

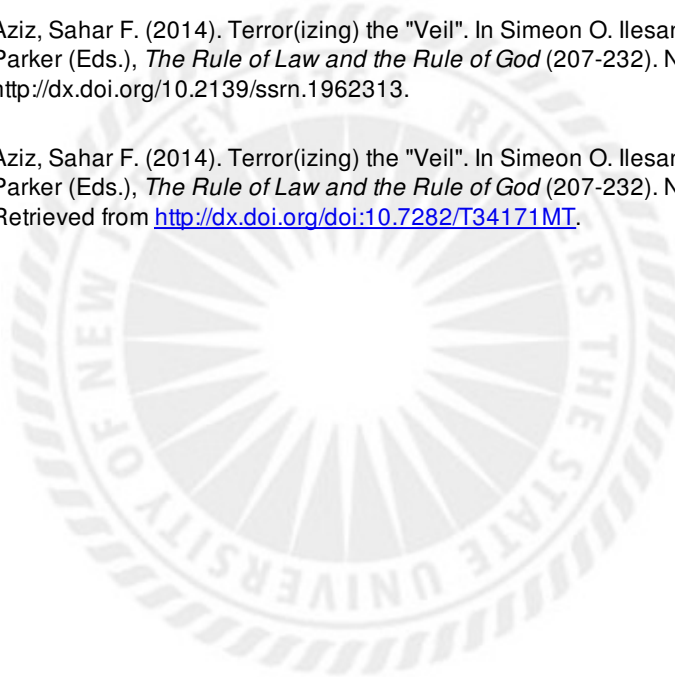
Terror(izing) the "Veil"

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Article begins on next page

Terror(izing) the "Veil"

By

Sahar F. Aziz¹

"We should never pass judgment on barrels and barrels of apples just because one of them may be rotten."²

-- Justice John Paul Stevens

The September 11th terrorist attacks transformed the meaning of the Muslim headscarf.³ No longer is the crux of the debate whether the "veil" is used to oppress women by controlling their sexuality, and by extension, their personal freedoms and life choices. Rather, a Muslim headscarf "marks" her as a representative of the suspicious, inherently violent, and forever foreign "Terrorist other" in our midst.⁴

In the post-9/11 era, many Muslim women donning a headscarf find themselves trapped at the intersection of bias against Islam, the racialized Muslim, and women. In contrast to their male counterparts, Muslim women face unique forms of discrimination not adequately addressed by Muslim civil rights advocacy organizations, women's rights organizations, or civil liberties advocates. Amidst pervasive suspicion of Islam, continuing sexism, and bias

against her particular race group, the Muslim woman is both a visible target and a silent victim.⁵

Whether guilty by association through her marriage to a presumably terrorist husband, or an active accomplice in secret plots to terrorize Americans, the covered Muslim woman is rarely perceived as an individual capable of developing her own beliefs and protestations. Instead, she is viewed as a mere extension of her familial relationships with actual or prospective male terrorists. As national security prerogatives filter perceptions of Muslims through the prism of terrorism, the Muslim "veil" has become a symbol of terror.⁶ This critical shift results in palpable adverse consequences to a Muslim woman's freedom of religion, freedom of individual expression, and safety interests.

The shift in meaning of the Muslim headscarf is due in large part to a recasting of Islam as a political ideology as opposed to a religion. Once this definitional shift occurs, acts that would otherwise qualify as actionable religious discrimination are accepted as legitimate, facially neutral national security law enforcement measures or protected political activity by private actors. The recasting serves as the basis for calls to deny Muslims of rights otherwise protected under the law.

The shift in symbolism of the headscarf results in two notable outcomes. First and foremost, Muslim women continue to be objectified within a larger conflict of ideas between predominantly male decision makers. Heated national security debates about the emergence of "homegrown terrorism," now code for domestic Muslim terrorists, focus primarily on persecuting or defending male suspects. Sparse attention is paid to the impact of the post-9/11 national security era on Muslim women, and specifically those that wear the headscarf. Irrespective of their place of origin or the color of their skin, the headscarf "marks" Muslim women as sympathetic to the enemy, presumptively disloyal to this country, and forever foreign.⁷

Second, any meaningful discourse surrounding a woman's right to wear a headscarf in America cannot be disconnected from the racial subtext of the "Terrorist other" associated with the Muslim headscarf. Thus the label "Muslim" is both a religious and racial identifier. The shift in symbolism of the "veil" from subjugation to terrorism causes palpable discrimination against Muslim women. She now must worry about her and her families' physical safety, her ability to obtain employment, and the government's harsh prosecutorial

tactics. That is in addition to the deprivation of her individual expressive and religious freedom rights.

Many Muslim women continue to suffer tangible economic harm as a result of choosing to wear the headscarf.⁸ In a country where economic independence of women is promoted as a means of preserving their legal and political rights, the Muslim woman is forced to forfeit her right to practice her faith in her preferred manner in order to preserve her economic independence and the corresponding benefits. As the costs of wearing the headscarf become prohibitively high, the legal right to wear it rings hollow.

Accordingly, this chapter examines the implications of the shift in symbolism interpretation of the Muslim head scarf in America from gender subjugation to terror(ism). Specifically, this chapter argues that the Muslim woman is a casualty of the post-9/11 "war on terror" in ways different than Muslim men. She is trapped in the crosshairs of national security conflicts that profoundly affect her life but have yet to be adequately addressed by advocacy groups focused solely on defending either Muslims, or women's rights, or civil liberties post-9/11.

I. Recasting Islam from a Religion to a Hostile Political Ideology

As a result of the September 11th terrorist attacks in 2001, in a matter of days, Islam in America went from a relatively obscure religion to the focal point of public anxieties. Thirteen years later, the attention has far from waned. The odious acts of nineteen Muslim hijackers placed the lives of six million⁹ ordinary American citizens and residents under heightened scrutiny by the government and the public.

The September 11th terrorist attacks recast Islam as a hostile political ideology, as opposed to a bona fide religion.¹⁰ As a result, what would otherwise qualify as "religiously driven racial discrimination" has become a legitimate safeguard to protect the homeland - a homeland that Muslims find increasingly antagonistic to their presence, despite their status as United States citizens. Otherwise invidious scrutiny has become acceptable because it is believed to be a neutral and rational national security measure that counters a virulent political ideology. Open and brazen Muslim-bashing invites little public shaming or political backlash.¹¹

The "race-ed" Muslim lies at the unenviable intersection of preexisting American biases against racial, immigrant, and religious minority groups. Those

suspicious of Muslims often contribute to a perceived grand civilization clash between the inherently violent, oppressive, and blood thirsty Islam of the "East," and the liberal, pluralistic, and free America of the "West."¹² The prejudice is rooted in an essentialist definition of a Muslim as prone to terrorism and disloyalty, coupled with an ingrained aversion to freedom.

Take for instance the furor in the fall of 2010 arising out of the approved plans to build a mosque two blocks from Ground Zero. What should have been a fringe right-wing effort to stop a lawful project exposed the entrenched animosity and distrust held against Muslims by a significant number of Americans.¹³ Nine years after September 11, 2001, twenty-five percent of Americans believed that Muslim Americans were not patriotic.¹⁴ Similarly, sixty-eight percent of Americans opposed the building of the mosque near Ground Zero primarily because they associated a mosque with the terrorists of September 11th.¹⁵ While some commentators and political leaders reminded the public of America's cherished principle of freedom of religion, many doubted its applicability to the Ground Zero Mosque.

Islam's perceived status as a hostile political ideology exempts Muslims' otherwise religious practices from constitutional or statutory protections.

