

## YouTube and Muslim Women's Legal Subjectivities

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### Abstract

This paper is located within the discursive and spatio-temporal landscape of post 9/11 Canada in which national identity and beliefs about belonging are embedded in pervasive Islamophobia. Its starting point is that social media are key sites for expression of discrimination and intolerance vis-à-vis people of the Muslim faith, and especially the constitution of Muslim face and head scarves as a metonym for Islamic terrorism and a quintessential symbol of uniquely fundamentalist manifestation of patriarchy. I ask, however, whether new modes of visibility might be captured when we examine representational sites of Muslim femininity through the lens of 'new' or 'critical' legal pluralism. I highlight how women have used Social Networking Sites (SNSs) to respond and reconfigure more entrenched discourses around Muslim femininity circulated elsewhere, such as in formal institutionalized state-based law, mainstream/Western feminist discourses, and in popular cultural productions. I have found that Muslim women deploy social media to constitute or express alternative subjectivities and to represent and evaluate their own understandings of feminism, normative femininity, religious practices, including the multiple meanings that attach to the donning of Islamic headscarves.

### Key words

Law and Society; Communications; Visual Studies; Gender; New Media; Islamophobia; Legal Pluralism; Canada

### Resumen

Este documento se sitúa en el paisaje discursivo y espacio-temporal de la Canadá post 11-S, cuya identidad nacional y creencias sobre la pertenencia están incrustadas en la islamofobia dominante. Su punto de partida es que las redes sociales son sitios clave para la expresión de la discriminación y la intolerancia vis-

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à-vis de la fe musulmana, y en especial la constitución del rostro musulmán y del pañuelo en la cabeza como una metonimia de terrorismo islámico y el símbolo por excelencia de la única manifestación fundamentalista del patriarcado. La autora se pregunta, sin embargo, si las nuevas formas de visibilidad pueden ser capturadas cuando examinamos sitios de representación de la feminidad musulmana a través de la lente de un "nuevo" o "crítico" pluralismo jurídico. La autora destaca cómo las mujeres han utilizado las redes sociales para responder y volver a configurar discursos más arraigados alrededor de la feminidad musulmana distribuidos en otros lugares, como la ley formal basada en el estado institucionalizado, discursos feministas dominantes/occidentales, y las producciones culturales populares. La autora encuentra que las mujeres musulmanas utilizan los medios sociales para constituir o expresar subjetividades alternativas y para representar y evaluar su propia comprensión del feminismo, la feminidad normativa o las prácticas religiosas, incluyendo los múltiples significados que se adhieren a la colocación del velo islámico.

**Palabras clave**

Derecho y Sociedad; comunicaciones; estudios visuales; género; nuevos medios; islamofobia; pluralismo jurídico; Canadá

**Table of contents**

1. Introduction.....	1161
2. Methodology .....	1162
3. The in(sight)s of legal pluralism .....	1163
4. New interpretive spaces for muslim women .....	1165
5. YouTube and belonging .....	1167
5.1. YouTube and muslim women's legal subjectivities .....	1168
6. Conclusions .....	1172
Bibliography .....	1173

## 1. Introduction

On July 13<sup>th</sup> 2010, a video, entitled *Major Canadian Airline Risks Your Safety, Pandering to Muslim Sensibilities* [hereinafter Airport Clip] was uploaded to YouTube©. The video featured four women and a man boarding a flight from Montreal's Trudeau Airport. Of the group, two women seem to walk past the carrier's agent without being asked, or without offering, to remove their head and face veils (*niqab*) for identification purposes<sup>1</sup>. Canadian transport authorities already ensure that passengers undergo multiple forms of identity verification.<sup>2</sup> Nevertheless, the posting of the clip immediately made national and international news. It fanned the flames on an already difficult debate in Quebec and the rest of Canada: the regulation of women who don Islamic headscarves in public spaces.<sup>3</sup> Indeed, whether they are playing sports (Loyie 2007), exercising the right to vote (Government of Canada 2009, Canadian Press 2009), trying to access or dispense basic services (Government of Québec, Bill 94)<sup>4</sup> or engaging in citizenship ceremonies (Immigration Canada 2011, Payton 2011), Muslim women in Canada have been and continue to be told to disrobe for safety and security reasons or in the interests of substantive equality.

The Airport clip is informed by and helps constitute this larger regulatory landscape in which western,<sup>5</sup> imperialist nations enact their disapproval of Islamic cultures and reinforce notions of the 'legitimate citizen,' through airport security and surveillance practices.<sup>6</sup> As a Canadian socio-legal scholar living in Quebec at the time this clip was posted, and as a feminist working with other women's groups against the regulation of women who don the niqab,<sup>7</sup> I had originally intended to expose this clip as part of discursive and spatio-temporal landscape<sup>8</sup> in which national identity and beliefs about belonging remain embedded in pervasive Islamophobic discourses, and in which Islamic dress is both antithetical to, and constitutive of, 'Western liberalism' (Ezekiel 2006, Haque 2010).

In retrospect, this interpretation is self-evident: the clip is part of the cultural production of homogenized Muslim women's subjectivities in Canada. Building on the work of Hafez (2000), Razack (2004), Arat-Koc (2005), An-Na'im (2007), Al-Saji (2010) and Scott (2007) who challenge the discursive construction of Muslims

<sup>1</sup> The original clip has been removed but a version reproduced by a Canadian national news source remains active. As of May 15, 2013, the clip at this site alone had been viewed over 100,000 times (Sidhu 2010).

<sup>2</sup> Under Transport Canada's Screening Regulations, airlines must have procedures to verify the identity of any passenger whose face is covered. The approach is "consistent with international standards and apply equally to all passengers, regardless of a person's culture or religion:" Aeronautics Act, 1985. Regarding the Trudeau incident, the carrier and the security representatives maintain that these security measures had been met: see Lortie (2010), McCallum (2010), TVANouvelles (2010), CBC News (2011).

<sup>3</sup> Women's face and head coverings are not, of course, the product of Islam. Social historians suggest that the advent of face veils predates Islam and the practice can be situated within diverse cultural and geographical contexts (see Vogelsang-Eastwood and Vogelsang 2008).

