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Revealing Democracy

**Secularism and Religion
in Liberal Democratic States**



INTRODUCTION

Quebec, Secularism and Women's Rights On Feminism and Bill 94

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In March 2010, Quebec's Minister of Justice introduced in the National Assembly Bill 94, *An Act to establish guidelines governing accommodation requests within the Administration and certain institutions*. The proposed legislation states "that the practice whereby a personnel member of the Administration or an institution and a person to whom services are being provided by the Administration or the institution show their face during the delivery of services is a general practice, and that if an accommodation involves an adaptation of that practice and reasons of security, communication or identification warrant it, the accommodation must be denied." Although the proposed legislation does not explicitly target Muslim women, those who, among them, wear a face or full body veil (niqab, burqa) in public according to their religious beliefs would not be authorized to work for the Quebec state and state agencies or have access to key state services (hospitals, schools, universities, day care centers) were bill 94 to become law.

Bill 94 did not become law after all. Despite months of public consultation and study in parliamentary committee, the Charest government did not bring it back for adoption in the National Assembly. The last time the parliamentary committee on Institutions discussed Bill 94 on record was September 28, 2011 – it has not been discussed since. Still, the issues of secularism, women's rights and the display of religious signs underlying Bill 94 remain very much part of public debate in Quebec. They resurfaced during the 2012 electoral campaign as Parti Québécois leader, Pauline Marois, felt compelled to insist that under her stewardship the government would put forward a *Charte de la laïcité* (Charter of secularism), which would clearly establish that the display of religious signs and clothing of any kind and the public expression of

religious conviction would be prohibited in the process of delivering or receiving state services (Mathieu, 2012) – that would not apply, however, to the crucifix hanging over the Speaker's Chair in the National Assembly, which, Madame Marois argued, stands as a symbol of Quebec's heritage.

Anxieties of mainstream society in liberal democracies over the Islamic face cover and related issues of immigration, citizenship, and the proper management of otherness and ethnocultural diversity are not new or unique to Quebec society. In recent years, a number of other jurisdictions have felt compelled to tread the same legislative path as Bill 94, indeed with even more vigor and determination. In April 2010, for example, the Belgian parliament approved a draft legislation that bans the burqa in public spaces and sends repeat offenders to prison. In 2011, France adopted a ban on Islamic face veils in public, and women who wear the niqab or burqa are now banned from any public activity, including driving a car, walking down the street, taking a bus, or collecting children from school (Chrisafis, 2011). Women can be fined for wearing the burqa or sent to mandatory French citizenship courses to inform or remind them of the values of the French republic.

To some, such legislative measures are unnecessary and represent a violation of the basic freedom of religious expression guaranteed constitutionally in most liberal democratic societies. To others, who believe the niqab and the burqa symbolize the oppression of women, such measures are, on the contrary, essential both to protect women's right to equality and create a strong and secular democratic shield against religious fundamentalism – more specifically Muslim fundamentalism, often presented as a clear and present danger. Interestingly, both camps claim their respective position rests on a deep concern for human rights and democratic advancement. In reality, discussions and debates over the propriety of regulating female Islamic garments are symptomatic of broader questions that are hardly ever formulated as such: why do liberal democratic societies like Quebec, which have made embracing ethnocultural diversity and religious pluralism a defining feature of their public culture for several decades, now seem to retreat from such a stance? Is banning the Islamic veil an exceptional measure and a reasonable, self-preserving, liberal-democratic limitation on the freedom of expression? Or is it the mark of a deep-seated change in attitude on the part of the mainstream hegemonic culture toward minority ethnocultural identities and normative sets? Or is it, more simply, a knee-jerk, anti-Muslim reaction driven by the general current international context of politico-ideological opposition between East and West? Such questions are rarely raised, if at all, to shed light on the Islamic veil issue. Yet, they are important. They take us well beyond the veil and force us to

address the dynamics of power and the social relations that underscore the state's approach to ethnocultural diversity and normative otherness in the public space. Indeed, they compel us to take a hard, non-complacent look at the limitations of liberal democratic citizenship, that is, at the inability of state policies, however well intended they may be, to curb racism, intercultural inequality and entrenched patterns of Euro-centric social domination in any genuine and durable way.

That was the goal we pursued in convening a conference on Bill 94 at Concordia University in the fall of 2010, under the auspices of the Centre de recherche interdisciplinaire sur la diversité (CRIDAQ). We asked scholars from Canada, the United States and Europe to consider with us the contemporary masking of race in current and dominant societal discourses and public policy statements on difference, particularly with respect to issues of ethnocultural diversity and normative and religious pluralism in Quebec and elsewhere. Most of the chapters gathered in this book were originally presented at our conference on *Revealing Democracy: Bill 94 and the Challenges of Religious Pluralism and Ethnocultural Diversity in Quebec*. Each in its own way represents an answer to the question that underscores the current propensity of contemporary liberal democratic states to ban the Islamic veil and regulate public expressions of religious commitment: Is democracy well served when the terms and conditions of citizenship are defined beforehand by a given group, and when these terms and conditions, however well intended and enlightened they may be, are presented as non-negotiable and unchangeable?

Backdrop to Bill 94

The issue of the public display and expression of religious or cultural norms that differ considerably from the mainstream of Quebec society has been a recurring object of public debate since the 1990s. At that time much was made of the wearing of Islamic headscarves in schools. In 1995, the Quebec Human Rights Commission determined that public schools should not deny students wearing a hijab access to their services for religious reasons. In 2001, the town of Outremont in Montreal created a stir by prohibiting the installation of *eruv*, a wire that Hassidic Jews string around their houses a few meters above the ground to symbolize the extension of the Jewish home into the public domain. The Hassidic community sought a Superior Court injunction against the town and was eventually authorized to bring back the *eruv*. Similarly, in 2002 the Montreal-based family of a young Sikh boy, Gurbaj Singh Multani, launched a *cause célèbre* by contesting all the way to the Supreme Court of Canada the decision of Gurbaj's school to bar him from its premises so long as he insisted on carrying his *kirpan*, a cere-

monial dagger religious Sikh males feel required to wear in conformity with the dictates of their faith. The Supreme Court ultimately ruled in 2006, on the basis of the Canadian Charter of Rights and Freedoms that the Sikh boy should have been authorized to carry his *kirpan* provided it was properly sheathed.

