

## **‘Is the Headscarf Oppressive or Emancipatory?’ Field Notes from the Multicultural Debate**

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### **Abstract**

This essay examines the discursive contours of the multicultural debate in Europe, and the ways in which it is cast in gendered terms. It does so by investigating one particular albeit highly contentious issue, notably the headscarf controversy. In recent years, this sartorial practice has turned into an important object of debate and controversy in various Western European countries, often structured around the question ‘is the headscarf oppressive or emancipatory?’. Rather than engaging substantially with this question, or with the various meanings or significations of *hijab* as a sartorial practice, we seek to reflect upon the performative effects of this question, and do so more specifically in the Belgian context. What kind of imaginaries does the headscarf debate in general, and this question in particular, limit or shape? And what kinds of speeches and actions does it enable or conceal? We argue that the headscarf debate is functional to the constitution of a specific idea of ‘neutrality’ on the one hand, and of an ‘emancipated gender identity’ (agency) on the other, which is primarily grasped in liberal and secular terms (through the language of ‘rights’). More than simply tracing the performative effects of this discussion, we also try to account for the possibilities of overcoming these discursive conditionalities and the capacity of rendering other forms of agency intelligible.

## Keywords

Discourse analysis, multiculturalism, *hijab*, Belgium, agency, rights

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## Introduction

Since the end of the 1980s, Western Europe has witnessed the eruption of public debates weaving together a myriad of topics such as migration, integration, cultural identity, Islam and secularism. In the UK, the publication of Salman Rushdie's *Satanic Verses* in 1988, and the intense discussions and demonstrations in its wake, are usually believed to have inaugurated these debates. In France, this honour befell the first *affaire du foulard*, which flared up when in 1989 three pupils in Creil were suspended for refusing to remove their headscarves in class. In the Dutch context, Frits Bolkestein declared the failure of Dutch 'integration policies' and the incompatibility between Islam and Western liberal values in his famous Luzern speech at the Congress of the Liberal International in 1991. These public discussions have presented themselves as ways of 'debating diversity'<sup>1</sup>, and in many cases they became known as 'the multicultural debates'. From the outset of these public debates 'the multicultural society' was problematized – to which the use of expressions like 'the multicultural drama' by for instance the Dutch essayist Paul Scheffer testifies –, although not only by those who sought to criticize it. In fact, also the defence of multiculturalism often unfolded on shaky and conditional grounds, which served to problematize certain understandings and affirmations of identity and culture, while consolidating others. Furthermore, more recently various voices within the European political

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<sup>1</sup> J. Blommaert and J. Verschueren, *Debating diversity: Analysing the discourse of tolerance*, London: Routledge 1998.

elite have been heard firmly announcing 'the end of multiculturalism'.<sup>2</sup> 'Multicultural debates', in other words, is all but a descriptive term. Rather, it is a discourse which structures debates on identity and culture in particular ways, and needs to be carefully situated and contextualized.

This essay seeks to examine more closely the vicious circles in which certain conversations within the multicultural debate get caught, as questions and topics are set up in ways that already structure how the conversation will proceed and which range of answers is involved. More specifically, we are looking at conversations at the intersection of multiculturalism and gender, where many of the discussions are structured around the question whether 'multiculturalism is bad for women' – to paraphrase Susan Miller Okin's well-known interrogation.<sup>3</sup> This intersection points at how questions and understandings of gender structure the ways in which the multicultural debate is conceived, that is, the ways in which 'multicultural society' is imagined and discussed. It signals, in other words, that gender operates as a critical terrain in the processes of constituting cultural differences and constructing the national self and its others. A central figure in this intersection between gender and multiculturalism, and in debates about multiculturalism *tout court*, is the headscarf. While many protagonists in these debates have declared veiling to be a sign of women's oppression, others have embarked on understanding the various meanings of veiling, and serious scholarship has sought to demonstrate the 'active agency' of veiled women.<sup>4</sup>

Our investigation takes as a case-study a recurrent question about veiling which became an important reference point throughout twenty years of multicultural debate across Europe: *Is the headscarf oppressive or emancipatory?* As we trace what happens when this question is being posed, we reflect on our participation in debates structured by the question whether the headscarf is either an oppressive practice or, on the contrary, might emancipate women. In the past decade, we have both been invited on various occasions to take part in such debates – mostly in

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<sup>2</sup> A. Lentin and G. Titley, *The Crises of Multiculturalism. Racism in a Neoliberal Age*, London: Zed 2011.

<sup>3</sup> J. Cohen, M. Howard and Marta C. Nussbaum (eds.), *Is Multiculturalism Bad for Women? Susan Moller Okin with respondents*, Princeton: Princeton University Press 1999.

<sup>4</sup> For good examples of such studies, see F. Khosrokhavar, *L'Islam des jeunes*, éd. Flammarion Paris 1997 or S. Silvestri, *Europe's Muslim Women: Potential, Aspirations and Challenges*, Brussels: King Baudouin Foundation 2008.

Belgium – and we have become fluent in speaking the language these conversations require.<sup>5</sup>

The position from which we write is one of engaged intellectuals who are regularly invited to take part in the discussions and conversations of which the multicultural debate consists. While in our scholarly work we have commented on and critiqued the multicultural debates<sup>6</sup>, we also participate in political mobilizations, social movements and actions that relate to questions of multiculturalism. The framework of the multicultural debates, in other words, is one in which we have regularly operated, which we have appropriated and learned to navigate in order to find ways to articulate our critiques, which were often aimed at this framework itself. This kind of positioning, oscillating between scholarly critique and deconstruction on the one hand, and political participation and action on the other, is all but comfortable. Yet it is potentially productive when dis/connections and uneasy translations, along with the frustrations of how discourses structure and limit speech and actions, can become part of our understanding of how social reality comes into being and can be transformed. In this essay we reflect on the performative effect of the question: what does it reproduce, what kinds of discussions does it enable and what kinds of imaginary, speech and action does it render impossible?