<sup>4</sup> The Bill was introduced during the 39th legislature, 1st session and re-instated during the 39th legislature, 2nd session February 24, 2011. Give the debate it engendered, it has not yet been passed into law.

<sup>5</sup> I use Western as a shorthand for the Eurocentric collective imagining of a collection of nation states, perceived to have a shared history and ideologies, such as rationality, modernity and progress "in which the non-West is generally found lacking." (Barakwai and Laffey, 2006). For an interdisciplinary critique of the Western standpoint, see: Federici (1995).

<sup>6</sup> On discrimination against Muslim or 'Muslim-looking' passengers in Canada (see Choudhry 2000, Helly 2005, Razack 2005). Regarding the complexities are increased access of racialized immigrants to citizenship status in legal terms and their acquisition of de jure status as citizens, especially their de facto inequality through the designation as 'immigrants', 'newcomers', 'new Canadians' and 'visible minorities:' (see Thobani 2007). On the increase of surveillance and airport 'security' in Canada (see Lyon 2006). For a discussion of how risk management shapes the 'confessionary complex' that facilitates self-policing by certain traveling publics (see Salter 2007).

<sup>7</sup> I was part of the Women's Legal Education and Action Fund 's Legal Committee (LEAF) which drafted a response to Bill 94.

<sup>8</sup> This is not to suggest that Islamophobia in Canada or Quebec emerged merely as a result of one event. Regarding fear of the Muslim-other in North America see Khan (2000), Roach (2002).

generally, I suggest that this particular clip, works in two paradoxical ways to promote non-Muslim superiority and conflates Islam, violence against women, and terrorism. First, the two niqab-wearing Muslim women are read as the property of their male travel companion,<sup>9</sup> as submissive to their male guardian and objectified as victims and a quintessential symbol of uniquely fundamentalist manifestation of patriarchy.<sup>10</sup> Paradoxically, the niqab is also, part of a neo-Orientalist fantasy (Nelson 1991) in which it has become a metonym for Islamic terrorism; accordingly, the niqab-wearing women in the clip are *othered* as threats to 'national security' (Sidhu 2010).<sup>11</sup> Regardless of its lack of truth-value, its manipulative editing strategies,<sup>12</sup> the Airport clip is now part of the a global security complex and biometrics culture in Canada that normalize, legitimate and extend surveillant and disciplinary practices that govern through fear of the 'Muslim Other' (Ross 2006, Salter 2007). It is also, one of many cultural constructions that reinforce the need for punitive regulation of Muslim women, usually by governing modesty and dress codes.<sup>13</sup>

Nevertheless, rather than assessing the impact of this particular clip, I ask a more pertinent question. How do Muslim women also use social media – whether or not as an explicit response to such reductive or intolerant images - in ways that reconstitute and resist these 'victim' / 'threat' discourses and the representations that attach to women who veil? In this paper, I discuss how Muslim women and their allies deploy YouTube to evaluate and reject homogenized projections of oppression onto the bodies of Muslim women. I have found that Muslim women exploit YouTube to articulate shifting, fluid and variegated self-representations and meanings associated with the act of veiling; consequently, they also clarify or reconstitute norms relating to modesty, femininity and dress. I argue that these legal subjectivities – as norm interpreters and legal agents - may also be captured when we examine these new modes of visibility through the lens of legal pluralism. Before I do so, however, I provide a discussion of my methodology and give an overview of some legal pluralist insights that guide this research.

## 2. Methodology

Two visual methodologies inform my discussion of YouTubes: content analysis (Slater 1998) and more interpretive approaches (Rose 2001, Wagner 2006). Content analysis is used to ascertain recurring themes within a larger corpus of visual images. I have used content analysis to limit the range of my inquiry. The survey I conducted is not comprehensive or part of a systematic quantitative project on all user-generated content addressing questions of Muslim women's dress. Rather, I searched specific terms and combinations through YouTube's search engine, ("Muslim women," "niqab," and "feminism") over a period of two years. More concentrated searches occurred immediately after the release of the

<sup>9</sup> On the ways in which the pervasiveness of the harem fantasy -- even within feminist theories, see Ahmed (1982).

<sup>10</sup> Scholars have shown how the shift in the archetypal Muslim woman is one of exotic and sexually active (though the cause of Muslim men's demise) to a submissive role, of woman in need of a western saviour. See for instance Kahf (1999), Zayzafoon (2010), Zine (2002). On the 'imperilled' Muslim woman and the 'dangerous' Muslim man, see Razack (2004).

<sup>11</sup> The clip has been critiqued by commentators and representatives of several Muslim groups, see for instance: Gardee (cited in Lilley and Weese 2010). The story was, however, also taken up in other on-line interactive venues sensationalist tag-lines such as: "Montreal airport workers allow unidentified Muslim 'women' board a plane. Lucky they were not terrorists in disguise!" (Daly 2010).

<sup>12</sup> The video imposes meaning through juxtaposition and confrontation; it deliberately lacks perspectival shots that would invite viewers to either interrogate or identify with the niqab-wearing women; it is filmed on a side angle and from a distance. In a common law court, it would likely be dismissed as inadmissible because the content is unauthenticated and had been altered (Canada Evidence Act 1985, Goldstein 1991).

<sup>13</sup> During the debates before the Quebec National Assembly around Bill 94, a diplomat with the United Nations argued in favour of a ban on face veiling for the purposes of giving or receiving public services because, [my translation], "last year in Montreal, a woman who was completely veiled was permitted on-board a plane without having shown her face for identification purposes" (Matthews 2010).

Trudeau airport clip (July 14<sup>th</sup>, 2010), a year after its release (July 15<sup>th</sup>, 2011) and more recently (between April 15<sup>th</sup>, 2013 and May 15<sup>th</sup>, 2013). On July 14<sup>th</sup>, 2012, the search terms "Muslim women niqab" yielded 2520 results; "Muslim women feminism" yielded 1390 results. From this broader sample, I created categories based on recurring themes and interpretive frameworks. Ideally each clip would have been historically and geographically located (Ajrouch 2007) and information regarding the individual contributor should be canvassed to "situate" her knowledge production (Haraway 1988). This kind of inquiry would have required interviews with contributors about the act of veiling or how they have used YouTube as a venue to generate such interpretations.<sup>14</sup> Instead I focus on user-generated posts on YouTube which I considered to be:

1. empowering images
2. constituted by Muslim women or
3. by their allies
4. in which audiences are asked to engage with the question of Islamic veiling,
5. regardless of the position the clip or the contributor explicitly takes on the practice.

