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# Standing in the Same Dream: Black and Minority Women's Struggles Against Gender-Based Violence and for Equality in the UK

*Pragna Patel and Hannana Siddiqui*

Through the perspective of Southall Black Sisters (SBS), this article charts the journey that black and minority women in the UK have made since the 1970s in resisting racism and violence against women. We touch on early struggles against the backdrop of racism and multiculturalism and bring it up to date by examining these struggles in the context of the 'War on Terror'. The State's pre-occupation with counter terrorism coupled with its assimilationist policies on 'cohesion' has replaced multiculturalism as the dominant framework for managing race relations. More recently the new coalition government's agenda for the 'Big Society' also threatens to undermine further the gains that minority women have made both by cutting vital services and by devolving power into the hands of local religious groups. Our main argument is that the 'War on Terror' coupled with an anti-welfare state agenda consolidates the power and role of faith based groups in delivering policy and services which, in turn, has the effect of communalising the secular, progressive spaces that black and minority women in particular, have carved out for themselves since the late 1970s. A regressive politics of identity based on religion is playing an increasing role in shaping South Asian women's lives in the UK and this has profound implications for our collective struggle against gender-based violence and equality. The struggle for equality and for the human rights of minority women in the UK is now inextricably linked to the struggle for secular spaces.

## 'Washing our dirty linen in public'

SBS is now over 30 years old. It was founded in 1979 in the heat of anti-racist activity in Southall, West London. The late 1970s was a period of mass community (secular) mobilisations against racism and often involved all sec-

tions of black and minority communities. Many in the anti-racist movement mobilised under a 'black' political identity which signified unity against common experiences of colonialism and racism. The defining moment for SBS came during the uprisings of 1979 when anti-racists organised a mass demonstration to prevent a fascist organisation, the National Front, from marching through Southall, an area with a high South Asian population. The protests led to mass arrests and assaults by the police on Asian and African-Caribbean male youths and to the murder of a white anti-racist activist, Blair Peach, who was killed by police officers from specialist militarised police units. In the course of the anti-racist struggle, SBS was born.

Although anti-racist struggles throughout the UK involved black (Asian and African-Caribbean) women, by the late 1970s, many black women felt the need to establish autonomous black feminist groups to counter the effects of both racism in the wider society and gender inequality within their communities. The earlier struggles by black women focused largely on the need to create unity amongst different groups of minority women. It was a fragile unity but nevertheless vital in enabling black women to forge a feminist identity. However, in reality, much of the early activism by black and minority women was dominated by struggles against racism manifested in protests against immigration policies and practices and racial and police harassment.

SBS broke this mould. Having set up the first black women's service centre in West London in 1982, our struggles and campaigns, out of necessity, drew on the routine experiences of the many women who came to us with stories of violence, persecution and imprisonment in their homes and with it related issues of poverty, racism, immigration problems and homelessness. Our stance had to take account of experiences of violence and abuse in the family and was the main reason why we broke with the myth of community 'unity' since we sought to wage simultaneous struggles against both violence against women and racism. For example, in the late 1970's, we challenged the notorious practice of the virginity testing of South Asian brides entering the UK on the basis of marriage, for being both racist and sexist. Wider protests against this practice focused on the racial stereotyping of Asian women but failed to emphasise the fact that it was also a sexist practice in that it denied Asian women their right to bodily integrity.

SBS broke the silence on domestic violence in the early 1980s with protests against the murder of Mrs. Dhillon and three of her five daughters by her husband who set them alight because she had failed to give birth to a son. Unlike the mobilisations in Southall born out of anger and indignation against fascist and racist provocation in 1979, the same community responded to this atrocity with silence. When we raised concerns about domestic violence and the oppression of women more generally, we were accused

of 'washing our dirty linen in public, not only by conservative elements in our communities who felt threatened by our challenge to patriarchal family values but also more disturbingly, by the anti-racist left who were concerned that by campaigning publicly we were fuelling racism against the community, thus creating further negative stereotypes of our cultures as 'backward' and 'barbaric'. Our response to such accusations was to argue that we could not prioritise the anti-racist struggle at the expense of the feminist cause or political expediency. We argued that black women's realities are as much shaped by gender inequality as by racism and that by subscribing to the view that there is a hierarchy of oppression we would be colluding in our own oppression. We argued for the need to address the family as a site of female inequality whilst also acknowledging that it could also be a 'bulwark' against oppressive state intrusion and racism manifested in, for example, harsh anti-family re-unification measures in immigration law (Joshi 2003).

