

The Right to be Human: How do Muslim Women talk about Human Rights and Religious Freedoms in Britain?

Cheruvallil-Contractor, S

Author post-print (accepted) deposited by Coventry University's Repository

Original citation & hyperlink:

Cheruvallil-Contractor, S 2018, 'The Right to be Human: How do Muslim Women talk about Human Rights and Religious Freedoms in Britain?' *Religion & Human Rights*, vol 13, no. 1, pp. 49-75

<https://dx.doi.org/10.1163/18710328-13011172>

DOI [10.1163/18710328-13011172](https://dx.doi.org/10.1163/18710328-13011172)

ISSN 1871-031X

ESSN 1871-0328

Publisher: Brill Academic Publishers

Copyright © and Moral Rights are retained by the author(s) and/ or other copyright owners. A copy can be downloaded for personal non-commercial research or study, without prior permission or charge. This item cannot be reproduced or quoted extensively from without first obtaining permission in writing from the copyright holder(s). The content must not be changed in any way or sold commercially in any format or medium without the formal permission of the copyright holders.

This document is the author's post-print version, incorporating any revisions agreed during the peer-review process. Some differences between the published version and this version may remain and you are advised to consult the published version if you wish to cite from it.

The Right to be Human: How do Muslim Women talk about Human Rights and Religious Freedoms in Britain?

Abstract:

This article examines existing literature and data from qualitative fieldwork with Muslim women in Britain to analyse their narratives of human rights and freedom, as they live within plural European contexts. In scared, securitised and polarised Europe, Muslim women have become visible markers of otherness. Each Muslim woman becomes a fulcrum upon which Western values and morality are measured against the ‘other’, *its* values, *its* beliefs and *its* choices. In exploring the implications of societal othering on Muslim women’s experiences of their human rights, this paper concludes that in social contexts that are polemical, becoming the other dehumanises Muslim women who thus become ineligible for ‘human’ rights. In such contexts, a human rights-based approach alone is insufficient to achieve ‘dignity and fairness’ in society. In addition to human rights, societies need robust and rigorous dialogue so that societal differences become part of a new mediated plural reality.

Key words: Muslim women; human rights; religious freedom; Britain; Islamic Feminism

1. Introduction – Why Muslim Women and Human Rights?

In the summer of 2016, the mayor of Cannes in France announced that individuals wearing “improper clothes that are not respectful of good morals and secularism” would be banned from Cannes’ beaches¹ The ruling continued that “Beachwear which ostentatiously displays religious affiliation, when France and places of worship are

¹*Cannes bans burkinis over suspected link to radical Islamism* 12 August 2016 , BBC, <<http://www.bbc.co.uk/news/world-europe-37056742>> , accessed 1 July 2017.

currently the target of terrorist attacks, is liable to create risks of disrupting public order.”² Although the announcement only alluded to ‘improper clothes [that] ostentatiously display religious affiliation’, it was commonly recognised as being aimed at the ‘burkini’. This is a form of swimwear not unlike a wetsuit that covers the entire body, which many Muslim women wear while swimming as it meets the modesty guidelines that they adhere to.³ A number of other coastal cities and towns in France followed suit in issuing similar bans, the legality of which were debated in the French and international media. Those opposing the ban said that it was a violation of the human rights of Muslim women. When images surfaced of a Muslim woman being forced to remove her burkini top while surrounded by armed police, it added impetus to allegations of human rights abuse.⁴

The discussions, which extended beyond France, were polarised with one side condemning Muslim women’s choice of swimming attire as a symbol of a “counter-society ... based on the enslavement of women”⁵. The other side condemned the ban saying that it conflated women’s choice to wear modest swimwear with terrorism and that it was a violation of Muslim women’s human rights including their rights to dignity, security, to practice their faith and to peacefully manifest it.⁶ Ultimately France’s highest court deemed that the burkini bans were illegal and that they

² *Cannes bans burkinis over suspected link to radical Islamism*, 12 August 2016, BBC, <<http://www.bbc.co.uk/news/world-europe-37056742>>, accessed 1 July 2017.

³ It is important to note that although the burkini is predominantly worn by Muslim women, women from other religious and non-religious backgrounds have been known to wear it.

⁴ *Burkini ban: Armed police force woman to remove swimwear on Nice beach*, 24 August 2016, Independent newspaper <<http://www.independent.co.uk/news/world/europe/burkini-swimwear-ban-france-nice-armed-police-hijab-muslim-a7206776.html>>, accessed 1 July 2017.

⁵ *Burkini ban: Why is France arresting Muslim women for wearing full-body swimwear and why are people so angry?*, 24 August 2017, Independent newspaper, <<http://www.independent.co.uk/news/world/europe/burkini-ban-why-is-france-arresting-muslim-women-for-wearing-full-body-swimwear-and-why-are-people-a7207971.html>>, accessed 30 June 2017.

⁶ *The burkini ban has nothing to do with tackling oppression*, 24 August 2017, Independent newspaper, <<http://www.independent.co.uk/voices/letters/the-burkini-ban-has-nothing-to-do-with-tackling-oppression-a7207581.html>>, accessed 30 June 2017.

constituted a “serious and manifestly illegal violation of fundamental freedoms”.⁷ This order was welcomed among others by the United Nations Human Rights Office.⁸ The order was also challenged by many right wing voices including by the mayors of a number of coastal towns who said that they would uphold the ban despite the court ruling.⁹

The ‘burkini-ban’ vignette is only one example of the many polemical public debates (both historical and contemporary) during which a supposed clash between European and Islamic values has become embodied in the bodies, choices and rights of Muslim women.¹⁰ Muslim women’s religious choices have been positioned in popular media and by some governments as being in direct contravention to the secular fabric and values that constitute Europe. Violent acts of terrorism, purportedly undertaken in the cause of Islam and the resultant fear and suspicion that this leads to, have brought Muslim women further into focus of the public gaze. Muslim women more so than Muslim men become symbols of difference, of those who have chosen not to conform to social norms, and who in their dissent are dangerous.¹¹ Against this backdrop of tension and suspicion across diverse European communities, this paper

⁷ *French rightwingers call for extension of burkini ban*, The Guardian Newspaper 26 August 2016, <<https://www.theguardian.com/world/2016/aug/26/frances-highest-court-suspends-burkini-ban-in-test-case>> accessed 12.08.2017

⁸ *UN human rights office welcomes France’s court ruling to suspend seaside ban on burkini*, 30 August 2017, UN News Centre, <<http://www.un.org/apps/news/story.asp?NewsID=54784#.WUkbtuvyIU>> accessed 30.06.2017.

⁹ *French mayors refuse to lift burkini ban despite court ruling* The Guardian Newspaper, 28 August 2016, <<https://www.theguardian.com/world/2016/aug/28/french-mayors-burkini-ban-court-ruling>> accessed 12.08.2017

¹⁰ The recent rulings from European Court of Human Rights (ECHR) around Muslim women’s veiling practices in the professional workplace and surrounding media coverage are another very recent example of the strong focus on Muslim women’s dress choices

¹¹ A number of academic publications discuss this othering. See for example: Lila Abu-Lughod, *Do Muslim Women Need Saving?* (London: Harvard University Press 2013), pp. 201-220; Christina Scharff, ‘Disarticulating feminism: Individualization, neoliberalism and the othering of ‘Muslim women’ in 18: 2 *European Journal of Women's Studies* (2011) pp. 119 – 134; Sariya Cheruvallil-Contractor, *Muslim Women in Britain: Demystifying the Muslimah* (London: Routledge 2012)

uses existing human rights literature and qualitative work with Muslim women in Britain to examine their experiences of human rights. This paper will analyse Muslim women's experiences vis-à-vis the tropes in the literature.