Empowering images were generally produced by Muslim women and always permitted the exploration of a range of shifting subjectivities in all their complexity. The images generally lend themselves well to an intersectional reading - namely, that Muslim women's social, cultural, political, aesthetic and juridical subject positions are located within intersecting systems of power (Crenshaw 1989, Matsuda 1989, Crenshaw 1991, Hill Collins 1991, McCall 2005, Bouclin forthcoming).

Content analysis alone, however, is insufficient because it reduces meaning-making to the image itself without interrogating other sites of meaning-making, at the level of an image's production, reproduction, reception and reiteration. My own interpretation of these clips is influenced by the political and social climate in which I find myself, the citizenship regimes that operate in my country, the official and implicit discourses to which I have been exposed or even circulated concerning dominant religious beliefs, applicable human rights legislation, and especially my understanding and relationship to the donning of head and face coverings. My engagement with the clips is further limited by linguistic constraints: I only use clips produced in French or English (or include subtitles in either of those languages). With these methodological questions in mind, my research is meant to be a critical discussion of existing cultural artifacts without suggesting that any of these videos holds a determined or fixed meaning. Rather, like other audio-visual media, my engagement and interaction with such images plays an active role in the production and circulation of world-views, beliefs, ideologies and expectations about, among other things, law, gender, and religion.

### 3. The in(sight)s of legal pluralism

Before moving on to my reading of Muslim women's YouTube contributions, I discuss this inquiry's main interpretive framework: legal pluralism. Early legal pluralism posed a challenge to the *monist* view of law, namely that there is a single source of legal authority in each socio-political unit. While some writers highlighted how norm-generation has always occurred outside the confines of the nation-state, the vast majority of scholarship emphasized the persistence of indigenous modes of

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<sup>14</sup> It is precisely this kind of qualitative research that I will conduct with Silmi Abdullah a lawyer working in the areas of Immigration and Refugee law. Other scholars have determined that young American-Muslim women – some of whom donned the hijab, other who did not don a head or a face veil – tend to support the right of all Muslim women to don the niqab (Shirazi and Mishra 2010); and that young educated women from North African living in France feel that that veiling is a matter of cultural expression and individual freedoms (Killian 2003).

social ordering within Western colonial states (Griffiths 1986, Merry 1988, Moore 2001). New legal pluralism(s) attempts to uproot a number of overlapping essentialist interpretive biases reproduced in earlier pluralist endeavours. These include: *centralism* – the belief that all law emerges from the political State; *positivism* – the belief that law is a social fact, born from authorized law-makers and legal institutions; and *ocularcentricism* – the law's privileging of sight over other sensory modalities.<sup>15</sup>

There are already well-established and developed critiques of legal positivism and legal centralism (Galatner 1981, Sousa Santo 1987, Belley 1997, Kleinhans and Macdonald 1998, Melissaris 2004, Davies 2005); they need not be rehearsed here. Law's ocularcentricism, however, remains less explored.

There have always been popular and disciplinary associations to law and to sight. Legal principles, categories, concepts are fields thick with visual metaphors: we observe black letter law; judge's read the body of a statute; justice should be blind (Hibbitts 1994, Jay 1999). The use of visual metaphors in law often remains embedded in orthodox beliefs and practices about law that tend to prioritize sight as the locus of recognition, critique and understanding. Law is assumed to value features often attributed to sight, especially objectivity, universality, and determinacy (Bently and Flynn 1996, Hibbitts 1994). These features are based in the beliefs and practices of people who hold social power, notably, white upper-class protestant men (Hibbitts 1994). These features are also presumed to be in hierarchical relation to those values attributed to sound, smell, taste, and touch, namely polyphony, singularity and indeterminacy (Miller 1997), often attributed to those who are 'othered' by law. To critical legal scholars writing from pluralist perspectives, we should move beyond visuality to grapple with law's multisensory features, especially its orality/aurality. Feminist standpoint approaches, for instance, have offered a method to center the voices of women 'silenced' by masculinist meta-narratives, including law's meta-narratives; they also provided a way to name oppression from women's experiences. Listening to marginal 'voices' in law and telling legal 'stories' can highlight the ontological difference between the lived reality of marginalized groups and how it is symbolized in formal legal processes and practices. This is not to say that visual media holds no potential for engaging with law. On the contrary, building on the work of film scholars I discuss below, some legal scholars argue that visual media invites us to see, hear and feel injustices and to viscerally react to how the formal law inadequately addresses harms in actuality (Buchanan and Johnson 2009, Bouclin 2009).

Film is a sensing medium that positions spectators actively. Visual perception, according to Teresa de Lauretis (1984, 1994), is not simply about sight or cognition; it is about memory, desire, pain; it is a signifying practice. Like other moving images, user-generated content on YouTube is a form of expression that extends beyond natural perception – whether biological or cognitive – to embodied, moral, normative perception of socio-cultural percepts such as religion, secularism, femininity, and injustice. To Vivian Sobchack (1991), moving images invite embodied mediation of the social world by positioning the spectator actively, as a subject, an entity meaningfully engaged in a relation to her environment. By extension, some forms of user-generated content found on YouTube can engage what Laura Marks refers to as our "haptic visuality:" the way in which senses are interrelated and we see through touch, feel and taste as much as through sight and sound (2002, p. 121). These scholars ask us to think about what visual media *do* (how we respond to them) rather than just what they *mean* (how we interpret

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<sup>15</sup> See Bently and Flynn (1996), Kleinhans and Macdonald (1998), Tamanaha (2000), Melissaris (2009), Davies (2005), Macdonald (2011), Berman (2009). I have elaborated these and other received ideas which new legal pluralism attempts to unhinge including logocentricism (privileging the linguistic communication and linguistic signifiers over the signified), linearity (that law is in temporal evolutionary progress) and territoriality (law is fixed in a particular space) (Bouclin 2011).

them) (Sobchack 2009). Put differently, thinking cinematically about street law means to *perceive* (to describe, to experience it) rather than only to *rationalize judgments* (to interpret it). Of course, what visual images *do* is never separate from what they *mean*. Whether or not a viewer is aware of her or his interpretation, what feels like a knee-jerk response is part of the interpretive processes at play when watching a user-generated video on the internet. Cognitive capacities that order the world in coherent, systematic and often hierarchically ways also permit us to make practical judgements of the worldview presented in visual media. Interactions with moving images, however, also invites moral judgement of its verisimilitude, its narrative, and whether it expresses sensitivity to its protagonists' singularity and the multiple realities of the subjects it depicts (Holland 1998, Vetlesen 1994). Visual media creates space for guttural responses to injustices, can invite empathy with our real or imagined 'other.'

