

Images of the Muslim Woman and the Construction of Muslim Identity

The Essentialist Paradigm

ABSTRACT

This article argues that much of the postmodern discourse on the Muslim woman and her veil is symptomatic of what I call the “essentialist paradigm”. The world is seen through the prism of a group’s religious/cultural identity and eventually constructs a Muslim identity – and with it an image of the Muslim Woman. The image of the oppressed veiled Muslim Woman and the treatment of a piece of cloth as synonymous with her whole identity and being are products of this paradigm of thought. Using an interdisciplinary approach that combines discourse analysis and a case study of the construction of the British Muslim community, this article argues that the essentialist paradigm ignores the context of its subject matter with all its accompanying power structures, political and social factors, and the roles played by both the state and fundamentalist Islam in constructing a Muslim identity and with it the Muslim Woman and her dress code.

KEYWORDS

veil, Islam, group identity, essentialist paradigm, Muslim Woman, British Muslim community

BIOGRAPHY

PD Dr. Elham Manea is an Associate Professor of Politics at Zurich University. Her research interests include legal pluralism and Islamic Law, Political Islam, politics of the Arabian Peninsula, especially Yemen, and gender and politics in the Arab MENA region.

THREE IMAGES

First image: A woman in a burqa,¹ a convert to Islam; she is the Women’s Representative of the Islamic Central Council of Switzerland. She is participating in a 2013 podium

1 The burqa is a full-body cloak worn by some Muslim women that covers the face as well. Wearing the burqa is a custom imported from Najd, a region in Saudi Arabia and the power base of Salafi Islam.

discussion in *Arena*, a Swiss political talkshow, and argues that her burqa is an expression of “free choice” (fig. 1). She says that the face of a woman, unlike the face of a man, is a source of temptation and that was a long process for her to come to this realisation, but in the end she chose to follow God’s will. The core of her argument runs, “This is my religion and I am exercising my right to freedom of religion.”²



Fig. 1: Screenshot from *Arena*, a Swiss political talk show, 28 September 2013, © Elham Manea.

Second image: A poster from 2009 of a woman in a burqa; only the woman’s eyes are visible. She is positioned among seven minarets, designed to look like rockets, standing on the Swiss flag. In the lower part of the poster a short sentence looms: “Yes to the prohibition of minarets” (fig. 2).



Fig. 2: Campaign against the construction of minarets in Switzerland, autumn 2009 © Daria Pezzoli-Olgiati, Neggio.

² *Arena* 2013.

Third image: A female protester is savagely beaten by Egyptian military forces (fig. 3). The woman was wearing a black *abaya*³ but ironically is known only as “the woman in the blue bra”. The clip of the “blue bra incident” on 17 December 2011 shows a limp woman being dragged by her arms along the street with her *abaya* ripped open, exposing her naked torso and blue bra. Military forces surround her, many wielding batons; guards hit her, and one stomps on her.⁴



Fig. 3: The “blue bra” female protester beaten by Egyptian police during clashes in Cairo’s Tahrir Square on 17 December 2011 © Reuters.

The woman in *Arena* is articulating Salafism, a fundamentalist interpretation of Islam that argues that the face of a woman is a source of temptation and should be covered to protect men and society. That position is considered extreme in the Islamic world(s) and is not shared by the majority of Islamic legal interpretations. Within Muslim countries it is highly contested and deemed a fringe belief by many. On 2 April 2010, for example, the Mufti of Al Azhar, the highest religious authority in Sunni Islam, stated in a programme on Al Arabiya TV that wearing the burqa is a “custom, not a religious requirement” and the product of a “lone opinion” in Islamic jurisprudence.⁵ The poster, propagated by far-right and xenophobic Swiss political forces, uses the burqa as a visual symbol for a threat endangering Switzerland, with the image of the

3 Abaya or cloak is a black loose over-garment, essentially a robe-like dress, worn by some women especially in the Arabian Peninsula.

4 Coleman 2011.

5 Al Arabiya TV 2010.

woman employed to represent everything that contradicts Swiss values. The clip of the woman in the blue bra ironically introduces the agency of a woman who took to the streets while covered to protest the actions of the army and hence became the subject of the brutal force of a police state. At the heart of all three images is the body of the Muslim woman, covered or stripped, as a field of religious, political, and ideological battle. Islamists treat her body and its mandatory coverage as a symbol of a strict Islamist social order imposed on all who live under their control. European xenophobic forces see in her Burka a threat of Islamisation that must be stopped. The authoritarian Arab state uses the exposure of her body as an instrument of intimidation intended to stop her from practising her political rights.

In the three pictures there is an *image*, utilised to represent religion and gender; a *woman*, who defies these representations and develops a space of resistance that challenges the religious, authoritarian, and xenophobic symbolisation of her body; a *context* that is conspicuously absent from the narratives and representations of the Muslim woman in all of these images; and most significantly a *constructed Muslim identity* that encapsulates the Muslim Woman, hiding her humanity, personality, and diversity – this constructed image that is exploited by different actors for different purposes.

I look at visibility, normativity, and gender through a contextual prism within the indispensable concept of universality. Both normativity and visibility are shaped by context. In Saudi Arabia a woman walking without covering her whole body, including her hair and face, would stand out as both odd and foreign, and, most importantly, would be perceived as promiscuous and threatening to public morality. She might be arrested and flogged as a result. Yet, this same woman would not draw attention if she walked in the streets of Berne or Zurich, where her appearance – wearing jeans, skirt, or dress, and with her hair and face uncovered – are considered “normal”. We visualise through our prisms of meanings, concepts, and norms of acceptability. But these prisms tend to vary over time, for they are not immune to modification or change.

