SECULARISM, FEMINISM, AND ISLAMOPHOBIA: A STUDY OF ANTI-VEILING LAWS IN FRANCE AND QUEBEC

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Abstract

Anti-veiling laws require Muslim women to un-cover parts of their bodies in order to work, go to school, or even walk in public space. Since 2004, French-style anti-veiling laws have been debated and enacted globally, including in Quebec, Canada. My research asks: How and why have anti-veiling laws been enacted in both France and Quebec? How have anti-veiling laws circulated transnationally between these two sites? What are the impacts of anti-veiling laws on Muslim women who practice veiling in France and Quebec? Using a qualitative approach, I spent nine-months conducting fieldwork research in Paris and Montreal between 2012 and 2014. I interviewed 47 Muslim women who currently, previously, or periodically wore a headscarf or face-veil, and/or who identified as activists who opposed anti-veiling laws. To analyse my data, I used Saidian citational analysis alongside a transnational feminist and critical race theoretical framework. The dissertation shows that political leaders in both France and Quebec used anti-veiling laws as a legal-political strategy to solidify their national identities around "*la nouvelle laïcité*," an identity-based secularism that takes Islam, rather than Catholicism, as its main interlocutor. It also shows how a number of politicians, feminists, and media purveyors facilitated the circulation of anti-veiling laws between France and Quebec by sharing common assumption, lexicons, knowledge, and expertise, and by forming powerful networks through traveling, organizing conferences, and writing books. My findings also demonstrate that anti-veiling laws increased Islamophobia in both France and Quebec, prompting veiled Muslim women to develop survival strategies to mitigate its impacts on their everyday lives. Survival strategies included changing the way they dressed; changing their jobs or studies; starting their own associations or businesses; withdrawing from society; engaging in political/feminist activism; and finally, migration (*hijra*). My findings suggest that instead of promoting secularism

and gender equality, anti-veiling laws negatively impact Muslim women's education and employment—forcing them to choose between their religion and their daily survival. Their migration away from France/Quebec may also exacerbate labour shortages in sectors that require highly-skilled workers. Finally, I discuss threats to democratic minority rights that anti-veiling laws enable, including ongoing legal challenges to them.

Dedication

This dissertation is dedicated to my grandmother, Hawah Nahaboo.

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Finally, I am eternally grateful to my grandparents, Hawah Nahaboo and Goolam Kureeman, for their unconditional love and shining example of what it means to be a sincere believer. As my grandmother passed away on September 2, 2012 – which was on the last day of my fieldwork research trip in Paris, France – this dissertation is dedicated to her.

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PREFACE

I stopped wearing *hijab* on a late-summer afternoon in August 2000, a few weeks shy of my twentieth birthday. It was summer break and I had returned home to Toronto (T'kronto) after a disastrous first-year at Queen's University in Kingston, Ontario, which is situated on the territory of the Haudenosaunee and Anishinaabek. It was here that I experienced my first real brush not only with racism but also with a major mental health disorder.

Having been born in Mauritius and immigrating along with my parents to T'kronto, the traditional territory of many nations including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples, I did not question my Canadian identity. I had very little understanding of European colonialism or what it meant to be an uninvited guest on these traditional lands, which is home to many diverse First Nations, Inuit and Métis peoples, until much later in my life. I had attended Canadian public schools and spoke both (official) national languages – French and English – for most of my life; therefore, "integration" was not something I considered an issue. I had grown up in a practicing Muslim family, consciously learning about Islam and choosing to wear *hijab* at sixteen after much contemplation and deliberation. It was a commitment to myself, my own values and principles, and to a spiritual path that prioritized cultivating an awareness of God's presence in my life (*taqwa*).

But after having spent my freshman year at Queen's, an elite university where I was one of only two *hijab*-wearing students in my first-year cohort, I constantly felt hyper-visible and in-visible at the same time. I spent a year withstanding the stares, ostracism and quiet hostility of the numerous privileged white students around me, and was left feeling like an outsider. I came

to understand that the salience of the *hijab* as a visible marker of my Muslimness was the reason I was simultaneously being stared at and also avoided by those around me. It was the reason why I had so few friends, why my jokes fell flat, why I felt excluded and alone. In my darker moments, I would think to myself: 'If I stop wearing *hijab*, maybe people will stop avoiding me.' I began to think that the only way I could make friends, the only way I could feel 'normal' and accepted was if I tried to look more like the people around me.

After a year of endless questioning and coming to the realization that I needed help with my deteriorating mental health, I finally made an appointment with my family doctor to discuss treatment options. It was in the quiet moments after getting off the phone with my doctor that I tearfully took off my *hijab*, folded it up, and put it away in my drawer. Although I still covered my hair and body while performing the five daily prayers, not wearing *hijab* in public was a conscious, deliberate decision that was deeply personal. I had decided to prioritize my mental health. But it was also the outcome of a process that preceded me. As Frantz Fanon had theorized decades earlier regarding the visibility of the Black body under the white gaze, my veiled body had similarly been the product of "legends, stories, history, and above all, *historicity*..." (Fanon 1967, 112), of colonialism, imperialism, terrorism, and an Orientalist worldview that understood Islam and Muslims as the 'Other' of the West. I would not understand how the historicity of veiling contributed to my personal decision to un-veil until much later, but it was a much wider phenomenon than I realized.

Scores of other young Muslim women from formerly colonized countries were grappling with their own veiling-dilemmas. Like me, they had descended from first- or second-generation immigrant families and were trying to fit into Western countries while retaining their own cultural and religious identities. What I had experienced in the year 2000 would become

exacerbated after 9/11, the events of which shaped discourses around Islam globally. Young Muslim women in France were already experiencing the constant pressure to un-veil at school, often being expelled by school officials on account of wearing *hijab*. I wanted to understand why de-veiling, which had been such a personal and painful decision for me at the age of nineteen, had become and was increasingly the business of school officials, politicians and eventually, the State.

Unknowingly, my interest in anti-veiling began on that summer day.

INTRODUCTION

On December 17, 2013, Pauline Marois, leader of the Parti Québécois (PQ)[1] and the first female Premier of Quebec (Canada's only French-majority province) visited the Élysée Palace in Paris to meet with the President of France, François Hollande. Marois had travelled to France to discuss trade and the electrification of transport after having visited other European cities, such as Brussels and Monaco. Marois also discussed secularism (*laïcité*) with the French President, as her minority government was eager to shore up international support for its newly proposed *Charter of Québec Values* (hereafter, Bill 60).[2] Bill 60 sought to prohibit all civil servants and affiliated workers from wearing so-called "religious symbols" (*les signes religieux*)[3] in their places of work. These "religious symbols" included hijabs, niqabs, kippas and turbans (Drainville 2013).

While standing on the steps of the Élysée Palace, a reporter asked Hollande whether prohibiting "religious symbols" would help ease tensions in pluralist societies like France and Québec. Hollande answered, unequivocally, "Yes, that has been our experience" (Dolbec 2013)[author translation].[4] He continued: "We have this law, that has existed since 2004 and

[1] The PQ is a sovereigntist political party formed in 1968, committed to Quebec achieving independence from Canada. They formed a minority government under Pauline Marois from 2012 to 2014. They lost to the Liberal Party of Québec in the 2014 provincial elections, and Bill 60 was never passed.

[2] The Charter of Québec Values was formally put forward before the National Assembly of Québec as Bill 60, *Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests* (National Assembly of Québec 2013)

[3] The French term, "*signes religieux*," is usually translated as "religious symbols" in English, although the term "religious signs" is also used less commonly. I use "religious symbols" and put this term in quotation marks throughout my dissertation to indicate my opposition to its use when referring to hijabs and/or niqabs, which I argue are embodied religious practices rather than signs or symbols. I discuss this issue further in Chapter 1.

[4]All French-to-English translations throughout this dissertation are mine.

which has been fully accepted, and which today is no longer discussed. I don't want to give lessons to other countries, but I can give this example" (Dolbec 2013) [author translation]. When pressed on how the law of 2004 had presumably helped to ease tensions in France, Hollande elaborated: "Because secularism (*laïcité*) is a principle that makes it possible to live together (*vivre ensemble*), and therefore, to respect convictions and religions. But these have no place in educational establishments as visible symbols. This is what we, in a consensual way, decided in France in 2004" (Dolbec 2013)[author translation]. He further added, "At the time it was Jacques Chirac who was President of the Republic. I was the first secretary of the Socialist party. I had participated in the work of a commission that had been set up. [...] It was Mr. Stasi's commission, and we voted quasi-unanimously for this text. And today it is fully applied and fully respected" (Présidence de la République 2013)[author translation].

Standing beside Hollande, Marois turned towards him while smiling and concurred, "I swear, I was listening to you, François, it's extraordinary ... I swear I did not put these words in his mouth, but they are exactly the same ones I use in Québec when I talk about our proposition [i.e. Bill 60], which is to live well together (*vivre bien ensemble*),[5] to want to live well together..." (Dolbec 2013)[author translation]. When asked whether she had received either advice or support from Hollande on Bill 60, Marois answered: "We are very respectful of one another's autonomy. It was rather an exchange on the subject. Some people might say that it was

[5] Marois does not define nor differentiate between "living together" and "living *well* together." Lori Beaman (2016)examines the two concepts and argues for the openness of the latter in terms of allowing for a more expansive approach to lived religion as it is experienced, based on the Derridean idea of living in accord with one another. I am not convinced that such a distinction between the two concepts would make a huge impact in the way that "living together" has been and continues to be misused for political expediency. See Chloe Patton (2014).

advice, [but] in any case, we were told that the results obtained here were good, as Monsieur Hollande said, so it inspires me" (Dolbec 2013)[author translation].

In response to another reporter noting that secularism was not common in North America (notably in Canada), Hollande added: "No, but secularism does not belong [only] to France. It is a principle, a value that we believe we can share with other countries and that allows us to live together (*vivre ensemble*) […]. With Québec, it is true that we also have *common foundations* that allow us to understand why we are perhaps arriving at the same results. But I do not want to meddle with what will happen in Québec" (Rioux 2013)[author translation, emphasis added].

This 2013 meeting between Hollande and Marois is remarkable for several reasons. First, it demonstrates the transnational connections between France and Québec, connections based not only on the "common foundations" of each society – as Hollande noted – but ones that increasingly promote the free circulation of trade, travel, and also of concepts, experience, and law. For example, when Hollande mentions the 2004 law that prohibits the wearing of "religious symbols" in French public schools,[6] he promotes it as a successful model that had helped to "ease tensions" in France and that could be shared with other pluralistic societies. What these tensions entailed and what gave rise to them remained unspoken. Marois, in turn, admits that during her exchange with Hollande she had been told that the "results" of the 2004 French law were good, and that it had inspired her own proposed law, Bill 60 (Dolbec 2013). What those "results" were and who exactly benefitted from them remained uninterrogated.

[6] See, *loi n° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics* [Law No. 2004-228 of 15 March 2004, regulating, in application of the principle of secularism, the wearing of symbols or clothing denoting religious affiliation in schools, colleges and public high schools] (L'Assemblée Nationale de la République Française 2004).

The second revealing aspect of Marois' 2013 meeting with and Hollande is the taken-for-granted assumptions centred on a common lexicon. I am not referring to the French language that is shared between both societies due to their "common foundations," which refers to the fact that a majority of French Canadians are descended from the French settlers who arrived on the shores of Turtle Island[7] (the Indigenous name for North America). I am referring instead to the repeated use of certain concepts, particularly, *secularism* and *living together*. While secularism has been thoroughly defined and critiqued by a multitude of theorists, 'living together' is a more amorphous concept, subject to varying definitions and interpretations. According to Lori Beaman, Professor of Religious Studies and Canada Research Chair in Religious Diversity and Social Change, the phrase "living together" has come to be used as "a mechanism for disciplining those who 'don't really understand' how to live in harmony with others" (2016, 9), which in other words, is a euphemism for describing 'outsiders' of the nation. This notion of "living together" has been used as a justification for the French of law of 2010 (L'Assemblée Nationale de la République Française 2010), which prohibits people from covering their faces in public (with the exception of medical reasons).[8] Those in breach must pay a fine as well as take "citizenship courses" to learn how to better "integrate" into an "open society" – the effect of which is to punish certain presumed outsiders (immigrants or otherwise). The assumption behind this penalty is that the person (usually, a woman) being charged is an immigrant who has not properly acclimated themselves to state-imposed norms (Beaman 2016, 9). The latter concept of

[7] According to Hubert Charbonneau – one of Quebec's most renowned historical demographers – two-thirds of all French Canadians are the descendants of one or more marriages between French settlers and *les filles du roi* (the daughters of the king) (Runyan 2010, 87).
[8] In practice, the law of 2010 has been applied mostly to those women who wear a niqab, or face-covering. Those who wear medical face masks, or decorative masks as part of costumes during festivals, are not affected under the law.

an 'open society,' emphasizes the importance of face-to-face social interaction between members of a nation and has been used, along with "living together," to justify increasingly restrictive prohibitions on "religious symbols" in public spaces (Cox 2019, 208). As the argument goes, "religious symbols" such as *niqabs* and *burqas* cover part of a person's face, which makes it difficult for others to identify them and thus, to communicate in public settings; prohibiting such "religious symbols" facilitates face-to-face social interaction and thus, allows people to interact freely on the basis of shared societal norms and values (Bakht 2012, Leckey 2013) (Bakht 2020). The first problem with this argument is that not all "religious symbols" cover the face; most, in fact, do not, and yet have still been prohibited while other items that do cover the face, such as sunglasses or motorcycle helmets or masks of various sorts, have not (Cox 2019). Second, the argument that face-to-face social interaction presumably allows diverse communities to "live together" harmoniously is increasingly flimsy and disingenuous in an age of online communication and mask-wearing in the wake of the COVID-19 pandemic. Moreover, as numerous scholars have noted, face-to-face social interaction is not a prerequisite for citizenship rights, nor is it a person's "right" to recognize and interact with others in public space (Leckey 2013, Cox 2019). Yet such non-existent 'rights' have been mobilized in arguments in favour of "living together" in order to restrict the existing rights of certain minority groups to manifest their religious belonging in public.[9]

This brings us to the third important aspect of the 2013 meeting between the two leaders, which requires us to read between the lines and to probe deeper into what was left unsaid in their

[9] Cox discusses the concept of "living together" in relation to the open society model, which was used as an argument to justify France's 2010 law prohibiting face-veiling in public space in the European Court of Human Right's (ECtHR) case, *S.A.S vs. France* (2014). See Cox (2019, 202-217). Also see Chapter 7 of the same volume for a critical analysis of the "rights of others" argument with regard to anti-veiling laws.

public statements. When Hollande referenced several times that the 2004 French law had been 'fully accepted,' was 'no longer discussed' and that it had been 'fully applied and fully respected,' he erased from public view the significant ways that French Muslim women have vehemently contested the process leading up to and following the implementation of the 2004 law.[10] He even failed to acknowledge a working group report, released a few days earlier by his own government,[11] that recommended an end to the 2004 French law on the basis that prohibiting "religious symbols" in public schools reinforced a discriminatory logic that was used "as justification for an extension of discriminatory practices in numerous sectors" (Dhume and Hamdani 2013, Journet 2013)[author translation]. Furthermore, when Marois echoed Hollande in claiming that she was 'inspired' by the 'good results' achieved in France, she further silenced the already marginalized experiences of those who have suffered discrimination as a result of the 2004 law. Both leaders' omissions reflect how easily those directly impacted by such laws, particularly veiled Muslim women, are excluded from the presumption of membership in the polity – which is one of the factors that upholds rampant Islamophobia.[12]

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[10] Several critical books were published by French Muslim women following the implementation of the 2004 law, including *Le voile humilié ou Les auditions manquées de la commission Stasi* [The humiliated veil or the Stasi Commission's missed hearings] (Larabi Hendaz 2005) and *Les filles voilées parlent* [Veiled girls speak] (Chouder, Latrèche et Tevanian 2008). There were also mass protests organized in 2003 against the 2004 law.

[11] The report was produced by a government working group and had been commissioned by the office of the Vice-President, Jean-Marc Ayrault. It was entitled, "Vers une politique française de l'égalité: Rapport du groupe de travail "mobilités sociales" dans le cadre de la "refondation de la politique d'intégration"» [Towards a French Policy of Equality : Report of the Working group 'social mobility' in the context of 'reworking integration policy'] (Dhume and Hamdani 2013, Journet 2013).

[12] Although I use the term 'Islamophobia' throughout this chapter, it should be understood that I am using it synonymously with anti-Muslim Racism, as Korkman and Razack have described it. While I do think that there are some differences between the two terms (see Introduction for a discussion of those differences), I do not think that those differences significantly impact my analysis in this chapter. As Razack has argued, most theorists of anti-Muslim

Overall, Hollande and Marois' 2013 meeting highlights three crucial themes that permeate laws that prohibit veiling among other "religious symbols:" transnational circulation, citation, and erasure. These themes are seldom addressed in research on *anti-veiling laws*, a term I use to denote laws that restrict the various forms of veiling practiced by Muslim women, including, but not limited to, *hijabs* (headscarves), *niqabs* and/or *burqas* (face-veils); these laws sometimes ban other "religious symbols" simultaneously,[13] but their common denominator is that they require Muslim women to un-cover parts of their bodies that they would prefer to be free to keep covered while in certain public and private institutions and, at times, in public space. Anti-veiling laws include the aforementioned French law of 2004 as well as Quebec's Bill 60 of 2013; they also include several other laws that have been proposed and/or implemented since then. For example, the French law of 2010,[14] which restricts the wearing of a face-covering in public space; Quebec's Bill 94 (2010),[15] a proposed law that would have prevented women with covered faces from accessing government services; Quebec's Bill 62 (2017),[16] the law that restricts those who cover their faces from either giving or receiving government services; and

racism/Islamophobia, including herself, have acknowledge that the two terms are equivalent (Korkman and Razack 2021, 263) (Razack 2018, 171). However, she still prefers to use the term Anti-Muslim racism as, "it reminds us that Muslims are now seen as a race and that the issue is not Islam. As an 'ism,' anti-Muslim racism diminishes the focus on individuals and brings us closer to a structural racism" (Razack 2018, 171).

[13] For example, large crucifixes, kippas/yarmulkas, and/or turbans. I discuss anti-veiling laws further in Chapter 1.

[14] See, *loi n° 2010-1192 du 11 octobre 2010 interdisant la dissimulation du visage dans l'espace public* [Law no. 2010-1192 of 11 October 2010 prohibiting the concealment of the face in public space] (L'Assemblée Nationale de la République Française 2010).

[15] See, Bill 94, An Act to establish guidelines governing accommodation requests within the Administration and certain institutions (National Assembly of Québec 2010).

[16] See, Bill 62: An Act to foster adherence to State religious neutrality and, in particular, to provide a framework for requests for accommodations on religious grounds in certain bodies (National Assembly of Québec 2017).

more recently, Quebec's Bill 21 (2019),[17] the Québec law that restricts teachers and certain public servants in positions of authority from wearing "religious symbols." Although, these laws have increasingly been enacted in both France and Québec, they are not the only societies where anti-veiling laws have proliferated.

Over the last twenty years, anti-veiling laws have been debated and enacted across several European countries and in parts of North America. Since 2004, there are now eleven countries across Europe where anti-veiling laws have been enacted either locally or nationally, including France, the Netherlands, Denmark, Austria, Bulgaria, Belgium, Germany, Switzerland, Spain, Italy, and Norway (BBC 2018, Cox 2019). Several countries outside of Europe have also enacted anti-veiling laws, including Canada (specifically, Québec), Australia, Sri Lanka, Congo, Cameroon and Chad (India Today 2019). In addition, international institutions, such as the European Court of Human Rights (ECtHR), have also upheld national anti-veiling laws in precedent setting rulings. For example, in *S.A.S. v. France* (2014), the ECtHR upheld France's 2010 ban on veiling in public; and in *Belcacemi & Ouassar v. Belgium* (2017) and *Dakir v. Belgium* (2017), it similarly upheld Belgium's 2011 national ban on full face-veiling in the public sphere.[18] Likewise, in 2017, the Court of Justice of the European Union issued a judgement in favour of a private company that had fired their hijab-wearing employee based on an "unwritten" internal rule that held that employees should maintain a neutral appearance and not wear any political, philosophical or religious symbols.[19] Neutrality refers to the obligation of

[17] See, Bill 21: An Act Respecting the Laicity of the State (National Assembly of Québec 2019).
[18] See, *1er Juin 2011. Loi visant à interdire le port de tout vêtement cachant totalement ou de manière principale le visage* [Law to prohibit the wearing of any clothing which completely or principally hides the face] (Service Public Federal Interieur 2011)
[19] See, *Judgements of the Court of Justice in Cases C-157/15,C-188/15 G4S Secure Solutions* (Court of Justice of the European Union 2017)

a civil servant not to show any signs of religious or political affiliation and to remain non-partial when dealing with members of the public. In France, the obligation of civil servants (including teachers) is to "abstain from identifying with or inculcating a creed" (Joppke 2007, 320), but neutrality does not usually apply to workers in the private sector.[20]

Despite several judgements and rulings that have upheld anti-veiling laws at various national and supranational levels, the question remains: Why have anti-veiling laws proliferated so far and wide over the last twenty-years? As numerous scholars have stated, the significant rise of anti-veiling laws is not correlated to a rise in the number of veil-wearers overall (Brems 2014). Indeed, many have asserted that the miniscule number of veil-wearers in some of the European countries where veil-wearing has been banned have made it impossible to accurately estimate their number (Brems 2014). For example, in her edited volume, *The Experiences of Face Veil Wearers in Europe and the Law*, Eva Brems writes that the veiling issue seemed to fall out of "thin air" in her home country of Belgium, as it did not seem to warrant a national ban given the 200-300 estimated face-veil wearers in the entire country (2014, 1). In the same volume, Schirin Amir-Moazami also asserts that empirical studies confirm, "the number of fully veiled women across Europe was so marginal that it was difficult to even study the phenomenon empirically" (2014, 264). Given this empirical lack, one must reiterate Amir-Moazami's question about how and why such a "non-issue", "…turned into a public discourse, invited legal authorities to raise their voices on the case, triggered nationwide hearings of scholars and experts providing their views on the question and finally led to a significant number of legal bans on face veils in various European public spaces?" (2014, 265). Put differently, how do we account for

[20] See Jopke (2007) for a discussion of state neutrality laws in France and Germany.

the significant rise of anti-veiling laws globally? What this dissertation will show is that the answer is based on three factors: transnational circulation, citation, and erasure.

Although a detailed analysis of all of the anti-veiling laws that have been enacted globally over the last twenty-years is beyond the scope of this dissertation, my research examines how and why anti-veiling laws have been enacted in both France (a country) and Québec (a province within a larger Canadian federation), two societies with "common foundations" that have very different histories, political cultures, and systems of government, and that are located in two different regions of the world. Significantly, my research also interrogates the impacts of anti-veiling laws on those directly affected by them, in particular, veiled Muslim women.[21] This investigation can help us understand how transnational circulation, citation, and erasure work together in the trans-Atlantic enactment of anti-veiling laws.

Research Questions and Argument

My research questions are as follows: 1) How and why have anti-veiling laws been enacted in both France and Québec? 2) How have these legal prohibitions circulated transnationally between each of these two sites? 3) What are the impacts of anti-veiling laws on Muslim women who practice veiling in France and Québec?

In addressing these questions, I argue that anti-veiling veiling laws circulated transnationally between France and Quebec due to 1) key authorities who travelled between each location while explicitly advocating for such laws to be enacted; 2) the repeated citation of a

[21] Although Christian, Jewish and Sikh men wearing large crucifixes, kippas, and turbans, respectively, were also the targets of such laws, they were not the main focus of public debates nor media discussions. Moreover, although there has been some media coverage on the impact of such laws on Sikh men, little is known about how such laws have affected Christian or Jewish men. I discuss this issue in Chapter 1.

specialized language used between each of the various anti-veiling laws; and 3) the erasures not only of veiled Muslim women's testimonies, but those of other marginalized populations. These erasures allowed numerous politicians along with secular femonationalists,[22] to laud secularism as a guarantor of gender equality and "living together," while remaining indifferent to the detrimental impacts of anti-veiling laws on those subjected to them.

Why France and Québec?

France and Québec are two important sites to consider when examining anti-veiling laws not only because of their historical connections, but also due to their continued contemporary ones. As previously mentioned, France and Québec are historically linked through French settler-colonialism. That is, they have "common foundations" that have shaped their demographic, linguistic, religious, social, and political histories in significant ways. For instance, it was under France's King Frances I's order that Jacques Cartier first set out to North America in 1534 to establish a colony on Indigenous Peoples' land on the presumption of terra nullius. Following Cartier, Samuel de Champlain established a French colony of New France in 1608 under King Henry IV's order. At its height, New France included five colonies and encompassed a huge territory from Hudson Bay in the north all the way to the Gulf of Mexico in the south of present-day Louisiana. However, its population was miniscule in relation to the vast territory inhabited by Indigenous Peoples. This was why between 1663-1673, King Louis XIV arranged for approximately 800 young women (called, *les filles du roi*, the daughters of the King) to be sent

[22] The term 'secular femonationalist' is used by Éléonore Lépinard when referring to those feminists who support secularist state policies as a guarantor of women's equality against religious oppression, while either excluding or transforming Muslim citizens and Islam in particular. (Lépinard 2020, 22). I discuss this term in more detail in Chapter 3.

to New France in order to marry French settlers and to increase their population. These marriages and the children that resulted from them had a tremendous impact on the demographic makeup of New France, increasing its population to approximately 60,000-80,000 by 1760 (Rothwell 1998, 23). Although France's King Louis XV ultimately ceded New France to the British in 1763 following its defeat in the Seven Year War, the French-speaking population far outnumbered the English-speaking populations in British North America throughout the 1800s (Rothwell 1998, 23).

Currently, approximately two-thirds of the 5 million French Canadians[23] alive today can trace their ancestry to one or more marriages between French settlers and *les filles du roi* (Runyan 2010, 87, Desportes 2018). One way of tracing these genealogies is through BALSAC,[24] a population database that contains the demographic information of approximately 5 million French Canadians.[25] A vast number of French Canadians and Quebecois routinely search for their ancestral origins through BALSAC and other genealogical associations, which trace the lineage of mainly Catholic, francophone descendants, of the original French settlers who migrated from small towns in the south west coast of France (Leroux 2014).

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[23] I use the term French Canadians and not francophones because French Canadians are understood to be the descendants of the original French settlers. Francophones or francophone Canadians is a more expansive term, referring to all French speaking peoples who settled in Canada—even those from formerly colonized countries—and not only to those direct descendants of the original French settlers to Canada. For example, I would be considered a francophone or francophone Canadian because I speak French and come from a place where French is spoken (Mauritius), but I would not be considered a French Canadian.

[24] BALSAC was founded by Gérard Bouchard in 1972. Bouchard, a well-known historian and sociologist, is a Quebec separatist and the brother of Lucien Bouchard, who was the Premier of Quebec between 1996 and 2001. Bouchard later became known for participating with Charles Taylor as one of two commissioners of the 2007-8 commission on reasonable accommodation.

[25] BALSAC has received millions of dollars in research funding and has been institutionalized through partnership between several Quebec universities: the Université du Québec à Chicoutimi, in partnership with Université Laval, McGill University and Université de Montreal. See (BALSAC n.d.).

The desire behind tracing one's genealogical ancestry to French settlers from the seventeenth-century needs to be analysed within the context of both Quebec nationalism and the contemporary 'rapprochement' between France and Quebec. Darryl Leroux, a French Canadian sociologist who has studied BALSAC in the context of his book, *Distorted Descent: White Claims to Indigenous Identity* (2019), understands BALSAC as part of Quebec's "genealogical nationalism" (2014, 6). Leroux argues that genealogical tracing is important to the formulation of a distinct French-Canadian identity because it supports the narrative that all French Canadians are descendants of homogenously French ancestors, even though France in the seventeenth-century was never a homogenous entity and had several linguistic and regional populations that spoke different dialects. Leroux maintains that Quebec nationalists especially were intent on "show[ing] an unbroken chain of national survival all the way back to the original seventeenth-century French settlers," (2014, 4) while leaving out other populations, namely Indigenous Peoples, upon whose lands a presumed claim to a New France is based. Leroux states that, "...in [BALSAC's] genealogical project, Indigenous Peoples are not part of what it calls the 'Québec population.' This type of absence-presence, whereby [Indigenous Peoples and their lands] dangle on the periphery of Québec history, is very much constitutive of white settler colonialism" (2014, 8). Erasing the presence of Indigenous Peoples within genealogical mappings of what constituted the "Québec population" of the seventeenth century not only denies the reality of *métissage* (inter-racial/inter-ethnic mixing) with people who are of Indigenous or of Anglo descent (Cornellier 2017, 58-59), but also creates a relationship between Quebec and contemporary France that is not only based on language but on race. Leroux concludes that, "...race, in the sense of blood and lineage, binds the Québécois and French together" (2014, 15). In other words,

there are racial underpinnings not only to Quebec nationalism, but also the France-Quebec rapprochement it is invested in cultivating.

Quebec nationalists have been especially interested in cultivating a rapprochement between France and Quebec, and at times, France has also been interested in rekindling its relationship with Quebec – although this closeness produced tensions with the Canadian federal government. A classic example of the "Canada-Quebec-France triangle" was in 1967 when President Charles de Gaulle visited Montreal (Meren 2012, 4). During his visit, de Gaulle famously stood on the balcony of Montreal's city hall and declared in an impromptu speech, "*Vive le Québec libre!*" (Long live a Free Quebec!),[26] which echoed a slogan used by the Quebec separatist party, *Rassemblement pour l'indépendance national (RIN).*[27] It was a controversial statement for a head of state to make because it seemed to signal France's support for Quebec's independence from Canada, a fact that delighted Quebec nationalists and angered the federal government of the time, prompting Prime Minister Lester Pearson to cancel de Gaulle's visit to Ottawa (Meren 2012, 121). Thus, De Gaulle's 1967 Quebec visit and declaration marked a period of rapprochement between the two societies – one that has only grown deeper over time. For example, just prior to the 1995 referendum to vote on Quebec sovereignty—a referendum that was just barely lost—Jacques Parizeau, then Premier of Quebec, travelled to France to seek assurances on France's commitment to a sovereign Quebec. His visit was described as part of a, "'grand jeu' ('grand game') strategy, [whereby] a quick recognition by France would have a

[26] Robin Gendron (2014) examines the claims often made by Franco-Quebec scholars that Charles de Gaulle's support for Quebec independence came from his commitment to decolonization and self-determination for all colonized people in the world. However, Gendron makes the argument that if one examines France's actions in New Caledonia, which was re-colonized between 1963 and the early 1970s, then de Gaulle's commitment to self-determination and independence of colonized people becomes questionable.

[27] RIN later joined with another nationalist party and to form the PQ

domino effect that would lead to recognition by the countries of la Francophonie and by the United States" (Cornut 2016, 168). Conversely, post-1977 French administrations moved to limit interference in Quebec-Canada domestic matters by adopting a policy of non-interferences and non-indifference, preferring to avoid conflict with both Quebec sovereigntists and Canadian federalists (Cornut 2016, 165).

Meanwhile, relations between the Canadian federal government and Quebec have been rocky throughout Canada's existence. After Quebec's first failed referendum on sovereignty in 1980, Prime Minister Pierre Trudeau immediately responded by committed to patriating Canada's constitution from Britain. He did this through establishing the Canadian Charter of Rights and Freedoms (1982), applicable to all provinces, which guaranteed basic rights to all citizens including the freedom of conscience and religion (section 2), and the right to life, liberty and security of person (section 7), and the right to equality before and under the law (section 15) (Government of Canada 1982). However, Quebec was the only province not to sign on to the Charter. A compromise had been offered in the form of a "notwithstanding clause," which stipulated that provinces had the right to invoke section 33 in any law and it would suspend sections 2, and sections 7 to 15 (as mentioned above), but Quebec went ahead and enacted its own Quebec Charter of Human Rights and Freedoms, which contained many of the same rights (Johansen and Rosen 2008). Section 33 is important because it allows provinces (such as Quebec) to maintain their sovereignty, meaning that they can enact laws that do not conform to the Canadian Charter of Rights and Freedoms by invoking the "notwithstanding clause" – even if those laws discriminate against some citizens on the basis of language, race or religion[28]

[28] Significantly, section 33 cannot suspend section 28 of the Charter, which protects equality between men and women. Feminist and human rights groups put pressure on the Federal

(Johansen and Rosen 2008). Quebec has used section 33 to pass Bill 178 (An Act to Amend the Charter of the French Language), which affected Charter of Rights guarantees of freedom of expression (section 2(b)) and equality rights (section 15), in order to maintain the primacy of the French Language on business signage in Quebec. More recently, section 33 has also been used in two controversial laws, Bill 21, An Act Respecting the Laicity of the State (National Assembly of Québec 2019) and Bill 96, An Act respecting French, the official and common language of Québec (National Assembly of Québec 2022).[29] However, these laws have been justified by many Quebec nationalists on the ground that maintaining French language and culture is a matter of "national survival," as is maintaining ties to France (Stevenson 2022).

Regardless of the tensions between Canada and Quebec, Quebec and France have been active in common efforts to revive and maintain their "special relationship," which has continued until the present time. As the editors of a special issue on Franco-Quebecois relations assert, "the French-speaking Canadian province and the former colonial power *cultivate* a feeling of family [*un air de famille*]," a reality that should not be taken for granted as it is "the result of political and social processes of *rapprochement* that have been amplified during the last decades..." (Éditorial 2017).

Currently, France and Québec have significant diplomatic, economic and intellectual ties. Since 1961, the General Delegation of Quebec in Paris and the French Consulate-General in

government to remove any mention of section 28 from the overrides contained in section 33. (Johansen and Rosen 2008, 3)

[29] Although Bill 21 has been deemed discriminatory towards religious minorities in the province, particularly towards Muslim women, to the use of section 33 means that the provincial courts cannot intervene or strike it down. Appeals will need to go before the Supreme Court of Canada (Sheppard, Jones and Reilly 2021). Similarly, many Indigenous Peoples in Quebec have called for an exemption from Bill 96, as it would impose French – a colonial language – on them and their children to the detriment of learning their own languages (Bell 2022).

Quebec have shared a relationship similar to that of embassies, while their respective Prime Ministers meet once every two years, each time alternating between the two locations. Their economic relationship has also intensified over the last ten years, especially given the increasing measures both societies have taken toward neoliberal restructuring (Blad 2012, Masquelier 2020). In 2017, France was Quebec's fifth largest trading partner, with trade totaling 4.34 billion CAD; in comparison, France was Canada's twelfth largest trading partner overall, with most of its imports/exports going to/from Quebec (Ministry for Europe and Foreign Affairs 2018).[30] In terms of intellectual exchanges, France and Quebec had previously agreed to waive the tuition fees for French students studying in Quebec (and vice versa); as of 2015, this agreement was replaced by a new one that allowed French students to pay the same tuition fees as out of province Canadians, instead of international student fees (Ministry for Europe and Foreign Affairs 2018). In addition, Quebec and France signed an understanding on mutual recognition of professional qualification in 2008, making it possible for French migrants to have their professional skills recognized in Quebec and vice versa (Ministry for Europe and Foreign Affairs 2018). This agreement has contributed to an increase in economic migration from France to Quebec (Dunlevy 2019).

François Legault, Quebec's current Premier, indicated that he plans to reduce immigration to Quebec out of concern that current immigrants are not integrating properly—despite employers asking for more immigration (Béland, Lecours and Schmeiser 2021, 194); conversely, Legault stated that he wants to *increase* immigration from France. Speaking to a reporter from Quebec newspaper, *Le Devoir*, Legault stated: "Currently, there are far too many

[30] Quebec's current Prime minister, François Legault, stated in his 2019 visit to France that he wanted to both increase Quebec's exports to France as well as France's investments in Quebec (Rioux 2019)

immigrants in Quebec who are not qualified or who do not speak French. So, from the French, we would take more [immigrants]. As well as Europeans" (Rioux 2019)[author translation]. Legault's statement, as a reflection of the multiple layers of colonial relations between France and Quebec, demonstrates that the historical relationship between the two societies also has current political, economic, demographic, and intellectual repercussions.

The relationships between Quebec and France is a transnational one in key respects, which makes it important to study the numerous circuits of exchange rather than solely identifying comparative similarities and differences. A transnational lens, especially one that does not ignore gender, race and religion, allows for the examination of connections between societies – both historical and contemporary – and emphasizes the numerous linkages that exist between them, including at the individual, intellectual, economic, and political levels. A transnational lens allows for the visibility of the existing circuits and their impact on the unfolding of social, political, and legal transformations. A comparative lens, on the other hand, has a tendency to fix each society in time in order to be able to examine their similarities and differences across specific fields; it does not normally foreground flows and exchanges but rather examines static phenomena. In addition, France and Quebec are very different types of societies – one being a state and the other being a province that, while having aspirations to sovereign nationhood, is nonetheless part of a larger Canadian federation. While comparative studies have been undertaken dealing with the two milieus, a transnational lens yields more analytical value in terms of studying the transformation of a specific phenomenon—anti-veiling laws—between these different societies over time. By examining the numerous transnational flows between France and Quebec, we can begin to arrive at a deeper understanding of why anti-veiling laws have proliferated in both societies within a wider global context.

Literature Review: Epistemological Approaches and Theoretical Frameworks

In this section, I examine the various literatures that have addressed at least some of my research questions around anti-veiling laws using the following organizing themes: comparative, (anti-) veiling, secularism, feminism and Islamophobia.

Comparative

Most comparative studies dealing with anti-veiling laws were published in the last ten to fifteen years, and take the nation-state as their primary unit of analysis. Several studies compare French anti-veiling laws with those of other European (or Europe-aspiring) countries. For example, there are studies that compare France's anti-veiling laws with those of Turkey (Gökariksel and Mitchell 2005) (Barras 2014); France with Germany (Jouili 2015); France, Germany, and Turkey (S. Benhabib 2010); and France with the Netherlands (Lettinga and Saharso 2014). One study compares France, Belgium, and Quebec (Delgrange and Koussens 2020), while another compares France, Turkey and the United States (Kuru 2009). One of the only studies that compares France with a secular country in the Global South, India, focuses on the Islamic Revival in Lyon and Hyderabad (Parvez 2017). Few studies compare France with North America, but those that do tend to compare France with the United States as both countries constitutionally protect secularism, yet have different latitudes of tolerance for religious expression (Salem 2013).

Although the previously mentioned studies compare states, the studies that compare France with Canada tend to focus on Quebec—which is a province rather than a state. This focus on Quebec is not only due to the fact that both societies are francophone, but also due to their

shared colonial history and "common foundations," which was previously discussed. However, save for a few notable exceptions, most comparative studies do not engage in an in-depth discussion of the shared colonial history between France and Quebec or rather if they do mention it, it is mentioned as an interesting historical fact and not to demonstrate the ongoing relevance of settler-colonialism, coloniality, and racism in contemporary analyses of each society.

Those scholars that have analysed and compared the anti-veiling laws, discourses, and debates in both France and Quebec have done so using a variety of disciplinary and methodological approaches, including anthropological, legal, political, and sociological.

David Koussens (2009) examined the legal concept of state neutrality as it applies in France and in Quebec with regard to how "religious symbols" are regulated within each society's education system. A key problematic examined is how the Supreme Court of Canada ruled in 2006 that a Sikh Kirpan could be worn in a Quebec school, whereas the French National Assembly passed the 2004 law that prohibited "religious symbols" from being worn in schools. State neutrality is approached differently in each case. In the former case, the Supreme Court of Canada relied on the 1985 definition of "reasonable accommodation," which states that it is appropriate to treat individuals differently in order to ensure equity and that it is an institution's obligation to accommodate those who have been discriminated against (Koussens 2009, 205). Relying on the reasonable accommodation principle, the Supreme Court of Canada ruled that it was appropriate to accommodate individual religious practices if conditions that maintain the security of all students are met. Conversely, the French law of 2004 argued the opposite, that it was an individual's obligation to "accommodate" institutions in order to ensure social cohesion (Koussens 2009, 209). The French law therefore redefined "reasonable accommodation" in order to argue against the display of religious symbols in public schools, thereby relying on a

republican model of laïcité that seems to forego state neutrality altogether (Koussens 2009, 209-210).

A comparative study by Eléonore Lépinard (2015) deals with the way that policy frames around immigrant-integration have influenced claims around religious accommodation in both France and Canada. Lépinard demonstrates that although secularism has been highlighted in studies dealing with the regulation of religious dress (e.g., the wearing of hijab/niqab and also the turban), in fact, immigrant-integration policy frames have had more of an influence on state actors and legislators. Lépinard argues that in France, institutional actors, such as judges and legislators, have tended to favour the French republican model of immigrant integration, which emphasizes assimilation to the majority's civic norms. In contrast, Québec follows an interculturalism model, which prioritizes the maintenance of the French language and the adherence to so-called "common values" (i.e. gender equality, state neutrality, etc.). This interculturalism model differs from that of Canadian multiculturalism, which is an official policy at the federal level and in the rest of Canada, where cultural diversity is seen as important to civic-identity. Lépinard demonstrates the problematic nature of the immigrant-integration model being applied to questions of religious accommodation due to the assumption that religious minorities are immigrants and that their values are problematic and are in need of reform.

Jennifer Selby (2014) analyzes and compares the discourses within two anti-veiling laws: the 2010 French law that prohibits covering one's face, and Bill 94, the proposed 2011 Quebec law that, if passed, would have banned those with covered faces from accessing government services, including childcare, medical care, and public transportation. Selby analyses the Gerin report's prescriptive description of what secular feminine sexuality should look like, which includes baring the "naked face," wearing skirts, being open to seducing and being seduced, and

being (hetero-) sexually available in public space (Selby 2014, 10). Selby compares this description of secular French feminine sexuality to the less-prescriptive but nonetheless narrow confines of the Quebec government's discussions around Bill 94, which included a report by the semi-governmental feminist body, the Conseil du statut de la femme (CSF). In the CSF report, veiling the face is seen as step backward for women's equality, as it evokes patriarchal religion. The CSF report argues that only an a-religious body, which includes a "naked face," should have access to the full privileges of citizenship; conversely, a covered face risks impeding women's rights and secularism, which are equated with one another (Selby 2014, 12). This understanding of secularism is, of course, one that is defined by and through the state. Through their analyses, Selby demonstrates that although France and Quebec subscribe to two different political traditions, the former to the Jacobin Republican tradition and the latter to the notion of 'interculturalism' – a form of multiculturalism that seeks to protect Quebec's language and culture from the encroachment of 'others' – their laws on the niqab nonetheless dovetailed with one another.

Emily Laxer, in their *Unveiling the Nation: The Politics of Secularism in France and Québec* (2019), looks at the ways that party politics have influenced the debates on religious dress. Laxer analyses how politicians from across the left-right political spectrum, including the ultra-right, positioned themselves in relation to two anti-veiling laws: the 2010 French law that bans concealing one's face in public space, and Quebec's 2013 Bill 60, which is also referred to as the Charter of Quebec Values. Laxer interviewed prominent politicians in both France and Québec who had been directly involved in the parliamentary commissions that debated these two laws, as well as key civil society organizations. Laxer argues that the competition between parties to "own" the issue of religious dress led to the drawing and re-drawing of national

boundaries, in ways that have cast both ultra-right parties and veiled Muslim women as "outsiders" of the nation. Their approach foregrounds the importance of examining party dynamics in both societies, as well as the contexts and processes they used to approach the issue of religious dress. Although Laxer does make one brief mention of Quebec as a "settler nation" that is "complicit in global processes of colonial domination (2019, 9), she does not engage further with the context of settler-colonialism in which Quebec's anti-veiling laws are embedded. Nor is there much analysis of the neo-colonial context within which France's anti-veiling laws are embedded.

A comparative study by Valerie Amiraux and Jean-François Gaudreault-Desbiens (2016) examines the different ways that anti-veiling laws have been influenced by the dominant legal traditions in France and Québec: civil law and common law. Civil law in France is based on the Napoleonic Code, which was first formulated in 1804. Québec also follows civil law but functions within a bi-jurisdictional system that also uses Common law in the rest of Canada.[31] The authors do not mention that Canada also recognizes Aboriginal and treaty rights, which are also protected under the Canadian Constitution (Department of Justice 2017).[32] Amiraux and Gaudreault-Desbiens examine the different levels of jurisprudence that impact national laws on religious dress, including supranational courts such as the European Courts of Human Rights (ECHR) and the Court of Justice of the European Union (CJEU). Both of these supranational

[31] Common law is also referred to as Anglo-American Law. Some of the countries that follow a Common law legal tradition are the United States, the United Kingdom, Australia and New Zealand.

[32] I use the term "Aboriginal" instead of Indigenous Peoples in this sentence because that is the term used on the federal government's website: "Aboriginal rights refer to Aboriginal peoples' historical occupancy and use of the land. Treaty rights are rights set out in treaties entered into by the Crown and a particular group of Aboriginal people. The Constitution recognizes and protects Aboriginal rights and treaty rights." (Department of Justice 2017)

courts have given States a wide "margin of appreciation" with regards to their obligation to maintain the rights outlined in the Convention for the Protection of Human Rights and Fundamental Freedoms (Amiraux and Gaudreault-Desbiens 2016, 360). The ECHR, in particular, ruled in favour of the French State in a number of court decisions that challenged anti-veiling laws, due to their stance that nation-states are best positioned to deal with "culturally sensitive" matters, especially with regard to state-protected values such as secularism (Amiraux and Gaudreault-Desbiens 2016, 360). In contrast, Canadian courts, especially the Supreme Court, have generally ruled in favour of maintaining freedom of religion. However, this has not been the case in Québec, where administrative courts have ruled in favour of restricting religious freedom – except when it regards Christian religious expressions that are justified in the name of maintaining "tradition" (Amiraux and Gaudreault-Desbiens 2016, 369).

Amiraux and Koussens (2020) also conducted a media analysis of several French and Quebecois news sources using a lexicometric analysis. They found that certain concepts were used differently across both contexts. For example, the term "reasonable accommodation" in French media was associated with rampant multiculturalism and a retreat from equal rights, while "laicité à la française" was used in Quebec media as a desirable model for Quebec. The authors used the concept of "gossip" to theorize how such representations managed to cross oceans and circulate as knowledge even in a foreign context. The define gossip as a practice of talking amongst those who know one another about someone else who is not present; they argue that gossip favours representations rather than grounded knowledge, and does not distinguish between expert and lay-knowledge (Amiraux and Koussens 2020). In the Franco-Quebecois debates around both reasonable accommodations and laïcité, gossip performed three functions: one, it made an unknown or unfamiliar subject (Muslims) seem familiar without them actually

being present; two, it allowed non-specialists to establish connections among themselves, and to link distant events and places even when they did not apply to local debates; and three, it allowed concepts to move away from their meaning and context and to function as an established truth, which facilitated the imposition and circulation of faulty representations that then became harder to challenge (Amiraux and Koussens 2020, 61). Gossip, when it functioned in these ways, facilitated the erasure of marginalized communities and allowed only certain privileged speakers—those with enormous cultural, media, political, and financial capital—to circulate in each context and to act as gatekeepers of authentic knowledge. The authors argued that,

> In France, these purveyors tend to be essayists/columnists (Caroline Fourest), journalists (Éric Zemmour, Elisabeth Lévy). In Quebec, they are journalists (Christian Rioux, correspondent for the newspaper *Le Devoir* in France), bloggers (Matthieu Bock-Côté), essayists (Djemila Benhabib), all three very close to the Parti Québécois" (Amiraux and Koussens 2020, 63).

These purveyors, some of whom have also gained prominence abroad (for example, Benhabib won the International Prize for Secularism, awarded by a French association), have garnered even more authority and legitimacy to promote "gossip" across both contexts. Therefore, Amiraux and Koussen's study alerts us to how certain key concepts circulated across Franco-Quebecois media, and how this circulation was facilitated by purveyors whose role can be understood through the framework of "gossip."

Aside from Amiraux and Koussen's (2020) study, the comparative approaches used by most of the studies mentioned fail to make visible the flow of discourse between France and Quebec contexts. That is, they do not theorize how the flow of concepts, text, ideas, language, and ultimately, laws, influence one another beyond the state. In short, the comparative approaches used are not attentive to transnational flows that may explain their significant political implications for our understanding of power and politics. With regard to Amiraux and

Koussen's (2020) study, although gossip is an interesting framework to understand how certain concepts circulate transnationally across Franco-Quebecois media, it does not account for how or why politicians in these two contexts have cited concepts from one another's debates and have borrowed each other's laws to authorize their own policies. Further research is necessary to determine how the concept of "gossip" would work between state authorities in each context, or between state authorities and purveyors. Furthermore, the comparative studies cited do not discuss settler-colonialism, and by extension racism, as part of their analysis of Quebec politics in relation to Indigenous law, treaties, or history, which reflects a tendency to replicate the erasures of Canada's settler-colonial legacy within Quebecois nationalist historiography and scholarship. For example, none of the studies discussed mention that Canadian laws regulating the religious practices of colonial 'others' is nothing new when viewed in the context of the Indian Act of 1876.[33]

(Anti-)Veiling

A copious amount of literature has been produced about veiling, whether regarding the (anti-) veiling debates in France, Québec, and across Europe, or regarding veiling practices in general. This abundance of literature has led to the emergence of Veiling Studies as a subfield, especially with the publication of The Routledge International Handbook of Veils and Veiling Practices (Almila and Inglis 2018). In the introduction to the volume, Anna-Mari Almila (2018)

[33] The Indian Act was first enacted in 1876 and granted the Government of Canada far-reaching authority to govern the lives and affairs of Indigenous Peoples in Canada (Government of Canada 2019). Although the act has been amended several times (most recently in 2019, which is the version cited in this text), in its initial iteration it banned several ceremonial, communal, and religious practices of Indigenous Peoples, including banning them from practicing their traditional religions, appearing in public dances, exhibitions, or pageants wearing traditional clothing, and participating in potlatchs (Joseph 2018).

demonstrates an impressive literature review of the wide variety of veiling practices that exist across different cultures, genders, religions, and time periods. There are also specific veiling practices reserved for men, such as for Jewish, Sikh and Muslim Tuareg men, and other practices such as the wearing of beards and masks (2018, 4). Although Almila uses the term 'veiling' in its most generic sense, "to describe practices, garments, and elements of appearance, which seek to both unite and separate groups and individuals," (2018, 2) it is important to note that different types of veiling practices have their own specific histories and contexts that should not be conflated with one another. These distinct histories of veiling across different traditions are also discussed in Jennifer Heath's edited collection, The Veil: Women Writers on its History, Lore, and Politics (2008). Meanwhile in Veil: Modesty, Privacy and Resistance (1999), Fadwa El-Guidi examines the polysemous reasons that Muslim women throughout history have worn various forms of covering.

Conversely, there are also a number of studies that examine the opposite phenomenon, namely anti-veiling (Cronin 2014, Cox 2019). The term anti-veiling has been used to describe government campaigns that took place in the late nineteenth and early twentieth centuries in Muslim majority countries, which aimed to transform the sartorial practices of its populations. In Anti-Veiling Campaigns in the Muslim World: Gender, Modernism and the Politics of Dress (2014), Stephanie Cronin discusses the various ways that elites across several Muslim-majority and some Muslim-minority countries attempted to coerce their subjects, at times violently, to adopt Western-style dress. The authors in Cronin's edited volume give detailed accounts of anti-veiling campaigns that occurred alongside the emergence of nation-states in Turkey, Iran, Afghanistan, Central Asia, the Caucasus and the Balkans. Aimed initially at upper-class men instead of women, these campaigns used different tactics that were meant to persuade (at times

forcefully) both men and women to "modernize" in order to "catch-up" with the West's advances.

Following this theme, Nilüfer Göle's The Forbidden Modern: Civilization and Veiling (1996) examined how such tactics were implemented in Turkey, first with the "hat reform" of 1925 that required men to don top hats instead of the more traditional fez, then with increasingly coercive measures used to persuade women to abandon veiling. Similarly, Leila Ahmed's Women and Gender in Islam (1992) examined Egypt's anti-veiling campaigns, which relied on modernist intellectuals, such as Muhammad Abduh and Qasim Amin, who argued that veiling and polygamy were practices that contributed to the "backwardness" of the nation. Many of their arguments explicitly advocated the Western nation-state model as the pinnacle of advancement in every aspect of life, and claimed that Muslim societies should follow this model if they wanted to develop. Ahmed also discusses the role of the Muslim Brotherhood in Egypt as a group that formed in reaction to the modernizing elites in, A Quiet Revolution: The Veil's Resurgence, from the Middle East to America (2011). Ahmed discusses how the Islamic veil (the *hijab*, rather than the *niqab*) became the dress code of the Brotherhood members' female relatives. However, as Muslims migrated to different parts of the Western world, veiling's initial association with the Brotherhood lessened and became a new expression of Islamic identity for Western Muslim women.

More recently, Neville Cox's study, Behind the Veil: A Critical Analysis of European Veiling Laws (2019), uses the term 'anti-veiling law' to describe the various European laws that restrict the wearing of "Islamic veils"[34] worn by Muslim women, which includes both

[34] Cox uses the term "Islamic veil", "to denote all headscarves and face veils that are worn because the wearer believes that this is required by the law of God" (2019, 2)

headscarves and face-veils. Cox defines anti-veiling laws as referring to all "ministerial regulations, terms and conditions of employment, school rules or Acts of Parliament," that restrict the wearing of any kind of Islamic veil in specific contexts (2019, 2) – even if they do not explicitly state so. Cox surveys all of the various arguments made by national governments in Europe to justify anti-veiling laws, as well as select jurisprudence from the European Court of Human Rights (ECHR), and points out the logical inconsistencies and fallacies within them. Cox locates the various motivations behind Europe's anti-veiling laws, and links them to "a political need symbolically to target the veil and to 'other' its wearer, as a gesture of support for what might be termed tradition, national values" (Cox 2019, 5). They place such symbolic gestures contextually, given that there has been a rise in populism in Europe since the post-2015 migration crisis (Cox 2019, 5).[35] Cox crucially remarks that, "it is one of the hallmarks of those governments that legislate against veiling that they neither consult in any systematically meaningful way with women who *do* veil, nor are they influenced by what little empirical evidence there is on this topic" (Cox 2019, 12).

Cox's remark about the erasure of Muslim women's experiences in national anti-veiling laws is echoed by Eva Brems in the edited book, The Experiences of Face Veil Wearers in Europe and the Law (Brems 2014). The contributing authors in this book take pains to represent the voices that are so consistently ignored in anti-veiling debates, those of Muslim women who wear face-veils. For instance, authors discuss the experiences of veiled women in the Netherlands (Moors 2014), Denmark (Ostergaard, Warburg and Schepelern Johansen 2014), Belgium (Fadil 2014), France and England (Bouteldja 2014) as well as the political implications

[35] The post-2015 migration crisis refers the year 2015, when 1.3 million refugees from war-torn countries such as, Syria, Iraq, and Afghanistan, fled to various countries in Europe, creating a surge that produced a migrant crisis (Connor 2016).

behind Europe's anti-veiling laws more generally (Amir-Moazami 2014). Most of their analyses are centred around the nation-state or around the European community, but rarely do they trace networks of power that travel between countries that have enacted similar laws.

A significant number of legal scholars have studied the legal implications of the advice and rulings of supranational courts, such as the European Court of Human Rights (ECtHR), with regard to national anti-veiling laws. For example, the vice-president of the ECtHR, Jean-Paul Costa, had advised the Stasi Commission in France that they should recommend a law to ban "religious symbols" in public schools because the European Convention of Human Rights would accept a law to protect state-defined "secularism" even if it went against religious freedom (Adrian 2009, 352). This was due to the wide margin of appreciation that courts have given in dealing with matters of member states' national interests. Similarly, in the case of S.A.S. v France (2014), the ECtHR upheld France's 2010 law that banned niqab-wearing in public space by using the "margin of appreciation" to accept France's argument that the law was in the best interest of "living together" (Beaman 2016). Scholars have heavily criticized the court's reasoning with regards to the S.A.S v. France case, as well as other cases involving Muslim women's veiling practices such as, Leyla Sahin v. Turkey and Refah Partisi v. Turkey, where bans on headscarves were justified on the basis of faulty assumptions regarding Islamic practices (Lewis 2007) (Adrian 2009).

In terms of French anti-veiling laws, much has been written following the implementation of the 2004 law as well as the 2010 law. These studies vary in terms of methodology and discipline, but the vast majority centre around political, media, historical and anthropological accounts of what led to the laws' implementation. Françoise Lorcerie (2008) renders a masterful critique of the key players that participated in the Stasi Commission,

including right-wing politicians and civil society actors that pushed for a law to ban veiling. Lorcerie demonstrates that from the beginning—whom to choose as commission members, whom to invite as witnesses, and whom not to invite—key decisions were made that biased the process, leading a majority of Stasi Commission members to recommend a law that several commissioners publicly decried after the fact[36] (Lorcerie 2008, 63-64). Other scholars who have analysed the historical and political processes leading up to the enactment of the 2004 French law are Joan Scott (2007) and John Bowen (2007). Scott's The Politics of the Veil (2007) is a historical study of the context leading up to the 2004 law and a discursive analysis of public statements made by politicians, feminists, and other key players in the debates leading up to the law's enactment. Bowen's Why the French Don't like Headscarves (2007) takes a more anthropological approach to the process leading up to the 2004 law, one that includes interviews with key interlocutors that demonstrate the various interests at play in banning the headscarf in public schools. Neither Scott nor Bowen foreground interviews with Muslim girls who would have been directly impacted by the 2004 law, although they do critique the fact that these testimonies were a crucial missing piece of the debates leading up to the laws. Similarly, Tissot's article, "Excluding Muslim Women: From Hijab to Niqab, from School to Public Space" (2011), makes an important intervention into the increasingly prohibitive ways that Muslim girls and women have been excluded from public life; yet she also fails to centre their voices in her analysis.

[36] Among those Stasi Commission members that objected to the biased processes were Jean Baubérot, René Rémond and Alain Touraine (Lorcerie 2008, 63-64). Rémond, for instance, later wrote an opinion piece in *Le monde*, entitled "De l'inutilité d'une loi déplacée" [Of the uselessness of a misplaced law] (Le groupe Paroles 2014)

There are only a handful of works written by French Muslim women and their allies that centre the experiences of Muslim women and girls in their analyses. These works include: Louisa Larabi Hendaz's *Le voile humilié ou Les auditions manquées de la commission Stasi: Avec le témoignage de femmes musulmanes* [The humiliated veil or The Stasi commission's missed hearings: with the testimony of Muslim women] (2005), which was published by a small community press; and Ismahane Chouder, Malika Latrèche, and Pierre Tevanian's *Les filles voilées parlent* [Veiled girls speak] (2008). Larabi Hendaz's book expressed the anger and suffering of "humiliated women" who were not invited to testify during the Stasi Commission hearings. The failure to consult with the very people who would be directly concerned by the 2004 law produced a situation that Larabi Hendaz describes as "state discrimination" (2005). In her book, Larabi Hendaz includes the written testimonies of six young women who speak against the 2004 law in terms of the prejudices that inform it and the hypocrisy of wanting to "save Muslim women" while denying them their rights (2005, 282). The cover of the book, for example, features the photograph of a girl who removes her scarf only to show off a shaved scalp, which was her way of protesting the law of 2004 and refusing to show her hair to attend school.[37]

Similarly, Chouder, Latrèche and Tevanian's (2008) book is a collection of forty-four testimonies by young Muslim girls and women who discuss, at times with raw anger and sadness, their experiences while at school, in the workplace, and in French society more generally. Far from the submissive and manipulated pawns they are made out to be in Commission reports that speak about them but never with them, the Muslim women and girls

[37] See (Amazon.fr 2005) for a stock image of the book cover, as I have not received permission from the publisher to publish the photo.

featured in the book voice their opinions with courage, passion, and a firm understanding of the injustice and discrimination they experience. Although both books are indispensable to studies that discuss French anti-veiling laws (particularly the 2004 law), they are not widely cited even by critical scholars. This failure to cite studies that include Muslim women's experiences recurs not only in anti-veiling commissions but also in some well-intentioned studies about them – which contributes to further silencing of Muslim women's perspectives.

In Quebec, several articles have been written about anti-veiling laws that have been debated since the 2006-2007 Consultation Commission on Accommodation Practices Related to Cultural Differences (i.e. The Bouchard-Taylor Commission). For instance, Gada Mahrouse (2010) critiqued the commission for the ways that it allowed racist and xenophobic speech to take over its proceedings, producing an environment where religious minorities were increasingly forced into a defensive position against a Franco-Quebecois majority that portrayed itself as under threat (Mahrouse 2010). Schaefli and Godlewska also criticized the Bouchard-Taylor Commission for choosing to exclude Indigenous Peoples in Quebec from participating, arguing that nation-to-nation discussions were under the purview of the federal government rather than the provincial one (2014, 228). Schaefli and Godlewska argued that this exclusion allowed several false arguments to proliferate, as they were left unchallenged. These arguments included, for example, that Quebec's history involves only French-Canadians and immigrants; that everyone in Quebec is an immigrant; and that everyone in Quebec is equal and has the same rights (Schaefli and Godlewska 2014, 234). Such arguments positioned French-Canadians as the "original people" of the land while racialized communities were positioned as new arrivals that were requesting (too much) accommodation. At the same time, these arguments erased the presence of actual Indigenous Peoples in Quebec, and denied their right to participate in social

debates that affected everyone who lived in the province – including them. The Bouchard-Taylor Commission's exclusion of Indigenous Peoples from their consultations demonstrated the way that Indigenous Peoples' history and laws continue to be disregarded in provincial matters, even when their participation would have added much needed perspective to a dynamic that is framed as only being about a "native" French-Canadian majority versus a "foreign" racialized minority. Instead, the blatant erasure of Indigenous Peoples from anti-veiling debates further reproduced structures of settler-colonialism that refuses to disrupt hegemonic framings of anti-veiling debates and laws (Schaefli and Godlewska 2014, 241).

Other critical scholars have discussed how proposed anti-veiling laws, such as Bill 94 (2010), also exposed the racialized and (hetero-)sexualized underpinnings of secular Quebecois identity formation (Bilge 2013, Leckey 2013). Natasha Bakht (2012) analysed and countered all of the arguments made in the Canadian Supreme Court case involving the right of a niqab-wearing woman to testify in court while wearing her niqab (R. v. N.S. 2012). Although the decision rendered was not in N.S.'s favour, it did set out a set of criteria to determine the "sincerity" of belief of persons that could be useful in future cases. Bakht's (2020) book, In Your Face: Law, Justice, and Niqab-Wearing Women in Canada was also an important intervention as it foregrounded interviews with niqab-wearing Canadian Muslim women in light of numerous national debates around the niqab that did not include them.

