

# FEMINIST DISSENT

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Special Issue:

## ***'When you cannot debate together you cannot live together' - Why Free Speech?***

Co-edited by Pragna Patel and Georgie Wemyss, with Alison Assiter



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**Voices of Dissent** examining the intersection of Islamophobia and Free Speech.

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# Feminist Dissent

## Issue 6

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*Cover Image: Dichotomy* (2007) by Houria Niati

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# Why Free Speech?

Pragna Patel\* and Georgie Wemyss^, with Alison Assiter~

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## Why free speech?

Many of us struggle to make sense of what is without doubt a deepening global socio-economic and political crisis, and at the heart of this crisis lies an unprecedented and multi-directional assault on freedom of speech. But what is free speech? How should it be exercised and to what ends? These are more difficult questions to navigate in contexts of growing divisions in society, the crises of state governabilities, people's governmentalities and disparities in power and wealth. Debates about freedom of speech are not new; however, the form they take now seems particularly vindictive and violent. Across the world, we are witness to disturbing moves to curtail free speech in liberal democracies and totalitarian states alike and among left wing as well as right wing movements. As recent events show, free speech is the first casualty of all forms of authoritarianism including religious fundamentalism. And from this flow a range of other crackdowns on civil society and serious human rights violations that cannot be challenged. This is why the debate on freedom of speech has become increasingly urgent.

Freedom of speech refers to a political idea and to a principle enshrined in international law as a necessary condition for the enjoyment and protection of other human rights. However, it is not possible to talk of free speech in the abstract; it must be linked to specific historical and social formations and to struggles for secularism and democracy. In this issue, we analyse the concept and practice of free speech from a number of

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different angles and global contexts, drawing out key themes and questions. Most notably:

- Free speech is inextricably bound up with the protection of democratic and human rights values that are now under threat from all directions.
- Free speech is selectively used and weaponised by different political movements –secular and religious.
- The assault on free speech has created conditions for a post-truth society characterised by widespread disinformation, distrust in state institutions and in the fragmentation of a democratic public sphere.
- The attack on the right to freedom of speech is not simply about suppression but also about the policing of free speech.
- Freedom of speech is integrated into neoliberal systems of power and exploitation in which the media plays a key role.
- The internet has played a specific role in suppressing speech and reinforcing structures of inequality and patriarchy and in unravelling the promise of democracy.
- The control of the media by unaccountable corporations amounts to state failure to regulate hate speech and online abuse.
- Demarcating the line between free speech and hate speech is critical to contest racism and other forms of hatred and harm, but this is a tricky task.
- The curtailment of free speech is often a precursor for violence and intimidation against the most powerless groups including women and minoritised people, who are particularly singled out for targeted attacks. The suppression of free speech has a specific impact on women, undermining the feminist imagination and resistance worldwide.

In the remainder of this introduction, we link these key themes and questions through a discussion of recent and past examples of attacks on free speech while signposting the contributions to this issue. We show how these themes work together in different conjunctures – which authors in this issue seek to untangle. The articles, voices of dissent, book reviews and artwork draw on long-term experience, activism and research from south Asia, north America, Europe, north Africa and the Middle East, seeking to understand past and recent contests over freedom of speech.

### **Free speech and democracy**

As we brought this issue together, Putin's forces were entering Ukraine, wreaking devastation on the country and its peoples. Putin's pretext, in a slogan that is both nonsensical in its turning of reality on its head as well as deeply ideologically significant, has been the 'de-Nazification' of Ukraine. While it is widely known that there are neo-Nazi forces in the Ukrainian military and politics, they have not been dominating the state and the act of invasion is only reinforcing them. Putin acts like a Nazi at the same time he is claiming to set out to rid Ukraine of Nazism.

It is not only Putin and his supporters who embody an ideology akin to this. We are seeing the rise of the far right in other parts of the world. Indeed, there are shared characteristics of the far right – both secular and religious – in the US and Russia. Nicholas J. Fuentes, a notorious US racist and white nationalist, tweeted the support of his organisation for Putin's actions in Ukraine. Fuentes, whose extreme right version of Christian fundamentalism is discussed in this issue, developed his political organisation, the 'America First Political Action Conference' in order to drag the Republican party even further right than it has moved already. For these organisations Ukraine represents a country where west European and US democratic and neoliberal principles were in the ascendancy and needed to be checked, while among these white supremacist groups Russia is now seen to be crucial for white survival (Olmos, 2022).



In this context where we have moved far beyond 'speech' it may seem trivial to focus on the issue of freedom of speech. But it is more important than ever that this key characteristic of liberal democracies, whatever their faults, is defended in this present time. We believe that the issue is not so much about curtailing or banning particular pronouncements of the far right, but defending the principles of democracy against these extreme erosions. These values include a commitment at least in principle to the equality of all. Indeed, this defence can be taken to be a form of resistance to the moves discussed above. Parallels can be drawn between the situation now and resistance to the Nazis and their collaborators in the Second World War. There were many types of resistance that did not deploy arms. In the early years of occupation one act of resistance was the distribution of anti-Nazi literature.

In parallel, resistance today can take the form of not only Ukrainian people taking up arms to fight the Russian aggressor, or Russian dissidents challenging state propaganda (Rosenberg, 2022) but also acts such as demonstrating against the invasion or taking in refugees. It might also take the form of defending the rights of all to self-determination and freedom against all threats to their very survival.

Putin, Fuentes and others represent extreme versions of far-right thinking. However, as one of us, Alison Assiter, wrote in her recent book (reviewed in this issue), Bolsonaro, Trump, Modi and Orban are all, in their different ways, drawing on forms of Christian or Hindu fundamentalism in order to deride the notion of a human right.

In these understandings an obligation to protect 'precious land' becomes the basis of a reconstructed political identity that displaces ideas of rights as 'establishment' and misguided. In this respect they share with some who purport to be on the opposite side, the religious fundamentalist leaders in Saudi Arabia or Iran, a disregard for the concept of a human

right. Given this setting, we would have hoped for a robust defence of the notion of a right – at least as a precondition for making deeper changes in the world – from the left of the political spectrum.

However, there are critics on the left as well who critique rights as Enlightenment-inspired, Eurocentric and constructed in the image of imperial and colonial powers. In its turn, this critique is inspired by a theoretical position that is postmodern, postcolonial and dismissive of its opponents as reductionist, dualist and essentialist. The working of this theoretical positioning, where a romanticisation of essentialised ‘other-identity’ claims has impeded an intellectual understanding of fundamentalist threats to human rights and especially women’s rights – thus preventing the development of a critique of fundamentalist political agendas – is discussed in *Feminist Dissent* Issue 2 on [Gender and Fundamentalism](#). As Kenan Malik has pointed out recently, the paradox is that historically, the demand for free speech was at the heart of movements for social justice. However, this is now used against the powerless by both right and left wing forces as a weapon of control (Malik, 2021).

Two recent events in the UK have shown that free speech is increasingly curtailed by the rich as well as the powerful. In the first example, Islamists have succeeded in having the film ‘The Lady of Heaven’ about Fatima, the daughter of the prophet Mohammed – told from a particular Shia point of view – pulled from cinemas. Following a well-trodden path, many hardline pro-Taliban protesters and spokespersons gathered outside a well-known chain of cinemas demanding in increasing menacing tones that the film be banned as blasphemous and offensive to all Muslims (Wolf, 2022). What the example highlights is the chilling impact on debates and discussions about the history and theology of Islam, as a diverse range of Muslim voices are drowned by those who assert themselves forcefully, through

fear and violence, as the voice of the community – and in doing so entrench dogmatism and sectarianism.

The second event is an example of the increasing use of strategic lawsuits against public participation (SLAPPs), intended to silence journalists and public watchdogs (Perfect, 2020). In this case, libel actions were brought by the multimillionaire Brexiter, Arron Banks, against the investigative journalist Carole Cadwalladr over comments she made in a TED Talk and a tweet about Banks' close connections with Putin and the Russian state. The judge ruled that the comments Cadwalladr made were in the public interest and in doing so, he gave a decision that upheld the freedom of the press to cover these matters. Cadwalladr's success represents an all too rare victory of journalism over the rich and the powerful who use defamation laws – knowing that ordinary people will find it exorbitantly costly to defend themselves – as their personal weapon of choice to suppress scrutiny and criticism.

Cadwalladr described how the experience of going through the proceedings was 'crushing' and 'debilitating'. She had to crowd fund to raise the vast sums of money needed to defend herself against the charge of defamation (Adams, 2022). The suppression of free speech through suing individual women separately from their corporate publishers reaches beyond Cadwalladr's case. A further example is that of Catherine Belton who is being individually sued, as well as her publisher, by billionaire Roman Abramovich and a Russian state energy company over her book *Putin's People: How the KGB took back Russia and then took on the West* (Index on censorship, 2021).

All of the articles and Voices of Dissent in this issue seek ways to understand how freedom of speech is weaponised or threatened in complex and very different historical and social circumstances and in ways that serve to undermine the principle as a key value of democracy that is

pretty much shared by people across the world – even if the actions of their governments suggest otherwise.

In the opening article of this issue, *Freedom of speech and democracy*, Dagmar Wilhelm draws on philosophy and recent challenges to examine the democratic defence of free speech. She argues that seeing freedom of speech as primarily grounded in democracy has important implications in situations where speech can be seen as harmful in a relevant sense and in consideration of what we can or should do about harmful speech. She suggests ways of weighing up the dangers or values of specific cases.

Through an analysis of the specific example of the Turkish state in *Disciplining speech, violating rights: recurrent and shifting patterns in the context of Turkey*, Pinar Donmez demonstrates how the specific contours of public discourse in Turkey were shaped by Kemalist socialism as much as by capitalism, nationalism, neoliberal and fundamentalist forces – all of which at different moments have politicised free speech in ways that serve their interests. These forces have come together often to suppress socialist and progressive movements in which dissenters have been branded ‘enemies of the state’ by fundamentalist forces and the Turkish state at different times.

Both Wilhelm’s and Donmez’s contributions show that what is at stake in the struggle for democracy is the right of all citizens to exercise autonomy, including the ability to freely communicate ideas and acquire knowledge in pursuit of equality and to hold power to account. Yet in these politically volatile times, as the threat to democracy grows so too do the impediments to free speech. Growing authoritarianism brings with it a growing culture of fear, intolerance, surveillance and violence, all themes that are explored by many of the authors in discussing the rise and impact of the far and religious right on freedom of speech in this issue.

### Free speech, the far right and religious fundamentalisms

The question of free speech and censorship has come to shape and even define much of contemporary political life across the world. It lies behind calls to ban and burn books and silence and even murder artists, writers and journalists whose works are condemned as ‘blasphemous’ ‘obscene’ ‘offensive’ and ‘unpatriotic’ by powerful state and non-state forces alike. In August 2022, as we were finalising this introduction, the author Salman Rushdie was stabbed at a literary event in the US. The accused is a 24 year old man who claimed to have read two pages of Rushdie’s novel, *The Satanic Verses* (see FD statement [Rushdie's Right to Write - Feminist Dissent](#)). Rushdie is the most famous example in recent times of an author whose life has been threatened following accusations of blasphemy. In 1989 he was threatened with death by the then Ayatollah Khomeini for insulting Islam and was forced into hiding. Those who dared to translate *The Satanic Verses* were not spared and some were killed.

As the recent stabbing shows, this attack on free speech was not a temporary aberration but a warning sign of the rise of fundamentalism and religious identity politics that is primarily characterised by the suppression of dissent by any means necessary. In 2020, the wider crisis in open debate had prompted prominent writers and artists, including Rushdie, to write an open letter pleading for an end to the current intolerance of opposing views and for more open debate (Harper's Magazine, 2020) [A Letter on Justice and Open Debate | Harper's Magazine \(harpers.org\)](#) . This intervention is also referenced by Wilhelm in her argument about free speech, democracy and negotiating the line between free speech and the public good.

As indicated in the previous section, we have published previous issues of this journal linking a challenge to the concept of a right to free speech to various forms of fundamentalism. Religious intolerance has arisen in many places and has threatened to undo progressive and democratic struggles

for substantive rights to equality and justice. In the cases of Iran and Saudi Arabia, sex discrimination is legalised. Inequality between the sexes is enshrined into the constitution and the leader of the state can only be a man.

The concept of free speech is not just in retreat in authoritarian regimes but also in liberal democracies where, with alarming frequency, acts of dissent are criminalised and countless defamation suits are issued against citizens by state and non-state forces. In *Contested narratives of the pandemic crisis: the far right, anti-vaxxers and freedom of speech*, Stephen Cowden and Nira Yuval-Davis analyse the convergence between the neo-Nazi 'alt right' and Christian fundamentalist movements and the way these groupings have mobilised opposition to Covid vaccinations in the US within the historical and political context of state responses to public health. They demonstrate how the pandemic crisis has been exploited by the far right through the extensive use of the internet, which has facilitated the spread of misogynistic and racist conspiracy theories – and this specific phenomenon is also referenced in Wilhem's article.

Cowden and Yuval-Davis draw attention to parallel political developments in the US that have on one hand, led to a crisis of trust in state institutions and on the other, the fragmentation of the public sphere as a common space of public debate and good. They also explore the key role played by the internet in facilitating online extremist propaganda and conspiracy theories and how the far right has used the internet to create a post-truth state where science and material reality is eschewed in favour of debates about feelings and beliefs. They argue that in the context of neoliberalism, unaccountable commercial corporations lacking in complete transparency have failed to regulate the boundary between free speech and hate speech, which is further compounded by an equally abject failure of the state to mount a vigorous defence of the role of the welfare system and human rights. They call on the progressive left to engage in a robust

defence of free speech that also involves a more nuanced debate on the thorny question of where to draw the line between free speech and hate speech.

Ironically, silence from parts of the left in many contexts has created a political vacuum that has allowed the far right and religious right forces to step in as so-called defenders of free speech when in reality, their agenda aims to utilise free speech and democratic systems of governance to dismantle democracy altogether. In the Voices of Dissent section Marieme Helie-Lucas, in her article "*On Freedom of Speech and Censorship*", recounts the role of the left during the Algerian civil war that involved the Algerian government and Islamist groups in the 1990s. She notes the alarming willingness of the left and alleged human rights defenders to challenge state generated atrocities against the civilian population while remaining silent about the killings and torture of thousands of civilians, many of them women, by Islamist forces. The resounding silence and acts of self-censorship by the left undermined the right to freedom of expression and the struggle for other human rights, the consequences of which are still being felt today. This is seen for example in the failure of many on the left to condemn the massacre of journalists at *Charlie Hebdo* and the assassination of the French teacher Samuel Paty. Helie-Lucas points to the need to pay close attention to the selective use of freedom of expression and other human rights by forces across the political spectrum and the very real threat this poses to advancing democratic freedoms. In the UK there have been violent attacks on members of parliament targeted for their views and voting actions. In 2021 David Amess, a Tory MP who was well known for his criticism of the Iranian regime, was murdered in his constituency surgery. His killer, a supporter of Islamic State, claimed he sought revenge against MPs who had voted for airstrikes on Syria (*BBC News*, 13 April 2022). In 2016 a far-right supporter killed Labour MP Jo Cox and in 2010 another Labour MP, Stephen Timms - who

had voted in favour of the Iraq war, was stabbed by a supporter of *Al Qaida*.

### **Free speech and the suppression of feminist politics**

A number of authors in this issue explore the close link between freedom of expression, feminist resistance and women's rights, an area that is often ignored or downplayed by advocates of free speech. Yet as many of the authors point out where there is the suppression of freedom of opinion, there is also likely to be a culture of gendered censorship and misogyny that not only severely limits the ability of women to fully participate in society on equal terms but keeps them in a state of fear and subjugation. We are living in an age where thinkers and activists who dare to express a particular point of view are 'no-platformed' – hounded, vilified, ridiculed, threatened and ultimately killed. We have seen a rise in the 'extra-judicial' killings of journalists and writers. Women in particular seem to bear the brunt of misogynist violence, threats and harassment. From Gauri Lankesh, who was killed in India in 2017, to Daphne Caruana Galizia in Malta in 2017 and Anna Politkovskaya in Russia in 2006, what we see are critics and dissidents who are murdered for speaking out against their governments and attempting to hold them to account. In many such cases, their killers are not even brought to justice. These events have shaped a toxic culture of silence and censorship that has suppressed debate, discussion and protests – but it is the most marginalised and powerless who are disproportionately affected because they only have their voices to raise in challenge against injustice.

Afiya Zia's work in particular draws attention to the ways in which diverse feminist voices, feminist activism and forms of protest are identified for censorship in Pakistan (Zia, 2022) and silenced in Afghanistan by the Taliban and anti-imperialist western commentators (Atlantic Initiative, 2021). Documenting the shifting political strategies of different groups of



feminists and the annual Aurat (women's) demonstrations across Pakistan, she shows how feminists are attacked by religious fundamentalists and labelled 'cultural assassins' of the nation who consequently must be controlled. While she draws specific attention to the ways in which feminist protestors are frequently charged with blasphemy and threats used to normalise what is said and not said in public, she also challenges sections of feminist movements that do not listen to – or actively close down – the voices of other feminists.

In Bangladesh, freedom of speech for women has been curtailed by religious fundamentalists and authoritarian governments in direct and indirect ways through – among other factors – the framework and curricula of religious education. Marzana Kamal, in her article "*Teen Brides, Migrant Husbands and Religious Schooling: an Analysis of Young Women's Experiences of Marriage and Schooling in Rural Bangladesh*" evidences how, despite claims to the opposite, young women's lives are circumscribed by only attending 'modernised' or government-recognised *madrassas*. While some secular academic topics are taught in these schools in addition to Arabic and Quranic verses, the young women's educational attainment and agency in marriage is limited in comparison to those attending secular schools. More broadly, Kamal demonstrates in her study villages, religious schooling and the practice of teen marriage continue to curb women's ability to question and criticize prevailing patriarchal norms. It is one way that conformity to strict gender roles is maintained.

Across the world, governments and fundamentalist and conservative forces alike have spared no effort to police women's freedom of expression in the name of preserving cultural, religious and national identity. For example, many fundamentalist governments have entered reservations or retreated from key human rights laws and standards, particularly those relating to women's rights in the family. In another

example, the recent withdrawal by Turkey's authoritarian government from the Istanbul Convention that sought to eliminate domestic violence was a clear attack on feminist activists accused of undermining family values and promoting homosexuality (*BBC News*, 20 March 2021). However, it is not only suppression by governments and right-wing forces that is causing alarm. In her *Voices of Dissent* piece in this issue, Maryam Namazie, who has been threatened with death by the Iranian regime, details how her challenges to Islamic fundamentalism have led to the online censoring of her Ted X talk about the silencing faced by ex-Muslims, as well as attempts to cancel her talks in the UK by student groups (who see themselves as leftist).

Increasingly, it is the digital sphere and internet technology that has facilitated the silencing of women, marking a new and dangerous moment for women and to their assertion to the right to freedom of expression. Salil Tripathi's article *Women and Online Harassment* particularly focuses on the internet, which is playing an ever more integral role in controlling feminist dissenting voices. This has gone hand in hand with the de-democratisation of public discourse and the creation of a culture of impunity for violence and abuse. He talks about a continuum of violence against women that starts with online abuse and ends with the murder of female dissenters and journalists. He concludes by noting that far from fulfilling the promise of freedom for women, the internet has become a double-edged sword with which the principles of privacy and anonymity are used to mount sustained abuse against women. His plea for the need to examine the role of the internet through a gendered lens is – in our view – central to any defence of freedom of expression and indeed democracy itself and must be urgently heeded.

**Free speech and gender identity ideology**

Debates on free speech have become particularly acrimonious around the issue of gender identity and feminism, with a clash between trans rights and women's rights at its centre.

On one side of the debate there are 'gender critical' feminist voices of those who believe that biological sex is significant in categorising a woman; it is a biological reality that is different from a person's gender identity. Patriarchal oppression is grounded partly in biological sex, which is why sex-based rights and protections need to be permitted in law. They argue that the logic of the trans gender identity ideology – sex is a social construct and assigned at birth – is to erase the legal and political category of sex altogether. This wields serious implications for women's rights in all areas of life such as health, sports, education, women only services, prisons and in the collection of government data in the census that informs policy and laws. While there is acceptance of a spectrum in biological sexual development, whether or not biological sex is an immutable category remains a subject of debate. But this is not the same as arguing that sex is an innate feeling that has no basis in material reality. On the other side, are trans rights campaigners who believe that the group of women is already diverse and adding one more group – trans women – (and they will not be a large number) would simply add to this diversity. Moreover, if a person feels very strongly that the body they were born with is not right for them, it is their right to be able to identify with the one that feels right for them. Speech that vilifies or ridicules trans people potentially undermines their dignity. A dominant, although not exclusive, perspective from trans activists is that vilifying trans people includes the claim that what counts as a woman is shaped primarily through their biological sex.

The issue between 'gender critical' feminists and trans activists is thus primarily about what constitutes being a woman (never a man). Trans activists claim that if a person feels strongly they are in the wrong body,

they should be able to transition and call themselves a member of the group they transition into or they should be able to self-identify without transitioning – and denying their right to do so amounts to ‘transphobia’. On the other hand, ‘gender critical’ feminists argue that it has been highly challenging to develop a feminist movement and it is important to be able to be clear about who counts as a woman; in order, to develop measures to challenge violence against women, sex selection abortion, FGM, child marriage and so on. It is important to have ‘sex -based’ rights that depend, at least in part, on biological facts about women. Many of those espousing this position argue that they do not seek to deny trans people the right to live free from violence and discrimination and in dignity and safety but to safeguard feminism from a paradigm shift that shores up a regressive form of gender identity politics rooted in patriarchal norms of masculinity and femininity. They point to the irony of where feminism and queer politics find themselves, since both movements began by critiquing gender norms that are now essentialised.

Our central concern in this issue is how the debate has become divisive and politically incendiary with serious implications for women’s right to free speech. Spaces for serious and nuanced discussions on what it means to be female and oppressed are rapidly shut down and those who challenge the current orthodoxy of the trans gender movement are silenced through tactics that would not look out of place in women’s accounts of sexual and domestic abuse; they are vilified, harassed, threatened with rape and other forms of extreme and misogynistic violence and often forced to leave their jobs for being ‘transphobic’. Feminists are attacked for saying that sex matters and for opposing self-identification, which is treated as hate speech. Women are cancelled, no-platformed and banned for being feminist and for not centring trans women’s views in their discourse. The dominant voices in trans politics appear to be focused on condemning ‘cis women’ (women whose assigned sex is female at birth and who identify as a woman) as inherently

privileged and exclusionary. 'Gender critical' feminists, who critique the dominant trans position and come from a wide range of political, including left socialist positions, are labelled 'TERFs' (trans exclusionary radical feminists). There are those in the trans community who do not share this view but their voices are often drowned out in the debate.

The censorship of feminist voices is evident at all levels of society and it is growing. 'Gender critical' activists, journalists, students and academics alike, are routinely denounced, targeted and intimidated into silence in ways that stultify the free exchange and expression of ideas that ought to form the bedrock of a democratic society. It would appear that the strategy of many trans activists is to denounce and police other feminist critical viewpoints but not to debate those who challenge a dogmatic transgender identity ideology.

A recent example would be the students at the University of Sussex who demanded that the feminist professor of philosophy Kathleen Stock be sacked for allegedly transphobia. In May 2021, she published her book *Material Girls – Why Reality Matters for Feminism*, which was deemed to be 'hateful' even though many had not read the book. (This is a tactic that is also utilised by fundamentalists who call on followers to ban and burn books like Salman Rushdie's *Satanic Verses* without the need to read or engage with their content.) Commentators have pointed out that far from being anti-trans rights, Stock's book is respectful and compassionate towards trans people while also making an irrefutable case for the need to retain sex as a biological category that deserves political and legal protection (Kovats, 2022). Stock concludes her book with a call for solidarity between feminists and trans activists. Although Sussex University vice-chancellor Adam Tickell supported Stock's right to free speech over trans rights or gender identity, the local university and college union branch disagreed (Lawrie, 2021). It called for an investigation into 'institutional transphobia' which eventually led to Stock resigning from her post, stating that the furore had 'effectively ended' her career at Sussex.

(*Times Higher Education*, 2021) This follows related cases, including that of JK Rowling, who was accused of transphobia due to her suggestion that menstruation is somehow a fundamental quality of womanhood. She wrote: 'If sex isn't real, the lived reality of women globally is erased,' 'I know and love trans people, but erasing the concept of sex removes the ability of many to meaningfully discuss their lives' (Twitter, 2020). There are a number of other recent high-profile cases where the freedom of speech of 'gender-critical' feminists has been attacked. These include the cases of Maya Forstater, Allison Bailey and Raquel Rosario Sánchez, who were compelled to defend their right to free speech in employment tribunals and courts.

Maya Forstater lost her job at the Center for Global Development for posting a series of tweets about sex as an immutable biological fact and gender self-identification as a problem for women's rights, which was perceived to be offensive to trans people. At the initial hearing in 2019, she argued that her employers directly discriminated against her for holding such views and although she presented cogent evidence to demonstrate the basis of her views, she lost her case. The tribunal judge ruled that her views were 'not worthy of respect in a democratic society'. Forstater appealed against the decision, which was heard in April 2021 by an Employment Appeals Tribunal. At this hearing, the judge reversed the earlier ruling with a determination that stated that her gender critical views constituted philosophical belief, which is protected under the Equality Act 2010 (*The Guardian*, 10 June 2021). In coming to its decision, the tribunal reiterated an important principle: views deemed offensive to some people does not mean that they are outside the scope of legal protection and furthermore, the manifestation of such beliefs through speech and action are also protected under the Equality Act as long as they do not undermine the rights of others. The Forstater ruling was invoked in the Employment Tribunal judgement in the case of Allison Bailey – a barrister, lesbian and gender critical campaigner – who had tweeted

criticism of the LGBTQ+ charity Stonewall's position on trans rights (Bailey, 2022). In July 2022 the tribunal found that Bailey was directly discriminated against and victimised by her barrister chambers on the basis of her gender critical beliefs (*The Guardian*, 27 July 2022).

Raquel Rosario Sanchez's case highlights another recurring aspect of the problem – the failure of institutions to protect feminists threatened with violence for questioning and criticising trans gender identity ideology or their association with those that do (*Times Higher Education*, 2022). In this case, the court accepted that Rosario Sanchez, a PhD student at Bristol University, was the victim of a hate campaign and threatened with violence by a fellow student because of her links with the feminist organisation, *Woman's Place UK*, which has criticised the politics of the contemporary trans movement. According to Rosario Sanchez, the university gave her various untenable options such as leaving the university or dropping her PhD but none sought to tackle the students who orchestrated the campaign of hate against her. Instead, the university argued that the bullying and harassment took place on social media, which it could not control (*BBC News*, 21 April 2022). As we write this, there may well be other cases pending in the courts where women have been similarly silenced and discriminated against for airing 'gender critical' views in public.

The growing censorship of gender critical voices in other universities led the University of Essex to commission discrimination barrister Akua Reindorf to review two events concerning the 'no platforming' of external speakers, Professor Jo Phoenix (Open University) and Professor Rosa Freeman (University of Reading). They had been disinvited as speakers because of their views on trans rights and gender identity. In the case of Professor Phoenix, fears that her views constituted 'hate speech' against trans people and the potential disruption caused by her presence led the university to cancel her talk. No attention was paid to the fact that an abusive and threatening flyer was circulated in the university against her

(University of Essex, 2021). In the case of Professor Freeman, a decision was made to cancel her participation in a roundtable discussion on the current state of antisemitism that formed part of the University's Holocaust Memorial week of events. Concerns were raised about her views on gender identity, which were compared to those of Holocaust deniers. The Reindorf report published in May 2021 concluded that the universities involved had breached the rights of both women to freedom of expression and they had failed to take reasonable steps to protect freedom of speech as set out under the equality law and in their own policies on speech and academic freedom. The report recommended that the universities apologise publicly to both women; take steps to comply with their legal and regulatory obligations and review their relationship with the charity Stonewall, which gave 'bad advice' to the universities (Cloisters, 2021). The universities have refused to implement the latter recommendation.

Whilst the Reindorf report represents a small step towards restoring freedom of expression in academic institutions, the issue has not gone away (*The Guardian*, 4 July 2021). Many in academia are avoiding rigorous debates on issues of power, inequality and rights that were once a normal aspect of academic life. Interestingly, the links made between those who express 'gender critical' views and those who express antisemitism (see below) are not new. Although the two are radically distinct, the chief executive of Stonewall, Nancy Kelly, has often made the comparison in order to effectively label such critiques by feminists as fascist (*The Jewish Chronicle*, 2021).

Gender identity activism has also systematically sought to prevent or ban academic and clinical research into what is particularly happening to children who are transitioning; a highly controversial issue with far reaching consequences (*The Telegraph*, 2019). There is concern among gender critical feminists and many in the medical professions that



numbers of children are forced into surgeries for showing signs of gender non-conformity when they may be signs of emerging homosexuality or adolescent confusion (*The Guardian*, 28 July 2022). Partly in response to these conflicts, in 2020 the NHS commissioned an independent investigation into identity services for children and young people. The Cass Review published an interim report that raised concerns about ‘unsafe and unviable’ practices and the approach of services offered in the only NHS gender identity clinic for children (Cass Review, n.d.). By 2023 the clinic will be replaced by two regional hubs that would each involve a wider range of paediatric clinicians and assessment processes, linked to stronger data and evidence.

Debates about gender identity and women’s equality and representation are also suppressed and excluded within progressive political parties and within the left, human rights and social justice movements. Debate and discussion and disagreement is vital to enabling each of us to consider views that challenge our own. Freedom of expression indeed is noted as a key right in the Universal Declaration of Human Rights (article 19). It is also in the European Convention on Human Rights (article 10). At the moment it is enshrined in UK law through the Human Rights Act 1998: ‘Everyone has the right to freedom of expression. This right shall include the freedom to hold opinions and to receive and impart information and ideas without interference by public authority.’ The left has singularly failed to grasp the significance of the right to free speech and instead conceded the space to right wing forces that portray themselves the champions of free speech, while using it to dismantle the rights and freedoms of others – including women and all sexual minorities. Witness recently enacted laws that target trans identified youth in the US (Reuters, 2022) or LGBTQ+ groups in Hungary (France 24, 2021), which are based on disinformation and the deliberate mix-up between homosexuality and paedophilia.

The problem is not new. The left has in some ways foreshadowed the contemporary trans debate but lessons were not learned. Black and minority secular feminists in particular have for years been warning against the left forming alliances with religious fundamentalists, who often masquerade as anti-racists and human rights defenders, and use left political spaces to sanitise and legitimise a profoundly regressive religious ideology. Religious fundamentalist projects are not concerned with challenging racism but with policing speech and with reinforcing patriarchal family values by imposing strict gendered norms and laws that restrict the rights of women, sexual minorities – including trans people – and internal religious dissenters. Feminists such as Maryam Namazie and Pragna Patel (in this journal), or Gita Sahgal – who exposed the problematic relationship between the pro-Taliban fundamentalist Moazzam Begg and Amnesty International (referenced in the article by Marieme Helie Lucas) – have been denounced as ‘Islamophobic’ or ‘racist’, and silenced, de-platformed or harassed by Islamists and other religious fundamentalist forces. Similarly on the gender question, many trade unions, political campaigns and the Labour Party continue to censor and kick out feminists associated with Woman’s Place UK (made up of feminists from different backgrounds, including socialist and trade union activism) and has sought to promote laws protecting sex and gender reassignment equally. The complicity of the left in accommodating gender and religious fundamentalist ideologies as part of the anti-racist and anti-imperialist project has only strengthened voices on the political right, fragmented solidarities and encouraged the growth of authoritarianism from below.

There are those on the left, including some anti-racists, who argue that to oppose what they term ‘trans civil rights’ equates to buying into a right wing agenda based on dehumanising and essentialising the ‘other’ (Siddiqui, 2021). They point to a convergence between the interests of gender critical feminists and the traditional far right. This view is not

without foundation. In the US some feminists have indeed chosen to align themselves on a single-issue basis with Christian right forces that promote anti-LGBT ‘family values’ and anti-abortion policies (Egerton, 2022). In the UK, we have also witnessed an alliance forming between feminists and conservative religious forces who oppose teaching sex education in schools because it promotes respect for diverse family relationships and includes the teaching of trans identities in simplistic terms without any factual basis. Complex debates can be pursued about the content of what is taught in sex education classes and how feminists should position themselves politically in such debates – but this cannot and should not lead feminists to ally with the religious and far right, even if they are forced out of the left and made politically homeless. *Feminist Dissent* and many feminists across the world have consistently argued that women and sexual minorities are among the first casualties of fundamentalist and ultra-conservative forces, which are no respecters of equality and human rights principles.

Today, these forces represent one of the greatest threats to women and girls as well as to people who are same-sex attracted, other sexual minorities and those deemed to be non-conformists. The Iranian fundamentalist regime, for example, is willing to pay for sexual reassignment surgery because it sees the existence of gays and lesbians as the greater threat to the patriarchal contract. But this does not mean that trans people are safe either given the toxic environment that stigmatises trans people and declares them to be suffering from psychological and sexual disorders that require medical treatment to become normal (Parshi, 2014/2015). Everyone has the right to live as they wish in security and dignity and without fear of discrimination and stigma, but this cannot be achieved by hitching feminism or indeed any other social justice movements to regressive ideological projects.

The charge that feminists have allied with the right wing has also been made by highly influential feminist scholars such as Judith Butler, whose work has lent legitimacy to the trans ideological project. In developing a post secular, post- modernist line of thinking, Butler rejects the idea of gender identity being rooted in the biological reality of sexual division and instead argues that it is constructed through subjectivities, feelings and performative speech acts determined by cultural gender norms, which in turn creates the reality of the sexual binary<sup>1</sup>. Those who deny this perspective she argues are 'TERFs', at once 'anti-feminist, homophobic and transphobic' as well as enablers of 'one of the most dominant strains of fascism in our times' (*The Guardian*, 7 September 2021).

Butler's work ignores the wealth of progressive multi-dimensional struggles that have been waged by black and white feminists in the UK and feminists around the world (including some contributors to *Feminist Dissent* journals) who have challenged racism, imperialism, fundamentalism and other right wing movements and neoliberalism in equal measure without bowing down to the binary logic of 'you are either with us or against us'. This is a disingenuous viewpoint that is gaining traction precisely because of a) the resurgence of right wing forces across Europe and the world, b) the lack of proper debates on the complexities of these issues and c) the left's failure to defend free speech for fear of encouraging racism or 'Islamophobia' or 'transphobia.'

Interestingly, opposition voices are now emerging in the Labour Party in response to the party's decision not to allow the 'gender critical' Labour Women's Declaration Group to have a stand at the forthcoming annual Labour Party conference (*The Guardian*, 31 July 2022). The Women's Declaration Group view is based on the need for spaces for learning and discussion as potential legislators of a future Labour government. The journalist [Caroline Fourest](#), when discussing identity politics, put it more eloquently: 'When you cannot debate together, you don't live together.'

It's not a society, it's about becoming a capitalistic parking lot where ideology is dead, but identity approach replaces it. But replaces it in the direction of what? Confrontation between minorities, while all this time Donald Trump is waiting and the right wing is giving the impression of addressing the real issues. It's a nightmare for the left.'

Ultimately what troubles us is that trans gender identity ideology depends on the erasure of the category of women and their right to speak and be heard. Those who are targeted are not only those who speak out about women rights or trans rights but who seek to do their work in the fields of politics, science, education, culture, sports and so on and need to focus on specific implications for women. Gains that have been achieved by the women's movement in all aspects of life are being dismantled. We cannot think of any other rights movement that is predicated on silencing and eliminating women or other powerless groups as political subjects. Historic struggles for black rights or caste rights for example, have sought inclusion in the wider community based on the right to equality for all but not on the evisceration of the 'other'. As the commentator Eszter Kováts says, it is not as if 'the prevailing inequalities between women and men would disappear if we queer, blur or destabilise the categories themselves' (Kováts, 2022).

We have reached a critical juncture in the history of feminism and this is why we must create spaces for debate and discussion.

### **The line between free speech and hate speech**

It seems that one of the most urgent questions facing us is to think through the limits of free speech and the line to be drawn between freedom of speech and hate speech – something that is extremely difficult to do in the abstract.

In October 2021, the academic David Miller was sacked by Bristol University. Our profound disagreements with the work of Miller in debates over the definitions of ‘Islamophobia’ and how he characterises those who oppose his definition as right wing and hostile to Muslim people have been discussed in an earlier issue of this journal (please see [The Poverty of Apologism: the British Left, Feminism and the Islamic Right](#) in FD (1), pp. 67-80.) However, his ideas should be robustly debated so that people can make up their own minds. The [official reason](#) for his dismissal was that his lectures about Israel, Jews and Zionism ‘did not meet the standards of behaviour we expect from our staff’. His disciplinary hearing included a third-party investigation that found in favour of Miller and concluded that Miller’s comments ‘did not constitute unlawful speech’, but he was sacked anyway on the ground of ‘duty of care to his students’ (University of Bristol, 2021).

Underlying this case, although this was not the official reason for the sacking, is the question of antisemitism. His criticisms of students who supported the state of Israel were not seen as criticism of their ideas but of who they were seen as people. Miller’s case makes clear that the idea of free speech has to involve the idea that identities and political activities are not beyond criticism and must be open to critical interrogation. In the UK context, both sides in the Miller case would claim to be defending human rights. But it is really important that we are clear about what counts as speech that can legitimately be curtailed – that is ‘hate speech’. Even if it does constitute such speech, there remains a question whether it is right to ban a person from expressing it. Even if speech does undermine the dignity of some group or individual, there remains a question as to whether or not it is right to ban it or to ‘no-platform’ the person who is expressing it. Discrimination is surely recognised for what it is partly through hearing views that challenge it, rather than through suppressing such speech. It is argued by those who wish to curtail certain forms of speech – and David Miller’s lectures were regarded as falling into

this category – that they constituted ‘hate speech’. Hate speech is recognised (and outlawed) in English law, but the concept is also commonly used in a non-legal context to designate any speech that is degrading, insulting, defamatory, negatively stereotyping or liable to incite hatred or violence against any group of people by virtue of their race, religion, nationality, sexual orientation or disability. Opponents allege that Miller engaged in such speech.

The expression ‘hate speech’ was coined by a group of US legal scholars in the 1980s. They noted that different legal systems tackled harmful racial discrimination in varied ways. When Mari Matsuda used the term in 1989 her central purpose was to highlight how the US legal system failed victims of harmful racist speech by providing them with inadequate means of seeking redress, civil or criminal. She cited several legal cases and examples not associated with actual legal proceedings and not easily actionable under the existing laws (Matsuda, 1989).

The concept of hate speech has been taken up by a range of people on the left to condemn people they believe are misogynistic, racist or xenophobic and therefore violate ideals of respect and tolerance. But it is also used by evangelicals to critique liberals who they regard as attacking their conservative beliefs.

The philosopher Caleb Young suggests that ‘hate speech’ is too broad a term to be usefully analysed as a single category. It includes many kinds of speech acts, each involving very different free speech interests that may cause different kinds of harm. Young distinguishes four main categories of ‘hate speech’ (Young, 2011). Miller’s pronouncements seem to fall into his concept of ‘organised political advocacy for exclusionary and/or eliminationist policies’ which is not illegal.

A further worry is that the term, used in its everyday – as opposed to its legal sense – is not precise. It could be used in a myriad of ways. Sacking

someone from their job for making legal pronouncements would risk eroding the human right to free speech. It also risks disrupting the process that underpins that right's rationale: allowing ideas to flourish and deriving truth, autonomy and justice to emerge from the healthy debate that ensues.

Regulating 'hate speech' could also be regarded as damaging to democracy, especially when even universities shy away from such debate. Students ought to be encouraged instead to debate opinions that they disagree with. For rights and democracy to survive the attacks on them, we must only curtail freedom of speech when its hateful intentions are unequivocal and codified in law. Moreover, even if codified in law, there needs to be room in a democracy for challenging any law if it is found to fail at what it was meant to do – or if it is found to be discriminatory, perhaps in a new way.

