

OTHER VOICES IN THE GARDEN: Why don't Muslim women have human rights?



Gul Aslan, Turkish prisoner of faith, being led to Court, 1998.

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OTHER VOICES IN THE GARDEN: Why don't Muslim women have human rights?

From a presentation by Arzu Merali, presented at Leicester University Islamic Society Awareness Week, "Human Rights in Islam?" March 1999.

The ignited flame will not die
Nor our song of freedom end,
Our fists held high in defiance
Will never come down
Before the tyrants are overthrown.

From 'Song of Freedom,' by Gulan Intisaar Saatcioglu¹

Throughout this presentation I will be using the examples of Iran and Turkey to illustrate some of the points I will be making. I am not trying to assign best and worst value interpretations on either, so much as using them as examples from 'western discourses' of what is perceived to be the practice of political Islam i.e. Iran and secular Muslim society i.e. Turkey. Additionally I will be referring to the case of Gul Aslan, whose plight came to the Islamic Human Rights Commission's attention in the summer of 1998. Gul Aslan² is a journalist who writes for the Muslim newspaper Selam, based in Istanbul, Turkey. Her case for me, illustrates the arguments as to why Muslim women don't have human rights.

Katarina Dalacoura, currently of the London School of Economics, contends from her studies of 'Islamic Iran' that:

1. Islam is transformable to the extent that it doesn't exist. Her evidence of this is the creation of 'new' institutions in Islamic Iran to implement an Islamic system.
2. Whilst Islam, but specifically Iran, claims that women are equal but separate, they are in fact clearly subordinate in a hierarchy.
3. That both the above expose how limited a communitarian debate is in terms of human rights.

I am citing the above because Dr. Dalacoura is one of the more sympathetic theorists on the scene. Relatively, she feels that minorities are better off in Islamic Iran, than in other

¹ 'Song of Freedom' was read out in front of the Governor's Building at a demonstration in Malatya (Turkey) in October 1998. The demonstrators were calling for an end to the nation-wide ban on Muslim women who wear *hijab* from attending university. The poem's author is 18 year old Gulan Intisaar Saatcioglu, a high school student at Imam Hatip School. She and 74 others were arrested after the demonstration, despite the protest being acknowledged by police and authorities alike as being peaceful. Of these 74, the state prosecutor asked for the death penalty against 51 of them, on the basis that the protest amounted to treason against the Turkish state. The 51 included Gulan Intisaar, whose treasonable crimes was reading the poem in public. After much campaigning in 1999, the 75 were released with commuted sentences.

² Gul Alsan was released in August 1999, after almost three years incarceration without charge.

countries in the region, and that women do better there - except that their horizons are limited, they cannot have full human rights.

Dalacoura's definition of human rights is the realisation in actual terms of man's inherent equality with and freedom of fellow man. It's a depressing picture. The contention is unchallengable: Muslim women do not have human rights.

But what does this contention actually mean? There are three perspectives that we can take to explain this. The first is the Western view of Islam as a civilisation as opposed to western civilisation. With this approach we can measure women's progress according to Western criteria, with particular reference to Huntington³ and women's progress to equality. The second view is the Western view of Islam as a culture in the 20th century as opposed to Western, capitalist, liberal culture. This involves the categorisation of political and secular Muslims. In this approach we can look at the anomalies of UN literature and statistics, as well as the statistics of human rights discourse. The third view requires critical thinking and interpretation, it is the challenge of comparing human rights against Islam as ethical discourses. For this we need to look at the genesis of critical thinking in the West, and question its basic assumptions – how free is it? – how equal? But we also need to look at our own history and our contemporary situation through a critical lens – have we ever delivered anything near a Qur'anic society?

Islam as Civilisation

Huntington comes up with a definition of civilisations and what makes Western civilisation special in *Clash of Civilisations & the Remaking of World Order*. It originated as an essay in *Foreign Affairs* in 1993, and eventually developed into a book in 1995. It is an important book whatever your view of it. Personally I feel it is racist, alarmist and dangerous in its implications for minorities in the West and the influence it increasingly has on western foreign policy.