In 2007, when the Charest government set up the *Consultation Commission on Accommodation Practices Related to Cultural Differences*, under the shared chairmanship of two prominent Quebec academics, sociologist Gérard Bouchard and political philosopher Charles Taylor, it was a response to a mounting high-profile controversy that had been brewing for some time over the nature of accommodation that immigrants and members of religious minorities should reasonably expect from mainstream Quebec society. “Reasonable accommodation” has been an intrinsic part of Quebec’s institutional makeup since the mid-1980s, and is fully in line with the requisites of the Quebec and Canadian Charters of Rights and Freedoms. It represents but one tool in an extensive assortment of diversity management policies and state interventions designed by the Quebec government over time, ostensibly to address socioeconomic discrimination and the social exclusion of vulnerable minority groups.

Still, in the fall of 2006 news reports on what was presented as instances of rather “unreasonable” demands for accommodation¹ had triggered a series of well-publicized, vehement and thinly veiled anti-immigrant statements by right-of-centre politicians, and led the town council of Hérouxville, a small, solidly French-Canadian municipality located 160 kilometres northeast of Montreal, to edict a decidedly patronizing and unwelcoming code of conduct for immigrants who might consider settling in its midst. Despite jeers and sneers dismissing the people of Hérouxville as narrow-minded country bumpkins, town officials persisted with their code of conduct and even lobbied the government to amend the Charter of Rights and Freedoms in order to abolish reasonable accommodations. Many applauded Hérouxville’s actions and a number of towns in the region stated their intention to

¹ Examples of such reports include the willingness of a local YMCA to comply with the request of a Montreal community of Hassidic Jews that the windows of its fitness room be frosted so as to prevent the community’s boys attending the neighbouring synagogue from being exposed to the view of women bouncing about on exercise machines dressed in gym clothes; the policy of the Montreal police department to avoid dispatching female police officers on calls involving male members of the Hassidic community on account of their culturally driven reluctance to interact with non-Jewish women; the decision of a local state center of social and public health services to offer pre-natal classes for Muslim women, where men are not allowed; and the efforts made by some hospitals to cater to the requests of some Muslim men that their wife be attended to and treated by female doctors and nurses only.

follow suit while others unequivocally called for an end to the type of institutional asymmetry reasonable accommodation represents. The sympathy the Hérouxville initiative attracted indicated a deep-reaching social malaise over immigration, Quebec identity and citizenship rules of intercultural coexistence in the public space, with a strong potential for unsavoury twists and turns if unaddressed. The Bouchard-Taylor Commission was the government's way to maintain control over an issue that might easily have gotten out of hand.

The Commission was instructed to take stock of accommodation practices related to cultural differences and assess concomitant social stakes in light of other experiences outside Quebec; conduct an extensive consultation among individuals and organisations wishing to state their views on accommodation practices related to cultural differences; and make recommendations to the government with a view to ensure that accommodation practices related to cultural differences conform to Quebec's values as a pluralistic, democratic and egalitarian society. The co-chairs toured Quebec during the fall of 2007, holding twenty-two generally well-attended televised public hearings and citizens' forums in 17 regions and municipalities. Ordinary citizens were invited to present briefs and speak their mind freely about reasonable accommodation. In addition, four province-wide forums were organized by the Institut du Nouveau Monde, a left-of-center think tank, at the request of the commission. Overall, the process attracted 3423 participants and generated 901 written submissions from individuals, groups and associations, and 761 requests to speak before the Commission (241 of which were heard by the co-chairs).

The report of the Commission, released in May 2008, minimized the reasonable accommodation debate and argued instead that the anxieties that seemed to be felt by Quebecers of French Canadian descent about the apparent threat of accommodation on their identity was largely fuelled by a crisis of perception attributable to media misrepresentation of individual cases of accommodation. The report enjoined "old stock" Quebecers to acknowledge that Quebec identity could no longer be limited to a French Canadian identity and that it must be as inclusive as possible. Anyone who resides, works and makes their lives in Quebec society is a Quebecer regardless of origin. The Commissioners put forward 37 recommendations. On the issue of religious expression in the public space and secularism – which was the main focus of reasonable accommodation insecurity – they suggested prohibiting provincial judges, Crown prosecutors, police officers and prison guards from wearing religious signs and clothing while on the job, but allowing teachers, health-care workers and students to wear hijabs, kippas or other religious garments or symbols. The Commissioners also suggested

that the offer of prayer rooms in educational institutions should not be compulsory, but granted on an *ad hoc* basis contingent on the availability of space, that prayers should be eliminated from all municipal council meetings, and that the crucifix hanging in the National Assembly be removed and put somewhere else in the government building.

The report was received with hostility, particularly by some Quebec nationalists who took offense at the blame the Commissioners implicitly seemed to assign to the majority French Canadian population for not doing enough to facilitate the inclusion of immigrants and members of ethnocultural minorities in mainstream Quebec society. Many also felt the Commissioners' understanding and vision of Quebec identity would only diminish the social and normative centrality Quebecers of French Canadian descent have come to occupy in Quebec society: too much leeway left to cultures and religions whose fundamental normative sets differ significantly from the mainstream, they suggested, threatens the core values of Quebec society, chief among them the equality of men and women. The lack of regard that some religions are presumed to have for gender equality is a theme detractors of reasonable accommodation have used repeatedly to make their case and deflect attention from their insecurity and reluctance toward otherness and difference.