This paper focuses on Muslim women's everyday lived experience of human rights. It takes a sociological approach that focusses on women's narratives rather than legal or theological approaches. In doing so, it draws on Certeau's seminal work in which he describes everyday life as the tactics through which people individualise societal structures: rules, norms and histories, making them their own as they negotiate their lives through these structures.¹² Muslim women follow the rules set by institutions – which in the case of Muslim women's human rights are the (secular and religious) purveyors and hierarchies of human rights as perceived by Muslim women. The individual Muslim woman's experience of human rights is also shaped and *personalised by her* life, needs, contexts, networks and world-views. Socialisation and individualisation thus come into play together in the everyday. In using the everyday as a theoretical framework, the paper takes cognizance of Fadil's criticism that it has become the norm in academic practice for the everyday to singularly denote liberal forms of Islam.¹³ This research avoids focussing solely on the liberal and includes women with different levels of engagement with their faith, including many who were deeply observant –. This paper therefore explores the everyday experiences of Muslim women Britain who come from diverse backgrounds and who 'live' their religion very differently from each other. This focus on lived religion facilitates insights into the fluidities of everyday practices of religion. This stance is particularly useful in European contexts, where the religious contours of society are rapidly changing and

¹² Michael de Certeau, *The Practice of Everyday Life*. Translated by Steven Rendall (2011). (Berkeley: University of California Press. 1982), pp. 16-23.

¹³ Nadia Fadil and Mayanthi Fernando 'Rediscovering the "everyday" Muslim: Notes on an anthropological divide' in *5: 2 Hau: Journal of Ethnographic Theory* (2015), pp. 59–88.

where there is a rise in religions that are ‘new’ to European contexts. In the contexts of this paper, we can ask and answer the question – how do Muslim women negotiate their human rights in diverse European contexts?

2. Notes on Methodology: Researching Muslim Women’s Experiences of Human Rights

The first part of this article constitutes a narrative review of human rights literature within which Muslim women experiences of rights may be located. For this section, a secondary analysis of literature around human rights, women’s human rights and Islamic conceptualisations of human rights was undertaken.

This section provides a backdrop for the latter sections which discuss and analyse Muslim women’s narratives about their understandings and experiences of human rights. This original research that underpins this paper began with the premise that Muslim women are usually either mis-voiced or under-voiced, and that their stories are told by others. I set out to work with these women to reinstate them as storytellers who told their own stories. Over a two year period (2008-2010), ethnographic work, including semi-structured interviews was undertaken with, young Muslim women in the United Kingdom. Research locations included student Islamic Societies at four universities and three community-based higher education institutions of Islamic studies. Although this project was not specifically about human rights, it explored subject matter that is intrinsically part of human rights discourses – women’s rights to equality, dignity, social security and education. The data provides valuable

insights into how Muslim women understand and experience human rights, which is an area that heretofore remains unexplored in academic literature. The research was conducted in 2007-2010, nevertheless it has strong resonances with more recent legal and public discussions about Muslim women including the burkini ban and ECHR rulings on veiling.¹⁴ For this paper heretofore unutilised interview data has been used to examine and understand research participants' experiences of human rights. In a few cases previously quoted data is reused – in such cases the data forms part of a new analysis.

All interviews were conducted within a Feminist-Pragmatist epistemological stance that allows participants to contribute to the process of new knowledge creation.¹⁵ Any new knowledge created becomes significant only in the practical consequences that it has for the real lives of participants. Interviews were semi-structured, which allowed participants to talk about issues that mattered to them and to their lives. From an ethical perspective, women were given the choice of being anonymous or not and this is reflected in this article, where for some women pseudonyms have been used to protect their identity. All women were given the opportunity to read interview transcripts and to comment on the research findings.¹⁶

In total, I interviewed 52 Muslim women who represent a diverse cross section of Muslim life in Britain. A further seven women participated in group discussions to discuss and debate the findings of this research. Diverse, cultural and ethnic backgrounds are included in this sample – around 60 per cent of participants were of south Asian heritage, the rest were of Arab, African, South East Asian and Western European heritage. The sample reflects national statistics for the British Muslim

¹⁴ Discussed in section 1 of this paper

¹⁵ Cheruvallil-Contractor *supra note* 10; Charlene Siegfried, *Pragmatism and Feminism: Reweaving the Social Fabric* (Chicago: University of Chicago Press 1996).

¹⁶ Cheruvallil-Contractor *supra note* 10

population and includes British citizens and recent migrants including overseas students.

Most participants were either studying for higher education degrees or had recently begun professional careers. Yet many were the first in their family to go to university. Rather than represent privilege, these women's educational and career choices represent a socially-mobile community that is in a transitory phase. Women in the research sample had different ways of believing and came from different denominational backgrounds. Six participants were training to be *alimahs* or religious scholars. Three were full-time mothers. Three did not wear a *hijab* or headscarf, two wore a *niqab* or face veil. Three were converts to Islam. At the time of the interviews, most participants were in the age range 18 to 34. Three women were older, in the age range 35-42.

As in my other work with Muslim women, all findings in this paper are pre-empted by the caveat that Muslim women are extremely different from each other.¹⁷ In popular press, academic writing and even in some policy documents, Muslim women are reified as a category that is homogenous, whose values are the same and who, for the purposes of this paper, experience human rights in exactly the same way. Despite criticisms that the category Muslim woman 'has limited utility and limited credibility',¹⁸ academic research nonetheless needs to hear the voices of Muslim women, in order to fill gaps in current research and policy about Muslims that (intentionally or unintentionally) still privilege male voices. This quote from Shaila

¹⁷ Cheruvallil-Contractor *supra note* 10; Sariya Cheruvallil-Contractor, 'Motherhood as Constructed by Us: Muslim Women's Negotiations from a Space that is their Own' in 6 : 2 *Religion and Gender* (2015), pp. 9-28

¹⁸ Margot Badran, 'Between Muslim Women and the Muslim woman' in 24:1 *Journal of Feminist Studies in Religion*, (2006), pp.106; Haifa Jawad, 'Historical and Contemporary Perspectives of Muslim Women Living in the West' in H. Jawad & T. Benn (eds.), *Muslim Women in the United Kingdom and Beyond -Experiences and Images* (Boston: Brill, 2003), pp. 1 – 18.

(26), a research participant, demonstrates the urgency with which academics and policy makers need to consider the diversity of Muslim women's lived experience:¹⁹

I am different from every single person who is walking on this planet. I am different from my best friend who is also a Muslim and who is also from an Asian community. Every single person differs in their own way. Everyone has their own values, their own way of thinking, speaking. There are also certain things that unite everybody in the world. We are all human; we have certain universal values, of what is right and wrong. There is too much emphasis on what it is that makes us different from these people and then there is too much emphasis to say we are exactly like you. Shaila (26)²⁰

The women whose narratives are used in this research are all based in Britain but as noted above they come from different ethnic, religious, social and educational backgrounds. Their narratives therefore allow this paper to engage with diversity among Muslim women. Despite this inherent diversity these Muslim women all self-identified as practicing or believing Muslim women.²¹ This diversity and commonality in the category Muslim women is central to drawing out their experience of human rights.

