Sherene Razack’s most recent book, Casting Out: The Eviction of Muslims from Western Law and Politics, contributes to the growing critical scholarship about the sociopolitical meaning of Islam in liberal western states. Razack addresses issues ranging from prison camps and security certificates, to the imperialist potential of feminism and the sharia debate in Ontario. She offers a perceptive critique of the ways in which the political discourse about Islam provokes a culture of fear where we “use force and terror” to defend ourselves from a “menacing cultural Other,” and thereby contribute to the justification of empire. The “we” in this narrative is not a multicultural governed Canada, Europe or United States, but very much the collectivity of “white nations” that base their use of law on racialized presumptions, which normalize the casting out of Muslims from political society.

Razack writes passionately about three stereotypes that facilitate the casting out of Muslims, namely the dangerous Muslim man, the imperilled Muslim woman and the enlightened European, the latter being a necessary implication of the former two. Throughout Razack’s study, race is the fundamental category of distinction. By racializing the Muslim as Other, white nations are able to construct camps within the legal system where the Other exists not just as different, but indeed outside the realm of law, society and even personhood.

At the core of this book is Razack’s concern with how “race thinking” remains a “defining feature of the world order.” Indeed, she argues that “race thinking” normalizes a world in which the racialized Other can justifiably be pushed out of political community to the realm of the camp, where the law is used to create zones of rights-less people, or rather legal non-persons. So places such as Guantanamo and the use of security certificates are not the result of overtly racist or bigoted thinking: rather, the pernicious mechanism of racialization normalizes the bad treatment and indefinite imprisonment of the Muslim Other as necessary to ensure our security.

The three stereotypes are powerful indeed and illustrate the adverse impact that line drawing can have on the way we consider the possibilities of traversing the borders of identity, whether real or perceived. Indeed they were very much at play in what Razack calls the sharia debate that occurred in Ontario in 2004–05. The most vehement opponents to sharia family arbitration were concerned for the Muslim woman who would fall victim to the machinations of an oppressive, domineering Muslim husband.

In the fall of 2005, I led a discussion with a group of high school students of varying backgrounds about the image of the Muslim woman. I asked them to imagine seeing a woman in a headscarf, niqab or burka walking around in Yorkville, an expensive retail area in Toronto. I then posed the following questions: Is she raised in Canada or an immigrant? Is she educated or uneducated? Is she single or married? Does she own private property or not? Is she employed or not? Does she have children or not? Is she an equal partner in her marriage or coerced by her husband? Not knowing anything about this hypothetical woman, the majority of students answered as one would unfortunately expect—in immigrant, uneducated, married, property-less, unemployed, with children and under the coercive oppression of her husband (who was not even part of the imagined example). I suspect that these students were not unusual, and indeed I heard similar sentiments from many others, regardless of age, gender or education. Of course the phenomenon of stereotyping is not unique to our understanding of Muslims. But what is especially troubling about these stereotypical impositions is how they rely for their veracity on silences we tolerate about ourselves.

The imperilled Muslim woman and the dangerous Muslim man become powerful stereotypes in large part because they are implicitly contrasted with the stereotype of the safe, empowered and enlightened western man and woman. But the former stereotypes are only powerful if we forget about the silences we permit about the perpetuation of violence against women, regardless of religious, racial or economic background. Judith Herman, in Trauma and Recovery: The Aftermath of Violence, reminds us of the rate at which women are sexually assaulted in places such as North America. But more importantly, she is critical of how the reality of violence and trauma is muffled by a sociopolitical “amnesia” that allows us to be silent about an evil too controversial to discuss publicly at much length. The silence keeps hidden the very evil we wish were not part of our existence. The irony of this silence, which Razack’s stereotypes alert us to, is that it permits us to believe that only the Other (Muslim or otherwise) suffers from such evil, while privately, quietly, we perpetuate the same violence on a daily basis.

The 2004 Statistics Canada survey on violence against male and female spouses 15 years or older estimated the number of victims of violence over the prior five years as more than one million in Canada. Incidentally, the women victims surveyed included immigrant and non-immigrant, married in and in common-law partnerships. The identity markers that inform Razack’s stereotypes with the aura of credibility matter little once we stop racializing a violence that defies such perceived boundaries. Razack’s work commendably presents these stereotypes as powerful devices made possible as much by our silences about some things as our pronouncements on others.

But even Razack’s work suffers from some silences—silences that allow the theme of racialization to dominate the political narrative she shares with us. For instance, in her chapter on the sharia debate in Ontario she writes: “Canadian feminists (both Muslim and non-Muslim) utilized frameworks that installed a secular/religious divide that functions as a colour line, marking the difference between the white, modern,
enlightened West and the people of colour, in particular Muslims.” While there may be a cor-
relation between being Muslim and coloured (although hardly absolute), Razack suggests the
relationship is robustly explanatory.

