Injustices in the Hijab Debates:

Orientalist, Ideological, and Epistemic Injustices in Dominant Hijab Discourse

by

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A thesis
presented to the University of Waterloo
in fulfilment of the
thesis requirement for the degree of
Doctor of Philosophy
in
Philosophy

Waterloo, Ontario, Canada, 2025

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Author's Declaration

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners. I understand that my thesis may be made electronically available to the public.

Abstract

In this dissertation, I analyze epistemic injustices and ideological factors that block or obscure contemporary public discourse about the Islamic veil (or *hijab*) and contribute to the marginalization of Muslim women and all Muslims. I begin with an overview of Edward Said's theory of Orientalism (1975; 1998), and I include a focus on Orientalist myths and frameworks, including the 'Clash of Civilizations' and the more recent 'War on Terror'. I zoom in on Orientalist examples that highlight the gendered dimension of colonial discourses and misrepresentations of the veil. In addition to Orientalism, I substantiate my analyses with the theory of Unknowability, mainly following Kristie Dotson and Kyle Whyte's (2013) account. I utilize the framework of Unknowability to clarify the marginalization experienced by Muslims and Muslim women. I then move on to a deeper investigation of current discourse on the hijab, zooming in on the Orientalist myth that claims the veil is "unique to Muslim women," and Martha Nussbaum's (2012) pro-burqa ban arguments. In my analysis of this Orientalist myth, I demonstrate how both Western interests and the Islamic Right—via a flipped Orientalism—benefit from it. In examining Nussbaum's arguments, I show that they reproduce many Orientalist and epistemic injustices long identified by feminist, decolonial, Black and Indigenous scholars, and other scholars of colour. As a result, her discussion dangerously serves the marginalization of Muslim women and Muslims more broadly.

In the last two chapters, I shift my focus to the intra-Muslim context. I examine the *hijab* as a social practice embedded within cultural scripts and social structures by expanding on Fatema Mernissi's (1991) account of the *hijab* and by utilizing Sally Haslanger's (2017; 2018) account of social practices. Deconstructing the *hijab* in this way provides a framework for navigating the features and modalities of the *hijab* and makes clearer the potential weight the practice has for Muslim women. Lastly, I examine the hermeneutical impasse between Muslim feminist advocates of the *hijab* and Muslim feminists critical of the *hijab*, focusing on the global movements 'World *Hijab* Day' and 'No *Hijab* Day' to do so. I introduce the 3rd Party Impasse to capture this case, and I demonstrate that this hermeneutical impasse is caused by each group's need to prioritize their resistance against different third parties.

Acknowledgements

Throughout my journey as a PhD student, I have been surrounded by mentors, friends, and colleagues, and without them, this project would not be what it is today. I am grateful for everyone who was there for me along the way, both those mentioned here and those not mentioned.

Given my commitment to a topic that is both marginalized and, to many, highly controversial, I struggled to find a place within philosophy to pursue this research. However, Jenny Saul assured me right from the start and never gave up on me. Her own academic work and her kindness, both as a person and as a philosopher, have greatly influenced me. All the way from Sheffield to Waterloo, I count myself as very lucky to have her as my supervisor. I could not imagine a better mentor.

I am grateful to my internal committee members, Katy Fulfer and Carla Fehr. Their enthusiasm and support have been invaluable to me, and their feedback on my work has strengthened and clarified my arguments. I am thankful to my external-internal committee member, Suzan Ilcan, for the feedback and enthusiasm she has provided. I also extend a big thank you to Sally Haslanger, my external-external committee member, for her time, her enthusiasm, and her valuable commentary on this work.

Back in Sheffield, my initial supervisor was Jules Holroyd, and I thank them for working with me through the early days of this project. To my colleagues and friends from Sheffield, thank you for our discussions and for the lasting friendships we have built. I owe special gratitude to the Palestinian community in Sheffield, who provided me with the only food that truly tasted right and helped me navigate the homesickness and loss I felt in that strange new city. Also, to my friends and colleagues at the University of Waterloo, thank you for your feedback on my work and for all the experiences we shared. To Cael MacLeish, Pamela Dotson, Eleanor Aurora, Maddy Kenyon, and Kyle Adams, thank you for being on this journey with me. I also thank my colleagues and friends at University Canada West, including Houman Mehrabian, William Rubel, Shereen Kotb, Sheriff Salem, and Hala Mousa— for their support in helping me push through towards the end.

A special thank you goes to Rufaida Khalid, Rumsha Siddiqui, Hanan Al Naqbi, Leanne Woodward, Jorge Sanchez, for our many discussions throughout these years. Thank you to the Mahamoud family for their help during my time in Edmonton, and to Houda Mahamoud for her close engagement with my writing.

To my family—Baba, Mama, Karam, Fatima, Obiedeh, Safa; Nada, Khaled; Jana, Muna and Jourie—I cannot list all the reasons why I am grateful. Just to mention a few: Mama for your limitless patience and guidance; Mama for all the maqluba and knafeh, and for always making sure I have enough za’atar. Everyone, for their perspectives—no matter how different. Everyone for their sacrifices, celebrations, discussions, and back and forth drafting. Baba for all the wisdom and experience you have shared with me— thank you.

Marnia Lazreg was on my committee and reviewed early drafts of this work. She left us too early on January 13, 2024. I deeply admire her work, and I hold dearly the interactions I was able to have with her. I can only hope that this final version would have made her proud.

Dedication

إلى والداي—
على الرغم من كل الصعاب،
لقد فتحتما العالم لي

For my parents—
Against all odds,
You have opened up the world for me

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Introduction:

With the escalation of Islamophobic hate in 2024, it is imperative to identify and challenge anti-Muslim narratives and the injustices they perpetuate. In this dissertation, I focus on Islamophobic narratives that manipulate the public's understanding of the Islamic veil, or the *hijab*, and consequently perpetuate the othering of Muslim women, Muslim men, and their communities. Hand in hand with Islamophobic narratives are those of a flipped Orientalism. In this dissertation, I analyze flipped Orientalism with respect to those narratives on the *hijab* that are co-opted to the advantage of the Islamic Right, leaving those most impacted with even less power to narrate. In addition, I examine the ideological factors relevant to the *hijab* from an intra-Islamic context, clarifying how the practice functions in society. Overall, I demonstrate that Muslims are still facing injustices rooted in Orientalist mythologies, and in old and new forms of epistemic injustice.

This dissertation is significant for several reasons. Firstly, I apply theories of colonial discourse to public *hijab* discourse, highlighting the techniques of colonial knowledge and the injustices experienced by Muslims. I go beyond the theory of Orientalism by Edward Said (1978) and apply theories on colonial discourse, such as the theory of Unknowability (Dotson and Whyte 2013), and theories that have not previously been applied to the *hijab* discourse, including arrogant perception (Ortega 2006) and contributory injustice (Dotson 2012). Utilizing these theories brings the topic of anti-Muslim racism related to the *hijab* into the fold of feminist and decolonial literature on epistemic injustice. This encourages the identification of colonial knowledge that is anti-Muslim and provides many accounts for how Muslims/Muslim women are othered. This is an important contribution that can help combat the marginalization of Muslims in Western contexts.

Secondly, this dissertation contributes to the literature on the *hijab* within the field of Islamic feminism. Islamic feminism is a broad field of study that includes work aimed at correcting the lack of women's voices and perspectives in interpreting the Islamic religion. It is concerned with re-analyzing Islamic knowledge to combat the impact of gender inequality and to provide feminist readings of the holy text. While this project is not a theological one, it fits most with Islamic feminism in terms of my critique on the treatment of the veil in Islamic opinion (Chapter 3), and my analyses of social and epistemic injustices within the mainstream Muslim tradition (Chapter 5). With respect to the latter, I provide a deconstruction of the *hijab* and a framework for navigating its features and modalities according to cultural scripts and the relevant distribution of resources. I do so by expanding on Fatema Mernissi's (1991) three dimensions of the *hijab* and synthesizing this theory with Sally Haslanger's (2017; 2018) breakdown of social practices.

Thirdly, I introduce the 3rd party impasse. This is a type of hermeneutical impasse that occurs when understanding between two marginalized groups is obscured due to the influence of two different third parties. I formulate this impasse to account for the common debates about the veil that occurs in political, public and academic discourse. I draw on the global movements, 'World Hijab Day' and 'No Hijab Day' as popular examples for how the two common views are discussed. These groups are each influenced by different third parties, the Islamophobes' and the Islamic Right, and the influence of these 3rd parties makes it difficult discuss the *hijab* in a way that it is not coopted to support either of the 3rd parties.

This project is influenced by my own background and experiences as a Palestinian Muslim woman that has lived some time in Palestine, some time in the UAE, and most of my life in the US and Canada; and as someone that has experienced veiling and unveiling. It is with these experiences and contexts that I gained knowledge of arguments and narratives about

the *hijab* before approaching academic sources. My research is also intertwined with and informed by my interactions with community activists in the US, Canada and the Arab world.

This brings me to the scope of my project. Importantly, some parts of this dissertation will include a focus on Arab Muslims and Muslims in the US, and on the tradition of Sunni-Islam. In addition to my personal background, the focus on Arab Muslims and on Muslims in the US has to do with the literature I rely on. For example, I begin this project with the familiar text of Edward Said (1978), whose work and background align with my own understanding of how power and speech has functioned against the Muslim population. For Said's Orientalism to inform a project on the veil is extremely common. However, in my project, I utilize Said's discussion of specific Orientalist myths and frameworks, including the 'Clash of Civilizations' and the more recent 'War on Terror' mythology, and with this, the conflation of Muslims with Arabs takes on a stronger focus (Said 1998). I choose these narratives because they clarify the connections between the anti-Muslim policies of the US and the anti-Muslim racism that arises in discussions of the veil under the Western gaze. To clarify and correct these wrongs, some of my discussion also ends up focusing on Arabs and Muslims, and on Muslims in the US, rather than other Muslim or perceived as Muslim groups. Additionally, other authors I rely on to articulate the Islamic context are of Middle Eastern and North African backgrounds and they are informed by their experience and fieldwork in these regions, and some are specifically focused on Muslims in the US.

Although parts of this dissertation focus on Arab-Muslims and Muslims in the US, I do not delve much into differences that arise at the intersection of Blackness and Arabness or Blackness and Muslimness. However, Black Arabs and Black non-Arab Muslims are included in all discussions that are about Arabs and Muslims, respectively. For clarity, I am a Palestinian, but I am not an Afro-Palestinian, and I am also not a Palestinian with Black features, and both these groups will experience additional marginalization due to the intersection of Blackness

with Palestinianness. Black Arabs belong to communities across the Arab world, and Black Muslims include Arab and non-Arab Black Muslims.

Similarly, US Muslims include all races of Muslims in the US. The differences between the experiences of different races of US Muslims, and Muslims more broadly, are not ones I address in detail. The specifics of non-Arab Muslim and non-Arab Black Muslim experiences with respect to *hijab* discourses and racism are ones that require more attention. Black Muslims and Muslims from South Asian backgrounds are centered in some *hijab*-related texts (Sabeena Akhtar 2021; Alvi, Sajida Sultana, et al 2003; and Shabana Mir 2014). Their experiences include navigating racism from non-Muslims for their race and religious identity, as well as, navigating some Islamic contexts where racism in the form of Arab superiority is present, e.g., Arab features, clothing, and accents are socially preferred in these contexts.

Although I do not discuss these specific intersections, I do address some aspects of difference. I discuss heterogeneity between Muslim women and practices of veiling. I point to differences in the modalities of the *hijab* (Chapter 5), and I discuss the role of different third parties in suppressing different sub-groups of Muslim women (Chapter 6). Moreover, I discuss mechanisms that increase marginalization, including the manipulation and the misuse of the 'Muslim' identity caused by the Orientalizing gaze and put into effect with US/Western policies (Chapter 1). This manipulation and misuse essentializes who counts as Muslim and pushes already marginalized groups, including non-Arab groups, further into the margins.

My scope is additionally limited with respect to my focus on Sunni-Islamic theology/opinion. Where this dissertation refers to traditional and mainstream Islamic opinions, I focus most on the views in traditional Sunni-Islam according to the majority consensus of Sunni scholars (this is explained in Chapter 3). Sunni-Islam is the sect of Islam that is followed by the vast majority of Muslims; and it is the sect I was raised in. Not every Muslim follows Sunni-Islam, and not every Sunni Muslim will agree, nor do they have to agree, with the

mainstream or traditional views. At times, I have briefly included views from Shia Islam, the second largest sect. Readers will also see some discussion of progressive Islamic views. These are views that might go against the traditional majority (Sunni) opinion and will align with Islamic feminism and progressive interpretations. Within the scope of this dissertation, these views are ones I align with.

Summary of Chapters

In the following, I describe the structure of this dissertation with a summary of each chapter. In Chapter One, I focus on Edward Said's account of Orientalism (1978; 1998), and this provides some of the background literature I draw upon throughout the later chapters. I discuss the role of power in creating and sustaining Orientalist lore about the Orient and I utilize two main examples to demonstrate the basic patterns of Orientalist discourse. The first example is a passage from Lord Macaulay's *The Minutes* and the second is the Disney film, *Aladdin* (Clements & Musker 1992). I then focus on Orientalism and gender. I discuss the Orientalist representations of Oriental women and men (Ahmed 1982; Shaheen et al. 2006; 2012) and Frantz Fanon's (1956) description of the French colonizer's targeting of Algerian women and their veils, among other examples. This provides necessary background on Orientalism's misrepresentation of Muslims and the role of gender and sexuality in Orientalist discourse. Following this, the last section of Chapter One, focuses on the 'Clash of Civilizations' and the 'War on Terror' mythologies in conjunction with the representation of Arab-Muslims in US cultural media, and in conjunction with US policy. Here, I also address the way the category 'Muslim' is manipulated by the Orientalizing gaze, and I provide a summary of the shifts in Muslims representation following Jack Shaheen's analysis (Shaheen et al. 2006; Shaheen 2012).

In Chapter Two, I turn my attention to the theory of Unknowability. While Unknowability points to the same problem identified by Orientalism, i.e., that the "Western"

world dominates in producing and distributing so-called "knowledge" about the East/Othered group, Unknowability, on Dotson and Whyte's (2913) account, is specifically about identifying the ways that ignorance about a marginalized group makes injustices against them particularly difficult to detect. Whyte and Dotson's discussion is about the Unknowability of Indigenous people and environmental injustice. I choose to utilize this theory because of the specificity Unknowability offers for distinguishing between forms of relevant injustices. The articulation of concepts, including 'abjectification' and 'moral heritage' prove to be especially useful.

I first discuss Frannie Barrier Williams (1907) initial account of Unknowability which focuses on the lack of appropriate hermeneutical resources about Black women within the dominant narratives in the United States. I double down on the ideas discussed in Chapter One and further show that the lack of appropriate representation of Arabs and Muslims in the United States demonstrates the Unknowability of these groups on Williams' account. I then explore the expanded account of Unknowability developed by Kyle Whyte and Kristie Dotson (2013), and I demonstrate that many Muslims, Muslim groups and communities are treated as unknowable by the Western dominant public. Lastly, I turn to the topic of 'overcoming Unknowability'. Although, I do not have an answer for overcoming the Unknowability of Muslims/Muslim women, Whyte and Dotson's approach provides insight into the changes we can work toward. In my discussion on overcoming Unknowability, I follow their guidelines in exploring the recent shift in public opinion in favour of the Palestinian cause as a potentially successful example of overcoming Unknowability.

Chapter Three is about the Orientalist myth that paints veiling as a practice exclusive to Muslim women. This myth benefits Western interests and constructs the veil as that a symbol of the Otherness of Muslims. From another angle, this myth also benefits the Islamic Right. In this Chapter, I challenge this myth by contextualizing the history and on-going reality of veiling, and I explore its role in supporting both, Western interests and the interests of the Islamic Right.

First, I provide a review of the history of veiling following Leila Ahmed's historical account in *Women and Gender in Islam: Historical Roots of a Modern Debate* (1992). Acknowledging this history serves to correct the achronological and decontextualized myth—'only Muslim women veil'—by showing that Islam emerges, like so many other religions, from patriarchal societies with deeply rooted gendered practices, including that of veiling. I also dismantle this myth by looking at the similarities in the practices of veiling in some religious Islamic, Christian and Jewish communities present today. I go on to address how this Orientalist myth validates and functions alongside other myths that paint Islam as backwards and static. These myths sustain the Orientalist 'us-vs.-them' paradigm and serve to marginalize Muslims.

In the second half of Chapter Three, I tackle the myth, 'only Muslim women veil' with respect to how the veil is framed within the Muslim world. I specifically examine the dominant narrative among Muslims which frames the veil as an obligation that falls under a *fard* act rather than a *wajib* act (these terms are explained in Chapter 3). I argue that this framing overemphasizes the role of the veil in Islam, and I show that this overemphasis benefits the Islamic Right by supporting a flipped 'us-vs.-them' Orientalist paradigm.

In Chapter Four, I take Martha Nussbaum's *The New Religious Intolerance* (2012) as an example of a current, popular, and celebrated Western text that repeats the mistakes of colonial discourse discussed in earlier chapters. Nussbaum's text includes her anti-*burqa* ban arguments along with a longer discussion that is aimed at deterring non-Muslim/Western persons away from Islamophobia. In this Chapter, I closely examine Nussbaum's anti-*burqa* ban arguments as well as her pro-airport profiling stance to show that she commits several forms of epistemic vice and fails to live up to the anti-Islamophobic epistemic intervention she promised.

I first provide a brief overview of Nussbaum's text and then I focus on a summary of her anti-*burqa* ban arguments. I recall the theories of Edward Said (1978), Kyle Whyte and Kristie Dotson (2013), and Audre Lorde (1984) among others, in a critique of Nussbaum's arguments based on Orientalism, exclusion, and Unknowability. Following this, I move on to a summary of Nussbaum's distinction between rational and irrational fear rhetoric which substantiates her pro-airport profiling discussion. I critique her stance by demonstrating that it is, in fact, dangerously Islamophobic to condone airport profiling. I draw on additional accounts of colonial discourse to critique her account further. I specifically draw on María Lugones' accounts of 'boomerang perception' (2003) and 'arrogant perception' (1987). I utilize these accounts to show, in a multitude of ways, that Nussbaum's text commits these old epistemic vices against Muslims even though these epistemic vices have long been identified by feminist/decolonial, Black/Indigenous scholars/scholars of Colour.

In Chapter Five, I shift to the intra-Islamic context. Here, I attend to the *hijab* as a social practice that is stabilized by cultural scripts and the distribution of resources linked to it. I start off with a summary of Sally Haslanger's (2017; 2018) account of social practices, with a heavy emphasis on cultural scripts and the management of resources because these aspects are most central to my analysis. I then analyze the *hijab* as a social practice on three dimensions; here I follow and expand upon the three dimensions of the *hijab* proposed by Fatema Mernissi (1991). I explore the particularly problematic and oppressive possibilities of the *hijab* by focusing on the influence of cultural scripts such as *awrah* and *haya*, as well as the related distribution of resources. I then explore the *hijab* as part of a larger social structure and ideology with a focus on the *hijab*'s material features and the role of problematic cultural scripts. In the last section of this Chapter, I explore Leila Ahmed's (2011) views in 'A Quiet Revolution' regarding the positive and reformative changes in the practice of the *hijab* for Muslim women in the US. In response to her discussion, I provide two formulations of the *hijab* to summarize the

circumstances of Muslim women in the US and I argue that while Muslim women in the US are accessing more advantages, more is needed to achieve a reformed *hijab.* This Chapter provides insight from a traditional Sunni-Muslim perspective into why the speech/acts for or against the *hijab* carry the weight that they do for Muslim women/Muslims and the Muslim community.

In Chapter Six, I remain concerned with the intra-Islamic context. I argue that there is a hermeneutical impasse that occurs between different groups of Muslim women in discussions on the hijab. I focus on the global movements for and against the *hijab,* 'World Hijab Day' and 'No Hijab Day', respectively. I consider these movements representative of debates on the *hijab* that generally present two opposing perspectives: one portraying the *hijab* as feminist and empowering, and the other depicting it as anti-feminist and oppressive. I argue that both groups of women are responding to different third parties, those of Islamophobes and those of the Islamic Right, and as a result, they each create an obstacle for the opposing party.

I first draw on Luvell Anderson's (2017) account of hermeneutical impasses. Anderson provides a framework for the 'Black Lives Matter – All Lives Matter', type 4, hermeneutical impasse. I discuss the main features that characterize this impasse for Anderson, these include 'prejudice' and 'hermeneutical ignorance'. I stray slightly from his account by adding on the feature of 'pro-truth' as one that is attributed to the narrative of Black Lives Matter. I also discuss the broader role of the ideologies sustaining the impasse. I do so by expanding on Anderson's example of Black English dialect discrimination, and I provide some context by summarizing the injustice faced by Rachel Jeantel with respect to her testimony in the *State of Florida* ***v.*** *George Zimmerman* (2013) case regarding the murder of her close friend, Trayvon Martin, on February 26, 2012.

Following this, I turn to introduce both movements, World Hijab Day (WHD) and No Hijab Day (NHD), along with the relevant third parties and insight from related world events.

I then demonstrate that the WHD-NHD hermeneutical impasse differs from type 4 due to its bilateral as opposed to unilateral features. Hence, I introduce a new type of hermeneutical impasse, the 3rd Party impasse, to capture the case of WHD-NHD. I identify Kristie Dotson's (2012) account of contributory injustice as an accurate bilateral feature of the 3rd Party impasse, and I provide some examples of contributory injustice in responses to the messages of WHD and NHD. Lastly, this Chapter explores what a resolution to the 3rd party impasse would look like. I draw upon the lessons gained from the case of Jeantel's testimony and Black resistance in the US, as well as the discussion of Unknowability in earlier Chapters, and with these, I provide a limited sketch of what an appropriate resolution would look like.

Chapter 1.

The Long Shadow of Orientalism

Introduction

Orientalism is about the Western production of so-called "knowledge" about the East, which serves to justify and perpetuate Western superiority. The theory of Orientalism, introduced by Edward Said (1978), will be the focus of this Chapter; it will provide context for and help sustain my analyzes in the rest of this thesis. I begin by providing a general explanation of Orientalism, with a focus on the role of ideological and material power. Then, I turn to some examples to help identify the common patterns of Orientalism. The first example is of a passage of *The Minutes* (original text from 1835 by Lord Macaulay, retrieved from Trevelyan, 2010). *The Minutes* is a text Said mentions briefly (1975, 152) and I have chosen to pursue it in more detail to provide a thorough example of what an Orientalist discourse can include. I also take a close look at some aspects of the Disney film *Aladdin* (Clements & Musker 1992) to further identify common patterns in Orientalism. In the second section, I discuss the role of gender and sexuality, exploring how Orientalist mythologies have constructed Muslim women and Muslim men, and the centrality of these images to Orientalism with reference to Leila Ahmed (1982); Shaheen et al. (2006); Shaheen (2012); Fanon (1965) and others. In section three, I discuss the dominant mythologies of Orientalism that sustain the 'us'-vs-'them' paradigm till this day. These are, the 'Clash of Civilizations' myth and the 'War on Terror' myth. I connect these with US policy and Arab/Muslim representation in the media. Lastly, I discuss the impacts of the us-them paradigm on discussions and understanding between Arabs/Muslims.

1. Edward Said's Orientalism

Edward Said's theory of Orientalism (1978) captures the nature of discourse that has been, and continues to be, produced and reproduced for the sake of upholding Western interests, sustaining imperialism and global white supremacy. As Said states, there is a clear difference between knowledge about people from a different background to oneself that has come about due to "understanding, compassion, careful study, and analysis for their own sakes, and on the other hand knowledge—if that is what it is—that is part of an overall campaign of self-affirmation, belligerency and outright war" (1978, 2003 preface, xiv). The latter is what Orientalism is about. It is the weaponization of this so-called-knowledge. It is the production of a system of knowledge for the sake of justifying the indefensible violence of colonialism, war, and white supremacy.

This theory arises, for Said, as a reflection on the Western academy's representation of his people. Said, being Palestinian with an academic background in Western literature, was in the perfect position to express the disparity and the disconnect between what the Western imaginary (the great artists and scholars of the Western canon) depicts about his people compared to his own experience, and knowledge of reality, in Palestine and other countries in the Middle East (or the 'Orient'). He explains that what the Western imaginary depicts is not only completely false and offensive, but also extremely dangerous because these offensive falsehoods are backed by power.

Although I focus on Said's theory, Said also tells us about many others before him, that have written about the intersections of colonial violence, language and power. These include A.L. Tibawi, Abdullah Laroui, Anwar Adel Malek, S.H. Atlatas, Frantz Fanon, Aime Cesair, Sardar K.M. Pannikar and Romila Thapar— "all of whom [like Said] had suffered the ravages of imperialism and colonialism, and who, in challenging the authority, provenance, and institutions of the science that represented them to Europe, were also understanding themselves

as something more than what the science said they were" (Said Orientalism Reconsidered 1985, 5).

The Orient or the East is not strictly defined, but it is understood to refer to Southwest Asia, the Near East, and North Africa. The ideas applied to the Orient describe how colonized peoples are seen by the Western colonial powers. The West is understood as the European colonial powers, and Post-World War One, this is led by the influence of the US. The concept of the West can also to include any countries/anyone aligned with the Western colonial-imperial ways and accepted into this fold.

We can understand Orientalism further with some of the definitions Said provides. He describes three ways of defining Orientalism. The first refers to 'Orientalism' in terms of the academic field or area of study by this name. This includes art in the form of paintings and novels, as well as academic texts. Although, the field has gone 'out of style' so to speak, it "still lives on academically through its doctrines and theses" (2). The second is closely related to the first; in the second definition, Orientalism refers to a "style of thought based upon an ontological and epistemological distinction made between "the Orient" and (either explicitly or implicitly) "the Occident" or the West (2). The third is "more historically and materially defined than either of the other two", it takes the late-eighteenth century as a starting point and refers to the scholarship and the extensive archive of academic and cultural works that explicitly and implicitly labels those of the Orient as other and inferior. Regarding this third definition, Said states that Orientalism is:

> the corporate institution for dealing with the Orient—dealing with it by making statements about it, authorizing views of it, describing it, by teaching it, settling it, ruling over it: in short, Orientalism is a Western style for dominating, restructuring, and having authority over the Orient (3).

Critical to Orientalism is a vastly unequal power dynamic favouring the West, and the establishment of an 'us' vs 'them' framework. With respect to the former, domination and

power—in the form of social or ideological power and material power—is weaved into every layer of Orientalism. Said explains that the Orient was not Orientalized out of necessity or imagination or creative license, it was Orientalized "because it could be - that is, submitted to being - made Oriental" (Introduction, II). The Orientalizer has enormous power along with impunity, and the Orientalized party is represented without consent to any part of it. The Orientalized party has no say and no input over their representation—and it is a representation that misrepresents, reduces and supresses them. It is also difficult to reject and correct the representation because it becomes widely believed by the West. Said provides an excellent example of this when he reminds us of "the fact that Gustave Flaubert's encounter with an Egyptian courtesan", Kuchuk Hanem set the model for the 'Oriental woman':

> She never spoke of herself, she never represented her emotions, presence, or history. He spoke for and represented her. He was foreign, comparatively wealthy, male, and these were historical facts of domination that allowed him not only to possess Kuchuk Hanem physically but to speak for her and tell his readers in what way she was "typically Oriental" (id.).

The domination and strength Flaubert has in relation to Kuchuk Hanem and the resulting mythology of the 'Oriental woman' is "not an isolated instance", it is symbolic of the standard of relative strength "between [the] East and West, and the discourse about the Orient that it enabled" (id). Orientalism requires this power dynamic. It is both language and power working together against the will and interests of those with significantly less power. The Orientalizer is always in a position of superiority where they can study and report on the Orient; they can always interact with the Orient in whatever possible relationship "without ever losing the upper hand" (id.). Hence, the Orientalizer is empowered to exploit the Orient and its people and does not risk anything in doing so. "The scientist, the scholar, the missionary, the trader, or the soldier" that described the Orient with arrogant recklessness was able to do because there was very little, if any, resistance from anywhere, but especially from the Orient (id).

The power weaved into Orientalism is also in the form of material power or financial power. We can imagine that Orientalism consists of a web of falsehoods and deception, myths and make belief, so it should be dismantled with the truth. But this is not the case. The false narratives of Orientalism are backed by power in the form of material investment. Material investment into the system of theory and practice that makes up Orientalism has persisted since at least the 1800s. This material investment, over generations and continually, has made Orientalism what it is. It has simultaneously multiplied the original investments and has made it productive for Orientalism to be the norm of understanding in Western culture. This means that it is productive for Western consciousness to view the Orient through the filter of Orientalism (id.).

Consider, for example, the way that colonial powers ascribed to each race a destiny, an ethos, a set of features, and a psychology that fell in line with the structure that would protect the colonial power's interests. While all colonized and Othered races were seen as inferior, there are differences in the ways each race was constructed in relation to the white race. For instance, Said quotes Ernest Renan (an 18th century French Orientalist scholar) who described Chinese people as a docile people, suitable for serving, and Black people as suitable for physical labour because "they are strong in physique and can work hard" (1998, 5). These were not descriptions simply born of Renan's imagination; they resonated with the ways the white race viewed Chinese people and the way Black people were being exploited. Thus, they were descriptions that would easily be accepted by those around Renan and by the white race.

These racializing descriptions, or myths, were backed with material/financial investments and they represented, for the Orientalizer, protection and continuation of their material growth. Renan, agreeing with and repeating the racializing myths, was productive and beneficial for Orientalism because Renan contributed to securing and expanding the narratives

that justify the material growth. Thus, it is not enough to simply not believe Renan statements or to publicly declare them to be false; insofar as they are profitable, their impact remains.

Orientalism also relies on the 'us'-vs- 'them' framework. Following the ideas of Denys Hays (1969), Said identifies Orientalism with the idea of a collective notion identifying 'in' and 'out' groups, or 'us' vs. 'them' groups, where 'in' and 'us' is European, and everyone else is 'out' and 'them'. Said speculates that this collective notion is a major component of European culture and functions to make the culture hegemonic because it creates a cultural system that relies on treating those inside as inherently superior and all those outside as inherently inferior (1978, 15). All Europeans must have a collective identity, and this identity is unified by the characteristic of superiority in comparison with the inferior Orientals.

One way the West sustained the 'us'-vs-'them' framework was through mythologies that described an Othered population with negative characteristics, exactly like those repeated by Renan, as mentioned above. Typically, the characteristics assigned to the Othered group are treated as 'natural' and as markers of that entire population. They are then used to describe, or to "justify", how the group is to be viewed and treated as inferior. Simultaneously, the West is contrasted to the Othered group. It is viewed as being distanced from those characteristics the Othered group is associated with and instead the West is associated to, what is often, the exact opposite of those features.

In the following, I turn to some examples of Orientalism to further contextualize the role of power, the us-vs.-them framework and some additional patterns of Orientalist discourses.

1.1. Example 1: The Minutes

The first example is one that demonstrates the wilfully ignorant and arrogant position of the colonizers and their apologists. This takes us to the British colonial rule of India. During

this time, British colonial administrators debated their plans for the education of Indians. These plans came into consideration due to a growing need to staff the "lower rungs of government or European controlled commercial organizations" (Evans 2002, 277). Essentially, they wanted native clerks to be educated for the sake of helping with, sustaining, and expanding the colonial projects. British politicians and Orientalist scholars debated the qualities of English, Sanskrit, and Arabic to secure plans for educating the native population in English. In 1835, British politician, Macaulay, sums up the debate with the question: "which language is the best worth knowing?", before stating that the answer is obvious:

> I have no knowledge of either Sanscrit or Arabic. —But I have done what I could to form a correct estimate of their value. I have read translations of the most celebrated Arabic and Sanscrit works I have conversed both here and at home with men distinguished by their proficiency in the Eastern tongues. I am quite ready to take the Oriental learning at the valuation of the Orientalists themselves. I have never found one among them who could deny that a single shelf of a good European library was worth the whole native literature of India and Arabia. The intrinsic superiority of the Western literature is, indeed, fully admitted by those members of the 'Committee who support the Oriental plan of education (From "Education in India Since 1835; With A Minute Of Lord Macaulay." in Trevelyan 2010, 413).

Later in the text (415), Macaulay states that some parts of Eastern philosophy and medicine are logical and productive, but he worries that by accepting the logical parts, he risks also condoning the mystical and fantastical parts. Macaulay asserts that in order to avoid this risk, no parts of Eastern thought should be accepted.

From this example, we see some of the common patterns of Orientalism. Firstly, there is a problem of homogenization. There is conflation between the people of Arabia and India; an indifference to, and a reduction in, the plurality of the histories, languages, religions, cultures, and knowledge of the many groups across these two lands—two lands that are each, independently, vast and diverse in their own right. The passage above reads as though the differences between Arabic and Sanskrit are not worthy of consideration and completely ignores the hundreds of other languages spoken across these regions. The same can be said of differences in religion and culture. It is as though whatever differences might exist are simply

not worthy of consideration and are interchangeable with one another. This is typically the case with Orientalism. The Orient is a blurry geographical area, and if there is to be a specific point of reference, it can be moved here or there to provide whatever the Orientalizer desires, and it can be applied, by association, implicitly or explicitly, to the broader area. We see this at play, once again, in Macaulay's own words (summarized above; 415). He is unable to accept a small degree of plurality by engaging with the fact, on his account, that some Eastern knowledge is logical and good. He confesses that it is too risky to accept this fact because this will suggest that all parts of Eastern thought, including the mystical/bad parts, are good. So, he intentionally dismisses the parts that are good in favour of painting the East, in one broad brush, as backwards.

This leads to the second main pattern: the claim that the people of the Orient are essentially inferior. This is a claim that is overtly repeated, over and over, even in just the short passage taken from *The Minutes* above. They are inferior because their languages, their accomplishments, their literature and their scholarship are inferior. They are so backwards that even if they got something right, it would be tainted with the Eastern traditions of magic and mysticism, which is inferior to the Western tradition of logic and science, and therefore, it would be wholesale nonsense. Indeed, it does not matter what the Easterner does or does not do, in the mind of the Orientalizer, they are naturally and essentially inferior because they are Eastern. From this we get the colonial myths that the peoples of the Orient cannot rule themselves because they are too backwards, and the West is doing the right thing by ruling for them. For Orientalism, and as we see with the 'us'-vs- 'them' framework, the Orient has to be constructed as essentially inferior and backwards because otherwise the Occident would not be unique—it would not be superior and modern/progressive. This myth of superior morality, superior knowledge/religion/culture/etc. is required to provide a justification for ruling over the Orient.

A third Orientalist pattern that we can notice from the case of *The Minutes* has to do with the role of power discussed earlier. The fiction and lies Macaulay conveys/reproduces are backed by power. The power is held by him as a speaker, and it is backed by the authority of the Western canon/scholarship and by the supporting institutions and states. Macaulay is a British Colonial administrator, someone that personally benefits, and belongs to a group that gains, from the exploitation of the people he is discussing. Even though the goal of *The Minutes* was about educating Indians for the sake of serving within the colonial project, the discourse between Macaulay and his peers (at least at times) make the colonial goals seem hidden behind what appear to be objective claims about which language is worth studying. While it is difficult to read Macaulay today and believe it is anything less than lies and overt racism, it is likely the case that Macaulay and his peers really believed what they were saying to be objectively true and not simply (or not *only*) rooted in racism.

1.2. Example 2: *Aladdin*

A second example to demonstrate the framework of Orientalism is the Disney production of *Aladdin* (Clements & Musker 1992). The Hollywood production is inspired or based on *One Thousand and One Nights: Arabian Tales* Arab folklore, possibly going back to the translations of Antoine Galland (Waxman 2019). Galland was a scholar and diplomat for the "French ambassador to Constantinople in the 17th century" (ibid.). It is possible the tales were translated well before Galland and according to Muhsin J. Musawi, the translations date back to the 14th century (ibid.). In any case, the translations and the Hollywood production do not match up, but this is part and parcel of how Orientalism constructs the Orient: it does not care to get it right.[1]

[1] For instance, in the Galland translation, the story is set in China and early depictions of *Aladdin* included Chinese elements. This reveals both the Arab and the British fascination with China—Arabs often wrote about China as an exotic faraway land, and the British were interested in China. Early British depictions of Aladdin in theatre and in Victorian illustrated texts included Chinese elements, reflecting

The Hollywood production of *Aladdin* repeats Orientalist tropes so thoroughly, and the film is so popular, that it is almost synonymous with Orientalism. The film was called out and protested for anti-Arab racism upon its release. Jack Shaheen, a professor of mass communications in the US at the time, said the film is "a painful reminder to 3 million Americans of Arab heritage, as well as 300 million Arabs and others, that the abhorrent Arab stereotype is as ubiquitous as Aladdin's lamp" (Galer 2017). The American-Arab Anti-Discrimination Committee also protested the film (id.).[2]

To point out all of ways the film is racist and full of Orientalist tropes would require a much longer discussion, so here I focus mostly on the inaccuracies regarding geographical location. In this case, we see how bits of truth are combined with absolute gibberish and falsehoods to create and reproduce the Orientalist discourse. In the next section, I return to discuss *Aladdin* with respect to the theme of contradiction and the portrayal of gender stereotypes.

The film opens with the lines "Welcome to Agrabah, city of mystery, of enchantment, and the finest merchandise this side of the Jordan River" (Clements & Musker 1992). As the opening song plays, the audience is shown a city built around the Taj Mahal and also surrounded by the dessert. "Agrabah" is a fictional city, and its name supposedly has no meaning. Although, it does nod toward Agra, India, which is home to the Taj Mahal, any other

British "fascination with the region around the time when the British were fighting opium wars there" (Waxman, 2019). The western productions of *Aladdin* we are more familiar with today, present a South-Asian, Persian, and Arabian fusion.

[2] For the home release, Disney made some slight but insufficient changes to the lyrics of one of the film's songs, Arabian Nights, in response to the pushback. The original lyrics were:

> Oh, I come from a land
> From a faraway place
> Where the caravan camels roam.
> Where they cut off your ear
> If they don't like your face
> It's barbaric, but hey, it's home (Galer 2017).

The revised lyrics changed the 4th and 5th lines but kept the last line (with the Orientalist slur "barbaric"):

> Where it's flat and immense
> And the heat is intense
> It's barbaric, but hey, it's home (id.).

element of Agra is absent from the depiction. When commenting on the city's name, Roy Disney fails to even acknowledge Agra, India, or anything sensical; he says, "So, I took letters and did a jumbled anagram and came up with Agrabah" (Johnson 2015, E News). Moreover, the Taj Mahal is plucked up from Agra and put in the desert. The opening song adds more confusion; it references the Jordan river, which would put 'Agrabah' in either Palestine, Syria or Jordan (and more that 4000 km away from the real Taj Mahal). Furthermore, the depiction of Agrabah is as an urban-metropolitan site. Cities like this were built by the coast or by areas with lush agriculture because that is where the necessary resources are. Agra, the real city in India, is a lush city surrounding the Yamuna River, and the Taj Mahal is located along that riverbank. The name and the geographical location of Agrabah showcases the tendency of the Orientalizing agent to homogenize differences and make up whatever is wanted for the narrative, resulting in a mishmash of half-truths and absolute nonsense that stand in for entire regions and groups of people.

The same sort of mishmash is seen in the architecture and dress, which also take bits and pieces from all over the 'Orient', including South Asian, Desi and Sikh cultures, as well as Persian, Middle Eastern, Turkish and North African cultures. This is all combined together into nonsensical outfits and settings. It leaves us with the message that for the producers and the majority of audiences (or the audiences that matter), these cultures, the people, the traditions, the landmarks—all are interchangeable. To anyone from any of these regions, however, the dress looks silly, to the point of mockery and nonsense. The same is true with respect to the location and the random Taj Mahal, the 'perceived-as-Oriental' music, and so forth. Should the viewer that is informed and has sensitivities to the realities of the people and cultures depicted believe these are harmless artistic choices, or even valid artistic choices, or should they view it as mockery and disrespect towards Arabs, Indians and all other groups dragged into the poor representation?

According to producers, *Aladdin* was originally meant to be set in Baghdad, Iraq but because of the start of the Gulf War, the producers decided Baghdad would not work (Brockington 2019). Their solution was an imaginary "Arab" city infused with enough stereotypes to convince a Western audience that it makes sense. This is the priority of Orientalism; it is not about truth or accuracy; it is about supplementing the Western imaginary with narratives in line with the political goals of the West. As Said explains, both concepts, the 'East'/ 'Orient' and the 'West'/ 'Occident' do not have "any ontological stability"—the latter is "made up of human effort, partly affirmation, partly identification of the Other" (1978, xiv). The fiction and lies regarding the East are mirrored in the lies about the West and vice-versa; descriptions of any side simultaneously indues the other side with meaning.

It is not so surprising that in 2015, when Public Policy Polling asked US republican primary voters if they would support Trump's Muslim ban, they responded with 54% supporting it. And when the same poll also asked if they would support the bombing of Agrabah (without mentioning that it is a made-up city from the beloved Disney film), 30% said they would support it, 57% were not sure, and only 13% opposed it. Agrabah is fictional, but for the purposes of Orientalism, that does not matter and the consequences—including both the Muslim ban and the bombing of Arab lands—is a reality.

2. Orientalism and Gender:

In this section, I examine how Orientalist discourses construct Oriental and Muslim women and men, highlighting the role of gender and sexuality in Orientalism.[3] I first provide a general summary of the way each gender is constructed under the Orientalist gaze. I then draw on examples from literature and media to provide more insight into the stereotypical

[3] I switch between 'Muslim' and 'Oriental' in reference to the groups perceived by the West. As Said notes, Islam "was typically Oriental for Orientalists of the late nineteenth and early twentieth centuries" (Said 1978, 103).

images and tropes, including Flaubert's description of Kuchuk Hanem, a US missionary's comments on women in Bokhara, the Disney film *Aladdin*, and the treatment of Algerian women under the French colonial project.

At a general level, in Orientalist discourses, Muslims, like all those grouped against the West are described as inferior, uncivilized, backwards, uneducated, illiterate, violent, barbaric, dirty, animalistic, and sub or non-human. In the following, I focus mostly on the period before World War Two, and in the next section, the shift in the Western representation of Arabs and Muslims, which occurs following World War Two and 9/11, will be addressed.

The Muslim woman is constructed as hypersexual, oppressed, unfree, and subjugated by Muslim men and by the sexist norms of the community she belongs to. She is defined, in the Orientalist gaze, by her perceived hypersexuality and oppressive situation; this is depicted in novels, paintings, and Oriental images. The way the Oriental/Muslim woman is described is fitting with an imaginary patriarchal-heteronormative, male, sexually perverted and violent world. Leila Ahmed (1982) summarizes the descriptions given by Western men: there is a ""beastly" lust and licentiousness", to be found not only in the sultan's harem, "but everywhere among Muslim women" (524-525). Ahmed recalls the description of Robert Withers in his *Purchas His Pilgrimage*, where he states, "unnatural and filthy lust is said to be committed daily in the remote closets of the darksome baths: yea women with women; a thing incredible" (1905, 51; quoted in Ahmed 1982, 525). The Muslim woman is described as so sexually insatiable and hypersexual that the smallest suggestion would 'make her agree' to anyone's sexual advances. This included partaking in lesbian acts—according to the mythology—not because the women were genuine lesbians, but because the women are so sexually insatiable and hypersexual that they willfully settle for intimacy between women to satisfy their desires (see Ahmed 1982, 524-525). Like sexist interpretations of Eve in the Biblical story of the Garden of Eden, and like many sexist representations of women, Muslim women are also

depicted as cunning and out to trick men; they are often described as using their bodies to do so.

Where she is not depicted lustfully in a Turkish bath or as a belly dancing temptress, the Muslim woman is depicted as oppressed, unfree, and as a second-class citizen. When convenient, she is seen sympathetically as a victim, and as "in need of saving" by the white man or the white woman. The oppression of women is described as the result of the backwards culture of their communities; as a kind of 'unique to the Orient' sexism. Their society and the Muslim men closest to her, are constructed as actively oppressing them through practices that are seen as opposed to social, political and economic rights. However, when it is more convenient to the Orientalizer, as has increasingly been the case post-World War Two, Muslim women will be viewed as terrorists or accessories to terrorism.

The Muslim man is constructed as inhumanly monstrous in all arenas. Muslim men are described as ultra-misogynistic in their abusiveness towards women and are assumed to be the kind of people that take an aggressive hardline approach to children (Said 1978; Abu-Lughod 2013; Shaheen et al. 2006; Northrop 2004). In novels, films, Television, paintings and images, they are seen as leading or towering over 'poor oppressed women', actively denying women from speaking, or in any way, asserting their presence. They are overwhelmingly described as sexual predators—including as pedophiles and as bestial—to the point where this is constructed as the norm in the culture (such as in the film *The Happy Hooker* where bestiality is referred to as a common experience for Arab men; directed by Nicholas Sgarro 1975; see also Shaheen et al. 2006). They are described as insatiable and hypersexual to the point that they can be lured and tricked by any woman that, seemingly or actually, presents herself for intimacy. This goes hand in hand with the representation of Muslim men as unintelligent, uneducated, incompetent, illogical and backwards in thinking. The mythology constructs the Western woman with Aryan features as the prized jewel; she is much more beautiful than the Oriental woman and the

Oriental/Muslim man would do anything to get her attention. However, as the plot continues, once the Muslim man attains the Western and Aryan woman's company, he traps and tortures her, treating her as a hostage and as a sexual object. Excessively, Muslim men are constructed as violent towards non-Muslims, towards the West and towards women and children. They are depicted as violent due to religious mandate—as if to say, it is necessarily and naturally the case that Muslim men are violent. They are seen as terrorists, as threats to the West or to any kind of decency; as merciless and deserving of no sympathy whatsoever.

2.1. Kuchuk Hanem

In the previous section, we saw that Flaubert's representation of Kuchuk Hanem was determined by his positions of power, but who was Kuchuk Hanem and how was she represented? She was an Egyptian courtesan during the 19th century, but very little is known about Kuchuk Hanem[4] except through the eyes of the Western men that wrote about their encounters with her. In his letter to Louise Colet, his French mistress, while "traveling through Egypt in 1853", Flaubert writes of Kuchuk Hanem (dubbing her 'the Oriental woman'):

> The Oriental woman is a machine, and nothing more; she doesn't differentiate between one man and another. Smoking, going to the baths, painting her eyelids and drinking coffee, such is the circle of occupations which make up her existence. As for physical pleasure, it must be very slight since they cut off that famous button, the very place of it, quite early on. And for me, this is what renders this woman so poetic, that she becomes absolutely one with nature [...] (Flaubert 1853; Lowe 75).