It is now clear to foreign policy makers that communism may be dead, but the people of the Southern nations, and the Islamic and Chinese world are not as keen to jump on the Western / Global Free market system bandwagon as their so-called leaders.

The questions for foreign policy makers is why? Why is the West so dramatically failing? Huntington provides the post-liberal answer – because those civilisations are different – the masses that make up those civilisations cannot be converted to Western values because they are unable to understand them. We fall into this trap by saying, "YES! We can't understand free love and promiscuity and a social life that revolves around alcohol and inebriation etc. etc." By accepting Huntington we are accepting some sort of categorisation of Muslim beings. If you take Huntington further, the implications are dire. Huntington contends that⁴:

“ All civilisations go through similar a process of emergence, rise, and decline. The West differs from other civilisations not in the way it has developed but in the distinctive character of its values and institutions. These include most notably its Christianity, pluralism, individualism, and

³ Samuel Huntington's theory of civilisations, *Clash of Civilisations and the remaking of World Order*, Simon & Schuster 1995.

⁴ p.311 *ibid*

the rule of law, which made it possible for the West to invent modernity, expand throughout the world, and become the envy of other societies. In their ensemble these characteristics are peculiar to the West. Europe, as Arthur R. Schlesinger Jr., has said, is “the source – the *unique* source” of the “ideas of individual liberty, human rights, and cultural freedom...These are European ideas, not Asian, nor African, nor Middle Eastern ideas, except by adoption.” They make Western civilisation unique, and Western civilisation is valuable not because it is universal but because it is unique.”

It's nice to hear that individual liberty etc. are admitted to be imperialistic discourses of the West, and that they are not universal values that can or should be enforced on others. But in our joy at this intellectual let off, this live and let live of civilisations, we ignore *at our peril* the implications of the above and the text and the policies based upon it – arguably this text articulates nothing new, but I don't want to stress the book too much, so much as the sub-text. According to the above theory, human existence of any value i.e. free and equal, can only be achieved *not through* Western values alone, but *by the West and its inhabitants alone*. Huntington's contention articulates the harsh realpolitik that Western thought does not acknowledge 'others' to be fully human.

In accepting the Muslim existence assigned to us by Huntington, we accept a closed category of sub-human capacity. We are not just backward, ill-educated or plain 'thick', we can't be anything else. If we are sub-human then it follows that those rights deemed to be human rights or the 'rights that constitute one's humanity' do not apply to us.

Gul Aslan, by not being Western in her political outlook, doesn't qualify as worthy of consideration as a victim of human rights abuse. She cannot have rights to be abused if she does not recognise the civilisation that 'gave' her those rights. She is not enlightened and as Sandra Harding answered charges against her of racism in her form of empirical feminism, women of cultures which have not been through enlightenment processes do not have the capacity to critique empirical (enlightened Western) view of the world.

A historical overview of women in both civilisations is illuminating, taking Huntington's definition of civilisational progress, that the West is now in decline and Islam and the Chinese world are on the rise having hit rock bottom in the last century. Let's apply the criteria of women's progress vis a vis Women's human rights to the civilisations.

Looking first at women's equality in politics, we can see Muslim empresses e.g. Raaziyah in Moghul India, or in Yemen. These were active not constitutional monarchs. Female educators and mystics were the norm, and the presence of women in business and commercial life hit various peaks and troughs until the defeat of the Ottomans.

Contrast this to the West. In 1888 the Married Woman's Property Act allowed British women to own property once they married for the first time in Western history. At a time when women were the pioneers of Islamic civilisation i.e. in the 7th century CE, Europe was witnessing a debate in Christianity focussing on the contentious idea that women might have souls (this was dismissed as heretical at the time). The follow on from this was the mass murder in Eastern Europe of women on the basis that they were the incarnation of sin.

Islamic civilisational history started with greater acknowledgement of women's worth and seems to have declined. In the West this was the opposite until the beginning of the 20th century.

The 20th Century and the Secular World

In this scenario Islam is seen as a culture as opposed to the Western, capitalist, liberal culture. Islam as a political debate disappeared for some time in this period. The defeat of the Ottomans meant the sick man of Europe had died. A relatively healthy communism replaced it as a political challenge to the West.

