are also negotiations within modernity. In their globalised modern condition Muslims ask themselves what it means to be Muslim rather than rely on the traditional authority of religious scholars and clerics to determine the content and meaning of Islam. In this sense, the strategies deployed are empowering as they formulate and articulate new senses of public identity. This new sense of consciousness is, in many ways, similar to the idea of self-reflexivity as explored by Giddens, and to

⁸² Ibid.

⁸³ With regards to wearing a *hijab* it is not always the case that it is an expression of resistance; wearing the *hijab* may be also the tool by which Muslim women engage safely within these environments rather than their resistance to them.

the idea of objectification developed by Eickelman and Piscatori.⁸⁴

Objectification and self-reflexivity express the ways in which Muslims becoming increasingly conscious of their identity as Muslims and their reflection on that identity. Eickelman and Piscatori link process of objectification to changes in the forms of cultural production and structural social transformations, but in the final analysis objectification appears contingent on subjectivist developments and changes in Muslims' self-perceptions, rather than on structural or infrastructural change.⁸⁵ Women's rights strategies therefore centre on the reclamation and appropriation of the self. It is the claim to a right to self determination and self-authentication which grounds the development of Islamic strategies, for example, individuals and groups prioritisation of a religious identity in public spaces in order to move more freely within them (such as wearing a *hijab*), or to debate 'secular' political matters (such as the War in Iraq, or development-welfare issues).

4.4. Islamic Strategies for Rights

More specifically Islamic strategies also entail the rearticulation of key concepts and social norms. One key example is that of human rights and Muslim communities' adherence or denial of the obligations and duties contained within international conventions. Muslim women are presenting counter-hegemonic discourses on women's rights. Indeed contrary to the argument that the problems facing Muslim women are distinct from those faced by other women (in that they "stem solely from the substance and values of Islam"), Muslim women are beginning to formulate rights and solutions from within an Islamic framework.⁸⁶ In other words, the substance and values of Islam are providing a normative and methodological position from which to develop alternative and transformative meanings of women's rights. It is this particular strategy which forms the primary concern of this thesis.

Muslim women strategically move from law obedience to law making activities, this provides them with the authority and possibilities for the reformulation of

⁸⁴ EICKELMAN and PISCATORI, *Muslim Politics*, GIDDENS, *Modernity and Self-Identity: Self and Society in the Late Modern Age*.

⁸⁵ ISMAIL, "Being Muslim: Islam, Islamism and Identity Politics."

⁸⁶ EI SAADAWI, *The Hidden Face of Eve*, p. i.

women's rights. This strategy is premised on Islamic reformation, in particular by the application of hermeneutical techniques to re-reading the *Qur'an* and *Sunna*, which is made possible with increasing literacy and mass publication.⁸⁷ Women engaged in this strategy centre the concept of women's rights upon the rights granted to them through new readings of the Holy texts. These are rights granted to them as Muslims, rather than as individuals, or as citizens, and are therefore intrinsically part of the reflexive condition identified above. This section considers the various strategies deployed in the Muslim women rights debate, it does so in three ways. First to be analysed are the attempts made to redefine the actors engaged in women's rights claims. Second, there is an exploration of the strategic redefinitions of the sites of women's rights engagement and practice. Third this section examines the redefinition of the content of the women's rights claims made.

If they want to object [to women working]: They have to feed us⁸⁸

Central to Islamic redefinition of women's rights are concerns about who to claim rights from. This is because, for some, the State is viewed as part of the patriarchal oppression of women and is a construct of former colonial powers. Therefore, the State is, in fact, part of the problem for Muslim women's realisation of their rights claims.⁸⁹ From specifically a women's rights concern, as Pettman highlights, States have long resisted responsibility for women's security from male violence and become complicit by not taking violence against women seriously.⁹⁰ Alternatively, understanding the State as colonial construct, the State is revealed as complicit not only in violence against women, but it is shown to be more concerned with the rights of capital, so that "the interests of global capital are privileged over that of popular national or redistributive goals."⁹¹ For example, as Chinkin and Wright note, the right to development is actually about maintaining State's interests in development, not about the rights

⁸⁷ SHARIFY-FUNK, "Women, Islam and the Politics of Interpretation: Analysis of the Textual and Contextual Strategies of a Transnational Social Movement".

⁸⁸ Respondent to Aleya p.137, Cited in KABEER, *The Power to Choose: Bangladeshi Women and Labour Market Decisions in London and Dhaka*.

⁸⁹ M. HARRINGTON, "What Exactly Is Wrong with the Liberal State as an Agent of Change?" in *Gendered States: Feminist (Re)Visions of International Relations*, ed. V.S PETERSON (London: Lynne Rienner, 1992).

⁹⁰ Jan PETTMAN, *Worlding Women: A Feminist International Politics* (London: Routledge, 1996).

⁹¹ GILL, "Globalisation, Market Civilisation, Disciplinary Neoliberalism."

of humans to development. Within this framework of analysis, development is not about the rights of individuals, especially women.⁹² Rather, the right to development is geared towards the servicing of transnational corporations and international economic institutions as well as the elites of developing states.⁹³ Therefore, women's rights as currently constituted by the liberal, and cultural feminist conceptions, are fundamentally flawed: for there is considerable irony in asking the masculine state to provide such rights.

Therefore, recognising the decreasing ability of the State to ensure and guarantee women's security and rights, one of the strategies employed by Muslim women is to redefine the actors engaged in the rights debate. Muslim women are increasingly writing the State out of their rights demands and replacing it with male relatives and community. This strategy is mainly enacted by adopting an Islamic discourse of women's rights and returning to the text of the *Qur'an*. Within the *Qur'an* and Islamic traditions rights and duties are held through social networks, and therefore rights are claimed within and by communities. An Islamic construction of women's rights is achieved by relating the application of rights to *Shari'a* and Muslim personal law, such as laws on inheritance, divorce and maintenance, or other inter-relational matters. By doing so, Muslim women are not dependent on the promises of the States in which they live but are able to make rights meaningful in everyday contexts.⁹⁴ The adoption and redefinition of two concepts actualise the discourse for Muslim women: *Qu'wama* (men are superior to women) and *Willaya* (male guardianship over women). Underpinning this strategy is that these concepts are made contingent on men's activities and capabilities. In other words, their application is restricted to men who uphold their obligations and religious duties towards women, rather than assuming that these concepts are inalienable rights of all men.⁹⁵ In light of this, a strategy that seeks to include new actors to assure rights is only workable if these

⁹² CHINKIN and WRIGHT, "The Hunger Trap: Women, Food and Self-Determination," p. 306.

⁹³ *Ibid.*, p. 307.

⁹⁴ This is largely rendered meaningless given the continued application of the countries Emergency State Law. This has been in place since the 1980s.

⁹⁵ Hania SHOLKAMY, "Interview with Hania Sholkamy of the American University in Cairo on the 13th April 2004," ed. Katherine Brown (Cairo: 2004). Sholkamy continues that: As a consequence it is vital that any law that upholds these concepts does so with qualifications – they cannot be universally applied, rather they represent traditional privileges accorded because of traditional burdens

new actors (male family members) accept the legitimacy and efficacy of the new Islamic framework. This strategy relies upon men being “good Muslims” and accepting their increased responsibilities. Moreover, it is a strategy only open to women who are prepared to accept an Islamic life view, i.e. one where Islam becomes public rather than private, one where they are “good Muslims”. Below an extended example about Egypt, expands on this strategy.

As indicated in the earlier part of this chapter, nationalism, women’s rights and Islam have impacted upon each other in Egypt’s recent history. Opposition to government modernisation programmes is articulated in terms of Islamic social justice and an equitable Islamic justice system, which suggests that non-State (i.e. religious) forms of authority are expanding the range of actors in the human rights debate. Dissatisfaction has emerged in Egyptian formal politics, as the promises of the nationalist project have not been met. In Secor’s work on Istanbul she notes that many interviewees expressed fears that women were merely pawns in political party aspirations.⁹⁶ This fear, although less directly articulated, was commented on by a number of my interviewees, such that women are promised change and rights, but always after the needs of the nation, as if women are not really part of the nation.⁹⁷ As the Egyptian feminist Huda Sha’rawi reminded her audiences in the early part of the last century; only when women supported men in their endeavours did women receive support for their own struggle.⁹⁸ Women in Egypt were rewarded for their efforts supporting the nationalist struggle through recognition of formal equality in the 1962 National Covenant, in the section “Regarding Production and Society.” Nevertheless, as Fandy and Hearn note, although women were granted formal equality in the constitution, the State has yet to implement these ideals in full, and the informal operation of many State institutions means they still fail to uphold concepts of women’s equality.⁹⁹ Furthermore, the ability of State institutions to fulfil the

⁹⁶ SECOR, "The Veil and Urban Space in Istanbul: Women's Dress, Mobility and Islamic Knowledge."

⁹⁷ This concurs with research by Cynthia Enloe whose work expands beyond the Muslim specific context. ENLOE, *The Morning After: Sexual Politics at the End of the Cold War*.

⁹⁸ TALHAMI, *The Mobilisation of Muslim Women in Egypt*, pp. 4-5.

⁹⁹ Mamoun FANDY and Dana HEARN, "Egypt: Human Rights and Governance," in *Middle East and North Africa: Governance, Democratization, Human Rights*, ed. Paul J. MAGNARELLA (Aldershot: Ashgate, 1999).

needs of women is being eroded by conditions of globalisation, which encourage State actors to proceed with policies of economic liberalisation. This has resulted in changing roles for women, and a slow acceptance of women's paid work because of economic necessity. It has also resulted in an increasing demand for women's rights framed in a language of survival as well as Islamic symbolism. As a result, women's rights needs are being met by civil society and by informal community based associational networks. Further details of the Egyptian case are dealt with in chapter seven. However, what the example above points to is that as the State fails to provide for the protection and adherence of women's rights, Muslim women are seeking rights from alternative actors and using Islamic discourses to legitimise this extension.

Another aspect of the Islamic discursive strategy of women's rights is to reconstitute the geography of rights. Not only is the State conceived as part of the problem, but the community from whom the alternative claim is made is also subject to reform. Those operating from an Islamic platform lay claim to a wider community, the *Umma*, than a territorially-defined nation or locally bound ethnic community. Globalisation has added another dimension to this relationship, one that skews assumed Nation-State boundaries. Diaspora and migration is one aspect of this. The Muslim population in Great Britain shows the changing dynamics of community, faith, ethnicity and territory.

With the settlement of diaspora groups for approximately 40 years in Great Britain, the boundary markers of the Muslim minority communities are changing. In some cases they are no longer marked by ethnicity, but by religion. Converts are increasingly accepted into communities, and marriages among Muslims from different cultural or ethnic heritages are becoming more frequent. This recreation of boundaries has challenged existing practices of tradition:

The second generation are learning more, through Islamic societies (especially University based ones), and there is a change in thinking and a realisation of diversity. That they were only doing certain things because their parents did, not because it was Islamic.¹⁰⁰

¹⁰⁰ "Local Media Rapped over Murder Trials' Sex Slander," *Malaysiakini*, 22/05/2004 2004.

As a result, traditions are changing, and culture is being redefined to include the customs and habits of Muslims from throughout the world. The sites, in which and from which, rights are claimed are no longer confined to a territorial nation or local community, but operate in a transnational space. The use of the internet chat-rooms, discussion forums and websites also broaden the places in which women's rights debates and claims emerge.¹⁰¹ The internet has further transformed the basis of legitimacy for religious authorities, Muslims are now able to easily seek a variety of theological opinions from a range of scholars and choose between them again altering the power relations within communities.¹⁰²

However, it can be argued that these strategies are not necessarily 'Islamic' strategies but survival strategies articulated through a religious medium. The creation of a Muslim community in Great Britain, as opposed to an Asian or Pakistani one, may also be understood as a strategy for dealing with increasing poverty and unemployment, because it gives access to a wide group to rely on for welfare support and to uphold rights claims. The negative changes in economic status and socialisation within Muslim communities in Great Britain can increase pressures to remain static and retreat to conservatism and isolation. Also, these boundaries of community and culture are not necessarily autonomously determined. There is the assumption among the non-Muslim population that to be Muslim is to be Asian, and to be a foreigner. The chair of the women and family development committee for Islamic Society of Britain, in the interview recounted an incident that indicates how these boundaries are formed. The incident related to a female friend who had converted to Islam, there was a misunderstanding at a queue in a shop in the North of England and one man told her to "go to the back of the queue Paki". She had in fact gone to join her non-Muslim mother in the queue. Furthermore, the assumption that the convert was a Pakistani also indicates that being Muslim is somehow alien to Great Britain, that it is foreign. This is supported by studies by the Commission for Racial Equality which indicate that white British people "especially resented Asian, and especially Muslim, people, whom they say as importing a foreign culture into

¹⁰¹ Gary BUNT, *Islam in the Digital Age: E-Jihad, Online Fatwas and Cyber Islamic Environments* (London: Pluto Press, 2003).

¹⁰² Heba Raouf EZZAT, "Interview with Heba Raouf Ezzat of the University of Cairo and Islamonline.Com, on the 29th April 2004," ed. Katherine BROWN (Cairo: 2004).

their country.”¹⁰³ Therefore, the creation of a Muslim community, and its subsequent visibility in the reclamation of Islamic dress by women in urban spaces, may be linked to increasing uncertainty and insecurity of the self and body. Some argue this is a common response when traditional norms and forms of authority fail to perform under economic conditions of liberalisation, urbanisation and community vulnerability.¹⁰⁴

Another key transformation of the sites of women’s rights is to include the private sphere in claims for rights. The private sphere is seen as ordinarily outside the remit of human rights claims but as Islam generates rights according to Muslim women’s roles in the private sphere there are significant attempts to include rights there. This is also part of the redefinition of the content of women’s rights.

The Islamic strategy for claiming rights also entails redefinition of what these rights might include. The Bangkok Declaration and Islamic Convention on Human and Women’s Rights are examples of these in practice. The redefinition of rights also derives from the changes in the power relations among, and within, the different scapes. In particular, within the financescape and technoscapes, the processes of development and development agendas may impact on the decisions and rights strategies deployed by some Muslim women.

Development has not changed the underlying values and norms, but the choices women are making are changing.¹⁰⁵

Women’s rights from within an Islamic framework are using existing norms and values in order to affect change in the choices other men and women make in new conditions. One prominent example is that of the right to employment. Core to the Islamic conceptualisation of women’s right to work and education is the idea of complementarity (as discussed in the previous chapter). This concept enables Muslim women to insist that their work as mothers and housewives are valued, but that it leaves them the choice to enter into employment and further

¹⁰³ COMMISSION OF RACIAL EQUALITY, *Stereotyping and Racism: Finds from the Second Attitude Survey* (London: COMMISSION OF RACIAL EQUALITY, 1998).

¹⁰⁴ Alisa PERKINS, "Review Article: Veil of Tradition, Veil of Resistance," *Text, Practice, Performance* IV (2002).

¹⁰⁵ THAMBIAH, "Interview with Dr Shanti Thambiah, Co-Coordinator of the Gender Studies Programme University of Malaya, by Katherine Brown."

education. Muslim women argue that Islam presents women with a choice whether to remain housewives or to seek employment, whereas non-Muslim women are forced into employment because their partners are not religiously obliged to support them. As Tahmina argued:

...it is not that women should stay at home, but that it is a choice available to them. It is also a religious obligation on men to support financially their female relatives – wives, sisters and daughters. For women there is no comparable duty. Indeed if a woman works she can chose to spend it [her income] on her family but she has no obligation to do so, her husband or father has no rights over her money. To be free from financial worries in the early years of child care is a great benefit to women.¹⁰⁶

These strategies of redefining the content of rights, the sites in which rights are debated and claimed, and the actors drawn into the women's rights negotiations are discussed in more detail in the case study chapters which follow. This section has been necessarily brief, but serves to outline the intersections of geography, religion and women's rights discourse in the agency of Muslim women.

4.5. Limits of these Strategies

Ultimately however some strategies of agency, some movements of resistance are more successful than others in realising the identities and rights of Muslim women. In the main, the limits stem from the contexts in which these strategies are implemented. In relation to the specific strategies identified in this chapter, three factors limit their efficacy in the final moment: how the global economy is understood; how the State is conceptualised; and how conflicting women's rights claims impact on Muslim women's strategic agency.

Bombarded with publicity and hungry to consume, they (the poor) find in religion a means to give them what modernity has so far refused them – a decent citizenship of the global market, or rather global souq.¹⁰⁷

While the Islamic discourse on human rights bear's reference to social and economic justice with measures for an alternative distribution method (one

¹⁰⁶ SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group."

¹⁰⁷ MERNISSI, "Arab Women's Rights and the Muslim State," p. 43.

without interest), the discourse on women's rights emerging from within the Islamic framework prioritises the political, civil and personal status rights already outlined in *Shari'a*. However in contrast, the most successful strategies redefine rights outside of a human rights discourse, with many platforms frequently focussed on development, survival and economic growth.¹⁰⁸ Here the utilization of an alternative non-Islamic discourse is present, one which manipulates the neo-liberal agenda of development and survival. In these cases the negotiations are not with an Islamic community but with a modern secular governance ideology. These instances of rights strategies deployed in Muslim communities reflect the limits of Islamic women's rights strategies that focus on political and civil rights for women. These other strategies are successful because they recognise that the State is engaged in a series of relationships, which situate it in an unequal global system of exchange of commodities and ideas. Consequently, successful rights strategies, while they are frequently located within local contexts and often speak to the State; recognise the interplay between the international and the local. In that by adopting a non-Islamic framework those actively seeking for women's rights in civil society also appeal to transnational concepts such as those popular with policy makers, including governance, and development. Therefore, the strategies located solely from an Islamic discursive context may be successful at a local, or personal, level but may not provide sufficient manoeuvre for alternative women's rights claims to emerge in international relations.

Furthermore, those from whom Muslim women are alternatively reclaiming rights may be unable to do so. The extended Muslim communities and male members of the family may frequently lack the resources and finances to uphold their part of the rights negotiation in the patriarchal framework. In the patriarchal bargain, the exchange for women's service is negotiated with for increased security of identity and of the body, but if the communities in which women live are themselves insecure, then promises of rights to particular interests within those communities are likely to remain unfulfilled. Therefore struggles over rights are also community based, so that for Nawal El-Saadawi,

¹⁰⁸ Please refer to the case studies for a more complete analysis of alternative discourses. In particular, please refer to the Egyptian case study for reference to a survival based discourse.

the first struggle is always nationalism and self determination.¹⁰⁹ Consequently in order for women's rights to be realised the needs and rights of the State, community or nation must also be met. These alternative struggles, present different challenges to Muslim women when considered alongside women's rights claims posited in an Islamic discourse.

Another limit to Islamic human rights strategies identified above emerges because the State may not have been accurately theorised. These strategies require a narrow definition of the State as a starting point for Muslim women's agency. In order to legitimise the new discourse articulated by NGOs, the majority of Islamic strategies for women's rights perceive a separation between religious institutions, civil society and State agents. However, understanding the State in light of Antonio Gramsci's work may result in different solutions.¹¹⁰ Locating rights below and beyond the formal institutions and apparatuses of the State ignores the exercise of power through entities that employ technocratic control over peoples lives indirectly connected to the State. Women's unequal relationship with the State will always be mediated through direct subjection to individual men, or groups of men, whether these men are defined as husbands, sons, fathers, Imams, social workers or judges, and so forth.¹¹¹ Radical feminism highlights that most women spend at least part of their lives in subjection to other women – including mothers, mother in laws, and teachers.¹¹² Muslim women are, therefore,

Not necessarily lacking in human rights because of State action or failure of State action... but because of the existing construction of women's natural position within existing power structures¹¹³

Subsequently human rights expressed solely in relation to the State as the sum of its formal institutions cannot redress the unequal position of women within it. Further by locating women's rights within pre-existing social relations embedded in the State, fails to consider the operation of power. As a result, Islamic

¹⁰⁹ El SAADAWI, "Out of Egypt: A Talk with Nawal El Saadawi, T. Patterson, and A. Gillam."

¹¹⁰ Please refer to the Introductory Chapter.

¹¹¹ S. WRIGHT, "Economic Rights and Social Justice: A Feminist Analysis of Some Human Rights Conventions," *Australian Yearbook of International Law* 12 (1992), p. 249.

¹¹² It is also noted however, that these dominant women are also always themselves subject to male domination either through individual men, or institutions controlled by men, or the state itself. Ibid.

¹¹³ Ibid., p.249.

strategies may reinforce certain social relations at the expense of women's emancipation through the transformation of rights.

Also, limits to Islamic strategies redefining women's rights exist because of the presumed holism within the religious frame of reference. Islam is seen to provide a complete way of life, which if followed correctly, offers a harmonious and unified community and system of rights and duties depending on ones relation within it.¹¹⁴ However,

The manifestations of the power-resistance nexus may be quite perverse, obscure and confusing in their effect and intent.¹¹⁵

It is apparent that Islamic women's rights strategies are effective in some scapes but not in others. For example, as the previous paragraphs show, these strategies may be effective in the ideoscape but not in the financescape. The relational positioning of Muslim women and the discourses of Islam within the scapes and the movement between them force a realisation of diversity. The strategies employed may impact differently in each – positively in some, and not in others. In that, Muslim women's rights claims operating from an Islamic reference may in fact reinforce power relations under certain conditions and challenge them in others. For example, the alliances built between Muslim women and various nationalisms are temporary, and the bargains made will have to be negotiated as nationalist contexts and social movements change, especially under conditions of globalisation. Furthermore, the Islamic frame of reference, in assuming holism of community, denies power relations operating within the *Umma*, which include questions about the legitimacy of certain rights claims over others.

5. Conclusion

The strategies deployed by Muslim women have transformed the content of women's rights such that a rights based discourse becomes meaningful and useful to their everyday lives. In a sense, what has been achieved is a transposition of their demands for social and political recognition into a religious

¹¹⁴ Of course, who determines "the correct" way of following Islam contested and remains central to any claims about its efficacy for providing women's rights.

¹¹⁵ HEALEY, "Gender, Power and the Ambiguities of Resistance in a Malay Community of Peninsular Malaysia" p. 50.

register.¹¹⁶ The relationship between rights and agency is shown to be complex and nuanced, and, in no small way, related to the socio-economic conditions in which everyday lives and identities are situated. As a result the strategies employed by Muslim women are not entirely successful, yet neither are the hegemonic projects of other actors and agencies. The modes of Islamic strategies and identity depend on the national context, which combine the cultural codes of the country with conceptual categories that can be traced back to the *Qur'an* in more or less orthodox routes. In this sense it is the roots and routes of Islam which create an understanding of the production of rights and identity among Muslims. Therefore, Muslim women's negotiating platforms move among a variety of scapes, and in order to account for their agency theories of rights and power need to travel with them. Extending the arguments presented by Ahmad, the construction and appropriation of rights, and identity, is relational.¹¹⁷ A monolithic Islamic strategy is, therefore, resisted in the rights claims of Muslim women as they seek to negotiate from a variety of positions of power and weakness. Muslim women's agency also negotiates with, and resists, the imposition of false essentialisms by presenting alternative visions of "the good life". The following case study chapters will assess the particular impacts of the local on these broadly identified strategies.

¹¹⁶ G. KEPEL, *Allah in the West: Islamic Movements in America and Europe*, trans. S. MILNER (London: Polity Press, 1997), p. 234.

¹¹⁷ ISMAIL, "Being Muslim: Islam, Islamism and Identity Politics."

CHAPTER 5: INTRODUCTION TO CASE STUDY CHAPTERS.

1. Introduction

This chapter presents the methodological framework which forms the basis for the following section of this thesis. The chapter will first outline the methods used in the case studies and the decisions for making them. The second section introduces the case studies themselves by presenting comparable country statistics and information generated from various sources, this section will also incorporate a preliminary account of the target population and sources used. This second section considers each of the national contexts in turn: Malaysia, Egypt and the UK. It outlines the constitutional and legal frameworks, the political contexts, the economic position of each country, and the major international relations of each State forming a case study. The section then presents a series of comparable quantitative data sets, to further aid the situating of the women's rights debates in each case study. The third section outlines the specific rights which I have focused on and an account of why the Convention for the Elimination of Discrimination Against Women (henceforth CEDAW) has been used as a platform for analysing women's rights in Muslim communities. The aim of this chapter is to provide sufficient grounding in the national contexts such that the detailed analysis of women's rights within them can proceed.

2. Methodology Used in Case Studies

The thesis is concerned with the processes of how women's rights are known, experienced and produced in Muslim communities. The thesis does not seek to catalogue rights violations and rights provisions, therefore the data generated and examined must enable the broader processes of human rights construction to be analysed. The method chosen also has to reflect the epistemological and ontological foundations of the thesis, which are grounded in a philosophical position that is broadly "interpretivist". Consequently it requires a method that develops an understanding of the depth and complexity of actors' human rights strategies and understandings, as well as identifying social forces and patterns. Such a method is preferred to one which focuses on surface comparability, such

as large scale surveys or reliance on existing data sets, such as labour force surveys or census material.¹ As a result, in order to fully appreciate the embeddedness of human rights conceptions a case study method was adopted. The use of case studies reveals diversity and similarities in otherwise assumed homogenous groups, namely Muslim women. As Rhodes argues, the case study method can provide analytical, not statistical, generalisations through which the initial research questions can be answered.² This is possible through adopting “thick description” while keeping in mind theoretical positions and hypothesis. However my adoption differs significantly from traditional case study approaches, which operate largely from within a positivist position. Instead, my case studies will establish the constructed nature of women’s rights, by examining the way rights are experienced, understood, acquired and secured.

In order to conduct my case studies I sought qualitative and quantitative data from primary and secondary sources. Of particular use were in depth semi-structured interviews with actors engaged with the construction of women’s rights in their particular contexts. These interviews were conducted in person, over the telephone, or via the internet. In the UK I also used open ended questionnaires distributed via a Muslim organisation. I gave each respondent the option of anonymity in their responses and granting confidentiality. Some accepted this offer for the entirety of the interview, others for selected parts, and others did not. I also sent each individual a copy of my notes that I had made during the interviews to ensure that I had not misrepresented the views articulated. The majority of the interviews were not audio recorded. This was because during my pilot study I found that many women were uncomfortable with recording the interviews, and preferred that I took notes, thereby giving them the possibility of adding and altering what they had said at a later date. Some interviewees were also concerned about who might hear the tapes in the future. In addition secondary sources were drawn on: government reports, existing data sets, and other primary data received by previous research groups.

¹ This is not to deny the value that such analysis based on this type of data can bring to the social sciences.

² R.A.W RHODES, "The Institutional Approach," in David MARSH and Gerry STOKER (Eds.) *Theory and Methods in Political Science* (Basingstoke: Macmillan, 1995).

These are identified in more detail throughout the thesis. A list of interviews conducted maybe found in Appendix B.

3. The Countries

The thesis is concerned with formulating an in-depth approach to understanding the processes and contexts in which Muslim conceptions of women's rights are developed and secured. The case studies chosen reflect different contexts, and therefore the different constraints and considerations that Muslim women face globally. The case studies are deliberately chosen for their diversity. However, the commonality of Islam in each enables a comparative approach. The case studies cover three continents, three differing socio-economic situations, and three differing linguistic-cultural bases (UK, Malaysia and Egypt). The focus is global rather than regional because the latter is considered too limiting, especially when the impacts of socio-economic forces and the international human rights regime are incorporated into the analysis. Two of the case studies concern women living as part of a majority group within those states (Malaysia and Egypt), while the last (the UK) investigates the rights of women living in a minority group within that state. This diversity was chosen to account for the role and impact of the State in determining the rights of women in Islamic communities. The case studies were also chosen for the accessibility of data, and minimising ethical concerns relating to gender, confidentiality and privacy. This section will now analyse each country in turn, firstly by considering the legal and constitutional context of human rights claims, second the economic position, and third the international context as applicable to each country.

3.1. Malaysia

Malaysia is not a signatory to a number of human rights conventions, including the Convention for Economic and Social Rights and the Convention for Political and Civil Rights.³ Malaysia has ratified the Convention on the Rights of the Child, and Malaysia ratified CEDAW in 1995 (in time for the Beijing International Conference for Women). It held reservations against articles 2 (f), 5 (a), 7 (b), 9 and 16 of CEDAW as they contradicted Malaysian interpretation of

³ http://www.bayefsky.com/html/malaysia_t1_ratifications.php

Shari'a law. In relation to article 11, Malaysia interprets the provisions of this article as a reference to the prohibition of discrimination on the basis of equality between men and women only. In February 1998 Malaysia made a partial withdrawal to of reservations to articles 2(f), 9(1), 16(b), 16(d), 16(e) and 16(h).⁴

The political system is based on federal democratic government, with its constitution enshrining the rights of citizens' vis-à-vis the state. The political process remains racialised with political parties explicitly drawing support from ethnic groups. The main parties have separate "women's wings" which represent the female constituency and membership of the party. This is despite the rhetoric of a "one nation Malaysia" under the Asian Values debate, which is discussed later in more detail. The legislature is divided into two opposing coalitions, with *Barisan Nasional* maintaining overall control. For 22 years Mohammad Mahathir was head of State until 2004. However since the introduction of the Internal Security Act 1987, such rights are compromised. Malaysia's legal system is complicated by the federal structure of the State. There is federal law, which applies to criminal matters, then there is federal family law, and then there is State *Shari'a* law, which varies in each of the 13 states. An example of the complexity of the legal system is the introduction of *Hudud* (*Shari'a* criminal law) in two *Negeri* (states) ran by the opposition party: *Parti Islam Semalaysia* (Malaysian Islamic Party). While the law to introduce *Hudud* was passed at *Negeri* level, they are unable to implement the new laws as they do not have the legal jurisdiction. Another element suggesting the complexity of the system is the variety in laws regarding polygamy and divorce, resulting in state-hopping by citizens to those states more favourable to the claimant. The role and function of NGO groups are governed by strict censorship laws and the Internal Security Act.⁵ As a result, women's NGOs will cushion their language so that they cannot be construed as extremist or militant, this is particularly the case for NGOs whose primary function is lobbying. For example, women's NGOs in their

⁴ Information is from the United Nations, Multilateral Treaties Deposited with the Secretary-General, from BAYEFESKY, *Malaysia: CEDAW Objections, Reservations and Declarations* (02/12/2004 [Accessed 13/03/2005]); available from http://www.bayefsky.com/.pdf/malaysia_t2_CEDAW.pdf.

⁵ In 1995 there were 250 women's NGOs, of which 150 were active in Malaysia (out of over 10,000 NGOs). R. ARIFFIN, "Feminism in Malaysia: A Historical and Present Perspective of Women's Struggles in Malaysia," *Women's Studies International Forum* 22:4 (1999), p.420.

initial statements will ensure that they respect the sanctity of the family, state and religion. Consequently their claims are made within these parameters.⁶ A significant event scripting NGO relations with the Federal State was the creation of the Women's Affairs Department (HAWA) in 1983. HAWA has played a significant part in managing the women's rights movement, to avoid clashes with a perceived religious audience.⁷

Political debate on women's rights in Malaysia emerged as early as independence from British colonial rule in 1957.⁸ Since independence, women's rights and women's roles have been linked to two main attempts at binding an ethnically divided state: nationalism and Islamism. Initially, legitimacy and authority was sought through the provision of "development" and economic growth, coupled with ideas of nationalism and democracy. As a result it is difficult to separate out the economic and political policies presented by State and other actors. Indeed this linkage continues into the current era. Throughout Vision 2020 (the main document which espouses the BN coalition political vision for Malaysia) are indirect references to "Asian Values". In the document are a series of "challenges" which reveal the linkage between economic development and political values; the "seventh challenge" for example, is the need to develop "a social system in which society will come before self, in which the welfare of the people will revolve not around the state or the individual but around a strong and resilient family system."⁹ Within the framework of the national economic plans for development, women's economic participation is explicitly courted, such that one of main aims within the Seventh Malaysia Plan (1996-2000) was to "promote greater female labour force participation."¹⁰

⁶ Ibid., p. 241.

⁷ HAWA has now been renamed as the Ministry of Women and Family Development. This is discussed in more detail in Chapter Six. Lai Suat YAN, "The Women's Movement in Peninsular Malaysia, 1900-1999: A Historical Analysis," in Meredith WEISS and Saliha HASSAN (EDs.) *Social Movements in Malaysia: From Moral Communities to NGOs* (London: Routledge/Curzon, 2002).

⁸ This is not least because of Malaysian women's participation against the colonial rule. ARIFFIN, "Feminism in Malaysia: A Historical and Present Perspective of Women's Struggles in Malaysia."

⁹ Mahathir Dr MOHAMAD, *The Way Forward - Wawasan 2020 - Vision 2020* (The Prime Ministers office, 1993 [Accessed 13/08/03 2003]); available from <http://www.wawasan2020.com/vision/>

¹⁰ Shanti DAIRIAM, "Gender Mainstreaming: Case Study of Malaysia," (International Women's Rights Actionwatch, Asia Pacific, 1996).

However, as the race riots of 1968 indicate, nationalist ideology alone was not able to unite a divided Malaysian society, nor was it able to give the federal State the authority it needed to seek a deepening of its rule. Consequently, the Malaysian State, and the ruling political party, sought moral authority for their economic and political modernisation programmes in political Islam or Islamism, which Mahathir labels as “progressive Islam”.¹¹

While a “*Bangsa Malaysia*” (One Nation inclusive multi-ethnic Malaysia) is therefore implied, affirmative action for the ethnic Malay population is explicit, which means that policy and politics are still informed by race.¹² Ethnic stratification informs all aspects of Malaysian politics and economics, with political privileges accorded to the numerically dominant Muslim-Malay population to counter the economic wealth of the Malaysian-Chinese population.¹³ Furthermore, as new Malay middle class evolved benefiting from pro-Malay aspects of government policies, it became apparent that they saw their nationalism through Malay-Islamic rather than the more widely conceived “Asian” identity.¹⁴ Increasingly Vision 2020 became linked to the Islamic discourse through the manipulation of the “progressive” Islamic agenda in order for the State to remain the final arbiter of the Malay-Muslim middle class aspirations. Asian values became synonymous with Muslim values, and Malaysian Islamic institutions one after another have confirmed the “Islamic” appropriateness of Vision 2020. Economic growth is presented as a legitimate Islamic goal.¹⁵ For example, in a book outlining the objectives and history of the Institute for Islamic Understanding Malaysia (IKIM) there is a section titled;

¹¹ This is contrasted against Traditional Islam in the Malaysian context, which is promoted by the opposition party PAS.

¹² For example the introduction of quota systems, of poverty alleviation packages aimed particularly at Malay communities, and financial assistance and tax reduction granted because of being Malay.

¹³ Nazish ANSARI, "Malaysia: Limitations of the Human Rights Discourse and the Deployment of Rights in a Religious Identity Debate," *Muslim World Journal of Human Rights* 1:1 (2004).

¹⁴ The policies which have benefited the Malay middle classes are mainly the New Economic Policy, Look East Policy, land redistribution policies and most recently Vision 2020. HILLEY, *Malaysia: Mahathirism, Hegemony and the New Opposition*, p. 184.

¹⁵ Some of which were set up by Dr. Mahathir such as the Dakwah Foundation and the Islamic Economic foundation. This is also despite the fact that earning money through interest is forbidden in Islam.

“Islam’s contribution towards achieving the Objectives of Vision 2020.”¹⁶ The Federal state, through “Vision 2020 as Asian Values as Islamic Values”, has sought to manage the cultural production of civil values and of civil society, including ideas about human rights and women’s rights. This has had a significant impact in the ways in which women’s rights are discussed in Malaysia. Through the increasing Islamisation of the public sphere Malaysian conceptions of women’s rights are mediated by Malaysian Islamic references, language, norms, symbols and rhetoric.

Linked to the development of the State’s moral authority through political Islam is the continued emphasis on development and economic growth. Since independence Malaysia has undergone considerable economic development, with rapid urbanisation and industrialisation, especially in the Klang Valley (around Kuala Lumpur). This economic development was, however, threatened by the East Asian Financial Crisis of 1997, in which Malaysia became subject to considerable scrutiny over its regulation of financial markets, trading accounts and overall faith in its economic policy. This crisis remains politically significant because it saw a public rift between the Prime Minister (Dr Mahathir) and his Deputy (Anwar Ibrahim).¹⁷ Unlike its neighbours, Malaysia did not comply with IMF and World Bank demands, and pursued its own economic policy.¹⁸ Recently, this policy has focused on the electronics and new media industries, with the creation of a “multi-media super corridor” and the continued protection of capital and investment in the “free trade zones”. The current government is continuing with its predecessor’s aim to acquire “developed nation status” by 2020, as summed up by former Prime Minister Mahathir Mohammad’s “Vision 2020”. For women these policies have significant impacts on their status, position and roles in the economy and society as they have become central reserves of labour predicated upon a gendered division of labour. Although 48% of women are in the working age population, only one third are active in the

¹⁶ SYED OTHMAN ALHABSHI, *An Inspiration for the Future of Islam: A Brief History of the Institute of Islamic Understanding Malaysia* (Kuala Lumpur: IKIM, 1994), pp. 42, 46.

¹⁷ Since then, Anwar Ibrahim has been tried and convicted on Sodomy charges, in a trial that was widely condemned. He remains imprisoned, but his wife and followers have formed KEADILAN as an opposition party that poses some challenge to the incumbent Party.

¹⁸ HILLEY, *Malaysia: Mahathirism, Hegemony and the New Opposition*.

labour market. In 2000 women's labour force participation remained at 44.5%.¹⁹ Women mainly work in the manufacturing (primarily electronics) and service industry.²⁰ Later on these aspects are discussed in more detail when examining Articles 10 and 11.

Vision 2020 is a rallying call for Malaysian development. It is expressed beyond economic terms, seeing economic development as a means to an end, namely "developed nation status by 2020."²¹ Ultimately, Vision 2020 is an affirmation of neo-liberal economic practices, with a desire for growth rates of 7%, privatisation programmes, and rapid industrialisation, with access to free markets of goods and services. However, Vision 2020 attempts to move beyond economics to create an overarching framework for national development. Generated for all Malaysians within Vision 2020, is a drive towards a progressive, multi-racial, multi-faith, economically just and caring society couched in a language of nation building. The implication is to tie economic policy to wider foreign and socio-moral norms. Indeed, through the articulation of "Asian Values" rhetoric, economic growth is legitimately prioritised over any human rights claims including women's rights. This is discussed in the following section.

The "Asian Values" discourse, which emerged in the 1990's as the dominant ideology of South East Asia, consists of a complex combination of arguments and assertions. However, Milner summarises them to include five key points. First, Asian Values stress loyalty and an understanding of self defined by the roles and relations the self has with society, while prioritising the community. Second, the economic success of the "Asian Tigers" prior to the 1997 crisis was built upon Asian Values. Third, "in the process of developing modern political systems in Asian societies due recognition must be given to the need to ground these systems in the specific Asian cultures in which they are to be situated". Fourth, a shift in international relations is detectable, with a re-centring in the East. Fifth, within the Asian values discourse there is a notable disquiet

¹⁹ PRIME MINISTERS OFFICE, *Malaysia Plan 8, Chapter 8* (Prime Ministers Office, n/d [Accessed 12/02/2005]); available from www.epu.jpm.my/new%20folder/RM8/c20_cont.pdf

²⁰ Ibid.

²¹ Dr MOHAMAD, *The Way Forward - Wawasan 2020 - Vision 2020*.

regarding certain “Western” values, especially those seen antithetical to the Asian respect for community and discipline, which include assertions for women’s rights.²² Asian Values are primarily a cultural relativist challenge to the universal human rights discourse presented by the United Nations and Western states. Human Rights as articulated by the West are seen as a tool for cultural imperialists. Women’s rights as articulated by UN institutions are similarly framed. However, women’s rights, in particular women’s access to the formal economy is promoted within the development agenda of the government. Women’s rights are tied to an Islamic and Asian Values agenda as they are promoted alongside the concept of nation building. As a result only those rights which are seen to benefit the economic development of the nation are incorporated by the mainstream women’s agenda. Consequently the human rights agenda within Malaysia has been severely restricted, limited to minimal demands for political liberalisation and personal emancipation tied to political participation in a democratic process. Criticism of unequal economic and social structures have not been successfully included into the human rights debate because of the linkage with development discourses.²³ Internationally, the alternative framework of Asian Values has allowed Malaysia (and Singapore to some extent) to play the role of the leader of the Global South as they are seen to challenge the power and logic of Western hegemony. However, the success of the Asian Values framework was muted by the collapse of these economies in 1997, and in Malaysia the discourse has become less culturally focused.

3.2. Egypt

Egypt ratified CEDAW in 1981, but holds reservations against articles 2, 9(b), 16 and 29(b).²⁴ With regards to Article 2 of CEDAW Egypt argued:

The Arab Republic of Egypt is willing to comply with the content of this article, provided that such compliance does not run counter to the Islamic *Shari’a*.²⁵

²²Anthony MILNER, "What's Happened to Asian Values?" in *Beyond the Asian Crisis*, ed. David GOODMAN and Gerald SEGAL (London: Routledge, 1999).

²³ANSARI, "Malaysia: Limitations of the Human Rights Discourse and the Deployment of Rights in a Religious Identity Debate."

²⁴All information is from the United Nations, Multilateral Treaties Deposited with the Secretary-General. From BAYEFESKY, *Egypt: CEDAW Objections, Reservations and Declarations* (Bayefsky, 2004 [Accessed 12/02/2005]); available from http://www.bayefsky.com/pdf/egypt_t2_CEDAW.pdf.

Egypt is also signatory to numerous international rights covenants, including (but not exclusively), the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention on the Political Rights of Women; the Convention on the Rights of the Child; the Slavery Convention, the International Convention on the Elimination of All forms of Racial Discrimination; the Convention for the Elimination of Discrimination against Women; and the Convention on the protocol of the Rights of All Migrant Workers and Members of their Families.

The political system is based on democratic government, with its constitution enshrining the rights of citizens' vis-à-vis the State.²⁶ The role and functioning of non-governmental organisations is governed by the 2002 NGO Act. Egypt's legal system is divided into three parts: first are the criminal courts, second are the Shari'a Family courts, and third are the military courts. The constitution stipulates that citizens are equal before the law. The constitution also guarantees that men and women have "equal public rights and duties" (article 40), and articles 41 through to 56 and article 62 uphold basic political and civil rights. However since the introduction of Emergency Law Act in 1982 (Act 50 of 1982), the rights outlined in the constitution are compromised. This law enables the President to limit the rights of the people for security reasons and to try civilian citizens in military courts with limited rights of appeal to other legal institutions. As the State Report to CEDAW shows, when a state of emergency has been legally proclaimed the President of the Republic is empowered to "take appropriate measures to avert the danger threatening the country, and maintain security and order."²⁷ What form these measures might take is left unspecified, as is the criteria by which the measures might be judged as appropriate.

The history of women's rights dialogue and feminist demands in Egypt are intermeshed with the history and narratives of nationalism and colonialism.

²⁵ EGYPT STATE REPORTERS TO THE U.N., "Core Document Forming Part of the Reports of the States Parties: Egypt 15/01/93 (Hri/Core/Add.19. (Core Document)," (Geneva: Office of the United Nations High Commissioner of Human Rights, 1993).

²⁶ Ibid. paragraph 15

²⁷ Ibid. paragraph 61.

However, the early nationalist movements co-opted the feminist demands by insisting that modernisation and true revelation could not be achieved without women's liberation.²⁸ By the time of the creation of the first organised women's movement in Egypt in the 1920's, the realisation of women's rights was seen as part of the nationalist and modernising struggle, with feminist speakers arguing that women's needs would be best met by helping the nationalists in their cause for independence. Women's struggles for rights in Egypt continue to be defined as nationalist struggles, both by those operating within an Islamist framework or a secular neo-liberal one.

In Egypt the feminist and women's rights movement cannot easily be separated from class divisions. The calls for women's liberation and women's rights by early feminists were mainly heard among wealthier and educated upper and upper-middle class women. This served to reinforce the perception of non-elites that feminism and women's rights are meaningless to "ordinary" Egyptian women. Nevertheless, class barriers were challenged and many issues impacted on all women, not least those effecting inheritance entitlement.²⁹ The transformation towards a capitalist economy at this time increased the working male urban population. As a result many women lost their jobs and were forced back to the home helping recreate the myth that Muslim women were not engaged in public activities.³⁰ These changes in Egypt show that feminist developments in Egypt are not necessarily alien imports, but bound to the context in which it is made meaningful and reproduced.³¹ As the CEDAW committee noted:

At the beginning of the nineteenth century, Egypt began its modern renaissance by building a State influenced by Western culture. An

²⁸ Other nationalists did not see the struggle in terms of the need to modernise and develop in a style similar to their colonial rulers, rather others instilled in nationalism a national pride in culture and history. As a result their programme for reform was to uphold *Shari'a* and Islamic values generally. These movements are discussed later on in this chapter.

²⁹ Nawar Al-Hassan GOLLEY, "Is Feminism Relevant to Arab Women," *Third World Quarterly* 25, no. 3 (2004). Also C.F. M.A. FAY, "Women and Waqf: Property, Power and the Domain of Gender in Eighteenth Century Egypt" in M.C. ZILFI (Ed.) *Women in the Ottoman Empire: Middle Eastern Women in the Early Modern Era*, (Leiden: Brill, 1997); MERIWETHER, "Women and Waqf Revisited: The Case of the Aleppo, 1770-1840."

³⁰ AHMED, *Women and Gender in Islam*; KEDDIE and BARON, *Women in Middle Eastern History*.

³¹ M. BADRAN, "The Origins of Feminism in Egypt," in *Current Issues in Women's History*, ed. A. ANGERMAN (London: Routledge, 1989).

enlightened movement was the standard-bearer for this goal in opposition to those who rejected progress... to the present day there has been sustained support for this enlightened movement, one of the most important goals of which was to guarantee the rights of women and encourage them to take their proper place in society.³²

This mythology of the nation continues to be represented in Egypt's official discourse. Nevertheless, some groups have responded to this shared history between development and women's rights by denouncing feminism as alien and irrelevant to Arab women, or that it is simply a corollary of westernisation-modernisation: a "product of 'decadent' Western capitalism."³³ Those that resisted the new roles for women were also those that rejected the modernist development path demanded by the British before independence would be granted. This group saw nationalism through the reaffirmation of Egyptian culture, tradition and history, not through change. The reaffirmation of Egyptian cultural autonomy and resistance to the modernist enterprises was linked to orthodox Islamic discourses (as identified in Chapter three). Such groups also argued that the presentation of women's privacy against the rapacious eyes of European men, served as protection against cultural imperialism. This narrative of a predatory West continues today. Women's struggles in Egypt are therefore continually linked to ideas of development and progress. Those who have opposed the version of women's rights and development presented by the State are excluded from formal mechanisms of dialogue through labelling them as backward, fundamentalist and trouble makers. Therefore, those who resist the States version of development and progress and women's rights are denied legitimacy and public space. Under President Mubarak (since 1981 to present day) the government's relationship with Islam and Islamist groups has been tense. The killings of tourists in 1997 in Luxor by Islamic groups signalled a return to repressive state intervention with the arrest and trial in military courts of

³² COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women; Combined Fourth and Fifth Periodic Reports of States Parties, Egypt," (Geneva: Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), 2000), p. 7.

³³ Kumari JAYWARDENA, "Feminism and Nationalism in the Third World in the Nineteenth and Twentieth Centuries" (paper presented at the History of Women's Movement, Lecture Series, Hague Institute of Social Studies, 1982), Thomas PHILLIPS, "Feminism and Nationalist Politics in Egypt," in *Women in the Muslim World*, ed. L BECK and N KEDDIE (Cambridge Mass.: Harvard University Press, 1978).

many Islamist activists. Approximately 1600 "Islamists" are currently imprisoned.³⁴

The nationalist and modernisation discourse continues in the economic sector as well as the political. Egypt primarily exports crude oil and petroleum products, cotton, textiles, metal products, chemicals; it primarily imports machinery and equipment, foodstuffs, chemicals, wood products, fuels.³⁵ Globalisation has had an impact on Egypt in the economic, political, technological and socio-cultural arenas. According the State Parties Report to the U.N. Economic and Social Council in 1998 Egypt has:

...rectified structural imbalances, which was done through a comprehensive economic and structural reform programme... with a view to freeing the Egyptian economy from all the administrative and legal restrictions.³⁶

In the early 1990's Egypt liberalised foreign trade and fiscal sectors, by lifting the ban on the import of certain commodities, decreasing the state's budget, deregulating certain industrial goods, and abolishing the compulsory purchase of agricultural crops, promoting tourism, and liberalising public corporations through "gradual subjection to the market system."³⁷ Following the first gulf war in 1991, Egypt was quick to seize the opportunity for debt relief in return for its diplomatic and military support of the Allied campaign in Iraq. Egypt receives the world's second largest amount of US foreign aid after Israel. Increasingly, the role of business and businessmen in Egypt's modernisation programme is being acknowledged, such that in 1995 at least 45 individuals from business were elected as official NDP (government party) candidates to the Peoples assembly.³⁸ The Egyptian Ministry of Foreign trade argues that the liberalization of trade, the

³⁴ EGYPTIAN ORGANISATION FOR HUMAN RIGHTS, *Recurrent Detention: Prisoners without Trial* (Cairo: Egyptian Organisation for Human Rights, 1996).

³⁵ NATIONMASTER, *Country Statistics* (2004 [Accessed 03/08/2004]); available from <http://www.nationmaster.com/country>

³⁶ EGYPT STATE REPORTERS TO THE U.N., "Initial Report Egypt 30/06/98, E/1990/5/Add.38

Implementation of the International Covenant on Economic, Social and Cultural Rights," (Geneva: United Nations Economic and Social Council, 1998), p. 4.

³⁷ K DWYER, ed., *Arab Voices: The Human Rights Debate in the Middle East* (London: Routledge, 1991), p. 53; EGYPT STATE REPORTERS TO THE U.N., "Egypt State Party Report on CESCR," p. 5.

³⁸ R OWEN, *State, Power and Politics in the Making of the Modern Middle East*, Second ed. (London: Routledge, 2000), pp. 129-31.

promotion of exports and foreign direct investment, and institutional development have been paramount on Egypt's priority list of reforms during recent years, and are viewed as important foundations for sustained economic growth and investment.³⁹ However economic problems remain, with food imports representing over a third of all commodity imports in the early 1990s, and increasing unemployment.⁴⁰ Women's unemployment is reported to be four times higher than men's.⁴¹ In 2002 women's economic activity rate as a percentage of male employment is 45%.⁴² Furthermore, despite the official rhetoric to carry out these reforms of economic liberalisation identified above, they often have yet to happen.⁴³ The social cost of Egypt's modernisation has yet to be factored in to the States image of itself, of women's rights or of Islam. One central concern is the erosion of universal schemes of welfare through these neo-liberal economic measures, which the Egyptian state perceives to be too costly (although very effective for providing security for women).⁴⁴ Instead these universal schemes are replaced by systems that are dependent on formal employment.⁴⁵ Consequently it is many of the Arab funded Islamist groups that are filling the States gaps.⁴⁶ They provide social services, including health care, pensions, employment, family mediation, and so on.

The role of Arab and Middle Eastern influence on Egyptian politics is significant in the development of women's rights in Egypt. In particular the role of human rights norms, the politics of the Middle East region and globalisation more generally are all significant in defining the context in which women can

³⁹ ARAB REPUBLIC OF EGYPT MINISTRY OF FOREIGN TRADE, *Major Economic Reforms since the 1990's* (Arab Republic of Egypt Ministry of Foreign Trade, 2003 [Accessed 07/06/2004]); available from

http://www.economy.gov.eg/english/Statistical_Annex/Egypt/Egypt.stm

⁴⁰ EGYPT STATE REPORTERS TO THE U.N., "Egypt State Party Report on CESCR," p. 42.

⁴¹ Yasser SOBHI, "Economic Empowerment," *Al-Ahram*, 17/04/2004, Available from: <http://weekly.ahram.org.eg/2004/684/ec3.htm>; UNIFEM, *Report on the Statistical Status of Egyptian Women: Demographic Indicators, Economic Participation, Participation in Decision Making and Violence against Women (Arabic)* (Cairo: UNIFEM, 2005).

⁴² PROGRAMME OF GOVERNANCE IN THE ARAB REGION, *Statistics and Indicators: Egypt* (UNDP, 2005 [Accessed 07/02/2005]); available from <http://www.pogar.org/countries/morestats.asp?cid=5&gid=10&ind=20>

⁴³ FANDY and HEARN, "Egypt: Human Rights and Governance."

⁴⁴ Asef BAYAT, "Cairo's Poor: Dilemmas of Survival and Security," *Middle East Report Winter* (1997).

⁴⁵ SHOLKAMY, "Interview with Hania Sholkamy of the American University in Cairo on the 13th April 2004."

⁴⁶ BAYAT, "Cairo's Poor: Dilemmas of Survival and Security."

successfully negotiate their rights. These “external” factors influence the legitimacy and efficacy of the various strategies employed by women to facilitate the acquisition of rights. The Egyptian state expresses a desire uphold CEDAW, and this is seen most clearly in the States relations with the European Union. As Moheb Zaki argued changes in the law with regards to women’s rights are aimed at an external audience, to show to the outside world that Egypt is living up to its obligations under CEDAW rather than providing meaningful change for Egyptian women.⁴⁷ This section looks at how regional events impact upon the discourses surrounding women’s rights in Egypt. Firstly there is a concerted effort on the part of State agencies to control the ways in which events in Palestine and Iraq feed into the human rights and women’s rights discourse. Second is the increased influence, or Arabization, on Egypt through migration to Gulf States and the funding of religious institutions by Gulf countries. These two elements in particular impact on women’s rights understandings and acquisitions in Egypt for a number of reasons. Important here is the construction of motherhood and sacrifice of Palestinian women and of the “evil empire” in Iraq whose failure to uphold the Geneva Convention adds legitimacy to Islamist calls for jihad and women’s roles in that.

Since the Camp David Peace Accords Egyptian governments remain vulnerable to Islamist attacks that they have deserted fellow Muslims and neglected the welfare of the *Umma*.⁴⁸ The Islamist demand for a coherent Muslim State (a functioning *Umma*) threatens the nationalist ideology upon which the current state of Egypt is founded. Indeed, recognizing the dangers in the power of the mosques and Imams in Egypt, the government has made considerable effort to control the Imams and in this way limit one output of Islamist ideas. A serious effort is being made now in the post 9/11 era, to control Friday sermons to limit Imams delivering inflammatory speeches.⁴⁹ Sermons are not allowed to incite their congregations on the matter of Palestine nor criticise the policy of the Egyptian government on Palestinian-Israeli affairs. This has important, if

⁴⁷ ZAKI, "Interview with Moheb Zaki of the Ibn Khaldun Centre for Development Studies on the 8th Cairo 2004."

⁴⁸ In this instance the term *Umma* is usually understood to refer to a worldwide community of believers.

