




Spring 2015

To Veil or Not to Veil: A Loaded Question

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Rivoli, Lisa R., "To Veil or Not to Veil: A Loaded Question" (2015). *What All Americans Should Know About Women in the Muslim World*. 9.

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Abstract

What all Americans should know about women in the Muslim world is that Muslim women are increasingly prohibited through legal measures to choose for themselves whether or not to veil, which reduces their agency and perpetuates the harmful idea that all Muslim women need saving. This paper takes a look at political and legislative interventions on veiling in several countries.

Disciplines

Family, Life Course, and Society | Gender and Sexuality | International and Area Studies | Islamic Studies | Near and Middle Eastern Studies | Regional Sociology | Social and Cultural Anthropology | Women's Studies

Comments

This paper was written for Professor Amy Evrard's course, *ANTH 218: Islam and Women*, Spring 2015.

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To Veil or Not to Veil: A Loaded Question

by Lisa Rivoli

I can probably guess with reasonable accuracy what comes to mind for many Americans when asked to envision a Muslim woman: passive and thoroughly oppressed, covered from head to toe, stripped of her ability to think and act for herself by the men in her life and the imposing institution of Islamic law. This imagery is reinforced through countless aspects of American politics and culture. The supposed plight of the Muslim woman is continually employed to make a variety of inappropriate justifications; her oppression is used as ammunition in support of American military intervention in the Middle East, her modesty as proof of the superiority of American freedom and values, her submission as evidence of the inherent evil of Islam. Americans see Muslim men as having power over the women in their lives, and we have decided that, in order to rectify this, the power must come to us instead. In our scramble to fulfill our savior role, we forget that it is not our power to have. Rather than take note of this, we continue to blindly wrestle for it – not realizing we are taking it right from the hands of Muslim women, who we fail to recognize had never even lost it in the first place.

It is no secret that the United States harbors an appearance-obsessed society. Fashion trends dictate the newest and most popular looks and hemlines have been rising steadily for decades, necessitating women to find just the right balance between prudish and slutty, frumpy and flashy, conservative and carefree. It is no surprise, then, that many Americans are perplexed when confronted with Muslim veiling. It is difficult to come to terms with the idea of a woman contentedly dressing in accordance with religious and

cultural customs to cover her head and body. Our alienation from Islam and Muslim tradition leads us to assume that the only reason she could be veiling is through coercion, and we become inspired to take action against that force. This is a misinformed perspective, and can lead to violation of women's rights to self-expression and religious freedom. What all Americans should know about women in the Muslim world is that Muslim women are increasingly prohibited through legal measures to choose for themselves whether or not to veil, which reduces their agency and perpetuates the harmful idea that all Muslim women need saving.

When addressing the topic of Muslim veiling, or *hijab*, it is first necessary to understand the meaning and purpose of the tradition. *Hijab* can be traced to the time of the Prophet Muhammad, the central figure of the Islamic faith, who lived in the late sixth and early seventh centuries. God spoke to the Prophet and instructed his wives to practice seclusion and maintain a barrier, or *hijab*, between themselves and all men not related to them (Quran 33:32-33, 53). The Islamic *hijab* developed from this narrative, serving as a kind of portable barrier to separate men and women and allow women to demonstrate modesty in accordance with the Quran. *Hijab* can refer to veiling in general, or to a specific style of headscarf. Other styles of veiling include *al-amira*, *khimar*, *shayla*, *chador*, *niqab*, and *burqa*, and can range from a scarf draped loosely over the head to a garment that provides full-face and full-body covering. As with any symbol, *hijab* has evolved to take on new cultural meanings alongside its original religious symbolism. While veiling still implies modesty and piety, these terms "have differed to a great extent across Muslim societies and have been linked to other concepts such as honor, virtue, femininity, and social class" (Gökariksel 2009:660). It can also project pride for Muslim culture or be worn for political

purposes of raising Muslim visibility. For many women, *hijab* has deeply personal meaning as well. However, as tends to be the case with so many women's issues, the personal has become political. Several nations have made veiling an issue of government concern, and some have even gone as far as banning or mandating *hijab*.

For many who are unfamiliar with the tradition of veiling and its religious significance, *hijab* only represents oppression. This perspective has arisen for a variety of reasons. A particularly convincing one is testimony from women from the Muslim world who argue that *hijab* is oppressive. Their positionality lends them authority on the matter, and their concerns should definitely be taken seriously. Fatima Mernissi, a well-known Islamic feminist scholar, has written extensively on the oppressive nature of the veil, referring to the practice as a "tradition of misogyny" (1991), presenting Islam as a religion fearful of modernity (1992), and recounting stories of female subjugation from her childhood (1995). Mernissi's experiences are of course valid, but must be understood as one truth, not *the* truth. For every woman speaking out against veiling as an oppressive custom, there is another woman who finds *hijab* to be a powerful and honorable form of self-expression.

