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CAPABILITY APPROACH AND RELIGIOUS VALUES: The Case of Women's Employment in Islam

Jawad Syed
Kent Business School

CAPABILITY APPROACH AND RELIGIOUS VALUES:
The Case of Women's Employment in Islam

Jawad Syed
Kent Business School
University of Kent, Canterbury
CT2 7PE, United Kingdom
Email: j.syed@kent.ac.uk

Abstract: Pioneered by economist and philosopher Amartya Sen and developed by philosopher Martha Nussbaum, the capability approach offers an explicit ethics of well-being and equality, which scholars have generally applied in the context of international development. This paper is based on the premise that the capability approach may also be deployed as a valuable ethical framework for workplace equality. The paper endeavors to apply the capability approach in the context of women's employment in Islam. While the paper identifies an opportunity for this particular approach to reform the extant patriarchal interpretations and practices of Islam toward gender egalitarian interpretations and practices, it also contests a prescriptive understanding of well-being within the capability approach.

Keywords: adaptation, Capability Approach, equal employment opportunity, gender equality, gender stratification, Islam, Muslim women, well-being.

I. Introduction

Gender stratification and related issues of gender division of labor and differential employment outcomes collectively constitute a topic of ongoing scholarly inquiry (McRae, 2003). Researchers have approached these issues from various angles, such as gender role theory (Bem, 1975; Chafetz, 1980), human capital theory (Becker, 1985), reserve army theory (Beechey & Perkins, 1987), patriarchy (Walby, 1990) and an inquiry into organizational structures and cultures (Kanter, 1977). Most of this scholarship is within Western contexts, predominantly influenced by a blend of secular, capitalistic and Christian values (e.g. Esposito, 1994; Steady,

2005). However, issues related to gender division of labor and equal employment opportunity in the Muslim world [1] remain relatively under-explored.

The issue of women's employment in Islam has gained importance given the fact that the West is increasingly becoming commercially engaged with Muslim majority countries, and, in this process, finds itself faced with numerous ethical, cultural and legal challenges. For example, business practitioners and policy makers in the USA have been agonizing since the 1970s and the introduction of the Foreign Corrupt Practice Act (FCPA),[2] as to whether they should 'do as the Romans do' or insist on their own practices when abroad. Like all business markets, the Muslim world has no place for mistakes; while business opportunities are extensive, Muslims in general are very sensitive about their religion and derived practices.[3]

Should Western businesses therefore insist on equal hiring rights for women in their enterprises in the Muslim world? From a USA perspective, the issue does not compare with the bribery cases of the 1970s or with blatant discrimination against women in the workplace that took Supreme Court decisions to solve. The issue is also quite different from the ongoing debate as to whether faith-based organizations can enforce the rules of their faith in the workplace. There is, instead, a need to develop a philosophical understanding of *an* Islamic perspective of gender differentiation in the workplace.[4]

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[1] The author uses this term to denote countries or societies where Muslims constitute a majority of the population.

[2] The Foreign Corrupt Practices Act of 1977, a USA federal law requiring companies to maintain records that accurately and fairly represent the company's transactions. The FCPA was enacted to stop the bribery of foreign officials and to restore public confidence in the integrity of the USA business system.

[3] In contrast to its status in Western societies where it is seen as one institution among many, religion is perceived as the bedrock of the societies where Islam is practiced (Lazreg, 1990: 329). The Muslim world offers a unified reaction to issues related to religion, such as the 2005 Danish cartoons controversy, which resulted in an economic boycott of Danish products in the Middle East. Arla Foods, a Danish company with annual sales of $430 million in the Middle East, as an example, said the boycott was almost total and suspended production in Saudi Arabia (Browne, 2006).

[4] I highlighted 'an' because the way in which Islam is practiced varies from country to country.

This paper offers practical advice regarding the conduct of business and gender issues in the Muslim world, and, in this process, examines whether and how the capability approach[5] can accommodate non-liberal, religiously-rooted values. The paper argues that considerable socio-cultural and economic difference means that it may not be appropriate for organizations, governments and other stakeholders to view the conventional Western approach toward gender equality in employment as a blueprint for organizations in Muslim majority countries.[6] Despite Cox's (1994: 52) frustration with the fact that [some] non-Americans ignore opportunity for the transference of knowledge from the USA to their own national contexts, the present author agrees with Jones and colleagues (2000: 364) who state that "a concept of multi-voiced international discourse on issues of difference in organizations is a better model than 'knowledge transfer'".

The need for a multi-voiced discourse is further highlighted by post-colonial scholarship, which unravels the cultural bias embedded in management and social policy research.[7] This paper offers evidence vis-a-vis why gender equality discourse in the Muslim world needs to be tailored to meet Islamic and other contextual considerations. The purpose is not to disparage any attempts to remedy the disadvantage faced by women, which is in many ways universal; rather

[5] Pioneered by economist Amartya Sen, and significantly developed by philosopher Martha Nussbaum, the capability approach has been described as 'a broad normative framework for the evaluation of individual well-being and social arrangements'(Robeyns, 2002). The key feature of the capability approach is its focus on what people are able to effectively do and be. Nussbaum's description of capability focuses on freedom contingent on material disparities and the exercise of limited human agency (Bracey, 2006).

[6] For example, Mayer and Cava (1993) imply that a Western perspective on gender equality, such as that enshrined in the USA Declaration of Independence, 1776, should not be treated as ethical imperialism in any pejorative sense and is preferable to a moral relativism or social contract approach.

[7] The Orientalist bias has been challenged by post-colonial scholarship, and the related wealth of feminist literature has drawn attention to its sexualized nature (Winter, 2001: 10–11).

the paper argues that gender equality in employment may take diverse paths depending upon various contextual factors.

For example, from an Islamic perspective, there is a high religious emphasis on women's and men's roles in the family and in raising their children in the best possible manner.[8] Care should be taken to distinguish sex discrimination in employment from authentic faith-based gender role choices for women and men, such as individual choice to be a carer, breadwinner or both. Organizations may consider offering suitable work arrangements, for example, flexible or part-time work, on-site childcare, subsidized schooling, transport facilities and work from home options, which adequately accommodate individuals' roles in families. Islam also requires its followers to observe modesty; this requires a particular code of dress and interaction between *non-Mehram*[9] women and men (Qur'an 24: 31). This indicates that organizations in Muslim countries may consider providing gender-segregated as well as gender-mixed work areas to accommodate individuals' personal choices and lifestyles.

The paper takes into account the fact that women in Muslim countries have historically faced discrimination within both the employment and social spheres due largely to patriarchy and patriarchal interpretations of religion. There are, therefore, potential problems inherent in prevailing Islamic business practice regarding gender equality. The paper argues to the effect that a solution to such problems can be achieved without harming the essence of an Islamic outlook on life; and that the capability approach can be deployed to identify such problems and offer

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[8] The Prophet Muhammad said, "*Each one of you is a shepherd. And each one of you will be asked about your flock. A ruler also is a shepherd and he will be asked about his flock. And every man is a shepherd to his family. And a woman is the custodian of her husband's house and his children. Thus each one of you is a shepherd, and each one will be asked about his flock*" [Bukhari & Muslim]; See also Hussain, 1987 for the significance of family values in an Islamic way of life.

[9] Islam instructs women and men to observe a specific dress and conversation protocol when interacting with members of the opposite sex not related to them (See Syed *et al*., 2005).

remedies. With its emphasis on what people are effectively able to do and be, namely their capabilities (Sen, 1992), the capability approach could offer a valuable resource to address issues related to relatively diminished employment opportunity for women in Muslim countries (Syed, 2008). Based on an Islamic perspective of gender differentiation, the paper highlights interpretations and practices of Islam that may be seen as generating problems, suggests interpretations and practices suitable for an egalitarian approach, and debates the nature of an alternative but nonetheless Islamic approach to gender issues in commercial life.

There is a *prima facie* case for the capability approach appearing superior to other methods, such as bland cultural relativism or FCPA insistence on Western values. However, upon examination, the capability approach seems to be somewhat lacking because of its predominant emphasis on material well-being. Such emphasis is all the more visible in Nussbaum's (1999) description of central human capabilities, which does not adequately take into account the centrality of spiritual well-being in some people's lives. There is a potential risk that such a perspective may be deployed to condemn faith-based practices as forced adaptation. The paper argues that this notion of adaptation, enshrined in the capability approach, may have adverse implications for an individual agency, particularly when well-being is perceived and presented in a prescriptive and materialistic manner.