On the heels of the Bouchard-Taylor report, the Charest government undertook a number of initiatives meant to clarify the social and normative boundaries between the "old-stock," majority population and minority immigrants and racialized groups. In June, 2008 the Quebec Charter of Rights and Freedoms was modified by an Act of the National Assembly that clearly emphasized that the rights and freedoms set forth in the Charter are guaranteed equally to men and women.² Later that year, in October, the Minister of Immigration and Cultural Communities announced the government's strategic plan for immigrant integration, which included making immigrants sign a statement stipulating that they commit to learning French (if they didn't already speak it) and comply with Quebec's basic common values.³ Although the government tabled a legislative proposal (Bill 16) in March, 2009 to get the Administration

² This amendment had been called for in particular by the *Conseil du Statut de la femme* (Quebec's Council on the Status of Woman), which maintained before the Bouchard-Taylor Commission that the Islamic veil was sexist. The Conseil insisted that gender equality should prevail over religious freedom.

³ These common values are fundamental norms guiding social interaction and include the following notions: Quebec is a free and democratic society; church and state are separate entities; Quebec is a pluralist society; Quebec is based on the rule of law; men and women have equal rights; the enjoyment of rights and freedoms cannot be at others' expense or against society's well-being; French is the primary and prevailing language of public transactions.

to promote cultural diversity and adopt a cultural diversity management policy, counter-pressures emerged from the opposition and civil society to strengthen Quebec's traditional identity. In November 2009, the Parti Québécois proposed *An Act to assert the fundamental values of the Quebec nation* according to which section 50.1 of the Quebec Charter of Rights and Freedoms was to include the following: "The Charter shall be so interpreted as to take into account Quebec's historical heritage and the fundamental values of the Quebec nation, including equality of women and men, the primacy of French and the separation of state and religion." In the months that followed, new incidents involving an immigrant woman of Egyptian origin made headlines and reinforced the resolve of those who were calling for an end to reasonable accommodation (the woman in question was suspended from her government-sponsored French class for immigrants for refusing to remove her niqab against the insistence of the instructor who wanted to see her lips to assess her ability to pronounce French words). The incidents reignited a public debate between adherents of strict and uncompromising secularism and supporters of a more flexible secularism. An Angus Reid/*La Presse* public opinion poll taken in October 2009 revealed that three out of four Quebecers are opposed to public display of religious signs and two out of three felt that there was too much reasonable accommodation based on religious motivations (Leduc, 2009).

Bill 94 emerged against this backdrop of fairly constant and unresolved malaise over the place of religion in the public space and the extent to which normative, cultural and religious differences should be accommodated. The dynamics associated with Bill 94 revealed a great deal about the contemporary cultural politics of Quebec and pointed to a continuing tension surrounding notions of visible cultural difference, particularly with respect to Islam. Many Quebec feminists partook of that tension by focussing intently on the Islamic veil as an example of what they insisted was a powerful and negative – albeit socially marginal – expression of gender inequality, a new Trojan horse, as it were, a threat to decades of work and struggle to improve the rights and freedoms of Quebec women. In so doing, despite their repeated commitment to equality and the emancipation of women they took sides against other (religious) women, many of whom are racialized and do not fit in the mainstream of Quebec society, and who may also be striving actively for the cause of women, but from a different standpoint. Is the charge of Quebec feminists against flexible secularism a change in the fundamental character of Quebec feminism or simply a defensive reaction? In the pages that follow we try to answer this question by reviewing the evolution of Quebec feminism and its manifold response to the challenge of otherness.

The Quebec Women's Movement

The women's movement has been an important agent of change in the political life of Quebec society (Maillé, 2000b: 18). Quebec, as Canada's only francophone province, has a women's movement which organizes almost exclusively in French, and Quebec feminism is largely oriented towards the province's government. From the 1970s onward, relations between Quebec feminists and other pan-Canadian women's groups became strained over issues such as the 1982 Constitution. In 1980, during the first referendum on sovereignty-association, the women's movement kept a relatively low profile. One women's coalition called the *Mouvement des Yvettes* formed almost spontaneously on the *no* side. On the *yes* side, the *Regroupement des femmes québécoises pour l'indépendance* was formed (Maillé, 2000b: 102). During the 1995 referendum, many Quebec feminist organizations such as the *Fédération des femmes du Québec* openly supported the sovereignty-association option (Maillé, 2002a), and the threads of the feminist and nationalist identity remained intertwined (LeClerc and West, 1997: 239). Quebec feminists saw their issues as different from the rest of Canada and the language debate exacerbated this (LeClerc and West, 1997: 239-40). If the Canadian Charter of Rights and Freedoms is considered a central feature of Canadian culture and an important tool for feminist action by Canadian feminists (Vickers *et al.*, 1993: 32), it has never been central for the agenda and strategy of Quebec feminists (Maillé, 2012b).