⁴⁹ ZAKI, "Interview with Moheb Zaki of the Ibn Khaldun Centre for Development Studies on the 8th Cairo 2004."

indirect, implications for shaping the strategies employed by Egyptian women demanding rights and services from State institutions because it frames all Western intervention on women's rights within the Islamist conspiracy theory framework.⁵⁰ It does so by denying legitimate debate on the issue it forces the dialogue underground, and it restricts consensual and moderate voices. Similarly overt demonstrations against the "War in Iraq" are not permitted with replicated consequences. However, under certain circumstances the Palestinian cause is re-inserted into the public consciousness. For example, demonstrations against the demolition of Palestinian homes are permitted but none are allowed to protest against the demolition of squatter homes in Cairo by the Egyptian government.⁵¹ It is not simply that one set of demonstrations are permitted and that another are not, but that the popular consciousness does not recognise the latter as a human rights violation. Beyond those working in or associated with NGO sector, human rights violations inside Egypt of this nature remain off the public agenda. Another way in which the Palestinian issue impacts on the women's rights debate in Egypt is through the visual imagery and representation of women in Palestine. In the reporting of the Palestinian conflict in Egypt the imagery of mothers suffering is extremely powerful. A mother weeping is often used to signify the loss of the Palestinians. A mother's loss of a son is considered one of the greatest tragedies to befall, and is a collectively shared loss symbolising the nation. This reinforces Islamic mythology surrounding Saint Fatima who is said to be the mother of all Muslims, and who will judge non-Muslims by their willingness to help her sons.⁵² For Egyptian women this creates a powerful notion of sisterhood in universal motherhood, reinforcing the gender roles of women in the home.

Islam has long been a varied and multi-textual religion, adapting practices, texts and beliefs in local contexts. Even within Egypt a distinction is made by the anthropologist Geertz who commented on the difference between rural and urban Islamic traditions and practices.⁵³ Yet, often commented upon is the Arabization

⁵⁰ In particular, the perceived threat from a World Zionist Plot. Please refer to AHMED, *Postmodernism and Islam*. Especially the chapter on Culture and Change

⁵¹ BAYAT, "Cairo's Poor: Dilemmas of Survival and Security."

⁵² Susan SERED, "Rachel, Mary and Fatima," *Cultural Anthropology* 6:2 (1991).

⁵³ GEERTZ, *Islam Observed: Religious Development in Morocco and Indonesia*.

of Egypt and of Islam. With this increasing influence of the Gulf States in urban areas and to some extent rural areas, variety and diversity of practice and faith is diminishing. This includes diversity in women's expected roles and behaviours. It is important to note that the social mores learnt from the Gulf States that were adopted seem to belong to the urban oil rich classes rather than the semi-nomadic Bedouin groups in the region. The majority of authors point to two core changes that have led to this Arabization of Islam. The first is the migration of Egyptians to the Gulf, whereupon they acquire Gulf manners and etiquette, especially concerning the proper dress and place of women. The second is that a number of Islamic organisations and mosques are funded by Gulf States hoping to promote their particular school of Islamic law (*Sha'afi*). Thus, as one human rights activist argued, one of the biggest problems facing Egyptian women is the increasing prevalence of "Gulf Culture."⁵⁴

3.3. Great Britain

The UK has ratified a number of human rights treaties including the CESC, CCPR, Convention Against Torture and the Convention of the Rights of the Child. The UK ratified CEDAW in 1986. The UK holds reservations against Articles 2(f, g), 11, 15 and 16 of CEDAW.⁵⁵ The political system is based on democratic government, with a first-past-the-post election system. There are two houses, one elected the other formed of a combination of life selected and hereditary members. Only 18% of MP's are women.⁵⁶ The UK's legal system is divided into two main parts; the first is criminal and the second civil. It is from within the civil law that family law is administered. Women hold 15% of all judicial appointments in the UK.⁵⁷ NGOs are often registered charities and their works are thereby governed by the Charities Commission. Recent changes to the anti-terrorist laws have provoked significant charges of racism and Islamophobia

⁵⁴ FADEL, "Interview with Marian Fadel of the Cairo Institute for Human Rights Studies on Wednesday 14th April 2004."

⁵⁵All information is from the United Nations, Multilateral Treaties Deposited with the Secretary-General. Information was accessed from BAYEFISKY, *United Kingdom of Great Britain and Northern Ireland: CEDAW Objections, Reservations and Declarations* (BAYEFISKY.com, 02/12/2004 [Accessed 12/02/2005]); available from http://www.bayefsky.com/.pdf/uk_t2_CEDAW.pdf

⁵⁶ EQUAL OPPORTUNITIES COMMISSION, *Facts About Men and Women* (London: Equal Opportunities Commission, 2004).

⁵⁷ Ibid.

in their application.⁵⁸ This is discussed in the paragraphs on the international context.

The recent census in the UK has gone some way in relieving the considerable statistical ambiguity about Muslims in the UK. Up until 2001, there has not been a question in the census about religious affiliation. Consequently estimates about the numbers of Muslims in the UK were forced to use ethnicity as a proxy variable, as a result the outcomes of such calculations varied considerably, suggesting a Muslim population ranging from 600,000 to 2 million.⁵⁹ Information from the census is still limited, and complete cross-tabulations have yet to be released. However it shows that 2.7% of the population (1.6 million) identifies itself as Muslim.⁶⁰ This group of people are often treated homogeneously through the identity construct “British Muslim”. The “British Muslim” label is a convenient umbrella term that masks a variety of other identity positions: ethnicity, class and gender. These other positions interface with the generic position “British Muslim” in a variety of ways, and the relationship between them varies over time and space. This is no less true in determining understandings and the possession of women’s human rights. However given the insistence of Muslim groups and Muslim individuals to promote a public Muslim identity and a public Islam, it remains legitimate to consider “British Muslims” as a socio-political entity. It is important to develop an awareness of differences within the “British Muslim” group, and the ways in which this identity position is used varies according to the different circumstances in which Muslim women find themselves. Importantly “Muslim women” and “British Muslims”, as identity positions vis-à-vis the State and other communities, are not static or timeless. The ways in which these are understood both by the groups themselves and by others have altered with the context in which they are rooted

⁵⁸ ANDSARI, F 2004 “Terror in the Name of Anti-Terrorism: The UK in 2004” www.ihrc.org

⁵⁹ NATIONAL STATISTICS ONLINE, *Population Statistics* [Website] (Office for National Statistics, February 2003 [Accessed 16/11/2003]); available from <http://www.statistics.gov.uk/cci/nugget.asp?id=293>

⁶⁰ Ibid.

Further methodological issues arise because the Muslim population is not a homogenous group, in direct contrast to the other case studies. This is because Muslim communities are part of a wider migration to the UK following world war two, and come from an array of homelands, cultural backgrounds, social classes and linguistic groups.⁶¹ Nevertheless, 74% of Muslims in the UK identified themselves as belonging to the Asian or British-Asian category in the 2001 census, with 42% being Pakistani.⁶² While this suggests a relatively high degree of homogeneity, such statistics ignore the considerable regional variations in the Indian sub-continent and within Pakistan itself. There are an increasing number of Muslims whose primary identity is Islamic as opposed to ethnic. Increasingly Muslim communities are no longer sustained by the “myth of return” but have begun to envisage a future (for themselves and their children) in the UK. This UK based future has arisen because of family reunion (with members previously still living on the Indian subcontinent) and the birth of second and third generations in the UK.⁶³ This increases identification as British. The matter is further complicated when discussing Muslim women because many are not born in the UK, and arrive here after marriage.⁶⁴ This tends to result in a wider identification and greater diversity. Consequently, a number of Muslim women, more so than men, have limited English-language skills, have few institutional connections with the majority (host) society, and are socially and culturally embedded in their homeland’s way of life.⁶⁵ However, despite the internal divisions that render generalisations on identity and community

⁶¹ Colin CLARKE, Ceri PEACH, and Steven VERTOVEC, eds., *South Asians Overseas: Migration and Ethnicity* (Cambridge: Cambridge University Press, 1990).

⁶² NATIONAL STATISTICS ONLINE, *Population Statistics*.

⁶³ Meaning the wives and dependents of male migrants have joined them rather than remained in the Indian sub-continent. This only began in earnest in the 1970’s as Immigration laws tightened. Roger BALLARD, "Migration and Kinship: The Differential Effect of Marriage Rules on the Process of Punjabi Migration to Britain," in *South Asians Overseas: Migration and Ethnicity*, ed. Colin CLARKE, Ceri PEACH, and Steven VERTOVEC (Cambridge: Cambridge University Press, 1990).

⁶⁴ This is due to a preference among Muslim Pakistani communities for first cousin marriages and (as indicated in my research of Asian Muslims in Southampton) because of what appears to be a preference for “culturally pure” virgins from the sub-continent. Ibid.

⁶⁵ This is attributed to lower school leaving age among women from rural Pakistan, and that English is not necessarily widely used in all areas of the Indian Sub-continent. However, women from urban areas are often highly educated. UNESCO Islamabad, *Literacy Trends in Pakistan* (UNESCO, UNDP, 2002 [Accessed 12/12/2004]), available from <http://undp.un.org.pk/unesco/publications.htm>. In part 1 of the report. To note 38% of women who belong to the ethnic group Pakistani/Bangladeshi have no qualifications compared to only 16% of women with a white ethnic heritage. Michelle CLEGG, "Ethnic Minority Women in the U.K.," (London: Department of Trade and Industry, Women and Equality Unit, 2003).

extremely difficult, it is nevertheless possible, through the case study method, to situate Muslim communities within the context of a changing economy and of race-relations. In other words: to identify broad positions of Muslims in relation to the socioeconomic structures of the UK.

The political context of Muslim women's rights is embedded in debates on citizenship, multiculturalism, and immigration. As the pilot study (see appendix A) shows, discourses of community are deployed for the construction and contestation of "British Muslim" women's identities and their rights. Assertions of community and identity are relational acts of positioning, which as the Parekh Report shows is as much to do with inter-community and identity relations as with the roots and routes of migrant communities.⁶⁶ Since the Salman Rushdie Affair there has been a notable development of an emerging Islamic political identity, one that challenges constructions of identity and community based on race and ethnicity.⁶⁷ Nevertheless it is important to note that the confrontation over The Satanic Verses was not historically isolated and must be examined in the context of the importance of faith, the institutionalisation of Islam, the increasing negative stereotyping of Asian communities, and the perceived isolation of South Asian and Muslim communities.⁶⁸ Part of the outcome of this politicisation of Islam and Muslim identities is the assertion of women's rights from within an Islamic context. Dwyer shows in her research how young Asian Muslim girls were able to use religious terminology and symbols to resist parental pressures and to demand access to new opportunities, such as university education and choice in marriage partners.⁶⁹ This is also revealed in the pilot study conducted in Southampton, and through the interviews conducted with Islamic groups in the UK.

⁶⁶ B. PAREKH, "The Future of Multi-Ethnic Britain, the Parekh Report," (London: The Runnymede Trust, 2000), p. 6; J. CLIFFORD, *Routes: Travel and Translation in the Late Twentieth Century* (Cambridge: Harvard University Press, 1997).

⁶⁷ The Rushdie Affair was triggered by the publication of the Satanic Verses authored by S. Rushdie. The book contained references and images that could be perceived as insulting the Islamic faith, and indeed many Muslims in Great Britain protested to that effect.

⁶⁸ L BACK, *New Ethnicities and Urban Culture: Racisms and Multiculture in Young Lives* (London: UCL Press, 1996); T MODOOD, "British Muslims and the Rushdie Affair," in J. DONALD and Ali RATTANSI (EDS.) *'Race', Culture and Difference* (London: Sage, 1992); J NIELSEN, *Muslims in Western Europe* (Edinburgh: Edinburgh University Press, 1992).

⁶⁹ Claire DWYER, "Negotiating Diasporic Identities: Young British South Asian Muslim Women," *Women Studies International Forum* 23:4 (2000), p. 482.

Another consideration is the nature of the UK state as a modern liberal and bureaucratic set of institutions.⁷⁰ The distribution of power in the UK means that there are multiple agencies responsible for the ensuring the rights of Muslim women and for developing understandings of rights, each with differing agendas and each competing for resources from central government. Furthermore this diffusion of power to local institutions and to various national but specialised bureaux results in a disparity between government policy and government intentions with policy implementation and outcomes. Throughout this chapter it is necessary to consider the internal structures, assumptions and power relations that collectively form the UK state. Therefore it is not possible to solely rely on central government documents and presentations of women's rights. For Muslim women, direct interaction with central government is not normally a feature of their daily lives. Rather there are multiple contacts with local agencies and representatives of government: the NHS, the employment office, teachers, social workers, local councillors, immigration and so on. Each of these agencies has differing priorities and working practices that mean the nature of their interactions alter accordingly. Indeed some writers have pointed to the different ways in which Muslim women have manipulated alternative public discourses to maximise their interest, depending upon with which State agency they are negotiating their rights.⁷¹

As identified earlier the majority of Muslim's in the UK are Asian or British-Asian, with over two thirds from a Pakistani cultural background. As a result it is necessary to consider the recent migrant history of the majority of the Muslim population in the UK. The first major influx of Muslim migrants was from the Indian sub-continent during the 1950s and 1960s, in response to Britain's "emptying cities and expanding economy."⁷² This group followed a pattern

⁷⁰ A more systematic definition of the State and the methodology used in the case studies for understanding the role of the state in the rights strategies of Muslim women is addressed in a previous chapter.

⁷¹ DWYER, "Negotiating Diasporic Identities: Young British South Asian Muslim Women.", Pnina WERBNER, "Veiled Interventions in Pure Space: Honour, Shame and Embodied Struggles among Muslims in Britain and France" (paper presented at the constructions of Minority Identities in Britain and France, Bristol University, 2004).

⁷² Colin CLARKE, Ceri PEACH, and Steven VERTOVEC, "Introduction: Themes in the Study of the South Asian Diaspora," in CLARKE, Ceri PEACH, and Steven VERTOVEC (Eds.) *South Asian's Overseas: Migration and Ethnicity*, (Cambridge: Cambridge University Press, 1990).

commonly referred to as chain migration, whereby a few entrepreneurs arrive in the UK and then facilitated the arrival and employment of other workers from their villages or kinship group.⁷³ The migrants tended to find work in the “textile towns” of the North of the UK, and within the heavy industries located in the midlands. Furthermore given the nature of chain migration the migrant communities tended to form residential enclaves and find “economic niches” within the heavy industries and textiles. For a number of reasons, they tended to fulfil jobs that were unskilled or semi-skilled.

A number of statistics illuminate this picture, and the gender consequences in the UK. Not all data is disaggregated according to ethnicity or religion, so some caution is needed in interpreting this information. The gender pay gap shrank between 2003 and 2004 such that (all) women’s pay represented approximately 85.7% of that earned by men.⁷⁴ The working-age inactivity rate stood at 21.5 per cent for this period, 16.5 per cent for men and 26.9 per cent for women.⁷⁵ Women represent 44% of the labour market, 52% of mothers with children under five are employed, Women are the majority in administrative and secretarial (80%) and personal service jobs (84%), while men hold most skilled trades (92%) and process, plant and machine operative jobs (85%).⁷⁶ Bangladeshi and Pakistani women were primarily employed in wholesale and retail trades, and public service sectors (education, social work).⁷⁷ In each ethnic group, fewer women than men were in employment at the time of the labour force survey. The biggest gaps in employment rates were of over 30 percentage points between

⁷³The trajectories of Muslim migrants can be traced by considering Speckman’s five stages of migration: firstly immigration (with social disarray and anomie); then acculturation (reorientation of traditional institutions and development of new ones); third is the establishment of the community (with a rise in numbers and an increase in economic and residential security); fourth there is incorporation into the host society (an increase in urban social patterns and a further increase in economic security); and finally accelerated development (including increased social mobility, education attainment, and political representation). Speckman’s five stages represent ideal types rather than an absolute analytical model, but nevertheless allows for a representation of the overall trajectory of Muslim migrants in the UK Ibid.

⁷⁴ NATIONAL STATISTICS ONLINE, *Economic Statistics: Instant Figures* (National Statistics Office, 2005 [Accessed 12/02/2005]); available from <http://www.statistics.gov.uk/instantfigures.asp>
<http://www.statistics.gov.uk/cci/nugget.asp?id=167>

⁷⁵ Ibid. Also available at: <http://www.statistics.gov.uk/cci/nugget.asp?id=1012>

⁷⁶ EQUAL OPPORTUNITIES COMMISSION, *Facts about Men and Women*.

⁷⁷ Sue BOTCHERBY and Karen HURRELL, *Ethnic Minority Men and Women Brief Report* (EQUAL OPPORTUNITIES COMMISSION, 2004 [Accessed 12/02/2005]); available from http://www.eoc.org.uk/cseng/research/ethnic_minority_women_and_men_briefing.pdf

Bangladeshi women and men, and between Pakistani women and men. Black African, Pakistani and Bangladeshi women were at least three times as likely to be unemployed as white women (for whom the unemployment rate is 4%).⁷⁸

Given the impact of migration upon communities and the creation of pan-ethnic identities, such as Pakistani-Yorkshire women, or British-Asian, it is apparent that international politics will influence the agency of Muslim women in the women's rights debate. These labels, while they do not define the entirety of an identity suggest the ways in which the roots and routes of migrants constitutes their understanding of rights and identities. The fact that most of the major Pakistani political parties have offices in Bradford is indicative of this, and that the politics of Kashmir is just as influential in local politics as British national politics.⁷⁹ Having said this, the politics of space and place are still influential internationally because of the ways in which migration has occurred, which in the U.K is captured by the term "Chain Migration". So that while it would be an exaggeration to say that entire villages or communities have uprooted from one area in the global south to an particular area in the global north, over time a pattern has emerged such that those from particular areas of origin tend to migrate to particular towns or areas, such that it is possible to speak of Bharuchi Muslims of Blackburn, or Syhelti of Tower Hamlets, or the Mirpuris of Bradford. This development enables British Muslim women to negotiate between two sets of discourses. Not only are they demanding the rights and services provided by the state, but they are also demanding their rights accorded to them in Islam as part of a wider community. For example, Muslim girls are turning to the British legal system to dissolve forced marriages organised in India or Pakistan, yet at the same time, are using the internet and other Muslim organisations to assist in arranging their marriages.⁸⁰

⁷⁸ Ibid.

⁷⁹ LEWIS, *Islamic Britain: Religion, Politics and Identity among British Muslims*, p. 68.

⁸⁰ BALLARD, "Migration and Kinship: The Differential Effect of Marriage Rules on the Process of Punjabi Migration to Britain.", BBC NEWS Online, *Law on Forced Marriages Pondered* (27/10/04) (BBC, 2004 [Accessed 12/02/2005]); available from <http://news.bbc.co.uk/1/hi/uk/3956399.stm>; BBC NEWS Online, *Muslims Seek Love Online*, 29/05/2003 (BBC, 2003 [Accessed 12/02/2005]); available from <http://news.bbc.co.uk/1/hi/technology/2947356.stm>.

The role of the UK in the United Nations, the EU and NATO also has an impact on how Muslim women access and interpret rights in the UK. Recently the UK involvement with the War on Terror, and the Invasion of Iraq, has led to a revival of Islamophobia and in response, a rise in explicitly Muslim and Islamic Politics. The defining international context is that of the “War on Terror” and its ability to define Muslim communities as an enemy within.⁸¹ This is compounded by the invasion of Iraq, loosely identified with the campaign against terrorism. Current foreign policies and debates on Islam continue to use Islam in this way, reintroducing and maintaining Orientalist knowledge about the “Other”. In recent speeches, conferences, and newspaper articles on the “War against Terror”, Islam and Muslims are “rarely seen or looked at: they [are] seen through, analysed not as citizens, or even as people, but as problems to be solved or confine.”⁸² For example Tony Blair’s first newspaper interview following the attacks on the World Trade centre in New York, he talked of “The Taliban” as some almost “mythical” homogenous entity, *savage* and unreasonable, a problem to be beaten.⁸³

⁸¹ F ANSARI, "Terror in the Name of Anti-Terrorism," (London: Islamic Human Rights Commission, 2004).

⁸² SAÏD, *Orientalism*.

⁸³ K AHMED, ""You Can't Talk... You've Got to Go and Beat Them" Interview with Tony Blair," *The Observer*, 14-10-2001.

4. Country Statistics

To assist in the reading of the Case Studies, I have included below some comparable statistics relating to the countries in question. This data aims to create an awareness of the different contexts in which the narratives about women's rights are negotiated.

4.1. Selective Statistical Representation of demographic, economic and socio-political factors

Table 1: Demographic Statistics of the Case Studies⁸⁴

	Total Population (in 1,000's)	Average Annual Growth Rate of Population (%)	Life Expectancy at birth (female life expectancy in brackets)	Total Fertility Rate	Infant Mortality Rate (%) 1995-2000	HIV/AIDS Prevalence Rate among 15 to 49 age group in 2001	Percentage of Population Muslim ⁸⁵	Urbanisation Percentage ⁸⁶
Egypt	67,884	1.9	66 (68)	3.4	5.1	<0.10	94%	43% (2001)
Malaysia	22,218	2.2	73 (75)	3.3	1.2	0.4	58% ⁸⁷	58% (2001)
UK	59,415	0.3	77 (80)	1.7	0.6~	0.1	2.7%	90% (2001)

⁸⁴ Derived from the Statistical Annex of: EDUCATION FOR ALL (UNESCO), "Gender and Education for All: The Leap to Equality," (Paris: United Nations Education, Scientific and Cultural Organisation, 2003).

⁸⁵ NATIONMASTER, *Country Statistics*.

⁸⁶ Estimates and projections of urban and rural populations are made by the Population Division of the United Nations Secretariat and published every two years. These estimates and projections are based on national census or survey data that have been evaluated and, whenever necessary, adjusted for deficiencies and inconsistencies. Urban-rural classification of population in internationally published statistics follows the national census definition, which differs from one country or area to another. National definitions are usually based on criteria that may include any of the following: size of population in a locality, population density, distance between built-up areas, predominant type of economic activity, legal or administrative boundaries and urban characteristics such as specific services and facilities.

⁸⁷ Using Ethnicity as Proxy

Table 2: Economic Statistics of the Case Studies⁸⁸

	Average Annual Growth Rate of GNP 1990-2000	GNP per Capita Current US\$ (2000)	GNP per Capita Purchasing Power Parity (2000)	Net aid per capita, current US\$ (2000)	Population living on less than \$2 per day	Total External Debt as Percentage of GNP ⁸⁹	Female Economic Activity ⁹⁰
Egypt	3.2 ⁹¹	1490	3670	19.6	52.7	1.8	35.0%
Malaysia	6.9	3380	8330	2.0	... ⁹²	7.2	48.4%
UK	3.8	24 430	23 550 ⁹³	...	52.8%

⁸⁸ Derived from the Statistical Annex of: EDUCATION FOR ALL (UNESCO), "Gender and Education for All: The Leap to Equality."

⁸⁹ External debt is briefly defined as: Total public and private debt owed to non-residents repayable in foreign currency, goods, or services NATIONMASTER, *Country Statistics*. For an in depth definition of "external debt" please refer to the background statistics on the Joint BIS-IMF-OECD- World Bank Statistics on External Debt at <http://www.oecd.org>

⁹⁰ Definition: Economically active population ('usually active' or 'currently active' (currently active is also known as 'the labour force')) comprises all persons of either sex above a specified age who furnish the supply of labour for the production of economic goods and services (employed and unemployed, including those seeking work for the first time), as defined by the System of National Accounts (SNA), during a specified time reference period. The economically active population may be related to the total population for the derivation of the crude participation rate, or, more appropriately, to the population above the age prescribed for the measurement of the economically active population. The production of economic goods and services includes production of all individual or collective goods or services that are supplied to units other than their producers, or intended to be so supplied, including the production of goods or services used up in the process of producing such goods or services; the own-account production of all goods that are retained by their producers for their own final consumption or gross capital formation; the own-account production of housing services by owner-occupiers and of domestic and personal services produced by employing paid domestic staff. Not economically active population comprises all persons not classified either as employed or as unemployed. EDUCATION FOR ALL (UNESCO), "Gender and Education for All: The Leap to Equality."

⁹¹ 2002 estimate of GDP real growth rate (defined as GDP growth on an annual basis adjusted for inflation and expressed as a percent). NATIONMASTER, *Country Statistics*.

⁹² However 8% are living below the poverty line (1998 estimate) from CIA World Fact book, December 2003. Ibid. This line of three dots (...) in the table means there is missing data.

⁹³ However 15.7% of the population is living on less than \$11 per day Ibid.

Table 3: Socio-Political Statistics of the Case Studies

	Date Acceded to CEDAW	Reservations to Articles in CEDAW	Percentage of female Members of Parliament.	Frequency of Elections (and date of last election)	Adult Female Literacy Rate ⁹⁴	Minimum Age to Vote (and minimum age to stand for election).	Age of Compulsory Female Education ⁹⁵
Egypt	1981	2, 9(2), 16, 29(b),	9 seats (2.4%) 1995	1995	43.8%	18 (21)	6-14 (9.3 years)
Malaysia	1995	5(b), 7(b), 9, 16(a, c, f, g) ⁹⁶	20 seats (14.5%) 1999	5-6 years 1999/2005	83.4%	21 (21)	... (12.4 years)
UK	1986	2(f, g), 11(a), 16(1), 15(4)	118 seats (18%)	4-5 years (1997)	99% ⁹⁷	18 (21)	5-16 (16.7 years)

⁹⁴ Expected number of years of female formal education. EDUCATION FOR ALL (UNESCO), "Gender and Education for All: The Leap to Equality," (Paris: United Nations Education, Scientific and Cultural Organisation, 2003).

⁹⁵ Ibid.

⁹⁶ In 1998 Malaysia made a partial withdrawal of the reservations it had made to articles on signatory. BAYEFISKY, *Malaysia: CEDAW Objections, Reservations and Declarations*.

⁹⁷ CIA World Fact book, December 2003

4.2. Points of Comparison

The table showing demographic data reveals the impact of (under)development on the population. The fertility rates in Egypt and Malaysia are considerably greater than in the UK, as are infant mortality rates. Also of note is the percentage of Muslims in the countries population. This is an important factor when looking at the policy decisions of governments and the overall public discourse on women's rights because it shows if Islam is (or is likely to be) the dominant frame of reference for the majority of the population: it is clear that in the UK this is unlikely to be the case.

The absences from this table are as interesting as the data itself. First is that the data shows that while both Malaysia and Egypt are Aid receivers, the UK is an Aid donor. Second, is that the UK does not show an external debt, thereby having fewer economic restrictions placed on it by external agencies. Another difference that will impact on the construction of rights in the different case studies is the female economic activity indicators.

The formal political structures in place do not differ greatly between the three countries. However the female adult illiteracy rates and the low percentage of female politicians indicate that there is a gap between the formal provisions and the actuality of women's experiences in these countries. Therefore although formal education may be available to all Egyptians, still nearly sixty percent of Egypt's women are illiterate. This gap must be remembered during the case study work because it suggests that while formal rhetoric and central policy seems to uphold women's rights, the actual provision and experience may not always coincide.

5. The Rights Under focus from CEDAW:

This thesis, acknowledges the problems with the international constructions of women's rights formulated in State based institutions. These problems were highlighted in Chapter three. Nevertheless the thesis adopts CEDAW as a framework for basing assessments on women's rights and women's human rights. This is because CEDAW is one of the few authoritative documents that

attempts to speak to all women, and the failings of its implementation do not impede an analysis of women's ability to acquire the rights laid down therein nor their ability to strategise and re-interpret the rights in the document such that meaning can be established by its users. I also use it because all three of my case study countries are signatories to the Convention, thereby indicating State acceptance of the obligations and restrictions implied. CEDAW is used as basis for this thesis case work because it also allows for points of comparison between each study, and allows for the differences between them to be highlighted. Furthermore, the decision to use CEDAW as the bench mark for assessing women's acquisition and understanding of rights was made because all three cases countries have ratified it. However the limitations and flaws of CEDAW are noted, as are the difficulties of using CEDAW as a bench mark of rights without resorting to ethnocentric models. The author endeavours to overcome them through adopting reflexive and critical research practices.⁹⁸

The Articles which were chosen to focus my case studies on were Articles 5, 7, 10, 11, and 12. In addition was the Declaration on the Elimination of Violence Against Women. I chose these rights to focus on because they encompassed the full range of first, second and third generation of rights. They are also rights which are under debate in each of the countries studied.

5.1. Article Five (sex role stereotyping)

Article 5 attempts to tackle social and cultural attitudes in the Public sphere. It states that:

States Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

The article also tackles sex role stereotyping and discrimination in the private sphere. It suggests a variety of mechanisms to achieve the elimination of sex role stereotyping in the family. To that end the article demands that States:

⁹⁸ Please refer to the introductory chapter to the case studies for a fuller outline of my methodological approach adopted for conducting my field research and case studies more generally.

“ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children”. Nevertheless these provisions tapered with the prioritisation of the rights of children such that the article continues “... it being understood that the interest of the children is the primordial consideration in all cases.”⁹⁹

5.2. Article Seven (public and political participation)

Article seven calls on states to eliminate discrimination against women in public and political life. In three main sections, it specifically requires that women, on equal terms with men, have the right to “vote in all elections and public referenda, and to be eligible for election”; the right to “participate in the formulation and implementation of policy and the right to hold public office at all levels”; and to have the right to “participate in non-governmental organisations and associations concerned with the public and political life of the country.”¹⁰⁰ Article 7 enshrines within it democratic principles and women’s inclusion in the democratic process as equal citizens

5.3. Articles Ten and Eleven (education and employment)

Article ten is specific to education and taking measures to eliminate discrimination in this field, including assuring the same conditions for career and vocational guidance, for access to all fields and levels of study, access to the same curricula and quality of staff, and for facilities to be equal for both male and female pupils. It also argues for the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other type of education including the revision of all textbooks and schools programmes and adaptation of teaching methods. It further stresses the need for access to specific educational information to help ensure the health and wellbeing of families, including information on family planning. Article 11, calls upon State parties to eliminate discrimination in the field of employment, and includes an obligation for States to recognise that the right to work is an inalienable right of all human beings. Therefore, the article

⁹⁹ <http://www.un.org/womenwatch/daw/CEDAW/text/econvention.htm#article5>

¹⁰⁰ <http://www.un.org/womenwatch/daw/CEDAW/text/econvention.htm#article7>

continues, the State should facilitate equal employment opportunities, the right to free choice of profession, job security, and continual training, the right to equal pay, the right to social security, and the right to health and safety in working conditions. It further calls upon States to protect women from discrimination on grounds of marriage, pregnancy or maternity through the introduction of maternity leave and pay, and to impose sanctions on employers which do discriminate accordingly, to provide the necessary social support.¹⁰¹

5.4. Article Twelve (Health Care Provision)

Article 12 moves beyond specifying equal rights to those granted to men, but includes specific rights applicable to women in their reproductive capacity. It also deals with a set of rights which blur the public-private divide. It demands that

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning. Notwithstanding the provisions above, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.¹⁰²

5.5. Declaration on the Elimination of Violence against Women (General Assembly resolution 48/104 of 20 December 1993)

The Declaration on the Elimination of Violence against Women (DEVAW) is wide ranging. Of particular note is article four declares, which insists that “States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women”.¹⁰³ The article then lists the methods by which this could be achieved and operates in conjunction with

¹⁰¹ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women; Combined Fourth and Fifth Periodic Reports of States Parties, Egypt," pp. 54, 68.

<http://www.un.org/womenwatch/daw/CEDAW/text/econvention.htm#article10>

<http://www.un.org/womenwatch/daw/CEDAW/text/econvention.htm#article11>.

¹⁰² <http://www.un.org/womenwatch/daw/CEDAW/text/econvention.htm#article12>

¹⁰³ <http://www.un.org/documents/ga/res/48/a48r104.htm>

Article 5 of CEDAW. It contains both negative and positive obligations. In section b it simply requires that States “refrain from engaging in violence against women” and sections d, e, f and g require that States develop legal, welfare, and policy mechanisms which establish preventative measures and actively protect women against violence.¹⁰⁴ The other articles in the Declaration, stipulate definitions of violence against women, and the obligations of the United Nations in assisting States with their fulfilment of DEVAW.

6. Conclusion

This chapter serves a number of functions, primarily as an introduction to the case studies which follow. First the chapter provides a justification for the methodology adopted. Importantly the methodology complements the theoretical position outlined in the introductory chapter of the thesis. Having established the basis for the case studies which follows the chapter then outlines the national contexts in which Muslim women’s rights claims are made in each case study. In each case, the legal, political and economic contexts were outlined. This was followed by a series of brief quantitative data sets which allowed for simple comparison between the case studies. The chapter then proceeded to outline the framework for comparison and analysis for the case studies, namely an examination of Muslim women’s understanding and agency with regards to five sets of rights as outlined in CEDAW. These rights cover a range of activities and include first, second and third generation of rights. The spread of rights was included to avoid claims of cultural bias, and because none of the States had included reservations to them. Therefore, a brief explanation of each of the rights chosen was provided, including excerpts from the articles of CEDAW to which they related.

¹⁰⁴ <http://www.un.org/documents/ga/res/48/a48r104.htm>

CHAPTER 6: MALAYSIA CASE STUDY

1. Introduction

1.1. Conceptual Framework

Conceptions of Women's Rights in the Malaysian context do not exist unchallenged nor in a vacuum for they are constantly renegotiated, redefined and problematised. It is through on-going bargaining processes that Islamic discourses impact on women's understandings and acquisition of rights. Globalisation and State formation policies have been influential in providing the wider milieu in which this occurs. The key arguments that are examined in this chapter are tied together by an awareness of the contests for hegemonic constructions of women's rights and Islam – which this chapter shows have yet to emerge.

1.2. Outline the Chapter

This chapter is divided into three main sections. First the chapter considers central debates in Malaysia, in particular the Islamisation of Malaysian politics and the Asian Values debate, this section looks at how these developments impact on women's rights understandings and strategies in general. Second, the chapter gives specific consideration to five sets of rights: Article 5, 7, 10, 11, and 12 of CEDAW and the Declaration for the Elimination of Violence against Women. Third, the chapter will conclude.

2. Discussions

This section contextualises the debates on women's rights in Malaysia. There are two key aspects which impact on the discourse and realisation of women's rights in Malaysia, these are, first the Islamisation of the State and second, the association between "progressive Islam" and economic development. These are discussed in turn in the following two sub-sections.

2.1. Islamising the State and the "Women's Agenda"

This part of the chapter examines the dominant debates in Malaysia which impact upon the women's rights debate. Two main debates are considered. The

first is the process of Islamising the State and the impact this has had on the “women’s agenda” in Malaysia. The second is the process of economic development, the attempts to justify the policies of the government through Islamic beliefs and the impact this has on women’s rights in Malaysia. These discussions extend on the information and analysis provided in Chapter Five.

Although the Federal State has invested in Islamism as a means of constructing Statehood and State identity, at the same time it has attempted to determine the content of Islamism such that it is prevented from challenging the economic and modernisation and development agenda. There is a noted attempt at anchoring social and political institutions which has resulted in the emergence of three core themes: the expansion of Federal powers over the thirteen *Negeri*, the bureaucratisation of Islam or states, and the co-option of “women’s rights” agenda from civil society organisations. Through these processes the Federal State has sought to define legitimate, authentic and authoritative interpretations of Islam and women’s roles.

The independence of Malaysia created a federation of 13 *Negeri* and two federal territories, and a civil legal system which conflated traditional customs (*adat*) with Islam and is primarily legislated at *Negeri* level.¹ This federal structure results in differing centres of power, such that the *Negeri* operates as the first point of contact with Malaysian institutions of government. Therefore, while the Department of Islamic Development of Malaysia under the auspices of the Prime Ministers Office, and Sarawak and Selangor State Religious Departments (JAKIM/JAIS) formulate policy and draft laws on Islam, they can only urge the thirteen Malaysian *Negeri* to legislate.² The Chief Minister of each *Negeri* must

¹ *Adat* is the Malay term which refers to pre-Islamic customs and traditions which continue to exist on the Malaysian peninsular. Askiah ADAM, "Malay Women in Islam: Adat and Islam, Conflict or Conjunction?," in WOMEN IN DEVELOPMENT PROGRAMME, BUREAU OF NATIONAL ECONOMIC POLICY STUDIES, and ISIS MALAYSIA (Eds.) *Report of Research on Women and Development in Malaysia, 1992-2020 Towards an Engendered Millennium* (Kuala Lumpur: Women's Affairs Division (HAWA, Ministry of National Unity and Social Development, 1993). Each State has its own Shari'a laws which cover family and personal law, each state has its own civil law, but all states follow federal criminal law.

² JAKIM/JAIS are acronyms for *Jabatan Kemajuan Islam Malaysia* and *Jabatan Agama Islam Sarawak and Selangor* which translates as the Department of Islamic Development of Malaysia under the auspices of the Prime Ministers Office, and Sarawak and Selangor State Religious

present legislation on Islam as recommended by JAKIM/JAIS to the multi-racial *Negeri* legislature for enactment.³ Thus power is diffuse, and the development of Islam in Malaysia is contested. The complexities and tensions within the Malaysian State apparatus must be recognised in order to fully understand how women's rights are constructed.

In an attempt to secure its position within the structural framework of the federation, there have been numerous attempts by federal government to expand its power vis-à-vis the citizen and the different *Negeri*. For example the feminist group throughout the 1990s 'Sisters in Islam' (henceforth SIS) was supported by the then President Mahathir in its attempt to centralize the application of Islamic family law. SIS aspired to close legal loopholes in enforcement of divorce and polygamy laws that emerge because of differences among *Negeri*. SIS supported this expansion of federal power because they believed women would fare better under a lay Islamic bureaucracy in Kuala Lumpur than before *Ulema* in provincial settings. Furthermore despite the provisions outlined above, the increasing remit of JAKIM/JAIS through its control of national "Islamic institutions", ensures that all *Negeri* religious bureaucracies implement federal Islamic policies including those relating to women and women's employment.⁴ Indeed the role of JAKIM in determining government policy on Islam, led the chief executive of *Suara Rakyat Malaysia* (henceforth SUARAM) to state that "the real threat to Malay women is JAKIM because they have so much power to determine women's issues."⁵

Departments. Patricia MARTINEZ, "The Islamic State, or the State of Islam in Malaysia," *Contemporary Southeast Asia* 23:3 (2001)

³ This includes the Sultan of the *Negeri*. Also, in *Negeri* with a BN majority in the legislature the Chief Minister is a federal appointee (for as long as BN party alliance remains in power at the federal level).

⁴ ANSARI, "Malaysia: Limitations of the Human Rights Discourse and the Deployment of Rights in a Religious Identity Debate", Mutalib HUSSIN, *Islam and Ethnicity in Malay Politics* (London: Oxford University Press, 1990), p. 134. JAKIM and JAIS define the remits of Malaysia economic and educational institutions, including the Islamic Teachers Training College (founded 1982), the International Islamic University (founded 1983), and the Islamic Development Foundation (founded 1984) among others. This is combined with the increasing desire of *Negeri* to be seen as authentically "Islamic", which has been successfully defined by JAKIM/JAIS.

⁵ Cynthia GABRIEL, "Interview with Cynthia Gabriel, the Executive Director of Suaram, by Katherine Brown," (Petaling Jaya: 2003). SUARAM is a Human Rights NGO. C.f. their English language website: <http://www.suaram.net/>

As the increasing power of JAKIM/JAIS indicates, the bureaucratisation of Islam and Islamic practices is a central mechanism by which the social and political institutions are anchored into the wider modernisation discourse. This institutionalisation of Islam, impacts upon citizens lives at a variety of levels. For example, in 1984 the federal State introduced Islamic courses in state level education making Islamic religious knowledge as defined by the State is examinable at the upper secondary level.⁶ The federal State through the control of publishing and broadcasting licences (and also in some cases indirect ownership), has led to the inclusion of “Islamic values” and “Islamic topics” in the media.⁷ These are coupled with regular announcements about the successes of Malaysia, the Prime Minister himself and the United Malays National Organisation, or *Pertubuhan Kebangsaan Melayu Bersatu*, (henceforth UMNO) thereby linking Islam with the State.⁸ In some *Negeri*, betrothed Muslim couples are required to undergo “examinations” to determine their religious credentials, and are encouraged to take courses on “family affairs.” The “yellow book”, given as marriage guidance, describes the duties and obligations of the wife (but not those of the husband, or the wife’s rights).⁹ In 1999 the Prime Ministers Office announced that Muslim couples would henceforth be issued electronic bar-coded cards to prove their married status, so that the Islamic-police could determine instantly whether, two people of different sex found together were

⁶ With the content determined by the Department of Islamic Development of Malaysia under the auspices of the Prime Ministers Office, and Sarawak and Selangor State Religious Departments (JAKIM/JAIS) HUSSIN, *Islam and Ethnicity in Malay Politics*.

⁷ Most frequently cited are Islamic banking, polygamy, the role of women in society, and Muslim science. I refer the reader back to the discussion in the introduction to provide a full explanation of why the term Islamic remains in quotations.

⁸ UMNO is the majority Malay party in the ruling coalition *Barisan Nasional* (BN). This is to the extent that one woman activist that I interviewed, said that while she was on maternity leave she watched a considerable amount of television which became one of her main contacts with the “outside world”, and she said how constant the messages were that she should be grateful to be Malaysian and how lucky she was to live there, and how wonderful UMNO was. She also said that if it hadn’t been for her background in women’s activism and NGOs, she would not have questioned it. She wondered how many women are so indoctrinated, unaware that other opinions exist Rozana ISA, “Interview with Rozana Isa, Ngo Activist, by Katherine Brown,” (Kuala Lumpur: 2003).

⁹ Norani OTHMAN, “The Socio-political Dimensions of Islamisation in Malaysia: A Cultural Accommodation of Social Change,” in *Shari’a Law and the Modern Nation-State: A Malaysian Symposium*, ed. Norani OTHMAN (Kuala Lumpur: Sisters in Islam Forum (Malaysia) Berhad with the support of the Friedrich-Naumann-Stiftung (Germany), 1994). Lin Zainun Che MAHMOOD, “Interview with Lin Zainun Che Mahmood, Chief Executive of Yayasan Murni Kelantan, by Katherine Brown,” (Kota Bharu, Kelantan: 2003).

married or whether they should be arrested for *khalwa*.¹⁰ In these ways, among others, Islam is formalised at every level of citizen's public and private lives. By linking Islamic narratives and practices to the State machinery, legitimacy is secured at a variety of levels. However, the Malaysian State's attempts at creating a hegemonic vision of the Malay-Muslim through the institutionalisation of Islam has not necessarily been completely successful, as the alternative voice of the political party *Parti Islam Semalaysia* (the Malaysian Islamic Party henceforth PAS) reveal.¹¹ This is discussed later on in the chapter.

As a result of federal expansionist policies and the increasing bureaucratising of Islam and Islamic practices in Malaysia, women's issues have become co-opted by the different political parties and in particular by UMNO. This is despite the fact the women's movement in Malaysia has been credited as dynamic component of civil society.¹² By adopting a strategy of assuming control for high profile public events on individual women's issues, the federal State and ruling party are substituting real reform and debate for a tokenism that does not threaten the Islamic credentials of the state or party.¹³ For example, the Women's Aid Organisation (WAO) along with other women's groups started a campaign to eliminate violence against women (VAW), but the Ministry for Women and Family Development (henceforth HAWA) took over the campaign, and it became women against violence (WAVE) changing the tone and meaning of the campaign.¹⁴ One perceived consequence of this particular change is that it further hid the specific problem of domestic violence from the public agenda amongst a plethora of wider public issues, thereby delaying social and legal reform. This campaign and became increasingly linked to the government's

¹⁰ These means to be consorting illegally. Giles KEPPEL, *Jihad: The Trail of Political Islam*, trans. A. F. ROBERTS (London: IB Tauris, 2003), p. 96.

¹¹ PAS often operates as part of the *Barisan Alternatif* (henceforth BA) party alliance in opposition to the *Barisan Nasional* (henceforth BN) party alliance which includes the majority party UMNO.

¹² ANSARI, "Malaysia: Limitations of the Human Rights Discourse and the Deployment of Rights in a Religious Identity Debate"; YAN, "The Women's Movement in Peninsular Malaysia, 1900-1999: A Historical Analysis."

¹³ ANSARI, "Malaysia: Limitations of the Human Rights Discourse and the Deployment of Rights in a Religious Identity Debate."

¹⁴ Wathshlah G. NAIDU, "Interview with Wathshlah Naidu, Law Reform Officer for the Women's Aid Organisation, by Katherine Brown," (Petaling Jaya: 2003). Another example is that the National Coalition of Women's Organisations (NCWO) used to run Women's Day, on the 25th August, (indeed it is in their constitution to do so) but once again HAWA has taken over that role GURUSWAMY, "Interview with Mrs Guruswamy."

agenda, promoting particular visions of Malay women as objects for celebration and praise, consistent with the paternalistic tone of the State vis-à-vis the citizen, civil society and women in particular.

The closeness of some women's groups with certain political parties posits the women's agenda as partisan. For example, many believe that the recent monogamy campaign by SIS is in fact a federal or UMNO campaign, especially given the opposition parties seeming support for unrestricted polygamy.¹⁵ Consequently SIS's campaign was presented in parts of the Malaysian media as an anti-polygamy argument, undermining its Islamic credentials.¹⁶ Coincidentally PAS began espousing the need to create provision to facilitate *Negeri* councillors to have second wives. Thus, the wider issues of women's rights in marriage became relegated to a party-political argument. Linked to this is that for some groups the perception of their political party allegiance can impact on their service provision and funding.¹⁷ Indeed, although a number of women's groups justified their involvement with the ruling party in terms of "getting things done" nevertheless this is a reciprocal relationship where government "gets things done" (cheaply) through the non governmental organisation (henceforth NGO) sector. Furthermore, the adoption of specific agendas not only coincides with State interests but also ensures that Women's groups perceive their interests in the same framework, it suggests a hegemonic discourse on women's issues. Salbiah Ahmad, a journalist and women's rights activist, referring to SIS, commented:

They [Sisters in Islam] are close to the government, but do not question how their words are turned into governmental rhetoric. It enables UMNO to say they are pro-women without actually doing anything, it absolves them [UMNO] of responsibility; and it limits 'Sisters in Islam's'

¹⁵ In that while all parties and States, recognise the limit of four wives, not all accept that the first wife's consent is required. And yet another suggested the creation of allowances to enable state councillors to take another wife if he would like.

¹⁶ Although some newer interpretations argue that the verses in the *Qur'an* which relate to polygamy offer a warning to men and suggest that the conditions under which polygamy is allowed cannot be obtained, few argue deny polygamy as a valid family structure for a believing family.

¹⁷ For example an NGO group I interviewed in Kelantan Province, spoke of their concerns that not all women feel able to use their services because they are in part funded by the federal government in an opposition controlled region. MAHMOOD, "Interview Yayasan Murni."

actions... [So] nothings changed... in the twenty years we've been fighting for women's rights nothings changed.¹⁸

The co-option of certain women's issues by the State has significant consequences for policy and service provision. The reliance on women's NGOs to provide welfare and legal services absolves the government from responsibility for openly addressing women's concerns and rights, while gaining political credibility for "supporting" women by partially funding these groups. This is seen in the real under-funding of those aspects of the sixth and Seventh National Plans which are aimed at alleviating women's position.¹⁹ Also, only those groups which accept the limits placed on the women's rights agenda receive such support. Indeed, if women's groups speak out on issues that go beyond the remit of "women's issues" or "the private", then they are considered a nuisance. For example, if they are invited to speak on these wider issues, "it is in a patronizing manner, the women's panel is on the last day in the afternoon."²⁰

2.2. Economic Development, Progressive Islam and Human Rights.

The other aspect impacting on Malaysian Muslim women's rights is the Asian Values and modernisation discourse. In relation to this, three aspects of this are examined below, first is an outline of "Asian Values" and how these values operate to shore up economic development. Second, there is an analysis of the emergence of cultural relativism as an alternative framework for negotiating women's roles and positions in general. Third, this section looks at the spaces this interplay creates in which women's movements, NGOs, and activists are able to negotiate women's rights.

The outline of Asian Values is presented in Chapter five. In the domestic setting of Malaysia "Asian Values" are supplemented by nationalist jingoism and economic policy making, found most prominently in the New Economic Plans in

¹⁸ Salbiah AHMAD, "Interview with Salbiah Ahmad, by Katherine Brown," (Kuala Lumpur: 2003).

¹⁹ PRIME MINISTERS OFFICE, *Forward to Mid Term Review of 7th Malaysia National Plan* (Prime Ministers Office, 1999 [Accessed 03/02/2005]); available from <http://www.pmo.gov.my/RancanganWeb/KRM7/content.pdf>

²⁰ MARTINEZ, "Interview Dr Martinez."

the 1980's and more recently "Vision 2020". These documents are also discussed in Chapter five.

In terms of women's rights, the State led discourse on modernisation, development and "Asian Values", supports the inclusion of women in the labour force, although simultaneously limits the ways in which this inclusion impacts on the social structures of Malay society. By the continued emphasis on "Asian-Islamic Values", women's roles as "wives, mothers, and breeders of the next generation of workers, consumers, and Muslims" are secured.²¹ The narrative operates around a nexus of Islamic values, development, modernity and femininity. Islamic values are defined as "progressive Islam" so that Malaysia modernises through Islam, as articulated by the Islamic institutions. Progressive Islam, alongside Asian values has created a collective work ethic for the nation, rationalising economic pursuit as a religious duty, calling everyday work as *Ibadah* (worship).²² The dominant Malaysian conceptions of women's rights are justified because they support "development", and development is supported by the women's groups because it is seen to uphold their definition of women's rights. This reciprocity ensures that equality between men and women is seen primarily in terms of equal participation in development and therefore encouraging women's entry into the workforce. For *Puteri* UMNO, the young women's wing of the ruling party, this can be seen by their continued emphasis on education leading to successful rights claims as women's ability to engage in development is dependent upon literacy and numeracy skills.²³ In addition, not only does the new Islamic discourse on women, and the work place, create workers, it also creates consumers. Consumers keen to demonstrate their "Muslimness" in modern terms by the purchasing of religious paraphernalia.²⁴

²¹ HEALEY, "Gender, Power and the Ambiguities of Resistance in a Malay Community of Peninsular Malaysia." The term Asian-Islamic is used as a hybrid, to indicate how both narratives combine to produce a particular discourse, which creates an Asian Islam, and an Islamic Asia.

²² ANSARI, "Malaysia: Limitations of the Human Rights Discourse and the Deployment of Rights in a Religious Identity Debate"; Shanti NAIR, *Islam in Malaysian Foreign Policy* (London: Routledge, 1997).

²³ SYAHIRAH, "Interview with Education Officer for Puteri UMNO, Sharifah Syahirah."

²⁴ HEALEY, "Gender, Power and the Ambiguities of Resistance in a Malay Community of Peninsular Malaysia," p. 53; G STARRETT, "The Political Economy of Religious Commodities in Cairo," *American Anthropologist* 97 (1995).

Therefore, in line with the 1995 Policy, one of the key thrusts within the later published *Seventh Malaysia Plan 1996-2000* for the advancement of women is to “promote greater female labour force participation of women.”²⁵ The agenda and implementation of this plan is rather narrow in scope and funding, and it is not linked to the upward mobility of the female workforce. Participation in itself is considered a sufficient goal. Women are encouraged to work within “modern” sectors, such as factory work, clerical work, public service work, as well as traditional “caring” professions (including housewife). Healey, in her anthropological research, shows how femininity and modernity became increasingly linked in government Asian-Islamic values rhetoric, but in such a way that ensures women’s labour (paid and unpaid) continues to “make up any shortfall in other resources.”²⁶

However, the focus of government policies and objectives on women and employment has shifted to considerations of women and the family (in line with Asian-Islamic Values) and away from equal access/enjoyment of benefits of development as suggested in Vision 2020. In the *Plan of Action for the Advancement of Women* published in 1997, the emphasis was on the need for facilities for women to manage their combined roles as wives, mothers and employees, and that women should contribute to the development of themselves, “[and] the family as well as the nation.”²⁷ For example, under the section “Measures to be taken to address some of the issues pertaining to women and the economy”, the first three measures relate specifically to women and child care and none suggest the need for equal enjoyment of benefits of development but only equal participation in the processes of development.²⁸ This is perhaps because of the persistent view that women are secondary income earners which is strengthened by income generating schemes targeted at women, reinforcing their

²⁵ DAIRIAM, "Gender Mainstreaming: Case Study of Malaysia," p. 1.

²⁶ HEALEY, "Gender, Power and the Ambiguities of Resistance in a Malay Community of Peninsular Malaysia"; Tina WALLACE and Candida MARCH, eds., *Changing Perception* (Oxford: Oxfam, 1991), p. 40.

²⁷ WOMEN'S AFFAIRS DEPARTMENT (HAWA), "Plan of Action for the Advancement of Women," (Kuala Lumpur: WOMEN'S AFFAIRS DEPARTMENT, Ministry of National Unity and Social Development, 1997/8), p. 51

²⁸ *Ibid.*, p. 52.

role as home-makers.²⁹ This attitude is reflected by the opinions of *Puteri* UMNO, which as they put it

Seeks to promote a moderate society. ... The West shows that when women try to do everything there is a high cost to the family. We promote women's roles as career women and as wives and mothers. In both ways they are able to contribute to the country.³⁰

It becomes increasingly apparent that calls to work and paid employment were aimed specifically at single women, or working class married women, so as not to disrupt the Islamic institution of the patriarchal family and "Asian-Islamic Values". Consequently, the government has ensured that UMNO's progressive Muslim woman is "still bound by traditional conceptions of the woman as bearing maternal and family responsibilities."³¹

The juxtaposition with Western society underpins the claims of the Asian values narrative. The contrast is specifically deployed in debates on women's rights. A particular articulation of "Asian Values" arises when discussing human rights, namely one which draws upon arguments of cultural relativism. Four claims about the Asian view on human rights are made: rights are culturally specific, the community takes precedence over individuals, social and economic rights take precedence over civil and political rights, and rights are a matter of nation sovereignty.³² Addressing these points it is possible to highlight the impact of the "Asian Values" discourse on women's ability to negotiate their rights. However, the "Asian Values" discourse has been mediated since the 1997 financial crisis, and in many respects it has been subsumed in the domestic arena into Islamic rhetorical devices, although this also broadly follows the arguments outlined above. This cultural relativist approach enables states and civil society to invest in an "ethic of womanhood" which is appropriate to Islam. In other words the cultural distinctiveness of the "ethic of womanhood" is prioritised over

²⁹ WOMEN'S AFFAIRS DEPARTMENT (HAWA), "Enhancing the Status of Women in Malaysia, a Summary" (paper presented at the Beijing Plus Five Conference, New York, 2000).

³⁰ SYAHIRAH, "Interview with Education Officer for Puteri UMNO, Sharifah Syahirah."

