Reasons to Ban? The Anti-Burqa Movement in Western Europe

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und multiethnischer Gesellschaften*

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Abstract

During the 2000s, the dress of Muslim women in Muslim-minority countries in Europe and elsewhere became increasingly a matter for debate and, in several instances, the subject of legislation. In France, a ban on the wearing of the headscarf in places of education (2004) was followed in 2010 by the law criminalizing the wearing of the face-veil (usually but inaccurately referred to as the '*burqa*') in public space. Other countries have enacted similar legislation. Muslim women's dress has historically been a controversial matter in Muslim-majority countries, too, most recently in North Africa following the Arab Spring, but the present paper concentrates on the movement against face-veiling in Western Europe, documenting what has been happening and analysing the arguments proposed to justify criminalizing this type of garment. In doing so, the paper explores the implications for our understanding of contemporary (ethnically and religiously) diverse societies and their governance. Is anti-veiling legislation a protest against what is interpreted as an Islamic practice unacceptable in liberal democracies, a sign of a wider discomfort with non-European otherness, or an expression of an underlying racism articulated in cultural terms? Whatever the reason, is criminalization an appropriate response? An Appendix notes some topics for further research.

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Keywords

Contents

1.   Introduction[1]

This paper discusses a number of issues arising from the moves, in several western European countries, to legislate against and, in particular, to criminalize the wearing in public of what is generally called the *burqa* (face-veiling). It addresses three sets of questions, providing a general overview over what has become a growing field of scholarly analysis and commentary: (a) What is happening in different western European countries regarding the debates and legislation concerning face-veiling? (b) Why is it happening? (c) What are the implications for our understanding of contemporary (ethnically and religiously) diverse societies and their governance? Briefly, and obliquely, we also touch on a fourth question: What should happen? Should face-veiling be criminalized?

There are different types of headgear and body covering associated with people of Muslim faith, and to avoid ambiguity (and misleading the reader) we should make clear that in this paper we are concerned principally, if not solely, with two modes of female dress which veil the face: the *burqa* (a full-body garment, including head-covering, with typically a grid or eye-holes allowing vision), and the *niqab*, a body and head-encompassing dress with the face below the eyes covered by a veil. The word 'veil' (*voile* in French) has found its way into public discourse (and academic literature) to refer to what is otherwise described as a 'headscarf' (French, *foulard*), or *hijab*, though properly *hijab* has a wider application; it may be glossed as 'partition' or 'modesty'. In France, *voile integral* is commonly used when referring specifically to the *burqa/niqab*. The *burqa* is extremely rare in Europe (where it is frequently associated with the style of dress advocated, or enforced, in Afghanistan by the Taliban); the *niqab*, a Middle-Eastern, Arabic style of dress, is more common than the *burqa*, but still very unusual. However, the word *burqa* is often (mis)used in public discourse in Europe to refer to all types of facial veiling, and discussion in legislatures and

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in the media seemingly makes little or no distinction between these two varieties or styles. Our preferred term is 'face-veil'.[2]

Women's dress, including both the face-veil and other forms of headgear have been much debated in Muslim-majority countries, and in some cases opposition has led to proscriptions of various kinds (Ahmed 2011). In Turkey, there is a long-standing prohibition on women's headgear chiefly centring on the *türban* (i.e. not the face-veil but what is known elsewhere as the *hijab*) that reveals an Islamic belief and relates to what is considered appropriate within public contexts such as places of employment, schools and universities. There is no explicit legislative basis for the prohibition, but it is seen as being against the constitutional values of the Republic (Çarkoğlu 2010, Yildirim 2012). Meanwhile, wearing such garments in supposedly 'private' contexts such as non-state employment is also not protected legally. In Egypt, a controversy concerning the face-veil erupted in 2009 when the late Sheikh Mohammed Tantawi, a leading imam, reportedly said on a visit to a Cairo school that, 'The *niqab* is a tradition, it has no connection with religion' (in Blomfield 2009). The imam issued a *fatwa* against its use in schools, and there was a campaign led by the Ministry of Education banning the *niqab* from public universities. Subsequent events (the Arab Spring) in North African countries such as Tunisia have re-opened arguments for and against face-veiling, in the context of re-examination of the significance of the Muslim heritage. These developments demonstrate that there is far from being a unified voice in Muslim-majority countries on matters of dress and appearance. Here, however, we concentrate on arguments marshalled against face-veiling, and for its criminalization, within Western Europe.

The paper is divided into six sections. Following this introduction, the second explores the context of the face-veiling debate in European countries with Muslim minorities. The third goes more deeply into the rise of the anti-face-veiling movement. The fourth summarises and explores the arguments that have been deployed against face-veiling and in favour of anti-face-veiling legislation. The fifth further reflects on issues arising from the veiling debate, and considers *inter alia* whether the legislation (actual or proposed) is specifically against an icon of unacceptable Islamic practice (or indeed of Islam), or whether it is part of a wider discomfort with

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2 For a full discussion, see inter alia, Bowen 2007, Dwyer 1999, Elver 2012, Fadil 2011, Fernando 2010, Hill 2011, Joppke 2009, Kiliç, Saharso and Sauer 2008, Killian 2007, McGoldrick 2006, Moors 2009, 2011, Parvez 2011, Schwartzbaum 2011, Shadid and Van Koningsveld 2005, Werbner 2007. To reiterate, this paper, like the Como workshop, concerns the face-veil, but as we will show there is overlap between the arguments against the *burqa/niqab* and those deployed previously against the *hijab*.

non-European otherness, or alternatively, and simply, an expression of an underlying racism expressed in cultural terms. It also asks whether, whatever one's views about veiling, criminalization is an appropriate response. The concluding remarks contrast alternative ways in which more general lessons might be drawn from these events, first, through the lens of two kinds of liberalism ('multicultural' and 'muscular'), and secondly through a perspective which problematizes the liberal agenda itself. A short Appendix notes some topics on which further research is desirable.

2.   Contextualising the Debate

'In the course of the first decade of the 21st century', says Moors (2009: 406), 'face-veiling has turned from a nonissue into a hyperbolic threat to the nation-state'. The number of adult women who wear the *burqa* or *niqab* in Western countries with Muslim minorities is very small; typically well below half of one per cent of the Muslim population, though anecdotal evidence suggests that its use has been increasing (Meer, Dwyer and Modood 2010). The current rush to legislation, however, needs to be set in the context of what has been called the 'backlash' against multiculturalism (*inter alia* Vertovec and Wessendorf eds. 2010), that has been developing across Europe through the 1990s and into the 2000s, and which was accentuated by interventions by leading politicians such as Angela Merkel, Nicolas Sarkozy, and David Cameron in 2010-11 (Modood 2011). In brief, there has been rising tension in Europe and North America (and in Australia and New Zealand) around the governance of diversity with, in many countries, a rejection of policies which previously took a relatively benign stance on cultural and religious difference. Indeed, in some cases, such as face-veiling, or mosques and minarets, there is evidence for a growing tendency to call for the criminalization of ethnic alterity (Ballard 2011), along with a reassertion of the cultural content of citizenship, its 'culturalization' (Moors 2009). None of this is to deny that in many European countries over the last thirty years much has been done to accommodate alterity in general and Muslim concerns in particular (Menski 2008, Shadid and Van Koningsveld 2002), and this process continues alongside an increasingly strident opposition to other cultural and religious practices. The present paper, however, is concerned with an important and now widespread instance of opposition to accommodation, of lines being drawn on a seemingly systematic basis, with variations, across various jurisdictions.

