British Muslim Women: Islamic identity and strategies for acquiring Rights in the UK

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Abstract

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. In the United Kingdom, since the Salman Rushdie Affair[2] *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. This new "Islamic" identity is at once residual and self-conscious; it is newly articulated in the public space with new symbols and narratives impacting on wider policy decisions. Furthermore, it is contingent, negotiated within the private spheres of social/local spaces as well as global contexts of everyday lives. As a result at times this "Islamic" identity is in conflict and tension with other positions held by groups and individuals. This tension is perhaps most visible in the determination of Muslim women (and others) to separate culture from religion in order to acquire rights. In other words, a consequence of this politicisation of Islamic and Muslim identities is the assertion of women's rights from within an Islamic context.*

This paper considers the complexities of the British Muslim-Islamic identity and the positions it offers to British Muslim women to acquire rights from the State, the community and the family. By recognising the interplay of religion, gender and ethnicity in the every-day lives of British Muslim women, it is possible to reveal how notions of self-hood and identity have re-constructed rights and provided Muslim women in the UK with a platform from which to attain rights. This new "Islamic" platform has potential to transform British government policy and orthodox constructions of women's rights in a secular State. In order to assess these insights, first this paper will examine the formation of this politicised Islamic identity in the UK. Second it will show how this new identity has provided Muslim women with tools to challenge current perceptions of

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2. 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 the U.K. protested to that effect.

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rights, gender and ethnicity. Third it will look at specific rights and through examining the "Islamic" discourse in the UK it will show how Muslim women are negotiating and transforming the understanding of rights. The main conclusion of this paper is that although Muslim women 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.

Introduction

This paper's focus is the formation of new identity constructions among British Muslims and the tools these provide Muslim women to transform and acquire rights. Such analysis will provide insights into the ways in which Islam is constitutive of Muslim women's understandings and experiences of rights acquisition/denial, and simultaneously how their conceptualisation of rights impacts upon their Islamic belief and cultural systems. First this paper will examine the formation of this politicised Islamic identity in the UK. Second it will show how this new identity has provided Muslim women with tools to challenge current perceptions of rights, gender and ethnicity. Third it will look at specific rights and through examining the "Islamic" discourse in the UK it will show how Muslim women are negotiating and transforming the understanding of rights

Part One: Emerging Political Islamic Identity

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[1]. 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/identity relations as with the roots and routes of migrant communities[2]. This section of the paper outlines the roots and routes of the British –Islamic identity.

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1. Clarie DWYER, "Contradictions of Community: Questions of Identity for Young British Muslim Women," *Environment and Planning A* 31 (1999), P GILROY, *Small Acts* (London, 1993), D MASSEY, "A global sense of place," in *Space, Place and Gender*, ed. D MASSEY (Cambridge, 1994).
2. B. PAREKH, "The Future of Multi-Ethnic Britain, The Parekh Report," (London, 2000), p. 6. J. CLIFFORD, *Routes: Travel and Translation in the late Twentieth Century* (Cambridge, 1997).

The identity formation of migrant communities in the UK has been marked by struggles against racism stemming from the maintenance of colonial imperialism in immigration policy and public/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 to adequately incorporate the layers and nuances of exclusion and identity among Britain's 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[1]. The importance of faith based communities was recognised in the inclusion of a question on religious affiliation in the 2001 census of the U.K., the first time such a question was included for over a hundred years. The results of this census showed that 1.6 million individuals declared themselves to be Muslim, representing approximately 4% of the population in Britain and Wales.[2] Indeed this shift among policy networks, academics, and community leaders, has resulted in the new concept/terminology "British Muslim" operating as an appropriated and self-asserted label. This is implicit recognition that religious affiliation is a major characteristic/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. This became "public" with 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 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 confrontation over

1. T RANGER, "Introduction," in *Culture, Identity and Politics: Ethnic Minorities in Britain*, ed. T RANGER, Y SAMAD, and O STUART (Aldershot, 1996).
2. http://www.statistics.gov.uk/StatBase/Expodata/Spreadsheets/D7681.xls or http://www.statistics.gov.uk/cci/nugget.asp?id=954

The Satanic Verses was not historically isolated 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[1]. These issues combined with structural changes in the post-industrial era, racial segregation and increasing unemployment among disadvantaged ethnic/black young (especially in Muslim majority areas),such that these groups/areas had not acquired the "cultural capital" required in a post-modern economy to gain access to relatively stable and secure jobs[2]. These factors created a favourable environment for the Islamization 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 Islamization of identity was further deepened among Muslim communities in the UK 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" 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 when confronted with difficult to stereotype individuals as in this case, 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[3]. Finally, the shift from an identity premised on Other cultural markers or ethnicity towards a hybrid British identity is

1. L BACK, *New Ethnicities and Urban Culture: Racisms and Multiculture in Young Lives* (London, 1996), T MODOOD, "British Muslims and the Rushdie Affair," in *'Race', Culture and Difference*, ed. J. DONALD and Ali RATTANSI (London, 1992), J NIELSEN, *Muslims in Western Europe* (Edinburgh, 1992).
2. G. KEPEL, *Allah in the West: Islamic Movements in America and Europe*, S. MILNER trans. (London, 1997). p. 84.
3. Pnina WERBNER, "Veiled Interventions in Pure Space: honour, shame and embodied struggles among Muslims in Britain and France" (paper presented at the The constructions of Minority Identities in Britain and France, Bristol University, 2004).

noted in the voluntary abandonment of the 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 the UK. As the first generation of migrants started families, second and third generations were raised in the UK 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"[1].

Nevertheless, Muslim families 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 Islamization of identity among British Muslims who through the concept of Umma, associate their fate with Muslims in other parts of the world. These issues are discussed in more detail later on in this paper. 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.

