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ARTICLE

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

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Abstract

Martha Nussbaum in her *The New Religious Intolerance* (2012) commits several old forms of epistemic vice including exclusion, orientalism, and colonial discourse. Unsurprisingly, as a result, her text contributes to the production of ignorance about Muslims and Muslim women despite her intention of combating Islamophobia. In this article, I specifically critique Nussbaum's anti-burqa-ban arguments and her pro-airport-profiling stance. To do so, I draw on the work of Audre Lorde and other feminist scholars and scholars of color to express the harms of excluding Muslim voices and misusing Western/white voices in their place. Recalling Edward Said, Marilyn Frye, and María Lugones, I argue that Nussbaum's text is a classic example of orientalism and various forms of colonial discourse.

If you come across Martha Nussbaum's *The New Religious Intolerance* (2012) in a public bookstore, you will notice the eye-catching image on the cover. It is of a little girl, not more than 10 years old, wearing a yellow headscarf. Behind her, women are wearing deep long blacks and blues; they are lined up in prayer. Their faces, directed away from the audience's gaze, are almost entirely hidden. The little girl is not praying. Her yellow headscarf is stark against the black dress of the women behind her. Yellow—as if playful, as if to suggest her innocence. She is looking off into the distance with a concerned look in her eyes—as if she is worried about her future, as if to suggest her older than she is. The subtitle Nussbaum chooses, "Overcoming the Politics of Fear in an Anxious Age," seconds this suggestion. Only seeing the cover, the audience might be led to believe that the book will provide an answer for the worried girl in a yellow headscarf; it will speak to her anxieties and fears, or those she may have yet to grow into—or if nothing else, it will at least be about her story, otherwise, why would it display her image in this way? They will be wrong. Aside from using her image, this book is not about her, or the Muslim community at all. What it serves to demonstrate and remind both her and all of us is that colonial discourses about Muslims have not gone anywhere.

The New Religious Intolerance includes Nussbaum's anti-burqa-ban arguments, which first appeared in her article, "Veiled threats?" (2010b), alongside longer

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

In this article, I zoom in on Nussbaum's anti-burqa-ban arguments and her pro-airport-profiling discussion to demonstrate how she commits several forms of epistemic vice. I first provide a general idea of Nussbaum's approach and a focused summary of her anti-burqa-ban arguments. Following this, I recall Audre Lorde, Edward Said, and others in my critique of Nussbaum's exclusion, orientalism, and colonial discourse. I then move on to a summary of Nussbaum's distinction between rational and irrational fear rhetoric for the sake of illuminating the logic behind her pro-airport-profiling stance before I demonstrate that her take on airport profiling is Islamophobic and dangerous. In the last section, I further criticize Nussbaum's text following two other accounts of colonial discourse: María Lugones' account of "boomerang perception" and Marilyn Frye's account of "arrogant perception." Overall, I prove that Nussbaum's 2012 text commits many old epistemic vices, long identified by feminist/decolonial Black/Indigenous/Palestinian scholars/scholars of color, and that, consequently, it produces ignorance about Muslims, and instead of combating Islamophobia, it overwhelmingly serves to sustain it.

Nussbaum's anti-burqa-ban arguments

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

Nussbaum notes two approaches to freedom of religion and freedom of conscience. The first is derived from John Locke (1689). Locke says that human dignity is respected and protected when laws: (a) "do not penalize religious belief" and (b) "are non-discriminatory about practices," i.e., that the same laws apply to all individuals or

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groups in matters of religious activity (71). Locke provides a useful example: a persecutory law is one that bans immersing a body underwater when it is for the sake of baptism but not when it is for the sake of health or recreation (Nussbaum 2012, 71, 103; Nussbaum cites Locke 1689, 69).

The second approach is the accommodationist approach of Roger Williams (1603–83), a Puritan minister who fought for the separation of Church and State. Williams recognized that laws made under a democracy always suit the convenience of the (constructed or so-called) majority group, and specifically, that laws favored settlers and their religions, leaving Indigenous peoples and any minority groups, including followers of smaller religions or denominations, behind. He believed that the best way to protect a minority group's freedom of conscience is to allow them special exemptions or accommodations. This approach made it possible for the Quakers to be excused from serving in war against their religious beliefs (Nussbaum 2012, 76–77). The demand for a careful balance between an individual's interpretation of their religion and the credibility of that interpretation makes this approach laborsome; for that reason, it is only utilized on a case-by-case basis in the US, whereas the Lockean approach, being less laborsome, is typically utilized.

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

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

Security and transparency

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

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"Along the streets we walk, hats pulled down over ears and brows, scarves wound tightly around noses and mouths, no problem of either transparency or security is thought to exist, nor are we forbidden to enter public buildings such as department stores, airports, and banks so insulated." (106). Nussbaum stresses that her discussion is meant to establish "the invidious discrimination inherent in the belief that the burqa poses a unique security risk" (108). She pushes back against the idea that, in the current "era of terrorism, … it is legitimate to suspect women wearing the burqa" by stating that if "I were a terrorist in the United States or Europe, and I were not stupid, the last thing I would wear would be a burqa" (107). Instead, she amusingly states, "I think I'd dress like myself in the winter", referring to her bulky scarves, hats, hoods, and long coats (107). She acknowledges that in certain contexts, like in a courtroom, on a driver's license or passport, and in an airport, it is necessary for faces to be identified, but this is a non-issue since most burqa-wearing women agree. That burqa-wearing women show their faces on government IDs or go through "metal detectors, body imaging, pat downs and so on" all fall under what Nussbaum sees as reasonable courses of action that are fair in response to the presumed threat that any "nonrevealing clothing" creates (107).

