



Publication details, including guidelines for submissions: <https://rowaq.cihrs.org/submissions/?lang=en>

Moving Beyond the Nation-State: Addressing Religious Freedoms in Lebanon

Ali Kassem

Academic citation of this article: Kassem, Ali (2020) “Moving Beyond the Nation-State: Addressing Religious Freedoms in Lebanon”, *Rowaq Arabi* 25 (2), pp. 59-72.

Disclaimer

This article may be used for research, teaching and study purposes, as long as it is properly referred to. The Rowaq Arabi editors make every effort to ensure the accuracy of all the information contained in the journal. However, the editors and the Cairo Institute for Human Rights Studies make no representations or warranties whatsoever as to the accuracy, completeness or suitability for any purpose of the content. Any views expressed in this publication are the views of the authors and not necessarily the views of the editors of Rowaq Arabi or the Cairo Institute for Human Rights Studies.

Copyright

This content is published under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 Licence.



Moving Beyond the Nation-State: Addressing Religious Freedoms in Lebanon

Ali Kassem

Abstract

This paper builds on six months of fieldwork conducted in Lebanon between May 2018 and December 2018 with eighty-eight Lebanese Muslim hijabi women, using in-depth interviews and focus groups. Documenting their experiences of exclusion and discrimination in the Lebanese worksphere, the paper draws insights from the irrelevance of the Lebanese state for participants and the absence of its legal system and apparatuses as potential avenues of anti-racist mobilisation and claims-making. Taking a socio-historical approach, the paper reconstructs Lebanon's invention and shows its entanglement with anti-hijabi discrimination to argue that the nation's very foundation institutionalised unequal citizenship and, in doing so, anti-Muslim racism in a modern/colonial world. Given the emerging critique of modern law as a tool of anti-racist redress, the paper invites a reflection on modes of protecting religious freedoms and practices against Western modernity's racist exclusions beyond, and despite, the modern post-colonial nation-states of the West Asia and North Africa regions.

Keywords: Lebanon; Hijab; Islamophobia; Racism; Postcolonial; Decolonial

Introduction

When thinking of anti-Islamic racism, and particularly anti-hijabi discrimination, one does not think of the Arabic-speaking region. Indeed, one does not think of Muslim-majority countries, or Muslim-majority communities. Such discrimination is often assumed to be limited to the West, as such phenomenon have been 'largely dismissed in Muslim countries'.¹

Yet, sociologists have long argued that an understanding of questions of discrimination and rights, as well as majority-minority dynamics, requires an interrogation of structures of authority, privilege and power, rather than of demographics. In this sense, a numerical majority can be, and may have long been, a disenfranchised sociological minority just as a demographic minority can be a hegemonic sociological majority. Accordingly, one realizes the need for research and scholarship tackling the experiences of various groups, including groups who may not be significant demographic minorities but who nevertheless experience aggressive subalternisation

and exclusion. As I will argue here, Muslim hijabis in contemporary Lebanon are an example of such a subalternised group.

In this paper, I will bring to light the plight of practicing hijabi Muslim women in Lebanon, a small Arab country on the shores of the Mediterranean. To do this, the paper will begin with a brief decolonial reconstruction of Lebanon's ongoing history to lay the backdrop of the country's identity and open spaces to rethink who may, and who may not, be subject to oppression in the small Levantine land.

Then, I will turn to explore the project from which this paper emerges. I begin by briefly presenting the research methods and questions, elucidating the theoretical framing adopted, and then presenting some notes of relevance around the study of the Islamic hijab. Consequently, the paper will present data exploring, first, hijabi Lebanese women's exclusion and oppression and, second, the absence of the state and its legal system as potential sources of resistance for Lebanese hijabi women. Theorising this, I conclude by building on post/decolonial critical legal work to understand this absence and silence and to argue for the need to heed participants' formulations and search for redress beyond the boundaries of the nation-state and its legal apparatus.

Lebanon's Invention and Present

A multiparty confessional republic on the shores of the Mediterranean, Lebanon, as a nation, 'never existed before in history. It is a product of the Franco-British colonial partition of the Middle East'.² Invented and expanded in pursuit of independence from the rest of the Levant, through a special relationship with France as a beacon of its 'civilising mission', Lebanon was set up in the inter-war period as a presidential democracy under Maronite domination with eighteen religious sects.

The nation's invention meant that the various Christian and Muslim sects had unequally become the Lebanese where, in creating the nation, religion and religious divisions were strongly entrenched.³ Accordingly, the country was invented as a system of colonial hierarchies with an exclusionary approach to citizenship where the nation's colonial founding largely stood on the disavowal of its Muslim population in favour of its (Maronite) Christian one. Eventually, in their quest to establish 'a colonial civic order rather than solely a colonial state', the French laid the foundation for a heterogenous Lebanese citizenship and many of the country's ongoing internal contradictions.

