Terence Lovat *Editor*

Women in Islam

Reflections on Historical and Contemporary Research

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Foreword

The issue of women in Islam today is one characterized by struggle among competing voices. Broadly speaking, the competition is between, on the one hand, the claims of those for whom Islam generally represents a movement of social and religious reform, and that the role of women and gender equity was always central to the reform. On the other hand are those for whom Islam is in fundamental opposition to notions of reform that would entail a role for women marked by equal status and opportunity. The former claims would seem to be more firmly based in the scholarship of the ages, both Islamic and Western, and promise greater levels of social and religious discourse between Islam and non-Islam, while the latter could be said to be a reaction to cataclysmic historical events that have fractured Islam and spawned an exclusivist perspective that idealizes its separation from all things non-Islamic, an Islamic guise referred to variously as Islamism or radical Islam.

In the midst of this contemporary wider struggle between the forces claiming Islam as their inspiration, the role and place of women is a defining issue with views that cover the spectrum from claims around equality through to those around relegation and suppression. The book will gather together a collection of updated research with a primary focus on the issue of Muslim women, either historically or contemporaneously. The impetus for the book came from an Australian Research Council (ARC) funded research program involving Professors Terry Lovat and Hilary Carey from the University of Newcastle, Australia, with collaboration from Professor Geoffrey Samuel and Dr. Santi Rozario of Cardiff University, UK, and supported by Dr. Belinda Green. The research in the book encompasses far more than was the subject of the ARC project, research that comes from many parts of the world, representing Muslim and non-Muslim researchers, with national identities and focus issues related to Muslim intense countries including Bangladesh, India, Iran, Iraq, Israel, Lebanon, Nigeria, Pakistan, Palestine, Tanzania, Tunisia and Turkey, as well as France, the UK, Canada, South Africa and Australia. The research also covers an array of Muslim views, both Sunni and Shi'a but also minority perspectives such as Ismaili. In each case, the research is underpinned by the latest socio-theological insights and/or empirical findings, as appropriate, and the persistent method is one of reflection into understanding and, where suitable, recommended action.

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Author Biographies

Dr. Mohamad Abdalla is an Associate Professor at Griffith University, Australia, and the Founding Director of the Griffith Islamic Research Unit (GIRU), and Director of the Queensland node of the National Centre of Excellence for Islamic Studies Australia (NCEIS). He is a public intellectual and a respected leader in the Australian Muslim community. Dr. Abdalla was the Chairperson of the Queensland Muslim Community Reference Group (MCRG) and the Vice-president and spokesperson for the Australian National Imams Council (ANIC). Dr. Abdalla has published widely in the field of Islamic studies.

Dr. Muhammad Ahsan is an independent academic research and training consultant in UK. In the fields of Contemporary Muslim World, his research has gained international recognition. In addition to authoring various books, Dr. Ahsan has produced a large number of reports and research papers published in various refereed international journals. His thoughts have significantly influenced in fixing priorities and directions for the Muslim World and re-forming the Organisation of the Islamic Conference.

Kelly al-Dakkak is a D.Phil. candidate in Oriental Studies at the University of Oxford, UK. She is specialised in Islamic thought and movements in the Middle East and North Africa and is currently completing a dissertation on Tunisian intellectual Mohamed Talbi. She is a former Fulbright Fellow in the United Arab Emirates, where she pursued research on Islamic identity for which she was awarded a Fulbright Islamic Civilization Grant.

Dr. Robert Crotty is Emeritus Professor of Religion and Education at the University of South Australia. He has written widely on Religion Studies and has had a long-standing interest in Islam and its relationships with Judaism and Christianity. He is presently involved in research on the possibility of restoring convivencia among the Abrahamic religions.

Dr. Doria Daniels is a Professor in the Faculty of Education at the University of Stellenbosch, South Africa. She has been the primary investigator of an Indigenous knowledge research project that explored gender in community history and has published on how South African Muslim women are remembered and portrayed in their communities' histories.

Dr. Nazreen Dasoo is Senior Lecturer at the University of Johannesburg, South Africa. She has been teaching Islamic Studies Methodology to postgraduate students since 1998. In 2001, she was asked to serve on a Standards Generating Body for Islamic Studies in South Africa. Her main role comprised setting the unit standards for how the subject should be taught at both schools and universities. As part of her community engagement projects, she conducts in-service training for teachers at Madrasahs in Johannesburg.

Alim Fakirani is an educator who completed his B.A. at McGill University, Montreal, Canada. in the Faculty of Religious Studies. This led him to pursue a double-Masters with Distinction at the Institute of Ismaili Studies and the Institute of Education, London. While in London, Alim became deeply fascinated with the intersection of religious identity with the plural and secular landscapes of our societies. Specifically, he is interested in the ways in which women of faith experience their religious identity in their daily lives.

Dr. Belinda Green is a post-doctoral researcher attached to the University of Wollongong, Australia. She has been an active researcher in the field of Islamic Studies, with special attention to Muslim women in diaspora situations.

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Dr. Terence Lovat is Emeritus Professor at The University of Newcastle, Australia. He has been chief investigator of a number of Australian Government funded projects concerned with aspects of Islam and has written extensively in the area. In 2004, he was presented with an award by the Sydney-based Muslim association, Affinity Intercultural Dialogue, for academic work that promoted understanding of Islam.

Adil Mamodaly is a secondary religious education teacher within the Ismaili Muslim community in Montreal, Canada. He has studied at the Institute of Ismaili Studies and the Institute of Education in London, England, where he completed a Master in Teaching and a Master of Arts in Education (Muslim Societies and Civilizations). He has written extensively on various subjects within the field of Islamic studies and has always had a passion for understanding the experience of Ismaili Muslim women.

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Mehmet Ozalp is an Islamic theologian, academic and community activist. He is the founder and Executive Director of Islamic Sciences and Research Academy associated with Charles Sturt University, Australia. He serves as the Muslim Chaplain at the University of Sydney and Macquarie University. He is a prolific speaker on Islam and Muslims in Australia and the author of three books: '101 Questions You Asked About Islam', 'Islam in the Modern World' and 'Islam between Tradition and Modernity: An Australian Perspective'.

Dr. Halim Rane is the Deputy Director of the Griffith Islamic Research Unit and a Senior Lecturer in the School of Humanities at Griffith University, Australia. Dr. Rane is the author of numerous articles and books concerning Islamic and Muslim issues including Islam and Contemporary Civilisation: Evolving Ideas, Transforming Relations (Melbourne University Press, 2010); Islam and the Australian News Media (Melbourne University Press, 2010); and Reconstructing Jihad amid Competing International Norms (Palgrave Macmillan, 2009).

Dr. Santi Rozario is a former Reader at Cardiff University, UK, now at The University of Tasmania. She has engaged in extensive funded and unfunded research in a variety of projects associated with Islam and Muslim women in cross cultural contexts.

Dr. Ibtihal Samarayi is an Australian Muslim who was born in Iraq, Visual Arts Lecturer and Coordinator, and Research Academic at The University of Newcastle. She has experienced refugee status in the West and has studied Islam in both its origins and contemporary problems through the lens of fine art, with especial attention to the artwork of Muslim children caught up in detention. Ibtihal's new book, Refugee to Resident, is a memoir about her journey as a refugee in moving from Iraq to Australia.

Dr. Geoffrey Samuel is a Professor at Cardiff University, Wales, UK, where he directs the Body, Health and Religion (BAHAR) Research Group. His academic career has been in social anthropology and religious studies, and his books include Mind, Body and Culture (1990), Civilized Shamans: Buddhism in Tibetan Societies (1993), Tantric Revisionings (2005) and The Origins of Yoga and Tantra (2008). He is currently working on material on Tibetan yogic health practices and Tibetan medicine, and on a research project on young Bangladeshis, Islam, marriage and the family.

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Dr. Luqman Zakariyah is Teaching Fellow of the Study of Islam and Muslims at Al-Maktoum College of Higher Education and honorary Teaching Fellow of the School of Divinity, History and Philosophy, University of Aberdeen, Scotland, UK. Dr. Zakariyah has published in many international journals including Arab Law Quarterly, Brill. He has been appointed as visiting scholar at Ripon College, Oxford, UK.

Chapter 1
The 'Women's Movement' in Modern Islam: Reflections on the Revival of Islam's Oldest Issue

Terence Lovat

Abstract While early Islam's development was far from unequivocal in the way women were treated, evidence nonetheless of radical reform around the issue is indisputable. The original Constitution guaranteed the right to inheritance, including of property, as well as to initiate divorce and testify in court. Women and men were equally bound by the law and punishable for misdemeanors against it, and were equally liable for the ultimate reward of entering Paradise. There is considerable evidence as well that women were active participants and leaders in the earliest communities, with two of Muhammad's own wives being prominent in advocacy and juridical advisory roles, both within and shortly after the lifetime of the Prophet himself. The chapter will attempt to set the scene for the volume by exploring these themes. It will make use of prominent Muslim scholarship around the issue of women in Islam, including work by Mohamed Talbi, Leila Ahmed, Amina Wadud and Ayaan Hirsi Ali, work that in various ways illustrates that the current struggle to recover the voice of women is crucial to no less than a recovery of Islam itself.

Introduction

While early Islam's development was far from unequivocal in the way women were treated, evidence nonetheless of radical reform around the issue is indisputable. The original 'Constitution' has the appearance of guaranteeing the right to inheritance, including of property, as well as to initiate divorce and testify in court. Women and men were equally bound by the law and punishable for misdemeanours against it, and were equally liable for the ultimate reward of entering Paradise. There is considerable evidence as well of women being conceived of as active participants

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and leaders in the earliest communities, with two of Muhammad's own wives characterized as prominent in advocacy and juridical advisory roles, and other women taking on inspirational leadership roles beyond the norm in companion religions. The chapter will attempt to set the scene for the volume by exploring these themes. It will begin with a brief appraisal of the historical evidence and the store that can properly be attributed to it in light of recent scholarship surrounding the source texts of Islam. It will then move to appraise a sample of the wealth of prominent Muslim scholarship directed at the issue of women in Islam, work that in various ways illustrates that the current struggle to recover the voice of women is crucial to no less than a recovery of essential features of Islam, at least partly lost in our own time.

The Earliest Evidence

Phyllis Trible and Letty Russell (2006) proffer that "… understanding problems and opportunities of the past and present among Jews, Christians and Muslims, as well as envisioning a different future, resides more in studying the women Hagar and Sarah than in stressing the putative unity located in Abraham." (p. 1) Indeed, the stories surrounding these two women, representing respectively the claims of Islam and those of Judaeo-Christianity, stand increasingly at the centre of the contemporary dispute, disenfranchisement and growing friction that characterizes the relationship between Islam and its sibling 'Western religions'. Hagar, Abraham's Arabic wife and mother of his first-born child, Ishmael, is matriarch of the Arabic peoples and, in that sense, of Islam itself. She it is who obeys the will of Allah, even in difficulty and apparent rejection by her husband and his Israelite wife, in taking Ishmael back to his own people where he can learn the Arabic ways in order to fulfil his own destiny to be the father of the Arabic people and patron of Islam, represented in definitive fashion when, together with his father, he builds the Ka'aba to mark the Covenant with Allah. Sarah, meanwhile, is Abraham's Israelite wife who initially seems complicit in encouraging him to take a second wife in order to ensure an heir but then quickly turns against Hagar (and Ishmael) when she is herself with child, Isaac, who, according to the Israelite story, is ordained as the true heir because of his pure Israelite heritage.

The importance of these stories, centred on the two foundational women of the Abrahamic tradition, cannot be overstated when one considers that, for these people, the identity of an individual resided in the maternal line. St. Paul seemed to understand this when, in the Letter to the Galatians, he chose to contrast Hagar and Sarah as matriarchs of the Old and New Covenants, rather than making reference to the patriarchal heritage. Ironically, in conferring the status of matriarch of the original Covenant on Hagar, he can be interpreted as endorsing, albeit well before the event and no doubt unintentionally, the later Muslim claim that it was through Abraham's Arabic wife that Allah's promise was fulfilled. In one of countless points of intrigue in the matriced lines of interpretation and cross-interpretation that characterize the

various source texts of the Abrahamic religions, Paul can actually be read as having endorsed the claims of the Ishmaelites (the early Muslims) that their patriarch was the heir to the Covenant, in precedence to Isaac. Of course, Paul's intention was far from this, his chief interest being in discrediting the claims of the so-called 'Judaizers', those who believed that Judaic adherence must necessarily precede being Christian. He was also striving to draw out the link between Isaac, the progenitor of the New Covenant, and Jesus (the new Isaac), as the definitive heir of the New Covenant. Nonetheless, in doing so, Paul makes the very point that later Muslims would make, namely that Hagar is the matriarch of the Old Covenant and that Ishmael, therefore, is the heir of the Old Covenant and, in that sense, heir to the promise made to Abraham.

In a day and age that sees a large proportion of Islam, both mainstream and radical, identifying itself as 'children of Ishma'il' (Adang 1996; Ibn Hazm 1997; Hoyland 2001), sometimes as an angry protest, and the name Ishma'il also associated with radical Islamism by protesting non-Muslims (cf. Prophetic Roundtable, www.propheticroundtable.org), the dispute is clearly of huge moment and requires a renewed and vigorous conversation around the issue. In similar fashion, the association of the name of Hagar with early and more recent Muslim claims around both their own proper heritage and protestations that these claims have been persistently misheard and rejected by the (Judaeo-Christian) West, makes the issue of recovering the crucial matriarchal heritage of huge import to contemporary events. For not only did many early Muslims refer to themselves as 'Hagarians' but, moreover, Hagar's importance to defining the nature of being Muslim, in terms of submission to Allah's will and withstanding the onslaught of Judaeo-Christian hostility in fulfilling that will, are coming to hold increased importance in contemporary Islam:

> Hagar (Hajar) does not see herself as a victim of Abraham and Sarah, or of a patriarchal, class and race conscious culture. She is a victor who, with the help of God and her own initiative, is able to transform a wilderness into the cradle of a new world dedicated to the fulfilment of God's purpose on earth … In doing so (i.e. Muhammad leaving his own city and establishing Islam), he followed in the footsteps of his foremother Hagar who, generations earlier, had chosen to dwell in the desert to which God had directed her, making a home and community out of an unknown land and people. She demonstrated by her faith and actions that for a believer all of God's earth is a sanctified place and that loyalty to God supersedes attachment to terrestrial bonds, be they of place or persons. (Hassan 2006, p. 155)

Asserting the relevance of Hagar to the issue of women in Islam today is not to proffer a naive or uncritical pertinence of source texts to a contemporary issue. Nor is it to deny the importance of ongoing scholarship around the nature, history and formation of the Islamic scriptures (Warraq 1998; Armstrong 2001; Ohlig and Puin 2009). It is merely to highlight the importance of the original inspirational material available to the earliest Muslim communities as well as to take note of the use to which this material is being put in contemporary Islamic reflection. This reflection seems to suggest that the role of women in Islam is arguably its oldest issue, in that claims made about Hagar's role in submission to Allah and the subsequent effecting of the Covenant that sits at the heart of Islam's central claims about itself, captures nothing less than the core of Islamic self-identity. In a sense, Hagar is the first

Muslim. In a way that cannot be said of any of its companion religions, Islam rests on the faith of a woman. This realization seems to sit at the heart of much contemporary Islamic scholarship, both that which deals specifically with the issue of women and that which deals with more generalized issues of reform. For those who see reform as a defining notion of all for which Islam originally stood, the issue of women is central (Haddad and Esposito 1998). There can be no recovery of Islam without its settlement.

Mohamed Talbi

Mohamed Talbi is a prominent Muslim historian who specializes in Qur'anic interpretation. Against the rise of radical Islamism in recent times, his passion and commitment has been in utilizing his knowledge of the Qur'an and other inspirational sources of Islam to show how unfounded and skewed are the claims of radical Islamism as representing a return to Islam's origins. Talbi's work (1995, 2006) is an interesting place to begin the recovery of the voice of women in Islam. It is especially relevant to this issue because it relies heavily on the notion of *ihtiram mutabadal* (mutual respect) as being central to the ethics of social relations in the earliest communities of Islam. One might suggest that it is on the interpretation of *ihtiram mutabadal* that much of the debate within Islam about the role of women rests.

Talbi is in no doubt that Islam was and is a religion of reform when properly understood. This proper understanding centres on Muhammad's belief that, in Islam, he was constructing the community (*Ummah Wahida*) that God had foreshadowed in the Promise to Abraham, renewed to Moses and represented in the followers of Jesus. Islam was therefore a reform of all previous attempts to construct a community that lived by God's ordinance, rather than human ordinance, including being a reform of Judaism and Christianity. As such, its charter was to be found in the prophetic tradition and, within that tradition, it was clear that the essential reform envisaged of the *Ummah* was around the respect, care and tolerance that should be extended to all people, with special mention being made of women and children, among others. For Talbi, far from the radical Islamist construction of Islam as an intolerant force bent on conformism and the relegation of women to second-class status, Islam is in fact the religion of pluralism and acceptance of and respect for human difference of all kinds, including gender difference.

Nettler (1999), in commenting on Talbi's contribution, says:

> The Qur'an, as basis and foundation of the whole structure, is Talbi's ultimate source. He sees in his theory of pluralism a 'modern' idea from the depths of revelation. Despite his obvious debt to modern thought, Talbi's point of departure is from within the sacred text and its early historical context. His approach to that text and history presupposes there is a humanistic message of the Golden Rule and an empirical validity in historical sources such as the Constitution of Medina which support that message. (p. 106)

Nettler's reference to the Constitution of Medina is about the kind of community that Islam first established around the belief that it was the model community that

God had envisioned. By any standards, this community, together with most Islamic civilizations of the early Middle Ages, was remarkable for its overarching ethic of tolerance. Additionally, many features that one would associate with the Western state and democracy, rather than with the stereotype of Islam presented by radical Islamism were to be found in the communities built around the Constitution of Medina. Among these features were those concerned with social welfare systems, education and healthcare schemes, and included innovations in law (*Shari'ah*) and new conventions designed to protect the rights and promote the status of women. Almost a thousand years before the so-called Enlightenment in the West began the move towards these features, they were part and parcel of early Islamic civilization (Lewis 1987). In this respect, Islam can claim to be one of the world's great social experiments where human rights of all sorts were enshrined in law. Talbi's (1995) view on the role of women in this context is clear from the Qura'nic evidence:

> We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know (be friendly towards) each other … (p. 61)

In a word, women and men are different but nonetheless equal, two halves of a single pair, each incomplete without the other.

Leila Ahmed

Leila Ahmed (1992, 2006) offers an informed and balanced view of the issue of women in Islam, and indeed of the origins of Islam itself. Unlike Talbi, she acknowledges that there are two different and equally cogent interpretations of the nature of early Islam, both of them inspired by the character of Muhammad who, she implies, was a product of his time as well as being a reformer. For this reason, there are some apparent inconsistencies in the testimony provided by the sources. Regarding the issue of women, she maintains that the two interpretations turn on, first, one that seems clearly to endorse the notion that the moral and spiritual equality of all human beings is an ethical imperative for the *Ummah.* On the other hand, there are more than hints to be found in the inspirational writings of a hierarchy that relegates women to an inferior status to that enjoyed by men.

In conceding the possibility of this dual interpretation, Ahmed might be seen to be playing into the hands of the radical Islamist view on the place of women. On the contrary, the importance of her work is in illustrating that, while it is plausible that the hierarchical interpretation can be held, it is nonetheless based on a misunderstanding of the essence of the Islamic reform. According to her, the dominance of the hierarchical view throughout much of Islamic history owes more to the forces that gained control in the early centuries of Islam than to their understanding of the reform that Islam implied. As suggested, even the character, Muhammad, can be seen in part to be bound by his heritage and so perceived reference on his part to gender inequality comes hardly as a surprise. In contrast, granted the social context and heritage, the real surprise and innovation is in the rigorous and exhortatory

discourse around the moral and spiritual equality of all people, including between women and men. Ahmed regards the interrelationships between Islam and the West, emanating essentially from the colonial era of the nineteenth century, as crucial to the recovery of this essential voice of Islam. Among other things, it is forcing Islam to re-assess the role of women and so, in her view, to re-discover that it was in fact Islam, not the West, that first proposed the equality of women and enshrined in its own laws a level of rights, including to inherit and own property, that would only come to the West a thousand years later.

Amina Wadud

Amina Wadud builds on the above themes with at least as much recourse to the Qur'an as her foundational source as is characteristic of Talbi. Wadud (1999, 2006a, b) asserts that the issue of women is the central social issue to be found in the Qur'an and that the entire testimony is aimed at reversing the beliefs of the surrounding tribes that women were somehow less than human. She infers that Judaism and Christianity did not always help in this regard because their stories of the origins of the world prioritized the creation of man and left woman as an apparent afterthought. In contrast, she points out that the Qur'anic expression of creation, while similarly constructed, carefully presents man and woman as a single pair, with a picture of perfect equality in the Garden of Eden and equivocal sharing of guilt when the forbidden fruit is taken. Most crucial to Islam is that man cannot be created in God's image, as Judaism and Christianity would have it, because Allah is beyond being personalized, least of all gendered, in the way to be found in the Judaeo-Christian scriptures. For Wadud, this de-gendering of God and the assertion of equality and equivalent rights for women is central to the reform that Islam represents.

Along with Ahmed, Wadud acknowledges that Islam's development was far from unequivocal in the way women were treated but she continues to point to the radical reforms characteristic of the original Constitution to mount the strongest possible case for the issue being central to the Islamic reform. In spite of the context of the times, Islam brought radical changes to the issue. The Qur'an guaranteed the right to inheritance, including of property (perhaps the most radical reform), as well as the rights to initiate divorce and to testify in court. It protected women's rights against coercion, including against sexual violence even in marriage. Women and men were to be equally bound by the laws of their land and religion, including being equally liable for any punishment owing to misdemeanour, as well as equally liable for the ultimate reward of entering Paradise. The testimony is clear that women were extremely active as participants and leaders in the earliest communities. A'ishah, allegedly Muhammad's favourite wife, played a role as juridical advisor (interpreter of *Shari'ah*) in the days following her husband's death. Like Ahmed, Wadud believes that the current struggle to recover the voice of women is crucial to no less than a recovery of Islam itself.

Popular Women Voices

Ahmed and Wadud are just two of a growing chorus of voices being raised by Muslim women about the role of women in Islam. Others include: Fatima Mernissi (1975, 2006), the Moroccan sociologist and author of *Beyond the Veil*; Majida Rizvi, the first female Judge of the High Court of Pakistan and later Chairperson of the National Commission on the Status of Women, most famous for her leading the successful opposition to the Hadood Ordinance in Pakistan that all but stripped women of their *Shari'ah* rights; Shirin Ebadi (2006), Iranian former jurist deposed to secretarial work after the Iranian Revolution and recipient of the Nobel Peace Prize in 2003, most famous for her support of women's rights in Iran and Islam generally; and, Ayaan Hirsi Ali (2006, 2007), Somalian writer of *the Caged Virgin* and *Infidel*, former Muslim and converted atheist who challenges the very foundations of Islam with especially sharp criticism of the malevolent effects of political Islam on women in Muslim societies. While the others mentioned remain devout Muslims, Hirsi Ali has abandoned the religion over its alleged failure to protect the rights of women and others. Her impact on the quest to recover the voice of women in Islam is nonetheless profound through her political and literary influence.

In recent important work that captures the potential of women from across the Abrahamic traditions to collaborate on study of women in Islam, Yvonne Yazbeck Haddad, Jane I. Smith and Kathleen M. Moore (2011) focus on the changing experiences of women and Muslim views about same in Western diaspora communities. It offers a reappraisal of historical material from within Islam, of traditional Western constructs of Muslim women and how Islam is changing in response to such reappraisals and critiques. The book focuses especially on the Muslim experience in America, examining Muslim American analyses of gender, Muslim attempts to form a new 'American' Islam and the legal issues surrounding equal rights for Muslim females. It also looks at the ways in which American Muslim women have tried to create new paradigms of Islamic womanhood and are reinterpreting the traditions outside of the traditional patriarchal structures that would otherwise subjugate them. This research, together with other work noted above, represents a surge among female Muslim scholars to re-create the contemporary circumstances for Muslim women. Of equal significance is the fact that, among the intense scholarship being directed at reappraising the origins of Islamic source material (cf. Ramadan 2007; Ohlig and Puin 2009), female Muslim scholars (e.g. Mattson 2008) are increasingly playing a part.

Conclusion

In summary, this lead chapter captures something of the current debate about the role of women in Islam, its sources in the tradition and some of its chief contemporary advocates, reformers and critics. The issue of women's rights in Islam is predictably the most controversial of the many features of modern revisionist scholarship in and

about the tradition. What is probably less debatable is that the issue was taken up more seriously in early Islam than in any religious establishment before its time and that early crafting of *Shari'ah* reflected this priority. The debate is more about the directionality of the attention that was given to the issue. The dominant scholarship seems to suggest that Islam represents a largely positive moment in the liberation and equality of women and that, as with its many other reforms, this came centuries before, and in turn influenced, similar reforms in the West. At the same time, it must be acknowledged that the sources around the issue are not univocal and that the issue therefore will, in all likelihood, continue to be a vexed one for Islam for some time to come. Granted the crucial nature of the issue for the future of Islam, it is therefore important that the debate be an informed one and it is on this concern that the purpose of this book is founded.

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Chapter 2
Reconciling Traditional Islamic Methods with Liberal Feminism: Reflections from Tunisia by Mohamed Talbi

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Abstract This chapter will examine Tunisian intellectual Mohamed Talbi's interpretation of Qur'an IV:34 as a case example of the nexus of European liberal and traditional Islamic thought. Using a textual analysis of Talbi's works on women, primarily *Ummat Al-Wasaṭ* and his articles in *Prologues* and *Jeune Afrique*, it will trace Talbi's search for the *maqāṣid* (ultimate intentions) of the Lawgiver. Following the application of his 'vectoral reading of the Qur'an,' Talbi concludes that God's intention for Muslims is gender equality and characterises the acts of the Prophet as 'feminist.' The chapter will discuss the inherent contradictions in Talbi's attempts to render equivalent liberalist ideas and terminology and Islamic history. It will also examine in brief Talbi's writing on polygamy. Ultimately, while his scholarship on personal status is subject to a number of contradictions and anachronisms, Talbi's writing has important implications for the role of women in Islam and for the fundamental compatibility of Islamic and Western thought.

Introduction

This chapter will examine Tunisian intellectual Mohamed Talbi's interpretation of Qur'an IV:34 as a case example of the potential nexus of European liberal and traditional Islamic thought. Using a textual analysis of Talbi's works on women, it will trace Talbi's search for the *maqāṣid* (ultimate intentions) of the Lawgiver. Following the application of his 'vectoral reading of the Qur'an', (Talbi 2004, p. 24) Talbi concludes that God's intention for Muslims is gender equality and characterises the acts of the Prophet as 'feminist'. The article will discuss the inherent contradictions in Talbi's attempts to render equivalent liberalist ideas and terminology and

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Islamic history. It will also examine in brief Talbi's writing on polygamy. Ultimately, while his scholarship on personal status is subject to a number of contradictions and anachronisms, Talbi's writing has important implications for the role of women in Islam and for the fundamental compatibility of Islamic and Western thought.

Background

Within the last two decades, Tunisia has witnessed a flurry of activity among its Islamic intellectuals. Situated between the authoritarianism of Ben Ali's government and an increasingly beleaguered Islamic opposition, a group of academics known collectively as "The Professors" has emerged (Lee 2008, p. 157). While the scope and specific objectives within this group vary substantially, all of its members have attempted in some way to reconcile these opposing forces in modern Tunisian society with Bourguiba's tradition of secularism. Their work is the substance of public debate and fills the pages of such popular publications as *Jeune Afrique*. Among these scholars, the work of Tunisian intellectual, Mohamed Talbi, has proven influential both within and outside of academic institutions in Tunisia. At the same time, a product of a traditional religious education and advanced graduate studies in France, Talbi sees that which is socially and religiously good in both Islam and the West. His ideas often serve to bridge the gap between Western liberal ideas and Islamic thought. The implications of his work are of significance in a spectrum of fields of importance to modern Muslims.

Talbi advocates a method of analysis wherein sacred text is to be read and interpreted in the context of the conditions surrounding it at the time of the revelation. Using this method, one can derive general, ethical principles from the text, separating this core from time bound injunctions which are abrogated with changing social conditions. These general principles can then be applied to find solutions to contemporary social questions. Talbi argues that this approach serves as a safeguard against the sloppy methodologies of modern historians and Islamic intellectuals who seek to equate contemporary social institutions with Islamic concepts. This article will serve as an introduction to Talbi's method, as applied to the question of the personal status. I will summarise and analyse the manner in which Talbi engages a number of key verses, most importantly Qur'an IV:34 relating to the condition of women in Islam, with a view to providing further clarification and analysis of his methodology and its implications.

Talbi's application of his historical method to verses relating to the status and treatment of women spans a number of works. The most important of these is his chapter on Qur'an IV:34 in *Ummat Al-Wasaṭ* (2006), perhaps the best example of a practical application of Talbi's 'historical reading' found within his body of writing. Therein, he guides his reader through his approach and its underlying logic and justifications. When analysed in conjunction with a companion article targeting a Francophone audience entitled "Mohamed Talbi: Lecture historique des versets 34 et 35 de la Sourate de Coran intitulée 'Les Femmes,'" *Ummat Al-Wasaṭ* allows for an invaluable insight into the historical precedents of Talbi's approach. The bulk of

this chapter will be devoted to that discussion, although Talbi's more abridged treatment of other verses and personal status issues, found in a series of articles in *Jeune Afrique*, will be discussed as well.

Talbi and Gender Equality

From the outset, Talbi makes no secret of his preference for what he refers to as 'equal treatment of the sexes,' even if the Qur'an makes no specific call for gender equality. His inclination serves to inform the application of his historical method. I will discuss the extent to which this occurs later in the chapter. For now, it is important to note that Talbi explicitly favours gender equality over what he deems the less satisfactory 'gender equity.' While Talbi does not expressly define the term 'gender equity,' he uses it throughout his work to mean justice of treatment among men and women, given certain innate differences between them. This, he argues, is the minimum standard of protection that the Qur'an expressly guarantees to women. To offer greater rights to women, or the pursuit of 'gender equality,' however, Talbi views as the ultimate intention of the Creator (Talbi 2005, p. 62). The justification of this position is at the core of his project, a difficult exercise, given that the Qur'an speaks of equity with far greater frequency than equality. It is worth quoting Talbi at some length on the matter, as he states his position as regards gender equality:

> I am personally for equality [of the sexes.] But the question arises for all of the monotheisms. Neither the Biblical text, nor evangelical texts, nor the Qur'an speaks in a clear way of equality of the sexes. Indeed, the texts speak of equity. If one takes them literally, one can say that women have a status of an inferior degree to that of men, as the Qur'an says. But … I believe, using my reason, as God commanded me to do, that this degree is not a degree of inferiority, but a degree of difference. That is not the same thing. (Talbi 2005, p. 62)

These words effectively summarise Talbi's position as regards the status of women. It is a viewpoint informed to a great extent by the liberal Western writing to which he was exposed throughout his education. Talbi's project can be construed as an attempt to reach the same conclusion by means of Islamic thought. The best example of this uniting strand in Talbi's works is to be found in his discussion of the corporal punishment of women and Qur'an IV:34. A detailed discussion of Talbi's arguments on the subject follows below.

Qur'an IV:34 and the Search for the Maqāṣid of the Lawgiver

The question to which Mohamed Talbi devotes the vast majority of his writing on personal status revolves around the meaning of Qur'an IV:34:

> Men are the overseers of women
> because God has granted some of them bounty in preference to others
> and because of the possessions which they spend.
> Righteous women are obedient,

> guarding the invisible
> because God has guarded [them].
> Admonish those women whose rebelliousness you fear,
> shun them in [their] resting places
> and hit them.
> If they obey you, do not seek a [further] way against them.
> God is Exalted and Great. (Jones 2007, p. 92)

Talbi applies his historical method to determine the intent and meaning of the verse, and specifically whether it authorises or endorses the corporal punishment of women, both in the context of early Islamic history and in the present. Talbi's arguments are presented in *Ummat Al-Wasaṭ*, with additional supplementary evidence listed in a series of articles in the francophone journals *Prologues* and *Jeune Afrique*. Drawing upon these works, I will briefly summarise Talbi's position before analysing the internal consistency and classical roots of the application his method and the nature of his conclusions.

Throughout his discussion on Qur'an IV:34, Talbi repeatedly refers to his methodology as the search for the *maqāṣid* of the Lawgiver. *Maqāsid* here is the plural of *maqṣad*, meaning 'intention, object, or ultimate meaning.' He often contrasts this attempt to find the divine *maqāṣid* with other efforts to interpret text which, owing to their lack of methodological rigour, fail to approach an understanding of God's ultimate purposes. Thus, Talbi writes during his exploration of Ḥadith associated with Qur'an IV:34: "This is not the place to analyse this text and comment on it, as it is subject to numerous interpretations, including the *maqāṣid* interpretation, which takes into consideration historical development and the purpose of the Lawgiver." (Talbi 1996, p. 128)

While throughout his writing Talbi welcomes and declares his tolerance for all interpretations, he is thus clear in his belief that not all interpretations are equal in weight. Those to be valued most are the interpretations that draw near in a methodologically sound manner to the *maqāṣid* of the Lawgiver. This process, by his admission, must take into account more than history. Rather, he writes:

> Our third and last observation has a methodological tinge based on what came before it. It concerns the revelation of Ayat 34 of Surat al-Nisā' in the environment in which it was revealed in its historical, human, social, and psychological dimensions, in order for us to understand the *maqāṣid* of the Lawgiver, from [these dimensions], according to the Qur'anic spirit in its entirety. (Talbi 1996, p. 118)

The first and second observations to which Talbi refers concern the larger importance of the question of personal status. Talbi notes, firstly, that the issue of corporal punishment of women continues to persist in Western societies and, secondly, that the confinement of women to a subordinate role to that of men has been justified within Christian and other texts.

In addition to these dimensions, which all form part of his methodology, Talbi later adds that an "… exploration of its clear Arabic tongue using the probe of modern linguistic sciences," is critical to any attempt to understand the *maqāṣid* of the Lawgiver. (Talbi 1996, p. 119) In the case of his analysis on women, Talbi is unambiguous on what he regards as God's *maqāṣid*. The *maqāṣid* of the Lawgiver, he writes, "… have aimed for fifteen centuries and until today to reduce the imbalance

in the equation and aims in the end for a true equality that considers the advantages and virtues of the two genders." (Talbi 1996, p. 135)

Surat Al-Nisā': Reconciling Historical Context and Modern Realities

Talbi situates his analysis of Qur'an IV: 34 as an attempt to reconcile the gains made by feminists throughout the Arab world in practice, on the one hand, and religious discourse, on the other, which has remained entangled with dogma. In his words, "… this calls us to treat this case, as far as quick research will allow, until the pursuit of a deeper and more comprehensive image of the condition of women in Islam becomes feasible." (Talbi 1996, p. 116) Talbi reminds the reader that violence against women is not strictly an Arab or Muslim phenomenon. As proof of the universality of the problem, he cites a broadcast on the French Channel 2 which claimed that, in France, "… two million women were subjected to beating by their husbands, that is, at least one quarter of them." (Talbi 1996, p. 116) Within the context of his work, however, Talbi states his intention to limit his discussion of violence against women to the exegesis of the single verse, Qur'an IV:34.

Having established the scope of his discussion, Talbi takes the position that the text of Qur'an IV: 34 finds its context in the conditions created by anterior religions to Islam. Within the letters of Saint Paul, for example, he locates the advice, "O women, obey your husbands as you obey the Lord," thus positioning men as the subjects of something akin to 'worship' (Talbi 1996, p. 117). The spirit of Saint Paul's enjoinments formed the backbone of unequal Western gender relations until the advent of what Talbi refers to as "… the revolution of modernity." (Talbi 1996, p. 117)

Talbi contends that it is within this and other historic milieus that the reader must situate Qur'an IV:34. He appeals to the classical Islamic instrument of the *asbāb al-nuzūl* at this point, arguing for a methodological approach which must necessarily take into account the verse's historical, sociological, anthropological and psychological dimensions. In his view, this is the only valid approach by which the universal elements of the verse in question may be extracted. Talbi's objective in doing so is to derive a set of principles which may then be applied to modern circumstances. He summarises this view of the 'universality of the Qur'an' as follows, "Verily, the Qur'an is fitting to every time and place. Yes, and this is interpreted [to mean] that God addresses the mankind of every time and place with a living discourse, always new." (Talbi 1996, p. 117)

The methodology to which Talbi appeals assumes that, "God addresses a being with reason." (Talbi 1996, p. 117) It is incomprehensible to Talbi that God would endow humankind with such gifts, only to deny humanity the opportunity to use them in order to better know His intentions. As such, Talbi reasons as follows:

> We cannot understand the divine discourse, then, whose single time is always the present. We cannot comprehend in our fleeing present its lines regarding that which is to come, unless we understand it firstly within the context of the days of the distinguished revelation. (Talbi 1996, p. 118)

Otherwise stated, Talbi opens the possibility of a universal core of the Qur'an, an eternal ethic applying equally to all times. The manner in which society may best realise God's intentions, in contrast, is subject to temporal change. Understanding the divine message as God wanted it, as He wants it, and as He will want it are presented as entirely separate exercises. This process by which humankind engages history using the faculty of reason serves to demonstrate that, "… the divine dimension of the message descends into the human dimension" (Talbi 1996, p. 119).

Having introduced his methodology, Talbi moves on to outline the specific historical conditions in the early Islamic community of relevance to the revelation of Qur'an IV:34. In Mecca before the advent of Islam, Talbi explains that women were beaten as a matter of course and did not protest against the practice. Rather, he contends that it was among the cultural norms of the time and place. The "feminist question," as he calls it, did not find form until the Muslims of Mecca came to live in close quarters with the population of Medina (Talbi 1996, p. 120).

Qur'an IV:34 is a Medinan verse, and thus, to fully understand it, Talbi argues that an accounting of the relevant historical conditions of the Medinan period is necessary. Following the *hijrah* of the Prophet from Mecca to Medina, the Meccan Qurayshīs, to whom Talbi refers as the Muhājirūn, and the original residents of Medina, known as the Anṣār, came to live in close quarters with each other. Talbi contends that the treatment of women differed significantly between the urban Anṣār and the tribal Muhājirūn. In Talbi's words, "There is no doubt that the women of Medina were urban. They were more emancipated than the women of Mecca. This is what we read in the texts. It was among the habits of the Quraysh in Mecca to beat their women, and no one saw to object." (Talbi 1996, p. 120) Talbi argues that Qurayshi women themselves were accustomed to such treatment and saw no reason to protest.

In Talbi's view, the Prophet was, to use a Western descriptor, a 'feminist,' seeking to generalise the model of gender relations provided by the Anṣār and to eliminate the practice of husbands' corporal punishment of their wives. Talbi contends that the Prophet went so far as to attribute to his preference a legal character, thus issuing the well-known Hadith, "Do not hit the (female) servants of God." (Talbi 1996, p. 121) Talbi recounts, however, that the injunction did not deter all husbands from beating their wives; in fact, he notes several cases in which the Anṣār came to adopt the custom of corporal punishment from the Muhājirūn. Each time that a case of this sort came to the attention of the Prophet, Talbi explains, he would order that the guilty husband should be beaten, on the principle that husband and wife were equal.

Talbi cites unanimous and sound accounts that the last woman to have sought sanction against her husband in this way was Ḥabībah bint Zayd bin Abī Zahr, the wife of Saᶜd ibn Rabīᶜ ibn Amr. Saᶜd ibn Rabīᶜ was a notable among the Anṣār and had won the respect of the community with his brave conduct in the Battle of Uḥud. Talbi notes that he was one of the Prophet's closest companions. Saᶜd ibn Rabīᶜ's punishment was never carried out. Instead, Qur'an IV:34 was revealed. As he announced the cancellation of the punishment, the Prophet said, "We wanted

something, and God wanted something [else.] What God wanted is good." (as cited in Talbi 1996, p. 122) It is this circumstance, Saᶜd ibn Rabīᶜ's commuted sanction, and the conditions that it represents in the early Islamic community, that Talbi argues holds the key to understanding Qur'an IV:34.

Application of Asbāb Al-Nuzūl to Qur'an IV:34

Having introduced the context in which Qur'an IV:34 was revealed, Talbi goes on to argue for the application of a classical device known as *asbāb al-nuzūl* in order to gain insight into the reasons for the commutation of Saᶜd ibn Rabīᶜ's punishment for violence against his wife. *Asbāb al-nuzūl* refers to the circumstances surrounding the revelation of the Qur'an. They were classically used as an exegetical device; throughout Talbi's work, however, he applies *asbāb al-nuzūl* in a manner that is slightly different from that found in the four Sunni schools, each of which had defined rigorous rules as to the scope and application of the *asbāb*. Talbi asserts that this exploration can shed light on reasons for the suspension of what he believes to be "three years of continuous feminist experimentation." (Talbi 1996, p. 125) Having done so, Talbi goes on to offer suggestions regarding the *maqāṣid* of the Lawgiver and solutions in the modern world that satisfy them.

Talbi argues that, from his reading of early Islamic history, he finds evidence of "two parties in Medina: a feminist party led by Um Salamah and an 'anti-feminist' party driven by ᶜUmr Ibn Al-Khaṭṭāb." (Talbi 1996, p. 122) Talbi reminds the reader that, independent of the lobbying of individuals, "Islam was a revolution, and this revolution opened to the women, after a life of complete subjugation, broad horizons, which they hastened to reach." (Talbi 1996, p. 123) In the context of the social realities of the time, Talbi suggests, the women of the 'feminist party' were impatient, pushing incessantly for change for which many were unprepared. As a result, change favouring equality between the sexes was accompanied by a certain degree of violence and hostility between husbands and wives.

So great was the antagonism between the sexes that many men began to exercise anti-feminist pressure on the Prophet. Talbi's research leads him to the conclusion that, "This movement was led by ᶜUmr ibn Al-Khaṭṭāb, and all that we know about his nature and his morals predisposed him to that." (Talbi 1996, p. 123) Talbi notes that ᶜUmr Ibn Al-Khaṭṭāb, acting on the urging of other members of the community, approached the Prophet with the following advice, in ᶜUmr's own words, "I came to the Prophet, PBUH, and I said, 'The women are in revolt against their husbands, so thus permit the beating of them.'" (as cited in Talbi 1996, p. 124) ᶜUmr Ibn Al-Khaṭṭāb was not alone in his preferences; Talbi adds that the leaders of the Anṣār, Saᶜd ibn Rabīᶜ among them, "noticed that their symbolic authority had been affected by the corrections that had been inflicted on men who beat their women." (Talbi 1997, p. 96) In Talbi's estimation, this represented a real threat to the structure of the community, a society in which reputation and public perception were treated as currency.

Moreover, Talbi takes note that the conflict reached its most tense juncture directly before the Battle of Uḥud, which was a great catastrophe for the Muslim community. Given the danger to the young *ummah*, Talbi contends, "In circumstances such as this, it was imperative to put an end to internal differences and to unite the rank of combatants, all of whom were men." (Talbi 1996, p. 125) Talbi suggests that this is the reason for the revelation of Qur'an IV:34. His argument is as follows. The Prophet's 'feminist' experiment had lasted for three years in Medina and had demonstrated that the early Islamic community was entirely unprepared for real gender equality. So contentious was the possibility of such gains for women that it threatened to create a rift at a time when the *ummah* was at its most vulnerable. The survival of Islam and the integrity of the community of believers was the higher value. Thus, Qur'an IV:34 was revealed.

In Talbi's view, the most central point of analysis in the application of the *asbāb al-nuzūl* to the exegesis of Qur'an IV:34 is the reconciliation of the Prophet's three-year 'feminist' project with the apparent victory inherent in the 'anti-feminist' verse. Specifically, Talbi asks: "Is there a contradiction between what God wanted and what His Messenger wanted?" (Talbi 1996, p. 124) The notion of an affirmative response, and the concurrent suggestion that the Prophet acted in a manner contradictory to the will of God for three years, is inadmissible to Talbi, both in a religious and in a logical sense. He eliminates the possibility that this is the case, based upon the contents of Quran LIX:7: "Whatever the messenger gives you, take it. Whatever he forbids you to have, leave it alone." (Jones 2007, p. 510) Instead, Talbi argues that the Prophet pursued the full equality of men and women with God's support. Had this not been the case, "and if that had been contradictory to [God's] will, He would have rectified the situation immediately – and He would have reprimanded His Messenger," in a manner which Talbi argues was sometimes the case throughout Muhammad's prophethood (Talbi 1996, p. 124).

Thus, Talbi contends that if there is no contradiction between the will of God and that of His Prophet, and if the will of God is wholly good, then both the Prophet's feminist project and the contents of Qur'an IV:34 were necessary and beneficial to the *ummah*. Between two values, gender equality and the survival of the *ummah*, God, "made that which was more important prevail over that which was important." (Talbi 1997, p. 96) By this logic, though, once the safety of the *ummah* was assured, the purpose of Qur'an IV:34 had been fulfilled. In the context of the conditions found in the modern Islamic world, the higher value is gender equality.

It is worth noting that the source material that forms the basis for Talbi's analysis and application of the *asbāb al-nuzūl* is quite dissimilar from that which he presents in the earlier works of his career. In his monograph on the Aghlabide Empire, entitled *Al-Dawlah Al-Aghlabiyah* (1985), he demonstrates a rigorous citation of sources that, no doubt, was emphasised throughout his graduate education. In contrast, in his application of the *asbāb al-nuzūl* to Qur'an IV:34, he cites the origin of his historical narratives only sporadically. In this regard, however, Talbi's use of the *asbāb* resembles many of the most famous classical examples of the device. To the modern scholar, the use of source material of unknown origin is a worrying

limitation to Talbi's writing, particularly as this material is being applied to no lesser objective than the derivation of guidance on the ultimate intentions of the Lawgiver. In addition to the issue of citation, Talbi himself admits that information on the conflict within Meccan society that led to the revelation of Qur'an IV:34 is both rare and incomplete. He asserts, however, that, "Neither the rarity of the information conveyed by these texts, nor the fact that they rest upon only some aspects of life of the age, nor even the various gaps that blemish them, may represent insurmountable obstacles before this understanding." (Talbi 1997, p. 96)

The Evolution of Islamic Thought on Marriage and the Treatment of Women

Talbi's application of his concept of *asbāb al-nuzūl* leads him to the conclusion that equal treatment of the sexes represents a universal ethic. As such, society must evaluate and synthesise its social and political decisions on the basis of the realisation of gender equality in order to conform to the will of the Lawgiver. Talbi contends, however, that to do so will require the abandonment of generations of anti-feminist thought, which found fertile ground in the misogynistic preconceptions of classical jurists. He finds that the majority of jurists in the second and third centuries of Islam, "dealt with verse 34 of Surat Al-Nisā'… on the basis of Ḥadith underscoring the inferiority of women, making of them sexual merchandise whose function is to prostrate themselves before the appetites of their husbands." (Talbi 1996, p. 128) This interpretation of the Qur'an and Ḥadith, Talbi notes, was in conformity with the norms of the age and did not arouse objection.

Nonetheless, Talbi takes comfort in the fact that many modern scholars are beginning to apply their own methods of interpretation to Qur'an IV:34 and have concluded that the corporal punishment of women runs in contradiction with the intentions of the Lawgiver. In his view, it is possible for society to suspend the permission contained within Qur'an IV:34 to hit women. In doing so, however, Talbi advances the argument that it is critical that society understands that it categorically could not have been revealed in error. Rather, of those who would believe so, Talbi states: "His servants, whom He endowed with reason to attain [an understanding of] His meanings, they debate badly, and they forget that His verses direct as He commanded them, so they fall into error." (Talbi 1996, p. 132) Talbi argues instead that the correct interpretation of Qur'an IV:34 is that the verse was only correct given the conditions that characterised its revelation. With the expiration of such conditions, however, he concludes: "The Lawgiver's ultimate intentions make necessary the withdrawal of this permission, given the disappearance of the circumstances which [called for] it." (Talbi 1996, p. 133) In doing so, Talbi contends that society does not diminish the value of the verse, but rather honours it with its efforts to determine its deeper meaning, a meaning which is "as if God is addressing us in our day and in our hour." (Talbi 1996, p. 133)

Talbi also argues that the words of Qur'an IV:34, taken in context with the verse that succeeded it, address families in crisis, not the ideal recommended by the faith. Before marital discord leads to violence, Talbi argues that, "God reminds [us] of a set of principles, defines the duties of the two parties, and recommends a procedure that aims to reconcile the two partners, [in order] to leave behind their animosities and to rebuild, to the extent that it is possible, the familial fabric that disaccord has abused and destroyed." (Talbi 1997, p. 102) In this way, Talbi contends that the recommendations of the Qur'an allow both parties to the marriage to salvage their relationship, thus avoiding divorce, which Talbi reminds the reader is the most detestable of legal acts to God.

Commentary on Polygamy

Given Talbi's interpretation of Qur'an IV:34, one might anticipate that he would apply his historical methodology to revoke the permission for polygamy in the same manner that he argued for the revocation of the permission to beat women. It represents an interesting departure from his preference for liberalist and 'feminist' solutions that he does not, in fact, do so. As a historical institution, in both *Ummat Al-Wasaṭ* and *Plaidoyer pour un islam moderne*, Talbi argues for the legitimacy of polygamy, while at the same time noting that the Qur'an recommends monogamy as "the organisation most conforming to equality of the sexes." (Talbi 1998, p. 138) I will briefly summarise his arguments before moving on to consider how Talbi's treatment of polygamy fits into his broader body of work on personal status.

Talbi opens his discussion on the nature and permissibility of polygamy with the assertion that Islam guarantees the complete equality of men and women in all domains (Talbi 1992, p. 124). He contends that polygamy represents no challenge to this understanding and proceeds to enumerate the reasons for his position. First, he notes that polygamy will only be the proper solution for a minority of cases, as, "The famous verse in this area, Al-Nisā' 3/4, is clear. It does not ban polygamy and does not impose it, but rather allows it cautiously in a manner that encourages monogamy, and prefers it due to the impossibility of equity." (Talbi 1992, p. 125) Second, he notes that polygamy can, in certain limited cases, serve as a solution for certain social problems, as it obliges men to bear responsibility for their sexual relations. Finally, he reminds his reader that women reserve the option to reject additional marriages through their marriage contract.

From a legal perspective, Talbi is quick to specify that permissibility in Islam and legality under the law are two separate matters. In his words, "medieval legislation stands upon the concepts of *ḥalāl* and *ḥarām*, while our contemporary legislation is based primarily, to different degrees, according to the different prevailing conditions in Arab and Islamic states, on the concepts of permissibility and prohibition." (Talbi 1996, p. 143) At the same time, he notes that modern states must speak in terms of 'legal' and 'illegal,' concepts which are entirely separate from the degrees of permissibility invoked by classical scholars.

Even in a legal sense, though, Talbi declines to recommend the banning of polygamy, in spite of his clear preference for monogamy as the 'most equal familial arrangement'. To do so would amount, in Talbi's words, to "… accusing Islam, or societies, which, as a function of their own context, are [led] to make different choices." (Talbi 1998, p. 140) Talbi makes clear that his own preferences and experiences cannot be applied universally, nor should the law attempt to intervene to do so. In his view, liberty, including the right to the family life one prefers, is not the privilege of the majority. Even if monogamy is the most prevalent form of marriage, "… one must remember that exceptions exist everywhere." (Talbi 1998, p. 140) Talbi contrasts such polygamous 'exceptions' to the case of the West, where he argues that monogamy's hegemonic exclusion of other forms of marriage leads to an unfortunate state of affairs in which sexual unions outside of marriage afford women no protection. Given the choice, he states that he would rather that Islamic societies retain polygamy as a legal option.

Talbi and Liberal Feminism: A Textual Analysis

In both his arguments on polygamy and in his discussion of Qur'an IV:34, Talbi invokes the term, 'feminism', characterising acts as feminist and classifying figures from the Prophet's community as feminists and anti-feminists. In light of this trend, it is worth analysing what feminism means to Talbi. 'Feminism' is hardly a united movement; depending on the writer and the milieu, it may include individual and collectivist, secular and religious, anthropological and economic, and liberal and radical narratives of women's ideal and real place in society. Talbi does not explicitly define what the term means to him; however, there is some evidence within his writing of what feminism represents in the application of his historical method. The following paragraphs will analyse and comment on his use of the term and its implications for his discussion of Qur'an IV:34.

At this point, it is worth discussing Talbi's use of the term 'anti-feminism', or *ḍidd al-nasāwī*. 'Anti-feminism' is used in two places within Talbi's discussion of Qur'an IV:34 in a manner that sheds light on his understanding of feminism. In the first instance, Talbi contrasts the feminism of Um Salamah with the 'anti-feminism' of ᶜUmar ibn Al-Khaṭṭāb (Talbi 1996, p. 122). In the following pages, however, Talbi only assigns one political objective to ᶜUmar ibn Al-Khaṭṭāb; he was against the prohibition of the corporal correction of women. Later, Talbi discusses the 'anti-feminist movement' of the second and third centuries A.H., which were characterised by "the telling of *aḥadīth* emphasising the inferiority of women and underscoring their complete subordination to men. Her social sphere was limited to the home, as she was the queen of that prison, a queen who was disciplined, of course, by beatings from her master, should she disobey him." (Talbi 1996, p. 126) Thus, 'anti-feminism', for Talbi, includes the permission for men to physically discipline women, ideas on women's inferiority and subordination, the confinement of women to the private sphere, and the notion that women owe men some degree of obedience.

As for Talbi's use of the term 'feminism', once again, the most enlightening text in his analysis of Qur'an IV:34 concerns the figure of Um Salamah. Of her significance, he writes:

> These few pieces of information that have reached us are very important, since without a doubt, [Um Salamah] was not the only woman of her type. She represented a tree that informs us of the presence of a forest. Despite the small size of this forest, it uncovered efforts that, without a doubt, were filled with feminist demands of equality with men in everything. (Talbi 1996, pp. 122–3)

From this, we can conclude that Talbi holds Um Salamah to be representative of a 'feminist' sub-section of the Prophet's community and that in this case, 'feminism' is defined as gender equality in all spheres of life. He later reiterates this definition, arguing that the Prophet's 'feminist experiment' had sought to realise "… full equality between men and women." (Talbi 1996, p. 125)

Thus, for Talbi, "This feminist issue … condemns disciplining the wife via beating and demands equality between the two sexes." (Talbi 1996, p. 120) The negative definition of 'feminism' within his work is unambiguous enough, that women should not be subjected to beatings or confined to their homes. The positive definition of the term proves to be more problematic, however, as Talbi at no point defines the 'equality' that the Prophet had sought to realise within his community. Talbi himself would seem hesitant to adopt an absolute vision of gender equality, as demonstrated in his brief discussion of polygamy. On the subject of polygyny, he writes as the apologist, explaining, "Polygamy was an exceptional practice intended to treat exceptional situations. Is it more valid to treat such a case with polygamy or with sexual relations outside of marriage?" (Talbi 1998, p. 137) He goes on to argue that societies choosing the latter solution are forced to contend to a growing extent with the problem of single parenthood. Clearly, for Talbi, gender equality must entail certain practical limits. On the extent of those limits and, thus, a more precise definition of his 'feminism,' he remains vague.

It is also worth noting the somewhat incongruous nature of Talbi's very use of the word, 'feminism', in this discussion. Throughout his work, Talbi serves as a frequent critic of the common tendency in modern Islamic literature to 'back-project', assigning modern definitions and associations to terms that would have meant something very different in the lifetime of the Prophet. He has been a vocal critic, for instance, of the tendency among Islamists to politicise the word, *ummah*, and of the common usage of the word as a translation of the French *nation*. He argues that the manner in which it is used today is wholly different from the way it would have been understood in the Prophet's time, when it signified an entirely spiritual community. In Talbi's view, this has provoked a number of dangerous anachronisms (Talbi 1992, p. 97).

Given this constant focus on understanding the meaning of words as they were used and interpreted at the time of the revelation, it is slightly odd that Talbi insists throughout his discussion of Qur'an IV:34 that the Prophet and specific members of the community surrounding him were 'feminists', to be contrasted with an opposing set of 'anti-feminists'. The term 'feminist' is a term so thoroughly imbued with modern images and connotations that it cannot be used without summoning an entire body of ideology and social history that would have been wholly foreign to the

Prophet and his community. Indeed, the term itself is a vague one, having been alternatively employed in numerous historical movements and by liberal, Marxist, green, critical theory, and other authors to varying ends. Regardless of the definitions inherent in these various movements and approaches, however, all feminisms, including apologist schools, derive from a single intellectual launching point, the debates surrounding gender and reason in the Enlightenment (Hannam 2007, pp. 17–20). Thus, while religious feminisms have since formed and gathered momentum, feminist thought most essentially finds its roots in the rejection of religious authority. As such, to call the Prophet's inclinations or actions 'feminist' would seem to be an odd anachronism.

Conclusion

As we have noted, Talbi's approach to history, his method, his understanding of *asbāb al-nuzūl*, and his conclusions deviate markedly from the classical traditions that he often invokes. Like many modern Islamic intellectuals, Talbi was heavily influenced by the ideas of European liberalist writers. Throughout the period of his French education, he studied under Louis Massignon and surrounded himself with liberal thinkers. He later applied a liberal methodology in his early historical writings. In the context of his more recent writing on women, he uses the term, 'feminist', frequently without discussing the meaning of the word, its role in liberalist thought, and the controversy of applying it to early Islamic history. At the same time, Talbi states repeatedly that his project is to pursue gender 'equality'. In doing so, Talbi once again defends the ideals contained within the liberalist teachings with which he would have, no doubt, familiarised himself in the course of his French education. The predominant strand of his arguments favours equality in the liberal sense over classical religious inclinations toward equity. Still, his methodology, while modified substantially from contextual interpretation as it was found in the four Sunni schools, can be traced to Islamic origins. Within this juxtaposition of influences lies the importance of Talbi's project. It is an attempt to reconcile Islamic with Western thought, traditional with modern. This approach not only has implications for the articulation of new understandings of the role of women in Islam, but also speaks to the fundamental compatibility of Western and Islamic thought.

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Chapter 3
Young Muslim Women and the Islamic Family: Reflections on Conflicting Ideals in British Bangladeshi Life

Santi Rozario and Geoffrey Samuel

Abstract In this chapter we will be examining attitudes to marriage among young British Bangladeshi women. We see the move to new forms of Muslim piety among these women as related in part to the problems posed by marriage in the contemporary British environment. New Islamic groups provide both social and intellectual resources that may help to resolve difficulties and issues in relation to marriage and the family, including tension between Western models of romantic love and marriage and the desire to behave in a proper Islamic way. At the same time, the specific forms of Islamic practice adopted may also be constitutive of a new sense of self and a new identity which carries along with it a new and different sense of what the marital relationship, the woman's relationship to her own body and self and her relationship to her present or future children might be.

Introduction

In this chapter, we will be examining attitudes to marriage among young British Bangladeshi women. We see the move to new forms of Muslim piety among these women as related in part to the problems posed by marriage in the contemporary British environment. New Islamic groups provide both social and intellectual resources that may help to resolve difficulties and issues in relation to marriage and the family, including tension between Western models of romantic love and marriage and the desire to behave in a proper Islamic way. The chapter is based on preliminary

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findings from our Economic and Social Research Council[1] (ESRC) funded research project on young Bangladeshis, marriage and the family in Bangladesh and the United Kingdom (UK). After introducing the project as a whole, and discussing the general theoretical perspective from which we are approaching it, we present some of our initial field material from the UK. The material presented refers to two Islamic organisations (the Islamic Circles and the Hijaz Community) and a number of isolated individuals in the UK. We also discuss a related case-study from Rozario's previous research in Bangladesh.

New Islamic groups provide both social and intellectual resources that may help to resolve difficulties and issues in relation to marriage and the family. These issues may include:

1. The conflict between the extended family's pressure for conformity and a traditional female role, and the desire of young women, often involved in professional career or other paid employment, for a more individualised life-pattern;
2. The conflict between the parents' or extended family's pressure to marry a partner chosen for family reasons, and the women's desire to marry a partner of her own choice; and,
3. The tension between Western models of romantic love and marriage and the desire to behave in a proper Islamic way.

At the same time, the specific forms of Islamic practice adopted may also be constitutive of a new sense of self and a new identity which carries along with it a new and different sense of what the marital relationship, the woman's relationship to her own body and self and her relationship to her present or future children might be.

The Islam and Young Bangladeshis Project

The Islam and Young Bangladeshis project, which commenced in January 2008, is funded by a 3-year grant from the ESRC. This is an anthropological study of transformations in marriage and the family among young Bangladeshis in Bangladesh and the UK. A central issue concerns the influence of modernist forms of Islam (including the so-called 'Islamist' or 'fundamentalist' movements) on marriage and the family. We suggested in our research proposal that much of the appeal of these modernist versions of Islam lies in their ability to offer solutions to the problems faced by contemporary Muslim families in a rapidly changing social and economic environment (Shaheed 1994; Metcalf 1998). Young Muslims today, we suggested, are constructing and negotiating their personal identities and their sense of self in a radically new context, shaped by these new Islamic conceptions of marriage and the family as well as by secular, Westernised images of the nuclear family and romantic love.

[1] 'The Challenge of Islam: Young Bangladeshis, Marriage and the Family in Bangladesh and the UK,' 2008–11. We gratefully acknowledge the ESRC's support of this research.

The intention of the project was to study young Bangladeshis in three main locations, namely, rural Bangladesh (villages in Dhaka district where Rozario has carried out research over many years), urban Bangladesh (Dhaka city), and the UK. While we have carried out research in all three locations, this paper derives primarily from our UK sample.

The project developed out of a number of previous projects in which we had been involved, but particularly out of some preliminary research which Rozario (2006) undertook with university students and middle-class women in Bangladesh in 2004, and a more extended project on British Bangladeshi families with genetic illness with which she was involved in 2005–2007 (Rozario and Gilliat-Ray 2007; Rozario 2007). The field research was carried out primarily by Rozario, with a part-time male research assistant assisting with the interviews in Bangladesh, particularly those with Bangladeshi men. Samuel undertook a smaller number of interviews, both in Bangladesh and in the UK, and assisted with the analytical side of the project. This paper derives from the first phase of research on the UK part of the project, from January to July, 2008.

