Headscarf issue: Liberating women?

Saad S. khan

The new law adopted by the French government proscribing conspicuous religious clothing from public schools has singularly spotlighted the issue of headscarf than any other religious symbol like the Jewish skull caps, the large Christian Cross and the Sikh turbans which it uniformly aims at banning. The law had a thumping support in the National Assembly with 494 votes in favour and only 36 against. Opinion polls showed an impressive 70% support for the law among the French citizens in general; while among the Muslim citizens of France, the support thinned down to 52% or so, which is nevertheless still a majority.

The ban had come into force on September 2 last when the new academic session began. It was supposed to be a protest day and in fact 20 demonstrations were held across Europe in London, in Brussels and in Paris of course, among other cities; yet they were very thinly attended, the protest at Paris itself hardly attracted 200 persons, much to the chagrin of the sponsoring organizations. There was also a fear, that proved wrong eventually, that substantial number of students would defy the ban, and the schools were under instruction not to provoke confrontation by expelling them right away. They were to be convinced by counselling and dialogue. In fact, headscarf was never as much a threat to the French secular values as it was made out to be. Of the 1.8 million Muslim students in France, only 1500 used to don the scarf regularly.

On Sept. 2, only 635 of them came to the schools with their scarves on. The counselling worked for 534 of them and after the first week, the issue was squeezed down to 101 girls. There were not any reportable number, if at all, of followers of other confessions for whom counselling was

three decades in search of jobs has challenged the cultural homogeneity of the continent. The Muslim way of life made inroads into the political, social and ethical complexion of the West. There has emerged a strong opinion in the West that does not want the presence of a stream of different ethos and values in their national life. Failing to appreciate that the difference in values does not mean an absence of that, they think that the ideals they cherish are alien to the Muslims and vice versa. Far from that, it may now be argued that it is the different expression of the same principles that distinguishes one confession, one culture or one value system from its counterparts.

The controversy around the headscarf, or Hijab as it is called, has been blown out of proportion in the past three years, especially since the Muslim religion came under critical focus in post 9/11 scenario. The headscarf started being considered as a symbol of political choice, that of a militant brand of Islam.

In Belgium, a school administration where the majority of pupils were Muslims banned the headscarf; in Denmark, a Muslim lady was fired from her position at a food chain for wearing Hijab and lost the legal battle; in Germany, a high school teacher challenged her expulsion for wearing headscarf and won that right in the Court; in Russia, the Supreme Court overturned a 1997 Interior Ministry ban on issuance of Passport to Muslim women unless they produce their photograph without a headscarf; in the United States, a teacher was sued for forcibly removing the headscarf of one of her students; and in Spain, a 13-year old daughter of a Moroccan construction worker, Fatima, challenged the government version that her headscarf decision had been involuntary or that wearing it was a sign of

not as important as the fact that in each of these cases, the controversy assumed a national dimension.

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the United States for insisting to wear, what she believed to be, a more modest dress. The female baseball team at the University had shorts in their player uniform, which she insisted on changing to full length pants. In a more bizarre instance in Northern Italy, an Italian Muslim woman was ticketed twice by the Police for wearing Muslim dress. Since there is no law in Italy specifi-

Mussolini. The law has always been decried as draconian and has never been applied in modern day Italy, except in this case. Since the law does not expressly mention Muslim dress, its application across the board would cover the nuns at one extreme and the persons participating in the annual Venice carnival on the other.

Anti-headscarf laws are in place in some countries in Asia and even some Muslim countries as well. Singapore banned headscarf, but not Sikh turbans, in 2002. Tunisia had it banned in 1981. Turkey banned it from educational institutions in 1997 when an Islamist government of Prime Minister Necmettin Erbakan was toppled in a 'soft' coup by

used to revoke the accreditation of any university that would not disallow headscarves from its classrooms. The ban is extended to government jobs and public offices as well. Ironically, even Turkey's Prime Minister whose wife observes hijab is effectively distanced from some republic day ceremonies. The girls who hold dear their conviction on headscarf have to go abroad to Hungary etc to study, if they can afford, or miss their education, otherwise. Some girls shaved their heads in protest (this has happened in France also), since it is her hair that are not to be shown to others under the Islamic dogma, while others conceal their headscarves in wigs worn over them. The girls thus become victims of inner pressures and emotional contradictions.