The essay is structured as follows. In the first part, we briefly sketch our theoretical outlook on multiculturalism, as the larger frame in which our case-study is embedded, discerning three analytically distinct but related (and often overlapping) theoretical (and simultaneously methodological) approaches. This section details what we have in mind when we subscribe to the view that multiculturalism is all but a descriptive term. In the second part we briefly rehearse the significance of gender to the multicultural debate, in order to substantiate the argument that gender effectively structures the multicultural debate. These brief discussions provide the analytical grounds for our subsequent analysis of what happens in public and scholarly debates structured by the recurring question 'Is the headscarf oppressive or emancipatory for women?'. Our

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<sup>5</sup> Already in the process of thinking and writing this article, we were invited twice to take place in a discussion (one in the Belgian parliament, another in an academic environment) organized around this question.

<sup>6</sup> A. Karel, S. Bracke, B. Ceuppens, S. De Mul, N. Fadil, and M. Kanmaz, *Een leeuw in een kooi. De grenzen van het multiculturele Vlaanderen*, Amsterdam: Meulenhoff/Manteau 2009.

analysis particularly considers the operations of hegemonic notions of agency and rights, and relies on the seminal work of Saba Mahmood.<sup>7</sup>

### **Approaching multiculturalism critically**

We understand multiculturalism not as a descriptive term which supposedly characterizes a certain kind of society, or points at an increased degree of 'diversity' within existing societies, but rather as a site of critical inquiry. Multiculturalism, as David Theo Goldberg puts it, cannot simply be reduced to a political doctrine nor to an intellectual paradigm, pedagogical framework and academic rhetoric, nor to an institutionalized orthodoxy and radical critique.<sup>8</sup> Its meaning cannot be fixed in a way that does justice to the various symbolic and material realities (or, in Goldberg's words, concerns and considerations, principles and practices, concepts and categories) it might refer to. A critical inquiry of multiculturalism, moreover, takes the historical context and geo-political location of 'multicultural debates' into account. For this reason we understand contemporary discussions of multiculturalism in Europe, as they occur in the context of a post-colonial world shaped simultaneously by neo-colonial dynamics and the decentering of the West, increasing globalization and its effects on the nation-state, and new flows of post-colonial migration, as debates about *transformations of national and cultural identities* in and of Europe. In other words, we recognize multiculturalism as a correlate of nationalism, and believe that discussions about 'cultural difference' and 'the other' ought to be considered in tandem with discussions about 'the national self'.

In this vein, we can conceive of multiculturalism as an epistemological field that is structured according to distinct exclusionary mechanisms and fulfills a functional role in the constitution of the idea of a 'nation'. In methodological terms, this means taking up the question of 'multiculturalism' as a *dispositif* that creates distinctive fields of problematization (that is to say, the question of 'integration' turns into a new object of study), identifies a particular set of actors ('the immigrants' or 'Muslims') and is accompanied by an institutional apparatus that seeks to transform the non-integrated 'other' in order to include it into the social

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<sup>7</sup> And notably S. Mahmood, *Politics of Piety. The Islamic Revival and the Feminist Subject*, Princeton: Princeton University Press 2005.

<sup>8</sup> D. T. Goldberg (ed.), *Multiculturalism: A Critical Reader*, Cambridge, MA: Basil Blackwell 1994.

body.<sup>9</sup> Thus multiculturalism cannot be reduced to merely another social topic, but rather has to be approached as a field of forces constructing and shaping its own object of debate and regulating individuals according to the very categories it creates (for example, the 'integrated' vs. the 'non-integrated'). Our critical analysis of the multicultural debate pursues three distinct but connected lines of investigation, which effectively overlap in the work of many scholars on the matter and rely on related (post-structuralist and post-colonial) understandings of power. This distinction draws attention to different dimensions of how power operates through these debates.

Firstly, there is a general question of *framing* and the way these debates are framed, and of how such frames regulate notions of cultural and religious difference. Frames, as Judith Butler points out, are operations of power that occur on an ontological, epistemological and ethical level. They regulate the affective and ethical dispositions through which phenomena are not only understood but also constituted. Frames matter in terms of what is problematized and in what manner. Interventions in hegemonic frames from minority positions are notably difficult, as such questions, topics and concerns most often get reformulated in a framework that sustains dominant power relations. Frames also matter on the level of who and what gets recognized as a subject, as part of a broader understanding of humanity, or as a life form worth protecting. The question of the recognition of life which Butler elaborates begs the question of norms and normativity: what norms operate in producing certain subjects as 'recognizable' persons and make others more difficult to recognize?<sup>10</sup>

The multicultural debates offer plenty of opportunities and an abundance of material to carefully investigate the ways in which subjects have been framed. A crucial argument about frames in the context of multiculturalism is formulated by Blommaert and Verschueren, in their sharp discourse analysis of the official multicultural discourse in Belgium.<sup>11</sup> As they argue, these debates about cultural diversity in fact stage cultural difference as intrinsically problematic. The debates presuppose the idea of a homogeneous society (described by Blommaert and Verschueren as the ideology of *homogeneity*), which is defined according to a particular – and

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<sup>9</sup> W. Schinkel, *Denken in een tijd van sociale hypochondrie. Aanzet tot een theorie voorbij de maatschappij*, Kampen: Uitgeverij Klement 2008.

<sup>10</sup> J. Butler, *Frames of War: When Is Life Grievable?* London: Verso 2009.

