

## **Gender and Discrimination: Muslim Women Living in Europe**

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### **Abstract**

It is suggested that Discrimination against Muslim women in Europe exists on a two-tier level. Firstly the discrimination that they might encounter in society, and secondly the arguable inequality for women within the Muslim family structure.

### **Introduction**

There are many debates about Islam in Europe today. A significant proportion of the post-war immigrants in Europe have been Muslim, so in some countries, for example France and Germany, Islam is the second religion after Christianity. Many of the migrant workers how came originally for work purposes were able to call their families over to join them permanently. Family reunification was an important step as it meant that the immigrant population was likely to change from a temporary one to becoming a permanent one, as the families would have to be provided for in terms of education, social security, proper housing (many of the workers lived in mens' hostels up until this point) and integration measures. There has been a Muslim population in Europe for a number of years now. However a lot of the images and perceptions that people have of Islam are still very prejudiced, more due the context in which the Islam is often set and the links between it and Middle Eastern countries. This has been emphasised by various events in the past few decades, such as the Iran-Iraq war, the problems on the West Bank, the Gulf War and the political situation in Algeria, where the *Front Islamistes Salut* are seen as Muslim fundamentalists.

Thus, for many non-Muslims Islam is seen in two ways, as being politicised and inextricably linked to fundamental political activity, and often terrorism. In addition it is seen also seen as being a religion that is oppressive for women. .

### **Women in Islam**

My doctoral research is investigates religion as an identity amongst young Muslims in Britain and France.<sup>1</sup> As part of my doctoral research I conducted interviews amongst those of Muslims origins, in Britain (those from the Indian subcontinent) and France (from the Maghreb) who are the children of the parents who first emigrated to Europe. Many of the questions were specifically about women and whether the respondents thought there was a difference between the way girls are treated and treated and seen.

Many of the replies were interesting. As one girl noted in the interview Muslim women are always seen in a specific way in Islam<sup>2</sup> this being as suppressed and in a minority position. However another young male expressed the view that women in Islam had to be modest, and cover their heads

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<sup>1</sup> The PhD thesis is entitled '*The Identity of Young Muslims in Britain and France*' (in progress).  
Florence:European University Institute..

and that it was not a matter of choice according to him.<sup>3</sup> Many of the girls who I interviewed also noted that they chose to wear the headscarf at a certain age, which, contrary to my assumption that it might be largely due to parental pressure, was often when the girls themselves felt that they were 'ready' to wear it, and knew enough about Islam and the significance of wearing the headscarf. In fact many told me that their mothers did not wear the scarf. It is also noted that the taking of the headscarf is indicative of agreeing to a modesty and being demonstrative about one's religion, which for many young modern women, might be a difficult choice.

It is true that according to the *Shari'ia*, Islamic Law, a Muslim woman is technically only allowed to marry a man who is Muslim, whereas a man can marry anyone who is 'of the Book' (which means of Christian or Jewish faith as well as those who are Muslim). The *Shari'ia* also specifies such things as the women not being allowed to be judges in law courts and giving decisions there, or act as a sole witness in court, as her mental health might be influenced by her menstrual cycle and a strong nerve is needed. Another reason is that there are competent men who are seen as being more able for the task. It should be noted that a lot also depends on the way in which the law is interpreted in the country, as this can vary, and often depends upon the legal system and in which courts Muslim law is still valid. This is often dependent upon the country and the way in which Islamic law has been adopted. In non-Muslim countries Muslim law has very little significance or power.

The image of women in Islam is also fuelled by the media. Images of veiled women on front covers of reputable magazines such as 'The Economist'<sup>4</sup> or the 'Nouvel Observateur' serve to reinforce these ideas of women having secondary roles in society.

Nevertheless it is the case that for many Muslim women discrimination is something very present in their lives. It can occur in a two-fold way.

### **Discrimination in Society**

Firstly, the way in which as members of a racial minority group and also members of a religious minority, women encounter problems in relation to the majority non-Muslim society. Girls being sent home from school for wearing the headscarf is justified as being necessary to prevent a religious symbol being displayed in a non-religious public space, but it is still also discrimination. The subject of the wearing of the headscarf in public in Europe has a lengthy argument. It is clear that it is still the national law and even the regional or local policy of the country that prevails.