Our campaigning created a backlash in the community which threatened the very existence of SBS. In the mid 1980s, SBS faced closure when local community leaders organised a petition calling for the withdrawal of our funding from Ealing Council, which funded the domestic violence services we provided. We were accused of being 'home-wreckers' and of conspiring to destroy the very fabric of 'Asian culture'. By portraying SBS as 'westernised', they attempted to use their power to de-legitimise us as if we did not belong to the community. The threat of closure was averted when many of the users of SBS mobilised and protested, arguing that without SBS, women would have no safety net when escaping violence and abuse.

As the 1980s progressed, we focussed more and more on the role of the state and its failure to protect minority women against domestic violence. The challenge was to make the state more accountable to women's need for protection in a context where domestic violence was largely regarded as a private matter and where the state took no responsibility for the violent actions of non-state actors. The situation was compounded in the case of black and minority women by the existence of racism and the politics of multiculturalism which encouraged 'cultural sensitivity', which in practice translated into non-interference into the family affairs of minority communities.

## Multiculturalism and 'mature multiculturalism'

Throughout the 1990s, much of our activism was clearly focused on challenging state policy and practice towards South Asian women in particular. There were two reasons for this. Firstly, the end of the decade and the elec-

tion of the new Labour government in 1997, provided more opportunities for us to influence social and welfare policies and secondly, some of the worst aspects of the policy and practice of multiculturalism had to be confronted head on for their devastating impact on minority women's rights.

Since the 1970s, multiculturalism has been the dominant social policy approach to race relations between the State and minority communities in the UK. First introduced in education, it was quickly accepted as a tool of national policy across a range of issues at the local and national levels (Anthias and Yuval Davis 1992; SBS 1989). Prior to the 1970s, the initial focus of British race relations policies was on assimilation into a 'British way of life' based on the notion that 'good' race relations can only be achieved if minority communities shed all aspects of their religious and cultural identity. This slowly gave way to a form of multiculturalism which valued the need for difference and to that extent was useful in the fight against racism. However, the problem with this notion of multiculturalism is that recognition of diversity was seen as an end in itself – a way of simply 'tolerating' difference. The difficulty with the multicultural approach was that in practice it was stripped of its more progressive elements, which were and still are necessary in the fight against racism.

SBS and other minority feminists have been critical of the multicultural model for constructing minority communities as homogeneous and for providing the space for unelected community representatives, usually male and from religious groups and the business classes, to determine the needs of the community. They act as mediators between the community and the State but in reality they have rarely recognised, let alone represented, the individual rights of women or other powerless sub-groups within the community, even though such interests are often articulated in the name of anti-racism or even human rights. In the process, the struggle for community representation at the political level becomes highly contested, but it has largely been won by predominantly fundamentalist and conservative male dominated groups who usually have exclusionary and conservative if not extremist political agendas.

Our starting point in tracing the impact and development of multiculturalism as it affects minority women, especially South Asian women, were the daily experiences of South Asian women who were denied protection in the face of domestic violence and forced marriage. Often the response from the police and social services was one of indifference and non-intervention, even when it was couched in the language of multiculturalism and anti-racism. The approach was deemed to be progressive but was simply reduced to the need to 'respect' cultural and religious differences. The struggle for female autonomy within minority communities was therefore inextricably linked to the development of multiculturalism since the approach lent itself to collu-

sion with patriarchal systems of control of female sexuality and laid the foundation for a cultural relativist approach to women's rights. The approach often left SBS with no option but to resort to the law to challenge multicultural policies for their unintentional but often intentional effect in reinforcing rather than challenging abusive practices.

By the late 1990s and early 2000s, as a result of incessant campaigning arising from a series of cases involving forced marriage and the murder of women who failed to conform to cultural and religious values, we saw a dramatic change in State policy. In 1999, a working group on forced marriage set up by the Home Office, of which SBS was a member, produced one of those seminal moments in the history of struggles by Asian and other minority women to compel the State to take account of our needs. The then junior Home Office Minister, Mike O'Brien, made an announcement which went unnoticed in the wider society, but which was of immense significance to Asian and other minority women. He stated that 'multicultural sensitivities are no excuse for moral blindness' (Home Office 2000: 10; Hansard 1999) and advocated a 'mature' multicultural approach, which allowed for the recognition of gender-based violence and harmful traditional practices within minority communities as an abuse of women's human rights. This was a historical and potentially liberating announcement for South Asian women who had struggled for over two decades for the State to intervene in its protective capacity into the family affairs of minority communities.

