

HIJAB, ‘NEW PIETY’ AND THE QUESTION OF AGENCY: A CRITIQUE OF BRONWYN WINTER’S ATHEIST FEMINISM

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Female Muslim attire has become a sartorial object of contention like no other in democratic Western societies of late. In Australia, social commentator Virginia Haussegger recently launched an impassioned attack on the burqa, labelling it a tool of patriarchal control that is incompatible with Australian values, and the women who wear it ‘feeble’ obscurantists who are ‘complicit in their own oppression’.¹ Several years earlier, the wearing of any Islamic head-covering was publicly questioned when prominent Liberal MP Bronwyn Bishop called for a ban on hijabs in Australian schools. In both cases—and in others like them in Germany and the Netherlands—the French government’s approach to the question of Islamic veiling played a prominent role in justifications for proposed state interventions into Muslim women’s wardrobes. Notwithstanding the fact that French Muslim women do not wear burqas (a form of dress very seldom seen outside Afghanistan and parts of Pakistan) and very few wear niqabs (face covering scarves that leave the eyes visible), in June 2009 French President Nicolas Sarkozy announced that his government would pursue a ban on the burqa because it ‘amounts to a breach of individual freedom on our national territory’.² In the name of national security, the French secret service has since counted all of France’s burqas,³ arriving at a grand total of 367 (a figure assumedly referring to niqabs, not burqas); to misquote McCartney and Lennon, now they know how many veils it takes to fill the *Élysée*.

The proposed burqa ban is the latest episode in France’s two-decade long battle with Islamic veiling that has, until now, concentrated on schoolgirls’ headscarves, resulting in the 2004 legislation banning conspicuous signs of religion in French public schools. The law has captivated anglophone liberal media commentators, who tend to either view it as an overtly racist breach of human rights or dismiss it as a quirk of Gallic eccentricity—‘*l’exception française*’. While the French *affaires du foulard* have long interested French Studies scholars and routinely serve as a case study in comparative research on European migration, in the past two years the issue has generated a surprising number of in-depth scholarly analyses. Bronwyn Winter’s *Hijab and the Republic: Uncovering the French Headscarf Debate* (2008)⁴ was the third book to be published on the hijab debates within eighteen months, following

Joan Wallach Scott's *The Politics of the Veil* (2007)⁵ and John Bowen's *Why the French Don't Like Headscarves: Islam, the State, and Public Space* (2006).⁶ Another two books, Cécile Laborde's *Critical Republicanism: The Hijab Controversy and Political Philosophy* (2008) and *Veil: Mirror of Identity* by Christian Joppke (2009),⁷ appeared shortly after it. While the focus of each of these books may be different, all inevitably cover much the same intellectual terrain; the stakes for anyone entering this area are therefore high.

One of the central questions Winter addresses is Why the hijab? What is it about a simple piece of cloth that has sparked such heated debate in France that legislation was deemed necessary, especially when headscarves in schools barely raise an eyebrow in most other Western secular contexts? The answer, she says, lies in longstanding tensions surrounding the French state's relationship with both religion and immigrants from its former colonies. As Winter rightly points out, secularism has long played a vital role in French Republican nation building, beginning with the Revolutionary struggle to divest the monarchy of the legitimacy it claimed on the basis of divine right. French secularism is seen as the 'cornerstone' of the Republican political model; it is the social pact that is said to guarantee individuals freedom of conscience by maintaining the strict religious neutrality of public institutions. The main area of contention surrounding the hijab concerns whether or not it is a manifestation of freedom of conscience. For those who believe that it is not, the scarf is a symbol of women's oppression: its presence in the public institution charged with transmitting Republican values to France's citizens-in-training thus threatens the very fabric of French society. Winter's analysis indicates that the fact that the controversy began in 1989, when the first expulsions of veiled schoolgirls of Maghrebian background occurred, is not incidental. Although there were reports of girls wearing hijabs to school as far back as the 1970s, the hijab 'psychodrama' began in the context of heightened national anxiety—fuelled in no small part by a dramatic rise in support for the extreme right Front National during the 1980s—over the perceived failure of the so-called Republican 'integration machine' to cope with an increasingly visible Muslim minority.

Winter's analysis of the background to and significance of the French headscarf debate is for the most part thorough and convincing, and her insights complement many of the respective contributions of Scott, Bowen and Laborde on these aspects of the topic. Where Winter diverges significantly from these authors, however, is in her treatment of the religious practices of young French

Muslims. Both within France and abroad, the hijab debate tends to polarise around the question of the hijab wearers' agency. For Republican secularists, cases of young women who say they wear the hijab under pressure from family or community members render the law a necessity, while those opposing the law generally do so on the basis that it unfairly affects girls who freely choose to wear hijab. Winter is well aware of this dichotomy and positions herself outside of it; her stated objective is to provide a feminist analysis of the complexities of the political debate over the hijab, and in doing so she pays careful attention to how the interests of Muslim girls and women are instrumentalised for political gain by actors on all sides. While I find that she mostly does this well, her insights into the political skirmishes played out on the bodies of hijabi girls and women come at the expense of understanding their religiosity, which is treated as suspect throughout.

