

## **Women and the Islamic Veil:**

**Deconstructing implications of orientalism, state, and feminism through an understanding of performativity, cultivation of piety and identity, and fashion**

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## **Introduction: Orientalism and the desire to unveil to East**

Since 9/11 Western media sources have developed a visual shorthand for representing Islam. The most common stereotype is that of the veiled woman, a figure that ambivalently straddles both ideals of multicultural inclusivity and the threat of radicalization as context demands. In this usage of the veiled woman as a loaded symbol, western media are continuing an Orientalist history in its representation of Islam, such that Muslim women's voices are still being silenced. In this paper, I hope to break this stereotype apart by highlighting the diverse political and cultural contexts in which Muslim women think about the veil, such that the image of the anonymous veiled woman can no longer be read as shorthand for Islam.

It is important to state at the outset that the Quran does not thoroughly prescribe how women ought to dress. In one passage, direction is given to observe certain modesties but what is particularly noticeable about this passage is that it is addressed to both men and women.

Tell the believing men to lower their gaze and be modest. That is purer for them. Lo! Allah is aware of what they do. And tell the believing women to lower their gaze and be modest, and to display of their adornment only that which is apparent, and to draw their veils over their bosoms, and not to reveal their adornment save to their own husbands or fathers or husbands' fathers, or their sons or their husbands' sons, or their brothers or their brothers' sons or sisters' sons, or their women, or their slaves, or male attendants who lack vigour [sic], or children who know naught of women's nakedness. And let them not stamp their feet so as to reveal what they hide of their adornment. And turn unto Allah together, O believers, in order that ye may succeed. (Quran 24:30-31)

Despite how little the holy book states on the subject of veiling, the woman's veil has drawn people's attention throughout history and is still widely debated today. The veil or head covering comes in many forms, and individuals from both within and outside the religion have interpreted it in many ways. The culturally diverse practices of veiling lend specific meaning to both how a woman's dress is read by her immediate community (identification) but also to how a woman chooses to dress (identity). A woman may wear a simple covering of the head with a colorful,

black, or sheer cloth known as a hijab. In western countries, the hijab is the main veil that is worn whereas in Iran the chador is prescribed by law under the Islamic Republic. In Afghanistan, particularly under the Taliban, a woman may wear a full face, head, and body covering called the burqa. In Saudi Arabia, a woman commonly will wear a covering with a veil across the face, revealing only her eyes. This is called the niqab. (Petersen). Despite this cultural variance of veiling, and despite diverse interpretations of veiling (whether spiritual, cultural or political), women's covering in general has in western media often been reduced to symbolize the perceived "wrongs of Islam." Even though Muslim men also follow a dress code, it is women's veiling that has been the subject of contested debate (Awadalla). Where the Arab man's dress signifies an oppressor or seducer, the women's dress is read as a symbol of the oppressed. By focusing on women's oppression, the West legitimizes its "war on terror" as one bringing liberation to Muslim women (See Chapter 3).

To fully understand how the veil as symbol has come to be loaded with negative connotations in the West, it is necessary to briefly chart the history of Orientalist representation. The scholar Edward Said, from Columbia University, used the term Orientalism to denote the constructed lens through which the West sought to know (and thereby dominate) the East. Prior to Said's influential book (1978), Orientalism referred to a painterly movement in which the East was romanticized by Euro-American artists of the eighteenth and nineteenth centuries. Said's work shows how the West consistently produced an image of the East as its inverse: where the West was enlightened, the Orient was barbaric; where the West was civilized, the Orient was primitive; where the West was rational, the East was beset by passion. This constructed view or "othering" of the Orient was then used to justify the West's imperial conquest of North Africa, the Middle East and Asia. This Orientalist lens is still evident today in popular discourse in that

people of the East are seen as different and more dangerous than the people of the West.

Orientalism then is not assigned to the past, but continues today in people's preconceived notions about people from the Arab world and what it means to be Muslim.

According to Said, a defining moment in Orientalism was Napoleon's conquest of Egypt. This moment is important to recognize because it created the common notion that the Orient was both different *and* inferior to the West. When he conquered Egypt, he not only brought in the massive fighting armies, but an army of scientists. These scientists were employed to document how the Arabs functioned for European understanding, indicating that they were not considered the same as people of the West. The underlying power structure implemented by the West created a dynamic where the West was seen to be "discovering" the Arab country. The Arabs became something foreign, examined as a new species and to be experimented with. Thus western colonisation was an ideological conquest as well as the imperial one.

The lens through which the West views the veil today can be traced back to nineteenth century orientalism. Within Orientalist representations, the veil conjures both eroticism and oppression. When countries were first colonized, the Arabian orient was seen as mysterious and alluring, and this was translated by the image of the mysterious yet alluring veiled women (Yegenoglu 39). The veil was understood as a device that kept women apart from men (like purdah and harem), but the desire to penetrate this secretive space of women became a common colonial fantasy, mirroring the larger colonial project to take control of land and resources. The sight of the veiled women evoked erotic fantasies by Western males and drew on their desire for domination. While the seclusion of the women from the public sphere created in the colonizer's mind an erotic invitation, this desire was entangled with the idea of freeing these women from their backward culture.

The reading of the veil as a symbol of oppression originated in writings that depicted Muslim culture as inferior and backwards. Between 1800 and 1950, an estimated 60,000 books were produced about the Arab orient in the West (Hoodfar 8). The purpose of these books was to show colonized Muslims as underdeveloped and in desperate need of “help” from the West. These writings depicted Muslim women as imprisoned by barbaric Arab males, trapped in polygamous marriages, or forced to cover their bodies with the veil (Hoodfar 8). This reading of the veil as a symbol of oppression served to show how Muslim women were entrapped by a violent patriarchy, and their only way out was through the help and intervention of the West. The colonizers not only thought they were the ones that could save the women, but also believed that they could take over societies through the conquering of women (Yegenoglu 40). Women in this sense become the key to owning the society.



From Alloula (1986: 81)

To understand more fully this movement between desire and control, it may be helpful to look to examine a particular example of colonial representation of oriental women. During the French colonial rule of Algeria, a series of postcards

depicting Algerian women in an erotic light were printed to send home (Betts 527). These postcards allude to the deeper subconscious force of orientalism.

Representations of the political dynamics of colonialism surround these postcards. The photographer’s project is representative of the colonizers’, and the female can be read as a metaphor of the terrain to be surveyed and colonized. The woman is sexualized through the

photograph, becoming someone who is waiting to be seen (Betts 529). The woman is made to be seen as inviting the Western man to ravish her. This is often affected using the veil that both conceals and reveals the woman's body, eroticizing and fetishizing her cultural difference.

These postcards helped to popularize a stereotype of the Oriental woman, and the society from which they came. It is important to recognize that these images were fabricated and not documentary evidence: the photos were not taken by a journalist going into harems and photographing Algerian women. Rather, these photos were taken in a studio with hired models (Awadalla). Therefore, the lens on the camera may be said to be the same as the Orientalist lens mentioned earlier. These images were put on postcards and mass-produced, giving Westerners the impression that they had the power to look in on the women of the Orient and claim them.



When colonized countries sought their freedom from colonial rule, the colonizer's romance soured and the veil came to be interpreted less as an invitation and more as a symbol of oppression and/or rejection of Western values. Since the countries were no longer places of mystery, neither was the veil. "The post-colonial imagery has been far less concerned with unveiling than with maximizing the social, cultural and political distance between the 'West' and 'Islam' and conveying a sense of threat through an inversion which emphasizes the most complete forms of female covering, a hyperveiling" (Toni 121).

The veil became a way to differentiate the West from Islam. Whereas in postcolonial discourse the veil was taken up as a visual marker of resisting Western imperialism, in

neocolonial discourse the veil once again became the marker of the backwardness of the East, and was coupled again by the desire for its removal. However, this time the desire to unveil was not erotically charged desire. Instead, neocolonial discourse equates women's liberation with a ripping off the veil. Problematically, though, for many Muslim women the veil provides the very means to being freed from being cast as a sexual object.

This is where the argument of choice has become an important topic within discussions of the veil (Awadalla). Freedom of choice and religion are often the loudest proclamations made within Western society. Yet, when discussing the veil, it is a common, almost naturalized,



reaction, for Westerners to assume a woman wearing the veil is being forced to do so. It is this reaction that enacts what we can call a modern orientalism. "Orientalism is a way of thinking that assumes there is an absolute difference

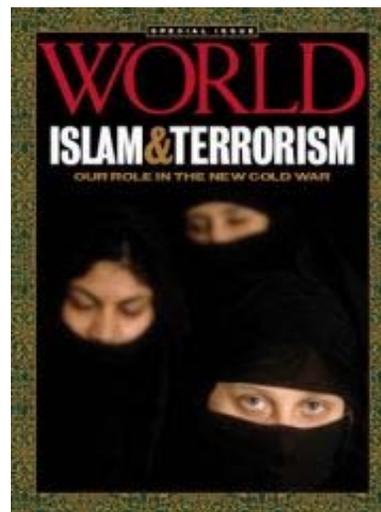
between East and West. According to this logic, the West is seen as rational, developed, human, and superior. In contrast to the East, which is defined as its opposite, irrational, underdeveloped, barbaric and inferior." (Professor Alsutany)

One of the strongest examples of contemporary orientalism can be seen in media portrayals of Islam. After 9/11, Muslims were stereotyped as threatening terrorists, but this stereotype was not new to 2001 but rather reborn. Media coverage of Iran's Islamic Revolution had already planted this stereotype of the violent Muslim aggressor in modern America. The

power of this stereotype is such that the photograph above of veiled women with blank faces and machine guns would lead many Americans to think that these women are militant radicals. Yet, this picture is actually of the Iranian police force, which has recently allowed women to join their ranks, and thereby would be more accurately interpreted as a depiction of women gaining status within their society.

Given the orientalist reading of the veil, it has become “commonsense” in the west that veiled women are oppressed (Hoodfar 8). When political conflicts between the Western and Islamic world erupt, the images that start to appear of Muslim women are fabricated to bring forth maximum emotional reaction from the common person (Lewis). Often, these are of anonymous, veiled women who are denied cultural and/or geographic or even domestic context. They are represented as dark phantoms or sinister totems, silently encroaching upon secular society. For example, during the headscarf controversy in France, the images that were presented alongside news articles would show a woman in a full chador actually located in Iran. This image is the most dramatized image of a Muslim woman, and is perceived to be most threatening to the French Republic (Lewis). Meanwhile, the woman pictured is not even from France, where in fact the majority of Muslim women wear the hijab rather than chador or niqab.

In this way, orientalism is strategically used as a lens through which the media seek to invoke certain emotions, especially when there is a political crisis. The following chapters will further demonstrate how the image of the veiled woman is repeatedly used within media to signify a threat and/or obstacle to liberal democracy even though local attitudes to veiling in Iran, France, USA, and Canada vary greatly. The chapters on each country will examine coverage of



recent events that have generated widespread debate both nationally and internationally, and thereby draw attention to the complexity and diversity of issues that a woman's right to veil touch upon (i.e. human rights in Iran, secularism in France, multiculturalism in Canada, and identity politics in USA). It is hoped that by examining the complexity that the image of the veiled woman will no longer go unquestioned as a symbol of oppression.

Through the decompression of the meanings that have been overloaded onto the veil, a deeper understanding of the veil may be reached. Through acknowledging the colonial readings of the veil and charting the different political agendas in representations of the veil, this paper seeks to show that these imposed readings often have little bearing on Muslim women's personal choice to wear the veil which for many is often as much an item of fashion as it is of faith. In so doing this paper seeks to score, what Emma Tarlo has called "the polyphonic resonance" of the veil (2010).

## **Iran: Deconstructing myths of subservience**

Iran currently is governed under Shi'a Islamic Law, where wearing the veil is mandatory. Since the veil is something that is mandated, it functions very differently there than it does in Western countries. This major difference in functionality of the veil also translates to how it is seen by the West. Indeed many western commentators reacted to the Islamic Revolution of 1979 as a regression into pre-modernity, and the veil became a symbol of this shutting out of the modern world.

