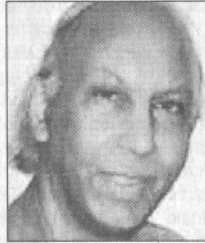


# Turkey's headscarf decision

## COMMENT



ISHTIAQ AHMED

*There is no need to feel sorry for Muslims or to hold them in contempt. Those struggling for democratic, humane and rationalist values in the Muslim world deserve solidarity. The champions of headscarves certainly do not belong to that category*

THE EUROPEAN HUMAN RIGHTS COURT AT Strasbourg has given a ruling that state-run Turkish schools that ban Muslim headscarves do not violate the freedom of religion. It also found that it was a legitimate way to counter Islamic fundamentalism. The decision came on an appeal by a Turkish student who was barred from attending Istanbul University's medical school because her headscarf violated the official dress code.

In their unanimous judgment, the seven judges said headscarf bans were appropriate when issued to protect the secular nature of the state, especially against extremist demands. It stated: "The court has not overlooked the fact that there are extremist political movements in Turkey that are trying to impose on the entire society their religious symbols and their idea of a society based on religious rules. ... The principle of secularism was surely one of the founding principles of the Turkish state... Safeguarding this principle can be considered necessary for the protection of the democratic system in Turkey." It said further that the bans issued in the name of the separation of church and state could be considered "necessary in a democratic society... Measures taken in universities to prevent certain fundamentalist religious movements from pressuring students who do not practise the religion in question or those belonging to another religion can be justified."

In a superficial sense, the ban on headscarves is a violation of the human rights of the individual, but the question before us is: To what extent do Muslim

women make independent decisions to choose their mode of dress? There is abundant evidence from the contemporary Muslim world that women are the most oppressed members of Muslim societies. In Pakistan, the wearing of the burqa (a head-to-foot topcoat) started becoming unpopular with the spread of education as many women entered the public sphere as teachers, doctors, nurses, and miscellaneous state employees. However, during General Zia-ul-Haq's rule (1977-88) the direction of social change was reversed. He ordered women newscasters and state employees to wear the chaddar (a variant of the headscarf). The most reactionary clerics were brought on the television to preach the expulsion of women from the public sphere.

In Saudi Arabia women got an opportunity to drive cars while the first Iraq war was on. Soon afterwards, the women were rounded up and made to pay heavy fines. The Taliban regime literally turned women into a private commodity whose proper place was behind the four walls of the house. I prefer to call it the 'harem culture'. The Ottomans who are foolishly admired by the fundamentalists of today were notorious for keeping the choicest women from their subject peoples in the harem and indeed the Thousand and One Nights tell us that the preceding Abbasid caliphs were no lesser patrons of harem escapades. Keeping this background in mind, wearing headscarves no longer remains an innocuous act of freedom of belief but a perpetuation of the patriarchal cultural-structural sys-

# Scarf decision vindicated

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tem that historically evolved in Muslim societies. Just as Western extremism is typified by racism in different garbs, Muslim extremism consistently oppresses women in different forms.

Therefore, the political context in which the ban on headscarves has been upheld needs to be kept in mind. Insofar as Western Europe is concerned, headscarves were worn and tolerated for quite a long time. Then, from the 1980s onwards, fundamentalist influence began to percolate into the Muslim immigrant communities. Most typically the fundamentalists focused their attention on the alleged deviation of Muslim women from Islamic morals and behaviour codes. Parents were intimidated at the local mosque to stop their daughters from going to school dressed up in Western clothes.

The decisions of the European Court of Human Rights take precedence over national court rulings and will have implications for similar cases elsewhere in Europe. The French government already has on its hands a big problem with headscarves. It imposed a ban on headscarves in state high schools against which many cases are expected to be filed before the courts. In the United Kingdom a Luton schoolgirl, Sabina Begum, recently lost her High Court battle to wear an Islamic dress to school. Since September 2002 Sabina has refused to attend school in a dispute over her wish to wear an ankle-length jilbab gown.

Recently, two Somali girls came to a college (called Gymnasium) completely covered from head to foot. The

teachers objected because it was impossible for them to know who was behind that strange dress. The Swedish government has chosen a middle path. It has been decided that if the headmaster of a school feels that a form of dress is obstructing normal educational activities and procedures he can ban it. In Germany, Muslim teachers have appealed against laws in several federal states which bar Muslim women covering their heads. In all such cases, hopefully, the respective members of the Council of Europe will establish clear policy barring headscarves.

Just as a West-centred globalisation is being studied fervently, we need to study and analyse the phenomenon of alternative globalisation. Unless this is done seriously we can be sure that racial and religious conflicts will explode with great venom all over the world. The situation for Muslims has already deteriorated after 9/11 and things can become much worse if the dangers of a fundamentalist upsurge are not properly grasped. There is no need to feel sorry for Muslims or to hold them in contempt. They are battling with the multifarious challenges of modernity, and we know that no society ever reaches a state of final bliss. Those struggling for democratic, humane and rationalist values in the Muslim world deserve solidarity. The champions of headscarves certainly do not belong to that category.

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