³¹ ANSARI, "Malaysia: Limitations of the Human Rights Discourse and the Deployment of Rights in a Religious Identity Debate," p. 23.

³² Xiaorong LI, "'Asian Values' and the Universality of Human Rights," *Business and Society Review* 102/103 (1998).

claims based on universal understandings of human rights.³³ In Malaysia, Asian-Islamic Values have been used to challenge constructing women's rights on the basis of individualism, by highlighting the ills of Western society and attributing them to the increased mobility, freedom and sexuality of women. In contrast, Asian-Islamic Values define women's rights as the right to be mothers and wives, while also participating in the development process. Therefore, women's rights and privileges are granted in conjunction with piety and marriage rather than as citizens or as "human".

3. Women's Rights under Focus

This section considers a series of "women's rights" in the Malaysian context and examines how the Islamic narratives impact upon women's strategies and understandings of acquiring each of these rights. Article 5, 7, 10, 11 and 12 are considered as well as DEVAW.

3.1. Article Five (Sex Role Stereotyping)

Article 5 of CEDAW determines that governments are obligated to challenge sex-role stereotyping. In particular Article 5 requires that the State promotes child-rearing as the responsibility of both men and women. In Malaysia, the Islamist discourse operates in such a way as to sex-role stereotype women in three particular ways: firstly as objects that can be seen and erased in specific ways; second within socio-biological discourse such that women's nature is seen as innate; and third that women are ultimately victims, or at best passive receivers, of patriarchal directives and services.

Under Article 5 Women have a right not to be defined according to ascribed sex role stereotypes but the public discourse determines when and under what circumstances women are visible according to sex-role stereotypes. However, the first binary by which the Islamic discourse logs women is by rendering them visible or invisible in particular ways and under particular circumstances.

Women's mobility in the public sphere is read through Islamic narratives of the

³³ This can operate as a double edged sword however, and challenge traditional assumptions about women's roles and rights because it is based on the assumption that the norms which define rights are constantly changing. However, as yet, such a twist has yet to be fully manipulated in the Malaysian context.

female-feminine body, such the politics of embodiment determine recognition (or otherwise) of women's access to the public sphere and to rights. Women's access to the public sphere is only granted when they are visible as women, and more precisely when they are visible as particular types of women who conform to sex-role stereotypes grounded in ideas of complementarity.³⁴ Acceptance of women's position outside traditional roles is determined by their appearance: i.e. if they wear a *todong* (*hijab*, Islamic head scarf) or wear clothes associated as feminine. For example, the media response to the 2003 *Wanita* (Women's) and *Puteri* (Young Women's) UMNO conferences show how women's roles in wider society were judged on predetermined sex-role stereotyping that saw value primarily on physical appearance. One respected national newspaper, which is consistently pro-UMNO, included an article that explained *Puteri* UMNO's rise in prominence, not on the grounds of their policies or achievements but because they "are easier on the eye."³⁵ This constant referencing to women's appearances as a basis for their involvement in the public sphere seems to contradict the Islamic principle that a woman should be protected from being judged by her appearance by wearing a *todong*. It also shows that sex role stereotyping occurs through gender segregation in institutions. Women's roles and issues are debated in particular forum and are not accepted into other policy debates.

Another response to Article Five has been to recognise the changes in women's roles in the public sphere so that they no longer are bound by sex roles, but attempts to re-inscribe these changes with "traditional" meanings. For example the Chief Minister of Kelantan (Nik Aziz) said pretty women shouldn't work, but that ugly women should be allowed to work to have a chance of finding a husband.³⁶ In this way, women's economic freedom, and entry into new public spaces has been limited and redefined by assigning it a traditional role, namely the search for an eligible marriage partner. It also suggests the way in which

³⁴ The idea of complementarity is discussed in Chapter three.

³⁵ *Puteri* UMNOs delegates wore a uniform of pink and white, including the option of wearing a pink *todong* (Malay *hijab*). C.S LING, "Puteri UMNO Has Stolen Its Thunder but Wanita..." *New Straits Times*, 19/06/03.

³⁶ ISA, "Interview with Rozana Isa."

women are accepted into the public arena is determined by how men view them and view their relations with other men.

It is therefore paradoxical how women's politics and women's rights are made invisible by the same manoeuvre which makes them visible. By according women special bodies, known by how they dress, women are also granted "special" politics. Women's politics is siphoned off into women's wings of political parties or women's NGOs where women's needs and rights can be dealt with. Women are thus rendered invisible by the recognition of "difference". Another discursive move is the reinforcement of sex-roles which identifies women with the family, and those women's concerns are primarily those which are confined to family matters. The rhetoric of the family also hides women from the public sphere by association of sex roles. The Ministry of Women and Family Development in its National Policy on Women, therefore ensures the "special needs and feminine characteristics of women are not affected and their maternal and familial responsibilities are not sacrificed."³⁷

As these examples show the construction of women as invisible/visible in certain contexts reinforces sex-role stereotyping in a number of ways. Firstly, it is men who determine when and where women are seen and how their presence is interpreted (as threat to the family or as pretty objects). Secondly, the Islamic discourse logs women according to their bodies and biological functions. It presupposes that women are only important when they are physically present. Therefore, women's concerns are not important in mainstream politics because they are not visible, or are ghettoized to women's spaces. Thirdly, it serves to belittle and patronise women's achievements, both in the public and in the private sphere, by reducing them to their physical attributes. The failure to challenge stereotypes by government, State institutions, or by main opposition parties, ensures that in Malaysia women can only be known by their bodies: their dress encodes their entire identity and morality in a way that is not expected for men in the dominant Malaysian Islamic discourse.

³⁷ Originally published in 1989 under the auspices of the Women's Affairs Division .WOMEN'S AFFAIRS DIVISION (HAWA), "The National Policy on Women (Translation)," (Kuala Lumpur: HAWA, The Ministry of National Unity and Social Development, 1995).

The invisibility of women in the public sphere because of sex-role stereotyping is contrasted with their visibility in the private. Linked to the framing of women's presence, according to their biological function, is the discursive construction that, women's roles as innate and natural. In contrast, CEDAW demands that states ensure that sex stereotyping should be eliminated, and that there should be no roles that women must or must not do. However, statements by Minister Datuk Sharhrizat, of then newly formed Ministry of Women and Family Development, contradicts Malaysia's obligations under Article 5 of CEDAW, she argued (in the English language daily *The Star* on 19 January 2001) that the Ministry aims:

...to reinforce the women's basic and traditional functions... we must not forget the traditional functions of women like cooking and caring for the household.³⁸

Another example of stereotyping based on the bio-medical narrative arose in interview with a female political activist for the Islamic opposition party who said:

Yes we are equal, but in terms of our biological makeup women are better suited for certain jobs and vice versa. We don't want to be toiling outside, cleaning the drains and so on.³⁹

This suggests that women's roles are defined in relation to the public private divide examined above, and reinforced by the concept of complementarity. Complementarity is discussed in more detail in Chapter two. However, in this context this statement serves to reinforce the perception that women are naturally able to perform certain tasks and naturally constrained in others. In a complementary manner to the Ministry's aims, those from a more conservative perspective in Malaysia also argue that women need to have their rights as mothers recognised and valorised in order to improve society rather than adopt the articles of CEDAW.⁴⁰ For example, at the *World Conference of Islamic Scholars on Islam in the Era of Globalisation*, Dr Khalijah Mohd Salleh analyses

³⁸ Ivy JOSIAH, *Media Release: Women's Traditional Roles* (Women's Aid Organisation, 2001 [Accessed 13/08/03]); available from <http://www.wao.org.my/news/20010228tradroles.htm>

³⁹ Dr Siti Mariah MAHMUD, "Interview with Dr. Siti Mariah Mahmud, Executive Member of Pas, by Katherine Brown," (Sungai Buloh: 2003).

⁴⁰ Dr. SURIYA, "Interview with Dr. Suriya, Member of Wanita Jammah Islaha Malaysia (Jim), by Katherine Brown," (Majid Tannah: 2003).

the concerns of women primarily as mothers and wives, even when in the work place.⁴¹ The prioritisation of assumed biological characteristics and sex-roles, attempts to reframe the debate on women's rights around the private sphere, and to argue that Islam guarantees women rights within that sphere in a way that a non-faith based regime cannot.

Alongside sex role stereotyping in the public and private sphere based on assumed biological attributes, is a discourse that writes these are inferior. Women are constantly defined as victims in the public discourse. This is true whether or not women's rights are violated or if they are trying to acquire their rights. For example, Canny Ong's murder in 2003, and the public reaction surrounding it, was inflamed by the perceived helplessness of the victim.⁴² Ultimately women are constrained by sex-role stereotyping from the Islamic discourse in Malaysia because it assumes that women need protecting and looking after, and that public places are inherently dangerous spaces for women. Therefore, women as victims are in constant need of protecting and constant need of surveillance. Protection is needed from men, from immoral temptations, from the West, from feminism and from themselves. This reflects the paternalistic nature of the Malaysian state (women should be grateful for the protections that are afforded to them), which is achieved through the policing of behaviour, both in public and in private spheres of human activity.

However, and importantly, as victims women are held accountable for that which happens to them. There are worthy victims (good honest chaste women – preferably wives) and those who are not (non-Muslim women). The processes of defining women as victims corresponds, or dovetails with the discourse that determines public spaces as unsafe for women, and therefore unsuitable for women to be seen.

3.2. Article Seven (Public, legal and political Participation)

⁴¹ For example she says that employers should be more considerate to pregnant women as stress can damage the foetus, that women should continue to work so that "can help improve the economic state of the family and community" Dr K.M. SALLEH, "Role of Muslim Women in Facing the Challenges of Globalisation" (paper presented at the World Conference of Islamic Scholars: Islam in the Era of Globalisation, Putra Jaya, Malaysia, 2003).

⁴² Her case is discussed in more detail further on in this chapter.

Article seven brings the debate about women's equality recognition for numerical representation of women in the public sphere. This section considers two core elements of this, women's participation and representation in the formal political process, and second women's legal representation and equality before the law, especially concerning *Shari'a* and Hudud law.

Malaysian women can vote they can stand for election; they can become members of the legal profession and may influence policy decisions of the executive in line with men. Article Seven is upheld to the extent that there are no formal barriers to women's participation in political or legal processes. However women draw upon a language of authenticity to realise their rights. Women's political participation in the Malaysian context is determined by their ability to manipulate the "Islamic" image of the Malaysian woman. Women's ability to participate in formal party politics is especially determined by the image of the "more than real" Muslim woman. Two women in opposition politics are so defined: one specifically works within the predominant image, while the other challenges it.

The first woman is Dr. Wan Azizah, leader of National Justice Party (henceforth KEADILAN) founded after the imprisonment of her husband, former deputy-Prime Minister Anwar Ibrahim. With an explicitly and increasingly Islamic image, the role and image of Dr. Wan Azizah is constantly re-negotiated as wife, mother, political leader and "ordinary woman". Nevertheless, Dr. Azizah's engagement with politics remains primarily fielded through her role as wife and mother, she is admired (along with the wives of other ISA detainees) for

... Standing up firmly and tirelessly for the rights of their husbands, often facing harassment and humiliation by the authorities, and yet managing their dignity and femininity.⁴³

In other words by entering politics to preserve a central Islamic institution (the family) she has been able to tap into wider national political debates through what is perceived as a "woman's issue". By being "more than real", and perhaps more importantly "more than Muslim", she has been able to secure opposition

⁴³ Animah Annette FERRAR, "Interview with Animah Ferrar, Supreme Council Member of Parti Keadilan Nasional, by Katherine Brown," (Kuala Lumpur: 2003).

votes who would not vote for the perceivably extremist PAS. Dr. Wan Azizah has been able to complicate the boundaries between public and private by making the purpose of her public engagement her private life.

The second woman under consideration is Zaitun Kasim of The Women's Candidacy Initiative (henceforth the WCI). The WCI based their campaign on highlighting national agendas as within the remit of "women's issues", rather than as women's lives being part of the national agenda, as Dr. Wan Azizah did.⁴⁴ The manner in which Zaitun Kasim (and the WCI) experienced electoral campaign of 1999 was through the intersection of gender, religion and class. Zaitun Kasim is Muslim, but sought a wider constituency, and in line with her beliefs did not wear a *todong* and also refused to "dress up a bit" and wear heels as she was requested to do by colleagues. Her reply to this was "how do you go to the estates in heels?" and, as she relayed the experience to me, "They were shocked that I went into the estates [urban squatter areas and areas of extreme poverty.]"⁴⁵ The expectations of her of campaigners and by the media were highly gendered, as Kasim says:

Men can look "like the man on the street" and be applauded, but when a woman does on the election campaign, she is not glamorous enough, not religious enough.⁴⁶

For women to stand in elections, it is assumed that they must uphold idealistic models of womanhood. They must be "more than real" and more than competent, a model not required of male candidates, who can seek to appeal to the "common man" on the grounds that the male candidate is "just like them". KEADILAN showed how it is possible to be "more than" and retain the space to challenge dominant perceptions of Muslim women. The WCI campaign reveals the ways in which the image and perceptions of the "good Muslim woman" is inherently middle class, and determines the ways in which Muslim women are constrained in their right to fully participate in national level politics and in ways

⁴⁴ For example the manifesto states that the WCI aims to "promote all causes of justice and democracy; and to incorporate the views and aspirations and participation of women in this process" WOMEN'S AGENDA FOR CHANGE, *Women's Agenda for Change*, 2nd ed. (Kajang: Women's Agenda for Change, 2000).

⁴⁵ Zaitun KASIM, "Interview with Zaitun Kasim, Candidate for the WCI and NGO Worker, by Katherine Brown," (Kuala Lumpur: 2003).

⁴⁶ *Ibid.*

that their male colleagues are not. These examples also show that such defining images are not immutable and can be successfully challenged, and that women are able to create spaces in national politics which resist easy definition.

In Malaysian politics women's rights have generally been relegated to Women's Wings of political parties, Women's NGO's and the Women's Ministry. Gender segregation in society is reflected in the segregation of institutions where "women's issues" can be managed from the margins. They are not mainstreamed or part of "the people". As the WCI highlights:

In the recent past, women have been berated for getting involved in politics; they are told that they have no place there, that women's issues should not be made political. As half the citizenry of this nation, women's demands and needs cannot be [so] marginalized.⁴⁷

In contrast the WCI and KEADILAN are able to reveal the extent to which women's issues are linked to the wider Malaysian context and yet denied in the predominant framework of party politics. The WCI enabled voting for a "women's candidate" as a mainstreaming strategy, and one that played on class and gender assumptions. Working from within the Islamist discourse on gender and social justice KEADILAN operated as an alternative vision of women's roles in a modernising Malaysia.

Malaysian women's participation and representation in the legal system is complex. This section examines Malaysia's compliance with Article 7, by considering the implementation of *Shari'a* and *Hudud* law, including *Zhina*. The complexity is particularly apparent in relation to Muslim civil law which has a fragmented legal structure, which in contrast to criminal law is centralised under a federal penal code. Each of the 13 *Negeri* determines the laws and policies relating to civil and family law (*Shari'a*) in its jurisdiction. This is pertinent given that the majority of *Shari'a* court users are female.⁴⁸ As a result there can be considerable disparity in women's access to legal services and support, these

⁴⁷ The WOMEN'S CANDIDACY INITIATIVE, "Women's Candidacy Initiative, Towards Promoting the Participation of Women in Political Processes," (Kajang: WCI, 1999).

⁴⁸ Women who seek legal injunctions often go because of abandonment or ambiguity over their marital status, in contrast men seek court help because they want their wives to return or to curb behaviour they deem inappropriate M PELETZ, *Islamic Modern Religious Courts and Cultural Politics in Malaysia* (Oxford: Princeton University Press, 2002), p. 128.

are most noted in relation to divorce and polygamy laws. For example, some *Negeri* allow husbands to divorce their wives via mobile phone text messaging, while others insist in divorces being obtained through the court system. The *Shari'a* law courts themselves are particularly inaccessible to women as the work of Peletz indicates.⁴⁹ Not only do all women have to wear a *todong*⁵⁰ (regardless of their faith or ethnicity) but children are not permitted in the rooms, the majority of *Keadih* are male and most operate according to traditional interpretations of the law regardless of federal innovations.⁵¹ Therefore, although women have equal access to the legal system in law, in practice this access is compromised by a discourse of femininity and family.

There is considerable debate in Malaysia about the introduction of *Hudud* law in PAS controlled *Negeri*. *Hudud* law is the implementation of *Shari'a* law in criminal matters. *Hudud* in *Negeri* Kelantan and Trengganu has impacted heavily on women's access to law, especially in relation to their sexual behaviour. One of the provisions in these *Negeri* is that if an unmarried woman was found pregnant she was automatically guilty of *Zhina*.⁵² If any woman says she's suffered rape but cannot prove it, she's guilty of slander which is also punishable.⁵³ The law states that for a woman to prove rape, she needs four witnesses or "strong circumstantial evidence."⁵⁴ Clearly this discourages women victims from reporting cases of rape, and some would argue protects rapists.⁵⁵ However, Dr Lolo states of PAS, is claimed to argue that "if you are a chaste, honest wife, you wont get accused of *Zhina* and therefore don't have to worry", and furthermore, "PAS wouldn't abuse the law like other groups might."⁵⁶ Nevertheless, other groups, such as Yayasan Murni in Khota Baru, point to families' current fear and reluctance to press for a legal solution to alleged

⁴⁹ Ibid.

⁵⁰ Malay version of the *hijab*

⁵¹ *Keadih* are Judges in the *Shari'a* courts PELETZ, *Islamic Modern Religious Courts and Cultural Politics in Malaysia*.

⁵² Define *Zhina*: illegal/illicit sexual intercourse.

⁵³ The Kelantan state refused to show draft amendments of this to women's groups until the law had been passed SISTERS IN ISLAM, "Conversations Following Training Session with Sis on Shariah," (Kuala Lumpur: 2003).

⁵⁴ In this particular application of the law, PAS have chosen to adopt one particular school (Malaki), which is considered a minority view, and on this instance the other schools of thought/law disagree.

⁵⁵ SISTERS IN ISLAM, "Training Session Comments."

⁵⁶ Cited by Ibid.

crimes of sexual assault, and believe that this fear will only increase if *Hudud* law is implemented in full.⁵⁷

3.3. *Article Ten and Eleven (Education and Employment)*

By 1996 women's participation rate in the work force had risen to 47.2 per cent, a 20 per cent increase since the late 1950's. With changes in the global economy and Malaysian restructuring has increasingly required two incomes in family units (as opposed to the traditional male-breadwinner-model) in order to maintain the family unit, thus facilitating women's entry into the work force.⁵⁸ Asian Values are said to promote particular behaviours and characteristics which employers have since found attractive. It is often said that women were the preferred labour force in manufacturing because the processes and work involved embodied the kind of tasks traditionally carried out by women, as it is repetitive, requires a high degree of accuracy, manual dexterity, and a light touch. However, the manufacturing labour system itself plays a pivotal role in women's employment. The export industry is based on low wage costs, and since women's wages are lower than those of men employed in comparable occupations, the preferred labour is female because it costs less. Women's wages are approximately 75% to 80% that of men's. However, in 1997, in the manufacturing sector, women's wages as a percentage of men's wages were comparably lower, at only 63%.⁵⁹ Women are arguably more efficient and reliable because they have been socialised into similar tasks in the household production unit, such as sewing. Also, the work can be subcontracted to households, and small-medium production units, leading to the informality of women's labour, making them more vulnerable to exploitation and insecurities in the global market system. Complementing this rise in female labour has been a significant increase in female education.⁶⁰ Both the State and industrial employers believe a good education helps women adapt to the discipline required in production work.⁶¹ This section looks at the way in which women's entry into

⁵⁷ MAHMOOD, "Interview Yayasan Murni."

⁵⁸ Amarjit KAUR, "Working on the Global Conveyor Belt: Women Workers in Industrialising Malaysia," *Asian Studies Review* 24:2 (2000), p. 224.

⁵⁹ <http://unstats.un.org/unsd/demographic/products/indwm/ww2005/tab5g.htm>

⁶⁰ Please refer to Chapter five for statistical representations.

⁶¹ KAUR, "Working on the Global Conveyor Belt: Women Workers in Industrialising Malaysia," p. 226.

the work force has been managed through the utilization of Islamic narratives and belief systems. It will do so by first looking at education and religious schooling, second by considering the demand for female workers to wear the *todong*, third by assessing the role of 'Free Trade Zones', and fourth by analysing the discourse surrounding migrant workers.

In Malaysia education is compulsory from the age of six, and is free until the age of 17.⁶² Primary schools may teach in Malay, Chinese or Tamil, although all pupils must learn Malay and English. Schools are predominantly gender segregated. The girl's share of second-level enrolment is 51%, and at primary level net enrolment ratio is 95.⁶³ The curriculum taught to girls is the same as that taught to boys. Religious education in Malay speaking schools is compulsory and examinable at secondary level. The religious curriculum is written by JAKIM. Many schools have daily prayers and encourage girls to wear a *todong*.⁶⁴ Religious, norms, practices and knowledge are consequently socialised in the school environment which influences everyday discursive practices. Alongside overt religious education, social norms are reinforced so that particular qualities are continuously praised in girls, such as docility and obedience.⁶⁵ Also popular among parents are religious schools (SARS) that supplement religious education in State schooling. These are increasingly popular in PAS controlled *Negeri*. The government trains the teachers of these religious schools by running courses which promote "progressive Islam".

⁶² The government has, by virtue of Section 29A (1) the recent Education Amendment Act 2002 (Act A1152) has made compulsory primary education for all who are six years of age. Parents who do not enrol their child would be fined a total of 5 thousand ringgit or six month in jail. Secondary education and higher education is not compulsory though.

⁶³ <http://unstats.un.org/unsd/demographic/products/indwm/ww2005/tab4b.htm>. The primary-level net enrolment ratio (NER) is the number of boys and girls of primary-school age that are enrolled in primary education, expressed as a percentage of the total population in that age group. It shows the extent of participation in primary education of children belonging to the official age group corresponding to primary education in the given country. A high primary NER denotes a high degree of participation of primary school-age children in primary education. The theoretical maximum value is 100%. If the primary NER is below 100%, then the complement, i.e. the difference with 100%, provides a measure of the proportion of children not enrolled at the specified level of education. However, since some of these children could be enrolled at levels of education other than primary level, this difference should in no way be considered as indicating the percentage of primary school-age children not enrolled.

<http://unstats.un.org/unsd/demographic/products/indwm/ww2005/tab4a.htm>

⁶⁴ In PAS controlled *Negeri*, it is law that teachers and pupils wear a *todong*.

⁶⁵ This is in contrast to those qualities praised in boys, which tend to reinforce competitiveness. Wazir Jahan KARIM, "Women in Industry: Electronic Women," *Inside Asia* 6, Nov-Dec (1985).

However, the teachers still tend to teach “traditional Islam”, and consequently the government has stopped funding these schools.⁶⁶ The right to education for women is not questioned in Malaysia, as it corresponds with the development and modernisation programme of the government. Even opposition groups, which question the government’s modernisation agenda, do not question women’s right to education, but frame their dissent on the content of that education. Furthermore, it regularises religious knowledge and religious teaching (with the exception of SARS) by removing responsibility from the family or village (Kampong) elders. This reinforces the standardisation of Islam and guarantees that religious belief is not in tension with government ideas.

In line with discourses that define women in terms of their modernity, femininity and piety, clothing in the work place has become a central issue. Specifically, Malaysian discourses on women’s involvement in the work place centres on the debate whether to wear “Islamic” clothing (including the *todong*) or not. This illustrates a number of issues. Firstly, that women’s bodies are once again revealed to be central to the Islamisation of public spaces, in this case the work place. Secondly, it also shows the increasing State control over employees and employers in the face of globalisation – as the State attempts to control the processes, and effects, of globalisation. Linked to this, is that demanding Islamic dress of female employees is a visible achievement in the goal of Islamising Malaysian society so that the government can uphold Mahathir’s claim that Malaysia is an Islamic state.⁶⁷ Yet it remains minimal adherence, as the State and employers can be seen to be promoting Islam, allaying fears of social dissolution, without actually doing anything substantive. As one activist noted referring to the law stipulating all female employees must wear a *todong* and modest dress, “of all the things they (PAS in Kelantan and Trengganu) could have done they did this.” She felt they could have done more to show that Islamic values can work as a mode of governance. To this end, she referred to the need to increased maternity (pre-natal) care, the need for low cost social housing, the need for job creation and the need to protect the environmental

⁶⁶ Nora MURAT, Masjaliza HAMZAH, and Farha AJIR, Interview, 11/06/03.

⁶⁷ In 2001 PAS demanded that Malaysia become an Islamic State, which Mahathir replied that Malaysia was already an Islamic State. ANSARI, "Malaysia: Limitations of the Human Rights Discourse and the Deployment of Rights in a Religious Identity Debate."

resources in the state.⁶⁸ The insistence of the *todong* also shows how the dominant discourse logs women according to femininity, modernity and Islam, as the *todong* is seen to protect and reveal “good Muslim women”.

Control of women’s bodies in this manner is an everyday effect of the increasing Islamisation of Malaysian politics. In Kelantan and Trengganu (PAS controlled *Negeri*) women are required by law to wear the *todong* while at work and in public places. Since 1991 women have been fined for failing to wear the *todong*, and companies have likewise been fined and permits revoked.⁶⁹ In non-PAS controlled states, you also find increasing directives on women’s clothing. In Melaka women in the civil service have been informed that they must wear clothes that cover their elbows and knees.⁷⁰ One PAS activist likened the directive to wear a *todong* and modest Islamic dress as the same as a company demanding the wearing of a uniform. She further suggested that

It is unfair that some quarters of the West demand uniformity, clothing is an excuse to shout at us, and not allowing the freedom to practice religion the way we want to.⁷¹

She went on to imply how such laws were part of reclaiming Malaysian public space for Muslims, “Muslims have lived side by side with non-Muslims who don't cover up, but we've tolerated them, even though it forces our men to avert their eyes or else they are sinning.”⁷² However, what is interesting is that this is a very particular interpretation of women’s attire and Islam, and indeed one that negates the history of the regions. As sociologist Charles Kessler noted, in Kelantan:

They have always considered themselves pious Muslim men and women. In the past they were pious but women went around with just lace covering their breasts and wearing tight clothing, because this was

⁶⁸ AHMAD, "Salbiah Ahmad."

⁶⁹ Farish NOOR, A., *From Cultural Authenticity to the City of God: The Struggle to Define and Defend "Authentic" Islam and Its Consequences for Malaysian Politics* (International Institute for the Study of Islam in the Modern World (ISIM), 2000 [Accessed 23/06/2003]); available from www.isim.nl/isim/activities/conferences/intellectuals/noor.html.

⁷⁰ Melaka is sometimes spelt as Malacca. MARTINEZ, "The Islamic State, or the State of Islam in Malaysia," p. 482.

⁷¹ MAHMUD, "Dr. Siti Mahmud."

⁷² Ibid.

respectable. Today, they are still pious and respectable but wear the *todong*.⁷³

By interpreting women's dress as being central to modesty and piety, State authorities and religious groups have identified a very visible way of maintaining the "Islamic" credentials of Malaysian society. Indeed it means that Islamic values that question the neo-liberal economic development process can be dismissed because Islamic dress operates as a symbolic adherence to Islam and Islamic practices in the work place such that radical challenges are delegitimised.⁷⁴ Furthermore, demanding that female employers wear a *todong* involves little or no cost to the State or companies; it is a very cheap way of proving the Islamic credentials of those in power. Furthermore, it can re-create the modern workplace as a site acceptable to society, by demonstrating women's femininity within it, and limits resistance to the inclusion of women in the workforce (in certain sectors of course). In turn, as suggested earlier, promoting an Islamic work place gives the illusion of control over the processes of globalisation. By ensuring that all factories have a prayer room and that women must wear the *todong*, it implies that the State can control the economic processes and multi-national companies (henceforth MNCs) that set up in the Free Trade Zones and elsewhere in Malaysia. However, this control is limited. Globalisation literature reveals that governments are engaged in a Dutch auction, and MNCs have considerable leverage over governments on the conditions of employment that they provide.⁷⁵ Indeed it is this point that will be examined below.

The economic impact of globalisation has led to a rise of Free Trade Zones, or export production zones (henceforth referred to as FTZs), which have been key

⁷³ OTHMAN and KESSLER, "Interview with Dr. Norani Othman and Dr. Clive Kessler of the Institute of Ismaili Studies and the University of New South Wales Respectively, by Katherine Brown."

⁷⁴ Such as ones that argue that an Islamic economic system is one where "there is no place for the exploitation of labour" Ashgar ENGINEER, Ali, *Islam and Its Relevance to Our Age* (Ikraq, 1987), Mehrun SIRAJ, "Malay Women in Islam, Muslim Law and Women's Employment," in *Report of Research on Women and Development in Malaysia, 1992-2020 Towards an Engendered Millennium*, ed. WOMEN IN DEVELOPMENT PROGRAMME, BUREAU of NATIONAL ECONOMIC POLICY STUDIES, and ISIS MALAYSIA (Kuala Lumpur: Women's Affairs Division, (HAWA), Ministry of National Unity and Social Development, 1993), pp. 351-52.

⁷⁵ T. EVANS, *The Politics of Human Rights: A Global Perspective*. (London: Pluto Press, 2001).

to Malaysia's economic development.⁷⁶ Malaysia's export industry represents a substantial proportion of its gross domestic product. The main export sectors include textiles, electrical/electronic goods, transport equipment, and scientific and optical equipments.⁷⁷ Within these FTZs MNCs gain access to cheap labour without many of the workers rights found in other parts of the economy. In Malaysia, as stated earlier, a high percentage of workers in the FTZs are Malay women mainly in the manual, unskilled or semi-skilled occupations, and rarely in managerial, technical or professional positions.⁷⁸ What is of interest here is the way in which the Islamic discourse on women's rights is mediated in the free trade zones, or, in other words whether it supports or denies the processes of globalisation

To keep MNCs in supply of cheap, low skilled workers, the government has sought to emphasise cultural values rather than technical expertise. A moral imagery was included to justify new labour relations and to win support for new development programmes with a high western and Japanese presence. The moral imagery deployed is that of progressive Islam, building upon the Orientalist perception of the Muslim woman. Malaysian propaganda promotes the image of nimble and dextrous fingered Muslim-Malaysian women.⁷⁹ Docility and obedience are praised as valuable attributes in girls from young ages.⁸⁰

Although published in 1975, the words of the Federal Industrial Development Authority still capture attitudes to women workers today:

⁷⁶ Developed through the Free Trade Zone Act of 1971. This created estates aimed to encourage investment by companies manufacturing for export. These estates were provided with infrastructure and companies which invested there were given grants of land, tax exemptions, and minimal government regulation – including a denial of labour rights. Please refer to Kaur for more detail, KAUR, "Working on the Global Conveyor Belt: Women Workers in Industrialising Malaysia."

⁷⁷ ASIAN DEVELOPMENT BANK, *Asian Development Outlook: 2001 Update, Malaysia* (Asian Development Bank, 2001 [Accessed 30/08/2003]); available from http://www.adb.org/Documents/Books/ADO/2001/Update/mal_update.asp. Please refer to Chapter five for statistical indication of this.

⁷⁸ The law requires that companies operating in the Free Trade Zones are to have 30% Bumiputra among their employees. NOOR, *From Cultural Authenticity of the City of God: The Struggle to Define and Defend "Authentic" Islam and Its Consequences for Malaysian Politics*.

⁷⁹ R. MAMAT, *The Role and Status of Malay Women in Malaysia* (Kuala Lumpur: Dewan Bahasa Dan Pustaka Kementerian Pendidikan Malaysia, 1991).

⁸⁰ KARIM, "Women in Industry: Electronic Women."

Her hands are small and she works with extreme care. Who therefore could be better qualified by nature and inheritance to contribute to the efficiency of a bench assembly line than the oriental girl?⁸¹

In return, some companies provide buses to take women home (although often only to the nearest main road in a particular village) in order to protect women's safety (although also to limit the opportunities for women to organise), and many incorporate a *todong* into the uniform of its female workers, so that family members are reassured as to their daughters' piety and respectability. Some MNCs also have "open days" where villagers are shown around the factory, to be pleased by the paternal attitude of the company towards its female employees.

However, in the early stages of rapid industrialisation, the image of the "modest and pious female Muslim" working in the free trade zones was substantially challenged by the media. The "moral economy" was under siege by portrayals of Malay factory women as "pleasure seekers, and spendthrifts pursuing Western modes of consumer culture."⁸² Such women were seen as less religious and of "loose morals" causing doubts on official Islamic culture. The solution, it seemed, was to blame the girls or "the people" for failing to guide the "young girls" on "the right path". In response increased surveillance by families, co-workers and "society" was promoted, orientation programmes were set up to prepare young village women for their responsibilities and to prepare them for urban life, so they don't "discard their traditional values," that is those values expressed in the brochures and official ideology.⁸³ Neither the industrialisation process itself, nor the factories were seen as responsible for the changes in Malay society. Instead, the focus was placed on the women's free time, rather than the harsh realities of their working lives. It is this reality of their working lives that is considered next.

Consequently, the women whose roles had significantly changed as a result of globalisation and modernisation are unmarried daughters, who often go to work

⁸¹ Aihwa ONG, *Spirits of Resistance and Capitalist Discipline: Factory Women in Malaysia* (New York: State University of New York Press, 1987), p. 152.

⁸² *Ibid.*, p. 181.

⁸³ *Ibid.*, p. 183.

in the free trade zone factories and send money home to the family.⁸⁴ Nearly 90% of Malaysia's electronics workers are female, arguably because these women are relatively cheap and already partly trained.⁸⁵ Nevertheless, as indicated above the "Islamic" or traditional values that make them employable are called into question, not just by the women themselves but also by the employers and the economic situation they find themselves in. As one woman said "It is not possible to play a "traditional role" when you need two income earners to survive."⁸⁶ Despite the early images of women with excess money and earnings as secondary to husbands, many women work because of necessity, as men can no longer fulfil the role of provider as fathers or as husbands. In this way, women are subverting the traditional gender roles as they seek to fulfil the "bread-winner" function in households, yet justification is still premised on survival of the family. Therefore, although young women also leave their kampongs in order to seek employment in the FTZs, and send remittances home, some seek employment in order to fulfil their Islamic duty to support their families, and for some to earn enough money to afford a wedding.

Another key Islamic image of women is the role of women as the producer of life and the next generation of *Umma*. However, within the FTZs this function has been denied and exploited. Many companies, who give health care provision to workers, will not pay for oral contraceptives, post-miscarriage care, ante-natal care, and so on. They only regard the worker as a labourer, and are denying her role as a mother. Companies discriminate against women for being mothers, they don't get promoted because they resist doing overtime, and they don't get long term training because companies fear they will leave to have children.⁸⁷

⁸⁴ Ibid, ONG, "State Versus Islam: Malay Families, Women's Bodies and the Body Politics in Malaysia."

⁸⁵ Being "dexterous", "nimble fingered" and "docile": such skills having been acquired while helping in household chores Kimori MAI, *Women and Labour Malaysia's Workers: Jolting the Electronics Industry* (Pacific-Asia Resource Center. PENANG, MALAYSIA, 1989 [Accessed 28/08/03]); available from http://www.multinationalmonitor.org/hyper/issues/1989/09/mmm0989_04.html; MAMAT, *The Role and Status of Malay Women in Malaysia*; ONG, *Spirits of Resistance and Capitalist Discipline: Factory Women in Malaysia*, p.152.

⁸⁶ This is in response to the women and family ministers' speech that the ministry's role was to reinforce women's basic traditional functions. MURAT, HAMZAH, and AJIR "Group Interview with Nora Murat, Masjaliza Hamzah and Farha Ajir, of Sisters in Islam" Katherine Brown. Kuala Lumpur: 2003)

⁸⁷ SURIYA, "Interview with Dr. Suriya."

Consequently company policies in FTZ's attempt to limit the tenure of workers to the short span in life when they are most capable of intensive labour, namely between the ages of sixteen and twenty-five, and they discourage married women from applying. Women, who get married while working at a factory, can remain an employee, but they are often given "counselling" on family planning. And government legislation protecting pregnant workers had the unintended effect of reinforcing these company policies.⁸⁸

This new proletariat remain unorganised and unprotected, especially as Union activity is highly restricted in the FTZs allowing only in-house unions.⁸⁹ The trend has also been to consider all workers working in information technologies as being in the "confidential" category according to Malaysian labour laws, which effectively prevents them from joining the same trade union as the rest of the electrical industry employees. In this manner, employers are able to maintain a series of small-sized, and therefore weaker, trade unions. The ICFTU said in its 2003 annual survey, that in Malaysia "extremely long delays in examination of applications are the rule" in getting trade unions recognised, and those that are not recognised are considered illegal associations with associated penalties for members.⁹⁰

Not only is membership of trade unions restricted, the type of violations the female work face are gender specific and experienced through a gender hierarchy. One of these violations which women in mainly suffer from is sexual harassment. The All Women's Action Movement (henceforth AWAM) produce a training tape on how to combat and recognise sexual harassment, and in it they tell women that they can go to the Trade Union if they are suffering sexual harassment. One Multi-national mobile phone company operating in Malaysia, asked AWAM to run this training to combat sexual harassment for its workers, but specifically asked them to remove the section on the trade unions.⁹¹ In addition, these rights violations are mediated by Islamic and Asian values, such

⁸⁸ ONG, *Spirits of Resistance and Capitalist Discipline: Factory Women in Malaysia*.

⁸⁹ INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU), *Annual Survey of Violations of Trade Union Rights* (ICFTU, 2003 [Accessed 27/08/2003]); available from <http://www.icftu.org/displaydocument.asp?Index=991217723&Language=EN>

⁹⁰ Ibid.

⁹¹ Peck LIN, "Interview with Peck Lin of AWAM, by Katherine Brown," (Petaling Jaya: 2003).

as obedience, modesty and piety. It is also worth noting that many of the “Islamic” rights that are granted incur penalties: such as the inclusion of prayer rooms, but visiting the prayers room is seen as time off the production line which effects productivity that many believe is linked to bonuses.⁹² Furthermore, other “Islamic” values are ignored or compromised in the FTZ’s in collusion with federal government authorities. For example, the employment of women for night work in industrial sectors is prohibited, unless exempted in writing by the relevant authorities. However, as more and more establishments are applying for exemption from this provision, and being granted it, it is now common for women to work at night.⁹³ As a result of these manipulations of women’s rights, Islam and development-modernity, these women remain a fragmented, mobile and “ultimately dispensable labour force harnessed to global industrial production.”⁹⁴

Muslim-Malays women are not the only women in Malaysia to be affected by Islamisation of labour laws and Malaysian society more generally. This section considers the Malaysian debate on immigration in two parts. The first considers the impact of male immigration to Malaysia, and the second part focuses on female immigration to Malaysia. The issue of immigration and migrant workers in Malaysia is widely publicized, and is linked consistently to morality. The most prominent NGO working in this area is Tenaganita.⁹⁵ Tenaganita conducts case work on human rights issues for migrants, sex workers and plantation workers. In the ongoing production of the cultural texts and images on migrants, processes of Othering shape migrants as immoral, illegal, illegitimate, unclean and corrupt. This becomes tied to women’ rights because it helps to shape what is a good honest Malaysian woman/wife. At one level operates a nationalist fear:

⁹² Ibid.

⁹³ S NAGARAJ, *Malaysia Women Today* (Kuala Lumpur: Women's Affairs Division, Ministry of National Unity and Social Development, Malaysia, 1995)

⁹⁴ ONG, *Spirits of Resistance and Capitalist Discipline: Factory Women in Malaysia*.

⁹⁵ Tenaganita is most involved with women workers in four areas: plantation women, free trade zone workers, migrant (often domestic) workers, and sex workers. Because these are the least organized and most marginalized, and therefore needed support. Interest is especially in knowledge of HIV/AIDS among migrant workers, (as one of their three donors has a specific interest), and as there is little knowledge about the subject. But through doing the research they found that HIV/AIDS was at the bottom of migrant workers priorities, more important was job security, harassment from the police, pressures to support families back home and so on and so forth. Tenaganita felt they had to address some of these issues, and more and more workers (male and female) came to Tenaganita to seek redress and help.

that “our” women will (voluntarily) marry “one of them”. Drawing upon this fear, newspapers, and other media, publish stories of how “our” women have been misled and deceived when they are left behind when the migrant worker returns to his country of origin.⁹⁶ As Irene Fernandez (director of Tenaganita) highlighted in an interview with her:

They (migrant workers) come in on a single Visa, they cannot bring their families, and they are here for five years; they are not going to be celibate. There is a fear the local women will marry migrant workers and be left behind when the migrant worker returns back to his country of origin, this fear is justified, or rather they attempt to limit incidences, by saying how immoral migrant workers are.⁹⁷

This is also a class based fear, reinforcing class prejudices against labourers. The labouring foreign male body is uneducated, barbaric and uncontrollable; an image transplanted onto all labourers and working class bodies by Malaysian middle classes, not least because such work does not fit with the modern Malaysia which the middle-classes have disproportionately benefited from.

Migrants in Malaysia are not just men coming to work in the construction industry, but are also women, working predominantly as domestic helpers. Domestic workers are often forced to work long hours with little remuneration, they suffer inhumane working conditions, rape, sexual, verbal and physical assault, and social isolation.⁹⁸ The societal status of the other woman (employer) is enhanced by having a housemaid.⁹⁹ Furthermore working as domestic helpers confirms women’s caring and nurturing roles, and women’s place in the home. Women’s position become defined in terms of their ability to fulfil “mothering” roles, they are defined in relation to their biological ability to reproduce. Yet of

⁹⁶ The migrant worker is usually depicted as a manual labourer in these narratives.

⁹⁷ Irene FERNANDEZ, "Interview with Irene Fernandez, Director of Tenaganita, by Katherine Brown," (Kuala Lumpur: 2003).

⁹⁸ Eric LOO, *Sensitivity to Domestic Workers' Needs Count a Lot* (Malaysiakini, 13/01/2002; available from <http://www.malaysiakini.com/news/200201130016210.php>). Also, Ali REMMELTS et al., *What Do Filipina Domestic Helpers in Malaysia Know About HIV AIDS? HIV/AIDS and Mobility in South East Asia* (Kuala Lumpur and Amsterdam: CARAM-Asia and the Free University of Amsterdam, 1997).

⁹⁹ REMMELTS et al., *What Do Filipina Domestic Helpers in Malaysia Know About HIV AIDS?:* p.38

course, this realisation of the role applies to “other” women, as now middle class women can fulfil nurturing role by proxy – through the housemaid.

But whether or not migration is completely exploitative is debatable, although what is apparent is that migrant workers have little (if any) protection against exploitation, and have few human or labour rights under Malaysian law. For example if migrant workers leave their employers and hold legal cases against former employers, the migrants are allowed to remain in the country, but cannot work, and have to pay 100Rm per month for a special permit to enable them to stay.¹⁰⁰ In addition, the Minister of Human Resources has declared that foreign workers do not have the right to become trade union members, which is also stated on work permits, so they have no support if they do decide to seek recourse through the law.¹⁰¹ These policies clearly limit the ability of migrant women to access the legal institutions and ensure that their rights are upheld and that they remain a fragmented unorganised group. In further attempt to regulate the employment of domestic maids, the government has announced that only maids of the same religion as their employers can be employed.¹⁰² It is justified in terms of providing a safe working and living environment for the maids. The implications are that Muslim women working for a non-Muslim are tarnished and their virtues are threatened. The racial sub-text is also that non-Muslim employers will inevitably physically abuse Muslim maids because of a presumed in-built hatred of Islam, or because some “clash of cultures,” provoking non-Muslim employers in a way it would not Muslim employers. It also adds to State control in the private sphere. However, migration offers women the opportunity to “gain independence and a certain amount of freedom that they might not otherwise have enjoyed.”¹⁰³

¹⁰⁰ NAIDU, "Interview with Wathshlah Naidu."

¹⁰¹ Furthermore, this declaration is despite the fact that the law only prohibits migrant workers from becoming trade union officials INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU), *Annual Survey of Violations of Trade Union Rights*.

¹⁰² David NG, *Maids in Malaysia* (Malaysiakini, 16/04/03 [Accessed 1/09/2003]); available from <http://www.malaysiakini.com/letters/200304160034245.php>

¹⁰³ REMMELTS et al., *What Do Filipina Domestic Helpers in Malaysia Know About HIV AIDS?* p. 38.

One of the ways in which Islam and migration have become linked in the growing “concern” in the national press, is by the creation and formation of a sex industry in Malaysia. Malaysia has come to be seen as a recipient country of sex-workers rather than a transit State for the trafficking of women.¹⁰⁴ Sex workers are often migrant workers engaged in part time sex work because their “legal” wages are very low or because they have been trafficked into it. However, the police raids on sex workers invariably pick up foreign women who are prosecuted rather than their Malaysian pimps or customers.¹⁰⁵ Other women thereby become sensationalised, sex objects, and vices in the otherwise “pure” Malaysian Islamic society. Malaysian ills are blamed on other women rather than the Malaysian men that employ them. Consequently “the war on Smut”, and vice raids, result in severe action and penalties against women, so that the authorities can be seen to be upholding “Islamic-Asian values”.

In 2000, the morality of migrant women and “single” women were inextricably linked, when there was an immigration raid on a shelter for battered women in Petaling Jaya (near Kuala Lumpur). The police claimed that the Women’s Aid Organisation (WAO) shelter was harbouring illegal immigrants. It was a known fact that no men are allowed in the shelter, yet the police(men) barged in, took photos, and disrupted the women’s personal possessions.¹⁰⁶ The invasion of this protected female private space by State authorities is a forceful reminder of the patriarchal powers of the State. The implication is that women who seek shelter from their husbands are the equivalent to the “immoral” migrant women and men. These women and migrant women are defined according to an Islamic discourse which encodes and logs them as immoral and threatening, because their lifestyle and economic situation does not visibly support Islamic gender roles.

3.4. Article Twelve (Health Care Provision)

Article twelve is wide ranging and places significant demands upon the states. The article blurs the boundaries of the public and private spheres, with a focus on

¹⁰⁴ FERNANDEZ, "Irene Fernandez."

¹⁰⁵ Ibid.

¹⁰⁶ It was after this incident that exempting foreign women at their hostel from the special pass took hold. NAIDU, "Interview with Wathshlah Naidu."

women's bodies as the absolute site of women's rights. In the Malaysian context, at the time of research two areas significantly impacted on the implementation and understanding of Article 12. The first area questioned women's fertility rights, and the second concerned the Malaysian attempts to tackle the gendered effects of HIV/AIDS. These are discussed in turn.

There are two main ways in which women's fertility is part of Islamic campaigns and political discourse. These are first, a focus on the bio-medical aspects as arguments for family planning, and second the emphasis on contraceptive use within the nationalist agenda. In terms of the first aspect, the Islamic discourse in Malaysia is utilised to promote family planning and contraceptive use because of the medical complications incurred with unregulated and frequent pregnancies, especially among poor families. The National Policy on Women argues that women from low socio-economic groups and those living in remote areas do not receive adequate health care services, such as that of natal check-ups and use of family planning services. The National Policy cites ignorance, poverty, inaccessibility of services and socio-cultural factors as the main reasons for this lack.¹⁰⁷ In an attempt to overcome some of the socio-cultural factors contraceptive use is primarily promoted as a method for the spacing of births rather than the limiting of births and as good health practice. In an article in the Malaysian English language Daily Express, Dr Mohd Hatta Tarmizi¹⁰⁸ argued that the

Spacing of family in the *Qur'an* is allowed - there are two verses in the *Qur'an*, one is *Al-Baqarah*: 233 and *Al-Ahqaf*: 15, saying that the mother shall suckle their children for two years for those who wish to continue with breastfeeding. So even in Islam it is advocated that we give two years or 30 months.¹⁰⁹

Furthermore, it is argued that *Qur'an* allows non-permanent forms of contraception if the health of the family, and in particular of the mother, is placed

¹⁰⁷ WOMEN'S AFFAIRS DIVISION (HAWA), "The National Policy on Women (Translation)," p. 39.

¹⁰⁸ Dr Mohd Hatta was presenting a talk on "Islamic Perspective in Family Planning" during a recent seminar, "A practical approach to Contraception and Family Planning", organised jointly by the Sabah Family Planning Association, Sabah Medical Association and Malaysian Medical Association, Sabah branch at Sutera Harbour Resort and Spa. "Islamic Perspective in Family Planning," *Daily Express News*, 16/08/2003.

¹⁰⁹ Ibid.

in undue risk. It is argued by family planning associations that the spacing of families will facilitate the good health of women and their families, in part by citing the physical and mental strain that pregnancy, child birth and child rearing brings on the mother and that adequate rest should be given.¹¹⁰ Nevertheless there are still those who believe that Islam does not permit contraception. This is premised on the belief that "God will provide" and that pregnancy is "God's Will" and is combined with an understanding the purpose of marriage is procreation.¹¹¹ Some doctors wrote letters to the Ministry of Health after it declared that contraception should be made available to women, stating that they would not be willing to provide contraceptive methods or information to women because they did not believe it was permissible in Islam and that "as Muslims" they should not do so.¹¹²

The other way in which family planning and fertility is introduced within the Islamic discourse is in discussions about the rights and physical security of children, in that if further pregnancies may harm the quality of life of existing offspring then the use of contraception is permissible. As Dr. Hatta Tarmizi argues:

In Islam, children have their rights - the right to live, the right to genetic purity and legitimacy, the right to be breastfed, the right to have shelter and maintenance, the right to separate sleeping arrangements between boys and girls even when they are small.¹¹³

She continues elsewhere,

They also have the right to religious upbringing, the right to education and lifestyle, future security, equal treatment regardless of gender and financial support. The parents must fulfil these rights to their children.¹¹⁴

However, in the *Surat Al-Israq*, it is also stated

Kill not your children, for fear of want. We shall provide sustenance for them as well as for you'.¹¹⁵

¹¹⁰ Dr Raj KARIM, "Interview with Dr Raj Karim, Regional Director of IPPF ESEAOR, on the 10th July 2003, by Katherine Brown," (Kuala Lumpur: 2003), Masdar F. MAS'UDI, *Islam and Women's Reproductive Rights* (Kuala Lumpur: Sisters in Islam, 2002).

¹¹¹ KARIM, "Interview with Dr. Karim.", MAS'UDI, *Islam and Women's Reproductive Rights*.

¹¹² KARIM, "Interview with Dr. Karim."

¹¹³ Daily Express, Islamic perspective in family planning, 16 August, 2003, Available from <http://www.dailyexpress.com.my/news.cfm?NewsID=20989>

¹¹⁴ "Islamic Perspective in Family Planning."

This has been interpreted to mean that communities have an obligation to assist in the welfare of children and that the responsibility for a child's welfare does not solely rest with the parents. This dovetails with the government agenda on development and progress, which seeks to reduce poverty through increased work activity by all family members, especially in manufacturing sectors. It becomes apparent that family planning and attempts to reduce births are aimed specifically at single women, or working class married women, because the emphasis is on health promotion and poverty alleviation, which is more relevant to this class of women. More obviously, in the early 1980s the government launched a pro-natalist campaign, targeted at middle-class women, proclaiming a population target of 70 million "to meet the anticipated labour needs for sustained capitalist development."¹¹⁶ It suggested that middle class women should rethink their options "since the pregnant body at home can be even more patriotic, and Islamic, than the female body at work."¹¹⁷ The former Prime Minister is reported to have said that women, whose husbands can afford it, should stay at home to raise families of at least five children.¹¹⁸

These two discourses help construct how Malaysian women understand their reproductive rights and their ability to acquire services, but both rest on the premise of securing the family. Similarly, the Islamic belief that family planning should only be considered inside of marriage reinforces the norm of the heterosexual family unit. This means that women whose personal lives fall outside of established norms are prevented from accessing information and services. Furthermore, in families where male heads of household are dominant the rights of female members to retain control of their bodies may be jeopardised by a narrative that demands male and female consultation because some doctors won't give family planning advice to women without the presence or explicit agreement of these women's husbands. Linked to the framing of fertility as

¹¹⁵ *Surat* is verse of the *Qur'an* and the chapter of *Al-Israq* ¹¹⁶ GOVERNMENT OF MALAYSIA, *Mid-Term Review of Fourth Malaysia Plan, 1981-1985* (Kuala Lumpur: Government Printing Press, 1984), p. 21-22.

¹¹⁷ ONG, "State Versus Islam: Malay Families, Women's Bodies and the Body Politics in Malaysia," p. 183.

¹¹⁸ *Ibid.*

constrained by the marital context are the potential risks to infertile women. In *Negeri Selangor*, and other *Negeri* a woman's infertility is grounds for divorce or as grounds to embark upon polygamy. This can impact upon women's security and welfare in a substantial and wide ranging way, and further reflects the structurally unequal relations in the patriarchal family unit. Ultimately, women's reproductive and health care rights are not constructed on the basis of "women's rights" or a woman's right to secure her physical self, but on the basis of securing and supporting "the family".

In Islamic discourse, the family holds the highest place of honour: it is also the most private spaces. Yet, it is considered central to the maintenance of the public sphere through securing economic and societal building processes. Through the family one is conferred rights, and obligated with duties.¹¹⁹ In the Islamic vision, it is as mothers, wives, and daughters that women are first and foremost granted rights, roles and positions in society: "because through marriage comes responsibilities and rights."¹²⁰ Thus, the family is held as sacrosanct. The family officially promoted in Malaysia is nuclear, although at times it includes grandparents as well. As Peck Lin from AWAM notes this vision is heavily invested in:

The Ministry have to promote the ideal of the "happy family", and the type of family they promote is the mother and father with children. Other types of parenting and families are not considered.¹²¹

There is a high degree of consensus among the different Islamic voices over this issue, both in terms of what is included and excluded and how it might be promoted. Implicit in *Puteri UMNO*'s expression of women's rights is that it is contained by the family, as one member of *Puteri UMNO*'s national executive said:

(We) don't want it too free for that, gay and lesbian marriages, [they are] not a good value for us, if we have unlimited freedom and unlimited

¹¹⁹ For example the debate about contraception is confined to "within the family", it is not a question of a woman's right or necessarily about choice, but rather what is best for the family. Although it is never defined in terms of family limitation, but family planning, the spacing of children to alleviate poverty and burdens on women's health. Contraceptive use is also defined in terms of health, and maintaining the good health of the mother/woman and in this sense focuses in on women's rights within the Islamic tradition. KARIM, "Interview with Dr. Karim."

¹²⁰ MAHMUD, "Dr. Siti Mahmud."

¹²¹ LIN, "Interview with Peck Lin."

rights, it will be too individualistic, not supporting society or national development.¹²²

It is important to note here how not only are women's rights to be limited by the family structure and that this structure is explicitly heterosexual, but also that the strength of the nuclear family is seen as important to "national development."¹²³ However, the increasing risk of HIV/AIDS issues a challenge to the appropriateness of imbedding women's rights in the family.