However, this new "Islamic" identity is at once residual and self-conscious; it is newly articulated in the public space, yet it does not necessarily coincide with increased piety among Muslims[2]. Furthermore, it is contingent, negotiated within the social/local as well as global contexts of everyday lives, such that at times this "Islamic" identity and rights articulation is in conflict and tension with other positions held by groups and individuals. The census also revealed the differences within Muslim communities that resist homogenisation. The "British Muslim"

1. Raffia ARSHAD, "Interview with Raffia Arshad, Coordinator of the Muslimah Graduate Society, on Tuesday 16th March 2004.," ed. Katherine BROWN (Coventry/ Southampton, 2004).
2. Philip LEWIS, *Islamic Britain: religion, politics and identity among British Muslims* (London, 1994). pp. 176-178.

label is a convenient umbrella term that masks a variety of other identity positions: ethnicity, class and gender. For example, approximately 42% of all British Muslims have a Pakistani ethnic heritage[1]. 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 possession of women's human rights, which have become relational and articulated from within a faith based identity position. "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. This tension is perhaps most visible in the determination of Muslim groups to separate culture from religion. In other words, 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 MWHL said:

> "Culture is engrained, the migrants brought their culture, but failed to bring or forgot their religious obligations beyond rituals"[2].

Another interviewee argued:

> "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"[3]

As a result, traditions are changing, and culture is being redefined to include the customs and habits of Muslims from throughout the world. The Revival Magazine, ran a controversial Ali-G[4] style article which attempted to connect with a younger audience by playing on popular culture and symbols. However, while managing the outside influences on the Muslim community through such articles, the magazine and other youth groups are keen to portray/create a Muslim community, one which absorbs differences of race and ethnic heritage. Younger Muslims, it is argued, are attempting to rejuvenate their religious obligations and

1. http://www.statistics.gov.uk/StatBase/Expodata/Spreadsheets/D6982.xls
2. MUSLIM WOMEN'S HELPLINE, "Telephone Interview with the Coordinator of the Muslim Women's Helpline," (London/Southampton, 2004).
3. Ibid.
4. Ali-G is a British comedian who satirises ethnic minority culture. Sajid IQBAL, "ALi G in the House," *The Revival*, April 2002 2002..

disentangle culture from faith. They attempt to preserve their religious identity and prioritise it over their ethnic-cultural heritage. Often repeated in interviews in the attempt to separate out culture and religion, is the suggestion that things "occur that are forbidden in Islam". This is perhaps motivated by a desire to purge their lives of practices and attitudes that do not fit comfortably with western lives. In interview Tahmina Saleem argued that violations of women's rights in Muslim communities "are reflections of culture, not of Islam". But, she argued, when violations of women's rights occur, Muslim women have a "back up: they can go to the Book"[1]. As with other Muslim groups it was clear that she considered that when violations occur of women's rights granted to them under Islam it is often because culture is confused with faith[2]. 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 do not hold one single monolithic identity. Rather individuals hold multiple identities and positions, such that the debate between culture and religion is part of the search for suitable ethical codes and self-management[3]. Whether this project to separate religion from culture is entirely successful or not, is beyond the parameters of this discussion. However the desire to manage faith and culture suggests the beginning of positions which may accommodate new forms of discourse, identity and rights.

These boundaries of identity and community are not necessarily autonomously determined however. For example, there is the assumption held among those outside such communities that to be Muslim is to be Asian, and to be a foreigner. The chair of the women and family development committee for ISB, in an interview with the author, recounted an incident that indicates the existence of these boundaries. 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 where 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. Here, the

1. Tahmina SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group," ed. Katherine BROWN (London/Southampton, 2004).
2. Ibid.
3. A MERALI, "Interview with Arzu Merali of the Islamic Human Rights Commission," (London, 2004).

assumption that the female convert was Pakistani indicates that being Muslim is somehow alien to the UK: that it is foreign[1]. This example of racism 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 see as importing a foreign culture into their country"[2]

The creation of a Muslim community as opposed to an Asian or Pakistani one can also be argued to be a strategy for dealing with increasing poverty and unemployment, as it gives access to a wider network of support. Yet these changes in economic processes and socialisation can/may increase pressures to remain the same and lead to a retreat to conservatism and isolation from the host community. This is linked through its interaction with host society - often Muslim-Asian communities see "white trash" and deterioration of state provided services in the urban spaces surrounding them - perceived as a battle for scarce (welfare) resources[3].

Part Two: New tools for GB Muslim women

This new political Islamic identity and the formation of Muslim communities which prioritise faith over ethnicity as a membership claim, provide Muslim women with new tools and concepts from which to develop an indigenous rights discourse. Two key tools are examined here, although they are by no means exhaustive of the strategies employed: firstly the revival and redefinition of the concept of the global Umma, and secondly the transformation of the concept of equality away from definitions premised upon sameness to an equality of difference through the idea of complementarity.

Umma

The creation of sisterhood is on the one hand locally dependent, in that it becomes meaningful through networks of interaction in communities, it represents a "shoulder to cry on"[4]. On the other hand, sisterhood has a global connotation as well, through the identification

1. SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group."
2. COMMISSION OF RACIAL EQUALITY, *Stereotyping and Racism: Finds from the Second Attitude Survey* (London, 1998).
3. LEWIS, *Islamic Britain: religion, politics and identity among British Muslims.*
4. ARSHAD, "Interview with Raffia Arshad, Coordinator of the Muslimah Graduate Society, on Tuesday 16th March 2004.."

with other Muslim women throughout the world. The relevance of distant Muslims has been constructed in several ways, most obviously through emphasising the common fate of Muslims across the world. As a senior activist for the Muslim Parliament of Great Britain said in an interview "you have to be plugged into a bigger source of power"[1]. Dr. Kalim Siddiqui also argued