In contrast with Rozario's previous project with UK Bangladeshis on families with genetic illness (Rozario and Gilliat-Ray 2007; Rozario 2007), it proved very easy to recruit participants for the project under consideration. There are evidently many young Bangladeshis interested in talking about love, marriage and human relationships. What was something of a surprise, however, was the range of religious groups we encountered in the course of the research. Our references to 'modernist Islamic movements' and 'new forms of Islam', in the Grant proposal, had been intentionally vague. Our hope was to find a sample of young people representing a variety of different groups and approaches, particularly those for whom new varieties of Islam had come to play a significant role. Our expectation, though, was that the field would be dominated, both in Bangladesh and the UK, by the three best-known and (in the first two cases at least) well-studied movements. These are:

- the Tabligh-i Jama'at, a conservative pietist movement founded in North India in the 1920s by Muhammad Ilyas (1885–1944) and now has a very large following in Bangladesh, India and Pakistan, and substantial organisations in South Africa and a number of other countries (Metcalf 1998; Mayaram 1997; Masud 2000; Reetz 2004, 2006; Sikand 2002, 2006);
- the Jama'at-i-Islami, a more politically-oriented but also socially conservative movement founded in Lahore in the 1940s by Sayyid Abul Ala Maududi (1903–1979) and represented by religiously-oriented political parties in Bangladesh, Pakistan, India and Kashmir (Nasr 1994; Ahmad 2005; Riaz 2004; Shehabuddin 1999, 2008), and by a variety of UK organisations; and,
- the Hizb-ut Tahrir, another world-wide organisation oriented towards a more radical vision of the Islamic state as revival of the Caliphate (Commins 1991; Horton 2006), currently illegal in Bangladesh.

In fact, on our initial research in Dhaka, while we encountered a grassroots Islamic revival organisation of the Tabligh-i Jama'at variety, we also met young people belonging to two quite different Sufi-oriented groups, and came across a

modernist Islamic institute staffed mainly by young British-educated doctors and lawyers. A number of members of our UK sample are affiliated to a third Sufi-oriented group, the Hijaz College at Nuneaton (cf. Asif 2006).[2]

All this suggested that the Tabligh-i Jama'at, Jama'at-i-Islami and Hizb-ut Tahrir by no means monopolise the scene, either in Bangladesh or in the UK, and that young Muslims are attracted to a variety of other Islamic options beyond these socially conservative groups. Moreover, many of the young Bangladeshi Muslims we have met, while undoubtedly serious about their Islamic commitment, are not linked to any specific religious organisation.

Theoretical Approaches

Before turning to examine some of the field material, we note that there has been a very substantial literature by now on women's involvement with new Islamic movements, particularly when these have led to the adoption of practices which are generally seen in Western society as being detrimental to women.

The work of the Pakistani-American anthropologist, Saba Mahmood, presents a sophisticated discussion of some of these issues in the context of Muslim women in Egypt (Mahmood 2001a, b, 2005; see also Bautista 2008). One of the more significant aspects of Mahmood's position is seen in the sense that women's embodied agency has a directional character; in Foucauldian terms, it might be referred to as a 'technique of the self', a process of, in Mahmood's (2005) words, "cultivating and honing a pious disposition," (p. 140) which involves developing not only appropriate behaviours but appropriate emotions as well. Thus, Mahmood (2001b) speaks of the *salat*, the five daily prayers of a pious Muslim, and the various other modes of body *praxis* involved in being a proper Muslim woman not merely as how one is expected to behave but as being integrally tied up with the development of appropriate emotional states: one should not merely pray five times a day; one should also cultivate appropriate feelings in oneself such that one feels uncomfortable if one misses one of the five daily prayers.

This aspect of Mahmood's work has been contested, for example by Rachel Rinaldo (2008), in a recent study of the cultivation of Islamic piety among female members of a Muslim political party in Indonesia. Rinaldo prefers to speak of *habitus* rather than dispositions:

> … in her recent study of women in the Egyptian piety movement, Mahmood (2005) prefers to think in terms of dispositions rather than habitus, because she stresses the agency involved in cultivating a pious self. However, I employ Bourdieu's (1977) concept of habitus in this chapter to underline the historicity of social structures and individual dispositions (Rinaldo 2008, p. 29).

[2] Our informants tended not to use terms such as Salafi, Deobandi and Barelvi, and were often quite unfamiliar with them, so we have avoided them in this paper.

While Rinaldo's point is significant, in that one can easily overstress the voluntary aspect of these dispositions, it is important too to avoid committing oneself to a sociological reduction in which women are merely prisoners of historically-determined social structures; in other words, in which everything is merely done *to* the women, even though they may feel that they are exercising agency. One can of course get into philosophically quite 'deep water' here, but our aim is not to take sides in relation to any kind of opposition between free will and determinism, since both are posited on a certain model of an ideally autonomous subject, and our own interest (like, perhaps, Mahmood's) is really in how certain kinds of subjectivity and the associated modes of behaving, feeling and thinking come about.[3]

The perspective that we are aiming at in our own work may be summarised informally as follows: Islam (as a set of ideas, practices, ideal dispositions, etc.) structures people's behaviour, but it also provides a body of resources which, along with other non-Islamic resources, are used by women and men as they engage with the practical problems and issues of everyday life. As people respond to their life-situations, they are acting to shape their own future selves within an overall field that is fluid and constantly transforming. This field includes 'Islam' itself as a set of ideas, practices and ideal dispositions. This picture can be made more complex if we consider that 'Islam' is of course very far from a unity, with 'traditional' forms of Bangladeshi or Sylheti Islam and the practices of particular families or communities being confronted by the various modernist ideas and movements current throughout the wider Muslim world today. The extent to which individuals may be committed to the kind of conscious crafting of dispositions described by Mahmood may vary, but all choices represent, in a sense, a shaping of one's future self.

In the case of the young Bangladeshi women in our study, a central set of problems and choices are concerned with marriage and the family. Such problems and choices include: do I get married? do I marry the person one's parents want or select? If not, how do I find an acceptable alternative? How do I stand in relation to the Western environment? If I leave the security and the constraints of the Bangladeshi community, where can I find an alternative support network or 'family'? In the following sections, we look at a number of specific areas related to these questions, beginning with the problem of how to find a suitable marriage partner.

Finding a Marriage Partner

The norm in the Bangladeshi community remains that of arranged marriage, often via an intermediary. Practices in this area are relatively fluid and, while parents will be expected to take the initiative, marriages may come about in other ways. Families

[3] As Bautista points out, Mahmood's approach has perhaps more in common with Marcel Mauss (as in Mauss' "Techniques of the Body") than with Pierre Bourdieu, and perhaps is the better for it (Bautista 2008, p. 81).

who see themselves as traditionally Islamic will nevertheless expect fairly strong limits over the degree of interaction between potential marriage partners and young people themselves may insist on such restrictions, particularly if they identify strongly with Islam.[4]

Exactly how this works can vary. One young British-born man described how he established contact with a distant female relative via Facebook and used to speak to her regularly via MSN. He has a web-cam, so he can see her, but she does not. All this is somewhat risky, since her mother could come into the room and see his face on her computer. He is clear however that, if they were to take things further, and his parents and the girls' parents agreed, there could not be any more contact between them until the marriage. They could not even speak on the phone, since this would lead to temptation to meet, perhaps hold hands and have other contact.

Nasreen,[5] a British-born professional woman in her late 20s, describes how she had a somewhat 'non-traditional' arranged marriage:

> My husband and I, we had an arranged marriage, but it wasn't arranged in the traditional sense. What happened was, his friend's wife, I was delivering a talk around women and empowerment, and she just happened to be one of the participants there, I didn't even know her. So she asked one of my colleagues, "Who is this girl?" "She's so-and-so, she works for so-and-so organisation". When you've finished one of these workshops there's always lunch and there's always networking, so I networked with her and she asked me, you know, just generally. Then she asked my friend, "Is she married?", she said "no", "Well, is she looking to get married"? "She's not looking to get married but I know her parents are looking to get her married". It was like that. …
>
> To cut a long story short, I already had other proposals, and things didn't work out, she contacted my sister, and my sister said "I can't be bothered with all of this, just e-mail her". So she e-mailed me and I had to call her up and I said, "listen, I'm not going to get involved in any of this, if you really want to deal with the proposal come and speak to my parents, that's the best way to do it". Because if my parents turn around and say no, then there is no point in me finding out about this particular individual because they are going to say no, and I've raised his hope, my hope, it's silly.

Nasreen felt particularly unwilling to go against her parents' wishes since, as the eldest of four sisters, any mistakes she made would also cause problems for her sisters.

The question of arranged marriage is made more complex in many cases by the desire of families to marry children with relatives from Bangladesh who will then migrate to the UK. Often such marriages are arranged in order to resolve debts and obligations to the parents' relatives back in Bangladesh, who may have helped to finance their migration to the UK or assisted them in other ways. Some young British Bangladeshi men may welcome marriage to a relative from Bangladesh, since Bangladeshi women born and/or educated in UK are seen as potentially

[4] One woman we interviewed, who has adopted *burqa* and *niqab*, insists that she cannot show her face to any possible spouse. She has refused to allow her parents even to show a photograph of her to potential partners, and has threatened never to speak to them again should they do so.

[5] All names of interviewees have been changed.

corrupted by Western influences. Others may prefer a 'modern' wife. Women born and/or educated in UK however may have problems if married to a husband from Bangladesh, with 'traditional' expectations of the wife's behaviour.[6]

Regardless of the husband's expectations, and regardless of whether one, both or neither partners are Bangladeshi-born, the husband's family frequently expects an educated woman with a career to drop her career and adopt a 'traditional' young female role, subservient both to her husband and to senior members of her husband's family. Nasreen's own marriage was caught in this kind of conflict, with Nasreen being expected to stay in England and look after her mother-in-law while her husband went overseas to work. Her husband's family constantly criticized her, in part for her desire to continue her career, and she and her husband eventually separated.

The problems of arranged marriages may lead young Bangladeshis to look at ways of finding a marriage partner themselves, but this can also be problematic, given the restrictions which young women in particular are expected to obey in relation to possible contact with the other sex. One organisation that has worked towards finding a solution in this area is the Islamic Circles network in London, and we describe this in the following section.

The Islamic Circles Network

The Islamic Circles network was started in 2001 by two young British-born Bangladeshis, one from Sylheti background, the other from Dhaka. The network coordinates a variety of events, including a wide range of talks and social events on Islamic topics, martial-arts self-defence training for Muslim women (the 'Ninjabi' programme[7]), and also regular 'marriage events,' occasions for Muslims seeking marriage partners to meet together and get to know each other. Islamic Circles set up its matrimonial service in 2003 and it currently arranges at least three or four themed matrimonial events each month in London. In July 2008, for example, it organised an event for over-35 s, one for Muslim doctors and one for Muslims in the west of London. Other events have been ethnically oriented, being designed, for example, for Gujaratis, Pakistanis, Arabs or Bangladeshis. The model has been replicated with the encouragement of Islamic Circles by Muslim community organisations elsewhere in the UK.

The question of young people meeting prospective spouses at a public event is, as we have mentioned, a sensitive one within the community, and Islamic Circles defend the approach by arguing that the Islamic ban on *khalwah*, a term generally

[6] The term 'traditional' here is problematic shorthand, given that family patterns in Dhaka in particular are themselves transforming quite rapidly in the direction of the nuclear family, with consequent conflicts and transformations in views of marriage among Bangladeshis in Bangladesh itself.

[7] See http://www.ninjabi.net/. Accessed 4 July 2008.

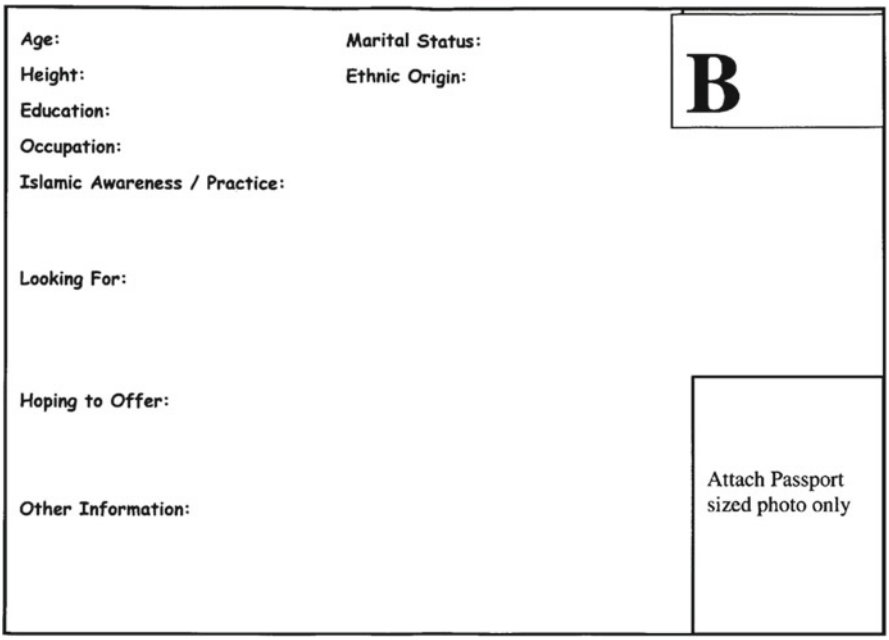

Fig. 3.1 Profile card for a 'brother' at the matrimonial event

interpreted as referring to the meeting together of young people before marriage, is based on a misunderstanding. *Khalwah* really refers to 'seclusion', whereby unmarried men and women meet together in private and so may be at risk of illicit sexual relations, rather than 'free mixing' in a social context:

> If there is no such word for "free mixing" in Islam, why have our scholars used *khalwah* or seclusion as its nearest equivalent, and why is there so much emphasis on trying to avoid free mixing, especially in the West where strict segregation between the sexes is not practically achievable anyway? Does simply speaking to a person of the opposite sex with whom you are not married suggest that you are trying to get closer to them on a sexual level, and are therefore doing something *haram*? What is the definition of a "mixed gathering"? How do we develop natural, modest, friendly yet non-flirty behaviour between members of the opposite sex without obsessing about free mixing?[8]

Rozario attended one of these events in May 2008, arranged in this case for "Bengali Professionals". About a hundred young men and women attended, with many of the women accompanied by a *mahram* (male relative with whom marriage is forbidden) or a girlfriend. The participants are asked to register beforehand. They fill in profile cards (Fig. 3.1). They can also provide a passport-size photograph, though few took up this option.

[8] Islamic Circles e-mail circular, 4/7/08.

The cards (numbered B1, B2 etc. for the 'brothers' and S1, S2, etc. for the 'sisters') are placed on the walls so that the men can look through the women's cards and vice versa. The event began with Islamic prayers led by an *imam* and a talk by one of the organisers on how the participants should observe proper etiquette and behave in an appropriately *halal* manner. The participants, also labelled B1, S1, etc., are divided into five groups of men and five groups of women who meet together for group discussions on set topics. After the first group discussion, the men in the group move on to the next group of women, and so on, until all the men and all the women have had an opportunity to meet each other in the group discussion context. Men and women can then fill out cards listing the sisters or brothers with whom they would like to have an appointment; a team of facilitators, which Rozario joined, bring the couples together for short meetings.

The Islamic nature of these events is stressed. A pamphlet distributed at one of the marriage events gave the following advice for participants:

> One should first purify their intentions, i.e. to seek the pleasure of Allah by fulfilling one's obligation to seek a marital partner in a *halal* way. It should be treated as a form of worship, so that this will set a precedent for one's willingness to adhere to Islamic etiquettes throughout the event.
>
> Listen carefully and follow all the instructions set out by the organisers.
>
> Forgive the organisers and facilitators for their shortcomings.
>
> Try to be in a state of ablution (*wudu*) if possible.
>
> The best starting point is to recognise that you are a humble servant of Allah who is attending the event because you, like all the other participants, are looking for a spouse, and therefore want to behave in the best of manners.

Most of the men and women at the Islamic Circles matrimonial event which Rozario attended were in their late 20s to mid 30s. Other Islamic Circles events are specifically directed at over 35 s, or at divorced and widowed Muslims. As an Islamic Circles pamphlet notes:

> It is important to recognise that finding a suitable spouse is a massive problem for Muslims today. It has to be addressed practically, not just through lectures and seminars about the *fiqhi* (juristic) nature of marriage and the ideal scenario.[9]

The popularity of the Islamic Circles events confirms the view that marriage is a major problem for British Muslims. Our earlier discussion of marriage in the specific context of the Bangladeshi community suggests some of the issues that might lead people to adopt this innovative approach to finding a partner. These include: the difficulty of locating someone suitable via the traditional route of parents enquiring for suitable spouses; the preference among British Bangladeshi men and their parents for Bangladeshi-born spouses; and, the high failure rate among arranged marriages. All this is happening too, of course, in a society where many non-Muslims are also experimenting with non-traditional ways of locating marriage partners. Young Muslims are as familiar as their non-Muslim peers with online

[9] Pamphlet distributed at Islamic Circles Marriage Event, London May 2008.

dating agencies and sites, internet social networks such as Facebook or MySpace,[10] mobile phones, online video sites such as YouTube and the whole associated new culture of electronically-mediated personal relationships which is growing as a result of these innovations.

The Hijaz Community, the second British Muslim organisation which we will discuss in this chapter, does not direct its activities explicitly towards marriage but, in fact, does play a role in it.

The Hijaz Community

The Hijaz Community is a relatively well-known institution, based at the Hijaz College near Nuneaton in the British Midlands. The College is known in particular for the presence on its grounds of the tomb and shrine of its founder, the Pakistani Sufi teacher, Shaykh Abdul Wahab Siddiqi (1942–1994).[11] This is the first and, as far as we know, still the only Sufi shrine of this kind in Western Europe, and is already of interest as recreating the most common institution of Sufi religiosity throughout Muslim Asia and North Africa, the autonomous religious establishment centred on the tomb of a deceased Sufi saint. The College campus in Nuneaton functions as a spiritual centre for the Shaykh's followers, including a number of young Bangladeshis who form part of our sample.

The Hijaz Community is by no means simply a replication of traditional Sufi religious practice. Abdul Wahab Siddiqi was a modernist in many respects, who sought to find new forms of Islamic activity appropriate to the modern world. The Sufi community which he founded in the UK, which is now directed by his eldest son, Shaykh Faiz-ul-Aqtab Siddiqi (b. 1967), and other family members, has continued his mission. Shaykh Faiz-ul-Aqtab Siddiqi, referred to as "Hazrat Sahib" within the community, is a highly articulate and active man who is clearly willing to take a leading role in Muslim affairs in the UK. This is seen in his recent proposals for a solution to the issue of the forced marriage among British Muslims, which also involve a Muslim Arbitration Tribunal under his direction. Apart from the centre in the UK, there are also centres in Australia, Canada and the Netherlands.

It is perhaps not surprising that, in many respects, the Hijaz Community presents a distinctly modern appearance. Like South Asian Sufi shrines, the Hijaz Community holds an annual *urs* or celebration of the passing of the founding Shaykh (see, for example, Sobhan 1938, p. 108). The *urs* at Hijaz has however been renamed the 'Blessed Summit' and, in some ways, the programme, which consists of a sequence

[10] There are explicitly Islamic and Bangladeshi equivalents to MySpace and Facebook, such as http://mymuslimpage.com/, http://shhadi.com/ and http://www.circlebd.com/, as well as sites specifically devoted to locating Muslim partners such as http://www.singlemuslim.com/, http://www.muslims4marriage.com/, http://www.muslimmatch.com/ or http://www.muslima.com/

[11] For further details see Rozario and Samuel 2008.

of formal talks by various spiritual leaders as well as by young Hizaji male and female members of the community interspersed by prayer meetings, resembles a conference or a New Age spiritual gathering as much as an Islamic spiritual occasion. The new Hijaz web-site[12] presents the Hijaz path in terms that are explicitly open to non-Muslims and very much part of the corporate jargon of the early twenty-first century:

> Hijaz Community welcomes everyone from society irrespective of religion, nationality, gender, age, social class, educational background or profession. We believe in creating a community that is ready to help develop, nurture and guide everyone within it. The aim of Hijaz Community is to ensure that every member makes a definitive improvement in their life and is ready to share that value with others around them. It is only through the quality of the individual that one can ensure a truly enriched community.
>
> Hijaz Community is founded on the universal principles emanating from Islam. One of these principles is that Muslims and Non-Muslims are invited to embark on a path to rejuvenate their mutual destinies. Non-Muslims are welcomed as guest members to seek a true meaning to their life, rather than simply conforming to a set ideology.
>
> Members who follow Islam are encouraged to question the basis of their adherence to its fundamental principles and ensure that their affirmation of faith stems from a process of reasoning rather than a process of pure narrative.
>
> * * *
>
> The outcome which Hijaz Community envisages is one where the local community tends to its own needs, in balance with the needs of everyone and everything around it.
>
> Hijaz Community has embarked on a dynamic programme of societal change. In order to address these vital issues, the Hijaz Community Model aims to create a shared vision of an enriched community working to bring harmony and civic responsibility back to the heart of society.

For the young people we have been meeting from the Community, who are quite close to the Shaykh, involvement with Hijaz is an all-encompassing commitment that increasingly takes over from any previous life goals or directions. Their spiritual practices involve not only the five obligatory prayers, but extra meditation and *zikr* as prescribed by the Shaykh, extensive work mentoring new or junior members of the organisation, teaching at Hijaz College, administrative and community tasks and the like. All of these young Hijazis have regular appointments with the Shaykh for what the community calls 'spiritual surgery'. These people are very self-consciously involved in a form of disciplining their body, soul and spirit towards the one goal of perfect love for Allah.

As we mentioned above, the Hijaz Community also has a role in relation to marriage, and we found several examples of marriages between Hijaz community members that had been arranged by the Shaykh. It would be an exaggeration to say that young people join the Hijaz Community primarily in order to find marital partners, but the expectation of finding a partner within the Community is certainly part of what comes with Hijaz membership. Here, it should be appreciated that joining Hijaz provides an alternative, spiritually-oriented Islamic community to replace

[12] http://www.hijazcom.co.uk/. Accessed 28 June 2008.

the problematic everyday British Bangladeshi world, one aspect of which may well be parental pressure to accept an arranged marriage. Hijaz also transcends the ethnic boundaries of the Bangladeshi community. The Shaykh's background is Pakistani, and much of his following is also Pakistani, but the community includes Bangladeshis, Somalis and Muslims from other ethnic backgrounds, providing a wider range of possible partners who, as members of the community, might be expected to share one's values. The Shaykh can be seen as taking over the role of the parents and providing an alternative authority, allowing young Muslims from Bangladeshi and other backgrounds to move in a direction other than that endorsed by their parents.

It is hardly surprising that commitment to the Hijaz Community was, in several cases that we knew of, more or less strongly opposed by the individual's parents. Parents are likely to be concerned about the longer-term effects of their child's abandonment of standard life and career choices for absolute faith in the Shaykh and his teaching. This was an issue for Munera and Tahera, two young Bangladeshi women who were both heavily committed to the Hijaz community. Rozario had a long conversation with Munira's mother who expressed her concerns about her daughter's commitment to the Shaykh, and her consequently having given up the opportunity to undertake her higher degree. Instead, she is spending all her time and energy at the Hijaz Community.

Munira's mother insisted that children should follow their parents' wishes: "It's not as if they have to do whatever the *Pir Shaheb* [the Shaykh] tells them." She is continuing to look for a suitable husband for Munira but is worried that her daughter's devotion to the Shaykh will interfere. She and her husband have spoken to the Shaykh and told him that they will never agree if he tries to marry their daughter outside the Bangladeshi community. For her part, Munira also feels guilty about not giving her parents enough time. She tries to come home at weekends, and occasionally during the week, but increasingly finds that her duties at the Hijaz Community require her to stay there most of the time. What is more, she also enjoys the company of her fellow female teachers and administrators in the Community.

Tahera's situation is even more difficult. She wears full *burqa* and *nikab* and her father strongly disapproves of her Hijaz Community activities. He has threatened to disown her, and she has to conceal much of her involvement with the Community from him. She is under pressure to visit her family in Bangladesh but is worried that, if she does so, they will try to keep her there against her wishes. After consulting the Shaykh, she plans to disobey her parents and stay in the UK.

Expectations of Love and Marriage

We turn now to consider expectations of love and marriage among young Bangladeshis. Young people's expectations about marriage and their early experiences of marriage are explicit themes in our project and we have already gathered considerable material on these topics. This was a popular topic, and we had no trouble persuading young people to talk at length about their views.

Marriage is strongly encouraged by Islam but it is also regulated in many ways by Islamic law. The idea of the proper Islamic marriage being seen as a major part of one's religious obligations is nevertheless very common; almost all of our informants so far have, at one stage or another, mentioned the well-known *hadith* which says that marriage is half of Islam.[13]

Things can be taken further. The following, from Tasmina, another committed member of the Hijaz community, represents one extreme:

> Hazrat Shaheb [the Shaykh] and I were doing a group session on marriage – we were talking about what is love, the qualities of true love, you think about the person all the time, you think he is the best, no one better than that. You realise that all this only applies to God, it can't apply to anyone else, by definition, and so therefore what you can have in a marriage is perfection and trust. But you can't have true love unless that marriage is based on love for God.
>
> So when I love my husband I hope I will love him because he loves God. I will look at him and I will see this fantastic guy. I will look at his love for God and I will look at his face and see his love for God and I will love that love and by loving him I will love his love for God and therefore I will love God … and I hope he will do the same with me. I hope to become a person he will look up and say, OK, she is not that fantastic, but she loves God and I am going to love that love in her. And then ultimately that relationship is completely selfless, I am not going to be in this for me and he is not going to be in it for him …
>
> So when we spend time together, we are going to think, oh, isn't this nice, God put us together and God put this love in our hearts, so wow this is really beautiful. And look, God gave us so much, we love God and we are going to talk about God, you know whatever interaction we have, even when we make love we will say wow, that's also a form of prayer, because you know making love in Islam is about that. When we sit together at the table we will do it for God, when we have children we will do it for God, when we separate to pray or go away somewhere else we will do it for God, when we have guests it will be for God, whatever we do it will be for God, there is not going to be any me or him in it.

One could regard Tasmina's account as an idealized fantasy, but there is something more in it than that. For one thing, it is based on a long tradition of Sufi thought about love.[14] Perhaps more importantly, it can be seen as part of a set of life-choices that offers a solution to the complexities and dilemmas of life for a British Bangladeshi woman. As a member of the Hijaz community, her life has a higher purpose than that of ordinary domesticity, and she can see herself as looking for a husband, also presumably from the community, who will share her dream and with whom she can hope to realise it. From this position, she can if necessary reject the life-choices her parents make for her, since the Shaykh is in effect a more authoritative replacement for them.

Rahima, another unmarried Hijazi woman, also sees a conflict between 'ordinary' marriage and a spiritual career. She seems less optimistic about finding an ideal spiritual partner for a husband, but refers to the idea that Allah will create love between the partners in an arranged marriage:

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[13] 'Whoever has married has completed half of his religion; therefore let him fear Allah in the other half!' (Hadith of Bayhaqi, cited in Maqsood 2005, p. 7).

[14] This goes back at least to the writings of Muhiyuddin ibn al-Arabi, which were themselves a major influence on the Western European poetic tradition through the troubadours of Provence and through Italian poets such as Cavalcanti and Dante (Samuel 2005, pp. 356–7).

> One thing that, a lot of people, who are single and are trying to develop themselves spiritually, they actually fear getting married because they feel that [the marriage] will stop them from their love for Allah – I think this is a huge sign of their faith, but it's a genuine fear because where does your partner come, if you put God as your priority, but the beautiful thing is that if you do marry and it is somebody who is in similar path to you then, you know, you complement each other – well, we believe that after a *nikah* Allah will put love between the partners anyway…

Here again, we can see an ideal Islamic marriage, in which Allah takes the leading role, ensuring that all goes well between husband and wife and providing a hoped-for solution to what is in fact a very real problem for many young British Bangladeshi women, namely, how to reconcile the demands of family with the desire to lead one's own life.

Dealing with Separation and Divorce

We have already mentioned Nasreen a couple of times. She puts the failure of her marriage down mostly to her husband's family who wanted a much more traditional housewife and resented her education and her professional career. Earlier marriages in her husband's family had been with uneducated women from Bangladesh who spoke little or no English and settled into a purely domestic role.

As we noted earlier, Nasreen's situation is by no means unusual. Even where young men are interested in a modern, educated wife, their families may expect the new wife to settle down to a more traditional role, and these problems can be particularly acute when, as in Nasreen's case, the wife is living with her in-laws. Much depends in these situations on the attitudes of the family, particularly the amount of support the woman receives from her own parents. Here, Nasreen was relatively fortunate since her family disapproved of the treatment she was receiving from her in-laws and was willing to defend her and to accept her back into their house with her baby when she and her husband separated.

Separation in such a situation may lead in time to a formal negotiation of divorce under Islamic law, but it is nevertheless very stressful for the woman in particular. She is likely to be criticised by the Bangladeshi community for leaving her husband, however badly she is being treated by him or his family. Islam can play a significant role in countering such criticisms and enabling women in these positions to feel more confident about their new situation. In the following passage, Nasreen counterposes her own family's 'proper' Islamic *adab*[15] or etiquette against her husband's family's claims to Islamic values:

[15] 'Adab is prescribed etiquette, a way of living outlined in Islam. Islam has rules of etiquette and an ethical code involving every aspect of life. Muslims refer to Adab as good manners, courtesy, respect, and appropriateness, covering the slightest acts, such as entering or exiting a washroom, posture when sitting, and cleansing oneself' (Wikipedia).

> When was I was in his [her husband's] house I was made to feel that I wasn't feeding the baby properly, I wasn't changing the baby properly, I wasn't bathing him properly, you know. I would wake up in the morning, I would go to the bathroom and find my baby not in his crib, and my mother-in-law has come in and taken him, changed him and fed him, done everything for him. And you don't do that. Like in my house, when my baby's sleeping, my sister would ask me, "*Afa*, can I pick him up"? That's etiquette, that's *adab*, to me that's *adab*. It's so Islamic to do that, to come and ask. My mum would even ask me, you know, "Shall I take him"? to feed him, yeah? And I'll say, "OK, Mum". This is my Mum asking me. My Dad asks me permission. Nobody enters our room – my Dad would *never* enter our room without asking our permission. I only share a room with my sister.
>
> S: Your parents are educated people?
>
> N: They're not, but they're people with *adab*, they have a lot of Islamic *adab*. When we have guests walking into the house, you know, we don't turn around, bad-mouth someone's mother in front of them, we don't do that. She [a woman in her husband's family] would say to me, "Your mother can't cook, your mother doesn't do this", you know. I'd say to myself, this kind of behaviour would *never* happen in my family. OK, so my sisters don't dress in the conservative way that you'd expect them to dress, but, they have a lot of etiquette about them, they have a lot of *adab* about them. My sister travels round the world, is that Islamic? But you know, because she's travelling the world, she's a lot more culturally aware and sensitive towards each individual's needs, so she's more of a better human being than *you* [her sisters-in-law] are who's never travelled and lived in a cocooned house.

As a professional woman who works in community development, running workshops on women and empowerment and similar topics, Nasreen has played an active role in the community, and was under pressure from her husband and his family to give it up for a more domestic life. Like many Muslim professional women, she considers Aisha and Khadija, wives of Muhammad who were active in the community, as examples:

> Look at Aisha, look at her role, what a significant role she played, she had a family and home going, but she also played a significant role out in the community, … Khadija, the Prophet's first wife, she was a businesswoman… Significantly older than him, and she married him, married a younger man, can you imagine in our community a 25-year old getting married to a 45-year old now? It's incomprehensible – and this is a young man who married his boss – how modern and forward thinking is that? She was a businesswoman, had her own income, he worked for her, she liked him, married him, it's a very modern thing that they did, way back in the seventh century – it's just amazing.

Nasreen also resists the way in which people in the community (here including her own father) see women as defined by their role as wives and mothers. She insists that she sees herself as defined not as a housewife but in relation to Allah:

> My dad would often say, "if a woman can't cook she's not a woman". I say, "How the hell is that Islamic?" I mean, what defines a woman? In Islam a woman is not defined by her motherhood, she isn't defined if she's a wife, she's defined by her relationship with God, and that's how her womanhood is defined, her womanhood is not defined by motherhood and wifehood and all of that kind of stuff.

Here again we can see a particular perspective in relation to Islam providing a kind of justification for Nasreen's unconventional and somewhat problematic situation, as a separated woman with a small child. This kind of usage of Islam to rationalize and make sense of an unconventional and problematic life-situation is not of course restricted to British Bangladeshis. Suraya, an educated Bangladeshi woman from

Dhaka who had a failed marriage to a Bangladeshi man in the USA, became much more religious after her divorce and her return to Bangladesh. It seemed that Islam was providing her with intellectual, emotional and spiritual resources to come to terms with her divorced status, a stigmatised predicament in Bangladeshi society. Suraya had had a well-paid and prestigious job before her marriage, but she told me after her divorce: "At present Allah wants me to look after my mother. Allah will tell me and convey to me if I am to do something else. I pray to Allah and ask for his help in my decision. If he wants something to happen, it will happen, if he doesn't, it won't happen." She went on: "I never felt so liberated as I do now. I am lucky, Allah showed me the way." Essentially, once she was able to shift the burden of making any real decisions about her own life onto Allah, she was able to relax and feel more confident. Like Nasreen, she told Rozario that in Islam, "Marriage is not a must. Women can be completely independent." In a culture where unmarried and divorced women are stigmatised, such an argument helped Suraya to cope with her situation and to feel empowered and morally superior.

Conclusion

The chapter, based on our fieldwork findings suggests that issues concerned with love, marriage and the family are clearly revealing topics to study, revealing aspects of the religious life of young Bangladeshis that have perhaps received little attention in previous studies. Islam in the British Bangladeshi community has tended to be seen primarily in terms either of the dominance of traditional values or the attractions of radical forms of political Islam. The picture we have been finding is somewhat different, and many of the young people we met, while undoubtedly strongly committed to Islamic values including those associated with an Islamic marriage and with responsibility to the wider community, are looking for ways to incorporate these values within a contemporary British context. Our research is still in progress, but we feel optimistic that it will provide valuable insights into the impact of modernist Islam on the lives of contemporary Bangladeshis in the UK and in Bangladesh.

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Chapter 4
Women and Human Development in the Muslim World

Reflections on Islamic and UNDP's Approaches

Muhammad Ahsan

Abstract Development is a continuous process that was started in its various shapes with the creation of humankind. There are several notions of development. For instance, in 1990, the United Nations Development Programme (UNDP) presented its concept of 'human development'. Similarly, around fourteen centuries ago, Islam also outlined specific criteria for the development of humankind. It is noteworthy that whatever approach is adopted, women are at the heart of overall humanistic development. It is a well-known fact that they constitute nearly half of the total global population but are behind in the development process when compared to their male counterparts. This is true in the case of developing countries in general and the Muslim countries in particular. In the context of the contemporary globalised world, as well as in gender discourse, this situation raises various questions. For instance, what is the nature and reasons for this underdevelopment, and what measures are required to overcome this situation? In the perspectives of Islamic and UNDP's notions of development, this chapter attempts to explore the possible answers of this and other similar questions.

Introduction

Development is a continuous process that was started in its various shapes with the creation of humankind. There are several notions of development. For instance, in 1990, the United Nations Development Programme (UNDP) presented its concept of 'human development'. Similarly, around fourteen centuries ago, Islam also

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outlined specific criteria for the development of humankind. It is noteworthy that whatever approach is adopted, women are at the heart of overall humanistic development. It is a well-known fact that they constitute nearly half of the total global population but are behind in the development process when compared to their male counterparts. This is true in the case of developing countries in general and the Muslim countries in particular. In the context of the contemporary globalised world, as well as in gender discourse, this situation raises various questions. For instance, what is the nature and reasons for this underdevelopment, and what measures are required to overcome this situation? In the perspectives of Islamic and UNDP's notions of development, this chapter attempts to explore the possible answers of this and other similar questions.

Background

Before we proceed further, it is appropriate to briefly describe the term 'development.' Harrison (1993, pp. 173–74) argues: 'Most people today aspire to higher standards of living, longer lives, and fewer health problems; education for themselves and their children that will increase their earning capacity and leave them more in control of their lives; a measure of stability and tranquillity; and the opportunity to do the things that give them pleasure and satisfaction.' Streeten (1989, p. 62) says: 'Development must be redefined as an attack on the chief evils of the world today: malnutrition, disease, illiteracy, slums, unemployment and inequality. Measured in terms of aggregate growth rates, development has been a great success. But measured in terms of jobs, justice and the elimination of poverty; it has been a failure or only a partial success.' This statement is supported by the UNDP (1990, p. 9) which stresses the point that: 'People are the real wealth of a nation. The basic objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives. But it is often forgotten in the immediate concern with the accumulation of commodities and financial wealth.'

Needless to say that the interpretations of the notion of development are much broader in spectrum and have their numerous dimensions. Here, with reference to the context and due to the limited scope of this short piece of research, we will discuss two specific notions of development, (i) the UNDP's concept of human development, and, (ii) the Islamic approach to development of humankind. In this perspective, the further discussion in the chapter is mainly focused on the analytical review of the contemporary state of women (under-)development in Muslim and non-Muslim countries. This review is based mainly on the UNDP's recent available statistics. In the perspective of these discussions, an effort is also made to find out whether Islam, as a social force, is supportive or a hurdle in the process of women's development? Moreover, to what extent women in Muslim countries are underdeveloped as compared to women in non-Muslim countries?

The UNDP's Concept of Human Development

UNDP's first *Human Development Report 1990* was the brainchild of the late Mahbub ul Haq whose intellectual acumen gave rise to a new conceptual framework in the literature of development. Today, around two decades after the publication, this conceptual framework has gained a special place at the global level, exerting enormous influence on decision-makers, researchers, academicians and ordinary citizens. Amartya Sen (the Nobel Laureate in economics in 1998) also contributed to the development of this framework. He underlined the fact that achieving a better life has more to do with nurturing and expanding human potentialities and capabilities than constantly promoting the consumption of more goods and services (Sen 1992, 1999a, b). Although, it can be argued that the World Bank (1980, p. 32) was the first institution to use the term 'human development', the actual concept was presented by the UNDP in 1990 when it published its first global report based on this concept (UNDP 1990). The report says:

> Human development is a process of enlarging people's choices. The most critical of these wide-ranging choices are to live a long and healthy life, to be educated and to have access to the resources needed for a decent standard of living. Additional choices include political freedom, guaranteed human rights and personal self-respect' (UNDP 1990, p. 1).

While highlighting the link between economic growth and human development, the UNDP (1990) emphasises that "if the distribution of income is unequal and if social expenditures are low (Pakistan and Nigeria), or distributed unevenly (Brazil), human development may not improve much, despite rapid GNP growth." (p. 3) According to the UNDP (website information retrieved June 16, 2008), some of the issues and themes currently considered most central to human development include social and economic progress, enhancement of human efficiency, equity, freedom, sustainability and human security. The *Human Development Report 1995* (1995) supports this concept as follows:

> The concept of human development is much broader than the conventional theories of economic development. Economic growth models deal with expanding GNP rather than enhancing the quality of human lives. Human resources development treats human beings primarily as an input in the production process – a means rather than an end. Welfare approaches look at human beings as beneficiaries and not as agents of change in the development process. The basic-need approach focuses on providing material goods and services to deprived population groups rather than on enlarging human choices in all fields. Human development, by contrast, brings together the production and distribution of commodities and the expansion and use of human capabilities. Encompassing these earlier concerns, human development goes beyond them. It analyses all issues in society – whether economic growth, trade, employment, political freedom or cultural values – from the perspective of people. It thus focuses on enlarging human choices – and it applies equally to developing and industrial countries. (pp. 11–12)

The *Human Development Report 2001* also emphasises on the same point that development means expanding peoples' choices so that they can lead lives that they value. 'Fundamental to enlarging these choices is building human capabilities – the range of things that people can do or be in life. The most basic capabilities

for human development are to lead long and healthy lives, to be knowledgeable, to have access to the resources needed for a decent standard of living and to be able to participate in community life. Without these, many choices are simply not available, and many opportunities in life remain inaccessible' (UNDP 2001, p. 9). Similar views are also discussed in *Human Development Report 2005* (2005, pp. 18–19). It is noteworthy that since 1990, when the first human development report was published by the UNDP, human development has been measured in terms of Human Development Index (HDI). Quantitatively, HDI is a composite of three ingredients, i.e., life expectancy, adult literacy rate and GDP per capita (UNDP 1994, p. 91). HDI is a useful tool for understanding and ordering the level of human development of different countries of the world. It has a stronger impact on readers' minds and attracts attention more powerfully than simply a long list of social indicators. In spite of being a useful tool to measure the level of development, HDI is not free from limitations. For instance, it 'measures only the average national achievement, not how well it is distributed in a country' (UNDP 2001, p. 13).

It goes without saying that the UNDP's human development concept reflects that men and women have equal rights in all spheres of life. In its report entitled, *Arab Human Development Report 2005*, the UNDP (2006) says: "…as human beings, women and men have an innate and equal right to achieve a life of material and moral dignity, the ultimate goal of human development." (p. 5) With regard to women's development, it reads:

> [UNDP] thus views the rise of women in the joint framework of human rights and human development. In terms of human rights, the advancement of women is to be achieved as part of society's advancement to freedom, in its most comprehensive definition. This definition includes not only civil and political rights, the mainstays of citizenship, but freedom from ignorance, disease, want, fear and all else that diminishes human dignity. (UNDP 2006, p. 5)

Islamic Approach to Human Development

With reference to the context, it may be mentioned here that out of a total of 177 countries of the world (UNDP 2007, pp. 229–232), 57 countries are members of the Organisation of the Islamic Conference (OIC) and are considered Islamic countries or 'the Muslim World' (OIC 2008). According to CIA (2008), out of a total global population of 6.7 billion, some 20% are Muslim. Similarly, out of 149 million km^2 of geographic area that covers the world, Muslims occupy some 23%. The global map indicates that the Muslim World stretches from North West Africa (Morocco) to South East Asia (Indonesia) and consists of numerous diverse cultures and norms. Geographically, these countries occupy the most mineral-rich areas of the world (Ahsan 2006, p. 20). As is analysed in the coming pages, women in Muslim countries are significantly lagging behind in human development when compared to women in non-Muslim countries. As religion plays an important role in the daily

lives of Muslims, the question that arises here is whether or not it is the faith which discourages Muslim women from holding higher aspirations concerning their own development. Prior to exploring the possible answer(s) to this question, we need to review the Islamic approach to human development and its relevance to the UNDP's notions.

The Arabic word 'Islam' simply means 'submission', and is derived from a word *silm*, meaning 'peace' (Islamic Text Society 1989, p. 3). According to Muslim belief, "Islam is a complete code of life." (Sarwar 1994, p. 173). This is because there is no aspect of life, such as religion, the economy, politics, education and health, etc., for which Islam does not provide guidance (Imam 1994, pp. 173–188). The "Quran is a primary source of knowledge for Muslims." (Samad 1992, p. 335). One of the basic and most important characteristics regarding the social economy and the economic system upon which the Quran repeatedly lays stress is that all means and resources through which human beings earn their livelihood are divinely created (Ahmad 1976). In the Islamic system, human development is a purposeful activity aimed at:

1. economic development with its fair distribution of benefits;
2. fair distribution should bring positive change in society; and,
3. both these activities should be inlined with the enhancement of religio-spiritual development and satisfaction of human beings (Mannan 1989, pp. 17–18).

With reference to the first two points regarding human development, Islam particularly emphasises:

1. social justice, fair distribution and the utilisation of resources;
2. economic development and employment promotion;
3. education for all as well as better health; and,
4. in the overall context, improving the physical quality of life (Naqvi et al. 1989, p. 79).

Interestingly, the Islamic approach is similar as well as different from the UNDP's concept of human development. It is similar with regard to the improvement of the physical quality of life. However, differences appear in the case of spiritual development. The element of spiritual development and satisfaction is open and optional in the UNDP's approach; it is obligatory in the Islamic notion. This is because in Islamic philosophy, the human being is God made with its two main components, body and soul. Therefore, human development is required in both these aspects.

This situation reflects that in Muslim countries, the role of religion cannot be bypassed in the process of human development. Another important point is that according to Muslim belief everything is created by God and human being is a very special creature in the universe. In Islam, Muslims are bound to total submission to God and this submission is the most adequate way to ensure their future development. In the Qur'anic context, it is said that "God is the ultimate owner of everything" (Qur'an 1.1) and "His creatures should follow the rules fixed by Him" (Qur'an 20:6). In this perspective, there are seen to be three fundamental principles of the religion: *tawhid*, *khalafah* and *akhirah*. *Tawhid* is the

central concept of Islam which means 'oneness of God'. In accordance with the Qur'anic teachings (6:165; 7:180; 17:70), "being a special creature of God, the human being is appointed His trustee or vicegerent on earth." In the Arabic language, this vicegerentship is called *khalafah* and the vicegerent is *khalifah*. The primary duty of the *khalifah* is to oversee the trust. Another significant notion of Islam is known as *akhirah*, i.e., 'the day of judgement' in which a *khalifa* would be accountable to God for all his or her actions, whether these are personal, social or economic (Khalid 1998). Consequently, the codes of conduct with regard to rights and responsibilities of men and women are also reflected by Islamic fundamental beliefs like *tawhid*, *khalafah* and *akhira*.

Women and Human Development in Islam

The above discussion indicates that according to Muslim belief, Islam is a complete system and it has specified some parameters and boundaries to lead life in accordance with the commandments of God. In this context, the attainment of human "development is not only the right of every man and woman rather it is an obligation." (Ghauri 1995, p. 8). As HDI is primarily based on performance in the fields of education, health and income, these three variables will be appraised from the perspective of Islamic teachings. It is noteworthy that the acquisition of knowledge is mandatory for every person in Islam. The Qur'an clearly praises learned people and it encourages original thinking (Irving et al. 1979). In its own words: "Are those [men and women] who know equal to those who know not?" (Qur'an 39:9). Therefore, "according to religious teaching, both for men and women, education is the process of enlightenment of the soul with divine wisdom for the attainment of self-perfection and self-realisation." (Quddus 1990, p. 56).

Like previous prophets, the Prophet Mohammad also emphasised the importance of knowledge to his followers and encouraged them to seek it (Jawad 1990). He said: "The Quest for knowledge is obligatory for every Muslim." (Nasr 1976, p. 8). Muhammad "enjoined Muslims to educate their children regardless of their sex." (Adamu 1993, p. 287). In Islamic teachings, education is treated as the religious duty of every man and woman. Since it was considered one of the basic necessities of life, it has remained free throughout the long period of Islamic history. During that time, equal opportunities were available to everyone for its attainment. It was the teaching of the Prophet to "treat equally, poor and rich students who sits before you for the acquisition of knowledge." (Shalaby 1954, p. 165). In the course of time, the simple pattern of the Prophet's school developed into a comprehensive and coherent educational system, which was fully integrated into the socio-economic lifestyle of the community (Saqib 1988). In this school, the main emphasis was on 'learning throughout life'. This discussion reflects that the Islamic educational philosophy was based on moral and spiritual foundations and recognised no difference between the sacred and the secular. The concept of 'learning throughout life'

is not a new idea, as claimed in a UNESCO report which asserts: "The concept of learning throughout life emerges as one of the keys to the twenty-first century. It goes beyond traditional distinction between initial and continuing education." (Delors 1996, p. 23)

Similar to the UNDP, in the Islamic approach to human development, health is no less important than education. It may be mentioned here that the Prophet was not only a religious guide, a political leader and a moral philosopher but was also a physician. As in Islamic teaching, health is considered a gift from God; He placed enormous emphasis on human health. He was well aware of the fact that human health is an integral part of the human development process. His medical teachings can be found in more than 200 books and he was possibly the first physician to diagnose heart conditions and their treatment (Ghazanvi 1991). It was mainly owing to Prophetic teaching that Islam produced various women who gained expertise in medicine and matters related to human health. For instance, during the tenth century, Ishi Nili, who learned from Abu Said, a mystic from Nishapur (Iran), made ointments for various diseases of the eyes. Apart from pharmacology, many Muslim women gained expertise in the treatment of ill and wounded patients (Women in Muslim History Website 2008).

With regard to employment and income generation activities, the Quran does not put any binding on women; rather it says that every man and woman has the right to work. It clearly states that, regardless of gender, the reward of work belongs to the one who performs the activity (Qur'an 4:32). According to Jamal Badawi (n.d.), a renowned scholar in the Muslim World, "there was no decree in Islam which forbids women from seeking employment. … Moreover, there was no restriction on benefiting from women's exceptional talent in any field. Even for the position of a judge, where there may be a tendency to doubt women's fitness for the post owing to her allegedly more emotional nature, we find early Muslim scholars, such as Abu Hanifa and Al-Tabari, holding that there is nothing wrong with it." (p. 20) With regard to various misconceptions about the role of women in Islam, Badawi (1995) further argues that "some interpreters of the Qur'an mistakenly translate the Arabic word *qiwāma* (responsibility for the family) with the English word *superiority*. The Qur'an makes it clear that the sole basis for the superiority of any person over another is piety and righteousness, not gender, colour or nationality." (p. 13)

With reference to women and human development, similar views have also been expressed by Asghar Ali Engineer, another noted Muslim intellectual. In his book entitled, *The Rights of Women in Islam*, he refers to a head of an Islamic seminary and says:

> Maulana Qari Muhammad Tyeb … [Chief of Dar al-Ulum, Dioband, India] says the fact is that women enjoy the same rights as men; and, in certain respects, they enjoy even more rights. He goes on to say that Hadrat Aisha was the wife of the Prophet (peace be upon him). The Prophet said about her that half the knowledge of my revelation should be acquired from all my companions and the other half from Aisha (may Allah be pleased with her). After all Aisha is a woman and Allah has given such a status to woman that thousands of the Prophet's companions are put on one side and a woman on the other side. (Engineer 1996, p. 43).

The UNDP's *Arab Human Development Report 2005* (UNDP 2006) reveals: "One of the legacies of Islam for women's rights is that it conferred upon women autonomous financial rights, which helped to sustain the presence of women in commercial affairs, whether directly or as partners of male relatives or other men." (p. 110) The report further states: "Islam established the notion of individual responsibility for both, men and women, as well as emphasising respect for both sexes and their rights" (p. 165). These were the basic principles set by Islam for the development of women which helped them to progress in every field of life. In this context, Engineer (1996) further reveals that even "women were not behind the sphere of poetry. Khansa, Safiya, Atikah, Hind bint Harith, Kabshah bint Rafi and several others were known for their excellence in this field. Many of the Prophet's women companions were engaged in [cottage] industry, commerce, agriculture, calligraphy and other fields." (p. 83) In fact, Islam created a women-friendly environment which encouraged them to play a dominant role in the early Muslim communities.

The Contemporary State of Women in Muslim Countries: A Comparative Analysis

The above discussion shows that in their notions of human development, both UNDP and Islam do not make any distinction between men and women. The present section attempts to analyse the situation of women in the human development issues of Muslim countries, and this in comparison to relevant non-Muslim countries. However, before reviewing this situation, it is important to look at the relative state of the overall human development of Muslim and non-Muslim countries. It is noteworthy that on the basis of HDI value, the UNDP categorises all countries of the world into three groups, namely, high, medium and low HDI countries. In this context, two countries from each group are chosen for the purpose of the analysis offered in the following tables. In each group, one is a Muslim country while the other is non-Muslim. The criterion for the selection of these countries is based on the fact that, in each group, both countries have approximately the same level of GDP per capita. The analysis is aimed at exploring the situation as to whether this economic equality is also translated into equality in human development or not.

The data provided in Table 4.1 indicates that in the high HDI category, Spain and Qatar have equal levels of GDP per capita. The same is also true of Ecuador and Egypt; and, Eritrea and Burkina Faso, in medium and low HDI categories, respectively. It is important to note that in all three categories, in spite of having similar levels of income, Muslim countries are considerably behind the respective non-Muslim countries with regard to their life expectancy, literacy rate and HDI ranking. Needless to say that the situation of human under-development is not limited to only these few variables; rather, it is also linked to several other factors. For instance, the review of statistics presented in the *Human Development Report 2007/2008* indicate that Muslim countries have a comparatively higher maternal mortality rate which is,

Table 4.1 Human development: Comparison of Muslim and Non-Muslim countries with similar income but different levels of human development

Country/Group	HDI ranking	GDP per capita (US$)	Life expectancy (years)	Literacy rate (%)
High HDI countries				
Spain	13	27,169	80.5	99.0
Qatar	35	27,664	75.0	89.0
Medium HDI countries				
Ecuador	89	4,341	74.5	91.0
Egypt	112	4,337	70.7	71.4
Low HDI countries				
Eritrea	157	1,109	56.6	60.5
Burkina Faso	176	1,213	51.4	23.6

Source: UNDP (2007, pp. 229–232)
Note: 1. Qatar holds the second highest GDP per capita in the Muslim World
2. Burkina Faso holds the second last position in the overall world HDI ranking

on the one hand, associated with a higher population growth rate while, on the other, lack of availability of basic health services in these countries. The figures reveal that the maternal mortality ratio per 100,000 live births was only four in Spain as compared to Qatar where the respective figure was 12. This situation directly influences the Gender-related Development Index (GDI). The report indicates that Spain was in 12-th position of world GDI ranking whereas Qatar held 37-th position (UNDP 2007, pp. 243–246, 326–329).

While comparing the situation of Muslim and non-Muslim countries, there are some important points related to gender (under-)development. For instance, if we look at various relevant variables, it becomes clear that whether it is male or female literacy rate, life expectancy or employment, the situation is poorer in Muslim countries when compared with non-Muslim ones. However, it is important to note here that, apart from the prevalence of overall human under-development in the Muslim World, the gender-wise comparison presents a particularly discouraging picture. The data given in Table 4.2 indicates that in the case of Ecuador and Egypt, the difference of their male literacy rate is 9.3, while the same difference in the female literacy rate is 30.3. A similar situation can also be seen in the comparison of life expectancy. In spite of enjoying the same high level of per capita income, male life expectancy is 2.6 years less in Qatar when compared with Spain. However, the same figure for female life expectancy is eight. The same trend can also be observed in the case of female employment. The statistics indicate that whether it is a matter of the literacy rate, or life expectancy, or even generally that there is a group of high, medium and low HDI countries, women in Muslim countries are the real losers when compared with their male counterparts. This is an alarming situation and demands concrete measures for improvement.

Table 4.2 Comparison of Muslim and Non-Muslim countries with respect to gender related literacy rate, life expectancy and employment

Country/Group	Literacy rate (%)		Life expectancy (years)		Female unemployment (% of male rate)
	Male	Female	Male	Female	
High HDI countries					
Spain	99.0	99.0	77.2	83.8	184
Qatar	89.1	88.6	74.6	75.8	548
Difference	*9.9*	*10.4*	*2.6*	*8.0*	*−364*
Medium HDI countries					
Ecuador	92.3	89.7	71.8	77.7	186
Egypt	83.0	59.4	68.5	73.0	311
Difference	*9.3*	*30.3*	*3.3*	*4.7*	*−125*
Low HDI countries					
Eritrea	71.5	71.5	54.0	59.0	..
Burkina Faso	31.4	16.6	49.8	52.9	..
Difference	*40.1*	*54.9*	*4.2*	*6.1*	

Source: UNDP (2007, pp. 298–01, 326–29)
Note: (**..**) Figures not available

Similar to the HDI, the UNDP also calculates Gender Empowerment Measure (GEM) for its yearly human development reports. The primary objective of GEM is to find out the extent of gender inequality in three key areas, i.e., (i) political participation and decision-making power, (ii) economic participation and decision making power, and, (iii) power over economic resources. Political participation is measured by women's and men's participation in parliamentary seats, economic participation is measured by their respective shares as legislators, senior officials, and professional positions, and the power over economic resources is calculated by women's and men's estimated earned income. Table 4.3 indicates that as Spain is in 13-th position in world HDI ranking, it holds 12-th position in GEM which highlights that its gender empowerment record is even better than its overall level of human development. An opposite situation can be seen in the case of Qatar where the HDI and GEM rankings are 35-th and 84-th respectively. This shows that, while the difference in their HDI ranking is 22, the difference in GEM ranking is 72. Similarly, in percentage terms, there are only half the female professional and technical workers in Qatar as compared to Spain. A further huge difference can also be found in the case of women in government at ministerial level.

On the positive side, it can also be observed that several Arab countries are considered rich owing mainly to oil revenue and the situation of women "has been changing over time, often for the better. Arab women [in these countries] have made outstanding national and international contribution to the arts, sciences, politics and other fields of human endeavour." (UNDP 2006, pp. iii–iv).

Table 4.3 Comparative overview of Muslim and Non-Muslim countries with respect to gender empowerment

Country/Group	World ranking		Female professional and technical workers (% of total)	Women in government at ministerial level (% of total)
	HDI	GEM		
High HDI countries				
Spain	13	12	48	50.0
Qatar	35	84	24	7.7
Difference	*−22*	*−72*	*24*	*42.3*
Medium HDI countries				
Ecuador	89	43	48	14.3
Egypt	112	91	30	5.9
Difference	*−23*	*−48*	*18*	*8.7*
Low HDI Countries				
Eritrea	157	..	..	17.6
Burkina Faso	176	..	..	14.8
Difference	*−19*			*2.8*

Source: UNDP (2007, pp. 330–333, 343–346)

However, women in under-developed Arab countries face "high rates of risk of morbidity and mortality connected with pregnancy and reproductive functions. Despite the tremendous spread of girls' education [they still] … continue to suffer more than men do from a lack of opportunities to acquire knowledge." (UNDP 2006, p. 7)

It should be mentioned here that, during the process of writing this chapter, this researcher discussed several relevant issues with various Muslim women. In Tables 4.2 and 4.3, we have reviewed the comparative state of women's economic, professional and political activities; there are a number of Muslim women who do not agree with comparison using such criteria. According to Sidra Naeem (personal communication: June 14, 2008), a female British Muslim intellectual, it is inappropriate to judge the human development of Muslim women purely by Western standards. In her view, this is because Islamic and Western systems have different religio-historical and cultural backgrounds. In support of her argument, she says: "In Islam, the right of a wife is maintenance. Despite any education or wealth she may have, her husband is obligated to provide her with food, shelter and clothing. Therefore, she may choose not to work. The maintenance of homes, providing support to husband and bearing, raising and teaching children as well as looking after the elderly in the family are among the first and very highly regarded roles for a Muslim woman. Even if she has the skills and education to work, she may voluntarily choose to stay at home and look after the family. Alternatively, she may choose a part time career, less professional than her level of education and expertise, and focus on her children, as being a small but central institution, the family is very important in Islam."

Religion and Women's (Under-) Development in Muslim Countries

Muslim countries are stretched over this planet from East Asia to West Africa, and have numerous cultures and norms which vary from place to place. The same is also true of the situation of Muslim women. This argument is supported by famous feminists Benn and Jawad (2004). In their view: "Muslim women form a highly diverse and complex group and assumptions about them are often ill-conceived, miss-informed and grossly miss-represented. This is often reflected in images of them, particularly in the West, as oppressed, powerless and victimised. The voices of Muslim women, striving to keep their religious identity in Western contexts, are seriously under-represented in academic research." (p. XIV) Further to say that, although a very tiny minority of Muslim women use the veil or *hijab*, this element is particularly highlighted in the mainstream media which uses it to give an impression of 'otherness' and alienation. In their survey report on the state of Muslim women in higher education in Britain, Tyrer and Ahmad (2006) revealed: "A significant number of accounts highlighted experience of anti-Muslim racism linked to the *hijab*, which was seen by some respondents to mark women who wear *hijab* as alien, non-liberal, or oppressed." (p. 19) Such a situation is not helpful in terms of promoting the development and social inclusion of women.

It also needs to be mentioned that, apart from the above stated factors, various problems also lay within their own Muslim communities. For instance, the Taliban's brutal treatment of women and the blasting of girls' schools in Afghanistan and in northern Pakistan is common knowledge. The global media particularly highlights these specific cases by labelling them as militant Islam or a fundamental Islamic act. The discussion in the earlier part of this chapter reflects that in reality it is not the teachings of Islam, so much as a local culture or tradition which is being branded as an Islamic practice. In the view of Rukhsana Kosar (personal communication: June 10, 2008), a Muslim woman who actively works for the betterment of minority communities in England: "Whether it is the Taliban's oppression of women or blasting of girls' schools – such practices are cultural, not Islamic. Sadly, the mainstream media particularly picks on such incidences to create a negative image of Islam. The footages of these isolated incidences are widely broadcasted on various television channels around the globe to create an image that all Muslim women are oppressed and they have to be liberated. Due to the intensity of this propaganda campaign, common people in the West often fail to distinguish between culture and religion – two things that are completely different. Often the cultural practises of a person get confused with the religious practises and also often culture over-rides Islamic teachings. The fact is that Islam condemns oppression of any kind whether it is towards a woman or in general."

Interestingly, Kosar's arguments are also supported by the UNDP. In its *Arab Human Development Report 2005* (UNDP 2006), it says: "[Arab/Muslim societies] give precedence to custom over true worship and provide foundations for assumptions that have no grounding either in the Holy Quran or in the authenticated

practices and sayings of the Prophet (the *Hadith*). Most of the sufferings of Arab women is [*sic*] attributable to the accumulation of such customs and traditions." (p. VII) This situation highlights at least two important points: (i) oppression of women in a Muslim community is a cultural practice and not religious teaching, and, (ii) the global media particularly highlights isolated incidents to create a bad image of Islam. The analysis presented in this chapter shows that there is no doubt that in general, the women in Muslim countries are underdeveloped as compared to men. It does not mean however that they are oppressed to the level of slavery so that they must be liberated at any cost.