The paper is divided into seven parts. After the introduction, Part *II* discusses the potential connection between religious morality and business ethics, particularly in the context of gender equality in employment. Part *III* discusses various Islamic perspectives on gender stratification and their possible implications for women's employment. Part *IV* attempts to determine whether and how the capability approach can alleviate the historical female disadvantage in an Islamic context, and discusses the notion of adaptation and its potentially-

adverse implications for agency and social choice. Part *V* examines the material and spiritual aspects of well-being, demonstrating that narrow emphasis on economic or material well-being may not adequately capture the Islamic notion of well-being and transcendence. The discussio n in part *VI* is followed by conclusions and implications for future research in Part *VII.*

II. Religion, Business Ethics and Gender Inequality

The separation of religion and state and the emergence of what is frequently termed a 'value-free' society in the West have generally served as the context within which economic paradigm is cast. However, some post-modern thinkers argue that the term 'value-free economics' is a misnomer, advocating change such as the reintroduction of a moral dimension to business (Rice, 1999). Amine (1996) contends that the role of global managers should be one of 'moral champions' committed to pursuing the best in ethical and moral decision-making and behavior.

An important task for many managers is how to incorporate moral dimensions into business routines and structures (Rice, 1999). In today's work environment, religious perspectives impact not only on the way people think and act but also organizational reality and potentiality (Ali, Camp, and Gibbs, 2005). This is not only true in light of recent religious revivalism in some societies, e.g. in the USA and Turkey but also because religions have historically exercised considerable influence on how people deal with organizational and societal problems. Pava (1998) notes that religious sources including narratives from the Scriptures and other moral teachings have historically fed into the human characteristics necessary for building

a reasonable and practical business ethics.[10] It is, nonetheless, acknowledged that religious sources are among the many doctrines that have potential implications for business ethics.

There is some evidence that often people will leave their religion at the door when entering the workplace, opting to follow internal organizationally-generated norms rather than their individual religious beliefs (e.g. Kidwell, Stevens, & Bethke, 1987; Weaver & Agle, 2002). However, such evidence is predominantly based on research conducted in Western settings, which would likely differ from settings in the Muslim world (e.g. Welch, Tittle & Petee, 1991) in terms of Islam's influence on Muslims' quotidian reality.[11] Indeed, as Weaver and Agle (2002) argue, given the dearth of extant research into religion's impact on ethical behavior in organizations, initial research undertaken in this area needs to be of a qualitative and theory-building character.

In practice, managers need to develop a contextual understanding of the ethical norms of different cultures and environments in which the firm operates (Al-Khatib, Dobie, & Vitell, 1995). With this in mind, many researchers have explored the interlinkage between religious morality and various aspects of organizational behavior and business ethics (e.g. Giacalone & Jurkiewicz, 2003; Jurkiewicz & Giacalone, 2004). This paper explores this interlinkage in the context of gender inequality in employment.

Gender inequality in employment

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[10] Ethics, as Abeng (1997: 47) suggests, is a product of social environment.

[11] "Islam, unlike many other religions", Tayeb (1997: 355) argues, "is an all-encompassing creed, it governs every aspect of life, public and private, political and economic, and as such is relevant to business activities."

Gender inequality has been described as the unequal distribution of opportunity, resources and rewards on the basis of sex (Reskin & Padavic, 1994). This may be seen as unethical because it violates human dignity and generally leads to the extraction of rights that should be available to all women and men (McEwan, 2001). Within employment contexts, gender inequality has been described as the most unrelenting and harmful form of gender discrimination (Reskin, 2000).

There are various explanations for gender inequality in the workplace including cultural bias, patriarchy, employers' actions, and workers' own preferences (Ngo et al., 2003). Jacobs and Gerson (2005) suggest that organizational researchers should embed the study of gender inequality in the workplace within the larger social institutions including family systems and governments. According to gender role theory, women are more likely than men to perceive the family role as part of their social identity (Bem, 1975; Gutek, Searle, & Klewpa, 1991). Moreover, when faced with potentially adverse implications of work for family roles, women are more likely than men to develop a negative attitude toward their work. In contrast, men are less likely to experience a threat to self if the job interferes with family time (Grandey, Cordeiro, & Crouter, 2005).

Lazarus (1991) suggests that in the case of men, employment interference is less damaging to social identity. Other scholars have also supported the proposition that the implications of work/family conflict and job satisfaction are stronger for women (Bruck, Allen, & Spector, 2002; Kossek & Ozeki, 1998). In their study of 790 employees, Rothbard (2001) found that the multiple demands of work and family had significantly detrimental effects on women, and extended to the work-to-family sphere. While women experienced enrichment from family to work, men in general experienced enrichment from work to family.

Based on the work and family circumstances of women in the USA and the UK, Hakim's (2000) Preference Theory suggests that women are not uniform in their preferences toward work and family life (p. 4). Hakim argues that women in general entertain genuine choices about how they wish to live, and that the lifestyle choices of women are more important than the constraints associated with social structures and other macro-level influences (cited in McRae, 2003). In the light of her study, Hakim categorizes women into three groups: home-centered women for whom children and family life are the main priorities throughout life; adaptive, non-career oriented women, who wish to combine work and family or who have unplanned careers; and work-centered women, for whom employment or the equivalent is the main priority in life, and who are frequently but not always childless (pp. 158-167).

The foregoing theories generally highlight the implications of family roles and identities for women's work roles and preferences. However, these theories attempt to explain gender stratification from a secular or non-normative angle. The connection between gender equality and religious norms has not being adequately explored (Gonsoulin, 2005), with a few exceptions, such as Sanday (1981) who examined the role of religion in gender stratification cross-culturally from an anthropological perspective. Some scholars suggest that the literature predominantly attempts to integrate Christianity (Jones, 1995; Lee, McCann, & Ching, 2003) or Judaism (Baron, 1999; Pava, 1998) into business ethics whereas the field of Islamic business ethics remains relatively under-researched (Beeku & Badawi, 2005). In an endeavor to rectify this gap, the present paper examines the implications of Islam-based gender stratification for business ethics.

III. Gender and Work in an Islamic Context

Beeku and Badawi (2005) argue that normative Islam is the one common element binding Muslim individuals and countries. Accordingly, normative Islam and its principal sources may be treated as a helpful 'linchpin' connecting Muslim nations and individuals. Rice (1999) suggests that a deeper appreciation of normative Islam cannot only help organizations (conducting business in Muslim majority countries) but also the world at large grasp the mindset of Muslim businesspersons. In this section, the paper discusses how an Islamic perspective of gender division of labor differs from the notion and practices of equal employment opportunity in the West.

The term 'equal employment opportunity' has been used by the US Federal Government to refer to the employment processes that ensure non-discrimination based on sex, race and several other attributes. It enunciates the principle that every person should have equal access to opportunity (UOC, 1999: 45). Equal opportunity frameworks embrace objectives that are related to the creation of conditions where men and women, and by extension all individuals, are treated alike and do not have precedence over each other on the basis of their gender or any other attribute (McDougall, 1996: 64). This emphasis on similar treatment of women and men in employment processes is significantly different from an Islamic perspective of gender relations.[12]

Barlas (2001) notes that the Qur'an treats women and men as equal yet diverse. She refers to an emerging consensus among feminists that simple equality principles have "proven inadequate for feminist practice" especially in the "area of sexuality" (Miles, 1996: 49). A

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[12] Though Islam is not monolithic, the perspective presented here is based on an egalitarian interpretation of the Qur'an and the traditions of the Prophet Muhammad (e.g. Barlas, 2001; Hassan, 1999; Hussain, 1987; Syed, 2008). However, there is a diversity of views on this subject, which is humbly acknowledged.

growing literature suggests that treating women and men as diverse human beings does not in itself amount to treating them unequally, particularly if differences in treatment are not premised in claims about sexual (biological) differentiation (Hekman, 1990; Keddie, 1996). Such differences are also visible in the context of women's employment.

Omar and Davidson (2001) note that much of the knowledge about women's employment is drawn from studies conducted in developed countries. The transferability of this knowledge to other cultures and to other countries in different stages of economic development is very much in question (Yukongdi & Benson, 2005: 140). The mistrust of universalism is associated with post-modern and post-structural feminisms (Butler, 1995; Nash, 2002). Black feminists contend that when Third World women are judged in ethnocentric terms to be lacking in human rights, a colonialist logic in which the construction of 'the Other' serves only to legitimate the centrality of the Western male is reproduced (Mohanty & Alexander, 1997; Nash, 2002). Thus, for the purposes of this paper it is imperative to develop an understanding of gender and work in normative Islam.

