



Bill 60: A FEMINIST RESPONSE

Translation of the **Mémoire** on Bill 60,
“Charter affirming the values of State secularism
and religious neutrality and of equality
between women and men, and providing
a framework for accommodation requests”

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TABLE OF CONTENTS

	Page
1. Summary.....	1
2. The Simone de Beauvoir Institute	1
3. Quebec and the Plurality of Feminisms.....	3
4. The Veil and its Various Meanings.....	4
5. The State and the Clothing Diktat for Women	6
6. Bill 60's Impact on Minority Women.....	7
7. Bill 60's Impact on the Academic World and the SdBI.....	9
8. Conclusions and recommendations	10
9. References.....	10

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1. Summary

As feminists educators, researchers, and students in Québec, we oppose Bill 60 and have serious misgivings about the unproven assumptions related to equality between men and women upon which it is based. Put simply, our concern is that Bill 60 will restrict rather than enhance the rights of women. We are submitting this brief to draw attention to what we perceive as the exclusionary nature of this bill, the false assumptions it supports, and the negative impact it is likely to have on the lives of women living in Quebec.

More specifically, we urge you not to adopt Bill 60 for the five following reasons: (1) it wrongly affirms that secularism will result in equality between men and women; (2) it wrongly equates the veil with the oppression of women; (3) it dictates (beyond what is already stipulated in the law) what people, particularly women, may or may not wear; (4) it will have a devastating impact on women who are already marginalized; and (5) it will have extremely negative consequences for the academic world and particularly the Simone de Beauvoir Institute (SdBI), its students and researchers as well as the education and research that are at the very heart of its mission. In the following pages, we briefly present the SdBI and its areas of expertise and then explain in greater detail the reasons for which we recommend that Bill 60 be abandoned.

2. The Simone De Beauvoir Institute

The SdBI is a college of Concordia University in Montreal, Quebec. Established in 1978 as a site for action and the production of knowledge about women's lives, it has the oldest Women's Studies program in Canada and is recognized as one of the most innovative places in Quebec and Canada to study feminisms and develop initiatives that promote equality and social justice for all. For 35 years, the SdBI has been a leader in the study of feminisms and our approach has gone beyond the mere study of the conditions of women's lives. As celebrated feminist Angela Davis plainly puts it, feminism is not only about women and not only about gender. It is a

broader methodology that can enable us to better conceptualize and fight for progressive change. At the heart of our approach is the understanding that social inequality is produced through interlocking systems of oppression.

Each year, the SdBI offers a variety of exciting courses and activities that explore local and international areas of interest such as sexuality, health, violence, poverty, sexism, racism, fundamentalism, militarism and globalization. We specifically focus on various feminist movements and theories in our courses. For example, we have given the following courses in the last two years: Feminist Thought (historical and contemporary aspects), Féminismes dans la francophonie (course given in French), Critical Race Feminisms, Post/Anti/Colonial Feminist Theories, Queer Feminisms, Lesbian Feminisms, Arab Feminisms, Indigenous Feminisms, Eco-Feminisms, Marxist Feminisms, and Feminist Theories on Disabilities. Our institute offers four undergraduate Women's Studies programs and our professors supervise Master's and Ph.D. students in two multidisciplinary programs: the Individualized Program (INDI) and Humanities Program (HUMA).

The SdBI is a site for lively intellectual exchange where teaching, research, activism and community service are enriched by the presence of its faculty (4 full-time professors and 10 part-time professors), Lillian Robinson scholars (2 visiting professors every year), Fellows (currently 11 Fellows, 7 of whom come from other departments of Concordia University), Research Associates (currently 25, including 18 who have a Ph.D.), Postdoctoral Fellows (around 5 per year), graduate students (approximately 5 per year), and undergraduate students (currently 146 in our Women's Studies Major program and 70 others in our Specialization, Minor and Certificate programs).