This colonial state was based on a dual legal system whereby 'personal affairs' were referred to religious law rendered rigid and re-shaped to fit the inflexibility of civil law, further enshrining injustices, clientelism, divisions and paternalism. Beyond religious affairs, the Lebanese legal system was directly modelled on the French one, as were the nation's constitution and institutional structures, playing a major role in (re)forming the 'Lebanese' subject and space. This system remains largely unchanged today.

Politically and economically, overwhelming Maronite hegemony was forced into a premature ending by the Lebanese civil war beginning in 1975 as well as the complex geopolitics of the Levant and the wider region at the time. Loaded with questions of identity, belonging and

citizenship, the country's multiple wars between 1975 and 1991 ultimately ended with an agreement known as the Taif Accord and an ensuing power re-distribution where political Maronitism (relatively) receded as Sunni and Shia political and economic power witnessed (and continue to witness) an upsurge to arrive at the delicate confessional power balance of today.^{4 5 6}

Research Question and Techniques

While the social sciences have long had their 'focus on objects (culture, society, economy, politics)', the project from which this paper stems 'shifts the politics of knowledge toward problems and questions that are hidden by the rhetoric of modernity'.⁷ It is accordingly a specific exercise of decolonial listening for knowledge-production with a subalternised group seeking to voice, conceptualise and analyse their lived experience as they themselves experience it.⁸⁹ Research here is therefore understood as the attempt to make 'visible the invisible' and analyse 'the mechanisms that produce such invisibility or distorted visibility' through an exercise of engagement with the 'invisible' people themselves.¹⁰ In this sense, this paper does not claim to represent an external reality it has identified or the conditions of what is, but rather it seeks to listen and work with how the subaltern experience a specific aspect of their reality and its problems.

Methodologically, as qualitative research by a Lebanese Shia Muslim male based in the English academy, the project from which this paper emerges adopted in-depth interviews and focus-groups as its methods. With semi-structured guidelines, data collection began through contacts held in Lebanon and snowballed to be met with great enthusiasm in the field. Fieldwork concluded with eighty-eight participants (forty-four individual interviews and forty-three focus-group participants). Ethical approval was obtained from the ethics review board at the University of Sussex where this research was based and fieldwork covered the period between May 2018 and December 2018 working in the capital Beirut, a number of secondary cities such as Saida, Tripoli, and Sour, as well as a number of rural locales.

Participants were diverse in terms of their demographics, socio-economic backgrounds, occupations, and residence; both Sunni and Shia, from housewives to entrepreneurs and from Beirut's upper classes to the Lebanese South's poorer populations, with an age range of eighteen to sixty-nine. Nevertheless, Beirut was over-represented in the data, and a significant urban-bias existed, as did a bias towards younger age groups. The image drawn out here must be understood with these limitations in mind. All interviews were conducted in colloquial Lebanese Arabic to then be translated and transcribed into English and analysed with NVIVO; a qualitative data analysis software. All reporting is done using pseudonyms – presented in brackets following quotes in the text – as to preserve the anonymity of participants.

Theorisation and the Hijab

To theoretically frame this paper, I will draw on the work of the modernity/(de)coloniality collective, a key emerging decolonial school in the social sciences, as it offers a theorisation which

has proven to be of great analytical value. It must be here emphasised that the choice of this theorisation emerges from the fieldwork: it is chosen and developed as it is felt to reflect and convey what my participants had shared and expressed.

For the decolonial studies collective, the key point to realise is the understanding of modernity as a Eurocentric rhetorical narrative and a project of domination: seen from the outside of Europe, it is the Colonial/Imperial pursuit of a uni-versal world where Europe is the present of history and the geographic centre of the world.¹¹ Accordingly, modernity has a darker side: coloniality as a power-structure that is distinct from colonialism as political material domination. Working through a series of techniques where ‘the cultural, political, sexual, spiritual, epistemic and economic oppression/exploitation of subordinate racialized/ethnic groups [is exercised] by dominant racialized/ethnic groups with or without the existence of colonial administration’, coloniality is a structure that essentially seeks to dominate, subjugate and erase the pluriversity of the world.¹²

Also termed the ‘colonial matrix of power’, coloniality rests on a quest for the control of authority, sexuality, knowledge, and subjectivity. Crucially, in the collective’s theorisation, these four spheres are glued together by racism. Racism here is not ‘a classification of human beings according to the colour of their skin but rather a classification according to a certain standard of “humanity”’.¹³ Race is thus defined as a ‘global hierarchy of superiority and inferiority along the line of the human produced by institutions of modernity/coloniality ‘politically, culturally and economically’.¹⁴ ‘Humanity’, in this respect, is not ‘a transcendental and neutral essence that just anyone can appropriate and describe’ but is rather a particular enunciation born out of the Western episteme and ‘based on epistemic and ontological colonial difference’.¹⁵

