

Supplementary Paper

For the Australian Human Rights Commission Project—
Freedom of Religion and Belief in the 21st century
January 2010

Freedom of Religion, Belief and Gender

A Muslim Perspective

Exploring the issue of freedom of religion and gender in Australia with a focus on the practice of Islam in Australia, and issues facing Muslim Women

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1. Introduction

Muslim women in Australia are an incredibly diverse group, coming from different cultural backgrounds, speaking different languages and having various levels of religiosity. Yet, they share some degree of a commitment to a faith that many assert is contrary to the realization of their human rights as women, a view that freedom of religion is in conflict with notions of gender equality. This paper will explore the intersection of these two rights and consider the question of whether greater freedom of religion accorded to Muslims means compromising the gender equality of Muslim women.

The paper begins by introducing the tension between freedom of religion and gender equality in an international context, and offers a challenge to the somewhat simplistic assumption that Islam is the driving force behind the violation of women's rights in many Islamic countries around the world. The focus of the paper then turns to how Muslim Women in Australia experience freedom of religion and how this intersects with the concept of gender equality as understood in an international human rights framework.

The analysis presented in this paper comes from data collected through 22 interviews conducted with Australian Muslim women (of these 15 are well known Muslim Women leaders, and 7 young Muslim women) in October 2009 and November.¹ These women came from NSW, VIC, QLD, SA and the ACT, they included Muslim Academics, managers of Muslim Women organizations, spiritual leaders, community workers and university students. The interviews were either face to face interviews or phone interviews that were about 1-2 hours in length. In particular the paper considers the responses of these women to several issues including how they experience freedom of religion in Australia, religious practices that affect gender equality of Muslim women, the intersection of culture with religion and gender, the role of the media in its negative portrayal of Muslim women and the Agency of Muslim women in Australia. It is argued that Australian Muslim women feel that they enjoy a great deal of freedom in the practice of their religion, and whilst they acknowledge that there are certain aspects of community practice that do undermine gender equality, they are confident that these issues can be addressed by solutions from within the community as they rely on their view that Islam supports a notion of gender equality.

2. An overview of Islam and gender in an International context

The two rights of freedom of religion and gender equality are well established principles within the international human rights framework. Freedom of religion is encapsulated within article 18 of the Universal Declaration of Human Rights (UDHR), article 18 of the International Covenant on Civil and Political Rights (ICCPR) and in article 1 of the Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief

¹ I would like to thank these women who gave of their time and experience to assist me in this research project. I would also like to thank Dr Helen McCue for her feedback on the draft paper.

(1981). Provisions concerning gender equality are contained in the United Nations Charter, article 2 of the UDHR, article 26 of the ICCPR and article 1 of the Convention on the Elimination of all forms of Discrimination against Women.

This paper seeks to explore the intersection of these principles and rights in the lives of Muslim Women in Australia, and in particular considering the question of whether allowing greater freedom for people to practice their religion would compromise on the right to gender equality for Muslim women. This is based on the common perception that Islam is an oppressive regime that treats women as inferior and is the basis upon which many women around the world are denied basic human rights. Whilst many Muslim women would vehemently argue that Islam is not such a religion they do readily point to the horrific practices against women in many Muslim countries, where religion is used as a justification for not only discrimination but also violence against women. This is compounded by the fact that many Muslim countries have entered reservations to their ratification of the international human rights documents that support gender equality on the basis that some of those provisions 'contain values and pronouncements contrary to Sharia (principles of Islamic law) on the status of women'.²

Therefore it is easy to see how many can reach the conclusion that there is a deep tension between Islamic principles and gender equality as understood by the international human rights discourse. This is important not only as a critique of Muslim countries and the lives of Muslim women in those countries, but also for states where Muslims are a minority and the question is raised about how to balance the freedom of such a minority to practice its religion (including issues of accommodation of certain religious practices) without compromising gender equality. Unfortunately, up until very recently, the view has been that Muslim women need to be saved, and their plight can only be alleviated if they move away from the religious principles that are oppressing them. It is the argument of this paper, that from the perspective of many Muslim activists and feminists, this is a very simplistic solution to what is a complex and multifaceted issue, as one interviewee expressed:

*It is easy to simply blame Islam. But can somebody honestly tell me, that if Islam was taken out of the equation would those Muslim women who are suffering suddenly lead better lives?*³

This is an argument made by several Muslim Women scholars such as Al-Hibri who argues that 'the situation of Muslim Women globally is too complex and contradictory for one comprehensive critique. In some nations Muslim women experience horrendous forms of violence and oppression, often under the label of Islam. To explain the reality and suffering of women in such nations, by reducing it to a simple consequence of Islam, becomes impossible when, in neighbouring Muslim nations, women occupy positions of power in

² Shaheen Sardar Ali, *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man?* Kluwer Law International, The Hague, 2000, p.2

³ Community Leader AM, interviewed October 17 2009

significant social and political institutions'.⁴ Furthermore Barlas writes that many recent studies show that 'women's status and roles in Muslim societies, as well as patriarchal structures and gender relationships, are a function of multiple factors, most of which have nothing to do with religion'.⁵

Yet, the question remains – is there a conflict between 'women's human rights as enunciated in the Islamic tradition, and in the human rights instruments formulated under the auspices of the United Nations'.⁶ Again, there is no simple answer, but there is certainly an increasing number of scholars and activists who conclude that the concept of women's rights in Islam is not entirely irreconcilable with international human rights norms.⁷ These scholars emphasise the egalitarian nature of Islam and the many Quranic verses that reflect the equality of men and women, for example:

