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Blinded by the Veil

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Religious dress has the potential to act as both a barrier to, and a vehicle for, immigrant integration. Since 1971, Canada has had an official policy of multiculturalism. However, as multi-faith communities grow throughout the country, Canadians of European descent struggle with issues of accommodation as they see their neighbourhoods, schools and communities change. Muslims, in particular, are a source of wider Canadian unease. Quebec is a noticeable flash point for this tension. The province is, in no way, the only region within Canada experiencing this friction, however, Quebec has an especially uncompromising approach toward integrating minorities, rooted in their own status as a minority within English Canada. The debate over what Muslim women should or should not wear in public is an especially contentious issue. Many Quebec schools do not allow *hijabs*, and the Quebec Soccer Federation does not allow *hijabs* in its leagues. When Premier Jean Charest's Liberal government tabled Bill 94 in March 2010 -- legislation requiring all individuals to reveal their faces when utilizing government services that particularly affects Muslim women who wear the *niqab* -- responses on both sides were swift and heated.¹ In September 2012, Premier Pauline Marois' Parti Quebecois won the provincial vote. At the time this article goes to print, Marois supports the bill, and seeks to extend the ban to include other religious adornments (such as the *hijab*, turban, *kippah*, etc.). However, both Marois and Charest support the Christian crucifix remaining in the General Assembly Hall as a cultural icon. Is this a blatant example of a double standard? This paper examines the environment that has led to this current debate, and considers the values that the Quebecois fear the veil endangers: the most prevalent concerns centering around gender equity, secularism, and reasonable accommodation. I also examine women's agency with regard to the *hijab*. Does wearing the *hijab* run counter to these Quebecois values? How do Muslim women in Quebec view the *hijab*? How does the *hijab* affect the self-perception of those who wear it? Do these women use their *hijabs* to navigate the space between Muslim and mainstream Quebec society? I argue that far from being a threat to Quebec's values, the way these young Muslim women use their *hijabs* reveals the possibilities of religious dress as a tool for integration, without sacrificing identity, whereas banning such items increases gender inequity and cultural isolation.

The proposed *niqab* ban is not an event in isolation. It is situated within a very complex broader context. Similar debates are occurring in the Middle East, Europe, and other regions within North America, and these debates are not a new phenomenon. For the most part, however, this paper does not delve into detail on the history of *hijab* or *niqab* bans. Rather, I consider the environment that has bred the current controversy in Quebec. While there is not yet sufficient scholastic research on this latest proposal, there has been significant research into the debates surrounding the *hijab* in Quebec, the rest of Canada, and the Western world. Therefore, this paper is not specifically about the *niqab* ban itself, but the larger questions in which this proposal is situated. Most Muslim women in North America do not veil, and very few wear the *niqab*.² However, all women who wear the *niqab* also wear the *hijab*, creating a logical correlation between the two. Likewise, the *hijab* is a significant player in a new North American

¹ Sarah Boesveld. "No veil or no service from public institutions, new bill urges Quebecers." *The Globe and Mail* 25 Mar. 2010.

² Leila Ahmed, *A Quiet Revolution: The Veil's Resurgence, From the Middle East to America*. New Haven: Yale University Press, 2011.

Muslim identity, and many Muslim women for whom the *hijab* is not part of their own tradition, adopt it as an identity marker with this new community. As a result, it is relevant and necessary to consider research on the *hijab* across North America.

Within the Western world, Quebec represents a unique position -- somewhere between the unabashedly secular nation of France and the avowedly multicultural policies of English Canada. In order to situate Quebec's stance, it is useful to consider the wider global context. While each situation is complex and merits further discussion, for the purposes of this paper only a brief overview is necessary. In 2004, the government of France banned the *hijab* from public schools, and in 2010 the French Senate voted enormously in favour (246 to 1) of a full ban on facial veiling in all public places.³ Most specifically, this restricts Muslim women from wearing the *niqab*. While France is not the only country to enact such a ban, it is the first nation without a Muslim majority to do so. Turkey, for example, originally banned *hijabs*, *niqabs*, and *burqas* from all its university campuses, but reversed its decision when women chose religious attire over education. Recently, the Turkish Parliament reinstated the *hijab* ban, leading some university students to cover their *hijabs* with wigs.⁴