In this section, she also addresses the appeal to security arguments that are formulated as follows: "even if a burqa ban would be both overinclusive (banning dress worn by harmless peaceful women) and underinclusive (failing to ban many forms of attire that terrorists might choose), still it is a good proxy for what is truly dangerous, and this sort of profiling is perfectly legitimate" (109). In response, Nussbaum states: "We can certainly debate the empirics here, and we should. But within reasonable limits we do think that airports are entitled to use some types of profiling in determining who to search. This, however, is not what we are contemplating" (109). She goes on to clarify that the discussion is not about "extra searches but an outright ban on all public wearing" of the burqa and in this case, the over- and the under-inclusive nature of it unjustifiably targets harmless conduct and fails to truly target harmful conduct. Here, Nussbaum draws a parallel to "Chicago's short-lived Gang congregation Ordinance" which prohibited "criminal street gang members" from loitering in public spaces and was vague enough that it could target anyone wearing colors associated with a gang and gathered in a group (110). She notes that burqa ban proposals citing security and transparency are even weaker than the inept Gang Congregation Ordinance because in the latter there was "strong evidence of a correlation between gangs hanging out around a place and crimes in that place," but there is no similar evidence for a correlation between Muslim women in a public place and crime in that place (111). Lastly, Nussbaum argues that the inclusion of "moderate Muslims citizens in our societies" is "not just a gesture of respect, it is also a strategy of prudence" because "they, afterall are invaluable sources of information about threats to safety posed by Islamic radicals" (111). Moreover, if Muslims feel that the law is "theirs and they are fully respected," then, they will be more likely to turn to police and investigators (111).

Addressing claims that the burqa should be banned because of *transparency* reasons, Nussbaum points out, as was mentioned earlier, that there are many contexts and professions where people do not complain about interacting with individuals who have their faces partially or fully covered (i.e., health care professionals, athletes, or individuals covering up due to weather conditions). To further drive her point home, she recalls her experience covering her face, with a facemask and sunglasses, for a number of weeks. She did this to protect herself while her office was under construction. Reflecting on her interactions with others, she states that although people found it

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weird at first, they quickly understood, and she did not feel like her personality was "stifled" (112). Generally, she reminds us, that people are used to accommodating others with differences for the sake of effective communication and connection. And they do so—or ought to do so, with people that have disabilities that limit the modalities of communication possible for them, deformities, or mental illnesses that might make them appear odd-looking and strange (112–13). Treating people with disabilities in a way that is consistent with those without disabilities allows the former to access more opportunities and fulfillment, and collectively "expands our moral imagination" (113). With these examples, Nussbaum intends to show that not seeing someone's face or looking odd is not—and should not be perceived as—a big obstacle to communication and human connection, and it is a weak reason to think that the burqa is a custom that should be banned.

Objectification

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

Coercion

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

In a similar vein, Nussbaum utilizes an example from her own life to show that coercion is common and often tolerated. Nussbaum's father held anti-Black views and she shares that he "threatened to disown me if I appeared in public in a group that contained African-Americans" (126). When she was old enough, she had opportunities to change her ways and break away from her father's rules. If coercion is the case, she presses on, we must simply work on securing exit opportunities for young women so they can have safe ways out. Strategies to encourage this include insisting that girls are educated and have the means to pursue decent employment opportunities (127).

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

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

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

Health

Lastly, in response to arguments claiming that the burqa is bad for a woman's *health*, Nussbaum points to the health risks of plastic surgery and high heels. The burqa is often seen as "unhealthy, because it is uncomfortable and hot," however, it is also known to be practical and protective from weather conditions in some contexts (129). In any case, practices like high heels and plastic surgery have known health risks but we do not seem willing to ban them for health reasons, so health should not be a sufficient reason to ban the burqa.

Old epistemic vices: exclusion, orientalism, and colonial discourse

So far, I have provided a summary of Nussbaum's anti-burqa-ban arguments. I have chosen to focus on that part of her text because it is one of the more obvious areas where the perspectives of Muslim women and Islamic scholars ought to be relevant. However, even there, she manages to keep Muslims and any appropriate literature excluded. In this section, I critique this exclusion following older criticisms of white/Western feminism from Fatema Mernissi, Nawal El Saadawi, Milica Vajrathon, and Audre Lorde. I then discuss orientalism and colonial discourse starting with Edward Said's original account. With these views in mind, I move on to focus on specific instances where Nussbaum commits these epistemic vices.

Exclusion

Nussbaum's text prompts me to respond with the words and experiences of feminist scholars of color who have already long addressed the epistemic and social injustice of exclusion, i.e., excluding input or appropriate collaboration from the group one is studying or claiming to be concerned with. Over 45 years ago, Fatima Mernissi (from Morocco), Nawal El Saadawi (from Egypt), and Mallica Vajrathon (from Thailand), wrote a joint article explaining how the context and perspectives of Third World Women were ignored by Western feminists at the Wellesley conference on June 2–6, 1976. They write that this exclusion was coupled with Western feminists "interpreting for us our conditions, our culture, our religion and our experiences" and resulted in the obstruction of a serious egalitarian dialogue (Women and development: the Wellesley conference, El Saadawi et al. 1977). Nussbaum's failure to include Muslim women's voices or informed scholarly viewpoints on veiling and airport profiling, coupled with her own account of these practices and conditions, similarly interprets

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for Muslim women their experience and hinders the potential for accurate, fruitful, and egalitarian dialogue.