The women's movement in Quebec is characterized by its original, context-specific practice. In the field of socio-political analysis, one cannot deny the hegemonic position of French feminist theory *vis-à-vis* Quebec feminism and the fact that Quebec francophone academic feminism has developed largely around French feminist theoretical thinking. French theoretical perspectives that explore gender relations, motherhood, work and broader societal issues have been widely used and integrated into the works of Quebec feminists, largely because of the absence of a body of original theoretical production within Quebec feminism (Maillé, 2010: 51). Quebec feminism expresses itself through a network of more than 200 groups, predominantly women's centres and unions, affiliated with the *Fédération des femmes du Québec* (FFQ), most of which emanate from Quebec's mainstream population. However, Quebec feminism cannot be reduced to majority feminism and to the FFQ network. Anna Kruzynski has noted that in Quebec a number of small feminist groups and collectives emerged during the 1990s, positioned at the margin of the mainstream feminist movement and at the periphery of the antiglobalization movement. These groups include *Sorcières Insoumises*, *Mères Noëllles* and *Blood Sisters*. In reaction to the emergence of these groups, the Young Women's Committee of the

FFQ organized the meeting *S'unir pour être rebelles* in 2003 (Kruzynski, 2004: 229). As well, *Nemesis*, an antiglobalization anarchist feminist group was funded in 2002 by women who had previously been affiliated with SalAMI, a mixed antiglobalization organization. *Nemesis* founders felt that a feminist perspective on antiglobalization was better served through an autonomous feminist group (Kruzynski, 2004: 252). Its existence forced mainstream feminist organizations such as the FFQ to adopt more radical perspectives on globalization issues (Kruzynski, 2004: 253). Women's groups such as the South Asian Women's Community Centre, based in Montreal; Québec Native Women Inc., a group defending the interests of Aboriginal women from Québec; the *Collectif de recherche sur l'autonomie collective* (CRAC), an anti-oppression pro-feminist collective; and *jesuisféministe.com*, a blog for young feminists, represent some other trends present in Quebec feminism that are not necessarily affiliated with the FFQ and the majority feminist movement.

Quebec Feminism and Nationalism

The Quebec context for 1960s feminism, with the founding of major feminist organizations such as *Fédération des femmes du Québec* and the formation of an impressive network of small radical groups such as the *Front de libération des femmes du Québec* (FLF), was deeply influenced by one particular political issue: Québec's national oppression, which led to the project of Quebec independence. The most left-of-centre political faction in Quebec feminism in the 1960s integrated multiple references to colonialism into its analysis. An entire subset of 1960s Quebec feminists identified with women's double oppression analysis, wherein oppression was understood through the questions of both gender and nation (Maillé, 2002a: 38). The *Front de libération des femmes du Québec* is noteworthy in feminist history partly for its famous slogan: "No national liberation without women's liberation; no women's liberation without national liberation." The group's 1970 text *Nous nous définissons comme esclaves des esclaves* articulated a strong intersection of feminism and national liberation, and also presented an analysis wherein gender and class intersect:

Our movement is part of the Québec people's struggle for national liberation. We belong to a class society, made up of the exploited and the exploiters. We see ourselves as slaves of slaves. We believe that women will be able to free themselves only within a global liberation struggle for all of society. This freedom will only be possible with the full participation at all levels of the women who comprise half of the Québec population (FLF, 2003: 466, authors' translation).

While an analysis of the intersections between gender, race and class became the norm within feminist work published in English during the 1980s, the situation is quite different for feminism in the *Francophonie* or French speaking world, which until recently have been relatively closed to debates on the intersectionality of oppressions (Maillé, 2002b: 2). Although much literature has discussed the articulation of race or class with gender, for *Francophonie* feminisms, gender remained the first and founding oppression and the matrix for all other oppressions, and the idea of a women's class comprised of all women remained central and always located within an articulation of *Nous, les femmes* (us, women). As a projection of that framework, until very recently the quest for a Quebec feminist identity has been largely determined by a vision of a Quebec society historically divided according to cleavages between Anglophone and Francophone women and between Catholic and Protestant. Consequently, narratives of *Otherized* women, whether First Nations, Jewish, or Black, have been positioned at the outermost periphery of this mainstream vision. From victims of colonialism to instruments of colonial oppression, Québécois feminists have yet to integrate fully a broader critique of practices of domination within their own understanding of feminism. While such a critique would invariably add new dimensions to feminist analyses, for a long time, Quebec feminists have had an explanation with which to evade the inevitable questioning of the nature of these practices: that they lived in Quebec, in a culture that had historically defined itself as a minority. The legacy of the national question had made it possible for Quebec feminism to escape the difficult task of examining power relations amongst women and avoid an important moment of truth in this regard, but more recent initiatives attest to a willingness to move in this direction (Maillé, 2007a: 106).

On la *Francophonie*

Specifically, the *Francophonie* refers to the *Organisation Internationale de la Francophonie* (OIF, International Organization of French-speaking countries), which seeks to promote ties between francophone communities. Is the reference to the *Francophonie* the contemporary incarnation of the French colonial empire, or is it the postcolonial version of this project? How can nations and cultures, whose role in the French colonial empire have varied from subjugation to domination, coexist harmoniously within the same structure? With the development of Francophone postcolonial studies, these questions are emerging with insistence (Smouts, 2007), and the second question is particularly important for the study of transnational francophone feminism. Language has been an integral part of colonial projects as well as a strong

means of resistance. Like race and gender, language provides another way to categorize people and reinforce their dominant or subordinate status. In the case of French speakers in the Americas, language has organized Canadian society into one hegemonic English-speaking group and minority groups who occupy different positions. For those who speak French, one group lives in Quebec as a majority, while people who speak French outside Quebec belong to a non-homogeneous minority, comprised of white native speakers but also of racialized minorities, most of them from recent immigration (Madibbo, 2007: 204-205). Francophone postcolonial studies are an emerging field of research, examining cultural, historical and political aspects of the French Empire and its legacy. While many of the anti-colonial authors who are central to postcolonial theory are actually francophone (Fanon, Memmi and Césaire), so far the field of postcolonial studies has mostly focused on the British Empire (Murphy, n.d.). Francophone postcolonial studies are certainly part of the response to those who claim that postcolonial criticism is a monolingual practice with 'ears only for English' (Forsdick, 2005: 527). Instead, francophone postcolonial studies permit a fuller articulation of the postcolonial project, further defining and specifying its goals, its limits and its objects of study, avoiding the pitfalls of any monolingual emphasis or of any reduction of 'the West' to a homogeneous entity (Forsdick, 2005: 527). Postcolonial feminists have been at the forefront in questioning narratives, formulating analyses of race, ethnicity and national identity through which to reflect on women's oppression. This work simultaneously constitutes a rupture in the theorization and understanding of power relations. Do linguistic and cultural identities tally with political spaces, as claimed by the framework of *Francophonie*? *Francophonie* is also expressing the hegemonic position of whiteness, as non-white Francophones have in common a language imposed on them by colonial processes.