Race is, therefore, the dehumanising ‘structuring process’ in the modern world. Accordingly, racism is understood as ‘an instrumental term in which the colonial difference is built, and the colonial wound infringed’.¹⁶ Produced and reproduced for centuries, it is upheld ‘by the institutions of the “capitalist/patriarchal western-centric/Christian-centric modern/colonial world-system”’.¹⁷ Racism is, in this respect, never limited to ‘prejudice or stereotypes, but above all an institutional/structural hierarchy related to the materiality of domination’.¹⁸

Further, as coloniality is global, this racialisation is global. Yet, in line with its definition, race is not uniform across the globe: we have ‘diverse forms of *racisms*’ which can be ‘constructed through various racial markers’.¹⁹ Within a decolonial framework, racism is specific to the local and always intertwined with the global as the ‘colonial difference’ is itself where the global meets the local. These different forms of racism emerge out of the different, particular, past and present experiences of a given geography and people. Racialisation is therefore constructed through diverse markers that can include (and have included) ‘colour, ethnicity, language, culture and/or religion’.²⁰ Therefore, while colour has been the prevalent form of racism in certain geographies and periods, it is by no means the exclusive one.

With this, decolonial theorists have argued that the nation-state itself, both as a concept and as a material and lived entity, with its various apparatuses ranging from the legal system to bordering, is an ‘institution of modernity’ and, consequently, an institution of coloniality.^{21 22} In

this respect, the term ‘modern/colonial states’ has been proposed to bring forth the realisation that the modern state form is an inherently colonising one across spheres ranging from the epistemological to quotidian lived experiences.

In parallel, anti-racist scholars, including those working on Islamophobia, have increasingly argued for the need to think beyond state law for liberatory anti-racist politics.^{23 24 25} In line with this, much work in critical legal theory has strongly argued that the law, particularly in postcolonial societies, urgently requires a decolonising labour as it appears ‘independent, removed and devoid of context’ but in reality powerfully functions for and within coloniality.^{26 27} Sara Ahmed, for example, has noted how ‘responses to racism tend to exercise the figure of “the racist” as the one who can be charged and brought before the law’ in a powerful individualising act that sediments authority in a specific state structure meant to deal with singular incidents.²⁸ Doing this, structural and institutional forms of racism are concealed as the very act of resistance becomes imbricated in the re-inscription of colonial power structures through the colonial nation-state itself.²⁹

In regard to the hijab, a number of authors have advanced that the dress, transformed into a marker of racialisation, is now governed by a particular Eurocentrism where plurality is unthinkable.^{30 31 32} In this sense, the Muslim hijab has seen its legal fashioning into a symbol of abject Otherness across the West, incompatible with ‘Western values’, to become an object whose control and subjugation are a “necessary” act of sovereign power [that] aims at creating a specific law and religious subject through the control of the visible in the public liberal/secular sphere’.³³

In these legal systems, this scholarship showcases how the hijab is consistently a question of semiotics where judgments and messages unfold within the framework of hegemonic individualising and categorising paradigms through which coloniality is established. In a key instance of this, these legal frameworks, among other colonising techniques, necessitate that the discussion of (religious) clothing only unfold where ‘western semiotic ideology...gives to images and signs a fixed meaning’ and removes them from their wider depth, from their role as ritual practice contributing to the constitution of a non-western self.^{35 36}

Embedded within a ‘Protestant semiotic ideology’, the Western system of reading, clothing and legally controlling the body and its dress eventually places the Muslim wearer in a position of inferiority, reducing the dress to a symbol of a pre-defined discrete signifier that the state, as sovereign, retains and exerts monopoly over.³⁷ Concealing anything beyond this externally fixed meaning, the legal system is therefore demonstrated as being the tool through which the dress is re-inscribed within colonial structures and removed from its non-Western sense.

Accordingly, the legal ‘criminalizing [of] Islamic dress’ has been conceptualised as the site of ‘the attachment of the colonial past to the present and future’, where the sovereign’s act of exerting control is but a strategy for neo-colonialism.³⁸ In this sense, nation-state building through the control of the Muslim practice itself can be understood in continuity with the colonial past and as a strategy for the establishment of the neo-colonial present/future where the law functions as the facilitator of specific political imperial agendas.³⁹ The legal system here becomes the sphere that ‘creates the political space for such agendas’ rendering it a colonising ‘epistemic form through

which knowledge is produced'.⁴⁰

Focusing on the Global North, this enormously valuable scholarship has rarely been complemented with empirical research, especially not in the Global South or in Muslim-majority societies, as it has seldom been extended to problematise the role of the state and the law – particularly in post-colonial societies – in anti-racist resistance. In the coming paragraphs, I will begin the redress of this gap.