If we limit our understanding to law's visuality, or how it governs visually, we may occlude how law engages our full range of perceptual, sensory, and imaginative human experiences. As others have suggested, we should direct our interest to multisensory organizing concepts in law in order to get at the "body that lives and feels through" it (Goodrich 1990, Howes 2005). The visual representation of and/or by Muslim women in new media are always informed and configured by other ideologically-inflected discursive productions of Muslim women. These are encrypted with emotions that may well guide behaviour in more immediate ways than formal written law: fear, disgust, discomfiture, desire, and indifference. Likewise, they may also be inflected and encrypted with emotions that are associated with ethical caring: empathy or compassion, for instance (Noddings 2007). A second insight from legal pluralism is that in order to understand or to get at 'the body that lives and feels through law', we have to move away from perceiving disenfranchised or otherwise marginalized groups as *subjects* of law, to understanding them as law's constituents (Kleinhans and Macdonald 1998, Bouclin 2011). Here critical pluralism builds on anti-colonial and critical race feminists who have long argued that a crucial dimension of the oppressor/oppressed dyad is that those who dominate are seen as agents who "define, act [and] establish identities" whereas, those who are dominated are seen as "objects" whose lived reality and identity is "created by others" (hooks 1989, p. 43). Scholars writing from a pluralist viewpoint similarly have shown scepticism regarding purely instrumental theories, namely, that law is only a tool used by legal actors to achieve certain ends such as induce particular behaviours through rewards or sanctions. There has nonetheless been a move away from the belief that written law and legal practices alone determine legal subjectivities and that law's subjects passively absorb externally-imposed world views, definitions, and rules of behaviour. Instead, law's subjects construct meaning through their various exchanges and interactions throughout their daily lives. The power to generate, evaluate, and reject norms is, consequently, shifting, fluid and distributed differently within manifold normative sites.

#### 4. New interpretive spaces for muslim women

In early February 2011, thirty-three year-old Nobel Peace Prize winner Tawakkol Karman erected a tent in Yemen when large scale participation of women was still relatively rare and in a country where women's movements in public spheres were strictly circumscribed (Finn 2011). Recent uprisings have confirmed what many Muslim and some non-Muslim feminist scholars have long argued: Muslim women are not passive victims of a fundamentalist Islam.<sup>16</sup> Rather, they develop multiple

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<sup>16</sup> Non-Muslim feminists writing on Muslim women can be divided into those support women's emancipation within Islam and those for whom Isla is implicitly and explicitly patriarchal (Moghadem 2002). Muslim feminists have equally be divided, according to Bronwyn Winter, into 'apologists' – who argue for feminist interpretations of hitherto incorrectly read passages of the Quran -- or "theologists" – for whom Islam's hegemony is responsible for Muslim women's oppression and inequality. The work of



strategies and tactics – to challenge official legal structures and authoritarian State actors and are active agents constructing Islam, its norms and the way it is lived and experienced. These strategies and tactics include the use of user-generated social media (Faris 2010, Radsch 2012).<sup>17</sup>

The work of Muslim women cyberactivists - such as Esraa Abdel Fattah ('Facebook Girl') who marched with her male allies in Egypt and others across the Arab world who become known as the 'Twitterati' - helped dismantle "physical and social boundaries" that exist between genders, and challenge "cultural and religious norms and taboos" by mobilizing other women in an effort to make empowerment a pillar of the social and political uprisings (Radsch 2012, p.4, Rice 2011). Indeed, there were several key female figure "leading the revolutionary convulsions" during the Arab Spring (Radsch 2012, p. 15). Some women felt safer acting anonymously, circulating stories on-line about the revolutionary work of Muslim women and their instrument roles in more recent protests and demonstrations (Radsch 2012, p. 29). For instance, women's cyberactivism was crucial to drawing global attention to the direct action of Iman al-Obeidi, a post-doctoral law student who interrupted an international press conference to decry the mass rapes in Libya under Gaddafi.<sup>18</sup> The communication of this young woman's plight brought about material change and provoked mass demonstrations of women, especially middle-aged and older women who "refused ... to go inside where they would be safer" (2012, p. 15). In 'post-Arab Spring', interactive media continue to be a conduit for politicized Muslim women to decry the lack of women in politics;<sup>19</sup> raise consciousness about increased harassment and violence against women;<sup>20</sup> and debate the nature of the women's movement.<sup>21</sup>

Explicit revolutionary tactics aside, Muslim women are, in general, witnessing a "rich, complex and overall positive" online presence (MediaBadger 2011, Eickelman and Anderson 2000). MediaBadger - a cyber-research firm specializing in public policy and digital diplomacy - released data that crossed Muslim and primarily non-Muslim countries and analysed the "roles and activities of Muslim women in social media channels" (MediaBadger 2011). The study found that with the political, social, economic and cultural shifts in the Middle East, especially in Egypt, women, young Muslim women, "perhaps more than any other online demographic" use new media technology to "better define their role and emancipation."<sup>22</sup> Other research indicates that Muslim women from diasporic communities have turned to mediating technologies to debate difficult questions about gender relations – such as *fatawa* (rulings in Islamic law) on modesty, sexuality, sexual identity and reproductive freedom - generally perceived as too private to discuss 'face-to-face' (Ali 2010, Ariel 2012).

