

THE ISLAMIC VEIL IN CIVIL SOCIETIES

The purpose of this paper is twofold, 1) to give a background on the contemporary global events concerning both Muslim and non-Muslim nations that impose policies banning the niqab, or hijab, and 2) to focus closely on the various governing policies examining variations in rulings and the effects of these policies on the populace in recent years.

Introduction

During the Assyrian (20th to 15th centuries B.C.), Greco-Roman (31 B.C. to 180 A.D.) and Byzantine (306 A.D. to 1453 A.D.) empires and including the pre-Islamic era, both veiling and seclusion were marks of prestigious status of elite women.

Only wealthy families could afford to seclude their women. The veil was a sign of respectability but also of a lifestyle that did not require the performance of manual labor. Slaves and women who labored in the fields were not expected [or allowed] to wear the veil, which would have [not only] impeded their every movement [but also, visually associated them with elite class that they did not belong to]⁽¹⁾.

The Islamic veil is known as hijab (Arabic), a generic term referring to a modest coverage of the entire body and hair (not necessarily the face). The word veil conjures many images in our minds--from religious, pious, subservient, to exotic, and even feminist. The Arabic term hijab literally means curtain⁽²⁾ in addition to divider, coverage, or a shield. Neither the veil nor the practice of veiling is an invention of Islam. The veil has a much longer history than all the Abrahamic religions of Judaism, Christianity, and Islam. Yet it has been adopted by these religions (to various degrees) as a symbol of piety,

Faegheh Shirazi⁽¹⁾

humbleness before the divine or as a symbol of obedience to man including husband, or elders. Muslim woman's modesty has been highly associated with this piece of cloth, which is worn in various styles and colors. This symbolic modesty (the veil) unfortunately has been misunderstood and highly abused by extremists, both Muslim and non-Muslim men and, of course, by women as well. This abuse is due to ignorance and/or lack of understanding about not only the religion of Islam, but also the degree of cultural relevancy brought into the religious argument to justify imposition of the veil and its style upon women, which, in fact, has nothing to do with Islam at all. In my previous publications on the issue of the

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hijab in modern culture, I discussed how the meaning of veiling is a challenging task. The semantic versatility of the veil is dependent upon "...the specific cultural, historical, and religious contexts in which the veil is used"⁽³⁾.

Never in the history of mankind has there been as many publications and debates centered on one single issue, the veiling of Muslim women. Over the past centuries the debates and discussions on this item of clothing have taken many shapes and travelled many roads and miles. The veil has created ample opportunities to be discussed in various disciplines from variant perspectives and points of view. A simple search on the topic shows publications not only in the field

of humanities, but also in business, marketing, medicine, journalism, and fine arts⁽⁴⁾. In addition to the issue of general veiling or hijab, the most recent political debates are more focused on a particular issue of coverage, the face veil known by various terms depending on its particular style, and the amount of coverage.

The Niqab, also known as burqa and a reference to face coverage (sometimes covering the entire face and sometimes covering the face with the exception of a small slit exposing the eyes), is considered to have never been a part of Islam's requirements for women⁽⁵⁾ according to a number of scholars including Jamal Al Banna, Faegheh Shirazi, and Yousuf Al Qaradhawi. The veil is not only a sign of religious piety, but also a highly contested issue in global politics, and has also been associated with political systems within Muslim societies.

Governance and the Issue of Muslim Women's Veil

Perhaps one of the most provocative issues debated in Muslim nations is women's clothing and appearance. Some Muslim governments have let women decide whether or not to wear any form of religiously required clothing, while others have altered their governance on this issue, either forcing women to remove their veil or requiring them to wear a veil while in public space. Among the classic examples in our contemporary history are both Iran (Islamic Republic of Iran) and Turkey. Both of these neighboring countries have colorful histories of veiling, unveiling, and re-veiling. Both nations went through a severe policy of forced unveiling, which left a remarkable impression on the history of these nations.

The Uzbekistan case of unveiling and re-veiling is also of much interest and shares a lot of similarities with both Iran and Turkey. In this section, I will focus on these three nations and attempt to demonstrate the roles played by governance in the veiling/unveiling policies of Muslim women in their respected nations.

Unveiling and Re-veiling Iran

The Islamic Republic of Iran has an interesting history of governance and women's body politic, in which the women's dress code (particularly the veil) plays a big role. This veiling history deals with the various processes of veiling, unveiling, and re-veiling, occurring in a cyclical cycle. One of the fascinating aspects of the Iranian unveiling and re-veiling is that two different systems that ruled Iran (Pahlavi dynasty 1925-1979-) and the Islamic Republic of Iran (1979-present) claimed that the government emancipated women by unveiling (during Pahlavi dynasty) and by re-veiling them (Islamic Republic of Iran). The Pahlavi dynasty claimed that the emancipation of the Iranian women was only possible by unveiling, which would open the path of progress and public participation for them. This unveiling era in Iranian history is referred to by a number of feminist scholars as the "westernization" of Iran rather than an era of emancipation. It is a known historical fact that Reza Khan (March 16, 1878 – July 26, 1944), implemented numerous socio-economic reforms, and reorganized the army, government, and finances in addition to other reforms that made drastic changes in the Iranian woman's life. Public education and forced unveiling are among the most prominent changes regarding women. However, Reza Khan's attempts to modernize

Iran have been criticized for being «too fast» and also «superficial.» Camron Michael Amin speaks to this particular point:

The policies and propaganda of the Women's Awakening of 1936- 41 had a unique role in the history of the woman question in Iran. In attempting to strike a balance between emancipating and controlling women, the Pahlavi regime brought the long-standing tension between modern male guardianship and modern Iranian womanhood to a breaking point⁽⁶⁾.