¹⁹ In order to ensure that their voices are heard, throughout this paper, direct quotes from participants are used. Their names or pseudonyms appear in the introductory text just before each quote or after a quote. The first time a name appears it is accompanied by the participant's (age) in brackets. Where pseudonyms are used they are followed by a footnote that indicates this.

²¹ John Bowen, *Why the French Don't Like Headscarves - Islam, the State, and Public Space*. (Woodstock: Princeton University Press, 2007), p. 195 - In this research on French attitudes to Muslim head scarves, Bowen makes a distinction between *pratiquants* who are 'practising' Muslims and *croyants* who are 'believing' Muslims.

²¹ John Bowen, *Why the French Don't Like Headscarves - Islam, the State, and Public Space*. (Woodstock: Princeton University Press, 2007), p. 195 - In this research on French attitudes to Muslim head scarves, Bowen makes a distinction between *pratiquants* who are 'practising' Muslims and *croyants* who are 'believing' Muslims.

3. Human Rights and Women's Human Rights

In an apparent 'age of human rights'²², the term human rights is something that most people understand and have an opinion on. For this paper on Muslim women's human rights, the term is understood in its everyday conceptual understanding as the 'the basic rights and freedoms that belong to every person in the world, from birth until death'. These rights are based on shared human values from across diverse cultures and faiths, including 'dignity, fairness, equality, respect and independence' for everyone.²³ These rights are seen by some as 'set-in-stone' after the Universal Declaration of Human Rights (UDHR) in 1948. For this paper UDHR is at best a key milestone in a longstanding and ongoing discussion about the common values that all of humankind share, the rights that people can expect and the duties and responsibilities that they have towards each other. For this paper, the legal frameworks are important insofar as they allow the concept of human rights to be understood.

Although definitions are idealistic, the experience of human rights is 'messy'. The rights are by no means unassailable and have been debated in many ways. From being a Western demonstration of its social, cultural and moral superiority over the rest of the world;²⁴ to being an expression of Western cultural essentialism²⁵; not

²² *The Age of Human Rights* 26 October 2000, Project Syndicate [<https://www.project-syndicate.org/commentary/the-age-of-human-rights?barrier=accessreg>] accessed 30.06.2017.

²³ *What are Human Rights*, 26 January 2017, Equality and Human Rights Commission, <<https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights>> accessed 30.06.2017.

²⁴ Syed Abul A'la Maududi, *Human Rights in Islam*, (1976) <https://archive.org/stream/MaulanaMaududiHumanRightsInIslam/Maulana_Maududi_Human_Rights_in_Islam_djvu.txt>, accessed 29.06.2017.

²⁵ Adamantia Pollis, and Peter Schwab, 'Human rights : a Western construct with limited applicability' in (A. Pollis and P. Schwab eds) *Human rights : cultural and ideological perspectives*, (New York: Praeger, 1979), pp. 1-18.

necessarily being universal or for that matter inalienable²⁶ and the need to understand ‘human’ in ‘its full range of cultural, social, linguistic, psychological, and biological senses’.²⁷ Despite these criticisms and with the caveat that they are not an all-encompassing solution to the world’s problems, I agree with Donnelly and others:

human rights in their current understanding and formulation ‘remain a vital element in national, international, and transnational struggles for social justice and human dignity’ and are a ‘powerful resource that can be used to help build more just and humane national and international societies’²⁸.

Since this paper discusses women’s experiences of human rights, it is important for it to build upon the significant academic and socio-political discussions around women’s human rights. For many feminist and women’s rights activists, human rights while not being unproblematic can be a powerful resource for women’s voices and interests to be recognised.²⁹ However, the problems start with legal, cultural and social definitions of who actually constitutes a human. Women’s rights scholars argue that the dominant social narrative privileges male voices to the extent that female voices are dehumanised and therefore not included under the purview of human rights.³⁰ Rosenblum’s complicates these definitional problems by interrogating the term ‘women’ as deployed in human rights contexts, insisting that

²⁶ Jack Donnelly, ‘The Relative Universality of Human Rights’ in 29:2 *Human Rights Quarterly* (2007) pp. 281-306, and Shashi Tharoor, ‘Are Human Rights Universal?’, 16:4 *World Policy* 1999/2000, <<http://www.worldpolicy.org/tharoor.html>>, accessed 30.06.2017.

²⁷ *Declaration on Anthropology and Human Rights Committee for Human Rights American Anthropological Association*, American Anthropological Association, <<http://humanrights.americananthro.org/1999-statement-on-human-rights/>>, accessed 30.06.2017.

²⁸ Donnelly, *supra* note 26, p. 306; Tharoor, *supra* note 26 and Michael Ignatieff, ‘The Attack on Human Rights’ in 80:6 *Foreign Affairs* 2001, pp. 102-116.

²⁹ Amber Karanikolas, *Women as Humans: Human Rights, Feminisms, and Rethinking the Human*, <<http://asiapacific.anu.edu.au/regarding-rights/2016/07/29/women-as-humans-human-rights-and-feminists-rethinking-the-human/>>, accessed 30.06.2017.

³⁰ Karanikolas, *supra* note 29.

the more inclusive categories of 'sex' or 'gender' should be used instead.³¹ According to Rosenblum:

the identitarian category of "women" in international law delegitimizes the gender concerns of other groups: transgender people, men of all types, and women whose rights do not relate to a victim-based identity³²

Human rights mechanisms including local, national and international frameworks are criticised for devaluing and failing to uphold women's rights. Writing in 1990, Bunch states that women's rights are seen as trivial or secondary; and that female subordination runs so deep it is still seen as natural, so that crimes against women arising from this are not addressed. She calls for a need to transform human rights so that greater account is taken of women's lives.³³

It has been over 25 years since Bunch wrote the sentence quoted above. During these years demands for women's rights have made considerable progress in enabling issues around women's rights abuse, violence against women (both in domestic and public spheres) and sexual abuse to be recognised within human rights contexts. Nevertheless as noted by Charlesworth this progress is 'precarious' and the rights that have been garnered by and for women have protection that is only 'fragile'.³⁴ Significantly for this paper, according to Charlesworth, most of the barriers to a more just society for women arise from cultural and religious patriarchies that deploy particular readings of texts and cultural norms in human rights settings to deny women access to rights and equality. Muslim women's human rights and freedoms

³¹ Darren Rosenblum, 'Rethinking International Women's Human Rights through Eve Sedgwick' in 33: 1 *Harvard Journal of Law and Gender* 2010, p. 350, 2010.

³² Rosenblum, *supra* note 31, p. 349.

³³ Charlotte Bunch, 'Women's Rights as Human Rights: Toward a Re-Vision of Human Rights', 12:4 *Human Rights Quarterly* 1990, pp. 486-498.

