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(Not) Just a Piece of Cloth: *Begum*, Recognition and the Politics of Representation

Lasse Thomassen[1]

Abstract

To understand the politics of recognition, one must conceive of it as a politics of representation. Like representation, recognition proceeds at once in a constative and a performative mode, whereby they bring into being what is simultaneously represented or recognized. This structure has paradoxical implications. The politics of recognition is also a politics of representation in the sense that it always involves questions such as, Which representations are recognized? Whose representations are they? The reverse is also true: the politics of representation involves recognition because representatives and representations must be recognized in order to gain authority. In short, we can examine recognition *as* representation, and there is no recognition without representation, and vice versa. This is demonstrated through a reading of a recent British legal case, *Begum*, where the issue at stake concerned which representation of Islam should form the basis for the recognition of Islam in the school uniform policy.

Keywords

Begum, jilbab, Islam, recognition, representation

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Introduction: *Begum*, Recognition and Representation[1]

On September 3, 2002, the first day of the school year, Shabina Begum showed up at her school, Denbigh High School in Luton, Britain, dressed in a jilbab, a version of the hijab which, when combined with a headscarf, covers the whole body except the face, hands and feet. Since the jilbab did not conform to the school uniform policy, she was sent home to change. A two-year stand-off followed during which Shabina Begum was not allowed to attend school in the jilbab, and during which she refused to attend school without it. In 2004, her case came before the High Court, which ruled against her. The following year, the Court of Appeal overturned the ruling, but in 2006 the House of Lords reversed this decision.[2] The case, which comes in the wake of similar hijab cases in Britain and other European countries, was much commented upon in the British media at the time, and it raised a number of questions about the character of multicultural Britain and about what it means to be a Muslim.

The case did not pit liberals against communitarians and multiculturalists. Neither the school nor Shabina Begum argued for the distinctions that one finds in liberalism and in constitutional and human rights law between private and public, and between belief and practice. Both parties stressed the importance of recognizing religious identities within the public sphere. For Shabina Begum, the jilbab is a public manifestation of her religious identity: "The jilbab," she writes, "represents Islam as way of life rather than Islam as a few personal rituals and actions. It is a public expression of Islam as a way of life or ideology."[3] Here we have someone who, given her religious beliefs, cannot privatize her beliefs, whether by leaving them at home, at the school gates or in her heart and mind. The school's response was not to insist on the distinctions between private and public and between beliefs and practice. Instead, the case concerned the specific identities that should be recognized, and this boiled down to the difference between the jilbab and a shalwar kameeze. The latter was one version of the school uniform designed to accommodate Muslim, Hindu and Sikh female pupils, but it covers less of the arms and legs than the jilbab. The school had included the shalwar kameeze as an option within the school uniform after consultation with local mosques; Shabina Begum insisted that her minority view of Islam—which she had arrived at after study of Islamic texts and scholars—must also be publicly recognized. In this way, the case became a matter of which, and whose, Islam should be recognized in the school uniform policy, pitting a mainstream Islam against a minority Islam. As such the case also draws attention to the relationship between recognition and representation.

In the following, my focus is on theories of recognition as they pertain to identity politics,[4] although I believe that the conclusions also apply to other kinds of recognition theories. I argue that it is necessary to look at the relationship between recognition and representation for three reasons. First, both recognition and representation bring into being what is simultaneously being recognized or represented. They share a structure whereby they proceed in two modes at once: a constative mode (reflecting already existing identities) and a performative mode (constituting what is recognized or represented). This structure has paradoxical and destabilizing implications, which I will exemplify through the *Begum* case. Second, I will argue that the politics of recognition is also a politics of representation in the sense that it always involves questions such as, Which representations (of e.g. Islam) are recognized? Whose representations are they? Third, the reverse is also true: the politics of representation also involves recognition because representatives and representations must be recognized in order to gain authority. In short, we can examine recognition *as* representation, and there is no recognition without representation, and vice versa. To understand the politics of recognition, we must conceive of it as a politics of representation.

My discussion of recognition and representation is organized around the *Begum* case, which precisely raises questions about how identities get represented and who gets to represent them. While also drawing on the representations in the media and by the judges, I organize the analysis of the material around the school's and Shabina Begum's representations of themselves, each other and Islam.[5] This necessarily entails an element of simplification of the case, but this is balanced by attention to the paradoxes within their discourses. The aim is not to resolve the paradoxes, which are precisely constitutive of—that is, inherent to—the politics of recognition and representation. In this, I am analyzing the case deconstructively in the style of what Joan W. Scott calls "reading for paradox."[6] Normatively, the purpose is neither to decide the *Begum* case (who is right: the school or Shabina Begum?) nor to judge the correctness of the representations made by the different agents (does Islam require women to wear a shalwar kameeze or a jilbab?). Nor is the aim to argue for or against recognition as such; instead, reading for paradox may give rise to a different attitude to the concept and practice of recognition. If anything, the normative upshot of the paper is that, by showing the paradoxes of practices of recognition, we can challenge the assumptions as well as the representations involved in the politics of recognition in order to show what they foreclose and in order to open up new political possibilities. Thus, my sympathies are with attempts to challenge existing, and especially dominant, representations by showing their contingency, and I am critical of

both the school and Shabina Begum to the extent they try to naturalize their respective representations of Islam.

Recognition and Representation

To analyze the concept and practice of recognition, I build on Alexander García Düttmann's and Patchen Markell's deconstruction of recognition.[7] Here I shall only briefly highlight some of the points they bring to bear on the concept of recognition as it is found in Hegel, Taylor, Honneth and others. These are points that I will later shed further light on through the analysis of the *Begum* case.

Both García Düttmann and Markell draw attention to the fact that recognition proceeds in two modes, a constative and a performative. Recognition is, first, recognition of an authentic and already constituted identity. Recognition that is true to the identity in question consists in the correspondence between the act of recognition and that identity. As such, recognition proceeds in the register of cognition and knowledge, which García Düttmann and Markell express as "re-cognition" (*Anerkennung* involves *Erkenntnis*). García Düttmann adds that recognition also involves "repeated re-cognition" (*Wiedererkennung*) because recognition only works as the recognition of an already determined identity, an identity that has already been recognized as this or that.[8] In Markell's terms, agents become bound by recognition because they become bound to their (recognized) identities.

However, recognition must also add to what is recognized. The demand for recognition only arises because of a lack that recognition is thought to be able to ameliorate, and so recognition also performatively constitutes what is recognized. This is the paradox of recognition: recognition at once reflects and constitutes what is recognized, and must proceed in both a constative and a performative mode. The recognized is at once prior to and an effect of the act of recognition. Although recognition is bound to proceed in both modes, they are also mutually contradictory: recognition must at once reflect a full identity and fill a lack in that identity. Recognition is structured like the Derridean infrastructure of supplementarity, at once substituting for and adding to what is recognized or represented.[9] Practices of recognition are paradoxical because they are caught within this structure, proceeding at once in a constative and in a performative mode. Given this structure of recognition, no act of recognition ever achieves the completion of the recognized identity, and so it must be repeated, even if always differently. Indeed, as García Düttmann notes, the act of recognition and its effects must themselves be recognized as recognition in order to have their desired effect.[10] The upshot is that the

effects of recognition, and its success, cannot be controlled from any particular point, including the intentions of the recognizer. What is more, the dissemination of recognition cannot be put to a halt with reference to an essence (because the act of recognition is also a performative) or to an achieved complete identity (because recognition must be recognized).