These concerns about national identities and values seemingly reflect a deepening 'cultural anxiety' (Grillo 2003), which in broad terms may be understood against the background of economic and political change and uncertainty, especially in a post-9/11 world. Conjunctural processes such as transnationalism and neoliberal globalization (and more recently its near breakdown) have delivered an epoch of 'disembedding' (Giddens 1991), threatening ways of life and livelihood, and the order of things, and posing difficult questions about identity. Anxiety is unsurprising, and in many places it has been articulated by political parties or movements which are strongly nationalist or regionalist and typically anti-state, anti-big government, and anti-Europe. They are also, typically, anti-immigrant and anti-refugee. Although opposition to immigrants reflects many concerns, including the belief that migrants take an unfair share of scarce resources, it is often voiced through a discourse that contrasts the (imagined) immigrant with the (equally imagined) 'indigenous' national subject. Sometimes this is couched in terms of a generalized 'Western' or 'European' (perhaps 'Judeo-Christian') subject and his/her values, which are in danger of being overwhelmed by the incoming tide of immigrants and asylum-seekers. Often, however, as with movements of the political right and governments which co-opt their rhetoric, it is specifically the imagined 'national' ('native') citizen (British/French/Danish etc) who is threatened. Such movements inevitably simplify the issues. Roy (2010) has observed that while new church movements, which are flourishing among the more marginalized sections of various societies, also include immigrants, they may also be at the forefront of campaigns against multiculturalism seen as making unfair concessions to members of other, minority religious groups.

Islam is an integral part of this. The eighteen million or so (Pew Forum 2011: 27) Muslims of migrant or refugee origin in Western Europe have an implantation which now stretches into the second and third generations. Their presence is predominantly a family one (Nielsen 2004), with implications for housing, health and educational systems in countries that in varying degrees are implementing neoliberal economic and social agendas, running down state welfare provision. Though many are long-term migrants and/or have been born and brought up in the countries of immigration, relationships with societies of origin have not necessarily diminished. On the contrary, the significance of transnationalism, and what is understood as the transnational character of Islam and of migrant populations who espouse it, is now fully apparent (Bowen 2009, Hellum et al 2011). At the same time, as Gerholm (1994: 206) reminded us, 'an authentic Muslim life demands an extensive "infrastructure"': mosques with minarets, schools, *halal* butchers, cemeteries, and this has been widely

achieved, often, as Gerholm also said, not without resistance. Along with the changing nature of the Islamic presence with its established (and sometimes highly visible) infrastructure, and increasing demands for wider recognition, there is serious questioning (on all sides) about whether it is possible to be a Muslim in a Western country and, if so, what kind of a Muslim it is possible to be (Bowen 2009, Ramadan 1999, 2004, 2009).

Islam in Europe is very diverse in terms of the origins of the Muslim population, the varieties of the faith they follow, and indeed their religiosity, but concern about the 'failure' of Muslims (in general) to integrate is at the heart of the current backlash against multiculturalism (Bowen 2011). There is alarm about ghettoization, communal separatism and (self)exclusion, accompanied by demands that incomers learn the national language and declare their loyalty to the nation-state where they reside, rather than to that whence they came, or to an international *umma*. Politicians stress the need to reassert 'core values' against those thought at odds with them. 9/11 and subsequent events are obviously part of this, with demands for integration often couched in terms of 'security' and concerns about terrorism. The global 'Islamic revival' and the rising attraction of Salafist and similar Islamic ideologies in the Islamic world (and among people of Muslim faith in Europe) manifestly also have a part to play. Islamophobia, which of course has a long prior history, is voiced through the trope of the 'spectre of fundamentalism', and, in contemporary rhetoric, what can only be described as paranoid fantasies about the threatened 'Islamization' of Europe, which statements by some outspoken Muslim clerics in effect encourage. There are, too, the successive oil crises, and concerns about energy resources and prices, and not least conflicts in the Middle East pre and post-9/11, all of which have conspired to construct 'Muslim' as a demonized social and cultural category.

Besides this, and to an extent provoked by it, is the heightening of the historical debate about religion and secularism and the relationship between them, most obviously in France, concerning the meaning and implication of *laïcité*. Elsewhere, too, there has been much discussion (and dispute) about the role of religious symbols and modes of identification in public space and the public sphere. In this context, the *Lautsi* case, in which a non-Christian who objected to the compulsory display of the crucifix in Italian schools took the government to the Strasbourg Court (European Court of Human Rights 2011), is one key instance in an ongoing dialectic. However, religion in such discussions often means 'Islam', while Christianity, its symbolism, and its place within European society, has influential defenders (Ratzinger and Pera 2006).

3.   Anti-Face-Veiling: The Rise of a Movement

The European movement against face-veiling is now widespread with calls to implement a ban debated or implemented (nationally or locally) in France, Belgium, Italy, Spain, the Netherlands, Scandinavia, and Germany. (A brief time-line of events relating to the criminalization of face-veiling in Europe may be found in Appendix B.) The way it has moved from country to country makes it seem like a form of political Swine Flu, or like *The Plague* in Camus's allegorical novel, although the spread of policy across jurisdictions, which the face-veil ban illustrates, is not necessarily unique. As Joppke (2007) suggests, what he calls 'repressive liberalism' has been widely taken up across Europe and beyond. However, in this section we ask how, and in what ways, has the issue of the face-veil become so rapidly politicized and taken up by political parties and their leaders, national and local? What are the forces (social, political, cultural and religious) behind the move towards legislation in the various countries and contexts? Why is the ban so widely welcomed by local populations?

The origins of the European move to ban face-veiling may be traced ultimately to France in 1989 when a local head teacher in the town of Creil sought to exclude three young girls from attending school wearing headscarves (*hijabs*, and not the face-veil). The consequences of that event, and other local initiatives during the same period, are too well-known to recapitulate (Bowen 2007, McGoldrick 2006, Scott 2007 etc), but the arguments of that period (leading to legislation to enforce an educational ban in 2004) resurface in various guises in the current debate about face-veiling (below). The famous *Le Monde* cartoon that appeared at the time, of a young woman in a headscarf with a grotesque and threatening male figure behind her ('Are you for or against the veil at school?' *Le Monde*, 7 November 1989, see among others Bloul 1996), sent a message of enduring significance; there are many more recent examples of this genre (World Press Cartoon 2011). Also in 1989 the Rushdie Affair, the fatwa pronounced in Iran against the author for his book *Satanic Verses* led to disturbances (and book burnings) in many places including Britain, opening up concerns about the implications of (militant) Islam for Western countries embracing liberal principles including freedom of speech: religion was seemingly re-entering a space whence it had been ejected.

The Gerin Commission (2010), tasked by the French Government to examine the question of the face-veil, undertook a census of *Le Monde* articles discussing the *niqab* or *burqa* between 1993-2009. Most concerned Afghanistan with almost noth-

ing on Western countries before 2003. From c. 2007-8, however, the volume of articles dealing with Western Europe overtook those concerned with Muslim-majority countries, as face-veiling became increasingly a matter of public debate and media attention; Moors (2009) notes a similar pattern in the Dutch press. In the early-mid 2000s, in fact, there had already been a number of local initiatives against veiling, notably in Belgium, and in autumn 2005, a specific proposal for a ban was put forward by the Dutch Immigration Minister, Rita Verdonk, of the People's Party for Freedom and Democracy, at the instigation of another politician, Geert Wilders. Verdonk argued that face-covering was *inter alia* 'a symbol of division (between the West and Islam) and was not in harmony with the integration of Muslims and the emancipation of women'.[3] The Dutch government established a commission to consider a ban, which was supported by many parliamentarians. A further development during this period was the intervention in October 2006 by the British politician Jack Straw (then a leading member of the Labour government), who in his weekly column in a local newspaper said that he had reservations about interviewing constituents wearing a veil ('Above all, it was because I felt uncomfortable about talking to someone face-to-face who I could not see'[4]). This comment led to considerable discussion in the media (Werbner 2007, Hill 2011). A little later, the 2008 decision of the French Conseil d'État to refuse naturalization to a woman who wore the veil (the case of *Madame M*, see further below) also attracted much attention.