I shall not lose sight of the labor of any of you who labors in My way, be it man or woman; each of you is equal to the other (3:195)

The believers, men and women, are helpers, supporters, friends and protectors of one another, they enjoin all that is good, and forbid all that is evil, they offer their prayers perfectly, and give Zakah (Obligatory Charity) and obey Allah and His Messenger. Allah will bestow Mercy on them. Surely Allah is All-Mighty, All-Wise. (9:71)

O mankind! We have created you from a male and a female, and made you into nations and tribes, that you may know one another. Verily, the most honorable of you with God is the most pious. Verily, God is All-Knowing, All-Aware. (49:13)

For Muslim men and women,- for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in Charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much in God's praise,- for them has God prepared forgiveness and great reward. (33:35)

Many argue that whilst there are many practices contrary to women's rights which are done in the name of Islam, the reality is that there is no basis in Islam for them. Others make the important point that there are many factors at work which have allowed such oppressive practices to continue, such as the existence of patriarchal cultures that are often confused with religious belief or the existence of authoritarian regimes that deny more than just

⁴⁴⁴ Joumanah El Matrah, "Stolen voices of Muslim Women", *The Age*, April 22 2005

⁵ Asma Barlas, *Believing Women in Islam: Unreading patriarchal interpretations of the Quran*, University of Texas Press, Austin, 2002, p2

⁶ Shaheen Sardar Ali, *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man?* Kluwer Law International, The Hague, 2000, p 240

⁷ Shaheen Sardar Ali, *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man?* Kluwer Law International, The Hague, 2000, p 240

women's rights as Ali argues that certain 'cultural practices discriminatory to women have been shrouded in religious belief whereas religious norms favouring women conveniently ignored. Undemocratic regimes have denied human rights to their citizens, and attempted to lay the blame on the doorstep of religion.'⁸ In other words, the countries which discriminate against women are also those that are most likely to engage in other human rights abuses. Whilst it is beyond the scope of this paper to fully explore these issues, the important point that needs to be remembered is that the discussion about Muslim women needs to move beyond simply blaming Islam as their source of oppression.

3. An overview of Islam and Gender in Australia

The discussion above highlighted the complexity of the intersection of freedom of religion and gender equality in an international context, and in a similar way this complexity is mirrored in Australia. The media and public discourse in Australia has generally characterized Muslim Women as being part of a religious tradition that promotes gender inequality and in particular engages in oppressive practices towards women. There has been a fair amount of recent research that has documented this portrayal of Muslim women in Australia.⁹ The rest of this paper will be devoted to looking at how Muslim women in Australia are practicing their religion and the issues that arise for them in Australia. The analysis presented in this paper comes from the interviews conducted with 22 Australian Muslim Women.

3.a A brief statistical Profile of the Australian Muslim Community

The latest census figures put the Muslim population in Australia at 1.7% of the total Aust population – 340 000. The Muslim Community in Australia has ties from all over the world coming from countries in the Middle East, Africa, and Asia. The most frequently cited country of birth for Australian Muslims is Australia, with 36% of Australia's Muslim population being born in Australia,¹⁰ 30% of the Muslim community claim Lebanese Ancestry and 18% claim Turkish ancestry.¹¹ This diversity has led some commentators to write about 'Muslim communities' rather than a Muslim community. Wise and Ali note that 'contrary to popular discourse, Muslim-Australians are a heterogeneous

⁸ Shaheen Sardar Ali, *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man?* Kluwer Law International, The Hague, 2000, p.5

⁹ Australian Human Rights Commission, *Living Spirit – A Dialogue on Human Rights and Responsibilities, Report on HREOC's Muslim Women's Project*, 2006; Amanda Wise, Jan Ali, *Muslim-Australians & Local Government: Grassroots strategies to improve relations between Muslim and non-Muslim Australians*, 2008; Australian Human Rights Commission, *Isma – Listen, National Consultations on eliminating prejudice against Arab and Muslim Australians*, 2004; Islamic Women's Welfare Council of Victoria, *Race, Faith and Gender: Converging Discrimination Against Muslim women in Victoria, The ongoing Impact of September 11*, 2008; Anti-Discrimination Board of NSW, *Race for the Headlines, racism and media discourse*; Helen McCue *The Civil and Social Participation of Muslim Women in Australian community life*, DIAC, 2008

¹⁰ Abdullah Saeed, *Muslim Australians, Their beliefs, practices and institutions*, DIMIA, 2004,

¹¹ J.Phillips, *Muslim Australians, E-Brief*, Online Only issued 6 March 2007, Parliamentary Library, Parl of Aust, p.1

community. They come from a range of theological traditions and encompass different cultural, sectarian, linguistic, and ethnic values.¹²

3.b A diverse community

It is important to remember that this diversity is not just limited to cultural backgrounds and languages spoken but also to the make up of the community which ranges from newly arrived migrants such as recent refugees to more established groups that have generations of Australian born Muslims. This diversity also extends to many other socio-economic factors such as their level of education, income, wealth and employment. Thus the needs and concerns of Australian Muslim women can vary enormously and the recent *Living Spirit Report* by the Australian Human Rights Commission identified a need to recognise this diversity.¹³ Furthermore, this was an oft repeated sentiment by the Muslim women leaders interviewed for this research, as one said:

*It is important to make very clear that there is incredible diversity in the Muslim community. This means that whilst we all have our faith in common, how we experience certain things can be quite different. So my needs as a Muslim Woman in Sydney, may be very different from those of a newly arrived refugee settled in Adelaide.*¹⁴

3.c Australian Muslim Women and the practice of their religion

One of the central issues of this paper is to explore how Muslim Women in Australia are practicing their faith, and whilst without a doubt the discussion below will demonstrate that they face many challenges, those women interviewed expressed a strong sentiment that they felt a great deal of freedom in the practice of their faith:

*I feel that as Australian Muslim women we certainly face many difficulties in the practice of our faith, but I also feel that I have a great deal of freedom to be a Muslim Woman in Australia, I mean in comparison to many other countries around the world.*¹⁵

Most spoke at length of the benefit of living in a country where they believed there was freedom of religion, some even mentioned that there was some sort of constitutional guarantee of freedom of religion in Australia. For this reason many expressed dismay that there have been calls in the past to ban Muslim women from adhering to an Islamic dress code:

¹² Amanda Wise, Jan Ali, *Muslim-Australians & Local Government: Grassroots strategies to improve relations between Muslim and non-Muslim Australians*, 2008, p.11

¹³ Australian Human Rights Commission, *Living Spirit – A Dialogue on Human Rights and Responsibilities, Report on HREOC's Muslim Women's Project*, 2006, p.22

¹⁴ Community leader RN, interviewed 27th October 2009

¹⁵ Community Leader AI, interviewed 3 November 2009

*If we are serious in this country about freedom of religion, then we need to be serious about the issue of the dress of Muslim women...because time and time again we have had calls for it to be banned – Why? You can't on the one hand say that we have freedom of religion but on the other say that Muslim women can't practice an important aspect of theirs.*¹⁶

Whilst the issue of dress has been a prominent issue that Muslim women have recently faced in the practice of their faith in Australia, they have also faced other challenges. As one interviewee said:

*Muslim Women have had to bear the brunt of many issues, simply because they can be easily identified as being Muslim. I know that many Muslim women have been subjected to discrimination, harassment and even violence for the simple reason that they are Muslim.*¹⁷

There have been recent reports that have identified this issue, such as the *Isma Report*¹⁸ which found that the impact of racial and religious discrimination against Arab and Muslim Australians was most intensely felt by women. The *Living Spirit* report¹⁹ also details these experiences of Muslim women in Australia. More recently the Islamic Women's Welfare Council of Victoria compiled a *Race, Faith and Gender Report*²⁰ which documents the detrimental impact of racism and religious discrimination, even acts of violence directed against Muslim Women.²¹ An important point that is made by this report, is that 'Muslim women's rights to freedom of movement and independent living have been compromised' because of safety concerns of such treatment.²² This means that many Muslim women are concerned about their personal safety because of fears that they may be targeted simply because they are Muslim. Indeed, this point was also raised by several interviewees, as one said, reflecting on the Muslim Woman killed in a German Court room²³:

*Safety issues need to be addressed, for example reading about that German woman that was killed in the court room sent shivers up my spine, I thought that could happen here in Australia too, because there have been times when the animosity against Muslims has been quite concerning....and who is really doing anything about it?*²⁴

¹⁶ Community Leader AM, interviewed 17 October 2009

¹⁷ Community Leader ZW, interviewed 5 November 2009

¹⁸ Australian Human Rights Commission, *Isma – Listen, National Consultations on eliminating prejudice against Arab and Muslim Australians*, 2004

¹⁹ Australian Human Rights Commission, *Living Spirit – A Dialogue on Human Rights and Responsibilities, Report on HREOC's Muslim Women's Project*, 2006

²⁰ Islamic Women's Welfare Council of Victoria, *Race, Faith and Gender: Converging Discrimination Against Muslim women in Victoria, The ongoing Impact of September 11*, 2008

²¹ Islamic Women's Welfare Council of Victoria, *Race, Faith and Gender: Converging Discrimination Against Muslim women in Victoria, The ongoing Impact of September 11*, 2008, p.7

²² Islamic Women's Welfare Council of Victoria, *Race, Faith and Gender: Converging Discrimination Against Muslim women in Victoria, The ongoing Impact of September 11*, 2008, p. 8

²³ In 2009 an Egyptian woman was murdered in a German courtroom by a German man who she had a case against, the motive appears to have been hatred towards Muslims – see "Outrage over Muslim woman killed in court", *The Guardian*, 7 July 2009, available at <http://www.guardian.co.uk/world/2009/jul/07/muslim-woman-shot-germany-court>

²⁴ Muslim youth, interviewed , 7 November 2009

Another significant issue that affects the ability of Muslim women to freely practice their faith in Australia is the general misconception that Islamic practices are oppressive of women, thus placing Islamic values in contrast to gender equality. This is not just a view held by media commentators, but one that is shared by academics such as Okin who argue that the accommodation of religious practices, particularly Islamic ones, would compromise the rights of women.²⁵ When asked about this tension between freedom of religion and gender equality, all of the Muslim women interviewed were adamant that Islam was not against gender equality:

Muslim women are of the strong opinion that Islam is inherently gender neutral, in the sense that it promotes gender equality²⁶

The issue of gender equality is not just about women...also you don't have to be a western feminist to call for improving the lot of women because this is enshrined within Islam.²⁷