Of course the unveiling and the woman's awakening era did not go without the struggle and resistance and protest of clerics and the conservative sector of the Iranian nation. As was expected, only two days after the deposition of Reza Khan on the 18 of September of 1941, the cleric Abdollah Masih Tehrani wrote to the prime minister complaining how the state police was rough and unkind to women who were still veiled in the public. The violence against women was

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not always done by the state and under the direct supervision of the Pahlavi governance, but it was also motivated and carried out by

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private citizens such as Mas`ud Qane`, who had made public remarks against unveiling--thus the citizens (men only) were threatening unveiled women as the government was threatening women for the crime of veiling in the public. It is obvious that women paid a large toll for what the government of Reza Khan wanted to accomplish to "emancipate" the nation by using the "body politic," while the anti-woman emancipation citizens saw forced unveiling policies as a personal insult, and direct hand of government on their namous (honor), which must be guarded by the male members of the family. The result was a chaotic moment in the history of unveiling in which women were the victims on both sides.

By the time Mohammad Reza Shah Pahlavi (26 October 1919 – 27 July 1980) came to power, the policy of the forced unveiling of women was almost settled. Being forced to unveil by then, a number of women were comfortable in the public in their Western styles of clothing, while the more conservative families continued to keep their women veiled, since the government agents were no longer using force to remove the veil in public. The Iranian Revolution took place on 11 February of 1979, causing Mohammad Reza Shah Pahlavi to leave Iran. The new government of

Iran established itself under the leadership of Ayatollah Khomeini, and the new government of Iran became the first modern theocracy in the world. The Iranian government shifted from a monarchy to what is now known as the Islamic Republic of Iran with its governance based on the principles defined by the Twelver Imami Shia Islam, or the Ithnā'ashariyyah, and interpreted by the Shi'i authorities. There have been numerous Persian publications in Iran after the establishment of the Islamic Republic of Iran "exposing" a series of unpublished "secret" documents exposing how forced policies on the issue of unveiling/emancipation of Reza Khan were carried out. In addition to the official correspondence on the unveiling between various governmental agencies and municipalities around the country, many books have been published during the past three decades on the issue of religious, sociological, and cultural aspects of the harm of unveiling and benefits of veiling in Iranian society. Needless to say that all such publications are not possible in Iran unless the pen of censorship of authorities in charge approve of them⁽⁷⁾. Once again, the veiling / unveiling issue is controlled by the modern theocracy of Iran.

With the change to an Islamic government came the ruling policies involving the issue of veiling and women. During the first year of the new government, veiling was not debated as an ordinance. In fact, Khomeini publically announced that he would not force any woman to go under a chador (a long enveloping veil covering from head to toe) and left the option open to the good Muslim women of Iran to make that decision on their own. Unfortunately, those egalitarian words were not sustained, and soon women were again the subject of violence and attacks in the public

arena for not veiling themselves. The unveiled (sar e baaz, bi hejab) created much debate and promoted violence against women. It is interesting to note that history repeated itself within a span of 50 years between two different Iranian governmental systems forcing women to unveil and then again re-veil, and using the idea of freedom of women and as their reasoning for the forced actions. The actual owner of the woman's body is the government of the time in Iran, which can exert power to force women to abide by the law. As it is standing now, the issue of veiling is still a hotly debated issue in Iran as we witnessed during the most recent uprising of events related to the Green Movement. Majid Tavakoli, a male student, was arrested during the uprising in December of 2009. The following reveals that although the government claims to honor its women and protect them by the virtues of the hijab, this same government uses the hijab to publically shame opposition members such as Tavakoli:

The semi-official Fars news agency reported that Tavakoli was arrested while trying to escape dressed as a woman after giving a speech at Tehran's Amir Kabir University. It posted his photo beside an image of the former Iranian president, Abolhassan Bani-Sadr, who reportedly fled the country in female disguise after falling from official favour in 1981. But far from discrediting Tavakoli, the move appears to have backfired by boosting his standing in the opposition movement. A campaign on Facebook has seen more than 80 men expressing solidarity by posting pictures of themselves wearing hijabs and chadors. Similar displays of support have surfaced on Twitter. But the most daring mockery of the regime has appeared on a spoof

website, gordab.com, which depicts faked images of Iran's supreme leader, Ayatollah Ali Khamenei, wearing female dress [the Iranian style of conservative hijab]⁽⁸⁾.

In another incident, a clergy in Iran blamed Iranian women in particular, and women in general, for the natural disasters due to their wearing improper Islamic clothing. "Iranian cleric Hojatoleslam Kazem Sedighi said, 'women who do not dress modestly' cause seismic activity, his comments only seemed to embolden the forces of debauchery."⁽⁹⁾

Unveiling Turkey, and the Fight for Rights to Veil

In the case of Turkey, Mustafa Kemal Atatürk (1881–10 November 1938) was a Turkish army officer, a writer and founder of the modern Republic of Turkey. He became the first Turkish President after the fall of the Ottoman Empire. During World War I, Atatürk was a military officer whose campaigns led to Turkish independence. While in power, he embarked upon a program of reform in different aspects of Turkish people's lives including political, economic, and cultural. His main agenda was to convert the Ottoman Empire into a modern and secular nation-state where the political system does not involve the religion. Kemalism is a reference

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to the reforms established by Atatürk, which is inclusive of clothing reforms for both men and women in modern Turkey. With the reform introduced by law, women no longer could wear veils in public and men had to abandon wearing the fez (a brimless hat popular during the Ottoman time), and instead started to wear European style hats. In 1982, the Turkish government banned the use of headscarves as a religious symbol in all public and private universities, including all government offices.