At the time of my field research, HIV/AIDS were in the public domain due to controversy at the Second International Muslim Leaders Consultation on HIV/AIDS (henceforth The Consultation), held in Kuala Lumpur organised by the Malaysian AIDS Council and JAKIM. In particular the controversy centred on the paper presented by Dr. Amina Wadud.¹²⁴ In the public domain it is unclear what exactly Dr Wadud said, as she was later forced to retract her paper from the conference.¹²⁵ In the public domain, however Malaysian newspaper reports quote her as having said: "Islam and Muslims exacerbate the spread of AIDS ... and a traditional Islamic theological response can never cure AIDS" and that "Muslim women were bound by Islam to comply with their husbands' desire for sex, and could be punished if they did not. This included women who knew their husbands were HIV positive."¹²⁶ Dr. Wadud's paper provoked some of the participants to stage a walk out, and accused her of blasphemy.¹²⁷ Nevertheless those who condemned her paper did so primarily by claiming that she was "against Islam", and one participant declaring that she was a "devil in a

¹²² SYAHIRAH, "Interview with Education Officer for Puteri UMNO, Sharifah Syahirah."

¹²³ The link between development and women's rights is analysed later on in this chapter.

¹²⁴ Dr. Amina Wadud is an Islamic Studies professor, and is a member of the Malaysian NGO Sisters in Islam. Her book: *Qur'an and woman. Rereading the sacred text from a woman's perspective* (1999) is banned by the Malaysian government.

¹²⁵ This author was however able to gain a copy of the paper. Dr Wadud makes it explicit that the paper is a working document and is not for publication.

¹²⁶ DAILY NEWS, *Delegates Outraged by Islam AIDS Link Claim, 21 May 2003* (Daily News, KwaZulu-Natal, 21 May 2003 [Accessed 12/08/03]); available from <http://www.dailynews.co.za/index.php?fArticleId=149711>.

¹²⁷ A more rational criticism levied was that she took sections of the *Qur'an* out of context, in particular when she stated that women were seen as mere sex objects in Islam Azman UJANG, *Beware of Attempts to Insult Islam, Says Fatwa Chairman* (Bernama, May 21 2003, [Accessed 12/08/2003]); available from www.bernama.com/events/ulama/news.php?id=442.

hijab.”¹²⁸ The anti-Wadud group further claimed that “they expected as much from a Jew or Christian but never a Muslim” and that those who likewise did not denounce her paper were guilty of apostasy.¹²⁹ The Islamic Development Department (JAKIM) seemed to support Dr Wadud’s critics by informing the Malaysian news agency Bernama, that

In the future we should be extra careful when organising such conferences because there are people who are out to use such a platform to serve their specific purpose, including by attacking Islam.¹³⁰

JAKIMs response is of note given that The Consultation was organised both by Dr. Mahathir’s daughter and by themselves. JAKIM seemed to play down their involvement with organising The Consultation, siding with the more conservative elements in the conference. It also suggests an attempt to assert the authority of JAKIM over the entire affair and in particular authority over Marina Mahathir. Furthermore, Marina Mahathir endured criticisms directed at her father and UMNO – supporting the hypothesis that the criticisms levied against Dr. Wadud were primarily about the ideological implications of her paper rather than its contents. As Esack notes, this is

Part of the inherent problem in patriarchal discourse where women can only be viewed as extensions of men when they are good or sort of OK and inherently women when they are evil.¹³¹

What it may also be indicative of is tensions within UMNO and State machinery, because although JAKIM is under the Prime Ministers Department, their statement does not seem to fit entirely with Dr. Mahathir’s progressive Islam. It is also interesting that JAKIM and the Malaysian AIDS Council invited Dr. Wadud to speak at The Consultation in the first place, given that her book on

¹²⁸ Shannon SHAH, *Extremists Disrupt Muslim HIV/AIDS Conference* (Islamica Community Archive, 2003; available from <http://community.islamicaweb.com/forums/showthread/t-9156.html>).

¹²⁹ The anti-Wadud group was led by Dr. Musa Nordin, a local Islamic Medical Association president. F ESACK, *Muslims, Islam and AIDS: Thoughts on the Second International Muslim Religious Leaders Consultation on HIV/AIDS* (June 04 2003) (Muslimwakeup.com, 04/06/2003 [Accessed 12/08/03]); available from <http://www.muslimwakeup.com/mainarchive/000095.html>. Apostasy is a serious offence for Muslims, some interpret it as being punishable by death, and such a threat/insult is perhaps one of the greatest condemnations. SHAH, *Extremists Disrupt Muslim HIV/AIDS Conference*.

¹³⁰ UJANG, *Beware of Attempts to Insult Islam, Says Fatwa Chairman*.

¹³¹ ESACK, *Muslims, Islam and AIDS: Thoughts on the Second International Muslim Religious Leaders Consultation on HIV/AIDS*.

feminist analysis of the *Qur'an* is banned in Malaysia.¹³² This is even more so, since it was JAKIM that declared her book *haram* and the home ministry who banned its circulation in Malaysia. The critical responses to Dr Wadud's paper glossed over the specifics of her argument, and can be argued instead to be using her paper as a scapegoat for wider concerns against the ideology associated with the ruling party, and also as part of an intra-government battle for power. The problem with this analysis is that many of the dissenters to Dr. Wadud's paper were not Malaysian, but came from many different Muslim communities. However, in light of the global interaction of the Islamic discourse, it is still valid to suggest that the concerns were about the ideology behind her paper: "progressive feminist Islam."¹³³

The implication of these responses to Dr Wadud's views, is that from a traditional or conservative Islamic viewpoint women's rights can only be framed in terms of the family, and that to question the family institution is to denounce faith, and by implication the Malaysian State (because of the State's investment in "the family"). Thus criticisms of the family begin to show potential flaws in the conservative Islamic responses to the human rights debate in general, and women's rights in particular. This is further highlighted by the failure to controversialize one speaker's comment that if more of "them [women] stayed at home" then we would have less HIV/AIDS as it did not question the sanctity of the family nor of "good" Muslims.¹³⁴ As Farid Esack notes the emphasis on living a good Muslim or Islamic lifestyle as protection against HIV/AIDS serves to marginalize those who acquired it through "guilty roots."¹³⁵ What it also hides, is that internationally 80% of women who get HIV/AIDS, get it from their husband (or long term partners).¹³⁶ As these women who have HIV/AIDS or

¹³² Amina WADUD, *Qur'an and Women: Rereading the Sacred Text from a Woman's Perspective* (1999).

¹³³ Although some would say that she did not articulate the progressive Islamic view, but a "western feminist" perspective.

¹³⁴ ESACK, *Muslims, Islam and AIDS: Thoughts on the Second International Muslim Religious Leaders Consultation on HIV/AIDS*.

¹³⁵ *Ibid.*

¹³⁶ This is particularly important given that marital rape in Malaysian law is not recognised. Therefore a wife has no redress if her husband forces sexual activity without her consent, even if he has HIV/AIDS. SISTERS IN ISLAM, "Training Session Comments." And UNAIDS, *Fact Sheet on Gender and HIV/AIDS* (UNAIDS, 2001 [Accessed 13/08/2003]); available from http://www.unaids.org/fact_sheets/ungass/pdf/FSgender_en.pdf.

who question the role of the family, are not “good Muslims” (or rational human beings), they can be silenced and denounced as having no authority to speak on Islam, in the same way that women who speak on Islam without wearing a *hijab* is belittled and denied legitimacy.¹³⁷ In practical terms, linking HIV/AIDS to morality limits the way in which women negotiate how and when they have sex (regardless of whether they - or their partner - has HIV/AIDS), it determines that women are unable controls their bodies (because “look what happens when women do” and therefore the designated male must assume that responsibility), and consequently infringes on how women gain access to social and health care provisions (as it impacts on the honour of the family). The linkage to morality also obscures the relationship between vulnerability to HIV/AIDS and the socio-economic positions of women in societies.¹³⁸ This conservative response also suggests that it is unable to deal with the realities of women’s live, as one member of SIS said:

There is no point dealing with an ideal Islam, in order for Islam to maintain its relevance it has to be progressive, has to be lived. For example, in dealing with aids, the conservative Islamic response is to promote abstinence, but the reality is that youths are being promiscuous; it is necessary to address that reality.¹³⁹

In Malaysia, the use of Islamic discourse by the institutions set up to promote “Islam”, enables the government to neglect its obligations to provide adequate health care for HIV/AIDS sufferers, to ignore the realities of Malaysian lives, and makes certain that stereotyping and prejudice of HIV/AIDS sufferers remain unchallenged.

3.5. Declaration on the Elimination of Violence Against Women

DEVAW creates specific obligations which states must uphold. In Malaysia Violence Against women is a long running debate between the State, the *Negeri* and women’s NGOs. Each stake-holder in the discussions on violence against women seeks to determine the boundaries of the debate. This section takes two examples of violence against women as a way to highlight these issues in

¹³⁷ What is interesting is that Dr. Wadud does wear the *hijab*. Or in the same way that if a non-Muslim speaks on Islam, the criticism is always “how can you speak on Islam....”

¹³⁸ UNAIDS, *Fact Sheet on Gender and HIV/AIDS*.

¹³⁹ MURAT, HAMZAH, and AJIR.

Malaysia. The first is the very public abduction and murder of a Chinese-Malaysian woman, Canny Ong. Her case was instantly inserted into the on-going struggle against violence against women and resulted in a number of planned protests in Kuala Lumpur. The second example is the national debate over domestic violence and whether or not it can be tried as a criminal offence.

Canny Ong was murdered on June 13th 2003. She was abducted from an underground car-park in the basement of a shopping complex; she was raped, sexually assaulted and then murdered. The media coverage of this case was considerable: the story held the front pages for a number of days in most of the newspapers. A search through NSTP e-media (linked to the English language newspaper in Malaysia the *New Straits Times*) showed 146 different articles in the space of one month specifically on Canny Ong's abduction and murder.¹⁴⁰ As the chief executive of the Women's Development Collective (henceforth WDC) made clear in an interview with the author, the perception of rape victims is often sensationalized and builds on rumors (Canny Ong it was eventually claimed was involved in some sordid gangster affair). In the case of Canny Ong, this was not helped by the fact that the police even publicly wondered whether she had consented to the abduction and sexual assault.¹⁴¹ Similar to the problem of HIV/AIDS and the family, women's "sex" and safety is linked to morality, and in the same way it brings responsibility to the victim.

In the case of Canny Ong an overall theme emerged: the responsibilities of women to "be safe". Being safe in the eyes of many, meant the restriction of movement and personal freedoms of women. Good (Muslim) women shouldn't go out at night, should not wear "indecent clothing", and should not go to car-

¹⁴⁰ NEW STRAITS TIMES NEWS ARCHIVE 1991-, *Search Result List* (NSTP E-media, 2003 [Accessed 12/08/2003]); available from http://202.184.94.19/bin/main.exe?state=juo3vs.1.1&f=arctoc&p_toc=arctoc&p_search=search&p_help=s_help&a_search=Search&p_s_ALL=canny+ong&p_op_ALL=AND&p_plural=no&p_s_PU=NST+OR+NSUNT+OR+BT+OR+MM+OR+SUM+OR+COMPU+OR+MT+OR+MB+OR+ID&fdy=2003&tdy=2003&fdm=6&tdm=8&fdd=1&tdd=31&p_L=25&p_SortBy1=_rank&p_Ascend1=W.

¹⁴¹ Maria Chin ABDULLAH, "Interview with Maria Chin Abdullah, Executive Director of the Women's Development Collective," (Petaling Jaya: 2003).

parks alone and so on. In effect, it promoted confining women to the home.¹⁴² This was justified on a number of grounds, for example; women are unable to defend themselves against attacks; men are unable to control their desires; women “were asking for it”; and society has been corrupted by immoral non-Islamic “western” ways and so on.¹⁴³ Combined, these justifications implied that if women are “unsafe” it means they are immoral, that they are not good Muslims, and therefore not deserving of public support. Alina Rastam, of the women’s NGO AWAM, told *The Star* on the 16th of July 2003:

We made a survey of some of the causes of rape. We interviewed key people who are usually involved when there’s a rape case such as, police officers, counsellors, and hospital workers. The number one reason given – it is the victim’s fault (for dressing too scantily or walking around dark places by herself). Next, it was listed that cramped living conditions are to be blamed. This meant that the men had no avenue to release their sexual frustrations and resorted to rape. They even listed that the mother was to be blamed for not giving proper guidance to her daughter. The blame on the rapist was placed at the bottom of the list! In this male-dominated society, nobody thought that it was the offender’s psychological make-up that was to be blamed!¹⁴⁴

The focus to “lock up your daughters” has significant implications for women’s ability to combat violence against them, because it serves to marginalize and hide women from public spaces, denying them recognition for their role in modernity and nation building – in a very literal way. However, these responses are not necessarily “Islamic” and neither were they confined to Muslim interviewees,

¹⁴² In the “TeenSpeak” section of *The Sunday Star* newspaper, one teenager said “Girls should limit the amount of time they spend outdoors... They should also restrain themselves and not mingle too much with men they don’t know” another said “I have ceased to frequent shopping malls or my usual hang outs... my friends and I have found a different past time... whatever it is, its still safer to be indoors” Joanne LIM, “Better Safe Than Sorry, Teenspeak,” *The Sunday Star*, 29/06/03.

¹⁴³ In the “TeenSpeak” section of *The Sunday Star* newspaper, one teenager said “In general, all women are helpless; what can they possibly do alone?” Ibid.. In the “TeenSpeak” section of *The Sunday Star* newspaper, one teenager said “I think public spaces are not safe... there are so many sex maniacs out there.” LIM, “Better Safe than Sorry, Teenspeak.” In the “TeenSpeak” section of *The Sunday Star* newspaper, one teenager said “But sometimes girls ask for it. A girl approached my (guy) friend the other day, wanting to “do it” with him, but he ran away. How do you help girls like that?” LIM, “Better Safe than Sorry, Teenspeak.”

¹⁴⁴ PATSY KAM, “For Safer Public Spaces,” *The Malay Mail*, 16/06/03.

letter writers to newspapers, or politicians. Indeed, the media and public concern over the murder of Canny Ong can be seen as the result of a culmination of frustrations with the police, local authorities, the judicial system and other governmental departments.¹⁴⁵ For Malaysian women attempting to be “safe” and keep independent access to public places their rights to be free from violence, including rape, is restricted by this emphasis on deserving and undeserving victims which is applied to all Malaysian women. However, it could be argued that the latent meanings and sex-roles which are defined through Islamic references and understandings of society underpin the dichotomies of unsafe/safe spaces and deserving/undeserving victims.

Therefore, another aspect of the Canny Ong case was that once it was established that the rumours of her sexual immorality had been proven false, she became “honoured” and “deserving” of sympathy and justice, and ultimately one who was not responsible, one who the public could use as an outlet for expressing dissatisfaction with the direction of Malaysian society. It contrasted significantly with the case of two illegal foreign workers who were raped by a police officer while being detained, which was being re-reported at the same time: their rape was their fault. The judge had stated that he found the sexual acts between Police constable Razali and the Filipino and Indonesian illegal immigrants, aged 23 and 24 respectively, to be “voluntarily, just like between husband and wife.”¹⁴⁶ The judge also observed that the two complainants had delayed reporting the alleged incident for three days and that they had been picked up for holding forged travel documents. Irene Fernandez of Tenaganita said:

Don't judges see the issues as being separate and independent (of one another)? The judge co-related the holding of forged documents with the women's credibility (as witnesses).¹⁴⁷

¹⁴⁵ ABDULLAH, "Interview with Maria Abdullah."

¹⁴⁶ This denies the power relations that exist within environments such as police stations, prisons and other detention centres. Furthermore, even if sexual acts appear consenting in such environments it is actually impossible for them to be so given the relations between the captors and captured.

¹⁴⁷ Arfa'eza cited in A AZIZ, *Police and Judiciary under Flak over Alleged Rape Case* (MALAYSIAKINI, 25/909/2002 [Accessed 13/08/2003]); available from <http://www.malaysiakini.com/news/200209250017496.php>.

It suggests that “good” women are worthy of public support and condemnation of the criminal, but “bad” or “immoral” women (who are nearly always foreign) are not. It suggests that rape doesn’t happen to “good women”. Similarly, the public emphasis on safe/unsafe places serves to hide the fact that rape and violence against women happens in “safe places” by people the victim knows. The World YWCA reports that every 30 minutes a daughter is molested by her father, and every three days a woman is killed by her partner (worldwide).¹⁴⁸ In Malaysia there were 1217 reported cases of rape in 2000, of which approximately 83% knew their victims, and approximately 70% of the rapes occurred in “safe places”.¹⁴⁹ The failure to emphasise that the “private” may not be safe, that the “private”, the “family”, may also be a sight of violence, can be attributed to a unwillingness to question the institutions on which Islamic society seems built: “the family”.

The question of the family is endemic in the second example, considered here, of violence against women. The “problem” of domestic violence is heightened by the question of jurisdiction between the *Shari’a* and criminal courts, by the “Asian-Islamic values” promotion, and by an enforced sharp divide between public and private spheres of human activity. The campaign for a Domestic Violence Act began in 1985, and formal negotiations for legislation began in 1989. The Domestic Violence Act (henceforth DVA) was passed in 1994, and finally came into effect in 1996.¹⁵⁰ One of the biggest hurdles to getting the DVA (1994) (Act 521) accepted was that it was seen to threaten the jurisdiction of the *Shari’a* courts on areas of marital concern. Domestic Violence was framed within the familial context and separate to criminal activities, and therefore a concern of the *Shari’a* (*Negeri*) court system and not criminal (federal) courts.¹⁵¹ Previously Malay women had to seek redress through the Islamic court system, where they were often told by religious officials that they should “go home and be patient” when they attempted to file a complaint of

¹⁴⁸ The YWCA and The MKKM (The Malaysian Council for Child Welfare), "Are You Child Friendly?" (Kuala Lumpur: MKKM, 1999).

¹⁴⁹ WAO, "Stop Violence against Women" (Petaling Jaya: WAO, 2001/2002).

¹⁵⁰ SISTERS IN ISLAM, ed., *Letters to the Editor* (Kuala Lumpur: Sisters in Islam, 1999-2000).

¹⁵¹ Maznah MOHAMMAD, ed., *Muslim Women and Access to Justice: Historical, Legal and Social Experience in Malaysia* (Penang: Women's Crisis Centre, 2000).

domestic violence.¹⁵² The women's groups campaigning for the DVA first had to reframe domestic violence as a criminal issue in order to ensure that all women would be protected against domestic violence; it had to be seen as an issue which threatened the rights and lives of women, rather than one which dishonoured the family or Islam. The NGO groups campaigning for the criminalization of domestic violence often referred to CEDAW and DEVAW in order to finally get the Act put into effect, and continue to use these international documents as a referent for the implementation and effectiveness of the DVA (1994).¹⁵³ This adoption of international human rights language has led to criticism against the NGO's, for example AWAM (All Women's Action Movement) has been criticised for breaking up families and is therefore going against Asian/Islamic values.¹⁵⁴

The Asian and Islamic Values propaganda surrounding the issue of domestic violence is centred on two elements. The first is about the *Qur'anic* injunctions on women's roles and position in the family and as wives, the second reflects the sanctity of the family. In dealing with the first issue, for Malay women domestic violence is made more complicated by interpretations of the *Qur'an* which seems to suggest that a husband has the right to hit his wife if she is disobedient. Part of Verse 4:34 states:

.... Good women are *qanitat* (have *qunut*) guarding in secret that which Allah has guarded. As for those from whom you fear *nushuz*, admonish them, then banish them to beds apart and strike them. But if they obey you seek not a way against them...¹⁵⁵

This verse can be taken as an endorsement of domestic violence, and indeed many in Malaysia take it as such.¹⁵⁶ Young girls are taught that marriage is in itself a goal in life, and that a "good" Muslim wife is an obedient and home-making one, for example on the pre-marriage two day course organised by JAKIM for betrothed couples it fails to include elements pertinent to the rights of

¹⁵² SISTERS IN ISLAM, ed., *Letters to the Editor*.

¹⁵³ WAO, "Do You Disagree with the Following?" (Petaling Jaya: WAO).

¹⁵⁴ LIN, "Interview with Peck Lin."

¹⁵⁵ *Qanitat* may be loosely translated as obedient. *Nushuz* is often translated as the opposite, but is more accurately translated as sexual promiscuity. SISTERS IN ISLAM, *Are Muslim Men Able to Beat Their Wives?* (Kuala Lumpur: Sisters in Islam, 1991; reprint, 2003), p. 5.

¹⁵⁶ However, it must be noted, that some groups/writers are questioning the literal interpretation of this verse and the right assumed from it. Ibid. MAHMOOD, "Interview Yayasan Murni."

the wife in a marriage, only her duties and obligations (which are seen to include the sexual fulfilment of her husband)¹⁵⁷. The matter is further complicated because in some *Negeri* have introduced *Hudud* law.¹⁵⁸ As referred to earlier, in Trengganu and Kelantan, an unmarried woman who is pregnant is assumed to have committed *Zhina*, (a criminal offence of illegal sexual intercourse) even if she has been raped, punishable by 80 lashes. If a woman claims she's been raped and she cannot provide four male (just and good Muslim) witnesses then she is accused of slander (also punishable). The accumulative affect of these laws, and with Islamic discourses on deserving/undeserving women, is that it is unlikely that a woman who has suffered domestic violence (and or rape) will report it.

Furthermore, by explicitly questioning the rights of the husband over his wife by criminalizing the activity, NGOs and other agencies dealing with domestic violence, are criticised for undermining Islamic society, for wanting a westernised society, and therefore for deserting their faith. The ability of conservative Muslim groups to rewrite domestic violence as a cultural battle between East and West shows the pervasive nature of the "Asian values" debate. In this way, the public-private distinction becomes blurred as domestic violence takes on meaning beyond that of affairs "between husband and wife" and outside the family. This is seemingly contradictory given that the crux of the argument against the criminalisation of domestic violence was that it intervened/threatened the safety of the family. The honour of the family must be upheld. This is a very common response to domestic violence, for example one executive member of Yayasan Murni, recounted a case, of a thirteen year old girl, pregnant, raped by her uncle. She came with her mother to Yayasan Murni to get help (they have a

¹⁵⁷ Yayasan Murni is trying to influence the text of the *Kurbar* - the sermon after the Friday prayers which is compulsory for men in the State. Yayasan Murni would like a talk on what a good husband should be and inform men of the rights of their wives and women in general: in order to make men aware of their responsibilities. MAHMOOD, "Interview Yayasan Murni."

¹⁵⁸ However it must be noted that this contravenes the Malaysian Constitution and while the intent to implement hudud is made explicit and passed by some states, they are unable to fully implement it. Despite this, the knowledge that this is the perceived "Islamic" and State understanding of rape and domestic abuse ensures that women are more likely to refrain from seeking legal redress.

hostel for single girls), but her mother would not let the member ring the police, as it would shame the family.¹⁵⁹

Nevertheless attempts from within the Islamic framework to confront violence against women occur in Malaysia. SIS, for example, actively challenges interpretations of the *Qur'an* which appear to justify any form of violence against women. Furthermore the opposition party PAS are attempting to reclassify rape as theft rather than as *Zhina* in an attempt to overcome the legal difficulties outlined above. Rape may be seen as theft, it is argued, because the rapist has stolen a woman's honour, chastity, and possibly her virginity and thereby removing the obligation for four male witnesses. Also the very existence of NGOs, such as the WAO, Yayasan Murni, and the WAC across Malaysia providing shelters and training for women suggest changing attitudes and increasing support mechanisms. Finally, the eventual passing of the DVA is indicative of successful NGO activism in this area.

4. Conclusion

This case study has revealed the ways in which the Islamic discourse is co-opted by different actors to present an "ethic of womanhood" which enables development (meaning *laissez-faire* economics) to determine the rights which Malaysian women may legitimately seek. For example, the channelling of women into the unskilled and semi-skilled sectors of the work force and the limited training opportunities made available to them either by employers or by the state maintain their position as a secondary work force. The new gendered division of labour that is associated with capitalist economic relations has not replicated the diverse range of economic activities that women have traditionally undertaken. Rather women have been relegated to the position of Malaysia's cheapest and most abundant resource available to international capital.¹⁶⁰ This has been achieved by adopting the ironically Western notion of a public-private divide (in complementarity) and depositing women in the latter of those spaces, visible in the public only under certain conditions. These conditions upon entry

¹⁵⁹ MAHMOOD, "Interview Yayasan Murni."

¹⁶⁰ KAUR, "Working on the Global Conveyor Belt: Women Workers in Industrialising Malaysia."

to the public sphere are employment in “honourable” occupations and as explicitly Muslim bodies. In this way the state is able to control/influence the Islamic nature of women’s lives, so that they remain dutiful, obedient and chaste mothers, wives and consumers.

This chapter also shows the ways in which Malaysian women challenge these constructions through the NGO sector and through every-day lives. Muslim women’s agency in Malaysia is visible in the manipulation and coercion of the Islamic discourses. By strategically negotiating between “progressive” Islam and “traditional” Islam Malay women and NGO groups have facilitated adherence to CEDAW and DEVAW to some extent. The narratives of authenticity and the ethics of womanhood are not passively received from State agencies but subverted to the strategic aims of Malaysian women.

However throughout this chapter it must be noted that Malaysia is a multi-cultural and multi-ethnic state, and that those who are not Malay-Muslim are excluded from discussion on “Islamic-Muslim” issues, but whose lives are at the same time, deeply affected by the Islamic narrative. Therefore, the chapter seeks to resist constructions of Malay women as homogenous, and does so by examining particular examples and cases, also, the chapter shows that Malay women are not outside the processes of Islamisation of policy and discourse: rather they help construct and manipulate it from a variety of positions.

CHAPTER 7: EGYPT CASE STUDY

1. Introduction:

This chapter follows the methodology outlined in the introduction, and that of the other case studies. This chapter looks at the ways in which the women's rights discourse in Egypt is narrated, informed and recreated. The chapter is concerned with the ways in which actors understand women's rights as much as it is about assessing which rights may be available to Egyptian women and which are not. As a result one of the key variables is Islam and Islamic symbols. Islam operates as a discursive framework which informs Egyptian women's agency but does not operate in isolation from other forces. Throughout this chapter, the issues and women's rights violations that are discussed are not unique to Egyptian women, nor indeed are they unique to Muslim women. Domestic violence, wrongful imprisonment, gender stereotyping, limited access to the market place and so on, occurs in all societies. What is unique is the way in which Islamic references and symbols are used to justify or deny certain positions. The use of Islamic signs and narratives are not just rhetorical strategies, but also represent attempts at generating meaning and understanding into debate and everyday life. Therefore this chapter analyses the interplay between context and the narration of women's rights.

1.1. Chapter Outline

This Chapter is divided into two sections. The first looks at the contextual positioning of the women's rights arguments in Egypt. This is done by considering the role of the Egyptian state in defining and enabling women's rights, the role of non-governmental organisation's (henceforth NGOs) and other civil service bodies, and also by considering the international context. The second section is a detailed analysis of particular rights - the same rights are discussed here as in the other case study chapters. The chapter will conclude to draw together the case study in light of the discussions.

2. Contextual Positioning, Key Actors

This section is comprised of two elements. The first briefly outlines the role of the State in framing women's rights debates in Egypt, and the second considers the role of women's rights NGOs in some detail.¹ These are considered in turn.

2.1. Role of the State

The formal framework, structures and laws of Egypt represent a central feature of the context in which the women's rights discourse unfolds. An analysis of the content and implementation of governmental policy indicates an attempt to control and define core aspects of Egyptian identity and behaviour by linking together particular visions of Islam, womanhood and modern Egypt. In mimicking earlier counter-colonial and nationalist arguments, the Egyptian State has continued to direct women's rights demands. Importantly women's rights are tied to the struggle between Islamists and the (secularist) government, with human rights in general limited by a discourse of security and counter-terrorism. Those attempting to promote alternative versions of women's roles and lives find themselves investigated by the Ministry of Interior Affairs.² Women's rights are selectively promoted, with priority accorded to political rights; this is in accordance with Egypt's self-image as a democratic state. The Egyptian State describes itself in the U.N. Core Document as a "democratic socialist state" where "sovereignty is for the people alone, who are the source of all authority".³ The Egyptian constitution goes some way to guaranteeing gender equality, and by 2003 Egypt had signed several international human rights instruments, including the Convention for the Elimination of Discrimination against Women (CEDAW).⁴ However the implementation of Emergency Laws in the 1980s granting unrestricted powers to the president jeopardises claims to rights adherence.⁵ Also, despite signing a number of international covenants, the government rarely justifies policies and laws pertaining to women, as in accordance to them. Instead, laws and policies are justified in terms of

¹ More detail on the role and implementation of CEDAW and women's rights in Egypt is in Chapter five.

² FANDY and HEARN, "Egypt: Human Rights and Governance," p. 196. DARWICHE, "Interview with Mrs Nawla Darwiche of the New Women's Research Centre on the 22nd April 2004."

³ EGYPT STATE REPORTERS TO THE U.N., "Core Document Forming Part of the Reports of the States Parties: Egypt 15/01/93 (Hri/Core/Add.19. (Core Document)" paragraph 15

⁴ Please refer to Chapter five.

⁵ Please refer to Chapter five.

modernisation, prosperity, and to a limited, extent Islam.⁶ Furthermore, as others have noted elsewhere, there is a gap between the formal structures and institutions and the informal behaviour and socio-political networks which operate.⁷

2.2. Role of NGOs

Women's NGOs have employed different strategies to facilitate their works. At present three main strands can be identified. The first presents women's rights as survival and is often in line with the government's ideas on development. Secondly, NGO groups have resisted theoretical and structural arguments about women's rights and instead focus on practical "every-day" changes in women's lives. Third, there is a resistance to systematic reform of Islamic discourse and Islamic practice, rather a "project" focus is adopted. These debates on Islam, feminism and survival are all inter-linked. As a caveat, it is also important to note that NGOs in Egypt face considerable censorship and financial constraints. These three aspects are to be discussed in turn.

NGOs are consistent in presenting women's rights in a particular language and with reoccurring themes and images. The most frequent is the idea of women's rights as survival. Women's rights are fought for, advocated and facilitated not because they are inalienable to women, or that women deserve them, but because without them many women would be unable to survive in Egypt.⁸ For example, the right to work is not presented as something to be fought for because the Egyptian government had ratified international treaties to that effect. Rather, the right to work is upheld by recounting the fact that nearly one third of all households in the poorest sections of Egyptian society are female headed, and are not able to depend on male breadwinners. Consequently, it is argued that, for these households to survive (simply in meeting basic needs) women need to be trained for employment and given opportunities to earn an income. It was pointed out by a number of groups that the assumption that marriage will provide

⁶ The Ministry of Women and Family Development's own website serves as a good example of how rights are justified by the Egyptian government.

⁷ Please refer to Chapter five.

⁸ ASSOCIATION FOR THE DEVELOPMENT AND ENHANCEMENT OF WOMEN, "Interview with a Representative of the Association for the Development and Enhancement of Women, on the 22nd of April 2004," Katherine BROWN (Cairo: 2004).

women with financial and social security is still common, but ultimately flawed. NGOs attempt to convince families to invest in daughters' life chances and to protect girls' futures by suggesting the application of women's rights. Survival is offered as a defence for the existence of women's rights. Although it must be noted, while many NGOs facilitate Muslim women's access and acquisition of rights, their work is not presented within a human rights framework, but rather is promoted within the "development" discourse, and in many ways Islam and women's rights are explicitly written out of NGOs' policy equations.

The impact of this survival based narrative and development framework is that the work done by NGOs is aimed at practical improvements to women's lives, working within the local context. These include, but are not limited to, small scale literacy programmes, sewing and computer training, legal aid and credit unions.⁹ Radical change was advocated and promoted by only two of the eleven NGOs that I interviewed. The focus on development, linked with modernisation, dovetails with the government's agenda and rhetoric. It is possible to argue that NGOs are utilising the positive "development" context in order to achieve their desired aims, and minimising exposure of the "rights" elements of their work so that they can achieve their overall objectives more easily. On the other hand, the hegemonic position of the "development" agenda suggests the cooption of the women's rights movement into a less radical position. Another consequence of this focus on survival and development is that holistic approaches are often neglected. The principles of "joined-up-thinking" and networking among NGOs in Egypt is not common. As a result although women's rights NGOs and development-focused NGOs are making changes in some areas deeply held opinions and beliefs remain unaffected.

⁹ ADEW for example, runs a number of programmes at this level, ASSOCIATION FOR THE DEVELOPMENT AND ENHANCEMENT OF WOMEN, *Our Story: Documenting Fifteen Years of the Association for the Development and Enhancement of Women* (Cairo: ADEW, 2003).

Table 4: Area of Focus for Egyptian NGOs Work

	EMPLOYMENT AND EDUCATION	HEALTH AND FGS	LEGAL ADVOCACY AND SUPPORT	POLITICAL PARTICIPATION	RESEARCH	ISLAMIC FOCUS
AAW		•				
EOHR	•		•	•		
ECWR	•		•	•		•
NWRC					•	
YWCA	•					
ADEW	•	•	•	•		
CEWLA	•		•			
CIHR					•	
IICWC				•		•
NAHR					•	
AOHR				•	•	
TOTAL	5	2	4	5	4	2

Table 5: Strategies Deployed by Egyptian NGOs¹⁰

	SURVIVAL	INTERNATIONAL WOMEN'S RIGHTS COVENANTS	GOD GIVEN	BIO-MEDICAL	DEVELOPMENT	LEGAL	OTHER
AAW	•			•		•	
EOHR	•	•			•		
ECWR	•		•		•	•	
NWRC		•					• ¹¹
YWCA	•						• ¹²
ADEW	•			•	•	•	
CEWLA						•	
CIHR						•	
IICWC			•				
NAHR	•				•	•	
AOHR		•				•	
TOTAL	6	3	2	2	4	7	2

¹⁰ A full list of acronyms of the NGO's listed here can be found in Appendix B.

¹¹ NWRC is a declared feminist organisation with socialist-leftist leanings DARWICHE, "Interview with Mrs Nawla Darwiche of the New Women's Research Centre on the 22nd April 2004."

¹² YWCA is a Christian Organisation which applies Christian ethics and values to its works. Although it ensures that its services are available to all Egyptian women and children regardless of faith. L ATTALA, "Interview with Leila Attala, President of the Young Women's Christian Association Egypt on the 7th of April 2004," ed. Katherine BROWN (Cairo: 2004).

These tables show a predominance of legal and technical approaches to tackling women's rights issues. The "survivalist" framework operated as a meta-narrative, serving as a discursive link between the legal advocacy conducted by NGOs and the service provision work also undertaken by NGOs. These tables also reveal the absence of religious justifications for women's rights or the work the NGOs conducted.

Consequently, the ability of NGOs to tackle societal issues, such as sex-role stereotyping, through any other means than practical life improvements for women is limited by a reluctance to address the role of Islamic symbols and beliefs in Egyptian society. There was considerable reluctance on the part of the NGO's I interviewed (with the exception of IICW) to discuss the role they had in shaping Islamic discourse in Egypt, or indeed to discuss the ways in which Islamic references and symbols impact on their work. The EOHR argued that Islam or religion bore little or no importance to the work they did, as did the YWCA and AAW. The ECWR however acknowledged that they had changed the ways in which they promoted women's rights and conveyed their work in light of the religious contexts in which they were working. They changed the language they used to suit the different target groups. For example, when targeting the practice of female genital surgeries (henceforth FGS) the ECWR requested and received the support of different religious scholars, and acquired a *fatwa* (Islamic legal decision) reaffirming that FGS is neither Islamic nor permitted in Islam. The NGO's questioned recognised the influence of local Mosque leaders but few formally sought links with them. Only one NGO approached a local Mosque when the *Imams* were urging women not to use the facilities and financial services which the NGO offered. Nevertheless, one of those interviewed recounted a story where a government minister lamented that all her work done on promoting contraceptive use could be undone by one *Imam* on one Friday afternoon service. Nevertheless, as Moheb Zaki of the Ibn Khaldun Development Centre argued, NGOs are changing the understanding of rights within the Muslim community. He argues that they are doing so by adopting and transforming understandings of *Shari'a* and Islamic practice.

However, he continued that because such work is fashioned on an ad-hoc, issue-by-issue basis, so that it is not conducted in a systematic manner, it is therefore vulnerable to criticism from conservative Islamic scholars trained in *fitah* (Islamic jurisprudence).¹³

3. Rights Under consideration based on CEDAW

Elsewhere (in Chapter five) the author has acknowledged the limits and concerns with using CEDAW and international human rights tools as a framework for research in this field. Nevertheless, this section looks at specific rights (identified from CEDAW) to analyse the ways in which rights become meaningful in Egypt and to explore the different strategies and application of Rights, in particular those arising within the Islamic framework.

3.1. Article Five (Sex Role Stereotyping)

Article five of CEDAW considers sex role stereotyping and prejudice. Such stereotyping is explored in four main areas: the first provides an examination of the State's narrative and policies on women's rights, the second area considers sex role stereotyping in the work place; the third part debates the role of the media and culture on gender roles; and the fourth section looks at how such gender prejudice is effecting the efficacy of the legal system.

It is worth highlighting at this point the concerns expressed by The International Islamic Committee for Woman and Child (IICWC) based in Cairo about Article Five in CEDAW. IICWC argued that the use of the term "stereotyped roles" in CEDAW represents,

An attack on family in its instinctive form as called for by all religion and normal communities, who represent the majority of the world. Family is composed of a man and a woman who are legally married. Life duties are distributed among them in the quest for integration.¹⁴

¹³ ZAKI, "Interview with Moheb Zaki of the Ibn Khaldun Centre for Development Studies on the 8th Cairo 2004."

¹⁴ INTERNATIONAL ISLAMIC COMMITTEE FOR WOMAN AND CHILD, *A Critical Review of the Convention on the Elimination of All Forms of Discrimination against Women* (Cairo: International Islamic Committee for Woman and Child (IICWC), 2000), p. 65.

IICWC resists the idea that roles are stereotyped by society but argues that such roles compliment or reflect the biological characteristic of each sex, and therefore contests the notion of stereotyping. IICWC sees the notion of gender stereotyping as an attempt to restrict women's maternity and force women into the labour market.¹⁵ Linked to this objection to gender stereotyping is a resistance to the idea that the concepts of gender and sex can be separated, indeed IICWC perceives "the West's persistence" in separating out gender from sex as a desire to "impose and force abnormal sexual orientation as a social behaviour."¹⁶ The reason the objections raised by IICWC are noted here is because it represents one of the ways in which women are strategising about rights within Islam and in response to declining economic circumstances. But it also represents one of the ways in which Islamic discourse is restricting the tools available to women, namely that Muslim women must only rely on Islamic sources to construct rights and that all other tools are false idioms of "the West".

The Egyptian State continuously frames women's roles within the confines of sex role stereotypes. It constructs idealised images of the good Muslim wife and mother. However a tension exists between the States other goals of increased economic growth and Islamic-cultural norms, and therefore the State also upholds women's as good (obedient and docile) employees. The latter vision of Egyptian women is always tempered by a fear of "westoxicification" and so the family unit and women's roles in it are nearly always officially prioritised. This is reflected in the Constitution which says:

Article 9:

The family which is rooted in religion, morality and patriotism, is the cornerstone of society. The state shall strive to preserve the authentic character of the Egyptian family, with the values and traditions that it embodies while affirming and developing this character in relations within Egyptian society.

And Article 11:

The State undertakes to reconcile the duties of women toward their family with their work in society, and guarantees their equality with men

¹⁵ Ibid.

¹⁶ Ibid., p. 56.

in political, social and economic spheres of life, with due regard for the provisions of the Islamic Shari'a.¹⁷

The State formally expresses its vision on the role and position of women through recourse to the constitution. However, the constitution is negated by the enactment of the Emergency State Laws on-going since the 1980s. Therefore this claim needs to be considered with some caution. The most explicit representation of the government's vision of women is through the National Council for Women (NCW), which informs debate and public opinion about women and women's issues.¹⁸ The NCW was set up in 2000 by presidential decree and is run by the former government minister for social affairs. The National Council of Women actively seeks to "maximise (women's) contribution to the growth and development of Egypt".¹⁹ Through the NCW, the Egyptian state encourages micro-credit for women-led businesses, and training women for formal public participation is co-sponsored with NGOs. But while the government is willing to promote women's access to the formal economy and to party politics, it resists addressing violations of Article 5 which may challenge deeply held cultural values (often popularly associated with Islam) such as FGS and prejudice against single mothers. Consequently as Zuhur states, the government stance on women's rights and feminism is complicated,

[On the one hand] the government moves against certain Islamist-favoured restrictions on women... [But on the other] expresses its own version of Islamic conservatism. It advocates a moderate, elitist form of feminism which it perceives to be helpful to the development process but does not necessarily want to introduce any disruptive social change regarding gender roles or women's status.²⁰

¹⁷ EGYPT STATE REPORTERS TO THE U.N., "Egypt State Party Report on CESCR." Further, of note, the Egyptian state "respects the diverse nature of societies and the heritage, cultural characteristics and prevailing values stemming from their historical development" Improvements, the State argues, in women's position are because of the input and interventions of the Egyptian state in its drive to become a modern developed state as argued in the Combined Fourth and Fifth Periodic Report to the Committee on CEDAW. EGYPT STATE REPORTERS TO THE U.N., "Egypt State Party Report on CESCR."

¹⁸ NATIONAL COUNCIL FOR WOMEN, *NCW Website* (National Council for Women, 2004 [Accessed 08/06/2004]); available from www.ncw.gov.eg.

¹⁹ NATIONAL COUNCIL FOR WOMEN, *NCW Mission Statement* (National Council for Women, 2004 [Accessed 08/06/2004]); available from www.ncw.gov.eg/new-NCW/english/stra_glo.jsp.

²⁰ Sherifa ZUHUR, "The Mixed Impact of Feminist Struggles in Egypt During the 1990's," *Middle East Review of International Affairs* 5:1 (2001).

However, some Egyptian NGOs and Muslim women are using sex-roles defined by their understanding of Islam, to resist the imposition of the right to work as favoured by the government. To some extent women's rights arguments are transposed onto the contest for legitimacy between Islamist groups and a secular government. These women actively seek to exclude themselves from the work force by recalling the "Islamic" duty to be good mothers first and foremost. Within the Islamist groups' understanding of Islam, women are primarily seen as natural mothers, and women's identities are constructed around fertility. Therefore, forcing women to work for an income is considered to negatively affect women's ability to procreate, thereby threatening their identity and Islamic observance.²¹ This resistance is further reflected in popular distaste for "Western" society and the presumed ills found therein which are attributed to women's uncontrolled sexuality and women's abandonment of the home and family.²²

In light of Islam-based opposition, the vision of women's rights presented to Egyptian women by the government is limited to political and civil rights (as granted to men), and is implemented so that adherence to CEDAW does not require substantial cost to the State. Economic and social rights are marginalised by the development discourse (which presents development as a right of the State, not of the people), which requires minimal government intervention in the economy, and therefore only provides avenues for the implementation of negative rights.²³ Thus, the changes made in Egypt's personal law in the past five years have brought minimal cost to the State. For example, the percentage of women who are affected by the change in law regarding foreign travel is minimal, and the right to freedom of movement here is not a positive duty but a

²¹ Marcia INHORN, C., "Population, Poverty and Gender Politics: Motherhood Pressures and Marital Crises in the Lives of Poor Urban Egyptian Women," in Michael E BONNIE (Ed.) *Population, Poverty and Politics* (Gainesville: University of Florida, 1997).

²² INTERNATIONAL ISLAMIC COMMITTEE FOR WOMAN AND CHILD, "Interview with Representatives from the International Islamic Committee for Woman and Child, on the 18th April 2004."

²³ For example, Mubarak argued in 2000 that "Society cannot achieve any significant progress unless there is a broad public life from all citizens without distinction between men and women" NATIONAL COUNCIL FOR WOMEN, *NCW Website*.

guarantee not to interfere.²⁴ The implementation of rights that grant women access to complete pensions regardless of their marital status or their work life, and the right of mothers to grant citizenship to their children regardless of the father's nationality, are cumbersome and slow in comparison, in part, because these are more costly.²⁵ Additionally, by recognising the family as the basic unit of society the Egyptian State is able to dismiss certain obligations to CEDAW by rendering them to the private sphere. This is arguably a deliberate strategy by the State for it is considerably cheaper to demand that the private sphere bears the cost of certain rights and welfare needs. This is discussed more in the Section considering Article ten and eleven. It is worthy of notice, that the founder of the ECWR disagrees that the changes in law are a cynical and cheap ploy by the Egyptian government to silence NGOs and the international community. She argues that it is instead the beginnings of the State recognition of women as sovereign citizens.²⁶

The philosophy behind all the demands of the ECWR is based on the meaning of citizenship. If women are citizens then they must be treated as such. Therefore it is the principle of citizenship regardless of how many women, or which class of women, might benefit from changes in the law. It is to facilitate an attitude of decision making, of self-autonomy. The ECWR essentially works on the basis that women are full human beings and that they subsequently have human rights, even if they don't use them, and that women are capable of making decisions. It is the indirect impact of failing to recognise women as full citizens and human beings that concerns the ECWR. For example, if a woman needs permission from her husband to travel abroad (a man does not require his wife's permission), or from the State to work at night (a requirement men do not have) it implies women are not able to make judgements about their needs, safety and lives.²⁷

²⁴ The change in the law means that Egyptian women can now travel abroad without the written and explicit permission of their husbands.

²⁵ ZAKI, "Interview with Moheb Zaki of the Ibn Khaldun Centre for Development Studies on the 8th Cairo 2004."

²⁶ NEHAD, "Interview with Mrs Nehad Founder of the Egyptian Centre for Women's Rights on the 20th April 2004," ed. Katherine BROWN (Cairo: 2004).

²⁷ Ibid.

Sex role stereotyping is not limited to the policies and rhetoric of the State, it also occurs in the work place. Sex-role stereotypes persist in the work place, and attitudes towards women entering the paid economy are mixed. In Egypt, women strategise within the constraints of these stereotypes in the work place, maximising upon ideas of respectability. One key element to respectability in employment is not to be seen to be working specifically for the income.

Therefore, on the one hand literate middle class women have been able to redefine the notions of respectability such that it now includes “office” work and “caring” professions, and in particular those areas of work which provide for human security. Respectability, for middle class women has expanded to include women who are working, but are still married (whose sexuality is now contained), and who work in certain “modern” professions. However, on the other hand, women who work for short term gains (namely solely for salary) are still seen as threatening and unrespectable because they are competing with men in an already constricted labour market. This pattern of employment is found more in labour intensive, unskilled or semi-skilled work. This is unfeminine and is seen to threaten the complementary gender roles within the family.

Consequently, one physician in a The Cairo Institute for Human Rights Studies (CIHRS) survey argued that “work generates a manly way of life.”²⁸ Another respectability based strategy to combat sex-role stereotyping in the work place, is wearing the *hijab* to show Islamic identity and morality, and another is the reconstruction of women’s paid labour as an “act of worship.”²⁹ The latter can take the form of working in professions that aid the development of the *Umma* (and of the State), and in some circumstances includes working to serve the family.

Despite these attempts at redefining women’s sex roles, in popular culture it is widely commented upon that women are irresponsible and lack a work ethic; because they leave work early (to avoid rush hour and to prepare dinner for the family), that they gossip at work and that women only seek employment for a

²⁸ Amal ABDEL-HADI and Siham ABDEL-SALAM, *Physicians Attitudes towards Female Circumcision, Women Initiatives* (Cairo: Cairo Institute for Human Rights Studies, 1999)

²⁹ INTERNATIONAL ISLAMIC COMMITTEE FOR WOMAN AND CHILD, "Interview with Representatives from the International Islamic Committee for Woman and Child, on the 18th April 2004."

short period of time (before marriage, and before children).³⁰ Such stereotyping of women negatively impacts upon women's ability to freely enter into the professions (because the social sanctions against entering into professions that are not considered respectable are high and may impact on marriage chances later on) and to pursue careers (women are often overlooked for opportunities for promotions or overseas work).³¹ The discussion on employment and women's right to work is discussed in more detail in the section considering Articles ten and eleven of CEDAW.

The role of media and cultural consciousness in fulfilling obligations under Article five is significant. This section focuses on popular cultural spaces, primarily television. Popular television is arguably part of the most creative space of culture, it is a space in which claims (interpretations) about cultural events and cultural understandings are presented to the masses. This includes the legitimising of social relations and the roles of women. In Egypt, the importance of television as a medium for communicating social norms is heightened because of the high rates of illiteracy and unemployment, and because broadcasting is heavily censored with the majority of broadcasters State owned. Television dramas present ideal models of women's behaviour and aspirations for women which coincide with traditional interpretations of social relations and not necessarily the lived realities of Egyptian women. Women are nearly always portrayed as trying to seduce men if they are single and/or work: they are considered a danger to society and to men. Also the popular soap operas positively reaffirm the idea that a woman who works in the home, or helps her husband, is a good woman.³² As Marian Fadel of CIHRS noted:

³⁰ Hafez ABU-SAEDA, "Interview with Mr Hafez Abu-Saeda, General Secretary of the Egyptian Organisation for Human Rights on the 8th of April 2004" Katherine BROWN (Cairo: 2004), Leila REEM, "Working at Half Time," *Al-Ahram Weekly*, 02-08/01/2003, available at <http://weekly.ahram.org.eg/2003/619/eg7.htm>; ZAKI, "Interview with Moheb Zaki of the Ibn Khaldun Centre for Development Studies on the 8th Cairo 2004."

³¹ ABU-SAEDA, "Interview with Mr Hafez Abu-Saeda, General Secretary of the Egyptian Organisation for Human Rights on the 8th of April 2004", and Amira Abdel HAKIM, "Interview of Amira Abdel Hakim of the National Association for Human Rights and Human Development on 11th April 2004," ed. Katherine BROWN (Cairo: 2004).

³² The Media Watch conducted by the NWRC gives the example of Faten, a lead character in the show *Where is my Heart*, she was subjected to massive amounts of abuse and social pressure because as a single (widowed) woman she was presented as an "evil threat to all the married men" in her vicinity NEW WOMEN RESEARCH CENTRE, "Together We Can Confront Violence against Women: Results of the Media Watch Television Drama, Throw out the Month

To satisfy ones husband is seen as the pinnacle of success, and those female characters that operate outside of this are presented as having lose morals and so on.³³

And as the founder of the Egyptian Centre for Women's Rights (ECWR)

observed:

The media makes being a housewife the most important task for a woman. She is queen of her home, but outside of it she has only half a mind. This can really affect women's confidence and self esteem.³⁴

An example of sex-role stereotyping in the media was recounted to me in one of the interviews I conducted. In the television drama described, the female character lamented the fact that she'd been treated differently to her brother by her parents. However the drama moved on and showed this female character as a violent wife who "wanted to be a man."³⁵ It suggests that women who want different roles than those defined for them by their sex, family and community will become deviant and attempt to deny their womanhood. This example as portrayed as typical of Egyptian television.

Interestingly, however, there is little direct reference to women's faith or religious practice in these soap operas. Indeed rarely are women wearing the *hijab* or seen going to the mosque, or going to pray. It is mainly elderly, or middle aged women, who are portrayed as "religious" and these women are always wives and mothers of key characters, they are secondary characters to the soap operas' plot.³⁶ This can, in part, be linked to the State's attempt to reduce Islam to personal observance and to make it a background aspect of Egyptian society. Combined with the fact that male characters form 67% of all characters

of Ramadan," (Cairo: NEW WOMEN RESEARCH CENTRE, 2003), pp. 11-12. (Their spelling mistake)

³³ FADEL, "Interview with Marian Fadel of the Cairo Institute for Human Rights Studies on Wednesday 14th April 2004."

³⁴ NEHAD, "Interview with Mrs Nehad Founder of the Egyptian Centre for Women's Rights on the 20th April 2004."

³⁵ DARWICHE, "Interview with Mrs Nawla Darwiche of the New Women's Research Centre on the 22nd April 2004." The New Women Research Centre related work on the media and domestic violence is considered in more detail later on.

³⁶ NEW WOMEN RESEARCH CENTRE, "Together We Can Confront Violence against Women: Results of the Media Watch Television Drama, Throw out the Month of Ramadan."

on screen, it implies that there is no clear place for women in society or for their religiosity.³⁷

The importance of media and popular dramas is in the interplay and negotiation on the cultural meanings of rights and women's roles. In the constant usage of the "ideal" woman in dramas to symbolise the positive values of Egyptian society, women's ability to negotiate and to modify the cultural context in which rights strategies are played out are limited, in particular the right not to be defined solely in relation to your sex.

Discrimination based on sex role stereotyping also occurs within the Egyptian legal system, and the laws themselves are replete with examples. This is especially the case in civil and personal law. Iman Abdul-Wahid argued in 2002:

Actually my major concern is that the laws are still far behind – they are related to the laws of the Middle Ages... the laws deprive women of every rights... the laws of the family are still completely dominated by the patriarchal attitude that the man has the right to do everything, and the woman has no right whatsoever.³⁸

In 2000, the Egyptian Parliament introduced changes in Egyptian law that enables women to obtain a divorce from a judge with the condition that they repay the dowry (*Khul'a* divorce), and the right to travel abroad without explicit husband's permission and without a guardian (*mahram*).³⁹ Fierce opposition appeared. Zuhur describes:

Cartoons featured female harridans pursuing frantic husbands with their brooms, women rushing to the airports, or men donning women's clothes and headscarves and assuming domestic chores. After the law's passage, one cartoon featured a woman determinedly packing her suitcase. Her husband protests, "You can't travel without my permission!" but the wife retorts "I can't? Then I divorce you!"⁴⁰

³⁷ Ibid., p. 6.

³⁸ Cited in Roger HARDY, *Egypt: Crisis of Identity* (BBC News, 16/07/2002 [Accessed 23/05/2004]), available from http://news.bbc.co.uk/1/hi/in_depth/world/2002/islamic_world/2131219.stm.

³⁹ This latter right was dropped as a concession to pass the wider law through the Peoples Assembly at the time the changes in the divorce law occurred. However by November 2000 the high court had ruled that restrictions of women's travel abroad were unconstitutional. Caroline HAWLEY, *BBC News: Egyptian Wives Win Travel Rights* (BBC, 04/11/2000 [Accessed 07/02/2005]), available from http://news.bbc.co.uk/1/hi/world/middle_east/1007427.stm.

⁴⁰ ZUHUR, "The Mixed Impact of Feminist Struggles in Egypt During the 1990's."

The implication being that women are irrational and marriages would disintegrate if these reforms of Egypt's personal law went ahead. These responses also tapped into the fear of atypical sexual behaviour by suggesting that if these reforms were passed then men would become women, and vice-versa.

