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Can Freedom Entitle Oppression?

A Feministic Analysis of the Veil as a Phenomenon in
Secular Societies

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Abstract

In Europe, equality between men and women is constitutionally protected and the member states of the European Union are obliged to counteract gender discrimination within their states both according to the Treaty of Rome and the European Convention on Human Rights. Over the last years there have been several debates in Europe about whether the Islamic veil is consistent with secularity and whether banning the veil within some institutions would be to violate the freedom of religion or not. Some feminists look upon the veil as a symbol of a patriarchal structure within the Islamic community and some feminists compare the veil with a bandana. Since European women have overcome an oppression practised by the church for centuries in the name of Christianity, the passivity in Europe can be interpreted as if Islamic women are being treated as second class citizens. It can also be seen as a proof of western tolerance for multiculturalism. The right to individual freedom is highly regarded in Europe, but can the freedom of religion entitle oppression against women?

Keywords: Feminism, Gender Discrimination, Islam, Secularity, Veil

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1 Introduction

In a secular and multicultural society such as Europe in the 21st Century, where individual freedom is highly protected, problems might occur between secularity and cultural traditions. In a secular society gender equality between men and women has to be a necessity. For many centuries women, who lived in what is now known as “the West”, were oppressed by men in the name of Christianity. Women were forced to live under subordination because they had the disadvantage of being born as girls. In former Christian societies the patriarchal structure was naturalness. The last decades we seem to have come a long way. Feminist movements have achieved a lot, now women no longer want to be looked upon; they want to be subjects instead of objects. Today Europe is a secular, multicultural society which requires many fundamental values but foremost freedom, tolerance and respect. However, it all had a price; the church has had to loose its power in favour of secularism. The freedom of religion is one of the key stones in a secular society. Freedom of religion might however, tend to violate some of the other rights which are granted in secular societies such as, for instance, gender equality. In this thesis I will focus on the Islamic veil as a phenomenon in Europe, which I think is a symbol of gender discrimination. I will describe the patriarchal structure on which Islam is built and I will draw some parallels to Christian values which has ruled in Europe for centuries. The question I am evaluating in this thesis is: *“Can the right to freedom of religion entitle gender discrimination in secular societies?”*

1.1 Statement of Purpose

The reason why I chose to write this thesis is because for many years I have had an advanced discussion inside of my mind: On one side stands the liberalist who thinks that all men and women should be free to do as they please, as long as they don't hurt others. On the other side stands the feminist, who finds it hard to handle the fact that there are many women living in Europe who are being oppressed every day because they are part of a community with a patriarchal structure and has had the “disadvantage” of being born as women. I aim to evaluate the question of the Islamic veil as a phenomenon in secular societies, since I think the veil is a symbol of an antiquated patriarchal structure that doesn't fit into a secular society such as Europe in the 21st Century.

1.2 Method and Material

I am applying a quantitative method by studying texts and making interviews. I have also made a very brief comparative analysis between the antiquated Christian subordination of women and the Islamic gender discrimination within Europe. The analysis may be marked by a normative discussion since I present some of my thoughts to the reader how I think Europe should act to prevent gender discrimination. The materials I have used are mainly literature and articles that treat feminism, Islam and women's position. I have also studied some parts of the *Qur'an* and the Bible as well as two interviews with scholars.

1.3 Theoretical Approach

I have chosen to argue from a feministic theoretical approach. To say that there are many feminist theories would be to underestimate the dynamics of a gender aspect within politics. There are different versions within different political branches and societies (Tickner, 2001, p.11). The common ground of feminism though, is the fact that men and women are individuals who are entitled the same rights, regardless of their gender, due to the fact that they are human beings. I will present different feministic approaches but I have chosen to divide them into two main branches: Western, - and Islamic feminism. The Western feminism I will present is what some refers to as liberal feminism. The Islamic feminism will be divided into two different branches: Equity and Equality. My analysis will be marked by liberal feminism.

1.4 Definitions and Limitations

To avoid repetitions, I have chosen to, when I mention the Islamic veil or headscarf, only use the term veil. Within this conception lie both the headscarf and the burkha (*hijâb* and *niqâb*). When I use the term "The West" I refer to states which's societies are built on Christian norms and values and now have developed into being more or less secular states. Eventually I have chosen to use the term the "Islamic Community" or the "Islamic communities", and by that I mean the Islamic groups that practice their culture within western borders.

1.5 Disposition

Firstly, I find it important to explain the values on which multicultural societies are built. Secondly, I present some of the “problematic situations” that have occurred between the Islamic veil as a phenomenon in Europe the last years: The *Foulard Affaire* in France, the German approach to the veil and the position the European Court on Human Rights has chosen. To be able to explain why there is a problem between patriarchal Islamic communities and the secular West, I have chosen to present Western feminism and the Christian subordination of women. I will also present Islamic feminism and its different approaches. To be able to understand the patriarchal structure I criticize, the reader has to be familiar with some Islamic values which I will present. Since I want to have a broader perspective and not only my own thoughts about the veil, I have interviewed two scholars who are authorities on the subject: One woman from a secular society who has converted to Islam and one man who has left his Islamic home country for a European country. The analysis, in which I evaluate the objective facts I have presented in the thesis, is a product of my subjective thoughts of the veil as a phenomenon in the secular Europe of the 21st Century.