There are a number of verses in the Scriptures that promote the notion of equal partnership between men and women. [13] "If any do deeds of righteousness, be they male or female, and have faith, they will enter paradise and not the least injustice will be done to them" (Qur'an 4:124). Men and women possess equal rights for work and compensation. "Never will I suffer to be lost the work of any of you, be he/she male or female: you are members one of another" (3:195).

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[13] The Scriptures are influential in adducing religious values as counterweights to the Western materialist schedule of interests and desires. Muslims take the Scriptures more seriously than most Christians (for instance), so it is useful to note that the Scriptures permit an egalitarian interpretation. And based on such an interpretation, an argument can be worked up from the Scriptures strong enough to counter patriarchal discriminatory practices, which Western employers might adduce to justify their practices.

However, the Qur'anic notion of equality is based on gender differentiation, not on identicality. For example, Islam recognizes a woman's economic rights, such as her right of inheritance, which is enshrined in her share of her parents' as well as her husband's properties, according to Islamic *Shariah*,[14] though it is a man's sole responsibility to provide adequate economic resources for his family including his wife and children (Hussain, 1987). Perhaps with an eye to improving individuals' overall capabilities, Islam declares seeking education a religious duty, which is equally binding on women and men (Ibn Majah, 1952). Islam also allows women to be engaged in economic activities including operating their own businesses (Hassan, 1994). For example, Khadija, the Prophet Muhammad's first and most revered wife was an eminent businessperson in Ancient Arabia. In fact, Muhammad was in her employ before marrying her (Syed & Ali, 2005).

These examples demonstrate that at least in principle Islam offers some structures that may sanction and enable women's participation in economic activities. Again, Islam absolves women of economic responsibility within the household, an option which is left to the woman's personal choice and circumstances. Women's free choice to participate in economic activities or to concentrate on their domestic duties is, however, in stark contrast to men's position in Islam. For men, economic activities are not a matter of choice but a religious responsibility (Hussain, 1987).[15] Islamic feminists such as al-Hibri (1982) and Hassan (1999) acknowledge the Qur'anic description of men as *'Qawwamun'* (breadwinners or those who provide a means of support or

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[14] The code of Islamic law derived from the Qur'an and the traditions of the Prophet Muhammad.

[15] However, this must not be misconstrued to suggest that a man cannot take care of domestic duties or that a woman cannot work outside the house. Subject to the Islamic values of female as well male modesty, the Qur'an does not object to any such arrangement.

livelihood). Thus clearly Islamic traditions place a high value on individuals' family-related roles. The following is a famous, oft-quoted tradition of the Prophet Muhammad:

A man came to the Prophet Muhammad and said, 'O Messenger of Allah, who among the people is most deserving of my good companionship?' He said, 'Your mother.' The man asked, 'Then who?' He said, 'Your mother.' He asked, then who?' He said, 'Your mother.' He asked, 'Then who?' He said, 'Your father' (*Bukhari* and *Muslim*).

The Prophet Muhammad's insistence on the mother's respectable position, which he repeated thrice, while it may not appear gender egalitarian to some, demonstrates the importance that Islam accords the traditional family in society, particularly the roles of women. As a result of these teachings, many men and women in the Muslim world are likely to espouse an informal system of labor division, in which men are predominantly active in economic activities and women are predominantly involved in caring roles within their families. The term 'informal' has been used here because as such there is no formal instruction in Islam which declares economic activities as men's exclusive domain and domestic duties as women's exclusive domain. Yet, the labor force statistics, such as low female participation in the formal employment sector in many Muslim countries (e.g. UNDP, 2004) demonstrate that an informal system of gender division of labor is firmly in place.

This informal adoption of gender division of labor seems to have a number of implications for equal employment opportunity in Muslim majority countries. First, since women are not religiously duty bound to economically support their families, they are generally less likely to seek paid jobs unless forced by their special circumstances or for personal fulfillment

reasons. For example, in their study of working women in Iran, Ghorbani and Tung (2007) suggest that since more women work part-time in order to take care of their families, this exacerbates the income disparity. This is significantly different from the case in many industrialized countries in the West where men and women are considered equally responsible for running the family unit and sharing their incomes. Thus, the female economic activity rates, particularly when such rates are biased toward work in the formal sector of the economy, may prove an inadequate means of judging gender equality in an Islamic context.

Second, over many centuries, the special protective provisions for women have, under the patriarchal influences that pervade the Islamic faith, tended to result in religious practices that are particularly disadvantageous to working women (Barlas, 2001; Hassan, 1994). A narrow interpretation of female modesty and gender segregation has historically resulted in Muslim women's confinement within the four walls of their houses, such as in Pakistan and India (Syed et al., 2005). Consequently, working women in Muslim countries are more likely than their sisters in the West to face gender discrimination in the labor market.

Mernissi (1996) argues that the institution of paid employment in Muslim societies, Arab countries in particular, is a traditional domain of men, who consider it a matter of religious duty as well as male pride to support their wives. It is not unusual to find men who feel "insulted if one asks them whether their wives work outside the home" (p. 64). A woman in paid employment is a traumatizing idea for such men, particularly those from lower literacy backgrounds. A narrow interpretation of Islamic female modesty has particularly served to remove women from the public space including paid employment. Ali (2000) notes that general and vaguely phrased Qur'anic verses regarding modesty in behavior have been interpreted in a variety of ways by male Muslim scholars, "a process that many writers believe [has] led to an

ever-increasing exclusion of Muslim women from the public sphere of life" (p. 76). Such

patriarchal traditions seem to pose a major challenge to women's freedom and capability,

including their freedom to pursue professional careers in Muslim societies.

Gender discrimination is not confined to employment contexts alone. Many women are

known to have been denied their Qur'anic right of inheritance. For instance, in Pakistan there

have been cases in which male relatives have either forced girls in their family to remain

unmarried or pressured them to marry someone against their own wishes (BBC, 2006). This is

done so that the girls cannot claim their Islamic share in the family property. The guarantees of

gender equality enshrined in Islamic teachings remain generally confined to theory. Similarly,

the Islamic insistence on education for all individuals is widely ignored in practice with rather

adverse implications for women. Female literacy rates in many Muslim countries are among the

lowest in the world. In 2000, 42% of women aged 15 and over were illiterate in the Middle East

and North Africa (Roudi-Fahimi & Moghadam, 2003: 4).

There is also some evidence that the institution of gender segregation is often

implemented to the sheer disadvantage of women's rights. For example, women's treatment in

Saudi Arabia has been described as 'sexual apartheid'. Ironically, Western firms are reported to

be complicit in such practices. King (2001) quotes an American official, who accuses Western

companies (such as McDonald's, Pizza Hut and Starbucks) of like complicity:

The men's sections [in their restaurants] are typically lavish, comfortable and up to

Western standards, whereas the women's or families' sections are often run-down,

neglected and, in the case of Starbucks, have no seats.

In Iran, Ghorbani and Tung (2007) note, it is not unusual to find women sitting and working alongside men in the same offices. Though, attempts have been made to segregate employees by gender in large government offices but because offices are laid out according to work functions, there are usually not enough men or women in a given function to fill an office. Therefore, in reality, men and women are often mixed in the same office.

Winter (2001) suggests that when addressing equal employment opportunity in Islamic societies, one must also consider the sensitive issue of cultural identity and its connection to nationalism, violence, colonialism, and racism, with all attendant codes. The demographic composition of the population and the socio-economic circumstances of a country are equally relevant. For example, Malaysia has a significant non-Muslim population (60%) compared with an entirely Muslim population in Saudi Arabia (100%). Such demographic differences are visible in the socio-political policies in both countries, i.e. multiculturalism in Malaysia and an authoritarian *Shariah*-based rule in Saudi Arabia. Consequently, it is not unusual to find Muslim women employed in Malaysia side by side with their male colleagues, a rare sight in the Saudi Kingdom. Indeed, local culture (such as Arab or Malay traditions) and other contextual factors hold a major sway in how Islam is interpreted and practiced in both of these countries.

Despite the cultural differences that distinguish countries from Malaysia to Bangladesh and from Pakistan to Iran to Saudi Arabia, and all across Africa, it is common knowledge that a patriarchal interpretation of religion is practiced in most of these societies, with varying degrees of restrictions on women's mobility and employment. Indeed, there is an internal diversity even within the known Islamic *Shariah*-based societies such as Saudi Arabia, where women are not allowed to drive cars, and Iran, where women are accepted in the air force and a woman currently holds the position of vice-president of that country. Ghorbani and Tung (2007)

demonstrate that some factors contributing to glass ceiling faced by working women in Iran are universal, i.e. are not unique to Islamic societies, while other factors are specific to the institutional/socio-cultural context of that country. Accordingly, it may be argued that it is not just the Scriptures but their diverse interpretations (influenced by local culture, history, demography and other elements of socio-political context) which impact Muslim women's employment (see Syed, 2008).