In addition, while the new reforms have been welcomed as a positive step by most NGOs, many point to disparities in its implementation. For example, the number of requests for divorce compared to the number of judgements received is very low. Specifically, in the Inna governate in 2000 there were 205 requests, and no judgements had been received by the end of the year, and in Cairo, there were 2695 requests and only 112 judgements. According to the new law, the wait for a judgement should be a maximum of six months. One objection raised to the new law, as a possible explanation for judicial resistance, was that it was "un-Islamic" and against *Shari'a*. The traditional law, and its enactment, were based on the explicit rights of men to exit from a marriage as outlined in *Shari'a* and the *Qur'an*. It assumed that husbands bear greater responsibilities (or duties) in a marriage and therefore have greater rights in it as well. Especially referred to, are husbands' religious obligation to financially support his wife (or wives) and his children (women have no comparable obligation, and if they do assist the family financially it is considered as charity).⁴¹ Judges are seen to uphold traditional interpretations of the law regardless of recent changes.⁴² Another justification for the previous laws on divorce is that women are too "emotional" and would abuse the right to divorce.⁴³ Despite this new law, changes eliminating stereotypes are rare, and as the above example shows, meet considerable opposition both in State apparatuses and in the media. The

⁴¹ INTERNATIONAL ISLAMIC COMMITTEE FOR WOMAN AND CHILD, "Interview with Representatives from the International Islamic Committee for Woman and Child, on the 18th April 2004."

⁴² CENTRE FOR WOMEN'S LEGAL ASSISTANCE, "Interview with a Representative of the Centre for Women's Legal Assistance, on the 21st April 2004" ed. Katherine BROWN (Cairo: 2004).

⁴³ "This law made big problems," Al Shaka'a told Women's eNews. "Many of the wives rushed off to get divorced without thinking . . . Because the woman is more emotional, if we put the right of divorce in her hand she might divorce for the smallest reasons. But the man, known for bearing more responsibility, will not divorce except in states of extreme necessity." Mustapha Al Shaka'a is a member of Al Azhar's Islamic Research Academy. Available from: http://www.religiousconsultation.org/News_Tracker/Egyptian_women_see_divorce_as_religious_right.htm

persistence of the laws based on such stereotyping in Egypt's family court system suggests the prevalence of an attitude which assumes women to be unable to make decisions about certain aspects of their lives. However, other Islamic groups who support the changes in the law, point out that this argument is contrary to the explicit rights of *Khul'a* granted to women in the *Sunna* and the *Qur'an*.⁴⁴

3.2. Article Seven (Public, Legal and Political Participation)

This section looks at women's public participation and political activities. First, it outlines women's participation by looking at voting and membership of legislative bodies. Second, it examines the National Council of Women and its role in facilitating women's public participation. Third, it looks at the role of seclusion as a form of social organisation in urban Egypt. Fourth, it considers NGOs strategies for improving women's participation, in particular the ID card campaign.

In 2000 women won 2.4% of seats in the lower house, and 5.7% of seats in the upper house in 2001.⁴⁵ 15 seats of 176 in the *Majlis Al-Shura* (the Advisory Council) are held by women and in local councils women held only 1.2 percent in 1997, and rising to 774 local council seats in 2002.⁴⁶ In 1996 15% of all senior posts in government were held by women. In 1999 there were two female cabinet ministers and in 1998 a woman was appointed president of the Office of

⁴⁴ "And if you fear breach between the two (i.e. husband and wife), appoint an arbiter from his people and an arbiter from her people. If they both desire agreement, *Allah* will effect harmony between them." (*Qur'an* 4:35). Further, "then if you fear that they cannot keep within the limits of *Allah*, there is no blame on them for what she gives up to become free thereby." (2:229).

Commenting on this verse Maulana Muhammad Ali says, "These words give the wife the right to claim a divorce. It is one of the distinguishing characteristics of Islam that it gives the wife the right to claim a divorce, if she is willing to forgo the whole or part of her dowry." (Holy *Qur'an*, Lahore, 1973, P-98). ALI ENGINEER, *Muslim Women, Orthodoxy and Change* (2000

[Accessed 15/06/2005]), available from <http://www.csss-islam.com/IIS/archive/2000/august.htm>

⁴⁵ INTER-PARLIAMENTARY UNION, *Women in Parliament* (Inter-Parliamentary Union, 2004 [Accessed 07/02/05]), available from <http://www.ipu.org/wmm-e/classif.htm>

⁴⁶ Gihan ABOU-ZEID, "Introducing Quotas in Africa, Discourse in Egypt" (paper presented at the Implementation of Quotas: African Experiences, International Institute for Democracy and Electoral Assistance (IDEA)/Electoral Institute of Southern Africa (EISA)/Southern African Development Community (SADC) Parliamentary Forum, Pretoria, South Africa, 11-12/11/2003 2004), p. 3; PROGRAMME OF GOVERNANCE IN THE ARAB REGION, *Country Gender Statistics: Egypt* (UNDP, 2004 [Accessed 07/02/2005]), available from <http://www.pogar.org/countries/gender.asp?cid=5>.

the Administrative Prosecutor.⁴⁷ In January 2003 President Mubarak appointed a female judge to the High Constitutional Court for the first time in Egypt's history. The High Judicial Council had nominated lawyer Tahani Al Jebali to this position. Two other women were appointed as members to the panel of High Constitutional Court Commissioners.⁴⁸ Women represent 35.12% of all registered voters in 2000.⁴⁹ However, as is noted by the EOHR and NAHR, women's voting is controlled or at least manipulated by tribal patriarchal family systems in rural areas, such that voting rights are restricted through ignorance and tradition. EOHR reports that often women will find that their voting cards have been taken, and a male member of the family votes on their behalf. In rural areas there is a high rate of female participation in elections. According to EOHR, this is because families vote in blocs and because candidates can allegedly more easily bribe women to vote for them. This is argued to be the case because illiteracy rates among women are relatively high in rural areas (as compared with urban areas) and illiterate women can only rely on the oral promises of candidates. In urban areas women tend not to vote, they are alienated and disenchanted with the electoral process.⁵⁰ Additionally in 1997, there were 330 associations working in the field of women's services and a further 14,748 offering general social services.⁵¹ However, as discussed earlier, the NGO registration law introduced in 2003 has affected the number and work of many non-governmental organisations.

One important institution through which women and their interests are represented in the public sphere and to the state is through the quango the National Council of Women (NCW). The NCW is nominally headed by the First

⁴⁷ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women; Combined Fourth and Fifth Periodic Reports of States Parties, Egypt," p. 48.

⁴⁸ PROGRAMME OF GOVERNANCE IN THE ARAB REGION, *Country Gender Statistics: Egypt*.

⁴⁹ NATIONAL COUNCIL FOR WOMEN, *NCW Website*.

⁵⁰ ABU-SAEDA, "Interview with Mr Hafez Abu-Saeda, General Secretary of the Egyptian Organisation for Human Rights on the 8th of April 2004", HAKIM, "Interview of Amira Abdel Hakim of the National Association for Human Rights and Human Development on 11th April 2004."

⁵¹ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women; Combined Fourth and Fifth Periodic Reports of States Parties, Egypt," p. 48.

Lady of Egypt. The NCW is a secular organisation and its websites and information leaflets make no reference to Islam or religion. However, it acknowledges the balance between rights and responsibilities, which is often cited in Islamic texts. The NCW has a broad remit, it seeks to promote particular roles, images and activities of women, and it includes women in business and women literacy campaigns. However, it focuses on the promotion of rights within a particular framework, namely the neo-liberal economic agenda. Its mission statement highlights how the NCW adopts the language of the State and the developmentalist discourse:

NCW aims to enhance the status of all Egyptian women and to maximise their contribution to the growth and development of Egypt.⁵²

Dr Nevine Mossa'ad at Cairo University reiterates NCW stance:

Female political participation indicates the political advancement of a given society. It is closely related to the issue of comprehensive development, in addition to being one of the main determinants of citizenship and belonging.⁵³

As discussed earlier women's rights and women's empowerment are closely linked with the nationalist agenda, which may be summarised as development through economic liberalisation. Women's rights are perceived as means to an end rather than useful outcomes in and of themselves. Furthermore, the rights and "empowerment" of women are clearly targeted to improving women's employability and their roles in public life. On the one hand, the NCW seeks to encourage women to fulfil the function of civil society as narrowly defined by the State (as shown through the NGO law of 2003). On the other, it seeks to provide women with skills (such as literacy) so that they can work. Work, as with the NGOs, is promoted as empowering without any real assessment of whether all types of work are beneficial.

The third area examined under Article Seven in Egypt is the campaign to encourage women to get identification cards after it became clear that few women had them. One key factor for the low percentage of women with identification cards is the failure of many families to register the births of

⁵² NATIONAL COUNCIL FOR WOMEN, *NCW Mission Statement*.

⁵³ Cited in NATIONAL COUNCIL FOR WOMEN, *NCW Website*.

daughters. The failure to register not only makes acquiring an identification card difficult, but can have both direct and indirect effects on women's ability to acquire their rights. For example, the government bases health care provision on national statistics generated from birth registrations, if these statistics do not accurately reflect the number of women actually within an area then there is a short fall in state services. Another example is that without registration a woman cannot seek a *Khul'a* divorce from the courts, or obtain welfare from the State if she is abandoned. As highlighted by NGOs, a result of this failure to register the female births is that many women do not have identification cards. These cards enable citizens to vote, to access state services and to gain state entitlements. Although many services can be obtained on the behalf of women through husbands or fathers (who must have identification cards) reliance on male relatives is problematic. Retrospective registration in order to obtain these cards is time consuming, expensive, requires literacy skills, contact with police authorities, and requires travel to one's town of birth. These are but some of the obstacles facing women seeking identification cards.

Realising the related negative impacts of the failure to register women as citizens, many NGOs coordinated their efforts to assist women in the registration process, and sustained a publicity campaign to urge families to register the births of their daughters. The NGOs identified that families do not register the births of girls for a number of socio-cultural and economic reasons.⁵⁴ Primarily, it is assumed that daughters will become dependent on husbands and not the State after leaving the parental home, and therefore identification or registration is not necessary. This is reinforced by Islamic references to husband's financial obligations to his wife(s), which are described as religious duties: in other words a family's future financial security rests with sons.⁵⁵ However, the NGOs made persistent reference to women's survival in a changing context, and the need to secure daughters' futures in more ways than marriage. The groups manipulated the developmentalist and security discourses of the State and foreign aid donors rather than challenging orthodox interpretations of Islam.

⁵⁴ ABU-SAEDA, "Interview with Mr Hafez Abu-Saeda, General Secretary of the Egyptian Organisation for Human Rights on the 8th of April 2004"

⁵⁵ Ibid.

3.3. *Article Ten and Eleven (Education and Employment)*

The Egyptian constitution stipulates that work is a “right, duty and honour guaranteed by the State” and it likewise refers to education as a right and compulsory at primary level.⁵⁶ Further it argues that

Education is the only way to approach and truly begin the reform and development processes needed for social progress, since it is the most effective means to nurture and utilise the unlimited capacities of human resources.⁵⁷

Increases in female education have been significant, with a rise from under 25% ratio to boys in some ages groups in the 1960’s to over 40% in 1990.⁵⁸ Literacy rates are used as a proxy indicator of women’s access to education, and literacy has important implications for women’s ability to access other rights. However, in 2000 62% of illiterate people in Egypt were female, and 62.5% of women were illiterate.⁵⁹ Work undertaken by the Egyptian equivalent of local council authorities, indicates that one of the main bars to adult education programmes to combat female illiteracy in rural areas is a fear of a reduction in monthly incomes.⁶⁰ Another factor is that a significant proportion of village members, both male and female, do not see the need for female literacy or any benefit deriving from it.⁶¹ This section will consider a number of aspects of the implementation of Articles ten and eleven in the Egyptian context: first it considers sex-role stereotyping in the education system; second, it considers the restrictions on women’s employment; third, it examines the male-bread winner model which is dominant in Egypt; fourth, it looks at the interplay between work and marriage; fifth, it looks at NGO strategies for increasing women’s employment and women’s skills; and sixth, it considers a particular strategy namely micro-credit schemes.

⁵⁶ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women; Combined Fourth and Fifth Periodic Reports of States Parties, Egypt," pp. 54, 68.

⁵⁷ EGYPT STATE REPORTERS TO THE U.N., "Egypt State Party Report on CESCR," p. 51.

⁵⁸ *Ibid.*, p. 54.

⁵⁹ EDUCATION FOR ALL (UNESCO), "Gender and Education for All: The Leap to Equality."

⁶⁰ Wives are often the unpaid help in fields and if these wives took time away to attend classes then agricultural output would be less or their husbands would have to employ someone at cost.

⁶¹ In Arabic: ALLIANCE FOR ARAB WOMEN, *A Practical Guide to the Work of Local Councils*, trans. Shatha KITAB (Cairo: Alliance for Arab Women, 2004), p. 12.

The first area to be considered is the persistence of gendered stereotypes in the Egyptian national curriculum. It is worth noting that the majority of conservative, and Islamic groups, do not contest women's rights to education, because it is argued that through good education a woman can be a good mother.⁶² However, little emphasis is placed on the content of that education which a woman has the right to receive.⁶³ The CIHRS ran a human rights education project for five years examining the content of State education through a gender aware perspective. During that time it identified that one of the main problems was that the curriculum reinforced and confirmed gender stereotypes. For example, in primary school text books and reading books, women are described (and drawn) as housewives; they are in the kitchen cooking, while the husband reads a newspaper, and young girls are seen playing with dolls, boys in contrast, are shown with computers and cars.⁶⁴ Furthermore, on the rare occasion that women are portrayed as working, it is confined to particular areas, namely within caring professions. As with the recreation of meaning in mass media, education also implicitly and explicitly defines acceptable roles for women, and in this case they normalise conservative gender stereotypes to children. There is very little public awareness of gender stereotyping in schools, and NGOs struggle to make it part of the national agenda. The CIHRS ran training courses for different sectors of the government and state bureaucracy to highlight the need for change.⁶⁵ Change has yet to materialise either in policy formulation or implementation.

The second area affecting Egypt's observance of articles ten and eleven are the restrictions placed on female employment. The Egyptian State continues to restrict women's rights to paid work in some areas. The language deployed by the State is often paternalistic and is replete with references to preserving the

⁶² HAKIM, "Interview of Amira Abdel Hakim of the National Association for Human Rights and Human Development on 11th April 2004."

⁶³ Unless it is sex education or religious education

⁶⁴ DARWICHE, "Interview with Mrs Nawla Darwiche of the New Women's Research Centre on the 22nd April 2004"; ALLIANCE FOR ARAB WOMEN, "Interview with the Alliance for Arab Women on the 6th April 2004," ed. Katherine Brown (Cairo: 2004).

⁶⁵ FADEL, "Interview with Marian Fadel of the Cairo Institute for Human Rights Studies on Wednesday 14th April 2004."

family unit.⁶⁶ The decision to restrict women's right to employment is further legitimised through bio-medical and religious gender segregation discourses. In a parliamentary working committee discussing the right of women to work night shifts, especially in factories, one objection raised was that at night the temperature rises, so male workers remove their shirts, the objector argued that they could not do this if there were female workers present.⁶⁷ Thus, the committee was concerned for the "comfort" of male workers but not poverty alleviation for women, or indeed the health and safety of employees. Perhaps forcing employers to provide more suitable working conditions would negate this objection to women's labour, yet this option is not raised as part of the agenda. Objections to women working at night are only raised for working class, manual jobs. As reflected on earlier when discussing Article five, for middle class, professional jobs, it is acceptable (and respectable) for women to work at night, especially in caring professions.⁶⁸ It is as if middle class working environments are "safe" areas for women whereas other zones of public activity are not. In heavy industry, women are barred by law from working at all, such that the iron industry, for example, employs over 10,000 labourers, but not one woman. NGOs suggest that this denial of the right to work arises because men have made the decision for women, because men have assumed the responsibility to determine what is in a woman's best interest.⁶⁹ The preservation of class divisions, and the privileges of certain classes over others, is also clear in the restriction of women's labour. It is a particular class of men, upper- middle class men, who are facilitated by their positions of authority in government and as managers of manufacturing plants, who have the power to make decisions for working class women.

However, these restrictions to women's labour at night, or in particular industries, are challenged. Women question the rationale behind the decisions,

⁶⁶ Asdar Kamran ALI, "The Politics of Family Planning in Egypt," *Anthropology Today* 12:5 (1996).

⁶⁷ NEHAD, "Interview with Mrs Nehad Founder of the Egyptian Centre for Women's Rights on the 20th April 2004."

⁶⁸ Although, of course, the majority of middle class and caring professional jobs do not require working at night, and this assists with the labelling of these jobs as respectable in the first instance.

⁶⁹ NEHAD, "Interview with Mrs Nehad Founder of the Egyptian Centre for Women's Rights on the 20th April 2004."

as well as the legitimacy of those making them. As one woman argued: "If I am a poor woman and need to work at night, it should be my choice to do so."⁷⁰

Furthermore, through the survival discourse NGOs are highlighting women's need to work, specifically to maintain the family unit.

Underpinning the previous two examples is an assumption other the male-breadwinner model is the Egyptian norm. The male bread winner model of the family privileges male earnings and financial contributions, and consequently awards male heads of household particular authority over other members. The male bread winner model presupposes the highest income earner will be male, and that each household will have access to male earnings. One way the State supports this is to grant welfare to "families" rather than individuals, another example is in the allocation of rations. As Sholkamy explains:

...ration cards are being reissued for certain food stuffs, so that food can be purchased at a subsidised price. Those who are eligible are state workers, and this is an initiative that will practically support women. But in whose name are they issued? They are family ration cards, issued in the husband's name.⁷¹

The government estimates that the proportion of women solely financially supporting families has grown to 22%.⁷² Bereavement and divorce are the main reasons identified by the government. NGOs estimate that among the poorest sections of Egyptian society, the percentage of female headed households as a total of all households is as high as a third.⁷³ United Nations Human Development Report of 1996 shows that female headed households earn lower incomes than male headed incomes, approximately 79% of that of male headed

⁷⁰ Ibid.

⁷¹ SHOLKAMY, "Interview with Hania Sholkamy of the American University in Cairo on the 13th April 2004."

⁷² The Labour Force Sample Survey, of 1991 by Central Agency for Public Mobilisation and Statistics, available only in Arabic. Also published in Arabic by UNIFEM, *Report on the Statistical Status of Egyptian Women: Demographic Indicators, Economic Participation, Participation in Decision Making and Violence against Women (Arabic)*.

Cited by <http://www.ecwregypt.org/English/researches/2004/changingworld.htm> And corroborated by <http://www.unifem.org/jo/hdocs/mainform.asp?p=readNews&key=14>

⁷³ ASSOCIATION FOR THE DEVELOPMENT AND ENHANCEMENT OF WOMEN, "Interview with a Representative of the Association for the Development and Enhancement of Women, on the 22nd of April 2004", ASSOCIATION FOR THE DEVELOPMENT AND ENHANCEMENT OF WOMEN, *ADEW's Micro-Credit Program* (Cairo: ADEW, 2004).

households.⁷⁴ In an attempt to alleviate the poverty of female headed households, laws pertaining to insurance and social security intend to give guarantee to a minimum income to *families* with no insurance coverage (Law No 30 of 1977). The law includes giving welfare to the families of pensioners, breast feeding mothers, and families with no breadwinner.⁷⁵ The government believes that the application of Law 30 of 1977 “covers these cases and assures them of a minimum income, through what are called security pensions for families without breadwinners.”⁷⁶

However, by supporting the male-breadwinner family as the basic unit of society in the majority of policies and welfare mechanisms, the State is able to renege on certain obligations of CEDAW. This is achieved by subsuming certain rights to the private sphere, by framing some rights as part of the family obligations; the State is able to place them outside of its responsibility. It is assumed that the distribution of resources, welfare and labour among family members is either not the concern of the State (because it is private), or will be allocated equitably. The State writes out of the agenda the power relations within family units and women’s ability to acquire rights therein. This is arguably a deliberate strategy by the State for it is less costly than recognising half its population as rights bearing citizens, and is achieved by demanding that the private sphere bears the cost of certain rights and welfare needs. In addition, by maintaining the male breadwinner model for distributing State welfare saves State money because those women that fall outside of this model are unable to access State services with any ease. Furthermore, it recreates the image that welfare should be only for deserving women.

In popular culture the desire to protect the “family” unit with a male breadwinner is also used as justification to limit women working outside the home. Examples

⁷⁴ Cited in Mahassen Mostafa HASSANIN, "Egypt: A Poverty Profile" (paper presented at the ICSW Civil Society Forum on Poverty, New York, 11/02/1999).

⁷⁵ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women; Combined Fourth and Fifth Periodic Reports of States Parties, Egypt," p. 73.

⁷⁶ Ibid., p. 76.

from the Cairo Institute of Human Rights Study in 1999 show this. Physician's argued,

Woman's work is religiously wrong, wrong, wrong. Her role is at home with the children.

And that,

Women's work proved its failure. Women belong at home and their role is to look after the children and the husband and to spread a feeling of happiness and joy at home.

And that,

... In the past women were uneducated, but were good housewives and mothers. The crime rate deviation among youth was much less [then]. Please look at the past.⁷⁷

These arguments reflect concerns that if traditional gender roles are abandoned, because women enter paid employment and leave the home, then society as a whole will suffer and families (as the basic unit of society) will collapse. The language used links a number of narratives. On the one hand, religion is used as a de-facto bar, yet in the other responses a mythical past is presented as an ideal society, with contemporary concerns (crime rates) associated with women's abandonment of the family. In each of the quotes above it is assumed that paid labour is antithetical to a woman's position in the family. Nevertheless, recognising changing economic conditions, and tapping into nationalist campaigns of the colonial era, other actors, including the government and the NCW, argue that through women's employment Egypt will (economically and socially) develop and families will benefit from a second wage.

Consequently, one of the strategies employed by NGOs, and activists, is to argue that women's education and women's financial independence provides a solid basis for marriage. In other words, they are justifying change and women's rights because it will support and strengthen a valued Islamic institution: marriage and the family. As the representative from The Association for the Development and Enhancement of Women (ADEW) argued, literacy and

⁷⁷ ABDEL-HADI and ABDEL-SALAM, *Physicians Attitudes towards Female Circumcision*, p. 68.

education are skills that provide women with alternative secure futures than turbulent marriages.⁷⁸ Marriage is commonly seen as the means by which women secure their welfare, but NGOs argue it may not always be a successful basis for a family if economic security is its only foundation. Other groups argue that employment and education make women better mothers, because it provides them with “psychological patience”.⁷⁹ This strategy is not always successful as there are significant Islamic voices counteracting this argument, which often point to the perceived failure of Western society attributed to female abandonment of the home for employment.⁸⁰ Yet, as Mohammad Zaki of the Ibn Khaldun centre argued, some men refuse to marry women who don’t work because they can no longer afford to live on one income alone.⁸¹ In other words, there is a recreation of an Islamic narrative to justify women’s right to work. Underpinning this revision of Islamic ideals is a sub-narrative on survival, linked to the security of the female self, the family and the Egyptian State.

NGOs often seek unconditional employment for women as the route to emancipation and empowerment. Yet, such employment may not be good for all women in the long term. However, women strategise to secure what they perceive to be the optimum cost/benefit ratio from a variety of positions. Analysis of women’s employment shows that women are prepared to surrender short term benefits (higher wages for example) for long term gains (pensions, sick leave, and early retirement). One area which points to this strategy in operation is the Egyptian State bureaucracy. There are six million employees in Egypt’s state bureaucracy, and the average income is LE350 per month, and in 1998 the number of women employed in all branches of government service was 31.2% of all employees.⁸² This increase of female employees in the State

⁷⁸ ASSOCIATION FOR THE DEVELOPMENT AND ENHANCEMENT OF WOMEN, "Interview with a Representative of the Association for the Development and Enhancement of Women, on the 22nd of April 2004."

⁷⁹ H. HOODFAR, *Between Marriage and the Market: Intimate Politics and Survival in Cairo* (London: University of California, 1997).

⁸⁰ INTERNATIONAL ISLAMIC COMMITTEE FOR WOMAN AND CHILD, "Interview with Representatives from the International Islamic Committee for Woman and Child, on the 18th April 2004."

⁸¹ ZAKI, "Interview with Moheb Zaki of the Ibn Khaldun Centre for Development Studies on the 8th Cairo 2004."

⁸² But women represented only 15% of those working in the Diplomatic Corps, and 16.7% of those working in top executive position in the government sector. Although the Report notes that

bureaucracy has been described as the “feminisation” of the State.⁸³ As the statistic above indicates, salaries in State employment are often lower than in the private sector, but the State guarantees certain labour rights, such as a pension, maternity leave, sick pay and so on. In contrast to this strategy available mainly to middle class women, research on the Egyptian textile industry (which employs large numbers of women) suggests that another strategy is employed by working class women. It operates a flexible production system which women are able to use as a strategic option. For women such employment is finite, with no social security benefits, nor requiring long term commitment. The women use this type of labour to earn money for particular events or items (such as marriage or luxury household white goods).⁸⁴

While employment is seen as a strategy for acquiring certain material benefits, the introduction of women to the labour market has not resulted in a significant shift in social gender relations or in the form of the patriarchal bargain. Thus, although the myth of women as nimble fingered has not persisted in Egypt, the myth of women as obedient and trouble free workers has. There is a translation of patriarchal gender relations found in the home to the work place. Women are often told by their families that their foreman at work is their uncle or like their husband whom they must obey.⁸⁵ Therefore, there is a need to critically assess the value of indiscriminately promoting employment as the sole route to human security and to guaranteeing rights. Indeed, it is possible to argue that the insistence and emphasis on employment indicates the cooption of NGOs to the government agenda for economic liberalization. Furthermore, as has been shown

these are improvements on previous years figures COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women; Combined Fourth and Fifth Periodic Reports of States Parties, Egypt," p. 73. SHOLKAMY, "Interview with Hania Sholkamy of the American University in Cairo on the 13th April 2004."

⁸³ Fadia FAQIR, "Engendering Democracy and Islam in the Arab World," *Third World Quarterly* 18:1 (1997).

⁸⁴ HOODFAR, *Between Marriage and the Market*, H.C ZURAYK and M. ANKER, "Measuring Female Labour Force with Emphasis on Egypt," in *Gender and Development in the Arab World: Women's Economic Participation, Patterns and Policies*, ed. V. MOGHADAM and N KHOURY (London: Zed Books, 1995).

⁸⁵ SHOLKAMY, "Interview with Hania Sholkamy of the American University in Cairo on the 13th April 2004." HAKIM, "Interview of Amira Abdel Hakim of the National Association for Human Rights and Human Development on 11th April 2004."

elsewhere, the right to employment without the right to health, safety, and other labour laws does not necessarily improve the position or rights of women.

As an alternative to employment by companies women are encouraged to become entrepreneurs. This has the added advantage of not automatically recreating patriarchal relations outside the family, and may be conducted from within the home. This entrepreneurialism is assisted by promotion of micro-credit schemes. Both the government and the NGO sector place a lot of emphasis on the creation of micro-credit schemes. Such schemes are not new to working class women who had often created operating credit unions as saving schemes and to provide loans for specific purchases, these unions could be both long term and short term. Building on this history of women's financial cooperation, both the government and NGOs seek to link these mechanisms to finance generating schemes, especially to cover small business start-up costs. For women among the lowest social strata such schemes are often the first stage towards financial security. The majority of these schemes do not seek collateral to secure loans, but rather other women in the credit union guarantee the new member or "sister". Loan repayments are often linked with the acquisition of new skills. For example, the YWCA and other groups ensure that re-payment day coincides with centres' business skills workshops, or literacy lessons.⁸⁶ However, as the previous section indicates employment and micro-credit schemes are not necessarily empowering. In a number of cases it has been noted that women getting micro-credit are forced to hand over the money to their husbands, and therefore, do not always see benefits, and yet are burdened with the loan repayments.⁸⁷ What this suggests is that such strategies without social (familial) change may not always be effective.

3.4. Article Twelve (Health Care Provision)

In the combined fourth and fifth State Report to CEDAW, the Egyptian State states that:

⁸⁶ ATTALA, "Interview with Leila Attala, President of the Young Women's Christian Association Egypt on the 7th of April 2004", L ATTALA, "Organization Summary of the YWCA Egypt," ed. Katherine Brown (Cairo: YWCA Egypt, 2004).

⁸⁷ DARWICHE, "Interview with Mrs Nawla Darwiche of the New Women's Research Centre on the 22nd April 2004."

None of the laws relating to health care or health insurance contains any reference to discrimination between men and women with respect to the care patients should receive or the benefits to which they are entitled.⁸⁸

The State also claimed in this report that by 1998 healthcare cover stood at almost 100%, with a ratio of two doctors and two nurses for every thousand registered inhabitants.⁸⁹ Health services are primarily provided for by the State through the Ministry of health with a state run Health Insurance Authority which covers: workers, pensioners, students and widows. In 1993 there were 15,120,000 insured persons. This section considers three aspects of Egyptian compliance with article twelve. First is looks at the health care facilities provided by the State. Second, it considers the discourse on HIV/AIDS in Egypt. Third, attitudes concerning women's fertility (including FGS) are examined.

In the 1970s and 1980s Egypt's governments expanded its medical infrastructure significantly in both rural and urban areas through the introduction of "Health Centres." These centres offer basic health services, such as immunizations, family planning, prenatal care and first-level curative medicine.⁹⁰ The quality of medical care is highly uneven, however, often necessitating pilgrimages to Cairo's specialist centres for treatments of diseases. Poor areas remain without easy or quick access to health centres or emergency units. Family planning services exist in only 40% of poor areas, where chronic diseases and infant and child morbidity spread as a consequence of deteriorating environmental surroundings. Only 40%-60% of poor areas are provided with potable water through public taps.⁹¹ In the cities, most medicines are readily available from pharmacists without prescription, although in rural areas supply is problematic. There is a private and public sector with popular opinion believing private health care to be better. Effective treatments for common ills are generally available, but according to Galal and Harrison, are "sought out in an inefficient and redundant fashion, and many require relatively large outlays of money" by

⁸⁸ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women; Combined Fourth and Fifth Periodic Reports of States Parties, Egypt," p. 13.

⁸⁹ Ibid., p. 77.

⁹⁰ GALAL and HARRISON, "The Crowded Metropolis: Health and Nutrition," p. 174.

⁹¹ HASSANIN, "Egypt: A Poverty Profile".

patients.⁹² The promotion of a consumer based culture in urban areas (especially in Cairo) has led to a recent growth in the private health care market. For the government, promoting health care as a consumable, by facilitating the continued growth of the private health care sector, allows it to reduce its welfare spending while still maintaining that health care is provided for.⁹³ Another significant factor in the provision of health care is in the failure to recognise the actual number of citizens in a given area. This is because the government generates its population statistics from the national identity register, and, as explained earlier, women are not always registered at birth, or as adults, and therefore the true ratio of per person per facility is higher than the government reports. This obviously impacts on the quality of care given as staff and resources in areas are over worked and over used. ADEW reported many complaints about government health care facilities, which confirm this, including long waits, shortages of prescribed medicines, inadequate examinations, and dismissive attitude of staff.⁹⁴

The second area under consideration is Egypt's attempts at dealing with HIV/AIDS. Egypt is a country with a low prevalence of HIV/AIDS.⁹⁵ However, there is increasing concern that Egypt displays the characteristics of a country that if the virus did take hold it would rapidly spread through the populations.⁹⁶ Indeed, in the 1997 country report on the Convention for Economic Social and Cultural Rights (CESCR) there was no mention of HIV/AIDS in its discussion on the provision of health care services. There was no mention of HIV/AIDS in the CEDAW reports either. The official policy on HIV/AIDS is limited in response, seen mainly as a controlling mechanism. The HIV/AIDS policy and control programme is run by the Department of Health and Population. To that end, the government has installed a telephone hotline, which receives over 1,000 calls a

⁹² GALAL and HARRISON, "The Crowded Metropolis: Health and Nutrition," p. 175.

⁹³ Susan COCHRANE and Ernest MASSIAH, *Egypt: Recent Changes in Population Growth: Their Causes and Consequences, Report HCOWP 49* (World Bank, [Accessed 07/02/2005]); available from http://www.worldbank.org/html/extdr/hnp/hddflash/workp/wp_00049.html.

⁹⁴ ASSOCIATION FOR THE DEVELOPMENT AND ENHANCEMENT OF WOMEN, "Interview with a Representative of the Association for the Development and Enhancement of Women, on the 22nd of April 2004."

⁹⁵ BUREAU FOR GLOBAL HEALTH, *Country Profile: Egypt - HIV/AIDS* (United States Agency for International Development, 2004 [Accessed 07/02/05]); available from http://www.usaid.gov/our_work/global_health/aids/Countries/ane/egypt_04.pdf

⁹⁶ Ibid.

month.⁹⁷ HIV/AIDS is also considered in conjunction with development programmes and the impact the disease may have on economic growth. Michele Nahmias, senior ILO specialist in occupational safety and health working in Egypt, explained in an interview with *Al-Ahram Weekly* that fighting HIV/AIDS in the workplace is important because the disease

Reduces the supply of labour and available skills, increases labour costs, reduces productivity, threatens the livelihood of workers and employers and undermines rights. This is certainly what we all want to avoid in Egypt.⁹⁸

NGOs are only just beginning to tackle the question of HIV/AIDS. The popular belief persists that HIV/AIDS is a Western disease and a product of a corrupt society. Morality and chastity are the main concepts applied to the limitation of HIV/AIDS.⁹⁹ Health care, like welfare in general, is seen to be for the deserving (i.e. those who are without moral guilt) and those with HIV/AIDS or at risk of it, are by default not deserving. This is because by default those with the virus are assumed to be practicing homosexuality or prostitutions.¹⁰⁰ Furthermore, the fertility discourse in Egypt is effectively limits awareness of sexually transmitted diseases, and availability and information on forms of protection are restricted. Women, and not men, are targeted as the “excessive reproducers.” Most family planning campaigns have shared this widespread bias in their focus on what might be termed “female” forms of birth control. None of which can protect a woman from STD’s including HIV/AIDS. Only condoms, a “male” form of barrier contraception are STD preventative, yet they are not widely used or promoted in Egypt. Men’s role in HIV/AIDS transmission (and pregnancy) is neglected area of achieving women’s bodily security. As outlined elsewhere, this denies the fact that 80% of AIDS/HIV cases in women are transmitted from their husbands.

⁹⁷ Ibid.

⁹⁸ Gihan SHAHINE, "Facing up to AIDS," *Al-Ahram Weekly*, 4-10/03/2004, available at: <http://weekly.ahram.org.eg/2004/680/eg2.htm>

⁹⁹ Negar AZIMI, "Losing a Battle," *Al-Ahram Weekly*, 5-11/06/2003

¹⁰⁰ SHAHINE, "Facing up to AIDS." This is reflected in *The Suppression of Prostitution Act No 10 of 1961* which includes the punishment of those inciting or enticing to engage in prostitution or other indecent act, or aiding and abetting therein (article 44). EGYPT STATE REPORTERS TO THE U.N., "Core Document Forming Part of the Reports of the States Parties: Egypt 15/01/93 (Hri/Core/Add.19. (Core Document))."

The third section on Article twelve analyses the debates in Egypt concerning women's fertility, and in particular women's attempts at controlling it. Within this section is also, a discussion on Female Genital Surgeries (FGS). In 2001, the total fertility rate was 3.4 births per woman.¹⁰¹ Egypt was the first Arab country to adopt a national population policy. The Government adopted a policy to reduce fertility in 1962.¹⁰² Debates are centred on women's use of contraceptives, and controversy over abortion practice in Egypt. The latter remaining illegal in most circumstances in Egypt.

High Middle Eastern fertility rates have been linked to women's low status and limited social roles throughout the region.¹⁰³ However, Mitchell argues

[Egyptian] women are unlikely to explain their economic problems as deriving from population growth, as does the World Bank. Far more relevant, perhaps is their meagre share of local, national and global resources, and the political and economic powerlessness that prevents them from altering this condition...¹⁰⁴

Nevertheless high fertility rates do pose problems for women's health and economic security. Therefore the government's attempts to encourage family planning are not outside their development agenda. The percentage of married women using contraception rose from 34% in 1980 to 51.8% in 1998, showing some success in policy goals. The State report to the Committee on CEDAW argued that the percentage of women making decisions about fertility rose from 40% in 1986 to 66.6% in 1995.¹⁰⁵ But, these statistics also reveal that nearly half of all married women still do not use contraceptives, and there has been particular resistance to the use of barrier-type contraceptive use. Additionally, contraceptives are only made readily available to married women, and the

¹⁰¹ PROGRAMME OF GOVERNANCE IN THE ARAB REGION, *Country Gender Statistics: Egypt*.

¹⁰² *Ibid.*

¹⁰³ Nadia YOUSSEF, H., "The Status and Fertility Patterns of Muslim Women," in L BECK and N KEDDIE (Eds.) *Women in the Middle East* (Cambridge, Mass.: Harvard University Press, 1978), p. 71.

¹⁰⁴ Cited in INHORN, "Population, Poverty and Gender Politics: Motherhood Pressures and Marital Crises in the Lives of Poor Urban Egyptian Women"; C.f. Tim MITCHELL, "America's Egypt: Discourse of the Development Industry," *Middle East Report* 21 (1991).

¹⁰⁵ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women; Combined Fourth and Fifth Periodic Reports of States Parties, Egypt," p. 79.

majority of data collected by the National Population Council and the Ministry of Health and Development only include married women. Non-married women are a hidden group within the data, policy planning and research carried out. Studies have shown that the number and sex of children in a family influence contraceptive use in Egypt. Women are more likely to use contraception after giving birth to their first three or less children. However, they are less likely to use contraceptive methods if all their children are girls.¹⁰⁶ There appears to be a significant gap between motivation and behaviour among Egyptian women, for while many women express a desire to limit or space births they are not utilizing any method to prevent pregnancy.¹⁰⁷ This may in part be because some fertile women seeking to use contraceptives must counter husbands, who oppose their use for religious, or other culturally pro-natalist, reasons.¹⁰⁸ Therefore, given the absences in the data sets, and the patriarchal gender asymmetries found throughout Egyptian society and experienced in the context of marriage, the statistics must be addressed cautiously.¹⁰⁹

In urban poor areas of Egypt, women are not perceived to bear their “own” children as such. Instead their wombs are seen as the “homes” for men’s children, as men are considered the procreators of foetuses. Given that men create foetuses, women are under sizeable pressure to become willing “homes” to prove their husbands procreativity.¹¹⁰ This monogenetic procreative ideology gives men a vested interest in controlling their wives fertility and in impregnating their wives many times over. When a couple fails to reproduce, the woman is usually blamed, they are considered to have failed their husbands, failed as women and as human beings. Failure to reproduce may meet with violent reactions by husbands, who may threaten to divorce their wives or seek remarriage and enter into polygamous relations. This can lead to considerable insecurity and fear in the lives of infertile women. The field work of Inhorn

¹⁰⁶ PROGRAMME OF GOVERNANCE IN THE ARAB REGION, *Country Gender Statistics: Egypt*.

¹⁰⁷ EGYPT NATIONAL POPULATION COUNCIL, *Egypt Demographic and Health Survey* (Cairo: Egypt National Population Council, 1988), p. 21.

¹⁰⁸ M INHORN, *Infertility and Patriarchy: The Cultural Politics of Gender and Family Life in Egypt* (Philadelphia: University of Pennsylvania Press, 1996), pp. 127-28.

¹⁰⁹ KANDIYOTI, "Bargaining with Patriarchy."

¹¹⁰ INHORN, "Population, Poverty and Gender Politics: Motherhood Pressures and Marital Crises in the Lives of Poor Urban Egyptian Women," p. 193.

reveals the case of one such woman, who is beaten by her husband at least twice a day for failing to become pregnant, her face and body are often covered in bruises and contusions. She now covers her face with a veil. Her husband considers himself a “religious” Muslim and grows an untrimmed “Islamic” beard as proof.¹¹¹

Inhorn notes that while historically Muslim theologians have promoted family planning, because it promotes the health of both mother and child, in recent years clerics in Egypt have been spreading a different message.¹¹² As Omran’s work indicates, many clerics argue that any form of contraception is “against Islam.” Many religious leaders regard family planning as part of the Western, Christian and neo-colonial conspiracy to reduce the absolute number of Muslims, thereby weakening the “Islamic Nation.”¹¹³ The fear among Islamists is that the increasing amount of aid given to family planning clinics by western donors represents an American or Western plot to control the lives of ordinary Egyptians, and to limit the number of Muslims in the world. Lane cites an anonymous article published in 1990 which expressed fears that the United States was providing dangerous drugs as contraceptives and that the hidden agenda of the family planning programme was to upset the ratio of Muslims and Coptic Christians in Egypt.¹¹⁴ This fear however, ignores the fact that USAID, in line with US foreign policy, threatened to withdraw funding from family planning agencies which researched, or offered, induced terminations to women.¹¹⁵ As this indicates, the public perception of what is permissible in Islam with regards to women’s fertility rights are shaped just as much by current debates on modernity, fears of Westernisation and scepticism of the women’s rights movement, as it is influenced by *fatwa*’s and religious doctrines of each of the schools of Islamic thought.

¹¹¹ Ibid., p. 199.

¹¹² ALI, "The Politics of Family Planning in Egypt."

¹¹³ Abdel Rahim OMRAN, *Family Planning in the Legacy of Islam* (London: Routledge, 1992).

¹¹⁴ Sandra D. LANE, "Gender and Health: Abortion in Urban Egypt," in Michael E BONNIE (Ed.) *Population, Poverty and Politics* (Gainesville: University of Florida, 1997), pp. 220, 16.

¹¹⁵ Charles LEVINSON, *U.S. Policy Imperils Egypt's Family Planning Push* (05/02/2004 [Accessed 12/06/2005]); available from

<http://www.womensenews.org/article.cfm/dyn/aid/1814/context/cover/>

As the example above shows, the debate surrounding induced terminations of pregnancies (abortion) is particularly complex. Three main issues have been identified as central to the debate on abortion and women's rights. The first area concerns women's strategies to overcome the legal restrictions on abortion. The second looks at the ability of women to access abortions and the links with access to resources and empowerment. The third area looks at the religious debate on abortion and whether this creates new strategies for women.

The committee reporting to CEDAW insists that a person who causes a woman to abort her pregnancy through violence, or injury, is punished by hard labour and that a person who induces abortion through the use of drugs or other methods, with or without, the woman's consent, is also punished by imprisonment.¹¹⁶ However, Article sixty-one of the constitution is used to mitigate against such penalties as it states that a person shall not be punished for preventing harm to someone or themselves. Therefore, an abortion is legal if, for example, a physician deems that failure to induce a termination may cause harm to the mother.¹¹⁷ Some physicians are willing to broadly interpret this article so that women can gain safe terminations even if she is not likely to be physically harmed by continuing with a pregnancy. Another, aspect of the law is that if a woman presents herself to an Accident and Emergency unit with an incomplete abortion then physicians will complete the termination in order to save her life. Under such circumstances the woman concerned is questioned by medical staff, where she usually denies having attempted to induce an abortion, and will instead give a variety of alternative explanations implying accidental causes for her condition. Such questioning by staff and the protestations by women are part of a public performance, perhaps even charade, in order to avoid legal penalties should anyone question the surgery.¹¹⁸ The alternative for women seeking an

¹¹⁶ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women; Combined Fourth and Fifth Periodic Reports of States Parties, Egypt," p. 79.

¹¹⁷ ASSOCIATION FOR THE DEVELOPMENT AND ENHANCEMENT OF WOMEN, "Interview with a Representative of the Association for the Development and Enhancement of Women, on the 22nd of April 2004."

¹¹⁸ LANE, "Gender and Health: Abortion in Urban Egypt."

abortion is to look for illegal “private” abortions by either trained physicians or by “traditional birthing attendants”.

Linked to Mitchell’s earlier comment about access to resources, is the relationship between access to (financial) resources and the safe termination of pregnancies. The ability to have a safe abortion depends heavily upon the agreement of male partners because without them the cost of a bio-medical abortion is too high.¹¹⁹ In the field-work of Lane, she reported that of the twenty-six attempted abortions that she studied among eighteen women in Cairo, only two women could gain a bio-medical abortion without the consent of their partners. The other abortions that were carried out without male partner’s consent were performed by “indigenous means”.¹²⁰ Lane argues through an analysis of her fieldwork that while a biomedical abortion is no guarantee in itself of safety, indigenous means are unsafe in all circumstances. This was also reflected in the perceptions of the women she interviewed. In the cases of the two women who were able to obtain an abortion by biomedical means without spousal knowledge, one was a seamstress and therefore had her own income; the other sold one of her gold bracelets to pay the physician’s fee.¹²¹ This study revealed that women’s access to finance is central to the safety of an abortive surgery.

The Islamic or religious narrative that surrounds abortion is similar to that on family planning and contraceptive use. The right to life is considered central in the religious argument, and that in Islamic jurisprudence the gestational age of 120 days is when a foetus is considered “ensouled” and therefore alive.¹²² However, the different schools of *Sunni* Islam do present differing opinions on the matter, with some scholars of the *Maliki* School arguing that abortion is unlawful from the beginning of pregnancy, while those scholars within *Hanafi* School argue that it is permitted. However, there is a consensus that after 120

¹¹⁹ A bio-medical abortion is surgery to terminate a pregnancy conducted by a physician and using anaesthetics. Ibid.

¹²⁰ Ibid.

¹²¹ Ibid., pp. 226-27.

¹²² This argument is based on an interpretation of Chapter 22, Verse 4 and Chapter 23, Verses 12-14. OMRAN, *Family Planning in the Legacy of Islam*.

days of gestation an abortion is always *haram*.¹²³ This provides Muslim women with a variety of religious options from which to determine whether or not to continue with a pregnancy. Reflecting this variety, the International Islamic Committee for Woman and Child (IIWC), argue that,

Contraception is allowed, but abortion is not a "Right" but a regrettable necessity under extreme circumstances.¹²⁴

Also, under consideration in this section addressing attempts at controlling women's fertility and bodies are "female Genital Surgeries" (henceforth FGS).

The fourth and fifth combined Egyptian State report to CEDAW argues that,

The phenomenon of female circumcision is a cruel and violent procedure practised against girls without their consent and without them being aware of its adverse future consequences... this phenomenon... as largely been wiped out thanks to assiduous government measures.¹²⁵

In 1996 the Minister of Health and Population issued Ordinance No 261 of 8 July 1996 prohibiting female excision operations at public and private hospitals and clinics, except in cases where "such an operation is clinically indicated by the treating physician".¹²⁶ Furthermore, the State argues that female excision is an "old custom" now eradicated in most areas persisting only in rural areas.¹²⁷

Indeed, the government resists any acknowledgement of female genital surgeries and threatened to prosecute CNN in 1996 for broadcasting on the practice in Egypt.¹²⁸ However, although there are very few statistics on FGS, in 1997 the results of an Egyptian Demographic Health Survey were published, which showed that 97% of Egyptian women who have been married (including widows and divorcees) are circumcised.¹²⁹ In the campaign against FGS, NGOs use verses from the *Qur'an*, Islamic scholars gave speeches against the practice, and

¹²³ LANE, "Gender and Health: Abortion in Urban Egypt."

¹²⁴ INTERNATIONAL ISLAMIC COMMITTEE FOR WOMAN AND CHILD, "Interview with Representatives from the International Islamic Committee for Woman and Child, on the 18th April 2004."

¹²⁵ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women; Combined Fourth and Fifth Periodic Reports of States Parties, Egypt."

¹²⁶ *Ibid.*, p. 79.

¹²⁷ *Ibid.*, p. 44.

¹²⁸ Nimat GUENENA and Naida WASSEF, *Unfulfilled Promises: Women's Rights in Egypt* (New York: Population Council, 1999).

¹²⁹ PROGRAMME OF GOVERNANCE IN THE ARAB REGION, *Country Gender Statistics: Egypt*.

a *fatwa* was issued declaring FGS to be un-Islamic. On this issue NGOs consistently use Islamic references and spoke alongside religious authority figures in order to increase the success of the campaign. However, the Muslim Brotherhood, and the Muslim Medical syndicate launched a campaign against the anti-FGS campaign, especially against the stance adopted by the EOHR, and used Islam to justify their position.¹³⁰ The Cairo Institute for Human Rights Studies undertook research on physicians' attitudes towards FGS in 1999.¹³¹ It showed that while the majority of physicians felt FGS to be unnecessary, a significant percentage believed it to be necessary under certain circumstances. Those against the practice argued that in Islam one should not inflict harm on another and that FGS amounted to harm, or that "God did not create a sense [for it] to be destroyed by man." However, the majority of physicians did not elaborate: they simply stated that FGS is forbidden, abhorrent, or a crime in Islam.¹³² ADEW in contrast attempted to address the attitudes of physicians by using a language they would be familiar with. ADEW sought to minimise the practice by focusing on the health implications of FGS by adopting a bio-medical discourse. They ran workshops and discussion groups linked to health care facilities, they combined this bio-medical response with the survival argument, (that a woman's security cannot be guaranteed by marriage alone).

The Egyptian Penal Code 1937 provides a penalty of short term hard labour for cases of sexual assault on women, to be increased to life imprisonment with hard labour in cases where the assailant is an ascendant, or guardian of the victim, or her supervisor, or is working in her home. In 1980 the law was amended to introduce the death penalty for the abduction of a woman by deception, or by force, if the victim is sexually assaulted.¹³³ In 1999 Law 14 included a pardon to the abductor in the event of marriage to the victim concerned. However, this law was overturned in 2000.¹³⁴ In 1998 the Egyptian legislature promulgated law

¹³⁰ ABU-SAEDA, "Interview with Mr Hafez Abu-Saeda, General Secretary of the Egyptian Organisation for Human Rights on the 8th of April 2004.."

¹³¹ ABDEL-HADI and ABDEL-SALAM, *Physicians Attitudes Towards Female Circumcision*.

¹³² *Ibid.*, p. 72.

¹³³ Article 290, as amended by Law No. 215 of 1980

¹³⁴ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Committee on the Elimination of Discrimination against Women, Concluding Observations: Egypt (2001)*. (University of Minnesota Human Rights Library, 2001 [Accessed 07/02/2005]); available from <http://www1.umn.edu/humanrts/CEDAW/egypt2001.html>

No.6 which criminalises the threat of use of force of violence against a wife, offspring or ascendants.¹³⁵ These legal changes show some success in changing attitudes towards violence against women in Egypt. The Egyptian Demographic and Health Survey in 1995, scanning 14,799 women, showed that 1 out of 3 Egyptian ever-married women have been beaten at least once.¹³⁶ However, the combined fourth and fifth report of Egypt to CEDAW recognises that official statistics concerning violence against women do not accurately reflect the true situation as many acts of violence are not officially recorded.¹³⁷ The United Nations Development Programme writes:

Domestic violence is a major problem in Egypt. The Ministry of Insurance and Social Affairs has opened 150 family counselling bureaus to assist victims of household abuse. According to a report issued by the United Nations Children's Fund (UNICEF) in 2002, 35 per cent of Egyptian women have been beaten by their husbands. A 2002 study reported by the All Party Parliamentary Group on Population and Development found that 47 per cent of all homicides with female victims were cases of 'honour killing' in which relatives murder a woman suspected of sexual impropriety, which includes being raped, in order to rid the family name of the perceived slur.¹³⁸

Not only are social conditions a hindrance to the reporting of violence against women, the apparatus which is supposed to assist women is often unhelpful. One case recounted to me by a lawyer representing a woman suffering from domestic violence, revealed a largely unsympathetic police force and legal system.¹³⁹ In 1994 the NWRC conducted a survey about women's perceptions of violence; they asked a series of questions about their responses to children's behaviour. Asked, for example, if you daughter smoked or 'skipped school' when she was 16 years old, what would your reaction be? They were asked the

¹³⁵ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women; Combined Fourth and Fifth Periodic Reports of States Parties, Egypt," p. 15.

¹³⁶ EGYPT NATIONAL POPULATION COUNCIL, *Egyptian Demographic Health Survey* (Cairo: Egypt National Population Council, 1995).

¹³⁷ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, "Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women; Combined Fourth and Fifth Periodic Reports of States Parties, Egypt," p. 42.

¹³⁸ PROGRAMME OF GOVERNANCE IN THE ARAB REGION, *Country Gender Statistics: Egypt*.

¹³⁹ CENTRE FOR WOMEN'S LEGAL ASSISTANCE, "Interview with a Representative of the Centre for Women's Legal Assistance, on the 21st April 2004"

same question referring to their sons. For sons there was always some attempt to justify their action, often simply stating that “he’s a boy”. But when referring to their daughters, respondents would not make any justifications, or accept mitigations. In addition, respondents claimed that they would seek to punish a daughter while making no such threat against sons. The respondents, would for example, “put the cigarette in her eye” if a daughter smoked.¹⁴⁰ Elsewhere in the questionnaire, a popular proverb was cited: “if you break a girls rib she’ll grow 24 more.”¹⁴¹ This proverb suggests that violence against women is not damaging in the long term, and that women are able to recover easily from violence. Alongside this is a religious discourse that promotes fatalism respondents said to justify circumstances that “it’s the will of *Allah*”. Another, more positive, interpretation of these sayings is the idea that Egyptian women are strong, resourceful and are able to cope with the burdens of life placed upon them.¹⁴² Nevertheless, the outcome of popular understandings about pain, suffering, and gender roles, is a lack of awareness of violence against women as problematic. In a section below which analyses the understanding of rape in Egypt this lack of awareness of violence against women is telling. First however, public perception of domestic violence is considered in light of the Media Watch conducted by the New Women Resource Centre (NWRC).

Domestic violence in Egypt is commonly portrayed on Egyptian television in popular dramas and soaps. The New Women’s Resource Centre conducted a survey (or Media Watch) on incidents of violence against women on 12 series and 6 films broadcast on Egyptian local television beginning the month of *Ramadan* in 2002 until March 2003. The main findings of the report revealed that there was not one film or series free from violence against women, “every piece of drama had violence against women.”¹⁴³ The findings also showed that while there were many different types of violence portrayed in the dramas, the rates of violence by men directed against women were significantly higher than

¹⁴⁰ DARWICHE, "Interview with Mrs Nawla Darwiche of the New Women's Research Centre on the 22nd April 2004."

¹⁴¹ Ibid.

¹⁴² ATTALA, "Interview with Leila Attala, President of the Young Women's Christian Association Egypt on the 7th of April 2004."