Five things about these developments may be noted. First, in many instances local initiatives have been influential, attracting national (and international) media attention, and sparking the interest of national politicians, and indeed politicians in other countries. This was certainly the case in France in the earlier headscarf affair. Likewise, the Swiss movement against minarets stemmed from a refusal by the authorities in a small town (Wangen bei Olten) to authorize the construction of a building by a Turkish association. That initiative was subsequently taken up by the Swiss People's Party and led to a national referendum in 2009 in which such bans received the support of 58 per cent of those voting. In the case of face-veiling, local initiatives, by mayors and town councils are widely reported for Belgium, Italy, the Netherlands and Spain. In the UK, too, where there is no formal (national) ban on either headscarves or face-veilings, cases concerning Islamic dress that have come before the

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3   **http://forums.skadi.net/showthread.php?t=80189** [accessed: 31 October 2011].

4   **http://www.lancashiretelegraph.co.uk/archive/2006/10/05/Blackburn+ per cent28black-burn per cent29/954145.Straw_in_plea_to_Muslim_women__Take_off_your_veils/** [accessed: 31 October 2011].

courts have been the result of actions by local teachers or boards of school governors who have considerable autonomy in such matters.[5] Thus much that happens seems bottom-up rather than top-down: Jack Straw's comments were originally in a local newspaper read by his constituents.

Secondly, although parties and movements of the centre (and extreme) right are highly active, nationally and locally, in the debate and in bans when they are proposed and enacted, by no means is the movement solely composed of groups that are typically xenophobic. Opposition to face-veiling, and indeed Islam at large, encompasses a wide range of opinion, and in the case of face-veiling this includes many feminist groups and also groups (such as the French Communist Party) on the political left (Dumouchel 2010). Such confederations of opinion from across the political spectrum may be observed in Belgium, where face-veiling seems to have been the only issue that was able to unite the country's fractious legislature, in Spain, and in Switzerland at the time of the referendum on minarets. The sort of diffusion that the face-veil policies illustrate, may represent a particular instance of what Kriesi et al (2008) have described as a longer-term shift to a form of politics that emphasises cultural issues such as mass immigration and resistance to European integration, and in which the traditional focus of the political debate on economic issues has been downplayed or reinterpreted in terms of such cultural cleavages. Whether this continues to be the case in the current climate of economic instability remains to be seen.

Thirdly, the movement often has strong popular support. In Britain, which has declined to implement a ban (Immigration Minister, Damian Green, in July 2010, described such a response as 'un-British'[6]), opinion polls nevertheless suggest that the majority of respondents would support one. A poll in November 2006, following Straw's speech, found 53 per cent in favour of a ban, 40 per cent against. A later poll (Harris Interactive 2010) reported 57 per cent in favour, 26 per cent against. That poll also sampled opinion in various other countries recording the percentage in favour as follows:

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5 *R (on the application of Begum) v Headteacher and Governors of Denbigh High School* [2006] UKHL 15; *R (on the application of X) v The Headteacher of Y School* [2007] EWHC 298, [2007] All ER (D) 267 (both student cases); *Azmi v Kirklees Metropolitan Borough Council* [2007] I.C.R. 1154 (case of a teacher wearing a face-veil). See also Malik 2011, Hill 2011.

6 http://www.bbc.co.uk/news/uk-10674973 [accessed 1 August 2011]

Table 1. Percentage Reported to Favour Face-Veil Ban in Various Countries

France	70
Spain	65
Italy	63
UK	57
Germany	50
USA	33

Source: Harris Interactive 2010

The reliability of such polls may be disputed, given that they pose an abstract question rather than asking individuals to respond to an issue that concerns them, or someone they know, personally. Nonetheless, they provide a rough gauge of public sentiment.

Fourthly, although often locally case specific in origin, moves to ban face-veiling have frequently been taken up with alacrity by national politicians (for example in Belgium; in Spain, too, though perhaps less enthusiastically), and closely followed by local and national opinion-makers in other countries. There seems to have been an outbreak of international 'me-tooism', to the extent that conspiracy theorists might postulate a concerted international campaign. Those opposed to face-veiling (or who seek to defend it), have drawn on debates and events in other countries, and there exists, in this sphere as in others, a sort of transnational intertextuality, for example in the way that developments in France concerning both the headscarf and face-veiling influenced what was happening in Belgium (Fadil 2011), or the views of the French philosopher and feminist, Elizabeth Badinter, expressed to the Gerin Commission[7], were taken up elsewhere. Certainly the arguments of British advocates of a ban, and the government's response, took note of what was happening in Europe. There is a cross-national interweaving of political, academic and popular discourse, embracing a skein of vocabulary, sources, tropes, ideas, instances, paradigms, and public debates on face-veiling that cannot be fully comprehended without taking into account this wider context in which they are embedded and from which they emerge.

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7 Commission Gerin, Audition de Mme Élisabeth Badinter, philosophe. Séance du mercredi 9 septembre 2009, http://www.assemblee-nationale.fr/13/cr-mi*burqa*/08-09/c0809004. asp [accessed 1 November 2011].

Finally, there is the specific influence of politicians addressing international audiences, notably the Dutch politician Geert Wilders (Moors 2009, 2011). Wilders has visited and spoken in numerous countries (including the UK, from which he had originally been banned), against the alleged Islamization of Europe and in favour of restrictions on the practice of the Muslim faith, including banning face-veiling. The European Parliament also became a forum for exchange of views among European politicians opposed to the *burqa*. In May 2010, in an editorial in the German daily *Bild*, Silvana Koch-Mehrin, the head of the Free Democrats in the European Parliament and a member of that Parliament's highest administrative body, the bureau, condemned public face-veiling as 'an enormous attack on the rights of women' and 'a mobile prison', and advocated a Europe-wide ban.[8]

4.   Justifying the Ban? The Arguments against Face-Veiling

Shortly after the French face-veiling ban came into force (in April 2011), the British journalist, Yasmin Alibhai-Brown, founder of *British Muslims for Secular Democracy*, signalled her opposition to the veil in an article in the *Independent* entitled 'Sixteen reasons why I object to this dangerous cover-up' (2011).[9] Here we summarize, with brief comments, our own analysis of the arguments frequently encountered in public debate.

Pro and anti-veiling discourse consists of variations on several thematic antinomies:

- The secular vs. the religious: what should be the role of public religious expression in a secular society?
- Religion vs. culture: Is veiling a religious obligation (and as such an expression of radical Islam)? Is it a voluntarily adopted cultural preference? If religious, does this imply special rights? If cultural, is any protection available?

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8 http://euobserver.com/22/29991 A video of a meeting on '*Burqa* and Women's Rights' (10 June 2010), organized by the Alliance of Liberals and Democrats for Europe is available at http://oldsite.alde.eu/en/details/?no_cache=1&tx_ttnews per cent5Btt_news per cent5D=23101&cHash=3212cc7cd8 [accessed 20 October 2011].

9 There is extensive discussion in, among others, Dumouchel 2010, Joppke 2011, Lenard 2010, Moors 2009, Mullally 2011, Parvez 2011, Saharso and Lettinga 2008, Shadid and Van Koningsveld 2005, Silvestri 2009, 2010, and most persuasively Howard 2009. Alibhai-Brown's article actually appeared during the workshop at Como in April 2011, as the authors were assembling their own list of the arguments made by the different European legislatures.

- 'Our' culture vs. 'your' culture: Whether cultural or religious, does veiling represent an unacceptable 'otherness'?
- Integration vs. parallel lives: does veiling foster communitarianism and undermine an open society?
- Women's subordination vs. women's agency: Does veiling signify patriarchy and the submission of women? What if women (apparently) choose to veil?
- Cultural (or religious) rights vs. women's rights: can/should rights be hierarchized?