II Politicizing "Muslim" as a Proxy for Racial Slurs

Shortly prior to the Ground Zero controversy, a Pew Poll found that two years after his election, one in five Americans believed President Obama was a closeted Muslim.¹⁶ These same allegations, intended as derogatory slurs, were hurled against him in the 2008 presidential elections. Since then, not much has changed despite repeated efforts by Muslim communities to prove their fidelity to the nation. Such accusations say less about the veracity of Obama's religious beliefs and more about the affiliation with Islam as a political liability. Being called a Muslim has become a pejorative label aimed at a President whose drop in the polls is due more to an economic recession and controversial health care reform - both of which have nothing to do with Muslims per se.

Shortly after the September 11th attacks, when the nation was panic-stricken, commentators concluded that the severe backlash against Muslims, Arabs, and South Asians was merely a rational and temporary response to a traumatic national event.¹⁷ But thirteen years later, the resentment

and deep distrust of over six million people has not abated. The manifestations of entrenched stereotypes are becoming institutionalized by government policies and practices, and normalized as part of the public's discourse about Muslims.

In New York¹⁸, New Jersey¹⁹, Tennessee²⁰, Wisconsin²¹, Connecticut²², Kentucky²³, California²⁴, and Oklahoma where concerted anti-Muslim and anti-mosque campaigns have formed,²⁵ mosques have been flooded with hate emails and threats including a video of a man destroying a mosque.²⁶ Mosques across the United States face threats of attack and vandalism. On April 10, 2011, the Islamic Center of Springfield received a threatening letter stating that Muslims "stain the earth" and vowing that "Islam will not survive."²⁷ The letter ended with a drawing of a ram's head with "Death to Islam!" printed below it.²⁸ This was the second of such incidents at this center where, earlier in the year, the walls of the mosque were vandalized with graffiti stating, "You bash us in Pakistan, we bash you here."²⁹ The following week, on April 20, 2011, there was an attack on the Islamic Center of Cartersville in Georgia, shattering its doors and windows with rocks, one of which was reportedly painted with "Muslim murderers."³⁰

These events illustrate how recasting Islam as hostile political ideology and Muslims as political actors reinforces public perceptions that otherwise discriminatory acts are morally sanctioned as defending the nation.

III. From Subjugation to Terrorism - The Muslim "Veil"

Post-9/11

Prior to September 11th, the Islamic faith garnered little attention from an American public generally indifferent about the religions of the Middle East, North Africa, and South Asia. The minimal attention paid to Islam was often limited to scholarly and activist debates about whether the Muslim headscarf undermined Western feminist ideals as a subjugating byproduct of patriarchy, coerced domestication, and gender oppression.³¹ The discussions were often couched in a broader debate on whether the law should incorporate multiculturalism and more specifically whether multiculturalism was bad for women.

The September 11th attacks made moot the question of whether the Muslim "veil" oppressed women. Women were no longer viewed as victims of Muslim male patriarchs - but rather as conspirators with terrorists that victimized Americans. The oppressed Muslim woman suddenly became the aggressor against those who just a few years back had

pledged to liberate these same women from the tyranny of certain religious practices.

A. The "Veil" as a Symbol of Subjugation

In the 1990s debates about multiculturalism's impact on the rights of women, some Western feminists categorically denounced any manifestations of patriarchy perpetuated by Islam - most visibly in the form of the head scarf. To some, it was unfathomable that a Muslim woman could "choose" to wear a headscarf.³² Rather, she was coerced by male (or female) members of her family or indoctrinated from youth to accept the headscarf as mandatory for her spiritual salvation.³³ But if given a meaningful choice, according to many Western feminists, a Muslim woman seeking liberation would surely rebuke the "veil."³⁴

What started out as an international issue quickly penetrated the domestic American legal discourse. Intellectuals began to question whether multiculturalism as a jurisprudential tool effectively legitimized patriarchy to the detriment of minority and immigrant women.³⁵ Feminists contested the deference that American society paid to culture, even when certain cultural practices seemingly oppressed women either physically or

psychologically. To some, the Muslim veil, though not as egregious, was comparable to female genital mutilation in that its aim was to control women's sexuality.³⁶ Hence the "veil" was part of a larger debate on whether multiculturalism was bad for women.³⁷

In one camp were multiculturalists, also known as cultural relativists, who supported granting protections and privileges to minority cultures to prevent them from extermination by majority cultures. In the other camp were a group of Western feminists³⁸ and progressives who questioned whether multiculturalism had any place within liberal Western society. Focusing specifically on gender equality, acclaimed feminists such as Susan Moller Okin argued against multiculturalism because protecting minority cultures perpetuates female oppression within those cultures.³⁹ If cultures endorse or facilitate control of women by men, then support of group rights is potentially antifeminist. Okin criticized Islam, among other religions, as being "rife with attempts to justify the control and subordination of women."⁴⁰ The Muslim "veil" was thus a tool for blaming and punishing women for men's failure to control their sexuality. Acknowledging group rights, therefore, strengthens male domination within

Muslim cultural subgroups.⁴¹ Ultimately, multiculturalism and feminism could not be reconciled.

In the other camp, Western multiculturalists as well as some self-identified "Muslim feminists"⁴² responded that the Muslim headscarf was not necessarily antithetical to feminist ideals. Many Muslim women choose to wear it as a feminist statement rejecting the hyper-sexualization of women's bodies by male dominated societies both in the East and the West. Moreover, Okin and her followers were accused of objectifying Muslim women by imposing Western secular feminist ideologies upon Muslim women without allowing them to speak for themselves.⁴³

But for the September 11th terrorist attacks, these debates could very well have continued to dominate American discourse on Islam well into the twenty-first century. However, concerns with individual rights of religious minority women now have been eclipsed by nationwide fears of terrorists in our midst who may hold American citizenship on paper but hold no loyalty to the nation in fact. Whether or not Muslim women are oppressed by patriarchy quickly became submerged by more important questions about their intentions to harm the nation.

B. The "Veil's" Transition to a Symbol of Terror

Against this political backdrop, the headscarved Muslim woman⁴⁴ in America finds herself in a precarious position. No longer does the head scarf reflect an individual decision (or lack thereof) about personal faith and dress. Rather, the headscarf "marks" her as a member of the enemy. The Muslim woman is merely an object in a purported civilizational conflict between the East and the West. Facing little control over the prohibitively costly consequences of wearing a religiously mandated headscarf, her legal right to wear it is of little value. She is faced with the false choice between on the one hand protecting her and her children's physical safety, obtaining employment, or actively engaging in the political process, and on the other hand exercising her religious freedom and individual expressive rights.

Like Muslim males, the Muslim woman bears the brunt of entrenched stereotypes profiling Muslims as the primary threat to American national security.⁴⁵ But unlike her male counterpart, the headscarved Muslim woman is caught at the intersection of discrimination against Islam, women, and her particular racial group.

IV. Muslim Women Caught in the Crosshairs of Intersectionality

The deafening silence about the Muslim woman's perspective in the post-9/11 debates is analogous to the Black woman's experiences in antiracist politics. Kimberle Crenshaw's seminal piece on the intersectionality of race and gender informs the analysis of Muslim women's experiences in the post-9/11 era.⁴⁶ Crenshaw argues that any analysis of antidiscrimination doctrine and antiracism politics "that does not take intersectionality into account cannot sufficiently address the particular manner in which Black women are subordinated."⁴⁷ For example, the centrality of white female experiences conceptualizes gender discrimination while the centrality of black male experiences conceptualizes race discrimination. Thus, black women are protected only to the extent that their experiences coincide with those of black men or white women.⁴⁸

Like Black women, Muslim women often experience discrimination as Muslim women - not the sum of race, religious, and sex discrimination.⁴⁹ Yet their rights are protected only to the extent that Muslim males or white women experience the same type of discrimination. While Muslim women experience some forms of discrimination in similar ways as Muslim males, the headscarf subordinates

women in ways overlooked by generic strategies defending anti-Muslim (male) discrimination.