Thus, the real challenge lies in how narrow and patriarchal interpretations and practices of religion can be reformed to bring about gender equality in an Islamic context. Beeku and Badawi (2005) insist that normative Islam rejects sexism in business as well as in other areas of life. Concepts such as trusteeship, human dignity, and responsibility are presented in a gender-neutral manner (Qur'an, 32: 9, 15: 29, 2: 29); piety, not gender, is the only legitimate basis for superiority (49: 13). Yet, contemplation of the foregoing examples demonstrates that Islam's normative teachings are inconsistently followed in the Muslim world; they are usually set aside either by an extremely conservative approach or by cultural bias (UNDP, 2002). In the next section, the paper will examine whether and how the capability approach can be deployed to alleviate female disadvantage in Muslim majority countries.

IV. Capability, Inequality, Adaptation and Agency

Capability in Sen's words is "a set of vectors of functioning reflecting the person's freedom to lead one type of life or another" (1992: 40). It is a reflection of the freedom to achieve valuable functionings, and is focused on freedom rather than on the means to achieve freedom (p. 49). Sen argues that in social evaluations and policy design, the focus should be on

(a) what people are able to do and be, (b) on the quality of their lives, and (c) on removing

obstacles in their lives so that they have more freedom to live the kinds of lives which, upon

reflection, they find valuable (Sen, 1993: 30). According to this perspective, well-being and

development should be evaluated in terms of people's capabilities to function, i.e. on their

effective opportunity to undertake the actions and activities that they want to engage in, that will

enable them to be what they want to be. Sen suggests that the capability approach can be used for

a wide range of purposes, such as to measure poverty or inequality.

Nussbaum considers the capability approach from a moral-legal-political perspective. Her

emphasis is on the establishment of political principles, i.e. that a government should guarantee

all its citizens through its constitution. Accordingly, Nussbaum (1999) proposes a list of 'central

human capabilities' that, she suggests, should be incorporated in all constitutions, an approach

described as 'universalistic' by Robeyns (2002). Nussbaum's approach has been criticized by

scholars situated in the traditions of post-structuralism, post-colonialism, post-modernism and

critical theory (e.g. Menon, 2002). Her deployment of the capability approach to develop a

universal theory of the good, applicable to all social justice issues across the world, has been

described by Alkire (2002) as 'a list of normative things-to-do'. Despite these limitations, the

capability approach is not without value for individuals' capabilities and equalities.

Gagnon and Cornelius (2000) develop a notion of equality based on the capability

approach. This notion involves a multi-level or holistic policy focus, which is less likely to be

achieved within the extant paradigms of equal opportunity, such as those focused on either social

justice or business paradigms. Gagnon and Cornelius suggest that the equality policy arenas will

need to be recast around capabilities if true agency and freedom is to be achieved. The approach

is consistent with that of Dickens (1999), who examines the implications of the organizational

environment for workplace equality. Dickens argues for a robust and workable policy approach toward workplace inequality at three levels: at the level of institutions (government and the law), organization (organizational policy and practice, culture and climate) and social or joint regulation through trade unions.

The capabilities-based equality approach is dominated by the attention it affords the paradigm of quality of life, freedoms and inclusion. It supports the view that organizations are social entities, capable of contributing to social progress. The essence of the approach is the concept of capabilities, which is valuable because of the special attention it pays to challenging the discrimination faced by traditionally disadvantaged groups, and to the roles of institutions and organizations albeit in a different way.

Within the context of Muslim women's employment in formal organizations, capabilities-based equality may help underpin the application of the ethical framework to a better understanding of how equality for women and men, and the role of organizations and legal and religious institutions in achieving gender equality, can be better understood. The approach may involve an holistic understanding of the enabling environment, including special attention to areas such as institutionalized discrimination, inclusion/exclusion, and felt unfair treatment and agency. The approach is centrally concerned with the real choices that women and men have within the labor market and overall society. Accordingly, equality institutions and work routines will center on facilitation of 'internal readiness' as well as on political and social climate to enable one's capabilities.

With its focus on what people are effectively able to do and be, the capability approach has a noble cause, potentially able to tackle issues related to inequality and disadvantage.

However, the concept has some practical limitations particularly in the context of a prescriptive understanding of well-being which feeds into the notion of adaptation

Adaptation

In their critiques of happiness and desire-fulfillment views of well-being, Sen and Nussbaum frequently refer to the notion of 'adaptation'. Sen (1992) notes that people who persistently live in adverse situations suffering different forms of deprivation may notwithstanding be happy or satisfied with their circumstances. Satisfaction for such persons may provide an inadequate informational space for well-being and quality-of-life evaluations. Nussbaum (2000) argues that long-term discrimination such as sex bias may affect individuals' values. She tackles this issue in her analysis of the limitations of subjective welfarism.

Sen (2006), in his own words, is influenced "in particular by Mary Wollstonecraft's analysis of women's evident contentment even in highly unequal circumstances and Karl Marx's analysis of 'false consciousness'" (p. 82). False consciousness is a concept that Marx used in his investigation of the underdog in the class hierarchy. According to Sen, it has considerable relevance as it facilitates an understanding of the state of apparent contentment of the disadvantaged in the gender hierarchy. He describes adaptation as a phenomenon, which

> deals with the possibility that a chronic underdog may become so used to her deprivation and so hopeless about it, that she may have an illusion of 'normality' about her state of deprivation and she may also respond by cutting down her desires and by learning to take

some pleasure in very small mercies (which would have the effect of making the deprivations look less awful in the scale of utilities) (Sen, 2006: 87-88).

According to Qizilbash (2006: 28), Sen's concerns about adaptation apply forcefully in the context of gender (in)equality. For example, women living in a highly inequitable society may be able to pursue only a very limited range of opportunity. Once having become accustomed to the inequities embedded in their society, they may find they enjoy what they have access to. Women's contentment with their lot - such as this - is likely to distort the 'utility' calculus (Sen, 1995: 259-265).

Sen's notion of adaptation has been critiqued by Sugden (2006), who argues that the idea that "ethical theorists can claim to know better than some particular individual what is good for [him/]her seems to open the door to restrictions on freedom" (p. 34). For many liberals, one of the most attractive features of classical utilitarianism is its rejection of paternalism. The liberal position provides an uncompromising defense of a certain kind of individual freedom to act on one's own preferences, without being required to justify them to anyone else. Sugden cites Sen's (1999) emphasis on individuals' capability to lead the kind of lives they have reason to value. The 'reason to value' formula is important for Sen because capability cannot be evaluated entirely by reference to an individual's actual desires. Sen suggests that certain functionings are valuable to all human beings, whether they are desired or not. But Sen does not seem to evaluate a person's capability in terms of a standard of value that is wholly external to her. Sen's solution is to invoke a universalistic concept of 'reason'. The suggestion is that the standard of value is one that, in the light of reason, each individual would endorse (Sugden, 2006: 37-38).

Indeed, there is something suspect in any attempt at reconciliation that essentially assumes that there is no real disagreement because all rational people 'agree with me', and those who apparently disagree will agree as soon as they become more rational. While Sen avoids making substantive claims about what people have reason to desire, Sugden (2006) uses Nussbaum's (2000) texts to illustrate the scope that the capability approach offers for some people to impose on others their understanding of what is worthwhile in life. The core of Nussbaum's work is a list of 'central human capabilities', which, she proposes, should be guaranteed to every individual. Sugden wonders if it is possible to accept the reality of adaptive desires without allowing collective judgments about rational desires to override individuals' actual desires (Sugden, 2006: 41). He notes that Nussbaum is equally dismissive of the prospect of objection to her favored principles from the perspective of any particular religion:

> Given that the religion has agreed to sign on to a constitution of a certain type, it will have to figure out how to square this 'overlapping consensus' on public political matters of basic justice with the rest of what it teaches (Nussbaum, 2000: 232).

It seems that Nussbaum is not thinking about how to design a constitution that can be agreed to by everyone (or every religion), given his or her ideas about what is valuable. Instead, she is imagining a world in which everyone has already agreed with her, a perspective that is quite problematic (Sugden, 2006: 51).

