<u>Caught At the Crossroads: Violence Against Muslim Women After 9/11</u>

The tragedy of September 11th, 2001 shook the foundation of America and changed the course of life for many communities around the country for the foreseeable future. Fear spread throughout the nation like wildfire exacerbating divisions within communities. While drastic measures were understood to be necessary, the actions taken after 9/11 in the name of national security had consequences that threatened the lives of American people in detrimental ways. Counter-terrorism policies implemented to protect national security and the American public conflated enemy with "Muslim" and did not employ a human rights framework in their legal structure.

From mass surveillance to arbitrary detention, the human rights of the Muslim American community were violated as they were heavily monitored, repressed and scrutinized solely because of their religious and ethnic backgrounds. The pressure placed on the Muslim American community after 9/11 due to the repercussions of counterterrorism policies left Muslim women more vulnerable to all forms of violence in the public and private sphere. This paper will use UN documents to highlight how America's counterterrorism measures that stigmatized and targeted Muslim men and communities are directly linked to the rise of violence committed against Muslim women. Muslim women's human rights were violated as they found themselves at the crossroads of oppression. Their identities brought themselves at the intersection of bias against Islam, the racialized Muslim, and women. Muslim women suffer in a post 9/11 America in ways that are very different than Muslim men because at times, those men are also contributing to the violence many women have to endure.

Subsequently, it is important to analyze the U.S government's violations of human rights within its "War on Terror". The US empire relies on processes of foreign coercion and domestic

repression in order to further its political agenda. It links the actions the U.S military is committing abroad to the atmosphere of Islamophobia that is brewing at home to justify any human rights violations committed under the guise of counter terrorism. There has been substantive work done to explore the wars waged in Iraq, Afghanistan along with other Middle Eastern countries in order to protect American interests. For the purpose of this research, this section only serves to offer brief context for systems of oppression observed later and will not go in depth with US violations of human rights abroad as it goes beyond the scope of this paper.

The American government constructed the Muslim "Other" and used the rhetoric of "saving Muslim women" as an excuse to detain, kill or torture hundreds and thousands of people abroad in the name of fighting the threat of Islamic extremism. One must keep in mind that the United States signed the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 1988 and ratified in 1994. Yet, it was never held accountable for its egregious allegations of torture and human rights violations in Afghanistan, Pakistan, Iraq and in other Middle Eastern countries. Evidence shows that " the Bush Administration labeled detained persons as "unlawful enemy combatants"- rather than "prisoners of war"- in an attempt to circumvent United States legal obligations under the Geneva Conventions and other international treaties, as well as US domestic law" (Watson Institute of International & Public Affairs).

This evasion and manipulation of international and domestic law is a testament to the commitment of the U.S when it comes to protecting their own interest even if it is at the expense of Muslim lives abroad or at home. Amidst this atmosphere that portrays Muslims as the enemy abroad, this system is upheld by structural changes in the United States that were made right after 9/11. The U.S government cracked down on immigration policies and national security

measures with legislations like the Clear Law Enforcement for Criminal Alien Removal Act (CLEAR) which gave local law enforcement the power to enforce federal immigration laws. These laws combined with the PATRIOT Act resulted in the increased monitoring of Muslims in the country. Scholars describe that "Muslims (citizens and non-citizens) have been denied council and formal charges while being detained for extended periods of time. The U.S Patriot Act and the CLEAR Act negatively impacted the civil liberties of Arab minorities and Muslim immigrants." (Moore 92).

The average time period from arrest to clearance was 80 days for many Muslim men detained on the basis of being suspicious of terrorist activity simply because of their religious affiliations and ethnic backgrounds. The period was even longer for those who were not citizens and were often deported back to countries that are war zones. This is a direct violation of the civil and political rights of Muslims living in the US. According to Article 9 of the International Covenant on Civil and Political Rights (ICCPR) which was ratified by the United States in 1992 states that "No one shall be subjected to arbitrary arrest or detention… Anyone who is arrested shall be informed, at the time of arrest, of the reasons of his arrest and shall be informed of any charges against him"("International Covenant on Civil and Political Rights").