In recent years the “rise of the transnational veiling-fashion industry in Turkey has taken place within the context of neoliberal economic restructuring, the subjection of the veil to new regulations, and the resurgence of Islamic identities worldwide.”⁽¹⁰⁾ Veiling has created many challenges for the Turkish government since on the one hand any garment associated with a religious denomination cannot be worn publically, because secularism is promoted by the government and veiling is associated with Islam. On the other hand, the government is infringing on the right to freedom of religion. In the past few decades, the number of Turkish young women who re-veil of their own free will have caused the government to take this issue seriously. Saktanber and Corbaciolu correctly identified a “skepticism” in Turkey, since there have been “accelerated developments in the conflict between Islamists and secularists”⁽¹¹⁾. The international community for human rights has questioned this restriction posed by the Turkish government on the headscarf, which has become politicized:

Both the European Court of Human Rights (“ECHR”) and the Turkish Constitutional Court have rejected claims that the ban denies women their right to religious freedom and education. Instead, both courts have held

that the ban is a necessary and reasonable response to the threat allegedly posed by fundamentalist Islam to Turkey’s secular democracy⁽¹²⁾.

The most recent move by the Turkish government to prevent the headscarf in public was the annulment of amendments (2008) to the Turkish Constitution lifting the headscarf

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ban. The government argued that such amendments violate the core principles of secularism in the Turkish Constitution.

Unveiling Uzbekistan and the Crime of Veiling

While controlling Uzbekistan, the Soviet government attempted to reduce Islam to the status of a cult by changing the alphabet to Cyrillic. Soviets soon realized that despite all the restrictions placed on Uzbeks, Islam would not disappear from the lives of the Uzbek people. Thus, “...the Soviet government instituted a state-controlled board of Muslims of Central Asia—the Muftiat...who played the role of an intermediary between the State and the Central Asian Muslims”⁽¹³⁾. This supervision of Muftiat soon faced challenges from the prominent religious leaders who were the guardians of the “unofficial” Islam. After the collapse of the Soviet Union in 1991, a resurgence of Islam appeared again in Uzbekistan, which

made the governmental officials worry about the takeover of Islamic fundamentalists. The 1998 Law on Freedom of Conscience and Religious Organizations was established, which allowed religious schools to train clergy;

however, no groups were ever allowed to do so unless permitted by the state-controlled Spiritual Directorate for Muslims (the Muftiat), which controls “the Islamic hierarchy, the content of imams’ sermons and the volume and substance of published Islamic materials”⁽¹⁴⁾.

Marianne Kamp’s⁽¹⁵⁾ research on Uzbekistan is a valuable addition to the literature and history of governance and veiling in that region of the world. Kamp looks at the era when the Uzbek people were dominated by Russian policies. During this period, Uzbek women were forced to be publically visible and unveiled. This policy was implemented in the 1920s and continued into the 1930s. The act of unveiling created significant discomfort about the “unveiled, modern women’s morality.” The measure of Uzbek women’s morality was dependent upon her body coverage, a typical sentiment of nomadic and more conservative patriarchal societies. Kamp devotes a major part of her research on the particular issue of unveiling, which happened during the era of the hujum (an Arabic term meaning assault or attack) campaign. Hujum happened in 1927, when the Soviet government redefined the status of veiled and secluded Uzbek women as «equal citizens» and encourage women to come into the public space. For the first time, Uzbek women were paid for the work they performed outside their home. Under

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the same Soviet policy, Uzbek women were encourage to attend school and become an active participant in Communist Party governance. The chaos that such reforms Soviet policy created is documented

by Kamp. She writes that one of the most important aspects of such reform policies that caused disorder among the Uzbek people (men in particular) was the strong promotion of women’s «unveiling,» which led to abandonment of the paranji (a long veil that covered a woman’s body) and a face veil called chachvon (made of horsehair), a symbolic gesture which culturally meant dishonoring men. The Soviet Communist Party launched massive unveiling meetings in order to “liberate” Uzbek women, which in turn brought a patriarchal backlash supported and led by religious clergy. Many Uzbek women during the 1920-1927- era did not unveil due to personal safety issues and lack of power on their part to face or clash with patriarchal resistance. Those few brave women who unveiled during this turmoil faced the violence of Uzbek men against them and led unhappy and miserable lives.

After 1929 once the Soviet government faced the ugly reality of violence against Uzbek women regarding its unveiling policies, the Party defined the murder of unveiled women as an act of terror against the Soviet state with severe punishment⁽¹⁶⁾. Now in the post –Soviet independent Uzbekistan, there is a new, self-imposed veiled generation declaring their identity as belonging to a larger global community of Muslims. There have also

been cases in which young veiled girls were expelled from public schools and universities because they refused to unveil⁽¹⁷⁾.

Unfortunately, history repeats itself as the new religious identity practiced by these younger Uzbek women is considered to be a threat to the Uzbek governance and authority, and veiling is once again attacked by social and governmental pressures.

The recent governmental effort to stop veiling in Uzbekistan has resulted in odd public reports. Some Uzbek officials and physicians speak of health and security issues related to wearing a hijab, stating that not only weapons can be hidden under a hijab (security reason), but the hijab can also cause oxygen and calcium deficiencies⁽¹⁸⁾. Women who wear miniskirts, on the other hand, were advised to dress with «moderation» to prevent susceptibility to all kinds of infections and other unspecified health problems⁽¹⁹⁾.

Governance and the Issue of Muslim Women's Niqab

It was reported in October of 2009 that the high grand Mufti of Al Azhar University in Cairo, Egypt, Mohammed Sayyed Tantawi, issued a religious decree (fatwa) banning the niqab by both female students and teachers in classrooms and dormitories. Explaining his reasons, he said that the niqab has nothing to do with Islam and that wearing it is not required or an obligation for Muslim women⁽²⁰⁾. Soon after this decree, some other Muslim nations followed suit, such as Egypt and Syria.

