

Headscarf issue: liberating women

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The new law adopted by the French government proscribing conspicuous religious clothing from public schools has spotlighted the issue of headscarf more 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 received thumping support in the National Assembly with 494 votes in favor and only 36 against. Opinion polls showed an impressive 70% support for the law among 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, Brussels and Paris 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 to be wrong eventually, that substantial numbers of students would defy the ban, and the schools were under instructions not to provoke confrontation by expelling them right away.

They were to be convinced by counseling and dialogue. In fact, the headscarf was never as much of a threat to 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, 635 of them came to the schools with their scarves on. The counseling worked for 534 of them and after the first week, the number was reduced to 101 girls.

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 the 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 subsequent legal battle; in Germany,

the issue of immodest behavior that is something that a woman must not betray before men (most post-modern feminist interpretation within the modern Islamic discourse).

The fundamental issue is that of the hierarchy of the Divine law versus the national law in the eyes of a citizen. Law-making in a democratic dispensation is the reflection of the collective wisdom of a nation, expressed through a representative parliament.

The issue is not to challenge the decision of the French nation or even to question its bonafides. Rather, the question is whether a person can be charged to defy what he believes to be God's law in favor of man's law, when the former does not harm anyone; narrowing it further, whether a person can be denied his right to profess his religion; and further crystallizing the problem, whether a person can be denied any of his personal preferences in life including wearing or not wearing a particular type or color of dress or eating or abstaining from a particular food item. A more fundamental conundrum is whether the majority opinion is always right.

One should analyze the rationale the framers of the law must have had in their mind and to see whether the law is going to serve the purpose in the long run. F

or one, they think it is a religious choice that is offensive to France's secular traditions. Two, it is a symbol of the enslavement of women and is imposed on them by men in their family. Third, banning Hijab would emancipate women and make them economically liberated. Fourth, Hijab represents a political choice, that of a more radical form of Islam.

Dissecting these arguments one finds that no religion practiced with devotion can be offensive to others. There are countries in the world like Iran and Afghanistan where the display of hair by a woman is construed to be a Christian tradition. What if such countries ban uncovered heads and force Christian women to veil themselves, saying their presence without scarves is offensive to the traditional value system of their countries?

As for the scarf being a symbol of submission of women to men, most surveys showed that most European Muslim woman considered

a high school teacher challenged her expulsion for wearing headscarf and won that right in the courts; in Russia, the Supreme Court overturned a 1997 Interior Ministry ban on the issuance of a passport to Muslim women unless they produced 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's version that her headscarf decision had been involuntary or that wearing it was a sign of submission. The outcome of the legal and political battles, where the right to headscarf was temporarily won or lost, is not as important as the fact that in each of these cases, the controversy assumed a national dimension.

Anti-headscarf laws are in place in some countries in Asia and even some Muslim countries as well. Singapore banned the headscarf, but not Sikh turbans, in 2002. Tunisia had it banned in 1981. Turkey banned it from educational institutions in 1997 when the 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 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.

Coming back to France, a section of 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 Koranic law has been. Admittedly, there is no specific dress code or type of headscarf the Koran has prescribed.

The Koran 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 men, except those of 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 Koranic verse and headscarf (majority opinion) is obligatory, or it is only seduc-

headscarf as an order from God and not from man. In fact, the persecution of men in Turkey and other countries on the grounds of their wives wearing headscarf has resulted in men forcing women not to wear headscarf.

The spate of dismissals of hijab-observing women from public and private jobs has resulted in their economic crippling. When a woman's only source of income is her husband's earnings, she can never be independent. Far from emancipation from male domination, these less educated women from low-income families are more likely to suffer domestic violence and abuse.

The point regarding the scarf being a political rather than a religious choice is equally flawed. Nobody who blows himself up in a suicide attack can be a good Muslim. In fact, a good Muslim is somebody who is loving, caring and peaceful, one who may give his life to save another rather than to kill him, a person who would give his food to his neighbors if he thinks they are hungry.

If some people blew up the Twin Towers of New York, they did not do so because they had read something to that effect in the Koran. Far from that, not one of the hijackers was known to be an observing Muslim. This was a reaction of some terrorists belonging to politically marginalized nations to another nation's political dominance. The linkage between the headscarf, or the absence of it, with various streams of Muslim political thought is, at best, not logical.

What Europe needs is a dispassionate understanding of Islam and its culture. Recently, for the first time, two French Muslim women from leftist parties have won election to the French Senate. Halima Bumadyan Tin, 47, made it on the ticket of the Green Party, while Ms Breza Khiyary was elected from the Socialist Party platform.

What the European Parliament now needs and the parliaments of the individual European countries also requires, is an affirmative action or a positive discrimination in favor of Muslims until they get their proportional share in education, jobs and political institutions. This would not only dispel negative stereotypes, allay unwarranted fears and end social marginalization of Islam and the Muslims, but help in making the Muslim citizens equal partners in the progress of Europe. Fundamental human values cannot be held hostage to a particular headgear or footwear.