Democracies flourish when they protect the life and the liberty of citizens. In a democracy, at least in theory, individuals have rights to life and liberty. As Nozick put it: 'Individuals have rights and there are things no person or group may do to them' (Nozick, 1974). In many versions of democratic theory, there is also a commitment to pluralism of belief and practice. So, to quote the theorist of human rights and justice, John Rawls: 'How is it possible that there exists over time a stable and just society of free and equal citizens profoundly divided by reasonable religious, philosophical and moral doctrines?' (Rawls, 1993: xviii). Many others who believe in a broad form of liberal democracy have asserted the need for such a society to allow for a plurality of ways of life. The commitment to pluralism of values is part of the focus on freedom of the individual. This notion is grounded in the notion of individual autonomy and respect for the person. Of course, questions remain about whether or not allowing, for example, 'one person one vote' in a democracy, actually perpetuates inequalities, given the uneven distribution of wealth across populations and the



tendency of each group to vote to protect its own. Moreover, it is also important to recognise that even liberal democracies curtail the formal rights of their citizens to act as citizens in certain circumstances. Prisoners, for example, in the UK, have their right to vote removed from them although it has been argued that this law violates the European Convention on Human Rights (UK Parliament, 2014). However, even when these points are recognised, it remains the case that liberal democratic principles are far preferable to any form of dictatorship where the rights and freedoms protected in liberal democracies, at least in theory, are severely curtailed.

After the second World War, the General Assembly of the UN proclaimed the Universal Declaration of Human Rights. Underlying the notion of human rights is the view that individuals are entitled to respect as moral agents capable of making choices. Aspects of what has become known as ‘cancel culture’ where individuals are – for many different reasons – prevented from speaking or hounded for appearing to critique the identity of a group, run the risk of moving society away from the core values of a secular democratic state. They risk challenging the very basis of democracies where people ought to be allowed to express their views without fear of losing their livelihood or their lives or of being ‘no-platformed’. Even the latter risks undermining the core principle of liberal democracy. We argue that clear hate crime expressed against any LGBTQ+ individual or group should be challenged. But there is a difference between real and intended hate, and a society that challenges the very basis of the right to liberty.

It must also be noted there is a legal difference between stirring up hatred in order to incite violence on the basis of someone’s race or religion for example, and offending religious values or belief. Religious hate speech has often been reduced to the criminalisation of language or behaviour perceived to cause offence and as such skirts dangerously close to

criminalising thought. Hate speech is a subjective concept and much of it has been translated into the right not to be offended, which actually does not exist in universal human rights law mainly because freedom of expression is a foundational democratic value. This is precisely why – although everyone has the right to freedom of thought, religion and belief without restrictions – the right to manifest those beliefs is a qualified right. It must be balanced against violations of other fundamental human rights and freedoms, including the right of all to be treated with dignity, and even the very right to life itself. It must also be limited when it causes violence, harassment or clearly stirs up hatred of a group of people. There is therefore no absolute right to freedom of speech. However, the pendulum has swung too far in the direction of allowing anyone who feels hurt by a view to demand that it be suppressed. Ultimately, the use of hate speech to curtail free speech ends up hurting the very people – the marginalised, the poor and the powerless – that hate speech is meant to protect because free speech is all that the powerless have to challenge inequality and injustice.

Pragna Patel's article in *Voices of Dissent* draws attention to precisely this dilemma, showing how lines of argument intended to support marginalised Muslim minorities have been used to enhance the power of fundamentalist Hindu groups whose ideologies include discrimination against Muslims. In her account of giving evidence to the All Party Parliamentary Group (APPG) on the problematic adoption of the term 'Islamophobia', she sets out how the line between hate speech and free speech is deliberately blurred by religious fundamentalists, aided and abetted by the British state. She argues that Islamophobia is a nebulous term that relies on subjective perceptions of what constitutes religious hatred and if institutionalised will be primarily be used by fundamentalists and ultra-conservatives to condemn homosexual, feminist, liberal, atheist and secular voices from within Muslim populations because they are

perceived to be the greater threat. The latest controversy surrounding the film *The Lady of Heaven* is a case in point.

Far from addressing the reality of anti-Muslim racism, the term Islamophobia has become a means to shutting down legitimate criticism of Islam and Islamism and to propagate a climate of fear and hatred of non-conformists. This is mirrored by Hindu and other minority fundamentalist groups, which are all more concerned about defending religion from criticism than challenging racism. Rather than advance the struggle against racism, the new language of 'phobia' ultimately serves to strengthen religious fundamentalist projects that seriously undermine solidarity in the antiracist movement.

What is clear is that there are no easy answers to the questions that we posed at the outset. All of the contributions to this special issue show the paradoxes and complexities of the many different contexts where free speech is under attack. Together they indicate the conjunctions of challenges to freedom of speech experienced in states with authoritarian governments *and* in liberal democracies; in regions where fundamentalist religious regimes hold state power *and* where they appear to contest state powers; in countries where activists are targeted by governments *and* where they are opposed by other activists.

Drawing from the different contexts, the articles collectively indicate early warning signs of increasing risks to freedom of speech that require vigilance from us – from when they first emerge as seemingly insignificant criticisms of ideas or ways of living or the targeting of minority interests.

These early warnings include:

- political alliances between politicians and fundamentalist religious groups;
- a lack of clarity in identifying what separates hate speech from free speech, which is then used to justify the policing of ideas in education and other public settings;

- government and non-government criticisms of publicly accountable media organisations including publicly and privately owned broadcasters;
- political and media discourses that challenge human rights law and moves that minimise the accountability of media organisations and public watchdogs;
- the use of SLAPPS against individuals.
- The gendered nature of censorship as a precursor to the curtailment of women's rights.

In combination, these lead to media amplification of conspiracy theories, disinformation campaigns and online abuse of individuals and groups seeking to challenge dominant opinions. The articles have shown that while many of these rising threats to free speech take place in the context of worsening economic and social inequality associated with global neoliberal changes, this is not always the case.

Bringing this issue together took longer than planned due to unforeseen global and local events. Consequently - whilst the powerful arguments are not impacted - some of the contributions may contain slightly dated information or data. As the final piece to be written, we have been continuously updating this introduction as we sought to include discussion of recent examples of attacks on free speech. Sending this to press - in the days following the death of the head of state of the UK - anti-monarchists have been threatened and arrested for attempting to voice their critical views. These moves also engender a wider culture that deems anti-monarchist sentiments as anti-patriotic and as such subject them to social and legal censure. (*The Guardian*, 12 September 2022)

The work of poets and artists can challenge attacks on free speech through deep reflections on issues that are targeted by those who seek to police the lives of others. In this issue, in their respective fields, Antonia Darder

and Houria Niati assert the global importance of the continual shared fight for freedom of expression. Darder's poem 'We are' is a rallying cry to all who fight for freedom from others who seek to control. In her interview, Houria Niati explains how she has overcome both orientalist and far right religious forces through her paintings and photography, which powerfully illustrate this issue with 11 examples. Together they show that free speech has to be defended from multiple directions – and through solidarity between activists, artists and academics.

This issue concludes with three book reviews that all speak to global struggles over free speech. As referenced at the beginning of this introduction, Alison Assiter's ground-breaking *A New Theory of Human Rights: New Materialism and Zoroastrianism* is discussed by Stephen Cowden. Janet Afary's long essay introduces the recent translation from Azeri of *Awake: A Moslem Woman's Rare Memoir of Her Life and Partnership with the Editor of Molla Nasreddin, the Most Influential Satirical Journal of the Caucasus and Iran, 1907-1931* by Hamideh Khānum Javānshir and Liam McQuade's powerful photographs of Belfast's loyalist murals illustrate his review of *Northern Protestants on Shifting Ground* by Susan McKay. Poulomi Desai's pandemic inspired artwork superbly illustrates Cowden and Yuval-Davis' article. They all provide much food for thought.

**Alison Assiter** is Professor of Feminist Theory at University of West England. She is part of the editorial collective of *Feminist Dissent* and is the author of numerous books and articles. Her most recent book *A New Theory of Human rights: New Materialism and Zoroastrianism* is reviewed in this issue of *Feminist Dissent*.

**Pragna Patel** is the ex-director and founding member of Southall Black Sisters' advocacy and campaigning centre and Women Against Fundamentalism (She worked as a co-ordinator/caseworker and director for Southall Black Sisters (SBS) from 1982 to Jan 2022 with a break in 1993 when she left to train and practice as a solicitor. For 40 years, she was at the helm of SBS and has been centrally involved in some of SBS' most important cases and campaigns involving domestic violence, immigration

and religious fundamentalism. She is also a member of *Feminist Dissent* and has written extensively on race, gender and religion.

**Georgie Wemyss** is Senior Lecturer and Co-Director of the Centre for Research on Migration, Refugees and Belonging (CMRB) at the University of East London. Previously she worked as a youth and community worker and in further education. Her research and activism draw together anti-racist, feminist and anti-colonial scholarship with a particular focus on colonial seafaring histories, borders and citizenship. She is the author of *The Invisible Empire: white discourse, tolerance and belonging* (Routledge, 2016) and co-author of *Bordering* (Polity, 2019). She is a member of the editorial collective of *Feminist Dissent*.

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<sup>i</sup> Judith Butler is currently the Maxine Elliot Professor of Rhetoric and Comparative Literature at the University of California, Berkeley. In 1990 she wrote the book *Gender Trouble*, which established her at the forefront of feminism, women's studies, lesbian and gay studies, and is considered a foundational text of 'queer theory'. In this book Butler retheorised the sex/gender distinction that had been central to the theory and practice of second wave feminism. This distinction situated 'sex' (the physical body as defined by biology) from 'gender' (what we commonly associate with ideas about masculinity and femininity, seen as socially and culturally defined). In *Gender Trouble* (1990) Butler collapsed this distinction arguing that 'sex' was just as much a social construct as 'gender'. She went on to characterise gendered behaviours as acts or 'performances', arguing that this performative dimension constitutes the 'illusion' of a stable, fixed and universal category of 'woman'. She characterised fixed gender categories as necessary for the production of approved heterosexuality, and at the same time, of disapproved homosexuality. The key point here is that for Butler, the body does not have a pre-existing biological reality; rather the meaning of the body is 'signified' through 'discourse' – through a collective act of language. For a more detailed introductory discussion of this and its implications for feminist theory and activism see Salih, S. (2002) *Judith Butler* and Kirby, V. (2006) *Judith Butler: Live Theory*.

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# Freedom of Speech and Democracy

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## Abstract

*In recent years 'freedom of speech' has been hotly contested, at times weaponised in political debates. Policies of 'no-platforming' and at times strong reactions, even protests, against certain speech have led some to worry about what they call 'cancel culture'. In addition to the explicit fight over freedom of speech seen, for example, in current feminist debates, the last 18 months have seen a rise in the popularity and presence of conspiracy theories, including theories about Covid vaccinations and the Covid pandemic. Mixed in with the so-called 'anti-vaxxers' are a medley of conspiracy theorists ranging from climate change deniers, supporters of 'ethnic replacement conspiracy theories' through to the astonishingly long-lived, antisemitic myths about child sacrifice and world domination. The spread of such conspiracy theories is problematic if they directly or indirectly cause harm. Anti-vaccination conspiracy theories are harmful if they facilitate the spread of a deadly disease, or if they spread misinformation and thereby vilify (marginalised) individuals or groups and undermine the trust necessary for peaceful coexistence and cooperation in democratic societies.*

*However – while concern about such harms is important – freedom of speech is often regarded as such a basic right that any infringement has been considered harmful in itself.*

*In this article I will look at two examples that pose challenges to freedom of speech and analyse them with reference to what I take to be the most plausible account of the grounds and scope of freedom of speech, a democratic defence of freedom of speech. Seeing freedom of speech as primarily grounded in democracy has important implications in situations when speech can be seen as harmful in a relevant sense and in consideration of what we can or should do about harmful speech. In the end I will suggest a possible way of weighing up value and dangers with respect to the cases and also in a broader sense.*

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### **Anti-vaxxers, conspiracies and gender**

Even before the current pandemic there seems to have been an increased uptake of various conspiracy theories – some more, some less dangerous. During the pandemic some of these conspiracy theories have mixed with fear of vaccination in potentially harmful ways. This fear of inoculation, along with various anti-vaccination ‘movements’, also predates the current pandemic.<sup>1</sup> In the pandemic the term ‘anti-vaxxers’ has been coined to refer to individuals who oppose the different Covid vaccinations. I want to draw a distinction here between ‘anti-vaxxers’ and other individuals who are cautious or anxious about Covid vaccinations, whether because of historical experiences or for other reasons. I use ‘anti-vaxxers’ to refer exclusively to individuals who advertise their position in order to convince others and remain unresponsive to evidence or argument. Even with that restriction in mind anti-vaxxers are a diverse bunch. They range from those who claim that Covid vaccinations are ineffective to those who deem them downright dangerous. The danger of the vaccination is either seen in its potential to cause physical harm or in its association with social control. Many of the fears about the perceived inefficiency or about health risk are based on a misunderstanding of how vaccines work. Some antivaxxers subscribe to conspiracy theories about ‘big pharma or social control, which prevent them from trusting information received from well-recognised scientists or medical experts.

A surprisingly resilient belief among some anti-vaxxers is the idea that the vaccine is a cover for chipping individuals. These chips are injected through the Covid vaccine and either track our movements or actively control our behaviour. This belief is so widespread that businesses that sell special chip detectors have sprung up on the internet. At times tales of social control draw on old antisemitic tropes about world domination. In some right wing circles, the anti-vaccination position is based on the myth of ‘ethnic replacement’. According to this fiction, Covid vaccinations aim to

make white Europeans infertile in order to replace them with other ethnic groups. Some anti-vaxxers are not just suspicious of the vaccines but claim that Covid is a hoax ('Covid deniers') used to justify population control and political domination by giving governments a narrative to justify the abolition of rights such as rights of assembly and freedom of movement. Conspiracy theories are not, of course, automatically problematic. In fact, some theories about conspiracies are true and even some untrue ones are completely harmless. Some false beliefs about the world are harmless (Cívik and Hardoš, 2020). The problem with varieties of anti-vaxxers mentioned above is that the conspiracy theories they spread are anything but harmless. Some of these theories – for example, those reviving antisemitic tropes – vilify certain individuals or groups. Theories that spread misinformation about the efficiency or dangers of the vaccine can contribute to the numbers of people refusing to be vaccinated and thus increase chances of infection and dangerous mutations of an already lethal virus. These theories could thus lead to deaths and hospitalisations.

Such potentially harmful consequences seem to justify restricting the expression of these opinions to curb their spread. It seems that mainstream media outlets do not have to see themselves obliged to give a forum to anti-vaxxers. Whatever the case might be with mainstream and public media, more niche outlets are instrumental in spreading those conspiracy theories. 'Independent' online news channels, blogs and podcasts transmit misinformation of various types. Rare moves by mainstream social media, such as Facebook, to counteract misinformation on their sites only seems to increase the credibility of the conspiracy theories among their followers.<sup>ii</sup> In light of the danger of false anti-vaccination claims and stories, should spreading them be criminalised? Or should these alternative media sites that are so instrumental for conspiracy theorists be shut down – if practical and possible to do so? There are good reasons to oppose such moves. The value of freedom of

speech and the harm of restricting this freedom are among the chief considerations here.

Questions about restricting speech also occur in a different context, for example in debates about gender and gender identity. On 7 July 2020 *Harper's Magazine* published an open letter with signatories including Margaret Atwood, J.K. Rowling, Salman Rushdie – among others. In the letter, they warn of a 'ensorious culture'. The signatories of the open letter fear the creation of a climate where opinions are silenced not through censorship but by means of social pressure or social sanctions. The claim is that reactions that have so far included protests, de-platforming and no-platforming – often but not always taking place on university campuses – instils fear among some people to openly express their opinions. The letter has met with a variety of reactions, with some pointing out that the signatories have hardly been silenced themselves. Others point out that it is part and parcel of free speech that reactions to speech are also free (speech). Freedom of speech is not a right to freedom from criticism. Moreover, in some cases protesters see themselves as reacting to hate speech. Definitions of hate speech are to some extent contested, but UK law offers some guidance. Accordingly, it is speech that:

- either intends to or is likely to incite hatred,
- and/or incites violence,
- and/or is threatening abusive or insulting such that it causes distress to a target, based on the targets race, ethnicity, sexual orientation, religion, disability or transgender identity constitutes hate speech.

Notably, any such speech that is motivated by misogyny does not seem to constitute hate speech since misogyny is not included under the hate crime legislation (Crown Prosecution Service, 2017). Also notable is an emphasis on how the behaviour affects the target in current UK hate crime legislation, while 'hatred' and 'hostility', for example, remain



underspecified. I will say more about the specific harms of hate speech below.

Trans-exclusionary views deny some individuals the recognition of their identity or a fundamental aspect of their identity. Thereby they undermine equal dignity; they single out some individuals as objects of misrecognition or non-recognition. *Their* identity can be publicly questioned and doubted. Such trans-exclusionary views can also damage self-confidence and trust in others (for theories about the link between recognition, confidence and trust see Honneth, 1995; 2007; for the link to hate speech see Seglow, 2016). Altogether, prevalence of such views coupled with certain behaviours such as public refusal of recognition affects the ways that people can live a life according to their conception of what is meaningful and good and 'theirs'. A recent blog post by a nonbinary student outlines the effect that publicly expressed trans exclusionary views and their defence in the name of freedom of speech have on some students (see nbphilosopher, 'A nonbinary philosopher's perspective on the cis philosophers' letter', 2021).

There are consequences from misgendering or failed recognition for society as a whole. For one, misrecognition constitutes an injustice. Insofar as people have an interest in living in a just society, such misrecognition should be prevented. Misrecognition is also an epistemic mistake and so relates to lack of knowledge and it might prevent access to knowledge – perhaps in this case emancipatory knowledge, or knowledge about how to overcome oppression or marginalisation.

However, debates about 'gender' as a concept have been an important part of the theoretical work of feminists since the 1960s and these theoretical explorations and analyses of the concept have always informed activism. How to understand gender and what role it plays and should play are open questions in feminism and as such there must be a way to

talk about these theoretical issues. The worry of some philosophers and other academics is that protests against hate speech are not limited to such speech, which should be opposed, but extend to any debate about gender and so undermine freedom of speech and academic freedom.<sup>iii</sup> Apart from genuine theoretical interest in the concept and its role there might other reasons for not restricting such speech, even of those who hold harmful views that deny others the fundamental recognition of their identity. Many of those with trans exclusionary views ultimately see their stance linked to questions about how to organise their communities. Presumably, in a democracy all views on matters about the community need to be heard and need to be addressed. The way to respond to fear that is based on misinformation is to show it up as inappropriate, that is to publicly disseminate and prove underlying assumptions wrong. Public disputes about gender identity are inevitably hurtful and injurious, yet they might be necessary for a while. In Western democracies we have had decades of disputing sexual orientation, which have also been deeply hurtful and injurious for those questioned, denied or judged. But this has arguably led to greater freedoms and understanding, even though there has always a danger of regression and homophobic violence has been on the rise again.

Exactly how one should deal with harmful speech in all the above contexts partly depends on the value of freedom of speech and the grounds for its value. I want to investigate this aspect of free speech more in the following sections. This analysis will hopefully help to guide thinking around these issues.

### **The value of freedom of speech**

Freedom of speech is a social good, in at least two senses: it is valuable for societies, and it is achieved only collectively, within societies. The unhindered expression and exchange of opinions, criticisms, questions,

claims and arguments is essential for knowledge and social progress (including scientific and technological gains), though by itself it does not guarantee progress. Both the liberal 18<sup>th</sup> century English philosopher John Stuart Mill and the Marxist 20<sup>th</sup> century philosopher Herbert Marcuse attest to the importance of free speech for the pursuit of knowledge and truth (see Mill, 1962; Marcuse, 1965). Both are primarily concerned with truth in relation to human flourishing. Mill appreciates individual differences and holds that free speech offers individuals different opinions and lifestyles and allows them to test their opinion in debate, thus enabling them to find a way to live that is fulfilling for them (Mill, 1962). For the pursuit of truth, false opinions are as important as true opinions if false opinions provoke discussion and so ‘keep alive’ our knowledge and deepen our understanding of truth. For Marcuse the purpose of freedom of speech is to find truth about human freedom and ultimately to find a way to organise society so that human beings live together freely and without fear (Marcuse, 1965). In societies that are permeated by inequalities – especially power asymmetries, where some individuals are marginalised, exploited or otherwise oppressed – tolerance can be damaging and prove an obstacle to human flourishing. According to Marcuse in these societies, absolute tolerance tends to maintain the status quo; that is, it will help to maintain power hierarchies. Until absolute equality within a society is achieved, Marcuse advocates repression of those opinions that defend or normalise inequality and speech that calls for more oppression. Marcuse’s argument about free speech is similar to arguments against liberal neutrality of the state (see Taylor, 1994). For Marcuse, censoring speech that furthers marginalisation or undermines dignity, and giving a bigger platform to the hitherto marginalised views of oppressed, is a step towards more equality (Marcuse, 1965).

In the literature there has always been a strong link between autonomy and free speech (Mill, 1962; Dworkin, 1996), sometimes cited by anti-vaxxers. Freedom of speech is an essential aspect of respecting another

person's agency. Part of recognising another as an independent agent, a person in their own right, is to hold them accountable for their opinion. Freedom to express one's opinion and having to take responsibility for one's speech are testament to a person's power and ability to form and articulate an opinion (Honneth, 1995; 2007). Silencing an opinion denies an important aspect of agency. In some cases such denial might come close to what Miranda Fricker calls epistemic injustice, that is a person is unjustly denied the status as knower and knowledge giver on the basis of (false) prejudicial beliefs about a person's competence or sincerity because of their social identity (Fricker, 2007).

Freedom of speech is also an essential democratic good. Being able to hold to account those who govern ('in our name'), being able to question, protest and to exchange ideas, opinions and experiences is fundamental to any democracy. In addition to the need to have a voice against those in power, it is important for members of a democratic community to receive feedback from each other about the effects of social cooperation. The 20<sup>th</sup> century pragmatist philosopher John Dewey understands democracy as the way to create and maintain real community. According to Dewey, democracy is the response to issues that arise from social cooperation, where individuals recognise and appreciate the importance of others for the community and for themselves. In a situation where my flourishing depends on the cooperation of others and where such a cooperation causes burdens as well as privileges for a wide variety of individuals in different locations (and times), it matters that we find a way as a community to distribute burdens and privileges that allows everyone to benefit from cooperation. This also requires that everyone in the community is respected and feels respected as valuable members of the community. To these ends communication is essential. Communication here also includes public debate about solutions to the problems of social cooperation (Dewey, 2016).<sup>iv</sup>

Theorists of deliberative democracy, who emphasise the importance of public discourse for democracy, continue to develop ideas about just and inclusive communication (see for example Fraser, 2003; 2005; Young, 2010; Habermas, 1984; 1987; 1992; 1994). The philosopher Nancy Fraser, for example, holds that ‘participatory parity – equal opportunity to contribute to public discourse – is the fundamental principle of justice. Iris Marion Young focuses on different forms of communication to enhance inclusiveness in the context of pluralism. Freedom of speech itself is an important constituent of public discourse. Philosopher and sociologist Jürgen Habermas, for example, argues that individual autonomy, aims and projects are what democratic states must protect and promote. Individual autonomy and the related demand that individuals can formulate and realise their own conception of a good life provide the content of discourse (Habermas, 1994; Taylor, 1994). The projects and beliefs of individuals determine how (their) society ought to be organised.’ The point of this form of democracy is to find a way to organise society that allows people to lead lives that are fulfilling and valuable to them. In this sense the freedom of speech defence in Mill finds its way into a democratic defence of freedom of speech.

Impediments to freedom of speech can take various forms. One, there is censorship directed and enforced by governments (or other institutions with political power to enforce, such as churches). Individuals are forbidden from expressing certain opinions and can be fined, imprisoned or worse. For example, such hard censorship takes place currently for example in Afghanistan under the new Taliban regime.

However, those who fear for free speech in the UK, the US or Germany have something different in mind. They are concerned with so-called ‘cancel-culture’; they are essentially worried about the effects of the social repercussions that some individuals would face when expressing their opinion. They fear that reactions to some speech might be so

extreme that fear of them effectively silences individuals. John Stuart Mill has already recognised that social sanctions can have a detrimental impact on freedom of speech. It seems indeed plausible that some social repercussions might deter individuals from voicing their opinion, which can be an issue for freedom of speech. Sometimes that might be the desired effect.

‘Cancel culture’ refers to the variety of different reactions to an ‘unwanted’ opinion. It includes ‘no-platforming’ and ‘de-platforming’, which aims to not to provide a forum for individuals or certain opinions by not inviting them to give (more or less) public speeches or by withdrawing previous invitations. Another form of withholding a platform is to prevent individuals from entering buildings or banning them from certain types of social media (such as Twitter, Facebook or blogs). This becomes a problematic interference with freedom of speech if and when it significantly limits the way an individual can make themselves heard. Banning an individual who has access to international media networks from Twitter might not constitute a problematic infringement of their freedom of speech, but banning an individual from Twitter – and all other social media platforms – who has no access to other ways of reaching an anonymous public may well constitute a problematic and significant restriction.

Restrictions can apply in a different way too. Even when someone has been able to express an opinion publicly, the nature of reactions could discourage the individual and others to voice like opinions. Reactions range from the mild to the severe and notably include protest and social ostracism. However, protest can itself be an expression of an opinion and therefore fall within the domain of freedom of speech. Indeed, it is a feature of respect for someone as an agent that we hold them accountable for their opinion. Not engaging with an individual, even ostracising an individual, also seems a matter of basic free choice. It seems implausible to

think that individuals could or should be forced to engage – that is, to speak – with an individual. However, if such reactions create an atmosphere that prevents some people from speaking their opinion, or questioning a dominant opinion, this could be problematic.

In some cases such restrictions to freedom of speech may be justified. Even Mill, one of the most fervent defenders of freedom of speech, accepts ‘harmfulness’ as a reason to censor or restrict speech. The so-called harm principle is highly contested, but it remains influential in debates about ‘hate speech’ and current debates about the anti-vaccination movements and gender critical feminists.<sup>vi</sup> Concerns about the harmfulness of these opinions drives moves to limit exposure. It is noteworthy, in this context, that Mill distinguishes between harm to others – which sets limits to freedom – and mere offense, which may be regarded as distasteful but covered by freedom of speech (Mill, 1962). What constitutes a relevant harm, whether offence might be a reason to restrict speech and how to address the problems introduced above depends on why one thing freedom of speech is valuable. To me the most comprehensive defence of freedom of speech can be found in its importance for democracy, which in many ways includes considerations of personal autonomy, and the pursuit of knowledge.

### **Democratic defence of freedom of speech**

The first obstacle to a democratic defence of free speech is the fact that there are different, competing accounts of democracy. Rather than defending any particular account, I will start here from three basic assumptions, which will be sufficient to sketch a broad idea of democracy I can use to address the problem cases introduced above.

First, human beings are essentially vulnerable and dependent beings. As human beings we are all vulnerable to accidents, illness and other

processes that affect our bodies and limit our abilities in certain ways. We are also vulnerable to harmful influences on our psyche and mental wellbeing. Important attitudes to oneself such as self-respect, self-esteem and self-worth can be harmed and even destroyed. I follow the social philosopher Axel Honneth and understand self-respect as a view we have of ourselves as capable of forming judgments, maintaining opinions and formulating a conception of a good and meaningful life; we learn to respect ourselves in that way as a result of being treated as individuals capable of forming judgements by others.

Self-worth refers to one's appreciation of one's needs, which are regarded as worthy to be satisfied; to some extent regarding one's needs as worthy depends on having this worth reflected in the behaviour of others. Self-esteem describes the awareness of an individual's value (especially social value), based on their skills, with its importance reflected back to the agent through the esteem of others (Honneth, 1995; 2007). Human interactions that undermine these ways of relating to oneself have debilitating consequences for individuals, undermining their agency (Honneth, 1995; 2007). Human beings can thus suffer severe psychological injuries.<sup>vii</sup> When I say that human beings are vulnerable, this means they can be affected (irrespective of their will) by the external environment and by other people in ways described above. Being vulnerable renders humans dependent on others, but it also allows us to enter meaningful and rewarding relations with others (see Assiter, 2020; 2021; Petherbridge, 2016). If another's actions and attitudes can undermine my self-confidence, presumably different actions and attitudes might be able to strengthen my self-confidence. The psychological effect of others' actions on an individual's fundamental view of themselves is evidence of a certain way in which others 'matter'. We are vulnerable to their actions because we 'care' about them (Honneth, 2012).<sup>viii</sup> And so, in addition to our bodily vulnerability we are psychologically fragile such



that others can deeply impact our psychological wellbeing and our abilities and agency.<sup>ix</sup>

The second assumption is that due to our shared vulnerabilities we depend on cooperation with others and live in communities for our survival and basic psychological wellbeing.

Third, all accounts of democracy share a commitment to equality, at least to equal worth, equal humanity and equal dignity. No one has a natural or God-given authority over any other (adult) individual, and all are equally entitled to basic justice. This view of equality is often linked to a commitment to some form of autonomy. In light of the first two assumptions the most fitting conception of autonomy is one that acknowledges our social dependence (see for example Honneth, 2007). Such accounts conceive of autonomy as facilitated through and limited by our relations to others. Conflicts between different conceptions of human autonomy and different ideas of what equality demands are rightly subject to public debate and contest. For example, different political positions on state welfare, national health or nationalisation versus privatisation are based on different views of autonomy and equality.

While competing accounts of democracy respond to equality and autonomy differently, all of them aim to guarantee that each citizen has a voice in the political decision-making process. Governments, whether as mere executors of public wills (direct democracies) or the mediators of public wills (parliamentary or representative democracies), are ultimately accountable to citizens. This means that citizens at least must be able to publicly question and criticise governments and so need to be free to express political opinions in that sense. Free speech is essential for democratic public debate for other reasons too; these relate to the purpose of public debate. Although the specific role public debate plays in a democracy varies it is valuable for the three reasons discussed below.<sup>x</sup>

First, public discourse is a means to finding a distribution of the burdens and privileges of cooperation that respects the equality and freedom of all affected.<sup>xi</sup> As previously mentioned in regard to Dewey, for example, communication between members of a community is important to ascertain the effects of policies on individuals. The best way to learn about the effects of a policy is to listen to the individuals affected by it. Increased communication between members of a society will increase knowledge of problems and possible solutions. Dewey envisages public debate as a type of scientific enquiry into the best way to organise society for all (Dewey, 2016).

Second, the relationship between autonomy and democracy further grounds the value of public discourse: individuals care about the way in which their communities are governed and organised because they have an interest in leading a life that is meaningful to them (see for example Habermas, 1994). This does not have to be construed in an individualistic manner. Meaningful life might essentially involve others both within and outside the communities an individual belongs to (see for example Taylor, 1994). In public debates that are open to all members of a community, with the aim to form and articulate public wills, it is important that individuals can express their opinion on matters in line with their conception of the good life and their experience. In fact, public debate and voting become essential only because there are different opinions and experiences – hence, expectations, needs and desire – to begin with. As a response to the value of autonomy and a way to organise society so everyone is equally respected as a valuable member and agent of the community (and within it), democracy must give equal weight to everyone. Certainly, freedom of expressing one's stance should not be restricted just because of difference or even conflict between opinions and values.

Lastly, public discourse that is open to all equally can itself be an expression of mutual recognition and appreciation between members who

contribute to each other's wellbeing. Being heard and taken seriously in public can make people feel recognised and respected as valuable, equal and autonomous members of a society (Honneth, 2007). Such public participation can – and often does – lead to public disagreements.

Therefore, in a democratically organised community freedom of speech is necessary for public discourse to fulfil its epistemic and recognitive roles. The value of freedom of speech derives from the role it plays in honouring and promoting the fundamental values of equal respect and dignity. Censoring or otherwise limiting someone's speech can constitute a violation of equal respect, signalling that either an individual (or group of individuals) or an opinion is not valued equally (Dworkin, 1996; 2011). However, censorship is not the only way someone's ability to participate as equal in public discourse can be undermined. Fraser, for example, argues that economic or cultural inequality, political misrepresentation can be obstacles to participatory equality (Fraser, 2003; Fraser, 2005).<sup>xii</sup> Speech can contribute to cultural subordination, so some speech acts might themselves threaten or even damage equal respect and participatory equality, undermining the epistemic and recognitive aims of discourse. Jeremy Waldron, for example, holds that hate speech undermines the dignity of individuals who are targeted by it (Waldron, 2012). Others suggest that hate speech might also affect the self-confidence of targeted individuals (Seglow, 2016; Honneth, 1995). As outlined above, self-confidence is essential for agency and so hate speech undermines the agency of its targets. On both accounts, it violates the equal standing of individuals in a community, their trust to be taken as equals and thus their participatory parity. Participatory parity is undermined even more by speech that claims members of targeted groups are insincere and ignorant because of prejudices or myths that attach to their social identity. In such cases obstacles to equality are multiplied.<sup>xiii</sup> Equality can also be undermined if individuals are not taken seriously because of their communication style (Young, 2010). The harm of this

inequality is twofold: it undermines the sense of belonging and community. By restricting information – perhaps even excluding some points of view – it might prevent communities from finding the best possible solutions to the problems of social cooperation.<sup>xiv</sup>

### **Restrictions based on democracy**

The value and role free speech plays in a democracy helps to outline its limits. By limits of free speech I mean the limit of special protection that is owed to expressions because of the value of free speech. Speech that is not covered by free speech need not be censored or limited. There might be good reasons to allow such speech. However, such reasons must then go beyond reference to the value of free speech. To sum up: for democracy free speech is valuable but its value depends on the role it plays in honouring and promoting other values. It derives its value from these other values. It is a 'dependent good' or an 'instrumental good'. The ends of free of speech are epistemic and recognitive, which entails finding good solutions to problems of social cooperation as well as expressing an appreciation of the value and dignity of individuals and their autonomy. The value of freedom of speech derives from the value of communication, equality and autonomy.<sup>xv</sup>

Speech that undermines communication, inclusion, equality recognition or autonomy might not be valuable and so restricting it might not be problematic *as* restrictions.<sup>xvi</sup> It is helpful to clarify the different ways in which speech can be problematic and no longer be covered by a commitment to free speech:

1. Speech that can perpetuate and therefore worsen the effect of cultural subordination.
2. Speech that violates or diminishes dignity or self-confidence.
3. This is quite apart from the potential of some speech acts – especially those calling for violence or those that spread specific

types of misinformation – to facilitate physical harm.

The first point covers speech that either reiterates or elicits negative and false stereotypes or prejudices about members of some groups, affecting the chances that members of these groups have to be heard or taken seriously in discourse (Fricker, 2007).

Prejudice that pertains to competence and sincerity takes many forms: imputed selfishness, ridicule of cultural or religious beliefs or outright conspiracy theories. Moreover, speech does not directly have to refer to such prejudices for it to be damaging. If we follow Fricker in thinking that stereotypes work as social images that can be elicited, then different forms of speech can stimulate the relevant imagery in audiences, either intentionally or unintentionally (Fricker, 2007). Current research on implicit bias and internalisation of biases and prejudices – so-called self-stereotyping – suggests that this imagery influences speakers and audiences against their will and below the threshold of consciousness (Saul, 2013; Holroyd, 2012).

Some of the speech of anti-vaxxers and some of the speech of gender critical feminists tap into such stereotypes, perpetuating antisemitic prejudice or prejudice against mainstream media or misrepresenting trans women as especially dangerous and predatory. The latter misrepresentation is partly achieved through bias in the media focus on stories that support the stereotype and evoke fear by wrongly implying a higher proportion of violent, predatory individuals in this specific social group or by furthering an association between members of this group and violent behaviour. This undermines the equality of individuals, biasing audiences against them based on perceived insincerity ('ulterior motives'). I should emphasise that the problem is not that violent and predatory behaviour is reported but the focus on these stories and exclusion of other stories and experiences of trans people that would paint a more balanced and differentiated picture. Some anti-vaxxers also aim to undermine the

credibility of experts with reference to competence, while trans exclusionary views sometimes undermine the status of trans woman as knowers and knowledge givers. Those women are then not seen as knowledgeable (enough) about experiences of sexism. Of course the response here is that not all women experience sexism in the same way but that different groups of women experience varied kinds of sexism in distinctive ways. Furthermore, the different types of sexism do not map onto the cis-trans distinction. Moreover, since it seems likely that all forms of sexism are interrelated, all experiences of sexism offer important insights into sexist oppression. However, while speech that perpetuates, reaffirms or elicits prejudices is harmful to participatory parity it is not obvious that such speech should be prohibited, silenced or restricted. It could be more efficient for combatting cultural subordination to allow those speech acts so that they can be called out and criticised publicly. Fraser, for example, demands a process of cultural re-evaluation as a solution to cultural subordination. According to her, we should deconstruct assumed cultural differences and attributes, dismiss those that are false and re-evaluate actual differences between groups or members of groups (Fraser, 2003). Combatting implicit biases requires different long-term approaches, beginning with building awareness to implementing environmental changes (see Holroyd, 2012).<sup>xvii</sup> Publicly countering misrepresentation and misinformation might be helpful for both purposes. Moreover, it might be advantageous for a democratic community to allow speakers who advocate obnoxious views to be heard and addressed. However, it does seem implausible for anyone to claim that they have a right to undermine the equal standing of others in the way outlined above, and the effectiveness or inefficiency of public discussion must be weighed against potential further (other) harms as well.

The second point stresses that speech can also undermine the dignity or self-confidence of others. Jeremy Waldron, for example, analyses the

wrong of hate speech in terms of the dignity of citizens. Equal dignity, according to Waldron, is an 'assurance good' (Waldron and Seglow). Starting from a Rawlsian idea of a well-ordered society, Waldron expounds his idea. A well-ordered society is characterised by certain reciprocities between all members, specifically a shared commitment to the fundamental grounding principles of justice. In the liberal thought of Waldron and Rawls, these principles are minimal. Waldron focuses on the commitment that every member in societies recognises the equal humanity of every other. Dignity is something all humans possess as human beings and it grounds the right to just treatment. Dignity is thus, in Waldron, a 'civic status' that must be protected (Waldron, 2012: pp. 82-83). Hate speech undermines the 'assurance' that everyone is committed to equal dignity in that hate speech itself undermines or calls for undermining dignity of some members (Waldron, 2012). This can take different forms, but everyone is familiar with racist hate speech that explicitly denies the equal humanity of some fellow humans. Prohibiting such speech is a reassurance that societies are bound by those very fundamental assumptions.

As Seglow points out, dignity is not only a reason to censor hate speech but also a basis for freedom of speech (Seglow, 2016). It is partly due to the dual role of dignity as reason to allow and restrict speech that Jonathan Seglow argues that hate speech violates self-confidence. As outlined above, self-confidence is a basic (though fragile) self-relation that is a pre-requisite for autonomous agency, which must be afforded to all members of a society equally in their status as human agents. I am primarily interested in understanding the different ways speech can harm those goods fundamental to a democracy and for this purpose I can treat Waldron's and Seglow's analyses as complimentary. Speech that is usually classified as hate speech can undermine either or both of two fundamental goods in a democracy: dignity and self-confidence.

Speech that vilifies or ridicules trans people threatens to undermine dignity, as does persistent and obstinate misgendering and deadnaming. Where such attacks on identity are internalised, it affects the self-confidence and agency of targeted individuals. The effects of some blogs and tweets on dignity and self-confidence have been well documented and it is those effects that have fed recent protests (see nbphilosopher, 2021). It seems important here to emphasise that accidental misgendering might also have adverse effects on individuals, and should therefore be avoided. However, genuine mistakes should not qualify as problematic speech in the sense outlined here.

Actions such as the use of antisemitic tropes and hounding politicians, journalists and scientists – done by some anti-vaxxers in Germany, for example – also aim to undermine the dignity and self-confidence of targeted individuals. Meanwhile, the antisemitism clearly qualifies as hate speech.

Apart from the harms of hate speech discussed above, speech can also lead to the *physical* harm of individuals in different ways. Often it is difficult to track the relation between speech and harms allegedly caused by speech, since other factors (decisions made by other agents) play an essential role. But it might well be that in some cases speech has helped to create a situation or a climate where certain acts become increasingly acceptable. Former USA president Donald Trump's perpetual claims of election fraud and his calls to defend democracy are seen by many pundits to have facilitated the march and assault on Capitol Hill. There is also good historical evidence of the efficiency of propaganda.

In the German context, some anti-vaxxers, together with other 'Covid sceptics', have called for violence and even issued death threats against politicians, journalists and scientists (see for example Berlin Direkt from 12/12/2021 [Berlin direkt vom 12. Dezember 2021 - ZDFmediathek](#) ).



Aggressive spread of conspiracy theories and Covid denial has already helped to create an atmosphere and heat tempers to such a point that a 20-year-old pupil was shot in Idar Oberstein in September 2021 over anti-Covid measures (see for example release from German Press Agency: [www.zeit.de/news/2021-11/16/anklage-nach-tankstellen-mord-noch-dieses-jahr](http://www.zeit.de/news/2021-11/16/anklage-nach-tankstellen-mord-noch-dieses-jahr)).