<sup>11</sup> J. Blommaert and J. Verschueren, *Debating diversity: Analysing the discourse of tolerance*. London: Routledge 1998.

fictive – understanding of the norms and values that hold such a society together, now challenged by the question of diversity. Framing the presence of ethnic minorities in terms of the 'diversity challenge' hence becomes not only a way to constitute these minorities as 'other' – and thus to exclude them from the national imaginary – but also to construct and enact a particular understanding of the national self.

This brings us to a second dimension of the critical investigation of the multicultural debate: a focus on the intertwined constructions of *self and other*. Clearly, debates about the other are rather revealing with respect to the concerns and construction of the self. Analysing discourses of multiculturalism provides a way to map crises and transformations of the national self, by tracing how self and other get constructed in the debates, and which mechanisms of representation sustain such constructions. An investigation of official multiculturalist discourse along these lines can be found in the work of Ghassan Hage. Looking at multiculturalist discourse in Australia, Hage dissects how otherness functions in the presentation of the national self, and elaborates this functionality of 'the other' for the self in the following way. Multiculturalism, he argues, figures as a central societal debate because it acts as the solution to a problem of the dominant (white) society. Multiculturalism is imagined as an object performing a function for the national body, as a technology of the (national) body. The relation of exteriority between self and other, however, needs to be carefully examined in its complexity. On the one hand multiculturalism is perceived to have an *external* relationship to the body – as 'the other' outside of the national self – while at the same time it is an *extension* of that body, in analogy with the way clothes relate to a human body. This implies that multiculturalism operates as a tool in (and for) the presentation of the self, while it is simultaneously part of the presented self.<sup>12</sup>

Thirdly, we can consider the multicultural debates as a form of governmentality in the Foucauldian sense, that is, as 'the conduct of conduct', or the ways in which governments try to produce 'the citizen' and all the organized practices and techniques through which subjects are governed. In this perspective, the multicultural debates can be analysed in terms of the practices, mentalities, rationalities and techniques through which 'proper' citizens of a multicultural society are produced. Such an analysis offers insight into how cultural and religious differences are

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<sup>12</sup> G. Hage, *White Nation: Fantasies of White Supremacy in Multicultural Society*, London: Routledge 2000.

organized within a liberal modern capitalist democracy and renders the institutional apparatus visible that 'teaches' others to become proper citizens (here the civic integration tests recently introduced in various European countries spring to mind), that is to say, how to integrate into the social body.

### **The 'Women's Question': From Bad to Vicious**

In the previous section we have highlighted some of the ways in which multiculturalism can be understood in terms of the regulation of self and other in the realm of cultural identities. We subscribe to the view that the problem of diversity cannot be simply posed in cultural terms but is mediated by a set of transversal regulatory structures from the start, among which is gender. As many commentators have pointed out, gender matters as to how the multicultural debates are set up.<sup>13</sup> On a concrete level, we can observe that a substantial part of the multicultural debates directly bear on women, questions of femininity and masculinity, and sexuality. Debates about women's oppression immediately come to mind, most often discussions about religious practices and attire (most notably the headscarf) and about violence ('violence against women', 'criminality and unsafe streets', etcetera).

The most well-known account bringing gender to bear on multiculturalism is arguably Susan Moller Okin's essay 'Is Multiculturalism Bad for Women?', which asserts that gender equality often clashes with respect for minority cultures. The essay was not only influential in a scholarly context (provoking a lively debate in the *Boston Review* in 1997,

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<sup>13</sup> For a brief selection of literature addressing the intersection of the question of gender and multiculturalism, see G. Wekker and Rosi Braidotti (eds.), *Praten in het donker: Multiculturalisme en anti-racisme in feministisch perspectief*, Amsterdam: Kok Agora 1996; J. Cohen, M. Howard and M. C. Nussbaum (eds.), *Is Multiculturalism Bad for Women? Susan Moller Okin with respondents*, Princeton: Princeton University Press 1999; M. Botman, N. Jouwe and G. Wekker, (eds.), *Caleidoscopische Visies. De zwarte, migranten- en vluchtelingenvrouwen beweging in Nederland*, Amsterdam: KIT Publishers i.s.m. Expertisecentrum GEM en E-Quality 2001; G. Coene and C. Longman (eds.), *Eigen emancipatie eerst?: Over de rechten en representatie van vrouwen in een multiculturele samenleving*, Gent: Academia Press 2005; S. Bracke and S. De Mul, 'In naam van het feminisme. Beschaving, multiculturaliteit en vrouwenemancipatie' in K. Arnaut, S. Bracke, B. Ceuppens, S. De Mul, N. Fadil and M. Kanmaz, *Een leeuw in een kooi. De grenzen van het multiculturele Vlaanderen*, Amsterdam: Meulenhof | Manteau 2009; E. Midden, *Feminism in Multicultural Societies. An analysis of Dutch Multicultural and Postsecular Developments and their Implications for Feminist Debates*, University of Central Lancashire, unpublished PhD dissertation 2010.



in which a number of well-known scholars responded to Okin's argument), but also in circles of feminist and women's groups. Here it circulated widely and was often used to discuss questions of multiculturalism within the women's movement.<sup>14</sup> Okin frames the relationship between feminist and multicultural concerns, and subsequently the debate about the tensions between them, through the following question: What should be done when the claims of minority cultures or religions clash with the norm of gender equality that is at least formally endorsed by liberal states? The question needs to be understood as a feminist intervention within the field of political theory: Okin's argument is a critique of the concept of group rights, grounded in her understanding of the social relations of gender. Advocates of group rights, she argues, commonly treat cultural groups as monolithic, while they pay little attention to the private sphere. This renders them blind to the fact that the sphere of personal, sexual, and reproductive life is the central focus of most cultures, and that most cultures aim at men's control over women. In other words, theories of group rights remain blind to the fact that the organization of gender relations lies at the heart of culture. Okin's argument is further framed by the following assertions: firstly, while all of the world's cultures have patriarchal pasts, some, mostly Western liberal cultures, have departed further from them than others, and secondly, many cultural minorities claiming group rights are more patriarchal than the surrounding 'majority' cultures. For this reason, Okin concludes, feminism stands in tension with the cultural relativism of group rights multiculturalism.