Since feminist scholarship insists on the connection between knowledge and action, the SdBI and the Women's Studies Student Association (WSSA) are active in the local feminist community as well as in communities outside of Montreal and Quebec through research and outreach activities. SdBI professors are perfectly bilingual and the SdBI maintains close ties to UQAM's Institut de recherches et d'études féministes (IREF), McGill University's Institute for Gender, Sexuality and Feminist Studies (IGSF) and Université Laval's Chaire Claire-Bonenfant Femmes, savoirs et sociétés. All of these organizations are part of the Réseau québécois d'études féministes, which promotes cooperation between feminists at our Institute and those at other universities in Quebec.

As part of their mission, SdBI members (students, faculty, Fellows and Research Associates) study, discuss, consult and frequently take positions on issues of public interest, especially those likely to have an impact on women. This has been the case, for example, with the Bouchard-Taylor Commission in 2007, the Quebec government's Bill 94 on reasonable accommodation in 2009, the tuition hike in Quebec in 2012, and the "Idle No More" movement in 2013. The official positions of the SdBI are available at <http://wsdb.concordia.ca/about-us/official-position-on-issues/>.

The SdBI has long been interested in the specific issues of feminism, the veil and secularism, and its faculty has distinguished itself by its extensive writings on these issues. The entire Institute actively participated in and followed the debates leading up to Bill 60. We presented papers at

conferences, published articles, submitted a position statement on Bill 94 (our colleague, Dr. Viviane Namaste, represented the SdBI and presented our position statement during the consultations that took place in Quebec City), and also held a two-day public conference with experts from the Americas, Asia and Europe to allow us to delve more deeply into these issues (see <http://revealingdemocracy.concordia.ca/en/program/>). Our conference “*La démocratie dévoilée / Revealing Democracy*” addressed Bill 94 from a critical and comparative perspective. This event made it possible to hear from academics from various backgrounds, such as Wendy Brown (United States), Nacira Guénif-Souilamas (France) and Corrine Torrekens (Belgium), who all investigated issues related to religion and women. Given the above, we feel confident in bringing forward our scholarly perspective, which is why we want today to share our position on Bill 60, that is, the “Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests.” The following paragraphs outline our concerns and support our objections.

3. Quebec and the Plurality of Feminisms

Feminist thought has made a great deal of progress in Quebec thanks to feminist activists and the research and writings of feminist scholars. Feminist thought is making inroads because of the knowledge developed in the last 20 years by post/anti/de/colonial, queer, lesbian, Arab, indigenous, ecological, psychoanalytical, and transnational feminists. There is definitely a plurality of feminisms in Quebec and they co-exist. While feminist militants and researchers who support this pluralism engage in heated debates, they also work together on a wide range of feminist projects (to read about the collective achievements of members of the Réseau québécois d'études féministes, go to <http://www.reqef.uqam.ca/>).

It is from this pluralist perspective that we propose to examine Bill 60. A preliminary observation: Bill 60 wrongly affirms that secularism will result in equality between men and women. At the root of this conclusion is a certain type of feminism that does not reflect the current state of feminist knowledge in Quebec and around the world. It is here crucial to note that the collective rights of women cannot be defined solely through the narrow and universalizing lens offered by a few “State feminists” whose preferred brand of liberal feminism allows for only one understanding of the causes of women’s oppression.

In contrast, our analyses lead us to conclude that promoting secularism as an instrument to create equality between women and men implies a connection between secularism and equality that is disproven by 20th century history. Furthermore, we notice that State feminists instrumentalize certain religious practices as a source of oppression, which shows their belief that they alone can define the terms of equality between men and women. Therefore, we find it necessary, as part of the discussions surrounding Bill 60, to denounce in no uncertain terms the fact that certain Quebec feminists appropriate and distort the collective rights of women, from which they exclude the right of entire communities to express their religious affiliation or the right to evoke the spiritual values at the root of their lives (e.g. aboriginal women). In this regard, it is fairly clear that Bill 60 impedes access to the collective rights of all women in Quebec.

Our analysis of Bill 60 forces us to ask some basic questions. If the law is intended to affirm the values of State secularism and religious neutrality, why does it also concern equality between women and men, thereby suggesting that State secularism and neutrality are conditions for this equality? If, as stipulated in the preamble of the bill, the National Assembly finds important the value of equality between women and men, why does it target secularism rather than the economy, which is a primary source of inequality between men and women? Our analysis suggests that if Bill 60 becomes law, it will result in limiting the rights of women and excluding female citizens from employment, education, and state and public services, which will only exacerbate inequality between women and men.