> "the Muslim community in Britain is part of a global community of Islam… Both our values and our agenda are part of the alternative global civilization and culture of Islam"[2]

Specifically relating to sisterhood, one interviewee argued that among Muslim women there is an instant bond - of Islam. Sisterhood provides the conceptual understanding of this bond, and recognition of faith. However, it is necessary not to idealise this bond; Muslim women are still human and the concept's applicability varies among groups of women. Yet it is an all inclusive term, incorporating all women believers. The emphasis and language deployed on sisterhood also symbolically suggests an extended family existing through belief[3]. The idea of sisterhood builds upon the unity of the Umma, examined in more detail below. In this way there is a displacement of space as important signifier/mode of community identification. Umma has been constructed as an inherently political category of belonging, which challenges the significance of territorial integrity, and expands understanding of political power beyond the borders of the nation State. There has been a revival of the concept in order to develop a universal identity, with increasing consciousness of "the Umma". This revival can be seen in the development of concepts and tools through which to negotiate and participate in the discourses of civil society beyond the confines of the geographical community. By developing the concept of Umma, as a non-territorial Muslim community, it opens up global spaces and discourses through which to demand rights which enable Muslim women to be part of a universal response to modernity. This is possible because, as the Editor of Muslim News argued:

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1. Cited in 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): p.49.
2. Kalim Dr. SIDDIQUI, "The Muslim Parliament: Political innovation and Adaptation" (paper presented at the Inaugural Meeting of the Muslim Parliament of Great Britain, 04/01/1992 1992), p.17.
3. ARSHAD, "Interview with Raffia Arshad, Coordinator of the Muslimah Graduate Society, on Tuesday 16th March 2004."

> "The existence of the 'Umma' does not mean you are uniform, yet there are universal values".[1]

A recent prominent 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[2]. It is also interesting that the debate in the U.K. with regards to this decision has been framed within a human rights language/dialectic. 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 a hijab). Despite these differences though, the emergence of a globalised supranational Muslim identity reveals a new way of configuring rights and rights activism by Muslim women. One example is in the increasing use of internet sites which specifically target Muslim women world wide and through this communication foster the identity of the Umma.

The reinvention of the Umma can be a flexible space in which to redefine boundaries of ethnicity, religion and rights. However, this new concept has not arisen outside of specific contexts or power relations. Indeed this new global space is still heavily contested, both in terms of the concepts being developed and the legitimacy of the emerging voices. Legitimacy in this global space is still heavily determined by formal or classical training, preferably within the Middle East. This is to such an extent that some have referred to the Arabisation of Islam. Certain groups challenge this dominance and are demanding an inclusive and expansive space of the Umma. Others see it as a means to limit the debate to legitimate voices; or rather to increase the authority and scope of existing legitimate voices. This attempt to stabilise the meaning and content of the Umma seeks unity, a unity and power through which established Muslim voices have sought to negotiate and interact with the State. Those who challenge the unity of the Umma, by suggesting alternative ways of adhering to Islam or alternative understandings of the Shari'a threaten this basis for interaction with the state. Furthermore, this global identity and Islamic rights discourse is gendered, and experienced in a gendered

1. Ahmed VERSI, "Telephone Interview with Ahmed Versi, Editor of "Muslim News"," (London/Southampton, 2004).
2. This is being organised by the Islamic Human Rights Commission among others.

manner. The legitimate voices are predominantly male representatives of the Umma in the public sphere. Bringing the global Umma into the private spheres of women's lives has yet to fully emerge, notwithstanding debates about the hijab. As with international human rights discourse, the Islamic discourse of the Umma as yet fails to completely register with the needs and lives of Muslim women. The risk which Muslim women take by subverting one identity (nationality/race) for another (faith/Umma) is that their gender identity and rights are once again marginalised to a "greater good".

Equality and Equivalence/Complementarity

The concept of Umma is not the only indication of an Islamic transformation of identity. How Muslim women are constructing their identity vis-à-vis Muslim men and other political communities is also undergoing change. Many Islamic groups which attempt to tackle questions of equality frame their arguments in terms of social justice, which includes economic concerns such as poverty, access to state services, and the global political economy[1]. In order for Islamic conceptions of women's rights to be developed such that they can move the entire human rights debate forward, the underpinning ideology of secularism – individualism - needs to be addressed. Until unfettered individualism is opposed Islamic conceptions of women's rights will necessarily remain on the fringes[2]. In considering women's rights, this challenge to individualism through social justice needs to be examined in conjunction with another concept. From the increasing literature and analysis from "Islamic feminists"[3] comes the growing acceptance and transformation of equality as complementarity or gender equity. Complementarity – once used to justify women's lack of rights on the basis that it meant Muslim women did not need rights – has now become a key concept in a re-formulation of rights as well as social relationships. Discussions of equality in women's groups, organisations and writings 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. In other words men's and women's

1. For an example please refer to Women Living Under Muslim Laws website at: http://www.wluml.org/english/index.shtml
2. ARSHAD, "Interview with Raffia Arshad, Coordinator of the Muslimah Graduate Society, on Tuesday 16th March 2004.."
3. I apply this term loosely.

roles are not equal (meaning the same), however their relations should be equitable, and consequently, the argument for Islamic feminists, it is not that men and women should have equal (meaning the same) rights but that these should be equitable and balanced in line with the duties and obligations which men and women are religiously obliged to fulfil. This is not, therefore, a denial of women's rights but an alternative conceptualisation of the content/nature of those rights. For example, women are granted rights to divorce, marriage, special rights during pregnancy and child rearing, rights are granted for labour and property. The list of rights Muslim women are entitled to are drawn from prescriptions about how to be a good Muslim woman, wife, daughter or sister alluded to in Shari'a and other religious texts, more explicit indications from the Qur'an and Hadiths, and also rely upon bio-medical arguments presented in the nature-nurture debate about sex-gender-identity. Thus, as one interviewee argued:

> "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"[1]

One interviewee argued that Islam provides a way of negotiating with modern society, representing "a path and journey towards the Islamic framework, it is not a static vision", as can be said for the progress of women's rights. In this sense the Islamic framework is liberating for women, for the vision of the good life is not confined by forcing an either/or choice upon women: they can do both[2]. Islamic feminists argue that western feminism rejected the female identity and sought sameness with men in order to obtain recognition and voice in the political-public space. In contrast Islamic feminism, through complementarity and experienced via the hijab, acknowledges the feminine identity and grants power in the public space premised on her difference and through the power to determine the nature of their inclusion[3]. Islamic conceptions of women's rights also include rights relevant to the private sphere of human activity where women's relations as mothers, wives and sisters are predominant in defining their roles, identity and agency. In line with their

1. SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group."
2. MERALI, "Interview with Arzu Merali of the Islamic Human Rights Commission."
3. Ibid.

roles and identity in this space, it is as wives, sisters and mothers, women are granted rights and duties in Islam. Firstly there are rights addressed to both men and women, and then later gender specific rights aimed at women were developed, rights which primarily relate to women's engagement with men, with their roles as wives, sisters and mothers.[1] As such, this has emerged out of the formation of a political Islamic identity and provides a meaningful strategy for Muslim women to acquire rights as it builds upon international law and Islamic normative values.

One strategy developed from this transformation of complementarity is the widening of legitimate subjects from whom to claim rights. Muslim women in the UK are claiming rights from the community and family as well as from the State. As a "good Muslim" wife, mother or daughter, a Muslim woman can demand that her "good Muslim" husband, son or father similarly uphold their Islamic responsibilities by guaranteeing her rights. For example, domestic violence is being tackled from a women's rights perspective: A wife has rights which she may demand from her husband and community to ensure her physical safety, and so can demand protection and resolution of conflict from community. The work of the Muslim women's helpline is part of the vanguard of this shift. Another example, is the move by certain local authorities to allow faith organised groups (such as Mosques) to manage women's shelters[2]. By manipulating demands of the community (for it to be seen as harmonious and manageable) Muslim women seek in-house solutions to violations of their rights, yet as British citizens they retain the right to seek recourse through the state[3], thereby maintaining the coherence and integrity of the Muslim communities in which they live. As this strategy reveals, rights are understood as liberties/benefits conferred upon women by Allah through others. However, four key limits to this strategy can be identified. First, the material ability of households and communities to fulfil these rights is often limited because of the economic and social exclusion of ethnic minority communities. Second, it depends on Muslim men and other Muslim women adopting the same normative framework and accepting the ideological

1. Ibid.
2. G BAUMANN, *Contesting Culture: Discourses of Identity in Multi-Ethnic London* (Cambridge, 1996).
3. Some migrant women however, are not so protected: this is discussed later in the paper.

commitments. Third, this strategy relies on an already prescribed notion of a "good" Muslim woman and man[1], and that those women who cannot easily be labelled as such are denied ready access to this strategy. Fourth, this strategy also relies on local government and state agencies adopting policies of multiculturalism which prioritise funding for local faith based initiatives, while keeping open the option of orthodox rights based solutions[2].

Part Three: New Rights: new understandings and new negotiations

For this section the Convention on the Elimination of Discrimination against Women (CEDAW) operated as a benchmark for deciding which rights to consider as part of this research. However, CEDAW is a covenant primarily aimed at gender discrimination and does not always enable States to recognise the double bind of ethnic minority women, placed upon them by the interaction of both racial discrimination and gender discrimination[3]. This makes using CEDAW as a guide for understanding rights acquisitions and understandings of Muslim women in the UK problematic. Nevertheless as an internationally signed convention, with both Muslim and non-Muslim majority countries as signatories, it provides a sound basis for deciding which rights to consider in this paper. Furthermore, given that the UK is a signatory of the convention and guarantees rights to all its female citizens it is reasonable to address the rights claims and failings in British Muslim communities in line with this covenant. Including an analysis of the wider public discourse on rights, race, immigration and citizenship will reduce the risk of conflating rights and needs of Muslim women living in the UK with those of the majority white population. Therefore I have considered two core sets of rights in the private and public spheres of human activity: firstly the right to labour and education, secondly the right to domestic security and marital choice.

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1. Although it must be noted, that through redefining rights and identity the definition of a "good" Muslim man or woman is changing. This is discussed below.
2. Southall Black Sisters note that this has not always occurred and that state interactions with Muslim/Asian communities presume that in-house solutions are always appropriate and do not offer Asian/Muslim women the same advice and services which they would a white woman.
3. Although this may be about to change with the creation of a single institution which will merge the current six separate equalities bodies.

Right to Education and Labour

Unemployment rates for Muslims are higher than those for people from any other religion, for both men and women. In 2003-2004, Muslims had the highest male unemployment rate in Great Britain. At 14 per cent, this was over three times the rate for Christian men (4 per cent). Among women, Muslims again had the highest unemployment rate, at 15 per cent. This was almost four times the rate for Christian women (4 per cent). Hindus (11 per cent) and Buddhists (10 per cent) had the next highest rates[1]. In 2003-2004, almost a third (31 per cent) of Muslims of working age in Great Britain had no qualifications – the highest proportion for any religious group. They are also the least likely to have degrees (or equivalent qualifications)[2]. Given the link between unemployment and family poverty the economic roles women play in this community are centrally tied to welfare and socio-economic rights concerns.