The negative influence of the media's propaganda is not limited to the extent of the general masses; it has also affected the opinion of those international institutions which enjoy undisputed worldwide respect. For instance, there are not many who would be suspicious about the credibility and competence of the UNDP. However, in the above report (UNDP 2006), there are at least four occasions on which it talks about the 'liberation' of Arab women. It is unclear how such an unbalanced view can be helpful in promoting the objectives of this reputed institution. Here, with reference to the context, it is also appropriate to quote Nusrat Khawaja (2001), an American intellectual and community worker. She says: "Why can a nun be covered from head to toe and be respected for devoting herself to God but not a Muslim woman? She's "oppressed" when she does that. … When a Western woman stays at home to look after the house and children, she is sacrificing herself and doing good for the family, but when a Muslim woman does so, 'she needs to be liberated'." (p. 5)

Lack of Transparency and Women's Underdevelopment

Apart from the above arguments, this researcher strongly believes that an important reason for the underdevelopment of women is the lack of transparency which is, in fact, the root cause of poor governance in several Muslim countries. A German-based NGO, Transparency International, publishes an annual Corruption Perception Index (CPI) based on a survey of various international business-people's perception of corruption in the countries in which they operate. Statistics indicate that there is a strong correlation between corruption and human under-development in Muslim countries. Similar to the previous pattern, in the following Table 4.4, there are three sets of countries selected for analysis (i.e., high, medium and low HDI countries). It is noteworthy that in all three categories, Muslim countries enjoy around double per capita GDP compared to their non-Muslim counterparts. However, this positive factor is not translated into their better performance in HDI, CPI, GEM and GDI; rather they are noticeably behind compared to non-Muslim countries. This is particularly true in the case of Saudi Arabia, which has more than double of GDP per capita as compared to Cuba but the figures of CPI show that the former's governance system is considerably less transparent than the latter. This is one of the main reasons that Cuba's HDI, GEM and GDI record is far better than that of Saudi Arabia.

Table 4.4 A comparative overview of Muslim and Non-Muslim countries with respect to their Level of Income, human development and transparency

County	GDP/capita (US$)	HDI ranking	CPI ranking	GEM ranking	GDI ranking
High HDI countries					
Cuba	6,000	51	67	26	49
Saudi Arabia	15,771	61	77	92	70
Medium HDI countries					
Armenia	4,945	83	94	..	75
Iran	7,968	94	106	87	84
Low HDI countries					
Tanzania	744	159	98	44	138
Cote de Ivory	1,648	166	153	..	146

Source: 1. Col. 2, 3, 5 and 6: UNDP (2007, pp. 229–232, 326–329, 330–333)
2. Col. 4: Transparency International (2007, pp. 325–330)

This situation clearly highlights that there is a direct relationship between the lack of transparency and under-development of women.

Review and Reflection

It is impossible to imagine anything about humanity's peace, prosperity and development without considering women who constitute about half of the total global population. This chapter has attempted to analyse the state of women in Muslim countries in the light of Islamic and UNDP's concepts of human development. The UNDP's concept of human development was presented in 1990 and is primarily based on performance in the fields of longevity, literacy and per capita income. In quantitative terms, it is measured in HDI, although additional variables are also incorporated to explore the state of (under-) development in other areas, such as GDI and GEM, etc. The UNDP's approach to human development is purely secular in nature and focuses mainly on physical aspects of human development, be that tangible or intangible. Interestingly, there are at least two main similarities and differences in Islamic and UNDP's approaches. With regard to similarities, it can be argued that:

1. both notions agree upon the major ingredients of human development; and,
2. both lay enormous emphasis on the issue of women's development, although there can be some minor variations in the strategy adopted for this purpose.

As far as the differences in these two approaches are concerned, it is obvious that:

1. the Islamic approach to human development is a divine process and was presented around fourteen centuries before the UNDP's approach; and,

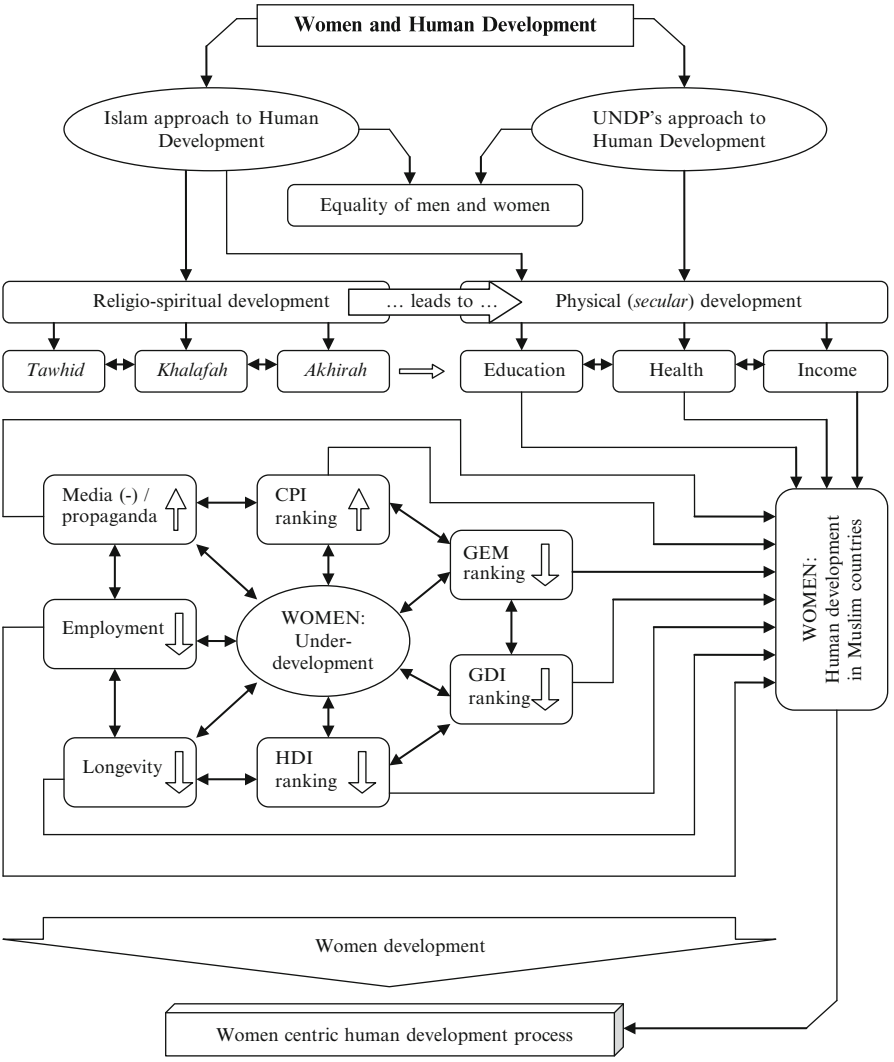
2. the spiritual element is the core of the overall process of human development and every individual is accountable to God for his or her deeds.

As Islam plays an important role in the daily lives of Muslims, it means that in Islamic countries, religion cannot be bypassed in the process of human development. It is noteworthy that in spite of some strategic differences, there are no major areas of conflict between UNDP and Islamic approaches to women's development. Apart from these conceptual aspects, this chapter has also attempted to analysis the prevailing comparative situation of women's development in Muslim and non-Muslim countries. For this purpose, various sets of countries were selected from both groups. The analysis indicates that:

1. on a number of occasions; in spite of having the same level of income, Muslim countries are considerably behind non-Muslim countries in human development;
2. the comparative life expectancies and literacy rates are lower in Muslim countries due to which they are lower in HDI ranking; and,
3. the situation of female life expectancy, literacy rate, employment, GDI and GEM ranking is discouraging in Muslim countries.

Conclusion

The underdeveloped state of women in Muslim countries is not a simple and straightforward phenomenon as is generally considered. From the religious perspective, the chapter argues that no doubt women in Muslim countries are faced with difficult problems, but these are mainly due to local cultural norms rather than religion, though some times religious teachings are invoked to justify their lack of progress. The discussion also highlights that although women in Muslim countries are significantly behind in the process of human development, they are not as oppressed as projected by the global media. Furthermore, the process of women's development is directly related to the level of transparency in a country. Sadly, the level of transparency is considerably lower in Muslim countries when compared to their respective non-Muslim counterparts. The overall outcome of the present analysis indicates that concrete and coordinated efforts are required to strengthen the process of women's development. In Muslim countries, the process of human development should be 'women centric' in which faith can also play an important and supportive role. Similarly, in the contemporary age of globalisation and information technology, the role of the media cannot be under-estimated. Due to its centrality in global affairs, the media can play a vital part in promoting transparency and women's development in Muslim countries. This discussion is summarised in the following diagram.



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Chapter 5
Being Muslim in the Neoliberal West: Reflections on an Ethnographic Study of Muslim Women in Australia

Belinda Green

Abstract This chapter is concerned with the ways in which recent neo-liberal policy shifts in Australia, especially around the American alliance and resistance to immigration, have impacted upon ideas of nationhood and processes of inclusion and exclusion for Australian Muslims. More specifically I will critically evaluate the ways in which a group of Muslim women from the South West Sydney metropolitan area negotiate their personal identity within the Australian neoliberal landscape. This chapter argues that the women informants both resist and contest hegemonic Australian national imaginaries which exclude certain groups including migrants, Muslims, and Aboriginals. Through an emphasis on religion and ethnicity as integral to their idea of culture and personal identity the informants in this chapter reinstate a sense of otherness from the Australia secular public space. Yet at the same time informants also resisted forms of exclusion by defending their place in the Australian neoliberal setting through their participation in the education and labour markets. The women also equated being Muslim and the practice of Islam as a vehicle for them to be productive and law abiding Australian citizens. Therefore the aim of this chapter is to highlight the ways in which informants negotiate and contest their identity in complex and fluid ways within the Australian neoliberal setting.

Introduction

Over the past decade, Australia has undergone a number of socio-economic political changes as a result of neoliberal policies. These policies have seen a rise in new technologies, free trade agreements and a rolling back of welfare and other government

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based services under the powerful guise of market fundamentalism (Sim 2004) and U.S. led socio-political cultural imperialism. In the Australian context, these neoliberal forces were overseen for 12 years (1996–2007) by a political coalition of conservatives, namely the Liberal and National parties under the leadership of Prime Minister John Howard. This political regime overtly aligned itself with American neo conservatives, namely the US President Bush led Republican Party. Some of the more striking examples of this alliance include the Australian Liberal led coalition's decision to actively engage in the post 'September 11' fallout and the so called 'War on Terror'. The targeting and vilification of Islam and Muslims by the Australian neoliberal state and media, alongside Australia's military involvement in the invasion of Afghanistan and Iraq, has irrevocably skewed perceptions of Muslims and Islam within Australia.

This chapter is concerned with the ways in which these processes have impacted upon ideas of nationhood and processes of inclusion and exclusion for Australian Muslims. More specifically I will critically evaluate the ways in which a group of Muslim women from the South West Sydney metropolitan area negotiate their personal identity within the Australian neoliberal landscape. This chapter argues that the women informants both resist and contest hegemonic Australian national imaginaries which exclude certain groups including migrants, Muslims and Aboriginals (Hollinsworth 2006). Through an emphasis on religion and ethnicity as integral to their idea of culture and personal identity, the informants in this chapter reinstate a sense of otherness from the Australia secular public space. Yet, at the same time, informants also resisted forms of exclusion by defending their place in the Australian neoliberal setting through their participation in the education and labour markets. The women also equated being Muslim and the practice of Islam as a vehicle for them to be productive and law abiding Australian citizens. Therefore, the aim of this chapter is to highlight the ways in which informants negotiate and contest their identity in complex and fluid ways within the Australian neoliberal setting.

Neoliberal Australia and Muslim Women

As argued by Rajni Kothari:

> … the most striking feature of the emerging reality is that the structures for managing issues and dealing with problems, whether in terms of world affairs or of encouraging institutions and leadership within individual societies, are becoming more and more incoherent. We seem to have entered a long period of geopolitical imbalance, ethnic turmoil, and a new upsurge of nationalism that is being expressed in far more traumatic ways than was the case in the past. These are leading to an upsurge of violence and social breakdowns in multiple locations across various regions. (Kothari 1997, p. 227)

Kothari (1997) adds that this "… new turbulence is not limited to the peripheries of the industrial capitalist world. The countries and cultures of the centre are also facing a variety of crises involving new divisions, new reassertions of national identity, and new conflicts over trade and technology". (p. 227) Although Kothari

argues that the rising influence of a uni-polar economic system, together with a US led imperialist quest for so called democracy, provides an explanation for such responses, he pays very little attention to the importance of religion, ethnicity and gender in these events. The categories of religion, ethnicity and gender are in fact important sites of inquiry in the neo liberal context. In the aftermath of the Cold War and September 11, there has been a particular focus on the vilification of Islam and Muslims. The dichotomization between the so called 'West' and 'Islam' in the post September 11 war on terror climate arguably reinstates an essentialist and orientalist homogenization of Muslims which emphasizes versions of 'Othering', including religiosity and traditionalism (El Sohl and Mabro 1994; Said 1981).

Within the Australian context, the policy of multiculturalism has consolidated ethnicity and religion as a site of differentiation and discrimination. In the contemporary space, the category of Arab Muslim male youth has been an effective source of contention for a media-led moral panic in the Australian setting (Collins et al., 2000; Poynting 2002; Poynting et al. 2004). The 'Cronulla Riot' (a beachside confrontation between largely Muslim and non-Muslim youth on one of Sydney's most famous beaches) of 2005 was a particularly stark example of the ways in which the categories of ethnicity and race are utilized to reproduce national imaginaries which attempt to privilege certain groups over others. Yet, as argued by Hage (1998, 2003) and Stratton (1998), the perceived threat of difference and diversity in the Australian setting, of the sort seen through the Cronulla Riot, can also be attributed to wider processes of change, including economic rationalism and globalization. As a result of these changes, certain groups (in the case of the Cronulla Riot, young working class Anglo-Saxon men) attempt to relieve their anxieties through the scapegoating and targeting of groups that are perceived to be alien and therefore a threat to hegemonic national imaginaries.

As defined by Benedict Anderson (1983), these national imaginaries are not testimony to history. Rather, they are deliberately crafted through binaries based on inclusion and exclusion which are imagined deliberately to sustain the power of small elites and based on particular racial, gender, religious, political and class classifications. In the Australian context, this imaginary is overwhelmingly marked as male, white, working class, Christian, secularist and Anglo-Saxon. Born out of a fraternity emerging from alcohol, pastoralists battling within the Australian landscape, The Eureka Stockade, the Anzac Legend and Lifeguards, the Australian national imaginary not only excludes Muslims and Indigenous communities but an even larger population of Australian women across race and class.

This chapter will focus on Muslim women who face multiple layers of marginalization and exclusion based on their religiosity, ethnicity and gender in the contemporary Australian context. As argued by Poynting and Noble (2004), Jacka and Green (2003) and Manning (2004), in the aftermath of September 11, the Australian media have sought to vilify and posit Muslims and Arabs as a threat to other Australians. This perceived threat was further fostered by the Howard Government's legislative acts and amendments, including Anti-terrorist Laws, mandatory detention for asylum seekers and an overall reduction in concessions and special programs for minority groups in Australia. As argued by Hollinsworth (2006),

"a largely manufactured climate of threat, fear and envy cements the power of conservative governments" while "an official discourse of equality" is utilized to undermine group rights and reinforce neoliberal sentiment of "personal responsibility". (p. 246) As noted by Rowse (2005), this official discourse seeks to alleviate the Australian government's responsibility to address the structural disadvantages faced by minority groups.

Muslim Women in Australia

In the Australian setting, academicians from a variety of disciplines have taken an increasing interest in communities and individuals identifying themselves as Muslim in an attempt to raise awareness as to the impact that the former processes are having on Muslim peoples (Akbarzadeh 2005; Betts and Healy 2006; El Matrah 2003; Fija and Sonn 2004; Ho 2007; McMichael 2002; Poynting et al. 2004; Poynting and Collins 2004; Saeed and Akbarzadeh 2001; Sanjakdar 2002; Zevallos 2005). Based on 28 Muslim women informants located in the Sydney metropolitan area, this chapter seeks to further investigate the ways in which Australian Muslims are responding to the neoliberal climate which has, according to Hollinsworth (2006) has increased "… social inequality between groups, and cultural exclusivity and marginalization." (p. 246)

In the Sydney context, Muslim communities are, by and large, clustered together in a series of suburbs located in the South Western area. The 28 informants who make up this qualitative study are located in two of the most Muslim populated suburbs in the aforementioned part of Sydney, namely, Auburn and Lakemba. Informants were initially located through a Muslim based religious organization, which could be defined as liberal and moderate in terms of its promotion of Islam through educational and interfaith activities. This led to a snowballing effect which eventually impelled the recruitment of a number of informants alongside an Australian Lebanese Muslim woman research assistant who conducted some of the interviews for this study.

Findings

Informants were aged between 18 and 60, with three quarters of the sample in the 18–30 age groups. Just under half were born in Australia, while the remainder were born overseas from countries including Turkey, Lebanon, Iraq, Pakistan and Kuwait. The majority of informants had lived in Australia for 15 years or more. Over half of the women identified their ethnicity as Lebanese, while the remaining informants identified themselves as Turkish, Iraqi, Kuwaiti and Pakistani in order of proportion. All informants were bi-lingual in English and either Turkish, Arabic or Farsi. There was an equal ratio of Shi'ite and Sunni informants.

There was a further classification for those informants who identified themselves as Sunni which depended on the type of Islamic scholars with whom the women aligned their faith. Just under half of the Sunni women identified themselves as Hanafi, Shafi or Maliki and Hanabli. Three quarters of the women spoke Arabic and English. Just under half were university educated in Australia, while a further 40% had completed high school. Over half of the informants were married, with the rest identifying as single, divorced or currently dating.

Informants were given open ended questions in a private and safe setting based on a number of themes relating to their experience and understanding of their agency as Muslim women in Australia. These included the respondents' definition of Islam and the ways in which the religion is embodied and performed in certain settings. These settings included rituals such as marriage, death and childbirth alongside religious and cultural festivals. Informants were also asked a series of questions pertaining to their everyday experience of Islam. This included daily religious activities such as prayer, reading and personal conduct according to the tenets of Islam. The informants were also asked a series of questions relating to their perception of gender roles and gender relations in Islam which included issues of dress, age and interpersonal relations. Finally, informants were also questioned about the ways in which their practice of Islam and being Muslim were influenced or affected by living in Australian society.

Although there was a range of ethnicities and sects of Islam represented in the study, there remained a strong sentiment among informants that there was an 'authentic', singular and fixed version of Islam which remained unchanged over time and space. This notion of a singular Islam was reinforced by informants listing a distinctive set of duties and practical requirements to 'being Muslim'. All pointed to eating *halal* prepared foods as a requirement to practising Islam, while also abstaining from eating pork and drinking alcohol. The majority of informants listed wearing of the scarf (*hijab*), covering the body, praying five times a day, fasting during the month of Ramadan, going to prayers on Friday (*jumma*), respecting elders, performing *Haj* (i.e. going to Mecca), reading the *Qur'an* and the *Ahadith* and believing in the Prophets as requirements to being Muslim.

When asked about the ways in which Islam and being Muslim has changed over time, the majority of informants pointed to the influences of what was labelled as "modernization", "Westernization" or "Australian culture". Several informants pointed to the ways in which some Muslims' interpretation of the version of Islam had become too "individualized" and therefore incorrect. For example one informant claimed the following:

> Everyone is making up their own rules, and interprets religion the way they will benefit from it. People know for instance to wear the scarf (for girls) and to have beards (for boys) however, because of racism in this country and how Muslims have been viewed this is why Muslims choose not to practice Hijab or grow a beard properly. They do what suits their own self, which is why I think it has been changed.

Other informants argued that Sunni Muslims no longer followed the teachings and interpretations of the principal Islamic scholars, such as Haniifi and Malik. Instead, they claimed that Muslims mistakenly read the *Qur'an* and other texts by

themselves and came to their own conclusions. This, some informants argued, was why certain Muslims could justify killing and violence in the name of *jihad*, which they maintained had nothing to do with the correct interpretation of Islam.

Others reported a positive change as a result of what they defined as "modernization of Islam". This positive change was that information on Islam was much more accessible to them through advancements in technology and communication. This included the use of the internet to source information about Islam and to have contact with other Muslims, including outside of Australia. The majority of informants however cited modernization/Westernization as a source of negative change, pointing to the ways in which weddings in particular were conducted in the contemporary Australian context. These changes were partly blamed on Westernization and partly on the influence of specific idiosyncrasies based on ethnicity.

Over half of the informants cited the increasing importance of money for wedding ceremonies as a contributing factor to celebrations moving away from the religious aspects of getting married. Informants pointed to an increasing commoditization of weddings where it had become important for Muslims to have the ceremony at a reception hall, which some informants claimed cost thousands of dollars. They argued that these ceremonies also failed to respect Islamic requirements for the men and women guests to be segregated from one another. The inclusion of "hens' nights", singing and dancing at the reception, the bride wearing an expensive wedding dress while being accompanied by bridesmaids, were all seen as signs of change and lack of adherence to Islam. Other informants also pointed out that younger Muslim couples now take the time to get to know each other for themselves, rather than merely relying on a pre-selected criterion before entering into marriage.

According to informants, another cultural and Western influence on Muslims in Australia was related to Muslim women's dress. A number of informants cited the wearing of brightly coloured clothing and current fashions to be a sign of Westernization and therefore a lack of adherence to Islamic practice. Others cited the wearing of makeup and excessively expensive and pronounced pieces of jewellery as aversions to Islam.

The overwhelming majority of informants perceived their "culture" to be centred on their ethnicity and religion. Again, there was a multiplicity of ideas about ethnicity/culture. The majority of informants who made the association with ethnicity as culture cited being amongst family, respecting their elders, being of service and loyal to relatives, acting hospitably to guests in the home, including the provision of food and beverages as indicators of personal culture.

Over half of the informants expressed hesitancy in being open about their faith to non Muslims and suggested the need to be alert and self conscious about what and how they should express themselves in a public setting. One respondent put it thus: "Maybe, I won't open up to them as much about religion, because I feel that I am being judged for it as it is not a common religion to practice in Australia. The majority is Christians and so I don't think I might have a say in this."

Over half of the informants made a point of alerting the researcher to the distorted and negative depiction of Islam, both in the Australian and international media. Depending on the informant, this had both negative and positive consequences.

One informant remarked that the ways in which Islam is presented in the media runs contrary to the actual teachings found in the texts. Another claimed that, owing to the fact that Islam is under attack and therefore is gaining greater publicity, there are a greater number of Muslims who are taking their religious practice and faith more seriously. A small percentage of the women reported being attacked physically or verbally by non-Muslims on the basis of their dress, both within and outside the area in which they resided.

Just under half maintained that living in a country such as Australia made them more diligent and aware of both the potential dangers of a non-Islamic life and the positive aspects of being Muslim. One informant made the following comment: "Islam protects you and provides a good lifestyle. Westerners have this view of Islam that men dominate women but in Islam women do have their right, even more so than men." Another informant claimed that "People don't view religion as being there for a reason; they think the reason why people practice religion is extreme. Westerners don't see it as essential."

The majority of informants positioned being a Muslim woman in opposition to mainstream Australia or 'Australianness'. Most were acutely aware of their perceived 'difference' to non-Muslims and/or other Australians. This was perceived to be, on the one hand, positive with many citing the absence of drugs, alcohol and clubbing in their lives, while others cited their difference to be problematic, including the need to be hyper vigilant in their conduct towards others and in the public sphere in general, alongside being susceptible to negative and unwanted attention. The following series of quotes highlight the informants' sense of difference and fear of non-Muslims and other (especially Anglo-Saxon) Australians:

> Some people get scared that I'm going to be this terrorist; it just gets me angry that they stereotype. I wouldn't be as open to other religious groups about religion, because it may turn into a conflict, so I have limitations in what I say.
>
> Yes of course, when I am talking to someone from a Muslim background I guess I am more comfortable then when I am talking to someone from an Anglo culture because I guess there is some similarities in our beliefs but with an Anglo I am a bit hesitant because I may not have the same values and therefore am more careful with what I say. Not only does my behaviour change, but I guess the way I dress. Like, because in my workplace there are Anglo Saxons I choose to take my scarf off and wear a hat, so my neck shows, it's like I am trying to hide me being Muslim because I am afraid to be judged, but if I worked in an Islamic environment I may not do this.
>
> I'm much more sensitive and aware of the understanding people have of Muslim women therefore, I do tend to be more careful of what I say and how I act because I can easily be misinterpreted to what they want to perceive Muslim women as.
>
> With other religious groups we speak to them as friends and as neighbours, we respect them and discuss issues in a simple way. We have to look after them just like any other humans. With the Muslims we can maybe discuss religion a bit further and a bit in depth, but with other religious groups we cannot discuss things in depth because their ways of thinking and values are different. We have to make them feel comfortable and so by discussing religion to other religious groups they may feel uncomfortable.
>
> Yes with my family I am myself and can be all bubbly and joke around, but only with my family. With everyone else I limit what I say in front of them especially non Muslims because they might take me the wrong way or judge me.
>
> If I am speaking to someone Australian I feel I have to be extra nice because they will judge me quickly.

Yet at the same time informants maintained that the Australian setting provided them with religious and gender rights.

> My rights are like everyone else, I am not a different person to other people. As an Australian I have the same rights as everyone else. I have a freedom to choose my own religion and practice it. No one can stop me from practicing my religion. I have a right to work and education. The country supports us and gives us our rights in all ways.
>
> The rights of women here I think is if she wants to learn and wear the scarf at the same time, she is allowed to. She is not forbidden from wearing a scarf and learning at the same time, as has been evident in other countries. She also has a right to work like everyone else; basically her rights are like everyone else's.
>
> I am respected for being a Muslim, for instance I am given rights to work being a Muslim women. I can go to school and receive an education without being discriminated against for practicing my religion. I say this because in Turkey where I was born, Muslim women are not allowed to enter education or government institutions if they are wearing the scarf or even say anything to do with religion within the institutions.
>
> My rights are working, driving, study long hours, Islam isn't something that is going to stop you from doing something for example studying or working. Islam is something you do everyday, it is a part of your day and life.
>
> As a Muslim woman, I should have the same rights as anyone else. My rights is to practice my religion freely without being restricted to do certain things, for instance in France they banned the scarf. This takes away the freedom of choice to practice. So I guess that means we are lucky in Australia that we have this right to practice our religion. I have equal opportunity as everyone else.

With specific regard to gender roles and relations, many of the informants reinforced ideas of gender complementarity and essentialism, which included an emphasis on family, domestic labour and care and nurturance of children. For example, being a Muslim woman included:

> To look after my sisters, to give them advice, to teach them about religion, to protect them from bad influences by being a role model to them. I must keep the house clean and in the community; give advice and always directing youth to the right path, or when I observe seeing someone doing wrong to try and help them.
>
> In my family, my role is to be a lady of the house, must look after my family. I must cook for my husband, and make sure the food is cooked before he gets home. I must do my obligations towards my God, and raise my children in an Islamic way. My role in the community is to I must help people for the sake of Allah.
>
> In the family my roles and responsibilities are to look after my household, my husband and children, and raise my children in an Islamic way. Basically to also attend to my husband's needs. In the community, try to attend regular Islamic lectures and seminars, and be involved in prayers within the mosque and stuff.

Many of the informants raised the issue of Muslim men failing to comply with Islamic prescriptions, stipulating appropriate gender conduct and gender relations, for example, men failing to lower their gaze alongside a lack of adherence to dress codes. Most of the informants complained about this and believed that, overall, Muslim women complied more with Islamic gender conventions than did their male counterparts. Several informants emphasized that, because Muslim women were more visible through their dress, it was therefore very important that their presentation of self be carefully monitored in the public sphere. This meant being non-confrontational, refraining from speaking too much about Islam with non-Muslims or creating any disturbance or conflict in the wider Australian society.

Discussion and Analysis

Women's mobility, dress, chastity and virginity, along with sexuality, marriage and divorce have long been sites of regulation and the potential exercise of power by religious hierarchies (see Hasan 1994; Jayawadena and De Alwis 1996; Basu and Jeffery 1999; Niranjana 1994; Rozario 2001; Sangari and Vaid 1990; Sangari 1993). As noted however by Rozario (2001) in her Bangladesh based study on the use of women's bodies and behaviour to define communal boundaries between different religious groups, religion itself was not the causal factor for such a phenomenon. Rather, the resultant intercommunal politics were primarily about class and power and how communal domination reinforced gender domination.

These ideas are also pertinent to the Australian context. Under the guise of multicultural rhetoric and policy, the rise of ethnicity and ethnic categorization to demarcate 'self' and 'other' has, in more recent times, been interwoven with religious and secular identities in order to further differentiate these imagined communities from one another. In the aftermath of September 11, this has been the case particularly for ethnic groups that also identify themselves as Muslim. These ethnic/religious selves have been pitted against the Anglo-centred secular state, whereby Muslim women from Arab, South Asian, African and Southern Eastern European ethnicities have been an important embodied site for such contestation of identity politics in the Australian context.

In Australia, both Rozario (1998) and Carey (1996, 2003) have observed that several categories of Muslim women, including converts, middle class and educated, have been active in the defence of Islam against the hostility of the wider secular Australian society. Carey has argued that the historical experience of Australian Muslims, most of whom are relatively recent migrants from a wide variety of Muslim countries, has led to an intensification of strategies for building community cohesion. These have included an emphasis on Muslim family values, the burden of which has rested firmly upon the shoulders of women (Carey 1996, 2003).

As found in other studies (see Roald 2001), essentialist and complementary gender roles for informants were cited as important components for both self identity and one's responsibility to the family, community and to God (Allah). The expected role for the women who were part of this study included performing most of the domestic household duties and childcare (i.e. being a dutiful wife and mother), whilst maintaining ritualistic obligations to the practice of Islam (i.e. fasting, prayer and adorning the *hijab*). These duties had a politicized edge for a number of informants, given that they were cited as not only being important to the maintenance of one's family and obligations as a Muslim woman but, moreover, as preserving and presenting a particular image to the outside world which positioned the community in a favourable light. These insights support the belief that Muslim women are often positioned as boundary markers and prime representatives of the Islamic religion and Muslim 'self'.

As with class, gender, ethnicity and race, the category of religion cannot be isolated from other variables in attempting to articulate the ebb and flow of personal identity. To a lesser or greater extent, however, religion was seen as playing an important part in the informants' identity making process. According to Roald (2001), "… religious identity can therefore be said to manifest itself in different ways – at

the level of group identity, individual identity or both – depending on how religion and religious sentiments are defined." (p. 13) As also noted by Roald, one's religion may play an especially important part in the process of identity formation for a person who is part of a minority population. Such ideas are pertinent to the insights uncovered in this chapter.

There have been a number of studies which have argued that religious identity has contributed to identity processes and group solidarity, particularly for immigrants settling in Western nation states (see Ebaugh and Chafetz 2000; Gibson 1988; Haddan and Lummis 1987; Hammond 1988; Min and Kim 2000; Warner and Wittner 1998). Other studies have also revealed that religion has been an important site for the maintenance of cultural and ethnic practices for first and second generation immigrants (see Bankston and Zhou 1996; Chong 1998; Kurien 1998; Ng 2002; Rayaprol 1997). It has also been noted that some migrant groups emphasize religion more so than other groups (Yang and Ebaugh 2001). Smith (1978) argues that the potential alienating experience of adjusting to a new country can often precipitate a sense of the growing importance and emphasis on religion. Migration can often place a greater emphasis on religion than was the migrants' religious experiences in their country of origin.

Other causal factors for the emphasis on religion for some migrant groups have been on the ways in which religion can offer additional benefits. According to Peek (2005), "… membership in a religious organization offers many non-religious material, psychological, and social benefits, including community networks, economic opportunities, educational resources, and peer trust support" (p. 219; see also Chen 2002). Religion can also serve as a means of merging with other ethnic groups that are members of the same religious denomination.

On the other hand, religion may serve as a means of differentiating oneself or one's ethnic group from other groups within the same nation state. As noted by Peek (2005), "… religious dress, practices and organizational affiliation serve as important identity markers that help promote individual self awareness and preserve group cohesion." (p. 219; see also Roald 2001; Williams 1988). Although these findings correlate with the informants' ideas of personal identity, it is also important to highlight the ways in which the women in this chapter utilized their religious/gender and ethnic identities to reinstate their place in the Australian setting, including having the same rights as Australian citizens, while emphasizing the importance of mobility, education and work outside the home.

The influences of global discourses pertaining to post September 11 which associate a discrete category of Muslim and Islam with war, terror, fundamentalism and violent opposition or threat to Western hegemony were also an important site and reason for articulating and performing a gendered 'self' for the women in this chapter. Some of the women cited the former conditions as a reason for their decision to take a more strident and stringent approach to their practice of Islam and being Muslim. This included adhering to the ritualistic requirements for Muslims. The former global discourses and subsequent prejudices located in unitary categories of being Muslim and Islam were cited by the women as being part of the national and regional political landscape of Australia. Feeling as if they were misrepresented and vilified by the wider non-Muslim Australian communities, the women in

the study took it upon themselves to contest and defy such representations in the embodiment of their gendered selves. Ensuring that they were careful in what they said, and especially that they were not reactive or aggressive when faced with the prospect of the former kind of behaviour being directed towards them was an important part of their role as Muslim women.

These ideas were not only evident in the informants' ideas of 'self' but also in their articulation of Islam which was overwhelmingly presented as a homogenized entity, based on certain ritual obligations (e.g. prayer and fasting) which required defending, protecting and preserving in the face of an overwhelming oppositional force, namely the non-Muslim world replete with ideas of modernization and Westernization.

This perceived threat has been revealed by other studies conducted in the Australian context, whereby Muslim women face issues of discrimination and isolation from the wider community, while often feeling misunderstood (Hussain 2001; Saeed 2003; Yasmeen 2001). These problems cannot be underestimated in the Australian context, whereby racial and ethnic stereotyping and 'othering' have prevailed in the historical and contemporary landscape (see Hage 1998; De Lepervanche and Bottomley 1984, 1991; Smith and Kettle 1992; Stratton 1998; Vasta and Castles 1996).

As found in Peek's study (2005) in the United States, the salience of religion in the self identity process for informants was motivated by a number of factors. Out of the 127 participants in Peek's study, the researcher found that, although most had been raised as Muslims, it was not until they had gotten older that they began to focus on developing and incorporating religion as a salient feature of their self identity. Interestingly, the development of a strong religious identity for many respondents resulted in the aftermath of what the author defines as a "crisis event", namely, September 11, 2001 (Peek 2005). The writer argues that, when Islam came under attack and scrutiny, participants responded through what Portes and Rumbaut (1996), Rumbaut and Portes (2001) describe as a "reactive ethnicity". According to Peek (2005), this "rise of defensive identities and solidarities to counter confrontations with an adverse native mainstream" (p. 237) has taken place through the respondents' accentuation and centrality of their religiosity. As noted by Smith (1998), this process will continue as long as the threat or perceived threat remains. Such findings correspond with the informants' responses in this chapter.

All of the informants in this study emphasized the importance of religion, ethnicity and gender in their articulation of self. These three categories also dictated their everyday life and social relations, including communal and familial relations. This chapter argues that the categories of family, ethnicity and religion in the Australian setting are largely designated to the private/domestic sphere. In the context of Australian society and the public sphere which imagines itself through a secularism defined by Christian doctrine and legislation, alongside the monopoly of the White Anglo-Saxon male subject which privileges science, reason, technology, post industrial capitalism and advancement, Muslim women not surprisingly situate their agency somewhat in opposition to this imaginary. The absence of women, religion, the private sphere, and non-white Anglo Saxon racial/ethnic peoples presents as a conscious dilemma and an anxiety for Muslim women.

Conclusion

Like other groups situated on the fringes of national imaginaries, Muslim women informants have orchestrated both a subordinate and resistant agency which is restricted to the private sphere of Australian society and spatial ethnic/religious enclaves, such as those found in the Sydney suburbs of Auburn and Lakemba. This agency is also carefully managed and contained in the wider Australian public sphere and neoliberal context.

The informants in this chapter are in many ways asserting a subaltern femininity which both resists and complies with the Australian national imaginary. Situating themselves as 'other' through the articulation of an ethnic/religious identity which prefaces Islam, gender complementarity, and communal and ethnic identity, the informants identify their culture and subjectivity largely in opposition to the wider Australian society. This was further articulated by the informants' discussion of the "negative" impact of modernization, Westernization and Australian-ness over the 'real' Islam and Muslims living in Australia.

At the same time, the informants maintained that they are a part of the Australian neoliberal setting through their assertion of rights and compliance with prefacing education, work and abiding by Australian law. Therefore, the Muslim women in this chapter expressed a complex and fluid identity which both resists and complies with hegemonic national imaginaries in the Australian neoliberal context

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Chapter 6
Youth Identity Formation in the Presence of the 'Other': Reflections on Being Young and Muslim in an Interfaith Setting

Mehmet Ozalp and Kulsoom Siddiqui

Abstract Currently, the social climate of Australian society strongly revolves around the need for youth to identify with and participate in the 'Australian' culture and lifestyle. However, Australian society in the twenty-first century heavily consists of a multicultural and multifaith community. While the 2001 September 11 terror attacks and on a more personal level, the 2005 Cronulla riots has led to increased social and religious tension and discomfort within the Australian community, the multicultural and multifaith identity attributed to contemporary Australian society allow the opportunity to take advantage of this distinctive characteristic and create an event called 'Youth Encounters', which necessitates natural interaction and communication between the youths of Australia, namely those of the Abrahamic faith – Judaism, Christianity and Islam. This chapter reports on an empirical study designed to evaluate this event as an attempt to counter the tendency for Muslim and non-Muslim youth to fracture in their relationships. The chapter will concentrate especially on the impact on young Muslim women, as reported in the study.

Introduction

The social climate of Australian society strongly revolves around the need for youth to identify with and participate in the 'Australian' culture and lifestyle. Yet, the legacy of a multicultural policy implemented since the 1960s, has seen Australian society evolve into a twenty-first century multicultural and multifaith community. While the 2001 September 11 terror attacks and, on a more local level, the 2005 Cronulla Riot (a beachside confrontation between largely Muslim and non-Muslim

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youth on one of Sydney's most famous beaches) has led to increased social and religious tension and discomfort within the Australian community. Nonetheless, the multicultural and multifaith nature of contemporary Australian society provides an opportunity for enhanced intercultural relations. The organisers of the 'Youth Encounters' initiative, which fosters a natural interaction and communication between the Jewish, Muslim and Christian youth of Australia, took advantage of this distinctive characteristic.

There are three main objectives of this chapter. First, is to identify and research the possibility for Australian youth to hold a pluralistic social identity in contemporary Australian society. Second, is to examine the effect of the 'Youth Encounters' initiative in generating discernable change in the intercultural and interfaith literacy of high school aged youth. Third, is to highlight the educational value of interfaith and intercultural studies in preparing students for life and equipping them to deal positively with issues threatening social harmony in a modern society. In each case, there is concentration, albeit not exclusive, on female youth.

Identity and Identity Formation in the Multicultural, Multifaith Setting

Erik Erikson (1968), a leading twentieth century developmental theorist, emphasised the strong influence of the environment surrounding an individual in contributing to his or her identity. Adolescence is a stage where 'self-awareness' and the increased consciousness of one's inner thoughts and self takes place (Stevens 2008). Of all of the influences, Erikson specified the cultural context as being the greatest contributor to the formation of one's identity and crystallizing of a person's individuality. In similar fashion, Hannele Niemi (2006) categorises 'identity' under three headings. First is 'ego identity' or 'self identity' where there is a specific focus on individual growth. Identity formation is seen as a continuous process as the individual interacts with the surrounding environment. Second is 'personal identity' where an individual is encouraged to express his or her 'self'. Third is 'social identity' where the formation of one's identity is linked with the 'social and cultural contexts' of the environment in which one lives. Furthermore, Niemi believes that identity formation has become an increasingly unstable process owing to the persistent contact with various 'nations and cultures' which modern youth experience in the multicultural, multifaith setting, resulting in a surfeit of unfixed identities.

In turn, this leads to the notion of 'bicultural identity' or even 'pluralistic identity' whereby the choices an individual makes made lead to a syncretism of cultural identities that, at one level, allows for a 'fit' between two or more cultures but can also lead to exclusion from all of them. Jane Idleman Smith (2007) explores such multiple identities as they exist in the US between those of Christian and Islamic faith holding a pluralistic identity within American society. She argues that it works well for many in this society because both Christianity and Islam have common and mutual traditions characterized by being able to balance both religion and culture in

one place. In the case of Christianity and Islam, the role of the two faiths, beyond other cultural artefacts, is crucial in establishing and maintaining this pluralistic identity.

Carmel Guerra and Rob White (1995) defined the term 'ethnic' in the context of Australian society as the recognition of difference between those who are of English-speaking background and those who are of non-English-speaking background. They further clarify their use of the term 'ethnic minority' in reference to the ethnic background of those youths who are "different to that of the majority Anglo-Australian population". (p. 2) Although these youths may see themselves as 'Australian' (because they are), their external physical appearance allows the dominant 'English-speaking background' population to label them as 'ethnic'. At the time of their writing, Guerra and White (1995) referred to the total Australian population consisting of individuals with backgrounds from over 100 different countries and speaking a diversity of languages consonant with that diversity. They also argued that Australia was at a crossroad where there is a "shift from assimilation to multiculturalism" and there is now a search for the commonality from all ethnic groups to search for what "we have in common as Australians." (p. 2) By the turn of the century, the diversity they spoke of had almost doubled (Collins and Poynting 2000). Collins and Poynting (2000) illustrate how, in the context of modern Australian Muslim youth, the unfixed identity thesis functions. Various case studies brought forward illustrate the challenge before Muslim youth to select elements of the various influences upon them in order to accept or exclude them in the process of their identity formation.

For a Muslim to hold a pluralistic identity in contemporary society, Omid Safi (2003, 2009) argues that, in addition to the Qur'an and Sunnah, Muslims must also learn how to live in harmony and this can be achieved through interfaith dialogue where mutual understanding takes place through conversational interaction. Rather than learning about another faith through its own scriptural text, networking with followers of that particular faith and allowing them to explain their own faith is the underlying experience in dialogue. Safi's work has been especially important in the quest to reappraise gender relations in Islam and to support the modern quest for Muslim women to regain their 'voice' in Islam. Again, this quest is best facilitated by broad-based dialogue, including interfaith dialogue, between Muslim women and women of other traditions, especially those of the West.

Smith (2007) believes there are five underlying reasons which contribute to the effectiveness of interfaith dialogue. First, an environment consisting of respect, trust and genuine friendship is established. Second, dialogue assists in shattering the constructed negative image which one may have of another, prejudicial assumptions that a Christian may have of a Muslim or a Muslim may have of a Christian are broken. Third, in addition to learning about the other faith, dialogue assists the individual in learning their own faith which allows for a better understanding and reflection of one's own tradition. Fourth, dialogue has allowed for social reform between Christianity, Islam and Judaism through combined involvement in community activities and the power of religious communities collaborating for social action. Fifth, dialogue is the only effective way forward in a situation like the US

(or Australia) where Muslims are no longer 'newcomers'. Smith proffers the view that the most effective dialogue for Christian and Muslim youth is one that entails activity rather than mere talk. This is a useful place to begin to address the original research that sits at the heart of this chapter focussing on the active interfaith dialogue referred to as 'Youth Encounters'.

'Youth Encounters'

'Youth Encounters' first took place in 2004 through the initiative of the New South Wales Jewish Board of Deputies and Affinity Intercultural Foundation (Muslim). Kincoppal Rose-Bay Secondary College was invited as the Christian partner to complete the triune collaboration of Abrahamic faith traditions. This first 'Youth Encounters' event involved 60 student participants, comprising 20 students from Masada College (Jewish), Kincoppal Rose-Bay (Christian) and Sule College (Muslim majority). By 2005, the program had doubled in size to 120 students from 6 different schools (2 schools representing each faith) with the inclusion of Emanuel School (Jewish), Shore College (Christian) and, as it was then known, Nour al-Houda Islamic College (Muslim). The serving New South Wales Premier, Morris Iemma, presided over the final ceremony pledging NSW Government support for the program.

Over the following 2 years (2006 and 2007), 'Youth Encounters' continued to increase to number about 300 students annually, in turn leading to the necessity to form 'Cluster Groups' for better coordination of the project and to facilitate closer relationships between the schools involved. The rapid growth of this project, the involvement of both public and private schools, the participation from each of the Abrahamic faith traditions and the NSW Government's endorsement demonstrate the dedication, commitment and effectiveness of such a unique program.

'Youth Encounters' provides participating youth with the opportunity to engage in a mutual dialogue through social interaction with the objective that such inter-faith dialogue allows youth to understand each other through the other's frame of reference. The resulting effect from this innovative educational approach has been a demonstrated positive change in the way youth view the 'other'. The main agent for the change was the power of human experience at the personal level rather than second or third hand information about the 'other' conveyed in an objective way.

'Youth Encounters' Research: The Plan

The research on youth identity and interfaith discussion was conducted in four stages in the following order:

1. 'Youth Encounters' pre-event questionnaire;

2. Observation;
3. 'Youth Encounters' post-event questionnaire; and,
4. Focus group interviews.

The research methods were performed in this particular order so as to gauge the identity of the youth but also to seek any change in perception which an individual may have towards the other and the experience gained from participating in 'Youth Encounters'. The use of quantitative research allowed for the identification of one's faith and the participants' expectations of the 'Youth Encounters' event through a series of closed questions. On the other hand, open-ended questions as part of qualitative research, including observation and focus group interviews, allowed for in-depth analysis into the participants' knowledge and understanding of their identity, attitude and perspective towards interfaith relations and towards individuals of other faiths. Participants in the research included female and male youth from Christian, Jewish and Muslim background, ranging in age from 14 years of age to 18 years of age.

Stage 1 – Pre-questionnaire

The pre-event questionnaire specifically focused on the following issues: the youth's level of knowledge and practice of their faith; the youth's involvement with people from another faith prior to the event; the youth's expectations of the event; and, whether the youth believed that, by participating in the event, his/her perception of the 'other' might change.

Stage 2 – Observation of 'Youth Encounters' Event

Observation of the event allowed for the study of youth from different faiths and backgrounds to interact within a natural environment. The particular cluster involved was divided into six discussion groups, each given a colour for identification. The researcher sat in various groups to observe the interaction of the youth within the specific group to which they were assigned.

Stage 3 – Post-questionnaire

The main focus here was to identify any change in perception which the participant might have experienced after having taken part in the event. The focus was on the interfaith program itself, specifically asking participants to select and state which aspect of the event had influenced their perception of the 'other' and which, if any, aspect of the event had contributed to a change in perception.

Stage 4 – Focus Group Interview

A focus group interview was organised for youth from the three Abrahamic faiths in three separate sittings. This allowed for a deeper analysis of the individual's reflection of themselves, their view of the 'other' and their perception and experience of 'Youth Encounters'. Through meeting face-to-face, insightful knowledge was gained through a thorough discussion and dialogue within the discourse of youth identity, religion and interfaith in contemporary Australian society.

'Youth Encounters' Research: The Results

The results are presented according to the above four stages.

Stage 1 – Pre-event Questionnaire

A total of 76 questionnaires were completed prior to 'Youth Encounters' taking place. This questionnaire focused specifically on the student's faith and their interest in and expectations of the event. Of the 76 participants, 37% identified as followers of Judaism, 46% as followers of Christianity and 17% as followers of Islam. Among the Judaic followers, 43% were male and 57% female with an age group ranging from 14 to 18 years of age. Of the Christians, 91% were male and 9% female, ranging in age from 14 to 17 years of age. Among the Muslims, all respondents were female, aged 16 and 17 years.

Question five asked students to consider how important religion is to one's identity. 75% of Jewish youths (majority being female at 67%) stated that religion is very important to their identity while 25% (majority being male at 57%) believed religion was only fairly important to their identity. 34% of Christian youths believed religion to be very important, 46% fairly important, while 20% proffered that religion is not important at all to their identity. Within each of the categories, male youth were predictably in the majority. Among the Muslim girls, 77% stated that religion is very important to their identity, while 23% believed it to be fairly important. It was clear from these results that the Judaic and Muslim samples were more adamant about the importance of religion to their identity and that, across all samples, girls were more adamant than boys about the importance of religion.

Question six then asked students "How well would you say you know your faith?" 32% of Judaic respondents believed they knew their faith very well, the majority of 61% believed they knew their faith fairly well while only 7% believed they did not know their faith very well. Among the Christians, 37% believed they knew their faith very well while the majority of 54% believed they knew their faith

fairly well with 9% stating they did not know their faith very well. 84% of Muslims responded they know their faith fairly well while 8% equally responded they know their faith 'very well' and 'not very well'. Again, the overall samples illustrated a greater confidence in knowing their faith among the girls, and most especially among the Muslim girls.

Students were then questioned to what extent they practise their faith. In the Judaic sample, of the 97% who responded, 43% stated they practised their faith regularly, 50% only sometimes and 4% did not practise at all. 34% of the Christian youth stated they practised their faith regularly, while 51% only sometimes, and 11% responding that they did not practise their faith at all. 54% of female Muslims responded that they practised their faith regularly while 46% stated that they practised only sometimes, with none suggesting that they did not practise at all. These findings appeared to be internally consistent, with the female Muslim sample appearing to be more adhering to their religion and its practice.

In order to further identify the level of knowledge and the practice of one's faith, students were then asked if they took part in any faith-based activities which raised awareness of their faith. A total of 96% of the Jewish youth responded to this question. 71% of them responded 'Yes', with females being the majority at 55%, while 25% stated 'No'. A total of 97% of Christian youths responded to this question with 46% answering 'Yes' and 51% stating 'No'. 39% of Muslims said they take part in faith-based activities, while 61% said they do not.

In order to determine to what extent youth have been in contact with an individual of another faith, students were asked the following question: "Do you regularly come into contact with people of other faiths?" 79% of Jewish youth responded 'Yes' and 21% 'No'. 71% of Christian respondents answered 'No', with only 26% answering 'Yes'. Within Islam, 85% of Muslims regularly interact with individuals of other faiths while 15% do not. This seemed to suggest that both the Jewish and Muslim samples were clearly more engaged in interfaith encounters than the Christian sample and, again, the female sample was, overall, more engaged than the male sample.

Question ten asked students if they had ever been discriminated against owing to their beliefs. In the Judaic sample, 57% responded 'Yes' while 43% responded 'No'. In the Christian sample, 26% responded 'Yes', while 71% responded that they had not experienced any forms of discrimination. 77% of the female Muslim sample responded 'Yes', they have been discriminated against, while 23% responded 'No'. This seemed to be a telling result, suggesting that those from the minority faiths were more likely to be on the receiving end of discrimination about their faith and that Muslim girls are at the forefront of such discrimination.

The final question asked students if they believed by 'participating in this event', their 'perception of other faiths will change?' 82% of Jewish youth responded 'Yes', while 18% responded 'No'. 86% of Christian respondents stated 'Yes', they believed their perception will change from participating in 'Youth Encounters', while 11% believed 'No'. For Muslims, 85% believe their perception would change, while 15% answered 'No'.

Stage 2 – Observation

Within each group, a set of questions was posed to the students for a structured dialogue about each of the Abrahamic beliefs, practices and symbols, as well as the identification of issues in contemporary society. In one group, a Jewish male and female were highly knowledgeable on the symbolic aspects of Judaism, with the male youth taking the initiative by being self-explanatory and describing the wearing of three letters on different areas of the body – on the hand, behind the neck and on a leather strap worn on the upper arm. Similarly, Christian youth were also able to identify basic concepts, such as belief in the Trinity of God and the reading of certain prayers. In contrast, youth of the Islamic faith, even though able to easily identify the core concepts of the Islamic faith, would only be explicit about their beliefs and practices when pressed by the mediator. It seemed that the Muslin girls were the least confident to share aspects of their faith. Similarly, the Muslims girls were the least forthcoming about the contemporary issues and tensions in society, such as willingly pointed out by the Jewish and Christian participants. These included matters related to 'racialized stereotyping', 'terrorism, 'discrimination', etc. On the other hand, all were equally in agreement about the need to continue on with inter-faith dialogue and maintain friendship with those whom they encountered, especially those of other Abrahamic faiths in order to continue peaceful relations and educate others to a similar level of understanding.

Stage 3 – Post-event Questionnaire

A total of 80 questionnaires were completed immediately after Youth Encounters took place. The post-event questionnaire specifically focused on the students' experience of having participated in 'Youth Encounters' and how participating in this event caused their perception and view of the other faith to change. Of the 80 post-event questionnaire participants, 35% were followers of Judaism, 44% were followers of Christianity and 21% were followers of Islam. Within the Jewish faith, as with the pre-event questionnaire, 43% were male and 57% were female from 15 to 18 years of age. In Christianity, 94% were male and 6% were female from 14 to 17 years of age while Islam had 18% of male participants and 82% of female participants aged 16 and 17 years of age.

Question nine of the post-event questionnaire asked students if their perception of the other had changed as a result of having participated in 'Youth Encounters'. Within the Judaic faith, 96% of the youths answered this question. Within this 96%, 82% answered 'Yes', that the event had in fact changed their view, while 14% answered 'No' with females being the dominant gender in both answers, at 57% and 75% respectively. Among the Christians, 97% of students answered this question. Within this percentage, 74% believed participation had changed their view of the other while 23% responded 'No'. Within both answers, males were predictably dominant at 96% and 88% respectively. Among the Muslims, all participants answered the question, with 82% stating that Youth Encounters helped change their perception about the other faiths while 18% answered 'No'. In answering 'Yes', males were the dominant

gender at 86% while females were the dominant at 67% when answering 'No'. Overall, it seemed that females were a little more hesitant about the long-term impact of the event, with Muslim girls being the most reticent. Granted the relative optimism about interfaith encountering displayed by Muslim girls (above), this statistic seemed to suggest that, while the Muslim girl is more open than most in the sample to attempting to understand 'other', she is more pessimistic than the norm about its potential to change attitudes and behaviours. One can only assume that this might relate to the fact that the Muslim female is more resigned than the others, including the Muslim male, to being misunderstood. This aligns with findings from the literature that the Muslim female is the more likely target of vilification and xenophobia, especially when she dresses in traditional clothing.

A total of 79% of youths from the 'Youth Encounters' found the event to be beneficial for their changed perception of the other and increased knowledge on the beliefs and practises of the other faiths. To further explore which specific aspects of the event assisted them in this change and knowledge, question ten asked youths who answered 'Yes' to question nine, to specifically select from a range of options which area they found most beneficial, with the opportunity to select more than one option. The most common aspect which Jewish youth found beneficial was the 'Interaction with individuals of other faiths' at 83%, followed by 'Personal insights and accounts from other faiths' at 57%, closely followed by 'Workshop discussions' at 52%.

Similar responses were also given by the Christian youths with 96% finding 'Interaction with youths of other faiths' most beneficial, followed by 65% believing 'personal insights and accounts from other faiths' contribute to the change in perception of the other, while 58% believed workshop discussions assisted them with this change. Again, Muslim youth contrasted with members of the other two faiths. 93% believed 'Interaction with individuals of other faith' assisted in their change in perception of the other, followed by 71% believing workshop discussions were beneficial while 36% believed 'Personal insights and accounts by other faiths' contributed to the change.

Stage 4 – Focus Group Interview

In order to further examine the youths' affiliation and knowledge of their faith and their experience from 'Youth Encounters', a focus group interview was conducted separately for youth from each faith. Each interview was conducted within the youths' own school which was mainly of one faith denomination. The interviewees who took part in this interview were two Jewish youths, a male aged 17 and a female aged 16, two Christian female youths aged 16 and 17 and two Muslim youths, one male and one female, both aged 15.

Each interview examined questions about the possibility of holding a pluralistic identity within Australian society (such as one's ability to take part in the everyday practice of their faith's rituals and beliefs while still being 'Australian'), their view of youth from other faiths and their understanding and experience from participating in 'Youth Encounters'.

One question which was focused on determining a level of religiosity in each student was the performance of regular prayers within their own faith tradition. Jewish youth identified themselves as 'modern orthodox Jews' because they participate in the religious traditions of the Jewish faith and practices while being fully functioning members of secular society at the same time. One example given was the performance of prayers at school. When asked if the Jewish youth also regularly perform prayers at home, it was stated that "ultra-orthodox Jews will say it every day, three times a day …" The Christian youth noted occasional prayers which they perform such as the recitation before going to bed or reciting 'Grace' at the beginning of dinner. The Muslim youth who participated in this interview do not perform the obligatory prayers in Islam. The male participant identified the importance of Friday prayers and performing them each week, however neither of the participants performed the five compulsory daily prayers unless they are 'reminded' to pray.

When asked about their experience in participating in 'Youth Encounters', all students said they enjoyed and benefitted from the event immensely. The female Jewish youth believed a program such as this is "a good way to start" solving contemporary issues as youth are united regardless of "ethnicity, background, culture or faith". The Christian youth found from the event that "we're all the same and we just follow different beliefs … our individual way of trying to find a place in this world". The 16 year-old stated that, prior to 'Youth Encounters', she did not personally speak to Muslim people however, at the event, she was able not only to communicate with them about religion but also about "normal, everyday stuff". The 17 year-old stated that, from her experience, she found a common identity and that they are all Australian and "we all share the same values". The Muslim youth believed that they learned a lot "more about other religions and understand them more". Additionally, the male youth believed it all came down to "their personality" – if this is "good", then he has "no problems with being friends with them". The female youth agreed, stating that, having actually met youth of other faiths, she found they were "nice" and for her this broke down the stereotype which people attach to the 'other' faith.

Analysis and Discussion

Christian youth comprised the dominant Abrahamic faith in the research program and they constituted the majority that considered religion to be least important to their identity. Prior to the event, all Christian youth who indicated this level of importance were male. A total of 20% of Christian male youth believed religion to be "not important at all" to their identity in comparison to their Jewish and Muslim counterparts among whom no participants selected this option. While all three faiths had a large percentage that considered religion to be "fairly important", the remaining Jewish and Muslim youth selected religion as being "very important" to one's identity.

It is interesting to note that Christian youth are more distant from their faith tradition in comparison to their Abrahamic counterparts. While youth of both the Jewish and Muslim faith tradition attended the 'Youth Encounters' event from a

mixture of both a range of public and private schooling sectors, Christian youth who took part in this event were exclusively from the private (religious) schooling sector. Notwithstanding the fact that there are complex and multifaceted factors that may influence this result, the primary factor in the wider representation of Jews and Muslims could be the psychology generated as a result of being a minority in a predominantly 'other' society. Christian youth are more relaxed about their identity and have a more normative understanding and practice of their faith under secular conditions, whereas minority religious groups are more challenged by their circumstances, including discriminatory treatment and lack of social and cultural infrastructure to support their faith, to question their faith and identity. As a result, it can become more urgent for them to find ways of preserving their faith and identity. As noted above, there are a number of indications in the data that this is particularly the case with the Muslim female.

The confidence shown through participation in one's faith-oriented activities is most evident with female Muslim youths, outnumbering both the female Jewish and female Christian youth in this area. Female Muslim youth are a relative minority in this research study in comparison to the other two faiths. Female Muslim youth who are more active in their faith community indicate the will to express themselves more positively in spite of their minority status. The female domination in the Muslim and Jewish faith continues through to the positive response on interaction with individuals of other faiths. These findings suggest that females are more religiously oriented and therefore tend towards a more optimistic view of the other through the strong level of religiosity and relations with individuals from the other faith.

From the 'Youth Encounters' event, Jewish and Muslim youth said they benefitted greatly, with 82% from each sample believing that the event had assisted them in changing their perception of the other. For the Christians, the result was 74%. While a smaller portion, this result indicates that three-quarters of Christian youth felt they had experienced a positive change in their perception of the other faith as a result of participating in the event.

The above understanding and awareness was carried through into the focus interview with the Jewish youth. The female youth was especially confident, explaining that there was a "great understanding of the other faith". Drawing on her conversation with a female Muslim youth at 'Youth Encounters', the female Jew asserted that, if a Muslim identity is "strong" and this is balanced with the realistic demands of "secular society", then Muslim youth would not be having an "identity problem". The female youth believed that Muslim youth are "very much like us", being subjected to a large amount of generalized stereotyping and being a minority in Australian society. This particular Jewish girl had had some prior awareness of Islam and Muslims, however her perception of how Muslims view themselves in contemporary Australia changed through her dialogue with a female of the Muslim faith. As the Jewish youth identified themselves as a "minority" group also "discriminated against", there is a specific focus on their perception towards Muslim youth who they feel can relate to them through this common link.

Although not having personally come into contact with "Muslim people", the Christian female youth interviewed in the in-depth discussion gave no indication of

holding a negative perception of the other. Rather, their statements signify the recognition of all individuals holding a common identity as Australians as "we're all the same … we just follow different beliefs". Nonetheless, one youth specified that 'Youth Encounters' had assisted her in increasing her perspective further, allowing her "to see that there is really not that much difference at all … you're Australian, we all share the same values".

Similar to the youth from the Jewish faith, female Muslim youth were the dominant gender in noting a changed perception of the 'other' through their experience of 'Youth Encounters'. From the pre-event questionnaire, a majority of Muslim youth, all female, said they came into contact with individuals of other faiths. Regardless, a majority of Muslim youth still had a change in perception of the 'other'. The "interaction with individuals of other faiths" during the event encouraged Muslim youth to learn more about Christianity and Judaism, as well as giving these youth the opportunity to explain much about their own faith to others.

In the focus group interview for Muslims, the male youth in particular had a positive perspective of Christian and Jewish youth. From his experience at 'Youth Encounters', he ruled out the importance of differences of faith and based his perspective of the 'other' on the individual's personality. As noted above, although in broad agreement with her male counterpart, the female Muslim youth had a more generalised perception of the youth from the other faiths. Drawing on her experience at the event, she said that a lot of questions concerning gender interaction in Islam (such as the permissibility of boyfriend or girlfriend) were put to her. She believed that their limited understanding of such practices would make it hard for them to fully comprehend the prohibitions around having a boyfriend or girlfriend in Islam. This in turn displayed that such deeply entrenched differences would require more intensive dialogue over time before real understanding could occur. The Muslim girl seemed to be particularly conscious of this reality. Despite this, 'Youth Encounters' had left a positive impact on her personally, as interacting with others through dialogue had assisted her in dismissing certain stereotypes about individuals of the other two faiths.

Conclusion

'Youth Encounters' allowed for a positive opportunity for students of Abrahamic faiths to get together and engage in peaceful dialogue, explain their beliefs, values and practices in order to overcome the common stereotypes and generalisations often placed on the 'other'. In some cases, the interaction between these youth served to challenge their ability to hold a pluralistic identity within Australian society. Those youth who were confident of their faith by knowing and practising it were able to meet this challenge and explain to others, in great detail, the beliefs, rituals and practices of their faith while, at the same time, acknowledging the common identity which they hold as Australians.

There was a marked distinction evident in the responses from the sample groups between the faiths of Judaism and Islam, on the one hand, and Christianity, on the other. Although the clear overall minorities in this research program and in contemporary Australian society, the Jewish and Muslim youth were by far the most confident in affiliation with their faiths. Among these samples, female youth were dominant and clearly more likely to embrace a pluralistic identity through their religious values and beliefs and, it seems, successfully implement this into their perspective of the 'other' in contemporary society.