The concept of gender equality is not universally understood..but if it means not feeling hindered in participating and seeking whatever you want to do then Islam certainly promotes gender equality.²⁸

Many contend that Muslim women who hold these views are ignorant of the reality and that 'by accepting the framing of women's struggle within an Islamic discourse, Muslim women are legitimizing the limitations and restrictions imposed upon them in the name of religion'.²⁹ However there are an increasing number of Muslim scholars that argue that in fact there is a strong basis for gender equality in Islam. Barlas argues that 'as the Quran describes it, humans, though biologically different, are ontologically and ethically-morally the same/similar in as much as both women and men originated in a single Self, have been endowed with the same natures, and make up two halves of a single pair'.³⁰ Al Hibri argues that by stating that human beings were created from the same essence, the Quran sets a basis for a principle of equality. In particular she considers verse 13 in chapter 49 of the Quran which describes that God created humans from a male and a female so that they would get to know one another, and the most honoured amongst them being the most pious. She argues that 'at the same time that the Quran points out empirical differences among humans such as those of gender, race and ethnicity, it asserts their natural equality. It bases any ranking among them on their individual moral choices. Consequently, from

²⁵ Susan Moller Okin, "Is Multiculturalism Bad for Women?", in Joshua Cohen and Matthew Howard, eds, *Is Multiculturalism Bad for Women*, Princeton University Press, 1999

²⁶ Community Leader MH, interviewed 23 October 2009

²⁷ Community Leader RN, interviewed 27 October 2009

²⁸ Community Leader AI, interviewed 3 November 2009

²⁹ Ahmed. E. Souaiaia, *Contesting Justice: Women, Islam, Law and Society*, State university of New York Press, Albany, 2008, p91

³⁰ Asma Barlas, *Believing Women in Islam: Unreading patriarchal interpretations of the Quran*, University of Texas Press, Austin, 2002, p133

the perspectives of these Quranic passages, no man is superior to a woman by virtue of his gender alone'.³¹

Many of the women interviewed commented on the importance of Muslim women gaining an accurate understanding of their faith, including what Islam says about women:

*I had always had a feeling that in Islam there was a strong notion of gender equality, but for a long time I didn't know how to support such a statement...but now as I have gained greater knowledge about Islam I am very confident of asserting this.*³²

Despite such analysis, there are those Muslims who do offer a patriarchal interpretation to Islamic principles, as one community leader said:

*It would be a huge generalization to suggest that all Muslims adhere strongly to a concept of gender equality, because admittedly there are those who interpret Islam in such a way as to put men in a superior position to women.*³³

However, many Muslim women interviewed acknowledged that it is difficult to generalize about the experiences of Muslim women in Australia, because as one said:

*It is important to recognize the intersectionality of Muslim women's lives. We are women, we are Australian citizens, we have a cultural background, we have many different aspects of our identity that come together to make us who we are, and for many like me, my faith is central to that identity.*³⁴

Another interviewee reflected how it can be difficult to talk about religious practices that promote or restrict gender equality, as if you can clearly distinguish between them:

*Certain Islamic practices can both promote and restrict gender equality, eg dress on the one hand for some women it can be empowering but for others it can be restrictive if they have been forced into wearing it. Another example is gender segregation – on the one hand it can mean that women can be shut out from community affairs or it can be a way to allow space for women to make their own decisions.*³⁵

Therefore, it is not about particular practices, because certain practices can mean different things to different women. The critical point is that women are making choices for themselves as Souaiaia argues that 'in conservative societies, some women lose the right to wear what they choose to wear. On the other hand, in some liberal societies, some Muslim women lose the right to wear what they want to wear. In both cases, the liberal discourse and the conservative religious discourse have more in common than each of them

³¹ Azizah Al-hibri, "An introduction to Muslim Women's Rights", in Gisella Webb (ed), *Windows of Faith*, Syracuse University Press, 2000, pp. 51- 71, p.52

³² Community leader AM, interviewed 17 October 2009

³³ Community Leader HJ, interviewed 24 October 2009

³⁴ Community Leader AM, interviewed 17 October 2009

³⁵ Community Leader HS, interviewed 30 October 2009

would care to admit: Both are about control and values³⁶ Thus the crucial issue is allowing Muslim women the opportunity to make choices and decisions, not assuming that they are incapable of doing this. Of course all effort needs to be made to ensure that their decisions are fully informed ones:

There is sometimes an assumption that Muslim women don't know what is best for them, this can be assumed by certain men in the Muslim community as well as by those who claim to want to save Muslim women...but the reality is that we can and are making our own decisions....we are seeking more Islamic education to understand our faith better and we are seeking ways to accommodate this to our needs in Australia.³⁷

The other significant issue raised by the interviewees was the frustration that they often felt that their voices were not heard or ignored, as some said:

The most frustrating thing about being a Muslim woman in Australia is not being heard.³⁸

At the moment the voices of women have been taken over by talk of the war on terror, Islam being an oppressive regime..more often than not we are not hearing what women are actually saying, these voices are being flooded..this is frustrating because I don't feel that I need someone to speak on my behalf.³⁹

Everybody is really happy to talk about Muslim Women but very few are willing to talk to us.⁴⁰

This frustration is both with the Muslim community itself when at times its leadership fails to respond to the concerns of Muslim women and with the wider Australian community in its stereotyping of Muslim women. For example several women felt that the Muslim community needed to take a more critical and perhaps honest view of itself when it comes to putting Islam into practice:

There is a mismatch between the rhetoric around gender equality – we like to project an image of gender equality..but I don't think that this is entirely accurate – we need to acknowledge that our practices don't actually match up.⁴¹

The sentiment was also expressed by several women that the issue of gender equality needs to be understood and appreciated by the whole community, especially by the religious leadership of the community who are predominantly male:

We need to move beyond the rhetoric...and look at how our community is operating and see where there is room to do better....gender equality is not just about women.⁴²

³⁶ Ahmed. E. Souaiaia, *Contesting Justice: Women, Islam, Law and Society*, State university of New York Press, Albany, 2008, pp8-9

³⁷ Community Leader AM, interviewed 17 October 2009

³⁸ Community Leader AI, interviewed 3 November 2009

³⁹ Community Leader RN, interviewed 27 October 2009

⁴⁰ Community Leader JY, interviewed 5 November 2009

⁴¹ Community Leader IA, interviewed 30 October 2009

However, several women acknowledged that it is often difficult to be critical of community practices when there is a lot of unfair criticism from the wider community of both Islam and Muslims by people who are ignorant of the reality of the situation. As one said:

*If we are given a break, so that we are not constantly defending our way of life and our beliefs then we would feel more comfortable to be more critical of certain practices. But for now, I think we do not have an environment where it is safe to offer such criticism.*⁴³

Many women mentioned access to mosques and mosque facilities as one issue where they felt the community could do much better. The issue of a lack of representation on mosque committees is not just an issue in Australia, as American scholars have also commented on this issue in the US context.⁴⁴ They argue that 'the small but growing group of young Muslim women who are arguing for what they see as their Islamically guaranteed rights in the mosque want greater and more direct role in governance'.⁴⁵ Some of the interviewees were quite vocal about this issue:

*The organization of mosques..I am coming from an anglo australian perspective, having being brought up as a non practicing Christian..it struck me that the mosques were family unfriendly, I would go to the mosque with my husband and son, and some man would come out and greet my husband and son and say women around the back.*⁴⁶

*Lack of involvement of women in mosque associations...they won't have women at all or they have a women's wing that doesn't get funded or listened to..I think the religious establishment needs to do something about this.*⁴⁷

Others thought that this issue was not so significant, emphasizing the other spaces that Muslim women have created for themselves that allow them to exercise leadership and spiritual development. As one said:

*I don't feel that I need to lead a mosque association to be a community leader, my involvement and my work allows me to collaborate on many levels with our Imams and other leaders, and indeed I am quite often called upon to take on a leadership role in areas where I have a particular expertise.*⁴⁸

*Whilst mosques have an important role to play in the religious life of Muslims, I think that for Muslim women we have a multitude of other places to go where we gather for reflection, prayer and knowledge, that I don't even feel that I necessarily need to go to a mosque.*⁴⁹

⁴² Community Leader SS, interviewed 31 October 2009

⁴³ Community Leader MN, interviewed 6 November 2009

⁴⁴ Yvonne Yazbeck Haddad, Jane I Smith, Kathleen M Moore, *Muslim Women in America: The challenge of Islamic Identity Today*, Oxford University Press, New York, 2006, pp61-67

⁴⁵ Yvonne Yazbeck Haddad, Jane I Smith, Kathleen M Moore, *Muslim Women in America: The challenge of Islamic Identity Today*, Oxford University Press, New York, 2006, pp61-67

⁴⁶ Community Leader HJ, interviewed 24 October 2009

⁴⁷ Community Leader HS, interviewed 7 November 2009

⁴⁸ Community Leader AM, interviewed 17 October 2009

⁴⁹ Community Leader SS, interviewed 5 November 2009

Yet these women also acknowledged that certain processes associated with mosques, such as marital counseling or dispute resolution services can often be a difficult place for Muslim women:

Going to speak to an Imam can be a difficult thing for many Muslim women, especially if they are on their own, some may not even know where to go.⁵⁰

Some Imams don't do a good job in understanding issues from a woman's perspective..this can leave many women feeling disempowered in situations when Imams are dealing with issues to do with marital conflict.⁵¹

This raises the critical question of the role of community processes in dealing with family law issues, particularly when Islamic law or what is commonly referred to as 'Shariah' is applied in Australia. This is indeed a complex issue that cannot be fully explored in this short paper, but as several women interviewed acknowledged that in recent times there has been a lot of media attention about this issue:

When we conduct workshops or training that educates people about Islam, one of the first thing that people ask about is Shariah, and obviously they have views from what the media covers in overseas countries...it comes as some surprise to them to know that we also apply it in Australia, but only in areas of marriage and divorce....it also comes as a great surprise to them that women seek to have Islamic family law applied to their marital disputes.⁵²

The fact that there are community processes that involve the application of Islamic family law does not mean that there is or that the Muslim community is seeking to set up a parallel legal system in Australia. As Black argues 'this does not mean every Muslim Australian is defying or avoiding Australian laws and bypassing the Australian legal system, but means choices are negotiated within the parameters of both laws'.⁵³ This means that women are able to access both community processes and mainstream legal processes, this is particularly important as women deal with issues to do with divorce:

From my experience working with women in such situations, it is important to them that they finalise matters associated with a religious divorce.⁵⁴

There are several critical issues that arise from the existing community processes, particularly when men refuse to give women a religious divorce, or when women feel compelled for various reasons to seek the intervention of a particular Imam who does not have the necessary skills or qualifications to resolve the matter. Some have expressed their concerns whether Muslim women can freely make such choices 'because it denies both the limited power and vulnerability of women as a group. Many women simply cannot