While outside of Quebec no region of North America restricts *hijab* wearing, a court in Michigan ruled a woman could not testify in *niqab*, and in 2011, the Conservative majority government of Canada banned face coverings during Oath of Citizenship ceremonies.⁵ Influences on this debate, however, extend far beyond official policies. In December 2007, sixteen-year-old Aqsa Parvez was strangled by her father and brother. The media dubbed the Pakistani-Canadian teen's murder an "honour killing" because she refused to wear the *hijab*, despite leaders in the Canadian Islamic community arguing that it was a case of domestic abuse and unequivocally denounced the act as "un-Islamic."⁶ On September 11th, 2005, Ontario Premier Dalton McGuinty rejected the Canadian Society of Muslims' proposal to allow Sharia law as a means of family arbitration.⁷ The proposal sparked heated debate within and beyond the Muslim Canadian communities. Many scholars, such as Jasmin Zine, opposed the proposal not because of Sharia itself, but due to fears over how it might be used.⁸ Zine points out, however, that similar opposition does not appear against the well established Jewish Rabbinical Courts (*Beis Dein*) or Aboriginal mediation circles.⁹ Nonetheless, the general Canadian public felt that allowing Sharia would be taking multiculturalism "too far."¹⁰

Within Quebec itself, debates over *hijab* are not new. In 1994, twelve-year-old Emilie Oimet's school sent her home for refusing to remove her *hijab*.¹¹ Her Principal, with the full support of the school's parents' committee, declared that: "The wearing of a distinctive sign, like the *hijab* or neo-Nazi

³ Anita Allen. "Veiled Women in the American Courtroom: Is the Niqab a Barrier to Justice?" *Scholarship of Penn Law*. (2010). P. 3.

⁴ Ibid. P. 5.

⁵ Ibid. And Laura Payton. "Face veils banned for citizenship oaths." *Canadian Broadcasting Corporation* 12 Dec 2011, <<http://www.cbc.ca/news/politics/story/2011/12/12/pol-kennedy-citizenship-rules.html>>.

⁶ Jasmin Zine. "Unsettling the Nation: Gender, Race and Muslim Cultural Politics in Canada." *Studies in Ethnicity and Nationalism*. 9.1 (2009). P. 147.

⁷ CBC News. "Ontario Premier rejects use of Shariah law." *Canadian Broadcasting Corporation* 11 Sep 2005, <<http://www.cbc.ca/canada/story/2005/09/09/sharia-protests20050909.htmlPrint.>>

⁸ Jasmin Zine. *Unsettling the Nation*. P. 152.

⁹ Ibid. 147, 152-3.

¹⁰ CBC News. "Ontario Premier rejects use of Shariah law."

¹¹ Sharon Todd. "Veiling the 'Other,' Unveiling Our 'Selves': Reading Media Images of the Hijab Psychoanalytically to Move beyond Tolerance." In *Canadian Journal of Education*. 23.4 (1998). P. 439.

insignias could polarize the aggressivity of students.”¹² The Principal's decision, and the community's response, demonstrate Quebec's desire to be a secular society. Furthermore, the incident raised the question of what is to be "tolerated" in a multicultural society.¹³ In February 2007, referees told eleven-year-old soccer player Asmahan Mansour to leave the field and barred her from further play for refusing to remove her *hijab*. Her team and four others walked out of the tournament in protest. The Quebec Soccer Federation (whose decision was ultimately upheld by FIFA) specifically prohibits *hijabs* because of their assumed risk of strangulation. The QSF would not consider *hijabs* specifically designed for sports, nor did FIFA acknowledge that many soccer leagues in the world allow (and in some cases require) *hijabs*.¹⁴

In 2007, the small town of Herouville, Quebec, wrote a Citizens' Code that described what the community expects from anyone who immigrates there. The Code upholds women's rights to "drive a car, vote, sign checks, dance, decide for herself, speak her peace, dress as she sees fit respecting of course the democratic decency, walk alone in public places, study, have a job, have her own belongings and anything else that a man can do."¹⁵ In the charter, Herouville explicitly connects the *niqab* with human rights violations. After forbidding face veils the Charter states: "We consider that killing women in public beatings, or burning them alive are not part of our standards of life."¹⁶

In the spring of 2010, in two separate incidents, the Quebec government told women in French language courses to remove their *niqabs* or leave the class. The first woman, Naima Atef Amed, who recently emigrated from Egypt, filed a human rights complaint in protest.¹⁷ Officials from the Ministry of Immigration and Cultural Communities approached the second woman, (whom the media - at the woman's request - only identified as Aisha) five weeks into her course and gave her the same ultimatum.¹⁸ Aisha's experience likely reflected timing. On March 25, three weeks before she was expelled, the Quebec government tabled legislation banning face veils in all government locations, including schools, hospitals and daycares. Justice Minister Kathleen Weil endorsed the move, stating: "Here in Quebec we receive and we give services with our face uncovered."¹⁹ Premier Jean Charest affirmed his government's decision: "Our solution is Quebec-made and reflects our values and who we are."²⁰ Charest further explained that the decision was related to his government's commitment to "secularism and gender equity."²¹ Both Weil and Charest's comments reflect the belief that the *niqab* is antithetical to their Quebec identity and principles.