We do not identify with the kind of feminism that underlies Bill 60—a feminism which sees itself as universal but is far from it given that it relies on social exclusion and uses women's bodies and clothes to divide and hierarchize women. As feminists, we are convinced that it would be better for the Quebec government to take account of the diversity of voices that exist in the feminist movement and to recognize, for women who choose to wear a religious symbol, the agency and right to decide for themselves and be heard and represented by a pluralistic type of Quebec feminism. We take exception with certain so-called “feminist” practices that use the law to marginalize specific groups of women (e.g. women who wear a hijab or niqab) and exclude them from the public sphere by limiting their full access to work, education and health care.

Many feminist discourses and analyses co-exist and enjoy mutual respect in Quebec. Bill 60 disregards this pluralism and elevates an institutional, liberal type of feminism practiced by the Quebec government as if it were the one and only universal framework for interpreting and understanding the realities of women. The principles of feminism supported by SdBI members recognize equality between men and women not as an abstract and symbolic reality represented by a lack of visible religious symbols on a woman's body, but rather as a fight for social justice that should be waged in the field and brought about by genuine equality in access to resources and power. At a minimum, the latter must imply a tangible equality between women themselves, for instance, when all women have the same access to work, education and healthcare.

4. The Veil and its Various Meanings

As feminist academics, we recognize that all patriarchal religions (e.g. Christianity, Judaism, Islam, Hinduism and Buddhism) continue to promote inequality between men and women. However, a large number of feminists practice these religions and many are even active in progressive movements to reform them. We believe that it is simplistic to think that overt demonstration of religious affiliation imposes or promotes conservative gender roles or promotes inequality between women and men (see Whitehead, Talahite & Moodley, 2013).

Although Bill 60 seeks to impose restrictions on all ostentatious religious symbols, we are especially concerned with how this Bill will have an impact on veiled Muslim women living in Quebec. Borrowing from feminist scholar Dr. Lila Abu-Lughod (2013), we want to reiterate that the crucial point about veiling is that it must not be confused with, or made to stand for, lack of agency. Indeed, we agree with anthropologist Dr. Homa Hoodfar, who has long argued

that “veiling is a complex, dynamic and changing cultural practice” (1993, p. 15). Dr. Hoodfar adds that “The assumption that veiling is a static practice which symbolizes the oppressive nature of patriarchy in Muslim societies has prevented social scientists and western feminists from examining Muslim women’s own account of their lives, hence perpetuating the racist stereotypes which are ultimately in the service of patriarchy in both societies” (1993, p. 16).

Studies by our faculty, fellows, research associates and distinguished guest speakers from around the world who have visited the SdBI over the years confirm that there is not one Islam but rather many Muslim societies, cultures, regions, countries and communities and that the veil has multiple meanings as a result. The veil may communicate an affiliation to a specific group, a social organization or a specific community. It may be linked to a gender, a social conduct, a social rank and/or a social role. It is always an expression of cultural identity. Occasionally, it symbolizes religious beliefs or even humility and modesty. It may also be a means of showing solidarity with other women or resisting assimilation to western norms or to patriarchal, colonial or neocolonial desires to “un-veil” and supposedly “liberate” women. In short, thinking of the veil in strictly religious terms or equating it with the oppression of women is reductive and reveals an extraordinary ignorance of history and the multiplicity of contemporary Muslim situations and practices. Consequently, prohibiting public and parapublic sector employees in Quebec from wearing the veil will not decrease Islamism (France’s experience confirms this). Furthermore, religious fundamentalists (in all patriarchal religions) will be able to propagate their sexist discourses about women since they are not targeted by Bill 60.

