

# **CULTURAL RECOGNITION AS EPISTEMIC JUSTICE: WHEN THE VEIL GIVES VOICE**

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## **INTRODUCTION**

Can we unite the philosophical debates of cultural recognition and epistemic justice in order to respond to the following question: *the veil gives voice*? That is, when analyzing the conflicts of the debate on whether Muslim women wearing veils are or not supposed to be “saved” from this kind of supposed “oppression”, we can note that there are various philosophical, political, and moral questions intersected in this debate.

In this paper, we shall introduce the question of the veil in an interdisciplinary manner, starting from the discussion of anthropologist Lila Abu-Lughod, and the French case law, with Dawn Lyon and Debora Spini. Then, we turn to the central philosophical debate, in our enterprise to unite the cultural recognition debate and epistemic justice, with critical theory author Nancy Fraser and the ethics philosopher Miranda Fricker.

## **UNVEILING THE DEBATE**

Lila Abu-Lughod asks whether anthropology has anything to offer in order to elucidate the issues that surround the supposed “war on terrorism” in which Afghan women are in a supposed position to be saved and liberated by Western actions and values. She has a critical vision on the discipline’s complicity in a reification of cultural difference in relation to Muslim women and their supposed need for salvation from the Islam (2002:783).

Moreover, she wants to question why the cultural matters, such as religious beliefs and the treatment of women, was more urgent than the problems concerning the development of repressive regimes and the U.S. role around this (2002:784). In her words,

Such cultural framing, it seemed to me, prevented the serious exploration of the roots and nature of human suffering in this part of the world, Instead of political and historical explanations, experts were being asked to give religio-cultural ones. (ABU-LUGHOD, 2002:784)

That is, most Western discourses imply the question of women oppression to sometimes justify the “war on terrorism” and the violent rule in certain Eastern countries. It is about selective concerns that focus on the veil, for example, as a major issue of oppression, while giving little support for women’s education or the suffrage (2002:784). Abu-Lughod uses the term from Leila Ahmed (1992), “colonial feminism” to talk about this kind of situations.

Her major example about this kind of situation is how feminist anthropologists (and in common popular sense) view the use of the burqa by Afghan women under the control of Taliban, but she mentions the fact that, even after the Taliban liberation, some women still chose to continue wearing the burqa (2002:785). She claims that it must be no surprise, since it was not the Taliban that invented the use of the burqa, but it comes from more deep cultural traditions of certain ethnic groups in the country. It symbolized women's modesty, respectability and the separation of the women's and men's spheres, in which women are located with family and home, outside the public spaces where strange men walk around (2002:785). Plus, it enables women to move out of segregating spaces, that is, they can move around the public spaces without losing the protection from their homes (2002:785). Abu-Lughod also draws an analogy comparing whether Western women would find it appropriate to go to the opera wearing shorts – that is almost the same cultural motive by which Afghan women would not go out without their burqas (2002:785).

As anthropologists know perfectly well, people wear the appropriate form of dress for their social communities and are guided by socially shared standards, religious beliefs, and moral ideals, unless they deliberately transgress to make a point or are unable to afford proper cover. (ABU-LUGHOD, 2002:785)

She claims that there are many forms of covering, that have different meanings within different communities, and the veil is not a matter of lack of agency: “One of the ways they show their standing is by covering their faces in certain contexts. They decide for whom they feel it is appropriate to veil” (2002:786). That is, the veiling does not necessarily mean the major expression of women's oppression and unfreedom, and also, we must ask ourselves what “freedom” even means in a pluralistic social world built in many different cultures and contexts (2002:786).

To her, it is time to give up the “Western obsession” with the veil and focus on other serious matters. The only significant political-ethical problem that comes along with the burqa is how to deal with the cultural “others” that are built by Western views (2002:786). She claims that “cultural relativism” should be avoided. The first thing to do so, she claims, is the acceptance of the possibility of difference: “Can we only free Afghan women to be like us or might we have to recognize that even after ‘liberation’ from the Taliban, they might want different things that we would want for them?” (2002:787). That is, we can accept that there are different views and ideas about justice, and that different women can choose and want to have different alternatives on this matter, like the kind of “liberation” that can be built within the Islam, not outside it (2002:788).

Dawn Lyon and Debora Spini also bring the veil (or headscarf) discussion when analyzing the 2004 French law concerning the secular characteristic of the State and of individuals in public spaces, such as students in public schools, that were prohibited from wearing headscarves and veils. It can be intimately associated with the fact of the increasing xenophobia towards Muslims in Europe, in which the veil is seen as a symbolic matter in this discussion, as well as the gender relations that surround it (2004:334).