³⁴ Hillary Charlesworth, 'Two steps forward, one step back?: The field of women's human rights', 6 *European Human Rights Law Review*, 2014, pp. 560-565.

are often depleted or even denied as these are seen to be incompatible with particular religious Muslim interpretations of women's roles and status in society.³⁵

3.1 Islam and Muslims, Human Rights and Muslim Women's Human Rights

This article began with a discussion about the banning of Muslim women's swimwear choices in France. The ban and surrounding events are symptomatic of an enduring and much broader debate about the deep and apparently unresolvable disconnections between Muslim and Western values around women rights, equality and freedoms.³⁶

This debate goes back to the inception of the UDHR, when in 1948, Saudi Arabia (a Muslim country) notably abstained from the final vote to adopt the UDHR, citing two disagreements. Firstly to the right to change one's religion (article 18) and, significantly for this paper, to equal marriage rights for men and women (article 16) – both of which according to the Saudis contravened *shariah* law.³⁷ Saudi Arabia's abstention and subsequent voices claiming to represent Muslim opinion have criticised the UDHR as imposing a Western-centric paradigm of rights on the entire world. According to these critics, these rights do not always agree with Islamic notions of human rights, are inadequate to meet current world-challenges and are also inferior to Islamic concepts of rights. This view is exemplified in this quote from Pakistani Muslim thinker Syed Abul A'la Maududi in his book on human rights in Islam:

³⁵ Ann Elizabeth Mayer, 'Cultural Particularism as a bar to Women's Rights: Reflections on the Middle Eastern Experience' in J. Peters, A. Wolper (eds) *Women's Rights, Human Rights: International Feminist Perspectives*, (London and New York: Routledge, 1995), pp. 176-188.

³⁶ Nader Hashemi and Emran Qureshi, 'Human Rights' in *The Oxford Encyclopedia of the Islamic World, Oxford Islamic Studies Online*, <<http://www.oxfordislamicstudies.com/article/opr/t236/e0325>>, accessed 10th July 2017.

³⁷ *Drafting History*, (undated), Columbia University in the City Of New York, <http://ccnmtl.columbia.edu/projects/mmt/udhr/udhr_general/drafting_history_10.html>, accessed 10th July 2017.

The charter and the proclamations and the resolutions of the United Nations [author is referring to UDHR] cannot be compared with the rights sanctioned by God; because the former is not applicable to anybody while the latter is applicable to every believer.³⁸

Such debates have led to a number of alternate formulations for human rights which are led by Muslim groups and are informed by their particular interpretations of *shariah* law. For example the Cairo Declaration of Human Rights in Islam that was adopted by the Organisation of Islamic Cooperation in August 1990.³⁹ It is not the central purpose of this paper to explore these debates between what may be termed as Islam and secular conceptualisations of human rights. Indeed, both sides have been particularly shrill in critiquing each other. Note Maududi's comment above as a criticism of 'secular conceptualisations of human rights. For the secular side, Meyer posits that, 'These Islamic human rights schemes impose Islamic criteria to weaken if not nullify civil and political rights.'⁴⁰

These historical debates, and the arguments of both sides, including the accusations of cultural essentialism and of cultural relativism that have been put forth by either side have been examined and debated vigorously in academic literature.⁴¹ This paper will not enter into this discussion. However, with regards to rights and equality for Muslim women, it is important for this paper that both the Cairo declaration and Maududi's book offer only limited freedoms to women. They are

³⁸ Maududi, *supra* note 24.

³⁹ *Full text of the Cairo Declaration of Human Rights in Islam*, Forced Migration Review, special issue on 'Islam, human rights and displacement' June 2012, <http://www.fmreview.org/Human-Rights/cairo.html>, accessed 06.07.2017.

⁴⁰ Ann Elizabeth Mayer, *Islam and Human Rights: Tradition and Politics*, (Boulder, Colorado: Westview Press, 2013), p.2.

⁴¹ Heiner Bielefeldt, 'Western' versus "Islamic" Human Rights Conceptions?: A Critique of Cultural Essentialism in the Discussion on Human Rights'. 28: *1Political Theory* 2000, pp. 90-121.

therefore inadequate to deal with women's rights abuse in both Muslim and non-Muslim contexts. For example, although article 1 of the Cairo declaration states that:

All human beings form one family whose members are united by their subordination to Allah and descent from Adam. [And that] All human beings are Allah's subjects, [...] and no one has superiority over another except on the basis of piety and good deeds.⁴²

The same article of this declaration also states that:

All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the basis of race, colour, language, belief, sex, religion, political affiliation, social status or other considerations.⁴³

Critics of the Cairo declaration claim the choice of the words and differential usage of 'all human beings' and 'all men' is representative of differing attitudes to women's rights. Although the declaration includes an entire article on women's rights⁴⁴, Meyer and others argue that it has been carefully drafted so as to avoid providing women with equal rights⁴⁵ - a pattern that is repeated in much writing about human rights that has emerged from the Muslim world.

3.2 More 'Equal' Muslim Voices

⁴² Cairo Declaration of Human Rights, *supra* note 39.

⁴³ *Ibid.*

⁴⁴ Article six states that, 'Woman is equal to man in human dignity, and has her own rights to enjoy as well as duties to perform, and has her own civil entity and financial independence, and the right to retain her name and lineage. [and that] The husband is responsible for the maintenance and welfare of the family.'

⁴⁵ Mayer, *supra* note 40.

Although the patriarchal Muslim voices that seek to limit Muslim women's equality are loud, they are by no means the only Muslim voice. In contexts that include these voices as well as growing Islamic feminist and Muslim women's rights movements, the Muslim position on human rights is messy and diverse.⁴⁶ The countries that originally voted for the UDHR to be adopted included eight Muslim-majority countries.⁴⁷ While these countries have questionable human rights records, their voting for the declaration may at least be seen as an in-principle willingness to engage with global-secular discourses that encourage equality between men and women.

Similarly in "A Declaration of the Rights of Women in Islamic Societies," a group of Muslim academics and thinkers seek to offer a more egalitarian reading of Islam belief with regards to women. In the declaration they state that, 'the oppression of women is a grave offense against all of humanity' and that, 'the subordinate place of women in Islamic societies should give way to equality'.⁴⁸ The authoritativeness of this declaration may be diminished by perceptions that its signatories represent secular, more liberal Muslim voices. Nevertheless its existence represents a burgeoning Muslim opinion, emerging particularly from Western contexts, that seeks to challenge the patriarchal norms on Muslim women's social roles that are prevalent in some Muslim societies. This emerging egalitarian Muslim voice often argues that women in the earliest Muslim communities had more rights and freedoms than women in some contemporary Muslim communities. Thinkers from this camp assert that the scriptures of Islam – the Quran and the Sunnah – are texts that enshrine and secure women's rights. They state that the depletion of women's rights in some

⁴⁶ Heiner Bielefeldt, 'Muslim Voices in the Human Rights Debate' in 17:4 *Human Rights Quarterly* 1995, pp. 587-617.

⁴⁷ These were: Afghanistan, Egypt, Iran, Iraq, Lebanon, Pakistan, Syria and Turkey. It is important to mention that these countries did not all have Muslim-led governments.

⁴⁸ *The Rights of Muslim Women*, December 1997, Middle East Quarterly, pp. 83-84, <<http://www.meforum.org/378/the-rights-of-muslim-women>>, accessed 12.07.2017.

Muslim communities is the result of human interpretations of divine texts that are coloured by patriarchal cultures and attitudes prevalent in these communities that privilege male interests and rights.⁴⁹

... the intention of the Koran was to raise the status of women in society, not to relegate them to subordination as is commonly believed and practiced in much of the Muslim world today⁵⁰

Verses of the Quran have been interpreted out of their Qur'anic and social contexts in ways that are used to prop up the unfavourable treatment of women and discriminatory legal and cultural practices. There is a need therefore to reinterpret and reclaim Muslim religious scriptures so that interpretations that are more amenable to women's rights and equality can be achieved. Such readings would be more true to the original meaning and ethos of the religious scriptures. These readings are informed by Muslim women's rights-based activism and scholarship, feminist theology⁵¹ and contextual interpretations that take into consideration contemporary issues, politics and social dynamics.⁵² Shah suggests that such readings would demonstrate that the Quran does not discriminate against women.⁵³ According to Shah through contextual interpretation compatibility may be achieved between international human rights and Quranic teachings with regards to women's human rights even in contentious areas such as polygamy, divorce and inheritance.⁵⁴

⁴⁹ Mayer, *supra* note 40; Cheruvallil-Contractor *supra* note 10 ; Aisha Bewley, *Muslim Women – A Biographical Dictionary*, (London: Ta-Ha Publishers, 2004); Niaz A. Shah, 'Women's Human Rights in the Koran: An Interpretive Approach', 28 *Human Rights Quarterly* 2006, pp. 868-903.