Winter begins an early section of the book with a discussion of the references to hijab in various *surah* (chapters of the Qur'an) and *hadith* (sayings of the Prophet). As she points out, there are few references to the hijab understood as a headcovering in these key Islamic texts, and there is certainly no clear and indisputable directive to Muslim women that they must cover their heads. There is also, historically speaking, a strong link between head covering and social status, not only in Muslim societies but also in the West, and the roots of contemporary forms of veiling in the Arab world and Arab diasporas of the West have much to do with early postcolonial politics in Egypt, the birthplace of the Muslim Brotherhood. She also correctly identifies hijab as a marker of gender and sexual comportment. In terms of the latter, however, her interpretation of the sexual significance of hijab implicates women who wear the scarf in the extremist view that women bear responsibility for male sexual violence:

the hijab is a hypersexualizing marker par excellence. Not only does it indicate that under it is a woman, it indicates, as Imam of Sydney's Lakemba Mosque, Sheikh Al-Hilali put it in late 2006, in admittedly extreme terms, that without it, women are 'uncovered meat' that men, who become 'cats' in Al-Hilali's analogy, cannot be blamed for assaulting.⁸

While Winter does provide a footnote acknowledging the outrage this comment inspired among Australian Muslim women, she pays little heed to hijabi women's views on gender relations in Islam or what role the scarf plays in their religious practice. Where she does engage with the religiosity of young hijabis it is through the consideration of a book about Alma and Lila Lévy,⁹ the sisters who found themselves at the centre of a media storm in 2003 after being expelled from school for refusing to remove their scarves in class. After a glib rundown of some of the young women's beliefs that she takes issue with, Winter takes the sixteen and eighteen year-old sisters to task for adopting a superior tone in relation to their Kabyle grandmother's religious practice, which they see as based on ignorant adherence to traditions, although they feel her intentions are good. Winter finds this supposed lack of feminist solidarity worrying, so much so that she returns to ponder it towards the end of the book. Although she does engage in some consideration of whether women wear hijab through choice or under duress, at no point does the reader acquire any sense of what makes adherence to an Islamic religious identity a meaningful and fulfilling way of existing in the world for many women, much less what the scarf means from their perspective. The overall impression is that wearing the hijab is an unfortunate outcome of erroneous interpretations of the Qur'an and *hadith*, yet one that must be tolerated so long as women freely choose to wear it (more on that shortly).

The question this raises is why this apparent lack of ethnological sensitivity matters. Winter's stated objective is, after all, not to explore the religiosity of Muslim women but to present a feminist analysis of the ways hijab is strategically used as a vehicle for political views in France. The problem as I see it is that focussing on how the headscarf becomes a banner for patriarchal agendas—and I am in complete agreement with Winter that it too often does—the lived experiences of women are too easily disregarded, and their welfare jeopardised as a result. A prime example of this is the several pages she devotes to discussing Elizabeth Altschull's *Le voile contre l'école* (1995),¹⁰ a journalistic-style dissection of the erratic behaviour of a Muslim high school student and her family—particularly her father—following a teacher's unwavering demand that the student remove her hijab in class because it is a 'symbol of women's oppression'. On my reading, the view put forward by Altschull has heavy orientalist overtones: the bare-headed Maghrebian teaching assistants who supported the student's unveiling are patronisingly referred to

as ‘well integrated’, for instance, while the father’s refusal to shake hands with his daughter’s female teacher is interpreted as proof of fundamentalism, rather than a commonplace Islamic custom observed by both sexes. As the stand-off between teacher and student continues, the girl’s behaviour becomes increasingly desperate, until she eventually makes unfounded accusations of sexual harassment against a male teacher. The events described by Altschull suggest that if the student was wearing the headscarf under paternal duress as claimed (and the case for that seems very strong), then any possibility of helping her negotiate that situation was ruled out by the teacher’s dogmatic adherence to her secularist principles. Winter’s reading of that text, however, is very different. Rather than seeing the saga as an abuse of both paternal authority *and* pedagogical authority, or the book itself as an ethically dubious piece of writing (Altschull herself was the teacher in question, her student was thirteen years old), Winter presents it as an important scholarly endeavour that is ‘based on extensive field research’ and is ‘framed within an explicit feminist concern for the welfare of girls and women’.¹¹