Negative public perception of Muslim culture and *hijab* has led to the assumption that women who veil are not doing it of their own volition and has triggered subsequent legislative intervention. Justifications for this intervention vary by country and are dependent upon political structures and ideologies, but usually draw on a need for modernity, women's rights, preservation of cultural norms, and public security. Bans on veiling have spread through Europe in recent years in a process of "policy diffusion," wherein countries have taken note of their neighbors instating restrictions on Muslim

dress and have begun to craft their own bills as well (Piatti-Crocker and Tasch 2015:15). Controversy over Muslim veiling began in France in the 1980s and spurred a litany of cases of students being suspended, excluded, or dismissed from public schools for wearing *hijab*. France is fiercely secular, upholding the belief that “if the public sphere is free of religious symbols then all citizens can be treated equally within it” (McGoldrick 2006:73). This secularism is a central tenet of French politics and culture.

Decisions to allow *hijab* in public schools was left to the discretion of school authorities until 2004, at which point the French government banned conspicuous religious symbols in public schools, including Jewish skullcaps, large Christian crosses, and Muslim veils. In 2009, France convened a panel of thirty-two “experts” to evaluate the need for a nationwide ban on full-face veils in public spaces. The panel concluded that *hijab* was a sign of “subservience and debasement,” and recommended banning veils in public buildings, schools, public transportation, hospitals, and government offices, and refusing asylum or citizenship to women wearing full-face veils. These recommendations were ratified into law in April 2011, carrying a punishment of up to a year in prison or a 15,000 euro fine for disobedience, and were passed with the reasoning that it was in women’s best interest to “protect them from those who try to impose other values” (Piatti-Crocker and Tasch 2015:21). Though not intended, this statement is clearly ironic, highlighting the forced value of French secularism thrust upon women in an attempt to counter the supposed threat of their own Muslim background.

Interestingly, a wealthy French Muslim businessman, Rachid Nekkaz, responded to the 2011 ban with an offer to pay all fines imposed for wearing the *burqa* in any country (Fournier 2013:698). The consideration of bans on *hijab* spread outwards from France to

other European countries, and he travelled to Brussels later that year to fulfill that promise. Belgium had passed its own ban on full-face veils only one month after France, after outcry from right-wing politicians over the use of *hijab* as a propaganda weapon to achieve an Islamic state. The Netherlands followed suit, with radical right-wingers such as Geert Wilders successfully pushing through a ban on full-face veils in 2013 (Piatti-Crocker and Tasch 2015:22-25). This rapid diffusion of anti-*hijab* legislation aimed to promote religious freedom – meaning both freedom *of* religion and freedom *from* religion – through the neutralization of public space (Winter 2008:55). Finding a balance between these two freedoms is difficult, if not paradoxical; European approaches to doing so can easily victimize Muslim women, whose clothing is increasingly seen as an affront to secularism and modernity. The issue of freedom to wear the *hijab* in Europe is typically framed in terms of public order and security, while downplaying the undeniable influence of Western perceptions of the Muslim woman as an oppressed “other” in need of saving.

The *hijab* debate in Turkey acknowledges more bluntly the concern for regulation of the female Muslim body through legislation. The Republic of Turkey was established in 1923 under a vision of creating a secular state. In pursuing this, “the most prominent interventions targeted what can be characterized as the daily life, practices, and spaces that would *produce* new secular subjects,” for example a set of dress codes mandated in 1980 that formally restricted *hijab* in public institutional spaces, such as university campuses, schools, courtrooms, and parliament (Gökarıksel 2009:663). These restrictions would prevent the normalization of religion in the public sphere and subsequently minimize it in private. They were considered necessary by the Turkish government, who wanted to project an image of modernity and believed that allowing women to veil in public would

detract from that image. By policing women's appearances, Turkey hoped to progress its political vision of a modern, secular state.

The political agenda of Turkey encouraged Muslim women to abandon *hijab* and adopt a Westernized appearance, an act which may be considered progressive by Western feminist standards. However, Winter (2008) poses an interesting point in her discussion of French *hijab* prohibitions that is highly relevant to the situation of Muslim women in Turkey.

The question here is not one of whether it is a good idea for women to embrace values of freedom, equality, and secularism, however flawed their application might be, as I am convinced it is. . . . The question is rather one of how that movement by women in their own self-interest is then instrumentalized by other political and social actors to their own ends and how women's collective struggles for liberation are co-opted to other agendas. (Winter 2008:109)

This point highlights the way Turkey's ban on *hijab* was touted as a liberatory measure, when in reality, the empowerment of Turkish Muslim women was not the goal, and the state was selectively inhibiting the rights of women to make it appear to be in their best interest. The veil ban actually removed agency from women and forced them to present in such a way that furthered state interest in a modernized image.

In addressing bans on veiling in Western European countries, it is important to take into account the prevalence of Muslim communities. France has the largest Muslim population in Western Europe, although only a small percentage of Muslim women veil in a

way that covers their face. In Belgium, just four percent of the population is Muslim, with merely a “few dozen” women wearing full-face veils. Six percent of the population in the Netherlands is Muslim, and it is estimated that a maximum of four hundred Muslim women wear full-face veils (Piatti-Crocker and Tasch 2015:20-25). Why, then, is there so much concern over women wearing full-face veils, when so few women are even doing it? The answer can be found in European relations with Muslim immigrants.