Muslim women also use new media to challenge and intervene in the mainstream feminist discourses about Islam and 'the Muslim woman' on pluralistic terms. Lana Abu Ayyash, a young Jordanian-Canadian founded *SisterPower.net* an online social

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western feminists like Susan Okin has, for instance, been critiqued for reducing Muslim women to their more civilized, progressive non-Muslim counterparts. Compare Chandra Talpade Mohanty's still important critique that the "political presuppositions" underlying western feminist methodologies and analytical strategies is founded in a homogenous understanding of oppression of women 'as a group:' that the production of the image of an 'average Third World Woman' has lead to "truncated" interpretation of the Third World Woman "based on her feminine gender (read: sexually constrained) and her being Third World (read: ignorant, poor, uneducated, tradition-bound, domestic, family-oriented, victimized, etc.). She adds that this representation often is juxtaposed with the self-representation of western women as educated, modern, in control of their bodies and sexualities and free to make their own decision see (Mohanty 1991, p. 56).

<sup>17</sup> For a critical engagement with the revolutionary outcomes of new media on the 'Arab Spring,' see: Comunello & Anzera (2012).

<sup>18</sup> <http://www.youtube.com/watch?v=4eyuG-C5nH8>

<sup>19</sup> <http://www.youtube.com/watch?v=4xrVtQrsIBQ>

<sup>20</sup> <http://www.youtube.com/watch?v=z-2LbO8utEM>

<sup>21</sup> <http://www.youtube.com/watch?v=fZLgKnZ4ryc>

<sup>22</sup> See also Couch (2011), Kuran (2012), and Sander (2011).

network exclusive to women providing a platform where Muslim women can "interact, share ideas, express (their) feelings, and voice (their) concerns". A recurring theme is how the struggles faced by women in the Arab world are more complex than how they are expressed by many western feminists (Ayyash 2011). Similarly, *Yaffaweya / Arab-Feminist*, a young Muslim American blogger attempts to disturb the self/other binary that informs so many Western feminist projections onto veiled women by asking her interlocutors to question their untested conceptual frameworks about Muslim women and what these beliefs reveal about those who hold themselves:

The attention brought to Arab female activists has complicated and shattered Western stereotypes – one of timid, oppressed females hiding behind veils that were forced upon them. We are not one of four wives, with our face covered so Arab men can hide us away in our *niqab* ... We are not belly dancers succumb to the existential despair of male pleasure ... We are also not suicide bombers or terrorists – angry and desperate in our plight to save our people's land and religion ... What disturbs me is that each stereotype insinuates that the purpose of an Arab female is to serve others – either for objectification, reproductivity/motherhood role, a source for labor or a savior to the people. Where is the Arab female and what does she want? What does she dream? The Western stereotype has encouraged isolation of the Arab or Arab American woman and has maintained, in and of itself, an inherent oppression of her freedom in expression. The new wave of Arab feminism has ... confused Western stereotypes (Ghnaim 2011b).<sup>23</sup>

Of these information-sharing and user-generated platforms, YouTube is a unique imaginative and experiential space where Muslim women express their multiple, conflicting and shifting feminist subjectivities. YouTube is, I argue, part of the cultural production of more complex and meaningful self-representations of Muslim women and their multilayered commitments, everyday experiences, relationships, expectations, aspirations and ways of navigating hegemonic structures.

## 5. YouTube and belonging

YouTube is one of several spaces where people can produce and share user-generated video, social commentary, information; they may also serve as a creative outlet or to address more personal themes; they are sometimes referred to as video blogs or vlogs. Like other modes of visual storytelling (Bouclin 2010), YouTube is a normative site. It is a venue through which Muslim women are active in the social and cultural production of contemporary discourses around Islam and the norms around femininity.

Since its launch in 2005, YouTube has become one of the dominant user-generated video sharing platforms on the Internet (Burgess and Green 2009, Trier 2007). Early content was primarily amateur videos detailing moments in YouTubers' daily lives. More recently, it has emerged as a key site for exchanging information, tracking trends and shifts in consumer interests, shaping identities and constituting communities (Godwin-Jones 2007, Burgess and Green 2009).

Despite regional and cultural variances, women and girls currently outnumber their male counterparts on social networking sites (SNSs) across the globe (Vollman *et al.* 2010).<sup>24</sup> Some research suggests that men in the West tend to use YouTube as a space for social commentary (Novelli 2010) and they spend more time than women do consuming YouTube content (Goudreau 2010). Other research

<sup>23</sup> These images are in dialogic relation with more archetypal representations (Kahf 1999) -- whether the virtuous, pious mother (Ida 2009) or the secluded and subordinated victim (Navarro 2010).

<sup>24</sup> Almost seventy six percent of all women interviewed online visited a social networking site in May 2010 compared to 69.7 percent of men. They found that "social networking reach" remains highest amount women in North America (nine out of ten women have access to the internet) with the lowest reach in Asia Pacific (across gender because of low broadband penetration) and in countries where regulation of content is high (such as China). See also (Goudreau 2010) according to whom women are the majority of 'Tweeters', MySpace© and Flickr© users in the United States.

demonstrates that women far outnumber men in the use of SNSs (Vallee 2009, Taylor 2009), mainly to develop and engage in meaningful relationships with families and new friends (Hoffman 2008).<sup>25</sup> Despite a measure of equality in access and use, women in the West remain more vulnerable than their male counterparts to cyber-violence such as harassment, humiliation, stalking, especially through user-generated media, like YouTube (Bailey and Telford 2007, Lange 2007, Ratcliff 2007, Molyneaux 2008).

YouTube also comprises part of a larger debate on web 2.0 and 'participatory' citizenship. Researchers ask whether it blurs conceptual distinctions between public and private selves in transformative ways, or whether it amounts to new configurations of entrenched social and political hierarchies (Eickelman and Anderson 2000, Barney 2007, Fenton & Barassi 2011, Gruber and Barron 2011, Comunello and Anzera 2012, Gosselin 2012). Whatever one's position on YouTube as a 'change agent,' it is a process through which subjectivities are constructed or reconfigured; the new subjectivities it produces in turn have material impacts on the social world.