## Divergent views

These developments also highlighted some divisions or differences within black and minority women's organisations. Whilst many argued for greater State intervention there were divisions over the strategies needed for change. For example, some women supported the proposal to make forced marriage a criminal offence but SBS and others feared it was an empty gesture. We pointed out that criminalisation would drive the problem further underground as women and girls would be highly reluctant to seek protection through the prosecution of their parents. Instead, we argued for better implementation of current criminal laws and more specialist support services to combat the problem. SBS focused on the creation of civil remedies such as the Forced Marriage (Civil Protection) Act 2007 and robust statutory guidelines for schools, police and social and health services to ensure prevention and protection.

There were also differences between women's groups on the related issue of so called 'honour' killings' and 'honour'-based violence (HBV) which

continues to receive considerable media and State attention. In 2002, Heshu Yonis, a 16 year old Iraqi Kurdish young woman, was murdered by her father for having a Christian Lebanese boyfriend, and the case was widely reported by the media, for the first time in the UK, as a so called ‘honour killing’. There were divisions between South Asian women’s groups like SBS and Middle Eastern women’s organisations on how to conceptualise and therefore address HBV. The Middle Eastern groups wanted to see specific focus on HBV on the grounds that it is different from domestic violence because it involves the collusion of and harassment from the wider community. However, for SBS, the focus was very much on framing the issue within a wider policy framework of domestic and gender-related violence. We argued that the concept of ‘honour’ and the collusion of members of the extended family and the wider community has always been a part and parcel of the dynamics of domestic violence within minority communities. We emphasised the need to de-‘exoticise’<sup>1</sup> the issue of domestic violence since it led to the creation of a false distinction between this form of gender-related violence from other forms of violence that are also rooted in patriarchal structures of power and control.

Since the Heshu Yonis case, the police and other criminal justice bodies, have made more concerted efforts to address ‘honour’ based violence<sup>2</sup>, but there is still a systematic failure to protect women from the more routine cases of domestic violence. Neither does the focus on ‘honour killings’ deal with another equally tragic problem – the disproportionate rate of suicide and self harm amongst South Asian women (Siddiqui and Patel 2010a). These deaths are rarely interrogated by the State, although all too often, the same cultural and religious values which underpin ‘honour killings’ also drive women to commit suicide.

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- 1 These divisions were also reflected in the State’s response to HBV. For example, while some within the police and the Crown Prosecution Service (CPS) wanted to locate HBV within the domestic violence framework, others insisted that it was ‘different’ and therefore regarded ‘culture’ or ‘race’ as the basis of the abuse experienced by black and minority women. This ignored the common underlying patriarchal power relations, and cultural and religious values systems that legitimise such practices, for example, the notion of women as the property of men which is also the justification of violence against women in the wider society.
  - 2 There have been a number of high profile cases including that of Surjit Atwal who was murdered in a so called ‘honour killing’ by her husband and mother-in-law in 1998 while on a trip to India because she wanted a divorce. The suspects were not convicted until 2007 and her body has never been found.

## Multiculturalism and the rise of religious fundamentalism

By the late 1980s, the politics of multiculturalism provided space for the growth of religious fundamentalism and this had an immediate impact on women's rights as well as providing a fertile breeding ground for the rise of communalism<sup>3</sup> in minority communities in the UK. Religious leaders became more confident in policing dissent and in imposing patriarchal and rigid religious values on the most vulnerable within the communities that they claimed to represent.

In 1989, SBS and Women Against Fundamentalism (WAF)<sup>4</sup> organised a counter demonstration against the mass Muslim mobilisations calling for the banning of Salman Rushdie's book, the *Satanic Verses*. Despite criticism from the anti-racist left, SBS and WAF supported Rushdie because we recognised that the right to doubt and dissent is also an inextricable part of the feminist armoury since feminism is about challenging all forms of orthodoxies and traditions that deny women the right to freedom of self expression and equality. As women, we did not want to be silenced and censored by our communities for questioning religious and cultural values which justified violence, sexual oppression and inequality.