Meanwhile, although the stereotype of subjugation has been eclipsed by the "Terrorist other" stereotype, it still lingers in the background such that if a Muslim woman manages to evade one, she is likely to be subjected to the other. Hence Muslim women, unlike Muslim men, are ordained to subordination whether as terrorists, terrorist sympathizers, or victims of Muslim male patriarchy.

A. Facing Both Gender Stereotypes and the "Terrorist Other" Stereotype

The headscarved Muslim woman is trapped at the intersection of sexism and anti-Muslim bias that is not holistically addressed by civil rights advocates or the relevant government agencies. Take for instance the situation of a headscarved Muslim woman with an assertive personality. She is demonstrably smart, ambitious, and self-confident. She does not comport to a "good female employee" who is soft-spoken, deferential, and mild-mannered. Her male colleagues perceive her as the stereotypical "bitch" who exhibits an inappropriate sense of entitlement. As a consequence, she is denied a promotion and raise, and given poor evaluations based on

pretextual reasons such as needing to "improve her attitude" and be a better team player. Not unlike a white woman in her same circumstances but for the headscarf, she is held to a different and more rigorous standard than a similarly situated white male.

Meanwhile, some of the Muslim woman's colleagues (both men and women) hold biases against Muslims due to a variety of factors including personal experiences, national events, and negative stereotypes promoted in the media. These co-workers believe many Muslims are terrorists and/or disloyal to America. This is manifested through offensive comments about Muslims as terrorists and misogynists. The Muslim woman's loyalty to the nation and right to be in the workplace, especially in a leadership capacity, may be questioned either explicitly or implicitly. In general, she feels unwelcome in the workplace at least partially on account of her religion.

Muslim civil rights groups focus solely on the discrimination she faces as a Muslim who wears the headscarf. Indeed, it is questionable whether they would assist her if she did not wear the headscarf as they may fail to see how such forms of discrimination, i.e. gender, fall within their mandate. If they do offer assistance to the headscarved woman, it is often provided by advocates

who define their agenda based on a male-centric definition of anti-Muslim bias that does not see the issue beyond the right to practice one's faith. The Muslim civil rights groups may even decide that she is to blame for the discrimination because of her "bad attitude," as similar gender stereotypes of the "Good Muslim Woman" as obedient and deferential permeate American Muslim communities.

An American women's rights group would likely overlook gender discrimination because they may mistakenly believe the bias is solely on account of her religion and thus not within their mandate.⁵⁰ Both Muslim civil rights and women's rights groups are likely to overlook one of the two dimensions of the bias, either gender or religion. As a consequence, the headscarved Muslim woman is caught in the crosshairs of intersectionality at her own peril.

This predicament is not merely an abstract concern. As demonstrated in recent events, a black Muslim woman's exclusion from the courthouse on account of her headscarf⁵¹ would not happen to Muslim men, whatever their race, as they are not religiously mandated to cover their hair. Considered against America's history of discrimination against women and blacks, a black Muslim woman's denial of access to justice resurrects forms of discrimination believed to be a thing of the past. Likewise, when two

South Asian Muslim women were evicted from a picture with presidential candidate Obama, the offense was against women, Muslims and Middle-Eastern looking people.⁵² Notably, Western feminists' silence on these incidents exposes their failure to recognize the significance of excluding women, whatever religion they may profess or their racial identity, from the political process. Instead, the cases are narrowly viewed as anti-Muslim (male) religious discrimination.⁵³

These cases also highlight Western feminists' double standards as they criticize "Eastern" practices that subordinate Muslim women while failing to acknowledge their "Western" society's subordination of the same women.⁵⁴ Specifically, Western feminist groups such as CODE Pink, EQUALITY NOW, and the Feminist Majority Foundation have consistently called for the ban of the burqa and spoken in defense of women's rights in Iraq, Afghanistan and other Middle Eastern nations all the while remaining silent on a Muslim woman's right to wear the hijab along with other gender rights in the United States. While Western feminists' focus on equal pay, abortion rights, and other gender specific issues certainly benefit Muslim women, the American women's rights agenda fails to address the unique

forms of subordination experienced by Muslim women in the United States.

B. The Privileging of the Male Perspective in
American Muslim Leadership

Further exacerbating the marginalization of Muslim women's rights is the privileging of male perspectives in the American Muslim leadership. As articulated by legal scholars Devon Carabado and Mitu Gulati, "political agendas of identity groups tend to focus on the interests of the privileged within the group."⁵⁵ Because Muslim women are generally politically subordinated within Muslim communities, especially where community activities center around a mosque, the articulation of political claims for equality by Muslims privileges the experiences of Muslim males over the experiences of Muslim females.⁵⁶ This intra-racial hierarchy further constricts the agency of Muslim women in the post-9/11 era. They live in a community that is defined and subordinated by the racialized "Muslim" identity and culture while also subjected to patriarchy within their own communities.

The predominantly male perspective causes resources to be directed at forms of discrimination common to Muslim men, such that distinct discrimination experienced by

Muslim women is obscured.⁵⁷ Muslim leaders and spokespersons claim to speak for "Muslims" but often fail to incorporate the perspectives of Muslim women.⁵⁸ Community-wide protests against unlawful government action often focus on cases involving profiling of Muslim men in airports, immigration enforcement, and law enforcement. With regard to private acts of discrimination, resources are expended towards protecting the right to build mosques, the right to religious accommodation in the workplace, and negative stereotyping in the media. The limited focus on women and discrimination is often limited to a case-by-case basis rather than a more effective systemic approach.

While these are legitimate concerns that warrant attention and affect both men and women, they constitute only part of the post-9/11 adverse impact on Muslim communities in America. For instance, in the context of religious accommodation in the workplace, the Muslim woman faces discrimination against her faith and discrimination against her gender. The latter is often manifested in violence against her body. A strategy that considered this intersectionality would work with both women's rights and civil rights groups to defend the right of religious minorities and the rights of women to have equal opportunity in the workplace. Thus, if the religious

freedom issue is resolved, then the gender equality issue need not fall by the wayside.

Less obvious is male leadership's preference that she wear the headscarf, as opposed to defending her right to choose whether she wants to wear it. Should she choose not to wear it, yet nonetheless face discrimination; it is unlikely that community resources are expended in her defense. Meanwhile, Western feminists have failed to identify with Muslim women beyond wanting to "liberate" them from oppressive patriarchies originating from their "Eastern" cultures. At the same time, they fail to recognize how their own "Western" patriarchy prevents some Muslim women from attaining the economic independence necessary for exercising individual rights.⁵⁹ In light of the near obsession with Muslim women's rights abroad by some American feminists, their silence over the past thirteen years about the various forms of discrimination against Muslim women by non-Muslim Americans is deafening.