This is not to say that Winter shares the same overtly orientalist outlook as Altschull. In an earlier publication¹² Winter identified three discursive frameworks that tend to shape feminist scholarship on Islamism: an orientalist framework, which essentialises Islam, assigning it a subordinate position in the dichotomies of West/East, modernity/retrogression, etc.; a culturally relativist multiculturalist framework, which tacitly condones practices that are harmful to women in the name of respect for difference and the acknowledgement of women’s agency; and a related pluralist perspective, which highlights feminist interpretations of religious texts and champions these against more conservative doctrines. While *Hijab and the Republic* is not a study of French Islamism, the orientalist and multiculturalist frameworks apply equally to the study of the hijab debates. The former is evident in some French militant secularists’ claims that the scarf is a flag of fundamentalism and an instrument of oppression; the latter can be seen in the reluctance of many anglophone commentators to acknowledge well-documented experiences of young women from socioeconomically disadvantaged areas who say they risk being attacked or abused by local boys and young men if they don’t wear the scarf. Winter’s awareness of these frameworks and their attendant weaknesses is central to her critical examination of the discourses on hijab and is one of the strongest aspects of her work. Where this leads her to falter in her earlier discussion of feminist approaches to Islamism, however, is in her treatment of the question

of Muslim women's agency. While she acknowledges that even fundamentalist forms of religion can empower women in certain respects,¹³ she conflates others' use of agency as an analytical category with the approval of 'whatever minority religious women do or say'.¹⁴ Thus discussions of agency for her become synonymous with a multiculturalist apologist approach where Islamism is concerned. In *Hijab and the Republic* she is similarly sceptical of arguments concerning agency, but here the focus is on how the question of age makes thinking about agency problematic, given that girls as young as ten wear hijab in France. The problem for her lies in the notion that girl children can make autonomous decisions about veiling. She provides the example of how 'the identity scarf quickly becomes a forced headscarf', citing one observer's remark that fourteen year-olds' claims to have arrived at the decision to wear the scarf independently are suspect because many such girls attend weekend religious classes from a young age. Looking beyond Winter's troubling equation of the influence of religious instruction with force in this instance, her interpretation of agency as choices made independently misrepresents what many feminist scholars mean when they speak of agency, particularly in relation to veiling.

In criticising the use of agency as an analytical frame, Winter fails to recognise an important emerging theoretical perspective that rejects a liberal autonomist understanding of agency as merely autonomous choice and/or resistance to power. This new approach instead draws on, or is at least compatible with, poststructuralist accounts of subjectivity—particularly Foucault's later work—which stress that people are not only the objects of discursive power; their subjectivity is constituted by it, and their capacity for action is enabled by it. It is a perspective that is implicit in recent ethnographic work that examines the ways pious Muslim women negotiate modernity.¹⁵ Anthropologist Saba Mahmood has provided one of the most erudite accounts of this epistemological approach to date.¹⁶ While she recognises that studies emphasising the compatibility of wearing hijab with liberal feminist values are important correctives to orientalist depictions of Islam as oppressive to women, Mahmood draws attention to what these studies frequently overlook: the moral dispositions that hijabi women seek to cultivate through the act of veiling. While shyness, modesty, perseverance and humility are certainly characteristics through which women can be rendered subordinate to men, they are not simply by-products of patriarchal domination. Rather, where understood as signifying 'closeness to God', women actively pursue these

virtues through everyday corporeal practices. In this respect the scarf can be seen as a technology of the self, a tool that enables women to create a pious self. It is, as Mahmood puts it, ‘a means of both *being* and *becoming* a certain kind of person’,¹⁷ the latter referring to the achievement of inner qualities through external practices. Thus, to return to Winter’s discussion of the religious views of the Lévy sisters, the girls’ conviction that veiling is a religious obligation is not necessarily the result of passive capitulation to patriarchal pressure as Winter suggests, nor does it mean that they think all Muslim women must wear hijab (they have stated publicly on many occasions that they do not). The Lévy sisters subscribe to Tariq Ramadan’s conviction that hijab is an obligation under Islam, a view which Winter claims is false.¹⁸ But what she leaves out is that Ramadan also argues that, as Laborde reminds us, veiling ‘can *only* be the outcome of a personal choice and self-development’.¹⁹ In other words, to be considered valid within the discursive framework of ‘new piety’ the hijab must be the outcome of the kind of identity project (as distinct from identity politics) that Mahmood speaks of, as opposed to submission to religious or parental authority or cultural traditions. Hence the Lévy sisters’ criticism of their grandmother’s traditional religious practice.