'Youth Encounters' not only allowed for the dismissing of generalisations and stereotypes which an individual may have of another faith but, moreover, the event also allowed the youth to reaffirm their identity and explain how, through being able to practise their faith and tradition, their success in living comfortably as an Australian in contemporary society. Additionally, the recognition of everyone as 'Australian', regardless of which faith tradition they follow, allowed these youth to understand and strengthen the sense of them sharing a common identity, as well as some of them having other, perhaps multiple identities. Educational policies in multicultural Western societies must include interfaith and intercultural encounters in order to better prepare youth to build and maintain a harmonious society. If this is ignored, stereotypes and generalisations that exist in youth as seeds can blossom into serious issues of racism, discrimination and bigotry later in their lives.

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Chapter 7
Social Inclusion in the Context of Foreign-Policy Debates: Reflections on Jihad, Human Rights and Gender Equality in Islam

Halim Rane

Abstract This chapter will first discuss the inconsistency between Western policy on the issue of Palestine, as typified by Australian foreign policy, not only with the sentiments of increasingly large portions of these societies, but also the inconsistency between such policy formation and current research and trends within the field of conflict resolution. The second part of chapter will explore how the gap between these policy settings and Islamist policy positions in Palestine might be bridged by a shift in strategy among the Islamists themselves. I will present a new methodology based on social science research, contextualisation and a *maqasid* or objective-oriented approach. This methodology has implications for interpretation beyond issues around conflict resolution to include such matters as human rights and gender equality in Islam.

Introduction

Issues of foreign policy seldom feature in discussions of social inclusion, although one can point to a number of cases where global issues have aroused public concern to the extent of producing a shift in foreign policy. One example was in the opposition to apartheid in South Africa and calls for racial equality that prompted governments around the world to shift their policies on South Africa and support the imposition of sanctions. Another example was the change in Western governments' stances on Indonesia's occupation of East Timor. For the most part, however, matters of foreign policy tend not to attract significant attention from the general public in the West (Gyngell and Wesley 2003).

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Within the context of the Western political systems, this leaves scope for certain minority groups to feel that their concerns are ignored or that they are excluded from a role in informing government policy. Such perceptions can amount to feelings of marginalisation and alienation among such groups. A case in point is the social exclusion felt by many Western-based Muslims because of their governments' seemingly pro-Israel policy on the issue of Palestine. This chapter will focus on the inconsistency of many such policies among Western governments, not only with the sentiments of large segments of their populations, but also the inconsistency between such policies and current research and trends within the field of conflict resolution.

The second part of the chapter will explore how the gap might be bridged by a shift in strategy among the Islamists in Palestine. I will present a new methodology based on social science research, contextualisation and a *maqasid* or objective-oriented approach. This methodology has implications for interpretation beyond issues merely concerned with conflict resolution to include such matters as human rights and gender equality in Islam. The issue of gender equality in the Qur'an will be specifically addressed using a methodology of interpretation based on contextualisation and a higher objective (*maqasid*) approach.

Inconsistencies in Western Foreign Policies

Although little quantitative data exist, anecdotal evidence suggests that a just resolution of the Israel-Palestine conflict is a primary concern of most Muslims globally. The Israel-Palestine conflict is arguably still the central conflict in the world today, particularly in terms of relations between 'Islam' and the 'West'. It is a conflict that is of deep concern to people and governments across the Arab and Muslim world as well as those in the West. Polls conducted in the Arab and Muslim world have consistently shown that overwhelming majorities regard Palestine as the single most important issue to them personally (Hirst 2003).

In a poll conducted between March and May 2006 by the Pew Research Centre, nearly all Egyptians and Jordanians (97%) said that they sympathise with the Palestinians. Almost three-quarters of Indonesians (72%) expressed the same sentiment, while 63% of Turks and 59% of Pakistanis also support the Palestinian cause (Doherty et al. 2006). Research on the attitudes of Muslim Lebanese, Jordanians, Palestinians and Syrians toward Israel found two main unifying factors: "the role of Islam in society and perceptions toward Israel" (Khashan 2000). Khashan's study found that, for 85% of respondents, the Palestine question essentially concerns the Arab-Islamic world, while only 5% stated that the issue essentially concerns Palestinians only.

The Israel-Palestine conflict is also of significant concern to the Western world. Over 85% of Americans consider that a resolution of the conflict should be an important US foreign policy goal. In a January 2005 Pew poll, just over one-third of Americans stated that a permanent settlement of the Israel-Palestine conflict should be the top US foreign policy priority, while another 42% said it should be a high

priority. These percentages have remained fairly constant in Pew polls since 1993 (Allen and Tyson, pewresearch.org 2006). The majority of Americans also believe that there cannot be peace in the Middle East without a resolution of the Israel-Palestine conflict and that a resolution of this conflict is important for winning the 'war on terror' and, in turn, that it would reduce the likelihood of terrorism (WorldPublicOpinion.org 2007).

It is noteworthy that these findings come at a time when the perception of Israel around the world is highly negative. A poll conducted by the European Commission with a sample of 7,500 Europeans (500 from each of the then 14 EU member-nations) found that 59% placed Israel at the top of the list of nations that threaten world peace (Beaumont, guardian.co.uk 2003). Additionally, in a poll conducted across 27 countries for the BBC World Service by PIPA and GlobeScan in late 2006 and early 2007, respondents were asked to rate 12 countries – Britain, Canada, China, France, India, Iran, Israel, Japan, North Korea, Russia, USA, Venezuela, and the European Union, as having a positive or negative influence. A majority of respondents stated that Israel and Iran have a mainly negative influence in the world (Kull and Miller, WorldPublicOpinion.org 2007).

An average of 56% across the 27 countries have a mainly negative view of Israel, with only 17% having a positive view, which was the least positive rating for any country evaluated. In 23 countries, the most common view was negative, with only two leaning towards a positive view (Nigeria and the US) and two divided (Kenya and India). The most negative views of Israel were found in the predominantly Muslim countries surveyed, including Lebanon (85%), Egypt (78%), Turkey (76%), UAE (73%) and Indonesia (71%). Negative views of Israel were also expressed by large majorities in Europe, including Germany (77%), Greece (68%), France (66%), and Britain (65%) as well as in other countries, including Brazil (72%), Australia (68%), South Korea (62%), and China (57%) (Kull and Miller, WorldPublicOpinion.org 2007).

Given these statistics, one wonders whether gestures made by Western leaders, such as Chancellor Merkel of Germany or Prime Minister Rudd of Australia, are at odds with the opinions of their people. On 12 March 2008, Rudd moved a motion in the Australian parliament to celebrate 60 years of Israel's independence, while on 18 March, Merkel addressed the Israeli Knesset, expressing 'shame' over the holocaust and affirming Germany's special responsibility toward Israel on its account.

In Australia, not only did many members of Rudd's own party refuse to attend the session of parliament but others walked out during his address. Furthermore, numerous individuals, groups, organisations, and unions publicly voiced their objections to the motion through letters, protests, and a large advertisement on page seven of the nation's national daily, *The Australian*, which carried the headline 'Improper motion needs proper action' and the subheading 'Not in our name'. The advertisement tied the creation of Israel in 1948 to the ethnic cleansing of half the indigenous Palestinian population at the time. In Germany, polls following the Chancellor's visit showed that a majority of Germans rejected her statements, specifically the notion that Germany still has a 'special responsibility' to Israel because of the holocaust (Weinthal, www.jpost.com 2008).

More recently, in addition to consistent and repeated calls from Australian Muslim organizations for the Australian government to support a just resolution of the Israel-Palestine conflict, over 50 prominent Church leaders and heads of church-related international aid organisations in Australia called on the Australian government to support a just peace. In their statement issued on 4 June 2008, the Heads of Churches recommended that the Australian government: remain open to even a one-state solution; recognise the plight of Palestinian people under decades of military occupation; and, advocate for the implementation of international law in reaching a negotiated peace (assembly.uca.org.au 2008).

It is in this context that significant potential exists for transnational Palestine advocacy networks, which play an essential role in the diffusion of international norms and pressuring world leaders to adhere to these norms. For example, in the case of apartheid in South Africa, Audie Klotz (1995) writes that the "extraordinary success of transnational anti-apartheid activists in generating U.S. sanctions against South Africa offers evidence that norms, independent of strategic and economic considerations, are an important factor in determining great powers' policies." (p. 94) It is noteworthy, explains Klotz, that not only did the US and Britain impose sanctions on South Africa at a time when the Cold War was still ongoing but that they followed rather than led the movement.

The United Nations (UN) and international law have a major role to play in this process. It is noteworthy that a resolution of the Israel-Palestine conflict is a top priority for the UN. Addressing the General Assembly on 19 September 2006, the then UN Secretary-General, Kofi Annan, tied the success of the UN, and even the war on terror, to the ability of the Security Council to resolve the Israel-Palestine conflict on the basis of its resolutions:

> As long as the Security Council is unable to end this conflict, and the now nearly 40-year-old occupation, by bringing both sides to accept and implement its resolutions, so long will respect for the United Nations continue to decline. So long, too, will our impartiality be questioned. So long will our best efforts to resolve other conflicts be resisted, including those in Iraq and Afghanistan. (Annan, www.un.org 2006)

Further to this point, there exist deep inconsistencies between Western government policies on the Palestine issue and current trends in conflict resolution research. Again taking Australia as a case in point, the major flaw of this government's foreign policy on Palestine is that it supports a peace process that insists upon negotiations between two highly asymmetrical parties and, more importantly, this process almost completely ignores decades of international law passed directly in regard to the Israel-Palestine conflict. Governments of such nations as the US and Australia continue to support negotiations over such issues as the right of return of Palestinians refugees, Israeli settlements on Palestinian land, and the status of Jerusalem when these issues have been unambiguously decided by the UNSC and have already passed into international law.

The absence of reference to international law, specifically the relevant UN resolutions, has in recent years become a major theme in the literature on the failure of the peace process. Cheryl Rubenberg (2003), for instance, finds the fact that the

Oslo Accords were "not based on any aspect of international law or UN resolutions relating to the Israeli-Palestinian conflict" to be their "most important defect". They could not lead to peace because they were "not based on law, rights, or precedent but on a political agreement between two parties that are depicted as symmetrical." (p. 87)

This assessment finds agreement with numerous scholars and specialists on conflict resolution, including Johan Galtung. Galtung et al. (2002) highlight the Oslo Accords' inconsistency with international law as central to their failure. They state that the "Oslo Accords failed in almost every way to lay the foundations for a stable and lasting peace" as they "did not deal with any of the questions most relevant to the conflict or the underlying structures and mindsets." Beyond their failure to address the underlying causes of the conflict, Galtung et al. write that the Accords "promoted solutions which themselves further enforce the structure of violence, and has sought to ensconce the hegemony and domination of one of the parties to the conflict." (pp. 58–59)

In the assessment of Charles Smith (2004), the Roadmap will (if it already has not) meet the same fate as the Oslo Accords because both suffer from the same fundamental flaws. Like the Oslo Accords, the Roadmap places a disproportionate emphasis on Israeli security and treats the conflicting parties as if there exists between them symmetry of power and potential. Smith writes that the phrasing of certain fundamental points in the document, such as the nature of the envisioned Palestinian state, is done so on the basis of Israeli interests rather than an objective standard consistent with law and the rights of both parties. Similarly, the work of the late Tanya Reinhart (2006) provides a compelling critique of the Roadmap, demonstrating that, far from leading to peace and in contravention of international law, the initiative further entrenches Israel's control over the occupied territories. This is done through settlement construction, a network of roads and highways and the separation barrier which have effectively annexed Palestinian land to Israel, making Palestinian self-determination even more distant.

Alvaro de Soto was the United Nations Under-Secretary General, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary General to the Palestinian Liberation Organisation and the Palestinian Authority, and Envoy to the Quartet from 1 June 2005 to 7 May 2007. Reinhart's observations are reaffirmed in his 'End of Mission' report to the UN in which he expresses major objections to the fact that the positions taken by the Quartet were not likely to be supported by a majority in UN bodies, and are "at odds with UN Security Council resolutions and/or international law" (de Soto, image.guardian.co.uk 2007). De Soto reports that, owing to US pressure, the Quartet not only failed to hold Israel to its responsibilities under the Fourth Geneva Convention, or enforce the advisory opinion of the International Court of Justice (ICJ) concerning the barrier, but even accepted Israel's non-compliance with its Roadmap obligations – including freezing settlement construction, dismantling unauthorised settlement outposts, opening Palestinian institutions in East Jerusalem, and facilitating the movement of PA representatives and its AMA obligations. According to the Agreement on Movement and Access (AMA) signed on 15 November 2005, Israel's obligations include easing West Bank checkpoints,

reaching targets for movement through crossing points in and out of Gaza, and facilitating a seaport and airport in Gaza.

For a number of observers, the assertion that the relevant UN resolutions must form the framework of a peace initiative if it is to be successful has been a long-standing one. William Mallison and Sally Mallison (1974), for instance, assert that a resolution based on international law is

> …the only practical alternative to an indefinite continuation of the present situation. It may be predicted with considerable assurance that if the present Middle East peace conference is to reach toward peace based on justice, it will have to employ the principled criteria of international law. Another so-called "practical" settlement based upon naked power bargaining and calculation will, at best, provide a short interlude between intense hostilities. (p. 87).

Indeed, over 30 years later, the authors' predictions have continued to be proven correct. They further explain that the incorporation of international law in a resolution of the conflict is essential in terms of moving it "from a situation of conflict to one of basic order and then to optimum order." (Mallison and Mallison 1974, p. 87).

Others, such as Francis Boyle, John Quigley and Jean Allain, regard the Fourth Geneva Convention, the Universal Declaration of Human Rights, the resolutions of the UN General Assembly and Security Council and the Advisory Opinion of the International Court of Justice as fundamental sources for understanding, assessing and resolving the Israel-Palestine conflict. Boyle, for instance, states that "there is no way anyone can even begin to comprehend the Israeli-Palestinian conflict and how to resolve it without developing a basic working knowledge of the principles of international law and human rights related thereto." (Boyle 2003, p. 23)

Quigley remarks that "most writers on the Israeli-Palestinian conflict find an emphasis on legal entitlement to be unrealistic, even counterproductive …and say that if settlement proposals are confined to propositions based on international law, no agreement will be reached." Encapsulating the sentiments of this paper, he acknowledges the difficulty, but remains convinced that "a peace not based on justice may turn out to be no peace at all." (Quigley 2005, p. xii)

In the immediate aftermath of '9/11', sentiments among Western publics were favourable to unilateralism in response to conflict or, more specifically, terrorism. Largely on account of the perceived failure of the 'war on terror', however, support for multilateralism has been re-established. Principally, there has been renewed support around the world for the UN to play the leading role in conflict resolution. Recent poll data suggest that there exists strong international will to resolve the Israel-Palestine conflict within the framework provided by the UN and its resolutions.

Research published by The Chicago Council on Global Affairs and WorldPublicOpinion.org in 2007 found considerable support for the UN, which is seen around the world as the key organisation for conflict resolution according to the report. Across all 12 countries surveyed, majorities in eight (US, Armenia, Poland, France, Palestine, Israel, China, and India) and pluralities in four (Argentina, Russia, Ukraine, and Thailand), supported the UNSC authorising the use of military force to protect people from severe human rights violations, such as genocide, even if the

government in question is opposed (Chicago Council on Global Affairs and WorldPublicOpinion.org 2007). It is noteworthy that the highest levels of support were found in China (76%), US (74%), Palestine (69%) and Israel (64%). Additionally, an average of 74% of respondents in the countries surveyed said that the UNSC has the right to defend a country that has been attacked, an average of 69% supported the UN stopping a country from supporting terrorist groups, and an average of 48% supported the UN restoring by force a democratic government that had been overthrown (Chicago Council on Global Affairs and WorldPublicOpinion.org 2007).

Most relevant to this paper, however, is that, across the countries surveyed, most respondents said they were willing to accept UN decisions even if those decisions went against the preference of their own country. Ten countries (four majorities and six pluralities) out of 16 surveyed agreed to accept such UN decisions. Those with the highest proportions of respondents willing to accept UN decisions were China (78%), France (68%), US (60%) and Israel (54%). The fact that 54% of Israelis agreed (although 38% disagreed) that "when dealing with international problems, Israel should be more willing to make decisions within the United Nations even if that means Israel will sometimes have to go along with a policy that is not its first choice" is highly significant in terms of the viability of a UN-defined resolution of the conflict (Chicago Council on Global Affairs and WorldPublicOpinion.org 2007).

Equally significant is that Americans also support a peace process led by the UN rather than the US. In May 2002, when PIPA asked Americans who should take the lead in the Israel-Palestine peace process, only 13% favoured the US taking the lead. A very strong majority of 68% favoured a multilateral approach, with the largest proportion (41%) favouring the UN. Moreover, most Americans (56%) believe that the UN is most capable of being even-handed and dealing fairly with both parties, with the EU ranked as the next best option (44%). A strong majority of Americans recognise that the US is not a fair broker in the Israel-Palestine peace process. In January 2006, a Public Agenda poll asked if the criticism that 'US policies are too pro-Israel for the US to be able to broker peace between Israel and the Palestinians' was justified or not. Sixty-two percent said that it was justified, while only 25% said it was not justified at all (WorldPublicOpinion.org 2006). Perhaps most compelling, though, is that the same poll also reported that two-thirds of Americans support a resolution of the Israel-Palestine conflict to be decided by the UNSC (WorldPublicOpinion.org 2006).

Bridging the Gap

Ostensibly, the pro-Israel policies of most Western governments relate to concerns over the security of Israel, a perceived fellow Western nation and ally in the region. As I have argued elsewhere, the Israel-Palestine conflict is a case of competing norms (Palestinian self-determination versus Israeli self-defence). Particularly in a post-9/11 world, Palestinian use of violence is detrimental to the Palestinian cause

as it legitimises Israeli claims of self-defence in regard to policies and practices that would otherwise be seen in the West as repressive human rights violations unbecoming of a Western democracy. As I have also argued elsewhere, non-violent Palestinian resistance is more conducive than violence to achieving a just peace.

There is a large body of literature concerning the effectiveness of the first intifada, which was an uprising based mostly on non-violent resistance. Among the most significant outcomes were the legitimacy, in the West and Israel, that was accorded to Palestinian territorial and political claims, the evaluation of the Palestinian right to self-determination, and particularly the shaming of Israel and its loss of the moral high ground. Israel's status as a 'Western' nation was brought into question owing to its 'iron fist' response to the first intifada, which not only undermined the portrait of a 'benign' occupation, but also led many to question Israel's 'Western' character as the "images of routine beatings, detention…and other violations of human rights caused many to mumble [including those in the US administration] that Israel resembled a 'Third World' and not a 'Western' state." (Barnett 1996, p. 441). Israel's response to the intifada signalled to the US that "the shared values that joined US and Israel might be eroding" on account of the observation that "a traditional marker used to separate Israel and the Arab states in the American mind was deteriorating because Israeli behaviour more closely resembled that expected from the Arab states." (Barnett 1996, p. 441).

Support for Israel in the West depends on its image as a Western democracy, but this factor is seriously underappreciated in Muslim thought. Palestinians during the first intifada failed to fully exploit the identity crisis that Israel was suffering in the West at the time. It was difficult to maintain a non-violent intifada; non-violence easily gave way to violence after a relatively short time owing to Palestinian 'ambivalence' to the concept and the pride of place of armed resistance among influential Palestinian groups like Hamas and Islamic Jihad. Amid the collapse of the first intifada, The Centre for the Study of Non-violence in Palestine concluded that the perception among Palestinians of non-violence as 'strange to Islam' was widespread and difficult to combat (Abu-Nimer 2003). The Islamic resurgence since the 1970s has brought with it an interpretation of *jihad* that is consistent with the classical doctrine. This interpretation equates *jihad* with the use of armed force. Non-violence is currently underutilised as it is without Islamic legitimacy or a normative status as a form of resistance among Muslims at large, including Palestinians.

Contextualization

A reconstruction of *jihad* is necessary but will be useless if devoid of Islamic legitimacy and authenticity. Legitimacy and authenticity can be achieved through the integration of two methods of interpretation, namely, contextualization and a *maqasid*, or objective-oriented approach. Contextualization is an approach to interpreting the Quran that requires consideration of the text as a whole, the position of verses within the text, the circumstances or conditions of the Prophet Muhammad

and the early Muslim community at the time of the revelation, and the contemporary situation or issue for which the Qur'anic guidance is sought. The contextualist approach actually originates with the companions of the Prophet but has been marginalized and even condemned by proponents of the more dominant literalist or textualist approaches (Saeed 2006).

The 'contextualists' are those scholars who "emphasise the socio-historical context of the ethico-legal content of the Quran and of its subsequent interpretations" and support a reading of the Quran based on the "political, social, historical, cultural, and economic contexts in which the content was revealed, interpreted and applied" (Saeed 2006, p. 3). As opposed to 'textualists', who base their claim of an 'objective' understanding of the meaning of the Qur'an on "linguistic evidence and historical reports", contextualists find meaning to be subjective and based on differing time, places, and circumstances (Saeed 2006, p. 103). Consequently, diversity in interpretation is to be expected with the differing experiences, beliefs, prejudices and values of different interpreters.

The late Fazlur Rahman (d. 1988) explains that the failure to appreciate the unity of the Qur'anic verses resulted in the emergence of an alternative worldview from that intended by the Qur'an. Historically, Islamic law has suffered from "the lack of an adequate method for understanding the Qur'an." Central to this shortcoming was a failure to appreciate the "underlying unity of the Quran…coupled with a practical insistence upon fixing on words of various verses in isolation", referred to as the 'atomistic' approach. The overriding problem with this approach is that "laws were often derived from verses that were not at all legal in intent." (Rahman 1984, p. 3)

Maqasid

The shariah laws are not imposed for their own sake but for the purpose of realizing certain objectives and benefits and avoiding certain harms. Kamali writes that "when there is change of a kind whereby a particular law no longer secures its underlying purpose and rationale, it must be substituted with a suitable alternative. To do otherwise would mean neglecting the objective of the Lawgiver [God]." (Kamali 2006, pp. 51–52) Adherence to this maxim is fundamental to the efficacy of any contemporary methodology of interpretation. Such an approach is the basis of the theory of *maqasid*. The word '*maqasid*' is the plural of '*maqsad*', meaning purpose or objective. The scholars of Islamic law have defined the term in reference to the purpose and objectives of the law and its sources, specifically the Qur'an and the Prophetic Traditions. The theory of *maqasid* holds that human interest or benefit and the objectives of the law are interlinked and that "… any independent interpretation of the principles of jurisprudence must be based on what is termed *istislah* [interest-based reasoning], and that one's understanding of the relevant texts and the conclusions one draws from them must be based on the principle that the objectives of such texts are to achieve benefit and prevent harm." (Raysuni 2006, p. 46)

The work of Abu Ishaq al-Shatibi (d.1388), however, made a profound contribution to developing the theory of *maqasid* by focusing on the concept of *maslaha* or 'public interest' as an approach to overcoming the rigidity imposed by literalism and *qiyas* (analogical reasoning). The *maqasid* theory of Shatibi is based on an inductive reading of the Qur'an in order to identify the higher objectives, intent and purpose of the divine laws which are intended to preserve human interests in both this world and the next. Shatibi's theory asserts that no commandment of God is intended to cause harm for its own sake, although some actions may require struggle and hardship. All legal rulings are intended to achieve 'balance' and 'moderation' by steering Muslims toward a middle course between various types of extremes. Shatibi also emphasises consideration for outcomes or consequences. He explains that part of the objective-oriented approach is considering the outcomes of actions, in accordance with the Sunnah (conduct) of the Prophet who would consider outcomes and consequences before passing judgement or taking action (cf. Raysuni 2006, pp. 317–323).

Shatibi's theory of *maqasid* is founded on, and originates in, the Maliki School of Islamic legal thought which, unlike the others, possesses an inherent concern for the objectives of Islamic law. Raysuni (2006) refers to the Maliki School as "… the school of human interest and istislah;" (p. 296). It is the school most concerned with warding off potential evil and harm. He provides extensive documentation of the development of the Maliki School and explains that its knowledge and methods originate with the second Caliph, Umar bin al-Khattab (d.644).

The rulings of Umar establish important precedents in the context of changing rulings according to changing circumstances and higher objectives. In matters pertaining to *zakat*, divorce, crime and punishment, and even the distribution of conquered lands, Umar made rulings that not only differed from the rules established by the Prophet Muhammad but with the letter of the Qur'an. Umar's rulings were made according to the principles of the Qur'an and the Prophet's teachings. This is not how his rulings were understood, however, by the classical jurists who established the Islamic law and doctrines. For scholars such as Shafi'i (d.820), the changes were "… incorporated in the developing body of law and legitimised as part of the Sunnah," (Saeed 2006, p. 87) thereby rejecting the incorporation of contextualisation or a *maqasid*-oriented approach into the theory of Islamic jurisprudence.

Shatibi's theory of *maqasid* was a response to the challenges presented by social change and the needs of Muslim Spain at the time. The thirteenth century was a period of turmoil for the Muslim world, particularly for those regions that suffered the invasion of the Mongols. By contrast, the fourteenth century was a period of relative peace and political stability that allowed intellectual activity to resume. Much of this work sought to re-evaluate tradition in light of the social, political, financial, commercial, and religious changes that had occurred (Masud 1995). Similarly, social, political, and economic change has been the catalyst for a renewed focus on the *maqasid* today.

In the modern era, the most significant contribution to the *maqasid* was made by Ibn Ashur. First published in 1946 in Tunis, Ibn Ashur's *Maqasid al-Shariah*

al-Islamiyyah is arguably the most important attempt of the twentieth century to further develop the theory of *maqasid*. Expressing the need for an objective-based approach to Islamic law in light of modern realities, he introduces to the theory of *maqasid* the preservation of the family system, freedom of belief, orderliness, natural disposition, civility, human rights, freedom and equality as objectives of Islamic law.

In contemporary times, Yusuf Qaradawi has further extended the *maqasid* list to include social welfare support, freedom, human dignity and human fraternity, while Kamali has added to this list the protection of fundamental rights and liberties, economic development, along with research and development in science and technology (cf. Kamali 2006, pp. 118–119). Like their predecessors, both scholars base their additions on relevant supporting texts of the Qur'an and Prophetic Traditions. Kamali contends that the *maqasid* remains dynamic and open to expansion according to the priorities of every age. In isolation, however, the theory of *maqasid* remains deficient to the extent that it does not systematically address the issue of context. This is of especial importance to the issue of women in Islam, their proper place in the tradition and the species and level of rights owed to them.

Non-violent *Jihad*

Social science research into the case of Palestine exemplifies the necessity to reformulate the classical doctrine of *jihad*. The dominant conceptualization and application of *jihad* has been in militaristic terms, rendering armed struggle the most authoritative or 'Islamicly' legitimate response to conflict and relations with non-Muslim enemies. Reform in the interpretation of the Qur'an and Prophetic Traditions needs to be based on contextualization so as to make accessible the broadest possible range of strategies in response to conflict contained in these sources. The specific method through which this contextualization should be guided is a *maqasid* or objective-oriented approach. This approach establishes two fundamental points: *jihad* is not an end in itself but a means of self-defence, overcoming oppression, and establishing a just peace; and, *jihad* has no preordained form but is a concept that can refer to multiple strategies. In order to determine the most appropriate strategy, empirical analysis of the issue at hand is required.

Shatibi, Ibn Ashur, and others contend that the most reliable method for understanding the Qur'an and identifying the intent, objectives and purpose of its content is to undertake an inductive, thematic reading of the text or '*istiqra*'. The nature and structure of the Qur'an necessitates that verses in question are analysed collectively to enable the realization of common themes, overriding objectives and a more thorough understanding. Approximately 150 Qur'anic verses can be identified that directly relate to the issue of war and peace in Islam. In particular, there are nine chapters of the Qur'an (2, 3, 4, 8, 9, 22, 47, 48, and 60) in which matters concerning war and peace are specifically addressed. Additionally, there are other verses outside of these chapters that are also relevant.

This approach reveals that issues of war and peace in the Qur'an are principally addressed in the context of self-defence and faith in God. The verses specifically commanding or encouraging Muslims to engage in the use of armed force were all revealed when Muslims were already in a state of war with their enemies. Fighting was endorsed as a means of preserving the lives and religion of the Muslims. Moreover, central to the matter is the concept of justice; because of the oppression they had suffered, particularly the dispossession of their homes and land, the Muslims were permitted to fight. While the Qur'an is unambiguous that killing is a grave sin, even to the extent that killing one person is likened to killing the whole of humanity (Qur'an, 5:32), oppression is considered by the Qur'an to be worse than killing (Qur'an, 2:191).

All this having been said, even the most comprehensive analysis of the Qur'anic verses on war and peace does not reveal strong support for non-violence in any particular verse. In fact, the opposite is true; specific verses of the Qur'an appear to endorse the use of armed force, albeit with conditions. Fighting in the path of God is highly praised and is regarded by the Qur'an as a mark of faith worthy of the highest rewards from God. From the *maqasid*-oriented perspective, however, this does not preclude the possibility of non-violent *jihad*. Shatibi explains that, while a *maqsad* might not be identifiable from a single verse of the Qur'an, the reading of multiple verses on a certain issue will reveal an associated purpose, intent or objective (Raysuni 2006; Masud 1995). Kamali (2006) elaborates:

> There may be various textual references to a subject, none of which may be in the nature of a decisive injunction. Yet their collective weight is such that it leaves little doubt as to the meaning that is obtained from them. A decisive conclusion may, in other words, be arrived at from a plurality of speculative expressions. (p. 124)

Raysuni (2006) concurs, contending that "… every principle which is in keeping with the actions of the Lawgiver [God] and whose meaning is derived from sufficiently numerous and varied pieces of evidence that it may be affirmed with definitive certainty may be built upon and treated as authoritative even if it is not attested to by any specific text." (p. 323).

Fighting was the prescribed means at the time as it was the most effective and, arguably, the only means of defence, security and liberation, given the socio-historical context of seventh century Arabia. Moreover, the context in which the Abbasid Empire reigned (750–1258) was marked by war and conflict which encouraged the jurists of the time to more closely identify with the later, more militant verses of the Qur'an concerning issues of war and peace, rather than with earlier, more conciliatory verses. Indeed, the later, more militant conduct of the Prophet in response to the aggression of his enemies resonated with the Abbasid jurists more so than the restraint and non-violent approach he displayed during the earlier years of his prophethood (AbuSulayman 1993). In fact, the perception of armed combat as the most effective means of defence, security and liberation remained throughout human history and, only since the mid-twentieth century – with the establishment of international law, the United Nations, peace being regarded as the normal basis of relations between nations, and the prominence of international human rights norms – is there even the possibility of an alternative to the use of armed force.

Ibn Ashur's explanation that 'means are not intended for their own sake but for the realisation of certain ends' is particularly important in the context of *jihad*. The actual act of combat or the use of armed force is a means, a method of performing *jihad* and not an end in itself; combative *jihad* is not necessarily a legal requirement in all circumstances of conflict. In fact, the legal verses or 'ayat al-ahkam', contained in the Qur'an, number only about 350 out of a total of 6,235 (Kamali 2006, p. 17). According to Kamali, 140 of these verses refer to devotional matters (prayer, fasting, charity, pilgrimage), 70 concern family matters (marriage, divorce, custody, maintenance, inheritance), 70 relate to commercial transactions (sale, loans, leases, mortgage), 30 are about crimes and penalties (murder, theft, robbery, adultery, slander), 30 address issues of socio-political order (justice, equality, evidence, consultation, rights and duties of citizens) and 10 are about economic matters (relations between rich and poor, workers' rights and conditions). Notably absent from inclusion in the *ayat al-ahkam* are verses pertaining to war and peace, including those concerning *jihad* and *qital* (armed combat). It should, therefore, be clear that the strategy or method of *jihad* is not a matter of divine law but a question of the appropriate response to a given context.

Louay Safi draws a distinction between *jihad* as a "permanent obligation incumbent upon Muslims" and the most appropriate "method" of jihad to be used in prevailing circumstances. He states that "while the Muslim Ummah [international Muslim community] is obliged to uphold the principle of jihad and satisfy its requirements, the method of honouring this principle is a question of strategy." (Safi 2001, p. 41) For Safi, the question of strategy remains open even in circumstances where the task demands eliminating oppression, protecting human life, defending Muslim sovereignty or upholding Islamic law.

AbuSulayman (1993) agrees, arguing that the maximum number of options should be available to Muslims: "Muslims should always be able to resort to persuasion, sabr (patience), as well as qital (fighting), psychological as well as physical etc., according to their immediate needs." (p. 118) The strategy or the method of *jihad* "… is not an arbitrary decision, but one that takes into account the general conditions of both the Muslim community and its adversaries, including the military balance between the Muslims and their enemies and the morale of the Muslim army." (Safi 2001, p. 43).

A central argument of this paper is that understanding, theory and knowledge are the product of human experience (Habermas 1978), derived from a particular social and political context. A central function of theory is to recognize and respond to changing social and political realities by reforming or rejecting old concepts and developing new ones (Cox 1986). Just as a militant understanding, interpretation and application of jihad became dominant in the Muslim world in response to particular historical and political realities and conditions, contemporary realities and conditions are such that the Palestinians do not have a military option in their conflict with Israel and that the attainment of their political aspirations are determined by the extent to which they can generate sufficient moral power with which to confront Israel.

A militant understanding, interpretation and application of *jihad* have endured as the predominant norm among Muslims (Rane 2007). This is not to suggest that alternative, more conciliatory views on jihad, war and peace, and relations with non-Muslims have not also been expressed by various Muslim scholars throughout Islamic history. All the same, non-violent resistance is yet to be recognized in the Islamic tradition as a legitimate and normative form of *jihad*. Essentially, there has been a lack of appreciation for context, a general neglect on the part of Muslims to examine social, political, economic and other conditions in their understanding, interpretation and application of Islamic laws, coupled with a general failure to systematically incorporate the issues of context and higher objectives into a contemporary method of interpretation. This criticism extends to a range of issues including interpretations of human rights and issues of gender equality in Islam.

Gender Equality

The following demonstrates the application of the contextual-*maqasid* methodology to the issue of gender equality as addressed in the Qur'an. For the purpose of this discussion, I have used 'women', 'woman', 'mate', 'wife', 'wives', 'daughter', 'mother', 'queen' as well as the names of women mentioned in the Qur'an, such as 'Mary', as search terms. This yielded almost 200 verses that we can consider to be most relevant to understanding the Qur'an's view of gender issues.

Many of the Qur'anic verses concerning women arise in the context of family matters, namely marriage, divorce, and inheritance. In such verses the Quran establishes certain rules of marriage (Qur'an 4:22–24, 33:50, 2:221, 2:235, and 60:10), guidelines for divorce (Qur'an 2:229–241, 4:20, 4:130, 4:128, 65:1, and 66:5), and details of inheritance (Qur'an 4:7, and 4:11–12). The underlying principle of these verses is that a woman is an independent entity with rights (Qur'an 2:233 and 4:32) and whose will is acknowledged (Qur'an 2:231–232) and who is in charge of her own affairs (Qur'an 33:50). Men are regarded by the Qur'an as carers of women (Qur'an 4:34) but that women should have a say in decision making is expressed as normative (Qur'an 28:26). Moreover, the relationship between spouses is intended by the Qur'an to be a partnership (Qur'an 42:11) and the expectation is that women should be treated with kindness and fairness (Qur'an 4:25 and 33:49).

The most apparent theme of the Qur'an's perspective on gender relations is equality. The Qur'an repeatedly stresses the equality of believing men and women and the equal rewards they should expect to receive for their good deeds (Qur'an 3:195, 33:35–36, 40:40, 16:97, 48:5, 48:25, 49:11, 57:12, 57:18, 85:10, 71:28, 47:19, and 9:72). However, the Qur'an acknowledges that both men and women are capable of both good and bad (Qur'an 48:6, 57:13, 24:26, 33:73 and 9:67–71). Certain women are criticised in the Qur'an for their faithlessness, namely with wives of Noah and Lot (Qur'an 29:32–33, 66:10, 7:83, and 11:81), while other are highly praised, such as the wife of the Pharaoh (Qur'an 28:9 and 66:11) and Mary

the mother of Jesus (Qur'an 5:75, 5:110, 23:50, 66:12, and 3:42). The Qur'an does not accept the idea of original sin or ascribe specific blame to women. Rather, the book elaborates on the creation of man and woman in terms of equality (Qur'an 2:35, 7:19, 20:117, 39:6, 4:1, and 7:189). It also ridicules customs underlined by notions of gender inequality (Qur'an 6:139) as well as the idea that sons are superior to daughters (Qur'an 6:100, 37:149, 37:153, 43:16, 43:18 and 52:39).

In the context of marriage and divorce, the equality of men and women is continually emphasised. The very basis of marriage according to the Qur'an is 'love and compassion' (Qur'an 30:21). The Quran advocates that marriage should take place based on equitable terms (Qur'an 4:3–4, 4:25, and 4:127). Similarly, divorce should be conducted on the basis of equality and fairness (Qur'an 4:130, 4:128, 65:1, 65:6, 2:231–232, and 2:241).

In addition to equality, the other major theme of the Qur'an's perspective of women is dignity. The upholding of the dignity of women is repeatedly emphasised by the Qur'an (Qur'an 24:3–4, 24:23, 24:31, 24:60, 33:55, 33:58–59, 4:25, 5:5, and 2:241). The Qur'an imposes a harsh penalty for those who make slanderous accusations against a woman (Qur'an 24:4). It encourages modesty in dress for women in public as a means of protecting their dignity and protection from harassment (Qur'an 24:31 and 33:59). However, the Qur'an considers the participation of women in society as normative (Qur'an 28:23, 12:30–33, 12:51, and 3:61). It accepts a role for women in economic affairs (Qur'an 2:282) as well as their political participation (Qur'an 60:12). The book even gives legitimacy to female leadership through its discussion of the Queens of Sheba (Qur'an 27:36–38) and particularly the description of her throne as 'mighty' (Qur'an 27:23).

Taking these verses collectively, the spirit of the Qur'an is one of gender equality, the upholding of women's dignity, and her social, economic, and political participation as normative. All verses of the Qur'an concerning women should be read in this light. Thus, such verses as 2:282, which on the surface may suggest that the testimony of a woman is worth half as much as that of a man should be read in the social and historical context of seventh century Arabia. Economic participation and witnessing business contracts was a male privilege. The Qur'an legitimised the involvement of women in such activities. The provision of one male to two female witnesses should not be seen as a matter of female inferiority but a tactical response to prevailing social norms. The full and equal participation of women is consistent with the overall message of the Qur'an.

Similarly, for verse 4:34 to be read as an endorsement of women's subservience to man is to read this verse in contradiction to the spirit of the Qur'an. The prevailing norms of seventh century Arabia meant that the wellbeing of women was dependent on men, their fathers, brothers and husbands. The Qur'an, however, makes provision for the full and equal social, economic and political participation of women and is therefore open to change in social norms that would allow women to be more independent of men. The ability of women to inherit, own property, and remain in charge of the own affairs suggests that the Qur'an supports this level of equality.

Conclusion

Engagement in armed combat is not divinely ordained *per se* but was endorsed by the Qur'an in the context of particular historical and political circumstances. It is imperative to examine the circumstances pertinent to differing contexts over time and place in order to maintain the intent, purpose and objectives of 'divine' guidance. Contemporary realities and conditions of the Israel-Palestine conflict not only render the use of violence detrimental to the Palestinian cause of self-determination and further entrench the occupation and repression endured by the Palestinian people, but are contrary to the higher objectives of *jihad* as enshrined in the Qur'an.

A reformulation of *jihad* based on an integration of the method of contextualization and the *maqasid*-oriented approach offers Islamic legitimacy to non-violent resistance. Such an approach allows the transcendence of Israeli security concerns and supports Palestinian self-determination. Moreover, Palestinian non-violence would leave Western governments with little excuse for failing to shift their policies on the conflict in a direction conducive to achieving a just peace on the basis of UNSC resolutions and international human rights norms. The contextual-*maqasid* methodology also has broad implications beyond the issue of conflict resolution. As discussed in this chapter, this methodology of Qur'anic interpretation also allows issues concerning gender to be resolved in a way that upholds Islamic principles and values as well as contemporary universal ideals of gender equality.

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Chapter 8
The Contribution of Muslim Women in the Flourishing of Modern Society: Reflections on Refugee Transition from East to West

Ibtihal Samarayi

Abstract The chapter is based on the kernel of my doctoral work, in the form of a case study, partly auto-ethnographic in that it captures my own flight from persecution to immigrant status in several parts of the world. It also includes reports on interviews with women detainees who provide insight into their own and others' attitudes towards Muslim women moving from oppressive to Western societies, and the accompanying pressures and challenges.

Introduction

The United Nations Development Programme (UNDP) identified that women are behind men in the process of developing equal power, wealth and security. This is especially the case, and increasingly so, in modern Muslim countries. The irony is that Islam established fourteen centuries ago some of the most innovative gender equity laws and provisions known to humankind to that point in time. What are the reasons for this and what measures might be taken to overcome it? The chapter is based on the kernel of my doctoral work, in the form of a case study, partly auto-ethnographic in that it captures my own flight from persecution to immigrant status in several parts of the world. It also includes reports on interviews with women detainees who provide insight into their own and others' attitudes towards Muslim women moving from oppressive to Western societies, and the accompanying pressures and challenges.

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Personal Background

I was born in the town of Ba'quba, 60 km north of the city of Baghdad in Iraq. I was the youngest in a family of ten children, having eight brothers and only one sister. War influenced every aspect of my teenage years and that of my whole family. A person cannot go through the personal and cultural trauma of war and not have it represent itself in your life through other avenues. Less traumatic things such as propaganda began at an early age; during my time at high school I was obliged to include some aspect of the Israeli-Palestinian war in every piece of artwork. Always, the work had to depict the Palestinians as victorious, even when they were being defeated. European art was studied at art colleges at university level and was generally held up as an example to be prized and emulated. More traumatic events revealed themselves as the war involvement increased –including attempts to extricate myself from the conflict –and this has greatly affected our society and my family culture.

During the height of the Iraqi-Iranian war between 1980 and 1988 the media ran endless pro-Iraqi propaganda. Cinemas rarely showed anything other than war films designed to stir the population to fight for Iraq. All Iraqi youths, upon completion of high-school, were conscripted to fight against the Iranian forces. In 1980, a few months into the Iraqi-Iranian war, I was 14 years of age when my brother, Bassim, then 17 years of age and having just completed high school, was confronted in the street near my home by a group of uniformed officers and conscripted on the spot to join the Iraqi Army. So desperate was my brother to avoid participating in this war that he attempted to kill himself rather than siding with the government. Discovering him bleeding and nearly unconscious, my family rushed him to hospital. Police guards at the hospital removed him to another section of the building reserved for those attempting to avoid military conscription. The gash in his chest had been deep and the doctor reported that he had come within a centimetre of his life. Barely had Bassim's wound healed, when army officers on duty at the hospital rushed him off immediately to fight in the front line at the Iraqi-Iranian border, where fighting was at its height. Our family was informed that he had been 'lost in action'. Some months later, we received notice that he had been taken prisoner in Iran. With the end-of-war political agreement between Iraq and Iran for the mutual release of war prisoners, 8 years from the commencement of the war, Bassim was finally released. He was then 26 years of age.

Another brother, Kassim, a practising medical doctor, was confronted in his clinic by officers who ordered him to serve at the front line as a medical doctor. He was also ordered to fight against the Iranians in the North of Iraq towards the end of the Iraqi-Iranian War in 1987. He refused. At 1 am the morning after his refusal, army officers arrived at his home and began shouting and kicking noisily on the door. When Kassim answered the door, he was grabbed and kicked about the stomach and dragged to a waiting jeep, in front of the entire family. My father rushed to his assistance shouting abuse at the government officers and threatening them with his gun. Almost immediately, the house was surrounded by army personnel. My father was called, marched off to the jeep, blindfolded, and taken to the army headquarters

where he was interrogated and thrown into jail. Here, he was short-listed to be tried by the military court and, almost certainly, hanged. He remained in prison for 18 months and was released only through bribes of money offered by my brothers to avoid my father's case reaching the high court of the Iraqi military. The corrupt senior officers of the Iraqi Intelligence Department were quick to receive the bribe. Nevertheless, my father remained in the prison. He was then 70 years of age. Broken in spirit and health, he died within a few months of his release from prison in 1990.

It was Saddam Hussein's birthday in 1988. I was an 18-year-old University student and, as such, was obliged to attend the public function. The entire student body was marched to Baghdad's *Celebration Square*, along with all students from other schools in the city and indeed the entire civilian population, to honour the 'Great Leader'. A friend and I decided not to join in the celebration and made our way to the bus stop. Here we were confronted by a group of Hussein's personal guards who forced us into a security van and drove us away to a place of detention inside one of Hussein's palaces, where we were verbally abused, interrogated, and held for 8 h. It was my first personal encounter with the extent of the vulnerability that routinely faced Iraqi citizens. I knew then that I would eventually have to leave Iraq.

The Escape

Eventually came some years later. As I sensed on that first occasion of detention, it was circumstances relating to my safety as well as that of my husband, Sadraddin, that precipitated our escape from Iraq. Since he, too, had refused to fight in the Gulf War, Sadraddin was immediately blacklisted by government agencies as a deserter, the punishment for which was summary execution. As his wife, I would have shared a similar fate. We had no choice but to escape. This meant, for us, having to cross the snow-covered North Iraqi mountains. There was no transport available, which meant we had to go by the most unfrequented passages known only to a few merchants who also acted as 'people movers' that is, paid 'people smugglers'. For people, such as us, whose lives were in jeopardy by reason of involvement in some form of anti-government protest, these so-called smugglers attained an almost hero status in Iraq, since they put their own lives in danger. The arranged passage was through the most rugged and difficult terrain, much of it covered in snow, and had to be negotiated on foot. Only the most basic items could be carried on our backs. Sleeping in freezing conditions, and surviving on the most minimal food supplies, some days eating only some small edible plants growing through the snow or even on some old left over scraps of bread found on the mountain trail, we finally arrived some days later, bedraggled and exhausted, at the small village of Shnoya in Iran. It was February, 1991.

Friendly village people assisted us on the second leg of the journey. Disguised in local Iranian dress and mixing with local townsfolk, we were taken on board a large passenger van and driven right to the Chashma Gul Refugee Camp in Iran, situated close to the Iraqi border. We were not actually permitted to enter the camp across

the border, set-up by the United Nations in 1991. First, we had to obtain permission from the Iranian government. This meant a further 2 month wait, accommodated at the small camp at Zeally village, especially set up by the local village people to accommodate families and soldiers escaping from Iraq during the war.

Once permission was given, thousands of refugees from Iraq, especially Kurdish people from North Iraq, poured into the camps. Conditions were extremely basic. There were no showers or hot water. Even cold water for drinking or washing was at a premium. For us inmates, it meant a daily trek, walking for miles on foot to carry water in jugs drawn from wells in the mountains back to the camp. Long queues for canned food were an everyday experience. Sleeping conditions on the hard ground were difficult and uncomfortable. We had only a few folded garments between us in the hard ground underneath. Only one blanket was issued to each adult. One of the most difficult aspects of the refugee experience was that of having to share a very limited space with other people. We had been obliged to share our very small tent with another couple, together with their two small children. Sleeping in these conditions was well nigh impossible.

After a year in Chashma Gul Camp, at the end of the Gulf War, the Iranian government announced that all Iraqi refugees should return home. We all suspected however that our return to Iraq would mean execution for every one of us, being refugees despised as 'deserters and traitors'. None of us trusted Saddam Hussein, so when the Iranian trucks arrived at the camp to force us to return to Iraq, my husband and I planned to jump out on the way back. Arriving at a crowded village market, we both jumped out of the truck, and went into hiding. When it was all clear, we were able to contact an old family acquaintance, a merchant, who was able to arrange for a guide to take us on foot across the hazardous passage through the rugged mountain ranges of south-west Turkey. In negotiating the difficult terrain, we were confronted by armed border guards who immediately opened fire on us. Diving for cover behind rocks, we were able to escape from their view and proceed with great caution along the mountain trail. To enter Turkey, we needed permission from the government. The merchant sent us on to a fellow merchant in a Turkish village, where it was thought we would be most unlikely to encounter Turkish police. We knew that the police would have deported us, as illegal entrants, back to Iraq.

The merchant, accepting my gold necklace for payment, helped us to go to Ankara. From there, we heard that the United Nations (UN) was no longer accepting Iraqi refugees. The UN had been told by Hussein's Government that the Iraqi refugees would be able to return safely to Baghdad. Coming from Hussein, we were naturally suspicious of this offer, so we tried once again to hide in Ankara for a few months. We heard later, as we had suspected, that Saddam had hanged those refugees who had chosen to return to Iraq. After that, the UN re-opened its doors to Iraqi refugees. Finally, after waiting in the camps and hiding in Turkish villages for 5 years, we were accepted as refugees and allowed to enter Australia. This, then, is the backdrop of my own personal experience and the source of all my subsequent artwork.

Art, Life and Trauma

While a child, my father was a successful businessman, owning a chain of large department stores around Baghdad. This made it possible for me, as well as for all my siblings, to complete university studies. My chosen study was Cinematography in which I received a degree from the University of Baghdad in 1990 just a few months before the commencement of the Iraqi Gulf War in 1991. In achieving first place in the Department of Cinematography [June 1990], I was offered the position of tutor to the first year students in the course while pursuing the Masters Course in Cinematography. The Gulf War changed everything – including the basis of Iraqi society – and it is in relation to this conflict that my artwork principally relates. Whereas before the war almost all younger Iraqi women were wearing Western fashions and were seen moving freely about the cities of Iraq, mixing with the opposite sex and, for those who wished to attend the University, competing equally with male students for academic places.

Once the war began, it was as if time had moved backwards several decades to the 1940s when most women were obliged to wear the traditional top-to-toe black *Abaya* (or *burqa*). Immediately after the close of the Gulf War, women returned to the old style of covering and were segregated from the male population in most social situations. The reasons for this are many. Psychologically, there was a widely felt need to seek protection from the unpredictable and frightening world they had experienced through the war. There was also a widespread sense of guilt; they were being punished for some lapse in their religious duties and told they must therefore make a special effort to try to purge themselves of their sins and return to their 'traditional' religion, hence to appease their God (Allah). There is also the factor of 'existential guilt', described by Hodgkinson and Stewart (1991), whereby many would be asking themselves questions like "Why should I be alive when so many young people, even children, were killed?" I painted an image which attempted to illustrate this dilemma, especially for Iraqi women (cf. Lovat and Samarayi 2009; Samarayi 2011). It is an image of fear and social anonymity. For her, the personal security she clings to is in the comparative safety of tradition – represented by her full covering and a thoroughly Islamic backdrop behind her.

In my own case, I felt that my deliberate strategy in reconstructing the sites of personal trauma in my Installation series, *These Were My Homes* (Samarayi 2011), has been largely successful in lessening the pernicious hold of psychological trauma on my conscious and unconscious mind. In this work, I attempted to show the very basic nature of such a dwelling and challenge the observer to imagine what it would be like to live in such a dwelling over a long period of time. In a similar way, my Installation, *Gifts of War* (Samarayi 2011), expressed the suffering of the Iraqi people, especially the women and children of Iraq, as a consequence of the embargo placed upon Iraq by the USA. In the Installation, *These Were My Homes* (Samarayi 2011), each reconstruction represented a real dwelling place within the refugee camps in which I lived for a period of four and a half years, first in Zelly Camp in Eastern Iraq, second in Chasma Gul Camp in Southern Iran. The

mere fact of retelling my story via the medium of art, apart from the aforementioned psychological benefits redounding from it, was the uplifting moral impetus I experienced. I was impelled to hope that I might, in this way, be able to shed new light on the real situation of my fellow Iraqis, not only those who managed to escape to Australia and other safe neutral countries, but also to highlight the horrid plight of those who remained behind.

Requiem for Three Sisters (Samarayi 2011) is a work of art with special meaning for both Australians and Iraqis, as it combines a poignant Aboriginal legend with landscape attachments and a heartrending true story that underlines the plight of many of the world's asylum seekers. The image of the three little girls drowning in the sea is a reference to the three sisters who lost their lives in October 2001 when the crowded refugee boat in which they were travelling sank in rough seas off the Australian coast. I have related the image to the Indigenous story of the origins of the 'Three Sisters' of the Blue Mountains in regional New South Wales (NSW). The legend tells of the father's attempt to save his three daughters from being harmed by war by turning them into stone. Likewise, the father of the three girls who lost their lives had hoped to save them from the tragic situation in Iraq (a figurative monster of war), by giving them the chance of a better life in Australia. The story was well-publicized in the international media. The father, a hard-working baker living in Auburn, NSW, had received a phone-call from his wife and children the night before they set off and warned them strongly against attempting the dangerous journey from Indonesia. Regardless, the family, being desperate to join their father after 5 years of separation, decided to risk the journey. The rest is history.

In 2005, I created an installation titled *Locked Inside* (Samarayi 2011), eight padlocks made of Wood, Foam and Digital Image, 1.6×2 m as a personal protest against the treatment of refugees, many of whom have themselves been victims of war trauma in their own countries, and held in detention centres in Australia, such as those of Port Hedland in Western Australia, Villawood in Sydney and Woomera in South Australia. The installation represents a child locked inside the refugee detention centre. One can see the child's eye watching, begging for help. I came up with this image when one of the fathers of the children in detention told me what he learned from his experience of detention centre; "To keep my eyes open and my mouth shut." I learned that it would be impossible to return home. I would be shot on sight if I tried to do that. "I dreamed that I might be accepted as a refugee one day and get permanent visa" (Al-Hassan 2003). This brings me to the other feature of my research, the interviewing of other refugees, many of whom had suffered similar circumstances to my own.

Interviewing Refugees

I had far greater difficulty in interviewing Muslim women about their experiences or even in drawing them out to discuss the meaning to them of artefacts like their head cover (*hijab* or *burqa*). One of the few who opened up to me was Hamdia, an

Iraqi woman with four children, who had come to Australia as a refugee 10 years earlier. She told me, "You would be wearing al-hujab (*hijab*) if you've lived here in our Muslim community; they would leave you no choice. You would be under extreme pressure to do so". Hamdia went on to tell me that at the time she arrived in Australia after the Gulf War of 1991, she did not wear al-hujab, and she also did not wear it when she was living in Iraq. It was Hamdia's husband who asked her to wear al-hujab after coming to Australia because of the new religious neighbour whom he had befriended. Hamdia's 18 year old daughter began to wear al-hujab for the same reasons as her mother.

Another example of a war artist who found her sense of mission in a refugee situation was Amina who became highly involved in sharing and assisting refugees from many countries at war. Amina also did not wear al-hujab until she arrived in Australia in 1994. Her experience is a case in point. Born in Iraq, she gained a Master in Fine Arts degree at Baghdad University and taught art in a boy's public high school in Baghdad. When life became impossible in the bombed city after the Gulf war, she moved to Iran with her husband Ali and their children and eventually made their way to Australia. Shortly after arriving, she was put in touch with the Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS). The service helped her contribute to a group exhibition at the Powerhouse Museum in Sydney. This gave her support and built her confidence to be able to paint and exhibit again. Her first exhibition there, titled *After the War* (oil on board) depicted an elderly man washing his clothes free of blood. In her own words: "The old man is exhausted from his experiences in the Gulf war and he is washing the blood from his cloths. He is symbolically washing his heart from the ugliness of war in the hope that he will not have to do it ever again. It is the government, which forced this situation upon him. To refuse the government wishes would mean that he would be hanged or shot." Of another work, titled *Music and Hope*, Amina comments: "My work is music and hope. My memories turn within me like music, with an unstoppable rhythm. Sometimes I cry and sometimes I am consumed with anger and I revolt, only to become quiet again, like a musical rhythm. My homeland is within me, within my art, my colours, my dignity. My great hope is that I will see my homeland in my children's eyes." Amina's interview underscores the importance of the physical experience of painting in the healing process. When asked how important it is to her, she said: "I think I would die (without it)."

Another interview was with Zeawan, a Muslim woman who refused to wear al-hujab. Of this decision, she said, "Al-hujab is a choice I didn't want for myself". She experienced the demolition of her village, Halabja, in the north of Iraq. Her method of dealing with her personal trauma has been through poetic expression as well as through the incorporation of photographic war images and documentary evidence. Zeawan is a Kurdish poet formerly from north Iraq and all of her family lived in the same village. She witnessed its destruction when, at 6 am on 23rd March, 1988, helicopters flew overhead and bombed it until there was nothing left. Parts of bodies, arms and legs could be seen everywhere as people ran in all directions.

Saddam's army arrested and killed everyone they could find. One of Zeawan's poems describes the bombing of her village:

In 1988 a black cloud suddenly appeared
After that, a white cloud,
Seeming to say, "Life is over".
Angels, like butterflies fluttering their wings,
Appeared in the clouds.
They were searching for the pure jonquil flowers
To carry their sweet pollen to heaven.

As with artwork, this interview demonstrates the healing power of physical expression through artistic creation. As Victor Frankl (1963) demonstrated, positive use of traumatic experiences, which have real meaning for the artist, can greatly assist in the recovery of his/her personality.

Conclusion

While this research has sought to explore the different and varied survival strategies for Muslim women employed by the four examples Ibtihal, Hamdia, Amina and Zeawan included in this study, it nevertheless underscores a commonality of experience, shared by all four of us of the therapeutic qualities inherent in the hands-on practice of expressive art, faith and education. To me, it has been through the telling of my own story that I have found the greatest release of negative emotions. This strategy has so far proved to be the most expedient in allowing me to focus on the positive aspects of the experience, that is, the insight and understanding I have gained concerning the plight and needs of other war refugees attempting to find safety in Australia. In creating series after series of sketches relating to war memories in preparation for my paintings, I feel I have finally "opened the box" (Forbes et al. 1999) on all my hitherto repressed memories. Finally, it has been the direct confrontation of traumatic memories stressed by Ochberg (1988), which has helped immensely in creating a psychological distance from the troublesome events of war. Thus, by means of this strategy, I have derived a triple advantage, first, as a means of exorcising the most pernicious of my intrusive memories, and second, as a solid piece of psychological armoury for my own protection. The third advantage I have gained through the experience is an effective means of assisting fellow refugees through a sympathetic presentation of the similar difficulties they face as traumatised migrants escaping from their own countries. Especially as a Muslim woman, I feel I have particular understanding for the plight of Muslim women in these traumatic circumstances, a plight all too common for Muslim women in today's world (Al-Jawaheri 2008).

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Chapter 9
Islamic Legal Maxims for Attainment of Maqasid-al-Shari‘ah in Criminal Law: Reflections on the Implications for Muslim Women in the Tension Between Shari‘ah and Western Law

Luqman Zakariyah

Abstract The legal procedural system of Islamic criminal law has been criticised, either constructively or destructively, over a period of time. Some of the most recent cases in the twenty-first century are the cases of Safiyyatu of Sokoto State and Amina of Kastina State of Nigeria respectively, who were convicted on adultery and later acquitted due to technical legal faults. One of the reasons for criticism of the two cases is based on the lack of incorporating the objective of Islamic Law through "intertextualizing" the textual evidence, on one hand, and on the other failure to extrapolate all sources available for "dynamizing" the Shari‘ah legal system. This chapter will address how these legal maxims can be explored to ensure that the purposes of Islamic criminal law are comprehended and that justice is established in Islamic legal procedure. In doing so, the two cases cited above will be used as empirical case studies. Some of the issues raised in the chapter are: Was criminal intention of the accused women considered? In other words, is it certain that the accused women intentionally committed the crime? Is there any shubha for giving them benefit of the doubt as required by law? Is it possible for someone to report a case of adultery to the authorities? Why were the two cases reported? Does retraction of a confession abate punishment of the accused? These questions will be answered through some relevant basic legal maxims of Islamic law which depict "maqasid al-Shari‘ah".

Introduction

The legal procedural system of Islamic criminal law has been criticised, either constructively or destructively, over a period of time. Some of the most recent cases in the twenty-first century are the cases of Safiyyatu of Sokoto and Amina of Kastina state of Nigeria respectively, who were convicted of adultery and later acquitted

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owing to technical legal faults. One of the reasons for criticism of the two cases is based on the lack of incorporating the objective of Islamic Law through "intertextualizing" the textual evidence, on the one hand and, on the other hand, failure to extrapolate all sources available for "dynamizing" the *Shari'ah* legal system (Zakariyah 2010, p. 251). This article will address how these legal maxims can be explored to ensure that the purposes of Islamic criminal law are comprehended and that justice is established according to Islamic legal procedures. In doing so, the two cases mentioned above will be used as empirical case studies. Some of the issues raised in this article are: Was criminal intention of the accused women considered? In other words, is it certain that the accused women intentionally committed the crime? Is there any *shubha* for giving them the benefit of the doubt as required by law? Is it possible for someone to report a case of adultery to the authorities? Why were the two cases reported? Does retraction of a confession abate punishment of the accused? These questions will be answered through some relevant basic legal maxims of Islamic law which depict "*maqasid al-Shari'ah*".

Importance and Role of Islamic Legal Maxims

Islamic legal maxims, as a subject, is a name given to a particular science in Islamic jurisprudence. It denotes a certain discipline in Islamic studies. The subject-matter aphoristically subsumes the entire spectrum on which the tenets of Islamic law rest. It is normally defined as "a general rule which applies to its particulars to deduct rules from it." (al-Nadwi 1998/1418, p. 40) It can be defined in a broader manner that Islamic legal maxim is general in application, regardless of any exclusion that may occur from it. Zakariyah (2009) asserts that legal maxims of Islamic law are "… legal rules, the majority of them universal, expressed in concise phraseology that depict the nature and objectives of Islamic law and encompass general rules in cases that fall under their subject." (p. 30) They pithily and axiomatically subsume all the spectrums through which the objectives of *Shari'ah* are promoted and are seen as vibrant mechanisms through which the dynamic and universal features of Islamic law could be accomplished.