⁵⁰Shah, *supra* note 49 .

⁵¹ Cheruvallil-Contractor *supra* note 10

⁵²Shah, *supra* note 49.

⁵³Shah, *supra* note 49, pp. 903, also Shaheen Sardar Ali, 'Women's Human Rights in Islam: Towards a Theoretical Framework' in *Yearbook of Islamic and Middle Eastern Law Online*, Volume 4, Issue 1, pages 117 – 152 , 1997.

⁵⁴Shah, *supra* note 49, pp. 869.

In the context of such compatibility, Sardar Ali argues that although on specific subjects or in specific verses, the Quran may appear to promote unequal treatment of men and women, the ethical voice of the Quran and indeed of Islam is 'reformative, egalitarian and non-discriminatory'.⁵⁵ Diverse Muslim communities need to critically reflect on their cultural norms to examine what impact these have on women's rights. They also need to work with women to reclaim the ethical voice of Islam and to advance interpretations of the Quran that are led by women and which favour their rights.⁵⁶

3.3 Enduring tensions

This brief examination of the literature has elucidated tensions between supposedly secular and supposedly Islamic conceptualisations of human rights. As with the 'burkini-ban' (and indeed similar historical and contemporary debates), the Muslim woman's body becomes a site where these tensions are played out. These tensions seem less unresolvable as new Muslim voices emerge, who seek to separate what they perceive as Muslim culture from the true essence of Islamic divine scripture. They believe that this approach when combined with contextual readings can lead to interpretations that are more amenable to women's rights. The next section will examine whether these tensions and hopes to resolve them are reflected in Muslim women's lived experiences of human rights.

4. What do Muslim Women say about Human Rights?

⁵⁵ Sardar Ali, *supra* note 53; and Shaheen Sardar Ali *Gender and human rights in Islam and international law : equal before Allah, unequal before man?* (The Hague : Boston: Kluwer Law International 2000).

⁵⁶also Ali *supra* note 53 and 55.

Previous research on the subject of Islam, women and human rights has focussed on setting up theological paradigms through which human rights can be universally accessed by Muslim women⁵⁷. Or research has sought again, theologically, to assess and bridge areas of conflict between secular and Islamic conceptualisations of human rights for women.⁵⁸ Such work sets up useful and important foundations for further research and exploration. Indeed as demonstrated later, Muslim women rely on religious texts and doctrine to understand the extent and limit of their human rights. Nevertheless discourses around human rights remain incomplete without an understanding of what these rights mean to Muslim women who depending on their life contexts either experience them or are denied them.

This section directly reports on the findings from the thematic analysis of Muslim women's narrative interviews. They often used the terms 'rights' and 'human rights' interchangeably, often preferring the former term over the latter. In most cases their understanding of human rights mirrored everyday definitions discussed at the beginning of section 3 above. So for example Muslim women interviews included discussions about rights to education, work; choice in marriage and to a private family life. They also spoke about the need for equality and non-discrimination. These discussions map neatly onto the articles of the UDHR. Muslim women also spoke about rights that may be seen as stemming more from religious / cultural perspectives. Rights which are assigned to them in their religious scriptures. While these do not fully map onto UDHR articles, they have significant influence of Muslim women's lived experience of rights and are therefore included in this discussion. For the purposes of analysis, I have divided this section so that Muslim women's experiences vis-à-vis Islamic notions of rights are discussed first followed by their discussion of

⁵⁷ Sardar Ali, *supra* note 55.

⁵⁸ Shah, *supra* note 49.

rights vis-à-vis secular contexts and conceptualisations. At the point on embarkation into this exploration of Muslim women's human rights, it is important to note that *they* think these are important. This is Ayesha's (20)⁵⁹ response when I asked her why:

I think they [human rights] are very important. You lose your personality, your identity if you don't have rights. Identity is very important in this world. Maybe some people don't have a source of identity, but it is very important to have identity and to convey the identity to Muslims and to non-Muslims. And rights give you identity. Ayesha (20)⁶⁰

4.1 Muslim Women's Engagements with Islamic Notions of Rights

The 'believing and practicing' Muslim women who participated in this research derive their rights from Islamic texts and from Muslim belief. By virtue of living in the West they described their rights in language that was similar to the language of human rights and which is therefore familiar to their non-Muslim counterparts and indeed to feminist writing and scholarship. They spoke about the basic rights to safety, security, education, everyday freedoms (speech, expression) etc. They also spoke about the Quran giving women the choice to determine their career paths; to choose their spouses and other significant life decisions. In these women's understanding, the Quran was an egalitarian scripture within which God assured women of their rights. For these believing women it was important to acknowledge God's role in assigning rights for women:

⁵⁹ Name changed to protect participant's identity.

⁶⁰ Name changed to protect participant's identity.

I think that's the good thing about Islamic law. Its revisit-able, it's not set in stone. Apart from the basic rights like she has a right to a good education, she has a right ... First of all when she is born ... A woman is a blessing, her start is beautiful. [...] She is allowed everything a man is allowed. She is born, she has to have a good name, her father has to provide for her a good house. They [her parents] have to love her; they have to care for her. They have to make sure she is educated, they have to make sure she can find her way around the world. They have to find her a good spouse. So *Allah* gives her the right to even choose the person she wants to marry. I think that's quite fair. Fatima (32)⁶¹

The quotation above begins with the assertion that the 'good thing' about Islamic law is that it is 'revisit-able. This indicates that Fatima (and other participants in my research who made similar assertions) agree with Shah and others that the Quran gives interpreters the opportunity to read it contextually.⁶² It is not set in stone. It is a living document that millions of people world over use to determine their life trajectories, including how they determine and experience their rights, and so readings of it cannot be rooted in a particular time or space. As believers lives evolve so too must interpretations of the Quran evolve to meet the changing needs and lifestyles of those who read it and believe in it.

The quote above from Fatima also indirectly alludes to the basic freedoms that form part of an individual's human rights. Fatima mentions the freedom to choose a spouse. Other participants mentioned the freedom to choose how and what one believes; education routes; career choices; the freedom to go out or not to go out; to pray where one wants to; and many other 'freedoms'. However, participants also

⁶¹ Name changed to protect participant's identity.

⁶² Shah, *supra* note 49, pp. 869.

believed that in Islam there were divinely-ordained limits to an individual's freedoms. Significantly they stated that these limits were equally applicable to men and women:

A woman does not have full freedom. And even the man does not have full freedom either. Even he has limits, boundaries and *purdah*.⁶³ Roohee (29)

In addition to the point about freedoms, the above quote also demonstrates that the women who participated in my research also recognised the ethical voice of the Quran that Sardar Ali describes in her work to be egalitarian and equitable and which promotes gender equality.⁶⁴ They spoke about equality between men and women who are to be judged equally and whose acts of worship and kindness receive equal measure. Participants spoke about differences between genders, between men and women, but in their narratives this difference did not detract from women's rights. These differences focussed on social roles including the Quranic pronouncement that in marriage men had responsibility to provide for the family⁶⁵ - women were clear that in *their understanding* differing social roles did not impede upon their human rights. So for example, that men/husbands were responsible for financially providing for the family, did not preclude women from taking up paid employment.