The media portrayal of Iran has been influential in how the West has come to see and understand women in Iran. The images and news stories that have been plastered throughout recent history depict the veil as oppressive, and in many cases Islamic law as barbaric. However, the strict (and often harsh) enforcement in recent years of compulsory veiling makes for a strong argument of this depiction. However, the assumption is that should the requirement to veil be lifted that all Iranian women would stop wearing the veil. This is an equally misguided imposition, for again it sidelines Muslim women's voices and the variety of positions these women occupy in relation to the veil.

Since 2007, under President Ahmadinejad, there has been a noticeable increase in the restrictions of women's rights. The article on Iran published by FreedomHouse.org, an independent organization committed to the global expansion of freedom, explains the loss of civil liberties that have largely affected women. For example, in 2012, women were barred from registering in 77 fields of study at 36 universities. Despite this limitation, however, women make up the majority of university students. Yet, only three women currently sit in parliament, and they have been continuously excluded from running for higher office. Female judges do not have the authority to issue final verdicts. Moreover, women cannot attain a passport without the

permission of her husband or a male relative. In court, a women's testimony only carries half the weight of a male's, as is the case with compensation for a death in that a women receives half what a man would.

Women have also seen the Islamic dress code become much stricter under President Ahmadinejad. Every spring it was usual to see a slight strict enforcing of the dress code because of the warm weather, people become lax in the way they dress. However, in the spring of 2009, President Ahmadinejad launched the toughest crackdown that the country had seen in nearly two decades (Conroy). The dress code under Ahmadinejad's predecessor, President Khatami, had become more relaxed with women choosing headscarves that were tied more loosely (hence showing their hair) and fitted jackets that may have only reached to their knees rather than their ankles. The crackdown, in major cities like Tehran, caused 278 women to be detained, 231 of whom were released after signing documents that they would not violate the dress code; another 3,548 women received warnings about their dress and "Islamic guidance" (Conroy).

This issue of women's dress arose again in 2011. This time, however, it was more of an issue between the President and Shiite clerics. Ahmadinejad wanting to take a cultural educational route involving the dress code. This approach would educate women on the benefits of wearing the hijab, and would lead them to decide to cover themselves on their own. Shiite cleric, Ahmad Khatami, strongly disagreed with this approach, he said, "Blood should be shed to solve this issue and eradicate this problem from the society" (Erdbrink). This caused an increase in the enforcement of the dress code. Impounding cars driven by women without headscarves, fining women, and punishing them, which included whipping (Erdbrink).

Despite all of these restrictions, women still play an active role in Iranian society. These laws attempt to control and define the role that women can play. However, this does not mean

that the women are passive or subservient. On the contrary, because of these laws, some women have become more active in the fight for women's rights and the ability to hold higher positions. Examining two women, who are iconic for their political opposition, shows the ability of the Iranian women to work against the restrictions the government has set for them.

Most famously, Shirin Ebadi received the Nobel Peace Prize in 2003 for her work towards the promotion of human rights. Shirin Ebadi was the first female judge in Iran, but after the Revolution (1979) she was demoted to a legal assistant (Shapiro). She then started her own law firm that mainly focused on the rights of women and children. She also fought many cases against the government, some of which ended with her going to jail and being fined.

When Ebadi travelled to Stockholm to receive the Nobel Peace Prize, she chose not to veil. She said, "Inside Iran, a woman is required by law to wear the hijab so I wear it. However, as I mentioned, I believe that with a more progressive interpretation of Islam we can change this. I believe that it is up to individual women to decide whether they want to wear the hijab or not" (CAPRA). In the speech, and interviews she gave, when receiving the reward, she spoke about how Islam as a religion is not the violator of human rights; it is, rather, the government's interpretation of the religion. For example the laws that quantify value of a woman's life as half that of a man's has no Quranic justification, but is an interpretation made by clerics it states: the testimony of a women is worth half that of a man, and compensation of women's death is half of what a man's would be (Bakker). Ebadi argues that it is only through women's own understanding and interpretation of Islamic law that they can understand what is right and wrong for them.

Ebadi choosing to not wear the headscarf when receiving the award was thought to be declaring a position for women to unveil, even though she said that it was not. Multiple news

programs asked questions about it, probing the meaning behind it, only to get the response that she believed it is an individual choice for someone to veil or not (CAPRA). (Other media reactions to her being awarded were surprise in that she was relatively unknown, particularly when other nominees included Pope John Paul II (CNN 1). However, there also seemed to be a tone of general optimism, that since the award had been presented to Ebadi, it would help promote women's and human rights within Iran (CAPRA).

The Iranian government's reaction to Ebadi versus the people of Iran's was extremely different. The government barely acknowledged the award, and even came to confiscate it from her years later, demanding \$410,000 in taxes and freezing her accounts (BCC News). According to secondary sources, the local newspapers were filled with slander against Ebadi. These newspapers are controlled by the government, and directly related to the interest of the then President Khatami, who acted as a public endorser of what the newspapers published (Azarmehr). When Ebadi landed in Iran, some members of the Parliament were there to greet her, except Khatami. In fact, Khatami was quoted saying, "The Nobel Peace Prize is not that important. The ones that count are the scientific and literary prizes" (Fathi). Even though women fared better under the reign of President Khatami, the incident with Ebadi shows that he was not going to be in full support of women gaining complete rights.

Most of the Iranian public had a very different opinion about Ebadi's award, especially Iranian women. Fathi, writing for the New York Times, quoted one of thousands of women and supporters who came to greet Ebadi at the airport on her return from Sweden: "She has become a reason for me as a woman to feel empowered, especially after I saw her on satellite TV in Paris without her head scarf. It takes a lot of courage to do what she did, and I admire her for that." The people there to greet her were chanting "Khatami, shame on you" and "Freedom of thought

is not possible with Khatami” (Fathi). Along with the chants of encouragement for Ebadi, they also chased away hardline vigilante group members who were there to protest Ebadi (Fathi).

The Western media places a much greater focus on the veil and the role it plays for Iranian women than the Iranian media. Most media outlets that interviewed Ebadi questioned her on some level about the veil, and showed the positive reaction from the public in support of her decision not to veil when receiving the reward. Yet Ebadi tries not to focus on the issue of the veil, nor develop a categorical position on veiling other than to say that it should be left to a woman's choice. Arguably, the Western media focused more on her unveiling than her accomplishments which had lead her to receive the Nobel Peace Prize. In this way, she was denuded of both her Iranian identity *and* her political activism. In contrast, Iranian media was slanderous, focusing on the fact that as a woman she was not worthy to win. To them, veil or no veil, she should not have gotten the award.

Another woman that became an icon the world over was Neda Agha-Soltan, a 26-year-old woman. A film recording her death during the political protests in 2009 was posted online and went viral. Neda’s death was to become an icon of the sheer brutality of the Iranian regime.

Neda had joined the protests after the June 2009 elections. The country had already been making world news, given that the race for the presidency between Ahmadinejad and the



competitor Mousavi appeared like it would be a close fight (BBC Documentary).

When the results came through, Ahmadinejad was re-elected into office by a landslide. The opposition claimed that the numbers presented by the ministry had been falsified. This

caused public outrage and protest. Neda was one of thousands that took to the streets in protest. In the BBC Documentary, *Neda: An Iranian Martyr*, one of the women interviewed said the police and the Basijis (militia) were very violent and a lot of the violence was directed at women.

The day before Neda's death, at Friday afternoon prayer, on a national television



broadcast, Ayatollah Ali Khamenei threatened to use force on the protesters (Tait). This was a warning to the protesters that the militia had permission to open fire on them. Yet more people chose to protest that day

than any other, and Neda went along with her music teacher. When she decided that it was too dangerous and was going to go home, and when she was only 26 feet from her car, Neda was shot in the chest (BBC Documentary). The man who shot her was a Basij; the protesters grabbed, beat, and then released the killer. This whole event was filmed with a cell phone, which was put onto YouTube.com, and went viral on every news station around the world. Neda was the first of thirteen to be killed that day. A voice yelling out "Neda" could be made out on the video. With this, her name and image became the icon of the opposition of the Iranian government (BBC Documentary).

There is a major difference in how Western media handled this event and how it was handled within Iran's media. Western media spread the video, images, and story of Neda as fast as they could, in many cases before the full story was even known. Neda was characterized in most stories, like the one presented by Los Angeles Times' Borzou Daragahi, as someone who was politically active "but she was never an activist" and "she began attending the mass protest

only because she was outraged by the election results” (Daragahi). President Obama made a statement about the event saying, ““It’s heartbreaking... And I think anyone who sees it knows there is something fundamentally unjust about it”” (CNN 2). Through promoting the story of Neda, and the injustice that happened, Western media made her into an icon for the people protesting the government.

The Iranian government did not promote coverage of this event, nor of any event relating to the protests in general. All foreign journalists were told to leave the country because the government could not guarantee their safety. When one independent journalist did not leave, he was put into jail for espionage (BBC Documentary). This caused cell phone videos to become the opposition’s way of showing the outside world what was happening. When the video of Neda had global viewership, the government made every attempt possible to discredit it, calling it a conspiracy. The family and boyfriend of Neda were told not to speak to anyone about what had happened, were not allowed to hold a wake, or put up notice about her death (BBC Documentary). Her boyfriend, Caspian Makan, disobeyed the order of the government and spoke out to reporters for CNN. For this, he was arrested, and had four counts of death put against him and was told he would be executed (BBC Documentary). At the Friday afternoon prayer service, on June 26, Ahmad Khatami the senior cleric stated Western media was twisting the event, and that it was obvious other protesters killed the girl (BBC Documentary).

“Their [Iranian government] first reaction was that she was alive. Then they said the footage was fake. One day they said a BBC reporter killed her. Then they said it was the CIA. Then they said the [Mujahedin] Khalq Organization [MKO] was behind it. The latest is the documentary” said Hejazi, the doctor who tried to save Neda after she was shot. The documentary he references was filmed by the Iranian state television. *Radio Free Europe / Radio*

*Liberty's* Gonlnaz Esfandiari, described the documentary since it is no longer available online. In his retelling of the state's version of events, Neda is a foreign agent who becomes a victim of foreigners and opposition supporters. She pours blood on her own face from a hidden bottle, pretending to be injured. On the way to the hospital, Neda tries to escape and is killed by the music teacher and the doctor.

The Western media's focus on the personal biography of Neda and her unjust killing at the hands of government militia presents the case as a human rights issue, one that is mainly focused on women. The image of Neda's face covered in blood, becomes an image that the protesters rally behind. This image becomes what the entire world sees when they look at protests in Iran. This image adds to the stigmatized stereotype of how the West already sees Iranian women. Even though the veil is not brought up as an issue with this event, the veil to the West symbolizes the oppression of women, and then seeing the brutal, unjust death of a woman only compounds this perception. Iranian media takes the side of the government, who does not see Neda's death as its responsibility, and seeks to quiet the story. The government's response, despite seeking to stop political and civil unrest, only seems to do the opposite while also bringing more inquiries from Western media sources regarding what is being done.

In order to understand how both of these women ended up becoming iconic in the opposition movement against the government, it is important to understand something of the history of Iran, particularly the revolution that made it into an Islamic theocracy. Regards to women's right, Iran has gone through many different cycles. These cycles have included highpoints where women had a great deal of equality, to low points where they were treated as second-class citizens.

The fight for the rights of women in Iran has been a vocal presence since before the revolution in 1979 and the consequent implementation of Islamic law. During the Pahlavi era (1925 to 1979), women's rights had made a great deal of progress (Esfandiari). Some of these rights were: in 1963 women were eligible for free education and granted access to university, and could both vote and run for parliament; the Family Protection Law gave the right to divorce and child custody, marriage age for girls was raised from 13 to 18, and in order to take a second wife, men need the permission of the court. Indeed, before the revolution, 22 women sat in parliament and 333 women served on local councils (Esfandiari).