The Rushdie Affair became both a symbol and a catalyst for the growth of conservative religious identities in all communities, but particularly amongst Muslim young men. The anti-Rushdie protests in general created the conditions for the emergence of a culture of intolerance, fear and censorship in all religions which remains with us in heightened and incendiary forms. For example, since the 1990s, we have witnessed with alarming frequency, fundamentalist and authoritarian protests to any form of dissent from an imposed religious identity, much of which has centred directly and indirectly on the control of women's sexuality. Nor are such protests confined to Muslims only. Hindus, Sikhs, and Christians in the majority community have also sought to impose strict religious identity on followers by clamping down on

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3 Communalism is a term and concept that is specific to the Indian sub-continent. It refers to the construction of a community solely around religious identity and religious conflict. Communal politics is the politics of such a religious community posing as a monolithic bloc in opposition to those who do not belong and are therefore constructed as the 'other'.

4 Women Against Fundamentalism is a feminist organisation consisting of women of many ethnic and religious backgrounds. It was established in London in 1989, at the height of the 'Rushdie affair' to counter the rise of religious fundamentalism in all religions and the racism that surrounded the affair. By fundamentalism we mean modern political movements which use religion to gain or consolidate power and control especially over women. We do not mean religious observance, which we see as a matter of individual choice.

dissent<sup>5</sup>. It would seem that orthodox leaders in all religions are vying for control over the representation of their communities. In the process, what is made transparent is the re-invention of essentialist notions of religion as a framework for highlighting inequalities and demanding recognition (Yuval-Davis 1992).

As minority women in the UK have no effective political representation and no power to challenge the hegemony of the religious establishment, they, along with other sub-groups, have the most to lose. Women have only their voices of dissent as a tool by which to demand more freedom. The suppression of dissent is, therefore, not just a question of freedom of expression but literally a matter of life and death for many.

## Contradictions in state response<sup>6</sup>

Despite the rise of religious fundamentalism, black and minority women began 2000 on an optimistic note. There was the possibility of developing a 'mature multicultural' outlook and there were signs of a softening of State attitude towards the problem of women trapped in violent and abusive marriages by their insecure immigration status. However, at the same time, other powerful contradictory social trends – the 'mainstreaming' of gender and race equality, an increasingly anti-immigration agenda in other respects and a growing emphasis on a 'faith-based' approach to race relations severely disrupted and threatened the progressive changes that were achieved. These challenges also brought to the fore questions of survival and unity across ethnic and religious boundaries amongst South Asian and other minority women in particular and South Asian communities generally.

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5 Over the years there have been a number of protests within minority populations that reflect growing intolerance of dissent from within. The Muslim fundamentalist protests against Rushdie in 1989 are only one of a growing line of protests against any form of dissent. In 2006, Hindu fundamentalists attempted to use the language of human rights to stop an exhibition of paintings in London by the renowned Indian painter MF Hussain. They argued that the naked depiction of female deities offended 'Hindu' religious sensibilities – although who exactly they claimed to represent was never established. Of course, dissent is not confined to minorities as demonstrated by the furore surrounding the broadcast of the Jerry Springer show in December 2004 by the BBC.

6 Large parts of this section borrows largely from an earlier article by the same authors, see Patel and Siddiqui (2010b).

## Forced marriage and the anti-immigration agenda

The most immediate and recurrent problem that we encountered was the explicit linking of violence against minority women with an anti-immigration agenda. Hand in hand with the acknowledgement of specific harmful cultural practices as abuses of women's human rights, the State has also implemented restrictive immigration controls as a 'solution' to the problem. Although there is greater recognition that some minority women experience intersecting discrimination on the basis of race, gender and the lack of immigration status that makes them vulnerable to abuse or exploitation, a national (and European-wide) obsession with the control of immigration overrides any such recognition. Challenging culturally specific forms of abuse has become a convenient cover for limiting and controlling immigration, especially from South Asian countries, which has the effect of compounding minority women's experiences of discrimination in other areas. For example, by introducing highly restrictive immigration policies to supposedly deal with the problem of forced marriage, the State has also denied genuine migrant families their right to family re-unification.