These themes cross-cut, intersect, and contradict one another in complex ways, as the following discussion shows.

(a) Laïcité, the Secular and the Religious

Laïcité, as a principle of French republican governance, is not the same as secularism or anti-clericalism, or hostility towards religion as such, though anti-religious sentiment has clearly motivated some opponents of face-veiling. *Laïcité*'s defence was, of course, an important official argument of French opponents of the *hijab*, and was employed specifically against wearing the headscarf in state schools. In 2003, following initiatives by then Minister of the Interior Nicolas Sarkozy, a commission was established (Commission Stasi 2003) 'to reflect on the application of the principle of *laïcité* in the Republic'. Its report rehearsed the history of the idea in French thought from the Revolution, tracing its articulation through legislation in the late 19th and early 20th centuries. Concerned with the way that demands for the recognition of difference had become increasingly vocal in schools, hospitals, the legal system and the workplace, the Commission concluded that while diversity should be respected, the principle of *laïcité* in the public sphere should be re-affirmed. In particular, it expressed alarm about articles (such as clothing) of an ostentatious or provocative nature that might be taken as signs of identity, and recommended legislation to forbid the wearing of them in public education. After much debate, the French parliament inserted a clause in the Education Code: 'Pupils in public schools are prohibited from the carrying of symbols or wearing of clothing which are ostentatiously religious'.[10]

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10 LOI n° 2004-228 du 15 mars 2004. The recent debate on the face-veil has echoed this opposition to the 'ostentatious' display of religious affiliation. As one internet commentator put it: 'La rue, les espaces publics ou privés, ne doivent pas tolérer *un affichage vestimentaire* qui ne font que mettre en évidence les différences de culture', **http://www.lex-press.fr/emploi-carriere/emploi/commentaire.asp?id=945143** [accessed 11 January 2012], our emphasis.

This amendment (which affected other religious groups besides Muslims) was widely accepted, though opposed by many Muslims in France and elsewhere in Europe. Commenting on these events, Bowen (2004: 34) observed that

> the norm of public *laïcité* directs citizens to leave behind their ethnic and religious identities and all visible emblems of those identities and to assume the shared identity and values associated with the Republic whenever they inhabit "public space. Scholars and officials justify this norm by arguing that to proclaim publicly and loudly one's private identities is to generate division and conflict in a society.

This form of *laïcité* demands a public citizenship characterized by a-cultural, and specifically a-religious individualism; the citizen stripped of all public religious appurtenance. As Mullally comments (2011: 32), 'cultural difference is to be pushed to the realms of the private; the public sphere is to remain culture free, neutral, universal'. It is an ideology, which, for example, led one French Interior Minister, Claude Guéant, to declare that users of public services (such as hospitals) should not display anything that suggested a religious preference. Consonant with that, he also maintained that it was 'inadmissible' for a woman to refuse medical treatment from a man.[11]

Laïcité was not, however, the sole or perhaps even the most significant principle at stake in the move to ban face-veiling in France or indeed elsewhere. In fact, as Joppke (2011: 10) argues, *laïcité* 'move[d] into the background'. He offers two reasons for this: first, because the proposed ban would extend to all public spaces (and not just state schools etc.), and second because in the course of the debate it was concluded that face-veiling was not a religious prescription. The Commission Gerin drew a distinction between the *hijab* (conspicuously religious) and face-veiling, arguing that because the face-veil was not laid down by Islam (the Commission had taken evidence on this point), *laïcité*, while not irrelevant, was not the heart of the problem. Joppke (2011: 11) discusses this point in some detail, arguing that: 'laïcité is a principle to regulate religion', and that if the *burqa* is seen as 'extrinsic to Islam, and not as religious expression at all, it falls outside the ambit of *laïcité*'. While technically correct, it did not prevent politicians, including the President, from continuing to express opposition to face-veiling in the name of *laïcité*.

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11 Reported in *Libération*, 24 March 2011, http://www.liberation.fr/politiques/01012327512-les-usagers-de-certains-services-publics-ne-doivent-pas-porter-de-signes-religieux [accessed: 31 October 2011].

(b) Religion or Culture?

There has long been debate about modesty and veiling in Muslim-majority countries, about what the religious sources say, and how they have been interpreted in different contexts and at different times. Many Muslims would in fact agree that covering, of the kind represented by face-veiling, is by no means a requirement of the faith, though female and male modesty is (Sardar 2011). This is the position often taken by Muslims in Western countries too.[12] In his evidence to the Gerin Commission the philosopher Tariq Ramadan stated:

> La très grande majorité des savants et courants sunnites et chiites estiment que la *burqa* ou le *niqab* ne sont pas une prescription islamique. Le consensus parmi les savants est que le foulard en est une mais pas le *niqab* et la *burqa*. Mais vous avez une interprétation qui existe, qui est minoritaire, et dont vous ne pourrez pas disqualifier la présence même si vous êtes en opposition avec le présupposé et la conclusion, ce qui est mon cas. Pour ce qui me concerne, je ne cesse d'expliquer aux diverses communautés musulmanes que l'interprétation qui conclut au port du *niqab* ou de la *burqa* est réductrice, qu'elle trahit le sens et l'esprit même de la référence musulmane. C'est un travail que je fais de l'intérieur et que nous devons mener. Mais il faut reconnaître le fait clair et objectif qu'une tradition maintient que telle est la compréhension de l'islam. Cette tradition se réclame de la pratique des épouses du Prophète pour l'ériger en norme applicable à toutes les femmes, alors que les autres savants font généralement la distinction entre ce qui est spécifique aux épouses du Prophète et ce qui est demandé pour les autres femmes.[13]

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12 See Shirazi and Mishra (2010) for an American Muslim perspective, also Schwartzbaum (2011).

13 English translation by Ralph Grillo: 'The vast majority of Sunni and Shia scholars believe that the *burqa* or *niqab* are not an Islamic requirement. The consensus is that the head-scarf is obligatory, but not the face-veil. But there is a minority interpretation which you may not disregard even if, as I do, you reject the premises, and the conclusion which is drawn from them. For my own part I have unceasingly explained to the various Muslim communities that the interpretation insisting on the wearing of the face-veil is simplistic, that it betrays the meaning and spirit of the Islamic text. This is a task which I undertake within the Islamic community and which we have a duty to undertake. But one must recognize the clear and objective fact that there is a tradition which maintains that such an interpretation is the true understanding of Islam. This tradition adduces the example of the practices of the Prophet's wives to establish a standard for all women, despite the fact that other scholars generally distinguish between what is specific to the Prophet's wives and what is expected of other women', Commission Gerin, Audition de M. Tariq Ramadan. Séance du mercredi 2 décembre 2009, http://www.assemblee-nationale.fr/13/cr-mi*burqa*/09-10/c0910015.asp [accessed 1 November 2011]. Elsewhere he commented: 'the *niqab* or the *burqa* are not Islamic prescriptions. This is what I believe the mainstream

Ramadan's evidence sums up the reasons for the existence of a range of positions within Islamic law and the difficulty that legislators or judges may face when evaluating the obligatory nature of the veil for Muslim women. While many Muslims would agree with the argument that veiling is not a religious requirement, and in France, for example, supported the previous prohibition on wearing the headscarf in schools (Killian 2007), others would claim that face-veiling is indeed prescribed by Islam, or at any rate their interpretation of the texts.[14] Emma Tarlo cites the example of male and female supporters of Hizb ut-Tahrir, who advocate what she calls a 'radical sartorial activism' (2005: 14; see also Tarlo 2010).[15] However, supporters of the ban have contended that since there is disagreement among Muslims as to the religious obligation to veil the face, 'women's decisions to do so must necessarily be interpreted as a *choice*, and moreover as a *political* rather than a *religious* choice' (Lenard 2010: 314). Thus, despite the plurality of Muslim interpretations of the sources of their tradition, the Gerin Commission concluded that the veil is not as such religious, and as Joppke ironically notes (2011: 31): 'the limits of restricting Islam could be transgressed only by denying that the *burqa* is part of Islam'.