In Britain in September 1988 two Manchester schoolgirls were refused permission to wear the headscarf, on the basis of hygiene. The Commission for Racial Equality interpreted this as indirect racial discrimination, and the girls were allowed to continue wearing the headscarf on the understanding that it would be secured at the neck, for practical reasons in physical education lessons, and also that it

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<sup>2</sup> Young girl of Moroccan origins, French national. Interview held in December 1997, University of Paris 8, Saint-Denis, France.

<sup>3</sup> Male, British, Pakistani origins. Interview held in University of East London, Barking, England, January 1998.

<sup>4</sup> I am specifically referring to a February 2000 issue where the front cover picture was in relation to the elections in Iran

be in the colours of the school uniform. The Netherlands dealt with various similar incidents in schools between 1993 and 1994, often ending in similar compromises. The wearing of the headscarf was additionally an issue in the workplace. In Germany the request that a young Muslim girl be excused from physical education lessons because they were co-educational was denied, apart from swimming lessons

However the most widely cited example of headscarf incidents is in France. Here it becomes an issue as the public sphere, which includes public schools, is *laïque*, which is loosely translated as lay, or non-religious. This means that no religious symbols of any denomination should be worn in school. The most famous case was in 1989 of the girls from Creil on the outskirts of Paris who were sent home from school by their headteacher. The publicity which subsequently followed resulted in many similar incidents with young girls in France. Eventually the Conseil d'Etat ruled, that the headscarf is allowed to be worn to school, despite the fact that the state school is an *espace laïque* and the headscarf is clearly a religious symbol, as long as it is not used as to proselytise, but religious insignia has be banned by schools if it is seen as being used as propaganda. Whilst on the face of it this seems like a suitable and quite generous conclusion, the final decision is inevitably left up to the head teacher of the school where the girl is in attendance. Some of the girls who I had interviewed in the Paris area had been involved in protests at their schools in relation to the rules.

Similar examples of disadvantages for Muslim women would be the situation where, for example, there has been discrimination against a woman wearing a headscarf in the workplace. In Britain, this would be classified as discrimination on the grounds of race, rather than on the grounds of religion, as in British law religion is not classified as separate a ground for discrimination according to the Race Relations Act of 1976. Following the case of *Tariq v. Young*<sup>5</sup> it was decided that Muslims do not constitute an ethnic group of shared cultural, linguistic or geographical origins. This is somewhat true is this is the criteria upon which the evaluation is based. Thus they are not afforded the protection that exists for Jews and Sikhs as stated above. This has been an area of contention for some years now amongst Muslims in Britain.

At the EU level, these issues have been emphasised to a larger extent recently as the issue of social rights, and not just human rights, is becoming one of which people are becoming increasingly aware. The European Convention of Human Rights (ECHR) Up until now social and fundamental rights were not of immediate concern in EU law. The main reason is because the European Convention of Human Rights (ECHR) had already been in force since 1950, setting out the guidelines for human rights in the European Member States which could not be contravened. In addition each Member State has its own set of fundamental rights for its own citizens.

The new Article 13 of the Treaty Establishing the European Community means that discrimination law has now reached a more flexible and sophisticated level which is applicable in practice. Previously the grounds upon which the discrimination had occurred might have been

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<sup>5</sup> Case no. 247738/88 Equal Opportunities Review Discrimination Case Law Digest 2.

debatable. In an example of a woman not being allowed to wear a headscarf in the workplace, or to school would discrimination be on the basis of religion or ethnic background or gender?

It brings together a wider ranges of grounds of discrimination which suggests that these areas - which include 'sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation', can be dealt with with common discrimination provisions. This is being called a *horizontal* approach rather than having different legislation for different grounds, which is called a *vertical* approach.<sup>6</sup> In addition does not specify a hierarchy of discrimination, which is particularly significant in situations when there is multiple discrimination. It also includes religion as a ground, upon which the Union may adopt proposals for anti-discrimination legislation.