Rights to education and to employment are articulated at different levels by Muslim women: from insistence on access to formal education, to a demand for religious knowledge, for financial independence through employment and for domestic work to be recognised as labour. Muslim women have shown great diversity in adapting Islamic mandates/ injunctions to facilitate their entry into employment and education. Within the Islamic identity framework women have reflected on the role-models of women living at the time of the Prophet Mohammad (pbh), 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 the UK or who arrived in the UK 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 which privileges male income[3].

Core to the Islamic conceptualisation of women's rights to work and education is the idea of complementarity (as discussed earlier). 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. Muslim women argue that given the

1. http://www.statistics.gov.uk/cci/nugget.asp?id=979
2. http://www.statistics.gov.uk/CCI/nugget.asp?ID=963&Pos=1&ColRank=2&Rank=144
3. Avtar BRAH, "'Race' and 'Culture' in the Gendering of Labour Markets: Young South Asian Muslim Women and the British Labour Market," (London, 2001).

balance of rights and duties the concept of complementarity ensures an equal distribution of labour within a family unit. 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[1]."

Another interviewee argued that:

> "The Islamic imagination of society is not necessarily confining women to these roles, but recognises the role of motherhood according her status in fulfilling biological functions[2]."

The concept of complementarity therefore enables Muslim women to redefine the right to labour as one which incorporates domestic labour and motherhood 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 demotic discourse but recognised as an important facet of Islam. It is where families' religious obligations are fulfilled, where fundamental religious education of children occurs, preparing both girls and boys for their future responsibilities. The role and identity 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[3]. By identifying religious agency as mostly situated in the domestic or "private" realm grants women a "religious capital" that provides them a platform from which to negotiate their welfare, rights and security.

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1. SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group."
2. Mamooda QURESHI, "Interview with Mamooda Qureshi, former Sister in Charge of the Young Muslim Sisters, on the 17th Feburary 2004," ed. Katherine BROWN (Birmingham/Southampton, 2004).
3. C. LONGMAN, "Empowering and engendering religion. A critical perspecitve on Ethnographic holism.," *Social Anthropology* 10 (2002).

Therefore, women's rights are incorporated in such a way that they preserve the family unit and include the sociality of Islam[1].

Nevertheless, while the Islamic discourse offers choice, it is a choice confined to "good jobs", for those women who are unable to acquire good jobs acceptance of labour is limited[2]. Within the community discourse, a Muslim woman who works purely for financial reward indicates that the husband, and other male relatives, are not fulfilling in the Islamic duty to financially provide for their families. Therefore a Muslim woman in employment, solely for financial reasons is rarely acknowledged in conservative Muslim communities[3]. However, through adopting an overtly Islamic identity some Muslim women are overcoming such stigma, such that those who work for financial reward are being considered as "good" Muslim women, in that they are sacrificing their labour for the good of the family.

Linked to arguments about the right to labour are those about the right to education. Likewise by drawing upon historical Muslim female figures, as well as verses in the Qur'an, Muslim girls are demanding the opportunities to continue in post compulsory education. 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[4]. 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 are complex and transitional[5]. As Ahmad's research ascertained, contrary to other research, most women reported that their parents viewed higher education and careers as an absolute necessity with cultural and

1. ARSHAD, "Interview with Raffia Arshad, Coordinator of the Muslimah Graduate Society, on Tuesday 16th March 2004.."
2. Good Jobs being understood as professional jobs with professional qualifications Fauzia AHMAD, Tariq MADOOD, and Stephen LISSENBURGH, *South Asian Women and Employment in Britain: The Interaction of Gender and Ethnicity* (London, 2003).
3. This information came from my initial pilot study conducted in Southampton, UK.
4. Fauzia AHMAD, "Modern Traditions? British Muslim Women and Academic Achievement," *Gender and Education* 13 (2001).
5. 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)..

prestigious capital as motivating factors for the women concerned and their families[1]. In their demand for education, Muslim women (and men) are drawing the distinction not only between culture and religion, but also between religion and what is justified in the name of religion. As the editor of a Muslim youth magazine argued,

> "Women's Oppression: its 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 (to participate in public life)"[2].

Important to this development of women's rights to education is the contextualisation of the holy verses of Islam. In order to fully 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 Prophet enable Muslim women in the UK to argue against restrictions to their education[3]. This remains dependent however, upon an Islamic identity position such that they can draw upon 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. They no longer rely 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[4].

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1. AHMAD, "Modern Traditions? British Muslim Women and Academic Achievement."
2. Sajid IQBAL, "Interview with Sajid Iqbal, the editor of "The Revival - Voice of the Muslim Youth"," (Manchester/Southampton, 2004).
3. 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."
4. Anthony GIDDENS, *Modernity and Self-Identity: Self and Society in the Late modern Age* (Stanford, CA, 1991).

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/education[1]. As a result, Palmer in 1984 called for Asian women to be considered as a specific class category, one which recognised the subordinate positions which Asian women occupy in the British social structure, not just in reference to the community or culture.[2] 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"[3]. Women's access to the labour market is therefore constrained by a mode of production whose primary focus (unit of concern) is the patriarchal family. Indeed work by Dale et al suggests that the primary constraint to labour upon Pakistani and Bangladeshi Muslim women was the presence of large and young families[4]. In other words the strategy of complementarity may operate to strengthen underlying economic structures which depend on women's unpaid services. Yet the ethnic mode of production and guarantees of financial support from male relatives to some extent empowers 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 is potentially transformative at community and national level.

This discussion on rights to employment and education can be further elaborated 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 in Schools. The second is that of Muslim women's role in the grey economy; Muslim women's employment in this sector is a relatively hidden enterprise, and one which reflects the changing discourse on employment among working class Asian-Muslims.