By culture I mean a way of living that identifies you as a different member of a secular world system. So e.g. secular Muslim women still feel shy about showing their legs or hair because that's their culture – a left-over of their religious beliefs. This is contrasted with Western culture, where religious beliefs were completely annihilated from cultural discourses. This inability to let go of some form of religious practice once more leaves Muslim women open to the criticism of incapacity. It also shows the narrowness of understanding of the secular Western world – in fact its intolerance – of any other conception of the good in the 'modern' world. This can be seen more violently this century in its opposition to western communism.

In fact liberalism is very illiberal according to its own definitions. It's hypocritical – contrast the feting of Taslima Nasreen and her world-wide fame with the fate of Gul Aslan, unheard of rotting in a prison in Bandirma. Liberalism is also inaccurate in its definition of itself as the provider for equal rights for women. According to the UN⁵ the number of women university lecturers for Iran, Belgium, Canada, Luxembourg, Japan, Switzerland and the UK are as follows:

Iran	19%	
Belgium	10%	
Canada		18%
Luxembourg	11%	
Japan	11%	
United Kingdom	19%	

Yet a look at the World Health Organisation's Executive Survey for 1995 makes the world situation look much different (See Appendix A). Both the data and statistics and the Executive Summary were prepared for the Forth World Conference on Women held by the UN in Beijing , China in September 1995. The data for other areas was elusive. There were selected studies on housework and the proportion of it shared by women and men. Unsurprisingly, not many studies focussed on Muslim countries, where it is assumed some sectors may still follow Islamic injunctions which place duties of household management firmly on male shoulders. It is ironic that the secularisation of the Muslim world has seen these injunctions abandoned in favour of other notions of female emancipation which include sharing 'domestic chores.' Interestingly, Islam by virtue of its recognition of a woman's right to demand wages form her spouse for doing housework, recognises that household labour is labour of any other sort. Compare this conceptual analysis of women's rights and the 1994 UNESCO publication, *Culture Plus* no 14, subtitled Women & Tolerance (see Appendix B).

⁵ *The World's Women 1995*, UN Department of Statistics & Data

Above all else illiberal liberalism, contrary to its claims, is violent. The expression of this can be seen in Turkey and the fanatical persecution of female students who don *hijab*. Students in Istanbul daily attend classes, and dare removed by the police and evicted from university grounds. These students organise their own classes on the pavements outside. Yet there is no outcry from the West.⁶

The shooting of Muslim protestors in Cape Town, South Africa in December 1998, is another case in point. Here a newly liberal police force acting on behalf of its government opened fire on protestors decrying Tony Blair on his visit, as a murderer because of continued sanctions and the bombings of Iraq. The reporting of this incident in the British TV news variously described the unarmed protestors as 'menacing militants,' in a Cape Town rife with fanatical extremist violence (Jeremy Vine - BBC), and 'peaceful protestors who seemed to be advancing when the Prime Minister arrived,' in an otherwise model and peaceful Cape Town, (Tim Ewart – ITN). Either way, unarmed and peaceful Muslim protestors do not have the right to free expression and protest, as they are either 'menacing' or potentially dangerous in their passive protest. The sub-humanisation of Muslims appears once more, this time in the reportage of the 20th century secular media. One protestor, shot in the head at close range by a rubber bullet, later died from his injuries. Both channels filmed him being shot, as he tried to pull another wounded protestor out of the line of fire. Neither channel reported his death.

The freedom, peace and equality that the Western world boasts of is simply not there.

Looking at the secular Muslim world, we have had the likes of Benazir Bhutto and Khalida Begum. We too have our Mrs. Thatchers – whether this is something to be proud of is another matter.

Looking back at the West, we see the increasing problem of teenage pregnancies and underage sex, yet at the same time it is trying to curtail non-western fertility in the name of sustainable development. The International Planned Parenthood Federation's report for 1999 listed the UK as having the highest rates of teenage pregnancies in the world. Yet an overview of UN literature, particularly that prepared for the Fourth World Conference on Women would have us believe otherwise (see Appendix C).