During this time, the Shah was Mohammad Reza Pahlavi was in control, and his royalist regime was heavily supported by the United States. During the 1960's, the Shah started to exercise heavy control over the government after dissolving the parliament in 1961 (Evans). With large investments from oil companies, the Shah took on an attempt to modernize the city, of Tehran, but very little investments reach the average person. The growing prosperity brought a large opposition to the Shah; the opposition consisted mainly of Shiite Muslims who wanted an Islamic State (Evans). In his attempt to westernize the country, the Shah's economic policies had created an economical and social gap between the elite and the lower and middle class, which was exasperated by the economical downturn in the mid-1970s (US 2). With the gap increasing, and the economic state of the country worsening, the Iranian people started to grow unhappier with the government and sought political change.

The conservative Shiite Muslims became the leading opposition to the royalist, with Khomeini as their leader. In 1978 riots and protests broke out, and the military was employed to quell them. However, this ended with a lot of violence against civilians (US 3). The Shah

officially left the country on January 16, 1979, and Khomeini returned from his exile in France, to Iran on February 1, 1979 followed shortly by him taking leadership over the country (US 4).

Most women were pro-revolution before 1979; however, when the policies of the Islamic Republic were enacted, the rights women had built up over the Pahlevi era were all undone. The first Supreme Leader of the Republic was Ayatollah Ruhollah Khomeini (1979 to 1989). The first period of rule in the Islamic Republic under Khomeini saw a drastic reversal of rights for women, which was not expected. During this period, the role of the women became that as conservatively interoperated by the Quran. In part, because of new laws, government-run day cares were closed, and a push for women to go into “appropriate” feminine professions like teaching and nursing was enforced through the baring of certain educational fields (Esfandiari).

One of the most devastating drawbacks women experienced during this time was the reversal of family law. Some of Khomeini’s first acts were to detract the Family Protection Law: men could now divorce their wives without motive and gain full custody of children; women could not file for divorce; restrictions on polygamy were lifted; and the marriage age was changed to puberty (Islamic law says that is nine) (Esfandiari). Parliament enacted the Islamic Law of Retribution in 1981 to help ensure that the new restrictions were followed. This law meant, “flogging, stoning and payment of blood money for crimes ranging from adultery to violation of Islamic dress codes” (Esfandiari).

Politically, women were just as negatively affected. Though they had the ability to vote and still run for parliament, in 1980 a mere four women were elected to parliament, only to end up sitting on local councils where 333 women had used to sit (Esfandiari). Most women in government jobs either took early retirement or were demoted, like Shirin Ebadi who became a cleric. The only government job that women are officially banned from is Supreme Leader, the

highest position in the country (Esfandiari). Otherwise, women are supposed to be able to qualify for the job, though in practice that is not what has happened.

The wearing of the hijab, or Islamic dress and head covering became compulsory. This law was taken seriously, and could be enforced through the Law of Retribution. A bit of hair showing could be punished with anything from a large monetary fine to 70 lashes (Esfandiari). There was also an attempt to segregate men and women in public areas. However, this was alleviated somewhat when Iranian women started to slowly be able to get back into the work force during the eight-year Iran-Iraq war (1980-1988). During this time, women were called to become nurses, doctors and support on the war front (Esfandiari). This allowed some to become the head of the family household, and the family's breadwinner. Even with the improvements due to war, the number of women in the work force fell from 13 percent to 8.6 percent (Esfandiari).

Women took an active role in voting Akbar Hashemi Rafsanjani into presidency for two terms, in 1989 and in 1993. Rafsanjani was more lenient with the restrictions on women, and helped to increase their social status. This caused less harassment of women in public, allowed participation in sports competition, and an increased number of girls sought an education both at school and university levels (Esfandiari). Rafsanjani also reversed the government's stance on family planning and started family planning programs to help slow the population growth (Esfandiari). Women saw improvements in social laws during this period.

From 1997 to 2005, the new president of Iran was Mohammed Khatami. This period brought legal reform to women's rights. Women were appointed to high roles within the government: 13 women joined the parliament; Zahra Rahnavard became the first women chancellor of an Iranian University, and Masoumeh Ebtekar the Vice President of the Iranian

Environmental Protection Agency (Esfandiari). Progress was also made in terms of law. Parts of the Family Protection Law were reinstated, allowing women to receive compensation if divorced without cause; the marriage age moved to 13; and female students could study abroad using government scholarships (Esfandiari). In addition, Khatami help bring in non-government organizations whose focus was mainly centered on women's issues (Esfandiari). This period brought the juridical reform women needed in order to continue the momentum of gaining women's rights.

Mahmoud Ahmadinejad came into the presidency in 2005, and is still the current president. When he was first appointed, there was pressure from women to resist the pressure from hardliners (who sought to revert women to the status of the early days of the Islamic Republic) and to institute their call for full equality (Esfandiari). However, Ahmadinejad followed the hardliners, putting a halt to the progress women had made over the past 16 years.

During the next election in 2007, only 43 women were elected to local councils out of thousands of seats. The parliamentary elections saw similar outcomes in 2008: of the 7,168 candidates, there were 585 women and only nine were elected (Esfandiari). With this also came a crackdown in Islamic dress code for women violators, and a push for women to have more children (Esfandiari).

In June 2009, Ahmadinejad was re-elected with protesting. Most women had supported another candidate, Mir-Hossein Mousavi who had a more pro-woman stance and had women advising him during his campaign. After the election, Ahmadinejad lost a large number of conservative women's support because of the injustices committed against the protesters, as seen with the example of Neda. Women were one of the main targets of the police during the protest: "...harsh on the sentencing of women [on trial], allegations of rape and torture of detainees, and

the mistreatment of women protesting the detention of relatives” (Esfandiari). When he was reelected, Ahmadinejad nominated three women to his cabinet, only one of who was appointed as the minister of health.

The current period has seen a lot of civil unrest, and has come to be known as the Green Revolution. Ahmadinejad shifts the direction of policy from dynamic jurisprudence to traditional jurisprudence. The transition from reform movement under Khatami was primarily due to the support and encouragement of hardliners and conservatives (Mir-Hosseini 38). This shift in policy is being fought throughout the country by continued protest, which has led to the civil unrest. It is also under these laws that women’s rights have been restricted and they are demoted to second-class citizens under men. The treatment of Iranian women in regards to the protests have increased the gender tensions in the country, making women not only want equal rights, but are also fighting for human rights.

Iran’s laws against women and the human rights violations documents Iran’s lack of adherence to and support of the Universal Declaration of Human Rights (UDHR). There has been much debate whether an Islamic theocracy is compatible with the notion of universal human rights, because they are thought to be the product of western humanist thought. The UDHR consulted non-Western countries, like Egypt, Syria, and Iraq, trying to have the document reach across cultural lines (Oh 2). Meaning that they did not want this to be a document that only applied to Western or developed countries, rather they wanted it to be a document that reached upon human rights issues faced in every country. Iran and other majority Muslim countries have said that because the notions of human rights emerge out of European modernity, they are not universal. This has led some to forward the argument of a clash of civilizations.

However, Ebadi makes the argument in a keynote speech that the issue is not in Islam. Islam encourages cultural pluralism as seen in different verses in the Qur'an. The problem, rather, Ebadi says, "...these non-democratic Islamic states wish to use Islam as a means or pretext to arrive at a wrong interpretation of religion in order to justify their goals" (16). Ebadi argues that religion itself is not the problem; rather it is the way the political leaders are enforcing laws in the name of Islam. The conflict that Iran has with the UDHR is foregrounded in political problems, rather than religious ones. This difference is what gives women the ability to continue to be Muslim and fight for equal rights. The unjust laws that these women are fighting against are unjust, not because of the religion but because of an abuse of political power.

In Iran when a law is made it is backed using the religion, and therefore it is considered absolute. In recent years though, women have been able to overturn these absolute laws. They proved that the laws in actuality do not have anything to do with the religion and are able to overturn them (Ebadi 18). This shows, how the religion can become transformed to enforce laws that the religion does not justify. Veiling, for example comes from a particular interpretation of Quran sura quoted in the introduction. This interpretation of Islam is not based on the school or branch of Islam someone is subscribing too; rather, on how the practicing person interprets what it means to them to be a pious man or woman.

The political agenda behind the veil causes societal tensions for women who personally choose to wear the chador, or niqab, a more extensive covering of the face with a slit for the eyes, or the entire covering of the face. The women who choose to wear this veil are typically doing so for religious reasons, believe that this is the best way to exemplify piety. However, they also end up being seen as supportive of government oppression, by willingly covering more of themselves (Sadr 196).

When the West looks at an object like the veil, especially within a society like Iran's where veiling is mandatory, it automatically becomes a sign of oppression. Yet, when some Iranian women are approached about their views on the hijab that is enforced by law, they express attachment to the object. In some cases, the hijab can even provide women with a way to be more active within society, guaranteeing them a form or sphere of agency. The hijab allows women to participate within their society while still maintaining cultural and religious codes. The opinions surrounding the hijab then become very complicated and contradictory in some cases.

One artist who explores these multiple meanings is Shirin Neshat, an Iranian artist. She was exiled from Iran, now resides in the West, and finds inspiration from the women of Iran. Neshat's location causes her not only to create art for Iranians, but also for Westerners. This space of duality has



Shirin Neshat, "Passage," 2001, cibachrome print from the film of the same title, © Shirin Neshat

given Neshat an opportunity to explain the veil from an insider's point of view to the West.

Neshat has been able to affect the views of Western feminism in regards to the veil through showing a different side of the covering and how it can be used as a form of agency. She shows women using the veil to their advantage, how it frees them of sexual objectification (Denson). It is this freedom from male objectification that Muslim women attribute their success. This concept causes a need for a renegotiation in Western feminist of the view of the veil.

Another focus within Neshat's work is the strength that is exemplified from these Iranian women. When she spoke about the Green Revolution at a TED Conference, she said, "If in the Islamic Revolution the images of the women were portrayed were submissive, and didn't have a



voice. Now we saw a new idea of feminism in the streets of Tehran. Women who are educated, forward thinking, non traditional, sexually open, fearless and seriously feminist." This

idea of the feminist Muslim woman, and her strength, is shown in Neshat's work. She shows these women banding together for strength against the male dominated society (Denson). The two examples of her work (shown above) are representational of the community of women that come together. The women of Iran are not fearless, and do not step down in the face of misogyny; rather they fight back and they do it using the veil.

Other feminists argue that the compulsory veiling adds to sexual pressures and tensions in Iran. There is a sense that the hijab, as required by Iranian law, does not provide protection. Rather, it causes women to be seen as object that men seek in a lustful way, causing male aggression, and the harassment of women (Sadr 193). One woman writes in a blog post: "As for me, I oppose compulsory veiling. More importantly, I oppose the sexual view of women that all those in favour of veiling talk about. ...all the propaganda seems to dictate that Islam does not view women as sexual objects... but as soon as one speaks of veiling, all the arguments tend to sexualize women" (Sadr 194). The hijab is supposed to protect women from the sexual gaze.

Yet, according to this women's blog, the hijab is, rather, making women into sexual objects. The harassment and aggression toward women, because of the veil, is then a misuse of the veil. As was quoted in the introduction, the Quran calls for both men and women to be modest. If a man is being sexually aggressive, then he is not upholding those religious codes. However, these aggressions are put back onto the women for not dressing properly. This is seen most horrifically in cases where women are blamed for the sexual violence perpetrated on them: where, for example, rape is seen as a "logical" consequence of not wearing proper attire, thereby "provoking" men, as expressed by the police commander Col Hossein Yardoosti in a recent case in Tehran. (Manzarpour).