Based on these arguments, we contend that Bill 60 will not assist in reversing patriarchal ideologies based upon religion, nor will it help to promote a stronger and more unified Quebec. Rather we are concerned with the ways in which tensions have become heightened given how the debates about Bill 60 have pitted members of Quebec society against one another. We denounce the ways in which these debates have been carried out as well as the ways in which the social climate has deteriorated to the point of leading to more racism, Islamophobia, and cultural isolation. The debates over Bill 60 have fuelled divisions by marginalizing and stigmatizing individuals who wear religious symbols.

Certainly, we applaud the Quebec government’s commitment to ensure equality between women and men. However, this ideal will not be achieved by specifically prohibiting employees of “public bodies” (in the meaning of the bill) from wearing religious symbols or by requiring women to uncover their faces to provide or receive a service from such bodies. Regulating the religious expression of women in the public sphere and limiting their access to government services or public life is not a step toward gender equality. To achieve gender equality, we urge the Quebec government to take actions that reduce poverty and violence against women and that improve women’s health and access to education and work. Rather than protect and promote equality between men and women, Bill 60 will undermine this goal and oppress the very women it alleges to “protect” by reducing women’s active citizenship to the point of isolating and preventing some of them from being educated, employed, and even receiving healthcare.

As feminists, we oppose government interventions that wrongly assume that gender equality will be achieved at the expense of women's autonomy. We oppose them because we believe in women's capacity to understand and articulate their experiences of oppression on their own terms.

5. The State and the Clothing Diktat for Women

Based on our feminist convictions, we oppose the creation of laws that dictate what women may or may not wear. One of the fundamental principles of feminism is women's right to control their bodies and the freedom to choose how to cover it. We believe that the State, priests, imams, men and even other feminists may not decide for a woman how she should dress or conduct herself under the pressure exerted by patriarchal powers. We support women's free will, freedom of thought and freedom of conscience.

Some feminists have observed that laws imposed by religious fundamentalist political regimes that enforce the wearing of the veil and secular states banning it are two sides of the same coin. As Dr. Marnia Lazreg (who would also prefer that women *choose* to remove their veil) puts it, "[neither] trusts women with the capacity to decide for themselves how to manage their bodies and whether to wear a veil" (2009, pp. 60-61). In both cases, by excluding women from school, university and the public sector and by criminalizing them even in their own homes (e.g. home-based daycare centres), existing political systems do not allow some women to be citizens with equal rights, duties and social contributions.

In her incisive analysis of the 2004 French government ban on the wearing of "conspicuous signs" of religious affiliation in public schools, feminist Joan Scott concludes that "the insistence on sameness and assimilation aren't working" (p. 180). Dr. Scott argues that the main result of this ban has been to exacerbate the social problems faced by immigrant populations in France. Learning from the example of France, Quebec is now in a position to pave the way for policy that promotes both equality between men and women and a fair separation of State and religion in ways that are inclusive, reflective of the growing diversity of our society, and just to all.

Indeed, the State and even feminists may be disturbed by certain behaviours on the part of women or other feminists: the wearing of "annoying" religious symbols, the disturbing veils, the appallingly low-cut necklines, the "grotesque" piercings, the outrageously high heels, the dreadful make-up, etc. Still, women who choose to present themselves in these ways are not excluded from women's struggles. Neither the State nor anyone else should decide what is appropriate or inappropriate to say, do or wear in order to be a full citizen and/or a feminist. Above all, we agree with the arguments of feminist lawyer Ruthann Robson (2013): we must draw lessons from history and should be more worried about the beliefs and biases of those who seek to control women's attire (whether they are focused on headscarves or something else) than about women's attire *per se*.

6. Bill 60's Impact on Minority Women

Bill 60 claims to “affirm” the value “of equality between women and men.” As feminists, we also affirm this value but are of the opinion that the Quebec government needs to propose concrete actions to achieve equality between women and men. We think that Bill 60 will result in discrimination against a sub-population of Quebec and, as a result, worsen the economic and social situation faced by this sub-population. In fact, equality between women and men primarily depends on the economic autonomy of women. Their autonomy in turn depends on a decent and properly compensated job and on access to both adequate social programs and health care.