In the same vein, this old lesson was taught by Audre Lorde in "The Master's Tools" (1984). Lorde states, "it is a particular academic arrogance to assume any discussion of feminist theory without examining our many differences, and without a significant input from poor women, Black and Third World Women, and lesbians" (110). She said this at the Second Sex conference that took place in 1979 with the theme, "The Personal and the Political." At this conference, Lorde commented on papers dealing with difference but the conference itself failed to demonstrate that her voice and experiences, along with those of Black women, lesbian women, Third World Women, and poor women were critical to the discussion. Lorde discusses the impact of this exclusion:

> To read this program is to assume that lesbian and Black women have nothing to say about existentialism, the erotic, women's culture and silence, developing feminist theory or heterosexuality and power. And what does it mean in personal and political terms when even the two Black women who did present here were literally found at the last hour? What does it mean when the tools of a racist patriarchy are used to examine the fruits of that same patriarchy? It means that only the most narrow parameters of change are possible and allowable. (110–111)

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

Max Fisher wrote a review of Nussbaum's "Veiled Threats" article (2010b), the review (Fisher, 2010) was published in *The Atlantic* with the title: "Martha Nussbaum calls for end to burqa bans: The famed professor cites everyone from Locke to Scalia". But she does not cite everyone—does she? She cites *no one* that wears the burqa; *no one* who has intimate experience with it; and *no one* that has researched it adequately. Nussbaum's text begs the questions: why weren't Muslim voices cited? Why weren't Islamic feminists cited? And why was "everyone else"? Imperialism is not a thing of the past. The Muslim American women that Nussbaum claims to be concerned with are still working on reclaiming themselves outside of old and ongoing imperialist constructions. To do so, they—at the very least—need to be included in discussions concerning them.[2]

Orientalism and colonial discourse

Part of what one can expect to occur with exclusion includes false and made-up tropes or ideas about the group under discussion. These are not random or new and they can come off as more credible because they are supported by already existing false

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constructions meant to demonstrate Western superiority and serve hegemonic structures. This brings us to what Edward Said (1978) called "Orientalism." Specifically, in relation to academia and scholarship, Said introduced and defined Orientalism as "the corporate institution for dealing with the Orient—dealing with it by making statements about it, authorizing views of it, describing it, by teaching it, settling it, ruling over it: in short, Orientalism is a western style for dominating, restructuring, and having authority over the Orient" (3). Said also specifies that a colonial discourse is one that presents the Orient (this is not strictly defined but in Said's usage includes the Middle East and Far East) as other. He expresses the disconnect between what the Western imaginary constructs as Oriental and his own knowledge of reality in his home country, Palestine, and the Middle East, explaining that the construct of the Orient is entirely fictional. Both concepts, "the Orient" and "the West" do not have "any ontological stability"—the latter is "made up of human effort, partly affirmation, partly identification of the Other" (xiv). Hence, the construct of the Orient/Oriental is entirely false; it is designed to serve, justify, and advance colonialism and colonial interests. A colonial discourse presents the Orient as other by presenting it/its people with falsehoods and in a way that serves, justifies, or advances colonialism and colonial interests.

Chandra Talpade Mohanty (1984) identifies the various ways Western feminist texts participate in colonial discourses that specifically present third-world women as Other. For instance, Mohanty, closely following Said, discusses how colonial discourses treat "third-world women" as a monolith to be appropriated and codified to meet colonial interests. One way that third-world women are often treated as a monolith is by emphasizing one specific version of a religious ideology and entirely disregarding the many differences in class and positionality between women. Creating this monolith flattens the cross-cultural study of third-world women.

Linda Tuhiwai Smith (2012) identifies a similar pattern with respect to the treatment of Indigenous peoples; she explains that Western colonial scholarship reduces the complexities of the Indigenous Other's lifeways and moral heritages, creating "systems of representation" which set up "a standard model of comparison" (34–35). Fatima Mernissi, addressing Western readers in the preface of her *Beyond the Veil: Male-Female Dynamics in Modern Muslim Society* (1987), points out and cautions that when Western feminism is taken as the reference point for discourse on Muslim women, that is, when women's liberation in the Middle East and North Africa region is measured by the events in western countries, "an analysis of the situation of Muslim women" is blocked and kept at "the level of senseless comparisons and unfounded conclusions" (7).

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

Roger Williams: the greatest of all thieves

Nussbaum's (2012) discussion of Roger Williams relies on the exclusion of Indigenous knowledge; it is orientalist, and it is a colonial discourse. Nussbaum praises Williams' so-called long-lasting friendships with Indigenous peoples and Chiefs, Canonicus and his successor, Miantonomi, likely for the sake of demonstrating that he took steps to learn about the culture and practices of Indigenous communities. She presents Williams to her readers as an example of what a white Westerner should aim for when approaching Muslims or presumably any non-white group. But to think of

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Williams as an ally or defender of the rights of Indigenous peoples is not only a false construction, it is an absurd ignorance. Williams was a colonialist leader, i.e., his purpose in Rhode Island was, by definition, an act of violence against Indigenous people. Despite some of Roger Williams' recorded statements advocating for "better" treatment for Indigenous peoples, it was his own hands that led in the theft of Indigenous land; and it was he who assisted in enabling and advancing the genocide and enslavement of Indigenous peoples. He himself enslaved an Indigenous male child.[3] The paradox and insult apparent in referring to a colonial leader as a "champion for indigenous rights" is, in reality, blatant, but within an orientalist framework such as Nussbaum's, this paradox and insult is postured as truth without any pause.