Many Muslims who are detained by local law enforcement are stripped of this right when they are not told the grounds upon which the arrest is being made. In the context where the civil rights and liberties of all Muslims are violated within the US with arbitrary detention policies and mass surveillance of their community; Muslim women are at the receiving end of the violence coming from all ends. In the realm of institutionalized violence, the theme of a "deputized citizen" who is encouraged to be aware of any "terrorist" activity by being weary of their Muslim neighbors tends to single out the Muslim woman wearing the *hijab* in their

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neighborhood. This idea is reinforced by the government sanctioned policy of CVE or

Countering Violent Extremism program which relies heavily on community policing. Law

enforcement agencies use religious and ethnic identifiers to encourage the public to remain

vigilant and monitor any "suspicious terrorist" related activity in their community usually only

monitoring Muslim families and people.

  In the public sphere, this institutionalized private violence disproportionately affects

Muslim women and reinforces racial, social and gendered power hierarchies. This policy restricts

Muslim women's ability to wear the *hijab* or dress in religious and ethnic garments out of fear of

being reported, monitored, scrutinized and even deported. In a study done where forty Muslim

women were interviewed about their experiences of being a Muslim woman in America,

majority of the women reported some form of verbal or physical abuse especially if they wore a

hijab. Many women in this interview have admitted that they fear wearing traditional clothes in

public and even are scared to wear their *hijab* but taking it off is not an option because it is a part

of their person commitment to their faith (Cainker 2009). This policy directly violates the human

rights of Muslim women who live in fear of practicing their faith in their neighborhoods,

workplaces or in public openly.

  The United Nation's "Declaration on the Elimination of All Forms of Intolerance and of

Discrimination Based on Religion or Belief" declares that nobody should be discriminated

against by the state or group of people for their religion or belief (UN OHCHR). Along with this,

the Article 7 in the Universal Declaration of Human Rights also declares that all person is to be

treated equally under the law and "are entitled without any discrimination to equal protection of

the law" (UDHR). When public sphere becomes a space where the right of Muslim women to

express their religious identity is violated when their communities are surveilled, the violation of

their human rights is a product of the inequalities in the American legal system. Policies like the PATRIOT Act, CLEAR Act and CVE are all examples of how Muslims and Muslim women are discriminated against under the law of the United States.

In addition to this institutionalized form of discrimination, the public sphere is also a place that is directly linked to hate crimes that mostly Muslim women are targets of. Women & Gender studies Professor at University of Illinois at Chicago, Nadine Naber, argues that " A general consensus among community leaders was that federal government policies [after 9/11] disproportionately targeted men while hate crimes and incidents of harassment in the public sphere disproportionately targeted women. Arab and Muslim women experience twice the rate of hate encounters compared to their male counterparts" (Alimahomed 77). There have been documented cases of Muslim women who have been assaulted with their *hijabs* ripped off their heads. Physical assaults of such are followed up by verbal abuse of phrases like "Go back to your country" and other insults rooted in ignorance and negative stereotypes disseminated by the media in regard to Muslim women.

This fear of being assaulted threatens Muslim women's sense of safety while jeopardizing educational and employment opportunities and even immigration status especially for non-citizens. A gendered analysis is integral to understanding how counterterrorism policies have repercussions which directly result into Muslim women being the core recipients of the residual violence from these government actions. Many of the assailants who are non-state actors carrying out violence against Muslim women in the name of patriotism are male and in majority of the cases white. One reason that assailants may think Muslim women are easy targets can be linked to the stereotypes illustrating Muslim women as passive and silent conspirators in radical Islamic movements. Scholars explain how "Irrespective of their place of origin or the color of

their skin, the headscarf marks these women as sympathetic to the enemy, presumptively

disloyal, and forever foreign" (Aziz 192). At times, the choice of continuing to wear traditional

clothing is a choice that the entire Muslim community is making and the woman in this space

who is expected to be docile and in support of her community, must abide by these rules. While

the experiences of all Muslim women in this country are diverse, some especially undocumented

and uneducated Muslim women were not given the choice to not wear traditional clothing that

may make them a target in public. They are still subjugated to the norms of a patriarchal culture

and community which does not always take their experience and voice into consideration.