Bill 60 clearly stipulates that veiled women may not work at a “public body” (in the meaning of the bill). Moreover, women wearing a niqab may not receive services at a public body. Therefore, according to the wording of the bill, a veiled woman cannot work as a judge at the Court of Québec, the Professions Tribunal, the Human Rights Tribunal or a municipal court. Furthermore, she may not work for:

- childcare centres, home childcare coordinating offices or subsidized day care centres;
- government departments or agencies or budget-funded bodies and government enterprises or bodies whose personnel is appointed in accordance with the Public Service Act;
- municipalities, metropolitan communities, intermunicipal boards, public transit authorities, local development centres, regional conferences of elected officers or municipal housing bureaus;
- school boards, CEGEPs, universities; or
- health and social services agencies or public institutions governed by the Act respecting health services and social services.

Finally, Bill 60 states that a “public body” may require any person or partnership with which it has entered into a service contract or subsidy agreement not to hire veiled women or provide services to women who wear a niqab.

The statistical portrait of women and the job market in Quebec produced by economist Ruth Rose and the Comité consultatif Femmes en développement de la main-d'œuvre (2013) revealed that out of the 10 most important occupations for women, 4 are basic or temporary office jobs (Secretaries, recorders and transcriptionists,* Administrative and regulatory occupations,* Clerical occupations - general office skills* and Finance and insurance clerks*) and 4 are poorly compensated service jobs (Retail salespersons and sales clerks, Cashiers, Occupations in food and beverage service* and Home support and childcare workers*). There are two higher-level categories, that is, Professional occupations in health, nurse supervisors and registered nurses* and Elementary and secondary school teachers and guidance counselors.* Unfortunately, the vast majority of the job categories in which Quebec women are active are affected by Bill 60 (i.e., the categories marked with an asterisk or 8 out of 10 categories).

The vast majority of veiled women or women who wear the niqab are racialized, and some of these women are also immigrants (in Quebec, large numbers of the most recent immigrants come from the Maghreb). While we do not have statistics on veiled women per se, the current statistical portrait (Rose, 2013) gives us an idea of certain realities faced by immigrant and/or racialized women in Quebec. For instance, it shows that aside from some service and blue-collar jobs at manufacturing companies, immigrant women most frequently hold subordinate jobs in healthcare and education. It also appears that recent immigrant women work more often as home support staff and childcare personnel than women born in Canada. Immigrants are around three times more often university professors or teaching and research assistants in universities than individuals born in Canada. There are very few visible minorities with office jobs and not many among teaching staff. However, individuals who identify as “black” are often nurses or work in support positions in the health sector. Many groups of visible minorities can be found in paraprofessional occupations in law, social services, education and religion, and this is the case for Arab women, although nearly all of these individuals are educators or assistants within childcare centres.

In short, according to this statistical portrait, the jobs affected by Bill 60 will become inaccessible for the entire sub-population of veil-wearing immigrant or Quebec-born women. This situation will merely exacerbate the underemployment problem in certain groups of Quebecers, notably those of racialized and immigrant women. The statistical portrait (Rose, 2013) shows that between 1996 and 2006, the gap between the participation rate of women who belong to a visible minority and that of women who do not belong to a visible minority not only did not decrease, but rather increased from 11.6 to 12.3 percentage points in Quebec. Moreover, immigrant women’s participation rates are lower than those of individuals born in Canada. Among women aged 25 to 54 (an age bracket that should have the highest participation rates), the gap between immigrant women and Canada-born women was 7.8 percentage points in 1996, and it widened to 10.5 percentage points in 2006 (Rose, 2013).

While equality between women and men is the goal and while economic autonomy is a basic condition for achieving such equality, it appears that Bill 60 will have a devastating effect on the employment opportunities of women who choose to wear an article of clothing that some will see as a “conspicuous” symbol of religious affiliation. By enforcing this law, the government will play into the hands of fundamentalists and subject veil-wearing women to economic suffocation, thus forcing them back into their homes. As for niqab-wearing women, the situation is not only problematic but also dangerous since they will not have access to full employment and will also lose their full access to education, social programs and healthcare.