Flaubert constructs Kuchuk Hanem as a "machine" with "no needs to satisfy"; no demands of her own (Lowe 1992, fn. 1). Calling her a machine dehumanizes her to the category of technology and instruments; it says there is something not human about her. In Lisa Lowe's (1992) analysis, she notes that, according to the Orientalist representation, Kuchuk Hanem is not human and that is to say, she is "not European" (76). She is depicted as though "she does

[4] The name Kuchuk Hanem is a title that "could mean 'little madam', 'little princess' or possibly 'madam dancer'" (Yee, 23 fn. 1). Her real name is sometimes thought to be Saphiah but this is likely not true (id; Biasi, 281).

not fatigue, does not possess self-consciousness or consciousness of others" (id.). The role that Kuchuk Hanem represents in Orientalism is multi-dimensional. She is a "masculine fantasy of pure erotic service", a "productive machine" with unending resources, and the "racialized inferior" (id.).

Moreover, the practice of female genital mutilation that Flaubert mentions is also used to deem the Oriental women as undemanding and wholly insensate. Like calling her a machine, this description also dehumanizes her. It obscures the indefensible exploitation and harm inflicted upon her at the hands of Flaubert and men like him. Flaubert would also emphasize Kuchuk Hanem's 'undemanding nature' in his correspondence to his French mistress, Colet, saying that Kuchuk Hanem is better because she is not jealous and demanding like Colet (Lowe, fn. 1).

2.2. An American Missionary on Uzbek women:

Consider this passage written by an American missionary, describing Bokhara, Uzbekistan, in 1926:

> In Bokhara, the woman is described as conspicuous by her absence. No man ever sets eyes upon a lady not his own, for in the street she is nothing but a perambulating sack with a black horse-hair screen where her face is likely to be. The women live in a strictly separate part of the house often having its own courtyard and its own pond. Only now and again one meets them at dawn or nightfall, stealing out furtively to fetch water. They shrink at the sight of a stranger and veil themselves in all haste. The children of whom the usual quantity abounded, were suffering from sore eyes, a result of the all pervading dirt amid which they live and the pestering flies that take advantage of defenseless babies.
>
> On the whole, woman make the impression of children, and in the outlying districts, of savage children. They are inexpressibly filthy in the villages and are everywhere on a far lower social grade than the men. One may say that the highest woman in the land is inferior to the lowest man (Northrop 2004).

Some of the things the missionary observes do not necessarily imply anything negative, but he associates them with negative things. 'Being covered by a veil', 'going out in the evening or at dawn to get water', 'living in a space with other women, usually with a courtyard and pond'

and having what the missionary thinks is ‘too many children’ are not necessarily bad things and, when described differently, are sensible, neutral or positive things. The missionary’s description, however, only allows a negative interpretation: women disappear because they are wearing a veil, they are oppressed because they are filling water at late or early hours, and without any reason or any more information, he states that women are like children, implying a lack of intellect and agency. There are no reasons given for his perception of the local/native women as so drastically inferior to women in the West, or to the native/local men, but the reader is left with the image of the veil and seclusion to associate with lower status of native/local women.

It is useful to recall Leila Ahmed’s insight here. Ahmed reminds us that the same Western men—those that are “the guardians and advocates of Christendom”—"were also the guardians and advocates of the natural superiority of the male and his rightful control over the female” (1982, 524). Ahmed continues that it is “interesting and amusing to ask why they should have been in any way shocked or concerned with the oppression of Muslim women by Muslim men”; after all, they were content with oppressing their own women (ibid.).

Case in point, the mythology about the oppression of Muslim women included the myth that Muslims believe that women have no souls and are considered animals, but this was never a belief Muslims held, it was instead taken from the Western world. Ahmed states that this myth would resurface “with tiresome regularity”, and was repeated to her by an American feminist, self-assured with a long list of citations (1982, 522). However, it was not ever a belief in the Muslim world (at least not in any public and credibly recorded sense). Instead, it was a belief more accurately associated to the Western world because the records of the Catholic Church show that a council of Bishops in 581 debated “the issue of whether women were human or animal” (526). The myths repeated by the Western men were inaccurate and false, and served to cover the sexism of their own beliefs. Hence, one can wonder whether the

American missionary writing about the veiled woman he sees, fetching water and gathering her children, is projecting his own ideas about the worthiness of women.

2.3. Contradiction and *Aladdin*

Another theme in the general portrayal of the East in Orientalist discourse is *contradiction*. Orientalist discourse incorporates straightforwardly contradictory views. It makes legitimate to the Orientalist gaze what is nonsense to the Orientalized people. We see this in *Aladdin's* '*Agrabah'* right off the bat. *Agrabah* is described as a place of strict "social norms and rules", yet simultaneously, it is the land of unknown and magical possibilities. The East is itself a contradiction if it is to be both 'strict' and a 'place where anything can happen'. This contradiction can be understood to represent backwardness especially in contrast with the "enlightened, realistic and logic-bound West" (Bullock and Zhou 2017, 445).

The women of the East too are represented with a similar contradiction: as covered, overly modest and reserved yet also excessively promiscuous and sensual. Leila Ahmed (1982) describes the contradictory nature of colonial literature when it comes to the topics of veiling, polygamy and harems as presenting a "fascination and loathing" with these topics (524). They wanted to both possess and destroy these practices involving women and sexuality.

A good of example of this is with the representation of Jasmine's character. She is presented as oppressed due to the strict religious and cultural norms of Agrabah. She is unable to choose who to marry. Strangely, while other women in the background are wearing veils, Jasmine is almost always seen in a belly dancing outfit. Not only is the outfit overtly sexualizing—serving the Orientalist trope of the exotic and seductive belly-dancer and temptress, but it is also completely unsuitable for her actions and environment. It is fully unbelievable given the strict norms of her environment, the heat and sand of her environment, and the simple fact that it is a belly-dancing outfit and not an outfit to spend the day in. The contradiction continues: Jasmine is presented as a determined strong woman, but she falls for

Aladdin who offers her barely more than the words, “I’ll show you the world”. The Orientalist fantasy comes full circle when Jasmine uses her “womanly charm” to seduce the grand vizier, Jafar, for the sake of distracting him for Aladdin to get away. When she does so Aladdin fumbles, he is shocked and intrigued.

One might argue that it is typical for children’s entertainment to lean on stereotypes for the sake of a short and simple plot to entertain children. That might be true, and on its own it may not a big deal. However, it is a widely popular movie about a group/many groups of people that are only represented in this way. While there are likely plenty of children’s movies that go under the radar so to speak, popular Disney movies about underrepresented groups make up the images within Western consciousness that refer to people from these groups. In Jack Shaheen’s (2012) *Reel Bad Arabs,* he provides title after title where Arab women are presented according to the same kind of script: they are oppressed under a strict Islamic regime and are ready to use their sexuality to attain “freedom” and run off with the western male protagonist.

2.4. Frantz Fanon and the Colonizers’ Targeting of Algerian Women

A prime example of the Orientalist obsession with gendered practices, and the role of these practices in the system of domination and oppression, is the French colonizer’s fixation on the veil of Algerian women. Frantz Fanon famously analyzes the French colonizers’ instrumentalization of the veil to demean the Algerian population and secure French interests. According to the colonial mythology, the Algerian woman is “humiliated, sequestered, cloistered…”; her immense potential is crushed because of the Algerian man and Algerian society, leaving her passive, stripped of value or “demonetized”—a fully “dehumanized object” (38). The French built sympathy for the Algerian women and framed their actions as freeing her from the backwards oppression of Algerian society. With this rhetoric, the French targeted women for the sake of destroying Algerian society. Fanon quotes the French colonial administration’s “precise political doctrine”, which states:

> If we want to destroy the structure of Algerian society, its capacity for resistance, we must first of all conquer the women; we must go and find them behind the veil where they hide themselves and in the houses where the men keep them out of sight (Fanon 1965, 37-38)

Fanon saw that the veiled woman frustrated the colonizer by denying him what he believed was his, on both a personal level and on the level of colony. The veil, to the colonizer, symbolized Algerian power and unveiling women meant that women were converting to the French way, or showing their allegiance to the French colonizer—that is, submission and giving up their resistance. The practice of veiling became central to the French colonial doctrine in service to the white man's fantasy and his quest for domination. The domination of land was tied to the domination of the colonized woman's body and sexuality. Unveiling, according to Fanon, represented the rape of the Algerian woman, her submission to the French, and symbolically the rape of Algeria itself and Algeria's submission to the French.

The endless images French colonizers took of Algerian adolescent girls and adult women, for themselves and for publication in newspapers or magazines and as post cards for a hungry European audience, are a testament to the pervasiveness of the obsession with objectifying the Algerian girls/women.[5] The Orientalist gaze constructs the Algerian women as prisoners; as though they are trapped, no different from the Uzbek women in their homes and courtyards, or the women in harems and baths. The Orientalizer, and the French in this case, were intruding into the prison and watching. The images include veiled women going about their ordinary day and these can be understood as an invasive intrusion, a subversion of the intent of the veil itself—that it has emphasized what was intended to be hidden. Other images are of unveiled women, partially dressed or not at all; they are hostages and in all the images they are staring into the camera. In some images they are standing at a window, and other times, they are lounging or standing. But always, they are glaring into the camera because of what we can only think is the colonizer's demands. These unveiled and nude images also

[5] See Malek Alloula's (1986) book, *The Colonial Harem*.

reveal a perverted obsession with objectifying the Algerian women, seeming to make her sexually accessible to the colonizers and their people—that is, not just the French army, but French and Western society at large.

The women in the photographs are never named, sometimes the captions will give some hints, but one does not learn much about them. Most of all, one sees them through the colonizer's gaze and can only imagine what cruelty befell them. These images remind me of Kuchuk Hamen (as discussed above). Although they are all different women with unique features and unique stories behind their eyes, we are not told anything about them, we can only wonder. All we know is how they were objectified and sexualized, frozen in time as consumable products by the French colonizer for others like him/her/them. They are similar in the only way that matters to the Orientalizing gaze: that they can be viewed and consumed for fantasy, amusement and domination.

3. Mythology and US-policy

In this section, I turn my focus to the interconnectedness between US-policy and Orientalist mythology, with a focus on the recent-current period. The 'Clash of Civilizations' and the 'War on Terror' narratives are mythologies that have shaped the way the Western world views the Western/US backed wars and military intrusions across the Eastern World. This political reality is also mirrored in the representations of Arabs and Muslims in films, novels, images, and so forth. In this section, I discuss these two myths and what they mean for the representation of Muslims/Arabs. I then address who counts as Muslim from the perspective of the Western gaze and I demonstrate that this is shaped by US policy in conjunction with the 'War on Terror' mythology. I also take some time to describe the shifts in Arab-Muslim representation in US/Western media, which further contextualizes the changes in Orientalist representation within the last century. Lastly, I briefly address the impact of Orientalism from

an inter-Muslim perspective. I do so by looking at the reality of post-colonial states struggling with nationalism, and Muslim reactions to the problems of Orientalism.

3.1. The 'Clash of Civilizations' Mythology

The idea of the 'Clash of Civilizations' is an Orientalist falsehood. It was introduced by Bernard Lewis and written about at length by Samuel Huntington (Huntington coined the term, but the general idea is not new). The term represents a state of crisis in global politics, and in this case, it refers to the period following the start of the cold war (1945). The crisis refers to an inevitable ideological clash, or clash of cultures and values, between the Eastern civilizations, or what had been called the Confucian and Islamic civilizations, and the West. In the lore, the problem causing this is constructed as the 'all or nothing' mentality of Eastern civilizations (Said 1998, 2). Hence, it is due to the East's "stubbornness" that the West has no choice but to defend its principles and values by going to war against them. In this way, the wars of the post-cold war era are sold to the Western public as wars of necessity: ones that must occur for the sake of defending the very values that make the West unique and 'morally superior' (id).

Conveniently, the myth of the 'Clash of Civilizations' is also used to reduce and simplify wars between/within countries in the East as well as civil wars, making it easier to forget the histories of the post-colonial nation(s) and the circumstances that have led its people to further wars. In these cases, the 'Clash of Civilizations' myth is invoked to state that the people of those Eastern nations "do not value peace", "cannot get along", and "only know war". Overall, the 'Clash of Civilizations' falsehood repeats the association of those negative attributes of 'backwardness', 'savagery', 'inferior moralities' to the East and treats them as inherent and essential attributes.

Said recalls the events of his last 30 years (from 1975-2003) including the Lebanese civil war, the reinvasion of the West bank and Gaza which created a renewed routine of collective punishment for Palestinians, the attacks of 9/11 in the US and the on-goings of suicide bombings, the wars against Afghanistan and Iraq, and more illegal invasions by the US. As he explains, all of these events are framed as being caused by the 'Clash of Civilizations', a thing that is "unending", "implacable" and "irremediable" (1978, xiii). To the US-Western public, this myth tells them that the war and death that their governments carry out are justified. It also repeats the messaging and imagery of the Eastern countries as more savage and barbaric, and so much so that they bring war and destruction onto themselves.

At the time of my writing, in the spring of 2024, this mythology remains firmly intact and is a narrative applied by Western colonial powers to situations across the Eastern world/Global South, and not least of all, in many of the same cases discussed by Said 20 years prior. Israel's genocidal assault in Gaza is currently supported by the same narrative. Since its start, following the Palestinian resistance's tearing down of the walls imprisoning them, the Israeli and Western narrative has been that they have "no choice" but to "wage war on Hamas", and no choice but to cut off electricity, aid and water from the entire Palestinian population in Gaza.[6] As the aggression has escalated, we continue to hear that Israel has no choice but to continue; no choice but to "invade Rafah"; no choice but to continue the genocide.[7] The message is that the occupier and the colonizer have no choice because resistance groups and by extension, all natives, in this case Palestinians, are just that evil. That this narrative is still applied today shows that, for Western dominant culture, the 'Clash of Civilizations' myth is

[6] Zionist Politicians and journalists state that Israel has no choice but to continue waging genocide (Thakur 2023; Cooper 2023); and see (Jacobs, 2024) on the idea that Israel has no choice but to invade Rafah, Gaza, Palestine.

[7] Irish Prime Minister, Simon Harris, is among those calling out the West for this hypocrisy and showing support for the Palestinian people (Murray 2024). Palestinian statehood has also been recognized by Ireland, Span and Norway (AJLabs, 2024).

still being executed to manipulatively collect support for the deaths of non-White peoples.[8] If there was any doubt that the 'Clash of Civilizations' mythology is still being used to gain support for the continual dehumanization of Arabs, Muslims and Palestinians, one can find an answer in Netanyahu's July 25, 2024 speech; this is a short sample:

> "This is not a clash of civilisations. It's a clash between barbarism and civilisation. It's a clash between those who glorify death and those who sanctify life. For the forces of civilization to triumph, America and Israel must stand together. Because when we stand together, something very simple happens: We win, they lose. (Al Jazeera Staff, 2024; Times of Israel, 2024).

3.2. 'Muslim' According to the Western Gaze?

Many scholars have described the new 'Clash of Civilizations' or the new 'us vs them' as really being about 'Christianity' vs 'Islam', where the Othered group is now called 'Muslims' (Elia 2006; Bah 2006; Aziz 2009). Technically, 'Muslim' should refer to one that adheres to the Islamic faith. However, the Western gaze completely misidentifies Muslims, and arrogantly and manipulatively, chooses who to include and exclude from the category and to what extent.

Especially with respect to the culture of the US, Aziz (2009) argues that with the targeting of Muslims after 9/11, it became common—within the dominant Western perspective or from the perspective of a discriminator—to see Muslims as one identity group that included Arabs, Muslims and South Asians (Aziz 2009). Anti-Muslim hate targets non-Muslim Arabs and South Asians, Muslims, 'perceived as Muslim' individuals or people with Middle Eastern features. All these groups can be impacted by the public discourse and the policies aimed at stripping Muslims of their rights. I agree with Aziz regarding the Western construction of the identity group of 'Muslim' post 9/11, in the US. Also included as Muslims are Black Arabs and non-Arab Black Muslims; both these subgroups are often underrepresented in the West,

[8] Albeit, there is some indication that the general public of the US and across the Western world, partially, but increasingly so, do not fall for this narrative. I discuss this shift in public opinion briefly in Chapter Two.

and they are groups that experience hate for two or more of these identities: Blackness, Arabness and Muslimness. Due to this Orientalist manipulation of 'Muslim' and the impact of anti-Muslim discrimination, my use of Muslim in the contexts of anti-Muslim hate includes those non-Muslims identities that are mistaken as Muslims.

Despite the differences in religion, language, nationality between all the groups counted under the category of Muslim, and despite their separate experiences and histories with racism in the US, they are homogenized together and treated as one. When 'Muslim' is used in this way, it is similar to the use Said describes of the 'Orient' or the 'East': it is a category curated to divide 'us' and 'them' groups, and it is curated to suit the needs of the West. Indeed, the conflation of all these groups with the category of 'Muslim' is absurd in the level of ignorance and disregard it reveals towards all the different groups included. This is not dissimilar from the absurdity of Macaulay's remarks grouping together the literature of all of India and Arabia.

3.3. 'War on Terror' Mythology and US policy

The 'War on Terror' narrative labelled Muslims as terrorists and Islam as the source of terrorism. It was introduced by the West/US and swiftly accepted following the events of September 11, 2001. Only 45 days after 9/11, the USA Patriot Act was passed in congress (107^{th} Congress Public Law 56). This act authorized a number of racist policies including the racial profiling of Muslims, searching homes and property, and permission to seize property at will, without telling the owner and without any permits, discriminatory surveillance, and detaining Muslims without access to a lawyer and without trial. It also authorized a narrative that assumes Muslims a threat and questions their humanity, making it easier for the average non-Muslim American to justify all US atrocities against Muslims, even the inhumane recorded torture of hostages, like the case of Abu Ghraib.

The ‘War on Terror’ myth and the Patriot Act that stripped Muslims of their rights, was quickly normalized in US culture because of two factors. Firstly, fertile ground already existed for the racist narrative and the discriminating policies to be accepted. There had already existed systemic injustices broadly speaking, against People of Color, and these injustices authorized the way race and citizenship could be understood as a proxy for one’s loyalty or disloyalty to the US (see Aziz 2009). Since one’s loyalty/disloyalty to the US was already attached to race and citizenship, the only thing that the racist media and policy makers needed to do was assert that Muslims are disloyal to the US, and certainly, the attacks of 9/11 were constructed and reported on to show exactly that.

The second reason the ‘War on Terror’ myth was swiftly accepted is because Muslims and groups the discriminating westerner perceives as Muslim, had long been racialized and dehumanized (Bah 2006, Aziz 2009, Said 1998). There had already existed a plethora of nativist biases against people from Muslim majority countries—all of which had been colonized by the Europeans. Hence, the specific idea that Muslims were a threat was already deeply ingrained within the Western image of the Middle East and had been for centuries. In the next section, I discuss the changes in the representation of Muslims following the Second World War (WWII), which also serves to show that long before 9/11, Western representation of Muslims/Arabs provided the grounds for the popularization of racist anti-Muslims beliefs as seen in the ‘War on Terror’ narrative and the policies of the USA Patriot Act.

3.4. Changes in the Representation Arabs-Muslims in the US

In this section, I turn to the connection between Hollywood and politics. Following Jack Shaheen (Shaheen et al 2006; Shaheen 2012), I focus on how Arabs were represented for US audiences, and I discuss two main shifts that occur, one after World War Two (WWII) and the second after 9/11.

The first shift, occurring after World War Two, de-emphasized the representation of Muslims/Arabs as potentially worthy of sympathy, and at some points presents Muslims—of all ages, genders, and abilities— as completely unworthy of any sympathy. During this period, Muslim women were not associated with sensuality and sexual dance, nor magic and mystery anymore, instead they were almost purely portrayed in bleak, submissive and aggressive or violent images. Shaheen explains that the more Muslim women progressed, the more the Western images pushed them to the back, showing them as oppressed and in "bundles of black" (2006).

With respect to how the 1st shift changed the representation of Muslim men, it emphasized violence and violence in every arena. At the top of these representations were Muslim men as terrorists taking arms for the 'sake of Allah' and killing infidels; they were always raging with hate for the West. The only new trope allotted to Muslim men was the character of the "rich sheikh". The rich sheikh was corrupt and deceitful, and out to buy American land and take over America (Shaheen 2006). This trope, most of all, is almost copied from the racist trope used against Jewish people. As Shaheen points out, it is also very lazy representation to the point where the exact same cartoons or images can be found representing both Muslims and Jews—the same larger bodies and exaggerated noses, the only difference is the addition of a hat and robe to the Muslim version.

In addition to the fact that all Muslim majority countries, except for Palestine, had now reached a state of post colonization, Shaheen (2012, 28; 2006) notes that there were three political situations that influenced this shift towards more negative representations of Muslims. The first is the Israeli regime in Palestine, which cemented in 1945 with the approval of the also freshly born United Nations. The US was devoted to/invested in Israel and this would continue to increase. The second is the Arab oil embargo in the 1970s which increased gas prices in the US. The third is the Iranian revolution which included holding Americans hostage.

Parallel to these events, the images of Arabs on Western screens are only ones of cruelty and evil. Consider the representation of Palestinians. They are imagined as evil terrorists on their own land. Palestinians were depicted killing Israeli families and women and children for no reason, then mocking and laughing at their suffering. Nothing of the Palestinian reality, nothing accurate, and nothing sympathetic or from the Palestinian, or even the broader Arab, viewpoint could be found in the US produced movies that screened, week after week (Shaheen 2012, 26).

Consider alongside this, that the political actions of the US were not only anti-Palestinian because they directly aid and advocate for Israel, but they were also anti-Palestinian because they actively engaged in policies that dehumanized Palestinians and denied rights to self-determination. For instance, consider the word 'terrorist'. It is both a slur against Muslims and also a legal term. With respect to its legal use and its association with Arabs-Muslims, it goes back to at least back to 1969 when it was used to delegitimize and dehumanize Palestinian refugees by deeming them potential terrorists (or associating them with potential acts of terrorism; Li and Azmy et al. 2024, 4; Speri 2024). However, this is not a new narrative. The idea that natives are terrorists has always been a feature of the European-colonial playbook (Li and Azmy et al.). This is also the exact same rhetoric that the Western media spews in the 'War on Terror' myth 32 years later.

There are too many examples of heart-wrenching texts and films that demonstrate the extent of cruelty and injury of Western depictions of Arabs/Muslims. In Edward Said's (1978) work, his analysis includes example after example of the reckless racism that targets the Arab world, drawing on the greatest of the Western literary canon. In Leila Ahmed's (1982) work, she picks apart letters, journals, texts, events and paintings (across history and up to recent years) capturing the sexism intertwined with the racism and the normalization of explicitly racist pornographic material at the expense of Muslim women and men. In Lila Abu-Lughod's

(2013) work, she goes through recently published memoirs and novels, all allegedly based on true stories. These works capture extreme sexism/racism, offensive and often almost/pseudo-pornographic contents, all at the expense of Muslims, both the poor women and the abusive men. In Jack Shaheen's (2006; 2012) work, he goes through US productions identifying hundreds of movies, that before 2001, exclusively illustrated Arab men as Muslim, as violent, as terrorists, and as sexist backwards idiots.

Between World War Two and the post-9/11 period, Arabs and Muslims of all genders and ages were denied any ounce of humanity or sympathy on US screens. Even those Arab/Muslim women that are sometimes constructed as helpless victims were presented as terrorists or accessories to terrorism. Still, apart from all the titles the above scholars have named, there are still hundreds, if not thousands, of popular, well-admired texts in Western culture, casually insulting and killing off Muslims, portraying women as inferior and evil, and men as monstrous.

Post 9/11, a *second shift* in how Muslims are represented in the West can be gleaned in the US film industry. This shift was due to an increase in awareness and discomfort among non-Arab/Muslim Westerners at the obvious portrayal of all Arabs/Muslims characters as villains and as rageful West-hating terrorists. Many recognized this portrayal as false and racist because they knew it did not apply to their Arab or Muslim neighbour. As a result, writers and producers began to include one or two characters that are good Arabs/good Muslims.[9] The

[9] Thinking back to Disney's Aladdin (1992), this is an early instance where we see good Arabs/Muslims. Aladdin and Jasmine represent good Arabs/Muslims. They are the characters the audience is meant to prefer. Notice that they are also the only characters with no Arab accent (although the Arab accents in the film are inaccurate). The bad 'Arab' accents mark these characters as closer to the Arabian world/culture. Jasmine and Aladdin, although also Arab, have perfect Western English accents and this indicates that they are closer to the West. A similar distinction occurs with respect to their appearances. Jasmine and Aladdin are the only ones with less-exaggerated features and even European features. The other characters have exaggerated features—as in, deeper and darker skin tones, bigger noses, bigger chins, bigger lips, and so forth. Both in terms of personality, speech and appearance, the other characters are less likable and are uglier (or are meant to be perceived as such).

good Arab/Muslim is non-violent and "normal". This means that he/she aligns with the West or has Western values. In some iterations the good Arab/Muslim provides intel to the US government about bad Arabs/Muslims.

This shift came about after 9/11 with more awareness from non-Arabs about the existence of Arab Americans and as a response to the rise in Islamophobia/anti-Muslim racism. The inclusion of the good Arab/Muslim is supposed to make the overall feel of the film less racist to the non-Arab/Muslim American, because it sends the message of "not all Arabs are bad". Unfortunately, when you say "some Arabs" are bad it achieves the same racist association, and still teaches non-Arabs to feel threatened by Arabs. Arabs or Muslims both inside and outside of the West are treated as a threat unless or until they show that they are not like 'those bad Arabs/Muslims'. In this way, the good Arab/Muslim script is a feature of the Othering of Muslims.

It is also one that continues to be used today. Later in this dissertation (in Chapter Six), I link the good Arab/good Muslim script to accepted and praised representations of Muslim *hijab* wearing women that describe themselves or the *hijab* in a way that aligns with Western values. I demonstrate that this is unjust towards the 'good' Arabs and Muslim women, as well as broader Arab/Muslim communities.

3.5. The Impact on Muslim Perspectives

In the following, I turn to the perspectives of Muslims in response to Orientalism. I discuss the persistence of the 'us'-vs.-'them' paradigm as evidenced by reactionary nationalistic campaigns, as well as the reaction some Muslims had to Said's (1978) text.

Unsurprisingly, the Orientalist ideas of the 'Clash of Civilizations' can continue to make campaigns of nationalism seem reasonable. Such campaigns define (or attempt to define) the essence of a people as inherently (whether in terms of race, geography, religion or otherwise)

unique and superior to others. Typically, this is utilized by the colonial/imperial regime drawing upon Oriental images or stereotypes. What is less expected, but which also occurs is that a post-colonial/newly independent state or a resistance group reacts to those old images with their own essentializing conception of their people. The latter describes the scenario of almost all post-colonial countries: they were faced with the problem of nationalistic movements. These nationalistic movements arise in response to a need for a people to see themselves, their nationality/ethnicity and so forth, represented genuinely in a public and authorized way. However, nationalistic movements fail to fully and meaningfully achieve this because they still rely on essentializing conceptions. In the end, this may succeed in subverting some Orientalist ideas, but it will still sustain the same us-them (East-West) framework

That the 'us'-versus- 'them', 'East'-versus-'West', mentality is imbedded into our ways of thinking is also evidenced by the way that critics of Said reacted to his text. Orientalism has harmed Muslims and Muslim majority countries with its treatment of Islam. As a result, some Arabs and Muslims have read the text as pro-Islam or even pro-Islamist (pro-political Islam), going so far as to conflating Orientalism with the West and claiming that Islam is its opposite; that Islam is, therefore, perfect (Said 1978, 331). Said rejects all this, stating that he was "painstakingly careful about *not* "defending" or even discussing the Orient and Islam" (ibid.). He also stresses that the West is a false construct that is utilized in Orientalist frameworks, so conflating the West and Orientalism, and generalizing about the West altogether, are things that concerningly keep one's ideas within the framework of Orientalism.

Relatedly, Said's point is ironically lost when readers fail to see him as a Palestinian Christian, and instead assume he is a Muslim Arab. The reduction of all Arabs to 'Muslim' is a characteristic of Orientalist and Zionist thought. It emphasizes difference by imagining the West in association with Judeo-Christian religions and the East with Islam. We see this difference weaponized in US political discourse which repeats the false narrative that Muslims

are bad people ‘in a far away land’. If the public narrative took to acknowledging and including the reality that Christians live with Muslims side by side this information would destroy the false narratives. The Zionist ideology that Said also attempts to expose, aggressively erases the Christian Palestinian. It attempts to illustrate Palestinians as Muslim and as terrorists in contrast to the Jewish settlers and the colonial construction of Israel affiliated with the West. It attempts to remove Christianity from the Arab world and to westernize it. Hence, a failure to recognize Said as Palestinian Christian (especially when this is clearly expressed) arises due to the influence of Orientalist narratives.

For clarification, when Arabs and Muslims fail to read Said as he intends due to prioritizing the need to defend Islam and combat Islamophobia, they are at fault only insofar as they perpetuate the Western framework of Islam/East-vs-the West. Importantly, they are acting from a position where they do not escape the harm inflicted upon themselves/their communities by utilizing this framework. This is similar to the cases of in-group intellectual violence described in Chapter Six, where I discuss the 3rd Party Impasse.

Conclusion

This Chapter explored Edward Said’s account of Orientalism, identifying its various themes and patterns. I identified the role that power and the ‘us-vs.-them’ paradigm has in Orientalist discourses in the first section, along with providing some examples of what Orientalist texts and films can include. This Chapter also discussed the way Orientalism centers on gender and sexuality, including the fixation on false representations and gendered practices to justify viewing the Orient as inferior. Lastly, the ‘Clash of Civilizations’ and the ‘War on Terror’ mythologies were discussed, illuminating the connection between Western representation and US policy.

Chapter 2.

Unknowability and Muslims

Introduction

Unknowability is similar to Orientalism in that it points to the same phenomenon: that the "Western" world dominates in producing and distributing so-called "knowledge" about groups seen and treated as inferior for the sake of maintaining colonial interests and Western hegemony. Unknowability, specifically on the accounts of Fannie Barrier Williams, and of Kyle Whyte and Kristie Dotson, provides additional insight into the workings of colonial discourses. Whyte and Dotson's account of Unknowability is particularly useful for picking out the way individuals socialized in Western culture can unjustly demarcate their moral and social obligations to exclude Indigenous people, and in some ways, all Othered groups. Their account also helps us think about the steps that can begin to correct this.

In the following, I discuss Unknowability by first focusing on Williams' account of the exclusion of hermeneutical resources about Black women in US public consciousness. I relate this analysis to the exclusion of hermeneutical resources about Muslims in the US/Western world. Secondly, I examine the features of Unknowability on Whyte and Dotson account, including 'absent presences' and 'present absences'. Thirdly, I discuss Whyte and Dotson's approach to overcoming Unknowability, and I relate this to Shaheen's (2006; 2012) discussion of sympathy denied for Arab-Muslims in US film. Lastly, I look at what overcoming Unknowability might look like using the example of positive recent changes in public opinion on Palestine.

1. Unknowability

In Kristie Dotson and Kyle Whyte's (2013) article, "Environmental justice, Unknowability, and unqualified affectability," they provide an account of Unknowability influenced by Black social thought, including the work of Fannie Barrier Williams. In the following, I first discuss Williams' account drawing on Dotson and Whyte's interpretation of her work, then I turn to Dotson and Whyte's expanded account.

1.1. Fannie Barrier Williams on Unknowability

Williams explains that Black women in the US are falsely perceived in limiting one-dimensional terms that perpetuate Black women as unknowable via the resources available in dominant narratives or in the "fixed public opinion" of the US (Dotson and Whyte 2013, 66; Williams 1900/2007). In Dotson and Whyte's interpretation of Williams', they take Unknowability to be "a form of ignorance that is marked by being an absent presence within prevailing" dominant social narratives or social imaginaries (Dotson and Whyte, 66). These social narratives or imaginaries describe what is socially intelligible.[10] Following Lorianne Code's definition of a social imaginary, this is a

> conceptual analytic resource" that refers to implicit but effective systems of images, meanings, metaphors, and interlocking explanations-expectations woven through a social-political order, which people, in specific periods and cultural-geographical climates enact their knowledge and subjectivities and craft their self understandings (Code 2006; quoted in Dotson and Whyte 2013, 66).

Social imaginaries feed our perceptions of the social world, as well as our perceptions of ourselves and others. They are "a condition for the possibility of knowledge" (id.). To be outside of fixed public opinion, as Williams has stated regarding Black women in the United

[10] Williams uses the term "fixed public opinion". Whyte and Dotson take this to be similar to social imaginaries as defined in Lorraine Code's account.

States, is to be outside of "deeply held social narratives" and to be unknown (or not perceived and understood) within prevailing social imaginaries (id.).

Williams writes:

> By a sort of national common consent, she [referring to the Black woman in the US] has no place in the Republic of free and independent womanhood of America. Slavery left her in social darkness, and freedom has been slow in leading her into the daylight of the virtues […]. With individual exceptions, the coloured woman, as the mother of a distinctive race in America, has been unknown. She has excited neither pity nor hope. The domestic routine of her household or cabin duties seemed to be her fixed status (28).

Williams, writing in the year 1900, points out that there is a public "national common consent" where the expectation is that Black women's lives are captured by "domestic routine" and little more. They do not (with few exceptions) have any other role in society. Black women are left to navigate the impact of this extremely limited representation-expectation. Williams explains that even as Black men began to take on roles in the "public eye", Black women were completely left behind, and no appropriate acknowledgement or credit was directed to Black women for the roles they played in the social progress of Black communities (29).[11]

Looking at cultural media in the United States, we can see three main tropes that overwhelmingly account for how Black women are represented. These tropes are mammies, jezebels and sapphires (see bell hooks 2003; Evans 2021). Mammies are Black women that serve as domestic help or maids for white families; they play inferior and low-paying positions and are typically played by mature Black women. Jezebels are attractive and hypersexualized; they have an insatiable sexual appetite and use their sexuality to get what they want from men. Sapphires are also known as 'angry Black women' and are a modern adaptation of a mammy.

[11] Dotson and Whyte interpret Williams' notion of Unknowability as concerned with the absence of one's presence within the dominant social imaginary. They describe the "catalyst for her understanding of unknowability" as "compromised social intelligibility" due to "the privileging of one or a limited set of social imaginaries over others" (67). Their own account of Unknowability strays from this. They follow Figueroa, Waitt, and McGee's moral ecology, "which presupposes myriad and diverse social imaginaries and moral heritages, does not promote a moral landscape that can easily privilege one narrative over another"(id.).

A Saphire is sassy, loud, and "mean-spirited", she has contempt for anyone that is disrespectful including incompetent Black men (Evans 2021). These tropes are suggestive of the easily accessible representations-expectations we have of Black women and they concerningly leave the discriminating perceiver with encouragement to stereotype and to perpetuate the lack of appropriate resources to challenge the stereotypes (Dotson and Whyte 2013, 66; Williams 1900/2007, 54).

1.1.1. Muslims and Unknowability

In the previous Chapter, I discussed at the length the way Muslims are represented in Orientalist texts, movies and other media. That these negative representations are so common, and that other positive or more nuanced representations are excluded, suggests that Muslims are not appropriately socially intelligible in Western social imaginaries. To drive home the point about how pervasive these negative representations were, consider how in the United States, while other people of colour were included in cultural media and discourse, Arabs, Muslims, Arabs-Americans and Muslim-Americans are almost entirely *excluded* from cultural representations except when they appear as villains, as evil, or as terrorists—and until 9/11, also always as foreign (Elia 2006, Shaheen 2001). This was the case, literally across the board—in pop-culture, the film-industry, tv-shows across all age groups, and even within progressive media and (progressive) academic discourse. For example, in "the groundbreaking feminist anthology" *This Bridge Called My Back: Writings by Radical Woman Of Colour* (Moraga and Anzaldua 1983) which claims to represent diversity within the United States, Arab-Americans are completely excluded (Elia 2006, 156). In tv-shows and movies, roles that are written for and about Arabs are denied from Arab actors wanting to fill them (i.e., despite Arab actors auditioning). The roles are not given to Arab actors, also, despite mass online support for them to be cast. Such was the case in the second season of *One-Piece* (written by Elichiro Oda; casting directors: Junie Lowery-Johnson and Libby Goldstein; to be released Dec.

2025) which is set in Egypt and takes inspiration from ancient and modern Egyptian culture (Das 2024; Raut 2024).

Importantly, it is not that Arabs/Muslims are simply excluded, it is also that the racist mythologies about them are taken as factual. Consider Leila Ahmed's statement reflecting on her experience as an Arab woman at an academic conference in the United States. Before Ahmed moved to the United States, she attended a panel discussion at the National Women's Studies Association (1980) conference in Bloomington, Indiana, where three Arab women presented—what she thought at the time—was an unjustified "rosy picture of women in Islam" (1982, 521). However, looking back at this experience after living in the United States for two years, Ahmed states that she now understands "perfectly why the woman making the presentation took the stand that they did" (id.). She explains that Arab/Muslim individuals are compelled to take this stand in front of a US audience not because of the audience's lack of knowledge regarding Islam or the relevant groups, but because "Americans 'know,' and know without even having to think about it, that the Islamic peoples – Arabs, Iranians, whatever they call themselves – are backward, uncivilized peoples totally incapable of rational conduct" (Ahmed 1982, 521). That the US audience already feels that they "know" this demonstrates, as Williams phrased it, "a national common consent" to the view that Arabs and Muslims are not welcome or included in the same way that others are. That this is the expected narrative about Arabs/Muslims also reveals that the conceptual resources accessible to the Western social imaginary excludes the reality of Arab/Muslim experiences and lives.

When I think about the term 'Unknowability' with respect to Muslims, I am reminded of Jack Shaheen's narration in "Reel Bad Arabs" (2006), where he asks his audience to simply imagine Arabs. Similar to what Ahmed comes to know from her experiences in the US, Shaheen knows that the US audience has a preconceived fixed image of Arabs, and it is one that is negative and serves to justify ongoing violence against them. 'How does the Western

viewer imagine Arab and Muslim women?', he asks. He goes on to challenge Western viewers: are the women smiling, talking, laughing? Are they mothers, working career women? Are they facing life events like we might imagine of any other women? Or does one imagine Muslim women as "bundles of black" and the ideas of suppression that come up with this image? What about Arab and Muslim men—are they smiling, are they well spoken, are they embracing their lovers, are they providing for their families, are they laughing and playing with their children? What about Arab/Muslim teenagers and children? What are their conditions? Do they have cheerful faces and clean clothes? Do they go out and play sports? Are they confident, playful, and loud? These questions are relevant because the Western consciousness never sees and treats as valid any positive representation of Arabs/Muslims and those are representations that are accurate and match reality.

1.2. Dotson and Whyte's Account of Unknowability

The anti-Black, anti-Arab and anti-Muslim racisms of the dominant narratives are intertwined in all forms of social, moral and epistemic violence. For the sake of clarifying and analyzing these forms of violence, Dotson and Whyte expand on Williams' account of Unknowability. In this section, I describe their overall account and the two forms of Unknowability that they identify: absent presences and present absences. I relate this account to the context of Muslim women in this section and I also continue to do so in later Chapters.

In Dotson and Whyte's account, unknowability occurs when a discriminator fails to appropriately detect a morally relevant wrong in a given situation due to the influence of the dominant hermeneutical resources (Dotson and Whyte 2013). In my reading of Dotson and Whyte, I take it that the discriminator can be willful or unwilful in their failure to detect a morally relevant wrong. It is the case that dominant hermeneutical resources shape a discriminator's moral framework such that they are primed to fail at detecting wrongs against a marginalized individual or group. Hence, the discriminator is in a default position where they

are likely to unwilfully fail to identify the relevant wrong. However, when information is present (or can easily be made present), the failure to realize the wrong becomes wilful. With the two types of Unknowability described below, 'absent presences' leave a possibility for unwilful Unknowability while 'present absences' will always be wilful.

1.2.1. Absent Presence

The first type of Unknowability, in Dotson and Whyte's account, is 'absent presences'. For someone or some group to be an absent presence is for them to be rendered irrelevant, or for some aspects of their social existence to be obscured or difficult to detect (for the discriminator) via limited dominant social narratives.

One example that Dotson and Whyte utilize to illustrate absent presences comes from the work of Figueroa and Waitt (Figueroa and Waitt 2008). Figueroa and Waitt explore the moral experiences of tourists who visit Uluru (the monolithic rock) in Australia's Uluru Kata Tjuta National Park. The Tjurkupa law against climbing is on a billboard in many languages making visitors aware of the Aboriginal peoples "version of the land" and the prohibition against climbing (58). However, as Figueroa and Waitt's work observes, most non-aboriginal Australians and tourists do not respect the Anangu peoples wish for them to restrain from climbing the rock, despite being made aware of this wish. This is an example of Unknowability—and particularly, wilful Unknowability—with respect to those visitors that fail "to detect that there is something immoral or unjust" when they climb the rock against the Anangu's prohibition (ibid.). By failing to respect the prohibition, those visitors are choosing to privilege "colonial expectations of the land" and hinder the possibility for Aboriginal peoples and non-Aboriginal peoples in Australia to "reconcile the environmental injustices of the past and the present, and build communities for the future that respect peoples differences" (ibid.).

For clarity, treating a group as an absent presence means to treat them as irrelevant or for certain aspects of their existence to be difficult to detect via dominant social narratives. In the latter case, an aspect of the group's existence is effectively rendered irrelevant and thus, the group is either not socially intelligible or they are only seen and treated as socially intelligible in a very constricted and limited sense. The tourists climbing Uluru are comfortable enough with the idea that Indigenous claims to the land are irrelevant. As a result, they choose to fail to detect the moral and social wrong that they commit and help perpetuate. They can make this choice comfortably—that is, without detecting that they are failing a moral and social obligation— because they can lean on colonial meanings-expectations regarding the land, the Anangu peoples, and regarding their own perception of themselves.

In the next Chapter, I discuss the treatment of Muslim women as 'absent presences' with respect to Nussbaum's weak analogies. I argue that the weak analogies treat Muslim and *hijab*-wearing women as absent presents.

1.2.2. Present Absences

The second type of Unknowability is *present absences*. This type of Unknowability refers to "the socially sanctioned, willful ignorance" that discriminating perceivers have of Othered groups (59). This occurs when the boundaries of one's community are "drawn such that they [the Othered groups] are placed outside of the border of collective consideration" (59) or when there exists "an authorized indifference towards the lives, needs, and claims of those populations" (74). This is similar to the way Orientalism creates and perpetuates an 'us'-vs.-'them' framework; i.e., it pushes the Othered group outside of ones own community of concern, or circle of care. Unlike absent presences, present absences occur when the discriminating perceiver acknowledges the Othered group and even claims to support them. However, despite this, the discriminating perceiver views or treats relevant aspects of their experiences and claims as outside of the scope of their own moral and social concern. An Othered group is also

treated as a present absence when there is an authorized indifference to their lives, needs and claims (i.e., an indifference that is authorized via an individual, a group or an institution with authority).

An example that Dotson and Whyte provide to illustrate present absences refers to a pool of literature centering around the case of polluted landscapes on the Mohawk Indian Territory called Akwesasne (which straddles the border between the US and Canada). Citing Arquette et al. (2002), Dotson and Whyte discuss an exchange between Akwesasne residents and a non-Mohawk toxicologist. They explain that the Akwesasne residents have taken it upon themselves to avoid the adverse effects of the pollutants by eliminating consumption of local fish and wildlife. This was not a good solution or an appropriate compromise because it meant repressing certain cultural ways or traditions and switching to alternative diets that are concerningly low in nutritional value and high in fat and calories. The toxicologist however ignores these concerns and points out that "the current risk assessment models state that if there is no exposure then there are no adverse health effects" (59). As Dotson and Whyte state, by applauding the new consumption patterns of tribal members, the toxicologist misses "the ways that the morality of pollution in Akwesasne was part of a deeper, less transparent history of social and political patterns between the tribe and the dominant society that compromise the ability of the former to protect its members' health and lifeways" (ibid.).

An example of Present Absences that relates to the discussion of the *hijab* and the treatment of Muslim communities are the *hijab* bans in France. In France, the *hijab* has been banned in schools since 2004, and over the years new restrictions have also been introduced; most recently, a ban on wearing the abaya in schools and a ban on French athletes wearing *hijabs* in the 2024 Olympics (Diallo 2024). Many among the Muslim French community believe these bans to be anti-Muslim. The first *hijab* ban was less than 50 years after Algeria's independence, and it is not forgotten that the colonial heritage of France included targeting the

veil and intertwining the meaning of unveiling with Algeria's defeat. Those advocating for the *hijab* bans claim the bans are for the sake of maintaining *laïcité* (or secularism). However, the Muslim community continues to suffer the consequences. For many girls of high school age, the bans have interrupted their academic experience, (re)introduced them to experiences of anti-Muslim discrimination and hate, and created mental health problems. Also, for many, the time it took to navigate their next steps meant that they fell behind their peers; and some would drop out once legally allowed to, at the age of 17 (Vasiliki and Aala 2020). The "negative educational shock" has a ripple effect; it "carriers over to a number of longer term outcomes, such as labour force participation and employment rates" (ibid., 708). The *hijab* bans in France privilege the concept of *laïcité* and disregard the realities it has created for Muslim girls/women. A failure to address the problems introduced by the *hijab* bans, as well as the addition of newer *hijab* bans over the years, represents an on-going wilful ignorance towards the claims and needs of Muslim girls and women in France.

A common feature of present absences is *insurmountable difference*. An insurmountable difference is the overemphasis of a particular difference between groups where the difference is utilized to mark the boundaries of one's own community. In other words, insurmountable differences are those differences that are emphasized to the point that they prescribe an 'us'-vs.-'them' framework or 'in' and 'out' groups. Emphasizing difference in this way encourages the dissolution of one's sense of obligation towards them/out groups. Hence, as Dotson and Whyte state, "one's sense of obligation can and often does end with the assessments of insurmountable difference" (69).