Finally, several studies theorized both the historical and contemporary subjectification of veiled women. Historical works, such as Frantz Fanon's essay, "Algeria Unveiled," demonstrated the "precise political doctrine" (1965, 37) that the French army used to attempt to break the Algerian resistance during the Algerian War of Independence (1954-1962). It involved organizing "unveiling ceremonies," whereby French women would unveil their Algerian

"sisters" to presumably usher them into freedom and modernity (while remaining under French control) (Fanon 1965, 42). Similarly, in Colonial Fantasies: Towards a Feminist Reading of Orientalism, Meyda Yeğenoğlu (1998) used a psychoanalytical approach to interrogate the desires behind the Western obsession to unveil Muslim women. They critiqued the imperial interests behind the Western feminist desires to "free" their "sisters" in the Orient, while also critiquing the interests of nationalist leaders who orchestrated unveiling campaigns.

In the contemporary period, scholars have theorized the contradictory representation of Muslim women as both imperilled and dangerous (Razack 2018). Sherene Razack in particular examines the ways that niqab-wearing Muslim women are perceived as a threat: something that visually and spatially offends. Razack likens anti-veiling laws to "the ugly laws," which were passed in the late nineteenth-century in Chicago to prevent "unsightly beggars" from inhabiting public space (Razack 2018, 180). Razack suggests that anything that threatens a subject's coherence needs to be removed from sight, such that, "the subject is made racially and sexually superior through removing from sight the woman who refuses to yield to his or her gaze" (2018, 170). Similarly, David Tyrer and Salman Sayyid theorize the spectral, ghostly presence of Muslim subjects who seem to disturb the coherence of the nation with their partial, haunting subjectivities, such that legal bans on veiling become "attempts to tame or erase the difference that is seen as tearing the nation apart" (2012, 354). These theoretical interventions into the contemporary constructions of female Muslim subjectivities are especially useful in theorizing my own articulation of anti-veiling, a concept related to gendered Islamophobia and anti-Muslim racism, but that incorporates the current ways that Muslim women are subjectivized through anti-veiling laws (Jahangeer 2020).

Secularism

Over the past twenty years, scholars in Secularism Studies have engaged in challenging the commonplace understanding of secularism. Normally understood as the separation of church and state, and religion from politics, scholars across various disciplines such as anthropology, history, legal studies, philosophy, sociology, and political science, have taken on the task of demystifying the term to such an extent that this facile definition no longer stands up to scrutiny.

In *Formations of the Secular* (2003) Talal Asad distinguished between what he calls "secularism as a political doctrine," and "the secular as an ontology and an epistemology" (2003, 22). He argued that, "'the secular' is conceptually prior to the political doctrine of 'secularism,' [and] that over time a variety of concepts, practices, and sensibilities have come together to form 'the secular'" (2003, 16). Further, Asad states that the secular is, "a concept that brings together certain behaviors, knowledges, and sensibilities in modern life," and that it is "conceptually prior" to secularism as a political doctrine (2003, 25). What this implies is that there are certain modes of being, feeling and knowing that are associated with secularism, while others are assigned to "religion" or superstition, and are relegated to a historically prior time. Asad's theoretical intervention is that secularism is not a break with the religious, and neither is it post-religion; secularism is a concept that brings together certain behaviours, knowledges and sensibilities in modern life, and it is intimately tied to the project of modernity (Asad 2003, 25).

Saba Mahmood also differentiates between political secularism and secularity in her book, *Religious Difference in a Secular Age* (2016). For her, political secularism refers to "the modern state's relationship to, and regulation of, religion," while secularity means, "the set of concepts, norms, sensibilities, and dispositions that characterize secular societies and subjectivities" (Mahmood 2016, 3). This distinction is important because they point to different

ways of studying secularism as a phenomenon, which is frequently so normalized as to evade questioning. Mahmood argues that,

> Secularism, in this understanding, is not simply the organizing structure for what are regularly taken to be a priori elements of social organization – public, private, political, religious—but *a discursive operation of power that generates these very spheres*, establishes their boundaries, and suffuses them with content, such that they acquire a natural quality for those living within its terms" (Mahmood 2016, 3)[emphasis added].

Mahmood's intervention is that in addition to being both a political doctrine and a set of sensibilities, knowledges, and behaviours, secularism is also a discursive operation of power that creates separate spheres between public, private, political and religious. In other words, secularism is a discursive process that creates "religion" as a separate category in the first place.[38]

Following from these insights into the workings of secularism and secularity, scholars have made other important interventions into Secularism Studies with regard to (anti-)veiling. Nadia Guessous (2020) discusses secular Moroccan feminists' relationships with younger *muhajaba*[39] feminists, who are prevented from joining feminist organizations on account of their headscarves. Guessous interrogates the secular Moroccan feminists' refusal to admit veiled women as feminists, associating them with Islamist politics instead of accepting them on their own terms. Guessous decries "the affective economy [...] that conscripts postcolonial Moroccan feminists into caricaturing, rejecting, and excluding women who wear the hijab even as they struggle to reconcile this with their self-representation as capacious and tolerant of difference" (Guessous 2020, 624). Guessous draws attention to affect as a major structuring force in secular subject formation, even among postcolonial feminist subjects. Likewise, Nadia Fadil argues that

[38] Elisabeth Hurd makes a similar argument in her book, *The Politics of Secularism in International Relations* (Hurd 2008)
[39] A *muhajaba* is an Arabic word for a woman who wears a headscarf (Guessous 2020, 607)

we must shift our focus from veiling to not-veiling, and interrogate the secular un-veiled body that is assumed to be effortless, 'neutral' and 'integrated' into secular liberal subjectivity. She argues that in a context where women are coerced through law to appear un-veiled (such as in Belgium, where Fadil is located), it is incumbent upon us to examine the "complex agency of non-veiled Muslim women in the current post-migratory context wherein forced unveiling has turned into one of the preferred modes of disciplining Muslims" (Fadil 2011, 86). Fadil concludes that we must take into account the complex forms of agency of non-veiled women who inhabit secular normative power structures (2011, 91).

Taking a different approach, political theorist Wendy Brown examines the assumptions behind various "burka bans" that were enacted in several European countries following France's 2010 law. In "Civilizational Delusions: Secularism, Tolerance, Equality" (2012), Brown disrupts each of the facile assumptions underlying secularism that are found within anti-veiling laws. For instance, one common assumption is that secularism produces religious neutrality; however, Brown argues that secularism is a Christian project that is shaped by the history of the Protestant Reformation of the 1500s. As such, secularism is anchored in Protestant theology that is based in "propositional belief, privatized worship, and individualized faith rooted in conscience and a personal relationship with God" (Brown 2012). As a consequence of its Protestant foundation, "Western secularism transforms not only the states but the societies, and religions it governs and paradoxically does so from a specific religious viewpoint and model" (Brown 2012). This has consequences for how religion is defined according to private belief versus public manifestation of belief, which is understood differently in non-Christian faiths. Another common assumption behind anti-veiling laws is that they produce gender equality and freedom. Brown breaks down the multiple problematic equations undergirding this assumption, which relies on the argument

that choice equals freedom while law constitutes constraint. Therefore, if one has an abundance of choice and no legal constraints, one is understood to be free. However, Brown disrupts this facile equation by pointing out the multiple vectors of power and coercion that condition choice, particularly in liberal capitalist societies: "...the idea that Western women choose while Islamic women are coerced ignores the extent to which all choice is conditioned by as well as imbricated with power, and the extent to which all choice is itself an impoverished account of freedom, especially political freedom" (2012). By disrupting the common place assumptions made about secularism that are frequently found within discourses of anti-veiling laws, Brown illustrates the powerful ways that secularism projects itself as religiously and culturally neutral, tolerant, gender equal and free, in contrast with an Islamic other (2012).

France is one of the countries that been the focus of Secularism studies scholars. Following the enactment of the French 2004 law, Talal Asad published a series of articles that critiqued the Stasi Commission report (2003). In his article, "French Secularism and the 'Islamic Veil' Affair" (Asad 2006), Asad critiques the way that the Commission fixed the meaning of young Muslim school girls headscarves as "religious symbols," especially since there is a difference of opinion within Muslim communities regarding whether wearing a headscarf is considered a religious obligation or not. Asad argues that by arbitrarily turning the headscarf into a "religious sign," something that signifies the presence of religious intent, the Commission stepped into the realm of religion and made a religious ruling – something a secular polity is meant to avoid. Nonetheless, such a process is an expression of sovereign power, a power that is intimately tied to the secular nation state (Asad 2006, 105). Similarly, in the chapter, "Trying to Understand French Secularism" (Asad 2006), which is a longer version of the previously mentioned article, Asad critiques the way that the Stasi Commission inferred the desires of

young French school girls (without having interviewed any) about not wanting to wear a headscarf and needing to be protected from (the minority of) those who did want to wear it. Asad argued that such an inference amounted to disciplining personal desires, which contravenes not only religious freedom, but crucially, freedom of conscience (2006, 524).

In The Republic Unsettled: Muslim French and the Contradictions of Secularism (2014), Mayanthi Fernando, another prominent scholar in Secularism Studies, studied French secular governance as it applies to both individuals and institutions. She argues that laïcité itself is a sustained project of governmentality that neither began nor ended with the 1905 law that was said to inaugurate secularism in France. Rather, she contends that secularism requires constant state management and regulation, both of which are "crucial to secularism's operation" (Fernando 2014, 21). She further argues that while there are "intractable tensions" within secularism's rule, "these tensions are displaced onto the subjects of regulation who become targets of an impossible reformation" (Fernando 2014, 21). One of the targets for such impossible reformation is Muslims, and through them, Islam itself. This has been achieved through creating institutions such as the *Conseil français du culte musulman* [the French council of the Muslim religion] (CFCM), which Fernando argues, "is a disciplinary project of secular governmentality, one that seeks to refashion Islam and Muslims in ways that make them recognizable to the secular state" (2014, 122). In other words, secular governmentality requires both individuals and institutions to be brought under the control of the French bureaucratic state.

Importantly, Joan Scott's essay entitled, "Sexularism: On Secularism and Gender Equality" (2012) as well as her book, Sex and Secularism (2018) address the contemporary ways that secularism and gender equality are considered to be guarantors for one another. Scott addresses the ahistoricism of this claim, which has been made by both the Stasi Commission, and

by French and Quebec feminists; each proclaim that secularism cannot be thought of without gender equality, and that secularism is necessary for gender equality while at the same time erasing the fraught historical relationship between suffragists and secularists throughout French history (Scott 2012, 100). Scott argues that such hypocritical gestures only obscure the significant work that still needs to be done to achieve gender equality, while further stigmatizing Muslim communities for their supposedly exclusive sexism.

In a similar vein, Linell Cady and Tracy Fessenden's chapter in their edited volume, Religion, the Secular, and the Politics of Sexual Difference (2013), examines the perniciousness of a secularization narrative that insists on equating sexual/gender equality and freedom with secularism – even despite historical evidence to the contrary. The secularization narrative posits a process whereby increasing sexual and gender equality and freedom follows from secularism and vice versa. However, as Joan Scott further argues in the volume, women were absent from politics during the formative years of secularism, not only in France but also in the United States. According to her, equating sexual/gender equality with secularism is part of the "myth of liberalism," which assumes the gradual but inevitable emancipation of all oppressed groups under liberalism (Cady and Fessenden 2013, 3). Scott asserts that a new genealogy of secularism is needed that centers the politics of gender, in order to contest the disingenuous ways that gender equality has been used to promote secular projects that are harmful to women of colour.

In Quebec, Micheline Dumont, a celebrated feminist and historian, similarly denounced the facile equivalences made between secularism and gender equality in her book, *Pas d'histoire, les femmes ! Réflexions d'une historienne indignée* (2013). She notes that it was only during debates on the Islamic veil that both politicians and feminists came forward to declare that secularism and gender equality were non-negotiable in Quebec (2013, 76). Similarly, sociologist

Micheline Milot also interrogates the recent rush to endorse *laïcité à la française*, when historically, Quebecers had been reluctant to even use the word 'laïcité' without caveat. Milot demonstrates this reluctance through a discursive analysis of government publications that discussed "de-confessionalization" of schools. De-confessionalization was the term that was used rather than laïcité, because the latter connoted France's anti-clerical relationship with the Catholic Church whereas the same relationship did not apply to Quebec. Milot argues that it was only recently that the word "laïcité" was used in official government publications, and even then it was qualified with the word "ouvert" (open) to differentiate it from the France's more militant, anti-clerical version (2009, 47).

Jean Baubérot, a French sociologist and historian of laïcité who had also been a member of the Stasi Commission, studied Québec's Consultation Commission on Accommodation Practices Related to Cultural Differences (i.e. the Bouchard-Taylor Commission) in *Une laïcité interculturelle: Le Québec, avenir de la France?* [An Intercultural Secularism: Québec, the Future of France?] (2008). Baubérot studied the concept of reasonable accommodation, an obligation derived from the Québec and Canadian Charter of Rights and Freedom that requires employers to take reasonable measures to lessen discrimination in the workplace through accommodation. Baubérot argues that Québec's model of intercultural laïcité, which purportedly protects French language and culture but is also open to pluralism, provides the necessary safeguards to prevent an uniform, majoritarian laïcité from taking hold in Québec, as it has in France, thus preventing a "clash of civilisations" between the majority and minority populations in Quebec (Baubérot 2008, 254).

However, as Darryl Leroux points out in his essay, "The Many Paradoxes of Race in Québec: Civilization, Laïcité, and Gender Equality," it is necessary to consider Quebec's "multi-

layered colonial situation" (2013, 55) in order to be able to assess what it at stake in its push towards interculturalism (as opposed to multiculturalism). Bruno Cornellier, in his essay on "Interculturalism, Settler Colonialism, and the Contest Over 'Nativeness'" (2016), further specifies this "multilayered colonial situation" as settler colonialism, which involves a "multipartite struggle" between Indigenous Peoples, members of the white Euro-descended majority, as well as members of immigrant and/or racialized, non-Indigenous groups (2016, 77). Cornellier critiques the intercultural model put forward by the Gerard Bouchard, who co-chaired the Bouchard-Taylor commission, for denying the political claims of Indigenous Peoples in Quebec and instead positing Quebecois as "natives" and as "founding people" whose culture and language needed to be protected from non-indigenous immigrant and/or racialized communities. Cornellier argues that interculturalism's erasure of Indigenous Peoples from its founding myth further establishes Quebec as a white settler nation (2016, 79).

Feminisms

Many scholars have approached studying the numerous veiling affairs that emerged in France and in Québec from a feminist perspective. In general, such studies foregrounded the feminist mobilizations of different activist groups and their responses to the veiling affairs of each respective society. Feminist mobilizations were generally divided into a pro and con side in terms of implementing anti-veiling laws, but on each of these sides one could find feminists who were positioned as either white or racialized.

On the pro-anti-veiling law side one could usually find feminists who identified as *Françaises de souche* [ethnically French] or as *Québécoises de souche* [ethnically Québécois (Selby 2011)], which usually meant that they were white. In France, groups such as Ligue du droit des femmes [the League of Women's Rights] and Collectif national pour le droit des

femmes [National Collective for Women's Rights], which were historical feminist groups that had struggled for women's suffrage and abortion rights, were involved in the French veiling affairs that occurred in 2003 and beyond (Selby 2011, Dot-Pouillard 2007). Several studies examined the mobilizations and statements made by these groups during the French veiling affairs of 1989, 1994, and 2003 during the Stasi Commission (Ezekiel 2006, Gaspard 2006, Winter 2006, Dot-Pouillard 2007), and in 2010, following the Gerin Commission (Selby 2011, Wesselhoeft 2011). In Québec, scholars have examined the feminist mobilizations that took place during the 2006-2007 Bouchard-Taylor Commission (Bilge 2012), as well as during the debates over Bill 94 (Sharify-Funk 2011, Dumont 2013), and Bill 60 (Benhadjoudja 2017, Dobrowolsky 2017, Jahangeer 2020). Most of these studies examined the positions taken by established feminist groups over the course of several veiling debates, such as the Conseil du statut de la femme [CSF, Council on the Status of Women], and the Fédération des femmes du Québec [FFQ, Québec Women's Federation], but some also examined the positions of newer feminist groups that emerged during the debates over Bill 60, such as Les Janettes and Pour les femmes du Québec (PDF-Q, For the Women of Québec).

Among the pro-anti-veiling law feminist groups, there were some that positioned themselves as being composed of members who were of immigrant origin, usually of North African background, but who nonetheless took on explicitly anti-immigrant and anti-veil positions. In France, one of the groups to have taken an anti-veil position while also positioning itself as immigrants from the lower-class *banlieus* (suburbs or inner cities) was *Ni Putes Ni Soumises* [Neither Whores nor Doormats]. This group has been heavily criticized within scholarly literature for their celebration of the French republican state as liberators of immigrant women from the perverse sexuality of Arab boys (Guénif-Souilamas and Macé 2004), who they

claimed had pressured girls in the *banlieus* to veil (Guénif-Souilamas 2004) (Ticktin 2008) (Fernando 2009). Moreover, NPNS' founder Fadela Amara, had published several books that went on to become bestsellers before accepting a position as Junior minister in Nicholas Sarkozy's right-wing cabinet (Mahmood 2008). Similarly, pro-ban feminists such as Amara can also be found in Québec, though they did not form groups composed exclusivly of those from immigrant backgrounds. Instead, they were prominent members of feminist groups that were also pro-ban, such as the CSF, Les Janettes and PDF-Q. However, some of these women—such as Djemila Benhabib, a half-Algerian journalist—also ran for office as PQ candidates. Similar to Amara, Benhabib, also wrote best-selling books about her Algerian experience that she then used to argue for anti-veiling laws in Québec (Benhabib 2009) (Benhabib 2011). Scholars have critiqued the transnational reach of women like Benhabib, who positioned themselves as "experts" due to their immigrant backgrouds and yet promoted State policies against other racialized Muslim women while accusing them of being Islamists (Barras 2018) (Benhadjoudja 2017) (Jahangeer 2020).

Conversely, the con-anti-veiling law side was usually made up of both anti-racist feminists as well as Muslim feminists. In France, these were newly emerged groups such as the Collectif Féministes Pour l'Égalite (CFPE, the Collective of Feminists for Equality) and the group, Mamans toutes égales (MTE, Mothers are All Equal) (Kassir and Reitz 2016), both of which formed following the 2004 law banning religious symbols in schools. There were also groups that were made of primarily Muslim women such as Al-Houda, which was a Muslim feminist group (Bouteldja 2009), and the Femmes françaises et musulmanes engagées [Committed French and Muslim Women] (Kada 2012), which was not necessarily feminist but was nonetheless engaged in questions around veiling bans. There were also European and

transnational Muslim feminist groups that influenced and were mutually influenced by the theorizations of the French groups (Hamidi 2012); many of the activists involved in these groups later published the first edited collection in French on the topic of *Féminismes islamiques* [Islamic Feminisms](Ali 2012).

On the Québec side, con anti-veiling law feminists were also part of mainstream feminist groups as well as Muslim feminist groups, which emerged during the debates over anti-veiling laws. The FFQ was one of the mainstream feminists groups that took an anti-ban stance during the debates over Bill 60, although they had previously taken a more neutral stance in previous anti-veiling debates (Jahangeer 2020). Muslim feminists were also members of this group, but some also formed their own separate groups. Muslim feminist groups that emerged during Bill 60 debates included the Collective féministes musulmanes du Québec [CFMQ, Collective of Muslim Feminists of Québec], which was composed exclusively of women who identified as both feminist and as Muslims, including those who were non-practicing (Benhadjoudja 2015) (Benhadjoudja 2018) (Jahangeer 2020). The Muslim feminists that were part of this group also wrote their own books, for example Asmaa Ibnouzahir's *Chronique d'une musulmane indignée* [Chronical of an outraged Muslim] (Ibnouzahir 2015), but these did not become international bestsellers in contrast to books by Amara and Benhabib. Some Black Muslims women also later formed their own group called Femmes Noires Musulmanes au Québec [FNMQ, Black Muslim Women in Quebec] in order to differentiate the experiences of Black Muslim women from those of other racialized Muslims in a context anti-Black Islamophobia (Mugabo 2014)(Mugabo 2016). Although the FNMQ did not form until 2018 and were therefore not active during the debates around Bill 60, they have since produced audio-visual material that contests Bill 21 from Black Muslim women's perspectives (Femmes noires et musulmanes au Québec 2020).

Éléonore Lépinard's book, Feminist Trouble: Intersectional Politics in Postsecular Times (2020) studied the feminist movements in both France and Quebec in the wake of anti-veiling debates in each context. Lépinard argues that feminism is in trouble because religious difference has presented an existential crisis to the stated goals of feminist politics, which center around gender equality. This is because in Europe, feminist organizations have colluded with nationalist governments in supporting exclusionary, racist, islamophobic, and xenophobic policies that have been justified in the name of gender equality (a phenomenon Sara Farris has described as femonationalism).[40] In particular, feminist ideas around agency and emancipation are steeped in an exclusivist liberal imaginary that cannot understand women with different desires as being anything other than victims, having false consciousness, or being in collusion with their own oppression (Lépinard 2020, 6). Lépinard interviewed fifty activists from France and Quebec who participated in feminist groups that identified themselves as feminists, including twenty racialized and thirty white feminists. Key to her analysis was determining how feminists related to those they considered "other"— especially feminist others with whom they are called to enter into a political or ethical relationship. She interrogated these activists' attachments to the feminist project, in both their emotional and moral registers. Lépinard concluded by elaborating a feminist ethic of responsibility that depends on the ethical and political relationships between feminists, rather than between "women" or between those that prioritize certain values (such as gender equality) above others. Such a feminist ethic of responsibility involves dismantling

[40] Lépinard defines femonationalism as, "the ways in which political parties and government institutions have used women's rights to bolster nationalist identities and pass repressive policies against immigrants and Islam" (2020, 2). Farris writes that, "The mobilization, or rather instrumentalization, of the notion of women's equality both by nationalist and xenophobic parties and by neoliberal governments constitutes one of the most important characteristics of the current political conjuncture, particularly in Europe" (cited in Lépinard 2020, 2).

hierarchies of privilege and power among feminists, especially those that are based on religion and race.

Aside from Lépinard's comparative study of the feminist movements in both France and Quebec, most literature that studies anti-veiling laws from a feminist perspective study either France or Quebec, and their analyses remains at the level of the nation-state. Aside from Barras (2018) and Hamidi (2012), few studies examine individual feminists or feminist movements from a transnational feminist perspective, taking into account the borrowings, networks, or even the activism that may take place between different locations. Moreover, with the exception of a few scholars whose analyses explicitly centre a decolonial approach to feminism (Ali 2012), most relied on post-colonial, intersectional, or anti-racist feminist frameworks that have been criticized by transnational feminist and Indigenous scholars for not taking into account the settler-colonial context in which they are situated – particularly with regard to Québec (Dhamoon 2015, Simpson 2016).

Anti-Muslim Racism / Islamophobia

Although the term 'Islamophobia' was first defined in a 1997 Runnymede Trust[41] report entitled, "Islamophobia: A Challenge for Us All" (1997), it has gained increasing scholarly legitimacy over the last twenty years. This increase in legitimacy has burgeoned into the field of Islamophobia studies, which boasts over a thousand published works in a variety of formats, as well as a peer-reviewed journal of the same name. Farid Hafez's (2018) literature review of the different trends within Islamophobia studies is useful for organizing studies that explicitly

[41] Founded in 1968, the Runnymede Trust is an independent think-tank in the United Kingdom (U.K) that works on issues of race equality.

examine anti-veiling laws. Beginning with the definition of Islamophobia given in the Runnymede Trust report, which has rightly been criticized for contrasting an all positive view of Islam with an all negative one (Asal 2014, Tamdgidi 2012), he synthesized the definition that most if not all scholars agree on: "...Islamophobia works through homogenization, views Islam as inferior and an enemy, and leads to discrimination" (Hafez 2018, 214). Beyond this general definition, Hafez argues that three themes are apparent in the literature on Islamophobia: prejudice, racism, and decoloniality. I will use these three themes to organize the Islamophobia literature with regard to studies that have been useful in analysing anti-veiling laws, with the addition of gender as another crucial organizing theme.

First, Islamophobia is defined as a form of prejudice, bigotry, or discrimination, similar to anti-Semitism, racism, and homophobia. This definition was used in a project by the Bridge Initiative, which was led by John Esposito at the Prince Alwaleed bin Talal Center for Muslim-Christian Understanding (Hafez 2018, 214). However, it was criticized for characterizing Islamophobia as an affect or as a mental aversion, a "phobia", while not sufficiently accounting for the structures of domination and power relations that produce it (Hafez 2018, 215).

Second, Islamophobia is defined as a specific form of anti-Muslim racism, and considered to be the expression of the racialization of religion. This view is upheld by scholars such as Nasar Meer and Tariq Modood (2009), who argue that, "terms such as 'anti-Muslim sentiment' and 'Islamophobia' should nest within concepts of cultural racism and racialization" (2009, 344). Similarly, Sherene Razack (2008) also argues that Islamophobia is a form of racialization of religion, when she writes that, "I prefer the use of the term anti-Muslim racism since it reminds us that Muslims are now seen as a race and that the issue is not Islam. As an 'ism,' anti-Muslim racism diminishes the focus on individuals and brings us closer to a structural

racism" (2018, 171). Structural racism here refers to projects of rule, which includes policies, laws, and governance, but can also include imperialism, war, colonialism, etc. When anti-Muslim racism is understood only as hate or prejudice that is unrelated to projects of rule, it become reduced to individuals emotion or personal acts (e.g. hate crimes) and not seen as related to state policies or governance (Korkman and Razack 2021, 262-263). Understanding anti-Muslim racism as a structural racism and not just as targeted hate towards individual Muslims allows us to foreground state policies that aim to undermine the sovereignty of Muslim communities, nations, and regions.

Similar to Meer, Modood, and Razack, Abdellali Hajjat and Marwan Mohammed also argue for defining Islamophobia as the racialization of religion in their book, *Islamophobie: Comment les élites françaises fabriquent le "problème musulman"* [Islamophobia: How French Elites Construct the "Muslim Problem"] (2013):

> ...Islamophobia corresponds to the complex social process of racialization / alterization based on visibly belonging (real or supposed) to the Muslim religion, the modalities of which vary according to national contexts and historical periods. It is a global and "gendered" phenomenon because it is influenced by the international circulation of ideas and people and by gender relations. We hypothesize that Islamophobia is the consequence of the construction of a "Muslim problem," the "solution" of which lies in the discipline of the bodies, and even the minds, of (presumed) Muslims. (2013, 20)[author translation]

This passage demonstrates that in addition to the racialization of religion, Hajjat and Muhammed also incorporate a global and gendered character into their definition of Islamophobia. They understand Islamophobia as the creation of a Muslim problem, to which the state then provides a "solution" that involves governance of Muslim bodies, minds, and even Islam itself – particularly in the French context.

Likewise, for the Quebec context, Délice Mugabo concurs that Islamophobia is a form of racism, but also an ontological and epistemological process. She crucially considers the

interaction between Islamophobia and anti-Blackness – an interaction that produces the erasure of Black bodies as Muslim; she argues that because Black people were associated with slavery and were never considered human, they were not considered capable of having religion; therefore, the Black body is, historically and currently, not read as Muslim. This ontological and epistemological dehumanization produces the distinct erasure of Black Muslims – a phenomenon Mugabo names anti-Black Islamophobia (2016, 166). Mugabo's analysis is especially incisive given the francophone context of Québec, where Muslims who do not fit into a particular mold of preconceived-Muslimness are evicted from participating in political community and debates (Mugabo 2014)(Jahangeer 2020)(Jahangeer 2021). The eviction of Black people and Black Muslims particularly from debates around secularism and religious symbols further entrenches already-existing anti-Blackness, which denies the history of slavery in Quebec,[42] a denial that produces particular conceptions of Quebecers as victims of British colonialism but never as oppressors themselves (Cornellier 2017). Mugabo's analysis is an important reminder of the ways that other marginalized communities, such as Indigenous Peoples, have been forcefully excluded from Quebec's historical narrative and how such erasures have contributed to an increasingly narrow conception of who belongs to the nation in the context of anti-veiling debates (Cornellier 2016) (Schaefli and Godlewska 2014).

In addition to race, several prominent scholars have theorized gender alongside Islamophobia to better understand the discrimination that Muslim women experience—

[42] Slavery was institutionalized in both French and English Canada for over 200 years, from 1628 to 1833 (Cooper 2006, 70). Although Canada is more known for the brief period between 1830 and 1860 in which it became a haven for American slaves fleeing to the North using the Underground Railroad, the fact remains that Canada was a country where enslaved Native and Black people were robbed of their freedom and forced to work for white settlers for hundreds of years (Cooper 2006, 69-70).

particularly those who practice veiling. The most important concepts that incorporate gender into their analyses are: gendered Islamophobia (Zine 2006) and hijabophobia (Hamzeh 2012). First theorized by Jasmin Zine (2006), gendered Islamophobia refers to "specific forms of ethno-religious and racialized discrimination leveled at Muslim women that proceed from historically contextualized negative stereotypes that inform individual and systemic forms of oppression" (2014, 240). Zine specifies that these historically contextualized negative stereotypes stem from Orientalist representations of Muslim women that characterized them as both sexually submissive and as oppressed victims of patriarchal cultures or societies. More recently, another lens has emerged that more directly aims to define the experiences of veil wearers. Manal Hamzeh's concept, hijabophobia (2017), considers the 'hijab bans' instituted by the International Federation of Football Association (FIFA) that have been enacted against female athletes who wear a headcover while playing football at the international level. Hamzeh's definition of hijabophobia marries the two lenses of gendered Islamophobia and anti-Muslim racism in its definition: "a specific form of 'ethno-religious and racialized discrimination leveled at Muslim women', that is also 'gendered and raced' and that is 'lived in and through Muslim women's embodied subjectivities'" (2017, 12). Therefore, for Hamzeh, gendered Islamophobia and anti-Muslim racism are embodied through the subjectivities of veiled Muslim women, which may explain why they are subjected to a disproportionate share of discrimination and violence when compared with Muslim men (Perry 2014).

Zine's definition of gendered Islamophobia is attentive to specificities of gender and race while incorporating different scales of discrimination, including individual, ideological, historical, and systemic. However, it does not account for the transnational spread of Islamophobia beyond the nation-state, which is the case of the global circulation of anti-veiling

laws. As a framework, gendered Islamophobia is not sufficient for understanding why or how anti-veiling laws have traveled between different sites. It also cannot explain why some Muslim-majority countries, such as Egypt and Syria, have banned veiling in certain contexts, or why some secular feminist subjects in these countries also discriminate against veiled Muslim women (Guessous 2020).

Several scholars have applied Zine and Hamzeh's theorizations in their work on anti-veiling laws, especially with regard to the experiences of veil-wearers in various contexts. Nawel Gafsia (2008) has studied the experiences of veil-wearers in French courtrooms, while Fatiha Ajbli (2016) has written on their experiences in French public space. Relatedly, Sana Tayyen (2017) has also examined the Orientalist tropes at play in the French burqini debates of 2016. In Canada, Barbara Perry (2014) has studied how gendered Islamophobia is lived by those who have experienced hate crimes on account of their dress. However, neither Zine nor Perry discuss how the context of Canadian settler-colonialism impacts their research.

Lastly, the third trend within Islamophobia literature is decoloniality. First elaborated by scholars in the Latin American decolonial school, such as, Enrique Dussel (1995 [1992]), Walter Mignolo (2000) and Nelson Maldonado-Torres (2007), scholars like Ramón Grosfoguel (2012) have theorized Islamophobia using a decolonial perspective. Using a global historical lens, Grosfoguel re-theorizes the significance of 1492, in which Christopher Columbus set sail and "discovered" the new world, which was really not a discovery at all since it was and is Indigenous Peoples' lands. Grosfoguel situates 1492 into a larger global historical framework, as earlier that same year the Spanish had re-conquered Muslim-controlled Granada and later expelled the Jewish and Muslim (*Moriscos*) populations that had lived in Spain for centuries. The expulsion of Jews and Muslims from Spain, along with the killing of Indigenous Peoples

and theft of Indigenous land in the Americas, also coincided with the trans-Atlantic slave trade. Therefore, multiple histories of theft, murder, and violence interacted and overlapped to produce what Grosfoguel calls the "modern/colonial Westernized Christian-centric capitalist/patriarchal world-system" (2012, 10) in which we are located, a world-system that also animates current articulations of Islamophobia, settler colonialism and anti-Blackness (Patel 2019). Therefore, to analyse Islamophobia one must also take into account the numerous overlapping histories that produce it, as well as the epistemic erasures embedded within this framework. For instance, Grosfoguel (2010) discusses the epistemic racism of Western social sciences that privileges the knowledge production of White male scholars from Europe and Euro-North America at the detriment of knowledge from subaltern populations. Grosfoguel argues that to decolonize Western social sciences and make room for pluri-versal (as opposed to a universal) epistemologies means, "to expand the canon of social theory to incorporate as a central component the contributions of decolonial European and non-European social theorists... and other social theorists thinking from the underside of modernity" (2012, 30). Therefore, thinking through Islamophobia from a decolonial framework means to go beyond analyses of prejudice and racism, and to interrogate the overlapping global-historical processes that have created the current moment.

Transnational Feminist Problematics

As mentioned, most of the studies discussed in the preceding literature review focus on either a national or regional scale of analysis, but rarely incorporate a transnational level of analysis. Moreover, those studies that focus on France and Quebec compare and contrast the two contexts, without necessarily examining the circulations that occur between them. Only a few of the studies mentioned, for example Amiraux and Koussens (2020), Barras (2018), Leroux (2011),

and Selby (2011) incorporate a transnational approach into their work, though not always explicitly. Moreover, their focus of study is not necessarily the circulation of anti-veiling laws themselves, but rather the political/civil society actors and/or mediatised concepts that travel from one context to another, bringing with them specific discourses and enabling certain political projects. While I agree with their insights and incorporate many of their analyses into my work, my project differs from theirs in that I examine anti-veiling laws in terms of the transnational practices that enable them, including the circulations, citations, and erasures embedded within.

Case in point: the majority of studies that deal with Canada, even in a comparative perspective, do not address settler-colonialism or the erasures of Black and Indigenous Peoples from Canada and Quebec's political debates. These erasures narrow the field of discourse such that debates around "religious symbols" become exclusively about the French majority and what is framed as a newly immigrated racialized minority – whereas the longer history of slavery and cultural genocide of Indigenous Peoples, respectively, is conveniently left out. Including this more complex history of Canada's treatment of racialized others not only gives us a more accurate picture of the political stakes but also allows us to imagine a decolonial future that allows for more abundant possibilities. As it stands, only a handful of scholars address issues of settler-colonialism and anti-Blackness in Canada/Quebec substantively, for example, Leroux (2011) (2013), Cornellier (2016) (2017), Schaefli and Godlweska (2014), and Mugabo (2014) (2016). However, these studies do not focus on anti-veiling laws in particular, nor do they examine them using a transnational framework. Therefore, my contribution is to examine anti-veiling laws in France and Quebec through a transnational feminist lens that is also attentive to settler-colonialism and anti-Blackness. This requires theoretical tools that are attentive to transnational, decolonial, as well as intersectional forms of analysis.

My main interlocutors are the theorists who have engaged in at least some, if not all, of these forms of analysis. They include transnational feminist scholars as well as critical race and critical Muslim studies scholars such as: Inderpal Grewal and Caren Kaplan (1994), M. Jacqui Alexander (2005), Sherene Razack (2008) (2018), Chandra Talpade Mohanty (2003), Saba Mahmood (2005) (2008), and Zeynep Korkman and Sherene Razack (2021). It is no coincidence that the scholars that inspire my work are racialized and Muslim feminists, as I share Sara Ahmed's concern with the politics of citation.[43]

Transnational feminism is a response to and critique against imperial forms of feminism, that either presumed a "global sisterhood" (which ended up privileging the interests of white feminists in the Global North) or that posited an undifferentiated "Third World Woman" who was perennially mired in poverty, tradition, or patriarchy (or all three) (Mohanty 2003). Transnational feminists contested such subjective depictions and instead articulated a framework for analysing experiences that were not only constituted by gendered, racialized, sexed and class dynamics, as the case may be, but that were also embedded within complex historical and contemporary globalized and neocolonial networks. As such, it is an approach that is not in competition with, but rather adjacent to other approaches that critique colonial systems, such as intersectional, postcolonial, and decolonial approaches (Tambe and Thayer 2021, 17). As authors Ashwini Tambe and Millie Thayer assert in their recent edited book, "postcolonial, decolonial, and transnational feminism are far more connected in their concerns than is recognized, given

[43] See Sara Ahmed (2017), where she discusses her citation practice of not citing white men, as these produce "brick walls" that keep out people of colour. Although I cannot reproduce Ahmed's practice in this dissertation, I have made sure that my main interlocutors are predominantly BIPOC and Muslim women, as their analyses are not often centralized in anti-veiling literature – as my literature review demonstrates.

their shared attention to the epistemological violence and sedimented practices of colonialism" (Tambe and Thayer 2021, 19).

In what follows, I summarize some of the studies that I draw from in developing my own transnational feminist approach to anti-veiling laws, beginning with an understanding of the state that ignores neither gender nor the current context of neoliberal globalization, nor people's experiences with what they hold sacred.

The (Nation-)State

The state, often used interchangeably with the term 'nation' or 'nation-state,' has traditionally been understood as concerned with governing a population within a specific bounded territory. For instance, Max Weber, one of the foremost architects of social theory, defined the state as that which: 1) exercised a monopoly over violence in a territory; 2) secured the territorial border and sovereignty; and 3) governed a particular population within a territory (cited in Sharma and Gupta, 22). Likewise, the state has often been understood as an autonomous actor, distinct from other institutions in society, which exercises a top-down authority over the population in its territory.

However, numerous theorists have contested these characterizations of the state and have focused instead on how power operates in a dispersed way throughout society. For instance, French philosopher Michel Foucault first coined the term "governmentality" in 1978 to describe the process of redefining 'the art of government' from one centered around sovereignty, to one centered around the management of populations. This process, which Foucault argues began in the sixteenth and culminated in the eighteenth century in Europe, transformed the very

foundations of the state.[44] What Foucault describes as governmentality includes a wide array of components, such as the "institutions, procedures, analyses and reflections, calculations, and tactics" that enable a very specific yet complex form of modern power to emerge, one that was dispersed throughout society and that depended on specific forms of knowledge (Foucault 2007, 108). This concept is useful in theorizing not only the historical emergence of the administrative state, but also its extension into non-state areas through the development of specific governmental apparatuses and knowledges, such as bureaucracies, statistics, and 'experts.'[45] For instance, political scientist and historian Timothy Mitchell (2006) argued that the autonomous and top-down appearance of state power is a reification that is constituted through everyday social practices. These social practices include bureaucrats' everyday work and encounters with others, which established the boundary between state and non-state realms such as civil society (Mitchell 2006).

Other theorists have built on Foucault's insights and have extended governmentality to current contexts, including a globalized one in which nation-states are not the only actors in a field increasingly populated with non-state and supra-national actors. Anthropologists Aradhana Sharma and Akhil Gupta (2006) theorize the ways in which the state actively reproduces itself in people's lives, especially in a context of globalization. They emphasize that states should be understood as cultural artifacts, as they are "a multilayered, contradictory, translocal ensemble of institutions, practices, and people in a globalized context" (2006, 6). They argue for an

[44] While Foucault does not directly discuss the impact of these processes on colonial populations, subsequent theorists take up the impacts of governmentality in the colonial encounter. See (Sharma and Gupta 2006)

[45] Although I do not delve deeply into Foucault's idea of governmentality here, scholars such as Peter Miller and Nicolas Rose have developed what is known as governmentality studies. See (Miller and Rose 2008).

anthropological approach to studying the state that foregrounds both everyday practices and representations of the state. In terms of everyday practices, they advocate studying the "banal practices of bureaucracies," in order to understand the "micropolitics" of how states work, how state authority and government operate in people's daily lives, how they come to be "imagined, encountered, and reimagined" through daily interactions (Sharma and Gupta 2006, 11-12). They also argue for foregrounding representations of the state, because discourses on the state are reproduced through "public cultural representations and performances of statehood" that shape people's perceptions about what constitutes the state (Sharma and Gupta 2006, 18). This can be achieved through textual analyses of newspapers, television, speeches, and reports, as well as through analyzing how people interpret these representations and how they mobilize according to their context and social location.

Following Sharma and Gupta, I concur that understanding the state as a cultural artifact helps to decenter it as an autonomous actor that is distinct from other parts of society, and instead allows us to examine how boundaries are constructed between state and society, private and public, politicians and activists, and between individuals with different positionalities. Additionally, understanding the state as a cultural artifact allows us to examine, "the dispersed institutional and social networks through which rule is coordinated and consolidated, and the roles that 'non-state' institutions, communities, and individuals play in mundane processes of governance" (Sharma and Gupta 2006, 9). This is an important insight as many of my interlocutors' encounters with the state take place through mundane social interactions in specific sites such as schools, universities, private companies, or even public space. However, the state is nonetheless invoked in these interactions through the embodiment of specific subjectivities, such as the secular feminist subject, which I discuss in Chapter 3.

Transnational

Over the latter years of the twentieth and into the first few two decades of the twenty-first century, neoliberal globalization has reconfigured conventional and territorial notions of the state, state power, and rule; therefore, we also need to examine how these transformations complicate and enhance workings of "rule, power, and the nation state" (Sharma and Gupta 2006, 28). Although we may be witnessing a transformation in neoliberal globalization today, it is clear that "mundane processes of governance" and "public cultural representations and performances of statehood" (Sharma and Gupta 2006, 18) are nevertheless best understood through a transnational framework, as anti-veiling laws have spread across various countries and have been upheld in supra-national bodies, such as the ECtHR. Law is one of the ways that states enact "public cultural representations and performances of statehood" (Sharma and Gupta 2006, 18). For example, in her study of the veiling laws/debates enacted across several countries in almost all continents around the globe (see Appendix E), legal scholar Natasha Bakht observes that, "(1) a transnational proliferation of racist methods of regulating Muslim women's dress occurs through law; (2) they have been initiated by politicians to protect majoritarian values" (2021, 291). Furthermore, Bakht argues that, "In each country, calls for niqab bans emerged because political elites formed an agenda to protect majoritarian culture against a potential menace: niqab-wearing women. Politicians transformed niqab wearing from a nonexistent issue to a spectacular threat to the nation" (2021, 292). Her analysis reveals that not only have anti-veiling laws been used as a way of representing the majoritarian values of the state, but also as a way of drawing the boundaries of the nation between those who belong, and those who are 'outsiders' and thus criminalized through various means. Drawing boundaries between 'them and

us' is a classic way of reinforcing the borders in processes of nation-building, processes that are "interminable" (Kaplan, Alarcon and Moallem 1999, 6). As Bakht reaffirms in her study, "Anti-Muslim racism has found a reliable and conducive transnational route in law" (2021, 295).

I take my understanding of the term 'transnational' from the work of pioneering scholars Inderpal Grewal and Caren Kaplan, whose book *Scattered Hegemonies: Postmodernity and Transnational Feminist Practices* (1994) is key a text in transnational feminist studies. They theorize the transnational as a form of analysis that disrupts conceptions of the global as constitutive of rigid separations between local and global, or centre and periphery. According to Grewal and Kaplan, a global analysis that is attentive to "disjunctive [cultural] flows" must consider the movement of people, technologies, capital, and cultures, in more than just unidirectional or uniform ways (1994, 13). As such, it is also crucial to analyze how key terms and concepts circulate, as Grewal and Kaplan argue that "the way terms get co-opted constitute a form of practice" (1994, 2).

Another central theme in Grewal and Kaplan's work is that transnational feminist analyses must centralize gender or else risk reproducing the universalisms of hegemonic Western cultures. Thus, transnational feminist analysis must not merely be comparative, but must analyse both the local and mobile intersections between gender, race, culture, and capital. Grewal and Kaplan further note that transnational feminist praxis requires the kind of comparative work that "compares multiple, overlapping, and discrete oppressions" rather than those that try to "construct a theory of hegemonic oppression under a unified category of gender" (1994, 18). This means that instead of relying on a stable understanding of gender to explain oppression, one needs to incorporate an intersectional analysis that is attentive to the ways that gender, race, class, and religion interact to produce different configurations of oppression between different

contexts. Therefore, a comparative analysis – which is state-centric and does not examine flows – is not sufficient to map out the contradictions, disjunctures and "multifaceted tamperings" found in transnational formations (Grewal and Kaplan 1994, 14).

Moreover, Grewal and Kaplan note that not all diasporas are alike, and that one must be attentive to each of their specific agendas and politics in order to understand the specific manifestations of transnational formations (1994, 16). Therefore, a transnational feminist analysis must take into consideration not only the direction of flow of information and cultural forms, but also the specific locations involved, the forms of borrowing that occur, as well as the manipulations and transformations that take place in relation to local interests and agendas. After all, as Grewal and Kaplan argue, "what needs to be examined in light of such transnational hegemonic 'borrowings' are the ways in which various patriarchies collaborate and borrow from each other in order to reinforce specific practices that are oppressive to women" (1994, 24). Mapping out the transnational linkages and specificities of patriarchal 'collaborations' and 'borrowings' between France and Québec can lead us to better understand the reasons anti-veiling laws have circulated and proliferated across these different contexts.

Following Grewal and Kaplan, my approach to a transnational feminist analysis of anti-veiling laws draws on several themes. The first theme foregrounds the transnational by examining the transnational linkages and flows that exist between different locales, including the movement of people, technologies, capital, and cultures. These linkages and flows can go in both directions and can include elements such as terms and concepts, but also people. The second theme centralizes gender in relation to intersectional oppressions across different locations; the aim is to draw out the interconnecting linkages between particular oppressions—which can look different in different contexts—focusing on the patriarchal collaborations and borrowing that

occurred to create the conditions for these intersectional oppressions. A third theme centralizes collaboration that is grounded in activist communities and struggles on the ground as a crucial part of feminist praxis. This implies that a crucial component of the analysis includes determining how local actors have been affected by transnational governance, as well as how they have tried to organize forms of resistance to try to disrupt such governance and/or to carry on living in the everyday.

Also drawing on a transnational feminist approach, Korkman and Razack's (2021) article, "Transnational Feminist Approaches to Anti-Muslim Racism," analyses anti-Muslim racism globally. Their approach to examining anti-Muslim racism is, 1) transnational, meaning that it is not bound by the borders of nation-states; 2) proliferating, in that it multiplies rapidly in different contexts through learning and implementation; and, 3) "linked to other racisms and projects of rule," in which anti-Muslim racism can piggyback onto and amplify other existing racist structures, such as anti-Blackness, settler-colonialism, and white supremacy, among others (Korkman and Razack 2021, 261). They also argue that anti-Muslim racism "morphs" as it travels from place to place, acclimating to local contexts and transforming itself (Korkman and Razack 2021, 261); this implies that anti-Muslim racism adapts and changes according to demographic, cultural, geographical, and historical factors. As such, it intertwines local and global processes and circuits, producing circulations that reveal the interconnectedness of anti-Muslim racisms across the globe. The interconnectedness of anti-Muslim racism includes but is not limited to, "authorized torture, extrajudicial killings, and a legally authorized eviction from political community," as well as the disciplining and surveillance of those "visibly associated with Muslim cultural practices" (Korkman and Razack 2021, 262). It also includes global anti-Muslim legal projects such as bans on Muslim women's dress, especially face veils, which use

arguments for "gender equality" to deny veiled Muslim women the right to work, travel, and live a life free from harassment and violence (Bakht 2021). Such bans also constitute an eviction from political community, which Razack has theorized as constituting a state of exception whereby violence can be enacted at will.

However, contrary to Razack, philosopher and gender theorist, Judith Butler, argues that those who are expelled from political community are not placed into a state of exception, where law does not apply. Rather, they are placed in a space that is overdetermined by law, and "saturated with power" (Butler and Spivak 2007, 40). Butler argues that the "jettisoned life," which refers to a life that has been both contained and expelled by the state, is "saturated with power precisely at the moment in which it is deprived of citizenship" (2007, 40). That is, those who have been expelled by the state and made to be 'outside' its boundaries, are not left to fend for themselves in a situation that Giorgio Agamben has called "bare life" (Agamben quoted in Butler and Spivak, 10). Butler argues that it is in such situations that the full force of state violence can be brought to bear on evicted lives with impunity. She gives the example of the prisoners in Guantanamo Bay. She reminds us that even those who are stateless are still under the control of state power, and that their lives are "steeped in power" (Butler and Spivak 2007, 9): "No one is ever returned to bare life, no matter how destitute the situation becomes, because there are a set of powers that produce and maintain this situation of destitution, dispossession, and displacement…" (Butler and Spivak 2007, 10). Therefore, we need more complex ways of understanding what happens to those who are constructed as outsiders and evicted from the political community. As Butler concludes, "we need more complex ways of understanding the multivalence and tactics of power to understand forms of resistance, agency, and countermobilization that elude or stall state power" (Butler and Spivak 2007, 42).

My contribution to a transnational feminist approach to anti-veiling laws combines Grewal and Kaplan's framework with Korkman and Razack's, while also incorporating observations drawn from my research. My view is that anti-Muslim racism / Islamophobia does not travel independently; it relies on particular carriers for transport. Those carriers of anti-Muslim racism / Islamophobia are governments and politicians, who borrow anti-Muslim policies and laws from elsewhere and import them to their own contexts (also in the form of policy, law, or public debate), albeit with some modification. Carriers of anti-Muslim racism/Islamophobia are also powerful civil society actors and organizations, who import anti-Muslim racist discourse in through media, private conferences, books, or other forms of public dissemination. These politicians and powerful civil society actors circulate transnationally and cite one another, installing a hegemonic discourse that creates the objects of which it speaks. Concurrently, they deny circulation and citation to any who might disrupt their hegemonic discourse, especially those Muslim women who have and continue to contest anti-veiling laws through public testimonies, protest, writing or through everyday resistance. Although anti-veiling laws enact a form of epistemic erasure towards those most impacted by them, veiled Muslim women across both sites (France and Quebec) continue to contest state laws through their everyday practices, including their spiritual practices.

The Sacred[46]

[46] Following Alexander, I use capitalize the word "Sacred," throughout the dissertation (unless it is used as an adjective) as it refers to one's lived experience of the Divine, spiritual praxis, embodied knowledge, and spiritual work. It refers to the immanent, rather than transcendent, conceptions of divinity that work through memory and the body to enact healing from process of colonialism, slavery, and other forms of trauma. (Alexander 2005, 15).

Transnational feminist scholars have also examined the relevance of spiritual practices to contemporary politics and to resistance against transnational forms of governance, particularly with regard women's agentic capacities that lie outside of a liberal understanding of freedom. M. Jacqui Alexander asks the provocative question in her book, *Pedagogies of Crossings: Meditations on Feminism, Sexual Politics, Memory, and the Sacred* (2005), "What would taking the Sacred seriously mean for transnational feminism and related radical projects, beyond an institutionalized use value of theorizing marginalization? It would mean wrestling with the praxis of the Sacred" (2005, 326). What does wrestling with the praxis of the Sacred mean? According to Alexander, wrestling with the praxis of the Sacred means taking seriously "the thought systems of a great number of people in the world who live the belief that their lives are intimately and tangibly paired to the world of the invisible" (Alexander 2005, 326-327). It means not only acknowledging, but understanding the contours of belief systems and different ways of knowing that reject the mind/body dualism so anchored in Western liberal thought, and that incorporate intimate knowledge about the spirit/soul into their daily lives and work

Another way of taking the Sacred seriously in the context of transnational feminism is understanding that the body and processes of embodiment constitute forms of knowledge, especially in terms of how the body becomes a site of memory/remembering that is not located in materiality. As Alexander explains with regard to practitioners of non-Western religions such as Vodou, "[they] inscribe [their traditions] in the bodies of the followers…the tradition, the memory of how to serve the spirits is held in the ritualized and ritualizing human body" (2005, 297). In other words, knowledge and practice in such religions go hand in hand as they inscribe—or mark—the bodies of followers in particular ways to indicate that learning has occurred. Alexander continues that, "Far from being merely superficial, these markings on the

flesh—these inscriptions—are processes, ceremonial rituals through which practitioners become habituated to the spiritual, and this habituation implies that requirements are transposed onto the body" (2005, 297). In a similar way, markings or inscriptions take the form of physical markers on the body—such as veiling the hair and body for women or growing a beard for men—as they are neither accessories nor mere aesthetic devices but rather indications that a process of learning has taken place and that the body is a carrier for a particular kind of knowledge. Disrupting that learning, and forcing someone to erase their markings/inscriptions is akin to forcing them to forget, to deny their own knowledge and through it, themselves. This is why it is important to center the body in analyses of anti-veiling laws because it ultimately disrupts the secular materialist framework that conceives of the body, mind and soul as separate and dis-membered, versus those knowledge-systems that conceive of the body as one part of whole, that link body, mind, and soul together in a nexus. As Alexander says, "If healing work is a call to remember and remembering is embodied, then we would want to situate the body centrally in this healing complex" (2005, 316). Put differently, in order to understand how Muslim women try to escape from or resist the violence of anti-veiling laws, it is important to recognize how they use their bodies to continue to remember, as a praxis of decolonization in order to heal from colonization. Wearing a veil can be a religious act but this does not exclude it from being, at the same time, about rejecting Western standards of beauty, affirming one's solidarity with a stigmatized community, as well as resisting the false dichotomies of secular ontology. In short, veiling can be an embodied form of resistance towards secular modernity that positions modernity and tradition as opposites, existing in a different time and place from one another. The veiled body can be an assertion that non-Western traditions are worthy of being remembered and practiced, that they

constitute a legitimate form of knowledge, that they exists in the here and now and in not some other time and place—no matter how hard the State tries to suppress their existence.

Furthermore, I agree with Alexander's contention that taking the Sacred seriously means "to take the lives of primarily working-class women and men seriously, [as] it would move us away from theorizing primarily from the point of marginalization" (2005, 328). Alexander's point is that from a certain point of view, the lives and experiences of working-class people might seem marginalized or oppressed; however, that is not necessarily how they interpret their own experiences. For example, the Muslim women I interviewed do not see themselves as victims, no matter how difficult things get in their everyday lives. Though constrained, they exert agency over their own lives, and they have ways of resisting state power that go undetected – that may even seem insignificant to most. And even when such resistance fails, they have their own ways of interpreting those failures; they retreat, reflect, and rebuild—themselves and their communities—and constantly try to survive using the resources at their disposal. It is this process of retreat, reflection, rebuilding and survival that I examine in Chapter 4.

Saba Mahmood also takes the Sacred seriously in her work, *The Politics of Piety: The Islamic Revival and the Feminist Subject* (2005), in which she studies religious women from the Egyptian Women's Mosque Movement. Mahmood argues that these women consciously cultivated pious subjectivities through embodied practices that helped them to inculcate ethical values that were in line with their understandings of the Sacred. For instance, one of the values they tried to inculcate was modesty, which is an attribute that is encouraged for both believing men and women in Islam according to a prophetic *hadith*[47] (Mahmood 2005, 156). Modesty can be embodied through wearing a hijab/niqab, wearing loose clothing that does not show the shape

[47] Hadith: saying, actions and rulings attributed to the Prophet Muhammad, peace be upon him.

of the body, living humbly and not seeking to attract attention to oneself (Mahmood 2005, 156); however, the agency required to intentionally cultivate modesty is not considered progressive within the secular-liberal understanding of feminism. Therefore, by uncoupling the notion of agency and embodiment from the interests of secular progressive politics, Mahmood demonstrates how through their pious practices these Muslim women, as agents, were able to cultivate their own subjectivities according to values they hold sacred. By analytically de-linking agency from the feminist idea of progressive resistance, Mahmood demonstrates how agency not only lies in one's capacity to subvert norms, but also in inhabiting them, in submitting to them for the sake of one's understanding of the Sacred. Mahmood also underlines the spiritual work involved in articulating a form of embodiment that has a different conception of human flourishing and freedom that what is usually held to be desirable within secular feminist politics. This is because women's emancipation is frequently associated with secular emancipation and freedom from religion; but as Mahmood demonstrates, secular emancipation is not in line with the desires of those whose conception of freedom is *through* and *within* religion, not against it. Therefore, for most of the women of the Mosque movement, freedom from veiling, for example, is not something that would be interpreted as true freedom, but rather as succumbing to external secular norms at the expense of spiritual growth and developing a relationship with the Divine.

Following Alexander and Mahmood, I take seriously the spiritual and Sacred experiences of those who have been impacted by anti-veiling laws, because such experiences are also frequently erased when examining the laws' consequences. In doing so, I examine the immense violence of the secular/religious binary, which constructs the secular and religious as separate spheres while also creating "religion" as a particular type of object that can only belong to the private sphere. This type of separation and designation not only requires constant political

intervention in creating the public/private distinction, but also entails a contortion of racialized religions purported to be too 'traditional,' 'barbaric,' and 'irrational' when compared with Christian religion. As Fernando writes, "...the disciplinary purpose...of laïcité more generally, [is] to remake Islam into a proper religion and Muslims into proper religious subjects who live their religion correctly" (Fernando 2014, 121). Both Islam and Muslims under secular regimes – regardless of where such regimes are located – are forcefully transformed so as to become legible to the secular state and no longer considered a threat. Therefore acknowledging the violent separation and contortion required to maintain the secular/religious binary is an important way of taking seriously how the Sacred is lived and experienced in people's lives.

Finally, I consider what taking the Sacred seriously means for a transnational feminist framework. First, I think it would mean taking seriously the politics of decolonization from a transnational, intersectional, and settler colonial framework (Dhamoon 2015). Decolonization includes the transnational because diasporas vary according to location, and because oppressions take forms that exceed the boundaries of the nation-state. Decolonization also includes intersectionality (Crenshaw 1991) because as Mohanty (2003) and others have demonstrated, "women" are not a monolithic category and they suffer from multiple forms of oppression, including but not limited to classed, raced, gendered, sexualized and colonial oppression. Although the concept of intersectionality has been highly debated and criticized for its relative absence of religion, especially with regard to studying religious women's agency (Singh 2015), it is useful in disrupting the seemingly monolithic subject of Veiled Muslim Woman (similar to the category of Third World Woman that Mohanty has critiqued in her work). Moreover, examining forms of oppression that are historically specific to some racialized communities but not others, such as anti-Blackness (Mugabo 2016), allows us to examine the specific ways that intersecting

oppressions produce qualitatively different experiences within and between different diasporic communities of colour. Finally, thinking through decolonization necessarily includes addressing settler colonialism, as well as non-Indigenous Peoples' implications in the ongoing project of settlement in Canada (and elsewhere). This includes the settlement of people of colour, whose political resistance to racism frequently ignores the way that nation-state mythologies subvert the essential ways of living, being and knowing of Indigenous Peoples (Haque 2012, Dhamoon 2015). Therefore, I take into account several distinct forms of oppression in my analysis in order to hold together various structures of violence, including settler colonialism, anti-Blackness, and Islamophobia, so as not to reproduce analyses of anti-veiling laws that erase other forms of state violence towards historically racialized communities.

Methodology

Theoretical Background

I use two methods in my research, incorporating in-depth interviewing (J. Johnson 2001) along with a Saidian method of analysing citational practices (citationality) within law and policy in order to interrogate the dominant discourses found in official government reports from anti-veiling from commissions.

John M. Johnston (2001) describes in-depth interviewing as a method that emphasizes building rapport and intimacy with interlocutors, so as to gain a similar depth of knowledge and understanding concerning a certain phenomenon as the person one is interviewing. It helps if the researcher has lived experience of the phenomenon under study, or if they are a member of the same community as their interlocutors, as these can enable mutual self-disclosure and trust building (J. Johnson 2001, 113). Although having lived experience or being a member of the

same community has drawbacks, one of which being the potential for taking for granted certain in-group knowledge (J. Johnson 2001, 108), the benefits of in-depth interviewing can outweigh such drawbacks due to the richness of the knowledge it can provide.

In-depth interviewing aims to gather more detailed information than what is possible through survey research, informal interviewing, or even focus groups. Unlike these other research methods, deep interviewing concerns personal matters that are important to "an individual's self, lived experiences, values and decisions, (...) cultural knowledge, or perspective" (J. Johnson 2001, 104). The goal of deep interviewing is to go beyond common-sense explanations, and to reveal the personal meanings behind taken-for-granted lived experiences, particularly if,

> ...the knowledge sought is often taken for granted and not readily articulated by most members, where the research question involves highly conflicted emotions, where different individuals or groups involved in the same line of activity have complicated, multiple perspectives on some phenomenon... (J. Johnson 2001, 105).

As anti-veiling laws evoke highly conflictual emotions and multiple perspectives on veiling practices, in-depth interviewing was especially relevant. Moreover, in-depth interviewing allows the researcher to share their own life experiences, which may help to reduce the inherent power-imbalances within the interviewer-interviewee relationship. For example, in her research with Black women, researcher Azeezat Johnson, who also identifies as a Black woman, discusses a type of role reversal that allowed interviewees to ask her questions in return, so that the knowledge produced was a sum of a combined dialogue and not just a one-way interaction (A. Johnson 2020, 90). In this sense, in-depth interviewing approximates a "dialogical" method

theorized by prominent Black feminist theorists,[48] which emphasizes the fact that "knowledge is produced through embodied interactions" (A. Johnson 2020, 93).

In addition, I draw on Edward Said's *Orientalism* (1979) to interrogate the citational practices used in anti-veiling laws and related texts. In his landmark work, Said examines the power/knowledge nexus to show the complicity between academic knowledge and forms of subjugation and administration of colonial others, pointing out the discursive mechanisms that construct the "truth" about the Orient. Orientalism, thus, "…[is] a practice that *constitutes not only the object but also the subjects who are investigated*…" (Yeğenoğlu 1998, 22). Said argues that this practice, which is discursive, involves "a system for citing works and authors," (1979, 23) which has an "internal consistency and a highly articulated set of relationships to the dominant culture surrounding it" (1979, 22). This system of "citing works and authors" is apparent when analysing documents centered around a certain theme—as anti-veiling laws are. Said continues, "[m]y analyses consequently try to show the field's shape and its internal organization, its pioneers, patriarchal authorities, canonical texts, doxological ideas, exemplary figures, its followers, elaborators, and new authorities" (1979, 22). Similarly, I aim to show how the various anti-veiling laws and texts not only cite one another, but also engage in citational practices that authorize a new vocabulary alongside certain "exemplary figures" that constitute "new authorities" in legal discourses. The citation practices within legal discourse are well documented, particularly for Euro-American forms of law (Amiraux and Gaudreault-Desbiens 2016). As authors Goodman, Tomlinson and Richland argue, "citationality figures in constituting

[48] Although I do not explicitly use their methods here, both Patricia Hills Collins and bell hooks have discussed the importance of dialogue as method within Black feminist epistemologies. See Azeezat Johnson for a discussion on how she used "dialoguing" in her study on/with Black Muslim women in Britain (2020).

not only the systems and epistemologies of law and legal language, but also the subjectivities of the social actors whose practices constitute law's re-enactment" (2014, 457). This passage suggests that not only is it important to pay attention to the citational practices in legal texts – that is, who they take as authoritative and who they do not – it is also crucial to examine the subjectivities that emerge from them. As Goodman, Tomlinson and Richland further argue, citation, subjectivity and knowledge go together, because "speakers marshal various figures or voices in order to take up particular stances or positions in the world" (2014, 456). Examining citational practices and the figures or voices and subjectivities they engender, as well as those they leave out entirely, are essential to analysing anti-veiling laws and related texts.