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1. AHMAD, MADOOD, and LISSENBURGH, *South Asian Women and Employment in Britain: The Interaction of Gender and Ethnicity*. p. 30.
2. Cited in John CARTER and Trevor JONES, "Community, Ethnicity and Class among South Asians in Britain," in *Oxford University Papers on India: Aspects of the South Asian Diaspora*, ed. Steven VERTOVEC, Oxford University Papers on India (Oxford, 1991).
3. Ibid.
4. Angela DALE et al., "The Labour Market Prospects for Pakistani and Bangladeshi Women," *Work, Employment and Society* 16 (2002).

Negotiating Religious Identity and Education Rights: Hijab, Jilbab and School Uniform

Claire Dwyer, among others, has done substantive qualitative research into the multiple identities and positions adopted by Muslim school girls. 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[1]. Dress is significant as it operates as a signifier of community and culture within a State institution. In the early 1990's the hijab debate in schools was thought to be resolved through the case concerning two Muslim pupils wearing a headscarf to Altrincham Grammar school which rested on ideals of multiculturalism[2]. Core to the community's argument to allow their daughters to wear the hijab at school was that it represented a religious requirement/obligation on all believing women. The hijab is seen as central to ensuring women's modesty in a mixed sex environment such as the majority of educational establishments. In 2004 on a BBC *Panorama* programme a number of young Muslim women were interviewed on a variety of issues including the hijab. One woman argued that if she had not been allowed to wear the hijab she would/could not have attended school[3]. The interviewees implied that their right to wear the hijab at school enabled them to pursue their educational rights. For some the wearing of the hijab became more than an affirmation of modesty, or expression of piety, but included a desire for their faith identity to be recognised in public spaces.

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[4]. Primarily Ms Begum argued that her rights to religious freedom were breached because she was being

1. Claire DWYER, "Veiled Meanings: Young British Muslim Women and the Negotiation of Differences," *Gender, Place and Culture* 6 (1999).
2. WERBNER, Pnina. "Veiled Interventions in Pure Space: honour, shame and embodied struggles among Muslims in Britain and France." Paper presented at the conference on The constructions of Minority Identities in Britain and France, Bristol University 2004.
3. Vivian WHITE et al., "Covering Up," in *Panorama* (UK, 2004). Date broadcast 13.06.04
4. "Begum v. Denbigh High School Governors," in *EWHC 1389 (Admin)* (2004). The case has returned to the Court of Appeal.

forced to accept an interpretation of Islamic dress determined by the school[1]. In the judgment 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 shalwar kameez. His primary rejection of the claimant's argument rested on the basis that the school had continuously encouraged Ms Begum to return to 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[2]. Interestingly, the court was not prepared to consider the validity of the differing interpretations of Islamic codes of dress of Muslim woman, rather he argued that given the diversity of religious opinion regarding the jilbab and shalwar kameez it is unreasonable for the school (or the court) to make a religious judgement which could be interpreted as determining who are better Muslims than others. This shows that certain expressions of Islamic identity are more successful (more accepted) than others in securing rights to education and religious identity. In this case, it would appear that those expressing the Islamic-cultural identity in common with others in their community peers are more successful than the individual whose interpretation of her religious obligations were different to those accepted by her community. The ability of Muslim women to negotiate and strategise from a position of an Islamic identity is therefore constrained by the necessity for common acceptance of that position by other members of the cultural/ethnic community.

Negotiating Employment, Family and Community: The grey economy

Low employment figures for Muslim women, as indicated in the 2001 census, and in the labour force surveys indicates that although Islamic discourse allows Muslim women the choice to enter into employment, the reality is that they remain predominantly housewives (although it is by no means clear whether they remain housewives because of religious beliefs or because of lack of opportunity or skills). Indeed, despite conventions of purdah 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

1. Dominic CASCIANI, BBC News: Q and A: Muslim School Uniform (2004 [cited 17/07/04); available from www.news.bbc.co.uk.
2. "Begum v. Denbigh High School Governors."

domestic activities, and often working in the grey economy (for example, by working unpaid in the family business)[1]. 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 houses, and working without remuneration in the family business. This can be seen as an example of managing Islamic identity and the right to work. The grey economy is formed by 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, importantly, invisible. Muslim women working within the grey economy are hesitant to admit their participation. It is possible to argue that the invisibility of the labour is intrinsic to Muslims women's participation in it. 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 the caring of young families with paid labour, and for first generation immigrants with poor language skills and facing discrimination is was one of few forms of employment that such women could acquire[2].

In a reciprocal construction of identity, Muslim communities 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, the self) while facing the realities of economic decline, Muslim women enter the grey economy. This has significant impact on Muslim women's ability to secure their labour rights; 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 simultaneously restricted. As a result, many Muslim women working in the grey economy work long hours, in poor health and safety

1. 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). Michelle CLEGG, "Ethnic Minority Women in the UK," (London, 2003).
2. BRAH, "'Race' and 'Culture' in the Gendering of Labour Markets: Young South Asian Muslim Women and the British Labour Market," p. 5.

environments, without union representation, for minimum pay (often below the statutory minimum wage), in permanent fear of termination of employment, in an unequal position of dependence vis-à-vis the employer. Despite these external considerations, the specificity of the religious framework which ties some Muslim women to some extent to a position of disempowerment in the economy through a valorisation of motherhood, child-rearing and modesty through invisibility cannot be ignored[1]. This traditional gendered division of labour, while not unique to Muslim communities, has been retained and legitimised through the use of Islamic references and symbols; it has been preserved because by refusing to acknowledge women's paid labour outside the home as legitimate enables whoever used female labour to pay a lower price for it, so that Muslim female labour in the UK remains one of the cheapest and most easily exploited forms of labour[2]. This collusion between Islamic constructions of women's rights centred upon ideas of complementarity, and the UK government's policy focus on women's rights as the right to labour rather than the right to welfare and security, forces Muslim women to adopt compromised rights positions. This discussion on the grey economy reveals the embedded nature of the social conventions surrounding women's suitability for paid labour and for caring roles, reflecting the constructions of community and identity as well as religion. Importantly though, it has also revealed that the strategies employed by Muslim women are not exotic or ethereal as Orientalist discourses would depict them, rather, as with all women, Muslim women negotiate from positions shaped by their everyday lives. The discussions have however revealed two overarching discourses, those employed by government and policy makers which tend towards a colour blind approach, and the Islamic discourse of complementarity working as a double-edged sword within the specifics of the UK's post-modern economy. However, far from being passive victims of these discourses which rely on the invisibility of Muslim women's labour, Muslim women are, in certain circumstances, over a period of time, able to reconstruct these discourses to fulfil ambitions of career and education.