Transphobic speech that calls for or threatens violence against trans and nonbinary people could contribute to a situation that has seen increased reports of hate crimes against trans people and an increased sense of threat (Chapple, 2020).<sup>xviii</sup>

It seems to me that democracies not only have a right but a duty to restrict speech that threatens the physical integrity and life of citizens and residents and so such speech acts are rightly criminalised in the UK. Bodily safety and wellbeing are concerns that lie at the root of shared communal life and cooperation.

Especially anti-vaccination conspiracy theories pose an additional threat to democracy in as far as their myths undermine the trust in political personnel, political institutions, experts and fellow citizens (who are misguided). Trust is the glue of democracies. Democracies can survive distrust in specific political personnel, but democracies do not function well if citizens do not possess some trust in the institutions and processes of a society. Trust in fellow citizens is fundamental to any well-functioning society.

### **Conclusion**

Having distinguished different ways in which speech can be harmful, I want to emphasise once again that harmfulness does not mean that such speech ought to be restricted in all cases. Within a democracy it is up to

members to come to a decision of how to react to such speech. Different considerations must be weighed up, but special consideration needs to be given to the harms discussed above as they threaten the fundamental values of democratic societies.

While it seems implausible to claim a right to perform speech acts that violate fundamental goods and values, there are different ways one can remedy the harms done by speech and deal with problematic speech. Dignity, self-confidence and equality can be secured by other means, indeed they *need* to also be secured by other means. Publicly addressing problematic speech might itself be a way to reassure people of their dignity and equality, which in turn also could positively affect self-confidence. However, when it comes to speech that threatens life or physical integrity – through incitement to violence or otherwise – one might consider regulating such speech. Life is a fundamental good and risking it by trying out other responses may seem an inappropriate gamble. Regulation of speech too can take different forms. Usually, regulation of speech implies a legal response, for example criminalising certain speech (censorship). But especially in cases of a more indirect threat to life (such as the spread of dangerous misinformation that does not actually vilify groups or incite hatred or violence), state censorship may neither be practical nor desirable. It might be better to leave it to civic institutions (including universities) or private businesses (such as social media platforms and operators) to choose to withhold a platform. There are, however, other problems associated with giving private businesses so much influence over who can participate – and how – in debate with anonymous others. Therefore, further careful in-depth debate is needed.<sup>xix</sup>

Regulating speech may sometimes be appropriate and in other situations social sanction, protests and de-platforming and no-platforming may be used to protect fundamental goods. However, it must also be possible for individuals to voice concerns, disagreement and doubt even in the

contexts under consideration here. One example would be individuals who are fearful of vaccination – possibly the result of the spread of conspiracy theories and misinformation or because of historical experiences. They must be able to articulate their concerns in order to address and resolve these issues. A distinction needs to be made between the anti-vaxxers who spread dangerous conspiracy theories and misinformation and those affected by the misinformation.<sup>xx</sup> There seem to be two criteria that can be used for such a distinction, which are then also applicable to other contexts.

One, we can distinguish the degree and quality of spread of misinformation. While people who communicate about their fears and worries might sometimes cause others to be concerned, their influence differs quantitatively from those who take to the streets and online forums to spread misinformation. So, one distinction focuses on the whether or not communication seeks to influence anonymous others, or if it uses *means* likely to influence the behaviour of anonymous others.

Second is something I would call ‘good faith’.<sup>xxi</sup> Someone who questions, doubts or disagrees in good faith is responsive to evidence, arguments and experiences. Engaging in good faith means different things in different contexts of debate. It can mean aiming at truth or consensus, or finding the best solution for all affected, but it usually involves a collective goal shared by those who engage in debate together. It thus comes with a certain attitude also towards those we disagree with. It seems reasonable that respect for the other, as someone who contributes to the shared aim also involves sensitivity to the effect that our own speech or position has more generally on others. This also requires an awareness of the general political and social context. Someone who argues in good faith must consider whether their speech impacts individuals who are already unsafe, for example because they are vulnerable to hate crimes. The form of expression and the language used does matter.

Wilful or gratuitous offensiveness are not merely distasteful, as Mill claims, but might have material impact on others and can be seen as a sign that a speaker does not act in good faith. This is an important aspect of good faith especially in debates that touch at the core of individuals' identity, where speech can impair agency. Further, good faith extends to interpreting the speech of others. If I engage in debate in good faith I should give my opponent the benefit of doubt and assume they too are good faith participants – until I have good reason to doubt that ( for example, if my interlocutor chooses to be gratuitously offensive, and proves unresponsive to experiences or evidence). The idea of good faith outlined here excludes cases of incitement to hate or violence or speech that vilifies, but at the same time secures room for genuine debate in difficult areas, where different positions have social and political ramifications and can affect wellbeing deeply.<sup>xxii</sup>

I want to emphasise that my suggestion is that these two criteria might help to identify speech that must be protected as free speech in sensitive contexts. This does not mean that speech failing to meet these criteria should always be restricted. Rather, all the considerations previously outlined apply to such speech.

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<sup>i</sup> Among the best publicised were the fears surrounding MMR vaccine and opposition to compulsory measles vaccines.

<sup>ii</sup> One worry about making vaccinations compulsory (penalising people who refuse the vaccination although they are medically fit) is that it might throw oil into the fires of various vaccination myths.

<sup>iii</sup> The sheer variety of position on the nature and role of gender and "woman" in current feminist debates shows that it still is a contested concept.

<sup>iv</sup> This can also be seen as a reason to broaden the scope of those who need to engage in public discourse, since our wellbeing does not only depend on fellow citizens but all residents and possibly individuals outside our borders.

<sup>v</sup> Undemocratic projects or such that seek to violate other people have always posed a problem.. Arguably, one might think that hate speech falls within this class. Only a few theorists believe that democracies must be tolerant of such projects.

<sup>vi</sup>(Mill, 1962). Mill's harm principle is highly problematic because it manages to seem too narrow in one respect and too broad in another. It is too broad because there are many speech acts that cause harm that one might still not want to prohibit. Think of the conversation with a friend that went so wrong that it caused the friend to suffer. Unless one wishes to strongly regulate conversations among friends or the occurrences of arguments, causing direct or indirect harm itself would not be considered a sufficient reason to censor speech. For example, Scanlon points out that the harm of causing someone in private conversations to hold false beliefs and act on those false beliefs should not constitute a reason for restricting speech (Scanlon, 2006, p. 213). However, Brison locates the harm of hate speech exactly in the fact that it causes false beliefs and actions result from these beliefs. In the case of hate speech, Brison holds that it leads victims to falsely believe that they are not worthy of respect (Brison, 1998, p.326.).

<sup>vii</sup> These injuries can manifest themselves in diagnosable illnesses such as anxiety disorders, post-traumatic disorders and depression.

<sup>viii</sup> The precise nature and basis of this fundamental caring is a question I cannot address here.

<sup>ix</sup> By distinguishing between psychological and bodily vulnerabilities I do not propose a mind-body dualism but only wish to highlight different aspects of our human condition. Taking the psychological harms seriously would, on the contrary, strongly suggest a materialist position because conditions such as depression and anxiety are also bodily processes.

<sup>x</sup> In deliberative democracies the consensus reached in public debates (if any) will guide governments; in other democratic set-ups, public debate might be an indirect way to influence the political agenda of governments.

<sup>xi</sup> Within democratic theory the question of the boundaries or scope of democracy is of vital importance: who gets to have a say. The "all-affected principle" suggests that state boundaries should not apply (many people outside of the USA are affected by decisions of its government). However, for the sake of this paper I will again set this question aside. I will assume what is actual practice: citizens of a state will have their say, only if they are deemed competent according to democratically decided rules (which could be determined by age, among

other things). Again, these notions of competence could be contested as they are vulnerable too – prejudice and bias against some groups and they have changed throughout history, often in the context of overcoming social prejudices. In a functioning democracy these rules themselves are subject to public and inclusive debate.

<sup>xii</sup> The idea of political misrepresentation as an injustice is important and Fraser's account of it is insightful and helpful for feminists, especially those combatting the misrepresentation of women. Unfortunately, this is not the place to engage with this in depth.

<sup>xiii</sup> Of course, such obstacles arise not just because of hate speech. Prejudices and implicit biases attach to other aspects of individuals too and might even become institutionalised in the way debates are undertaken – for example, if debates prefer or demand certain argumentative styles. Iris Marion Young suggests ways to broaden the scope of what counts as argument in a public debate to create inclusive democratic publics (Young, 2010).

<sup>xiv</sup> Again, the real test case involves exactly those views that seek to exclude or undermine others.

<sup>xv</sup> Parity and inclusive communication are valuable because/if democracy is valuable. Democracy itself derives its value from equality and autonomy, to which it is a response. It is of course possible to derive the value of freedom of speech differently: J. S. Mill thinks that freedom of speech is crucial because of its contribution to overall happiness or flourishing; H. Marcuse claims that the value of freedom of speech is linked to its role in finding truth about human freedom. In all cases, however, the value of freedom of speech depends on some other values, which are more fundamental.

<sup>xvi</sup> Even when one thinks speech should be restricted to honour or promote fundamental values, the practicalities of such restrictions might be highly problematic – especially the question of who should have the power to restrict speech and how such power can be limited.

<sup>xvii</sup> Environmental changes aim to prevent eliciting negative prejudices at the very least and might even manage to build new associations. There are many other measures suggested in the literature. While overcoming the effects of self-stereotyping is partly linked to actively avoiding eliciting stereotypes or prejudices, it is a different question whether this should amount to prohibiting such speech in public discourse (Saul, 2013; Holroyd, 2012).

<sup>xviii</sup> The data around transphobic hate crimes in the UK is hard to interpret for various reasons, including the fact that only a small number of trans people live in the UK (see for example an explanation of the difficulties of data interpretation by channel 4 news: <https://www.channel4.com/news/factcheck/factcheck-how-many-trans-people-murdered-uk> but see also the research briefing to parliament for 2021, <https://researchbriefings.files.parliament.uk/documents/CBP-8537/CBP-8537.pdf> and the official numbers from ONS 2018-19 <https://www.cps.gov.uk/sites/default/files/documents/publications/CPS-Hate-Crime-Annual-Report-2018-2019.PDF> ). However, it is well-documented that transphobic crimes still happen in the UK and throughout the world.

<sup>xix</sup> I do not have the space to engage in discussion about this very pressing issue here.

<sup>xx</sup> Similarly, we must be able to distinguish genuine discourse about the nature and role of gender from transphobic speech, which aims at violating fundamental recognition of the identity of others or worse.

<sup>xxi</sup> 'Good faith' is originally a legal notion but the way I use it is only very loosely related to its legal meaning.

<sup>xxii</sup> This notion of good faith is vague but it seems appropriate, in a democratic society, that we trust each other to be capable of judging when individuals argue in good faith.





Image 3: *Agony and Ecstasy* (2007) © [Houria Niati](#). All rights reserved.

# Disciplining Speech, Violating Rights: Recurrent and Shifting Patterns in the Context of Turkey

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## Abstract

*The article proposes a historical account of the evolution of struggles and debates surrounding freedom of speech in the context of Turkey. The main argument is that violations of freedom of speech cannot be assessed in a manner isolated from the comprehensive remakings of politics, economy and society in the country that configure and reconfigure the contours of '(un)acceptability' and '(un)desirability' of speech in historically specific ways. Therefore, the article challenges mainstream approaches that treat freedom of speech within the allegedly autonomous, abstract and individualised domain of intellect divorced from its material context and situates it within the deep-seated societal transformations that both influence and are influenced by continuously contested governing strategies. After outlining key terms of the debate, the second section provides a historical overview of the evolution of controversies in this field before Justice and Development Party or Adalet ve Kalkinma Partisi (AKP) rule. The final section focuses on the specific evolution of the AKP-era governing strategy in its continuities and ruptures from the historically prevalent freedom of speech issues in three domains: labour rights, cultural and political rights, and gender and sexuality.*

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Over the past decade, Turkey has featured prominently in international media and public debate as the epitome of an authoritarian turn in global politics marked by the allegedly unexpected discursive and policy shifts of the ruling Justice and Development Party or Adalet ve Kalkinma Partisi (AKP). The consequences of these developments on the lives and rights of marginalised, dissident groups and communities have been drastic. Turkey

currently ranks 153 out of 180 countries in the World Freedom of Press Index (Reporters without Borders, 2021) and retains its 'not free' designation in the Global Freedom and Internet Freedom Index (Freedom House, 2021). Deepening attacks on university communities and academic freedom since the mid-2010s have been the subject of several scholarly analyses (see for example, Aktas et al., 2019; Sertdemir Ozdemir, 2020; Scholars at Risk, 2020). In terms of gender-based violence, 38% of women aged 15-59 experience lifetime physical and/or sexual intimate partner violence in Turkey according to 2015 data (UN Women, n.d.) while the We Will End Femicide Platform (WWEFP) reports that 300 femicides were committed in 2020 alone (WWEFP, 2020).<sup>i</sup> According to Transgender Europe data, 43 trans people were murdered between 2008 and 2013 (Schick, n.d.; Demiryakan and Ensari, 2017). Against this background of sustained violence the Turkish government announced in March 2021 that it withdrew from the Istanbul Convention on preventing and combating domestic violence and violence against women through a presidential decree.

At first sight, this evolving trend represents a textbook case of authoritarianism in a country where the democratic tradition and rule of law are deemed to have never found solid ground to flourish. While this reading has been largely adopted by the mainstream commentators; a deeper investigation allows us to uncover the ways in which the neoliberal restructuring of the state and social relations have been married with the repressive, conservative outlook of AKP's discourse and policies in a mutually reinforcing fashion (see Bozkurt, 2013; Erol, 2016; Donmez, 2018; Tansel, 2018). In such a context, it is not possible to assess violations of freedom of speech (FoS) in a manner isolated from these comprehensive remakings of politics, economy and society in Turkey. Therefore, this article adopts a holistic perspective to situate the controversies surrounding FoS within the deep-seated societal transformations that have been shaped by these continuously contested governing strategies.

The next section briefly introduces the key contours of mainstream approaches to FoS, highlights their absences and delineates the value of focusing on the case of FoS violations in Turkey from a critical perspective. The subsequent section provides a historical overview of the evolution of FoS controversies before 2002 when AKP came to power. The final section focuses on the specific evolution of the AKP era governing strategy in its continuities and ruptures from the historically prevalent FoS issues in three areas: labour rights, cultural and political rights (specifically of Kurds and Armenians), and women's and LGBTQI rights.

### **What is at stake in freedom of speech debates? Mainstream approaches, critical interventions**

The mainstream literature on FoS often constructs the domain of expression and speech as autonomous and demarcated from the broader social relations and their reproduction (the liberal paradigm) and/or in the context of an alleged 'marketplace of ideas' (the neoliberal paradigm) (Schlag, 1983; Josselin and Marciano, 2002). In classical liberal theory, this autonomous domain is conceptualised in relation to the exercise of rights and liberties attributed to an abstract individual ideal (Schlag, 1983: pp. 686-687) irrespective of their consequences or the rights of others (Josselin and Marciano, 2002: p. 324). Here the right to freedom of expression emanates from individually defined property rights signifying ownership of one's thinking and communication faculties. For scholars that adopt consequentialist perspectives, this framing brings further important considerations on contested issues such as hate speech, and the circumstances under which freedom of speech could be limited or curtailed. From an economic liberal point of view, the 'marketplace' metaphor draws on the allegedly innate efficiency of the market, where ideas are traded as commodities, in distributing, advancing knowledge, and attaining truth by delineating good ideas from bad ones through

competition (Schlag, 1983: pp. 726-730; Josselin and Marciano, 2002: p. 325, pp. 327-328).

There is a tendency within the economic and political strands of the liberal paradigm to invisibilise several modes of violence perpetrated in extra-political, extra-legal domains and their classed, gendered, and ethnicised character. These perspectives frequently downplay or dismiss the intrinsic power dimension and resulting social hierarchies that characterise contemporary society. In other words, they treat FoS within the allegedly autonomous, abstract, and individualised domain of intellect separated from the body, embodiment processes and diverse struggles waged over these processes.

In the context of rapid authoritarianism and rampant resurgence of right-wing politics and ideologies across the globe, debates on and weaponisation of free speech have gained new momentum. A key controversy revolves around the so-called 'culture wars' and the 'cancel culture' often invoked by far-right figures which, Whitham (2020: pp. 228-230) argues, also finds common ground with liberals and conservatives. The focus here is on the virtues (or lack thereof) of 'open, reasoned debate' in effectively challenging far-right politics and neo-fascist ideas. However, we can simultaneously observe the visible amalgamation of such reactionary ideas with state power and its authoritarian use intimately in several political contexts. Ironically, mainstream analyses of such cases of amalgamation often highlight the alleged absence or underdevelopment of a liberal democratic political culture or, inversely, presence of 'peculiar' social and cultural elements as the underlying source of their divergence from the liberal norm. This account of rising repression as deviation from the liberal norm is indeed a key outcome of the reification and separation of the political from the violence of social and economic expropriation and exploitation highlighted above. In contrast, other critical scholars have approached the issue by acknowledging and challenging the exclusions

and biases of mainstream approaches without abandoning the value and centrality of the notion of *rights* and freedoms in their analyses (Assiter, 2016; 2021).

It is against such a background that this article highlights the necessity of a critical assessment of freedom of speech within a framework of rights and struggles in the context of violent processes of state formation, expropriation and capitalist social relations. From such a perspective, FoS is not assessed in an ahistorical fashion, but as a marker of power relations and struggles against these relations in a given historical and political context (Miliband, 2013). The case of Turkey provides useful insights to make sense of the coexistence of FoS violations and related individual and collective rights violations in relation to two core dynamics:

- the reproduction of capitalist social relations historically,
- their current mediation through what Cindoglu and Unal (2017: pp. 43-44) call a neoliberal conservative ‘patchwork’ of ideologies and accompanying gender politics under AKP.

### **Controversies and struggles over freedom of speech in the context of Turkey**

FoS debates in contemporary Turkey have often coalesced with loaded processes and conceptions of democratisation, modernisation and Westernisation since the formation of the republic in 1923. The desire among the republican state managers to constitute a rupture from the Ottoman past in policy and discursive terms (Ergin, 2017) often reproduced (self-)orientalising tropes in the explanation and justification of the ‘deficits’ in upholding the rule of law, freedom of expression and democracy in the country (Bora, 2003). Thus, as noted by scholars, the core focus of several analyses on FoS remains on state censorship and legislative obstacles (Christensen, 2010: p. 178; Tunc, 2013: pp. 153, 161). A related contributing factor on this front is the widespread adoption of a

perspective that codes the regime in Turkey with a ‘strong state tradition’ that ultimately designates the recurrent waves of authoritarianism as exceptional and deviant from an alleged Western/European archetype (Keyman and Icduygu, 2003: p. 223; cf. Dinler, 2007).

Through this lens, the panacea has often been found in legal and legislative reform that aspires to exert checks and balances on the state apparatus while expanding the sphere of civil society, rights and freedoms. A recent well-known example of such a reform process could be found during the 1999-2005 EU accession and harmonisation process. Often, the linkages between disciplining ‘undesirable’ and ‘unacceptable’ forms of speech and dynamics of capitalist social relations, class and state formation, and their gendered and ethnic dimensions are not fully accounted for (see Altunok, 2016; Kandiyoti, 2016).

In contrast, a historicised approach towards FoS issues and struggles enables us to position these dynamics within their broader, evolving context while simultaneously delineating the specificity of the FoS controversies during the AKP era (Cindoglu and Unal, 2017: p. 51).

### **A historical overview**

When conceived in connection to state formation and capital accumulation dynamics that are organically coupled with processes of dispossession and exploitation, it is essential that the history of the FoS related struggles is not dissociated from the late Ottoman era. State formation was intrinsically connected to the proliferation of nationalist movements that emerged in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries and marked the dissolution of the multi-ethnic and multi-religious Ottoman Empire. Built on the systematic violence and expropriation of non-Muslim minorities – particularly the Armenian, Greek and Jewish populations – and the suppression of Kurdish revolts and claims for autonomy, the new

republic imposed a singular, immutable ethnic and religious identity within its territory while formally adopting laicism in its constitution by 1937 (Sirin, 2014: pp. 62-63; Ergin, 2017: pp. 34-36; pp. 218-219; Kandiyoti, 2020; Okcuoglu, 2021). It is therefore not surprising that expression and speech regarding the rights and freedoms of populations that are deemed 'undesirable' by the establishment have been subjected to systematic repression since the inception of the republic (Sertdemir Ozdemir, 2020: p. 10).

Following an authoritarian single party rule coupled with protectionist, statist economic policies until the end of the Second World War, the shift to a multiparty regime from 1946 onwards constituted a brief period of economic and political liberalisation. Shortly afterwards, socialist and communist ideas returned to the list of unacceptable speech while the ruling Democrat Party reinstated authoritarian rule and the role and visibility of religion in social and political life – for example, opening religious vocational schools, returning to the call for prayer in mosques to be delivered in Arabic, along with criminalisation of oppositional press, broadcasting, and journalists. (Alemdar, 2013: p. 570).<sup>ii</sup> The politicisation of the labour movement and resurgence of left-wing ideas had already been looked upon with suspicion since the early years of the republic. Socialist and communist ideas and movements were repressed in court and on the street continuously in the republican period except during short intervals.<sup>iii</sup>

There were organic linkages between state formation processes from the late Ottoman to the early republican era and FoS violations of historically oppressed and dispossessed peoples, alongside the repression of the very ideas that centre and elevate their visibility and rights struggles. On the other hand, a similar connection existed between deepening capital accumulation and labour exploitation processes since the early Republican era and FoS violations surrounding ideas that advance labour struggles and



promote workers' rights, leading to the radical reorganisation of social relations in key crisis junctures. We observe the culmination of these dynamics in the 1980 military intervention, the third within the course of only twenty years,<sup>iv</sup> which exacted the violent and bloody suppression of the radical left and labour movements to pave the way for a neoliberal transformation of society, economy and politics during the 1980s.

A core component of this post-1980 restructuring agenda was the 'Turkish-Islamic synthesis' that rehabilitated and reintegrated religion into a renewed anti-labour and anti-communist governing strategy and a conservative ideology (Alemdar, 2013: p. 573; Sirin, 2014: p. 64). While it constituted a response to the accumulation and legitimation crisis of the 1970s, the roots of AKP's repressive yet neoliberal regime should be grounded on these transformations. A renewed constitution in 1982 translated the 'Turkish-Islamic synthesis' into concrete policies and legislation that curtailed economic and political rights, banned elections, political parties and unions while introducing mandatory religion classes at primary school level and strengthening the role of Diyanet (Directorate of Religious Affairs). Under conditions of military-led political repression, a comprehensive restructuring of economy along neoliberal lines introduced novel capital accumulation and class formation dynamics throughout the 1980s and 1990s, which increased the internationalisation of diverse capital groups and their overall social and economic power (Hosgor, 2011).

As noted earlier, state-religion relationship has historically retained an amorphous character in Turkey due to the initial entrenchment of laicist provisions within the legal framework without relinquishing total control over religion. According to Sirin (2014: pp. 66, 80), laicism in Turkey builds on the Francophone tradition and is 'based on the synthesis of nationalism and Islamism under official control'. Tracing the initial adoption of the secular civil and penal codes during the mid-19<sup>th</sup> century Ottoman legal and constitutional transformations, which were driven by Westernisation

efforts within the empire, Sirin (2014: pp. 61-63) adds that the adoption of the 1924 constitution and an amendment in 1928 further removed several Islamic references in the legal system. However, this legal transformation paradoxically accompanied the centralised governmental control of the religious discourse and doctrine through establishing Diyanet, and its legitimisation in the 1961 and 1982 constitutions to contain Islamist radicalisation (Sirin, 2014: p. 75).<sup>v</sup> This uneasy, yet pragmatic, state-religion relationship has enabled the mobilisation and instrumentalisation of Islamic conservative forces and narratives against perceived threats and ‘enemies’ of the state (communists, workers, Kurdish movement, women, LGBTQI and feminist movement, the non-Muslim and non-religious communities) in specific crisis periods during much of the Cold War and post-Cold War era (Sirin, 2014: pp. 64-66; for a detailed historical assessment of FoS violations, see Alemdar, 2014: pp. 569-576; in the context of recent academic purges, Sertdemir Ozdemir, 2020: pp. 7-11).

The 1990s manifested the contradictions of the strategy of entrenching religion to block the leftist and progressive political ideas within the crisis-ridden turmoil of the post-Cold War neoliberal global and domestic political economy (for a detailed analysis with respect to diverse nationalisms and nationalist discourses, see Bora, 2003). On the one hand, the visible rise of fundamentalist ideas and movements demonstrated the excesses and limits of the Turkish-Islamic synthesis for the state, which ultimately prompted a reaction from the military ranks in 1997.<sup>vi</sup> The outcome of this process was the 28 February Resolutions, which aimed to discipline the activities of several religious associations, capital groups as well as citizens, prohibited the activities of the ruling coalition partner Welfare Party and its key figures – then-Prime Minister Necmettin Erbakan and the Istanbul mayor Recep Tayyip Erdogan. While these measures affected military-enforced FoS violations once again, the clash between the parties of the alleged ‘secular-religious divide’ did not yield a drastic transformation of the Turkish-Islamic synthesis within the post-1980

governing practices. A few years later, a reformed self-proclaimed 'conservative democratic' Justice and Development Party (AKP) subscribing to IMF's economic policy prescriptions and EU's political reform agenda accomplished a landslide electoral victory to become the sole governing party. This development was testament to the acceptability of the rehabilitated incorporation of religion as a constitutive element of the governing strategy (Cavdar, 2006: pp. 479-80).

On the other hand, the state perceived the Kurdistan Workers' Party (PKK) and its armed struggle since the mid-1980s to be a systemic threat given the violent historical processes of state formation, accumulation and dispossession of the late Ottoman and republican era as noted earlier (Gundogan, 2011; Gunes, 2012: pp. 2-3; Gambetti and Jongerden, 2015: pp. 3-4; Yadirgi, 2017; Zeydanlioglu, 2009; Bilgen, 2017; Caglayan, 2020; Okcuoglu, 2021). The state response was to fully mobilise its repressive and judicial arms. Several articles of the Penal Code (Articles 159, 312) and the Anti-Terror Law (Articles 7, 8) were mobilised to suppress freedom of expression and media reporting on the issue (Tunc, 2013: p. 155). The disproportionate share of violence and oppression not only against the ideas but also, materially, the *bodies* and *lives* of workers, civilians, women, activists, politicians, journalists and intellectuals, was reserved for the Kurdish political movement (Caglayan, 2020: pp. 59-60, 66). The four decade-long conflict has caused the evacuation of 4000 villages and the displacement of more than three million people. The trajectory of the Kurdish political strategy gradually evolved towards democratic autonomy and self-government while the presence of the pro-Kurdish political parties within parliament and the social and political domain increased during the 1990s, notwithstanding incessant state repression, clampdowns on political parties and absence of a lasting resolution to the conflict by the end of the decade (Okcuoglu, 2021).

Having argued that the official narratives of the ‘religious-secular divide’ do not capture the complexity with which religion, nationalism, state formation and capitalist social relations were entangled and mobilised by those on both sides in key historical nodes, we could detect a similar shortcoming in these binary accounts with respect to the evolution of gender relations and regimes (Kandiyoti, 2016; 2020; Cagatay, 2018; Mutluer, 2019). The regulation of women’s bodies, appearance and sexuality, presence and participation in diverse facets of public life have been a key element of the controversies surrounding secularism, Westernisation, freedom of expression and democracy since the establishment of the republic (Saktanber and Corbacioglu, 2008: p. 519; Caglayan, 2020: pp. 61-62). The nationalist, civilisational rhetoric and ideology of the early republican era paved the way to what scholars have termed ‘state feminism’, which configured the republican woman’s body as the ‘symbol of the nation’ endowed with essentialised characteristics of ‘sacrifice’ and ‘caring’ – hence ‘modern but asexual’ (Mutluer, 2019: pp. 102-103, p. 113). Women who were positioned outside these norms were sidelined and excluded from the republican civilisational project (Kandiyoti, 1987 cited in Dedeoglu, 2012: p. 274).<sup>vii</sup> As the ‘embodiment and main marker’ of the alleged secular-Islamist divide throughout the country’s history, sexuality and gender were continuously integrated into the hegemonic discourses and governing strategies of the 2000s and served a moralising, disciplinary purpose (Altunok, 2016). Building on the historical overview in this section, the following section explores the latest manifestations of these dynamics along the axis of the articulation of religion into the governing and gender regimes and accompanying FoS violations under AKP rule.

### **Freedom of speech and rights violations under AKP rule**

AKP came to power in a socio-economic context ravaged by the double economic crises of 2000 and 2001 and the unresolved political conflicts

outlined above with dire consequences for freedom of speech (Alemdar, 2014: p. 577). Being the governing party for the duration of nearly two decades, much has been written and debated about the periodisation of its evolving character. The AKP era is often divided into two distinct sub-periods, with each representing a demarcated ‘liberal democratic’ (2002 to late 2000s) and ‘authoritarian’ (late 2000s to the present) character.<sup>viii</sup> While there is certainly a visible repressive trend since the late 2000s onwards, this should not stop us from acknowledging continuities with the pre-AKP period as discussed above, the continual presence of FoS issues during AKP’s ‘liberal’ era, and the presence of grassroots struggles that the AKP has continuously reoriented its governing strategies against.

Under AKP rule, FoS controversies have remained intimately connected to disciplining patterns taken towards labour, women and marginalised ethnic groups while reconfiguring the ‘religious-secular divide’ into the hegemonic discourses and legitimation strategies in historically specific ways (Altunok, 2016; Kandiyoti, 2016; Cindoglu and Unal, 2017). Overt violence and coercion often accompanied these processes. These dynamics are illustrated with reference to three domains in the rest of this article:

- Labour rights and freedom of association, which have been suppressed by the post-2001 restructuring agenda and its strategy of *depoliticising* key economic policy areas;
- Cultural and political rights during AKP’s ‘liberal’ and ‘authoritarian’ periods;
- Women’s and LGBTQI rights, which became evident as part of AKP’s repositioning that have brought the active use of religion and moralising appeals to conservative familial values as a disciplining mechanism (Altunok, 2016: p. 11; Mutluer, 2019: p. 107).<sup>ix</sup>

The EU reform process and the IMF stabilisation programme had already commenced, in 1999 and 2001 respectively, under the last coalition government of the unstable 1990s. The newly reformed AKP, having

separated itself from the Islamist legacy of the Welfare Party discursively, subscribed to this economic and political project rapidly, achieved electoral victory in 2002 and formed a government on its own. The post-crisis restructuring agenda, in continuity with the post-1980 economic policies, included a series of reforms in economic management that aimed to place the political character of key decision-making mechanisms at arm's length control – thus shaping the accumulation dynamics of the 2000s (Yeldan and Unuvar, 2015: p. 2). At the outset, the intention was to dissociate politicians from influencing economic policymaking for selfish electoral goals. In fact, this inherently political strategy provided the opening of favourable manoeuvring space for the government to accrue credibility for successful economic policies, avoid political responsibility for failed outcomes, and politicise other issue areas (Donmez, 2018; Kutun, 2020). Bozkurt (2013), Akcay (2018), and Tansel (2018) offer in-depth analyses that aim to capture the contradictory character of this governing period through the conceptualisations of 'neoliberal populism' and 'authoritarian neoliberalism'.

Labour has been disciplined strongly by these disinflation-focused technocratic policies. The wage claims of working classes were contained, and unemployment and exploitation worsened by deepening new modes of control by capital over labour through informalisation and precarisation in line with the finance-led, debt-ridden accumulation strategy (Yeldan and Unuvar, 2015). The distancing strategy outlined above, along with highly restrictive trade union laws as part of the systematic suppression of labour since the 1980s, plus the apparent separation of the actors and institutions of the economic (IMF-WB) and political (EU) areas of restructuring contributed to the invisibility of labour issues in the debates on FoS and rights violations. Voicing opposition to workplace practices, unionisation and union revitalisation efforts have met with employer-led and state repression (Ozkiziltan, 2019: pp. 11, 13-15). There have been several manifestations of policing and impermissibility of speech and action

related to labour rights in AKP's Turkey: TEKEL tobacco workers' occupation of a central public square in Ankara (2009-10), Kazova textile workers' factory occupation (2013), the exposure of unsafe working conditions following the Soma mine massacre (2014), metal workers' strikes (2015), government decree-imposed mass dismissals of workers and trade unionists from the state institutions and the public sector during the post-2016 purges, Istanbul airport construction workers' and Flormar workers' protests (2018), and numerous other worker organisation/unionisation initiatives from below (for a detailed analysis see for example Bozkurt-Gungen, 2018; Ozkiziltan, 2019).

Secondly, during 1999 and 2005, a comprehensive political and legal reform agenda *en route* to EU accession yielded several changes in the repressive articles of the Criminal Code and Anti-Terror Law to align the national legal framework on freedom of expression with the EU. However, a closer look into their implementation has revealed to many scholars that these legal changes have not translated into sustained, consistent action on freedom of speech and media. According to Alemdar (2014: pp. 577, 579-80), the presence and persistent use of contradictory articles in different parts of the legal framework by prosecutors blocked the effective implementation of legal changes with respect to the issue of the political and cultural rights, especially of Kurds and Armenians.

An extreme manifestation of these dynamics was the criminalisation of the views of Hrant Dink, a journalist of Armenian origin from Turkey, initially through a lawsuit filed by a private citizen under the newly amended controversial Article 301. This led to his brutal murder in 2007 (Christensen, 2010: pp. 185-190; Alemdar, 2014: pp. 578-579). 'Enemy of state' and 'terrorist threat' tropes continued to be mobilised against several journalists, writers and publishers on similar grounds of insulting 'Turkishness and Turkish state' and threatening its 'indivisible unity'. In such a context, while AKP's 'Kurdish opening' (also known as the peace

process) promised resolution to the long-standing conflict and granting of cultural and political rights for a brief period, repressive politics swiftly returned in the aftermath of the strong rise of the pro-Kurdish Peoples' Democratic Party or Halkların Demokratik Partisi (HDP) in June 2015 elections. This process was coupled with the legitimisation crisis that unfolded following the Gezi protests in the summer of 2013.

Thus, politicisation of FoS and rights issues was only deemed permissible if it remained within the contours set by AKP's governing strategy and helped to consolidate its power. When over two thousand academics under the Academics for Peace initiative articulated a strong counter-voice against this renewed repression with a petition that called for the end of violence and human rights violations in 2016, they were rapidly labelled 'enemies of the state' and 'so-called academics' (Bianet, 2016). Arrests, intimidation, prosecutions, and dismissals swiftly followed (Akdeniz and Altıparmak, 2018; BAK, 2021). Akdeniz and Altıparmak (2018: 21-38) provide a detailed assessment of the post-2016 FoS violations under the state of emergency. Today, several HDP MPs and co-chairs remain in prison and the attempts to shutdown the party are back onto the agenda once again (HRW, 2020; BBC, 2021).

Several scholars argue that the changing media ownership structure and entry of pro-government capital groups in the media domain contributed to the mechanisms of repressing press and broadcasting further (Kaya and Cakmur, 2010: pp. 532-533; Yılmaz, 2016: pp. 150-151). Aside from state-led repression, the media conglomerates enforced economic forms of repression through insecure employment practices, dismissals of journalists and (in)direct forms of censorship alongside self-censorship (Freedom House, 2014). Internet and social media have emerged as another domain where blocking/filtering of websites and platforms with content allegedly insulting Turkish identity and conservative familial values have become a regular practice under AKP before and after the adoption



of two laws in 2007 and 2011. The YouTube ban between 2008 and 2010 is a striking example on this front (Kinikoglu, 2014: pp. 37-40, 45). In addition, criminalising speech and expression shared through internet and social media and deemed 'undesirable' or 'insulting' by Erdogan himself has led to countless defamation suits filed against citizens since 2002 (for a detailed analysis see Tunc, 2013: 155-9).

It is crucial to add here that FoS violations were not solely about blocking 'unacceptable' speech and expression. AKP governments, especially since the early 2010s, actively engaged in shaping the contours of public debate and opinion on several issues to signal the boundaries and norms of acceptable speech as well as 'acceptable' women, citizens, academics and media in line with their worldview (Cindoglu and Unal, 2017: 48). Since the failed coup attempt in 2016 and the drastic shift of the political regime into a presidential type, the president's declarations have carried this signalling and disciplining role strongly.

Therefore, the third major area where these hegemonic discourses have had significant impact is gender equality, women's and LGBTQI rights. The AKP governments have renewed tropes on the old 'religious-secular divide' by reversing the focus towards the 'morally acceptable religious' versus the 'immoral secular other' from a position of social and political power (Altunok, 2016). As Mutluer notes, in contrast to the Kemalist representation of women as modern but asexual, 'in Erdogan's discourse the ideal women are religious precisely because they are sexual, or rather because they are reduced to their sexuality' (2019: p. 113).

Scholars have traced the onset of this strategy of politicising gender issues to the sexist and homophobic declarations and speeches of several senior AKP officials and members of parliament. Starting with the call for women to have 'at least three children' in 2008, crucially among these discursive interventions was the invocation of Fitrat (women's 'biological and divinely

ordained nature') in a 2010 speech by Erdogan himself to legitimise the 'acceptable' roles of women in society in line with conservative familial values (Kandiyoti: 2016: p. 104). In another controversial speech Erdogan equated abortions to the killing of 34 Kurdish citizens who were mistaken to be PKK members by the Turkish military in 2011 in Roboski (Uludere) (as invoked in the statement 'every abortion is an Uludere') which was instrumental in enforcing the boundaries of acceptability in both gender and ethnic terms (Mutluer, 2019: p. 109). In a manner twisting the pre-AKP framings of the 'religious-secular divide', these speech acts expanded on topics as diverse and far-reaching as coeducational student housing, permissibility of women's attire and laughter, and the content of TV programmes during 2013 and 2014 (Cindoglu and Unal, 2017). Emerging in the context of the nationwide Gezi protests in 2013, Mutluer (2019: pp. 110-112) argues that these interventions articulated a narrative of victimhood from a position of power.

These discursive interventions have also been coupled with substantive policy and institutional changes as well. In 2011, the name of the Ministry of Women and the Family was changed to the Ministry of Family and Social Policies. Once at the brink of abolition when AKP first came to power because it was then conceived to symbolise state control over religious matters, Diyanet has gradually acquired more influence as an institution and been allocated a larger budget (Altunok, 2016: pp. 10-11; Mutluer, 2019: p. 108). Scholars identify a mismatch between legislative changes and their implementation with respect to women's historically low labour force participation rates in Turkey, and gender equality policies adopted as part of the EU harmonisation process during the 2000s similar to the case of legislation and implementation of cultural and political rights. Here, the presence of a contradictory and uneasy unity is emphasised between the (neo)liberal logic, its corresponding policy and legislative measures, and the persistence of patriarchal values and gender roles in informing the governmental pronatalist discourse alongside its

social security and assistance policies (Bugra and Yakut-Cakar, 2010; pp. 528-532; Dedeoglu, 2012: pp. 284-285).

Similar to the case of cultural and political rights discussed earlier, politicisation of gender and sexuality has become an element of AKP's governing strategy while alternative radical politicisation efforts were suppressed. Despite the increasing marginalisation of feminist and gender equality discourses in such a context, several scholars observe that the women's movement has evolved in a trajectory of coalition-building that transcended the hegemonic state-driven secularism agenda and 'secular vs. religious' dichotomy while including women, feminists and LGBTQI rights activists from more diverse backgrounds and persuasions around the principle of *secularity* in the 2010s (Altunok, 2016: p. 11; Mutluer, 2019: p. 103; Cagatay, 2018).

### **Conclusion**

This article challenged mainstream approaches towards freedom of speech that adopt the (neo)liberal paradigm as well as the ahistorical and Orientalist accounts of rising authoritarianism and FoS violations with reference to the case of Turkey. In response, it proposed a critical historicised approach to assess the economic and political dimensions of FoS issues and their classed, gendered and ethnic character in a holistic fashion. Returning to the dramatic rise in femicides, abrupt withdrawal from the Istanbul Convention, persistent pressure on the Kurdish political movement, and repression of labour rights – in light of the historical background discussed in the article – enables us to trace recurrent patterns as well as novel articulations in AKP's governing strategies with respect to freedom of speech. The article's central argument asserts that there has been a mutual enforcement of rights violations against allegedly 'unacceptable' and 'dangerous' ideas and speech and against the bearers of those ideas themselves (Cindoglu and Unal, 2017: p. 44).

The case of Turkey demonstrates that this coupling carries shared elements as well as differences within its repressive and liberal oscillations in the pre-AKP and post-AKP context. While acknowledging these commonalities, the article zoomed into three specific areas of FoS violations without reproducing a rigid periodisation of the AKP era: labour, cultural and political rights, and gender and sexuality.