Workspere: From Hijabi Discrimination to Hijabi Resistance

During fieldwork, Muslim hijabi women's experiences of subjugation abounded. While hate speech, micro-aggressions and blatant discrimination, under various justifications and in different spheres of life ranging from the most private to the most public, existed, the question of discrimination in employment emerged as particularly prominent and pressing. Accordingly, in this paper, I will be limited to a presentation of discrimination in the workplace, especially given the magnitude of experiences shared by participants focusing on it and the fact that it is a sphere often drawn out as a distinct social sphere with its own logic, to develop the arguments being pursued.

And then about work! When you apply to work it's the same thing. They search for non-hijabis. I studied psychology. And some of the things, when you apply, you hear: 'How can you be a psychologist in a hijab? They don't work, no way, we won't have our psychologist be hijabi' Why? No. [Bahia]

Participant 1: And there is more. There are companies and job ads, they put a flagrant specification: not hijabi.

Participant 2: Yes, yes there are those. And there are places when you call them and they immediately ask 'Are you hijabi or not?' And if you say you are, they would say: 'No that doesn't work for us'.

Participant 3: I applied to a school once. From the start of the interview, she said to me: 'Look, miss, to say this as it is, we don't hire hijabis'. And that was that. [Iman school focus group]

The hijabi was filtered out of employment and the racialisation harming Muslim hijabi women's employment opportunities across the West was a global phenomenon, my data powerfully suggested.^{41 42} In a country where welfare and social security are foreign concepts and particularly given the small country's economic realities, this exclusion from the workforce is suffocating as the effects of anti-hijab discrimination here appear to be even more harmful than they are in the West:

Me as a hijabi, I suffered so much to find a job, and you can't not [have a job]...I once applied, a C.V., to go work in the Gulf, in a company, through a Lebanese recruitment agency. I arrived before my appointment, and sat there. And then my appointment time arrived. People were sitting in there, one by one going and having their interviews inside and my time came and passed. And I was still sitting, waiting. She didn't call my name for the interview. And I just kept sitting there, five minutes, ten minutes, fifteen minutes, twenty minutes...and then eventually I went up to her and told her I had arrived before my appointment time, and it had passed, but my name was not called for an interview. She said: 'Apologies, but you are a hijabi, and they don't hire hijabis'. [Maha]

Later, Maha, a young Beirut, told me that the recruitment agency was 'Christian' and that she knew they would never employ her. Yet, she was hoping that the fact the recruitment was for a company in the Gulf meant she would have a chance. It appeared she did not. This was because 'Lebanese people are controlling this', she explained, and Lebanese people would never want others to 'see them as hijabis because such was not how they wanted their nation to be':

They specify 'non-hijabi', on job applications or advertising jobs. They write: non-hijabi as a condition. The hijabi does not go well with them, the Lebanese. [Fatima]

In analysing this, I contend that the issue was that of post-colonial Lebanon, and the Lebanese, who had decided that hijabi women were broadly disqualified from obtaining employment, that their labour held less value. Both within the country and in sending skilled labour abroad, particularly to the Gulf, the hijabi was being excluded and expelled as women's bodies become key sites for the stigmatisation of wider communities and are instrumentalised to embed a social hierarchy. Here, the invented nation was drawn on again and again as global discourses imbricated in colonising racist structures dominated, my participants explained.

A similar instance evidencing this was the case of Rabab, a young engineer from Beirut, who lived and worked for a Lebanese company in Qatar for a number of years before deciding to return to Lebanon with her husband. Returning to her country of citizenship, she encountered her hijab as the site of powerful discrimination and exclusion from work, despite the fact she was relocating within the same company:

They treated me very differently [in Lebanon]. And my manager explicitly told me that 'because you are hijabi, they didn't want to hire you [in the Beirut branch], but I forced them to recruit you, but they didn't want to hire you because you are hijabi'. He [the Human Resources director] even lowered my salary....When I went to sign the contract I found it was 400\$ less. That's a lot. From 2000\$ to 1600\$. I asked why and he said he didn't know me yet. And I was like 'What do you mean you don't know me, I work for you! You are the regional Human

Resources, not just for Lebanon, for both here and Qatar! You can't say you don't know me'. He said he wants to try me. Eventually, I said no and that I won't accept it. Then he said he could add 100\$ and I wasn't going to accept it, but the manager spoke to me and said that it would just be for a while and that it was because of the hijab only, and that they'll fix it, but it never got fixed, of course. [Rabab]

In Canada, devaluing labour has been found to be an essential technique of racist social ordering where powerlessness is established while 'the labour of women of colour is evaluated in a doubly negative manner because it is based on an intertwining of sexist and racist ideologies'.⁴³ The situation in Lebanon differed little, it appeared.