As with the nature of any vibrant discipline, Islamic legal maxims have played a vital role in understanding the spirit of Islamic law as they synthesize the scattered views of Islamic jurisprudence, so harmonizing the thought of Islamic jurists from different schools. In fact, it has become mandatory and a *sine qua non* for any Islamic jurist and judge today to master a certain level of *al-Qawā'id* in order to be able to dispense Islamic verdicts and to make accurate judgments together with mastering and memorizing large sections of the Qur'an and Hadith. The intensive attention of Islamic authors on this subject since the third century of *Hijrah* clearly emphasizes the importance attached to it. Moreover, the utterances of scholars on it show the significance accredited to the subject. Imam al-Qarrafi (1998/1418, vol. 1) affirms thus:

> These maxims are very important in Islamic jurisprudence, great knowledge. By it, the value of a jurist is measured. Through it, the beauty of *Fiqh* is shown and known. With it, the methods of *Fatwa* are clearly understood. …Whoever knows *Fiqh* with its maxims

> (*Qawā'id*) shall be in no need of memorizing most of the subordinate parts 'of *fiqh*' because of their inclusion under the general maxims. (p. 3)

It is noted that, during the development of *fiqh*, many of the Islamic jurists produced *fiqh* literatures in piecemeal form and in fragmented styles. This was because the majority of those writers were producing their work independently, without the influence of any government or institution that could unify the style of their presentation. From such a lack of monitoring, allied with many other factors that could be considered as reasons for the wide diversity of opinion in jurisprudence literature, Islamic Legal Maxims emerged to produce general guidelines that articulated the scattered theoretical abstracts among the various schools of Islamic jurisprudence. Remarking on this important role of Islamic Legal Maxims, al-Zarqā, (1983/1383, vol. 2) observed that "… were it not for the legal maxims, the rules would have remained dispersed without any ideational connection." (p. 935) This role aids judges in comprehending the basic tenets of Islamic law on any contentious issue. For instance, if it is established in the mind of a judge that *hudūd* (fixed punishments) is to be averted in the face of doubt, this will stand as significant value in identifying the aim of Islamic law in offences related to *hudūd.* Exploring this opportunity would also give scholars, judges and jurists of Islamic law the ability to deliver sound and just legal judgments.

There are many Islamic Legal maxims progressively codified for specific periods of times. However, there are five legal maxims unanimously classified as basic and grand from which many others spring. These are: (1) intention and action; *al-'umur bi maqasidiha* (actions are considered according to the intention); (2) certainty and doubt, *al-yaqin la yazul bi al-shakk*, (certainty cannot be repelled with doubt); (3) hardship and facility, *al-mashaqqah tajlib al-taysir*, (hardship begets facility); (4) eliminating of harm, *al-darar yuzaal*, (harm must be eliminated); and, (5) custom as authoritative *al-'adah muhakkamah* (Custom is given authoritative status) (al-Suyuti 1983/1403; Ibn Nujaym 1993/1413). For the purpose of this chapter, these five maxims will be adhered to, however, throughout the discussion reference may be made to other relevant maxims.

Overview of the Cases of Safiyyatu Hussaini and Amina Lawal

Safiyyatu's case was one of the first adultery cases tested under the re-Islamization of criminal law in Northern Nigeria. The accused was arraigned before the Upper *Shari'ah* Court Gwandabawa, in Sokoto State Nigeria, as the court of first instance, based on the First Information Report (F.I.R) given to the Police in which the accused was alleged to have had illegal sexual intercourse with her co-accused, Yakubu Abubakar (referred to hereinafter as Yakubu). The Upper *Shari'ah* Court of Gwadabawa convicted her based on her confession and appearance of pregnancy and sentenced her to death by stoning on the 9 October 2001 based on section 128 and 129 of the Sokoto State *Shari'ah* Penal Code Law 2000. In the case, it was said that the co-accused, Yakubu, denied the accusation and was therefore discharged and acquitted, but Safiyyatu confessed and pleaded guilty to the offence in the first instance.

The accused woman appealed against the judgment which was delivered on 9 October 2001 on the grounds that, *inter alia,* the Upper *Shari'ah* Court took the admission/confession of the appellant without giving her the right of defence or having witnesses present during the confession, and that the confession was not admissible by law as the appellant did not understand the charge, the details and essentials of the offence. On 25 March 2002, the *Shari'ah* Court of Appeal quashed the decision of the Upper *Shari'ah* Court on the grounds of legal technicalities, including confession, and the appellant was acquitted and discharged. I shall refer to the said accused hereinafter as Safiyyatu.

Amina Lawal's case was also one of the most famous cases arraigned in the *Shari'ah* Court of Bakori, Kastina State of Nigeria on 20 March 2002. The accused was sentenced to death by stoning according to section 124 of the Kastina State *Shari'ah* Penal Code Law No 2 of 2001. It was reported that the accused person had known Yahaya Muhammed (2nd accused) for 11 months and they were planning to marry; however, they were engaging in sexual intercourse with each other before legal marriage which resulted in pregnancy and the delivery of a baby girl. The 2nd accused denied the charges against him and was therefore discharged and acquitted, but Amina was convicted based on her confession and other exhibits (a baby girl without legal marriage). Amina appealed against the judgement of the *Shari'ah* courts, and on 25 September 2003, the Kastina State *Shari'ah* Court of Appeal quashed the decision of the lower courts and acquitted Amina of the charges based on errors in the procedures of the lower court. One of the errors was the legality of her confession on which the conviction was based. It was argued that Amina was misled into confession of her guilt, which is deemed as involuntary confession in Islamic law. In this chapter, I will refer to her as Amina. (This section is a direct quotation from Zakariyah 2010, p. 253, Yawuri 2004, pp. 183–204; Peters 2006, pp. 219–241; Ladan 2005, pp. 117–120).

Intentionality in the Islamic Criminal Act

The basic maxim implored to debate the credibility of the two cases is the maxim a*l-'Umur bi maqasidiha* (actions are considered together with their intentions) (al-Suyuti 1983/1403, p. 8; Ibn Nujaym 1993/1413, p. 27; al-Hamawi 1985/1405, vol. 1, p. 37; al-Zarqa 1989/1409, p. 47). Hereinafter, the translation of *al-umur bi maqasidiha-* will be used except when there is need to mention the maxim in its Arabic form. This maxim is one of the basic general maxims agreed upon by Islamic scholars because of its consistency with, and relevance to, Islamic jurisprudence. It implies that any action, whether it is done physically or verbally, should be considered and judged according to the intentions of the actor. The appropriate interpretation of this maxim should therefore be that the rulings to be made for or against a case should be in conformity with the intention of the person concerned with the case.

Intentionality in Islamic criminal law ranges from overtly expressed utterances of perpetrators which could be in the form of confession, defamation and blas-

phemy to physical objects used for committing a crime. For an overt expression, there is not much debate to establish intentionality if a straightforward and clear grammatical usage is used to depict the crime. Problems arise however when the language used to express the criminal act is ambiguous. In that case, to determine whether a crime of *hudud* (fixed) or *qisas* (retaliatory) is committed will be a matter of controversy. Thus, the punishments of *hudud* or *qisas* will be dropped and *ta'zir* (discretionary) punishment may be imposed, as deemed by the judge.

The cases of Amina and Safiyyatu could be argued on the basis of lack of intentionality in committing the alleged offence (Northern Nigeria Law Report 2003, p. 496; Human Right Watch 2004, pp. 34–35, 61) This is because they lived in a society where traditional practices, norms and values have significantly intertwined with the Islamic Legal tenets and have sometimes produced legal results which are fundamentally outside Islamic law.

The accused persons were villagers and, as such, they might not have had the intention of violating the Islamic rules but, rather, were following the dictates of the society in which they live. It is the responsibility of the courts as representative of the Government to verify the core objective of Islamic Law, namely establishing criminal intent, before passing any *hadd* punishment on them. Had criminal intention been investigated properly, those accused women might not have been convicted in the first instance; moreover, Section 63(2) of Kastina State *Shari'ah* Penal Code Law 2001 provides that one shall not be found guilty of an offence without criminal intention. The two accused women were eventually acquitted, among other reasons, on the grounds of their ignorance of the fact of the law, as will be explained in the following maxim.

Factors That Render Action Non-concurrent with Intention

There are factors that render action inconsistent with intention and so, in effect, a verdict may not be reached because of these factors. Some of these factors will be discussed here: namely, *jahl* (ignorance); *Ikrãh* (coercion); *nisyãn* (forgetfulness); and, *sighar* (puberty).

Ignorance (jahl)

Ignorance of the law or of the fact of the law has an effect in determining the criminal intent of the accused. Ignorance of the law can only be an excuse in Islamic law for someone who is a new convert or who is living in non-Muslim territories. This includes, to some extent, those who are living in a remote area where knowledge of Islam has not been spread so much, as opposed to ignorance of the fact of law which can be claimed by all and sundry of Muslims (Awda 1997, vol. 1, p. 430). Thus, Islam recognizes the effect of this detriment in three

people: a person who is asleep, an infant, and an insane person, as the Prophet is reported to have said: "Recording of deed is closed for a sleeping person until he wakes up, and an infant until he attains the age of puberty, and an insane person until he regains his sense." (al-Trimithi 1995, hadith 1446) For example, if a fat man sleeps beside a small baby and rolls over on him, and thus suffocates him to death, the act shall not be considered as intentional homicide because the act cannot be assumed to have been committed intentionally. Any crime committed while one is asleep, in the state of insanity or immaturity shall not be deemed as intentional because of lack of criminal intent. (al-Qayrawani, n.d., pp. 121–131). It is reported that Ubaidullah, son of Umar, committed *zina* with a woman while she was asleep, and the offender was punished while the woman was acquitted (Doi 1984/1404, p. 227).

Coercion (ikrah)

Action committed under duress is considered to be beyond the bounds of intention. This is based on the tradition of the Prophet: "My *Ummah* (nation) will be forgiven for crimes it commits under duress, in error, or as a result of forgetfulness." (Ibn Majah, hadith no. 2045). Thus, if someone is under duress to commit any crime, it is generally assumed to be unintentional; as such, no legal responsibility shall be placed on the actor. Nonetheless, acts committed under duress can be categorized in two ways: first, a crime involving the right of man, and, second, a crime involving the right of God. In the case of the former, no one should allow himself to be coerced into an act, especially if that act is capable of terminating life, as no person's life is more precious than that of another. If the action does not involve eliminating life, however, the person can act upon what he was asked to do, especially if his life is in danger. At the same time, he, or the person placing him under duress, or both, shall be legally responsible for the damage caused. The reason why the person under duress is not allowed to act upon the threat of the person placing him under duress, and is held to be partly or wholly responsible for the damage, is that, according to Islamic jurists, duress is of two kinds: *ikrah mulji* and *ikrah ghayr muliji*. The *ikrah mulji* is a kind of duress wherein the person under duress has no option other than to act upon the request, as failure to do so could endanger his life, with the assurance that the life of a third party is not involved. In such a case, if the person under duress acts, his action shall not be considered intentional, and any crime resulting from that – if it is solely the right of God – means that he will be acquitted. If the right of man is involved, however, he, or the person placing him under duress, or both, will be responsible for the damage.

In the case of '*Ikrah ghayr mulji'*, where the person being coerced has the choice to either accept or reject the demand placed on him, or where his life is not in danger, if in such a case he should then choose to succumb to the pressure, his action would be regarded as being intentional. In that context, both he and the one

who coerced him will be considered responsible (Doi 1984/1404, pp. 227–228). In general, there are debates about whether the claim of those legal impediments can sufficiently render the accused unpunished. The fact is that if any crime is committed and one of those impediments is involved, there are two ways to prosecute the offender. First, if the crime involves the absolute right of God, then the claim of ignorance, coercion and forgetfulness could at least commute the punishment of *hadd* to *ta'zir*. However, if the crime involves the right of an individual, compensation may be given in order to balance between the two individuals. For example, if the crime originally attracts *qisas,* in the case of criminal intent being established, the *qisas* may be reduced to *diyah,* simply because of these legal impediments.

Consideration of intention in placing criminal liability is observed in the Zamfara State Penal Code Law (SPCL 2000, www.zamfaraonline.com). In section 63 of the code, it is stated that "… there shall be no criminal responsibility unless an unlawful act or omission is done intentionally or negligently." The words "intentionally" and "negligently", in that provision, have rendered any criminal act in which intention or negligence of the perpetrator cannot be established not chargeable. This includes any crime of *hudud*, *qisas* and *ta'zĩr*. Nonetheless, the provision does not specify from which criteria intention can be inferred, or which elements constitute it.

Common knowledge of the "material fact" proves the intentionality of criminal acts unless there is other evidence that makes it ineffective. For example, if a person knows that *zina* is a crime punishable with *hadd*, but has no knowledge of what constitutes the legal definition of *zina* because such knowledge is not common knowledge, then that person may not be punished with *hadd* of *zina*, but rather *ta'zir* may be accorded. In that case, if Safiyyatu in Safiyyatu v. Sokoto State of Nigeria, as a villager, claims ignorance of the details or legal connotations of *zina*, her conviction can be dropped or reversed, although she may be awarded *ta'zir* and she may not depend on her previous status. The basis for this assertion is the *hadith* of the Prophet, in which the Prophet apparently casts doubt on the intentionality and acquaintance of Ma'iz to the crime to which he confessed (al-Shinqiti 1995/1415, vol. 5, p. 386).

The Zamafara SPCL (2000, www.zamfaraonline.com) section 64 observes this fact and states thus: "A person is presumed, unless the contrary is proved, to have knowledge of any material fact if such fact is a matter of common knowledge." Any crime committed by negligence is presumed to have been committed intentionally, unless that negligence is formed involuntarily. For instance, a person committing unlawful sexual intercourse, theft, defamation, or murder when in a state of voluntary intoxication will be presumed to have committed those crimes intentionally. If that negligence is involuntary, however, such as one who is drugged and commits criminal offences in that state of inducement, then that person will not be originally convicted of those offences because of the absence of intention, in accordance with the *hadith* mentioned above. Thus, an induced person who has lost his consciousness, an insane person or one who is asleep would fall into this category.

Mistake (khata) and Forgetfulness (nisyan)

Forgetfulness is considered one of the impediments to ascertaining the criminal intent inherent in the crime, solely involving God's right and also removing the punishment of the hereafter. Forgetfulness however cannot be an excuse for committing crimes that incur punishment for the perpetrator. This is because to open such a door would prejudice the rights of the public and would also render the law inactive (Awda 1997, vol. 1, pp. 430–440; Awdah 1968/1388; Ibn al-Qayyim al-Jawziyyah 1973, vol. 2, p. 140; al-Ghazãlĩ 1993/1414, vol. 1, p. 84).

By mistake or by accident is another concept that serves as an impediment for intent to be established. Mistake also constitutes the assumption of unintentionality of a criminal act, if the accused is believed to have committed it in good faith. For instance, take the case of a man and woman who have sexual intercourse together before "proper marriage", believing that the consent of their parents regarding the affair is enough proof for the legality of their relationship. Despite the fact that they are cognisant that *zina* is punishable with *hadd*, their action shall nonetheless be construed as "a mistake of the fact", according to Zamafara SPCL (2000, section 66). A "mistake of the fact", but not a "mistake of the law" renders an act inoffensive or innocuous. It states thus:

> Nothing is an offence that is done by any person who is justified by Law, or who by reason of a mistake of fact and not by reason of a mistake of law, in good faith believes himself to be justified by law in doing it. (Zamafara SPCL 2000, www.zamfaraonline.com, section 69)

Thus, if someone drinks a substance that he believes to be lawful, but it turns out to be an intoxicant, or if a man meets a woman on his bed and by mistake sleeps with her and has sexual intercourse with her, both such actions will not be punished with *hadd*. In the latter case, however, *mahr al-mithl,* a "fair dowry", may be imposed because of the right of the woman involved. Similarly, if one intends to throw an arrow at an animal but, by mistake, it hurts a person and causes his death, the thrower shall not be given *qisas* as it was a mistake, and the killing was unintentional. In the case of a doctor whose patient dies as a result of the drug prescribed for him, the doctor shall not be convicted of murder if that drug was prescribed in good faith, with proper care and caution. This is because there was no criminal intention in the act of the doctor (Zamafara SPCL 2000, www.zamfaraonline.com, section 69).

Puberty

As for puberty, a criminal act committed by a minor or anyone below the age of puberty, is believed to have been committed unintentionally, based on the *hadith* quoted at the outset of the discussion. However, in *hudud* related cases, if there is no right of the individual involved, the accused minor shall not be punished with *hadd,* but *ta'zĩr* may be adjudged instead. If the individual right is attached, however, then compensation

such as *diyah,* in the case of homicide, and an equivalent value in the case of *sariqah* (theft) will be imposed (Zamafara SPCL 2000, www.zamfaraonline.com, sections 71a and b).

Certainty and Doubt in Islamic Criminal Law

The second legal maxim is the implications of *shakk* and *shubhah* to *yaqiin* (certainty) in Islamic criminal law. The legal maxim that says *al-Yaqin la yazul bi al-Shakk* (certainty cannot be repelled with doubt) (al-Suyuti 1983/1403, p. 430; al-Zarqa 1989/1409, p. 79; al-Burnu 2002/1422, p. 166).

The maxim is rooted in the Qur'an and the tradition of the Prophet. The Qur'an says: "And most of them follow nothing but conjecture, certainly conjecture can be of no avail against the truth" (Qur'an 10 verse 36). It is reported that Abdullah bin Yazid al-Ansari asked Allah's Messenger (SAW) about a person who he thought had passed wind during the Prayer *salat*. Allah's messenger replied: "He should not leave his *salat* unless he hears sound or smells something." (Ibn Hajar 1996/1416, pp. 39–40. hadith 76). Al-Nawawi (1992/1392, vol. 4, pp. 49–50) in his comment on this hadith, remarks that this hadith serves as one of the pillars of Islam and is an important maxim of Islamic jurisprudence. It indicates that things remain in their original status until otherwise established, and that there is no case for any accidental doubt.

There are many sub-legal maxims which are directly related to the issue of certainty and doubt in Islamic criminal law. Suffice here to mention and analyse the ones that are more appropriate to the cases in question. There are, *Al-'asl bara' al-dhimmah*-The fundamental principle is freedom of liability, *Al-'asl al-'adam*- the fundamental principle is the non-existence of something, (al-Suyuti 1983/1403, p. 52; Ibn Nujaym 1993/1413, p. 59), *al-Iqrar hujjah qasirah* – Confession is an intransitive evidence, (Ibn Nujaym 1993/1413, p. 255) *al-Mar' mu'akhadh bi iqrarihi* – One is responsible for his confession (Haydar, n.d., vol. 1, p. 70) and *al-hudud tusqat bi al-shubhat* – fixed Punishments should be averted in the case of doubt/suspicion (al-Suyuti 1983/1403, p. 123; Ibn Nujaym 1993/1413, p. 127; al-Zarkashi 1985/1405, vol. 1, p. 400).

It is fundamentally established in Islam that one cannot be held responsible for any claim, or be said to have obligation to others, until it is proved. All litigations have two sides – the one claiming the existence of the right over something, and the one refuting the claim. There is no justice in accepting the mere claim of the *muthbit* (the one making the claim) until the claim is proven. The assumption in justice is that a claim does not exist until it is proven. This position appears to be in favour of the offender. If someone lays claim to a piece of jewellery in the possession of a jewellery seller, it is apparent that the seller holds the *asl* (fundamental proof) and the claimant needs to argue his case with another proof (al-Zarqa 1989/1409, pp. 107–100).

This can be found in many discussions on criminal penalties and liabilities in Islamic literature. Although the approach of each school in applying the maxim

may be different, there are some aspects that are common to all of them. In the case of defamation, for example, if someone accuses another falsely of being unchaste and the accused denies this but refuses to take an oath before the court, the accused will not be punished with *hadd* because the issue attracts *hadd* and the fundamental principle is the innocence of the accused (Ibn Qudamah 1999, vol. 12, p. 409).

Where there is ambiguity in criminal cases which stand as impediments to justices, there are different approaches to each case. A case that involves human rights indubitably needs to be investigated in order to retrieve the rights and restitute the victim. In contrast, a case that involves the right of God may not need to be investigated. This is because the right of God is based on clemency. (Zakariyah 2010, pp. 257–259)

In retrieving the right of the victim, some modern Islamic writers have suggested that modern methods of crime detection such as DNA, laboratory analysis, photography and sound recording could be used in establishing criminal offences, instead of claiming *shubhah*. They claim that those means are more reliable and efficient than verbal testimony. Noorslawat (1977), for instance, suggests that one of the bases of this assertion is that the means of securing the objectives of Islamic law are always "… flexible and remain open to consideration". (pp. 16–17) This hypothesis could be used in the cases of Amina and Safiyyatu (above). Since the crime of adultery can never be committed unilaterally, and the co-accused persons in the two cases denied their involvements in the allegation, Zakariyah (2010) suggests that "thorough investigation to determine the truth of their denial" (p. 260) should have been done by using modern evidence and not ascribing *hadd* punishment indiscriminately on these helpless women. In doing that, it would have the better result in exploring the spirit of Islamic law.

In Safiyyah and Amina's cases, the learned judges based their verdict on their confession and appearance of pregnancy. The first point of observation is whether pregnancy can be used to convict a single woman of fornication or not (Sanusi 2002 www.nigerdeltacongress.com/artciles/amina_lawal). As earlier argued, there is no evidence to support the acceptability of pregnancy as reliable evidence for fornication. Among the schools of jurisprudence, only Malikites accept such circumstantial evidence as proof of fornication, while others have a contrary view (Ibn Qudamah 1999, vol. 10, p. 192). The reasons that pregnancy cannot be accepted as evidence for fornication are: it only proves evidence of intercourse not of consent because a woman could be raped while she was conscious or unconscious; she may even have the impression that the contract was legitimate in the context of a temporary marriage, considered lawful by some *shi'ah* and as reported by Ibn Abbas (Muslim 1997/1417, p. 3320); it may also be that she is one who does not consider the consent of the guardian as a condition for the validity of the marriage contract, and thus she gave herself for marriage without the consent of her guardian (*waliyy)*; or, she became pregnant without coitus, in which case a man's sperm went through her vagina by means other than sexual intercourse, as debated on the Nigerian Television Authority's (NTA) Newsline on Sunday 18th March 2001 where a 10 year old virgin girl was said to be pregnant (Sanusi 2005, www.nigerdeltacongress.com/carticles/class%20).

All these constitute *shubhah* against the acceptability of pregnancy as sole evidence to convict a woman of committing adultery or fornication.

The second point of observation of the learned judges in the Safiyyah and Amina cases is whether, in such cases, the confession of an accused person could be taken without a given right of retraction or benefit of doubt. It is reported that the Prophet gave Ma'iz the chance to retract his confession as well as *al-Ghamidi* when both came to him confessing their guilt of adultery. Throughout Safiyyah's and Amina's cases, nowhere did the judges systematically give them the benefit of the doubt or introduce them to the right of retraction as the Prophet did for the two companions.

It is a settled rule that confession is considered when it is uttered unilaterally and it should not be transitive: *al-Iqrar hujjah qasirah* – Confession is intransitive evidence. (Ibn Nujaym 1993/1413, p. 255) Nevertheless, *al-Mar' mu'akhadh bi iqrarihi* – One is responsible for his confession (al-Zarqa 1989/1409, p. 401). Confession is one of the *prima facie* bases for establishing the liability of a criminal act, especially if the crime is of disclosure (Zakariyah 2010, p. 251). In fact, it is believed to be the highest evidence of guilt (Mirfield 1985, p. 49). The culprit is said to be innocent until it is proved beyond any reasonable doubt that he is guilty of the alleged crime, *actori incumbit onus probandi* (Kamali 2000, pp. 297–309; Baderin 2005, p. 103). In order to establish justice and, at the same time, to balance the right of the defendant and the offender, Islamic law enacts the legality of confession.

In Safiyyatu's case, one of the reasons given by her counsels was that the actual date, time and where the offence was committed were not stated in the court procedure. This legal procedural error and others cast gnawing doubt on the credibility of the verdict (Yawuri 2004, p. 196). Also, the issue of acceptability of pregnancy as evidence to convict an accused is contestable and tainted with doubt. Even in the Malikite school of thought, one may conceive of a pregnancy lasting for 7 years; thus, Safiyyatu might have conceived her pregnancy when she was in the custody of her former husband and there was no evidence to prove otherwise before the court handed down its judgment (Peters 2006, p. 236). In other words, it is possible that the baby which Safiyyah gave birth to could have been fathered by her former husband. All these constitute what the *Shari'ah* terms as *shubhah* which must be considered in averting *hadd* punishment; *al-hudud tusqat bi al-shubhat* (fixed Punishments should be averted in the case of doubt/suspicion) (al-Suyuti 1983/1403, p. 123; Ibn Nujaym 1993/1413, p. 127; al-Zarkashi 1985/1405, vol. 1, p. 400). Almost all schools of Islamic jurisprudence accept the maxim in principle and apply it in different ways and various locations. The exception is Zahiri, who object to it based on their rejection of the hadith, reported in respect of the maxim (Ibn Abdu al-Barr 1987/1387, vol. 15, p. 34; al-Shinqiti 1995/1415, vol. 5, p. 392; Ibn Qudamah 1999, vol. 9, pp. 116–119, 123, 259; Ibn Hazm al-Zahiri n.d. vol. 11, pp. 153–156).

The same argument can be resonated in Amina Lawal *v.* Kastina State, where there is a contention on whether a retraction of confession made by the accused/defendant's representative is acceptable or not. The legal procedure followed in Amina's case also casts doubt on the credibility of the allegation. In the response of

the *Shari'ah* court of Appeal, Kastina, the learned judge poses some credible questions to discredit this allegation. He says thus:

1. Why did these policemen not file cases against the two accused before, since it was claimed that they had been cohabiting for 11 months?
2. Did the accusers catch them in the actual act of (ZINA) or were they informed? (NNLR 2003, pp. 498–499)

It is remarkable to state that doubt may be created in an admission where the admission has lost any of its validity. In the case of Safiyyatu, the first procedural error that led to her confession was that someone reported the case to the police, although within the statute regarding the crime of adultery, concealment is recommended (Zakariyah 2010, p. 256) It is reported by Ibn Umar that Allah's messenger said: "Avoid these filthy things which Allah SWT has forbidden, and if anyone commits any of them he should conceal himself with Allah's most High Veil and turn to Allah in repentance…" (Ibn Hajar 1996/1416, hadith no. 1048)

Thus, the interrogation of someone regarding the crime of adultery is questionable. This is because all the adultery offences in the life of the Prophet had punishments that were based on voluntary confession, rather than on imposition or enforcement. In addition, if someone confesses to this crime, the benefit of the doubt should be given – and that is absent in the case of Safiyyatu. It is reported by the authority of Imran Ibn Husain that a woman of Juhaina (tribe) came to the Prophet when she was pregnant owing to fornication, and said, "O Allah's messenger I have committed something for which a prescribed punishment is due, so execute it on me." Allah's messenger called her guardian and said, "Treat her well and when she delivers bring her to me". It is also reported in the hadith Abu Hurarah that a man, among a group of Muslims, came to the Prophet in the mosque and called, "O Allah's messenger I have committed adultery." The Prophet turned away from him. The man confessed to that four times and, when four people witnessed his claim, the Prophet asked him, "Are you an insane?" The man replied, "No", and then the Prophet asked him, "Have you been married before?" He replied, "Yes", and then the Prophet ordered him to be stoned (Ibn Hajar 1996/1414 hadith n. 1041, pp. 432–433). From the two traditions, it is clear that, in such situations, as Zakariyah (2010) argues, it is the right of the confessor "to be given the benefit of the doubt and it is the responsibility of the judge not to admit the confession in the first instance" (p. 257).

Hardship and Provision of Facility in Islamic Criminal Law

The third and fourth legal maxim which considers the effect of hardship in criminal law and the provision of facility given to the perpetrator for the elimination of that hardship are; *al-mashaqqah tajlib al-taysir* – hardship begets facility (al-Suyuti 1983/1403, p. 76; Ibn Nujaym 1993/1413, p. 74, al-Zarkashi 1985/1405, vol. 3, p. 169; Mahmassani 2000, p. 152); and, *al-darar yuzal* -harm must be eliminated

(al-Suyuti 1983/1403, p. 83; Ibn Nujaym 1993/1413, p. 85). One of the beauties of Islamic law is in its recognition of the fallibility of human beings in carrying out their spiritual and mundane activities. In addition, it comprehends the difficulties they will face in achieving both spiritual and mundane objectives. Thus, Islamic law endorses breaching some certain rules in any dire necessity (eg. Qur'an 2, verse 173; Qur'an 6, verse 145; Qur'an 16, verse 115). The maxim which establishes this and is supported by sound evidence from the Qur'an, hadith and consensus is *al-mashaqqah tajlib al-taysir*, or Hardship begets facility.

The maxim that "hardship begets facility" is one of the basic general maxims agreed upon among Islamic jurists. It is applicable to almost all issues and branches of Islamic jurisprudence. Because of its important role in Islamic law, it is now being recognized as a fundamental maxim. (al-Shatibĩ 1975, vol. 2, pp. 136–156). It is a maxim used as a legal concession for any recognized hardship in Islamic law. Thus, it serves the purpose of Islamic law in lessening and removing burdens from people (Ibn Nujaym 1993/1413, p. 85).

The maxim is profoundly useful in suggesting that the status quo of the Muslims in those regions where full implementation of *Shari'ah* was introduced requires that consideration be given to the hardship in distinguishing between what constitutes adultery under Islamic law and which therefore legally incurs the fixed punishment. It is a settled rule in Islamic law that the states of '*usr* (difficulty), *umuum al-balwa* (general necessity) and *jahl* (ignorance), among others, are cause-effects for the provision of facility in Islam (al-Suyuti 1983/1403, p. 77).

Thus, in the cases of Safiyyah and Amina, lack of consideration for this settled rule which, in turn, led to the assumption that all citizens have enough knowledge of the details of Islamic law in regard to adultery, conceivably led to the accusation of the two women being guilty of committing adultery. Had the law enforcement agencies had insight into this status quo, perhaps none of these cases would have seen the light of arraignment in the courts of law.

The prohibition and elimination of *darar* in Islamic criminal law is also at the heart of the core and frame model of attainment of the spirit of Islam. The maxim implored to establish this provision is *al-darar yuzal* (harm must be removed) (al-Suyuti 1983/1403, p. 83; Ibn Nujaym 1993/1413, p. 85) on the basis of the tradition of the prophet which runs thus: *la darar wa la dirar* (no injury or harm shall be inflicted or be reciprocated) (al-Atasi and al-Atasi 1949/1349, vol. 2, p. 52).

Preventing harm is a fundamental principle generally agreed upon and widely applied in Islamic jurisprudence. The Qur'an prohibits any oppression and transgression on people's lives, properties and subjects. Islam denounces any unnecessary infliction of harm and injury. It prohibits any unjust affliction of punishment and penalty on human beings. It also strives to eliminate the occurrence of such *darar* whether it occurs through aggression or reciprocally. If that is one of the overall objectives of Islam, some of the cases judged in Northern Nigeria during the re-enforcement of full *Shari'ah* are open to being subject to criticism.

In the cases of Safiyyah and Amina, as said above, reporting them to the authority despite the fact that their actions did not directly affect the public raised concerns of infringing on their rights and violating their privacy. In addition, acquitting them

of the alleged crimes by the appeal courts suggests the inflicting of unnecessary harm of defamation. By extension, the harm also affects their co-accused, alleging them to be guilty of fornication.

By law, where there is contradiction between *al-yaqin* (certainty) and *al-zahir* (appearance), such as the appearance of pregnancy and the claim of the absence of four eye witnesses in the case of adultery, the best interests of Islam would be served by establishing whose rights are involved in this case. If there is no allegation of rape in such a case, the higher proof would be accepted; that is, four eye witness accounts in order to eliminate the *darar* in executing the *hadd* punishment.

Even the investigation of cases of adultery, alcohol consumption or apostasy – if they were not committed publicly – can be considered as infringing on human rights since those offences do not necessarily affect the general public directly. In other words, any crime that does not directly involve human rights is, according to the spirit of Islamic law, not rightfully a subject for investigation; indeed, investigating it can be considered as inflicting undue *darar* on the accused. In the instances of Safiyyatu and Amina, the way their cases were reported (submission of Safiyyatu Husaini's counsel) was considered to be impinging on the rights of the accused persons, and so to be inflicting harm on them (Peters 2006, p. 241). This is itself a violation of basic tenets of Islamic law.

It is argued that challenging Amina of conceiving pregnancy was an act of inflicting unwarranted harm on her, since it is a settled law even in the Malikite school that "… a woman may carry pregnancy for five years before delivery." (NNLR 2003, p. 496). Thus, because Amina had divorced her former husband less than 5 years ago (at the time of the case), it should have given her the provision of benefit of doubt.

Custom as Authoritative

The last maxim to be explored here for the attainment of the spirit of Islamic law in the cases in question is *"al-Adah muhakkamah"*-custom is given authoritative status. (al-Suyuti 1983/1403, p. 89; Ibn Nujaym 1993/1413, p. 92; al-Zarkashi 1985/1405, vol. 2, p. 356) which focuses on the authoritativeness and effects of custom in Islamic criminal law, according to the use of language in a particular custom. It was argued that, since Safiyyatu and Amina were Hausa native speakers, it was the responsibility of the court to explain the details of *zina* and its conditions to the accused persons. In other words, since the accused persons were not Arabic speakers, in order to justify the validity of the verdict, the word must be interpreted into their customary language (Ladan 2003; Peters 2006, p. 241; Yawuri 2004, p. 197).

This standard practice was actually rebutted by the co-judge in Amina *v.* State where it was remarked that the term *zina* "… is no longer an Arabic word. It is basically a Hausa word. As such, Hausa people have no suitable word for this." (NNLR 2003, p. 513). Of course, the word *zina* has been localized and it could be

very hard to prove that Muslims do not know the connotation of the term. Nonetheless, it could also be argued that, while the term is known literally, the legal ingredients and consequences may be unknown to the vast majority of Nigeria Muslims. Despite the fact that Ma'iz was an Arab, the prophet did not take his confession in the first instance, but he further inquired from him whether he knew the meaning of what he said.

In Amina Lawal's case, there was the assumption that Amina accepted sexual intercourse with Yakubu in the belief that custom allowed it. It could be that the *modus operandi* before the full implementation of *Shari'ah* was to give consent before proper marriage (Yawuri 2004, p. 197).

By and large, it could be said that, before the full implementation of *Shari'ah* law in the northern regions of Nigeria, it could be assumed that the *Shari'ah* legal terms had faded out in the domain and that people might not be *au fait* with the consequences of the crimes they committed. It could also be argued that some practices that became unlawful and punishable in penal codes of the states implementing *Shari'ah* were the prevailing customs and practices of some people in those states, such as consenting to sexual intercourse before marriage, utterance of some expressions deemed defamatory, and the taking of someone's property without intending theft. Thus, people need to be enlightened before enforcing the penal codes. Such a provision is, in itself, central to the standards of compassion and justice that lie at the heart of Islamic law.

Conclusion

This chapter has critically analyzed, observed and evaluated the cases of Safiyyatu and Amina in light of some basic Islamic legal maxims. It highlights the need for "intertextualizing" and "contextualizing" the concepts and the contexts of *Shari'ah* (Islamic law) in order to bring about a comprehensive codification which will cater for the novel issues in this generation. It espouses departure from sticking to one *madhhab* by adopting the systems of *talfiq* and *takhyir*; the two systems incorporate the broad range of strategies required to deal with the sensitive issues which may arise in any state adopting full implementation of *Shari'ah*.

In this context, five basic legal maxims have been explored to summon Islamic criminal jurists and judges to establish the overall objectives of *Shari'ah* in a quest for justice in each criminal case. This is because the ultimate goal of Islamic law as Baderin (2005) observes is to "… promote the benevolent nature of Islam, especially where the reasoning for such …is commensurate with prevalent needs of social justice and human well-being." (p. 220)

The Nigerian *Shari'ah* Council, as one of many such councils in the Islamic world, needs to establish different arms in order that each can act as a counter balance to and keep watch over the activities of the other. Justice can be achieved through judicial professionalism and qualified judges. It is expected that professional and qualified judges "… demonstrate a clear rational perspective of issues

based on evidence placed before them and not only to be biased by emotions and zealousness." (Baderin 2005, p. 224) These different arms would, to some extent, help curb miscarriages of justice and block blind criticism of the legal system of the states.

As we have seen through a detailed analysis of cases judged in the states implementing full *Shari'ah* law in northern Nigeria, some of those cases were quashed when they were brought to the appeal courts. Had the defendants sought not to apply to the appeal court, they would have been unjustly punished. It is a settled rule in Islamic law that a judge who has used his personal exertion to deliver a judgment, based on what his exertion dictates for him, should be rewarded. If the judgment subsequently turns out to be wrong, however, and consequently affects the rights of human beings, the remedy should be provided for the affected person from the government who employed the service of the judge. This ensures that, while the judge is not held responsible for any miscarriage of justice because of his fallibility, justice would be done to the victim of the miscarriage of justice.

Equally, there is a need for all *Shari'ah* implementing states to ensure that necessary infrastructure is put in place before embarking on full implementation. That would accord with the practice and strategy of the Prophet in transmitting *Shari'ah* from the purifying to punitive stage. The social welfare of the members of the states is paramount to minimizing their criminal activities. As Sanusi notes, *Shari'ah* critics point out that, in the absence of any change in the "… material living conditions of the masses of the population" "…all appearances of change are cosmetic." (Sanusi 2005, p. 255)

To justify the execution of criminal convictions, there must be an extension of justice to government officials. If Islamic states allow malpractice in public office, such as the embezzlement of public funds, and no action is taken against the government officials responsible, then undoubtedly *Shari'ah* itself will be besmirched and its reputation will be tarnished.

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Chapter 10
The Way Forward for Muslim Women: Reflections on Australia's Social Inclusion Agenda

Mohamad Abdalla

Abstract Among the most socially excluded communities in Australia today is the Muslim community, and within that community, Muslim women and Muslim youth are especially excluded. Whilst social exclusiveness of Muslim youth is a serious problem, this chapter will focus on Muslim women only. The essential argument is that if Australia is to succeed in socially including Australian Muslim women, discourses and institutions that depict Islam and Muslims as the 'enemy within', 'culturally incompatible', that 'elements of Islam have an agenda hostile not only to Australia's values but also to the basic tenets of Western civilisation', and that Muslim women are oppressed and subjugated, need to change substantially. Successful social inclusion of Australian Muslims, including Muslim women, requires a paradigm shift in the way we think, write and speak about Muslims in general and Muslim women in particular. The chapter will examine the way Muslim women have been and continue to be portrayed in Western discourses (media and otherwise), and contrast that to their status from a legal Islamic perspective, using Islam's primary sources of legislation as evidence, together with recent empirical findings about the way Muslim women define themselves. The analysis of this data will be used to argue for a more constructive social inclusion approach.

Introduction

> *Social inclusion, like social exclusion, is becoming a politically attractive concept … it diverts attention away from the possible need for radical change and encourages compliance with the status quo*. (Barry 1998)

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Although interest in assisting disadvantaged groups is not new in Australia, interest in social inclusion is relatively new when compared to Europe and the UK. Under Prime Minister Kevin Rudd, the Australian Government began advocating social inclusion and established a social inclusion task force. The strategies advocated by the Australian Government partially address the essential processes which contribute to an exclusionary society, placing stress on economic solutions. However, one problem of a focus on economic solutions such as employment and training is that it could 'exclude those people who are not part of the 'normal' labour market' (Preece 2001), such as Muslim women. While social inclusion is a noble idea, strategies for social inclusion 'tend to translate the needs of the excluded into cases of intervention, rather than provide the excluded with space to maintain their individuality in a pluralistic society' (Preece 2001). Exclusion, by definition, is linked to a notion of 'normal life' where 'people are excluded because they do not conform to particular societal norms for inclusion' (Preece 2001). Social inclusion can be interpreted as an attempt to 'normalise' people. This 'notion legitimates the status quo of those systems that might otherwise be regarded as contributing to the very problem being addressed'. Social inclusion is, therefore, 'culturally defined, economically driven and politically motivated' (Barry 1998).

Among the most socially excluded communities in Australia today is the Muslim community, and within that community, Muslim women and Muslim youth are especially excluded. Whilst social exclusion of Muslim youth is a serious problem, this chapter will focus on Muslim women only. The essential argument of this chapter is that if Australia is to succeed in socially including Australian Muslim women, discourses and institutions that depict Islam and Muslims as the 'enemy within', 'culturally incompatible', that 'elements of Islam have an agenda hostile not only to Australia's values but also to the basic tenets of Western civilisation', and that Muslim women are oppressed and subjugated, need to change substantially. Successful social inclusion of Australian Muslims, including Muslim women, requires a paradigm shift in the way we think, write and speak about Muslims in general and Muslim women in particular.

To address this central argument, this chapter will first briefly explain the meaning of social inclusion/exclusion, and then give a brief background about Australian Muslims, with emphasis on the way they have been pejoratively portrayed in the Australian news media. It will then examine the way Muslim women have been and continue to be portrayed in Western discourses (media and otherwise), and contrast that to their status from an Islamic legal perspective (using Islam's primary sources of legislation); and recent empirical findings about the way Muslim women define themselves. The analysis of this data will be used to argue for a more constructive social inclusion approach.

Social Inclusion/Exclusion

The concept of social inclusion has an array of meanings. For example, it is defined as being synonymous with poverty, and also as 'inadequate social participation, lack of social integration and lack of power' (Hayes et al. 2008). While these definitions

may have some accuracy, social inclusion is also associated with the 'notion of social capital'. In other words, social inclusion can mean the 'networks of social relations that are characterised by norms of trust and reciprocity that facilitate cooperative behaviour and build a cohesive society' (Hayes et al. 2008).

It can be argued that the concept of social exclusion first originated with the late nineteenth and twentieth century German political economist and sociologist, Max Weber, who believed that exclusion is 'the attempt of one group to secure for itself a privileged position at the expense of some other group' (Hills et al. 2002 as cited in Hayes et al. 2008). Others state that the contemporary usage of the term originated in France to 'describe those who were excluded from the social insurance system', such as 'the disabled, lone parents and the uninsured unemployed' (Lenoir 1974 as cited in Hayes et al. 2008). Later, in France the socially excluded also included 'disaffected youth and isolated individuals' (Paugam 1993 as cited in Hayes et al. 2008).

The concept of social inclusion gained momentum during the 1980s in Europe, and was quickly adopted in 'official policy frameworks as exemplified by the establishment of the European Community Programme to Foster Economic and Social Integration of the Least Privileged Groups' (Hayes et al. 2008). In the early 1990s the European Observatory on Policies to Combat Social Exclusion also adopted the concept, and today addressing social exclusion in the European Union (EU) has developed into a mainstream policy framework. Following the formation of the Blair Labour Government in 1997, the United Kingdom (UK) adopted the concept of social inclusion more seriously and vigorously, establishing the Social Exclusion Unit (SEU) as a practical response to the problem (Hayes et al. 2008).

Only recently did the Australian government begin to seriously consider the issue of social inclusion. The problem with social inclusion agendas is the absence of a consensus about the meaning of social exclusion.

Australian Muslims in Context

Muslim's contact with Australia and its indigenous people predates that of the British or any other settlers. Macassans Muslims from southern Sulawesi, Indonesia, first visited Australia and traded with the northern Aboriginal tribes around the 1650s. Although interactions between both were very positive and lasting, the impact of Muslims on the historical landscape of Australia was felt only after the Afghan cameleers arrived in Australia in the 1850s. Along with their masterful use of their camels, the Afghans opened up the interior of Australia, helped in the exploration of its centre, established the inland telegraph and were instrumental in the survival of inland mining towns. With the advent of the 1901 *Immigration Restriction Act,* the small Muslim community faded away until the latter part of the twentieth century, when a permanent Muslim community emerged that 'sees itself as an integral part of multicultural Australia' (Cleland as cited in Akbarzadeh and Saeed 2001).

Australian Muslims are not a monolithic entity. Like other minority groups, they are characterised by religious, ethnic, cultural and socioeconomic diversity. Muslims

who have migrated to Australia come from a wide variety of cultural backgrounds including Lebanese, Turkish, Afghani, Bosnian, Pakistani, Indonesian, Iraqi, Bangladeshi and Iranian, with many more Muslims migrating from other national and ethnic backgrounds. In fact, about '35 percent of Australian Muslims were born in Australia, while the rest migrated to Australia from over seventy different countries, including Lebanon, Turkey, Indonesia and Bosnia–Herzegovina' (Abdalla in Rane et al. 2010).

There is substantial scholarly evidence to demonstrate that following the events of September 11, 2001 Australian Muslims were discriminated against, their mosques fire bombed, and their faith vilified. Muslims were abused, attacked, refused employment, and were portrayed as 'culturally incompatible' with Australian and Western values. Furthermore, with an increase in asylum seekers arriving in Australia by boat, Muslim immigrants were portrayed as a potential threat to national security and a menace to Australian society and Australian tax payers (Abdalla in Rane et al. 2010). The impact of both international and local events aggravated the negative portrayal of Australian Muslims to the extent where 'the view that for Muslims, even in the second generation, religion and politics remain irredeemably intertwined and that Islam stands in opposition to secular modernity'.

Terrorist activities perpetrated by Muslim immigrants in places such as London and Madrid, and local events such as the 2000 Sydney Lebanese gang rapes and the Tampa crisis led to the false assumption that Islam is now at war with the West, and that Muslim and Australian values are incompatible. Whilst rape is a criminal offence that is committed by men of diverse backgrounds, biased media coverage linked ethnicity with the Lebanese gang rapes leading to a 'paranoid nationalism' that constructed all Lebanese/Arabs and/or Muslims as the new threat to Australia's 'Western' culture. The Lebanese gang rapes, therefore, 'quickly became culturally inflected as 'Muslim' and 'Lebanese' by media reporting of the criminal trials and moral panic about them as the source of a social menace' (Poynting et al. 2004).

The ramifications of such negative representation were detrimental to the lives of Australian Muslims, including women who, because of their visible Islamic identity, experienced every day racism defined as being 'familiar, routine, repetitive, can be expected in particular situations or particular relations, can be taken for granted, or is more generalised' (Imtoual 2010). Due to the heavy emphasis on national security, Australian Muslim women feel prejudiced against in airports, 'particularly heavily on women who wear the hijab … and women whose phenol-typical features can allow them to be categorised as Arab or Middle Eastern appearances which are often conflated to mean Muslim' (Imtoual 2010).

Interviews conducted with Muslim women demonstrate the 'unpleasant' and 'openly hostile' experiences they face at airports. Whilst they recognise the importance of border security, they believe that they 'were unnecessarily targeted for security by airport authorities, particularly security staff'. The fear of being 'wrongly marked as a security threat' was greatly intensified after the introduction of the anti-terrorism legislation (Imtoual 2010). The fear of being unfairly identified as a security threat is something that this author has personally experienced, especially

while on travel with my wife. On a few occasions in some of Australia's airports we were stopped three or four consecutive times by immigration officers to check our passports and to ask the reason for our trip. Such negative experiences are not restricted to airports but are also found in workplaces and employment opportunities, as was found by the Human rights and Equal Opportunity Commission (HREOC) project 'Isma—Listen'. HREOC conducted national consultations to study the experiences of Arab and Muslim Australians after 11 September 2001. The report conducted 69 consultations with 1,423 participants from all Australian states and territories between April and November 2003. It concluded that Arab and Australian Muslims experienced various levels of marginalisation, discrimination, vilification and prejudice. These experiences had an enormous impact on Australian Muslims' self esteem, identity and sense of belonging (HREOC 2004). The situation seemed to be especially exacerbated for Muslim women.

Consultations with Muslim women found that 'many Muslim women working in fields such as law and medicine felt that employers and colleagues saw them as less intellectually capable or professionally committed compared with other staff if they wore traditional Islamic dress'. The report further found that requests from employers not to wear the hijab were 'especially acute in service industries where client contact is an essential part of the job' (HREOC 2004). Muslim women also experienced racism in the streets. The HEROC report found that some women were physically assaulted and verbally abused. In one instance a pregnant woman was beaten by a group of young men and her hijab pulled off her head. Others were called terrorists and asked if they were carrying bombs under their *hijab*.

The impact of racism against women not only socially excludes them from mainstream society, but also 'results in feelings of stress, anger, distress and fear'. Furthermore, these women 'may expend untold energy on remaining ever vigilant, ready to respond (or not respond) to racism. The effects of racism are not limited to the moments after a racist interaction but more insidious, long term and continuing' (Imtoual 2010). The HREOC report further concluded that the impact of racist attacks makes the victims 'desensitised', although Imtoual's (2010) interviews of young Muslim women demonstrates that rather than becoming 'desensitised' it is 'often too exhausting and time-consuming to respond to each and every incident'.

Although racism against Muslim women (and Muslims and Islam) intensified after the events of 11 September 2001 and the subsequent period of the so-called 'war on terror', the root causes of such discrimination pre date these events. The racist attacks on Muslim women can be traced back to 'a rich tapestry of pre-existing notions about the non-Western world'. New literature has 'accused the Australian news media, particularly the Murdoch-controlled newspapers, of displaying 'an intellectual orthodoxy and an ideological uniformity that is remarkable, overt and long-standing' (Isakhan 2010). In fact, Isakhan (2010) argues that 'the construction of the Islamic/Arab/Middle Eastern 'other' in the news media is not in itself a new phenomenon and arguably dates back to the very earliest days of the modern media industry'. Negative depiction dates back to 'the earliest known media texts of the fifteenth and sixteenth centuries, which adamantly called on Europe to avenge Muslim incursions into the world of Christendom. Using the

pejorative language indicative of the colonial era, such texts reveal the complex relationship between the colonial project, the printing press and Orientalism' (Isakhan 2010). Furthermore:

> This racialist history of the Australian news media sets something of a precedent for the Orientalist stereotypes evident in much media coverage of Islam and the Middle East in Australia today. In this way, many contemporary Australian journalists can be seen to have inherited a long and poignant tradition of reporting on the non-Western world and, like many Orientalist scholars and journalists before them, they have failed to question pervading ideologies (Isakhan 2010).

Muslim Women in the Eyes of the West

There were some attempts at gaining a better understanding of Islam as early as the time of Peter the Venerable (1092–1156), however the overall portrayal of Islam and Muslims in Western discourse remains pejorative. Peter the Venerable was the first to translate the Quran into Latin but the final product was 'confused and incomplete.' Nevertheless, this translation was an important step forward for it remained in use for four centuries (Cardini 2001). There were other people who demonstrated 'real understanding' of Islam, such as the work of the converted Jewish translator Pedro de Alfonso, *Dialogues*. Despite the fact that one of his dialogues were against Islam, Montgomery Watt opines that this work has been hailed as 'outstanding for the accuracy of its information about Islam but it contributed little to the formation of the image' (Watt 1972, p. 73). Despite the many positive cultural interactions and contributions of the Islamic civilisation to Europe, the negative impression about Islam and Muslims became so ingrained in the Christian West that four propositions were to remain the traditional way of describing Islam in the Christian West: Islam was a false religion and the distortion of truth; it is a religion of violence and war; it is a religion of self indulgence; and Muhammad was a false prophet and the Antichrist (Watt 1972, pp. 73–74). This was the created image of Islam during the Medieval period, and although a more objective representation has been presented by a number of contemporary western scholars, the denigratory image keeps appearing in media and political discourse.

The general view that is repeated so often in Western discourse about Muslim women is that they are 'oppressed and need to be liberated from their faith and protected from their sacred law' (Esposito and Mogahed 2007, p. 100). It is not surprising that this assumption was used to support the invasion of both Iraq and Afghanistan. In a radio address delivered in November 2001, the USA's First Lady Laura Bush stated that 'The fight against terrorism is also a fight for the rights and dignity of women' (Esposito and Mogahed 2007, p. 100). In 2010 Reverend Fred Nile, leader of the Christian Democratic Party in the NSW Parliament, proposed a Private Member's Bill to ban the *burqa* (a veil covering the entire body including the face) in accordance with the legislation passed by the Belgian Federal Parliament by 136 to 0. Although his Bill was rejected, in an Opinion piece in the *Sydney Morning*

Herald he expressed long-held Orientalist views assuming that Muslim women are oppressed:

> We must do all we can to protect women, especially Muslim women, from discrimination and oppression so they live an open lifestyle. The *burqa* could also conceal domestic violence – bruises and cuts. The wearing of the *burqa* is a form of oppression that has no place in the 21st century (Nile 2010).

This pejorative view of Muslim women is so rampant in the West that some—such as Dr Wafa Sultan—would go to the extent of assuming that the clash of civilisation 'is a clash between those who treat women like beasts, and those who treat them like human beings' (Esposito and Mogahed 2007, p. 99). The perceived Western notion of the inferior status of Muslim women continues to be used as 'justification for cultural, and at times political, Western intervention' (Esposito and Mogahed 2007, p. 106). In a study conducted in the USA, it was revealed that 'one of the top aspects Americans find 'difficult to understand' about Islam is 'oppression of women" (Esposito and Mogahed 2007, p. 99). Similarly, a Gallup Poll asking American households 'What do you admire least about the Muslim or Islamic world?' found that among the top responses were 'gender inequality' (Esposito and Mogahed 2007, p. 99).

This Euro-centric, Orientalist view of Muslim women is not new. For example, Lord Cromer, the Consul General of Egypt from 1883–1907, considered Islam's oppression of Muslim women and its requirement of modest dress as 'fatal obstacle' to the Egyptian's 'attainment of the elevation of thought and character that should accompany introduction of Western civilisation' (Esposito and Mogahed 2007, p. 106). He believed that the Egyptians, and by extension all Muslims, should be 'persuaded or forced' to become 'civilised' by disposing of the hijab or veil (Esposito and Mogahed 2007, p. 106). Such false assumptions and conclusions not only contradict empirical findings but also go directly against the dictates of Islamic Sacred law—*Sharia*—regarding the status of women.

Two important issues are usually missing from Western discourses on Muslim women: what does Islamic Sacred law really say about women; and the views of Muslim women themselves. How do the majority of women in the Muslim world perceive Islam and their status in Muslim societies? Do they feel they need to be liberated from Islam? What role, if any, do they want Islam to play in their daily lives and that of their societies? And what is the best way for those concerned about Muslim women's rights to help? The answers to some of these questions have been explored and answered in the recent work of Esposito and Mogahed (2007), *Who Speaks for Islam*: *What do a Billion Muslims Really Think?* The research is the product of the Gallup World Poll's massive, multiyear research study, across 35 nations predominantly Muslim nations or nations that have significant Muslim populations.

Contrary to the popular negative image portrayed in the West, Esposito and Mogahed's (2007) Gallup Poll findings on women in majority Muslim countries 'hardly show that they have been conditioned to accept second-class status' (p. 101). In fact, the majority of Muslim women surveyed say that 'women deserve the same

legal rights as men, to vote without influence from family members, to work at any job they are qualified for, and even to serve in the highest levels of government' (pp. 101–102). This was true for conservative countries such as Saudi Arabia and less conservative countries such as Egypt, where this sentiment was true in practice as well as in theory, as 'a full third of professional and technical workers in Egypt are women, on par with Turkey and South Korea' (p. 102). The data also shows that while Muslim women favour gender equality, they want it on their own terms and within their own cultural context.

The survey also shows that while 'Muslim women admire much about the West' and its democratic values, 'they do not favour a wholesale cultural transplant' (Esposito and Mogahed 2007, p. 110). Muslim women value a 'better relationship with the Western world' but emphasis that 'attachment to their spiritual and moral values is critical to their progress' (Esposito and Mogahed 2007, p. 110). In fact, very few Muslim women consider 'adopting Western values' to help their progress within Muslim countries (p. 107). Furthermore, Muslim women in these countries are not 'eager to Westernize'. Why? Because they 'resent the West's perceived promiscuity, pornography, and indecent dress', and because they do not believe that 'Westernization was the way to gender equality' (p. 108). Instead, they believe that fair and just 'gender equality' can be secured through the *Sharia*. Does that mean that these women oppose gender equality? 'Not necessarily', states Esposito and Mogahed (2007). This is because these women believe 'that having the same legal rights does not always mean fair and just treatment of women, because men and women have different roles in a family' (p. 118). Viewed from the *Sharia*'*s* perspective, men and women share the same legal rights in matters of crime and punishment, financial interactions, and other matters of civic law. However in Muslim family law, the areas of *Sharia* most strongly criticized in the West for gender discrimination, men and women share different, 'complementary' rights—ones that do not necessarily favor men. For example, Muslim jurists agree that a Muslim woman 'carries no financial obligation for the family' (Esposito and Mogahed 2007, p. 119) and she has the right to dispose of her wealth and property as she decides.

An objective and fair understanding of Islamic Sacred law would demonstrate that fourteen centuries ago Islam institutionalised legal injunctions that sought to empower and not oppress women. For example, Islam made it obligatory for a husband to treat his wife with kindness— 'Women deserve the like of what they are obliged to give, in kindness' (Quran 2:228); and 'Live with them in kindness' (Quran 4:20). Islamic Sacred law obliges the husband to maintain his wife financially, and by providing her and the children with food, clothing, housing and other expenses based on the standard of the day. Additionally if a woman 'had servants in her father's house, the husband is obliged to provide servants for her' (Keller 1991, p. 545). Furthermore, Sunni Muslim scholars agree that the person with best right to custody of a child is the mother (Keller 1991, p. 550).

In comparison, under Roman law children were deemed to be the 'property' of the father alone who was endowed with 'the absolute power' to sell his children and even force them into child labour. On the other hand, a mother had 'no legal rights with respect to their children, even as guardians in the event of the father's death'

(Kelly 1994, p. 121). Under the English common law, until the mid-nineteenth century, 'fathers had a right to custody as well, regardless of circumstances, and mothers had very restricted access to their children after divorce' (Kelly 1994, p. 121). This only changed with the British Act of 1839, 'which directed courts to award custody of children under the age of seven to mothers, and to award visiting rights to mothers for children seven years and older' (Kelly 1994, pp. 121–122).

Islamic sacred law revolutionised the nature of marriage from 'status' to 'contract' whose conditions are an offer by the man and acceptance by the woman, in the presence of at least two witnesses, and with a dowry given to the woman as a 'nuptial gift retained by the wife as part of her personal property' (Khadduri 1977–1978, p. 213). Contrary to conventional Western wisdom, Islamic law considers a marriage contract invalid if a woman is forced into the marriage. Additionally, Islamic sacred law has always recognised a woman as: a legal entity who can own and manage property herself; having the right to her property, which remains her own, even when she is married; having the right to earn a living and enjoy the proceeds as an independent individual, which is also stipulated in the Qur'an (4:32), as well as having the right to inherit property; and having the right to express her views and partake in political life.

Furthermore, the Quran and the Prophet Muhammad strongly advocated kind treatment and companionship of women (Qur'an 4: l9; 2:187; 2:229–237; 4:19 & 25; 9:71; 30:21). In fact, an entire chapter exclusively entitled *The Women* describes guidelines of behaviour, code of ethics and conflict resolution in all aspects (e.g. care, inheritance, marriage, divorce, conflict resolution, etc) that relate to women (Qur'an, 4:1–176). The precedent of a marital relationship based on care, mercy, kindness, mutual consultation and justice was set by direct examples from the life of Prophet Muhammad and is well documented in the books of *hadith* (Ibrahim and Abdalla 2010). In a well known Hadith the Prophet Muhammad is reported to having said 'the believers who show the most perfect faith are those who have the best behaviours, and the best of you are those who are best to their wives' (*At-Tirmidhi* as cited in An-Nawawi 1999, p. 271). In reference to the relationship between husband and wife, Abu Hurairah, (d.681), a leading companion, says that he heard Prophet Muhammad saying 'a believer should bear no malice to his wife, if he dislikes one of her habits, he likes another of them' (Muslim as cited in An-Nawawi 1999, p. 269).

In terms of religious and social affairs, Islamic law recognises that all duties incumbent on the male are also incumbent on the female, and that Eve was not to blame for the sin of Adam as the Quran puts the blame on both Adam and Eve (Quran 7:20–25; 20:121). Additionally, Islamic tradition recognises that women can pray in congregation and lead women only prayers, and they can become judges, jurists, Hadith specialists and exegetes of the Quran. There is ample evidence in Islamic history to demonstrate this point and that at times women were the masters of some of the most eminent Muslim male scholars. In her work *Muslim Women: A Biographical Dictionary* (2004), Aisha Bewley gives a comprehensive list of important women throughout Islamic history who assumed leadership position in all domains of life—scholars to rulers. One of these women was Karima al-Marwaziyya

(d.1070), who was the 'foremost authority on the text of *al-Bukhari* [the most reliable Hadith collection and the second Islamic scripture after the Quran] because of the excellence of her sources' (p. 91). Bewely argues that the current status of Muslim women should be traced back to the influence of Western attitudes toward women during the colonial period, which influenced the way Muslim women were viewed and treated. This attitude toward women imported from a colonial context led the 'French colonial authorities excluding women from teaching in the mosques … and objecting to women holding positions of authority … a view that became an established norm' (Bewley 2004, p. v). The tendency to impose Western religious experiences on Islam and the Muslim continues unabated. If women lacked basic human rights until very recently in the West it is assumed by extension that women in Islam lacked the same. If there was a need for a feminist movement in the west, then it is assumed that the same must be true for the Muslim world, despite the fact that both went through vastly different historical experiences. And if the West can have ordination of women then by extension Islam should do the same. This led to the debate as to whether women can become Imams and lead a mixed congregation. While being an Imam has some very specific requirements that exclude women from assuming this position, however throughout Islamic history women held other distinguished religious posts as outlined above.

The Prophet in fact has prohibited men from preventing women from attending the mosques. It is interesting to note that a few hundred years ago in central China Muslim women led all-women religious services. The history of China's women's only mosques is a few hundred years old, and in fact, the country's women-only mosques are still run and 'administered by women for women' (Jaschok 2008, p. 28). These mosques are often 'financed by women, run by a female *ahong* (Imam) and assisted by an elected management committee of respected female elders from local Muslim communities' (Jaschok 2008, p. 28). A female *ahong* is 'usually responsible for dispensing ritual guidance and religious instructions, counselling, and carrying out various ceremonial and political duties' (p. 28).

A re-emerging theme among contemporary Muslim societies is working for women's progress drawing upon the *Sharia* instead of eliminating it. For example, in Saudi Arabia recently, the Presidency of the Two Holy Mosques Affairs and the King Fahd Institute for Hajj (pilgrimage) research, proposed that the present prayer area for women surrounding the Sacred Mosque in Mecca be shifted to two other larger locations to be safe from overcrowding and the glare of TV cameras. Saudi women protested using religious arguments established on Islamic traditions and not secular arguments or international pressure from human rights organisation (Esposito and Mogahed 2007, p. 115). Suhaila Hammad, a female Saudi member of a body of world Muslim scholars, argued that the proposal was discriminatory and therefore religiously unacceptable. Another female historian and author, Hatoon al-Fassi, wrote the following compelling argument:

> Banning women from praying at the *Kaaba* esplanade is unprecedented in the Islamic history. Both sexes are equal when it comes to performing their religious duties and in terms of reward and punishments. The Prophet (peace be up on him) has instructed that women must not be banned from mosques … I am sure they will not accept the panel's proposal,

> which violates the spirit and message of Islam that was for all of humanity without any discrimination (Al-Fassi as cited in Espostio and Mogahed 2007, p. 115).