Yet, although some claim that face-veiling is a customary rather than religious practice (Yasmin Alibhai-Brown for example proclaims that it is 'pre-Islamic'), and hence not protected by legislation or conventions guaranteeing the freedom of religion or protection from discrimination,[16] others condemn it as an instance of hardline Shari'a in practice, that is, as quintessential radical Islam: it is, said Elizabeth Badinter 'l'étendard des salafistes'(the Salafists' banner).[17] As Tissot summarises their argument (2011: 43): 'Women in *niqab* are the Trojan horse of extremist Islamism. In this view, the cloth hides not only a face but secret intentions as well: to attack secularism and impose Islamic rule'. It represents political Islamism of the kind found, it is argued, in certain Muslim-majority countries, and specifically the

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believes as well, even though we have tiny groups saying this', **http://pewforum.org/Politics-and-Elections/A-Conversation-With-Tariq-Ramadan.aspx** [accessed 22 October 2011].

14 For Muslim internal debates on veiling and a variety of interpretations of the texts see: **http://www.ahlalhdeeth.com/vbe/showthread.php?p=84015** and **http://www.nytimes.com/2011/09/21/world/europe/21iht-letter21.html?_r=1** [accessed 1 November 2011].

15 Previously, the European Council for Fatwas and Research had declared that wearing the headscarf was a 'devotional commandment and a duty prescribed by the Islamic Law, and not merely a religious or political symbol' (in Shadid and Van Koningsveld 2005: 36).

16 See Moors 2009, 2011, and Saharso and Lettinga 2008 on how anti-discrimination laws affect legislation that might be interpreted as anti-Muslim.

17 Commission Gerin, Audition de Mme Élisabeth Badinter, philosophe. Séance du mercredi 9 septembre 2009, **http://www.assemblee-nationale.fr/13/cr-mi***burqa***/08-09/c0809004.asp** [accessed 1 November 2011].

kind of implementation of Shari'a found in Afghanistan under the Taliban. This is consonant with the way Western stereotypes often stress extreme interpretations of Islam and Muslim practice, or indeed assume certain cultural practices, such as forced marriages, to be Islamic. An example is provided by Geert Wilders in a speech delivered in 2011, in Rome and elsewhere, including Canada: 'in some neighbourhoods, Islamic regulations are already being enforced – also on non-Muslims. Women's rights are being trampled. We are confronted with headscarves and *burqa*s, polygamy, female genital mutilation, honor-killings' (Wilders 2011).

The extent to which veiling and other forms of dress may represent radical, political Islamism is contested. Certainly there is some evidence for this in the UK where Dwyer (1999: 19) has argued that wearing the headscarf has acted 'for some young British Muslims as a symbol of "political Islamism" … by which individuals can profess their identity as Muslims in opposition to racialized discourses of exclusion', e.g. as a defiant response to street racism.[18] On the other hand, Parvez's detailed study of *niqab*-wearing Muslim women in Lyon contends that their Salafist-influenced Islamism is in fact *a-political*, or rather *anti-political*. She offers three reasons for this:

> First, the women are engaged in a struggle to defend, expand, and reconfigure the private sphere against the intrusions of the state. Second, they are building a moral community to support each other through the economic and social ostracization they all face. Third, they emphasize their spiritual conditions and state of serenity above material life (Parvez 2011: 289).

Their Salafism represents a 'retreat into a moral community', an interiorization of religion (Killian 2007: 314), comparable to the path taken by intellectuals in former communist Eastern Europe. This has a bearing on the issue of integration, discussed below.

(c) Not 'Our' Culture.

Public face-veiling, said Euro MP Silvana Koch-Mehrin, characterizes values 'we in Europe do not share'.[19] Similarly, in an interview with Anglia Television News (3 February 2010), the British MP Phillip Hollobone, who in 2010 proposed a private

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18 Tarlo (2005: 14) indicates that the plaintiff 's brother in the Begum case was 'closely associated' with the Islamist Hizb ut-Tahrir.

19 **http://euobserver.com/22/29991** [accessed 1 November 2011]

members' Bill, the Face Coverings (Regulation) Bill,[20] to ban the *burqa*, described it
as:

> the most ridiculous piece of dress that you can have. The idea that you would go round in
> a modern society with your face covered is just simply absurd. And of course it's part of
> the British way of life to pass people in the street, smile at them, say a cheery hello. And
> you can't do that if people are wearing *burqa*s.

Whether religious prescription, or cultural practice, whether voluntary or not, is for
some beside the point. Whatever its status, face-veiling, they argue, is not part of 'our'
culture. This may refer to the historic 'European', Judeo-Christian culture of West-
ern nation-states, the values and practices of particular societies ('The British way of
life'), or the public culture of contemporary liberal, democratic, secular democracies,
sometimes all three. The first two beg the question of other interpretations of what
might be meant by 'European' or national cultures. Leaving aside the apparel that
women in Europe have historically been required to wear, including veils, the argu-
ment treats the Muslim religious/cultural practice of veiling as 'un-European', even
if followed by those born and brought up in the (European) country of residence.
By this definition it is impossible for such people (immigrants and ethnic minorities
of immigrant or refugee background) to be treated as 'European' unless and until
they adopt what is defined as 'European' practice. The decision of the French Con-
seil d'Etat in *Madame M* underlines this, since it regarded face-veiling as not only
undesirable but as a sign of non-assimilation (Bowen 2009). The woman concerned,
it ruled, had:

> adopté une pratique radicale de sa religion, incompatible avec les valeurs essen-
> tielles de la communauté française, et notamment avec le principe d'égalité des
> sexes; qu'ainsi, elle ne remplit pas la condition d'assimilation.[21]

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20 A private member's Bill is a proposal for legislation by a Member of Parliament not a
member of the government. The text of the Bill is at **http://www.publications.parliament.
uk/pa/cm201011/cmbills/020/11020.i-i.html**. Like most such measures, it is unlikely to
pass into law. The Bill was scheduled for its second reading in the House of Commons on
3 February 2012, but 'as the House did not sit on that day it was not debated' (**http://ser-
vices.parliament.uk/bills/2010-11/facecoveringsregulation.html**, accessed 6 March 2012),
and thus delayed once more.

21 English translation: 'adopted a radical religious practice incompatible with the essential
values of the French community, and especially with the principle of sexual equality; in
that way she does not fulfill the condition of assimilation', No. 286798 Conseil d'Etat,
27 juin 2008.

The argument concerning face-veiling's incompatibility with contemporary civic principles is exemplified by Spanish opposition to the *burqa* on the ground that it inconsonant with the idea of modernity to which the population of cities such as Barcelona aspire (Fernández 2011). More generally, because veiling is believed to contravene the political and other rights of women, it is held to be incompatible with the liberal democratic principles that underpin governance in much of Europe.

For some, then, face-veiling stands metonymically (almost literally) for the Islamicized (female) body, and then for Islam itself, at any rate extreme Islamism (some would assert that Islam is always already 'extreme'), and has thus become a symbol standing for all of those things that are thought to be inimical to Western (Judaeo-Christian) values, liberal democratic principles of individual freedom and gender equality (Mancini 2011), and modernity. For others it simply represents an unacceptable 'otherness', an unwelcome racial or cultural presence. In either case, it perhaps does not matter how many or how few are the women who actually veil (though some would argue that those few represent the thin end of a wedge): the face-veil is simply 'not our culture'. This motif appears in other guises, too.