I think according to Islam men and women are equal. In numerous *ayahs* [or verses] of the Quran it is said that men and women will be judged equally according to their deeds and not by their gender on the day of judgement. So wherever there is a mention of man there is a mention of women. In Islam it is if

⁶³ In the context of this quote *purdah* refers to Islamic modesty guidelines for men and women. In other contexts it can refer to the seclusion of women in traditional Muslim societies.

⁶⁴ Sardar Ali, *supra* note 55.

⁶⁵ Sardar Ali, *supra* note 55.

you go through the Quran you read the *ayahs*, its man and women are equal but they are different. If we live by these learnings that we are thought, I am sure that we would have a peaceful society, community and a peaceful world. [...] Everything has its right – a tree has its right in the eyes of Islam. If you see a tree, you water the tree, you get *sawaab* [or blessings]. This is *ibadah* [or worship]. *Ibadah* is not just praying *namaaz* [five daily prayers]; keeping *roza* [fasting]; doing *tasbeeh* [form of prayer⁶⁶]. Zakia (36)⁶⁷

In the quotation above Zakia provides her interpretation of the wider Islamic ethical framework that governs rights and societal roles. Ensuring that every person and indeed thing had access to its rights would make the world a safer more peaceful place. Zakia makes another important point - according to her, ensuring that rights are accorded fairly and equitably is an act of *ibadah* or worship. Thus within hierarchies of Islamic morality and moral behaviour, she assigns the accordance of rights high privilege. According to the Muslim narrative, the sole purpose of the creation of humanity is to worship. The Islamic notion of worship is not limited to ritual acts of prayer, but comprises all acts of life that are *halal* or permissible. For Zakia, and the vast majority of participants in my research this included accordance of rights to women and by analogy to all things. This represents the lived understanding of what Sardar Ali, from an Islamic legal and theological perspective, describes as ‘the basic

⁶⁶ Form of Muslim prayer that involves the repetitive utterances of short devotional sentences in praise of God. To keep track of counting either the phalanges of the right hand or a string of beads is used.

⁶⁷ Name changed to protect participant’s identity

tone and complexion of Islam' that is 'reformative, enjoining upon people equity and justice for all'.⁶⁸

4.2 But Culture versus Islam

Now I move away from what women believe to what women experience. Zakia who I quoted above, lives in a large and diverse Midlands city in the UK, having moved here recently from India. She had been trapped in an abusive marriage, after much suffering she asked for and received a divorce but then faced a difficult custody battle for her children, which she won. When I first met her, she seemed exhausted from the difficulties she had experienced. She had moved to the UK to build a new life for herself and for her children. Over the last five years, she has established herself within her 'deeply religious' community, and in her own words she has found the courage to rebuild her life and to become an activist for women's causes at local, national and international forums. She like other Muslim women in this project mentioned being denied her rights – rights that were divinely ordained for her. Her rights were denied by some Muslims who based their understandings of Islam on patriarchal interpretations of Muslim scriptures. When she fought for her human rights and then received them, this also took place within Muslim spaces and with Muslim actors involved in the process of garnering her rights for her. These Muslims had different understandings of the same scriptures.

⁶⁸ Sardar Ali, *supra* note 55, pp. 117.

Most women in my sample spoke about either their own rights or those of other Muslim women being denied by patriarchal Muslims (men and women⁶⁹) and by hierarchies within Muslim communities that favoured male voices. They also spoke about the successes for women's empowerment and freedom that were possible within Muslim ethical and moral frameworks. There was a conundrum then, between Muslim practice around women's human rights and Quranic recommendations about what this should be. Participants in my research chose to speak about this in terms of a disconnection between Islam and Muslim culture. So according to Farhana (20):

Women have got a lot of rights in Islam, it's unbelievable. I look at my Mum for example, she carries out her cultural role as a wife, but in Islam it's not obligatory for a wife to do certain things – for e.g. she [wife] has to do all the cooking and the cleaning and the husband is the dominant one. That's what my culture says. Islam is not about all of that. [...] And again this is just a cultural thing. In my culture they say that if you think for yourself, they find that very threatening and they don't like that. Farhana (20)

Based on what participants said, it seems that in discourses about women's human rights, Muslim voices that were culturally patriarchal seemed to dominate. This finding is echoed in Charlesworth comment about patriarchy and Muslim women's rights discussed earlier in this paper.⁷⁰ According to participants, this 'culture' was rooted in the geographical contexts that Muslims in Britain and Europe originate from. So for example since 66 per cent of Muslims in Britain originate from the Indian sub-continent (India, Pakistan and Bangladesh)⁷¹ which for participants meant

⁶⁹ See Cheruvallil-Contractor *supra* note 10 for a discussion of patriarchal men and women.

⁷⁰ Charlesworth, *supra* note 34.

⁷¹ *Ethnic Group by Religion*, 31 July 2013, UK National Census 2011, <<http://www.nomisweb.co.uk/census/2011/lc2201ew>>, accessed 12.07.2017.

that the Muslim culture they found deeply problematic was a result of Indian influence on Muslims rather than a part of Islam itself. This is a quote from Shukri (19), a young woman of Somalian origin, who lived in Holland and then in England:

But the thing is...there is a difference between religion and culture. I come from a Somalian culture and a lot of things that they say – a woman shouldn't do this and girls should act in a certain way. Actually when I look it up, it's just cultural beliefs. I am aware that this happens but I am thinking my parents even though they are cultural they still treat me in an Islamic way [...]. If there is something that they tell me about behaving in a particular way and it's cultural, I will tell them that it has nothing to do with Islam, it's just your culture. I obviously, because I grew up in Europe, I am going to have some European culture in me.

Shukri (19)

With respect to Muslim women's human rights, social roles and religious practices, a significant proportion of participants asserted the need to move beyond constructs of Islam that are specific to places outside of Europe and indeed to past eras. Instead, they say that contemporary European Muslims must discursively and practically move toward ways of living and being in Islam that are European – towards a contextual re-reading of Islam. Many of them already do this – in the quote above Shukri says that when faced with a conflict between her perceptions of Islam and cultural expectations of her she 'looks it up'. A significant proportion of the participants in this research spoke about consulting with scripture regularly or with their favoured scholars. They studied their faith, reflected on it on their own or with the friends and arrived at understandings that they then implemented in their lives. They also declared that living in Europe has given them the freedom to critically engage with their faith.

In her comparison of women's and minorities' rights in the Middle East, Ghanea notes how women's rights campaigners successfully used Muslim frameworks. She notes that these Muslim frameworks 'strongly rested on the creative potential of efforts at revising and reforming Islamic law towards liberal interpretations.'⁷² Such a 'revising and reforming' or as participants in this research put it 'reclamation' of Islamic law from within Muslim communities is essential to garner Muslim women's rights for the long term. Muslim women said that this reclamation needed concerted effort with women asserting and clarifying their positionality as claimants to human rights within both their Muslim and non-Muslim socio-political contexts and to their Muslim and non-Muslim co-citizens:

I would like to begin with a discussion on women's rights. I feel that till you fight for your own rights, nobody is going to give them to you. [...] We have to ourselves start clarifying things. We are not of that bunch of people who do not have the freedom of speech – all these freedoms aren't given to you, you have to demand and take them. So this is the first point that I wanted to make. Fauzia (30)⁷³

4.3 Muslim Women's Human Rights in Secular Europe

In the previous section, Shukri reflected on her European-ness as giving her the opportunity to critically engage with her faith. Basariya similarly reflected on her life and her community's life in Europe and the trajectory of a people's engagements with women's rights. When I spoke to Basariya (21), she was training to be a solicitor. As an imam's daughter, she is extremely well-read in her faith and spoke eloquently and

⁷² Nazila Ghanea-Hercock, 'Human Rights of Religious Minorities and of Women in the Middle East' in 26: 3 *Human Rights Quarterly* 2004, pp. 705-729.