Most Iranian women however agree that the veil should not be compulsory. It is not within Islamic ideals to make something compulsory, "*la ikrah-a fi' d-din* [there is no compulsion in religion]" (Sadr 198). When the State mandates women to wear the veil, women have argued that this is a violation of their human rights. "The problems that Iranians have faced and still face are due to the laws its government has passed, which does not regard women as human beings. The value of life of women is half of that of men. For instance, if a man and a woman are involved in an accident and the injury of the man and woman are similar, the damage paid to the woman is half of the damages paid to the man" (Ebadi cited by Bakker). This issue cannot be ignored, given the government oppression of activists and protesters in Iran. Thus, the fight over the hijab as decreed by Iranian law is has become more than just a fight over whether to veil or not veil. It has become a fight for women to have the right to choose whether to veil or not to veil. In turn, the desire to make this choice embodies much more than that; it becomes the desire to both fight for and protect human rights. Neda lost her life for this fight.

### **Canada: complications of a multicultural society**

Canada in recent years has seen much political controversy revolving the place of the veil in public culture. Within Canada, the incorporation of immigrants into society is largely sought through government policies of multiculturalism. This means that Canada stands for a society that contains multiple cultures. However, the past few years have witnessed lively public debates as to whether, where and if certain veils (particularly the face-veil or niqab) can and should be worn. The debate over this issue has been posted through Canadian media, showing many articles in tabloids and newspapers, with very strong reactions from the Canadian public.

Much of the debate has centered upon “reasonable accommodation” of minority cultural and/or religious practices, as vouchsafed by the Canadian Charter of Rights and Freedoms. The debate was most vociferous in Quebec, a province that has long sought to maintain a strong Francophone identity within Canada. In 2007, the debate questioned whether recent accommodations made to minorities were in fact “reasonable” or whether institutions were merely pandering to irrational demands and thereby infringing upon the provincial cultural identity of Quebec. Quebecois identity, it was argued, rests upon three unshakeable pillars of gender equality, the primacy of the francophone culture, and the separation of church and state. For many in Quebec, recent accommodations made to minority communities were trying to chip away at these fundamentals. The widespread public engagement with cases of reasonable accommodation can be traced back to 2006 with the *Multani v. Commission scolaire Marguerite-Bourgeoys* case, regards the right (or otherwise) of Sikh students to wear the kirpan to school (see Bating, Kymlicka 47-48). The debate centered upon whether the kirpan was indeed a weapon and thus a threat to public safety. The ruling allowed the kirpan to be worn in schools, because of the indication that there was not the ability for it to hurt people since sewed into the

seam of the clothing. In a post-9/11 environment, this anxiety over public safety was coupled with a trenchant desire to reinforce a strong Quebec identity and the veil became a topic of discussion both provincially and nationally. The veil unfortunately came to be represented in the media as a symbol of “threat”; the veil not only threatened terrorism, but gender inequality and the encroachment upon both the francophone and secular pillars of Quebec identity.

Premier Jean Charest commissioned the Bouchard Taylor Report in 2007. The purpose of the report was to look into why there seemed to be a lack of integration of ethnic minorities into Quebec’s society, and thus the demand for accommodations from these ethnic groups (Dion). Bourchard and Taylor then spent seven months touring around the province conducting town hall type meetings. The report, when released, produced a number of recommendations for the state.

Just a few months after the Jean Charest’s commissioning of a report on accommodation of cultural difference, the national media covered the horrendous story of the “honour killing” of 16-year-old, Aqsa Parvez. Aqsa had been strangled by her father after refusing to wear the hijab, and died the following day. Many Muslim groups denounced the media’s coverage of this event as an “honour” killing, claiming rather that it was a case of domestic abuse, for in no way does the Quran justify these types of killings. A representative of the Canadian Council of Imams denounced the killing, whilst at the same time making claims that Aqsa was a girl going in the wrong direction. This event caused many Canadians to be outraged and calls were made for laws to restrict Islamic dress to protect Muslim Canadians from such abuse. People believed that the rights and protection of women outweighed the policies of multiculturalism (Stein).

Though Aqsa’s murder was an isolated event, the veil (here the hijab) became loaded with meanings of patriarchal control, misogyny and abuse of human rights. Even though totally unrelated, it is alongside such stories that the continued debate over women’s right to wear niqab

is played out. Marcel Blanchet, Quebec's election chief, first allowed Muslim women to wear the niqab into the polling booths in early 2007 on the condition that they present identification cards and sign a sworn statement declaring their identity (Quebec bans). This decision was then reversed on March 26, 2007 after Blanchet received a lot of criticism from other political leaders to avoid disruptions at the polls. Blanchet stated voters were threatening to show up to the polling booths wearing masks as an act of protest (Quebec bans). The media also encouraged the public's reaction to out rage of being allowed to wear the veil to the polls, as seen with the Canadian magazine cover of the Sun below.

The Muslim counter argument to this reversal was that the ban would discourage women from coming out to vote. Sarah Elgazzar of the Canadian Council on American-Islamic Relations said, "I am so saddened, I doubt many of these women will show up at the polls on Monday after all this mockery" (Quebec bans). The reversal of

wearing the niqab to the polls was one of the first incidents that brought the wearing of the niqab into the debate over reasonable accommodation for immigrants within Canada. The banning at the polls legislation was followed by stricter laws, like the Bill-94, which banned the wearing of the niqab while receiving public services, like free health care or day care provide by the government (Moalla).



These incidences in Quebec fostered a national debate of how the Islamic niqab functions within the Canadian society, or if it can. The media heavily publicized the issue and arguably increased the level of Islamophobia in Canada. This increased fear caused the government to recognize there was a growing unrest with rulings of reasonable accommodation; “ ‘a time of turmoil,’ between March 2006 and June 2007, during which 40 cases of reasonable accommodation were reported in the Quebec media, compared to the 12 cases over the previous four years” (Nardi 47). This elevation in media caused a spotlight to fall on Muslim women and wearing the niqab.

A repeated question in this debate concerns whether women could wear the niqab while testifying in court. This controversy started in 2007 when a Muslim woman in Ontario brought formal charges of sexual abuse against a relative and another man perpetrated when she was between the ages of 6 and 11 (*Beyond the veil*). The woman, going by the name N.S., had started to wear the niqab about five years before bringing the men to court. She was attacked by the public for her choice of dress to the extent that the case filed against her abusers was postponed while it was decided whether she could testify while wearing the niqab or not. There was a fear that not allowing the jury to see her facial expressions would affect the court’s ability to make a sound decision.

This case was taken to the Supreme Court in Canada. The ruling by the court was an attempt to find a middle ground: neither never allowing the wearing of the niqab, nor always allowing it while testifying. Instead, the court developed a four-part test to qualify if it is necessary for the witness to wear the niqab (*Makin*). The first step is the establishment of the witness’s sincerity of religious belief. Followed by the second step, of the court examining how and if the trial’s fairness could be compromised by the inability to see the witness facial

expressions. While also, taking into account if the witness plays an essential role in the trial. If in these steps it is established that the witness should be able to wear the niqab, then the judge should attempt to find a compromise that would protect everyone's interest at stake. For example, the court using a one-way screen, or having only females in the courtroom in order to protect the witness's belief. If no accommodations can be made then the judge must weigh the benefits and harms that will come from the witness removing their niqab (Supreme Court's niqab decision).

The reason for the gray response from the court was that they did not want any veiled women to feel like they would not be able to or fear coming forward about any wrongdoing. Makin quotes Supreme Court justice, Judge Abella as saying, "To those affected, this is like hanging a sign over the courtroom door saying: 'Religious minorities not welcome.'"

Yet, as understanding as the court was to women who wear the niqab, the public did not seem to uphold the desire to accommodate their choice of dress. The comments from readers on the article, on The Globe and Mail, "Supreme Court's niqab decision strikes a reasonable balance" by Sheema Khan, regarding the court's decision were all in disagreement with courts decision. Many of the public could not even begin to understand why these women would want to wear the niqab, and firmly disagreed with them wearing it. The following are a few quotes from commenters who posted their comments on Khan's article, "Supreme Court's niqab decision strikes a reasonable balance":

A.J.L 3:11 PM December 20, 2012: I completely and totally DISAGREE with this decision. In fact I favour banning all niqabs and burkas, etc. NOBODY should be allowed to walk around in public with their face routinely concealed. This goes to the very heart of our culture and society and what it should be about. As far as the context of a courtroom goes, you should ALWAYS have the right to face your accuser.

Harry011 2:23 PM December 20, 2012: No. It is NOT reasonable. Sorry to be blunt, but if a person insists on wearing these things, go back to where you came from. It has nothing to do with religion. It's a cultural issue. Gawd help this country in fifty years.

Idohi 2:07 PM December 20, 2012: Very Disappointed at this decision. In my opinion it should be banned completely. We are giving in to these religious organizations, in their countries we wouldn't able to get these law pass, in their countries we are the bottom of their religious chain, Very dissappointed. I was under impression that these people are running away from their countries because they do not want to be control by the religion but as soon they land here suddenly they change their motive .. They are double f..ken liars.

Just by reading the three comments above, it is obvious that there is a great deal of hostility from the public, not only directed to this court case, but to issues of veiling in general. The repeated theme in these extensive online comments is that people completely disagree with the wearing of the niqab under any circumstance, and that these people should not seek Canadian citizenship if they want to wear something like that.

The policy of the government and the perspective of the people are not in alignment. The government is attempting to guard the rights of these women and their religious practice of wearing the niqab. News articles, like Khan's editorial or Makin's "The Spectrum of the Supreme Court's Niqab Decision", seemed for the most part unbiased and may be said to even be supportive of women's choice. Yet, some of the Canadian news stations, like CBC, seemed skeptical at best about the

decision of the Supreme Court.

The live media seemed to be in support of the unveiling, and the publics' reaction. The screenshot here is of a CBC interview with the lawyer, David Butt, who is



representing N.S. In the background is a picture of a woman wearing the niqab who is not identified as being defendant or not, it looks like just another veiled woman (Butt). Many newscasts followed this format of staging a discussion with images of anonymous veiled women. These images suggested that all women who wear the niqab are the same; worse still, these images were aligned in the public imagination with controversy and terror.

These differences in media portrayal, the news articles, and the readers' comments, show how complicated of an issue this has become. There is an obvious attempt by policy makers to protect the rights of these women to the best of their ability. At the same time, a large group of Canadians do not want the niqab to be present in their society at all. This currently makes any ruling on niqab a high-tension issue within Canadian society.

Understanding the laws that Canada has in place to safeguard secularism is important in understanding how these different controversies over the niqab play out. In 1967, the religion of a person applying for permanent residency in Canada was removed from the application. Then in 1971 the Multiculturalism Policy of Canada was instituted, which was then followed by the Multiculturalism Act of 1982. In 1988, the Charter of Rights and Freedom was made into law (Tchir 1). This legislation provided religious freedom and the protection of pluralism for Canadian citizens. The most recent move to help ensure religious freedom by the government was made in 2011 with the move to create an Office of Religious Freedom.

The Charter is the piece of legislation that transitioned Canada into a secular state. Section 2(a) of the document "establishes the fundamental freedoms of conscience and religion" and section 15 "protects equality under the law and prohibits discrimination based on religion" (Tehir 5). These clauses are meant to safeguard minorities from discrimination based on faith.

The public space in a secular state becomes a contested subject; the government under the stance of secularism is drawn to protect this space from any religious influence.

An increased number of immigrants into Canada in recent history have also been a factor in the controversy. Canada was a country that was originally colonized by mainly Great Britain and France, which left the country a mainly Christian country. Yet, in recent years large numbers of Muslims have immigrated into the country. Based on a 2001 census, 86% of the 276,075 Muslim women in Canada are immigrants, nearly half of which migrated there between 1996 and 2001 (Marcotte 357). These women are from all parts of the world: Africa, Caribbean, West Asia, the Middle East, North Africa, South Asia, and Europe; leaving only a small percent of Canadian Muslim women born in Canada. The Muslim women in Canada in 2001 made up 1.8% of the total population of women in the country (Marcotte 357).

These numbers, though slightly dated, give a depiction of the numbers and cultural diversity of Muslim immigrants that are coming into the country. The reasons as to why they are immigrating to Canada vary from educational and/or economical need to seeking political asylum (Marcotte 258). Within the last two decades, the view of Muslim immigrants by Canadians is they appear to be much more conservative than the immigrants of the past (Marcotte 258).