The conflict is built upon the controversies between state's secularism and the individual freedom of religious expression:

The limit to freedom lies precisely where individual freedom would manifest itself in the identity of the state, in other words, where individual religious beliefs would become the religious convictions of the state as an institution and would be reflected in its organization and legislation. At this point, the state would no longer be neutral and would not be able to guarantee religious freedom equally to its citizens. So freedom of religion and separation of state and church are interwoven; they both necessitate and limit each other. (LYON; SPINI, 2004:335)

But the matters of secularism are at odds with this assumption. That is, secularism requires neutrality from the state, and not from its individual citizens, as the authors claim, "religion cannot be relegated to the private sphere because religious expression is inherently social as well as personal or private" (2004:336). But also in the French law case, the matter of gender arises and becomes a justification for the limitation of religious and cultural expressions, as the Court has assigned, it would imply the limitation on gender equality (2004:338). Then again, the matter of agency of women and free choice is being jeopardized, if not totally absent. But as the authors suggest,

Our democracies need public spheres where different groups and individuals may come into contact and 'narrate' themselves to each other, thus 'making themselves accountable' for their values and traditions, and engaging in a kind of public dialogue that is not afraid to touch on values. This could be a strategy to avoid the entrenchment of communities in self-centred models of identity. [...] Banning the foulard means denying Muslim women this chance to tie elements of modernity and tradition in new ways which sees them as autonomous subjects in their lives while conserving those differences that they perhaps wish to retain. (LYON; SPINI, 2004:341).

Moreover, they argue that the veil is a sign that should only bring attention to its meanings and to what women who wear it have to say. Banning the use of the veil is "forcing them [the Muslim girls in France] into categories that deny their autonomy" (2004:344).

## **RECOGNITION AND EPISTEMIC JUSTICE**

Now, entering a more philosophical debate on the matters of social justice, we note that Nancy Fraser (2006; 2007) has given attention to the so called "post-socialist" conflicts, in which the political demands, starting from the end of the 1990s, are in dispute, being divided between the

questions of group identity and the cultural domination. In this context, the cultural recognition would replace the socioeconomic redistribution as the remedy to injustices and as the main goal of political struggles (2006:231). To her, there is this intellectual and practical task to develop a critical theory of recognition that “identifies and assumes the defense of those models of cultural politics of difference that can be combined coherently with the social politics of equality” (2006:231).

The injustice is generally understood as socioeconomical in the first place. Later, it is understood as cultural or symbolic, built upon social standards of representation, for example, through the cultural domination and disrespect and other forms of subordination. To Fraser, it is necessary to distinguish both injustices analytically to apprehend their connection, by checking which remedies would be attributed to each one of the injustices. The remedy to economic injustice is given by the political-economic restructuring, as with the redistribution of income. The cultural injustice, in other hand, has its remedy turned to symbolic and cultural changes, as with the revaluation of identities and the recognition of cultural diversity (2006:232).

Talking about the social groups vulnerable to both kinds of injustice, therefore, Fraser elaborates what she calls a “wide concept of justice”, that is capable of accommodating both revindications for material redistribution and recognition of differences simultaneously (2007:103). She also brings the discussion about the veil in France as an example to this debate:

In this case, those girls who revindicate the recognition of the *foulard* need to establish two points: firstly, they have to show that the veil prohibition constitutes a communitarianism that is majoritarian and unjust, since it denies the educational parity to Muslim girls; and second, explain that alternative policies that permit the use of the *foulard* would not exacerbate the female subordination within Muslim communities or within general society. (FRASER, 2007:130)

To her, therefore, it is not a univocally patriarchal sign, but the veil can be seen as a symbol of Muslim identity while being “in transition”, that is, its meanings are being constantly contested and resignified in front of cultural interactions within multicultural societies (2007:131). This would not be the same, she says, as the case of women’s genital mutilation, for example, since the point of valid recognition is the criterion of participation parity between all parts involved, deontologically speaking (2007:131).

When thinking about justice on the matters of recognition of differences, it can also lead us to the debate on epistemic injustice as a form of silencing certain social and cultural groups on the grounds of their identity. Miranda Fricker (2007) draws a philosophical debate about two kinds of epistemic injustice, that is, when a wrong is done to someone in their capacity as a knower:

they are testimonial and hermeneutical injustice. The first occurs when the prejudice from the hearer gives less credibility to the speaker's words, and the second occurs at a prior level, on the matters of a "gap" in collective interpretive resources, when someone is in disadvantage when trying to make sense of their own social experiences, to themselves and to others (2007:1). We shall focus on hermeneutical injustice, since it is caused by structural prejudices, say, in the "economy of collective hermeneutical resources" (2007:6).

Talking about the specific case of hermeneutical injustice, Fricker uses the analogy to feminism, especially the feminist standpoint theory, as a starting point: "The dominated live in a world structured by others for their purposes – purposes that at the very least are not our own and that are in various degrees inimical to our development and even existence" (HARTSOCK, 1998:241 *apud* FRICKER, 2007:147). That is, the collective social understandings are structured by the ones who have more power, in various manners, but especially epistemically.