Representation shares the constative and performative structure with recognition. As argued by Ernesto Laclau, Brian Seitz and Lisa Disch in the context of political representation, there is more to representation than a transparent reflection of already constituted identities, interests and wills. For these theorists, as well as for Derrida on representation more generally, representative claims proceed at once in a constative and a performative mode, and neither mode ever completely disappears behind the other. If representation is not transparent, then we must examine what happens in the process of representation—that is, we must treat representation as a site of political struggle.[11]

Just as the actors in the case are engaged in representation and recognition, so are academic and non-academic commentators when analyzing the case. For instance, the case is represented as a particular kind of case—resonating with existing representative frameworks—when identified as a hijab case[12] or as a case of "Islam vs. the West."[13] Here the representation works as re-cognition: the case—as well as the jilbab and Shabina Begum—is recognized as this or that, for instance as a case of "the clash of civilizations." However, given the plurality of possible ways in which we can recognize the case, the representation or recognition cannot simply be a reflection of the case, but also constitutes it as this or that sort of case. Again, the representation of the case is not just descriptive but also normative, and this applies equally to the representations by the agents in the case and the representations of the case by the researcher analyzing the case.

The convergence of methodological and substantive issues surrounding recognition becomes more apparent when we consider the naming of the main protagonist of *Begum*. Shabina Begum is named in different ways by the other actors in the case and by commentators on the case. Most notably, she is referred to with her first name only and as a "girl." What we have here goes to the heart of the structure of recognition and representation: naming Shabina Begum at once has a constative dimension (referring to an already named—i.e., constituted—person) and a performative dimension (naming her one way rather than another). The name is neither a pure constative nor a pure performative. Furthermore, referring to Shabina Begum as "Shabina" or as a "girl" is significant because, like similar cases, *Begum* also concerns the autonomy of Muslim girls and women: was Shabina Begum acting on the basis of her own

free and reasoned will, or was she a passive subject? To take just one example, one of the Law Lords refers to her as "Shabina, not yet 14 years of age" when implying that, if left to her own devices, she would not have chosen a confrontational approach towards the school, and that she must have been under the influence of her brother who was her legal guardian.[14] The issue cannot be reduced to a matter of misrecognition or to a matter of the correspondence, or not, between a name and what is named. This is so because representation, recognition and naming are also performative acts, and "Shabina Begum" is an effect of these rather than prior to and independent of them.

Those on the receiving end of representations may feel misrepresented as does Shabina Begum when she protests the representation of her as a pawn in the hand of her brother.[15] This may suggest that we should let the agents speak for themselves, and rely on self- rather than other-representations.[16] From the perspective of autonomy, the problem with other-representations is paternalism; from the perspective of authenticity, the problem is misrecognition of an authentic self. However, if we accept that representation at once reproduces and produces what is represented, then there cannot be an autonomous or authentic self behind the representations of it, whether these are self- or other-representations. What is more, an agent must draw on others' representations to make her self-representations intelligible, and the agent cannot control how others take up his or her self-representations. Thus, the distinction between self- and other-representations is blurred.

Although we must be critical of agents—whether community leaders or commentators—who claim to represent others, we should not be searching for an autonomous or authentic self behind, or beyond, recognition and representation. There is neither an autonomous nor an authentic self that can function as transcendental anchors to stop the effects of representation and recognition; there is no self or identity that is not constituted through representation and recognition or does not stand in need of further representation and recognition. If anything, subjectivity and identity—including the autonomous and authentic self—are effects of representation and recognition.[17]

This should not be misunderstood as if the self is merely a cog in a big discursive wheel. To think so might lead to the misunderstanding that any particular act of recognition merely reproduces the dominant representations and the power of the dominant. Although the subjectivation at work in recognition may involve subjection, the latter cannot be total. This goes to the heart of recognition as a concept and practice. It may be said that recognition rests on an inherent asymmetry between someone asking for recognition and someone (perceived to be) able to grant recognition, most often the state. These asymmetries are at play in *Begum* where an individual (Shabina

Begum) faces an institution (the school) and the state, and where there is the additional asymmetry between a minority and a majority Islam. It could be argued that recognition reproduces the asymmetry between recognizer and recognized as well as the power of the recognizer, creating a relationship of dependency so that the recognized becomes bound by recognition.[18]

This may certainly be the case, but it cannot be the whole story. For A to recognize B, A must also be recognized as someone able to recognize, just as the act of recognition must be recognized as such. The relation of recognition thus goes both ways. Recognition reproduces the power of agent A to recognize, but only in a way that goes through B's recognition over which A cannot have full control. B must have the power to recognize A, but this must also be the power not to do so, as the act would otherwise be empty. Thus, A's power to recognize depends on the dissemination of that power beyond his control.[19] The roles of recognizer and recognized change back and forth, and each agent must be both at the same time, such that the process cannot be controlled from any one point. Recognition cannot be a unilateral relationship. We may never move beyond recognition and its reproduction of asymmetrical power relations, but because recognition is always disseminated, there will always be openings for resistance against the dominant representations. As a result, we must both examine how the politics of recognition reproduces and perhaps reinforces existing representational structures and where in those structures there are openings for resistance.

Before moving on to *Begum*, it is necessary to briefly address the status of the subjectivity of "Shabina Begum." In the following, I will bracket questions about the unity of Shabina Begum as an agent. Both she and her brother and their lawyers speak in the name of "Shabina Begum," but I shall treat them as a single agent.[20] However, the questions surrounding Shabina Begum's subjectivity go beyond this. The law requires a singular subject capable of representing herself or of being represented, yet Shabina Begum is only a subject by virtue of her position within often conflicting representational frameworks. Put differently, the condition of possibility of Shabina Begum's subjectivity consists in her subject position(s) within discourses whose effects she cannot master. Her self-representations do not originate in a subjectivity located outside representational frameworks. Instead, her subjectivity is an effect of representations, although she cannot be reduced to a passive effect, as if she were merely parroting representations entirely beyond her control. This much also follows from the fact that representation proceeds at once in the constative and the performative mode. It also follows that Shabina Begum's subjectivity is paradoxical: at once taken as given and constituted through her self-representations and others' representation of her.[21]

"Just a Piece of Cloth"? The Dilemma of Difference

Recognition naturally concerns identity and difference, which are in turn linked to exclusion and inclusion. The *Begum* case must be examined in terms of how the school and Shabina Begum deal with difference, that is, how they argue for and against recognition and inclusion of Shabina Begum's difference. I am taking my cue from what Martha Minow calls the dilemma of difference, which here means that the inclusion of Shabina Begum's difference through recognition is only possible in a way that simultaneously reproduces her difference; that the difference is defined vis-à-vis a norm; and that there is a hierarchical relationship between norm and difference. As a result, when arguing for recognition of her difference, Shabina Begum at once insists on and plays down her difference.[22]

Denbigh High School believed that the jilbab "would lead to divisiveness within the school and would threaten cohesion within the school,"[23] thus introducing division within an otherwise unitary and harmonious common space. According to the school, the school uniform was one of the reasons for the school's academic success, an argument that the judges accept.[24] The uniform had supposedly helped create a common identity and undo differences that had previously threatened to irrupt into open conflict, and it had done so by literally and figuratively covering and "uniformalizing" those differences. The shalwar kameeze, which was one of the uniform options for girls at the school, was meant to hide differences between Muslim, Hindu and Sikh female pupils, for all of whom the shalwar kameeze was allegedly adequate. Although it comes in different versions, the uniform is supposed to represent the school community as a whole, at once reflecting and instituting this community.