Responding to Sugden's critique of his concept of adaptation, Sen acknowledges that the concept does not yield a general case for believing that ethical theorists would know better than some particular individual what is good for her. "Any general – and ecumenical – belief of that

kind would, of course, be absurd" (2006: 88). Sen, acknowledging that adaptation poses a special

problem, reports the existence of observed oddities in particular circumstances. He cites the

persistent reporting of much lower self-perceived morbidity by people from the Indian region of

Bihar, where illiteracy is rampant and health care very limited, compared with the high

perception of ill-health by the people of Kerala, the latter being the best provider in terms of

education and health care in the country (p. 88).

Sen reasserts his demand for specific conditions of liberty including the right 'to live

whatever kind of life I desire' and treats unrestrained majoritarianism in social choice with no

guarantee of liberty as unacceptable (Sen, 2006: 89). He also re-emphasizes his liking for focus

on domains of private choice, and alludes to his role in introducing the consideration of a private

and personal domain in social choice theory. He argues that we must look for a social choice

mechanism, such that in the matter of purely personal choice the person's 'preference should be

precisely reflected by social preference' (Sen, 1970; 2006).

Nussbaum (2001) considers her list of central human capabilities to be a free-standing

"partial moral conception," explicitly introduced for political purposes only and without any

grounding in metaphysical ideas of the type that divide people along lines of culture and religion

(p. 13). She concludes that it makes sense to take the issue of social justice seriously, and to use a

norm of justice to assess the various nations of the world and their practices (p. 18). Nussbaum's

notion of a norm of justice, however, remains highly contested.

However, adaptation is not always problematic. It can at times be an intelligent process,

based on people's experiences and learning in life. It may help people to live better and to use

the best available opportunities that come their way; this in turn must not be discounted as a

subjective indicator not worthy of consideration in terms of well-being. A predominantly

negative picture of adaptation may result in discounting the role of individual agency in helping women and men actively identify and pursue their intelligent preferences in life.

Previous research shows that subjective indicators play an important role in defining people's well-being (Easterlin, 2003; Veenhoven, 2000, 2002). Studies in the area of positive psychology have demonstrated that individuals may react differently to similar circumstances, based on their variant moods and emotions. Individuals generally assess conditions based on individual habitus, i.e. their beliefs, values, past experience, expectations of the future, and comparisons drawn vis-a-vis others. Their attitudes toward events that occur in their lives impact their perceptions of quality of life, and, because of this, some scholars argue that alternative measures may not be enough to capture people's well-being (Diener, 2000). Frey and Stutzer (2002) suggest that happiness is not static over time; individuals adjust to changing circumstances. An individual's choice of not only material goods but also ideological positions is an outcome of a host of dynamic factors. This means that one's preferences in life, and his/her happiness with those preferences, will change as soon as there is a change in the host of factors involved.

Thus, adaptation may represent a dynamic process that can be deployed and interpreted in numerous ways. It can take the form of problematic biasing subjective indicators in situations where people live under minimal conditions, lacking autonomy and freedom. In such cases, a combination of indicators could be useful to understand the content and the context of real well-being. However, such understanding must be based on contextual realities, taking into account

issues of individual agency and social choice, something that is hard to achieve through a prescriptive and universalistic notion of well-being.[16]

Individual Agency and Social Choice

A core element of Sen's capability approach is his focus on individual agency (Deneulin & Stewart, n.d.). Sen, who defines a person's agency as "the realization of goals and values she has reasons to pursue, whether or not they are connected with her own well-being" (1992: 56), emphasizes that people must not be seen simply as passive patients of social patterning but rather as active agents of their own well-being:

> The person is not regarded as a spoon-fed patient, in that the capability approach introduces freedom of choice amongst a menu of options (attainable functionings) into well-being assessment. But in separating the well-being aspect of personhood from the agency aspect for evaluative purposes, these doings, human activities, are necessarily seen in a particular light. They are evaluated as effects, which are divorced from human intentions and the process of realizing them. [...] But the processes of forming objectives, participating in shaping the conditions for action, and making things happen, are all divorced from what well-being is (Sen, 1999: 241).

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[16] In an Islamic context, such criteria may be based on Islamic principles of well-being, enlightened by education which the Qur'an declares as mandatory for all women and men. This argument is elaborated at a later stage in this article.

Sen (1984: 200-202) illustrates this point using an example of two undernourished persons. One of them is poor and would like to eat but lacks the means to procure food. The other person is a fasting monk, who has chosen to abstain from eating to fulfill his spiritual or religious goals. Deneulin and Stewart (n.d.: 14) ponder whether Sen's capability approach can be deployed to evaluate if the fasting monk has effectively the capability to be fed? Does the monk act as a free agent in his choice of not making use of the opportunity to eat? They speculate that if the monk's childhood had been difficult due to his having been raised in a very insecure family, he may have entered into a religious order in search of a secure environment wherein everything was decided for him. Is his fasting simply due to his following the rules of the order? Is it due to latent psychological imbalance rather than a free response to God's call to enter into religious life?

Deneulin and Stewart suggest that the capability approach fails to offer a framework in which to evaluate whether people have the freedom or not to exercise their capabilities. They highlight the fact that one needs to be free in order to be able to access practical reason, and if practical reason is what is thought to enhance freedom, the capability approach ends up in a circle. They refer to Nussbaum's (2000) extensive research into how strong social norms prevented Indian women from accessing education and by extension practical reason. The women were effectively prevented from making any choice at all. Deneulin and Stewart, pondering these women who were offered literacy classes but refused to make use of the opportunity, question if the women in fact had the capability to acquire knowledge. They conclude that such women have been socially conditioned not to make use of the opportunity to acquire literacy (p. 14).

However, the allegation of social conditioning portrayed in this example is not necessarily straightforward in all situations. Social conditioning or adaptation is indeed a usual position adopted by neutral moral observers. Or perhaps there is a difference in the social conditioning of the purportedly neutral observers and those who are being observed? The issue of social conditioning becomes rather convoluted when there are clear cultural differences, such as Western and Islamic perspectives of gender and life. Nussbaum (2000) tackles this issue through her criticism of Western feminists for not recognizing religion's mobilizing properties and not respecting the religious commitments of many women the world over (Hackett, n.d.).

For example, Minai (1981), highlights the fact that the (Western) world watched in disbelief as masses of Iranian women proudly replaced their western attire with the c*hador* (a form of veil), and fought against the Westernized government of Iran's Shah (Mohammad Raza Shah Pahlavi). Ayatollah Khomeini's revolution banned women from 'immodest' jobs, such as dancing, acting and secretarial work, but welcomed them into 'respectable' professions, such as teaching, medicine, and the army. Peri, a young Iranian woman, explained her perspective on freedom as follows:

> We are not escaping. We are just redefining our freedom. The western model did not
>
> work for us…. We were fools for importing indiscriminately. We embrace the west,
>
> realistically willing to accept its thorns along with its roses. But it seems that we have
>
> ended up with more thorns than we bargained for. The commercialized Occidental
>
> culture was particularly brutalizing to women because it exploited their bodies to sell
>
> modern merchandise and false dreams while it appeared to promise liberation from
>
> traditional shackles. Because we did not tackle the real feminist issues, we just went from

being sex objects Oriental style to being sex objects Occidental style. Worse yet, we often

got squeezed in between. Under these circumstances, a *Chador* could be a tool for

reassuring a woman's human dignity by forcing people to respond to her talents and

personality rather than to her body alone (Minai, 1981: 228-229).

Such views are not confined solely to Muslim women living in Muslim majority

countries. Similar views were expressed by Muslim women living in the West, who stated that

religious practices to them were a matter of value and choice. Take, for instance, the following

narrative by Muslim women during a 'women only' consultation hosted by the Western

Australian Department for Community Development:

Muslim women are portrayed as being oppressed by their husbands but in fact we are

being oppressed by the society where we can't feel comfortable wearing our hijab and

practicing our religion. People are fearing for their lives (HREOC, 2003, Chapter 3, Ref.

4).

The above examples demonstrate that there is no one 'universal' criterion; nor is there a

need for one that could be applied to 'judge' adaptation or well-being in various traditions and

contexts. A prescriptive feminist perspective which treats Islamic female modesty as a case of

women's oppression may thus undermine the actual agency of Muslim women. However, one

must acknowledge the negative implications of patriarchal customs and religious interpretations

for gender relations in the Muslim world, a point already established in this paper. Barlas (2001)

notes that several misogynist ideas and practices among Muslims predate Islam. They neither

originate in nor are they endorsed by the Qur'an. Indeed, the real dilemma arises when a Muslim woman claims that she is happy in a position that is clearly one of restriction and injustice, even from a normative Islamic standard (e.g. when she is deprived of her Islamic right of inheritance).