This view has developed from small pockets of Canadian Muslims. They are conservative and believe in the fundamentals of the religion (Marcotte 258). Many of these immigrants come from countries that strictly observe Islamic Law, and desire to continue following the laws after migration to Canada. An example extremist that comes from this group can be seen in the in Toronto, June 2006 (Marcotte 359). A group of Muslims attempted to create their own Islamic state in Canada, living by Islamic Law. Canadian's start to fear Islam and think

of the extremist in the religion, like the “honour” killings, and this group building on the Islamophobia of the country is already experiencing.

However, of course, the majority of Canadian Muslims do not make the media headlines. They integrate into Canadian society, and religion for them is a personal and private belief (Marcotte 358). As the Canadian Muslim population has continued to grow though, it is examples like the former that the media focuses on. It becomes this focus on extremism that fuels xenophobia, which then make Canadians less willing to accommodate religious practices whether the practitioners are part of these groups or not.

Contemporary Canadian identity is however rooted in multiculturalism. It is something that the country is very proud of. Canadians understand multiculturalism as being supportive of a diverse society, being open to dialogue between different religion and cultures, and celebrating almost every religious holiday (Stein). However, Canadians are less clear when women’s rights (taken as a universal) seemingly conflict local cultural and religious traditions. They ask how to uphold the rights of women, which are guaranteed by the law of Canada, whilst at the same time allowing for religious and cultural diversity, which can be seen as contradictory to women’s rights.

The Trudeau Foundation in Canada found that the majority of Canadians value the role of immigrants in the country, and 75 percent believe that Muslims are a valuable contribution to society (Putting women first). However, the majority believes that equal rights are more important than multiculturalism. This is in part why the debate of reasonable accommodation engenders such passion. There is an objective of trying to find a balance between protecting both areas.

This debate within Canada has to do with the difference in approach to immigration from Quebec and the rest of Canada. Quebec has the power to choose who can migrate there, and follows a policy of 'interculturalism' an approach that encourages assimilation, while Canada uses a policy of multiculturalism (Waddington et al. 1). As there has been more of a call for the accommodation of cultural and religious differences, the policy of interculturalism has gained more attention. The question that began to arise was what was reasonable to accommodate, where should the line be drawn. This debate became a heated event throughout Canada, and was heavily covered by the media.

Quebec's policy of interculturalism can be understood as a way for them to preserve their history. France, where their history and private law stem from, colonized the province of Quebec. The policy of interculturalism is meant to protect the small province from losing these ties to their history. The policy then institutes that the common language be French, yet follows a direction that is sensitive to the protection of rights, preserves diversity and the core French-speaking culture, and places an emphasis on integration and collaboration (Bouchard, Taylor 41). This main definition of interculturalism pushes for immigrants coming into the society to integrate into Quebec way of life.

After many request for different accommodations based on religion and cultural needs, a public commission on reasonable accommodation was created in February 2007, and headed by Gerard Bouchard and Charles Taylor (Waddington et al. 2). "The Bouchard-Taylor Commission's aims were to take stock of practices of reasonable accommodation across various sectors of public life, to gauge public opinion on this issue, and to draft a set of recommendations on dealing with difference that were consistent with Quebec as a liberal democratic society" (Waddington et al. 2). The final report, *Building the Future: A time for Reconciliation*, was

meant to help Quebecers and policy makers find a unifying way to approach and handle multicultural issues.

One aspect that the Bouchard-Taylor focuses on is the concept of open secularism. This concept is one way to help deal with cultural differences, for example the niqab. According to the commission report, open secularism, “recognizes the need of the state to be neutral, but...also acknowledges the importance for some people of the spiritual dimension of existence” (Waddington et al. 10). The approach that they recommend is that the secular state help foster freedom of religion, not hinder it. The authors are keen to reiterate that Quebec has historically maintained a policy of open secularism and that it is the best path for them to continue with (Bouchard, Taylor 45).

What this recommendation means for Muslim women, is that the niqab should not be banned within the country. The act of neutralizing public space of religious or cultural markers and symbols would be to change to a rigidly secular (i.e. not open) system (Bouchard, Taylor 45). This kind of change would be going against the ideals of interculturalism. It would hinder the dialogue between the migrant groups, therefor hindering their ability to become a part of the culture.

Why then was there a shift in protecting the public space from religion, if historically Canada did not deal with being a secular nation by protecting the public space? One explanation of this change is the ability allow or disallow religious accommodations can be read as an exercise of power (Beaman 6). Allowing exceptions for immigrants may feel like a giving up of that power by the state, which bring the state to the question of where to draw the line on accommodations. Not wanting to give up this power effects the orientalist view that portrays the Canadian Muslim women, if these women are portrayed in a way that enacts fear in the public or

creates Islamophobia then there is no reason to give up power or compromise within the public space.

The report issued by the Bouchard-Taylor Commission started to draw people's attention to what was happening within society regarding attitudes toward Muslims. One of the key factors in the growth of Islamophobia was the incorporated media's generation of propaganda (Sharify-Funk 546). This recognition of racism within a government-commissioned report was one of the biggest triumphs the report brought to Muslims.

However, the title of the report, and the entire debate, has a overarching negative connotation. The title, "reasonable accommodation" presents the issue in a manner that Canadians have to go out of their way to make a space for these people (Sharify-Funk 546). The government naming this discriminatory situation that has erupted enforces that an accommodation, rather, than natural change has to be made. The word accommodation insinuates the need for people to go out of their way for ethnic groups.

In an interview May Hayder, a community organizer with Al-Hidaya Association on expands upon how this title is not fitting. She makes the point that if someone requests an accommodation it is because it is a right that is protected in the Charter of Rights and Freedoms. Making the point that it should not be seen as something that the government is accommodating, or making room for; these are the rights of a Canadian citizen, and they are protected by the democracy.

One way that Canadian Muslims have begun to deal with the racism that they receive is through the expression of art. After the attack of September 11, a group of Canadian Muslim artists emerged



who were proud of their religion and not afraid to be vocal about it. An example of one of the artist's work, Alia Toor, is entitled 99 Names of Amman. This piece directly comments and conflates the fear of disease with that of the veil (Toor).

According to an article from The Globe and Mail on this group of artists, there are mixed feelings about Canadians attitudes toward Muslims. Some of them claim that they are shifting while others say that there is still a large battle against racism to be fought (Taylor). Others say the multicultural approach toward immigrants the society has created a more open society (Taylor).

The debate over reasonable accommodation does not seem to have a finite solution, rather, a series of compromises. The goal of the state is complicated they are attempting to uphold their stance of multiculturalism, while protecting the rights of women and maintaining Canada as secular nation. There is an emphasis on maintaining and protecting a women's right to the choice to veil or not to veil; yet, still upholding the other aspects of the law. This is why the laws regarding accommodations have multiple steps or a compromising. It seems that the Muslim women of Canada are still actively searching for a balance as well within Canadian society, both trying to find a way to be a part of society, while also continuing to veil.

### **France: The negotiating religion, state, and culture**

France's conflict with the veil has been one of the most globally publicized cases. France's decision to ban the headscarf in 2001 is what has created most of the controversy. The decision, like Iran's, does not leave room for compromise, and creates tensions within the society. French Muslims feel like their human rights are in breach. Yet, because France's understanding of religious freedom is different, the government and most citizens do not understand the law as a violation of rights. The over complication of this issue in France, has a direct relationship with their colonial history, and the oriental understand that the government and people are still implicating onto the French Muslim women today.

Before France officially ban the wearing of headscarves in school, they had a long drawn out history where school in attempt to uphold the values of the secular state would expel girls for wearing the headscarf to school. The first case was in 1989, and continued until the ban in 2001. The momentum build up these cases, and the lack of clarity surrounding the what the law should be, also made the government take a firm stance on the issue one way or another.

One particular case that received a great deal of media attention happening in 2003, two sisters were expelled from their high school in Aubervilliers for refusing to remove their headscarf and put on the one appointed by the school. The one that the school allowed, translated to a headscarf "lite," left the neck, earlobes and hairline exposed (Scott 30). One reason for the case receiving a lot of attention had to do with the fact that the two sisters converted to the religion without any family pressure. Their father was a non-practicing Jew, and their mother was a non-practicing Catholic. Both of their parents and their grandmother, were not in support of the wearing of the veil, but were in favor of their children's right to an education and their

right to make a choice about what to wear (Scott 31). The girls felt like they were being forced to decide between their religion and their education.

The media grappled with the fact that girls who were brought up in a secular household would convert to Islam. Their mother reported to United Press International that the older sister was accosted close to her home, and soon after, she started to wear the veil; shortly after her younger sister followed (Bryant). The authorities also started to look into their conversion to the religion. They started to speculate the girls' involvement with a group called Islamic Rescue, which is known to have ties to fundamentalist groups (Bryant). This proved not true, but it is interesting that this kind of speculation is brought up. It shows the fear that evolves around the extremist groups, and how they are seen as the source of conversions. There is a public anxiety around the veil at this time, it was following the terrorist attack of September 11 in the United States, and a global fear of who would be next was developing.

These incidents encourage a government stance on the wearing of headscarves in school. At this point, no law had been passed officially banning the headscarf altogether. The legislation at the time said they could be worn as long as it was not "aggressive or proselytizing", leaving a great deal for the schools to decide (Gentleman). With the unclear law, Prime Minister Jean-Pierre Raffarin talked about how he was in favor of new legislation that would help resolve these kinds of issues (Gentleman). France's focus on secularism is why there is such a problem with the wearing of the headscarf in school. It is a public place, where they believe, there should not be any religious representations.

Understanding France's development into a secular society and why it is something that is at the heart of the French identity becomes important when understanding the nature of the contestation of the headscarf within the society. There then becomes an element of protection of

the French identity, values, and standards. Immigrants are then supposed to integrate into their society, and become “French.” This is fostered through the education system, where they are taught “certain ways of acting and thinking” (Bowen 11).

The emphasis being put onto the education system comes from France’s contested history with the Catholic Church. Before 1880, the Catholic Church had a hold on the education system of France. Then between 1880 and the mid 1920’s, a number of decrees and laws were passed in order to remove the Church from the public education system that eradicated the church’s public status (Bowen 12). This is the marker of the separation of church and state, and it is understood to have a direct connected with education.

France puts an emphasis on the protection of public order above all other things. It is understood that public order is what keep society intact. The citizens of France are expected to subscribe to the social contract as developed by the philosopher Rousseau (Bowen 14). Following this ideology, the rights of each individual citizen is not what is focused on, rather it citizens as a collective, the overall common good.

Laïcité, which most closely translates to the word secularism, is not the same as freedom of religion. Laïcité is the protection of public space, keeping it neutral in terms of religion (Bowen 14). Public spaces are areas where the state has influence; public schools or government buildings are two examples where the headscarf is banned.

Freedom of religion in France is understood as *liberté le culte*, which is the outward expression of a person’s relationship to religion. According to the State Council, the protection of “*le culte* involves three elements: celebration of the *mite*, as in the mass; its buildings; and the teaching of its principles” (Bowen 17). These three protections are legally all the government has to uphold any religion.

Understanding why there is such an emphasis on public order, rather than protection of individual rights, is rooted in France's religious history. The country has seen multiple wars over religion. First Catholics against Protestants, and then the Catholic Church against secularism (Bowen 17). The year 1517 marks the start of the Reformation, which sought to dissolve the power between King and Pope, eradicating the "Divine Right" given to the king (Winter 61). This period of Reformation and then Counter-Reformation was an extremely bloody period. For example between 1562 and 1598 there were eight religious wars, killing over 100,000 Protestants (Winter 62). Because of this, they see a need to protect the people from the possibility of war arising over religion.

This is also part of the reason that there is such a public anxiety about there being "different" religious signs within the public sphere. Protestants were seen as different during the Reformation, they were the ones who went against the norm of the Catholic Church. The bloody history that revolves around religious differences is what makes them uneasy of overtly religious symbolism.