The focus of this research is how YouTube invites new modes of participation in the discussion with and about women who observe the hijab or niqab; it also is a new way through which Muslim women themselves constitute norms around femininity and modesty. On the one hand, as noted earlier, YouTube is a site in which Orientalist fantasies continue to be played out through the production of particular subjectivities that attach to Muslim women. On the other, it is also a venue for romanticized versions of Muslim women that neglects their experiences economic, political, and cultural dominance through hegemonic structures like patriarchy, colonialism and neo-liberal capitalism. YouTube holds potential as a 'third space,' a material space layered with imagined and experienced spaces (Lefebvre 1991, Soja 2000).<sup>26</sup> According to Shahnaz Khan (2000), Muslim women have always navigated such third spaces to work collectively and individually to reclaim their multiple and shifting identities through cultural, social, economic, political and legal empowerment. I argue that YouTube is a third space in and through which Muslim women can generate new subjectivities beyond such the simplistic and damaging victim/agent dyad and emerge as norm transmitters and entrepreneurs. Muslim women have inhabited and deployed YouTube in unique, symbolic and materials ways to individually and collaboratively resist reductive cultural constructions and articulate alternative legal subjectivities by critiquing the formal and informal regulation regarding modesty and dress.

### *5.1. YouTube and muslim women's legal subjectivities*

Research has found, that the practice of veiling, the observance of hijab in particular, is the second most frequent topic of discussion for Muslim women on social networking sites across Muslim and non-Muslim jurisdictions (MediaBadger 2011, p. 1). Unlike other practices that are mandatory and codified injunction,<sup>27</sup>

<sup>25</sup> Thank you to Surinder Multani for pointing out this nuance.

<sup>26</sup> Whereas Lefebvre displaces the distinction between pure form (empty / imagined space) and impure content (lived time / everyday practices), Soja adds that all cities are hybrid forms with shifting realities.

<sup>27</sup> The Quran is the most important textual source that guides Muslims in their daily interactions. It is comprised of parables, metaphors and stories of the old prophets. A supplementary set of guidelines are found in the Sunnah, which includes the sayings (or Hadiths) of the Prophet and his practices. Whereas the Quran constitutes the meta norms regarding Muslim's obligations, the Sunnah is where Muslims turn for guidance in emulating the life of the Prophet. With some specific exceptions, the Quran and the Hadith have remained, throughout the history of Islam, guidelines to be adapted to specific contexts and time for the former or a dynamic record of way of life for the latter. There is considerable writing and consensus among Muslims that the hijab (headscarf) may well be obligatory according to some expressions of the faith. According to more recent feminist and progressive Muslim scholars, the manner or frequency with which a Muslim woman makes the spiritual decision to don the veil is at her discretion. On the other hand, there are Muslims who believe the niqab is also a direct commandment. Feminists and progressives also would argue that how, when and where a Muslim women dons the niqab is to her discretion and is a spiritual practice. I thank Silmi Abdullah for pointing out this nuance.

there are no direct commandments in the *Quran* or the *Hadith* regarding the practice of face veiling (the niqab).<sup>28</sup> Regardless of one's position on the practice, two passages from the Quran have been interpreted by various groups, feminists and otherwise, as institutionalizing the veil in an attempt to control women's sexuality or to limit their mobility within the public sphere.<sup>29</sup>

Muslim women do not passively accept this interpretation of the verses; nor are they submissive to formal legal regulation or attempts at externally imposed definitions of normative modesty. Rather, Muslim women use multiple tactics, including, interactive media, especially YouTube, to assess and interpret these Quranic verses, to challenge some of their interlocutor's visceral reactions and the tested assumptions that guide such emotional responses, and to constitute discursive frameworks to express the complexity of their lives. Depending on the context, the political moment, and the various normative commitments of individual women, the act of veiling holds a plurality of meanings, including a direct and explicit act of resistance to patriarchal structures, an expression of solidarity with Muslims everywhere, a symbol of resistance to imperialism and an affirmation of Islamic identity, a deeply religious symbol that aligns one with the higher ranked women during the prophet's time, a gift from Allah, a barrier to sexual objectification, a conduit to community and intimate relationships, a symbol of the spiritual self rather than the physical self.<sup>30</sup>

Muslim women are 'norm entrepreneurs,' in the sense that they are part of a group "who try to influence popular opinion in order to inculcate a social norm" whether or not they "consciously try to mobilize social pressure to sustain or create social norms" (Berman 2010, p.130). Muslim women perform their spirituality in pluralist ways – whether or not a conscious turn or return to Islam (Jouili 2011) – they embody, live and feel these norms in ways that are self-affirming – whether or not these subjectivities correspond with Western conceptions of empowerment or gender equality. They also constitute rules of interaction between veiled women and their interlocutors. Muslim women are 'norm transmitters' as well; their pluralist discourses regarding their relationship to the face or head scarves and the meanings they attach to observing hijab or niqab encourage the formation of multiple, conflicting, or confirming worldviews about modesty, femininity and spirituality.

First, the debate around the niqab in much contemporary Western feminist discourse remains anchored to determining whether the act of veiling is or is not implicitly and explicitly oppressive. In direct dialogue with this discourse, Muslim women use new media to articulate, contradictory meanings about the act of veiling and to perform personal, religious and legal subjectivities.<sup>31</sup> According to Piela (2010), user-generated media can be women-only spaces that permit Muslim women who hold different viewpoints on gender relations in Islam to debate in ways which are less accessible or possible in the 'off-line world' (p.1).

<sup>28</sup> Of those who believe the veil is a, the two most prominent views are that the veil is either a commandment in the Quran and that veiling protects Muslim women or it is a patriarchal. Muslim women, in either case by regulating her sexuality. Second, instruction from their creator to maintain modesty.

<sup>29</sup> See Al-Ahزاب (33:53, 59) and Al-Nur (24:30, 31). For an important collection of essays that provide feminist readings of these and other sacred Islamic texts, see (Webb 2000).

<sup>30</sup> For instance, in the late 1970s Iran, the donning of the veil was used as a way to embody allegiances and solidarity among working- and middle-class women; whereas in the 1990s it became a violently enforced patriarchal rule. Whereas the first case symbolizes "opposition to the Shah and western cultural colonization," the second indicates the fundamentalist "Islamicization of Iran" through "a coercive, institutional mandate" (see Mohanty 1991, p. 347). For various feminist interpretations of the hijab and niqab, see: Amina Wadud (1999), Fatima Mernissi (1987), Asma Barlas (2006, 2002), Ziba Mir-Hoseini (2007), Leila Ahmed (1982), and Marcotte (2010). For a thought-provoking interview by CBC reporter, with three different western Muslim women and the various reasons for which they do or do not observe hijab or niqab, see: <http://www.youtube.com/watch?feature=endscreen&NR=1&v=eXzUuKdfnRE>.