It is acknowledged that this and similar issues have historically posed major challenges to ethical theorists. From a philosophical perspective, it may be argued that if human nature is fixed, either by God or evolution as Aristotle assumed it was, then there are necessary and sufficient conditions for human flourishing, and those conditions are usually perceived to be objective goods. However, given the Islamic insistence on education as obligatory for all women and men, can not this issue be left to the judgment of educated women and men in an Islamic context? It may be argued that based on a person's level of education (or literacy), they must be allowed to make judgments about what makes them happy and how, particularly when such a choice set represents the collective aspirations of a large community, i.e. authentic faith-based practices. The capability approach may be deployed to improve individuals' capabilities (such as in terms of women's employment) in the Muslim world, and in the process offer solutions which are consistent with an Islamic way of life. Reliance on individuals' education and faith-based practices in this case may ensure that reliance on 'context' does not collapse into relativism on these matters.

Clearly there is an opportunity for the capability approach to transform a patriarchal perspective into an egalitarian interpretation and practice of Islam. However, in order to be able to do this, the capability approach will need to take into account the centrality of spiritual well-being in many women's and men's lives in the world of Islam and other religions. In the next section, the paper will discuss how an Islamic perspective of well-being differs from the notion of well-being in the capability approach, and the possible implications for women's employment.

V. Material and Spiritual Well-Being

The issues of well-being and social choice become rather complex in the context of those people to whom religion is the core of everyday life. For example, Islam, along with several other religions, offers a perspective of well-being that is not confined to material well-being but is equally concerned with spiritual and eternal well-being. The Qur'anic notions of sacrifice (*Isar*), self-control (*Zabt*), patience and perseverance (*Sabr*) and contentment (*Qina'at*) point toward the fact that material achievement is not the core focus of well-being. Rather, focus is on a simple and frugal way of life and consideration of one's responsibilities to God and society overall, i.e. the pathway to spiritual and eternal well-being (Qur'an 2:153; 3:200; 22:34-35)

In contrast, the perspective of well-being within the capability approach seems to be mainly focused on physical and emotional well-being within a material world. A cursory reading of Nussbaum's (1999) list of central human capabilities lays bare the predominant material context within which her project of well-being has been designed:

i.   Being able to live to the end of a human life of *normal* length.

ii. Being able to have good health, including reproductive health; being adequately nourished; being able to have adequate shelter

iii. Being able to move freely from place to place; able to be secure against violent assault including sexual assault; having the opportunity for sexual satisfaction and for choice in matters of reproduction

iv.   Being able to use the senses; being able to imagine, to think, and to reason; and to do these things in…a way informed and cultivated by an adequate education

v.   Being able to form attachments to things and persons outside ourselves; being able to love those who love and care for us

vi.   Being able to form a conception of the good and to engage in critical reflection on the planning of one's own life

vii. Being able to live for and in relation to others, to recognize and show concern for other human beings, to engage in various forms of social interaction;

viii. Being able to live with concern for the world of nature (including animal life)

ix.   Being able to laugh, to play, and to enjoy recreational activities

x.   Being able to exercise control over one's political and material environment

In Nussbaum's description of well-being, there is a clear emphasis on the 'normal length of human life', on 'good health', 'physical mobility', 'sexual freedom', 'concern for animal life', 'freedom to enjoy recreational activities', and 'control over the political and material environments including land and movable goods'. Although issues such as the use of senses and imagination, attachment and affiliation, and critical reflection are included in the list, they are clearly within the realm of the material world, i.e. in the life here and now and not in the life hereafter. Nussbaum, however, does not claim that her list of capabilities equally takes care of spiritual well-being or guarantees well-being in the life hereafter.

The difference between spiritually-motivated well-being and materially-motivated well-being can also be traced within the different approaches offered by a capitalistic model of economics and an Islamic approach. Naqvi (1981: 80) suggests that Islamic economics offers an

alternate perspective of welfare state policy, being situated as it is between laissez faire capitalism and socialism. Pfeifer (1997: 155) notes that an ideal version of Islamic economics aims to provide scope for individual economic initiative and markets, just as proponents of economic liberalization do but without the callous disregard for the evils of markets associated with unfettered capitalist systems in the West such as extreme poverty and wealth.

From an Islamic ethics perspective, religion has to be the basis of the society as a whole and the source of ethical values in particular. In the words of Naqvi:

The Islamic perception of [the] socio-economic process is dynamic and its insistence on social justice is uncompromising. This is because injustice disrupts social harmony and, for that very reason, is unethical. To produce the best social structure, according to this view, man's economic endeavors should be motivated by a meaningful moral philosophy (1994: XVII).

In an attempt to transform Islamic ethics into a non-trivial, irreducible set of axioms, Naqvi (1981; 1994) introduces four principles, namely unity (*tauhîd,* the vertical dimension between Allah and human beings; equilibrium (*al adl wal-ihsan,* the horizontal dimension between human beings; free will (*ikhtiy'ar)*; and responsibility (*fardh)*. Accordingly, Naqvi (1994: 55-56) proposes that an Islamic economic system should rest firmly on four fundamental hypotheses: (1) economic activity is indissolubly linked with a person's ethical environment; (2) economic policy must aim at a 'just' balance among basic production, consumption and distribution relations; (3) individual economic freedom and state control should be 'suitably' combined to reflect the distinctive Islamic concept of personal freedom; and (4) a conscious

policy of redistribution of income and wealth, as well as resource transfers among the various classes and groups of the society.

In the light of the above four hypotheses, the institution of social justice and equity seems to be the essence of an Islamic economic system. Weiss (2001) argues that within an Islamic system, the policy instruments that are identified to achieve social justice, have to deal with the institution of private property, the equitable ownership of the means of production, growth-promoting policies and the social security system. Social justice and welfare forms the cornerstone of such a system, which is based on the principle that all that exists in the Universe belongs to God (*tauhîd*), with man as God's trustee on earth holding the bounties of God only in trust (Naqvi, 1994). Humankind is thus never an absolute owner. Accordingly, every human has the duty to be just, to give, and to share. Since every human is equal before God, this also implies the equality of all humans in relation to each other. Accordingly, any form or extent of gender-based discrimination within employment or other societal contexts may be tantamount to a breach of the Islamic perspective on justice and well-being. This perspective, which rests on the unity of God, equality of human beings, just distribution of income and resources and free will, as well as upon the responsibility required of women and men, seems to capture not only the material but also the spiritual dimension of well-being.

What then are the implications for gender discrimination in the workplace using these alternative criteria? It may be argued that the first two principles (*tauhîd* and *al adl wal-ihsan*) emphasize the equality of women and men not only in terms of gender but also in terms of any other differences such as race, ethnicity and socio-economic class. In line with the notions of vertical and horizontal equality, employers in Muslim majority countries may ideally aspire to offer such work arrangements, which do not negatively discriminate against women and men on

the basis of their gender, race, ethnicity and class. Syed (2007) demonstrates that women in any

society do not represent one homogeneous group; accordingly, their issues and challenges in the

workplace may differ remarkably. For example, minority ethnic women may be particularly

disadvantaged because of the intersectionality of their race and gender. This means that gender

equality policies will remain inadequate unless they take into account the internal diversity that

distinguishes women and men.

The third Islamic principle, i.e. *ikhtiy'ar* (free will) means that no group or individual has

the right to make decisions about what is good for others without recognizing the latter's voices

in the decision-making process. This also means that policy makers or senior managers must

consult female employees and managers before making any decisions that might have

implications for women's employment. Consistent with the Qur'anic instruction that education is

obligatory for women and men, the voices of educated women and men must in particular be

recognized before any assessment of their state of well-being and how they would like to attain

that well-being is made.[17] In practice, this means that employers may need to consider providing

a series of work arrangements that take into account the significance of spiritual well-being in

Muslims' everyday lives, and which do not obstruct practicing Muslim women and men's

offering of their religious duties, i.e. providing specific time slots and areas for daily prayers.

Such work arrangements may be reached through a negotiated diversity management approach

(Syed & Boje, 2007), which provides opportunities for mainstream and marginalized groups to

negotiate their stories, perspectives, experiences, requirements and aspirations in the workplace.