The most effective way to oppose hurtful practices done against women in the name of *Sharia* is to challenge the compliance of these laws to Islamic principles, instead of arguing for the removal of *Sharia* in Muslim countries, or blindly criticizing the *Sharia* in non-Muslim contexts. This is what former Australian Treasurer Peter Costello did when he said anyone who believes *Sharia* can co-exist with Australian law and Australian values should leave the country (Costello 2006). A prejudicial view of *Sharia* laws does not help in the struggle of social inclusion of Muslim women. Islamic Sacred law advocates for the empowerment of women and not their subjugation, and unless this is understood and promoted it is feared that Muslim women in places such as Australia will be losers at both ends—in their own Islamic communities and the wider society.

Using *Sharia* arguments to oppose unjust practices is not new in Islam. In early Islam women challenged the highest political and religious authorities using arguments from the Quran. For example, when Umar ibn al-Khattab, Islam's second caliph, proposed a cap on the amount women could stipulate for their dowry (*mahr*), a woman objected publicly and obliged Umar to change his view based on her Quranic evidence (Espostio and Mogahed 2007, pp. 117–118).

The point is that we can use major aspects of the *Sharia* for women's advantage in the Australian context. Instead of arguing against the practice of hijab or *burqa,* concern for women's welfare and safety can be argued for using the dictates of *Sharia*, which are consistent with the law of the land. Take for example the social problem of intimate partner violence (IPV). This is a problem that also exists within the Muslim community. We can use the necessary tools and laws that are to be found in the *Sharia* to help the Muslim community overcome this problem. The point is that we can allow for more efficient social inclusion for Muslim women by working with them and appreciating, not attacking, their religious values and choices.

Sharia has *maqaasid* or higher objectives which can be utilised in a non-Islamic context to allow the Muslim community to work with, and not in conflict with, the Australian context. These objectives include the protection of life, religious freedom, political self-determination, respect for free, private enterprise, respect of human dignity. Social inclusion of Muslim women can only work, and women will be able to contribute to the nation's social wealth, only if they themselves take control of the inclusion process (Preece 2001). Using the tools of the higher objectives of Islam and contextualisation, we can give the Muslim community ownership of the inclusion process.

Conclusion

In order to improve the process of social inclusion for Muslim women in Australia it is necessary to abandon some long-held assumptions about Islam and Muslims, and—as Julia Preece suggests—the current discourse of social inclusion must

accept responsibility for causing the situation in the first place (2001, p. 203). It should also be accepted that social exclusion can be 'perpetuated within the very infrastructure of society and its wider discourses' (Preece 2001, p. 203), and in the case of Muslim women this happens when here is a failure to understand Muslim women's priorities and aspirations. For social inclusion to work it is fundamental that we eliminate this pejorative discourse and 'relinquish this homogenising equation that Islam equals oppression or, more absurdly, that veiling is the worst form of oppression' (El Matrah 2005). We can exclude Muslim women if the 'very infrastructure of society and its wider discourses' 'continually [dwell] on the oppressiveness of the hijab has become more than a stale obsession; it is actively preventing an understanding of the situation of Muslim women and the various meanings the hijab has for them' (El Matrah 2005).

Furthermore, helping Muslim women improve their situation requires that we abandon the assumption that religious teachings are the root cause of their societal struggle. This can be achieved by 'understanding gender justice in Islam and gaining an appreciation for the nuances of Islamic law and the diversity of internal debates within Islam' (Esposito and Mogahed 2007, p. 131). It is also important not to approach Muslim women's rights as 'a struggle between Islam and Western egalitarian values'. Muslim women do not see a 'contradiction between the faith they cherish and the rights they deserve'. For social inclusion to work for Muslim women, Islam should not be seen as an obstacle to progress, but should be seen as a 'crucial part of this progress' (p. 130). Hence, any solution toward social inclusion should 'use, not eliminate,' Islamic frameworks that grant women the rights they desire (Esposito and Mogahed 2007, p. 130).

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Chapter 11
Muslim Women in Higher Education: Reflections on Literacy and Modernization in Israel

Zehavit Gross

Abstract The aim of this case study is to analyse how a religious Muslim woman copes with secular studies in a religious university setting in Israel. Through a comprehensive narrative analysis, the chapter will analyse the major socialization agents that have meaningful influence upon her academic and religious life and how exposure to higher education influences her religious definition, values and worldview. Arab society in Israel has three principal characteristics. It is patriarchal and conservative with a definitively Muslim-majority under foreign rule. The Arab family in Israel tends to segregate roles based on four components: age, sex, generation and birth order. The extended patriarchal family is the principal societal institution which protects the individual and provides for most of her/his needs. Success and failure are attributed to the family in general and not solely to the individual (Haj-Yahia 1995). The Islamic religion is the major pillar of cultural strength in the Arab world, from which the central values, worldly concepts and norms of behaviour of the Arab world derive (Abu Bachar 2007). Arab society is principally a religious society and this fact has wide-reaching ramifications on various planes of the individual (Fogel-Bijawi 1999). Thus, the exposure of religious Muslim women to the modern, diverse arena of a university setting challenges the traditional religious definition and outlook and serves as a meaningful agent of change and transformation.

Introduction

The aim of this research is to analyze how a religious Muslim woman copes with secular studies in a religious university setting in Israel. Through a comprehensive case study, the article will uncover the major socialization agents that have

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meaningful influence on her academic and religious life and how exposure to higher education influences her religious definition, values and worldview. Arab society is principally a traditional, religious and patriarchal society and this fact has wide-reaching ramifications on various aspects of the individual (Barakat 1993). Thus it is assumed that the exposure of religious Muslim women to a university setting and especially to secular literacy, which is a modern arena, challenges her traditional religious definition and outlook and serves as a meaningful agent of change and transformation. First I will describe Arab society, Arab education in Israel, teaching Islam in Israel, the possible clash between literacy and religiosity, and Arab women and higher education. Then I will present a case study of an Israeli Arab woman who describes and analyzes what it means for her to be an Arab Muslim student in a religious Israeli university coping with secularism and literacy.

Arab Society in Israel

Arab society in Israel has three principal characteristics. It is a patriarchal regime, a conservative village-oriented society and a society with a Muslim-majority under foreign rule (Al-Haj 1987). The Arab family maintains a patriarchal regime with segregation of roles based on four components: age, sex, generation and birth order. The extended patriarchal family is the principal societal institution which protects the individual and provides for most of her needs. Success and failure are attributed to the family in general and not solely to the individual (Al-Haj 1995). Arab society attributes importance to social and family loyalty and prefers collective to individual behaviour. In Arab culture, the individual is not granted entity status distinct from the social identity. Striving for individual achievement is viewed unfavourably by Arab society (Dwairy 1997) and is in conflict with the basic values of that society. After the 1948 war, the Arab population that remained in Israel was delegated to minority status, with no political, social or religious leadership. The Arab minority suffered from an identity crisis, reflected in its ambivalence between Israeli citizenship and Palestinian identity.

Arab Education

Arab schools view themselves as tools to achieve universal goals and not as part of the social gamut that acts to achieve collective-nationalistic, social, cultural, stature and religious objectives. The course of studies ignores the nationalistic and religious aspects of the Arab population and emphasizes Arab culture in a defused and simplistic format. Arab schools in Israel suffer from chronic discrimination in budgetary terms. In addition, Arabs are practically non-existent on the decision-making level in the Ministry of Education and study materials lack content that reflects Arabic culture, history and literature, including Islamic studies. Arab schools

also have a relatively low level of achievement, reflected in matriculation results and in acquisition of higher education (Abu-Asba 2005).

Teaching Islam in Israel

The Islamic religion is the major pillar of cultural strength in the Arab world, from which the central values, worldly concepts and norms of behaviour of the Arab world derive (Bloom and Blair 2002). In recent years, there has been a noticeable rising trend in the religious level of Israeli Arabs. This can be explained mainly by the fact that, as a minority group, religion grants them a feeling of belonging and strength (see also Moore 2007). On the other hand, the stature of Islamic instruction in schools is at a low point, as will be explained below. This discrepancy must be addressed from both the research and educational points of view.

Educators claim that one of the major reasons for the low stature of Islamic religious instruction in schools is that "Islam is perceived as a religion of terror" (Parliamentary Committee on Education Culture and Sport, July 13, 2010). Therefore, there is a tendency to keep a low profile and not teach Islamic Studies in the school system, in spite of the fact that it has apparently been a de facto part of the official studies system for quite some time. In 1994, a curriculum for teaching Islam in high schools was designed, but it has not been updated since. The professional level of the teachers, in general, is very low. Some of them have not received training and for them, teaching the subject is an extra job to supplement their earnings. The fact that Islamic Studies are not systematically taught in the formal educational system and by teachers trained in the subject leads to its being learned by students outside of the school, as part of recruited religious education and not as part of the controlled religious education that has become the accepted norm in the twenty-first century.

According to the Ministry of Education, Islam is a required subject in grades 2–9 in Arab schools. As part of the study cluster known as "Culture and Religious Heritage", the Arab population is supposed to teach its pupils 2 h of Islam a week. This requirement is not generally enforced and in most schools, there is a trend toward reducing the number of hours of instruction. In the high schools, only 70% of the pupils study Islam. On this level, while the subject matter is required, there is no testing requirement, since the grade in this subject is not included in the students' average needed for university acceptance. In practice, only the weaker students study and take tests in Islam.

It is therefore possible to see two contradictory trends. On the one hand, there is the street and mosque culture with its increasing religious orientation that provides the students with a feeling of belonging and identity. On the other hand, there is the achievement approach in the spirit of neo-liberalism with a meritocratic orientation that promises students that high scholastic achievement will grant them social mobility (Abu-Asba 2007). Since there is no systematic teaching of Islam in the schools in a modern and enlightened manner, students are mainly exposed to political

Islam in the street and in the mosque, with a tendency to broadcast the ultimatum to distance themselves from modernity and cling to fundamentalism. Hence, when Muslim students are exposed to secular studies in the framework of higher education, it implies a challenge to distance themselves from the street and mosque culture and possibly to become less religious and more secularized.

Higher Education Literacy, Religiosity and Secularization

In the Middle Ages, literacy was only granted to the religious elite in society. It was assumed that the exposure to literacy would lead the masses to skepticism and heresy. Literacy was considered to be the enemy of religiosity. Illiteracy was a tool for ruling the masses. One of the greatest achievements of the Western Enlightenment was that it granted equal access to literacy for the masses. This process was accompanied by rationalism and relativism which were the basis for a new movement, secularism. It was assumed that the more people were exposed to secular texts, the more secularized they would become and their connection with sacred texts would gradually weaken. Exposure to secular ideas would cause a transformational and conceptual change in values, norms and worldviews.

Peter Berger and his colleagues argued that the exposure to a value system that contradicts religion causes secularization and the abandonment of religiosity (Berger et al. 1973). Accordingly, the university has the power to secularize because of the conflicting ideas it presents to students. Pluralism also has a secularizing impact. Indeed, research has found a correlation between literacy and secularization (Astin 1993; Bowen 1977; Roof and Hadaway 1977, 1979). Exposure to higher education has been found to entail a decrease in religious practice and religious participation (Hadaway and Roof 1988) and among these a decrease in church attendance and in participation in prayers. The decrease in religiosity was mainly found among individuals who endorse liberal worldviews, including those who were more liberal in their attitudes to sex, drugs and abortions.

Bar-Lev (1994) argued that higher education is one of the major factors in secularization and the departure from religiosity among adolescents. He claimed that the exposure of religious students to an alternative belief system decreases the basic trust of adolescents in their belief system. He based this assertion on a study which found clear objective and subjective parameters of decreasing religiosity among students who were exposed to higher education (Bar-Lev and Kedem 1984). Since the 1990s, however, other researchers have found that the religiosity of students who attended higher education institutions was strengthened (Lee 2002). According to Lee, this stems from the fact that the new *zeitgeist* supports openness to alternative sets of values and the university is perceived as reflecting an additional truth alongside other truths.

In their research, Lee et al. (2004) found that religious students on campuses viewed their religious peers at the university as a support group and that contact with them strengthened their religious commitment. Thus, they perceived the peer

group at the university as a meaningful factor in religious strengthening and concluded that the possibility of being religiously visible on campus and practising one's religion strengthened religiosity. At the same time, Lee defined religiosity as being spiritual rather than traditionally religious. It may be that college strengthens feelings of spirituality but the manner in which the contents of higher education (namely, literacy) influence religiosity is still unclear. In order to understand the unique situation of Arab women attending higher education institutions in Israel, first I discuss higher education in Arab society in Israel.

Higher Education in Arab Society in Israel

Higher education is a social and economic resource (Yogev 2010). It is perceived as a transformative force to increase the professional and social status of minority groups (David 2007) and narrow the bridge between the majority and minority in different aspects of life. It empowers the minority and enables them social and political mobility. Higher education enhances individualism and critical thinking that contradicts the collectivist nature of Arab society.

Literacy is one of the main instruments for developing the society and the individual. It is a prerequisite to adopting and adapting to modernization. It is the basis for the acquisition of power and influence. It empowers the individual to resist discrimination and to be committed to enhancing equality and combating social injustice.

Owing to the political situation in Israel, higher education is perceived among Arabs as a national and political resource (Al-Haj 2003). The development of higher education is considered a major factor in integrating the Arab minority into the modern Israeli state. Arab academics are perceived as agents of change and their power derives from their achievements rather than their ascribed status within the framework of Arab society (Al-Haj 2003). In recent years, there has been an increase in the number of Arab students studying toward second and third degrees in Israel. As a minority group, they have higher aspirations, enhanced by their school socialization (Abu-Asba 2005) and they continue studying toward higher degrees in order to increase their opportunities in the market place (Haidar 2003).

Higher Education Among Arab Women in Israel

The number of Arab women in higher education institutions is larger than that of Arab men, and Arab women have higher social and economic expectations than women who belong to the majority group (Haidar 2003). Women perceive higher education as an instrument that enables them to compete equally with men. Nonetheless, research shows that, despite the increase in higher education among Arab women, there has only been a very small social change (Abu-Baker 2002).

This is explained by the fact that women do not see higher education as a means to self-fulfillment but rather as an instrumental need in the interests of economic survival.

Arab women in Israel face "double marginality" (Herzog 2004), as part of a minority that is systematically ignored and has fewer opportunities in the work force, and as women who need to compete with men in their society. They perceive participation in higher education as an opportunity to enter the public sphere (Azaiza et al. 2009). They like the fact that they have an opportunity to distance themselves from the private sphere and be exposed to the hegemonic dominant Jewish Israeli culture, which is more modernized and thus challenging. Literacy enables them to escape traditional norms and expand their social horizons and social status. Literacy is an instrument to crystallize an individualized identity, which gives legitimation to private independent opinions, gives them self-efficacy and increases their self-image and confidence, enabling them meaningful careers. Gilat and Hertz-Lazarowitz (2009) found that Arab women perceive higher education as a basis to demand equal rights. They perceive themselves as strong women; higher education gives them feelings of liberty and empowerment.

Research shows that the way to higher education is often blocked to an Arab woman by her family and by social and political leadership (Haidar 2003). It is encouraged by men only if it serves their designated interests. Nevertheless, studies show that educated Arab women succeed in the Israeli workforce and gradually become partners in the nuclear family (Al-Haj 1995; Herzog 2004). Despite the success of some Arab women in breaking through the glass ceiling, research shows that most Arab families perceive literacy only as an economic resource that enables the provision of meaningful economic assistance to the husband. In other words, families perceive higher education for a woman mainly as a resource for her marriage or a financial investment for her future husband (Abu Baker 2002).

Methodology

The central research question examined in the study in question was how a religious Muslim female student copes with exposure to secularism through literacy in higher education in a religious Jewish university. Since literature on the relationship between higher education, literacy and religiosity is relatively scarce, these categories have not yet been made explicit. The methodology employed was therefore a qualitative case study of a single woman. The aim was to expose tacit categories in the individual's mindset (Phillion and Connelly 2004; Sabar 1990). The prerequisite for this was a constructivist epistemological orientation (Connelly et al. 2003; Sabar 1990).

I will use the case study in this chapter because it is a technique for organizing information and social findings in a way that preserves the uniqueness of the objects that are investigated (Sabar 1990, p. 115). A case study can be used to investigate

complex phenomena not yet theoretically described. It contributes to our knowledge of individuals, groups, and uncharted phenomena (Yin 2003, p. 1). The goal is to produce an integrated, holistic description of real life events and to establish a framework for discussion and debate.

Manal is a Chemistry student at a religious university in the centre of Israel. She lives in a village in the north of Israel. She comes from a very religious and traditional background. Her family is strictly religious and associated with the Islamic movement. I met with her in the cafeteria. She is beautiful, intelligent and very articulate. She does not cover her hair. I asked her if she would agree to be interviewed in depth for my research, and promised her full anonymity and secrecy. I interviewed her twice. I asked Manal to describe her academic experience as a Muslim woman. More specifically, I asked her to describe what it meant to her to be a religious Muslim woman at this kind of university, partly secularized, partly Jewish religious. The first interview was very general and the second was more focused and specific. It had a more intimate nature and dealt with personal issues which I promised not to publish, yet many parts of the second interview helped me to answer my research question.

The interviews were taped and transcribed according to Spradley (1979) and the material was analyzed according to the constant comparative method (Strauss 1987). In the initial stage of analysis, recurring topics were identified. Axial coding allowed for formulating categories, defining criteria and continuing theoretical sampling. The stage of selective coding involved refining and finalizing the criteria. The next stage included formulating the hierarchy and identifying core categories. The final stage involved creating a category-based theoretical structure linked with the literature, and developing an empirically-corroborated theory.

Findings

The Need to Excel

The main topic that arose repeatedly during the interviews was around the need of the Arab woman to excel:

> The main message our teachers repeated again and again was "You have to be the best! You are the leaders of the future. You have to be the best in every subject and every issue." Some teachers even told us: "Literacy is our weapon. It is especially important for women – we will be able to survive and be empowered with our good grades." They kept saying literacy is both a means and an end. All means are justified to achieve that end. We have to survive. This is our future; we need a profession so we need good grades; high achievements are the key to our survival.

Typical of a member of a minority group, her discourse was filled with words like *survival*, *fight*, *weapons*.

The University as Part of the Socialization Process

Manal believes that her academic journey is part of a long socialization process: "I don't feel that I only come to school when I come to the university. I feel that I come to a new culture. It is like entering a new country." Socialization involves the "acceptance of values, standards, and customs of society as well as the ability to function in an adaptive way in the larger social context" (Grusec and Davidov 2007, p. 284).

Manal added, "Every morning when entering the gates of the university, I understand that in order to be part of this place I have to accept certain new norms and values. Even the exposure to a mixed society with boys and girls is new for me. I have to get used to it and adapt to some new situations."

Kuczynski (2003) defines agents as "actors with the ability to make sense of the environment, initiate change and make choices" (p. 9). Schachter and Ventura (2008) assert that agents of socialization, identity agents, have five main characteristics: they have goals regarding children's development; they act upon their identity concerns and goals, implementing practice intended to further these goals and enhance their participation in identity formation; they continuously assess and monitor the child and his or her environment on different levels in order to better mediate identity; they hold implicit psychological theories regarding identity development that guide their practice; and, they are potentially reflective practitioners. That is, they do not passively adopt goals and replicate practices from their own past experience and socialization but rather they reflect on them, adopting, adapting and rejecting them.

Although her father is considered her main socialization agent, Manal thinks that her mathematics teacher in high school and her university teachers are also meaningful socialization agents:

> My father is the most important person in my life. He is so wise and so determined – everyone admires him in my village. But I must confess that in terms of my career, my mathematics teacher was the most meaningful person in building my academic aspirations and dreams – he kept telling us excel, excel, that's the most important message for you.

Then she added, "Also if you ask me, my teachers at the university are very meaningful, especially the women and especially the religious women – when I see a religious woman who has five children and excels, that gives me a lot of hope." According to Vygotsky's (1978) socio-cultural theory, socialization for values takes place through a process of intersubjectivity, in which the teacher and student begin a discussion with different conceptualizations and can ultimately reach a shared understanding. This is made possible by a process of adjustment to the perspective of the other, and scaffolding that involves the social support given by the adult in any learning process. Manal recounted:

> My lecturer in statistics told us one day: "You have to think what you want to achieve in life, what is your direction. There are probabilities concerning the consequences, depending on the tracks you choose." I took this lesson literally and thought what it means for me – I had a conversation with the lecturer a month later and told him how meaningful this was for me.

Content, Structure and Procedures

Re-reading the interviews indicated that Manal's academic experience involved three basic dimensions: content, structure and procedures. Most research on school curricula concentrates on content and learning skills, while the educational or values component of the curriculum is usually neglected. This stems from the fact that content and learning skills can be measured in real time, whereas transmission of values can only be estimated in retrospect, at a time when the students are no longer in school. In my interviews with Manal, the contents were indeed the major part of the discourse, although she also referred to the structural aspect and to the processes she underwent.

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> It is important to have knowledge and information. The university gives me a great opportunity to collect information – we live in a world where information becomes power. This is also an important message we got in school…. They also told us that we have to have skills, basic skills and then more sophisticated skills – the skills are instruments but they are also contents. We collect everything that is available to us through the literacy process. In our philosophy of science course, we met challenging texts which sometimes contradict our Muslim education. They talked about the fact that we have to rely on rationalism. The whole notion of belief, as we believe in Allah, is different. We didn't go into this issue, but it is important information.

Structure

Manal juxtaposes the structure of socialization between a monistic and pluralistic approach:

> The university functions differently. According to our teachers in high school, we are supposed to believe only in Allah. Here they present some alternative beliefs and say that all beliefs are true; this is something very different. Some people might have problems with such a structure. We are used to another structure.

Process

Manal differentiates between a linear and a spiral process of learning. As a member of a patriarchal system, she is accustomed to a frontal learning system based mainly on repetition and memorizing texts. At the university and especially in philosophy courses, however, she is exposed to spiral processes of learning, to exploration and reflexivity, mainly through interactive learning, meditation, discourse and hermeneutics:

> In high school, we mainly repeated and learned things by heart, as our teachers believed that we have to know as much as possible – to collect knowledge. This doesn't mean that we

didn't understand it; of course we understood the information, but what was important was to collect more and more information. Here we have to understand. We are asked to think and to explain, and if we start at a certain point we may leave it and come back to it later. This is very different; some people have real difficulties with this approach.

Jonassen (1995) argues that meaningful learning consists of the following categories: it is active (engagement with mindful processing of information); it is constructive (accommodating new ideas into prior knowledge to make sense of meaning); it is collaborative (building a community of learners that supports contextual learning); and, it is intellectual, conversational, contextualized and reflective (learners reflect on the process and decisions). Manal considers exposure to literacy to be a process that results in meaningful learning for her. She analyzed the process:

Studies at the university enable me to be part of a special society. I must work hard and prepare assignments. The material we read is not easy. We are bombarded with information; most of it is in English which even complicates the situation. I have to digest the material and examine it in relation to my tradition. Then I consult with my friends.

Question: Who? Arab or Jewish friends?

Manal: Both. It depends. Obviously I first speak with my Arab friends but often when we come to class, we discuss it with the rest of the students. Most of them are Jewish but there are many kinds of Jewish students. Sometimes it is easier to speak about it with the Russian students. I think they are more open. Most of our material is very technical but here and there we have some philosophical debates. But this is very unusual. We have to work hard and pass the exams. We don't have time.

Literacy as a Source of National Pride

The exposure to literacy gives Arab students a sense of belonging. It empowers them and grants them dignity as a minority group:

We also had a debate on the origin of Algebra. I told my Jewish friends that Algebra was invented by the Arab nation, by an Arab scientist – so the Arab nation practically invented science. My teacher told me, "Be proud of your origin. When you are at the university, you represent Islam. Be proud."

The university enabled me to meet other opinions, other religions. I live in a village. This was my first opportunity to experience the outside world. There are many temptations. You must be ready. School concentrates on instruction of the subjects for the matriculation.

I want to learn more. This is not only my feeling but also the feeling of my friends. The level of Islam studies in our high school was very low. I practically knew nothing. I knew very little Qur'an, but after our conversations in the university cafeteria, I felt a need to learn more. Now I was more mature and ready to really study. Studying Islam was now out of real curiosity. I didn't do it because I have an exam. It was pure interest because I knew I would need it. The level of teaching of Qur'an at my school was perhaps problematic. I don't blame the teachers – we didn't have time.

People kept telling me Islam is a religion of terrorism. I felt I must resist. I am not a terrorist and felt I need more material, more information to confront those arguments. This is part of our struggle to survive in this country.

Manal does not wear a *hijab*, a head covering. When asked about this, she said:

> I plan to cover my hair after finishing my studies and the university before going to work. I have to grow and be ready for this act. I have to better understand it and be motivated. But I know it will be easier for me to get a job with the *hijab*. We had a conversation about it in class. One Jewish woman asked me, "How come an intelligent woman like you still thinks about covering her head? Look how beautiful you are."
>
> I like this university – I feel comfortable here. Many orthodox Jewish women cover their hair – we develop sisterhood feelings with the religious Jewish women – they are also modest. Modesty is a high value in my traditions and in Jewish tradition.

During the interviews, Manal juggles between her strong commitment to Islam and Allah and the academic demands to be open to literacy.

> Literacy is a challenge for us. Yet I always remember that I am a Muslim woman.
>
> I am very religious, not only traditional. Allah is part of my personality – I come from a religious home – my father is strictly religious. My whole family is that way. I fast during Ramadan and I pray. The university even strengthened my religiosity as I see how it is important to be religious when you go to the outside world. Our religion empowers me. It gives me courage and hope.

Discussion

The aim of this case study was to analyze how a religious Muslim woman copes with secular studies in a religious university setting in Israel. The life of female Muslim students is situated in the incongruence between the neo-liberal modern world offered by academia through a formal course of study that builds up their world as individuals, and their religious-traditional world at home and in the mosque that builds their religiosity and grants them feelings of belonging to the Arab collective (Abu-Asba 2007). Aside from this, the female Muslim student finds herself in a system of contradictory expectations between the formal definition of her role as a representative of the Muslim society and her social definition as a university student.

In discussing Manal's role as a female Muslim student in higher education, a hybrid comparative perspective was employed: namely, a vertical perspective which analyzes changes in Islam over the decades, and a horizontal perspective which examines the different ways that Muslims cope with the opportunities open to them in the modern world and the diverse ways they implement those opportunities. These two lines of analysis highlight the multiple interpretations of modernity that a Muslim woman encounters while constructing her unique approach to modernity.

In the past, Arab society was defined as a rural traditional society (Sagy et al. 2001), but today it is undergoing rapid secularization and modernity processes. Arab social structure in general is high context, emphasizing the collective over the individual, having slower-paced societal change, and a higher sense of social stability (Arar and

Rigbi 2009). Researchers inspired by the multiple modernity hypothesis tend to see the diverse ways that Muslims relate to and interpret modernity (Himmelfarb 2004; Inglehart 1997). This multiple perception enables women like Manal to simultaneously juggle literacy and traditionalism, modernity and strict essentialist religious conviction.

Most of the social sciences have been organized around the pre-modern/modern conceptual divide that seeks to understand the institutional and cultural transformations from one to the other (Smith 2008). Thus, concepts like differentiation, rationalization, individualization, urbanization, and so on, were used to conceptualize processes of modernization. Religious education literature used these concepts as major tools to analyze processes and institutions within the education arena (de Souza 2005, 2009; Gross 2003, 2006; Lovat 2003, 2005; Ziebertz 2003; Ziebertz and Riegel 2009). The assumption was that modernity was destructive to religion and to traditional cultures. The secularization hypothesis assumed that religion would vanish with the progress of time and the advance of modernity. In fact, the opposite has happened. Events that took place after World War II – the fall of the Soviet Union, the strengthening of fundamentalist regimes in Iran, and 9/11 – have all shown that religion is still a major actor in the modern world. Amidst this acting, we have seen religion used as the basis and rationalization for new forms of terrorism which, ironically, utilize modern technology to promote anti-modern agendas.

Eisenstadt (2000) was the first sociologist to argue that modernity is not a simple coherent unity but contains many facets. "Modernity liberates individuals from the constraining bonds of tradition generating a multiplicity of options that give rise to choice and pluralism. Yet at the same time modernity imposes certain forms of discipline, uniformity, rationalization and social control that counts individual liberation" (p. 5). This new approach unpacks the Gordian knot between modernity and westernization and claims that they are not identical and that the western patterns are not the only authentic manifestations of modernity. Eisenstadt argued that the idea of multiple modernities in the contemporary world is "the story of continual constitution and reconstitution of a multiplicity of cultural programs. These multiple institutional and ideological patterns are carried forward by specific social actors in close connection with social, political and intellectual activists holding different views and conceptions of modernity" (p. 2). One of the major social actors is the teacher, and especially the religious education teacher, who facilitates the journey into modernity vis-à-vis her crucial role in the crystallization of the religious identity formation of her students (Gross 2010; Lovat 2003).

Göle (2000) argues that the idea that religion is an obstacle to certain modern beliefs should be revised. She perceives the Islamic movement as "a critical reevaluation of modernity" (p. 92). We can see different facets of Islam in Turkey, in Iran, in France, in the Middle East and in the Hindu world in India, where, for example, different manifestations of autonomy for both men and women is growing (Eickelman 2000). In Turkey, the young generation sees itself at the same time as both European and Muslim. In the same way, Manal can be both religious and very

open to modern literacy. This tendency is supported by recent research. It explains how Muslim students can be simultaneously religious and modern.

Bryant et al. (2003) examined the influence of the first year in college on students' spiritual and religious world and found that, after the first year, they became more committed to spirituality though they were less active and practised less. Lee et al. (2004) found that college students showed increased intellectual interest in religion and motivation for religious knowledge acquisition. Batson et al. (1993) found that, while on campus, students develop religious conceptions that match the worldviews of their peer group.

The university enables an encounter with the other. As Manal lives in a village, the university experience was her first opportunity to have an unmediated encounter and to practise interfaith dialogue. The fact that her higher education socialization was taking place within a religious university made it easier for her because both groups (religious Jewish and Arab) share a traditional orientation and similar dress code and modest behaviour. The multi-faith encounter with other religions, especially with modern orthodox women at the university, challenged her religiosity and forced her to strive to gain more knowledge in order to "protect" Islam. She felt she had to fight prejudice and stereotypes that lead to discrimination. Hence, her religious strengthening will help her to resist and continue the Israeli Arabs' struggle for religious and social rights.

Conclusion

The major finding of these interviews is that Manal treats literacy and her academic studies in a very instrumental fashion. Arab society in Israel has undergone fundamental change in recent years (Haidar 2003), for example, from the extended family to the nuclear family, and a growing number of women are gaining higher education and entering the public sphere (Abu Baker 2002). It still maintains however a patriarchal regime and a collective orientation which imposes higher education on her for its own reasons, rather than for her personal development. The interviews indicate that Manal treats the information she acquires at the university as consumption, which she accumulates eagerly in a neoliberal fashion. It is not meant for self-fulfillment but rather for gaining power and "commodities". In such a situation, what is important is the final degree rather than literacy in the original 'Enlightenment' meaning. She seeks information rather than knowledge. This kind of socialization does not contradict her religious worldview but rather empowers it – it does not cause "the clash of civilizations"; on the contrary, it fuels the neoliberal revolution which is situated within a multiple modernity context. This is a fundamental "change of the game" (Bourdieu 1990) which is enlisted for national and political revolution rather than literacy for its own sake. Hence, Manal does not see any contradiction between literacy and religiosity. This finding should be further investigated in larger samples using sensitive qualitative and quantitative methodologies.

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Chapter 12
Hagar/Hajar, Muslim Women and Islam: Reflections on the Historical and Theological Ramifications of the Story of Ishmael's Mother

Robert Crotty

Abstract There is a duplicitous treatment of Ishmael and his mother, Hagar, in Western sources. Ishmael is Abraham's first-born, so agreeing with the Islamic view, but is then cast out as illegitimate in favour of Isaac. Similarly, Hagar agrees to be Abraham's wife, so as to give him the child his other wife Sarah cannot give him, and stands aside while this child is adopted by his other wife, but is then subsequently cast out as though a common adulteress. Granted Ishmael and Hagar are Arabic, while Isaac and Sarah are Aramaic (read Jewish), the Western story remains as a sore point in Muslim scholarship. It has potential to serve as a negative motif for the treatment rendered to Islam by Western sources from the very beginning. In the case of Hagar, it becomes a particular motif that suggests that the ill-treatment of Muslim women within Islam has been justified by the way the 'first Muslim woman' was treated by the Jews. Recovering and re-conceiving the story from the Muslim perspective can serve to repair some of this negative history. This is the intention of this chapter.

Introduction

Hagar (known as Hajar in Arabic) is a character in the Jewish, Christian and Islamic traditions (the three so-called Abrahamic religions). The story outlining her treatment as Abraham's subsidiary wife has caused concern both in antiquity and in modern times. She is described as the woman used for others' advantage and then forthwith disposed of without mercy. She presents an archetypical image of the unwanted partner and the exiled single mother who fears for her child's welfare. In this context, her story also presents as a motif for the rejection of the Arabic

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interpretation of the Abrahamic legend by the Judaeo-Christian West. Granted the Arabic interpretation lies at the heart of Islam, her rejection has potential to be understood as a rejection of Islam itself.

Background

According to the traditions preserved by the three Abrahamic faiths, Hagar was an Egyptian servant-woman of Sarah, the wife of the Ancestor Abraham. Their stories, with some competing details, more or less match in general outline. That outline is as follows: when Sarah, wife of the Ancestor Abraham, proved to be infertile, she suggested that Abraham have a child by her handmaiden Hagar.[1] She has the ominous name of 'Stranger'. Hagar conceived and became the mother of a son, Ishmael. At some significantly later date, unexpectedly and by divine intervention, Sarah herself conceived and also had a son, Isaac. In a questionable aspect of the tradition, Sarah then decided to expel Hagar and Ishmael from the home and Abraham condescended. The mother and child[2] were given bread and water to wander into the wilderness. With the water running out, the distraught Hagar placed the child under a tree. She went off from him so as not to hear his wailing and see his death. A messenger of God appeared to her and showed her a nearby well which saved their lives. Hagar settled in a remote area. The next salient feature of the story is that Abraham was commanded by God to sacrifice his son (Isaac in the Jewish and Christian traditions, although there is ambivalence in the Islamic tradition) and he almost completed the human sacrifice, only to be countermanded at the final moment by a messenger of God.

There are major differences between the three traditions as to the identification of the son who is the token of divine promise, Abraham's role in the expulsion of Hagar, the geographical location of the wandering and the well and the identification of the son who is nearly sacrificed.

While the symbolic figures of Abraham, Sarah and Isaac became highly visible in the traditions, Hagar has also had her own prominence. The seemingly reprehensible treatment meted out to her in the storyline has raised questions. As a result, there are a number of modern interpretations of her symbolic character in this story form. For example, for many Muslims today, Hagar symbolizes true motherhood and female leadership (see 'Aishah 'Abd al-Rahman 1999, p. 200). Hagar has also become, for both some modern Arabs and even some Israelis, the embodiment of the spirit of the Palestinian Arabs, displaced by the Israelis from their homeland. Some Israeli nationals even see Hagar as the symbol of future reconciliation between the Israeli State and the Palestinians or the Arab world generally (Yiftachel 2010). In Christian circles, Hagar has been interpreted by Christian Liberation Theology

[1] Whether Hagar actually became Abraham's wife, in the full sense of the term, or had the status of a concubine, is disputed in the traditions.

[2] The child's age was indeterminate at this point.

adherents and some feminists as the symbol of the silent victim of patriarchy and ethnic violence (Bailey 2002).

Hagar, as depicted in the storyline, is clearly patent of many interpretations. In order to clarify her symbolic role, and the possibility of further reinterpretation of it, I intend to trace the development of the Abraham tradition insofar as it specifically deals with Hagar and to see how it progressed. There will necessarily be greater attention paid to the symbol in the Hebrew Scriptures where we have its first instance. In this way, there should be some criterion for judging how her character can be interpreted within the parameters of the three Abrahamic traditions.

The Jewish Tradition of Hagar

Hagar originated within the Jewish Torah. We have no earlier reference. If we are to re-find the original symbol, then we need to revert to that text in the first instance. She appears in the Hebrew Torah as one of the characters in a complex of Ancestor Stories featuring Abraham and Sarah (at first known as Abram and Sarai) in Genesis 11–25. She is unknown in other literature or traditions. The complex of pericopes in the Torah text is marked off by genealogies at its beginning and end. Over some time, extraneous material had been attracted into this complex and these additions distorted its original format. In particular, a long novella concerning Abraham's nephew, Lot, has been interleaved but there are other editorial additions and duplications as well.

Once the additions have been excised, a chiastic structure appears (where the first item corresponds to the last, the second to the second last and so on – see Fig. 12.1).[3] The chiastic structure is based on verbal and thematic similarities in the Hebrew text and is reproduced below with only the original text included. Note that the names of Abram and Sarai in the first part are changed to Abraham and Sarah in the second.

There are significant verbal and thematic parallels between the items in the first half and those in the second half of the chiasm. There are two covenant sacrifices (D/D1), two endangerments of Sarah (C and C1) and two Testings of Abraham (B and B1; in the first he is required to give up his past, in the second to give up his future). The whole section is marked off by parallel genealogies.

At the centre of the chiasm, in the unattached E, we find the story of Hagar, rejected by the Ancestors, giving birth to Ishmael ('God hears'). This outcome in the narration is quite unexpected: why should the firstborn and his mother be rejected, to be replaced by the later born son and the wife? This question posed to the storyline actually raises another: what would have been the historical context that could explain the formation of a chiastic structure with this peculiar core? What is being sought is not an historical residue that might explain the narrative but the historical period in which this narrative (perhaps factually historical, perhaps not), with its specific characters and their interactions, might have been meaningfully created and read?

[3] For further justification of this structure see Crotty (2005).

A Genealogy 11:10-32

B Migration of Abram and Sarai from Haran 12:1-9

C Danger to Ancestor, Sarai, in Egypt 12:10-13:4

D Covenant Sacrifice 15:1-11, 17-21

E Hagar, rejected by the Ancestors, gives birth to Ishmael16

D1 Covenant Sacrifice 17:1-10, 15-22

C1 Danger to Ancestor, Sarah, in Gerar 20

B1 Birth of Isaac 21:1-7 and the Testing of his Near Sacrifice[4] 22:1-14

A1 Genealogy 25:1-18

Fig. 12.1 The literary structure of the Genesis story

It should be noted that the rejection of Hagar and Ishmael at the centre of the chiasm is repeated with more detail in Genesis 21:8–21. These are alternatives, with Hagar pregnant in the first instance and the mother of a grown child in the second. We have one written version of the tradition in the Hebrew Scriptures. The second, more extensive version of the rejection would have been also in circulation (and inserted later in the narrative).

The most obvious contender for an historical context would be the Persian period,[5] prior to the schism between Judaism and the Samarians about 300 BCE, i.e., during the period of 500–300 BCE, since the Torah does not exclude the Samarians and was accepted by them. It would thus seem that this Abraham/Sarah tradition with its key reference to Hagar must have taken form before 300 BCE at the latest. What of a *terminus a quo*? There are reasons to situate its creation not much prior to that time.

During the period after 500 BCE, there had been transfers of population from Mesopotamia to the Persian satrapy of Yehud. This was originally a Babylonian province, comprising Jerusalem and the area adjacent to it, which had been militarily taken over by the Persians. The Persians, according to accepted colonial practice, had transplanted a new population with a mandate to build a Temple and rebuild the city. These immigrants might or might not have had genealogical descent from earlier exiled groups taken from the same area by the Babylonians. However it may have been, the newly settled immigrants were required to make the new land their own. This undoubtedly set up conflict between the urban immigrants and the native,

[4] The Testing of Abraham is known in Jewish tradition as the Aqedah (also Akedah) or the Binding (of Isaac). This refers to the reference in the text to Isaac being bound for sacrifice. In Christian tradition the same event is more commonly known as the Sacrifice of Isaac (even though he was not actually sacrificed).

[5] In what follows I am indebted to Davies (1992).

more rural population that had never left the area. The immigrants would have had instructions to establish themselves as an enclave comprising groups such as temple authorities, local aristocrats and entrepreneurs (see Weinberg 1992). Importantly, the immigrant group would necessarily have been literate.

Within the city of Jerusalem, the newcomers must have established the cult of a new High God,[6] YHWH. This High God may or may not have borne the characteristics of the YHWH worshipped earlier in Iron Age Palestine at such sites as Kuntillet ‘Ajrud (see Davies 1991, pp. 78–82). Whereas in Iron Age Palestine, YHWH would have been a local fertility god with his own consort (Asherah), or perhaps consorts in the plural, the YHWH of these immigrants would have been a single, male god, without consort, creator of all things, the equivalent of a Babylonian Sin or Marduk.[7] This explains why the key symbolic statement, within E, contains the rejection of the Indigenous population, Hagar and Ishmael. The next question is why is this statement of rejection contained within two episodes of covenant-making?

A covenant, in Near Eastern religious society, implied that between the High God as a patron deity and the community there was a contract that regulated mainly land possession and the treatment of those outside the community. This narrative’s structure declares that the contract is with Abraham and his progeny via Isaac, son of Sarah, not with Abraham’s progeny via Ishmael, son of Hagar. The latter are rejected.

Looking at greater depth into the history of the post-Exilic experience, the Persian overlords wanted to ensure an increase in their revenue in the conquered areas to the west and to ensure political stability. Agricultural production needed to be increased in the Palestinian area and new sites were therefore established (see Hoglund in Davies 1991, pp. 54–72). The immigrants acted at the behest of these Persian masters. They needed to establish themselves as being *in situ* by right. Those who had ‘returned’ to Yehud are therefore presented in the relevant biblical texts, for which they themselves by means of their scribes were responsible, as being of pure ethnic descent from still earlier inhabitants who had arrived prior to the present population that had an original claim to the land. Cyrus provided the initiative, based on economic and political grounds, and the immigrants rebuilt the city of Jerusalem and its Temple and forged an identity for themselves.

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[6] Niehr (1990) has written about the discernment of a high god by a religious society. It was in particular in the Persian/Hellenistic period that we have significant Near Eastern evidence of the emergence of cults of a single high god. For example, at this time, Nabonidus was regarded as eccentric for his singular worship of the high god Sin (Pritchard 1969, pp. 560–562). Likewise, around this time the Achaemenids turned to the exclusive worship of the high god, Ahura Mazda (Boyce 1975).

[7] Philip Davies has written of this period:

> …the exile is the central myth of the biblical account of the past. The immigrants, like the Pilgrim Fathers, had their minority experience come to determine the identity of the majority whose real history was different. However, this central paradox, by which the immigrants displaced the indigenous, manifested itself in other narratives too, celebrating an original ‘Israel’ that was brought into the ‘promised land’ from outside, and distinguished itself radically and polemically from the indigenous population. There are in the biblical literature several such stories of origin, including the stories of Abraham, the Exodus and the conquest. (1992, p. 84)

Even the new Temple of Jerusalem can be explained by Persian economics, since temples were storehouses not only for religious taxes but also for imperial taxes. Our modern division between church and state is not relevant here. Under Persian rule, if the local temple raised taxes, then no separate imperial system was required (Schaper 1995). Hence, the momentum for the building of the Second Temple came from Cyrus and his bureaucracy, not from the immigrants or the extant population.[8] Its purpose was not primarily the worship of a High God but as a centre for the cultural and economic revitalisation of the satrapy.

The story of the return to Yehud describes, in reality, a colonial, immigrant action, of a new population supplanting a local population. This immigrant group would have been made up of a ruling class with Persian power behind them. This ruling class would have included a priestly caste and a group of relatively rich traders, investors and landowners who were dispatched specifically to take advantage of the economic situation (see Weinberg 1992 and Kippenberg 1982). Those not included would have been the *'am haaretz* ("the people of the land"), those inhabitants who had been left in the local area, worshippers of the local YHWH and other deities. These people would not have been connected with the rebuilding of Jerusalem and its new Temple. They were not part of the elite worshipping group with its own distinctive, if unhistorical story. Between the immigrant group and the extant population there would have been many causes for conflict.

The immigrant group had the power to govern as granted to them by the Persians, but they were not accepted by the larger population. To enhance their acceptance, they required a mandate from the past for their right to rule and their claim to the land. The biblical literature came about, under their direction, by scribal activity as they endeavoured to insert themselves artificially within the traditions of the Indigenous population and to create a religious culture that seemingly had links with the local past and which advantaged them. They undertook a literary program that made use of existing records and traditions (some doubtless of a historical basis in our terms) which inserted the immigrant group cleverly into its discourse. The literary program would have been overseen by this very same ruling caste by means of its own scribal school.

After these reflections on the literary analysis of the text and its socio-historical setting, we return to the Genesis narrative concerning Abraham, Sarah, Hagar, Ishmael and Isaac. What is the synchronic meaning of the biblical story that centres on the rejection of the son of Abraham born to Hagar, and the acceptance of the son of Abraham by Sarah? The central focus in the story of the Ancestors is not Abraham but Sarah. Abraham, through Hagar, became the father of Ishmael, the 'Inauthentic Israel'. Sarah is the Ancestor who, against all expectations, as is made clear in the endangerment of the Ancestor stories, gives birth to the 'True Israel' – Isaac. She is

[8] At this point the term 'Second Temple' needs to be reconsidered. We know very little about the First Temple of Solomon apart from the extensive descriptions in the scriptural record. If this record is largely the result of purposive writing whose redaction took place in the Persian period then it becomes questionable as history. The newcomers based the newly built Temple on a previous Temple which they themselves described. Perhaps there had been a previous Temple but its size, importance and even its focus of worship are not at all certain.

not the mother of Ishmael, the Inauthentic Israel, the forebear of the *'am haaretz*. The birth of Ishmael by Hagar might have seemed to have been the fulfilment of divine promise, but it was not. The fulfilment of the promise, sealed by the covenant ritual, was Isaac born through Sarah.

According to this reading of the narrative, the Ancestors, Abraham and Sarah have been brought from Mesopotamia to the Land that was promised to them. There, Sarah has eventually produced the True Israel, the heir of the divine promises. The *'am haaretz*, the inhabitants of the Land, should consequently surrender any claim to territory or power. This narrative in Genesis 11–25 is a formal claim to both land and power, an account of how a new population from Mesopotamia could establish itself as the later descendant of putative Ancestors and could lay claim to possession of land and the right to rule.

Hence, the story in Genesis 11–25 should be read as follows. Abram and Sarai are living outside the *'eretz,* the Land of Israel. They are called by the High God YHWH to enter the land and to take possession of it. This is a first Testing, since Abram must give up his land and ethnicity. Their journey represents a formal act of taking possession of the new Land.[9] Sarai is threatened in Egypt; she may be restrained from entering the Land.[10] She is delivered. A first covenant ceremony is performed in the land, and it is followed by the rejection of Hagar and her son, Ishmael, who would seem to be the obvious means of fulfilling the promises of the covenant. Ishmael is not to be the successor. This is the central point of the story.

The names of Abram and Sarai are then changed and another covenant ceremony is performed, this time with Hagar and Ishmael absent. This is followed by another threat, more proximately on the borders of the land, to Sarah's entry into the land. Again, she is delivered. Finally, all of YHWH's purposes are revealed with the birth of Isaac by Sarah and the passing of the second Testing, the near sacrifice of Isaac by Abraham at YHWH's bidding.

In short, the Abraham tradition in Genesis12-25 is a complex foundational story justifying the acquisition of the land by 'Abraham's family', an immigrant group that had arrived in the land and inserted itself into its sacred narrative. During the same Persian period in which the Abraham story circulated, it would have been conjoined with another similar tradition, the Mosaic Exodus-story, which had a separate literary history but followed the same pattern of foundational story.[11] Hence, Isaac entered Jewish religious consciousness as the symbol of the group that

[9] Note the initial parallels with the Exodus journey in this account.

[10] Note further the continuing parallels with the Exodus story in this part of the narrative: the role of the Egyptian Pharaoh, plagues and the eventual decision to let the Ancestors depart.

[11] There were a number of other tribal traditions (which may or may not have contained kernels of historical fact) circulating: supplementary Isaac and Sarah stories, the Lot novella, Jacob-Israel stories, the Joseph novella, the Mosaic Exodus story mentioned above. The whole complex of stories would have been formed into the flowing text of the Torah. At some point within this phase of scribal redaction, the Abraham complex would have first been expanded by the additions mentioned earlier and then the cumbersome text would have been relegated to a preparatory phase to the Mosaic Exodus story with the central point being Moses meeting YHWH on Sinai. This latter became the main foundational story rather than Abraham meeting YHWH on Mount Moriah, the Mountain of Vision.

claimed inheritance of the land. Sarah was the 'True Mother Ancestor' and her son, Isaac, was the 'True Israel'. Hagar was the symbol of the 'Inauthentic Ancestor' and her son Ishmael was the 'Inauthentic Israel'. The Jews, predominantly the immigrants during the Persian period, saw themselves as 'Isaac' and the local inhabitants as 'Ishmael'. This meant that the story of Isaac underwent ever more careful scrutiny as time went on.

The attention of the Jewish people centred not so much on the rejection of Hagar and Ishmael, but on the near sacrifice of Isaac at the hands of his father which follows later in the storyline. This ensured that a typology of Abraham as the epitome of obedience to YHWH was highlighted in the tradition in such texts as Sirach 44:19–21:

> Abraham was the great father of a multitude of nations,
> and no one has been found like him in glory.
> He kept the law of the Most High,
> and entered into a covenant with him;
> he certified the covenant in his flesh,
> and when he was tested he proved faithful.
> Therefore the Lord assured him with an oath
> that the nations would be blessed through his offspring;
> that he would make him as numerous as the dust of the earth,
> and exalt his offspring like the stars,
> and give them an inheritance from sea to sea
> and from the Euphrates to the ends of the earth.

Texts like this[12] give no details about the testing other than the fact that Abraham persevered in obedience, although they presumably are referring implicitly to the test recorded in Genesis 22 regarding the near sacrifice of Isaac.

To a lesser extent there was still interest, as time passed, in Hagar and Ishmael. Ishmael became more and more the son of the Stranger. Jubilees 15:28–32, for example, justifies the election of Israel (and the rejection of the Gentiles) because Ishmael's descendants did not join in the covenant on Sinai. The Targum of Pseudo-Jonathan (which gives an expanded version of the text of Genesis) takes up the argument again as to the relative superiority of Isaac and Ishmael:

> Ishmael said: "It is right for me to be the heir of my father, since I am his first-born son." But Isaac said: "It is right for me to be the heir of my father, since I am the son of Sarah his wife, but you are the son of Hagar, the servant of my mother." Ishmael answered: "I am more righteous than you because I was circumcised when thirteen years old."[13]

Ishmael would be claiming that he was circumcised by choice, whereas Isaac was circumcised by the decision of his parents. Regardless, what is made abundantly clear is that the true heir is Isaac, son of Sarah, not Ishmael, son of Hagar.

Hagar's role becomes clearer in all of this. She remains substantially Sarah's maidservant. She had been elevated to the status of Abraham's wife only by the decision of Sarah. Having achieved motherhood, she abused her position by refusing

[12] See also Judith 8:26 and 1 Maccabees 2:52.

[13] Maher (1992), ch. 16.

to acknowledge herself as a Sarah-substitute and Sarah removed her privilege. This led to Hagar's rejection, her life in the wilderness and her eventual settlement there. The purpose behind the narrative is to make clear that, despite Abraham being the common father, Hagar was not an Ancestor and therefore Ishmael was not the child of promise, but instead Sarah was the true Ancestor and Isaac was the child of promise.

The Abraham story, with its links to other Ancestor stories and the Exodus and Conquest stories, gave rise to a new religious movement, Judaism, which claimed its origins in a remote past. This religious community first of all defined itself by means of the Ancestors, Abraham and Sarah, who had, by divine promise, conceived a son, Isaac. The High God YHWH had commanded Abraham to sacrifice Isaac and he went very close to carrying out the order; he was only stopped by divine intervention. The faith-adherence of Abraham in obeying a command that would have, in human eyes, brought the enterprise to nothingness was upheld as the ideal faith of the Jew. Jews identified themselves as this Isaac, son of Sarah; they were not Ishmael, son of Hagar. Hagar was regarded as the Mother of Inauthentic Israel.

The Christian Tradition of Hagar

Christianity inherited the Abraham story with its focus on the obedience of Abraham in being willing to sacrifice his only son, Isaac. The act of a father, Abraham, offering his only son in blood sacrifice (even if it was not carried out) became a convenient Christian symbol for the Father-God offering his only son Jesus as a blood sacrifice (which was carried out) for the sake of humanity.

Within this symbolic universe, Hagar and Ishmael went largely unnoticed. They were not direct players in the near-sacrifice event. Only in one Christian text does their involvement with the Abraham tradition come again to the fore and demonstrate where they stood in the Christian view. Paul wrote a letter to the Galatians in which his key point was that converts to the Jesus movement did not have to become Jews first.

It is important to determine who Paul's Galatian audience might have been. They would have been primarily Jews who had converted to the Jesus movement. There would also have been a number of God-fearers, however; these were adults who had been attracted to Judaism but, while showing great sympathy towards its beliefs and practices, had not made the final step to join the Jewish community.[14] In particular, the males would not have been circumcised. These God-fearers would also have turned their allegiance to the Jesus movement. Both constituencies would have been persuaded by Jesus movement missionaries like Paul and others.

[14] See Crossan and Reed (2004), p. 227.

Reading the subtext of the letter, it seems clear that the people in Galatia had related to Paul what they had heard from some of the other missionaries of the Jesus movement in favour of continuing the Jewish ritual of circumcision. The missionaries' argument ran thus: God had made a covenant with Abraham as related in Genesis (in the Abraham tradition) and this text provided a seemingly irrefutable argument in favour of the accompanying ritual of circumcision. God had promised a line of descendants plus possession of the Land, but he had also required from his male followers circumcision as a sacred sign of adherence. Not only Isaac and his descendants were to be circumcised, but also Ishmael and his descendants. This Abrahamic covenant was then completed and fulfilled in the later covenant (when the traditions were combined) made with Moses on Sinai.

Paul turned the Galatians' argument on its head. He countered that the blessings promised to Abraham were now available to non-Jews, the Gentiles, through Jesus who was the offspring of Abraham; Jesus was the 'New Isaac'. In turn, Paul was confronted with an argument from his opponents, namely, that it was the Jews who were descended from Sarah's son Isaac, not from the slave child Ishmael, son of Hagar, who gave rise to the Gentiles. It was Jews alone, symbolized by Isaac, who had met YHWH on Sinai.

Paul argues against this:

> For it is written that Abraham had two sons, one by a slave woman and the other by a free woman. One, the child of the slave, was born according to the flesh; the other, the child of the free woman, was born through the promise. Now this is an allegory: these women are two covenants. One woman, in fact, is Hagar, from Mount Sinai, bearing children for slavery. Now Hagar is Mount Sinai in Arabia[15] and corresponds to the present Jerusalem, for she is in slavery with her children. But the other woman corresponds to the Jerusalem above; she is free, and she is our mother. (4:22–26)

Paul then inserts a quote from Isaiah 54:1 before returning to his conclusion:

> Now you, my friends, are children of the promise, like Isaac. But just as at that time the child who was born according to the flesh persecuted the child who was born according to the Spirit, so it is now also. But what does the scripture say? "Drive out the slave and her child; for the child of the slave will not share the inheritance with the child of the free woman." So then, friends, we are children, not of the slave but of the free woman. For freedom Christ has set us free. Stand firm, therefore, and do not submit again to a yoke of slavery. (4:28–5:1)

Paul, in what must have been regarded as the most shocking of *volte-faces*, has identified Hagar and Ishmael not with Arab Gentiles but with Sinai and Judaism. He identified Sinai as the home of Hagar, Ishmael and their descendants and identified them further with slavery. They were the 'present Jerusalem' as against the 'Jerusalem above'.

Paul's point was that, after Christian baptism, there are no further distinctions such as had been created by circumcision. Circumcision had distinguished between the Jew and the Gentile, between the male and the female (who is not circumcised) and, ultimately, between the free and the slave. In the new dispensation of the Jesus

[15] More likely: She is Hagar, since Sinai is a mountain in Arabia. See Gager (2000), p. 94.

movement, however, all members of the Jesus movement have found equality in being linked with the mystical Jesus. There is no need for circumcision.

So Paul adapts the symbols. Abraham (a favourite character for Paul's pedagogy) had two wives, Sarah and Hagar, and they had two sons, Isaac and Ishmael. Before the time of Jesus, the Gentiles of Arabia and elsewhere were the children of Ishmael. Now, the same Gentiles who had converted to the Jesus movement were able to have a new status since they had been adopted as free sons of Abraham and Sarah. They became part of 'Isaac'.

What then does Hagar stand for in the Pauline tradition and presumably in the early Christian tradition generally? Before Jesus, she had been the mother of all non-Jews and these were accounted for as the siblings of Ishmael. After Jesus, however, Sarah becomes the mother of both Jews and non-Jews who believe in Jesus. They become the siblings of Isaac. Hagar for the Christian is the Stranger, the Mother of the outsiders, whether they are Gentiles or Jews who continue to opt for Jewish ways and reject Jesus.

Thus, to move forward in time, John of Damascus in the late seventh century in his *Heresies*, one of the first Christian polemics against Islam, could write using this entrenched Christian symbol of Hagar and Ishmael:

> There is also the superstition of the Ishmaelites which to this day prevails and keeps people in error, being a forerunner of the Antichrist. They are descended from Ishmael, who was born to Abraham of Hagar, and for this reason they are called both Hagarenes and Ishmaelites. They are also called Saracens, which is derived from *sarras kenoi*, or destitute of Sarah, because of what Hagar said to the angel: 'Sarah hath sent me away destitute.' (Genesis 16:8) (John of Damascus 1958).

Later Jewish and Christian Adaptations of the Hagar Story

Turning from the Jewish literature of this period to later post-biblical Christian literature, there is certainly a growing emphasis in that writing on the parallel between the sacrifice of Jesus and the near-sacrifice of Isaac. To measure the meaning of Hagar, we need to see her within this changing context of the whole Abraham story.

It must be remembered that the gospels were written at least decades after Paul and, by that stage, interest in blood sacrifice would have intensified. In particular, interest in sacrifice would seem to be concentrated in the literature that devolved from the Roman forms of Christianity. This would have included human sacrifice. Admittedly, while in the Roman world human blood sacrifice was officially banned, it had taken the form of the sacrifice of condemned criminals and gladiators (sometimes the same category) in the amphitheatre games.[16]

[16] In about the same time slot, Carthage shows evidence of widespread child sacrifice with 20,000 urns containing child remains dating from the period 400–200 BCE. The Carthaginian practice is confirmed by Plutarch in Babbitt (1962), p. 493.

Up to the middle of the first century CE, the Jewish tradition would have used the Abraham story to extol the typology of Abraham as the Ancestor who demonstrated faithful obedience by agreeing to sacrifice his only son. The more Jewish form of Christianity assimilated this type of Abraham and continued to apply it to the situation of their Christian communities. Thus, the Letter of James has this exhortation:

> Was not our ancestor Abraham justified by works when he offered his son Isaac on the altar? You see that faith was active along with his works, and faith was brought to completion by the works. Thus the scripture was fulfilled that says, "Abraham believed God, and it was reckoned to him as righteousness," and he was called the Friend of God. You see that a person is justified by works and not by faith alone. (James 2:22–24)

The Jewish tradition would change under the burden of historical events. The Roman colonial presence around the Mediterranean and the constraints on Jewish political freedom made Jewish authors reinterpret the Abraham and Isaac story from the viewpoint of Isaac. Previously, they had interpreted themselves as an Isaac, the only legitimate child of the father, Abraham, father of the people. They now saw their community as Isaac who was on the point of being martyred, but martyred as a willing sacrifice for others. In a desperate situation, they saw themselves in their suffering as being the salvation of the world.

Roman Christianity,[17] as against the more Jewish forms, came upon this developing form of the story, with a Jewish 'Isaac' offering himself in a sacrificial act of self-martyrdom. The Roman mentality of these Christians was open to ideas about blood sacrifice and even human sacrifice. The Roman church applied this symbol of Isaac, as he was depicted in the developing Jewish tradition, not to the Jewish people, as Jews did, but to Jesus. The near sacrifice as narrated in the story of Isaac, the Christians would have said, had already been offered in its complete form and Jesus was the sacrificed son of the Father. It was a once and for all sacrifice and any other sacrificial act (such as Christian death by martyrdom) was explained as a prolongation of the sacrifice of Jesus.

Soon, the Jewish Isaac and the Christian Jesus (as the New Isaac) were firmly in opposition and this very opposition promoted further development of the typology in both the Jewish and Christian camps. As against the Jewish assertion that the near-sacrifice of Isaac was an atoning Jewish sacrifice for all peoples, the Christians asserted that the Isaac story merely prefigured the final once-and-for-all atoning sacrifice of Jesus. Aspects of this typology penetrated the canonical gospel tradition of Matthew, Mark, Luke and John, all of which came under Roman aegis, with Jesus as Isaac sacrificed by his Father being written into the gospel narratives. Eventually, the full account of the death of Jesus fulfilling the type of Isaac as a propitiatory blood sacrifice was more clearly elaborated by later Roman Christian writers, particularly by the third century.

[17] On the distinction of Roman Christianity and the more original forms of the Jesus Movement see Crotty (2001).

The issue was certainly paramount for the anonymous author of the *Epistle of Barnabas*,[18] in which there was reference to the rebuilding of the Temple of Jerusalem, which would seem to indicate the Roman replacement of some temple structure on the destroyed site of the Herodian Temple. This would have occurred about 130 CE and helps date the letter. Its exegetical style and the form of text point to Alexandria for its provenance and there are references that indicate Gentiles as its intended audience (e.g., 3:6; 17:7).