<sup>31</sup> See: Arat-Koc (2005), Beaman (2008), Bakht (2010), Fournier, See (forthcoming), Reilly (2011).

YouTube has become an important platform for challenging the hierarchies some (Western, feminist) discourses reinforce. It is also part of Muslim women's arsenal for responding to the disempowering representations of Muslim women some western feminists have reinforced, whether unwittingly or not (Macdonald 2006). Arab feminists have warned Western secular feminists to stop trying to speak 'on behalf of' their oppressed Muslim sisters and that donning of the face and head scarf ought not to be assumed to stem from a lack of agency (Ahmed 1982, Abu-Lughod 2006, Al-Saji 2010). A similar discussion is happening by various Muslim women through social media.

Sister Randomina, for instance, is a young American-Muslim filmmaker whose YouTube channel boasts 31 different videos, each with a following of well over three thousand viewers. In *Stuff People Say To Hijabis*,<sup>32</sup> a series of satirical skits she exposes the cultural and racial stereotypes that others have attached to her by virtue of the fact that she wears a cultural specific expression of her subjectivity.<sup>33</sup> Always observing hijab, she impersonates various caricatured interlocutors who ask:

"Do you follow the Arab religion?"

"If I marry you can I see your hair?"

"Do you wear that in the shower?"

Another young woman in *Féministes musulmanes* (Muslim Feminists) stands on a stage with a microphone and bestows non-Muslim Western feminists with a Nobel prize in Intolerance (*le prix nobel de l'intolérance*) for making the veil as their primary focus of theoretical and practical interventions in Muslim women's lives. Muslim women point to more immediate and actual concerns in their lives, whether pay equity, universal education, and domestic violence (SOLIDARITEFEMININEPO 2010), or discrimination, access to justice, peace, freedom and democracy (Revolutionary Association of the Women of Afghanistan).<sup>34</sup> In addition to offering new understandings of Muslim women's lived realities, they are generating norms around femininity and institutional structures to further gender equality.

Second, Youtube is a means through which Muslim women perform their spirituality in pluralist ways. Amenakin, a young British Muslim woman provides direct commentaries through bold and angular videos like A Muslim Is ... in which she shows how disturbing Google search indexes phrases like "Hijabs are " which crawls to "ugly", "stupid," and "bad".<sup>35</sup> Others are more promotional in nature; she showcases her Pearl Daisy fashion line.<sup>36</sup> Perhaps what have garnered the most attention from Muslim women are the tutorials: a beginner's guide (in which we hear an infant chatting the background);<sup>37</sup> options for the summer months that do not require pinning or an under-scarf;<sup>38</sup> and ways of veiling that are earring-friendly.<sup>39</sup>

The normative power of fashion as it is articulated by Amenakin, or Dina Tokia another designer whose motto is "modesty with flair"<sup>40</sup> cannot be untangled from questions of embodiment and how the regulation of women's bodies intersects with questions of race, gender, and religion. Research in North America, for instance, has found that women who observed hijab or niqab were more resilient to the Western norms about female beauty that idealize youth and thinness (Dunkel *et al* 2009).

<sup>32</sup> [https://www.youtube.com/watch?v=nsMO\\_PigtM](https://www.youtube.com/watch?v=nsMO_PigtM)

<sup>33</sup> <http://www.YouTube.com/user/SisterRandomina>

<sup>34</sup> [http://www.youtube.com/watch?v=c\\_cl97te1js](http://www.youtube.com/watch?v=c_cl97te1js)

<sup>35</sup> <http://www.youtube.com/watch?v=05pM1vWtPdo&list=UU9SIIYeOOb2vrTQ3opSCXkq&index=1>

<sup>36</sup> <http://www.youtube.com/watch?v=yRxGm1CMIbc&list=UU9SIIYeOOb2vrTQ3opSCXkq&index=5>

<sup>37</sup> <http://www.youtube.com/watch?v=A8Eojhz1qdE>

<sup>38</sup> <http://www.youtube.com/watch?v=ZBPP21cfrf8>

<sup>39</sup> <http://www.youtube.com/watch?v=qSLRrvhNfR8>

<sup>40</sup> <https://twitter.com/dinatokio>

The women in these YouTube clips shatter persistent stereotypes that are circulated in mainstream media, some feminist discourse about Muslim women. But they also make clear that not all women who wear the niqab do it as a result of the view that it is an obligatory injunction. Muslim women have variegated, intersecting standpoints and beliefs regarding niqab based on the nature of their religious beliefs, race, class, sexual orientation, culture, age. Each of these standpoints, as Harding (1987) has argued, has its own ontological legitimacy – they cannot be placed in hierarchal order, each is valid, each is a “contextually grounded truth” (p. 28). Despite the belief that observing *niqab* is optional, these women are clear that for them the practice is about modesty as one of the ways that they emulate the lives of the high ranking women during the prophet's time.<sup>41</sup> There is also a more widely held belief among practising Muslims that the hijab (veil) is obligatory, when, how and whether a woman makes the spiritual decision to wear it is at her discretion and not something that can be imposed by formal law, state actors, religious figures or family members.