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[17] It will indeed be another interesting challenge to explore how education is defined and understood in a given society. The author's personal favorite is this definition by Eric Hoffer: "The central task of education is to implant a will and facility for learning; it should produce not learned but learning people. The truly human society is a learning society, where grandparents, parents, and children are students together." However, some readers may find this definition fuzzy for evaluative purposes. Further discussion is beyond the scope of this paper.

The fourth principle (*fardh,* responsibility) highlights the fact that in an Islamic society women and men are held, individually as well as collectively, responsible to God and society overall, as a consequence of their actions. For example, the Islamic principle of modesty requires women and men to observe a certain religious protocol (of dress, conversation and interaction) while interacting with the *non-Mehram* individuals. Accordingly, they may opt to work in gender-segregated workplaces in which they can fulfill their religious responsibilities. The principle of responsibility also means that employers are deemed responsible for society at large - including women - as a result of their policies and practices, which have the potential to impact on the well-being of all.

VI. Discussion

The paper attempts to demonstrate that an Islamic perspective of gender differentiation, based on diversity as well as equality of women and men, is not just oppressive, not just dictated by 'ugly' patriarchal attitudes but may be willingly embraced by educated women and men alike. Therefore, in order to respect the free choice of said women and men (a value choice in the capability approach), organizations should make a realistic attempt to accommodate Muslims' religion-derived beliefs about appropriate employment opportunities and workplace demeanor. The paper argues that the ordinary materialist assumptions about what is good for humans make it difficult to work this accommodation into business ethics and practices, but that the capability approach might bridge the gap. In pursuit of this, the paper addresses an ostensibly straightforward dilemma - the accommodation of non-material values (Islamic values as an exemplar in this article) at odds with Western liberal values in the material setting of the

workplace, which has long been dominated by Western liberalism. Accordingly, the paper examines how recourse to the capability approach might solve the conflict of non-material values with Western liberal values.

The paper demonstrates that by valuing and incorporating spiritual well-being, the capability approach may offer a meaningful and useful model of gender and social reforms to people of faith within each society. It highlights that voluntary submission to religion must always be distinguished from a notion of forced adaptation that is not based on individual freedom and agency. To exemplify this argument, the paper examines the case of gender stratification in Islam, with emphasis on man's responsibility as breadwinner and woman's role as carer, and its implications for women's employment. The paper argues that a normative Islamic focus on the traditional family - and the roles of women and men in the family unit - may be perceived as a valuable perspective for human society, which should not be discounted as adaptation. However, an overriding, liberal political solution for this and other similar issues risks ignoring both the agency and social choice of at least some women and men for whom religion has a central role in life. Given a liberal account of what it is to choose one's own good, gender stratification in Islam may represent value choice, which ought to be treated in the private rather than the public realm, and hence off any prescriptive list.

Based on an egalitarian interpretation of Islam, the paper argues that indeed there must be no restrictions on women's access to economic resources including their participation in formal employment. Islam ordains women and men to seek education, and holds them to be equally responsible and autonomous partners in human society. However, the paper takes into account that patriarchy and patriarchal interpretations of Islam have historically worked to Muslim women's disadvantage, particularly in the public sphere. Women's access to education,

economic resources and employment remains strictly limited in many areas of contemporary

Muslim societies. The paper proposes that the capability approach may be deployed in such

contexts to liberate disadvantaged women and men by explaining and emphasizing (a) their well-

being, and (b) the freedom enshrined in Islamic egalitarian principles. In this process, the

capability approach can help implement much needed social reform to a dynamic and liberal

version of religion. However, to this end, it is imperative that the capability approach also takes

into account the centrality of spiritual well-being in Islam.

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Insert Table 1 about here

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Table 1 enunciates some key differences between the capability approach and the variety

of Islamic perspectives toward well-being and gender stratification. For conceptual analysis and

understanding, Islamic perspectives have been represented through two polarized ends of a

trajectory of faith-based practices in the Muslim world, Conservative (Religion 'A') and

Dynamic (Religion 'B'). The distinction between these two extreme perspectives is useful to

identify an opportunity for the capability approach to assist in gender and other social reforms

within the Islamic context. Though the projection of binaries is artificial, the practices are not.

Many characteristics of Conservative and Dynamic religious perspectives are in practice in

numerous overlapping forms in Muslim nations from Afghanistan to Turkey, and from Saudi

Arabia to Malaysia.

Religion 'A' represents a static or conservative perspective of religion, which seems to be extremely patriarchal from both modern liberal and egalitarian religious standpoints. This perspective generally involves a strictly-controlled religious structure requiring its adherents to unquestionably follow specific religious interpretations and traditions without affording them any freedom or agency. In some ways, practices related to Religion 'A' could be traced to the prohibition of girls' schools during the Taliban rule in Afghanistan and the restrictions on female mobility, such as women's driving in Saudi Arabia. In practice, Religion 'A' tends to support - and in turn be reinforced by - the existing power structures, such as patriarchy and socio-economic divisions, often resulting in diminished capabilities of women and men. In such societies, it is not uncommon to find women who are unemployed, under-educated and malnourished, whose physical and emotional honor is frequently violated, and whose mobility, status and roles are stringently policed by male elites. Women, and men also, generally remain far below their potential capabilities, lacking well-being and freedom. Such societies tend to hold a puritanical concept of well-being, e.g. Paradise, the eternal abode of righteous souls after death, an end goal that is impossible to achieve by ordinary believers and by those who do not believe in this specific version of religion.

In contrast, Religion 'B', the position adopted by the present paper, offers a dynamic and liberal view of religion that attempts to recognize and afford agency to individuals. Such a perspective does not condone an extremely patriarchal and gender discriminatory position such as that adopted by Religion 'A' because it treats such a position as inconsistent with the Islamic principles of unity (i.e. *tauhîd,* the vertical dimension between Allah and human beings) and equilibrium (i.e. *al adl wal-ihsan ,* the horizontal dimension between human beings). In addition to the freedom to interpret and practice religion (*ikhtiy'ar,* free will), this approach places dual

responsibility (*fardh*) on human beings in terms of their duties toward God and society overall (Naqvi, 1994). Indeed, when read in conjunction with the Islamic instruction to seek education, the institution of free will may be deemed to be qualified by one's education level (i.e. the credibility or quality of one's free will may be defined by one's level of education).

At least some aspects of Religion 'B' can be traced to the notion of multiculturalism currently practiced in Malaysia, which encourages Islamic religious practices but also recognizes and respects the diversity of the population in a given society. Muhammad Allama Iqbal of pre-independence Pakistan/India and Ziya Gokalp of Turkey may be identified as key proponents of a progressive view of Islam, particularly in the context of much-needed gender reforms in Muslim nations (Syed & Ozbilgin, 2006).

The emphasis on dual responsibility toward God and society is an important distinction between Religion 'B' and the capability approach. A dynamic and liberal perspective of religion is not merely focused on socio-physical and material aspects of well-being, such as those enshrined in Nussbaum's list of central human capabilities. It also takes into account at least two additional dimensions: first, a simple and frugal way of life, focused on conservation and not exploitation of the world's resources, and second, spiritual well-being as the ultimate goal of human beings, which can only be achieved through voluntary submission to God and service to society overall. In contrast, the prescriptive notion of adaptation embedded in the capability approach has the potential to disparage religious practices, particularly those ostensibly devoid of material value that can not be justified through a rational, scientific approach.

A dynamic perspective within Islam suggests treating women and men as equal yet diverse human beings, recognizing important biological, emotional and other differences between women and men, holding men responsible to support their families, valuing women's

and men's unpaid roles in their families, and providing protective institutions (e.g. compulsory education, and women's and men's rights to property and work) to restore and balance women's and men's capabilities within human society. Overall, this perspective serves to encourage, though not make obligatory, an informal gender division of labor. This emphasis on gender diversity, not identicality, seems to be consistent with Sen's (1992) proposition that human diversity must be considered a fundamental aspect of any discourse on equality. Any discourse on equality that is based on the universal equality of human beings generally "misses out on a major aspect of the problem… human diversity." Such discourse ignores the fact that equal consideration for all may demand very unequal treatment in favor of the disadvantaged (p. xi).

The findings of this paper may also, at least to some extent, resonate Donaldson and Dunfee's (1994) theory of integrative social contracts, which addresses the problem of conflicts among local ethical norms and between local norms and global norms. For example, such conflict can arise in multinational corporations with policies which oppose gender discrimination that may be inconsistent with local traditions. Citing the "convergence of religious, political, and philosophical thought" (1999: 50-66). Donaldson and Dunfee stress the commonality among religions and overlapping community values (pp. 204-226). They acknowledge that "most of the history of the Western world reveals a preoccupation with the 'universalist' perspective, and a neglect of the 'unique identity' perspective". It is nonetheless important to consider community conceptions of the Good and not merely universal precepts as morally relevant (p. 80). Donaldson and Dunfee argue that from an ethical point of view, local divisions of corporations may observe rules based on local traditions as long as they do not violate universal ethical principles ('hypernorms'). However, the present paper cautions against any notion of a universal

hypernorms which does not adequately take into account the issue of individual agency and social choice.