Okin's argument has been widely discussed and critiqued, notably in the responses accompanying the publication of the original essay.<sup>15</sup> The critiques, often revolve around, firstly, the problematic notions of culture and more specifically the ironic way in which Okin's argument supports a monolithic and unifying notion of culture.<sup>16</sup> Secondly, they criticize that culture in Okin's argument tends to be 'the stuff that sticks' to minority groups, whereas cultural and national formations within majority cultures simply remain invisible.<sup>17</sup> As a result of the way Okin's argument is

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<sup>14</sup> See e.g. G. Coene and C. Longman (eds.), *Eigen emancipatie eerst?: Over de rechten en representatie van vrouwen in een multiculturele samenleving*, Gent: Academia Press 2005.

<sup>15</sup> J. Cohen, M. Howard and M. C. Nussbaum (eds.), *Is Multiculturalism Bad for Women? Susan Moller Okin with respondents*, Princeton: Princeton University Press 1999.

<sup>16</sup> E.g. Bhabha in Cohen, Howard and Nussbaum, *Is Multiculturalism Bad for Women?*.

<sup>17</sup> E.g. Honig and Al-Hibri in Cohen, Howard and Nussbaum, *Is Multiculturalism Bad for Women?*.

organized, minority groups get 'cultured' in disproportionate ways, leaving 'culture' to signify the divergence from an invisible norm.

A central element, however, which emerges both throughout Okin's essay and the different critiques it provoked, is the need for a broader understanding of how gender relations pertain to questions of culture and of community and nation; an understanding in which the constitutive dimension of gender relations within various kinds of social, political and cultural formations is rendered visible. The challenge becomes then to understand how particular cultural, political and economic regimes rely on distinctive gender relations, and how a gendered/sexual division of labour is integral to both liberal and non-liberal cultural and structural modes of organization, including capitalist modes of production. Indeed, Okin's line of reasoning, focusing on gender relations in 'other' cultures, fails to account for the way in which gender relations are central to the constitution of national and cultural identities *tout court*, and to *any* form of national boundary making. It also fails to account for how certain kinds of concern with the position of Muslim women are functional to the constitution of Western European national identities.

The work of Nira Yuval-Davis takes up some of these challenges, and has begun to analyse more systematically the ways in which gender matters to the nation – and, by extension, to an understanding of 'culture' or a cultural community we would add. *Gender and Nation* was written as a critical intervention in classical theories about nations and nationalism where gender appears irrelevant. Instead, Yuval-Davis argues, gender relations are located at the heart of (the reproduction of) the nation – which is commonly conceptualized as an extension of family and kinship relations, most often understood as based on a 'natural' sexual division of labour. Yuval-Davis proposes to trace this centrality of gender on the level of biological, cultural and symbolical reproduction.<sup>18</sup> In biological terms, the demographic reproduction of the nation takes place through women, in a context of bio-politics that seek to either encourage or discourage with various degrees of pressure (certain groups of) women to bear children.<sup>19</sup> In terms of cultural reproduction, in the mythical unity of the imagined community, the divide between 'us' and 'them' is maintained and reproduced by social constructions of manhood and womanhood and of

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<sup>18</sup> N. Yuval-Davis, *Gender and Nation*, London: Sage 1997.

<sup>19</sup> For just one example of how the demographic argument figures in discussions about culture, multiculturalism and civilization, see Huntington's (in)famous 'clash of civilization' thesis.

sexuality deemed appropriate to the nation. In this sense, women structurally fulfill a 'border guard' function as they come to embody the collectivity, which results in specific expectations regarding cultural codes of style of dress and behaviour. This theoretical framework allows us, in other words, to understand how gender relations matter to the formation of all national and cultural entities: how gender comes into being in relation to national and cultural formations, and vice versa.

This might give us a first indication of how the focus on Muslim women (and the headscarf) in the current multicultural debates can be understood. Gender relations, or the ascription of specific gender patterns, operate as a demarcation line that is functional in the process of othering of the concerned group, which, moreover, is consolidated as a group precisely through this process of othering. By addressing the issue of the headscarf, by 'problematizing' it, as Foucault would have it, the gendered character of the nation is not only highlighted – along the lines of appropriate vs. inappropriate ways of presenting female bodies in the public sphere –, but the primary way in addressing and constructing the other occurs through the same gendered register.<sup>20</sup> More than providing an account of Muslim women, the gendered dimension in the multicultural debate figures as a re-enactment of the gendered and sexual boundaries of the nation.

### **Is the headscarf emancipatory or oppressive?**

The headscarf debate figures as one of the central points around which our interventions in the multicultural debates have been organized. Not unlike what happened in several other Western European countries, in Belgium the religious practice of *hijab* has become one of the chief symbols of what is perceived as a growing visibility of Islam in the public sphere. The debate in Belgium closely follows the rhythms of that of its southern neighbour, France. While the first episode of the French headscarf debate, between 1989 and 1992, mostly affected the Francophone audience in Belgium, at the turn of the 21st century this debate reached a broader, national scope implicating both Francophone and Flemish protagonists.<sup>21</sup> These different

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<sup>20</sup> J. W. Scott, *The Politics of the Veil*, Princeton: Princeton University Press 2007.