2 Islam Versus (?) Secularism

The last centuries, Europe has gone through a deep process of secularisation, which has led to that religion no longer play an important role in the social life (Ramadan, 2002, p. 182). “The so-called process of globalisation” is, for some scholars such as Latouche or al-Mangiara, nothing but the fulfilment of the thorough Westernisation of the world (Ramadan, 2002, p. 183). A secular society can be said to have two dimensions: The social dimension, which is based on freedom, rights, individualism and work, and the personal dimension, where every citizen can determine his or her belief, values and intimate life (Ramadan, 2002, p. 182). The state guarantees neutrality so that its citizen can feel safe in their freedom and whatever religion they want to practice. People who are living in Europe but come from non secular states might have problems to accept the secular structure within Europe. Where they come from, the society isn’t divided in a social and a personal dimension. Especially in Islamic societies all over the world, religion still plays a great part for the social construction, since Islam makes no distinction between religion and life (Ajjola, 2002, p. 3).

2.1 A Multicultural Europe

The interconnectedness is deepening over the world – some like to argue that we are in the days of globalization (McGrew, 2005, p. 20). Some even stress that global forces can undermine the abilities of governments to control the structure of the societies in the states they have been chosen to rule (Ibid). Others reject the idea of a globalization and argue that state sovereignty will continue to determine the world order. However, nobody can deny that Europe is a global – a multicultural – society, with many different nationalities. There are twenty-seven member states within the European Union, but there are many, many more different nationalities living in Europe (Europe in this context is Europe and not only the member states of the European Union) and along with nationalities comes different cultures, languages and religions. A multicultural society demands freedom to make it possible to have a multicultural society, but also tolerance from its citizens to make the social structure and the every day life work. Over the last years there have been debates in Europe about “problematic situations” which have occurred when a secular culture like the European one meets other, not quite as secular cultures. Not least have Islamic communities within European borders been exposed to critique on different levels.

2.2 The Affaire des Foulards Islamique

On March 15 2004 the French parliament decided to adopt a law suggestion which had the consequences that symbols or clothes that demonstrate religious affiliation in state primary and secondary schools is forbidden (Lyon & Spini, 2004, p. 333). The actual ban affects “ostentatious” religious symbols such as the Jewish *kippa*, “oversize” crosses and not least, the Islamic veil (Klausen, 2005, p. 173). Before the controversial law was adopted, there was an intensive debate in France about on one hand the principle of *laïcité* (neutrality) and on the other hand the individual expression of religious belief. The principle of *laïcité* means that there shall be a clear separation between state and religion and the principle is constitutional established in France, one can describe it as the French Republican principle of secularism (Lyon & Spini, 2004, p. 334-335). It is more than a system, it’s a fundamental conception of citizens and society within French Republicanism and the French looks upon it as a right granted by the state. The “*foulard islamique*” debate started in 1989 when a headmaster in Creil refused to allow three girls attending school wearing their headscarves, because he claimed it to contravene the *laïcité* (Freedman, 2007, p. 33). During the years the debate went on and some claimed that the veil was a part of an Islamic propaganda and therefore had no place in French public schools. It was also claimed that the veil can be read as opposing certain values protected by French Republicanism (Lyon & Spini, 2004, p. 335). Others claimed that *laïcité* doesn’t require neutrality from the citizens, only from the state and if the state would ban the veil it would also breach its neutrality (Lyon & Spini, 2004, p. 336). The conflict can also be described as a conflict between advocating universal rights for women or of protecting minority or cultural rights (Freedman, 2007, p. 31).

2.2.1 Consequences of the French Prohibition

The consequences of the French prohibition were many, both inside and outside Europe. In Germany, wearing the veil has become a matter of state law and exactly what is prohibited varies from state to state (Klausen, 2005, p. 177). In Berlin the ban affects all kind of religious symbols for all civil servants and in some states the ban only affects the wearing of the veil for teachers. In Germany it has been argued that the problem with the veil is that women who wear the veil are acting missionaries for Islam and that phenomenon is a circumstance which isn’t compatible with fundamental German values. Also in Germany the question of the veil has become a debate between the constitutional right to freedom of religion and the constitutional protected neutrality. In the Islamic world the prohibition led to an open dissatisfaction with the West and in some countries even to violence against Western citizens: At the end of August 2004, only a few days before the law would come into force, the Islamic Army of Iraq took two French journalists hostage and demanded that France should repeal the law outlawing the veil (Freedman, 2007, p. 36). The hostage-situation led to diverse

difficulties for French Muslims who opposed the prohibition of the veil; they felt sympathy with the hostages, but still opposed to the prohibition. Apart from hostage drama, the resistance in French schools was rather peaceful and three weeks after the school start, the French education Minister, Francois Fillon, admitted that there were 101 “difficult cases”, which meant that there were Muslim girls who chose not to go to school, because of difficulties with exploring themselves (Freedman, 2007, p. 37).