In 1989, the first Muslim students were expelled for wearing the headscarf to school. The school was located in a "priority educational zone", which consisted of a high number of poor and ethnically mixed students, creating tensions along the lives of class, religion, and culture (Scott 22). The principle of the school claimed to be expelling the girls in the name of laïcité. This continued into a large political, and media driven debate over the next year. Ending with the council ruling "that the wearing of signs of religious affiliation by students in public schools was not necessarily incompatible with the principle of laïcité, as long as these signs were not ostentatious or polemical and as long as they didn't constitute 'acts of pressure, provocation, proselytism or propaganda' that interfered with the liberties of other students" (Scott 24-25).

In 2003, Nicholas Sarkozy, in the wake of the terrorist attacks on September 11, insisted that for security reasons the veil must be taken off while taking identification photographs (Hijab and the Republic 197). The controversy over this law re-ignited the issue of headscarves in public school. A bill was presented to the “National Assembly that, in the name of laïcité, would outlaw signs of any religious affiliation in public schools” (Scott 30). This resulted in developing the Stasi commission to see if enacting this law would be possible.

The report that was filed by the commission in December, “called for the outlawing of all conspicuous signs of religious affiliation in public schools” (Scott 34). At the same time the report also saw the need for the adoption of policies that invoked a greater amount of religious tolerance. Some of the reports recommendations were, for example, increased amount of history and philosophy of religions in school curriculum, a national school for Islamic studies, and alternative to pork in schools, prison, and hospitals (Bowen 34). These recommendations were to help lessen the marginalization of Muslims in French society, and help them become more fully apart of society.

In March 2004 the law banning the wearing of conspicuous signs of religious affiliation in public schools was enacted, and the following October was put into action. This law left no room for compromise, as the previous one had done. Even though the law is commonly referred to as the headscarf law, it also outlawed the wearing of Yarmulkes and Sikh turbans.

The issue of the veil within French society is a very complicated issue, which cannot be written off as an extreme case of Islamophobia, nor can the opposite, of the law being racist or infringement of religious rights. When looking at the history of France, it is evident that there is a very long and complicated relationship between State and religion; one that on numerous occasions has not ended well, but has ended in war. There is also the element of what is socially

put first in France, which is public order. The banning the veil in public schools was an attempt to stabilize the social order.

In the past, education ordered society because it was through the removal of church from public schools that the power of the church was fought and challenged. Now teachers and schooling system are what continue to hold the ideals of public order from that time. It is supposed to be a neutral place to continue the “participation in a national public life” (Bowen 12). Letting the Muslim headscarf in to this place of order, is seen as a disruption, something that is related back to the fight against the church.

The French view of the education system being one of the main places of public order, show how much emphasis can be put into knowledge. It is what people learn is what allows them to succeed within their society. It is through the education system that a person in France becomes a Frenchman. It becomes through these pathways of knowledge that people have access to keep a forward successful momentum in their lives or not, if they are not learning the proper paths then the momentum stops. For instance, it is taught, at the basic schooling level, that France is secular and should not have any kind of religion demonstrated within society. This is the knowledge that is dictated by those at power. It becomes though knowing and obeying this that someone moves forward in society. The Muslim girls are not subscribing to this so they are being removed from school, no more knowledge, which means no continuation or growth.

The other reason the law was able to go through was the feminist argument to help these women. This argument helped to convert the argument from one that was about a religion to one about preserving human dignity (Bowen 209). This argument has been hugely impacted by orientalism. The idea that the veil is automatically oppressive, and is not the women’s choice to wear, invokes the idea that it is the duty of the West to save these women.

The root of this idea comes from colonialism. As Abu-Lughod, author of “Do Muslim Women Really Need Saving?” says, “Projects of saving other women depend on and reinforce a sense of superiority by the Westerners, a form of arrogance that deserves to be challenged” (Abu-Lughod 789). This notion creates the view that the West is not only right, but they are right because their understanding of religion is a higher, more superior understanding than the ones coming from the Muslim women.

Following this orientalist notion “To a liberal secular public, engaging publicly in religious practices in itself already stands in a tense relation to the notion of the free, autonomous subject. This is all the more so in the case of Islamic practices such as face veiling, shaped by a long colonial history that has naturalized the notion of Muslim women as the victims of their own men or culture” (Moors 291). French society engages the orientalist view in order to make sense of why these women would still be engaging in this religious practice. The conclusion is then to draw back to the same conclusion in the colonial period is that these women are victims, and that they are oppressed. There is still an inability to understand the agency women utilize through the veil.

During the second debate over the veil in schools, the voice of feminists was much more prominent. Since the 2003, there have been many petitions and declarations circulated by feminist in France, that support “secularism and equal rights for women and opposing the hijab as a sign of religious conservatism and women’s oppression” (Secularism Aboard the Titanic 289). These petitions and declarations helped to increase national support for the passing of the law. These kinds of acts or laws are power plays that are made on behalf of Muslim women. At the same time, they generally overlook the voice of the Muslim women and what they want. These women become marked by “religiousness as difference” which means that they have not

yet “modernized” (Reilly 97). Western feminist are using an orientalist framework to view what is best for the French Muslim woman.

The linking of oppression with the veil came from looking at women who reside in the poor suburban area of France. Within this area, there are high numbers of domestic abuse and misogynist attitudes toward women (Scott 156). In the feminist fight for respect the idea de-veiling appears would be the answer, or at least a step in the right direction for their agenda.

Yet, it does not change the beliefs that are imbedded into Muslim women. The scarf is an outward symbol of their religious beliefs, but most importantly, it is embodied in the way they act and in the way they understand the world. “...a social scientist, played down the independent role of scarves. He said that the fellow who built the house behind them, in an eastern suburb of Paris, always walked ahead of his wife, but that she did not wear a veil. ‘So if you made them take off the veil, you would not change anything... You have to work on values first’” (Bowen 212).

Taking away the scarf may take away the contentious symbol for French people, but it does not change any of the problems facing Muslim women. If this is used to look at the notion presented by French feminist, then in actuality what they want to change is the symbolize, not the oppression. To think that removing the veil will solve the problem for French Muslim women is to drastically oversight the power of the veil. Women in the poor areas are not abused solely for the reason that they are wearing the veil. Rather, they are abused because of the unchanged misogynistic views men impose on them because they are women.

### **United States: The veil and identity politics**

The intertwined histories of the United States and the Middle East, and the more recent terrorist attacks of September 11, 2001, have laden the Islamic veil with many different interpretations. It is not the diversity of interpretations per se that is problematic, but the fact that these diverse interpretations rarely allude to the meanings the veil holds for American Muslim women. Rather, the American media also had a strong hand in how Islam, and indeed Muslim women, is perceived. They, the media, have made the veil become a symbolic marker of the War on Terror. This chapter will explore the different aspects, levels and complexities of how the veil is seen, including how the veil can offer women a means to express non-conformity.

It is important to note for this chapter that the debate about the veil is different than in any other country that has been examined in this paper. There has not been one major incident involving the veil that has become a trigger for a national debate, as it has in other case studies, particularly Canada and France. The focus in the American media instead has mainly been on women abroad, particularly those countries in which American forces are employed, which consequently have affected the perception of Muslim Americans at home. Images of burqa-clad women of Afghanistan, for example, have become one of the most frequently used images to refer to the “War on Terror.”

After the terrorist attacks on September 11, 2001 media coverage of Islam spiked and in many ways Muslim women wearing the veil, and men wearing turbans became a target of ill-will and controversy. One of the comments that heightened the “foreignness” of the veil came from the then First Lady Laura Bush. She gave a radio address from the White House on the treatment of women and children by the Taliban and Al Qaeda (Gerstenzang, Getter). In this address the First Lady stated, “The fight against terrorism is also a fight for the rights and dignity of

women.” Following her address the State Department released a report on the Taliban’s “War Against Women” (Gerstenzag, Getter). The State Department’s report examined the Taliban’s abuses against women, thereby lending “evidence” to Laura Bush’s translation of America’s new war as one motivated by the defense of human rights.

The equating of the War on Terror with a fight for women’s rights caused a shift in the political representation of Muslim women. These reports of Taliban abuses were a clear way of gaining public favor for the war on terror. The use of Afghan women as victims who needed to be saved as an incentive for support of war is alarmingly similar to the ploys used to justify colonialism. First, Bush successfully makes the Taliban and terrorism interchangeable. They become the same in her speech (Abu-Lughod 784). Then Bush blurs together the issues the Afghan women are facing. Socio-economic issues caused by Afghanistan being a developing country (malnutrition, poverty, and ill health) and political issues caused by the Taliban (exclusion from employment and education) were rolled together (Abu-Lughod 784), giving the misleading perception that by overthrowing the Taliban these women will be saved from poverty. When in reality, a majority of the issues Afghan women are facing are shared by many women across the developing world.

Bush created a scenario in which Afghan women were being taken advantage of the Taliban in an uncivilized world, and U.S. forces were needed to save them. She stated that “Civilized people through the world are speaking out in horror...” insinuating that the Afghan population was not civilized. She also said, “Because of our recent military gains... women are no longer imprisoned in their homes” showing that the U.S. army was “liberators” rather than perpetrators of violence. In her comments, Laura Bush was repeating the rhetoric of nineteenth

century colonialism, described by Charkravorty Spivak as white men saving brown women from brown men (Abu-Lughod 784).

The media response was to publicize (even fetishize) the victimization of women in the Middle East. On CNN, for example, the fictional film *Kandahar* was repeatedly aired. The film, though fictional, portrayed brutalities of Afghan women under the Taliban (Ahmed 223). As the War on Terror continued, after American soldiers captured a town, shots of women taking off their burqas would be widely aired. If indeed the women did not throw off their burqas in celebration, they were questioned by reporters as to why they did not (Ahmed 223). “As the British reporter Polly Toynbee noted, for the west the burka had become the ‘battle flag’ of the war” (Ahmed 223).

One recent example of the continuation of this message is the cover from July 2010 *Time* magazine cover (seen on the right). The caption of the magazine



title reads, “What Happens if We Leave Afghanistan” (Bieber). It is giving the impression that women will continue to be abused and oppressed if we leave Afghanistan

American culture is flooded with pictures and news reports that re-enforcing the reading of the veil as an oppressive practice. Even if these images are false or exaggerated, they are still present and effective. This consequently makes it hard for Americans to understand why American Muslims would choose to wear the veil. Many Americans view this as accepting or choosing to be a second-class citizen (Williams, Vashi 275-276).

Connecting the War on Terror with the protection of women, and specifically from the wearing of the veil, facilitated an association in the public imagination of the veil to terrorism. Islamophobia attacks post 9/11 targeted those who exhibited any sign of Islam that the racists could identify, including turbans, beards, and veils. Reports circulated of the frequent abuse faced by Muslim women who wore the veil to the point where many Muslim women became afraid to leave their homes. Some of the hate crimes were extremely brutal. One example took place in Clarkson, Georgia, where three men attacked a woman and her son while they exiting their apartment building. One removed her hijab, one put his foot on her neck, and the third kicked her in the back. Continuing to kick her, they cursed Arabs and sought to remove her clothes. As they dragged her to a tree screaming and pleading, one held a knife to the two-year-old son. The attackers fled when they noticed cars approaching (Ahmed 205). Such events inevitably left women afraid, and the frequency of the attacks led some imams to advise women to remove their headscarves (e.g. imams in *Al-Majalla* magazine). America's Muslim Women's League published an article, "Muslim Dress in Dangerous Times" which encouraging a similar course of action (Donnell 123). Both of the sources were concerned for the safety of American Muslim women.

The decision to remove hijab was not the only response, however. Jennifer Schock, a student from Washington D.C., saw how Muslim American women were being attacked after 9/11 and started a movement to support them. Her idea was to have non-Muslim women wear the hijab for a day in support of Muslim women. Schock had visited mosques and consulted with many Muslim women before she proposed the campaign (Banks). The feedback that she received from the women was overwhelmingly positive. The intention was to reach out to Muslim women to let them know that they were not alone, and start a dialogue. The announcement read,

“Women, regardless of their faith, across the United States will wear a scarf or hat covering their hair on October 8, 2001. Like friends who shave their heads in solidarity with cancer patients, women everywhere will wear the hijab.” The Feminist Majority Foundation also joined the movement. They sent out a call for people to take action and join the movement (Ahmed 2006). They wanted to help the Muslim women who had become afraid to leave their homes after September 11.