Based on the discussions in this paper, it would seem logical that this paper offers an improved version of the capability approach. The only improvement that I would like to suggest is (a) that the notion of the capability enshrined in Sen's (1984; 1992) original description of the capability approach does not need to be followed and imposed through a prescriptive list of what people (must) aspire to do and to be, and (b) that authentic faith-based practices must be spared any form of ethnocentric evaluatio n. Sen's notion of capability is indeed a noble goal to be pursued both in business and in societal contexts overall. However, the problem arises when Nussbaum proposes and insists on the implementation of a so-called universal list of capabilities, which does not adequately take into account issues of spiritual well-being, individual agency and social choice. I argue that any such list may *per se* tantamount to a breach of the principle of capability and free will. In particular, the neglect of spiritual we ll-being greatly compromises the efficacy of such a list for a significant number of spirituality-oriented people across different faiths and continents.

VII. Conclusion

Business organizations, whether multinational or local, operating in Muslim majority countries or predominantly dealing with Muslim employees and clients, need first to gain an understanding of the contextual factors before offering structures and routines that will enable gender equality in the workplace. Such structures and routines should be designed with a view to the egalitarian Islamic perspective of gender equality that seems to be at least in principle based

on diversity and not the identicality of women and men, without any prejudice to their equality. Thus, the pathway to equality will mean diversity of treatment for diverse individuals including women and men.

Informed by the capability approach, the paper identifies women's and men's freedom to pursue any combination of work and family roles as a matter of individual freedom, i.e. capability. Using the context of women's employment in Islam, the paper explores ways in which such capability could be enabled or reinforced. At the same time, the paper examines the prescriptive definition of well-being in the capability approach, particularly as it is embodied in Nussbaum's list of capabilities. When read in conjunction with the notion of adaptation, such a prescriptive approach has the potential to disregard individual agency at least in terms of those individual choices that are inconsistent with Nussbaum's list.

However, an Islamic emphasis on man's primary responsibility as breadwinner and the preferred role of woman as carer may also mean that working women in Muslim countries are likely to face a greater degree of gender discrimination than that faced by their sisters in the West. The challenge becomes rather exigent when the interpretation of Islam in any given society is based on extremely patriarchal or misogynist traditions. Here the paper identifies the opportunity for the capability approach to progress religious practices from a gender discriminatory orientation to a gender egalitarian orientation. The approach may be deployed to remove patriarchal barriers to women's employment in organizations. This may be achieved through context-specific structures and routines, such as optional gender-segregated workspaces for those women and men who would prefer not to work in mixed-gender spaces because of religious reasons. Similarly, special attention may be given to on-site childcare facilities, skills development, separate restrooms, and other forms of provision that may facilitate women's

employment in the formal sector. The conventional job-type stereotypes may be demolished by revising gender discriminatory job specifications and implementing gender egalitarian recruitment, remuneration and promotion procedures. The paper suggests that these and other operational clarifications in this regard may be based on a negotiated approach to diversity management through consultation with Muslim women and other perceived disadvantaged groups (Syed & Boje, 2007).

Consistent with the protective Qur'anic verses for women (Syed, 2007), affirmative action policy may be introduced to undo the historical disadvantage faced by Muslim women in employment and other public contexts. There are already some examples of affirmative action in some Muslim majority countries, such as the substantial quota for women in Pakistan's Parliament and sub-national assemblies (Kumari, n.d.). Similar measures may be taken to reserve jobs for women in both public and private sector organizations. In order to accommodate women's and men's caring roles in their families, flexible work arrangements may be introduced - including part-time work and work from home - that do not compromise job security and other benefits. Doubtless some of these measures, such as gender-segregated workplaces, will not appear consistent with the mainstream Western perspective of equal employment opportunity; hence the argument of this paper that people's capabilities are less likely to be improved by being subject to a prescriptive understanding of well-being.

This paper calls for future conceptual and empirical research in this area, not only in an Islamic context but also in the context of gender stratification in other religions, such as Christianity and Judaism. Indeed, the case of gender stratification in Islam was only one illustration of the valuable resource offered by the capability approach, a resource that has the potential to improve people's capabilities and well-being, albeit with some limitations.

Researchers may apply some of the discussions in this paper to Western societies to explore

possible parallels between Islamic critiques of conventional liberal thought and the critiques

offered by Western religious and conservative circles. In the past, researchers looking for

common threads across religious beliefs have found substantial commonality. [18] The four

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[18] Between 1989 and 1994, a group of distinguished scholars from Judaism, Christianity and Islam gathered to discuss their concerns about morality in business. The inter-faith common code they identified is focused on four moral concepts: (1) Justice (Fairness): "All three faiths agree that God created the world and that justice must characterize the relationship between its inhabitants."; (2) Mutual Respect (Love and Consideration): "What [the] Scriptures express as love is here rendered as mutual respect or reciprocal regard - love thy neighbor as thyself - that exists between two individuals."; (3) Stewardship (Trusteeship): "The Scriptures testify to the beauties and wonders of nature as signs of God's goodness and providence. Man is set over it all with delegated responsibility"; and (4) Honesty (Truthfulness): "It incorporates the concepts of truthfulness and reliability and covers all aspects of relationships in human life - thought, word, and action."

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common principles they found (justice, mutual respect, stewardship, honesty) may be useful to set out a code of ethics for international businesses (Webley, 1999). These principles in general, and the principles of justice and stewardship in particular, may lead to the creation of egalitarian workplaces in the context of a religious society. The above principles may also serve as an exceptional resource for Western businesses wishing to extend their businesses in Muslim majority countries (and vice versa).

Inter-faith commonality is traceable to the evolution of social and business traditions internationally. For example, some of the Islamic attitudes toward family and women might resemble the once popular pre-World War II 'family wage' movement in the USA, and other anti-individualist elements in Western political and social policy. Such movements, for example the Christian Democratic and Christian Socialist political parties of Europe in the 19th and 20th

centuries, had historically religious roots (Carlson, 2003). Perhaps the current Living Wage movement in the USA, with its stated commitment to 'decent, family-supporting jobs' (LWRC, 2003: Para. 3), works to reminds us that the issues faced by people the world over are not necessarily different. However, the diverse approaches to those issues will remain subject to the forces of space and time.

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TABLE 1
The Capability Approach and Religious Perspectives of Gender and Work

Perspective	Focus	Objectives		Gender and Work
		Material Life	**Spiritual Life**	
Capability Approach	Well-being freedom (such as freedom to achieve socio-physical and emotional well-being enshrined in Nussbaum's list of central human capabilities)	Individual agency and freedom to achieve various functionings (doings and beings); inclined toward a rational choice based on scientific cause and effect analysis	Spiritual well-being not a key consideration; religious customs may represent adaptation.	Influenced by a Western perspective of equal employment opportunity; women and men have the same capabilities in the same sphere; no priority for traditional family values; prioritizes women's capabilities above the demands of religious extremism; criticizes gender division of labor.
Religion 'A' (Conservative)	Forced submission or adaptation to religion; structured control; influenced and reinforced by existing power structures and divisions.	Lack of freedom to interpret, enact and reform; a static and puritanical perspective of life.	A puritanical concept of paradise which is hard to achieve by ordinary women and men	Women's subjugation to patriarchal structures; their mobility and roles in public life restricted; their domestic roles undervalued; women's and men's capabilities extremely compromised; strict gender division of labor.
Religion 'B' (Dynamic)	Voluntary submission to religious principles; loose structure; individual agency and freedom to interpret and enact religion within the basic principles; emphasis on education; emphasis on social justice and equality.	Women's and men's responsibilities toward God and overall society; emphasis on a modest and frugal way of life; non-linear, non-causal treatment of life and its environment.	Attainment of excellence in this life and the life hereafter; spiritual well-being is the ultimate goal	Treats women and men as equal yet diverse requiring different treatment in different situations; emphasis on work-life balance; values family life; values women's roles as mothers; education obligatory for men and women; allows women's participation in economic activities but holds men responsible for the economic well-being of family.

http://www.kent.ac.uk/kbs/research-information/index.htm