

In Your Face: Law, Justice, and Niqab-Wearing Women in Canada

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NATASHA BAKHT

Bakht's previous work has shown deep insight into the topic of niqab in the West, with strong messages supporting the right of Muslim women to wear niqab and be included as full citizens in Western liberal democracies, while criticizing the numerous assumptions and objections that lead to niqab bans. I was eager to read her new book, *In Your Face: Law, Justice, and Niqab-Wearing Women in Canada*.

The cover is the first sign that Bakht will not disappoint. We are used to the ubiquitous image of an oppressed looking Muslim woman in a black headscarf and face veil appended to irrelevant articles about Muslims or to sensationalized accounts of "Muslim women behind the veil" that exoticize and essentialize all Muslim women as oppressed. The cover of *In Your Face* contrasts with this tradition by having an image of a young Muslim woman whose eyes are obviously crinkled by a smile. We imagine she is grinning underneath her black face veil. The eyes are not sad and downcast (oppressed) nor are they done up in mass amounts of kohl with long lashes (exotic). The headscarf is burgundy coloured, the coat is brown with a green sleeve showing. She holds two fingers up in the V sign, now understood to be a hand sign for peace.

In Your Face is carefully argued, empathetic, full of brilliant insights, with a clear message: let's "create a new vision of society, one in which women's choice of clothing is respected and religious garb is viewed as either irrelevant or, at most, the source of respectful curiosity, opening a window of dialogue that increases mutual understanding" (13). The book has six chapters plus an introduction and a conclusion. Bakht is a legal scholar. Her legal expertise is foregrounded especially in chapters three, four, and five, where she thoroughly examines niqab bans in the courtroom and in legislation. She unpacks western legal systems' dubious reliance on the need for demeanor evidence that is offered as the rationale for requiring Muslim women to remove their niqabs if they want to be part of the justice system, as observer, employee, defendant, or plaintiff. She draws on social science scholarship that shows that our ability to tell if a person is lying by watching the face is little more than a guess (69). Bakht warns us that most of the "objections to women who wear face veils in courtrooms have no real basis" (88) and that "simplistic interpretation of public access to courts has the perverse effect of closing Canadian courtrooms to all niqab-wearing women" (109). She points to the danger of legal decisions that are picked up from one country to another, "reveal[ing] the interconnectedness of Western jurisprudence" (113). Bakht clearly wishes that the few judges who have made accommodations in their courtrooms to allow niqab-wearing women to participate is the precedent that is being circulated, rather than the ones firming up around bans (103-104).

Chapter Two debunks ten common arguments advanced in popular, political and legal discourse for why niqab should not be worn in public spaces. Bakht finds that perspectives arguing niqab is a threat to security, a sign of an inability to communicate, an unwillingness to integrate, hiding identity, signifying women's oppression and Islam's intolerance, contradicting secularism, or intimidating and lacking courtesy are "based on specious logic" (10). She concludes, following Razack:

When the legal reasoning upon which niqab bans are based is flimsy at best—that is, when law abandons logic and permits consequences that would be considered outrageous in any other

context—Sherene Razack’s contention that niqab bans are a call to Muslim women to yield to sexual and racial superiority rings true. She persuasively argues that the niqab generates a desire to know and possess the woman who is covered. Her refusal to yield to the white Western masculine gaze, to preposterously insist on being “in one’s face,” then becomes the only credible basis for removing her from sight. (139)

Chapters One and Six bookend *In Your Face* in a special way. Chapter One, titled “Listening to the Voices of Niqab-Wearing Women,” contains interviews with four niqab-wearing women in Ontario, five in Québec, and quotes from op-eds, media interviews or affidavits of niqab wearers, and other scholarship based on interviews with niqab-wearing women. Bakht knows that niqab-wearing women’s perspectives are usually absent from public and legal debates over niqab bans, so she made the effort to introduce some before proceeding with her analysis. She emphasizes the women’s agency in their choice to cover, their religious motivations, and their sense that they are happy wearing niqab, even though they are subjected to hostility in everyday life and the law.