On another level, this subjugation was subject to variables: geography, the identity of the institution, the conservatism of the dress, and the level of employment. While these cannot be fully explored within the confines of this paper, they are nevertheless worth pointing out:

Most of these banks, if I go to their Hamra branch [region in Beirut], there's no way I can get a job. If I go to the Dahieh branch [Beirut's southern suburb], they've started leaning a bit to reality: no, you find one hijabi. Of course, there are particular clothes only allowed, so yes, it's a baby step, but it's a step. It's still the case that a girl wearing a abaya; there is no way she can work in a bank, this is a big X. A girl in an *isharb* [conservative hijab], also no way. But they have gone past their hijab phobia there. It's a good thing. [Zeinab]

Islamic regions, it must be stated here, are not the regions where there is a majority Muslim population. Rather, they are a limited set of spaces where 'Islamic political movements' have established a strong presence and where the cultural norms have shifted, my participants explained. Ultimately, these are few and far apart spaces on the margins of the country, on the 'borders of modernity', as my fieldwork revealed. Practically, when it came to employment, this definition seems to shrink to extend very little beyond Beirut's Shia-majority southern suburb. But, as I came to realise, even in Beirut's southern suburb (Dahieh), this mitigation was minor:

The question of work, there is a serious problem in that regard; it's very rare for them to accept. In Dahieh, you find both [acceptance and non-acceptance]. But there are harassments when it comes to work everywhere. Like if she wants to work as a saleswoman [in Dahieh], there is a particular dress which is forced. In banks too. And the make-up, and the tight clothes and the pants [they make you wear]...even when they accept the hijabi there [in Dahieh], they accept her on their conditions. And an abaya-wearing [woman]? It's beyond rare for her to be accepted. And if we see her we get surprised: 'Oh, she really got that job? It's so good they accepted her!' [Zahraa]

Participant 3: Even our religious community, inside of Dahieh, would prefer that she not be wearing an abaya because it is more comfortable for him.

Participant 1: It always happened, once she arrives at an interview, they go: 'We apologise'.

Participant 2: And we had this centre for children with special needs [in Dahieh] and this girl wearing the abaya, they told her: 'We accept you but you must take off the abaya because this appearance reflects something negative on kids...'
[Markaz focus group 2]

These retellings by my participants indicate that in the space considered as the countries' most conservative (Dahieh), some Lebanese hijabis were so excluded as to be made to feel a 'negative' sight for children to see and a tarnishing of the employer's reputation. Indeed, my data indicated that the hijabi was racially marked and made into a form of contamination and pollution, which threatened the employer and their image, their success, their belonging. The hijab was not presentable, it was not tolerable. Hezbollah's 'Islamic milieu' in Beirut's southern suburb ultimately appeared as a major inflation, this data suggested.

In another example, the 'shopping mall', as a space of modern globalised consumption and leisure, as a space for the modern subject, was naturally unwelcoming, I was told by my participants. The hijabi was better off trying her luck in 'shops' and 'small places' as she was largely excluded from many erudite or 'socially respected professions'. Echoing direct colonialism and North-South economic colonisation, those places deemed to be 'not from here, the international ones, the ones with brands in many places around the world' were here key agents for the hijabi's erasure.⁴⁴ In Lebanon, a prime instance of the neo-liberal order, the marked hijabi is perceived to be unfit, below the standards set by modernity, to reside within the global neoliberal market.

In facing this reality, it was argued in the field that many women who wanted to wear the hijab did not, could not. By preventing the hijabi's appearance, by pushing for her non-presence, the image of Lebanon was preserved and the imagined identity could be (re)produced, enunciated, perpetuated in/through the labour market. This was, I would argue, a powerful instance of absencing in the realm of the colonality of being.⁴⁵

Under this oppression, throughout fieldwork, my participants explained that the state, which might be theorised as the institution to protect hijabi women from the discrimination they face, is, to the contrary, an institution that magnifies their racialised oppression and marginalisation, indeed one which underwrites it. In this sense, imagined as a liberalised, modernised, and westernised space, the Lebanese state was 'unwelcoming' and 'incompatible' with the Muslim hijabi, my participants strongly affirmed. From the legal prohibitions on hijabi admission into various state institutions to the state-projected image of the desired Lebanese woman as an icon of beauty, fashion and modernity, the nation-state could not protect, could not even be an ally:

The Lebanese state [excludes us because it] wants the non-hijabi Lebanese woman. Why do you exclude me? Why do you discriminate against me? I am Lebanese like you! Look, eventually, the people in Tripoli don't want the state, don't engage with it, don't belong to it. People are very marginalised and disadvantaged by it. [Luma]

[The state is] so excluding. Like now, where have they opened [employment opportunities]? In the military, internal security, it is only now that they have started allowing her to wear a hijab. But what is happening in there? What kind of dress does she have to wear? What have they opened for her? As a soldier? As what? [Tala]

All these laws, all these laws, it's a constant battle against them. We have to have a constant battle if we are to get the hijabi her dignity. In the prison system, in the public institutions, anywhere. It's exhausting. [Randa]

In line with this, when I asked participants about modes of resisting their subjugation, their answers always exclusively referred to individual efforts they pursued, to pressure from the local community and family, to networks, and to the pursuit of qualifications such as higher education and expertise. None mentioned the state or its legal system. This very absence of the state was noteworthy and powerfully telling, especially as it appeared consistent across geographies, classes, educational groups, and age groups.

In this respect, many participants exclaimed that the legal system and related institutions were 'really irrelevant', especially outside of the capital. Calling municipal police on something considered to be a norm in much of the country – refusing hijabi employment – would be laughable, they affirmed when asked. Asking participants if they would consider raising a lawsuit against institutions and employers who overtly discriminate against them, I was told I did not understand how Lebanon works. At the intersection of corruption and modernity, such attempts would never offer the hijabi her rights, it was explained to me. Inquiring whether participants would be interested in organisations that would take their case of discrimination through legal channels of redress, even for free, they explained that such pursuits would not be able to ensure them suitable and long-term employment, or solve the wider problem of their discrimination in the country. Larger solutions were needed, I was told.

As a focus group participant said after a long debate about her feelings and the relationship to both the nation and the state: 'This country has rejected me. With all due love...How much can I belong or appeal to it after that?' [Markaz focus group 1] In this respect, my participants explained, the belief that the state could form the basis of 'dignity' for someone like the hijabi, a practicing Muslim constructed as '*backwardness*' and '*lack*' in the modern imagination, was sorely misplaced. This, they clarified, was further exacerbated by the state's general absence, and its failure in providing basic services such as clean water, electricity, or a non-corrupt judiciary.

Redress for my participants, I came to understand, required an overhauling of the very post-colonial system upon which the Lebanese nation-state was established, and a fracturing of its entanglement with global coloniality at the social, economic, and political levels. This, surely, was not only a question of the hijab or of anti-Muslim racism, yet nevertheless these issues certainly engulfed Lebanon as major questions around the state-citizen relationship were brought to the fore and a re-imagining of the Lebanese nation-state's very *raison d'être* was raised as necessarily urgent.

While acknowledging that some improvements have been made in the country over the past few years, such as allowing hijabis (wearing specific, less conservative forms of the hijab) entry into (specific strands of) the Lebanese Armed Forces for example, these were referred by my participants to the effort of the hijabis themselves and to their pursuit against the state and despite of it, rather than to the state or its apparatuses positively shifting positions or bringing about improvements. A complicated development, this remains for a separate analysis of larger geopolitics, of demographics, of state dysfunction and corruption, and of accommodation as toleration that ultimately continues to pursue dilution and erasure.⁴⁶

Eventually, in the course of discussing this oppression and the modes of resisting it, it became apparent that the police, the law, or any other state institution could not be the source of protection, the source of rights, or the foundational form of claims-making for Lebanon's hijabi women. It was ultimately a clear sense of expulsion, and a fracturing of the relationship with the nation and its institutions, where hijabi women expressed an inability to even belong, let alone make claims, in a space where they needed to struggle to be considered human beings.

Conclusion

The refusal of participants to raise legal action or appeal to state apparatuses to resist the discrimination they experience may be claimed to be a problem requiring redress, or a result of their ignorance of the state's power and its ability, or duty, to protect their religious practice. Arguing against this, I contend that to the contrary, hijabi women's refusal to engage with state institutions stems from a deep understanding of both the colonial invention and ongoing workings of the Lebanese nation-state as well as of modern law's colonial structuring and erasing formation.

In this sense, I draw on the decolonial conceptualisation of the modern nation-state, and on decolonial critical theory to argue that the modern Lebanese nation-state and its legal system function as a medium of coloniality, posing as neutral and universal while instituting a specific Eurocentric colonial order as the only reality. In doing this, I invite a heeding and a respect, rather than a patronising delegitimation and calls for 'redress' by both local and international institutions and individuals, of hijabi women's dismissal of the state in their pursuit of anti-racist struggles. Further, I hold that this argument offers insights beyond the specific case of Lebanon in line with the theorisation of coloniality as a global structure of power, raising the need for parallel work across geographic and national contexts.