¹⁴³ NEW WOMEN RESEARCH CENTRE, "Together We Can Confront Violence against Women: Results of the Media Watch Television Drama, Throw out the Month of Ramadan."

other types of violence. Furthermore, the attitude displayed by characters towards violence against women was indifference, with occasional negative opinions aired about the victim. The continual portrayal of violence against women in the media affirms the perception that violence against women is the norm. The research also highlights that the perpetrators of the violence are nearly always the heroes of the episodes and closest to the audiences' sympathies. Consequently, because they are the stars of the show, the audience finds justifiable excuses for the violence. The research also analysed the reaction to the violence committed against women, it revealed that 67.3% of male characters who acted violently against women felt no remorse, while 30% felt guilty and shameful, it also revealed that in 65% of the time the surrounding society in the drama was indifferent to the violence shown. It also concluded that the more educated the victim the less likely she was to accept violence, but the dramas also presented the lower classes as being more violent than the higher ones.¹⁴⁴ In terms of combating violence against women and the strategies characters employed to manage violent situations, at no point was there recall to *Qur'anic* exhortations against violence, or attempts to use piety and religion as a tool. Indeed in the analysis of the NWRC's Media Watch the programmes characters made little reference to religious beliefs or practice unless referenced as part of wider socio-cultural norms such as pressure on young girls to marry. This is also reflected in my own field-work.

During my field-work the NGOs and individuals that I interviewed displayed considerable reluctance to discuss the role of Islam, in cases of domestic violence. All of the NGOs, except for one, treated violence against women as a response to economic pressures and implicitly suggested a "crisis of masculinity". The one NGO that did consider the role Islam played was the International Islamic Committee for Woman and Child (IICWC). The IICWC is seeking to promote a revisionist interpretation of *Surat* 34 which explicitly refers to domestic violence. They interpret the verse in such a way that violence against women is shown not be the norm, or the first recourse to solving marital disputes. Indeed they argued that the verse if correctly interpreted showed that

¹⁴⁴ Ibid.

beating a wife was symbolic as it could leave no mark or break the skin.¹⁴⁵ The Arab Organisation for Human Rights (AOHR) also briefly addressed the issue of *Surat* 34 in interview.¹⁴⁶ It too suggested that this verse was frequently misused and misinterpreted. When asked about the relationship between violence against women and Islam NGOs saw “culture” not Islam as the underlying cause. They argued when Islam was invoked it as justification, it occurred because of misinterpretations of Islam which is by caused a lack of public awareness of the “true” meaning of Islam. Misinterpretation they argued was more likely in Egypt because of a lack of good education, and because of failing legal institutions.¹⁴⁷

Violence in the form of domestic violence is problematic for the State as it is performed (ordinarily) in the private sphere, and therefore outside its remit. In contrast, rape, primarily understood to occur outside the family, is presented as safely within the remit of the State and as a public concern. Rape is considered in international covenants as one of the most damaging forms of violence against women. In Egypt, responses to rape and rape victims are still framed by traditional understandings of women’s mobility and modesty. People interviewed by *Al-Ahram Weekly* in 1998 adamantly supported the current law, which stipulates that rape, if proven to have occurred, is punishable by death. Some men said that, if a female member of their family were raped, they would kill the culprit themselves. Yet, within the same survey many men and women suggested that women often “ask for it”. One man explained that it is not just the way women dress, but also their make-up and “the way they walk”.¹⁴⁸ The columnist Muhammad Omar’s in *Al Akhbar* in 2003 wrote, after reviewing an ADEW pamphlet containing stories from abused women, that

I didn’t pity any of them... I give every man the right to do what [these men] have done.

¹⁴⁵ INTERNATIONAL ISLAMIC COMMITTEE FOR WOMAN AND CHILD, “Interview with Representatives from the International Islamic Committee for Woman and Child, on the 18th April 2004”; INTERNATIONAL ISLAMIC COMMITTEE FOR WOMAN AND CHILD, *Introduction to International Islamic Committee for Woman and Child*, trans. Katherine Brown (Cairo: International Islamic committee for woman and child, 2003).

¹⁴⁶ ABU-SAEDA, “Interview with Mr Hafez Abu-Saeda, General Secretary of the Egyptian Organisation for Human Rights on the 8th of April 2004”

¹⁴⁷ Ibid, INTERNATIONAL ISLAMIC COMMITTEE FOR WOMAN AND CHILD, “Interview with Representatives from the International Islamic Committee for Woman and Child, on the 18th April 2004.”

¹⁴⁸ Mariz TADROS, “The Shame of It,” *Al-Ahram Weekly*, 03.12.1998, available at: <http://weekly.ahram.org.eg/1998/406/li1.htm>

He goes on to suggest that only “ugly” women are raped, and that domestic violence would end if there was “plastic surgery at the expense of the State.”¹⁴⁹ With such responses to rape in the media, and public opinion, constructing rape in terms of modesty, it is arguable that women’s access to public space is severely constricted by a public discourse that makes it clear that women should not be visible there. Furthermore, the right to be free from physical violence and to be free from the fear of violence is impinged by these notions.

The Islamic response to rape is still contained within notions of women’s modesty and chastity rather than framed in terms of violence against women. In line with this, although more sympathetic to victims of rape, the Grand *Mufti*, Nasser Farid Wassel, has declared that virginity is a fixable commodity - in cases of rape, it is *halal* (permissible), for women to have abortions and operations to “restore” their virginity. Virginity is a *sine qua non* for marriage in Egypt, and it is not unusual for a rape victim to marry her rapist to maintain, at least, the appearance of honour. Although abortions and hymen restorations are illegal in Egypt, the latter operation is widely performed in clinics throughout the country in an attempt to “keep up appearances”. Frequently cited reasons are to allow women to increase their marriage prospects, to preserve family honour, to maintain the integrity of the community. Rarely considered are the psychological and physical needs of the woman in question. The Grand *Mufti* also said that abortions for rape victims should be legal, if they are carried out within the first three months of pregnancy.¹⁵⁰ The Islamic response, like the public media’s response does not deal with the social conditions, or with the value of women that may lead to increase in rapes. It is always framed in terms of what women should or shouldn’t do, rather than men.

4. Conclusion

¹⁴⁹ Christopher WALKER, “Underground Celebration: Vagina Monologues Performed in Cairo,” *Cairo Times* 2003.

¹⁵⁰ CAIRO TIMES, “Mufti Backs Hymen Restorations for Rape Victims,” *The Cairo Times*, 29 October 1999.

Women's rights and rights acquisition in Egypt is coloured by their perceptions of public morality, public space and Islam. The constant renegotiation of women's position, roles and morality, is defined by the battle for the reinterpretation of religious texts and beliefs and by better economic-political security. Thus, the success of the strategies employed by women to guarantee them the rights discussed is shown to be dependent upon women's political and economic empowerment. The role of the State is particularly important in this case study, given the way in which civil society and public spaces are controlled by various State apparatuses. Women's rights lie with the State, and not just in a rhetorical or ideological manner but in a practical way which guarantees women's economic and social security. This can only be achieved when the State no longer sees women as dependents of men. The dominant version of "acceptable" women's rights in Egypt is a thin definition of empowerment located solely in the public sphere, and is constantly linked to the development of the nation. The development process, as promoted by the Egyptian State, has, however, had a mixed impact on the ability of women to guarantee and acquire their rights. Through applying structural adjustment programmes and the partial liberalisation of the Egyptian economy, the State lacks appropriate mechanisms for women's rights to be realised beyond rhetorical statements, such as those outlined in the constitution, or as expressed in minimal terms.¹⁵¹ The negotiations of the State with other actors also shape the ways in which Egyptian Muslim women acquire and understand rights. The renegotiation of religious space to ensure women's rights in the Egyptian context is a particularly useful example highlighting the ad-hoc way in which this transnational movement operates.

¹⁵¹ Saad Eddin IBRAHIM, "Governance and Structural Adjustment: The Egyptian Case," in *Egypt, Islam and Democracy: Critical Essays*, ed. Saad Eddin IBRAHIM (Cairo: American University Press, 2002, Reprint).

CHAPTER 8: GREAT BRITAIN CASE STUDY

1. Introduction

1.1. Methodology and Conceptual Framework

The debate in Great Britain concerning women's rights in Muslim communities is comprised of three separate discourses, on race, religion and gender, which rarely impact on each other's conceptual framework. This chapter, in providing a case study of Muslim women's understanding and access to rights within Muslim communities living in Great Britain, is able to reveal the blurring of conceptual boundaries and to suggest the ways in which the categories of race, gender, and religion are constitutive of each other. In Great Britain, this is most visible in the recent concerns over the politics of identity. The study of Muslim communities living as minority groups also provides insights into the ways in which Islam is constitutive of Muslim women's understandings and experiences of rights acquisition or denial, and, symbiotically, how their conceptualisation of rights impacts upon their Islamic belief and cultural systems.

The chapter follows the same framework and methodological position as the two case studies on Malaysia and Egypt. The significant difference is that in Great Britain the State does not claim to speak with a Muslim, or Islamic, voice. Indeed, the challenge for the UK State is to find a balance between speaking for the presumed "nation" (*ethnos*) and representing the cultural pluralism of its citizens. This is achieved in some measure, by opening State institutions to civil society. As a result, for the purposes for this research, the NGOs investigated maintained a common link through the explicit reference and preference for Islam as a vehicle through which to conduct politics and identity. The research was conducted at a time when public debates conflated faith with nationality through a heightened awareness of the "violent other." Also at this time, Islamic dress as a signifier of difference, as well as of piety, dominated public understanding of Islam, Muslims, and identity, via the controversy of the French headscarf ban, and the high court case of Ms Begum.¹ My position as a white non-Muslim is therefore particularly important given the complexities of the

¹ *Begum V. Denbigh High School Governors*, EWHC 1389 (Admin) (2004).

insider-outsider debate.² The research itself contains two elements, first are NGO interviews on women's rights. Ten NGOs accepted my request for interviews, yet a number failed to respond, including all the Mosques contacted. The lack of "mosque-politics" represents an area for further research, but in itself does not invalidate the claims put forward, as to assume that Mosques in themselves encapsulate the entirety or truth of Muslim identity politics is as ethnocentric as assuming faith associations have no relevance in British civil society. As with the other case studies, the interviews conducted for Great Britain case study were semi-structured. This is in order to maintain the ability for comparison but not to enforce my agenda onto the proceedings. The second element of the research is the analysis of individual responses and communications with Muslim women. This was done in a number of ways, such as in-depth interviews (including the gathering of oral histories), and the use of open ended questionnaires (both email generated and paper).³ This is different to the other case studies where oral histories were not possible because of time and language constraints. The other difference is the time scale in which interviews were conducted, in Malaysia and Egypt the data was generated in a relatively short time span, whereas in Great Britain data was generated over a one year period.

1.2. Chapter Outline

This chapter is organised in two main sections, the first considers the contextual basis and key debates emerging in Great Britain regarding Muslim women's rights. The second is centred on an analysis of five key rights as defined by the Convention for the Elimination of Discrimination Against Women (CEDAW). They are the same rights that are analysed in the other case studies.

2. Key Discussions

Being able to trace the processes of change in local places requires the examination of unequal relations, and of how ideas take hold to become

² The difficulties of researching as an "outsider" are recognized by the author. Please Refer to Diane L. WOLF, (Ed.) *Feminist Dilemmas in Fieldwork* (Boulder: Westview Press, 1996).

³ In particular, I would like to thank the Asian Women's Programme of Southampton City Councils Oral History Project for their continued support in this endeavour.

embedded in society. Central to explaining Muslim women's understandings and access to rights, and rights based narratives, is an analysis of agency and power in the everyday lives of these women. The power to describe what is knowable about Muslim women in Great Britain, and the power to situate Muslim women within particular images and places impacts on the opportunities and self-knowing of Muslim women themselves. Muslim women are made knowable by their positions within particular discourses: community, ethnicity and gender. These are considered in turn.

2.1. Formation of Islamic identities and communities

Discourses of community are deployed for the construction and contestation of British Muslim women's identities and their rights. As recent anthropological and sociological research conducted under the rubric of "multiculturalism" and "race relations" confirms, communities are not pre-given but imagined, constructed by forging across differences (and not subsuming them) through extroverted webs of global and local connections.⁴ These assertions of community and identity are relational acts of positioning, which, as the Parekh Report shows, are as much to do with inter-community and identity relations as with the roots and routes of migrant communities.⁵ This section of the chapter outlines the roots and routes of the British-Islamic identity.

The identity formation of migrant communities in Great Britain has been marked by struggles against racism, stemming from the maintenance of colonial imperialism in immigration policy and popular politics despite the decline of Empire. Initially ethnic minority communities were engaged in the struggle against racism through the Black-ethnic identity. This subsumed many differences under a "black" identity, which was defined as the common experiences of oppression of non-whites. However this failed adequately to incorporate the layers and nuances of exclusion and identity among Britain's

⁴ Claire DWYER, "Contradictions of Community: Questions of Identity for Young British Muslim Women," *Environment and Planning A* 31 (1999), P GILROY, *Small Acts* (London: Serpent's Tail, 1993), D MASSEY, "A Global Sense of Place," in *Space, Place and Gender*, ed. D MASSEY (Cambridge: Polity Press, 1994).

⁵ PAREKH, "The Future of Multi-Ethnic Britain, the Parekh Report," p. 6. CLIFFORD, *Routes: Travel and Translation in the Late Twentieth Century*.

ethnic minority populations. Nor did it account for the variety of positions and activism adopted by different ethnic minority communities. However, since the 1990s recognition has been awarded to a myriad of identities – some externally imposed, others self asserted – one of which is the increasing prominence of religious identities, including those based in Islam.⁶ The importance of faith based communities was recognised in the inclusion of a question on religious affiliation in the 2001 census of Great Britain: the first time such a question was included for over a hundred years. Indeed this shift among policy networks, academics, and community leaders, has resulted in the new terminology “British Muslim” operating as an appropriated and self-asserted label. This is implicit recognition that religious affiliation is a major identity marker among many British citizens.

Three key transformations mark the change towards an Islamic identity among Muslim communities: the Salman Rushdie Affair, the politicisation of the *hijab*, and the abandonment of the “myth of return”.⁷ Islam, as a socio-cultural factor, entered Great Britain’s “public” understanding via the many differing reactions among Muslim communities to the publication of Salman Rushdie’s *The Satanic Verses*. Importantly, this included those who framed their opposition to his works in religious language and symbols. Many different disparate ethnic communities rallied together to oppose the writings of Salman Rushdie, united in a common faith. Thus, since the Rushdie Affair there has been a notable development of an emerging Islamic political identity, one that challenges constructions of identity and community based on race and ethnicity. Nevertheless, it is important to note that the protests against the publication of *The Satanic Verses* was not a historically isolated response, but occurred in a changing context as communities established themselves through the institutionalisation of Islam and as the stereotyping of Asian communities became increasingly negative.⁸ These issues, combined with structural changes in the post-industrial era, racial segregation and increasing unemployment among

⁶ T RANGER, "Introduction," in *Culture, Identity and Politics: Ethnic Minorities in Britain*, ed. T RANGER, Y SAMAD, and O STUART (Aldershot: Avebury Press, 1996).

⁷ The “myth of return” refers to migrants wishes to return to their countries of origin.

⁸ BACK, *New Ethnicities and Urban Culture: Racisms and Multiculture in Young Lives*, MODOOD, "British Muslims and the Rushdie Affair"; NIELSEN, *Muslims in Western Europe*.

disadvantaged ethnic-black young (especially in Muslim majority areas), was such that these groups and areas did not acquire the “cultural capital” required in a post-modern economy to gain access to relatively stable and secure jobs.⁹ These factors created a favourable environment for the Islamisation of identity, with the inflammatory paragraphs of *The Satanic Verses* providing a suitable catalyst. This transformation of identity is realised in the plethora of Muslim civic and civil society groups, such as the Muslim Parliament of Britain, An-Nisa, the Islamic Society of Britain, the Young Muslim Society, Muslim Women’s Help Line, Islamic Human Rights Commission, various Shari’a Councils, Mosque associations, and locally arranged women’s groups.

This Islamisation of identity further deepened among Muslim communities in Great Britain, as the wearing of the *hijab* by British Muslim women, or more particularly the wearing of the *hijab* by school girls, became increasingly politicised and linked to questions of British identity, immigration and citizenship in the popular discourse. The “Scarf Affair” which occurred in 1989 at the height of the Rushdie Affair, was the first politicised and media reported incident of its kind, where two pupils were suspended from school for wearing the *hijab*. In this instance the media and public were confronted with difficult to stereotype individuals, and consequently the media supported the girls, who were portrayed as oppressed victims of a tyrannical school headmistress. In this incident, the dispute uncovered the development of identity centred on the negotiation of faith in a multicultural society.¹⁰ The headscarf debate remains in the public consciousness through media obsessions with the style of clothing, court cases seeking to establish rights to wear the *hijab* and most recently the ban in France.¹¹

Finally, the shift from an identity premised on Other cultural markers, or ethnicity, towards a hybrid British identity is noted in the abandonment of the

⁹ See Chapter Five for further information. KEPEL, *Allah in the West*, p. 84.

¹⁰ WERNER, "Veiled Interventions in Pure Space: Honour, Shame and Embodied Struggles among Muslims in Britain and France".

¹¹ The debate whether a Muslim girl can wear a *hijab* to school and the French ban are discussed later in the chapter. The fetishization of the *hijab* is discussed in Chapter three, please also refer to LAZREG, "Feminism and Difference: The Perils of Writing as a Woman on Women in Algeria."

“myth of return.” Changes in UK immigration policies in the 1960s and 1970s facilitated this transformation. Prior to these changes, immigrant Muslim communities were primarily male, with wives and family remaining on the Indian sub-continent. As the laws governing immigration and nationality changed, wives and children were encouraged to join their husbands in Great Britain. As the first generation of migrants started families, second and third generations were raised in Great Britain and the ties to the “homeland” gradually decreased, despite the still dominant practice of marriage within *biradari*. However, even this practice is declining as young Muslim men and women are seeking British born partners. As one interviewee argued:

[As] ‘home’ becomes increasingly distant, remote, it remains important as part of one’s heritage and roots, but you can’t relate to it anymore... the only thing that will stand time and place is Islam.¹²

Nevertheless, Muslim communities have not abandoned their cultural heritage. Alongside these domestic debates international events, such as the atrocities in Bosnia, the first and second Gulf Wars, Kashmir and Palestine, have all served to increase an Islamisation of identity among British Muslims who through the concept of *Umma*, associate their fate with Muslims in other parts of the world. The ICM/Guardian poll conducted in 2002 provides an interesting insight here, as it shows that international events were more frequently of “great concern” to the Muslims interviewed than British domestic issues.¹³ Given these changes identification, and the insistence of Muslim groups and Muslim individuals on promoting a public Muslim identity and a public Islam, and on the formation of faith based civil society groups, it remains legitimate to consider British Muslims as a socio-political entity.

2.2. Race and Citizenship: The Problem Population

In the current framing of international relations around an “axis of evil”, the figure of the Muslim terrorist and religious fanatic informs a racist discourse that reaffirms the mainly migrant population as “problematic”. Racism through the

¹² Raffia ARSHAD, "Interview with Raffia Arshad, Coordinator of the Muslimah Graduate Society, on Tuesday 16th March 2004" ed. Katherine BROWN (Coventry/ Southampton: 2004).

¹³ Website: ICM and THE GUARDIAN, *Muslims Poll* (ICM, 2002 [Accessed 28/98/2002]); available from www.icmresearch.com.

creations of Muslim folk devils also has a gendered face, or in the case of Muslim women – no face at all because it is masked by her *niquab*. In Great Britain, the predominant image of Muslim women presented through State institutions and media organisations is as passive victims of a religion that “reviles and veils” them.¹⁴ Muslim women are seen as unconscious absorbers of codes of behaviour, cultural sponges that submissively enact the dictates of a male controlled public space. In the *hijab* debate, for example, there is always the assumption of a male relative prescribing a woman’s dress and behaviour, forcing women to exist in what commentators assume to be a silenced and anonymous world.¹⁵ In this way Muslim women’s rights become synonymous with an objectified culture reified through institutional practices that in many ways draws upon colonial precedents.¹⁶ As Sahgal and Yuval-Davis write, fighting against racism is reduced to preserving the traditions and cultures of different ethnic minorities.¹⁷ Likewise the arguments about women’s rights are reduced to tradition and ethnicity. The consequence for any discussion on Muslim women’s rights is that rights are similarly reduced to those of the community, and women’s agency is deemed absent with culture a determining all-embracing social force.¹⁸

In this dominant racial discourse, based on dual logic of subordination and exclusion, culture is reified and Muslim women’s rights become limited to the right to preserve their “ethnicity”.¹⁹ Cultural differences, ethnicity and religion become the key indicators that explain behaviour and rights acquisition, while structural considerations, of unequal power relations that bring about social

¹⁴ MERALI, "They Hate Women, Don't They?"

¹⁵ SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group."

¹⁶ For more detail and analysis on the impact of colonial and orientalism on the rights of Muslim women please refer to Chapter three.

¹⁷ G. SAHGAL and N. YUVAL-DAVIS, "Introduction: Fundamentalism, Multiculturalism and Women in Britain," in G. SAHGAL and N. JUVAL-DAVIS (Eds.) *Refusing Holy Orders: Women and Fundamentalism in Britain* (London: Virgo, 1999).

¹⁸ G BAUMANN, *Contesting Culture: Discourses of Identity in Multi-Ethnic London* (Cambridge: Cambridge University Press, 1996).

¹⁹ Ali RATTANSI and Sallie WESTWOOD, "Modern Racisms, Racialized Identities," in Ali RATTANSI and Sallie WESTWOOD (Eds) *Racism and Modernity and Identity on the Western Front* (Cambridge: Cambridge University Press, 1994); Michel WIEVIORKA, *The Arena of Racism* (London: Sage, 1995).

exclusion, inferiorization, and exploitation, are safely taken off the agenda.²⁰ Such ethnic reductionism relocates both the solution and the problem of Muslim women's rights away from a concern of all British society but to a particularistic concern where Muslim women are part of the problem population that cannot be trusted to find a solution. The problem of securing women's rights in Muslim communities in Great Britain is thereby uncoupled from wider social concerns and social-economic changes. It is assumed that the perceived failure to secure western style rights for Muslim women is part of their unchanging exotic tradition.

For example, the State's response to the "honour killings" of Muslim (and other Asian) women is to consider these crimes as yet another condition of the "problem population". The police assume honour killings are a uniquely Muslim crime, notwithstanding that in Great Britain all domestic violence accounted for 25% of violent crimes and 35% of all murders in the previous five years.²¹

Thus, Merali argues:

Where Muslims interface with wider [white] population it assumed as a problem, without positives, this is even the case when dealing with statutory organisations and service providers.²²

In 2003, Scotland Yard (head office of the London Metropolitan Police force) ran a seminar to tackle the issue of honour killings, and invited a primarily male audience. By failing to originally invite any Muslim women's NGOs the police assumed that Muslim women are unable to provide possible solutions, or explanations, to the crimes' occurrence. In this instance, the police accepted stereotypes of passive Muslim women and interpreted honour killings as proof of their victim status, and of the Muslim communities' inferiority. Arzu Merali, of the Islamic Human Rights Commission, said of the meeting (after eventually persuading the organisers to give her an invitation) that

²⁰ SAHGAL and YUVAL-DAVIS, "Introduction: Fundamentalism, Multiculturalism and Women in Britain."

²¹ DEPARTMENT OF TRADE AND INDUSTRY, "Delivering on Gender Equality: Supporting the PSA Objective on Gender Equality 2003-2006," ed. Patricia HEWITT (London: Department of Trade and Industry, Women and Equality Unit, 2003).

²² MERALI, "Interview with Arzu Merali of the Islamic Human Rights Commission."

... While not doubting the sincerity of the police ... the meeting was set up to instruct Muslim communities... [that they should] learn that this is wrong... [The Police] were intransigent.²³

The interplay of race, culture, and gender assumptions is apparent in this instance as the police mimicked colonial style rule by relying on a male comprador class to disseminate information and reveal “good behaviour” to the Others.

2.3. *Gender, Equality and Equity*

Gender equality in Great Britain, as viewed by the Government, is outlined in the Commission for Equal Opportunities documents and the State reports to CEDAW. At the heart of the current understanding is that “gender equality” has been essentially realised in Great Britain, and that the current concern is simply to make minor adjustments in a few areas. Equality is understood to mean parity with men or the male norm. The targets and provisions in Equal Opportunities Commission and the Department of Trade and Industry report (*Delivering on Gender Equality*) positively act within this understanding. Indeed, the Equal Opportunity Commission’s (EOC) vision of equality is based on their slogan: “If women and men had equal chances in life, things would be different.”²⁴

From this, and in line with the government’s desire to create a single equality commission (as opposed to the current six separate organisations tackling different aspects of inequality and discrimination) the EOC argues that equality must improve individuals’ lives, increase prosperity, strengthen democracy, create a sense of belonging, and improve public services.²⁵ Linking equality with democracy and democratic practices, women’s rights and gender equality are firmly located within political-civil rights framework; equality is not addressed through a socio-economic perspective. With the anticipated formation of a single equality institution the policy and legal debates about racial and gender equality it is hoped will lose the exclusionary narrative (however, the Commission for Racial Equality (CRE) is opposed to a merger of equality bodies, while the EOC

²³ Ibid.

²⁴ EQUAL OPPORTUNITIES COMMISSION, *Our Vision for a Fair Society* (EQUAL OPPORTUNITIES COMMISSION, 2004 [Accessed 14/07/2004]); available from www.eoc.org.uk

²⁵ Ibid.

is not). In part, racial discrimination against Muslim communities is of limited concern for government bodies because, up until November 2003, religious discrimination in employment (except in Northern Ireland) was not considered an offence. Furthermore, attempts by Muslim minority communities to define and protect themselves legally as racial groups, through the provisions of the Race Relations Act, have been largely unsuccessful.²⁶ Furthermore, only recently has a bill been introduced to Parliament that would introduce a new offence of “incitement to religious hatred” that would legislate against discrimination targeted at Muslims (Islamophobia).²⁷ Overall, the various commissions and government bodies which seek to define and implement “equality” operate in a piecemeal fashion but within the wider narrative that see rights and citizenship as political and civil rather than social and economic terms.

In contrast, many Islamic groups which attempt to tackle questions of equality frame their arguments in terms of social justice, specifically including economic concerns such as poverty, access to state services, and the global political economy. However, when considering the rights of women, these same groups prioritise political and civil rights, especially those concerning family law because women’s economic rights are seen to stem from her family role and her male relatives. This is because women’s rights are seen to operate within an alternative conception of equality. Primarily, discussions of gender equality resist definitions that are premised on “sameness”. Instead, gender difference is valorised within the context of a gendered division of labour in the family and the community. This is often termed as “complementarity” or gender “equity”. In other words, men and women are not equal; however their relations should be equitable. Consequently, the argument for Islamicists is not that men and women should have equal (meaning the same) rights, but that rights should be equitable and balanced in line with the duties and obligations which men and women are religiously obliged to fulfil. The religious arguments for complementarity drawn

²⁶ C.f. Richard JONES and Gnanapala WELHENGAMA, *Ethnic Minorities in English Law*, ed. Werner MENSKI, *Group for Ethnic Minority Studies (Gems)* (London: Trentham Books, 2000).

²⁷ As part of the Serious Organised Crime and Police Bill, under the section: Public Powers, Public Order and Miscellaneous Provisions. The Bill was originally brought to Parliament by the then Home Secretary David Blunkett on the 24th November 2004. (www.parliament.the-stationary-office.co.uk/) Pnina WERBNER, "Islamophobia: Incitement to Religious Hatred - Legislating for a New Fear?" *Anthropology Today* 21:1 (2005).

from prescriptions about how to be a good Muslim man or woman or family, also rely upon bio-medical arguments presented in the nature-nurture debate about sex-gender-identity.²⁸ This alternative understanding of gender does not match that expressed by CEDAW or by government and can lead to a disparity between expectations of community and State policies.

As discussed in the introductory chapter, and elsewhere in the thesis, the public-private divide informs many discussions on women's rights. In Great Britain, Muslim women's rights are described by NGOs as an attempt to bring rights into the private sphere, and to revalorise the private sphere. Thus as one activist argued, feminism rejected the female identity to obtain political space for women, in contrast, she argued, the *hijab* acknowledges this identity and grants power in the public space, because women wearing the *hijab* decide who looks at them, and how.²⁹ Furthermore, it is as wives, sisters and mothers that women are granted rights and duties in Islam not as autonomous actors.³⁰ Therefore, it is through social relations, founded in the private sphere, that rights become meaningful for Muslim women. It is also in the private sphere that rights are protected and women assisted. For example, the focus of the Muslim Women's Help Line (MWHL) is on domestic and private issues, because as one of the founders said the need was greatest there. She argued that for "public" concerns, there are numerous services that could be accessed. But, she continued for dealing with inner-most issues especially those with faith related questions there was no support service. The Muslim Women's Help Line argues that it is only once women are empowered in the private sphere, and rights are realised there, that women are able confidently to seek public statutory assistance.³¹

However, although the private sphere is re-valued in the Islamic discourse, it sometimes has the (perhaps unintended consequence) of reinforcing the stereotyped exclusion of women's concerns from the public domain. In Southampton for example, Muslim women rarely openly participate in the public

²⁸ The concept of complementarity is examined in more depth in Chapter Three.

²⁹ MERALI, "Interview with Arzu Merali of the Islamic Human Rights Commission."

³⁰ Ibid.

³¹ MUSLIM WOMEN'S HELP LINE, "Telephone Interview with the Coordinator of the Muslim Women's Help Line."

discourse on rights, and pointedly only one Muslim women's group works with the local city council.³² This is in contrast to the plethora of publicly known "community leaders", "cultural leaders," "religious leaders," of "Muslim groups," and "Muslim communities" of which membership is seen as exclusively male, and which deals with what are termed as "male concerns". A practical example of the exclusion of women's concerns from local politics is in the marked contrast between the building of the central Mosque in Southampton and Muslim women's employment. Considerable effort was extolled by both the "community" and the local city council into the building of the Medina mosque, (which Southampton Muslim women do not often go to).³³ Yet in contrast, the continual exploitation of Muslim women working in the local grey economy has not been addressed by the Muslim communities or the local city council.³⁴

However, while it seems that the power to describe and attribute Muslim women's rights seems to lie outside the reach of Muslim women in Great Britain, this is not the whole picture. The rise of explicitly Islamic identities enables Muslim women to access their rights in a language that circumvents the dominant discourse that reduces them to an "ethnicity". Thus, when talking about different issues, communities and women are increasingly able to access rights through their own discourse. In Great Britain context, with high levels of literacy, this makes Islamic feminism important, as it brings an understanding from within Muslims pre-existing religious discourse.³⁵ This is brought to the fore in the next section of this chapter which analyses particular rights.

³² AN-NISA, "Interview with the Treasurer of an-Nisa Southampton Branch."

³³ Although this is changing, on Sunday's An-Nisa organises women's sessions, but their "hut" next to the main building is without heating or water. Although they are free to use to the facilities of the mosque, except for the main prayer hall. Ibid.

³⁴ In part this derives from a denial of Muslim women's participation in the paid economy, and this denial is supported by the low employment rates suggested by labour force and census statistics. But this is seen as inaccurate, because of anecdotal evidence about the number of women said to be working for example, "cash-in-hand" making pastries or sewing, or working without remuneration in the family business – namely the grey economy. This is discussed in more detail in a later section of the chapter.

³⁵ VERSI, "Telephone Interview with Ahmed Versi, Editor of "Muslim News"."

3. Areas of Rights under investigation

CEDAW is aimed at combating gender discrimination, and, therefore, does not easily enable States to recognise the double bind of ethnic minority women. This double bind is placed upon ethnic minority women by the interaction of both racial and gender discrimination.³⁶ Consequently, in its fifth periodic report to CEDAW, Great Britain fails to include the specific needs of ethnic minority women in a systematic, or consistent, manner. Instead, it ghettoises the needs of ethnic minority communities into discrete sections of the document, rather than including them within a wider framework of equality and citizenship; a strategy which reflects current policy.³⁷ This makes using CEDAW as a guide for understanding rights acquisitions and understandings of Muslim women in Great Britain problematic. However, including an analysis of the wider public discourse on rights, race, immigration and citizenship reduces the risks of conflating the rights, and needs, of Muslim women living in Great Britain to those of the majority white population.

3.1. Article Five (Sex Role Stereotyping)

The stereotype of the "Muslim woman" is increasingly being challenged through a variety of mediums. However, with regards to article five there is no reference to the specific stereotypes faced by Muslim women (as women and as Muslims) in Great Britain report to CEDAW. Instead, Great Britain report focuses on stereotypes in education resulting in unequal numbers of men and women in sciences and computing. Also in the report, as it examines the stereotypes and cultural practices portrayed in the media and advertising industries there is no reference to the negative and stereotyped portrayal of Muslim women.³⁸ Moving beyond the U.K. submissions to CEDAW, in Great Britain there are two aspects to the gender stereotypes which Muslim women predominantly encounter. The first are those stereotypes which are commonly held by the majority non-Muslim

³⁶ It is worth noting, that in the other two case studies conducted, the target group are part of the ethnic majority and therefore such concerns about CEDAW were minimised.

³⁷ Although this may be changing with the creation of a single institution, which will merge the current six separate equalities bodies.

³⁸ WOMEN AND EQUALITY UNIT, "Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)," (London: Women and Equality Unit, Department of Trade And Industry, 2003).

population. The second set of stereotypes is maintained by the Muslim communities themselves. These are considered in turn.

In Great Britain, the stereotypes of Muslim women held by the majority non-Muslim population are based upon Orientalist discourses arising from the colonial period which locate Muslim women as silent, invisible and exotic.³⁹ As outlined in previous chapters, this image is neither accurate nor appropriate for describing Muslim women living in Great Britain, or elsewhere. However, such stereotypes persist, defining Muslim women by presumptions about their faith alone.⁴⁰ Although Great Britain report to CEDAW argues an overall decline in sexism in the media, the government fails to consider the racial and gender stereotypes applied to Muslim women in broadcasting and other forms of mass media.⁴¹ In fact, it is the noticeable absence of identifiably British Muslim women in the majority of broadcasting which indicates the persistence of the Orientalist stereotype.⁴² One exception to this is in local news reporting where Muslim women are presented as victims (often of forced marriages, female genital surgeries or honour crimes, in short of faith) or as troublesome (demanding specific rights for Muslims – dress and food).⁴³ Even on these occasions though, Muslim women are often spoken for by male “community leaders”. In the printed press stereotypes are persistently presented, which imply Muslim women’s inferior status. For example, the *Daily Mail* and *Daily Telegraph* national newspapers have both published articles on honour killings suggesting racial and religious stereotypes.⁴⁴ Overall in the media, Muslim women, by virtue of adhering to the Islamic faith, are denied agency and are considered victims. When Muslim women are given a voice, it is only from a

³⁹ For more detail please refer to previous chapters and LOOMBA, *Colonialism/ Postcolonialism*.

⁴⁰ The details of this were discussed in the previous section on racism, and in Chapters three and four.

⁴¹ WOMEN AND EQUALITY UNIT, "Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)."

⁴² However the BBC programme *Goodness Gracious Me*, is seen to counteract some of the negative images surrounding South Asian families. COMMISSION OF RACIAL EQUALITY, *Stereotyping and Racism: Finds from the Second Attitude Survey*, p. 13.

⁴³ Ibid.

⁴⁴ MERALI, "They Hate Women, Don't They?" Examples of these articles are those written by Will (Harry Cummins) for the Daily Telegraph. Will CUMMINS, "Muslims Are a Threat to Our Way of Life," *Sunday Telegraph*, 25/06/2004.

position of rebellion (such as resisting arranged marriages or escaping honour killings) that their agency is acknowledged.

Alongside this stereotype of victim-hood, is one which assumes Muslims are immigrants and foreign, who will become a Trojan horse in the predicted clash of civilizations. The head of the British National Party (BNP) in an interview with the BBC, in which he responded to claims of racism in the BNP, agreed that the desire of some members to “shoot pakis” was abhorrent and consequently such members were expelled from the party. However, his own claims that Islam is a “vile and evil religion” which is spread by rape and the sword, was not considered a problematic claim by either his party or himself.⁴⁵ He argued that there is an Islamification of Europe which will destroy British culture and way of life. In his dichotomy of world politics, it is not possible to be British and Muslim. The response to the attacks on the world trade centre on 11th September 2001 by Great Britain public, and UK institutions, have further reinforced the image of Muslims as foreign, and indeed as a danger to UK values. Although such extremist views are not held by the majority of Great Britain non-Muslim population similar logics emerge in the popular understanding of Muslim women. For example, in one incident, as reported in interview, a (white male) construction worker addressed the interviewee stating that she “did not need to wear that now... she’s in England now”, while pointing at her *hijab*.⁴⁶ In addition, a survey conducted by ICM in 2001 found that 59% of respondents believed that Muslim women had a lower status than women in Western society.⁴⁷ In another survey by the Forum Against Islamophobia and Racism (FAIR) 40% of participants felt that any backlash towards Muslims in the event of a terrorist attack would be determined by how Muslims are represented in all areas of British society.⁴⁸

⁴⁵ "News Night, Thursday 15th July 2004," in *News Night* (UK: BBC, 2004).

⁴⁶ SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group."

⁴⁷ ICM/ BBC, *ICM Research/ "Islamophobia" Poll July 2001* (2001 [Accessed 28/08/2002]); available from www.icmresearch.co.uk/reviews/2001/islamophobia-poll-july-2001.htm

⁴⁸ FAIR, *A Submission to the Home Affairs Committee's Inquiry into Terrorism and Social Cohesion*. (Forum against Islamophobia and Racism (FAIR), 2004 [Accessed 13/02/2005]); available from <http://www.fairuk.org/docs/FAIR%20Response%20to%20Home%20Affairs%20Committee%202004.pdf>

The intra-community stereotypes centre upon defining appropriate roles for Muslim women in a minority community. Muslim women are frequently identified as the sole bearers of culture and tradition as well as of religion. As a result, it seems that for minority communities, it has become increasingly important to define respectable and appropriate roles for women. At the centre of intra-community gender roles, and stereotypes, for Muslim women is the presumption of motherhood and marriage. These are justified as religious obligations for individuals and as socially beneficial for the community. Gender roles are seen as complementary, and are based on men and women's allegedly innate biological predispositions where women prevail in caring and domestic roles, while men emerge as breadwinners.⁴⁹ For example, in a response to the questionnaire I sent, one Muslim woman argued:

I believe Islam gives men and women equality based on their gender qualities... It is perfectly acceptable for both genders to gain employment and rear children. However as the female is not physically as strong as a male it is ultimately HIS responsibility to maintain the income in a household.⁵⁰

Therefore while the presupposition of marriage and motherhood has not resulted in unanimous demands for women to remain housebound and fulltime mothers, there is still a reliance on sex-difference. There have been shifts in attitude within the Muslim communities in Great Britain towards women's employment and women's education. It is worth noting that among second generation Muslims the desire to distinguish culture and religion is seen as central to this change. It is clear that second generation Muslim women are using Islamic narratives and role models as tools to acquire rights. "Islam says..." often begins conversations about Muslim women's rights, especially among practicing Muslim women. For them Islam guarantees rights which protect them against stereotypes imposed by both community and the wider population. Young Muslim women are using their understanding of Islam to challenge community expectations. For example one interviewee said:

⁴⁹ Please refer to Chapter three, for an in depth discussion on the role of Complementarity.

⁵⁰ Emphasis original Questionnaire Response, 2004.

But knowledge is empowering, the *Qur'an* can be used in an enlightened way. But it can also be used to keep women in a certain position. For example some groups suggest that the role of women is purely domestic, there is a popular phrase in Pakistan that “a woman is a mother, wife or sister” but Islam takes you further than that, women can have both domestic and public roles – they can be leaders AND mothers. Aisha, one of the wives of the prophet, was none of these when she became influential in her own right, and she offers inspiration today. But Islam also recognises that some women are happy with being empowered in the home and do not wish to take on power and responsibility outside the home.⁵¹

For these women, Islam is understood to determine everyday actions and behaviour; they understand Islam in behavioural terms. Consequently, as faith governs daily behaviour, devout women feel it is through Islam (and their consequent behaviour) that enables them to challenge stereotypes, rather than recourse to State agencies or “feminist” equality. For example, Muslim women (both converts and those brought up into the faith) insist that Islamic practice, and Islamic theology, ensures that they are not judged by their bodies, nor are their bodies commoditised (as they argue Western culture does) rather they feel they are judged by their actions and personality.⁵²

As discussed in Chapter three, some Muslim women argue that the discrepancy between what “Islam says” and actual practice is because of cultural, pre-Islamic traditions that persisted in their parents (or grand-parents) countries of origin. Some women express this more forcefully, by arguing that discrepancies arise because men have neglected the religious obligations set out in the *Qur'an*, and because of “innovations” which distort the true meaning of revelation. For women adopting an overtly religious identity rights are negotiated within the *Umma* rather than through the non-Muslim state.⁵³ This has a significant impact on the ways in which Muslim women perceive political participation and citizenship.

⁵¹ SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group."

⁵² Mamooda QURESHI, "Interview with Mamooda Qureshi, Former Sister in Charge of the Young Muslim Sisters, on the 17th February 2004," ed. Katherine BROWN (Birmingham/Southampton: 2004).

⁵³ To avoid repetition here, please refer to Chapter Three.

3.2. *Article Seven (Public, Legal and Political Participation)*

This section provides a consideration of two main areas: Muslim women's participation in formal and informal political institutions, and the arguments surrounding the introduction of *Shari'a* personal status laws for Muslim citizens in Great Britain. These aspects of the debate are presented in three parts, first the role and input of Muslim women in the formal institutions of politics: parliament, local government and the legal system. Second, is a consideration of Muslim women's lack of participation in "civil society" (namely non-governmental organisations). Third is an examination of the debate on the implementation of *Shari'a* law.

There are no legal barriers to Muslim women participating in British formal politics; women retain the rights, as with all citizens, to stand as a Member of Parliament and to vote at general elections.⁵⁴ The general election of 2001 returned 118 women as MPs representing 18% of members, and women currently account for 16% of members of the House of Lords. One prominent female Muslim member of the House of Lords is Baroness Uddin.⁵⁵ The number of women in public institutions has increased over the years, and 38% of people in public office are of ethnic minority backgrounds. The current government has launched "The Pathways" initiative to increase representation of ethnic minorities in the civil service, with an even percentage of male and female participants.⁵⁶ Nevertheless, the number of Muslim women in political institutions is not representative of their numbers in the wider population. At present, there are no Muslim women Members of Parliament. In local government the statistics reveal a greater percentage of ethnic minority women involved at this level. The 2001 census of local councillors showed that there were around 21.3 thousand local councillors in England and Wales, 71 per cent

⁵⁴ The right to stand as an MP is only once over the age of 21. The right to vote is only if one is over the age of 18 at the date of the election, and has registered.

⁵⁵ A biography of Baroness Uddin may be found at the House of Lords biographies of Peers: <http://www.dodonline.co.uk/engine.asp?lev1=4&lev2=38&menu=81&biog=y&id=2355>

⁵⁶ WOMEN AND EQUALITY UNIT, "Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)," p. 22.

of whom were men.⁵⁷ Of all the female councillors, only 0.2% have an Asian-British-Asian ethnic background.⁵⁸

Muslim women are active in local civil society organisations, such as An-Nisa, Young Muslim Sisters, and the Muslim Women Association as well as broader issue groups such as Stop the War Coalition. Muslim Women's involvement in local informal organisations or networks is difficult to establish. One key site where women's informal associations might emerge is Mosques. However a number of Mosques do not have adequate facilities for women, including few (if any places) for women to perform *Wudu* or segregated areas for worship, and some Mosques refuse to admit women at all.⁵⁹ Therefore gaining information about these types of activities for the purpose of research is limited. During the pilot study, some activities were hinted at in the life stories recorded by the Asian Women's Oral History Project of Southampton City Council. These included attending the Mosque, prayer meetings and religious festival celebrations. This suggests such gatherings centred on religious observance rather than political association or impact and therefore are of limited insight into the role of Muslim women in informal political activities.⁶⁰ In one interview it was noted that encouraging the local Muslim community to become active on Muslim specific issues was difficult, while encouraging participation for more general issues was even more challenging.⁶¹ The efficacy of Muslim women who do participate in a range of political organisations is difficult to assess, one interviewee argued that

⁵⁷ See the Employers. Organisation for Local Government, available at: www.lg-employers.gov.uk/research. Also, the report 'Representing the People: Democracy and Diversity' (2001) Local Government Association and the LGA, available at www.lga.gov.uk/index.htm for proposals to take forward the report's recommendations.

⁵⁸ <http://www.lg-employers.gov.uk/documents/diversity/councillors/results03.pdf> at page 6.

⁵⁹ *Wudu* may be loosely translated as ablution or purification before prayer. Please refer to: <http://www.themuslimwoman.com/chooseyourpath/basicguidetoprayer/wudu.htm>. Gender segregation is also believed to be necessary for prayer, as worshipping in mixed congregations may lead to "distractions." Some Mosques refuse women admittance because it is preferred for women to perform their prayers in the home. For a polemic account of women's denial of access to a mosque, please refer to <http://www.mpacuk.org/content/view/252/>. Email from media@mpac.co.uk. Received on 07/01/05. On file with author.

⁶⁰ Please refer to Appendix A. Although the extent to which they may be understood as resistance politics is an area for further research.

⁶¹ ANNONYMOUS VARIOUS, "Interview with Young Muslim Woman on 17th February 2004," ed. Katherine BROWN (Birmingham: 2004).

if one negative stereotype held by one individual was challenged then this would be a success for Muslim women.⁶²

Given the concerns above, the persistence of groups lobbying for the introduction of *Shari'a* law in Great Britain suggests its importance to Muslim communities. There are a number of prominent Muslim organisations, such as the Muslim Parliament, Union of Muslim Organisations, and the Islamic *Shari'a* Council (UK) which have consistently lobbied for the introduction of a separate Muslim personal law, based on *Shari'a*. The desire for *Shari'a* law was also expressed in the majority of respondents to the electronic questionnaire which I sent out in 2004. Dr. Hasan of the Islamic *Shari'a* council (East London) argues that the 1936/38 Act concerning colonial rule in India which accepted the legitimacy and appropriateness of *Shari'a* law for its colonial subjects, indicates that the current legal system can be adapted because "it's the same Muslims here."⁶³ A demand for *Shari'a* is also expressed by Muslim women as it is believed to provide minimum rights, and a safety net, for the lives of Muslim women because at least in *Shari'a* there are minimum standards guaranteeing maintenance and financial support.⁶⁴ Additionally, cases cited by interviewees and in the electronic questionnaire responses, suggest that if a *Shari'a* based legal system was implemented, then settlements would work out better for Muslim women than those arranged under current UK family law. Furthermore, the existence of many different Muslim bodies proffering the voluntary application of *Shari'a* law for civil matters suggests a desire for *Shari'a* institutions among the Muslim population. These councils primarily deal with matters of inheritance and divorce. For women, the issuance of a civil divorce by a British court to a religious marriage is not always accepted by either the woman or by other members of the religious community, especially if their husbands petitioned against the divorce. If, in other words, the divorce granted by the civil courts but does not coincide with *Shari'a* rulings then it is less likely to be accepted as legitimate by the community in which the Muslim woman lives. Acquiring a

⁶² SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group."

⁶³ Suhaib HASAN, "Interview with Dr. Suhaib Hasan, Secretary of the Islamic Shari'a Council (East London), on Monday 15th December 2003," ed. Katherine BROWN (London: 2003).

⁶⁴ MERALI, "Interview with Arzu Merali of the Islamic Human Rights Commission."

religious divorce, in conjunction with a civil divorce, frees wives from the religious obligations and enables them to rightfully remarry in the eyes of the religious establishment.

However, in a number of cases both in interview and through the questionnaire this was a qualified support for *Shari'a* law. As one activist argued:

It [*Shari'a*] needs to be contextually appropriate. Now we have Civil Rights, but would like Islamic rights to be legally recognised, but how to field them together – that is the difficulty... There is also some disparity between different *Shari'a* bodies in Great Britain. Perhaps it would be better first to ensure a standardisation of *Shari'a* laws in the UK as applied by different groups ... But if you put it on paper it becomes fixed, and it depends on the people in the organisation if they are willing to interpret it in different ways, things can remain the same for a long time.⁶⁵

Furthermore, many felt that being citizens of the UK meant that they had entered into a contract with the State and were therefore obliged to live by UK laws even if they do not permit Muslim all of the rights granted under Islam.⁶⁶ This meant that they did not feel that a separate legal system would be appropriate, however they still requested that the current English legal system adapted so that it could be more responsive to Muslim women's needs. Therefore some writers argue that rather than demanding a separate legal system, Muslims should instead demand greater coordination between Islamic and civil legal structures.⁶⁷ Some efforts have gone towards this, as reflected by a recent case in Reading civil law courts. In this instance, a Muslim woman successfully sued for an annulment of her marriage to a self-confessed apostate because he breached their Islamic pre-marital contract (*nikah* contract).⁶⁸

⁶⁵ MUSLIM WOMEN'S HELP LINE, "Telephone Interview with the Coordinator of the Muslim Women's Help Line."

⁶⁶ SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group."

⁶⁷ The EDITOR, "Islamic and Civil Legal Structures Need to Interface," *The Muslim News*, 19/12/2003 2003.

⁶⁸ Sarah SHERIFF and Fauzia AHMAD, "Muslim Woman Wins Civil Law Recognition of Islamic Rights," *The Muslim News*, 19/12/2003.

3.3. *Article Ten and Eleven (Employment and Education)*

Rights to education and to employment are articulated at different levels by Muslim women: from insistence to formal education, to a demand for religious knowledge, for financial independence through employment and for domestic work to be recognised as labour. Analysis of Muslim women's access to rights to education and employment are discussed in two broad sections. First is a general consideration of Article 10 and 11 in Great Britain as relevant to Muslim women. The second section provides two detailed examples, the first concerns Muslim women wearing the *hijab* at school, and the second Muslim women's participation in the "grey" economy.

Muslim women have shown great diversity in adapting Islamic instruction to facilitate their entry to employment and education. Within the Islamic framework, women have, among other strategies, reflected on the role-models of women living at the time of the Prophet Mohammad, and upon direct readings of the *Qur'an*. Research seems to suggest that such arguments are more likely to be articulated by members of middle-class families, and often among those who were born in Great Britain or who were brought to Great Britain as young children. In interviews conducted by Brah, Muslim women overwhelmingly supported the right to paid work regardless of their own economic position, representing a serious challenge to the dominant discourse that privileges male incomes.⁶⁹ Nevertheless, Muslim women point out that regardless of their own conceptions of their rights to work and education, through their interactions with non-Muslims, Muslim women face discrimination and barriers to employment and education.⁷⁰ As a result, in 1984 Palmer called for Asian women to be considered as a specific class category, one which recognised the subordinate positions that Asian women occupy in the British social structure, not just in reference to the community or culture.⁷¹

⁶⁹ BRAH, "'Race' and 'Culture' in the Gendering of Labour Markets: Young South Asian Muslim Women and the British Labour Market."

⁷⁰ Fauzia AHMAD, Tariq MADOOD, and Stephen LISSENBURGH, *South Asian Women and Employment in Britain: The Interaction of Gender and Ethnicity* (London: Policy Studies Institute, 2003), p. 30.

⁷¹ Cited in CARTER and JONES, "Community, Ethnicity and Class among South Asians in Britain."

Core to the Islamic conceptualisation of women's rights to work and education is the idea of complementarity. This concept enables Muslim women to insist that their work as mothers and housewives are valued, but that it leaves them the choice to enter into employment and further education. Furthermore, drawing on examples of women in the *Hadiths*, *Sunnah* and *Qur'an*, Muslim women argue that Islam presents women with a choice whether to remain housewives or to seek employment, whereas non-Muslim women are forced into (any) employment because their partners are not religiously obliged to support them.

As Tahmina argued:

... It is not that women SHOULD stay at home, but that it is a choice available to them. It is also a religious obligation on men to support financially their female relatives – wives, sisters and daughters. For women there is no comparable duty. Indeed if a woman works she can chose to spend it on her family but she has no obligation to do so, her husband or father has no rights over her money. To be free from financial worries in the early years of child care is a great benefit to women.⁷²

Another woman argued:

If you have separate duties, with men outside doing the work, earning money, and you're staying at the house, that's fine... but if you're working [too], you need to balance it, but in our culture its not forced [working outside the home]... you can't push people to do things [men doing housework]... if he wants to help you that's fine... don't want our husbands to do the ladies work... because then they'll expect us to do the manly and heavy work, but we can't because we are not made like that... so why not keep the balance, and whatever we're made for, and whatever we can do, we do that, and let them [men] do their job.⁷³

The concept of complementarity therefore enables Muslim women to redefine the right to labour as one that incorporates domestic labour and motherhood. This is in contrast to the predominant direction in UK policy. The domain of the home as a "woman's place" is not conceived as inferior by the Islamic discourse in Great Britain but recognised as an important facet of Islam. It is where families' religious obligations are met, where the fundamental religious education of children occurs, and preparing both girls and boys for their future

⁷² SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group."

⁷³ Southampton City Council, Asian Women's Oral History Project, Co 287 (A) Tape Five, side 1, 11.03 minutes

responsibilities. The role of motherhood and housewife is elaborated to the fulfilment of a religious role, which is seen by some informants as on a par with the more public religious role of men.⁷⁴ By identifying religious agency as mostly situated in the domestic or “private” realm generates “religious capital” for women, which provide them with a platform from which to negotiate their welfare and security.

Nevertheless, it cannot be ignored that while choice is emphasised within the Islamic discourse, in practice “the ethnic mode of (re)production relies upon female domestic labour on a scale which would not now be feasible in most other sections of society.”⁷⁵ Women’s access to the labour market is therefore constrained by a mode of production whose primary focus is the family unit. Indeed, work by Dale *et al* suggests that the primary constraint to labour upon Pakistani and Bangladeshi Muslim women is the presence of large and young families.⁷⁶ Yet as the above discussion shows, the ethnic mode of production, and guarantees of financial support from male relatives, does to some extent empower Muslim women to resist demands for formal work status. In this way they are able to reconstitute the right to labour and employment, as set in CEDAW, such that it is potentially transformative at community and national level.

Linked to arguments about the right to labour are those about the right to education. Among the interviews Muslim women’s educational achievements were noted, and rights afforded to them by Islam with regards to life long learning emphasised. In nine of ten NGO interviews this right was explicitly stated. However, some of the NGOs interviewed found resistance among traditional representatives of Islam, and Muslim communities, to their redefinition of Islam, faith and women’s roles. For example the Muslimah Graduate Society said that some resistance was encountered to the idea of creating a female Muslim graduate society because “women shouldn’t be at

⁷⁴ C. LONGMAN, "Empowering and Engendering Religion: A Critical Perspective on Ethnographic Holism" *Social Anthropology* 10:2 (2002).

⁷⁵ CARTER and JONES, "Community, Ethnicity and Class among South Asians in Britain."