YouTube has also been a space in which we can witness a shift in some ‘Western’ and ‘Non-Muslim’ feminist thinking regarding the polyvalence of experiences of Muslim women and the variegated ways in which they resist hegemonic structures to actively constitute the social relations through which they navigate. YouTube is a performative site utilized by ‘sympathetic outsiders,’ many of who identify as feminists. These women are also part of re-imagination of Muslim women as legal subjects and legal agents. They engage in persuasion and affective practices that also reconstitute normative Muslim femininity. These allies influence and ultimately shift normative expectations of Muslim women by inviting embodied responses to taken-for-granted assumptions about modesty and the punitive regulation of the donning of headscarves. Further, some of the more explicitly performative pieces have reached a broad public. Diana Matar is an American born photojournalist married to Libyan author Hisham Mater. Her YouTube exposé *Veiled Cairo* examines the veil as a symbol of resistance. According to her, young women have reclaimed the veil beyond a symbol of religious observance, to include a critique of the government's alignment with the West and a counter-performance of culture in response to older generations.<sup>42</sup> In a more performative register, consider the work of performance artist *Princess Hijab* who works in Paris' metro system. She “hijabizes” - meaning paints hijabs on - subway billboards. In her posted YouTube commentary, she explains that she is “creating an artistic universe by giving my models a new visibility, a different point of view, which can be disturbing” (Al Jazeera 2010).<sup>43</sup> While taking no explicit position for or against the hijab, her work nonetheless enjoins her interlocutors to test their normative commitments vis-a-vis the social practice of donning headscarves through a critical commentary of other norms around the uses of public space, patterns of consumption and the regulation of women's bodies. Similarly, two other French women have used interactive communication and new media technologies to produce overt political commentary on laws that force women to disrobe in public (Niqabitch 2010b). Their video ‘Niqabitchsecoue Paris’ (*Niqabitch shakes Paris*), posted September 19, 2010 on *Rue89.com*, features two women donning niqab but in short skirts, bare legs and pencil heels walking through the streets of Paris. The video was accompanied by an explanatory text and statement in which Niqabitch explain their intentions:

We were not looking to attack or degrade the image of Muslim fundamentalists ... but to question politicians who voted for this law that we consider clearly

<sup>41</sup> I thank Silmi Abdullah for this insight.

<sup>42</sup> <http://www.youtube.com/watch?v=BKMnZjbi0o>

<sup>43</sup> On various modes of “niqab activism” by performance artists, see Moors (2011).

unconstitutional ... To dictate what we wear appears to have become the role of the state (translation).<sup>44</sup>

What this performance piece does so beautifully is to unveil that reality that under the pretence of advancing Muslim women's empowerment and equality, opposition to head and face coverings in the form of legal regulation serves to further marginalize Muslim women. It also puts into sharper relief the niqab-wearing French women who, following the enactment of the law, protested by going in public donning their head and face scarves and who were ultimately arrested for so doing (AFP 2011).

These pluralist discourses channelled by Muslim women and their allies mirror many feminist arguments articulated in different forums. In Canada, a number of feminist organizations recognized the niqab ban as discrimination. For the most part, however, many organisations expressed ambivalence regarding the garment itself and argued in favour of respecting women's autonomy and the meanings they themselves attribute to particular adornments (including the donning of the niqab).<sup>45</sup> Their feminist message remains that women's empowerment is not furthered when women are forced to disrobe. Unlike such mainstream feminist movement, however, these performance artists navigate other modes of normativity – laughter. Humour and social criticism constitute a normative terrain that may irritate and shock their audiences into questioning their assumptions about the niqab and the values that inform its formal and explicit state-based regulation.

## 6. Conclusions

While transgressive and transformative potential attaches to any media, a few notes of caution are in order. Namely, the limited success of 'alternative' representations of the veil to disrupt more orthodox or dominant discourses (Behiery 2009); whether SNSs can truly be considered part of a broader expression of a new collective imagination regarding Muslim women – especially given the limitations in terms of access to SNSs along age and class lines, the reach of more earnest and immediate commentaries such as those found on Wisemuslimwomen.org compared to the more cheeky performance pieces that have, in some cases, 'gone viral' the reality that regardless of the production and circulation of alternate subjectivities, the spectacle of terrorism continues to be used in an effort to discipline Muslim women.

Within the ethos of pluralist inquiry, I highlight how women have, nevertheless, used YouTube to respond to and reconfigure more entrenched discourses around Muslim femininity circulated elsewhere, such as informal institutionalized state-based law, mainstream/Western feminist discourses, and in popular cultural productions. I have found that Muslim women deploy social media to constitute or express and reframe their multiple subjectivities and to represent and evaluate their own understandings of feminism, normative femininity, religious practices, including the multiple meanings that attach to the donning of Islamic headscarves.

<sup>44</sup> Translation from the original text (see NiqaBitch 2010a): « Nous n'avons certes pas monté d'association, ni manifesté notre réticence à cette loi en défilant dans les rues, mais plutôt fait le choix de détourner la représentation classique que l'on a du niqab. Mettre une simple burqa aurait été trop simple. Alors on s'est posé la question : comment réagiraient les autorités face à des femmes portant une burqa ET un minishort ? *On ne cherchait pas à attaquer ou à dégrader l'image des intégristes musulmans -chacun son trip. Mais plutôt à interpeller les élus de la République qui sont allés au bout du vote de cette loi que l'on estime être largement anticonstitutionnelle...* Et puis finalement, le LOL c'est bien pour dénoncer non? » (emphasis mine).

<sup>45</sup> See: Déclaration de l'Institut Simone de Beauvoir à propos du projet de loi 94 [online] submitted to the Consultation on Bill 94, National Assembly of Quebec. The Women's Legal Education and Action Fund (LEAF), the Canadian Congress of Muslim Women, Metropolitan Committee on Violence Against Women and Children (METRAC), and a group of feminist professors from l'Université Laval all argued against the proposed bill.

Despite the continued fascination and fetishization of Islamic headscarves in Western popular media and in Western feminist discourses, Muslim women and their allies wield user-generated video-sharing sites to reframe the debate around the niqab, to disrupt externally imposed subjectivities that attach to women who don Islamic headscarves. They deploy new forms of media to consider their roles as constituents of new understandings of modesty, the normative expectations associated with it, their commitments to and interpretations of holy texts, and the rules around dress they embody, reinforce, challenge, and reconfigure in their multiple networks of interactions. YouTube and other social networking sites can thus be a means through which to articulate meanings about the niqab in ways that are framed and communicated by the women most concerned with the regulatory practices associated with the act of veiling. They are also a space in which Muslim women and their allies can shift the debate from the ontology of the veil to interrogate other modes of discrimination and oppression women truly face. Visual media such as YouTube does have these effects in the social world: whether through the activation of mental, psychological, or emotional responses in a spectator through embedded ideologies in individual artifact.

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