Making a connection to the history of women's movement, Fricker brings to the debate the example of the method of consciousness raising through collective "speak-outs" between women, when some of their experiences are unspeakable individually, but makes sense in the act of sharing with others with equal experiences, in which this social meaning brings "clarity, cognitive confidence, and increased communicative facility" (2007:148). One major example can be that of the first time "sexual harassment" was named as such, when different women could realize they have had the same experiences of disturbance made by men, but they could not give a name to it by themselves (2007:149-151). It is the wrong that is done to women in their capacity as a knower, and not only that, but there can be several damages of other kinds, such as material or psychological damages.

The hermeneutical injustice is caused by the hermeneutical lacuna in collective understandings of social experiences, not only suffered by the one who is wronged by the injustice, but also by the one who wrongs someone in this manner. That is, in the case of sexual harassment,

Harasser and harassee alike are cognitively handicapped by the hermeneutical lacuna—neither has a proper understanding of how he is treating her—but the harasser's cognitive disablement is not a significant disadvantage to him. [...] By contrast, the harassee's cognitive disablement is seriously disadvantageous to her. [...] Her hermeneutical disadvantage renders her unable to make sense of her ongoing mistreatment, and this in turn prevents her from protesting it, let alone securing effective measures to stop it. (FRICKER, 2007:151).

Plus, Fricker claims that, in order to understand and make sense of an epistemic injustice, we should focus on the social conditions that remain on the background of each context, which conduce to the hermeneutical lacunas (2007:152). In the case of the sexual harassment, it is led

by the women's conditions, especially at the time of second wave feminism, of total unequal power relations with men, which "prevented women from participating on equal terms with men in those practices by which collective social meanings are generated" (2007:152).

Fricker calls attention to the issue of "hermeneutical hotspots", that configure certain locations in social life "where the powerful have no interest in achieving a proper interpretation, perhaps indeed where they have a positive interest in sustaining the extant misinterpretation" (2007:152). It can be seen in the case of Western values of justice and freedom being imposed to the Muslim women wearing veils and the claim that they need be saved from this kind of oppression to be liberated: it is the dominant and imperialist culture maintaining its hegemony and monopoly, not giving space to different conceptions in order not to lose the power that is established. That is what she calls "hermeneutic marginalization", when there is unequal hermeneutical participation in significant areas of social experience, in which disadvantaged groups are marginalized in virtue of their social identity (2007:153-155). In Fricker's words, hermeneutical injustice can be described as: "The injustice of having some significant area of one's social experience obscured from collective understanding owing to a structural identity prejudice in the collective hermeneutical resource." (2007:155)

Moreover, the author pursues theorizing what would be the "virtue" of a hermeneutical justice, that is, what needs to be done in order to correct the wrong done in the cases of injustice. To her, "what is needed in respect of hermeneutical injustice is a virtue such that we receive the word of others in a manner that counteracts the prejudicial impact that their hermeneutical marginalization has already had upon the hermeneutical tools at their disposal" (2007:169).

That is,

The hermeneutically virtuous hearer is reliably successful in achieving the end of a psychologically entrenched motivation: namely, the motivation to make his credibility judgement reflect the fact that the speaker's efforts to make herself intelligible are objectively handicapped by structural identity prejudice in the collective hermeneutical resource. The mediate end of the virtue, then, is *to neutralize the impact of structural identity prejudice on one's credibility judgement.* (FRICKER, 2007:173).

## **CONCLUSION**

Combining these two significant philosophical discussions, on the matters of recognition as a form of justice and, plus, with the hermeneutical justice as a form of epistemic justice, we can assume that these are the remedies that surround the issue of Muslim women being wronged and damaged in these two dimensions: in recognition and, therefore, epistemically.

The lack of recognition when they are denied the use of the veil is a case of severe cultural injustice, since they are denied the full parity of participation not only in the terms of gender relations, but in relation to Western women being the hegemonic reference imposed to their social experiences and significances. Their agency, through the means of this symbolic expression, is being denied when their differences are ignored and wronged.

This lack of cultural recognition (and justice) also leads us to the case of epistemic injustice: as a consequence of having their differences denied, their life experiences and the meanings they give to it become blurred, when the social structural context and the meanings within it is built by the “powerful” and not by cultural minorities. What they want to say, and what they demand, is not put into account by majoritarian debates on freedom and justice, so that the economy of hermeneutical resources is structured only by one view.

Therefore, we see that it can also lead to the issue of freedom of expression, since they are being silenced, through having their recognition denied and, consequently, their capacity as a knower of their own experiences and needs. We can say, then, that the cultural impositions to minorities, not only modulate day to day practices (such as merely wearing the veil), but the problem can be deeper: the silencing of certain groups, based on their identity.

In much of the cases, as stated by our authors, wearing the veil is a symbol of resistance, which is being constantly resignified and contested within the very Islamic communities, in its own meanings and values to Muslim women. What can be said, then, is that the veil *gives voice*.

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