Method and Sources

I use a Saidian method of analysing citational practices to examine the ways in which different figures, both subjects and objects, are revealed in anti-veiling laws and related government texts. I analysed legal texts, court decisions, commission reports, internal government memos, political speeches and all publicly available documents that discussed anti-veiling laws. I chose my sources according to the public documents that were widely available and that engaged in what Sharma and Gupta call, "public cultural representations and performance of statehood" (Sharma and Gupta 2006, 18). These included official commission reports and legal texts produced by governments in France and in Quebec, and that are widely cited in several of the landmark studies that address anti-veiling laws in France and/or Quebec (Asad 2006) (Scott 2007, Bowen 2007, Milot 2009) (Laxer 2019) (Lépinard 2020). While these are not exhaustive, they can be seen as emblematic texts constituting a sit of production of hegemonic discourses.

The French government/legal documents I consulted were: Opinion of the assembly general of the Council of State [*Avis rendu par l'assemblée générale du Conseil D'État*](Conseil d'état 1989), the Jospin Circular (Jospin 1989), the Bayrou Circulars (Bayrou 1993) (Bayrou 1994), the Stasi Commission Report (Stasi 2003) (Stasi 2005), the Law Banning the Wearing of Religious Signs in Public Schools (L'Assemblée Nationale de la République Française 2004), its Circular of Application (Journal officielle de la république française 2004), the Debré Commission Report (Debré 2004), the Gérin Commission Report (Gerin 2010), and the 2010 law that bans covering the face in public space (L'Assemblée Nationale de la République Française 2010).

The Quebec government/legal documents I consulted were the following: Building the Future: A Time for Reconciliation (Bouchard and Taylor 2008), Bill 94: An Act to establish guidelines governing accommodation requests within the Administration and certain institutions (National Assembly of Québec 2010), Because we believe in our values: Governmental propositions [*Parce que nos valeurs, on y croit: Propositions gouvernementales*] (Drainville 2013) and Because we believe in our values: Orientation Document (Drainville 2013), and Bill 60: Charter of Values – Answers to Questions from Family during Holiday Parties [*Projet de loi 60: Charte des valeurs – Des réponses aux questions de votre famille pour les partys des Fêtes!*] (Radio-Canada 2013) and Bill 60: Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests (National Assembly of Québec 2013). I also examined the following reports from the Conseil du statut de la femme in Quebec: Right to Equality Between Women and Men and Freedom of Religion (2010) [*Droit à l'égalité entre les femmes et les hommes et liberté religieuse* (2007)].

I decided not to analyse anti-veiling laws that were enacted in Quebec post-2014, such as Bill 62 (National Assembly of Québec 2017), and Bill 21 (National Assembly of Québec 2019), as I had concluded the fieldwork portion of my research in 2014 and thus had not gathered any further interview data from those most impacted by the post-2014 laws. As my method incorporates both fieldwork research and textual analysis, I decided to centre my analyses on only those anti-veiling laws that had been enacted between 2004 and 2014, as these coincided with the fieldwork and interview data I had gathered. While I do discuss anti-veiling laws enacted in Quebec post-2014, they are not a central part of my analysis; nonetheless, I do think that my findings and discussion may also be relevant for these later laws. I discuss this in more detail in the concluding chapter with a view to future research.

Although it was not my aim to conduct a systematic media analysis, I also consulted newspaper articles that were available online from the major daily newspapers. These included French newspapers (*Le Monde*, *Le Figaro*, *Libération*) and Québec newspapers (*La Presse*, *Le Devoir*, *Le Journal de Montreal*, and the *Montreal Gazette*). These secondary sources were used to supplement the points made by my interlocutors in the interviews I conducted, and to triangulate the information obtained in interviews and legal/policy texts. Media sources were not used as primary sources except when they contained public statements made by elected officials that would otherwise not be accessible.

The purpose of conducting interviews was to identify the ways that interlocutors understood and resisted state laws and discourses in their everyday lives across transnational sites that had implemented anti-veiling laws. Because many of the studies I consulted failed to center the lived experiences of un/veiled Muslim women in their analyses—as demonstrated through my literature review—I used interviews to foreground the numerous ways that Muslim

women protested and resisted the impacts of state power and governance in their lives. I used in-depth interviewing to ask my interlocutors about these impacts, including the affective, spiritual, and psychological impacts of anti-veiling laws. Appendix A shows the framework for interview questions. The interviews ranged from one to two hours in length per individual, and were recorded after receiving written and oral consent. All individuals interviewed were adults between the ages of 20 and 50, and they all identified as Muslim women. Aside from a few activists who were associated with civil society organizations and who did not practice veiling, most of the women interviewed either currently, previously, or periodically wore a headscarf, except for two people who wore niqabs. I use the term veil/veiling as an umbrella term to denote either a hijab (a scarf that covers the hair, and usually neck and ears), a niqab (a scarf that covers the same areas of the body as a hijab, but with the addition of a removable piece of cloth that covers the nose and mouth but not the eyes), or a turban (a scarf that is wrapped around the head and covers the hair but not the neck and ears/earlobes). When necessary, I identify the specific type of veil that my specific interlocutor wears, as well as the terminology they use to describe it.

After conducting and transcribing 47 interviews, which were conducted in either French or English depending on the language preference of the interviewees, I coded them using the methods outlined in Johnny Saldaña's, *The Coding Manual for Qualitative Researchers* (2016). I coded the interviews for repeated terms, affect, contradictions, and narrations that centered lived experiences, and also when my interlocutors seemed to be responding to anti-veiling discourses/debates/laws directly. I also coded sections when respondents made mention of anti-veiling laws in another country/context. I noted several instances where respondents did not fit neatly into the France/Québec categories I had initially divided them into, nor into the individual/activist categories. Some respondents that I had interviewed in France travelled to

Québec and back for work, and some respondents I had interviewed in Québec were originally from France and were deeply aware of and, at times, implicated in the struggles there. Whenever I encountered such individuals, I labelled them "multi-positioned," because it seemed as though travelling between these two sites gave them a particular lived experience with regard to anti-veiling laws that my other interlocutors did not share. Their experience of travel and living in a different site with its own particular context of anti-veiling, reflected one of the "survival strategies" that I discuss in Chapter 4. A summary of interview questions can be found in Appendix A.

Positionality

I was born in Mauritius and immigrated as a child along with my parents to T'kronto, the traditional territory of many nations including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples. Despite being from a colonized country, I had no deep understanding of European colonialism in Canada nor what it meant to be an uninvited guest on these traditional lands, which is home to many diverse First Nations, Inuit and Métis peoples, until much later in my life.

As a racialized researcher who identifies as female, heterosexual, Muslim and who also wears a hijab, one of the things that struck me the most about my time spent doing fieldwork, particularly in France, was how much my positionality affected the scope of my research design *a priori* and affected my experiences while I was in the field. To my knowledge, there are very few hijab-wearing Muslim researchers who work on anti-veiling laws.[49] Compared with the

[49] For example, the only other researchers whom I know who wear a hijab are French sociologists, Fatiha Ajbli and Malika Hamidi, and Quebec-based religious studies scholar,

number of researchers who do not wear a hijab (and who are not Muslim), those who do are in the minority. Because of this unique positionality there are challenges as well as opportunities that impact the course of research, which I have written about in more detail elsewhere (Jahangeer 2021). Case in point: because I wear a hijab in my everyday life, I could not volunteer to work in a French public school, as some researchers had done previously [e.g. (Adrian 2009) (Fernando 2014)]. Even prior to the enactment of the 2004 law, French public schools were deemed to be secular spaces and teachers and volunteers were deemed as representatives of the French Republic and were thus required to keep their appearance 'neutral' (translation: they must not show any 'sign' of their religious affiliation on their bodies).[50] It was also very difficult to meet with teachers, other public servants or politicians, [e.g. (Laxer 2019)] because again, I was not allowed to enter government buildings or school buildings while wearing a headscarf. On the rare occasion that I did meet a public servant, we met in cafés, restaurants, or even once, at a local park during their lunch break. I did not meet with any politicians. I met only with activists and a few academics who were recommended to me through my networks. Fieldworking while veiled, it seemed, involved coming up with creative ways to circumvent anti-veiling laws in order to conduct research.[51] This creativity mirrored what many of my interlocutors experienced more intensely in their everyday lives. Similar to what Michel de Certeau observed, my interlocutors also deployed a "'dispersed, tactical, and makeshift creativity" as they were "already caught in the nets of 'discipline'" (quoted in Jouili 2009, 461).

Zeinab Diab. There may be more whom I do not know and there may also be those who are previously or periodically veiled.

[50] I will discuss this prohibition at length in chapter 2.

[51] See Jahangeer (2021) for a lengthier discussion of the methodological challenges I faced as a racialized, hijab-wearing researcher while conducting fieldwork in Quebec.

As I could neither work nor volunteer in French public schools, I changed the age group of my target demographic from young adults to adults. While this could be viewed as a limitation, I found it to be an advantage. Instead of interviewing young high-school Muslim girls between the ages of 13-17 as I had originally intended, I broadened my focus to Muslim women between the ages 18 and 50. As this sample size would be quite large without any limiting criteria whatsoever, I limited my sample to only those who had some personal experience with veiling: either they wore a hijab or niqab currently (i.e. including at school or work or in public spaces), previously (i.e. they had stopped wearing a hijab or niqab altogether in order to continue going to school or work), or periodically (i.e. they wore a hijab/niqab only outside of school or work). With the exception of activists, I did not interview Muslim women who had no personal experience with having veiled and/or unveiled for several reasons. First, the scope of my research included those who were affected by anti-veiling laws in a direct manner, as these women are the targets of such laws. Second, the women who are the targets of anti-veiling laws were rarely consulted prior to proposing the laws and even less so following their implementation. Therefore, my research acts as an important corrective to this erasure to add to the small but growing literature that also seeks to amplify the silenced voices of these Muslim women. Third, my research amplifies the lived experiences of Muslim women who have been impacted by anti-veiling laws by having them speak *in their own words*. Although many of the interviews are my translations, I highlight the sentences and concepts of each woman that I interview in order to bring out the immense diversity of not only their ideas but also the ways that they have found to resist the laws imposed onto them. Their actions, speech and modes of disruptions, even when not always 'successful,' serve as an important record of the numerous

ways that these women continue to protest and resist what they perceive as unjust and oppressive injunctions.

Another reason for limiting my interviews to only those women who have had direct experience with un/veiling is that it might be easier for me, as a woman who wears a hijab, to solicit such interviews, as there is a shared lived experience of discrimination between those who wear a visible marker of their religion – especially in diasporic contexts. Given the limitations I faced as a researcher, such as not being able to enter certain spaces (e.g. schools, government buildings) and not having access to certain types of people in positions of power (e.g. politicians, civil servants), this was one of the few advantages of being a person with situated knowledge about veiling, similar as those being interviewed. Within social science literature [e.g. (Kanuha 2000)], I would be considered an 'insider' researcher, because of my gender, my Muslim faith, the fact that I wear hijab, and because French is one of my mother-tongues (along with Mauritian creole). Simultaneously, I would be considered an outsider because I am neither a French citizen nor Québécoise, neither am I am racially Arab (who constitute the majority of Muslim French) but rather South Asian. I also speak French with a somewhat Anglophone accent that identifies me as North American (specifically, Canadian). However, following Linda Tuhiwai Smith's work on *Decolonizing Methodologies: Research and Indigenous Peoples* (2012), I wanted to go beyond merely positioning myself within the language of insider-outsider, because I think that the project I am engaged in is broader than what this vocabulary allows. For instance, Tuhiwai Smith discusses the use of the term "Indigenous Peoples" (instead of indigenous "populations," which has no legal meaning) and argues that although there are differences between Indigenous Peoples from different parts of the world, this term,

> ...enables communities and people to come together, transcending their own colonized contexts and experiences, in order to learn, share, plan, organize, and struggle

> collectively for self-determination on the global and local stages. Thus, the world's indigenous populations belong to a network of people (2012, 7).

Though not equivalent to Tuhiwai Smith's idea of the network that Indigenous Peoples share, for Muslims I argue that the concept *ummah*, which loosely refers to belonging to a (transnational) community of Muslims, points to a similar type of network of identity and belonging. For instance, whenever I meet another Muslim person anywhere in the world, and especially a Muslim woman, it is common for us to exchange a traditional greeting in Arabic,[52] while recognizing and confirming that we belong to the same faith community. Exchanging such greetings is especially common between Muslim women who practice veiling, as it is a visual marker regardless of style that allows us to recognize that we belong to a transnational community of Muslims. For example, part of the time that I spent in France, and later in Québec, occurred during the month of Ramadan, the Muslim holy month of fasting; this meant that I had access to places and groups where potential participants were likely to frequent, for example mosques or all-female religious gatherings, because these were places I sought out and frequented for my own worship. I met several of my interlocutors in such places, usually through acquaintances I already knew, and it was easy and natural to interact with one another in such settings. Also being a veiled woman gave me both insight and access into the intersectional oppressions and the "complex agency" (Fadil 2011) of women who wore a veil in a context where veiling is seen as a marker of submissiveness, oppression, and aggression. In short, I had similar lived experience (e.g. discrimination, Islamophobia), accessed the same spaces (e.g. mosques), and used similar linguistic conventions and embodied practices (e.g. greeting one

[52] For example, *assalamu'alaikum*, meaning, peace be onto you, or the short form, *salaam*, meaning peace. This type of greeting is common between Muslims from any sect of Islam, regardless of whether one identifies as Shi'a, Sunni, Ahmadi or Ismaili.

another in Arabic, wearing a hijab) as many of my interlocutors. These factors made it easier for my interviewees to trust that I was a researcher who was sympathetic to their life experiences, because in many ways, their experiences were similar to my own. Paradoxically, this was one of the few advantages I had as researcher who is part of a marginalized minority across a transnational diasporic Muslim *ummah*.

Participants

I traveled to Paris and Montreal several times between 2012 and 2014, each time becoming more and more attuned to the multiple connections between the two locales. I was also in Montreal in late-2013 when the debates around the PQ's Charter of Québec Values were in full swing.[53]

I conducted nine months of fieldwork in both Paris, France, and Montreal, Canada, between 2012 and early-2014, which included 6 months in Paris and 3 months in Montreal. Over a-year-and-a-half, I conducted 29 interviews with (un)veiled[54] Muslim women in Paris, France, and 18 interviews with (un)veiled Muslim women in Montreal, Québec. As mentioned, I interviewed women who had direct experience with veiling currently, previously, or periodically. I also interviewed activists who had been affiliated with groups who worked to oppose anti-veiling laws. These groups, which I discuss in Chapter 3, had much less media exposure than those that supported anti-veiling laws, therefore my research prioritized them as part of an effort to counter their marginalization. Among my interviewees I differentiated between those with no

[53] I discuss this debate in greater detail in (Jahangeer 2021).
[54] I use this term to denote both veiled and unveiled Muslim women, that is, women who currently wear and/or have stopped wearing either a hijab or niqab, or who wear it only occasionally; it also includes those who have never worn any type of veil, for example, some activist.

significant political associations or affiliations (i.e. individuals), and those who were actively involved in political or civil society groups (i.e. activists), leaving the categories open those individuals who traversed both and for those who travelled between France and Québec.

I interviewed differently situated people: the majority were veil wearers currently or at some point, except for activists/academics, and public servants (including one teacher), as there are few who can continue doing the work they do while veiling. I interviewed more activists/academics than public servants as it was difficult for me to solicit interviews from public servants for reasons stated in the section on positionality (and both times the interviews were off the record). From a transnational feminist lens, I expected the activists/academics to be most familiar with debates that were taking place in other countries/contexts, as they would be most likely to have networks in different countries or access to knowledge about contexts other than their own. For the most part I was correct. I did not expect respondents who were not activists or academics to have as much knowledge about anti-veiling laws in other countries as those who were, but I was surprised that several of them did have such knowledge either due to travel or due to having family members or friends who had undertaken *hijra* (migration) as result of anti-veiling laws, which I discuss in Chapter 4. Therefore, there were different forms of transnational knowledge and networks being mobilized in relation to my interlocutors based on their positionalities (e.g. whether they were politically active or not, whether they worked in the higher education sector, whether their social circles had transnational mobility, etc.).

Among my French interviewees, 24 respondents veiled currently, previously, or periodically, and 5 did not veil. Out of the 24 women, one person wore the niqab while 23 wore the hijab. Out of the 29 women overall, 15 identified as activists who advocated on behalf of Muslim women as part of either secular or religious community groups while the remaining 14

did not identify as activists and did not advocate as part of religious groups. The demographic characteristics of the individuals I interviewed in Paris can be viewed in Appendix B. I included a question regarding my participants marriage status because one of the assumptions behind anti-veiling laws is that girls/women are coerced to veil by their fathers/brothers/husbands, or by other male community members. I did not find this to be the case for my participants as there was never any mention of male family member unless I specifically asked about them, and they rarely if ever came up when asked about motivations for veiling; these interviews are found in Chapter 1.

I recruited individuals who identified as activists through a network of activist I met at the Critical Muslim Studies Summer School, in Granada, Spain, in 2012, who then put me in touch with several other French activists in their network. From then I used snowball sampling to meet other Muslim women in France who were either activists, or who had no political affiliation (i.e. individuals). I also had several friends and family members living in Paris who helped put me in touch with Muslim women they were already acquainted with. I also met Muslim women on the Paris metro, in mosque gatherings (e.g. La mosquée de Paris), at colloquiums (e.g. organized by the École des Hautes Études en Sciences Sociales) and in gatherings organized by community groups and NGOs (e.g. the Collectif Contre l'Islamophobie en France's [CCIF] annual fundraising dinner, Nissa, Mamans Toutes Égales [MTE], Les Femmes de Demain [LDF], etc.).

I interviewed 18 women in Montreal, Québec, 8 of whom identified as activists and 10 of whom were not politically active. Among these women, 10 wore a hijab, 1 wore a niqab, 2 had stopped veiling, and 5 did not wear either a hijab or niqab. The activists I interviewed were recruited through a mixture of personal contacts, snowball sampling, and contact with several

groups in Montreal, including the Unity Mosque of Montreal, Muslima Media Watch, the Centre Soufi de Montréal, the Fédération des femmes du Québec (FFQ), the Association des Musulmans et des Arabes pour la Laïcité au Québec (AMAL), and the Collective des féministes musulmanes du Québec (CFMQ). Non-activist Muslim women were recruited using my own personal networks in combination with the snowball sampling method. The demographic characteristics of the individuals I interviewed in Montreal can be viewed in Appendix C.

Chapter Outline

In Chapter One, "Anti-Veiling Laws," I trace the historical development of anti-veiling laws in France between 1989-2004, and in Québec between 2006-2014. I begin by contextualizing anti-veiling campaigns historically in France and Quebec, as well as how such laws have developed at the supra-national level, which includes rulings at the ECtHR and ECJ. I highlight the transnational circulation of people, texts/vocabulary, and erasures that occurred in each of the anti-veiling laws discussed. I use interviews with my interlocutors to make an argument for using the term "anti-veiling laws" rather than the more common, 'laws prohibiting religious symbols.'

Chapter Two, entitled, "The New Secularism" describes the transformation of secularism from its historical form into what is now called the new secularism [l*a nouvelle laïcité*], a term that emerged in a key government report. I analyse the 2003 Baroin report, and the subjects it enabled: the new secular French subject, the "republican elite" from an immigrant background, and the "fundamentalist" veiled Muslim woman or girl. I examine how the new secularism traveled to Quebec by way of policy transfer. Lastly, I contrast how my interlocutors, Muslim women living in France and Quebec, understood historical secularism and their relationship to it.

Chapter Three, "Feminist Subjects," extends the analysis of the new secularism to demonstrate its alliance with new forms of secular feminism. After giving examples of these new

forms of secular feminisms that emerge during anti-veiling debates, I examine the emergence of "native testimonials," (Mahmood 2008) which is a new genre of literature produced by 'good' Muslims who claim affiliation with Islamic cultures while extoling the virtues of Western societies and norms and denigrating 'bad' Muslims and Islamic societies as misogynous. Conversely, I also foreground the interviews I conducted with Muslim feminist activists who confronted their subjectification as Dangerous (veiled) Muslim women. Some of the women I interviewed were also active in feminist movements, both secular and Muslim-specific, and their actions directly challenged the claims made about them by secular feminist subjects.

Chapter Four is organized around the theme, "Surviving Islamophobia." It delves into the everyday experiences of my interlocutors as they navigated anti-veiling laws in France and Québec. It discusses their experiences with anti-veiling laws in the contexts of education and employment, and the ways that such laws have enacted violence in their lives. It also examines the survival strategies (Gondolf and Fisher 1988, St. Vil, et al. 2017) they used in the face of structures of violence in order to continue working, going to school, and navigating public space. It also discusses migration (*hijra*) as a survival strategy and as a religious imperative in the face of mounting state Islamophobia.

Finally, I conclude with a summary of the impacts of anti-veiling laws over the last twenty years, and discuss whether such impacts are ever considered when proposing further anti-veiling laws. For the most part, once anti-veiling laws are implemented, they become their own justification and other governments learn from them in order to enact their own anti-Muslim laws/policies. Anti-veiling laws are used as tools for particular purposes but their impacts are never measured after the fact; there is no official assessment about the soundness of the

law/policy once enacted. I comment on current legal cases against anti-veiling laws post-2014, with a view to future research.

CHAPTER 1 – ANTI-VEILING LAWS

Introduction

Since France's 2004 law prohibiting "religious symbols" in public schools, laws that restrict the wearing of headscarves (*hijabs*) and/or face-veils (*niqabs*, *burqas*) have proliferated across Europe and parts of North America (notably, Quebec). Of the twenty-seven member-countries of the European Union (EU), those that have implemented laws banning face-veils include France (2010), Belgium (2011), Bulgaria (2016), the Netherlands (2016), Austria (2017), and Denmark (2018). Other EU countries such as Germany, Italy, Norway, and Spain have implemented either partial or local bans on headscarves and/or face-veils, which are in effect only in certain cantons, provinces, or cities. Non-EU member-countries, such as Switzerland,[55] have recently initiated country-wide bans on wearing face-veils—even though wearing a mask was made compulsory in all parts of the country due to COVID-19.[56] Many other European countries, such as Latvia, Sweden, or the United Kingdom, have had heated debates over banning face-veils and/or headscarves but have not implemented any laws as of this writing. See Appendix E for a table that outlines the global reach of anti-veiling laws.

Canada is the only country throughout North America where a provincial law has been enacted that prohibits wearing headscarves and face-veils in certain professions (see Appendix E). In 2019 Québec, Canada's only francophone-majority province, passed Bill 21, *An Act Respecting the Laicity of the State* (National Assembly of Québec 2019). It restricts judges,

[55] In Switzerland, a 2021 nationwide referendum showed that 51.2% of voters supported a ban on full face coverings, which was proposed by the Swiss People's Party, an anti-immigrant, populist party that had also lobbied to ban minarets in 2009. Switzerland is expected to enact a country-wide ban within the next two years. See (Jones 2021)

[56] Switzerland's Federal Office of Public Health released official guidelines on the compulsory wearing of masks across the country. See (Federal Office of Public Health 2021).

police officers, government lawyers, prosecutors and public-school teachers, among a long list of public sector personnel, from wearing "religious symbols" while executing their functions.[57] These "religious symbols," include, "any object, including clothing, a symbol, jewellery (*sic*), an adornment, an accessory or headwear, that (1) is worn in connection with a religious conviction or belief; or (2) is reasonably considered as referring to a religious affiliation" (National Assembly of Québec 2019, 7). This general definition of what constitutes a "religious symbol" has rightly been criticized for being too vague and wide-reaching, as it could apply to anything from wedding rings to tattoos depending on the circumstance (Freed 2019) (Barras and Saris 2020).

At the supranational level, the European Court of Human Rights (ECtHR)'s rulings in several high-profile cases have led to the proliferation of anti-veiling laws in Europe.[58] For example, its ruling in *S.A.S. v. France* (2014) upheld France's 2010 ban on covering one's face in public (even though there has since been another law passed to require mask-wearing in the context of COVID-19). In *Belcacemi & Ouassar v. Belgium* (2017) and *Dakir v. Belgium* (2017), the ECtHR similarly upheld Belgium's 2011 national ban on full face-veiling in the public sphere.[59] Likewise, in 2017, the Court of Justice of the European Union (CJEU) issued a judgement in favour of a private company that had fired their hijab-wearing employee based on an "unwritten" internal rule that held that employees should maintain a neutral appearance and

[57] Québec's Laicity Act is currently being contested in court by provincial school boards, community groups, and civil liberties associations. See (Canadian Civil Liberties Association 2020)
[58] Refer to Neville Cox's (2019) introductory chapter for a full elaboration of relevant cases.
[59] See, *1er Juin 2011. Loi visant à interdire le port de tout vêtement cachant totalement ou de manière principale le visage* [Law to prohibit the wearing of any clothing which completely or principally hides the face] (Service Public Federal Interieur 2011)

not wear any political, philosophical or religious symbols.[60] This judgement was criticized as being deeply problematic because, for one, it extended the obligation of neutrality with regard to religious or political affiliation to private sector workers, whereas only public sector workers are obligated to maintain neutrality (Howard 2020). Both the ECtHR and the CJEU rulings made it clear that European member states have a wide margin of appreciation when enacting national laws – including laws that restrict individual liberties in favour of State-defined values of secularism, neutrality, and "living together."

These numerous examples of the national and international proliferation of anti-veiling laws demonstrate their rapid adoption across several countries and continents over the last twenty years. Such a spectacular eruption of interest, debate, and legislative activity aiming to regulate the "religious symbols" worn by a minority of religious adherents did not occur accidentally. Therefore, it requires examining where, how, and why such a phenomenon occurred and continues unabated in the contemporary moment.

In this chapter, I explain my use of the term 'anti-veiling laws' and apply a transnational feminist lens to understand how such laws have circulated within and across France and Québec between 2003 and 2014. I interrogate the vocabulary used in conjunction with the term, "religious symbols," and how this vocabulary proliferated while at the same time erasing the experiences and testimonies of religious minorities. I share select passages from interviews that I conducted with Muslim women in France and Quebec whose experiences reflected a situated knowledge of veiling, which contests the dominant characterization of veiling as a "religious

[60] See, *Judgements of the Court of Justice in Cases C-157/15,C-188/15 G4S Secure Solutions* (Court of Justice of the European Union 2017)

symbol." I conclude with some thoughts about anti-veiling laws and their use as a tool of secular and religious governance as well as nation building.

Defining Anti-Veiling Laws

The term *anti-veiling laws* has been used by scholars who have studied the proliferation of laws that prohibit the wearing of face-veils and other garments that are associated with the veiling practices of Muslim women across several countries in Europe and at the supranational level. Legal scholar, Neville Cox, uses 'anti-veiling laws' to describe the various European laws that restrict the wearing of what he terms, "Islamic veils," which denotes "all headscarves and face veils that are worn because the wearer believes that this is required by the law of God" (2019, 2). Cox defines anti-veiling laws as referring to all, "ministerial regulations, terms and conditions of employment, school rules or Acts of Parliament," that restrict the wearing of any kind of Islamic veil in specific contexts (2019, 2) – even if the laws themselves do not state so explicitly.

Similarly, most of the laws that I study do not explicitly state that they are banning veiling practices. On the contrary, aside from the 2004 French law that prohibits "the wearing of symbols or clothing showing a religious affiliation in public schools, colleges and high schools" (L'Assemblée Nationale de la République Française 2004), the other laws that I examine do not even mention Islamic veils. They mention instead, prohibiting concealment of the face in public spaces (which does not apply to masks or other clothing worn for health reasons or festivities) (L'Assemblée Nationale de la République Française 2010); establishing guidelines governing accommodation requests within administration and certain institutions (National Assembly of Québec 2010); affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests (National

Assembly of Québec 2013); fostering adherence to State religious neutrality and providing a framework for requests for accommodations on religious grounds in certain bodies (National Assembly of Québec 2017); and finally, respecting the Laicity of the State (National Assembly of Québec 2019).

None of the preceding laws mention veiling in particular, though they frequently mention "religious symbols," which includes Islamic veiling. They also frequently group together other religious and cultural practices that are deemed by politicians to constitute "religious symbols," such as the Jewish head-covering (kippa/yarmulke), the Sikh headwear (dastar/turban), and the Christian crucifix. They do not identify religious symbols from other faith traditions (e.g. African, Hindu, Indigenous, etc.), and frequently leave the task of identifying what constitutes a "religious symbol" to unqualified authority figures (e.g. teachers) or to specially designated government personnel, who have been criticized as constituting a "secularism police" (Shingler 2019).

Despite the fact that the term "religious signs/symbols" is widely used within academic literature that discusses laws prohibiting specific forms of clothing worn primarily by Christians, Jews, Muslims, and, Sikhs, I nonetheless insist on foregrounding the term "anti-veiling laws" in my research. I do this for several reasons. First, although the laws mentioned may at times prohibit the "religious symbols" of other religions, their common denominator is always the hijab/niqab and may at times include clothing that resembles veiling, such as the burkini.[61] For

[61] In 2016, the mayors of 40 French villages tried to ban the 'burkini' on public beaches (Tayyen 2017, 112). The 'burkini' is a name for a full-body swimsuit that covers everything except a person's face, hands and feet, similar to a surfing rash guard. However, government officials described the burkini as "a beach version of the burqa" meant to "enclose, to hide women's bodies the better to control them" (cited in (Wolfreys 2017, 88). Although the government later overturned the bans, the burkini remains a recurring theme in politicians' discourses around Islam.

example, if we examine what items of clothing are prohibited – in practice – in all of the laws around clothing prohibition that have been passed or that governments have attempted to pass in France and Quebec between 2004 and 2019, it is not difficult to discern that the clothing item that is always prohibited is the niqab—which is a form of veiling (See Table 1). Several laws target only the niqab and not the symbols of other religions, for example France's Law of 2010 (L'Assemblée Nationale de la République Française 2010), Quebec's Bill 94 (National Assembly of Québec 2010), and Bill 62 (National Assembly of Québec 2017). No other religious symbol is singled out and prohibited by legislations in this way, neither large crucifixes, nor kippas, nor turbans.[62]

Table 1: Prohibited clothing from French/Quebec Bills/Laws between 2004 and 2019

Year	Country/Province	Bill/Law Name	Prohibited Clothing
2004	France	Law Banning the Wearing of Religious Signs in Public Schools	Large Crucifixes, Kippas, Hijabs, **Niqabs** (also incl. Turbans (*dastar*) but not specifically named in the circular of application)
2010	France	Law Banning Covering the Face in Public Space	**Niqabs**
2010	Québec	Bill 94: An Act to establish guidelines governing accommodation requests within the Administration and certain institutions	**Niqabs**

[62] Although certain religious objects may have become the subject of court cases – for example the Sikh ceremonial dagger (*kirpan*), which is worn by Sikh men, became the focus of the Multani affair – rarely do the debates lead up to prohibitive laws against such objects. In fact, the kirpan is completely excluded in discussions around prohibiting "religious symbols," possibly because the Supreme Court of Canada had already ruled its wearing to be permissible under certain conditions. See (Multani v. Commission scolaire Marguerite-Bourgeoys 2006).

2013	Québec	Bill 60: Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests	Large Crucifixes, Kippas, Hijabs, **Niqabs**, Turbans
2016	Québec	Bill 62: An Act to foster adherence to State religious neutrality and, in particular, to provide a framework for requests for accommodations on religious grounds in certain bodies	**Niqabs**
2019	Québec	Bill 21: An Act Respecting the Laicity of the State	Large Crucifixes, Kippas, Hijabs, **Niqabs**, Turbans, and any other identifiable "religious symbols"

The second reason that I use the term 'anti-veiling laws' is to specify that my interlocutors do not consider the hijab (or a niqab) to be a religious symbol. Although it is true that someone may wear a hijab/niqab for many different reasons, which includes secular, cultural, as well as religious reasons, most of my interlocutors privileged the religious reasons. For many of them, wearing a hijab/niqab is part and parcel of their religious practice, a way of dressing that reflects their deeply held spiritual convictions after having undergone a process of learning. Although wearing a hijab/niqab does identify the person wearing it as a Muslim to an outside observer in a Western context, that is not its purpose nor the reason why most of my interlocutors decided to wear a hijab. Therefore, they would consider the term "religious symbol" to be a misnomer when applied to the hijab/niqab; the circulation of this term and its use among politicians, civic groups, scholars, and media is a reflection of the widespread erasure of Muslim women's participation in anti-veiling commissions. As Cox crucially remarks, "it is one of the hallmarks of those governments that legislate against veiling that they neither consult

in any systematically meaningful way with women who *do* veil, nor are they influenced by what little empirical evidence there is on this topic" (Cox 2019, 12). Instead, I highlight the terms Muslim women themselves use to describe their veiling practice, which I elaborate on further in this chapter.

The third reason is that I use "anti-veiling laws" rather than the more common term "religious symbols," is because the naming of certain religious practices as "religious symbols" by government officials is highly subjective and categorizes what counts as a religion and what does not. For instance, there is no mention of the symbols of other religion, such as, African, Hindu, or Indigenous religions. For example, would a Bindi count as a religious symbol?[63] What about a dreamcatcher?[64] What about tattoos?[65] What criteria are used to determine what is or is not considered a religious symbol and who is responsible for creating such criteria? Most controversially, the Quebec government declared that the crucifix hanging in the salon bleu of the National assembly was not a religious symbol – to the surprise to Catholic priests – but rather, a sign of culture/heritage (*patrimoine*) that needed to be preserved (Barrière-Brunet 2018). Such declarations imply that only Christian symbols and heritages are socially acceptable

[63] A Bindi is a dot, usually red, that is placed on the forehead in between the eyes. As explained by the Hindu American Foundation, "Hindu tradition holds that all people have a third inner eye. The two physical eyes are used for seeing the external world, while the third focuses inward toward God. As such, the red dot signifies piety as well as serving as a constant reminder to keep God at the center of one's thoughts. The Bindi, especially a red-colored one, also serves as an auspicious sign of marriage." (Hindu American Foundation 2018)

[64] The Indigenous Foundation describes dreamcatchers as, "handmade willow hoops woven to a web or literally, a net. They can include feathers and beads, and they're traditionally suspended on cradles as a form of armor and protection" (Karim n.d.). Furthermore, "The act of creating the dreamcatcher is sacred and an important traditional facet for the Ojibwe and must be understood as such (Karim n.d.).

[65] See, (Barras and Saris 2020)

and need to be preserved ("good tradition"), whereas other symbols and heritages ("bad tradition") pose a problem and need to be eradicated from public view and consciousness.

Lastly, I insist on using anti-veiling laws instead of laws banning "religious symbols" because I contend that laws that ban veiling have taken on a transnational dimension, whereas laws banning the "religious symbols" of other religious minorities have not. As illustrated in the introduction of this chapter, the laws that ban veiling, notably the wearing of the niqab, have proliferated across several European as well as non-European countries in a very short time-frame. As legal scholar Natasha Bakht argues with regard to niqab bans in several countries across the globe,

> An analysis of niqab bans reveals that: (1) a transnational proliferation of racist methods of regulating Muslim women's dress occurs through law; (2) they have been initiated by politicians to protect majoritarian values; (3) justifications for bans are based on specious logic; and (4) some are defended using gender equality on the erroneous assumption that women are universally coerced into wearing this garment despite empirical research in several countries noting that women wear the niqab as an expression of faith. (Bakht 2021, 291-292).

As Bakht argues, there has been a transnational proliferation of legal means of banning the niqab across several countries, each initiated by political elites in defense of a majority's culture or values, and each using specious arguments to justify such bans—including the argument that bans against niqab promote gender equality. No other "religious symbol," has received this kind of international attention, nor has so much legislative activity become so crystallized around the minority practice of a miniscule number of people. The enactment of niqab bans into law cannot proceed without the mobilization of significant national processes, but the proliferation of such laws must be understood by taking into account the influence of transnational processes, communication flows, and the actors that enable them.

Proceeding from my understanding of anti-veiling laws as having both national and transnational dimensions, I analyse how they circulated transnationally by examining the naming of veiling as a "religious symbol," [66] its circulation and citationality across France and Quebec, and how such naming erases the experiences of those subjects upon whom it both relies and disavows: veiled Muslim women.

Anti-Veiling and the Vocabulary of "Religious Symbols"

1989-1994

A specialized kind of vocabulary developed over the course of several years of anti-veiling disputes in French public schools. In 1989, when the first *affaire du foulard* erupted, three young girls were expelled from their school for wearing headscarves. Their expulsion caused a media uproar, and resulted in then Minister of Education, Youth and Sports, Lionel Jospin, soliciting advice from the Conseil d'état, the judicial body that acts as legal adviser to the executive branch and as a supreme court for administrative matters. In its decision of November 27, 1989, the Conseil d'état advised that in public schools, "students wearing symbols by which they intend to manifest their belonging to a religion is not in itself incompatible with the principle of secularism" (Conseil d'état 1989)[author translation]. The expression used here, "symbols by which they intend to manifest their belonging to a religion" puts little weight on the "symbol" itself and more weight on the "intention to manifest" one's religious identity. The "intention to manifest" one's religious identity was, however, subject to a caveat, as students' freedom of expression and religion could be limited on certain conditions, for example, if the symbols worn:

[66] I generally translate the French term "*signes religieux*" as "religious symbols" as it is more common in English to use the term "symbol" rather than "signs." However, "religious symbols" and "religious signs" are equivalent terms, and both are used by authors writing in English.

> by their nature, by the conditions in which they are worn individually or collectively, or by their *ostentatious* or *assertive* character, constitute an act of pressure, provocation, proselytism or propaganda that limits the health, safety, or freedom of other students or that disrupts order in the school (Conseil d'état 1989)[translation and emphasis added].

Therefore, the "intention to manifest" one's religious identity could be limited if the behaviours that accompanied it proved problematic, for instance, in situations where there was "pressure, provocation, proselytism or propaganda," that impacted other students. The terms and phrases used by the Conseil d'état to refer to students' dress, which included the hijab but was not limited to it, could be generally interpreted. They included terms and phrases such as, "the wearing of symbols of belonging to a religious community" [*le port des signes d'appartenance à une communauté religieuse*], "symbols of religious affiliation" [*des signes d'appartenance religieuse*] or "symbols by which they intend to show their religious affiliation" [*signes par lesquels ils entended manifester leur appartenance à une religion*][67] (Conseil d'état 1989)[author translation]. In fact, the term *foulard* or *voile* does not appear even once in the Conseil d'état's opinion, even though it was in response to the "headscarf affair" of 1989. At the time, the prohibition on wearing articles of clothing that expressed one's religious affiliation only applied to teaching personnel in public schools – not to students. Students were to be afforded their rights to freedom of expression and of conscience. Therefore, the Conseil d'État emphasized not limiting the freedom of expression and freedom of conscience of students on the condition that they maintained orderly behaviour within schools.

[67] The Conseil d'état's particular wording echoes that used in several European conventions for the protection of human rights, such as article 9 of the European Convention of Human Rights, which states, "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, *to manifest his religion or belief, in worship, teaching, practice and observance*" (European Court of Human Rights 2010 [1950], 11)[emphasis added].

However, in the ministerial circular that applied the Conseil d'état's ruling to public schools, issued on December 12, 1989, Jospin, who was a Minister in François Mitterand's Socialist government, referred specifically to "the wearing of a headscarf [*foulard*] by some young girls of Islamic faith" (Jospin 1989)[author translation]. In several instances, he used the terms, "the wearing of religious symbols" [*le port des signes religieux*], "the wearing of the headscarf or all other religious symbols" [*le port du foulard ou tout autre signe religieux*], "the wearing of a religious symbol by a student" [*le port d'un signe religieux par un élève*], and so on (Jospin 1989)[author translation]. Although he affirmed students' right to wear these "religious symbols" in school, as long as they were not "ostentatious" in character, there is a slippage between the terms used by the Conseil d'état and those used by Jospin. The Conseil d'état's wording ("symbols by which they intend to show their religious affiliation") gives more weight to the intention and agency of the student, while Jospin's unqualified use of the term, "religious symbols," puts all the weight on the symbol itself, regardless of intention, and whether or not it was "ostentatious" – something that can only be determined by an outside observer. The Conseil d'état's wording appears more neutral in comparison, not specifying anything about the clothing but rather the behaviour that accompanies it, while Jospin's wording specifically names the headscarf and characterizes it as a religious symbol. This could have been because the Conseil d'état's role in this context was to respond to the government's request for advice by giving its opinion on a particular legal problem: whether or not to allow students to wear garments that show their religious affiliation in public schools. However, Jospin's role was to apply the Conseil d'état's ruling to a specific situation: the headscarf affair that expelled young Muslim girls wearing headscarves from public schools. In a such a heavily mediatized and polarized environment, which drew the censure of famous intellectuals and media personalities, Jospin

tried to appease those calling for a total ban on headscarves in schools. The slippage in terminology and characterization of a headscarf as a "religious symbol" is significant as it draws the criteria of judgement away from behaviour that exerts "pressure, provocation, proselytism or propaganda" and centers the problem back onto "religious symbols" themselves.

Following the first *affaire du foulard* of 1989 and the Conseil d'état's ruling, the situation in schools had calmed down and students who had been expelled for wearing a headscarf were dealt with on a case-by-case basis. However, the issue of veiling was brought to public attention again in 1993–1994 through a number of coalescing factors, among which was the civil war in Algeria in 1992 that followed a coup by the military-government. The resumption of this second veiling affair occurred within a context where French media flooded the airwaves with fearful news about militant Islamism in Algeria (Scott 2007). The new Minister of Education, Youth and Sports, François Bayrou, issued a ministerial circular in 1993, intending to calm the affair. In his circular, he wrote that schools should try to reunite all the youth of France, and that all interior regulations should conform to the Conseil d'état's 1989 ruling. Bayrou wrote, "The incidents that have surged in a number of schools attended by young girls wearing an Islamic veil (*un voile islamique*) lead me to remind you of a few principles." He continues, "if a behaviour constitutes an act of pressure, of provocation, or propaganda, if it disrupts the order in the school or the normal functioning of the public service," then after having entered into dialogue with students and their parents, the issue should continue to be dealt with on a case-by-case basis (Bayrou 1993)[author translation]. In other words, a case-by-case approach was advocated and any issues that arose were tied to the comportment of the student. The minister did not make any reference to "religious symbols" *(signes religieux)*, as his predecessor, Minister Jospin, had, though he did specify that his circular was in regard to the "Islamic veil" and not simply the "foulard." This

change in terminology reflected a hardening of the debate compared to the one that had taken place in 1989: the foulard of the young school girl was now associated with Islamism and with veiling in particular, which evoked a more extensive kind of coverage reminiscent of those who were affiliated with Islamist causes (Bowen 2007, 69). Nonetheless, Bayrou's 1993 circular did not insinuate that there was anything more for school officials to do except to continue to monitor students' behaviour.

However, Bayrou's 1993 circular angered several high ranking members of the government's centre right-wing party, Rally for the Republic [*Ralliement pour la République*] (RPR). Among the RPR's members was Ernest Chenière, the ex-principal of the school that had expelled veiled girls and provoked the first *affair du foulard* in 1989. Having recently become a deputy, Chenière and other members of his party, including Bernard Pons, the president of the RPR, Robert Pandraud, and Bruno Bourg-Broc—all white men except for Chèniere, who was of African-Martinican descent— put forward a bill to ban the wearing of "ostentatious" religious symbols in public schools (Scott 2007, Lorcerie 2008). As Lorcerie argues, "It was under this pressure that F. Bayrou [issued] at the start of the next school year, a second circular prohibiting this time symbols [that were] 'ostentatious in themselves,' in flagrant contradiction with the opinion, jurisprudence and doctrine of the Conseil d'état" (Lorcerie 2008, 57)[author translation].

Bayrou's second ministerial circular, issued on September 20, 1994, was very different in language and tone from the one that he had written just a year before. In this circular, entitled "Neutrality of public education: Wearing ostentatious symbols in schools," he wrote, "all discrimination, whether of gender, culture or religion, must stop at the school door" (Bayrou

1994)[author translation], thus bringing up the issue of gender discrimination for the first time, which had not been mentioned in his previous 1993 circular. He further wrote,

> This is why it is not possible to accept at school the presence and the multiplication of *symbols so ostentatious* that their meaning is precisely to separate certain pupils from the rules of common life of the school. *These symbols are in themselves, elements of proselytism,* all the more so when they are accompanied by questioning of certain courses or disciplines. (Bayrou 1994)[translation and emphasis added]

In Bayrou's second text, we have not only the transformation of a piece of clothing into a "symbol," (he does not say whether it is religious or political), but one that is "so ostentatious" that even without any accompanying speech or behaviours, it *inherently* constitutes an act of proselytism (and, one assumes, of "pressure, of provocation, or propaganda" as well). The wording Bayrou used was neither innocuous nor accidental, as it imposed a definition on the headscarves worn by young Muslim girls—all minors—and fixed their intentions independently of their actions as constituting proselytism, which, according to the Conseil d'état ruling, is grounds for expulsion from public school. Not only that, but it also attributed a sinister intention to wearing a headscarf, which easily slides from proselytism to fundamentalism (Deltombe 2007, 231).

In addition to defining headscarves as symbols that are ostentatious *in themselves*, Bayrou made a distinction between acceptable and non-acceptable symbols. He asserted, "The wearing of *discreet symbols* by students, showing their personal attachment to religious beliefs, is allowed in the school. But *ostentatious symbols*, which in themselves constitute elements of proselytism or discrimination, are prohibited" (Bayrou 1994)[translation and emphasis added]. Here, what constitutes a discreet symbol is not specified, but it is understood to be the opposite of an ostentatious one, which refers to headscarves. By drawing a distinction between what is "discreet" and what is "ostentatious," Bayrou fixed the meaning of headscarves as constituting in

themselves acts of proselytization or discrimination (it is not specified but one assumes he meant gender discrimination). As a result of the Bayrou decree, more than a hundred young school girls who wore headscarves were expelled from public school in 1994 (Bowen 2007, 90).

The Bayrou decree would prove to have a lasting impact, as the distinction made between so-called "discreet symbols" and those deemed "ostentatious in themselves" would find its way into the report of the Stasi Commission, which was appointed by Jacques Chirac in 2003 to determine the feasibility of passing a law to ban "religious symbols" in public schools. Moreover, this specialized vocabulary that both named and distinguished between discreet and ostentatious religious symbols was developed with no input from Muslim girls or women; rather, it was entirely determined by right-wing male politicians with a specific agenda in place—that of passing a law to prohibit veiling in public schools (Lorcerie 2008, 57). There was also never any discussion about what else might be included under the aegis of a religious symbol; all of the discussions until that point had been focused on the Muslim headscarf. Therefore, the term, "religious symbols," was equated exclusively and repeatedly with the Muslim headscarf, and never with any other "religious symbol" (such as the kippa or turban). That it came to be characterized as such is the product of a political enterprise, and as I will demonstrate, the citational practice of specific elite (male) political actors intent on banning veiling.

Post-9/11-2004

Following the 9/11 attacks on the World Trade Centre and the resulting electoral success of the far-right in the first-round of the 2002 French elections, the Chirac government took a harder line on the issue of visible signs of religious belonging in public schools (Deltombe 2007, 298). The Stasi commission of 2003, headed by Bernard Stasi, a former government minister and deputy,

would officially cement the specialized language of "religious symbols" that would be used in future anti-veiling laws, particularly in Quebec. The language used in the Stasi commission's report differed somewhat from that used in the 1994 Bayrou decree that had preceded it. In his report, Stasi wrote: "At school, the wearing of a conspicuous religious symbol [*signe religieux ostensible*] – large cross, kippah or veil – is already enough to disturb the tranquility of school life" (Stasi 2003, 41).[68] The word Stasi used in his report was *ostensible*, meaning conspicuous or standing out so as to be clearly visible, instead of the word ostentatious [*ostentatoire*] which had been used in Bayrou's 1994 circular. This semantic shift from "ostentatious" [*ostentatoire*] to "conspicuous" [*ostensible*] was made at the behest of teachers and principals who complained to the commission, "that they could not be asked to determine on a daily basis which head coverings were 'ostentatious' and which were not" (Bowen 2007, 140). This is because, in French, the word "*ostentatoire*" holds a negative connotation of aggressive attention-seeking; thus, an ostentatious symbol was construed as one aggressively making a statement or wanting to be seen in a gaudy, flashy or offensive way. Instead, the term "*ostensible*," meaning both visible and apparent, does not hold the same connotation of aggressiveness. Therefore, in order to make it easier for school officials, the Commission chose to use the word "conspicuous" instead of "ostentatious," so that a "symbol" only needed to be visible for it to be banned; no guesswork necessary (Bowen 2007, 140).

Further in the report, Stasi contrasts "conspicuous" symbols with "discreet" ones, outlining the permissibility of the latter while banning the former:

> The forbidden religious outfits and symbols are conspicuous symbols [*signes ostensibles*], such as the large cross, veil or kippah. Discreet signs [*signes discrets*] such

[68] I refer to two different published versions of the Stasi Commission's report: the original text published in French (Stasi 2003) and a later English translation by Robert O'Brien (Stasi 2005). I indicate where I have used my own translation in parentheses.

> as medallions, small crosses, stars of David, hands of Fatimah, or small Korans are not regarded as symbols showing a religious affiliation" (Stasi 2003, 58-59)[author translation].

This contrast between "conspicuous" versus "discreet" symbols[69] was again made at the behest of the Stasi Commission's intervenors. As Bowen writes, the commission listened to representatives of the Catholic Church who did not want small crucifixes banned, and they kept the ban on Jewish kippas as most students who wore them were already enrolled in private Jewish schools that were funded by the state, and thus would not be affected (Bowen 2007, 140). In addition, the commission made sure that the law it recommended would meet the minimum requirements of the ECtHR for limiting Article 9, which guaranteed the right to religious freedom.[70] As Bowen writes, the Commissioners had learned from Jean-Paul Costa, the Vice-President of the ECtHR, that,

> the European Court would probably support a French law that was "proportional" to the problem, and likely view as excessive the prohibition of all signs of religious faith, such as the small crosses that many French Christian children wear in school. (...) The law needed to be worded in such a way as to allow 'discreet' religious signs, such as small crosses. (Bowen 2007, 140)

Moreover, Costa's testimony, which occurred on October 17, 2003, was a turning point in the Stasi Commission's deliberations; from this point onward they began discussions around recommending a law and not just an internal policy directed towards schools that could be updated every decade, referred to as une *loi d'orientation* (Adrian 2009, 352). Melanie Adrian

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[69] A similar distinction between symbols can be seen in the ECtHR *Case of Lautsi and others v. Italy*, where large crucifixes hanging in school classrooms are interpreted as "passive symbols," while other symbols (presumably of other faiths) that are interpreted as "active conduct." See (Case of Lautsi and others v. Italy 2011).

[70] Article 9, Section 2 of the ECtHR states: "Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others" (European Court of Human Rights 2010 [1950], 11).

(2009) discusses Costa's testimony, which emphasized several points. The first is was that the ECtHR recognizes secularism (*laïcité*) as a principle that States are entitled to protect, based on previous jurisprudence.[71] Second, was that there existed a margin of appreciation for each state on how to deal with religion. As Adrian asserts, "Costa's legal argument was persuasive enough for the questions after his presentation to focus more on the details of such a law rather than on the question of whether they should be creating a law at all" (Adrian 2009, 352). The Stasi Commission therefore relied on Costa's testimony to get a better understanding of how to strategically position a national law in such a way that it would not be ruled against at the supra-national level of the ECtHR. Costa's intervention thus underlined the role of supranational courts (such as the ECtHR) as important sites for contesting national sovereignty through religious symbols. It also underscores the role that transnational actors played —such as Costa himself, as the vice-president of a European court—in influencing how a national policy question should be framed, while also sharing strategies on how to make it pass at the level of international law.

Given that the Stasi Commission needed specific but clear wording that would both pass muster with the ECtHR and be practical for school officials to use, it decided to forgo the term "ostentatious" and instead distinguished between two classes of allowable (discreet) and non-allowable (conspicuous) religious symbols. It is no coincidence that the "discreet" symbols proposed as alternatives to the "conspicuous" ones were those that seemed to mimic small crosses: small medallions, stars of David, hands of Fatimah, and small Qur'ans affixed to chains and worn around the neck. As seen in the ECtHR Case of *Lautsi and others v. Italy*, large crucifixes hanging in school classrooms were interpreted as "passive symbols" which did not

[71]Based on ECtHR cases such as Leyla Sahin v. Turkey and Refah Partisi v. Turkey. See (Lewis 2007) (Adrian 2009).

have an influence on pupils comparable to "active conduct" such as "didactic speech or participation in religious activities" (Case of Lautsi and others v. Italy 2011). One can infer from this ruling that the crucifix, whether large or small, is considered to be a "passive" symbol that does not have a proselytizing effect on pupils. The Lautsi ruling also supports the argument that Christian symbols, such as the Crucifix, should be preserved as they are considered "artifacts" that have historical value in preserving a country's heritage and do not necessarily communicate any religious meaning.[72] Christian symbols, regardless of their size, are equated with "good" tradition that needs to be preserved while the symbols of other faiths are not given the same protection. Therefore, the Stasi Commission's decision to transform "discrete symbols" of other faiths, reflected an attempt to separate "good" tradition from "bad" by making the symbols of other religions more similar to Christian symbols. However, the smaller symbols identified (i.e. the Star of David, the hand of Fatima, a small Qur'an) are not equivalent to wearing a hijab or kippa; one cannot be substituted for the other and religious authorities usually address such questions – not secular states. The consequences of secular states making such recommendations in place of religious authorities reflects an overreach and an active re-shaping of religious authority as state authority. As Fernando contends, with regard to what is supposed to be the separation of political and religious spheres under secularism, "Secular states seek to separate the religious and the political and to relegate religion to its designated and discrete realm. But in order to undertake this act of disaggregating religion, secular political and legal authorities must

[72] Similarly in Quebec, the debate around the crucifix hanging in the salon bleu of the National Assembly concerned those claiming that it was not a "religious symbol" at all but rather a reflection of Christian heritage; opponents accused the government of hypocrisy, imposing secularism on other faiths but exempting the majority religion. It reflected a bias towards catho-laïcité, a type of secularism that emerges from and privileges Catholicism (Crête 2019) (Barrière-Brunet 2018).

remake life worlds so that religion, politics, and culture can be separated" (Fernando 2014, 144). In the process of remaking the 'life worlds' of religious communities, particularly minority ones, State regulations interfere into how religions are lived and practiced in the everyday – producing an undoing of the separation between religion and politics in the very process of secular rule.

Furthermore, the circular of application issued on May 18, 2004, by François Fillon,[73] then newly-appointed Education minister, made it clear that it was left wholly up to school officials to determine whether a "religious symbol" was conspicuous or discreet. Fillon's circular states that, "The signs and clothing that are prohibited are those whose wearing leads to one's religious affiliation being *immediately recognized*, such as the Islamic veil, whatever the name given to it, the kippah or a cross of manifestly excessive size" (Journal officielle de la république française 2004, 9034)[author translation]. As stated, the "symbol" in question had to be visible and one had to "immediately recognize" the wearer as belonging to a religious community (Bowen 2007, 140). Similarly, the law passed in the National Assembly stated: "In schools, colleges and public high schools, the wearing of signs or clothes by which pupils conspicuously [*ostensiblement*] show religious affiliation is prohibited" (L'Assemblée Nationale de la République Française 2004)[author translation]. John Bowen notes the subjective aspect of assuming that one can "immediately recognize" whether one is wearing a "religious symbol" or just a fashion accessory. One of the Stasi Commission members who had been a school principal, Ghislaine Hudson, stated her own subjective way of determining whether a "symbol" was religious or not: "First we see if the girl wears it every day or just sometimes. If she always

[73] Fillon was the most recent Presidential candidate for the Republican party in the 2017 French elections. He lost in the first round after a satirical newspaper published an accusation that he had hired and paid a salary to his wife, Penelope, as a parliamentary aid but that she had never worked for him. In June 2020, Fillon and his wife were both convicted of fraud, fined, and ordered to pay back the amount that they had embezzled from public funds. (Willsher 2020)

wears it and it might be religious, then I might talk with her. (...) Some say it does have religious meaning and then they have to remove it..." (Bowen 2007, 142). However, even if the students denied their clothing's religious significance, the decision of determining whether something worn constituted a "religious symbol" or not depended on the school official's perception. If the official identified an article of clothing as having a religious meaning, then it did, as that was the easiest way of proceeding for them (but not necessarily for the student) (Bowen 2007, 143). This subjective aspect for deciding what constituted a "religious symbol" opened the door to biased, subjective and arbitrary governance of students' sartorial choices, which I address in Chapter 4.

Therefore, the Stasi Commission's specialized vocabulary for distinguishing between allowable and prohibited "religious symbols" was crafted over several months to suit the requirements of both national and international law-makers and the selective intervenors the Commission chose to give an audience to. It either excluded, or largely dismissed, the intervention of marginalized minority populations that would be affected by its recommendations – particularly the intervention of the only veiled Muslim woman who was invited to speak to commissioners, Saïda Kada (Bowen 2007, 118). As Bowen remarks, unlike the rapt attention paid to principals, teachers, and non-veiled social actors, most of the commissioners asked Kada defensive questions that displayed their ignorance of not only Islam but of Muslim social conditions,

> The commissioners either demanded that Kada explain why Muslims do this or that...or they attacked her and people like her for encouraging girls to leave school, or for forcing society to adapt to her rather than the other way around. It was as if the appearance of the only invited public witness in a scarf... so mesmerized or enraged the commissioners that they could not ask about the problems they claimed to think were also important: the role of religious education in schools, the social economic problems of the ghettos" (Bowen 2007, 118).

As Bowen illustrates, the questions directed at Kada were not those related to her organization's area of expertise, which involved organizing tutoring for girls that had been expelled from school due to past headscarf restrictions; instead, they asked questions that reflected their prejudices and that had nothing to do with the scope of the commission's investigations, such as why Muslims allowed little girls to veil or why Muslims (apparently) did not denounce stoning (Bowen 2007, 118). Moreover, Kada had been scheduled to speak to the Stasi Commission on the last day of its hearings, after the Commission members had already made up their minds and when Stasi had already drawn up a rough draft of his report, so her testimony was mostly moot.[74]

The Stasi Commission also excluded Sikh communities from its proceedings. However, Sikh school children were affected by the 2004 law even though turbans were nowhere mentioned in the Stasi Report. When asked by a New York Times reporter about the lack of engagement with the Sikh community, lead Commissioner, Bernard Stasi, seemed taken aback: "Why didn't the Sikhs come forward, why didn't they protest while we were doing our investigation?" (Sciolino 2004). Stasi blamed the Sikh community for not being called as witnesses at his commission's hearings; however, it was the commissioners and the rapporteur, Remi Schwartz, who chose what groups to hear.[75] He also did not consider the fact that the French Sikh population was a small minority who were not politically mobilised and who numbered only several thousand compared with a population of 600,000 Jews and approximately 5 million Muslims (Sciolino 2004). When interviewed about the lack of consultation with the Sikh community, an official at the Ministry of National Education declined to give a comment,

[74] See the Stasi Commission's list of public hearings for December 5, 2004 (Stasi 2003, 74).
[75] In an interview with Rémi Schwartz, the special rapporteur for the Stasi Commission, he asserted that it was the Stasi commission members themselves who chose who to call upon as witnesses at the hearings (Schwartz, Seksig and Lazaridis 2005, 28)

only to say, “What? There are Sikhs in France?” (Sciolino 2004). Another senior official at the Ministry of the Interior responsible for religious matters commented, “I know nothing about the Sikh problem. Are there many Sikhs in France?” (Sciolino 2004). The utter ignorance not only of Stasi Commission members but also of government officials whose Ministries were directly responsible for negotiating the law with Parliament, is telling. Not only were the Stasi commission members not concerned with all religious symbols, they were mostly concerned with Muslim girls’ hijabs, on which most of their discussions centred. They were not concerned with how the 2004 law would affect other racialized religious communities, as Stasi himself said after being asked about why he did not consult the Sikhs: “I have finished my job and it’s too late to change the report. Now it’s in the government’s hands” (Sciolino 2004). As result of the 2004 law, several Sikh boys who wore turbans were excluded from schools or forced to attend school bareheaded, despite several attempts at compromises with a ‘discreet’ turban (Bowen 2007, 149-150). Although Sikh turbans had never been the focus of the Stasi Commission hearings nor the law of 2004, the matter of banning visible religious symbols affected every religious practice that did not resemble those common to the Christian tradition.

Québec’s Transnational Citation of “Religious Symbols”

In contrast to the numerous years it took for a specialized vocabulary around “religious symbols” to develop in France, the Quebec government adopted the same vocabulary that was used in the 2004 French law, without discussion or consultation, into its 2013 Charter of Quebec Values (Bill 60). At first, the proposed bill was not called the Charter of Quebec Values; in the PQ’s 2012 electoral platform it was called the Charter of Secularism (*Charte de la laïcité*) (Lebeuf 2012). However in early 2013, its name changed abruptly with little explanation. Interestingly, in

September of the same year a Charter of Secularism (*Charte de la laïcité*) was introduced by the Ministry of Education in France[76] – aimed at enforcing the proper comportment of students in secular public schools which included not wearing religious symbols (See Appendix D). Had Quebec not changed its proposed bill's name, there would have been a duplication of the same name to refer to different but similar political projects in both Quebec and France. It is not known whether France's and Quebec's respective ministries consulted one another before Quebec abruptly changed its proposed bill's name from Charter of Secularism to Charter of Quebec Values. Perhaps the PQ did not want its law to be mistaken for (or accused of too closely resembling) the Charter of secularism adopted in French schools. More likely however, is that there was an alignment of the France-Quebec discourse on secularism and questions of religious governance that had already been established by politicians.

Figure 1: Parti Québécois' Bill 60 Infographic

[76] The Socialist government's education minister, Vincent Peillon, introduced the Charter, which explained secularism in child-friendly terms. It was said to explain "that the absence of religion from schools affords pupils the conditions to forge their own personality, exercise free will and become citizens in an environment free from pressure or proselytising" (France 24 2013). However, Muslim and other groups criticized a secular education policy that still allowed Christmas trees in schools, visits from Santa Claus, and the celebration of Catholic Saint's birthdays (France 24 2013).