Last year, a 72-year old woman, Medine Ercan, died when she was refused treatment at a State Hospital in Istanbul, on the plea that her medical insurance card had her photo with her headscarf on. The hospital authorities cited a directive issued by the Director of the Hospital the previous week requiring all patients to adhere to the "secular values" of Turkey. The patient was old and in critical condition. She died before she could convince the hospital authorities of her values. All human rights organizations in Turkey and the international Doctor World Wide I(DWW) strongly condemned the incident. The result of these senseless and rash acts in the name of secularism since 1997 military intervention is that the Turk public is fed up and they have elected the Islamists to power with a two thirds majority now.

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official statistics, 76% of Turkish women wear hijab, but only 58.9% of people think it is obligatory. Over 76% of the population think that university students should be allowed to wear the hijab and 74.2% think it should be permissible for female officers of state as well.

Coming back to France, a section of the Muslim opinion is trying to find ways to save the believing Muslim women from being sandwiched between how their schools interpret the new French law and what their cognitive learning about the Quranic law has been. Admittedly, there is no specific dress code or type of headscarf the Quran has prescribed. The Quran has told both the men and the women to be modest and to keep their gaze low, but has added about the women that they should not display their beauty before the men, except those in their immediate family. This has led to many interpretations; whether the face is the 'beauty' and so a face veil (most conservative view) is required, or it is the woman's hair that is the beauty within the meaning of the Quranic verse and headscarf (majority opinion) is obligatory, or it is only seductive or immodest behaviour that is something that a woman must not betray before men (most post-modern feminist interpretation within the modern Islamic discourse). As time is passing and one finds more and more writings from enlightened Muslim women in the literature on Islamic discourse, the typical male-centred and male-focused understanding of Islamic jurisprudence is giving way to a progressive and gender-neutral thought. The problem is how to do with the woman (or even a man, for instance) who believes that headscarf, or for that matter observing or refraining from any particular dress or food code, is obligatory, doing otherwise a sin and unwomanly to

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On Sept. 2, only 635 of them came to the schools with their scarves on. The counselling worked for 534 of them and after the first week, the issue was squeezed down to 101 girls. There were not any reportable number, if at all, of followers of other confessions for whom counselling was required in this respect.

The influx of Muslim immigrants to Europe in the past The Muslim way of life made inroads into the political, social and ethical complexion of the West. There has emerged a strong opinion in the West that does not want the presence of a stream of different ethos and values in their national life. Failing to appreciate that the difference in values does not mean an absence of that, they think that the ideals they cherish are alien to the Muslims and vice versa. Far from that, it may now be argued that it is the different expression of the same principles that distinguishes one confession, one culture or one value system from its counterparts.

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In some cases, the discrimination was Muslim-specific. Andrea Armstrong, a Muslim player, was expelled from the Base Ball team of the University of South Florida in the United States for insisting to wear, what she believed to be, a more modest dress. The female baseball team at the University had shorts in their player uniform, which she insisted on changing to full length pants. In a more bizarre instance in Northern Italy, an Italian Muslim woman was ticketed twice by the Police for wearing Muslim dress. Since there is no law in Italy specifically banning headscarf, the Court resorted to the article 85 of a 1931 Security Decree by the infamous dictator Benito Venice carnival on the other.

Anti-headscarf laws are in place in some countries in Asia and even some Muslim countries as well. Singapore banned headscarf, but not Sikh turbans, in 2002. Tunisia had it banned in 1981. Turkey banned it from educational institutions in 1997 when an Islamist government of Prime Minister Necmettin Erbakan was toppled in a 'soft' coup by the Military. There is no specific general law in Turkey to the effect; instead the Higher Education Commission was been decried as draconian and has never been applied in modern day Italy, except in this case. Since the law does not expressly mention Muslim dress, its application across the board would cover the nuns at one extreme and the persons participating in the annual scarves from its classrooms. The ban is extended to government jobs and public offices as well. Ironically, even Turkey's Prime Minister whose wife observes hijab is effectively distanced from some republic day ceremonies. The girls who hold dear their conviction on headscarf have to go abroad to Hungary etc to study, if they can afford, or miss their education, otherwise. Some girls shaved their heads in protest (this has happened in France also), since it is her hair that are not to be shown to others under the Islamic dogma, while others conceal their headscarves in wigs worn over them. The girls thus become victims of inner pressures and emotional contradictions.

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(To be continued)

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