However, not all differences are undone by the uniform. There are, first, those differences that are visible despite the uniform, for instance, skin color and class. Second, there are differences inscribed into the uniform because it comes in different forms for girls. While the different forms of the uniform share the same color and the school logo, the school recognizes some (religious) differences as significant and some of these as worthy of recognition within the school uniform. The school neither can, nor wants to, do away with differences. In addition, where there is a school uniform policy, lines will have to be drawn to distinguish the uniform from other clothes, otherwise the policy would be meaningless. Where there is some community, identity or norm, there will be difference, and that difference is constituted through its relationship to the norm. The question is how the school construes Shabina Begum's difference, and how it establishes the line between inclusion and exclusion, recognized and not recognized.

The school qualifies its argument that the jilbab would introduce division because the problem is not division or difference as such, and so it argues that it is the content of Shabina Begum's difference that is the problem. It represents the jilbab as extremist, a view that is reflected among the judges and, especially, in the media, where it is also associated with the slide down a slippery slope towards ever more extremist practices.[25] For instance, the school claims that other pupils have said that they might be forced to wear the jilbab if it were allowed in the school, and that they fear the extremism with which they associate the jilbab. To give the jilbab a stamp of approval by recognizing it within the school uniform would be to change the nature of the uniform and, consequently, of the school community. The recognition and inclusion of a difference does not leave the community's identity unchanged.[26]

The school's construal of the jilbab as the expression of an extremist and marginal form of Islam through metonymical associations of the jilbab with extremist practices turns into metaphorical substitution when the jilbab comes to stand in for extremism, division, and so on.[27] *Begum* is precisely a struggle over the meaning of the difference of the jilbab. To the school, the jilbab is more than just the jilbab, let alone a piece of cloth; similarly, the school uniform is more than just a school uniform or a piece of cloth. At the same time, the school implies that the shalwar kameeze uniform only signifies religious modesty and no particular religiosity, and so, that the uniform is a way to include religious persons who, like Shabina Begum, believe modesty to be important. By casting the shalwar kameeze as inclusive, Shabina Begum's rejection of the uniform makes her appear more extremist. This is supported by the argument that the choice and design of the shalwar kameeze was made in consultation with representatives from the local Muslim community, a fact that I shall return to below when dealing with the question of the authority of representations of communal identities. The argument is self-reinforcing: a norm is used to establish a difference as different, and at the same time the difference is used to support the normality of the norm.[28]

While the school is mainly concerned with establishing Shabina Begum's difference as an extremist difference, Shabina Begum herself oscillates between emphasizing and playing down her difference. On the one hand, Shabina Begum insists that the jilbab is important to her and that she cannot wear the shalwar kameeze—that the "just six inches" of extra cloth are essential and make a difference,[29] and should be recognized as such: "The jilbab is not simply about a piece of cloth."[30] She insists that her religious beliefs distinguish her, and that they mean that she must wear something different from non-believers and other kinds of believers.[31] So she also states that "the better Muslim . . . wears the jilbab."[32] Other Muslims and others in the media

jumped on this and argued that it showed Shabina Begum's arrogance and fanaticism.[33] Yet, she cannot trivialize the difference; if she did not believe that, by wearing the jilbab, she were a better Muslim, there would be no point in wearing it, let alone having it recognized as part of her identity.

On the other hand, Shabina Begum at times plays down, and literally be*little*s, her difference, referring to the jilbab as "just a piece of cloth."[34] This should make her difference easier to recognize and tolerate, and, since the school does not do so, it just goes to show how unreasonable they are. She both insists on her difference and makes light of it. She is caught in a paradox. She must insist on the significance of her difference because otherwise recognition would not be necessary, but this also makes recognition more difficult to achieve. Playing down her difference makes recognition easier, but also inconsequential. Accordingly, when Gareth Davies defends Shabina Begum by saying that "they're only clothes," this simultaneously undermines her case for the significance of recognizing the jilbab.[35] In this way, recognition shares a paradoxical structure with toleration: the recognized or tolerated must be different, but not too different. To sum up, difference (vis-à-vis a norm) is not a fixed relation, but itself an effect of the way in which actors— here the school and Shabina Begum—negotiate it.

Shabina Begum encounters a final important version of the difference paradox. Like other hijab cases, *Begum* also concerns the female body and sexuality. Shabina Begum argues that Islam requires modesty of girls/women from the age of menstruation so that they must cover the shape of the female body. More generally, the hijab is supposed to desexualize the woman's relationship to men, except her relationship to her husband and close male relatives, which are unambiguously sexual and asexual respectively (and here there is no question of homosexuality). Yet, by covering the body, the hijab simultaneously reveals it as (hetero-)sexually significant.[36] Wittingly or unwittingly, Shabina Begum at once covers and draws attention to her sexual difference. The jilbab both covers and reveals; or, to be more precise, it reveals by covering: the sexuality that must be veiled is performatively construed through the very act of veiling it. There is a fabulous retroactivity at work whereby, through the act of veiling, Shabina Begum's body will have been what needed to be covered. The performative act masquerades as a constative.[37]

The jilbab would have allowed Shabina Begum to stay in a mixed school, whereas she instead ended up in an all girls' school. However, whether she goes to a mixed school or not, the jilbab reproduces her (hetero-)sexual difference and, it might be argued, the inequality implicit in Islamic regulation of women's bodies as a solution to the male gaze. The hijab may allow women to take part in public life like men, but only on the condition that they

cover their womanhood and sexuality, and yet this very covering also symbolizes their womanhood and their sexual difference. Thus, the recognition of the jilbab in the school both has egalitarian effects (through the recognition and inclusion of another difference) and also reproduces certain differences that are marks of inequalities. This is not to say that unveiling would avoid the implicit sexualization in veiling, at least not as long as Shabina Begum finds herself within (Islamic and "Western") discourses that take the female body as saturated by its sexuality. This much is clear from a comment Boris Johnson, now Mayor of London, made when noting the "paradox" whereby Shabina Begum's veiling had drawn attention to her sexuality. He wrote of "this exceedingly good-looking and confident young woman . . . batting her (rather beautiful) eyes through her visor [*sic*], and thereby exciting the interest of millions of otherwise apathetic viewers, who are not only infidels but very possibly male infidels at that."[38] Jilbab or not, Shabina Begum's body is here reduced to being an object for the enjoyment by the male gaze. Perhaps we must qualify the idea that it is the veiling of the body that sexualizes it. Even if it is the case that it is the veiling of the body that sexualizes it, it seems also to be the case that both Islamic and "Western" discourses on the hijab tend to be marked by a sexual difference whereby women are always sexualized, veiled or not.[39]

Individual and Community, Autonomy and Compulsion

In her struggle for recognition of her difference, Shabina Begum takes recourse to the law and the courts, specifically Article 9 (1) of the European Convention of Human Rights, which is included in the British Human Rights Act: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance."[40] The law makes her able to make her claim for recognition and to do so in terms of rights, but the law also restricts the form her claims can take. More precisely, her claims oscillate between individual and community and between autonomous choice and compulsion.