⁷⁶ Angela DALE et al., "The Labour Market Prospects for Pakistani and Bangladeshi Women," *Work, Employment and Society* 16, no. 1 (2002).

university in the first place".⁷⁷ The right to education was also considered as a protection against violations of rights in marriage, it was seen as a survival strategy in a modern economy where the family may not be able to financially support an estranged wife. As one woman aptly argued

I'm educated, and I know I can get a job and support myself, so obviously I'm not bothered by it [leaving a marriage/domestic abuse]... I know I can cope on my own... But these women [wives from the Indian sub-continent] because they are not educated, and they haven't been to European countries or anywhere [before marriage], its totally different to them, so what do they do if they leave their husbands? They've no-one to turn to, their family are in Pakistan, and nobody tells them how they can get income support and things like... and here she can't work or anything like that 'coz she's no educated... they're stuck with their husbands no matter what.⁷⁸

Also, Muslim women are demanding the opportunities to continue in post compulsory education from within an Islamic framework, by drawing upon historical Muslim female figures, as well as verses in the *Qur'an*. The concept of complementarity also enables Muslim girls to continue in education because they are not expected to enter into the market place at an early age (as is often the case for brothers in working class families). It widens the choice of subjects available to Muslim girls, as there is less pressure to study subjects that will automatically lead to employment.⁷⁹ Furthermore, it is not so much that successful South Asian women have chosen to "turn their backs on their religion and culture" but that the negotiations for education are complex and transitional.⁸⁰ As Ahmad's research ascertained, most women reported that their parents viewed higher education, and subsequent careers, as an absolute necessity, with cultural and prestigious capital as motivating factors for the women concerned and their families.⁸¹ In their demand for education, Muslim women are drawing the distinction not only between culture and religion, but also between religion and

⁷⁷ ARSHAD, "Interview with Raffia Arshad, Coordinator of the Muslimah Graduate Society, on Tuesday 16th March 2004"

⁷⁸ Southampton City Council, Asian Women's Oral History Project CO287 (A), tape 4, side 2, and 07.56 minutes.

⁷⁹ Fauzia AHMAD, "Modern Traditions? British Muslim Women and Academic Achievement," *Gender and Education* 13:2 (2001).

⁸⁰ For the argument that South Asian women who have been successful in education have abandoned their religion please refer to K BHOPAL, "How Gender and Ethnicity Intersect: The Significance of Education, Employment and Marital Status," *Sociological Research Online* 3 (1998) pp.1-16

⁸¹ AHMAD, "Modern Traditions? British Muslim Women and Academic Achievement."

what is justified in the name of religion. As the editor of a Muslim youth magazine argued,

Women's Oppression: it's not Islam but men. For example, Islam says it is a right and duty of men and women educate themselves throughout their lives, but the Taliban didn't allow them to, this is not Islam. Islam doesn't oppress, the Prophet Mohammad gave women rights that they never had before ... Islam gave women the right to work, to education, to buy and sell and to vote.⁸²

Important to this development of women's rights to education, is the contextualisation of the holy verses of Islam. In order fully to extrapolate the right to education, and distinguish religious meaning from religious justification, Muslim scholars and Muslim women have sought to understand the holy texts in light of the experiences and intentions of the writers. Comparisons to the "period of ignorance" (understood as the time prior to the coming of the Prophet Mohammad (pbh)), the current period and the lives of women living at the time of the Prophet, enable Muslim women in Great Britain to argue against restrictions to their education.⁸³ This remains dependent however, upon an Islamic identity position such that they can draw on these examples in a meaningful way. Furthermore, there is a reciprocal relationship between rights to education and understanding of faith: as literacy has increased among Muslim women, they are determining for themselves the nature and meaning of the Holy Texts. Muslim women are no longer relying entirely upon religious authorities to understand and make sense of their religion: in study circles, in University Islamic Societies, in women's social groups, they ask themselves what it means to be Muslim. This self-reflexivity gives rise to new actors, new movements and new conceptions of self, rights and identity.⁸⁴

This discussion on rights to employment and education can be addressed through a focused study on two separate areas. The first area to be considered here is the arguments about whether or not Islamic dress can and should be accommodated

⁸² IQBAL, "Interview with Sajid Iqbal, the Editor of "the Revival - Voice of the Muslim Youth"."

⁸³ MERALI, "Interview with Arzu Merali of the Islamic Human Rights Commission.", SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group."

⁸⁴ GIDDENS, *Modernity and Self-Identity: Self and Society in the Late Modern Age*.

in State run schools. The second is that of Muslim women's role in the grey, or informal, economy.

As shown above, the right to education for Muslim women is rarely challenged in Great Britain. The debate both within Muslim communities and the popular press, is more concerned with the nature of that education and the setting in which it should take place. During research in Great Britain, I commonly encountered the desire for Islamic single-sex schools, or at least a suitable school uniform for Muslim girls in State schools as ways of fulfilling their educational rights. In this paper the latter is focused on, such that issues of identity, citizenship and rights are explored by considering the right (or otherwise) of young Muslim women to wear a *hijab* and *jilbab* in schools. Claire Dwyer, among others, has done substantive qualitative research into the multiple identities and positions adopted by Muslim school girls.⁸⁵ Dwyer's work indicates that the role of the *hijab* and of "Asian" dress in determining Muslim women's rights to education, and stereotypes within education is significant. Dress in schools is important as it operates as a signifier of community and culture within a State institution. In the early 1990s the *hijab* debate in schools was thought to be resolved through the case concerning Harrington.⁸⁶ Core to the community's argument to allow their daughters to wear the *hijab* at school was that it represented a religious obligation on all believing women and a preservation of their modesty. Since the case of Harrington the majority of schools allow Muslim young women to wear the *hijab* and the *shawla-khamiz*, in line with community requests and in accordance with policy of "multiculturalism". At the time of my own research the *hijab* debate was reignited by recent changes in French law banning the *hijab* and any religious symbols. Muslim leaders feared that Great Britain would follow suit.⁸⁷ On a BBC *Panorama* programme a number of Muslim women were interviewed on a variety of issues including the *hijab*. They implied that their right to wear the

⁸⁵ Claire DWYER, "Veiled Meanings: Young British Muslim Women and the Negotiation of Differences," *Gender, Place and Culture* 6:1 (1999).

⁸⁶ WERBNER, "Veiled Interventions in Pure Space: Honour, Shame and Embodied Struggles among Muslims in Britain and France".

⁸⁷ Mustafa ABDEL-HALIM, *Hijab Ban Opponents Gear up for World Protests Day* (10/01/2004 2004; available from <http://www.islamonline.net/English/News/2004-01/10/article07.shtml>).

hijab at school enabled them to pursue their educational rights.⁸⁸ In light of the MCB report to Bernard Stassi on the French government ban of the *hijab* in schools, the representative I interviewed argued that “The right to wear religious symbols links with the right to participate fully in civil society and the right to express your identity.”⁸⁹ In my own interviews the right to education and the *hijab* were continuously linked. In 8 out of 10 NGO interviews the *hijab* was referenced. It appeared to function in two ways, firstly as a symbol of Muslim women’s right to express their identity as they wish in the public-political sphere, and secondly as a tool to access that sphere safely and legitimately. The latter emerged explicitly in interviews with individuals, as a strategy to gain further education against parental and/or community pressure.

The recent court case concerning the right of a young Muslim girl to wear the *jilbab* as part of her school uniform highlighted the debates about rights to education and rights to religious freedom. In *Begum v. Denbigh High School Governors* the court was asked to consider whether the schools refusal to allow Ms Begum to wear a *jilbab* to school resulted in her effective exclusion and therefore breached her right to education and her right to free religious practice.⁹⁰ Primarily Ms Begum argued that her rights to religious freedom were breached because she was being forced to accept an interpretation of Islamic dress determined by the school.⁹¹ In the judgment passed, Justice Bennett argued that the school had not breached her rights to education or religious freedom in insisting that she wear the school uniform – which included the wearing of the *shawla-khamiz*. Justice Bennett’s primary rejection of the claimant’s argument rested on the basis that the school had continuously encouraged Ms Begum to return to the school, and that the school had not acted unreasonably in insisting that the claimant adhere to school uniform policy which had been designed and reviewed in consultation with local mosques, parents and community leaders.⁹²

⁸⁸ Vivian WHITE et al., "Covering Up," in *Panorama* (UK: BBC, 2004).

⁸⁹ MUSLIM COUNCIL OF BRITAIN, "Interview with the Chair of the Women and Family Committee of the Muslim Council of Britain."

⁹⁰ *Begum V. Denbigh High School Governors*.

⁹¹ Dominic CASCIANI, *BCC News: Q and A: Muslim School Uniform* (BBC News 2004 [Accessed 17/07/04]); available from www.news.bbc.co.uk.

⁹² *Begum V. Denbigh High School Governors*. The case has recently returned to the High Court, where the decision was appealed. Ms Begum won her appeal on 2nd March 2005. Please refer to: R. (on the application of Begum (Shabina)) v Denbigh High School Governors, (Also known as:

Interestingly, the court was not prepared to consider the validity of the differing interpretations of Islamic codes of dress of Muslim woman. Rather Justice Bennett argued that given the diversity of religious opinion regarding the *jilbab* and *shawla-khamiz*, it is unreasonable for the school (or the court) to make a religious judgement which could result in determining who are better Muslims than others.

Muslim women's economic activity should not be dismissed because of low rates of employment in the formal economy as evident in the statistics presented in Chapter five. Of note is the increase in "outworking" in the textile industry, which favours female workers. Indeed, despite conventions of *pardah* which some writers attribute to the low Muslim female employment rates, Muslim women are by no means economically inactive, often working from the home, combining paid work with domestic activities, and often working in the grey economy (for example, by working unpaid in the family business).⁹³ However, low employment figures for Muslim women, as indicated in the 2001 census, and in labour force surveys, suggest that although Islamic discourse allows Muslim women the choice to enter into employment, the reality is that they remain predominantly housewives. Furthermore, while the Islamic discourse offers choice, it is a choice confined to "good jobs". Such jobs are those which are considered respectable or in keeping with conceptions of Muslim women's femininity. These tend to be those jobs requiring professional qualifications or incorporating caring roles. For those women who are unable to acquire "good jobs" acceptance of their labour is limited.⁹⁴ Within the community discourse, Muslim women who work purely for financial reward are showing that their husbands, and other male relatives, are not fulfilling their Islamic duties to provide financially for their families. Therefore a Muslim woman in

R. (on the application of SB) v Denbigh High School Governors) (CA (Civ Div)) Court of Appeal (Civil Division)

2 March 2005. Reported in [2005] H.R.L.R. 16, and [2005] 2 All ER 396.

⁹³ In 2003 according to the labour force survey 74% of Pakistani and Bangladeshi women were economically inactive (meaning not in work and not available for or seeking work). CLEGG, "Ethnic Minority Women in the U.K."; D.W. LIGHT, "From Migrant Enclaves to Mainstream: Reconceptualizing Informal Economic Behaviour," *Theory and Society* 33 (2004).

⁹⁴ AHMAD, MADOOD, and LISSENBURGH, *South Asian Women and Employment in Britain: The Interaction of Gender and Ethnicity*; S.L EVANS and S BOWLBY, "Crossing Boundaries - Racialised Gendering and the Labour Market Experiences of Pakistani Migrant Women in Britain," *Women's Studies International Forum* 23:4 (2000).

employment, solely for financial reasons, is rarely acknowledged in conservative Muslim communities.⁹⁵ In order to overcome this understanding of paid labour and still undertake paid employment, qualitative interviews have suggested that Muslim women often work in what is termed the “grey economy”. The grey economy includes labour as cleaners, as home workers in the garment industry, as part-time cooks for ethnic shops and take-away restaurants, and working without remuneration in the family business.

The grey economy consists of employment which is specifically not declared, not taxed, and therefore lacking in statutory rights protection. In other words, such labour while not illegal in itself remains outside the formal economy and invisible. Muslim women working within the grey economy are hesitant to admit their participation. It is possible to argue that the invisibility of their labour is intrinsic to Muslims women’s participation in the grey economy. Through its very opaqueness women are able to publicly uphold the “breadwinner” family model while financially contributing to the family’s wellbeing. Furthermore, given the emphasis on motherhood, home working, in particular, enables Muslim women to combine caring for young families with paid labour. Also, for first generation immigrants with poor language skills and facing discrimination, it is one of few the forms of employment that they can easily acquire.⁹⁶ Muslim communities partially construct themselves through the continuation of Muslim women’s invisibility in both inter-community relations, interactions with the State and in the economy in general.

In order to preserve this construction of community (and in part of self), while facing economic insecurities, Muslim women enter the grey economy. This has a significant impact on Muslim women’s ability to secure their labour rights, since the pressure to preserve the image of Muslim women’s invisibility and non-participation in the economy directly impinges on their ability to seek rights through State-orientated mechanisms. Women’s ability to seek recourse within the community is similarly restricted. As a result, many Muslim women working

⁹⁵ Please refer to Appendix A, dealing with the Pilot study conducted on Southampton.

⁹⁶ BRAH, "'Race' and 'Culture' in the Gendering of Labour Markets: Young South Asian Muslim Women and the British Labour Market," p. 5.

in the grey economy work long hours, in poor health and safety environments, without union representation, for minimum pay (often below the statutory minimum wage), in permanent fear of dismissal, and in an unequal position of dependence vis-à-vis the employer.⁹⁷ Furthermore, the discourse of “cultural constraints on Muslim women” is “sedimented into a collective common-sense,” such that stereotypes that presume Muslim women’s *purdah* constrain women’s employment options as much as the practice of *purdah* itself. However, the specificity of the religious framework which ties some Muslim women to a position of relative disempowerment in the economy through a valorisation of motherhood, child-rearing and modesty through invisibility cannot be ignored.⁹⁸ The traditional gendered division of labour, established through the previously discussed conventions, is not unique to Muslim communities, but it has been retained and legitimised through the use of Islamic references and symbols. Refusing to acknowledge women’s paid labour as legitimate forces Muslim women to accept lower pay than others, and consequently Muslim female labour in Great Britain remains one of the cheapest and most easily exploitable forms of labour.⁹⁹ This collusion between Islamic constructions of women’s rights and Great Britain governments policy focus of women’s rights as the right to labour, places a large number of Muslim women’s socio-economic rights in jeopardy.

This discussion on the grey economy reintroduces the links between the global and the local in the discussion of Muslim women’s rights. The analysis has also revealed the embedded nature of the social conventions informing women’s suitability for paid labour and for caring roles, and reflects on the discursive constructions of community and identity as well as religion. Importantly, it has also shown that the strategies employed by Muslim women are not exotic or ethereal as Orientalist discourses would depict, but rather, as with all women, Muslim women negotiate from positions shaped by their everyday lives. The discussions have, however, exposed two reinforcing discourses, those employed

⁹⁷ This was evident in the work conducted by the Oral History Project. Personal Conversation with Padmini Broomfield, Research Officer, Southampton City Council.

⁹⁸ BRAH, "'Race' and 'Culture' in the Gendering of Labour Markets: Young South Asian Muslim Women and the British Labour Market," p. 7.

⁹⁹ Please refer to Mernissi for a discussion of the use of Islamic symbols and references to justify the exclusion of women from legitimate paid labour, especially chapter seven. MERNISSI, *Women's Rebellion and Islamic Memory*.

by government and policy makers which tend towards a colour blind approach and the Islamic discourse of complementarity that operate together as a double-edged sword within the specifics of Great Britain's post-modern economy. However, Muslim women are not always passive victims of these discourses which rely on the invisibility of Muslim women's labour. The discussion on the reconstruction of Islamic history, reintroduction of positive female Muslim role models, and the contextualisation of text by Muslim women all indicate that Muslim women are able to reconstruct the dominant discourses to fulfil ambitions of career and education.

3.4. *Article Twelve (Health Care Provision)*

Through the NHS Great Britain aims to provide free health care at the point of delivery to all citizens regardless of ethnicity, age or gender. The needs of the Muslim communities living in Great Britain are deemed to be met by the NHS within conventional medicinal approaches. There are a number of specialist services for women, and a few for women of an ethnic minority background. The latter tend to be located in London. In concurrence with debates in Great Britain, this section will focus on women's sexual health rights by considering Muslim women's fertility and contraceptive use, the impact and understandings of HIV/AIDS, and of female genital surgeries (FGS). It is important however, to remember the socio-economic pressures on good health that effect this group of Great Britain population. Muslim communities, especially those whose ethnic origin is said to be Pakistani and Bangladeshi, live in some of the most impoverished areas of the country.¹⁰⁰ This is compounded by what is termed as the "racialisation of health."¹⁰¹ The EOC research revealed that many women experienced gendered racialisation; they were dismissed by professionals as a

¹⁰⁰ CABINET OFFICE, "Ethnic Minorities and Labour Markets: Interim Analysis Report," (London: Performance and Innovation Unit, Cabinet Office, 2002), James NAZROO, "Health and Health Services," in *Ethnic Minorities in Great Britain: Diversity and Disadvantage*, ed. T MODOOD, et al. (London: Policy Studies Institute, 1997), Ann-Marie SHERIDAN and Heidi Safia MIRZA, "Multiple Identity and Access to Health: The Experience of Black and Minority Ethnic Women," in *Working Paper Series* (London: Centre for Racial Equality Studies, Middlesex University, with the Equal Opportunities Commission, 2003).

¹⁰¹ "The racialisation of health refers to the way in which health data and facts are actually informed by conscious and unconscious racial presumptions. When a black or minority ethnic woman enters a doctor's surgery she is often not seen as an individual, but classified immediately according to a racial category" SHERIDAN and MIRZA, "Multiple Identity and Access to Health: The Experience of Black and Minority Ethnic Women," p. 6.

nuisance and “hard to please”.¹⁰² Often the women's cultural practices, and in particular their diet, were deemed inferior and believed to be the root cause of poor health. The black and minority ethnic women had developed active strategies and practices which helped them in their struggle to survive. The research revealed that the women had a strong cultural identity and avoided statutory and mainstream services and officials where possible.¹⁰³ Social networks, whether local or transnational, were extremely important in helping individuals to overcome obstacles within the health system. The women did not recognise that they were building their own bridges to achieve equality and access, and viewed the support they gave each other and their exchange of information as 'women's business'. They saw 'equality' as something that you obtained from a more structured organisation.¹⁰⁴ With these findings in mind, this section draws on governmental reports, on the Muslim Health Network, and other NGOs, as well as from the information gathered in interviews and questionnaires to examine Muslim women's sexual health.

Research conducted by Shaw in the late 1980s showed the continuance of traditional perceptions of fertility, marriage and contraceptives among a Muslim community in Great Britain. Shaw's work reflects many years of anthropological work in Oxford among the Pakistani community, and is supported by overall low usage rates of contraceptive methods by women from South Asian backgrounds.¹⁰⁵ Although Shaw's research was conducted nearly twenty years ago, it reveals the continuation of Pakistani-Islamic perceptions on contraceptive use, morality, and illegitimate children. To this end, Shaw writes:

... Pakistani women often cite Britain's high divorce rate and the increasing proportion of illegitimate births as evidence of the low moral standards of the west... Not surprisingly many Pakistani women are suspicious of English women... For my close [Pakistani] women friends... it is a matter of great concern that I will 'burn in hell' for the sin of not believing in God and for other sins such as preventing pregnancy.¹⁰⁶

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Veena Soni RALEIGH, "Fertility and Contraception among Ethnic Minority Women in Great Britain," *Health Trends* 29:4 (1997).

¹⁰⁶ Alison SHAW, *A Pakistani Community in Great Britain* (Oxford: Basil and Blackwell, 1988).

Fertility rates among women from Pakistani and Bangladeshi backgrounds are more than double that of white women, with one in four mothers having more than five children.¹⁰⁷ However, there has been little research conducted on the use of contraceptive methods by Muslim women in Great Britain. Previous research has focused on quantitative methods generated in particular areas and drawing their data from existing service users. As a result, little research looks at the contexts in which decisions about contraceptive usage are made; at present only two groups have published on contraceptive use among South Asian women with a view to understanding motivations and limits on contraceptive use.¹⁰⁸ In contrast to Shaw, Hennik *et al.* argue that their research reveals two distinctive contraceptive “lifecycles” among South Asian women, with professional or non-professional status as key determinant rather than cultural factors predominating across all groups.¹⁰⁹ Non-professional South Asian women tend to cite external pressures as influences on their decisions about contraceptive use, such as religion, community pressures and extended family expectations. Professional South Asian women identify different influences on their contraceptive choices, primarily economic and practical concerns. Professional South Asian women in the study were more likely to have used contraceptive methods to delay the birth of the first child. Such women are aware of their higher levels of autonomy compared to their non-professional counterparts, and believe this to be a factor in their more likely use of contraception.¹¹⁰

My own research shows that Muslim groups remain focused on gaining recognition in wider society for some Muslim women’s lifestyle choices, such as choosing to become a housewife, rather than health care provision. In terms of health care and contraceptive use there was little uninitiated discussion in

¹⁰⁷ RALEIGH, "Fertility and Contraception among Ethnic Minority Women in Great Britain."

¹⁰⁸ Monnique HENNINK, Ian DIAMOND, and Philip COOPER, "Contraceptive Use Dynamics of Asian Women in Britain," *Journal of Biosocial Sciences* 31 (1999).

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.* Of note the research conducted by Hennik *et al.* only considered married women over the age of 18. Research in South West London reveals that South Asian teenagers are sexually active and are apparently able to access contraception Penny WATSON, "Review of 'Contraceptive Use among South Asian Women Attending General Practices in South West London' by Saxena *et. Al.*," review of SAXENA, S., OAKESHOTT, P., HILTON, S. "Contraceptive Use among South Asian Women attending General Practices in South West London", in the *British Journal of General Practice* 52 (2002), pp. 392-395, *Journal of Family Planning and Reproductive Health Care* 29, no. 1 (2003).

interviews. When these issues were raised, few women volunteered any information about family planning from a bio-medical perspective; instead it was discussed through the influence of family relations, being a “good mother”, and through religious references. As one woman stated:

My in-laws aren't into... planning it [pregnancies] – the thing is God has given you a cycle to plan with. ... You should use your cycle to help with planning, God's already given us a cycle.¹¹¹

The woman went on to express her anxiety about contraception. She was not sure if using contraception is against her religion, she would want to speak to “someone more educated” in order to fully understand as she did not trust “local teachers”. This supports findings from Hennik *et al.* and those derived from the General Household Surveys of 1991-1995, which concluded that higher proportions of ethnic minority women avoid contraception not because they want to get pregnant but because they ‘dislike it’ and because information was not presented to South Asian women in an appropriate manner.¹¹²

The second area for discussion under Article 12 of CEDAW with regards to Muslim women in Great Britain is HIV/AIDS. According to UNAIDS reports in 2002 50% of HIV infections are in women of age 15 to 49 world wide. The NAZ Foundation International also reports increasing rates of HIV/AIDS infections in Muslim countries.¹¹³ The Terrence Higgins Trust places the figure of all HIV/AIDS cases in Great Britain at approximately 50,000. These figures show heterosexual sex as the most significant route of exposure, as it accounts

¹¹¹ Southampton City Council, Asian Women's Oral History Project Co 287 (A) Tape 4, side 1, and 18.25 minutes

¹¹² HENNINK, DIAMOND, and COOPER, "Contraceptive Use Dynamics of Asian Women in Britain"; RALEIGH, "Fertility and Contraception among Ethnic Minority Women in Great Britain."

¹¹³ Shivananda KHAN and SHOUKET ALI, "Developing Appropriate Strategies: Final Report of the Consultation Meeting of Representatives from Non-Governmental Organisations Working on HIV/AIDS Prevention and Care Issues within Muslim Communities," (Karachi, Pakistan: NAZ Project and Pakistan AIDS Prevention Society, 1995). The role of migration in the spread of HIV/AIDS cannot be ignored, please refer to McLean with regards to the African community in Great Britain: Susie McLEAN, "HIV Prevention, Migration, and African Communities Living in England - a Partnership Approach to National Policy," *IMPACT: National AIDS Trust Policy Bulletin* 2002. Also increased rates of HIV infection are reported in the general populations of South Asia RR GANGAKHEDKAR, ME BENTLEY, and AD DIVEKAR, "Spread of HIV Infection in Married Monogamous Women in India," *Journal of the American Medical Association (JAMA)* 278 (1997)..

for 58% of all new diagnoses in 2002.¹¹⁴ Information on HIV/AIDS cases in Muslim communities in Great Britain operate through the proxy of race and nationality, and are derived from information given in various medical statistics. In 1999 Cliffe *et al* reported that as yet, there were few reported AIDS cases or HIV infections in people of South Asia ethnic origin, and few STD infections associated with exposure in South Asia despite the increased prevalence of HIV/AIDS in South Asia.¹¹⁵ As Baroness Uddin noted at a one day conference in 2000, the issue of sexual health was important to raise, especially as the Muslim community has refrained from dealing with mental and sexual health problems, and because literature on these subjects, including HIV/AIDS from an Islamic perspective was practically non-existent, and information provided by local health authorities was not addressing the requirements of a faith sensitive community.¹¹⁶ At present only one Primary Health Care Trust, Lambeth, supports the targeted dissemination of information about HIV/AIDS to Muslim communities. Indeed, only one publication in English available in Great Britain can be found providing information and support for those affected by HIV/AIDS in Muslim communities.¹¹⁷

One of the few organisations to tackle HIV/AIDS among Muslim communities is the NAZ Foundation International which has a branch in London, known as NAZ Project London. It is not, however, Muslim specific but focuses on Asian communities, and so does not operate within an "Islamic" framework. However, in 1995 it organised an international consultation meeting of representative from

¹¹⁴ TERRENCE HIGGINS TRUST, *HIV Statistics* (Terrence Higgins Trust, 07/09/2003 [Accessed 07/07/2004]); available from www.tht.org.uk/hiv_info/stats.htm

¹¹⁵ Susan CLIFFE et al., "Surveillance for the Impact in the U.K of HIV Epidemics in South Asia," *Ethnicity and Health* 4, no. 12 (1999). Increased rates of HIV infection are reported in the general populations of South Asia as early as 1995 GANGAKHEDKAR, BENTEY, and DIVEKAR, "Spread of HIV Infection in Married Monogamous Women in India."

¹¹⁶ P BARONESS UDDIN, *Speech at "Muslims HIV and Sexual Health in the Muslim Community" Seminar* (Centre for Muslim Policy Research, 2000 [Accessed 12/11/2004]); available from <http://artsweb.bham.ac.uk/bmms/2000/04April100.asp#HIV%20and%20Sexual%20Health%20seminar>

¹¹⁷ Mustapha GORE et al., *HIV/AIDS: Basic Awareness Information for Muslim Communities*, Second ed. (Lambeth, London: African Refugee Community Health and Research Organisation, 2003). The only other publication on HIV/AIDS targeting the Muslim community and printed in English, did not provide advice supporting existing sufferers. It also placed HIV/AIDS within an anti-western rhetoric. UK ISLAMIC MISSION (UKIM), *The Hidden Truth About AIDS* (United Kingdom Islamic Mission (UKIM), 2004; available from <http://ukim.org/dawah/The%20Hidden%20Truth%20About%20AIDS.pdf>.

NGOs working on HIV/AIDS prevention and care issues within Muslim communities, which included representatives from the U.K, and in 2002 it ran a London Expert Forum on "Muslims, Sexual Health and HIV".¹¹⁸ From the first meeting it found that in the wider Muslim context, the religious expectation is that both partners will enter into marriage as virgins. However, men's failure to adhere to this code is often sanctioned and excused in Muslim communities. One justification is the increasing delays in the age of marriage for economic reasons. Consequently, unmarried males are more likely to access sex either through sex workers or amongst themselves.¹¹⁹ It was found that attitudes towards sexual behaviour, and low awareness of the risks of HIV/AIDS among Muslim men, placed Muslim women in very vulnerable positions. Muslim women were found to lack access to appropriate terminology, with many sexual terms abusive and sexist, and consequently Muslim women lacked the ability to negotiate safer sexual practices with their partners.¹²⁰ Furthermore, the consultation meeting concluded that:

Too often religious and community leaders make statements based on cultural taboos and traditional customs, rather than on Islamic teachings.¹²¹

The Islamic response in Great Britain seems to reflect the conclusions of the consultation meeting. The focus of HIV/AIDS prevention has been on promoting Islamic ideals, which limits sexual behaviour to within marriage, and where marriage operates a contract or partnership between two people based on equitable relations.¹²² However, the disjuncture between the ideal behaviour and the lived experiences and behaviours of Muslims suggests that a response which focuses on promoting ideals which may only be upheld in public will be insufficient in tackling the realities of HIV/AIDS. This is not least because they

¹¹⁸ KHAN and ALI, "Developing Appropriate Strategies: Final Report of the Consultation Meeting of Representatives from Non-Governmental Organisations Working on HIV/AIDS Prevention and Care Issues within Muslim Communities.", NAZ PROJECT LONDON, "Report of a Naz Project London Expert Forum, on Muslims, Sexual Health and HIV" (paper presented at the Muslims, Sexual Health and HIV, Islamic Cultural Centre, London Central Mosque, 27-28/07/2002).

¹¹⁹ KHAN and ALI, "Developing Appropriate Strategies: Final Report of the Consultation Meeting of Representatives from Non-Governmental Organisations Working on HIV/AIDS Prevention and Care Issues within Muslim Communities."

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² UK ISLAMIC MISSION (UKIM), *The Hidden Truth About AIDS*.

fail to deal with the wider social context in which actual sexual behaviours occur.¹²³ Furthermore, the insistence on linking HIV/AIDS to homosexual practices likewise limits the efficacy of attempts to care for HIV/AIDS sufferers and their families – this is attached to the culture of shame and fear that surrounds homosexual behaviours. For Muslim women in Great Britain, the Islamic discourse which focuses on sexual morality (abstinence, monogamy and heterosexual practices) does not fit easily with the information and advice generated in secular environments, such as school, GPs and social services.¹²⁴ Furthermore, as the 2002 meeting organised by NAZ indicated, the clearest challenges are in encouraging Muslim communities to discuss these issues openly, and in presenting accurate information to the communities in a manner that is accessible and culturally sympathetic while reducing the stigma associated with HIV/AIDS.¹²⁵ The failure to discuss HIV/AIDS and other sexual health issues is justified by the belief that religious guidance is all that is required to prevent the spread of HIV/AIDS.¹²⁶ However this linkage restricts access to potential health care service users and knowledge of promoting preventative practices.¹²⁷ As yet it is unclear whether Muslim women have been able to strategise within these two frameworks (State-medical led, and Islamic-society led) where indeed it seems that their needs remain largely absent from both.

The procedure of “Female Genital Surgery” (also known as female circumcision, and henceforth FGS) is illegal in Great Britain.¹²⁸ However there is some

¹²³ NAZ FOUNDATION INTERNATIONAL, *Sexuality and Sexual Health in South Asia* (July 1995 [Accessed 12/11/2004]); available from www.nfi.net/essays.htm

¹²⁴ The ability to receive advice and services from State institutions is inhibited by the racialisation of health, where Asian women are seen as nuisances and difficult, and where government policy on immigration means that pregnant women whose status is unclear may not get the health care necessary to prevent transmission to the foetus SHERIDAN and MIRZA, "Multiple Identity and Access to Health: The Experience of Black and Minority Ethnic Women.", DA VALETTE, "HIV Related Stigma and Discrimination: The Case of Black African Women in the U.K," *Impact; Policy Bulletin of The National AIDS Trust* 2004.

¹²⁵ NAZ PROJECT LONDON, "Report of a Naz Project London Expert Forum, on Muslims, Sexual Health and HIV"

¹²⁶ UK ISLAMIC MISSION (UKIM), *The Hidden Truth About AIDS*.

¹²⁷ NAZ PROJECT LONDON, "Report of a Naz Project London Expert Forum, on Muslims, Sexual Health and HIV".

¹²⁸ Under the Prohibition of Female Circumcision Act 1985. The act makes it an offence to “excise, infibulate or otherwise mutilate the whole or any part of the labia majora or labia minora or clitoris of another person” or “to aid, abet or procure the performance by another of person of any of these acts on that other person’s own body” No prosecutions have been made under the

evidence to suggest that it continues to be practiced, and is either preformed by traditional attendants, or in some cases by registered General Practitioners.¹²⁹ It is further reported that some girls are returned to their parents' country of origin for surgery.¹³⁰ Data on the prevalence of FGS in Great Britain is scarce, but it is estimated that there are 3000 to 4000 new cases every year.¹³¹ FGS is commonly associated with Islam, but not all Muslim communities in Great Britain carry out the practice, and it is also carried out in some Christian communities.¹³² FGS is most commonly practiced among African communities from East and North Africa. In Great Britain, FGS is performed mainly within the Yemeni, Eritrean, Ethiopian, and Somali communities.¹³³ For example, within the Somali community (predominantly Muslim) approximately 80% of women are infibulated.¹³⁴ Research conducted in Tower Hamlets by London Black Women's Health Action Project, reveals justifications for the continuation of the practice are cultural and religious, which are often linked to the protection of virginity and to the control of female sexual desire.¹³⁵ Many respondents in that research stated that an uncircumcised female would not be accepted within the community, because people would regard her as bringing shame by disrespecting

act. JA BLACK and GD DEBELLE, "Female Genital Mutilation in Britain," *British Medical Journal* 310:6994 (1995).

¹²⁹ O DYER, "Gynaecologist Struck Off over Female Circumcision," *British Medical Journal* 307:6917 (1993).

¹³⁰ BLACK and DEBELLE, "Female Genital Mutilation in Britain." In response to this "loophole" a private members bill was passed which gives extra-territorial effect of the existing provisions of the 1985 Act. The 1985 Act was repealed and re-enacted, under the renamed Female Genital Mutilation Act 2003 and came into effect in March 2004. The new act also extended the maximum penalty to 14 years. HOME OFFICE, "Home Office Circular 010/2004: The Female Genital Mutilation Act 2003," (London: Criminal Law Policy Unit, Home Office, 2004).

¹³¹ Xavier BOSCH, "Female Genital Mutilation in Developed Countries," *The Lancet* 358 (2001). L MORISON et al., "How Experiences and Attitudes Relating to Female Circumcision Vary According to Age on Arrival in Britain: A Study among Young Somalis in Britain" *Ethnicity and Health* 9:1 (2004).

¹³² G BROOKS, "The Verses," *Guardian Weekend*, 11 March 1995, E DORKENOO, *Cutting the Rose: Female Genital Mutilations: The Practice and Prevention* (London: Minority Rights Publications, 1994), pp. 10-35, F. P HOSKEN, *The Hosken Report: Genital and Sexual Mutilation of Females*, 4th revised ed. (Lexington, Massachusetts: Women's International Network News, 1993).

¹³³ BOSCH, "Female Genital Mutilation in Developed Countries."

¹³⁴ Infibulation refers to the most radical practice, and it is sometimes referred to as Pharonic Circumcision. The surgery involves the excision of the clitoris, labia minora, and labia majora. Afterwards the region is sutured, so that only a small hole is left for menstruation and urination. Joan CAMERON and Karen Rawlings ANDERSON, "'Circumcision', Culture, and Health-Care Provision in Tower Hamlets, London," *Gender and Development* 6:3 (1998)

¹³⁵ LONDON BLACK WOMEN'S HEALTH ACTION PROJECT, *Attitudes and Views of East Africa Women and Men on Female Genital Mutilation* (London: LBWHAP, 1993).

their cultural traditions and customs.¹³⁶ FGS is considered an important part of girls socialisation, especially in communities where access to secure futures are guaranteed through marriage and childbearing. While in Great Britain, it is possible to argue that women's security (welfare) is guaranteed through the State regardless of her marital and maternal status, her security of personhood and identity is still contained with constructions of ethnicity, culture and community, with FGS continuing as a marker of these constructions despite being transported outside of its original context. As yet there is little response to the question of FGS by Muslim civil society groups, and a notable absence in some organisations – such as the Muslim Health Network. Research conducted in Somalia suggests that acceptance of FGS, and infibulation in particular, is dependent upon literacy and socio-economic status – those who have limited access to religious texts (because they are illiterate or unable to surrender the time necessary to study them) tend to support FGS as a concrete and authentic way of being Muslim.¹³⁷ Consequently, it is reasonable to assume that with increasing literacy among Muslim communities in Great Britain, and widening access to the Holy texts of Islam, that the most invasive forms of FGS are likely to diminish.¹³⁸ The difference between culture and tradition was referred to in a study among Somalis living in Sweden as an explanation of how the practice of infibulation may be abandoned.¹³⁹ This reflects similar debates on forced marriages in Great Britain, and the demand for education and employment, as expressed earlier. The abandonment of FGS is justified because religion takes precedence over culture, and FGS is reconstructed as a cultural not religious practice. This is acceptable because culture is susceptible to change, whereas within recent understandings of faith, Islam is not, and therefore certain “cultural” practices (including FGS) may be disregarded. This is more likely when different Muslim communities interact and it is shown that not all Muslim women undergo the surgery.

¹³⁶ Ibid.

¹³⁷ Sara JOHNSDOTTAR, "Somali Women in Western Exile: Reassessing Female Circumcision in the Light of Islamic Teachings," *Journal of Muslim Minority Affairs* 23:2 (2003).

¹³⁸ This conclusion is drawn from the fieldwork conducted by Johnsdottar over a three year period in Sweden concerning the decline of FGS amongst the migrant Somali community there
Ibid.

¹³⁹ Ibid.

3.5. *Declaration on the Elimination of Violence against Women*

This section considers the attempts made in Great Britain to combat violence against women. In order to do so, the section also considers the prevalence of violence against women in both the private and public spheres. The section focuses on the incidences of violence against Muslim women in these areas, by examining domestic violence and so called “honour killings”.

One of the most recent attempts to tackle domestic violence was set out by the Home Office in 2003 in its report on *Safety and Justice*. In its summary the home office argues that domestic violence

...occurs across society, regardless of age, gender, race, sexuality, wealth and geography.¹⁴⁰

Current research about domestic violence shows that approximately 5% of “ethnic minority” women faced domestic violence at some point in 1995 alone.¹⁴¹ More positively however, changes introduced through the Family Law Act of 1996 are said to have made significant improvements to Muslim women’s ability to tackle domestic violence. In Appendix C in its report *Safety and Justice*, the Home Office argued that:

Introducing the power of arrest for common assault has universal application as does the imposition of reporting restrictions in domestic violence criminal proceedings on application. It is argued that [this] will be of more benefit to women in BME [black-minority-ethnic] communities where the woman might be accused more readily of bringing shame to the family and the wider community.¹⁴²

However, following the work conducted by Southall Black Sisters among others, it is recognised that ethnic minority women face a double jeopardy of race and domestic violence.¹⁴³ Kewley notes, that constraints upon ethnic minority women victims of domestic violence are intensified because of four major factors. These factors are, cultural and social isolation, a lack of knowledge

¹⁴⁰ HOME OFFICE, "Summary of Safety and Justice: The Government’s Proposals on Domestic Violence," (London: HOME OFFICE, 2003).

¹⁴¹ HOME OFFICE, "Safety and Justice: The Governments Proposals on Domestic Violence," (London: Home Office, 2003). Based on Catriona MIRRLEES-BLACK, "Findings from a New British Crime Survey Self-Completion Questionnaire," (London: Home Office, 1999).

¹⁴² HOME OFFICE, "Safety and Justice: The Governments Proposals on Domestic Violence."

¹⁴³ Ada KEWLEY, "Double Jeopardy: Race and Domestic Violence," in *Ethnic Minorities, Their Families and the Law*, ed. John MURPHY (Oxford: Hart Publishing, 2000), SOUTHALL BLACK SISTERS, *Domestic Violence and Asian Women*.

about her rights, limited English language skills, and potentially because her immigration or residence status is dependent upon her partner.¹⁴⁴ Southall Black Sisters also report that the U.K. Government's insistence on linking immigration with benefit abuse means that women dependent on their abusive spouses for immigration purposes are unable to break free from violence. However during the passage of the Domestic Violence Act, Peers from all three main parties jointly tabled an amendment to the bill based on proposals by Southall Black Sisters would have entitled all victims of domestic violence who are subject to immigration control to full welfare benefits and emergency accommodation. The amendments were debated in Grand Committee on 9th February 2004. The Government opposed the amendment as it "undermined the integrity of the immigration and benefits rules."¹⁴⁵ The Government's insistence on placing such women under the constraints of immigration rules and the Housing Act of 1996 means that they, including a high number of Muslim women, are placed outside a secure framework, leaving them with no recourse to protect themselves and their children. In short

Many women subject to immigration control are trapped in violent relationships. They face a stark choice: either stay within the relationship and risk their lives, and those of their children, or leave and face destitution.¹⁴⁶

While this situation is by no means unique to Muslim women, the fact that many Muslim women in Great Britain have married into British Muslim families from the Indian sub-continent makes it difficult to separate issues of immigration from the experiences of domestic violence by Muslim women. The government has yet to respond to the criticisms or specific problems outlined above. Indeed, although the Home Office report on domestic violence in 2003 includes an

¹⁴⁴ This is not least because Immigration rules to determine bogus or sham marriages dictate that "both parties must demonstrate that they can maintain and accommodate themselves and any dependants without any recourse to public funds... couples will continue to be subject to a 12-month probationary period, at the end of which they must show again that their marriage is genuine" HOME OFFICE SECRETARY, "Changes to Immigration Rules," in *HOME OFFICE NEWS RELEASE* (London: Home Office, 1997), KEWLEY, "Double Jeopardy: Race and Domestic Violence."

¹⁴⁵ SOUTHALL BLACK SISTERS, *Executive Summary of Proposed Amendments to Domestic Violence, Crime and Victims Bill 2003 – Report Stage, 4th, 9th and 11th March 2004, House of Lords* (Women's Aid, 2003 [Accessed 20/07/2004]); available from http://www.womensaid.org.uk/policy&consultations/DVBill/SBS_exec_summary_amendments/DVBill.pdf.

¹⁴⁶ Ibid.

Appendix looking at the impact and prevalence rate of domestic violence within the black and ethnic minority communities, the report fails to consider the “double jeopardy” referred to above. Great Britain fifth periodic report to CEDAW similarly fails to incorporate references to the specific situation of some Muslim women (or other ethnic minority women) living as migrants to Great Britain. Further, the Home Office report, generally, failed to tackle cultural or religious stereotypes, or governmental policies that prevent Muslims from accessing state services and result in low reporting rates of domestic violence.

Great Britain State is not monolithic, and Muslim women’s interaction with the State rarely occurs at central government level. It is women’s experiences with local State agents that also determine their ability to secure bodily security and freedom from domestic violence. Therefore, whether or not the changes introduced will be of benefit to Muslim women depends on their application at local level. Yet local government and government agencies, such as local authority health trusts, police, social services, amenity providers, and so on, base their policy on the principle of “multiculturalism”. As discussed earlier, this approach is problematic even though it arose from attempts to combat racism. Therefore, State agencies, in an effort to appear multi-cultural and even anti-racist, are often reluctant to intervene where Asian women are concerned even though these new powers of arrest have been granted. Guided by the belief that Asian communities have their own internal mechanisms to resolve marital problems, State agents often deny Asian women the same advice and help offered to other women.¹⁴⁷ However, as NGOs working with Muslim women note, it is often these “internal mechanisms, such as those focused on honour, *izzat*, and shame, that lead many Asian women to require counselling from them.”¹⁴⁸ As Kewley notes:

Consequently, this approach [multiculturalism] stereotypes an entire community in so far as the dominant interpretations of culture and religious values, made by male religious and community leaders, are accepted. This seems to deny or obscure that internal divisions exist, for example along class, caste or gender lines, and thus the real power relations between men and women and between various groups within minority communities.¹⁴⁹

¹⁴⁷ Cited in KEWLEY, "Double Jeopardy: Race and Domestic Violence."

¹⁴⁸ SOUTHALL BLACK SISTERS, *Domestic Violence and Asian Women*.

¹⁴⁹ KEWLEY, "Double Jeopardy: Race and Domestic Violence."

However, although State agencies appear unwilling to challenge cultural or social attitudes towards domestic violence, Muslim NGOs are confronting the religious justifications for violence against women. This is particularly relevant with regards to domestic violence where the first reading of a verse in the *Qur'an* appears to legitimise a husband's violence against his wife.¹⁵⁰ In response to this verse a number of groups I have spoken with refer to the Canadian scholar Jamal Baadawi, who has shown how the verse in the *Qur'an* regarding the right of a husband to hit his wife is symbolic. It is a way of demonstrating to a wife that their relationship is in decline, and that it relates specifically to concerns about a wife's lewdness, and implications of sexual disloyalty. It is symbolic because a further reading of the *Qur'an* shows that the husband is not allowed to leave a mark nor cut the flesh of his wife. That in fact he must not damage the skin in any way, and that only a (equivalent of) toothpick may be used. Another response of NGOs, and respondents to my research questionnaires and interviews, is to argue that some men have removed the context of the verse in order to justify beating their wives.¹⁵¹ Women attempt to replace the verse in the context of revelation, and to limit the efficacy of the verses literalism to show that domestic violence is not acceptable.

However violence in the private sphere sometimes enters the public arena. So called "honour killings" are occasions when this happens.¹⁵² As discussed in a previous section, the State response to honour killings has been to understand this form of domestic violence outside the normalised understanding of violence against women, and to place it as among "Other" practices. Consequently, attempts to tackle violence against women in Muslim communities have been overshadowed by community resentment to being stereotyped as backward and barbaric. The Islamic Human Rights Commission published a report on the

¹⁵⁰ "As for those from whom you fear (nushuz) admonish them, banish them to beds apart, and scourge them. Then if they obey you, seek not a way against them" [4:34]. Translation from Amina WADUD, *Qur'an and Woman: Re-Reading the Sacred Text from a Woman's Perspective* (Oxford: Oxford University Press, 1999). Contrast with "...And those among you who you fear maybe rebellious, admonish [them], banish them to their couches, and beat them" [4:34-35] A.J. ARBERRY, *The Koran Interpreted* (Oxford: Oxford University Press, 1998).

¹⁵¹ SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group."

¹⁵² The author recognises that the term "honour killings" may not be completely accurate to describe the actuality of crime allegedly committed to restore the honour of families.

representation of Islam and Muslims in honour killing cases in the media; it argues that in general “there has been a lack of distinction between ‘honour killings’ and ‘Muslims’ giving the impression that they are inextricably linked.”¹⁵³ Furthermore, it suggests that the ways in which the implied collusion between female members of the family and the perpetrator of the crimes is reported “further denigrates Islam and Muslims insofar as it depicts Muslim women themselves as voluntarily contributing to their own oppression.”¹⁵⁴ Indeed this linkage between Islam and “honour killings” has resulted in Inayat Bunglawala of the Muslim Council of Britain declaring:

...many Muslims are uncomfortable about how Islam has been dragged into this, because Islam categorically does not allow people to kill their own daughter.¹⁵⁵

The response of the British Muslim groups in Great Britain has been to focus on the particularizing aspects of the murders, arguing that these crimes are “tragic” and have little to do with Islam: instead they should be understood in psychological and/or ethnic-cultural terms. Similar to the arguments presented by Muslim women in their demand for education and employment, the separation of culture and religion is seen as vital to maintain the validity of these arguments. Thus, the Muslim Council of Britain issued a briefing paper titled “Honour Killing: A crime against Islam”. In this paper, MCB outlines the reasoning why “honour killings” derive from “pre-Islamic, tribal custom” as opposed to having any basis in Islam or in Islamic jurisprudence.¹⁵⁶ This position is in line with international research on honour killings, which tend to focus on Pakistan and Jordan.¹⁵⁷ Nevertheless, although this distinction is valid, the denial that Muslim culture may result in particular forms of violence against women removes the possibility for Asian women’s specific needs to be addressed from within the moral community to which they belong, such as by challenging notions of honour, shame and *izzat* beyond reference to religious texts.

¹⁵³ Romana MAJID and Sabbia HANIF, “Language, Power and Honour: Using Murder to Demonise Muslims,” (London: Islamic Human Rights Commission, 2003).

¹⁵⁴ *Ibid.*

¹⁵⁵ BBC NEWS Online, *U.K Muslims Condemn Honour Killings* (BBC, 30/09/2003 [Accessed 29/07/2004]); available from http://news.bbc.co.uk/2/hi/uk_news/england/london/3150142.stm

¹⁵⁶ MUSLIM COUNCIL OF BRITAIN, *Honour Killing: A Crime against Islam* (Muslim Council of Britain, 2004 [Accessed 30/07/04]); available from www.mcb.org.uk/honour_killings.pdf.

¹⁵⁷ Niaz A. KAKAKHEL, “Honour Killings: Islamic and Human Rights Perspectives,” *Northern Ireland Legal Quarterly* 55, no. 1 (2004)., F FAQIR, “Intrafamily Femicide in Defence of Honour: The Case of Jordan,” *Third World Quarterly* 22:1 (2001).

Furthermore, although passages in the *Hadiths* and *Qur'an* suggest that honour killings are unacceptable, there are other verses that suggest that the punishment for illicit sexual acts should receive a lashing, and that those committing adultery be stoned to death.¹⁵⁸ As a result, according to some, those who kill adulterers are not committing the crime of murder but are only punishable for taking the law into their own hands.¹⁵⁹ Another outcome of the response to honour killings is a reluctance to acknowledge the similarities between these domestic murders and those that occur in the majority-white population, in that the root cause of honour killings are global structures which lead to the world-wide oppression of women. As a result, agencies are focusing on the need to “teach” ethnic minority cultures that honour killings are unacceptable.¹⁶⁰ This “teaching” occurs at the expense of looking at other causes of violence against women in Muslim communities, such as poverty, crisis of masculinity, and alienation from welfare support among others.¹⁶¹

4. Conclusion

The chapter has attempted to show the dynamics affecting Muslim women's ability and strategies to acquire and secure rights in the UK context. It shows how politics of space, agency, and identity have all shaped the creation of Muslim responses to rights in the UK. The chapter reveals how rights understanding and acquisition are socially embedded and understood in as many ways as there are Muslim women in the UK. However, it has also shown that within the secular framework of the UK state a religious-space has emerged that enables Muslim women to create and transform the rights discourse at the local level. At each consideration of the articles of CEDAW Muslim women are renegotiating rights, and the State continually fails to recognise their

¹⁵⁸ Verse 24, chapter 2, in particular. Although the latter punishment is not articulated in the *Qur'an* but through *Hadith* literature, and is contested. SONBOL, "Rethinking Women and Islam."

¹⁵⁹ KAKAKHEL, "Honour Killings: Islamic and Human Rights Perspectives."

¹⁶⁰ For example, Ram Gidoomal, of the South Asian Development Partnership charity argues that "mosques, Hindu temples, Gurdwaras [temples], and indeed Asian Christian churches" to teach their congregations that "this sort of behaviour is absolutely unacceptable". BBC NEWS Online, *U.K Muslims Condemn Honour Killings*.

¹⁶¹ MACEY, "Religion, Male Violence, and the Control of Women: Pakistani Muslim Men in Bradford.", Cees MARIS and Sawitri SAHARSO, "Honour Killing: A Reflection on Gender, Culture and Violence," *The Netherlands Journal of Social Sciences* 37:1 (2001).

contributions to rights discourses, or the needs Muslim women have to realise their rights. The main conclusion is that although Muslim women in Great Britain are not a homogenous group, the formation of an articulated “Islamic” identity in the public and private spheres enables Muslim women to negotiate and acquire rights in new and transformative ways.

CHAPTER 9: CONCLUSION

1. Introduction

This chapter discusses the results and the main arguments offered by this thesis. This thesis has evaluated Muslim conceptions of women's rights in two significant ways. Firstly, it has shown how they may be understood conceptually, through analysing the role of social forces, structures and ideas. Secondly, it has provided case studies to assess the claims made in the conceptual chapters. The first conceptual chapter understood the context in which Muslim conceptions of women's rights are negotiated and framed. It drew particular attention to the role of globalisation processes and narratives. In doing so, it situated Muslim conceptions of women's rights as part of modernity, rather than outside of it. The chapter also revealed the importance of the State in enabling, or immobilising, the transformative potential of women's rights articulated from an Islamic framework. The second conceptual chapter outlined the main discursive frameworks in which Muslim women and other actors construct women's rights in Muslim communities. It highlighted the mutual construction of ideas and the material conditions outlined in the previous chapter. The chapter initially focused on international women's rights practice and talk, and showed the underlying exclusionary logics within it. It then provided particular detail to the Islamic narratives emerging on women's rights and the variations contained within them. By doing so, the thesis was able to present the diversity and flexibility within the categories "Islam" and "Muslim women". The third conceptual chapter, centred upon Muslim women's strategies and agency in negotiating and bargaining women's rights. This chapter resisted essentialising Muslim women as passive victims of culture or of economic circumstance. Instead, it showed the multitude of ways in which Muslim women and other actors in international relations strategically operated in a variety of discursive and material power relations. The chapter represented the final element of the conceptual framework of the thesis, and drew upon Cox's ideas of social forces, ideas and agency.¹ The research moved on to consider the empirical conditions in which Muslim conceptions of women's rights may be

¹ COX, "Social Forces, States and World Orders."

understood. As a result it considered three case studies: Malaysia, Egypt and Great Britain. In the fifth chapter, the thesis presented background detail and information on these countries. This chapter also outlined the five key rights to be analysed in each of the case studies: the right to be free from sex-role stereotyping, public and political participation, education and employment, access and provision of health care services, and finally the elimination of violence against women. The thesis then proceeded to provide three detailed case studies, considering each of the countries in turn. Each of the case study chapters gave a synopsis of the national debates on women's rights, and then went on to consider each of the CEDAW and DEVAW articles. In Malaysia the processes of institutionalising Islam in the State, and the discussions on Asian Values contributing to economic progress impact on women's rights debates. In Egypt the national debates on women's rights centre on the forging of an Egyptian national identity and the impact of economic development. In the UK the national discussions on women's rights in Muslim communities are located in multicultural politics and questions of citizenship. A similar structure was adopted in each case study chapter in order to retain the contextual and localised conditions in which ideas of women's rights emerge. Finally, and presented in this concluding chapter, are the main points of divergence and convergence among the three case studies.

1.1. Chapter Outline

This chapter presents the main findings and significant conclusions of this thesis. The first section considers the findings concerning each Article of CEDAW and DEVAW and gives an in depth comparison of the three case studies. The second section of the chapter outlines the key themes and threads which are identified throughout the case studies. The chapter then revisits the hypotheses outlined in the introduction and draws conclusions. This will form the fourth section of this chapter. The fifth part of the chapter indicates areas of further research that might be undertaken as expansions and consolidations of the findings presented by this thesis. The chapter then offers some final conclusions and thoughts.

2. Main Points of Comparison

This section considers each article of CEDAW as examined in the case studies and outlines the points of similarity and divergence among them. It follows the order in which they appear in the previous chapters: combating sex-role stereotyping, furthering women's political and public participation, employment and education rights, health care provision, and the elimination of violence against women.