**C. Sacrificing Muslim Women's Rights to Defend
Muslim (Male) Civil Rights**

Like many women of color in communities experiencing systemic discrimination, Muslim women are ambivalent about

the degree of political and social capital that should be expended toward challenging gender barriers within their communities. Muslim women are understandably hesitant to compromise the broader Muslim civil rights agenda by challenging the patriarchy within their communities and institutions. As Muslim communities across the country experience mosque vandalizations, hate crimes, forced exile on No Fly lists, profiling in airports, and aggressive law enforcement tactics that border on entrapment,⁶⁰ intra-community gender rights are marginalized. Further complicating women's predicament is the likelihood that internal power struggles based on allegations of male domination, even if true, only reinforce negative stereotypes of (male) Muslims as oppressive, pathologically authoritarian, and deserving of suspicion.⁶¹

Challenging male patriarchy within the Muslim communities subjects a woman to allegations of harming the collective interests of Muslims in America -additional harms they cannot afford in light of political and physical assaults by the public and the government. These practical concerns restrain Muslim women the ability to contest interpretations of religious doctrine and cultural practices thereby stifling a healthy evolution of Islam in America. As a consequence, the new generation of Muslim

women leaders may be left with little choice but to support defensive strategies that collectively marginalize Muslim women as a group.⁶²

Notably, and perhaps in response to the complications of intersectionality, a new generation of Muslim women post-9/11 have begun to break into the communities' leadership. Although Muslim women collectively remain at the periphery of community leadership, these new organizations are often founded and managed by women. Organizations such as Muslim Advocates,⁶³ South Asian Americans Leading Together⁶⁴ and Karamah⁶⁵ are founded and operated by highly educated women who represent the few examples of female leadership at the national level.⁶⁶ While there are certainly other talented Muslim female professionals in leading roles, many of them work for and report to predominantly male executives and male board members.

Another consequence of women's exclusion from Muslim leadership is the rise of female dissidents who converted out of Islam and now ally with far right organizations holding anti-Muslim bias. Women such as Ayaan Hirsi Ali, Wafa Sultan, Bridgette Gabriel, and Nonie Darwish hold themselves out as experts on Islam but proffer views highly controversial, if not outright offensive, to a vast

majority of Muslims in America. These women, with no identifiable Muslim constituency, are often touted by their benefactors as courageous voices against the oppressive ideology of Islam. While their views may be sincerely held, they appear to be exploited to do the bidding of right-wing political groups with clear anti-Muslim agendas, which further objectifies Muslim women within the larger national security debates. Indeed, many Muslims perceive such women as mere pawns in the grander assault on Muslim's civil rights in America.

In the end, Muslim women trapped at the intersection of race, religion, and gender tend to either suffer in silence to preserve community unity during a time of siege, take on the nearly insurmountable endeavor of starting their own organizations, or become surrogates of opponents of mainstream Muslim organizations as a channel for expressing their dissent and empowering their voices.

To avoid these distorted consequences, Muslim American women should have opportunities to play meaningful roles in existing institutions whose mandate is to defend the rights of women, Muslims, or civil liberties in the post-9/11 era. And those roles should not be limited to those associated with traditional gender roles as mothers or teachers. Similarly, American feminist groups have an

obligation to include American Muslim women in their constituency and gender rights advocacy campaigns. And civil liberties groups focused on adverse consequences of national security laws would be well served if they included American Muslim women in their discussions on identifying violations of individual rights of American Muslim communities. Such groups miss out on at least fifty-percent of the experiences in these communities that may not be shared by Muslim men.

Until such changes occur, American Muslim women are likely to remain trapped at the intersection of bias against gender, race, and religion.

V. Moving Beyond Symbols of Terror to Palpable Discrimination

The shift in symbolism of the head scarf has transformed the Muslim woman's experience in America as she faces various forms of palpable discrimination. Indeed, an unprecedented number of Muslim women have felt compelled to remove the headscarf after September 11th in order to be free from physical harassment, to obtain gainful employment, and meaningfully participate in American civic life.

The scarf is no longer merely religious headwear. It has been racialized to symbolically "mark" the woman and her familial affiliates as the suspect "Terrorist other" Muslim.⁶⁷ As the headscarf "outs" the woman, she and her family experience adverse consequences in various contexts. The woman's children become subjected to bullying and derogatory slurs based on the visibility of their mother's Muslim identity.⁶⁸ The headscarved woman also faces discrimination in employment, threats to her physical safety, and exclusion from courthouses on account of her terrorist "marker." Cumulatively, these circumstances deny her the individual expressive right to choose to wear her headscarf as a reflection of her personal beliefs.⁶⁹

A. Employment Discrimination

Nowhere is the effect of the symbolic shift from subjugation to terrorism more evident than in the employment context. Indeed, the EEOC reported the number of complaints of unlawful discrimination against Muslim employees more than doubled from 697 in 2004 to 1490 in 2009.⁷⁰ Of those, 803 formal charges were filed on behalf of Muslim complainants wherein twenty five percent alleged religious discrimination.⁷¹

Thus, the Muslim woman finds herself increasingly unwelcome particularly if she chooses to practice her faith by covering her hair.⁷² And if outright termination is not the discriminatory act of choice, she finds herself subjected to ethnic and racial slurs conflating her religion with disloyalty and a basis to question her right to be employed there.⁷³

In some cases, employers changed their policies after 9/11 to coerce Muslim women into taking off their headscarves. In *Mohamed-Sheik v. Golden Foods/Golden Brands, LLC*,⁷⁴ the Somali women plaintiffs began working for the employer before the 9/11 attacks, during which time they were permitted to wear their headscarves, wear their shirts untucked to accommodate their desire for modesty, and pray during their breaks. Despite these workable accommodations, the employer changed its policy after the 9/11 attacks to prohibit the headscarf and prayer at work. The temporal relationship between the denial of accommodation and the 9/11 attacks are unlikely a coincidence but rather a reflection of increased intolerance towards Muslim workers, especially women seeking to cover their hair.

In a case involving a convert to Islam who chose to wear her headscarf at work, a coworker told her to take her scarf off because she "was a disgrace and was a symbol of 9/11 to customers."⁷⁵ She was eventually fired for failing to timely file a personal injury accident when luggage fell on her toe. This apparently pretextual basis for terminating her employment coupled with numerous incidents of religious harassment was sufficient to defeat the employer's attempts to dismiss the case.

In 2008, a 17-year-old Muslim woman applied for a job at Abercrombie & Fitch Kids store and was recommended "as a very good candidate" by the store manager, who suggested that the applicant wear a different color headscarf that was consistent with the store's "Look Policy". After recommending her for the job, the store manager consulted with the district manager who told her not to hire the applicant because she wore the headscarf.⁷⁶ In late 2010, once again, an American-born Arab woman applied to work at another Abercrombie & Fitch store while wearing the headscarf. After being rejected for the position because she did not have the "Abercrombie look," the woman lamented, "[t]he interview crushed me because I never imagined anyone in the Bay Area would reject me because of

my head scarf.”⁷⁷ Fearing future discrimination from prospective employers, the young woman decided to take off her headscarf out of her economic necessity to obtain a job.⁷⁸

B. Racial Violence Against Muslim Women

Discrimination in employment is but one avenue in which the terror(izing) of the Muslim woman’s headscarf has taken place. A more lethal consequence is found in the significant increase in random acts of racial violence against cognizably Muslim women.

Shortly after the 9/11 attacks, several Muslim women had their headscarves ripped off and cigarette lighters thrust at their heads.⁷⁹ When a Muslim woman reporter for a Seattle newspaper put on the headscarf as an experiment to investigate how Muslim women were treated, she was pushed into the path of a truck.⁸⁰ More than three years later, in 2004, a Muslim woman was stopped in her car by three individuals who, after demanding a lighter, called her “Stupid Muslims, f-cking Muslims,” kicked her car, punched her in the face, and tore off her headscarf.⁸¹

By late 2010, the frequency of violence committed against Muslim women on account of racial and religious animus was on the rise at a troubling rate. In the span of

two months, at least six reported cases of hate crimes across the country were committed against Muslim women wearing the headscarf; in one case, a woman's four-year-old son was also physically attacked, causing him to bleed. On October 14, 2010, a Staten Island woman and her toddler were attacked by a pedestrian who punched her in the face, pulled on her scarf, asked her why she was in America, and called Muslims and Arabs terrorists.⁸²

One week later, in Seattle, Washington, two American citizens of Somali descent were physically attacked at a gas station.⁸³ The female attacker called them suicide bombers and terrorists, and told them to go back to their country. She then slammed the door on the leg of one of the women, kicked her, and pulled her headscarf. As the Muslim women were screaming for help, bystanders just watched the attack without taking action.