2.3 Equality in the European Union

In European countries gender discrimination is forbidden through many different laws and it would be irrelevant to write about all of them. However, for the member states of the European Union, there are laws that regulate the importance of equality between men and women within the Union. Article 2 of the EC Treaty provides that promotion of equality between men and women is a task of the European Community. Article 3(2) states that it should aim to eliminate inequalities, and to promote equality, between men and women in all its activities. There are three legal bases in the EC Treaty for EC legislation on equal treatment of men and women: Article 141(3) in matter of employment and occupation, Article 13(1) outside of the field of employment and Article 137 in the promotion of employment, improved living and working conditions. The message is crystal clear: Citizens of the European Union shall, regardless of their gender, be treated equally.

2.4 The European Court of Human Rights and Veiling

All member states of the European Union have ratified the European Convention of Human Rights (<http://www.echr.coe.int/echr>, 2007-05-22). Article 9 in the Convention regulates freedom of thought, conscience and religion:

“1 Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.”

“2 Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.”

Article 14 in the Convention prohibits discrimination:

“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

These two articles are relevant for the European veil discussion and below I present a case that the European Court on Human Rights has judged in.

2.4.1 Dahlab v. Switzerland

In 2001 the European Court of Human Rights, who are assigned “to ensure the observance of the engagements” undertaken by the parties of the Convention (Convention for the Protection of Human Rights and Fundamental Freedoms, Article 19), contributed to the veil debate. Dahlab, a teacher who had converted from Catholicism to Islam, argued for her right to teach in a veil. The court emphasised that teachers have to accept the fact that their religious freedom sometimes has to be limited. The Swiss court had already, in order to preserve the principle of neutrality, required the removal of crucifixes from classrooms. The court emphasized that the veil was “a powerful religious symbol” and “hard to square with the principle of gender equality” (Dahlab v. Switzerland, 2001, p. 463). The court continued: “It therefore appears difficult to reconcile the wearing of an Islamic headscarf with the message of tolerance, respect for others and, above all, equality and non-discrimination that all teachers in a democratic society must convey to their pupils.”(Ibid).

3 Western Feminism

There are many different feminist theories. Diverse political and social branches have various versions of feminism (Tickner, 2001, p.11). The common ground of feminism though, is the fact that men and women are individuals who are entitled the same rights, regardless of their gender, due to the fact that they are human beings.

3.1 The Christian Subordination of Women

The Europe we see today is a product of Christian values which have become secularized. If it wouldn't be secularized in Europe, women would probably still be oppressed. Christianity arose against a background of ancient social practices, which means that it is rather easy to explain why the Bible claims that women has a subordinated position in relation to men (Klosko, 1999, p. 2). In Genesis, one can read how the woman was created according to the Bible:

“Then the Lord God caused a deep sleep upon Adam: and when he was fast asleep, he took one of his ribs, and filled up flesh for it. And the Lord God built the rib which he took from Adam into a woman: and brought her to Adam.” (The Bible, Genesis 2:21-2).

And she was called “woman because she was taken out of man.” (The Bible, Genesis 2:23). According to the Holy Book of Christianity, this is how the woman was created. This means that according to the holy book of Christianity, from the very beginning, the woman had a subordinated position in relation to the man due to the fact that she was created after the man. Eve was created so that Adam shouldn't feel lonely, but what happened in the Garden of Eden? Eve tasted the forbidden apple (The Bible, Genesis 3:6) and since she had defied the Lord God's will, both Adam and Eve were expelled from the Garden of Eden and therefore women should be afflicted with pain during childbirth and were to be ruled over by their husbands (Klosko, 1999, p. 2-3). In the Bible, St. Paul wrote about women's position and although he declared that all people are spiritually equal in the eyes of God, he supported the social distinctions of his time which, among other things, meant that women were to have a subordinated position in the society (Klosko, 1999, p. 3).

3.2 The Feminist Enlightenment during the 18th Century

In the middle of the 18th Century, during the wave of human rights questions, the question of female rights also rose as an important discourse in Europe. There weren't many men who stood up for women's rights. The famous philosopher Jean-Jacques Rousseau wrote about women in an ambiguous way. Sometimes he described Women's nature as essentially the same as men's, he just saw the subordination of women as part of the overall process of corruption and decay that accounts for the basic features of the society (Klosko, 1999, p. 19). However, in *Emile*, published in 1762, Rousseau presented the woman as naturally different from men. For instance he claimed that intellectual activities weren't suitable for the female kind, instead they should spend their time with practical studies so that they learned housework activities (Klosko, 1999, p. 19-20). There were many authors in those days who shared the thought Rousseau presented in *Emile* about male superiority, and some of them had even more extreme theories about women's positions in the society. John Gregory was one of them. In *A Father's Legacy to His Daughters* he wrote about in what certain way he thought women should behave; women who had learned something should keep quiet about it and not make men jealous of their knowledge (Klosko, 1999, p. 29). He also claimed that women should act with "extreme sensibility" and "modest reserve" and if she stopped doing so, she would lose her charm (Klosko, 1999, p. 30-31). In 1790, the literature claiming that women were naturally below men got a response from what was to become a very famous book: Mary Wollstonecraft's *A Vindication of the Rights of Women*. The book is said to be one of the first ones who handle women's rights. In her book, Wollstonecraft criticises the society she lived in where women weren't allowed to think freely and decide over or even affect their own lives (Klosko, 1999, p. 32-33). She didn't want women to be looked upon; she wanted them to be actors of their own.