It is often the case that events or cultural practices belonging to Othered communities are overemphasized and deemed as insurmountably different, producing what Narayan describes as "culture-specific essentialist generalizations that depend on totalizing categories" (Dotson and Whyte 2013, 69; Narayan 1998, 87). This is true with respect to Muslims and with

gendered practices overemphasized in Orientalist discourse (as previously discussed in Chapter One). These include female genital mutilation, veiling, harems, and polygamy. When practices like these are taken to represent the defining feature of all Muslims and their cultures, and little else is known about Muslims, these practices act as a perceived insurmountable difference (from the perspective of the discriminator) and the entire community is marked by and reduced to these practices.

Hand in hand with 'insurmountable difference' is a second feature called, *objectified difference*. Insurmountable differences, according to Dotson and Whyte, are also abjectified differences.[12] An abjectified difference is a distinction that is used to signal the end of social, political, moral, and/or epistemic concern. When a difference is abjectified it is rendered unknowable via willful ignorance. That is to say, the abjectified differences are detected and upon detection are stripped of complexity and fullness and used to draw the boundary of one's community of concern (69).

In the case mentioned above regarding Akwesasne, the toxicologist's appraisal of the change in consumption patterns is an instance where she willfully treated the traditional lifeways of tribal members as an abjectified difference. In other words, the toxicologist acknowledges the different traditional lifeways of the Akwesasne residents and utilizes this difference to make her point, i.e., to appraise the newer consumption patterns. As Dotson and Whyte explain, her paradoxical acknowledgement of the different lifeways of the Akwesasne residents makes up "the conditions for the possibility of her congratulatory tone" (70). In treating the Akwesasne members' traditional lifeways as an abjectified difference, she obscures, and fails to detect, the full extent of the harms and wrongs that ought to be accounted for. These harms and wrongs refer to "the extent of what is threatened or already lost by pollution", as

[12] I understand their account to mean that *all* insurmountable differences are also abjectified differences. I take it that they make a distinction between the two for the sake of isolating and clarifying each layer of injustice that follows from the overall concept.

well as the perpetuation and addition of new loses and wrongs that are created with the newer consumption pattern.

A third common feature of present absences, in Dotson and Whyte's account, is *derealization* or *categorical derealization*. This is when the needs of a given community are considered outside of the scope of one's own community and one's own (moral and social) obligation, and grievance for losses from that community are unintelligible as loss to dominant society (Dotson and Whyte, 69).

2. Overcoming Unknowability

In this section, I examine the process of overcoming Unknowability. First, I discuss how Dotson and Whyte (2013) present this process. Then, I focus on the first aspect of overcoming Unknowability—namely, appropriate affective responses—to explore the factors that perpetuate the Unknowability of Arabs/Muslims. Lastly, I consider the shift in public opinion on Palestine over the past few years as a possible example of overcoming Unknowability.

The process of overcoming Unknowability begins with recognizing the role of affective responses and leads to being sensible to the social imaginaries or the moral heritages of different groups. Affective responses refer to the affective states and the affective investments that drive how one experiences and understands an embodied circumstance. An appropriate affective response is one that adequately reflects the needs and claims of the relevant person/community in the given situation. In order for people to induce the appropriate affective response in themselves, they need to be free of those prejudices that obscure their ability to detect the relevant moral harm in a given situation. In other words, if one, consciously or unconsciously, harbours false and harmful prejudices towards a certain group, then that will make it more difficult for her to detect moral harms relevant to the experiences of people in

that group. For example, if someone's affective state upon seeing an Indigenous man is indifference, hatred or disgust, then they are very unlikely to have the appropriate affective response to hearing about or witnessing injustices against him and people in his community.

Appropriate affective responses to injustices faced by other groups are crucial because they indicate that one is sensitive to a different group's moral heritage. For instance, if a visitor to Uluru fails to perceive the harm and injustice that occurs when visitors climb Uluru, then that is because they are not engaged with the moral heritages that would make Indigenous claims, needs, customs, values, etc. more intelligible. If they were familiar with the sense of harm entailed in climbing Uluru, they would have to confront their own feelings of resistance, and the potential personal guilt involved in the action.

Hence, overcoming Unknowability begins with evaluating one's affective responses and tending to those responses that are more likely to engage with the needs and claims of the relevant person/community. This is the first step, and only the first step, because it is through our affective responses that gateways to moral heritages, apart from the ones we are familiar with, are made accessible. Opening a gateway towards the moral heritages of othered groups combats absent presences. When the relevant moral heritage is accessible, we are also likely to move on to step two, which is to detect the potential and actual moral harms and injustices that the respective community faces. However, step two is a bigger step that might not be easy to achieve because it requires detecting differences appropriately (and the relevant differences are not always on the surface/salient).

Dotson and Whyte expand on embodied affectivity by introducing *unqualified affectability*, for the purpose of attending to the facts of a global community that is interconnected and interdependent. To engage in unqualified affectability is to extend our moral sensibilities beyond our geographical and spatial dimensions. Doing so encourages us to

care about how actions in one part of the world influence people and communities in other regions. Unqualified affectability is needed to counter present absences.

2.1. Arab/Muslim Representations and inappropriate affective responses

A Western audience that accepts the Orientalist myths about Arabs and Muslims is likely to respond to these groups with an inappropriate affective response, such as one of hate, fear, disgust, etc. However, in Jack Shaheen's discussion of Arab-Muslim representation in Hollywood/US productions I find additional insight into how Orientalist representations can impact the affective states of viewers (2012; 2006). Shaheen discusses the way that American audiences were encouraged and taught to reject feelings of sympathy for Arabs/Muslims (this was particularly the case from the 1940s until shortly after 9/11 2001). That is to say, American audiences were actively encouraged to reject the correct affective responses to Arabs and Muslims.

As we know, generation after generation, films are put out showing Arabs and Muslims as terrorists, the Yemenis, the Iraqis, the Libyans, the Palestinians, and so on, always Muslim, are never depicted as deserving an ounce of sympathy.[13] These depictions are all in line with and contribute to the 'War on Terror' lore—that is, they all depict Muslims as a threat to the West (the USA and Israel) and as anti/non-American. There is no apparent reasoning for why Muslim's hate the West, and this hate is presented as all-encompassing, against all Western people. It is as though a Muslim's life purpose is hating the West, and this is what their life is about (Shaheen et al. 2006; Shaheen 2012). This instils in the audience the idea that Muslims are a threat, and it also prepares them to think that any harm from the West directed at Muslims

[13] The lack of sympathy is not entirely clear-cut. Hollywood films after World War Two shifted from the previous narratives that built sympathy for the "oppressed" Arab-Muslim woman and instead portrayed women as terrorists or accessories to terrorism. However, after 9/11, inclusion of "good-Muslims" is incorporated. At the same time, the Orientalist narrative of "saving oppressed women from brown men" appears to be utilized when needed. For example, the US invasion of Afghanistan was presented to US citizens as a mission to bring women's freedoms to the country. (Abu-Lughod 2002).

is justified. In the racist films, the West is always presented as nobly attempting to stop the violence and attain peace, but the only way for peace is through killing off Arabs/Muslims, and when civilians get murdered along the way, it is depicted as a necessary evil. The cruelty of Western depictions takes this even further, when the murder of civilians is not only seen as a necessary or lesser evil, but as deserved and unworthy of sympathy.

This is the impression in the film *Rules of Engagement* (directed by William Friedkin, 2000). In this film, even a child, a Yemeni girl child with one leg— her second leg was amputated, and she holds crutches in each of her hands to walk—even this child is depicted as a terrorist. The beginning of the film develops sympathy for the girl and the civilian Yemenis, but then the plot is turned on its head and all the Yemenis are described as wanting to kill the westerners. The little Yemeni girl looks barely 7 or 8 years old. She has an adorable bright face, and short hair complete with thick straight across bangs. In one scene, she is fumbling as she tries to balance and walk with her crutches; and in the next, she is expertly leaning onto one of her crutches and fiercely pointing an AK-47 at the US forces. It turns out, she was not a little girl but actually an evil terrorist all along. In the same way that it is intuitive for most people to sympathize with a little girl, it is intuitive for most people to root for the destruction of the bad guy, in this case, the terrorist. *Rules of Engagement* uses the medium of film to engage the audience psychologically and emotionally. As a result, the idea that Yemeni children can be terrorists becomes more intelligible than the reality that Yemeni children are simply innocent children (Shaheen 2012, 588-592).

Needless to state, the Western/US audience is pushed to believe that the Yemeni people are a threat, that even the children, the girl children, and the disabled are complicit in evil—and that this evil is directed against 'you' the Western audience. Shaheen notes that most Westerners will not even recognize Yemen as a real country or be able to point to it on a map, but unlike Agrabah, it is a real country,. The reality is that, even though '*Rules of Engagement'*

is all lies and propaganda, the little children in Yemen and across the Arab world are not spared the US/Israeli/Western attacks. If it is the case that the non-Arab/Muslim and White/Western population sees this and thinks the children deserved to be murdered, then, therein lies the Arab-Muslim reality of present-absences, and with it the loss of any hope that the Western population would feel compelled to take accountability and act, for instance, by pressuring their elected politicians to stop causing instability and death and accepting the appropriate changes this will involve.

2.2. Arab/Muslim Representations and Overcoming Unknowability

Overcoming Unknowability starts with the step of recognizing when one's affective response is inappropriate towards the harms another group is facing. We can glean some hope that overcoming Unknowability is achievable when the reality of what Arabs and Muslims are facing at the hands of the West is exposed to the Western public. We see this currently with the shift in public opinion on Palestine with respect to the genocide in Gaza. The assaults in Gaza have been/continue to be documented endlessly on public platforms, thus revealing the cruelty of the Zionist project, challenging anti-Palestinian rhetoric and succeeding in providing more awareness to the international public. There is good reason to believe a shift in public opinion on Palestine occurred at least as early as 2021 with the start of the electronic intifada (or the electronic revolution; see Elghawaby 2021; Sahhar 2023). In 2021, the Israeli aggression on Gaza and the ethnic cleansing of communities including Sheikh Jarrah in Jerusalem were livestreamed directly to the public across social media platforms. The concerted efforts of Palestinians and their allies allowed videos and photographs to immediately reach a broad audience on social media; and this eventually pressured mainstream outlets to address viral stories coming out of Palestine. This was also on the heels of the 2020 Black Lives Matter protests that captured the public's awareness with video footage of George

Floyd's murder (on May 25, 2020). Since 2021, Public awareness of the Palestinian reality has only increased.

This shift in public opinion is also due to the efforts of marginalized groups across the world, including, notably the Black Lives Matter movement in the US, which since its early protests in Ferguson (2013) has been linked to Palestinian solidarity (Davis, 2016). This link was not only about awareness, but it was also about sharing knowledge and strategies for resistance, and it brought to the surface the realities of interconnected oppression. Which includes links between the Israeli "defence" force (IDF) and the US police force, as well the impact military spending to Israel has on vulnerable groups in the US (see Davis 2016). Weakening or strengthening the oppressive forces in either of these fronts has a direct impact on the oppressed group across the world. Awareness of the shared struggle and interconnectedness of oppression creates strong entryway towards the moral heritages that make the Palestinian cause socially intelligible to those other marginalized communities and to more of the public.

Dotson and Whyte's concept of 'unqualified affectability' is also at play here. We can see that with more exposure to the Palestinian cause, many people are willing to embody 'unqualified affectability'. They are wanting not only to be informed and show solidarity but also, to be informed about what they can do and how they can act. This includes being informed about whether elected officials, companies, workplaces and institutes are complicit in the actions of the illegal Israeli state, as well as taking steps to challenge those powerful people and companies. Those individuals do show moral sensibility in response to Palestinians, not as separate but as part of the community of persons and causes they have moral sensibilities about. This kind of shift in public opinion represents great changes in the representation of Arabs and Muslims. It dismantles the impact of decades of lies by simply putting voices and lives of Palestinians in discussions about them. It provides a strong opening for the social and geo-

political facts that must be detected and made intelligible for an appropriate understanding of Arab-Muslim identities.

Conclusion

This Chapter discussed the theory of Unknowability and its main forms, absent presences and present absences. Drawing on the accounts of Fannie Barrier Williams, and Dotson and Whyte, I provided some insight into the ways Muslims are treated as unknowable in dominant Western consciousness. In later Chapters (in Chapters Three and Six), we see how the Orientalizing image of veiled women is part of the discriminatory experiences that Muslim women face, including experiences that treat Muslim women as absent presences and present absences.

Chapter 3.

Orientalism and the Veil: From Historical Origins to Current Islamic discourse

Introduction

'Veiling is exclusive to Muslim women' is a falsehood rooted in Orientalism. It is an Orientalist myth that benefits both the Islamic-political Right (henceforth Islamic Right) and Western interests. In this Chapter, I aim to challenge this myth on two fronts. Firstly, I challenge this myth by contextualizing the history of veiling as a cross-cultural, cross-religious practice. I do this by reviewing the history of veiling with a focus on the contributions of Leila Ahmed, an Islamic feminist historian with decades of research on the *hijab*, gender and Islam. Acknowledging this history serves to contextualize and dismantle the Orientalist myth that associates only Muslim women with the *hijab*. As I show in the following, it also clarifies how this myth aligns with other Orientalist myths and serves Western interests by portraying Muslims as inferior and Other. I additionally explain this as an instance where Muslims are treated as present absences (following the account of Unknowability that was discussed in Chapter Two). Secondly, I tackle the Orientalist myth with respect to how the *hijab* is framed within the Muslim world. I examine the dominant narrative among Muslims which specifically frames the *hijab* as *fard* rather than *wajib* (to be explained below). This framing overemphasizes the role of the *hijab* and encourages a subverted 'us-vs-them' narrative, which can serve to benefit Islamic political-ideological interests.

1. Correcting the Orientalist gaze

The Orientalist myth 'Veiling is exclusive to Muslim women' presents the *hijab* as an archaic and misogynistic invention of Islam. In this section, I first provide some context about the origins and history of veiling to demonstrate that the practice predates the start of Islam (610 CE), and that Islam, like many other religions, is a product of this shared history. Secondly, I explain why recognizing veiling practices as cross-cultural/cross-religious is important to tacking this myth and I discuss how the myth treats Muslims as present absences.

1.1. Origins of veiling and historical gender-relations

In Leila Ahmed's "Women and Gender in Islam" (1992), she explains how patriarchy was not always the main way societies were structured. Looking back to a neolithic settlement from Minor Asia called Catal Hayuk, from 6000 BCE, archeological evidence including the size of burial platforms, shrines, statues and artwork indicate that women were held in high esteem or even dominated in society (Ahmed 11). The same is true of other ancient civilizations across Mesopotamia, and "Elam, Egypt, and Crete, for example, and among the Greeks, the Phoenicians and others" (12). Studies of these ancient civilizations show a revered mother-goddess figure, and also show that the "elevated status" of women was treated as "the rule rather than the exception" (id.).[14]

There are differing theories that attempt to explain what caused the change towards patriarchal structures. One, for instance, put forward by Gerda Lerner, is that the increased importance of population growth, along with the increased value for labour power, led to the theft of women, cultivating a "warrior culture" that favoured male dominance (discussed in Ahmed, 12). What appears to be more agreed upon is that the growth of urban centers and competitive militarization made male dominance more and more embedded into society (these

[14] Ahmed's views on matriarchal early societies are not uncontroversial. However, I do not go into different views on this here because it is not essential to my argument in this discussion.

changes start from 3500 BCE and in regions within Mesopotamia). Ahmed explains: “The patriarchal family, designed to guarantee the paternity of property-heirs and vesting in men the control of female sexuality, became institutionalized, codified and upheld by the state” (12). Here we start to see women's sexuality treated as the property of men, we see the exchange of women between father to husband, and with this, “female sexual purity”, and virginity, in particular “became negotiable, economically valuable property” (12). Ahmed, summarizing the studies in the field, discusses the theory that this strict patriarchal structure allowed for the emergence of prostitution and a rigid demarcation between the respectable woman and the woman that was treated as sexually available to any man (ibid.).

This demarcation was specifically solidified with the rules on veiling at least as early as 900 BCE given the evidence of the Assyrian laws. The Assyrian laws specified rules on veiling, detailing that “wives and daughters of “seigniors” [men of good social standing] had to veil”; concubines accompanying their mistress had to veil; former “sacred prostitutes,” now married, had to veil; but harlots and slaves were forbidden to veil” (14). Ahmed refers to Greda Lerner’s analysis of these laws; on Lerner’s account the veil did not merely demarcate the upper classes from the lower class, it “more fundamentally” demarcated the respectable women from those that were considered “publicly available”. It signaled to men which women had male protection, and which did not; those that did not were considered “fair game” for sexual violation (15). There are similarities to be found across several other ancient civilizations. In the ancient Greek and Persian empires, women veiled to demarcate their higher social status. In the Roman empire, the practice of veiling mostly signified the transition from an unmarried woman to a married woman and a woman wearing a veil was perceived as respecting her husband’s authority and her marriage with him.

The degraded status of women—relegated to the category of things and something in-between thing and person—is present in many early civilizations and their religions. Ahmed

discusses these at length pointing out the differences between various religious groups and how they may have influenced one another. Importantly, in some civilizations, including the Assyrian empire, upper class women had some economic and legal rights such as owning property and bearing witness. Sometimes they were put in subordinate positions of power and were able to have power over less powerful men and women. Other civilizations did not allow women the right to testimony or the right to own and manage property.

With respect to veiling in civilizations in the Mediterranean Middle East, Byzantine women, that were considered proper, were "always supposed to veil" (Ahmed, 26).[15] The absence of a veil marked a woman as a "prostitute", and the presence of a veil marked her as an "honest" woman (ibid.).They were to be secluded in the home and they were not allowed to be seen or heard in public (although it is unclear to what extent this may be exaggerated; see Ahmed, 28). The veiling of women in Byzantium generally signaled modesty and decorum, and because the veil was worn by girls upon reaching menstruation, it also signaled a girl's 'coming of age' or entering into adulthood. In Gabriel Radle's account he mentions how the veil functioned as aid for the wearer's development of self-control. Both Radle and Ahmed also mention that the Byzantine women's veiling and seclusion practices are akin to Islamic practices. Additionally, the use of practices like veiling as markers of marital status was practiced by the ancient Greeks and is akin to contemporary (orthodox) Jewish practice (Ahmed, 27; Radle 2019, 1070).

Ahmed, referring to the research in the field, remarks on how despite—or in a way, due to—the stricter practices of veiling and segregation of the sexes in Byzantine societies, there was a need for women as attendants in public baths and as midwives and doctors. These openings gave women some standing. It may also be the case that historians have

[15] Here Ahmed is referring to a period after the 5th and 6th CE and spanning into the 15th CE. Among her sources is the eleventh-century Byzantine author, Michael Psellos, whose work is cited and commented on from the text of José Grosdidier de Matons (Ahmed, 26; de Matons 1967).

overemphasized segregation because records also show that women were artisans and sellers of food (27). Ahmed's take is that for Byzantine historically and for Muslim societies, starting with the beginning of Islam in 610 CE, the ideals of "seclusion and invisibility were by no means fully realized as social reality" (id). However, she states that as ideals even if they are "undercut by economic and functional exigencies", they are important for how meaning is constructed and the "psychosocial experience of being for both women and men" (id.). Significantly, they also play a part when it comes to the conceptual ground upon which laws are formulated, and we can see some parallels between the byzantine laws and Islamic legal thought.[16]

Ahmed's comments above are useful to notice because iterations of the veil today can also be viewed as an attempt to approximate the same anti-feminist ideals. The cultural scripts that contribute to the meaning and value of the veil—such as early notions of 'purity' and 'virginity'; and in the Byzantine empire, 'seclusion' and 'invisibility'; and in ancient roman societies, 'good marriage' and 'a woman's submission to her husband's authority'—all show that the link between the veil and anti-feminist ideals has a diverse and long history.[17]

As we saw above, many religions and sects were influenced by ancient laws and practices and continued to institutionalize veiling practices. This shows us that the *hijab* is not a direct invention of Islam and is not unique to Muslims. The veiling of women in any/all relevant religions or sects are all modalities of veiling carrying a similar and shared history of gendered relations.

[16] Ahmed (1992) notes that: "The Byzantine law limiting a woman's right to testify on matters relating directly to women, such as childbirth, which women rather than men were likely to witness, for example, has its parallel in Islamic law" (27-28).

[17] This is a very rough sketch for the purpose of describing the ways that veiling existed before Islam and before our current contemporary understanding of it. A more thorough analysis would show differences between the earlier and later periods of the empires mentioned and geographical differences between cities or regions within them.

1.2. Correcting Orientalist Mythology

Under the Orientalist gaze, Muslims are unique for their exclusive association with the veil. Or said differently, the Islamic veil is unique insofar as it is instrumentalized by Orientalist myths to further marginalize Muslims. This Orientalist perception is supported by a deliberately achronological view of religious history. Despite the common lineage between the three Abrahamic religions, Orientalist discourse isolates Islam from history and from other religious histories. As Ahmed observed: "specialist disciplines and self-contained histories dealing with ancient civilizations, all within the Middle Eastern and Mediterranean region, had the effect of emphasizing their separateness and obscuring or erasing interconnections and continuities" (Ahmed, 36). Islam started in the 7th century as a religion that identified itself as a "renewal of" or continuation of Judaism and Christianity (Ahmed, 36). This was at a time, and in regions where the Church dominated and had already legitimated misogyny (id). The Orientalist myth specifically creates falsehoods that include flipping the chronology such that Islam, or the construct of Islamic civilization, is viewed as older than that of Western civilization. This falsehood makes it seem like the West inherited the civilizations of the ancient Middle East and the corresponding construct of Islamic civilization. Islam/Islamic civilization is thus constructed as an *initiator* of misogynistic customs, and erased are the roles of the civilizations of Judaism and Christianity that came before Islam. It was geographically and ideologically relevant that Judaism and Christianity came first because these traditions led in producing and stabilizing a "socioreligious universe", which had an "already-developed scriptural misogyny" (36).

We can see the hijacking and rewriting of the narrative of the veil in a way that fits Orientalism over the last 100-150 years in Egypt. In Leila Ahmed's *A Quiet Revolution* (2011), she traces the meaning of the veil in Egypt describing how it went from something worn by Christian, Jewish and Muslim women and holding Indigenous meanings of proper dress and

proper "God-given hierarchy and separation", to a post-colonial world where it was only associated with Muslim women and was seen as symbol of Muslim cultures' inferiority to the West (45). In the post-colonial world, the history of interconnectedness between the women of Abrahamic religions is erased and denied, and instead the Orientalist meaning of the veil as symbolic of Islam and specifically, symbolic of Islamic inferiority, takes root.

Acknowledging the history of gender relations and the introduction of veiling practices (at least according to the historical records available) helps show the laws, norms and customs that influenced religious traditions that carry on, in various forms, till this day. These include but are not limited to the traditions of Judaism, Christianity, Zoroastrianism and Islam. These religions, or some sects and interpretations within them, were successful not because the followers were anti-human-rights, misogynistic, or ultra-patriarchal, but they were successful because they were immersed into a society where such ideas were already abundant.[18]

If we look at conservative sects of the Abrahamic religions today, we still see similarities to the ancient veil and adjacent customs (to varying degrees). For instance, in some Protestant denominations, women are to wear hats going to church or keep their hair long to serve as a covering. Earlier Christians "both in the Eastern and Western roman empire" deemed a woman's hair as an "intrusion of materiality into the holy space of the church" and so, prohibited women from showing their hair (Amer 2014, 7).[19] The ultraorthodox Jews, in certain regions (like Hungary, Ukraine, and Galicia), "shave their heads, and wear wigs with or without a scarf (called a *tikhl* in Hebrew)" (ibid.).

Haredi (Jewish) women in occupied Palestine, "cover their heads and bodies with veils, sometimes referred to as *burqa*" (7). Some also wear tall caps on their heads meant to hide the shape of the head because it is considered immodest in some interpretations. Except for those

[18] For more on this see Ahmed's thorough breakdown of various sects across religions and relevant geographic differences in how the veil was practiced (as well insight on the status of women according to social, legal, and economic dimensions). See also Saher Amer's (2023).
[19] This refers to the period between 27 BCE and 1453 CE.

that wear the taller under-caps, in terms of appearance, the Haredi women look the same as Muslim women in black *burqas*. As Amer puts it, "it is impossible to tell from pictures alone a Haredi Jewish woman from a Muslim woman wearing a black *burqa*" and indeed the same is true of some Christian nuns in Palestine today (7; see appendix B). Some of them wear a black robe-like dress and layered head covering (with the face uncovered), with the exception of a large cross, one would not differentiate their dress from the conservative Muslim woman. Likewise, with the exception of the Haredi women's cap, one could hardly differentiate between them and the Christian nuns.[20]

As was also discussed in Chapter Two, when the discriminator assigns veiling exclusively to Muslims, it encourages the treatment of Muslims as present absences. We see this in Orientalism over the centuries, but also currently in public and political discourse about the *hijab*. By denying and erasing the connections and shared meanings between the Islamic veil and the other Abrahamic religions, it becomes easier for a discriminating agent to point to the *hijab* as a practice that sums up Muslims as *too* different from non-Muslims. This encourages viewing Muslims as present absences and specifically as 'insurmountably different'. As described in Chapter 2, when a discriminator views a group as a present absence, they place that group outside of their circle of moral and social obligation. A feature of an present absences is that the group is seen as insurmountably different compared to those inside the discriminator's community. Consequently, injustices and loss experienced by that group become unintelligible to the discriminator.

Ideally, when this difference is proven false or futile, then there is space to cultivate belonging and humanize Muslims. More practically speaking, however, we can sense that the process of defeating the 'difference' is a greater task than only altering understandings of the

[20] The customs of Christian nuns differ from the orthodox Jewish and Islamic sects in that the nuns dress with a greater degree of modestly in religious contexts than they do in their daily affairs out in the world. Evidently, there is some important nuance between the religious practices, but my only point here is to show that the three Abrahamic religions still share a very similar practice of veiling.

practice of the *hijab*. This is because the 'difference' is supported by a larger web of Orientalist myths distancing Islam from Christianity and Judaism.

2. The Islamic Right and Orientalism

In this section, I turn my focus to the Islamic context and the way that the Islamic political Right benefits from the same Orientalist myth. I first focus on the theological discourse regarding the status of the *hijab* in Islam. While there is a broad majority agreement in traditional Sunni Islam regarding the status of the *hijab*, the categorization of the *hijab* as *fard* rather than *wajib* represents an unjustified elevation of the status of the *hijab*. Along with treating the *hijab* as a *fard* act, I consider the status of the *hijab* according to the consensus opinions in Islam. I argue that both the consensus opinion and the language describing the *hijab* as a *fard* act doubles down on the Orientalist myth that 'the *hijab* is exclusive to Muslim women'. I also argue that this myth and aligns with other related myths in the interest of the Islamic Right.

2.1. Islamic opinion and consensus

In the Islamic tradition, there are many opinions on veiling. However, the majority of voices, and those voices with the greatest influence, describe the *hijab* as an Islamic obligation (and do so without differentiating between *fard* and *wajib*). Sunni-Islam is the majority Islamic sect, it has an estimated following of 85-90% (some say 87-90%) of the Muslim population and it will be my focus in this section (Esposito 2005). In the following, I provide background information regarding the Islamic opinion on the veil to supplement and contextualize the mainstream understanding of the veil as obligatory. Then, I move on to discuss the benefit the Islamic Right gains from this Orientalist myth through a subverted us-vs-them framework and through support for the ideology of the Islamic Right.

Sunni-Islam prescribes three sources of reference for guidance. The Quran is the first, the sunnah (practices and *ahadith* or sayings) of Prophet Mohammad is second, and *ijma* or the consensus of *mujtahids* (learned jurists) is the third. Traditionally, scholarship on Islamic jurisprudence falls under four main schools of thought (*madhāhib*), these schools of thought are influential and treated with credibility (Zubaida 2003, 4). Al-Azhar university, the oldest degree-granting university in Egypt (founded in 970 BCE), is also considered the home of learning for Sunni-Islam (see Saat 2018; Hellyer 2019). Scholarship that is from or draws upon the four madhhabs and is associated with Al-Azhar is treated with high regard as a reference for ijma, the third source of guidance. That said, there is no one authority of a 'true Islam' or mediators between people and God. Ideally, it is the case that every individual can read the message of Islam in the Quran and the sunnah and hadith (sayings of Prophet Muhammad), and then refer to the guidance of learned scholars only to supplement their intellect and understanding. Nonetheless, the dominant opinion in Sunni Islam is shaped by the rulings of the students and imams of the prestigious Al-Azhar university, as well as the traditions of the four schools of thought. Overwhelmingly, these sources treat the *hijab* as an obligation in Islam and define the *hijab* in more conservative terms (as a full body and head-covering and as involving gender-segregation).

Let us consider the opinions of the four schools of thought. These follow the four great Sunni Imams and are named after them: Imam Abu Hanifa (Hanifi school), Imam Malik (Maliki school), Imam Shafi (Shafi'i school) and Imam Ahmad bin Hanbal (Hanbali school). Although there is a difference in rulings between the four, these differences are minor. In terms of veiling the head (and not the face), the rulings of all the four schools of thought deem the veil to be a requirement for Muslim women (see Nurdin et al. 2024). Differences of opinion arise with respect to face veils. The Hanifi and Maliki schools do not require it and are clear in this matter, but the other 2 schools— Hanbali and Shafi'i (which are generally more

conservative)—provide mixed opinions with some within these traditions calling it required. The more conservative of these views have influenced the recent movement of Wahhabism[21], which consider the face veil to be a basic requirement for proper *hijab* (Zubaida 2003, 93-94). Views on gender segregation and women traveling alone are likewise very conservative from the perspective of the 4 schools of thought (see Nurdin et al. 2024).

Less mainstream views treat the veil and modesty as general requirements that need to be understood based on what is considered decent and respectable in one's environment, culture or time-period. One such opinion is that of Muhammad Asad, whose interpretation of the Quranic verse, 31, in *surat An-Nur* (24:31) refers to "several of the earliest Islamic scholars, and particularly by Al-Qiffāl (originally quoted by Rāzī), as 'that which a human being may openly show in accordance with prevailing custom (*al-'ādah al-jāriyah*)'" (quoted in Muhammad Asad 2005, 734). Likewise, is the opinion of Imam Khaled M. Abou El Fadl (2003).

With respect to the opinion in Shia Islam, the second largest sect, it is similar to Sunni-Islam in that it is dominated by views that veiling is an obligation.[22] However, with Shia Muslims too, there are voices that treat the *hijab* in a way similar to Asad's interpretation above. These include Ahmed Ghabel, Amir Torkashvand, Abul-Ghasem Fanaei, Mohsen Kadivar, and Hassan Yousefi Eshkevari (see Jalaeipour 2016).

2.2. *Hijab* as *Fard* or *Wajib*?

The Sunni tradition differentiates between what is '*fard'* and what is '*wajib'*. *Fard* is a required act of worship; it is something believers must do. In contrast, something that is '*wajib'*

[21] See Canadians for Justice and Peace in the Middle East (2018).
[22] A Shia source for this is Allamah Muhammad Jawad Maghniyyah's "The Rules of Modesty According to Five Islamic Schools of Law". Maghniyyah summarizes, "Women 'and 'stranger': About the extent of the body to be covered by a woman in the presence of a 'stranger' (any male apart from the *mahram*), the schools concur that it is *wajib* for her to cover her whole body except the face and hands (up to the wrists) in accordance with the verse 31 of *Surat al-Nur* [...]" (n.d).

is a highly recommended act of worship; it is not necessary to do, but it is highly recommended (see Zubaida 2003, 23). These terms are also differentiated based on the source and level of certainty. A *fard* is an obligation based on *qat'i* (meaning that the source is certain and that the ruling is certain); thus, it is an obligatory act and this is based on certainty. A *wajib* is an obligation based on *zann* (a credible but less certain interpretation of the Quran or the second source of reference, i.e., *hadith*/*sunnah* or sayings of the prophet Muhammad/observations of the prophet Muhammad's actions); and while it may be considered authentic, it is not as certain as qat'i (Zubaida 2003, 23).

In modern Arabic, these terms, '*fard'* and '*wajib'*, are used as synonyms. Moreover, contemporary scholars have been criticized for confusing this modern Arabic usage with the classical usage and for failing to respect the difference between the two (Ebrahim 2017; 2016).[23] This conflation of *wajib* and *fard* has led to an understanding of the veil as *fard* rather than *wajib*.

Indeed, the *hijab* has been so emphasized that it is considered alongside other *fard* acts. It is this language that elevates the *hijab* in importance to something like the five pillars of Islam. The five pillars of Islam are actions a Muslim *must* do. These are: declaring the shahada (a testimony on the oneness of God and belief in the prophet Muhammad), fasting (*sawm*), praying (*salah*), giving to charity (*zakat*), and performing the holy pilgrimage at least once (*hajj*). [24] The new emphasis on the veil has made some scholars of Islam and average Muslims, ask 'why is this particular practice being treated as though it is a sixth pillar of the religion?' [25]

[23] Adnaan Ebrahim criticizes the categorizing of the hijab as *fard* rather than categorizing the practices of the hijab with the category of items that fall under *adab* (manners). See Khaleejiya (2017).
[24] Although there are more specific rulings to these acts, the idea is that a Muslim should intend and want to do them under those circumstances where they are required and where one is able to do so. For instance, fasting is considered *fard* in the month of Ramadan, but if one is sick, menstruating, pregnant or traveling, they are exempt.
[25] This is something academic scholars, as well as Muslim bloggers online have discussed. See Suad Saleh quoted in Amer (2014, 38); and the blogpost, "Since When Is the Hijab a Pillar of Islam" (2015).

It has resulted in Muslim women feeling more pressure to veil and it has contributed to/legitimated the social judgements of Muslim women's choices to veil/unveil.

Categorizing the veil as *fard* also runs in contradiction to how it was traditionally discussed as something that falls under *adab* (manners/guidance on good conduct). Failing in terms of *adab* may be disrespectful but it would be a far stretch to emphasize it as anything major. Helpful here is Ziba Mir-Hosseini's "Islamic Law and the question of gender equality", Mir-Hosseini explains that the *hijab* is different from other concerns in Islamic *fiqh* (jurisprudence) in the sense that very little is mentioned about it until the 19th century with the "Muslim encounter with colonial powers" (2019, 343; the same is also described in Khaled Abou El Fadl 2003). Referring to the earlier texts of Islamic *fiqh*, Mir-Hosseini notes that "many of the terms we see today including 'hijab', 'purdah', 'chador' 'burqa' are not found" (352). Instead, the earlier sources include rulings about veiling, gender segregation, lowering of the gaze, and modesty, all described under *adab* or *muamalat* (this is synonymous to *adab* and is defined as 'social/contractual acts'; id.).

The difference between what is considered '*fard'* and '*wajib'* is of significance because it can dictate what makes someone an acceptable Muslim as opposed to a non-practicing or weak Muslim. For example, *witr* is a *wajib* prayer that a Muslim can pray after completing *isha* prayers. For context, *isha* is the last *fard* prayer of the day and there are 5 *fard* prayers. *Witr* is something someone *can* do in addition to the 5 daily prayers one *must* do. So, the 5 daily prayers, being *fard* prayers, take priority to *witr*, being a *wajib* prayer. If we consider the *hijab* as *fard*, it is justifiable to treat it as an act of worship of high priority, however if we consider the *hijab* as *wajib* or *adab*, raising its importance is not justified. [26]

[26] My categorization of *witr* as wajib may be controversial and *wajib* may indeed be too strong for what is expected Islamically with respect to *witr* prayers. Imran Ahsan Khan Nyazee categorizes *witr* prayer as a *sunnah mu'akkadeh* which means that it is recommended based on the sunnah (2003, 67). Nyazeee also

Moreover, acts that are *wajib*, like *adab*, do not determine if one is a practicing Muslim or not. Let's say Alia prayed *isha* and then ignored the recommendation to pray *witr*. No one that is familiar with the rulings on prayer would think that ignoring *witr* makes Alia weak in her faith, bad, or imitative of a non-Muslim in any way. If Alia didn't pray *isha* (a *fard* prayer), then it would be more justified to judge her as failing in a task that is part of what is minimally expected of Muslims. While we might say that progressive Muslims or non-traditional (individualist or pluralist) accounts would not consider acts like *fard* prayers to be important to begin with, the general point still stands for those Muslims that take the *fard* prayers seriously.[27] Nonetheless, to make this point more convincing to those progressive Muslims that don't see *fard* prayers as important, consider the following cases:

(a) Alia singles out *witr* prayer to complete and does not pray *fard* prayers,
(b) Alia singles out a circumstantial *wajib* prayer (such as *istikhara*[28], *eid* (holiday) or funeral prayers) to complete without completing her *fard* prayers.

In (a), this action (praying *witr* and missing all the *fard* prayers) would not have any obvious basis. Praying *witr* may be a chance occurrence out of convenience or a decision made for one's own comfort, rather than with the intention of missing *fard* prayers. In contrast, Alia's actions in (b) are consistent. There are clear reasons to single out circumstantial prayers. Aside from the unique contexts privileging the circumstantial *wajib* prayers, these acts will have more of a basis to be practiced in the appropriate situations compared to the everyday actions that infer the habituation of similar *fard* acts. The *hijab* is like *witr* in that it is an everyday option,

states that *witr* prayer complements the five daily prayers (ibid.). I agree with Nyazee on both these matters and this wording represents *witr* accurately. However, he is cautious about the distinction between *fard* and *wajib* (59) and does not attend to it in his discourse on *witr* and the five daily prayers. Nonetheless, my point here still stands, i.e., it is unfounded to treat acts of lower priority as though they are the same as acts of higher priority.

[27] For an introduction to progressive Islam see Sahar Amer's (2014, Ch. 2).

[28] *Istikhara* means "to seek that which is good". It is a prayer for times of confusion, decision making, or guidance.

and it infers habituation to the everyday practice of *hijab*, acts similar to it, or to other *fard* acts. Thus, to elevate the importance of the *hijab* over *fard* acts is unjustified.

When discussions of the veil/*hijab* are moved to the category of *fard* and are treated as an obligation of the faith, the message is that this is how a good Muslim woman behaves/appears in social and public spaces. The false Western Orientalist idea that Muslim women always appear in a veil—that the veil marks Muslim women as such—is thus reinforced. Something similar can be addressed in terms of Muslim men and beards. Islamic discourses that overemphasize the Islamic preference for a beard on men, also in turn, reinforce Western constructions of what a Muslim man apparently always looks like. Hence, Suad Saleh, a leading Islamic scholar based in Cairo, criticizes both trends (the emphasis on beards and on veils), stating that: "Today, we have reduced Islam to a veil (niqab), a scarf (hijab), and a beard" (quoted in Amer 2014, 38).

From a non-academic perspective, it is likely that some Muslims will not mind erring on the side of performing what it *wajib* as though it is *fard*; these are both sound practices of worship after all. However, from an intellectual perspective, the categorization of the *hijab* as *fard* becomes a point of contention especially when it encourages viewing the *hijab* as a symbol of Islam (or reducing Islam to the veil, to reiterate Suad Saleh quoted above; Amer, 38).[29]

3. For the benefit of the Islamic Right

As we saw earlier, the veil is treated in Orientalist discourse as an exclusively Islamic practice. When Muslims double down on this by making the veil an emphasized aspect of Islam, they re-enforce the same Orientalist discourse. That this is a fault and a tool to uphold Western hegemony has been made evident earlier, we see here, however, that it is also a fault that is re-

[29] Additionally, from the lens of Islamic feminism—where our task is to think thoroughly about accurate and egalitarian applications of the Islamic tradition for the sake of safeguarding and encouraging women's rights and freedoms—it is necessary to hold this categorization to account.

enforced within Muslim communities. It is reinforced because it benefits Islamic political powers.

One might ask, 'what benefit do Islamic parties gain in re-enforcing the separateness/difference entailed in Orientalist mythologies?'. There are two answers to this. Firstly, the 'us-versus-them' framework when imposed against a colonized people is typically met with reactions that similarly homogenize the colonized or previously colonialized peoples (see Chapter 1; Said 1998). Nationalistic regimes utilize homogenizing and essentializing definitions of the nation/the people of the nation to capitalize on their own interests and separate themselves from the Western powers. Doing so flips the 'us'-vs-'them' framework such that the post-colonized people are superior, and the colonizers are othered and inferior. This is true of the ideologies of the Islamic Right and regimes that instrumentalize Islam and capitalize on the conceptual framework of difference already abundant in Orientalist thought. The financial, social and ideological power of post-colonial countries is very weak compared to that of the West, so the impact of their perspective on the West is miniscule.

Secondly, the Islamic Right benefits from singling out Muslims and Islam as uniquely superior. In fact, such ideas align well with Islamic Right narratives that describe Islam as the perfect religion. In these narratives, Islam is the last of the Abrahamic religions because it is perfecting what people and time have corrupted. The times directly before Islam, and after the true messages of Judaism and Christianity were misunderstood/lost were times where the truth was corrupted. These were times of ignorance; times where people lacked enlightenment. According to the narrative, when Islam arrived, enlightenment arrived. While such Islamic narratives are not achronological, sources that appropriately historicize Islam are not common to anyone outside of the experts in the field (see Ahmed 1992, 5). This lack of accessible historical context encourages the treatment of Islam as separate and as superior. Thus, where the Orientalist gaze will use the veil to mark Muslims as backwards and misogynistic, the gaze

of the Islamic Right will utilize a flipped Orientalism, where the veil marks Muslims as enlightened and more advanced.

Conclusion

In this Chapter, I focused on the Orientalist myth which describes veiling as a practice exclusive to Muslim women. By contextualizing the history of the veil and illuminating its function alongside the adjacent ahistorical-achronological Orientalist myths distancing Muslims from the West, I have shown that this myth is rooted in Orientalism and serves Western interests. I demonstrated that this myth contributes to the Unknowability of Muslims and particularly encourages the treatment of Muslims as present absences. In addition, I summarized the mainstream Islamic opinions (within Sunni-Islam) and the contemporary discourse categorizing the *hijab* as *fard* rather than *wajib*. The mainstream tradition, along with this clumsy categorization, elevates the status of the *hijab* in Islam. Concerningly, this framing validates and doubles down on the Orientalist myth and consequently benefits the Islamic Right.

Chapter 4.

Old Epistemic Injustices and Islamophobia in Martha Nussbaum's *The New Religious Intolerance*

Introduction

If you come across Martha Nussbaum's *The New Religious Intolerance* (2012) in a public bookstore, you will notice the eye-catching image on the cover.[30] It is of a little girl, not more than 10 years old, wearing a yellow headscarf. Behind her, women are wearing deep long blacks and blues; they are lined up in prayer. Their faces, directed away from the audience's gaze, are almost entirely hidden. The little girl is not praying. Her yellow headscarf is stark against the black dress of the women behind her. Yellow—as if playful, as if to suggest her innocence. She is looking off into the distance with a concerned look in her eyes—as if she is worried about her future, as if to suggest her older than she is. The subtitle Nussbaum chooses, "overcoming the politics of fear in an anxious age", seconds this suggestion. Only seeing the cover, the audience might be led to believe that the book will provide an answer for the worried girl in a yellow headscarf; it will speak to her anxieties and fears, or those she may have yet to grow into—or else, why would it display her image in this way? They will be wrong. Aside from using her image, this book is not about her, or the Muslim community at all. But it can serve to demonstrate and remind her and all of us of that colonial discourses about Muslims have not gone anywhere.[31]

The New Religious Intolerance includes Nussbaum's anti-*burqa* ban arguments, which first appeared in her article, 'Veiled Threats?' (*The New York Times* 2010b), alongside longer discussions on freedom of religion, the importance of self-criticism, and the role of fear in

[30] A version of this chapter has been published (Alsayyed 2024).
[31] See image in appendix A.

relation to human behaviour and xenophobia. Importantly, Nussbaum is concerned with the unjustified intolerance and inconsistencies prevalent in the West's targeting of Muslims and writes with the intent of encouraging a White/Western and non-Muslim audience to reject Islamophobia[32]. The last two decades have seen a dramatic rise in anti-Muslim hate crimes, discriminatory Islamophobic policies across Western nations, and a continuation and doubling down of destructive 'War on Terror' narratives. Hence, texts that take steps to persuade non-Muslim readers away from Islamophobia are very much needed. Unfortunately, and seemingly despite Nussbaum's intentions, her text fails to deliver on the anti-Islamophobic epistemic intervention it promises.

In this chapter, I zoom in on Nussbaum's anti-*burqa* ban arguments and her pro-airport profiling discussion to demonstrate how she commits several forms of epistemic vice. In the first section, I provide a general idea of Nussbaum's approach, and a focused summary of her anti-*burqa* ban arguments. Then, in section two, I draw on the accounts described in Chapters One and Two of Orientalism (Said, 1978) and Unknowability (Dotson and Whyte, 2013), as well as Audre Lorde's *The Master's Tools* (1983), to point the various epistemic vices

[32] Although I will follow Nussbaum in mostly sticking with the term 'Islamophobia', I use it interchangeably with 'anti-Muslim'. The latter is (mostly) the more preferable term. The term 'Islamophobia' is sometimes concerning because it can suggest that 'phobia' or hatred directed at Islam is wrong, and when this suggestion is taken as true, it can be abused by theocratic governments. The term 'Islamophobia' is especially poor because it alienates ex-Muslims who fight for the right to criticize and leave Islam but are often racialized based on their proximity to what is viewed as markers of being Muslim (such as ethnic backgrounds, native language/s, and so on).
When Islamophobia is understood as signaling out Islam as a religion that is to be protected from criticism, it has no moral basis for a defence. Hence, the term Islamophobia can be manipulated to the advantage of the racist that wants to say Muslims don't want Islam to be criticized (or the leftist/so-called current opinions on "political correctness" or "wokeness" dictating that Islam cannot be criticized). This promotes a failure to distinguish between criticizing the religion and criticizing its followers, and this primes criticism of Islam, sincere or insincere, to be used as a figleaf for racism against Muslims (on Saul's conception of figleaf, 2017). By this I mean that an agent can state, 'Islam is terrible; its so backwards', and it would not be detected as racist by some because it is about 'Islam' and not about 'Muslims'. However, racists hide behind the idea that there are *only* speaking ill of Islam. Nonetheless, despite these concerns, current attention in academic literature to what is anti-Muslim racism is overwhelmingly understood with the term 'Islamophobia' so it is consistent to understand this term as equivalent to 'anti-Muslim' racism. In Chapters five and 6, I continue with the use of Islamophobe/Islamophobe as interchangeable with anti-Muslim racism/anti-Muslim racist.