Recent changes to the immigration rules on marriage to overseas partners in the UK, have also strengthened the discriminatory and racist nature of the immigration system (Home Office and UK Border Agency 2008)<sup>7</sup>. Notwithstanding the fact that forced marriage is an abuse of women's fundamental human rights, the State's focus on immigration controls as a legitimate form of protection is highly problematic. SBS has consistently pointed out that black and minority women need to be afforded safety and protection in the face of domestic violence in the same way that women are protected in the wider community. Rather than pursue yet more draconian immigration controls, the most effective measures of protection from forced marriage involve a series of legal, welfare and educational initiatives including the need for more specialist resources (refuges and advice centres) for black and minority women. Issues of violence against minority women should, therefore, be addressed within a policy framework on violence against women which takes account of the impact of immigration controls rather than through an immigration control framework which justifies further restrictive practices in the name of protecting black and minority women

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7 Since 2000 onwards, the government has introduced a number of legal and policy measures, including raising the age to 21 at which an overseas spouse can join his/her British spouse. Under the pretext of 'strengthening safeguards against forced marriage' (Home Office and UK Border Agency 2008) and to prevent bogus marriages, the government proposed a series of highly questionable solutions which will have a profound impact on the settlement rights of minority communities, particularly those from the Indian Sub-Continent.

from domestic violence. It is essential to de-link the question of protection of minority women from the question of immigration control. Paradoxically, our view is that it is the relaxation of the immigration controls which will help to address problems of forced marriage, since marriage will not be seen as a route to gaining entry to the UK.

### **Social cohesion and the rise of the 'faith-based' approach**

In 2001, we were witness to civil unrest in towns and cities in the north of England, followed by the 9/11 atrocity and the 7/7 London bombings. These events, coupled with a growing lack of State funding and a general backlash against feminism, has led to a crisis in the provision of women only, especially black and minority women's services. In place of autonomous black and minority women's organisations, we have seen the so-called 'mainstreaming' of race and gender equality issues which has resulted in corporate statutory bodies and religious organisations providing services that would once have been provided by black and minority women's organisations but without the pro-equality and feminist ethos which underpins such services. At the same time, the labour government began to oversee a shift away from the marginally more progressive framework of multiculturalism to 'cohesion' and multi-faithism, which emphasised the need for cohesion through assimilation and the adoption of 'British values'. Yet at the same time, in a somewhat contradictory fashion, the government also encouraged religion to play a greater role in public life. The result is that within minority communities, religion is regarded as the main basis for civic engagement. The increasing use of religion as the basis of identity (euphemistically referred to as 'faith') began in the late 1980s and early 1990s with the Rushdie Affair but gathered momentum throughout the 2000 decade and now poses a significant threat to the autonomy and fundamental freedoms of minority women in the UK.

The cohesion and faith-based agenda represents the 'softer face' of the State's counter-terrorism measures. It is an approach aimed solely at managing the threat of Muslim fundamentalism. All race equality initiatives have to a large extent, been reduced to achieving the State's overarching aim – to ensure Muslim and minority compliance with 'British values'. However, it would be a fundamental mistake to ignore the underlying economic imperatives which also drive the cohesion and faith-based agenda. It is an approach that neatly fits into a wider neo-conservative agenda involving the privatisation of vital state functions and reducing the public sector. The demise of the welfare state cannot be underestimated since the breach that is created has

allowed religion to step in advantaged as it is over secular groups by its vast networks of membership and resources. It is this aspect that the new coalition government, in particular, is appealing to when selling its idea of the 'Big Society'. The shifting of accountability for such services onto religious institutions is a dangerous development for women in particular because it delivers them back into the hands of powerful religious leaders.

In 2007/8, SBS was forced to confront these contradictions in State policies towards minority communities head on when faced with funding cuts by our local authority (Ealing Council.) If left unchallenged, such a move would have resulted in the demise of organisations like ours set up not only to counter racism but also to provide minority women with real alternatives to community (religious and cultural based) mechanisms for dealing with disputes, including violence within the family. We felt that such a development would, in turn, set back the advances that we had made to compel the State to recognise that the human rights of minority women are non-negotiable and that they cannot be subject to differential standards when seeking protection from gender-based violence.