3.3 John Stuart Mill's Feministic Approach

Throughout Western history from the ancient Greeks until today, there aren't many men who have spoken for women's rights. However, there is one great exception: The liberalist and feminist John Stuart Mill. His book *The Subjection of Women* is often regarded as one of the leading texts of Enlightenment liberal feminism during the 19th century (Szapuová, 2006, p. 179). Not only did he work theoretically with issues based on equality for men and women, he also worked as a publicist and a politician (Szapuová, 2006, p. 180). He considered gender equality to be one of the most fundamental principles for building a democratic society. Mill saw the subordination of women, which deprived them their freedom, as a violation of the liberal principle of liberty (Szapuová, 2006, p. 182).

He meant that it was men's physical strength that was one of the keys to female oppression and only in a society where reason has more influence than physical strength women will no longer be disadvantaged. Mill meant that the problem of women's submission existed due to habits or customs. He had a theory on why men during his days didn't want to push for a change of women's rights; he meant that men want to "maintain their subordination in domestic life, because the generality of the male sex cannot yet tolerate the idea of living with an equal." (Mill, 1984, p. 299). Mill even expressed his view on women's role in a marriage as slavery. According to him, a wife "is the actual bondservant of her husband: no less so, as far as legal obligation goes, than slaves commonly so called." (Mill, 1984, p. 284). He thought that the marital laws of his days were enslaving women, because they weren't free to within their marriages and they weren't free not to marry (since they weren't allowed to educate themselves and earn money). In his texts, Mill points out that the central principles he believes in are the liberal principle of equality and freedom; equal opportunities and free individual choice regardless of gender, social position or race (Mill, 1984, p. 274).

4 Islamic Values

Above, the reader has been presented with principles of neutrality and laws about equality in Europe and also the Christian oppression of women and the feministic struggle in the West. In this context it seems relevant to present some Islamic values that might be problematic to coordinate with secular ones. To be able to understand why some Muslim women who live in Europe wear a veil, one has to try to understand Islamic values and that is best done by studying the Qur'an. A majority of Islamic scholars maintain that the position of women in pre-Islamic Arab society was bad (Shah, 2006, p. 27). They were held in subjection, treated as objects of sale and exploited by their fathers and after marriage their husbands could divorce at any occasion and when Islam came, it raised the status of women (Ibid).

4.1 The Qur'an

The *Qur'an* is the sacred book of Islam. For Muslims it is the word of God revealed by the archangel Gabriel to the prophet Muhammad who passed it on to mankind (Jones, 2006, p. IX). For Muslims the Qur'an is the last expression of God's message to mankind and it was given to Muhammad in Arab, which has led to the interpretation that the true Qur'an can only be read in Arabic. Most Muslims mean that the Qur'an cannot be properly translated and therefore shouldn't be translated at all. Muhammad is believed to be born in 570 AD (Jones, 2006, p. XI), which means that Islam is a rather young religion. The message in the Qur'an has been interpreted in different ways by different men during the history and is still being interpreted. There are many different schools or ways of Islam, although there are some values which are common for all Muslims. However, there are many differences because various schools interpret the Qur'an in different ways. The Qur'an contains some Suras which, seen from a feministic perspective, can be problematic. I have chosen to quote two of those texts:

“Men are superior to women on account of the qualities with which God hath gifted the one above the other, and on account of outlay they make from their substance for them. Virtuous women are obedient, careful, during the husband's absence, because God hath of them been careful. But chide those for whose refractoriness ye have cause to fear; remove them into beds apart, and scourge them: but if they are obedient to you, them seek no occasion against them: verily, God is High, Great!”
(The Qur'an, Sura 4:34-39).

The other text I have chosen to quote has been given the interpretation that women ought to veil themselves:

“Oh wives of the Prophet! Ye are not as other women. If ye fear God, be not too complaisant of speech, lest the man of unhealthy heart should lust after you, but speak with discreet speech. And abide still in you houses, and go not in public decked as in the days of you former ignorance, but observe prayer, and pay the impost, and obey God and the Apostle: for God only desireth to put away filthiness from you as his household, and with cleansing to cleanse you. (The Qur’an, Sura 33:33-34).

The text doesn’t mention that women should wear a veil. It only says that women shouldn’t dress like they did in Arabia during Muhammad’s time age. According to diverse interpretations women used a ware dress which showed a lot of their chests and some claim that the message in the Qur’an means that women shouldn’t dress inappropriate.