Likewise, gender roles are often constructed through their social context: a woman’s role in family, her treatment as a child and later as a woman, and her function within society are all shaped by her familial, social, religious, cultural, economic, and political contexts. That said, while her roles, and her worth or lack of worth, vary from one context to another, every woman is born with inalienable and universal value and rights that are irrespective of context: she is born equal in dignity and rights. The tension between the worth attributed to a woman by her context and her worth as a human being gave birth to the universal women’s rights discourse. I use the term “woman” here as an example for gender, which encompasses women, men, and transsexuals.

THE ESSENTIALIST PARADIGM

Remarkably, when some social scientists engage in intellectual discourse on the Muslim Woman, on her body (covered or not) and on the veil (headscarf or burqa), they often neutralise the context as if it were of no consequence and homogenise the woman's identities, seeing only her religious identity as valid, authentic, and relevant. They seem to see only the veil, not the person wearing the veil. They, too, have constructed an encapsulated image of the Muslim Woman that hides her individual humanity and personality.

Each of the political and social actors mentioned in the three images above – Islamist fundamentalists, Western far-right xenophobic forces, and the authoritarian state – has political motives for engaging in a discourse that is both ahistorical and decontextualised. Similarly, such social scientists seem to be engaged in a discourse driven by ideology rather than context or history. They talk in terms of abstract concepts such as freedom of religion and constitutional law and treat the Muslim Woman as an oppressed member of a minority who needs to be defended and protected from the vilification and demonisation of her religious identity. One established approach to this subject has been described by Pascale Fournier as “left legalism”, defined by Janet Halley and Wendy Brown as “endeavours in which the left [seeks] to mobilize the implicit promise of the liberal state that it will attempt to make justice happen by means of law”.⁶ Here justice means the Muslim Woman's right to wear a veil, specifically the burqa.

Building on Fournier's classification, this intellectual engagement with legalism and the discourse it generates has a number of aspirations. First, it seems to give voice and agency to Muslim women through freedom of religion and the defence of freely chosen beliefs. Natasha Bakht's chapter entitled “Veiled Objections: Facing Public Opposition to the Niqab” provides samples of this type of discourse. Bakht writes that many Muslim women literally “wear” their religious convictions for all to see,⁷ an idea echoed by Jen'nan Ghazal Read and John P. Bartkowski, who note, “These veiled respondents find comfort in the cultural and ethnic distinctiveness that the veil affords them . . . [linking] them to the broader community (*ummah*) of Islamic believers and Muslim women”.⁸ The headscarf can express an active interest in Islamic scripture, as a gesture that reaffirms a commitment to Islamic morality and identity within a modern social context and must not necessarily be seen as a manifestation of passive submission to the Islamic community.⁹ For others yet, the veil is a reminder of acceptable forms of behaviour for men and women.¹⁰ The veil can be seen, Bakht concludes,

6 Halley and Brown, quoted in Fournier 2013, 690.

7 Bakht 2012, 81–82.

8 Read and Bartkowski, quoted in Bakht 2012, 81.

9 Göle 1996, 4; Wiles 2007, 720.

10 Yildiz Atasoy, referenced in Bakht 2012, 82.

as a “display of faith and modesty or something more akin to a political statement related to emancipation from the West”.¹¹

Secondly, this intellectual engagement combines forms of political multiculturalism that justify robust conceptions of religious accommodation. Bruce Ryder’s chapter “The Canadian Conception of Equal Religious Citizenship” is an example of this type of discourse. Arguing for greater religious accommodation Ryder contends,

The rights to positive accommodation of religious practices [in Canada] which sound so fine in the law books are, of course, not always easily achieved on the ground. Whatever their rights on paper, in a variety of social contexts religious persons have to struggle for comprehension, and then for recognition, and then for accommodation of their religious beliefs and practices. This struggle is particularly challenging for religious minorities whose traditions and practices are often poorly understood. Discourses of the alien, dangerous “other” can quickly fill the gaps left by incomprehension or ignorance.¹²

A third dimension of this discourse portrays the veil as synonymous with identity, and proposes, therefore, that proscribing the veil is a form of oppression. Natan Sharansky’s book *Defending Identity* (2009) falls within this subcategory. Sharansky argues that “expressions of religious identity have very different meanings in different contexts. To some women, the veil is not only a religious obligation but a manifestation of their own culture and an expression of who they are. To deny them the right to wear it becomes a form of repression.”¹³ Hence, according to Sharansky, a law banning the veil (a headscarf in this case) means that Muslims are “coerced to act one way while thinking and feeling another”.¹⁴

Fourth, this intellectual discourse considers the whole debate about the veil (headscarf) to be a constructed discourse used as a pretext to impose a hegemonic secular and/or imperial Western agenda. Judith Butler’s article “Sexual Politics, Torture, and Secular Time” (2008) is an example of this type of discourse. According to Butler,

The debate on whether girls should be prohibited from wearing the veil in public schools seemed to bring this paradox into relief. The ideas of the secular were invoked to consolidate ignorant and hateful views of Islamic religious practice (i.e. the veil is nothing other than the communication of the idea that women are inferior to men, or the veil communicates an alliance with “fundamentalism”), at which point laïcité becomes a way not of negotiating or permitting cultural difference, but a way of consolidating a set of cultural presumptions that effect the exclusion and abjection of cultural difference.¹⁵

11 Bakht 2012, 82.

12 Ryder 2008, 88.

13 Sharansky 2009, 115.

14 Sharansky 2009, 114.

15 Butler 2008, 13.

In my opinion, this type of intellectual discourse on the veil of the Muslim Woman is symptomatic of a paradigm of thought that has dominated postcolonial, postmodern discourses for far too long. In my forthcoming book *Women and Shari'a Law: The Impact of Legal Pluralism in the UK*,¹⁶ I term this approach an “essentialist paradigm”, noting that its advocates insist on treating people as members of homogeneous groups, essentialising their cultures and religions, underestimating the consequences of their academic discourse on human rights, and discarding voices of people from these very cultures as “not authentic enough”.¹⁷