⁵⁰ Community Leader DH, interviewed 2 November 2009

⁵¹ Community Leader RF, interviewed 21 October 2009

⁵² Community Leader ZW, interviewed 5 November 2009

⁵³ Ann Black, "Accommodating Shariah Law in Australia's Legal System: Can we? Should we?", *Alternative Law Journal*, vol 33, issue 4, 2008, pp.214-219, p. 216

⁵⁴ Community Leader MN, interviewed 6 November 2009

withstand community pressure against using "outside" assistance — nor should they have to. To expect women to seek outside assistance against community pressure leaves them vulnerable to being ostracised and treated as unIslamic.⁵⁵ Yet, many of the women interviewed rejected the idea that Muslim women are incapable of making such a choice:

*A woman has a choice to participate in those processes or not. In fact it is more often than not that women seek out the intervention of an Imam before the men do.*⁵⁶

*Many of our clients value the community processes far more than the civil process of divorce.*⁵⁷

Therefore, as with many issues, one can see that there are a diversity of perceptions and experiences. There are also differences in the types of community processes available to different cultural communities, with the more established communities such as the Lebanese having more refined processes than the newly emergent communities. Yet, it is also important to remember that Muslim women also face many of the same issues that afflict women worldwide, and in particular women of other faiths, as one interviewee said:

*It is important to remember that quite often the challenges facing Muslim women are the same as that facing women all around the world – poverty, violence, access to employment – I mean Australian Muslim women are more highly educated than average Australian women yet we have numerous barriers in the employment sphere.*⁵⁸

Muslim Women also expressed their frustration that even in wider public discussion, when the issue was one that concerned them, that their views were also ignored. For example the repeated calls for the banning of the dress of Muslim women which occurred several times in recent years by politicians ignored that faith can be and indeed is for many Australian Muslim Woman a source of empowerment, as one leader reflected:

*I recall speaking with one MP about the issue of dress of Muslim women...I tried to get the message across that my dress was not restricting my freedom in any way and that it was my choice to dress in that manner, I was certainly not forced to adhere to any dress code, but she refused to engage in any dialogue with me...I tried to invite her to come and meet some Muslim women but she just turned her back on me.*⁵⁹

3.d The intersection between gender, culture and Islam

The discussion above has demonstrated that one of the most significant yet often ignored issues that affect the way that Australian Muslim women practice their faith is the intersection of culture and religion. There are many

⁵⁵ Joumanah El Matrah, "A Sharia Tribunal is contradiction of Islam", *The Age*, October 20 2009

⁵⁶ Community leader ZW, interviewed 5 November 2009

⁵⁷ Community leader RF, interviewed 21 October 2009

⁵⁸ Community Laeder RN, interviewed 27 October 2009

⁵⁹ Community Leader AM, interviewed 17 October 2009

ways that culture can impact on the lives of Muslim women. At times it can be a detrimental thing, as certain cultural practices are seen as religious practices, and when justified in such a way, can be restrictive of women's rights. Some of these practices include arranged or forced marriages, denying women access to an education and even domestic violence, practices that are certainly not unique to Islam:

*The problem is that the Muslim community has culture controlling religion and it is supposed to be the other way round...so in Australia Muslims come from many different cultural backgrounds which can give a bad image to Islam.*⁶⁰

*It can be restrictive for some women, because if they do something outside of the culture then they are criticized because culture is just as important as religion in some communities.*⁶¹

*A challenge for Muslim women in Australia is to discern whether certain practices are Islamic practices or cultural customs...this is crucial to developing solutions to address certain oppressive practices.*⁶²

*The failure to discern between culture and religion is problematic.*⁶³

However this can also be a source of change and improvement in community practices, for example once there is education and awareness that some of these practices are not religiously based, then people are more likely to change their ways:

*As Muslims in the West we are becoming more conscious of the trappings of different cultural contexts....being questioned by outsiders has made us more aware.*⁶⁴

*Quite often when people learn more about their faith, they realize that many things they once thought were Islamic are really just cultural practices, some of which fly in the face of Islam.*⁶⁵

Furthermore, as several of the interviewees noted, adapting to different cultures and contexts is what makes Islam dynamic and relevant, and whilst the Muslim community is still relatively young, there are signs of it adapting to an Australian context:

*There is an emerging Australian interpretation of Islam...by this I mean that as time goes by Islam will fit into the Australian landscape.*⁶⁶

A good example of this is the recent rise in the numbers of young Australian Muslims seeking Islamic knowledge, whether overseas or in Australia, with the ultimate purpose of applying it to the particular needs and circumstances of the Australian Muslim community.