When you start comparing political Islam and the West by the West's own criteria a very interesting picture emerges. Aside from statistics such as those on university lecturers, we can see the conspicuous absence of women in the White House. Today the Iranian Vice-President is a woman. In the Iranian general elections of 1997, the highest vote achieved by a candidate was a woman, in the US it was George Bush Jr. Whilst the US claims to enshrine the possibility of achievement, political Islam achieves it. The US vote shows a dynastic trend in democracy.

Gul Aslan says that women are oppressed by the global capitalist system. She obviously can't understand that this is freedom, and therefore she doesn't deserve

⁶ Turkey was in December 1999 finally given an invitation to negotiate for membership of the EU, despite its increased crackdown on practising Muslims, particularly women, across the country. Political conditionality that requires potential member states to improve their human rights record, again denies that Muslims can have any.

consideration. If that freedom entails the same dynastic or feudal injustices under a different name, so be it.

Human Rights v Islam: Critical Thinking & Interpretation

It is interesting to compare the records of human rights abuses of various countries. According to Amnesty International, Turkey has one of the worst records in the world. Before 1979, Iran also had filled this category. There is also now a grudging acceptance of human rights abuses at the hands of Western political systems e.g. women prisoners in the USA. Although human rights are supposedly guaranteed by Western systems, it is becoming increasingly clear that for women these rights have simply passed them by.

There already exists a lot of feminist critique of the Universal Declaration of Human Rights as sexist. In theory and example this has been proved. Ethics, until very recently was still part of a male academic world. The debate on equality and freedom is misleading. Before looking at the Muslim perspective, I want to look at a Western feminist perspective. Germaine Greer in *The Whole Woman* has claimed that equality in the West is illusory. The women's movement should not be towards equality but liberation. In *The Female Eunuch* she was talking specifically of sexual liberation, a position she has now moved on from. Now the question is that of an inherently unethical system – equality or increased participation in that system is not progress, it is not freedom. So for example, she contends that a woman soldier or any soldier is the least free person after a prostitute working to feed a drug habit. Women in society are not allowed an expression of female identity, and war as it now exists is so entirely devoid of ethical meaning as to be barbarous. There is only an equality in degradation and even that is illusory because soldiers have not been feminised, female soldiers have been masculinised.

One of Greer's more interesting conclusions is that socially women should segregate themselves from men. It is clear that the human rights discourse of equality and freedom are under strain from within. If we are to take on the notion that Muslims have been assigned a sub-human categorisation by Western discourses, look at the legal and political assignment of status to women. It is worth noting that women were still officially the chattels of their husbands in English common law until 1979.

So the Muslims' dilemma: to ignore the issue of human rights and promote Islam as a civilisational / cultural discourse, or Islamise Western human rights?

Islamic movements have done neither, but rather have tried to realise 'Qur'anic' ideals which ensure equity and justice for all. Classic sticks used against Muslims regarding women and justice are the unequal laws of inheritance, polygamy etc. We of course have various justifications for these provisions, but the overall idea is that they have relevance in the wider context which realises rights for individuals, groups and society as a whole.