Four features characterise the essentialist paradigm:

1. It combines multiculturalism as a political process with a policy of soft legal pluralism, dividing people along cultural, religious, and ethnic lines, treating them differently on account of their “cultural differences” and in the process setting them apart and placing them in parallel legal enclaves.
2. It perceives rights from the perspective of the group: the group has rights, not the individuals within it. It insists that each group has a collective identity and culture, an essential identity and culture, which should be protected and perpetuated even if doing so violates the rights of individuals within the group.
3. It is dominated by a cultural relativist approach to rights (in both its forms, as strong and soft cultural relativism) and argues that rights and other social practices, values, and moral norms are culturally determined.¹⁸
4. It is haunted by the white man’s/woman’s burden caused by a strong sense of shame and guilt for the Western colonial and imperial past and by a paternalistic desire to protect minorities or people from former colonies.

The essentialist paradigm is a mindset that perceives the other – whether a member of a minority group, as in this case, or an entire Third World country – as the oppressed and understands human rights as tools imposed by the Western oppressor. It considers those who fight for universal human rights in their own societies as not authentic representatives of their countries and in the process ignores or justifies dire human rights violations committed in the name of the rights of groups or cultural and religious rights.

I identified this paradigm of thought during my research into calls to introduce Islamic law in Western legal systems. Because proponents of soft legal pluralism have used Britain as a positive model,¹⁹ it was imperative to research the British case. I approached Islamic sharia councils and Muslim arbitration tribunals in various British

¹⁶ Manea, forthcoming 2016.

¹⁷ The study is based on field research by the author in the United Kingdom (36 interviews conducted in 2013) and makes use of the results of previous field research by the author in Syria, Kuwait, and Yemen (71 interviews between 2006 and 2008). In addition, discourse and content analyses have been used to deconstruct the postmodern discourse on group rights.

¹⁸ Donnelly 1984, 401.

¹⁹ Bowen 2012; Williams 2008; Yilmaz 2005; Kemper/Reinkowski 2005.

cities and met their leading sheiks, including the only woman on any of these panels. I also interviewed experts and lawyers, as well as activists in civil society and women's rights groups, especially from within the Muslim communities, and also politicians who are calling for reform of this legal "model".²⁰ The more I looked into the subject, the clearer it became that the issue is not merely a matter of a group of scholars supporting a specific legal system. Their discourse represents a paradigm of thought that sees the world through the prism of a group's religious and cultural identity and thus constructs Muslim identity as a group identity that shapes every aspect of the lives of the members of this religious community, including the Muslim Woman.

The image of the oppressed, veiled Muslim Woman and the treatment of a piece of cloth as synonymous with her whole identity are products of the essentialist paradigm of thought and its fixation with group identity. From this perspective, the construction of Muslim identity and the construction of the Muslim Woman are two sides of the same coin. As the notion of group identity and the collective rights of a group has proved so important, in the following section I critically discuss this notion, focusing on the ideas of Canadian philosopher Charles Taylor, who in my opinion has strongly influenced the essentialist discourse.

GROUP IDENTITY AND RIGHTS

Charles Taylor, the father of legal pluralism, famously espoused group identity and group rights.²¹ His concept of a politics of recognition, introduced in the edited volume *Multiculturalism: Examining the Politics of Recognition* (1994), has permeated much of the thinking within the essentialist paradigm. He refers to the politics of multiculturalism in terms of demands for recognition of minority or subaltern groups.

The thesis is that our identity is partly shaped by recognition or its absence, with recognition often *misrecognition*. A person or group of people can suffer real damage, real distortion, if the people or society around them mirrors a confining or demeaning or contemptible picture of themselves. Nonrecognition or misrecognition can inflict harm and can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being.²²

Taylor tends to see identity and with it culture and society as static, as a whole that has inherent, given traits. For Taylor, identity is "who we are, where we are coming from, and thus the background against which our tastes and desires and opinions and aspirations make sense".²³ In his paradigm, identity does not exist in a vacuum. It is very much intertwined with "authenticity", as he terms it: "There is a certain way of being human that is my way. I am called upon to live my life in this way and not in imi-

20 Manea, forthcoming 2016.

21 This section is based on Manea, forthcoming 2016, chapters 2–3.

22 Taylor 1994, 25, emphasis in the original.

23 Taylor 1994, 30.

tation of anyone else's life".²⁴ This "notion gives importance to being true to myself. If I am not, I miss the point of my life; I miss what being human is for me."²⁵ This notion of authentic identity has given rise to what Taylor calls the "politics of difference", in which distinctions are the basis of differential treatment: "The aim is to cherish distinctness, not just now but forever. After all, if we are concerned with identity, then what is more legitimate than one's aspiration that it never be lost?"²⁶ Cherishing distinctions requires introducing policies involving "collective goals" designed for "cultural survival".²⁷ Taylor insists that a society with strong collective goals can still be liberal if it is "also capable of respecting diversity, especially when dealing with those who do not share its common goals; and provided it can offer adequate safeguards for fundamental rights".²⁸ Fundamental rights aside, Taylor considers it quite possible that the rights of individuals will be restricted if the state focuses on safeguarding its collective goals; he also acknowledges that the pursuit of the collective end will probably involve treating insiders and outsiders differently.