⁶⁰Community Leader AG, interviewed 7 November 2009

⁶¹Community Leader HJ, interviewed 24 October 2009

⁶²Community Leader RD, interviewed 27 October 2009

⁶³Community Leader HS, interviewed 7 November 2009

⁶⁴Community Leader CS, interviewed 12 November 2009

⁶⁵Muslim Youth KM, interviewed 10 November 2009

⁶⁶Community Leader SS, interviewed 5 November 2009

4. The role of the Media and the Presentation of Islam and gender in Australia

As the discussion above clearly demonstrated, one of the most significant factors that impacts on the way that Australian Muslim women practice their faith is the negative view that the wider community has about Islam and Muslims. Public opinion, as Puplick argues, does not 'exist in a vacuum. It is shaped by the way that information is accessed and mediated.'⁶⁷ Clearly in many cases this view is formed by the saturation of negative images and stories about Islam in the Australian media. This was well documented by the Anti-Discrimination Board's 2003 report *Race for the Headlines*⁶⁸ which amongst other things examined the role that the Australian media played in creating a hostile environment towards Islam and Muslims in Australia. In particular it was noted that 'in many cartoons and articles, the veil or hijab becomes the symbol for Islam. It is reasonable then, to draw a connection with the fact that women wearing the hijab became targets for acts of racial hatred'.⁶⁹ Dreher also argues that the media has 'made Muslim women a definitive image and therefore a target for anti-Islamic sentiment'.⁷⁰ All of the woman interviewed for this paper were in agreement that Muslim Women in Australia were greatly affected by the portrayal of Islam by the media:

*Over the past decade as a result of international events, the role of the media has had a significant impact on women. Muslim women wore the brunt of racist prejudicial slanderous media coverage...the impact of that on Muslim women has been well documented, however what hasn't been well documented is the role that Muslim Women have played in bringing about change and understanding within the media sector in Australia.*⁷¹

*It perpetuates the image of Muslim Women as being the other – something inherently dangerous about them or that they are oppressed and in need of being saved*⁷²

As mentioned above, this has had varying impacts on the lives of Muslim women in Australia, as some interviewees said:

*A neglected area of research is how these views are internalized..I think that there is a degree of internalizing of negative representation that has a negative impact on women's health and their attitudes to the world and self confidence.*⁷³

Yet for many younger Muslim women, it made them want to assert their identity in stronger ways as one said:

The impact of the media attack and its substantial impact on a minority segment of Australian society had a varied impact on Muslim women. Some were seriously intimidated by societal response with its vicious attack..but others,particularly

⁶⁷ Anti-Discrimination Board of NSW, *Race for the Headlines, racism and media discourse*, 2003, p.4

⁶⁸ Anti-Discrimination Board of NSW, *Race for the Headlines, racism and media discourse*, 2003,

⁶⁹ Anti-Discrimination Board of NSW, *Race for the Headlines, racism and media discourse*, 2003, p.75

⁷⁰ Anti-Discrimination Board of NSW, *Race for the Headlines, racism and media discourse*, 2003, p.75

⁷¹ Community Leader MH, interviewed 23 October 2009

⁷² Muslim Youth KH, interviewed 5 November 2009

⁷³ Community Leader DH, interviewed 2 November 2009

*younger women had an attitude that we are Australian Muslim Women, we are here, get over it.*⁷⁴

5. The Agency of Australian Muslim Women

Despite the difficulties and challenges facing Muslim women in Australia, it is a great disservice to view them as merely being a vulnerable, oppressed minority group that needs to be saved. Rather, Islamic history is full of countless examples of Muslim women as leaders in many different fields. These include spiritual leaders, scholars, mystics, poets, writers, artists, political and military leaders, doctors and many many more.⁷⁵ In fact it is this rich tradition that is the inspiration for many Australian Muslim women to be successful not only as leaders within the Muslim community, but also in the wider Australian community.⁷⁶ The reality is that Muslim women are contributors to Australian society and as the discussion below clearly demonstrates are agents of change not just within the Muslim community but also within the wider Australian society.

Writing in the US context, Haddad argues that the 'public roles being adopted by Muslim women are vital in the process of defining, and redefining, the meaning of American Islam. Not only by their presence in a variety of professions, but publicly by giving voice both to the pain that the community is currently experiencing and to the kind of commitment that they represent, these women are changing the face of Islam.'⁷⁷ This is also true of Muslim Women in Australia. Whilst there is very little official recognition of the contribution of Australian Muslim Women leaders, there is no doubt that they are a driving force within the community, as some interviewees commented:

*I think that our most valuable asset in the community are our female leaders, they don't seem to be as distracted with community power struggles as the men are.*⁷⁸

*Muslim women have been key players in the community since its inception...but they are the quiet achievers.*⁷⁹

⁷⁴ Community Leader MH, interviewed 23 October 2009

⁷⁵ There are many books and articles that have explored the rich history of Muslim Women as leaders, some of these include Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate*, Yale University Press, London, 1992; Charis Waddy, *Women in Muslim History*, Longman, London, 1980; Ahmed Souaiaia, *Contesting Justice: Women, Islam, Law and Society*, State University of New York Press, Albany, 2008; Ruth Roded, ed, *Women in Islam and the Middle East: A Reader*, I.B. Tauris Publishers, London, 2008

⁷⁶ This is reflected in a recent publication by the Department of Immigration and Citizenship, *The Australian Journey – Muslim Communities*, 2009, available at http://www.immi.gov.au/media/publications/multicultural/pdf_doc/australian-journey-muslim-communities.pdf

⁷⁷ Yvonne Yazbeck Haddad, Jane I Smith, Kathleen M Moore, *Muslim Women in America: The challenge of Islamic Identity Today*, Oxford University Press, New York, 2006, p.122

⁷⁸ Muslim Youth AF, interviewed 7 November 2009

⁷⁹ Community Leader RN, interviewed 27 October 2009

There are certainly several key Muslim women community leaders around Australia, many of whom were interviewed for this research. Some are spiritual leaders, in the sense that they play an instrumental role in guiding the spiritual affairs of the community. This may seem perplexing as it is well known that in Islam women are not given the role of an Imam of a mosque, yet this does not mean that they are not scholars and spiritual advisers, as some of the interviewees said:

*These women are the backbone of the community.*⁸⁰

*Muslim women leaders are indeed providing a significant religious role within the community*⁸¹

Many of the leaders interviewed suggested that government has an important role in leading the way in developing initiatives in correcting the many misconceptions that surround Muslim women in Australia, as some of the interviewees said:

*The government needs to show that Muslim women are contributors to society..this will help change the image of Muslim women..and the government has to accept that they have a role in doing this*⁸².