Ealing Council sought to justify its decision on the grounds of 'equality', 'cohesion' and 'diversity'. It argued that the very existence of groups like SBS – the name and constitution – was unlawful under the Race Relations Act because it excluded white women and was therefore discriminatory and divisive! Yet at the same time, somewhat ironically, the Council also sought to encourage and fund the creation of a wide variety of Muslim conferences, networks and organisations to discuss scholarly interpretations of Islam, Muslim mentoring schemes, Muslim volunteer schemes for hospitals, schools and the police, and to set up Muslim women's groups as part of its 'cohesion' strategy (London Borough of Ealing 2007). These initiatives were pursued regardless of the fact that they undermined progressive secular struggles led by Muslim and non-Muslims which demanded a more progressive equality and human rights framework as the basis for civic engagement. On 18th July 2008, we won our challenge against Ealing Council and in doing so created an important legal precedent on the approach that public bodies must adopt to the funding of specialist organisations under the Race Relations Act and the Race Equality Duty. However, while successful in forcing the Council to withdraw its decision and to re-think its policy on domestic violence services in Ealing, our case also sounded a warning bell to secular progressive groups.

Although critical of old style multiculturalism for fostering segregation, the new coalition government has not rejected the notion of 'social cohesion' outright. Instead, through the idea of the 'Big Society', it is continuing the previous government's policy of squeezing secular spaces out of minority

communities by giving religion centre stage in controlling local resources.<sup>8</sup> The 'Big Society' and 'localism' agenda is perceived as a radical and dramatic redistribution of power and control from the State to the individual by encouraging greater volunteering and philanthropy at the local level. The project includes building volunteering programmes so that community groups can take over the delivery of a range of local services.<sup>9</sup> Whilst the plan appears laudable, one of the main problems is that it is encouraging faith based projects and leaders to play a key role in shaping policy and service delivery on a range of issues at the local level, irrespective of their highly discriminatory agenda.<sup>10</sup> Elsewhere, the government has condemned 'rising secularism' in the UK and has somewhat ironically stated that a Conservative government will need to '*reverse the damage done by the results of Labour pursuing a secular agenda since 1997.*'<sup>11</sup>

## De-secularisation and its implications for women's rights

The State's new multi-faith approach has opened up the space for a reactionary politics of identity based on religion to flourish. Building on the Labour government's 'faith-based' cohesion agenda, fundamentalist and religious right forces have made significant inroads in consolidating their power and control over minority communities and resources. Demands for legal tolerance, cultural rights and access to public resources evident in, for example, campaigns to extend the blasphemy law, funding for religious schools, dress codes and the right to apply customary (religious) laws instead of civil law in the governance of family affairs are growing. These demands are led by Muslim right wing forces, but if accommodated, will inevitably lead to other

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8 Speech delivered by the Prime Minister, David Cameron in Liverpool. July 19 2010. See <http://www.number10.gov.uk/news/speeches-and-transcripts/2010/07/big-society-speech-53572>

9 The idea of the 'Big Society' has met with considerable scepticism from a number of quarters, including trade unionists, social analysts and commentators across the political spectrum. The most voiced criticism is that it is seen as a convenient cover for spending cuts, particularly as the government's overarching aim is to implement massive cuts in public sector services. It is also seen as a return to Thatcherite anti-state populism, even though the idea is articulated in the language of people empowerment and community engagement. The notion of the 'Big Society' remains silent on how questions of poverty and the social exclusion of the most marginalised and vulnerable (perhaps the greatest obstacle to civic participation) in our society will be tackled.

10 See for example the speech given by Baroness Warsi the Minister without Portfolio in the Cabinet Office, at a dinner organised by the international charity 'Muslim Hands' on 23 June 2010 in which she declares religious organisations as central to delivering basic public services.

11 Speech delivered by Baroness Warsi at the Conservative Party conference in Manchester. 5 October 2009.

minority groups, predominately Hindus and Sikhs, making similar demands. Such demands deliberately use the language of human rights, anti-discrimination and even anti-racism whilst subverting these very principles. It is in this economic and political context that we argue that the struggle for equality and for the human rights of minority women in the UK is now inextricably linked to the struggle for secular spaces.