The author was virulently anti-Jewish and claimed the Hebrew Scriptures as a Christian writing, on the basis that Christians alone are the heirs of the covenant promises formerly made to the Ancestors of Israel. As part of this argument, Isaac is described as a type of the perfect sacrifice (even though he was not actually killed) when he was offered on the altar by his father Abraham and the author uses the typology to point forward to Jesus' sacrifice (see Hebrew, 7:3). The author goes on to link Jesus' sacrificial death to the Hebrew Scriptures and concludes that God has no longer any need for sacrifices since the blood sacrifice of Jesus satisfied once and for all.

Melito, Bishop of Sardis, in his *Peri ton Pascha*,[19] a homily for some festive occasion written in about 167 CE, also describes Isaac as a type of the coming, suffering Jesus who was bound so as to unbind humanity, although it was Jesus who was put to death like the ram. He argues that the divine Jesus had pre-arranged his own sufferings in the history of the Ancestors (especially in the events concerning Isaac) and in the prophets and in the actual history of Israel.

By the time of Tertullian[20](circa 155–230 CE), the full prefiguration of Jesus mooted in these previous texts is in place. Like Isaac, Jesus carried the wood to the hill where he was to be sacrificed; the ram hung by its horns in Genesis 22 was the prefiguration of Jesus hung on the 'horns' of the cross and crowned with thorns (*Adversus Judaeos* 13). Certainly, by the third century, there are clear signs that Jesus' death is generally interpreted in a sacrificial way and that the Eucharistic meal too is interpreted as a blood sacrifice.[21]

The conclusion to this survey is that, when Christians interpreted Jesus' death as a blood sacrifice, they used the typology of Isaac to explain that God as Father allowed that blood sacrifice to eventuate.[22]

Thus, Judaism and Christianity each had its own reading of the story of Isaac. Neither reading can be understood without reference to the other; they are

[18] In Ehrman (2003), pp. 1–84.

[19] In Hall (1926–1965).

[20] In Dunn (2004).

[21] See Bévenot (1979), pp. 413–429. Cyprian (c. 200–258 CE) had been a pagan orator and firmly established the language of priesthood, temple, altar and sacrifice within Christian dialogue. He applied the priestly imagery of Hebrews to the Christian bishop.

[22] This raises a controversial issue: at what time could the Jewish tradition of an expanded account of the near-sacrifice of Isaac, clearly delineating that it had a vicarious effect, have been formulated? And did this expanded Jewish version affect this Christian thinking? Or was the Christian account of a vicarious sacrifice of Jesus as the New Isaac the cause for the expanded version of a willing and adult Isaac participating in his near-sacrifice? On this question see: Levi (1912), Spiegel (1950), Vermes (1961, 1996).

complementary. They are also at odds with each other. It is agreed that Sarah and Hagar are the consorts of Abraham. Their sons are both the children of Abraham. Each son has his own separate constituency. How should that constituency be identified, however, in historical terms? That is the vital question. Who in the historical context is the real child of the covenant, born of the Authentic Ancestor? While Judaism and Christianity differed over the question of the Authentic Israel and the right to be Isaac, there was no dispute over Ishmael and Hagar. Ishmael and his mother Hagar were relegated in both traditions to the symbol of Inauthenticity.

This was taken as a given in Christian thought. Augustine of Hippo made use of Hagar to describe the sinful condition of humanity, the 'earthly city' as against the heavenly city (*City of God* 15:2). Aquinas and John Wycliffe both saw Sarah as standing for the redeemed while Hagar stood for those who were 'carnal by nature, mere exiles'.

Now we need to look at the reading of the story that was to become current in the Islamic Qur'an.

The Muslim Tradition of Hajar

Although not mentioned by name in the Qur'an, Hajar (in Arabic) has played a prominent role in Islamic ritual. Her son Ishmael (Ishmail in Arabic), however, is explicitly mentioned in the text[23]:

> Then you shall tell of Ishmail; he, too, was an apostle, a seer and a man of his word. He enjoined prayer and almsgiving on his people, and his Lord was pleased with him. (*Sura Miriam* 19:54)

The advent of Islam coincided, as we have seen above, with the dissemination of an Abraham story that contained competing symbolisms of Isaac as the True Israel in Judaism and Isaac as Jesus in Christianity. Islam shows some awareness of this theological debate. The Qur'anic Ibrahim is first presented as a destroyer of idols, a militant monotheist, who is threatened by his own people with death. This threat is thwarted by Allah. The text continues with the promise of a child:

> He said: 'I will take refuge with my Lord; He will guide me. Grant me a son, Lord, and let him be a righteous man.'
>
> We gave him news of a gentle son. (*Sura Al Suffat* 37:99)

The Qur'an, however, does not identify either Isaac or Ishmail as the particular 'righteous man' born to Ibrahim. In fact, both Isaac and Ishmail are noted as 'righteous' in Islamic tradition. To a great extent the gentle son's identity is less important and the text could refer to whichever son of Ibrahim without the meaning being affected.

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[23] Ishmail is mentioned twelve times in the text as against seventeen mentions of Isaac. In Sura 2:78–79 there is a list of messengers with Ishmail preceding Isaac: Abraham and Ishmail, Isaac and Jacob…

Ishmail is credited with assisting in building the Ka'aba, which was to become the navel of Islamic worship:

> Ibrahim and Ishmail built the House and dedicated it saying, 'Accept this from us, Lord'. (Sura 2:127)

The Qur'an also contains a story about Ibrahim's order to sacrifice a son (who is also unnamed) parallel to the Testing in the Genesis text. It reflects both that biblical story and other traditional material:

> When the son grew to work with him, he said, "My son, indeed I see in vision that I sacrifice you. Look, what do you see?"
>
> He said, "My father, do what you are commanded! You will find me, if Allah wills, among the steadfast."
>
> And when they had both submitted their wills and he pushed him forehead down,
> We called out to him "Ibrahim!
> You have already fulfilled the vision!" So indeed we reward
> Those who do right.
> This was an obvious trial –
> And we redeemed him with an immense sacrifice.
> And we left for him among generations in later times:
> "Peace upon Ibrahim!"
> So we reward those who do right.
> Indeed he was one of our believing servants. (*Sura Al Saffat* 37:84–111)

This version would seem to incorporate not only the outline of the story in the Torah but also some of the later developments. For example, in the Qur'anic text, the son is of adult age, being old enough to work with his father; the son acquiesces in the divine command to sacrifice; the command to sacrifice his son is defined as a 'trial' for Ibrahim; Ibrahim undertakes the trial and passes, thereby handing on peace to future generations. While the last two items are in the biblical text, the first two are only found in later Jewish elaborations.

By the Middle Ages, Islamic opinion over identifying this son was divided fairly evenly. Al Tabari (d. 923 CE) preferred Isaac but gave a substantial list of commentators who opted for Ishmail. Modern Muslim opinion is, however, overwhelmingly in favour of Ishmail. Why the change and the certainty in more modern interpretation that the son was Ishmail? Islam, more and more, wanted to distinguish itself from both Judaism and Christianity. If Judaism saw itself in Isaac, son of Sarah, Christianity in Jesus, the New Isaac, then Islam saw itself in Ishmail, the son of Hajar.

As to the dismissal of the child and mother, this account is found in *Sura Ibrahim* (14:37):

> Lord, I have settled some of my offspring in a barren valley near Your Sacred House, so that they may observe true worship. Put in the hearts of men kindness towards them, and provide them with the earth's fruits, so that they may give thanks.

The sacred house would refer to the Ka'aba at Mecca which Ibrahim and Ishmail would later construct. We will return later to the idea of 'resettlement' in the text. In its re-evaluation of the Jewish and Christian traditions, the Qur'an has made Ibrahim central to its statement. As the one who repudiates the idols, adopts Allah as the One God and is obedient to Allah "with his whole heart" (*Sura Al Suffat* 37:85–98), he

becomes the model of the *Muslim*, the submitted one. This obedience was encapsulated in the story of the near sacrifice of his son.

What the Qur'an provided was a lens by which the readers of Islam could explore the human tendency to give of self. The text about the Testing above contains the idea of submission or *Islam* ("And when they had both submitted their wills and he pushed his forehead down") even to death. Ibrahim is the model *Muslim*, a submitted one, who makes a profound response to Allah and thus reshapes his relationship to others, including his son.

Outside the Qur'an there is further mention of the Abraham story in the Hadith literature and an even more detailed account occurs in *Qisas al-Anbiya* (Tales of the Prophets). In this collection of traditions, the Ibrahim story is taken up in several sections. One story tells of the dismissal of Hajar and Ishmail from the *haram* in Mecca and the finding of the well of Zamzam. In the account of Ibn Abbas, Ibrahim personally accompanied Hajar and Ishmail to Paran (Faran, in Arabic), the area around Mecca, and there the messenger of Allah showed them the Ka'aba. Abraham, in this account, left Hajar and his son under a tree with water at the command of Allah. Hajar was compliant because she knew that this was done at the behest of Allah. This was to test Ibrahim's obedience. The whole journey undertaken by Hajar was not, in this interpretation, an expulsion but a resettlement (Fatani 2006, pp. 234–236).

Because the water ran out, Hajar in her distress climbed two mountain tops, Safa and Marwah, to look for more. After seven mountain ascents, the angel who had guided them dug a well. This is the Zamzam Well adjacent to the Ka'aba (see Firestone 1992). This Muslim tradition was incorporated into a ritual (the *sa'i*) associated with the pilgrimages to Mecca, the Hajj and the Umra. Devout pilgrims walk between the two hills seven times to recall the journey of Hajar and then they drink water from the well. Water from the Zamzam well is regarded as sacred.

Just as the biblical story was enhanced over time, so the *surah* on Ibrahim received further commentary.[24] Satan was introduced and Ibrahim can be seen to be pulled in two directions by Allah and Satan. Satan questions whether the trial over the near-sacrifice was truly initiated by Allah. When, however, Satan questioned Sarah over the authenticity of the revelation, he receives the reply:

> "If his Lord ordered him to do that, it is best that he obey."

Satan subsequently tries his tactic with Isaac (specifically identified as the son in this version) and then with Ibrahim, only to receive a similar response.

Summary of Traditions

At this point, we can look back over what has been uncovered. The trajectory of this Abraham/Ibrahim sacred story is most interesting. It began as a foundation story used for a specific purpose among a diaspora group in Yehud. Any earlier history of

[24] See Kessler (2007).

the story remains unknown. The story told of two Ancestors, Abraham and Sarah, who came from Mesopotamia to the Land. En route, they met the High God on a mountain. This initial meeting is consummated by a covenant ritual which designates the Land as belonging to Abraham and his offspring. It is made clear that the Land does not belong to the Indigenous inhabitants. The covenant ritual is followed by the birth of the son of the promise and a Testing that validates the Ancestor. The generations of offspring – Isaac, Jacob and the children of Jacob (also known as Israel) – are tabulated.

The original usage of this story was to establish the claim of a migrant population to land and its antecedent history. One aspect of the story, the Testing, would become central. Instead of the tradition focussing on the rejection of Hagar and Ishmael as the original story had done, the key point became the Testing. Abraham was the paradigm of faith as proved by that Testing, because he believed in YHWH despite the apparent consequences for the future fulfilment of the promises. Even this new focus was to change, however, in that Isaac became the key figure. He was acknowledged as the True Israel who had cooperated in the Testing and, as it were, allowed himself to be (almost) sacrificed for the sake of others.

As part of this developing story, Hagar was first identified as the partner of Abraham but not a wife and certainly not an Ancestor. As time went on, the Jewish tradition ostracized Hagar further. True Israel descended from Abraham by Sarah; True Israel was Isaac. Hagar stood for the origin of all that was inauthentic; Ishmael was Inauthentic Israel.

Christian tradition then inherited the form of the story that highlighted the faith of Abraham in the Testing. It seized the opportunity to use a Jewish tradition to consolidate a Christian teaching. This had been done in many other instances, with fulfilment texts being taken, sometimes clumsily, from the prophets (for example, Isaiah's "The voice of one crying in the wilderness" to explain the role of John the Baptist); a conglomerate of allusions from the Hebrew Scriptures used to embroider the Transfiguration story; items taken from Psalm 22 (prayer of a Righteous One), to give requisite detail to the crucifixion story, and so forth. In the case of the Testing, the now entrenched image of Abraham (almost) sacrificing his only son provided an excellent basis for explaining the Father-God's sacrifice of his only son, Jesus. As the human sacrificial mode of redemption became more and more part of Christian teaching, and differentiated it from Judaism, the use of the story centring on Isaac/Jesus intensified.

In polemical dialogue, Judaism took up the image and presented the near sacrifice as the accomplishment of Isaac who was True Israel. As a willing adult, Isaac had been the agent of the sacrifice. Jewish Isaac and Christian Jesus became opposing symbols. Yet both symbolic universes agreed in the rejection of Hagar and Ishmael.

This was precisely the admixture of agreed and contested tradition that Islam inherited. Whatever the identification of the son in the Qur'an, the key point was that Islam excluded both the Jewish and the Christian lines of interpretation and returned to Ibrahim as the Father of faith who had passed the Testing. As the story developed within the Islamic canonical tradition, however, it was Hajar, not Sarah, who became the Ancestor alongside the founding *Muslim,* Ibrahim, and her son

was Ishmail, the true Islam. Hajar had been resettled by Ibrahim, but it seemed that she was lost. She was lost but she found her way.

The Islamic pilgrimage ritual encapsulates this view: the pilgrim follows in the steps of Hajar, who was lost and then found. The pilgrims affirm in the ritual that Hajar is their *Muslim* Ancestor, submitted to Allah, who eventually triumphs over the vicissitudes of life. They, as the Islamic community, have been resettled by Ibrahim, the first monotheist and founder of the Ka'aba. Hajar's son, Ishmail, becomes the archetype of the Islamic adherent, son of Ibrahim and Hajar. Islam has rehabilitated Hajar from the margins of the earlier tradition.

Conclusion

The Abraham/Ibrahim story is central to the three Faiths of Judaism, Christianity and Islam. The story has been proposed by many as the seed of a possible reconciliation between the three faiths, just as it has often been a point of contention. What this chapter has shown, however, is that the original story no longer exists in any of the three traditions. It has been buried in the past together with the issue that it encapsulated, namely, the right and claim to land of an immigrant group in Persian Yehud. That issue may still have historical and even political implications but the story itself has been developed beyond its original parameters. In its expanded forms it became a central tradition in both Judaism and Christianity, but in diametrically opposed editions. The story was then retold in Islam in yet another version.

If anything, the Abraham/Ibrahim story reflects both the similarity and difference within the three Abrahamic traditions. How and why can one story tradition take on three radically different formats? How and why can Hagar/Hajar gravitate between Inauthenticity and Authenticity? That is simply the way with stories and symbols. They do change and develop. They follow the vital movement of the communities to which they adhere. They are re-read within those communities and are revitalized in their symbolic meanings.

What then is the correct symbolism attending Hagar/Hajar? There is none. Hagar/Hajar stands for what a community wants her to stand for. Judaism, Christianity and Islam have all manipulated Hagar/Hajar to express religious teachings at the very core of their systems. She continues to be manipulated in the modern, secular versions of Hagar/Hajar: the heroine of the displaced, the symbol of Palestinian oppression, the woman in need of liberation. This manipulation is a valid procedure.

The three traditions stand today at a crossroads. Globalization and terrorism have brought them to the bargaining table. The need for toleration has become a felt need. The Abrahamic religions should not feel that they are bound by the past. The examples provided by any of the malleable versions of the Abraham/Ibrahim storyline show that the past is not an impassable barrier. The representatives of the traditions need to sit down together and to ask: can we once more reinterpret Hagar/Hajar? Just as she has been reinterpreted severally by the traditions in the past, could she now be reinterpreted by them in unison in the present?

The precondition for this interpretation is that the story is just that: a sacred story that may or may not have historical roots. Certainly, it has been read in a variety of historical contexts but it does not necessarily reflect any one historical reality. The story is a manipulation of significant symbols and, over time, these symbols have been pulled in one direction and then another. All readings have been meaningful; none has been definitive. Perhaps it is full time for a new reading of Hagar/Hajar. She could remain the Ancestor of the *am haaretz* and the mother of Ishmael/Ishmail but she could be redeemed by Judaism and Christianity as she has been in Islam. She could become the equal of Sarah and the true wife of Abraham/Ibrahim. Isaac and Ishmail could become truly brothers or perhaps be seen as alternative expressions of the same son and heir. It is not a matter of denying difference. It is a matter of reconciling and rejoicing in what is held in common.

If the above were to happen, not only Hagar/Hajar would require reinterpretation but the entire cohort of Abraham/Ibrahim, Sarah, Isaac, Ishmael/Ishmail with her. A new story would need to be told. It would be a matter of reconstructing a sacred story to suit the present *status quo* of the Abrahamic Faiths. If the will and understanding are there, this can be done. It could re-constitute the Abrahamic tradition and its earlier reputation for *convivencia*.

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Chapter 13
Muslim Women Academics in Higher Education: Reflections from South Africa

Doria Daniels and Nazreen Dasoo

Abstract In this chapter, we present the experiences of five Muslim women academics at their South African universities in a time of transformation. All five women are respected and accomplished individuals in their academic environments. We wanted to understand the prevailing organisational culture and the ways in which aspects of that culture could impede or encourage the process of inclusion of Muslim women as a minority within the university. The chapter is organized in two parts. In the first part, we contextualize Muslims within the bigger racial and ethnic landscape and provide an overview of transformational initiatives in higher education. In part two, we present our experiences.

Introduction

> My portion would be plastic wrapped and separated from the rest of the buffet. Though I am appreciative that my work environment is aware of my dietary needs, I often wish that just vegetarian foods be served so that we can all eat the same.

This narrative of a Muslim woman academic teaching at a South African higher education institution is characteristic of the experience of a new academic generation, namely, Muslim women academics. 1994 was a momentous year for Muslim South Africans in that they celebrated 300 years of Islam in South Africa as well as participated in the country's first democratic elections. Still, our daily experiences

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in the workplace as two Muslim academics, born and bred in South Africa, makes us reflect on whether being Muslim makes us less mainstream than our fellow country folk. Very limited research has thus far been conducted on the personal affective experiences of academics who work at institutions that they in the past were denied access to as students and academic staff because of their race and ethnicity. International research has found that being in the minority significantly impacts on a worker's personal affective experiences, and contributes to feelings of isolation and lack of worth in team relationships (Mor Barak 2005). Recent research on human resource development in the workplace has suggested a focus shift from diversity to inclusion (Roberson 2004) as the theme of diversity largely ignores the dynamics and consequences of exclusion (Prasad 2001). This thinking finds support from Alleyne's research (2005) that suggests that diversity initiatives be interpreted more broadly. However, even where academic barriers have been overcome, some of them felt excluded from their immediate work environment's mainstream activities owing to socially exclusive practices. Research on inclusion suggests that minority faculty experience more barriers to their professional socialisation in the workplace than white women faculty (Bernstein and Cock 1994; Nieves-Squires 1992).

In this chapter, we present the experiences of five Muslim women academics at their South African universities in a time of transformation. All five women are respected and accomplished individuals in their academic environments. We wanted to understand the prevailing organisational culture and the ways in which aspects of that culture could impede or encourage the process of inclusion of Muslim women as a minority within the university. The five women's narratives include that of the two authors. We assigned pseudonyms for all the women to protect their identities. Zaida is a lecturer in a medical sciences department, Akeelah is a medical professional working in a medical faculty, Gouwah is a lecturer in the Science faculty, Hudah is a professor in education and Nadia is a senior lecturer in curriculum. The women teach at three higher education institutions, of which one is a university that in the past was designated for people classified as coloured, and the other two historically white institutions (HWI). The chapter is organized in two parts. In the first part, we contextualize Muslims within the bigger racial and ethnic landscape and provide an overview of transformational initiatives in higher education. In part two, we present our experiences.

Transformation and the Academic Trajectory

Higher Education was earmarked by the post-apartheid government as a key role player in "the consolidation of democracy" in South Africa. Government identified its universities as the settings where economic imbalances that were created by our country's apartheid past (Higher Education Act 1997) were to be addressed. It was argued that higher education has the potential to both serve a re-distributive social function as well as play an economic role in training future professionals. Since

1994, there has been remarkable development in policies and practices aimed at transformation and advancing culturally diverse university campuses. The Higher Education Act, Act 101 of 1997, formed the primary statutory framework for most universities' transformation initiatives. Policy related to Higher Education and its role in society supports the view that institutions of Higher Education should create environments that are conducive to strengthening democracy, redressing inequalities, producing social critics, promoting economic development and contributing to an educated and informed citizenry. The overall guiding documents for the transformation process were the Constitution of South Africa (Act 108/1996), the Higher Education Act (Act101/1997), The Skills Development Act (Act 97/1998), the Employment Equity Act (Act55/1998) and the Basic Conditions of Service Act (Act 7/1997).

The establishment of a multicultural university society at a Higher Education Institution is often perceived as a benchmark of the institution's commitment to transformation. Post 1994 there was a rush by especially historically white universities to employ designated groups such as academics of other colour. At the HWI, these academics could remain a group that functions on the margins of the mainstream population. Muslim academics are a minority within this group and could be even more marginalized as a sub group within.

Redress is not merely a numbers game. When an institution is perceived as not investing enough effort to understand incoming groups' cultures and their religions, it can lead to such academics' alienation within their work environments. Redress without acceptance of all faculty members working at the institution is problematic.

Identity, Racial Categorizing and Being Muslim

Black community life, which included religiously defined Muslim communities, in the past registered at the periphery of the South African white nationalist consciousness, resulting in very limited knowledge about Muslims and Islam. In present day South Africa, views tend to be shaped more by the global discourse than by experience of the other races as the democratic state is still transforming its racial past. The global discourse on Muslims is an inadequate representation of those from Sub-Saharan Africa. South Africa's Muslims were historically located on the margins of developments in the Muslim world, and of its representational centre – the Middle East in particular (Da Costa 1993). By logging all Muslims together as a homogeneous group, however, African Muslims who are ethnically and culturally different from Arabs are gagged from sharing their experiences as Muslims.

South African Muslims comprise 654,000 of a total population of over 50 million. This group is not homogeneous and in South Africa they were part of two racial categories: Coloured and Indian, which have different ethnic and cultural roots. These racial categories were part of the National Party's apartheid policies to subordinate the black races under white rule. The Population Registration Act no. 30 of 1950 classified South Africans into four distinct categories, namely Whites,

Indians, Africans, and Coloureds. The Coloured group was further subdivided based on their ethnic and religious background, into 'Cape Malay,' Other Coloureds, Khoisan, and Bastards (Haron 2002). Most of the Muslims who resided in the Cape Province were classified as Cape Malay. There are different views on this classification, which some researchers say reflected their cultural roots, while others link it to the language this group spoke before the nineteenth century (Haron 2002; Erasmus 2001; Fataar 2007; Shell 1974). This sub-group was of Indonesian descent, and spoke Malay, which was the *lingua franca* of the Indonesian archipelago (Shell 1994). Though classified as a sub-category of the Coloured group, the Cape Malay's religious and cultural traditions distinguished them from the rest of the group (Erasmus 2001). Many people classified as such, however, referred to themselves as South African Muslims. Erasmus (2001) has argued that the preference of the religious label of South African Muslim over the ethnic Cape Malay in the 1970s and 1980s should be read as a form of resistance against the racist labelling by the Apartheid government.

South African Muslims are also of Indian descent. In 1869, many arrived as traders or referred to as "passenger Indians" from India. The appellation "passenger Indians" refers to those who paid their own passage to the Natal Colony. Unfortunately, the British felt threatened by them and viewed them as economic competitors, thus making it difficult for Indian Muslims to acquire residential and trading rights (Mahida 1993). The descendants of these Indian Muslim traders who traditionally inherited the business did not pursue professional qualifications.

Education was also segregated according to race. As part of its apartheid legacy, 36 higher education institutions had to be supported by the state. Enforced racial segregation contributed to a plethora of institutions being created to accommodate specific racial and language groups. Muslims of the 'Coloured' race could only attend the University of the Western Cape, the designated coloured university, while Muslims classified as Indian attended their designated university which was the University of Westville. The post apartheid government undertook a radical restructure of higher education through mergers and incorporations, rationalizations and collaborations. By January 2005, it had created 21 institutions out of an existing 36 universities and 'technikons'. This new creation consisted of 11 universities, 6 universities of technology and 4 comprehensive institutions.

The Secular Versus the Social Space

The university space gets defined as a secular space where academics come to practise their trade. It is therefore assumed that its impact on the life of the academic should be negligible. From this perspective, the institution should exert no influence on the degree of social inclusion or exclusion and social cohesion that is being experienced by the academic. Moreover, religion will not be propagated nor play a role in influencing the workings of the institution. This is a perspective that was endorsed by those who participated in the pilot study (Daniels 2009) that preceded

this study. In the pilot study, it was the male participants who strongly supported a secular environment where religious issues are not centralized, nor part of the discourses that are advanced.

We challenge the view of the workspace as a secular space. According to the women, there are official times when cultural and religious events and phenomena impose on secular space. In South African universities, the hegemony of Christianity as a relic of Christian National Education is evident. In state schools, Christianity was part of the formal curriculum. At university, it continues to be part of the hidden curriculum. Religion, as well as language and ethnicity, may define group membership and group divisions that could contribute to exclusions of other group members from positions of power and opportunities (Hofstede and Hofstede 2005; Pettigrew and Tropp 2006). Mor Barak (2005) fingers race, class and gender as determinants of exclusion. Muslims are in a double bind as their religion separates them from other minorities at their institutions while their race excludes them from the majority group at HWI.

We found social identity theory (Tajfel 1982), which links social structure and identity, useful to explain our experiences at these institutions. According to this theory, a person's perception of her/his group's inclusion or exclusion is an important process in the individual's desire to secure positive group affiliations. Though universities have various policies to guide them with transforming, both Gouwah and Akeelah felt that their presence at institutional level was a tolerated presence in an accommodating environment. Their responses spoke of isolated efforts in an exclusionary space to accommodate the "other". A typical example that they gave of accommodation was to "also provide halaal if they know that we will be present", otherwise they felt that they were not considered to be actors in the mainstream. The narratives produced many examples of inclusive and exclusive acts. The inclusive acts that the academics spoke about were the awareness that their immediate work environments have about their dietary constraints when they served food that is acceptable for Muslim consumption, so called "halaal" foods. During end of term functions, their departments were considerate in selected venues that make provision for religious dietary constraints. Zaida, Gouwa and Akeelah's immediate environment also makes a prayer room available to them. These were all symbolic acts within their immediate environment that the women interpreted as inclusive acts.

However, there are also exclusionary acts that these academics spoke about, that push people who are not Christian, to the periphery, and make them aware of being the outsider. Though our institutions and work situations contain many religious influences, they are overwhelmingly Christian. For example, even though the overt discourse endorses the university as a secular space, university holidays that coincide with Christian religious festivals such as Easter and Christmas are observed through institutional planning. For example, academic timetables will list most religions' holidays, though only Christian holidays are taken into consideration in the institutional planning of the examinations, tests and university breaks. Thus, religious accommodation of one religion sends covert messages of exclusion by the management to those not from the mainstream religion. Such messages can be found at official events such as inaugurations, meetings, seminars and workshops. It is at

such times when the Western (Christian) perspective seems to become the standard criterion against which other perspectives are evaluated. An example is the installation of one of our university rectors a few years ago, which one of us attended. This official event took place in a church on campus, and the selection of songs that the choir sang were influenced by the setting. The introduction of the incoming rector as a religious man made Hudah feel like an outsider, instead of an employee of the institution who came to celebrate this great occasion. This was because the university celebration was organized as a religious celebration of a person of the Christian faith.

One of the biggest exclusionary practices for the participants of this study concerns their institutions' lack of understanding of cultural and religiously observed traditions concerning food. In all South African universities, one will find that food has become part of the process of academic networking. Thus, it is common for food to be served during long meetings or other work-related functions such as farewells and end-of term parties. Meetings were described as occasions rife with exclusionary practices for Muslims. One of the women has gotten into the practice of taking her lunch to the many institutional meetings to avoid awkward situations. She found it especially disconcerting that her colleagues never question why there is a need for her to bring her own food to such meetings, while they are being catered for. When she shared this experience, some of the authors' own experiences were validated by her story. Hudah had had similar experiences at her institution. She was once invited to a lunch meeting with the rector's management team, only to find that they did not cater for her dietary needs. The hostess suggested that she pick the vegetarian food off the mixed platter, which she refused to do. There are some who question whether the requests that Muslim colleagues make, are indeed religious requests, and not cultural. From this position, a perception of Muslims as "a nuisance when it comes to issues of Halaal" could be advanced.

Akeelah spoke of the isolation that went with "eating halaal". She said that when she is catered for, her food would be plastic wrapped and separated from the other colleagues' food. Instead of appreciating the gesture, she said that such actions isolate her from the mainstream. According to her, the assumed inclusionary effort becomes an excluding experience for her. What was clear from these narratives was that though their immediate environment was making an effort to be inclusive, the same could not be said about the institutional environment. She cautioned against confusing individual acts of accommodation with institutional goodwill. According to her, it might only be the immediate environment within which the individual works, rather than the institution that is inclusive. As such, individual experiences of accommodation should not be generalized as representative of institutional commitment to change.

The environments where there was cognisance of different religious and cultural practices of new colleagues were few. There was consensus that, as institutions, the HWI are ill prepared for a workforce that reflects religious and cultural diversity. Both Nadia and Gouwah felt that their institutions fail to recognize that diversification

requires them to reflect on the existing practices and whether they are inclusive of those who have been appointed. They used venues for meetings and functions, and the timing of such events as an example. Nadia explained how important staff meetings continued to be scheduled during the obligatory Friday prayer time, despite Muslim staff raising this concern. Though it is common knowledge that alcohol is prohibited for Muslims, Gouwah pointed out how "wine farms are still the number one staff choice for outings". So too, even when it is Ramadan, "before (they) still continue to organize parties during the fast". As most of their white colleagues know very little about Islam, they tend to misconstrue certain religious practices, such as that Ramadan is the month when Muslims starve themselves. Muslims who refrain from drinking alcohol or only eat permissible foods could be perceived as "difficult" and intolerant colleagues. So too abstainers could be seen as people who are judgemental of those who drink alcohol.

The Muslim Stereotype and Its Challenges in Academia

The traditional lens, that is the one that views Muslims through the prism of religion, tends to also be the one through which South African Muslims are viewed. The Orientalist and modernist paradigm, together with Western media coverage of global events such the ongoing Middle East crises and the 9/11 bombings, have validated racially ignorant colleagues' perceptions of Muslims as "other". Such events have influenced perceptions of who we are and what we stand for, an experience that was acknowledged by all of the participants. There was consensus that such world events have led to a negative, biased view of Islam as a religion that does not ascribe to a democratic value system. Muslims are then stereotyped as being religiously intolerant.

From their accounts, many of the stereotypes that they say are held are about women in Islam, and the role that men play in influencing that positioning. An undeclared belief is that Muslim women are in a subjugated position owing to Muslim men being oppressive, patriarchal and domineering. The perception that Muslim men exploit women and expect their wives to be their slaves was also voiced. The evidence that is used to support such viewpoints is that Muslim brides are not allowed to be present at their own marriages, and that they are not allowed to pray in mosques with men. What was ironic was that these women shared the same view about Afrikaner women being oppressed by their men.

Women's clothing tends to be taken as an identifier of the subservient roles that they are perceived to perform in society. One bias about Muslim women that has been fuelled by the media relates to the headscarf that many Muslim adult women wear. Zaida and Gouwah wear headscarves to work while the other three academics occasionally cover up. Their contexts also determine the response: at the HWI, Muslims are a small minority; thus, they stand out. At Zaida's university, her headscarf does not draw attention to her because there are many students and staff who

cover their heads. The participants' comments about Muslims as a critical presence on their campuses showed that those who schooled at the former coloured university, as well as those who worked there, found it to be easier to wear the headscarf in that environment. They commented that the staff and student population are used to seeing faculty wearing African, Western and Eastern clothing. According to Gouwah, Hudah and Zaida, all former students at the institution, women faculty and students who wear headscarves there are not responded to as if they are dressed "exotically".

The academics were in agreement that what they wear determines how people respond to them as academics. The consensus view was that women academics who wear hijaab or even just a headscarf are more vulnerable to such racialized and gendered stereotyping. Women who wear a scarf and abaya are perceived as being pious, while those who dress in Western clothing could be labelled as non-practising Muslims. The "Cape Malay" shares the same culture as Christian coloured, and often times have Western last names. Those who dress similar to their fellow country folk are assumed to be Christian. This has been the experience for both Akeelah and Hudah, whose colleagues seemed surprised when they found out that they are Muslim. Akeelah felt pigeonholed into a category that is defined by misperception of how a practising Muslim should be dressed. She relayed an incident where her colleagues were shocked to find out that she observes her five daily prayers. It offends her that her identity should be determined by a headscarf, "but I always tell them that my clothes and how I look does not make me any more or any less of a Muslim." Although Nadia occasionally dons a headscarf, she was appalled at a recent comment by a white male professor that faculty members should undertake a study on how the headscarf symbolizes oppression of Muslim women. This "research" endeavour she singularly objected to.

The five women are accomplished in their own right and challenge such stereotypes. Zaida pointed out that change is gradual and that visibility of Muslim women in authority positions serves to challenge the stereotypical views of them as subjugated and subservient to men. At the University of the Western Cape, there are two Muslim women deans, and their appointments have already started to counter such views. Akeelah is a medical doctor who occupies a very challenging position at her university. She uses herself as an example of an empowered Muslim woman. Her work with people who have contracted HIV AIDS sometimes places her in situations that could be interpreted as conflicting with her personal religious positioning. She, however, challenges the singular way in which society wants to categorize Muslim women. Nadia is a senior lecturer and researcher in her department and comments on how she nurtures her role as a Muslim woman in academia by encouraging other Muslim colleagues and Muslim female students to raise their concerns when necessary. She sees herself as a role model for Muslim female students in her faculty. Hudah is a full professor in her university who says that she takes her job as a role model for younger women seriously. "I do not just want to debunk the myths and prejudices about Muslim women, but about all women academics. We need to remember that race, gender and religion intersect in these institutional contexts."

Expressing Their Muslimness

What was interesting from what emerged from our discussions concerned the different roles that some of these women say they take on, based on their reading of their colleagues' knowledge about Muslims and Islam. These women were aware that many of the views about Muslims would not necessarily be expressed openly in the university space. Akeelah believes that:

> … there are many people at my institution who are possibly Islamophobic but in the new South Africa would not be able to express their views therefore just because I haven't heard anything does not mean that negative perceptions do not exist. In fact I would say that they actually do.

Their stereotyping was not necessarily experienced as a negative only as it serves the academic purpose of engaging colleagues in discussion about religion and, in this case, Islam. Furthermore, it provides the space to challenge the bias as well as address the negativity embedded in others' thinking about Islam. Akeelah described it as a platform to exchange views and to advance non-mainstream opinions about the different ways of being of South Africans in regard to race, culture and religion. Those who teach at the HWI, where people are less knowledgeable about Islam, Muslims were more likely to take on an educator role. These women were using such opportunities to make their identity and cultural world part of the existing one. They confine the information they divulge to that of their practices and what are permissible to them as Muslims, as they did not want to be accused of being proselytizers. They engage in such discussions informally through staffroom socializing and break time chatter after meetings and have experienced it as a crucial part of forging ties. At the former ethnic university, it seemed not to be necessary to play this role. Zaida found it easier to be assimilated in an institution where many of her colleagues are also Coloured. As a race, they share a cultural background with Muslims of the Cape, and are more likely to be familiar with their Muslim colleagues' practices.

Conclusion

A policy of equity and redress requires resolute intervention in the different levels of the working and social life of South Africa to rectify the consequences of past discrimination. This semblance of a multicultural university society could be deceptive, however, as previously excluded groups' experience challenges to function as equal members of this multicultural society. The assumption that universities are secular spaces could create the impression that no religion is influencing policy, decision making and interventions. This is not so for the environments of this study. Based on some of the women's experiences at HWIs, new appointees from other religions such as Islam could rightfully assume that they should leave their culture and religion by the door. Islam is a lived religion and some practices such as fasting

and praying five times a day could advance perceptions of religious fanaticism amongst the uninformed. When participants do not experience their environment as religiously inclusive, religious practices such as the fast during Ramadan could become almost clandestine activities in the workplace. This raised the question of how ambivalence could be contributing to maintaining an institutional culture that is tolerating instead of including their religio-cultural practices as part of its transformation processes.

Concerns were raised about Muslim women as faculty not "blending in" as easily as the men. As such, they are also the ones who are being challenged and who challenge their immediate environments' perceptions of Muslims. Within the broader issue of diversity, religious inclusion could often be taken as peripheral to race and disability issues. The five academics often take on the role of educator in spaces that they identify as in need of new knowledge about their culture and religion, albeit within the context of academic discourse. As such, their active protagonist stance already puts a process in place that challenges existing biases about Muslim women. Finally, the problem of inclusion of Muslim academics in higher education should not be reduced to issues about halaal foods and times off for prayer. Like all other academics, Muslim academics should be understood as being in need of a university culture that is sensitive to and inclusive of their religio-cultural backgrounds.

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Chapter 14
Muslim Women, Peer Relationships and Educational Trajectories: Reflections on Muslim Stereotypes in a British Setting

Jody Mellor

Abstract This chapter explores the way in which peer relationships are influential to the educational trajectories of a group of British-Pakistani Muslim women from working-class backgrounds. Based on semi-structured interviews with 17 young women at university, I explore the positive and negative impacts of inter and intra-ethnic friendship networks on the women's educational experiences. In recent years, work on ethnicity as social capital has burgeoned; bridging capital has been regarded as providing an opportunity for class mobility and most of this focus has been upon the positive influences of ethnic capital on the lives of minority ethnic communities. However, by exploring a relatively under-developed theme of Muslim women's peer group relationships, this chapter argues that both bonding and bridging capitals are significant to the group of women to whom I spoke.

Introduction

This chapter explores the perspectives of British-Pakistani young women, of Muslim faith, in order to interrogate the relationship between educational success and friendship networks.[1] The women I interviewed belonged to a number of friendship groups across diverse ethnic groups, and using Putnam's (2000) theories of bonding and bridging social capitals, I argue that these women accrued social resources from these various networks which both worked to help and hinder their educational pathways. I indicate that, contrary to Putnam's conceptual framework, bonding capital, like bridging capital, is an invaluable resource which can facilitate social mobility for this group of Muslim women.

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Ethnicity as Social Capital

In recent years, ethnicity as social capital has been used as a conceptual framework to explore the ways in which minority ethnic groups succeed in education despite the odds (Zhou 2005; Cherti 2008; Christie et al. 2005). Within the literature on social capital however, the dominant influence of the family on educational outcomes has received a great deal of attention (Shah 2007; Crozier and Davies 2006), leaving other types of networks, such as friendships, under-explored (though see Brooks 2005). Whilst parents and siblings do exert an important influence on the availability and deployment of social capital and, as such, are highly significant to educational trajectories (Mellor 2010), my research indicates that friendship networks are fundamental to educational aspirations and choices. For instance, as indicated by the findings of Christie et al. (2005) and McDowell and Montgomery (2006), information, advice and support at university often pass through peer networks. Thus, managing to form friendships that are supportive of academic work and an individual's emotional wellbeing is a crucial part of educational success and, as such, these networks of peers represent an important social investment (Bradford and Hey 2007). This was particularly the case for the women I interviewed, most of whom attended low-performing schools and came from locations which were characterized by educational under-achievement and high unemployment.[2]

The academic literature on the British-Pakistani community has tended to focus on academic under-achievement and on deprived families and individuals (Burlet and Reid 1998), but this sustained attention to poverty, disaffection and under-achievement may promote an over-simplified, homogeneous view of this community. Despite these normative representations, research findings by Afshar (1989a), Ramji (2005) and Bolognani (2009) indicate that working-class British-Pakistanis have very heterogeneous experiences of, and attitudes towards, issues such as education, career, class mobility and family. Callender (2002) indicates however that working-class and other under-represented groups face even greater difficulties in accessing higher education (HE) owing to the ongoing, substantial changes affecting student funding regimes in UK HE. Nevertheless, certain minority ethnic groups are entering HE in greater numbers than their white counterparts (Modood 2004, 2006). Overall, my intention in this chapter is to dispel mainstream associations between class, British-Pakistanis and educational under-achievement by interrogating the diverse experiences of a group of high-achieving, working-class women attending university.

[2] Within the migration studies literature, the concept of Muslim women's peer relationships has also received very little attention (Wilson 1978). Partly, this lack of exploration relates to the premise that due to the domestic tasks and caring responsibilities of Muslim girls, combined with the frequent surveillance and policing of women's actions by families and the wider community, there is very little time or opportunity for these girls to socialise with friends or engage in activities outside the home (though see Wray 2001; Walseth 2006).

This chapter is based on a 4-year qualitative research project which explored the classed experiences of a group of women in HE. I aimed to speak to women who represented the first generation in their families to attend university and whose parents worked in manual employment. In most cases, parents had received only a low level of education and mothers were housewives and fathers worked in (or were retired from) manual jobs. I conducted semi-structured, in-depth interviews and a focus group with 17 'second' (or subsequent) generation British-Pakistani women who were students at university. The women were aged between 18 and 27 and were born and brought up in the north of England. About half of the women lived with parents or their husband and commuted to university, whilst the others lived on campus or with friends near the university, travelling home frequently.[3]

To elaborate, I explore the advantages as well as the disadvantages associated with bridging capital – centring upon the women's cross-ethnic, non-Muslim friends – paying attention to ways in which these friendships both limited and enhanced participants' educational experiences and choices. I then focus on the influence of bonding capital, that is, the resources arising from same-ethnic, Muslim friends, suggesting that peers exerted both negative and positive influences on the women's educational pathways. Before turning to the present study, however, it is useful to begin by outlining what is already known about British Muslim women and social capital. The remaining part of the chapter will then highlight the women's strategies for balancing relationships with peers alongside their desires for upward class mobility.

Bonding and Bridging Capitals and Academic Success

There has been a wealth of literature written on interpersonal experiences of upward class mobility as experienced by women, both in the UK and internationally (Mahony and Zmroczek 1997; Lawler 1999; Zmroczek and Mahony 1999). These works have challenged conventional, male-stream definitions of social class (Goldthorpe 1980) by focussing on women's experiences of class as an ongoing process which is experienced subjectively and within arenas other than employment. In particular, this body of literature has explored auto-biographical accounts of class mobility as experienced by women from working-class backgrounds and the effects on family they have left behind (Lawler 1999; Mahony and Zmroczek 1997). Whilst this body of research has explored the impact of class mobility on the families of working-class women who have been successful in education, very little attention has been placed on how working-class women's relationships with peers are influenced by educational success. Moreover, very little of this academic research has explored minority ethnic or religious women's experiences of class mobility.

[3] For a discussion of positionality and situatedness relating to the interviewer and participant dynamics during the fieldwork see Mellor (2010).

Whilst class mobility *per se* is a concept which has rarely been researched in relation to this group, a large part of the literature on South Asian women migrants and their offspring has centred upon education and employment. The emphasis of this body of research has been upon women's ongoing, complex reconciliations between their commitments to family and community and their own desires (Ahmad 2001; Dale et al. 2002; Brown 2006).

I argue that an effective understanding of the myriad levels of social resources accessible to the women I interviewed is made available through the concepts of bonding and bridging capital (Putnam 2000). Ties that strengthen connections within groups, and which facilitate group members to 'get by' are referred to as bonding capital. Bridging capital, which, according to Putnam (2000), allows people to advance their position, refers to ties that link diverse groups. Here, I define social capital as connections within and between social networks, involving the conveyance of values, resources and knowledges. Previous research on the significance of social capital on educational achievement for minority ethnic groups in North America has addressed the way in which older generations of family impact upon young people's opportunities and pathways (Zhou 2005; Shah 2007).

In order to explain how ethnicity can result in advantageous outcomes for some communities and disadvantageous effects for others, several theorists have used the concept of ethnicity as social capital (defined as the norms and resources that form a significant aspect of an ethnic group's organisational structure and cultural beliefs). For instance, in their exploration of the educational outcomes of young people of Chinese and Korean descent living in the US, Zhou and Kim (2006) suggest that strong, supportive same-ethnic ties provide young members of these communities with resources that help them to consider the advantages of upward mobility and the problematic norms and behaviours of other ethnic groups in these urban areas. Ethnic capitals do not necessarily result in advantageous trajectories for all members of all minority ethnic communities (Mellor 2010; Shah 2007). For instance, Shah (2007) argues that the group of second generation Laotian girls in North America to whom she spoke were encouraged to seek substitute networks outside of their communities after recognizing the hierarchical, age-related and gendered divisions which influenced their position within family and kin networks. Therefore, such family and community ties influence young people in a myriad of ways and are often both beneficial and problematic to educational trajectories.

Research conducted in the UK on social capital and educational outcomes notes that children's achievement at school and university is strongly influenced by parents (Ball 2003; Devine 2004; Power et al. 2003). These studies, which have focused on middle-class, white children and their families, suggest that educational advantage is perpetuated inter-generationally through an exchange of economic and cultural resources and a skilful use of social capital. Minority ethnic students' decisions relating to HE institutions have been the focus of several UK projects; these studies suggest that choices about institution or location are inspired by ethnic, gendered and/or classed identities (Ball et al. 2002; Smith 2007; Mellor 2010). The influence of peers on these decisions, however, has not received a great deal of attention. Because information is passed through networks and students rely on the help of

each other in order to manage their degree, "… new friendships and networks built within university are crucial to success." (Christie et al. 2005, p. 5). In their study of students at British universities, McDowell and Montgomery (2007) point to the "… combination of psychological encouragement and practical, academic help" that students give to each other, which is "… an important element of the social capital that students are gaining from their social network." (p. 7) At the same time, non-traditional students are often "… excluded from the social networks through which informal, but important, information circulated about academic work and courses, and support services and structures." (Christie et al. 2005, p. 19), because working-class students are more likely to work longer hours in paid work and have less time for non-academic activities (Cooke et al. 2004).

Having explored the literature on bonding and bridging social capitals and educational achievement, I now focus on the educational experiences and ambitions of the women I interviewed. This chapter centres mainly on female friendships; because of cultural/religious preferences, most participants preferred women friends. Although some women also spoke briefly about male friends, most reported that these friendships were unsatisfactory owing to a lack of shared understanding. For instance, reflecting on her experiences at school, Ameena told me:

> … there was definitely a division. Girls would sit on one end of the room and boys on another. And there'd be this silence. And when we used to have to have drama, we'd get into groups and like, work with the same genders.

I first explore the women's friendships with working-class, same-ethnic peers, highlighting how the women balanced these relationships with their desire for educational advancement. I then examine the women's friendships with cross-ethnic, non-Muslim students. Focusing on the women's experiences of friendships at high school, college and university, these accounts indicate that opportunities to make and maintain specific types of friendships varied throughout the lifecourse.[4] As a group, the women had very heterogeneous friendships, with some having mainly white non-Muslim friends and others preferring to associate almost entirely with Muslim same-ethnic peers. The women's networks were often influenced by the ethnic mix of the educational institution attended or course in which they were enrolled (Reay et al. 2001), the place of work or the locality in which the women lived. Moreover, once at university, the women experienced diverse opportunities and preferences for the amount of time spent socializing with friends owing to differences in residential status and paid work obligations. For instance, those women who lived at university typically found it easier to make and maintain friendships than women who commuted long distances from home (Holdsworth 2006). Therefore, friendships with both cross-ethnic and same-ethnic peers were described as occurring 'naturally' with students who held similar interests, aspirations and achievements, rather than representing a conscious strategy to increase social resources or social standing.

[4] Most of the women I interviewed attended school until they were 16, then enrolled into a further education college for 2 years to study 'A' Levels, before embarking on a 3-year university degree.

Bridging Social Capital

Some women explained that at school their friendship groups consisted of mainly (or entirely) cross-ethnic, wealthy friends. This was partly because for those who were academic high-achievers, they were placed in higher sets at school where they forged friendships with white non-Muslim students, many of whom were middle-class. As Ramji (2005) argues, in relation to her research on educated British-Pakistani men, belonging to a diverse group of friends accrued more cultural capital than simply 'sticking with their own'. This was also the case for many of the women I interviewed. For instance, Amatullah told me that she preferred to associate with cross-ethnic, ambitious friends who applied themselves fully to their education, because these friends shared her goal for a high-flying career. She contrasted this with her experiences of socializing with same-ethnic peers from her neighbourhood – all of whom were from working-class backgrounds – whom she thought were distracted by un-Islamic pursuits or who held very narrow career aims:

> … they [Asians] don't tend to have that ambition really, I found. They didn't … they wanted to hang round and smoke, some of them. Busy having boyfriends or girlfriends. They didn't really think about the future really, they were just thinking about 'oh, I'm having a good time'. […] They [Asian friends] thought one day they'd like go into the family business or they thought it would be easy to find a job. That was it. So I thought maybe it was a good thing that I kind of had that mix.

By offering psychological capital, these cross-ethnic, middle-class friends were significant to the women's educational aspirations and emotional wellbeing, especially at times when family or community members were sceptical of the women's educational and career choices. Seeking to break away from what they saw as the traditional Asian, working-class woman's role in the household, some women reported a desire to limit interaction with working-class, same-ethnic peers and instead to prioritize friendships with cross-ethnic, middle-class friends whom they regarded as unhindered by these traditional gendered norms. For instance, Jasminah indicated that whilst at school, white non-Muslim girls "had more in common with me, and I could discuss things with them, and it was kind of better than hanging around [Asian] girls who didn't have any plans for the future." Likewise, Bilqis indicated that her career goals corresponded more closely to those of her white non-Muslim women friends than to those of Muslim women in her neighbourhood: "they [the community] just send the girls to Pakistan to get married, so they don't go to college."

Other women suggested that another advantage of having cross-ethnic friends was that as 'outsiders', with no links to the Muslim community, these girls were less likely to engage in gossip about their family affairs as compared to these same-ethnic peers who were closely intertwined with community life. In contrast to Hennink et al.'s (1999) findings, many of the women I interviewed were concerned about upholding the family honour, or *izzat*, and voiced worries that their going to university would threaten their family's social standing by sparking gossip in the

community which could threaten the marriage options of themselves and younger siblings.[5] This fear of placing the family's honour in jeopardy was strong enough to influence the women's friendship preferences as well as their educational choices (Mellor 2010), particularly as gossip spreads rapidly in tight-knit communities. Speaking about her HE choices, Basheera told me:

> I always wanted to get away from the Asianness, to be honest. Not moving away from my roots or heritage or religion or anything like that. It was just because I always found that with having white friends, you could always trust them.

Like the working-class girls to whom Bettie (2003) spoke, some women I interviewed held links to (or were friends with) cross-ethnic middle-class young women at school or university who provided access to high-volume social capital. This kind of connection offered the women in my research valuable nuggets of general information relating to their studies or career ambitions, albeit on an indirect level. Some women, for instance, mentioned hearing snippets of conversations between middle-class white acquaintances from the top sets at school about university applications or careers. However, unlike the social resources open to the middle-class students that Ball (2003) and Devine (2004) interviewed, the women's bridging social capital was often limited and contingent and could not be relied upon to provide direct or immediate help during key moments.

Although there were many advantages provided by bridging capital, many women also spoke about how their educational opportunities suffered as a result of direct or indirect exclusions from white non-Muslim friendship groups, particularly at university. Just as supportive friendships were important to educational success, negative peer relationships could exert a highly detrimental impact. Some women spoke about feelings of indirect exclusion by peers at university, affecting levels of wellbeing. This anxiety of being an outsider, coupled with the strain arising from attempts to defend their faith against misrepresentation, did not promote an environment favourable to optimal academic performance. Similar to the professional British-Pakistanis that Ramji (2005) interviewed, in these difficult post-9/11 environments, the women I interviewed were frequently required to defend aspects of their religion from criticism in non-Muslim circles. Nuzzat's awareness of this scepticism of or antagonism towards her religion encouraged her to become accomplished at answering non-Muslim students' questions: "Of course, people are going to ridicule you if you have no idea why you believe what you believe." Moreover, Basheera told me that in relation to her faith, "a lot of people are ignorant. It's just the not-knowing factor to be honest really" and Amatullah, a *mohajabi* (or hijab-wearing woman) attending a university with a mainly white middle-class student intake, said, "I'm the only one walking round the streets, who dresses like this. So it's like, it is quite strange, and you get a few stares." Seifert (2007) argues that, although an increasing number of young Muslim women want to wear the *hijab* they are discouraged from doing so owing to discrimination or Western

[5] Basheera explained that *izzat* is the 'family honour, and that's what really shouldn't come to harm […] And once your family's been given a bad name, the whole of the sort of the extended family will know about it and will talk about you'.

ignorance about Islam. The women to whom I talked had experiences that correspond to Seifert's findings.

Maintaining close friendships with cross-ethnic, non-Muslims was also burdensome because social activities with this group were usually based around alcohol consumption, a problem which many of the participants had as they reached 18 (the age at which alcohol consumption is permitted in the UK). Yafiah, who had mainly white middle-class friends at school, told me that she lost touch with these girls as she became older: "when I was at college I didn't have many white friends at all, just because socially we'd all moved on. My white friends all wanted to go out, get boyfriends, get drunk and go to parties and things." The demands involved in forming and sustaining non-Muslim friends was particularly prevalent in the women's accounts of the traditional week-long university freshers' fairs.[6] Smith (2008) points to the problems associated with aggressive drinks advertisements and promotions during freshers' week, which seem to be approved or even encouraged by universities themselves and Morrison (2008) notes that freshers' fairs now represent ritualistic, extreme drinking, a veritable 'alcoholic haze'.

Although Cooke et al. (2004) indicate that students generally spend more time socializing in their first year at university, as compared with subsequent years, the women I interviewed – regardless of year group – noted that 'hanging out' with others in the presence of alcohol was a central part of university life and told me that, on arrival at university, they were disturbed by the extent to which university culture, in their opinion, revolved around continuous drinking, promiscuity and getting into debt (Holdsworth 2006). Referring to what she considered to be the promotion of heavy alcohol consumption, Shoneen said that "when I first came here, I was ready to cry, because I was shocked at what was happening." In Islam, drinking, which is forbidden, "… could lead to one's prayers being rejected by God and disqualification from claiming to be a Muslim on earth and in the after-life." (Bradby 2007, p. 662) The vast majority of the women I interviewed stated they would never participate in alcohol-related activities.

Whilst most of the women counted themselves out of forming new networks in inappropriate environments – making a strategic decision not to invest in new ties at university in order to maintain existing relationships (cf. Holdsworth 2006) – this self-exclusion nonetheless had a negative impact on the women's emotional wellbeing. This was the situation for Rashida:

> I could have made so many friends if I'd have gone out in freshers' week and the week after that. And I didn't, so it was harder for me to make friends because everyone else knew each other. And I was talking to my white friend, and she was like, 'I thought you were like a total recluse, you just used to stay in your room' and I was like 'there was nothing else for me to do, I didn't know anyone else'.[7]

[6] A freshers' fair is typically a social event primarily for new students and is designed to help them meet other students and fit into university.

[7] Whilst having flatmates could ensure 'ready-made' friends, most women expressed feelings of unhappiness about their situation. Ahmad (2001) argues that many Muslim women she interviewed 'described occasions such as "Ramadan" and "Eid" as being times where religion could be shared in a supportive environment within university accommodation' (Ahmad 2001, p. 149). However, as very few of the women I interviewed lived with other Muslims they tended to pray alone.

Particularly at university, this type of exclusion may be powerful enough to influence the women's educational achievements, not only through the discomfort of loneliness and rejection, as Rashida's account illuminated, but also through the inability to wholly participate in the course and group work alongside the other students. Considering that a requirement of many degrees is the ability to work together with peers to successfully complete classroom tasks, it is important that students bond with others on their course. In addition, as the women told me that, because they often had to rely on peers from their degree programme to swap notes, borrow books or photocopies or share equipment or important information, being excluded from this network would be a great disadvantage on a more practical level. As Jasminah told me, in relation to the organization of transport shares to enable students to reach their course placements, "everyone would make friends with the people on the course, to make sure that they could get to places. But it was a bit tricky because there was some cliqueyness and sometimes it was difficult to find someone with space to take you [in their car]." Some women also indicated that the most important discussions happened in the informal context of the pub and, as they were not present at these events, they voiced concern about not being privy to valuable information or opportunities raised in this setting.

Under these circumstances, the women were placed under considerable pressure to participate in the 'bar' culture. Like the students interviewed by Holdsworth (2006) who were 'pulled in two directions' when deciding whether to attend similar events, some women I talked to indicated they had been confused about their self-identity and place at university. One extreme example of this is illustrated by Yafiah's description of her first term at university, conveying the intimidating environment created by her housemates when she and another housemate declined invitations to socialize in the evening: "I didn't think very highly of the people in my flat, but … you just kind of get on with it. I couldn't move out, there was no point." Illustrating similar feelings of non-belonging, Yusra highlighted the situation in which she had been placed:

> I had to say 'no' to my mates, you know, 'no, I'm not going to go [clubbing]', and I had to explain it. Yet I wasn't really aware of the conflicts behind it. I remember one time being really torn, pacing up and down in my room, thinking 'should I go, should I not, should I go, should I not?'

Living in this environment, several of the women spoke about the dilemma of either attending these events and compromising their faith or forgoing such invitations and missing out on the opportunity to maintain their friendships with course friends and housemates. Three women I interviewed, under such pressure, decided to participate in events in which alcohol was present, and duly benefitted from having the opportunity to extend their social networks and enhance their 'university experience', but the price of this inclusion, the women indicated, involved continuous feelings of guilt for putting their family name in jeopardy or through feelings of not being a good Muslim.

Therefore, the women's educational trajectories were not always assisted by bridging social capital, especially considering the reports from some that non-Muslim peers held damaging stereotypes about Islam or misunderstood aspects of their faith. Although the women benefitted from the social resources accrued from

these friendships, prejudices prevented friendships from reaching a more genuine level of understanding. As I go on to suggest, one advantage of having close same-ethnic friends was the strong, meaningful bonds that arose from similar experiences. I now explore the benefits of friendships with Muslims to the women's educational trajectories whilst also paying attention to the constraints of these networks.

Bonding Capital

Many of the women spoke to me about having a sense of collaborative or religious civic engagement with other Muslims who shared a specific understanding of their circumstances and duties towards each other (Afshar 1989a; Bolognani 2009). These dense ethnic ties facilitated the women's educational trajectories by offering access to practical and emotional support, providing positive psychological capital during the transition through school and into university.

Some of the women I spoke with indicated that they found it helpful to discuss their HE options with their Muslim girlfriends who provided them with significant social resources which opened opportunities or reinforced their goals. According to the participants, the issues that were most likely to be discussed with same-ethnic peers included general worries about balancing university with family responsibilities, student finances (particularly in relation to whether borrowing was *halal* or *haraam*) and covering whilst on campus. This sharing of information with peers is in contrast to Brooks' (2005) (mainly white) participants who sought to avoid discussion about HE in order to preserve friendships by not encouraging peers to draw hierarchies. One explanation for this difference could be that, whilst Brooks' participants relied upon information and advice provided by teachers, specific issues relevant to Muslim women were not formally discussed in the classroom, leaving the women I interviewed with no option but to ask for the help of their friends. Although these discussions might well have created status hierarchies between friends, as suggested by Brooks (2005), there was a sense that these discussions were necessary in order to remain informed about HE.

The assistance received from same-ethnic peers often provided important emotional support. For instance, after a difficult interview at Cambridge University, Yusra discussed her worries about discrimination with her Muslim female friends: "I was telling them that I didn't get a place. And instantly one of them said 'oh that's because you wear a scarf"".[8] Her friends supported her suspicions, dismissing her worries about her academic performance and encouraging her to view the advantages of this rejection. Other women received more practical assistance from Muslim friends in relation to a sharing of information about issues such as applications, examinations and finances. For instance, Jasminah told me that she was given invaluable advice about how to gain a place at medical school:

[8] Cambridge University ranks as one of the top universities in the world, is the second-oldest university in the English-speaking world, and is highly elitist in its student admissions.

> Leem was also incredibly bright, I mean her older brother was a medic […] And Leem, because she already had an established brother, doing medicine as a degree, she already had a plan of where she was going, and she was going to follow suit. And me and Leem became friends […] She became my guide, I'll be honest with you. Because I didn't really know what I had to do, where I had to go, what subjects to pick, but because Leem had advice from her brother, I just followed suit. And we both left school and went to college, and came out with our GCSEs and I just did the A levels that she picked, because that's what her brother told us to pick. […] We did 5 [A levels] to give us the advantage, because we kind of thought, because we're from a lower social class, and from a college that's not established.

The reason this advice proved so effective was that, like Jasminah, her friend (and her friend's older brother) also came from a working-class British-Pakistani family and, like Jasminah, both siblings studied at the same low-performing school and further education college.[9] Because of this shared background, her friend was able to provide her with direct and relevant information and advice at this crucial stage that was specific to her particular circumstances, in a way that middle-class, cross-ethnic non-Muslim friends might not have been able to do.

The women's educational and career ambitions were also supported indirectly by female same-ethnic peers who had already achieved degrees successfully. Many of the participants reported that, when parents saw other Muslim women in the neighbourhood with degrees and professional careers, parents were more likely to support their own daughters' wishes to continue their education. For instance, according to Amatullah, her friends managed to convince her mother to allow her to live away from home:

> [Mum] said to one of my friends "oh don't you think she should have come somewhere closer to us?" My friend was like, "um, well it's quite common, now!" and I was like "hmm, mum!" One of my friends, she went to Sheffield [University], and she's gone away, and I was like "she's moved away".

Not all social resources offered by same-ethnic peers exerted a positive impact on participants' educational opportunities. In relation to close knit peer relations, I now explore some of the negative aspects of bonding social capital which served to limit the women's educational progression, primarily by casting doubt on the ethnic capital of British-Pakistanis who were educationally successful, and through community gossip and the fear of the loss of *izzat* in relation to women who engage in HE.

Several women discussed how members of the community challenged their educational aspirations by questioning the suitability of HE for unmarried women. According to the women, such objections were based on perceptions of university as promoting independence, heavy alcohol consumption and promiscuity. As Zahida told me, "I know a lot of people have gone away to university and have started drinking and going out and they [peers] automatically assume that I have." Another concern voiced by the women was that some members of the community believed university led to the inevitable loss of tradition, faith and community values (Bhopal

[9] Because of extreme competition, gaining a place onto a medical degree in the UK is very difficult.