Muslim women are also heads and managers of many Muslim Women organisations across Australia, as well as prominent members of various state Islamic Councils across Australia. It is beyond the scope of this paper to do justice to the phenomenal work done by these organizations, but the recent report by McCue⁸³ recognizes and details the work of several of these organizations. These organizations serve two very important functions. The first is to serve the needs of Muslim women, which is done in a variety of ways ranging from welfare services to leadership programs. The second is to represent the voices of Australian Muslim women, and articulate their needs and interests:

*There is no doubt that they have played a huge role in representing the issues affecting Muslim women, they have put Muslim women on the agenda in terms of government policy*⁸⁴

*As a MWA we were determined that Muslim women were not to be on the periphery*⁸⁵

In such a capacity, several leaders of these organizations see themselves as being agents of change within the community, particularly in how Muslim women are viewed by the wider community. Most engage in producing literature or conducting workshops that have contributed to this:

⁸⁰ Community Leader KA, interviewed 27 October 2009

⁸¹ Muslim Youth, interviewed 6 November 2009

⁸² Community Leader HJ, interviewed 24 October 2009

⁸³ Helen McCue *The Civil and Social Participation of Muslim Women in Australian community life*, DIAC, 2008

⁸⁴ Community Leader RN, interviewed 24 October 2009

⁸⁵ Community Leader AM, interviewed 17 October 2009

*As Muslim women we have been somewhat forced into the limelight, and we have used this to do lots of work in changing and correcting views about Muslim Women in Australia.*⁸⁶

Muslim Women organizations have also been instrumental in changing attitudes and practices within the Muslim community. For example, in the area of domestic violence, it has been Muslim women organizations that have led the way in developing culturally and religiously appropriate programs suited to meet the needs of Muslim women escaping domestic violence.⁸⁷

Most of the women leaders interviewed recognized that the time has come for many of these state based organizations to work together more closely, as some reflected:

*This is the real next step for Muslim women in Australia – we want to be able to combine our resources and come together in a unifying way, to project a stronger voice for Australian Muslim women, a louder voice, not necessarily a single voice because I think we would be naïve to think that there is such a thing..but at least provide a platform where all of our voices can be heard*⁸⁸

*I really see the future of Muslims in Australia with the women.*⁸⁹

6. Conclusion

The discussion above has shown that Muslim women in Australia enjoy a great deal of freedom in the practice of their faith, yet they certainly face many challenges and difficulties, both from within the Muslim community as well as from the wider Australian community. Furthermore, whilst it was acknowledged that there is a strong basis for gender equality in the Islamic faith, the actual practice of the community does not always reach this standard. This has often resulted in the portrayal of Muslim women as being vulnerable and in dire need of being saved from a religion that oppresses them, with the necessary consequence that if greater freedoms were accorded to religious practice then gender equality of Muslim women would be compromised. It has been the argument of this paper, that this is an extremely simplistic and naïve view to take, one which both denies the role that religion plays in the lives of many Muslim women as well as failing to appreciate the different ways that people actually practice their faith. This does not mean that the Muslim community should not be subject to scrutiny and criticism, but it does mean that the criticism needs to move beyond the argument that Islam is to blame, and it needs to take into account the voice of Muslim women, because Muslim women are frustrated that their voice isn't always heard.

⁸⁶ Community Leader KH, interviewed 28 October 2009

⁸⁷ The United Muslim Women Association based in NSW has been successfully operating a refuge for Muslim women escaping domestic violence for over 20 years.

⁸⁸ Community Leader AM, interviewed 17 October 2009

⁸⁹ Muslim Youth KS, interviewed 27 October 2009

Whilst it might not be easy to accommodate the range of views that Muslim women have, it is important to appreciate as this paper has demonstrated, that there is no unitary voice or experience that can be the sole representation of Australian Muslim Women. By listening to what Muslim women have to say, this acknowledges the important role that they play in Australian society, and allows them to take on the more challenging role of ensuring that religious practices accommodate their needs. This may mean a more honest and critical look at community practices, but this will only happen if women feel that there is respect for their faith. Such an approach would be inclusive of the diversity of Muslim women, and it would be one which recognizes that Muslim women are part and parcel of Australian society, not a burden that is in need of being rescued. As one Muslim women leader said:

The government needs to take a leading role in making Muslim women part and parcel of Australian society...for the cost of excluding them is phenomenal.⁹⁰

This would mean an acknowledgment of the important role played by Muslim women in Australian society and a respect for the vital part that they play in actively finding religiously appropriate approaches to issues affecting their rights. In contrast to the view that is commonly held, these women are challenging practices and views that compromise their gender equality, but this is not being done at the expense of adherence to their faith, rather it is greater knowledge about Islam that equips them to undertake this task.

⁹⁰ Community Leader AF, interviewed 7 November 2009