Quebec's situation, between its French origins and its Canadian present, offers a unique, multifaceted perspective on colonialism. This has led to a quest for decolonization and for independence, first from Britain and then from Canada (Randall, 2003: 77). Quebec is also a white settler society which has colonized native populations and from an Aboriginal point of view, Québécois are far from being the colonized subjects (Mills, 2010: 6). The still unresolved political tension between the Quebec francophone nationalist project and Aboriginal peoples living within the province's territorial boundaries adds a layer of complexity to this colonial pattern (Salée, 2004). Quebec's sovereignty would repair the injury done to the French settler colony by the British conquest of 1759, but it would not repair the damage done to Aboriginal peoples who are still claiming the repossession of the land they lost with French and British colonizing processes. As Mills argues:

As Montreal radicals worked to place Quebec in the worldwide decolonization movement, it became evident that the province differed from most decolonizing nations in one crucial respect. Rather than being an indigenous population, or a population whose ancestors had been sold into slavery and forcefully displaced from their home of origin, French Canadians were, although rarely theorized as such, themselves the descendants of White settler colonists (2010: 76).

Francophone Quebec feminism was deeply influenced by one particular political account: that of Quebec's national oppression, which led to the project of Quebec independence (Maillé, 2002a). The most left-of-centre political faction in Quebec's feminism of the 1960s – the FLF (*Front de libération des femmes du Québec*) had largely integrated references to colonialism into its analysis. The works of Franz Fanon and Albert Memmi inspired Pierre Vallières' 1968 *Nègres blancs d'Amérique* (White Niggers of America) and Michele Lalonde's *Speak White* (also released in 1968), two major Quebec literary contributions, which in turn influenced many militant Quebec feminists. *Nègres blancs d'Amérique* is described as a work that did more than any other to focus attention on Quebec's struggle for national liberation (Mills, 2010: 74).

If whiteness were synonymous with power and privilege and blackness with marginalization and oppression, Vallières clearly saw Quebec as an anomaly sharing a similar place in North American society with black Americans (Mills, 2010: 77). In this vein, the title of *Nègres blancs d'Amérique* suggested that Quebec's national oppression and that of blacks in the United States existed on the same continuum. *Speak White* is a poem in which Lalonde also saw Quebecers' French language as their blackness; the words "speak white" are presented as the English-speaking colonizer's in function to the French-speaking colonized (Mills, 2010: 82). The use of colonialism as a metaphor through which to reflect on women's oppression rested on an analysis of Quebec society as a terrain upon which Anglo-Saxon colonial domination was exercised – a legacy of the conquest of *Nouvelle France*. In this account, the brutal dispossession of native lands by white settlers is not told. The Quebec movement for national liberation built itself upon, among other things, theorists of colonialism such as Frantz Fanon (1961), and specific writings such as Albert Memmi's *The Colonizer and the Colonized* (1967), a political work reflecting the colonial realities of African countries in the late 1950s and early 1960s – the so-called "decolonization period." Within a discourse of national oppression, the status of francophone Quebecois was seen as comparable to that of Algerians struggling for independence from France, or of black Americans during the civil rights movement – thereby erasing fundamental distinctions regarding the existence of political rights and representative parliamen-

tary institutions across the three contexts. The discourse thus became one of “decolonizing” Quebec. Quebecers saw in the political struggles of Africans and African Americans a metaphor for their own identity. But Quebec’s national narrative is a tale of innocence and victimhood that conveniently omits the colonization of Aboriginal Peoples, and the practice of slavery and racial exclusion (Austin, 2010: 19). Quebec’s national narrative rests on one central historical element: the 1759 conquest, when descendants of French settlers were conquered by Britain. But the conquest of Indigenous Peoples by French white settlers gets completely erased from this history. This narrative omits “the sordid details of the period prior to British conquest, in particular the French colonization of indigenous peoples” (Austin, 2010: 25). As Sean Mills writes,

Francophone Quebecers were themselves the descendants of Europeans who had pushed Aboriginals to the margins of society and relegated them to subordinate status. Therefore the natural starting point for anti-colonial analysis in the province, one would have thought, would have been a critical reflection upon Quebec’s *own* process of colonization. Yet Aboriginals are, with a few rare exceptions, almost completely absent from the early writing about Quebec decolonization. In order to imagine themselves as the indigenous population Quebec liberationists needed to ignore the existence, both past and present, of Aboriginal communities in the province (2010: 60).

By linking their liberation to national liberation, Quebec feminists of the FLF set a pattern. In the following years, Quebec feminists developed their own network, distinct from feminist organizations from the rest of Canada, using the French language only.

The 1960s and 1970s correspond to the emergence of a wide movement, aimed at integrating perspectives on race, class and difference to gender analysis, within feminist currents that used English as their primary language of communication. This era constituted a moment of resituating the focus of feminism. In Quebec, the issue would only emerge decades after it erupted in other parts of the continent. This disparity in the integration of perspectives on the intersectionality of oppressions that can be found between feminisms using English or French as means of expression is linked to the dominance of a discourse built on the universal woman within French feminism (Maillé, 2008). Although much French feminist theory has discussed the articulation of race or class with gender (see for example Guillaumin, 1995), gender remains the first and founding oppression and the matrix for all other oppressions; few works within French feminism address the question of the intersection between race and gender (Lépinard, 2007: 384). Difference, when discussed in French feminism, makes reference almost exclusively to the feminism of *difference* – an entirely separate analysis

resting on the acknowledgement not of differences amongst women, but of an essential difference between women and men that is constitutive of a “*nous les femmes*” identity. In the context of Quebec, a feminism of difference has made and continues to make reference to that French current. Quebec feminists have not yet found a way to articulate the differences amongst women that operate as political forces of conflict within Quebec society (Maillé, 2002b: 3).