4.2 The Shariah

Shariah is a term that refers to God’s law in its divine and revealed sense (Newby, 2002, p. 193). Shariah is the Canonical law of Islam, revealed in the Qur’an and the practice of the Prophet Muhammad, which is referred to as *Sunnah* (Ajijola, 2002, p. 1). It is related to *fiqh* – Islamic-jurisprudence developed by humans (Newby, 2002, p. 193). Exactly what Shariah is varies from school to school and there are many disagreements both in its elements and in the method of realising it on earth (Ajijola, 2002, p. 13). An easy definition would be to say that Shariah is the “expressed or implied provision of the Holy Qur’an and the accepted Sunnah” (Ajijola, 2002, p. 193). In the context of this thesis it is important to point out that the Qur’an (and Shariah) is divided into two: General principles and particular principles (Ajijola, 2002, p. 149). The general principles are universal and cannot be modified or changed (Ajijola, 2002, p. 150). Particular principles are revealed to solve a particular problem and they can be modified from time and place (Ajijola, 2002, p. 152). Examples of particular principles can be legal provisions concerning personal status, civil, penal matters and others (Ibid). The question of the veil is an example of a particular principle; the Qur’an doesn’t provide humans with a clear answer on how women should dress up, which is why it is changeable from time and place (See: below section 6.2; Interview with Professor Elwan). The lack of consensus and the fact that veiling is a particular principle has lead to the fact that some women wear burkhas, some wear a headscarf and other don’t cover themselves.

5 Islamic feminism

Some have described Islamic feminism as a sort of reform movement that opens up a dialogue between secular and religious feminists (Moghadam, 2002, p. 1143). In Iran, a women's magazine, *Zanan*, has since 1994 helped to start a debate about Muslim women's rights both from secular and religious point of views (Moghadam, 2002, p. 1143). On the forum, a common ground for different feminists' attempts to improve women's rights within religion, law, culture and education now exists (Moghadam, 2002, p. 1144). *Zanan* also translates articles written by Western feminist scholars as for instance Simone de Beauvoir, Mary Wollstonecraft and Virginia Wolf, which is helping Muslim women to overcome hatred against secular feminism (Ahmadi, 2006, p. 44). Even though there are conflicts between secular and Islamic feminists, some seem to have realized that arguments inside the feministic network isn't leading anywhere, instead they ought to work together to promote the status of women in a global perspective (Ahmadi, 2006, p. 45). Even though a global feminism is proceeding, there are still a lot of contradictions: Secular feminists have criticized Islamic feminists by questioning if there even can be such a thing as Islamic feminism (Ahmadi, 2006, p. 35) and secular feminists have been accused of not paying enough attention to Islamic feminists' struggle to create gendered discourses within the Islamic framework, due to waves of Islamophobia, which began in the 1980s and reached its climax after 9/11 (Ahmadi, 2006, p. 35). Some of the Islamic feminists accuse secular feminists of discussing feminism from a Western hegemonic position, which, in their opinion leads to racism and an increasing orientalism (Ahmadi, 2006, p. 35). I have chosen to present two different branches of feminism that exist within Islamic feminism: Those who demand equity and those who demand equality.

5.1 Islamic feminism – Equity

Islamist movements have emphasized that men and women aren't equal and therefore shouldn't have equal rights; women should submit to patriarchal values and give in for their roles as mothers – “remain true to their womanly nature” (Foley, 2004, p. 54, 55). This is a consequence of the conservative interpretation of the Qur'an which Islamist movements choose to follow. It is though not only men who follow the strict interpretation of the Qur'an; some Islamic feminists also support the thought that men and women aren't equal to their nature, since, in their opinion, the two sexes were created to have different roles; the man as provider and the woman as mother (Foley, 2004, p. 55, 59). There is a great

interest in those Islamic women who remain within an Islamic framework to argue for their rights. Their work may contribute to a broader global feminism (Foley, 2004, p. 54). These Islamic feminists don't fight for equality, because they don't think it's necessary, they demand equity instead (Foley, 2004, p. 59). Islamic equity pursues a strict interpretation of the Qur'an and Sunnah. According to that interpretation female and male rights are "different but the same value". The difference has to be on a basis of fairness, which means that direct oppression of women shouldn't be allowed.

Some feminists, who have chosen to argue within the Islamic framework, have raised the issue of the right to independent reasoning and for women to reinterpret the Qur'an (Moghadam, 2002, p. 1144). They are using female-supportive verses in the Qur'an to push for women's rights, especially educational rights (Moghadam, 2002, p. 1147). The basic methodologies Islamic feminists use are *ijtihad* (independent investigation of religious sources) and *tafsir* (interpretation of the Qur'an) (Ahmadi, 2006, p. 36). They mean that the classical and also the post-classical interpretations were male-centred and in a modern society it is time for post-modern interpretations with female perspectives (Ahmadi, 2006, p. 36).