Each of these cases represents at least one of Quebec's stated concerns: "secularism," "reasonable accommodation," and "gender equity." With increased immigration to their province, "Quebec's French language schools are ... hosting and integrating the children of the newly arrived immigrants, and

¹² Francois Berger. "Eleve expulsee de son ecole parce qu'elle portait le foulard islamique." *La Presse* 9 Sep. 1994.

¹³ Ibid.

¹⁴ Zine, *Unsettling the Nation*. Pp. 147, 155.

¹⁵ Martin Perigny, "Herouville Town Charter." *Herouville Town Charter*. Herouville Quebec, 16 Apr 2010. Web. 2 Dec 2010. <<http://herouvillequebec.blogspot.com>>. See also discussion in Zine, 158.

¹⁶ Perigny, *Herouville Town Charter*.

¹⁷ Jonathan Montpetit. "Student files rights case over Quebec niqab ban." *The Toronto Star* 3 Mar. 2010.

¹⁸ CBC News. "Niqab gets 2nd Quebec student expelled." *Canadian Broadcasting Corporation* 12 April, 2010. <<http://www.cbc.ca/canada/montreal/story/2010/04/12/montrealniqab.html>>.

¹⁹ Sarah Boesveld. "No veil."

²⁰ Ibid.

²¹ Jean Charest, quoted in Boesveld.

preparing all future citizens to live together in a pluralist society.”²² Somewhere between France and Canada, Quebec believes the best response to a diverse society is secularized integration. To accomplish this they originally focused on language integration.²³ This policy has been largely successful. In her study of a full-time Muslim school in Montreal, Patricia Kelly Spurles notes that: "Although the mother tongue of most teachers and students was Arabic, [it] was not the dominant language at the school. ... In the classroom, teachers insisted that French was essential.”²⁴ When a student could not translate a *hadith*²⁵ into French, his teacher replied, “You have to know it in French. What language is this class taught in? This is Quebec and we speak French here.”²⁶ These policies asserted that the school was firmly anchored in Quebec society.²⁷

Quebec considers secularization the best choice for all involved, including the new arrivals. In an opinion piece, the current Mayor of Herouville, Martin Perigny, explained: “Without the ... Hijab, could any Canadian tell the difference between a Canadian Muslim woman or any non Muslim Canadian woman? It is highly doubtful anyone could.”²⁸ Perigny believes such anonymity is an advantage. This is clearly linked to a general belief that religion is a divisive and potentially negative influence. “... To promote decency and to *avoid all discrimination* some schools have adopted a dress code that they strongly enforce. ... Moreover, in many of our schools no prayer is allowed. *We teach more science and less religion.*”²⁹ This charter is in no way intended to deter new arrivals. They begin with an open offer: “We would like to invite, without discrimination, in the future, all people from outside our [municipality] that would like to move to this territory.”³⁰ They make it clear, however, that this welcome is conditional upon secularization.

In secularization, Quebec sees the "civilizing and recuperative power" of civil society, capable of correcting “the problem of illiberal minorities misusing multiculturalism to promote their anti-democratic and anti-woman practices.”³¹ For example, Jeremy Webber, Professor of Constitutional Law at McGill University, stated that the *hijab* is “... a betrayal of French identity. People should leave these badges of identification behind them when they enter the public sphere and act like any other French person.”³² In this example, Webber points out another attribute of Quebec secularization - it is the public space with which they are concerned. None of Quebec's moves to restrict wearing the *hijab* or *niqab* are concerned with home life. The setting was public in every instance, whether in school or in the public arena.

Recent hearings of a special Government committee, the *Commission de Consultation sur les Pratiques D'Accommodement Reliees aux Differences Culturelles*, concluded that a model of "interculturalism"

²² Marie McAndrew. "Immigration and Diversity: Some Policy Issues Confronting the Quebec School System." *Policy Options*. 24.9 (2003), P. 60.

²³ Thelma J. Wallen. *Multiculturalism in Quebec: A Province in Crisis*. Stratford, ON: Williams-Wallace Publ., 1991. P. 6.

²⁴ Patricia Kelly Spurles, "Coding Dress: The Articulation of Identity in a Canadian Muslim School." *The Muslim Veil in North America: Issues and Debates*. Eds. Sajida Sultana Alvi, Homa Hoodfar, & Sheila McDonough. Toronto: Women's Press, 2003. P. 50.