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

When it comes to her presentation of Roger Williams, Nussbaum chose to exclude Indigenous knowledge and to advance a view of history that is whitewashed, fictional, and serves colonial interests. Given the availability of decolonial knowledge relevant to Indigenous communities and Indigenous accounts of Roger Williams, Nussbaum's choice to advance this colonial discourse is especially unacceptable.

Weak analogies

To resist advancing a colonial discourse, analogies between the white Western experience and that of Othered groups need extra work. They need to be held up with context that appropriately addresses any relevant facts or nuances. This extra work is required if the surrounding discussion fails to do that work, and even more so, if the analogies are being used to substantiate a conclusion. Nussbaum's analogies, as well as the rest of the book, fail to do that extra work and because of her utilization of the Lockean approach, the analogies substantiate her conclusion. The analogies she provides overwhelmingly focus on the white Western perspective, hardly discussing the burqa or Muslims at all.

On the one hand, it is appropriate to acknowledge that the burqa, and veiling more broadly, like make-up, high heels, and certain plastic surgeries, are all practices that are historically and currently tied to woman's social status, and all arguably, in similar ways, sexualize women or emphasize women as sexual beings. Making a point of this to a prejudiced audience can help show the inconsistency of seeing Islamic practices as uniquely sexist or ultra-patriarchal.[4] In this sense, Nussbaum's message of inconsistency is an important one that can push some to question their Islamophobic beliefs.

On the other hand, Nussbaum's analogies fall short because they present an image of Muslim women that is overly simplified and dependent on perceived similarities with Nussbaum herself, or with popular Western practices. If the sympathy one may hold for Muslim women in burqas is fragile enough to collapse upon breaking away from said perceived similarities, then it cannot withstand enough to actually combat the

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Otherness of Muslim women. To echo Lorde, "it means that only the most narrow parameters of change are possible and allowable" (1984, 111).

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

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

Women that wear the burqa in the US have highlighted the way that non-Muslims expect them to explain and teach them about the burqa and Islam upon every encounter. While it is not the case that every interaction of that sort is terrible, it is concerning that non-Muslims often feel entitled to interrupt and question Muslim women. They do so, as though looking for indications that the Muslim woman in their vicinity has good judgment and that at least *she* is not a threat. That is to say, the background default assumptions are that she has poor judgment and is a potential threat. These items are not part of the contextual background of someone approaching Nussbaum with curiosity about her facemask and sunglasses.

This added context emphasizes what is ignored and dismissed in Nussbaum's discussion; it challenges the anti-Muslim reader and counters orientalist stereotypes of the veil and of Muslim women.

The case of Turkey and imperialist feminism

In Turkey, 1978, the headscarf was banned for all government employees. This ban was extended to universities following the 1980 coup d'état. These bans continued a trend whereby the Turkish state marginalized women in headscarves and did so to gain support for the Kemalist government. Later, in what is called the "February 28 Process," a military intervention in 1997, the military imposed policies "for the eradication of public signs of Islam and the revitalization of the Kemalist ideology in socio-political life" (Akbulut 2015, 434). Kemalist ideology has made a point to construct Muslims as Others; and it is especially within this context that the banning of the headscarf targets Muslim women as a way to showcase dominance against Muslims. Leaving out this context, Nussbaum fails to identify the ways in which Muslim women are marginalized by the Kemalist ideology.

Nussbaum's take on the Turkey ban is inaccurate. She asserts that the ban was passed to protect unveiled women from public harassment, but the actual rulings on the headscarf ban have nothing to do with protecting women from public harassment. The ban

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is consistently supported in terms of secularist principles and interpreted to mean that covered women in public spaces are a threat to national security (see Akbulut 2015 and Tok 2009).

Additionally, Nussbaum claims that the degree of public harassment against unveiled women warranted banning all women from veiling, but in reality, what has been observed regarding public harassment shows that it did not matter what a woman was wearing, and it specifically did not matter if a woman is veiled or unveiled (see Abdelhadi 2008). The correlation between sexual harassment and wearing revealing clothing is a myth and one that is used to victim-blame. Importantly, the false claim that unveiled women need "protection" functions to make it appear justifiable that we burden veiled women, and conveniently makes the Kemalist secular-nationalist policing of women's bodies appear reasonable and necessary.

Serene Khader's discussion of imperialist feminism is useful here. Khader examines how Western feminists aiming to show solidarity with Other women end up advocating for imperialist feminism. She points out several reasons why this happens, among them is the failure to realize that "women have interests besides gender interests—including human interests, such as basic health, and other group-based interests, such as interests in not being victims of imperialist domination" (Khader 2019, 12). Nussbaum's response to Turkey's headscarf ban directly prioritizes resisting sexism by inaccurately asserting that the ban is the result of a one-dimensional concern related to sexual violence and ignoring all other axes of oppression, including Kemalism, secularism, and imperialism. Although, since Nussbaum, in addition to getting the facts wrong, perpetuates a victim-blaming narrative, she fails to reject sexism as well.[5]

The "blanket example"

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

Even if Nussbaum approached burqas and burqa bans with a more informed viewpoint, it would not be a good idea to use this as a blanket example for other kinds of Islamophobia. In addition to the way this example intersects with gender, sexuality, race, and politics, it is a difficult example to apply to other instances of Islamophobia because burqas are not a core aspect, or even *an* aspect, for the majority of Muslims, particularly in the West. When burqa bans are presented as a blanket example of Islamophobia, we are encouraged to view burqas as more representative of Muslims,

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even though that does not match reality. Consider Mona Eltahawy's response to the claim that the French burqa ban is just like the Swiss minaret ban. Eltahawy states that the Swiss ban on *masjid* (mosque) minarets is a ban on something that can appropriately be said to symbolize Islam, whereas the ban on burqas is a ban on something that can only symbolize the Islamic Right (Eltahawy 2010). Although, as Eltahawy also reminds us, women's faces, bodies, and identities should not be understood as symbolizing a religion to begin with (2010). She opposes the burqa not simply because she opposes the Islamic Right, but also because she believes that it truly gets in the way of one's ability to be differentiated as an individual and to fully communicate with others. Opposing both Islamophobia and the burqa, she argues in favor of the ban.