Just weeks later on December 20, 2010, a Muslim woman wearing the hijab in Columbus, Ohio was allegedly stalked, verbally harassed and then pepper-sprayed by a white man shouting religious and ethnic slurs such as, "Tell all of your Muslims that this is not your country," "Go back to wherever you came from," and threatening, "I will kill you."⁸⁴

On July 6, 2011, a 56-year-old Muslim woman wearing a headscarf in Harlem was attacked by two women after she had asked one of them to stop taking her photo. One of her attackers called her "a f-ing terrorist" as she punched the victim in the eye and threatened to kill her. The two attackers pulled off the woman's headscarf and continued to verbally attack her.⁸⁵

In a similar incident a week later, a 26 year-old Pakistani Muslim in a purple hijab was attacked on July 14, 2011, in Niagara Falls. Two women yelled ethnic slurs from a van while following the victim, who was on foot, before the two assailants pulled over and started slapping, punching, and kicking the victim repeatedly.

As the scarf increasingly becomes a symbol of disloyalty and foreignness, the Muslim woman is no longer merely a private citizen free to choose how to practice her faith. Rather, she faces the false choice between freely expressing herself based on religious, cultural, and personal values or protecting herself and her family from the wrath of systemic societal bias.

VI. Rethinking Post-9/11 Civil and Women's Rights Strategies to Give Agency to Muslim Women

As the "post-9/11 era" enters its thirteenth year, the persistent discrimination against Arabs, Muslims, and South Asians can no longer be characterized as mere backlash. Public bias is on the rise and the government continues to ratchet up its aggressive preventative counterterrorism efforts directed at Muslims. Because women bear a significant brunt of the adverse consequences, most acutely in the public sphere, a rethinking of post-9/11 civil rights strategies is long overdue.

At the conceptual level, the debate can no longer be framed as merely about the legal right to wear the headscarf as a matter of religious freedom. Wearing the headscarf post-9/11 has become a psychological and physical hazard for Muslim women and their families. As a result, American feminists are faced with the reality that their society has contributed to denying Muslim women their fundamental individual "right to choose" how to express themselves, how to dress, and how to define modesty according to their personal beliefs.

Although some feminists may feel no loss at the end of the Islamic practice of "veiling" which they believe does not adhere to the values of liberalism, they cannot escape their own culpability in stripping Muslim women of agency and individuality - two fundamental principles undergirding

American feminism. Muslim women in America, like their non-Muslim counterparts, deserve the social and political space to make their own decisions on how to live.

At the simplest level, one solution to problems highlighted in this paper is increased inclusion of Muslim women in leadership positions in Muslim, civil rights, and women's rights organizations. However, while promotion of Muslim women may mitigate the situation, a handful of women placed in key decision-making positions cannot single-handedly undo systemic problems. A focus on quotas rather than quality makes Muslim women susceptible to being tokenized as a substitute for meaningful inclusion. Thus, inclusion of Muslim women in decision-making capacities within mainstream institutions is merely a first step towards integrating diverse perspectives into efforts to combat post-9/11 discrimination.

The measure of women's meaningful empowerment within Muslim community life should be qualitative as well as quantitative. The number of women in leadership roles is certainly indicative of their influence. But equally important is ensuring that the women in leadership are high achievers in their public professional lives with the requisite authority to apply their expertise towards the empowerment of the community. This would require Muslim

males to share, and in some cases cede, their control of the leadership reins with women who are not only more skilled than them in certain areas but also interject a gendered perspective that addresses social, political, or legal challenges uniquely faced by Muslim women.

The more difficult task, however, is de-objectifying women in the psyche and practices of Western feminists and Muslim community life in America. As demonstrated in this article, the Muslim woman's headscarf has become the insignia of the nation's political enemies, thereby subjecting her to forms of discrimination uniquely different than discrimination experienced by women at large. Despite having more than thirteen years to come to this realization, women's rights groups have yet to include "post-9/11 discrimination" in their scholarly and activist agendas as they shortsightedly view it as a national security issue.

Within Muslim community space, women's meaningful participation is often constrained by the superimposed primacy of their roles as wives, daughters, and mothers over their roles as executives, lawyers, doctors, and other professional roles they play in mainstream American society. As a response to the persistent discrimination against women who wear the headscarf, a new generation of

women is increasingly proactive in empowering themselves against such bias and repelling these stereotypes. For example, in the local political race of the Chicago area, five women ran for political office. "Where not all of them wear the headscarf, their presence on the ballot as well as their active campaigning inevitably dispelled stereotypes of women as either subjugated or terrorists."⁸⁶

But even those women who reject this ordering of their multiple identities by interacting with (predominantly male) Muslim leadership as skilled professionals, they still find themselves marginalized either through subversive tactics by the new generation of Muslim males, or explicit rejection by the older immigrant generation. Through this gendered filtering process, the women remaining who have not been either expelled or opted-out from frustration are often technocrats who use their skills to merely implement male-centric strategies.

Meanwhile, Western feminist organizations have failed to incorporate the perspectives of Muslim women, especially those who wear the headscarf, into their women's rights agendas.⁸⁷ Just as black women face circumstances defined by their race, Muslim women's experiences are heavily defined by their racialization as the "Terrorist other." Western feminists' failure to challenge head-on the racism

underlying discrimination against Muslim women ultimately reinforces the subordination of Muslims as a group and, by extension, Muslim women.⁸⁸

If Western feminists want to be taken seriously in their call for universal women's rights abroad, they must face the skeletons in their own countries' closets. Women's rights organizations must confront the double standards whereby they adamantly defend the rights of women abroad in the "Muslim East" yet neglect their own society's oppression of Muslim women. Such oppression is not limited to garden variety discrimination but also in the national security context where it prohibitively costly to wear the headscarf. Adopting the banal and patronizing approaches common in international development programs where Muslim women are victims with no agency, to be "saved" by Western feminists, perpetuates their subordination.⁸⁹ Similarly, tokenizing a few Muslim women-talking about, rather than to, Muslim women, or throwing some money at the problem-would do more harm than good by creating a false impression of progress.

Western feminists should be looking to Muslim women to take the lead in developing strategies and projects tailored to experiences only they can articulate. Attempts to empower Muslim women in America should look to ordinary

Muslim women to determine how to improve their lives based on their values and personal experiences.⁹⁰ It is crucial that Muslim women's rights go beyond simply the freedom from discrimination but also the freedom to shape their religious and cultural communities as well as broader public policy.⁹¹

What is ultimately at stake, and has been pre- and post-9/11, is that Muslim women should not be forced to make false choices between individual rights, freedom of religion, and physical safety - whether imposed by Muslim males, American feminists, or the American government.

VII. CONCLUSION

This chapter aims to provoke analysis of the post-9/11 era through the perspective of American Muslim women—a population largely ignored in the relevant policy and legal debates. Their visibility as a marked Muslim inevitably subjects them to the entrenched bias against Muslims in America. Meanwhile the disparities they have experienced in the past on account of their gender did not suddenly wane once their racialized Muslim identity took center stage. Quite the contrary, they now must overcome obstacles arising out of gender bias as well as religious

and racial bias. Muslim women are caught at the crosshairs of intersectionality of these three characteristics.

Overt acts of violence and insidious forms of economic discrimination against headscarved women restrict a woman's freedom of choice in practicing her religion. The threat this poses to a woman's life and livelihood should not be taken lightly. The right to work directly impacts a woman's self-esteem, individual autonomy, and placement in the hierarchy of power within the family and her community. Similarly, her inability to feel safe as a result of the headscarf strips her of a fundamental right to safety.