Chapter Six is a clever look at “Niqab-Wearing Women’s Resistance in the Face of Oppressive Government Tactics and Popular Beliefs.” She gives space to her interviewees to discuss how they deal with anti-niqab attitudes and laws. Zakia relates a story about a woman who stared at her on the bus for so long, finally asking “Can you breathe in that veil?” Zakia replied, “It’s only a piece of cloth...It’s not stopping any air coming in and out” (145), after which they talked more about niqab. Bakht draws our attention to niqab-wearing artists. She includes a nice photograph of a niqab-wearing woman that does not replicate the common “sul-len-faced women in black, gloomily looking down” (154), and a very funny cartoon by British Muslim artist Hannah Habibi of a niqab-wearing woman captioned “Made You Look!” (156).

Chapter Six also includes a section on non-niqab wearing allies (Muslim and non-Muslim). As Bakht rightly says, spotlighting allies is crucial because

they reassure and support niqab-wearing women who demonstrate incredible courage each day as they confront their very outspoken critics. They reject homogenized projections of oppression and threat onto the bodies of Muslim women. They also help reformulate narratives about niqab-wearing women (as students, as consumers of public services, as rights-bearing members of the community) and they set an important example for other institutions and individuals not to be indifferent or unsympathetic in the face of overwhelming and organized hostility toward a small group of women. Simultaneously, these everyday interactions and micro-practices create an alternative narrative that can sustain a more peaceful and just society. (153-54)

Bakht's respect for niqab-wearing women shines through. Her decision to use the phrase "niqab-wearing women," instead of the more common *niqabi*, is based on her sense that the word *niqabi* reduces a woman to her face-veil, when "they are so much more" (10). She notes that niqab-wearing women are also "mothers, friends, activists, students, consumers, entrepreneurs, athletes, scientists, teachers, and volunteers, among other roles and professions" (167). Bakht says, "Notwithstanding that in Canada there have been multiple niqab controversies, in my interviews with niqab-wearing women, I have been struck by how fulfilled and happy many of the women seemed to be" (146). She does not undermine this by suggesting they have "false consciousness."

In Your Face: Law, Justice, and Niqab-Wearing Women in Canada is very impressive. I wish Bakht had done two additional things: the first is that she had used the perspectives from Chapter One, her interviews with niqab-wearing women, throughout the book, instead of placing them in the first and last chapters alone. A couple of the middle chapters are adapted from previously published work. They are revamped and the book ties together well. They are brilliant and carefully argued. I found myself wishing to know more about what her interviewees thought about the anti-niqab arguments Bakht was examining or the court room practices she was criticizing; to have her interviewees voices whispering throughout the entire book.

Second, the title had led me to hope for an extended analysis of “face.” For while exposing the hypocrisy, racism, sexism, illogicality, and unreasonableness of popular, political and legal discourses against niqab are all important, there still stands the deeper issue of why Westerners care about showing the face so intensely. Why do they equate identity with showing the face? Why must we show our faces to be open, tolerant, equal, civilized, and communicating? In the middle of a paragraph on page 74, Bakht asks “What then is in a face?” The question is answered pages later, with a brief quotation from law professor Robert Leckey who views this as being from the New Testament’s hymn to Christian charity in Corinthians—“For now we see through a glass, darkly, but then face to face: now I know in part; but then shall I know even as also I am known” (110). I wish she had dwelled on this question more. There is more to “face politics” (see Jenny Edkins’ book of this title) than this: there is the social and political construction of the “individual” tied to the rise of capitalism, and there is modernity’s conception of knowledge as “objective” and based on the gaze. Unpacking “face politics” more deeply would enhance her excellent analysis.

KATHERINE BULLOCK
LECTURER, DEPARTMENT OF POLITICAL SCIENCE
UNIVERSITY OF TORONTO
MISSISSAUGA, CANADA

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