With respect to the first area, the post-2001 restructuring of key economic policy areas through the governing strategy of depoliticisation and entrenchment of anti-labour legislation and practices have ensured the status of labour issues as ‘unacceptable’ and ‘dangerous’. Similarly, the criminalisation of freedom of speech regarding cultural and political rights of historically marginalised and persecuted groups and peoples continued and deepened throughout the AKP period despite, or indeed perhaps because of, the attempts to politicise these rights issues as part of a governing strategy during the 2000s. On FoS issues concerning gender and sexuality and rising everyday violence against women and LGBTQI people, the oscillation of AKP’s discourses and policies centred around visible appeals to religious, pious values in a novel attempt to reconfigure the ‘religious-secular divide’ from the late 2000s onwards. This reactionary discursive articulation has, in turn, increasingly facilitated and normalised everyday sexism, violence and harassment of women and LGBTQI communities as highlighted by several scholars.

Reflecting upon the contemporary debates on freedom of speech following this historicised assessment of the case of Turkey reminds us that any comprehensive account of the subject requires an investigation of how the ‘(un)acceptability’ of certain forms of speech are configured within the matrix of uneven societal power relations in a given social and political setting. The latter characteristic inscribes that struggles for free speech should be intertwined actively with struggles against gendered,

classed and ethnicity-based oppression, marginalisations, and violence if they are likely to become effective.

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<sup>i</sup> The report further notes: '171 women were found suspiciously dead. It could not be determined why 182 of the 300 women were killed, 22 women were killed due to economic reasons, 96 women were killed while trying to make a decision about their own life, such as wanting to divorce, refusing to make peace, refusing to marry, and rejecting the relationship.' (WWEFP, 2020).

<sup>ii</sup> Alemdar (2013: p. 570) notes that 26 journalists were imprisoned in 1959 and 1960.

<sup>iii</sup> Articles 141 and 142 of the Turkish Penal Code explicitly banned the promulgation of communism until they were repealed in 1991 (Alemdar, 2013: pp. 571, 585). Together, they enabled numerous FoS violations coupled with mass arrests, torture, and killings of citizens, activists, and journalists throughout the 1960s and 1980s.

<sup>iv</sup> The first military intervention in the multiparty era took place in May 1960 followed by a second intervention in March 1971, which took the form of a military memorandum. The period between 1960 and 1971 witnessed a brief expansion of social, economic and political rights struggles before the space was narrowed with the martial law that reinstated the legal and punitive measures to curb freedom of speech and related rights and freedoms. Compared to the comprehensive assault against fundamental rights advanced by the 1980 coup and sealed with a new constitution in 1982 (Article 312 of the Penal Code was modified to extend the FoS restrictions in this constitution and the state of emergency legislation enabled continual repression and violence in Kurdish cities and provinces even when country-wide bans on union activities, political parties and associations were lifted later in the decade), the 1970s were a decade of turmoil marked by unstable coalition governments, societal polarisation, enhanced visibility and mobilisation of pro-labour, socialist/communist ideas and movements despite the authoritarian legacy of the 1971 intervention (Alemdar, 2013: pp. 571-572; Zeydanlioglu, 2009).

<sup>v</sup> With respect to the rights of the non-religious and freedom from religion in Turkey, Sirin further traces the practices that socialise and discipline individuals with religion from birth to death. In addition to the role of Diyanet, mandatory religious courses in schools and FoS restrictions, Sirin highlights the role of issuance of the national identity card with its section

on 'religion' immediately at birth and the absence of regulations for the organisation of non-religious funerals in the country in this socialisation process (Sirin, 2014: pp. 71-79).

<sup>vi</sup> The culminating event on this front was the Sivas-Madimak massacre in 1992 where a hotel hosting 35 people for an Alevi festival was set on fire with the intention to burn those inside alive.

<sup>vii</sup> In addition to the visible, dire impact of these dynamics on working class and Kurdish women, another area of their manifestation since the mid-1980s was the headscarf controversy (Saktanber and Corbacioglu, 2008). Its effects have carried forward to the AKP era and reproduced the religious vs. secular binary by creating the polar opposite of the republican woman ideal in the party's evolving discourse and policies (Mutluer, 2019: pp. 110-111).

<sup>viii</sup> Scholars slightly diverge on the particular year(s) that they identify as the turning point for this shift. Some highlight 2005 when the EU accession negotiations officially began and the PKK ended its ceasefire, and 2007 when the general elections paved the way for AKP's second term in office and the infamous Ergenekon case brought the secular/religious tensions and the civil-military relations onto the political agenda (Alemdar, 2014: 580-1). Others emphasise the start of AKP's third term in office with the 2011 elections as the turning point for authoritarianism (Cindoglu and Unal, 2017: p. 45) or take both 2007 and 2011 elections as shifts in a longer span of gradual transformation (Mutluer, 2019: p. 101). Focusing on the rise of authoritarianism within the realms of gender, sexuality and the family, Kandiyoti (2016: p. 104) detects these turning points in Erdogan's speeches regarding equality between men and women in 2010 and abortions in 2012.

<sup>ix</sup> Here it is important to emphasise that there has been diversity in the modes and manifestations of disciplining speech across these areas. However, there is also a degree of interconnectedness between them. Capitalist social relations, understood to be intrinsically gendered from a social reproductionist perspective (Bakker, 2002; Federici, 2004), may coexist with authoritarian and paternalistic elements of the state form and policies while *seemingly* portraying contradictory logics with the latter (Clarke, 1991: p. 13; with respect to the case of Turkey, see further Bozkurt, 2013; Akcay, 2018; Tansel, 2018; cf. Bugra and Yakut-Cakar, 2010).



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Image 4: "Our cultures are the portals - the gateways between one world and the next" Commissioned by Autograph (2020) © [Poulomi Desai](#). All rights reserved.

# Contested Narratives of the Pandemic Crisis: the Far Right, Anti-Vaxxers and Freedom of Speech

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## Abstract

*This paper seeks to open a discussion about the role played by the extreme right within the contemporary 'anti-vaxxer' movement as it has developed during the recent Covid-19 pandemic. While supporters of this movement are politically diverse, we see the far right as having used the Covid crisis as a significant opportunity to place their conspiratorial narrative before a wider audience, where a rhetoric of victimisation around pandemic related restrictions masks their deep authoritarianism and profound racism and misogyny. We discuss 'white replacement' theory as the key idea animating the contemporary far right, in both its secular and religious manifestations, and we argue that this theory has offered the framework for the far right's opposition to vaccinations and public health related restrictions. Throughout the pandemic, the far right's use of conspiracy theory and calculated disinformation – particularly online – has thrown up considerable dilemmas in relation to issues of freedom of speech for progressives. We conclude by discussing how the feminist anti-racist left must continue to defend freedom of speech in the face of this, but this understanding needs to be informed by a conception of the 'common good'.*

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Figure 1: Source: <https://www.fairobserver.com/coronavirus/miranda-christou-anti-vax-movementf-ar-right-vaccine-hesitancy-health-news-14251/>

One of the many social and political issues that emerged during the Covid 19 pandemic and the efforts to control it, has been the significance of the so-called ‘anti-vaxxers’; people who have disputed the existence of Covid 19, who have rejected public health measures such as wearing masks, social distancing, and opposed the use of vaccines to protect populations against the spread of the virus. This has been in the name of expressing their own choice, their rights to control their own bodies and their own freedom of expression. One of the dilemmas of policy makers as well as public opinion has been whether – and to what extent – spreading what informed scientific opinion considers misinformation against vaccinations and lockdown measures, and mobilising people accordingly, should be censored and suppressed. This goes with the question of whether people who refuse to be vaccinated, for whatever reason, should be banned from public places and certain jobs.

Viewed in this way, the issue of the anti-vaxxers has become one of the main free speech dilemmas of recent years. In this paper we seek to set this phenomenon of opposition to Covid vaccinations and public health-based restrictions in a historical and political context, situating the political forces that we see as coalescing around this issue, and considering the issue of freedom of speech within that. Therefore, it is important to note at the outset that when we talk about ‘anti-vaxxers’ we are not talking about the ‘vaccine-hesitant’; people who have not yet had the vaccine due to concerns about it, but rather those who have taken a position of overt opposition to this. It is important to note that ‘anti-vaxxers’ constitute a group with diverse motivations – political, religious, aesthetic – though what unites them is a strong belief that the authorities imposing the Covid-related restrictions are doing so based on hidden and ulterior motives.

It is also important to be aware that this is not the first time that movements like this have emerged; indeed there is a long history of movements not dissimilar to the current one, which have formed and developed ever since vaccinations were first introduced in industrialising societies (Link, 2005). Jonathan Berman’s recent book *Anti-Vaxxers* (2021) illustrates the way the need to control outbreaks and pandemics has created tensions in different historical periods between the requirements of public health and concern about freedom of speech and personal liberty over at least the last hundred and fifty years. Berman offers the example of the groups who protested against mandatory smallpox vaccination in 19<sup>th</sup> century Britain and notes that these were the same people who had previously led opposition to the 1834 Poor Law Amendment Act, which coerced unemployed people into labour in workhouses under extremely harsh conditions (Berman, 2021). This points to the way opposition to the imposition of public health measures can have a range of different political motivations, though underlying these is deep distrust of the motives of the state.

Since the 1960s, there have also been new forms of opposition to vaccination campaigns that have developed from homeopathy and other modes of 'alternative medicine', where vaccinations are seen to represent an assault on the body's 'natural' resistance to disease. While the evidence base for these claims has been significantly challenged by scientific research (House of Commons, 2010) it also important to note that the use of medical science cannot be unproblematically associated with 'progress'; and there is a whole history of the way women's bodies and the bodies of poor, disabled and racialised minorities have experienced invasive experimental technologies (Yuval-Davis, 1997). In this sense, these movements can be regarded as lightning rods for deeper concerns about governance, public trust and freedom of speech, as well an indication of how people understand the role of the state in addressing issues of health, illness and disease within populations and the regulation of social behaviour based on this.

While it is important to understand this wider history of opposition to vaccination, this discussion is primarily concerned with the politics of the contemporary 'anti-vaxxer' movement. While there is clear political diversity among those who have attended anti-vaxxer demonstrations, which draw in people with a wide array of concerns about the insecurity, suffering and distress caused by lockdown measures, there is also significant evidence of the organisational role that far right groups are playing in this movement (Gnauss & McGowan, 2021; Roose, 2021; *Economist*, 2021). Alongside this, the contemporary political space created around opposition to Covid vaccinations and public health restrictions is being utilised by white supremacist and right-wing nationalist groups as a major opportunity to place their conspiratorial vision of society before a wider audience, where a rhetoric of victimisation masks the deep authoritarianism and profound racism and misogyny. In this way these groups have dominated public and media concern around the management of the pandemic – which has displaced a focus on the

disproportionate impact of the negative effects of the pandemic on poor and racialised communities, and on women as a whole. A 2020 UN report notes that the pandemic has created a situation for women in which ‘even limited gains made in the past decades are at risk of being rolled back’. This is manifested in the impact on women’s deteriorating economic situation, negative impacts on women’s health and healthcare, the major increase in the volume of unpaid caring work women have had to undertake through the pandemic, as well as in terms of the increase of violence against women and girls and significantly reduced access to support services to address this. This report notes that ‘the pandemic is deepening pre-existing inequalities, exposing vulnerabilities in social, political and economic systems which are in turn amplifying the impacts of the pandemic’ (2020:2).

This discussion focuses on the political and ideological agendas of the far right in this moment, as we feel it is crucial to understand the way the way its narrative – rather than activism around the concerns outlined above – has been the one which has interpolated many people’s difficulties and suffering through the pandemic. In looking at this we have considered the US primarily but also other parts of the western world. Within this piece we also want to consider the relationship between the far right as a secular white supremacist movement and the Christian religious right. The relationship between the ‘Christian right’ in the US and the secular far right is a contingent relationship that has waxed and waned historically. The non-religious far right has generally focused on economic and political issues, particularly opposition to immigration and in the post 9/11 period, opposition to ‘Islam’ as well as to all Muslim people. The Christian religious right by contrast has been primarily concerned with the reproductive familial domain and has focused on issues of gender and sexuality (Goldberg, 2007). In this paper we point to the way these concerns are merging with the development of new forms of ‘alt-right Christianity’.

The central ideological platform of the contemporary far right are ‘white replacement/white extinction’ theories. These ideas have re-animated the far right, which grew significantly under the presidency of Donald Trump in the US and has now gone worldwide, operating in Australia, New Zealand, the UK and much of Europe. In a recent discussion of this political ideology, Chetan Bhatt has noted:

*The ‘fear of white extinction’ unites virtually all European and North American far-right tendencies, despite the ideological dissimilarities and conflicts between the alt-right, the alt-lite, the counter-jihad movement, among others. The idea of ‘white extinction’ is associated with several metaphysical themes...[which] are linked in fascist thinking and their logical progression is towards cleansing violence. Each of these themes generates new dimensions of racism in contemporary fascist thinking (2020:2).*

So while the extreme right political space contains different conceptions of tactics and strategy, these conceptions of a ‘white replacement’ that articulate a mortal threat to the ‘white race’ from ongoing immigration and state-sponsored multiculturalism act as a unifying theme. In this article we point to the way this theme has been transferred and transformed into anti-vaccination and Covid-denying conspiracy theories. The dominant characteristic of many Covid anti-vaxxer groups has been hostility to science and scientific advice concerning anti-Covid measures. The political right in its many manifestations especially in the US has always held a deep-rooted suspicion of the state and public health authorities, but what we see with the extreme right is the way anti-Covid conspiracies are articulated through the language of ‘white replacement’ conspiracies. While the anti-vaxxer movement is politically diverse as we have already noted, our concern lies in the role played by the extreme right within this. It is not only a result of the far right’s financial and organisational resources but also its ideological message, where its anti-

state thrust and racialised critique of neoliberal capitalism blurs the boundaries between right and left.

In an overall sense we see the present dynamism and growth of right-wing nationalist movements, in both their secular and religious manifestations, as representing bottom-up responses to neoliberalism's systemic multifaceted global political and economic crisis of governability and governmentality (Yuval-Davis, 2012; Yuval-Davis, Wemyss & Cassidy, 2019). This crisis is central to relationships between states and societies as well as to constructions of subjectivity. Peck and Theodore have noted that 'projects of neoliberalisation ...have never been synonymous with a simple diminution, or withdrawal, of the state, but instead have been variously concerned with its capture and reuse, albeit in the context of a generalized assault on social-welfarist or left-arm functions, coupled with an expansion of right-arm roles and capacities in areas like policing and surveillance' (2019:249).

Hence, states cease to see their role in representing the broad interests of the citizenry and instead seek to facilitate multinational corporate interests; precarity, insecurity and inequality in people's everyday lives grows. This is manifested in the increase in low-skilled, low-paid and often part-time insecure employment, particularly in sectors such as retail and hospitality – sectors that have themselves been among those most deeply affected by the pandemic health restrictions. It is in this context that people lose trust in their governments and look elsewhere for reassurance and empowerment, and it is secular and religious nationalist movements led by authoritarian charismatic leaders who are now playing this role. Indeed, the level of political disillusionment is such that this support continues even when these leaders are demonstrably proven to be liars and criminals. Governments respond to these pressures by incorporating securitisation and racialised 'everyday bordering' into government policy and by seeking to adopt the language of nativist nationalism into their

political rhetoric in an attempt to demonstrate their legitimacy and effectivity (Yuval-Davis, Wemyss & Cassidy, 2019), which further legitimises the concerns and language of these movements.

It is in this context of profound disillusionment with the established political system that these movements present themselves as the coming together of virtuous people taking a stance against the forces of evil, exposing 'corruption' and 'standing up for ordinary people'. Donald Trump's description of far-right conspiracy theory QAnon as consisting of people who 'basically believe in good government' (CNN 3/12/20) epitomises the way these movements often present their extreme right politics not in an explicit language of the white supremacism they clearly believe, but in a language of ethical virtue. In asserting their 'freedom' to speak out, they are throwing off their passive role as victims of the system and telling people what is 'really going on'. QAnon for example claims to be exposing 'the truth' of how a cabal of powerful Satanic paedophiles within the state, and in the US Democratic Party in particular, are kidnapping, torturing and even cannibalising children on a vast scale (Lawrence & Davis, 2020:8). Their claim to virtue is epitomised in the hashtag #SaveTheChildren, which represents a very different image to the traditional crude racism and xenophobia on the far right. The US media literacy academic Whitney Phillips notes that because this slogan 'sounds so innocuous, and in fact it sounds like a valiant goal to aspire to, people who otherwise wouldn't be looking for QAnon-related material could be exposed to those materials'. From there, people are introduced to further and more serious far-right material through the volume of QAnon posts and the way algorithms direct people to more and more related content online (North, 2020).



Figure 2: A “Save the Children” rally outside the Capitol building in St. Paul, Minnesota, on August 22, 2020 Source: <https://www.vox.com/21436671/save-our-children-hashtag-qanon-pizzagate>

The issues of opposition to Covid vaccinations, which involve conspiracy theories about vaccination and public health-based restrictions, builds on these existing forms of far right conspiracy theory. Opposition to vaccination adopts this same language of victimhood that is a central feature of ‘white replacement’ theories, combining anti-statist sentiments alongside support for authoritarian movements and states. Nothing illustrates the fantastical and incoherent nature of the claims these groups make more than the way anti-vaxxers, while waving banners with swastikas, define themselves as the ‘new Jews’ living under the new ‘Covid Nazi’ regimes – endowing themselves with yellow star of David patches where they have written AV (anti-vaxxers) instead of the original Nazi ‘Juden’ (Jew).





Figure 3: Anti-vaccination demonstration in Boston (US), September 2021. Source: <https://slate.com/news-and-politics/2021/09/why-mask-and-vaccine-opponents-keep-comparing-themselves-to-holocaust-victims-and-rosa-parks.html>



Figure 4: A hat shop in the US town of Nashville has sold 'not vaccinated' patches modelled on the yellow stars Jews were forced to wear during Nazism. Source: <https://nypost.com/2021/05/28/hat-shop-selling-nazi-like-yellow-stars-as-not-vaccinated-patches/>

The ideological form of conspiracy theory is central to these developments. While conspiracy theories have always existed on both the 'left' and the 'right' we see the role these are playing in promoting the contemporary arguments and ideas of the far right as crucial. The dissemination of this has been massively facilitated by their promotion by the state in the case of the US under Trump. Alongside this is the huge impact and significance of the online space. The role Trump played in promoting conspiracy theory was unimaginable outside the context of his use of Twitter. It is a mistake to see the constant and relentless nature of these conspiratorial tweets as evidence of his irrationality, as many liberals have done. Rather this points to the effectiveness with which the far right has mastered the use of disinformation as a political campaigning tool, within the online space in particular (Phillips, 2021). Michael Butter has developed this point, arguing that the internet has not only made conspiracy theories more visible and available, but the internet has itself 'been a catalyst for the fragmentation of the public sphere'; this points to

the mutually reinforcing nature of the relationship between the dominance of the internet and the rise of conspiracy theory. Indeed it is the very illegitimacy that these ideas have in the eyes of ‘official politics’ that builds their currency and credibility in the eyes of their supporters (Butter, 2020:7-8). This point has considerable significance for conceptions of free speech that imply the existence of a common public sphere of debate.

Fran Mason has argued:

*Every conspiracy theory provides a narrative to legitimate its account of contemporary society, offering a view of how things got to be as they are. Conspiracy theory provides archaeology in narrative form, locating causes and origins of the conspiracy, piecing together events, connecting random occurrences to organize a chronology or sequence of sorts, and providing revelations and denouements by detailing the conspiracy's plans for the future. Narrative provides a form of mapping for conspiracy theory, offering not only an explanatory history but also a map of the future that is to come (Mason, 2002: 43-44).*

Mason is pointing here to the ‘ideological’ nature of these movements to make the point that they cannot simply be seen as irrational, or simply as reactions to the difficulties caused by the pandemic such as personal anxiety or economic insecurity – though these unquestionably facilitate their growth and create an audience for them. These movements are ideologically based forms of political agency and must be understood in this way. We use the term ideology in the Althusserian sense that this represents ‘an imagined relationship to one’s real conditions of existence’ (Althusser, 1971). Ideology ‘tells a story’ about what is happening at the present time, thereby creating a narrative of good and bad people, and

this acts as the basis of the political agency represented by these movements.



Figure 5: Anti-lockdown demonstrators in London, September 2020. Source: <https://www.bbc.co.uk/news/blogs-trending-53997203>



Figure 6: Anti-lockdown demonstrators in London, September 2020. Source: <https://www.bbc.co.uk/news/blogs-trending-53997203>

This points to a paradox that characterises contemporary conspiracy theories and makes them, at the same time, most vulnerable to critique as well as immune from it. The substantive content of these theories, offered

as forms of unequivocal truth, involves claims that are often not just manifestly absurd, but offered without any evidence. However, these ideas at the same time appeal to people as ‘sense-making’; people are drawn to them in the process of trying to understand what is happening in their lives in the context of a highly unstable, uncertain reality. These ideas appeal to them not only cognitively from their situated gazes but, probably even more important, to their situated imaginations and emotions. Ben Rich has captured this sense of their appeal in a moment where:

*social, cultural, sexual and political meanings, routines, mythologies and narratives have become increasingly unmoored, decentralised and contested. Many have celebrated these as necessary for the sake of progress and justice. But others have shown far less enthusiasm, with this uncertainty amplifying, rather than allaying, a deep sense of existential unease at the nature of society and politics. Change and disruption to the existing order is seen as deleterious. In such an environment, the demand for compelling, concrete stories that account for this sense of loss and provide a communal panacea to its ill effects has grown intensely. It seems little coincidence that meta-narratives such as ‘Make America Great Again’ and QAnon that not only create a sense of legibility and culpability for the current moment of unpredictability, but also have fostered welcoming communities around these ideas (Rich, 2021).*

Where the world is experienced as a frightening and confusing place, where the anchoring reference points of meaning seem to have been wrenched from their moorings, these conspiracy narratives form a powerful rallying call for their supporters and offer new anchors. The far right has created a community of shared meaning and acceptance around this. In this sense, conspiracy theories, despite their irrational substantive contents, are not irrational at all and their growth poses a dilemma for feminists and the left in finding ways to present alternatives to these. In

the concluding discussion of this article, we return to the vexed question of how the anti-racist feminist left should respond to these conspiracy theories and the anti-vaxxer movement within the context of our overall support of the right to free speech.

### **The return of the far right and white replacement theories**

While the 'alt-Right' presents itself as a new and radical movement, it is essentially a euphemism for neo-Nazism and accordingly draws on exactly this reactionary, xenophobic and authoritarian form of politics. Indeed one of its most significant achievements is, as Maxime Dafaure notes, to make these tenets appear as novel, provocative and contemporary by translating the traditional politics of far right into the online realm (2020). In his book *The Rise of The Alt-Right* (2018) Thomas Main identifies four main components to the alt-right movement as 'rejection of liberal democracy, white racialism, a rejection of allegiance to America, transferred instead to the white race, and vitriolic rhetoric' or what Main calls 'coarse ethnic humour, prejudicial stereotyping, vituperative criticism, and the flaunting of extremist symbols' (2018:8). The movement emerged in the US around 2010 but has now spread internationally. Alongside its relentless attacks on immigration and multiculturalism are its intense hostility to feminism and it has loose connections to the 'manosphere community', comprising groups as men's rights activists and 'incels' (Dufaure, 2020:1). For the alt-right immigration, multiculturalism and feminism are movements seeking to destroy Western or 'white' civilisation through processes characterised as 'white replacement' or 'white genocide'.

The election of Donald Trump represented an absolutely central development for the growth of the alt-right. As Niko Heikkilä noted: 'The alt-right capitalized on the anti-immigration and anti-establishment campaign themes of Donald Trump to thrust its ideas into the political mainstream. Just as Trump made use of social media, the Alt-Right utilized

memes—and like Trump, the movement attracted attention and visibility through provocations and sensationalism’ (2017:1). This same attitude epitomised Trump’s approach to Covid, where he dismissed the seriousness of the illness, undermined scientific advice, promoted conspiracy theory about the causes of the pandemic, ridiculed mask wearing (note the right wing anti-vaxxer hashtag (#NoToMuzzleMasks) and refused to implement public health measures.

The central ideological plank of this re-energised far right is the ‘white replacement’ or ‘white genocide’ theory. These theories are essentially about the steady destruction of the ‘white race’ and ‘white civilisation’ through immigration and state sponsored multiculturalism. These ideas have their roots in racist and ultra-nationalist thinkers in the 19<sup>th</sup> century, going back to the work of the French nationalist author Maurice Barrès (1862-1923). Barrès, a noted anti-Semite and advocate of race science, wrote a series of novels that warned of the impact from increasing numbers of ‘foreigners’ taking up residence in France.’. He wrote that while ‘France can always be called France, its soul will be dead, emptied, destroyed’ (Schwartzburg, 2019); hence the ‘replacement’ of white French people by immigrants was not only bringing about the changing the nature of the French population, but it involved a ‘spiritual death’ of France.

These themes have been resuscitated by the contemporary French philosopher and novelist Renaud Camus, and indeed the phrase *The Great Replacement* was the title of Camus’ 2011 book. Camus is a cosmopolitan intellectual who epitomises the way the far right has mainstreamed itself by shifting from crude racism to offering a narrative concerned with the destruction of ‘cultural identities’. Bhatt has noted that this concept of ‘white extinction’ is rendered both in ‘biological’ and ‘genetic’ terms, ‘typically as the decline of white populations or their replacement through genetic ‘mixing’, [alongside]...‘white genocide’ also imagined in civilizational terms through which ‘culture’ with ‘biology’ are merged in

sophisticated ways' (Bhatt, 2020:6). This merging of biological and cultural metaphors is at the core of the way Camus describes the dynamic of the 'replacement' of the 'French race':

*Replacement is the very essence of modernity... Objects are being replaced, landscapes are being replaced. Everything is being replaced...I would say that this French race, or, if you'd rather, the French people, in all its dimensions – ethnic, cultural, civilizational – is especially under menace: it is fast losing its own territory, where its own culture and civilization is quickly becoming just one among others (Wildman, 2017)<sup>i</sup>.*

Camus rejects the criticism that his ideas are racist, claiming that he is simply concerned with 'defending civilisation' (Bullens, 2021), and illustrates the way the concept of the 'great replacement' shifts the focus away from assertions of racial or ethnic hierarchies that were previously at the centre of the far right's claims, to an argument that situates the 'white race' as the victims of both physical and cultural erasure. The importance of this orientation for the far right globally was made clear in the slogans for the 'Unite the Right' rally in Charlottesville, Virginia in 2017, where marchers adopted Camus work, chanting 'You will not replace us – Jews will not replace us'. The exact same ideas were also present in the manifesto of the Christchurch mosque murderer Brenton Harrison Tarrant, also entitled 'The Great Replacement'. Brenton stated that:

*'population figures show that the population [of black and brown immigrants] does not decrease in line with the sub-replacement fertility levels, but actually maintains and, even in many White nations, rapidly increases. All through immigration. This is ethnic replacement. This is cultural replacement. This is racial replacement' (in Schwartzburg, 2019).*



The current Alt-Right hashtag #WhiteGenocide is an abbreviation of the slogan 'diversity is a code word for white genocide' (Niewert, 2018:256). We have already noted that relationship between the secular right and the Christian Right, traditionally based in Evangelical Protestant churches, is one that has ebbed and flowed historically, often connected through the political trajectories of influential figures like Ronald Reagan and Pat Buchanan. Damon Berry has also pointed to the complexity of this relationship noting that many white nationalists see Christianity as:

*too Jewish or as an alien ideology that weakened the racial instincts of Europeans. However, Christianity remained a significant political force for white conservatives in America who were, in some ways, thought of by white nationalists as potential political allies (2021:2).*

In a period when the alt-right has been fundamentally driven by a racist nationalism and where Christian fundamentalists mobilising passion has been the LGBT communities they see as 'living signifiers of decadence and corruption' (Goldberg, 2007:53-54), this alliance may not have developed. However, the theme of 'white replacement' has begun to offer new ways in which these different preoccupations could converge. The 'America First Political Action Conference' is one group demonstrating this. Its leader Nick Fuentes developed it as an organisation that rejects the overtly Nazi symbolism of much of the far right, seeking rather to pull the right wing of the Republican Party further to the right.

The group's uses of the 'white replacement' theory was clearly expressed in a recent documentary. When asked what the group represented, Fuentes replied: 'If you change the people in America and you change the place that is America, is it still our home? To me the answer is no' (BBC 2021). In a speech to the 2021 AFPAC Conference he shouted at his audience:

*America is a Christian nation! [Shouts of 'Christ the King! Christ the King!']. If America loses its white demographic core and if it loses its faith in Jesus Christ, then it is not America anymore!*

Groups such as AFPAC point to the way the far right is starting to re-shape right wing Christian nationalism in its own image. While traditional Christian right figures such as Pat Buchanan and Jerry Falwell sought respectability, groups like ACPAC reject this, speaking to what they see as this new moment of crisis. Commenting on the demonstrations that followed Trump's electoral defeat ('#theBigSteal'), Alex Morris similarly observed that 'If constructing a gallows to hang Mike Pence could be consistent with hoisting a sign that reads "Jesus Saves," it's because...in this framing, the Great Replacement subverts the will of God. And the will of God must be defended at any and all costs' (Morris, 2022).

### **White replacement and misogyny**

For these far-right Christian groups 'white replacement' theory is also linked with extreme forms of misogyny. According to Fuentes: 'Women have been convinced that it is dignified to abandon your children, from your womb, to go and work in some office: how sick is that?' (BBC, 2021). The connection between this ultraconservative conception of gender and extreme forms of xenophobia lies in the way both are concerned with the biological reproduction of the 'white' family, as well as its social reproduction. The patriarchal family is thus the place where the 'white' demographic is created, as well as the moral bedrock of society whose upstanding values are seen to be corroded by equality initiatives within the state – women's rights, LGBT rights, immigration and multiculturalism. Extreme xenophobia and the defence of patriarchal authority in the family show how the secular far right and the Christian right can meet through a concern about the physical reproduction of white children whose prevalence ensures that America can remain 'home'; this also represents

the reproduction of a domestic sphere based on ‘traditional’ gender roles and power relations that emphasise the child-bearing role of women as wives and mothers.

We previously noted the intense hostility to feminism in the alt-right and Nancy Love has noted the language used to articulate this. Feminists are ‘thots’, which means ‘that ho over there’, as opposed to TradHots or TradWives, who embrace traditional sex/gender roles. Love notes that involvement of women in these nationalist movements receives less attention because of their role as auxiliaries to the movement’s male leadership. Despite this subordinate role, women are still active in these groups, typically making arguments such as ‘feminism has failed white women, robbing us of the opportunity to have a male provider, a happy family, and a nice home’ (Love, 2020). It is exactly this sort of language that connects with people’s anxieties about economic insecurity for families and the impact this will have on children (#SaveTheChildren) within this.

### **Vaccines and white bodies**

The far-right theme of a society so corrupt that it must be ‘cleansed’ from its ‘impure’ elements also connects with Covid conspiracy theories. Central to these is the conception of vaccines as a form of poison, directly attacking the white body, mirroring the way state-sponsored immigration and multiculturalism create the conditions for the ‘great replacement’ of white bodies in the racist imaginary. We want to point to the way these themes converge by looking at a thread on the QAnon website entitled *‘My fiancé got vaccinated and didn’t tell me at all, the commies got to her’* (November 2021). The initiator of the thread describes the way his fiancé became vaccinated without telling him and against his expressed wishes, and he describes his feeling of betrayal by her. He is correspondingly urged by different respondents to leave the relationship immediately as it

would be a profound error for him to have children with a wife who was not a 'genuine patriot'. These five different responses to the original posting are among the many made:

Respondent 1: *This is a betrayal...You can save yourself a lot of problems now by finding a different woman. One who can be trusted. If you stick with this one, there will be more betrayals later. Guaranteed. Not to mention the sterility/genetics issues.*

Respondent 2: *Yeah, are you really going to stick around and let your children die in her womb, or maybe be born with medical conditions or deformities? Yikes.*

Respondent 3: *And if anyone wants children...yes, that might be a problem. I just heard this morning that the placentas of women who gave full term birth post-vax were all deformed and blackened. I don't have any more details than that. Shocking. And it's also shocking that someone could be so flippant about something so crucial. Now THAT is an irreconcilable difference.*

Respondent 4: *Well it wouldn't be good. Bodily fluids aren't usually a good thing to mix if someone's infected with something. I'm not sure it's been studied or even if they'd tell us if it had. Better to play that one safe than sorry. On a plus note there is not any lack of patriot women out there!*

Respondent 5: *They want us to submit, so there is no point in making the vax super deadly/sterile. No one will submit if the vaccine is obviously bad. So while they may still want to depopulate, they won't start out with a death shot. They want to first train us to accept yearly shots and accept deaths/sterility from adverse effects, like its common place and worth it, for a few years first before increasing the deadliness.*

Source: <https://greatawakening.win/p/13zMwngLch/my-fianc-got-vaccinated-and-didn/> [Accessed 11/1/22]

Central to the logic of the posts discussed above is the way rejecting the vaccine represents a refusal to accept a poison with the expressed purpose of sapping the strength and purity of the 'white race'. We noted earlier Bhatt's comment that 'white replacement/extinction' theories merged biological and cultural metaphors (Bhatt, 2020:6) – and these anti-vaccination postings do exactly the same thing. Not only is the vaccine an attempt to dilute and ultimately destroy the unique biological essence of the 'white race', but the fact that the writer's fiancé has made her own decision (defied male authority) is similarly a dangerous sign of cultural degeneration. While immigration leads to the destruction of the 'white race' through cultural mixing, the vaccine is seen to be causing the 'mixing' of 'bodily fluids', causing the birth of children who are 'deformed and blackened' – that is physically disabled and ceasing to be 'white'. The racism of these conspiratorial arguments merges with archetypally far right conceptions of the place of women in the properly patriotic white family, which sees itself as standing firm against 'communist' vaccines.

### **Conclusion: free speech, the common good and contesting far right narratives**

In this article we have sought to map out the emerging connections between 'white replacement' conspiracy theories and the way these provide a meeting point for both secular and religious right-wing nationalist movements. We then pointed to the way these have travelled into Covid 19 pandemic denial and anti-vaccine conspiracy theory movements in the US and in other parts of the West. We argue that it is crucial to be clear about the way these movements have caused death and damage to people's health and people's lives. This takes place in a context where there is powerful evidence of higher levels of mortality and severe impacts from the pandemic on the lives of women (UN, 2020) and racialised minorities (Pan et al, 2020). Moreover, these movements have undermined the authority and the legitimacy of science as an evidence-

based guide to public policy. They have actively eroded public solidarity and trust in public health measures.

What should then be the response of the anti-racist feminist left to these movements and their conspiratorial messages? The right for the freedom of speech has been constructed as essential to the functioning of any form of democracy. It has been enshrined in the French revolution (Walton, 2009) in the first amendment to the US constitution and the UN Declaration of Human Rights (UN, 2015). Recently, however, discussions about freedom of speech have gained new poignancy due to the growing domination of social media in mass communication and the lack of effective legislation to control it – except for constraints imposed by the non-representative authority of those who own social media companies such as Facebook and Twitter. Many progressives were happy to see Katie Hopkins, Donald Trump and most recently the QAnon-supporting Republican senator Maxine Taylor Green removed from social media platforms. However, this essentially represented an exercise of corporate authority, rather than a defence of the public sphere as such; and as Butter has argued, this has itself been fragmented by the rise of the internet (Butter, 2020:7).

The right of freedom of speech has traditionally been seen by the left as vitally important, inherently linked and enabling the right of dissent. It has also been central to the articulation of any demand for social justice that becomes the basis of struggles for social change. At the same time, this demand for free speech has never been seen as unequivocal. As Amnesty International emphasise in their discussion of freedom of speech, this is not the right to say whatever you like about whatever you like, whenever you like:

*Freedom of speech is the right to seek, receive and impart information and ideas of all kinds, by any means. More recently,*

*much of the debate on the freedom of speech has been focused on its limitations; on when it stops being legitimate because it constitutes hate speech which can incite against, or 'cancel' altogether, racialised and sexual minorities (2020).*

In this article, though, we focused our interest on a somewhat different aspect of the limits of free speech – not speech against the rights of particular minorities but on what could be considered ‘the public good’. In the context of the Covid pandemic we see this as essentially manifested in public health provision that has repeatedly demonstrated its effectiveness in protecting populations against disease and illness. While we must acknowledge the abuses of power that have taken place in the name of ‘science’ throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries, we would argue that socialised medicine and free and universal health provision represent an absolutely crucial legacy of social democracy. We see these as central to a conception of the common good in the way they seek to require the state, with its hugely important medical resources and expertise, to be as accountable as possible to the health needs of the population.

In her recent book *Freedom: An Unruly History* (2020) Annelien de Djinn notes that movements for popular democracy through the 19th and 20th centuries have been essentially concerned with demanding accountability from the state, and particularly that the state addresses the real needs of the people at many levels. She counterposes this with the neoliberal conception of the state epitomised in Ronald Reagan’s claim that he was seeking to ‘get the state off the backs of the people’ and Margaret Thatcher’s claim that there is ‘no such thing as society’. De Dijn positions these statements as representing a backlash to those popular democratic movements by supplanting a neoliberal conception of individualism at the centre of conceptions of citizenship. The right wing anti-vaxxer arguments also repudiate this conception of the ‘common good’ but rather than a

neoliberal conception of entrepreneurial individualism they offer a Manichean conception of a war between the 'races'.

The experience of the pandemic shows how important appropriate medical and epidemiological evidence is in terms of protecting the health of the public. This is also directly related to questions of free speech that are important not only in terms of democratic rights but are crucial because they allow people to keep hold of the truth – complex and multifaceted as it often is. We only need to look at the power of a pandemic and the destruction of life this can wreak to show us why this conception of truth is so clearly related to freedom of speech. Free speech enables us – and others – to hear how particular issues are experienced as well as understood from the differently situated gazes of people in diverse social, political, economic and cultural positions. Following Patricia Hill Collins' (2002; see also Yuval-Davis 2015) dialogical epistemological approach to 'the truth', we argue for a conception of truth approached by encompassing as many differently situated gazes as possible towards an issue; at the same time, we keep holding the shared normative framework of social justice and social care.

For example, to understand the truth about vaccines it is as important to understand the situated gazes of those responsible for public health as it is necessary to understand the fear and suspicion of members of racialised minorities who have undergone bad experiences of certain public health policies in the past. Similarly, it is important to understand the effect of public policies in the pandemic such as lockdown on those who can afford to stay at home and either work or obtain furloughs, as well as on the others who would lose their jobs if they had to practice public health restrictions. The British government's narrative of 'we're all in this together' draws a false picture of a shared experience of the pandemic and ignores the very different experiences of people from different positionings and identifications, particularly the experiences of women



and BAME communities who have been disproportionately and negatively impacted by the pandemic.

Freedom of speech is important in this sense because these experiences and the emotions associated with them need to be heard in order to enable any true understanding of what has actually happened during the pandemic. While some conceptions of Marxism (Lukács, 2000) and some conceptions of feminism (Smith, 1990) have argued that the proletariat or women possess a privileged epistemological positionings for understanding the truth, our argument is that understanding the context and engaging with all situated gazes and imaginations is needed to approach truth. The powerful have access to the workings of power and surveillance that the powerless do not; while the powerless see and experience the impact of particular workings of power in ways that the powerful cannot often even imagine. The powerful invariably respond to articulations of their lived realities from the oppressed by denying or ignoring their fears and anxieties as well as those aspects of oppressed lives they are least comfortable with. At the same time this does not make the cognitions, and experiences of the oppressed more real.

This dialogical epistemological approach to 'the truth', however, should be sharply differentiated from relativist approach to the truth because a relativist approach endows a status of complete truth to each situated gaze. Dialogical epistemology offers a methodology that aims to understand social phenomena and to 'approach the truth' (Hill Collins, 1990) by encompassing as many situated gazes as possible into that understanding. The truth of most realities is complex and multidimensional and only an encompassing perspective of its intersected constructions can really help us understand certain social facts. However, understanding these issues – which require our incorporation of as many differently situated gazes as possible – is distinct from taking a political and/or moral stance towards a particular issue when some anxieties merit

solidarity more than others (Yuval-Davis, forthcoming). We also distinguish between recognising the varied epistemologies of different situated gazes that need to be encompassed in a dialogical epistemology in order to be understood, and explicitly spreading misinformation used for particular political purposes – such as those we have detailed in this discussion.