French feminism has recently expressed a newfound openness to postcolonial analysis, but such an analysis is still lacking in the Quebec context. What is the current status of postcolonial theory within Quebec feminism? From instruments of colonial oppression to victims of colonialism, Québécois feminists have yet to fully integrate a broader critique of their practices of domination into their understanding of feminism. That may still be some time in coming, for within the *Francophonie*, the gender-only framework is still prevailing while the idea of intersectionality is only being slowly introduced. The lack of integration of perspectives on the intersectionality of oppressions is linked to the dominance of a discourse built on the universal woman within French feminism. Such a discourse prevailed until the beginning of the twenty-first century, when a new postcolonial literature began to circulate in French. *Francophonie* feminism maintains its distinct position by its theoretical framework, in which issues of differences between women have been less theorized. In addition to this lack of theorization of differences, the problematic nature of the *Francophonie* and its neo-colonial project (Parker, 2003) as a unifying structure have not been questioned and feminists who work within this framework have not criticized the problematic nature of this umbrella as it has been seen as an opportunity for organizing internationally across one common identity, namely the French language.

Quebec feminists and Bill 94

Understood in this longer theoretical and political view one can better see why when Bill 94 was presented, it was initially framed as a tool that would help empower women, a legal framework to strengthen gender equality in Quebec. As Sharify-Funk points out, the argument of gender equality in Bill 94 is “rooted in the assumption that the niqab is indicative of women’s oppression” (2011: 147). Sharify-Funk writes that debates over veiling in Quebec provide fascinating opportunities to explore identity conflicts in a setting where both majority and minority populations experience identity insecurity. She notes that in addition to the insecure status of Quebecers within the Canadian federation, as well as close historic ties with France including the republican influence on

attitudes toward minority cultures in general and Islam and Muslims in particular:

Two specific factors inherent in the modern French experience, and articulated in relation to the unique circumstances of Quebec, contribute to the formation of perceptions and value claims behind current reasonable accommodation controversies. The first factor is *laïcité*, the French conception of a strongly secular state and public culture. The second is the French colonial presence in Muslim North Africa, and the subsequent post-colonial experience of economically driven North African migration to France. [...] Despite geographic distance, the French experience and example continues to resonate in Quebec (Sharify-Funk, 2011: 140).

How have Quebec women's organizations responded to the debates around Bill 94? We looked more specifically at seven briefs; five were presented by autonomous Quebec women's groups: the *Fédération des femmes du Québec*, *Institut Simone de Beauvoir*, a group of professors from Laval University and the *Chaire Claire Bonenfant*, The *Ligue des femmes du Québec* and the *Association féminine pour l'éducation et l'action sociale* (Aféas), the *Conseil du Statut de la femme*, the Quebec government's advisory group, *Québec Solidaire* (a feminist provincial political party) and two pan-Canadian autonomous women's groups, the Canadian Council of Muslim Women and the Women's Legal Education and Action Fund (LEAF). Among autonomous women's groups, two of them, the Simone de Beauvoir Institute and the Canadian Council of Muslim Women opposed the legislation on the grounds that it would restrict rather than enhance women's rights. The Simone de Beauvoir Institute's document is critical of the government's use of women's rights in this context and denounces the anti-Muslim bias that underscores its discourse:

Charest's use of the terms secular and gender equality is misleading. It is obvious that the government's concern is not with all religious practices, but very particularly with Muslim practices. Furthermore, regulating women's public religious expression and denying them access to government services and public life is not a step in the direction of gender equality. Bill 94 chauvinistically casts Quebec as having achieved gender equality while implying a view of Muslim communities as inherently oppressive to women" (Simone de Beauvoir Institute's statement).

The Canadian Council of Muslim Women (CCMW) has articulated a strong position against Bill 94. For the CCMW, although the Bill uses careful language and focuses on the face covering, it obviously affects only Muslim women. Whether one tolerates or opposes the face covering, the rationale for equating equality with clothing is too simplistic. CCMW cannot see what this Bill will accomplish towards equality of women if it dictates their choice of clothing, denies them essential

services or employment opportunities, and undermines their role as parents in their children's education. The statement of state neutrality rings false as this is obviously the state interfering in women's choice of clothing, and not about the protection of women's fundamental human rights. Finally, for the CCMW, it is the decision of the individual woman to interpret the requirements of her faith and her decisions as to what she wears. The understanding and rationale varies for each woman. It is therefore not for women to tell other women how to clothe themselves, just as it is not any man's prerogative to instruct women about any covering or dress. The CCMW believes that no state or government has the right to tell a woman what to wear or how to dress.

For the Women's Legal Education and Action Fund, Bill 94, rather than respecting the right to gender equality, is an act of inequality which will further marginalize and isolate an already stigmatized minority group of women on the basis of their sex, race and religion. More generally, LEAF argues that women's equality can never be achieved by legislating how women dress; whether requiring women to cover up or requiring women to undress. LEAF sees in Bill 94 the creation of an unprecedented legal structure, as the proposed legislation suggests that for the small group of women who wear the niqab, the starting point for their relationship with the state is not an equal right to access services, but an exclusion from services.