Taylor's concept of identity is not concerned with identity at the individual level. He focuses on the collective identity of a cultural group. This cultural group may be aboriginal bands or French Canadians, especially Quebeckers. It could also be a group designated by its gender, for example women. It could be a religious group, like the Muslims. His main motivation in describing the politics of recognition and hence difference is fear of "imposing" a hegemonic culture on the culture of a minority. His aim is to protect minority rights. From this perspective his aim is certainly noble. The problem lies in Taylor's attempt to ensure that the collective identity of a cultural group can survive. Here he falls into an essentialist trap: focusing on the authentic identity of a cultural group assumes that it has fundamental, unchangeable traits. This assumption ignores the fact that cultures do change, that they are not static. What we considered to be part of our cultural norms and identity yesterday may look quite abhorrent today. In addition, minority groups are not homogenous, as Taylor assumes. They do not represent one cultural block with similar, standardised features. Often members of minority groups have a complex set of identities that they express differently in different settings. Taylor also ignores the power structures within minority groups, which further complicate matters, especially when some members claim to be representatives of a cultural group and assume the right to define what this group's authentic identity is, and what it is not.

Taylor tries to protect certain rights for particular groups, but his efforts create a mess. When we propagate the concept of a group's rights, we also justify the violation of human rights within minority groups as an expression of different cultural

24 Taylor 1994, 30.

25 Taylor 1994, 33, emphasis in the original.

26 Taylor 1994, 40.

27 Taylor 1994, 61.

28 Taylor 1994, 61.

concepts of rights and justice. Women's rights have been violated with impunity on these very grounds.

Let me explain. Culture does change. Consider the fact that between 1877 and the mid-1960s, the Jim Crow caste system was quite acceptable in the South in the United States. The system treated blacks as a degenerate caste and second-class citizens; it excluded them from public transport and public facilities, from serving on juries and from entering certain jobs and neighbourhoods. And it severely regulated social interactions between the races. During that period it was quite normal to have separate hospitals, prisons, schools, churches, cemeteries, and public accommodations for blacks and whites. These laws and policies were sustained by a whole range of religious, educational, and "scientific" discourses. A mainstream Christian interpretation at the time taught that "whites were the Chosen people, blacks were cursed to be servants, and God supported racial segregation".²⁹ At every educational level, scientists (craniologists, eugenicists, phrenologists and social Darwinists) bolstered the belief that blacks were innately inferior to whites, intellectually and culturally. The media did their share by routinely referring to blacks as "niggers, coons, and darkies", and by reinforcing "anti-black stereotypes".³⁰ At the time both blacks and whites were governed by cultural norms on how they should interact. For instance, a black male could not offer his hand to a white male, as such a gesture implied social equality. Under no circumstance was a black male to offer to light the cigarette of a white woman, an act that implied an intimacy that might be punished by lynching.³¹

Fifty years ago, that culture of racial discrimination was acceptable in parts of the United States. Many white people considered the Jim Crow caste system to be, in Taylor's words, "who we are, where we are coming from"; as such, it was "the background against which our tastes and desires and opinions and aspirations make sense".³² When others began to demand changes in these laws – and thus in this element of the way of life in the South – white people perceived these demands as tantamount to imposing an "imitation of anyone else's life" and corrupting a "certain way of being human that is my way".³³

I know I am being provocative here. But if we are to take Taylor's argument about authenticity, identity, and culture at face value, white people in the Southern states were, and perhaps still are, born racist. That was the "way they are". Racism and a belief in their superiority over blacks was "inherent in the way they give meaning to their lives" and as such we should cherish their "distinctness, not just now but forever". After all, "that was their culture".³⁴ Does this mean we should aspire to

29 Pilgrim 2014.

30 Pilgrim 2014.

31 Pilgrim 2014.

32 Taylor 1994, 30.

33 Taylor 1994, 30.

34 Taylor 1994, 30.

the survival of racism and white supremacy? How horrible would this argument have sounded? But this expectation is hardly true, right? People are not born racists. They are made racists. They are made racists by a whole range of institutions, including religion, science, the media, and education. These institutions and their discourses supported and maintained the Jim Crow system of racial discrimination. I mentioned these institutions deliberately, because cultures do not function in a void. They may be sustained or altered depending on the contexts in which they are operating and the systems that maintain them. Therefore, it was no coincidence that once men and women, black and white, from the South as well as the North, started to tackle and oppose the intellectual foundations of discrimination, the culture of the caste system began to fall apart and with it the norms that sustained it.

THE CONSTRUCTION OF MUSLIM IDENTITY: THE BRITISH CASE

What holds true for the “hegemonic” culture applies also to the “minority” culture: neither functions in a void or remains unchanged.³⁵ Each can be sustained or altered by the context it is operating within and the systems that maintain it. This idea is evident in my research as I show how and why perceptions of Pakistani and Bangladeshi communities in the United Kingdom changed. From the 1950s to the 1970s their members were seen as representatives of diverse South Asian nations, but since the 1980s they have been perceived as faceless members of the Muslim community.³⁶ Moreover, a minority group is not homogenous. It does not represent one cultural block with similar and standardised features and traits. Diversity within a minority group is expressed in different forms, on an individual level as well as the group level.

Consider the example of a young woman I met in London in January 2013 during a meeting with members of a small LGBT Muslim support group called *Imaan*, which means “faith” in Arabic.³⁷ I will call her Leila. She is British, of South Asian heritage, an atheist and a lesbian. Leila wears a headscarf because of community pressure in her neighbourhood in Birmingham. She does not want to wear it, but she lives in a closed community where breaking the imposed rules would bring harm to her and her family; hence, wearing the headscarf allows her to sidestep that risk. However, wearing the headscarf immediately puts her into a religious box. Her appearance as a woman with a headscarf transforms her from a *woman* into a *Muslim Woman*, and a Muslim Woman is usually a *religious person*. But Leila is an atheist. The larger society

35 This part is based on Manea, forthcoming 2016: chapter 2.

36 Manea, forthcoming 2016.

37 Imaan supports the efforts of LGBT Muslim people and their families and friends to address questions of sexual orientation within Islam. It provides a safe space and support network where people can deal with issues of common concern through sharing individual experiences and institutional resources. For more information see their website, <http://www.imaan.org.uk/about/about.htm>.

is unable to see this part of her. If she wears the veil, then she must be a believer. It goes without saying that her belief, or rather her lack thereof, is a secret she keeps to herself within her community. On top of that, she is a lesbian. Her sexual orientation is another secret that she has to guard, lest it become known and cause a scandal with dire consequences. Leila does not fit within any of the cultural or ethnic categories to which she might automatically be assigned, neither within her community, which imposes its values on its members, nor within the larger society, which sees her in terms of a garment that covers her hair. She is a complex person with various identities, yet all we see as we look at her is a religious identity that she does not believe in. On an individual level, then, an ethnic or a religious category often cannot describe a person for two reasons: (1) each person has various identities, and (2) being associated with a religious group does not automatically make one religious or part of that group.