We have shown in this article that conspiracy theories are not simply irrational, but rather represent a ‘deliberately enhanced political weapon’ (Peters, 2020) that the far right has developed within the fractious and unstable realities people experience as a means of promoting their perniciously racist and misogynist world view. It is an epistemology where any differences of view can never be another facet to explore but constitute a threat – and this is a feature of totalitarianism. This isn’t an incidental feature of the structure of argument but reflects the normative ideological approach of those who have been leading these movements. At the same time, they have managed to link their narratives to the real concerns and fears of wide sectors of the population. It is therefore essential for progressives, feminists and anti-racists to understand that the claim of those who promote anti-vaccine conspiracy theories for free speech is a claim to use forms of disinformation that have contributed to increasing levels of death and disease, impacting most significantly female, working class and racialised communities.

The question is difficult and poses a real dilemma to the left. Formal banning is not necessarily going to delegitimise their narrative and it also fuels the sense of victimisation they draw on for support. Moreover, as mentioned above real powers of banning are not often used by (western) states these days – and there is a debate on whether they are even able to do it effectively. As we have noted in our discussion, social media forums more often than not hold the real power of control in these discourses and the spaces where they operate. In this sense what we need are alternative narratives to the conspiracy theorists, and we would argue that central to

this is the demand that the state becomes accountable to the citizenry, acting as the guarantor of human rights and the collective good of all its citizens. Such a conception of a democratic state committed to the idea of public good and an egalitarian public health system serve as a counterpoint to corporate power and control, as well as to the narratives of hate, racism and misogyny promoted by the far right. We conclude with the recent work of the British writer Michael Rosen in his account of the way he became infected and recovered in hospital from Covid 19. In this book Rosen recounts a dream he had while in hospital, which we see as significant for the anti-racist feminist left in the way it offers a collective vision of hope for people as the basis of re-narrating the political crisis we currently face:

*I'm disturbed by another dream  
I imagine that just before I got ill  
I came across a statement, a kind of manifesto  
from a German farmer  
It was a reply to the hate coming from  
Neo-Nazis in his neighbourhood...  
His manifesto tells how we can only  
go on if we love each other,  
we have to find many different kinds of love  
he says, love for lovers, love for our children  
love for our colleagues, love even for people we don't know  
If we don't, we will destroy ourselves (Rosen,2021: 58-59).*

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<sup>i</sup> Sarah Wildman's interview with Camus makes it clear that his philosophy offers in essence a 'racialised' account of globalisation and commodification, couched in a language of concern for the integrity – the non-replaceability – of every human being. It is in this way he can be a key figure in offering the central far-right ideas through which to rebuild themselves politically at the same time as disavowing any of the consequences for their growth. In particular he denies any idea that his work is racist, even though he goes on to say how important the idea of 'race' actually is: 'But I think races do exist and that they are infinitely precious, all of them, like everything – sexes, cultures, civilizations, private property, nations – which helps men and women resist general interchangeability and makes each human being unique, irreplaceable' (Wildman 2017).

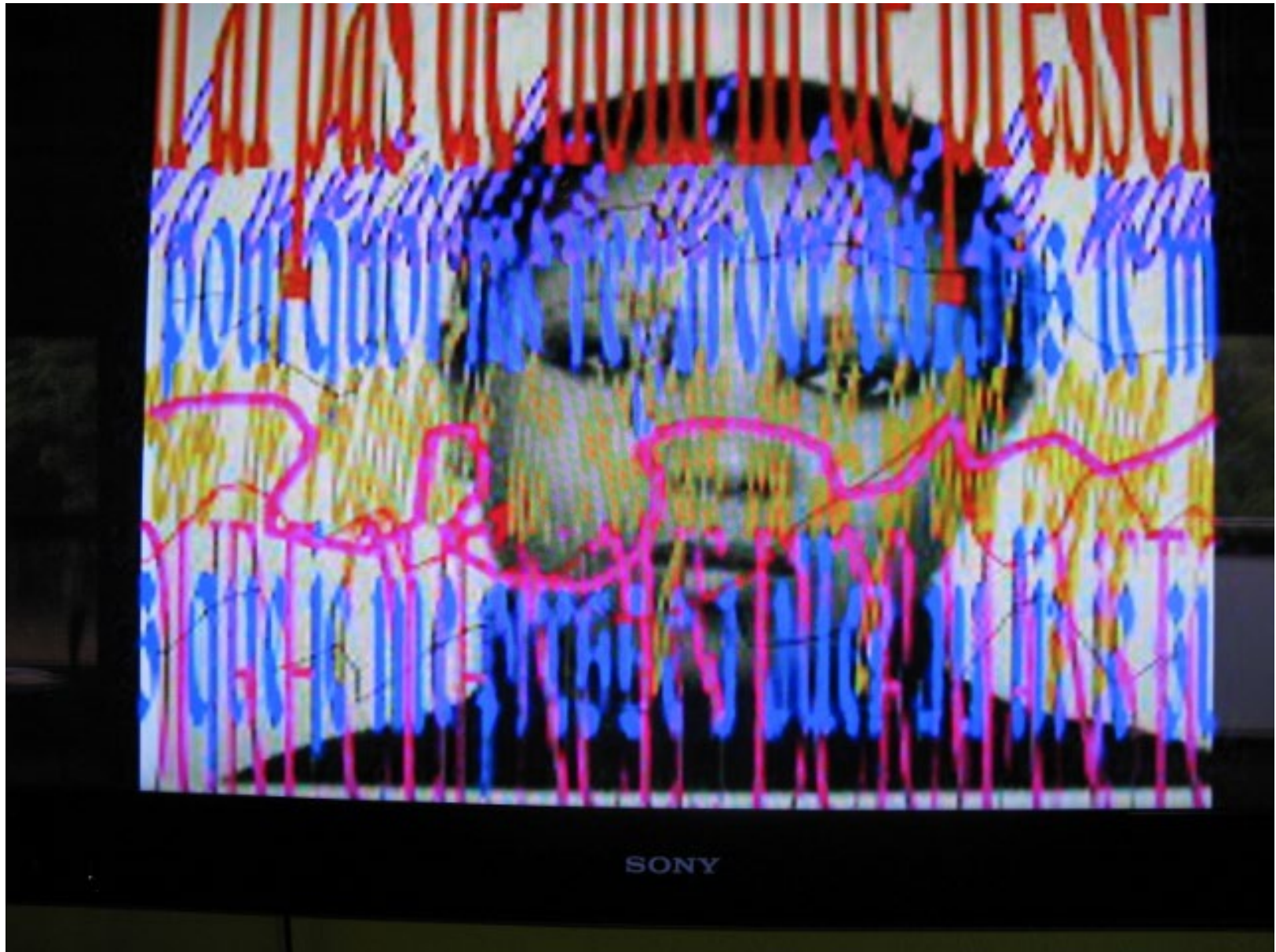


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# Women and Online Harassment

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## Abstract

*The promise of social media platforms on the internet was the creation of a level playing field that would enable users equal access to express themselves online. However, the experience of women journalists and human rights defenders has shown that while they are able to use the medium, they are attacked for expressing unpopular views and threatened with physical violence. This paper looks at cases from the UK, the Philippines, Bangladesh, Pakistan and India, and examines other instances where organised groups have attempted to intimidate women into silence by forcing some to leave social media platforms, and in certain cases to leave the countries where they live. The paper also notes research by Amnesty International and other civil society groups that have shown how toxic the online environment has become. There is also a continuum between online threats and offline violence. Women are also being driven away from other kinds of activity on the internet, including gaming. The paper concludes with a call on social media platforms to regulate the platforms more effectively so that the medium does what it was intended to do – offer space to all voices.*

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Between 2017 and 2019, the British science writer Angela Saini published two important books – *Inferior: How Science Got Women Wrong and the New Research That’s Rewriting History* (2017) and *Superior: The Return of Race Science* (Saini, 2020). Both were deeply researched critiques of how the scientific establishment has systematically undermined the contributions of women and people of colour, and reinforced the idea that scientific achievement is primarily a white male achievement. As a British writer of Asian descent with a degree in science, she was not going to take such assertions as facts, and unearthed evidence, stories, and facts that made the establishment uncomfortable. ‘My critics simply didn’t like the

idea of either their race or gender-based superiority being challenged by anybody, particularly coming from a brown woman,' she said.<sup>i</sup>

For those sins, and for her outspokenness in criticising viewpoints that were right wing and male chauvinist, Saini was relentlessly and mercilessly attacked on social media. She would get dozens of abusive responses, messages, and tagged, all of which convinced her to leave social media. She is no longer on Twitter or Facebook; she posts her events and writing on Linked In and engages only with those she knows or those who adopt a civil tone. 'Gender and race are contentious topics,' she said,<sup>ii</sup> 'and I knew there would be extreme opinions online. And I was prepared for that, but over the last few years such alt-right views appeared in such huge numbers that it became difficult for me to handle.' She began to block accounts that trolled her, but she simply could not block them fast enough – like the heads of Hydra in multiple forms, they re-emerged before she was done with one set. 'And so I left,' she said.

She had joined Twitter in 2011 or 2012 and left in 2020 after she found the environment too hostile and toxic. She had written an earlier book on Indian science (Saini, 2011), which celebrated Indian scientific achievements but even so, Indian right wingers attacked her when they found that she was critical of India's political lurch towards the Hindu right. 'There is no doubt that being a woman, especially being a woman of colour, exacerbates it because people make it a point to attack you as a woman of colour – the racist abuse is a huge part of it,' she said.<sup>iii</sup> She would later leave Facebook as well, when she concluded that it was harder to trust the platform to do a good job of protecting people from hate speech, misinformation and disinformation. She could no longer rely on the platforms to take her complaints seriously; often they suggested that she delete the content, or mute or block the abuser. 'Social media is normalising extreme language,' she said.<sup>iv</sup> 'Developing a thick skin is not an option; sometimes they do touch a vulnerable nerve.'

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Alarmed by the sharp rise in rape cases in her hometown, Davao City, the Philippine writer Jhoanna Lynn B Cruz wrote a column<sup>v</sup> in September 2018 that criticized the city's mayor – Sara Duterte, the daughter of the Philippine president Rodrigo Duterte, who was, at the time of writing, provisionally elected vice-president of the Philippines. Cruz alleged that the mayor was understating the extent of the city's rape crisis (Coconuts, 2018).<sup>vi</sup> The response from the local government was swift. Jefry Tupas, public information officer of Davao City, posted a screenshot of Cruz's column, criticised Cruz and tagged her online. This encouraged a large number of pro-Duterte supporters to write abusive comments and posts against Cruz, along with sending her direct messages threatening her well-being. Further online attacks followed.<sup>vii</sup>

Cruz did not complain to the police because she did not trust local law enforcement officials. But she did complain to Facebook and asked her friends to report the threats. Since then, Cruz has quit writing her column – her last column appeared in October 2018. 'I also self-censored myself on Facebook even after I blocked (Tupas) and the other accounts.' She began to express dissent on Twitter, but pro-Duterte supporters followed her there too; as recently as January 2020, they verbally harassed her. 'One direct message said in the local language, "You are better off dead",' she said.

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Neha Dixit is an Indian journalist who grew up in Lucknow, the capital of India's most populous state, Uttar Pradesh. When she decided to study journalism in the Indian capital Delhi, family elders told her it was not a



profession for women from reputable families. Some family members, including her father, broke off contact with her for three years.<sup>viii</sup>

In the 15 years since, Dixit has written courageous reports on human trafficking (Dixit, 2016), child abuse (Dixit, 2014), gender-based violence (Dixit, 2015) and extra-judicial executions (Dixit, 2018), and received awards in India<sup>ix</sup> and internationally.<sup>x</sup> And yet, she routinely wakes up to obscene messages and imagery sent to her online. Occasionally she sees long twitter threads discussing how she should be sexually assaulted<sup>xi</sup> because she writes critically of the government. She has received graphic online warnings threatening her with brutal violence, describing different ways she would suffer. Her home address has been revealed and she has received threats of physical violence, including threats of gang rape and acid attack. In early 2021, someone unsuccessfully tried to break into her house. The abuse has been going on.<sup>xii</sup>

Other women writers in India, such as journalists Patricia Mukhim and Rana Ayyub have also received violent online threats. Some women journalists have been assaulted or murdered. Many are constantly keeping an eye on their surroundings when they are on a sensitive reporting mission. A few years ago, a reporter<sup>xiii</sup> was at an Internet café in the Indian-administered Kashmir using one of the shared desktop computers when she received an anonymous email message describing what she was wearing, whether she liked the shawarma she had eaten that day,<sup>xiv</sup> and named the hotel where she lived.

Complaints made to the Indian government's law enforcement machinery that tracks online threats have not yielded much and many women reporters have received veiled threats, sometimes from law enforcement officials. Dixit says:

The task of online trolls is easier when the target is a woman. All they have to do is to question her intention, agency, intellect and her character. When men are trolled they are called corrupt.... When women are trolled they are called sex workers, porn actors... That way, they not just affect the morale of the woman journalist who then resorts to self-censorship but also promotes an abysmal quality of public discourse that relies more on mob justice than intellectual or legal arguments.

Dixit added. 'Bravery is not a virtue but a compulsion for women journalists. It bothers me that in the sea of attacks, trolling and abuse, my identity has been reduced to that of a victim.'<sup>xv</sup>

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Supriti Dhar is a Bangladeshi journalist and writer currently living in exile in Norrköping, Sweden. Earlier she lived in Dhaka, the capital of Bangladesh. Since 2013, (during the Shahbagh movement), she has published a portal called *Women Chapter*,<sup>xvi</sup> and regularly posted articles on social media (including Facebook) on corruption, governmental misdeeds, religious fundamentalism, and discrimination and violence against women.

'I was a soft target for different actors as I was a woman, female journalist, activist and from Hindu origin,'<sup>xvii</sup> she said. 'I was monitored by them, sometimes they criticised me in their [social media] walls or sent me threatening messages such as they will rape me and my daughter, slaughter me, hang me,' she said.<sup>xviii</sup>

By 2013, Dhar had become a frequent target of abusive online attacks by those she suspected to be members of extremist groups. She received threats on her cell phone as well. The threats included intimidation, criticism, defamation, insults and vulgar language. Some people followed

her to her home, she said, and targeted her and her children. ‘They knew where I lived,’ she says.

Writing online, including blogging, can be dangerous in Bangladesh. In 2015, fundamentalists had killed Avijit Roy,<sup>xix</sup> a Bangladeshi-American rationalist author and blogger who was visiting Dhaka, and violently attacked his Bangladeshi-American wife, the free-thinking author Bonya Ahmed;<sup>xx</sup> she still bears scars of wounds inflicted during the attack. In the months that followed, at least ten more bloggers were murdered or violently attacked (Tripathi, 2015).

Dhar complained to the police in 2015 and 2016, as well as to Facebook. One police officer suggested to Dhar that she should write on safe topics like cooking, flower arrangements or fashion, instead of dangerous topics such as religion or women’s rights. When she was threatened the third time, the police did not even write down her complaint. ‘They were laughing at me as I left the police station,’ she said.

Dhar provided detailed information to Facebook about a specific page where she was being named and attacked. Facebook removed that page, but the perpetrators created another page. She was described as ‘Islamophobic’ and ‘atheist.’ Her writing would get removed, but pages that threatened her remained online. Similar to Saini’s experience, those pages kept reappearing. Dhar reached out to international organisations. Frontline Defenders<sup>xxi</sup> highlighted her case and she sought help from PEN International. In April 2018, the International Cities of Refuge Network<sup>xxii</sup> arranged for her to move to a safe city. She has revived her blog, but she continues to feel that she is monitored and threatened. She has a case pending against her and her daughter under Bangladesh’s Digital Security act. In July 2021, the case was revived, and the police have questioned Dhar’s parents and in-laws about her views on religion and her children’s whereabouts.

‘Sometimes I feel I will leave everything; I don’t need to do anything. My daughter is in the Netherlands, my son is in India, and I am in Sweden. All are scattered in different countries, my son cannot join us, we cannot go to him. We are profoundly depressed and frustrated. It’s not a life.’<sup>xxiii</sup>

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Qandeel Baloch became Pakistan’s first social media celebrity, posting frequently on social media platforms. Her video ‘How I’m Looking?’ went viral and she was included in Google’s list of the top 10 Pakistanis searches online in 2015. By early 2016 she had nearly three-quarters of a million followers on Facebook. She tantalisingly promised to post a risqué video of herself online if Pakistan’s cricket team won a match. She began receiving vitriolic online abuse, such as: ‘If I find this woman alone, I would kill her right on spot’; ‘Please shoot her wherever you find her’; ‘Finding a gun send me her address LOL.’

On 22 March 2016, Baloch’s Facebook account was suspended after a blogger called Farhan Virk (who had over 100,000 followers) launched a campaign against her. He posted: ‘We can’t see ... her shaming our nation. Keep sharing this message and reporting her page. We need to get it banned.’

Baloch’s identity had been kept hidden for safety reasons. But in June 2016 her real identity was discovered and made public online. Images of Baloch’s passport and national identity card were revealed, showing her hometown and father’s name. A month later, Baloch was killed. Her brother confessed to the killing, saying her actions had brought dishonour to his family. He told the press ‘you know what she was doing on Facebook’ (Maher, 2019). He was sentenced to a long prison term, but in early 2022 he was released after her parents pardoned him. Under a

specific provision of Islamic law, the court had to release him (George, Suliman, 2022). The Pakistan National Human Rights Commission expressed outrage and the government is considering an appeal.

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The internet was meant to open up space for free expression and give voice to the marginalised. It was an extravagantly rosy prospect that promised an opening for the weak to speak to the strong, the powerless to the powerful, and to level the playing field and terms of discourse. People who had no outlet to express themselves would be able to do so freely. It would be a marketplace of ideas, with people at liberty to speak without governmental, religious, patriarchal or parental control. Those who did not earlier have access to platforms would now be able to speak without restriction. Some would still prefer the safety that anonymity offered, while others could be bold.

But the internet soon began to resemble the real world, but in more extreme forms. Traditional misogynistic behaviour surfaced in cyberspace. Over the years, women who have spoken up online have felt intimidated, threatened, and ridiculed. Sexualised insults are hurled frequently. Privacy is violated. Racist attacks abound. The Cambridge academic Priyamvada Gopal is a frequent target of white nationalists who write ungrammatical threats to her supervisors at Cambridge, wondering how someone like her (a PhD from Cornell University) could teach at such an elite an institution (Huskisson, 2020), particularly after a subtle tweet of hers was deliberately mischaracterised (Tripathi, 2020). Women who have good reason to conceal their identity find that they are tracked down and their identities made public. And sustained efforts are waged to drive them off the internet. Some have left social media. The absence of protection mechanisms in the real world, the slow response from social media companies in reacting to complaints, and the lack of business volition to

apply global rules on freedoms and hate speech across the board – which ends up permitting excuses based on cultural relativism – have all contributed to strengthening misogyny and patriarchy online instead of making the internet a more equitable space.

The spectrum from online abuse and that occurring offline in the form of real world violence is in fact a continuum, as the Baloch case shows. As other cases from Latin America show – that of Mexican journalist Lydia Cacho<sup>xxiv</sup> and Honduran human rights defender Dina Meza<sup>xxv</sup> – even international renown does not protect women from being stalked and trolled. Indeed, in recent years several prominent women investigative journalists have been murdered after receiving online abuse, though the perpetrators are rarely held to account, which makes it difficult to establish a causal link. In 2006, Anna Politkovskaya<sup>xxvi</sup> in the Russian Federation was murdered; and in 2017 Gauri Lankesh in India and Daphne Caruana Galizia (Taub, 2020) in Malta were murdered. They had all received threats online.

Indeed, online trolling has consequences in the real world, as the Indian poet and writer Sumana Roy has noted in a powerful essay on kindness (Roy, 2021). Viktorya Vilk, director of digital safety at PEN America, said:

The whole point of online abuse is that it is meant to intimidate, censor, and silence women or other affected groups. Removing abuse is not censorship; it is meant to ensure access to those who are prevented from expressing themselves. If we don't deal with it seriously, all claims that social media platforms make, of being diverse, are hollow, if people disproportionately impacted are people of colour, women, or from LGBTQI communities. They won't be there on the platforms, and it won't be an inclusive Internet.<sup>xxvii</sup>

In a free-for-all internet, abuse may be called a form of expression. Not only do governments have laws regulating hate speech, defamation and privacy that restrain speech, but companies that run platform also have content policies and community standards that they invoke to remove content they consider objectionable. Sustained abuse adds noise to a platform, it does not illuminate discourse, and many platforms routinely remove chronic abusers to make the user experience positive.

While the First Amendment of the US constitution protects by preventing the state from passing any laws that restrict free expression, and in so doing it goes further than European standards, the provision restrains the state, but does not apply to private parties – such as publications or internet platforms. These organisations can and do remove objectionable content, sometimes for good reasons, sometimes arbitrarily. Removal of an abusive person from a platform does not restrict the person’s right to speak freely; it stops the person from being abusive on that particular platform. Other avenues remain open to that individual to continue to speak freely. While Spotify and Twitter have begun removing some users from their platforms (and in seeking to acquire Twitter, businessman Elon Musk has given his distaste for Twitter’s content moderation policies as one of his primary reasons), alternatives like Rumble and Truth Social (in the US) and Koo (in India) have emerged as so-called ‘safe havens’ for free (as in unrestrained) speech which others may find disturbing or offensive.

Online abuse of women is not uniquely Asian or European phenomenon. In the US, the Gamergate (Dewey, 2014; Mantilla, 2015) episode showed how women who participated in or developed online games were hounded out and humiliated (Heron, Belfor et al, 2014). In 2014, a sustained campaign harassed women prominent in the video game industry such as Zoe Quinn (Jason, 2015), Brianna Wu (Starr, 2014), and feminist media critic Anita Sarkeesian, whose non-profit organisation Feminist Frequency<sup>xxviii</sup> had examined pop culture from a feminist

perspective. Journalist Amanda Hess documented the online bullying in an essay (Hess, 2014). These and other women in online gaming received obscene messages and even death threats. Some cultural critics have said the controversy showed how culture wars were spreading through the world of online gaming, cutting women off from the platforms.

The online space has become corrosive and hostile to women who wish to speak up, as Amnesty International's report *Toxic Twitter* showed:

At a watershed moment when women around the world are using their collective power to speak out and amplify their voices through social media platforms, Twitter's failure to adequately respect human rights and effectively tackle violence and abuse on the platform means that instead of women using their voices '*to impact the world*', many women are instead being pushed backwards to a culture of silence. (Amnesty, 2018).

In the United Kingdom, author Caroline Criado-Perez – who campaigned for a woman (other than the Queen) to be represented on British banknotes – was trolled viciously. She said: 'Twitter has enabled people to behave in a way they wouldn't face to face' (Hattenstone, 2013). On social media, violent threats are occurring more frequently. Garrett Miller, a right-wing extremist in Texas who was arrested for taking part in the insurrection at the US Capitol in January 2021, was known to have made online death threats (Leonard, 2021) to Alexandria Ocasio-Cortez, a high-profile Democratic congresswoman from New York.

There are other means used to silence women online. One of those is spreading disinformation on the internet, which might prevent a journalist or human rights defender from doing their normal work. In the months before the pandemic, the Indian human rights defender Teesta Setalvad found it difficult to announce online in advance where she might be



speaking because the venue would be threatened or the event disrupted. Fake messages would get circulated claiming her event was cancelled, to reduce the number of people who might attend it.

As technology is value-neutral, the media that provides entertainment and information can also be used to violate privacy and dignity. The proliferation of technologies has provided new opportunities for users to express their creativity. There is legitimate space for satire and fantasy, but there are also sinister implications. While publishing distorted images through technologies like photoshopping has long been established as a way to sexualise or humiliate women, the ability to 'airbrush' videos had been considered to be too difficult. But in April 2018, Rana Ayyub, an investigative journalist in India, discovered a morphed sex video circulating on the Internet intended to humiliate her. The video was shared across social media, including instant messaging services, sometimes accompanied by threats.

Ayyub, who happens to be a Muslim, has written critically about India's Hindu nationalist government (Filkins, 2019). She has received international honours<sup>xxix</sup> for her courageous journalism.

Women journalists have also become victims of 'deepfake', or digitally manipulated videos that leverage machine-learning algorithms to create highly realistic impersonations. Most of the discussion about deepfakes tends to focus on the implications for spreading fake news (Schwartz, 2018), but a recent study from Deeptrace Labs (a cybersecurity company that detects and monitors deepfakes) has shown that the biggest threat posed by deepfakes has little to do with electoral politics; the technology is used more often as a way to humiliate and subjugate women than for any other purpose (Deeptrace, 2019).

An overwhelming number of deepfake videos – by some estimates, 96% of such videos on the internet – are used in non-consensual porn that discloses private and intimate images or videos of another person, without that person's consent. Some 25% of the subjects in deepfakes are classified by the researchers as involving South Korean musicians or K-pop singers (Deeprtrace, 2019). In addition, a 2016 report by the non-profit Data & Society shows that individuals who identified as lesbian, gay, or bisexual were seven times more likely to be threatened with non-consensual pornography than heterosexual individuals.<sup>xxx</sup>

Deepfakes remain an immature form of online harassment, but these early trends paint an alarming picture for human rights abuses with respect to gender. It abuses several rights – of privacy, reputation and health (since sustained harassment can cause incalculable harm to mental health), all of which are rights under the International Covenant for Civil and Political Rights, as well as the International Covenant for Economic, Social, and Cultural Rights. By undermining women's dignity, they also undermine the core principle of non-discrimination and equality.

Companies that develop and provide technology and platforms that enable communication and expression, and provide information and entertainment, have the responsibility to provide equal access to everyone as long as they abide by the terms of service the companies have established. Most companies maintain clear rules about what constitutes permissible behaviour. Companies also set up terms of service and codes of conduct to regulate online behaviour for reasons of compliance with local laws and international standards, as well as their own standards of decency and fairness.

Many companies in the technology sector are based in the US, where S. 230 of the Communication Decency Act<sup>xxxii</sup> offers what has been described as safe harbour principle. That means companies that provide the

'highway' of information are not liable for the content carried on the highway. While this has reduced the legal liability of the companies, it has neither ensured unrestricted free speech (because companies still apply their community or decency standards), nor eliminated hate speech (which remains largely undefined). Most companies have elaborate policies to govern the use of their sites. Their terms of services are flexible and enable the company to suspend and even terminate accounts, and the companies frequently cooperate with local law enforcement authorities by providing private details of users when law enforcement authorities are investigating criminal complaints. Users have limited remedy. In May, a US court dismissed a class action suit filed against Twitter by several litigants seeking to overturn their suspension; the most prominent among them was former President Donald Trump.

Human rights defenders, rationalists, journalists and advocates of specific causes around the world have often complained that they have been suspended, removed or banned by the platforms for what they have said; not because their content violated terms of service, but because it upset governments, companies, religious leaders or other powerful people.<sup>xxxii</sup> At the same time, powerful political and religious figures have been able to use the same medium to attack specific individuals and groups, heightening their vulnerability. They are able to marshal hundreds, if not thousands, of users to complain about specific accounts. Companies, which are overwhelmed with requests to take down offensive material, tend to suspend accounts when complaints reach a specific threshold that is often measured by the number of complaints. Hostile groups have learned how to game this and routinely send multiple complaints, and the companies' automated systems respond by placing the account under some kind of suspension (Tripathi, 2021). When this has been applied in the case of women, it means some women have felt silenced or prevented from speaking; some women have been attacked by other users and the companies have done little to prevent the abuse.

Companies are alert to the problem and taken steps. For example, Facebook has added deepfakes to its list of banned content<sup>xxxiii</sup> and Google's policy against non-consensual pornography now applies to deepfakes (Chesney, Citron, 2018). But companies need to do more. This includes engaging with affected people, civil society organisations and human rights campaigners to identify, prevent, mitigate and account for how they would address the adverse human rights impacts (UNDP, 2019). Unless the companies adopt a gender lens to their human rights due diligence, they will not be able to prevent the disproportionate adverse impacts that their services may have on women.

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THE GREAT PROMISE of the digital revolution was that it would widen access. The Internet was expected to democratise communications and enable people to speak without restrictions. While the digital revolution did, indeed, provide access to more people than ever, it did so without any special protections for those who had relatively limited access to power. While it created space for minorities to speak, it also enabled the majority to speak more loudly. And once those with power used the power at their disposal, they pulled all stops to drown out voices they disagreed with.

The digital realm was meant to liberate women, but it became a double-edged sword for them. On one hand, it has enabled women all over the world to exercise their right to freedom of opinion and expression; on the other, it has granted similar freedoms to those intent on harassing women online. Online harassment violates the right to privacy, enshrined in Article 12 of the Universal Declaration of Human Rights (UDHR): 'No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone

has the right to the protection of the law against such interference or attacks.<sup>xxxiv</sup>

While digital technologies of the kind prevalent now did not exist in 1948 when the UDHR was drafted and adopted, the language in the declaration is broad enough to include impacts in the digital realm. In 2016 the UN General Assembly adopted a resolution on the right to privacy in the digital age.<sup>xxxv</sup> However, if practice in regard to the human right to privacy online does not apply the gender lens, it will not do justice to the experiences of women on social media platforms.

Online gender-based violence violates the rights of women and girls to privacy. By threatening and intimidating them into silence, it restricts their right to speak freely and without fear. It impedes their right to seek, receive and impart information, as well as the right to participate in political processes. Distorted photographs created to humiliate a woman or using sexualised imagery, or images used without consent, and techniques such as photoshopping images to these ends, infringe on women's rights. This violates their right to dignity and aggravates risks that can threaten their right to live a life free from violence, as a report by the UN Special Rapporteur on violence against women has noted (UNHRC 2018).

While nobody is obliged to or compelled to use social media, the internet has become a vital mode for communication, completing transactions, seeking information and imparting ideas. People have written personal posts and offered advice, and shared personal photographs on social media platforms such as Facebook and Twitter, as a way to connect with their friends, families and the wider world. It is the means with which people exercise the right to free expression, as well as participating fully and equally in political, economic, social and cultural life. Freedom of expression, enshrined in Article 19 of the UDHR, guarantees the right of

everyone 'to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.'<sup>xxxvi</sup>

However, privacy and anonymity form a double-edged sword. On one hand, online gender-based violence has led women to prefer anonymity or pseudonymity online. But the same provision allows perpetrators to hide their identity, enabling them to harass, intimidate or threaten women by staying anonymous or pseudonymous. Most countries have some restrictions on freedom of expression. These range from outright censorship on one hand, to offering substantial freedom on the other, with only a few narrowly defined exceptions to prevent violence. But language or forms of expression that are designed to incite discrimination, hostility or violence, including online violence against women,<sup>xxxvii</sup> often remains subjective. Strong privacy laws may prevent the victims from accessing justice because they cannot identify the individual who is harassing them, when they hide behind an anonymous identity. Laws would need to change to make it possible to link digital identifiers, such as an IP address, to physical devices and perpetrators.<sup>xxxviii</sup> However, this presents its own human rights implications, such as exposing human rights defenders who may prefer anonymity. As those laws aren't clear, victims have little choice but to turn to companies to enforce standards, as some cases highlighted earlier show.

Under the UN Guiding Principles for Business and Human Rights, companies are required to undertake due diligence to assess the human rights impacts of their actions and then offer remedies to mitigate or eliminate harm, where they are responsible for having caused or contributed to that harm. Companies are also expected to provide remediation through legitimate processes such as grievance mechanisms or dispute settlement mechanisms. Unfortunately, there are no precise

rules to define what those are; less so, when the gender lens is applied to them.

The gender guidance for the UN principles adds that these remedies must be gender-transformative: ‘Remedies in appropriate cases should also be aimed at bringing about systematic changes in discriminatory power structures’ (UNDP 2019). That’s important and relevant as a principle but does not offer practical guidance to companies about what they are required to do. Women are subjected to online harassment – and they need transparent, rapid and effective remedies, which can only be achieved if both states and private parties work together to integrate a gender-oriented perspective to balance freedom of expression and the right to privacy.

There is an ironic corollary here in the fact that women – especially women human rights defenders – who choose to remain anonymous on websites like Facebook, are often reported by harassers for possessing a “fake” profile. When such instances have occurred, companies have sometimes responded by requiring the women concerned to disclose their identity and put them at further risk of potentially serious harm, or face suspension of their accounts. This shows the severe limitation of relying on blanket rules that can be applied with a binary logic, without taking into account nuances.

This is precisely the tactic deployed by the repeat harassers of Qandeel Baloch, and they succeeded in their campaign to have her Facebook profile suspended. Her brother, who murdered her, did the rest. And now he is a free man, because Pakistan’s Islamic law permits the victim’s family (Baloch’s parents) to forgive the perpetrator (her brother, who was the murderer, and hence his parents). This is a mockery of justice.

Academic institutions have recommended (Barrett, 2020) that companies pay far greater attention to their moderation policies and make them consistent with international human rights standards. While those recommendations are general, social media platforms should undertake several important steps to apply them in the context of women's rights. These range from policies that companies should adopt internally, and those that require external contributions.

Social media platforms should train their staff in gender sensitivity so they can apply uniform international standards everywhere in an informed manner, without being subject to the tyranny of cultural relativism. They should consult widely with groups campaigning around human rights, women's rights, and freedom of expression. They need to institute internal panels; their role would be to receive feedback and consult regularly with appropriate external stakeholders, and develop robust policies to deny outlets to those who persistently abuse the platform to intimidate or harass women or other vulnerable groups.

Companies must promptly report criminal conduct to appropriate law enforcement authorities and protect the privacy and anonymity of users who use the medium for peaceful expression of their opinions and have a well-founded fear of intimidation or prosecution. They should stop outsourcing content moderation to ensure a consistent application of standards and raise the moderators' role within the workplace.

Furthermore, companies need to increase the number of moderators to improve the quality of content review and hire content overseers who can apply the gender lens. They should expand content moderation in high-risk areas and contexts, especially where women are vulnerable, and provide moderators with the tools for assessing harassment and intimidation.



Companies with sufficient resources should sponsor research into health risks, in particular effects on the mental health of those who do the moderating and those who are subjected to abuse. They should also explore narrowly tailored government regulations and significantly expand fact-checking to debunk misinformation and disinformation.

Companies have acted with alacrity on child pornography, human trafficking, modern forms of slavery and indeed, disinformation concerning the vaccine. It is high time they make the online environment safe for half of the humanity.

**Salil Tripathi** is a writer based in New York, who has earlier lived in Mumbai, Singapore, Hong Kong and London. Born in India, he has worked as a foreign correspondent and an award-winning journalist, and he is the author of three works of non-fiction. From 2015 to 2021 he chaired PEN International's Writers in Prison Committee and is presently a member of its board. He is also senior adviser for global issues at the Institute for Human Rights and Business. He was educated at the University of Bombay and later, at Dartmouth College in the US.

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<sup>i</sup> Author interview with Saini, summer 2021.

<sup>ii</sup> Saini interview (ibid).

<sup>iii</sup> Saini interview (ibid).

<sup>iv</sup> Saini interview (ibid).

<sup>v</sup> The column is no longer online.

<sup>vi</sup> Duterte's father, the Philippine President, made light of the rape cases, saying that incidence was high in Davao because the women of Davao were beautiful. <https://coconuts.co/manila/news/duterte-says-davao-rape-cases-high-many-beautiful-women/>

<sup>vii</sup> Information from an email interview with the author, January 2021.

<sup>viii</sup> Author interview, 2017 and 2021.

<sup>ix</sup> <https://thewire.in/culture/neha-dixit-wins-chameli-devi-award-for-outstanding-woman-journalist-for-2016>

<sup>x</sup> <https://cpj.org/awards/neha-dixit-india/> and [http://twocircles.net/2015dec01/1448932541.html#.V1t\\_PeRHMy4](http://twocircles.net/2015dec01/1448932541.html#.V1t_PeRHMy4)

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<sup>xiii</sup> Private communication with the author by the journalist who prefers anonymity.

- <sup>xiv</sup> She had indeed eaten shawarma that day, which indicates that she was being followed.
- <sup>xv</sup> Dixit interview with author.
- <sup>xvi</sup> <https://womenchapterenglish.com/author/supriti/>
- <sup>xvii</sup> Bangladesh is a Muslim majority country.
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- <sup>xxv</sup> See <https://nobelwomensinitiative.org/support-human-rights-defender-dina-meza/>
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- <sup>xxvii</sup> Interview with the author, January 2021.
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- <sup>xxx</sup> Data & Society (2016), accessed via <https://datasociety.net/>
- <sup>xxxi</sup> <https://www.eff.org/issues/cda230>
- <sup>xxxii</sup> Disclosure: the author of this paper was suspended for less than two days on twitter for breaching its policies on abuse. More details about it in this statement from PEN International, where he chairs the writers in prison committee: <https://pen-international.org/defending-free-expression/india-pen-wipc-chair-journalist-and-editor-salil-tripathi-suspended-from-twitter-in-a-targeted-deplatforming-campaign-undermining-freedom-of-expression-on-the-social-media-platform>
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Image 6: **My Mirror** (2007) © [Houria Niati](#). All rights reserved.



# Teen Brides, Migrant Husbands and Religious Schooling: an Analysis of Young Women's Experiences of Marriage and Schooling in Rural Bangladesh

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## Abstract

*In many Muslim communities across South Asia, children and adolescents access education through religious institutions such as madrassa. When analysing the impact of madrassa on gender equity and empowerment, many scholars downplay feminist criticism of these institutions on the basis that even non-religious schools promote traditional gender roles in the global south. Some research on Bangladesh explains that 'modernised' or government-recognised madrassa, where students learn secular academic topics in addition to Arabic and Quranic verses, help boost female educational attainment in conservative communities. In addition, scholars often resist criticism of madrassa and other local practices such as early marriage in the name of understanding non-Western norms and ideals. Based on ethnographic fieldwork in remote villages of northern Bangladesh, this paper analyses the impact of religious schooling on young women's everyday lives and perspectives through the experiences of young brides who are married to labour migrant men. Some of these brides have attended secular school while others have attended traditional madrassa, and I attempt to understand how their educational backgrounds have informed their views on marriage and gender roles. In this article, I contest the claim that religious schooling and early marriage can facilitate rural women's agency. I argue that advocating for modernised madrassa is problematic, unless the conflicting impacts of unrecognised/traditional madrassa on women's agency are acknowledged.*

**Peer review:** This article has been subject to a double blind peer review process



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*Madrassa* education and early marriage for female teens are largely entangled in the remote areas of Bangladesh. Evidence from Bangladesh suggests that *madrassa* strengthens traditional values in young men and women where boys are preferred and supported both for higher education and employment, while girls play a home-making role (Asadullah and Chaudhury, 2010; Raynor, 2005). In Pakistan, female *madrassa* students are taught to believe in ‘women will get married, women will raise children and it will create a norm in the society over time’ (Conway, 2011). However, few scholars have argued that a modernised form of *madrassa* (known as *aliya madrassa*), where students also learn some marketable skills other than Arabic studies, have been successful in attracting female students. Modernised or government-recognised *madrassas* are strongly associated with the boom in female schooling in Bangladesh (Asadullah and Chaudhury, 2009). In this article, I will argue that advocating for modernised *madrassas* for their role in increasing numbers of female students can mask the perilous impact of traditional *madrassas* on women’s agency in rural Bangladesh.

Another form of informal Islamic schooling for women is known as Quran reading classes or groups. Maddox (2005, p.128) claims that in Bangladesh, in terms of women’s status within the community the ability to memorise and read sections of the Quran were clearly significant. Bledsoe and Robey’s (1993) research from Sierra Leone suggests that understanding the Quranic texts could allow its reader a powerful form of knowledge that can be used to create agency. Maddox (2005) further claims that this point has often been made by feminist scholars (Hartmann, 1983; White, 1992; Kabeer, 1989; Kabeer, 1994) who argue that women’s knowledge of the Quran and Hadith is an essential factor in gender relations and women’s ability to resist ‘false’ interpretations and patriarchal relations. This scholarship can be debatable since anti-feminist interpretation and understanding of Quran is also prevalent. For example, in Bangladeshi villages, Quran literacy is deemed an essential requirement for a good wife

skilled in a non-questioning acceptance (Asadullah et al., 2019). This paper aims to contribute to this debate, and questions the perception that *madrassa* or religious schooling can empower rural young women in Bangladesh.

Although education and economic opportunities for women in South Asia are more accessible now than before, the deeply rooted traditional rationalisations for early marriage are not likely to disappear soon. Moreover, families are often caught between status fulfilment through ideal gender performance where modesty, segregation and early marriage are admired; and modernity, where greater education and marriage at a later age are emphasised (Desai and Andrist, 2010). Nazneen (2018) pointed out how binary framings place Bangladeshi women at opposing ends by demarcating them as ‘Muslim/religious/moral/authentic/traditional’ or ‘Bengali/secular/immoral/Westernised/ modern’. This article is an attempt to stress that both *madrassa* education and early marriage strengthen rural Bangladeshi women’s traditional and religious roles and curtail their general sense of wellbeing and freedom.