This is not to deny the existence of more insidious narratives of faith in France, either within Islam or other religions. Rather, what can be taken from this alternative approach to the question of agency is that the popular brand of Islamic piety that worries Winter is much more liberal—and, arguably, secularised—than she leads us to believe. In problematising autonomous choice as a discursive framework for approaching the study of hijabi identities it also draws attention to the fact that Winter’s variety of feminism is not culturally neutral; i.e. one wonders whether an orthodox Jewish girl claiming to celebrate her bat mitzvah out of ‘choice’ would inspire the same level of concern. In this vein, the scenario Winter presents could also easily be flipped around to claim that the majority of Western women and girls are merely capitulating to dominant familial and community pressure *not* to veil, no matter how ardently they believe that decision to be an outcome of personal choice. Poststructuralist accounts of agency aside, Winter’s analytical emphasis on choice also sits oddly in relation to orthodox liberal political theory. She asks how it is possible to determine the extent to which girls act independently of outside influence.²⁰ The answer is that it is not possible, and we should not expect it to be. For most liberal democratic theorists, the question of minority children’s wellbeing

is not framed around children's ability to make autonomous choices, but rather their rights to freedom from overtly harmful practices and to develop the capacity to make choices in adulthood that do not necessarily reflect their parents' views.²¹ From this perspective, hijab can only be considered harmful if it is unquestionably imposed by force. Where this is the case—and Winter rightly draws our attention to some instances where it is—the question of what needs to be done must be handled in a manner that does not encroach on those who adhere to new forms of piety. It is unfortunate that this is downplayed by Winter, who prefers instead to question the religiosity of pious hijabi girls and women and emphasise their minority status among France's Muslims.

There is certainly more to *Hijab and the Republic* than this vexed question of agency. However, its centrality to the most recent episodes of the hijab debate—and now the burqa controversy—demands a more nuanced approach than the one Winter presents.

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Notes

- 1 Virginia Haussegger, 'Ban unAustralian burka', *The Canberra Times*, 27 June 2009, p. 16.
- 2 Emma Jane Kirby, 'Sarkozy stirs French burka debate', *BBC News* [online], <http://news.bbc.co.uk/2/low/europe/8113778.stm>, 22 June 2009.
- 3 Isabelle Mandraud, 'La police estime marginal le port de la burqa', *Le Monde*, 29 July 2009, p. 8.
- 4 Bronwyn Winter, *Hijab and the Republic: Uncovering the French Headscarf Debate*, New York, Syracuse University Press, 2008.
- 5 Joan Wallach Scott, *The Politics of the Veil*, Princeton NJ, Princeton University Press, 2008.
- 6 John Richard Bowen, *Why the French Don't Like Headscarves: Islam, the State, and Public Space*, Princeton NJ, Princeton University Press, 2007.
- 7 Christian Joppke, *Veil: Mirror of Identity*, Cambridge, Polity Press, 2009.
- 8 Winter, *Hijab and the Republic*, p. 27.
- 9 Alma Lévy, Lila Lévy, Véronique Giraud and Yves Sintomer, *Des filles comme les autres : Au-delà du foulard*, Paris, La Découverte, 2004.
- 10 Elizabeth Altschull, *Le voile contre l'école*, Paris, Seuil, 1995.
- 11 Winter, *Hijab and the Republic*, p. 194.

- 12 Bronwyn Winter. 'Fundamental Misunderstandings: Issues in Feminist Approaches to Islam', *Journal of Women's History*, vol. 13, n° 1, 2001, pp. 9-41.
- 13 Winter, 'Fundamental Misunderstandings', p. 16.
- 14 Winter, 'Fundamental Misunderstandings', p. 16.
- 15 See Lara Deeb, *An Enchanted Modern: Gender and Public Piety in Shi'i Lebanon*, Princeton NJ, Princeton University Press, 2006; Katherine Pratt Ewing, *Arguing Sainthood: Islam, Modernity and Psychoanalysis*, Durham NC, Duke University Press, 2006; Nilüfer Göle, *The Forbidden Modern: Civilization and Veiling*, Ann Arbor, University of Michigan Press, 1996.
- 16 Saba Mahmood, 'Feminist Theory, Embodiment, and the Docile Agent: Some Reflections on the Egyptian Islamic Revival', *Cultural Anthropology*, vol. 16, n° 2, 2001, pp. 202-236; Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject*, Princeton NJ, Princeton University Press, 2005.
- 17 Mahmood, 'Feminist Theory', p. 215.
- 18 Winter, *Hijab and the Republic*, p. 23.
- 19 Cécile Laborde, *Critical Republicanism: The Hijab Controversy and Political Philosophy*, Oxford, Oxford University Press, 2008, p. 144.
- 20 Winter, *Hijab and the Republic*, p. 265.
- 21 Chandran Kukathas, *The Liberal Archipelago: A Theory of Diversity and Freedom*, Oxford, Oxford University Press and Princeton NJ, Princeton University Press, 2003, pp. 123-124.