There are also some Islamic feminists who are openly dissatisfied with the secular approach to the veil, Faezeh Hashemi is one of them:

"I think that unfortunately in some countries Western norms are imposed on women. Hijab is an indisputable symbol for Muslim women. Muslim women should not be deprived. Although Turkey is an Islamic country, women are thrown out of universities because of Hijab." (Moghadam, 2002, p. 1162).

Hashemi referred to an incident in Turkey which ended up in the European Court on Human Rights. Sahin, a Muslim woman who went to the university in Istanbul, was denied access to the university because they had an anti-veil policy and she refused to take it off. The court accepted Turkey University's anti-veil approach (Leyla Sahin v. Turkey, application no 44774/98).

5.2 Islamic Feminism – Equality

Some of the secular Islamic feminists argue that the gender discrimination within Islam is a social rather than a divine (or natural) structure and since the discrimination lies on a social basis, it can open a new door to gender equality (Moghadam, 2002, p. 1144). Some of them also criticize Islamic feminists who choose to argue within the Islamic framework, because they are neglecting key issues like patriarchy, veiling and sexuality, including homosexuality (Moghadam, 2002, p. 1150, 1159). They mean that real democratization – real change – cannot be created within a religious framework, since religion is too sensitive to discuss in an open minded way (Moghadam, 2002, p. 1151, 1160). They have accused Islamic feminists of being naïve when they think that a male

dominated religion like Islam can be reformed internal to give women an equal position to men (Moghadam, 2002, p. 1151). To reach true equality feminists have to fight for socioeconomic and political questions rather than theological ones; without a universal standard the impact will only be limited (Moghadam, 2002, p. 1158). Mahnaz Afkhami is a well known liberal feminist who is famous for her criticism of Islamic feminists and she once said:

“Our difference with Islamic feminists is that we don’t try to fit feminism in the Qur’an. We say that women have a certain inalienable rights. The epistemology of Islam is contrary to women’s rights. But you can use what you need to (to advance women’s positions). I call myself a Muslim and a feminist. I’m not an Islamic feminist – that’s a contradiction in terms.” (Moghadam, 2002, p. 1152).

Some secular Islamic feminists use Abdol Karim Soroush’s approach to Islam and its sacred texts to prove that some texts are inappropriate to employ in a modern era (Ahmadi, 2006, p. 38). Soroush has claimed that there are some essentials in Islam that cannot be changed (Ahmadi, 2006, p. 39). These elements are of such character that without them, Islam is not Islam. Essentials in Islam can for instance be the oneness of God. However, according to him, there are also other texts which he calls “accidentals” that are the result of special time (more than thirteen centuries ago, during the life of Muhammad) and place (in Arabia). Soroush’s examples of “accidentals of history” are men’s rights to polygamy, the men’s right to *talaq* (a unilateral right for men to divorce), custody of children to men and also rules on women’s issues (Ahmadi, 2006, p. 41). In this context it has been argued that the Qur’an is a product of a certain time and place (Ahmadi, 2006, p. 40). Soroush has also said that if people claim that Islam has unchangeable rules, they have transformed it from a religion to an ideology (Ahmadi, 2006, p. 41). His thought on “accidentals of history” has given support to many Islamic feminists who claim that men have interpreted the Qur’an to their own benefit and that the old interpretations have no place in a modern society (Ahmadi, 2006, p. 42).

6 Interviews with Scholars

I found it interesting to interview two scholars who are both Muslims who live in Europe. How do they feel about the veil as a phenomenon in the secular west? One of them has converted to Islam and the other has moved from an Islamic country because he didn't enjoy the "Islamisation" of the country.

6.1 Interview with University Lector Ann Sofie Roald

Ann Sofie Roald is a university lector, who works with Islamic studies, gender issues, Islamic movements, conversion to Islam, legal Islamic issues, particularly family legislation. She also works with multicultural issues and religious minorities. During a period of twenty years, Ann Sofie Roald has, because of religious reasons, worn a headscarf, but she has now chosen to take it because of a deeper intellectual development, making her fully understand the human factor in interpretation of holy texts, she says. Moreover, she feels that since the 90s the veil has become politically loaded – "acceleration in stupidity". As a highly educated woman, she feels as if she is not being heard or believed by a majority of the society when she, as a feminist, wears a headscarf.

Question 1: "Why do you think Islamic women, who live in secular European societies, wear a veil or a headscarf?"

"Roald believes that it is important to look at the veil from various perspectives. Firstly, women wear the veil out of religious reasons, because in the Qur'an, in three different places, covering of women is discussed. Secondly, there is a social aspect: Islamic women who live in secular societies might choose to wear a veil or a headscarf because they want to express their identity – become "more" Muslim.

Question 2: "Some feminists look upon the veil as a symbol of female oppression that shows the patriarchal structure within the Islamic community, since the woman should cover up her "nicer parts" so that she doesn't lure men into temptation. What is your approach to this?"