Moreover, on a group level, a minority is not homogenous. Consider the Muslim community (singular) in Britain. In the 1960s its members formed what were termed “South Asian communities” (plural). They included waves of migrants from Pakistan, India, and Bangladesh. Within these national groupings, they were still seen as diverse, with different religious denominations and linguistic, regional, and ethnic backgrounds. At that time, as many interviewees told me, one would have been hard pressed to find a woman wearing a veil, let alone a burqa. The members of these communities identified themselves by their nationalities and sometimes by regional origins, such as being from Mirpur, a district and one of the largest cities in Pakistan’s Kashmir region. They may have practised their religion, but doing so did not frame their interaction with the world. It was not the mantle in which they wrapped themselves. Their religion was not the identity they stressed. From the 1970s, an intellectual shift took place, paving the way for the construction of the Muslim identity (singular).³⁸

On one hand, as Kenan Malik, a left-leaning Indian-born English thinker, notes, the left helped to introduce the politics of difference and group rights. The old radical left, Malik tells us, slowly lost its faith in secular universalism and Enlightenment ideas of rationalism and humanism and instead began talking about multiculturalism and group rights, decrying these Enlightenment ideas as “Eurocentric”, part of the Euro-American project imposed on other people. For decades, the left had argued that everyone should be equal whatever their racial, ethnic, religious, or cultural differences; now the left pushed the idea that different people should be treated differently precisely because of such differences.³⁹

On the other hand, the British state played a crucial part in translating this ideological shift into reality, by introducing multicultural policies at the local and national levels. Urban riots and unrest during the 1970s and 1980s raised concerns about how to

38 This part is adapted from Manea, forthcoming 2016, chapter 3.

39 Malik 2009, xix; Malik 2013, 19.

engage “ethnic minority communities” in the political process. The deliberations led to the sanctioning of a multiracial, multicultural approach that recognised different ethnic communities and needs in society.

What followed were policies that emphasised the importance of “different cultural backgrounds in determining people’s identity” and the necessity to “engage with community groups on this basis”.⁴⁰ A shift was occurring in the public space, moving away from the “liberal tradition of dealing with people in a ‘colour-blind’ way” and towards “differential treatment according to their cultural identities”.⁴¹ Equality would now require cultural recognition and respect. For “a person’s culture” not to be “affirmed and given status” would be “considered to be a denial of equality”.⁴² The ideas of Charles Taylor had found their home in the British policies of difference.

Gradually, local and national authorities adopted and moulded a range of services to accommodate the supposedly different needs of citizens and clients all across society. Over time, the nation has established ethnic housing associations and healthcare, arts and cultural along with voluntary support, radio channels, public broadcasting, and policing units, all based on ethnicity.⁴³ Ethnic and cultural groups were encouraged to make demands based on their differences and cultural exclusion from the mainstream. Their ability to access resources from the public purse was often dependent on their being unfairly disadvantaged because of their “difference”. Slowly but steadily, over the decades, ethnically and culturally specific lobbying groups have emerged, “each arguing their own corner for more money, resources and support for their particular identity”.⁴⁴

As some of my interviewees recounted, the outcome has been the demarcation of people into visible cultural and religious “communities” headed by state-picked community “leaders”. The communities rub against and compete with each other, living apart, looking at each other with suspicion, if not hatred.

In fact, Britain inaugurated a multicultural policy that in reality *imposed* a religious identity on communities (plural) and inadvertently facilitated the creation of a Muslim community (singular): an invented community, not an imagined one, to use Benedict Anderson’s term.⁴⁵ As a government creation, this invented community did not to celebrate diversity within a British context; instead, a group of loud Islamists was elevated as community leaders. They did not represent the majority within their communities. Several people I interviewed, people knowledgeable about political Islam and extremism in Britain, emphasised this point. The community did not choose these so-called leaders, nor did the leaders, at the time, enjoy the support of the members.

40 Mirza/Senthikumar/Ja’far 2007, 23.

41 Mirza/Senthikumar/Ja’far 2007, 23.

42 Mirza/Senthikumar/Ja’far 2007, 24.

43 Mirza/Senthikumar/Ja’far 2007, 24.

44 Mirza/Senthikumar/Ja’far 2007, 24.

45 Anderson 1991.

Their demands represented their own political agenda, which was to spread their vision of political Islam, but by elevating these individuals to the status of leaders, the government placed them in a position to dictate what their group's cultural and religious needs were. They were the gatekeepers of the "Muslim minority".