The challenge now rests with Muslim rights, women's rights, and civil liberties advocacy groups to uphold the civil rights of all women and all Muslims, rather than subordinate these women's interests for the benefit of the (male) group's agenda. This urgency does not stem from a merely principled perspective but a civil rights perspective—veiled women have increasingly become targets of entrenched anti-Muslim attitudes and suffered palpable harm. Combatting this is essential, not only to restore the rights of these women, but also to realize American values of religious freedom and gender equality.

Notes

1. Associate professor at Texas A&M University School of Law. I thank Girardeau Spann, Charles Lawrence, Gerald Torres, Kenneth Mack, Robin West, David Cole, and Michael Diamond for their support and insightful feedback. I also thank Sayyeda Fatima Naqvi, Sarah Mortazavi, and Amy Byrum for their excellent research assistance.

2. Justice John Paul Stevens, "Address at the National Japanese American Memorial Foundation, 10th Anniversary Gala Celebration in Washington, DC," 4 November 2010, transcript available at <http://www.supremecourt.gov/publicinfo/speeches/JPS%20Speech.pdf>.

3. Adrien Katherine Wing and Monica Neigh Smith, "Critical Race Feminism Lifts the Veil? Muslim Women, France, and the Headscarf Ban," U.C. Davis Law Review 39 (March 2006) : 750. This article discusses the origin and significance of the headscarf in Islamic history and in the French headscarf debate.

4. See Nadine Strossen, "Leo C. Goodwin Symposium: Tilting the Scales- The Changing Rules of Women in the Law

and Legal Practice," Nova Law Review 31, no.178 (2007) : 307. The author cites Neil MacFarquhar, "A simple Scarf, But Meaning Much More Than Faith," New York Times, 8 September 2006.

5. Ibid.

6. See Editorial, "Terrorists Hiding in Hijabs: Muslims Seek Special Treatment to Elude TSA Groping," Washington Times, 17 November 2010.

7. See Robert A. Kahn, "The Headscarf As Threat: A Comparison of German and U.S. Legal Discourse," Vanderbilt Journal of Transnational Law 40 (2007) : 471. ; See also Kathleen M. Moore, "Visible through the Veil: The Regulation of Islam in American Law," Sociology of Relations 68 (2007) : 269. While most Muslim women in the United States choose not to wear the *hijab*, the visibility of it as a focal point for controversy influences American perceptions about what constitutes Islam. Such cases as the Florida driver's license case of Sultaana Freeman putatively pit a benighted image of Islam against the necessities of national security, and only serve to entrench already polarized opinions about the nature of Islam. Worse, such a binarism posits gender relations as an essential point of divergence between the Islamic world and secular

democracies, and promotes the simplistic view that cultures are set on an unavoidable collision course, a clash of civilizations. Not only is the *hijab* a volatile emblem that can be viewed as a symbol of male oppression or of modesty and religious or cultural identity, it is also intertwined with discussions about the assimilability of Muslims in western societies.

8. See Jerry Markon, "Justice Department Sues on Behalf of Muslim Teacher, Triggering Debate," Washington Post, 22 March 2011.; See also Javier Lavagnino, "Muslim Police Officer Kimberlie Webb Loses Discrimination Claims Based on Headscarf Ban: Workplace Dress Codes and Discrimination," Findlaw, 13 April 2009, http://blogs.findlaw.com/law_and_life/2009/04/muslim-police-officer-kimberlie-webb-loses-discrimination-claims-based-on-headscarf-ban-workplace-dr.html.; See also Debra Cassens Weiss, "Suit: Abercrombie & Fitch Told Muslim Job Seeker Scarf Not Part of Look," ABA Journal, 2 September 2010.

9. "About Islam and American Muslims," <http://www.cair.com/AboutIslam/IslamBasics.aspx>

10. The longevity of these suspicions are due in large part to our continued military engagement in Iraq and

Afghanistan where Muslim combatants physically oppose our presence.

11. See, e.g., Mona Shadia and Paloma Esquivel, "Villa Park Councilwoman Deborah Pauly Ignites Controversy With Speech at Islamic Charity Event," Los Angeles Times, 24 March 2001. This article quoted councilwoman Pauly at a rally outside of a charitable fundraiser in Yorba Linda, Ca, where she said, "I know quite a few Marines who will be very happy to help these terrorists to an early meeting in paradise." See also David Folkenfilk, "NPR Ends Williams' Contract After Muslim Remarks," NPR, 21 October 2010. This story discusses Juan Williams's contract termination on the basis of his comment, "when I get on the plane, I got to tell you, if I see people who are in Muslim garb and I think, you know, they are identifying themselves first and foremost as Muslims, I get worried. I get nervous." A similar public acceptance of anti-Muslim bias tends to take place in Great Britain. See, e.g., Alice Ritchie, "Baroness Warsi Attacks 'Acceptable' Islamophobia," AFP, 20 January 2011, <http://www.google.com/hostednews/afp/article/ALeqM5g0>

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UTKcs5FWl1BAqLgkIXRhMORgw?docId=CNG.dd4a72c03d05289270a5b0c91dbe7e44.281.

12. Samuel P. Huntington, "The Clash of Civilizations?," Foreign Affairs 72 (1993) : 22. Compare this with Marc Lynch, "Why the Clash of Civilizations Won't Go Away," Foreign Policy, 22 July 2010.

13. "Muslim Community Center in Lower Manhattan (Park51)," New York Times, 3 August 2011.

14. "Time Poll Results: Americans' Views on the Campaign, Religion and the Mosque Controversy," Time, 18 August 2010.

15. "CNN Opinion Research Poll," CNN, 11 August 2010, <http://i2.cdn.turner.com/cnn/2010/images/08/11/rel11a.pdf>.

16. See "This Just In...," New York Times, 20 February 2011.; see also "Growing Number of Americans Say Obama is a Muslim," Pew Research Center, 19 August 2010, <http://pewresearch.org/pubs/1701/poll-obama-muslim-christian-church-out-of-politics>-political-leaders-religious. This article found that nearly one in five Americans (18%) say Obama is a Muslim.

17. See, for example, Michelle Malkin, "Racial Profiling: A Matter of Survival," USA Today, 16 August 2004.

18. Liz Goodwin, "New York Mosque Vandalized with Racial Slur," http://news.yahoo.com/s/yblog_upshot/20100909/us_yblog_upsh

[ot/new-york-mosque-vandalized-with-racial-slur](#). The article reports vandalization of a mosque in Hudson, N.Y. on Sept. 8, 2010 with "F-cking Sand Niggers" spray-painted on the side of the building.

19. <http://www.adcnj.us/Newsday-01-13-2006.htm>. The article details vandalism at a mosque site under construction in Toms River, NJ, defaced with Nazi graffiti, in addition to the throwing of beer and liquor bottles at a Union City mosque in NJ while congregants were inside mourning an Arab-American teenager who had been killed in a car crash.

20. "Arson Reported at Tennessee Mosque Construction Site," USA Today, 28 August 2010.

21. Barbara Abel and Julia Lieblich, "Rural Controversy: A Mosque in Sheboygan," Time, 19 August 2010..

22. Daryl Johnson, "Hamden Mosque Vandalized," 28 February 2011,

<http://www.wfsb.com/news/26998327/detail.html>. This article reports on the defacing of a Hamden mosque spray-painted with profanity and graffiti, one of four instances of vandalism in the past two years.