²⁵ A proverb attributed to the Prophet Mohammad.

²⁶ Patricia Kelly Spurles, "Coding Dress: The Articulation of Identity in a Canadian Muslim School." *The Muslim Veil in North America: Issues and Debates*. Eds. Sajida Sultana Alvi, Homa Hoodfar, & Sheila McDonough. Toronto: Women's Press, 2003. P. 50.

²⁷ Ibid.

²⁸ Perigny, *Herouville Town Charter*.

²⁹ Ibid. Italics mine.

³⁰ Ibid.

³¹ Zine, *Unsettling the Nation*. P. 153.

³² Amber Nasrulla. "Educators Outside Quebec Mystified by Hijab Ban" *Globe and Mail* 13 Dec. 1994.

was more suited to their province. They prefer to focus on “commonalities and cohesion rather than multicultural differences.”³³ In other words, “Respect for minority expressions or religious statements should not extend to forcing others to change their pattern of behaviour or upsetting entire institutions.”³⁴ For many in Quebec, the *niqab*, and to a lesser extent the *hijab*, represents unreasonable accommodation. As Shahnaz Khan explains in her work on the *hijab* in Quebec, multiculturalism is only acceptable so far as it is controlled “through safe encounters with the dominant culture.”³⁵

This discomfort with "the other" is intertwined with Quebec's unique history. While this history is far too complex to discuss in a paper of this size, it is necessary to note Quebec's particular situation within Canada. Quebec's socio-linguistic complexity is deeply rooted in its status as the French Catholic minority in a dominant English Protestant society. The tension between Francophone and English society dates back to the earliest days of settlement, when France and England fought for control of the continent. The infamous Acadian expulsion in the 18th century, and the French hand-over of their colonies to England, provide important insight into Quebec's current policies. While most Canadians do not give these events much thought, Quebec's official motto testifies to history's close proximity to the present: *Je me souviens* (I Remember).

In 1960, the Liberal Party replaced the ultra conservative Union Nationale in Quebec. Their slogan, “It’s time for a change,” indicates the direction Quebec took for the next six years. Dubbed “The Quiet Revolution,” Quebec went through a series of rapid changes that permanently changed the province. Among these, the Parent Report, a government commission on education, resulted in the end of the Catholic Church as the primary facilitator of education, replaced with a more “modern” and “democratic” education system available to all children. In addition to social changes, the Quiet Revolution was a time of renewed Francophone separatism and linguistic assertion.³⁶ Due to this growing unrest among Francophones, the 1963 Royal Commission on Bilingualism and Biculturalism led to the Official Languages Act (1966) that saw the implementation of bilingualism in the Federal Government.³⁷ When the Government later adopted the Multiculturalism Policy of Canada in 1971, Francophones felt it was detrimental to their status as one of two national languages. To bring this all together, consider the following: Quebec has a history in Canada of feeling misunderstood and misrepresented. In the Seven Years War they lost their status as equal participants in the unfolding of Canadian history. Since then, they have had to fight to maintain and assert their culture and language. At the end of the 20th century, Quebec saw "multiculturalism" as a direct attack on the language and culture they struggled so long to sustain. Meanwhile, Quebec believes "secularism" and "interculturalism" are the best ways to absorb cultural pluralism. Enter the increased presence of Muslims. As Ghassan Hage explains: "When the nationalist feels that he or she can no longer operate in, communicate in or recognize the national space in which he or she operates, the nation appears to be losing its homely character."³⁸

³³ Gerard Bouchard, and Charles Taylor. *Commission de Consultation sur les Pratiques D'Accommodement Reliees aux Differences Culturelles*.

³⁴ Jeffrey Simpson. "The Current Objections to Muslim Clothing are Simply Wrong-Headed." *The Globe and Mail* 12 December 1994.

³⁵ Shahnaz Khan. "The Veil as a Site of Struggle: The Hejab in Quebec." In *Canadian Woman Studies*. 15.2 (1995). P. 148.

³⁶ René Durocher. "Quiet Revolution." *The Canadian Encyclopedia*. Historica Dominion Institute. <<http://www.thecanadianencyclopedia.com/index.cfm?PgNm=TCE&Params=A1ARTA0006619?>>.

³⁷ J. Laing. "Bilingualism and Biculturalism, Royal Commission on." *The Canadian Encyclopedia*. Historica Dominion Institute. <<http://www.thecanadianencyclopedia.com/index.cfm?PgNm=TCE&Params=A1ARTA000074I?>>.