For the FFQ, the integral veil is a sign of oppression that works through limiting women's freedom and their right to equality and persons who offer a governmental service must show their face. However, the FFQ refuses to deny agency to women who wear the Islamic veil and the group is hoping that the bill will bring peace so that energy can be put into policies and legislation that will have a real impact on women's equality. FFQ supports an open debate on *laïcité* and on the kind of *laïcité* best adapted for Quebec, but refuses to target Islam through such a debate. The document prepared by a group of professors from Laval University asks for the withdrawal of Bill 94 on the grounds that the proposed bill is not in accordance with the Canadian Charter of Rights and Freedoms, does not go far enough, and does not stand for equality between men and women against patriarchal cultural practices. The group in fact demands a debate on secularism and reaffirms the fundamental value of equality between men and women in Quebec society, even if real equality has not been reached yet. The *Association féminine d'éducation et d'action sociale* (AFÉAS), in contrast, strongly supports Bill 94 which is seen as an appropriate answer to demands that were addressed by AFÉAS. AFÉAS sees Bill 94 as laying the groundwork for the recognition of secularism and gender equality. The government must make sure that any person who wants to live in Quebec knows its speci-

ficity and values, such as the secular state, French language and equality between men and women, and that each newcomer must make a commitment to respect these values with other Quebec laws. AFÉAS is pleading for the adoption of a secularism Charter that would define fundamental principles, including equality between men and women. AFÉAS recommends the banning of clothing such as niqab and veils that can make determining a person's identity difficult. The Ligue des femmes du Québec argues for a public sector that is neutral and closed to religious propaganda. The Conseil du Statut de la femme (CSF) gave its support to Bill 94 because it will provide tools for public servants that will facilitate men and women's equality and state neutrality in demands for accommodation. CSF is favourable to the prohibition of religious symbols for public servants, in order to reflect state neutrality. CSF also asks for a public debate on secularism in Québec. Québec Solidaire, a left-wing feminist provincial party, has taken the opportunity of these hearings to reiterate its support for secularism in public services. QS is in favour of a ban on the niqab in public services, for users as well as for service providers, and also asks for a public debate on the role of religion in public space that would lead to the conclusion of the secularisation process for the Quebec state.

Bill 94 gave rise to the No Bill 94 Coalition, whose activism base was in Toronto and which held a major event on 3 May, 2012 at Ryerson University in Toronto. The group released a statement that read in part:

The bill is an exaggerated response to a manufactured crisis that will allow the government to deny women services to which they are entitled. [...] Although touted as a step toward gender equality, Bill 94, if approved, will perpetuate gender inequality by legislating control over women's bodies and sanctioning discrimination against Muslim women who wear the niqab. (No Bill 94 Coalition) The No Bill 94 Coalition, contrary to most Quebec women's organizations that took a public stance on Bill 94, does not buy the argument of enhancing women's equality with interventions on women's clothing. On the contrary, the No Bill 94 Coalition argues that 'Forcing a woman to reveal part of her body is no different from forcing her to be covered' (2012).

Feminist groups that gave their support to Bill 94 were all francophone, while groups that rejected Bill 94 were predominantly English-speaking. This observation can be tied to previous observations on the specific dynamics of Quebec feminism, on its historical ties with Quebec nationalism, on the influence of French feminism and on the weak penetration of postcolonial analyses within the *Francophonie*. Many observers have seen in Bill 94 another manifestation of Quebec's identity insecurities. Sharify-Funk questions whether the new preoccupation

of these feminists constitutes a reorientation in the character of feminism itself, or merely a contingent and largely defensive shift in emphasis? (2011: 137). Arguments put forward by Francophone feminist groups insist predominantly on two aspects: women's rights and *laïcité*. Women's rights are framed within universalistic perspectives and the ideal of gender equality is used as a colonial discourse, dividing women into two groups: those who have attained equality and those who are still struggling to attain equality and who need help to get there. These feminist claims to gender equality are now being deployed in a new context to reinforce fundamental distinctions between us and them, writes Sharify-Funk, and "nowhere in Canada is this dynamic more evident than in Quebec" (*Ibid.*, 139). The argument of *laïcité* is used uncritically by many women's groups in terms that resonate directly with the French context and "despite geographic distance, the French experience and example continues to resonate in Quebec. While the secular-religious dynamic within Quebec was largely settled in favour of secularism during the mid-twentieth-century 'Quiet Revolution,' formulations of *laïcité* that reflects France's more tumultuous struggle for a secular state are present alongside less assertive forms of secularism" (*Ibid.*, 140).

The intellectual tensions Quebec feminists are experiencing over secularism and the dynamics of power underlying the relations between mainstream and *otherized* or racialized women are not exceptional. They bear witness to the complexity of the politics of postcoloniality, and they are to be expected in a way, in a globalized world characterized by the increasing competition between normative frameworks on one hand, and the liberal democratic urge to level off differences and maintain social cohesion at all cost, on the other. Still, they bring to the fore the unease with which contemporary societies handle the challenges posed by such tensions. Bill 94 is a reminder of the difficulty that liberal democratic political communities have in addressing otherness and ethnocultural diversity, even when the best of intentions seem to guide the behaviour of individuals and institutions. In this sense, the legislative proposal constitutes an interesting case; examining it can help shed light not simply on the Islamic veil issue, but on the intricacies of socio-political life in a culturally and normatively plural environment. Hence, the essays gathered in this volume take Bill 94 as a point of departure to further the reflection on some of the social and political stakes involved in enhancing democracy (or at least maintaining an acceptable degree of commitment to democracy) in contemporary diverse societies.