A simple internet search reveals the amount of interest and number of publications that have been devoted to this one single topic in

our contemporary time. In Western societies, the Muslim woman's veil has created not only endless discussions on its religious value, but also given rise to new governmental policies in some European nations to ban wearing the niqab in public⁽²¹⁾. Among the first European nations to criminalize wearing the burqa (this term is not a face cover, but most of time in the media used to describe a face veil) and niqab in public is France⁽²²⁾. Belgium is soon to follow France's example. Such moves from liberal and secular governments that tend to believe and follow the basic nature of human rights policies seem to be contradictory, since the right to practice one's religion (no matter what others think about its values) and the right to wear what one wants are the beliefs of personal freedom inherent in the constitutions of most of the European nations. However, banning the niqab based on its religious value or the issue of security seems to be a new interpretation which has started to reshape the core of human rights and the concept of secularism.

Despite the sympathetic attitudes of the civil right advocates who are standing with the Islamists in defense of a woman's right to cover her face, the public opinion is varied. In 2010 the Pew Research Center's Global Attitudes Project (based in Washington, D.C.) did a survey of attitudes regarding a ban on niqab, and "...a clear majority of Germans, French, Spanish and British all support a ban. Most Americans however would reject such a ban"⁽²³⁾. The result of this survey is very interesting to study. It is an indication of social, cultural, political and economic issues that are not openly discussed. The issue of the niqab seems to be more of a recent phenomenon in the history of veiling in the West.

In an in-depth interview of young Muslim women in the United States about the issue of the niqab, it was reported that one clearly sees a different story when these women's ideas and responses are compared to those in Europe.

While half the participants in this study wore a headscarf or hijab, not one of them said they were interested in wearing the niqab. Instead, they believed the niqab was unnecessary in the American context. However, an overwhelming majority upheld the right of a woman to wear a niqab if she wanted to do so⁽²⁴⁾.

The above study suggested that if anyone wants to understand why Muslim women in the West veil themselves (including wearing a niqab), then one must understand the historical as well as socio-political factors such as a country's colonial domination, and most of all the nature of its immigration rules, which directly affect the demographic composition of Muslim immigrant groups. The study also particularly emphasized that although wearing a niqab did not seem to be an important factor in the American context, both European and American Muslim women defended a woman's right to wear a niqab. This point was almost exclusively justified and argued by Muslim women participants in interviews using the "Western discourse of individual rights and personal freedom" to defend their position⁽²⁵⁾.

Burqa/Niqab Ban Rulings

In the recent history of Muslims in the West, much has been published and discussed from various perspectives on one single question: does a woman have the right to conceal her face behind any form of shield while she is in public space? The arguments presented

According to the news, already half of Germany (eight states) has already passed laws restricting religious clothing (including the burqa/niqab, headscarf) and religious symbols in schools

for justifying the implementation of the ban on wearing the niqab are of various natures, since each respected government may have a specific idea as to why a woman should not hide her face while using the public space. The following section of this study takes a close look at this issue and attempts to provide some of the most current debates on this question, which have motivated a number of nations to proceed to make it unlawful for a woman to wear the niqab in public. Some of these nations have pushed the boundaries further by fining and assigning jail sentences to discourage anyone from challenging the law.

The Netherland Ban on the Burqa

Imagine running a political and election campaign, which is uniquely based on 1) banning the burqa (niqab) and 2) construction of mosques. Mr. Geert Wilders, a Dutch politician who is the champion of anti-Islam and Muslim policies, in his recent campaign, used both the burqa and the mosque to his benefit. According to a recent interview, Mr. Wilders stated that as early as 2011, the Dutch parliament might institute a ban on wearing a burqa in public. Geert Wilders is a member of the populist Freedom Party, which is the third largest in parliament. The party expects the

government to take a much tougher policy towards the immigrants from non-Western nations, and particularly from the Muslim majority nations? It is no secret how openly Wilders expresses his hatred and negative personal attitudes about Islam and Muslims. He believes that the rest of the world feels the same way, but is just afraid to express the same opinion. He claims that Islam is not only “a violent ideology,” but also that those immigrants coming from Muslim countries are dangerous to the welfare of the Netherlands. He further states that

We [in the Netherlands] believe our country is based on Christianity, on Judaism, on humanism, and we believe the more Islam we get, the more it will not only threaten our culture and our own identity but also our values and our freedom⁽²⁶⁾.

Greet Wilders believes that as early as 2011 and no later than 2012, the burqa ban will be in full force. However, this push for governance of the burqa in reality will only affect “two dozen women” (note that 900,000 of the 16.5 million Dutch population are Muslims). However, what Greet Wilders suggests does not end with a burqa ban only, since he also wants the government to impose “...a tax on all Muslim veils and a ban on the building of new mosques”⁽²⁷⁾.

Switzerland Following Footsteps of Netherland –Ban on Burqa

On May 23, 2010 the results of a Swiss television poll showed that 57.6 % voted for banning the niqab. The issue of the niqab is shown to be important issue considering that a majority of citizens are in favor of this ban. However, this poll is not representative

since only 502 people aged 1459- from various regions of Switzerland participated, but the poll does give some indication of the Swiss public’s views on the niqab. In other recent news, the Federal Committee, which is appointed by the Swiss government, is in agreement to implement “...a partial ban on the traditional Islamic burqa and the niqab”⁽²⁸⁾.