Mignolo argues that, moving decolonially, we need to begin ‘imagining alternatives to the State form, and thinking about the many and rich possibilities of governance’.⁴⁷ In this sense and given contemporary challenges, we would also need to imagine alternatives to forms of anti-racist resistance that rely on, or refer to, the state form. Consequently, having showcased the severity and the harm of the Muslim hijabi’s subalternisation, the question of alternative forms of resistance, delinked and beyond the state and its apparatuses, emerges as imperative.

It must be lastly noted that the material or practical political meanings of the argument I have made in this paper are entangled and complex. In this sense, it is vital to stress that this is in no way an argument that no progress or achievement can be made through combating racism or reclaiming rights through the state and its institutions, be it the police or the judiciary. Surely, such would be an unwarranted and reductionist affirmation. More importantly, in no way is this a deligitimisation or a normative value judgment on such attempts. The right to make such a judgment lies with the subalternised community in question.

Nevertheless, what I have sought here is an invitation, and a stimulation, to reconsider such state-centred attempts as the prime or the only modes of resistance and to push for thinking beyond, and away from, the nation-state form and its apparatuses. It is, in other words, an invitation to begin a conversation and imagine forms of resistance and subversion steeped in the experiences of the subalternised themselves, respectful of their knowledges and attuned to their pursued horizons.

Acknowledgements

The author would like to thank Kim Brayson for the conversations that formed the basis of this paper, as well as Nuno Ferreira and Aneria June Edmunds for their invaluable feedback and support.

About the Author

Ali Kassem is a researcher in the school of Law, Politics and Sociology at the University of Sussex, UK, and a member of the Sussex Colonial and Postcolonial Studies Centre and the Middle East North Africa Centre at Sussex.

¹ Yel, Ali Murat, and Alparslan Nas (2014) ‘Insight Islamophobia: Governing the Public Visibility of Islamic Lifestyle in Turkey,’ *European Journal of Cultural Studies* 17(5), pp. 567–84, pp. 568.

² Traboulsi, Fawwaz. (2007) *A History of Modern Lebanon*. (Pluto Press), pp. 75.

³ Firro, Kais M (2002) *Inventing Lebanon: Nationalism and the State Under the Mandate*. (London, United Kingdom: I.B.Tauris).

⁴ The Taif Accord was an agreement signed in the city of Taif in Saudi Arabia, ending the Lebanese civil war and setting the post-war order. For an analysis of the Accord, refer to Abdallah, Ghassan (2003) ‘Lebanon’s Political System: An Analysis of the Taif Accord’ (unpublished Ph.D., University of Houston).