Nussbaum commits. In section three, I move on to a summary of Nussbaum's distinction between rational and irrational fear rhetoric for the sake of illuminating the logic behind her pro-airport profiling stance. Then, I return to critiques of Nussbaum in section 4, demonstrating that her take on airport profiling is Islamophobic and dangerous. In the last section, section 5, I criticize Nussbaum's text following two other accounts of colonial discourse: María Lugones' (2003) account of 'boomerang perception' and Marilyn Frye's (1983) account of 'arrogant perception'. Unfortunately, Nussbaum's 2012 text commits these old epistemic vices long identified by feminist/decolonial Black/Indigenous scholars/scholars of Colour. Consequently, it produces ignorance about Muslims, and instead of combating Islamophobia, it overwhelmingly serves to sustain it.

1. Nussbaum's Anti *Burqa* Ban Arguments

Martha Nussbaum's *The New Religious Intolerance* calls on non-Muslims across the United States and Europe to resist Islamophobia (2012, 3). She explains that Islamophobic attitudes or acts are politically and ethically unjustified; they demonstrate a frantic and narcissistic fear of Islam, and they result in hate crimes and discrimination—such as workplace discrimination against Muslim employees, laws against minarets (in Switzerland), and *burqa*[33] bans (for instance, in Italy, France and Belgium; 3, 19). Nussbaum tells us that, as a whole, her text combines the following "three ingredients": (1) *Political principles,* these are freedom of religion and freedom of conscience; (2) *Critical thought and self-criticism,* this is specifically the ability to resist holding others to higher ethical standards than one holds themselves to; and (3) *The inner eyes or the sympathetic imagination,* the ability to imagine being in someone's else shoes and seeing the world from their perspective (2-3). She asks readers to utilize these three ingredients to identify ways that Muslims (and any group from an unfamiliar background)

[33] Nussbaum uses the term '*burqa*' to refer to both the *niqab* and the *burqa*, I will do the same here for convenience.

are treated unfairly, and to train themselves to cultivate understanding and sympathy in the place of ignorance and fear. In the rest of this section, I zoom in on Nussbaum's discussion of freedom of religion and conscience and her five anti-*burqa* ban arguments.

Nussbaum notes two approaches to freedom of religion and freedom of conscience. The first is derived from John Locke (1689). Locke says that human dignity is respected and protected when laws: (a) "do not penalize religious belief" and (b) "are non-discriminatory about practices", i.e., that the same laws apply to all individuals or groups in matters of religious activity (71). Locke provides a useful example: a persecutory law is one that bans immersing a body underwater when it is for the sake of baptism but not when it is for the sake of health or recreation (Nussbaum 71, 103; Nussbaum cites Locke 1689, 69).

The second approach is the accommodationist approach of Roger Williams (1603-1683), a Puritan minister that fought for the separation of Church and State. Williams recognized that laws made under a democracy always suit the convenience of the (constructed or so-called) majority group, and specifically, that laws favoured settlers and their religions, leaving Indigenous peoples and any minority groups, including followers of smaller religions or denominations, behind. He believed that the best way to protect a minority group's freedom of conscience is to allow them special exemptions or accommodations. This approach made it possible for the Quakers to be excused from serving in war against their religious beliefs (Nussbaum, 76-77). The demand for a careful balance between an individual's interpretation of their religion and the credibility of that interpretation makes this approach laboursome; for that reason, it is only utilized on a case-by-case basis in the US, whereas the Lockean approach, being less laboursome, is typically utilized.

It would be reasonable for the accommodationist principle to frame the debate around the *burqa* because the *burqa* is an example of a religious practice that is highly disputed in Islamic theology and public opinion across Muslim communities. Nussbaum acknowledges

this along with the fact that it is practiced by a very small fraction of Muslim women. Moreover, she acknowledges that even the less restrictive veils, that cover only one's hair, are also often disputed. Nonetheless, if one grants, as Nussbaum does, that the *burqa* is worn simply as an obligation in Islam, then it is reasonable to accept that the accommodationist approach easily requires that *burqas* are permitted. As Nussbaum says, "for those who wear it, it is usually understood as religiously required, and this is the issue that ought to concern us" (104).

This allows Nussbaum to turn to the Lockean approach to show that even on this less demanding approach, to ban the *burqa* would be to infringe on a Muslim woman's freedom of religion. Her task is thus to show that practices comparable to the *burqa* are already permitted in society. Given that those comparable practices are permitted, a *burqa* should also be permitted. In other words: if we ban the *burqa* but '*burqa*-like' things are permitted, then a *burqa* ban unfairly singles out a small group of Muslim women and effectively infringes on their freedom of religion. Hence, she points to the popularity of *burqa*-like things in response to five common pro-*burqa* ban arguments. These are arguments about: *security*, *transparency*, *objectification*, *coercion*, and *health*. In providing evidence for popular *burqa*-like things with respect to each of these arguments, she fulfills the requirements called for by the Lockean approach and defends the unlawfulness of *burqa* bans. Nussbaum's overall position is that the *burqa*, even if worthy of criticism, is not worthy of the excessive "nosiness" directed at it and cannot justifiably be banned under US law (see 119, 126, 128).

(1) Security and (2) Transparency

In response to arguments that the *burqa* is a valid threat to *security* and *transparency*, Nussbaum argues that the *burqa* is no different from the sunglasses, hats, or scarfs one wears in the winter or the summer, or the way many professionals including "surgeons, dentists, (American) football players, skiers and skaters" cover their faces (106). Speaking of the cold days in Chicago, USA, and many parts of Europe, she states,

> Along the streets we walk, hats pulled down over ears and brows, scarves wound tightly around noses and mouths, no problem of either transparency or security is thought to exist, nor are we forbidden to enter public buildings such as department stores, airports, and banks so insulated (id).

Nussbaum stresses that her discussion is meant to establish "the invidious discrimination inherent in the belief that the *burqa* poses a unique security risk" (108). She pushes back against the idea that, in the current "era of terrorism, […] it is legitimate to suspect women wearing the *burqa*" by stating that if "I were a terrorist in the United States or Europe, and I were not stupid, the last thing I would wear would be a *burqa*" (107). Instead, she amusingly states, "I think I'd dress like myself in the winter", referring to her bulky scarves, hats, hoods, and long coats (ibid). She acknowledges that in certain contexts, like in a courtroom, on a driver's license or passport, and in an airport, it is necessary for faces to be identified, but this is a non-issue since most *burqa*-wearing women agree. That *burqa*-wearing women show their faces on government IDs or go through "metal detectors, body imaging, pat downs and so on" all fall under what Nussbaum sees as reasonable courses of action that are fair in response to the presumed threat that any "nonrevealing clothing" creates (ibid.).

In this section, she also addresses the appeal to security arguments that are formulated as follows:

> even if a *burqa* ban would be both overinclusive (banning dress worn by harmless peaceful women) and underinclusive (failing to ban many forms of attire that terrorists might choose), still it is a good proxy for what is truly dangerous, and this sort of profiling is perfectly legitimate (109).

In response, Nussbaum states: "We can certainly debate the empirics here, and we should. But within reasonable limits we do think that airports are entitled to use some types of profiling in determining who to search. This, however, is not what we are contemplating" (ibid.). She goes on to clarify that the discussion is not about "extra searches but an outright ban on all public wearing" of the *burqa* and in this case, the over and the under-inclusive nature of it unjustifiably targets harmless conduct and fails to truly target harmful conduct. Here, Nussbaum draws a

parallel to "Chicago's short-lived Gang Congregation Ordinance" which prohibited "criminal street gang members" from loitering in public spaces and was vague enough that it could target anyone wearing colours associated with a gang and gathered in a group (110). She notes that *burqa* ban proposals citing security and transparency are even weaker than the inept Gang Congregation Ordinance because in the latter there was “strong evidence of a correlation between gangs hanging out around a place and crimes in that place”, but there is no similar evidence for a correlation between Muslim women in a public place and crime in that place (111). Lastly, Nussbaum argues that the inclusion of “moderate Muslims citizens in our societies” is “not just a gesture of respect, it is also a strategy of prudence” because “they, afterall are invaluable sources of information about threats to safety posed by Islamic radicals” (ibid.). Moreover, if Muslims feel that the law is “theirs and they are fully respected”, then, they will be more likely to turn to police and investigators (ibid.).

Addressing claims that the *burqa* should be banned because of *transparency* reasons, Nussbaum points out, as was mentioned earlier, that there are many contexts and professions where people do not complain about interacting with individuals that have their faces partially or fully covered (i.e., health care professionals, athletes, or individuals covering up due to weather conditions). To further drive her point home, she recalls her experience covering her face, with a facemask and sunglasses, for a number of weeks. She did this to protect herself while her office was under construction. Reflecting on her interactions with others, she states that although people found it weird at first, they quickly understood, and she did not feel like her personality was "stifled" (112). Generally, she reminds us, that people are used to accommodating others with differences for the sake of effective communication and connection. And they do so—or ought to do so, with people that have disabilities that limit the modalities of communication possible for them, deformities, or mental illnesses that might make them appear odd-looking and strange (112-113). Treating people with disabilities in a

way that is consistent with those without disabilities allows the former to access more opportunities and fulfillment, and collectively "expands our moral imagination" (113). With these examples, Nussbaum intends to show that not seeing someone's face or looking odd is not—and should not be perceived as—a big obstacle to communication and human connection, and it is a weak reason to think that the *burqa* is a custom that should be banned.

(3) Objectification

With respect to claims that the *burqa* is *objectifying*, Nussbaum's response points to the many ways that Western popular culture objectifies women. "Sex magazines, pornography, nude photos, tight jeans, transparent or revealing clothing – all of these products, arguably treat women as objects, as do so many aspects of our media culture" (115). To the Catalonian legislator that called the *burqa* a "degrading prison", Nussbaum asks "what about the "degrading prison" of plastic surgery (ibid.). Insofar as proponents of the *burqa* ban reject objectification only when "it turns up in someone else's culture", their position betrays both inconsistency and "a fear of the different that is discriminatory and unworthy of a liberal democracy" (116).

(4) Coercion

With respect to concerns that women wearing the *burqa* are *coerced* into wearing it, Nussbaum points to the fact that "all forms of violence and physical coercion in the home are illegal already", but that "laws against domestic violence and abuse should be enforced much more zealously than they are" (122). She draws attention to coercive practices that are generally permitted within families, i.e., parents emotionally manipulating their child to get good grades or master an instrument, and she sees these as analogous to parents coercing their child to wear a *burqa*.

In a similar vein, Nussbaum utilizes an example from her own life to show that coercion is common and often legally tolerated. Nussbaum's father held anti-Black views, and she shares

that he “threatened to disown me if I appeared in public in a group that contained African-Americans” (126). When she was old enough, she had opportunities to change her ways and break away from her father’s rules. If coercion is the case, she presses on, we must simply work on securing exit opportunities for young women so they can have safe ways out. Strategies to encourage this include insisting that girls are educated and have the means to pursue decent employment opportunities (127).

Before moving from her discussion on the *burqa* and coercion, Nussbaum very briefly discusses her support for Turkey’s now lifted ban on the veil. The very little information Nussbaum mentions here is inaccurate and dangerous (corrections will be provided in the following section). Nussbaum falsely claims that the ban came into effect because “women who went unveiled were being subjected to harassment and violence”. She states that the ban, only in this case, was a good thing because it:

> protected a space for the choice to be unveiled, and was legitimate so long as women did not have that choice, although it was non-optimal because of the restriction on liberty that it involved. We might think of this as a "substantial burden" justified (temporarily) by a "compelling state interest.'" (129).

She continues that this would not be justified today, not in Turkey, where “women are able to circulate freely, unveiled", nor in Europe and the United States “where women can dress more or less as they please—with only the usual amount of public harassment that the ongoing reality of sexism in these nations brings with it” (129). She concludes that, in the US and Europe, there is no current justification for the “burden to religious liberty that the ban involves”, again suggesting that Turkey was a unique case (129).

(5) Health

Lastly, in response to arguments claiming that the *burqa* is bad for a woman’s *health,* Nussbaum points to the health risks of plastic surgery and high heels. The *burqa* is often seen as “unhealthy, because it is uncomfortable and hot”, however, it is also known to be practical

and protective from weather conditions in some contexts (129). In any case, practices like high heels and plastic surgery have known health risks but we do not seem willing to ban them for health reasons, so health should not be a sufficient reason to ban the *burqa*.

2. Old Epistemic Vices: Exclusion, Orientalism, and Abjectification

So far, I have provided a summary of Nussbaum's anti-*burqa* ban arguments. I have chosen to focus on that part of her text because it is one of the more obvious areas where the perspectives of Muslim women and Islamic scholars ought to be relevant but are, in fact, excluded. In this section, I critique this exclusion following older criticisms of White/Western feminism from Fatema Mernissi, Nawal El Saadawi, Milica Vajrathon, and Audre Lorde. Drawing on the accounts of Orientalism and Unknowability described in Chapter One, I go on to focus on specific instances where Nussbaum commits various epistemic vices.

2.1. Exclusion

Nussbaum's text prompts me to respond with the words and experiences of feminist scholars of colour that have already long addressed the epistemic and social injustice of exclusion, i.e., excluding input or appropriate collaboration from the group one is studying or claiming to be concerned with. Over 45 years ago, Fatema Mernissi (from Morocco), Nawal El Saadawi (from Egypt), and Milica Vajrathon (from Thailand), wrote a joint article explaining how the context and perspectives of Third World Women were ignored by Western feminists at the Wellesley conference on June 2-6, 1976. They write that this exclusion was coupled with Western feminists "interpreting for us our conditions, our culture, our religion and our experiences" and resulted in the obstruction of a serious egalitarian dialogue (Women and development: the Wellesley conference). Nussbaum's failure to include Muslim women's voices or informed scholarly viewpoints on veiling and airport profiling, coupled with her own

account of these practices and conditions, similarly interprets for Muslim women their experience and hinders the potential for accurate, fruitful, and egalitarian dialogue.

In the same vein, this old lesson was taught by Audre Lorde in 'The Master's Tools' (1984). Lorde states, "it is a particular academic arrogance to assume any discussion of feminist theory without examining our many differences, and without a significant input from poor women, Black and Third World Women, and lesbians" (1984). She says this at the Second Sex conference that took place in 1979 with the theme, 'The Personal and the Political'. At this conference, Lorde commented on papers dealing with difference, but the conference itself failed to demonstrate that her voice and experiences, along with those of Black women, lesbian women, Third World Women, and poor women were critical to the discussion. Lorde discusses the impact of this exclusion:

> To read this program is to assume that lesbian and Black women have nothing to say about existentialism, the erotic, women's culture and silence, developing feminist theory or heterosexuality and power. And what does it mean in personal and political terms when even the two Black women who did present here were literally found at the last hour? What does it mean when the tools of a racist patriarchy are used to examine the fruits of that same patriarchy? It means that only the most narrow parameters of change are possible and allowable (1).

As we saw in the previous section, Nussbaum's text heavily references the work of Roger Williams and John Locke. She also refers to the ideas of Rawls, Mills, Friedman, and Plato, among many others. My concern is not that she utilizes the work of these major Western figures; that is not necessarily problematic on its own. Rather, my concern is that these texts shape the foundation of her argument; they direct and encompass her entire discussion despite being unfit for these tasks. Where she needed to centre Muslims and anti-Islamophobia, she instead centres Western figures. Consider, for instance, Dennis McDaniel's shining review of Nussbaum's book where he states that Roger Williams is the true hero in this story (McDaniel 'Overcoming our displaced fears', 2013). What does it mean to write a story about Muslim women where Roger Williams is its hero? And to claim it anti-Islamophobic, no less?

Max Fisher also wrote a glowing review, published in *The Atlantic* with the title: "Martha Nussbaum Calls for End to *Burqa* Bans: The famed professor cites everyone from Locke to Scalia" (2010). But she does not cite everyone—does she? She cites *no one* that wears the *burqa*; *no one* that has intimate experience with it; and *no one* that has researched it adequately. Nussbaum's text begs the questions: why weren't Muslim voices cited? Why weren't Islamic feminists cited? And why was "everyone else"? Imperialism is not a thing of the past. The Muslim American women that Nussbaum claims to be concerned with are still working on reclaiming themselves outside of old and ongoing imperialist constructions. To do so, they—at the very least—need to be included in discussions concerning them.[34]

2.2. Orientalism and Colonial Discourse

Part of what one can expect to occur with exclusion includes false and made-up tropes or ideas about the group under discussion. These are not random or new and they can come off as more credible because they are supported by already existing false constructions meant to demonstrate Western superiority and serve hegemonic structures. This brings us back to what Edward Said (1978) called 'Orientalism'. As discussed earlier, an Orientalist discourse (also called colonial discourse) presents the Orient as other by presenting it/its people in a way that is false and in a way that serves, justifies, and advances colonial or imperial interests.

[34] To drive this point home, and to leave readers with a few suggestions, some Islamic feminists, and secular academic feminists from a Muslim background that have written on the topic of veiling, Muslim women and Islamophobia include: sociologists Marnia Lazreg and Fatima Mernissi; historian Leila Ahmed; anthropologists Lila Abu-Lughod, Saba Mahmood; Poet, novelist, and comparative literature professor Mohja Kahf; literature professor Saiyma Aslam; philosophers Fatima Saba and Alia Al-Saji. Joan Scott Wallach is a French American historian whose work on the Islamic veil is a great contribution to the literature. Wallach is also a good example of white-western scholar producing anti-Orientalist work. The anthology of essays *Cut from the Same Cloth? Muslim Women on Life in Britain* (edited by Sabeena Akhtar 2021) and Shabana Mir's *Muslim American Women on Campus: Undergraduate Social Life and Identity* (2014) are recent publications that discuss a wide array of experiences Muslim women face; both texts are particularly useful in illuminating differences of experience between Black Muslim women, south Asian Muslim women, reverts to Islam and the particular challenges each group faces from both the non-Muslim West and their local Muslim communities.

Chandra Talpade Mohanty identifies the various ways Western feminist texts participate in colonial discourses that specifically present third-world women as Other. Closely following Said, she discusses how colonial discourses treat 'third world women' as a monolith to be appropriated and codified to meet colonial interests. One way that third-world women are often treated as a monolith is by emphasizing one specific version of a religious ideology and entirely disregarding the many differences in class and positionality between women. This "unification" of Third World Women creates "an unproblematic possibility of a cross-cultural study of women" (343). Linda Tuhiwai Smith, in *Decolonizing Methodologies: Research and Indigenous Peoples,* identifies a similar pattern with respect to the treatment of Indigenous peoples; she explains that Western colonial scholarship reduces the complexities of the Indigenous Others' lifeways and moral heritages, creating "systems of representation" which set up "a standard model of comparison" (34-35). This is also along the same lines as Mernissi (1987), who warns us that when Western feminism is taken as a reference point, debates on Muslim women are "arrested […] to the level of 'senseless comparisons and unfounded conclusions'" (7-8).

With these accounts in mind, let us return to examining Nussbaum's discussion, starting with her take on Roger Williams.

2.3. Roger Williams, "the greatest of all thieves"[35]

Nussbaum's (2012) discussion of Roger Williams relies on the exclusion of Indigenous knowledge; it is Orientalist, and it is a colonial discourse. Nussbaum praises Williams' so-called long-lasting friendships with Indigenous peoples and Chiefs, Canonicus, and his successor, Miantonomi, likely for the sake of demonstrating that he took steps to learn about the culture and practices of Indigenous communities. She presents Williams to her readers as

[35] Ahlquist, 2021.

an example of what a white-Westerner should aim for when approaching Muslims or presumably any non-white group. But to think of Williams as an ally or defender of the rights of Indigenous peoples is not only a false construction, it is an absurd ignorance. Williams was a colonialist leader, i.e., his purpose in Rhode Island was, by definition, an act of violence against Indigenous people. Despite some of Roger Williams' recorded statements advocating for 'better' treatment for Indigenous peoples, it was his own hands that led in the theft of Indigenous land; and it was he that assisted in enabling and advancing the genocide and enslavement of Indigenous peoples. He himself enslaved an Indigenous male child.[36] The paradox and insult apparent in referring to a colonial leader as a 'champion for Indigenous rights' is, in reality, blatant, but within an Orientalist framework such as Nussbaum's, this paradox and insult is postured without any pause—as a kind of fact of the matter.

On Indigenous Peoples Day, October 11th, 2021, a protest was held by Narragansett Tribal Elders, Bella Noka and Randy Noka, in Pawtucket, Rhode Island. Indigenous residents and allies protested in objection to Columbus Day, and in objection to a recently built statue of William Blackstone. Blackstone is known as the first white settler in Rhode Island, predating the arrival of the "hero" of Nussbaum's story and founder of the colony of Rhode Island, Roger Williams, by about a year. Blackstone's arrival marks the beginning of the genocide of the Narragansett peoples, the native population that resided in Rhode Island for millennia. At this protest, Roger Williams, also problematically commemorated in Rhode Island with his own statue along with a university named after him, is addressed as "the greatest of all thieves that convinced the Indigenous people that he was here to help" (Ahlquist, 2021).

When it comes to her presentation of Roger Williams, Nussbaum excluded Indigenous knowledge and advanced a view of history that is whitewashed, fictional, and serves colonial

[36] See Warren, W. (2016), and Williams' July 31, 1637, letter to John Winthrop (Williams, R. (1637).

interests. Given the availability of decolonial knowledge relevant to Indigenous communities and Indigenous accounts of Roger Williams, Nussbaum's choice to advance this colonial discourse is especially unacceptable. In the next section, I discuss Nussbaum's poor analogies in connection with willful Unknowability and specifically, abjectification.

2.4. Weak Analogies and Abjectification

To resist advancing a colonial discourse, analogies between the white-Western experience and that of othered groups need extra work. They need to be considered with context that appropriately addresses any relevant facts or nuances. This extra work is required if the surrounding discussion fails to do that work, and even more so, if the analogies are being used to substantiate a conclusion. Nussbaum's analogies, as well as the rest of her book, fail to do that extra work, and because of her utilization of the Lockean approach, the analogies misleadingly appear to substantiate her conclusion. The analogies she provides overwhelmingly focus on the White-Western perspective, hardly discussing the *burqa* or Muslims at all. In the following, I argue that the analogies she utilizes lack necessary contextualization and contribute to the Unknowability of Muslim women and Muslims more broadly.

On the one hand, it is appropriate to acknowledge that the *burqa*, and veiling in general, like make-up, high heels, and certain plastic surgeries, are all practices that are historically and currently tied to woman's social status. All these practices, arguably, in similar ways, sexualize women or emphasize women as sexual beings. Making a point of this to a prejudiced audience can help show the inconsistency of seeing Islamic practices as uniquely sexist or ultra-patriarchal.[37] In this sense, Nussbaum's message of inconsistency is an important one that can push some to question their Islamophobic beliefs.

[37] Uma Narayan makes a similar point (2002, 421).

On the other hand, Nussbaum's analogies do not succeed at all. They fall short because they present an image of Muslim women that is overly simplified and dependent on perceived similarities with Nussbaum herself, or with popular Western practices. If the sympathy one may hold for Muslim women in *burqas* is fragile enough to collapse upon breaking away from said perceived similarities, then it cannot withstand what is needed to combat the Otherness of Muslim women. To echo Lorde, "it means that only the most narrow parameters of change are possible and allowable" (1984, 1).

In reality, it is unlikely for Muslim women to be perceived as victims of the patriarchy in a way that is limited to how white women are victims of the patriarchy. Although Muslim women are viewed as more oppressed as women compared to white women, they are not treated as victims nor as innocent. Recalling the discussion of Unknowability in Chapter Two, Muslim women are Unknowable in Western consciousness, and they are vulnerable to being viewed and treated as absent presences. That they are treated as 'absent presences' means they are rendered irrelevant by the discriminator, or some aspects of their group's social existence is obscured or difficult to detect (for the discriminator) via limited dominant social narratives. Absent presences occur due to an absence of hermeneutical resources in the dominant public (and from the perspective of the discriminator) to utilize when thinking about and addressing the othered group or members of that group. The dominant view regarding Muslims in the Western public reiterates tropes about Muslim women as uniquely oppressed and Muslim men as terrorists. However, changes in the representation of Muslims post-World War Two, construct Muslim women too (in addition to Muslim men), as accessories to terrorism and as terrorists. Thus, it is likely overly generous to assume Muslim women will be granted sympathy by an Islamophobic audience.

Nussbaum's failure to contextualize the *burqa* leaves readers without any ideas that can truly challenge stereotypical colonial tropes about Muslim women, and it allows a discussion

that ignores the racism those tropes imply. Notice, for instance, that Muslim women, in the West and across the globe, are also pressured by the standards and practices of beauty, or gendered expectations, that exist in the Western world. Muslim women wear make-up, shave their legs, wear high heels, and get plastic surgery. Does this mean that a Muslim woman wearing a *burqa* is more oppressed than the average Western woman that follows the same practices except that of the *burqa*? This seems to be the suggestion. So, rather than challenge and distance us from the colonial myth that 'Muslim women are more oppressed than Western women', Nussbaum's line of thought can confirm it.

Moreover, for Muslims in the West, especially Muslims that wear markers of Islam such as a *hijab*, there is a social pressure to westernize one's appearance to fit in better with a non-Muslim environment, to appear as less threatening to non-Muslims or to appear as 'good Muslims' (i.e., as Muslims that are not a threat to the West). To appear more Western, one might include less cultural clothing and more Western clothes. For Muslim women, especially those wearing the *hijab*, this will often include wearing make up, lighter colours or incorporating trendy styles to soften the appearance of the *hijab*. While shaving one's legs is not going to be noticeable to the public, things like eyebrow grooming and removing facial hair will be, and these habits are also practiced in an effort to appear more friendly to non-Muslims (Mir 2014). Hence, the Muslim woman's experience with the gendered and potentially sexist practices of make up, "westernized" dress, and some forms of hair removal are also intertwined with their experience of racism. Ironically, Nussbaum focuses on sexism and ignores the dimension of racism entirely in her analogy regarding sexist practices, but it is nonsensical to ignore racism unless the only woman one is interested in understanding is the white woman. Due to the exclusion, or near exclusion, of Muslim women in discussions on 'women of colour' (as was discussed in Chapter Two), this point about the intersectionality of sexism and racism

is not as obvious to Western academics when the 'women of colour' under concern are specifically Muslim women.

Nussbaum's analogy was meant to encourage anti-racism, but a failure to identify the relevant disparity between Western women and Muslim women pushes the discourse about racism further back. I believe one way to understand how this occurs is with the concept of 'abjectification', as Dotson and Whyte defined this term. Abjectification is a feature of Unknowability falling under 'present absences', which was the second type of Unknowability in Dotson and Whyte's account (2013). This type of Unknowability is always willful because it requires pointing or attending to a fact before using that fact against the Othered group. Abjectification specifically occurs when a difference is detected by the discriminator but upon detection is stripped of complexity and fullness, and then that difference is used to draw the boundary of one's community of concern. In the case of abjectification, the relevant moral harms go undetected by the discriminator and continue to be ignored and perpetuated—but added to this, the discriminator will be able to act as though they "addressed" the difference and may even be praised and rewarded for it, which is precisely the case with Nussbaum.

Nussbaum points to the experiences of Muslim women with the *burqa* as sexist but immediately strips these experiences of any nuance and complexity when comparing them to the experiences Western women have with gendered-sexist practices. Moreover, she suggests that the issue has been resolved: Muslim women's experiences with sexism are not too bad because they are just like Western women's experiences, and so, rather than having to deal with the reality of Islamophobia, the discussion is put to rest. Compare this with the example Dotson and Whyte provide for abjectification: the toxicologist abjectified the Indigenous Akwesasne community by praising their new food consumption patterns and seeing this as a resolution and as the end of the discussion, rather than dealing with the reality of the harms brought about by the contamination of their water resources (201370). Both the toxicologist

and Nussbaum point to the communities of concern and wilfully misinterpret/misrepresent their situation, only to immediately treat the issue as resolved. The result is that the Akwesasne community and the Muslim women/Muslim communities are wilfully pushed outside of the circle of moral and social concern, and the discriminators will be able to act as though there is no problem with this. They will do so because they falsely view the issue relevant to the respective community as resolved. The toxicologist and Nussbaum are able to present their work/contributions as addressing the relevant differences and are praised for their work, while the communities their work was about are left to struggle with the unchanged racist and unjust circumstances.

Let us consider some more of the context Nussbaum could have included and the harm implicated in ignoring it. The *burqa* is typically considered to be a highly visual symbol of Islam, and in a Western society where *burqas* are rare and misconceptions and hatred of Islam are common, it emphasizes the otherness of the Muslim women that wear it, as well as their communities. Saffiyah Abdullah knows this well. She was born in Chicago, USA, raised Lutheran and converted to Islam; she is a social science researcher and "has lived in the Washington area for more than 30 years" (Hendrix 2011). She began wearing a niqab after converting in 1975, and she explains that her daily outings are "a mix of harassment and compassion, comfort and alienation" (id.). She has been stopped dozens of times by police for no apparent reason and "it's never just one squad car, it's always four or five"(id.). The Council on American Islamic Relations (CAIR) keeps a record of reported anti-Muslim incidents, including ones where girls/women are targeted for their *hijab* (including the headscarf and not only the *burqa*/niqab) and Abdullah's experiences of harassment is not atypical for veiled Muslim women.[38] The Islamophobic associations non-Muslim Westerners attach to *hijab*

[38] See any of The Council on American-Islamic Relaltions' (CAIR) civil rights reports. For example, see *Still Suspect: The Impact of Structural Islamophobia* (2022) which recorded a 28% increase in hate crimes in the year of 2022. These include cases where a hijab was forcibly removed off a girl or woman's head (5,

wearing women and the impact this has on Muslim men and non-*hijab* wearing women is also discussed in Yvonne Yazbeck Haddad (2007) and Katherine Bullock (2002). These associations include the assumption that Muslim men that are seen with *hijab* wearing women are automatically terrorists, and that even if they do not have a beard, the presence of the *hijab* wearing woman "outs" them as 'bad Muslims' (Bullock, xvi). The harassment directed at Muslim women especially post-9/11 restricted their freedoms and many were forced to unveil for safety reasons. As Haddad notes, the "public catcalls of "I hate you," "Go home," "America is for Americans," and "Death to Muslims" had a devastating effect" (263).

Although women, in countries where veiling is not mandated by law, are legally free to practice the *burqa* or the *hijab* in any way they like, and there are many ways one might want to practice, it is typically something either thoughtfully committed to or not. The same is not true for professional gear, be it athletic or medical, nor for common weather-appropriate attire—all of which serve a purpose and are expected to be removed once they are no longer serving that purpose. To view these as similar ignores and fails to approach the reality of the *burqa*-wearing woman that does not want to, and/or cannot wisely, or with dignity, choose to simply remove her *burqa* while traveling or whenever it may become less convenient.

Likewise, when Nussbaum draws on her own experience covering her face for a few weeks, she completely overlooks the fact that some aspects of the *burqa* were not even remotely replicated, including the association of the *burqa* with Islam, and in the US, the *burqa* with Otherness. Not to mention the fact that as a popular, successful professor at a prestigious university, she is highly respected, and the same is not true for many Muslim *burqa*-wearing women in the US.

14), and incidents such as a student being called terrorist and other slurs for wearing a hijab (13), the harassment of hijab wearing women in the workplace and while flying (15, 17, 19), along with other incidents of intimidation and harassment towards a hijab wearing girl/woman (21).

Women that wear the *burqa* in the US have highlighted the way that non-Muslims expect them to explain and teach them about the *burqa* and Islam upon every encounter.[39] While it is not the case that every interaction of that sort is terrible, it is concerning that non-Muslims often feel entitled to interrupt and question Muslim women. They do so, as though looking for indications that the Muslim woman in their vicinity has good judgment and that at least *she* is not a threat. That is to say, the background default assumptions are that she has poor judgment and is a potential threat. These items are not part of the contextual background of someone approaching Nussbaum with curiosity about her facemask and sunglasses. This added context emphasizes what is ignored and dismissed in Nussbaum's discussion; it challenges the anti-Muslim reader and counters the Unknowability of Muslim women by challenging Orientalist stereotypes and adding complexity to the ways Muslim women are expected to experience the *burqa*.

2.5. The case of Turkey and imperialist feminism

Nussbaum's discussion on the headscarf ban in Turkey is likewise missing necessary context. In this brief section, I focus on adding and correcting the missing context and analyzing this part of Nussbaum's discussion as an instance of imperialist feminism on Serene Khader's 2018 account.

In Turkey, 1978, the headscarf was banned for all government employees. This ban was extended to universities following the 1980 coup d'état. These bans continued a trend whereby the Turkish state marginalized women in headscarves and did so to gain support for the Kemalist government. Later, in what is called the 'February 28 Process', a military intervention in 1997, the military-imposed policies "for the eradication of public signs of Islam and the revitalization of the Kemalist ideology in socio-political life" (Akbulut 2015, 434). Kemalist

[39] See Bakali 2021; this is also true of veiled women and women that are perceived as Muslim (id.).

ideology had made a point to construct Muslims as Others; and especially within this context, the banning of the headscarf targeted Muslim women as a way to showcase dominance against Muslims. By leaving out this context Nussbaum fails to identify the ways in which Muslim women were marginalized by the Kemalist ideology.

Nussbaum's take on the Turkey ban is inaccurate. Her assertion is that the ban was passed to protect unveiled women from public harassment, but the actual rulings on the headscarf ban had nothing to do with protecting women from public harassment. The ban was consistently supported in terms of secularist principles and interpreted to mean that covered women in public spaces are a threat to national security (see Akbulut 2015; Tok 2009).

Additionally, Nussbaum claims that the degree of public harassment against unveiled women warranted banning all women from veiling, but in reality, what has been observed regarding public harassment show that it did not matter what a woman is wearing, and it specifically did not matter if a woman was veiled or unveiled (see Magdi Abdelhadi, BBC news Cario). The correlation between sexual harassment and wearing revealing clothing is a myth and one that is used to victim-blame. Importantly, the false claim that unveiled women need "protection" functions to make it appear justifiable that we burden veiled women, and conveniently makes the Kemalist secular-nationalist policing of women's bodies appear reasonable and necessary.[40]

Serene Khader's discussion of imperialist feminism is also useful here. Khader examines how Western feminists aiming to show solidarity with other women end up advocating for imperialist feminism. She points out several reasons why this happens, among them the failure to realize that "women have interests besides gender interests—including human interests, such as basic health, and other group-based interests, such as interests in not

[40] This is not to suggest that the treatment of the headscarf by the conservative party, Erdogan's AK party is without fault. Although they removed the bans, headscarves were still manipulated as a symbol of support for the party.

being victims of imperialist domination" (2018, 12). Nussbaum's response to Turkey's headscarf ban directly prioritizes resisting sexism by inaccurately asserting that the ban is the result of a one-dimensional concern related to sexual violence and ignoring all other axes of oppression, including Kemalism, secularism, and imperialism. Although, since Nussbaum, in addition to getting the facts wrong, perpetuates a victim-blaming narrative, she fails to reject sexism as well.

2.6. The "blanket example"

Let us turn to Nussbaum's use of the *burqa* as a "blanket example". That Nussbaum's view is limited to a colonial discourse and lacks the appropriate resources to address *burqa* bans and Islamophobia might be best summarized with her own suggestion that the issue of *burqa* bans is so simple and clear, that it can serve as a blanket example for all other kinds of Islamophobia (2012, 104). This suggestion risks conflating the various ways Islamophobia exists. It suggests that Islamophobia is a singular unit, unaltered by other factors; as though it can be plucked from the webs of gender, sexuality, race, socio-economic class, place, and time. Nussbaum simplifies the concept of Islamophobia such that none of these factors arise. Instead, she addresses a particular 'Islamophobia', i.e., one that is driven by some "irrational fears" or emboldened by irrational fear rhetoric. Thus, she condenses and abstracts Islamophobia. This makes it difficult to translate the theoretical object of Islamophobia into praxis, and for anti-Islamophobic practices to be revealed. This lack of contextualization and the simplification of Islamophobia conforms to colonial discourse and cannot result in the degree of change we need. Understanding the nature of Islamophobia and combating it requires addressing the historical, political, and geographical events that have shaped dominant hateful myths and attitudes about Muslims.

Even if Nussbaum approached *burqas* and *burqa* bans with a more informed viewpoint, it would not be a good idea to use this as a blanket example for other kinds of Islamophobia.

To begin with, it is an example that intersects with gender, sexuality, race, and politics in a way that might make it more difficult to address than other instances of Islamophobia. Consider Mona Eltahawy's response to the claim that the French *burqa* ban is just like the Swiss minaret ban. Eltahawy states that the Swiss ban on masjid (mosque) minarets is a ban on something that can appropriately be said to symbolize Islam, whereas the ban on *burqas* is a ban on something that can only symbolize the Islamic Right (*The Washington Post*, 2010). Although, as Eltahawy also reminds us, women's faces, bodies, and identities should not be understood as symbolizing a religion to begin with (id.). She opposes the *burqa* not simply because she opposes the Islamic Right, but also because she believes that it truly gets in the way of one's ability to be differentiated as an individual and to fully communicate with others. Opposing both Islamophobia and the *burqa*, she argues in favor of the ban.

I agree with Eltahawy about the distinction between the Islamic Right and other forms of Islam. I find that her criticism on the *burqa* is fair, and that this perspective deserves more attention from Muslim communities. That said, I do not agree with her stance on *burqa bans*. *Burqa* bans can make differentiating between Muslim women, and Muslim women and non-Muslim women on the basis of how much one is covered/uncovered seem legitimate. It puts into law a dangerous justification for policing the bodies/appearances/whereabouts of Muslim women or "Othered" women. This is especially dangerous in our current political climate where the *burqa* continues to be permitted or denied at the whims of those with political power; and that this is the case is one illustration of the fragility of Muslim women's freedoms.

3. Nussbaum on Rational and Irrational Fear Rhetoric

Returning to Nussbaum's (2012) text, in this section, I provide a summary of her discussion of rational and irrational fear rhetoric. This is a critical part of her account because it sheds light on what is meant in her description of Islamophobia as acts/events driven by

irrational fear, and it shows us how she goes about arguing for her claim that airport profiling is non-Islamophobic.

For Nussbaum, fear is a narcissistic emotion; it encourages one to see oneself as threatened and to see the world from the "narrow perspective of the ego" (56). When fear is an appropriate response to a genuine danger, it is rational, and it is likely valuable and essential, but, when it is not in response to a genuine danger, it is irrational and dangerous. To differentiate fear rhetoric driven by irrational fear from that driven by rational fear, Nussbaum considers three examples: (i) Hurricane Irene, (ii) airport profiling, and (iii) the minarets ban. She categorizes (i) and (ii) as items motivated by *rational* fear rhetoric, and (iii) as an item motivated by *irrational* fear rhetoric.

3.1. Hurricane Irene

With respect to the first item, when then Mayor of New York City, Michael Bloomberg, called on people to take hurricane Irene seriously "as a threat" and to not "underestimate the danger" they are facing, this was an example of a politician justifiably emphasizing danger and inciting fear (40). Even though the storm ended up being "weaker than anticipated", "people were overwhelmingly satisfied with the mayor's precautionary measures" and thought it better to be "safe than sorry" (ibid.). Nussbaum gives five reasons why it is appropriate to think that Bloomberg did the right thing despite appealing to fear. First, his claims were backed by scientific evidence. Second, his message characterized the danger "in an accurate and undistorted way"; i.e., as a hurricane and "not divine punishment for same-sex marriage" (ibid.). Third, it was based on prioritizing people's well-being. Fourth, Bloomberg's warnings effectively defeated "the distortions of the availability heuristic", challenging the idea that this was just another storm and making the danger more tangible (41). And fifth, Bloomberg's rhetoric did not involve anything that demonizes a certain demographic.

3.2. Airport Profiling

Looking at the second item, airport profiling, Nussbaum expresses the same sentiment we saw earlier in her response to the idea that *burqas* are a threat to national security. She states that:

> The 9/11 terrorist attacks, and other instances of terrorism connected to Islamic extremist groups, have led to a certain amount of profiling when people are selected for full-body searches in airport screenings, as well as to "no-fly" lists that bar people who are suspected terrorists. By and large such measures, *if* used skillfully, are reasonable. They respond to a genuine problem, and even if the number of terrorist incidents is small, their catastrophic nature makes precaution reasonable when the only downside is longer wait lines and inconvenience (41, emphasis hers).

She cites the new full-body scanners as something that has "restored more equality in the treatment of passengers", but goes on to say that "even now, some profiling is probably prudent and, if executed respectfully and with good information and evidence, is not as such offensive" (42). She stresses that singling out only Muslims as potential terrorists is "deeply offensive" and risks stigmatizing them (42). The system should be out for people's well-being and should do so in response to a genuine problem "in whatever way is least offensive and stigmatizing" (43). While she does not give a list of reasons why airport profiling can be the right thing to do, it is evident that she considers it to be so for reasons more or less like the fear incited by Bloomberg's warnings of hurricane Irene—that is, even if it is an over-estimation of the threat, people would rather be "safe than sorry".

3.3. The Minaret Ban

Turning to the third item: the minaret ban in Switzerland. Nussbaum takes this to be one of many examples of Islamophobia driven by irrational fear. The pro-ban campaign sent out messages suggesting that minarets on *masajid* (mosques) are a threat to "traditional Swiss values and identity", "a threat to security", and a threat to "the rights of women" (45). A video

game called Minaret Attack and posters showed minarets as missiles rising up across the country along with (and alongside) images of veiled women (44-45).

Apart from reeking of falsehoods, this sort of Islamophobic rhetoric is also often heard from careless politicians and results in an increase in hate crimes. Nussbaum specifically cites the 2011 Norway murder of 77 people, committed by the far-right terrorist, Anders Behring Breivik. Breivik was discovered to be linked with radical far-right, anti-Muslim groups and authors. These included the group, 'Citizens for National Security' which imagined Muslims as analogous to how Jewish people are constructed in *The Protocols of the Elders of Zion.* In *The Protocols*, a "naive Europe, heedless while under siege from a hidden enemy" (i.e., the Jewish people) is depicted (Nussbaum, 48). The Jews imagined in *The Protocols* are not to be trusted because they always conceal and deceive, they stick together for the sake of their own domination (and that is, world domination) and they take all other races to be inferior. To the 'Citizens for National Security', Egypt's Muslim Brotherhood (a political party that has arguably functioned in line with both moderate Islamic and democratic ideals), is painted as intentionally complex for the sake of concealing and deceiving (52).[41] The group links 6,000 Muslim Americans to Egypt's Muslim Brotherhood and deems them a threat (ibid.).[42] According to Nussbaum, both the ban on masjid minarets and the 2011 Norway catastrophe are examples of Islamophobia driven by irrational fear.

[41] The claim of Citizens for National Security is that the Egyptian Muslim Brotherhood party intentionally made their documents complex or fluffed with detail for the sake of concealing and deceiving. The idea that Muslims are aiming to 'conceal and deceive' is a colonial trope that follows the same methods of antisemitism. Shaheen (2012; 2006), Said (1978) and others have identified Islamophobia as a 'new antisemitism' because it is almost lazy how similar the western representations of Muslims currently are to Jews previously.

[42] Thank you to the first reviewer at Hypatia for raising questions about this point on an earlier draft.

4. A critique of Nussbaum's pro-Airport Profiling stance

Nussbaum's centering of rationality in a discussion that requires differentiating between Islamophobic and non-Islamophobic acts is problematic. With her focus on irrational and rational fear rhetoric, anything that can be framed as a belief about, or a response to, a genuine threat, can be considered rational and non-Islamophobic. In the following, I first argue that Nussbaum's treatment of airport profiling is dangerous, as is her description of Islamophobia as actions driven by 'irrational fear' rhetoric. Then, I demonstrate that her rhetoric is manipulative, briefly drawing on Jennifer Saul's account of racist speech tactics (2017; 2018) and Linda Tuhiwai Smith's (2012) advice for identifying colonial discourses.

4.1. We know better: Racial profiling does not work and creates more harm

For starters, airport profiling is a form of racial profiling. Racial profiling is the targeting of "racial, ethnic, and cultural minorities by law enforcement agencies for stops, searches, or arrests" (Bah 2006, 78). In its extreme, it leads to police brutality, that is, the use of unnecessary and "excessive force or cruel and inhuman treatment against suspects by law enforcement agents" (ibid.). Racial profiling in the US has been heavily criticized for being unconstitutional because it threatens the civil liberties of minorities—and although this has been recognized at least going back to 'United States v. Brignoni-Ponce' (1975), the issue persists (Bah, 79). This discriminatory treatment of traditional minorities—that is Black people, followed by Hispanic people—has since 9/11, included Arabs, and Muslims (id; see also Abualnaja, N., & Nayer, G. (2019). This has been "eloquently expressed in common phrases such as *driving while Black*, *driving while Brown*, *flying while Arab*, and *flying while Muslim*, respectively" (78).[43]

[43] Consider the incidents that occurred during the first week following 9/11. During just 7 days, the US saw 645 incidents of bias, hate and violence directed toward Americans perceived to be of Middle

As Bernard E. Harcourt puts it, racial profiling "as a defensive counterterrorism measure necessarily implicates a rights trade-off: if effective, racial profiling limits the right of young Muslim men to be free from discrimination in order to promote the security and well-being of others" (2006, 1). Given that we do not have empirical proof in its favor, and we have reason to believe it might backfire, there is no justified reason to make the rights trade-off. Harcourt explains that racial profiling, like any counterterrorism or defensive policing technique, can potentially 'backfire'. A backfire occurs when the implemented technique results in an increase rather than a decrease in the long-term incidence of the targeted offence. It often occurs because terrorist organizations respond by switching their method entirely, or in the case of racial profiling, by recruiting outside of the targeted demographic. Hence, even in the case that one is truly utilitarianist and believes in the rights-trade off implicit in airport profiling, they should still find that airport profiling is unjustified— not only because it is ineffective, but additionally because it can backfire and lead to an increase in terrorist attacks.

