

Veiling justice

National Post

Fri 03 Nov 2006

Page: A17

Section: Letters

Byline: **Ed Morgan**

Source: National Post

Re: The Truth Unveiled, Barbara Kay, Nov. 1.

Should a teacher be required to remove her face veil, or niqab, while at work in the classroom, as a U.K. school has recently done? Is former British foreign minister Jack Straw right when he says that communication is severely impeded by a covered face? Is a veiled woman inevitably cut off from the society with which she interacts?

Ms. Kay clearly thinks so. I propose we test her view by asking people who have been on the front lines of the Arab and Islamic world's confrontation with the West.

In 2002, the Israeli Arab civil rights group Adalah brought a petition in the Israeli Supreme Court challenging the procedure followed in security cases for protecting the identity of informants for the General Security Services (Shin Beth). Sometimes the testimony is presented in summary form, and at other times the witnesses are permitted to testify from behind a curtain so that no one can see their face. The argument, which any trial lawyer would have to concede has merit, is that a faceless voice behind a veil is not something to which we can sufficiently relate. Without seeing a person's face, one cannot discern a smile from a grimace, or a truthful statement from a false one, making examination and cross-examination all but impossible.

The rest of us are not in the situation of security prisoners and deep-throat witnesses when we assess the effects of a person masking her face. But Palestinian legal advocates think that the phenomenon undermines communication and therefore denies due process. If lawyers need to see the faces of their witnesses, isn't it part of the ABCs of teaching that children need to relate to the expressions of their teachers? And does this give Jack another straw to chew on when he encounters his next veiled constituent?

Professor **Ed Morgan**, Faculty of Law, University of Toronto.

Edition: National