Apparently this government-appointed committee takes interest on women’s issues. The committee called for traditional full-face veils to be banned in government offices and in public schools. The committee claimed that the ban would prevent gender discrimination. After reading the report and the suggestion of the committee, I was not able to fully understand what the committee meant by «gender discrimination» and wished they had offered a better explanation as to who is discriminated and how they believe that by stopping a woman legally from wearing an item of clothing this discrimination will end. Apparently the committee decided on their own that all the women who are wearing a veil or a niqab must be doing it out of fear of some thing or some one and they all do it against their will. In other

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words, these “poor and helpless” women are going to be saved by the Swiss government by re-dressing them without even considering Muslim women’s opinions. It is puzzling to me that the government-appointed committee can perceive discrimination against Muslim women because they are using the veil/niqab, but are

blind to see their own discrimination against the same women by implementing legal steps to force them to change their way of dressing without consideration of the woman's personal opinion or taking some sort of statistic poll to approach this decision from a scientific point of view.

More news regarding the ban appeared in headlines (July 2010) in which Mr. Stefan Kölliker, who is an elected member of the Swiss People's Party, issued a directive asking the administrative divisions to ban the headscarf. Kölliker is the man behind the efforts and votes against the building of mosque minarets. In an interview he stated: "The headscarf ... is an obstacle to integration"⁽²⁹⁾. Meanwhile, residents of Fribourg and Zurich refused the proposed ban on headscarves in schools proposed by Kölliker. The news coming from Switzerland is varied on this issue and is rather confusing in nature. It is obvious that the central government has not made a firm decision on this issue, but pressure from various regions soon will result in a final ruling banning the veil or niqab or both, soon, as Mr. Greet Wilders predicted in his personal interviews.

Sweden Joins Burqa/Niqab Battleground

As most Western European nations are caught up with the issue of niqab, hijab, or burqa (depending on their respective contexts), we have Sweden now to add to this bandwagon list. In the case of Sweden, based on a lawsuit brought against Västerort Vuxengymnasium (located in Spånga), an adult higher education college in which a Stockholm Muslim woman was told that she is no longer allowed to

wear her niqab (covering her face but has an opening for the eyes) in classes. The warning was issued to the student by the college administration authorities on January 15th of 2009. The student decided to report a case of discrimination to the Equality Ombudsman. Apparently the school administrative staff reported to her that their firm action is based on the recent decision made by The Swedish National Agency for Education (Statens skolverk, commonly known as Skolverket)⁽³⁰⁾. The woman complained that: «But this is just a ruling, it is not a law and the ruling concerns those who wear a burqa, covering the whole face. I have a niqab which shows the area around the eyes»⁽³¹⁾. The student felt that this was "offensive" to be expelled for her "personal style" and the ruling seems to be rather confusing and not justified. Britt-Marie Johanson, the rector of the college, told her personally that the student had a very clear choice: either to accept the school's ruling or stop attending classes. The student argued that, based on the Sweden constitutional law, that religious freedom guaranteed must take precedence over the policy or the ruling of the education system.

I followed up this story to see the outcome and decision of the Swedish governance on this issue of discrimination against freedom of religion and the niqab case. It took almost one year to arrive at a decision: according to the Swedish discrimination act, banning anyone from attending schools or universities based on wearing veils covering the face was a violation of law. The Swedish equality ombudsman made this final ruling on December 1, 2010⁽³²⁾. At the end, a compromise was reached as reported on December 3, 2010:

The woman was permitted to continue the

courses while DO [discrimination ombudsman] handled the case. The situation was solved in such a way that she [the student] had to take off[f] her niqab when she had to identify herself for the schools staff. She could also sit in the class room in such a way that no male students could see her face, and she could then take off[f] her niqab⁽³³⁾.

Of course, the Discrimination Ombudsman decision faced criticism from Lotta Edholm, a member of the Liberal People's Party who is also a municipal commissioner for schools in Stockholm. She gave an interview on Swedish television and stated:

...[I] do not think that burqa or niqab should be allowed in classrooms since communication and teaching is not only conducted with words, but also with facial appearance. She calls DO's [Discrimination Ombudsman] decision a 'non-decision' since it is neither legally binding nor possible to appeal since DO chose not to take the case to court.³⁵

Germany, Banning Religious Symbols including the Burqa and Niqab

The sixteen states of Germany are contemplating the legality of wearing the burqa or niqab in the public arena. According to the news, already half of Germany (eight states) has already passed laws restricting religious clothing (including the burqa/niqab, headscarf) and religious symbols in schools. The most blatant, discriminatory aspect of the law is that exceptions are made for Christians regarding religious clothing and symbols. Five out of these eight states have made exclusive exceptions for Christians.

A German representative in the European Parliament Silvana Koch-Mehrin, who is one of the German Free Democrats (the party believes in personal freedoms), suggested and called for a Europe-wide ban on face-covering and based the justification on the rights of woman: «the burqa is a massive attack on the rights of women. It is a mobile prison.» She also added that "...there are limits to this freedom and the EU should decide on behalf of Muslim women the limits of what clothing they can wear."

However, this simplistic, one-sided view of the "rights of woman"⁽³⁵⁾ projects an ideology that is dictatorial to those women who are wearing the burqa. Her statement confirms that in her opinion these women have no right or say on their personal choice. In other words, Silvana Koch-Mehrin knows best what is good for the veiled woman. She also added that

And I admit it: When I meet people on the streets fully veiled,

I'm disturbed. I can not judge what their intentions towards me are.

I'm not afraid, but I am unsure. Freedom can not go so far as to take away the public faces of humans. At least not in Europe.⁽³⁶⁾

Italy-To Ban or not To Ban:

That is the Question

The Italian government is currently divided on the face veiling question. According to the Northern League, wearing a niqab in public is illegal and punishable by a fine of \$2,660; however, the bill has never been debated⁽³⁷⁾. Since 1975, according to the "protection of the public order," wearing a motorcycle helmet in public facilities has been outlawed, but the

Northern League uses this law to ban face covering as well⁽³⁸⁾.