I agree with Eltahawy about the distinction between the Islamic Right and Islam more broadly. I find that her criticism of the burqa is fair and deserves more attention from Muslim communities. That said, I do not agree with her stance on burqa *bans*. Burqa bans, like mandates, send the message that differentiating between burqa-wearing and non-burqa-wearing Muslim women, and Muslim women and non-Muslim women, on the basis of how much one is covered/uncovered is legitimate. It puts into law dangerous justifications for policing the bodies/appearances/whereabouts of Muslim women or "Othered" women, and it positions them in contrast to non-burqa-wearing Muslim women and non-Muslim women. This is especially dangerous in our current political climate where the burqa continues to be instrumentalized, permitted or denied at the whims of those with political power, and that this is the case is an illustration of the fragility of Muslim women's freedoms.

Within a colonial discourse, the hegemonic structure of the West's superiority relies on archetypal images like "the Muslim woman" or "the veiled woman." One might think that rejecting or subverting this structure must imply elevating the veil, something that falls in line with the Islamic Right. But this is not the way to go—seeing the Muslim/veiled woman as a universal image in any capacity, i.e., as one that symbolizes Islam, or as wholly the empowerment or the oppression of women, are all endorsements of a colonial discourse that is reductive and fails to engage with actual Muslim women. To get beyond this is to participate in a deconstruction of the colonial narrative, and to make sense of difference (in terms of position, geography, power, and so on) between Muslim women.

Nussbaum on rational and irrational fear rhetoric

Returning to Nussbaum's (2012) text, in this section, I provide a summary of her discussion on rational and irrational fear rhetoric. This is a critical part of her account because it sheds light on what is meant in her description of Islamophobia as acts/events driven by irrational fear, and it shows us how she goes about her claim that airport profiling is non-Islamophobic.

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

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Hurricane Irene

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

Airport profiling

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

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

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

The minaret ban

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

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

Apart from reeking of falsehoods, this sort of Islamophobic rhetoric is also often heard from careless politicians and results in an increase in hate crimes. Nussbaum specifically cites the 2011 Norway tragedy that murdered 77 people, committed by the far-right terrorist, Anders Behring Breivik. Breivik was discovered to be linked with radical far-right, anti-Muslim groups and authors. These included the group, "Citizens for National Security" which imagined Muslims as analogous to how Jewish people are constructed in *The Protocols of the Elders of Zion*. In *The Protocols*, a "naive Europe, heedless while under siege from a hidden enemy" (i.e., the Jewish people) is depicted (Nussbaum 2012, 48). The Jews imagined in *The Protocols* are not to be trusted because they always conceal and deceive, they stick together for the sake of their own domination (and that is, world domination), and they take all other races to be inferior. To the "Citizens for National Security", Egypt's Muslim Brotherhood (a political party that has arguably functioned in line with both moderate Islamic and democratic ideals), is painted as intentionally complex for the sake of concealing and deceiving (52). The group links 6,000 Muslim Americans to Egypt's Muslim Brotherhood and deems them a threat (52).[6] According to Nussbaum, both the ban on *masjid* (mosque) minarets and the 2011 Norway catastrophe are examples of Islamophobia driven by irrational fear.

A critique of Nussbaum's pro-airport profiling stance

Nussbaum's centering of rationality in a discussion that requires differentiating between Islamophobic and non-Islamophobic acts is problematic. With her focus on irrational and rational fear rhetoric, anything that can be framed as a belief about, or a response to, a genuine threat, can be considered rational and non-Islamophobic. In the following, I argue that Nussbaum's treatment of airport profiling is dangerous as is her description of Islamophobia as actions "driven by irrational fear" rhetoric.

We know better: racial profiling does not work and creates more harm

For starters, airport profiling is a form of racial profiling. Racial profiling is the targeting of "racial, ethnic, and cultural minorities by law enforcement agencies for stops, searches, or arrests" (Bah 2006, 78). In its extreme, it leads to police brutality, that is, the use of unnecessary and "excessive force or cruel and inhuman treatment against suspects by law enforcement agents" (Bah 2006, 78). Racial profiling in the US has been heavily criticized for being unconstitutional because it threatens the civil liberties of minorities—and although this has been recognized at least going back to *United States v. Brignoni-Ponce* (1975), the issue persists (Bah 2006, 79). This discriminatory treatment of traditional minorities—that is, Black people, followed by Hispanic people—has since 9/11, included Arabs, and Muslims (Bah 2006, 79; Abualnaja and Nayer 2019). This has been "eloquently expressed in common phrases such as *driving while Black*, *driving while Brown*, *flying while Arab*, and *flying while Muslim*, respectively" (Bah 2006, 78).[7]

As Bernard E. Harcourt puts it, racial profiling "as a defensive counterterrorism measure necessarily implicates a rights trade-off: if effective, racial profiling limits the right of young Muslim men to be free from discrimination in order to promote the security and well-being of others" (2006, 1). Given that we do not have empirical

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proof in its favor, and we have reason to believe it might backfire, there is no justified reason to make the rights trade-off. Harcourt explains that racial profiling, like any counter-terrorism or defensive policing technique, can potentially "backfire." A backfire occurs when the implemented technique results in an increase rather than a decrease in the long-term incidence of the targeted offence. It often occurs because terrorist organizations respond by switching their method entirely, or in the case of racial profiling, by recruiting outside of the targeted demographic. Hence, even in the case that one is truly utilitarianist and believes in the rights trade-off implicit in airport profiling, one should still find that airport profiling is unjustified—not only because it is ineffective, but additionally because it can backfire and lead to an increase in terrorist attacks.