In this way issues of gender, race and religion can be dealt with and discussed together.

The issue of gender and race have been discussed in relation to different social aspects and in terms of discrimination policy, sociology and politics. However with the increased number of women of different ethnic and racial origins, who in Europe are additionally of a minority religion, the possibility of feeling or being discriminated against can be on various grounds such as colour or "race", religion or gender. This is why the new provisions look promising in the development of EU law.

Whilst these points can apply to those women who are of a number of different religious or racial backgrounds, this article focuses on Islam particularly, for the reason which were noted above - that the way in which Islam is perceived and dealt with in terms of general public opinion, and perception, can be an additional obstacle.

### **Women within Islamic society**

The second area of discrimination that I present here is that Muslim women have to deal with the discrimination which exists against them *within* Muslim society or in the course of the Muslim way of life. Whilst the way which women should behave and what they are and are not allowed to do might have changed considerably in some countries and especially in the larger cities, and moved with the times to be more liberal, there are of course some places where women are not allowed to drive (Saudi Arabia) or sit in a car with a man unless he is her husband, son or a male relative. This is not something which is a part of religion but rather the way in which the Muslim authorities of the country have decided to interpret the religion. Another example is of women working. Nowhere in the Koran does it say that women are forbidden to work. However many see work outside the home as hindering the role of the woman in a domestic context as this is where her main importance should lie. Therefore for many women in Arab countries, although they have been given the right to work, they are not the owners of their salary as their husbands were the ones who technically gave them permission to work in the first place, possibly at the expense of looking after the home. In Europe obviously women have the right to work (although there are still many who say that certain jobs are subject to prejudiced attitudes as to which gender should be doing them.)

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<sup>6</sup> There is a variety of legal literature on Article 13. See Europaforum Wien (eds) 1999, '*Article 13 – anti-discrimination : the way forward*'. Wien: Europaforum.

Regarding issues such as inheritance law the *Shari'ia* stipulates that a son gets twice the share of a daughter, as he in turn has to provide for his own wife.

All of these points of course are also dependent upon the laws of the country in which the individual resides and within Europe the automatic provisions for women are seen as being less restrictive than in Muslim countries.

### **Behavioural norms**

Despite the changes in the past decades it is nevertheless noticeable that girls who have been brought up by Muslim immigrant parents in European countries, have a different set of behavioural expectation and norms than those of their non-Muslim counterparts, most of which centre around the family. As one French interviewee noted, '*moi je ne suis pas du genre de sortir le soir, c'est pas trop mon truc...je suis très familiale*' [I am not the sort who goes out in the evenings, its not really my thing...I am a very family person]<sup>7</sup> whereas their equivalent white non-Muslim counterparts form most of their values and behavioural norms from their white non-Muslim peers. It is not only the girls from Muslim families that might be more conservative. In an article by Hennink et al, the behaviour of young British girls with parents from the Indian subcontinent, in general is usually more conservative. This, according to Henninck et al obviously has an effect upon girls' social lives and inevitably their relations with males.<sup>8</sup>

Their study discussed how these 'Asian' (as they are known in Britain) girls in Britain conform to different behavioural norms than their white (and I would also add black or Afro-Caribbean) peers. They are seen to be influenced more by cultural traditions, religious obligations and family loyalties and community expectations, than others. What was also an interesting find in this article was that Muslim and Sikh girls seemed to face more social restrictions in general than Hindu girls. So in fact these restrictions on behaviour are not solely religious but rather also cultural and dependant upon the group to which one belongs. Whilst it is understood then that this will have a direct effect on the women, although to what extent is not certain. What the authors of the study of young women found was that once the girls had left the parental home they experienced independence and also became more willing to have sexual relations, although these are always kept secret from the parents and the family. This is due to the fact that for many Muslims their daughter's behaviour will reflect on the honour and respect of the family and also because girls are supposed to be virgins at the time of marriage. ). A Muslims girl in the article is cited, "*..if a Muslim girl had a boyfriend..I'd like to say that's like umm...disobeying the rule...'cause Muslim girls are not meant to go out with boys or kiss a boy other than their husband..they're shaming their family, aren't they?*"<sup>9</sup>

Linked to the same issue of family norms and expectations, are the stories which are often reported about young Muslim girls who are forced into marrying strangers of their parents' choice

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<sup>7</sup> Female, Moroccan, French national. Interview held in Saint-Denis, December 1998.