The movement was a grassroots one, but spread quickly, leading Schock to establish a global network called Scarves for Solidarity. This movement took off around the world, having events in countries from Indonesia to the United Kingdom (Ahmed 2006). Even though this movement brought the hijab into a positive light, it still shows how the headscarf is an unstable sign for many. After posting the call for women to veil for a day on a women’s media group, Schock received a great deal of backlash over the idea arguing that by supporting hijab she was supporting women’s oppression (Ahmed 2006).

September 11 became a catalyst for the process of re-Islamization. Americans generally had two reactions toward veiled Muslim women; one was violence and anger, while the other was support and outreach. Looking at the media events showed both sides of this, the violence enacted onto a veiled women and the reaction of people like Jennifer Schock reaching out to these women.

Many feminist groups also reached out to support due to the violence and fear that was occurring. Some support came in the form of candlelight vigils, offers of escort and shopping services (Ahmed 2005). Others came in the form of protest by non-Muslim women choosing to veil. This movement received backlash though for the challenge it presented to the Western feminist stance on the veil. The veil in this discourse is normally seen as a symbol of women’s

oppression, just as the government renewed this symbol as shown with the media example involving First Lady Laura Bush.

However, this moment in the history of the symbolism of the veil morphed into a marker of U.S. hatred for Muslim women. When some Western feminist recognized the symbolism of the veil had changed, they felt the need to change their stance the issue of the veil to help women fight for their choice to veil or not to veil. The right of a woman to have the religious freedom to choose to veil seemed, at least in the early days of the headscarf controversy, to triumph the symbolism of oppression.

Nevertheless, the symbolism of oppression does not ever fully go away. It may in that moment is the lesser of two symbolizes, but is not gone. That is evident by resistance to the Shock received over supporting Muslim women by wearing the hijab for a day, as noted earlier. It is also hard to escape the idea of the veil as oppressing women when, that becomes one of the leading reasons for the war in Afghanistan. The American need to liberate Muslim women from the “uncivilized” ways of Islam, places the veil in the center of this (Haddad 256).

The history of how Islam came to American through immigration is an important factor in understanding how the veil is currently signified. The roots of Islam in America come from the slave trade; 10 to 15 percent of the slaves from Africa have been estimated to have been Muslim (Islam In America). The second large wave of Muslim immigrants came between 1878 and 1924, mainly from Syria, Palestine, Lebanon, and Punjab. These immigrants were unskilled, and found works in factories like Ford Motors in Detroit (“A Brief History”). Then, in the 1950’s there was another large migration of Muslims from Palestine (after the establishment of Israel), Iraq, and Egypt. This group of migrants was made up of mainly educated professionals, leaving the conditions of economic disparity in their countries of origin. This was followed a wave of

immigrants following the 1986 Immigration Reform and Control Act (IRCA), allowing an equal amount of immigrants from every country (Mazrui 802). This wave came mainly coming from South-East Asia, and some from Africa, Asia, and Latin America. As the immigrant Muslim population started to grow, African Americans started to reconnect with the religion from their original homeland. This led to the development of Black Islam, which came out of the abolitionist and civil rights movement and was a religious political movement headed by Elijah Muhammad (“A Brief History”).

This movement sought to fight racism with racism, creating a new and separate community for Black Muslims. Malcolm X, originally a supporter and advocate of the movement, turned away from it after his pilgrimage to Mecca and joined the Sunni community. After the assassination of Malcolm X, the number of Black Muslims practicing under Elijah Muhammad dwindled. The followers that did remain, followers of the Nation of Islam, led by Louis Farrakhan (“A Brief History”). The Nation of Islam is considered by many to be a radical group and are not recognized by most sectors of Islam. Intolerance for Islam is compounded by news stories about radical figures like Farrakhan and Bin Laden given the lack of education about religion in America. Most Americans do not know the difference between the Nation of Islam, Sunni and Shi’a but nevertheless create a totalized stereotype of Islam as threatening.

The Cold War helped the U.S. to build political alliances that typically would not have succeeded. The U.S. government pushed to become politically and economically invested in countries that would take an anti-communist stance (Mazrui 801). The Middle East and North Africa were of great economic interest because of the demand for oil in the United States. While these regions had the oil, Western corporations were the ones that could extract it (Mazrui 801). This economic friendship was halted during the Arab-Israeli dispute and the 1973 oil embargo.

Colleges started offering Middle Eastern and Islamic Studies, with scholarly visits to Muslim countries (Mazrui 801). With greater understanding of the culture and history of the region, the political tenor shifted from one seeking domination of the region to one of trade. This occurred around the same time of the IRCA, resulting in an influx of Muslim migrants to the U.S. (Mazrui 802). This movement of population expanded the cross-cultural relationship between the U.S. and Muslims and the rapid growth of the Muslim population within the United States.

Under the Clinton Administration, there was a large push for American acceptance of Islam. The president and first lady made efforts to recognize and celebrate Islamic holidays. President Clinton created a delegation of Arab Americans to discuss domestic and international issues, and National Security Advisor, Anthony Lake, delegated with Muslims to help solve the Bosnian crisis (Mazrui 802). President Clinton did receive criticism about his openness toward Muslims; however, the overall population seemed to be in acceptance of Muslim Americans. At the time, the public generally accepted Muslim women wearing the hijab (Mazrui 802).

Though there was a push by the government for the acceptance of Muslim American's into society before September 11, 2001, after the terrorist attacks on 9/11 there was a noticeable decline in community relations. President Bush signed the Patriot Act on October 26, 2001. The Patriot Act is an acronym that stands for: Uniting (and) Strengthening America (by) Providing Appropriate Tools Required (to) Intercept (and) Obstruct Terrorism (USA PATRIOT Act). This act became an enforcing agent in government persecution of Muslims, especially while traveling. While Islamophobia increased, so did the contestation of the veil as a marker of terrorism, within and outside the country.

Though in the immediate aftermath of September 11, many women were fearful of wearing hijab because of attacks against Muslim women, out of this fear grew a movement for women to stand up for their religion and their rights. The counter to the heightening of American's Islamophobia was a process of re-Islamization through which the hijab has become a symbol of the American Muslim identity (Elver 159). Even with the public reading of the veil as a symbol of oppression, and the victimization of women wearing the veil after 9/11, a significant number of American Muslim women began to wear the veil. Wearing the hijab became a form of agency for these women, allowing them to fight the stereotypes of their religion and start to bring perceptions of Islam into a different light. These women sought strength by standing up for their faith and identity in the face of persecution, resisting the pressure to assimilate, and reclaiming Islam from ignorant stereotypes.

Annia Raja, a college student, is an example of someone who started wearing the hijab after 9/11. She said, “[The veil] liberated her and helped her create a strong Muslim American identity on campus” (Ahmed 208). The idea of the hijab being liberating is one that goes against most orientalist understandings of the veil. As the number of women wearing the hijab rose, a stronger sense of community for these women began to develop. Part of this community came out of the restructuring the function of the mosque for women. The mosque became a gathering place for women and a shelter from the harsh stereotyping accruing in the culture (Haddad 263). Women having a physical meeting place continued to propel the new American Muslim identity forward. As the community of Muslim women continued to strengthen, so did their desire to engage in social activism (Haddad 264). Putting on the hijab is an act of affirming their religion, and “challenging the inequities and injustices of mainstream society...” (Ahmed 210).

The wearing of the hijab became a way for Muslim women to outwardly, and easily signifies who they were and what they stood for. There were also efforts to outreach into society and start an open dialoged, and inter-faith cooperation (Haddad 246). There was a conscious shift in the approach not to convert, but to educate. In this way, it is clear that the hijab has for many American Muslims granted them the agency to become politically active and open challenge social injustices that they themselves or others may face. It is interesting to see how wearing hijab has for some American Muslim women become a primary mode of engaging the politics of identity rather than necessarily being reflective of pious practice. “They wear the veil to assert their identity more than to maintain their humility and modest” (Diffendal 4). Of course, the personal religious significance of wearing hijab (e.g. modesty) remains a central motivating force, but wearing hijab as also become a way to honour a collective Muslim identity that is strong enough to resist mainstream pressures to conform.

These women utilize the hijab to identify to Americans who Muslims are and what they are really like. It is an attempt to break the Islamophobia that has become so dominant in society, allowing for a reclaiming of the religion, and a renegotiation of what it is to be Muslim, specifically a Muslim woman. The hijab, being an overt identifier, forces people to come to terms with the fact that these women firstly are Muslims, and secondly not the oppressed victims often presented in the media.

### **Conclusion: Understanding the veil for what it is**

The preceding chapters have looked at the public interactions between state and citizens in four countries that have different policies regards the veil in society. The common trend in these cases is the role of the state in influencing how the veil is seen, turning the veil into a political symbol. The ‘semiotic overcharge’ of this piece of cloth (Tarlo 2010) has often elided what the veil means to the women who wear it.

The state’s use of the veil in pushing various political agendas can be looked at through the underlying power structure that is being implemented. The dynamic is different in each country, but nonetheless the state flexes its muscle such that an understanding of the diverse reasons women veil is negated. Foucault in his book *Discipline and Punishment* explains the power structure between person and state:

But the body is also directly involved in a political field; power relations have an immediate hold upon it... This political investment of the body is bound up, in accordance with complex reciprocal relations, with its economic use; it is largely as a force of production that the body is invested with relations of power and domination; but, on the other hand, its constitution as labor power is possible only if it is caught up in system of subjection... the body becomes a useful force only if it is both a productive body and a subjected body. (Foucault 25-26)

The state creates a means for people to be productive, through knowing and following “truths” that are created and enforced by the state and media such that the subjects of the state come to feel that they are empowering themselves. It is by being in the system that is created by the government, and accepting the societal conventions of a normal gender role that a person excels and accesses power, even through it is a power that is ultimately being controlled by the government.

The societal norms that state laws in Canada and France produce do not include wearing the veil. The media in these countries further encourage this, showing the veil as “different” (i.e.

unconventional) or even wrong. Even in Canada, where multiculturalism is considered a part of the Canadian identity, the veil is still contested. Similarly, in the U.S., the contestation of the veil is two fold, first out of fear as an outward reminder of 9/11, and second the veil is interpreted as a symbol of the oppression in women in Muslim cultures. In Iran, the enforcement of compulsory veiling becomes a constant reminder of the violations of human rights by the government. Even though the norm there is to wear the hijab, because of the government enforcement, wearing a fuller covering like the burqa is contested. Though the politics of how the veil varies in each state, on some level the veil symbolizes a position that is constructed and/or enforced by the state.

In the west, the veil symbolizes a break with the norm of secular fashion and hence can be seen to limit the amounts of power these women can access. Muslim women who choose to veil are forced to find different ways to enact power and agency for themselves; the veil itself may become a channel through these women access power. Even though this is not the power structure set up by the state, there is still a different way to access power through the wearing of the veil. However, the state and/or the wider public may not let acknowledge the power that is being accessed by women utilizing the veil because it is not necessarily accessing the same kind of power the people who enact societal norms are trying to get to. This demonstrates the lingering influence of an Orientalist gaze that reduces the other to a position of powerlessness.

For women in the west, there is a conditioned understanding that western women are liberated and Muslim women are not. Many feminists have argued that it is only through subscribing to the “more progressive” ideology of western women that liberation can be accessed (Zine 14). An ad that was printed in *Vogue* magazine is an example of this standard. On one side of the page was a veiled Muslim woman, with the caption, “Women should be quiet, composed,

obedient, grateful, modest, respectful, submissive and very, very serious.” Compared to the image of the same women transformed to smiling girl, ready to play baseball, with the caption, “Women should be bright, wild, flirty, fun, eccentric, tough, bold and very, very Bijan” (Zine 14). This is the comparison that is frequently made such that the veiled Muslim women are seen as diametrically opposed to the fun-loving girl for the West.