Consider this example. Up until the London terrorist attacks in 2005, the British government treated the Muslim Council of Britain, an umbrella organisation, as the sole representative of the Muslim community. The Muslim Council of Britain was founded and controlled by members of an Islamist group, Jamaat-e-Islami (JEI). Created in 1941 by Abu al-Alaa al-Mawdudi, an Indian-born journalist who later moved to Pakistan, Jamaat-e-Islami became an indispensable part of the worldwide Islamist movement, comparable to the Muslim Brotherhood. Mawdudi and with him Jamaat-e-Islami set themselves the immediate aim of restoring a state which would apply sharia. Sovereignty accordingly does not belong to the people but to Allah alone and power is only legitimate if it is used according to the commands of God.⁴⁶

According to Lorenzo Divino, a leading expert on political Islam in the West, the UK Islamic Mission, established in 1962 and headquartered in the north London borough of Islington, was the embryo of the Mawdudist network in Britain. The mission defined itself as an "ideological organisation" grounded in the belief that "Islam is a comprehensive way of life which must be translated into actions in all spheres of human life".⁴⁷ Its official mission statement recorded that the organisation sought to "establish the social orders of Islam for the Muslims and non-Muslims living in Britain".⁴⁸

Starting from the 1970s, the UK Islamic Mission created a network of mosques. Concurrently, another Jamaat-e-Islami inspired organisation, the Islamic Foundation, became the main publisher of Mawdudist literature and later ensured that Mawdudi's books became standard readings on Islam in British schools. The Mawdudists' ultimate "political coup", to use Innes Bowen's expression, was its control of the Muslim Council of Britain, created in 1997 and recognised by the British government as the sole representative body of Muslims in the United Kingdom.⁴⁹ Not surprisingly, as a report of Policy Exchange (a British centre-right think tank) report on British Muslims stated, British government policies of engagement with Muslims made things worse: "By treating Muslims as a homogenous group, the Government fails to see the diversity of opinions amongst Muslims, so that they feel more ignored and excluded."⁵⁰ Indeed, a 2007 survey of British Muslims has revealed how misguided these policies were. When asked to name an organisation that represented their views as a Muslim, only 6 per cent named the Muslim Council of Britain, while 51 per cent felt that no

46 Kepel 1997, 92; Bowen 2014, 58–59; 75; 80–81.

47 Divino 2010, 116.

48 Divino 2010, 116.

49 Bowen 2014, 84–90; Kepel 1997, 109–111; 118–125.

50 Mirza/Senthikumaran/Ja'far 2007, 6.

Muslim organisation represented their views, and 75 per cent held that there was more diversity and disagreement within the Muslim population than other people realised.⁵¹

Yet by then the money, resources, and support these Islamist organisations had received from the British government, in addition to those flowing from the Gulf States, had helped them create a plethora of educational, religious, and charitable institutions. They had the tools to spread their own vision of political Islam among the members of their communities. Most importantly, they helped create what I call “closed communities”, like the one in which Leila lives, patriarchal power structures that exercise social control over their members and intimidate those who reject their designated social rules. Leila wears a veil not because she wants to, but because she has to. She does not dare to come out as either a lesbian or an atheist because she knows that she will be made to pay dearly for such an act of rebellion against the way a proper Muslim woman is supposed to behave.

I am quite certain that Taylor did not know where his ideas would take him. He said it was possible that the rights of individuals would be restricted by the state’s aim of safeguarding collective goals, but he did not expect that people would either invent a community or violate its members’ fundamental human rights. Sadly, this is exactly the outcome of his theoretical approach, which ignores the political and social contexts of what it describes and therefore fails to take account of the mechanisms and institutions that either sustain or alter an identity and its cultural traits.

TIME FOR A PARADIGM SHIFT

Context matters! Context matters in highlighting how a single Muslim identity has been constructed. It is context that shows how complex and diverse Leila’s identity is, and why she wears a headscarf even though she is an atheist. Yet the essentialist paradigm seems to ignore this very context with all its accompanying power and patriarchal structures, political and social factors, and roles played by both the state and fundamentalist Islam in constructing a homogeneous Muslim identity and with it the Muslim Woman and her dress code.

The diversity of reasons why women wear the veil does not negate nor eliminate the essential role played by fundamentalist Islam – defined here as a “political movement of the extreme right, which manipulates religion in order to achieve its political aims”⁵² – in mainstreaming the idea that the veil is part of Islamic religious identity and in constructing the Muslim Woman and her obligation and/or right to wear the veil, as we only started to hear in the late 1970s. In countries where Islamists are in power, the veil is imposed by force, regardless of whether the woman wants to wear it. This

51 Mirza/Senthikumar/Ja’far 2007, 6.

52 Marieme Hèlie-Lucas’s definition, quoted in Bennoune 2013, 14.

is the case in Iran, Saudi Arabia, Sudan, and the areas controlled by Islamists in Iraq, Syria, and Nigeria; the list goes on. Those who defy Islamists' dress code are subject to punishment that may include flogging, imprisonment, or fines.

In countries where Islamists are not in power – Islamic countries or Western societies with a Muslim minority – the veil is portrayed as both a religious obligation and part of freedom of choice. This strategy is well suited to Islamic fundamentalism's worldview, well described by Karima Bennoune. First, Bennoune argues, this worldview seeks the imposition of “God's Law”, that is an interpretation of sharia, on Muslims everywhere. Secondly, it wants to create what Islamic fundamentalists deem to be Islamic states or diasporic communities ruled by these laws. Thirdly, Islamic fundamentalism wants to police, judge, and change the behaviour, appearance, and conduct of other people of Muslim heritage. Fourthly, it tends to limit women's rights sharply, couching its constraints in the soothing language of protection, respect, and difference.⁵³

Control of women and their social behaviour and the imposition of a dress code are all part of fundamentalism's worldview. That fundamentalist worldview is clearly articulated in the literature of all major Islamist ideologists, as Lamia Rustum Shehadeh highlighted in her book *The Idea of Women in Fundamentalist Islam* (2007). Shehadeh examined the discourse on the Muslim Woman in the writings of the most influential Islamist ideologists such as Hasan al-Banna, Abu al-Alaa al-Mawdudi, Sayyid Qutb, and Ayatollah Ruhollah Khomeini and came to the conclusion that despite their differences, they “all agreed on their image of the ideal Muslim woman and her role in society; [and] all followed an interventionist policy on women's issues and family matters irrespective of the needs or the opinions of women themselves”.⁵⁴

In other words, the ideal Muslim woman is part of the Islamist political project. The veil is intrinsic to this project. In Iran, for example, a member of the Iranian National Assembly bluntly explained to Shehadeh that the imposition of the *hijab* (veil) is political, noting, “The hijab is not being discussed as a religious issue, but as a political, social, and economic issue.”⁵⁵ Shehadeh comes to the conclusion that the veiled woman signalled the redefinition of gender roles and the transformation of Iranian society. An imposed redefinition, I must emphasise, I must emphasise, as any woman who chooses not to veil is subject to a penalty of seventy-four lashes without trial.⁵⁶ So much for the religious freedom hailed by the essentialists.