Another branch of literature (Chowdhury, 2009; Chatterjee, 2011; Kamal et al., 2014) has argued that early marriage in South Asia allows women to fulfil sexual and emotional needs because romantic affairs and sex before marriage are taboos in rural and traditional contexts. While I do not entirely diverge from this view, it is also problematic in a sense that women in such contexts have to sacrifice education and economic opportunity to fulfil their romantic desires by entering into marriage at an early age. In this paper, I argue that safeguarding traditional practices (such as early marriage) in the name of understanding ‘local’ culture can neglect the disrupted experiences of young brides. As Tadros and Khan (2018, p. 3) have rightly pointed out, some feminist scholarship (Mahmood, 2011; Abu Lughod, 2013) produced in the West could

accidentally serve to establish the power base of local parties with agendas to restrict the rights of women and vilify the advocates for gender justice – in the name of resisting imperialism.

The narratives presented in this paper are the voices of the teen brides who are married to labour migrant men. Labour migration is a livelihood strategy for a significantly large group of an impoverished population from Bangladesh. The destination countries for labour migrants are primarily the countries in Middle East and in Southeast Asia (Ahmed et al., 2015; Kibria, 2011). Unlike the educated middle-class who are allowed to migrate with their families (often to Western nations), labour migrants cannot bring their spouses to the country where they work and reside (Rudnick, 2009). Bangladesh is also home to 38 million child brides (UNICEF, 2020), which implies that the labour migrants often leave behind young wives. The legal age for marriage is 21 for boys and 18 for girls in Bangladesh (Zahangir and Nahar, 2021), yet parents often secretly arrange marriages for their daughters who are under 18. While the circumstances of left-behind families have attracted much research focus from Bangladesh and beyond, there has not been much dialog on the impact of labour migration on practices such as child marriage. I aim to address this specific gap in the literature concerned with labour migration and gender. I do so by detailing the accounts of the teen brides on marriage and education. I suggest that motivations toward education can remarkably differ among the brides, contingent on whether they attended religious or non-religious schools. I discuss a brief background of the study villages and methods next.

**Methods, positionality and description of the study villages:**

This paper is based on ethnographic fieldwork conducted in 2017 in four villages of a northern district *Bogura* in Bangladesh for my doctoral research. I conducted interviews and participant observation of the everyday life of migrant and a few non-migrant families. Participant

observation permits researchers to inspect definitions of terms that participants use in interviews, observe events that informants may be unable or unwilling to share (Marshall & Rossman 1995, p. 85).

My status as an urban middle-class woman with experience of living and studying abroad, puts me in an outsider box to the villagers, even though I maintain a personal contact (with a relative) in one of the villages.

Although I was perceived as an outsider, my traditional Bangladeshi attire and ability to speak in Bengali made it easy for my participants to engage in conversation with me. Also, identifying myself as too similar to my research participants could have created the problem of 'over rapport' (Perriton, 2000). There are no expectations of the researcher and the researched to be a homogenous group (Rubin and Rubin, 2011). Following Luff (1999), Nazneen and Sultan (2014) have indicated that current discussion on methodologies and empowerment research needs to move beyond the usual reflexive practices and positionality and should focus on how the research processes can be made less traumatic for researchers where they engage with non-feminist groups that have strong views against women's equality. This view reflects part of my experience in the villages, where the participants share conservative attitudes towards women's public and private roles.

The villages are between one and one-and-a-half kilometres apart from each other. It is apparent from the interviews and participant observations that men from these villages largely work in agriculture and those who are not working in the fields, are labour migrants abroad. Majority of the women stay at home and child marriage is widely common in the villages. My interview with the local government representative (designated as member in villages) reveals the lack of enforcement of laws prohibiting child marriage. As the member said:

*The government put a lot of pressure on us to prevent child marriage. But villagers really don't want to follow. They conduct early marriages for their daughters in the night. Often, they put false ages on the marriage certificates for their daughters. They even invite me to attend such marriage. I do not go!*

The Islamist leader (if not the village imam) has a strong influence on the beliefs of villagers. One of the local non-migrant men explains:

*We do not get enough help either from the government or from the NGOs. We do not go to NGOs for help or for money, because huzuur (local Islamic leader) has mentioned NGOs are run by the Jews and we should not ask for help and money from them.*

To understand the power structure in the villages, I questioned a few villagers regarding their emergency contacts during an imminent crisis. They informed me it would depend on the nature of the issue. For example, a religious leader cannot solve a problem that requires police involvement. If there is any dispute in everyday life that requires Islamic teaching to resolve such as divorce or calls for Islamic solutions to mitigate issues between husbands and wives, the villagers seek helps from the imams. However, the neighbours play most crucial roles in mitigating issues between spouses, or any other family dispute. Neighbours are often called upon, but they often can simply turn up and intervene when aware of a family dispute next door. If neighbours are unable to solve the problem, the member (government representative) is called upon. In regard to serious crimes such as murder or a fight between men, the villagers seek help from the police.

Now, I turn to the experience of teen brides of migrants who studied in secular school.

### Teen brides who attended secular school

The majority of brides enrolled in secular institute expressed their despair on the termination of their education. The young brides who had a strong desire to continue their studies usually lacked power or provision to go against husbands and their families' decisions. For example, 19-year-old Mim from Harvanga village was married to a migrant man when she was 16 and studying in tenth standard at a high school. Her husband was in Saudi Arabia and their marriage was conducted on phone. She shared her experience:

**Marzana:** *You studied until tenth standard! That's great!*

**Mim:** *But my wish wasn't fulfilled! He (husband) didn't allow me to study. Before marriage they (parents-in-law) said they will let me study. That's why I agreed to the marriage. I thought it might be a good opportunity that my husband won't be here and as a married girl I will be continuing my study. People will not gossip about me. But after marriage, he didn't keep his promise.*

In impoverished Bangladeshi communities, parents are always concerned about the physical security of their teenage daughters. Young girls are regularly subjected to harassment from local men, which threatens the safety of many families. However, married young girls attract less attention from the local youth. Chowdhury's (2004, p. 250) empirical evidence from a Bangladeshi village shows that parents of young girls prefer early marriages for their daughters because once married they are not so afraid of gender-based violence that includes stalking and rape in severe cases. Due to such contexts, young girls and their parents consider that the status of a 'married girl' will facilitate a girl's physical movement or provide societal protection to her.

Therefore, Mim hoped that as a married girl, she would find her commute to school attracting less unwanted attention from local men and she would encounter less problems in relation to her physical movements. She also expected to obtain a better focus on education without the usual distractions for a wife who resides with husband. However, her migrant husband and his family put an end to her education after marriage. This is despite the fact that before marriage, her husband promised that he would allow her to study. It may seem unfair, but Mim was not necessarily upset with her husband for changing his mind after marriage. She might be feeling dismay, but her words conveyed respect for her husband. She said:

He (husband) tried nicely to convince me *'Shundor kore bolse'*. He said: *'There's no point for you to continue your study. You are married now. You don't need any education. And people will still gossip if you continue and I might get angry with you then. Better you stay home. You stay at my parents' place or stay with your parents. Stay happy with them, you don't need to study.'*

She used words 'nicely' and 'convince', *'Shundor kore'* to indicate that her husband did not force her, but rather convinced her to quit education. However, comments from her husband such as 'people will gossip' if she continued study – and that would make him angry at her – implies that even a married girl will not necessarily escape 'people gossiping about her' or unwanted attention from the locals.

A number of villagers seem to uphold a mistaken point of view that young bride would be able to continue her study if the groom is a migrant man who stays abroad. Parents of the teenage girls often arrange their daughters' marriage with migrant men, anticipating that new brides could continue study after marriage without much distraction while their husbands work abroad. Rabeya, a 34-year-old from Bagichapara village, stated:



*We got our daughter married when she was in fifth grade. Our son-in-law was in Dubai that time. We got her married thinking that she will continue study even after marriage. The marriage was done on phone/skype. That is why we got her married early, thinking that son-in-law would stay abroad for more five years and my daughter would continue her study during that period. But our son-in-law had to come back from Dubai just after one year of the marriage.*

19-year-old Tahida, married to a migrant man in Harinmara village, shares a similar experience. Tahida is the only girl among the left-behind wives I interviewed from the villages who studied until her first year of college.

**Marzana:** *You went on studying till college! But you didn't continue it?*

**Tahida:** *No, I didn't continue my college. My parents-in-law do not like the idea of me going to college; my parents wanted me to study and so do I. My parents thought that after marriage my parents-in-law will help me with continuing my education. But the environment here is not like that. They (parents-in-law) do not like it that their daughter-in-law goes out of the house every day and moves around.*

In the above two cases, parents of the teenage daughters assumed that marriage to migrant men would not affect their daughters' ongoing education. While due to the unsuccessful migration (unexpected early return from Dubai) of Rabeya's son-in-law, Rabeya's daughter in fifth grade had to leave education; Tahida had to end her education following the commands of her parents-in-law. However, the non-confrontational attitudes of the parents toward their daughters' husbands (and parents-in-law) suggest that the parents of brides also emphasise marriage over education for their daughters. Furthermore, this can indicate that in these villages, the parents of teenage brides do not necessarily arrange

marriages for their daughters with migrant men in order to facilitate the education of their daughters. The ultimate goal is to finalise their daughters' marriage, regardless of whether the future sons-in-law are migrant or non-migrant men.

**The husband's migration does not change a teen bride's responsibilities towards her families-in-law**

Due to their newly married status, teen brides often choose to leave education reluctantly, even if they are not overtly coerced into doing so by the parents-in-law. Amina, an 18-year-old from Harinmara village, studied until tenth standard and was given in marriage to her husband when he returned to the village for a short break from Saudi Arabia. Amina's marriage was conducted before her final exam and after marriage she could not to take her exam, although her husband left for Saudi Arabia immediately afterwards. She stays with his parents, who are a joint family with other extended family members.

***Marzana:** Did your husband or his parents influence your decision to not sit for the exam?*

***Amina:** Um...No. It was my wish not to continue study.*

***Marzana:** Why did you decide to do so?*

***Amina:** (long pause) Now... you see, after marriage one is not motivated enough for education. If I had been given the exam, my results would not have been good. And this would have made me upset. That's why I did not take the exam. Now, there is a lot of housekeeping to do. It is not possible to skip these duties and manage time to study. And after marriage a lot of new relatives (more extended family members of husband) come to see me. It is a busy time.*

Though it was not Amina's deliberate choice to terminate education, she emphasised the point that she was not forced by her husband or his parents. Amina also made it clear that her desire for education was hampered by marriage and the newly imposed role as a new bride. The context of a newly married bride – new duties as daughter-in-law, meeting with new relatives – certainly remains the same for a bride whether she is married to a migrant or a non-migrant man. Similar to every married girl in the village, Amina's priorities are now fulfilling new roles at the home of her parents-in-law and maintaining her status as a good daughter-in-law and wife.

### **Teen brides who attended *madrassa***

15-year-old Sauda from Bagichapara village was given in marriage when she was 14; her husband stays in Qatar. Since marriage, she stopped going to *madrassa*. In her words:

*Sauda: They (husband and his parents) didn't want me to continue study. I also didn't want to study.*

*Marzana: Why didn't you want to study anymore?*

*Sauda: After marriage, girls need to focus on housekeeping, right? I am good at study also. But if I continue study, I can't focus at home, I have to focus on study then. But my mother-in-law is alone. My father-in-law is also abroad. That's why I don't want to continue study. I want to learn the household work (cooking, cleaning) so that I can help my mother-in-law.*

Sauda's parents-in-law are not a large extended joint family like Amina's. Both Sauda's husband and father-in-law are abroad; and only her mother-in-law and a younger brother-in-law currently reside at home. At this early age Sauda has learned to appreciate the norm that once married, she should dedicate herself serving her husband's parents. Hence, whether it is

a large extended family or small family, young brides married to migrant men are expected to perform similar duties: taking care of parents-in-law and other household obligations.

Sauda (15) did not reveal a strong desire to continue her religious education. Rather she regarded her education (religious) very lightly, as an insignificant part of life before marriage. Similarly, other teen brides including 14-year-old Monira and 18-year-old Habiba indicated a lack of desire to continue their *madrassa* education.

### **Teen brides who attended *madrassa* are least interested in continuing education**

Monira (14), Sauda (15) and Habiba's (18) attendance in *madrassa* before their marriage sheds light on the fact that young women who attended *madrassa* were more reluctant to continue their study after marriage. This group of brides did not necessarily have any regrets for being made to leave their education compared to the young brides who attended secular school. For example, Mim (19) and Tahida (19) who attended secular school both expressed a strong determination to continue their education even after marriage but were not able to pursue that aspiration.

On this note, the difference between *madrassa* and secular school, and how this may relate to a young woman's marriage prospects, are worth mentioning here. Girls in the villages attend female-only *madrassa* where they learn Quran, and Arabic studies. The non-coeducational system means there is no interaction between girls and boys. These *madrassas* have a boarding system (Mamun and Shaon, 2018; Debnath and Selim, 2009) and therefore, girls do not have to commute every day. On the other hand, attending secular schools requires weekdays commuting. Despite wearing *burkha* or hijab, their daily commute to schools still exposes them to the gaze of local men on the street. Moreover, if the secular school is

not gender-segregated and runs according to a coeducational system, the girls' parents as well as the potential parents-in-law may regard it as undesirable. Thompson and Rob's (2021) [policy brief](#) from Bangladesh, and Anzar and Carter's (2006) USAID [report](#) from India on *madrassa* education confirm similar details. These studies show that many religious parents believe *madrassas* are safer for girls because of the gender segregation that follows conservative Islamic practices. Thompson and Rob (2021) cite Adams (2015), who found in Bangladesh girls at *madrassas* often receive lessons concerning proper Islamic etiquette and manners aimed at constructing an ideal woman and guardian of Islamic virtue and piety. A woman's 'purity' is a critical factor in marriageability, bringing up concerns about her dress, whereabouts and age at marriage (Adams, 2015, p. 7). Therefore, *madrassa* enrolled girls in the villages have a reputation as 'pure' and religiously minded, and thus more appropriate to meet marriage requirements.

As explained above, girls who attend *madrassa* are more likely to recognise traditional wifely duties in the future when they are married. Also, in a religious school context, they are taught about traditional gender roles such as serving their husbands and families-in-law and maintaining strict Islamic dress code. *Madrassas* in these villages are largely focused on Arabic teaching, unlike the secular schools where students learn English, math, science, Bengali and other subjects. Badrunnesha and Kwauk (2015) found that in Bangladesh, government and NGOs are more likely to collaborate with state (secular) schools to implement innovative life skills programming. *Madrassas* are less likely to obtain the kind of external attention or support that could lead to initiatives targeting the social and cultural obstacles impeding girls' educational outcomes (Badrunnesha and Kwauk, 2015). Secular school's education is more engaging, skilful and gratifying compared to *madrassa's*, or Arabic education that often follows strict religious strictures. Mamun and Shaon (2018) also reported in [Dhaka Tribune](#) that mischievous sons can be sent to *madrassas* to help them

become 'good human beings.' These rigorous characteristics of *madrassa* can make it less appealing to its attendees.

Regression analysis of data on enrolment growth rates suggests that the presence of modernised *madrassa* is strongly associated with the boom in female schooling in Bangladesh (Asadullah and Chaudhury, 2009). Yet most of the *madrassas* are not modernised, particularly in remote villages (Mamun and Shaon, 2018), and there is a lack of data on how and what those *madrassas* teach to its pupils. A quantitative approach looking at the enrolment growth of female students at these 'modernised' *madrassas* cannot prove whether the girls remained in these institutions and completed their study. Indeed, Badrunnesha and Kwauk (2015) report that the existing data indicates that majority will not complete secondary school or transition to university, even though *madrassas* provide over 1.5 million girls in Bangladesh the opportunity to be educated.

Masooda Bano (2015) researched *madrassa* reform and Islamic modernism in Bangladesh. In her study, Bano (2015, p. 911) argued that although the *aliya madrassa* system in Bangladesh has succeeded in integrating secular subjects in the *madrassa* curriculum, but in reality, this modernisation project has failed in its fundamental goal to generate a 'modern discourse' on Islam. Elsewhere, a recent study (Roy et al., 2020) on faith and education in Bangladesh suggests female graduates from *madrassas* often go on to formal employment, although there is no data on numbers or career choices. However, the study (Roy et al., 2020, p. 8) also highlighted that *madrassas* continue to spread public messages about restrictions regarding Muslim women's work and their bodies that appear restraining to women who do not subscribe to *madrassa* ideology. Similarly, more studies from Bangladesh show females who completed their *madrassa* degrees and integrated into male-dominated Islamic forums and organisations are not motivated by a desire to challenge male dominance in these institutions or in Islam more broadly (Adams, 2015;

Begum and Kabir, 2012). My findings from the remote villages of Bogura district illustrate that *madrassa* attendees are more likely to leave their education early compared to their secular school's counterparts. It is also evident that the youngest brides (14, 15, 16 and 18-year-old) were the ones who were enrolled in *madrassa*.

The increased propensity towards sending children, particularly female children to *madrassa* also has a relation to men's migration. Studies (Rao and Hossain, 2012; Debnath and Selim, 2009) have already claimed that returned migrants from the Middle East tend to endorse *madrassa* education in rural Bangladesh. Education and independent physical mobility for women have not been facilitated yet in the remote villages of Bangladesh; and men's migration appears to have not played a part in generating such constructive social changes. Previous quantitative research (Hadi, 2001) from Bangladesh that noted a correlation between men's migration and increases in female children's educational enrolment failed to detail that migrant men are often married to teenage women whose education terminates once married.

**Conclusion:**

In this paper I explored the episodes of marriage and schooling of rural Bangladeshi teen brides who are married to labour migrant men. In the villages studied, parents favoured marriages of their teen daughters with migrants on the assumption that physical absence of the husbands would curtail traditional duties for the wives. The belief was that marriage with a migrant man would ultimately facilitate the continuation of education for a teen bride. However, the teen brides could not disregard their traditional duties towards families-in-law despite their marriages to migrant men and eventually, were withdrawn from their education. Brides who attended *madrassa* were more prone to leave education earlier, compared to their counterparts who attended secular school.

Neither religious education nor early marriage empowers these young women, nor do they provide these women with any bargaining power in a patriarchal context. Ethel Crowley (2014, p. 476) mentions that ‘we must turn to the study of culture to show that women who are ostensibly passive often resist patriarchy in many inventive yet practical ways, as it exists in their own local environment’. In light of this view, early marriage may appear as accommodating for women, since it serves safety in broader society and ways to fulfil romantic desires. But emphasis on understanding the local culture undermines the struggle of these local women that certain strands of Western feminism may be reluctant to acknowledge owing to the risk of being categorised as imperialist. I tried to highlight that in northern rural Bangladesh, *madrassa* education and early marriage are hindrances to young women’s general wellbeing, freedom and economic opportunities. Religious schooling serves as a model for creating modest housewives.

However, recent scholarship suggests that secular schools can also repeat exclusionary gender norms and prepare girls for traditional social roles (Chisamy, DeJaeghere, Kendall, & Khan, 2013; DeJaeghere & Lee, 2011; Fernandes, 2014; Murphy-Graham, 2008), partly because school textbooks around the developing world characterise women in traditional occupational roles and promote stereotypes concerning the division of labour within marriage (Blumberg, 2015; Islam & Asadullah, 2018). Yet findings from my research suggest young brides who went to secular school were more eager to continue education compared to their *madrassa* counterparts, who were reluctant to continue their Islamic studies. I have argued that extolling religious schooling and traditional practices such as early marriage in the name of understanding or respecting local culture is hazardous and detrimental to women’s educational and economic opportunities.



**Notes**

\*All names of the study participants are anonymised to maintain confidentiality.

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# On Freedom of Speech and Censorship

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I was imprudent enough to bring back from a trip to New York a copy of the Universal Declaration of Human Rights, bought at the UN shop, which I gave to my eight-year-old son as a present. For the following months, he persecuted me by ‘claiming his rights’ while making unreasonable demands, booklet in hand. While this is a lovely memory of a bright child, many of the demands I now witness being made by individuals – most often on behalf of their ‘communities’ in furtherance of ‘rights’ – are characterised by the same self-centred immaturity.

Beyond a certain age, individual ‘free choice’ within a group, be it family or society, needs to be confronted and balanced with the rights of others. In other words, human rights in general and freedom of expression in particular exist not *in abstracto* but in specific social circumstances that must be taken into account when it comes to exercising these rights.

The trend is to *essentialise* human rights today; it is therefore crucial to look into their historical and political construction.

## Universalism vs the return of the divine

Human rights, historically, were constructed as protections of the powerless against abuses by the powerful. The 1689 Declaration of Rights protects British citizens against the king’s power. The 1789 Declaration of the Rights of Man and Citizen, the brainchild of the French Revolution, with its corollary – secularism defined as separation of state from religion



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– protects French citizens against the ‘divine’ power that the king derives from god, for it is the church that is crowning him on behalf of god. This literally makes him the representative of god on earth.

Hence, the development of secularism and the secular laws that are voted on – one man, one vote – by all (male) citizens, rather than decided upon by the king in the name of god. Unfortunately, women were not included, despite protests led by Olympe de Gouges – who paid with her life for her commitment to human rights for all.

The 1948 Universal Declaration of the Rights of Man (which does extend rights to women, although they are seen as represented well enough by ‘*Man*’ in its title, but which leaves out the ‘citizen’) goes beyond a specific country to extend its jurisdiction to all human beings. The Universal Declaration was drafted after the two extremely bloody world wars – in other words, European-interest wars – although they involved ‘colonial’ troops while fighting also for domination over non-European territories. It was adopted by the General Assembly of the United Nations on 10 December 1948, in Paris at the Palais de Chaillot (hence the designation of ‘*Droits de l’Homme*’, which till today prevails in French), by resolution 217 (III) A. It was composed at the time by 58 member states, out of which 48 adopted the Universal Charter.

It was thus the responsibility of the newly formed United Nations Organisation (UNO) to guarantee these rights. The Blue Helmets were designed to enforce these rights internationally.

Universal rights today are highly contested and attacked as ‘Western’ values, even though several former colonies – today branded ‘Third World’ countries – were directly involved in drafting and conceptualising the Universal Declaration (1).

Fifty seven countries set up an international organisation that met and notably drafted an alternative Declaration of Rights in Islam, which was adopted in Cairo on 5 August 1990 (2). Although some of its provisions definitely contradict and prove incompatible with those of the Universal Declaration, it is clearly acknowledged and taken into account at the UN level.

This marked the return of the 'divine' that plagues and confuses human rights principles. And it sealed a *de facto* end to a universalist vision of rights. However, there is still little thinking done in regard to conflicting rights.

### **Human rights vs Politics**

Of course, history has now taught us that in many instances, it is allegedly to protect the human rights of others that imperialist invasions have been perpetrated – as was the case in Afghanistan.

Moreover, I have lived long enough to witness the many instances where human rights principles have been trampled, betrayed and abandoned by those supposed to guarantee them; by governments of all shades and colours; by human rights organisations; by the 'independent' media; by liberal politicians and others. In fact, I cannot recall a time when human rights have not been instrumentalised by and subsumed to political interests. Let's look at some examples illustrating this point.

During the liberation struggle of Algeria (1954-62), after the peak of violations by the French colonial troops during what was dubbed the 'Battle of Algiers' (1956-57), human rights advocates (3) sent two thousand files on cases of 'disappeared' people at the hands of the French army – a clear case of extrajudicial killing – to the daily *Le Monde*. This paper was much-praised for its reliability, integrity and independence but it never

published one line about these cases, although defence lawyers who had supervised the elaboration of these files said they could stand in court. *Le Monde* did not want to risk being banned by the pro-war French government for championing human rights.

More recently, during the ‘war against civilians’ in Algeria in the 1990s (5) that had an approximate toll of 200,000 victims, largely at the hands of extreme right Islamist armed groups (such as GIA, AIS, FIDA, MIA, and more), many citizens and specifically women belonging to women’s rights groups begged international human rights organisations to report extensively on crimes committed by these ‘non-state actors’ (4).

This was in vain: one look at *any* of their annual reports (6) shows that those violations are barely mentioned, while crimes and violations committed by the state occupy the quasi-totality of the pages devoted to our country.

Moreover, in the late 1990s, the three founding members of the first Amnesty International section in Algiers were expelled from the organisation without notice, in response to a *private* letter they had written to the then Paris-based general secretary of Amnesty International. They had written to let him know how Algerian people felt about Amnesty’s one-sided reports regarding the war raging in Algeria and its numerous civilian casualties. They were not even given a chance to meet and explain their concerns, nor did they receive a word of thanks for their years of dedicated work for the organisation. In this personal letter – I still hold a copy of it – they first remind the general secretary that they are faithful members of the organisation. They introduced themselves as: ‘founding members, members of the executive bureau, coordinators and members of group 1 of the Algerian section of Amnesty’.

They also indicate that they are merely sending ‘some observations’ in their ‘personal capacity’. The observations are made with respect to a report on Algeria published by the organisation as well as the ‘press release that announced the publication of the report’. Their first observation is that: ‘This press release, which is aimed at informing large audiences nationally and internationally, clearly shows an unbalance in presenting the document itself.’

The three founding members then go on to spell out the reason for the unbalance. By ‘giving more space to some parts (state responsibility) and keeping silent about other parts (the action of armed terrorist opposition groups), this press release shows a lack of objectivity on the part of AI in its appreciation of the wave of violence that is shaking Algeria’. And they conclude that ‘this press release only reinforces the emphasis already existing in the report, of only condemning one of the parties in conflict’.

They appeal to Amnesty’s principle that ‘partisan interpretations’ should be avoided. Like the head of Amnesty’s gender unit ten years later, they point at ‘the devastating effect that this press release had on public opinion in Algeria, including among those who till then were strong supporters of AI’. They conclude: ‘We feel compelled to inform you of the damaging consequences for the movement as well as for the struggle against violations of human rights that we have been waging till today in our country.’

On 7 February 2010 the head of Amnesty International gender unit was suspended from her job (7). This was hours after the publication of an article in the UK paper *The Sunday Times*, where she made public – after two years of sending internal reports and analysis to her colleagues in vain – her concerns about Amnesty International’s legitimisation of a former Guantanamo Bay detainee as a human rights defender. This man, Moazam Begg, moved from the UK to Pakistan with the declared intention to join

the fundamentalist armed groups in Afghanistan. He has stated: ‘The Taliban were better than anything Afghanistan has had in the past 25 years’ (2007:214). He was supported by Amnesty far beyond the defence of his fundamental rights not to be tortured and illegally detained. He was accompanied in person by Amnesty’s general secretary during a European tour planned by Amnesty, where he had meetings with European heads of state and prominent political figures – also arranged by Amnesty. Begg was able to share his views with political elites while the woman who criticised the access he was given to such spaces was silenced.

The selection process that Amnesty, as well as other human rights organisations, uses to decide who to defend and who not to defend and the extension of its mandate to providing fundamentalists with a political platform – rather than just defending their fundamental rights – all amounts to taking a political stand.

In more recent times, not even the Paris massacre of the *Charlie Hebdo* journalists – whose only weapons were their free pens – not even Professor Samuel Paty’s decapitation while teaching the official curriculum on freedom of expression, had raised unequivocal support from human rights organisations, the media or politicians and democratic governments. The victims – just for having exercised their fundamental right of freedom of expression – were largely accused of having ‘provoked’ retaliation, of ultimate responsibility for their own assassination.

This is a far cry from how rights defenders on the ground understand ‘freedom of expression’. In the words of courageous Indian Muslim intellectuals and activists gathered on 26 October 2020 to reflect on freedom of expression and Paty’s murder:

*We are here to condemn in unequivocal terms, no ifs and buts, not only the man responsible for this barbaric act but all those*

*who had any role in the instigation of the crime as also all those who seek to justify it. We are here not just to condemn the slaying of Mr Paty, but also to demand the abolishing of apostasy and banishing of blasphemy anywhere and everywhere across the world. (8)*

A two-minute silence was observed at the beginning of the webinar as a mark of respect for the slain teacher described by Hassen Chalghoumi, an imam who leads prayers at a mosque in a Paris suburb as ‘a martyr for freedom of expression, and a wise man who has taught tolerance, civilisation and respect for others’. (9)

It is clear enough that human rights organisations pick and choose whose freedom of speech – and other human rights – they are going to defend. In that they fail in their commitments and their *raison d’être*.

### **A hierarchy of rights**

‘Definitely, women are not high on the priority list of groups that human rights organisations are willing to defend. For example, throughout the 1990s, armed fundamentalist groups in Algeria openly posted the names of targeted individuals on the doors of mosques – for combatants to take action against. They then issued press releases announcing in advance which specific categories of people (10) they would kill (they used the term ‘execute’, for they claimed to be both judges and executioners). The declared categories were as follows: ‘journalists’, ‘artists’, ‘intellectuals’, ‘foreigners’, ‘women’... Yes, in the fundamentalists’ own words in their published ‘communiqués’: ‘women’. This is not a profession anyone could leave, as journalists or artists could; nor would there be a country to flee to, as foreigners could. In other words, as in Algeria, fundamentalists everywhere condemn to death women for who they are, not for what they do.

Armed fundamentalists did implement their plans as announced and then went on to publicly claim responsibility for the murders and assassinations they had perpetrated within the said categories. Among the estimated 200,000 victims during this period, there was a substantially high percentage of women (some say more than 50% but I do not have reliable figures) who were mutilated, killed, beheaded, slit, burnt, raped and taken to the fundamentalist camps to serve as domestic and sex slaves (11).

Can the demand that women be secluded, forbidden to learn or to work (as under the Taliban, then and now) or else executed if they transgress the orders, and that democrats, secularists and religious minorities be physically eliminated – can this be considered an ‘opinion’ at all? Does voicing this ‘opinion’ falls under ‘*freedom of speech*’? Is it not *hate speech*? Can a human rights organisation promote – *in any way* – anyone who publicly supports political movements holding these ‘opinions’ (12)? Clearly, women’s rights came last in their list of rights to be defended, long after ‘minority rights’, ‘religious rights’ or ‘cultural rights’.

### **Whose freedom of expression?**

So, should we stand for freedom of expression, knowing that political forces, including human rights organisations that dare pretend that they are apolitical, will selectively apply it in ways that have been quite dissatisfactory? Human rights principles were designed as tools for greater social justice. Tools in and by themselves are neither good nor bad: it depends on whose hands they rest in.

Various political forces (including the religious fundamentalist ones) invariably succeed in monopolising rights for themselves to achieve their political aims, while denying similar rights to their political opponents.



Catholic fundamentalists not only oppose reproductive rights for their followers, but they also deny these rights to others who don't share their faith; moreover, they also deny others the right to even speak about contraceptive methods and abortion. When they are in command in a country, they make laws in accordance with their beliefs and deny others who don't share these beliefs the right to even discuss the issue. For example, the law of 31 July 1920 in France (13) – a law passed under a government eager to comply with demands of the church to boost population growth after WWI – forbade not only the use, but also access to knowledge of contraception and abortion. Sharing this knowledge was deemed 'incitement' to a crime (the law: *'réprime la provocation à l'avortement et à la propagande anticonceptionnelle'*). Anyone contravening the law could be sentenced to death. The last execution took place in 1943, during WWII. This law plagued French women's rights and freedoms until 1967, when it was abolished.

When in power Muslim fundamentalists also prevent free discussion of issues they deem 'un-Islamic' and severely punish by law those who exercise their right to have different opinions (freedom of conscience) and to express them (freedom of speech). Both can be punished by death sentence. They routinely reflect on their 'right' to kill the unbelievers, Jews, gays, atheists and others for blasphemy and apostasy. Ali Belhadj, vice president of the Islamic Salvation Front (Front Islamique du Salut or FIS) announced in advance on the eve of the 1991 elections in Algeria that should his party win the elections, there will be no more elections. He argued: 'If one has the law of God, why should one need the law of the people? One should kill all these unbelievers.' The FIS won the first round of the elections, but the second round of elections was cancelled by the then government for fear that the FIS coming to power through legal means (elections) will end of democracy in Algeria. Many dictators in history, such as Hitler, came to power through elections and one could barely say it was for the greater benefit of democracy and human rights.

However, in the case of Algeria when elections were cancelled after Ali Belhadj's statement, it was the government that was deemed undemocratic by international human rights organisations. Meanwhile women's organisations, worker's unions and all democratic and progressive people in Algeria were taking to the streets, begging the government to urgently take this politically difficult decision.

In all circumstances and places where they exist, Muslim fundamentalists say and write that they have a right and duty to eliminate the *untermensch* (namely Jews, communists, free thinkers and gays). When they are in power, they issue edicts that officially allow for their physical elimination and murder. When they are not in power, they still perpetrate killings according to their doctrine, as has been seen – apart from within our own countries – in the UK and France again and again. Priests and churches have been attacked, synagogues and Jewish schools, secularists, writers, cartoonists, journalists and women who did not conform to their dress and behaviour codes.

Muslim fundamentalists preach in advance what they later act upon and/or inspire others to act. By doing so they exercise their freedom of expression but deny others the same right and all other human rights as well.

In France, both the massacre of *Charlie Hebdo* journalists in Paris, the attack on a Jewish primary school in Toulouse (where three children and an adult were assassinated within the premises) and the murder of Professor Paty near Paris are good illustrations of the fact that the murderers were sometimes tutored by long-distance-Islamist writings and statements, and thus incited to take action against people – their victims – they had never seen before. The actual crimes are a direct consequence of their instigators and sponsors' freedom of expression.

Does this make me an opponent of freedom of speech? No. But it is increasingly hard for me to understand how honest liberal intellectuals continue to defend free speech unconditionally, refusing to even reflect on the fact that words – written or spoken – do have serious consequences in real life.

I do think we all have to take our responsibilities in the present situation where we cannot plead naiveté any longer, and we cannot rely on official human rights organisations to acknowledge the difficulties of the actual situations and think of ways to negotiate conflicting rights. The concept of *hate speech* is an attempt to limit the damages: someone cannot invoke rights to freedom of expression when they are publicly using it to incite violence against a person.

### **Rights are for protecting persons, not ideas or beliefs**

French law makes a clear-cut distinction between attacking a person and attacking an idea: one cannot insult (hate speech) or attack a person; this will be dealt with in court. But one can insult, belittle, criticise or ridicule all the ideas and beliefs (including religious beliefs) of any given person. For *secularism oblige*, the state is no longer (since the 1789 French Revolution) in charge of protecting religions and negotiating with their representatives. The state's charge is its citizens and not their ideas and beliefs, which can be freely debated and contested.

This is different from the UK where a person's ideas and beliefs must be respected, regardless of their absurdity. This has led to an unbelievable confusion towards what friends in India call 'the industry of hurt sentiments'. In the UK and its former colonies, which inherited the British concept of secularism as equal tolerance by the state of all religions, this redefinition of secularism is breeding communalism. This involves unequal rights for different categories of citizens through specific laws of personal

status, and representatives of different religions competing for more recognition and privileges from the state. This breeds communalism.

Further, it is not ideas and beliefs that are debated any more, but exclusively the sentiments and feelings of those who hold these ideas or beliefs dear to their hearts and cannot take the fact that others don't share them and dare to say so. How far have we gone that hurt sensitivity can now lead to murder and justify it? And that this is done for the alleged furtherance of rights? As Kenan Malik wrote in 'Forgetting the Lessons of Free Speech Struggles':

*One of the ironies, though, is that many arguments used today to defend speech restrictions as protections for the powerless are often the same as those once used by the powerful to protect their interests from challenge. When the US abolitionist newspaper editor Elijah Lovejoy was murdered in 1837 by a pro-slavery mob in Illinois, a southern newspaper blamed him for his own death, as he had "utterly disregarded the sentiments of a large majority of the people of that place". A century and a half later, we heard the same arguments in calls for the banning of The Satanic Verses or in claims that the Charlie Hebdo cartoonists were responsible for their own deaths, because they, too, had "disregarded the sentiments" of many Muslims (15).*

In Salman Rushdie's ironical words, in an interview with the *New Yorker* entitled 'On Censorship':

*...to say nothing of poor, God-bothered Charles Darwin, against whom the advocates of intelligent design continue to march. I once wrote, and it still feels true, that the attacks on the theory of evolution in parts of the United States themselves go some way to disproving the theory, demonstrating that natural selection doesn't always work, or at least not in the Kansas area, and that human*

*beings are capable of evolving backward, too, towards the Missing Link (17).*

**As a conclusion, denouncing an apocryphal quote from Voltaire**

We love and cherish freedom of expression and freedom of conscience, which is a precondition to freedom of expression. ‘Imperfectly free, imperfectly breathable, but when it is breathable and free we don’t need to make a song and dance about it. We take it for granted and get on with our day. And at night, as we fall sleep, we assume we will be free tomorrow, because we were free today,’ Salman Rushdie also said in ‘On Censorship’ (above source).

However, we have to face the fact that free speech, this wonderful effort towards human emancipation, is only a tool. And it is now being appropriated, misused and perverted by political forces that aim precisely to do away with human rights for all. We see this with Muslim fundamentalists in Algeria attempting to win elections while intending to abolish them in future as soon as they take power.

What is to be done against the enemies of liberty when they use the very tools one designed to set everyone free?

French Enlightenment writer, historian and philosopher Voltaire is known for his criticism of the Roman Catholic Church – as well as his advocacy of freedom of speech, freedom of religion, and separation of church and state. He is often quoted as saying: ‘*I disagree with what you say, but I will fight until death for you to have the right to say so*’. This quote is apocryphal; British author Evelyn Hall’s unfortunate misuse of quotation marks in her 1906 publication entitled *The Friends of Voltaire*, attributed to him her own appreciation of his writings.

No doubt that liberals and blind supporters of freedom of speech love this false 'quote': for them all ideas are equally respectable. Not for me. Not for those who die because young men and now sometimes women read or listen to terrifying ideas that deny the human rights of others – especially the right to live.

But Voltaire was too intelligent and witty to ignore or underestimate the damage done by the spreading of inhuman ideas such as ethnic or creed superiority over *untermensch*. We cannot plead naiveté. We know that the fiercest opponents to freedom of speech are using this very concept as a tool to spread their ideas in order to come to power – and then silence others.

Saint Just (1767-1794) – a very young French revolutionary, political philosopher, member and president of the French National Convention, Jacobin club leader – was a major figure of the French revolution. He was a close friend of Robespierre and served as his most trusted ally during the period of Jacobin rule (1793–94) in the French First Republic. Sitting in the Committee of Public Safety, he sent many opponents of the revolution to their deaths by decapitation, defending the use of violence against opponents of the government. His motto was: 'no freedom for the enemies of freedom' (*pas de liberté pour les ennemis de la liberté*). He was executed at age 27, just after the anti-revolution coup of 9 Thermidor (27 July 1794).

How does one negotiate between liberal freedom for all – whatever the costs and interests that it serves – a concept wrongly attributed to Voltaire, and the drastic silencing of the enemies of human rights advocated by Saint Just?

Is there a space in today's thinking for going further in limiting hate speech?

At the very least, one should definitely be aware that human rights are nothing but a tool that can have devastating effects in the wrong hands, opposite to its intended effect.

I do not blame anyone for not having the perfect solution to this dilemma, but I do resent the good conscience with which, all in the name of human rights, some people are thrown to the beasts, left to die and rot under the boot of others.

**Marieme Helie Lucas**, Algerian sociologist, taught epistemology in the social sciences in Algiers University for 12 years. She is the founder of the international solidarity network "Women Living Under Muslim Laws" ([wluml.org](http://wluml.org) - no longer alive) and of the network "Secularism Is A Women's Issue » ([siawi.org](http://siawi.org)).