When the Charter of Quebec Values was proposed in September 2013, a government document entitled 'Because we believe in our values' [*Parce que nos valeurs, on y croit*] (Drainville 2013) was posted on a website along with the now infamous infographic illustrating the types of "religious symbols" that would be allowed in the public service (See figure 1).

Under a heading that read, "examples of non-ostentatious symbols [*signes non-ostentatoires*] that will be permitted to state personnel," were illustrations of a small crucifix, a small ring bearing the Star of David, and a pair of crescent moon and star earring (Drainville 2013, 5)[author translation]. Just below it, under a heading that read, "Examples of ostentatious symbols that will not be permitted to state personnel," were the following illustrations: a large crucifix, a headscarf, a face-veil, a turban, and a kippa (Drainville 2013, 5). The addition of the turban to this document is specific to the Quebec context as Canada has a significant minority Sikh population and their legal struggles to wear their articles of faith, such as the kirpan, have been highly mediatized.[77] In a separate but related "orientation document" released by the government, the specified "symbols" were further distinguished in the context of what could and could not be worn in the public service:

> Government personnel should be careful not to wear *very visible symbols* [*signes très apparents*] such as headgear, clothing, adornment or an accessory having *a significant demonstrative character*, worn in an *easily visible manner* and which conveys a meaning of religious affiliation. It is understood that *discreet symbols* [*signes discrets*], for example a small pin or a small pendant, would not be covered by this measure. (Drainville 2013, 16)[translation and emphases, mine]

In this passage, we can see the distinction between "very visible symbols" [*signes très apparents*] and "discreet symbols" [*signes discrets*], which was the same distinction made in the Stasi Commission's report between "conspicuous" and "discreet" symbols. The similarity does not stop there as the same "symbols" were also named problematic: large Crucifixes, hijabs/niqabs, burqas, kippas, and turbans (Drainville 2013, 16) —the last of which was omitted

[77] The Supreme Court case of Multani vs. Commission scolaire Marguerite-Bourgeoys (2006) gave Sikhs the right to wear their *kirpans* (ceremonial dagger) at school as long as it was sewn into their clothing. In 1988-1990, Baltej Singh Dhillon, a young Sikh man, fought for the right to wear his turban as part of his RCMP uniform. The Federal government eventually declared in 1990 that it was legal for observant Sikhs to wear beards and turbans as part of their uniforms.

in Stasi's report but applicable in practice as Sikh boys were also impacted by the 2004 French law.[78] In addition, similar recommendations were made for "discreet" replacements of the "ostentatious" religious symbols: "the cross, the Star of David or the starry crescent, of small dimensions" (Drainville 2013, 16)[author translation]. However, no "discreet" alternative was given for the turban.

The PQ's choice to use the words "ostentatious" (meaning flashy or showy, worn to draw attention to oneself) and "discreet" (careful, unobtrusive) was not accidental. Another document entitled, 'Bill 60: Charter of Values – Answers to questions from family members during holiday parties' [*Projet de Loi 60: Charte des valeurs – Des réponses aux questions de votre famille pour les partys des Fêtes!*] (Radio-Canada 2013), was posted on the government's website several months later. In it were answers in the form of talking points to several potential questions that hypothetical family members might have with regards to the proposed Bill. In one telling answer to the complaint that, "We [Quebeckers] look like racists all over the world," the reader was told to reply: "This is wrong! We are far from being the first to want to affirm the separation of religions and the State. There are already similar rules in Europe. In France, for example, the wearing of religious symbols is prohibited for State employees" (Radio-Canada 2013, 5). The document then named the state prohibitions on "religious symbols" that existed in Belgium, in Germany, in several Swiss Cantons, and also at the ECtHR, to show that Quebeckers were not alone in prohibiting "religious symbols." The document clearly stated that, "In European countries (...) such as France, Belgium, Germany and Switzerland, the measures adopted have been validated by the courts, in particular by the European Court of Human Rights" (Radio-

[78] See (Sciolino 2004) for the impact of the 2004 banning religious symbols in public schools on Sikh communities in France, as well as (Bowen 2007, 149-152).

Canada 2013, 5). This passage, citing the countries in question and in particular the ECtHR, demonstrates the apparent citationality of Bill 60 and the fact that its crafters were well aware of the "well-known international standard" that had been set in Europe.

Moreover, when examining the French text of Bill 60, the proposed bill that translated the bill into law, the word "ostentatious" [*ostentatoire*] was dropped in reference to "religious symbols" in favour of the same wording that appears in the French law of 2004 (L'Assemblée Nationale de la République Française 2004). Instead of the French word "*ostentatoire*," which had been used in announcements and in all government documents leading up to Bill 60's release, the word used in Bill 60's legal text is "*ostensiblement*": "In the exercise of their functions, personnel members of public bodies must not wear objects such as headgear, clothing, jewelry or other adornments which, by their conspicuous [*ostensiblement*] nature, overtly indicate a religious affiliation" (National Assembly of Québec 2013, 6). The word used here, *ostensiblement,* meaning conspicuously or manifestly, is the same word used in the French law of 2004, "ostensible" (L'Assemblée Nationale de la République Française 2004). This semantic shift is important, because it shows that there was an intentional citation and alignment of the language used between the Quebec and French laws. No debate preceded this shift; the legislators, including Bernard Drainville, had consistently used the term "ostentatious*"* [*ostentatoire*] whenever describing the religious symbols that would be prohibited in his public speeches. However, when translated into the legal language of Bill 60, the term used in Quebec's law – conspicuous – was the same as what was used in France's law (National Assembly of Québec 2013, 6).

Moreover, naming kippas, turbans, hijabs, and crosses as equivalent religious symbols, which is apparent in both the French and Quebec laws, reflects the regulatory power of the

secular state (Mahmood 2008) (Hurd 2013) (Fernando 2014). As numerous scholars of secularism have theorized, secularism as a political ideology involves not only the separation of religion and politics, but rather the regulation and re-making of religion through various state, civic and legal institutions. As Mahmood argues, "secularism has historically entailed the regulation and re-formation of religious beliefs, doctrines, and practices to yield a particular normative conception of religion (that is largely Protestant Christian in its contours)" (Mahmood 2009, 858). The power to regulate and re-make religious beliefs, doctrines, and practices into a more desirable form (which conforms with the religious traditions of majority populations) both reflects and demonstrates "the state's sovereign power to regulate religious subjectivities, practices, and forms of life" (Mahmood 2008, 464). The state's power to regulate and re-make religious life – particularly when it involves minority religions – is problematic for several reasons. First, it erases the particularity of minority religious practices that are rooted in different histories, traditions, and sets of moral and ethical codes that are intimately tied to them. Second, it produces a superficial flattening that makes these practices comparable to one another—a Eurocentric levelling that does not take into account what Walter Mignolo calls "the incommensurability" (Mignolo 2000) between these different practices or the fact that they are absolutely not equivalent to wearing crucifixes. As demonstrated, it is the Christian crucifix that all of the other religious practices are compared and equated to. For example, it is telling that in both the Stasi Commission Report and in the Charter of Quebec Values (Bill 60), an "ostentatious" crucifix remains a crucifix when translated into its "discreet" version (a small crucifix dangling around a chain); however, non-Christian practices either transform completely (e.g. the kippa transforms into a Star of David; a hijab/niqab transforms into a set of earrings or a Hand of Fatima pendant) or, as in the case the Sikh turban, disappear completely. Third, naming

such practices as either "signs" or "symbols" reduces them primarily to what is visible to others; such a reduction foregrounds the meanings that are grafted onto the "symbol" by outside observers, as opposed to the meanings that are interiorized and determined by those wearing the clothing, whose subjectivities are tied to the practice. Transforming religious practices into removable "symbols"—akin to any other accessory and equivalent to the Christian crucifix—completely erases the dimension of ethical self-formation embodied within them, which is different and particular to each religious tradition (Mahmood 2005). In this way, religious practices are reduced to an accessory or an aesthetic, a thing that can be taken on and off and removed without consequence, without harm to one's subjectivity or religious experience.

The naming of non-Christian practices as "religious symbols" is not arbitrary: it is reductive, universalizing, and produces erasure. It creates false commensurabilities that flatten into Eurocentric categories the traditional, historical, religious, and ethico-spiritual practices of different communities. As Amélie Barras and Anne Saris (2020) argue in their study regarding the lack of state regulation on religious tattoos, despite the fact that such tattoos may be both ostentatious and conspicuous, it is crucial to situate minority religious practices in their specific socio-political and historical context. Failure to do so, "projects an essentialist and fixed reading of these practices, locating them outside of the self and encouraging scrutiny and limitations" (Barras and Saris 2020, 15). In addition, transforming minority religious practices into "symbols" that can be transformed and manipulated by the State at will reflects and overreach of secular states into areas of religious prescription. That the governments in France and Quebec have been able to impose the vocabulary of "religious symbols" on such a wide variety of practices has set the terms of the debate in a way that predetermines the field of discourse of what can and cannot be said. For example, there is very little room for discussion about how

wearing a hijab might signify an understanding of the body as being a Sacred trust from God that needs to be protected and maintained, which might disrupt more materialist or consumerist understandings of the body under neoliberal capitalism. In fixing the meanings of such practices into "religious symbols," governments in France and Quebec have determined what kinds of discussions one can have about different religious practices, without acknowledging either the power or the political project that secularism performs through establishing this common vocabulary, from one context to another.

Ceci n'est pas un symbole religieux[79]

This section's heading refers to a meme that circulated on Facebook in 2018, which contained an image of a crucifix against a beige background with the words "Ceci n'est pas un symbol religieux" scrawled underneath in cursive writing (see figure 3) (Barrière-Brunet 2018). The meme is a tongue-in-cheek reference to the famous painting by Belgian artist, René Magritte (1898-1967), " The treachery of images" [*La trahison des images*], which contains the curious phrase, "this is not a pipe," [*ceci n'est pas une pipe*] under the drawing of a pipe. Like much of Surrealist art, Magritte's painting was meant to contest the assumption that objects and words correspond directly with one another, in which case the image of a pipe is a *representation* of the object—not the actual object. In the Quebec context, the meme of the crucifix functions similarly but also ironically, whereby the crucifix was transformed from a religious symbol into an object devoid of any religious meaning. According to Quebec politicians, such as Premier Francois Legault, the crucifix that hung in the salon bleu of Quebec's National Assembly was not actually a religious symbol, but rather a symbol of Quebec's cultural heritage (Barrière-Brunet 2018);

[79] Translation: This is not a religious symbol. See (Barrière-Brunet 2018)

therefore it could remain hanging in the National Assembly despite his government's desire to pass Bill 21 – a secularism law meant to ban religious symbols in certain occupations (National Assembly of Québec 2019). The crucifix meme critiqued the way that politicians *represented* certain objects, so that some were banned due to being associated with ('bad,' non-Christian) religion while others were permitted due to being associated with ('good,' Christian) cultural heritage (See Figure 2).

Figure 2 : Crucifix Meme (2018)

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Similarly, Muslim women's veiling practices were consistently represented as "religious symbols" across politico-legal discourses both in France and in Quebec. As "religious symbols," they were routinely discussed in terms of their form, size, colour, level of coverage, and visibility from the perspective of outside observers (Hajjat and Mohammed 2013). Veiling was also discussed in terms of the "message" it sent to others in public space, at times extrapolating from it to infer veiled women's internal motivations (Cox 2019). However, these discussions took place largely in the absence of testimony from people who actually practiced veiling in their

daily lives. Veiled women were barely consulted or entirely absent during anti-veiling commissions in France. For instance, only one niqab-wearing woman out of 211 people was invited to testify before the Gerin commission – after she repeatedly contacted the Commission's president and only after she removed her face-veil[80] – and only two women who wore headscarves testified out of hundreds of intervenors on the last day of the Stasi commission: activist and author, Saïda Kada, and doctoral candidate, Nadia Amiri, who was not invited but nevertheless brought by Kada.[81] In Quebec, although there was somewhat more participation from women who practiced veiling during the hearings of the Bouchard-Taylor Commissions, there was no systematic effort to consult veiled women or other any other minority group, including Indigenous Peoples, that may be impacted by the commission's recommendations (Mahrouse 2010) (Schaefli and Godlewska 2014). The failure to consult with those persons who wear "religious symbols" nor to provide empirical evidence justifying the need for a prohibitive law can be considered as the hallmarks of anti-veiling laws in general (Cox 2019, 12).

In the absence of testimony from women who practice veiling, veiling has been variously characterized by politicians and others as an ostentatious religious symbol, a fundamentalist threat, a refusal to integrate, and/or an aggressive stance against "living together" with others in the public sphere. Such politico-legal discourses completely evacuated the spiritual, religious, ethical, and embodied dimensions of veiling as understood by its numerous practitioners. In other words, representing veiling as a "religious symbol" in politico-legal discourse does not correspond to how Muslim women understand their own practice of veiling.

[80] The only niqab-wearing woman who testified before the Gerin Commission was Kenza Drider and she was only allowed to testify after repeatedly contacting the Commission's president (Open Society Justice Initiative 2013) and (Wolfreys 2017, 105).
[81] Refer to Stasi Commission's list of public hearings for December 5, 2004 (Stasi 2003, 74). Also discussed in (Bowen 2007, 118)

The Muslim women I interviewed in both France and Quebec largely challenged the dominant discourse that characterizes veiling as a "religious symbol." Those I interviewed had a direct relationship with veiling, whether they practiced veiling currently, previously or periodically. Several of them had lived in France and had traveled to Quebec or to other countries to either find work or for personal reasons; but they were acutely aware of how debates around "religious symbols" had circulated transnationally and how it impacted their lives and, for some, their trajectories. In the following sections, I quote from the interviews with my interlocutors at length in order to show some of their challenges and ruptures to dominant discourses around "religious symbols." I centralize my interviews with my veiled interlocutors in order to "draw out, extend, give emphasis and voice to what is silent, or marginally present or ideologically represented" (Said 1993, 66) in anti-veiling laws. Most importantly, I want to let those whose situated knowledges have been "forcibly excluded" (Chowdhry 2007) from official politico-legal debates the space to describe, in their own words, what veiling means to them in addition to their critiques of anti-veiling laws.

"An integral part of my identity"

I first met Saloua in 2013 in Montreal, Quebec, where she was a well-known activist in her forties, who had been an active member of various feminist, political, and Muslim community groups in Quebec. Saloua was originally from North Africa but had been educated in France, having lived there for sixteen years and completing a postgraduate degree in Business and International Marketing at the prestigious Sorbonne University in Paris. Her degree and research led her to immigrate to Laval, Quebec, where she lives with her husband and children.[82] Saloua

[82] Laval is a suburb of Montreal, Quebec

currently wears a hijab and is a married mother of two young adults. She invited me to her home and served me Moroccan tea and sweets before settling in for our interview. We spoke at length about Bill 60, which had been formally announced in September of that year, as well as the characterization of a hijab as a "religious symbol" that could be removed, much like an accessory. In response to my question about whether or not she considered her hijab to be a "religious symbol," Saloua answered:

> Exactly, it is not a symbol. For me, my [head]scarf is not a symbol. It's an integral part of my identity. It's a part of me. I cannot separate myself from my identity. And also, my identity is not fixed; I have multiple identities at the same time. I am a woman, my origin is Arab, my religion is Islam, now I am Quebecois, Canadian, I am a feminist, I am a mother – that is part of my identity too - I am an activist. My identity includes all of that. I cannot let go of any of it. (Saloua, interview, author translation)

As Saloua affirms, she does not consider her hijab to be a "religious symbol," but rather a part of herself, a part of her identity that cannot be removed. In other words, it is not equivalent to an accessory that can be removed and replaced with a pair of earrings or a ring, similar to what was shown in the infographic displayed along with the Charter of Quebec Values' official announcement (see figure 1). In addition, Saloua elaborates that she does not agree with the qualifier "ostentatious" to describe veiling, as it connotes a type of vulgar or pretentious display meant to seek and attract attention, which goes against the very core of what veiling is about.

> And already, with this word, I do not agree at all: "ostentatious symbol." Because "ostentatious" in French means to be seen in order to show oneself. A jewel is ostentatious, a diamond is ostentatious; a scarf is not ostentatious. A hijab is not ostentatious. For me, it's an ethical [form of] dress [*une éthique vestimentaire*]. This is what a Muslim woman comes to wear in developing her ethical [character], for her humility. It's not ostentatious, it's not to show off, on the contrary. (Saloua, interview, author translation)

Here, Saloua develops her argument against the adjective, "ostentatious," especially when paired with the other term she contests, "religious symbol." According to her, the term "ostentatious,"

cannot and does not characterize a scarf and/or hijab[83] because that is not its purpose; that others have characterized it as such does not make it correct. For Saloua, wearing a hijab is part of a process [*un cheminement*], which many of my interlocutors have also described, that involves cultivating one's ethical character to conform with core Islamic virtues, such as humility and modesty. According to Saloua, a person does not wear a hijab out of a desire to show off or to appear a certain way to others because that is not its purpose; rather, it is part and parcel of an ethical disposition that prioritizes the development of a modest or humble character.

Saloua's interview echoes many of the arguments that Saba Mahmood (2005) made in her study of the women's piety movement in Egypt. Mahmood discussed the means through which the pious women from the women's mosque movement developed an ethical-pious character. She explains their reliance on an older Aristotelian and Ghazalian understanding of *habitus* in the ethical formation of their moral character; for them, habitus meant, "an acquired excellence at either a moral or practical craft, learned through repeated practice until that practice leaves a permanent mark on the character of the person" (Mahmood 2005, 136). Using this understanding of habitus, outward bodily actions that entailed certain virtues were repeatedly performed, as they were the means through which one might acquire internal moral virtues such as modesty, humility, or generosity (Mahmood 2005, 136). For example, Abu Hamid Al-Ghazali, an eleventh century theologian, jurist and mystical thinker of Islam, writes in book twenty-two of his magnum opus, *The Revival of the Religious Sciences*, "a man who wishes to acquire the quality of generosity must oblige himself to do generous things; that is to give of what he owns, and must continue in this wise, affecting this thing and struggling with his soul

[83] A hijab is just a scarf wrapped around the head, instead of around the neck. Any piece of cloth can be styled as a hijab, including fashionable scarves purchased at H&M, Zara, or any retailer.

until his nature conforms to it and it becomes easy, at which point he will have become a generous person" (2005, 32). Within this ethical-moral framework, veiling, as well as other outward bodily actions such as prayer, or fasting, constituted bodily practices that helped to inculcate specific internal moral virtues and character traits—such as modesty, patience, or generosity, etc. As Mahmood writes,

> outward bodily gestures and acts (such as salat [prayer] or wearing the veil) are indispensable aspects of the pious self in two senses: first in the sense that the self can acquire its particular form only through the performance of the precise bodily enactments; and second in the sense that the prescribed bodily forms are necessary attributes of the self" (Mahmood 2005, 133).

Therefore, instead of understanding veiling of as an "ostentatious religious symbol" that can be removed at will, one must understand its purpose in the internal moral universe of a person, in terms of the ethical character traits it produces through specific bodily acts. Substituting a veil with a pair of earrings or a necklace does not produce the same disposition; quite the contrary. It obstructs the spiritual work that a person is undertaking by substituting meaningless "discreet" symbols in place of those traditional practices that have been theorized by centuries of Islamic thinkers. That these "discreet symbols" have been construed as suitable alternatives for veiling by successive government commissions in both France and Quebec is the very definition of the failure to separate between church and state, or rather, a reflection of the active intrusion of the state into the governance of religion. Indeed, secularism as an increasingly interventionist modern governance project that actively intervenes into the subjectivities of Muslim women through the seemingly neutral alibi of banning "religious symbols," is one of the hallmarks of anti-veiling laws.[84]

[84] I discuss the more interventionist iteration of secularism, which has been termed, the "new secularism" in Chapter 2.

Further on in our discussion, I asked Saloua why she thought that arguments around the hijab being understood as a "religious symbol" that was both ostentatious and easily removeable, like an accessory, had become so widespread. She gave me a detailed answer that reflected her own deep contemplation of the topic as well as her political acuity:

> I think there are three factors. First, I think the first factor is international Islamophobia. We are in an era where all Muslims are persecuted everywhere all over the world. Because of many things. Because of problems in Muslim countries, we agree. Also because of certain Islamist movements which gives a bad image of Islam, which in the name of Islam commits atrocities. With which I totally disagree and which I denounce every day. So there is that aspect. (...)
>
> Then we have another point: the media. We must not forget that now we are in an era of internationaliz[ation] in the media. Everyone has access to all the news. And then sometimes the media will look for an anecdotal problem... really an anecdote... it's not that it's anecdotal, it's that we don't know the context, we don't know the why. (...)
>
> The third thing is the simplification of terminologies. Now we no longer talk about Islam. We no longer speak of Muslim or Islamic countries. We talk about Islamists. And Islamism means a fundamentalist political movement... So it is this terminological simplification that also causes the debate to begin to amplify, to grow because we mix everything in everything and we no longer know who we are really talking about. (Saloua, interview, author translation)

Saloua's detailed answer reflected her awareness of several different transnational phenomena playing a role in the local spread of what she considers to be misinformation about not only Muslim veiling practices, but Islam in general. Her answer points to an awareness of how the global intertwines with the local, as both are interconnected through powerful circuits. The first phenomena she points to is global Islamophobia, which is considered transnational as it is not limited to just one or two nation-states. As Korkman and Razack argue, Islamophobia or Anti-Muslim racism has become institutionalized as well as transnational and has accelerated post 9/11, while relying on earlier racial formations and Orientalism as scaffolding; it fixes Muslims as a pre-modern, barbaric, and misogynistic people who deserve the violence directed at them as they are a threat to civilization (2021, 261-262). Anti-Muslim racism is also gendered in that it

subjectivizes Muslim men as terrorists and Muslim women as oppressed and as forced to veil. Therefore, it is no surprise to Saloua that such discourses have permeated into Quebec debates, as they are present in other parts of the globe and are in circulation.

The second factor she points to that amplifies this circulation is internationalized media, which has only intensified in the context of neoliberal globalization and the social media landscape. Internationalized media refers to media that are transnationally connected, usually through powerful corporations, that are further expanding their reach and influence globally (Grewal 2014, 182); this not only applies to English language media but also French language media, which are even more connected as there are fewer and the circulation between them is intense (Éditorial 2017). This also applies to Saloua's third point, which is the (over)simplification of terminologies, which are also circulated by the internationalized media. She points to the term "Islamist" or "Islamism" being used indiscriminately in the media to refer to Muslims, and how the average viewer might not know what the terms mean or be able to differentiate when they are applied correctly or not (Saloua correctly defines Islamism as "a fundamentalist political movement"). This (over)simplification of terminologies, according to her, lead not only to confusion but also to the amplification of debates around Muslims, which take on a sinister character by association. Similarly, the term "religious symbols" and its association mainly to Muslim bodies, has become a kind of code word to describe excessive Muslim visibility and presence in Western countries that reflects a multiculturalism "gone too far." Similar to other racially charged terms, such as "honour killings," "religious symbols" becomes "a media-ted concept that circulates as a transnational and national symbol of particular cultures" (Grewal 2014, 166). It also reveals a kind of "stickiness" to Muslim bodies that is not present when compared with other bodies.

"My body was a sacred trust"

In my interviews with Muslim women in both France and Quebec, several spoke about the amount of research they undertook to understand the reasons behind veiling, as well as the concerted effort they put into preparing themselves to wear it. This was especially true if one was a Muslim convert and expected to encounter opposition from their families and/or social circles.

Jeannette was a White French woman who had converted to Islam in early 2000, having first encountered the Qur'an in 2001 while completing her PhD at a prestigious university in London, England. After having encountered students from different countries and faith backgrounds at her university, she began studying the sacred texts of various religious traditions. After graduating with her PhD and returning to France, she taught at a public school in Marseille, which had a high population of Muslims, and it was there that she decided to convert to Islam. However, it was a long process from her initial decision to convert to when she began practicing Islam wholeheartedly. It was not until she moved to Morocco for another teaching job in 2005 that she converted officially and began practicing Islam in 2007.

When I interviewed Jeannette in 2012, we had met in Granada, Spain, where we were both enrolled as students in a summer-school course called *Critical Muslim Studies: Decolonial Struggles and Liberation Theologies.*[85] It had been organized through a partnership between Berkeley University and a local NGO, the Center of Study and Investigation for Decolonial Dialogues. Jeannette was in her late thirties and had been previously divorced. She wore a hijab paired with either a long flowing dress or pants and a tunic, which she styled to cover her arms, legs and chest. She worked as a university professor in Rabat, Morocco, after having previously

[85] The Granada summer school is now in its eleventh year and still runs two-week courses every summer. See (Center of Study for Mediterranean Dialogue 2022)

worked in a Morocco-based French lycée before her conversion to Islam. She still lives and works in Morocco, having migrated there permanently after not being able to find a teaching job in France that would allow her to work while wearing her hijab.

Following her conversion to Islam, Jeannette had engaged in much research and contemplation before beginning to wear a hijab, having expected the negative reactions of her French colleagues at the university where she worked. Jeannette explained her reasons for wearing a hijab in three ways: "[First] It was a way of finding alternative ways of presenting myself as a woman. And insisting, I mean, laying stress upon the intellectual person I was. Like, I want[ed] to be looked at first as a mind, more than as a body or as a young pretty woman or whatever" (Jeannette, interview). Jeannette discussed wanting to find alternative ways of presenting herself as a woman; in other words, not being satisfied with the modes of femininity that were available to her within her own French cultural norms. This was because for her, there was too much emphasis on the visibility of the body instead of the mind – especially when it came to women's bodies. This reasoning echoes many feminist writings about the body, particularly second wave feminists, who critiqued capitalist forms of consumerism that used women's bodies for the purpose of exciting of male sexual desire (Guessous 2020). Jeannette insisted that she wanted to place the attention on her mind instead of her body, while de-emphasizing the visibility of her body through wearing hijab.

Jeannette continued to list her reasons for deciding to wear hijab, which similar to Saloua, emphasized veiling as an important part of identity-formation:

> Secondly, I guess it was also on a very different level, it was also part of my spiritual search for... where is my identity? Where do I belong? Because the veil also for me echoed images and pictures of my roots in the sense [of] Christian-Jewish roots. Also, in the past, both Christians and Jews would cover up. I mean, if you were inside a synagogue, women do cover up their hair. In churches too, it is very traditional. (Jeannette, interview)

In this passage Jeannette points out how her search for meaning and identity led her to examine her own Christian and Jewish traditions, which included veiling (Almila 2018, Heath 2008). Her way of positioning her veiling practice alongside those of other religious practices allowed Jeannette to lessen the distance between the perceived foreignness of her new religious identity, and that of more familiar Christian or Jewish traditions, which as she points out, also include their own forms of veiling.

Jeannette continued with her third reason for veiling, which she discussed at length. Here she foregrounds the sensual aspects of the body but rather than focusing on the material body, she emphasizes its sacred, spiritual dimension:

> I thought wearing the headscarf at that time was all about rediscovering also the value of my own ... body, in a sense of my own sensuality. (...) And it was trying to retrieve that sense of the sacred in the sense that even my body was sacred. (...). So, in a way it was the body [that] was dis-eroticized and covering it up was an attempt of re-eroticizing the body … But in a way that is more sacred. So within the idea that the body is in itself a gift from God and it's also an *amana* [trust] and you should just keep it as something, you know, you should try and maintain it as much as you can, healthy, you know? Like, it was given to you as a present and it's not really yours anyway, it's God's. (Jeannette, interview)

Jeannette's understanding of one's body as sacred and as a trust (*amana*, in Arabic) is crucial, as it positions the body in an intimate relationship that includes God at its centre; within this relationship, the body is conceived as a vehicle that allows one to draw nearer to God and not merely as an object for public consumption or as something that attracts sexual attention. Jeannette discusses her attempt to re-eroticize her body in terms of making it visually inaccessible to others, in order to return it to a more sensual and sacred state. The idea of the body as both erotic and sacred also echoes other religious traditions, such as in Sikhism, where one's body does not belong only to oneself, but rather, to God (Almila and Inglis 2018). Because the body is sacred, Jeannette argues that one needs to protect and maintain it so that it stays

healthy. Covering the body with clothing as well as a headcover is one way that Jeannette maintains her connection with a sensual body that is also understood as a sacred gift from God. This conception of the body is different from a secular materialist understanding, which de-sacralises the body and attributes superior physical or intellectual capacities to individual genius rather than to a higher power (Asad 2003, 51). As Alexander's (2005) writings demonstrate, veiling can be understood as a type of marking on the body which shows that a process of learning has taken place, and the body reflects an inscription of this knowledge. Because this knowledge is sacred, the body that houses it is also sacred and needs to be protected from an exterior gaze. In this understanding, the body and mind are not separated, they are intertwined reflections of one another; this type of understanding of the body disrupts the duality of Cartesian philosophical traditions, which separates the mind from the body, and concomitantly, interior belief from external practice (Asad 1993, 39).

Jeannette's journey with Islam and with the hijab reflected a decade long transnational search for identity and meaning as a gendered and spiritual being. Beginning with her initial exposure to new people and ideas in London, England; then to Marseille, France, where she encountered many Muslims and embraced Islam; to Rabat, Morocco where she worked and eventually decided to settle; and finally to Granada, Spain, where she and I met during a summer school course, Jeannette's journey mirrors the transnational voyages of those seeking to understand the world beyond the constrains of a secular-liberal imagination.

"I was on a spiritual path"

Another woman that I met in France was Nouçayba, who struck me with regard to her deep spirituality and reflexivity about her intentions with regard to her spiritual practice. Nouçayba

was 28 years old when I met her in 2012. She had previously worked as a school teacher but was on an extended leave after the birth of her second daughter. Both of her parents were originally from Morocco but she and her siblings were all born in France, and lived in one of the suburbs (*banlieu*) of Paris named Seine-Saint-Denis. However, the area is frequently referred to by its postal code, 93, both by residents and non-residents alike. There is a stigma attached to certain suburbs of Paris (for e.g. the 93, 94, 95), as they are frequently characterized as run-down, violent, and full of delinquents; unsurprisingly, these areas are where most immigrants to France live due to the low-income housing projects built to house them. These areas were also the epicentre of the 2005 Paris riots, and where youth unemployment at the time neared 50% (Wolfreys 2017, 136).

Being a bright and enthusiastic student, Nouçayba had started wearing a hijab while at university. But she had been warned by her teachers that she would never find a job as a teacher while wearing a veil due to France's 1905 secularism law that prohibited state personnel (including teachers) from wearing religious symbols (L'Assemblée Nationale de la République Française 1905). Undeterred, Nouçayba nevertheless graduated with full honours, and found a job working at a public school while accepting to remove her headscarf during working hours. It was a difficult decision that was made more so due to the judgement she received from the Muslim community around her, as she was known to be someone who taught religion to young children. "I was teaching Qur'an, Tajwid [correct pronunciation of the Qur'an], Arabic to children in a mosque," she told me, "I represented something, and they [the Muslim community] were like 'but uh...' It's like I regressed for them. But the problem is that after a while we ask ourselves the question. Don't we have less faith...well, aren't we going to lose our faith? After a while it gets to us!" Despite the judgements she received, Nouçayba nonetheless persevered until

the pressure and stress got to her and she found that she was slipping in her religious practice; she decided to go on extended leave and had still been contemplating what to do next at the time of our interview.

During our conversation, I asked Nouçayba about why she began veiling even though knowing that she could not wear her veil as a public school teacher. Nouçayba located her veiling practice alongside other practices that were even more important to the development of her pious character : praying in isolation, ridding her heart of resentment, conversing with God. She initially did not even tell her parents when she began putting on a hijab because she was so immersed with her religious practice that she did not want anyone to think that she was 'showing off' in any way:

> I was on a path [*un parcours*]. First I started to change my behavior, I started to work on my heart. I was really into spiritual work [*un travail spirituel*]. (…) I had a spiritual hygiene [*une hygiène spirituel*], I would wake up at the time of *Fajr* [the morning prayer]. I tried to wash my heart of resentment, of jealousy, I didn't let a little thing get into my heart! (…) And at one point ... I started to dress decently. I took [on] the hijab – for me, it was not a veil. You see, it was a state of mind so I worked on this state of mind a lot. (Nouçayba, interview, author translation)

As Nouçayba describes, her decision to wear hijab was a process that was part of a longer spiritual path. She mentions having a "spiritual hygiene," something she would do every day that was part of a practice of inner work that involved waking up early for the morning prayer, and "washing her heart" of negative emotions such as resentment or jealousy. She located veiling as part of this spiritual path, alongside it, not as something that she did in isolation. It formed part of her "spiritual hygiene," part of a constellation of practices that were meant to cultivate a pious character, albeit one that was disrupted once she had to unveil every day during school hours.

Mayanthi Fernando (2014) discusses the sometimes long spiritual journey that women in France underwent in order to cultivate piety, even before deciding to wear hijab. Fernando

outlines some of the basic steps of what women like Nouçayba have called their spiritual path (*parcours*) or journey (*cheminement*):

> Most of my interlocutors began what they called their spiritual journey (*cheminement spirituel*) by reading, attending conferences, and talking to friends and acquaintances with greater knowledge of the Islamic tradition. Then they began praying intermittently, increasing over time the regularity of their prayers to five times a day. Initially many found it difficult to rise for the dawn prayer (*fajr*), but they slowly brought themselves to do it every day. They also began to dress more modestly and change other behaviors-eating halal, for example, and carrying spare change to give to homeless people—and they often took their cues from those who were more advanced on their spiritual journeys. Most of the practicing Muslims women I knew prayed regularly for months and sometimes years before putting on the headscarf. This temporal gap highlights the intellectual and physical disciplinary process through which, step by step, these women turn themselves into proper Muslims. (Fernando 2014, 160)

This continuum of step-by-step practices that Fernando describes is what Nouçayba referred to when she described herself as being on a path and working on her spiritual hygiene. She had been a student of several Islamic scholars as a teenager and she had been keen to continue progressing along the same path, while performing the steps that would facilitate the cultivation of her pious character. Noucayba also repeatedly refers to the heart [*le coeur*] when she discusses the hijab, as she constantly puts it in relation to the other spiritual work that she was doing on her heart, which was part of what she called her spiritual hygiene. Later on in our interview, she emphasized that it was her relationship with God that she was concerned about, that she wanted to be sincere in: “In my relationship with God, I wanted to be sincere. I was afraid there was even a bit of ostentation in it. It was a time when I preferred to pray on my own rather than with people. I was afraid people would see me. I was working on my sincerity” (Nouçayba, interview, author translation).

Women like Nouçayba demonstrate that their spiritual praxis, the interior (affective) and exterior (bodily) work that they undergo in order to draw nearer to God, has nothing to do with the State; it also has nothing to do with exterior others who perceive them as a threat. The

discourse that understands women's relationship with veiling as just another religious symbol that evokes political terror, conveys the utter superficiality and self-absorbed nature of anti-veiling debates. It also denies the agency of Muslim women, that they are not thinking, feeling individuals who contemplate and have their own contributions to make to the world.

"It was like our skin"

Another woman that I met through a friend while in France, Ayah, had stopped wearing hijab several years earlier. She looked like just another fashionable young woman when I met her and her best friend, Inès, in the cafeteria of a small shopping mall one afternoon. The mall we met at was called the *Place d'Italie*, which was also the name of a central metro station with several connections in the 13th arrondissement of Paris. Ayah was 31 years old woman of Moroccan descent and she worked in administration, a job that she was over-qualified for given that she had already completed two masters degrees. She had worn hijab for two years before needing to stop, because finding work in her field was next to impossible while she was still wearing it. For instance, in 2005 the unemployment rate for university graduates from North African backgrounds was 26.5%; in comparison, the national average unemployment rate for university graduates of other backgrounds was 5 per cent (Wolfreys 2017, 137). Ayah told me that the only job she could find when she wore hijab was as a cleaning lady at the airport, and even then that was because she had a connection to the employer through a family friend.

Inès, Ayah's best friend who accompanied her to our meeting, was also of Moroccan descent and was 26 years old. She had also worn the hijab for approximately two years. Like Ayah, she had also eventually made the difficult decision to stop wearing the hijab in order to find work and to contribute to her family income.

Similar to Nouçayba, Ayah invokes the idea of the hijab as an embodied part of her spiritual practice – a practice that she describes as being a part of her body, of her very skin. Speaking on behalf of both herself and Inès, as they had discussed their experiences with one another in the past, Ayah recounts:

> for us it was not a *jihad* [effort], our hijab. It was part of us. We lived it well because we went [into it] consciously. We had been thinking about it for a long time. It was a *considered* step. So the day we took on the hijab, for us *it was like our skin*. We couldn't live without it; we didn't experience it as a burden, like something heavy. We could hardly [even] see it. If you didn't remind us that we had on the hijab, we wouldn't know it. (Ayah, interview, translation and emphasis, mine)

In this passage, Ayah uses the Arabic word, *jihad*, which means effort or striving (not "holy war" as it is frequently mistranslated) to underline the fact that wearing hijab was not something they considered difficult or a struggle; it was something that they had thought about and had wanted to do for a long time. Ayah emphasizes that it was a considered step, that it took thought, research, and planning. But her most evocative statement was when she described wearing hijab as being "like our skin." When she used the metaphor of skin, it immediately reminded me of a passage I had read in Meyda Yeğenoğlu's book, *Colonial Fantasies* (1998). In commenting on Frantz Fanon's essay, "Algeria Unveiled" (Fanon 1965), in which he discussed in detail how Algerian Muslim women participated in the Algerian War of Independence (1954-1962), Yeğenoğlu pointed out that clothing was not just external to Muslim women's bodies. She comments on the fact that in Muslim societies, a veil was not just an attire that covered a woman's body but also something that transformed a girl into a woman; therefore, there was no such thing as an interior or exterior of the veil, as a the veil was coterminous with a woman's body: "It is because her mature female body is made by the veil that unveiling her is not simply an uncovering, or change of dress, but *peeling her skin off*" (Yeğenoğlu 1998, 118). This imagery of peeling the skin off of a person evokes the idea of pain, torture, and violence. It

evokes a pain that is difficult for people to understand but it is a feeling that came up in many interviews I conducted with un-veiled women, especially those who were forced to unveil in the context of anti-veiling laws. It is a feeling that resonated throughout Ayah's interview in particular: the deep suffering that she felt in having let go of a part of herself that fulfilled her not only physically but also spiritually. It also challenges the dominant secular understanding that separates the mind and body, interiority and exteriority.

Ayah tells me later in the interview, about her decision to stop wearing the hijab:

> For my part, it was a mistake. I should have fought more I think. I regret having removed [my hijab] because in the end I did not gain anything. I did not gain anything, I did not make any progress (sigh)... I regressed in my *dîn* [faith/religion] (...). *Astaghfirullah* [May God forgive me], I will speak bluntly, but I believe I challenged Allah more than anything in my act. Because I transgressed a law of Allah [God's law] and if Allah told us to be veiled, it is because there is a *khair* [good/benefit] in it. (Ayah, interview, author translation)

Ayah's strong feeling of regret and repeated use of negative phrases such as, "I should have," "I regret," "I did not gain anything," and "I regressed," echoes a deep longing and pain at having to give up something that filled her with ease, and that made her feel like she was in good standing with her Creator (she uses the Arabic word for God, Allah). She considers veiling to be a part of God's command, something that was ordained because of the benefit or good (*khair*) it brings. Ayah's regret at having given up what she considered to be her religious duty in exchange for what amounted to a low paying job, for which she was overqualified, underscores Yeğenoğlu's contention that for a woman who veils, "*Her body is not simply the inside of the veil: it is of it; "she" is constituted in (and by) the fabric-ation of the veil* (1998, 119)[author's emphasis]. In other words, her subjectivity as a Muslim woman becomes co-terminous with her veil, which in turn, make its absence deeply destabilizing.

"It is an order from Allah, and I did not want to be disobedient"

Similar to Ayah, there are many women who consider veiling as a religious duty, as part of an act of obedience to God; this is because they viewed veiling as being prescribed by God in the Qur'an and *Sunnah* (prophetic traditions and sayings).[86] For example, when I first met Nour, a young French woman of Algerian descent, she was 29 years old and had just given birth to a baby girl. Nour had previously worked as a social worker, but since deciding to wear the hijab, she had stopped getting job offers. She told me that she had tried to find a job for a year and a half; she had gone on fifteen interviews and for at least three of them, the interviewer had hired her over the phone based on the qualifications in her c.v. alone. However, when she reported to the job site in person while wearing her hijab, the offer of employment mysteriously vanished: "they called me up and said 'yes, the interview is a formality, don't worry, you're hired.' Before it was like that! But since [I started wearing] the hijab, they told me that on the phone and when they meet me, ahh .. ah no, there is a problem here!" (Nour, interview, author translation). Instead of abandoning her job search completely, Nour started a home business as a freelance professional. She decided to do consultations from her home for a reduced fee. She gave seminars and conferences to community groups, wrote articles for an online magazine called, *Imane Magazine,* and also made plans to start her own online and print magazine that would offer counselling to Muslim families. In other words, Nour became a freelance social worker and

[86] For example, two of the Qur'anic verses that have been widely interpreted by religious scholars to prescribe veiling for women are the following: first, "And tell the believing women to lower their eyes and to guard their private parts, and to not display their adornment except that which is visible thereof. And let them draw their kerchiefs over their breasts, and not display their adornment except to their husbands, or their fathers, or their husband's fathers...[etc.]" (24: 31) (Nasr, et al. 2015, 876); and second, "Oh Prophet! Tell thy wives and thy daughters, and the women of the believers to draw their cloaks over themselves. Thus it is likelier that they will be known and not be disturbed. And God is Forgiving, Merciful" (33:59) (Nasr, et al. 2015, 1038).

a community activist who helped to empower Muslims women and families. When I met her at her home, we spoke about some of the difficulties she faced when looking for work. We eventually began speaking about what Nour's hijab mean to her. She answered: "for me the hijab is really something religious. I wore it because it is an order from Allah, and I did not want to be disobedient" (Nour, interview, author translation).

The idea of veiling as a religious obligation or as an order from God, is found in many Islamic religious texts. Fernando examines two such texts that are readily available in France, Fatima Naseef's, *Droits et devoirs de la femme en islam* [Rights and duties of the woman in Islam; 1999] and Malika Dif's *Être musulmane aujourd'hui* [Being a Muslim woman today; 1999]. Fernando explains that such texts are widely circulated, produced, and consumed as part of the wider Islamic Revival in Europe.[87] Such texts are examples of female authors who write manuals that aim to delineate the proper comportment of Muslim women as derived from the Qur'an, Sunnah, and the behaviour of the Prophet Muhammad's wives (Fernando 2014, 157). These types of manuals frequently supplement those of (usually male) religious scholars that are also widely read in France and internationally. Fernando writes that,

> the believer is ... guided by religiously authoritative texts and arguments that explicitly state the norms. According to these norms, the headscarf, like other practices, is both a choice and, importantly, *an obligation*, a divine prescription incumbent on all Muslim women. The choice here lies in *whether or not to accept the obligation of veiling.*" (2014, 157) [emphasis added]

What Fernando is pointing to is the commonly misunderstood idea of "choice," which in a secular register might read as the freedom of an autonomous agent to make a decision free of any

[87] The Islamic Revival is a term used to describe a rise in religious identification and participation among Muslims especially in Middle Eastern countries. Scholars have also pointed to a similar phenomenon in Europe's diasporic Muslim communities, especially in terms of the dissemination of religious knowledge that aims to produce certain kind of religious subjectivities. See (Jouili 2011) (Mahmood 2005).

external pressure or coercion. On the other hand, "obligation" is considered to be a constraint, especially in the context of normative authority. However, as Mahmood (2005) demonstrated in her study of the women's mosque movement in Egypt, exercising agency does not necessarily meant to resist or to act in the absence of authority or constraint; for pious Muslim women in particular, agency meant choosing to inhabit certain authoritative norms for the purposes of cultivating pious dispositions. Similarly in the French context, the choice to veil or not to veil remains an autonomous one, even if it occurs within the context of normative authority. As Fernando points out, "Proper veiling, an obligation in itself, has a specific authorized form; the act of choosing lies in whether one opts to follow the divine injunction or not" (2014, 158).

Although many of the political elites who advocated for anti-veiling laws argued that young women were not free to make their own choices (Stasi 2003, 12), many of these veiled young women disagree completely. When speaking with Inès, for instance, Ayah's best friend, she firmly tells me that it is untrue that most of the young women who veil are forced to:

> Most veiled women who live in the West, we *choose* to be veiled. It's a *minority*, those who did not choose to be veiled—it's very rare. For me, all the women I know who are veiled around me are veiled by choice, and by *love*, and they live it. They live it fully, they are fulfilled through their veils. It's very rare for girls to have [been forced to veil]. Personally, I don't know any. They exist! They surely exist! I think they must exist, women who wear it in the West I'm talking about. (…) But in any case, I don't know [those] who wear the veil by obligation. Out of obligation to God! *Because they love God* and they feel obligated to follow the law of Allah, *because they love Allah*. But not out of human obligation. (Inès, interview, translation and emphasis added)

In this passage, Inès stresses that although some women might be forced to veil, this phenomenon is rare in Western countries. Having grown up around Muslims all of her life, she asserts that all of the women she knows who wear a veil do so by choice and not because they are forced. This position is repeated often especially in light of a verse in the Qur'an that says

that religion should never be coerced.[88] What this means is that whatever practices are taken on by a believer must be the result of considered, active reasoning, and conscious choice; they should not be undertaken out of blind obedience or out of deference to another's person's will because every believer is accountable for their own actions and decisions.

Another key point Inès makes is when she says that women who wear a hijab wear it out of love for God, out of a sense of obligation *because* they love God and want to please their Creator. As Fernando writes,

> what connects *desire* and *obligation*—what turns obligation into desire—is *love of God*. Through practices like praying, fasting, and veiling, Muslim French augment their love of God, which in turn makes them want to please Him and to continue to become better and more practicing Muslims. (2014, 158)[emphasis added]

Fernando points to the deep affective relationship that guides a woman's decision to veil, which transforms an obligation into a desire that emerges from love. It is this aspect of love for one's Creator that is never mentioned in anti-veiling debates, because Muslims women especially are imagined to be without agency and indeed, without proper affect. As the idea promoted through anti-veiling laws and legitimated through secularist discourse is that veiled Muslim women are either fundamentalists or are proxy to fundamentalists, there is no room to consider the affective relationship between themselves and God. However, as Inès affirms, the majority of women whom she knows practice veiling because they want to, out of a desire to please their Creator and out of their genuine love for Him.[89] Her assertion underlines the multiple modalities of the term

[88] The verse referred to is in the second chapter of the Qur'an: "There is no coercion in religion" (2: 256) (Nasr, et al. 2015, 111)

[89] Although the pronoun "He/Him" is traditionally used to refer to God (Allah, in Arabic), this should *not* be understood as an indication of male sex or of anthropomorphism. As religious studies scholar, Sa'ddiyah Shaikh (2019) writes, "Historically, Muslim theology has been radically iconoclastic—God is not simply beyond gender but for most Muslims, also beyond anthropocentric similitudes. The idea of God the father is simply not part of the dominant Muslim imaginary."

obligation (Fernando 2014, 168) (Bowen 2007, 176), which for Muslim women, implicates both choice and love, but which remains unintelligible to secular elites intent on promoting veiling bans.

"I shouldn't have to justify why I'm wearing a veil"

The frustration at being constantly asked to both defend and justify why one wears a hijab, both by the state and by society at large, can reach an untenable point. A young French woman of North African heritage that I met in France, Hawa, expressed this type of frustration. I met her through a mutual friend while she was on holiday, visiting with family in Paris. She had travelled to Montreal, Quebec, to complete a Master's degree in 2005, and then returned to France in 2009 after completing her studies.

At the time of our meeting, Hawa was 31 years old and wore her headscarf in a 'turban' style, wrapped around her head and hair but leaving her neck and part of her ears visible. We spoke at length about her experiences both in France and in Quebec, where she had completed the coursework for her Master's degree in 2007, around the same time as the "reasonable accommodation" debate began in Quebec. The commission's aim was to determine the degree to which the practices of religious minorities should be accommodated in the workplace. Hawa recalled that while there were some discussions around the practices of Hasidic Jewish communities, media attention and public consultations seemed to zero in on Muslim communities. There were several instances that seemed to focus on Muslim women, in particular.

Hawa told me that one of her acquaintances at the time had told her that there was a news outlet that wanted to interview people to ask them about their faith, and specifically why they

wore a veil. But Hawa told me that she refused to participate in the interview. When I asked her why, she replied:

> It annoyed me, you know? I shouldn't have to justify [why] I'm wearing a veil. These questions get on my nerves [*ça me soûle*], you know! And what pisses me off is that in my progression [*mon cheminement*], which at the beginning was a choice [I made] because I wanted to, [because] I felt comfortable, you know, out of adoration for my Creator, etcetera. It went to another level where I constantly had to justify, or defend, or explain myself. It really annoyed me. It annoyed me to the highest degree. (Hawa, interview, author translation)

Hawa expressed annoyance and aggravation at constantly having to justify or explain herself to others, to make herself intelligible on their terms. She refused to give an answer because she did not want to justify her actions that were to her, something personal between herself and her Creator. She uses similar words as Inès when she states that her decision to veil was something that she wanted to do because it felt comfortable, and out of love for God. Her rationale was that she should not have to justify something that was so personal because it did not concern anyone but herself. Further in the interview, she elaborates on her position:

> my scarf is just the expression of my faith. It's like I took a step towards God... It's like I had taken a step towards my Creator. I wanted to do it, and I loved doing it, and I was happy to do it. (...) it seemed natural to me to put on the scarf. So basically for me ... the process was really spiritual, religious above all. Indeed, a religious act is a political act... but in any case, I didn't think of it that way. I really thought of it as out of love, out of spirituality, out of faith, you know? That's all. (Hawa, interview, author translation)

Hawa stresses that her headscarf was just a part of her faith, and wearing it was a step towards her Creator that she wanted to take, and was happy to take because of her love for God. Her interview underlines the fact that people, the media, the State, constantly ask Muslim women to justify why they veil; however, even if they explain their reasons, they are not taken seriously. Or they are asked to further justify their reasons. As Bakht argues, "...the regulation of Muslim women's clothing explicitly questions their capacity to make agentic choices in ways that other

people's decisions are not scrutinized (Bakht 2021, 294). This led Hawa to refuse to answer questions about herself because such incessant questioning only served to aggravate her.

Conclusion

By applying a transnational feminist lens to anti-veiling laws, we can demonstrate several things. First is that a specialized vocabulary has developed to transform certain religious practices into "religious symbols," which are modeled on the Christian crucifix, and that are differentiated according to their being "ostentatious or conspicuous," which is unacceptable, or "discreet," which is acceptable.

I argue that it is more appropriate to use the term anti-veiling laws to describe the laws I have enumerated in this chapter as the common denominator between these laws is veiling. Indeed, most of my interlocutors in both France and Quebec do not use the term "religious symbol" to describe their own veiling practices, and the term itself and what comes under its aegis is highly subjective and politically biased. If veiling was understood as an essential part of a person's religious practice then it would be protected under the right to religious freedom; but because it is separated into a "religious symbol" it becomes relegated to the "manifestation of religious belief"

Second, the transnational circulation of concepts regarding "religious" symbols between France and Quebec tells us that national debates around the banning of so-called religious symbols are heavily influenced by international ones, particularly those that are presumed to have 'succeeded.' This suggests that the governance of religion is a state process that borrow heavily from abroad; it does not necessarily result from the electorate but rather from politicians and their nationalist strategies to win elections. For example, the Bouchard-Taylor Commission

explicitly said that there was no crisis of accommodation but that there was a “crisis of perception.” That was based on inaccurate media portrayal, insecurity and political hysteria about the perceive erosion of French Canadian language and culture.

Moreover, the circulation in the religious symbols laws and the borrowing of the same terms (although slightly modified) tells us that Quebec and France’s relationship is as strong as ever, and getting stronger. There is an alignment taking place that is intentional and their rapprochement is not only economic and educational, migratory, but also institutional and legal. It is cultural as well because there seems to be an intention to bring Quebec closer to French secularism on the part of political elites. The ideas that Quebec borrows from France reflects the increasingly narrow nationalistic ambitions of Quebec nationalists/separatists, which I discuss in Chapter 2.

CHAPTER 2 – THE NEW SECULARISM

Introduction

A few days prior to Pauline Marois' December 2013 meeting with François Hollande, she met with the Vice-President of France, Jean-Marc Ayrault. They met to discuss trade between France and Quebec, but the discussion quickly turned to the topic of secularism. When prompted by a journalist, Ayrault summarized his conversation with Marois: "We talked about these questions, the Charter of [Quebec] Values and, in particular, secularism (*laïcité*). It is true that between Quebec and France, there is so much in common that we learn from each other on questions like these, [which are] essential and fundamental" (La Presse Canadienne 2013)[author translation]. Marois responded, smiling, "the proposals of Jean-Marc Ayrault are music to my ears. You know very well our point of view. These are the same words that I use at the National Assembly of Quebec" (La Presse Canadienne 2013)[author translation]. Marois further commented that there was a "mutual inspiration" between the two societies and that although France and Quebec each followed their own paths on questions of *laïcité*, "[this] does not prevent us from exchanging and sharing perspectives and knowledge in this regard" (Rioux 2013)[author translation].

The "mutual inspiration" between the French and Quebec governments and the "same words" that are used in their respective National Assemblies with regards to laïcité are not a coincidence but, rather, an example of the type of citationality that has occurred between these two different societies, which as previously mentioned, share multiple ties including historical, linguistic, intellectual, economic and political. Quebec's citation of France's anti-veiling laws can be understood as part of a strategy of a sovereigntist government intent on distancing itself from the political culture of Canadian multiculturalism, in favour of a French inspired *Catho-*

laïcité – which denotes a secularism that emerges from and retains a distinct heritage of Catholicism (Gaudreault-DesBiens 2014). In addition, Marois and Ayrault's "exchanging and sharing perspectives and knowledge" with regard to laïcité is obvious if one takes a quick glance at the wording used in France's 2004 circular of application (Journal officielle de la république française 2004) and in the Charter of Quebec Values (Bill 60) (National Assembly of Québec 2013). As discussed in Chapter 1, an entire vocabulary developed consisting of words like, 'ostentatious', 'discreet,' 'conspicuous', and 'religious symbols,' which pervades anti-veiling laws and reflects the transnational circulation of such concepts at the international level. Marois had previously defended her government's Bill 60 as aligning with "a well-known international standard" (Stolow 2015, 126), undoubtedly referring to the French model that has been upheld by the ECtHR, which has set the precedent for the numerous anti-veiling laws that have been enacted across Europe.[90] Marois was correct in gesturing to the "international standard" that has been set when speaking about state regulation of "religious symbols." However, what she failed to mention was that this international standard had been determined by elite white men and women in the near-absence of any consultation with those who would become the direct targets of anti-veiling legislation, namely, veiled Muslim women and girls.

On the same morning as Marois and Ayrault's meeting, Ayrault's office had uploaded a document on the French Prime Minister's website from a research working group that had been tasked to produce proposals to reform France's integration policies. The working group produced a report entitled, *Vers une politique française de l'égalité* [Towards a French Policy of Equality] (Dhume and Hamdani 2013) which among other points, recommended an end to the 2004 law

[90] I discuss the ECtHR's role in the French 2004 law in Chapter 1. See Cox (2019) for a wider discussion of how the ECtHR has legitimized anti-veiling laws in Europe.

that prohibits students from wearing "religious symbols" in public schools. According to the authors, the 2004 law reinforced a discriminatory logic and was used "as justification for an extension of discriminatory practices in numerous sectors" (Journet 2013)[author translation]. Their assertion that the 2004 law had been used to justify discrimination in other sectors, including in both public and private employment, has been repeatedly confirmed by a number of scholars, activists, and international human rights organizations that have examined the issue (Jahangir 2006, Collectif Contre l'Islamophobie en France 2013).

When asked by reporters if he would accept the working group's recommendation to end the 2004 law, Ayrault visibly stiffened and said, "Obviously not! I myself voted for the law prohibiting religious symbols at school. So, we are staying the same course and we especially want to restore the model of republican integration" (Rioux 2013)[author translation]. Ayrault's reaction was similar to François Hollande's in that he did not acknowledge the wide-ranging acts of discrimination towards Muslim women that have resulted from the 2004 law.

The 2013 exchange between Ayrault and Marois, each representative of their respective governments, reveals an important spectre that haunts anti-veiling laws: the veiled Muslim women and girls and who are its targets and yet who are constantly dismissed and disavowed. Instead, the model of secularism that has been enforced since 2004, and which had become (in Marois' words) "an inspiration" for the world, was discussed between governments as though it was a resounding success—without considering the profound effects that these laws have had on the lives of Muslim women and girls.

In this chapter, I argue that as anti-veiling laws developed in France over the last thirty years, they have made possible a new form of secularism. I describe the transformation of secularism from its historical forms into what is now called the new secularism [l*a nouvelle*

laïcité] (Milot 2009) (Baubérot 2012), a term that emerged in a key 2003 government report (Baroin 2003). This report explicitly argued for a "new secularism" as an identity-centred political project that (1) takes Islam, rather than Catholicism, as its main interlocutor; (2) that promotes the emergence of "Republican elites" from immigrant backgrounds; and (3) that explicitly advocates for anti-veiling legislation, whereby veiling is described as "fundamentalist" (Baroin 2003). I argue that the new secularism is a transnational political project that erases the colonial and neo-colonial underpinnings of anti-veiling laws.

In the first section, I discuss how secularism developed historically in both France and Québec, taking into account the various stages of its development as well as how they have influenced one another. In the second section, I examine the 2003 Baroin report, focusing the political project of the new secularism that it enabled and the three figures it subjectivized: the new secular French subject, the "republican elite" from an immigrant background, and the "fundamentalist" veiled Muslim woman or girl. In the third section, I examine how the new secularism traveled to Quebec by way of politicians and media personalities who utilized policy transfer in order to facilitate their own nationalist political agenda. Lastly, I use situated knowledge to bring out the ways that my interlocutors, Muslim women living in France and Quebec, conceived of historical secularism and their relationship to it in contrast to "the new secularism."

I conclude with a discussion of the work that the new secularism as a political project has enabled, and how the situated knowledge of those who practice veiling can help to disrupt current hegemonic understandings of secularism in transnational anti-veiling laws.

From Laïcité to « la nouvelle laïcité » in France

French secularism, or laïcité as it is better known, has historically undergone numerous important stages of transformation. The first stage, which occurred between 1789–1905, is characterized by state transformations that took place post-French revolution and that signified the end of the Catholic Church's dominance over state matters. As the Catholic Church had been one of the main supporters of the defunct monarchy, revolutionary forces saw the need for a formal separation of church and state. A series of reforms took place that sought to limit the Church's influence on state matters, such as the establishment of a Civil Code, and a Concordat system that brought the Church under state tutelage, even while recognizing the plurality of religions, which included not only Catholicism (97%) but also the minority religions of Protestantism (2%), and Judaism (0.2%) (Baubérot 2009, 11).[91] Although this system still allowed a circumscribed role for the Church in general matters of public service and morality, there remained an antagonistic relationship between the anti-clerical forces of the secular state and the entrenched clericalism of the old order. This conflict between "the two Frances" set the stage for a more formal separation between the Catholic Church and the Republic, one that would be laid out in the law of 1905, known formally as the law of separation between Church and State.[92]

The 1905 law, implemented under the Third Republic, reflected a second transformation in state secularism that took place between 1905 and 1989. Under the 1905 law, freedom of

[91] Jean Baubérot, a historian and sociologist who specializes in the sociology of religion and secularism in France, was also a member, in 2003, of the Stasi Commission, which was tasked by the Chirac government with making recommendations regarding the presence of "religious signs" in public schools. He was the only member of the commission who abstained during the vote on banning religious signs in public schools (Baubérot 2004).
[92] The Law of 1905, entitled, *Loi du 9 décembre 1905 concernant la séparation des Églises et de l'État*, refers to the official law that established the separation of church and state in France, (L'Assemblée Nationale de la République Française 1905)

conscience and freedom of worship were enshrined, government spending on religious matters ceased except in some circumstances where, for instance, the state continued to pay for chaplaincy services in prisons or hospitals, and for the maintenance of church buildings and synagogues, which were considered to be state property (Baubérot 2009, 12). Although a set of laws was previously passed in 1881–1882 that had made primary education mandatory and secular, ending the authority of the clergy in matters of education, religious schooling remained a contentious issue as the state continued to fund private religious schools (which are 95% Catholic[93]) with public funds. The issue was finally settled between 1982 and 1984, when it was decided that private schools would continue to be funded by the state (Baubérot 2009). However, public schools, which were considered the places where private individuals learned how to become public citizens, were to remain free from the influence of the Church, the clergy and religion in general (Scott 2007, 102-03).

The 1905 law enacted what was then considered a "secular pact," one that was meant to reconcile the "two Frances" that had been locked in conflict between clerical and anti-clerical sides (Baubérot 2009, 12). However, at the time of its enactment, France still was mostly Christian, with Judaism being the only other non-Christian faith. This would change by the mid-20th century, as the arrival of a large influx of Muslim immigrants from the former French colonies ushered in another stage in the transformation of secularism. The influx of migrant-labourers from North Africa during the post-World War I and World War II periods, and later during a stage of family reunification, produced a demographic shift that saw approximately 8–10% of the French population claiming Islam as their dominant faith. These migrant-labourers came to France from countries, such as Algeria, Morocco, and Tunisia, due to a policy enacted

[93] See (European Commission 2021).

by the French government that allowed citizens of colonized countries to travel to France for work in factories or in other industries, such as the French National Railway (Fernando 2014, 33). These were low paying jobs that were, at first, only available to male workers; later, the wives and children of these workers were allowed to join their husbands in France through a family reunification policy. Therefore, by the end of the 1970s and 1980s there was a greater visibility of female migrants from North Africa in France as well as their children – those who were born and educated in France and who began attending public school while wearing headscarves (Selby 2012, 31).

As migration increased due to the family reunification programs, there emerged a housing crisis that spurred urban changes that would have long lasting impacts not only on the urban landscape but also politically. Cheaply built social housing complexes (*grands ensembles*) were built in the 1960s on the periphery of cities (*banlieus*), and many of the new migrants and their families moved there. However, inadequate maintenance of the new buildings, poor building materials, and insufficient transportation caused a degradation in the migrants' living situation; it was accompanied by the neoliberal restructuring policies that began in the mid-1970s under Giscard D'Estaing's centre-right government. Although left-wing governments were elected in the 1980s, they continued implementing neoliberal policies that made it easier for manufacturing firms to move their production abroad, causing a collapse in the domestic manufacturing sector, the main sector of migrant employment. For instance, in one of Lyon's *banlieus*, seven manufacturing firms closed between 1975 and 1982, leading to a dramatic rise in its unemployment rate which was 3.8% in 1975 but dropped to 10.8% in 1982 (Dikeç 2016, 104). In the rest of France, the unemployment rate continued to rise especially for young people between 1990-1999, where it rose from 19.9% to 25.6% (Fernando 2014, 206). This number was

even higher for young people living in the *banlieus*, now called *zone urbaines sensbile*s (or ZUS), which experienced a rise in unemployment rates of 28.5 % to almost 40% over the same period (Fernando 2014, 206). As Fernando writes, "Forty-two percent of young people in the ZUS in 1990 were either without work or doing precarious work; the figure had risen to 60 percent by 1999" (Fernando 2014, 206).