Under the pretext of promoting gender equality, the effect of the ban on religious symbols will in fact be the exclusion of women who want to reconcile respect for the demands of their conscience, culture, affiliation and profound subjectivity with respect for the demands of their occupation. The ban will only make these women, who are already doubly or triply marginalized, more vulnerable. It will also further entrench inequality between women and men. Bill 60, which is presented as an instrument to “affirm” gender equality, will instead have the opposite effect.

7. Bill 60's Impact on the Academic World and the SdBI

While the provisions of Bill 60 that specifically affirm the secular nature of educational institutions and the principle of equality between women and men do not pose a problem for Quebec's university milieu, section 5 of the bill, which prohibits personnel from wearing "conspicuous" religious symbols, undermines universities and runs counter to their principles of academic freedom. As feminists, we argue that Bill 60 will have pervasive consequences for teaching and learning in university environments and specifically within the SdBI. In fact, by excluding entire sub-populations of Quebecers, we will witness the gradual homogenization of the professorial and student populations.

At the SdBI more specifically, faculty members have observed that diversity of experiences is an essential component of teaching and learning. The role of professors is, on the one hand, to prepare students for engaging in critical research and dialogue and, on the other hand, to teach them analytical skills that will help them throughout their lives. In our experience, such critical pedagogical processes are enriched by the diversity of women professors and students (who will be affected by Bill 60 when they are hired as teaching or research assistants). When a law results in excluding certain groups of professors or students from universities, the university "project" suffers. When such exclusion specifically targets women (as professors or graduate students), then it is the gender equality "project" that suffers.

We wish to show our solidarity with a group of students who will be directly and adversely affected by section 5 of Bill 60. Every year, the SdBI admits a good number of Muslim women as students. Although they are often born in Quebec or North America, some of them also come from different parts of the world, and notably from the Middle East, Africa and Southeast Asia. Whether or not they wear the veil, these women are thirsty for feminist studies and are united in their struggle against religious fundamentalism. Their presence at the SdBI is not only important for them, but also crucial for all other students and professors. We are very concerned by the fact that Bill 60 will work against the recruitment of talented women students from around the world. Indeed, they will likely choose to attend another university elsewhere when they realize that the law limits their life, job and, in some cases, immigration opportunities. Furthermore, the university milieu will become less attractive to an entire group of women students because Bill 60 will ultimately prevent them from practicing their profession in "public bodies" at the end of their university education.

For SdBI members and, more broadly, for those who populate the Quebec university milieu, there is no doubt that Bill 60 jeopardizes the inclusive character of the academic community and interferes with the rights and freedom of conscience of professors as well as the autonomy of universities. Since professors are not agents of the State, it is critical that they not be subjected to any restriction targeting their opinions and beliefs or the religious symbols they wear. Both the SdBI and Quebec's university milieu are currently places where freedom, debate and the exchange of ideas are vibrant. For Quebec faculty members, the right to equality between women and men will be adversely affected by Bill 60 because the latter will specifically hinder the integration of Muslim women who are perfectly competent and intent on contributing to the advancement of knowledge in the academic world.

8. Conclusions and Recommendations

The professional and feminist expertise that we have developed over the years allows us to fully grasp the multiple, complex and dramatic consequences that the adoption of Bill 60 will have for the women it targets, for the academic world, for the feminist movement and for Quebec society as a whole. We demand that Bill 60 be abandoned for the following reasons:

- it restricts the rights of women and will exclude some female citizens from employment, education, and state and public services, which will only exacerbate inequality between women and men and worsen the situation of women who are targeted by the law;
- it wrongly affirms that the type of secularism it defends will create equality between men and women;
- it wrongly equates the veil with the oppression of women;
- it dictates (beyond what is already stipulated in the law) what people, in particular women, may or may not wear;
- it will have a devastating impact on marginalized women; and
- it will have extremely negative consequences for the academic world.

Not only do we demand that the bill be abandoned, but we also recommend that the Quebec government find ways to repair and restore links with the communities that have been ostracized and subjected to racist and islamophobic actions, with the goal of renewing dialogue on diversity within Quebec society in a way that is respectful of everyone who lives here.

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