On the one hand, the subject of the relevant human rights law is an individual, and so Shabina Begum's claims can only be heard as the claims of an individual, and she must cast her religious beliefs as her individual beliefs. The nature of the law is liberal in the additional sense that she must cast her beliefs in terms of autonomous choice, which is to say that she must not have

been forced to wear the jilbab (her beliefs must be "genuine" in this sense).[41] Shabina Begum responds to the view that the hijab cannot be freely chosen and is a sign of women's oppression, a view that is widely reflected in the media coverage of the case. A good example is the title of a comment by Catherine Bennett, "Of course women have a right to choose. But agreeing to wear a jilbab is no choice at all."[42] Here Shabina Begum's freedom to choose to wear what she wants is first asserted ("Of course women have a right to choose"). However, if the choice is for the jilbab, this is immediately deemed shallow and it can then be described as "no choice at all" but as "agreeing to...", implying that it follows from pressure from others. If the choice to wear the jilbab is "no choice at all," then it is not contradictory to exclude Shabina Begum's "choice" in the name of free choice. Shabina Begum insists that she is not a passive subject: "all this [about being forced to wear the jilbab] is a lie and I feel that it belittles me and other Muslim girls by suggesting that I cannot think for myself."[43] Her claim for recognition is only possible insofar as she insists that her beliefs and the jilbab are her individual and autonomous choice, yet this opens her to two counter-arguments from the school. First, they stress that she was alone with her views, thus reinforcing her extremism and marginality.[44] Second, it plays into the argument that Shabina Begum had effectively excluded herself because the jilbab was a choice, and because she could have chosen a different school in the local area where the jilbab was allowed.[45]

On the other hand, individual autonomous choice is not the whole story. The law not only allows for a communal dimension to religious beliefs and practice ("in community with others") but indirectly requires it. The religious beliefs protected under the law must be recognizable as religious beliefs, that is, they must correspond to what are recognized as religious beliefs and to existing, recognized religions.[46] Thus, Shabina Begum's claim for recognition of her difference immediately raises questions about the identity of Islam. Here we are dealing with what García Düttmann calls repeated re-cognition, whereby recognition works as the re-cognition of an already recognized identity, and whereby the recognized becomes bound to the recognized identity, to use Markell's phrase. The recognition is not simply cognitive in a descriptive sense, but also normative because certain religions are authorized as protected by the law. For these reasons, Shabina Begum's beliefs cannot simply be individual or personal. Indeed, Shabina Begum herself becomes embroiled in discussions about the identity and essence of Islam in the course of her claim to have her difference recognized. Most notably, she stresses how she has arrived at her beliefs through careful study of the scriptures and of Islamic scholars.[47] The references to established— and recognized—authorities are supposed to

show that her beliefs are genuinely Muslim, but they also mean that her beliefs cannot simply be her individual beliefs.

When it comes to autonomous choice, if Shabina Begum's religious beliefs are to be taken seriously in court, they cannot be the result of "mere" choice as if they were the result of a lifestyle choice. Shabina Begum can respond to this by stressing how she has arrived at her beliefs after careful study of authoritative texts. Similarly she can argue that her beliefs have forced themselves upon her through revelation, making it compulsory for her to wear the jilbab. She herself says: "Islam truly liberates her [i.e., a jilbab wearing woman] because it . . . makes her a slave to the Creator and not to man or her desires."[48] In these terms, it must have been her religion that made her do it. Here the paradox becomes evident: on the one hand, Shabina Begum insists that the jilbab was not forced upon her; on the other hand, she writes that "Muslim women do not wear the jilbab out of a choice of modesty or culture but because it is an obligation."[49] She must at once be a sovereign individual and refer to something beyond her control, whether a communal identity (of Islam) or religious injunctions. *Begum* cannot be reduced to a case of individual versus community or autonomy versus compulsion, and the parties appeal at once to individual choice *and* communal identity, autonomy *and* compulsion.[50] Neither individual choice nor communal identity or compulsion are unambiguous discursive strategies, and the struggle for, and against, recognition of the jilbab is marked by this ambiguity.

Representational Authority

Perhaps the most important question raised by the *Begum* case and by the politics of recognition concerns the relationship between recognition, representation and authority: if recognition relies on representations, how is the authority of those representations established?[51]

Throughout the legal process, the school emphasizes that it has arrived at its uniform policy through a consultation process with Muslims. The judges also emphasize this in their decisions, and during the trials there were further rounds of consultation with British Muslim authorities. When the school developed the uniform policy, they consulted staff, parents and pupils as well as several local mosques, who all agreed that the shalwar kameeze fulfilled Islamic requirements for female dress. By being asked for their views on Islam by the school, the local mosques are recognized as authoritative representatives of Islam and authorized to speak in the name of, and for, Muslims.

The recognition, or not, of Shabina Begum's religion comes to rely on a prior act of recognition, namely the recognition of these representatives as

authoritative representatives of Islam and, by implication, the recognition of the authority of their representations.[52] What we have is what García Düttmann calls repeated re-cognition. When it comes to the authority of the representations of Islam, recognition relies on and repeats a prior determination—which is to say, recognition—of the identity in question. An identity has been determined (here, Islam), and it is now a matter of the identity between this recognized identity and the one that claims recognition (here, Shabina Begum's representation of Islam). Recognition becomes a matter of recognizing in Shabina Begum's identity the identity that has been determined as Islam through the representations by the local mosques and the school. To the extent that recognition relies on a correspondence between one identity and another, recognition proceeds in a constative, and cognitive, fashion. The recognition gets at least part of its authority from appearing as a mere constative, as a reflection of something taken as a given, something that can therefore be taken as the basis for a judgment about the act of recognition. What is more, the representation gets its authority from being repeated, and when others repeat it in different contexts, this shores up its authority by confirming it as the correct representation of, for instance, Islam. The representatives of Islam are authorized as such because they are recognized as representatives of Islam.

However, the performative dimension never disappears completely. Although recognition relies on repeated re-cognition, the former cannot be reduced to the latter: although we cannot have recognition without repeated re-cognition, recognition also implies a normative dimension when deciding which identities should be included through recognition. This normative dimension is precisely what is at stake when it comes to the authority of the representations and, hence, of the recognition, because here we are dealing with the question of which and whose representations form the basis for recognition. Representations need to be recognized as authoritative in order to be so; the representations need to be taken up by others as authoritative or correct representations. In this way, a particular representation may become authoritative when it comes to policy making, but the repetition by others in other contexts introduces alteration. This is so because to repeat is to repeat in a (however slightly) different context, and if meaning is relational—which is to say, contextual—then repetition also implies alteration, which is another way of saying that there is no pure repetition and no pure constative. There is no point at which the process of recognition comes to completion, or where someone can prevent the continuation of the process of recognition.[53] Together with the impurity of repetition, this undermines the ability of the recognizer to control the meaning of the act of recognition, and *Begum* is precisely about who is able to control the meaning of the jilbab and the

identity of Islam. Shabina Begum's struggle for recognition of her Islam is possible because there is no pure repetition, that is, because the recognition of the school's Islam is never a closed matter. This is not to say that things are entirely open to resignification; on the contrary, the representations of Islam and the jilbab rely on, and take place within, existing representational structures and inequalities. This includes the inequality between majority and minority Islam and the repetitions of certain images of Islam in the media associating the jilbab with extremist Islam.

In *Begum*, the consensus in and around the school is disrupted by the change in Shabina Begum's religious views and her subsequent challenge of the school's representation of Islam. Where previously the consensus expressed everybody's recognition of the school's representation as authoritative, the authority of the representation is now put into question. The consensus comes about when everybody recognizes Islam in the same way, that is, when the representations of Islam are repeated in a constative fashion and taken to refer to the same. Insofar as a representation of Islam is not disputed, it will tend toward a homogenization of Islam. Insofar as the school is able to garner a consensus around its representation of Islam, this representation does not appear as one contingent and contestable representation among others. On the basis of this sort of naturalization of a representation, alternative representations are rendered incorrect, marginal or extremist, which is precisely what happens in *Begum*. Hence it is important who is able to hegemonize the representation of Islam or, more generally, to hegemonize the representational field. Shabina Begum's struggle for recognition of her Islam is possible because there is no complete consensus. Still, although the consensus on Islam is partial, the school was successful in representing her difference as extremist and thereby excluding it in a way that can be rationalized by the school, the community, the judges and most of the media.