Furthermore, Nussbaum does a great disservice to Muslims, and 'perceived-as-Muslim' groups, when she advocates for something like hiding or manipulating the Arab/Muslim bias in policies that can appear fairer to the public than they really are in practice. This is worrisome because it advocates for a policy that is intentionally designed to profile Muslims, but simultaneously and strategically includes modifications to hide this goal. For instance, Nussbaum specifically states that tweaks to the system need to occur so that "the public does not get used to seeing all Muslims as suspected terrorists and does not move from the availability of 9/11 as a paradigm crime to the false conclusion that a large proportion of Muslims are criminals" (Nussbaum 2012, 42). The 'tweak' she offers is scanning everyone indiscriminately. This seems to mean something like searching everyone in the same manner,

Eastern descent. (See Mishra, D. 2001. American Backlash: Terrorists Bring War Home in More Ways than One).

either by having each person pass through a body scanner or by patting each person down, with a preference for the former for the sake of time. Nussbaum states that the new full body scanners have "restored more equality in the treatment of passengers" (42). However, her concern ends with a simple appearance of fairness for public consumption because she immediately continues with: "But even now [with the new full body scanners], some profiling is probably prudent and, if executed respectfully and with good information and genuine evidence, is not as such offensive" (42). If the purpose of scanning everyone is to hide the actual racial profiling, then it is nothing more than a method to attempt to hide the discrimination, making it more difficult to track and fight against.

Importantly, this is not unlike what activists and scholars fear to be true of the current system. The current system is called 'US-Visit' and activists and scholars fear that while it appears to be fair on paper, it was designed to hide an intentional Arab/Muslim bias (Bah, 86). Nussbaum does not take into account previous nor current systems and policies, nor what activists and researchers have to say about them. She ignores this and absurdly suggests that it is "reasonable" to trust law enforcement to restrain from being racially biased whilst blatantly working within a system designed to racially profile.

4.2. Manipulative language and colonial discourse

Nussbaum makes light of the "downsides" of airport profiling, stating that the "catastrophic nature [of terrorist attacks] makes precaution reasonable when the only downside is longer wait lines and inconvenience" (41). In reality, airport profiling consistently puts Muslim/Muslim-appearing men and women, in persecuted positions for a number of minutes, hours or days, and in the cases of individuals falsely accused of suspected terrorism and sometimes denied fair trials or trials at all[44]— months, years, or their whole lives. It means

[44] If they are suspected to have links to a blacklist of extremist groups, then they are denied fair trials (see Bah 2012 for more on this).

missing flights and having plans fall apart. It generally heightens anxieties surrounding travelling and can keep Muslims from engaging in necessary travel and maintaining distant family relationships. This is only the tip of the iceberg because being viewed as too suspicious to travel is about being viewed as a potential or suspected terrorist and this does not simply end at the airport. This rhetoric is used to justify the extreme surveillance of Muslim communities, anti-Muslim hate crimes along with discriminatory policies (ironically, like the *burqa* ban that Nussbaum also calls out).

Additionally, this racist policy affirms racist beliefs and leads to an increase in hate crimes against Muslims and perceived-as-Muslim groups. Muneer I. Ahmad (2004 and 2011) argues that racist policies work alongside hate crimes, each supporting and encouraging the other. Hate crimes, e.g., attacks against Muslims, and legal policies such as racial profiling, and other race-based policies, like the Muslim ban, strengthen the racist beliefs that associate (all or some) Muslims/perceived-as-Muslims with "terrorist suspect", and thus make it the case that all Muslims/perceived-as-Muslims can be "legitimate targets of violence" (2011; see also Alsultany 2021).

Jennifer Saul (2017; 2019) discusses various ways (i.e., dogwhistles, figleaves) that racist speech is manipulated such that it becomes normalized and accepted as not too racist, or even, not-at-all racist, consequently raising the bar for what counts as racist in dominant public discourse. Messaging that says airport profiling is rational, reasonable, or prudent and thus not Islamophobic, normalizes the idea that airport profiling is acceptable and not actually racist, in turn it normalizes anti-Muslim attitudes. As a result, an individual harbouring anti-Muslim sentiment, or the secret Islamophobe, can take comfort in identifying and being perceived as a non-Islamophobe whilst being Islamophobic. This messaging tells individuals that might want to resist Islamophobia—or at least not be called Islamophobic—that airport profiling is not

actually an act of Islamophobia, opening up the possibility that this airport profiling and Islamophobic acts similar to it, are justified.

To follow Linda Tuhiwai Smith's advice, we should be clear in asking and answering the question: Whose interests do Nussbaum's airport profiling stance serve? (2012). To reiterate, her stance comes down to the following: airport profiling is reasonable insofar as it is an appropriate response to a genuine threat. In general, it is worth hesitating before the belief that any threat, however genuine, should justify the use of an ineffective system of discrimination. However, Nussbaum's statement is neither general nor vague; it sounds exactly like the War-on-Terror narratives that have been used to justify US-initiated wars in Muslim-majority countries and the alienation of and discrimination against US Muslims. Specifically, it emphasizes that extremist Islamic terrorism is a genuine threat to national security, and that this threat legitimatizes discriminatory policies (such as the profiling of Muslims). It emphasizes that this is the most morally correct option because it is only a small dent on the Muslim population for the sake of a (falsely perceived) greater good. This narrative is utilized to cover for the dehumanization of Muslims, Arabs, Palestinians, and Muslim-appearing groups; and it benefits the colonial interests of the US, the occupying state of Israel, and their allies. Historically and currently, we have seen this narrative exploited to serve the interests of colonial powers. That Nussbaum fails to make this connection whilst still recognizing that the 'War on Terror' narrative is a myth is absurd.[45]

[45] Lila Abu-Lughod in "The cross-publics of ethnography: the case of "the Muslimwoman"" (2016), notably cites Nussbaum in agreement with her characterization of anti-Muslim books by right-wing Islamophobes (such as those Nussbaum mentions in association to Breivik's 1,516-page cut-and-paste tract 2083: 'A European Declaration of Independence') as "paranoid thinking". While Abu-Lughod is right that Nussbaum calls out these texts for their false representation of Muslims as deceitful and cunning, Abu-Lughod's own criticisms are clearer and more thorough than Nussbaum's, going far enough to state some of the relevant narratives. For instance, Abu-Lughod offers: "For Ye'or and those in this right-wing Islamophobic public, dhimmitude signifies a Muslim threat to the West, one that should be met by an alliance between Jews and Christians in support of Israel" (2016, 599). This highlights one of many dangerous anti-Muslim narratives legitimated through a colonial gaze—Nussbaum's text lacks the mention of any such narrative. Dhimmi "in Arabic means a "protected person" or a "person who has been granted a pact of protection" and usually refers to a non-Muslim citizen of a Muslim nation"

5. More Old Epistemic Vices: Boomerang Perception and Arrogant Perception

Given what has already been discussed, it is unsurprising that Nussbaum's text can exemplify yet more ways of thinking of a colonial discourse. In this section, I criticize Nussbaum following Lugones' 'boomerang perception' and Marilyn Frye's 'Arrogant Perception'. Towards the end of this section, I discuss Nussbaum's good intentions and the excellent advice she provides her readers with. Ultimately, it is despite these good attributes that her text is an example of a colonial discourse, on the many accounts mentioned throughout this discussion, and that it results in a disservice to Muslims and Muslim allies.

5.1. Nussbaum's 'boomerang perception'

María Lugones' concept, 'boomerang perception', is a characterization of colonial discourse that draws on the work of both Edward Said (1990) and Elizabeth Spelman (1988). Lugones (2003) states that the white-Western seer imagines Women of Color as both the same and "monstrously different"(158). The seer, or the white-Westerner, is the original, and the object of their gaze, or the Women of Color, is "a mere but distorted image: image both in the sense of imagined and in the sense of a reflection, an imitation" (id.). Lugones describes the white-Western seer's imagination as "wavering between fear and delight", between "sameness called for by narcissism, [and] difference called forth by a sense of danger, of aggression" (id.).

Reflecting on Nussbaum's text, Lugones' description of 'boomerang perception' cannot be more accurate. The many flat analogies Nussbaum presents, coupled with the influx of Judaeo-Christian anecdotes where Muslim perspectives belong, suggest that the Muslim, and the Muslim woman, in particular, is just like her or just like any white-Westerner. This message is one of sameness. The fact that the analogies and the overall discussion is entirely one-sided in its focus on the White-Western perspective specifically makes it reek of narcissism. Then,

(El-Wakil, 2019, 516). The non-Muslim is asked to pay a tax (jizya and kharja) in return for the protection and provisions provided by the ruler/state (id., 516).

when we turn to the border, the airport, the security check—suddenly, that sameness evaporates. It becomes irrelevant. Muslims are not fellow citizens deserving of equal rights anymore, they are now "monstrously different"(Lugones, 158). They are now a potential threat before they can be humans worthy of the basic right to not be discriminated against for their background and/or religion.

Nussbaum, at times, takes on a more sensitive tone. For example, she acknowledges how “deeply offensive” targeting *only* Muslim terrorists would be (Nussbaum 2012, 42). Yet, the actual reality inherent in the offensiveness, and the danger of targeting Muslims, is one that Nussbaum does not even begin to grapple with. If she was viewing Muslims in the same way she views herself/as equal to the white-Westerner, then the targeting of Muslims would be worthy of more concern. Perhaps, most telling is where Nussbaum fully gives into the ‘us’ vs. ‘them’ mentality, that is, when she states that it is prudent to accept moderate Muslims into “our” societies because “they, afterall are invaluable sources of information about threats to safety posed by Islamic radicals” (111). This suggests that her wavering between sameness and difference is not random, it is not without strategy, and its purpose distinctly protects the interests and the comfort of the white-Westerner at the expense of Muslims.

5.2. Nussbaum’s ‘arrogant perception’

Relatedly, Nussbaum’s *The New Religious Intolerance* can be characterized as 'arrogant perception'.[46] Marilyn Frye (1983) introduces arrogant perception, also called 'the arrogant eye', to characterize methods of interpreting, molding, and demeaning an object of perception

[46] Both Lugones (1987) and Ortega (2006) have importantly expanded upon Frye’s (1983) account of arrogant perception and loving perception. Ortega, following Lugones’ and Frye, introduces ‘loving knowing ignorance’, a subtle, but equally harmful type of arrogant perception. ‘Loving knowing ignorance’ includes some elements of loving perception (such as looking and listening) but misses others, whether genuinely or ironically. While Ortega’s work showed that white feminists 17 years ago were making some progress in attempting or trying to appear to perceive more lovingly, I found that Nussbaum’s (2012) text fits into Frye/Lugones’ classic account rather than that of Ortega’s ‘loving knowing ignorance’ primarily because of the absolute exclusion of Muslim voices or appropriately informed voices, in her discussion.

through the perceiver's own arrogant reference point, i.e., with reference to his own interests and desires. "He [an arrogant perceiver] manipulates the environment, perception and judgement of her whom he perceives so that her recognized options are limited, and the course she chooses will be such that it coheres with his purposes" (67). Most of our societies are structured such that meaning is Oriented through a male-reference point; this makes it easy and often intuitive for men to view women arrogantly. As Mariana Ortega phares it, the arrogant perceiver views "the world and everything in it with reference to the arrogant perceiver's desires and interests" (2006, 59). Hence, the arrogant perceiver defines what counts as good or healthy, they decide who gets a say about what is good and healthy, and "goodness and health are measured by how well the arrogant perceiver's desires are satisfied" (id.). Crucial for my use of Frye's account throughout the remainder of this section, is Lugones' (1987) account of arrogant perception and loving perception. Lugones importantly expands on Frye's account by applying it to the way white women arrogantly perceive women of colour.[47] I follow Lugones' account by analyzing how Nussbaum, a white-Western feminist, perceives Muslim women.

In contrast to arrogant perception, consider 'loving perception'. This is what Nussbaum should be aiming for when writing about Muslim women, and it is what all of us should be aiming for when writing about any marginalized group, especially one that we do not belong to. For Frye, when one perceives lovingly, they do not 'love' in the selfless traditional notion of love where the perceiver disappears; instead, they are aware of their own motivations and recognize the motivations of the other group (Frye 1983, 75). The loving eye is careful. It does not reduce the object of perception by simplifying complexities. As Frye explains, "It is the eye of one who knows that to know the seen, one must consult something other than one's own will and interests and fears and imagination. One must *look*, and *listen* and *check* and *question*"

[47] Lugones (1987) also discusses the impact her arrogant perceivers had over her own perception of her mother.

(Frye, 1983 75; emphasis mine). It is not enough for men/white women to just look and listen to women/women of Color, they must also check that they "have not invented a different reality when perceiving her", and to ask questions so they do not simplify or distort reality into what they expect it to be (60). To perceive lovingly is to genuinely want to understand the object of perception and to put one's focus on the appropriate work needed to get there.

An indication that Nussbaum falls into the traps of arrogant perception is that her text tells us a lot about her own life and her own world. Instead of engaging with the contexts relevant to Islamophobia, Nussbaum turns to her own life experiences and the cultures/religions she grew up with. Nussbaum is a convert to Judaism and was married to a Jewish person. Her journey with Judaism is evident in the personal anecdotes she includes and the individuals she cites. In Guiles Fraser's review, he states: "The more she talks, the more I begin to think that a great deal of her work is a wrestling with the Christian religion of her father – not least with Christianity's nervousness about the body in general and sexuality in particular" (*Guardian* 2012). I entirely agree with Fraser. The more I read her text, the more I doubted that it has anything to do with Muslims at all, and the more it became evident that it is largely about Nussbaum's background and the thinkers that have influenced her.

For instance, she takes her time describing the fantasy and fear relevant to anti-Semitism, and with this, she includes tragic, entertaining, and sometimes tangential stories, but it concerns me that she does not give as much attention to the nature and workings of Islamophobia. Although, Nussbaum calls the 'War on Terror' narratives mythological in a way that is analogous to the 'Protocols of the elders of Zion', this analogy dangerously falls apart when she singles out an Islamophobic practice (i.e., airport profiling) as arising from rational fear rhetoric and does not demonstrate how anti-Semitic practices/sentiments (or any other form of racism) might also arise, or seem to arise, from a similar rational fear rhetoric. While her analogy may, at a more general level, help those who understand and care about anti-

Semitism recognize Islamophobia as worthy of concern, readers might also be left with the impression that it is more rational to fear Muslims than members of other groups, and readers will not gain a clear understanding of the nature and workings of Islamophobia.

A further indication that Nussbaum commits arrogant perception is in how simplified, limited, and homogenized her perception of Muslims/Muslim women is. The arrogant perceiver destroys any possibility/threat of heterogeneity, difference, and plurality, and it is such that everything is at the mercy of the arrogant perceiver's construction. Consider, for example, when Nussbaum states that since alcohol is prohibited in Islam, she expects that there is less domestic violence in Muslim households (122). This statement allows Nussbaum to control the narrative regarding what kind of Muslims she is talking about (i.e., 'good Muslims'), without approaching the diverse and nuanced realities. We also saw this move when Nussbaum limited her analysis to the Muslim women that wears a *burqa* for religious reasons, cutting out all the women that have other reasons for wearing it; this limited the scope and direction of the entire anti-*burqa* ban discussion. When Nussbaum fails to draw in contextual information for even this small scope of women, she homogenizes Muslims such that individual experiences are not relevant and are less intelligible. As Mohanty argued, it is common for colonial discourses to treat Women of Color as a monolith by emphasizing one specific version of a religious ideology. Nussbaum emphasizes a specific version of Islam in her homogenizing view—not only of Muslim women but also of Muslim men.

5.3. But Nussbaum has good intentions?

One might push back on my characterization of Nussbaum's perception as a primary arrogant one by pointing to the fact that Nussbaum seems to have *intended* to produce work that is informed and anti-Islamophobic. Indeed, her response article, 'Beyond the Veil: A Response' (The Stone, 2010) is a useful indication that her arrogant perception is probably not entirely for lack of trying. In this article, she addresses the criticism that she is in an 'ivory

tower'; i.e., that she is speaking from a place of security and privilege, disconnected from the working class. In response, she denies that she is in an 'ivory tower', citing her research in India and her involvement with international development organizations. She mentions her book 'The Clash Within' where she discusses the violence Muslims face from a Hindu neo-fascist group.[48] Given this response, Nussbaum might believe she is looking and listening to Muslims. She might even believe she is perceiving lovingly—that is, she seems to think she is contributing to the debate on the *burqa* and the anxieties of non-Muslims towards Islam, in a way that is informed and acknowledges Muslim voices and desires. Given her background, it is very likely that she does know what some Muslim women (both in the US and in India) are saying despite not citing them in her text. However, to perceive lovingly, one ought to promote, or try to promote, an understanding of Women of Color and the simplest indication of this is to include their voices in one's discussion (to look and listen). Even if Nussbaum knows better, the fact that this is not evident in her text is an indicator that she is far from perceiving lovingly.

Two out of three items that Nussbaum identifies as the main ingredients for her arguments are particularly excellent tools for resisting arrogant perception. These two items are (1) critical thought and self-criticism, and (2) the inner eyes or the sympathetic imagination. Cultivating the 'sympathetic imagination' (she also calls this the 'participatory imagination') involves purposefully trying to avoid seeing religious minorities as "obstacles" and instead imagining the world from their point of view. Nussbaum even notes that this is done well when it is founded on historical and sociological accuracy (144). This advice encourages contextualization and critical self-reflection, including being aware that one's interests and desires might be different from others because of differences in religion or social identity. These are all promising ways that one might avoid arrogant perception and the colonial gaze.

[48] Nussbaum's *The New Religious Intolerance* does not cite any of her work with Muslims. She cites some of her more abstract work directed at educational reform and equal rights—i.e., she mentions *Not For Profit: Why Democracy Needs the Humanities* and her capabilities approach. However, she does not mention 'The Clash Within' nor any particularities about Muslim Indian women.

Nussbaum does well in encouraging these tools to her readers, but this advice falls flat insofar as she entirely fails to apply any of it to Muslims/Muslim women.

Final thoughts

A colonial discourse, as we saw, is good at simplifying, narrowing, and imagining its subject such that the resulting discourse appears reasonable or even generous. Nussbaum's *The New Religious Intolerance* is heavily celebrated. She has been recognized twice with the prestigious Berggruen award and is often praised as a top feminist philosopher, and specifically for her work on women and human development (Schuessler, 2018). That is to say, her work is taken, by many, as academically and morally praiseworthy. The same was the case for the Orientalist scholars, scientists, and missionaries that wrote their version of events about the people of the Orient 100-300 years ago, and like Nussbaum, they were praised and monetarily rewarded for it. It is very telling that the Western/white reaction to Nussbaum's text was so positive, unfortunately, this reaction would be different if she truly identified and dismantled Islamophobic narratives.

Throughout this chapter, I called the epistemic vices discussed—exclusion, Orientalism, colonial discourse, boomerang perception and arrogant perception— "old" because they are epistemic vices entirely formulated in (or in the case of boomerang perception built off of) the work of feminist scholars, decolonial scholars, Black scholars, and scholars of colour in the 1970s and 1980s. They are simply old patterns that have long been identified. They are old lessons that ought to have already guided White/Western feminists and academics in doing much better when studying, writing, and teaching about Othered groups and Othered women. Despite being "old", they are still unfortunately relevant and needed. I hope this discussion will have served as an opportunity to revisit them and to be more critical and careful with respect to discourses on othered groups, and specifically, those on Muslims and Islamophobia.

Chapter 5.

The Hijab as a Social Practice

Introduction

In previous chapters, the injustices caused and perpetuated by the Western perception of the veil and of Muslim women/Muslims was highlighted. That contemporary Islamic discourse finds political-ideological gain in mirroring the Orientalist account was also addressed. In this chapter, I focus on the intra-Islamic context to identify and analyze the *hijab* as a social practice. As a social practice the *hijab* is understood as something broader than veiling, and as intertwined with relevant cultural scripts and resources. In my analysis of the *hijab*, I focus on some of its problematic and oppressive accounts. I do so with the intention of providing an account of the *hijab* that deconstructs the negative internalizations and unjust experiences that Muslim women sometimes face within Muslim communities. I believe that my analysis can serve Muslim women by validating and clarifying some of the more intangible nuances implied in the practice of the *hijab*. It can also provide additional insight to non-Muslim allies with respect to why the *hijab* tends to carry importance for Muslim women/Muslims.

My approach here is less interested in individual agency, and more interested in the structural factors intertwined in stabilizing meaning and shaping our experiences within a given social milieu.[49] Hence, the following explores the *hijab* as a social practice and as part of a larger ideology. I draw on Sally Haslanger's account of social practices and ideologies.

[49] See Sehlikoglu (2018) for a breakdown of the four waves of Middle East Scholarship especially about Muslim women. The third wave (2000s-2010s) and the fourth wave (2010-) have a focus on agency, political subjectivity, and ethical self-making. Influential work for both these waves include: Deeb, 2006; Huq 2008; Mahmood 2005. My approach is most relevant to, and would inform, external theories of autonomy regarding the *hijab*. However, I have decided to limit this discussion to identifying structural factors and to leave questions of autonomy aside for a separate discussion.

Haslanger's account of ideology provides a framework for making sense of injustices that are sometimes hidden or nested within other practices, or within the larger social structure and ideology. Her account aligns with my goal to analyze the particularly problematic and oppressive aspects of the *hijab.*

In the first section, I provide a summary of Sally Haslanger's account of social practices, with a heavy emphasis on cultural scripts and the management of resources because these aspects are central to my analysis. To clarify how cultural scripts work and to apply them to the salient concepts relevant to the *hijab,* I shift away from Haslanger's account and turn to the Natural Semantics Metalanguages (or NSM) approach as described in Goddard and Wierzbicka's (2004) work, and as utilized by literature related to *hijab* concepts (Al Jallad 2010). In Section 2, I go on to focus on the *hijab*, thinking of it as a social practice that functions according to the influences of cultural scripts, such as *awrah* and *haya,* as well as the related distribution of resources. I examine the *hijab* as three dimensional on Fatema Mernissi's account, and I expand on what these dimensions indicate according to the social practice framework. Then, in section 3, I analyze the *hijab* as part of larger social structures and ideologies, with a focus on the *hijab's* materiality and problematic cultural scripts. Lastly, in Section 4, I consider Leila Ahmed's views in her text, 'A Quiet Revolution' (2011). Ahmed surveys the positive changes related to the *hijab* as it is experienced by US Muslim women. In reflecting upon this, I discuss two current formations of the *hijab* that arguably allow Muslim women in the US to access more advantages, however, changes that interrupt the problematic cultural scripts of the *hijab* are needed to achieve a reformed *hijab.*

1. What are Social Practices?

When we talk about social practices, we are referring to actions or behaviours that have some kind of meaning and participate in a pattern of behaviour that is convenient and agreeable to others. Social practices will differ based on context. For example, in a context where forming

a line at the bank and waiting one's turn is the expected thing to do, 'respecting the line' is a social practice. In a context where having cake on one's birthday is the norm, 'eating cake on one's birthday' is a social practice; in a context where brides wearing white on their wedding day is expected, 'the bride wears white' is a social practice. These are practices that function in a way that increases coordination and helps stabilize the established production and distribution of resources or value and disvalue in society. Consequentially, social practices can often shape social agency.

1.1. Social Practices and Resources:

Social practices are acts that we are socialized into performing and do almost automatically. These are not fully intentional, but they are also not entirely unintentional either (Haslanger 2018, p. 237). They are not the same as physical reflexes like wincing in response to pain or discomfort, but they are sometimes automatic in the sense that we do not pause to think about them. Haslanger provides a good example of this: when a student walks into a classroom, they know not to walk up and sit at their teacher's desk or at the front of the class. They know to sit facing their teacher. In most cases, one does not even think of doing an action that goes against the pattern of behaviour required for the social practice. Indeed, it is almost definite that a student does not even think of sitting at the teacher's desk when walking into their classroom. They only think of taking one of the seats meant for students. In this way, they fulfill the social practice of students sitting in a classroom facing their teacher without even reflecting on it.

Even though we do not tend to think about them, social practices are meaningful and sensible. They do not arise randomly; they are always directed at managing resources and coordinating individuals toward a common goal. To manage resources is to distribute things of value or disvalue and these things can be material, or they can be immaterial/social. Things of value might include time, pleasure, security, authority, knowledge, water, gold, land, and things

of disvalue might include menial work, vulnerability, toxic waste, discomfort, harm or suffering, and displeasure. In the example of the classroom, the seating arrangement is already suited for an unbalanced distribution of resources, it is set up such that authority and airtime (resources of value) are far more accessible to the teacher than to the students. This is not surprising because resources and social practices are intrinsically looped. Resources trigger social practices and social practices shape and transform the resources in a way that warrants the social practice as valuable. If we want the teacher to have more authority and airtime than the students, that would be the reason for the set-up of the classroom. Then, the set-up of the classroom reinforces and perpetuates that distribution of resources.

The first half of this loop has to do with the objects that are available as potential sources of value or disvalue. This resource can be anything we might deem valuable, for example, land, oil, food, prestige, or social status. The second half of this loop refers to how the resource shows up in social practices, and this helps us assign it as 'valuable' or 'disvaluable'. This second half of the loop relies on whether a social practice exists that interprets, views and treats the potential resource as valuable or dis-valuable. For instance, in a community where rabbit is an ingredient in a delicious meal, the social practice of cooking and eating the animal will determine that the resource is a source of food, and thus valuable due to this use (2017, 4). If the community generally believes that rabbits are cute fluffy friends, then the resource will be seen as a pet. Hence, the social practice related to the resource will determine how it is interpreted and what value/disvalue it has.

Social practices do not occur in isolation. They occur in a web of other social practices all linked together. This linked web of practices is called a *social structure*. Consider the social structure involved in our educational institutions, this includes the process of building a curriculum, writing and publishing textbooks, building and maintaining infrastructure, higher

education to providing training for educators, and so forth. All of these aspects further sustain the social practices and distribution of resources that take place in the classroom.

Social structures are also linked together in a larger web. This larger web is called a *cultural technê.* In other words, the network connecting and supporting various social structures in society, such as that of education, the workforce, food production, transportation, entertainment, etc., is called a cultural *technê*. When we examine a cultural *technê*, we can reveal the depth of interaction between social structures and the scope of the social practices that they support. That social practices exist within larger webbed structures increases their stability and decreases the ease of changing or reforming that social practice. In isolation, a social practice can seem trivial and unimportant but when considered within the larger cultural *technê*, it's necessity or impact is revealed. In this sense, we can find explanations for why some cultural *technês* might be better suited to stabilize certain social practice. For example, a cultural *technê* that values respecting lines will have social practices that also represent that value.

Consider the classroom example mentioned previously. The description of students facing the teacher's desk is true of most classrooms, but a common practice in philosophy classes, especially in smaller classes or at the graduate level, is to have students all sit in a circle. This is meant to go against the practice of having the students sit facing their professor, and although this is often explicitly verbalized by the professor at the start of the term, it encourages a new distribution of authority and airtime. It encourages students to see this classroom as one where they are active participants, they are meant to feel more comfortable contributing and learning from active discussion with one another. Many, including myself, prefer this arrangement to help students feel that they are not in a lecture and are expected to speak and listen to one another. Because this arrangement is different from the typical set up in high schools and most college/university classes, students will be confused, and professors

will need to inform the students of the arrangement. Hence, a professor choosing this arrangement risks losing some of the quicker coordination that would occur if she was to keep with the norm. Although seminar style classes can still work with the students facing the front rather than one another, the latter helps set an environment where student participation, especially with one another, is smoother. The fact that many in philosophy and other humanities and arts disciplines would agree on this point shows that the seating arrangement of a classroom is not a trivial social practice— it is one that is meaningful and when altered can have a larger impact.

Having students sit in a circle facing one another can be an example of changing a pre-determined social practice but notice that this change is one that does not challenge the academic institution. If it came down to it, a professor could easily argue that they do not break any of the institutional guidelines or disagree with their values about education and learning. Imagine, instead, if the professor chooses to change something that goes against the rules of the institution. Say for instance, if the professor decided to hold the class in another language besides the one agreed upon for the course, or if the professor decided it was ok to hit people that disagreed with you. Without even thinking too much about it, these things would be quickly rejected by the students and the institution (in a typical situation at least). These are both things that would be difficult to defend as they are vastly unaligned with values regarding classroom conduct and learning; thus, they would not be sustainable social practices.

1.2. Social Practices and Cultural Scripts

Intertwined with social practices and resources are cultural scripts. In this section, I focus on cultural scripts and on the Natural Semantic Metalanguages approach, mostly following the work of Cliff Goddard and Anna Wierzbicka (2004). This is not part of Haslanger's original (2017; 2018) account and is meant to delve deeper into cultural scripts and their role in the social practice-resource-cultural script loop.

Cultural scripts are what explains the practice and the use of the resource. The content of cultural scripts serves an explanatory role. It does not attempt to refer to an objective or ultimate truth. The explanation of any given word in a cultural script mirrors the context it arises in/is associated with, and is rooted in cultural meaning, including referential/denotational, encyclopedic, historical, social, and emotive meaning (Bolin 2018, 7). These various kinds of meanings are needed for the sake of attempting to define words whilst retaining contrastive, non-circular definitions, and reflecting the context of the culture the word is engaged in (8).[50] In other words, the cultural script is accessed (and understood) through participation in that context. Hence, the full impact of a cultural script is most accessible to people that have first-hand experience with the social practices that are explained by it.

One way to analyze cultural scripts is with the Natural Semantic Metalanguage (NSM) approach. This approach utilizes semantic primes; these are simple and "indefinable meanings which appear to "surface" as the meanings of words or word-like expressions in all languages" (Goddard and Wierzbicka 2004, 154). They combine syntactically in cultural scripts to mirror culture. Consider the table below for examples of cultural scripts in the conventional format for an NSM. They are not conclusive definitions, but they represent the way an explanation might be formulated in a cultural script according to the NSM approach.

Abstract Concept 1	Soul	People can think like this about something like this: One of the two parts of a person One cannot see it (Bolin 2018)
Abstract Concept 2	God	People can think like this about something like this: One cannot see it [God] the same way one cannot see the soul

[50] Bolin goes into more detail. She describes the relationship between the various kinds of meaning mentioned here. P. 8-9.

Cultural scripts are axiomatic (in the sense that each concept refers to previously defined concepts). So, when thinking about cultural scripts, one should refer to the explanations that have arisen in prior cultural scripts. In the table above, I have used the word 'soul' to explain 'god'.

Moreover, a cultural script can state many different sorts of things, including but not limited to a 'norm of interpretation', a 'norm of interaction', or an evaluative view (i.e. 'it is good/bad if ---'). When explaining values, a cultural script is normative and not neutral. It describes a good/bad way of thinking about something. The role of those cultural scripts that describe values carry more weight in the stability of a social practice compared to those that do not describe values. Examining the cultural scripts that describe values will help differentiate between oppressive ideologies and neutral cultural *technês* (this will be elaborated on in the next section).

Consider the cultural script for the value of 'personal autonomy' as listed below.

Value	Personal Autonomy	People think like this: When a person is doing something It is good if this person can think about it like this: 'I am doing this because I want to do it Not because someone else wants me to do it' (Goddard and Wierzbicka 2004, 156)

Like all cultural scripts, the one above is not a definition, it is an explanation of how people within a particular social milieu think about the value of 'personal autonomy'. Let us consider, for the sake of an example, that this cultural script is part of Canadian culture. That would not mean that every individual in Canada agrees with it, but it would mean that every individual that is socialized into Canadian culture has knowledge of it. Every individual socialized into

Canadian culture is familiar with its content and aware that it is "part of the interpretative backdrop to discourse and social behaviour" in Canadian culture (157). This cultural script about personal autonomy as a positive value makes it easier for individuals to prioritize their own desires and choices, whether real or perceived, and to present themselves accordingly. The evaluative semantic prime 'good', makes it the case that individuals are encouraged to present themselves as valuing personal autonomy. Of course, one is free to disagree and not present themselves this way, but doing so can risk some negative consequences. For instance, imagine during a job interview, a potential employee is asked 'why do you want this job?', a response that suggests something like "I don't want to be here, my parents made me come here" is going to pale in comparison with responses like "because I would enjoy this job", "this is my dream job!" or "because it will help me utilize my skills". The latter responses agree with the value of personal autonomy, while the former creates an opportunity for hesitation and discomfort because it disagrees with the cultural script for personal autonomy.

Haslanger discusses 'normative expectations and consequences' as a feature of social practices. While Haslanger discusses normativity as a feature that goes hand in hand with coordination and repetition, she also describes situations where normative consequences are at play (237). I take it that normativity in the former sense (i.e., as that which is taken to be the standard) is a necessary feature of social practices, and depending on the context, social practices can sometimes additionally prescribe normative expectations and consequences in the latter sense (i.e., as a reference for what is a right or wrong action). Cultural scripts that describe values are ones that most clearly feature normative expectations and consequences (such is the case in the example of 'personal autonomy' above). That said, cultural scripts do not describe absolute causal relations, they only show what is *likely* the case or the scope of what is possible. In other words, causal factors interact such that the way one's actions/inactions interact with a cultural script leads to a probabilistic effect.

The impact a cultural script can have on the stability of a social practice is significant. Given that a cultural script explains widespread attitudes, expresses norms of interpretation and behaviour, and sometimes provides evaluative judgements, it follows that a cultural script that provides sufficient meaning to a social practice encourages the stability of that social practice. If there are no cultural scripts to coherently explain the normativity of a social practice (i.e. the cooperation and coordination achieved by the social practice), and there are also no cultural scripts supporting relevant concepts, qualities, or values that can be defined in such a way that rationalizes and justifies the social practice, then it will not be stable.

When a social practice is supported by a cultural script that describes or supports a value, it is more likely to be stable and it is more likely to prescribe normative expectations and consequences. In the 'job interview' example above, the individual that fails to make it appear that they value their personal autonomy risks not getting the job. Knowledge of how people tend to think about personal autonomy suggests that this a likely consequence. However, it is only a probability; not an absolute. Hence, we can also imagine the scenario where the interviewer is impressed with the bluntness of the interviewee and even decides to reward it.

1.3. The cultural script-resource loop and stability

We already have a sense of how the stability of a social practice increases when normative expectations and consequences are at play: people are more encouraged to follow them, and they risk negative consequences when they don't follow them. Also at play here is the management and distribution of relevant resources. Consider the 'job interview' example once again. One of the main resources at stake in this case is the job itself. The interviewee knows that failing to align with the expectations of the interviewer (by failing to make it appear that they value their personal autonomy) means risking being judged negatively and not getting the job. This background information makes it the case that the interviewee is encouraged to act in accordance with the cultural script for the sake of trying to attain the job.

Consider the difference between these two cases:

(A) It is common to wear one's traditional dress on Saturdays, some people do it, but it does not matter if one does or does not do it; it is just a thing that people sometimes do on Saturdays.

(B) It is respectful and good to wear one's traditional dress on Saturdays, the people who do this are respectful and the people who don't are disrespectful. It is wrong to be disrespectful.

In B, the cultural script explaining the social practice can be said to describe how people wear their traditional dress because 'they do not want to think that others think that they are bad or disrespectful' (this is written in NSM format). In contrast, in case A, the cultural script describing the social practice is something more like 'people wear their traditional dress on Saturdays because this is something people sometimes do'.

Notice that case B is much more loaded than case A: in case B, an agent is instilled with the normative expectation that others have of her, and in case A there is no such normative expectation. The presence of a normative expectation is significant because it can involuntarily and automatically play a role in how an agent sees herself and constructs her sense of self. For instance, in case B, someone that chooses to never wear traditional clothing on Saturdays is likely to see herself as someone that *others* see as disrespectful. She may disagree with the assessment others have of her and have reasons to disagree, disregard or not care about how others see her—but awareness of this contributes to how she thinks about herself. This can include her thoughts about herself as 'different from others' or as 'disrespectful to traditions that others care about'. Case A, on the other hand, does not include this burden on the agent to think about how others see her because the expectations do not include a normative judgement one way or the other.

One kind of resources is social comfort, where social comfort is a measure of comfort/discomfort one experiences in a social or public setting. Closely related is ethical comfort or what might also be called religious comfort, this is about the confidence one can

have in the idea that they are good or pious, and/or that others see them as such. Typically, we want to avoid negative judgements from others. Experiencing negative judgements in public, and not being able to avoid them, will cause social discomfort. When those judgements target one's character, they can cause ethical or religious discomfort. Like all things in the cultural-script-resource loop, this is not a strict rule, but it illustrates what is most probably the case. It is most probably the case that most people will feel less comfortable when they know they are being looked upon as though they did something others think is wrong. In some contexts, scrutiny from others can be handled or ignored, but in other cases, it may lead to serious and dangerous consequences.

The NSM approach is not a precise tool and can be quite demanding, but it does help us visualize how cultural scripts are form via the axiomatic structure of our concepts. I find it especially useful for questions about social ontology and ideology, especially where those questions lean on understanding NSMs that assign normative expectations because this demonstrates the looping effect between the cultural script and the stabilization of the practice. Nonetheless, there are other approaches one can take to understanding the same phenomenon, or theories that can help inform this one and showcase the looping effect involved.

One such account is Judith Butler on performativity. We can say that social practices are acts that are repetitions of what is considered the norm in a given social context. Similarly, performativity in Butler's account, refers to not one single action but the continuous "reiteration of a norm or set of norms" (Butler 1993, 13). The norm is not defined in writing somewhere, instead it exists in actions that conform to it. As Butler continues, to the extent that performativity or the reiteration of a norm/set of norms "acquires an actlike status in the present, it conceals or dissimulates the conventions of which it is a repetition" (Butler 1993, 13). So, if we refer to norms as singular acts, we conceal the sense in which they are a repetition

of the same norms or set of norms that show up in other acts—or the sense in which they are in agreement with other acts and with the defined norms of larger social structures. Hence, Butler explains that norms are like fixed laws, but the law is not fixed prior to actions that cite it. The law "precedes and exceeds the mortal approximations" we enact, and our actions simultaneously validate it. (14). When people conform to norms, they are non-thoughts; and they are, in fact, acted out rather than thought.

1.4. Cultural *technê* and Ideology

In this section, I discuss the terms cultural *technês* and ideology. As we saw, a social practice is linked with resources and cultural scripts. Social practices are also linked together in social structures. Social structures exist under a singular cultural *technê*. If that cultural *technê* is overall unjust or oppressive, then the cultural *technê* is an ideology on Haslanger's account. In this subsection (and only here), I follow Haslanger's use of the term 'ideology' as denoting oppressive cultural *technês*. Although, I refer to Haslanger's account in other sections of this chapter, I will be more specific by explicitly stating 'oppressive ideologies' when this is the case.

One can determine whether a cultural *technê* is ideological by analyzing whether it is a system that functions to create or stabilize unjust relations. For Haslanger, this is determined in terms of the consequences and the values it promotes (Haslanger 2017, 165). In the same way that cultural *technês* interact with the world and construct values that are represented in the world, ideologies do the same. It is difficult to reveal the ways an ideology might be unjust because ideologies will have the ability to mask injustice. Likewise, any oppressive social practice might be masked because the interaction between the world and social practices goes both ways, such that social practices do not just conform to the world, social practices alter the world, and then the world confirms the need for that social practice. For example, as Haslanger

puts it with respect to racial classification: “racial classification reinforces racial segregation, which reinforces racial identity, which reinforces racial classification” (Haslanger 2011, 198).

In an ideology, resources are defined in such a way that creates, sustains and reinforces the disproportionate harm suffered by disadvantaged groups. Consequently, to reform an ideology will involve changing—or correcting—the way resources are defined and distributed to account for just aims. It will require thinking about the relations of power that the relevant resources are invested in, and the pre-existing physical characteristics they are limited by. To correct the way we define resources is to disrupt and alter the relevant cultural scripts; and to correct the management and distribution of resources is to address the problematic social practices and the social structures sustaining them. For this to be successful any material or physical features relevant to the resources, or social practices involved in the creation and management of the resource, must be addressed/changed, and any established relations of power must be destabilized.

2. Examining the Dimensions of the *hijab*

Previously, I discussed the historical context of veiling (pre-Islam) and the practice of veiling as one that exists across religions. In this section, I focus only on the Islamic context, and I do so for the sake of clarifying the way that the Islamic veil and adjacent practices function for Muslim women. Although, there are some differences with respect to the institutionalization of veiling in Islam, it is likely that other religious/cultural traditions will share in some of the broader ideas discussed here. In the following, I specifically analyze the *hijab* as necessarily multidimensional and as a social practice. The three dimensions of the *hijab* are the visual, the ethical and the spatial. Although different contexts can represent different modalities of the *hijab*, I argue that insight into the dimensions of the *hijab* and how it can function as a social practice will allow for relevant questions about its meaning and the (power) dynamics it creates/supports to be addressed. In other words, discussions on the

hijab—or specifically how it functions—ought to include questions about each of these 3 dimensions. The three dimensions overlap a great deal, but the conceptual advantage of differentiating between them lies in the unique emphasis each frame offers. In analyzing these dimensions, I examine some of the cultural scripts they involve and the potential distribution of resources that is implied.

2.1. The Visual

The 1st dimension is *the visual*. Fatema Mernissi associates this realm with the command under Islamic law/jurisprudence (*Sharia/fiqh*) that one hide their *awrah* (also written as *awra/awrat*). There are variations on what is considered *awrah*. A moderate and mainstream Sunni-Islam interpretation would refer to a woman's *awrah* as her entire body except for the hands, feet and face. Some progressive interpretations associate the *awrah* to private body parts only. For example, Leena El-Ali argues that anything apart from the groin and the breast is an overextension of the term *awrah* and is not a genuine interpretation of the term in the Quranic text (El-Ali 2022, 218; 241).

For men, in traditional accounts of Sunni-Islam, the *awrah* is from the naval to just below the knees; more conservative/strict interpretations may add on to the male-*awrah* the idea of looser clothing, manly appearance and behaviour and growing/keeping a beard.[51] For most Islamic contexts, male-*awrah*, like male-*hijab*, is not something that is interpretated with the same association to shame. The male-*awrah* as well as male-*hijab*, lacks the historical, political and the social tension that the female *hijab* and the *awrah* of females is burdened with.

In pre-Islamic and early Islamic societies, *awrah* was defined differently for free women than it was for enslaved women, as such it marked a constructed categorical difference between the women. In all four schools of thought in Sunni-Islam, classical jurists describe the

[51] Some also argue that the social dimension of the male-hijab should make their 'Muslimness' known.

awrah of an enslaved woman as different from that of a free woman.[52] The above rulings match the local customs at the time of Islam's beginnings, which were also similar to pre-Islamic societies where free women were of higher status and were to be veiled, and enslaved women were seen as sexually available and prohibited from veiling. When this conception of *awrah* is taken seriously, it can mean that women's clothing and behaviour is expected to be an extension of her status as either 'free' or 'enslaved'. If the veil is only for free women, then it is a material feature that brings into motions actions that shape how a 'free' woman experiences the world. Of interest to feminist scholars is that while the Sunnah (the records of Prophet Muhammad's sayings) and the classical jurists make this distinction between the *awrah* of an enslaved woman and that of a free woman, the Quran does not make such a distinction at all and that leaves room for more egalitarian interpretations.

In Mernissi's account, *awrah* is defined as "nudity" or "nakedness", and it is used to refer to "private parts of the body" *or* "a vulnerable defenseless body" (Mernissi 1991, p. 182). In Ziba Mir-Hosseini's discussion of *awrah*, she refers to "two juristic constructs": one that defines *awrah* as "a zone of shame, which must be covered both during prayers (before god) and in public (before men)"; and a second which "defines women's presence in public as a source of *fitna* [source of corruption] chaos, a threat to the social order" (2019, 343).

The first of two juristic constructs related to *awrah* is especially relevant to the visual realm (the second construct will be discussed in the spatial dimension). The first construct defines *awrah* as "a zone of shame, which must be covered both during prayers (before god)

[52] For example, Imam Jasses al-Razi al Hanafi, in Ahkam al- Qur'an (2013, 317 and 372) wrote:
يَجُوزُ لِلْأَجْنَبِيِّ النَّظَرُ إِلَى شَعْرِ الْأَمَةِ وَذِرَاعِهَا وَسَاقِهَا وَصَدْرِهَا وَثَدْيِهَا
Translation: It is allowed that a strange man sees the hair, arms, calves, of the slave woman of other person [the woman enslaved to another person].
From the Maliki tradition, Imam Qurtabi writes in his interpretation of the Quranic Verse 7:26:
"وأما الأمة فالعورة منها ما تحت ثدييها ، ولها أن تبدي رأسها ومعصميها .وقيل :حكمها حكم الرجل"
Translation: As far as slave woman is concerned, then her 'Awrah [nakedness] is under her breasts, and she could expose her head and arms. In other rulings, her awrah is the same as a man [this is referring the awrah of a man which is from the navel to the knees]

and in public (before men)", here there is an association between *awrah* and shame, and between covering oneself for prayer as well as in public before men. From this we can see support for covering one's body in public like one would in prayer. Muslim women dress conservatively for prayer, covering the entire body and head (not necessarily the face, hands, or feet). So, this implication of *awrah* indicates that women should feel ashamed if they are not covered the same in public as they are in prayer.

Related to the idea of covering in public before men are the concepts of *mahram* and *non-mahram*. In the Islamic context, women have *mahrams* and men are *mahrams* to women (a woman might say, 'I need my *mahram* here' and a man might say, 'I have to go, I am her *mahram'*). According to the religious rules, *mahrams* are men that women can be alone with comfortably, without a veil. They include the husband if the woman is married, and any others with whom marriage, and by extension sexual activity, is forbidden; i.e. brothers, fathers, uncles (in a strict sense/by blood relation), grandfathers, and fathers-in-law.[53] Islamically, the expectation is that *mahram*s provide and care for the women they are *mahram*s to; they are often expected to be breadwinners and to take responsibility for anything the women may need, especially things that involve the public space. In contrast, non-*mahram* men are those men with whom marriage, and by extension sexual activity, is permitted. In the first juristic construct, a woman is instructed to cover in public because she is instructed to cover before non-*mahram* men.

2.1.1. *Awrah* and Shame

There are terms specifically in Arabic (and not necessarily, or exclusively, Islamic terms) that are similar to *awrah* with respect to making a connection between covering one's body and shamefulness. According to Nader Al Jallad's article, "The concept of "shame" in

[53] Although, it is not the case that a woman's physical body is completely irrelevant in front of *mahram* men, and there do exist social norms about how to dress in front of them, it is the case that the demands of *awrah* are weakened dramatically.