<sup>21</sup> For an overview of the Belgian headscarf debate see C. Longman, 'Over our Heads? Muslim Women as Symbols and Agents in the Headscarf Debate in Flanders, Belgium' in *Social Justice. Anthropology, Peace and Human Rights* 4:3-4 (2003), 300-332; N. Fadil, 'Het hoofddoekendebate. Meer dan een debat over een stukje stof?' in *Ethische Perspectieven/Ethical Perspectives* 14:4 (2004), 373-386.

episodes were structured according to two broad interrogations: firstly, the question of women's emancipation and *hijab* as a potential site of oppression and, secondly, *hijab's* compatibility with the neutrality of the public sphere. The first question has been critical to the issue of *hijab* in schools and to the justification of bans comparable to the ones imposed in France. While Belgium has not adopted a general (national) regulation with regard to the *hijab*, an overwhelming majority of public and private schools do prohibit this practice<sup>22</sup> – often justifying this measure on the grounds of social pressure (to veil) endured by young Muslim women, or of cases of forced veiling.<sup>23</sup> Another important argument that recurs throughout this discussion is the neutrality of the public sphere. While this argument has not consistently been used in relation to students, it has figured as a ground to justify the prohibition of headscarves in the case of public officials and teachers.

At several occasions we were invited, or invited ourselves, to intervene in this polemic setting. The positions we have upheld in these contexts were often defensive. To the allegations that veiled women are 'victims of social coercion (or tradition)' or suffer forms of 'false consciousness' (in thinking they 'choose' to veil),<sup>24</sup> we would retort that their agency is complex and pointed at several stories of strong, emancipated women who consciously chose to wear the veil. And to depictions of veiled Muslim women as 'fundamentalist' or 'culprits' we would, both in our scholarly and public interventions, point out that these women were often the source of new forms of feminism in which Islam and feminist commitments converge and account for new forms of subjectivity.<sup>25</sup> Yet after almost a decade of debating 'the headscarf' and

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<sup>22</sup> Forty per cent of schools in Belgium are directly organized and funded by public authorities while 60 per cent are initiated by local communities (mostly Catholic churches and organizations) and publicly funded.

<sup>23</sup> This argument has been central to the decision of the board of education of the Flemish public schools to adopt a general ban, after a similar ban that was adopted by the Royal Atheneum of Antwerp in June 2009 had been largely contested. For an account of the 'headscarf ban' in the Flemish public school see N. Fadil, 'On not-/unveiling as an Ethical Practice' in *Feminist Review* vol. 98 (2011), 83-109.

<sup>24</sup> For an illustration of this type of argumentation, see G. Van Istendael, 'Het masker van de dwang', *De Standaard*, 23/08/08.

<sup>25</sup> S. Bracke, 'Feminisme en islam: intersecties' in I. Arteel, H. Müller, M. De Metsenaere And S. Bossaert (eds.) *Vrouw(on)vriendelijk? Islam feministisch bekeken*, Brussel: VUB-Press 2007, 13-38; S. Bracke, 'Subjects of debate: secular and sexual exceptionalism, and Muslim women in the Netherlands' in *Feminist Review* 98 (2011), 28-46; N. Fadil, 'Witte Mannen tegen de hoofddoek', *De Morgen*, 9/09/08.

'veiled women' we have come to a point of intellectual and political exhaustion. It is the kind of exhaustion that comes not only from repeating the same arguments over and over again in a context in which hegemonic notions about woman and Islam continue to be shaped by racism. It also emerges from our increasing awareness of the paradoxical role we play as scholars, attempting to defend the voices of the women who are too often singled out as a problem, and sustaining the very conditions and terms through which such an interpellation of 'veiled women' occurs.

A first problem lies in the way our interventions willingly or unwillingly contribute to the problematization of the headscarf and veiled women. By using this term we refer to the Foucauldian approach of examining how at a specific moment of history certain practices are turned into a matter of concern and debate. Rather than pointing at the existence of a particular problem, problematization announces the establishment of a set of scientific and non-scientific discourses and institutional practices that seek to regulate a distinctive conduct singled out as an object of concern.<sup>26</sup> This also means that the eruption of societal controversies is not considered to be a result of the mere manifestation of specific social phenomena or practices. Rather, social controversies are the very process through which certain practices are turned into 'social problems' and thus become subjected to a set of biopolitical regulations.<sup>27</sup> In Foucault's view, this construction of a specific phenomenon into a 'social problem' is not a neutral enterprise, but closely tied with the establishment of specific regulatory ideals or a regime of truth. Applied to our case, this means that the question no longer revolves around the issue of whether the headscarf does or does not obstruct either the principle of neutrality or the principle of women's emancipation. According to this perspective, the *hijab* in itself is void of social meaning, and veiling only becomes constituted as a meaningful act by a distinctive discursive apparatus. The question then becomes: how to account for the very notion of neutrality and emancipation that is constructed by singling out veiled women and turning them into an object of debate? The critical task that awaits us, in other words, is to understand how the headscarf debate is functional to the constitution of (a specific idea of) 'neutrality' on the one hand, and that of an 'emancipated gender identity' on the other hand, together with the

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<sup>26</sup> M. Foucault *The History of Sexuality 1: The Will to Knowledge*, Translated by Robert Hurley, London: Penguin Books, 1998 [1976].