23. "Democracy Now: Islamic Center Vandalized in California; Kentucky Board Rejects Mosque," Democracy Now,

26 August 2010,

[http://www.democracynow.org/2010/8/26/headlines/islamic_center_vandalized_in_california_kentucky](http://www.democracynow.org/2010/8/26/headlines/islamic_center_vandalized_in_california_kentucky_board_rejects_mosque)

[_board_rejects_mosque](#). The article reports on the rejection of a building permit for a new mosque in the town of Mayfield, Kentucky, with cheers after the decision was announced to a packed hearing.

24. Ibid. The article documents a report of vandalism at Masjid Madera center in Madera, CA with signs reading, "No Temple for the God of terrorism at Ground Zero" and "Wake up America, the Enemy is here."

25. See Kara L. Richardson, "Bridgewater Looking for Bigger Venue to Fit Crowd to Hear Mosque Application," 25 January 2011, [http://www.mycentraljersey.com/article/20110125/NEWS/101250355/Bridgewater-looking-bigger-venue](http://www.mycentraljersey.com/article/20110125/NEWS/101250355/Bridgewater-looking-bigger-venue-fit-crowd-hear-mosque-application)

[-fit-crowd-hear-mosque-application](#). The article reports that 400 people arrived at the Planning Board meeting regarding the application to convert a closed Redwood Inn into a mosque; residents find that the mosque represents "a coming in and taking over an entire community by the Islamic World."; see also Donna Leinwand, "More States Enter Debate on Sharia Law," USA Today, 9 December 2010.

The author cites seven states other than that of Oklahoma as states having proposed legislation that, as stated by Newt Gingrich, "clearly and unequivocally states that we're not going to tolerate any imported law."

26. See James C. McKinley, Jr., "Oklahoma Surprise: Islam as an Election Issue," New York Times, 15 November 2010.

27. "CAIR: Mo. Mosque Targeted With 'Terrorist Threat,' Desecrated Quran," <http://www.prnewswire.com/news-releases/cair-mo-mosque-targeted-with-terrorist-threat-desecrated-qurans-119850384.html>.

28. Jess Rollins, "Islamic Center Reports Threat, Finds Charred Qur'an," USA Today, 19 April 2011.

29. Associated Press, "Missouri Mosque Officials Say Vandalism was Hate Crime," Missourian, 13 January 2011.

30. PR Newswire, "CAIR: Georgia Mosque Targeted by Hate Vandalism," Reuters, 19 April 2011..

31. See, e.g., Cyra Akila Choudhury, "Empowerment or Estrangement? Liberal Feminism's Visions of the 'Progress' of Muslim Women," University of Baltimore Law Forum 39 (spring 2009) : 164. The article describes the Feminist Majority Foundation's strategy of showing the powerlessness and oppression of women caused by the burkah to garner

public support for Muslim women's rights in Afghanistan; see also Sheryll Cashin, "To Be Muslim or 'Muslim-Looking' In America: A Comparative Exploration of Racial and Religious Prejudice in the 21st Century," Duke Forum for Law and Sociological Change 2 (2010) : 131-33. The article notes that when participants in implicit bias surveys are asked open-ended questions about what they knew or heard about Muslims through the media, common responses included discrimination against women.

32. See Choudhury, "Empowerment or Estrangement?"

33. See Katha Pollitt, "Whose Culture?," in Is Multiculturalism Bad For Women? (Princeton Univ. Press 1999), 30.

34 .See Choudhury, "Empowerment or Estrangement?"

35. See, e.g., Madhavi Sunder, "Piercing the Veil," Yale Law Journal 112 (2003) : 1427.

36. See, e.g., Maryam Namazie, "Unveiling the Debate on Secularism and Rights," 19 January 2004, http://www.maryamnamazie.com/articles/on_ban_religious_symbols_veil.html.

37. See Susan Moller Okin, Is Multiculturalism Bad for Women?, (Princeton University Press: 1999), 18.

38. See Okin, "Is Multiculturalism Bad?," 10. The author defines feminism as "the belief that women should not be disadvantaged by their sex, that they should be recognized as having human dignity equal to that of men, and that they should have the opportunity to live as fulfilling and as freely chosen lives as men can."

39. Ibid.

40. See Okin, "Is Multiculturalism Bad?," 16.

41. See Yael Tamir, Revisiting the Civic Sphere, ed. Amy Gutmann (1998), 47.

42. See Azizah al-Hibri, Deconstructing Patriarchal Jurisprudence in Islamic Law: A Faithful Approach, ed. Adrien Katherine Wing (2000), 43.

43. See Al-Hibri, "Deconstructing Patriarchal Jurisprudence," 44.

44. Admittedly, one cannot speak of the "Muslim woman" or "Muslim women" as a singular, monolithic category. Women that are Muslim originate from various racial, ethnic, and immigrant backgrounds. Moreover, they hold diverse political, social, and religious views that cannot be summed up in one term. When I use the term "Muslim woman," I assume and accept such diversity.

45. See Tara Bahrapour, "TSA Procedures Offend Followers of Many Faiths," Washington Post, 23 December 2010.

46. Kimberle Crenshaw, "Mapping the Margins: Intersectionality Identity, Politics, and Violence Against Women of Color," Stanford Law Review 43 (1989) : 1241.
<http://faculty.law.miami.edu/zfenton/documents/Crenshaw--DemarginalizingIntersection.pdf>. See also her article, "Intersectionality: The Double Bind of Race and Gender," 2004, American Bar Association,
http://www.americanbar.org/content/dam/aba/publishing/perspectives_magazine/women_perspectives_Spring2004CrenshawPSP.authcheckdam.pdf.

47. Kimberle W. Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," University of Chicago Legal Forum 1989 (1989) : 139.

48. Ibid. at 143.

49 Muslim males can "pass" by shaving their beard and wearing Western clothing without compromising their religious beliefs, because to many practicing Muslims, the beard and traditional Islamic dress are optional unlike the

headscarf. Moreover, because Muslim men have not been historically patronized and objectified in the same way as Muslim women vis-à-vis the "West," it is one less burden they carry within the hostile post-9/11 environment.

50. See Leti Volpp, "Feminism Versus Multiculturalism," Columbia Law Review 101 (2001) : 1185. "The discourse of feminism versus multiculturalism presumes that minority cultures are more patriarchal than Western liberal cultures."

51. See, e.g., David Beasley, "Muslim Woman Sues Georgia City Over Headscarf Arrest," Reuters, 14 December 2010,

<http://www.reuters.com/article/2010/12/14/us-headscarf-lawsuit>

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idUSTRE6BD6LL20101214?feedName=OutloudFeed&feedType=RSS&rpc=1120. The article reports on a Georgia Muslim woman who was arrested and jailed after she refused to remove her hijab before entering a Georgia court.

52. See Ben Smith, "Muslims Barred From Picture at Obama Event," Politico, 18 June 2008, <http://www.politico.com/news/stories/0608/11168.html>.

53. See, e.g., David Beasley, "Muslim Woman Sues." ; see also Clark-Flory, "Abercrombie Hates Your Hijab."

54. See Volpp, "Feminism Versus Multiculturalism."

55. See Devon W. Carbado and Mitu Gulati, "The Fifth Black Woman," Journal of Contemporary Legal Issues 11 (2001) : 709.

56. Ibid.

57. In nearly every joint national press conference by Muslim organizations, the individuals speaking in a representational role are consistently males despite their fifty percent female constituency.