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1. Ibid., p. 7.
2. Please refer to Merinissi for a discussion of the use of Islamic symbols and references to justify the exclusion of women from legitimate paid labour, especially chapter seven. Fatima MERNISSI, *Women's Rebellion and Islamic Memory* (London, 1996)..

Right to Marital Choice and Domestic Security

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 increased choice in marriage partners[1]. This is also revealed in the pilot study conducted in Southampton, and through the interviews conducted with Islamic groups in the UK. One of the most successful strategies adopted by Muslim women is to insist upon the separation of culture and religion in order to challenge traditional marriage arrangements. One interviewee argued that forced marriages occur because "they don't know better" and insisted that Islam permits assisted marriages but forbids forced marriages; but "the assistance is abused because of a lack of knowledge"[2]. This strategy relies on Muslim women being conversant in Islamic literature and relevant holy texts, and, in order to be convincing, on adopting an explicitly Islamic identity over an ethnic-cultural one in order to challenge cultural practices. Indeed it is British Muslim women's very position in the UK which enables this strategy because of compulsory education until 16 and adult literacy programmes. Other examples where Muslim women are using their Islamic identities to exercise choice in finding suitable marriage partners is through the increased use of internet websites which offer accessible data-bases of potential partners, and Islamic organisations which provide social events with the view to enabling young Muslims to find suitable marriage partners. This strategy has been relatively successful as a number of women have successfully pursued in British courts the annulment of their marriages on the grounds that they were not willing partners, and the foreign office in response to demands by Muslim women's groups have established policies and procedures for helping young British Muslim Pakistani/Indian women resist forced marriages occurring on the Indian Sub-continent[3].

The second area where Muslim women have begun to defend rights through an Islamic identity is that concerning domestic violence. Current research about domestic violence shows that approximately 5% of "ethnic minority" women faced domestic violence at some point in

1. Clarie DWYER, "Negotiating Diasporic Identities: Young British South Asian Muslim Women," *Women Studies International Forum* 23 (2000): p. 482.
2. SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group."
3. http://news.bbc.co.uk/1/hi/uk/3585289.stm

1995[1]. Following the work conducted by Southall Black Sisters[2] among others, it is recognised that ethnic minority women face a double jeopardy of race and domestic violence[3]. As Kewley notes the constraints upon women victims of domestic violence are intensified if the abuse takes place in a racial minority group because of cultural and social isolation, of a lack of knowledge of her rights and English, and because of her immigration/residential status potentially being dependent upon her partner[4]. The government's insistence on placing (im)migrant women vulnerable to domestic violence under the constraints of immigration rules and the Housing Act of 1996 means that all such women, including a high number of Muslim women, are left 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"[5].

While this situation is by no means unique to Muslim women, the fact that many Muslim women in the UK 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. 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:

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1. HOME OFFICE, "Safety and Justice: The Governments Proposals on Domestic Violence," (London, 2003). based on Catriona MIRRLEES-BLACK, "Findings from a new British Crime Survey self-completion questionnaire," (London, 1999).
2. SOUTHALL BLACK SISTERS, *Domestic Violence and Asian Women* (London, 1994).
3. Ada KEWLEY, "Double Jeopardy: Race and Domestic Violence," in *Ethnic Minorities, their Families and the Law*, ed. John MURPHY (Oxford, 2000).
4. 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, 1997), KEWLEY, "Double Jeopardy: Race and Domestic Violence."
5. 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 [cited 20/07/2004 2004]); available from http://www.womensaid.org.uk /policy&consultations/DVBill/SBS_exec_summary_amendments_DVBill.pdf.

> "Introducing the power of arrest for common assault has universal application as does the imposition of [media] 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"[1]

The UK State is not monolithic, and Muslim women's interaction with the State rarely occurs at central government level. Women's experiences with local state agents also determine their ability to secure bodily security and freedom from domestic violence. 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". 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 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[2]. However, as NGO groups 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 require counselling from them"[3].

> "Consequently, this approach [multiculturalism] stereotypes an entire community in so far as the dominant interpretations of culture and religious values, made by male religions and community genders, 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."[4]

However Muslim women are not powerless as they develop platforms of resistance and amelioration of their condition. The Muslim women's

1. HOME OFFICE, "Safety and Justice: The Governments Proposals on Domestic Violence."
2. Cited in KEWLEY, "Double Jeopardy: Race and Domestic Violence."
3. SOUTHALL BLACK SISTERS, *Domestic Violence and Asian Women*.; WERBNER, "Veiled Interventions in Pure Space: honour, shame and embodied struggles among Muslims in Britain and France".
4. KEWLEY, "Double Jeopardy: Race and Domestic Violence."

helpline (henceforth the MWHL) is indicative of the process of women's agency in communities and nationally. The helpline is run by Muslim women and enables Muslim women to determine their own choices by refusing to set out for callers "what Islam says". The founder quipped in interview that the fee attached to drawing upon the resources of the helpline is "to make use of your brain"[1]. In this way Islam itself is no longer fixed and determined by male religious scholars but in this case by women attempting to negotiate the needs of their faith with those of their existence. As a result, of this challenge to male authority, initially the MWHL met with some resistance from communities and husbands who feared that they were "out to destroy families"[2]. As a result the organisation is astutely non-feminist in its use of language, practices and policies instead it focuses on the need to address Muslim women's social and emotional needs arising from rights violations[3]. The MWHL draws upon the ideas of self-reflexivity and the management of Islamic faith in everyday circumstances.