(d) Transparency, Communication and Integration

'The Republic is lived with the face uncovered', said French Justice Minister Michèle Alliot-Marie (in Joppke 2011: 28). One Belgian parliamentarian and opponent of face-veiling, Daniel Bacquelaine, declared that 'We cannot allow someone to claim the right to look at others without being seen' (quoted in *The Guardian*, 31 March 2010). This echoes Elizabeth Badinter's evidence to the Gerin Commission, which makes the point very forcibly: 'Porter le voile intégral, c'est refuser absolument d'entrer en contact avec autrui ou, plus exactement, refuser la réciprocité: la femme ainsi vêtue s'arroge le droit de me voir mais me refuse le droit de la voir'.[22] The view is widely shared. Thus, *futur08*, in a comment on the Guardian website:

> every person has a right to see the face of another person – in the street, in a public building, in school, stores, banks etc. It is how everybody protects him/herself:

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22 English translation: 'Wearing the face-veil represents a refusal to engage with other people, or more precisely a rejection of reciprocity: a woman wearing a veil assumes the right to look at me, but rejects my right to look at her', Commission Gerin, Audition de Mme Élisabeth Badinter, philosophe. Séance du mercredi 9 septembre 2009), http://www.assemblee-nationale.fr/13/cr-mi*burqa*/08-09/c0809004.asp [accessed 1 November 2011].

by looking at the face of another. Nobody should have to trust that the woman under the veil is decent without seeing her face.[23]

Martha Nussbaum (2010), in an article in the *New York Times,* summarizes this as: 'transparency and reciprocity proper to relations between citizens is impeded by covering part of the face'.[24]

The transparency argument overlaps with an argument from folk-sociolinguistics, i.e. from popular (not necessarily scientific) assumptions about the nature of communication and the visual channels necessary for satisfactory communication to take place.[25] This point was made in Britain in 2006 by Jack Straw. 'The value of a meeting', said Straw, 'as opposed to a letter or phone call, is so that you can – almost literally – see what the other person means, and not just hear what they say'. This was also put to the British Parliament by Philip Hollobone:

> Here's a woman who, through her dress, is effectively saying that she does not want to have any normal human dialogue or interaction with anyone else … when a woman wears the *burqa*, she is unable to engage in normal, everyday visual interaction with everyone else … It is deliberately designed to prevent others from gazing on that person's face. [This] goes against the British way of life … we can all see who [an]other person is and we interact both verbally and through those little visual facial signals that are all part of interacting with each other as human beings. (*House of Commons Debates,* 11 March 2010, cols. 483-4).

While this may represent an ethnocentric view of what constitutes the necessary conditions for effective communication,[26] it could nevertheless be insisted that, aside from casual encounters, there is a host of situations (in teaching or in courts, for example) where it may be legitimately argued that for professional and related reasons there is a need for speakers to have access to one and others' facial expression.[27]

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23 Available via **http://www.guardian.co.uk/science/the-lay-scientist/2011/apr/12/2** [accessed 2 November 2011]

24 See also her response to comments on her article: **http://opinionator.blogs.nytimes.com/2010/07/15/beyond-the-veil-a-response/** [accessed: 31 October 2011].

25 Moors 2009 *passim* surveys the arguments on the veil as an obstacle to communication; also Bakht 2009, Mistry et al 2009, Schwartzbaum 2011.

26 It has long been established in the discipline of linguistic anthropology that appropriate forms of communication vary between cultures – including social class cultures – and there are different, culturally and socially defined norms and practices concerning how and with whom one should communicate.

27 See *Azmi v Kirklees Metropolitan Borough Council* [2007] I.C.R. 1154 (discussed by Hill 2011) where the suspension of a school's bilingual support worker who wore a veil was

Under those circumstances the veil may well be considered an obstacle to interaction between teachers and pupils, judges and counsel, juries and witnesses. This is widely accepted and recognized as a potential problem.[28] The arguments for and against permitting veiling in a courtroom, for example, and possible solutions to overcome any problems, are examined in detail by Bakht (2009; see also the Judicial Studies Board's guidance to British judges, 2010, at 3.3). A pragmatic, situation-by-situation approach rather than a blanket ban has also been advocated by the Secretary General of the Council of Europe, Thorbjørn Jagland.[29]

Objections about transparency and communication overlap with the reaction some people experience in interpersonal encounters (casual, in the street, or in more formal circumstances) with women wearing the veil (or, for example, when some Muslims, men as well as women, refuse to shake hands). Moors and Salih (2009: 377) comment that 'Muslims engaging in devotional practices that are publicly visible – such as wearing covered dress, engaging in prayer, and not shaking hands with the opposite sex – always need to take into consideration how the majority society has already defined them'. The response of those confronted by such practices may range from slight personal discomfort (or mild embarrassment) to horrified rejection and outright rage, either at the practice itself or what it is taken to represent (Moors 2009).[30] There are, of course, many ways of dressing or presenting the body (think of 'punks'), which may cause others to experience personal discomfort, but few provoke the hostile, indeed visceral, response accompanied by demands for a ban that face-veiling does. As a blog comment by ACW on Martha Nussbaum's *New York Times* article (cited above) put it: 'I am startled by the number of posters who think that a

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reasoned and upheld on the ground that communication with pupils would be impeded. In Germany, face-veiling by school children is prohibited on the grounds that it inhibits communication.

28 In Norway, a professor at the University of Tromsø required a student to remove her face-veil if she wished to attend his lectures, citing a recent parliamentary decision that a 'teacher may request to see the face of those who are taught'. Fellow teachers might well sympathise with this point of view. But what kind of teaching context is involved? A large 100 plus lecture? A 'face-to-face' tutorial? A seminar of 15 people? The issue of communication takes on a different shape in each of those contexts (http://theforeigner. no/pages/news/norway-professor-imposes-niqab-veto/ [accessed 29 February 2012]). If he did not do so, it might have been interesting for the professor to have talked the issue through with all other students in the group; were they all equally concerned?

29 http://www.coe.int/t/secretarygeneral/sg/Opeds_jagland/20100707_burqa_en.asp [accessed 5 August 2011].

30 On negative feelings towards *niqab*-wearing women see http://www.miller-mccune.com/culture/negativity-and-the-*niqab*-36049/ [accessed 1 November 2011].

valid argument for banning the *burqa* is that it makes THEM uncomfortable. Basically, if someone else's attire – whether a *burqa* or bikini – makes you uncomfortable, it is your problem'.[31]

Straw and Hollobone are among many who believe that as an obstacle to communication, the veil also impedes integration. Indeed, many would go further and see it as a 'symbol of Muslim "nonintegration"' (Meer, Dwyer and Modood 2010: 101). The case of *Madame M*, above, is telling in that respect. Citing witnesses, the Commission Gerin observed that face-veiling undermined conviviality, or the way in which people might live together as a community. It was a symbol, and indeed practical expression, of the failure to integrate on the part of those women who wore it (and of those who encouraged or obliged them to wear it), and put in question basic French republican principles: liberty, equality, fraternity. It therefore signified the dangers inherent in a society of 'parallel lives' and of self-enclosed communities.

Such concerns have been widely expressed elsewhere, notably in Germany, where the phrase 'parallel lives' was first disseminated, and in the UK, following the reports into disturbances in Northern English cities in 2001: Britain, it was argued, was 'sleepwalking to segregation', as Trevor Phillips, then Chairman of the Commission for Racial Equality, put it (2005). Although the British Government has not thus far entertained a ban, the United Kingdom Independence Party, among others, claimed that it should, as face-veiling is divisive,[32] and Phillip Hollobone justified his private member's Bill similarly.