Oddly, precisely the very context is often ignored by essentialists who instead choose to focus on an intellectual debate separate from reality. I find it interesting that in their writings on the Muslim Woman and her right to veil, the role played by fundamentalist Islam, whether or not from a position of political power, seems to be

53 Bennoune 2013, 14–19.

54 Shehadeh 2007, 236.

55 Shehadeh 2007, 236.

56 Shehadeh 2007, 236.

of no consequence. Judith Butler went so far as to say that this connection is nothing but a joke, stating in an interview:

I have heard debates in France, for instance, in which public intellectuals who support the ban on the veil (*le foulard*) argue that the veil has only one meaning. Then they ... proceed to argue that it is (a) an assertion of female subordination within Islam ... (b) an affiliation with Islamic fundamentalism (which is a joke, considering, for instance, the fashion in scarves that prevails in cosmopolitan areas such as Cairo).⁵⁷

I certainly can follow the argument that the veil has different meanings and the reasons why women wear it are therefore also varied. But to dismiss as a joke the argument that it is affiliated with Islamic fundamentalism is more than just perplexing, for there is sufficient literature, not to mention practical evidence (in areas ruled by Islamists: Sudan, Afghanistan, Gaza, Saudi Arabia, Iran, etc.), that testifies to Islamic fundamentalism's imposition of the veil as a marker of separation and a symbol of a totalitarian Islamist type of governance.⁵⁸ It also makes light of all the efforts and sacrifices of women and men who fight Islamic fundamentalism in Islamic and Western societies. Women like Arwa Abdo Othman, whom I met while carrying out field research in Yemen in 2007. Arwa Abdo Othman, who is today the Yemeni Minister of Culture, is known for her lifelong mission to document how bright and joyful Yemeni's women clothes and folklore were, and how Yemeni women used to show their faces and the contours of their body through their traditional colourful garments. It is her mission to resist the onslaught of Salafi Islam, which forced its way into Yemeni society and changed both the colour and type of clothes wore by women. In rural areas where women traditionally showed their faces and wore colourful garments, today women have to wear the Salafi niqab. Black is today's colour. Arwa Othman has never lived outside her country, speaks only Arabic, and comes from a conservative family background. It would be hard to accuse her of being Westernised.

During the first civil war that raged in Iraq after the U.S. invasion, Jamaat al Tawhid wa'l Jihad, an armed Islamist group, kidnapped and executed Zeena, a women's rights activist and businesswoman who defied their dress code: "Her body was found wrapped in the traditional abaya, which she had refused to wear when she was alive. Pinned to the abaya was a message: 'She was a collaborator against Islam.'"⁵⁹ Women Living Under Muslim Laws documented Zeena's case on its website in order to highlight a fundamentalist pattern found worldwide: the use of violence against women as a form of political intimidation. Imposing a dress code is part of this intimidation strategy.⁶⁰ Women Living Under Muslim Laws is run by a diverse group of women scholars and activists of Islamic heritage and is known for its critical views on Ameri-

57 Butler 2006.

58 See for instance Bennoune 2007; Howland 2001; Imam /Morgany/Yuval-Davis 2004.

59 Hélié 2005.

60 Hélié 2005.

can foreign policy and the invasion of Iraq. It would be hard to sustain a claim that they are working on behalf of an imperial hegemonic Western agenda. And in Britain, a women's rights activist with South Asian roots confided to me during my field research in 2013 that in order for her to be able to work in certain closed communities in East London where forms of extremism are widespread and to have access to women living there, she has to wear the headscarf. Nothing in these examples seems at all funny.

In my opinion, these essentialists are the modern embodiment of those nineteenth-century orientalists who believed in a civilising mission that would emancipate the Muslim woman. Both groups see in this woman only her religious identity. Both consider her a religious entity that is part of another religious whole – the Muslims. Both deem her to be oppressed, by xenophobic society/the imperial West or by male Muslims respectively. Both think she needs protection and must be freed – the essentialists insist on her wearing the veil, and the orientalists want to take off her veil. Finally, both assume that they know best what this woman needs and who should speak on her behalf – no one but they themselves!

Context matters because it shows that the essentialist discourse on the Muslim woman and her veil is a construct crafted in isolation from historical, political, social, and religious contexts. That construct mirrors the essentialists' self-obsessed and self-centred image, assumptions, expectations, and ideological battles. Given the rise of a counter-narrative and contextual knowledge produced by female scholars of Islamic heritage, it is clear that the time is ripe for a paradigm shift.