The feminist and human rights scholar Karima Bennoune has stated that the struggle to keep religion and human rights law separate is one of the most urgent struggles now taking place globally. She adds that ‘the emphasis on freedom of religion has overshadowed the importance of ‘freedom from religion’ (2007). This is clearly evident in recent debates and developments in the UK in respect of demands made by some Muslim organisations to incorporate aspects of Sharia law in relation to the family within the English legal system, a move which is also encouraged by leading establishment figures in the judiciary and the Church itself.<sup>12</sup> However, in the process, what we are witness to is the subversion of the secular human rights framework and the principles of equality, universality and the indivisibility of human rights – principles which are not ‘alien’ or ‘western’ to minority women as is evident in our struggles in the UK and in our countries of origin.

The attempt by religious leaderships to erode the essentially secular legal foundations of the law is occurring in two ways: first, by demands by religious leaderships for communities to be governed by their own personal religious laws and, secondly, by demands for the courts to be more sensitive to religious sentiments in the civil and criminal legal system itself. In other words, they demand greater ‘religious literacy’ which has resulted in the increasing accommodation of religious identity so that religion becomes the primary lens through which matters pertaining to the family, such as marriage, divorce, custody of children and property settlements are resolved. Both these developments are interrelated since success in one area strengthens success in the other.

In both civil and even criminal courts, we are now witness to frequent contestations between minority women demanding gender equality and even the so called ‘moderate’ religious leaders demanding the absolute right to manifest religion. It is a contestation in which the State has shown itself to be contradictory in its stance. For example, on the one hand, the State has begun to assert more clearly that harmful cultural practices such as honour crimes and forced marriages are an abuse of women’s human rights and actively seeks to intervene in families (the legacy of ‘mature multiculturalism’). On

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12 See for example the lecture ‘*Civil and Religious Law in England: A Religious Perspective.*’ delivered by the Archbishop of Canterbury at the Royal Courts of Justice on 7 February 2008.

the other hand, in the face of the power of religious claims, the State fails to acknowledge the lack of ability and the absence of social 'permission' for the more vulnerable in minority communities to exercise choice in determining their cultural affiliations, practices and identity. The primacy given to the right to manifest religious beliefs brings with it a number of problems linked to questions of 'validity' and 'authenticity'. Questions about which identities and demands are valid and whose opinion constitutes the 'authentic voice' are all issues that arise in the battles that are taking place.

The recent creation of the Muslim Arbitration Tribunal (MAT) in the UK which is set up and managed in accordance with the Arbitration Act 1996 for alternative dispute resolution in civil law cases, is an example of how religion is encroaching upon the secular legal system (Muslim Arbitration Tribunal 2008; Taher 2008). The MAT will enable arbitration (mediation by another name) of amongst others, family disputes, to take place in accordance with 'Islamic sacred law'<sup>13</sup>. By existing within the framework of the Arbitration Act 1996, the MAT attempts to ensure that its determinations can be enforced by the English courts in cases where both parties have agreed to be bound by the outcome.

Groups like SBS and WAF have challenged developments like the MAT by arguing that the demand for religious personal laws will become the main means by which the absolute control of minority women is maintained. There is considerable evidence that these tribunals discriminate against women and are arbitrating in domestic violence and forced marriage cases solely for the purposes of keeping the family intact. The forum seeks to reconcile women with violent and abusive partners or families without any reference to risk assessments or the law and statutory guidelines which warn against mediation and reconciliation in cases of domestic violence and forced marriage.

The incorporation of religious personal laws within the legal system formalises gender discrimination and a culturally relativist approach to family cases, adding to the immense community pressures that minority women already face to agree to mediation based on their religious identity. Moreover, when combined with the wider gender inequality that persists in society more generally, women will find it difficult to obtain a hearing on equal terms. Such acceptance of tribunals also signals the view that it is legitimate for minority

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13 The Muslim Arbitration Tribunals announce themselves on their website in the following way 'The Muslim Arbitration Tribunal (MAT) was established in 2007 to provide a viable alternative for the Muslim community seeking to resolve disputes in accordance with Islamic Sacred Law and without having to resort to costly and time consuming litigation. The establishment of MAT is an important and significant step towards providing the Muslim community with a real opportunity to self determine disputes in accordance with Islamic Sacred Law.'

communities to operate a second-rate justice system based on unaccountable and partial mechanisms of conflict resolution! This is in itself a racist response to demands for equality and justice, especially in view of the fact that even in countries where state-sanctioned religious laws operate, there are substantial movements, often led by women and human rights activists, for their repeal on the grounds that they are not compatible with universal human rights principles.