It was in this context of a "visible Islam" as well as a persistent deterioration of the conditions in the *banlieus*, brought about by French policies of neoliberal restructuring, that the third stage in the transformation of secularism began post-1989 and continues today. Scholars have named this third stage, "la nouvelle laïcité" [the *new secularism*] (Milot 2009) (Baubérot 2012). "La nouvelle laïcité," or new secularism, has come to acquire new meanings, particularly with the first eruption of *l'affaire du foulard* (the Headscarf Affair) in 1989. During this affair, three school-girls were expelled from a public high school for wearing headscarves, setting off a media and political firestorm centred around the assumed erosion of laïcité within the Republic's schools. Following this incident, which recurred in 1994, the new secularism took on an increasingly limiting character vis à vis its Muslim minority population, particularly with regards to interpretations around so-called "religious symbols." The incidents involving the headscarf—and the political responses to it— eventually led to the implementation of the law of 2004, banning the wearing of "religious symbols" in public schools (L'Assemblée Nationale de la République Française 2004).

Laïcité à la Française in Québec

Conversely to France, Québec secularism did not develop in the same way due to the fact that Quebec is a province within a larger Canadian federation that until 2019, had no official law

relating to the separation of church and state.[94] Québec is also a province that has historically had a contentious relationship with the federal Canadian government, which has led to numerous past attempts to separate from Canada, first in 1980 then in 1995, the latter attempt nearly succeeding.[95]

The Catholic Church had never been structurally linked to political power in Québec as it had been in France, except in the spheres of education and health. However, because French Canadian identity had historically been forged on the basis of both language (French) and religion (Catholicism), the Church exerted powerful moral and social influence, especially on families living in rural communities (Juteau 1999, 146). Nevertheless, French Canadians were a minority within a pluralistic Canada that included Anglophones, Indigenous Peoples and other peoples of different racial backgrounds, including former slaves (Mugabo 2016). Therefore, it was within a pluralistic context that Quebec's secularism developed within the comparatively rapid span of approximately ten years, during what is known as the Quiet Revolution.

The Quiet Revolution occurred between the 1960s and early 1970s. During this time, Quebec underwent rapid industrialization and urbanization, which brought several important changes. First, education, health, and social-service sectors came under the purview of the province. This took the form of a large civil service, which institutionalized and professionalized services that the Catholic Church had previously controlled and delivered. Other changes that occurred during the Quiet Revolution were changes in the civil code. As Juteau notes, "The civil code was first reformed in 1964; divorce was made possible and accessible, means of

[94] The law of 2019 called *Bill 21: An Act Respecting the Laicity of the State* (National Assembly of Québec 2019) is the first law to implement an official state secularism, which only applies in the province of Quebec.

[95] The side that voted ("Yes") to separate from Canada narrowly lost at 49.4% compared with the side that voted ("No") to separation at 50.6%.

contraception were generalized, abortion was legalized, the birthrate continued its long decline, women were elected to parliament, and changes were made to the legal system with regard to divorce settlements" (Juteau 1999, 154). These changes brought with them enormous social changes in women's roles. Moreover, this period saw the emergence of a robust women's rights movement, which developed somewhat alongside the Quebec nationalist movement. For example, one of the slogans of the first radical feminist group in Quebec, *Front de libération des femmes du Québec*, was "no liberation of women without liberation of Québec; no liberation of Québec without liberation of women" (De Sève 1998, 160). However, its successor, the *Centre des femmes*, later distanced itself from the national liberation question as it saw nationalism more as a roadblock to women's liberation than as an ally. This was due to the fact that nationalist governments, such as the Parti Québécois (a sovereigntist party intent on separating Québec from the rest of Canada) opposed abortion rights in favour of glorifying motherhood and the nuclear family as the reproductive engines behind ensuring that Quebec would always have a (white) majority (Mills 2004, 198).

However, even with the significant societal changes that had occurred during the Quiet Revolution, Quebec's process of secularization and the way that the Québécois understood secularism itself differed significantly from the situation in France. One key difference was that there was no official state religion in Canada that necessitated a "separation" of church and state similar to the one that occurred in France. As Pierre Lucier writes, "There was no . . . constitutionally religious state with which one would have undertaken a 'separation.' (...) Rather, we put an end to a moral and institutional position, mainly in educational and social matters" (2010, 18, 20)[author translation]. Moreover, Québec's understanding of secularism differed significantly from that of France. For instance, although Québec society underwent a process of

secularization of its institutions such as education, health care, and social services, it shied away from describing it as such; for example, in a Royal Commission report published in 1963 and 1966 that studied the Québec school system, the words *laïcité* and *laïcisation* were rarely used, except to caution against the "dangers of *laïcisation*," which was used in negative terms to refer to France (Milot 2009, 40)[author translation]. This is because *laïcité* connoted a distinctly French brand of militant anti-clericalism that was not appropriate for the Québécois, who were still very attached to Catholicism as the basis of French Canadian religious identity. Instead, the words "*de-confessionnel/non-confessionnel*" [non-denominational] were used, carefully and always with a caveat that the process was not to be equated with French laïcité nor with anti-clericalism (Milot 2009, 42, 46)[author translation].

It was not until the 1990s that the term *laïcité* was used in the Quebec government's internal reports emanating from agencies, boards, or commissions, and even then its use was always qualified and strategic. Sociologist Micheline Milot analysed the reports from this period, which included a study by the *Conseil des communautés culturelles et de l'immigration* (1993); a study by the *Commission des États généraux sur l'éducation* (1996); a report entitled *Laïcité et religion. Perspectives nouvelle pour l'école québécoise* (Group de travail sur la place de la religion à l'école 1999), commissioned by Pauline Marois who was education minister at the time. In all of the documents analysed, Milot found a qualified use of the word laïcité; for example, in the previously mentioned report, *Laïcité et religion* (Group de travail sur la place de la religion à l'école 1999), the authors went to great lengths to mention that they were using the word laïcité as a shorthand for "non-denominational," and that it should not be associated with any ideologies that were anti-religious in nature:

> we will use, throughout this report, the epithet "secular" [*laïque*] in preference to that of "non-denominational." We are aware, however, that the reference to secularism [*laïcité*]

> is often loaded with anti-religious ideological connotations. The reader will understand that we use this term in its common usage without giving it any ideological meaning. (quoted in Milot 2009, 50)[author translation]

The reference in the text to ideologies that had anti-religious connotations is an implicit reference to French laïcité, which as mentioned earlier, was associated with anti-clericalism and the violent suppression of religion – something that was anathema to French Canadians at the time.

Although the internal government reports from agencies, boards, or commissions throughout the 1990s made qualified references to *laïcité*, they also placed significant emphasis on the rights and freedom protected under the Quebec Charter of Human Rights and Freedoms, as well as to the importance of state neutrality when dealing with different religions. One of the reasons why rights and state neutrality were deemed important was because *laïcité* was conceived as a way of managing an increasingly diverse Quebec population, in order to ensure the equal rights of all citizens. As Milot argues with regards to the reference to laïcité in Quebec government documents from the 1990s,

> *laïcité* or *laïcisation* (...) appear[ed] as notions associated with the institutional arrangements necessary for Québec society to be open to diversity, respectful of fundamental rights and thus more inclusive of all citizens of diverse cultural or religious backgrounds. (2009, 47) [author translation]

This emphasis on being open to diversity and respectful and inclusive of the fundamental rights of diverse citizens does not necessarily stem from Quebec's more noble position vis à vis religious or cultural minorities. After all, Quebec's problematic relationship with Indigenous communities living within its purview has been well-documented (Salée 2004). Rather, this new concern and respect for pluralism was attributed to the national question, with the Quebec government seeking to integrate immigrants into the francophone majority, rather than to the anglophone majority that existed outside of Quebec in the rest of Canada (Milot 2009, 45). Groups that had been advocating for a secular education system did so while keeping in mind the

national question, because “neutral schools would have . . . constituted a site for Francophone integration” (Milot 2009, 45)[author translation].

Therefore, Quebec’s understanding of secularism eschewed French anti-clericalism while acknowledging the context of a diverse population (Milot 2009). Even when the Quebec government finally chose to make its school system non-denominational in 2000, the resulting report qualified its use of the term *laïcité* as “ouverte” (open), thereby differentiating its form of secularism from the normative understanding, which was ideologically linked to a more rigid and closed French *laïcité* (Milot 2009, 50). Moreover, the term *laïcité ouverte* (open secularism) became more commonly used as the model for inter-ethnic relations in Quebec. For instance, in a 2006 opinion to the Ministry of Education, Recreation and Sport, the Committee for Religious Affairs argued, “This model [of *laïcité ouverte*] reflects, indeed, a base of values dear to democratic societies: living together, equity, openness towards the other, inclusion, tolerance, solidarity, pluralism” (Milot 2009, 53)[author translation]. It was surprising when a year later, the same *laïcité* would come to take on an increasingly aggressive stance vis à vis religious and cultural minorities and their practices.

A year earlier, in 2005, the Quebec government referred to the word *laïcité* in an official document geared towards new immigrants, entitled *Apprendre le Québec. Guide pour réussir mon intégration* (Ministère de l'Immigration et des Communautés Culturelles 2005). In this document, under the heading “Knowing the values and foundations of Quebec society” it said, “The state is secular [*laïque*]. The independence of political and religious powers is a fundamental value of Quebec society” (Ministère de l'Immigration et des Communautés Culturelles 2005, 11)[author translation]. The document did not elaborate on what the secular state entailed, other than the fact that it was a “fundamental value” of Quebec society.

Interestingly, this "fundamental value" was nowhere found in Quebec's laws, and had only recently developed in the context of non-denominational schools, as previously mentioned.

However, in the midst of the 2006-2008 "crisis" over reasonable accommodation, the idea spread that Quebec's model of open secularism was too "soft" and that it needed to take on a more assertive stance with regards to Québécois norms vis à vis cultural and religious minorities. In 2007, the Quebec government published its first official documents that mentioned laïcité/laïcization or secularism/secularization. For instance, in the governmental decree issued by the Liberal government, which put in place the Commission of Consultation on the Accommodation Practices Related to Cultural Differences,[96] the Quebec Premier, Jean Charest, stated in his preamble that,

> Quebec society is committed to fundamental values, such as equality between women and men, the separation of Church and State, the primacy of the French language, the protection of rights and freedoms, justice and the rule of law, the protection of minorities and the rejection of discrimination and racism. [Cited in (Milot 2009, 58) author translation]

However, it came as a shock to many that the separation between church and state was cited as one of the fundamental values of Quebec society; even more surprising was that this "fundamental value" was listed *after* the equality between women and men—that is, gender equality. As Milot argues in reference to the quote above, "unless I am mistaken, the principle of separation [between church and state] appear[ed] for the first time in a government decree or statement [in 2007]. This reference to separation . . . had never been endorsed directly by the government" (2009, 58)[author translation]. As evidenced by the various government documents that had previously qualified or cautioned against the use of the term *laïcité*, Premier Charest's

[96] The commission is colloquially known as the Bouchard-Taylor Commission, after its two commissioners, Gérard Bouchard (a sociologist, and brother of Lucien Bouchard, former leader of the Bloc Quebecois) and Charles Taylor (a philosopher).

reference to secularism as a "fundamental value" of the Quebecois was unprecedented. Furthermore, Milot argues that the fact that "the separation [of church and state was] associated with a value, as well as equality [between men and women] and the protection of minorities . . . does not fail to surprise" (2009, 58-59)[author translation]. The association between secularism and gender equality—with gender equality suddenly vaulting to the front of the line as a "fundamental value" of Quebec society— was new and occurred primarily within the particular context of anti-veiling debates (Scott 2012) (Dumont 2013) (Delphy 2015).[97]

The Baroin Report

The new secularism ("*la nouvelle laïcité*") is a term that was first used in France in a 2003 report penned by François Baroin. Baroin, then vice-president of the National Assembly and spokesperson of the centre-right political party *Union pour un movement populaire* (UMP),[98] had been tasked by former French Prime Minister Jean-Pierre Raffarin to assess the state of secularism in France. Baroin's report, *Pour une nouvelle laïcité* [For a New Secularism] (2003), explored the political uses that right-wing parties (such as his own party, the UMP) could make of the concept of secularism, which had previously been the purview of left-wing/socialist parties. Baroin's report came on the heels of the electoral success of Jean-Marie Le Pen's extreme right-wing party, the National Front (FN),[99] which came in second place during the first

[97] This pairing also occurs in the Stasi Commission Report, which I discuss in Chapter 3.
[98] The UMP, *Union pour un movement populaire*, was created in 2002 under the name *Union pour la majorité présidentielle*, in order to bring together several centre-right and right wing parties to elect Jacques Chirac and to defeat the FN. The party later changed its name to *Les Républicains* in 2015, when Nicolas Sarkozy was president.
[99] The National Front was an extreme far-right party in France founded in 1972 that was led by Jean-Marie Le Pen from 1972-2011. His daughter, Marine Le Pen, took over leadership in 2011 and later changed the name of the party to Rassemblement National [National Rally] in 2018.

round of the 2002 presidential election. Although Jacques Chirac eventually won the second round of elections, the French political right was thoroughly shaken, using the expression "*le choc du 21 avril*" [the shock of April 21st] to describe their bewilderment at Le Pen's near win (Baubérot 2012, 41). It was within the context of post-9/11 and the subsequent rise of the extreme-right into mainstream French politics that Baroin was tasked to devise strategies so that the centre-right UMP could benefit from the social malaise that had provoked the electoral success of the FN, and to galvanize that malaise for their party's own political gain. Internationally, the global impact of 9/11 had produced a rise in anti-immigrant sentiment and extreme right-wing movements were making gains everywhere, including being elected for office in other parts of Europe.[100] Therefore, mainstream right-wing political parties in France were extremely eager to capitalise on such electoral sentiment for their own gains.

Baroin's report was remarkable not only for its prescience but also for its success in persuading key figures in the government to adopt the political strategy of marshalling a certain notion of secularism as a key aspect of French identity. The report also made use of immigration as part of the global shifts of power that has resulted in a more diverse populations in France, thereby targeting racialized communities in particular as part of its governance strategies.

The Baroin report subjectivized three particular figures that have become common in the landscape of anti-veiling laws: the "new" secular subject, the "fundamentalist" veiled Muslim woman or girl, and the "new elites from immigrant backgrounds." These figures are not only

[100] Extreme right-wing parties are defined as those that are ideologically committed to xenophobic nationalism, and that explicitly advocate anti-immigration policies. For example, by 2012 six parties had entered government in five countries in Western Europe: in Austria (2000), in Denmark (2001), in Italy (2001), in the Netherlands (2002) and (2010), and in Switzerland (2003). See (Akkerman and de Lange 2012)

present in French debates, but in Quebec ones – as I discuss in Chapter 3. These increasingly gendered subjects are transnational and must be analysed while keeping in mind a global context.

In the first instance, the Baroin report sought to create "new" secular subjects fit for the "new secularism." The key feature of the new secularism was that it would be would a "cultural and identity-centred" secularism against an "Islam which is today the center of preoccupations" (Baroin 2003)[author translation]. Historical secularism, which was centred around the conflicts between the State and the Catholic church, was considered so commonplace as to be "irrelevant" for most French citizens (Baroin 2003). For example, Baroin cites a study conducted in 2000 in which respondents were asked whether they considered secularism to be a "modern value" or a value that is "from another era" (as in *passé*); 42% chose the former while 43% chose the latter, with 10% choosing neither (Baroin 2003). The study also revealed that a majority of respondents (56%) thought that the historical divide between "the two Frances," one Catholic and the other secular, was no longer relevant (Baroin 2003). In order to resolve the "crisis of secularism," which Baroin attributed to both globalization and Islamic fundamentalism, he made several astounding claims; while these claims were not supported by empirical evidence, they nonetheless proved to be persuasive to the political elite to whom Baroin's report was geared. One such claim, which was essential to establishing a new secular subject, was that secularism needed to be transformed into an essential value of French identity. Baroin (2003) argued for a "re-politicization" of laïcité as a central value of parties on the right of the political spectrum—as it had become irrelevant for a majority of French people in the contemporary period—in order to transform it into a fundamental value of French identity. The key was for citizens to take on this politicized secularism as their own, one that was essential to their cultural and personal identity as French citizens.

The second key figure that Baroin's report subjectivized was the "fundamentalist" veiled Muslim woman or girl. Baroin explicitly called on French legislators to define laïcité in relation to Islamism and Muslims and to legislate on the matter of the "veil," which he saw as a "political symbol" of Islamic fundamentalism (Baroin 2003). He argued that in order for the new secularism to have a mobilizing effect on the French population, the State had to deal forcefully with disputes over the place of religion in public schools, which Baroin claimed had been taken over by Islamism. He wrote,

> The mistake of 1989 [*l'affaire du foulard*] was to consider the Islamic veil as a marker (*signe*) of religious belonging, even though it is in fact an attribute of fundamentalists who subscribe to a model of society founded on the logic of the ghetto and hostile to the values of democracy. (Baroin 2003)[author translation]

In this passage, Baroin argued that the headscarves worn by young Muslim girls were not a part of their religious belonging at all, but were instead "an attribute of fundamentalists"—which meant that young Muslim girls (and by extension, women) were fundamentalists themselves or influenced by/proxy to them. No attempt was made to prove this assertion, and no studies were cited to support his claim. In this way, Baroin inaugurated this second figure of the new secularism: the dangerous veiled Muslim girl/woman. This subject was different from previous iterations of the imperilled Muslim woman, theorized by Sherene Razack (2008), who was thought to be utterly oppressed and with no individual agency, save for that conferred to her by her male guardians. In Baroin's text, we see that the dangerous veiled Muslim girl/woman has some limited agency, but it is a violent agency conferred by fundamentalists (Razack's "dangerous Muslim man"), which, if not nipped in the bud, would erode the very foundations of the French Republic. Thus, Baroin argued that legislators should take action in order to legislate against young girls' veiling in French public schools.

The third key figure Baroin subjectivized in his report was the "new elites from immigrant backgrounds" (Baroin 2003). Baroin claimed that because political parties on the left had failed to act on issues of communitarianism and religious fundamentalism, new political actors were needed to take up this struggle. He wrote, "A political response is necessary but it has to be supported by new spokespersons from immigrant backgrounds, [who will] highlight the success of integration" (Baroin 2003)[author translation]. Here, Baroin argued that the government needed to promote new subjects, those from "immigrant" backgrounds, who would support the new secularism and who could serve as "model minorities" that would demonstrate the success of the French model of integration. The French model of integration was and remains structured by French universalism, which requires total assimilation in order to become French; the political journalist, Edwy Plenel, described this model as, "[an] abstract universal that only accepts the Jew, the black or the Arab on condition that they divest themselves of their history and their memory" (Wolfreys 2017, 99). Nonetheless, Baroin advocated for these new subjects from immigrant backgrounds, which he called "Republican elites," because they would presumably promote the official line of the government's new secularism project (Baroin 2003)[author translation]. He further wrote that the promotion of these Republican elites, "is a condition of the reconquest of the lost territories of the Republic" (Baroin 2003)[author translation]. Here, Baroin used a phrase that referenced a book penned by Emmanuel Brenner in 2002, entitled, *Les territoires perdues de la République: Milieu scolaire, antisémitisme, sexisme* [The lost territories of the Republic: schools, antisemitism and sexism] (2002). In this book, the author claimed that rampant sexism and antisemitism abounded in school in the *banlieus* just outside Paris, where teachers were afraid to teach about the holocaust and where Jewish students felt terrorized by a student population overrun by North African (Muslim) students (Brenner

2002). Baroin's advocation of "new elites from immigrant backgrounds" promoted the creation of native informants who would emerge from "immigrant" backgrounds and embody new secular values; they would show other immigrants that it was possible to liberate themselves from the "lost territories" of the suburbs by inculcating the secular values of the Republic. Furthermore, in his recommendations, Baroin wrote that, "the promotion of new political elites must be an objective of this new secularism" (2003)[author translation], underlying the importance of these "new elites" to the political project of the new secularism.

Mayanthi Fernando calls these new political elites, "exceptional citizens," because they are modeled on those natives informants who helped France govern Algeria during the colonial period; she argues that in the French colonial model of governance, citizenship was offered to a few exceptional individuals who were considered sufficiently 'civilized.' "The exceptional few who were granted citizenship stood as testaments to the universal promise of republican citizenship, and to the seeming failure of their African and Arab brothers and sisters to embrace French/universal values, forestalling the contradiction between universal and particular at the heart of the republican project" (Fernando 2009, 389). These "new political elites" were the present-day "exceptional citizens" who were tasked with defending State-defined secularism from its supposed encroachment by fundamentalist groups. In the context of the anti-veiling debates, they were the "native informants" from Muslim cultures who acted as pseudo-intellectuals who could give privileged insights into their own communities (Perera and Razack 2014, 6). The difference is that in the context of these debates, the native informants from Muslim cultures were almost without exception, women (Fernando 2009); therefore, there is a gendered and sexual dimension to the promotion of these female native informants, which I discuss in the next chapter.

The Baroin report contained several crucial elements for founding *la nouvelle laïcité*, or the new secularism. The new secularism included: 1) a "cultural and identity-centered" secularism as an essential value of French identity; 2) the promotion of "new actors from immigrant backgrounds" (or "native informants" as Perera and Razack put it) to support new secular values/policies and to serve as "model minorities" for other immigrants/Muslims; and 3) the promotion of anti-veiling legislation, based on the assumption of a perilous veiled Muslim girl/woman who has a dangerous, "fundamentalist" agency that threatens the values of the Republic. Baroin's new secularism helped to subjectify and legitimize several figures, among whom were the new secular subjects, the female "native informants,"[101] and lastly, the dangerous veiled Muslim girl/woman. Many of the subsequent commission reports that dealt with the question of secularism in public school, including reports by Régis Debré (2004) and Bernard Stasi (2003), cite Baroin's report as a "pillar" that orients their ideological perspectives and recommendations (Lorcerie 2008, 59). However, the Stasi Commission, in particular, would take Baroin's proposals even further, and establish the specialized vocabulary around "religious symbols" that was used in anti-veiling laws that circulated transnationally beyond France's borders.

The New Secularism in Quebec

[101] I discuss some of these new secular subjects in chapter 3, especially the role of female Muslim "native informant" at anti-veiling commissions. Female Muslim 'native informants' were those who positioned themselves as "native" to a Muslim country, culture, or religion, and who relied on 'insider' authority when denouncing the supposedly exceptional quality of Islamic patriarchy, sexuality, and violence. See Saba Mahmood's discussion of "native testimonials" as a new autobiographical genre that has been penned mostly by female Muslim native informants post 9/11 (Mahmood 2008).

The Baroin report and the way that it oriented the work of French anti-veiling commissions helped to inaugurate "the new secularism" not only in France, but also in Quebec. As Daniel Béland, André Lecours, and Peggy Schmeiser point out, "...because of colonial legacies, shared language, and ongoing communications between France and Quebec facilitated by modern technologies and immigration flows, French policy ideas have influenced the Quebec debate on secularism much more directly than similar debates elsewhere in North America" (2021, 180). They rightly argue that colonial legacies, shared language, and networks of both communication and immigration have contributed to an increase in the influence of French policies on secularism debates in Quebec, particularly around anti-veiling laws. However, I would also add that this influence is the result of an intentional policy of rapprochement between France and Quebec that has accelerated since the 1960s. Franco-Quebecois diplomatic and trade relationships have also been strengthened in the last several years due to the increase of neoliberal economic restructuring in both countries (Blad 2012, Masquelier 2020). Therefore, the political influence between France and Quebec is not accidental; it has been cultivated over decades by political elites on both sides of the French Atlantic (Éditorial 2017).

French debates on secularism also have a particular resonance in Quebec due to the continued influence of nationalism among Quebec's political elites. This nationalism takes different forms among the various political parties in Quebec, but it increasingly relies on privileging French Canadian identity, heritage, and language over all others that exist in the province, including those of anglophone minorities as well as Indigenous Peoples who live on unceded land in Quebec (Cornellier 2016). Nationalist governments have utilised secularism as a policy tool in the management of Quebec's increasingly diverse population. As Béland, Lecours, and Schmeiser argue, "the meaning of secularism in Quebec changed over time, from a way to

push the previously dominant Catholic Church aside to a policy tool directly involved in the management of ethnic and religious diversity in Quebec within and, sometimes, in opposition to the broader Canadian federation" (Béland, Lecours and Schmeiser 2021, 180). Similar to France, secularism in Quebec was first used to limit the Catholic Church's influence, but has since become useful in regulating the religious practices of increasingly diverse populations. The use of secularism as a policy tool involved in the management of ethnic and religious diversity can be illustrated through the anti-veiling laws that have either been proposed or enacted in Quebec.

The clearest example of how Quebec's government has used secularism to manage ethnic and religious diversity is the PQ's Charter of Quebec Values (Bill 60), proposed in 2013. Prior to this proposed law, secessionist nationalists—whose goal is to achieve independence by seceding from Canada—had mostly tried to court immigrants and ethnic groups, as they were seen as key to achieving the aims of independence; when this strategy failed and the PQ lost the vote for independence in 1995, then-Premier Jacques Parizeau famously blamed the loss on "money and the ethnic vote" (Béland, Lecours and Schmeiser 2021, 183, 196).[102] Since the failed vote for separation, the PQ moved away from overt attempts to organize another referendum and towards questions of identity and language. However, it had to compete with other more radical parties, such as the ADQ (a precursor to the CAQ), who were much more vocal in their criticism of the risks that reasonable accommodation of minority religious practices posed to eroding Quebecois identity, culture, and language (Bilge 2013). In this context, the PQ shifted towards a more ethnic nationalist politics that centered on internal "threats" to the nation in order to be seen as the "the strongest defender of Quebec's identity, culture, and values" (Béland, Lecours and

[102] Don Macpherson, a columnist in the Montreal Gazette, commented that "money" referred to federalist campaign spending in violation of Quebec law, while "the ethnic vote," referred to all those who were not *Quebecois de souche* (ethnically Quebecois). (Macpherson 2020)

Schmeiser 2021, 184). This shift towards a more restrictive secularism, which would crack down on reasonable accommodation of minority cultural practices, went hand in hand with a stronger nationalist rhetoric.

The most direct model of inspiration for implementing a more restrictive secularism in Quebec was undoubtedly France. PQ leader Pauline Marois herself admitted several times during interviews and press conferences that she took "inspiration" from France's approach to secularism in the management of ethnic diversity in crafting the Charter of Quebec Values (Bill 60) (Dolbec 2013).[103] She also praised France's "approach to diversity" during her 2013 visit with the French President, Francois Hollande, which further supported the claim that the "French national doctrine of secularism seems to be a source of inspiration for the Premier's proposed Charter of Values" (Béland, Lecours and Schmeiser 2021, 187). However, there are important differences between the French model of laïcité and the one proposed by the PQ, which demonstrates an intentional adaptation to the particular Quebec context with regard to the transnational importation of secularism policy. First, the law of 2004 in France that bans religious symbols applies to students (minors) in public school, whereas Bill 60 applied to adults in the public sector – a vast sector in Quebec that includes public transport, schools, hospitals, libraries and employment centres (Landry 2018). Second, Bill 60 proposed to ban Sikh turbans in addition to the "ostentatious religious symbols" of other faiths,[104] whereas the French law of 2004 was passed without mentioning Sikh students at all, even though they ended up being "collateral damage" of the law (Sciolino 2004, Bowen 2007); this shows the salience that Sikh

[103] See my Introduction chapter for an in-depth discussion on Marois and Hollande's meeting in France in 2013.
[104] See Chapter 1, figure 1, for an example of the other "ostentatious religious symbols" that were targeted in the Chater of Quebec Values (Bill 60).

legal cases have had in Quebec (e.g. the Multani Supreme Court ruling in 2006) as well as the adaptation of Quebec's approach to secularism which ban turbans, for example, but not kirpans.

One of the frameworks that has been used to understand both the "borrowing" of policies from another country as well as the adaptations undertaken to ensure a good institutional "fit" in different contexts is that of policy transfer. Policy transfer is a term used to describe how policy ideas "travel" from one country to another; it also explains how similar policies might look different when applied in other countries, as the borrowing countries use "cognitive shortcuts" to not only choose what country to borrow policies from, but also what aspects of the policy seem most salient to their own contexts (Béland, Lecours and Schmeiser 2021, 187). As Béland, Lecours and Schmeiser argue,

> In the case of the Quebec Charter of Values, one could argue that, because of language proximity, more direct access to media stories, intellectual networks, and colonial legacies, France was especially available as a model for Quebec nationalists and politicians, who follow French political debates much more closely on average than people in other provinces. (2021, 187)

In other words, the debates occurring in France with regard to the 2004 as well as the 2010 anti-veiling laws were especially available for Quebec politicians to draw from in crafting their own secularism policy vis-à-vis ethnic and religious minorities, given the interconnectedness of the networks of communication between the two locales.

However, there was also an intentional importation of French debates to Quebec via media circuits of "gossip," which Valérie Amiraux and David Koussens have examined by conducting a media analysis of several French and Quebecois news sources. They define "gossip" as a practice of speaking between those who know one another about someone else who is not present; gossip favours representations rather than grounded knowledge, and does not

distinguish between expert knowledge and lay-knowledge (Amiraux and Koussens 2020, 50).[105] Gossip, when it circulates in this way, facilitates the erasure of marginalized communities (those who are absent) and allows only certain privileged speakers – those with enormous cultural, media, political, and financial capital – to circulate in each context and to act as purveyors and gatekeepers for information. For instance, Amiraux and Koussens identified the purveyors that are omnipresent in both French and Quebec debates around secularism and religious symbols:

> In France, these purveyors tend to be essayists/columnists (Caroline Fourest), journalists (Éric Zemmour, Elisabeth Lévy). In Quebec, they are journalists (Christian Rioux, correspondent for the newspaper Le Devoir in France), bloggers (Matthieu Bock-Côté), essayists (Djemila Benhabib), all three very close to the Parti Québécois. (2020, 63)

These figures, among whom are prominent journalists, essayists/columnists, and bloggers, also tend to be very well connected to political parties (such as the PQ or the Socialist party in France). They have also at times gained prominence in both countries, which has given them even more authority and legitimacy to speak transnationally. For example, Benhabib, won the French prize of laïcité in 2017 for her book, *Ma Vie à contre-Coran* (2009); Bock-Côté was recruited to work for CNews in Paris, a "French Fox News" (Lemieux 2021); and Fourest was invited to Quebec in 2010 to speak at a conference that was co-organized by Benhabib and attended by an A-list of political personalities (Porter 2010). As Amiraux and Koussens (2020) argue,

[105] Amiraux and Koussens (2020) argue that in debates around both reasonable accommodations and laïcité in France and Quebec respectively, gossip served three functions: one, it made an unknown or unfamiliar subject seem more familiar (e.g. Muslim communities); two, it allowed non-specialists to establish connections amongst themselves, it linked together distant events and places, even though they might not apply to local debates (e.g. Saudi Arabia, Afghanistan); and three, it allowed concepts to move away from their initial context and function as truth, which facilitated the imposition and circulation of representations that later became harder to challenge (e.g. certain concepts were reduced or equated with others automatically: laïcité equals neutrality or separation; reasonable accommodation equals lack of equal rights).

> [These purveyors] have both the talents of translators and the resources (social, political, cultural capital) enabling them to move from one national space to another, from one media arena to another, until they are considered 'experts' to the point of ending up exercising an absolute authority in the media [*magistère médiatique*] on these issues. (2020, 63)

The circulation of "gossip" among these purveyors alongside the political elites they rub shoulders with may explain why certain policy ideas are borrowed over others and why some "cognitive shortcuts" end up crossing the ocean while others do not. It may also explain why not only similar people, policies, concepts, and terms have circulated transnationally across France and Quebec but also why similar forms of erasures have as well. I discuss these erasures in more detail in chapters 3 and 4.

Secular-Religious Muslim Women

Much of the discussion around Muslim women foregrounds veiling as a major part of their lived experiences. However, this is only a narrow aspect of their everyday lives that leaves intact the assumption that Muslim women only experience the world through religion, or that they have trouble navigating the secular/religious binary while living as citizens in a liberal democracy. This could not be further from the truth, as demonstrated from the experiences of many of my interlocutors. In fact, all of the women I interviewed had very specific ideas, relationships with, and understandings of secularism, having lived in secular liberal democracies for most or all of their lives. The reactions to my question, "What are some of the concepts that you have heard people discussing when they bring up hijab/niqab?" usually brought up the concept of laïcité/secularism, particularly among the activists I spoke with. My follow-up question, "What do you think about these concepts?" evoked sometimes spirited answers, other times exasperated ones. But all of the women I spoke with had clear opinions about laïcité/secularism and how they understood it; in many cases their understanding reflected a

hyphenated-identity, one that included both their religious and secular selves: both Muslim and Secular. That is not to say that this hyphenated-identity is always easy or never conflictual, but it reflected a form of adaptation that was present in all of my interviews with veiled Muslim women. It is this hyphenated relationship between the secular and religious that I want to highlight in the following interviews.

"I am a Secular Muslim"

Two of the activists I mentioned in Chapter 1, Saloua and Nour, had a firm grasp of the concept of laïcité, even though the former was based in Quebec while the latter, in France. They both had similarly detailed and considered answers to my follow up question about how they defined laïcité/secularism. This may reflect the similarity of the transnational debates on secularism/laïcité in France and Quebec and how they have interpellated Muslim women in particular.

Saloua had a three part definition of laïcité that laid out all of its facets as she understood them. According to her, the first meaning of laïcité is freedom of conscience. She did not elaborate on this point as she did not seem to find it necessary; for her, freedom of conscience is the essence of secularism, its *raison d'être*. The second fundamental principle of laïcité is the separation of Church and state: "in the sense that state laws, governmental laws, must not emanate neither from the Jewish religion, nor from the Catholic religion, nor from the Muslim religion, nor Hindu, nor Buddhist. Nothing" (Saloua, interview). As Saloua explains, state laws should not emanate from any religious tradition, neither majority nor minority religions in a society. She further added that, "The law must be something that emanates from the legislators, that is, submitted by politicians, legislators, thinkers and that is voted on—that works with a vote

by the representatives of the people and ... the deputies" (Saloua, interview). Here she demonstrates her understanding of and respect for the democratic process, how laws are made and how they are voted on and implemented by those elected to represent the will of the people. Alongside this principle is the third principle, which Saloua describes as ensuring there is "no favoritism between religions [or non-religion]: the neutrality of the state" (Saloua, interview). That is, Saloua asserts that in a secular society, there should not be one religion privileged over others, and neither should religion be privileged over non-religion. Here she implicitly gestures toward the fact that in many of the societies that call themselves secular, for example, France or the United States, it is usually Christianity that is privileged (e.g. Catholicism in France or Evangelical Christianity in the U.S.). In Quebec, Catholicism is also privileged as demonstrated by the (initial) refusal to remove the Crucifix hanging from the National Assembly or the fact that for years, municipal council in the Quebec town of Saguenay would open its meetings with a Catholic prayer. It was not until 2015, after an eight-year legal battle, that the Supreme Court of Canada ruled that opening a municipal council meeting with prayer infringed on freedom of conscience and religion, and violated state neutrality (The Canadian Press 2015).

After explaining in detail how she understood secularism, Saloua then explained how she saw her own identity and actions in relation to her understanding of secularism.

> *I am a secular Muslim.* I do not proselytize. I'm not going to ask anyone else who comes to see me to wear a scarf. He is free to be as he is. I'm not going to ask the person who works with me to be like me. She can be whatever she wants. That's very important to me. But I too have the right, for example, to be a teacher with a headscarf. But it is not because I have a scarf on my head that I am going to tell the children: you must convert to Islam. I don't have that right, but I have a right to the scarf. (Saloua, interview, author's emphasis)

Saloua emphasizes the fact that even though she wears a headscarf, she considers herself to be a secular Muslim. She justifies this identification in several ways. One, she does not proselytize.

Although Saloua is an activist in her free time and she had begun her own non-profit organization that specializes in interreligious dialogue, she also works in the private sector as a pharmaceutical representative. It was a job that took her a long time to get as she was discriminated against on account of her hijab; it was only due to her husband's recommendation that she was able to get a job this sector. Nevertheless, Saloua makes a clear distinction between her work life and her personal life; in her work life, she does not proselytize. She does not impose her views on others. She also does not expect people who work with her to resemble her or to become like her; as she says, they are free to be who they are just as she is free to be who she is. But she claims her right to wear a hijab because that is her personal belief. According to Saloua, under secularism, she has right to her own personal belief. This is what secularism is meant to protect: one's freedom of conscience. Therefore according to her definition of secularism, she is a secular Muslim as she abides by secular rules.

"Around the principle of pure secularism, I say it loud and clear: I am secular"

Similarly, Nour, who is an activist based in France, also sees herself as a secular Muslim. Currently an activist and also an entrepreneur, Nour had studied for a long time to become a social worker; but when she began wearing hijab, the jobs she had been previously been able to obtain due to her experience and qualifications dried up. Nonetheless, she still maintains that she agrees with the historical secularism of the 1905 law – not the secularism that is used to discriminate against her currently:

> When I did my thesis, I worked on the concept of secularism. I was able to read the various works that have been written [on this concept]. And you realize that people use that information as they see fit, without really knowing what is written there. Whereas when we read the law of 1905, it is very clear; you don't need interpreters to understand it! It is not an ambiguous law! It's a separation of the Church and the state, and all that involves finances too, that it is not the Church that manages the hospitals, the orphanages,

> and the state—the affairs of the state. I agree with it! *Around the principle of pure secularism, I say it loud and clear: I am secular.* (Nour, interview, my emphasis)

Here Nour discusses what she had studied about the 1905 law that established secularism in France. As mentioned, the law of 1905 lays out several articles, the first of which lays out in clear terms the guarantee of freedom of conscience and the freedom of worship, which can only be restricted in the interests of public order (L'Assemblée Nationale de la République Française 1905). It also clearly states that the state does not recognize nor subsidize any religion, the sole exception being paying for Chaplaincy services in public establishments for the sole purpose of ensuring freedom of worship (L'Assemblée Nationale de la République Française 1905). The rest of the law of 1905 elucidates in detail how the separation between Church and state will be undertaken. But as Nour states, the original law of 1905 was not difficult to understand; it explained very clearly what secularism entailed and it concerned institutions. It does not mention lay individuals not wearing religious symbols. Therefore, Nour's proclamation that she is secular, according to "pure secularism" both serves to reaffirm the French law of 1905 and denounce those who interpret the law "as they see fit" to discriminate against individuals like herself. In other words, Nour considers herself to be secular according to the standards set by "historical secularism," but not according to "the new secularism" that has been enacted since then. [106]

"The secularism of institutions and ... of individuals are two [different] things"

[106] Amélie Barras notes that this line argument was also frequent with activists she interviewed in her 2014 book, which studied headscarf bans in France and Turkey (Barras 2014). These activists positioned themselves for a 1905-secularism, which they identified that as 'true' secularism. Amélie Barras, message to author, July 6, 2022.

Another activist I interviewed was Habiba in Montreal, Quebec. It was shortly after the announcement of the PQ's Bill 60, the law that would have banned all civil servants in the province from wearing "religious symbols" at work. Habiba was 28 years old when I met her, and had just been married and moved out of the country, but was in the city to visit her family. Prior to that, Habiba, the youngest of four siblings, was born and raised in Montreal to Syrian immigrant parents. She had attended a university in Montreal and had completed a degree in Education, as she wanted to work as a Phys-Ed teacher. She wears a hijab and has done so since her first year of university.

When I asked Habiba what she thought about laïcité, she also had a very informed answer. The first thing she mentioned was that we were already living in a secular system, which is why neither the Canadian nor the Quebec government had ever enacted a specific law that mentioned laïcité/secularism explicitly. She is correct in saying that although Quebec does not have a specific law proclaiming it is secular, the norms that have developed over time, even prior to the Quiet Revolution, established a de-facto separation between Church and State. Jocelyn Maclure and Charles Taylor, two prominent philosophers in Quebec, argue that following the British Conquest of New France, the British put in place measures of religious tolerance that gave Catholics in Quebec freedom to worship; they also enacted the British North American act in 1867 that "implicitly established a separation of church and state, as well as a partial but already advanced, system of religious neutrality" (2011, 55). Maclure and Taylor affirmed that this early example demonstrated the independence of the state vis-à-vis churches (Maclure and Taylor 2011, 55). Furthermore, the establishment of a human rights regime exemplified by the adoption of the Canadian Bill of Rights (1960), the Quebec Charter of Rights and Freedoms (1975), and the Canadian Charter of Rights and Freedoms (1982), further entrenched secularism

of the state by protecting the fundamental rights of citizens and ensuring their equal treatment before the law (Maclure and Taylor 2011, 56). Therefore, an explicit law on secularism that spells out the separation between church and state has never been enacted in Canada; it was not until the debates around reasonable accommodation of religious and cultural minorities that there were calls for implementing state secularism in Quebec.[107]

Habiba's second point summarized an important principle that advocates for a more "open" and "flexible" notion of laïcité, rather than an "rigid" or "strict" version (Maclure and Taylor 2011, 27). She said, "to me, the secularism of institutions and the secularism of individuals are two [different] things." This statement aptly summarizes the views of several prominent historians and philosophers of laïcité both in France and in Quebec. French historian Jean Baubérot, as mentioned, distinguishes between historical laïcité, which was both democratic and politically-oriented, and the "new secularism" which is "cultural and identity-based" and crafted by right- and center-right wing political strategists (2012, 43). However, he goes further in stating that both of these two distinct forms of secularism have collapsed onto one another in the current context. For example, when one says that that religion is a private affair, it does not mean that religion should be confined only to the private sphere; rather, it means that, "Religion is not the business of the State, it must in every way be distinct from public power. The choice in matters of religion and belief is a private choice, i.e. a personal, voluntary and free choice. Consequently, religion should not be a public institution" (Baubérot 2012, 48). According to Baubérot, the separation of religion from public power and institutions is the meaning of the law

[107] In the conclusion, I discuss the recently passed law, Bill 21: An Act Respecting the Laicity of the State (National Assembly of Québec 2019) and how it uses Section 33 of the Canadian Constitution (Government of Canada 1982) to impose discriminatory measures on religious minorities who wear "religious symbols."

of 1905. However, in the "new secularism," the first interpretation, that religion should be confined to the private sphere, has prevailed. This is especially apparent when viewed in the context of the law of 2010, which effectively confines women who wear face-veils to their homes.[108] According to Baubérot, this "repressive" interpretation violates the rights of individuals, and is therefore a "falsification" of the true meaning of laïcité (2012, 49).

Similarly for Quebec philosophers, Maclure and Taylor, equality and respect for civil rights should be the aims of secularism in a diverse, multicultural society. They argue that "respect for the moral equality of individuals and the protection of freedom of conscience and of religion constitute the two major aims of secularism today" (2011, 4). In order to bring this about, they advocate for a "pluralist political secularism" that is "support by an ethics of dialogue respectful of the different moral and spiritual options" found in all religions and non-religions in a society (Maclure and Taylor 2011, 110). The pluralist and political secularism they advocate is one that allows for the accommodation of minority religious practices, as a corrective to norms that constitute an indirect form of discrimination towards those who do not belong to the majority. That is, if a norm poses an undue constraint on minority group, then it should be accommodated as much as possible so as to facilitate equality and freedom of conscience for the affected group. This understanding of secularism aims to ensure individual equality and the protection of civil rights, and the means of realizing this aim is a particular institutional arrangement of separation between politics and religion and state neutrality. It can be

[108] Women wearing face-veils are not allowed to cover their faces in public space (except if they are wearing a mask – which is contradictory and difficult to enforce, in practice). Those caught wearing a face-veil in public are fined 150 Euros and required to attend a citizenship class, which reveals the assumption that face-veil wearers are new immigrants. Those who are caught forcing others to veil their faces can be fined up to

summarized by the first part of Habiba's sentence, "the secularism of institution," which does not require the "secularism of individuals" but rather ensures both the equality and autonomy of individuals.

Conclusion

Although the new secularism [*la nouvelle laïcité*] was initially part of a right-wing political project, it is now adopted by all political parties in France, and increasingly, several political parties in Quebec. It part of a normalization and general shift to the right on the part of all political parties, especially in France, which represents a successful attempt from the right. Even though scholars of secularism such as Baubérot and Maclure and Taylor have argued against "falsification" of historical secularism, the current identity-centred political project of "strict" secularism has become a dominant transnational mode of governing religious diversity in both France and Quebec. It is a political project that erases the colonial and neo-colonial underpinnings of anti-veiling laws.

One of the ways to begin to counter this erasure is by identifying the purveyors of these discourses who, alongside the political elites they affiliate with, enable policy transfer between France and Quebec in order to achieve specific political agendas. By pointing out the networks and linkages between these state authorities as well as the particular discourses they enable, we can begin to find patterns in the ideas and concepts they promote and begin to disrupt them.

Another important way to counter the erasure within anti-veiling laws and their accompanying discourses on secularism is to elevate the discourses of Muslim women who challenge the rigid separation between secular and religious. By demonstrating how one can be both secular *and* religious at the same time while living in a context that imposes a strict definition of secularism, these women offer an important reminder that lived religion is different

from an understanding of religion as primarily composed of dogmas and texts. Lived religion emphasizes how "religion is encountered and experienced—how it comes into play—in different environments: public and private, official and informal, sacred, secular, and religiously 'neutral'" (Knibbe and Kubari 2020, 159). It places an emphasis on activities and interpretations of individuals, and on how they navigate and negotiate the everyday (Selby, Barras and Beaman 2018). Their testimonies, which are frequently minimized or erased during anti-veiling commissions and debates, can help to disrupt current hegemonic understandings of secularism in transnational anti-veiling laws.

CHAPTER 3 – Feminist Subjects

Introduction

As anti-veiling laws have spread across Europe and Canada, a renewed discourse on gender equality[109] has accompanied them. Politicians and feminists alike have increasingly cited gender equality alongside secularism as concomitant aims in enacting anti-veiling laws. This pairing has been naturalized to the point that secularism is now considered as a "guarantor" of gender or sexual equality, and both are deemed to be foundational principles of their respective societies (Stasi 2003, National Assembly of Québec 2013). However, it is important to note that neither gender nor sexual equality are ever defined in foundational anti-veiling commission reports; rather, gender/sexual equality is taken as already achieved in French/Quebec society but not in Muslim cultures. See (Stasi 2005, Gerin 2010) (Bouchard and Taylor 2008) (National Assembly of Québec 2013).

French historian, Joan Scott, has named the nexus between secularism and gender/sexual equality as *sexularism*, arguing that although secularism has been given credit for ushering in sexual liberation and ending women's oppression by promoting the values of human autonomy and individualism, this ahistorical pairing does not account for the numerous ways that secularists historically positioned themselves against women's rights in France (Scott 2012, Scott, Sex and Secularism 2018) (Selby 2014). Similarly in Quebec, it was only during debates around anti-veiling laws that secularism and gender/sexual equality were brought together as a way to contrast the supposed absence of these values in Muslim cultures (Dumont 2013). Such

[109] Gender equality is usually written as sexual equality (*égalité des sexes*) or as *égalité hommes-femmes* in French.

practices of 'othering' comprise one strategy among many in the process of nation-building, particularly for nationalists in the PQ.

In Chapter 2, I discussed the Baroin Report's inauguration of "la nouvelle laïcité" or the new secularism, a cultural- and identity- centred secularism that takes Islam as its main interlocutor rather than Catholicism. The Baroin report also inaugurated three figures : the "new" secular subject, the "fundamentalist" veiled Muslim woman or girl, and the "new elites from immigrant backgrounds" (Baroin 2013). In the context of anti-veiling laws that have been enacted in both France and Quebec since 2004, I argue that these three figures have become increasingly gendered as well as transnational, and have morphed to better adapt to francophone societies in the post-9/11 world.

To better characterize this transformation, I draw on Sherene Razack's (2008) description of three allegorical figures that have become dominant in the post 9/11 era structured by the "war of terror." These three figures are: "the dangerous Muslim man, the imperilled Muslim woman, and the civilized European, the latter a figure who is seldom explicitly named but who nevertheless anchors the first two figures" (Razack 2008, 5). These three figures are also highly gendered and transnational. The dangerous Muslim man describes the pre-modern, irrational terrorist, a savage figure who is irredeemable and towards whom violence must be directed at will; the imperilled Muslim woman is the oppressed native woman who is in need of rescue from the dangerous Muslim man; and the civilized European is the modern, rational, enlightened figure who both rescues the imperilled Muslim woman and punishes the dangerous Muslim man. In the post-9/11 world, this narrative was used by the U.S. to invade Afghanistan, drive out the Taliban, and 'rescue' Muslim women in burqas (Abu-Lughod 2013). It is also part of an age-old colonial playbook that justifies extraordinary levels of violence in the name of rescuing women

from their 'backwards' communities and into European civilization. As Razack notes, "Saving Brown woman from brown men, as Gayatri Spivak famously put it, has long been a major plank in the colonial ship since it marks the colonizer as modern and civilized and provides at the same time an important reason to keep Brown men in line through practices of violence" (Razack, p. 17). Razack also crucially points out that this narrative of rescue also reflects a longing to possess and unveil, a fantasy that is not only limited to men but also has historical implicated women (Razack 2008, 17).

In the context of anti-veiling laws, Razack's three allegorical figures were reformulated to suit the French right's political agenda. For instance if we examine the Baroin report (2003) using Razack's framework, we find that the 'civilized European' easily stands in for the "new secular subject;" the 'Dangerous Muslim man' becomes the Dangerous (veiled) Muslim girl/woman; and the 'Imperilled Muslim woman' now represents the "new elites from immigrant backgrounds," who in this this new context is the unveiled female native informant who calls for state sanction against the Dangerous veiled Muslim girl/woman. It should be understood here that the Dangerous (veiled) Muslim girl/woman stands in for the Dangerous Muslim man—understood as a fundamentalist terrorist—who uses her as a proxy. In addition, the "new secular subject" should be understood according to context of Scott's sexularism, where secularism is seen as a guarantor of gender equality; therefore the "new secular subject" becomes a 'secular feminist subject' – regardless of whether they are male or female – in the context of anti-veiling laws.

As discussed below, I conceptualize the presence of these three gendered and transnational figures across the anti-veiling debates in both France and Quebec: 1) Secular feminist subjects, who I argue act as the so-called civilized, modern, feminist rescuers and

punishers, respectively, of the other two subjects; 2) the (unveiled) female native informant who is imperilled and in need of rescue; and 3) the dangerous (veiled) Muslim woman, who is stubbornly veiled and who stands in for terrorists.

According to secular feminist subjects are sometimes part of mainstream feminist groups and support state interventions into Muslim women's lives and bodies, while simultaneously holding the body as sacrosanct when it comes to issues such as abortion. Secular feminist subjects are frequently white women or white men who characterized themselves as *Français(e) / Québécois(e) de souche*.[110] Native informants are racialized as they descend from Muslim cultures, [111] but they position themselves as "experts" who will tell the "truth" about both Islam and Islamism— which they frequently conflate (Abu-Lughod 2013). Although these native informants do not always identify as feminist, they frequently align themselves with secular feminist subjects who support state interventions into Muslim women's bodies and practices. They portray Muslim cultures and men as being both excessively oppressive and patriarchal compared to Western men and cultures, which they laud as being emancipatory, secular, cultured, gender equal, and civilized. Dangerous (veiled) Muslim women were seen as proxies to terrorists by both secular feminist subjects and imperilled native formants; however, many of them, who I interview in the last part of this chapter, are feminist activists in their own right who frame their activism within an Islamic framework, though not always.

I argue that secular feminist subjects and native informants were complicit in calling for state intervention into veiled Muslim women's lives and bodies, as they provided the state with

[110] This phrase means "ethnically French" (literally of French stock) but also connotes that these are legitimate citizens when compared with immigrants or their descendants (Selby 2011, 391).
[111] Those I refer to as native informants are also referred to (or refer to themselves as) secular Muslims, cultural Muslims, or ex-Muslims. Scholars have also referred to them as "post-Muslim" (Hurd 2013) (Barras 2018).

an ideological cover for anti-veiling laws. While other scholars have also pointed out these connections (Scott 2007, Abu-Lughod 2013) (Mahmood 2008), I explore the details and complexities of these dynamics as they occurred specifically within the France and Quebec context during anti-veiling debates.

In the first section, I examine the ways in which secular feminist subjects provided the state with an ideological cover for anti-veiling laws and were thus complicit in calling on the state to intervene in Muslim women's lives and bodies. I examine how secular feminist subjects participated in the various anti-veiling debates that occurred in France between 1989 and 2010 and in Québec between 2006 and 2014. In the second section, I examine the interventions of female native informants at anti-veiling commissions, who positioned themselves as imperilled and in need of saving from the dangerous (veiled) Muslim woman (and the Dangerous Muslim man by proxy). I also examine a specific genre of writing—which Saba Mahmood terms "native testimonials" (Mahmood 2008, 83-84)—that has emerged post-9/11, and that has played a role in legitimizing native informants as privileged interlocutors in anti-veiling debates. In the third section, I discuss the collusions between secular feminist subjects and native informants who travelled from France to Québec and vice versa to share knowledge and expertise, and discuss how this circulation impacted anti-veiling debates on both sides of the Atlantic. In the last section, I foreground interviews I conducted with Muslim feminist activists in both sites and discuss the challenges they faced in participating in debates on anti-veiling laws. These activists were frequently characterised as Dangerous (veiled) Muslim women and excluded from participating in mainstream feminist actions, despite the fact that anti-veiling laws affected them and their communities directly. I also discuss the multiple ways that Muslim feminists

understand Muslim and Islamic feminism, as well as the ways that they inhabit and resist the label *feminist*.

I conclude with a discussion of the three gendered and transnational figures and how they continue to inform anti-veiling laws, even implicitly. I also discuss the challenges and opportunities that lay ahead for Muslim feminists opposing anti-veiling laws.

Secular Feminist Subject Interventions in Anti-Veiling Debates

Secular Feminist Subjects in France

In France, secular feminist subjects were often part of long-established French feminist groups such as la Ligue du droit des femmes [the League of Women's Rights], which was co-founded by Simone de Beauvoir), Collectif national pour le droit des femmes [CNDF, National Collective for Women's Rights], Mouvement pour le planning familial [MPPF, Movement for Family Planning], and Collectif d'associations pour le droit à l'avortement et à la contraception [CADAC, Collective of Associations for Abortion and Contraception Rights]. In the 1960s–70s these organizations were all involved in the struggle for the rights of women to have access to abortion, contraception, and control over their own bodies, and to receive equal pay at work (Dot-Pouillard 2007).

Feminists from long-established groups, such as the CNDF, were initially cautious about the 2004 law to prohibit the wearing of "religious signs" in public schools. Following the establishment of the Stasi Commission, the CNDF released a statement in 2003 declaring that although they welcomed the governmental initiative to create a commission to discuss secularism in public schools, they were dismayed that most of these discussions remained centred around the Islamic headscarf, which they considered as "imposed on women by a certain faction of

Islam" (Dot-Pouillard 2007)[author translation]. They further declared, "As feminists, we reject any sexist ideology, including religions or current advertising, that aim to present women not as individuals but as mere consumer goods, as mere sexual objects that can only awaken men's desires and who we can, in this regard, veil or unveil" (Dot-Pouillard 2007)[author translation]. Through this declaration, the CNDF presented a common second-wave-feminist view that all religions are necessarily oppressive to women—Islam being no exception—but they also nuanced this position by acknowledging that capitalist exploitation of women as sexual objects is just as dangerous, and that they objected to both imposed veiling and unveiling, as the case may be.

However, when the 2004 law was passed and veiled girls began to be expelled from public schools, none of these feminist organizations intervened or spoke out against their expulsions. The CNDF had taken a position of "*ni loi, ni voile*" (neither law, nor veil) and would support neither the French government nor young Muslim girls wearing hijab (Dot-Pouillard 2007). However, in doing so, they essentially turned their backs on Muslim girls who were being excluded from school, refusing to see anything in their actions beyond the influence of religious fundamentalism. For example, Éléonore Lépinard comments that,

> While [the CNDF] acknowledged discriminations against Muslims and migrants in France, they interpreted the choice made by "some young people of Muslim faith, inspired or not by fundamentalist imams, to fight for the right of young girls to wear their head scarves in school, or in public service as employees" as the "wrong struggle," a strategic error in their fight against humiliations. (2020, 69)

Although their statement brought up the (inconclusive) possibility that young Muslims were being influenced by "fundamentalist imams" to wear a headscarf, they refused to acknowledge the agency of young Muslim girls over their own bodies. Their refusal reflected an analytical unwillingness to extend the principle of advocating for women's control over their own bodies—

the principle underlying the struggle for access to abortion and contraception—to Muslim women, a position that was frequently reiterated in Québécois feminism.

In other instances, secular feminist subjects publicly advocated for state intervention into Muslim women's bodies, arguing for aggressive laws of secularism that would prohibit "visible symbols" of religion in various public spaces. For example, in May 2003, while the Stasi Commission was charged with examining the question of a ban on religious symbols in public schools, two prominent feminists, Anne Vigerie and Anne Zelensky, openly called themselves secularist feminists,[112] and penned an op-ed in *Le Monde*, entitled, "*Laïcardes, puisque féministe*" [Secularist, because feminist] (2003) (Lépinard 2020, 70). In it, they diagnosed veiling as oppressive to women, while also equating it with Islamism: "Veiling is not just a sign of belonging to a religion. It symbolizes the place of women in Islam as read through Islamism." (Vigerie and Zelensky 2003)[author translation]. Further on, they state that women who wear hijab demonstrate their "self-oppression," because after all, "a veil can hide a beard" (Vigerie and Zelensky 2003)[author translation]. These two statements in particular mobilize the figure of the Dangerous (Veiled) Muslim woman, who's "veil can hide a beard." There is no mistaking the meaning behind their statements: veiled women are either self-alienated or are willingly hiding fundamentalist agendas ("a beard"); therefore, they are dangerous and cannot be trusted.

Vigerie and Zelensky end their statement by stating that religions should be made to submit to the laws of the State, that is, to secularism and gender equality (i.e. Scott's sexularism), while supporting measures directed exclusively against veiled women: "[We ask for] prohibiting veiling in places of learning and common life (schools, universities, businesses, and

[112] Vigerie was a member of the Cercle d'étude des réformes féministes [Study circle for feminist reform], and, Zelensky was the President of la Ligue du droit des femmes [League of women's rights] (Vigerie and Zelensky 2003).

administration); if violence against non-veiled women continue: prohibiting veiling in the streets" (Vigerie and Zelensky 2003)[author translation]. Vigerie and Zelensky's statement not only supports state interventions against Muslim women's bodies but actually goes further than State proposed measures in attempting to deny Muslim women the right to wear headscarves in public space. They advocate for punishing veiled women for the violence non-veiled women experience in public spaces, instead of attributing blame to those who enact violence themselves. Vigerie and Zelensky also present veiled Muslim women as being both oppressed by Islam and self-oppressed, because they are presumably in denial regarding the extent of their own oppression. Furthermore, they claim that veiled women are compromised by their association with Islamic fundamentalism, so their words are "hypocritical" and should not be taken seriously (Vigerie and Zelensky 2003). Therefore, in these secular feminist subjects' estimation, veiled women should not be consulted or listened to because they cannot be trusted. They are essentially portrayed as Dangerous (Veiled) Muslim women, a position that undermines veiled women's agency, consciousness, and legitimacy to intervene in a debate that concerns them directly.

More recently, secular feminist subjects also participated in the 2010 Gerin Commission, which the Sarkozy government established prior to enacting a law to prohibit concealing one's face in public space (L'Assemblée Nationale de la République Française 2010). The groups solicited to testify before the Gerin Commission were many of the same ones that had been asked to appear before the Stasi Commission: la Coordination française pour le lobby européen des femmes [French coordination for the European Women's Lobby]; la Ligue des droit international des femmes [the League of International Women's Rights]; and Choisir la cause des femmes [Choosing the Women's Cause]. Native informants were also invited to participate in the Gérin

Commission, including the group, Ni putes ni soumises [NPNS, Neither Whores, Nor Doormats], who I discuss in more detail further in the chapter, as well as smaller local associations, such as Femmes contres les intégrismes [Women against fundamentalism]. Also invited to testify was a group that Lépinard classifies as "difference feminists," which consisted of a coalition of white and racialized feminists that were against the adoption of a law that would ban the wearing of niqabs, Collectif des féministes pour l'égalité [CFPE, Feminist Collective For Equality]. This organization emerged from mobilizations around Une école pour tou-te-s [UETP, One School for Everyone], which formed to organize tutoring for students who had been expelled from public school, and included headscarf-wearing women as well as Christine Delphy, a prominent Marxist feminist. Delphy, who co-founded the French women's liberation movement (Mouvement de Libération des Femmes, or MLF) in 1970 as well as the journal Nouvelles questions feminists with Simone de Beauvoir in 1981, was the only one of the second wave feminists to participate in a collective with headscarf-wearing women. However, none of these organizations included any women who wore niqab—one of the glaring omissions of the Gerin Commission.[113] Instead, well-known feminist public intellectuals were invited to participate, including philosopher, Elisabeth Badinter, and the journalist, Caroline Fourest.[114] Amiraux and Koussens (2020) note that Badinter was "omnipresent" in veiling debates, while both she and Fourest acted as purveyors and gatekeepers of information, being frequently quoted

[113] As mentioned previously, the only niqabi woman who testified before the Gerin Commission was Kenza Drider but she was not initially invited. She was only allowed to testify after repeatedly contacting the Commission's president, and only on the condition that she unveil her face before speaking to them (Open Society Justice Initiative 2013) (Wolfreys 2017, 105).
[114] Fourest positions herself as a left-wing, lesbian feminist but she has gained a reputation for her rejection of concepts such as Islamophobia, which she says does not allow for legitimate critique of Islam, and support for right-wing groups. She is known to be close to the Socialist party and was a former journalist with Charlie Hebdo (Magnaudeix 2017).

in the media without criticism. They were also identified as being part of a network of (neo-) conservative essayists, journalists, and bloggers who were very well connected with prominent political parties.[115]

Other Secular feminist subjects included one of the oldest and largest feminist organizations, Femmes solidaires [Women United, FS], which was also asked to intervene at the Gerin Commission (though they had not previously intervened during the Stasi Commission). The FS (previously l'Union des femmes françaises or the Union of French Feminists), was established in 1946 and at the time of the Gerin Commission (2010), included over 10,000 card-carrying members, most of whom were white, middle-class women, who identified as *française de souche*, that is, "ethnically French" (Selby 2011, 391). Upon hearing news that this organization would be testifying at the commission, several veiled French Muslim women attempted to join the FS as members—presumably to have a chance to participate in the Commission. However, as the president of the association, Sabine Salmon, explained in an interview with researcher, Jennifer Selby,

> The organization [i.e. FS] decided it would not accept members who wear veils of any kind, which had not been expressly articulated before their involvement in the Gerin Commission. FS [had] also determined that at the time of membership, women must sign a charter noting that they are for abortion, that they are willing to protest to maintain abortion rights, and that they accept that women have different sexual orientations. . . . [They] also decided not to accept any membership applications over the phone, for a woman could be wearing a headscarf without the membership officer seeing her. (Selby 2011, 392)

[115] For example, Badinter is married to Robert Badinter, who was once Justice minister in François Mitterrand's Socialist government and is now a Senator, and is a billionaire heiress of Publicis – the third largest advertising company in the world. Although she lobbied for months to ensure that the 2010 law to ban niqab would pass, she remained silent when it came to condemning the sexual assault allegations leveled against Dominique Strauss-Kahn, whose wife is her best friend (Kramer 2011).