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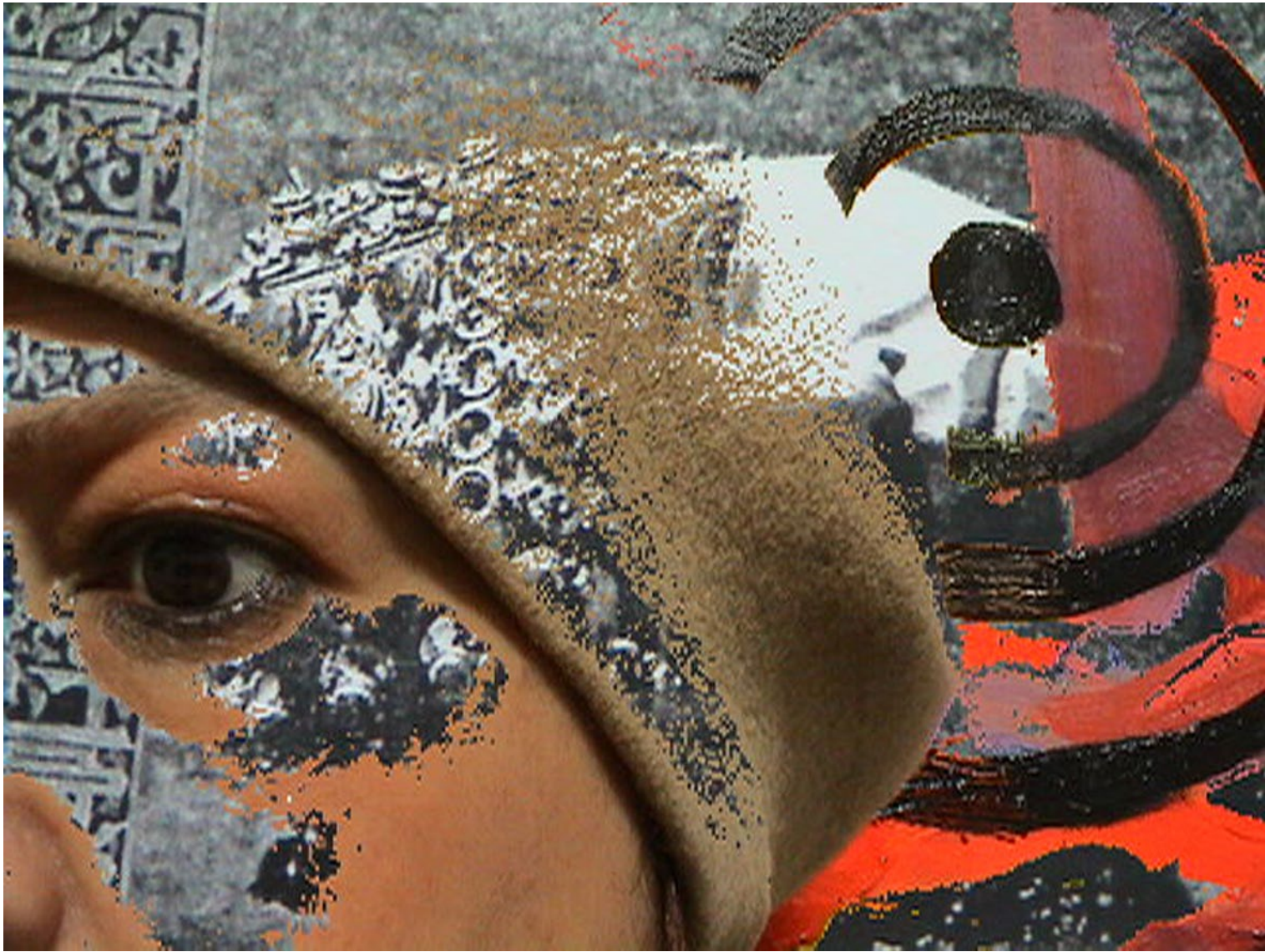


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# On Censoring of Ted Talk

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*Do I or do I not have the right to tell my story?*

This is the question I asked at my 2020 talk on [Creativity in Protesting Islamic Fundamentalism](#) at TedX Warwick's [Creativity within Crisis](#) event. Ironically, my talk on the censorship of ex-Muslims was itself censored by TedX, first by its refusal to publish the talk due to 'political content' and then by publishing after public pressure but without any slides – and the addition of a trigger warning: 'Some viewers may find elements of this talk to be distressing or objectionable.'

Of course, none of this is new.

I have had Islamic Society students at [Goldsmiths University](#) try to cancel my talk and I've been barred from speaking at [Warwick University](#), a decision that was overturned but nonetheless defended by the likes of [The Guardian](#).

I have faced character assassinations, social media censorship, been threatened with death more times than I care to remember, including once via a pre-recorded threat from the intelligence services of the Islamic regime in Iran.

The Iranian regime has called me [immoral, corrupt, a harlot](#).



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Many have labelled me inflammatory, offensive, 'Islamophobic' – even though criticism of religion (which is just an idea and a bad one at that) and religious fundamentalism (a far-right political movement) is not bigotry against believers.

Certainly, creativity in protest against Islamic fundamentalism and religious morality can offend – not necessarily intentionally – but it may offend because it pushes boundaries and clashes with dominant perceptions and narratives.

It offends because it challenges the limits of permissibility for people like me. You can live as you choose, no questions asked, but for the 'other' – for minorities, migrants, those of us from Muslim families and societies under Islamic law – we are expected to live within the confines of predefined rules set by mullahs, fascists and fundamentalists.

But let me ask you a simple question.

Do Islam's non-believers, the kafirs, the ex-Muslims, the unveiled women, the harlots... not have the right to also speak and live and love in any way we choose?

Granted, what I say is for some uncomfortable to hear – and to be honest, often uncomfortable for me to say.

But what else can I do to say I exist? That we exist? That we are not property. That we are not extensions of family or imagined homogenous communities or societies. I say 'imagined' because not everyone in any so-called 'community' or society thinks alike. Don't forget we are individuals with rights and hopes and dreams.

If we do not speak, who will speak for us? If we do not speak, how else can we move from invisibility to visibility, from absence to presence, from exclusion to inclusion, from isolation to participation, from trauma and shunning to survival, from discrimination to equality? Yet it's our words – even when they're written on our own bodies – that are more offensive than violence, death threats and murder.

[Apostasy/blasphemy are punishable by death](#) in a dozen countries under Islamic rules. These laws persecute countless people like Raif Badawi, sentenced to 10 years in prison and 1000 lashes for freethought in Saudi Arabia, or Sohail Arabi in Iran on blasphemy charges, or Junaid Hafeez and Ayaz Nizami in Pakistan currently languishing on death row for blasphemy.

Women who transgress religious rules face severe consequences, especially when women are seen to personify male, national and religious honour and pride. In Iran, three women have been [sentenced to over 40 years in prison](#) between them, including for 'inciting prostitution' merely for transgressing compulsory veiling rules.

And it isn't just taking place 'over there'. Those living in Britain and the west can face honour-based violence and [shunning](#) – a type of long-term psychological torture and social death penalty – for leaving Islam, being gay or unveiling.

When you are systematically silenced and erased in this way, often with violence or the threat of it, the mere act of speaking with creativity is an important act of survival as well as civil disobedience and resistance.

When the public space is so oppressively full of fear, to be subverting, flouting and disobeying absurd and inhuman rules not only challenges dogmas and taboos – it reclaims and transforms the public space and society.

That is not to say that racism, xenophobia and anti-Muslim bigotry don't exist. Of course, they do. But you cannot excuse fundamentalism because of racism any more than you can excuse racism because of fundamentalism. Creativity in protest challenges bigotry by appealing to our common humanity. It responds to violence with humour and nonviolence. Creativity diminishes fear and feelings of despair and increases democratic and participatory politics. It brings hope and courage.

Hope and courage come from protests like the [#ExMuslimBecause](#) hashtag, which went viral in 2015 when countless individuals shared why they had left Islam and become non-believers. This came to more than 120,000 tweets from 65 countries, which were also met with solidarity from some Muslims.

We find courage with [fast-defying actions](#) during Ramadan – 'eat-ins' in front of embassies of countries that persecute people for eating and drinking during Ramadan.

Or actions in solidarity with the movement in Iran against compulsory veiling.

Or [nude protests](#) that insist there is nothing wrong with women's bodies and our bodies can become tools for our liberation.

Or acts like the [Atheist Azaan](#) – subverting the call to prayers – to normalise dissent and heresy.

Or [dancing in Kings Cross](#) for acceptance of ex-Muslims and an end to shunning.

Or creativity in defence of rights of LGBT Muslims and ex-Muslims at [Gay Pride](#). [Why can you say Jesus is Gay but not Allah is Gay?](#)

Creativity in protest insists on the human rights of freedom of conscience (which includes freedom not to believe) and freedom of expression (which includes the right to criticise and mock the sacred and taboo), and it does so in practice and not as theoretical or abstract concepts and notions.

It creates solidarity and insists on equality, not superiority or difference. Creativity in protest goes to the core of what it is to be fully human and enables us to reimagine society and the world and to change it for the better.

Creativity in protest says to the fundamentalists: you do not have power over us. You cannot silence us. We will not submit. We will determine our own stories.

As [Southall Black Sisters](#) says: our tradition – struggle not submission.

\* For more information on TedX censorship, see [Rationality Rules: TedX's De Facto Blasphemy Law](#).

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[Africa](#). She has initiated an [International Day to Defend Amina](#) and the [Nude Photo Revolutionary Calendar 2012-2013](#), founded [Iran Solidarity](#), and helped launch the [Manifesto for a Free and Secular Middle East and North Africa](#). In 2006, Maryam signed a statement of [12 writers against Islamic totalitarianism](#) with Salman Rushdie, Taslima Nasrin and others. She has also fought against [stoning laws](#) and defended [refugee rights](#), amongst others.

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# The APPG, Islamophobia and Anti-Muslim Racism

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*To those who say it is just a cartoon, I will not say, "It's only a statue", because I understand the strength of British feeling when it comes to our history, our culture and our identity. It is not just a cartoon and they are not just statues. They represent, symbolise and mean so much more to us as human beings. In conclusion, while this law would now protect civil order and emotional harm when it comes to secular and political figures such as Oliver Cromwell and Churchill and does not necessarily put other figures that many people in modern Britain hold close to their hearts, such as Jesus, the Prophet Mohammed, peace be upon him, Moses, Ram, Buddha, Guru Nanak and many others, it does show that we recognise that there is such a thing as emotional harm. Finally, we must ask ourselves: when striking the careful balance to protect such emotional harms, can there and should there be a hierarchy of sentiments?*

*(Parallel Parliament, 2017-2019).*

The above comments by Naz Shah, the Labour MP for Bradford West and Labour Shadow Minister for Community Cohesion – made on 5 July 2021 during the House of Commons debate on the Police, Crime, Sentencing and Courts Bill effectively amounted to a call for blasphemy laws.

The controversial bill represents the government's response to the feminist and Black Lives Matter protests that we saw in 2021. In effect, among other things, it seeks to curb the right to protest and to criminalise those who damage historical statutes and memorials. It gives the police and courts expansive powers that represent a direct threat to the most fundamental rights, liberties and freedoms of citizens; in particular, the



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rights of those from marginalised communities who often have nothing but their voices to challenge injustice.

Against this background, Shah's contribution to the debate was striking in that she did not seek to challenge the profoundly authoritarian imperatives underpinning the proposed law. Instead, she argued that religious figures and symbols needed to be afforded the same protection from disrespect and criticism as 'secular' statutes and historical figures such as Cromwell and Churchill. In doing so, she aligned herself with a profoundly anti-democratic agenda that seeks to manipulate the nebulous concept of 'emotional harm' to promote a clampdown on free speech and dissent. In effect, she attempted to assert the politics of intolerance and 'hurt sentiment' – the right to be 'offended' – into the very heart of the political and legal culture in ways that come dangerously close to fostering censorship, religious coercion and a reintroduction of blasphemy laws through the back door.

This is exactly the scenario that I warned about in June 2018, when on behalf of Southall Black Sisters (SBS), I gave evidence to a consultation on Islamophobia held by the All Party Parliamentary Group (APPG) on British Muslims. In the course of my submissions, I argued that far from addressing the reality of anti-Muslim racism, the very concept of Islamophobia would only serve to shore up religious authoritarianism and the social control of freedom of expression, leading religious right forces in other minority communities in the UK to follow a similar path in the name of protecting their supposed religious sensitivities. As I show below, in June 2021, the Hindu right embarked on just such a parallel process.

### **Background to the APPG consultation**

The APPG consultation appeared to stem from a question asked by Baroness Warsi (then chair of the APPG) on 17 October 2017 in the House of Lords. Against the background of the Tory government's attempt to make political capital against the Labour Party out of the controversy around antisemitism and its definition, she asked the government *'whether they have a definition of Islamophobia; and, if so, what it is'*. Lord Bourne, the then Parliamentary Under-Secretary of State for Communities and Local Government, made clear in his reply that while hatred and intolerance of Muslims had no place in society, and that criminal offences motivated by a person's (actual or perceived) religion may amount to a religious hate crime, there was no definition of Islamophobia currently endorsed by the government. Baroness Warsi then asked the minister *'whether he agrees that it is high time to have a definition of Islamophobia, and that to fundamentally challenge the hate that underpins hate crime, we need to define what that hate is'*. She invited the minister to meet with the APPG, which he agreed to do.

### **The process of giving oral evidence**

What follows are some of the key arguments that I put forward in my written evidence to the APPG as to why the adoption of a definition of Islamophobia to address anti-Muslim racism was deeply problematic.

I was subsequently invited to give oral evidence to the APPG, and I found the process to be very troubling. My views were clearly unwelcome and I faced intense hostility from Baroness Warsi who chaired the session.

I was sandwiched between participants on a panel who were mostly in favour of the need to have a definition on Islamophobia. I don't know

about the others, but I was not given advance notice of the identity of my fellow panellists. Nor did I have any prior sight of the APPG's working definition of Islamophobia – as included in its subsequent report – when I was questioned about my position.

As the hearing progressed, it became clear to me that that I had been invited to give evidence solely to lend the proceedings an appearance of impartiality. What was meant to be an unbiased evidence-gathering exercise turned into an adversarial cross-examination of my position, in which Baroness Warsi assumed the role of chief interrogator and defender of the APPG's position. Her conduct strongly suggested that she was working to a pre-determined agenda, and it is deeply frustrating that a record of the session by the APPG secretariat was not made public.

***What happened next?***

On 28 November 2018, the APPG produced a report entitled: ***Islamophobia Defined: the inquiry into a working definition of Islamophobia***. The report contained the following definition:

*Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.*  
(*APPG on British Muslims, 2017*)

In justifying the definition, the report said:

*The APPG considered whether the term Islamophobia should remain in continued use or whether an alternative term, such as anti-Muslim hatred, should be adopted instead. However, the APPG received an overwhelming amount of evidence across governmental, community, academic, and public and private sector organisations who attested to the cogency and*

*desirability of retaining the term Islamophobia on the basis that it has established itself in the political and policy lexicon, had gained traction over time and was the predominant choice among Muslims to name and describe the hatred and hostility targeted at them on the basis of their Muslimness.*

*Islamophobia was the term of choice among British Muslims to describe their experience (APPG on British Muslims, 2017).*

In the executive summary it stated:

*Criticism of religion is a fundamental right in an open society and is enshrined in our commitment to freedom of speech. We also received theological opinion which outlined the long Islamic history and classical tradition of debate, discussion, and dissenting opinions within Islam. No open society can place religion above criticism and we do not subscribe to the view that a working definition of Islamophobia can or should be formulated with the purpose of protecting Islam from free and fair criticism or debate. On the question of what we might understand from fair criticism, we refer in the report to a series of useful tests proposed by Professor Tariq Modood of Bristol University, when it comes to assessing whether what we are dealing with is 'reasonable criticism' of Islam and Muslims or a veiled attempt at Islamophobic speech. (APPG on British Muslims, 2017)*

Some might say this is disingenuous, given that Tariq Modood has gone on record stating that Salman Rushdie and those defending him in the controversy *The Satanic Verses* are engaged in 'Islamophobic' behaviour (see below).

Many months later, I discovered that Dr Antonio Perra of the Aziz Foundation had given considerable support to the secretariat of the APPG in preparation of the report. Dr Perra was until recently a member of Muslim Engagement and Development (MEND), although the APPG report makes no mention of this affiliation.

MEND is an organisation that works in partnership with the organisation CAGE, a so-called prisoner support organisation that has links with known Islamist preachers and terrorists, and it has launched attacks on politically liberal Muslims (Quilliam, 2019). MEND, like CAGE, has long been surrounded by controversy for these fundamentalist links, but it has continued to successfully cultivate relationships with politicians across the political divide and with key institutions including education, the police and police and crime commissioners. Earlier this year, a senior MEND representative asserted that Muslims in the UK face a situation analogous to that of Jews in Nazi Germany before the Holocaust. Its former director of engagement, Azad Ali, is reported to have said in March 2017 that the month's terrorist attack on Parliament – which killed five people – was 'not terrorism'. The APPG report also makes reference to evidence that it took from the Islamophobia Response Unit (IRU) but fails to mention that the IRU was created in April 2017 by MEND (LaunchGood, 2021).

What is clear from these links is that the APPG attempt to set up a working definition of Islamophobia cannot be described as a genuine but misguided attempt to address anti-Muslim racism. Rather, it seeks to accommodate a deliberate attempt to promote a fundamentalist agenda on free speech; to silence feminists, secularists, atheists, homosexuals, religious minorities, Ex-Muslims and others who oppose religious impositions.

At the time of writing, the APPG's definition of Islamophobia had been adopted by several local authorities as well as police and crime commissioners across the UK (APPG on British Muslims, 2019)

**The Submission (taken from the original dated 1 June 2018)**

**Islamophobia is conceptually impossible to define**

The meaning of 'Islamophobia' is not settled and it means different things to different constituencies even within Muslim populations.

The ambiguity of the very term is not surprising since there is considerable confusion as to how the term first arose. Commentators have noted that even the origin of the term 'Islamophobia' is disputed. UK sources attribute its popularisation to a 1997 publication by the Runnymede Trust (*Islamophobia: A Challenge for Us All*), which itself referred to the first usage in a February 1991 article in the US periodical *Insight*. The Runnymede report accepted the word was not 'ideal' but considered it a '*... useful shorthand way of referring to dread or hatred of Islam – and, therefore, to fear or dislike all of most Muslims.... Within Britain it means that Muslims are excluded from the economic, social and public life of the nation....*'

However, as the feminist Meredith Tax notes, French sources trace the origin of the term to the Ayatollah Khomeini and Iranian fundamentalists; they declared Islam inviolate and said Iranian women who rejected the veil were 'Islamophobic'. In other words, this was a way to assert a totalitarian agenda. It was deliberately unspecific as to whether this refers to a religion, a belief system or its faithful adherents around the world. Tax further notes that the ambiguities in usage reflect these contradictory sources; one is anti-racist, the other Islamist. She goes on to say that we



are currently in a linguistic minefield.

(<https://www.opendemocracy.net/en/5050/unpacking-idea-of-islamophobia-0/>)

She adds that even a literal definition of 'Islamophobia' is problematic. A 'phobia' is in fact an 'irrational fear' or mental disorder. Clearly, the levels of racism towards Muslims in the UK and indeed in Europe and the US (referred to further below) cannot be reduced to mental illness. To do so, as Tax further notes, is to depoliticise the issue. Tax considers such campaigns to be part of a calculated demagoguery. We agree. The nature and levels of discrimination and crimes of hate perpetrated against Muslims by racists and far right groups are deliberate and calculated acts of racism and racial violence – not acts borne out of irrational fear, as seen in the examples quoted by the APPG report on the working definition of Islamophobia that followed the inquiry.

The term also presupposes that there is a homogeneous group of Muslims who are defined only by their religion, which all consent to a singular version of Islam that must be protected from any criticism. The reality is that there is no such thing as a 'Muslim community' or 'Muslim voice' but many different groups of Muslims whose backgrounds, views and identities range from secular and feminist to conservative and fundamentalist. Even a widely accepted definition will not suffice since there is ambiguity in the very practice and in the range of meanings that depend very much on the political positioning of the person making the claim. The term does not lend itself to a consistent and coherent approach and its very use stems from varying ideological histories and positions. It is as much likely to support those engaged in censorship as it is those to support those seeking to combat racism. We explain this below.

### **The term Islamophobia conflates too many issues**

We would emphasise that even a widely accepted or highly liberal definition of 'Islamophobia' would not work; the term is riddled with ambiguities and conflates too many issues since it implies not just hatred of Muslims but of the religion itself. To liberals, it can mean discrimination and hate crimes but to fundamentalists it means an attack on religious Islamic texts and precepts or the 'offense of religious sensibilities'; the only punishment for this is censorship, violence and even death.

To this end, the term has been conveniently used by Muslim fundamentalists and ultra-conservatives to clamp down on any kind of internal questioning or dissent from religious and community norms as defined by the most powerful and dominant illiberal forces in minority communities. The most dramatic example of this was the endorsement of the Ayatollah Khomeini's call for the death of Salman Rushdie in 1989 by various Muslim leaderships in the UK who monopolised the so-called 'Muslim' voice through intimidation and fear. They left no space for liberal, secular, feminist and atheist Muslims who questioned the fatwa and religious censorship. Indeed the term 'Islamophobia' was used by the academic Tariq Modood to mount an attack on Rushdie's *The Satanic Verses*, arguing that it was 'a deliberate, mercenary act of Islamophobia' (Modood, T – *British Asian Muslims and the Rushdie Affair*, *The Political Quarterly*, Volume 61(2), April 1990). Another more recent example is the killing of Asad Shah, an Ahmadi Muslim living in Scotland, who was deemed by his killer to have 'blasphemed' against Islam and 'disrespected' the Prophet Muhammed. (<https://www.theguardian.com/uk-news/2016/aug/09/tanveer-ahmed-jailed-for-murder-glasgow-shopkeeper-in-sectarian-attack>).

Those who challenge and criticise community norms, including SBS itself, have been labelled 'Islamophobic'. This then creates a climate conducive

to ridicule and even violence against those who dissent; many have been subject to hatred and threats for criticising religious norms deemed 'offensive'. For example, the extremist and fundamentalist-linked organisation CAGE, described the intervention of SBS and the organisation Inspire in a gender segregation case involving a co-ed faith based school (*HM Chief Inspector of Education, Children's Services and Skills v The Interim Executive Board of Al-Hijrah School* [2017] EWCA Civ 1426) as 'Islamophobic' and essentially accused us of following the 'Prevent' agenda. (<https://cage.ngo/article/outlawing-gender-segregation-how-prevent-and-ofsted-are-about-conditioning-our-children-neo-con-style/>) The point of such accusations is to create a climate that legitimates hostility, aggression and abuse against those who dare to question religious precepts such as gender segregation.

Do our challenges and criticisms of fundamentalist and ultra-conservative interpretations and practices of Islam that undermine the rights of vulnerable Muslim women and girls in particular make us Islamophobic? Are those who are secular Muslims or gay Muslims or those who are not deemed to be Muslims (Ahmadis) or those who no longer wish to practice Islam, also Islamophobic? The reality is that those who call themselves secular, atheist or 'Ex-Muslims' already face considerable death threats and abuse from fundamentalists as 'apostates' and 'heretics' – for which the penalty in Islam is death (see the case of Asad Shah cited above).

As it is, we are concerned that hate crimes perpetrated towards such groups by fundamentalists and extremists are even now conveniently ignored by the police and prosecutorial services precisely because the dominant understanding of 'Islamophobia' as defined by fundamentalists and conservatives precludes this. Yet the irony is that these are the very groups that are likely to be highly vulnerable to the charge of 'Islamophobia' and therefore to calls for their prosecution. It is important to note that powerful conservative and fundamentalist Muslim leaderships

and organisations are more likely to lead an unchallenged charge of ‘Islamophobia’ since they are the dominant voice and have power to define the term within the various Muslim populations in the UK.

Even a more liberal description such as the original definition of Islamophobia proposed by the Runnymede Trust (*‘...dread or hatred of Islam – and, therefore, to fear or dislike all or most Muslims...’ Within Britain it means that Muslims are excluded from the economic, social and public life of the nation...’*) is significantly problematic, since it collapses any criticism of Islam with discrimination and hate crimes against Muslims. We would strongly argue that there is no causal relationship between dread of Islam and fear or dislike of all Muslims or their exclusion from public life. Our concern is that artists, writers and groups like SBS or the Council of Ex-Muslims of Britain, who criticise religion or experiences of oppression attributable to the values of that religion are as likely to be caught by this definition than those who propagate anti-Muslim racism.

The more recent short-form definition put forward by the Runnymede Trust (*Islamophobia: Still a Challenge for Us All – a 20<sup>th</sup> anniversary report, November 2017*), which simply states that ‘Islamophobia is anti-Muslim racism’ begs the question: why not address the problem as anti-Muslim racism then? What does the term ‘Islamophobia’ add?

Clearly the term ‘Islamophobia’ conflates racism with the legitimate and democratic right to question and challenge religious values that undermine other fundamental rights and freedoms, especially of minorities within minorities. This is not simply a question of semantics; how the problem of anti-Muslim racism is conceptualised will have real consequences for how it is addressed. Even those who have promoted the concept of ‘Islamophobia’ acknowledge that the term is deeply problematic in regard to how it is addressed.

A careful analysis of mainstream press reports of 'Islamophobic incidents' reveals that they are in reality, racially or religiously motivated hate crimes for which legislation already exists. The following are some examples:

- Darren Osborne, who was convicted of the Finsbury Park Mosque attack on 19 June 2017, was said to be motivated (variously) by the idea that all Muslims were rapists; that there were too many terrorists on the street and that 'raping inbred bastards' needed to 'get back to the desert' (*Independent* 23 January 2018).
- Paul Moore was convicted of attempted murder, grievous bodily harm and dangerous driving for running over a Muslim woman and driving his car at a 12-year-old girl as 'revenge' for terror attacks. He said he was 'doing his country a favour' (*Independent*, 2 March 2018.)
- On 7 March 2018, a couple associated with the far right group Britain First were convicted for carrying out anti-Muslim attacks on those they wrongly believed to be defendants in an ongoing rape trial. The presiding judge stated: '*It was a campaign to draw attention to the race, religion and immigrant background of the defendants.*' (<https://www.independent.co.uk/news/uk/crime/paul-golding-jayda-fransen-britain-first-leaders-guilty-religious-muslim-hate-crime-a8244161.html>)
- A Sikh man waiting in the security queue to enter Parliament had his turban ripped off by an assailant shouting '*Muslim go back*'. (<https://www.independent.co.uk/news/uk/crime/sikh-man-turban-ripped-off-parliament-hate-crime-police-london-portcullis-house-a8222376.html>)

These are clear examples of crimes motivated by anti-Muslim racism, which is also increasingly linked to anti-immigration hostility and hatred towards people of a different colour, ethnicity or culture. As the final example above shows, even people of Hindu, Sikh and other South Asian backgrounds – and their institutions – have also been targeted and attacked in the name of anti-Muslim hatred; this is in fact aimed at anyone that is foreign and looks the wrong colour (see for example, *Peter Hopkins, Katherine Botterill, Gurchathen Sanghera & Rowena Arshad (2017) Encountering Misrecognition: Being Mistaken for Being Muslim, Annals of the American Association of Geographers, 107:4, 934-948*), which looked at the experiences of young Scottish people subjected to abuse for ‘appearing’ Muslim). The misrecognition issue also raises another problem: are attacks against minorities for supposedly being Muslim to be prosecuted as crimes motivated by Islamophobia or are such experiences better categorised as racially motivated crimes? The phenomenon of ‘Islamophobia’ is therefore better captured by the traditional lens of racism.

It is notable that hate crimes against Muslims soared at the same time as the 2016 EU referendum due to the widespread anti-immigration sentiments that were stoked by a toxic and hostile rhetoric calling for the need to ‘take our country back’ (*Evening Standard* 2018, <https://www.standard.co.uk/news/crime/revealed-antimuslim-hate-crimes-in-london-soared-by-40-in-a-year-a3775751.html>). Figures released after the 23 June 2016 EU referendum reveal that 3,192 hate crimes were reported to police in England and Wales in the two weeks either side of the referendum – a 42% increase from the same period in the previous year. A further 3,001 hate crimes were reported between 1 and 14 July, mainly by members of minority ethnic and faith communities, new migrants, asylum seekers and refugees (*‘Tackling Hate Crime in the UK’ -*

Amnesty International <https://www.amnesty.org.uk/files/Against-Hate-Briefing-AIUK.pdf>)

Clearly the anti-immigration sentiments were pervasive; giving a licence to the display of all forms of racism: *“The issue of immigration was at the fore and scaremongering seemed to fuel and legitimise hostility towards minority ethnic and faith communities”* (Amnesty International cited above).

In terms of the wider picture, Home Office figures report that the number of hate crimes in England and Wales increased by 29% from 62,518 in 2015/2016 to 80,393 offences in 2016-17. This has been the largest increase since the Home Office began recording these figures in 2011-12, with 78% of the offences related to race hate and 7% to religious hate. Although some of this may be due to better crime recording and increased reporting, the figures showed rises after the Westminster Bridge, Manchester Arena and London Bridge attacks in 2017. The data also showed that racially or religiously aggravated offences were more likely to be dealt with by a charge/summons than their non-aggravated counterpart offences (Home Office – Hate Crime, England and Wales 2016/2017 – Statistical Bulletin 17/17, 17 October 2017).

In our view, the above demonstrates that it would be a grave mistake to institutionalise the term ‘Islamophobia’ to reflect what is in essence racism (consisting of prejudice, discrimination and even violent attacks on immigrants, Muslims and other minority groups). These can all be effectively addressed through existing criminal and equality laws that are themselves the products of anti-racist struggles.

We believe that the correct term to use is anti-Muslim racism. Much in the same way that recently we have seen a rise in anti-immigration racism, anti-Muslim racism is part of the continuum of racism that we must fight

together. But because the term 'Islamophobia' echoes the worldview of the Muslim right, it does more to confuse the issues than clarify them. More importantly, it does more to harm the cause of anti-racism precisely because the fundamentalist agenda is antithetical to equality and human rights principles, including the right to freedom of expression.

### **Consequences for free speech**

Attempts to tackle racism and hate crime must be robust but should not fall into the error of suppressing freedom of expression. The European Convention on Human Rights (ECHR) enshrines the right to freedom of expression under Article 10. It protects not only 'information' or 'ideas' that are favourably received or regarded as inoffensive or as a matter of indifference, but also those that offend, shock or disturb the state or any sector of the population. Article 10(2) permits restrictions so long as they are prescribed by law, necessary in a democratic society, in pursuit of a legitimate aim, and proportionate to that legitimate aim. The European Court of Human Rights has held in *Kokkinakis v. Greece* of 25 May 1993 (Series A no. 260-A) and a number of subsequent cases that the state has a responsibility to ensure the peaceful enjoyment of the right guaranteed under Article 9 ECHR (freedom of thought, belief and religion) to the holders of those beliefs and doctrines. In extreme cases the effect of particular methods of opposing or denying religious beliefs can be such as to inhibit people from exercising their freedom to hold and express them. However, the court has also clearly stated that those who choose to exercise the freedom to manifest their religion cannot reasonably expect to be exempt from all criticism. They must tolerate and accept the denial by others of their religious beliefs and even the propagation by others of doctrines hostile to their faith.

It should also be noted that Article 17 of the ECHR amounts to a prohibition on the abuse of convention rights. It has been relied on by the



court to exclude hate speech (for example, encouraging racial or religious hatred that negates the fundamental values of the ECHR), from the protection of the ECHR (such as *Norwood v UK* – admissibility decision of 16 November 2004, 23131/03).

We are concerned that the existing interpretation of ‘Islamophobia’ would fall foul of article 10(2) ECHR. How does one identify and describe legitimate criticisms or anxieties on the one hand and hate-filled or irrational criticisms and anxieties on the other? Would the following be considered Islamophobic: a condemnation of political Islam; criticism of patriarchal and heterosexual structures inherent in Islam; criticism of ‘sharia laws’ and gender segregation; criticism of prominent Muslim leaders; the promotion of atheism and secularism? We would argue that these are all legitimate expressions of free speech that should be protected by article 10(1) but may be caught by a definition of ‘Islamophobia’. The point is that in a climate of fundamentalism and religious intolerance in all religions, it would be easy for state agencies such as the police to cave into demands for the arrest and prosecution of those deemed to have ‘offended religious sensibilities’ for fear of being labelled ‘Islamophobic’ or ‘offensive’. We know this only too well from our own work in challenging cultural and religious practices such as FGM, polygamy, forced marriage, honour-based violence and sexual abuse; these issues were once subject to a ‘hands off’ approach by state services that were more preoccupied with the fear of being labelled racist and causing offence than with protecting vulnerable women and children.

We are concerned that entrenching and legitimating the term ‘Islamophobia’ will lead to confusion and censorship of legitimate criticisms and thus infringe the right to freedom of expression.

**The way forward – tackle anti-Muslim racism as racism**

Islam is not a race or ethnicity. In literal terms it is a set of religious ideas, and criticism of these ideas cannot be conflated with racism towards a group of people. To hold otherwise is absurd and illogical since the attacks against individuals and groups that is labelled ‘Islamophobia’ is in fact no different to the racism faced by many other minorities.

Sadly the term has become a way of privileging discrimination faced by Muslims when in reality, the same forms of discrimination and racism are faced by other BME groups, who also experience similar or even greater levels of inequality, exclusion and discrimination. For example African-Caribbean groups are disproportionately represented in prisons, care homes and in school exclusions. Immigrants and asylum seekers are particularly subject to vilification and racial attacks. To therefore recognise ‘Islamophobia’ as a specific discrimination strand is to contribute to the creation of a hierarchy of oppression and victimhood that can become a barrier to solidarity and integration as different groups compete for the right to be seen as the most oppressed and the ultimate type of victims. Our concern is that the adoption of the term not only encourages such a regressive politics of victimhood but prevents solidarity from forming for the purposes of challenging all forms of racisms.

We are also concerned that if the term is institutionalised, other BME populations who also face exclusion, marginalisation and inequality – namely Hindus and Sikhs – will also seek to have their experiences recognised in accordance with their religious identity. In other words, they would be defined solely in relation to religion, which needs protecting from any polluting or questioning force. The potential for suppression of dissent is the same as in relation to ‘Islamophobia’. We have come across Hindus for instance stating that those who dissent or question religious norms are displaying ‘Hinduphobic’ views. But this label is often used to

target those who legitimately question so-called Hindu norms that could justify caste discrimination or the oppression of women and girls. We could point to how Hindu fundamentalists clamped down on art exhibitions by the Indian artist, MF Hussain in 2006 for 'offending Hindu sensibilities'

(<https://www.theguardian.com/theguardian/2006/may/30/1>). We could also highlight how Sikh fundamentalists sought to ban plays and disrupt interfaith marriage ceremonies in Sikh temples, using violence and intimidation (<http://www.bbc.co.uk/news/uk-21721519>), all in the name of 'protecting' their faith as they have come to define it.

Racism must be seen as a structural phenomenon rooted in political, economic and cultural structures of power. It is an experience shared by many minority groups and it needs to be challenged in solidarity with rather than in competition with others. The ECHR already provides protection for those facing anti-Muslim racism, through provisions of Article 9 (when looked at with Article 10 and Article 17), as set out above.

The existing criminal law of England and Wales also provides redress. We have referred above to the CPS definition of hate crime. The CPS and police also have a joint definition of cases involving 'hostility on the basis of race or religion': *'Any incident/crime which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or religion or perceived race or religion.'*

The threshold needed to demonstrate 'hostility' is not high, and the perception of the victim is key.

Offences of wounding, assault, criminal damage, harassment, stalking and threatening/abusive behaviour that are racially or religiously aggravated can already be prosecuted under the Crime and Disorder Act 1998. The Criminal Justice Act 2003 also gives the court power to increase the

sentence of any offence (other than those already provided for in the Crime and Disorder Act 1998) that is racially or religiously aggravated. In addition, s17 of the Public Order Act 1986 created offences of stirring up racial hatred through the use of threatening, abusive or insulting words, behaviour or written material. In 2006 and in 2008, this provision was extended to cover incitement on the grounds of religious identity and sexual orientation. This can be used to prosecute serious cases of race or religious hate speech.

The above shows there is already considerable protection available for victims of racial and religiously motivated hate crime. Certainly, there is evidence that enforcement of that protection is not as effective as it should be. Amnesty International (in its report cited above) recommended a review of the legislation, which could include extending the list of protected characteristics and provision of equal protection for all characteristics. Amnesty also recommended that public figures speak out vigorously against racism and hate. Amnesty International's case studies found significant difficulties with the response of the police, prosecutors and the courts, which do not take racism seriously. This would chime with our own experiences.

We would support the suggestion made by Amnesty International that public officials who behave in a discriminatory way or use or condone racist or discriminatory language should be held accountable and face clear disciplinary sanctions.

### **Conclusion**

We strongly urge the committee to recognise the principle that rights and protections must be afforded to individuals and not to religions or other belief systems. The term 'Islamophobia' conflates the protection of individuals from racism with the protection of religion from criticism and

dissent. Further, by basing the protection on religious affiliation rather than race or migration status, we risk the ‘silo-fication’ of the struggle against racism and discrimination on racial or religious grounds. We should instead have one (unifying and unified) approach based on principles of anti-discrimination, equality and human rights, including freedom of expression. This framework already exists but needs improving and robust implementation at all levels of the criminal justice system. We would also encourage better guidance for police, prosecutors and judges for investigating, charging, trying and sentencing hate crime cases, and call for clear accountability mechanisms for victims when the criminal justice system fails them.

As we have set out at length above, anti-Muslim racism is not the product of an individual phobia or irrational fear of the ‘other’. It is a form of racism that must be tackled politically and legally through inclusive and progressive laws. To do otherwise is to fall into the fundamentalist trap of using religion to promote a regressive agenda of censorship and control.

### **Postscript (following the submission)**

In my submission to the APPG, I raised the very real prospect of the leaderships of other minority religions, notably Hindus and Sikhs, mirroring similar demands to protect their religious identity – a demand that is more concerned with curtailing free speech than with addressing racism. For example, much of right-wing Hindu activism in the UK has focused on using a newly discovered ‘Hinduphobia’ to ban exhibitions, plays, films – and to oppose anti-caste legislation – deemed deeply offensive to ‘Hindu sensibilities’ (Patel, 2016). Moreover, in a fairly recent development (22 June 2021), an early day motion (EDM) was tabled by six Labour MPs and sponsored by another 40 MPs from across the political parties that called for an end to so-called anti-Indian racism, which is then conflated with ‘Hinduphobia’:

*...this House welcomes the contributions of Indians to British society; condemns the racism they face on a daily basis; calls on key institutions to urgently address this type of prejudice; recognises the 1.3 million Indians who fought for Britain during WWI and have contributed greatly to all levels of society over the past century; pays tribute to the thousands of British Indians who work in the NHS and have served the nation tirelessly throughout the covid-19 outbreak; acknowledges research by The 1928 Institute which revealed that 80 per cent of British Indians have faced prejudice because of their Indian identity, with Hinduphobia the most prevalent; abhors the use of dog whistle language including the widespread use of phrases, such as Indian variant, which proliferates anti-Indian racism on social media and in wider society; and calls on the Government to take steps to urgently address this worrying rise (Parliament UK, 2021).*

The background to the EDM is the publication of a study by the 1928 Institute, an organisation set up to represent the supposed views of British Indians with the support of pro-Hindu nationalist groups such as the Hindu Council UK (Identity, Political Representation and Policy Priorities, 2021). The study claims, without presenting any specific evidence, that ‘Hinduphobia’ is the most prevalent form of racism faced by Indians. What is described is extremely vague and fails to illuminate why Indians are targeted specifically because they are Hindus as opposed to being members of an ethnic minority.

What this tells us is that the real agenda of the organisations behind the EDM is an attempt to assert the term ‘Hinduphobia’ into the public discourse – a long term primary objective of the Hindu far right in the UK, aping the success of the Islamic far right in relation to the term Islamophobia. It seeks to promote a political Hindu identity for the

purpose of policing internal dissent and to deflect any criticism or questioning of its anti-Muslim, casteist and authoritarian project. Its wider goal is reconfiguring Indian identity as Hindu identity. The desire to erase the idea of a secular and plural Indian identity by conflating religious identity with national and ethnic identity lies at the core of Hindu nationalism in India and in the Indian diaspora.

Referring to the EDM, its key sponsor Navendu Mishra, a Labour Party MP, makes clear that his ultimate goals would be to work with the All Party Parliamentary Group on India to draft a working definition of Hinduphobia (one has already been drafted at the international level); to insert Hinduphobia as a hate crime in the government's Hate Crime Action Plan; and to create a strategy on challenging Hinduphobia (India Today, 2021). These key objectives give lie to the claim that the EDM is concerned with addressing so called anti-Indian racism that is in fact no different from the forms of racism faced by many minorities including those of Muslim and Sikh backgrounds, as described in the submission above.

These examples show the religious right forces within UK minority communities in action, using the language of phobia, prejudice, fear, emotional harm, hurt and even anti-racism to peddle the myth that their religious identities are under siege. They do so in order to legitimise and protect their acts of political, cultural and religious vandalism from criticism; a vandalism that stifles freedom of thought and speech and shrinks the democratic space for dissent. The urgent task before us is to find ways of challenging the reality of racism while also reclaiming the value of free speech as part of a wider progressive left politics.

**Pragna Patel** is the ex-director and founding member of Southall Black Sisters' advocacy and campaigning centre and Women Against

Fundamentalism (She worked as a co-ordinator/caseworker and director for Southall Black Sisters (SBS) from 1982 to Jan 2022 with a break in 1993 when she left to train and practice as a solicitor. For 40 years, she was at the helm of SBS and has been centrally involved in some of SBS' most important cases and campaigns involving domestic violence, immigration and religious fundamentalism. She is also a member of *Feminist Dissent* and has written extensively on race, gender and religion.