By allowing religious arbitration tribunals to adjudicate in family disputes, the State will in effect, be sponsoring the most dominant, patriarchal, homophobic and authoritarian, if not fundamentalist, interpretations of religions in minority communities. It is also acting in direct contravention of the UK's obligations under domestic and international human rights law which is to protect women and children from acts of violence committed in public or private spaces. The duty to exercise due diligence, in order to prevent, investigate and punish acts of violence against women including those carried out by non-State actors is a necessary function of a democratic state and the democratic principle. For the sake of economic and political expediency, this duty is clearly being subverted.

It is arguable that the need to reflect 'Muslim identity' and 'Muslim experiences' within social and political institutions and policy development verges on a form of fetishism, particularly as it results in absurd outcomes in the context of the collective needs of South Asian women. The strategy of isolating Muslim women's needs and presenting them as somehow 'different' from those of other South Asian women with whom they share a common culture is dangerous and divisive. It plays into the fundamentalist segregationist agenda and denies the overwhelming success of the inclusive and secular nature of our organisations that are now facing closure. The approach strongly undermines the solidarity that has been forged across ethnic and religious lines within and outside of our communities. It also encourages groups to compete for resources and separate provision based solely around religious identity rather than need.

More significantly, the reality of black and minority women's lives does not support the view that most black and minority women choose their identity according to their 'faith' or want 'faith-based' organisations to govern their family and private lives. In a 2009 study carried out by SBS on the impact of the 'cohesion' and 'faith based' agenda on women, the majority expressed very strong negative sentiments of mistrust and alienation from faith-based leaderships. Of the 21 women interviewed (Patel and Sen 2010),<sup>14</sup> all

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14 The respondents were all South Asian or African-Caribbean women aged between 25 and 60 years old and reflected the main minority religions- Sikhism, Christianity, Islam and Hinduism.

except one professed to some form of religious belief. Most were practising believers but all viewed religion as a matter of personal choice or belief, rather than the basis of a social identity. They did not express any sense of belonging to a 'faith-based' community. In fact their reality showed that they adopt fluid identities which often straddle different traditions and cultures.

Women were adamant that they did not want religious authority to arbitrate on family matters. Reasons for this included memories of religious divisions back home; fear of breaches of confidentiality; fear of sexual exploitation and abuse; vulnerability to coercion and social compulsion to stay in the family; fear of not being listened to and lack of trust – corruption and factionalism and struggles for power within religious institutions – in other words they did not see religious institutions as just religious institutions but as political entities with different groups vying for power. Yet the support reserved for faith based organisations assumes that those who have no access to or interaction with broader society identify with their particular faith based communities.

## Conclusion

Black and minority women have been in the forefront of important battles for equality and freedom in the UK. From the 1970s onwards, we asserted ourselves on the political landscape by waging struggles for gender and racial equality simultaneously and in the process illuminated how power is exercised to the detriment of women's equality in the family, community and the State. Our need to be visible was overriding at a time when State and community politics, including anti-racist and wider feminist struggles, conspired to silence our voices. From virginity testing to violence against women and more recently anti-fundamentalist campaigns, crucial questions have been posed about the politics of representation within and outside our communities. Along the way, some important milestones have been achieved in compelling the State to account for its indifference to the experiences of minority women, including specific forms of abuses such as honour crimes and forced marriage perpetrated in the name of religion and culture. At the same time, these issues have been hijacked by the State to justify racism, including anti-Muslim racism and inhumane anti-immigration policies and practices and to deal with questions of terrorism and national security. At the same time, the bodies of black and minority women have also been instrumentalised by right wing religious and fundamentalist forces seeking to gain control over communities and resources.

It can safely be said that the struggles of minority women have reached a crucial political juncture. The imposition of policies on ‘cohesion’, religion and now the ‘Big Society’ means that black and minority women are once again in the spotlight as we struggle to remain visible and to retain our secular feminist spaces – a necessary pre-condition for the creation of a democratic, tolerant and more equal society. As we struggle in search of answers, we ask ourselves whether we will be allowed to stand in the same dream as our feminist counterparts in the wider society.

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