The school and the courts not only rely on the authority of the local mosques to represent Islam, but also the authority of the head teacher. The school and the judges make references to the head teacher's background: she is a Bengali Muslim and, *as such*, she is said to be in a privileged position to speak on behalf of Muslims.[54] As with the consultation process involving the local mosques, the argument rests on the recognition of the head teacher as Muslim. The head teacher is authorized as a representative of Muslims on the basis of recognizable facts (her ethnicity and religion), and her Islam is recognized as the identity vis-à-vis which Shabina Begum's claims are recognized or not. Making the head teacher stand for Islam not only presumes but also reproduces an identity between her Islam and that of other Muslims, except those who differ and who are therefore marginal or extreme.

The claim to be able to stand in for Islam is also a claim about the identity and limits of Islam. Shabina Begum's claim for recognition is a challenge to the representativity of the head teacher and to the Islam she is said to represent. Indeed, Shabina Begum's disruption of the consensus goes hand in hand with showing the partiality of the school's view of Islam. One important way in which Shabina Begum does this is when making a distinction between culture and religion, when she and her brother argue that the shalwar kameeze is in fact a Pakistani cultural dress rather than an Islamic religious dress.[55] For Shabina Begum, the shalwar kameeze is a particular cultural dress that is neither universal to Islam nor essentially Islamic; for her, "nothing else is Islamic" but the jilbab.[56] Her argument rests on an essentializing representation of Islam. She refers to a true Islam based on references to scriptures and classical scholars. This is also what is involved in her claim, mentioned above, that "better" Muslims wear a jilbab.[57] It is an Islam that can be distinguished from what are then merely local, cultural differences. The culture/religion distinction helps Shabina Begum exclude the cultural (the shalwar kameeze) as contingent and non-essential to the religious (Islam), which she can then claim has a core truth common to all Muslims. Although Shabina Begum allows for pluralism within Islam, this view competes with her assertion of a single true Islam.

The school also appeals to pluralism within Islam.[58] At the same time, they appeal to consensus: "All opinions were that the Shalwar Kameeze satisfies the Islamic dress code."[59] Both the school and Shabina Begum want to be on the side of pluralism and tolerance, and they operate in the discursive terrain of British multiculturalism where these values are important, but their claims for and against recognition are also based on representations of a single, true Islam. They need the language of pluralism and tolerance in order to appear reasonable and tolerant, but they must also claim to represent Islam in the right way. The latter is necessary because the dispute is not over the recognition, or not, of Islam, but over *which* Islam is to be recognized in the school uniform policy. There is a tension built into their arguments because, even if they were only paying lip-service to the language of pluralism and tolerance, these values undermine the representation of a monolithic Islam. While the different agents—the school, Shabina Begum and the judges—all declare that they do not want to judge the truth of religious beliefs, the case is necessarily also about the identity and limits of Islam.

The school's solution to the apparently paradoxical simultaneous assertion of pluralism and homogeneity is to defend the exclusion of Shabina Begum's difference on the basis of a defense of pluralism. It may seem paradoxical to defend pluralism at the price of excluding some pluralism (here: Shabina Begum's minority Islam). But the exclusion is rationalized as the

exclusion of an "extremist" difference that threatens pluralism: among other things, the school says that other girls at the school have said that they would feel forced to wear the jilbab, which the girls associate with an extreme form of Islam.[60] In this way, Shabina Begum's difference can be excluded in a non-paradoxical way; indeed, on this line of reasoning, it would be paradoxical to include Shabina Begum's difference because it is said to threaten the inclusion of other, legitimate differences. "I have been given the firm impression," the head teacher states, "that there is a number of girls in the school which relies on us to help them resist the pressures from the more extreme groups," in order "to preserve their freedom to follow their own part of the Islamic tradition."[61] To exclude Shabina Begum's difference becomes the condition of possibility of others' freedom and a pluralistic school. Logically, there is nothing wrong with this argument, because there is no recognition without a limit to recognition. However, this is not enough to rationalize the exclusion of particular differences; for that, the school relies on the assignment of marginality and extremism to Shabina Begum's difference, and the flipside of that difference is a norm about what it means to be Muslim.

The tension between pluralism and homogenization is also visible in the consultation process that takes place during the trial. The two parties submit statements from various representatives of the Muslim community in Britain, the school to the effect that the shalwar kameeze meets Islamic requirements, and Shabina Begum to the effect that a jilbab is required. Again the consultation process takes certain representatives and certain representations as authoritative. However, at certain points the authority of the representatives and representations is disturbed. First, some of the Muslim representatives stress that there are interpretive differences within Islam, and the school to some extent accepts this.[62] Second, the school treats the representations in a way that undermines their authority. When some of the representatives provided statements to both sides and with contradictory conclusions, the school "could see no good reason for the local mosques apparently changing their minds."[63] Their response to the interpretive differences among the representatives is to refer to these differences as "opinions":

> All that can be said now is that there appears to be a difference of opinion between no doubt learned gentlemen as to the proper interpretation of the Islamic dress code. The school is not required to become involved in any such learned discussion.[64]

Yet, the school does rest its case on representations of Islam. This is so when it argues that one can be a good Muslim while wearing the shalwar kameeze,

basing this on statements by representatives from local and national representatives of Islam and on references to the head teacher's identity. Whether or not the school wants to get involved in disputes over the interpretation of Islam, it is forced to do so because the dispute is one of how to recognize Islamic belief in the school uniform, and so the dispute concerns what it means to be a Muslim in the first place and what is proper to Islam.

Contesting Representations and Recognition

If the politics of recognition can be understood as a struggle over representations, it is important who gets to represent what and whom, and how the authority of the representatives and representations is established. The authority of representations can be contested in two ways. One strategy is to argue for the contingent and partial character of a particular representation as opposed to an alternative non-contingent and true representation of, for instance, Islam. Another strategy is to argue for the contingent character of all representations. While both strategies may highlight the contingency of the contested representation, the second strategy does not substitute a contingent representation with a supposedly non-contingent one. The first strategy proceeds in a constative mode in that it claims that the true representation corresponds to something prior to, and independent of, the representation. The strategy is felicitous insofar as the performative aspect of the representation remains hidden from view. The second strategy, however, can be linked to the view defended here that representation and recognition proceed simultaneously in a constative and a performative mode, and that the process always remains incomplete. Here there is no claim to the independence and priority of the represented *vis-à-vis* the representation; any particular representation at once takes as given and constitutes what is represented.

In *Begum*, the two parties pursue both strategies. We have seen how the school rests its case on the view that there is a single authoritative Islam *and* on the view that no particular representation of Islam can be privileged, because they are mere "opinions." And we have seen how Shabina Begum is engaged in similar moves when she is at once talking up what she holds to be a true Islam and paying respect to the pluralism within Islam. It is tempting to ascribe these contradictions in their strategies to either confusion or to the self-serving pursuit of otherwise contradictory strategies, as when the school conveniently only insists on interpretive pluralism when some of the Muslim representatives contradict the school's position. Although the parties may be both confused and self-serving, they cannot entirely avoid paradox, and this is due to the constative and performative structure of both representation and

recognition. Since representation must proceed at once in a constative and a performative mode, they must take the represented as both independent of and dependent on the representation, and the same goes for recognition.