1997). Nonetheless, I agree with Ahmad's (2001) assertion that women are often "… far more culturally and religiously aware as a result of and despite their educational experiences." (p. 139)

Research conducted by Afshar (1989a) suggested that, during the 1980s, young Muslim women in West Yorkshire faced an uphill battle trying to convince men in the community that education was worthwhile. Twenty years later, this scepticism of a woman's right to an education and career is still present in the community (Mellor 2010). In the women's hometowns, the history of migration patterns alongside specific socio-economic contexts have allowed certain gendered norms and behaviours to flourish (Ali 1992; Burlet and Reid 1998). Several of the women I interviewed criticized the localities in which they were brought up as being provincial, traditional and 'backward' in comparison to large, cosmopolitan cities. This was Ameena's view:

> I know it's a bit of an offence, but sometimes I feel quite ashamed to have been brought up in [hometown]. Because knowing people in [university city], they are just so open minded and broad minded. They've moved on. Like I don't think there's been much change in people's attitudes in [hometown] since I was a kid.

These values, which are policed through local gossip – what Bradby (2007) calls "Auntie-jis' surveillance network" (p. 665) – can have a detrimental impact on women's opportunities. According to Yafiah, women's actions were much more regulated when compared with boys': "it's the general consensus that men can go and handle themselves, and the girls will go and get themselves in trouble, 'she's going to get pregnant, she's going to get raped' and things like that." This restraint of women's movements has also been discussed in earlier research (Wilson 1978; Werbner 1990; Guru 2009). Even if a woman's conduct was entirely unquestionable, many participants told me that their families' concerns about the threat of gossip circles could serve to limit their choices.

Additionally, some participants reported accusations from the Pakistani community that, in pursuing further and higher education, they were 'selling out', losing their ethnicity and becoming 'white'. This conflation between an 'authentic' Pakistani ethnicity with a working-class identity was also found by Ramji (2005). As Bourdieu (1992) notes, class distinction is marked through language and, for Yafiah, accent was used by her working-class Muslim British-Pakistani friends to draw boundaries designed to exclude her. Speaking about her experiences at school, Yafiah said:

> … people were like 'she's got a well posh voice' and they used to say that to me and I'd be like 'no I don't! I talk like this at home all the time'. […] I got a bit of jip about it at primary school 'you speak funny' so I just put on a Lancashire accent.

In order to 'fit in', Yafiah told me that she learnt to speak with a local accent because "it was easier just not to get picked on." Similarly, Nuzzat and Zahida were also negatively affected by same-ethnic peers who viewed class mobility as antithetical to an authentic British-Pakistani identity. Nuzzat's account, for instance, highlights how some of her British-Pakistani friends were keen to demonstrate cultural capital by associating their working-class experiences with

'true' Muslim Pakistani identity and questioning her own position, again through the use of language:

> … they'll laugh at me and say 'what does that mean', and 'come on, you're talking to us, use normal words' but to me they're normal words. Also I love to read, I have to read constantly, I have to read books and books and books, and through reading you develop your language skills, the words you know, and my friends don't necessarily read that much and when I speak, my friends obviously know I'm not sort of putting on any pretence or any airs, but they still laugh about it and 'oh, using her big words'. […] But I think a lot of Asians don't know, I suppose ultimately feel quite, it's something quite different to what they're used to and they feel quite threatened by it 'oh here's this girl, she must think she's better than us because she's using all these big words, who does she think she is? She's not white she's Asian' and that is a common perception.

Similar to the working-class British-Pakistanis interviewed by Ramji (2005), class mobility was "… connected to selling out and ultimately corruption of ethnic and religious ideals." (5.13) Nuzzat's account indicates that she drew a class boundary between herself and these peers and engaged in a struggle over definitions of the most desired type of Muslim Pakistani femininity, challenging friends' assumptions that Pakistani ethnicity was necessarily connected to low occupational status. Like Nuzzat, Zahida was also accused by members of the working-class Pakistani community of losing her 'roots' and ethnic identity because of the perception that, owing to her academic success, she had been class mobile: "when I first went to the Asian school they were like 'you white wannabe', 'you white this you white that' because I'd been to a Catholic school." Like the Mexican-American girls interviewed by Bettie (2003), however, the women I spoke to did not take accusations of 'becoming white' seriously. Because the women I interviewed all embraced revivalist Islam, based on a textual based interpretation of their faith, ethnic and 'cultural' understandings were often considered to be in contradiction with Islam 'proper' (cf. Jacobson 1998) and, if friends or community members accused them of losing their Pakistani ethnicity, the women simply told them that a 'true' Islam transcends ethnic and national boundaries.

Nevertheless, Zahida and Nuzzat were negatively affected by these criticisms which made it much more difficult to progress with their studies. This was especially the case for Nuzzat who, as a school girl, had attended a low-performing school where discourses of educational success were unusual (cf. Shain 2003). Despite these challenges to academic success, all the women managed to avoid friendships with the 'wrong crowd' and did not engage in the self-destructive behaviours demonstrated by some of the girls interviewed by Shain (2003), managing instead to remain focused on fulfilling their educational and career ambitions.

Conclusion

The chapter has sought to contribute to the literature on understanding social capital by looking at two important aspects of friendship in relation to the Muslim women's trajectories at school and university, concentrating on friendships with same-ethnic

peers as well as cross-ethnic friends. First, I interrogated the way in which friendship influenced, and was influenced by, educational aspirations; second, I discussed how the women negotiated the types of friendship networks that they considered to be supportive of and appropriate to their needs. Peer relationships were particularly significant to educational pathways because those who received useful advice from friends were much more confident in their approach to the HE system, whereas those who did not have such contacts were most vulnerable to misinformation and did not benefit from emotionally supportive friends. Just as friends could enhance prospects, however, peers could also exert negative influences. I have argued that friendships with cross-ethnic, non-Muslims did not always benefit the women. Although they received high-volume social capital from these white, middle-class networks, their relationships to these groups were tenuous and limited, particularly as most participants excluded themselves (and were excluded) from the ubiquitous pub culture. On the other hand, I have suggested that there were important ways in which same-ethnic peers helped in ways that non-Muslim friends could not, for instance by providing directly relevant, valuable information about HE. Because of powerful gossip circles and the way in which women are responsible for upholding *izzat*, however, these ties may ultimately reinforce divisions and inequalities. The findings of this research indicate that, contrary to Putnam's (2000) conceptual framework, bonding capital was just as important as bridging capital in facilitating social mobility for this group of women.

Rather than presenting a conclusive account, this chapter has attempted to highlight the differing circumstances in which these women from deprived neighbourhoods in the north of England balance their desire for upward mobility with relationships with peers. I have outlined a diverse array of friendships – involving both the pleasures and pains – but, regardless of the forms that these relationships took or how satisfied the women were with their friendships, they were guided by a strong desire to belong.

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Chapter 15
Voices from Shia Imami Ismaili Nizari Muslim Women: Reflections from Canada on Past and Present Gendered Roles in Islam

Adil Mamodaly and Alim Fakirani

Abstract This chapter examines the role of women within the Canadian Ismaili Muslim community. Through a small-scale study we explore the position of Shia Ismaili Muslim women of South Asian descent in the contemporary context. In this study, we realize that the group of multi-generational women interviewed see the impact of their faith in three separate spheres of their lives: education, social welfare and volunteerism. With the guidance of the Ismaili Imams, both past and present, these women have understood their gendered roles within the Ismaili community in varied ways. In addition to this contemporary understanding of the role of Ismaili women, this research also highlights the role of women in historical times during the Fatimid era in Cairo, Egypt (969–1171 CE). What this research demonstrates is that the ethical framework of the Imamate Institutions, both historical and contemporary, inspired by the *Qur'an* and the life of Prophet Muhammad, places importance on meritocracy and empowerment regardless of gender, race or cultural background, thereby enabling Ismaili women to envision their role in meaningful ways.

Introduction

This chapter examines the role of women within the Canadian Shia Ismaili Muslim community. Islam and its varied interpretations, rooted in the Qur'an and the life of Prophet Muhammad, allows for a multifaceted understanding of their role within different contextual settings. From a contemporary lens, we examine how the guidance of the Ismaili Imams in the modern period provide a fertile ground for the

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development of the community in which women play a significant role. The ethical framework of the Imamat[1] Institutions, inspired by the Qur'an itself, places importance on universal values of equality, tolerance, and service to humanity, regardless of gender, race or religion, thereby enabling women to envision their role in meaningful ways. The contemporary examples through four multigenerational women's voices from the South Asian tradition offer a glimpse into the role of Ismaili women today. These will be explored through three enduring values: education, social welfare and volunteerism. Historical accounts of the spaces created for Ismaili women from the Fatimid era and through the guidance of Fatimid Imam-Caliphs will also be highlighted and will enable us to understand that the inclusion of women within the community life is not only a modern preoccupation but one that goes back centuries. Thus, the chapter approaches the study of Ismaili women's roles and identities from both a contemporary position that places emphasis on the narratives of Ismaili women today while also providing a historical overview of the Ismaili tradition vis-à-vis women. We will notice the strong interplay that emerges from the narratives between faith, communal engagement and the pursuit of a better quality of life as espoused by the Imams.

Gendered Roles in Islam

While scripture will always be an important contributor to the lived experience of being a woman of faith, other factors also contribute to the establishment of gendered roles within Islam.[2] One of the prevailing factors, in our opinion, beyond text is that of *con*text. What we mean by context are the socio-economic, cultural and religio-political factors that influence the day to day realities of Muslim women, both in time and space. While text will always remain important in understanding

[1] Office of the Imam.

[2] Within the faith of Islam, scripture has always had a role to play in the establishment of religiously defined gendered roles. For example, "women figures of the sacred past," as Stowasser (1994) describes them, found within the Qur'an, serve as examples of "warning" or "emulation" and become, in some form, "role models" to other Muslim women who encounter the stories of these women as they are immortalized in the Qur'an serving as "models for" and "models of" a desired Islamic way of life (ibid., p. 21).

However, the interpretation of these scriptures is problematic in some circles. For example, Medieval Islamic exegesis understood women's nature not only as "weak" but also as "dangerous to the established moral order" (as Stowasser 1994, p. 21). Because of this, "both the feminine aspect of voice *within* the text and the female voice *about* the text have been marginalized" (Wadud-Muhsin 1998, p. 321, *emphasis added*). Due to these barriers, later generations of Muslim women thinkers and scholars advocated for a new Qur'anic *tafsir* (exegesis), one that placed the possibilities of unfolding the truths found in the Qur'an in the hands of women who traditionally were excluded from the field of exegesis. Therefore, from a scriptural perspective, the start of an emancipatory movement emerged bringing a new hermeneutics based on critical reading of the Qur'an by the hands of Muslim women.

the conception of womanhood within Islam, the contexts within which women live govern as much of their lives as other factors, theological or otherwise. By solely discussing the scriptural perspectives on women without understanding the contextual obligations and impediments that they might encounter, we may fail at adequately understanding the role of Muslim women in their lived experience.

This chapter will therefore demonstrate that the leadership of the Imamat enabled the four Ismaili women interviewed in this study to lead productive and prosperous lives. This guidance comes in the form of decrees (*farmans*) made by the Imam as well as through his network of institutions. It is this central idea, that of guidance, that plays a crucial role in the contexts in which Ismailis live, both temporal and geographic. The first section of the chapter will provide a brief introduction on the Ismaili community and some of the key fundamental beliefs that formulate the Ismaili *tariqah* (*lit*. "path"). This will provide a cursory understanding of the institutional policies established by the Ismaili Imams (both past and present) and their views on the role of women. The second section will enter into empirically guided research interviews conducted with a multi-generational Ismaili family living in Toronto, Canada. The purpose of these interviews is to demonstrate how some Ismaili women today understand their own role as a result of the guidance of the Imams and the institutional and community based support that they have received in various geographical and temporal contexts. In order to provide an analysis of the three stated values, the section will be divided into three broad parts: education, social welfare and volunteerism. It is suggested that the pursuit of education, whether for themselves or for their daughter(s), enabled these women to achieve greater social welfare while also giving back to their community at large through volunteerism. The contextual factors found within their narratives enables us to appreciate the struggles and challenges they have faced in trying to achieve a better quality of life. In the final phase of the chapter we will juxtapose this contemporary narrative with historical evidence of Ismaili women during the medieval period of Ismaili history under the Fatimid caliphate in Cairo, Egypt. As will be shown, through the example of the Fatimid Imam-Caliphs, the Imamat has always provided guidance that sustains and nurtures the community through the active inclusion of women. In trying to understand the role of women it is important to study both past and present in order to demonstrate that women have always had a significant role to play in the advancement of the Ismaili community. It is through these examples that we are able to explore notions of Ismaili women's identities and the expression of their perceived role as Shia Imami Ismaili Nizari Muslim women.

The Ismailis: A Brief Introduction

Shia Imami Ismaili Nizari Muslims, referred to henceforth as the Ismailis, belong to one of the two major Shia branches of Islam. Ismailis, as with all other Muslims, affirm the Islamic testimony of truth, known as the *Shahada* (declaration), in the belief that there is no God but Allah and that Muhammad is His Messenger

(The Institute of Ismaili Studies (IIS) 2007). They also hold that the Qur'an was revealed to humankind by Allah through Prophet Muhammad. This revelation is seen as the culmination of Allah's previous revelations to humankind which had been carried out through Abraham, Moses, and Jesus all of whom are revered by Muslims as Prophets of Allah (ibid.). The Ismailis,

> In common with other Shia Muslims…affirm that after the Prophet's death, Hazrat Ali, the Prophet's cousin and son-in-law, became the first Imam – the spiritual leader – of the Muslim community and that this spiritual leadership (known as Imamat) continues thereafter by hereditary succession through Ali and his wife Fatima, the Prophet's daughter. Succession to Imamat, according to Shia doctrine and tradition, is by way of *Nass* (Designation), it being the absolute prerogative of the Imam of the Time to appoint his successor from amongst any of his male descendants (The Institute of Ismaili Studies (IIS) 2007; Daftary 1998a).

Ismailis live in over 25 different countries, predominantly in Central and South Asia, Africa and the Middle East, as well as in Europe, North America and Australia (The Institute of Ismaili Studies (IIS) 2007). A significant number of Ismailis live in the Indian-subcontinent whose ancestors had converted from Hinduism to Ismaili Islam centuries before (Sheriff and Nanji 1991). "In a number of the countries where they live, the Ismailis have evolved a well-defined institutional framework through which they have, under the leadership and guidance of the Imam, established schools, hospitals, health centers, housing societies and a variety of social and economic development institutions for the common good of all citizens regardless of their race or religion" (The Institute of Ismaili Studies (IIS) 2007). Through the Institute of Ismaili Studies, established by the Aga Khan IV (the present Imam) in 1977, Ismaili and non-Ismaili scholars have made many contributions to various discourses within the Western and Islamic world continuing a long tradition of intellectual engagement, a tradition that has roots as far back as the tenth and eleventh centuries with the establishment of the al-Azhar University by Imam al-Muizz and the Academy of Science (*dar-al-ilm*) by Imam al-Hakim in Cairo, Egypt (Halm 1997).

The Imamat

To understand the notions of identity as they relate to Ismaili Muslim women in the modern period, we look to the policies and institutional actions of the 48th and 49th Imam. Their guidance has shaped how Ismaili women envision their own role primarily because of the centrality of the Imam's authority for Ismaili Muslims.

The uniqueness of the Ismaili tradition in Islam is in having the guidance of a present living Imam; "Having a living Imam whose word was authoritative enabled these Ismailis to undertake flexible adaptations to changing conditions. Reforms undertaken by the present Aga Khan's grandfather and continued under the present Aga Khan have produced a strikingly modern, highly educated community" (Leonard 2009, p. 181). The *tariqah* is therefore in a constant state of 'reformation'

while always remaining true to key foundational beliefs, some of which are highlighted in the Ismaili Constitution (Vellani 2001). This concept of guidance takes on added significance within the Ismaili community where the Aga Khan is referred to as *Hazar Imam* or "present" Imam, a symbolically important notion in the Ismaili *tariqah*; that of continuous physical presence.

His Highness Prince Karim Aga Khan IV (b. 1936) is the forty-ninth hereditary Imam of Shia Ismaili Muslims. As he was completing his Bachelor's degree in Islamic Studies at Harvard, the present Aga Khan became Imam of the Ismailis at the age of 20. When his grandfather Sir Sultan Mahomed Shah Aga Khan III, his predecessor and twice president of the then League of Nations, had designated the Imamat to his grandson in 1957 upon his passing he stated the following in his will:

> In view of the fundamentally altered conditions in the world…due to the great changes which have taken place…I am convinced that it is in the best interests of the Shia Muslim Ismailia Community that I should be succeeded by a young man who has been brought up in the midst of the new age and who brings a new outlook on life to his office of Imam. (The Institute of Ismaili Studies (IIS) 2007)

In the late nineteenth and early twentieth centuries, many Ismailis migrated to East Africa under the directives of Aga Khan III (b. 1877–d. 1957) (Dossa 1999). During his Imamat that stretched between 1885 until his death in 1957, Aga Khan III established many schools and hospitals to ensure the community's social and economic development not only in India but in East Africa as well. This was to ensure that the Ismaili community progressed into modern times with relative ease and comfort. The institutions built by the Aga Khan III became accessible to the wider society regardless of race, religion and gender (Kassam 2011; Dossa 1999). The geographic location of the Imamat during this time was the Indian subcontinent and the Imam was therefore familiar with India's culture and traditions. Given his status as a prominent leader and due to his eloquence in multiple languages, he was well connected to the British rule in India. From a reasoned approach, these following words of the Aga Khan III capture the essence of his fight for the role of women within the context of India:

> Hence it is with deep sorrow that the admission must be made that the position of Indian women is unsatisfactory, that artificial obstacles to their full service of the commonwealth are everywhere found, and that from the point of view of health and happiness alike, women suffer needlessly through chains forged by prejudice and folly. … These and other social evils have so handicapped India that it is impossible to conceive of her taking a proper place in the midst of free nations until the broad principle of equality between the sexes has been generally accepted by her people. The present abrogation of this principle is the more to be deplored since the natural intelligence and ability of Indian womanhood are by no means inferior to those of their emancipated sisters.

This is but one example of several which will be provided throughout this chapter that speaks directly to the role of women, Muslim women in general, and Ismaili Muslim women in particular. These principles guide the types of policies enacted by Aga Khan III and Aga Khan IV who envisioned the role of women beyond their present context. These two contemporary Imams who have collectively guided their community for over 125 years have continued to build on the legacy of their ancestors, the previous Ismaili Imams.

The Fatimids

The reasons we have chosen to explore the role of women in the Fatimid period as opposed to other periods of Ismaili history are two-fold. One is that there is sufficient documentation on women in the Fatimids from which an argument on their roles within the community can be built. Second is that it enables us to understand the continuity of the guidance of the Imams and what this has meant for the role of Ismaili women in time and space.

Achievements of the Fatimid Empire (909–1171) dominate accounts of the early period of Ismaili history. In Fatimid times, Ismailis thrived under the leadership of their Imam-Caliphs in Cairo, Egypt. "Named after the Prophet's daughter Fatima, the Fatimid dynasty created a state that stimulated the development of art, science, and trade in the Mediterranean Near East … Following the Fatimid period, the Ismaili Muslims' geographical center shifted from Egypt to Syria and Persia."[3] This is a period in which the Imams commanded both political and religious leadership. Though the city of Cairo became and remained their headquarters for nearly two and a half centuries, their political, economic and territorial power extended from North Africa to as far as Palestine, Syria and Sicily (Daftary 2006). One key feature of the Fatimid Imam-Caliphs was their inclusivity of different strata's of society within their structure of governance, one being the espousement of religious pluralism at various ranks where Jews, Christians and Muslims worked alongside each other (Jiwa 2003). This is significant when one looks at the inclusion of women for they too had their own spaces in this socio-economic and cultural context, specifically where it concerned the acquisition of knowledge (Jiwa 2009, 2011; Cortese and Calderini 2006; Halm 1997). In a Speech made by His Highness the Aga Khan (2007) at the Inauguration of the Restored Monuments in Darb al-Ahmar in Cairo, Egypt he stated the following about the Fatimid period:

> The Fatimids, after all, prided themselves on a broadly inclusive approach to knowledge. What they founded here would become a truly global city – to use contemporary parlance. Pluralism was indeed the hallmark of a Golden Age of the City Victorious 1000 years ago. I am happy that I can feel in this time also, like during the time of my predecessors, that there is true pluralist consensus surrounding our endeavors – all of us working together – to revive the Islamic city.[4]

The excerpt above demonstrates that the Imam of the time draws strength from the tradition and history of his ancestors and is seeking to adapt the value of pluralism to today's cosmopolitan context. In other instances he refers to the interplay between the public (secular) and private (religious) domains of life, which, in the Ismaili *tariqah*, are also rooted in history. Ismailis as a community believe that religiosity should permeate everyday life through ethical behaviour within any society thereby bringing a balance between the *din* (spiritual world) and *dunya* (material world), making it possible, as the Aga Khan (2010) says, for one to "…live creatively and purposefully as both a devoted Muslim and a

[3] http://www.akdn.org/about_agakhan.asp

[4] http://www.akdn.org/Content/574

committed European".[5] This notion serves as further background to understanding the narratives of the Ismaili women in the study.

Modern Ismaili Women: Perspective Through Narratives

It should be noted that this chapter can only highlight a small portion of the experiences of Ismaili women, those of the South Asian tradition who migrated to East Africa and later Europe, and who are now living in Canada. There are many reasons for this, two of which are mentioned here; one is that the Ismaili community is spread worldwide and does not therefore have a singular territorial base to call 'home' (Dossa 1999). This often means that Ismailis are impacted by the contextual policies to which education and healthcare have been available and accessible to them in their country of residence (Kassam 2011). However in countries where there exists a lack of institutional support structures that allow for the betterment of the society, the Imam's have traditionally established schools and hospitals for the general use of the entire community, whether Ismaili or not. The second reason is the degree to which migration impacts the Jamats'[6] roots within a diaspora community. As an example, the South Asian Ismaili community that mostly came via East Africa has now had roots in the West for nearly half-a-century and were traditionally well versed in the national languages (e.g. English for those coming from former British colonies and French for those coming from French or Belgian colonies) of their adoptive homes while the Central Asian Jamat has only been establishing a diaspora community and settling in the West more recently with the fall of communism in 1992. As such, a singular finite identity of an Ismaili Muslim woman is simply not possible due to the very pluralistic nature of the Ismaili community.

The contextual differences also vary across the globe for Ismailis, which may influence their perceptions of gender far more than their religious affiliations. Yet for others, religious affiliation and gender are seen as shaping each other in a meaningful way rather than being a point of contention or conflict. As will be shown, the results of the interviews conducted for this chapter heavily corroborate with other much broader studies completed in recent past by Keshavjee (2004) and Damji and Lee (1995), who also conducted empirical research on the role of Ismaili Muslim women from the South Asian tradition through different lenses.

Method and Methodology

In order to provide a more nuanced and a personal account of what it means to be an Ismaili woman, research interviews were conducted with a multi-generational family living in Toronto, Canada. The interviews utilized the "interview as

[5] Lafontaine-Baldwin Lecture.

[6] Colloquially used for 'community of Ismailis'.

conversation" approach which allows for a great level of self-disclosure on the part of the participants (Rubin and Rubin 1995). This interview as conversation approach is characterized by turn-taking in speaking, the discussion of specific sets of topics, and the possibility to voice ones thoughts and to engage in dialogue (ibid.). This conversational style also allows for the ability to ensure that what is said can be verified through prompts and repetition of what the participant has previously stated (ibid.). The analysis of the interview utilized a narrative-inquiry approach in understanding and sharing the stories and responses as they were told by the interviewees (Czarniawska-Joerges 2004). This hermeneutical position, one that tries to make meaning of the narrative while respecting the integrity of the voice, demands that the researchers respect the interlocutors and present these narratives in a responsible manner (ibid.). Coupled with both the respect and responsibility to the interviewer, the researcher must also provide a 'novel reading': "an interpretation by a person who is not socialized into the same system of meaning as the narrator but is familiar enough with it to recognize it as such" (ibid., p. 62). While neither researcher is a woman nor can relate to the experience of being an Ismaili woman, as Ismaili men our familiarity with the narrators' "system of meaning" through our own personal observations and emic perspectives, allow for a deep appreciation of the narratives shared by these women. Moreover, our analysis of these narratives, which intertwine both the narratives of these women coupled with other textually driven empirical research allows for these narratives to be understood within a specific context, providing an understanding of these voices with historical data.

The interviews were conducted separately with each individual family member; a grandmother (Gulshan), her two daughters (Raziya and Annar), and granddaughter (Aliya – Annar's daughter). These interviews were audio-recorded and served to provide accuracy in transcribing the data. The languages spoken were Kutchi, an Indian dialect, English and French which were then either transcribed or translated and then transcribed. Some interviews were longer than others given minimal language barriers or the capacity of the participant to respond to the questions. One caveat: the participant(s) may not have provided certain details as they may have assumed such details to be general knowledge to the interviewer and therefore found it unnecessary to mention. In addition, the responses from the interviewees may have been limited due to the interviewer's role as a male family member. The interviewer was aware of his own role and for potential biases and subjectivities this may bring to the research. However, the women appeared open and honest with their responses. So as to not corrupt the data, a questionnaire was created and followed with open ended rather than leading questions. The questions asked of the participants were the following but not limited to: What do you perceive your role to be as an Ismaili Muslim Woman? How has the guidance of the Imam(s) shaped your identity as an Ismaili Muslim woman? What struggles, if any, have you faced as an Ismaili woman? How would you perceive your mother's struggle to have been in comparison to yours? How was the guidance of Imam Sultan Mohamed Shah received by your parents and/or grandparents? How have you understood the guidance of Hazar Imam? Who would you say are inspirational figures in your life? How have you engaged with the Ismaili community? Did you feel any resistance from anyone within the family or community towards your role as an Ismaili Muslim woman?

Profiles of Women in the Study

The grandmother: Gulshan is a 76 year old woman born in Morogoro, Tanzania. Her parents were from the region of Gujarat in India. In 1951, at the age of 16 she went to Dar-es-Salaam and got married. The newly wed then moved to Lindi district and later on Rufiji district, which she calls 'the jungle'. With five children, three boys and two girls, the family went through periodic financial struggles. It was in 1972 that the family decided to move to Paris after a close relative, an uncle who had already settled in Paris advised them that they could pursue the children's education in this country. With her husband having learned French while in East Africa, the opportunity seemed filled with hope. While in Paris, the family operated a dry cleaning business which was run by the father and all the children. Gulshan primarily speaks Kutchi, Gujarati, and Urdu with conversational Swahili, French and English. She is also well known for her talent of reciting religious hymns in the Jamatkhana[7] space. Finally in 1988, Gulshan and her husband moved and settled permanently in Toronto, Canada after their eldest daughter, Raziya, had established herself in the previous year.

The first daughter: Raziya is 59 years old and was born in Dar-es-Salaam, Tanzania. In 1969 she went to Nairobi and attended the Secretarial College. In 1970 she settled in Paris but spent 1 year in London, England to help raise her two younger brothers. While in Paris, Raziya learned French, which she claims was a 'luxury' for her. Additionally, she helped her father run the dry cleaning business along with her sister and brothers. She permanently settled in Canada in 1987 where she now works as a French Language Services Officer in the Provincial Government but started as a secretary nearly 18 years ago. As a hobby, which became a side business, Raziya remained active in the Ismaili and South Asian community entertaining crowds by singing Bollywood songs, and still does so today even on a voluntary basis. Like her mother, Raziya is fluent in six languages.

The second daughter: Annar is 53 years old and was also born in Dar-es-Salaam. At the age of 9 she was sent to Arusha, Tanzania by her parents to attend a British Boarding school, which she highly praises for its international student population and for the English education she received. She reflects on her exposure to Christianity at this school, which she feels, was her first exposure to a religious base. She transitioned through Mombassa for 1 year for further schooling at an Aga Khan school before moving to Paris in 1971. Annar also helped in the family's dry cleaning business and later took courses in data entry. She further adds that she really enjoyed living in France for its culture. She married at the age of 20 and had two children, a boy and a girl. The family settled in Canada in 1989, where she worked full-time while helping run a family business for several years. She now works in Investment Banking.

[7] Jamatkhana is derived from Persian meaning house *khana* of congregation *jamat.* Further details are provided under section on *volunteerism*.

The granddaughter: Aliya, Annar's daughter, is 26 years old and was born in Paris, France. At the age of 5, Aliya moved to Canada with her family. At present, she is in London, England completing a Master's degree in Muslim Cultures at the Institute for the Study of Muslim Civilizations at the Aga Khan University. She is fluent in English and French and hopes to enter the field of International Development, particularly in Early Childhood Education. Aliya is actively involved in the Ismaili community through her commitment to volunteerism in various capacities.

The Narratives

We continue the following section in three related parts. In highlighting the policies of Sir Sultan Mohamed Shah Aga Khan III and His Highness Prince Karim al-Husayni Aga Khan IV, three dominant values can be extracted from their guidance which particularly influenced the lives of the women in the study. These central themes are that of education, social welfare and volunteerism. The three core values were chosen based on the narratives of these women. As we will notice, throughout their narratives, these themes emerged in their personal stories and anecdotes. It is interesting to see, as we go through each of these women's lives, the similarities that exist in their understanding of their Ismaili identities even if they come from contextual backgrounds that are different from one another. We will attempt to understand from their narratives how they interpreted and applied the Imams' guidance in their lives. Within these larger narratives are the challenges and struggles they may have faced to fulfill, on the one hand, the guidance of the Imam, and on the other, the pursuit of a better life. Though the guidance and the pursuit are not to be dichotomized, how the women bring the spiritual and material aspects of their lives in harmony is of direct relevance to understanding how their role was shaped.

Education

For the Ismaili community, the quest for education has been, in a sense, a religious responsibility, a pursuit that draws inspiration from the time of the Holy Prophet.[8] Great value has been placed on education especially by the 48th and 49th Imam as a means of cultivating knowledge in keeping with the message of Islam. However, there often existed barriers to accessing education in certain contexts where the Ismaili Jamat was living due to limited government-funded schools, few to no schools in rural areas, and the costs associated with education amongst other challenges. In such areas, these two Imams built new schools which provided access to education to the entire local community.

In the late nineteenth and early twentieth century many Ismailis migrated from India to East Africa under the guidance of Aga Khan III (Dossa 1999) at which time

[8] Prophet Muhammad, in an often quoted *hadith*, had told his followers to seek knowledge even if it is as far as China.

he established more schools, hospitals and other services to ensure the community's development. Kaiser (1996) reports the following regarding these Aga Khan services in East Africa: "From cradle to grave…everything was taken care of. An Ismaili could be born in an Ismaili hospital, go to an Ismaili school, [and] live in an Ismaili neighbourhood in an apartment constructed by a co-operative Ismaili building society, buy it on easy terms with low interest terms from an Ismaili bank which would also help him get started in business" (Quoted by Kaiser 1996, p. 98). This enabled the Ismaili community to progress into modern times with a purpose and sense of direction. Over time, these facilities were open to non-Ismailis, regardless of gender, race, or religion and are still operational today (Kassam 2011). Due to these institutional structures, the position of Ismaili women has by and large significantly improved not only in their quality of life but in their roles as mothers, as workers, and as persons with goals and ambitions. This too was envisioned by the Aga Khan where he constantly gave guidance about the role of women. With regards to the role of women in Indian society, Aga Khan III writes the following Foreword in 1935 to Syed Zaidi's *The position of women under Islam*:

> I have not the least doubt that the whole spirit and teaching of the Holy Prophet-whatever their temporary aspects may have been-encouraged the evolution of all legitimate freedom and legitimate equality between men and women. The responsibility before God for prayers, for action, and for moral decisions is the same for men and women, according to the Prophet's Holy Message. Women already 1350 years ago were made economically independent of men, while in England as late as 1880 a woman's property belonged to her husband. The Prophet also broke with that system and made women financially independent and gave them their proper due in succession to their various relatives' estates.
>
> Pious and believing Muslims who really wish to understand the Holy Message of the Prophet and not just its passing aspects would immediately set to work with the object of bringing about the full and legitimate evolution of Muslim women in Islamic society until such time as they can honestly hold their own with the men.
>
> I firmly believe that in encouraging education amongst my religious followers and in trying as far as possible to give them equality – women with men – I have carried out the spirit of the Holy Message of my Ancestor. (Quoted in Kassam 2011, pp. 256–257)

These words, which he believed should apply to all women within the *Ummah*, were applied towards his female Ismaili followers in the Indian Subcontinent and East Africa. His guidance to the Ismaili community about the role of women began as early as 1899 saying that "in the Ismaili faith, men and women were exactly equal" (Kassam 2011, p. 257). This guidance continued in 1925 and 1945 where he spoke highly about the need to educate the girls in the Ismaili community. In Mombasa, he explicitly stated that parents with limited financial resources should educate a female child in preference to a male child (Kassam 2011, p. 259). This specific guidance has remained in the psyche of all the women interviewed, even three generations later. When Gulshan was asked about the guidance concerning women given by the Imam of that time, she responded:

Gulshan: "He used to say if you have the money to educate only one child and one of them is a girl then educate the girl"
Interviewer: "And why do you think the Imam said to educate the girls?"
Gulshan: "Because if you educate a girl then her life becomes better, her house improves, her kid's lives improves."

Referring to the same decree made by the Imam, Raziya says that "that [guidance] has stayed in my mind so there's got to be a reason why the Imam said it… He wanted Ismaili women to be educated, to be able to stand on their own feet, not to be martyred by guys and be under man's control. So I tried to change that; by being independent and not being under any man's control." Annar and Aliya too, make reference to the very same guidance.

This multi-generational understanding of the need to educate girls has empowered these Ismaili women as it is the basis through which they assert their narrative, and even more so, their Ismaili Muslim identities. The pursuit of education gained greater religious significance for many families as they began to translate the Imam's message in practical ways (Keshavjee 2004). Reflecting on this in his Memoirs, Sir Sultan Mohamed Shah states "In matters of social welfare I have tried to exert my influence and authority sensibly and progressively. I have always sought to encourage the emancipation and education of women … I have encouraged girls' schools, even in regions where otherwise they were completely unknown" (Aga Khan III 1955, p. 188).

How then was his guidance translated into action? And what challenges did these women face in trying to achieve this goal? The women provide several insights, linking culture, socio-economics and politics as struggles to achieving a good education, not to mention the constant migration from one place to another, as evident in their profiles. Annar reflects on her past saying that while growing up she had always heard her mother speak about the importance of getting an education which evidently came from the Imams guidance. She further adds that, "they (her parents) wanted me to get the best education so they sent me to Arusha, to a British Boarding school. At that time, the government was not so keen for people to get an education and so I went to an Aga Khan School for primary [education] and when I was nine years old I went to the boarding school. That is where I met students of prominent families like the president and minister's children who went to that same school … it was one of the best in all Africa at that time." With a sense of excitement, Annar's response demonstrates her praise in having attended an Aga Khan School due to the limited support from the country's government toward education. Her sister Raziya's experience is similar in that she attended several schools in different cities in Tanzania and Kenya, some of which were Aga Khan Schools.

For their mother Gulshan, the challenges to receiving an education were of a cultural and socio-economic nature. Having been born in 1935 and based on the timeline provided above on the Imam's guidance, her parents, she says, had heard the message about educating the daughters. However, she ruminates, "what kind of parents we had at that time, I don't know…I got married very young. But it was like that at the time, that you went to 7 different classes and you were ready to get married… It was different because they (the parents) were poor, they didn't have an education, even us growing up we were better off than they were. I still regret till today that I didn't get an education, I wish I had gone to school." Her regret contains as subtext the cultural struggles her parents faced in translating the message of the Imam into practical ways which still affects her today. As well, one must consider

the transitory period in the psyche of many Ismailis between "hearing" the guidance and then "enacting" this message in a meaningful way. Despite financial difficulties, she asserts having done everything possible to ensure that her own five children received an education; "we lived in the jungle, but we sent our kids to school."

Social Welfare

The Aga Khan III's guidance about Muslim women, including Ismaili women, envisioned a progressive role for them in society deeply rooted in the Muslim tradition, the Qur'an and history, conveying that:

> There is absolutely nothing in Islam, or the Koran [sic], or the example of the first two centuries, to justify this terrible and cancerous growth [the position of Muslim women] that has for nearly a thousand years eaten into the very vitals of Islamic society. (Quoted in Kassam 2011, p. 253)

Upholding measures taken by his predecessors, the Aga Khan III abolished the veiling of Ismaili women. Though in some areas where Ismailis live today, veiling is either customary or required by law and is not seen as a source of conflict. However, this seemingly drastic measure was to enable an increase in social welfare of the community and its global mobility in a time where the faith of Islam was still relatively new and unknown to the West. Though the removal of the veil is not the sole reason for the social progress of Ismaili women, it is referenced here in order to understand the migratory context of the women in this study. The root cause of the challenges faced by these women, who migrated to Europe and Canada, was therefore not simply one of religious integration, or one of a 'visible' Muslim identity, but rather focused around their social welfare needs in order to secure a better quality of life, often through education for economic betterment. In the following statement, the Aga Khan III states that "no progressive thinker of today will challenge the claim that the social advancement and general well-being of communities are greatest where women are least debarred, by artificial barriers and now prejudice, from taking their full positions as citizens" (Quoted in Kassam 2011, p. 250).

The Aga Khan III's guidance, therefore, led to the modernization of many Ismaili Muslim women, chiefly those who could take action within their own societies to access what education was available to them along with other services which would enable their social progress and development. For Ismaili men and women who couldn't access such services due to the lack of good governance, the Imams made it possible for them to access these services through their network of institutions. The role played by Sir Sultan Mohamed Shah in the betterment of the social and economic conditions of Ismaili women cannot be overstated. Beyond merely talking about the need for improvement in the lives of Muslim women, Aga Khan III actively sought out to create a society that valued the position of women in the community. Instructing his followers through *farmans* (decrees) on numerous occasions to send young girls to school at an early age would ensure that these young girls would grow up to be educated women who would eventually become mothers to

other young children. These educated mothers could then impart their knowledge to their progeny so that successive generations of literate and educated Ismaili Muslims could come to contribute positively to their societies.

While Sir Sultan Mohamed Shah can be considered to have championed the emancipation of Ismaili Muslim women, his successor, Prince Karim al-Husayni Aga Khan IV, has continued this work over the last five decades. As Kassam (2011) writes, "If Sir Sultan Mohamed Shah Aga Khan III, could be considered a visionary Muslim leader who revolutionized the manner in which women were to be viewed and treated, and who exhorted women to get an education, hold on to their faith, assume financial independence and assume their full roles in society, his successor, His Highness Prince Karim al-Husayni Aga Khan IV, may be considered an institution builder whose programmes have simply made equity of gender access a given" (p. 260). In an interview with the Globe and Mail in 2002, Aga Khan IV reinforces the policies of his grandfather where he states: "I find it very difficult to validate the concept, for example, that Islam says a woman cannot be educated. Or that Islam says a woman cannot work. I think what Islam says is that men and women have to live in a dignified manner in civil society" (The Globe and Mail 2002, February 2). Upholding the same value of women as his grandfather through the actions of his institutions, Aga Khan IV played an important role in ensuring the community's successful transition from East Africa to other parts of the world, namely Europe and North America.

Today, there is a sizeable presence of Ismailis living in Canada both in numbers and in their integration within Canadian society. "The community is primarily urban and is recognized for its entrepreneurial, professional and organizational skills, together with its ability to maintain its distinctive religious heritage (Fernando 1979; Nanji 1983; Ross-Sherif & Nanji 1991; Dossa 1985)" (Dossa 1999, p. 250). According to Leonard (2009), young Muslims growing up in the West are in the process of developing cosmopolitan forms of Islam and whose Muslim identities are now quite different from their immigrant parents and grandparents. Aliya provides her insights around migration and what it means for her today: "*There is that context that shifts; I don't know if it's European society that's made my parents more open minded or just the pressure of society is more apparent. It's tricky but at the end of the day if you look at the Ismaili community you see certain circumstances where people had to move out due to political reasons. Even people who are still there are putting a lot of attention on education. I don't know if I can attribute it to my parents being more open minded because of living somewhere else or was it how they interpreted the guidance of the Imam. It's not a black and white response*".

There are however other factors to consider regarding the settlement of these women in Europe and later Canada. For example, adapting to a new environment, culture and language truly had an impact on the progress of their social welfare, having led them to the pursuit of better education and greater opportunities. Annar says, "In one way, I should have moved to England [instead of France] because the French I had learned at the boarding school was not the best. I hadn't done my studies like my sister. So that was a struggle." Her sister recounts a slightly different

experience where she says "I have actually not faced any struggles because my parents had put everything in place for me. They sent me to France to learn French which I considered a luxury… When I went to Europe it was like facing another world, which was the non-Muslim world and you tried to keep your values and ethics in that environment which was difficult." Here, she mentioned her brief residence in London, England where she had gone to look after her two younger brothers to ensure that they too received a proper education and remained active in the practice of the faith. When Raziya and Annar's parents had finally settled in France, they had built a family owned dry cleaning business where all the children worked to help support the family. At the same time, the children continued to pursue their education in various fields.

This pursuit of education and increase in social welfare had yet another positive impact on the women; a new found sense of independence. Raziya says that "my parents made sure that I got the education but she [Gulshan] wanted me to be more independent, and let me do what I wanted to do because knowing what she had gone through, and not always being able to do what she wanted… she saw that times have changed and you have to let your children change too." Annar's daughter Aliya tells a similar story "…In fact I feel that because Hazar Imam has put so much emphasis on education, that has transferred to my parents. I felt that they supported me in what I wanted to do and there was never an objection to what field I went into but there were hints of being a doctor or lawyer which I think everyone experiences."

In Annar's experience she says that she never felt any restrictions growing up, though she found a new sense of independence in Canada: "I felt more self-confident in Canada. I started driving, I became very independent, more so than in France where I was more dependent on my husband. I got married too young so that might have had something to do with it." In her own way, Gulshan also felt a sense of independence while living in Canada when she worked at a restaurant making sandwiches saying that "I took the job because I wanted to pass the time." With that experience she recalled the days when she was just discovering the city and learning to travel by public transport. Raziya provides further insight: "there's so much you can do in Canada, you can keep your identity, you can find your niche in everything, you can go to the Jamatkhana, there's so much more here than in Paris. It was nice to know that when I came here, that even after the age of 50 you could still educate yourself which I had not seen in France. The Imam used to say that you're never too old to get educated so it's nice to see that people who are older can still go to school."

The experience of these women demonstrates that the pursuit of education and a better quality of life came to fruition in Canada. The arduous journey of having gone through different cultural contexts, socio-economic hardships and religio-political instability could now inform their present lived experience as Ismaili Muslim Women living in Canada. In the process, they maintained the importance of following the guidance of the Imams to achieve for themselves and their families a prosperous life. However, there is yet another component left to explore, the journey of how they came to express their role today as Ismaili women and the value they all placed on service to humanity as implicit to that role. Before presenting their voices on this subject, a brief background to the work of the present Imam will set the

context in which to understand how the women came to understand volunteerism, a value which stands as part of a long tradition within the Ismaili *tariqah*, as synonymous with their identities as Ismaili women.

Building on the work of the previous Imam, Aga Khan IV founded the Aga Khan Development Network (AKDN) in 1980, one of the largest development organizations in the world, working primarily in parts of Asia and Africa. As an umbrella institution it contains 12 agencies focussing on issues related to economic, social, and cultural development in some of the poorest regions of the world through the ethic of self-reliance, good governance, and human dignity. These services are offered regardless of race, religion, ethnicity and gender. The employees of the AKDN are of different faiths and backgrounds. The AKDN, therefore, is an endeavour of the Ismaili Imamat to realise the social conscience of Islam through institutional action towards the betterment of humanity.[9]

Volunteerism

Since his leadership in 1957, the Aga Khan has also developed an intricate system of institutions for the Ismaili community worldwide, wherein each country Ismailis reside, a national council oversees the progress and development of the community, with the headquarters of the Imamat now being in France and an Imamat Delegation Building in Ottawa, Canada. Within each national council there is the Ismaili Tariqah and Religious Education Board, the Social Welfare Board, Settlement Board, Economic Planning Board, Youth and Sports Board, a Women's Portfolio, Education Board, Health Board, Grants and Review Board and the Conciliation and Arbitration Board. These set of institutions are run by Ismaili volunteers and paid staff, working for the betterment of the Ismaili community. This structure provides ample opportunities for Ismaili men and women alike to contribute to their own personal development through the community but also to the development of the community at large. More elementary forms of the Ismaili council had been previously developed in East Africa to create a socio-economically and religiously cohesive community. This was particularly important given the newly emerging independence of African countries in what was now becoming the post-colonial era. Hence, an Ismaili Constitution was developed by the Imam of the time to reflect the values of the Ismaili community.

> In the case of the Ismailis, the ideal of family values relates very closely to the organization of community life under the guidance and leadership of a living Imam. In modern times, guiding principles came to be outlined, in a framework of rules and regulations of conduct referred to as a "Constitution." Such constitutions provided a degree of continuity and a means of balancing past values with the requirements of the legal systems of colonial administrations and subsequently, those of the new independent nations, whose personal laws they also complemented. (Sheriff and Nanji 1991, p. 103)

Ismailis attend Jamatkhanas which are the hub and center-point of all community activities including prayer, social events, rites of passage ceremonies, primary and

[9] www.akdn.org

secondary religious education classes and more. Ismailis living in Canada, and those living in other parts of the world, are well recognized for their commitment to volunteerism both within and outside the community through the Ismaili Volunteer Corps (IVC), which consists of an organized volunteer structure that is responsible for the upkeep of facilities and the implementation of various programs within the Jamat. This system engages members of the community to be involved in volunteerism in the Jamatkhana and in other congregational venues from a very young age to the very senior members of the Jamat. Raziya, Annar and Aliya reflect on this value when asked what it means to them to be a Shia Ismaili Muslim woman:

> My role as an Ismaili Muslim woman is to serve humanity, doesn't matter, they can be Ismailis or non-Ismailis. Help whichever way you can help… . because there's lots of voluntary work, and we are always pushing for voluntary work, I was able to contribute a lot in Paris for 20 years, 18 years of voluntary service in the Jamatkhana because we really tried to follow Hazar Imam's guidance to render service to the Jamat and that made me a good Ismaili.[10] I was able to do all this voluntary work which in other communities you don't always find to the same degree. – Raziya
>
> For me it is to help others through volunteerism. To help people that need your help in any way, whether in business or investment, you have to help them. And not just for the Ismaili community, for everyone, and that's what Islam teaches me. – Annar
>
> I think personally for me it's about my values and my ethics and those we get from the Imam… I've been a volunteer and leader of the Jamatkhana on campus at University, I've been on the Education Board, I've helped with youth programs, I've been on the Women's Development Portfolio, and I've also taught religious education. They were definitely good opportunities. The idea that you can start from a very young age is very empowering. I really found that in the volunteer corps, it's an amazing system to have for the youth and kids to be involved in because I find it to be like a mini structure for the world; you're going to have certain issues with certain people and certain struggles, but that builds character and I found that perhaps other people who haven't had that structure, going into the work place was a lot more difficult to handle certain struggles and situations… So I definitely find that it empowers you to become a leader in the community. – Aliya

These expressions of their identity as Ismaili women bring an important dimension to our discussion. It speaks mainly of the relationship between the individual and the community and the individual and the divine. Within the message of Islam, the individual and communal aspects are seen as fluid and constantly engaging with each other. This is why the role of women cannot be separated from their communal engagements as this too represents their relationship with the divine. These parts are constantly working together by shaping and influencing each other bringing special significance to how these women see their role as Ismaili women. Their responses further demonstrate a sense of independence as women and confidence as Ismailis in that they feel there is no conflict between the two and each role shapes the other.

The reader will notice that Gulshan's voice has been left out, though not purposely. When Gulshan was asked how she perceived her role as an Ismaili

[10] This idea of being a "good Ismaili" is not necessarily defined by the broader community as someone who volunteers within the community but it is interesting and important to note that for Raziya, the idea of service towards the community is tantamount to her Ismaili identity.

Woman she had some difficulty understanding the question, even when translated, her conception of what it meant to be an Ismaili woman eluded her. However what she did say was: "I had children." This could mean that Gulshan understood her own role as an Ismaili woman differently than that of her progeny, befitting the idea that context, both geographical and temporal, are important in understanding how this role is expressed. As mentioned at the beginning of this chapter, women will see their identity in different ways and Gulshan's narrative is a demonstration of one of the multiple ways of understanding her own self whereby her Ismaili identity is not one that is essentialist. It was her being a mother and grandmother, having gone through hardships while maintaining an ardent sense of faith, which brought her daughters and granddaughter to where they are today. It was also Gulshan's cultural upbringing that defined the role of women, for example, the need to get married and bear children which she tried to counteract with her own daughters. It is through her experience that we are able to witness how she overcame these predetermined female roles by providing direction and opportunities to her own children which were never accorded to her.

How then will the third and fourth generation of Ismaili women from this family potentially be shaped? What guidance has Annar provided to her daughter Aliya in contemporary times?

> I let her know about the guidance of the Imam and his stress on education. That he should always be the role model for my daughter. In order for my kids to go anywhere and do anything to look at the Imam first and see what he is doing or saying. But then I don't give an obligation, they do what they like; which has been a constraint before with mother and daughter, which I never did, because I was a well-rounded person culturally since I was young. I didn't approach things with her with authority or making decisions for her. Today I feel that this is what I did, I didn't give her any obligation so she spoke clearly about what she wanted to do while I provided support and guidance for her. – Annar

It seems that the mother's guidance has proven effective based on the response from her daughter when asked who she looked to for inspiration. For Aliya, it was the Imam of the time:

> Definitely the Imam, for me he's an inspiration in the work that he does, the fact that he has dedicated his life to us [and non-Muslims alike]. As a human being I can appreciate the level of concern he has not only for his own community but for the entire humanity. And in seeking to help in fields of education and health and development in general and help improve the quality of life of people. So I can understand that, and I'm inspired by him because he always talks about how the material and spiritual go hand in hand. So keeping that balance is very important. Besides the Imam, there are always people that are inspiring to you in your life, like Princess Zahra, Hazar Imam's daughter, who is working in the sector of helping women in the developing world. My debate with this is the Imam gives enough guidance about what it means to be a leader and that is regardless of gender. – Aliya

Aliya's statement is an example of the importance and centrality of the Imam in her own life as a way to achieving material and spiritual success in today's world. Each woman, however, had a different response to the question of 'who inspired them': for the grandmother it was an elderly woman, a 'wise' woman in the community, who imparted her with spiritual knowledge and advice on matters of faith.

For Raziya it was her own mother who had faced many struggles in comparison to her own. And for Annar it was her own children who had achieved a high level of education. These responses demonstrate the bonds which are formed within the community and immediate surroundings of these Ismaili women which afford us a wide spectrum of their support systems. Having a sense of their support systems enables us to see the depth to which they feel comfortable and confident as women.

What is obvious from the narratives of these women is that each of them have had their own challenges and successes based on their upbringing within their own contexts. Some of these challenges have been similar to those of immigrant families and communities of other faiths, though they may have had their own peculiarities based on the regional context. At the forefront, however, is the guidance of the Imams which has stood as a foundation for how their lives were shaped or what the possibilities of their lives could be by following this guidance. As such, they made sacrifices along the way in ensuring that they received a good education, improved their quality of life and as they realized their potential, they were able to give back to the community by way of volunteerism. The idea of reciprocity between the individual and the communal again demonstrates a strong presence in the psyche of the Ismaili community.

With the exception of the grandmother who grew up in a different cultural and familial context, the women did not feel a sense of restriction as Ismaili Muslim women. When the women were asked specifically about how they felt treated 'as women' in their voluntary service in the Jamat, the responses were generally very positive. For Gulshan, the only restrictions she felt were those growing up with family and relatives where she was forced to enter into marriage at a young age. The experience of these women cannot be applied to all Ismaili women given their context, but there is an interesting paradigm in that these women have been impacted by, not just one, but several cultural, socio-economic and religio-political climates. With the institutional actions of the Imams towards development, by having been provided with opportunities for growth through education, healthcare and other services, these women saw their role as being in keeping with the values and beliefs of the faith of Islam. But did these values arise out of their current contexts or are they part of the long standing tradition Ismailis draw upon? One of these values, the pursuit of education by women, which will be highlighted in brief, is a value that dates back in Ismaili history to the time of the Fatimids.

Historical Ismaili Women: Perspectives Through Evidence

The contextual factors at the time of the Fatimids may have presented their own challenges and struggles to the role of Ismaili women. However, the evidences provided below offer a glimpse of the context but perhaps more so about the space which was created for women in their pursuit of knowledge. The primary focus is on how they benefited and contributed to the institution of the *da'wa*.

The Fatimid *da'wa* had its early beginnings in many regions including Ifriqiya (modern day Tunisia) and was later transposed to Cairo, the future headquarters of

the *da'wa* (Halm 1997; Daftary 2000). The *da'wa* is comprised of *dā'is* (summoner) whose mission it was to spread the word of the Ismaili *tariqah*. Though this form of proselytization took place more so on an individual rather than communal basis, the teaching to Ismaili men and women occurred in congregational gatherings. The *dā'is* were also heavily involved in the political, economic, and educational aspects of the Fatimid dynasty. The *dā'is* were organized in ranks of which the highest rank, the chief *dā'i*, had direct access to the Imam of the time; the ultimate head of the *da'wa*. As head, the Imam of the time would give significant guidance to the mission of the *dā'is* in all matters related to their work be it regionally or abroad (Halm 1997). It is this background which enables us to understand female participation both within and outside the *da'wa*. "The contribution of women to the Ismaili *da'wa* in the early Fatimid period was initially confined to the practical working of the organization. In time, however, women came to be seen as accountable and valued recipients of teachings, as a medium for their dissemination and as financial sponsors of the *da'wa*" (Cortese and Calderini 2006, p. 39). The *da'wa* itself was mainly comprised of men, though there are several primary sources dated to the later period of the dynasty that have been brought to light by Cortese and Calderini (2006) and Halm (1997) addressing the involvement of women which are presented below.

The reasons for the inclusion of women in the teaching sessions initiated by the *dā'is* were manifold. One was that "women, like men, being part of a society that was informed by the new doctrines, needed to be instructed on how to conduct their lives, spiritually and ethically, according to the directives introduced by al-Mahdi" (the first Imam-Caliph of the Fatimid dynasty) (Cortese and Calderini 2006, p. 29). There were two types of teaching sessions held by the *dā'is* where each had a specific purpose and audience. The first type of lecture which was open to the wider public, took place at the *Dar-al-Ilm* (House of Knowledge) where teachings on various topics dealing with the sciences, among others, were being offered. This is where men and women alike had the opportunity to acquire knowledge of the faith as well as of other subjects, such as the sciences, which the Imam-Caliph saw as necessary for the advancement of society. The second type of lectures was known as *majalis-al-hikma* or sessions of wisdom which took place either at the al-Azhar mosque, the *da'is* residence or within the palace walls. These sessions were personally reviewed and subsequently approved by the Imam of the time as befitting for the *dā'i* to present his teaching material to Ismaili followers, both men and women (Halm 1997). Here, we have historical evidence of the involvement of women in these sessions as well as the approaches the *dā'is* took when teaching them.

> The *dā'ī* used to hold continuous sessions in the palace to read what was read to the saintly [the initiates] and collect the dues connected with it. The *dā'ī* would hold…a separate session for women in the Mosque of Qahira called al-Azhar; and a session for the wives (of the Caliph) and the noble women of the palaces. (al-Musabbihi quoted by Halm 1997, p. 45)
>
> He [the *dā'ī*] holds sessions in the palace to read it out to the faithful, and he does this at two different places: for the men on the pulpit of the mission in the great hall, and for the women in the room of the *dā'ī*, one of the largest and most spacious buildings [in the palace]. (Ibn al-Tuwayr quoted by Halm 1997, p. 48)

The two primary sources quoted above indicate several important factors. One, that the presence and participation of women in these sessions was significant

enough to have been recorded in history. The Second being that the women who attended were treated according to their status in society and taught based on the needs of each group of women whether they were laywomen, the Caliphs wives or noble women. The third is the physical spaces in which the *majalis'* were being held, suggesting that women may have attended these sessions in large numbers. There is yet further evidence on the *majalis al-hikma*, which began even before the Fatimids had taken power in Cairo (Jiwa 2011).

One of the pupils of supreme *dā'ī* Aflah ibn Harun al-Malusi reports on the teaching methods used by his master in the *majalis al-hikma*:

> I listened to him while he was performing his missionary function among women and using allusions for them in his sermon that their intelligence could grasp and that impressed themselves upon them, for he used to say: 'God disposes of the appropriate argument (Qur'an, VI:149); it is the one with which he addressed the knowing person according to his knowledge and the unknowing person only within the limits of his understanding! He had the habit, when talking to women, to choose as examples finery or the finger-ring, the earring and diadem, necklace, anklet or bracelet, dress of scarf, spinning and weaving, hair-style, wardrobe and other things with which women adorn themselves. (quoted by Halm 1997, p. 27)

This source provides insight on the pedagogical skills the *dā'īs* brought to the sessions of wisdom where women were taught according to what they knew and understood. It also demonstrates a level of care on the part of the teacher to ensure that his audience is able to apply certain doctrinal concepts (or otherwise) in direct correlation to their lived experience. Beyond the realm of the teaching and learning which took place in the *majalis*, "For the already initiated faithful…the *dā'ī* was to arrange appointed days for consultations apart from the regular *majalis*, but his house had to be open to all believers, men and women alike at all times." (Halm 1997, p. 67) Whether women actually went for consultation is unknown. Nevertheless, it does certify that space was created for women within the private sphere for them to pursue further guidance and support from the *dā'ī*.

These examples from history provide some basis for how the value of education was upheld by the Ismaili Imams through certain historical periods. The vision and institutional actions of the Fatimids serve as a model for the role of the Imamat in present day. It provides a strong base for the community to understand its own past and allows them to draw upon foundational elements with which to understand its present experience. For Ismaili women, this becomes particularly important as tradition also provides precedent. In this way, women's roles can only continue to develop and take shape in invariably different contexts.

Conclusion

The initial premise of this chapter suggested that while text and scripture will always remain important in understanding the role of women of faith within a community, special attention must also be placed on understanding the context in which these women live their lives. Within the context of Islam, as with other religions, socio-economic, cultural and religio-political factors interplay with a woman's

religious understanding of her role as a woman of faith. This chapter attempted to demonstrate, through the example of four contemporary multi-generational Canadian Ismaili women of South-Asian heritage, that multiple factors influence the understanding of one's role within the community.

The tripartite structure of this chapter attempted to secure an understanding of the role of Ismaili women by first providing a brief introduction on the Ismaili *tariqah*. As part of this introduction, we saw that the uniqueness of the Ismaili community in having a present and living Imam (the *Hazar Imam*) contributes greatly to the community's development. Moreover, this concept of a present Imam has meant that the community has continuously had guidance that is in keeping with the times in which they live, a fundamental boon given the changes that the community has undergone through multiple generations. This introduction also highlighted the position of the Imams on matters relating to the role of women within the Ismaili community specifically and the global Muslim *Ummah* more generally. Both the 48th and 49th Imams have always advocated for a greater place for women within the community and have enabled their social betterment through multiple institutional initiatives. Following this introduction, the chapter entered into a discourse around the self-expression of female Ismaili identities as narrated by a multi-generational family living in Canada.

The narratives that emerge from this study highlight three fundamental principles that are particularly important to these four Ismaili women, all of which relate to their gendered experience of being an Ismaili as they are in keeping with the guidance of the Imams. As the narrative unfolds, we first learn about the great push for the education of Ismaili women as extolled by Aga Khan III. We notice how each of these women, coming from significantly different generational and geographic contexts, all elucidated the centrality of education as advocated by Sir Sultan Mohamed Shah and the reasons why such an education was deemed important for the community. We also observe that through the institutional actions of the two most recent Imams, schools like the Aga Khan Academies, were established to educate young Ismaili and non-Ismaili girls and boys in geographic areas where government-run systems of education were either limited or altogether non-present. Through these institutional actions carried out by the Imamat, the community and especially young women, started to educate themselves more and more allowing them to advance in their social and economic wellbeing.

With a commitment to education, the social welfare of the community also improved thus allowing the community to be mobile in times of political instability in their countries. As Ismailis migrated from their homes in East Africa to Europe and North America, they were in better positions to find jobs and to establish themselves in their adoptive lands while continuing to ensure the progress of the community and the betterment of the quality of life of their children who would come to be born in these adoptive countries. These children, supported by their parents and the guidance of the Imams, continued to pursue their education and to establish themselves accordingly. As they settled, Ismailis formed a religious community that has thrived in several countries in which they live. Part of the reason why Ismailis have been able to succeed is due to the institutions and institutional framework put into place by the Imams within the community, many of which are run by

dedicated volunteers. This dedication to the value of volunteerism has over successive generations become the flagstone of the community, strengthening it in times of difficulty and allowing for the continued growth and success of the Ismaili Jamat wherever it may be located. We also notice that while the importance of women has had special significance in contemporary times within the Ismaili tariqah, this by no means entails that such a position on the role of women within the community is a recent one. As we observe, the importance of education for women and their active role within the Ismaili Jamat traces its origins as far back as the Fatimid Empire where the early Ismaili Imams also advocated for the education of women and how space was created for them to achieve this education.

It is however important to note the initial caveat on the roles and identities of Ismaili women expressed in this chapter. When discussing the role of Ismaili women through narrative, we focused exclusively on the experiences of a particular group of Ismaili women, women from East Africa who migrated to Canada via Europe. Moreover, these narratives represented only one family and their gendered experience of being an Ismaili woman. We must also keep in mind, as we had stated previously, that it is difficult to articulate a singular finite concept of what it means to be an Ismaili woman. Nevertheless, this chapter has been able to demonstrate the degree to which the role of women of the Ismaili faith can be understood by being cognisant of their context and the importance that the Imams and their guidance have on the community as a whole. This has afforded us the ability to gain perspective on the various subtleties within their voices and stories. Yet further work is necessary on the role of Ismaili women in a much broader scope.

Potential areas of future research on this topic might include how other Ismaili women from, for example, Central Asia, view and understand their role given the contexts from which they come from. It would be interesting to note how they understand the guidance of the Imam, to what extent their geo-political context impacted their own conception of their own womanhood, and how forced migration, often as refugees due to warfare, impacted the understanding of their tradition. However, due to the brevity of this chapter, to enter into a meaningful discussion of other Ismailis beyond the scope of this paper was simply not possible. It is however hoped that given this introduction on Ismaili women of South Asian descent, a better understanding of the conception of what it means to be an Ismaili woman has been provided.

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