In her essay "Civilizational Delusions: Secularism, Tolerance, Equality," Wendy Brown questions five assumptions in and about Western secularism that have made possible what she refers to as an astonishing

historical moment in which women's clothes are the subject of legislation. Moving away from debates about the Islamic veil which are usually framed by concerns about multiculturalism, freedom and tolerance, Brown looks at the assumptions of and about secularism and French *laïcité* that make legislation on burqa bans conceivable and legitimate and which make them appear to advance individual liberty, gender equality and religious neutrality. These five assumptions are: secularism generates religious neutrality; Western secularism is equally available to all religions; secularism generates tolerance as mutual respect among religions; secularism is culturally neutral; and finally that Western secularism generates gender freedom and equality. Brown's essay goes beyond Western preoccupations with Islamic female modest dress to comprehend features of Western secular discourse that make possible Western liberal regulation of such dress. She concludes that by reflections on the false robes of religious and cultural neutrality, tolerance, gender equality and freedom in which Western secularism drapes itself and through which it casts Islam as its opposite, some of the Western civilizational delusions entailed in the justifications and legitimization of bans on Islamic dress in Western democracies are revealed. Brown concludes that "these delusions suggest that Western self-scrutiny, rather than concern with what Muslim women wear, would better advance prospects for women's equality and freedom, as well as prospects for civil peace and cohabitation, in an irreversibly culturally heterogeneous era for liberal democracy." (p. 54)

Corrine Torrekens' contribution, "The Ban of the Full-Face Veil in Belgium: Between Populism and Muslim Visibility Restriction," presents an analysis of the ban of the full-face veil in Belgium, one of the European countries to have banned the full veil in public space. Torrekens analyses the parliamentary debate and French-language newspaper articles on the interdiction of the full veil and looks at the different modes of argumentation that were presented. Her research explores the articulation between the media space and the political public space for the production of a controversy around the issue. Torrekens shows that media are determining factors for the social construction of meaning, but other areas are also important for the framing of public problems. She notes that the practice of the full veil has received, despite the very small number of Muslim women concerned, tremendous media attention. So why has it emerged as a sensitive political issue? Torrekens concludes that the debate around the full veil ban offers a defence of the nation-state at a moment of crisis, as membership in the European Union is threatening national sovereignty. In the specific context of Belgium, where identity debates have been polarized around the Flemish and French-speaking populations, the ban on the full veil is a highly

convenient means of generating sentiments of national belonging, consensus and unanimity.

Monique Deveaux's chapter, "Regimes of Accommodation, Hierarchies of Rights," looks at the social and political context in which legislation intended to regulate the wearing of the niqab in Quebec arose. Deveaux suggests that the prevailing assumption that the niqab represents a deep division between pre-modern, traditional and religious norms and customs on the one hand and a modern, emancipated and secular way of life on the other obscures the backdrop of racialized identities and civic identity building that gave fuel to the niqab affair. She argues that the public justifications for Bill 94 were predicated upon oversimplified interpretations of two related principles, those of sexual equality and choice/autonomy, two interpretations that ignore the complex and contested nature of these norms in culturally diverse societies. The broader identity politics of which Bill 94 is part is highly significant for the author, as it appears that veiling regulations play a particular role in the construction of a modern Quebec national identity. She also argues that one of the key initial justifications of Bill 94 is that the niqab is at odds with the principle of sexual equality because it is a tangible symbol of women's subordination to men, an appeal to gender equality that has come as the reason to oppose minority cultural practices. Deveaux writes that the conception of sexual equality invoked by the bill and its proponents highlights formal but not substantive equality, in the sense that it requires sameness of treatment for men and women. Deveaux's contribution shows that sexual equality and autonomy are more complex principles and capacities than proponents of the niqab ban acknowledge. Deveaux proposes a more politically inclusive, democratic and deliberative approach to adjudicating genuine disputes involving religious or cultural accommodation, an approach aimed to avoid harmful cultural essentialism.

Greg M. Nielsen and Andreea Mandache develop a critical sociology of recent mainstream press coverage in Quebec on cultural diversity and religious pluralism. In their piece, "Acts of Journalism and the Interpretive Contradiction in Liberal Democracy," they show how late liberal democracies can be seen to be weakening in their capacity to absorb difference. They focus their critique on the contradiction between the portrayal of minorities in the press and the sense that minorities are rarely included in the horizon of expectation for the audience implied by the media address. The authors argue that this contradiction keeps the dominant public ethos in place and acts as a regulatory mechanism that adjusts the absorption of difference into the liberal democratic framework and supports a particular ideal sense of a normal common people.

In their research on the press coverage of Bill 94 they employ the concept of conditional hospitality to interpret selected articles.

François Rocher's "Quebec's Secularism Regime Under (High) Tension" takes a look at the recent controversies around secularism in Quebec. Rocher first puts into context the evolution of the secularism regime that governs the relationship between religion and the state in Quebec. He then examines understandings of secularism that came out of the Bouchard-Taylor Commission on reasonable accommodation, the debate between supporters of a strict and uncompromising secularism and those who argue in favour of a more flexible secularism, and the briefs presented to the parliamentary commission on Bill 94. He notes how polymorphous and polysemic the notion of secularism can be and he distinguishes between secularism seen as a governance issue and secularism understood in normative terms. Rocher identifies four model, or ideal, types of secularism, and thus presents a useful overview of the intellectual and ideological landscape underlying the issue of secularism in Quebec and, more broadly, in contemporary liberal democratic societies.

Finally, Gada Mahrouse explores the Bouchard-Taylor Commission, established in 2007 by the government of Quebec to study interculturalism, secularism and national identity in response to what has become known as the reasonable accommodation debates on the extent to which minority and immigrant cultural practices could be accommodated. Mahrouse looks at issues such as majority tolerance, Eurocentrism, Western imperialism and racism, and she questions how racism was defined for the purpose of the Commission. In the last section of her chapter, she observes how the Commission's works reproduced racial hierarchy, as the idea of majority tolerance towards immigrants and minorities – which the Commission ended up endorsing – could be seen as a solution precisely because these new forms of racism that trade on the positioning of the majority as superior because it is more progressive and tolerant, were not fully addressed.

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