There is, however, another side to this 'failure' to integrate, which is constituted by the receiving society's own failure to make space for deeply held beliefs and principles and the practices that they authorize. In some cases (Belgium, France and the Netherlands provide examples) not only is there a rejection of accommodation but also an increasingly deep-seated hostility to 'other' non-dominant beliefs and practices. No wonder, then, that the women interviewed by Parvez (who included a significant number of Muslim converts) constituted a 'community huddling together, trying to protect itself' (2011: 298).

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31 Available via **http://opinionator.blogs.nytimes.com/2010/07/11/veiled-threats/** [accessed 22 October 2011]
32 **http://news.bbc.co.uk/1/hi/uk_politics/8464124.stm** [accessed 1 November 2011]

(e) Subjugation and Agency

Some of the most influential arguments against face-veiling and for a ban, which *inter alia* reflect concerns that it runs counter to 'our' culture, relate to the position of women that veiling is believed to symbolize. Indeed, Yasmin Alibhai-Brown's opposition to the veil, and that of many others, feminist and non-feminist, is largely couched in such terms, as the earlier quotation from Geert Wilders also shows. Face-veiling, it is contended, is an assault on women's dignity;[33] it is a symbol of patriarchal authority and of female subservience to men. 'The *niqab* and the *burqa* are oppressive dress codes that are regressive as regards the advancement of women in our society', said the sponsor of the Face Coverings (Regulation) Bill, Phillip Hollobone in the House of Commons (Hansard, 11 March 2010, cols. 483-4). Moreover women, it is argued, are frequently coerced into wearing the veil by fathers, brothers or husbands, and the involuntary acceptance of the practice is a serious infringement of their human rights. Thus, 'the veiled Muslim woman', says Mullally (2011: 35), 'is positioned as an abject victim, incapable of autonomy or agency, or conversely, as a dangerous, threatening fundamentalist'.

Undoubtedly, moral or other coercion to veil may occur, though whether this is best tackled through criminalizing the wearing of a form of dress is questionable (Werbner 2007). Idriss (2006: 430), writing about the *Begum* case, notes that some young women were worried that if wearing the *jilbab* (a body-covering garment which the applicant claimed was her right) were to be permitted in schools, 'they would face pressure to adopt it even if they did not wish to do so'. Dwyer (1999: 12) too contends that:

> Young men, in particular, often played an active role in monitoring and censuring feminine appearances. This monitoring of feminine dress and behaviour is closely associated with rural Mirpuri codes of family honour or *izzat*, which place considerable emphasis on women as the guardian of family integrity.

On the other hand, as Abu-Lughod reminds us, 'veiling itself must not be confused with, or made to stand for, lack of agency' (2002: 786). There is considerable evidence that headscarf and veil-wearing is increasingly and freely adopted by many young Muslim women in Europe (e.g. Bowen 2007: 256),[34] despite the pressure *not* to veil

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33 On the trope of female dignity in the debate in France, see Dumouchel 2010, Joppke 2011, Mullally 2011, and Vrielink and Brems 2011, for Belgium.

34 This point is made strongly by, among others, Hind Ahmas, one of the first French women to be prosecuted for wearing a face veil: **http://www.youtube.com/watch?v=T9nqmyHjPlU** [accessed 1 November 2011]. See also **http://www.youtube.com/watch?v=0h1zuwpFdo4**

on the part of mothers or fathers, or through fear of encountering public hostility (Dwyer 1999). 'All of the women I met in the mosque community of Les Minguettes [Lyon]', says Parvez (2011: 289), 'freely chose to wear the *djelbab* or *niqab*, sometimes even against the wishes of their husbands and families', and cites the case of 'Amina' whose family 'mocked her religious practice and offered her no material or other support' (p. 298).[35] Such women experience difficulty in having their voices heard in a media dominated by the trope of Muslim women's oppression and subordination to patriarchy (Moors 2009).

Women's claim that it is their decision to veil (in accordance with their religious, social and cultural beliefs and practices) is, however, frequently dismissed as an inadequate response. '"Choice" cannot be the only consideration', says Yasmin Alibhai-Brown (2011):

> And anyway, there is no evidence that all the women are making rational, independent decisions. As with forced marriages, they can't refuse. Some are blackmailed and others obey because they are too scared to say what they really want. Some are convinced they will go to hell if they show themselves. Some bloody choice.

Despite Abu-Lughod's cautionary observation, it remains the case that law-making is done on the basis of dominant assumptions about minority cultures and their members views, with the minority being treated as a silent interlocutor, or called upon to testify on the basis of questions asked within, and debates occurring within, Western culture. As Rosa Álvarez Fernández comments (2011; see also Taha 2010):

> The controversy [in Spain] shows there is no dialogue among fellow citizens with different religions and sources of identities. Instead there is a monologue of the dominant society about their own prejudices and its fears of Islam, the meanings of secularism, identity and the limits of tolerance. The hijab case tells us more about Spanish society than Muslims themselves.

(f) Identification and Security

A final set of objections to face-veiling concerns identification and security. Under certain circumstances, it is argued, it is necessary to establish that the veiled person is

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(CNN discussion with Mona Eltahawy and Hebah Ahmed), and videos available on **http://muslimmatters.org/2011/04/12/cnn-hebah-ahmed-muslimmatters-blogger-debates-mona-eltahawy-over-french-niqab-burka-ban/** [all accessed 30 November 2011]. See also Rozario 2006 on women adopters of the niqab in Bangladesh.

35 See also **http://www.the-platform.org.uk/2010/02/14/the-hijaab-20-years-on/** [accessed 1 November 2011]

who she claims to be. This might be the case in a bank, for example, or when some-one is seeking welfare benefits, or voting in an election. As with appearance in courts, these are particular situations in which special provision may be made to ascertain the identity of the person concerned (*inter alia* Bakht 2009,[36] Saharso and Lettinga 2008).

A different argument concerns those in authority. For example, when the German state of Hesse banned the veil for civil servants, the interior minister, Boris Rhein, contended: 'Civil service employees and those who come into contact with citizens should not be veiled'.[37] He was supported by Aygul Ozkan, Social Affairs Minister in the state of Lower Saxony and the first female regional minister of Turkish origin, who declared that 'The citizen must have the right to see the face of the administration'.[38] For many people the prospect of veiled authority (e.g. a judge) is rightly very threatening. The otherwise accommodating document produced by the Judicial Studies Board of England and Wales (2010: 3-18/3) includes a passage considering the, admittedly rare, situation where a judge may seek to sit veiled:

> It is where the woman concerned is providing the 'face' of justice – as a judge, magistrate or tribunal member – that the question of the 'transparency of justice' might be said most obviously to come into play. Is the constituency which is served by the courts entitled to see the person dispensing justice? In reality, it will be rare for a set of circumstances to arise in which another judicial office-holder is called upon to make a decision on this point.

The document then recommends that the matter, should it arise, be referred to the senior judiciary.

The need for identification overlaps with the demand for security and public order. This must be set in the wider context of the 'securitization' of the debate about Islam in Western societies since 9/11, which has been in the foreground of recent interventions in the debate about multiculturalism, as in British Prime Minister David Cameron's Munich speech (2011). In France and other countries, security and order have been central to the public debate, because, for legal reasons (anti-discrimination legislation, concerns about the view from the ECtHR) other avenues (*laïcité*, human

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36 At the time of writing a case is before the Supreme Court of Canada: http://www.cbc.ca/news/canada/toronto/story/2011/12/08/niqab-supreme-court.html [accessed 12 December 2011].

37 http://www.bbc.co.uk/news/world-europe-12353626 [accessed 3 February 2011].

38 http://www.expressindia.com/latest-news/German-state-mulls-*burqa*-ban-for-civil-servants/745734/ [accessed 2 February 2011].

dignity) were closed off, much to the frustration of politicians (Cayla 2011, Joppke 2011).