⁷³ Name changed to protect participant's identity.

at length about the significance of her faith to her life. Like the many women in this research, she recognised the culture versus Islam disconnection in her own life – her due to the prevalence of cultural patriarchies within her community her mother had not received her *mehr*⁷⁴ because her family and her husband’s family were ‘friends’. Despite *mehr* being enshrined in Islamic law, social circumstances meant that her mother did not ask for her right and she felt she did not need the *mehr*. For Basariya, this was a case of culture been given priority over faith:

Muslim woman have been given so many rights. There is a lot of cultural baggage that women carry whether it be the Arabian peninsula or South Asian... and because of influences of culture and traditions that existed prior to the advent of Islam. Over the generations this has amalgamated into what is perceived as religion. So a lot of the perceived rights that women do not have are not there because they are not being implemented. This is how I perceive it. Men have chosen to not fully give rights to women and the women have not demanded them. Basariya (21)

Yet as she reflected on her own life, she said that for her, living in Europe gave her the freedom to practice her faith as she wanted to while also critically reflecting on her faith and on the socio-cultural practices that have shaped it. She values the freedom that she has in Europe to practice her faith and to express herself. Her freedoms she felt were a direct result of European and indeed British values around democracy and human rights:

I don't think there is true democracy in any country, but there are levels of democracy and in Muslim countries it is just not there. There is such a

⁷⁴ This is the marriage dower that Muslim women receive from their husbands on getting married. According to Islamic texts *mehr* is a woman’s right.

restriction on freedom of expression but over here [in Europe] it is different. People think that over here we [Muslims] do not have any rights, this is not true. People here are able to freely express themselves; are freely able to observe their religion. There is no question of it. Basariya (21)

So for Basariya, living in Britain meant that she had access to her human rights. But this was not the experience of all Muslim women. Malika's (30) experience of Europe was characterised by her disagreements with French secularism or *laïcité* and implications for her human rights:

I'm French [...] it was a time when the law against the hijab was passed. At that point I thought, Oh my God! I wanted to be a teacher and then I thought well, if I have to teach it means that I have to take off my hijab, because it is forbidden in schools and at work. This was something I couldn't think of.

In France the concept of secularism, originally in 1905 the law meant that everybody was free to practice their religion but they kind of manipulated it to be now that no religious signs are accepted. And that is because of history and how France was treated by the Church. But in France now you actually have an anti-religious feeling. And if you are Muslim then you are really unlucky [...] So in France it is really difficult – because they ask you to choose between being a citizen and your belief [...] In France you kind of start like thinking – you sometimes have shame and you become shy because you are Muslim. They make you feel different – no you have a problem, we are fine. Malika (30)

Her freedoms and rights, to practice her faith, to have a fulfilling career, to gain economic independence, and, indeed, to be a citizen, were severely curtailed in France. She felt that she no longer had the choice to be herself – which in the context

of this quote was being a *hijab*-wearing school teacher. To give herself a chance to practice her faith and also have a career, she chose to move to Britain. The *hijab* may be understood as a piece of cloth or as a form of expressing oneself. It does not cause harm, yet it has become sufficient reason to deny Malika (and many Muslim women like her) many freedoms. Yet if only to signify the messiness of this debate around Muslim women, secularism and human rights, it is also important to note that not all Muslim women have issues relating to their modesty practice. Similarly not all Muslim women's experience of Europe and the West is the same. However what does seem to be unanimously true is that they all face constant public scrutiny about their religious practices and the choices they make:

[Muslim women] They are constantly being asked questions. There are others [women] who do wear scarves but do not face such questions. There is a dialogue going on all the time and they are very much part of the society and they are contributing to society. Some people, non-Muslims, take it as her faith and she dresses like that and they give her the freedom to do so and then interact with her normally. It happens to so many other Muslim women, and there are many, who are judged and feel uncomfortable working with the society. Amra (40)

4.4 Enduring Disconnections between Islam and the West?

The majority of women in this research felt that despite the challenges that secularism brought to their lives, it also gave them opportunities to engage with their faith critically, to accomplish what they desired and to be Muslim. Malika's experience with is nuanced, although her rights were denied in France, she was able to move to Britain where she felt that she was able to achieve her rights. Both countries had different

models of secularism and governance. And whereas she felt one denied her human rights, the other understood her needs and supported her in endeavours. Nevertheless migrating to Britain also meant loss as she left her family behind in France.

A final opinion on Muslim women, human rights and freedoms that needs to be expressed here belongs to extremely small minority of participants who feel that secular notions of women and womanhood are fundamentally at odds with Islamic notions of women and womanhood:

And then when you look at the modern times perception of women, you will notice that there are a variety of thoughts that think of a woman so lowly. Although we are claiming to be liberalised and we are seeking for freedom but in essence if you look at the core values, the very values that Allah imbibed in a woman do not exist. It's the ideologies that have put her down and have made her go into being equal to men – working shoulder-to-shoulder with men and forgetting the values of being a mother and being a woman. Parveen (36)

75

For Parveen, Western and Islamic notions of womanhood and of women's rights were unbridgeable. Her opinion is not unlike those who according to Amra judge Muslim women, make them feel uncomfortable or are offended by the *hijab* and other faith practices Muslim women practice. This suggestion of fundamental disagreement between Islam and the West exists on both sides of this perceived dichotomy. In this research this opinion was only held by a minority of Muslim women who came from specific backgrounds that were characterised by religious traditionalism.

⁷⁵ Name changed to protect participant's identity.

The two women in my research who held these opinions had recently moved to Britain from Iran and Pakistan respectively – so were they ‘patriarchal women’? It is also noteworthy that despite stating that they held views that were more traditional and which specified domestic roles alone for women, both these women sought and then became involved in paid employment outside the home. Is this indicative of a transformation of attitudes towards work and domesticity as they lived in Britain and engaged with British values? Or is it indicative of differing prescriptions for oneself and for other women allowing the holders of this opinion to co-opt patriarchal authority for themselves? It is worth considering how these women’s perceptions of the West have been shaped by socio-political and religious discussion of the West in the countries of their origin. Further research is needed to clarify this.

4.5 De-humanising Muslim women

The other side of this dichotomy this view (of enduring conflict between Islam and the West on women’s rights) is also represented in women’s interviews. For example participants spoke about enduring stereotypes that position Muslim women only as symbols of an alien culture or a way-of-life that is essentially at odds with European values and ways-of life. Zahra (32)⁷⁶ feels she is seen as less human:

I just think singling us out also makes us feel very different from women as a category. Like when you say Muslim women it’s like we’re not women but a different species – we don’t feel, we don’t cry, we don’t laugh, we don’t moan, we don’t feel unhappy. [...] Why do I have to be completely alien from womankind altogether? I am a woman. I feel everything another woman would feel. The only thing that makes me different from them [other women] is that I

⁷⁶ Name changed to protect participant’s identity.

chose Islam [...]. And this doesn't change me being a woman [...]. I was born a woman. I feel like a woman. I talk like a woman. Everything else about me is woman-like. I don't think it should make such a drastic difference that I am Muslim woman. And sometimes I struggle with that because people don't want to see you as a human being or as a woman. They just want to see you as, "who are you?"; "where are you from?"; "do you come in peace?"- that kind of thing.

