

Chapter 10

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

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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' (Imtoul 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' (Imtoul 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 (Imtoul 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 HREOC 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' (Imtoul 2010). The HREOC report further concluded that the impact of racist attacks makes the victims 'desensitised', although Imtoul'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 racist 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 emphasize 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' (Khatturi 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: 19; 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 *maqasid* 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 there 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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