Mara Carfagna, minister for Italian equal opportunity, is planning to create a ban exclusively relating to the burqa and to make it a part of the “protection of the public order” bill. In addition to the new move on banning wearing of the burqa, there are plans to add “...penalties of up to two years in jail”⁽³⁹⁾. Mara Carfagna has called for a ban on both the burqa and niqab⁽⁴⁰⁾. In her interview she stated: «I am absolutely in favour of a law which bans the burqa and the niqab, which I consider symbols of the submission of women and an obstacle to social integration»⁽⁴¹⁾.

As evident from this simplistic statement, minister Carfagna assumes that wearing a hijab or a niqab is always forced on women and that those who choose to immigrate must be running away from their religious beliefs and cruel husbands who force them to wear the hijab. Carfagna also stated:

We need to make sure that women who come to Italy know that here, women have equal rights and equal dignity with men. There is no room for traditions, mentalities and religions where women are treated as inferiors⁽⁴²⁾.

In my personal opinion Mara Carfagna is one of the best examples of those who are blind to their own culture and religious practices that embody similar behavior. After all, she is a native Italian and speaking from a Catholic nation. Women in Italy still have many issues with abortion, divorce, and the role of women in church, just to name a few.

Belgium Bans Burqa in Public

In Belgium the lower house approved legislation to ban wearing the burqa in public. On April 20, 2010 the bill was approved: wearing any form of covering which partly or

It is well known that Islam is alive and very much a part of American politics

fully covers the face became illegal. Imposition of the ban will be enforced on grounds and buildings “meant for public use or to provide services. Exceptions could be made for certain festivals”⁽⁴³⁾.

The law also made an exception for motorcycle riders who will be wearing helmets. There will be a fine for those who break the law between €15 and €20 and possibly up to a week in jail⁽⁴⁴⁾. Individuals caught wearing the burqa will be fined. The law could also be employed to prevent protesters from covering their faces while demonstrating. In 2009, 29 women in Brussels were fined for disobedience, caught wearing the burqa (or burqa-type dress as the report indicates). Apparently, the local rules had the power to enforce the ban, but caused problems, as the enforcement seemed to be spotty. However, with the new law clearly defined, the burqa is now outlawed on a national level⁽⁴⁵⁾.

Spain Banning Niqab

The Spanish Senate approved a motion to ban Muslim women from wearing in public the burqa or other garments that cover the whole body. The decision was explained as having a direct link with security and deemed to be necessary to ban anything that hides

identification in any of the city's public areas. Spain blames religious fundamentalists for pushing women to wear the niqab.

The city of Lleida in northeastern Catalonia, Spain has introduced a ban on wearing the face-covering Islamic burqa and the niqab in public places⁽⁴⁶⁾. The vote by the Spanish Senate is unusual since most of the Muslim migrants to Spain are from North Africa and only a very few number of them wear a burqa. So the question of saving women and the issue of equality cannot be the ultimate motivation in this ban (due to the small number of women who actually wear the niqab)—political considerations may explain this ban better. “Anna Terrón, the secretary of state for immigration, said the Senate vote had ‘more to do with the election campaign in which the CiU is involved than with a real discussion’ on the burqa.”⁴⁸

Face Veils:

Bans Fail to Take Hold in U.S.

For most of us who are living in the United States, it is strange and perhaps I should say odd to fully comprehend why and how our government's time and energy should be invested on banning a group of people from wearing certain kinds of clothing and, further, uphold the principles of human rights, equality, and the rights to practice the

The Spanish Senate approved a motion to ban Muslim women from wearing in public the burqa or other garments that cover the whole body

principles of their individual religious beliefs—no matter how different they may be from mainstream practices. For example, for most Americans the idea of preventing a student to have access to higher education when the student is not causing harm to anyone or being disruptive will be hard to understand, especially when the reason given is that she is wearing a face veil. Many of us learn to deal with strange outlooks of others and tend to (or at least try to) remind ourselves not to judge others by the way they look.

The subject of the face veil is controversial and we read about it in the news a lot. Since the idea of wearing a niqab/burqa to obscure one's identity became an issue in many schools, the Massachusetts College of Pharmacy and Health Sciences added a religious clause for exemption to protect the institution from discrimination accusations.⁴⁹ The very first court case relating to the niqab in the United States began in 2002 when a Muslim (convert) woman sued the state of Florida for refusing to renew her driver's license photo while wearing her niqab. She lost her case on appeal.⁵⁰ Shirazi's editorial on this particular case perhaps can shed more light on the ambiguity of its religious argument:

If one accepts the point that a driver's license serves as an important

identity card, then wearing a face veil obviously defeats the purpose of such a

card because it conceals one's identity. The law, to an extent, can reasonably

accommodate personal religious beliefs. But a good citizen must likewise

accommodate certain laws created that clearly benefit all while not violating

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fundamental religious obligations... It should be noted that even in Saudi Arabia,

women's faces are unveiled on their passports, for the same reasons given by

the lawyers for the state of Florida.⁵¹

Furthermore, I would argue that to have a driver's license is a privilege granted to individuals, not an obligation required by law. Thus, a citizen should abide with the rules in order to maintain and benefit from this privilege.