58. See Crenshaw, "Demarginalizing the Intersection of Race and Sex," 160.

59. Western Feminists have consistently called for the ban of the burqa and spoken in defense of women's rights in Iraq, Afghanistan and other Middle Eastern nations, but have largely remained silent on a Muslim woman's right to wear the hijab along with other gender rights in the United States. See, e.g., "MADRE: Demanding Rights, Resources & Results for Women Worldwide," <http://www.madre.org/index/meet-madre-1/our-projects-20.html>. This is an international organization which calls for greater women's rights in Iraq and Afghanistan, but

remains completely silent on women's issues post-9/11 in the "Western" world); see also "Association For Women's Rights In Development," <http://www.awid.org/Our-Initiatives>. This focuses primarily on combating mandatory requirements for women to wear hijab in foreign countries; see also "Feminist Majority Foundation," <http://feminist.org/welcome/index.html>. This article focuses on women's rights issues primarily in Afghanistan and Iran, more specifically, on banning the burqa in Afghanistan and changes in discriminatory laws in Iran. Organizations such as Vital Voices, CODE Pink and EQUALITY NOW all focus primarily on international women's rights efforts in Iraq, Iran, Afghanistan and other countries of the Global South and are largely silent on the issue of domestic women's rights issues, particularly the issues of Arab/South-Asian/Muslim women.

60. See "Democracy Now!: Entrapment or Foiling Terror? FBI's Reliance on Paid Informants Raises Questions about Validity of Terrorism Cases," radio broadcast 6 October 2010.

61. The same occurs within communities of color when women complain about domestic violence; rather than focusing on the needs of the women of color, society

interprets the complaints as evidence that black men are uncontrollably violent consistent with stereotypes. See Crenshaw, "Demarginalizing the Intersection of Race and Sex," 361.

62. See Crenshaw, "Demarginalizing the Intersection of Race and Sex," 162; However, note the increase in women who claim to be experts on Muslims or Islam but proffer views highly controversial, if not outright offensive, to a broad group of Muslims in America. See, e.g., Samer Araabi, "Apostate Politics: How Some Recanted Muslims Have Bolstered Militarist U.S. Policies," Institute on Policy Studies, 18 December 2010, http://www.rightweb.irc-online.org/articles/display/apostate_politics_how_some_recanted_muslims_have_bolstered_militarist_us_po. I posit that this phenomenon is partially attributable to the exclusion of women from leadership positions, especially those who hold controversial views or are exceptionally talented. Hence, Muslim women stuck at the intersectionality of race, religion, and gender tend to either suffer in silence to preserve community unity, start their own organizations with varying success, or become adamant opponents of mainstream Muslim organizations exploited by groups holding anti-Muslim biases.

63. Having emerged in 2005 as a non-profit sister entity to the National Association of Muslim Lawyers (NAML), Muslim Advocates is a professional association of approximately 500 Muslim lawyers, law students and other legal professionals.

64. While this civil rights and civic engagement organization was founded and is lead by a non-Muslim South Asian woman, SAALT has a large Muslim South Asian constituency.

65. This organization works to build this global network of informed, empowered advocates in two ways - first, by creating and sharing knowledge about the rights Islamic law grants to women, and second, by educating Muslim women in Islamic jurisprudence, leadership, and conflict resolution, so that they may become the leading agents of change within their communities.

66. Similar examples exist at the local level where Muslim women have founded female focused and led organizations to address social, economic, and political issues faced by women and ignored by male-dominated mosques or other community organizations. See, e.g., Texas Muslim Women's Foundation.

67. See Volpp, "The Citizen And The Terrorist." See also Cashin, "To Be Muslim."

68. See "Legal Advocacy and Policy Review: Significant Increase in Legal Complaints," American-Arab Anti-Discrimination Committee, 3 March 2010, <http://www.adc.org/media/press-releases/2011/march-2011/2010-adc-legal-report-significant-increase-in-legal-complaints>.

69. See, e.g., Karen Gardner, "Headscarf Causes Controversy at Basketball Game," Frederick News Post, 18 January 2011.

70. "Religious Freedom Has a Place in the Workplace," FindLaw, 9 November 2010, <http://knowledgebase.findlaw.com/kb/2010/Nov/208334.html>.

71. Brian Murphy, "Stop the Hate - Anti Muslim Discrimination Complaints at Record Levels," [Submityourarticle.com](http://www.submityourarticle.com/articles/Brian-Mahany-8446/employment-discrimination-lawyer-123783.php), 12 November 2010, <http://www.submityourarticle.com/articles/Brian-Mahany-8446/employment-discrimination-lawyer-123783.php>.

72. See also Debra J. Groom, "Former Pulaski Health Center worker files federal complaint stating he was fired because he is Muslim," The Post-Standard, 7 February 2011.

See also Abercrombie & Fitch (SFDO) filed 9/1/10 - Charging Party is Muslim. She was denied a reasonable accommodation (hijab) and denied hire into a stockroom position because of her religion; Abercrombie & Fitch (SLDO) filed 9/29/09 - Charging Party is Muslim. She was not hired by defendant because she wore a head scarf to her interview; Kaze Japanese Steakhouse (CTDO) filed 9/7/10 - Charging Party converted to Islam. She was denied the reasonable accommodation of wearing a hijab and discharged from her servicer position because of her religion; Imperial Security (PHDO) filed 9/16/10 - Charging Party is Muslim. She was denied the reasonable accommodation of wearing a Khimar and discharged from her security guard position because of her religion; White Lodging Services Corp. (INDO) filed 7/4/06, resolved 7/21/10 (\$40,000) - A Marriott hotel did not hire four Muslim women for housekeeping jobs because the women wore religious head coverings.; Ivy Hall Assisted Living (ATDO) filed 9/30/08, resolved 1/28/10 (\$43,000) - Charging Party, a housekeeper, was denied a religious accommodation to wear a traditional religious head covering, a hijab, and was discharged for violating defendant's dress code.

73. Project Group of Illinois (CHDO) filed 3/29/07, resolved 10/9/08 (\$25,000) - a Palestinian Muslim was subjected to derogatory remarks about her head covering and was referred to as a terrorist.

74. Mohamed-Sheik v. Golden Foods/Golden Brands, LLC, No. Civ.A 303CV737H, 2006 WL 709573 (W.D. Ky. Mar. 16, 2006).

75. Campbell v. Avis Rent A Car System, Inc., No. 05-74472, 2006 WL 2865169 at *2 (E.D. Mich. Oct. 5, 2006).

76. EEOC v. Abercrombie and Fitch Co., No. 09-CV-602-GKF-FHM, 2011 WL 2748406 (N.D. Okla. July 13 2011).

77. EEOC v. Abercrombie and Fitch, Co., No. 5:10-CV03911 (N.D. Cal. 2010).

78. First Amended Complaint and Demand for Jury Trial, EEOC v. Abercrombie & Fitch, Co., No. CV10-3911-HRL, 2010 WL 4638269 (N.D. Cal. Oct. 7 2010).

79. See Mackenzie Carpenter, "Muslim Women Say Veil is More About Expression than Oppression," Pittsburgh Post-Gazette, 28 October 2001.

80. Ibid.

81. Ibid.

82. See Doyle, "New 'Bias' Attack."

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83. Janet I. Tu, "Woman Charged With Hate Crime Against Two Muslim Women," The Seattle Times, 22 October 2010.
84. Gina Potthoff, "FBI Investigates Reported Assault on Local Muslim," The Columbus Dispatch, Dec. 20, 2010
85. Jamie Schram and Maura O'Connor, "Muslim Gal Assaulted in Harlem," New York Post, 8 July 2011.
86. Kane Farabaugh, "Seven Muslim Americans on Ballot in Chicago, Voice of America, 4 April 2011, <http://www.voanews.com/english/news/usa/Seven-Muslim-Americans-on-Ballot-in-Suburban-Chicago-119217129.html>.
87. Crenshaw, "Demarginalizing the Intersection of Race and Sex," 360.
88. Ibid.
89. See Choudhury, "Empowerment or Estrangement?," 168-70.
90. Ibid.
91. Sunder, "Piercing the Veil," 1413.