<sup>27</sup> Although Foucault does not necessarily link the issue of problematization with biopolitical regulations, a term he restricts to a very specific form of power located historically in the 18th century, we here adopt a position which links both questions.

extent to which both are seen to be implicating each other. Several analyses have shown how addressing the question of *hijab* redefines the contours of the nation and emancipation in exclusionary terms.<sup>28</sup> The mere act of addressing the headscarf, either in its affirmation or negation, contributes to the way this sartorial practice becomes singled out from other practices, to be attributed a status of *exceptionality*.<sup>29</sup> Within this kind of discursive regime, non-veiled women's bodies are attributed a status of ontological neutrality, as Fadil argues elsewhere, while veiling is seen to obstruct the homogeneity of that space – both in terms of forging a 'neutral' public space as well as of what counts as an emancipated female body.<sup>30</sup>

A second problem lies in the framing of this practice. While advocates of the headscarf ban have often done so on the grounds that *hijab* acts as a (religious or political) symbol that breaches the principle of neutrality, opponents of the ban – as we are – have tended to question these claims by underlining the religious character of this practice and thus claiming its constitutional guarantee. Our reliance on the juridical language of fundamental rights – including that of religious freedom – reflects the epistemic weight that is attributed to this discourse in not only advocating certain claims, but also in rendering them intelligible. The idea that all individuals are 'free' to choose and practice their religiosity is often viewed as an essential corner stone of liberal democracy, enabling the articulation of a distinctive set of claims that are under its auspices. By taking a case against what we present as 'forced unveiling', the same liberal taxonomy is used to defend veiled women. Yet this reliance on the liberal language of rights confronts us with a number of dilemmas linked to the performative effects of framing the headscarf primarily as a religious right.<sup>31</sup>

Firstly, throughout these debates, the practice of veiling is fixed in its meaning – either as a symbol or as a religious practice –, obscuring the

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<sup>28</sup> See for instance J. W. Scott, *The Politics of the Veil*, Princeton: Princeton University Press 2007 and A. Moors, 'The Dutch and the face-veil: The politics of discomfort' in *Social Anthropology* 17:4 (2009), 393-408.

<sup>29</sup> We borrow this understanding of exceptionality from Mayanti Fernando. See M. L. Fernando, 'Exceptional citizens: Secular Muslim women and the politics of difference in France' in *Social Anthropology* 17:4 (2009), 379-392.

<sup>30</sup> N. Fadil, 'On not/unveiling as an ethical practice' in *Feminist Review* 98 (2011), 83-109.

<sup>31</sup> We draw here on the work of scholars who have pointed at the way the Human Rights discourse not only enables individual agency, but equally functions as the vehicle through which state power operates. See for instance W. Brown, 'The most we can hope for...' Human rights and the politics of fatalism' in *The South Atlantic Quarterly* 103:2/3 (2004), 451-463.

variety of significations it may carry. Various studies have shown that the headscarf can indeed mean a variety of things. While it does figure as part of an economy of pious conduct,<sup>32</sup> it can simultaneously be part of a stronger affirmation of one's Muslim identity, or a sartorial practice that enables the expression of a modern Muslim identity.<sup>33</sup> Moreover, in addressing the headscarf primarily as a religious practice that is considered to be crucial for Muslim identity, we unwillingly contribute to the attribution of this practice to Muslim identity – a move that authorizes claims of 'authenticity'. There is a long legacy, both in social sciences and in women's movements and feminism, of critically considering the colonial legacies of the ways in which the *hijab* (or other practices) has been constructed as an essential attribute of Muslim identity, and investigating how the colonial marking of Muslims as 'religious other' has been pivotal in this process.<sup>34</sup> Addressing the *hijab* in terms of a religious practice that is primarily tied with the affirmation of a Muslim identity risks to fixate its signification, and contributes to the continued colonial framing of Islam and the ways in which this framing is structured by gender, as we have been able to observe throughout the multicultural debates.

Defending the *hijab* as a 'religious right' or as 'religious freedom', furthermore, not only frames the *hijab* in a specific vocabulary, but these very terms also imply a particular understanding of agency which fails to fully capture the ethical and political locations of the women concerned. A central argument in many of our interventions has been to undo the often

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<sup>32</sup> See for instance the work of S. Amir-Moazami, *Politisierte Religion. Der Kopftuchstreit in Deutschland und Frankreich*, Bielefeld: transcript 2007; V. Amiraux, 'Discours Voilés Sur Les Musulmanes En Europe: Comment Les Musulmans Sont-ils Devenus Des Musulmanes?' in *Social Compass* 50:1 (2003), 85-96; J. Jouili, and S. Amir-Moazami, 'Knowledge, Empowerment and Religious Authority Among Pious Muslim Women in France and Germany' in *Muslim World* 96 (2006), 617-642.

<sup>33</sup> See for instance the work of Y. Navaro-Yashin, 'The Market for Identities: Secularism, Islamism, Commodities' in D. Kandiyoti and A. Saktanber (eds.), *Fragments of Culture: The Everyday of Modern Turkey*, New Brunswick: Rutgers University Press 2002, 1-53, or the work of E. Tarlo, 'Islamic Cosmopolitanism: The Sartorial Biographies of Three Muslim Women in London' in *Fashion Theory: The Journal of Dress, Body and Culture* 11:2&3 (2007), 143-172.

<sup>34</sup> See in these cases Leila Ahmed's seminal historical account of the way the *hijab* has been constructed as a religious practice that is essentially tied to Muslim identity throughout modernizing and colonial discourses, cf. L. Ahmed, *Women and Gender in Islam. Historical Roots of a Modern Debate*, Yale University Press: New Haven 1991. For a similar argument albeit with a different case (i. e. that of *sati* – widow burning – in India) see L. Mani, *Contentious Tradition. The Debate on Sati in Colonial India*, Berkeley: University of California Press 1989

posited claim that veiled women do not willingly or consciously subject themselves to this sartorial practice. Such a claim usually relies on either a notion of 'coercion' (forced veiling) or of 'false consciousness', both pointing to the power relations in which veiling is embedded and which are too often denied by its apologists or by covered women themselves.<sup>35</sup> While these argumentations turn out to be problematic for how questions of power and regulation only seem to be implicated in the case of veiling (and subsequently are considered to be absent in the cases of not-veiling or unveiling, which are taken to be the reflection of an immanent and autonomous will), they often do confront us with a discursive terrain in which there is not much left but to argue and empirically demonstrate that Muslim women who veil are 'active agents' of their destiny. It is this last position that we wish to critically address, because it reiterates a naturalized (humanist) understanding of the agent, or 'autonomous will', that exists outside any power structure, and, concomitantly, participates in keeping those other voices unintelligible, which do not align comfortably with the liberal and secular grammar undergirding our prevailing conception of agency.