Moreover, Razack’s silence about the legal context of the debate precludes a critical under-
standing of how a zealous commitment to secular liberalism in the law can lead to a fundamental-
ist rhetoric that prevents honest dialogue about legal pluralism and multiculturalism. In fact,
what I would call “fundamentalist secular liberalism” so normalized the exclusion, demonization
and constraining of sharia that we forget about the vulnerable Muslim women who lay at the heart
of the debate.

As a legal matter, the sharia debate concerned whether or not sharia arbitrations on marriage
and divorce should continue to have the force of law as decreed under the then-prevailing Arbitration
Act. Prior to 2006, parties could use religious principles to mediate family-related matters,
or alternatively arbitrate them under the Arbitration Act. Arbitrations are distinct from mediations in
that the latter do not carry the force of law, while the former do. Arbitration is thereby seen as both time
and cost efficient for parties seeking legal resolution of their dispute. This legal reality became a prob-
lem when Syed Muntaz Ali publicly announced that he was setting up a sharia family arbitration
institute for Muslims. The debate raised ques-
tions about whether sharia arbitrations would
require Canadian courts to uphold sharia-based
decisions that ran contrary to Canadian core
legal values such as equality. In the early stages
of the debate, the Ontario government asked former
Ontario attorney general Marion Boyd to gather
data and testimonials from interested parties and
offer recommendations.

According to Razack, Boyd recommended that the Arbitration Act remain unchanged. But
that is simply not true. Boyd offered 46 recom-
mendations in her report, some of which called
for changes to legislation, increases in govern-
ment oversight and greater public support for the
vulnerable. For example, she recommended that arbitrators fully disclose their arbitral principles
to the parties, that the parties seek independent
legal advice, that the government increase sup-
port for public legal education, and so on. She
recommended preserving religious arbitration
as long as these safeguards were put in place.
The McGuinity government rejected the continu-
ance of religious arbitration, but, importantly, it
adopted many of Boyd’s other recommendations

There is an important irony that arose from the
public outcry and government decision. The
opposition to sharia arbitration reflected a
concern for the imperilled Muslim woman who
suffers in sharia mediations and who would con-
tinue to suffer in sharia arbitrations. Certainly
after the debate, we know that sharia family arbi-
trations have no legal effect. But that does not
mean the imperilled Muslim woman is no longer
in peril. There is nothing in the prevailing legisla-
tion that will keep mediations from continuing
to occur. They will continue unabated and will
remain under the radar. They will become part
of the silence that perpetuates the image of a just
and fair Canada, despite informal, uncharted and
unregulated abuses happening in our backyards.
In the same way that we consider Canada a devel-
oped nation while we indulge silences about the
well-being of First Nations communities, Canada is
likewise committed to equality, multicultural-
ism and justice as long as we choose to ignore the
abuses that we certainly abhor, but for which we
want to take no responsibility.

Razack’s narrow focus on race also illustrates a
failure to account for the religious nature of the
debate, as does her ignoring the larger legal
dimensions. Sharia represented a battlefield for
some Muslims over the extent to which it can or
ought to contribute to vibrant political debate
within a faith and within a faith community, and
between them and those outside it. Importantly,
Muslim organizations on both sides of the debate
determine and objective. To suggest the tradi-

tion is flexible, nuanced and subject to complex
judicial analysis robs sharia of its political power
in the hands both of those who invoke it and of
those who oppose it. Those who invoke it do so
to legitimize their identity claims. Those who
oppose it do so to legitimize the superiority
of their own identity claims by Othering the sharia
and those who promote it. But neither actually
addresses what sharia is, how it is used politically
and how its political symbolism is most powerful
if we refuse to ask what sharia is and can be in a
legal pluralist society.

Razack’s book is an important contribution
to the critical study of Islam in western liberal
societies. She reminds us of how certain attitudes
and stereotypes we hold about Muslims are built
on the silences we tolerate about ourselves.
But her silences on law and religion as contributing
to the sociopolitical dynamic about
Muslims in the West ignore two aspects that seem critical to some of the legal debates she addresses.
Nonetheless, she reminds us of the challenges that we must undertake if we are to uphold
principled commitments to multiculturalism. One challenge for liberal governments is to balance
the demands of the political sovereign with the need to protect individual freedom and
liberty. To what extent can the law tolerate zones of private ordering based on alternative
traditions? Furthermore, to what extent can alter-
native normative traditions embrace the Canadian context as a general framework for deliberative
discourse, both within a community and across communities? We must ask whether Canadian
law and sharia can be used not as instruments of empire, identity and exclusion, but instead as
frameworks for exploring the scope of mutual accommodation.

We know that sharia family arbitrations have no legal effect in Ontario. But that
does not mean the imperilled Muslim woman is no longer in peril.