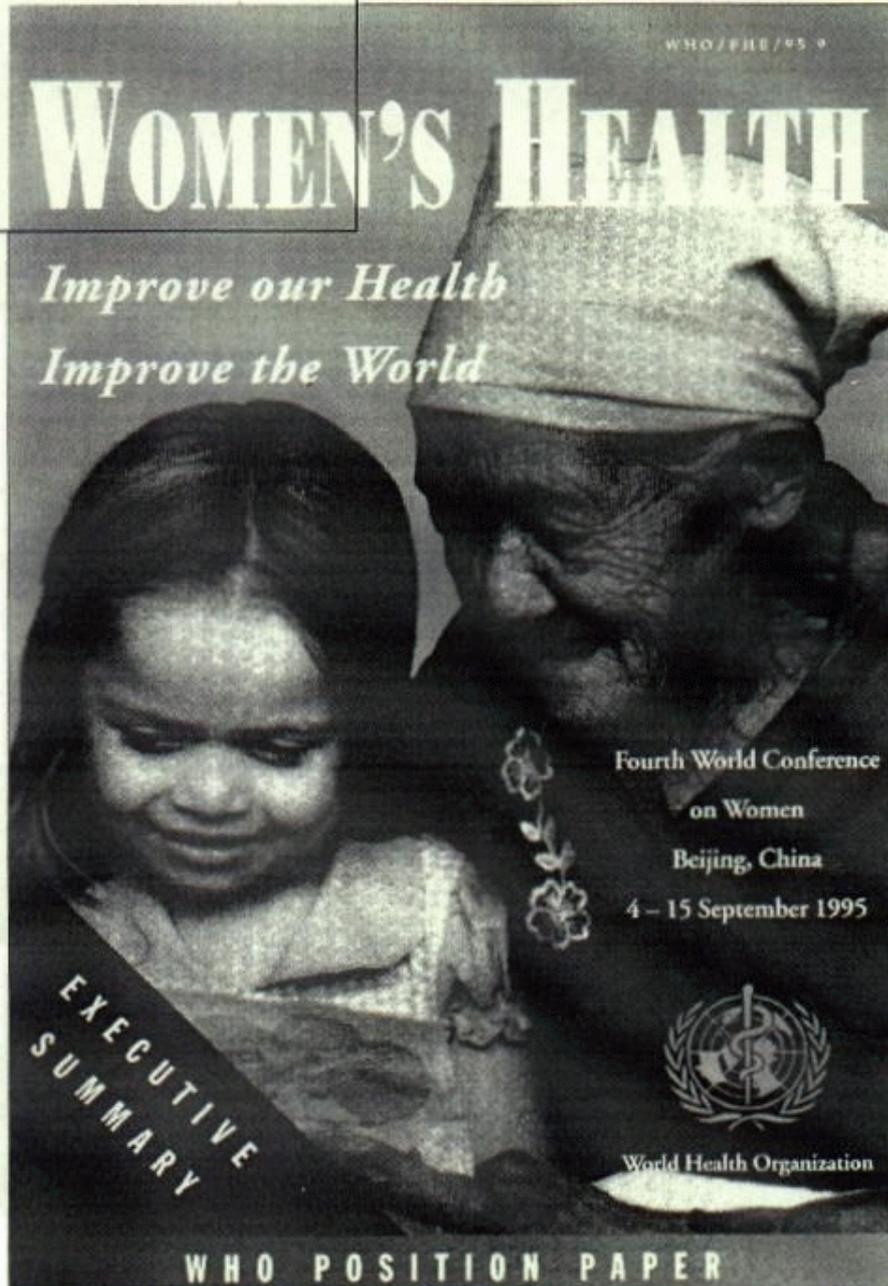
This movement is far from perfect, but it is forcing Muslims to ask themselves certain questions about their identity. If we accept the first and second definitions of civilisation and culture we could argue that we are no better than other civilisations and cultures and that the West is hypocritical in fact deceitful to say that Muslim women don't have human rights.

If we start talking about Islam as a moral way of life beyond Western political structures we can proclaim a just system of discussion and action. To say that Muslim women do not have human rights is not in itself incorrect. However it is not Islam that is denying women rights. It provides a system where there can be male and female roles in society, equally valued, often equal in description (Muslim women are not prevented from working etc.) Further there is no stigma attached to male / female difference, and no difference in status except in the eyes of God, in terms of piety.

The denial of human rights comes from the human rights movement itself. If women do not fulfil the criteria as a human being – be they Muslim women, women of colour or if you take Greer on board, women per se - they do not deserve the rights accorded to 'the huMAN.'

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APPENDIX A



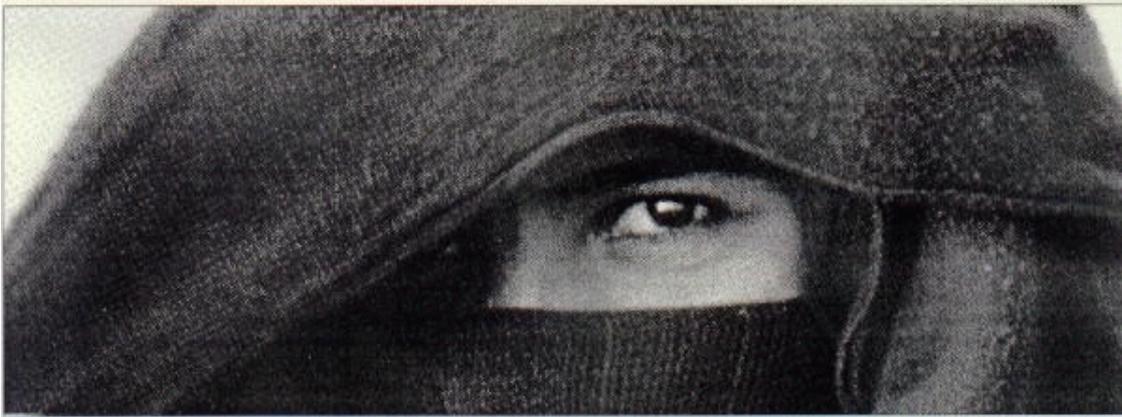
The image is of non-European origin women, presented as diseased – “Improve our Health” is the cry.