By arguing that Muslim women are donning the veil as a result of their own will, we reproduce the same agency model on which problematic allegations of 'false consciousness' or 'coercion' rest, that is, one which opposes the question of individual choices to that of power structures.<sup>36</sup> Such an understanding of agency has seriously been challenged by more complex, post-Althusserian understandings of the relationship of the subject to ideology and power.<sup>37</sup> In this perspective, any relationship to the self is conceived as mediated by norms and power structure.<sup>38</sup> This means that *all* 'choices' or bodily practices are considered as emanations of prevailing normative ideals or regulative structures. Furthermore, by

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<sup>35</sup> A recent example of such a critique can be found in M. Lazreg, *Questioning the Veil: Open Letters to Muslim Women*, Princeton: Princeton University Press 2009.

<sup>36</sup> S. Mahmood, *Politics of Piety. The Islamic Revival and the Feminist Subject*, Princeton: Princeton University Press 2005; S. Bracke, 'Conjugating the Modern/Religious, Conceptualizing Female Religious Agency: Contours of a 'Post-secular' Conjuncture' in *Theory Culture & Society* 25:6 (2008), 51-67.

<sup>37</sup> See notably the reflection of Foucault on the question of ideology and his critique on the way this concept presupposes a pre-existing immanent substance or conscious subject who remains unaffected by normative structures, in M. Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, New York: Pantheon Books 1980.

<sup>38</sup> J. Butler, *Gender Trouble. Feminism and the Subversion of Identity*, New York: Routledge 1990.



emphasizing the 'autonomous will' of the women involved, we very much rely on a liberal normative framework that takes a number of concepts (such as the emancipation of women, the separation of church and state, and freedom of speech) as the kernel of what counts as 'modern' or 'European'. At the same time, it also takes for granted that the meaning of these concepts is already known, and hence arrests their on-going unfolding and puts a definite claim on their signification. The challenge becomes then to put veiled women and the headscarf to the test of that liberal framework in order to deliberate over their integration in the space of citizens. While the defenders of the headscarf ban adopt a position which views the *hijab* as intrinsically incompatible with this liberal apparatus, advocates of the 'right to veil' will go at length to show why veiled women in fact conform with these liberal requirements and can perfectly integrate into the public space which is defined according to these liberal terms.

At the heart of the matter, however, lies a critical question about whether other trajectories, which do not necessarily fit the hegemonic liberal grammar, can be rendered intelligible. While we have repeatedly made strong arguments against the position that equals the headscarf to women's oppression, we have both felt uncomfortable adopting a liberal vocabulary compelling us to argue that the headscarf is emancipatory. In the first place, and almost evidently, even if the self-evidence of this point repeatedly gets lost in the so-called headscarf debate, we subscribe to the argument that a piece of clothing cannot in itself be oppressive or emancipatory.<sup>39</sup> The significance of the headscarf is always a matter of context, and the context consists of interpretative frameworks, including the frameworks of the agent herself as well as material conditions, and their complex interplay. A more important contention, however, is that this dominant framework does not enable us to address nor render intelligible the various voices and trajectories that do not comply with such liberal registers. For many of the women we have encountered during our studies, wearing the *hijab* was not simply a matter of choice but in many cases also framed as a 'duty' that was part of the virtuous dispositions they cultivated in order to 'please God'.<sup>40</sup> The question at stake is how to account for

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<sup>39</sup> T. Asad, 'Trying to Understand French Secularism' in H. de Vries (ed.), *Political Theologies*. New York: Fordham University Press 2006.

<sup>40</sup> N. Fadil, *Submitting to God, submitting to the Self. Secular and religious trajectories of second-generation Maghrebi in Belgium*, K.U. Leuven: Unpublished Dissertation 2008, S. Bracke, 'Conjugating the Modern/Religious, Conceptualizing Female Religious

these voices in ways that do not disavow the narratives of 'subjection' as merely an authorizing discourse masking the presence of 'real agency',<sup>41</sup> or that take them as evidence for an absence of agency. We are confronted, in other words, with the question of how to render those voices intelligible according to their specific terms.

The seminal work of Saba Mahmood has offered a powerful critique of how commonsensical understandings of agency suffer from the teleology of liberal understandings of emancipation, as it seeks to locate the political and moral autonomy of the subject in the face of power.<sup>42</sup> Despite the important insights it has enabled, Mahmood argues, this model of agency also limits our ability to understand the lives of certain subjects, in particular of women whose subjectivity has been shaped by nonliberal traditions. The conceptual problem, to be more precise, lies in the articulation of agency as 'resistance to power'. In other words, if women's decision to wear the *hijab* should be seen as the exercise of their agency, the evocation of women's agency – in its feminist understanding – in the same breath would suggest that such a decision should be conceived as 'resistance to power' and 'emancipation'. The 'is it oppressive or emancipatory?' question would then be settled in favour of emancipation. Yet it is precisely this chain of associations that is problematic and urges us to rethink the notion of agency.

Mahmood's work takes up this theoretical challenge, and reconceptualizes agency in terms of a capacity for action that historically specific relations of subordination enable and even create. Agency understood in this way puts in relief the capacities and skills required to undertake particular kinds of acts (among which resistance) as well as the recognition that modalities of acting are bound up with the historically and culturally specific disciplines by which a subject is formed.<sup>43</sup> For this reason the question 'is the headscarf oppressive or emancipatory?' rests on a problematic notion of agency. The question itself seems to suggest that if a woman is oppressed, she lacks agency; if her agency is recognized, however, it situates her on the side of emancipation. The question

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Agency: Contours of a 'Postsecular' Conjuncture' in *Theory Culture & Society* 25:6 (2008), 51-67.