Following the argument about the constative/performative structure of representation and recognition, we should pursue the second of the two strategies of contestation, namely to posit representation against representation without claiming a non-representational—and, hence, uncontroversial—status for our favored representation. One way to pursue the second strategy in the *Begum* case is to highlight the interpretive pluralism within Islam, thus rendering Islam internally divided to the extent that we can no longer talk of one Islam, and thus undermining the ability of anyone to set themselves up as authoritative representatives of Islam in the singular. Bringing pluralism and contingency to the fore pits (contingent) representation against (contingent) representation. Insisting on pluralism and contingency is not an innocent or neutral strategy though, and it does not get us out of the paradoxical constative/performative structure. For instance, in the case of Islam, interpretive pluralism can act as an implicit argument for a moderate interpretation of Islam that does not insist on a particular dress code. The pluralization of Islam itself rests on a certain interpretation and representation of Islam; we do not get out of the bind of recognition and representation.

Insisting that recognition is marked by the constative/performative structure would undercut attempts to fix identities in time, whether it is the identity of a community (say, Islam) or of an individual. In *Begum*, for instance, the school argued that no further consultation was needed because "appropriate consultation with relevant bodies has taken place."[65] They also argue that the policy was known to Shabina Begum, and that she had previously accepted the policy.[66] These arguments fix the identity of Islam and of Shabina Begum at a certain point in time, but this is only possible to the extent that the identities are taken as stable and as re-cognizably identical over time.[67] However, this is problematic. Not only do identities change, but the process of recognition cannot be closed because the recognition must be repeated and must itself be recognized in order to be effective. It is precisely this insatiable need for recognition that keeps the process open to contestation.

Conclusion: Beyond Recognition and Representation?

To understand the politics of recognition, one must conceive of it as a politics of representation. Recognition shares with representation the paradoxical structure of proceeding at once in a constative and in a performative mode. What is more, the politics of recognition draws upon representations, and,

conversely, representatives and representations must be recognized as authoritative. Since there is no recognition without representation, when we examine the politics of recognition, we must ask who gets to represent, what is represented, and how the representatives and representations are authorized.

This is not the place to argue for an alternative to recognition. My aim has only been to call attention to and analyze the paradoxes in the concept and practice of recognition. The argument is not against recognition as such. Recognition is ambivalent. It binds us to identities and representations that are often determined by agents in relative positions of power, something amply illustrated in the *Begum* case. In this sense, and to paraphrase Markell, we become bound by recognition and representations. At the same time, recognition can be a way to include otherwise excluded and marginalized groups.[68] What is more, although we become bound by recognition, we are never completely bound by it. Recognition requires that it be recognized in order to be effective. Like representation, no particular act of recognition can be the last word, because recognition is an open-ended process as a result of its paradoxical constative and performative structure. The upshot is that recognition and representations can always be contested, even if always in partly determined contexts of relative inequality.

Just as it is doubtful that we should simply reject recognition, it is questionable if we can and should move beyond recognition. We cannot escape the paradox of recognition or the way it binds agents to particular identities by substituting it with a different concept and practice. It is often noted, for instance, how toleration binds the tolerated party in an asymmetrical relation to the tolerating party.[69] Similarly, Jacques Derrida has argued that, although hospitality implies an unconditional opening to the other, it is also always conditional and aimed at a particular, determined other.[70] And Christoph Menke and Jacques Rancière have argued that, although equality is inherently open-ended, it nonetheless involves recognition of the other as someone who can be counted as an equal and, thus, a representation of what it means to be an equal.[71] Thus we are dealing with a general structure: any inclusion of an Other involves the representation and, thus, reduction, of his or her Otherness. Although my argument dovetails with that of Markell, this is also where we may differ. For him, the bind of recognition is "probably" unavoidable even when substituting acknowledgement and potency for recognition and sovereignty[72]; for me, the bind is constitutive and also marks the alternatives to recognition.

What the sort of deconstructive analysis pursued here can contribute is a different attitude to recognition. This alternative attitude is to challenge representations, thereby denaturalizing them and revealing their contingent and

contestable nature, and emphasizing the open-ended character of recognition. This alternative attitude would help show that identities are effects of representations, and that their apparent authenticity is an effect of naturalizations of those representations. Even if the resulting unbinding is never complete, it facilitates the contestation of existing—that is, recognized—representations. It would also facilitate what William Connolly calls pluralization as opposed to the pluralism of already recognized differences.[73] It would be a politics of recognition that takes neither what is to be recognized nor the parameters of recognition as given, and it means treating recognition as an ongoing and open-ended process. This sort of pluralization may make us more sensitive to those marginalized or excluded constituencies that have not yet passed the threshold of recognition into mainstream society. In *Begum*, that threshold is construed as an antagonistic frontier signified by the sartorial difference between the jilbab and the shalwar kameeze. Although such a strategy of pluralization will not take us beyond recognition and the problems associated with it, it nonetheless contributes to opening up possibilities within the politics of recognition and representation, making possible a *politics* of recognition based on the agonistic struggle over representations.

Notes

1. Thanks to Peter Bloom, Ingrid Creppell, Lincoln Dahlberg, Sam Dallyn, Elena García Guitián, Sean Phelan, Lars Tønder, the anonymous reviewers, and, in particular, Mary Dietz for their comments on earlier drafts. I presented earlier versions of the paper at CEPC; CSSGJ, University of Nottingham; Örebro University; The Seminar in Political Theory, Stockholm University; the Intercultural Justice seminar, CSIC; and at the APSA Annual Meeting 2009.

2. The Queen on the application of Begum v. The Headteacher and Governors of Denbigh High School [2004] EWHC 1389 (Admin) (hereafter *Begum* HC); The Queen on the application of SB v. Headteacher and Governors of Denbigh High School [2005] EWCA 199 (hereafter *Begum* CA); and R (on the application of Begum) v. Headteacher and Governors of Denbigh High School [2006] UKHL 15 (hereafter *Begum* HL). I follow the convention in the legal literature and refer to the case as *Begum*. For a good summary of the case, see Dominic McGoldrick, *Human Rights and Religion: The Islamic Headscarf Debate in Europe* (Oxford: Hart, 2006), chap. 6. The case did not go to the European Court of Human Rights, but, given the Court's rulings in similar cases, it is likely that the ECHR would have found in favor of the school. Subsequently, the *Begum* decision was quoted in the "Guidance to schools on school uniform related policies" from the Department for Education and Skills, March 20, 2007.

3. In online chat at IslamOnline.net, March 17, 2005, at http://www.islamonline.net/ livedialogue/english/Browse.asp?hGuestID=KbLTbk.

4. For instance, Charles Taylor, "The Politics of Recognition," in Amy Gutmann, ed., *Multiculturalism: Examining the Politics of Recognition*, 2nd ed. (Princeton: Princeton University Press, 1994), 25-73; and Anna Elisabetta Galeotti, *Toleration as Recognition* (Cambridge: Cambridge University Press, 2002).

5. In analyzing the case, I have relied on the court decisions and on academic and newspaper articles. The school's views are mainly found in the court decisions. The bulk of Shabina Begum's self-representations are found in electronic media, including the online chat at IslamOnline.net; a TV interview on GMTV Today, March 22, 2006, available at http://www.youtube.com/watch?v= 9hN-vAb4dQg; and two public statements, March 2, 2005, and March 22, 2006, available at http://news.bbc.co.uk/player/nol/newsid_4310000/newsid_4311500 /4311509.stm?bw=nb&mp=wm&news=1&bbcws=1 and http://news.bbc.co .uk/player/nol/newsid_4830000/newsid_4832800/4832834.stm?bw=nb&mp =wm&news=1&ms3=6&ms_javascript=true&bbcws=2. Cf. also the radio program "Symbol-ed Out," presented by Shabina Begum, BBC Radio Asian Network, May 12, 2008, http://www.bbc.co.uk/asiannetwork/documentaries/symbol-edout.shtml.