Roald says that there is clearly a patriarchal aspect, especially since the fact that women also can be attracted to men is neglected. Why should only women cover themselves up? However, in this context it is important to remember those women

who choose to wear a veil out of their own free will. It isn't fair to say that she is oppressed when she doesn't feel oppressed.

6.2 Interview with Professor Emeritus Omaia Elwan

Dr. iur., Professor Emeritus Omaia Elwan, at the university of Cairo in Egypt, now lectures in Islamic law at Heidelberg university in Germany. I took part of Professor Elwan's class in Islamic law during one semester (*Wintersemester 2006/2007*). Since I unfortunately couldn't go to Heidelberg to perform the interview, I had to ask a friend of mine, Sofia Granat, to make the interview with him, in my name, on Wednesday the 16th of May 2007. Professor Elwan found it perfectly in order for me to write about his opinions in the two questions I gave to him via Sofia Granat, since he said; "I had understood the messages of his classes."

Question 1: "Why do you think Islamic women, who live in a secular European society, choose to wear a veil or a headscarf?"

Professor Elwan points out that in some countries, like for instance his own home country Egypt, it is a constitutional obligation for women to "*die schönen Teilen zu entdecken*" (to cover up the "nicer parts") since 1980, due to article 2 in the Egypt constitution (Article 2 prescribes that the Shariah is the main source of Egypt law and must therefore be considered). He points out that for those women who live in secular societies, the main reasons to wear a veil or a headscarf are religious or traditional ones. However, there should always be a free will to choose whether one likes to wear a veil or not. The wearing of the veil is a particular Shariah principle and it is important to remember that since it is not a general Shariah principle it shouldn't be compulsory to wear a veil. Still, he understands that women who live in secular societies choose to wear a veil because of traditional reasons and social reasons such as "belonging" to a certain group.

Question 2: "Some feminists look upon the veil as a symbol of female oppression that shows the patriarchal structure within the Islamic community, since the woman should cover up her "nicer parts" so that she doesn't lure men into temptation. What is your approach to this?"

Professor Elwan admits that there is a patriarchal structure within the Islamic community and that is the way it has always been. However, it has become worse in some countries the last decades. He thinks it is interesting that in Egypt, people are discussing whether women should wear a *niquâb* or a *hiquâb*, but in Europe, people are discussing whether women should wear something at all. However, Professor Elwan points out that there are many Islamic feminists in Egypt who are

working with women's rights questions such as, for instance, the veil and they want all kinds of female subordination to end, including veiling.

7 Analysis

The late pope John Paul II once expressed his worries over the secular development in the industrialised world by saying that it was “a simple appellation, a screen, behind which the reality of atheism and irreligiousness is concealed.” (Ramadan, 2002, p. 183). I’m not surprised he felt that way. For centuries the church has strengthened its power and wealth on behalf of women. In the secular Europe we have today, we all have to learn to tolerate different cultures and respect each other. An increasing secularism is, in my opinion, not leading the West towards a lawless society. On the contrary, I believe that an increasing secularism leads to an increasing tolerance for other human beings.

7.1 A Brief Comparison between Christian and Islamic Gender Discrimination

Islam and Christianity (also Judaism) have a lot in common; they are all monotheistic faiths, they all preach for moral and social principles through ancient stories which basically are the same (Saikal, 2003, p. 24-25). Christianity and Judaism have (and within some branches still do) also proved its capability to oppress women throughout history. As a liberal feminist, it pleases me to live in a time age where the church’s power over women is fading. I am not quite as pleased to see that the history of gender discrimination seems to repeat itself right in front of our eyes. To me it is quite easy to draw parallels between the quote from the Qur’an about how women should behave in order to not lure men into temptation and John Gregory’s book *A Fathers Legacy to his Daughters*, although Gregory didn’t claim that it was God’s will that women should behave in a certain way. However, St. Paul wrote that even though all humans are spiritually equal in the eyes of God, women should have a subordinated position in the society. To claim that the subordination of women is divine is, according to me, nothing but silly. Just as John Stuart Mill, I think it is both ethically and economically disgraceful to undermine the capacity of half of the population because of their gender only and instead of admitting that it has got to do with men being afraid of losing power to women, claim that it is God’s will. Since men has written down and interpreted the Qur’an, it is not surprising that they have given women a subordinated position and claimed it as divine. However, in a secular society, it has to be wrong to, with the right to freedom of religion as support, practice a patriarchal oppression against citizens. Actually, I think it is a violation of the right to freedom, since the right to freedom requires tolerance and respect not just for men, but for human beings.