Zahra (32)

Such dehumanising has led to Muslim women, particularly those who are visibly Muslim to be the targets of hate crime and Islamophobic prejudice, name-calling and attacks.⁷⁷ This understanding of Muslim women solely as symbols is deeply problematic for discussions around Muslim women's human rights. In her seminal work, Arendt writes about the refugees becoming ineligible for human rights because they are disempowered to the extent that they no longer belong to a social grouping that can garner or ensure their human rights.⁷⁸ They have no nation state that can administer their human rights. She asserts the need for the right to have rights. Muslim women in Europe are members of significant social groupings – however the groups that they are part of dehumanise them in different ways.

Muslim patriarchs dehumanise Muslim women positioning them as the vestibules of entire communities' *izzat* or honour. As holders of *izzat* they must be protected and kept safe but not necessarily be given rights to explore their worlds or to go beyond the domestic sphere. They are precious but not human enough to be allocated rights, even if these are divinely ordained. These are the cultural attitudes

⁷⁷ *Tell Mama Annual Report 2015: The Geography of Anti-Muslim hatred*, 29 June 2016, Tell Mama, <https://www.tellmamauk.org/wp-content/uploads/pdf/tell_mama_2015_annual_report.pdf>, accessed 10.07.2017.

⁷⁸ Hannah Arendt, *The Origins of Totalitarianism*, (New York : Harcourt, Brace & World, 1966)

that Basariya referred to when she spoke about her mother not receiving her *mehr*. Such attitudes are perhaps exemplified in the Taliban's silencing of women from the public sphere so that they were no longer even fully visible, except perhaps as beings clad in blue *burkhas*. Such dehumanising needs to be challenged by concerted efforts from within the Muslim community to uncover and propagate more egalitarian readings of core Islamic texts.

However the dehumanising of the Muslim woman happens in the West too. Shamsia (18)⁷⁹ is a young British woman. She is proud of her British upbringing and the fact that she has the freedom to be herself. When I met her, the first thing she said to me was that she will not criticize British or Western society. Yet she says this about the media:

Yeah ... and in terms of the media I haven't seen any actually Muslim women being portrayed in the media ... like me ... I haven't seen anyone like me ... they don't talk about normal people who go to school and colleges and work and stuff. It's just mainly ... I have only seen people in *Burkas*⁸⁰ on the TV and like that is Muslim women. That's how it is the media. And it's about, usually stories of ... like girls who want to wear *hijab*⁸¹ to school and then they're not allowed. So it always shows it in terms of a conflict – between Islam and hijab and everything. Shamsia (18)⁸²

Going back to Arendt and the right to have rights,⁸³ Muslim women in Europe are citizens of the European Union and of nation states who have the social, ethical and

⁷⁹ Name changed to protect participant's identity.

⁸⁰ This is a long garment that covers the entire body including the face.

⁸¹ A scarf that Muslim women wear to cover their hair.

⁸² Name changed to protect participant's identity.

⁸³ Arendt, *supra* note 80.

legal frameworks to assure Muslim women's human rights. And their experiences of Europe are different depending on where they live as demonstrated in Malika's decision to move from France to Britain. Nevertheless, the relentless focus on Muslim women solely as symbols of the other, again dehumanises them. Muslim women's choices are scrutinised constantly without them having the opportunity to represent their voices and opinions. Each Muslim woman becomes a fulcrum upon which Western values and morality are measured against the 'other', *its* values, *its* beliefs and *its* choices. Such positionalities are often blind to the diversity both within the West and also within the other. Like Arendt's refugees she is dehumanised and so longer has the right to have human rights. The nation-state which should be the overseer of her human rights is instead caught up in an antagonistic interrogation of the validity of her values and whether or not they can form part of the fabric of the nation-state. Which leads us to the question - can Muslim women's human rights and freedom be guaranteed by the same frameworks that are dismissing the validity of Muslim women's choices?

5. Conclusions: The Right to Rights, to Humanity and to Informed Choice?

Muslim women are caught up in a longstanding debate between Islamic and Western notions of human rights, freedoms and equality. These debates have become tenser in the aftermath of acts of terrorism and of religious and racial prejudice. One ramification of this is that in Britain Muslim women have disproportionately become the focus of Islamophobic abuse.⁸⁴ Against this backdrop this paper examined Muslim women's experiences of human rights in Britain, giving them a voice to articulate their own experiences. This article started with a vignette around Muslim women's

⁸⁴ *Tell Mama Annual Report 2015: The Geography of Anti-Muslim hatred*, 29 June 2016, Tell Mama, <https://www.tellmamauk.org/wp-content/uploads/pdf/tell_mama_2015_annual_report.pdf>, accessed 10.07.2017.

choices about what to wear and for the conclusion, it is useful to come back to this idea of why Muslim women wear what they wear. In Britain (and indeed in most of the West), where Muslim women have choice, their decisions are emphatically not characterised by arcane or patriarchal norms. Indeed for these women's the reasoning behind what they wear is very different:

It has been my choice and nobody has had to force this on me. And it was my own choice wearing it years ago. And I don't remember how many years. I think it's a sign of freedom. It frees you and liberates from all these chains and all these prisons. It gives you that inside of women – that she is a human being.

Nasim (36)

Muslim women state the significance of Islamic theological frameworks to garner women's their rights. Reclamation of their faith will lead to uncovering Islamic egalitarian tradition and women-friendly interpretations of their faith. Such reclamation needs to led from within diverse Muslim communities by emancipatory voices, both male and female. However, the very validity of faith-based approaches is challenged by some understandings of secularisms in Europe. Islam is othered, Muslim women are dehumanised and entire societies are entrenched in a paradox where all players in this debate are denied rights. In focussing on images of the blue-clad Afghani women or of women wearing black *burkas* or on the *hijab* solely as a symbol of difference, the media and indeed public discourse has become stuck in a mode that self-defeating for all concerned. Muslim women are denied their humanity and thus their right to human rights. The ordinary non-Muslim citizen is denied access to information about Muslim women that they need to shape their personal attitudes to diversity and are therefore denied the right to informed choice. And society as a

whole is denied the opportunities to conversations about difference and to uphold the values around freedom, fairness and shared humanity that form the very basis of our society, in Britain and beyond.

This paper concludes by asserting that a human rights-based approach alone is no longer sufficient to address the issues of Muslim women and of plurality in Britain and in Europe. Discussions about Muslim women's choices have at best been characterised by naivety and at worst by prejudice, hatred and discrimination. This has created an intellectual gap in the public mind about what women's choices actually mean which in turn has limited their informed choices. What is needed therefore is the re-opening of the public space (through policy, media-work and community work) so that Muslim women are re-humanised and their choices re-validated as integral aspects of plural and diverse European society. By unearthing the 'normal', 'real', 'human'⁸⁵ Muslim woman, plural society does itself a service – by giving itself a range of options through which to make up its mind regards Muslim women's human rights.

⁸⁵ These are words that participants used to describe the public representations of Muslim women that they would like to see.