BIBLIOGRAPHY

- Al Arabiya TV, 2010, Niqab Is a Custom not a Religious Requirement, 2 April, Program Journalism Gate (Wajehat Al Sahafa), in: Arabic, Al Arabiya TV, 2 April 2010, <http://www.youtube.com/watch?v=r9uhzGyk9Eg> [accessed 5 May 2013].
- Anderson, Benedict, 1991, *Imagined Communities. Reflections on the Origin and Spread of Nationalism*, New York: Verso.
- Arena, 2013, Burkaverbot: Nötig oder diskriminierend?, 28 September, SRF, <http://www.srf.ch/sendungen/arena/burkaverbot-noetig-oder-diskriminierend> [accessed 5 May 2014].
- Bakht, Natasha, 2012, Veiled Objections: Facing Public Opposition to the Niqab, in: Beaman, Lori G. (ed.), *Reasonable Accommodation: Managing Religious Diversity*, Vancouver: UBC Press, 70–108.
- Benounne, Karima, 2013, Your Fatwa Does Not Apply Here. *Untold Stories from the Fight against Muslim Fundamentalism*, New York: W.W. Norton.
- Benounne, Karima, 2007, Secularism and Human Rights: A Contextual Analysis of Headscarves, Religious Expression, and Women's Equality Under International Law, *Columbia Journal of Transnational Law*, 45, 2, <http://ssrn.com/abstract=989066>.
- Bowen, Innes, 2014, *Medina in Birmingham, Najaf in Brent: Inside British Islam*, London: Hurst.

- Bowen, John R., 2012, *Blaming Islam*, Cambridge: Boston Review Book.
- Butler, Judith, 2006, *Feminism Should Not Resign the Face of Such Instrumentalization*, interview by Renate Solbach, *ABLIS Jahrbuch für europäische Prozesse*, http://www.iablis.com/iablis_t/2006/butler06.html [accessed 10 September 2014].
- Butler, Judith, 2008, *Sexual Politics, Torture, and Secular Time*, *British Journal of Sociology* 59, 1, 1–23.
- Coleman, Isobel, 2011 *Blue Bra Girl Rallies Egypt's Women vs. Oppression*, 22 December, CNN Online, <http://edition.cnn.com/2011/12/22/opinion/coleman-women-egypt-protest/index.html> [accessed 08 October 2013].
- Divino, Lorenzo, 2010, *The New Muslim Brotherhood in the West*, New York: Columbia University Press.
- Donnelly, Jack, 1984, *Cultural Relativism and Universal Human Rights*, *Human Rights Quarterly* 6, 4, 400–419.
- Fournier, Pascale, 2013, *Headscarf and Burqa Controversies at the Crossroad of Politics, Society and Law, Social Identities*. *Journal for the Study of Race, Nation and Culture*, 19, 6, 689–703.
- Göle, Nilüfer, 1996, *The Forbidden Modern. Civilization and Veiling*, Ann Arbor: University of Michigan Press.
- Hélie, Anissa, 2005, *Iraq: The US Occupation and Rising Religious Extremism: The Double Threat to Women in Iraq, Population and Development Program at Hampshire College* 35, <http://www.wluml.org/node/2273> [accessed 05 April 2014].
- Howland, Courtney W (ed.), 2001, *Religious Fundamentalisms and the Human Rights of Women*. New York: Palgrave.
- Imam, Ayesha/Morgan, Jenny/Yuval-Davis, Nira (eds.), 2004, *Warning Sights of Fundamentalisms*. Nottingham: *Women Living under Muslim Laws*.
- Kemper, Michael/Reinkowski, Maurus (eds.), 2005, *Rechtspluralismus in der islamischen Welt. Gewohnheitsrecht zwischen Staat und Gesellschaft*, Berlin: Walter de Gruyter.
- Kepel, Gilles, 1997, *Allah in the West: Islamic Movements in America and Europe*, Cambridge: Polity Press.
- Malik, Kenan, 2009, *From Fatwa to Jihad. The Rushdie Affair and its Aftermath*, Brooklyn: Melville House.
- Malik, Kenan, 2013, *Multiculturalism and its Discontents*, London: Seagull.
- Manea, Elham, forthcoming 2016, *Women and Shari'a Law. The Impact of Legal Pluralism in the UK*, London: I.B. Tauris.
- Mirza, Munira/Senthikumar, Abi/Ja'far, Zein, 2007, *Living Apart Together. British Muslims and the Paradox of Multiculturalism*, Policy Exchange Report, 1–99, <http://www.policyexchange.org.uk/publications/category/item/living-apart-together-british-muslims-and-the-paradox-of-multiculturalism>, [accessed 04 April 2014].
- Pilgrim, David, 2014, *What Was Jim Crow?*, Jim Crow Museum, Ferris State University, <http://www.ferris.edu/jimcrow/what.htm> [accessed 13 May 2014].
- Ryder, Bruce, 2008, *The Canadian Conception of Equal Religious Citizenship*, in: Moon, Richard (ed.), *Law and Religious Pluralism in Canada*, Vancouver: UBC Press, 1–21.
- Sharansky, Natan, 2009, *Defending Identity. Its Indispensable Role in Protecting Democracy*, New York: Public Affairs.
- Shehadeh, Lamia Rustum, 2007, *The Idea of Woman in Fundamentalist Islam*, Gainesville: University Press of Florida.
- Taylor, Charles, 1994, *The Politics of Recognition*, in: Taylor, Charles (ed.), *Multiculturalism. Examining the Politics of Recognition*, Princeton: Princeton University Press, 25–73.
- Wiles, Ellen, 2007, *Headscarves, Human Rights and Harmonious Multicultural Society. Implications of the French Ban for Interpretations of Equality*, *Law & Society Review*, 41, 3, 699–736.

- Williams, Rowan, 2008, Civil and Religious Law in England: A Religious Perspective, <http://rowanwilliams.archbishopofcanterbury.org/articles.php/1137/arc...re-civil-and-religious-law-in-england-a-religious-perspective#Lecture> [accessed 02 April 2013].
- Yilmaz, Ihsan, 2005, Muslim Laws, Politics and Society in Modern Nations States. Dynamic Legal Pluralism in England, Turkey and Pakistan, England: Ashgate.