This text assumes several things about Muslim women who practice veiling: that they are anti-abortion, homophobic, and non-feminist. It also assumes that they have ill intentions for wanting to join a feminist group—that is, to infiltrate the FS for their own personal (or political) reasons. The FS did not acknowledge its own unearned privilege of having intervenor status at the Gerin Commission, given that not a single member wore a headscarf or face-veil. Ironically, the FS also assumed that all of its members automatically supported abortion and LGBTQ rights, which may not necessarily have been the case; for example, only new members had to sign a Charter stating that they accepted such stipulations, but it is not mentioned whether existing members also had to sign it (Selby 2011). For the FS not to accept veil-wearing women as members meant that they did not believe that Muslim women who practice veiling could be feminist. They also assumed, *apriori*, that every headscarf-wearing woman would automatically stand against abortion LGBTQ rights, which was not necessarily the case. Therefore, this feminist group saw itself as secular and anti-patriarchal, but also had a very "fundamentalist" approach to secularism. They also imposed a form of governance on their members that produced secular from non-secular in a particular way; for e.g. one was secular if they were pro-abortion and pro-LGBTQ rights, but they were not-secular if they were against these positions. Tellingly, not having any veiled women as part of their organization did not cause the FS to question their own legitimacy in speaking at the Gerin commission (Selby 2014, 10). For the secular feminist subjects of the FS, veiled Muslim women were anathema to women's rights, as they embodied the Dangerous (veiled) Muslim woman figure who could only support gender and sexual inequality and political Islam (Selby 2011, 391). Subsequently, secular feminist subjects, such as those in the FS, maintained that protecting gender equality meant protecting and enforcing

French secularism, which meant excluding veiled Muslim women from some of the most basic rights of citizenship—the right to manifest their religious beliefs in public space.

Secular Feminist Subjects in Quebec

In Québec, secular feminist subjects were also initially part of long-standing feminist groups, such as Fédération des femmes du Québec [FFQ, Federation of Quebec Women] and the Conseil du statut de la femme [CSF, Council on the Status of Women], although some left these groups to establish their own following the FFQ's interventions into anti-veiling debates. The FFQ is currently one of the largest independent women's organizations in Québec; it was first formed in 1966 by Thérèse Casgrain, a human-rights activist and suffragist who fought for Québécois women's right to vote. It acts as an umbrella organization that organizes symposiums, conferences, and meetings with its members to assess the priorities and direction of the province's feminist movement.[116] In contrast, the CSF was formed in 1973 as a semi-governmental advisory body with a mandate to conduct studies and counsel the government on issues affecting women in the province. Both organizations intervened in the anti-veiling debates that have taken place in Québec since 2006, particularly during the Bouchard-Taylor Commission (2007–2008), the discussions around Bill 94 (2010), and later, during the government hearings on Bill 60 (2013–2014).

During the Bouchard-Taylor Commission, the FFQ and CSF took different positions, which reflected both the make-up of each organization and the divisions anti-veiling debates engendered within each group. Citing the work of its Comité des femmes des communautés

[116] In 2016, the FFQ included approximately 160 associations and 860 individuals (FFQ 2016)

culturelles [Committee of Women from Cultural Communities],[117] the FFQ took a stand against what it saw as the government's recuperation of feminist discourse toward racist policies, directed at immigrant communities, and proclaimed that there was still much work to be done before Québec achieved substantive gender equality (Fédération des femmes du Québec 2007, 8, 18). While it denounced the claims made by religious extremists of all faiths (including Jewish, Muslim, and Christian) as being non-representative of immigrant and religious communities, it also stood by the right of individuals, who would otherwise suffer discrimination, to be granted "reasonable accommodations" that did not contravene the principle of gender equality. Although the FFQ saw the principle of state secularism as "primordial," it nuanced this view by recognizing the importance of respecting the Canadian Charter of Rights and Freedoms and the Québec Charter of Rights and Freedoms, which both guarantee the protection of religious freedoms as well as gender equality (Fédération des femmes du Québec 2007, 5). By not endorsing the sexularism nexus and acknowledging that there was still much work to do before achieving gender equality in the province, the FFQ distinguished itself from the secular feminist subject position prevalent in France, which uncritically accepts the government position that marks secular societies as free, gender equal, modern, and emancipatory, while castigating immigrant communities as backwards, unequal, fundamentalist, and oppressive. Lépinard writes that, "The framing that the FFQ developed was ... oriented toward the idea of a "feminist secularism" (*laïcité feministe*) that takes into consideration intersectionality" (Lépinard 2020, 59). Lépinard attributes the FFQ's nuanced position to the fact that some of its more active

[117] The committee was established in 2003 and included women from diverse origins. It issued a statement that was published Québec's daily newspaper, *Le Devoir*. The statement denounced the often racist and xenophobic characterization of women from immigrant communities (Comité des femmes des communautés culturelles de la FFQ 2007).

members were members of the Committee of Women from Cultural Communities, who had raised the issue of difference and discrimination within the feminist movement and had pushed for utilizing intersectionality as a guiding framework for analyses (Lépinard 2020, 59).

Conversely, the CSF took a markedly different position. In its (2007) submission to the Bouchard-Taylor Commission, entitled *Droit à l'égalité entre les femmes et les hommes et liberté religieuse* [Right to Equality between Women and Men and Freedom of Religion (2010)],[118] the CSF acknowledged that while secularism is "newly asserted as a common value of the Québec people" and that it had never been part of the legal tradition in Québec or Canada, it nonetheless existed *de facto* and should be protected, along with another recent core value of Québec: sexual equality (Conseil du statut de la femme 2010, 6).[119] In contrast to the FFQ, the CSF made the following recommendation, "that the representatives of the State or its civil servants not be allowed to wear visible religious symbols as part of their work" (Conseil du statut de la femme 2010, 19). Their reasoning for making this recommendation was never fully explained, but a hypothetical example they gave was of a woman converting to Islam and wanting to wear the niqab to teach students at a public school. The CSF stated that the school should reject this hypothetical request, because, "The niqab, quite obviously, sends a message of the submission of a woman, which should not be conveyed to young children as part of a secular education which is required to promote values of equality between women and men" (Conseil du statut de la femme 2010, 14). Here, the woman in niqab is attributed the positionality of

[118] The second document, published in 2010, is an English translation of a summary of the original 2007 CSF report.
[119] The phrase used in the CSF report is "égalité hommes-femmes," which translates as "equality between men and women." I have used the term "sexual equality" throughout this dissertation to show the linkages between France's us of the term "sexual equality" and the Québec's use of "égalité hommes-femmes," rather than gender equality.

Dangerous (Veiled) Muslim woman because her submissiveness to men could contaminate the minds of young children, who are presumably too young to know better. Given that the CSF did not consult with any niqabi women[120] in the focus groups organized for this report, their statement that the niqab "quite obviously" sends a message about women's submission to men reveals their own biased assumptions. Veiling could, as some of my interlocutors argued, send a radical message about rejecting society's and capitalism's sexualization and commodification of women's bodies;[121] is has already been argued, most famously by Frantz Fanon (1965), that veiling can be understood as a rejection of Western colonialism, imperialism and violence. However, these are not arguments that the CSF acknowledged. Moreover, the CSF held two focus-group discussions in 2007 with women from Muslim backgrounds,[122] but only solicited those women who did not wear a veil. Their justification for this decision was that "we wanted to give voice to Muslim women less sought after by the media" (Conseil du statut de la femme 2007, 141). However, one could easily argue that Muslim women in general (whether veiled or not) are rarely solicited by the media, and that in trying to formulate an opinion on a debate on reasonable accommodation, one should try to solicit as diverse a sample of Muslim women as possible. Moreover, two thirds of the women solicited identified as "non-practicing" (Conseil du

[120] Only one veiled woman (we are not told what kind veil she wore, but one assumes it was a hijab) participated on her own initiative in the focus groups, despite the fact that veiled women were not solicited by the organizer, Yasmina Chouakri (Conseil du statut de la femme 2007, 141). Nonetheless, there was no representative sample of veiled women on which to place the assertion that the niqab "quite obviously" equals women's submission or oppression.

[121] I will elaborate on this point in the last section of this chapter, in my discussion of Muslim feminisms

[122] Also problematic was that the majority of solicited women were immigrants of Arab or Persian descent, conflating "Muslim women" with both Arab-ness and immigrants. Muslim women who were rendered invisible though this focus group were Black Muslims, South Asian Muslim, converts to Islam, and non-immigrant Muslims, among others. See (Mugabo 2016) on anti-Black Islamophobia.

statut de la femme 2007, 142), which begs the question as to why they were specifically solicited to speak on issues of reasonable accommodation in the first place. Therefore, the CSF accepted the secular feminist subject position, conflating secularism with gender equality and calling for government intervention against what they understood to be, the Dangerous (Veiled) Muslim woman, who in this context constituted anyone who wore "religious symbols."

In light of the CSF's starkly different position, the FFQ took a firmer position vis-à-vis continuing debates on veiling in the province. On May 9, 2009, the FFQ held a special meeting in which members discussed what their official position would be. In a media release, entitled "Ni obligation religieuse, ni interdiction étatique" [No religious obligation, no state prohibition], the FFQ reiterated its stance that they were against both any type of religious obligation to don a veil and any prohibition of religious symbols in public functions: "[The FFQ] is of the opinion that banning the wearing of religious symbols in public institutions would increase discrimination against stigmatized women and stigmatize them in other institutions or settings, work, and even in the public space" (Fédération des femmes du Québec 2009). They also stated that they favoured the model of "open" secularism, which allowed for various manifestations of belief according to a person's freedom and values.[123] Moreover, they made a statement denouncing fundamentalisms, stating, "The members of the [FFQ] reaffirmed that they are for religious freedom, but against fundamentalism in all religions" (Fédération des femmes du Québec 2009). Although they could have gone further in denouncing fundamentalisms of all kinds, including right-wing extremism and secular fundamentalism, the FFQ's statement sought to strike a balance between those who were concerned that women's rights would be trampled on by the state were they to accept a law, versus those whose main concern was the influence of

[123]See (Maclure and Taylor 2011).

religious extremism on women's rights in the province. However, one important qualifier was that although the FFQ defended the right for users of public service to wear religious symbols (such as the niqab), they were against those delivering public service – that is, civil servants – from wearing a niqab, a position they were criticized for by immigrant women's organizations. For example, the SAWC (South Asian Women's Centre of Montreal) criticized the FFQ's stance on niqab, stating that women's rights meant that women themselves could decide whether or not to wear 'religious symbols' (Lépinard 2020, 57). As Lépinard asserts that although the FFQ's position was more nuanced than other secular feminist associations, particularly in France, "a gap remains, as in many other organizations, between the rhetorical commitment to intersectionality and actual intersectional practices..." (2020, 68).

Although the FFQ's 2009 statement sought to strike a balance between the positions of all of the voting members present, some who were at the special meeting denounced the FFQ's position. These were prominent secular feminist subjects who were heavily associated with nationalist movements and political parties, such as the PQ. As Lépinard comments,

> With important ties to nationalist leaders and a history of adhesion to Quebecois nationalist discourses, several white feminists from the FFQ decided to leave the organization, in the name of their adhesion to secularism but also because of their refusal to critically reflect on Quebecois nationalist claims. (2020, 65)

These women's understanding of secularism was such that it excluded even the possibility of siding against the Quebecois nationalist positions on the question of religious symbols, and preferred to start a separate organization alongside those who positioned themselves as Imperilled native informants. I discuss the role of Imperilled native informants in escalating the split that occurred within secular feminists committed to intersectionality (at least rhetorically) and those committed to nationalism.

Testimonials of Imperiled Native Informants

Native Informants in Quebec

Among those members who left the FFQ were those who positioned themselves as imperiled native informants. One example of this type of positioning was an article published in one of Québec's intellectual elite's most widely read French-language newspapers, *Le Devoir*. In a highly polemic article entitled, "*J'accuse la FFQ de trahir le combat des femmes*" [I accuse the FFQ of betraying women's struggle] (Benhabib 2009), Djemila Benhabib, a journalist and writer of half-Algerian and half-Greek Cypriot background,[124] lambasted the FFQ. Using a classical turn of phrase that French writer Émile Zola had used in his works, Benhabib repeatedly wrote, "*J'accuse*" [I accuse], while listing numerous allegations against the FFQ, one of which was that it had been infiltrated by "Islamist women" who had hijacked the group's process. She wrote:

> For a handful of *Islamist activists*, the FFQ has sacrificed millions of Muslim women who are fighting at the risk of their lives. Today, there is only one verb that runs in a loop in my head: I accuse!
>
> I accuse the FFQ of betraying the historic struggle of the women [of Québec] to rid [themselves of] the hegemony of the Catholic Church;
>
> I accuse the FFQ of putting a gag (one more!) on the mouths of all those in the world, who endure in their flesh the barbarism of the oppressive Muslim regimes that force them to wear this *shroud of death* . . .
>
> Although there was much talk of Arab-Muslim women at the meeting, only *Islamist women*'s propaganda dominated. It seems that this unique way of thinking has become the norm in the FFQ. What a shame. (Benhabib 2009) [author translation; emphasis added]

In her inflammatory text, Benhabib lambasted Arab-Muslim feminists at the FFQ as "Islamist activists" and "Islamist women," as they supported the right of Muslim women to wear religious

[124] Benhabib has written several books, including, *Ma Vie à contre-Coran* (2009), and *Les Soldats d'Allah à l'assaut de l'Occident* (2011).

symbols. By articulating a position that was contrary to hers, Benhabib claimed that they were no longer feminists but rather Dangerous (Veiled) Muslim Women (i.e. Islamists). Moreover, instead of situating the debate in Québec, she extrapolated the issue globally and conflated it with the struggles of women around the world against "oppressive Muslim regimes." While she did not explicitly name such regimes, one might assume she was referring to Iran or Saudi Arabia among other countries where covering is mandatory, and not to Québec at all despite her mentioning the Catholic Church (Barras 2018). She also called the hijab/niqab "a shroud of death," underlining her distaste not only for these particular forms of veiling but also for those who wear them. By positioning herself against the FFQ and with those unspecified oppressed women around the world who are put under a "gag" and who "endure in their flesh the Barbarism of the oppressive Muslim regimes..." she explicitly mobilized the figure of the Imperilled Muslim woman who is in need of Western rescuing. Using her positionality as half-Algerian, she positions herself as the native informant who denounces the FFQ as they have "sacrificed millions of Muslim women who are fighting at the risk of their lives."

Benhabib's alarmist polemic had an immediate impact in the media, especially with those who took her accusation of Islamist infiltration into the FFQ seriously, even though it had never been proven. Benhabib's accusations helped mobilize Québec's secular feminist subjects to her cause, while also significantly damaging the reputations of the FFQ and of the women whom she had accused of being "Islamist activists."[125] Benhabib and the secular feminist subjects who

[125] Those FFQ members whom Benhabib alluded to as "Islamist activists," were Dr. Samira Laouni and Leila Bdeir. Laouni was a former NDP candidate who previously worked for the Canadian Islamic Council; Leila Bdeir was an educator who had been a long-standing member of the FFQ, along with other Québec feminist organizations, and who had previously acted as a spokesperson for the now defunct group, Présence Musulmane Montreal. This organization had had ties to controversial Swiss intellectual Tariq Ramadan. But the claim that those who worked

supported her broke away from the FFQ in 2013 to form their own groups over the course of several more debates over anti-veiling laws, especially the debate over Bill 60 (National Assembly of Québec 2013). For example, the secular feminist groups Pour les droits des femmes du Québec (PDF-Q) and Les Janettes (named after lauded actress and journalist, Janette Bertrand), both formed in 2013 during Bill 60 debates. The PDF-Q included prominent women such as anthropologist Michèle Sirois and ex-PQ minister Louise Beaudoin, who formed the group PDF Québec after dissociating from the FFQ during the *Bill 60* debate, due to the latter group taking an anti-PQ Charter position. The Janettes included prominent women with substantial media, social, cultural, financial, and political capital, such as Janette Bertrand, Chantal Renaud, Djemila Benhabib, Denise Filiatrault, Louise Mailloux, and Julie Snyder, and was heavily supported by, and/or politically affiliated with, the PQ.[126] These groups explicitly advanced sexularism and were strictly against veiling, which they portrayed as being categorically oppressive for women and as a symbol of fundamentalism.

Both secular feminist subjects and native informants publicly appealed to the State during anti-veiling commissions to enforce an aggressive understanding of secularism, in order to "save" Imperilled Muslim women, whom they claimed were being pressured to veil by fundamentalist Muslim groups (Bellerose 2013). In doing so, both secular feminist subjects and

for Présence Musulmane Montreal were Islamists by association was unfounded. Although both Laouini and Bdeir identified as Muslim feminists and had worked with plenty of secular organizations in Québec, Benhabib's text made it seem as though they were Islamists.

[126] Benhabib, for instance, ran as a PQ candidate in 2012 and 2014, along with fellow Janette member, Louise Mailloux. Two other members of the Janettes were also personally linked with members of the PQ: Chantal Renaud, who was married to the former PQ leader Bernard Landry, and Julie Snyder, who was the partner of Pierre Karl-Péladeau, then chief executive officer of Québecor, a right-wing media conglomerate, and PQ leader from 2015 to 2016.

native informants played an important role in inviting and legitimating state control of Muslim women's bodies.

For instance, one of the most significant public encounters between native informants and Muslim feminists occurred just weeks after Bill 60 was first announced, during the popular talk show, *Tout le monde en parle* (Radio-Canada 2013). The encounter between Djemila Benhabib and Dalila Awada—a feminist who was a Québécois university student of Lebanese Muslim background and who wears a hijab—spurred numerous news articles, political commentaries, reactions, and resistances, and provided one of the sparks that led to the creation of the secular feminist group, Les Janettes.

During the show, Djemila Benhabib spoke passionately in support of Bill 60 and against the veil, which she called, "a sexist symbol," because it was "imposed only on women and not on men," and it branded, "women as temptresses and men as predators" (Radio-Canada 2013)[author translation]. To Benhabib, it was also a symbol that was "stained with blood" because "thousands of women in the world were victims because they did not have a choice [to wear it], so they were killed" (Radio-Canada 2013)[author translation]. She once again uses her Algerian background as a reason for why the audience should believe her claims about the headscarf as a sexist symbol, "And myself, in particular, who comes from a country [Algeria] where women were killed because they did not want to wear the Islamic veil" (Radio-Canada 2013)[author translation].

Conversely, Dalila Awada, spoke against Bill 60 and for the individual right of every woman to choose whether to cover herself or not. She articulated a nuanced and individualized approach to veiling:

> What is important to underline is that every woman has her own journey and her own reasons [for wearing a veil]. Yes for some, it will be to draw closer to God, for others, it's

> purely cultural. . . . For others, it's a way to work on their personality. There are a panoply of reasons, but I think that what's most important is that each woman feels comfortable in the way they wear it and why they wear it. Then this same line of questioning, this same process can lead some women to make the decision not to wear it. And that is okay, too! The most important thing, I think, is to live one's faith in the way one wants. (Radio-Canada 2013)[author translation]

While acknowledging the fact that veiling is often instrumentalized for political ends, Awada also argued that one needed to keep the debate within North America, because the social and political contexts in countries such as Algeria, Iran, or Saudi Arabia were not the same as in Québec. She also stated that she did not think that in Québec women would veil for political reasons but rather for spiritual or cultural ones (Radio-Canada 2013).

Immediately after their televised debate and in the months that followed, numerous criticisms and allegations were levelled at Awada in the media, on blogs, and in social media, for everything from her appearance to her makeup, her clothing, the colour of her hijabs, and her fashionable dress. These critics used descriptors such as "hot," (François 2013) and "Hijab Barbie" (Kaestlé 2014) to describe her. At the same time, these commentators accused Awada of having infiltrated political and feminist groups, and of being linked through her cousin (Leila Bdeir, who had been a long-time member of the FFQ) to Islamist groups:

> [Awada] was in fact an activist from Québec Solidaire, a member of the FFQ's committee of immigrant women, and she maintained, by proxy of her cousin, Leila Bedeir [sic], links to Présence Musulmane . . . [which is] favorable to Islamic courts and fully dedicated to Tarik Ramadan [*sic*], grandson of Hassan al-Banna, founder of the Muslim Brotherhood, one of the most retrograde Islamist organizations. (Kaestlé 2014)[author translation]

While none of the allegations about Awada (or Bdeir) being Islamists were ever proven, these allegations circulated among the networks of secular feminist subjects and native informants and

eventually found their way into an email written by PQ candidate and Les Janettes member, Louise Mailloux, whom Awada later sued for damages.[127]

The figure of the Dangerous (Veiled) Muslim Women is omnipresent in debates around secularism, especially when they centre around religious symbols. Attempts to de-legitimize, vilify, and silence Muslim feminist activists by castigating them as Dangerous (Veiled) Muslim women, even when they position themselves as feminists and do not wear a veil, is common.

Janette Bertrand, a prominent 90-year-old journalist, actor, and feminist, who penned the open letter that led to the formation of Les Janettes, said in an interview that Awada's appearance on *Tout le monde en parle,* "shocked" her:

> After having seen Djemila Benhabib debate against that girl, I told myself, 'I must write! [the open letter]. This beautiful girl with nice makeup on who comes with a pretty veil—this is not what I see in the streets. [I see] women covered from head to toe, completely owned by their husbands!" (Gagnon, 2013)[author translation]

Bertrand describes her "shock" at seeing Awada in a headscarf assertively standing her ground against Bill 60; while this could be interpreted as a feminist form of agency, Bertrand instead understands it as a kind of deception. Bertrand's way of resolving it seems to be to deny the subjectivity of the woman she sees before her, and instead to reassert the dominant figure of the "imperilled Muslim woman" who is imagined to be "completely owned" by her husband or to be representative of Islamists. In the same interview, she rhetorically asks, "Who sent her? The religious [adherents]. They said, "You. You will represent us" (Gagnon 2013)[author translation]. Here she reproduces Awada as the Dangerous (Veiled) Muslim Woman who has no

[127] Awada accused Mailloux of sending out emails containing erroneous information about her as the result of a video made by Philippe Magnan, the owner of the website, pointdebasculecanada.ca, whom Awada also sued. (Montgomery 2014)

agency of her own but who is representing the Dangerous Muslim man, the "beard behind the veil" as secular French feminists had claimed earlier (Vigerie and Zelensky 2003).

Denise Fillitraud, another Janette member, displayed the same disregard for Awada's stated opinions and positions and instead reaffirmed her fixed vision of women who wear hijab. In an interview with 98,5 FM, when asked what she would say to women who claimed to choose to wear the veil, she echoed Bertrand in dismissing the opinions of Muslim women, denying their agency, and linking them to violent men: "When they do not wear [the veil], they are reprimanded. . . . It's our choice? You see, [these women] are crazy" (Gagnon 2013)[author translation]. Filliatraud dismissed the stated opinions of many Muslim women with regard to having their own reasons to practice veiling and denied them any agency (Friscolanti 2016). For both Bertrand and Filliatraud, a feminist veiled woman does not compute with secular feminist subjects' fixed and imagined notions of what "imperilled Muslim women" must look or sound like. The very presence of Awada on television disrupts their categories of both what it means to be Muslim and what it means to be feminist, prompting them to mobilize politically in order to counter her message and delegitimize her and other Muslim feminist activists.

French Native Testimonials

Following the events of 9/11, a new genre of autobiography emerged—one characterized by a pseudo-ethnographic, insider narrative, penned by women who had previously lived in Muslim countries but who now lived in Western countries, or who were descendants of Muslim families but no longer identified with the faith (except perhaps culturally). These were penned by what I call Imperilled native informants. Some examples of pseudo-ethnographic autobiographies, which Saba Mahmood terms, "native testimonials," are Azar Nafisi's *Reading*

Lolita in Tehran (2003), Irshad Manji's, *The Trouble With Islam: A Muslim's Call for Reform in Her Faith* (2002), and Ayan Hirsi Ali's *The Caged Virgin: An Emancipation Proclamation for Women and Islam* (2006). These books are typically characterized by an native informant author who denounces Islam by relying on common Orientalist tropes about the exceptional quality of Islamic patriarchy, perverse sexual norms, and violence. As Mahmood argues,

> The autobiographical genre attesting to Islam's patriarchal ills . . . is significant not only for its extensive reliance on the most exhausted and pernicious Orientalist tropes through which Islam has been represented in Western history but also for its unabashed promotion of the right-wing conservative agenda now sweeping Europe and America, particularly in regard to Islam" (2008, 83).

This right-wing conservative agenda that Mahmood mentions is part of what Lila Abu-Lughod has referred to as the "new common sense," whereby women's rights are frequently cited as moral justification for imperialist interventions abroad and at home, including military interventions in places like Afghanistan, but also, increasingly, secular interventions into Muslim women's bodies at home (2013, 54).

In France, numerous native testimonials were written by female native informants who detailed their experiences of growing up as *filles d'immigrés* (daughters of immigrants) in the *banlieus* (suburbs), which according to them, had been taken over by young Arab men who ran it like their own personal playground. Some examples of these autobiographies include Loubna Méliane's *Vivre libre* (To live free, 2004), Fadela Amara's *Ni putes ni soumises* (Neither Whores nor Doormats, 2003), Samira Bellil's *Dans l'enfer des tournantes* (In gang rape hell, 2002), and Chahdortt Djavann's *Bas les voiles!* (Down with veils! 2003). The first three authors are all French citizens of North African descent, while the fourth author is an Iranian dissident and

writer. Méliane and Amara both helped found the group, *Ni putes ni soumises* (NPNS),[128] while Bellil is credited as being the "godmother" of NPNS. As with all "native testimonials," what is emphasized in this genre of writing is the graphic nature of the abuse suffered by these women at the hands of Muslim men and/or cultures. For example, in *Dans l'enfer des tournantes* (2002), Bellil narrates in harrowing detail how, while living in one of the poor suburbs of Paris, she had been gang-raped multiple times beginning at the age of fourteen. What is emphasized in her account, however, is the supposed pandemic of gang-rapes committed by Muslim youth in the *banlieus*, which is attributed to their culture and/or perverse views of sexuality (Bellil 2003). Conversely, according to sociologist Laurent Mucchielli, gang rapes are not a new phenomenon and have been occurring in mainstream France (read: by non-immigrant gangs) without significant increase since at least the 1960s (Bowen 2007, 214). As John Bowen concurs, "what had changed recently were not the practices [of collective rapes] but the claims made about them: specifically, attributing them to Arab-Muslim culture rather than to urban social problems" (2007, 214). Several scholars have also criticize the figure of the "dangerous Arab boy" (similar to Razack's Dangerous Muslim man) present in many of these accounts, who was portrayed by feminists and politicians alike as synonymous with the dangers of Muslims Islam in France (Guénif-Souilamas and Macé 2004, Mack 2017).

Shortly after Bellil's book was released, another violent incident occurred in a Paris suburb: a 17-year old woman, Sohane Benziane, was burned alive by a group of young men,

[128] Fernando describes the feminism of NPNS as a type of "carceral feminism," which she defines as those who "focus not on the socioeconomic structures that often drive sexual violence and sexual exploitation, but rather on groups of deviant men who oppress women. They thereby rely on law making and incarceration as the primary mechanisms for ensuring sexual freedom and gender justice." (Fernando 2014, 201)

including her ex-boyfriend, as a form of vengeance for having left him. Her brutal murder was sensationalized by the media in a way that made it seem like violence against women, including murders, rape, and/or domestic abuse, only occurred in the *banlieus*. Part of the reason for this attribution can be traced back to the group NPNS, which formed following the death of Benziane in 2002. What began as a manifesto against her death and against gendered violence in the suburbs soon burgeoned into a movement, led by Amara, who had been an activist from the emergency housing district of Clermont-Ferrand, Puy-de-Dome, and who had participated in the anti-racist group SOS Racism. Under the auspices of NPNS, Amara organized a march in 2003 called, "*La marche des femmes des quartiers contre les ghettos et pour l'égalité*" [The March of Suburban Women Against Ghettos and for Equality], which was joined by 30,000 women calling for an end to sexual violence in the banlieus. While NPNS cast a critical light on the concerns of poor racialized women and the indifference of mainstream feminist groups and politicians to these concerns, it did so by castigating Arab-Muslim boys as Dangerous Mulism men as well as veiled girls as their counterparts, the Dangerous (Veiled) Muslim women (Guénif-Souilamas 2004). Simultaneously, these depictions exalted the authors of these native testimonials as "exceptional citizens" who were secular, unveiled, and well-integrated (Fernando 2014, Guénif-Souilamas and Macé 2004). Indeed, the fact that they were unveiled gave them exceptional authority as they were seen to confirm the fact that it was possible to "integrate" into the universalist values of French Republicanism.

According to Fernando, "exceptional citizens,"[129] such as Amara represented an "aspirational model," which served as "an example of what not yet emancipated, not yet secular,

[129] "Exceptional citizens" is a term reserved those who were deemed both unique and exemplary; in the French colonial period, they were the ones granted citizenship because they were deemed to be "sufficiently 'civilized'" (Fernando 2014, 192).

and not yet French women of immigrant origin might become" (2014, 194). Following the March, Amara published her book, *Ni putes ni soumises* (2003), and in 2004 was awarded a Political Book Prize by the French National Assembly. She also became a junior minister for urban policy in Nicolas Sarkozy's conservative government, while Méliane, a co-organizer of the march, became an official in the Socialist Party (Fernando 2014, 186). They were the "political elites from immigrant backgrounds" that Baroin (2003) had thought it essential to promote in order to bring about the "new secularism." Moreover, NPNS was given millions of dollars, cars, and free space in central Paris to house its offices, even though there had been numerous other civic groups working on issues related to urban violence and discrimination for far longer (Bowen 2007, 215). Furthermore, Amara and NPNS were invited to intervene in the Stasi Commission hearings, wherein they did not hesitate to give their support for a law to prohibit veiling in public schools (Stasi 2003). By positioning its members as the sexually emancipated, gender equal, native informants who extolled the republic and the new secularism, NPNS became the darlings of the French political class and the "authentic voice" needed to legitimize anti-veiling laws – especially for right-wing parties (Bowen 2007, 215).

The political class's embrace of the native informants from NPNS and their discourse can be explained in several ways. For instance, Bowen argues that,

> For politicians the NPNS analysis was a pure gift. NPNS explained the problem of violence in terms of sexism in the underdeveloped portions of urban France rather than as the result of policies of labor migration and residential segregation. Problems of labor and discrimination would require imaginative, expensive policies; Arab sexism called for denunciation—and a law affecting Muslim women (Bowen 2007, 216).

Because NPNS's discourse was centred on Arab sexual perversity, it did not give any place to the social, economic, and urban policies that had given rise to difficult conditions in the suburbs. As Fernando concurs, "the political decisions that have made social and economic life uncertain

for many, in the *banlieues* and beyond, are both obfuscated and symbolically resolved through the punishment of sexually aberrant immigrants and delinquents" (Fernando 2014, 207). In short, the NPNS denied any responsibility on the state's part in creating the conditions of poverty and unemployment that made life so difficult for the youth of the banlieues. Moreover, Amara claimed that the NPNS had helped to fight "Islamists" by advocating for a headscarf ban:

> 'We fought the Islamists, and we slowed their spread,' she said. 'Our tenets defend equality, condemn cultural relativism and combat archaic traditions. . . .This is why I claim the heritage of the French Revolution,' she said heatedly. 'I'm universalist. I believe strongly in the values of the republic — liberty, equality, fraternity — and secularism.' (Erlanger 2008)

Amara and the NPNS's endorsement of "Republic values," such as liberty, equality, fraternity, as well as secularism, were richly rewarded when Amara was awarded a Political Book Prize in 2004 by the National Assembly (Bowen 2007, 215). The French Prime Minister's office also helped to finance and distribute an NPNS "guide on respect for women aimed at male youth in the *banlieus*," as well as a *Maison of Mixité* [a House of Mixing], located in the 20th arrondissement in Paris, where members of the opposite sex could congregate freely (Fernando 2014, 186). For many in NPNS, mixité—the intermingling of both sexes—was how they understood gender equality (Bowen 2007, 218).

Transnational Collusions

Secular feminist subjects along with their native informant allies formed transnational networks that circulated from France to Québec and vice versa to share their knowledge, experience, and expertise in a number of different forums and registers. For example, during my fieldwork trip to Montreal in August 2013, I spoke on the condition of anonymity with a civil servant who worked for Québec's Provincial Ministry of Immigration. She told me that she and

several other ministry workers had attended a session organized by the French embassy in Québec, which had included French journalist Carolyn Fourest. Fourest was well known for writing several books against Tariq Ramadan and for publicly supporting the French government's 2004 ban against "religious symbols" in public schools.[130] She had also edited a special issue of the widely cited journal *Prochoix*, entitled "Voile: L'école et la laïcité sont-elle en danger?" [Veil: School and secularism are they in danger?], which reprinted the previously mentioned article, "*Laïcardes, puisque féministe*" [Secularist, because feminist] (Vigerie and Zelensky 2003). After doing some research on Fourest's trip to Québec, I found that she had been part of a four-day conference from May 19 to 22, 2010, organized by the group Collectif citoyen pour l'égalité et la laïcité (CCIEL), which was co-founded by Djemila Benhabib. The theme of the conference was: "Égalité et laïcité, quelles perspectives?" [Equality and secularism: What perspectives?]. The conference had been attended by a veritable "who's who" of secular feminist subjects and right-wing journalists, including the co-founder of CCIEL, Louise Mailloux, who would later become a member of les Janettes; Louise Beaudoin, the ex-PQ minister who later became the president of PDF-Q; and Christiane Pelchat, then-president of the CSF, as well as journalists Mathieu Bock-Côté and Richard Martineau, who both worked for the Québecor-owned and right-wing publication, *Le Journal de Montreal*. As discussed in Chapter 2, Amiraux and Koussens (2020)'s media analysis identified several of these personalities as

[130] Fourest has written numerous books including *Tirs croisés: la laïcité à l'épreuve des intégrismes juif, chrétien et musulman* [Crossfire: Jewish, Christian and Muslim fanaticism against secularism] (2003); *Brother Tariq: The Doublespeak of Tariq Ramadan* (2008); *In Praise of Blasphemy: Why Charlie Hebdo is Not "islamophobic"* (2015), among several others. She has also been charged with defamation for her writing several times. See (Magnaudeix 2017).

transnational purveyors and gatekeepers of information, who were often cited in the media around issues of secularism and reasonable accommodation across both sides of the Atlantic. In addition to the right-wing figures noted above, the conference was also attended by then president of the CSF, the Consul General of France, as well as a minister of the PQ, which raises questions about possible sources of funding and the wide network of powerful national and international personalities who found resonance with Fourest and Benhabib's message. The CCIEL conference in 2010, co-organized by Benhabib, is likely the first time that all of these important media and political elites met in person to share knowledge and exchange perspectives, thus solidifying their transnational network.

For instance, during an interview with *Le Devoir* in 2010, Fourest gives her full support to the Parti Québécois's proposed Charter of Québec Values (then known as the Charter of Secularism), arguing that changing Québec's Charter of Human Rights to place protecting gender equality above religious freedom would help the sovereigntist cause (Porter 2010). "According to Ms. Fourest . . . a charter would give the Québec government additional leverage to challenge certain opinions of the [Canadian] Supreme Court on religious freedom" (Porter 2010). How and why Fourest would be listened to on questions of Quebec sovereignty remain a mystery, as she has no expertise on the issue. However, as Béland, Lecours and Schmeiser argue, "For Quebec nationalists, the availability of France as a potential example to study and perhaps even emulate is especially strong concerning secularism, in part because France is seen as a pioneer in this domain" (2021, 187). Inviting a self-proclaimed specialist on secularism, such as Fourest, could have appealed to Quebec nationalists because of their desire to emulate the French example in the domain where they are seen to be leaders: laïcité. Moreover, Fourest's reference to the Quebec's Charter of Human Rights as well as previous decisions of the Canadian Supreme

Court with regard to religious freedom shows that she has likely spoken at length with nationalists regarding legal strategies they could use to advance the sovereigntist cause. Fourest further continues, "I believe that Québeckers are very attached to secularism and are worried about religious freedom challenging basic common values such as gender equality" (Porter 2010). Here she further positions herself as a secular feminist subject as she explicitly endorses to the nexus between secularism and gender equality. Both of these views were later widely repeated by the PQ, which claimed that its Charter of Québec Values (Bill 60) would protect gender equality by refusing to allow civil servants the right to wear religious symbols while working. "The PQ's explicit emphasis on the alleged relationship between secularism and gender equality—based on perceived religious signifiers like the hijab being regarded as markers of gender inequality—only served to reinforce the connections made between the Quebec Charter of Values and France's approach" (Béland, Lecours and Schmeiser 2021, 187). It may have been transnational encounters between highly influential media purveyors and political elites that helped to solidify the connections between Quebec and France's approach to secularism and gender equality vis a vis religious symbols.

While Fourest herself and her ideas on secularism and gender equality travelled from France to Québec, Djemila Benhabib, who had invited Fourest to Québec for the CCIEL conference, and her ideas also travelled to France. For example, in 2012 her book, *Ma vie à contre-Coran*, won the International Prize of Laïcité, an annual award given to the book that best promotes secularism, awarded by the French association Comité Laicité République.[131] Benhabib

[131] The Comité Laicité République was created in 1991, following the first affair du foulard, in order to further promote laïcité in France and internationally. The annually awarded national and international prize of laïcité was created to honour those who distinguished themselves in their engagement with laïcité around the world. Past awards were given to Fadela Amara and Chadortt

was also a finalist for the French Simone de Beauvoir prize in 2013, for her activism on gender rights as well as a finalist in the non-fiction category for the Governor General's Literary Awards in 2009. As Barras argues, "[Benhabib's] writings are not only recognized but also celebrated by commentators and elites in Québec, as well as in France and in other francophone countries" (Barras 2018, 6). Selby also remarks that Benhabib had travelled to France in 2010 as part of her book tour for her autobiography, *Ma vie à contre-Coran*, which narrates her experiences prior to moving to Québec. Selby recounts,

> In one of FS's monthly gatherings . . . on a Saturday morning in May 2010, we discussed Djemila Benhabib's autobiography *Ma vie à contre-Coran*. . . . Members read the book together and in their discussion agreed that (a monolithic) Islam is dangerous and that members must take action so that other women do not suffer like Benhabib (2011, 392).

Selby and Barras point to the transnational circulation of books like Benhabib's, as well as of Benhabib herself, both of which travel back and forth between different Francophone contexts but whose message remains the same: that Islam is dangerous for women, that secularism is the only hope to prevent Islam (which is always conflated with fundamentalism) from taking over and pushing back hard-earned women's rights, that secularism is a guarantor of women's rights. These, along with the mobilization of Razack's three figures, form the basic components of most, if not all, native informants' arguments. This discourse is not received in isolation, as there are other willing secular feminist subjects, such as Fourest, the Comité Laicité République, and the FS, for example, who will amplify its message and use it to further argue about the dangers of Islamic fundamentalism and extol the right of states to protect secularism and gender equality. Unfortunately, their ideas of defending secularism and protecting gender equality involve further

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Djavann (2003), and Carolyn Fourest (2005). The Quebec government has also created a similar prize in 2019 named, The Guy-Rocher Secularism Award, which "recognize[s] the current or past contribution of a person, organization or group in favor of secularism. This prize is awarded every year by the minister responsible for secularism." (Quebec Government 2022)

denying Muslim women their rights—particularly, their right to live a life free of discrimination and harassment.

Muslim Feminists or Dangerous (Veiled) Muslim Women?

In my interviews with female Muslim activists advocating against anti-veiling laws, I learned that many have complicated and nuanced relationships with feminism in general and also with Muslim feminism. In contrast to a one-size-fits-all approach to feminism, Muslim activists with different positionalities articulated various relationships to feminism in terms of their identities and activism. Although some women rejected the label 'feminist' outright because they perceived that there had been a manipulation of feminist discourses towards racist ends in France, others embraced a feminist conscience from a young age; still others preferred to claim an indigenized Muslim feminism as their preferred mode of pursuing gender justice, particularly one that takes into account the colonial and racial factors that defined their experiences. In what follows, I examine the positionalities of the female Muslim activists I interviewed in both France and Quebec, as well as the complex entanglements they wove in relation to their different understandings of and relationships to different kinds of feminisms.

"I probably live somewhere between the two [Western and Muslim feminisms]"

Even amongst those Muslims who consider themselves feminist, there is debate within the literature regarding the terms "Islamic feminism" and "Muslim feminism."[132] Islamic feminism is usually associated with feminists in Iran, Morocco, and the United States who

[132] See *Féminismes islamiques* (Ali 2012) and *Feminism in Islam: Secular and Religious Convergences* (Badran 2009).

pioneered methods of re-reading Islamic religious texts, such as the Qur'an or Prophetic *Hadiths* (traditions/sayings), while using gender equality as their guiding principle.[133] Muslim feminism, although less precisely defined, is either used interchangeably with Islamic feminism,[134] or as an umbrella term to describe feminists who identify as Muslim but who do not necessarily use the methodologies of Islamic feminists in their theorizing and/or activism. Asmaa Ibnouzahir, a scholar and activist who identifies with both feminism and Islam, argues that the two terms should remain distinct, with Islamic feminism retaining its precise historical and methodological meaning, while pluralizing Muslim feminisms (*féminismes musulmans*) to include all types of feminisms that may exist within Muslim contexts (Ibnouzahir 2015, 344).

One example of Muslim feminism is the Collective des féministes musulmanes du Québec (CFMQ), which was formed immediately after the 2013 announcement of Bill 60 in Québec. Aïcha, a 40-year-old Arab-Canadian educator who does not wear a veil, was one of the founding members of CFMQ. In our interview, she told me that she preferred to keep a distinction between Islamic and Muslim feminisms. However, she also complicated the two terms by saying that although she did not believe that women needed to leave their religion to find emancipation and that it was possible for women to engage in emancipatory processes from within Islam, she also could not imagine *not* supporting a woman's right to have an abortion: "I probably live somewhere between the two [Western feminisms and Muslim feminisms]. You know if they were circles I would live in the place where the two circles meet" (Aïcha, interview). This image of two intersecting circles perfectly summarizes the in-betweenness of many Muslim feminists who inhabit and embody both secular and religious positionalities

[133] For a more nuanced discussion of this debate, see Badran (2009) and Fatima Seedat (2013).
[134] For example, in Ali (2012).

simultaneously. As Fatima Seedat argues, "whether resisting the label feminist, resisting a convergence between Islam and feminism or doing feminism while taking Islam for granted, the dynamic between Islam and feminism is a potentially productive space from which to theorise modern Muslim gendered ways of being" (2013, 420). In addition to Muslim gendered ways of being, I would also add raced, sexed, classed, et cetera, as these are more reflective of the tensions, contradictions and also transformations within what might perhaps be emerging waves of Muslim feminisms.

"We had to fight to have the floor!"

Secular feminist subjects and their discourses of exclusion vis-à-vis Muslim women have translated to sometimes violent exclusions within feminists groups. Several of the Muslim feminists I spoke with recalled in great detail some of the behaviours they were subjected to at the first few International Women's Day Marches (in 2004 and 2005); these behaviours have been well documented by feminist scholars who were also present (Fernando 2014) (Delphy 2015). Delphy recalled that the C*ollectif national des droits des femmes* (CNDF, or National collective of women's rights), a major coalition of feminists associations consisting of multiple groups, including left-wing party and union representatives, refused entry to a group of veiled Muslim women. Indeed, the CNDF attempted to stop this group of women, who were part of both the C*ollectif Féministes Pour l'Égalité* (CFPE, Feminist collective for equality) and the *Collectif une école pour tous et toutes* (UEPT, one school for all), from participating in the International Women's Day demonstrations to protest violence against women and to celebrate thirty years since the decriminalization of abortion (Delphy 2015, 142-143). Fernando goes into more detail regarding this incident in the field notes section of her book, writing that,

> On March 8, International Women's Day, the UEPT had difficulty accessing the procession, and a number of UEPT activists recall not only being blocked from joining the march but also being insulted by other marchers, who shouted that they should be ashamed to be at a feminist gathering and should go live in Iran, Saudi Arabia, or Afghanistan. (2014, 183)

The feminists in the CNDF and similar other association shouted down the veiled feminist activists and refused the acknowledge their feminist identity, telling them not only that were they not invited to be part of a day for International Women's Rights, but that they were part of the problem.

One Muslim feminist activist I spoke with was Nana, a married 39-year-old mother of three who was of Senegalese-French background. Nana wore her hijab in a turban or bun style, that is, with colourful fabric wrapped around a low bun behind her head, or with the fabric sometimes draped over her shoulder. Nana had been a member of both UEPT and CFPE, and was a founding member of *Mamans Toutes Égales* (MTE). MTE was formed following a 2012 ministerial circular issued by then-Minister of Education, Luc Chatel; the circular stated that parents who accompanied their children on school outings must follow the school's neutrality rules that applied to civil servants, a rule that prevented mothers who wore a hijab/niqab from volunteering in public schools. Nana was one of the UETP activists who attended the first world march for International Women's Day in 2005. She vividly recalls the way that she and other veiled women were treated by secular French feminists on their way to the march:

> I remember in 2005 we left . . . it was the first World March for Women, in Marseille. . . and there was a train, there were TGVs [High speed trains] that had been chartered from Paris and were going [to take us] there. So we were leaving like everyone else—there was a large number of us who were leaving Paris as part of CFPE. And in fact, on the way, that's when feminist women, [*long sigh*] ... well, they told us that we did not have a place there. And when we arrived at the site [in Marseille], they would not let us [take the floor] to speak because we were veiled. But what was good was that in these meetings it was not just the French [feminists] there. There were a lot of foreigners, and it was they who said, "on the contrary, we must listen to them! What! They are first and foremost women! They are not walking veils!" But we had to fight to have the floor! There were

> times I remember when the slogans were very very harsh, when they said, "so-so-so solidarity with all women around the world except with those who are veiled." (Nana, interview, author translation)

Nana's account highlighted the hostility behind mainstream secular French feminists' treatment of veiled Muslim women, whom they forcefully tried to exclude from participating in the International Women's Day March. Their encounter with these Muslim feminists, who were marginalized in everyday life and politics, was very violent: when reproached by non-French feminists – who emphasized the fact that veiled women were women first of all and not "walking veils" – secular feminist subjects resorted instead to hurtful taunts. Furthermore, what struck me the most about Nana's account was the level of violence she described—verbal, symbolic, and emotional—enacted by the secular feminist subjects who clearly did not see veiled women as feminists, nor as women. As Nana attests through her recollection of the foreign feminists' objections, Muslim feminists were both dehumanized and objectified as "walking veils," which to secular French feminists meant that they were not women and should not speak at the march. As mentioned, many French feminist groups, such as the FS, thought that Muslim women who wore hijabs could not possibly advocate for women's rights because in these groups' eyes, women's rights meant advocating for issues such as abortion and homosexuality almost exclusively (Selby 2011). In addition to attempting to silence them, secular French feminists also attempted to physically prevent Muslim feminists from boarding the train to the March in Marseille. Nana continued:

> In the TGV [high speed-train], they did everything they could so that we could not enter the train! It was very violent. It was really . . . verbally violent. (. . .) It never came to blows but it was close. They were constantly in our faces, screaming at us! It was often... verbally violent. A verbal violence that was very difficult. (Nana interview, author translation)

While Nana did not go into detail regarding what was said, it was clear that the experience had marked her, as she spoke in low, hushed tones with many pauses and long sighs, even though it had been several years since the incident had occurred.

One of the effects of secular French feminists' "verbal violence" as well as active attempts at silencing the Muslim women who had been part of the UEPT and CFPE, was that many of these Muslim women slowly stopped coming to other marches, and eventually stopped participating in feminist groups entirely. Word spread among those Muslim women who had been actively mobilizing against anti-veiling laws in concert with other feminists, and several began to remove themselves from further involvement.

For example, another MTE activist I spoke with, Asima, a 33-year-old married mother of three, echoed this sentiment. She testified to the fact that many of the Muslim women she was acquainted with excluded themselves from active involvement in groups such as MTE because of what they had heard regarding the violent treatment that other veiled women had been subjected to during the first few years of their involvement in the International Women's Day marches. During our interview in 2012, Asima told me,

> There were many veiled feminists who were almost—let's say—beaten up during international women's day . . . veiled women who were excluded in the processions because they were veiled. (. . .) They had even advised us not to attend because it was really very, very violent. It was feminist women that excluded other feminist women because they were veiled. (Asima interview, author translation)

This kind of treatment had understandably shocked many of Asima's acquaintances, many of whom had previously not had much experience with activism or organizing. Even Asima found it difficult to explain the reactions of these French feminists, repeating with dismay and uncertainty, "No, it's very hard in France. I don't know if it's . . . I don't know. I don't know why it has become like this" (Asima interview, author translation). However, when I asked

Asima whether the other Muslim women she knew supported her involvement in feminist activism, she affirmed that although her other Muslim friends did not attend meetings or events on a regular basis, they nonetheless supported her and her activism with MTE:

> They support me. Yes, they support me. It's true that I try to solicit them often because it's always me who is put forward when there is an interview or anything, but I also try to solicit them. So even if they do not dare to speak, they support me anyway. They are there, they are present. For example, during the protest on February 9 they were there, among the public. They accompanied me; they support us. (Asima interview, author translation)

Asima affirmed that although the veiled women she knew did not actively attend meetings anymore for a variety of reasons—some personal or familial—they nonetheless supported her and her activism for the rights of other veiled women and mothers in particular, which is the core purpose of MTE. For example, the protest she mentioned attending was one that was organized by MTE to object to a proposed legal initiative[135] that attempted to prohibit home childcare workers (called *nounous*) from looking after young children in private homes while wearing a headscarf (Mamans Toutes Égales 2012). From several of my interviews, I gathered that although many Muslim women have a complicated relationship to activism and feminism in France, many are willing to support those activists from their communities who do speak out on issues of mutual concern.

There is also a strong current of Islamic feminism in France among several of the activists I spoke with, some of whom explicitly identified as Islamic feminist. Nana, for instance, explained her initial hesitation with using the term "Islamic feminist":

[135] The law, entitled, « Proposition de loi visant à étendre l'obligation de neutralité aux structures privées en charge de la petite enfance et à assurer le respect du principe de laïcité » [Proposal for a law aimed at extending the obligation of neutrality to private structures in charge of early childhood and ensuring respect for the principle of secularism] proposed on October 25, 2011, by Senator Françoise Laborde, was accepted by the Senate but later rejected by the National Assembly on May 15, 2015. See (Sénat 2018) for full proceedings.

> So at first, I did not like this word [Islamic feminist], because I told myself that Christians, when they [engage in] struggle, we do not say Christian feminism! The Jews when they struggle, voilà. . . . But, little by little and with the writings of Zahra [Ali][136] (2012), I began to appropriate [the term]. I said to myself: if it means the fact that we draw from our religious sources to be able to demonstrate that, precisely, that we are equal to men, [then] there is no problem. But I, in any case, the primary goal, apart from the names given to them, Islamic feminist, feminisms, feminists, whatever, for me the most important is what? It is to struggle in all spheres to show that men and women are equal before God. (Nana interview, author translation)

As Nana recalls, other feminists did not need to situate themselves religiously in order to be recognized as feminist; she seemed to see her engagement in activities and practices as a way to disrupt the dominant hegemonic attempts to exceptionalize Muslim women's activism. Therefore her hesitation in using the label 'Islamic feminist' was because it seemed to be making something exceptional out of Muslim women's activism, whereas women who belonged to other faith communities did not need to be identified as such in their activism. However, by reading the writings of other Muslim feminists (for example, in the book *Féminismes islamiques*, (Ali 2012)), Nana eventually began to claim the label for herself. As Nana affirms, what is important is to struggle for equality between men and women in order to show that both are equal before God. Such an understanding of feminism not only makes space for a relationship with one's Creator, but also theorizes equality as emanating from that relationship.

"Feminism is a White, Western, European movement. I do not think it is universal"

In June 2012, I interviewed Assata, who is a member of the French decolonial political group, Parti des Indigènes de la République [Party of the Indigenous of the Republic, hereafter, the Indigènes]. At the time of our interview, Assata, a married 39-year-old woman of North

[136] Zahra Ali is the editor of the first French collection of works dealing with Islamic feminisms. See (Ali 2012)

African descent, had had a long career as an activist, having been active in the UEPT, as well as in several protests and debates against anti-veiling laws. During our interview, we began speaking about a panel on Islamic feminism that I attended, in which she was one of a several speakers.[137] During the lecture, she had stated publicly that she did not identify as a feminist, even though she had participated on a panel about Islamic feminism. I asked Assata why she had said that she did not identify as a feminist politically, even though she clearly advocated for women's rights in the context of her activism: "Because [feminism] is a concept that is considered foreign to us [i.e. the Indigènes] (...). Especially because of the way that feminism was exploited during the colonial period . . . and how it is exploited today" (Assata interview, author translation). Assata refers to the colonial period in which feminist arguments and rationales were used by colonizers to advocate for the liberation of native women from what was deemed to be the oppression of traditional culture and religion, all the while carrying on brutal and violent colonial policies towards native populations as a whole.[138] Assata further explained that she did not identify as a feminist because of what she saw as the current exploitation of the French feminist movement in service of colonial and racist ends: "We [the Indigènes] denounce certain feminists, that is to say, that feminism is exploited for colonial and racist purposes. And moreover, it is as if the issue [of sexual equality] is resolved in France." As discussed previously, the nexus between secularism and sexual equality in French political discourse, sexularism, takes for granted that equality between the sexes has been achieved between men and women; this assumption fails to acknowledge both the intersectional nature of oppressions and the deep

[137] I have not identified the lecture in reference because doing so will identify my interviewee. As mentioned, I have given pseudonyms to all of my interviewees who identify as Muslim women or Muslim activist.

[138] See for example, Frantz Fanon (1965), Lata Mani (1989), and Gayatri Chakravorty Spivak (2000).

inequalities that persist for racialized men and women. In addition, the inequalities that exist *between* women, and that persist *within* the feminist movement itself, remain unacknowledged, as evidenced by the fraught and sometimes violent interactions between secular feminist subjects and Muslim feminist activists—which Nana had experienced first-hand.

Assata's denunciation of feminism in France, therefore, is not without context, as other activists and feminists, such as Christine Delphy, have expressed similar concerns. Delphy, notably, was one of the few longstanding white French feminists to denounce what she saw as a racist alliance between French feminists and the political class in mobilizing against the rights of French Muslim girls in the interest of battling an Islamist enemy (Delphy 2004, 67). Other activists and scholars and activists of colour have similarly denounced the collusion between French feminism and the French political class (Guénif-Souilamas 2004) (Tissot 2007) (Ewanjé-Épée and Magliani-Belkacem 2012). Yet the feeling amongst many Muslim activists who reject feminism is reflected in Assata's skepticism when she asserts that, "I think that feminism is a White, Western, European movement. I do not think it is universal, I do not think so . . . This is why we [the Indigènes] say no feminism without anti-imperialism. We had this slogan [previously]: 'No feminism without anti-imperialism!'" (Assata interview, author translation). The Indigènes insistence that there can be no feminism without anti-imperialism is similar to other decolonial and indigenous feminist movements, which do not theorize gender outside of both race and colonialism (Perrault 2015). This is because for decolonial and Indigenous feminists, particularly in Canada, the State is involved in on-going settler colonization that has never abated; settler colonialism has and continues to have deeply gendered effects on

Indigenous women in particular.[139] Likewise, the Indigènes argue that although France considers itself "postcolonial," it nonetheless continues to treat the racialized "indigenous" populations from its ex-colonies as second-class citizens, subjecting them to, among other things, racial profiling, carding, school expulsions, and discrimination at work and in lodgings (Parti des Indigènes de la République 2005). Therefore, as Assata asserts, neither she nor the Indigènes can support the role that French feminists, particularly secular feminist subjects, have played in upholding the state's policies towards racialized communities, and in particular, towards veiled women and girls.

"I [had] never thought of feminism...[until] I started to read women writers [of color]"

Although expressing a somewhat less rejectionist view of feminism, my conversation with Hawa, another member of the Indigènes, regarding why she chose to get involved with the decolonial political group instead of with a feminist group, yielded some important insights about feminism in France. Hawa, who I discussed in Chapter 1, was a 31-year-old single woman of North African ancestry who was born in France and who wore her hijab in a turban-style, paired mostly with turtlenecks. She had left France to find work in Canada in large part so that she would be able to keep working with her hijab on, a topic I elaborate further in the next chapter. Although she had found work in Canada, she recalls remaining in a liminal state for a

[139] In Canada, for example, the government had established the Indian Act in 1876, which specified in Section 12 (1)(b) that Indigenous women who married non-Indigenous men would automatically lose their Indigenous status, while Indigenous men who married non-Indigenous women could pass on their Native status to their children. This policy's legacy led to the loss of official Indian status for thousands of descendants of Indigenous women, and Indigenous feminists had to struggle in court over several decades to have their and their descendants' status restored. This example demonstrates the deeply gendered nature and effects of colonial law. See (Hanson 2009).

long time, living out of her suitcase for about three months before realizing that this was her life now, that she would have to keep going back and forth from France to Canada whenever her work visa ran out. When she eventually returned to France to renew her work visa, she joined the Indigènes in order to make sense of her experiences. When asked about why she had joined the decolonial group, instead of, perhaps, a feminist group, she told me,

> I [had] never thought of feminism. It was when I began to wonder about my racial status that I started to read women writers [of color]. [. . .] Apart from Simone de Beauvoir, when I was in college, I never read. . . . I do not know the names of great feminists. I have not read the works of French feminists, because in any case, what they were living was not my reality. (...)
>
> I had the impression that the urgency, for me anyway, was elsewhere. That is to say, how can I work with my headscarf on, for example? You see? Although it's true that because I am a woman, there is something sexist in the fact of not being able to work as a woman and this is discrimination, but it is already linked to my race. Well, that is to say, to the fact that I wear a headscarf. (Hawa interview, author translation)

Hawa's sentiments reflect the immense chasm between the lives of many racialized Muslim women from the banlieus, and the abstract theories of many white French feminists.

Hawa had understood French feminism as irrelevant to her experiences, because as she says, it did not speak to the priorities in her life, which included finding a job where she could continue wearing her headscarf, or challenging the racism she experienced in her day-to-day life as an Arab-Muslim woman. She not only understood the racism she experienced as being because she was visibly Muslim (i.e. by wearing a scarf) but also that she was a racialized woman – her Muslim identity and race being already linked through her experiences. The French feminists whom Hawa had heard of or had read, such as Simone de Beauvoir, did not speak to her experiences—which she understood as not only being linked to her gender and race, but also to the visibility of her religious practice. When I asked her when she had first begun thinking about feminism and activism, particularly with the Indigènes, Hawa told me that it was not until she

began interrogating her own condition as a racialized woman that she began reading the writings of American and French feminist activists and theorists, such as Angela Davis, Saïda Kada, Christine Delphy, Elsa Dorlin, and Nacira Guénif-Souilamas. Only after reading these authors did Hawa begin thinking about a feminism that linked together gender, race, and religion, and the imbrications these could have.[140] For Hawa, feminism did not become relevant to her activism at all until these "intersectional" linkages were made.

"The full veil, for me ... it was the most feminist thing you could do"

Conversely, some of the Muslim women I spoke with in France had gravitated towards a feminist conscience early on in their lives. Sarah, a 24-year-old university lecturer and White French-convert to Islam, told me that she had always been drawn to reading about strong women as a young girl and that her nickname as a child had been "the feminist." After completing her Master's degree in Gender Studies at the École des hautes études en sciences sociales (EHESS) in Paris, she began noticing some of the similarities between the radical feminist thought that she had been reading—principally the works of Monique Wittig and Christine Delphy—and what she saw as the feminist acts of fully-veiled (niqabi) women. For example, she explains Wittig's work, in particular, resonated with what she understood as veiled women's attempts to escape being appropriated by the male gaze. Sarah explained that Wittig's work advocated for an escape from the gendered system and for the abolition of both sex and gender. Wittig argued that lesbians were able to escape this gendered system by not sleeping with men and by not belonging

[140] Intersectionality theory, coined by Kimberlé W. Crenshaw, theorizes the multiple imbrications of oppressions in the experiences Black women. See (Crenshaw 1991).

to a man through marriage[141]. For Sarah, this was similar to what women who wore the full face-veil were doing:

> I made the link saying, well, a woman in a full veil [*niqab/burqa*], also escapes from the collective appropriation of men, and from male domination because she escapes the [male] gaze. So collective appropriation of these women is not possible, and in addition, well, there are plenty who are not married too. (...)
>
> The full veil, for me . . . it was the most feminist thing you could do. For me, they were clearly radical French feminists who had thought about the issues of collective appropriation of women, et cetera. [. . .] If I wanted to be consistent with the feminist thought that I valued, that was the answer. It appeared to me . . . well, it really made sense to me. But without, what, wanting to wear it or what[ever]. But in that reflection I found [that] it was these women who had finally understood everything. And they were the most radical of feminists. (Sarah interview, author translation)

What Sarah argues here is that for her, women who were fully veiled were escaping from the male gaze (as well as the capitalist gaze) by not allowing men to look at their bodies or to apprehend them as objects of desire (or as commodities). By denying the possibility of the male gaze, they were taking ownership of their own bodies and rejecting the ways that both patriarchy and capitalism have appropriated women's bodies for pleasure or profit. Similarly, postcolonial theorists have argued that there is a power inversion that results from rejecting the male gaze, as veiled women "sees without being seen" (Fanon 1965, 44). This inversion of power disrupts both the colonial and the male gaze and instead, enables the veiled woman to look without allowing the same reciprocity, which is why colonialists, particularly in Algeria, frequently found veiled women unsettling (Fanon 1965, 44).