Furthermore, Nussbaum does a great disservice to Muslims, and "perceived-as-Muslim" groups, when she advocates for something like hiding or manipulating the Arab/Muslim bias in policies that can appear fairer to the public than they really are in practice. This is worrisome because it advocates for a policy that is intentionally designed to profile Muslims, but simultaneously and strategically includes modifications to hide this goal. For instance, Nussbaum specifically states that tweaks to the system need to occur so that "the public does not get used to seeing all Muslims as suspected terrorists and does not move from the availability of 9/11 as a paradigm crime to the false conclusion that a large proportion of Muslims are criminals" (Nussbaum 2012, 42). The "tweak" she offers is scanning everyone indiscriminately. This seems to mean something like searching everyone in the same manner, either by having each person pass through a body scanner or by patting each person down, with a preference for the former for the sake of time. Nussbaum states that the new full body scanners have "restored more equality in the treatment of passengers" (42). However, her concern ends with a simple appearance of fairness for public consumption because she immediately continues with: "But even now [with the new full body scanners], some profiling is probably prudent and, if executed respectfully and with good information and genuine evidence, is not as such offensive" (42). The idea that scanning everyone is done indiscriminately is contradicted by her assertion that "some profiling is probably prudent." If the purpose of scanning everyone is to hide the actual racial profiling, then it is nothing more than a method to attempt to hide the discrimination, making it more difficult to track and fight against.

Importantly, this is not unlike what activists and scholars fear to be true of the current system, "US-Visit," i.e., they fear that it appears fair on paper but that was designed to hide an intentional Arab/Muslim bias (Bah 2006, 86).[8] Nussbaum does not take into account previous nor current systems and policies, nor what activists and researchers have to say about them. She ignores this and absurdly suggests that it is "reasonable" to trust law enforcement to restrain itself from being racially biased whilst blatantly working within a system designed to racially profile.

Manipulative language and colonial discourse

Nussbaum makes light of the "downsides" of airport profiling, stating that the "catastrophic nature [of terrorist attacks] makes precaution reasonable when the only downside is longer wait lines and inconvenience" (41). In reality, airport profiling consistently puts Muslim/Muslim-appearing men and women in persecutory positions for a number of minutes, hours, or days, and in the cases of individuals falsely accused of suspected terrorism—and sometimes denied fair trials or trials at all—months, years, or their whole lives. It means missing flights and having plans fall apart. It generally heightens anxieties surrounding traveling, and can keep Muslims from engaging in

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necessary travel and maintaining distant family relationships. This is only the tip of the iceberg because being viewed as too suspicious to travel is about being viewed as a potential or suspected terrorist and this does not simply end at the airport. This rhetoric is used to justify the extreme surveillance of Muslim communities, anti-Muslim hate crimes along with discriminatory policies (ironically, like the burqa ban that Nussbaum also calls out).

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

To follow Linda Tuhiwai Smith's advice, we should be clear in asking and answering the question: Whose interests do Nussbaum's airport-profiling stance serve? (2012). To reiterate, her stance comes down to: airport profiling is reasonable insofar as it is an appropriate response to a genuine threat. In general, it is worth hesitating before the belief that any threat, however genuine, should justify the use of an ineffective system of discrimination. However, Nussbaum's statement is not general nor vague, it sounds exactly like the War on Terror narratives that have been used to justify US-initiated wars in Muslim-majority countries and the alienation of and discrimination against US Muslims. Specifically, it emphasizes that extremist Islamic terrorism is a genuine threat to national security, and that this threat legitimatizes discriminatory policies (such as enforcing the profiling of Muslims). It emphasizes that this is the most morally correct option because it is only a small dent on the Muslim population for the sake of a (falsely perceived) greater good. This narrative is utilized to cover for the dehumanization of Muslims, Arabs, Palestinians, and Muslim-appearing groups; and it benefits the colonial interests of the US, the occupying state of Israel, and their allies. Historically and currently, we have seen this narrative exploited to serve the interests of colonial powers. That Nussbaum fails to make this connection whilst still recognizing that the War on Terror narrative is a myth is absurd.

More old epistemic vices: boomerang perception and arrogant perception

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

Nussbaum's "boomerang perception"

Lugones' "boomerang perception" is a characterization of colonial discourse that draws on the work of both Edward Said (1990) and Elizabeth Spelman (1988). Lugones states

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that the white Western seer imagines women of color as both the same and monstrously different. The seer is the original, and the object of their gaze is "a mere but distorted image: image both in the sense of imagined and in the sense of a reflection, an imitation" (2003, 158). Lugones describes the white Western seer's imagination as "wavering between fear and delight," between "sameness called for by narcissism, [and] difference called forth by a sense of danger, of aggression" (2003, 158).