- ⁵ Tabar, Paul (2014) 'The Maronite Church in Lebanon: From Nation-Building to a Diasporan/Transnational Institution,' in Françoise de Bel-Air (ed.) *Migration et Politique Au Moyen-Orient* (Beyrouth: Presses de l'Ifpo).
- ⁶ Traboulsi (2007) *A History of Modern Lebanon...*
- ⁷ Mignolo (2012) *Local Histories/Global Designs...*
- ⁸ Ibid.
- ⁹ Vázquez, Rolando (2012) 'Towards a Decolonial Critique of Modernity: BuenVivir, Relationality and the Task of Listening,' in Raul Fornet-Betancourt (ed.) *Capital, Poverty, Development, Denktraditionen Im Dialog: Studien Zur Befreiung Und Interkulturalität 33*, (Mainz: Aachen: Wissenschaftsverlag).
- ¹⁰ Maldonado-Torres, Nelson (2010) 'The Time and Space of Race: Reflections on David Theo Goldberg's Interrelational and Comparative Methodology,' *Patterns of Prejudice* 44 (1), pp. 77–88.
- ¹¹ Mignolo (2012) *Local Histories/Global Designs*.
- ¹² Grosfoguel, Ramón (2010) 'Epistemic Islamophobia and Colonial Social Sciences,' *Human Architecture: Journal of the Sociology of Self-Knowledge* 8 (2), pp. 74.
- ¹³ Grosfoguel, Ramon (2016) 'What Is Racism?' *Journal of World-Systems Research* 22 (1), pp. 9–15.
- ¹⁴ Ibid, pp. 10.
- ¹⁵ Mignolo, Walter D. (2009). 'Who Speaks for the 'Human' in Human Rights?' *Hispanic Issues on Line* 5 (1), pp. 7-25, **Fout! De hyperlinkverwijzing is ongeldig**.pp. 17.
- ¹⁶ Mignolo(2012) *Local Histories/Global Designs*.
- ¹⁷ Ibid, pp. 10.
- ¹⁸ Ibid, pp. 11.
- ¹⁹ Ibid.
- ²⁰ Ibid, pp. 10.
- ²¹ Grosfoguel, Ramón (2011) 'Decolonizing Post-Colonial Studies and Paradigms of Political-Economy: Transmodernity, Decolonial Thinking, and Global Coloniality,' *TRANSMODERNITY: Journal of Peripheral Cultural Production of the Luso-Hispanic World* 1(1).**Fout! De hyperlinkverwijzing is ongeldig**.
- ²² Woons, Marc, and Sebastian Weier (eds.) (2017) *Critical Epistemologies of Global Politics* (E-International Relations).
- ²³ Ahmed, Sara (2012) *On Being Included: Racism and Diversity in Institutional Life* (Duke University Press).
- ²⁴ Aziz, Sahar F (2014) 'Coercive Assimilationism: The Perils of Muslim Women's Identity Performance in the Workplace,' SSRN Scholarly Paper(NY: Social Science Research Network).
- ²⁵ Lentin, Alana (2011) 'What Happens to Anti-Racism When We Are Post Race?' *Feminist Legal Studies* 19(2), pp. 159–168.
- ²⁶ Barreto, José-Manuel (2012) 'Decolonial Strategies and Dialogue in the Human Rights Field: A Manifesto.' *Transnational Legal Theory* 3 (1), pp. 1–29.
- ²⁷ Lima, José Edmilson De Souza, Roberto José CovaiaKosop, José Edmilson De Souza Lima, and Roberto José CovaiaKosop (2019) 'Decolonial Turn and the Law: Beyond Colonial Restraints,' *RevistaDireito e Práxis* 10 (4) pp. 2596–2619.
- ²⁸ Ahmed (2012) *On Being Included*, pp. 150.
- ²⁹ Pejchal, Viera, and Kimberley Brayson (2016) 'How Should We Legislate against Hate Speech? Finding an International Model in a Globalized World' in Jennifer Scheppe and Mark Austin Walters (eds.) *The Globalization of Hate: Internationalizing Hate Crime?* (Oxford: Oxford University Press).
- ³⁰ Brayson, Kimberley (2019) 'Of Bodies and Burkinis: Institutional Islamophobia, Islamic Dress, and the Colonial Condition,' *Journal of Law and Society* 46 (1), pp. 55–82.
- ³¹ Al-Saji, A. (2010) 'The racialization of Muslim veils: A philosophical analysis,' *Philosophy & Social Criticism* 36 (8), pp.875–902.
- ³² Baldi, Giorgia (2017) "'Visible Others': A Reading of the European Obsession with the Female Veil,' *Sociology and Anthropology* 5 (8), pp. 677–87.
- ³³ Ibid.
- ³⁴ Bi, Suriyah (2018) 'Panopticons, Power and Pleasure: Why the Hijab Is Not a Problem,' *Journal of Muslim Minority Affairs* 38 (1), pp. 139-141.
- ³⁵ Baldi (2017) "'Visible Others'".
- ³⁶ Mahmood, Saba (2015) *Religious Difference in a Secular Age: A Minority Report* (Princeton: Princeton University Press), pp. 33.
- ³⁷ Baldi (2017). "'Visible Others'".
- ³⁸ Brayson (2019) 'Of Bodies and Burkinis, pp. 62.
- ³⁹ Ibid, pp. 68.

⁴⁰ Ibid, pp. 58.

⁴¹ Abdelhadi, Eman (2019) “The Hijab and Muslim Women’s Employment in the United States,” *Research in Social Stratification and Mobility* 61 (June), pp.26–37.

⁴² Koura, Fatima (2018) ‘Navigating Islam: The Hijab and the American Workplace,’ *Societies* 8(4), pp. 125.

⁴³ Gupta, Tania Das (2008) *Racism and Paid Work* (University of Toronto Press).

⁴⁴ These insights invite an engagement with different strands of work critically exploring the modern condition. A key example here would be Henri Lefebvre’s classic thesis on modernity’s ‘colonisation’ of the everyday through the state where space is commodified under specific power structures. Nevertheless, such an engagement remains beyond the scope of this paper.

⁴⁵ Vázquez, Rolando (2012) ‘Towards a Decolonial Critique of Modernity’.

⁴⁶ On tolerance, see: Brown, Wendy (2009) *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton University Press).

⁴⁷ Woons and Weier (eds.) (2017) *Critical Epistemologies of Global Politics*, pp. 15.