Arabic" (2010), 'shame' is a culturally loaded word that is difficult to translate across languages and cultures. In this article, he uses the Natural Semantic Metalanguages (NSM) system to identify the nuances between different Arabic words all meaning 'shame'. Of relevance to this discussion is the word '*hishmah*'. Al Jallad translates '*hishmah*' as 'good shame' (or one of several kinds of shame that are good). He explains that "to feel or to have *hishmah* means to be highly sensitive to 'shame'-inducing situations" (39). It means "that the person experiencing the emotion can easily become "ashamed" or embarrassed" (ibid.). As a noun, in NSM format, Al Jallad provides the following:

Al-hishmah aham ishi bil-insan
'shame' most important thing in human being

Having shame when behaving is the most important thing for people.

This shame is a 'good shame' because it is a valuable trait. It indicates that one is displaying the appropriate reaction to an embarrassing situation. The noun '*hishmah*' is morphologically related to genitals and, as Al Jallad also notes, this morphological relation between words for 'shame' and 'genitals' is observed in many languages, including the German *'scham'* (ibid.; Lynd 1958).

In the adjective form of *hishmah*, we get *muhtashim* (masculine) or *muhtashimah* (feminine). Al Jallad states that this adjective "can only refer to a personality trait", so it is almost always the case that "one cannot be muhtashim on one occasion but not another" (40). According to Al Jallad, the exception to this is when *muhtashimah* used with reference to women who are dressed in a way that aligns with the "rules of Islam, social norms and traditions" (39-40). This is most common usage of the word. Although, Al Jallad's impression is that this usage of *muhtashimah* does not necessarily denote a personality trait, I believe this impression is misplaced. It is typically the case that a women observing the rules of Islam will consistently be expected to do so. To appear or behave differently after giving the impression

that one is covered and reserved, will be scandalous. A thorough analysis of the relation between unveiling and shame is provided in a later section.

2.1.2. The Visual realm and the distribution of resources

This leads us to the resources and the distribution of resources implied by the cultural scripts of *awrah*, *mahram*, non-*mahram*, and *muhtashimah* . With social practice, it should be the case that we get a sense of the relevant resources and their distribution because these are always explained by the cultural scripts; the two are looped together.

Discussed earlier were resources related to one's social comfort, where social comfort is a measure of the comfort/discomfort one experiences in a social or public setting. To have higher social comfort involves being able to avoid feeling judged negatively by others. Related to social comfort is ethical comfort, or what might be called religious comfort. This refers to the confidence one has that they are good or pious, and/or that others see them as such. The more confidence one has, the more they experience ease and comfort in social and public settings. As was also discussed earlier, it is not the case that cultural scripts and a distribution of resources represent a predetermined effect. But it is the case that most people will feel less comfortable when they know they are being looked upon as though they did something others think is wrong. In some contexts, negative judgement from others can be ignored and any negative impact can be avoided, but in other contexts, a negative judgement can lead to results that are much more dangerous than what is suggested by 'discomfort'.

In contexts where the *awrah* of women is taken very seriously, women will be encouraged to cover their bodies and to monitor their behavior in public. It is likely they will need to be mindful of what is considered *awrah* and act accordingly for the sake of preserving their social and ethical comfort. Values and accessibility to resources would be different between the genders. For women, covering her *awrah*, attending to *hishmah* ('good shame'), and being mindful of her appearance and actions around non-*mahram* men will be positive

values. They will lead to secure acceptance, ease, and praise within her community. Due to these positive values, the resources of social comfort will be less accessible to women because they will be under more scrutiny for their appearance and behaviour in front of men/in public spaces. We can say that instead of social comfort, women in this context are able to access religious comfort through enacting the scripts related to *awrah*, *hishmah* and *mahram*/non-*mahram*.

For men, the positive values of *awrah*, *hishmah*, and being mindful of non-*mahram* men do not apply. They enjoy social comforts along with religious comforts by default. However, it is often the case that as *mahrams* for women, a woman's actions reflect on the man that is meant to be responsible for her needs. This means there is a lot of weight placed on women to keep an acceptable image in public. A failure to do so is detrimental to her *Marham's* access to social and religious comfort. This dynamic is captured by what is typically called 'honour culture' (or sometimes called 'family honour'). The valuable resource of honour provides access to social and religious comfort. It is assigned to men or to the entire family, but it relies on the relevant women to keep up a good image.

In societies where a less conservative version of *awrah*, *hishmah*, *mahram*/non-*mahram* is considered, or where *awrah* is not relevant at all, women will automatically have more social and ethical comfort. In that case, the disparity between the genders with respect to these resources will be reduced.

2.1.3. Veiling and Unveiling: Dina Tokio

It is useful to think about the 'cultural script-to-distribution of resources' loop with an example. Let us consider the case of Dina Tokio (real name is Dina Torkio, 'Dina Tokio' is an alias). Tokio is Egyptian and living in the UK. She rose to popularity on YouTube and other social media platforms for creating *hijab* fashion/modesty fashion related content. At the time that she started out online (around 2008), she was one of the first to bring *hijab* fashion/modest

fashion to girls and women on social media. Generally, there was not much representation of Muslims girls/women in the fashion sphere, so Tokio was praised for her role in filling this important gap. In Tokio (2018), she describes her journey of building confidence and learning to feel more expressive and beautiful with the *hijab*. This sentiment of building confidence, building a healthier body image, and expressing style was shared and delivered to her online audience.

From the start Tokio mixed the Islamic veil and a conception of covering her body according to Islamic norms with common local trends. She wore a veil that left some of her front hair revealed, and those few strands of hair were immediately the target of online criticism and sometimes outright hate. Users criticized her for not wearing what they believed is necessary for proper *hijab*. Nonetheless, Tokio continued to experiment with her style and express herself. Over the years she would dye her hair fun colours and at times reveal more of her hair than her audience was initially used to.

After around 10 years online, Tokio made the decision to remove her *hijab* because she no longer wanted to wear it 'full time'. She felt that it was better for her to not wear it every day; she wanted to only sometimes wear it. She reassured her audience that this was not an indication that her faith has weakened. Despite her explanation, a large part of the online reaction to Tokio's choice was hateful. She received an onslaught of derogatory comments. In response to the hate, Tokio expressed that she was disgusted by her *hijab*i community; the community she thoroughly considered herself a part of, and the same community that many believe she founded. She was appalled by the amount of slander, insult, and death threats that she and her family received all because of the "personal decision to basically wear it when I want to" (Stickings, 2019).

Tokio's content online showcased an interpretation of the *hijab* that gave her room for expressing herself and experimenting with fashion on a social and public platform. Before

removing the veil, Tokio does not conform to what everyone would consider to be protecting her *awrah*, even in her own community. This resulted in some potential or actual social and ethical discomfort from the hateful comments of others. Nonetheless, the praise she received for representing Muslim women in a way that is not often represented was overwhelming. She enjoyed the valuable resources of social comfort (feeling supported in her space online and with respect to how others view her), as well as ethical/religious comfort and inclusion into the Muslim online community.

When Tokio decides to stop veiling, it becomes difficult for her to be heard and viewed as a member of the community she had cultivated. Especially relevant here is the cultural script of *muhtashimah*. To change from being *muhtashimah* to not *muhtashimah* is viewed negatively. In fact, it is viewed even more negatively than simply never having been *muhtashimah* to begin with. It is seen as a betrayal, almost as though one has accessed a pious state and instead of continuing with piety, they are now regressing. Her family was targeted by the hate as well, which extended the negative consequences and caused tensions and problems between them.

2.2. The Ethical

The second dimension is the ethical. Mernissi's ethical dimensions states, "a space hidden by the *hijab* is a forbidden space" to men (Mernissi 1991, 93); i.e. the *hijab* worn by a woman makes her that "against whom [sexual] violence is forbidden" (93 and 187). Historically, this referred to the division between free-women and women-slaves. Similar to *awrah*, this dimension divides women into two categories, but the difference here is that the categorization denotes what is and what is not ethically permissible for men. In one category, there is the enslaved woman; she is a non-veiled/'non-*hijab* practicing' woman and she is

legally denied the authority to refuse sex. In the second category, there is the free woman; she is the veiled/'*hijab*-practicing' woman and she is given the "privilege" of consent.

Today, this division does not hold true because slavery has been outlawed and the law does not allow for any person to be violated (according to international law; United Nations n.d.). Nonetheless, the idea conveyed in this dimension lends itself to prominent victim-blaming cultural scripts which still circulate in Muslim and non-Muslim cultures today, including the myth that 'what a woman wears can protect her from sexual violence'. These scripts categorize women as the reason for their assault because they failed to present, behave or dress themselves appropriately.

Similar to *awrah*, the ethical dimension is not just about veiling or covering the body, it includes a range of ideals. One way to think of these ideals can be as modes of the virtue of modesty. In Marnia Lazreg's work, she notes that modesty includes "everything from modes of covering the body to character traits such as downplaying one's personal achievements" (2009, 23). The following section explores the dynamics of Islamic modesty with a heavy focus on the cultural script of *haya*.

2.2.1. *Haya*: Shame revisited

Similar to conceptions of modesty or purity culture in religious Western communities, Islamic cultures emphasize *haya* (shyness) and *sitr* (modesty/hidden) as virtues and as forms of female piety.[54] Both terms are also related to conceptions of shame and are similar to *awrah* (nudity) in this respect. In Arabic and Islamic sources, the words for 'shame' can have a positive connotation; for example, in Nader Al Jallad's (2010) study on the topic of shame, he defines *haya* as a type of "good shame" that links acts of covering the body, behaving diffident and shy with valuable feelings of shame (i.e., 'good shame'). It is not clear that *haya* is always or only referred to with positive connotations, however its use is "age- and sex-linked" and

[54] See Mahmood 2005, p. 20; Lazreg 2009; Al Jallad 2010.

when it comes to children and women the positive connotation can be assumed. In the following paragraphs, I take a closer look at shame and the concept of *haya*. *Sitr* is similar to *haya*, but due to the abundance of literature on the cultural script of the latter, I focus on *haya*.

Research on the term '*haya'* defines the term as a variant of shame and explains that when one feels *haya* they feel ashamed or shy (Wehr 1979; Wortabet and Porter 1954; Al Jallad 2010; Ba'albaki 1984). Lane (1968) defines *haya* as "honest shame, or prudency, or modesty", and "a shrinking of the soul from a foul conduct" and Wehr (1979) includes "diffidence, bashfulness, [and] timidity" in their definition (Lane 682; Wehr 256). Although shrinking oneself and behaving timidly is not typically considered good, it is good in the case of *haya* and when referring to women, because it is associated with the virtues of modesty, prudency, and piety. When referring to children, a child's display of *haya* signals a good upbringing and is reflective of the moral values of the child's parents. For example, a student is expected to feel *haya* if they fail to answer a simple question when the teacher calls upon him/her, a woman is expected to feel *haya* when meeting her potential or future in-laws, a child is expected to feel *haya* when meeting adult strangers (with the child's parents present).

Al Jallad explains that all people (or all people familiar and socialized with this term) "are expected to agree that *haya* is canonically a good feeling [of shame or embarrassment], and the more intense it is, the better" (37). It is something people are expected to feel in certain situations and "are even praised for" (38). It "is almost like a moral power that guides one's behavior. It is a socially shaped conscience that monitors one's actions. Behaving improperly indicates a lack of *haya"* (38). To have a lack of *haya* may include acting in a way that is perceived as aggressive, arrogant, entitled, too loud, disrespectful and immodest. Al-Jallad also provides an example, "if a woman wears a revealing dress or goes out with a man who is not her husband or husband to be, she is expected to feel it [*haya*]" (id.).

Haya is different from other words related to embarrassment, shyness and shame, such as *khajal*. *Khajal* is likely to be attributed to "slips of tongue, physical imperfections" and things that are outside of one's control (38-39). In contrast, *haya* arises with respect to things that are within one's control (or assumed to be in one's control). Moreover, *haya*, unlike *khajal*, is often understood as good and praiseworthy. When a woman feels *haya* or displays *haya*, this signals that the woman is morally good and socially aware. *Haya* is a feeling of discomfort and the willingness of the woman to allow the feeling to continue, for the sake of appearing to do what is good, makes *haya* a particularly meritorious virtue. Al Jallad's NSM script for *haya* explains that the woman would not want the feeling of *haya* to stop because she knows that this feeling can stop her from doing something bad (52).[55] I add to this that the woman would not want the feeling to stop because stopping it can create an unsafe situation where others treat her badly or think poorly of her.

Haya often occurs for the sake of deflecting the possibility of an anticipated embarrassing situation. In circumstances related to the experiences of girls and women, this can take on a sexual connotation. For example, a woman might display *haya* by acting more reserved and not making eye contact with a potential male suitor even though she is fond of the man. Making eye contact and behaving more comfortably is Islamically allowed (and allowed according to most social norms), but a woman might choose to act with more *haya* because of the sexual suggestion implied in the interaction. '*Haya'* is a value with normative expectations: when others observe a woman acting with this degree of *haya*, they are likely to

[55] For reference, this is Al Jallad's script for haya in the Natural Semantics Metalanguages (NSM) format (this is only one variation of *haya*):

1. "X feels haya,
2. Something is happening inside X that makes X slightly uncomfortable
3. This is because something happened to X that is not necessarily bad
4. X thinks that other people are thinking about X because of what happened
5. People think that it is good that X feels this way, and X feels the same
6. X does not necessarily want this feeling to stop because X knows that this feeling may stop X from doing bad things" (52).

assume that she feels *haya* easily and that it will protect her from being sexually permissible in other situations. Although, a lack of *haya* in this case may be overlooked by observers, it also, may indicate that the woman is less sexually guarded. To resist the potential for embarrassment, a woman may choose to emphasize her *haya*.

The description of *haya* thus far aligns with Marnia Lazreg's (2013) insight on the term. Lazreg posited that *haya* is a measure of a woman's awareness of her body as a carrier of actual or potential shame. The woman that avoids making eye contact with her potential suitor is acting on the *potential* for shame that would result from relaxed behavior. The woman, due to her sexually marked body, is always a carrier of actual or potential shame and when she feels/displays *haya* in the appropriate situation, she is praised because she has the appropriate awareness of her body and is—presumably, but not necessarily *actually*—guarding herself from more shame.

2.2.2. Unveiling and *Haya*

Let us consider again, the story of Dina Tokio. When she decides to stop veiling, it is viewed negatively by most of her audience. One way to understand why her act of removing the veil was met with a strong reaction is because she was meant to represent a person with *haya*. She did not say she wants to be a representative of someone that has *haya*, but as a public persona with a veil, she was understood as displaying an amount of *haya* by some in her community.[56] To be assumed to have *haya* is to be assumed to have awareness of your body as a site of shame, so when she stops veiling, those that accept *haya* may see her as saying she does not have this awareness anymore. For clarity, this is the assumption based on how observers are likely to think about *haya* in a context where *haya* is taken seriously as a stable

[56] Here I focus on those who accepted Dina Tokio as a hijab wearing woman with haya, but there are others for whom Dina Tokio did not embody an appropriate degree of *haya* because her veil was not what they believed was proper. Others, also, might view her entire presence online (as a public persona) as unacceptable for a hijab wearing woman.

normative cultural script. It may be that Tokio stops veiling because she rejects the entire idea of her body as a site of shame and she rejects the suggestions that *haya* denotes. While that is important, it is the case that for those that agree with *haya* and its association to veiling, Tokio's rejection appears unfounded. From their perspective, her act of unveiling after she had subscribed to the practice of veiling is bad. It is bad because she is lacking the willfulness to be uncomfortable for the sake of doing something good and because her actions show that she is aware of both, how others view her body as a site of shame, and how *others think that she knows they view her in this way*. Compare this to the woman that does not wear a veil and has never done so—she is under less scrutiny because she never shown awareness of shame/ acknowledgement for any need to veil.

Consider the following analogy. S is working at a corporation where professional dress is valued and a lack of professional dress is a cause for embarrassment.

1) S is new to the corporation and dresses causally (not professionally).
2) S is informed that they must dress professionally and that not doing so is considered embarrassing.
3) S (implicitly or explicitly) acknowledges the wrongness of their behavior and begins to dress professionally.
4) After some time, S returns to dressing causally (not professionally).

S at (4) is likely to be seen as arrogant and disagreeable for what appears to be an intentional regression back to an action that they acknowledged as wrong. However, S at (1) and possibly S at (2) is likely to be given some slack because they may not know or fully understand the importance of professional dress in their new workplace. The woman that has never veiled is like S at (1) and (2); others can assume that she does not know its importance and does not understand how embarrassing the lack of veiling is considered to others. The woman that starts to veil is like (3); her actions show that she acknowledges veiling as a valuable practice. The woman that then goes on to unveil is like S at (4), and because she has previously shown that

she has awareness of the way that unveiling is wrong or embarrassing, she is viewed as especially morally deficient.

2.2.3. Shame and Oppression

In this section, I continue to examine the cultural scripts related to shyness and modesty. I first discuss Sandra Bartky's (1996) account of shame, and then I relate this Marnia Lazreg's discussion on *haya* (shyness) and *sitr* (modesty).

Bartky (1991;1996) argues that the shame overwhelmingly experienced by women is a taught experience that occurs before an Other. The Other is a composite image that contains all the experiences and messaging that girls/women are bombarded about inadequacy, incompetence, their status as a "decorative being", and so on (1996, 91). Bartky goes on to describe the way women experience shame because they sense something inferior about themselves although they do not genuinely believe it. She uses the terms 'sensings of inferiority' and 'feelings of inferiority' because the beliefs related to a woman's sense of shame do not reach their full formation, i.e., do not reach an appropriate level of clarity. The beliefs cannot reach their full formation because they are based on a false construction women have of themselves due to applying false standards. Bartky argues that the particularly "corrosive character of shame" has an undermining effect and creates the peculiar helplessness women exhibit when they are experiencing this kind of shame (shame related to their awareness in their gender) because of the "failure of these feelings to attain the status of belief" (95).

Bartky's account follows from Frantz Fanon's work on the psychological oppression of Black people. She argues that, like Black people, women are psychologically oppressed due to stereotyping, cultural domination and sexual objectification. These modes of oppression result in the false constructions women have of themselves and in their consistent employment of alien, imaginary, and false standards—that is, "the standard of brute maleness" (95). Instead

of women being treated as—and instead of women learning to perceive and treat themselves as—complete and complex human beings, there is a reliance on reductive and false stereotypes. That is, a reliance on cultural knowledge that is produced by men, that imagines women as inferior, and that is about the sexual objectification of women. All of these aspects treat women as fragmented, as parts of a whole, and result in psychological alienation and oppression to the point that women are trained to treat themselves as inferior too.

The description Bartky provides of shame aligns with Marnia Lazreg's description on the absurdity of cultivating a sense of *haya* and *sitr*. Lazreg explains, that for a woman to practice modesty (*sitr*) and shyness (*haya*) is to behave in a way that shows awareness of the potential that she might cause men to violate her. These virtues "become a measure of a woman's awareness that her body is a carrier of shame, potential or actual" (Lazreg 2009, p. 32). The degree to which she is desired by men (i.e. her sexual desirability or sexual value according to male observers) is the degree to which she should be ashamed. In societies where *haya* and *sitr* are taken seriously, young women are told things like, "if you are very beautiful it is not enough to only cover your hair, you should also cover your face" (see Lazreg 2009, Alibhai-Brown 2014). In other words, the more sexually desirable a woman is to men, the more she should feel ashamed of her beauty, and the more she should enact her awareness. These ideas of sexual desirability and a kind of 'measure of beauty' do not reflect anything consistent or regulated; they are uncertain, so they will feed into uncertainty surrounding woman's beliefs and potentially how she understands her behavior and her sense of self.

Hence, the ideas encouraged in the female virtues of '*haya'* and '*sitr'* have the potential to cause feelings of alienation because they make it difficult to experience genuine self-expression. They encourage fragmentation and sexual objectification because they emphasize only one aspect of a woman as a human being; this one aspect is her '*potential* to be shameful'. Moreover, they are paralyzing in the way that Bartky describes because they do not reflect any

honest standard to which a woman can genuinely qualify her beliefs. This is especially true when there is the possibility for a change of expectations according to how others measure her beauty. Consequently, women can be overly consumed by worrying about if their actions or behavior is enough, and worrying about the extent to which they might be putting themselves at risk without even knowing it. Thus, a clear and fixed standard would be better because a woman can have certainty about the extent to which she is achieving the expectation.

Lazreg includes a lesson from her grandmother that summarizes the social paradox women find themselves navigating: 'the veil conceals a woman's ugliness as well as her beauty' (26) and a woman must hide her ugliness and her beauty to protect herself (15). The idea that the veil conceals everything and one is not meant to look beautiful makes it difficult for some Muslim women to want to, or to value tending to their bodies and appearances with care. Lazreg discusses this problem with the issue of grooming, reflecting on how some women will stop doing basic things for themselves such as taking care of their hair, grooming facial hair, wearing nice clothing, etc., because they are habits that can be considered 'beautification', or can linger on the line between immodesty and modesty. It is not about whether a woman's body is attractive or unattractive, or whether she makes herself more or less attractive, it is that the female body exists in a context where it is flawed, and therefore, it should be hidden. This leaves women psychologically alienated. They have the impression that there is always something defective, absurd, obscene, or somehow inferior about the female body, and women are to navigate and attempt to build a sense of security and a sense of self despite this.

2.2.4. The Ethical Realm and The Distribution of Resources

In thinking about the distribution of resources, I am reminded of Jamal al-Din al-Afghani's comments. Al-Afghani is a nineteenth-century Muslim reformer; he defined modesty as "an individual's restraint from evil deeds that is more effective than laws. In this sense, modesty is not a virtue that can be legislated" (23). For modesty to be more effective in

controlling people than laws, makes it especially problematic that this virtue is emphasized as a feminine virtue rather than one that is equally expected of all genders. Social practices that encourage this disparity also encourage more social restraint and control of women and less of the same for men.

One can argue that in contexts where modesty is taken seriously and is considered a requirement of faith, women can refine their ability to align with its requirements and gain more social and ethical comforts. Part of being faithful in Islam (like in many other faiths) is, after all, to sacrifice and restrict oneself for the sake of a higher purpose. This allows one to view oneself as righteous and ethical. It allows one to cultivate a sense of inner peace and harmony which can be fulfilling and can serve as a source of motivation and empowerment. This is stronger than ethical/religious comfort; we can call it 'religious power'. The contention arises, however, with the way that the demands for women to attain religious power are much more burdensome compared to those for men. As a result, men will easily enjoy the resource of religious power, but women will need to modify and sacrifice more of themselves to enjoy the same.

A social structure that encourages the attitudes and management of resources promoted thus far in the ethical realm might look like the following example. In Zempi's (2016) article, one woman, Zafirah, admits that she began to wear the *niqab*, instead of just the *chador*, *because* she lived in a Muslim majority area in the UK and often walked past Muslim men that collected outside of the *masjid* (mosque). She says that the stares from the men made her feel uncomfortable, so she decided to alleviate this discomfort by wearing the *niqab*. The social practice of the *hijab,* in this case, and the supporting cultural scripts made it easier for the men to believe they are entitled to create a hostile environment for uncovered women. Indeed, some Muslim men believe that a woman hiding her body and hair whilst revealing her face is more

sexually enticing than a woman who reveals her hair and face. This puts *chador*-wearing women in a difficult and unfair position where they are unable to practice a more moderate and flexible version of the *hijab*, and where they will feel that their choices are either to "not veil at all" or to "cover their faces". They are unable to have the space and security to practice their own interpretation of the *hijab* because that authority is not allotted to them. It is allotted to the Muslim men in their social world.

Zafirah describes feeling content with her decision to wear the *niqab*; she says she believes it was the right thing to do (Zempi 2016, p. 1749). This demonstrates that Zafirah did not just wear the *niqab* because it was a prudent thing to do, but she in fact comes to believe that her decision was ethically right according to the guidance of Islam. Her feelings align with the cultural scripts of modesty and culminate in a sense of religious power—that one has done the correct thing from an Islamic standpoint, or in other words, that one has attained a sense of inner harmony because they are confident in their knowledge that they are a good person in terms of their faith. Modesty or *haya* is the result of Zafirah's awareness of what the men have determined is a shameful presentation of herself. When the men give her the impression that she is doing something shameful, she has the choice to keep doing it and experiencing their scrutiny or to show that she acknowledges her 'wrong', is ashamed, and corrects it by covering her face. It is felt and perceived as a positive quality by Zafirah because it receives a positive response in her context.

2.3. The Spatial

The third dimension is the spatial. When the *hijab* functions spatially it divides and segregates physical spaces. The cultural scripts in this dimension have to do with boundaries for the sake of respect and a more general understanding of the private and public domains. The cultural scripts, discussed previously, of *awrah*, *haya/sitr* are relevant here. Consider Ziba Mir-Hosseini's summary of the "two juristic constructs" for *awrah*. The first construct stated

that *awrah* is "a zone of shame, which must be covered both during prayers (before god) and in public (before men)" and the second defined "women's presence in public as a source of *fitna* [source of corruption] chaos, a threat to the social order" (2019, 343). As was discussed earlier, the shame related to a person's modest appearance and conduct is especially applied to women. The heavy weight placed on shame for women results in an understanding that it is valuable for women to stay modest/covered. In the first construct of *awrah*, the importance of shame (*awrah* and relatedly, *haya*) in public is stressed. Given these sentiments, it is not surprising that there are expectations placed on women to maintain gender segregation.

In traditional Sunni-Islamic accounts, women are required to segregate themselves from men by staying in private spaces (in the home or women-only spaces). If a woman is to go out in public, she can preserve this segregation by going with a *mahram* (an unmarriageable male relative by blood relation), by maintaining boundaries between herself and the opposite gender and by wearing a veil/modest clothing. That these expectations are placed on women is reflective of patriarchy in general. Tasking women with maintaining gender segregation is intuitive because the other option—limiting, controlling or modifying men's movements—would be difficult and counter-intuitive to a patriarchal society.

The second construct (of *awrah*) takes this further; it solidifies the burden on women to maintain segregation by defining women's presence in public as a problem—a source of *fitna* (corruption). This construct is likely to emphasize secluding women to the private realm. This disadvantages women with regards to their ability to access fairness and justice and with regards to her ability to be an equal participant in the public realm.

One of the most influential Islamic theologians/clerics of the 20th century, from a relatively moderate Islamic school of thought, the Hanafi school, is Syed Abul A'la Maududi. Maudidi is one amongst many of our time who whilst preaching for social activism and civic involvement, also strongly believed that women should not leave their homes unless it is

absolutely necessary. And in the case that it is necessary, Maududi says a woman should wear a complete *niqab* or *burqa*. Identifying what counts as 'necessary' is a topic of larger debate, but no matter how it is defined, Maududi's recommendation encourages blameworthiness directed at both the woman that needs to leave her home, and at her male-*mahram*(s) for failing to accomplish the 'necessary' task on her behalf.[57]

Other theologians have encouraged women to experience more freedom outside of the home (including Maududi's own students) and will not incorporate a strict mandate of veiling/face-veiling. However, in part, stemming from problematic narratives, women are often 'permitted' to be in public only when some conditions are met, e.g. it should be for school, work, in a female-only area, or she should take permission from her *mahram*, be accompanied by a *mahram* or another woman/group of people, and so on. These conditions can make it the case that women are tasked with having to justify being outside of their homes/in public to their *mahrams,* other observers and to themselves. This also places a large burden on *mahrams* because they are asked to organize their lives in a way that can tend to the dependency women are forced to have on them.

Sheikh Dr. Yasir Qadhi provides a mainstream moderate perspective. Dr. Yasir Qadhi studied and followed the Salafist tradition but then turned away from it in favour of a more moderate approach. In his lectures, he stresses the importance and priority on men to take responsibility of their own temptations and actions (Qadhi, 2022). He encourages Muslims to remember that the before the Quranic verse "And tell the believing women to lower their gaze and guard their chastity, and not to reveal their adornments except what normally appears […]" (*Maarif ul Quran*, n.d, 24:31), is the verse "Tell the believing men to lower their gaze and guard their chastity […]" (*Maarif ul Quran*, n.d, 24:30; Qadhi, 2022). Qadhi's approach is that men are required to hold responsibility for their prolonged or sexualizing gaze onto women in

[57] See El Guindi (1999).

public and their conduct when it crosses the boundaries of what is Islamically and socially appropriate. It is not the case that stricter interpretations disagree with Qadhi, but in practice it is difficult to overlook the pressure and blame placed on women.

Useful for progressive interpretations is the following textual/Quranic support indicating that the *hijab* fits in with acts of *adaab* (good-manners) and *wajib* acts rather than *fard* acts (as discussed in Chapter 3). When the word '*hijab'* first appears in the Quran it means curtain or barrier. This first Quranic usage was part of a command to segregate prophet Mohammad from other men, so that Mohammad and his newly wedded wife, Zaynab bint Jahsh, could have privacy. The *hijab* in this sense was about setting boundaries and reserving spaces for intimacy. It aligns with other guidelines about respect or good-manners such as, avoiding public displays of affection, making sure your presence is welcome when approaching someone else's space, and not overstaying a visit or overburdening your host (Mernissi 1991, 85-87). This textually supported interpretation of the *hijab* aligns with progressive Islamic thinkers that categorize the *hijab* as an instruction for *adaab* (good-manners/good-conduct), as well as those that categorize the *hijab* as *wajib* and not *fard* (see Chapter 3). The categorization of the *hijab* as *adaab* and *wajib* encourages some leniency when thinking about the importance of *hijab* because it moves it from an action that indicates one's Muslimness to an action that indicates the degree to which one is respectful and well-mannered.

3. The hijab within Social Structures and Ideologies

When the social practice of the *hijab* is supported by social structures, and more broadly, by ideologies, its scripts and distribution of resources are more difficult to challenge because they involve, on a greater scope, already established understandings of concepts, invested relations of power and norms of interaction/behaviour. In this section, I will address a few of the worrisome ways the *hijab* might feature within a social structure and an ideology.

Taking seriously the problematic cultural scripts, and the problematic distribution of resources that sometimes occurs in the case of the *hijab* as a social practice, an ideology that stabilizes these problematic features is oppressive to women. In this ideology, we find that the world would—for example—make women vulnerable and defenceless *qua* women, and as women in the presence of men, and that male-desire (or the male-gaze) is precisely what makes women vulnerable and defenceless in this way. There would be epistemic effects too: this false construction of woman and of male-desire would masquerade as true and would appear to have epistemic warrant. I mean this in a way that is analogous to Haslanger's analysis of the ideology that makes bottled water meaningful. When Nestle drains local springs in order to bottle water, the potable water supply shrinks and people have a reason to drink the bottled water, reinforcing and sustaining the practice, and allowing Nestle to provide bottled water because it is now needed (2018). Likewise, it becomes needed, or objectively prudent, for women to treat themselves as more vulnerable in public or in front of non-*mahram* men, and when they do so, they reinforce and sustain the problematic scripts and social practices that caused the oppression to begin with. Nonetheless, doing so, offers women some social, ethical and religious comfort because they are expected and rewarded for treating themselves as more vulnerable in this way.

We can imagine an opposite scenario, one where the cultural scripts and social practices encourage an understanding of women as less (rather than more) vulnerable, or invulnerable and resilient. If society followed something more like Dr. Yasir Qadhi's teachings and placed a higher emphasis on men having the responsibility of keeping themselves safe from *fitna,* by lowering their gaze and conducting themselves appropriately, then this would counter the need for women to treat themselves as more vulnerable in public/in front of non-*mahram* men. When this need is gone (or reasonably lessened), cultural scripts that allow for more leniency with respect to what counts as shameful for women would be easier to implement and women taking

advantage of their increased access to social and religious comfort in the public realm could be interpreted as the convenient and prudent way to go. When women have more social and religious comfort that would also loop back into making women more invulnerable/resilient in public.

The degree and the ways in which the *hijab*'s scripts and management of resources impacts a girl's/woman's life will depend upon the ability to access resources more generally. For a woman from a privileged socio-economic class, in a liberal society, the *hijab*'s cultural scripts and management of resources might be manipulated to some degree and might only have significance when aligned with other problematic practices or when used to perpetuate myths that increase sexual discrimination and assault. However, for women that cannot afford personal drivers, access to employment in a women's only space, or a safe educational institute or workplace that accepts her version of the *hijab*, the *hijab*'s demands are not easily manipulated to benefit her, and instead will be reinforced in ways that disadvantage her.

3.1. The materiality of the hijab

The meanings we can ascribe to the *hijab* are limited by its material features. The actions we perform and avoid, because of, or in spite of the *hijab* are reflective of the possibilities and the constraints developed by its material features. These features are looped with the normative social practices, cultural scripts and distribution of resources dictated by the larger ideology. By material features of the *hijab*, I am thinking of things like the cloth itself, the curtains, the walls, the tinted windows, the physical space, and any other material feature that encourages the *hijab* to fulfil its function in any of the three realms. These material features mean that young girls/women have the extra burden of thinking about what is appropriate/inappropriate to wear every time they leave the house (this is not to say that men do not think about this at all, but that women will have reason to be concerned to an extent greater than men). It means that they are more restricted in their experience of the world: when

they play sports, shop for clothing, walk/drive to school/work, when they go to a bank, a courtroom, a festival, and so on. They are to take extra attention of the space they hold and how they hold it. The influence of the material requirement is seen in the normative significance allotted (in some societies) to actions such as girls/women riding bikes, driving, wearing certain colours, going to cafés, or dipping their toes in a lake, etc.

These material features are worth some reflection because they provide physicality to the meaning that is placed on top. The veil is not simply a piece of clothing, it is what makes a woman '*muhtashimah* ', what makes her pious, what causes her to receive smiles from other Muslims and negative experiences from non-Muslims. These material aspects reinforce the possibility that a set of expectations exists for some women and not for others; i.e., for women and not men. These expectations shape reality for too many women. For example, in some schools in the United Arab Emirates, female students studying in STEM fields are not necessarily guaranteed the full experience their degree requires of them because professors and lab-techs are worried about what to do with their unsafe, long, flowing attire—and this gets in the way of making sure that the students learn how to work the machines required in their field. Of course this is not always the case, and it is not the case for *all* women in the UAE, nonetheless, the expectation that women always cover their bodies in this way—when backed with cultural scripts related to the *hijab*, such as those discussed previously—creates a problematic environment in which overpowering the expectations around the clothing of women is a challenge. When this is coupled with broader ideas about women not needing to work, or even broader historical and universal ideas about women having inferior intellectual capabilities compared to men, we are left with a context in which pushing for a fair experience in the lab is itself a great challenge.

The consequences of the material features of the *hijab* work in tandem with the broader social structures and ideology relevant to each context. In already disadvantageous states (i.e.,

disadvantageous to women), the material features will help solidify that state. In less disadvantageous and more egalitarian situations, material features may be manipulated in ways that are more favourable.

3.2. Problematic cultural scripts

The cultural scripts of *awrah*, non/*mahram*, *sitr*, *haya*, and public/private domains, discussed in the previous section are problematic and are areas that require reform. When these scripts are not easily isolated and are interlocked in an ideology, they give rise to additional, far-reaching consequences.

A good example of this is recorded by Olga Rodionova in her interviews with female Muslim students at the American University of Central Asia (AUCA) and Manas University, both in Bishkek, Kyrgyzstan (2009). The students from AUCA were mostly from urban areas and those from Manas University were mostly from rural areas (21-22). In Rodionova's interviews she questions the students, all of whom were Muslim women, about their dreams, their future goals, and their conceptions of happiness and freedom. The answers between the two universities differ massively. The female students from Manas University, an Islamic university with a "Soviet style", answered in a way that one might consider to be traditional and shy or reserved (19). Overwhelmingly, amongst 30 students, their dreams and goals included marriage and the ability to make a husband happy. Their description of freedom was limited to the freedom to practice their religion, to wear a headscarf, and to pray. The 30 female students at AUCA, an American university, answered in a completely different manner. Their answers demonstrated individualized passions and dreams that did not fit in with the narrative of the group from Manas University. Their conception of freedom included, in their own words, "freedom of speech" and the "freedom to travel and experience whatever I want". The female students at AUCA did not disregard freedom of religion in any obvious way, but their understanding of their freedoms did not prioritize historical or current

constraints on freedom of religion, it included a broader range of freedoms, and arguably, ones that are more aligned with their own personal interests.[58]

What I intend to draw attention to here with reference to Rodionova's interviews is that the cultural scripts described above do not just prescribe norms about women's appearance and behaviour. When they are taken as justified, they inform our broader conceptions of things like 'freedom', 'passion' and 'dreams'. That this is the case can help further demonstrate why the *hijab* is so deeply personal and why it can be such a large aspect of how one identifies. If feminist Islamic goals are interested in variations of the *hijab* that are reformative, that have the qualities of being advantageous and truly empowering for women, then these broader cultural scripts ought to be addressed and redefined in ways that encourage equal prospects for girls/women.

4. Is the hijab reformed for Muslim women in the USA?

In this section, I turn to the context of Muslim women in the United States to examine whether the *hijab* in this context has shifted significantly from problematic cultural scripts towards a reformed practice. Leila Ahmed (2011) discusses how the *hijab* for women in the United States has been transformed into something that opens up new avenues for Muslim women. Ahmed's text examines the shifts in the meaning assigned to the *hijab* (and mostly, the specific practice of veiling). She shows that the *hijab* goes from something that did not symbolize one's religious beliefs (be it Islamic beliefs or the beliefs of other religions), to an Orientalizing symbol of "Islamic patriarchy and oppression of women", only to emerge "today in America as a call for justice, and even for gender justice"(8). Ahmed examines the role of Muslim women in social and political activism and their inclusion and participation in the religious sphere as signs that the revival of the Islamic veil is a new and reformed version of

[58] American programs, such as this one, are also imperialistic and serve imperialistic goals. While they are deserving of criticism, that is outside the scope of this discussion.

the *hijab*. Along these lines, Ahmed explains that for liberal Muslim women in US, the restrictive aspects of *hijab* do not apply. In this section, I analyze Ahmed's view and take it as a starting point to thinking about how the *hijab* is experienced for Muslim women in America. I specifically discuss two formulations that are viewed as advantageous avenues for Muslim women. I argue that despite the advantages of these two formulations, it is not enough to disrupt and change the problematic cultural script and distribution of resources associated to the traditional *hijab.*

Ahmed's discussion regarding Islamic organizations, including the Islamic Society of North America (ISNA) and the Muslim Student Association (MSA), represents a positive shift over the last century. She describes at least two feminist features emerging in America for Muslims that are reflected in the actions of these organizations. The first is the "forthright challenge to scriptural and interpretative texts" (306). This is not completely new to Muslim women, but it usually comes from secular Muslim women; for example, Nawal el-Saadawi, "issued such challenges going back to the 1960s" (306). Today, these challenges are coming "from committed and believing Muslims" including members of the Islamic Society of North America (ISNA; id.). The second feature is the demand for equal space (for women) physically within religious institutions, along with equal representation at the level of leadership within the same institutions.

Ahmed recognizes that the people associated with the Islamic Society of North America (ISNA) and the Muslim Students Association (MSA) are "by definition at the conservative end of the spectrum in terms of Islamic practice" (292). However, she also notes that,

> it is probably accurate to describe ISNA and MSA-based women concerned implicitly or explicitly with issues of justice for women as most distinctly at the liberal end of the conservative spectrum: for concern for equal justice for women does indeed

> represent a departure from the Islamist blueprints where gender issues are seen as necessarily and properly grounded in gender separation and also typically in a notion of gender hierarchy (294-295).

The changes ISNA and MSA have implemented are a result of women/people with more feminist values changing the organization from within. These changes include things like preferring more egalitarian/feminist translations of the Quran, banning those translations that can be used to provide problematic/extreme anti-feminist justifications, having women speakers at their events and electing women presidents.

I agree with Ahmed that these changes represent impressive positive shifts for Muslim women's rights in the US. However, I take issue with the persistence of the material features of the *hijab* as a way for Muslim women to be represented in the West. Except for less popular groups/scholars/activists (which Ahmed also acknowledges), such as Amina Wadud, Khaled Abou El Fadl, Sa'diyya Sheikh, Marcia Hermensen, among others, the stubborn features of veiling/modest clothing and gender segregation (to some degree) remain (277). These figures are less popular because of their progressive views, and they are less known to the general Muslim public. They are also unacknowledged and often discredited by religious leaders and significant Islamic scholars.[59] As a result, there is less inclusivity for broader conceptions of how a committed Muslim should appear/behave, and less inclusivity for non-heteronormative genders and sexualities. There is a broader need to tackle cultural scripts that are problematic, including those of *awrah* and *haya*, which are implicated in veiling and gender segregation. This broader need can include reaching feminist and empowering conceptions of values like 'freedom' and 'dreams'.

Mostly, Muslim women are represented with the veil and it is understood to be a *hijab*. This is also the case with the representation of Muslim women to the US public by the groups

[59] For example, Amina Wadud discusses her struggle to be taken seriously by Muslim scholars in her text, *Inside the Gender Jihad* (2013).

mentioned above.[60] This representation and emphasis on veiling can be utilized to encourage *some* feminist goals. There are two main formations where I believe this is the case (both take for granted a Western-US context).

The first formation: Muslim American women are encouraged to approximate a particular mode of feminine excellence that includes embodying a modern conception of success in addition to embodying the piety that the *hijab* prescribes. This is the case with Muslim women entering male-dominated fields whilst wearing the veil. They represent an approximation of excellence as it may be understood by many people with pro-*hijab,* feminist and leftist leanings. It is impressive because it attains what the public (or the feminist-leftist public) views as valuable for women; i.e., a modern conception of success for women that includes breaking into male-dominated fields and being a "girl boss", as well as, indicating (via veiling) that the Muslim woman's beliefs were not modified for the sake of this success.

In this formation, there are necessarily some aspects of the social scripts and distribution of resources traditionally related to the *hijab* that are de-emphasized, ignored or changed. For example, when Ilhan Omar, a Somali American, glowingly confident and veil-wearing woman takes a seat as a U.S. congresswoman, some aspects of the traditional *hijab* are necessarily disturbed. She appears in public, loudly and competently. Except for the veil, she ignores the guidelines implied in *awrah* and *haya*. In doing so, she accesses resources including power, authority and influence that are valuable resources and ones aligned with our modern conception of success. However, she also accesses ethical and religious comfort by maintaining the image of a Muslim woman (to some extent as there are those that will see her veil as insufficient). By maintaining the image of what the Muslim public expects a Muslim

[60] Sahar Amir (2014) has a lengthy analysis on the representation of Muslim women as hijab wearing women by groups including Council on American-Islamic Relations (CAIR). Her analysis (which I discuss briefly in Chapter Six) demonstrates that CAIR does a disservice to Muslims by representing the hijab as synonymous with Muslim women and as aligned with western values.

woman to look like, she is also able to represent Muslims in a way that the Muslim public is likely to take more seriously. Especially in her role as a politician, and with lack of US Muslim representatives, this is a very valuable resource. In the same vein, the far right in the US and typical Islamophobes will find her veil particularly offensive. Giving offense to the far right and Islamophobes is a valuable resource in its own right—albeit it is also part of what causes her to receive the disvaluable resources of hate comments and death threats.

Similar to Ilhan Omar, there are also those for whom wearing the veil can set them apart in their careers, especially when those careers are male dominated or not often associated with veiled women. This includes veiled women pilots, military personnel, athletes, newscasters, etc. In these cases, women might wear the veil and receive social comfort and empowerment not just despite their Muslim appearance, but also *because* of it. Again, it is important to reiterate that while these are positive consequences of the veil, there is also the hate and targeting of Muslim women in the US specifically due to their veils. For some this is so extreme and unsafe that it will make it too risky and difficult to keep wearing the veil. Thus, it is likely not with ease, nor without talent and resilience, that Omar and other Muslim women are attaining the benefits of approximating the feminine ideal of excellence (i.e., the ideal of modern-success along with Islamic feminine piety).

The second formulation: The emphasis on the veil as an identity marker of Muslim women can make the veil a primary feature of the *hijab* that the Muslim community disproportionately cares about. This can be useful for women negotiating their access to educational, religious, economic, and social opportunities. Many Muslim women describe agreeing to wear the veil in order to keep a fiancé, husband or father content with their decisions to work in mixed settings or to travel/live without a *mahram* (see Lazreg 2009).

Even Amina Wadud (2006), the first scholar to write an exegesis of the Quran from a woman's perspective and the first woman imam to lead a mixed-gender Friday congregational prayer (*salat al-jumu'a*), admits to strategically wearing the veil to ensure her peers, specifically Muslim male scholars, take some time to treat her views more seriously instead of automatically dismissing her. Even then she is smeared as a "devil in hijab" and other insults by opponents of her feminist approach (Wadud 6). It is reasonable to engage in strategical veiling, but the choice to do so reflects how veiling is that item which allows her access to some (potential) credibility, and access to those spaces where men have more power.

Both formulations represent important avenues for Muslim women that can maximize the resources available to them. However, some problematic features remain stable in these formulations, namely, the veil as a marker of difference between Muslims and non-Muslims, and the veil as a marker of feminine piety. These features remain because of the reduction of the identity of Muslim women to a simple, prominent material feature of the *hijab*, which is the veil. The veil itself is not redefined in these formulations, but it is exaggerated and used to overpower other aspects of the *hijab*. Problematically, it still lingers within the constellation of norms implied in the *hijab*—and these are norms overlapping with those of any patriarchal society. That the veil functions as an identity marker and that the veil is a material feature of the *hijab*, both, contribute to the stability of the *hijab* as a social practice. In other words, some Muslim women may be happy being an athlete and fully veiling, but this can signal to others that the veil is acceptable and important for Muslim women even when they are professional athletes.

Perhaps the two formulations demonstrate that the 'modern conception of success' and 'negotiations with *mahrams* and men' can serve to lessen the association of veiling with other aspects of *hijab*. However, for those that do not have access to these items the social practice

of the *hijab* is not disturbed. Those who do not have access to these items are those who are unable to pursue a modern conception of success (e.g., due to socio-economic class differences or circumstances) or are unable to be in a position to negotiate with their *mahrams*, the men or the context around them. Importantly, the ideological connections between 'veiling and 'a marker of piety'' and 'veiling and a fulfilment of '*awrah*' and '*haya*'', has not been disturbed. Without a clear split between these problematic aspects of the *hijab*'s cultural scripts and consequent distribution of resources, the situation and treatment of women will not be reformed.