On top of this, stereotypes in western media that conflate a Muslim woman's culture and

identity with terrorism are vehicles that used to carry out violence against these women because

of their culture and ethnicity. Outside of the social structures that reinforce such violence, their

gender adds another layer to these anti-Muslim hate crimes. Many assailants target women

because of the perception that since they are inferior and regarded as subordinates in their

cultures then they would be easy targets to dump their own rage upon. Muslim women are

objectified in ideological and corporal domestic conflicts which profoundly affects their quality

of life and ability to exercise their religious freedom.

On the other hand, the violence committed against Muslim women has not only been on

the rise in the public sphere. While Muslim women are silent victims and visible targets in a post

9/11 America in the public sphere, studies in this topic rarely recognize how such pressures have

led to the rise of violence that Muslim women face in the private sphere. As Muslim women

were victimized and blamed for the attacks of 9/11, they retreated into their own communities

where they were revictimized. Domestic violence in Arab, South Asian and Middle Eastern

communities in the US did not cease to exist after the attacks of September 11th, 2001. On the

contrary, the violence that Muslim women in these communities' face was on a rise even in the private sphere. The Arab American Family Support Center describes that "the intense scrutiny from law enforcement and locals along with the high levels of fear experienced by the Muslim community coupled with the stress placed on Muslim men" contributed to the increase in domestic violence in the Arab community after 9/11 (Sthanki 68).

In this atmosphere, women in these communities carried the burden of the discrimination outside of the home and had to diffuse and mediate the tensions within the home simultaneously. As the actual rate of domestic violence increased in these communities, there was an initial decline in the phone calls from women in South Asian and Muslim communities. Purvi Shah, the executive director of Sakhi, an organization that helps South Asian women who are victims of domestic violence, reported "Sakhi experienced an initial drop between September 2001 and December 2001, yet remarked that calls nearly doubled in 2002 and have been on a steady rise since" (Sthanki 69). The fear of persecution was one of the sole reasons behind this because many Muslim immigrant communities after 9/11 feared reporting crimes, terrified that they'd be detained or deported even if they have not done anything wrong.

This atmosphere of fear exacerbated already existing issues surrounding domestic violence that Muslim women in Arab, South Asian and Middle Eastern communities have to face. Due to cultural, societal and familial issues, many women in these communities are reluctant to report abuse. Domestic violence is regarded as a family matter and women in these communities are discouraged from raising their voice. Many of these Muslim communities, as mentioned before, operate within the boundaries of a patriarchal society that stigmatizes their needs and forces them to at times stay in private spaces like the home despite the abuse which proves to be detrimental to their well-being. When you combine the stigmas surrounding

domestic violence within these community with the external pressures of being that minority in a nation constructing it's defense strategy towards people that look like you, once gets a community under pressure that is not protected by the government which lashes out on those forced to bottom of the social hierarchy. In many cases, we see these to be the women in those societies.

Dasgupta explains "that men of any oppressed group, especially men of color, are emasculated within the majority society and therefore some assert their dominance on women of color as a means of retaining their manhood. The only sphere where "emasculated" men can take out their frustration is the private one affecting women and children" (2007). This theory is speculated by scholars to be the reason behind why domestic violence in Muslim communities increased after 9/11.

Furthermore, Muslim women have also reported facing discrimination when seeking domestic violence services. Some administrators in certain organizations urged one woman to "throw off her veil saying it symbolized the male oppression native to Islam that she wanted to escape when asking for help for the domestic abuse" (Oyewuwo-Gassikia 2016). This "othering" of the Muslim woman who is reaching out for help diverts the attention of the violence that she is facing. This "othering" of a Muslim woman's experience with domestic abuse places that this violence is a result of cultural practices that belong to "others" in a backward society (Erturk 2007). It forces a cloak of invisibility over such violence taking place in the western world but categorizing it as a foreign concept.

The religious and cultural assumptions made on the ends of certain service providers can further isolate and alienate Muslim women who are already living in a nation-wide atmosphere of isolation, scrutiny and dehumanization. The layers of oppression that many have to endure in

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the private sphere and public sphere results in a dual victimization of women of color. Many

Muslim women after 9/11 had to engage in a patriarchal bargain where choosing to report their

abuser may result in his deportation and could possibly jeopardize their own immigration status

if they aren't citizens or are undocumented. This question of choosing your loyalties and the best

outcome for both you and your abuse jeopardizes their ability to make decisions that are provide

them with safest outcome for their own well-being.