The United States Education Testing Services (ETS) administrates several national exams, which require photographic identification. For example, in order to take the SAT (the college entrance test) or the GRE (graduate school exam), a photo must be taken at the actual test site. The ETS has the right to ask anyone who is taking the exam whose face is concealed to lift the mask or the veil to be identified for the prevention of fraud. "We have not had any issues related to this policy," which has been in place for more than a decade, says Mark McNutt, an ETS spokesman."⁵²

Jamillah Karim, a professor at Spelman College, states that in the U.S. we do not have to worry about imposing a ban on the burqa/niqab, since the majority of Muslim women living in the United States do not feel there is a need to wear the garment; wearing the niqab is viewed as being associated with more conservative people. According to Professor Kathleen Moore (Religious Studies at University of California at Santa Barbara),

While they [Muslim students] are struggling internally to be tolerant of each other's

viewpoints about religion, they are also struggling outward to negotiate rights with the broader American society,...[in addition] From their voices, you hear that the face veil is something that shouldn't be practiced because it can be associated with extremism.⁵³

To a lesser "visible" degree the political climate in the United States is also pulled into the direction of Muslim people's affairs, most particularly bashing Islam by using Muslim women to project anti-Islam/Arab and September 11, 2001 sentiments and the subsequent Muslim terrorists activities who use religion for political gains on the entire Muslim population.⁵⁴

It is well known that Islam is alive and very much a part of American politics. From the beginning of his presidency, Barak Obama has been linked to the religion of Islam. "With Islam regarded by many Americans as a political ideology as well as a religion and recent poll findings suggesting that one in five Americans believe Obama is Muslim, it is easy to see why there is political capital in playing the anti-Islam card."⁵⁵ In the words of David A. Bailey and Gilance Tawadros:

In the aftermath of 11 September, the veil has become synonymous with cultural and religious differences that have been presented to us repeatedly as unbridgeable, alien and terrifying. The fact that the veil and veiling have been a part of both Western and Eastern cultures for millennia, from the aristocratic women of ancient Greece to contemporary brides worldwide, has not diminished from their overwhelming association with Islam and an abstract, exoticised notion of the East.⁵⁶

American society tends to be more at ease about the veil and the niqab in comparison to the European nations (as indicated in this article). Statistically, the number complaints regarding Muslim women wearing the veil or the niqab are much lower compared to Europe. In the following section, I will discuss two cases in the United States as examples directly related to the woman's headscarf.

Case of Abercrombie

On February 25, 2010, the Associated Press published a piece of news about a chain clothing store, Abercrombie & Fitch Co., that had fired a Muslim woman over an issue with her headscarf.⁵⁷ The Muslim woman, Hani Khan, stated that she was told first that wearing her headscarf would be no problem, "...but a visiting district manager said scarves were not allowed during work hours. Khan said she was fired when she refused to take it off."⁵⁸ Khan filed a lawsuit against the company with the Equal Employment Opportunity Commission.

Case of Disneyland

On August 18, 2010, the Associated Press published an article regarding Imane Boudlal, a Muslim woman who had worked as a hostess at the Storyteller restaurant at the hotel for 2 1/2 years, but did not wear her hijab to work except for Sunday, in observation of Ramadan. The Disneyland restaurant hostess brought a lawsuit against her employer. ⁵⁹ "Disney told Boudlal that if she wanted to work as a hostess she had to remove her hijab because it did not comply with the 'Disney Look.'"⁶⁰ Imane Boudlal stated that she felt humiliated by the Disney Corporation because they offered her a job in the back and away from the public, or she could work in the front as the hostess either wearing a hat over her

headscarf or without it.

Australia--Veil of Fears

In May of 2010, the anti-burqa debate became more visible when Cory Bernardi

(Liberal Senator) made a statement against the veil and declared the veil as "un-Australian." Bernardi also called to outlaw the burqa. The issue of the face veil plays a role in Australian politics--the following is what Prime Minister Julia Gillard stated:

...the face veil was «confronting» and argued there were occasions when they should be removed, such as in banks and in court. Opposition Leader Tony Abbott said the burqa was a «particularly confronting form of attire and I would very much wish that fewer Australians would choose it.⁶¹

Unfortunately, some recent robbery has added more tension to the burqa's scenario. A man who was wearing a burqa carried out a robbery, which occurred in Quebec (Canada) and became the center of debate among the liberal politicians calling for a ban in Australia.

In an article, the Senator from South Australia, Cory Bernardi, reminded his audience that the ban of the burqa is necessary for several reasons. The ban is required for the equality of women in Australian culture, repression being against the Australian values. Cory Bernardi comments on the idea that the choice should be left to individuals as a personal choice that was established by the forefathers. Bernardi disagrees with this ideology because of the nature of the burqa. "The burka isolates some Australians from others. Its symbolic barrier is far greater than

the measure of cloth it is created from. For safety and for society, the burka needs to be banned in Australia.”⁶²

On November 24, 2010 a Town Hall meeting in Erskineville was held to discuss the issue of the burqa ban and particularly to discuss Sergio Redegalli’s mural on the wall of his studio in Newtown. The mural showed the image of a woman wearing a blue burqa with a red mark crossing it with the words “Say no to burqas.” Also posted on YouTube is a video clipping about this meeting in which Sergio Redegalli walks in with a black burqa and states that he wants to demonstrate how easy it is to hide one’s identity by wearing a burqa, thus the ban is necessary due to safety issues.⁶³ Many Australians who are opposed to the burqa feel strongly that the ban is unjustified because the Australian constitution supports freedom of religion and tolerance.

Canada debates Niqab

The niqab debate is escalating in Canada as well. In an interview, Rob Nicholson (Justice Minister) stated that: «We have no plans to introduce justice legislation in this matter.»⁶⁴ He further commented that Canada is a democratic society and individuals are free to practice their faith and beliefs, including making their own decisions regarding adhering to their own religious traditions and religious apparel. Canadians believe that there should be a compromise between the pro and con of the burqa, and “...the government should do more to raise awareness about gender equality in Canada, but ultimately it must remain an individual choice on how one behaves in their personal life.”⁶⁵

Conclusions

The concept of veiling has multiple meanings that can be understood when it is examined from a variety of contexts and in its specific time and location practiced by people who understand it from their own social/cultural and political perspectives. Although in this paper we looked at the issue of governance of the hijab, headscarf, and burqa all together in the politics of different nations, the burqa as the one single issue has motivated a number of nations to implement various regulations to prevent its use in public spaces.