The WHO Position Paper Executive Summary does not contain a single picture of a European origin woman. In other literature, European women are used as exemplars.

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Also from the WHO Executive Summary above, the following two pictures complete with explanatory text, which illustrate the level of hostility to the non-European origin woman.



Lack of personal and social status and opportunities

The status of girls and women in society, and how they are treated or mistreated, is a crucial determinant of their health. Educational opportunities for girls and women affect their status and the control they have over their own lives, their health and their fertility in a powerful way. Equal opportunities for women in other areas of their lives – for example in the judicial, legislative, educational and employment sectors – would also directly promote their health and well-being.

According to the WHO position paper, using the example above, Muslim women it is implied 'lack personal and social status' which in turn determines the state of their health. They have no 'control. .,over their own lives, their health and their fertility.' It is further implied that they either do not have 'opportunities' or 'equal opportunities' in the 'judicial, legislative, educational and employment sectors.' **If they had contends WHO**, they would have better 'health and well-being.' It may be instructive for WHO to look at the United Nations Environment Agency's reports for 1999, which state that, amongst other things, basic living standards in the developing world will not improve unless the First World (Europe, America, the white post-colonial states and Japan) cut down their consumption by 90%



Family Planning

Family planning services should provide information, education and universal access to the full range of safe and reliable methods, and be closely linked to, or integrated with, other reproductive health services. Family planning programmes must focus on enabling people to make informed choices about the timing, number and spacing of their children, and on empowering women to manage their own fertility, while emphasizing men's joint role and responsibilities in healthy sexual and reproductive health.

Again the subject, a non-European, exemplifies a woman with no control on her fertility due to her lack of knowledge. Further she is clearly abandoned by the father of her child - either she is a single parent, or a mother whose partner displays indifference in keeping with his non-European male chauvinistic culture. Again WHO could learn from the International

Planned Parenthood World Survey of 1999 which found that the UK and USA had the highest rates of teenage pregnancy in the world.