Interestingly, Sarah told me that she had been thinking about the radical potential of fully veiled Muslim women's actions even before her conversion to Islam, before she had ever even spoken to a Muslim woman.

[141] Refer to (Bereni, et al. 2012, 40-42) for a more detailed elaboration of Wittig's thought.

> I had never spoken with a Muslim woman. But I was still having these kind of reflections on women in niqab. I had also participated in an event. It was called La marche des salopes, like, "slut walk." And I recall the slogans, it was, "whether we are veiled, naked, in niqab, or dressed as we want, we all have the right to respect," et cetera. Well, it was something that, where I really agree with that, you know? For me, it really is the basis of feminism. Just to think that we can each think for ourselves: on how to dress, and what to do, or not do. (. . .)
>
> I consider myself a feminist. But I don't know exactly what definition to give. But I am against unequal treatment towards women, in any case. And in the name of anything, you know? That's something I cannot stand. (Sarah interview, author translation)

What Sarah indicates in the passages above is that contrary to the mainstream secular feminism that has dominated political discourse over the last decade or more, there are also more radical understandings of feminism emerging in France that take seriously the principle of autonomy and agency over one's body—regardless of the form that it takes. As Sarah indicates, she identifies with feminism even after her conversion to Islam, as it is not uncommon for Muslim women to identify with various kinds of feminisms. However, she specifies that the type of feminism she identifies with is one that still does not have a name because it is not (yet) mainstream in France. Rather, Sarah's feminism is defined in opposition to the mainstream historical feminism that has refused to accept that the concepts of agency and autonomy over one's body could have any other meaning outside of abortion or sexual agency (Selby 2011). This has led to the hypocritical and frequently violent treatment of Muslim women who wear a veil and who have been excluded from participating in long-standing feminist events—such as International Women's Day marches, as Nana described—and who are abandoned and ignored by mainstream French feminists even in light of severe discrimination and unequal treatment.

Nevertheless, the kinds of feminisms that are emerging in France could signal the development of a "third wave" that is being led by groups such as the CFPE, MTE, and even by decolonial movements such as the Indigènes, which all emerged from the initial group, UEPT.

As Fernando details, the UEPT had come together initially in early 2004 to counter what had then been the proposed law to prohibit the wearing of religious symbols in public schools, and to provide legal counsel and educational support to young girls who were being excluded from classes and expelled from school for wearing headscarves (2014, 145). Fernando describes, "The collective brought together various overlapping constituencies: Muslim French associations, anticolonial and anti-racist groups, progressive feminists, and members of the Green Party and the Revolutionary Communist League. It also included activists from Paris's small community of Sikhs..." (2014, 145). However, following the events on International Women's Day 2004, when activists from UEPT were barred from participating in the procession, the UEPT decided to form the CFPE; this decision was partly due to disputes with other feminist groups as well as discussions that had occurred within the group regarding the relationships between gender, religion, and feminism.

In France, the CFPE was a unique formation because there had never existed a group like this within the French feminist movement—one that cut across race, class, and especially, religion. Moreover, the CFPE included Christine Delphy as president—one of the original feminists who co-founded both the journal *Nouvelles questions féministes* and the Mouvement de libération des femmes, a group that fought for the right of abortion.

As Fernando explains,

> Though restricted to women, the new collective cut across ethno-racial, religious, class, and generational lines, bringing established feminists like Christine Delphy and Monique Crinon together with younger activists, many of them Muslim French. The primary purpose of CFPE was to combat discrimination against women and to fight for women's equality without positing a singular or universal model of women's emancipation. Many members of the collective later recounted that they wanted to bring Muslims and non-Muslim women together to demonstrate that there was no contradiction between being a Muslim and being a feminist. (2014, 183-184)

The CFPE also included Zahra Ali as vice-president, a young hijab-wearing Muslim woman who was one of the first scholars to publish a French edited collection on *Féminismes islamiques* [Islamic Feminisms] (2012) in France**.** Their participation and active theorizing, which drew from postcolonial, poststructuralist, and Islamic feminist readings on gender and equality, also gave a certain legitimacy to the group. In their first charter, titled *Inch'Allah l'égalité* [God Willing, Equality], the CFPE stated their objectives, which included:

> To refuse a single [and universal] model of women's liberation and emancipation. . . . To fight against laws of exclusion that stigmatize women and treat them as second-class citizens, undesirable or inferior because of their social, cultural, religious or political affiliation. . . . To struggle for the emancipation of women by respecting their choices (political, social, religious, sexual . . .) and denouncing the exercise of any force, political, religious, intellectual or sexist who denies them this right. (Collectif Féministes pour l'Égalité 2005)[author translation]

In this charter, the CFPE challenges the mainstream understanding in French feminism and secular feminism that there is only one static universal understanding of women's liberation and emancipation, and that one must follow only a Western path (read: White, middle-class, historically Catholic) for struggling for equality and women's rights. Although parallels could be made with other "third wave" feminist movements in other countries, particularly with the intersectionality feminism inspired by Black feminist thought in the United States, the CFPE's feminism was also different because it took questions of religion as central to the understanding of both gender and emancipation. This foregrounding of religion (and race, though it seems to be conflated with religion in the CFPE's Charter) is unsurprising given the central role that religion plays in Islamic feminist thought, though not necessarily in all Muslim feminist activism, which I explore in the next sections.

"I don't really see how Muslim feminism is relevant to Black women who are Muslim"

Other kinds of female Muslim subject were also present during anti-veiling debates in Quebec, including those who were Muslim but who did not fit into either the figures of the perilous-imperilled veiled Muslim, or that of the native informants. For example, Mutagata, a 30-year-old African-Canadian Muslim convert whom I interviewed in early 2014, politically identifies herself as a Black feminist both inside and outside of her involvement with the FFQ. She explained the impossibility of fitting into any neat category, especially as a racialized Muslim woman who was "visible" in some of her identities but not in others:

> me being a Muslim but not being the image of what a Muslim is . . . so not speaking Arabic, not saying Arabic words at the end of certain sentences . . . and not wearing the hijab . . . it made me realize first how people interpret my activism and my thinking and how . . . people don't consider the possibility of a Black woman being a feminist and a Black feminist being a Muslim. *A Black woman being Muslim and a Black feminist being Muslim*. . . . The things that they allow me to do and allow me to say, they kind of erase the Muslim part of it. So for example, there are certain spaces that people allow me to be in and invite me to, because *my Muslim identity is not visible*. . . because *my Muslim identity could be erased*. (Mutagata Interview, my emphasis)

What Mutagata gestured towards was the racialized and gendered construction of what constituted "Muslimness" for most Québecers, which involved either being an immigrant of Arab or South Asian descent, speaking Arabic, having an Arabic sounding name, and for women, wearing hijab. However, those who did not embody or physically display these markers were rendered illegible as Muslim. Mutagata's religious and political subjectivity was further complicated by race and gender, because as she told me, a Black woman was not expected to be either feminist or Muslim, and a Black feminist was not expected to be Muslim. Such erasure reflects hegemonizing constructions of not only Blackness and Muslimness, but also of anti-veiling, which allows very little room for those subjects who do not fit into the categories it constructs. Mutagata's experience speaks to the type of erasure that occurs for those who do not

fit into the specific kinds of subjects that were upheld by dominant networks of secular feminist subjects in Québec.

Although women of colour did speak out during Bill 60 debate, many did not receive the same reception as white secular feminist subjects, particularly those with strong media connections, such as Les Janettes or PDF-Q. Délice Mugabo, a Black feminist activist and scholar who formerly worked with the FFQ in their Committee of Racialized Women, offered the following analysis of the Charter debates:

> The debate made clear that we are not all on the same level as feminists. The ones who were pro-Charter had the most space to disseminate their ideas. It also became obvious that white people always received the biggest platform to voice their opposition to the Charter. The few Muslim women who were given a platform to speak for or against the Charter were the ones who fit the ideal representation that each side of the debate constructed. (Mugabo 2014, 36)

Mugabo raises the important point that not all feminists are given the same weight; that is, those who are poor, racialized, newly-immigrated, Anglophone, Indigenous or from any number of unprivileged categories, were at a disadvantage. Moreover, only those who fit dominant discursive constructions of what it meant to be either feminist or Muslim were given a platform to speak as representatives for either side of the debates. For example, Awada, who has an Arabic name and background and who wears hijab, was visible as Muslim while Mutagata was not. Therefore, although there was an attempt to delegitimize and vilify Awada as an Islamist after she spoke out against Bill 60, she was nonetheless given a level of credibility and legitimacy as Muslim that Mutagata may not have been given were she in the same situation. In addition to her being a convert (and thus not having access to as many networks within the Muslim community as someone born into the Muslim faith), the tepid acceptance of feminism within the Muslim community, along with deeply entrenched anti-Blackness, further undermined Mutagata's claim to Muslimness. As such, the figure of the "imperiled Muslim woman,"

although problematic for the reasons discussed earlier, is also problematic because it assumes an abstract Muslim subject, who is always already imagined as Arab, South Asian, or as even as a White convert (Mugabo 2016). The Muslim subject is almost never imagined as a Black woman who does not veil, which may be why Mutataga's Muslimness was constantly erased in the activist spaces she participated in.

Moreover, Mutagata rejects both the terms Islamic and Muslim feminisms and prefers instead to identify politically as a Black feminist in her activism. She explains,

> For me Muslim feminism is still very much based on . . . I don't see the Black experience in Islam, like I don't really see how Muslim feminism is relevant to Black women who are Muslim. Like I don't really see it. So that's why when I read, for example, Aminah McCloud or Jamillah Karim, and whenever they write about their Muslim feminism it's always mixed in with Black feminism and Black womanism and Black nationalism to make sense of it. . . . So for me, without that [Muslim feminism] would absolutely make no sense.

Here, Mutagata raises the complexity of feminism from multiple vantage points. She challenges the easy categorization of Muslim subjects, and she points to how certain categorizations themselves make complicity and homogeneity possible, even among Muslim feminists. Mutagata critiques what she sees as a lack of a race analysis within Muslim feminism, which prevents her from identifying with it. What Mutagata points to is the gendered and racialized construction of what usually constitutes Muslimness for most Québecers—and for many Muslims as well—which involves either identifying as Arab, Persian, or South Asian; speaking Arabic; having an Arabic sounding name; or, for women, wearing hijab. However, those who do not embody or display these religious or racial markers are rendered illegible as Muslim—even to other Muslims. Mutagata's religious and political subjectivity is complicated by race and gender because her experience has shown her that a Black woman does not easily fit into the hegemonic constructions of the categories "Muslim" or "feminist." Mutagata's experience of erasure is

reproduced for those who do not fit into the narrowly defined Muslim subjects that are upheld in anti-veiling debates. This privileging ironically subjectivizes both native informants and perilous-imperilled veiled Muslims, without allowing for any space in-between or beyond those subjective constructions.

Conclusion

While some Muslim feminists were able to speak on their own behalf during anti-veiling debates, powerful and well-connected secular feminist subjects, native informants, and their allies in the media nonetheless subjected them to aggressive tactics to discredit them. Some of these tactics included criticizing their appearance; objectifying them as "walking veils;" accusing them of affiliation with Islamist groups by drawing on the Dangerous (Veiled) Muslim woman figure; accusing them of having infiltrated feminist groups in order to spread Islamist agendas; and discrediting their authenticity as Muslim women or as feminists. On the other hand, certain Muslims feminists who did not fit the idealized mould of what Muslim women should look or sound like—either because of their race, ethnic background, or visibility of practice—frequently had their Muslim identities erased, hidden, or tokenized. Lastly, even though Muslim feminists organized themselves in order to counter some of the more problematic elements of anti-veiling laws, they did not succeed in communicating their message due to insufficient networks with the media, lack of support from major feminist groups, and concerted efforts of sabotage by secular feminist subjects and native informants alike. Finally, it does seem as though some Muslim feminists remain in an in-between space that exists between Western and Muslim feminist subjectivities, although these complex subjectivities remain illegible and unrecognizable to secular feminist subjects and native informants who reject the possibilities for veiled Muslims to

be feminist in the first place. Unless they find a way to break out of this tight squeeze—that is, to challenge mainstream feminisms that privilege secular feminist subjects and reproduces the figure of the Dangerous (veiled) Muslim woman, it seems unlikely that Muslim feminists' analyses will be heard.

CHAPTER 4 – Surviving Islamophobia

Introduction

This chapter focuses on the impacts of anti-veiling laws on women who practice veiling in France and Quebec, including the impacts of Islamophobia in their everyday lives. Islamophobia has been defined as "the hatred, prejudice, and discrimination directed at Muslim-looking individuals" (Razack 2018, 171). Islamophobia is co-terminous with anti-Muslim racism. Although Muslims are frequently perceived as a religious group and not as a racial one – thus not being the targets of racism – Korkman and Razack argue that Muslims are nonetheless a racialized group and are made targets of racial violence whether it be perpetrated by individuals, institutions, or the state. Korkman and Razack theorize anti-Muslim racism/Islamophobia as: 1) transnational, 2) proliferating, 3) linked to other racisms and projects of rule, and 4) capable of morphing while traveling, therefore "attach[ing] itself to supremacist, colonial, and imperial projects everywhere" (2021, 261). Although this definition may seemingly view all global Muslim subjects as being dominated by one single form of oppression, Korkman and Razack are careful to stress the importance of considering local historicity and context, maintaining that Muslims are complex, dynamic, multiply constituted subjects that are shaped by their political and social embeddedness (2021, 265).

Islamophobia as a conceptual framework is frequently used in discussion around Muslim women, particularly those that practice veiling (Zine 2006, Perry 2014, Mohammed 2013, Hajjat and Mohammed 2013). While this framework has helped to enumerate the various forms of racism, prejudice and discrimination these women face in their daily lives, it has also occluded the survival strategies they use to try to mitigate the impacts that anti-veiling laws impose on their education, employment, and mobility. Several studies, while emphasizing experiences of

discrimination and violence, do not, at the same time, interrogate the strategies or tactics Muslim women use to mitigate potential or real harms.[142]

The term "survival strategies" comes from survival theory, first developed by Edward Gondolf and Ellen Fisher (1988), to account for the many innovative coping strategies that women experiencing severe abuse develop to survive in the everyday. When applied to the context of domestic violence or intimate partner violence (IPV), these strategies can range from seeking social support, relying on spirituality, becoming self-reliant, leaving one's abuser, to fighting back against the abuse (St. Vil, et al. 2017). Although survival theory has been applied to analyse several different situations of marginalization and violence – for example, homelessness, the conflict in Syria, low-income Black women's experience of IPV – the survival strategies used by Muslim women in the context of anti-veiling laws have yet to be examined. However, using survival theory alongside a transnational Islamophobia framework can yield an understanding of not only the forms of violence veiled Muslim women are subjected to (especially state violence), but also the coping skills they have developed to continue living within the everyday, which has become for them, a site of violence.

In this chapter, I interrogate the survival strategies used by Muslim women who must currently, previously or periodically unveil in order to submit to coercive anti-veiling laws,

[142] E.g. (Chakraborti and Zempi 2012, Perry 2014, Zempi and Awan 2017). The latter study (Zempi and Awan 2017) was particularly criticized due to one of the female researchers donning the clothing of fully veiled women for long periods of time in public space, to experience being subjected to Islamophobic slurs first-hand. This was problematic as the researcher tried to pass as an 'insider' to this "hard to access" community and used autoethnography to record her experiences. However, this method does not account for the strategies that veiled Muslim women use to make themselves less vulnerable to Islamophobic hate acts, such as changing their clothing, shopping at less busy times or in neighbourhoods where there is a higher percentage of racial minorities, etc. Thus, the emphasis of the study becomes Islamophobic violence with no discussion of the agency of fully veiled women in mitigating these instances of violence.

including the "complex agency" (Fadil 2011) they demonstrate as un/veiled women. It is important to note, however, that survival strategies are not always successful and can sometimes fail, prompting my interlocutors to seek alternative strategies that are more "liveable."

Despite the existence of empirical measures that attest to the increase of incidents of Islamophobia over the last ten years, one does not truly get a sense of their relationship to anti-veiling laws unless one undertakes a qualitative study of persons whose lives have been directly impacted by such laws. Furthermore, general statistics on Islamophobia do not account for the ways that Muslim women have attempted to adapt to, circumvent, or mitigate the impacts of anti-veiling laws in their lives, and whether they have experienced success/failure as a result. Using survival theory helps us go beyond the general statistics on Islamophobia to foreground the qualitative experiences of Muslim women who must navigate anti-veiling laws and other forms of Islamophobia in their daily lives; it is also useful in terms of differentiating between the experiences of veiled and non-veiled Muslim women. One often overlooked point is that most Muslim women do not wear a veil: only a minority do, and in the context of anti-veiling laws, an increasing number of women practice veiling only part of the time. This point is rarely acknowledged but it nonetheless has an effect on the different forms of Islamophobia that might be experienced by veiled Muslim women versus those who are not-veiled, or those who are periodically-veiled. Therefore it is important to approach the intersectional experiences of Muslim women who hold different positionalities, especially in the context of laws that target veiling practices explicitly.

In this chapter, I argue that veiled Muslim women have increasingly developed survival strategies to mitigate the impact of Islamophobia on access to education and employment. These survival strategies included changing the way they dressed; changing their jobs or studies;

starting their own associations or businesses; engaging in political activism; withdrawing from social life, and finally, migration (*hijra*[143]). Because anti-veiling laws have been in place in France for almost twenty years (beginning with the 2004 law), most of the interviews cited in this chapter foregrounded the experiences of my French interlocutors. However, as anti-veiling has gained ground in Québec, especially since the 2013-14 Charter of Québec Values (Bill 60), the experiences of Québécois participants have increasingly begun to mirror those of my French interlocutors. I discuss the transnational impacts of anti-veiling laws in both France and Quebec in the conclusion of this chapter, and how it has facilitated both State and interpersonal violence against Muslim communities.

Transnational Islamophobia

Transnational

In both France and Quebec, research on Islamophobia has focused on examining how secular governance has been used to justify ever-increasing forms of prohibitions for veiled women in both public and private spheres. The last twenty years has seen a marked increase in the number of non-governmental, governmental and supra-national organizations engaged in research and advocacy around questions of Islamophobia.

In France, organizations that specialize in dealing with routine forms of discrimination that affect Muslim populations in particular have multiplied. For example, the *Collectif Contre l'Islamophobie en France* (Collective Against Islamophobia in France, CCIF), an NGO that was

[143] *Hijra* is the Arabic word for migration. However, within Islamic history, it also has a specific religious meaning relating to the migration of the Prophet Muhammad from Mecca to Medina to escape (religious) persecution. This term was frequently used by my interlocutors to describe the type of migration they undertook, whose purpose was to flee religious persecution and to find a more welcoming environment for themselves (and their families).

established in 2003 to deal with legal questions around the 2004 anti-veiling law, had been a special advisory member to the UN since 2011.[144] Also formed were, the *Coordination contre le Racisme et l'Islamophobie* (CRI, Coordination Against Racism and Islamophobia)[145] in 2008, *Maman Toutes Égales* (MTE, All Mothers Are Equal) in 2011 and *l'Observatoire Nationale de Lutte Contre l'Islamophobie* (National Observatory of Struggle Against Islamophobia) in 2011, which is part of the *Conseil Français du Culte Musulman* (French Council of the Muslim Religion, CFCM), an organization that had been put in place by the Chirac government and that has been highly contested by several French Muslim groups (Fernando 2014). There are also national bodies that collect statistics on Islamophobia/anti-Muslim racism in France, such as the Human Rights National Consultative Commission (CNCDH) and the Ministry of the Interior, although the latter has been severely criticized by other rights associations for only taking into account complaints recorded as "anti-Muslim" or "Islamophobic" by the police officers who initially logged them; this has led to serious questioning of their methodology, on account of findings that suggest that only 20% of victims pursued official complaints because of their distrust of police (Collectif Contre l'Islamophobie en France 2016, 15-16). In addition, there have also been international efforts to document the growing phenomenon of Islamophobia

[144] In the wake of the 2020 murder of Samuel Paty, a French school teacher, by an 18-year old student of Muslim faith, the Interior Minister of France, Gerald Darmanin, tweeted publicly that the CCIF was an "enemy of the Republic" because it was alleged to have "had consistently carried out Islamist propaganda" (Human Rights Watch 2020). The CCIF was later informed that the French government intended to dissolve it claiming that, "the organization's activities provoke or propagate theories tending to encourage or justify discrimination, hate, or violence on the basis of a person or group's origin, ethnicity, nationality, race, or religion and that it has engaged in actions aimed at provoking acts of terrorism in France or abroad" (Human Rights Watch 2020). The CCIF dissolved itself in 2020 and moved to Belgium. It now operates under the name *Collectif Contre l'Islamophobie en Europe* (CCIE), and plans to contest its dissolution in court.

[145] The CRI was also shut down by the Macron government. See CAGE Report (Freschi 2022)

across Europe, most notably by non-governmental organizations and foundations such as Amnesty International (Amnesty International 2012, Amnesty International 2016), Open Society (Open Society Foundations 2011, Open Society Justice Initiative 2013), the European Network Against Racism (European Network Against Racism 2016), and SETA, The Foundation for Political, Economic, and Social Research, which publishes yearly European Islamophobia Reports (Bayrakli and Hafez 2015).

Although the term Islamophobia is/was contested by some who prefer to use the term anti-Muslim racism,[146] the term 'Islamophobia' and its political and academic usage has gained increasing legitimacy since it was first used in 1997 in a report by the UK-based NGO, entitled, "Islamophobia: A Challenge for us All" (The Runnymede Trust 1997). Moreover, the CCIF defined Islamophobia in terms of two dimensions, discursive and non-discursive. In its discursive dimension, it was defined by "the trivialization and accumulation of discourses and prejudices that demonize Islam and Muslims," while in its non-discursive dimension, it was defined as, "All acts of rejection, discrimination or violence committed against institutions or individuals on the basis of their real or perceived affiliation with the Muslim faith" (Collectif Contre l'Islamophobie en France 2016, 16). Despite the diversity of definitions, methodologies and reporting between the different organizations that study Islamophobia, a consensus exists that the number of Islamophobic acts has steadily been on the rise since 2004, peaking during highly mediatized violent occurrences, such as the attacks on Charlie Hebdo in 2014 or the 2015 Bataclan attacks (Collectif Contre l'Islamophobie en France 2016). Moreover, Islamophobia, particularly in its gendered form, is also significantly higher for Muslim women than for Muslim men, by a margin of 75-80% depending on the year (Collectif

[146] See (Razack 2008, 2018)(Meer and Modood 2012) (Abdul Khabeer 2016).

Contre l'Islamophobie en France 2016). It is also significantly higher for Muslim women who wear any kind of veil, including hijab and niqab (Open Society Justice Initiative 2013, Collectif Contre l'Islamophobie en France 2016). Furthermore, in France it is more common for Muslim women to experience institutional and systemic racism than street-level violence, while it is more common for men to be subjected to government surveillance and police violence (Alsultany 2021, 420). For example, out of the 588 acts of discrimination recorded in 2015 in France, 64% were institutional, and within this figure, 47% of the discriminatory acts were committed inside public schools (Collectif Contre l'Islamophobie en France 2016, 23-25). This figure reflected the gendered dimensions of Islamophobia, which were exacerbated for those who wore a hijab and/or niqab (Zine 2006, Perry 2014, Collectif Contre l'Islamophobie en France 2016). Overall, the majority of incidents of racism and discrimination, especially for women in France, are experienced in the everyday, through mundane interactions with those in positions of power within institutions, in the context of education or employment.

In Québec, organizations that tackle Islamophobia have also multiplied in the province and at the national level since 2006. For example, the *Collectif Québécois Contre l'Islamophobie* (CCIQ) formed in 2013, just prior to the announcement of Bill 60 (it was later renamed the *Collectif Canadien Anti-Islamophobie* in 2016). Although the CCIQ did not have any formal links to the French group, CCIF, the high-profile nature of the French NGO may have influenced the formation of the Quebec group. The National Council for Canadian Muslims (NCCM, formerly CAIR-CAN) has also taken a more active role in issues concerning Québec, and has been the lead Muslim association in litigating against Bill 21 in courts.[147] Additionally, Québec's

[147] The NCCM has been a leader in litigating against Bill 21, along with the Canadian Civil Liberties Association. Although they failed to suspend Bill 21 at the Quebec Superior Court, they have committed to continuing to fight Bill 21 at the Canadian Supreme Court.

chapter of the Canadian Council for Muslim Women (CCMW) has been more active in objecting to anti-veiling laws by participating in parliamentary commissions since Bill 60's announcement. Moreover, Québec's *Commission des droits de la personne et droits de la jeunesse* (Québec Human and Youth Right's Commission) released a study regarding hate acts that take on a xenophobic and islamophobic character in particular (Asal, Imbeault and Montminy 2019). Also, as mentioned in the previous chapter, *la Collective des féministe musulmanes du Québec* (CFMQ) was formed in the midst of Bill 60 debate to provide a Muslim feminist voice against anti-veiling laws. In short, multiple community organization and long-standing Canadian NGOs that had previously been active in other parts of anglophone Canada, have now made Québec one of their main areas of concerns. Part of this is due to rise in documented hate acts whenever anti-veiling laws are proposed and debated in the media and society at large. Included in these hate acts is the 2016 Québec Mosque Shooting, in which a white Québécois nationalist opened fire on a group of worshippers in a Québec mosque, killing nine men and injuring several others. This attack remains one of the largest mass shootings in a house of worship in Canadian history (Mahrouse 2018) (Zine 2021). Additionally, in 2021 a Muslim family in London, Ontario, was struck by a truck driver as they were out for an evening walk, in a deliberate attack that killed the family's father, mother, grandmother, and eldest daughter. The youngest boy was hurt but survived the attack, leaving him an orphan. The attack in London, Ontario, demonstrated that Islamophobic hate crimes are on the rise across all of Canada, and not just in Quebec (Rachini 2022).

Although no definitive links have been made between proposed anti-veiling laws and Islamophobic hate acts, there have been some indications that a correlation exists. For instance, prior to the announcement of Bill 60, the CCIQ reported that during the entire first six-months of

2013, it had only received a total of 25 complaints from Muslims who had suffered Islamophobic acts or remarks. However, in the month following Bill 60's announcement, it had received 177 complaints from Muslims complaining of acts or remarks of an islamophobic nature. This represented an increase of more than seven times what was previously reported over a six-month period. Similarly to France, the majority of these complaints came from women wearing headscarves (Collectif Québécois Contre l'Islamophobie 2014, 33).

As mentioned, there are differences between methodologies used by different organizations to measure statistics on Islamophobia. Nonetheless, a whole range of acts are generally included in empirical measurements of Islamophobia, including:

> Mosque attacks, the desecration of existing places of worship (dumping pig heads in front of the mosque of Dijon in May 2013, desecration of the mosque of Chicoutimi in Québec in September 2013) ... and in a less publicized way, insults, jostling, humiliation, aggression (verbal or physical) of veiled women (as in Québec during the debates that followed the announcement of the Charter of Québec Values bill), racial profiling and facial discrimination, discriminatory treatment or even murder ... are some of the illustrations of what Islamophobia empirically covers (Amiraux and Desrochers 2013, 5)[author translation].

Therefore, according to this long list of acts that constitute Islamophobia, attacks on and desecration of mosques and other institutions that are representative of Islam/Muslim are on the same continuum as attacks on and insults toward veiled women. However, these measures are focused mostly on "hate crimes," those that are individualized, extreme, exceptional, and that demonstrate a clear bias or motive against Muslims or Muslim-looking people and places (Alsultany 2021, 422). They do not include usually State laws and policies, which are legalized forms of violence that authorize individualized violence towards Muslims (Alsultany 2021). State laws are exempted from considerations of Islamophobia and yet they construct Muslims as a community that should be surveilled, disciplined, tortured and deported based on actions of

terrorists or suspected-terrorists, especially post-9/11.[148] Alsultany argues that "hate crimes are deeply connected to and shaped by state policies " and that "hate crimes must be understood as linked to rather than separate from state violence" (2021, 425). State violence includes state policies at the national level and also at the international level; it must not be forgotten that over the last two decades, the US and its allies (including Canada and France) have been engaged in a "war on terror" that left a vast number of casualties in Muslim countries around the world.[149] These forms of international state violence towards Muslim communities abroad cannot be bracketed from the state violence that is inflicted on Muslim communities nationally. The local and the global are interconnected, after all (Grewal and Kaplan 1994, Alexander 2005, Alsultany 2021, Korkman and Razack 2021). For Alsultany (2021), Islamophobia at home is also impacted by State wars abroad, as it constructs Muslims as uncivilized, violent, misogynistic people that need to be kept in check through force. These have repercussions on how Muslims as a group are perceived, which makes them more vulnerable to experiencing hate crimes 'at home.'

Proliferation

The failure of anti-veiling laws to completely eradicate various forms of veiling in public life has yielded increased attempts by legislators to implement laws in more varied spheres of public and private life – in other words, to remobilize anti-veiling laws to include even wider and

[148] See Razack's discussion of how security certificates, authorized in a section of the Canadian Immigration and Refugee Protection Act, became the "front-line tools" used to fight terrorism. In practice, security certificates authorized secret hearings against mostly Arab and Muslim men, which subjected them to indefinite detention, and exportation without recourse, even for those who were only 'suspected' but never proven to have ties to terrorist groups. See Razack (2008, 26-27)

[149] 43,000 Afghanis were killed during the U.S. invasion and occupation of Afghanistan; to date, 200,000 Iraqis have been killed as result of the US war on terror (Alsultany 2021, 430).

more varied prohibitions. For example, since France passed the 2004 law banning students from wearing "religious symbols" in public schools and the 2010 law banning the concealment of one's face in public space, there have also been attempts to ban veiling for home child care workers (i.e. *nounous*), in private daycare centers, in universities, in addition to expanding the interpretation of the 2004 law to prohibit Muslim students from wearing long skirts, headbands, bandanas, hats, and hoodies to school (Hajjat and Mohammed 2013) (Mohammed 2013) (Selby and Fernando 2014). In 2016, there was also the 'burqini affair,' where 40 French cities and towns attempted to ban Muslim women from wearing so-called 'Islamic swimwear' on public beaches (Tayyen 2017). More recently, Emmanuel Macron, France's current president, introduced a bill in late 2020 that sought to restrict a whole host of behaviours he claimed were associated with the spread of Islamic radicalism, including homeschooling, foreign funding of mosques and civil rights associations (Tidey 2021).[150] The bill, which passed into law in August 2021, is called Confirming Respect for the Principles of the Republic (L'Assemblée Nationale de la République Française 2021) and gives the government broader powers to control civil rights organizations, religious associations, foreign funding, home schooling, and includes measures to prohibit forced marriage and polygamy, virginity certificates, and inheritance law that is based on the laws of a foreign country. The 2021 law also expands the "neutrality principle" that governs civil servants in France – which requires them not to display any "religious symbols" that denote political or religious affiliation – extending it to private sector contractors of public services (Yeung 2021). This means that even if someone works for a transportation or cleaning

[150] The bill was initially called the Principles of the Republic and the Fight Against Separatism. Separatism in this context refers to Islamic Separatism, which is the claim that Muslims in France separate themselves into enclaves that are removed from the rest of society, and refuse to integrate (assimilate) into French culture/society.

company that is contracted by the government, for example, they cannot wear so-called religious symbols at work even though they work for a private company. Even prior to the 2021 law, numerous legislative attempts to expand the scope of anti-veiling laws have taken place since 2004 within France. In addition, transnational anti-veiling laws have not only broadened, but also morphed to target other so-called "religious symbols" that were not explicitly included in the French anti-veiling laws, such as Sikh turbans.

Other forms of Islamophobia have proliferated, for instance, the arbitrary and illegal application of anti-veiling laws to individuals and personnel in sectors and spaces where such laws do not apply. For example, refusing to hire veiled women in private sector jobs, refusing veiled women access to banks, buses, restaurants, doctor's offices, sports centres, swimming pools, restaurants, charitable organizations, and from participating in political parties, and some feminist organizations (Collectif féministes pour l'égalité 2014) (Selby 2011). In addition, while the law of 1905 applies religious neutrality only to public sector employees and other *agents* of civil service, this law has also been used to deny *users* of public services the right to wear "religious symbols." For example, the CCIF has documented numerous cases of couples who were denied their marriage licenses by city hall officials because the bride-to-be wore an *Islamic* veil – even though other brides routinely wear *bridal* veils to the civil ceremony without objection or harassment (CCIF 2012). Moreover, as discussed in Chapter 3, ever since the minister of Education, Luc Chatel, had issued a 2012 ministerial circular, mothers who voluntarily accompanied their children on school outings had been deemed 'agents of civil service' who were also subject to the same neutrality requirements as teachers (Ministère de l'Éducation Nationale et de la Jeunesse 2012). For example, the Chatel Circular had been used to deny mothers who wear a headscarf the opportunity to participate not only in school outings, but

also in school meetings (Mamans Toutes Égales 2016).[151] In addition, women wearing 'burkinis,' which are full bathing suits that cover one's legs and arms and include an optional cover for the head, have been banned from swimming pools in some French cities.[152]

In Quebec, the proliferation of Islamophobia can be seen in the unending efforts to legislate against veils and other religious symbols, including efforts to force through anti-veiling legislation by suspending civil rights enacted in both the Canadian Charter of Rights and Freedoms (Government of Canada 1982) as well as the Quebec Charter of Human Rights and Freedoms (Gouvernement du Québec 1975). For example, Québec's Bill 21, *An Act Respecting the Laicity of the State* (National Assembly of Québec 2019) was successfully enacted into law by invoking the notwithstanding clause (section 33), a legislative tool that suspends provisions in the Canadian Charter of Rights and Freedoms (1982) that would otherwise protect religious freedom. The notwithstanding clause suspends civil rights for five years at a time, and is renewable. The Quebec government (led by CAQ leader, François Legault) has argued that Quebec is a nation and that it has the right to enact its own laws to protect its distinctive language and culture. This includes imposing a version of secularism that incorporates both the recommendations from the Bouchard-Taylor commissions as well as some parts of the PQ's Charter of Quebec Values (Bill 60). As discussed in Chapter 2, the latter bill was said to be "inspired" by France through a process of "policy transfer" (Béland, Lecours and Schmeiser

[151] Najat Vallaud-Belkasem, France's Minister of Education and Research declared in 2016 that veiled mothers should be allowed to accompany children on school outings and that the rules governing public servants do not apply to them. However, several schools still continued to exclude veiled mothers from accompanying school children on outings (Kechaou 2016) (Chrisafis 2019).

[152] For example, the city of Grenoble recently tried to suspend a ban on burkinis in state-run swimming pools, citing that it undermined the principle of neutrality in public services. However, the Conseil d'état struck down the city's appeal, saying that exceptions to the rules on the basis of religion were unacceptable (Plummer 2022).

2021). Therefore, Bill 21 bans religious symbols for those in positions of "coercive power," including judges, crown prosecutors, police officers, prison guards and the president and vice-president of the Quebec National Assembly (Bouchard and Taylor 2008, 271), as well as for teachers in public schools— a measure that was not recommended by Bouchard-Taylor but that was one of the leftovers from Bill 60. Therefore, Bill 21 represents a new configuration in the global circulation of anti-veiling laws, which reflects what Razack and Korkman call an anti-Muslim racism that "morphs" as it travels, attaching itself to supremacy, colonialism, and imperial projects everywhere (2021, 261). In the case of Quebec, anti-veiling laws that have transformed to better suit the local context and have become attached to Quebec nationalist aims to gain sovereignty from Canada (Béland, Lecours and Schmeiser 2021). As such, anti-veiling laws have become a new tool in an old conflict between Canada and Quebec, that serves to assert the nation-building and sovereignty aims of nationalists in positions of power. These developments in Quebec demonstrate the need to pay attention to locality and historicity when considering the globally circulating forms of white supremacy as well as Islamophobia (Korkman and Razack 2021, 265).

Other Racisms and Projects of Rule

In 2012, I interviewed Sabrina, a divorced single-mother in her 30s with a young daughter. Based in Paris, Sabrina was an activist that had studied to become a legal adviser (*juriste*), but she could not find any work in her field when she had previously worn the hijab. After her divorce, she made the decision to stop wearing her hijab in order to find work as she needed to support herself and her daughter. She eventually found a job in the non-profit sector, and at the time of our interview, had worked for an organization that sought to empower young

women of North African descent. Sabrina herself was a second-generation French citizen from an immigrant family; her parents had immigrated from Algeria and like many female immigrants from the first generation, her mother had found a job as a domestic worker in the home of a wealthy French family.

I met Sabrina through other activists in my network who advocated against Islamophobia in France. When I asked her how she defined Islamophobia, and whether she agrees with the way that it was currently defined in France,[153] she began by saying:

> First of all, Islamophobia is something diffuse… I think that Islamophobia in fact has several articulations and we have not made the effort to define all the areas and all of the characteristics of [its] victims. I would speak first of hijabophobia... Really! It is the BACKBONE of Islamophobia! (Sabrina, interview)

Right away Sabrina talked about Islamophobia as something that was diffuse or spread out, that had many different articulations and not just one form. However, the major form that it took currently in France was what she termed "hijabophobia," that is, literally, the fear/hatred/hostility towards hijab and those who wear it. Manal Hamzeh theorizes the concept in relation to the international hijab ban in soccer, which occurred between 2011-2014 when FIFA banned the Iranian women's soccer team from competing in a qualifying game that would have allowed them to play in the 2012 Olympic games.[154] Hamzeh draws on the work of anti-racist feminists to theorize hijabophobia as a type of racism that is based in ethno-religious discrimination as

[153] See the above definition the CCIF gives of Islamophobia

[154] Hamzeh writes, "...in the context of FIFA's ban of the headcover in 2011–2014, two gendering racializing logics emerged that are rooted in a colonialist and Islamist alliance. I refer to these logics as a double hijabophobia. FIFA's ban of the head cover caused a crisis when the players of the national Iranian women's soccer team entered the field to play Jordan for an Olympic qualifying game in 2011. The players were wearing a one-piece head and neck cover. The match commissioner penalized them for violating the International Federation of Football Association (FIFA) Law 4 that refers to the safety and basic equipment law. This decision disqualified the Iranians for the 2012 Olympics" (Hamzeh, FIFA's double hijabophobia: A colonialist and Islamist alliance racializing Muslim women soccer players 2017, 11)

well as in Orientalist representation of Muslim women as being backward, oppressed victims of misogynistic Islamic societies. She also goes further to state that "Colonialist hijabophobia," which is one form that hijabophobia takes, "...constructs the body of Muslim women as risky, dangerous, ... unsafe, and also 'culturally inferior'.... This neo-Orientalist neo-imperialist discourse ... constructs covered Muslim women as oppressed and possibly dangerous to herself and others in the game of football" (Hamzeh 2017, 14-15). In other words, Hamzeh's theorization of colonialist hijabophobia is a similar to the figure of the Dangerous (veiled) Muslim woman, in that it positions veiled Muslim women as both dangerous victims who belong to an inferior civilization as well as dangerous bodies that pose safety risks to themselves and others.

However, Sabrina's conceptualization of Islamophobia went beyond what hijabophobia encapsulates. She saw Islamophobia as a wider phenomenon that included several different yet central aspects of a Muslim's life-world and social environment: "there is [also] halal-phobia, mosque-phobia ... fasting-phobia ... Ramadan-phobia, niqab-phobia, *banlieu*-phobia, because it is all connected after all" (Sabrina, interview). For Sabrina, all of these different 'phobias' are related to a Muslim's religious practice (for example, fasting, praying, eating halal) but also to their culture, race, and class. In other words, for her, Islamophobia is ontological. Her inclusion of *banlieu*-phobia (a fear of suburbs) also reflects her awareness of race- and class-based discrimination, as living in the *banlieus* of Paris is associated with images of young Arab men of lower socio-economic status, unemployment, and often, sexualized violence (Guénif-Souilamas and Macé 2004). She further elaborates that Islamophobia "[is] a social environment in which individuals develop and ultimately everything that concerns Muslims, from [their] food, to [their] knowledge and values, are rejected! So there is a phobia about everything that sustains our life!"

(Sabrina, interview). For Sabrina then, Islamophobia is something ontological and diffuse, something that spreads out and encompasses all aspects of life that distinguishes Muslim French from other French citizens.

Sabrina's interview is instructive of the different forms that Islamophobia may take, as well as its nuances in particular contexts. With regards to anti-veiling (which I have theorized elsewhere),[155] or the concept of 'hijabophobia' (Hamzeh 2017), Sabrina considers it to be one of the main articulations of Islamophobia. While not denying that other forms exist alongside it, she nonetheless identifies hijabophobia as the "backbone" of Islamophobia in France. Therefore, it is important to consider how this form of Islamophobia is connected to other forms of racism that may exist in a society, including raced-based racism, such as anti-Blackness, or structural forms of racism, such as settler-colonialism. It is also important to understand how Muslim women with different intersectional positionalities and who practice veiling navigate their everyday lives in the midst of anti-veiling laws.

Survival Strategies

The interviews I conducted with currently, previously, or periodically veiled Muslim women in Paris, France, and Montreal, Quebec, demonstrate how these women navigate the everyday despite of the multiple prohibitions they face. The interviews I cite in this chapter demonstrate in stark terms how dress limits their freedom of mobility, religion, and their ability to access meaningful educational opportunities and employment in the context of anti-veiling laws. These interviews go beyond statistics on Islamophobia because they deal specifically with

[155] See (Jahangeer, Anti-Veiling and the Charter of Québec Values: "Native Testimonials", Erasure, and Violence Against Montreal's Muslim Women 2020)

the ways that anti-veiling laws affect the day-to-day lives of interviewees. As anti-veiling laws target veiling practices that are specific to only a minority of Muslim women, it suspends various civil liberties that are purportedly protected in liberal democracies.

The use of survival strategies has become more and more common among veil-wearing Muslim women in France and Quebec, especially when faced with discrimination in the context of education and/or employment. However, I go beyond discrimination and also consider the possibility that Muslim women's use of survival strategies could be understood as a form of decolonial disruption of the neo-colonial state violence in the context of anti-veiling laws.

The following interviews demonstrate the various survival strategies used by the women I interviewed to either adapt to, mitigate, or circumvent anti-veiling laws or policies. As mentioned previously, using survival strategies do not necessarily imply that they are successful; there are still unanticipated costs associated with their use and they may also fail – prompting my interlocutors to rely on community support or to seek out other strategies that have worked better for others. I have listed the survival strategies used, in no particular order, that includes: changing one's way of dressing; changing/halting of work/studies; starting one's own association or business; political/feminist activism; withdrawing from social life; and finally, migration (*hijra*).

Changing one's way of dressing

"I told myself 'I will wear a bandana to school.'"

One of the interviews I conducted in France in 2012 was with a young woman who had been a junior high school (*collège*) student during the 2003 debates on the headscarf in public school, and then a high school (*lycée*) student when the 2004 law passed. We had been introduced by a mutual acquaintance who had told her about the topic of my research, and she

readily agreed to be interviewed. Imane was 23 years old when we met in the summer of 2012. Her family was French of Algerian ancestry, both parents having immigrated to France in the 1970s. She and her large family of eight brothers and sisters were all born in France. I sat down with Imane at the popular café, *Paul's*, in a trendy neighbourhoods of St. Michel's, where it is not uncommon to find tourists, students and protesters middling around the various shops. Prior to interviewing her, I had not known that she had been one of the students who had dropped out of school following the implementation of the 2004 law.

Prior to the 2004 law being enacted, Imane recalled that the situation at her junior high school had been difficult. Students were not allowed to wear any head coverings even without a law explicitly banning them being in place. However, after the 2004 law passed, the situation became even more difficult, especially for young women like Imane who had recently begun to wear hijab. Imane recalled how she and other girls who had decided to wear the hijab planned to adapt their clothing in light of the new law. However, even these modifications, which had been allowed before the 2004 law, were banned after it was implemented:

> I told myself 'I will wear a bandana to school.' The bandana is this little, you know, the colourful American thing? Even that, they didn't allow. They did not want to [allow it]. That's what started the chase. They started to... even the slightest headband, we did not have the right to wear it. Any hat, [baseball] cap ... everything, everything, everything was prohibited to prevent us from covering our hair. Before, these were not banned. But as they saw that in place of the *hijab* we instead wore a hat, well they prohibited that too. Everything that was put in place of the *hijab*, they forbade. It was absolutely necessary that they see our hair! It became an obsession. (Imane, interview)

Imane describes the process she and other girls went through to try to abide by the newly implemented anti-veiling law. They had tried to adapt their clothing so that they could at least keep their hair covered to a small degree, by wearing bandanas, headband, hats, etc., in place of a hijab. But the teachers forbade it, and began chasing after those girls who wore coverings over

their hair. Iman states that any type of headgear was forbidden, and that even those items such as baseball caps that had been permitted before were prohibited after the 2004 law.

One of the main reasons for the banning of other items beyond "religious symbols" such as hijabs, kippas, or large crosses, was due to the circular of application for the 2004 law, written by then education minister, François Fillon. Fillon wrote in article 2.1 of the circular of application that:

> Symbols and clothing that are prohibited are those whose wearing leads to [one] being immediately recognized by their religious affiliation such as the Islamic veil, *whatever name is given to it*, and the kippah or a cross of clearly excessive size. The law is written in such a way as to be applicable to all religions and in ways [that] responds *to the appearance of new symbols, or even any potential attempts to circumvent the law* (Fillon 2004, author translation, emphasis added).

The circular's inclusion of the phrases "... the Islamic veil, whatever name is given to it..." and "the law is written...in ways [that] responds to the appearance of new symbols" meant that an enormous latitude of authority was given to institutions and individual school administrators to determine whether a form of clothing could be interpreted as a "new symbol" of visible religious administration. Moreover, it claimed that the law was written so that "even any potential attempts to circumvent the law" could be responded to – meaning that legislators were expecting students to resist the law's application and so it was written in a way that left no loophole; in other words, the school administrator's interpretation of what constituted a "religious symbol" would supersede over students' claims, regardless of how they characterized their own attire. For instance, in Imane's estimation, a smaller head covering, such as a headband or bandana, should have served as a discreet substitute for a larger one; a headband/bandana, after all, does not cover one's neck, ears, or hairline, so it does not cover the areas of one's body that a hijab would normally cover. However, all attempts made by students to adapt to the law by using their own agency, creativity and interpretation were rejected. This is because the school had become a

central site for the secular governing of bodies, and the governance proliferated and adapted based on the veiled students' responses; their "survival strategies" or what the circular called "attempts to circumvent the law" had already been anticipated and prohibited apriori. Therefore, the subjects of secular governance, the school administrators, held enormous authority in imposing their own subjective interpretations of the law on the bodies of young Muslim girls.

Imane noted that school administrators forbade alternative forms of coverings for her and other Muslim girls who veiled outside of school, but these items only seemed to be forbidden for North African Muslim girls – not for other non-Muslim students or Muslim students from other ethnic backgrounds. Some examples of clothing items that were only forbidden for North African Muslim girls included: hats/toques, hoodies, bandanas, headbands and eventually, long skirts. In other words, school administrators especially surveilled those students whom they knew were of Muslim backgrounds (either by way of their names or physical features) or who wore a headscarf outside of the school gates. This was a familiar theme that was repeatedly stated across multiple interviews I conducted with veiled girls, not just with Imane, about their experiences at public school.

Nawel Gafia, a French lawyer of Tunisian descent, has written about the rulings of various administrative courts with regard to the wearing of hats and bandanas specifically, and whether they could be interpreted as "religious signs" according to the 2004 law (Gafsia 2008). In June 2005, an administrative tribunal in the city of Lyon was asked to rule on the expulsion of a junior-high school girl who had refused to remove her beanie (*bonnet*) while in school, arguing that it was a commonly worn item that could not be interpreted under the law prohibiting "religious signs." The tribunal, however, concluded that "We have no doubt that [Zahra] visibly demonstrated her religious affiliation" since the beanie in question, "covered the hair, the ears, a

part of the nape and the forehead" (Gafsia 2008, 425). In a similar case heard by an administrative tribunal in Grenoble, the tribunal ruled that an item of clothing that covered one's hair was not considered an accessory devoid of religious significance if the student refused to remove it. For instance, a "bandana" was considered to be a "visible manifestation of religious affiliation" in several jurisdictions, once the student showed a "determination" and a "persistence" in wearing it despite injunctions to remove it (Gafsia 2008, 425). Moreover, even if the student claimed that they wore a bandana as a fashion accessory and without any religious motive, the tribunal still ruled against them. Gafsia concluded that, "the Tribunal conferred a religious character to a garment, even if the protagonist who wore it did not claim any religious intention. The mere refusal to remove it thereby revealed a manifestation of religious affiliation" (2008, 425).

The various tribunals' attribution of religious intent and character to items of clothing that are commonly worn, such as beanies or bandanas, are based not only on racial but also gendered criteria. First, a common item of clothing could manifest religious affiliation only if the person concerned was already affiliated with that religion; if a Christian student wore a bandana, for example, and refused to remove it, there could be no religious intent attributed to it since for them, a bandana would have no religious significance. It could only have religious significance if the person who refused to remove the bandana was Muslim, and moreover, a *female* Muslim. Therefore, the tribunal could only penalize the insubordination of *Muslim girls*, in particular. Moreover, since it is against French law to collect statistics based on race or religious affiliation.[156] the religious affiliation of the girls could only be obtained by profiling them

[156] "A law dating from 1872 forbids the collection by the state of census data based on questions about religious beliefs, because the Third Republic considered that kind of information to be

according to their names, their ethnic or racial features, their parents' origins, and/or whether they veiled outside of school. Such methods of profiling underscores the fact that visibility of the body has also been linked to surveillance and disciplining, because it was precisely this type of profiling and policing that became common toward Muslim girls of Maghrebi descent in public schools. Therefore, the interpretation of signs are based on arbitrary criteria but are nonetheless prohibited because they operate with the frames of dominant power relations that are at their base, colonial. Related to these prohibitions was the obsession with seeing the bodies of Muslim girls, especially their hair, ears, necks, arms and legs. As Imane noted, it was paramount that their hair be visible at all times while in school, which Fanon (1965) has linked to the French obsession with seeing veiled women's bodies during Algerian colonialism.

Further related to the prohibition of items of clothing is the prohibition of wearing long skirts and dresses – again, only for certain students with Muslim backgrounds; Muslim French sociologists Abdellali Hajjat and Marwan Mohammed (2013) deal with this controversial issue. They give an account of a young woman named Sirine, a 15-year-old girl of French Maghrebi Muslim background, who was in her third year of junior high (*collège*) when she was expelled from her school. Her case would not have made headlines except for the unusual circumstances behind it: following a lengthy administrative and judicial process, she was expelled—not for wearing a headscarf inside the school—but rather for wearing a *headband* and a *long skirt*. As Hajjat and Mohamed (2013) recount, Sirine's headband and long skirt were deemed to be a "visible religious sign" (*signe religieux ostensible*) by two teachers and the principal of her

private. This principle was reaffirmed in a law passed on 6 January 1978 (Article 8) which states that "It is forbidden to collect or process data of a personal nature related to racial or ethnic origins as well as political, philosophic or religious opinions."" (Vampouille 2011)

school, due to the headband measuring 10 cm in width[157] and being frequently paired with a long skirt (Mohammed 2013). Citing the law of 2004 and the school's interior regulations, especially the Ministry of Education's circular of application, Sirine was asked to come to school without her headband and to shorten her skirt length. While Sirine's family tried to intervene to have her acquiesce to the school's demand, she in turn refused to conform on account of what she deemed as discriminatory and unfair treatment, based on the fact that other non-Muslim students at her school were allowed to wear both headbands and long skirts without harassment. Instead of seeing Sirine's recalcitrance as a moral or ethical stand or even perhaps as fashion, the school administrators saw it differently:

> School officials interpreted her refusal to submit to an "unfair" injunction as a confirmation of the religious dimension of her clothing. This was a fundamental point of litigation: the "Islamization" of the indocility of Sirine by the educational institution was a central argument in their different [judicial] procedures (Hajjat and Mohammed 2013, 7)[author translation].

This idea of the "Islamization" of indocility is here racialized as well as gendered, because for other students, standing up against unfair treatment and discrimination, or saying no in the face of what one perceives as injustice, would be commendable – not punishable behaviour. One could even interpret the qualities that had been identified previously in students who had refused to remove their beanies and bandanas, qualities such "persistence" and "determination," as positive qualities that are crucial for student to excel in school – particularly female students. However, in the case of Muslim girls, they must obey and submit to injunctions even when it goes against their conscience, their sense of right and wrong. When they do object and come up with creative survival strategies to continue attending school and obtaining an education, their

[157] The width of the headband differs according to various sources. Sirine's mother claims that it was 5cm wide. The police, who were called in after the principal was sued by Sirine's parents, took Sirine aside and measured her headband width to be approximately 10 cm wide.

objections are interpreted as evidence of fundamentalist Islam, or as a belligerent attempt at trying to circumvent the 2004 law. It would seem as though the secular governance of Muslim girls by schools' administrators involves trying to instill obedience and subordination, rather than independent thought and freedom of conscience, which is the opposite of what the French Republican school is purported to do.

Furthermore, while being punished for her supposed insubordination and awaiting a decision from school administrators, Sirine had been isolated from her classmates in a study room alone for four months. As Mohammed (2013) describes, "Prohibited from attending classes, prohibited from going to recess and forbidden from speaking with other students..." she was isolated in a "study room," at times, without anything to do. "Her education was also sacrificed: deprived of lessons, she had to settle for handouts, irregularly supplied, and sometimes exercises distributed without lessons which would have allowed to her complete them" (Hajjat and Mohammed 2013, 6)[author translation]. In this instance, not only was Sirine's fundamental right to education deprived, but her mental health was also affected by her being isolated from other students and being deprived of the ability to communicate with them. Sirine's parents intervened when they found that their daughter's health was quickly deteriorating. When they sued the principal for discrimination, the police was called in to measure the width of Sirine's headband. They claimed that it measured 10 cm in width. During the trial, an internal school memo was discovered that called on teachers to be vigilant against the wearing of headbands by students: "The note also implied that the headbands that left 'ears uncovered' measuring a 'width of about 5 cm' were acceptable" (Hajjat and Mohammed 2013, 9)[author translation]. However, because Sirine's headband had been worn over her ears and had been measured to be larger than 5 cm, she school had ruled her

headband to constitute a "religious symbol." Hajjat and Mohammed argued that this assessment was entirely subjective on the school's part, having no basis in religious law nor concrete justification for the distinction:

> An arbitrary interpretation, supported neither by the young girl's statements nor by any proselytizing attitude, nor even by recourse to any Muslim theology. Indeed, there is no Islamic ruling to support this "school fatwa," attributing a religious character to a skirt and headband of a few centimeters (Hajjat and Mohammed 2013, 6)[author translation].

Sirine's case demonstrates the arbitrary and subjective forms that anti-veiling can take, as well as the ways that it can morph and proliferate to apply to an even wider scope than its initial sphere of application. Long skirts, headbands, beanies, bandanas and hoodies, now constitute "religious signs" as much as hijabs, niqabs, kippas and turbans, in the eyes of school administrators and administrative tribunals. In addition, school administrators are given an immense margin of authority as secular subjects, who are legally allowed to adjudicate on whether something is of "religious" or "non-religious" character based on their own subjective notions of what is considered "ostentatious" or "discreet." In Sirine's case, a 5cm headband was considered "discreet" while one that was 10cm was interpreted as "ostentatious," based on criteria that involved how much of her body she was willing to reveal. Therefore, the sexual dimension of secular governance of Muslim subjects cannot be ignored.

"I had nothing left and I had to work"

Given the various forms of discrimination they experienced, my interlocutors were compelled to find ways of adapting to the prohibitions they encountered not only in school, but also in employment. One of the most common survival strategies used by many of my

interlocutors included removing their hijabs altogether in order to find work and/or keep working. This strategy was used by Sabrina who was mentioned earlier in this chapter, as well as by Ayah in Chapter 1. Ayah, who was highly educated after having completed two Master's degrees, could not find a job that would hire her while wearing hijab. She had tried to apply for several jobs over the course of two years unsuccessfully, and finally decided to stop wearing hijab after only finding work as a cleaner at the airport. In reflecting on her decision to stop wearing hijab, she told me, "Because at one point I saw that well… I needed to live! I needed the money, I had no more money coming in because everything I had been able to save before... I was living off my savings for a while. But after that ...I had nothing left and I had to work ..." (Ayah, interview). Ayah's experience is not uncommon and occurs even in the private sector, where there are currently no laws prohibiting employing a person who wears a "religious symbol."

"Outside of work, I never wear it like that"

Another common survival strategy used by my interlocutors involved changing the way they dressed when attending job interviews, or during work hours. One young woman I met through Sabrina, Aliya, was a jurist (or legal adviser) who worked for a law firm. At the time of our interview, she was single, twenty-four years old, and her parents had originally migrated to France from Guinea. She was one of the few young women I had met who was able to wear their hijab while at work, even though it was worn in a modified form. When I asked her how she usually modified her headscarf while at work, she explained her methods in detail:

> When I went for an interview, my headscarf, I wore it in a fitted manner. (…) There is a turban style, that people… Yes often it's a turban. Otherwise, I tie it, and I make a small vanity, I roll it up. Twist? Not a twist. You actually take both ends and roll it up. Where, you'd make a braid with three and this is with two. I turn then I tie like this and then I

> leave like this [gesturing] ... after I roll it up. There you go, it's done a bit, so that it isn't – "shocking." So that it doesn't shock the recruiter." (Aliya, interview)

As Aliya described, her purpose for wearing her hijab in a turban style and also styling it in elaborate ways was not necessarily for the sake of "fashion," in and of itself, but rather so that it did not "shock" or scare the recruiter and/or interviewer. What is meant by "shocking" here is presumably to not make it obvious that one is wearing a headscarf (for religious reasons). Aliya elaborates on the differences in the way that she wears her headscarf while at work and outside of work:

> Outside of work, I never wear it like that. Because for me it's, for me it's an accommodation you know? And that's not how I perceive the way to wear the veil. For me... it really should be… that the chest is also covered. And… the way I usually wear it, it really does allow for better coverage. So for me it's really an accommodation so that things go well, to "integrate," we can say, into the world of work. For me, it doesn't really respond to what I perceive of the veil and how to wear it. For me, this is not a normal way to wear it. It's really an accommodation, to be able to work. (Aliya, interview)

Aliya clearly differentiates the way that she wears her hijab at work from the way that she would wear it normally, outside of work. Her "normal" way of wearing hijab is not in the "turban" style, but rather in a style where the ends of the scarf are elongated to cover her chest as well. She does not mention it explicitly but it is similar to the manner of covering that is mentioned in the Qur'an and *hadiths* (prophetic traditions) and in the four major Sunni schools of Islamic jurisprudence (*madhabs*): that is, that women should draw their veils over their chest/breasts, or in certain *hadith* narrations, cover everything except the face and hands (and sometimes, their feet) (El-Guindi 1999, Goto 2004). Aliya makes it clear that her "normal" way, how she wears her headscarf outside of work is how she feels comfortable dressing; the only reason she changes it into a different style is to be "accommodating" to those who might be uncomfortable working alongside someone who wears a visible marker of her faith. She likens it to a way of "integrating," an effort she makes for the smooth functioning of the organization and between

colleagues. However, the power inequality between the expectation that she changes the way she dresses in order to "fit in" with the majority remains unaddressed; others at work do not have to make the same effort to understand or accommodate her practices, even though they are important to her and to her faith.

Changing/Halting of Work/Studies

"you can't wear hijab at [the] hospital …"

Another common survival strategy my interlocutors used to be able to maintain their practice of wearing the hijab is to change their studies/work or stopping altogether. I met Maleka through a mutual friend who passed on her contact information. She and I met at a local fast food restaurant, *Quick* (which is similar to McDonalds), just after the month of Ramadan ended. Maleka had completed her undergraduate studies in Languages (Arabic) and in International Relations a year before our interview. She had just finished a Masters in Translation at London's School of Oriental and African Studies (SOAS), as an exchange student. She hoped to pursue either a PhD degree or look for work in the following year. She was particularly looking for work in the private sector because she thought it would be easier to find a job there while wearing hijab. When I asked Maleka about how she had decided to pursue her degree in translation, she told me about her complicated journey.

Prior to university, she had pursued the science stream in high school with the intention of pursuing medicine. In her first year at university, however, she went to registrar's office to declare her major; there she met another Muslim girl who was in her second year of medicine, and asked her how it was. Maleka told me what the other girl said to her:

> She said, "I remove my hijab all the time. You can't wear it. Teachers are going to pressure you ... the second or third year you're going to have to work in a hospital, you

> can't wear *hijab* at [the] hospital …" She started telling me that. (...) "And [then] she said "why don't you go [into] pharmacy?" Because she knew a sister was doing pharmacy and I was hesitating even before between medic[ine] and pharmacy. So I said okay, I'll just… pharmacy. So I didn't even start [medicine], I just switched to pharmacy since it was [in] the same faculty. So I went into pharmacy, and I studied one year and I was wearing my hijab, etc. so it was really good." (Maleka, interview)

Based on the advice of the upper year Muslim girl who had experience working in medicine, Maleka decided to switch her program to pharmacy. This went well for a year, but then she began to experience problems in her second year.

> And [then]… the same thing happened because in the second year of pharmacy, you have to do two internships, you call that [a] work placement in a pharmacy, I think that the school chooses for you, you have to choose but the school has to accept and you can't wear *hijab* for 6 weeks each time. Because you can't wear hijab in the pharmacy. Most pharmacies that I went to— and I did like *every* pharmacy in Paris probably—and they said: "no we can't accept you with hijab, you have to remove it." Even now when I'm in different studies, I always struggle to find internships. I'm told "No." Many of my friends, they accepted to internships but they had to remove their hijab and I said, "Okay, that's impossible for me to do that... (...)
>
> So I was [like], 'Okay. I have to think now, and not only consider what I like but also consider what I'm able to do in *this* world, in *this* society as the person that *I am* and that I'm not willing to change. Because I am a Muslim woman. So I thought about [it], and I was always good with languages and I've done German for 7 years in high school. So I was okay and I [had] studied Arabic for a year, just in a class but like private classes. So I said, 'Okay, let's do it.' So I started doing an Arabic undergraduate [degree]. (Maleka, interview)

Maleka switched programs twice, first from medicine, then to pharmacy, and then again to languages—likely at significant financial cost. She ended up completing a bachelor's degree in Foreign Languages and Civilizations (*Licence des langues et civilizations étrangers,* LLCE) specialization in Arabic. And so far, she had not had any problems with teachers asking her to remove her hijab. In the end she discovered something that she was very good at but that also, as she said, fit in with the person that she was while living in a society that does not allow her to veil.