6. Joan Wallach Scott, *Only Paradoxes to Offer: French Feminists and the Rights of Man* (Cambridge, MA: Harvard University Press, 1996), 16-18, 174.

7. Alexander García Düttmann, *Between Cultures: Tensions in the Struggle for Recognition*, trans. Kenneth B. Woodgate (London: Verso, 2000); and Patchen Markell, *Bound by Recognition* (Princeton: Princeton University Press, 2003), especially chap. 1.

8. García Düttmann, *Between Cultures*, 120.

9. Jacques Derrida, *Of Grammatology*, trans. Gayatri Chakravorty Spivak, 2nd ed. (Baltimore: Johns Hopkins University Press, 1997). On the understanding of the performative and the constative defended here, see Jacques Derrida, *Limited Inc*, trans. Samuel Weber (Evanston, IL: Northwestern University Press, 1988); and Jacques Derrida, "Declarations of Independence," trans. Tom Keenan and Tom Pepper, *New Political Science* 7, no. 1 (1986): 7-15.

10. García Düttmann, *Between Cultures*, 44.

11. Ernesto Laclau, *Emancipation(s)* (London: Verso, 1996), chap. 6; Brian Seitz, *The Trace of Political Representation* (Albany: SUNY Press, 1995); and Lisa Disch, "Representation as 'Spokespersonship': Bruno Latour's Political Theory," *Parallax* 14, no. 3 (2008): 88-100. Jacques Derrida, "Sending: On Representation," trans. Peter and Mary Ann Caws, *Social Research*, 49 (1982): 294-326; and Derrida, *Of Grammatology*. For related treatments of representation in different contexts, see Gayatri Chakravorty Spivak, "Can the Subaltern Speak?" in *Marxism and the Interpretation of Culture*, ed. Cary Nelson and Lawrence Grossberg (Basingstoke, UK: Palgrave, 1988), 271-313; and Linda Alcoff, "The Problem of Speaking for Others," *Cultural Critique* 20 (Winter 1991-1992): 5-32.

12. See, e.g., Baroness Hale in *Begum* HL, §§92ff; and Christian Joppke, *Veil: Mirror of Identity* (Cambridge: Polity, 2009), chap. 4.

13. E.g., Joppke, *Veil*, chap. 4; and Shabina Begum in Dilpazier Aslam, "I Could Scream with Happiness. I've Given Hope and Strength to Muslim Women," *Guardian* March 3, 2005, at www.guardian.co.uk/uk/2005/mar/03/schools.faithschools; and Shabina Begum at http://news.bbc.co.uk/player/nol/newsid_4310000/newsid_4311500/4311509.stm?bw=nb&mp=wm&news=1&bbcws=1.

14. *Begum* HL, §80 (Lord Scott). See also *Begum* HC, §68.

15. E.g., in online chat at IslamOnline.net.

16. Cf. the discussion in Gareth Davies, "Banning the Jilbab," *European Constitutional Law Review* 1, no. 3 (2005): 511-30 at 519-22.

17. On recognition and autonomy, see Düttmann, *Between Cultures*, 214-16. There is something im-proper about recognition: both authenticity and autonomy refer to something that is proper to the self, but neither of them can function as origins, or teloi, of recognition. See Markell, *Bound by Recognition*, 63f.

18. Markell, *Bound by Recognition*. For this critique of recognition, see also Wendy Brown, *States of Injury: Power and Freedom in Late Modernity* (Princeton: Princeton University Press, 1995), chaps. 3 and 5; and Elizabeth A. Povinelli, "The State of Shame: Australian Multiculturalism and the Crisis of Indigenous Citizenship," *Critical Inquiry* 24, no. 2 (1998): 575-610.

19. García Düttmann, *Between* Cultures, 111; and Estelle Ferrarese, "'Gabba-Gabba, We Accept You, One of Us': Vulnerability and Power in the Relationship of Recognition," *Constellations* 16, no. 4 (2009): 604-14.

20. The same goes for "the school," which also consists of a number of agents: the head teacher, the deputy, the governors and their lawyers.

21. For this view of the subject, see Parveen Adams and Jeff Minson, "The 'Subject' of Feminism," in *The Woman in Question: m/f*, ed. Parveen Adams and Elizabeth Cowie (Cambridge, MA: MIT Press, 1990), 81-101.

22. Martha Minow, *Making All the Difference: Inclusion, Exclusion, and American Law* (Ithaca: Cornell University Press, 1990). See also García Düttmann, *Between Cultures*, pp. 125f; Scott, *Only Paradoxes to Offer*; and Joan Wallach Scott, *Gender and the Politics of History*, rev. ed. (New York: Columbia University Press, 1999), chaps. 8-10. Neither Minow nor Scott links their analyses explicitly to the constative/performative structure, but their analyses stress how (claims for) rights do not merely reflect preexisting identities, but also constitute these, in particular in the context of the relationship between norm and difference.

23. *Begum* HC, §84, no. 27.

24. Ibid., §82, no. 51. For the judges' confirmation of this view, see ibid., §§39-40; and *Begum* HL, §34.

25. *Begum* HC, §82, nos. 15-16, §83, nos. 17 and 20; and *Begum* HL, §65 (Lord Hoffmann). For an example of the slippery slope argument see Madeleine Bunting,

"Hijack Averted," *The Guardian*, March 22, 2006, at http://www.guardian.co.uk/commentisfree/2006/mar/22/hijackaverted. Bunting writes that the hijab is "well within the comprehension of Western traditions," but she puts Shabina Begum's demand to wear the jilbab on a slippery slope towards the "nightmare" of the niqab.

26. García Düttmann, *Between Cultures*, 3f.

27. E.g., *Begum* HC, §84, nos. 23-24. She is symbol-ed out, cf. "Symbol-ed Out," BBC Asian Network.

28. Minow, *Making All the Difference*, 53ff.

29. In online chat at IslamOnline.net.

30. Ibid.

31. "Muslim Schoolgirl 'Objected to Uniform of Non-believers,'" *The Guardian*, February 8, 2006, at www.guardian.co.uk/education/2006/feb/08/schools.uk2.

32. This is how it is referred in the deputy head teacher's statement. *Begum* HC, §84, no. 26.

33. For instance, Fareena Alam, "Style and Substance," *The Guardian*, March 22, 2006, at www.guardian.co.uk/commentisfree/2006/mar/22/usingmyreligion.

34. Likewise, one of her solicitors says: "I don't see why it is a big issue . . . this is a dispute over 11 inches of hem." Anushka Asthana, "Teachers Warn of Crisis over Muslim Girl's Uniform Fight," *The Guardian*, March 19, 2006, available at http://www.guardian.co.uk/uk/2006/mar/19/politics.schools.

35. Davies, "Banning the Jilbab," 530.

36. Afsaneh Najmabadi, "Gender and Secularism of Modernity: How Can a Muslim Woman Be French?" *Feminist Studies* 32, no. 2 (2006), 239-55 at 248. For Shabina Begum's views on how veiling contributes to Islam's economy of interaction between men and women, see online chat at IslamOnline.net.

37. Derrida, "Declarations of Independence."

38. Boris Johnson, "The Shabina Begum Case Never Had Anything To Do with Modesty," *The Telegraph*, March 23, 2006, available at http://www.telegraph.co.uk/comment/personal-view/3623879/The-Shabina-Begum-case-never-had-anything-to-do-with-modesty.html.

39. Joan Wallach Scott, *The Politics of the Veil* (Princeton: Princeton University Press, 2007), chap. 5; and, more generally, Leila Ahmed, *Women and Gender in Islam* (New Haven: Yale University Press, 1992), chaps. 8 and 11, Conclusion.