7.2 Reflections on Islamic Feminism

Since I am of the opinion that men and women are equal – naturally as well as socially – I cannot say that I have a lot in common with those Islamic feminists who want to, by keeping the feminist discourse within the Islamic framework, are determined to fight for equity only, in order to gain their rights as mothers and wives. Feminists who don't believe that men and women are essentially equal and therefore are entitled equal treatment on all levels, can not, in my opinion, call themselves feminists. I fully agree with Mahnaz Afkhami when she says that to be an Islamic feminist is a “contradiction in terms.” However, when I read about the feminist magazine *Zanan* it lit up a spark of hope for change. Even though there are many different values within feminism, the most important one has to be to make women work together to get rid of patriarchal structures within societies throughout the world. Unfortunately I believe that the subordination of women within Islam is a circumstance that is hurting and threatening our multicultural society and since I look upon the veil as a symbol of subordination, European states have to act to prevent some Islamic women from being hurt. There is nothing wrong with standing between two different cultures, but in secular societies, it is hard to accept that those fundamental human rights we have built up for centuries only are valid for part of our population. Embrace multiculturalism, but never ever accept gender discrimination within Western borders, especially not if oppression and discrimination are being hidden behind the liberal principle of freedom.

7.3 Reflections about the Veil Prohibitions

The Foulard affaire in France is, in my opinion, a rather sad story, since I think the French government has hidden themselves behind mask of laïcité instead of lighting up the real importance in the veil issue: Gender discrimination. No woman should have to hide herself under a veil just because some men claim that they cannot control themselves (sexually) in the presence of a woman. It is absurd that women should have to hide themselves in order to keep men away from temptation. I am aware of the fact that some look upon the veil as a protection for the woman against the man. Firstly, this argument is an excellent proof on how one can stupefy men – it is humiliating to think that men in general cannot control their sexuality. Secondly, in a modern society, there are laws which aim to protect human beings from all kinds of wrongness; there is no need to hide women behind a piece of cloth. I am also aware of the fact that many women don't feel oppressed by wearing a veil. However, I think it is hard for them to neglect that the veil is a product of a patriarchal structure, which does not fit into a secular society. Since I am a liberalist who believe in individual freedom, I think it is wrong to do as they

have done in Germany. From a liberal point of view, it is wrong to tell adults what to wear or not when they go to work.

7.3.1 Reflections on the Dahlab-case

Out of two different aspects it pleases me that the European Court on Human Rights, without being asked to, brought up the question of gender equality in the “Dahlab-case”. The obvious aspect is that the court here proves that they truly guard the law which they have been assigned to watch: Not only do they think of it when they get a crystal clear question about it (the legal question never mentioned the gender perspective), they also include it in their other cases when they think it’s necessary. The other aspect is that the court emphasized the importance of the gender perspective in the veil debate. Even though the woman in this case is an adult who voluntarily converted to Islam and freely chose to wear a veil, the court finds it necessary to enlighten the problematic relation between the veil and universal human rights values.

In Europe, the veil ought to be questioned, not because of the principle of neutrality, but because within the European Union, gender discrimination is forbidden and it shall be counteracted. Islamic women can no longer be neglected and treated as second class citizens.

7.4 Reflections on the Veil as a Symbol of Sexual Oppression

Why do I look upon the veil as a symbol of oppression? The explanation is rather simple. In the West, I just don’t think men *should* be able to control their sexuality, in fact, I think they *ought to* control themselves and their sexual needs. To claim that the veil has nothing to do with a sexualised way of looking on the female body is absurd (see: above p. 12 – The Qur’an, Sura 33:33-34). I think it is important to question if the right of freedom of religion entitle sexual oppression of women who are part of the European society, because in my opinion, it is not. If we are to respect each other although our differences in a multicultural society, we ought to admit that there is no difference between men and women in the West; humans are equal and shall also remain that way. Since Westerners have fought hard in several centuries for equality, it will be hard to accomplish a successful multicultural society, if the price we are paying is our equality. Liberal rights discourse has been criticised by some feminists for its “false universalism” because people often don’t take account on differences amongst women – it is only the Western model of rights that seems to be valid, a form of ethnocentric idea of Western superiority (Freedman, 2007, p. 32). I think it is very interesting critique and will therefore try to give a respond to why western feminists claim to

have a superior position in relation to their “oppressed Islamic sisters”. Mill’s opinion about women’s status of subjection, oppression and slavery clearly shows his principles of equality and individual freedom, but they also reveal his utilitarian position which demands social and individual improvement in order to reach a better society. I think Mill’s thoughts are very useful in a discourse about female rights within the Islamic community: Men want to keep the patriarchal structure because they are afraid of seeing women as their equals.

7.5 Conclusions

During the centuries, people who have criticized the Qur’an have been regarded as infidels and condemned to death (Ahdami, 2006, p. 43). The Iraqi hostage drama, which was an Islamic protest against the French prohibition of the veil, is an excellent example of how afraid *some* Islamic movements are of the fact that in the West, men are losing power and control over women. In some people’s eyes, we may be infidel and we might have Western hegemonic feminist values, however, we have to stay true to our own values and constitutional rights and not bend down for antiquated, patriarchal values we have already overcome. In my opinion, the freedom of religion can not entitle oppression of women.

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8.6 Interviews

Interview with Ann Sofie Roald on May 16th 2007. Performed through telephone correspondence between the author and the interviewed. Roald has previewed and accepted what is written.

Interview with Omaia Elwan on May 17th 2007. Performed by Sofia Granat in Heidelberg, Germany in the name of the author. Elwan has previewed and accepted what is written.

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