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Image 10: Prayers (2007) © [Houria Niati](#). All rights reserved.

# We Are

Antonia Darder\*

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*We are of the generation  
of women who ventured  
beyond boundaries;  
who embraced the body,  
who relished passion,  
who dreamt of justice.*

*We are of the generation  
of women who rejected  
the narrow limits;  
who trampled on conformity,  
who spat on subjugation,  
who dreamt of freedom.*

*We are of the generation  
of women who transgressed  
the holy scriptures;  
who dared to speak;  
who caressed untouchables,  
who dreamt of deliverance.*



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*We are of the generation  
of women who endured  
the punishment;  
who wrestled fears,  
who defied solitude,  
who dreamt of liberation..*

**Antonia Darder** is a distinguished international Freirean scholar. She holds the Leavey Presidential Endowed Chair of Ethics and Moral Leadership at Loyola Marymount University, Los Angeles and Professor Emerita of Education Policy, Organization, and Leadership at the University of Illinois Urbana Champaign. She is an American Educational Research Association Fellow and recipient of the American Educational Research Association Scholars of Color Lifetime Contribution Award. Over nearly 40 years, her critical scholarship on culture, social justice, pedagogy, the body, ethics and methodology has contributed to rethinking questions of empowerment and liberation in the education of subaltern populations. Beyond her academic contributions to the field, she is also a poet, visual artist and songwriter.

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Image 11: 'No to Torture' After Delacroix, Women of Algiers 1874 (1982) © [Houria Niati](#). All rights reserved.

## 'A Double-edged Knife'

Houria Niati\*

Interviewed by Shakila Maan

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I was born in Algeria when it was still under French rule and was six years old when the war for independence broke out. For seven years of my life, I witnessed street battles, bombs everywhere, French army raids on homes and all the horrors of war. In 1962, independence was proclaimed at last. The French left Algeria. The death of my beloved father came soon after in 1964. He passed away from a heart attack while playing football. My dream of becoming an artist was shattered. At the age of 18 I became a bread winner for the family – I had six sisters and one brother to look after.

My father was a self-taught artist-painter, mainly landscape, inspired by Cezanne. During WW2 he had been called up to the French army and at the age of 22, badly injured by a dynamite blast that killed several of his mates. He started painting in the hospital where he was in convalescence for six months. When my father passed away, he left behind a lot of oil paintings. He was the one who taught me to paint and to read French Literature (Camus, Jean-Paul Sartre, Simone de Beauvoir). He used to read poetry to us from the French classics, from Victor Hugo to Rimbaud. He was very happy teaching us Arabic songs as kids, so I grew up in this mixture of both cultures. When my father died, I took the pledge to carry on his work as an artist. But I wanted my art to scream to the world about what Algeria went through during the war.



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It is not hard for an Algerian woman to be an artist. We have Baya who left an amazing legacy for women to follow. The government has never been against it. I had several good exhibitions touring Algeria. I think at the end of the day it is the will power of the women that matters and makes the difference. We have great female singers and poets. Algeria is very specific in terms of culture because we had a fusion of influences from French Culture and also Arab/Berber Islamic and African cultures – until we had the extremist movement that came from the Middle East that tried to kill freedom of speech and expression. There are a lot of female artists who fled the country after the so-called ‘civil war’ in the 1990s. But now they have massive voices as writers, singers, and painters! And they are allowed to go in and out of the country as they wish. Freedom of expression was very much part of the Algerian vocabulary during French colonisation. In the 1950s we all took to the street screaming our freedom. My most poignant recollection is from when I was only 10 and I took the streets with four classmates, all girls, to demonstrate against the horrific repression orchestrated by the French army. We were arrested and taken to the police station of my town. We were interrogated one-by-one and placed in dark cells. Our parents were called. We were lucky enough to be in French school so the school master insisted they should let us go, as we were under aged! The experience was very traumatic. Many people died for freedom of expression. I am very aware of what it means. It is not just words; their meaning comes from the heart. When I painted ‘No to Torture’ around 1982 and 1983 it was about freedom.

‘No to Torture’ is a visual commentary on a Delacroix work ‘Women of Algiers in their Apartment’ that he painted in 1834 and presented at the Salon of Paris in the same year. In 1832, Delacroix visited Algiers for three days when his ship (travelling from Morocco) had to stop for repairs. The chief of Algiers harbour invited Delacroix, who was visiting for the first time, for a discovery tour. He ended up in a ‘harem’ where he sketched women



inside wearing traditional outfits. The women seem to be doing nothing, reclining amid this incredibly beautiful Islamic interior design. The movement of Orientalism started developing in France after Delacroix's work was shown at the Salon of Paris and attracted tremendous interest. Several French artists, including Picasso, repeated the same 'tableau' but in their own way.



*'No to Torture' Installation 1982*

I was in a state of anger when I did "No to Torture". I treated the women in a very aggressive way, with primary colours to emphasise that women were repressed, and the Orientalist artists were not representing women who fought for their identity and freedom. During the war for independence, women were fighters and politically involved: they were jailed, interrogated and tortured by French power that was ruling Algeria. The French army and police were controlling the country everywhere.

Houria Niati's Art speaks loudly to the theme of free expression, from 'No to Torture' (1982) to recent work examining censorship after the revolution and following the civil war in Algeria. Niati challenges the world beyond representations of the civil war, reaching back to the country's brutal anti-colonialist struggles and condemning the silencing of women's voices in contemporary Algeria. An Algerian ambassador referred to Niati's intervention as a 'double-edged knife'. women's freedom of expression – from their experiences of the independence struggle to their critical 21<sup>st</sup> century voices – is seen as a threat that has to be controlled.

Niati came to London in 1977 to study English language and art. After graduating in fine art at the Croydon College of Art and Design (1979-1982) she exhibited at the Africa Centre gallery followed by an art residency at the Riverside Studio. In 1983 her work was exhibited in the show *From Two Worlds* at the Whitechapel Gallery, which focused on artists born 'somewhere else'. She has exhibited alongside well-established artists such as Lubaina Himid and Sonya Boyce. Since 'No to Torture' was exhibited four decades ago, she has shown her work at multiple exhibitions across the UK, US and Europe; this has included the Palazzo Mora in the 2015 Venice *Biennale* and she has been invited again in the next future (dates to be confirmed).

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Image 12: [Untitled] (Date unknown) © [Houria Niati](#). All rights reserved.

## **Review of *Awake: A Moslem Woman's Rare Memoir of her Life and Partnership with the Editor of Molla Nasreddin, the Most Influential Satirical Journal of the Caucasus and Iran, 1907-1931* by Hamideh Khānum Javānshir**

(Mage Publishers, Washington D.C. 2016)

Translated from the Azeri by Hasan Javadi and Willem Floor

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In 1906, a group of intellectuals and artists in Tiflis (Tbilisi in modern-day Georgia) began to publish an Azerbaijani-language satirical journal called *Mollā Nasreddin*. South Caucasus, the part of the Russian Empire bordering Iran, had been nominally part of Iran until a century earlier. The Shi'i Muslims population of South Caucasus was spread throughout the region including cities such as Yerevan, Baku and Tiflis.

The periodical disseminated a progressive anti-colonial discourse with a strong emphasis on social reforms, especially women's rights. The founder and editor of the journal was Jalil Mamedqolizādeh (also known as Mirza Jalil), a Muslim Azerbaijani educator and playwright. Using folklore, visual art and satire, the weekly periodical with full-page lithographic cartoons in colour, reached tens of thousands of people across the Muslim world. It could be found in the coffee shops and bazaars of South Caucasus, Iran and the Ottoman Empire, and as far away as Egypt and India where it was read aloud and impacted the thinking of a generation.



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In 1907 Mirza Jalil married Hamideh Khānum (1873-1955), a feminist and philanthropist, who was drawn to him for his journal's support of Muslim women's rights. This memoir, written after the death of Mirza Jalil – during the Soviet period – is both a testament to the remarkable life of Hamideh Khānum and one of the most detailed surviving accounts of the periodical. In many ways, *Mollā Nasreddin* survived and thrived because of her sustained financial and intellectual support. Indeed, while she is recognised for her role as a companion of Mirza Jalil, she ought to be credited as both the primary financial backer and as a member of the periodical's advisory board.

This was Mirza Jalil's third marriage, as his two earlier unions had ended tragically. His first marriage in 1894 was with Halimeh Khātoun, a village girl from Nahrem where Mirza Jalil taught for a few years. She died in 1898, leaving Mirza Jalil with a one-year-old daughter, Monavvar (1897-1965). His second wife, Nazli Khānum, came from an affluent family that held the governorship of the Nakhchivān Khānate before the Russian conquest. She was divorced from her first husband and had a ten-year-old son. Theirs was a short-lived union of love (1900-1904), though most of her upper-class relatives were opposed to the marriage because Mirza Jalil was poor and did not have a steady job. Additionally, he was not a conventional husband. He spent a great deal of his time on his literary and political activities and was often away from home. Nazli Khānum suffered from mental illness. Following bouts of severe depression, Mirza Jalil took her to a psychiatric ward in Tiflis, where she starved herself to death in 1904 as he watched helplessly.

These two tragic losses in his life appear to have made him more aware of the harsh lot of women and the dramatic gender disparities they faced. In his own life, he had seen how vulnerable women's bodies and minds were to the ravages of pregnancy, miscarriage and childbirth, as well as domestic conflicts and summary divorce (*talaq*) by men. He had struggled

to provide an education for his younger sister Sakineh and also saw her vulnerability after her speedy divorce. Mirza Jalil was raising his daughter from his first marriage and after his sister's untimely death in 1912, he also supported his nieces and nephews and provided for their education. These experiences may have led this highly sensitive writer and social democrat to become a sympathetic and steadfast supporter of women's rights throughout this life.

His third marriage to Hamideh Khānum Javānshir was also an unconventional one. She was born in the estate of Kakhrizli, which was part of the Karabākh district, and belonged to a landowning family. The Javānshir family had ruled the *khānate* before the Russian conquest. In the decades that followed – as with many other local elites – they became one of many more Russified aristocratic Muslim families whose sons became officers and important members of the imperial government. Her father, Ahmad Bey Javānshir, attended the St. Petersburg Military School and served six years in the Russian army before returning to the family estate. He was an intellectual known for implementing new agricultural techniques on the farm on his estate. He was also a historian, poet and translator of classical Russian poetry.

Hamideh Khānum was educated at home, where she learned to read and write Russian. Her first husband, Ibrahim Bey Davatdārov (1851-1902), was an aristocrat and military officer. From 1893 to 1898, the couple had lived in the Polish city of Brest-Litovsk. Ibrahim Bey died in 1902, and a year later Hamideh Khānum also lost her father. Left with the responsibility of supporting her two children, Mina (1890-1923) and Mozaffar (1900-1959), she took over the management of the family estate and the village of Kakhrizli in 1903.

Hamideh Khānum met Mirza Jalil in early 1905 when she came to Tiflis to arrange the publication of her deceased father's literary works. This

influential 33-year-old woman, who never wore the veil, was living a thoroughly modern and independent life. Her 15-year-old daughter Mina followed her mother's lead, and attended the Girls' Institute of Tiflis, living in its dormitory, far away from Kakhrizli.

When Hamideh Khānum first met with Mirza Jalil, he encouraged her to form a charitable society for Muslim women in Tiflis. She followed his suggestion and formed the Muslim Women's Benevolent Society, which was composed of influential women in Tiflis, and received backing from Muslim and Russian dignitaries. Soon after, the society opened the city's first primary school for Muslim girls (Rice 2018, p. 133). She and Mirza Jalil went on to become close acquaintances, discussing the latest political strikes and social movements as the 1905 Russian Revolution unfolded. In December 1906, Mirza Jalil proposed to her but she turned him down, saying she was too busy running her estate.

Mirza Jalil had to prove that he was devoted to her and her cause of women's rights before she would agree. Such an opportunity arrived in February 1907. In anticipation of a locust swarm and famine in the region of Karabākh, Hamideh Khānum was invited to present a paper at an Armenian-Muslim conference in Baku on the impending catastrophe. The clerics and *beys* of Karabākh objected to her presence, claiming that Muslim women's participation was against the *sharia* and they would not attend a public event where an unveiled Muslim woman spoke. She therefore declined the invitation.

Then, the locust swarm happened, leading to hunger and starvation in the community followed by the spread of typhus. Hamideh Khānum appealed to the authorities to help her villagers and received aid from several agencies including the Muslim Men's Charitable Society of Tiflis, where Mirza Jalil was a secretary on the board. When he learned the details of how Hamideh Khānum had been denied the opportunity to speak at the

Baku conference, he published an article titled “Muslim and Armenian Women,” in *Mollā Nasreddin*. The column referred to the Qur’an (24:31-32) to argue that wearing the hijab was not mandated in the holy book, and that forcing women to veil and keeping them cloistered did not make them any more chaste.

However, the article did more than call for removing the face veil in public. It argued that instead of mandatory unveiling, girls should be sent to school and once they became educated ‘they themselves would know what to do’. Finally, in its most explosive segment, the article argued that men who engaged in all forms of perversions – from paedophilia in bathhouses, to taking temporary wives (*sigheh*), and hiring Russian and Georgian prostitutes – had no business ordering their women around:

*Let’s look at ourselves a bit and see who are we?*

*We go to dance and music gatherings and sleep with the performers*

*We force our women to stay home, but take eight-year-old boys to bathhouses*

*We force our women to stay home, but on the side, take others we like as sigheh wives*

*We force our women to stay home, but spend their daily keep on blond foreign prostitutes. (MN, 20, 19 May 1907)*

The article caused quite a commotion in the Muslim quarters of Tiflis. News reached Mirza Jalil that the *akhunds* (clerics) of Shaitān Bazaar had gathered at a mosque, cursed Mirza Jalil and issued a *fatwa* for his death. They also sent a mob to kill him. The commotion eventually subsided, but Mirza Jalil’s courage in standing up for Muslim women’s rights had paid off and Hamideh Khānum agreed to marry him. In her memoir, she wrote: ‘I said yes to Mirza Jalil’s marriage proposal. More than anything else, I was attracted to his progressive ideas and wanted to be his wife and supporter’ (HMQ, p. 36).



News that a wealthy aristocratic woman was marrying the ‘atheist’ journalist Mirza Jalil, a man with meagre means and social status, outraged the *beys* of her community. Mirza Jalil faced death threats, but ignored these attacks and they married anyway with a modest wedding at her estate. Issa Habibbeyli notes that on their marriage certificate, Mirza Jalil was introduced as *bey* – suggesting he was a tribal chieftain – to make the marriage more palatable to her relatives (Habibbeyli 1999, pp. 31-32). The couple had two sons, Midhat (1908-1932) and Anvar (1911-1979).

Mirza Jalil did stay true to his word. A vast majority of the articles he wrote or commissioned concerned Muslim women’s rights, including issues that had affected Hamideh Khānum and the other women in his life. Shortly before their marriage in June 1907, *Mollā Nasreddin* provoked the highest Shi’i authority in Transcaucasia, the Sheikh al-Islam, on the subject of gender segregation. The Sheikh al-Islam had regularly visited the high school where Hamideh Khānum’s daughter Mina studied for nine years. He had met with the principal and encouraged the girls with their studies and had also given guest lectures on Islam and Azerbaijani language there. This high school provided regular religious education for Christian Armenian, Russian and Georgian students but not Muslim students, due to lack of funds. Nor did it provide regular instruction in the Azerbaijani language, also due to lack of funds. Hamideh Khānum had pleaded with the community to support the school, and eventually used her own funds to hire a language teacher for the school. When Mina and her friends, all unveiled, graduated from the Institute in May 1907, the Sheikh al-Islam was present and congratulated them. Yet in public, he maintained that unveiled women must not speak and interact with unrelated men.

Using Mina’s graduation ceremony as an example, *Mollā Nasreddin* published two open letters exposing the hypocrisy of the Sheikh al-Islam. The journal asked why he had not helped raise funds for religious studies at the school, why he had not supported education in the Azerbaijani

language and why – despite his private support for female education – he never supported it in public (*MN*, 22 May 1907). This article, which humiliated the sheikh, led to the closure of the periodical for two weeks by state officials. Mirza Jalil followed this pattern throughout his years as editor. Events that happened in the lives of his wife and his stepdaughter, or to those around them and to women from his own more religiously observant community, became the basis for satirical stories in *Mollā Nasreddin*.

It seems that Hamideh Khānum's life, and the lives of other independent and productive Muslim women, became the high bar of comparison for Mirza Jalil when he observed women in other Muslim communities. We can therefore assume that many of the stories and illustrations that compare the lives of more modern Muslim/Russian/Armenian families to those of traditional Muslim families in Transcaucasia referred to the way that he and Hamideh Khānum and their friends lived in contrast to life in his own community of origin in Nakhchivān.

For example, a number of cartoons in *Mollā Nasreddin* mocked veiled Muslim women walking in the more cosmopolitan sectors of Tiflis. This seems to reflect his own personal experiences. When his sister Sakineh and her children came to Tiflis to visit, Mirza Jalil took them to see the city's funicular, a tram built for steep inclinations. At his request, Sakineh continued to cover her face while wearing the traditional veil of women from Nakhchivān. Given the strict gender norms of Nakhchivān, it may be that Mirza Jalil was trying to protect her reputation while she was in Tiflis. However, the sight of a fully-veiled Nakhchivāni woman was such a shock to the more cosmopolitan Christians of Tiflis that a group of curious men stalked her. After this incident, which seems to have profoundly rattled Mirza Jalil, Hamideh Khānum ordered modern clothes for her sister-in-law Sakineh. Yet the memory of the startled people of Tiflis stayed with him and was routinely reflected in the pages of *Mollā Nasreddin*.

As the above suggests, while he did his best to support women's rights Mirza Jalil was not averse to holding on to some traditional mindsets. In another case in 1912, Hamideh Khānum was invited to present a paper at the annual meeting of the Cotton Growers of Transcaucasia. She wrote a detailed presentation and asked him to read it. But his first response was 'Do women also write reports?' She was hurt by his statement but bit her tongue, and eventually he read her report. When she presented her paper at the conference, the audience was impressed with her erudition in agricultural matters and her courage to present a paper before 500 people. After this experience, Mirza Jalil took back what he had said – whether in jest or seriousness – and wrote a laudatory article about her achievement.

From the beginning, the couple agreed to maintain a long-distance relationship and keep their separate residences. The distance between Kakhrizli and Tiflis was around 360 kilometres (220 miles). It would take at least three to four days to travel this road by carriage, their usual mode of transportation. He would visit her a few times during the year. They also vacationed at the resort town of Shushā (Nagorno-Karabākh), around 50 miles from Kakhrizli. Many Caucasus Azerbaijani writers, poets, musicians and singers resided in Shusha, which had a lively culture of plays and performances.

Hamideh Khānum credited her family doctor for suggesting their long-distance marriage so they could continue their individual responsibilities. However, it is more likely that her independent wealth, and the fact that the estate was their principal source of income, gave her the right to break with patrilocal norms and not move in with her husband. In Tiflis, Mirza Jalil lived in a small apartment with his daughter Monavvar, as well as several young people from their extended family who were under his care. The youth reciprocated by bundling the newspapers each week and taking them to the post office to be mailed to subscribers.

Mirza Jalil was meticulous but also unconventional in his working and living habits. According to his wife he was a kind and generous person but also reclusive. He craved long hours to himself and had no patience for socialising that did not relate to his work. In her candid memoir Hamideh Khānum talks about the occasional ups and downs in their marriage, including a brief separation. However, the marriage on the whole brought out a more joyous side of Mirza Jalil, one that was visible when he was at the estate or vacationing with her. He once told her: 'I was not created for family life. I am essentially a dervish-like person. I have a difficult character. I am nervous. I confess, that living with me is difficult. I have no patience to raise children. You made me a family man' (quoted in Javānshir 2016, p. 69).

Their unusual but successful marriage opened doors to both of them. Her wealth provided a steady income for many years – a comfortable house in Kakhrizli, access to her father's large library as well as quiet and enjoyable visits to the estate where he went fishing, horseback riding, hunting, and swimming. He also was able to enjoy vacations at the Shusha resort. He could now devote himself to publishing *Mollā Nasreddin*, and from time to time help his wife with the estate – overseeing the planting of the crops and harvest, doing the bookkeeping and occasionally teaching the village children. In the process, he also learned a great deal about village life and relations between landlords and peasants. The estate grew a variety of crops such as cotton, grains, fruit and vegetables. It also housed a workshop with multiple looms where Muslim and Armenian women weaved woollen shirts, socks and gloves, and produced floor mats. Many of Mirza Jalil's articles were written in Kakhrizli and reflected the lives and struggles of the working people he saw around him.

Hamideh Khānum also benefited from this arrangement. She continued to live with her young son in Kakhrizli, tending to her village and the considerable responsibilities of the estate, which included overseeing the

harvest, grinding grain in their mill and the yearly dredging of the local spring. Mirza Jalil's reputation and philanthropic involvements allowed her to play a more prominent role in society, especially in activities related to women's rights, which might have been difficult had she stayed a widow or married a more conventional husband. In Shushā and Tiflis, she organized plays, held fundraisers and benefits and used the funds to support the education of impoverished girls and boys. She established close links with an Armenian women's society, and together they tried to build bonds of friendship between their embattled ethnic communities.

Mirza Jalil mischievously helped his wife's fundraising activities by lampooning the parsimonious community members who did not contribute to charitable causes. He also praised those who did, such as Hajji Zeyn al-Abidin Taqiov. In these ways, he enticed wealthy members of the community into becoming more generous benefactors and aided her causes. But even with his support, many of her activities were considered outrageous by the *beys* and Muslim clerics, and they did everything in their power to stop her. The *beys* wrote letters of complaint to the governor of Ganja, who generally ignored them. Periodically, her enemies let loose their herds of animals in her vineyard in Kakhrizli, destroying her crop. In her words 'no walls or barriers could stop these two-legged animals' (HMQ, p. 63).

The estate was large, and far away enough from major cities to provide the couple with the opportunity to shelter several political refugees. Among them were Georgian revolutionaries who had gone to Iran to participate in the restoration of the Iranian Constitutional Revolution in 1908-09, but fled back to Russia when the tsarist government occupied the Iranian province of Azerbaijan. Through harbouring refugees, Hamideh Khānum benefited from the expertise of some highly educated men and women who helped with the farm as they quietly sought protection from the tsarist police.

To prevent waves of contagious diseases, Hamideh Khānum administered first aid and personally vaccinated her community. She had to convince her village community of the benefits of inoculation, which was deemed ritually impure. Hamideh Khānum also created a small pharmacy in her house to help her community. While in Poland, she had learned herbal medicine and homeopathy, and thus used a variety of modern, traditional and alternative medicines to cure illnesses. Through these practices, she must have saved hundreds of lives. With Mirza Jalil she also opened a mixed-gender school for the girls and boys on their estate in 1909, where he occasionally taught during his visits.

On top of all her responsibilities, Hamideh Khānum was a wife and mother in a blended family. There was Mirza Jalil's daughter from a previous marriage, her son and daughter from a previous marriage, and the couple's two sons, as well as several orphaned children of their extended family who were periodically left in their care. When Mirza Jalil's daughter Monavvar married a military officer in 1919, Mirza Jalil could not attend the wedding. It was Hamideh Khānum who assembled her stepdaughter's trousseau and sent the bride off to her husband's house.

How involved was she with the periodical? She was a widely read intellectual in her own right, with a diverse set of interests from agriculture and medicine, to women's rights and the folktales of Karabākh. In her letters to her husband from Kakhvizli or Shusha, she routinely suggested topics for articles in *Mollā Nasreddin* (HMQ, p. 43). We don't know if she ever wrote articles under a pseudonym, but according to Issa Habibbeyli, the Azerbaijani historian of *Mollā Nasreddin*, "she was always the first to read and to criticize Jalil Mammadqolizādeh's papers, articles, and novels" (Habibbeyli 1999, 33).

After Mirza Jalil's death, she translated some of his works into Russian. In 1939, she became a member of the Azerbaijani Writers' Association and

was commissioned to write a memoir of their life together. This candid work, written between 1934 and 1938, is the most comprehensive account of the life of Mirza Jalil and *Mollā Nasreddin* and reveals a great deal about their remarkably modern marriage. It shows that while she was a relentless supporter of her husband and his activities, she kept her own voice and vision as well as her independence, both during and after their successful 25 years of marriage.

The English-language literature on Muslim feminists has until now neglected the lives of Muslim feminists of the Russian Empire before the 1917 Bolshevik Revolution. This wonderful English translation by Hasan Javadi, a distinguished historian of Azerbaijani culture in both Iran and Transcaucasia, and Willem Floor, a prolific historian of modern Iran and the Middle East, is a welcome step in redressing this gap. It is a must-read for anyone interested in the lives of late 19<sup>th</sup> and early 20<sup>th</sup> century Muslim and Middle Eastern feminists.

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Image 13: Boys Flute Band (Date unknown) © Liam Mc Quade. All rights reserved.

## “That wee girl Goebbels”. Review of Northern Protestants on Shifting Ground by Susan McKay (Blackstaff Press, 2020)

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All photographs by Liam Mc Quade

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The ‘Northern’ in the book’s title refers to Northern Ireland, the version of the state’s name preferred by unionists and liberals. As I’m neither of these I’ll refer to the place as ‘the six counties’ or the ‘north’. It was created in 1921 following the defeat of the Irish revolution and the mobilisation of the Protestant working class by the northern ruling class in support of a project of creating a small state that would be part of the United Kingdom. Protestants in Ireland were largely loyal to British imperialism for historical reasons, due to the way the country was colonised by Scottish and English settlers in the 17<sup>th</sup> century.



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By the standards of the party she led until April 2021, Arlene Foster was on the modernising, inclusive wing of the Democratic Unionist Party (DUP). She was willing to go into Catholic churches for funerals and attended a Gaelic football match – even standing for the Irish national anthem. Unlike many of her colleagues, including several MPs, she probably doesn’t believe that the world is 6000 years old either. David Ervine provides an indication of just how untypical of her party this was; he is a man who joined the Ulster Volunteer Force – a murder gang that existed for no

other purpose than to murder and torture Catholics – as a teenager. Ervine said that ‘the DUP couldn’t make Northern Ireland work because the party just hated Taigs (a derogatory word for Catholics)’. So a man who spent 11 years in prison for transporting a bomb intended to kill Catholics found the attitudes of the DUP too bigoted. In fairness to Ervine, he was one of a small number of loyalist terrorists who subsequently re-evaluated his ideology. This is not true of the vast majority of DUP MPs and councillors.



Susan McKay, a founding member of Belfast’s Rape Crisis Centre and now a fairly regular contributor to [The Guardian](#) and [The Irish Times](#), takes her readers on a geographical and political trip among the Protestants and loyalists of the six counties. The two terms have never been synonymous and there has always been a thin strand of Protestant anti-imperialism and socialism. One of the things that McKay demonstrates in a series of interviews, reflections and pen portraits is that they are becoming fractionally less synonymous as the southern Irish state has radically secularised and many Protestants see Brexit for the reactionary English nationalist mess that it is.



### **Ski masks**

It was a project that required a certain amount of physical courage. While the days when bearing the name 'Liam' in many of the areas she visited would have been enough to get you bundled into a car for a one-way trip have been consigned to fairly recent memory, they do not tend to be welcoming places. Those men you see parading on the streets in ski masks against the Brexit protocol aren't planning to practise their slaloms after they've finished marching. They're telling you that they are willing to use random sectarian violence against anyone who disagrees with them. It's fair to say that the offer of a million pounds would not persuade most northerners from a Catholic background to undertake what McKay did. Some of her interviewees would regard McKay as more morally reprehensible than a Catholic who just had the misfortune to be born that way. They would see her as traitor who turned her back on her own Protestant people by holding a mirror up to them. This led one politician to describe McKay, who was born in 1957, as both a 'wee girl' and 'Goebbels' in an interview. 'Wee' is a dialect word meaning little.

Roughly speaking her interviewees fall into four broad categories.

Dawn Purvis succeeded David Ervine as leader of the Progressive Unionist Party, which had attracted her by its support for a woman's right to choose and ending academic selection for children – policies that distinguished it from the two larger unionist parties. She claims to have been surprised to learn that some of the men associated with the party's armed wing were still capable of committing murder; she quit when they reverted to type. She then became director of Belfast's Marie Stopes clinic, putting her in direct conflict with the major unionist parties and the churches. In British terms she's someone who'd be on the leftish Dawn Butler wing of the Labour Party but is now politically homeless, one of those left-leaning people who think the north can be a 'normal' state with 'normal' class politics. If this hasn't happened one hundred years after the state was created, it probably isn't going to happen at any other time.

Carla Lockhart, the DUP for Upper Bann, has a large portrait of her party's founder and fundamentalist evangelical cleric Ian Paisley on her office wall. She is much more representative of the unionist political mainstream than Purvis, describing the Westminster government's 2020 legislation requiring the north's health service to provide abortion as 'one of the darkest days' in the state's history. That said, her knowledge of history does seem to be fairly shaky as she argues that preventing loyalist parades marching through nationalist areas is identical to how Black people were treated in South Africa. This comparison must be upsetting for Emma Little-Pengelly, a former DUP MP whose father was so friendly with the apartheid government that they sold weapons to him for the loyalist murder gangs.



### **A bit of manners**

Pastor Barrie Halliday makes Lockhart, the career politician hand-picked by the party leadership, seem reasonable. He articulates a 17<sup>th</sup> century rural Calvinism in the modern world. You see small churches like his scattered over the north's Protestant areas where men like him thunder against sodomy, abortion, alcohol and Catholicism. Addressing Black Lives Matter supporters on Facebook he told them: 'Youse have shown yourselves to be lesser breeds... You'd need to have a bit of manners, a bit of respect. We are a white civilisation, a Christian culture.' None of that 'we're all God's children' stuff for him. But while his depth of religious obscurantism might make him a bit of an outlier, his racism his very typical of both the DUP and many loyalist working class communities in the cities where attacks on migrants are frequent.

McKay's personal courage is more than matched by that of Toni Ogle. Her father, a former member of a loyalist murder gang, was kicked and stabbed to death by his former associates. These gangs now run drugs, prostitution and protection rackets in working class Protestant areas and get government grants at the same time. It takes some nerve to stand up to them if you live among them and Toni Ogle is one of the rare people

willing to do it. She is motivated by a desire for justice for her father and an abhorrence of the rampant gangsterism in her area. And to do that she has had to put the sectarianism of loyalism behind her.

Northern Protestants on Shifting Ground is a valuable contribution to an understanding of a group of a million or so people who are largely inaccessible both physically and intellectually to anyone outside their own community. Their major cultural event, the Twelfth of July, is a drunken sectarian marking of territory with bonfires and marches where even journalists are not welcome. Their ideological points of reference are The Somme, another battle that happened in 1690, some evangelical Protestantism and whatever the current flavour on the far right is – Trump, Farage, Brexit. As McKay notes in her epilogue: ‘Feminists have long realised that they are seen in mainstream unionism as outsiders whose demands must be resisted and that they...still have no country to call home.’ What she doesn’t quite do is draw the political conclusion of that insight about unionism and the six counties to its logical conclusion on the nature of those two things.

As for the ‘modernising, inclusive’ Arlene Foster, she’s got herself a new job on a far right TV station where the most famous presenter advocates letting migrants drown in the English Channel.



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Image 1: **Dichotomy** (2007) © [Houria Niati](#). All rights reserved.

## ***A New Theory of Human Rights: New Materialism and Zoroastrianism* by Alison Assiter (Rowman & Littlefield, London 2021)**

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*A New Theory of Human Rights* is the most recent book written by *Feminist Dissent* collective member Alison Assiter. It is a rich and dense book that puts forward a series of very important arguments about how we can reconceptualise the concept of human rights. Assiter begins the book by noting that it wasn't such a long time ago that many feminists and those on the left looked at the idea of human rights as an individualistic and bourgeois conception that should be transcended by a more radical form of politics. Liberal conceptions of human rights seemed so embedded in mainstream forms of politics among social democrats as well as conservatives that the idea of needing to construct a new theory of human rights would not have seemed particularly relevant. But this is clearly the case no longer; and central to this book's *raison d'être* is way this consensus has collapsed both on the right and the left. It has collapsed on the right through the emergence of forms of radically anti-democratic racist nationalism, sometimes religiously inspired, represented by Donald Trump, Jair Bolsonaro and Narendra Modi – figures who have flaunted their nativist chauvinism, misogyny and contempt for the whole idea of rights. This state authoritarianism sits alongside the re-emergence of extreme right political movements, promulgating racist theories of 'cosmic



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nationalism...[that] seek to extinguish the entire ground of universal humanism, equality and liberal modernity' (Bhatt, 2020:3).

In such a context one might have thought that those on the left would rush to defend concepts of human rights as vital foundations of a democratic polity, but no. Instead we see a series of arguments from leading 'progressive' social theorists such as Judith Butler, Radgar D'Souza and Saba Mahmood (all discussed in this book) who regard the argument of human rights as intrinsically connected to Western imperialism and colonialism. It is in the face of this that Assiter seeks to reconstruct the argument for human rights on a radically new philosophical foundation. She does this by going back to conceptions of an essential humanity, of a universal womanhood, interpreted through the lens of a materialist realism. It is these three concepts that structure the book through a series of interrelated arguments building on her philosophical writings and her engagement in the work of *Feminist Dissent* over many years. The book's project is thus nothing less the recreation of new conceptions of political and ethical 'universalism', rebuilt from the ruins of actually existing political philosophy.

In the first three chapters of the book Assiter offers a discussion of her understanding of materialist realism, and why she sees this as crucial in providing a foundation for a new understanding of human rights. She begins by outlining a distinctive conception of reality where the universe is constituted not statically but as a dynamic and constantly evolving force. As she says 'things manifest themselves as potencies and potentialities...which constitute a form of unfolding or freedom that is ubiquitous in the world (2021:2). Assiter's distinctive conception of materialist realism is derived from a feminist reading of the work of Schelling, Bergson and Kierkegaard, which she situates alongside the insights of Darwin and contemporary biology. At the centre of this approach is the view that 'humanity is continuous with the rest of animal

nature, and emerges from that nature' (2021:25). Her conceptualisation of human rights therefore derives not from a human consciousness separate from the natural world, as much western philosophy has argued, but rather from the powers that human beings derive from the natural world. In this sense human rights are 'expressions of the needs of humans' (2021:25) arising out of our embodied experience, but they are at the same time intrinsically linked to ethical questions concerned with our coexistence with the natural world. As Assiter argues:

*When we think ethically about other humans we think in terms of our responsibilities or obligations to others. If nature as a whole is a living entity...[then] the ethical concern includes a need to care for the nature that...'pre-exists' the human and...makes the human possible (2021:44).*

In this sense, ethical concerns are inherent in the way we meet our needs as humans rather than sets of rules that need to be bolted onto social life. By situating human consciousness in a continuous relationship with the natural world and by understanding ethical issues as arising out of the question of how we coexist with the natural world as well as with each other, she is able to reconceptualise human rights 'as derived from needs' (2021:60).

By conceptualising human rights as an immanent component of our presence on the planet, Assiter creates a platform for the second section of the book (chapters 4-6) where she takes issue with concepts of human rights as critiqued by postmodern constructivists such as Michel Foucault and Judith Butler. Fiercely rejecting the dominant intellectual fashions Assiter offers a defence of the concepts of universalism and essentialism, and of universal womanhood in particular. The central postmodern idea Assiter wants to challenge is its denial of universal categories. Butler's highly influential view that there is no such thing as a 'pre-discursive'

natural body; in other words conceptions of 'woman' are entirely social and cultural constructions. This means there are no inherent qualities that one can ascribe to all women, and to do so would be excluding, reductive and 'essentialist' (which is probably one of the worst things that can be said about you in the world of contemporary social theory). Assiter rejects this assertion. She argues that biology is still very important, and we should 'remember our biological bodies, since it is in virtue of these that we all share a concern for the natural world on which we all depend and from which we have all emerged' (2021:76).

But in line with the sense of 'potency and potentiality' outlined earlier in the book, these conceptions of 'biology' are seen to interact dynamically with cultural and social conceptions. This means that while the physical reality of womanhood is something she wants to presently situate as part of universal womanhood, her conception of this universality is itself dynamic and subject to change. While Assiter rejects postmodern constructivism and defends universality, at the same time she is seeking to create a concept of universality that is itself able to change and evolve while remaining crucial for constituting the basis for women's political struggles against violence and inequality. She writes: 'if we are to act as women to ameliorate domestic violence against women, to fight against the rape of women, we need the universal category of woman' (2021: 78). The biological is important but it is not inert, ahistorical or timeless. In this sense human rights are universal, but the universality being proposed is an interactive and relational system that creates the basis for ideas of equality, justice and human flourishing.

It is through the Aristotelian concept of human flourishing ('eudemonia') that Assiter moves on to an important critique of the postmodern argument that human rights are 'Western'. But rather than basing this on Greek philosophy, she goes back still further to ancient Persia and the conceptions of rights embodied in a Persian text, the Cyrus Cylinder

(inscribed in 539BCE). This text was influenced by the development of Zoroastrian religious thinking and contains within it a clear conception of human free will and how people should exercise their freedom to bring happiness into the world and bring about the dominance of good over that of evil. Assiter argues that 'rather than any texts of Locke, Kant or Rousseau or even Aristotle, the Cyrus Cylinder is proclaimed as the world's first charter of human rights' (2021:86). In making this point she is not claiming that Cyrus had a major influence on modern conceptions of human rights; but given that she regards issues of ethics, equality and freedom as based on universal needs and capacities, we should not be surprised to see them being addressed in the ancient world in terms not so dissimilar from those we would use today.

The point here is that we can ascribe conceptions of human rights to different origins and they do not have to be seen as originating in the European Enlightenment; indeed, the assertion that human rights began at that point could itself be Eurocentric. While Assiter sees the philosophy that developed in the Enlightenment as very significant, she is also very aware of critiques such as those of Paul Gilroy that pointed to the way Enlightenment concepts of 'the human' were built on the assumption of the practice of slavery. This represents a conceptualisation of the universal that was exclusive; however rather than throwing out the concept of universality, she wants to develop it further. She points to the way anti-colonial struggles sought to do exactly this – rather than asserting the particularity of colonised subjects, anti-colonial liberation movements asserted their common humanity and thus their entitlement to claim freedom and citizenship. While the concept of a right continues to be widely associated with liberal citizenship, 'it is possible to re-think the notion in a way that may be more in accord with a genuine conception of universal humanity' (2021:78).

In the concluding chapters Assiter develops this critique in a detailed assessment of the work of the post-colonial theorist Saba Mahmood, who follows in the footsteps of Foucault and Butler in situating human rights as a product of imperialism and colonialism. Mahmood's 2004 book *The Politics of Piety: The Islamic Revival and the Feminist Subject*, which discusses the Islamist women's movements in Egypt, is a study of women who join Islamist movements and running through this book is the argument that is important to recognise that the women who join these movements are demonstrating their agency, rather than their docility and passivity. Indeed, Mahmood holds up this expression of piety and obedience to God as something positive that this tradition offers women, and which she sees as unjustifiably excluded from the 'rationalist, self-authorising, transcendental subject presupposed by Enlightenment thought' (2004:13).

Assiter's concern is the way this argument constructs a binary between the 'western secular' that is seen as a foreign import, and the 'local religious', seen as 'authentic'. She sees this as a false opposition that romanticises religious identity, that fails to consider the wider political forces shaping these Islamic revival movements globally, and which also fails to consider the importance of human rights thinking that women across the Muslim world are adapting to assert their need to lead the lives they want. She quotes the Pakistani feminist Afiya Zia noting that 'patriarchy is a very valuable anti-emancipatory tool that enables men to "flourish" but to suggest that political critique of this should be suspended while analysing its cultural and religious situatedness is a hardly a definition of critical engagement' (Assiter:152). This points to how much post-colonial theory, while claiming to be sensitive to the local and the particular, fails to grasp how valuable concepts of universal rights have proved to be for women fighting oppression within those particular contexts.

The book concludes with the reassertion of the argument that all forms of special consideration for minority and marginalised groups need to be sensitive to the specific conditions in which that group finds itself, and also that the measure of equality and fairness lies in a universal conception of human rights. This is because human essence and universal rights are not separate from our embodied existence on this planet but rather the 'result of recognition of our universal embodied and material humanity which gives rise to a set of needs that, in its turn, produces rights and obligations on each of us' (2021:146). It is in this sense that a conception of universality matters most to those who are marginalised and excluded. In the depth of the current political crisis facing progressive feminist, anti-racist and left politics, it is difficult to overstate the importance of work like this that offers the philosophical foundations of a universal political project.

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