<sup>8</sup> Hennink, M., Diamond, I, and Cooper P.(1999) *Ethnic and Racial Studies* Vol22 No5 Sept. pp867-899.

against their will. The most well-known story was of two girls who were brought up in Britain. In 1980, when they were aged 14 and 15 their Yemeni father took them to Yemen supposedly for a holiday but in fact had them married to two boys of the same ages as them. They remained in were told that they must have their husbands' consent if they wanted to leave Yemen and that according to the tribal law under which they were living. Finally ten years later the eldest daughter is bringing civil charges against her father for false imprisonment. Originally the British government failed to intervene as it said that the girls were Yemeni citizens by marriage and thus were unable to do anything when requested to do so by the girls' mother. Finally however, in 1987, Roy Hattersley, their Member of Parliament did step in and the elder sister chose to return.<sup>10</sup>

Other stories report how young girls have been beaten to death for having had relations with non-Muslims boys and how this has brought shame to the family's honour. One such story is that of an Iraqi Muslim who allegedly pushed his sister into the sea in Greece in 1998 as she was fled from her train which was going to Iraq. She had had sexual relations and was unmarried and according to her brother this obliged him to kill her.<sup>11</sup>

Another programme shown on Channel 4 in August 1999 was entitled "Love in Leeds". One of the stories was about a girl who left home to live with her sister as she found her conservative Muslim homelife too oppressive. She now lives with her sister and is a hairdresser, and has not contact with her family.

Of course this is not the norm, and often such stories receive sensational publicity as they seem too far from Western Christian society norms, which are so often not so family orientated and which do not normally deal with many issues such as pre-marital sex. However the place of women in Muslim society, whether they be in Muslim countries which have interpreted Islamic law, or in Europe, there will still be the influence of a religious heritage alongside an expectation which is also taken on by themselves which will affect the behaviour of many Muslim women.

### **Double discrimination**

The idea presented here is that of there being a very specific case for Muslim women, in that they suffer from an exterior discrimination and also one that is interior. There are nevertheless prejudices and discrimination at the more micro, or individual level. Whilst it is possible to discuss the developments of legislation with regards to women, race and gender, and in addition to national law more recently with regards to the more recent legislation at the EU level, the place of Muslim women within their own Islamic society is particular. It is frequently not possible for governments to interfere at the family or community level and often many stories and problems go by unnoticed and unreported. However in terms of individual experience, a lot of action will continue to be dependent upon family, religious and cultural norms regarding women.

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<sup>9</sup> Female, Muslim British, cited at p876 of Hennink et al.

<sup>10</sup> Reported in *The Times*, 25/3/91, Great Britain.

## **Conclusion**

Discrimination for Muslims women can occur on two levels. Discrimination can occur from the exterior exterior society especially when looking for a job, in the workplace or at school and moreso for Muslims women who choose to wear the headscarf.

However for many the real discrimination also exists between men and women at home and within the family structure. Many Muslims women are forbidden to work by their husbands, others are married against their wishes.

Whilst education and schooling is seen as being a means of self-expression and as ‘a site of resistance against marginalising cultural practices’<sup>12</sup> for the younger generations of Muslims who grow up and are socialised in Europe, there will have to be changes or indeed these changes will be made themselves, in order to overcome the boundaries that their genders and their religion seem to impose upon them.

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<sup>11</sup> Reported at page 5, in *The Yorkshire Post* 11/08/98, Great Britain.

<sup>12</sup> Keaton, T.D (1999) ‘Muslims Girls and the “Other France”’: An Examination of Identity Construction’. *Social Identities*, Vol5, No 1.