<sup>41</sup> A. Hollywood, 'Gender, Agency, and the Divine in religious Historiography' in *The Journal of Religion* 84:4 (2004), 514-528.

<sup>42</sup> S. Mahmood, *Politics of Piety. The Islamic Revival and the Feminist Subject*, Princeton: Princeton University Press 2005.

<sup>43</sup> S. Mahmood, 'Feminist Theory, Embodiment, and the Docile Agent: Some Reflections on the Egyptian Islamic Revival' in *Cultural Anthropology* 6:2 (2001), 202-236.

excludes the possibility of recognizing her agency, and yet acknowledging that emancipation is significantly different from agency. Nevertheless, when shunning or questioning this liberal conception of emancipation, the arguments get drawn in the direction of 'oppression' – which already reflects the hegemonic position on the matter, as the suggested symmetry of the question indeed does not reflect a real symmetry in prevalent opinions, and once more denies the agency of covered Muslim women. However, defending the emancipatory nature of the headscarf as a tactic for countering the prevalence of the oppression arguments ultimately fails, precisely because of the tensions played out in the notion of agency. The understanding of agency which informs this concept of emancipation is already premised on the understanding that the subject needs to shed her 'particular' (cultural, religious, and so forth) attachments.

## Conclusion

This essay has sought to examine the gendered contours of the multicultural debate through an analysis of a specific case which has turned into one of the main objects of contention in various Western European countries: the headscarf. The purpose of this investigation has not been to analyse the different arguments mobilized in these various debates, but rather to offer a critical account of the frames organizing these debates, and their epistemic effects on our understanding of the *hijab* as well as our role as scholars and public intellectuals. We have examined how these debates on the headscarf contribute to the delineation and articulation of a secular understanding of the public space, by which the question of secularism becomes redefined according to very distinctive and exclusionary terms.<sup>44</sup> The headscarf controversies do not simply figure as a means to account for the lived realities of veiled Muslim women, nor do they simply address the practical concerns that may arise from this practice – rather, they are discursive moments through which the national imaginary is constructed, through excluding this specific sartorial practice, and its subjects. Secondly, our investigation has also brought us to question the dominant frames through which the voices of veiled Muslim women can be rendered intelligible, and especially the central position of the language of rights. While not disputing the agency such frames enable, we

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<sup>44</sup> See also in this context S. Bracke & N. Fadil, 'Tussen Dogma en Realiteit. Secularisme, multiculturalisme en nationalisme in Vlaanderen' in A. Karel, S. Bracke, B. Ceuppens, S. De Mul, N. Fadil and M. Kanmaz, (eds.) *Een leeuw in een kooi. De grenzen van het multiculturele Vlaanderen*, Meulenhoff | Manteau 2009, 93-110.

have questioned its limiting capacities both in the semiotic fixation of the *hijab* as well as in the particular model of agency undergirding this language of rights.<sup>45</sup> The work of Mahmood convincingly questions the ways in which an understanding of resistance, and by extension emancipation, informs the prevalent concept of agency, and notably the usage of it in feminist scholarship. In fact, a reference to emancipation undermines the argument of the headscarf as emancipatory from the outset, given that the prevalent notion of emancipation is premised on an understanding that the subject needs to shed her 'particular' attachments, which includes, until further notice, the headscarf.

These observations, consequently, bring us once again to Spivak's interrogation of the subaltern's capacity to speak – or to be more precise: to make its voice heard. In considering the hegemonic structure of the liberal grammar, the question remains how we may render those voices intelligible within a discursive structure that not only defines what counts as emancipation in liberal terms, but conceptualizes the very idea of a 'willful subject' through those terms. Rather than giving definite answers to this weighty interrogation, we wish to conclude by a set of rhetorical questions that make us reflect upon the various elements this interrogation encompasses. A first concern is the process of 'translation' that seeks to render those voices intelligible. What occurs in this process? What gets lost and how are specific practices resignified? Which voices are observed and why? How can we situate the liberal grammar in its specificity (as well as in its potentiality) and the ways in which it becomes mobilized in exclusionary terms, yet without ignoring the ways in which all forms of life are marked by it? How can we avoid the essentializing trap of addressing and relating to those non-recognized voices in idealized terms? Finally, what is the role of critique, and how can we articulate a critique that refuses the trap of new essentialisms or identity discourses, but provides a powerful tool for the interrogation of the hegemonic structures of the liberal-secular grammar?

The premise of these questions, and indeed of this essay, is that framing matters a great deal to how social reality comes into being. Our participation in public debates has taught us time and again that this is not a popular line of argumentation – it does not easily fit into an appropriate

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<sup>45</sup> This observation parallels Saba Mahmood's analysis of the performative effects of the usage of the juridical language of anti-discrimination in the mobilization of Muslims against offensive images during the Danish cartoon riots in 2005. For a fuller account see S. Mahmood, 'Religious Reason and Secular Affect. An incommensurable divide?' in *Critical Inquiry* 35, (2009), 836-862.

sound bite nor is the point readily understood. Yet in the light of the ever more nationalist, racist and exclusionary dynamics throughout the European societies we are familiar with, we are increasingly convinced it is one of the crucial critical tasks awaiting us. And to those who then ask for alternatives – ‘what questions should we be discussing if it is not whether headscarfs are oppressive or emancipatory?’ – we answer that this must be a matter of collective conversation in which excluded and marginalized perspectives are highlighted. This point of departure of course raises many other questions – such as how such conversations are already structured by power relations because of the way they are arranged and the notions of speech they depend on. Yet these are the very questions and conversations with which we believe it is important to engage.