Maleka's "persistence" and "perseverance" paid off in the end and she ended up finding a career path that she loved but many others would have given up, or dropped out of school altogether. Or they would have attempted the first survival strategy, as many do, where they would have had to remove their hijabs while working and then put them back on again, something many have chosen to do out of necessity.

"I felt like it was type of humiliation"

When I spoke with Imane, the young woman I had interviewed previously who had had to change the way she dressed before going to school, I asked her how it felt to have to unveil before entering the school gates every morning, her answer was very indicative of those who, like her, ended up dropping out of school following the implementation of the 2004 law:

> It's ... actually, it was humiliating because ... The principal is someone you rarely see. You really need to get an appointment [to see her]. She would come in the mornings to stand just outside the gates, waiting for us, the three veiled girls, to pass. When us three veiled girls had entered while removing our veils, she would then return to her office. In the end, I felt like it was type of humiliation. When me, my friend and the third girl would pass, she would then return to her office, as if to check, "have you removed your veil? Okay good." In the end, it was too much. Psychologically, it was not ... it was not livable. (Imane, interview)

As Imane and others have attested, the surveillance of veiled girls only grew more intense after the anti-veiling law of 2004 passed. To ensure that they were following the law, the principal of her school would stand outside the gates to wait specifically for Imane and her friends, to observe them and make sure that they had removed their hijabs before entering the school gates. As several scholars have argued, the republican school is seen by many teachers as a bastion of secularism. Although students had previously been allowed to wear "signs" of religious belonging, following the law's passing, students were expected to become secular before entering the school. Thus it became a matter of state law for the principal to enforce secular law,

which in effect, turned teachers and administrators into gatekeepers and guardians of state secularism. As mentioned in Chapter 3, these teachers and administrators inhabited the figure of the secular feminist subject, a transnational figure who in the French context, became the governing agents of the state and of secular law in schools.[158] This led to increasingly aggressive tactics to police young Maghrebi girls in particular, the majority of whom were Muslim. Their aggressive surveillance and policing exacted a psychological toll on young women like Imane, who described the constant surveillance as "humiliating" and "unliveable".

For Imane, after a year of going through the experience of unveiling every day in front of the school gates and the principal and then having to re-veil again upon leaving the school, she had had enough. As she later told me,

> I stopped [going to school] in my second year of high school, because I couldn't take it anymore. For me, I thought it was humiliating to remove [my veil] every morning and then put it back on every night. Since the majority of the day is spent in school, I had the impression that ... my veil served no purpose. So I decided to stop [going to school]. (Imane, Interview)

Her experience was not necessarily a typical one for most students, but it was not rare either. In 2005, Hanifa Cherifi, who had been the Inspector General of National Education and an ex-member of the Stasi Commission, submitted a report to the government studying the number of young women who had been expelled from school in 2005, a year after the law of 2004 was passed. According to her report, "only" 47 students were expelled, 44 who wore headscarves and 3 who wore turbans (Cherifi 2005, 38). Compared to previous years, at the height of the affair du

[158] Teachers and school administrators as secular feminist subjects do not yet have a counterpart in Quebec as there is no law against students veiling in school; this will likely change, however, since the passage of Bill 21 prohibits teachers from wearing religious symbols. It is likely that teachers will become (or have become) the governing agents of the state vis-à-vis other teachers, who wear "religious symbols." More research on this topic is needed to be able to compare the two cases (France and Quebec) more effectively.

foulard of 1994-95, when 139 students had been expelled, Cherifi considered this a success (Cherifi 2005, 38). However, Cherifi's report neglected to mention how many students had dropped out of school entirely, or who had transferred out of public school as a survival strategy and into private or catholic schools, where the law would not apply; she also did not consider students who had dropped out of school but had registered for correspondence courses instead, as Imane had.[159] Cherifi's report also did not mention the psychological effects that such laws had on the young girls who had to unveil every day before going to school – as it did not occur to her or the members of the Stasi Commission that it might be harmful to mandate the forced removal of one's clothing. As discussed in Chapter 1, it is partly due to the fact that they considered veiling to be a removeable "symbol" that is easily transformable, akin to an accessory, and not an embodied form of ethical self-making, as Mahmood (2005) and several of my interlocutors discuss.

"I swore... that I would never, ever, remove it again"

Other young women that I interviewed revealed difficulties associated with having to unveil every day before going to work. I interviewed Zaineb, a 21 year old Muslim French student of Moroccan ancestry, who was majoring in Business Law at one of the most prestigious schools in the country, one of the elite "Grandes Écoles" which boasts alumni from all of the upper echelons of political power, including several former French presidents. However, because

[159] Correspondence courses are an option that is provided by the Ministry of Education in France through the CNED (Centre national d'enseignement à distance/National Centre for Distance Education). As such, it would not have been difficult to include data on whether the numbers of girls from certain neighbourhoods registered for these courses had increased following the implementation of the 2004 law. However, that this data was not included in Cherifi's report, nor in any other government report since then, demonstrates the erasure of the impacts of anti-veiling laws on Muslim women's lives.

Zaineb had begun to wear hijab several years earlier, she could not find a summer internship at a law firm unless she agreed to remove her headscarf during work hours. I asked her about her decision to remove her veil in order to work that summer:

> It was really hard and ...I was really ashamed of myself. So even though I had a desk, I had an office and nobody could see me and in my department - it was Human Resources - there were only women, but still I didn't feel comfortable. Because when you enter the building everyone is like.... And it was small, you know, but still, it was very complicated for me. And I remember that once we went to visit a factory of...the firm and I had to do like some "stratagem," in order to not show my hair.... I was wearing a hat with like a shawl to cover my neck ... So all these things were …it was so.... it's so, you know...so... *humiliant*... and I swore that time that I would never, ever, remove it again. (Zaineb, interview)

As Zaineb describes, her internship was at an office with mostly women but she still did not feel comfortable unveiling while at work. Complications arose when her job required her to visit a factory outside of the building, where she would have to be exposed to the general public. In this case, she devised a way to cover her hair and neck with a hat and shawl, but still felt uncomfortable while doing so. What struck me the most about her account was the affect that permeated it. Sentences and words jump out such as, "It was really hard," "I was really ashamed of myself," "I didn't feel comfortable," "it was very complicated for me," and especially her use of the word, *humiliant* (humiliating). I had specified to Zaineb prior to starting the interview that she could speak in either language (French or English) but that she should feel free to switch to speaking in French if she couldn't find the right word to use in English because I wanted her to be completely comfortable and true to her feelings. She had conducted the whole interview completely in English, because of her high language skills. However, when she suddenly switched to French, using the word *humiliant* (humiliating) to describe her experience, I interpreted it to be the closest word to describe her feelings, which she had been struggling to grasp.

When I later asked her to describe what it felt like specifically for her to unveil herself before going to work, she used even more descriptive language: "It's like...it's like I was half-naked, you know? It's... I don't remember even how it feels because it's been a long time and you know… I really don't want to experience that again..." (Zaineb, interview). The experience of having to unveil in order to work at a law firm as an summer intern was traumatic enough to make Zaineb vow to not let herself go through the same experience again, even if it meant not working over the summer or accepting work that was significantly below her qualifications. The following summer, for example, Zaineb accepted a job at a call centre (i.e. a telemarketing firm) because her friend knew the boss and had told her that they were accepting young women who wore the hijab there. Even though Zaineb went to one of the most elite schools in the country (comparable to an Ivy League university), she accepted to work at a call center for the summer because it would allow her to work while wearing her hijab. She explained her decision to me: "Yeah, because I said to myself 'okay, for the holidays it's okay, you can do bad jobs.' You don't have to experience fields that, you don't know if they are going to take you with hijab on... So I just said okay this time I'll play [it safe] and I'll just apply to jobs that I do know they are taking hijabis" (Zaineb, interview). Surprisingly, Zaineb found that the telemarketing company she worked at had hired many other young women who wore hijab; out of one hundred people, there were around twenty or thirty employees who wore hijab, many of whom were around her age with a few that were significantly older. However, unlike Zaineb, most of them did not have degrees and had not pursued post-secondary school. When I asked her why she thought there were so many hijab-wearing young women who worked at call centers, she told me:

> I know that many call centers accept hijabis because obviously you don't speak to the people directly, so they don't know how you look. But yeah I think this is the same philosophy. And with hijabis, they can find people that are available... because it's like, they have only a temporary contract. (...) And most of the time the hijabi girls they don't

> mind, because sometimes they want to get married, or they don't want to stay too long in this kind of work and stuff. So they don't really mind having this type of contract. (Zaineb, interview)

Zaineb's answer revealed several things at once. One was that in her experience, call centers hired people wearing hijab because they would not have to interact directly with the public, only indirectly by telephone; therefore the company would not be subjected to complaints by clients about being served by someone who wore a "religious symbol." Secondly, there was a pool of available workers who had not pursued secondary school, for whatever reason, who were educated in France and who were willing to accept low-paying, precarious contract work that hired them without requiring them to compromise their religious identities. Third, even for someone pursuing a post-secondary degree from a prestigious institution (Zaineb), this was the only type of temporary work available that would not require her to compromise her religious principles – even though it was below her qualifications and would not help her resume as much as an internship at a law firm would have. Despite these factors, Zaineb's case is an example of the types of survival strategies used by veil-wearing women who must find work and survive in a context where anti-veiling poses a real threat to their ability to make a living.

Starting one's own Association or Business

"You had the impression of playacting in a comedy, of being a little schizophrenic"

Khadijah was another woman I interviewed who had attended a *grande école*, this time for a Master's degree at a prestigious business school in Paris. Khadijah was 35 years old when I interviewed her, and was a married mother of two. She was of Moroccan background and was the older sister of Nouçayba, who I mentioned in Chapter 1. She wore her hijab in a turban style and currently worked as CEO of her own non-profit business, which I will discuss shortly.

Like many of the women mentioned earlier, Khadijah used the survival strategy of showing up for the school's interview without her hijab on to not risk being rejected for admission outright; instead changed the way she dressed and wore a turtleneck and a beret, which made her look like a sophisticated Parisian, she tells me, laughing. However, as she was accepted to the school while wearing a beret, she continued to wear a beret all throughout the three years of her studies; whether it was raining or sunny, she wore the beret every day, even if students and teachers began to realize that her beret was not just a fashion accessory. But after a time, the constant back and forth between wearing a hijab outside of school and wearing a beret inside began having a toll on her. She tells me,

> Personally, I felt like a hypocrite. To be veiled outside of [school], and in a beret inside of [school]. In the end I was spending more time in school. So ultimately...I [no longer] considered myself veiled. (..). I felt a little hypocritical even then. I did not feel well. Not at ease. (...) I felt really unwell. (Khadijah, interview)

What Khadijah discusses here is her unease at having to separate her herself between two different public and private personas, the public, secular, beret-wearing Parisian and the private, religious, veiled woman that she understood herself to be. Because she had to enact this separation between public/private and religious/secular on her body and within a particular space (the Business school she attended), it had a jarring effect on her that made her feel unwell and ill at ease. She used the word hypocritical several times, and mentioned that after a while, she no longer felt like a veiled woman because she was spending so much time inside of school, wearing a beret. Therefore, the separation between public and private, secular and religious, that is demanded of veiled women under secular governance, is something that splits apart their subjectivity and renders them incoherent even to themselves.

Although Khadijah endured this state of unease while completing her master's degree, later on, she tells me that things became even worse once she started to work. As she was highly

qualified, Khadijah found work in a large multinational pharmaceutical company that required her to travel and interact with clients all over the world. There, she could no longer keep wearing a beret and had to remove her hijab altogether for work, which included being without hijab during her business trips.

> Within the framework of my work, I found myself in Poland, in Switzerland, in Belgium, in Germany, and during the Conferences/conventions I did not have my veil [on]. So there you have it, [the law] takes up space! It's not [just in] your office anymore, it's all over the earth! So we find ourselves in any corner of the earth, we take the plane... (…) you sleep in the same hotel where your clients are [sleeping]. So even if you go down to the front desk, you don't put your veil on, because you might bump into your client. You had the impression of playacting in a comedy, of being a little schizophrenic. (Khadijah, interview)

Khadijah mentions that entering the world of work did not resolve her issues with feeling like a hypocrite, of having to present a secular persona at work and the switch to a religious persona outside of work. Because her work took her all over the world on business trips, she had to remain unveiled as long as she was representing her company – which was all of the time while abroad. At any moment, she could run into a business client at the hotel that was booked by her company, so she could not easily return to her private, religious persona.

The phrase that stuck me the most was when Khadijah described herself as being "a little schizophrenic." Khadijah had used this word several times during our interview whenever she described using the survival strategy of changing from secular to religious clothing and vice-versa, in order to attend school or work. It was interesting to see her use the language of a mental health disorder to describe her experience, as there is usually a taboo in speaking about mental health both within and outside of Muslim communities. While she may have been using 'schizophrenic' in a figurative rather than literal sense, I believe that when paired with her earlier use of the word "hypocritical," which is used synonymously with the term "two-faced" (literally, having two different, usually opposite, faces) she may be gesturing to the immense cost of

switching personas in her everyday life, an act which elicited conflicting emotions or identities. In Khadijah's case, her two different identities had two different ways of dressing, one was a religious hijab-wearing Muslim who covered her hair and body whenever she went outside or was in the company of men she was not related to; the other was a secular-looking business woman, well-dressed and neatly-coiffed, jet-setting to conferences around the world and doing business with high-profile clients while working for a prominent multinational company. Although she is the same person with the same principles, veiled or not, Khadijah's two physical personas seemed too different, even to herself, to the point that she wondered whether or not she was becoming "a little schizophrenic."

After a certain point, Khadijah began to realize that her survival strategy had failed and that she could no longer stand the incoherence that her public/private and secular/religious personas had brought to her own mind. She resolved to wear her hijab in one way – in a turban style – all of the time and to start her own association. This is how she wore it when I interviewed her: "I preferred to wear it like this [gesturing to her turban], than to put it like this [gesturing to her neck, meaning to cover the neck and chest] because it felt closer to [the] reality [that] I lived every day (...). So I felt more... I feel better, I feel more appeased, less hypocritical. This [turban style] is how it is all the time." (Khadijah, interview). Khadijah finally resolved to wear her hijab in a turban style, just as Aliya had adapted her clothing to her work, except that for Khadijah, she wore it in this style all of the time. Because she had decided to wear her hijab as a turban, full-time, she could not keep working at her company as it prohibited the wearing of "religious symbols" even though it was a private company.

After quitting her job and doing much soul-searching, Khadijah decided to create her own association, which was a non-profit association based in the local city where she lived. She justified her decision in the following way:

> The alternative that I found is to create my own company. It's when at a given moment you say to yourself since no company wants to accept you with the veil [on], create your own company. (…) if I hadn't gone to college, if I hadn't agreed to take the veil off ... to get my diplomas, I wouldn't have been *able* to start my own business. (Khadijah, interview)

Although it had been difficult to attend school without her hijab, and subsequently to work at a company that would accept her while still wearing it, Khadijah still acknowledged that without having gone through such difficulties, she would not have the education nor capacity to start her own company. Therefore she viewed the hardships she experienced as ultimately leading to her being able to contribute something positive to society, and to help the young people of her community.

Khadijah mentioned that her company was an independent association that she had started with a group of friends in order to promote the balanced development of young people, boys and girls, of Muslim background. She did not mention what city it was based it, but I assumed that it was in the same *banlieu* that her sister Nouçayba lived in, which was Seine-Saint-Denis (93). Although such areas are frequently stigmatized as run-down, violent, and full of delinquents, they are the areas where most immigrants to France live, even though second or third-generations may move to higher-income suburbs as they become more successful. The association Khadijah and her friends created was meant to help young people balance their different identities, secular and religious, as well as their different cultures. Khadijah explains some of the programming she administers for you:

> For example, you are a Muslim you have a Muslim identity; what do you do when there is a student soiree and you don't necessarily want to .. experience this soiree in the same

> way as someone else? [As some]one who [does not identify with any particular] faith. How [do you] integrate yourself into a school group? How [do you] integrate yourself into a school? How do you act like everyone else but at the same time, differently because you [identify with] a faith?

Given Khadijah's history, both at school and in the workplace, she has had direct experience with exactly these types of dilemmas. How does one interact at a professional function (where there might be drinking or dancing, which are prohibited for practicing Muslims) when one identifies as Muslim? How does one shorten the distance between a secular "modern" identity, that is expected of those who are perceived as being "integrated," with one's own faith principles? Khadijah's association is meant to help teenagers bridge this distance, while giving young people a chance to balance between their two cultures (e.g. Eastern and Western, Religious and Secular, Public and Private, French and Muslim). She tells me that her association does not pressure young people in either direction, but rather allows them to express their own contradictions (interview). When I ask Khadijah what the name of her association is, with a big smile on her face, she tells me, laughing: "Équilibre!" (Khadijah, interview). Équilibre is French for 'Balance,' and in the context of her organization, it means learning to balance between two seemingly contradictory aspects of oneself, which as I mentioned, includes secular/religious, private/public, Eastern/Western, etc. It is a balancing act that all those who seek to identify with a racialized faith-identity must learn to do if they are to be considered "integrated," and not as "Dangerous Muslim men" or "Dangerous (Veiled) Muslim women." Unfortunately, it took Khadijah several long years of trial and error, of using several different survival strategies – from changing her way of dressing, to changing her job, to starting her own association – before landing on a solution that was "liveable" for herself.

Withdrawing from Society

"I rather prefer to stay home if my husband can't drive me somewhere"

In addition to the already mentioned survival strategies, one of the other impacts of anti-veiling laws is the physical violence that is enacted on the bodies of veiled women in Quebec. The link between a rise in hate crimes and anti-veiling debates has yet to be studied systematically in Québec due to a difficulty in gathering data, but some empirical evidence suggests that there is a significant correlation.[160] For instance, in Québec after the announcement of Bill 60 in 2013, the Commission des droits de la personne et des droits de la jeunesse (CDPDJ, Commission of Human Rights and Youth Rights), as well as several women's shelter groups across Québec, pointed to a sharp rise in complaints of verbal and physical assaults against veiled women in particular (Peritz 2013). Valérie Létourneau, a spokeswoman for the Regroupement des centres de femmes du Québec was quoted as saying: "It's obvious. Since the debate over the charter [Bill 60], the increase in intolerance is palpable. It's contributing to a climate of fear. Veiled women are finding it harder to leave their homes. It's taken serious proportions" (Peritz 2013). It is important to note that it was specifically veiled Muslim women who were the targets of racial slurs and physical assaults—not Sikh men wearing turbans nor Jewish men wearing kippas, who were also affected by the proposed Bill 60.

To illustrate this point, I spoke with Mrs. C, who is a thirty-five-year-old woman from Pakistan. She had immigrated to Québec eight-and-a-half years prior to join her husband, also from Pakistan, who had already been working in Montreal for some time; they have three young sons together (aged ten, eight, and three at the time of the interview), two of whom were born in

[160] A recent study, led by Québec's CDPDJ, has examined this correlation in more detail between 2015 and 2018. See (Asal, Imbeault and Montminy 2019).

Québec. Her education and training was in medicine, though she was not a practising doctor, and she speaks English and Urdu fluently. She also wears a niqab and has done so for the last ten years. During our one-and-a-half hour conversation, she detailed thirteen specific incidents where she experienced hate acts while wearing a niqab in Québec. These ranged in severity from verbal assaults, such as men and women showing her the finger and shouting loud expletives at her while passing by in a car or on foot, to more serious physical assaults, such as men and women who physically tried to pull off her niqab (which occurred more than once). Other more serious incidents involved a group of people throwing water on her from a passing car and one man actually attempting to run her over while she was crossing at a crosswalk. After one such incident, where a man tried to grab her while she was leaving her son's school, she experienced long periods of depression along with post-traumatic stress, where she would cry continuously and not want to go outside even to pick up her children from school. When I asked her how many incidents of verbal assault she had experienced, she said: "The verbal incidents are endless. You could count 50!" Mrs. C also said that the incidents had become more frequent after the announcement of Bill 60:

> R.J: Some of the incidents that you experienced, did you notice if they increased after the Charter [Bill 60] announcement? Or were they always sort of constant ...
>
> Mrs. C: Yeah. No, no, no, no, it increased. Yeah, a lot. Before it used to happen, like, less. Like, maybe once or twice after two or three months. But now, very frequently.
>
> R.J: What, like, every week, every few weeks?
>
> Mrs. C: You never know, you know? You know, one of my friends, she stopped going out alone.
>
> R.J.: Really? She wears niqab as well?
>
> Mrs. C.: Yeah, she wears niqab and she told me, when she asked me [how] I used to go downtown ... [I] had work for my son's school. She told me "how do you go?" I told her that I first take a bus then I take metro, then I take again bus and go inside

> the school ... She said "how brave you are!" I said why? I told her "Why? Where is the braveness in that?" She told me, that "I rather prefer to stay home if my husband can't drive me somewhere" ... This is stress! (Mrs C., Interview)

Mrs. C endured many different forms of assault and Islamophobic hate acts over the course of her eight years in Québec, especially while Bill 60 was being debated, but after a period of time when she too was depressed and had stopped going out of her house, she began to venture outside again to volunteer at her children's school or to run errands in her neighbourhood. However, not all women in her position would take such risks—for example, the friend she mentioned, who was too afraid to go outside alone without being accompanied by her husband for fear of being assaulted. Her friend might have used withdrawing from social life as a survival strategy – perhaps a temporary one – but it was one that Mrs. C had used as well after having experienced a traumatic assault of her own. It might have been necessary for these women to retreat from social life altogether in order to heal from their traumatic experiences of violence.

Whenever Minister Drainville would be asked to comment on the fact that hate crimes against veil-wearing Muslim women had been on the rise since the announcement of Bill 60, he would frequently brush off the implications that there were any links between Bill 60 and what was happening to people in the streets: "I maintain that we should be respectful of each other even though we disagree" (CBC News 2013). Yet a number of the women I spoke with, at least four out of the eleven women I interviewed in Quebec who wore a hijab and/or a niqab, reported that the number and severity of verbal and/or physical assaults that they suffered increased whenever the government discussed laws seeking to regulate "religious symbols," forcing them to develop strategies to survive in the face of an indifferent government and public.

"I was super, super upset ... it was completely disempowering"

Another woman I spoke with in Montreal, Anissa, a thirty-two-year-old hijab-wearing married woman of Kashmiri decent, had also been the victim of a hate crime in late August 2013, a few weeks after media reports came out discussing Bill 60. She had been jogging at a park in Brossard when she came up to a raised structure that was part of a running circuit. She perceived some young men standing not far in her periphery, and the next thing she knew, two apples had been thrown at her head and had hit her. She describes her subsequent confrontation with the young man who had thrown the apples, who she described as being French Canadian in his early twenties:

> [T]he guy got extremely hostile and confrontational right away. Came right up to my face, was really like angry at me. Like he hated me! ... I spoke in English. And this guy's like "Ici au Québec, on parle français! Pas arabe! Pas anglais!" …
>
> He came towards me—I thought he was going to hit me. And I said "stop right there!" I'm like, "I have friends who are lawyers, you do not want to touch me"… and he was like … he made his hand in the shape of a gun and he put it to my head. He did [gesturing towards her own head]: "moi aussi j'ai des amis" ...
>
> And before that, I was like, "I am going to punch this guy!" Like, "I'm going to take my two fingers and gouge his eyes if he comes near me!" Like, I was ready. But when he did that [gun gesture], I was like .... broken. I was like, oh my God! Like, this guy wants to kill me! Like, he's so full of hatred! That's what he'd be willing to do. So I was super, super upset ... it was completely disempowering. (Anissa, Interview)

After this incident, Anissa felt too afraid to go outside on her own while wearing her hijab, especially while her husband was away on a business trip. So she ended up removing her hijab while doing her groceries in her neighbourhood, as she still had to go outside to run her errands. But she stopped running altogether; she said that the incident had traumatized her to the point of feeling paranoid that it was not safe to go outside.

In discussing the effects of Islamophobic hate crimes on Muslim women, Barbara Perry asserts that (public) violence is intended to make victims "change activities, habits, and ways of

being in the world" as well as making them feel out of place so that they will stop or change their ways of embodying gender, race, and religion (2014, 85). Public violence can also have the effect of isolating women from one another and from potential sources of support, affecting their "freedom of movement and sense of safety; sense of belonging and participation in society; and sense of control and agency over their lives" (Perry 2014, 85). This "fear of violence, fear of harassment, fear of profiling, and a generalized fear of appearing in public" can lead some women to "opt to remain out of the public eye completely, [becoming] reluctant to leave the security of their homes," as we have seen with my previous interviewees (Perry 2014, 85-86). However, it is not to say that this is necessarily the case for all women who experience hate crimes in Québec or in Canada. As discussed, there is also the potential that, instead of a withdrawal from public or social life and into community life, political actions and mobilizations that aim to contest such discrimination and violence can arise as a form of resistance and affirmation of agency.

Political Activism/Feminism

"I saw that I could have allies"

Another woman I spoke with in Quebec, who had experienced a severe hate crime during the Bouchard-Taylor Commission debate in 2006–07, had subsequently become more involved in Québec's feminist movement and with a particular political party in the province. I first met Émilie while leaving a FFQ General Estates meeting in 2013 and got to know her over coffee. She was a thirty-six-year-old White convert to Islam, who was born in France and later immigrated to Québec with her parents. She studied political science and public administration at a university in Quebec and had previously been married with three children. She was divorced

when I interviewed her. She had also begun wearing a hijab in 2003, something that greatly displeased her Moroccan husband at the time. We began speaking about Bill 60, and she told me that when it was first discussed she immediately began having flashbacks to the physical assault she had suffered in 2007 while she was seven months pregnant with her youngest daughter. It had happened in the bathroom of a crowded shopping mall during the busy Christmas shopping season, when a woman pulled on her hijab from the back and then began hitting her violently while cursing at her. Her young son had witnessed the assault, which she later reported to the police.

After first hearing about Bill 60, Émilie told me that she wanted to run away and hide somewhere because she worked in the public sector at the time and did not know whether or not she could keep her job. Being a single mother of three, this understandably caused much stress, and she broke down in tears several times during our interview. After speaking with her family and attending one of the first public protests against Bill 60, she began realizing that Québec was not homogenous and that there were people who would support her if she chose to stay in the province and fight against the law:

> I said to myself, "well, who are my allies? Who will be my allies if I decide to fight, not to flee, not to hide myself hoping that it passes?" because I thought of this option too. Just to pouf to fall back on myself and just hope that [Bill 60] doesn't pass ... I decided, rather, to find out who my allies could be. That's why I started to look at political parties ... But I was also concerned about this feminist issue. That's why I wanted to know the position of the Quebec Women's Federation [FFQ] ... I wanted to know what the [FFQ] were thinking, and here again I saw that I could have allies because they wrote the document there, I can't remember the title, about their positions in relation to religious symbols. So I said to myself: "Okay there are allies there!" (Émilie, Interview, author translation)

The document she refers to may have been FFQ's 2009 statement "No Religious Obligation, No State Prohibition" regarding "religious signs."[161] However, once Émilie decided on her alliances, which included feminists at the FFQ and members of one of the political parties in Quebec—which at the time, had positioned itself against Bill 60[162]— she began attending meetings, joined the political party in question, and even thought about running for office someday. She told me that it was not an easy decision but one that she had made because the cost of leaving Québec—both financially and emotionally—was too high. Her family, her children, and everything she ever knew was in Quebec. Émilie's decision to stay and fight for her democratic rights – her survival strategy – reflects just one of the multiple ways that Muslim women live, work, and act politically under conditions of constraint and coercion produced by anti-veiling debates and laws.

Migration (*Hijra*)

"If all our brains go, what are we going to be left with?"

The final survival strategy I identified came up when I interviewed Maimouna, a 26 year old activist of Comorian background. Maimouna was married and had a young daughter, and she wore a colourful hijab paired with a long black abayah, not always but at least on one of the two occasions that we met. Similar to Khadijah, Maimouna had co-founded her own association called, *Les Femmes de Demain* (LFD, the Women of Tomorrow), which was based in a different *banlieu* (with postal code 94, and referred to as such), in the small area referred to as Orly.

[161] FFQ, *supra* note 37.
[162] I do not name the specific political party because it might identify Émilie; however, the political parties that positioned themselves against the PQ's Bill 60 were the Parti Libéral du Quebec (PLQ), and Québec Solidaire (QS).

Maimouna had started her organization specifically to support adolescent girls in their development, and also to help young mothers who might be isolated and not know where to go for help. She talked about the variety of programming that her association organizes, such as "monthly workshops for mothers, conference with [women who are professionals], cultural activities, sports activities, outings and trips" (Maimouna, Interview). When I asked her why she had started this organization in particular, she told me,

> Because our children, the girls ... they are desperate, they do not have confidence in themselves. Mach'Allah [Glory be to God] they have good abilities. But at school, they break them. (...) Our girls are broken down, morning, noon, [and] evening. (...)
>
> We have girls who are desperate, and in fact the goal of helping them is to restore their confidence, and to tell them, even if you remain a stay-at-home mother, your knowledge will be useful for your children. Your knowledge will be used to do something to help the *Ummah* [global Muslim community], or humanity you see? ... I mean my goal is to make them into entrepreneurs in fact, you know? So that they become entrepreneurs so that they can create jobs. (Maimouna, Interview)

With regard to schools, Maimouna refers to the condition of several girls who are "broken" down by teachers, who underestimate their abilities and discourage them from pursuing higher studies. These are typically young people who live in the underprivileged *banlieus* where they attend high-needs schools, which are severely underfunded and neglected by government – even though schools are frequently elevated in public discourse as being the bastions of secularism and the places where students are transformed into citizens. Therefore, Maimouna's organization aims to help these vulnerable young women who do not have adequate support in school to nonetheless pursue an education so that they can someday contribute something to their children if not to the society as a whole.

In the context of her work, Maimouna has also met several bright young women who have persevered and have pursued a higher education; they have obtained several Masters degrees as prestigious universities, similar to Khadijah and Zeineb, for example. However, these

young women are also seeing the situation in France and considering what other options there may be for advancement abroad:

> One of the other issues happening in France is that we have young Muslim girls with diplomas who go abroad. We lose a lot of girls, because today, they are finishing their studies and they are bac +5, bac +7, even sometimes. And, in addition, they have a faith that's increasing, so they are starting to wear the headscarf, and [they realize], “Oh, where am I going to find work with my degrees?" Sometimes they're underemployed, you know. And sometimes they say to themselves, "well the best solution is [going to] Dubai, it is [going to] England, it is [going to] the United States, it is to leave," and what I say to myself is that if all our brains go, what are we going to be left with? (Maimouna, Interview)

Maimouna tells me about this phenomenon that has been occurring where young headscarf-wearing Muslim women who are highly educated come to realize that they cannot have the life they want in France. For example, a life where they can have a fulfilling career that allows them to use their skills, while at the same time, practicing their faith in the way they envision. As Zeineb attested, many of these skilled young women have had to accept a low-paying job (e.g. at a call center) where their skills are under-estimated just to be able to work while wearing their hijabs. While they may have been accepting these jobs as a temporary survival skill while they were still students, many of them have started to think more long-term about what kind of life they can have in France: “To [come] back to *al-hijra* (migration), it's that we have a lot of young people who want to go abroad because in relation to their faith … they don't feel they are living their faith fully” (Maimouna, Interview). In other words, they could not seem to find the “balance” that Khadijah mentioned in her interviews, between the secular and the religious; too much compromise was being asked of them in favour of the secular. When I asked Maimouna whether or not she had ever considered going abroad. Her reply surprised me, because she herself had thought about it but ended up making a different decision: “ I had decided to go abroad for the education of my children, you know? (...) And then I said to myself... “if I go too,

who will continue my struggle?" (Maimouna, Interview). In the end, Maimouna decided to stay in France and to invest herself in her organization and in helping to support her communities and the "Women of Tomorrow," because her worry was that if everyone decided to leave, what would become of these young girls? What would become of those vulnerable youth who could not leave France, who did not have the option of using migration as a survival strategy?[163]

"What I wanted to flee from in France, it was [also] there in Québec"

Hawa, a 31-year-old Muslim French woman of North African ancestry, who I discussed in Chapter 1 and 3, had completed her bachelor's degree in Sociology at a university in France, followed by a master's degree in Administration and Management in Québec. Upon meeting her through a mutual friend, who thought it would be good to introduce us because we both lived and worked in Canada, I learn that she had returned to France after finishing her Master's degree in Quebec, but that she was reluctant to find work in France because she knew what would be expected of her. She tells me, "Honestly, I didn't try to look for work here [in France]. It's as if I knew that I wouldn't be able to find a job that… that would permit me to wear my headscarf (*foulard*). I already knew [the outcome]. [So] I didn't undertake any job searches here" (Hawa, interview). However the fact of the matter was that she needed to find a job. She had begun wearing the hijab while completing her studies abroad in Quebec, and she knew that she would face difficulties while looking for a job upon returning to France. But as she needed the money to pay for her expenses and to help her aging parents, she decided to submit her application as a teaching assistant at a public school close to her home.

[163] Recently, there has been growing attention to the exodus of Muslims from France. See article published in the New York Times (Onishi and Alami 2022), and podcast from France Culture (Baudet 2022)

Hawa did what many young French Muslim women do for survival, and took off her hijab while teaching at school and put it back on her way home. “So I went, I made the choice to remove [my hijab]. I went by car, so I took it off in the car, I parked in the school parking lot, and later when I finished my day, I put it back on.… I did that for a year and a few months I think. And then after a while I got fed up” (Hawa, interview). Asking Hawa why she had gotten fed up, she tells me, “After a while I got sick of it. And as I had finished my studies, I obtained a work permit in Canada, so I said to myself, there you go, bye, [if] you're over there, maybe you'll have more [of a] chance” (Hawa, interview). Hawa had decided to quit her teaching job in France after a year due to the stress of having to un/veil every day for work, and as she had a Canadian degree, began looking for work in Canada. “So when I received my diploma, I applied for a post-graduation work permit. Over there in Canada. And in fact I received it and I said to myself okay well it’s now or never to leave and see ... if the job market in Canada allows me to have a job, which can allow me, well, to keep my [head]scarf on” (Hawa, interview). Hawa currently teaches in a French-language school in Ottawa, Ontario, where she lives for most of the year, while wearing her headscarf in a way she feels comfortable with. She did not have Canadian citizenship at the time and was working in Canada on a renewable work visa. And so she traveled back and forth from France to Ottawa, every time her visa expired and she had to get it renewed, living as transnational migrant but never settling down in one place.

When I asked Hawa why she had decided to look for work in Canada specifically, she replied, “I felt like it would be easier in Québec to wear my headscarf than in France. But it turned out that my experience proved me wrong” (Hawa, Interview). Our conversation turned back to the debates in Québec on reasonable accommodations, which occurred while Hawa was completing her master’s degree. Hawa recalled the period during the reasonable accommodations

debates as a bitter one, because the discrimination she had experienced in France now seemed to be repeating itself in Québec as well:

> I said, shit [*merde*]! I said to myself, 'it's following [me]! It's following [me]!' I realized that ultimately, I am an oppressed person in France and in Québec. And that what I [had] wanted to flee from in France, it was [also] there in Québec. So in the end, we do not run away from oppression. (Hawa, Interview)

Hawa's reference to "fleeing" in an attempt to escape the oppression that she faced in France as a Muslim woman who wears a veil is a direct reference to the racism of France's anti-veiling laws, which had seemed to follow her from France to Quebec. What she had initially experienced as a kind of 'opening' in Québec, quickly turned into 'déjà vu', where she seemed to be experiencing the same debates that she had previously experienced in France. But her awareness that she had been attempting to "flee" her oppression, using migration as a survival strategy, and that it had ultimately failed – alerts us to the fact that anti-veiling governance tools are not limited to a place or time, but are transnational and can cross borders and affect people with similar positionalities in different parts of the world. Hawa is a young, highly-educated, French woman of North African background who had migrated from France to Quebec; although she was educated and able to migrate, she could still not escape the anti-veiling debates that circulated the discourse that advocated the need to save "imperilled Muslim women" from veiling. Therefore, migration as a transnational survival strategy was only available to those with certain positionalities, such as Hawa, who was highly educated and had already completed a post-graduate degree abroad; but it was not necessarily available to those of lower working-class who were not able to continue their education (such as Imane). Although Hawa herself was a transnational migrant, it

seemed as though the discourses around anti-veiling laws were also transnational and followed similar migratory paths.[164]

Conclusion

As anti-veiling laws have led to a rise in Islamophobia in France and Québec, particularly in education and employment, veiled Muslim women have increasingly developed survival strategies to mitigate its impacts. As I discussed, these survival strategies included changing the way they dressed; changing their jobs or studies; starting their own associations or businesses; withdrawing from social life; engaging in political/feminist activism; and finally, migration (*hijra*). However, this is not to say that the survival strategies used were necessarily successful; they may have been used as temporary measures to alleviate an immediate need (for e.g. a need to make money after a divorce), or they may have been tried experimentally to see if it led to a better outcome (e.g. changing majors in school). Sometimes, survival strategies may have failed to produce the desired outcome, but they usually prompted my interlocutors to look for other strategies that may have worked better for others. This usually involved relying on community networks or resources, and speaking with other Muslim women about what they have tried and what were the results. It was not uncommon to find women who used several survival strategies simultaneously, or in sequence, one after another, if one did not produce the desired outcome. Nonetheless, it should be understood that the use of such strategies would not be necessary were

[164] Natasha Bakht also discusses the strategies of resistance used by her respondents, who are fully-veiled (niqab-wearing) Canadian women in mainly located in Ontario and Quebec. See (Bakht 2020).

these women not living in a context of state violence,[165] which uses anti-veiling laws to severely constrains the ability of these women to continue their education and to find meaningful employment. State violence also authorizes and exposes women such as Mrs. C to individualized violence, which is expressed through Islamophobic "hate acts." However, as Alsultany (2021) has discussed, state violence should not be divorced from individual acts of violence, as the two are connected. In addition, state violence should not only be understood as national but also international, due to the enactment of state policies that have had violent consequenece for Muslim in other parts of the globe. States' international policies have impacts on how people act towards Muslim communities 'at home' (Alsultany 2021).

In this vein, Islamophobia should be understood as transnational, as it exhibits several characteristics that Korkman and Razack (2021) have discussed, namely, its proliferation, its attachment to other forms of racism, and the fact that it morphs as it circulates across different countries and contexts. I have demonstrated in this chapter and previous ones how the anti-veiling laws in both France and Quebec exhibit all three characteristics. However, it many not be possible to directly compare how Islamophobia operates in France versus Quebec with regard to anti-veiling laws, as the two societies are at different stages in their implementation. For instance, while anti-veiling laws have been in place in France for almost twenty years (beginning with the 2004 law), a similar Quebec law, Bill 21, has only recently been implemented in 2019. This can be demonstrated with regard to the survival strategies used by my interlocutors in France, who had developed numerous and sophisticated strategies to mitigate the impacts of anti-

[165] State violence, in the context of anti-veiling laws, means being denied equal citizenship rights and being evicted from political community, as Sherene Razack has theorized. Those who have been evicted from community nonetheless are placed in a space that is overdetermined by law, and "saturated with power" (Butler and Spivak 2007, 9). Therefore, we need to better understand how these situations create specific forms of resistance, agency, and disruption.

veiling laws that have been in place for much of their adult lives. In comparison, my Quebec interlocutors had so far only developed two strategies: engaging in political/feminist activism and withdrawing from social life. However, as my fieldwork was completed in 2014, women in Quebec could have developed further survival strategies, particularly since the adoption of Bill 21 (National Assembly of Québec 2019). Further research would increase the likelihood of comparison between France and Quebec, which, I hypothesize, might show a convergence between the development of similar survival strategies across both sites.[166]

Finally, I would like to speak to the possibility of understanding Muslim women's use of survival strategies as a form of decolonial disruption of neo-colonial state violence. Nadia Fadil has written about the "complex agency" of non-veiled Muslim women in a context of forced unveiling (Fadil 2011, 86). Although Fadil does not explicitly define what she means by "complex agency," it is clear from the context of her argument that it is a result of the state's secular governmentality of Muslim bodies, in its efforts to manage the post-migratory influx of a diversity of post-colonial subjects in France. I suggest that the "complex agency" exhibited by my interlocutors is more in line with decolonial efforts to keep alive one's commitments to traditions, the Sacred, and community in the face of a neo-colonial state's efforts to assimilate difference under the umbrella of secular universalism. The insistence of many of my interlocutors to remain veiled, even at great cost to their own mental health, subjective coherence, education, and job prospects, cannot simply be understood as "religious agency" or as

[166] Barras (2014) notes that, "When I did my research on France and Turkey, Turkish activists had developed strategies in the mid-2000 that France activists developed later as the situation got more restrictive in France. So they developed similar strategies but at different moment intime depending of the breadth of anti-veiling laws." This demonstrates the importance of context when examining and comparing the impacts of various anti-veiling laws. Amélie Barras, message to author July 11, 2022.

result of pious subjectivities (as per Mahmood). There are plenty of religious Muslim women who do not practice veiling, inside and outside of France. Veiling does not necessarily equal religiosity, just as not-veiling does not imply non-religion, as many of my interviewees have demonstrated. Therefore, insisting on veiling in a context where the state is doing its best night and day to enforce unveiling speaks to the commitment of several women to understand these injunctions differently, and to find ways of maintaining the sovereignty over their own bodies and communities in the face of a state and its agents that seek to annihilate it. Veiling should be understood then as a site of decolonial disruption against Western sovereignty, which speaks to the global condition of transnational Islamophobia.

What I mean by decolonial disruption is best expressed through what Mohanty calls, "oppositional agency" (Mohanty 2003, 82), which may be thought of as an extension and elaboration of Fadil's "complex agency." Oppositional agency refers to an understanding of agency that is "multiple and often contradictory but always anchored in the history of specific struggles" (Mohanty 2003, 82). It is an acknowledgement that one does not necessarily need to be a coherent subject, that one can inhabit both secular and religious subjectivities in messy and unexpected ways that are not delineated by liberal imperatives. This understanding of agency is not ahistorical; it is context- and space-specific, located in particular struggles at particular times. Therefore, the 'oppositional agency' of veiled women in France or Quebec is not the same as the agency of women in Iran during the Iranian revolution of 1979, nor of women in Algeria or Saudi Arabia under regimes of forced-veiling; these examples are frequently brought up to de-legitimize the veiling practices of Muslim women in France and Quebec. The oppositional agency of my interlocutors, for example, is rooted in daily survival as well as in "memory,

experience, knowledge, history, [and] consciousness...” and resistance (Mohanty 2003, 82). As Mohanty writes,

> ...resistance clearly accompanies all forms of domination. However, it is not always identifiable through organized movements; resistance inheres in the very gaps, fissures, and silences of hegemonic narratives. Resistance is encoded in the practices of remembering, and of writing. Agency is thus figured in the small, day-to-day practices and struggles of Third World women (Mohanty 2003, 63)

In other words, the oppositional agency of un/veiled Muslim women in France and Quebec is situated in their everyday struggles and resistance to the hegemonic domination of anti-veiling laws, which try to force them to forget themselves, their communities, their faith, and their commitments to each other, to God, to family, to their ancestors, etc. Therefore, their insistence in remembering, in speaking, in resisting, even if these actions do not currently form part of organized collective movements, serves to disrupt the dominant logics that permeate current discourses around secularism, feminism, and modernity. In trying to push against the boundaries that are trying to contain them, un/veiled Muslim women in France and Quebec are enacting their own form of decolonial disruption.

CONCLUSION

Anti-veiling laws have become ubiquitous in various parts of the world. As legal scholar Natasha Bakht (2021) outlines, France's 2010 ban on face veils was followed by ten other countries, including several in Europe, but also in some African and Asian countries. In addition, regional bans on veiling have also been enacted or debated within countries on several continents, including North America, Africa, Asia, and Europe – all within the last twenty-years (see Appendix E). Although my dissertation does not examine the global spread of anti-veiling laws, debates, and regulations, it does interrogate its proliferation across two specific sites: France and Quebec. The following questions were posed: 1) How and why have anti-veiling laws been enacted in both France and Québec? 2) How have these legal prohibitions circulated transnationally between these two sites? 3) What are the impacts of anti-veiling laws on Muslim women who practice veiling in France and Québec?

In answering the questions, I developed a transnational feminist approach to anti-veiling laws. This approach foregrounded the transnational, proliferating character of anti-veiling laws that morph as they travel from context to context, adapting and acclimating to the histories and conflicts in different sites. I argued that anti-veiling veiling laws circulated transnationally between France and Quebec due to key authorities who travelled between each location while explicitly advocating for such laws to be enacted; the repeated citation of a specialized language used between each of the various anti-veiling laws; and the erasures not only of veiled Muslim women's testimonies, but those of other marginalized populations.

In answering the first question posed, how and why have anti-veiling laws been enacted in both France and Quebec, I found in Chapter 2 that anti-veiling laws were part of nation-building efforts in both sites. Nation-formation is an "interminable" undertaking particularly in

the context of neoliberal globalization that both France and Quebec are invested in augmenting (Kaplan, Alarcon and Moallem 1999). The construction and enforcement of boundaries separating 'us' (secular, gender equal, free) versus 'them' (religious, misogynist, oppressed) occurs through law, as Bakht concurs that, in each country that she studied, "...calls for niqab bans emerged because political elites formed an agenda to protect majoritarian culture against a potential menace: niqab-wearing women. Politicians transformed niqab wearing from a nonexistent issue to a spectacular threat to the nation" (2021, 292). This means that the binary constructions between 'us and them,' the majority and the minority, is usually a political undertaking meant to shore up the borders of the nation. This is even more prevalent in Quebec, which has adopted the French model of secularism as a way of distancing itself from Canadian federalism and multiculturalism in its nationalist aspirations.

In answering the second question posed, how have these legal prohibitions circulated transnationally between each of these two societies, I used a transnational feminist approach and a Saidian citational analysis to understand how vocabularies such as the term "religious symbols" were cited across government commission reports and legal texts, and how it proliferated while at the same time erasing the experiences and testimonies of religious minorities. I discuss this mainly in Chapter 1. Moreover, I shared the interviews that I conducted with Muslim women in France and Quebec whose experiences reflected a situated knowledge of veiling, and who contested the dominant characterization of veiling as a "religious symbol." In Chapter 2, I also analysed a key French government text that inaugurated the "new secularism" and how it travelled to Quebec by way of politicians and media personalities who utilized policy transfer in order to facilitate their own nationalist political agendas. This key text also facilitated the creation of three gendered transnational figures that populated the debates in both France and

Quebec: the secular feminist subject, the (unveiled) female native informant, and the dangerous (veiled) Muslim woman. In Chapter 3, I traced the presence of these three subjects across both sites, and analyzed how dominant debates around anti-veiling laws subjectifies feminist subjects according to these three subject positions.

The third question posed, what are the impacts of these legal prohibitions on Muslim women who practice veiling in France and Québec, is the focus of each of my chapters as well as Chapter 4 on "Surviving Islamophobia." The first impact is that as these legal prohibitions were enacted without consulting with those who they would affect most, veiled Muslim women were further erased and silenced from the conversations around anti-veiling laws. Even though they protested, spoke publicly and wrote books, their discourses were not heard, not cited, and did not circulate widely, particularly in France. Secondly, they suffered extreme discrimination in education and employment, which necessitated them to develop survival strategies that helped to mitigate the detrimental impacts of anti-veiling laws in their everyday lives. As discussed in Chapter 4, survival strategies included changing the way they dressed; changing their jobs or studies; starting their own associations or businesses; engaging in political activism; withdrawing from social life, and finally, migration (*hijra)*; at present, only a few survival strategies have been developed by my Quebec respondents, as the most recent anti-veiling law implemented was in 2019 (National Assembly of Québec 2019). Further research needs to be conducted before being able to examine whether the survival strategies of Quebec's Muslim women resemble those of French Muslim women, or if they learn from one another's strategies through transnational networks.

My dissertation makes three main intellectual contributions. First, my development of a transnational feminist approach to anti-veiling laws allows us to go beyond purely national

analyses to show how the transnational is mediated through circulation, citation and erasure. Its focus on feminist praxis that is situated in local struggles as well as the combination of methods used allowed me to understand the impacts of transnational secular governance on my interlocutors as well as the survival strategies they used as forms of resistance. Future studies may be undertaken to compare the strategies used in the Franco-Quebec contexts with other countries that have implemented anti-veiling laws.

Second, my dissertation contributes to literature within Secularism Studies which addresses the "the new secularism" and the figures it subjectivizes. The transformations of these three figures into feminist subjects also augments and extends Sherene Razack's three allegorical figures that have come to dominate the social landscape post-9/11 (2008). Using survival theory to analyze the strategies used by my interlocutors in the context of transnational Islamophobia is also novel, and contributes not only to a deeper understanding of everyday resistance but also the breadth of the state violence that impacts these women's lives, and how they try to cope with it.

Finally, I foreground my findings in the words of the women I interviewed to centralize their analyses and contestations, as few scholars have actually located their research in the lived experiences of un/veiled women. As mentioned in my introduction, I did this to try to counter the erasure that these women faced in their day-to-day lives and also systemically through the silencing and denial of their experiences throughout society. Because the lived experience of un/veiled women in secular contexts where forced unveiling is the norm is made invisible, it is imperative for scholars to center their lived experiences in their own words as much as possible. It is particularly imperative for critical scholars to do so, in order not to risk inadvertently reproducing mechanisms of silencing and erasure in their own work. That I am a Muslim woman who wears a hijab and who identifies keenly with some of the life experiences of my

interlocutors makes it even more important to step aside and to allow them the space to speak in their own words, and to foreground their analyses and not only mine.

I will briefly discuss post-2014 anti-veiling laws in France. Since the murder of Samuel Paty, a French school-teacher who was beheaded by a young Muslim man in October 2020, the French government has proceeded to shut down or dissolve mosques and Muslim associations including, controversially, the high-profile NGO that advocates for Muslim civil rights, the *Collectif contre l'islamophobie en France* (CCIF) (Cossé 2021). As discussed in Chapter 4, the CCIF was especially crucial in advocating on behalf of Muslim women who had been discriminated against on account of their headscarves. French President Emmanuel Macron justified his response against what he called "Islamist separatism" by presenting a bill in the National Assembly on December 9, 2020. Islamist separatism, as defined by Macron, is a type of religious radicalism that leads to separation from the rest of society, thus producing a counter-society within France that acts as a breeding ground for radicalism (Hafidi 2020). The bill, which passed into law on August 24, 2021,[167] aimed to enforce secular republican values as a means to combat Islamic separatism in the French Republic. In practice, however, the Anti-Separatism law (as it is widely known) grants the government broader powers to dissolve cultural, religious, and civil rights associations, and to limit foreign funding and home schooling (L'Assemblée Nationale de la République Française 2021); it includes measures to prohibit forced marriage and polygamy, virginity certificates, and inheritance law that is based on the laws of a foreign country (L'Assemblée Nationale de la République Française 2021). Furthermore, it extends the

[167] Although the law is officially named, the Law of August 24, 2021 Reinforcing the respect of republican principles (*Loi du 24 août 2021 confortant le respect des principes de la République*), it is widely referred to as 'the separatism law' or the 'law against separatism' based on Macron's speech of October 2, 2020 announcing his proposal of the initial bill (L'Assemblée Nationale de la République Française 2021) (Macron 2020).

"neutrality principle" that forbids civil servants from wearing "religious symbols" to those who work for private or public companies involved in public service work, such as train drivers, health care workers and cleaners (Freschi 2022, 40). Given its far-reaching nature, critics argue that the Anti-Separatism law targets Muslim places of worship, associations, education, and families as part of the France's efforts to remake Islam into a version that is compatible with French secularism (or *la nouvelle laïcité*).

In addition, headscarves and veiling remain the focus of a large number of French politicians. For example, in the debates around the anti-separatism law, some senators in the French Senate had initially wanted to amend the law to ban minors under the age of eighteen from wearing religious symbols (i.e. hijabs) in public spaces (Beardsley 2021). More recently, Marine Le Pen, who ran as a candidate in the 2022 French Presidential elections as leader of the Rassemblement National (National Rally, previously the National Front), planned to impose fines on anyone who wore a hijab in public spaces if elected (Caulcutt 2022). Even though the Senate amendment did not pass and Le Pen did not win the Presidential elections, the salience of anti-veiling laws in French politics continues unabated.

Finally, I want to discuss avenues for future research, particularly in Quebec. One of the key controversies about post-2014 anti-veiling laws, particularly the recently passed Bill 21 (National Assembly of Québec 2019), is that it uses the section 33 of the Canadian Charter of Rights and Freedom to suspend basic fundamental rights. As mentioned in the Introduction, section 33 of the charter is known as the "notwithstanding clause," and when explicitly invoked in law it has the effect of overriding sections 2 and 7-15 of the Canadian Charter of Rights and Freedom. Section 2 includes fundamental basic rights in a democracy, such as a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, freedom of the

press and other medias; (c) freedom of peaceful assembly and (d) freedom of association (Government of Canada 1982). Section 7 to 15 also include important rights, for example, section 7 refers to life, liberty and security of person, while section 15(1) refers to equality before and under law and equal protection and benefit of law, as well as the prohibition to discriminate based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability (Government of Canada 1982). By invoking section 33 in Bill 21, the Quebec law that bans certain civil service employees from wearing "religious symbols" (including kippas, turbans, hijabs and niqabs), this law bars a significant group of religious minorities from acquiring jobs in the teaching and legal fields (Sheppard, Jones and Reilly 2021). Two appeals at the provincial levels have already failed at staying the law (although one appeal brought a partial victory as it prevented the law from being applied in English School Boards, although that decision is also being appealed by the Quebec Government) (Sheppard, Jones and Reilly 2021). Future appeals will have to go before the Supreme Court of Canada.

One important area that has yet to be explored in the context of Bill 21 is that invoking section 33 does not affect section 28 of the Canadian Charter (Government of Canada 1982). Section 28 of the Charter refers to the equality between men and women and states, "Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons" (Government of Canada 1982). This means that even though Quebec's Bill 21 invoked section 33, it has no bearing on section 28. Beverely Bains, a Canadian legal scholar and feminist, discusses how to interpret Section 28 of the Canadian Charter of Rights and Freedoms (1982). As one of the feminists who was consulted during the initial drafting of Section 28, she asserts that Section 28 should be interpreted as arguing for substantive equality between men and women, and not just formal equality. She

further argues that Section 28 should be understood as limiting the sections, such as section 33, that override the Charter. That is, no other section can override Section 28, thus it limits the clauses that impose Charter limits that might endanger gender equality. This makes Section 28 a powerful tool to use in litigation that touches on intersectional questions, particularly questions where religion and gender equality are at play.

Therefore, studying the ways that Bill 21 impacts gender equality in Quebec would be a fruitful avenue for future research. It could be part of an extended discussion on the survival strategies that Quebec's veiled Muslim women use to mitigate the impacts of Bill 21. The Federal government has already indicated that it will intervene on the side of civil rights associations if the case is heard at the Supreme Court of Canada. It is hoped that the case will shine a spotlight on the consequences of un-ending secular governance on Muslim women's ability to work and continue school, as well as on their affective, psychological and spiritual experiences, as these impacts are elided when debating and/or implementing anti-veiling laws.

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APPENDIX A – SAMPLE INTERVIEW QUESTIONS

Questions for Adult Women who self-identify as Muslim and who have previously or currently practice some form of veiling (hijab or niqab):

Ice breaker Questions:
- What is your age?
- How would you define or describe your ethnicity? Nationality?
- What is your profession?
- Are you married? Any children?
-

Research Questions for Participants in France/Quebec
- When did you first start wearing hijab/niqab? (or have you ever worn hijab/niqab? When did you stop and why?)
- When did you first hear about the law against "religious symbols" in public schools in France? What did you think?
    - In Quebec: When did you first hear about Bill 94, the proposed law to ban covering one's face when receiving services? What did you think?
- Do these laws affect you personally? If so, how?
- Have you ever experienced any discrimination at work? In public? Where? Can you give me an example?
- What do your coworkers or people on the street say to you?
- Have you ever used strategies to get around these laws? Can you give an example?
- What are some of the concepts that you have heard people discussing when they bring up hijab/niqab? What do you think about these concepts?
- Do you think of yourself as a citizen of this country? Why or why not? Is there any difference in treatment between you and other citizens? Can you give an example?

Questions for Academics and Activists in France/Quebec:
- Can you tell me more about your research (or the Organization you work with/for)?
- Why did you decide to conduct this research (or work for this Organization?)
- Can you tell me more about the laws around veiling (2004/2010 in France; Bill 94 in Quebec?
- What are your thoughts about these laws? Why were they first proposed?
- How do you think they affect Muslims? Those who veil? Those who don't veil?
- Do they have broader support in French/Canadian society?
- What do you think about similar laws that have been proposed in Quebec/Canada (for academics/activist in France) or in France (for academics/activists in Quebec)?

Questions for Government Officials, Civil Servants, and Policy Makers in France/Quebec:
- What is your current position/occupation?
- Can you tell me more about the laws around veiling (2004/2010 in France; Bill 94 in Quebec)?
- What are your thoughts about these laws? Why were they first proposed?
- What is your role in terms of the recommendation (or implementation – for policy makers/civil servants) of these laws?

- What effect do you think they have on Muslims? Those who veil? Those who don't veil?
- Do they have broader support in French/Canadian society?
- What do you think about similar laws that have been proposed in Quebec/Canada (for academics/activist in France) or in France (for academics/activists in Quebec)?

APPENDIX B – FRANCE INTERVIEWS

	Pseudonym	Age	Marital Status	Hijab, Niqab and/or Unveiled	Race/Ethnic Background	Activist / Individual
1	Jeannette	40s	Divorced with child	Hijab (used to unveil to teach)	French	Individual
2	Khadija	35	Married with children	Hijab (Turban style)	Moroccan	Activist
3	Nouçayba	28	Married with children	Hijab (used to unveil to teach)	Moroccan	Individual
4	Asima	33	Married with child	Hijab	North African	Activist with MTE
5	Samah	38	Married with children	Hijab (since 2012)	North African	Activist with MTE
6	Hawa	31	Single	Hijab (Turban style)	North African	Activist
7	Assata	39	Married	None	North African	Activist
8	Layla	30s	Married	Hijab	-	Activist with CCIF
9	Nahla	30s?	Married with child	None	Tunisian	Activist
10	Camelia	22	Married	Unveiled (wore hijab previously)	Algerian	Individual
11	Khalidah	30s?	Single	None	-	Activist
12	Maimouna	26	Married with children	Hijab	Comorian	Activist
13	Faïza	26	Single	Hijab	Comorian	Activist
14	Imane	23	Single	Hijab	Algerian	Individual
15	Ayah	31	Single	Unveiled (wore hijab for 2 years)	Moroccan	Individual
16	Inès	26	Single	Unveiled (wore hijab for 2 year)	Moroccan	Individual
17	Sabrina	30s	Divorced with child	Unveiled (wore hijab previously)	North African	Activist
18	Nour	29	Married with child	Hijab	Algerian	Activist

19	Saïda	21	Single	Hijab	Half-Moroccan and half-French	Individual
20	Maleka	24	Single	Hijab	Algerian	Individual
21	Safaa	29	Married	Niqab	Moroccan	Individual
22	Naima	-	Married	None	-	Activist
23	Yasmine	26	Married with children	Hijab	Moroccan	Individual
24	Nana	39	Married with children	Hijab (Turban style)	Senegalese	Activist
25	I.	-	Married with children	Hijab	-	Activist
26	Aliya	24	Single	Hijab (Turban style)	Guinean	Individual
27	Lina	20	Married	Hijab	Half-Moroccan, half-Filipino	Individual
28	Zaineb	21	Single	Hijab (Turban sometimes)	Moroccan	Individual
29	Monique	20s	Divorced	None (sometimes wears fichu)	French	Individual
	TOTAL			19 hijab; 1 niqab; 5 none; 4 unveiled (Re-veiled: 2)	2 mixed-race; 2 French converts; 4 African descent; 21 North African	14 Individuals 15 Activists

APPENDIX C – QUEBEC INTERVIEWS

	Pseudonym	Age	Marital Status	Hijab, Niqab, Unveiled, None	Race/Ethnic Background	Activist/ Individual
1	Sophia	-	Single	Hijab	French-Canadian, Jewish	Individual
2	Saloua	40s	Married with children	Hijab	North African	Activist
3	Manal	30s	Married	None currently - Used to wear hijab	Moroccan	Activist
4	Huma	-	Single	Hijab	Bangladeshi	Individual
5	Aïcha	40s	Married with children	None	Lebanese	Activist
6	Mutagata	30s	Married	None	East African	Activist
7	Anissa	32	Married (Divorced since)	None currently, used to wear hijab	Kashmiri	Individual
8	Djeneba	33	Single	Hijab in Turban style	Malian, immigrated from France	Individual
9	Chantal	-	-	Hijab	French-Canadian	Individual
10	Émilie	36	Married with children, previously divorced	Hijab	French, immigrated from France	Activist
11	Habiba	28	Married	Hijab	Syrian	Individual/Activist
12	Suzanne	28	Single	None	Anglo and French Canadian	Activist
13	Laura	-	Single	None	Mixed-race	Individual
14	Mumtaz	-	Married	Hijab	Pakistani	Individual
15	Isabelle	-	Married	Hijab	French-Canadian	Individual
16	Marwa	32	Single	None	North African from France	Activist
17	Mrs. C	35	Married with children	Niqab	Pakistani	Individual
18	Myriem	-	Married with children	Hijab	Moroccan	Individual
	TOTAL			10 hijab;	4 North African;	8 activists;

				1 niqab; 2 unveiled; 5 none	4 South Asian; 2 African; 2 Middle Eastern; 3 French-Canadian; 1 Anglo-Franco Canadian; 1 European 1 Mixed-race	10 individuals

APPENDIX D – CHARTER OF SECULARISM (FRANCE)

APPENDIX E – GLOBAL ANTI-VEILING LAWS

Region/Continent*	National Veiling Prohibitions	Regional Veiling Prohibitions	Prohibitions debated, proposed or failed attempts
East Asia and Pacific	-	China	Indonesia
Europe and Central Asia	France, Belgium, Bulgaria, Austria, Denmark, The Netherlands, Luxembourg, Switzerland	Spain, Italy, Germany	United Kingdom, Estonia, Finland, Hungary, Slovenia, Latvia, Lithuania
Latin America and Caribbean	-	-	-
Middle East and North Africa	-	Syria, Tunisia, Algeria	Egypt
North America	-	Canada (Quebec)	-
South Asia	Sri Lanka	India	-
Sub-Saharan Africa	Chad, Congo-Brazzaville	Cameroon, Niger	-

(Source: Bakht 2021, p. 292)

*World regions according to the World Bank