2.1. Article Five (*Sex Role Stereotyping*)

In Malaysia, Egypt and Great Britain, Article 5 of CEDAW is not combated in relation to Muslim women, either from Islamic popular discourses or from State led mechanisms. Indeed, this article is actively subverted, such that sex-role stereotyping is seen as a guarantee of Muslim women's rights. In Malaysia, three underlying logics support sex-role stereotyping in a number of contexts: visibility, innate biological functions, and victimhood.² In Egypt, the focus is less on women's alleged natural precondition to mothering and caring but on the social benefits derived from these roles (both to the nation and to the family).³ In Great Britain, colonial imagery is sustained in popular discourse, with Muslim women depicted as eternal victims. The minority (intra-community) discourse challenges Muslim women's victim status by upholding them as bearers of tradition and culture, through their natural roles as mothers and wives.⁴ Uniting the three case studies with respect to this right to be free from gender stereotyping, as articulated in Article five, is its ultimate denial by reference to women's innate (reproductive) characteristics, and by offering an alternative vision of the socio-political good life. This is based on maintaining the family as the foundation of society with all roles (for both men and women) derive from their positions within it. Therefore, Muslim women are afforded rights as mothers, wives and daughters. As a result, sex-role stereotyping remains central to the formation of subsequent rights and as shown in the case studies, is defended from a variety of positions. However, there is growing recognition that sex-role stereotyping in Islamic societies persists because *Shari'a* law and public perception conceives of women only as girls or married adults; however as

² Please refer to Chapter six for more detail.

³ Please refer to Chapter Seven for more detail.

⁴ Please refer to the previous chapter for more detail.

increasing number of young adult Muslim women remain unmarried new ways of knowing them are necessary. One way in which this need is met is by an expansion of women's sex roles outside of the family by reference to Islamic texts and Muslim history. This emerges in each of the case studies (although more explicitly in Great Britain). In these cases, Muslim women seek to match rights to the different roles they adopt at different times in their lifecycle. In other words, they seek to reassure those maintaining traditional expressions of women's gender roles by stressing the temporary condition of their expanded roles. In this manner Muslim women create space in which to seek further rights and challenge constructions of women as innate and eternal.

2.2. Article Seven (Public, Legal, and Political Participation)

Two aspects are considered here: firstly, Muslim women's participation in political activity; and secondly, the role of, and access to, the judiciary. In all of the case studies women are significantly under represented in formal political and juridical institutions. Indeed, in Great Britain there is no female Muslim Member of Parliament. The case studies show that barriers to an increase in Muslim women's participation in formal political institutions are both socio-political and economic. In all three of the countries studied, in order for Muslim women to become actively involved in politics they have to be perceived as somehow "more than" other women and other Muslims. In Great Britain this expresses itself in the ways in which "you become a professional Muslim."⁵ In Egypt class serves as an identity marker, with those women engaged in public political activities primarily being middle or upper class, and in this way these women are more than ordinary (proletariat) workers.⁶ In Malaysia, it is primarily the gendered manner which makes Muslim women in politics "more than" the average woman.⁷ In Great Britain, in particular, it is assumed that faith determines political identity and political action; although this is difficult to assess given the small numbers of Muslim women active in formal political associations. Women's participation in politics is most apparent in presumed "private" spaces or within informal socio-political activities, such as prayer

⁵ MERALI, "Interview with Arzu Merali of the Islamic Human Rights Commission."

⁶ ZUHUR, "The Mixed Impact of Feminist Struggles in Egypt during the 1990's."

⁷ FERRAR, "Interview with Keadilan"; KASIM, "Zaitun Kassim."

meetings, literacy lessons and sporting activities. These activities are primarily women only, and this gender segregation may reproduce the emphasis of male-female interaction in Islamic traditions. But it also reflects the continued ghettoisation of women's issues, and women's rights, in international and neo-liberal discourses on human rights.⁸

The second area which emerges under this article pertains to *Shari'a* and *Hudud*. It is clear that the three countries studied adopt different interpretations of Islamic law and its application. In Malaysia and Egypt, the rights of Muslim women in family (or personal status) laws are similar, and both judicial systems are subject to a series of pressures for reform. In Malaysia the focus is on polygamy and restrictions on its practice of ensuring that first wives are not disadvantaged. In Egypt, greater focus is placed on the rights of women in divorce. In Great Britain the debate is constrained to whether or not *Shari'a* should be adopted for Muslim citizens, with minimal debate about the content of those laws or how it would be applied. Central to the debates on law in each State examined is the demand for reform. NGOs, and others, highlight that this area of jurisprudence remains strictly tied to medieval scholarly thought, whereas laws on other areas (commerce, banking, crime) have been seen to evolve.⁹ As a result, NGO activity and scholarly debate remains centred on legal reform as a key mechanism for emancipation.

2.3. Articles Ten and Eleven (Employment and Education)

Made explicit in the Malaysia case study, and implicit in Egypt and Great Britain case studies, is the perceived need to control women's activities and access to employment and education. In the three case studies the use of a moral and ethical language to determine women's entry into the paid labour market arises, either through moralising economic spaces (by insisting women wear Islamic dress in Malaysia), adopting an ethic of womanhood (by tying employment to women's roles as mothers and wives in Egypt), or applying a language of community and honour (by confining Muslim women's employment to discourse

⁸ CHARLSWORTH, CHINKIN, and WRIGHT, "Feminist Approaches to International Law."

⁹ AL-HIBRI, "Islam Law and Custom: Redefining Muslim Women's Rights." In D DWYER, (Ed.) *Law and Islam in the Middle East* (1990); A.E.A SONBOL, (Ed.) *Women, the Family and Divorce Laws in Islamic History* (1996).

and limits of the community in Great Britain). In both Malaysia and Great Britain women's visibility and their presence is seen as central to women's rights to employment and education. This is reflected in the debates over wearing Islamic dress in schools, employment and other public spaces. Clothing choices in economic activities in Egypt do not emerge as part of the public discourse. Rather, Muslim women's economic choices are framed by terms of development: developing the nation, the self and the family. This development-modernisation aspect is also reflected in Malaysian approaches to women's rights in the economy. Women's labour is valued in both of these instances as a flexible and supplementary labour reserve which may be drawn upon as and when it is required. Their labour is consistently understood as secondary through the continued material and ideational support for the male-breadwinner model. As a result of this, women's rights within employment spaces are ignored, and consequently employment in, and of, itself may not necessarily result in Muslim women's emancipation.¹⁰ Indeed women's right to enter the labour market is upheld in many Islamic narratives, but on the condition that it either supports and benefits the family or at least does not have a negative impact on the family unit. Islamic conceptions of women's rights to labour do not substantially challenge the conditions in which Muslim women enter the labour market, nor the system that they enter. At most a focus on female employees' morality and employers' obligations to nominally preserve it, forces a minimal and symbolic duty of care into the economies of Malaysia and Egypt.¹¹ As Great Britain is part of the global economic North, such debates do not emerge. In Great Britain stereotypes

¹⁰ MIES, *Patriarchy and Accumulation on a World Scale Women in the International Division of Labour* (London: Zed Books, 1986); V. MOGHADAM, "The Political Economy of Female Employment in the Arab Region," in V. MOGHADAM and N KHOURY (Eds.) *Gender and Development in the Arab World, Women's Economic Participation: Patterns and Policies* (London: Zed Books, 1995); SAFA, "Gender Inequality and Women's Wage Labour: A Theoretical and Empirical Analysis."

¹¹ This is achieved by providing prayer rooms at work places and in public buildings, insisting on modest dress in places of employment, running buses for night-shift workers, and so on. ONG, "State versus Islam: Malay Families, Women's Bodies and the Body Politics in Malaysia". In Egypt, the law states: The law prohibits women's employment in work which is "harmful to their health or to their morals" such as work in underground mines and quarries, manufacturing of explosives, asphalt, leather goods or work in bars and gambling clubs. Decree No. 22 for 1982 (Prohibition of Work). INTERNATIONAL LABOUR ORGANISATION (EQUAL EMPLOYMENT OPPORTUNITIES FOR MEN AND WOMEN), *Decree Concerning Work for Which Women May Not Be Hired - Egypt* (International Labour Organisation, June 2002 [Accessed 03/07/05]); available from http://www.ilo.org/public/english/employment/gems/eeo/law/egypt/1_proh.htm.

persist such that Muslim women's employment is only considered as possible through the negation of religious identity. It is through the elimination of religious difference and rebellion from "cultural baggage" that Muslim women in Great Britain are presumed able to work by the majority non-Muslim population. Contrary to this popular understanding of Muslim women's employment, within Muslim communities the realisation of Muslim women's right to enter into the labour market, is made facilitated through the overt adoption of an Islamic identity.¹² Within this latter framework, if a woman is seen as a "good" Muslim woman (through her observances and dress), then she is secure from harm (from interacting in a mixed sex space) in the economy. Finally, the case studies show that the idea that women need protecting also underpins much Islamic discourse on Muslim women's rights to employment.

2.4. Article Twelve (Health Care Provision)

Three areas provide the focus of Muslim constructions of Article twelve in CEDAW. These are female genital surgeries (FGS), HIV/AIDS and fertility rights (primarily contraception and abortion). Each area is examined in turn in this sub-section of this chapter. FGS is illegal in Egypt and Great Britain; however it is still practiced among some communities in each of these case studies. FGS is seen as an "authentic" way of "being Muslim", and seen as a necessary practice to secure the futures of daughters.¹³ However, for the most part both the State and Muslim actors are seeking to eliminate the practice in both case studies. But, Islamic scholars representing the different schools of Islamic jurisprudence disagree about the desirability of FGS, and this minimises the efficacy of the bio-medical discourse which points to the physical harm done to women.

In each of the case studies the Muslim understanding of HIV/AIDS and women's ability to protect themselves from the disease is informed by a moralising ethic. This ethic supposes that chastity and "being a good" Muslim woman will protect

¹² Please refer to the Chapter Eight for more details. Also, CABINET OFFICE, "Ethnic Minorities and Labour Markets: Interim Analysis Report," DALE et al., "The Labour Market Prospects for Pakistani and Bangladeshi Women."

¹³ CAMERON and ANDERSON, "'Circumcision', Culture, and Health-Care Provision in Tower Hamlets, London"; JOHNSDOTTAR, "Somali Women in Western Exile: Reassessing Female Circumcision in the Light of Islamic Teachings."

Muslim women from the virus, which in any case is said to be a “Western” gay disease.¹⁴ Muslim communities’ adoption of what may be termed a “cult of virginity” (with penalties for those women who do not conform) enables the myth that HIV/AIDS does not affect them to persist. Access to appropriate treatment is also made difficult by the stigmatism caused by the moral ethic and the linkage to homosexual behaviours. As a result in Malaysia and Egypt HIV/AIDS strategies remain focused on controlling and recording cases. In Great Britain, the State has yet to respond to the particular needs of Muslim HIV/AIDS patients.

The fertility rights debated in the three countries studied are marred by a failure to provide information in an accessible manner. It is noted that there is a gap in contraceptive use between urban and rural areas in Malaysia and Egypt, and between lower and middle classes in UK.¹⁵ In both Malaysia and Egypt contraceptive advice, and medicine, is only provided to married women. Contraceptive use is, therefore, assumed to be for married women only, and data concerning non-married women’s use of contraceptives is not gathered by State agencies or NGOs. Pro-natalist responses underpin many constructions of Muslim women’s fertility, with an emphasis on role of women as mothers of the *Umma*, and of the nation.¹⁶ Again, the diversity of responses within Muslim communities and Islamic scholars over the appropriate and permitted forms of contraception complicates the debate. In contrast, conformity of opinion emerges over abortion, which is not seen as a woman’s right, but a “necessary evil” in certain, limited circumstances.¹⁷ The case studies also show that access

¹⁴Barbara CROSSETTE, "AIDS, Asian Values and States of Denial," *U.N. Wire: United Nations Foundation National Journal Group* (2003); UK ISLAMIC MISSION (UKIM), *The Hidden Truth About AIDS*; VALETTE, "HIV Related Stigma and Discrimination: The Case of Black African Women in the U.K."

¹⁵Asdar Kamran ALI, "Modernization and Family Planning Programs in Egypt," *Middle East Report* 205 (1997); HENNINK, DIAMOND, and COOPER, "Contraceptive Use Dynamics of Asian Women in Britain."; INHORN, *Infertility and Patriarchy: The Cultural Politics of Gender and Family Life in Egypt*, "Islamic Perspective in Family Planning."; KARIM, "Interview with Dr. Karim"; S SAXENA, P OAKESHOTT, and S HILTON, "Contraceptive Use among South Asian Women Attending General Practices in South-West London," *British Journal of General Practice* 52 (2002).

¹⁶YOUSSEF, "The Status and Fertility Patterns of Muslim Women."

¹⁷INTERNATIONAL ISLAMIC COMMITTEE FOR WOMAN AND CHILD, "Interview with Representatives from the International Islamic Committee for Woman and Child, on the 18th April 2004"; KARIM, "Interview with Dr. Karim."; LANE, "Gender and Health: Abortion in Urban Egypt."

to safe terminations is determined as much by socio-economic status of the women concerned as by Islamic narratives on women's rights in Egypt and Malaysia. In Great Britain the termination of a pregnancy is available to all women through State health care services up to twenty-four weeks of gestation. As a result economic security is not a determining factor in Muslim women's decisions about abortive surgery.

2.5. Declaration for the Elimination of Violence Against Women

Domestic violence and violence against women remain significant problems for Muslim women in each of the case studies. In Malaysia and Egypt violence against women is understood as occurring in "unsafe" spaces: that is, public spaces where women have "asked for it".¹⁸ Therefore, another key aspect of Muslim conceptions on the elimination of violence against women is the notion of women's accountability and responsibility for men's behaviour. Continually referenced is the idea that women are responsible for protecting themselves against (unavoidable) male transgressions. Domestic violence is often denied, and in Malaysia and Egypt NGO's faced difficulties to get both the State and the public to recognise such behaviour as criminal. In part, reluctance can be attributed to a failure to see the family, the private as anything other than a "safe" space. In Great Britain, the discourse on violence against women and domestic violence in Muslim communities is hidden by the persistence of racial overtones. The double jeopardy, identified by Southall Black Sisters, of race and gender is not recognised by government policy makers.¹⁹ In Great Britain recent debates have centred on "honour killings", which are constructed as outside normalised understandings of domestic violence, and instead seen as "other" and cultural. In the three case studies, the extent to which Islam informs discourses and practices of violence against women is made controversial by the orthodox interpretations of particular verses in Islam's holy texts. Muslim women and scholars have therefore sought to challenge these interpretations and re-examine

¹⁸ KAM, "For Safer Public Spaces"; LIM, "Better Safe Than Sorry, Teenspeak", TADROS, "The Shame of It."; WAO, "Inroads," (Petaling Jaya: Women's Aid Organisation, 2001).

¹⁹ KEWLEY, "Double Jeopardy: Race and Domestic Violence", SOUTHALL BLACK SISTERS, *Domestic Violence and Asian Women*.

the offending verses.²⁰ In doing so, they seek to reshape gender relations in Islamic practices and also to transform Islamic exegesis. In this way, among others, Muslim conceptions of women's rights may transform Islam.

3. Main Themes

Throughout the thesis, a number of themes intersect. These themes are apparent in the case studies as well as in the conceptual chapters. To some extent, they provide continual links between the various subjects under analysis. These are the geography of women's rights, the processes of economic transformation, the managerial role of the State in the politics of identity and capital, and the gender ideologies in Muslim women's rights discourses. These are considered in turn.

3.1. Place and Space

As indicated throughout the thesis, although especially in Chapter two where the geographies of women's rights are considered, the importance of space and place is paramount in Muslim constructions of women's rights.²¹ Place and space function as markers of rights in the three case studies via two key concepts: community and mobility.

The case studies of Malaysia, Egypt, and Great Britain, show that new constructions of rights emerge when cultural moral authority no longer matches a community's capacity to provide material sanctions or benefits. In other words, when there is a disjuncture between distribution of material and symbolic resources. This suggests the ways in which the logic of capital adjusts, and that the politics of community and culture cannot be disentangled from the economics of the local. Consequently the emergence of new identities and of new actors in the economic modes of production, also trigger a re-evaluation of boundaries and meaning of the locale (i.e. culture, community and identity). Nevertheless, the extent to which these re-evaluations of a specific Muslim world-view are in themselves transformative of local, or global, power relations depends upon

²⁰ Fatima MERNISSI, *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam* (1991); A.E.A SONBOL, (Ed.) *Women, the Family and Divorce Laws in Islamic History*; WADUD, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*.

²¹ An elaboration of the importance of spatial relations, and of the distinction between place and space, please refer to D MASSEY, *Space, Place and Gender* (London: Polity, 1994).

whether the reconstructions of women's rights (which are derived from them) are perceived as choice or necessity. The importance of culture and community is noted in each of three case studies. In Great Britain they are particularly informed by racial and ethnic identity markers, yet at the same time the inclusion of women's rights debate from within an Islamic framework serve as a challenge to these membership boundaries. In Malaysia and Egypt community and culture operate as continuities: seemingly stable in the face of the processes of globalisation. In Egypt, local geographically bounded communities also operate as alternative welfare sources, and in Malaysia culture and *adat* inform meaningful ways of being Malay and being Muslim in Malaysia.

Control of women's rights emerges as places are either defined as "safe" or "unsafe" within Islamic narratives in Malaysia, Egypt and Great Britain. Public spaces are predominantly unsafe, hence a series of protections are necessary. This protection is provided for by the State or by women themselves through adopting particular visibility-invisibility strategies. In Malaysia, the Vision-Islam policies endorses a modern Malaysia and in conjunction with modern religious values promoted as private, limited to family affairs, and personal observance. The exception is in PAS controlled *Negeri* where a public Islam is made visible through insistence on regulating women's clothing.²² While the Malaysian government promotes "Asian Values" which includes a rejection of "Western" individualism, there are nevertheless very real constraints on the realisation of the community. These constraints manifest themselves physically as communal spaces Public only exist for worshippers and consumers because other public spaces are restricted and monitored. For example, public gardens and parks are closed for redevelopment in the form of new buildings, or are patrolled by "religious police".²³ In Egypt women's movement and visibility is managed through a series of veiling strategies which determine safe and unsafe places. Women seek access to the public spaces by adopting explicitly "safe" and Islamic "clothing". Again, this safe/unsafe dichotomy is presented in the

²² OTHMAN and KESSLER, "Interview with Dr. Norani Othman and Dr. Clive Kessler of the Institute of Ismaili Studies and the University of New South Wales Respectively, by Katherine Brown."

²³ ISA, "Interview with Rozana Isa.", KAM, "For Safer Public Spaces", KASIM, "Zaitun Kassim."

media and is intrinsically tied to Egyptian women's morality.²⁴ However, as in Malaysia, morality and Islam are tied to private worship and the family in an attempt to minimise its transformative potential in other spheres. In Great Britain, Muslim women's mobility and their expression of women's rights are coupled with the public articulations of religious identity and faith based community. Safe and unsafe places are known through the territorially bounded community spaces in which Muslim women tend to live. The implication for Muslim women's rights in Great Britain, Malaysia and Egypt, is that not only is their access to public spaces limited by claims of "morality", parental or spousal control, and by limits to the right of free association and assembly, but when Muslim women do gain access to the public sphere, it is managed with the boundaries already pre-determined.

3.2. Modernisation and Development

One of the significant findings outlined in the previous section of this chapter is the mutual constitution of Islamic discourses of women's rights and neo-liberal economic policies. Islamic discourses serve as opposition to neo-liberalism and conversely, in other contexts, mimic the narratives of globalisation. This is particularly so in Malaysia and Egypt. In these two countries, the language and capabilities of the State moved away from provision of welfare to provision of opportunity and national development as part of upholding good governance regimes. Revealing their strategic agency, Muslim women have adopted strategies for the accumulation of rights, which mirrors the rhetoric of the State and of leading donors. "Good Governance" as adopted by international financial institutions articulates a project that facilitates the technical process of the implementation of a neo-liberal agenda.²⁵ For Muslim organisations in civil society, the language and policy formulations of good governance rarely talk to Muslim women, their needs or their rights. In fact, it ensures that their conceptions of rights remain outside of policy agendas because they often require active State intervention in the economy. Thus, an alternative moral language emerges, one located in the concept of survival. Survival dominates civil society

²⁴ Lina MAHMOUD, "Alarming Portrayals," *Al-Ahram Weekly* 2003.

²⁵ J. STEANS, "Global Governance: A Feminist Perspective," in D. HELD and A. MCGREW (Eds.) *Governing Globalisation: Power, Authority and Global Governance* (London: Polity, 2002).

discursive space, rather than a language founded on an understanding of women's rights as a mechanism to deal with the consequences of "good governance" and economic progress. This is necessitated by development policies of the State in Egypt and Malaysia, which have led to a retreat of government involvement in the economy, and consequently a reduction in welfare and security provisions.²⁶ This has principally affected working class and female headed households. These Muslim women seek to adjust to this decline by reinterpreting and upholding their demands for welfare. Welfare and other rights are relocated so that they are guaranteed from within the private sphere of the family. At the same time, Muslim women redefine the boundaries of *purdah* and gender segregation to facilitate their entry into the labour market. As discussed elsewhere these strategies have the effect of redefining the actors in the rights debate and in Islam (by incorporating the State and the "company"). This produces a widening of contested space for political agency and the emergence of a "third space" in human rights talk. By rearticulating women's rights in a discourse of survival, NGOs are able to speak to the State and international institutions in same the language which they, the powerful, use – even if it is manipulated to suit the perceived interests of women's and Muslim NGOs. In Great Britain the impact of modernisation and development on Muslim constructions of women's rights takes on a different face than in the other two countries because of its "developed nation" status. Consequently, as being modern includes the transformation of political space and social participation, so that it is organised beyond kinship and immediate community networks, Muslim women in Great Britain draw on a world wide community, the *Umma*.²⁷ In Great Britain, the construction of women's rights in Muslim communities may represent a reformulation of the "good life" within a protected, but globalised, space. However, these alternative constructions also operate as working class survival and coping strategies within failing sections of the British economy.²⁸

²⁶ BAYAT, "Cairo's Poor: Dilemmas of Survival and Security."

²⁷ BERNAL, "Gender, Culture and Capitalism: Women and the Remaking of Islamic 'Tradition' in a Sudanese Village."

²⁸ CARTER and JONES, "Community, Ethnicity and Class among South Asians in Britain."

3.3. *The role of the State.*

In each of the case studies it is apparent that the discourses, and policies, of the State are central to the construction and parameters of the women's rights debate. In Malaysia and Egypt the State and its agents operate in a paternalistic manner. As a result, NGOs and Muslim activists continually address the State to seek reform. However, as globalisation processes make apparent, the ability, and desire, of State agents to fulfil these demands are limited. Recognising this shift, some Muslim women are beginning to redefine the actors of the human rights debate by including references to male family members and community. Yet, and again informed by globalisation, it is apparent that these new actors may be no more empowered to fulfil Muslim women's demands than the State is. Even in the developed Western State of Great Britain Muslim communities are encountering economic insecurity.²⁹ In Great Britain, the role of the State is multifarious and diffuse because of its complex bureaucracy and the tendency to merge debates on citizenship and identity with migration concerns. In this instance, Muslim women's rights are understood not only through dialectic of gender, but also of race. Therefore, for example, in the case of honour killings, there is a presumed need for the State to "teach" Muslim communities that such behaviour is unacceptable.³⁰ Nevertheless, in concurrence with Vargas, women have sought to engage the State at the political level to further citizenship rights for women has expanded the State's responsibility to the private sphere.³¹ Muslim women's demands for rights as made meaningful to their lives, holds the State responsible in the private as well as the public sphere. Consequently, Muslim women's agency and political activism is realised in the public sphere and forces an adjustment in relations between the paternal State and the female citizen. Therefore, it is clear that States are also vehicles for change, because as the State seeks to meet, or placate activists it is increasingly difficult to maintain the distinction between public and private spheres of human activity.

²⁹ DALE et al., "The Labour Market Prospects for Pakistani and Bangladeshi Women", in D MASSEY and John ALLEN, (Eds.) *Uneven Re-Development: Cities and Regions in Transition: A Reader* (London: Hodder and Toughton, 1988).

³⁰ MERALI, "Interview with Arzu Merali of the Islamic Human Rights Commission."

³¹ G VARGAS, "Latin American Feminism in the '90s: Reflections, Interview with Gina Vargas by Nira Yuval-Davis, October 1998," *International Feminist Journal of Politics* 1:2 (1999).

3.4. *Islam, Gender, and Women's Rights.*

Leila Ahmed wrote, "What is or is not unique, specific, or intrinsic to Islam with respect to ideas about women and gender has already, then, become a complicated question."³² Throughout this thesis it has been demonstrated that the social meanings of gender have undergone change across the geographies of Islam. In Egypt, for example, the rise of the "cult of domesticity" corresponded with the nationalist projects of the mid twentieth century, and transformed the image of the "good Muslim" woman.³³ In Malaysia, the Arabization of Islamic gender practices are apparent even as the government proclaims a "Look East" policy.³⁴ In the UK, gender roles in Muslim communities are increasingly porous with rising male unemployment and female entry into the labour market.³⁵ Recognising the transformations of gender roles in Muslim communities, Leila Abu-Lughod edited a volume aptly entitled "Remaking women".³⁶ Nevertheless, spanning the literal distances between these sites, is an underlying logic which locates (some of) Muslim women's strategies for acquiring rights within Islam. A particular discourse emerges in transnational Islam that is translated and reinvested with meaning as references to *Qur'an*, *Hadiths* and the lives of historic figures come under scrutiny. Continually referenced in each of the countries examined were the lives of women living at the time of, or immediately after, the life of the Prophet Mohammad (pbh).³⁷ This represents a historical narrative that is superimposed over a national tradition and locates Muslim women's strategies in a world-wide community of believers. Notably, and as a crucial aspect of modernity, the importance of the text in Muslim women's strategies is apparent. Rising female literacy rates, and modern education provided for all citizens by the State, facilitates the acquisition of religious knowledge by all Muslims, not just the clerical elite. Consequently, Islamic practices that are rooted in the texts of the religion gain ascendancy, but

³² AHMED, *Women and Gender in Islam*.

³³ BADRAN, *Feminists, Islam and the Nation: Gender and the Making of Modern Egypt*.

³⁴ HILLEY, *Malaysia: Mahathirism, Hegemony and the New Opposition*.

³⁵ AHMAD, MADOOD, and LISSENBURGH, *South Asian Women and Employment in Britain: The Interaction of Gender and Ethnicity*.

³⁶ ABU-LUGHOD, *Remaking Women: Feminism and Modernity in the Middle East*.

³⁷ This was particularly the case in the UK case study chapter. Examples of Muslim academics who also adopt this strategy within aspects of their work: L. AHMED, "Women and the Advent of Islam," *Signs* 11:4 (1986); N. AWDE, *Women in Islam, an Anthology from the Qur'an and the Hadiths*. (2000); SONBOL, "Rethinking Women and Islam"; WADUD, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*.

as with all texts are constantly re-interpreted by the reader. However, legitimate interpretation and authoritative voices are contested in public transnational spaces, in attempts to secure the meaning and efficacy of a religious paradigm. Thus, it is important not to uncritically accept the terms of those engaged in the reassertion of Islam or reinvention of Islamic feminism. All claims to women's rights and gender roles, from within, or outside, the Islamic framework are products of complex histories and the projects of modernity central to the current era. Importantly, as the analysis in each of the case studies shows, attempts to assert particular definitions of Islam, womanhood and rights are also efforts to assert a position of power and authority over Others.

4. Significant Findings

- *Muslim claims of women's rights cannot be solely attributed to Islam.*
- *Muslim conceptions of women's rights as transformative.*
- *Muslim claims of women's rights reveal that the neo-liberal hegemonic project is not entirely successful.*
- *Muslim conceptions of women's rights converge on the right to labour.*

These four findings stem directly from the hypothesis generated in the introductory chapter. The first finding is that religious and cultural factors are not the sole cause of Muslim claims of women's rights; rather these claims are embedded in global, national and local political-economic systems. Research on women's rights and women's empowerment is frequently divided by those who emphasise importance of capitalism and those who emphasise culture as determinants of gender roles and relations.³⁸ This thesis shows that neither can be excluded in analysis. Indeed, the case studies reveal that a perspective which focuses on Islamic determinism, fails to adequately place Muslim women in

³⁸ Examples of those who prioritise economic considerations are Esther BOSERUP, "Economic Change and the Roles of Women," in Irene TINKER (Ed.) *Persistent Inequalities: Women and World Development* (Oxford: Oxford University Press, 1990); Maria Patricia FERNANDEZ-KELLY, *For We Are Sold, I and My People: Women and Industry in Mexico's Frontier* (Albany: State University of New York Press, 1983); E LEACOCK, *Myths of Male Dominance* (1981). Examples of those who prioritise culture are: R. W. CONNELL, *Gender and Power* (Oxford: Basil Blackwell, 1987); Fatima MERNISSI, *Beyond the Veil, Male-Female Dynamics in a Modern Muslim Society*, Revised edition (Bloomington, Indianapolis: Indiana University Press, 1987); Sunderajan RAJAN, *Real and Imagined Women: Gender, Culture and Post-Colonialism* (London: Routledge, 1993); M. ROSALDO, "Women, Culture and Society," in M. ROSALDO and L. LAMPHERE (Eds.) *Culture and Society* (Stanford: Stanford University Press, 1974).

historical and material contexts. Above all, the connections between religious world views, gender relations and capitalism are nuanced and are mutually reflexive. The findings in each of case studies show how particular relations interact with global economic forces such that the meaning and efficacy of women's rights alters in each context. In Malaysia, "Asian values" debates justify particular routes to national economic growth, and consequently support an understanding of women's rights prioritising women's political rights in formal institutions.³⁹ In Egypt, the processes of development provoked different interpretations of women's rights, such that they are more frequently framed in the language of survival.⁴⁰ In the UK, questions of Muslim economic exclusion are overshadowed by discussions on the political loyalties of Muslim communities. Consequently, Muslim women are particularised through this discourse by focusing on their Other lifestyle and identity choices.⁴¹ Therefore, the thesis "in-lines" "Muslim women" and reveals the diversity of women in the Muslim world.⁴² Indeed, this does not deny cultural or social articulations of women's rights. The thesis shows how cultural and religious world views mediate Muslim women's interaction with other social forces in a variety of habitus'.⁴³ Economic development, and economic transformation, symbiotically generates new understandings of what it means to be Muslim, as well as new constructions of gender. Accordingly, the ways in which "women's rights" are negotiated, and understood, display considerable variety that cannot be reduced to a transnational and immutable Islam. Therefore, as the case studies show, frequent reference to Islam in the formation of social and personal identities is not necessarily an increase in the religiosity of Muslims or in their expression of religiosity.⁴⁴ Rather certain forms of religious practice and belief, identified as truly Islamic, are gaining pre-eminence, while other Islamic practices are in decline. This reconfiguration of religious practice and belief are part of the

³⁹ Please refer to Chapter six for more detail.

⁴⁰ Please refer to Chapter Seven for more detail.

⁴¹ Please refer to the previous chapter for more detail.

⁴² SYLVESTER, "The Contributions of Feminist Theory to International Relations."

⁴³ APPADURAI, *Modernity at Large: Cultural Dimensions of Globalisation*; BERNAL, "Gender, Culture and Capitalism: Women and the Remaking of Islamic 'Tradition' in a Sudanese Village."

⁴⁴ J EADE, "Identity, Nation and Religion: Educated Young Bangladeshi Muslims in London's East End.," in J EADE (Ed.) *Living in the Global City: Globalisation as Local Process* (London: Routledge, 1997); LEWIS, *Islamic Britain: Religion, Politics and Identity among British Muslims*.

process of being in the world economic system.⁴⁵ The impact on understandings of gender and women's rights is such that particular visions of Islam and the "good life" are brought to the fore at the expense of others. These hegemonic constructions of women's rights (as found in neo-liberalism) and of the global economy are two of the conditions of existence of Muslim understandings of women's rights. Therefore, it is necessary to examine the positions of Muslim women in relation to the globalisation of social and economic forces, which give rise to particular forms of support or resistance to the existing order.⁴⁶

As a result, the thesis also "outlines" Muslim women, and the particulars of the countries studied also reveal the logics of exclusion and inclusion in global capitalism.⁴⁷ This includes the realisation that Muslim constructions of women's rights are enabled by processes of globalisation, especially communication, publication and travel.⁴⁸ Specifically the movement of transnational Islam generates a global framework legitimises particular conceptualisations of women's rights, is made possible by these conditions of globalisation.⁴⁹ Globalisation processes engender the ways in which Muslim conceptions of women's rights may be transformative for global politics. They have the potential to be transformative in a number of ways. First, Muslim conceptions of women's rights transform notions of the public-private divide in women's rights and international relations. The constructs of the public and private are subverted and re-imagined in Muslim understandings of the self, society and of rights. Second, Muslim conceptions of women's rights transform gender roles and gender identities in conjunction with new ways of being Muslim. The politics of identity and bio-politics are not limited to Muslim communities, and reflections of these expose the power relations that locate agents in transmutable

⁴⁵ BERNAL, "Gender, Culture and Capitalism: Women and the Remaking of Islamic 'Tradition' in a Sudanese Village."

⁴⁶ S WHITWORTH, "Theory as Exclusion: Gender and the International Political Economy," in R STUBBS and R.D UNDERHILL (Eds.) *Political Economy and the Changing Global Order* (Macmillan Press: Basingstoke, 1994).

⁴⁷ SYLVESTER, "The Contributions of Feminist Theory to International Relations."

⁴⁸ HELD and MCGREW, *Global Transformations*.

⁴⁹ Peter MANDAVILLE, "Exporting Critical Islam? The Transnational Influence of Muslim Intellectuals in the West." (paper presented at the AMSS 32nd Annual Conference, Indiana University, Bloomington, Indiana, 26-28/09/2003).

webs of meaning.⁵⁰ Third, Muslim conceptions of women's rights can positively acknowledge Muslim women's agency which resist stereotypes and widens the horizons of Islamic and neo-liberal discourses on the economy. Fourth, women's rights as expressed in Muslim communities present alternative visions of "good life" that enable change and normative critiques of the current world order.

However, there are also limits to the strategies. These limits are not simply those of structure overriding agency.⁵¹ Nevertheless, as the concept of habitus includes, limits to the transformative potential of Muslim conceptions of women's rights exist in the modes of exclusion in everyday and global settings. The thesis identified a number of limits to the strategies of Muslim women, these included, class, restricted interpretations of the operation of power hierarchies, reaffirming Othering, and the risks of reforming the patriarchal bargains.⁵² These suggest that there are real limits to the possibilities for change emerging from the everyday and discursive resistances of Muslim women. Therefore, this second finding shows that Muslim conceptions of women's rights have the potential to be socially and conceptually transformative, but because of the existing modes of inclusion and exclusion may not always be so.

Linked to the above conclusion, the third finding is that Muslim women's agency reveals challenges and resistances to the dominant conceptions of women's rights as expressed in international human rights talk and presented through neo-liberal globalisation. Muslim women's negotiating strategies for the realisation of rights may, therefore, be understood as political acts of resistance and survival.⁵³ As a result, Muslim women are not passive victims of patriarchy or Islam. Importantly, this additionally reveals that the hegemonic neo-liberal claims of women's rights are not entirely successful. As a result the possibilities for substantive change affect not only Muslim women but all women inadequately represented in the current system. However, this is not to posit Muslim conceptions of women's rights as simply a rejection or reaction to Western

⁵⁰ WILLIAMS, *Concepts of Ideology*.

⁵¹ J. A SCHOLTE, *Globalisation: A Critical Introduction* (Basingstoke: Palgrave, 2000).

⁵² Please refer to Chapter Four for an elaboration of these points.

⁵³ Resistance is broadly interpreted, and defined in chapter four following the work of Scott. Please refer to: SCOTT, *Weapons of the Weak: Everyday Forms of Peasant Resistance*.

culture and economics. As reiterated throughout the thesis, Muslim conceptions of women's rights are part of Muslim communities' involvement with the modern world system. Consequently, conceptions of women's rights in Muslim communities are not simply defined against a "Western Other". Rather, Muslim conceptions of women's rights include the assertion of and reaffirmation of national identities, often in the idiom of Islam. However, this is not necessarily an alien, or pre-modern, response to globalisation or capitalism, but part of the negotiations with the modern State, the citizenry and capital. Furthermore, there is not one single Muslim, or Islamic, conception of women's rights acting as a counterpoint to a singular secular Western vision of women's rights. The internal contestations of conceptions of women's rights are also part of the dynamics of Islam and Muslim communities.

The fourth significant finding is that because women's rights are at once a moment of modernity and a reaction to it, seemingly opposing ethics of "womanhood" converge around the right to work. This is a central finding of the thesis as it concretely links ideas, social forces and agency. Furthermore the outcomes of these alternative articulations of rights claims reiterate that they are not automatically resistance or transformative strategies – despite claims from those making them. Indeed alternative formations of women's rights shore up existing power relations by providing justifications for their maintenance in modernity. Being modern is the processes of incorporation into nation State and capitalist world economy, and it involves transformations of societal institutions and identities.⁵⁴ The hegemonic discourse of women's rights, as found in neo-liberalism, is one tool managing the transformation. It reasserts the State as guarantor of all citizens, administers entry to public sphere, and introduces women to the paid economy by managing their roles in the public. The understanding of women's rights in Muslim communities is no less a way of being modern, but seeks to control the transformation of social institutions to the advantage of some over others. Muslim women have always worked both inside and outside the home, but, until recently, recognition of this within Islamic

⁵⁴ BERNAL, "Gender, Culture and Capitalism: Women and the Remaking of Islamic 'Tradition' in a Sudanese Village"; B.S TURNER, (Ed.) *Theories of Modernity and Postmodernity* (London: Sage, 1990).

discourses was limited.⁵⁵ Muslim women continue to work in a variety of occupations, and seek to redefine their position as respectable and Islamic by suggesting how the income from their labour supports (rather than abandons) family institutions. However, some women are more successful at this strategy than others, and this success is notably achieved by middle and upper class women working in professions. This, therefore, ensures the disproportionate benefits derived from the processes of development are maintained and legitimised for the middle and upper classes.

5. Further Areas of Research

The research in this thesis could be developed in any number of ways, with each chapter serving as a suitable foundation. Below are three suggested ways where further research might contribute to the academic field in an original and critical way.

5.1. Resistance and Islam

This research could be pursued further to develop ideas of structure and agency in international relations, and the emancipatory potential of resistance under conditions of globalisation. Islamic resistance is often framed simply as a pre-modern reaction to modernity, labelling Muslims as backward and Other. Further research could consider the impact of the processes of globalisation on Islamic resistances, the transformations in identity and community, and the strategies of resistance employed by various Islamic groups. Another aspect to explore is the extent to which Islamic resistance is indeed resistance to globalisation.⁵⁶ The emphasis of such research might be on the negotiating and resistance strategies of non-governmental organisations (NGOs) in Muslim communities in order to achieve women's rights. This research would be important as it would provide empirical data that might challenge the essentialising dichotomy between Islamic and "modern" in the strategies of women's organisations.

⁵⁵ KEDDIE and BARON, *Women in Middle Eastern History*; Fatima MERNISSI, *Women and Islam: An Historical and Theological Enquiry*, trans. M.J. LAKELAND (Oxford: Basil Blackwell, 1991).

⁵⁶ COX, "Social Forces, States and World Orders: Beyond International Relations Theory."

5.2. Islamic Discourse on HIV/AIDS

Further research might also be based on the increasing need to understand how Islamic discourses and communities have adapted and understood the spread of HIV/AIDS. Such research could identify key organisations and individuals who are attempting to formulate such a response, and to establish the various theoretical and normative frameworks that are employed in Muslim communities. The research might seek to chart this Islamic response and the claims of those who challenge this normative framework. The research could examine the links between a variety of discursive constructs, such as motherhood, the family, *jihad* and *Shari'a* law, with emerging narratives on health care, biology, chastity and sin. Little research has been done on the impact of HIV/AIDS in Muslim communities, especially among diaspora communities, and of the religious and secular responses to the disease. Therefore this further research could include in-depth interviews with activists and community leaders from a variety of communities.

5.3. Expand Case Studies

Another way in which the research could be furthered would be to expand the case studies in two ways. First it is possible to examine additional rights to develop the research, and second, to look at different countries in order to widen the empirical data base. With regards to the first expansion of this thesis, women's rights which might be considered are third generation rights, including the right to identity, tradition, and language. Another expansion of rights for consideration would be to assess second generation of rights as contained in the Convention for Social and Economic Rights. With regards to the second area of expansion for this research, the options are plentiful. Of interest might be another European country, such as France or Holland, or an African Muslim majority country such as Nigeria or Sudan. South Africa, like Ireland would also present interesting negotiations of Islam and women's rights because of the way race and religion are inserted into these nations political consciousness.

6. Concluding Remarks

The thesis' main conclusion is that the strategies and negotiations which Muslim women employ to acquire rights utilise Islamic discourse in a way that

transforms not only understandings of rights but also Islam (and Islamic practice). Muslim women are not a homogeneous group, but the formation of an articulated “Islamic” narrative on women’s rights in public and private spheres, is found in all three of my case studies. This enables the opportunity for Muslim women to negotiate and challenge the conditions of their economic exclusion. Nevertheless, claims about women’s rights in Muslim communities are located in a complex array of power relations and socio-economic fields, which limits the transformative potential of such strategies. These limits were examined in the three case studies and were linked to the combination of the low social and financial capital and security of the majority of Muslim women (and the communities they lived in). Furthermore, some endogenous and exogenous claims made on behalf of “all Muslim women” seek to enforce existing relations of domination and exploitation. In each of the case studies this can be seen in attempts made to restrict women’s employment, and movement, through a call to protect women as bearers of culture and tradition. However, Muslim women’s apparent acquiescence in some of these claims belies strategies of resistance, whereby they seek to ameliorate their material conditions. For example, in each of the case studies Muslim women redefined the meaning and logics behind certain Islamic requirements in order to obtain rights, most apparently in women’s claims to equal employment. Consequently, the thesis found that Islamic discourses and strategies of women’s rights are not simply rejections of modernity, the public-political site, or the emancipation of women. Rather, Islam becomes a *via media*, facilitating new ideas to travel through various political sites, including women’s rights and emancipation. Conceptualising Islam as *via media*, for the articulation of political identity, rights, and visions of the good life, repositions Islam as dynamic and fluid, located in the everyday practices and understandings of believers. Therefore, Islam alone cannot explain the entirety of women’s rights strategies in Muslim communities, but is enmeshed in a web of social relations, and is one of many fields of power through which the ideas of women’s rights travel and through which social agents (including Muslim women) engage with women’s rights ideas.

APPENDIX A:

List of Interviews Conducted for this Research

1. Malaysia

In order to carry out the research necessary for this case study I conducted a field trip to Malaysia in June and July 2003 for six weeks. During this time I gathered primary documents from non-governmental organisations, collect relevant English language newspapers, and interview a variety of individuals and organisations engaged in women's rights or policy formation in Malaysia. Malaysia has a relatively high level of English language literacy, and it was not felt necessary to learn Malay in order to gain the information I required. However, it must be noted that as a result there is a slight class bias in the information that I was able to gather, as it is the upper and middle classes who are able to converse in English, and who are able to access information in English. The people and organisations I interviewed are listed below:

- Mrs June Yeoh, President of the Young Women's Christian Association on 6th June 2003
- Mrs Guruswamy President of the National Council of Women's Organisation on the 12th June 2003
- Group Interview with Nora Murat, Masjaliza Hamzah and Farha Ajir, of Sisters in Islam, on 11th June 2003
- Salbiah Ahmad, freelance Journalist, on the 11th June 2003
- Eric Paulson of Suaram (Human Rights NGO) on the 14th June 2003
- Irene Fenandez, President of Tenaganita on the 16th June 2003
- R. Abdullah, of ARROW on 17th June 2003
- Toni Kassim, former election candidate and human rights activist on 27th June 2003
- Shanthi Thambia, lecturer at the University of Malaysia (USIM) on the 18th June 2003
- Dr Siti Maria, PAS politician, on the 19th June 2003
- Representative of Yayasan Muri (women's NGO) on 25th June 2003
- Patricia Martinez, lecturer at USIM, on 26th June 2003
- Dr Surrya, Politician and GP on 30th June 2003
- Wathshlah Naidu, Law Reform Officer for the Women's Aid Organisation, on the 3rd July 2003
- Cynthia Gabriel, of SUARAM (Human Rights NGO) on the 4th July 2003
- Rossanna Issa, women's rights activist especially on Violence Against Women on the 6th July 2003
- Norani Othman and Charles Kessler, lecturers on Malaysian politics and women's rights on the 8th July 2003
- Peck Lin of AWAM, on the 9th July 2003

- Maria Abdullah of WDC on the 9th July 2003
- Dr Raj Karim of SUAAKAM and the National Family Planning Association on the 11th July 2003

I also attended a public lecture by Tariq Ramadan on the 11th July 2003, and two training sessions run by Sisters in Islam. I also attended a dinner organised by the Malaysian Chinese Congress Party to celebrate the release of seven men previously detained under the Internal Security Act, where a number of women's rights activists also attended.

2. Egypt

In order to carry out this case study I spent four weeks in Egypt in April 2004 interviewing different organisations. I had also spent four weeks in Egypt in August 2002 in order to improve my Arabic Language skills – I attended the British Council Course on Modern Standard Arabic. Also to facilitate this case study I continued with my language learning in Southampton, firstly at Southampton New College, and secondly with a private tutor. In Egypt I interviewed a variety of individuals and organisations. They are listed below:

- Executive Director of the Alliance of Arab Women, on the 6th April 2004
- Mrs Lilia Attala, the Executive Director of the YWCA Egypt on 7th of April 2004
- Mr Moheb Zaki, the Director of the Islamic Reformation Project at the Ibn Khaldun Centre for Development on the 8th of April 2004.
- Mr Hafez Abu-Seada, General Secretary of the Egyptian Organisation for Human Rights on the 8th of April 2004.
- Amira Abdel Hakim of the National Association for Human Rights and Human Development on 11th April 2004.
- Mr Shalabi, of the Arab Organisation of Human Rights, on the 13th April 2004
- Dr. Hania Sholkamy of the American University of Cairo, on the 13th April 2004.
- Marian Fadel of the Cairo Institute for Human Rights Studies on Wednesday 14th April 2004
- Representatives of the International Islamic Committee for Woman and Child, on the 18th April 2004
- Mrs Nehad founder of the Egyptian Centre for Women's Rights on the 20th April 2004
- Representative of the Centre for women's Legal Assistance, on the 21st April 2004.
- Representative of The Association for the Development and Enhancement of Women, on the 22nd of April 2004
- Mrs Nawla Darwiche of the New Women's Research Centre on the 22nd April 2004

- Heba Raouf Ezzat, of the University of Cairo, Department of Political Sciences on the 29th April 2004.

In addition to these interviews I collected and researched English language newspapers, as well as a few Arabic language papers – the use of the latter was hampered by my limited Arabic reading skills. I also made notes on popular television dramas and kept field observation notes. I was also able to use a variety of secondary sources and government documents. In particular I drew upon the CEDAW report of 1993. It must be noted however, that as a result of my Arabic language limitations and my consequent primary reliance on English, there is a class bias in the data generated. This is because those able to access information in English and those interviewed were primarily drawn from the middle and upper classes of Egyptian society. However an awareness of this limitation will minimise its consequences.

3. UK

A variety of sources were used in order to conduct this case study. I was able to access the primary data gathered from Southampton City Council “Asian Women’s Project” which consisted of the taped oral histories of South Asian women living in Southampton and has not been used before in research. These are recorded by using the same codes as allocated by the Southampton City Council. I was also able to interview the following people:

- Dr. Suhaib Hasan, Secretary of The Islamic Shari’a Council (East London) Monday 15th December 2003.
- Hasan Abdullah, Director of Public Relations of Islamic Affairs Central Network (IACN) 24th December 2003. (Telephone)
- Najma Ebrahim, Coordinator Thursday 8th January 2004. (Telephone)
- Arzu Merali, a founder of the Islamic Human Rights Commission Tuesday 13th January 2004.
- Ahmed Versi, Editor of Muslim News on Monday 26th January 2004. (Telephone)
- Tahmina the Chair of Islamic Society of Britain’s Women’s Participation Advisory Group Thursday 29th January 2004.
- Sajid Iqbal, Editor of “The Revival - The Voice of The Muslim Youth” Sunday 8th February.
- Dr. Reefat Drabu, the Chair of the Women and Family Affairs Committee of the Muslim Council of Britain, and the Treasurer of An-Nisa Southampton Group, 12th February 2004.
- Mamooda Qureshi former Sister in Charge of the Young Muslim independently Sisters 17th February 2004.

- Raffia Arshad, Coordinator of the Muslimah Graduate Society, on Tuesday 16th March 2004.

All of the interviews were conducted in English. In addition an electronic questionnaire was sent out via a Muslim e-bulletin board. A number of Muslim women responded. Their contributions are acknowledged through the use of a coding system in order to preserve their anonymity.

GLOSSARY

1. Note on Transliterations

The challenges of devising a system of transliteration for two languages (Malay and Arabic) in this thesis are not insignificant. With reference to Arabic transliteration, for the most part, I have adopted a simplified version of the system recommended by the International Journal of Middle East Studies, and the Encyclopaedia of Islam, as applied by Lila Abu-Lughod and also W. Montgomery Watt in their works. I have avoided diacriticals in the transliterations. An apostrophe in the middle of a word indicates a glottal stop, ayn and hamza. I use common English spellings for proper names of well-known figures and places. I also use the preferred spellings of names of those who write in English. Otherwise I transliterate. Additionally, where appropriate I include the acronym pbh (peace be upon him) after referring to the Prophet Mohammad (pbh) as requested by a Muslim interviewee. For Malay, I follow the system adopted by Malaysia and The Republic of Indonesia, with some words defined and spelt after consulting the dictionary Kamus Lengkap, by Awang Sudjai Hairul and Yusoff Khan. Petaling Jaya, Malaysia, Pustaka Zaman, 1977.

Table 6: Arabic Words used in Text with Translation

Abaya	Head, face, and body covering, similar to the burqua.
Ai'sha	Wife of the Prophet Mohammad
Allah	God
Aya	Qur'anic verse
Bint	Woman
Biradari	Extended kinship group, or village lineage
Burqua	Head, face and body covering, with a gauge type material over the eyes.

Purdah	Physical seclusion of women
Dar al-harb	Abode of war; States in non-Muslim hands
Dar al-Islam	World or House of Islam
Fatima	Daughter of the prophet Mohammad and his first wife, Khadiya
Fatwa	An authoritative opinion on a point of Shari'a law by a Muslim legist, known as a Mufti
Fiqh	Science of Islamic Jurisprudence
Fitna/ Fitne	Sedition, discord, disruptive female sexuality
Hadith	A tradition recording the sayings or practices of the Prophet Mohammad, or for Shi's, including also traditions relating to the Imams.
Hajj	Holy pilgrimage to Mecca, at the end of Ramadan
Halal	That which is allowed, is permissible, in Islamic law
Hanafi	School of Sunni Islamic Law
Hanabali	School of Sunni Islamic Law
Haram	That which is forbidden in Islamic law
Harem	Also harim. The women's quarters in a Muslim household or palace; by extension, the womenfolk of a household.
Hasham	Modesty shame, honour
Hijab	Head covering, covering body, hair and neck such that the contours of the torso are not visible. Also means a woman's modesty.

Ibn	Son (of)
Imam	Leader in Prayer; the leader of the Islamic community; a title used particularly by the Shi'a claimants to headship of the community
Ijtihad	Exertion, creative application of fiqh
Izzat	Honour
Jilbab	Long flowing over-coat, also includes a headscarf. It covers the entire body, revealing only hands, feet and face.
Khadiya	Prophet Mohammad's first wife; and the first Muslim.
Khalif	(pl. Khalifa) Guardian, ruling in the manner and custom following the Prophet Mohammad.
Khul'a	Type of divorce which women may seek. Women must repay the dowry if such a divorce is granted.
Majlis	Council or Committee
Maliki	School of Sunni Islamic Law
Mahram	Legal (male) Guardian (often farther, or husband)
Mufti	Muslim scholar and teacher, often in charge of a Islamic seminary or school.
Mjutahid's	One who claims authority to exercise itjihad
Muslim	Pl. Muslimahh. One who believes in (and submits to) Allah as revealed to the Prophet Mohammad.
Nikah	Pre-nuptial Marriage contract.
Niquab	Face covering leaving a slit in the material for the eyes
Nizam	Order or Government

Nushuz	State of disorder between a married couple
Om	Mother of
Purdah	A woman's seclusion, or place seclusion. A woman may maintain purdah outside the home by wearing hijab.
Qawwam/ Qu'wama	Pl Qawwamun: Guardian, moral guidance, or sometimes "male superiority over women" (this is contested – please refer to WADUD, A., (1999) <i>Qur'an and Woman: rereading the sacred text from a woman's perspective</i> (London, Oxford University Press) pp.70-71.
Qur'an	God's revelation to Mohammad as recorded.
Ramadan	Month in Islamic calendar. Also period of fasting.
Shafi'i	School of Sunni Islamic Law
Shari'a	Islamic law
Shi'a	Division of Islam
Shawla-khamiz	Traditional dress from the Indian sub-continent. It is a knee length loose fitting tunic, often with long sleeves, and loose trousers that taper at the ankles
Shura	Consultative forum or consultation process
Sunna	Traditions of the Prophet
Sunni	Division of Islam
Sufi	Mystical branch of Islam, strongly linked to Shi'a Islam.
Surat	Chapter of the Qur'an
Ta'ah	Obedience
Umma	Community of believers

Ulema	Religious authorities
Waqf	A religious or charitable endowment.
Willaya	Male guardianship over women
Zinah	Illicit sexual intercourse, fornication or adultery

Table 7: Malay words used in the Text with Translation

Adat	The term used to describe customary says, practices and laws in Malaysia
Bahasa Kebangsaan	National Language of Malaysia, i.e., Malay
Bumiputra	“sons-of-the-soil”, legal definition of Malay Muslims.
Bangsa Malaysia	One Nation Malaysia
Barisan Alternative	Coalition of political parties forming the opposition in the Malaysian Parliament
Barisan National	Coalition of political parties forming the Malaysian government.
Datuk	Grandfather, honorary title for person with high status.
Hadd	(pl Hudud) a divine statute (of prohibition) and/or its mandatory punishment – primarily used in relation to criminal law.
Ibadah	Worship
Keadih	Judge in Muslim courts and Affairs
Kampung	Village
Khalwa	Spatial seclusion of a man and woman who are not married to each other; a situation which may be construed

	as evidence of illicit sexual intimacy
Negeri	One of the 13 States forming the federation of Malaysia
Puteri	“Princess”; young woman
Ringgit	Malaysian Dollar
Todong	Hijab, Malaysian variation on the head-covering required by Islam.
Wanita	Woman
Zinah	Illicit sexual intercourse

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