Tensions have existed throughout Muslim immigration to Western Europe and persist even today. European customs praise “face-to-face interaction as a universal indicium of civilization, excluding and stigmatizing those who derogate from these cultural constructs” (Fournier 2013:689). The high value placed on these interactions and other norms and expectations typical of Western European society is threatened by foreign customs and multicultural identities. This can and does create an “us” versus “them” dichotomy that forms from both differences in physical appearance and cultural practices. Social anxiety over appearance has existed since early Muslim immigrant men refused to shave their beards and dress like Europeans and “beardlessness came to signify modernity as defined against a sense of religious backwardness that was projected onto the bearded bodies of Middle Eastern men” (Martino and Goli 2008:424). The same phenomenon continues today, as *hijab* is theorized as counter to modernity, an indicator of a lack of forward motion and a symbol of oppression defined by the covered bodies of Muslim women.

The “us” versus “them” dichotomy is deepened by what Martino and Goli call a “crisis of democracy,” a “particularly virulent form of Islamophobia that has been propelled by Orientalist dogma invested in the politics of fear and a particular form of truth-making

vis-à-vis the representation of Islam and the essentialized Muslim subject” (2008:419). This kind of fear-mongering is evident in Western European nations concerned with security threats of veiling, and has been consistently present since the September 11 terrorist attacks in the United States. The result is a demonization and rampant fear of Muslims, despite their clear minority status in Western countries. Arjun Appadurai theorizes heavily this “fear of small numbers,” noting that in response to the perceived threat of minorities, “all nations, under some conditions, demand whole-blood transfusions, usually requiring some part of their blood to be extruded” (2006:4). For Muslim women, a part of their blood they must give up is *hijab*.

The fear of small numbers also creates “intolerable anxiety about the relationship of many individuals to state-provided goods” (Appadurai 2006:6), evidenced in the denial of asylum, citizenship, unemployment benefits, public education, and social security to Muslim women who refuse to remove their veil (Piatti-Crocker and Tasch 2015:21; McGoldrick 2006:214). Withholding state-provided goods conveys a message to unyielding Muslim women that they will not be validated as a true part of European society until they abide by the Western, secular standards expected of them. Minorities are also stigmatized by majorities for being “the carriers of unwanted memories of the acts of violence that produced existing states of forced conscription, or of violent extrusion as new states were formed” (Appadurai 2006:42). Many Muslim countries were subject to colonialism and exploitation by European forces, especially France. The rejection of Muslim cultural symbols in France may very well have to do with an unwanted memory of colonialism and a conscious or subconscious feeling of guilt that arises when white French citizens

encounter Muslim individuals. *Hijab* may also be interpreted as an anti-colonial symbol (Winter 2008:28) and thus perceived as threatening to dominant culture.

So far in the United States, no successful bans on *hijab* have been instated. The separation of church and state in the United States varies from that of France in that it is designed more to protect religion from the state than vice versa. This separation of church and state exists in the First Amendment of the United States Constitution, dictating, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof” (US Const. Amend. I). Thus, it is difficult to create a *hijab* ban that cannot be challenged as prohibiting the free exercise of the Islamic faith. However, in the 1987 case of *United States v Board of Education for the School District of Philadelphia*, a Muslim teacher was not allowed to wear *hijab* while teaching under the justification that “accommodating the teacher’s religious practices would constitute an undue burden for the employer” (US 942 [1987]). Such “bans” are more likely to go through at an “exception” level, although they have successfully been fought as well, such as in the case of Sultaana Laikana Myke Freeman, who was told by the state of Florida that she must retake her driver’s license photo without her *niqab* in the aftermath of September 11. The American Civil Liberties Union of Florida adopted her case and successfully won with the argument that drivers’ licenses cannot legally be revoked for refusal to retake the identification photo after they have been issued (McGoldrick 2006:225). The future of the *hijab* in the United States is unclear, and uncertainty lingers as more and more European states adopt legislation legalizing discrimination against Muslim women.

Throughout Western Europe, Muslim women’s rights to choose when, where, and how to veil is being taken away from them. These legal measures are justified by a concern

for public security or a desire for modernity. Above all, they claim to be a necessary measure to protect Muslim women from forced religious expression and loss of agency. In reality, these laws are just as much an attempt to protect Western society from Muslim women. Taking away the agency women may have had in choosing to veil under the guise of helping them is actually just an attempt at keeping the influence and visibility of Islam in Europe at bay. *Hijab* ban legislation also neatly fits the Western trope of the oppressed Muslim woman in need of saving. *Hijab* bans are counterproductive in that, even if they do free women from unwanted pressure to veil, they are addressing a symptom of oppression, not a cause. In order to truly support Muslim women – note that I do not say “save” – we must be cognizant of the needs and goals they have and refrain from unnecessary and unprompted intervention.

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