One strategy available to Muslim women in the UK is to adopt a revisionist position regarding certain verses of the Qur'an and other holy texts. 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[4]. 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 a symbolic gesture[5]. It is a way of demonstrating to a wife that their relationship has broken, and that it relates specifically to concerns about a wife's lewdness, and implications of sexual disloyalty. It is symbolic because 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

1. MUSLIM WOMEN'S HELPLINE, "Interview with the Coordinator of the Muslim Women's Help Line, UK," (London, Southampton, 2004).
2. Ibid.
3. Ibid.
4. "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, 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, 1998).
5. Among others, SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group."

must not damage the skin in any way, and that only a (equivalent of) toothpick may be used. NGO groups and respondents to my research questionnaires and interviews argue that some men have removed the context of the verse to justify beating their wives[1]. These attempts to replace the verse in context, and to limit the efficacy of the verses literalism suggests that Muslim women are negotiating from within an Islamic framework as it serves as the most successful strategy for initiating change in behaviour and belief in their own communities.

These strategies become possible through the public articulation of an Islamic identity, through the increased speed and efficacy of communications and through the private avowal and reflection of being Muslim. In the re-writing of Islamic discourses and concepts Muslim women have accessed a rights discourse that manages their lives in a secular non-Muslim majority space. The right to be free from domestic violence and the right to marital choice are inherently concerned with women's relations as wives, mothers and daughters and can be therefore addressed from within an Islamic framework which prioritises these female identity markers over others. As a result there is also a shift in the dominant Islamic discourse on domestic violence and arranged marriages that incorporates the concerns and lives of Muslim women. An extended example below examines how these strategies may be employed in the specific UK context and shows how outside identity markers have shaped the strategies of British Muslim women.

Honour Killings[2]

One recent challenge to the emergence of an acceptable and public Islamic identity among Muslim women in the UK has been the linkage between so-called honour killings and Islam. This represents a challenge to the rights negotiations of Muslim women to tackle domestic violence from indigenous positions because it suggests that Muslim communities are incapable of addressing the needs and securing the lives of vulnerable women. This has occurred because the State and media response to honour killings has been to place this form of domestic violence outside the normalised understanding of violence against women, and defined as an "Other" Muslim or Islamic practice. Consequently, attempts to tackle

1. SALEEM, "Interview with Tahmina Saleem, Chair of the Islamic Society of Britain's Women's Participation Advisory Group."
2. 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.

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 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"[1]. 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"[2]. 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"[3]

The response of the British Muslim groups in the UK 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/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"[4] as opposed to having any basis in Islam or in Islamic jurisprudence. This is in line with international research on honour killings, which tend to focus on Pakistan and Jordan[5]. Nevertheless, although this distinction is valid, the

1. Romana MAJID and Sabbia HANIF, "Language, Power and Honour: Using Murder to Demonise Muslims," (London, 2003).
2. Ibid.
3. BBC NEWS Online, UK Muslims Condemn Honour Killings (BBC, 30/09/2003 2003 [cited 29/07/2004 2004]); available from http://news.bbc.co.uk/2/hi/uk_news/england/london/3150142.stm.
4. MUSLIM COUNCIL OF BRITAIN, Honour Killing: A crime against Islam (Muslim Council of Britain, 2004 [cited 30/07/04); available from www.mcb.org.uk/honour_ killings.pdf.
5. Niaz A. KAKAKHEL, "Honour Killings: Islamic and Human Rights Perspectives," *Northern Ireland Legal Quarterly* 55 (2004)., F FAQIR, "Intrafamily femicide in defence of honour: the case of Jordan," *Third World Quarterly* 22 (2001).

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 – i.e. by challenging notions of honour, shame and izzat beyond reference to religious texts. The success of these strategies challenging the linkage between Islam and honour killings relies on the ability to project a construction of Islam as peaceful and law abiding. It also requires Muslim communities to be perceived as something other than a "problem population", such that Muslim women are considered as able to provide solutions. Merali argued that the attempt by local authorities and Police to "teach" Muslim communities that honour killings are unacceptable reflects unequal power relations and Islamophobic assumptions held by those in positions of authority[1]. The success of Muslim women to challenge domestic violence and to demand rights which are usable likewise depends upon the willingness to change perceptions of Others identity and to alter the identity presumptions within the community premised on a siege mentality.

Conclusion

The examples and analysis of this paper have explored the contingent and negotiated forms of identity and rights understanding among British Muslim women. It has shown how the redevelopment of two key Islamic concepts, the Ummah and complementarity, has enabled Muslim women to develop strategies which build on their Islamic identities in order to acquire rights. Furthermore, the adoption of a publicly expressed and privately articulated Islamic identity among British Muslim women has 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 register[2]. Extending beyond the particulars of this case study, the relationship between rights and identity 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 expression and identity depend on the

1. MERALI, "Interview with Arzu Merali of the Islamic Human Rights Commission."
2. KEPEL, *Allah in the West*. p. 234.

national context and combine the cultural codes of the country with conceptual categories which 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 creates an understanding of the production of rights and identity among Muslims. Extending the arguments presented by Ahmad, the construction and appropriation of rights, as well as of identity, is relational[1]. A monolithic Muslim identity is therefore resisted in the rights claims of Muslim women as they seek to negotiate from a variety of positions of power and weakness. The main conclusion of this paper is that although Muslim women are not a homogeneous 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.

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