Reflecting on Nussbaum's text, Lugones' description of "boomerang perception" cannot be more accurate. The many flat analogies Nussbaum presents, coupled with the influx of Judaeo-Christian anecdotes where Muslim perspectives belong, illustrate that the Muslim, and the Muslim woman, in particular, is just like her or like any white Westerner. This message is one of sameness. The fact that the analogies and the overall discussion is entirely one-sided in its focus on the white Western perspective makes it reek of narcissism. Then, at a border, at the airport, at a security check—suddenly, that sameness evaporates. It becomes irrelevant. Muslims are not fellow citizens deserving of equal rights anymore, they are now "monstrously different." They are now a potential threat before they can be humans worthy of the basic right to not be discriminated against for their background and/or religion.

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

Nussbaum's "arrogant perception"

Relatedly, Nussbaum's *The new religious intolerance* can be characterized as "arrogant perception."[9] Marilyn Frye (1983) introduces arrogant perception, also called "the arrogant eye," to characterize methods of interpreting, molding, and demeaning an object of perception through the perceiver's own arrogant reference point, i.e, with reference to his own interests and desires. "He [an arrogant perceiver] manipulates the environment, perception and judgement of her whom he perceives so that her recognized options are limited, and the course she chooses will be such that it coheres with his purposes" (Frye 1983, 67). Most of our societies are structured such that meaning is oriented through a male reference point; this makes it easy and often intuitive for men to view women arrogantly. As Mariana Ortega phrases it, the arrogant perceiver views "the world and everything in it with reference to the arrogant perceiver's desires and interests" (2006, 59). Hence, the arrogant perceiver defines what counts as good or healthy, they decide who gets a say about what is good and healthy, and "goodness and health are measured by how well the arrogant perceiver's desires are satisfied" (Ortega 2006, 59). Important for my use of Frye's account throughout the remainder of this section, is Lugones' (1987) account of arrogant perception and loving perception. Lugones importantly expands on Frye's account by applying it to the way white women

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arrogantly perceive women of color. I follow Lugones' account by analyzing how Nussbaum, a white western feminist, perceives Muslim women.

In contrast to arrogant perception, consider "loving perception." This is what Nussbaum should be aiming for when writing about Muslim women, and it is what all of us should be aiming for when writing about any minority group, especially one that we do not belong to. For Frye, when one perceives lovingly, one does not "love" in the selfless traditional notion of love where the perceiver disappears; instead, one is aware of their own motivations and recognizes the motivations of the other group (Frye 1983, 75). The loving eye is careful. It does not reduce the object of perception by simplifying complexities. As Frye explains, "It is the eye of one who knows that to know the seen, one must consult something other than one's own will and interests and fears and imagination. One must *look*, and *listen* and *check* and *question*" (Frye 1983, 75; emphasis mine). It is not enough for men/white women to just look and listen to women/women of color, they must also check that they "have not invented a different reality when perceiving her," and to ask questions so they do not simplify or distort reality into what they expect it to be (60). To perceive lovingly is to genuinely want to understand the object of perception and to put one's focus on the appropriate work needed to get there.

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

For instance, she takes her time describing the fantasy and fear relevant to anti-Semitism, and with this, she includes tragic, entertaining, and sometimes tangential stories, but it concerns me that she does not give as much attention to the nature and workings of Islamophobia. Although, Nussbaum calls the "War on Terror" narratives mythological in a way that is analogous to the *Protocols of the Elders of Zion*, this analogy dangerously falls apart when she singles out an Islamophobic practice (i.e., airport profiling) as arising from rational fear rhetoric and does not demonstrate how anti-Semitic practices/sentiments (or any other form of racism) might also arise, or seem to arise, from a similar rational fear rhetoric. There is also a serious failure to make the connection to her own use of the narrative in her rhetoric condoning airport profiling. While the analogy to anti-Semitism may help those who understand and care about anti-Semitism recognize Islamophobia as worthy of concern, readers might also be left with the impression that it is more rational to fear Muslims compared to other groups, and readers will not gain a clear understanding of the nature and workings of Islamophobia.

A further indication that Nussbaum commits arrogant perception is in how simplified, limited, and homogenized her perception of Muslims/Muslim women is. The arrogant perceiver destroys any possibility/threat of heterogeneity, difference, and plurality, and it is such that everything is at the mercy of the arrogant perceiver's construction.

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Consider, for example, when Nussbaum states that since alcohol is prohibited in Islam, she expects that there is less domestic violence in Muslim households (122). This statement allows Nussbaum to control the narrative regarding what kind of Muslims she is talking about (i.e., "good Muslims"), without approaching the diverse and nuanced realities. We also saw this move when Nussbaum limited her analysis to the muslim woman who wears the burqa for religious reasons, cutting out all the women who have other reasons for wearing it; this limited the scope and direction of the entire anti-burqa-ban discussion. When Nussbaum fails to draw in contextual information for even this small scope of women, she homogenizes Muslims such that individual experiences are not relevant and are less intelligible. As Mohanty argued, it is common for colonial discourses to treat women of color as a monolith by emphasizing one specific version of a religious ideology (1984). Nussbaum emphasizes a specific version of Islam in her homogenizing view—not only of Muslim women but also of Muslim men.

But Nussbaum has good intentions?