It's important to acknowledge in this discourse the experiences of undocumented Muslim

women who are victimized outside and at home. Even with organizations that list the number of

domestic violence disturbances and cases reported, the experience of various undocumented

Muslim women is not included in these statistics. Undocumented and even documented Muslim

women have a harder time coming forward due to the lack of a support system outside of the

family of their abusers and lack accessible avenues of financial support and independence. In

Intimate Partner Violence, abusers are known for controlling financial resources as a tactic to

exert their control over their victims.

In addition to this, many Muslim women of color may have language barriers coupled

with the fear of cultural traditions not being understood by non-Muslims which contribute to the

difficulties of leaving an abusive household. Women of color have to think about their loyalties

and predict whether taking a stand would be received well in western society before reaching out

for help even when their human rights are being violated.

The United States after 9/11 prioritized whose safety they chose to protect and whose

safety was disposable. In this context, South Asian, Arab and Muslim communities were put at

the bottom of the list and domestic violence victims within those communities were even below

that. The international human rights documents and structure could help deliver justice to

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Muslim women of color that are victims of domestic violence. When these women cannot go to local law enforcement out of fear of being deported, their human rights are violated according to the Declaration on the Elimination of Violence Against Women. This details domestic violence as a violation of women's international human rights and Article 4 specifically addresses that it is the state's responsibility to take appropriate measures to ensure a policy that eliminates all violence against women (Stark 266). This resolution is often seen as strengthening the CEDAW convention. CEDAW or the Convention on the Elimination of All Forms of Discrimination against Women can actually offer legal protections to Muslim women who are victims of domestic violence. CEDAW "requires governments to adopt measures that ensure women are able to make complaints about violations of their rights under the Convention and have access to effective remedies" (Human Rights Law Centre). The United States has signed this treaty but has yet to ratify it. Given the lack of accountability that the US has to endure for many of its own egregious human rights violations abroad or domestically, the US not ratifying this treating only further jeopardizes the safety of all women who are vulnerable to violence in the public and private sphere.

In conclusion, some solutions to the plight of Muslim women of color in America begin first by denouncing Islamophobic rhetoric and calling anti-Muslim crimes for what they are, hate crimes that should be persecuted to the fullest extent of the law. The ACLU recommends the use of the Fourteenth Amendment in pursuits against discrimination against Muslim women since numerous federal civil rights laws bar federal and state officials along with some private actors from discriminating against women who wear the *hijab*. Yet, these solutions are applied to those who are given access to such avenues. In order for the violence committed against Muslim

women to be an issue of importance to the United States, the administration must ratify

CEDAW.

This will ensure that the government implements measures that listen and move into

taking effective action to help Muslim women of color who are victims of domestic violence.

The United States must employ a human rights framework and revise the system through which

women of color feel more comfortable and feel as though they are seen. This goes hand in hand

with creating empowering spaces that denounce the culture of patriarchy that revictimizes the

victim of domestic violence and violence reinforced by the state, given the case with Muslim

American woman. In private spheres, organizations like Sakhi and Manavi are committed to

unraveling the stigma surrounding domestic violence in the South Asian Muslim community. A

trans-national advocacy network can prove to be beneficial in connecting the experiences of

these women to one another in order to offer a system of support build on solidarity and

liberation.

On the other hand, Counter-terrorism policies must include the threat of white

supremacist groups which would expand their definition of terrorism to just people with Muslim

backgrounds. Policies like the CLEAR Act and others that are rooted is Islamophobic ideals

must be abolished. CVE policing does not prove to be effective when communities are isolated

based on their religious affiliation and ethnic backgrounds, so law enforcement agencies must

find other ways of countering terrorism that do not rely on racial bias.

Lastly, the United States has had a long history of avoiding accountability and unless that

changes, there is little that can be done to help combat violence against Muslim women. Many

people wish they had the answers to those questions, yet this paper has showed us that to hold an

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influential world power like the US accountable requires a thorough examination of systems

propagate and reinforce racial and social hierarchies.

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