40. http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/EnglishAnglais.pdf.

41. There was no challenge to the genuineness of Shabina Begum's religious beliefs, although at times the judges and others insinuate that she was under the influence of her older brother. *Begum* HC, §68; *Begum* HL, §§79-81.

42. *The Guardian*, September 15, 2005, available at http://www.guardian.co.uk/world/2005/sep/15/religion.uk.

43. In online chat at IslamOnline.net. "I do have a mind of my own and I can choose what I want to wear," Shabina Begum says in another place. Joshua Rozenberg, "The Family That Put Child's 'Rights' before Education," *Daily Telegraph*, March 23, 2006, at www.telegraph.co.uk/news/uknews/1513727/The-family-that-put-childs-rights-before-education.html.

44. *Begum* HC, §§17, 82, no. 45.

45. E.g., ibid. §§60, 73, and Annex nos. 16-17.

46. See the detailed discussion in *Begum* CA, §§31-49. Compare ibid., §93; and *Begum* HL, §21.

47. *Begum* HC, §67; Aslam, "I could scream with happiness"; and online chat at IslamOnline.net.

48. In online chat at IslamOnline.net. Here I am not interested in the meaning of "kul" of which "slave" is the translation, but which could also be translated as "subject;" what is important is the way Shabina Begum uses this idea. On Islam, the hijab and agency, see Ahmed, *Women and Gender in Islam*, chap. 11, Conclusion; Scott, *The Politics of the Veil*, chap. 4; Najmabadi, "Gender and Secularism of Modernity"; Nancy J. Hirschmann, "Eastern Veiling, Western Freedom," *The Review of Politics* 59, no. 3 (1997): 461-88; Lama Abu Odeh, "Post-Colonial Feminism and the Veil: Thinking the Difference," *Feminist Review* 43 (1993): 26-37; and Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton: Princeton University Press, 2005), chaps. 1 and 5, Epilogue.

    In "Western" discourses on Islam and women, the length of a woman's dress is often taken as a measure of her agency and unveiling as a measure of choice and emancipation. The result is that you can only choose to unveil, but not to veil (cf. Bunting, "Hijack Averted" for a good example). Conversely, in Islamic discourses, the length of dress is often taken as a measure of (Islamic) religiosity and modesty (for a critique of this in relation to *Begum*, see Ghayasuddin Siddiqui, "Road to Muslim Dignity," *The Milli Gazette*, September 1-15, 2004, at http://www.milligazette.com/Archives/2004/01-15Sep04-Print-Edition/011509200402.htm). In both types of discourses, (Muslim) women are reduced to what they wear. For a critique of this in the context of *Begum*, see Mona Eltahawy, "Will a Muslim Woman Ever Be More Than What She Wears?" *Muslim Wakeup*, March 3, 2005, at www.muslimwakeup.com/main/archives/2005/03/will-a-muslim-w.php.

49. In online chat at IslamOnline.net.

50. Bunting ("Hijack Averted") finds it

> intriguing . . . that Begum and her brother used Western concepts of individual human rights and choice to fight their case against the school and the local community. Traditionally, Islam has put a strong emphasis on conformity to the community's rulings—the rights of the collective trump those of the individual—but the Begums were turning this on its head to argue against the majority.

Expressing a widely held belief, Bunting reinforces the opposition between "Western" and "Islam" with her surprise that, *qua* her religion, Shabina Begum is naturally alien to individual human rights and choice. Here paradox is considered to be against the nature of things and so can be criticized on that basis. My point is that, on the contrary, paradox is inherent to the way in which Shabina Begum articulates the different discourses available to her; in short, if anything is "natural," it is paradox.

51. For media discussions of the authority of the representations of Islam by the school and Shabina Begum, see Eltahawy, "Will a Muslim woman ever be more than what she wears?" Alam, "Style and Substance"; and the discussion at IslamOnline.net.

52. E.g., in *Begum* HC (§15, my emphasis), the judge refers to the "*independent* advice" by the representatives.

53. The process can be described in terms of the Derridean notion of iterability. Derrida, *Limited Inc*; and García Düttmann, *Between Cultures*, 84-95.

54. *Begum* HC, §§37, 43; and *Begum* HL, §§5, 43, 74f; but see *Begum* HC, §2. In *Begum* HC (§12) and HL (§§4, 43, 74), they also highlight the fact that several of the school governors were Muslim.

55. *Begum* HC, §67. See also Shabina Begum in Alam, "Style and Substance."

56. Quoted in Alam, "Style and Substance."

57. *Begum* HC, §84, no. 26. When pressed on the issue, Shabina Begum (in online chat at IslamOnline.net) is ambivalent about whether other forms of dress are good enough for Muslim women.

58. *Begum* HC, Annex, no. 10.

59. Ibid*.*, §25. Notice the reference to "*the* Islamic dress code."

60. *Begum* HC, §82, nos. 15, 16.

61. Ibid*.*, no. 16.

62. E.g., ibid., §§16, Annex no. 10; but compare *Begum* HL, §15.

63. *Begum* HC, Annex, §8.

64. Ibid., §23. See *Begum* CA, §93, for a critique that the "school authorities . . . pick and choose between religious beliefs and shades of religious belief."

65. *Begum* HC, Annex §11.

66. Ibid., §§3, 25.

67. Note that the European Convention of Human Rights, Article 9 (1) stipulates a right "to *change* [one's] religion or belief." For a defense, in the context of *Begum*, of the view that agents develop over time and that the law must reflect this, see Sheldon Leader, "Freedom and Futures: Personal Priorities, Institutional Demands and Freedom of Religion," *Modern Law Review* 70, no. 5 (2007): 713-30.

68. Taylor, "The Politics of Recognition"; and Galeotti, *Toleration as Recognition*. Critically Markell, *Bound by Recognition*; Povinelli, "The State of Shame"; Brown, *States of Injury*, chaps. 3 and 5; Lois McNay, *Against Recognition*

(Cambridge: Polity, 2008); Kelly Oliver, *Witnessing: Beyond Recognition* (Minneapolis: University of Minnesota Press, 2001); and Drucilla Cornell and Sara Murphy, "Anti-racism, Multiculturalism and the Ethics of Identification," *Philosophy & Social Criticism* 28, no. 4 (2002): 419-49. Their differences notwithstanding, these authors stress the power relations involved in recognition, including the ways in which recognition itself helps reproduce these power relations. My aim has been to stress that this is not the whole story.

69. Lasse Thomassen, "The Inclusion of the Other? Habermas and the Paradox of Tolerance", *Political Theory* 34, no. 4 (2006): 439-62.

70. Jacques Derrida, "Hospitality," *The Derrida-Habermas Reader*, ed. Lasse Thomassen, trans. Barry Stocker and Forbes Morlock(Edinburgh University Press, 2006), 208-30.

71. Christoph Menke, *Reflections of Equality*, trans. Howard Rouse and Andrei Denejkine (Stanford: Stanford University Press, 2006); and Jacques Rancière, *Disagreement: Politics and Philosophy*, trans. Julie Rose (Minneapolis: University of Minnesota Press, 1999).

72. Markell, *Bound by Recognition*, 188.

73. William E. Connolly, *The Ethos of Pluralization* (Minneapolis: University of Minnesota Press, 1995), chap. 6. This is analogous to Markell's proposal to multiply the sites of political recognition in order to weaken the reproduction of the sovereignty of the state through recognition (*Bound by Recognition*, 188f). I would insist, though, that sovereignty, power and inequality cannot be done away with, only negotiated differently.

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