One might push back on my characterization of Nussbaum's perception as a primarily arrogant one by pointing to the fact that Nussbaum seems to have *intended* to produce work that is informed and anti-Islamophobic. Indeed, her response article, "Beyond the veil: A response" (2010a) is a useful indication that her arrogant perception is probably not entirely for lack of trying. In this article, she addresses the criticism that she is in an "ivory tower"; i.e., that she is speaking from a place of security and privilege, disconnected from the working class. In response, she denies that she is in an "ivory tower," citing her research in India and her involvement with international development organizations. She mentions her book *The clash within* where she discusses the violence Muslims face from a Hindu neo-fascist group.[10] Given this response, Nussbaum might believe she is looking and listening to Muslims. She might even believe she is perceiving lovingly—that is, she seems to think she is contributing to the debate on the burqa and the anxieties of non-Muslims towards Islam, in a way that is informed and acknowledges Muslim voices and desires. Given her background, it is very likely that she does know what some Muslim women (both in the US and in India) are saying, despite not citing them in her text. However, to perceive lovingly, one ought to promote, or try to promote, an understanding of women of color and the simplest indication of this is to include their voices in one's discussion (to look and listen). Even if Nussbaum knows better, the fact that this is not evident in her text is an indicator that she is far from perceiving lovingly.

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

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Final thoughts

A colonial discourse, as we saw, is good at simplifying, narrowing, and imagining its subject such that the resulting discourse appears reasonable or even generous. Nussbaum's *The new religious intolerance* is heavily celebrated. She has been recognized twice with the prestigious Berggruen award and is often praised as a top feminist philosopher, and specifically for her work on women and human development (Schuessler 2018). That is to say, her work is taken, by many, as valuable and academically and morally praiseworthy. Still, I think it appears likely that the Western/white reaction to her text would have been negative if she truly identified and dismantled Islamophobic narratives, and if consequently she delivered on the anti-Islamophobic message she claims to aim for.

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

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Notes

1 Nussbaum uses the term "burqa" to refer to both the *niqab* and the burqa, I will do the same here for convenience.

2 To drive this point home, and to leave readers with a few suggestions, some Islamic feminists and secular academic feminists from a Muslim background that have written on the topics of veiling, Muslim women and Islamophobia include: sociologists Marnia Lazreg (1994, 2009, 2017, 2021) and Fatima Mernissi (1987, 1991, 1996); historian Leila Ahmed (1992, 2011); anthropologists Lila Abu-Lughod (1998, 2006, 2013), Saba Mahmood (2012); poet, novelist, and comparative literature professor Mohja Kahf (1999, 2003, 2006); literature professor Saiyma Aslam (2017, 2014, 2011); philosophers Fatima Saba (2013, 2014, 2016) and Alia Al-Saji (2010). Joan Scott Wallach is a French American historian whose work on the Islamic veil is a great contribution to the literature (see Scott 2007). Wallach is a good example of white Western scholar producing anti-orientalist work. The anthologies of essays *Cut from the same cloth?* (Akhtar 2021) and Muslim American Women on Campus (Mir 2014) are recent publications that discuss a wide array of experiences Muslim women face; both texts are particularly useful in illuminating differences of experience between Black Muslim women, south Asian Muslim women, reverts to Islam and the particular challenges each group faces from both the non-Muslim West and their local Muslim communities.

3 See Warren (2016) and Roger Williams' July 31, 1637 letter to John Winthrop.

4 Narayan (2002, 421) makes a similar point.

5 Thank you to the reviewers for raising the points addressed in this section.

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6 Abu-Lughod (2016) notably cites Nussbaum in agreement with her characterization of anti-Muslim books by right-wing Islamophobes (such as those Nussbaum mentions in association to Andres Breivik's *2083: A European Declaration of Independence*) as "paranoid thinking." While Abu Lughod is right that Nussbaum justly calls out these texts for their false representation of Muslims as deceitful and cunning, Nussbaum stops there. Consider Abu Lughod's own criticisms of the same, they are clearer and more thorough than Nussbaum's, going far enough to state some of the relevant narratives. For instance, Abu Lughod offers: "For Ye'or and those in this right-wing Islamophobic public, dhimmitude signifies a Muslim threat to the West, one that should be met by an alliance between Jews and Christians in support of Israel" (2016, 599). This highlights one of many dangerous anti-Muslim narratives legitimated through a colonial gaze—Nussbaum's text lacks the mention of any such narrative.
7 Consider the incidents that occurred during the first week following 9/11. During just seven days, the US saw 645 incidents of bias, hate, and violence directed toward Americans perceived to be of Middle Eastern descent (Mishra 2001).
8 US-Visit' was created after NSEERS, the National Security Entry-Exit Registration System was heavily criticized following the arrests of hundreds of Iranian and Muslim men that showed up at the registration office where they had been directed to go in Los Angeles in December 2002 (Bah 2012, 86 and Garvey et al., 2002).
9 Both Lugones (1987) and Ortega (2006) have importantly expanded upon Frye's (1983) account of arrogant perception and loving perception. Ortega, following Lugones and Frye, introduces "loving knowing ignorance," a subtle, but equally harmful type of arrogant perception. "Loving knowing ignorance" includes some elements of loving perception (such as looking and listening) but misses others, whether genuinely or ironically. While Ortega's work showed that white feminists 17 years ago were making some progress in attempting or trying to appear to perceive more lovingly, I found that Nussbaum's (2012) text fits into Frye/Lugones' classic account rather than that of Ortega's "loving knowing ignorance," primarily because of the absolute exclusion of Muslim voices or appropriately informed voices in her discussion.
10 Nussbaum's *The new religious intolerance* does not cite any of her work with Muslims. She cites some of her more abstract work directed at educational reform and equal rights—i.e., she mentions *Not for profit: Why democracy needs the humanities* and her capabilities approach. However, she does not cite or mention *The Clash Within* nor any particularities about Muslim Indian women.

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