The war on the burqa or niqab tends to direct us towards many political issues beyond just a woman’s face veil. The rulings on the issue

Many chests are beaten, tears are shed, books are written and a number of policies are made on her behalf without consulting the recipient of the «emancipation

of veiling and the niqab perhaps have much larger width and length than the burqa itself. One cannot but wonder about the existence and possibility of other hidden issues behind the banning of a piece of cloth worn by woman. As we have noted in this chapter, there have been numerous arguments by policymakers used to support the ban as a reasonable justification not only for banning, but also now for fining individuals who defy the ban. It is unfortunate that globally many of the political issues, be they of domestic or international nature, involve the woman’s body and her way of life.

In response to what many European nations are attempting to accomplish like the French government which successfully banned wearing a burqa in public, a researcher at Human Rights Watch, Judith Sunderland stated that: "...reasons evoked for banning

The war on the burqa or niqab tends to direct us towards many political issues beyond just a woman's face veil

the full body veil are incoherent."⁶⁶

The history of such direct government involvements is revealing that when in need of a scapegoat, women are the first choice. The "empowerment and emancipation" of women have always been used as a tool for greater political gains, no matter how small or large the gains are. As often is the case, in achieving all such "good deeds" for the woman's benefit, the woman herself is too often excluded as the beneficiary. Many chests are beaten, tears are shed, books are written and a number of policies are made on her behalf without consulting the recipient of the «emancipation.» And so in this way, no matter where on earth this Muslim woman lives, she is treated like a minor with no voice. Others decide for her even when the Muslim woman personally expresses that she does not need any change in her life inclusive of the way she dresses herself. Perhaps the European "wise fathers" know best for the Muslim woman.

History has proven to us that many of such "ideal emancipatory" policies result in backfires that trap the targeted group (the Muslim woman) further. Following is one such example of such policies and the unintended consequence:

One of the first burqa offenses in Europe was reported in the northern Italian city of Novara. It was committed by Amel Marmouri, 26, an immigrant from Tunisia. Marmouri had no previous police record -- at least not until that spring day two months ago, when she entered the post office dressed in a full-length coat, with her face hidden behind a black scarf, leaving only a narrow slit for her eyes.

As she left the post office, she was stopped by members of the Carabinieri, Italy's national police force. But she refused to reveal her face, and was issued a warning: A €500 (\$645) fine for wearing a full-body veil in public. Marmouri's husband responded by saying that his wife would no longer leave the house in the future.⁶⁷

The debate concerning the burqa is about much larger issues — such as where the Middle East nations with large Muslim populations are heading, socially and culturally. It's a debate not likely to end anytime soon.

Footnotes

- 1- Faegheh Shirazi is professor in the Department of Middle Eastern Studies at the University of Texas at Austin. Her research interests and specializations are Islamic veiling, popular religious rituals and their influence on gender identity and discourse in Muslim societies, and the Islamic material culture, textiles and clothing. In addition to her numerous published articles, she is the author of *Velvet Jihad: Muslim Women's Quiet Resistance to Islamic Fundamentalism* (Gainesville: University Press of Florida, 2009), *The Veil Unveiled: Hijab in Modern Culture* (Gainesville: University Press of Florida, 2001), and as editor, *Muslim Women in War and Crisis: From Reality to Representation* (Austin: The University of Texas Press, 2010). Currently she is working on a new manuscript, *Marketing Piety: Islamic Commodity*.

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- 6- al-Banna, Gamal: *al-hejab (The Headscarf)*. dar al-fikr al-islami. Cairo, 2002.
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- Yūsuf, Ahmāmad Rabīh Ahmāmad. *al-Marāah al-Muslimah bayna al-hijāb wa-al-niqāb / Ahmāmad Rabīh Ahmāmad Yūsuf. [al-Qāhirah] : al-Manār lil-Tibāāah wa-al-Kambiyūtar, [2005?]*
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- Nimat Hafez Barazangi. *Woman's Identity and the Qur'an: A New Reading* (Chapter 3, mainly pp 56-65), «hijab» (in *Al Ahzab*, 33:53) concerns only the wives of the Prophet (PBUH) and it means to speak to them from behind a curtain, screen, or divide. It has nothing to do with the head-cover (Khimar in *Al Nur*, 24:31) that was practiced before Islam.
- 7- Amin Camron Michael. *The Making of the Modern Iranian Woman, Gender, State Policy, and Popular Cultures, 1865-1946*. Gainesville: University Press of Florida. 2002, p. 1
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- NA. *Khoshonat va Farhang: Asnad e Mahramaneh e Kashf e Hejab*. Tehran: Department of research Publication and Education. 1990
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 - 13- Vojdik Valorie K. "Politics of the headscarf in Turkey: Construction of Collective Identities." *Harvard Journal of Law & Gender*. 2010. Vol. 33. P. 661
 - 14- Ruzaliev Odil. "Islam in Uzbekistan: Implications of 911/ and Policy Recommendations for the United States." *Journal of Muslim Minority Affairs*, Vol. 25, No. 1, April 2005. P.17
 - 15- Ruzaliev Odil. "Islam in Uzbekistan: Implications of 911/ and Policy Recommendations for the United States." p.22
 - 16- Kamp Marianne. *The New Woman in Uzbekistan: Islam, Modernity, and Unveiling Under Communism*. Seattle: University of Washington Press, 2006. pp.180189-
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 - 19- Najibullah Farangis. "Hijab, Miniskirt: Bad for Your Health." February 25, 2009. http://www.rferl.org/content/Hijab_Miniskirt_Bad_For_Your_Health/1499098.html (Accessed: December 24, 2010)
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