This ideology of western feminism does not always translate across cultures and may in some cases hinder understanding what autonomy may mean for veiled Muslim women. Western feminism carries many traces of orientalism imbedded into their understanding and interpretation of the veil. The era of colonialism produced an archetypal image of veiled women as erotic, oppressed, and in need of being freed. Though this archetype was the product of the dominating western male gaze of the colonial period, it also has roots in how feminism has understood the wearing of the veil creating what Zine has called an “imperialist feminism”.

Western women believed themselves to be more advanced in the “women’s movement” and thus unintentionally cast women from developing nations as inferior to them. Yet, when looking at the lives of women during the colonial period and currently there are many parallels that show the notion of superiority to be unjust (Hoodfar 8). For instance, Western women saw polygamy as an example of Arab inferiority. This, though, could be directly correlated to a husband’s mistress in European societies, and the growing number of illegitimate children (Hoodfar 8). Therefore, creating a blind spot for cheating or mistress as more acceptable than a legalized for of multiple partner.

The western feminist view of other cultures as being backward in terms of women’s rights becomes coupled with the idea that these women need saving through western ideological formations, not seeing how this might feel like a secondary colonialism. There is a perception

that Muslim women, stigmatized by the veil, are unable to “advance” on their own and the help of their Western sisters is required. Ironically, then, Western feminists may repeat the oppressive structure that they themselves faced, i.e. where the white man oversaw and dictated their rights. They assume the role of the “enlightened foreigner,” dictating the rights of the Muslim women. This is perhaps most clearly illustrated by the French feminist push to enforce the ban on headscarves in France.

However, this way of thinking is brought into question when women fight back against the ban or simply choose to continue to wear the veil. The French feminists’ position fails to understand how wearing the veil can be an act that expresses autonomy and illustrates agency; for them, when a veiled Muslim woman speaks of emancipation she is simply deluding herself. This fundamentalist line of some feminists fails to account for a widespread return to hijab by young Muslim women living in the West. Crucially, then, there needs to be an understanding of the different power structures that these women subscribe to.

The decision to wear the veil can be a deeply religious choice. A decision to put religious values above societal values demonstrates how women who veil may do so out of a choice to cultivate piety and thereby subscribe to a different power structure. It is through piety that one can become closer with Allah (Moors 287). Through then the cultivation of piety a woman, gain access to the intimate relationship with Allah. A pious woman is looked highly upon within the Muslim community. It is an outward signifier that someone is choosing to take religion seriously, and that they should be respected for that decision. It also gives them freedom within the community, an autonomy that can only be achieved through the veil.

Islam is a religion that prioritizes practice, for it is through the *active* cultivation of piety (e.g. by performing prayer) that spiritual and moral feelings will be generated. For example,

prayer five times a day is something that is done ritually as one of the five pillars of Islam. Even if the prayers themselves are not initially understood, it is thought that eventually a person will come to be cleansed through prayer. The act of veiling, even if it is not fully understood, or if the emotion is not there, may be a similar step in the process of cultivating piety. It is through making the act into a habit that the spiritual resonance or “inner quality” will develop (Mahmood 137).

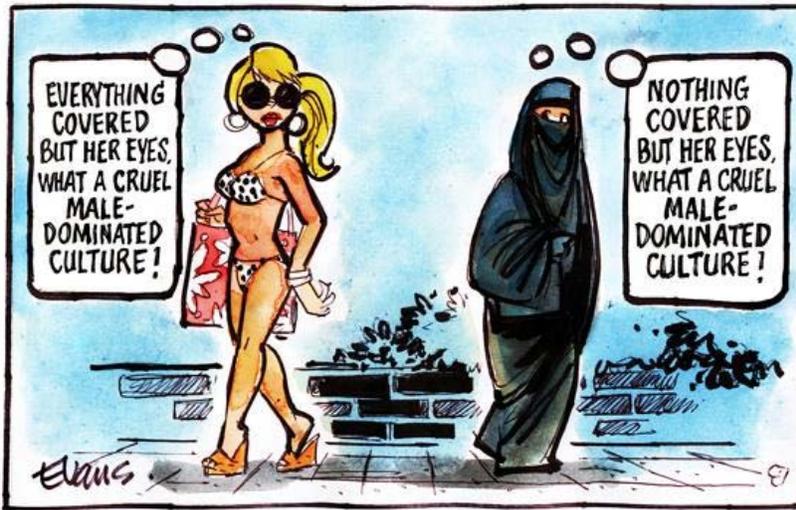
Cultivating an inward feeling of piety through action is done through performativity. Following Judith Butler, Saba Mahmood describes performativity as “...a theory of subject formation in which performativity becomes ‘one of the influential rituals by which subjects are formed and reformulated’” (Mahmood 162). The Quran, as quoted in the introduction, calls upon both women and men to be pious people, and modest dress (e.g. veiling) becomes an outward expression of this command in that it may give the wearer a concrete reminder of inward reflection. Women who veil, arguably, are exercising performativity in their reformulation of what is most important and what will ultimately give them power. By repeating the “virtuous practice” of veiling for the intent to cultivate piety, women gain control over their lives as a form of agency (Mahmood 162).

To understand how agency is function in this case, there has to be a shift in the understanding of identity categories. Judith Butler explains:

I have tried to suggest that the identity categories often presumed to be foundational to feminist politics, simultaneously work to limit and constrain in advance the very cultural possibilities that feminism is supposed to open up. Paradoxically, the reconceptualization of identity as an *effect*, that is, as *produced* or *generated*, opens up possibilities of ‘agency’ that are insidiously foreclosed by positions that take identity categories as foundational and fixed. (Butler 187)

Seeing identity as something that is produced gives greater access to agency. Where as seeing identity as fixed, as if a person did does not conform to this one particular idea of identity, than

they limit their agency or ability to choices and freedoms. Therefore if looking at a veiled Muslim woman as not conforming to the Western notion of what an autonomous woman should, that



veiled woman is seen as already limiting herself and not able to access the same freedoms of the Western women who has casted off the limitations of clothing. Like the political cartoon to the

right is commenting on how both women see this the extreme of completely covered, to nothing covered as living in a male dominated world, that neither one is better then the other. However, it if identity could be understood as an effect of the decision to dress either way the there becomes the ability to access agency form either scenario. Through this understanding of identity, the cultivation of piety can be seen as a way of accessing agency.

Agency, as applied here, allows women the ability to use the veil a way to empower themselves through piety. The pious woman within the Muslim community is someone who is to be respected and is autonomous (Hirschmann 474). “The veil thus serves as a statement that the wearer is intent on preserving herself as separate from others, emotionally and psychologically as well as physically; it is a tangible marker of separateness and independence” (Hirschmann 474). The ability for a women to be able to seclude or separated herself from society give her independence. She has the ability to move within her society protecting her from others immodesties, and proclaiming her as honorable.

Interestingly, it is this same marker of separateness that upsets Western politicians as being proof of the failure of multiculturalism. In order for multiculturalism to work there needs to be open dialogue or flow between cultures in the society, and if these women are completely separating themselves then it can be interpreted as multiculturalism failing. However, it could also be seen, that the marker that is separating them, is also giving them more confidence to perform within society, and participate in the dialogue. Both sides of this argument can be made depending on how it is looked at.

Veiling can also be used as a way to express identity. Veiling in some communities becomes a political reaction to Islamophobia. The veil allows these women to publically show who they are and what they stand for, and the motive behind wearing it does not focus on piety, but rather fully embedding oneself into a community. “Many women felt the veil clearly marks them as Muslims, helps them to form a tight-knit community, and prevents their absorption into mainstream culture – all reasons which adhere to the prescribed purpose of the *hijab*” (Diffendal 132). Through staying out of mainstream culture, a different identity is formed, one that is embedded within the cultural implications of Islam. In these cases, Muslim women are using “agency in resistance” against post-9/11 Islamophobia and/or the commodification of a woman’s body, in order to form an alternative community of belonging (Bilge 20). El-Hammel writes in an article entitled “Muslim Diaspora in Western Europe” that the veil has become “a symbol for struggle against encroaching materialism and imperialism and more importantly a symbol for [...] [Muslim women’s] identity that is rooted in their own tradition” (Bilge 20).

The motivation behind wearing of the hijab in countries that do not require it seems many times to be based around a bringing attention to the community of Muslims there, and the call for equal rights and treatment (Ahmed 8). In the days and months following 9/11, there was a

noticeable resurgence of women veiling. This was an act of solidarity, bringing attention to the prejudice, Muslims were facing, and to override the stereotypes that were inflicted onto the religion after the terrorist attacks (Ahmed 208-209).

For the women who choose to veil as an expression of their identity, the results have not only been an increase in community integration, but also a strengthening of women's ability to find self-confidence through the religion. "Some reported that those who have the confidence to wear these overt symbols were 'stronger', 'confident' and had 'higher self esteem', and that the non wearers by contrast were weaker" (Wagner et al. 536). The wearing of the overt symbol allows these women to gain confidence because they are rebelling against the norm. The communities of women are able to access power and confidence by being a part of a group that knows that they are going against the norm, thereby demonstrating both agency and performativity, albeit motivated by different desires. The women purposely put on the veil and thereby express their agency not in compliance with social conventions but in resistance to them. The veil allows these women to break the gender role of women in the west and creates a space for these women to develop their own identity.

More recently, scholars have sought to free the veil the ideological baggage which it has been lumbered with. For example, both Tarlo (2010) and Moors (2012) seek to return to the veil its materiality—as being a garment rather than a symbol, a garment that is integrated into a woman's personal fashion. Some women simply wear the veil because they like the way that it makes them look and its "highlight[ing of] the beauty of such styles of dress: 'I find it fascinating, totally covered, it looks so complete; I find that very very beautiful.'...They experience this style as manifesting a pure and mysterious form of beauty, one that demands spiritual growth and self-discipline" (Moors 288). The documentary *My Journey, My Islam*,

shows women shopping for veils in shops that are full of different colorful and silken hijabs (Diffendal 134). These women experiment with styles, materials, and co-ordination of outfits in much the same way that non-veiling men and women do, and yet this identity of veiled women as being “fashion conscious” is often elided in discussions of hijab.

These understandings of how women use the veil to their own benefit upset the ideological framing of the veil that has developed out of the state’s political agenda. However, even with understanding how women use the veil to empower themselves, the simplicity (its mundane function) of the veil is still often overlooked. “The face veil is an utterly insignificant thing, consisting of one or more pieces of cloth. It may be simply a long, rectangular piece of material, which turns into a face veil only when it is wrapped around the face in particular ways” (Moors 284). Moors makes this statement not to overlook the complicated issues that have come to surround the veil, like human rights issues, but to draw attention to the contested nature of the veil that has been imposed upon it through years of discursive formation; whether from nineteenth century colonialism to America’s contemporary foreign policy or the future of multiculturalism in western democracies. Arguably, it is the discourse about the veil that is what veils Muslim women far more than the veil itself. When these ideological layers are stripped away, the veil can be simply understood as a garment that Muslim women may or may not choose to wear. By deconstructing the association of the veil with oppression, terrorism, fear, inequality, the veil becomes a piece of cloth that a women might choose to wear for one or more diverse reasons: as expression of identity, as means to cultivate piety, as fashion statement et cetera.

In reference to laws that have been or are to be enacted in order to protect women’s choice, the argument is two-fold. On the one hand, the veil needs to be freed of its orientalist

history and ideological baggage (whether stemming from secularism, radicalism, feminism, patriarchy or xenophobia); and on the other hand, the multiagency to the veil needs to be kept alive such that the women who wear it are not silenced.

Allowing Muslim women to activate agency as it applies to them even though it goes against societal norms allows them the freedom to produce identity and power. If this could be understood, then the act of choosing to veil would not need to be seen as something to be contended, rather could be accepted as what it is, a choice to put on a piece of cloth.

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