Conclusion

This chapter started off with a summary of Sally Haslanger's account of social practices which is applied to the practice of the *hijab* in the rest of the chapter. For the purpose of discussing the *hijab* as a social practice, I began with the three dimensions of the *hijab* identified in Fatima Mernissi historical, etymological (and lexical) account of the *hijab*; these were: the visual, the ethical and the spatial. For each dimension, I analyzed the prominent cultural scripts and the associated distribution of resources. In the third section, I examined the *hijab* as part of larger social structures and ideologies; I focused on the *hijab's* materiality and the broad reach of problematic cultural scripts. In the last section, I explored Leila Ahmed's views on the changes associated to the *hijab* for Muslim women in the US. I also discussed two formations of the *hijab* that arguably allow Muslim women to access more advantages, and I argued that more drastic change is needed to achieve a reformed *hijab*.

By analyzing the *hijab* as a social practice, I was able to express in detail, the connotations, background meanings and consequences, implicated in the practice. This is useful for Muslims/Muslim women that want to deconstruct the *hijab* and identify how it impacts many aspects of our experiences. For Muslim readers socialized with an understanding of the *hijab*, it is likely to validate their understandings and help clarify some aspects of their social

world. For non-Muslim readers, this chapter can provide insight into why the *hijab*, and the visual aspect of the veil, is often a big deal for Muslim women.

Chapter 6.

The 3rd Party Hermeneutical Impasse

Introduction

> In a world as diverse and changing as our own, the hijab means a multitude of things to the many women who choose to wear it. I speak as a woman who just happens to come from the Islamic faith, and for me the hijab is political, feminist and empowering. This dimension is increasingly important for many women who choose to wear it; it's a shame it is understood by so few. -Nadiya Takolia, The Guardian, 2012.

Takolia is not alone in seeing the *hijab*, or the Islamic veil, as something that can mean a multitude of things to the women who choose to wear it. The worldwide movement World Hijab Day (WHD) takes a stance similar to Takolia. For them the *hijab*'s ability to function as something political, feminist, or empowering is emphasized. However, activists and proponents of the opposing movement, No Hijab Day (NHD), emphasize the exact opposite. They emphasize the *hijab*'s ability to function in ways that are disempowering and anti-feminist. In looking at debates between the two movements, or indeed, most debates on the *hijab* that feature something along the lines of these two opposing perspectives, one quickly realizes how different the preferences and values presented by either side are. Importantly, despite prioritizing different values, both groups are interested in protecting the rights of Muslim girls/women. Hence, the lack of understanding between them, and consequently, the lack of meaningful solidarity, creates an obstacle for both parties.

In the following discussion, I take WHD and NHD as an example of the dominating and polar-opposite narratives about the *hijab* that are adopted by Muslim women. Focusing on these groups reveals the different 3rd parties, and the 3rd party threats, that each group is responding to. These are the Western-Islamophobes or anti-Muslim racists[61], on the one hand,

[61] Islamophobe/anti-Muslim racist refers to individuals that harbour anti-Muslim beliefs or sentiments. Since implicit racism has a negative impact on Muslim women/Muslims, I include individuals that are

and the Islamic conservatives on the other hand. In previous chapters, the adaptation of Orientalists narratives by post-colonial countries was discussed (Chapter One), as well as the adaption of the same by actors that benefit from serving Islamic ideological-political interests (Chapter 3). The following addresses the gap in understanding that results from the cumulative influence of the Orientalist myths about the veil, and Islamic dominant narratives about the veil. I argue that this case is best captured with a new type of hermeneutical impasse, which I call the 3rd party impasse.

This chapter begins with a description of Luvell Anderson's 4 types of hermeneutical impasses, highlighting the main features that characterize a type 4 hermeneutical impasse (2017). In the first and second sections, I focus on Anderson's type 4 impasse and the exemplary case he provides for this impasse: Black Lives Matter vs. All Lives Matter. I stray from Anderson's original account by adding on the quality of 'pro-truth' as one of those features identifying the narrative of Black Lives Matter. This leads to section 3, where I move on to the case of World Hijab Day (WHD) and No Hijab Day (NHD). I introduce both movements, the relevant 3rd parties, and I discuss recent world events related to the WHD-NHD impasse. Here, I demonstrate how the WHD-NHD hermeneutical impasse differs from type 4 on account of its bilateral features. In section 4, I provide a definition for the 3rd party impasse, and I identify Kristie Dotson's account of contributory injustice as a fitting bilateral feature of this impasse (2012). In section 5, I provide some examples of contributory injustice in responses to the messages of WHD and NHD. Towards the end of this chapter, I explore what a resolution to the 3rd Party hermeneutical impasse would look like and I clarify the need to escape the existing Orientalizing framework of 'freedom'-vs.-'oppression'.

implicitly anti-Muslim in the scope of 'Islamophobe'. I include these individuals because their beliefs/sentiments/actions can be addressed by World Hijab Day advocacy. They are also part of the group that might see their racist beliefs/sentiments/actions validated in No Hijab Day advocacy.

1. Anderson's Hermeneutical impasses

A hermeneutical impasse refers to a break or several breaks in understanding. It is something that we are all likely to experience from time to time—perhaps because we are in a new country and have misinterpreted or entirely failed to understand an unfamiliar accent or an unfamiliar language. It can range from the trivial and easily resolvable, to impasses that are politically significant and rooted in a long history. To resolve an impasse is to move from a place without understanding to a place of understanding. In this section, I review this range of impasses following Anderson's account along with the respective resolutions for each type. Consider his four types of HI below:

Type 1: speakers cannot communicate efficiently with one another due to the absence of a common language between them.

Type 2: The speakers share the same language but do not share the same dialect and accent.

Type 3: There is a difficulty in understanding what an interlocutor is communicating despite understanding all or most of the individual words.

Type 4: The listener attributes an unintended meaning to the utterer's message.[62]

Types 1, 2, and 3 are impasses that might be easily remedied insofar as one has the appropriate resources available. For instance, in type 1, if Hana is only fluent in English, and Sami is only fluent in French, they will face difficulties understanding one another because they are not familiar enough with one another's language. This can easily be resolved with a translator that speaks the language of both communicators, with the help of an internet translator or an electronic language translator.

Type *2* impasses might be resolved by providing suitable translations or clarifications for the specific words that are unknown. For example, if I speak Palestinian Arabic and Dima is fluent in Iraqi Arabic, we will likely experience some breaks in understanding when we come

[62] Types 1-4 are paraphrased from Anderson (2017, 3).

across words that are not shared between the dialects, or when one of us pronounces a shared word in a way that is unrecognizable. This impasse is resolvable by simply recognizing and translating the words or expressions that are unfamiliar.

A type *3* impasse occurs when one is unfamiliar with the relevant background content necessary for the comprehension of most or all of the individual words expressed. Remedies for this type of impasse require being acquainted with enough of the "background beliefs, events or experiences, etc., that inform the inferential network at work in the writer's [or speaker's] thought" (4). So, the impasse in type *3* is the result of a knowledge gap. This can look like the failure to understand a pop-cultural reference, e.g., 'on Wednesdays we smash the patriarchy' or 'may the force be with you'. It can be resolved by learning more about the relevant background content of the utterance. Depending on how demanding the relevant background context is, this impasse can be resolved with a few explanatory sentences from someone knowledgeable in the area, a movie, a couple of books, or some research (more research if the reference is particularly obscure).

Anderson's type 4 impasse is unlike the previous three because of its political and social significance; and appropriately, it is the one that concerns him the most. He formulates it for the sake of exploring the hermeneutical impasse between the messages communicated by the Black Lives Matter (BLM) movement and the All Lives Matter (ALM) responders.

The Black Lives Movement was originally founded in 2013 in the aftermath of the acquittal of Trayvon Martin's murderer, George Zimmerman (BlackLivesMatter, n.d.). As stated on the BLM homepage, it is a global organization in the UK, Canada and the US, and its objective is:

> to eradicate white supremacy and build local power to intervene in violence inflicted on Black communities by the state and vigilantes. By combating and countering acts of violence, creating space for Black imagination and innovation, and centering Black joy, we are winning immediate improvements in our lives (Cullors, 2020).

More recently, the murder of George Perry Floyd Jr. by a police officer on May 25th, 2020, reignited public support for the movement and demonstrated the urgency of BLM's message (Buchanan, Bui, & Patel, 2020). In response to BLM, some have responded with 'All Lives Matter' insisting that it is racist to single out Black people. In the general public, people held counter protests with this message, and some influential politicians have used this phrase including Hilary Clinton in 2015 (Keith and Kelly, 2015), Vice President of United States Mike Pence in 2020 (Carvajal, 2020) and US President Donald Trump in 2016 (Swan, 2016).

Anderson defines type 4 impasse as instances where the hearer fails or refuses to understand the speaker's intended meaning, and where the hearer attributes an unintended meaning to their utterance instead. ALM responders fail to understand the message of BLM because they attribute an *exclusive* reading to BLM instead of the intended *inclusive* reading. In other words, ALM responders read the message of BLM as '*only* Black lives matter' instead of the intended, 'stop police brutality against Black people; Black lives matter *too*'.

Anderson characterizes this impasse as one where the hearer assumes understanding but where that understanding is not achieved due to the hearer's prejudices. In addition to prejudices, my reading of Anderson's type 4 impasse includes two other features that draw heavily from his analysis of the BLM-ALM example (to be explained below). The first of these is 'hermeneutical ignorance'; this follows closely from prejudice and is like prejudice in applying only to the ALM advocates. The third feature is 'pro-truth' and this only applies to the BLM advocates/the BLM message.[63] All 3 features, 'prejudices', 'hermeneutical

[63] This strays from Anderson's account by emphasizing the role of truth-tracking, the distinction between wilful and unwilful hermeneutical impasses, and the directions of both of these features. To be clear Anderson does discuss both these features in his analysis, but he does not emphasize them as a necessary feature of the type 4 impasse and he provides some examples of type 4 that might not include truth-tracking (although this depends on how it is defined). Anderson states in reference to the example of BLM and ALM: "The example presented of course assumes that the impasse is asymmetrical with one party accurately tracking the truth (or something like it) and the other engaged in refusal" (6). I believe an accurate reading of Anderson is that truth tracking is as a feature of the BLM-ALM example, not of all

ignorance', and 'pro-truth' feature in the BLM-ALM impasse in a way that is *unilateral*. A feature is unilateral if it can only be attributed to one side of an impasse. It is a bilateral feature if it can be attributed to both sides of an impasse. These three features are significant because insight into their role within the impasse explains the cause(s) of the impasse and sheds light on appropriate steps towards a resolution. In the following, I discuss the three features in some detail.

1.1. Prejudices

With respect to prejudices: the type 4 impasse is characterized by instances when the interpreter's understanding is influenced by their prejudices (Anderson, 5). Anderson follows Fricker's account of 'prejudices'; her account states that prejudices are judgments, directed at social groups or things, that are resistant to evidence and are motivated by some affective investment (Fricker 2008, 38). An affective state can be an attitude, feeling, emotion, or mood such as disgust, enthusiasm, calmness, desire, passion, etc. An example of an individual making a judgment that counts as prejudice looks like the following: Lizzy makes the judgment that she should call the police when she sees or interacts with a Black individual, although nothing threatening or illegal is taking place. She makes this judgment because she experiences fear in the presence of Black people. Her affective state of fear motivates her to block out, undermine or distort evidence that might challenge her racist views about Black people. When Lizzy sees a Black person and makes the judgment that it is appropriate to call the police right now, this judgment is an instance of prejudice. Lizzy is someone that will likely be prejudiced in her

possible type 4 hermeneutical impasses. Also, his attention here to the direction (or asymmetry) was useful in my own analysis. With respect to the distinction between willful and unwillful hermeneutical impasses, Anderson stresses the importance of this distinction (for the sake of thinking about how the hermeneutical impasse came about and how it can be resolved), and that it is an idea grounded in Gaile Pohlhaus' (2012) work on willful hermeneutical ignorance. Pinning these features, along with the one feature, 'prejudice' which Anderson does say is characteristic, and paying mind to direction is something I do here for the sake of providing a thorough and clear enough understanding of what a type 4 impasse looks like in order to then contrast it against the 3rd party impasse.

judgment about the message of BLM because her affective state (fear) relating to Black persons could influence her to sympathize with ALM responders, and to resist the message of BLM.

Additionally, it is possible that Lizzy is not aware that her understanding is distorted due to her prejudice. Anderson recognizes that "some ALM responders believe they understand the BLM statement perfectly well, and may even balk at explanations that run counter to their understanding" (Anderson, 4). In fact, it is likely that they are not aware that their understanding is distorted due to their prejudices about broader topics such as the causes of racial inequality in the United States, or the existence of racial inequality entirely (5). Since many ALM responders do not acknowledge their prejudice, it is difficult to target and correct it. One might not acknowledge their prejudice because it is at least partially the case that "affective states are often out of sync with one's overt beliefs" (Fricker, 38). Nonetheless, as Fricker and Anderson rightfully state, one is usually epistemically culpable for resisting counter-evidence due to an affective investment and this is because there is a responsibility to check and question one's interpretation (5). In other words, if Lizzy is entirely unaware that her understanding of BLM is distorted and this distortion is due to her prejudice, she still has a responsibility to question her own beliefs and to seek the relevant information. For this reason, I agree with Fricker and Anderson, that ALM supporters are most likely epistemically culpable for their failure to grasp the true message of BLM.

1.2. Wilful/Unwilful Hermeneutical Ignorance

Whether one is more or less epistemically culpable in failing to grasp the message of BLM can also be addressed with the second feature involved in type 4 impasses, wilful/unwilful hermeneutical ignorance. Following Pohlhaus' account, wilful hermeneutical ignorance occurs when one refuses to learn about the relevant epistemic resources developed by a marginalized situatedness (Anderson, 6; Pohlhaus, 722). For instance, when Lizzy continuously refuses to engage in situations that would lead her to challenge and check her

prejudice, or when she refuses to learn about the relevant epistemic resources developed by marginalized situatedness, Lizzy is wilfully hermeneutically ignorant. When Lizzy's wilful hermeneutical ignorance blocks her from meeting the interpretive challenges at play in the BLM statement, the resulting impasse is a wilful hermeneutical impasse (Anderson, 6).

A willful hermeneutical impasse may also be the result of 'deliberate obfuscation', like in the case of counter-narrative strategies of marginalized groups. For example, the double meanings in slave songs relayed "messages to runaway slaves while masking those meanings from slaveholders" (Anderson, 6). In this case, there is a deliberate effort to create a "break in understanding for the slaveholder" (id).[64]

However, in the case that one exists in a vacuum where absolutely no opportunities for learning about the Black experience are presented, despite having an open-minded attitude towards foreign cultures or experiences, one could be *unwilfully* hermeneutically ignorant. The resulting impasse in this case is an unwilful hermeneutical impasse.

Consider this note submitted to the minister of a Unitarian Universalist church calling for a BLM sign to be changed to ALM:

> Good Evening:
>
> I am very upset at the signage that is outside of your church stating that "Black Lives Matter." Since when has God chosen to see us by the color of our skin. The sign should be taken down and replaced with ALL LIVES MATTER. How will this nation of ours ever join together if we are constantly looking at everyone by their race. Unless you were actually there in Ferguson or in New York or Cleveland, you do not have all the facts.
>
> A Bucks County Resident (Schatz, 2015).

[64] Anderson does not discuss this type of willful hermeneutical impasse in more detail. While it deserves a longer discussion, it is not needed for the focus of the arguments in this Chapter, so I will leave it for another time.

The writer demonstrates their prejudice with the illusion that all individuals, regardless of race, have the same positionality, and that ignoring race is a way to move beyond racism. They also demonstrate their wilful ignorance when they ask the minister to appeal to ignorance, i.e., when they state, "unless you were actually there" and "you do not have all the facts" (id.).

1.3. Pro-Truth

The third feature I associate with the BLM-ALM impasse is attributed only to the BLM side and this is the positive quality of being *'pro-truth'*. Western public and dominant narratives represent the racist status-quo. They are narratives that reproduce racist mythologies, including those discussed as Orientalist discourses and those discourses contributing to the Unknowability of marginalized groups (discussed in Chapters One and Two). Messaging that reproduces the racist status quo of Western dominant narratives is false and deceptive, wilfully or unwilfully so. In contrast narratives that challenge this status quo by providing accurate information that corrects dominant falsehoods are pro-truth narratives. A pro-truth narrative functions to allow the tracking of truths that reveal the injustices a marginalized group faces. These truths have an impact on how we understand our moral and social obligations and how informed we, collectively, can be to the injustices around us.[65]

In the case of BLM-ALM, the kinds of truths that are relevant will be truths about racial injustice and systemic racial injustice. The truths tracked and expressed by BLM are uniquely important because they include truths about instances and patterns of injustice against Black persons. These truths make the injustices Black communities face easily detectable to those that are exposed to them. Information about the experiences and lives of Black people can also

[65] Anderson associates "truth-tracking" to the messaging of BLM, and notes that this is about tracking something true (or truth-like) in the world. My account of pro-truth narratives uses Anderson's discussion of truth-tracking and connects this more directly to the broader ideological impasse sustaining the BLM-ALM divide.

contribute to a pro-truth narrative when it challenges the Unknowability of Black people and encourages individuals to overcome Unknowability.

With respect to ALM, this side of the impasse is not communicating anything of the sort that can challenge the status quo and racist dominant narratives. To the contrary, the ALM side re-affirms the status quo and simultaneously obscures BLM's efforts to correct it.

2. Language, Social Practices, and Power

As Anderson states, "language is a social practice so it's reasonable to assume our linguistic practices inherit various features of our social life" and this includes relations of power (Anderson, 13). Anderson's discussion of power draws on Fricker's work on agential and structural power. For Fricker, power is about "a capacity we have as social agents to influence how things go in the social world" (ibid, Fricker 2009, 9). Power is agential power when the sort of influence an agent, (this can be individual(s), group(s), or institution(s)) has is instantiated in dyadic relations (where one party's power has influence over another/others; Anderson, 13; Fricker, 10). Structural power manifests in situations where there is no one agent controlling it directly. It refers to norms constituting intelligent speech, what counts as a "contribution to knowledge", or "even who is permitted to speak in particular contexts" (ibid).

As was discussed in Chapter 5, a social practice is sustained by a loop of cultural meaning and the management of resources. It is made stable through social structures, and ultimately through broader cultural *technês*/ideologies. Similarly, structural power here refers to the way language as a social practice follows certain norms. While there are agents responsible for the construction and stability of those norms, no agent needs to exist for them to *persist*. They persist because of the "structural features of discursive contexts" (ibid).

This distinction between agential and structural power is useful because it can help us locate the reasons for a display of power, or differences in power between groups. That said, it

is difficult to translate these theoretical terms into praxis because of the looping effect involved: individual agents are influenced by structures/structural power and those structures are influenced by individual agents (ibid.). Anderson's mentioning of agential and structural power points out how it does not seem reasonable to believe that an ALM advocate carries *all* the blame for the BLM-ALM impasse, and it is important to recognize that they are influenced by structural powers.[66]

2.1. BLM beginnings

The Black Lives Matter Movement or #BlackLivesMatter (BLM) was organized by Alicia Garza, Patrisse Cullors and Opal Tometi; all three are "radical Black organizers" (BlackLivesMatter, n.d.). BLM was created as a "Black-centered political will and movement building project. It was in response to the acquittal of Trayvon Martin's murderer, George Zimmerman" (id). Trayvon Martin was only 17 years old and unarmed when he was shot and killed in Sanford, Florida, by George Zimmerman, a Hispanic American member of a community watch. The trial of George Zimmerman for the murder of Trayvon Martin, took place on June 26-27, 2013, and resulted in a hasty acquittal of Zimmerman by an almost entirely white jury. The BLM movement states that they are an "ideological and political intervention in a world where Black lives are systematically and intentionally targeted for demise" (id). Although, BLM was technically started in 2013, it is important to note that it is a continuation of the long-standing struggle for Black rights in the US (as opposed to any isolated event, whether that event is the lack of justice for Martin's murder or any other single event).

Trayvon Martin's friend, Rachel Jeantel, who was the prosecution's prime witness, provided a testimony that was ridiculed and dismissed due to her Black English (BE, also called

[66] This might be a controversial claim and the topic of blame is worthy of a larger discussion. I do not know that Anderson would agree to anything more than what is implied in this statement, and this is also the position I agree with. Precisely, the claim is that not ALL the blame is assigned to an individual agent given the reality of structural factors and other players, but likely some degree of blame is deserved.

African American Vernacular English or AAVE). Jeantel, only 19 years old at the time, was the 'star witness' in the trial. Having been on the phone with Trayvon during the time Zimmerman was profiling him and remaining with him until moments before his death, Jeantel's testimony in the courtroom was said to be as close as possible to Trayvon himself being there (Rickford and King 2016, 950). However, because of her Black English, people in the courtroom and social media, ridiculed and discredited her. As Rickford and King note, "in a TV interview with CNN's Anderson Cooper after the trial (July 15, 2013)", one of the six jurors (B37) said that "she found Jeantel both 'hard to understand' and 'not credible'" (950). Twitter users called Jeantel 'grotesque', 'stupid' and 'unintelligent' (id). Juror Maddy reported that "'her testimony played no role whatsoever in their decision'" (id). This is despite the fact that Jeantel's time on the stand was longer than any other witness—5-6 hours long—and it "generated more media commentary" than any other witness[67] (Rickford 2013; Juror Maddy, as reported in Bloom 2014:148).[68] The rejection of Jeantel's testimony is made even more undeniable with the fact that she *was not even mentioned* during jury deliberations: "despite her centrality to the case, 'no one mentioned Jeantel in [16+ hour] jury deliberations" (Rickford and King 2016, 950). As Rickford states, well before the verdict was in for Zimmerman, a guilty verdict was already in for Jeantel (Rickford 2013). In Rickford and King, they write that "Jeantel's dialect was found guilty as a prelude to and contributing element in Zimmerman's acquittal" (950).

[67] Rachel Jeantel's attorney stated that Jeantel's time on the stand should have been more like one hour long (Vereen 2013).

[68] Rickford and King also note that Maddy was a Latina-Puerto Rican and was reportedly more sympathetic towards Jeantel. Maddy was also allegedly made fun of for her speech by Juror B37. All the other jurors were white, and all (that is, all the jurors except Maddy) were offended by Jeantel's statement about Trayvon calling Zimmerman a 'creepy-ass craka'—so much so that when Jeantel said this only 8 min into her testimony on the first day, "they were done with her" (Bloom 2014: 135; Rickford and King, 969).

2.2. A closer look at the mistreatment of Jeantel's Testimony

In looking at this case, we can see how Black English (BE) is perceived by members of the jury and social media as less credible simply because it is not the Standard American English (SAE) that the dominant public associates with a proper way of speaking. Anderson specifically discusses this hermeneutical tension between African American speakers of 'Black English' and white or affluent American speakers of 'Standard American English' drawing on James Baldwin's (1998) "If Black English Isn't a Language, Then Tell Me, What Is?". Thinking about this hermeneutical tension provides insight into what happened with Jeantel's testimony and Anderson's thoughts on how the BLM-ALM impasse is rooted in the ideological.

Standard American English (SAE) and Black English (BE) are two linguistic varieties, and it is reasonable to expect that sometimes there will be a hermeneutical impasse between the speakers. Critically, these linguistic varieties have been developed partly with different purposes in mind. Reminding readers of Charles Mills' work on white ignorance, Anderson points out that SAE is developed such that white ignorance is sustained. This is to say that SAE already "misinterprets certain aspects of reality" such that individuals can be ignorant—and can remain ignorant—they can stay in complete denial about their racism and/or their part in racism (15). As Anderson explains it: there "are protective mechanisms in place that allow subscribers to this particular epistemic framework to speak in a fashion that allows individuals to evade assent to explicitly racist statements, and deny complicity with any involvement in racism" (ibid). In contrast, Black English was developed in a way, that, at least partly, aimed at "obscuring potential threats" because it allowed Black people to communicate without White people understanding them (ibid.).

When we think about our norms surrounding language, we notice that SAE is framed as the ideal, or the 'standard'. It is 'good', 'proper', 'respectful', 'intelligent', and 'academic'; and those who speak it, or simply those we might expect to speak it, or those we associate with it are then appreciated as good, proper, respectful, intelligent and academic. SAE has a "super-legitimacy" and by extension, it legitimizes—or makes more legitimate, (in a way that is a matter of degrees rather than absolute)—those we put in close proximity to it. Black English, on the other hand, is seen as the opposite of this: it is distanced from the so-called 'standard', so it is distanced from that which signifies a 'legitimate' language variety (or dialect), and by extension, a legitimate identity. The fact that SAE is the standard and that Black English is distanced from the standard is critical because it allows for "differential power relations, [and] processes of legitimization and marginalization" (id). This means that speakers of SAE are privileged with a sense of legitimacy, and they (as persons and as capable social and political agents) are associated with the ideal, while those that are associated with BE and/or distanced from SAE are denied the same—thus, contributing to the production and perpetuation of their marginalization.

Going back to Jeantel's testimony, Jeantel "like many working class African Americans, shows asymmetric linguistic competence" (Rickford 2013). As she explained to defence attorney, Don West, she understands SAE well. On the stand, we see her specifically clarifying to West that *he* was the one that was not understanding her and the reason for his lack of understanding is his lack of competence in the BE dialect. She stated, ""You cannot hear me that well", and "You are having trouble hearing me." And it wasn't just because of her sometimes soft delivery. As she noted, "It's how I speak."" (Rickford 2013).

Jeantel spoke standard BE, i.e., her speech followed the rules of BE, but English was also not her first language (her first language is Creole and she also knows Spanish), she had an underbite that impacted her speech and sometimes she spoke softly. However, her BE is not

a mix of the influences of Creole or Spanish, and it is certainly not so to the extent that it fails to follow the rules of BE. As Bolontinkova put it: "There's nothing wrong with speaking imperfect English, but that doesn't describe Rachel Jeantel, and to suggest otherwise misses — you might argue even reinforces — the real injustice at the heart of her cross-examination" (Bolotnikova 2013). As her attorney Rod Vereen stated, picking apart her speech is not a valid excuse to discredit her; in his words: "No Ebonics, no slang, don't talk to me about the underbite. I don't want to hear it. No excuses. Don't be lazy" (quoted in Bloom 2014:132–33; Rickford and King, 976 note 49).

While it is true that Jeantel's BE dialect and way of speaking could be difficult for some to understand, it is the prejudice against her BE dialect and the institutional racism that are to blame for the way she was insulted and for the way her testimony was completely discredited. There was a marked failure on the part of the jurors and the court to take advantage of the tools already available to assist them in making sure they caught and understood everything she said. These tools included requesting clarification in real time, requesting competent interpreters, or requesting to simply review the transcript. It was reported that the jurors did not request the transcript even once (Bloom report).[69]

Moreover, Rickford and King state that they have talked to several "lawyers, judges, and law professors who report that they have never noticed or considered the impact of dialect difference in criminal justice" (951). This perception is also held by John Baugh, who states that "lawyers, judges, and foundations committed to social equity and justice seem almost completely uninformed about how 'language can stand as a barrier to justice or equal

[69] Although there does appear to be at least one discrepancy between her speech and the transcript because the transcript wrote the opposite of what was said (see Rickford 2013, and Rickford and King 2016).

opportunity'" (ibid).[70] These impressions show that there is a pattern of ignorance among those who have power and this ignorance protects the ideology of SAE as a norm and as that which is most legitimate. It is not just that the jury was made up of people (with the exception of Maddy) that are comfortable and entitled with their white ignorance or that the defence Attorney, news reports and many in the public were no different, it's that the lawyers, judges, law professors and even some activists were insensitive to the way that white ignorance can be revealed as dialect prejudice, and thus intentionally or unintentionally, participated in it. Recalling Fricker and Anderson's discussion of the loop between agential and structural power, notice that both are at play here and both have failed Trayvon Martin, Rachel Jeantel and the Black community.

Although the focus of this discussion has been dialect prejudice against BE and how that plays into institutional racism against Jeantel's Black identity, Jeantel was also mistreated because the prejudice against her gender and her larger body size. All of this contributed to the unjust treatment of Jeantel and the hasty acquittal of Zimmerman. This case is a useful one to analyze because it demonstrates how a bias toward SAE functions to meet the ends of white ignorance, uphold white-supremacy and the marginalization of Black persons in a US court of law. Rickford and King, in their 2016 article "Language and Linguistics on Trial", provide evidence for how dialect prejudice (along with or supported by institutionalized racism), negatively impacts speakers of BE not only in the court, but also in education, employment, housing, medicine, and many other areas of everyday life.

[70] Here Rickford and King reference John Baugh's, June 22, 2016, email discussion "of a letter from a program officer for a foundation concerned with 'Gender, Racial and Ethnic Justice', who said that an LSA-initiated request for a project on linguistic discrimination in the criminal justice system 'falls outside the scope of our grant- making on criminal justice reform'" (Rickford and King, 951, see note 9). The words inside single quotes are from Baugh's email exchange.

2.3. What does this mean for hermeneutical impasses like BLM-ALM?

The BLM-ALM hermeneutical impasse exists within a broader ideological impasse between White supremacy and the Black struggle for equality. We can see the ideological impasse at play in the case of Standard American English (SAE) and Black English (BE). As mentioned earlier, SAE and BE developed partly with different purposes, and each maintains and imparts different values/disvalues. What Anderson describes in his analysis of this example is similar to the concept of cultural scripts discussed earlier (in Chapter 5). As we saw in Chapter 5, cultural scripts can be about values, and they can include normative expectations and consequences—SAE and BE are associated with cultural scripts of this sort. The action of speaking SAE can tell others that you are to be treated as part of the "standard"; it can tell others to expect that you are intelligent, proper, ideal, respectful, and so on (but, as will be explained shortly, other factors can entirely defeat this implication). Where SAE is taken as legitimate and standard, BE is taken as illegitimate—illegitimate in terms of its status as a language variety, and in terms of the legitimacy of the identity of the African American that speaks it. To describe this in Anderson's terms: the fact that SAE is taken as legitimate is bound up with what counts as a "state-sanctioned identity" (16). BE is contrasted with SAE and can be understood to present identities that are not of the "state-sanctioned identity" kind, or in other words, these identities are "illegitimate" identities.

Inherent to the ideology of SAE are the main features of a colonial discourse, one of which is the 'us-versus-them' binary. One way this occurs is when SAE falsely defines SAE and BE in diametrically opposite terms. Where SAE ideology treats SAE speakers as the ideal, as proper and educated, it treats BE speakers as illegitimate, uneducated, and improper. As with any colonial discourse (or any racializing lens), these classifications are completely inaccurate and false. Rickford and King, in their 2016 research, go the extra mile to prove what is already evident to people with competence in BE—that BE fulfills the expectations or rules

expected of a language dialect. They prove that BE is not ungrammatical as an SAE lens would have one determine; BE does follow grammatic rules consistently, these rules are simply different from what is the norm in the SAE dialect. The false construction of BE speakers through the SAE lens, coupled with the abundance of negative stereotypes of Black people which dominate fixed public narratives and mark Black people as racialized, prescribes an 'us-versus-them' binary where the SAE speaker is legitimate and so, the BE speaker cannot also be legitimate.

The injustice ingrained in the SAE ideology can also be understood from the framework of Unknowability (as was discussed in part one). SAE ideology pushes Black people outside of what is considered legitimate, ideal or even worthy of respect—treating the difference in dialect as an insurmountable difference; that is, as something that justifies treating Black people as present absences with abjectified difference. In other words, according to the SAE ideology, Black people are excluded from collective consideration and there exists an authorized indifference towards the lives, needs, and claims of the black population. As mentioned earlier, the injustice against BE dialect is overwhelmingly unnoticed and unexamined by the experts in the legal field, and the same is true in areas such as education, health care, housing, and employment, this means injustices in these areas due to dialect prejudice against BE is mostly undetected as such. That experts in these areas have (mostly) failed to recognize the reality and impact of BE dialect prejudice consequently doubles down on the dominant beliefs entailed in SAE ideology that authorize viewing BE speakers as illegitimate and uneducated.

3. Why World Hijab Day (WHD) and No Hijab Day (NHD)?

The remainder of this chapter turns to the case of the two movements World Hijab Day (WHD) and No Hijab Day (NHD). I compare the hermeneutical impasse between these two movements to that of BLM-ALM as analyzed above. In this section, I introduce the

movements, World Hijab Day (WHD) and No Hijab Day (NHD), and I go on to highlight why I believe the disagreement between them constitutes a hermeneutical impasse. In the following sections, I argue that the WHD-NHD hermeneutical impasse is one that is distinct from Anderson's type 4 (BLM-ALM).

I have chosen these movements as a convenient way to illustrate two popular but opposing views on the *hijab*. My intention here is not to criticize either movement. My intention is to shed some light on the obscurities that tend to occur during many debates on the *hijab* among Muslim women, in public and academic discourse. These discourses are both significant and dangerous because they represent how the *hijab* is burdened with an association to political movements that instrumentalize Muslim women. This instrumentalization is perpetuated when our language and the frameworks we use, as Muslims, fail to reject and rewrite the Orientalist associations that are used to keep us 'othered'. However, as we will see, the rhetoric of WHD and NHD is also justified and perhaps even necessary to encourage a campaign of justice for each respective group in response to the threatening 3rd parties or 3rd party narratives.

3.1. What is World Hijab Day (WHD)?

The movement *World Hijab Day* (WHD) takes place annually on February 1st and encourages non-*hijab*-wearing women to wear the *hijab* with Muslim *hijab*-wearing women for one day. The purpose of the movement is to show "recognition to the millions of Muslim women who choose to wear the *hijab* and live a life of modesty" (World Hijab Day 'About Us' webpage). When she introduced WHD, Nazma Khan, the movement's founder, shared her story of moving from Bangladesh to the United States at just 11 years old. At this young age and in a new environment, Khan was bullied because she wore the *hijab*. Later in 2013, Khan launched WHD to encourage recognition of the fact that many young girls and women face bullying, harassment, and discrimination because of how others perceive their *hijab* (World

Hijab Day ‘surveys’ webpage). It is in this spirit that WHD states that it intends to build “religious tolerance and understanding by inviting women (non-*hijab* wearing Muslim/non-Muslim) to experience the *hijab*” by wearing a veil, in solidarity with Muslim *hijab*-wearing girls/women for one day (ibid.). This movement raises awareness about the *hijab* to encourage people to avoid seeing Muslim women in *hijab* as targets and to provide non-*hijab*-wearing women with an opportunity to become familiar with the *hijab* (at least in terms of a physical garment worn publicly).

I take it that WHD organizers intended for its message to be perceived as a call to action against discrimination targeting *hijab*-wearing women, as stated in their tweet:

> Inviting sisters in humanity of ALL faiths & backgrounds to wear the #hijab for a day on February 1st, 2020 in solidarity with Muslim women around the world. Every day, women in hijab get discriminated globally simply for following their faith (World Hijab Day, 2020).

The WHD movement is a world-wide campaign with advocates and participants across the globe and it responds to the increasingly world-wide problem of Islamophobia. It is a response to how Islamophobes see *hijab*-practicing women as oppressed and as foreign, making them a target for hate. WHD strategically presents an image of the *hijab* and women in Islam that is in line with Western liberal values (values of individuality and personal freedom of choice) to a Western audience that harbors Islamophobic sentiments. In this discussion, Islamophobia refers to someone that is implicitly or explicitly harbouring anti-Muslim beliefs. However, it is important to note that the position of WHD speaks against pervasive Orientalist myths and negative tropes of Muslims that are abundant in the dominant narratives of Western consciousness.

That WHD resonates with Muslims across a diverse geographical range can also be gleaned from the Facebook posts on WHD’s page. For example, in celebration of WHD 2024

(over the period between February 1st- February 15th 2024) the posts include events from Venezuela; Erbil, the Kurdistan region of Iraq; Philippines; Malaysia; USA; Canada; Ireland; Australia; New Zealand; Guyana; Britain; Nigeria; and Bosnia and Herzegovina (World Hijab Day, 2024). This does not mean that all the narratives of Muslims, or Muslim organizations, from these areas perfectly aligns with that of the WHD's stated mission, but it provides a sense that it is an accepted view by some in these areas. It is evident that WHD has resonated enough with Muslims from at least these countries listed, such that they participate in representing themselves and the *hijab* on February 1st and sharing it with the WHD's Facebook group. These posts also include comments describing the participants' perceptions of the *hijab* as a source of freedom and empowerment.

Grouped with WHD, I am also thinking of the movement *#FreeInHijab*. The movement 'Free in Hijab' is aligned with WHD but is not held on a specific date and does not follow the strategy (at least not necessarily) of dressing non-veiled women in veils for the day. 'Free in Hijab' is meant to deliver the message that women wearing the veil are in fact experiencing freedom because they are able to veil and practice this aspect of their religion. Typically, social media posts with this hashtag include photos of women proudly wearing their *hijab*s and sometimes also celebrating or drawing attention to other accomplishments (athletic abilities, academic graduations, professional contexts, religious contexts or beautiful *masajid*). This movement is directly in opposition to the movement *#FreeFromHijab*, which showcases women proudly uncovered and specifically draws attention to the journey going from wearing to the *hijab* to removing it. For simplicity, I will refer to both *#FreeinHijab* and WHD under 'WHD'.

3.2. What is No Hijab Day (NHD)?

In opposition to WHD, consider the campaigns ‘My Stealthy Freedom’, 'No Hijab Day' and ‘Free From Hijab’. I group these together because they all share in the aim of raising awareness about the injustices related to mandated *hijab* (either by the state or effectively due to social/family-based coercion). *My Stealthy Freedom* was started in 2014 by Masih Alinejad. In 2009, Alinejad fled her home country of Iran because her criticism of her government put her in danger. From Western Europe and from the US, Alinejad has spoken up against Iran’s mandated veiling laws.[71] Her online campaign, *My Stealthy Freedom* took off in 2014, this campaign asked women to record themselves with their hair revealed and to send the photos or videos to her My Stealthy Freedom page to be posted anonymously. White Wednesdays or #WhiteWednesdays is a later iteration of this campaign (Camas 2023).

The second movement that is critical of *hijab* is ‘No Hijab Day’ (NHD henceforth). My search for information on the origin of this movement, especially in terms of the founder(s) has not yielded conclusive or reliable results, so I rely on advocates of the movement to provide a clear picture of its purpose and aims. One such advocate is Arshia Malik, in her article ‘No Hijab Day: What Liberals Need to Know’ (2022), Malik states that “liberal, reforming Muslims, as well as atheist/agnostic men and women of Muslim heritage” have designated February 1st as NHD to counter WHD (which is takes place on the same day). She explains that WHD “misleadingly” claims it is tackling concerns of “anti-Muslim bigotry or Muslimphobia” and suggests that WHD’s approach actually ends up “supporting those who repress other fellow Muslims into wearing a symbol of Islamism” (id.). Malik also explains that the choice of February 1st, specifically, for WHD is “cruel” because that is “also the day when Ayatollah

[71] It is not clear whether *My Stealthy Freedom* was the first online campaign against mandated/coerced hijab. It seems to be unique because information about the founder is clearly cited across sources. In an effort to pay attention to the positionality of the founders and advocates of these movements, I believe it necessary to include this information about Alinejad. This also helps reveal the background dynamics creating, or contributing to, the resistance towards understanding and resolving the 3rd party impasse.

Khomeini returned from his French exile to inaugurate the Islamist Revolution in Iran, and ended up forming a government that made purdah (veiling) mandatory, by policing women into wearing the chador, the headscarf and other modest dressing" (id.). For Malik, choosing February 1st for the date of WHD already begins to deny the tolerance claimed in the message of WHD; she states (quoting WHD's website): "this day cannot be a day to "foster religious tolerance and understanding by inviting women (non-Hijab wearing Muslims/non-Muslims) to experience the hijab for one day", as the movement's website states" (id.).

Additionally, the campaign #FreeFromHijab aligns with NHD in that its advocates push back against an Islamist or more conservative interpretation of the *hijab* and draws attention to the injustices of forced/coerced *hijab*. The bio on #FreeFromHijab's twitter (X) page, states: "we celebrate being #freefromhijab in all expressions of our lives" (Mohammed, 2019). Both movements, NHD and 'Free From Hijab', highlight the process some women have gone through where they had once felt oppressed, forced or restricted in the *hijab* and are now feeling liberated in removing it. For some the removal of the *hijab* is long term and permanent, however for others the removal of the *hijab* may simply be momentary. In both cases, the social media posts are meant to capture this struggle to resist against mandated *hijab* and social, community or familial coercion to achieve the feelings of liberation that have become, for these women, associated with removing the *hijab*. Many posts include stories explaining the poster's feelings about religious indoctrination, wearing the *hijab* at a young age and feeling pressured due to societal and family expectations. The posts vary in terms of how aggressive and physically violent the posters' experience has been with criticizing and/or removing the *hijab.*

Although 'No Hijab Day', 'My Stealthy Freedom' and 'Free From Hijab' have some differences, they share enough in their purposes that I will refer to them all under 'No Hijab Day' and with the abbreviation NHD, for the sake of simplicity.

Proponents of NHD advocate for decriminalizing the unveiling of women, along with lifting restrictions that come along with mandated veiling, like guardianship laws and gender segregation. They emphasize the importance of freedom of choice when it comes to the *hijab,* and protection from both legal/formal disadvantageous consequences and informal disadvantageous consequences for women that decide to unveil. One of the posts on My Stealthy Freedom's Facebook page (from October 2020) states:

> Elsewhere in the world, these women would be acclaimed for their bravery. But, the Islamic Republic of Iran has arrested Yasaman Aryani & Monireh Arabshahi (mother & daughter) for saying no to forced hijab. They're now transferred to Karaj prison among common criminals (https://www.facebook.com/StealthyFreedom/).

Although some NHD campaigns have started specifically in Iran where veiling is mandated by law, NHD—like WHD—is intended to be a world-wide campaign with advocates and participants from across the globe. That said, the social media posts heavily emphasize the struggles of women from Iran, Saudi Arabia, and to a lesser extent, Somalia, Afghanistan, India and Pakistan. While posters are typically in the US, Canada, Germany, Netherlands, and the UK, it is difficult to get a sense of the reach of these movements because submissions are often posted by a third party for anonymity purposes.

As previously stated, the campaigns are a response to particularly conservative interpretations of Islam[72] that have emphasized a strict version of the *hijab* that consistently thwarts women's agency, criminalizes unveiling and/or creates harsh social environments that effectively compromise the livelihood of women that do not fully practice a precise version of the *hijab*.

Asra Nomani is another prominent voice in the NHD camp. Nomani (2016) responds directly to WHD and states that wearing the *hijab* in solidarity will actually support the use of

[72] Some NHD advocates have concerns with certain sects or schools of thought in Islam, but the main concern in this discussion is a general patriarchal morality narrative that is not exclusive to one group.

the *hijab* as something that oppresses women because the rhetoric of WHD misconstrues, downplays, or erases the pressures some Muslim women face to put on the *hijab*, along with the cases of forced *hijab* by law or family/community. In particular, she is worried about the normalization of a kind of 'modesty culture', where modesty is seen as a female virtue and the *hijab* is understood as an exalted symbol of it. Her criticisms of WHD are not by any means subtle or minimal. She writes that the WHD movement is "stand[ing] on the wrong side of a lethal war of ideas that sexually objectifies women as vessels for honor and temptation, absolving men of personal responsibility" (2016).

3.3. The 3rd Parties:

In this section, I discuss the third parties each movement is responding to. I explain that both third parties, the Islamophobes and the Islamic Right have their own narratives about Muslim women. I then discuss the problematic reactions of these third parties to hijab related violence in 2022, including the Iranian case of Jina Mahsa Amina along with a case of abuse against an American hijab wearing teenager that occurred on the same day.

WHD responds to the threats against Muslim *hijab*-practicing women coming from the 3rd party that consists of Islamophobes. These Islamophobes specifically point to the *hijab* as evidence that Muslims and Islamic cultures are barbaric and oppressive to women. They thrive off of the old Orientalizing archetypal images of the veiled women. This image associates the veil to all Muslim women, and views Muslim women as oppressed by the men of their religion or their community, trapped, passive, and as in need of freeing or saving (by the West). Nazma Khan's story describes her being bullied for wearing a veil, in response WHD's message is one that says the *hijab* on this Muslim is not the negative things that the Islamophobe thinks it is.

The third party relevant to No Hijab Day (NHD) is conservative Islam, especially stricter interpretations of the hijab and narratives supporting political regimes instrumentalizing

the *hijab*. This conservative Islamic narrative presents an interpretation of female Islamicity or female virtue that over-emphasizes the importance of the *hijab* and insists upon its use for the representation of both Islam and Muslim women. It aligns with a flipped Orientalist construction of Muslims and Muslim women where the *hijab* is compulsory and honourable for Muslim women to practice. It takes this to the point where it is assumed that a Muslim woman is always a *hijab* wearing woman. NHD advocates worry about the problematic features of the hijab, including, what I have previous discussed as the cultural scripts of *awrah* (nudity) and *haya* (shyness), because of the sexist oppression these features imply. As a result, the response on the side of NHD emphasizes the oppressive experience women have with the *hijab* and associates the ability to remove it with freedom, choice and empowerment.

3.4. 3rd parties reacting: Jina Mahsa Amini and the targeting of US Muslim students

On September 13, 2022, 22-year-old, Jina "Mahsa" Amini died after being attacked by Iran's morality police. Amini was from Iran's Kurdish region and was visiting Tehran with her family. She was dressed according to the state dress code (including covering her head), but the police still arrested her on the basis that she was violating the state dress code. She was beaten and arrested, after which she succumbed to her injuries. On the exact same day, across the world in Baltimore, Maryland, a 16-year-old Muslim teenager (name withheld) that had recently escaped the Taliban rule of Afghanistan with her family, was locked inside a bathroom and "ruthlessly beaten" by a staff member and other students at her new school (Chaudry 2022). The staff member locked her in a bathroom and other students ripped off her headscarf and attempted to choke her with it. It did not matter to anyone that she chose to wear her headscarf freely. According to CAIR (Council on American Islamic Relations), "this isn't the first time recently arrived Afghan children in Baltimore and elsewhere have been assaulted or harassed at school" (Hopper 2022). According to Iranians, before Amini and long after her, cases similar to hers, of police harassment and excessive force, are a daily occurrence.