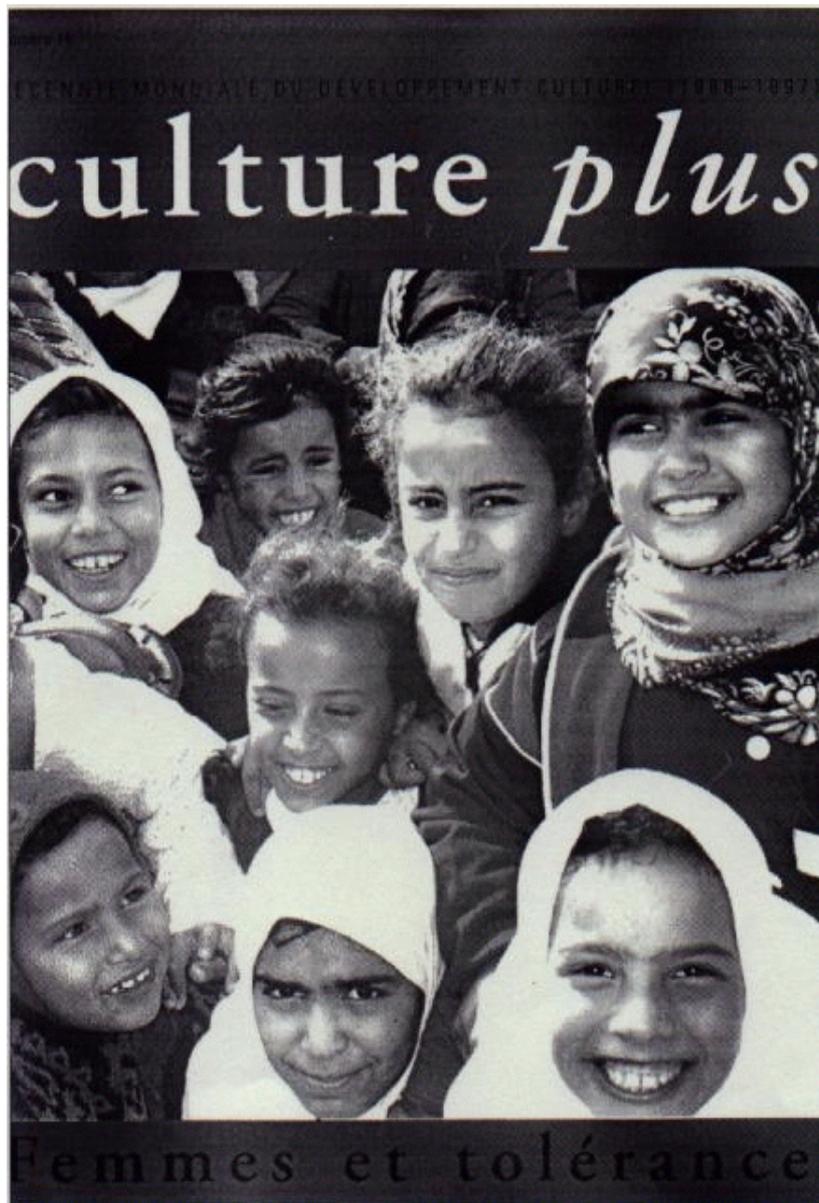
The following pictures and text come from, 'World Health, the magazine of the World Health Organisation (WHO)' September 1995, ppl2, 13 'Women's Health in Europe' by Mireille Didier and 'Invisible agents for change,' by Perdita Huston



Good family planning entails and equal sharing of responsibility between men and women.



One of the few pictures of European faces (above) is given as an example of "Good family planning," and is contrasted with the picture on the opposite page (pictured below) of "A mother and her growing family in Thailand," who is suffering as a result of no control over her fertility.



APPENDIX B

UNESCO publication, *Culture Plus* no 14, subtitled Women & Tolerance, 1994

Translation:

World-wide decade of cultural development.
Women and tolerance

Most of these girls are obviously Muslim. The implication is that they face intolerance from their own world of Muslim men.

APPENDIX C



Too old for toys, too young for marriage and childbirth, the adolescent girl often falls between the cracks of her family's understanding, her community's support and her government's programmes. An adolescent compelled to marry or forced into early sexual activity finds her childhood snatched away, replaced by burdensome work and premature responsibilities. She often pays harsh personal costs in terms of her health, well-being and earning capacity.

Source: *Too old for toys, too young for motherhood*, UNICEF 1994

Given IPPF's 1999 survey results, perhaps the picture should have been of a British girl, not a Muslim girl.

Other pictures also depicted Muslim and pseudo-Muslim images as prominent, with all the others being of non-European origin women. It is clear that from IPPF's statistics and other reports that this is a clearly misleading picture of teenage pregnancy as a 'global' problem. The underlying discourse here is the need to prevent the diseased fertility of the Muslim and non-European world, regardless of European and white American problems in this area being more severe.



The risk of contracting sexually transmitted diseases is greater for growing girls than mature women because of biological factors **SUCH** as hormonal fluctuations and permeability of key tissue walls. Young female sex workers are at particular risk. Yet, even when girls do not engage in risky behaviour themselves they often have relationships with boys and men who have had multiple partners.

In a recent study in Rwanda, 25 per cent of girls who became pregnant at **age 17** or younger were infected with **HIV even** though many of them reported having had **sex** only with their husbands According **to** the study the younger the age of first pregnancy and sexual intercourse, the higher the incidence of HIV infection.



These implicitly Muslim girls once more exemplify nothing in UN literature than underage mothers and the prime carriers of HIV and AIDS.