³⁸ Ghassan Hage, *White Nation: Fantasies of White Supremacy in a Multicultural Society*. New York: Routledge, 2000.

Quebec's approach is directly related to the wide Canadian society's perception of Muslims. In her study of women who wear the *hijab*, Tabassum Ruby noted that: "In Canada, the *hijab* is often seen as a symbol of Muslim women's oppression and a restriction to their mobility ... [One Afghan woman] said that people often told her that she could remove her scarf in Canada as her family would not know ..."³⁹ When students in Quebec refuse to remove their *hijabs* in public schools, mainstream society sees this as an example of excess and counter cultural behaviour. This creates a paradox in which veiled Muslim women are both backward and oppressed "by her fidelity to anachronistic religious customs," while at the same time behaving like a "cultural renegade unwilling to conform to the standards and codes enforced by the modern state." She is both, "an oppressed victim of Islamic degeneracy and a recalcitrant immigrant refusing to assimilate to French society." These narratives, "cast Muslim women as politically immature and in need of cultural rehabilitation by the West."⁴⁰

When one listens to the voices of these Muslim women, however, it is readily apparent that the previous assumptions are incorrect. Those who immigrate to Canada are eager to be at home in their new surroundings. Furthermore, the *hijab* is in fact not a custom in many parts of the Muslim world and is adopted once in Canada to assert a sense of identity with the Islamic communities here. The plurality of these communities is often overlooked in wider Canadian society. Muslim women are especially constricted to a limited identity. Shahnaz Khan feels that it is the focus on *hijab*, and not the *hijab* itself, that is the source of gender inequity. "Women are not viewed as individuals but as members of communities. As such they are seen in simplistic and limiting ways as part of the undifferentiated group, 'Muslim Woman.'⁴¹ In actuality, Canada is home to one of the most diverse assemblies of Muslims in the world. The *hijab* itself represents the diversity of Muslim cultures and the range of their histories, and within Canada the *hijab* is increasing in popularity among young women to whose familial culture the item is foreign. Many of these women also adopt *jalabiyas* -- a Western Islamic construction of a fashionable and professional, yet "appropriately modest" garment. The dress has a high neckline, long loose sleeves, hangs to the floor, and is often elaborately decorated.

Far from being an oppressive garment that restricts them, Muslim women contend that their *hijabs* give them increased agency. These women understand that clothing, and the veil in particular, are powerful forms of non-verbal communication. As such, the *hijab* conveys how these women want their families, their community, their society, and men, to see them. Most women who adopt the *hijab* are young working women or students.⁴² They describe their choice, in part, as a response to "the unrestrained sexuality of so much of Western culture."⁴³ Many of these women adopt the *hijab* for a sense of their own self worth, finding that the veil confers status and dignity to its wearers.⁴⁴ With *hijabs*, they are also able to participate socially far more than they are when uncovered due to their parents' and community's increased confidence in their maturity and responsibility. They also use their *hijabs* to insert themselves into political debates: we are here, we are proud to be Muslim, and we want full participation in Canadian policy making. Rather than restricting their mobility, women use their *hijabs* to navigate the spaces between the Muslim and the dominant cultures.

³⁹ Tabassum F. Ruby. "Listening to the voices of *hijab*." *Women's Studies International Forum*. 29. (2006). P. 54.

⁴⁰ Zine, *Unsettling the Nation*. P. 150.

⁴¹ Shahnaz Khan, *The Veil as a Site of Struggle*. P. 148.

⁴² Lama Abu-Odeh. "Post-Colonial Feminism and the Veil: Considering the Differences." In *New England Law Review*. 26.4 (1992).

⁴³ Karin Van Nieuwkerk, *Women Embracing Islam*, Austin: University of Texas Press, 2006.

⁴⁴ Tabassum F. Ruby, "Listening to the voices of *hijab*." *Women's Studies International Forum*. 29. (2006).

Unfortunately, thus far, *hijab* wearing Muslim women have been largely unsuccessful in their attempts to communicate their positions. As the *niqab* ban demonstrates, the Quebecois (like many in Canada) do not receive the intended messages and interpret *hijabs* in unintended ways. For those who seek modesty, their *hijab* draws the attention of the larger society. For those who seek self-expression, others read their *hijab* as a sign of conformity, and for those who seek autonomy, many consider it the quintessential symbol of oppression. Therefore, while the Quebecois need to learn what their neighbours' *hijabs* and *niqabs* in fact represent, veiled Muslims need to learn to respond more skillfully to their actual cultural context in *la belle Province*.

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