The act in Maryland was not entirely disconnected from the events in Iran, especially since the Western media jumped all over Amini's story. Although important and newsworthy, the excessive and unique focus on it by Western media sources means that the Western public disproportionality knows more about how the *hijab* is used as a method of control in Iran than they do about likely anything else. This information emboldens anti-*hijab* and Islamophobic rhetoric whilst allowing this racist speech to come under the guise of support for women's rights in Iran and support for the people's revolution in Iran. As a result, we see hate crimes against *hijab* wearing Muslim girls and women in the West, like that against the teenager in Baltimore.

Islamophobic Westerners pushed the anti-Muslim agenda even more by demanding the US/West impose more sanctions on Iran. This reveals a deep disingenuousness because it goes against what the Iranian people were asking for. More sanctions would "harm innocent Iranian people", threaten an "end to nuclear deal negotiations, and even outright war against Iran" (Chaudry, 2022). Such rhetoric is in the interest of the US/West and not in the interest of Iranian people. A deep disingenuousness was also displayed by French feminists (actresses and artists) that showed solidarity with Iranian women but fail to show up for Muslim French women in the same way (Arefi, 2022). They cut their hair on camera in solidarity with Iranian women and are seen crying, but this same reaction is not publicized for the Muslim French youth that are seeing new bans on the *hijab* and modest Islamic clothing every year. This failure to identify the right the same freedom of dress for those that wish to wear the *hijab* in France as those that wish to take it off in Iran shows that the freedoms and claims of the Muslim French women are not held in equal regard. It suggests that the French women are only showing solidarity with Iranian women because it agrees with their narrative that the *hijab* is oppressive, and not that they agree with the sentiment that Iranian women, or women anywhere, should be free from the oppression of legally mandated dress codes.

On the flip side, many of us sincerely followed the news as Amini's story was told and as protestors risked their lives to deliver their message. The slogan, "woman, life, freedom" emphasized the lack of rights for women but also the lack of rights across the board, for everyone. The protesters made it known that the mandatory veil was not the only issue on the table. Other issues included excessive government control, unjustified and corrupt use of the morality police, and the increasingly unbearable economic crisis to which the government showed no reaction or plan of action (see Al Talie et al. 2022).

For decades now the *hijab* has been forced on women by the Iranian government, so in this context, it is overwhelmingly a political symbol and its burning is a representation of that. Its burning represents a rejection of the standing Iranian government, forced *hijab*, and demands for change. As Al Talie et al. explain "the acts of hijab burning, and hair cutting did not merely launch a rebellion against government-imposed dress codes, but also came to symbolize broader demands for fundamental political and economic reforms" (2022). With context, many people understand this, but on the side of the Islamic Right, or the Islamists/conservatives, there is a failure and blatant rejection to even attempt to understand. Some conservatives see the actions in Iran, and particularly protesting the *hijab*, unveiling, or the act of burning the *hijab* is symbolic acts of hate against Islam. For example:

1. Roshan Salih, a British Islamist denounced the protestors as "Western stooges". He claimed that opposing the regime is "insulting Islam", and that "Muslims all over the world are looking at [them] in disgust" (Lee, 2022).

2. *5 pillars* also published a series of op-eds on the topic of hijab, in one of these, activist Shabnam Kulsoom stated that "Muslim women who disrespect hijab should not be "celebrated" and their protest of the Islamic laws represents their ignorance of Islamic wisdom (5Pillars, 2022).

3. At the Islamic Centre of England, which was the scene of anti-regime protestors, Seyed Moosavi, its director, said "in a social media speech on Tuesday: "We do not expect any good from the soldiers of Satan [referring to the women that take off their hijab], but we are the lovers of Allah. We try to protect our religion, to protect the truth" (Arab News, 2022).

These recent events have demonstrated that there is a failure, on the part of the Western Islamophobes and on the part of Islamic conservatives to hear the messages of the Iranian protestors in favour for what each 3rd party sees the *hijab* as representing.

On the one hand, there is the Islamophobic selective outrage and hate crimes against Muslims girls/women, and on the other hand, there is the conservative Muslim's willful ignorance and the ongoing attacks on Muslim girls/women in Iran and areas with similar regimes. As I will continue to show, the messages of WHD and NHD are likely to be misrepresented because they attempt to speak truths that correct and defend against the 3rd parties that have manipulatively misrepresented the *hijab*. However, in doing so, WHD and NHD advocates are often read as condoning the views of the opposite side's 3rd party.

4. Defining the 3rd Party Impasse

This hermeneutical impasse occurs between two marginalized groups that do not understand one other because the messages they want to deliver are directed at different third parties. The influence of these third parties makes the other side's message unintelligible. Consider the following definition:

> *3rd Party:* When interlocutors from different marginalized groups/subgroups, due to prioritizing different third parties, attribute an unintended meaning to the message of the other speaker.

For example, the NHD message is an 'anti-conservative message', but it is read as condoning Islamophobia. Even though the Iranian protesters were very specific in directing a message against an oppressive regime that enforces the *hijab*, Islamphobes saw this as proof that the *hijab* is oppressive. The Islamophobes attributed a pro-Islamophobic meaning to the message of the Iranian protesters. Hence,

(1) NHD message = "enforced *hijab* is harmful"
(2) NHD message = anti-conservative message

(3) NHD message is (mis)interpreted (by those holding Islamophobic views) as proof that the *hijab* is harmful, and as proof that the *hijab* is not by choice.
(4) NHD is misrepresented as condoning Islamophobic views on the *hijab*

On the side of WHD, the WHD advocates insist on demonstrating the ability of Muslim women in the *hijab* to uphold Western values. However, doing so emphasizes that the *hijab* is valuable for Muslim women and this is misinterpreted as condoning the conservative narrative. If one is worried about Islamic conservativism more than Islamophobia, or if they believe that this conservatism fuels Islamophobia, then they are likely to misinterpret the aims of WHD as support for Islamic conservatism. This is inaccurate because it reformulates WHD, taking it from, 'WHD is a response to Islamophobia' to 'WHD is advocacy for Islamic conservatism'. Hence,

(1) WHD message = "The *hijab* is a choice and is empowering"
(2) WHD message = anti-Islamophobic message
(3) WHD message is (mis)interpreted (by those with conservative Islamic views) as proof that the *hijab* is the right choice, and as proof that the *hijab* is freeing for Muslim women.
(4) WHD is misrepresented as condoning conservative Islamic views on the *hijab*

4.1. Why is this different from Anderson's type 4 Impasse?

There are three main features used to characterize a type 4 impasse, these were: prejudice and wilful/unwilful hermeneutical ignorance, and the 'pro-truth' . In this section, I show that these features fail to provide a full description of the WHD-NHD impasse.

The first feature is prejudice. These are judgments, directed at social groups or things, that are resistant to evidence and are motivated by some affective investment (Fricker 2008, 38). For women on either side of the WHD-NHD impasse, there is a likelihood for some degree of prejudice. The advocates on the WHD side will prioritize Islamophobia as the main concern, and because of this they might harbor a disgust for Western society's fostering of Islamophobic attitudes, this may result in a resistance to fully understanding the dangerous impact of

Conservative Islamic narratives on young Muslim girls/women. On the side of the NHD advocates, they will prioritize conservative Islam as the main concern, and this can interfere with their understanding of Islamophobia's dangerous impact on young Muslim and Muslim-appearing girls/women. The aspect of prejudice is different from the 3rd impasse than in type 4 because it is bilateral. It is bilateral because both parties have the potential to be prejudiced.

The difference between a bilateral and unilateral prejudice in an impasse has some significance. It ties into whether evidence or truths (or truthlike things) are being tracked equally across the impasse. Where BLM-ALM was a case where only BLM was tracking truths, WHD and NHD both rely on some truths and put forth their own evidence. The contention comes in with respect to how the other sides concerns can be understood, and in this sense, there is the potential for advocates from either side to be resistant due to prejudice.

The second feature, wilful/unwilful hermeneutical ignorance, also features in the WHD-NHD impasse as a bilateral feature as opposed to a unilateral one. Pohlhaus' definition of hermeneutical ignorance stated that this occurs when an individual does not have the relevant epistemic resources developed by a marginalized situatedness (Anderson, 6; Pohlhaus 722). It is *willful* when one refuses to learn the relevant epistemic resources, and it is *unwilful* when one exists in a vacuum and is unexposed to opportunities to learn the relevant epistemic resources.

Both sides of the WHD and NHD impasse can harbor wilful/unwilful hermeneutical ignorance. This is because advocates on both sides of the impasse do not necessarily come from the same marginalized situatedness. The circumstances of Muslim women from one country, or from one context to another, can vary drastically, (and it is appropriate that we create and endorse feminist movements intended to address the needs of women in all of these circumstances). In Egypt, for instance, individuals are marginalized because they are women,

they are additionally marginalized if they are Black, if they identify as LGBTQ+, if they do not comply with norms of modesty, and if they are not a person of faith. A variety of aspects have created these circumstances for women in Egypt, at least one of those aspects is the influence of conservative ideology. In France, some of these identities are comparably marginalized, but a number of them are entirely reversed. The French principle of *laïcité* has between manipulated into laws and a culture that translates into the marginalization of women that adhere to Conservative-Islamic norms of dress, and these are part of the same norms that are typically endorsed in Egyptian culture (currently). These differences mean that women from Egypt and France might not find the same set of hermeneutical resources and epistemic resources relevant for understanding and resisting their own marginalization. As a result, we can expect that women from either movement may wilfully or unwilfully fail to learn and refer to the relevant set of epistemic and hermeneutical resources when interpreting the other side's messages.

The third main feature of a type 4 impasse is the 'pro-truth' quality, the 3rd party impasse differs here too because it features this quality bilaterally rather than unilaterally. Both sides, WHD and NHD, are involved in communicating a pro-truth narrative because they both provide truths that are relevant to defeating Orientalist myths and overcoming the Unknowability of Muslim women.

Additionally, the type 4 impasse fails to address the impact of third parties, i.e., Islamophobes and Islamic conservatives. In the following section, I discuss the role of contributory injustice as a more appropriate way of understanding the nature of a 3rd party impasse.

4.2. What is Contributory Injustice?

A better way to understand the features of the 3rd party impasse will require going beyond the three features indicated by type 4. In the following, I apply Kristie Dotson's 2012 account of 'contributory injustice' as a tool to capture the case of the 3rd party impasse. In this section, I describe Dotson's account of 'contributory injustice', and in the next section, I apply it to examples of comments from WHD and NHD supporters.

Dotson describes contributory injustice as a form of epistemic injustice that is:

> caused by an epistemic agent's situated ignorance, in the form of wilful hermeneutical ignorance, in maintaining and utilizing structurally prejudiced hermeneutical resources that result in epistemic harm to the epistemic agency of a knower (31).

Situated ignorance is an ignorance that follows from one's situatedness or their social and/or epistemic position. Situated ignorance "works to institute epistemic differences, while obscuring those same differences" (id). Both the "structurally prejudiced or biased hermeneutical resources and the agent's situated ignorance" will act as catalysts for contributory injustice (id). Contributory injustice is located between the agential and the structural "perpetuation of epistemic injustice" (id).

Before delving into contributory injustice, I will discuss two potential assumptions (initially expressed by Fricker) that Dotson rejects. Firstly, Dotson rejects the assumption that there is only one single set of hermeneutical resources that we are all equally dependent upon. Instead, Dotson argues that we do not depend on the same set of hermeneutical resources. The power structures that keep certain populations marginalized do not also, "in all cases, suppress knowledge of one's experiences and oppression" (31). Consequently, there *always* exist "alternative epistemologies, counter-mythologies, and hidden transcripts" within hermeneutically marginalized communities (ibid). In other words, it is never true that there is just one set of hermeneutical resources available. Marginalized populations develop their own

hermeneutical resources, and these resources will be best at identifying their truths. When one is guilty of situated ignorance, they will lack awareness regarding other/alternative sets of hermeneutical resources (31).

Secondly, Dotson rejects the assumption that an experience that is unintelligible by dominant hermeneutical resources is equally unintelligible for both the marginalized and the perceiver. For Dotson and for her account of contributory injustice, experiences are not equally unintelligible for both the marginalized and the perceiver, and this is because marginalized groups produce and utilize their own set of hermeneutical resources. Typically, someone that has experienced contributory injustice can "readily articulate their experiences". However, their articulations do not generally receive appropriate uptake because the perceiver utilizes a different and biased set of hermeneutical resources. This results in compromising the epistemic agency of the knower (where the knower comes from a marginalized identity).

Dotson cites the 1993 exchange between a feminist academic, Deborah Chay, and Black feminist writer and activist, Barbara Smith as an instance where Chay causes contributory injustice. Chay critiques Smith's essays "Toward a Black Feminist Criticism" and "The Truth That Never Hurts", stating that the essays have "foundational" problems and are lacking a theoretical basis, so much so that they actually "undermine the legitimacy of Black feminist criticism" (33). Smith takes offense. She responds to Chay saying that she rejects her criticisms because she disagrees with the 'privileging of theory' that Chay commits to. Smith realizes that the hermeneutical resources Chay is relying upon are insufficient for understanding her essays. She writes to Chay, "your assumptions about what I intended to do and your understanding of what I actually wrote are completely erroneous. You make dozens of points that are based upon inaccurate suppositions'" (Smith, quoted in Dotson, 2012, 34).

Smith further takes Chay to task for failing to acknowledge that her writing was not meant for an academic audience; it was published in a magazine for a wider audience, and thus

her ideas are not meant to be presented in a way that privileges theory. Moreover, the original essays were written in 1977 and this was before the privileging of theory became popular. Although Chay makes some “important concessions to Smith concerning the difference between political organization and academic work", she ends her reply with a defense of "the importance of being critical in an academic setting for the sake of social transformation" (34). In the end, Smith "bluntly explains that Chay simply "doesn't get" her work" (33).

When Chay interprets Smith’s work according to the theoretical paradigm of her preference, Chay distorts Smith’s “efforts, intentions, and methods”; this effectively serves as an attempt to “eliminate the importance of Smith’s contributions to Black feminist thought” (33). Chay is not guilty of all forms of epistemic injustice. Notice that she extends credibility to Smith, she takes Smith’s work seriously, and she extends a “great deal of academic respect” to Smith (ibid). However, she is guilty of ‘situated ignorance’ because her distortion and inability to appreciate Smith’s contributions follow from her position as an academic. Moreover, she is guilty of ‘wilful hermeneutical ignorance’ because she persistently relies on faulty hermeneutical resources despite being asked not to. These two features, situated ignorance and wilful hermeneutical ignorance, combined show that Chay is guilty of causing contributory injustice.

To avoid contributory injustice, one must acknowledge a range of different sets of hermeneutical resources and they must cultivate the capacity to shift between these sets as is appropriate. Dotson classifies contributory injustice as a form of epistemic injustice requiring third-order changes. Third-order changes demand that perceivers be "aware of a range of differing sets of hermeneutical resources" for the purpose of having the capacity to shift resources appropriately (34). For reference: “Where a second-order change involves altering a single set of hermeneutical resources, a third-order change requires the ability to shift between hermeneutical resources, which requires fluency in differing hermeneutical resources” (34).

In the case that 3rd party impasses feature wilful hermeneutical injustice, it is likely that contributory injustice is also involved. For this reason, 3rd party impasses include the bilateral potential of causing contributory injustice. The 3rd party impasse is a suitable description of the WHD-NHD impasse because it embraces the idea that each marginalized group or subgroup is only referring to its own set of hermeneutical resources and is thus unable to make the opposing movement's message intelligible.

5. WHD-NHD impasse and Contributory Injustice

In this section, I consider examples of the messages of WHD and NHD, and I examine whether potential contributory injustice is involved. I also point out the influence of 3rd parties in determining what is acceptable in the discussion.

As we saw earlier, contributory injustice is "caused by an epistemic agent's situated ignorance, in the form of wilful hermeneutical ignorance, in maintaining and utilizing structurally prejudiced hermeneutical resources that result in epistemic harm to the epistemic agency of a knower" (2012, 31). In the cases relevant to WHD-NHD, the structurally prejudiced hermeneutical resources to look out for are ones that align with, or almost align with, a conservative-Islamic or an Islamophobic narrative. The epistemic harm that may result—and the epistemic harm we want to look out for—is the distortion, de-emphasis, or outright exclusion of an anti-conservative or anti-Islamophobic point of view.

WHD-NHD advocates are potentially causing contributory injustice in ways that align with Islamophobia or Islamic conservatism, and in ways that infringe on the epistemic ability of Muslim women in either of these camps. For instance, taking WHD conceptions of the *hijab* seriously risks causing contributory injustice to women with dissimilar *hijab* experiences, as is the case with the message of one Twitter user, retweeted by WHD:

> If you think the hijab is oppressive because your parents abused you with negative reinforcement of eventual Hellfire, then the fault was your parents, not the hijab.
> Your parents abuse does not = every other woman's experience.

Stop punishing other women for your parents. (Project Andalous 2021)

Notice the last line “stop punishing other women for your parents”, this demonstrates incentive to remove the experience of socially coerced *hijab* from the conversation, specifically because doing so protects women that are on the receiving end of harassment *for* wearing a *hijab*. This is a case that falls into the trap of contributory injustice because it utilizes a biased hermeneutical system that limits the scope of what is defined as *hijab*, and effectively compromises the ability of a NHD advocate to discuss her experience of the *hijab*, as *hijab* and not as ‘abusive parenting’.

On the other hand, a NHD post from February 3, 2024, reads: “Marzieh Ebrahimi, an Iranian survivor of an unprovoked acid attack for wearing a "bad hijab" It’s not a choice and never was!! #NoHijabDay” (Glida 2024). Included in the post is an image of Marzeih Ebrahimi, a young woman with severe scaring and disfigurement from surviving an acid attack. While the crime Ebrahimi was victim to is wrong, the reaction of, “It’s not a choice and never was” pushes Muslim women that choose to veil out of the discussion. The NHD supporter suggests that “forced hijab” is the only way to view the *hijab* and does so for the sake of protecting women attacked for “bad hijab”. This is a case of contributory injustice because it has limited the scope of *hijab* to ‘coerced or forced hijab’ and infringes upon the message of WHD supporters.

Another NHD supporter states, on February 2, 2024: “#NoHijabDay #IslamIsTheProblem….what else” and the post includes an image with the words: “Islam has massacred over 669+ million non-Muslims since 622 AD. In fact, no ideology has been as genocidal as Islam…” (@FranFranssais). This NHD supporter blatantly expresses that Islam is the problem. They associate criticisms of forced *hijab* to all other problems attributed to Islam. These statements show the utilization of a biased hermeneutical system that can only

obscure and misrepresent the experiences of Muslim women that choose to wear the *hijab* and do not view their religion as a problem. Moreover, this post speaks loudly to Islamophobes that want to view the current and ongoing murder of Muslims as justified. This is especially the case because recently-currently, populations that are majority Muslim are being massacred. As Ed Husain, "senior fellow for Middle Eastern Studies at the Council on Foreign Relations" states, "You can't go past a single month in the past 30 years without reports of Muslims being killed in some part of the world or another, and that sticks" (Windrem and Engel 2013). Refik Turan, head of the Turkish Historical Society stated in 2018 "According to a recent research, the number of Muslims who died in the conflict and wars in the world in the last 25 years have reached 12.5 million", and tragically, this number has only continued to rise since then (Andolu Agency 2018).

5.1. Contributory Injustice against Muslim academics from Western Feminists

The 3rd Party impasse is intended to describe the case of WHD and NHD but it can also provide some explanation for the common ways that academics speaking on the topic often speak past one another, and find themselves unjustifiably judged and labelled in ways that misrepresent and discredit their speech.

Numerous scholars have pointed out how Western feminists discussing the religious and cultural practices of non-Western/Other women tend to miss the mark in one or more ways (Khader 2011; Narayan 2002; Lazreg 2013; Eltahawy 2010). In her 1992 article, "The Veil on their minds and on our heads", Homa Hoodfar, describes her experiences trying to show her Western colleagues that the assumptions the West holds about Muslim women are false. She does so whilst also taking a stand against the patriarchal barriers Muslim women face. Reflecting on her experiences she states that, "they treat me as an Islamic apologetic, which in fact silences me so that I can no longer argue" (Hoodfar, 2). Here Hoodfar is treated similarly

to the way WHD advocates are treated by those on the NHD side of the impasse, i.e., because she takes a stand against the West's false views on Muslims, her speech is misinterpreted as validating an Islamic narrative.

Mona Eltahawy speaking almost 20 years after Hoodfar has similar complaints, but by the time Eltahawy is writing, Western feminists had decided to turn to the other side (2010). Eltahawy points out that the *burqa* is a practice that many Muslims have conflicting views regarding, and it is something we need to be able to discuss without the discussion getting hijacked by outsiders. She specifically voices her frustration over the way Western feminists have taken a pro-*hijab*/*burqa* side without giving it much thought and without paying any attention to arguments from the other side. Marnia Lazreg (2013) explains that Western feminists have gone from labeling the *hijab* as oppressive to the current trend of labeling the practice as empowering. Due to the dominance of Western feminist voices informing the public's understanding of the *hijab*, Muslim women are set against one another. In the post-9/11 era, the "good Muslim woman" is the one that empowers herself with the veil and she is elevated to the status of cultural heroism. However, the Muslim woman who questions the veil is relegated to self-hating, inauthentic and prejudiced.

Importantly, what is additionally obscured in academic spaces dominated by non-Muslim/Western peoples is the difficulty for open discussions between Muslim women. In Chapters One and Two, I addressed the exclusion of Arabs/Muslims and their very limited representation in Western cultural media (i.e., to the roles 'terrorist', 'accessory to terrorism', and one or two 'good Muslims'). In particular, I discussed Leila Ahmed's experience at a conference in the US where Muslim women spoke in "rosy" terms about women and Islam (Ahmed 1982, 521). Here I revisit this example with attention to the impact of the audience on Ahmed and the panelists' discussion.

Ahmed states that at the time, she felt that the panelists were wrong because they made light of very serious issues of sexism Muslim women experience. However, as she explained, two years later, she completely understood why those women gave the presentation they did. They did so because they felt a need to inform the Western public of positive representations of Islam; i.e., they felt "compelled to do so" in order to counter the racists myths and representations that are pervasive in Western culture, and at the time, the belief Westerners held was that Islam is oppressive to women. Ahmed began to understand that "Americans 'know,' and know without even having to think about it, that the Islamic peoples – Arabs, Iranians, whatever they call themselves – are backward, uncivilized peoples totally incapable of rational conduct" (ibid.). In this space, Ahmed and the Muslim women on the panel are not able to engage in a fair discussion because the impact of Orientalist myths and the Unknowability of Muslims has created a space where the panelists' view this as too risky. With a better understanding their marginalized situatedness, and as Ahmed becomes familiar with life as a Muslim woman in the US, thus sharing a similar positionality with the panelists, she too starts to understand their choice.

6. Paths for Resolution

One might be inclined to say that a resolution for the WHD-NHD impasse will require holding both sides responsible for how their words are understood. That it would be necessary for both sides to understand how the message of the other side is important for encouraging pro-truth messages, for resisting harm, and consequently being mindful of how their own messages can hinder the other movement. This would probably increase understanding and encourage more careful language. However, as a resolution, it would fall short because it places accountability on the marginalized groups rather than the 3rd parties.

Placing accountability on both sides is also not likely to empower either of the movements. It might have a negative impact because Muslim women are generally (and this might depend on other factors of their social identity) unknowable. So, introducing nuanced representations of Muslim women or their lived experiences is not likely to receive appropriate uptake. Moreover, because Muslim women are generally unknowable, there is the risk, that with just one instance of a Muslim woman fitting into a stereotype or a problematic preconceived notion, discriminating observers will take her to speak for all Muslim women and as proof of their own problematic views.

The narratives of the 3rd parties, conservative Islamists and Islamophobes, are louder and easier for the dominant public to grasp than the nuanced realities of Muslim women. These 3rd party narratives, individually and in response to one another, encourage stereotypical, homogenous views of Muslim women that leave the realities of many Muslim women obscured and unknowable. To me, this means that the dominant public is busy with the simplified and problematic constructions of '*hijab*-practicing Muslim women'/Muslim women dictated by the 3rd parties, rather than the diverse, pluralistic and contextualized realities of Muslim women. That this is the case is evident by how a variation of the WHD-NHD impasse is experienced in academic feminist spaces. In the academic feminist space, Western/White feminists have more power over the narrative; they get to gatekeep what is acceptable and inacceptable for Muslim women to say and how to mis/interpret what Muslim women are saying. That they have bounced back and forth—first supporting the Islamophobes, and now supporting the conservative Islamists—shows that Muslim women are not observed and treated with the power to narrate for themselves.

With these challenges in mind, what does a resolution to the 3rd party impasse require? We know that this resolution should require that both sides (NHD and WHD) are adequately

and appropriately acknowledged and that the messages expressed by both parties are not diluted or obscured with the introduction of the opposing camp's views. This will require leaving behind the fixed public narratives of dominant societies, and instead engaging in a framework that takes into account the reality of the unique moral heritages Muslim women exist within.

In the following, I explore a resolution that is inspired from the earlier discussion about the case of Trayvon Martin and the testimony of Rachel Jeantel. In Rickford and Lang's analysis, they express the importance of speaking the truth in the language best suited for that truth. There are two reasons to believe that Jeantel did the right thing by speaking in her organic Black English (BE) dialect despite the negative results of the case. Firstly, it was the right option for her because it is the dialect that she is best able to express herself in—meaning, it is the most honest and true way. If she spoke in Standard American English (SAE) it could have been used against her, if in no other way then to demonstrate that she was lying. Ironically, that would have resulted in the same end: racist attacks on her intelligence and respectability. Secondly, Jeantel's use of BE was the best choice because BE is a dialect rooted in an ideology meant to protect the interests of Black people. So, Jeantel is able to protect her interests and the interests of Black people when she demands to be seen and heard in this way. By doing so, she and the Black community are continuing to fight against the structural racism of the US justice system, rather than trying to conform to it or help hide it by making it seem like they agree with the belief that the BE dialect is the problem.

Similarly, Muslim women need to rely on ideologies and frameworks that are meant to protect our interests and that do not compromise or help cover up the injustices against us. Perhaps, like Jeantel, many already do. Certainly, Hoodfar, Lazreg, Ahmed, and Eltahawy's experiences mentioned earlier, demonstrate genuine attempts to express their perspectives

honestly, and without such contributions, the struggle for nuanced perspectives on Muslim women and the *hijab* would be even more difficult to detect and articulate.

However, there is least one way in which the narratives of WHD and NHD and the dominant public discourses on the *Hijab* (by Muslim women/groups) fail to protect the interests of Muslims. This has to do with the use of the Orientalizing framework of freedom-vs-oppression. When it comes to public representations of the *hijab*, like with the movements WHD and NHD, there is an emphasis on the *hijab* as either a source of 'freedom' or a source of 'oppression'. For example, in the US, Muslim women and Muslim groups (representing Muslims at the national scale, such as the Muslim Student Association (MSA), the Council on American Islamic Relations (CAIR), and the Islamic Society of North America (ISNA), all discuss the veil as part of how non-Muslims should expect a Muslim woman to look, and they all discuss the veil as a form of empowerment (Beydoun 2020). In Noha Beydoun (2020), she argues that this description of the *hijab* is a disservice to Muslim women because it speaks to Western cultural values rather than the values of the *hijab* in Islam or within the cultures Muslims associate with. She identifies these descriptions with an unwilful intellectual violence that aligns or perpetuates the fragmentation of Muslims/Muslim women.

The issue with the 'hijab is freedom' narrative is that it fails to escape the Orientalist construction of 'us'-vs.-'them' in the form of 'freedom'-vs.-'oppression', where Western women are free women and Othered women are oppressed women, and uses the *hijab*/veil to signify the difference that makes Muslim women in fact, Othered. So, when Muslim women in the West use the word 'freedom' to define the *hijab*, they are subverting the expectations of that Orientalist construction. By doing so, they are attempting to be included with Western women on the side of the binary that receives the privilege of whiteness and inclusion with the center.

Likewise, ‘Muslim Women wearing the veil because they choose to’ are ‘good Muslim women’. They are the women that align with the western script for ‘good Muslims’. As discussed in Chapter One, ‘good Muslims’ are Muslims that succeed in demonstrating their allegiance and adherence to US/Western values and culture, or otherwise show that they are not like those ‘bad Muslims’ in Muslim majority countries. Hence, the ‘hijab is freedom’ narrative can function similarly to the ‘good Muslim’ trope in Hollywood: it hides the anti-Muslim racism by suggesting that it is acceptable to think that only some Muslim women are oppressed by the veil as long as you know that your Muslim neighbours are not like that. But, as Muslim women we should not be condoning racism against other Muslims. To do so, is to go against our interests and encourage our own fragmentation and alienation. This is especially relevant when it comes to Muslims in Western countries where their governments actively campaign and destroy the countries where Muslims are from/are connected to. Beydoun highlights this point with reference to the Muslim woman that wraps her head in an American flag (Beydoun, 2020). From a critical perspective, the woman wearing an American flag as a headscarf portrays an illusion of reconciliation between the US and Muslims; and this illusion is most dangerous to Muslims.

On the flip side, the Muslim women in the NHD camp or those that oppose the conservative Islamic views on the *hijab*/veil, associate the veil with oppression and the act of unveiling with freedom from that oppression. These women too appear to be aligning with the Western side of the binary and providing a message that portrays the illusion of reconciliation between the US and Muslims against the oppression caused by the “bad Muslim” parties. These illusions do not help Muslims. They harm them by hiding the sense in which the US has not appropriately included Muslims and is actively racist and violent against Muslim US citizens, as well as the global Muslim community.

Beyond identifying the shortcomings in the WHD and NHD narratives, the larger remaining obstacle is the plethora of Orientalizing falsehoods and myths that cycle through the generations to the Western public, and to the world. The task of deconstructing these myths whilst also defending Muslims from both 3rd parties, is a challenging one. Ultimately the resolution of the impasse depends on the 3rd parties with the power to control the narrative and the power to influence. That said, there is no hope in relying on the 3rd parties to change their ways or to stop instrumentalizing women's bodies and practices, so Muslim women and allies are left to turn to those frameworks that are meant to protect our interests and that do not risk harming ourselves or others in the process.

Conclusion

The debate on the *hijab* is often summarized as empowering and feminist or oppressive and anti-feminist, these are also the descriptions we see with the world-wide movements, World Hijab Day (WHD) and No Hijab Day (NDH). In this chapter, I explored the narratives of both these movements, and I argued that there exists a hermeneutical impasse between them due to the influence of Islamophobes and Conservative Islamists (3rd parties). I called this impasse the 3rd Party Impasse. It was shown to be different from Luvell Anderson's type 4 hermeneutical impasse on the basis of its bilateral features, and I demonstrated that contributory injustice is a fitting feature to capture the 3rd party impasse. In the final section, I identified the Orientalizing framework of freedom-vs.-oppression as a problematic aspect of the WHD and NHD narratives and I took some steps in exploring what a resolution to the 3rd Party hermeneutical impasse would look like.

Conclusion

My focus throughout this dissertation was on injustices connected to the *hijab.* As we saw, at the top of that list are injustices rooted in Orientalism and thus, rooted in ignorance in service of Western and anti-Muslim interests. Intertwined with this, is that the hijab is a social practice with relevant cultural scripts, and involved in many social structures. Thinking about the hijab as a social practice emphasizes the many modalities of the hijab and fleshes out the ideological and social injustices relevant to it. Overall, I have provided an analysis of the injustices relevant to the hijab in dominant public, political, and academic discourse, as well as those injustices relevant to the hijab as a social practice and ideology. In the following, I highlight the key contributions of this dissertation, summarize my arguments, and discuss possibilities for future research.

The first key contribution I would like to remind readers of is with respect to my application of colonial discourse theories. I specifically applied accounts of colonial discourse that have not been applied to *hijab* discourse before. These include the theories of Unknowability (Williams 1907, Dotson and Whyte 2013), arrogant perception (Ortega 2006), boomerang perception (Lugones 2003) and contributory injustice (Dotson 2012). By using these theories, I bring anti-Muslim racism related to *hijab* discourse into the fold of feminist and decolonial literature on epistemic injustice. My hope is that this encourages the identification of colonial knowledge that is anti-Muslim and provides fellow students and scholars with many accounts to draw upon for how Muslims/Muslim women are othered. This is an important contribution that can help combat the marginalization of Muslims in Western contexts.

A second key contribution of this dissertation is that I complicate and deepen the understanding of the *hijab.* I do this by expanding on Fatema Mernissi's three dimensions of

the Hijab with the application of Sally Haslanger's account of social practices (Chapter 5). This is especially useful in an intra-Muslim context because it provides insight into the modalities the *hijab* can take. From a critical and feminist standpoint, my analysis helps distinguish the features of the *hijab* and it helps clarify what counts as a reformed hijab. For non-Muslim readers, my analysis provides insight into the weight that the practice has for Muslim women, Muslim men, and their communities. Hence, this discussion complements my discussion on colonial discourses and epistemic injustices related to the *hijab* by providing a framework to clarify the complexities of the *hijab* in Islamic contexts. This is also a framework that can speak to other complex social practices, as well as elements of resistance and reform.

Moving on to the third and final key contribution I want to remind readers of: the 3rd Party Impasse (Chapter 6). I introduce the 3rd Party Impasse to capture the ongoing hermeneutical impasse between Muslim women supporting the global movement, World Hijab Day (WHD), which responds to the oppression caused by Islamophobia, and Muslim women supporting the opposing global movement, No Hijab Day (NHD), which responds to the oppression caused by the Islamic Right. The messages of each movement represent the two common views discussed in political and public speech about the veil. In my analysis, I describe how Muslim women on either side are misunderstood by the opposing group and I clarify the influence of the third parties in blocking understanding between the two groups. I also discuss the role of Western feminists in the 3rd Party impasse. This analysis is important because it fleshes out the dynamics of dominant public, political, and academic discourse on the veil and the prominent players involved. It specifically highlights the interference of third parties on the messages of Muslim women and the resulting obstruction to discussion between Muslim women. Of importance to me is that this account clarifies some obstacles to solidarity between both groups of Muslim women. Hence, in examining potential solutions to the 3rd party impasse, I tackle the challenge this creates for solidarity among Muslim women. Lastly,

the 3rd Party impasse is an account that be utilized to examine divisions and obstacles to solidarity between other marginalized groups similarly facing oppression from two different third parties.

Turning to a summary of my arguments, I began this dissertation by demonstrating the way Muslims and Muslim women are represented falsely and negatively according to the theories of Orientalism (Said, 1978) in Chapter One, and Unknowability (Williams 1907; Whyte and Dotson 2013) in Chapter Two. With respect to Orientalism, I discussed Orientalist myths and tropes focused on Muslims and Muslim women and looked at specific examples that demonstrated the role of gender and sexuality in Orientalist discourse. Following this, I examined the 'Clash of Civilizations' and the 'War on Terror' mythologies and showed how they are linked with US policy and result in a catastrophic impact on Muslim majority countries and Muslims in the US.

With respect to the theory of Unknowability, I provided a range of examples to show that accurate and non-stereotypical representation of Arabs/Muslims is almost entirely absent in Western media and Western culture; this goes to show that Muslims are likely to be treated as unknowable on Fannie Barrier William's account (1907). I went on to discuss the Unknowability of Muslims on Dotson and Whyte's (2013) account and provided some examples of the treatment of Muslim women/Muslim's as unknowable to the discriminating perceiver. These two theories, Orientalism and Unknowability, provide necessary background with respect colonial discourse and the Othering of Muslims, Muslim women, and their communities.

In Chapter Three and Four, I zoom in colonial discourses relevant to the *hijab*. In Chapter Three, I focus on the prominent myth that, "the veil is exclusive to Muslim women". This myth was an especially important one for me to discuss because it serves Western interests as well as those of the Islamic Right. I dismantled this myth, as it is articulated from the Western

perspective, by drawing on Leila Ahmed's historical account of the veil (1992) and providing current references to religious Jewish communities and Christian communities that follow a dress code strikingly similar to the face veil/*niqab* of Muslim women. I also dismantled this myth from the perspective of the Islamic Right by analyzing the failure, within dominant Sunni narratives, to differentiate between *fard* and *wajib* acts. I argue that framing the veil as a *fard* act, rather than a *wajib* act unjustifiably elevates its importance in Islam. I also showed that the mythologies of Orientalism can be turned on their head to support perspectives that are 'exclusionary' or nationalistic, and in this case of this myth, it was used to support the Islamic Right.

Following this, in Chapter Four, I concentrated on Martha Nussbaum's text, *The New Religious Intolerance,* and I argued that her text represents a colonial discourse on several old, long identified, accounts of colonial discourse and epistemic vice. I critiqued Nussbaum's anti-*burqa* ban arguments for failing to include any Muslim voices or perspectives in her text, and for providing analogies that demonstrated ignorance about the veil and about the Muslim world. These critiques drew on the accounts of Said (1978), Lorde (1982), and Dotson and Whyte (2013). This was followed by a critique of Nussbaum's pro-airport profiling discussion. I critiqued Nussbaum for justifying policy that is Islamophobic and provided reasons for why this is dangerous. I also provided an overall critique of Nussbaum, coming to the conclusion that her text is captured by Lugones' (2003) concept of 'boomerang perception' which wavers back and forth between including Muslims as "just like us" and seeing them as "monstrously different" and as a threat. I also conclude that Nussbaum's text demonstrates 'arrogant perception' on Lugones' (1987) expanded account of Frye's (1983) theory, and her text fails to meet the basic requirements of 'loving perception', also on Lugones' (1987) account of this term. This goes to show that despite the author's promise of an epistemic intervention against Islamophobia, and despite the support and praise the author and her text received, this promise

is not met and instead the book does more to Muslims. I specifically show that Nussbaum commits forms of epistemic injustice long identified by scholars of colour, and by Indigenous, Black, and feminist scholars. In other words, these are theories that are well established and well proliferated, and they are several accounts, yet when it comes to the Muslim population, there is failure to recognize and react to the injustices they face.

In Chapters Five and Six, I shifted my focus to intra-Islamic contexts. In Chapter Five, I provided a synthesis of Fatema Mernissi's (1991) account of the three dimensions of the *hijab* and Sally Haslangler's (2017; 2018) account of social practices. This allowed for a framework to analyze the *hijab* as a social practice with many possible modalities, whilst acknowledging the potential cultural scripts and the distribution of resources within each dimension. I highlighted especially problematic cultural scripts, including the cultural scripts related to shyness and modesty following literature on these terms (Al Jallad 2010; Lazreg 2009) and utilizing the Natural Sematic Metalanguages (NSM) approach (Goddard and Wierzbicka 2004; Bolin 2018; Al Jallad 2010). I also discussed the *hijab* as part of a larger social structure and ideology, making note of the materiality of the *hijab* and impact of problematic cultural scripts. In the last section of this chapter, I considered formulations of the *hijab* that are viewed as positive changes to the practice according to Leila Ahmed's views in her text, *A Quiet Revolution* (2011). Ahmed specifically focuses on the how the *hijab* is practiced by some Muslim women in the US. While I agreed with Ahmed that the variations of the *hijab* practiced by some Muslim women in the US allow them to access more advantages, I argued that more drastic change is needed to achieve a fully reformed *hijab*.

The framework of the *hijab* as a social practice is one that is especially important for providing an account of the *hijab* that deconstructs the negative internalizations and unjust experiences that Muslim women sometimes face within Muslim communities. My analysis can serve Muslim women by validating and clarifying some of the more intangible nuances implied

in the practice of the *hijab* and in the cultural scripts that trigger our choices and actions but are often difficult to identify. This framework can also provide insight to non-Muslim allies with respect to why the *hijab* tends to carry deep importance for Muslim women/Muslims—and thus, insight into the injustices involved in attacks that target the *hijab*. It is also a framework that can help maintain and make sense of differences and variation in the practice.

In Chapter Six, I discussed the global movements, World Hijab Day (WHD) and No Hijab Day (NHD) as an example of the common opposite narratives about the *hijab* that treat the practice as either freeing and feminist (WHD's stance) or oppressive and anti-feminist (NHD's stance). Focusing on these movements provided insight into the different oppressive 3rd parties Muslim women are responding to. These 3rd parties are the Islamophobes on the one hand and the Islamic Right on the other. Due to these 3rd parties and their support via the cumulative influence of colonial knowledge, Orientalist myths about the veil, as well as those myths perpetuated by a flipped Orientalism at the hands of the Islamic Right, there is a gap in understanding between Muslim women with respect to these common narratives about the veil. I argued that this is best identified as a hermeneutical impasse, and I proposed the '3rd party impasse' to capture it.

To do this, I drew on Luvell Anderson's (2017) account of the type 4 hermeneutical impasse, which he developed to capture and explain the case of Black Lives Matter (BLM) vs. All Lives Matter (ALM). Andreson's type 4 hermeneutical impasse is characterized by the unilateral features of prejudice, wilful/unwilful hermeneutical ignorance, and truth-tracking. I strayed from Anderson's original account to develop his notion of truth-tracking into a more committed feature that fits the unilateral position of the Black Lives Matter camp. I called this feature, 'pro-truth'. I then turned to the case of World Hijab Day (WHD) and No Hijab Day (NHD) and explained both movements, the relevant 3rd parties, and related recent world events. I found that WHD-NHD includes the features of the type 4 impasse bilaterally, rather than

unilaterally. I proposed the 3rd party impasse and assigned to it the feature of contributory injustice on Kristie Dotsons account (2012) to capture the dynamic of this impasse. I provided some examples of contributory injustice from social media, from public online articles to provide support for the role of this feature in the hermeneutical impasse. Additionally, I showed that a variation of the WHD-NHD impasse occurs when western feminists in academia take the side of one group of Muslim women (or one side of the 3rd party impasse) and commit contributory injustice against Muslim women academics on the opposite side of the impasse.

The last part of Chapter six explores the possibilities for resolving the 3rd party impasse. I explored what a solution would look like by drawing on the lessons gained from the theory of Unknowability (discussed in Chapter Two) and Black resistance (discussed earlier in Chapter Six), as well as Orientalism and the rigidity of the us-vs-them framework (discussed in Chapter One). While I do not arrive at a complete resolution, the difficulties I articulate in exploring a resolution demonstrate the nature of injustices against marginalized groups and the on-going struggle over the power to narrate. I end by pointing to the fact that those with the power to narrate will be most suited to resolving the impasse.

When it comes to future research, I am interested in exploring Kyle Whyte and Kristie Dotson's (2017) approach to overcoming Unknowability with a focus on the perspectives of marginalized groups/subgroups. I am interested in how this would look when applied to something like the 3rd Party Impasse, where the oppression of two groups is interconnected, but each group privileges their own moral heritage. In general, this points to questions about the potential for marginalized groups to stand together and broaden the scope of communities where they are socially intelligible—and thus, can open up avenues for collective resistance across different marginalizations (or it may do so to some degree). I am also thinking here of the 'inside' need for marginalized communities to support one another due to the interconnectedness of oppression (as discussed in Davis, 2016). This interconnectedness

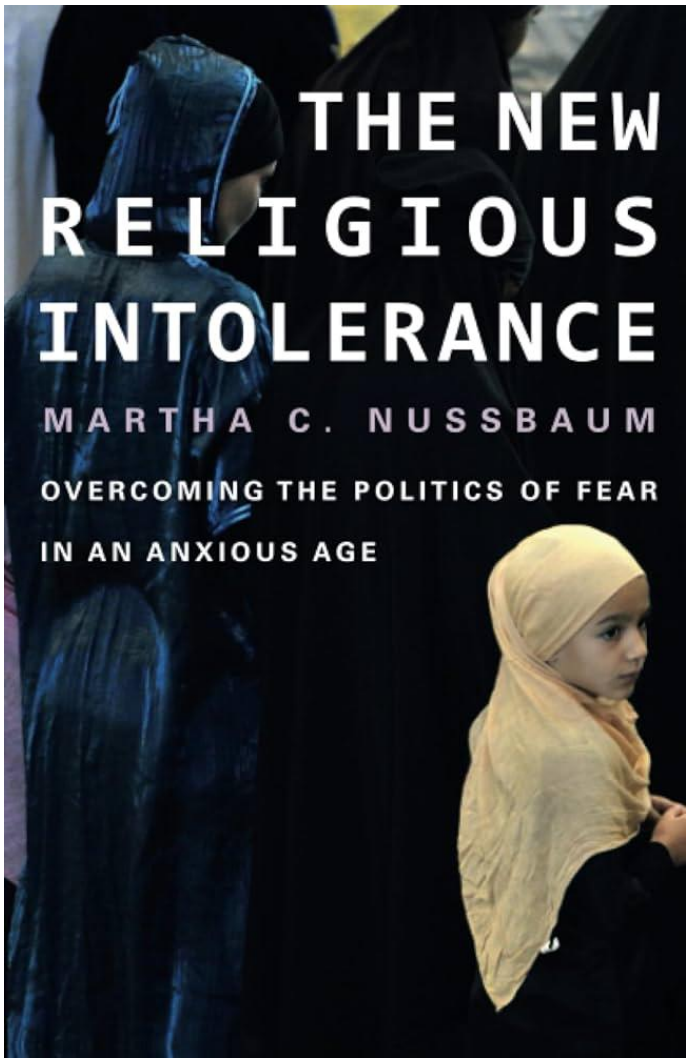
suggests that failing to strategize collaboratively across different marginalized groups not only represents a lost opportunity to disrupt the status-quo, but it could also result in additional negative consequences for all involved groups. Looking into this will provide more insight into the case of 'World Hijab Day'-'No Hijab Day', and can be applied to other marginalized groups with what are, or what appear to be, different priorities in their resistance efforts.

In concluding this discussion, I am saddened to have discovered all that I have with respect to the extent of the vile, recent history of Orientalism, its Western actors, and the betrayals of the Islamic Right. Even more tragic is that the current situation is still—in many critical, and deadly, ways—too similar. Thus, it is with full awareness of the work we have left to do that I leave us here. Despite what is left to do, my hope is that I have left my readers, first and foremost, with useful tools to dismantle the marginalization of Muslims and Arabs. I hope our work continues to unpack and combat the injustices faced by Muslims, Arabs, and all other oppressed and marginalized groups.

Appendix

A. *The New Religious Intolerance* book cover:

(Nussbaum 2012)



B. Conservative Christian and Jewish "*burqa*" wearing women

Christian Orthodox nuns walk through Jerusalem, Occupied Palestine. (Chabin 2019)



Orthodox Jewish women in occupied Palestine '48. (Mendoza 2018).



A Jewish woman in Jerusalem, Occupied Palestine. (Chabin 2019).



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