The appeal to security, widely used in legislative debates, is a powerful one; the idea that it is easy for a terrorist or bank robber to evade detection while wearing a *burqa* seems commonsense, and indeed a small number of instances have been widely reported and used as justification for a general ban, though in France such a ban was reportedly not welcomed by the police (Dumouchel 2010: 7). Almost everyone, in fact, accepts arguments that centre on the need for identification and on security concerns in so far as they are adjudged to be necessary (e.g. at airports), and where demands are proportionate to the aims sought, and objections accommodated (e.g. allowing a veiled woman to reveal her face in private to a female official). At the same time, as Malik observes (2008: 99), one must guard against 'the dangers of conflating religious differences with national security risks'.

5.   Cross-cutting Themes and Emergent Issues

Here we reflect briefly on certain issues emerging from this analysis, including: the continuity between objections to face-veiling and the earlier opposition to head-scarves; the problem of 'reading' the meaning of face-veiling, and acting on that reading; whether opposition to face-veiling is in reality a product of Islamophobia, or indeed racism; what the debate (and subsequent legislation) says about current regimes of liberalism in European societies; and, finally, the rights and wrongs of criminalizing face-veiling (whatever one's views of the practice).

First, it should be clear that there is, unsurprisingly, considerable continuity between the arguments put forward for banning the headscarf in educational estab-lishments (and in other state establishments), and for banning face-veiling (see *inter alia* Taha 2010 on Spain). A reading of Shadid and Van Koningsveld (2005: 45 ff.), for example, indicates that many themes were already present in the debate taking place within Belgian courts through the 1990s. Thus the headscarf was viewed as an 'act of religious propaganda' and 'expression of fundamentalism', as an 'act of women's oppression', and a sign of 'unwillingness to integrate'. There are, however, some important differences, not least the contemporary references to security and public order, and to face-veiling as a barbaric custom (like female genital cutting), out of tune with 'our values'.

Secondly, reading the veil. Writing of Muslim society, Pnina Werbner (2007: 173) refers to 'the complex and shifting situational meanings veiling may have … both as a cultural institution and as part of the wider honour and shame complex, pointing to different, and perhaps contradictory, social and institutional processes'. Face-veiling is capable of multiple interpretations, by those who wear it and those – Muslims and non-Muslims – who do not. Moreover, its meaning may vary according to context: the street, the school, the hospital, the police station, a demonstration, a bank, airport security. What then does it signify in Europe, and for whom? Whose interpretation counts? Who commands the agenda? The arguments for banning listed above incorporate alternative (sometimes complementary, sometimes contradictory) readings of its significance. Is it religious or cultural? Is it an idiosyncratic interpretation of a faith? Does it free women from the male gaze? Is it a sign of female subservience or oppression?

'"For me it is not just a piece of clothing, it's an act of faith, it's solidarity," said a 24-year-old program scheduler at a broadcasting company in London' (in Perlez 2007). But the negative readings that have captured the arguments for banning face-veiling, where this has been enacted or is under discussion, whatever their merits, frequently depend on an outsider's reading, which is often ethnocentric and in almost all instances ostensibly trumps any (positive) reading by those on the inside. For example, the argument that the wearing of the full-face-veil is not specifically pre-scribed by Islam over-rides those who say that it is, at least in *their* interpretation of the faith. Islam, like all other faiths, such as Judaism and Christianity, incorporates many beliefs and practices over which there are internal disagreements, and in so far as legislatures in Europe have intervened, they have taken it upon themselves to authorize one interpretation of a religion rather than another.

Alternatively, while accepting that face-veiling is religiously sanctioned, opponents might argue that it is the product of an extreme form of Islam, represented by Iranian fundamentalists or by the Taliban, and in any case its employment is contrary to liberal-secular principles. In a similar fashion, if women claim that they are not coerced into wearing face-veiling but do so because it accords with their faith and/or they find security in wearing it (many examples could be cited), then it is countered by saying, they have been 'brainwashed' (Alibhai-Brown 2011). In short, it is almost impossible for a counter-case to be made or taken seriously; anti-face-veiling discourse operates like a closed system, impervious to argument.

Thirdly, are the responses to Islamic veiling specifically concerned with face-veiling as such or with Muslim 'difference' in general (Meer, Dwyer and Modood 2010)?

The legislation which has criminalized face-veiling has clearly originated with the belief, for one or more of the reasons outlined earlier, that face-veiling does not fit with European society, culture and values, and has all manner of disagreeable if not downright dangerous implications, especially for women. If it was not for face-veiling, the legislation would not have been enacted. Nonetheless, although the legislation clearly has face-veiling (and hence Muslims and Islam) in its sights, legislatures have been obliged to obfuscate and devise sometimes contorted wordings to demonstrate neutrality. Legislation has had to criminalize the wearing of all kinds of face masking, and then provide a raft of exceptions. For example, the French law states:

> Nul ne peut, dans l'espace public, porter une tenue destinée à dissimuler son visage … L'interdiction prévue à l'article 1er ne s'applique pas si la tenue est prescrite ou autorisée par des dispositions législatives ou réglementaires, si elle est justifiée par des raisons de santé ou des motifs professionnels, ou si elle s'inscrit dans le cadre de pratiques sportives, de fêtes ou de manifestations artistiques ou traditionnelles.[39]

An explanatory text adds:

> Les tenues destinées à dissimuler le visage sont celles qui rendent impossible l'identification de la personne. Il n'est pas nécessaire, à cet effet, que le visage soit intégralement dissimulé. Sont notamment interdits, sans prétendre à l'exhaustivité, le port de cagoules, de voiles intégraux (burqa, niqab…), de masques ou de tout autre accessoire ou vêtement ayant pour effet, pris isolément ou associé avec d'autres, de dissimuler le visage. Dès lors que l'infraction est une contravention, l'existence d'une intention est indifférente: il suffit que la tenue soit destinée à dissimuler le visage.[40]

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39 English translation: 'In a public space no one may wear a costume intended to hide the face … The proscription in Article 1 does not apply if the costume is prescribed or authorised by legislation or regulation, if it is justified for reasons of health or for occupational purposes, or in connection with sporting activities, festivals, or artistic or traditional events', LOI n° 2010-1192 du 11 octobre 2010 interdisant la dissimulation du visage dans l'espace public, **http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFT EXTO00022911670&categorieLien=id**.

40 English translation: 'Facial coverings which come under the law are those that render it impossible to identify the person. It is not necessary that the whole face be hidden. The following in particular are prohibited (the list is not exhaustive): the wearing of cagoules [hoods], the face-veil (burqa, niqab …), masks or all other types of accessory or clothing which have the effect, taken in isolation or in combination, of hiding the face. If there is a violation of the law, whether or not there was an intention is immaterial. It is sufficient that the costume conceal the face', *Journal Officiel de la République Française*, 3 mars 2011, Text 1 sur 111.

The text goes on to list exceptions including religious processions unless they have a traditional character.[41]

Despite this, it might seem reasonable to interpret the legislation as Islamophobic, or (more bluntly) racist and that is undoubtedly an element, indeed in some cases, the raison d'être for the movement. While Bun's paper (2006) on the response of Hong Kong Chinese to Pakistani women migrants who insist on dressing themselves and their children in 'traditional' Pakistani Muslim garb, including the headscarf, deals with a situation quite far removed, regionally and culturally, from Western Europe, it nevertheless makes a highly relevant point in this connection. What Bun documents is a hostile (discriminatory, racist) response to difference represented by a particular cultural practice. Dress is a metonym, the outside and readily visible sign of 'otherness', but it is the *racial* otherness of the Pakistani women to which objection is made rather than the garb as such (see also Parekh 2011: 86). This is not quite the same as what has been called 'cultural racism', or racism expressed through the language of cultural difference, though it has some resemblance to it. And indeed it could readily be demonstrated (for example through the speeches and publications of far right political parties and their leaders) that opposition to face-veiling represents primal opposition to Islam and Muslims and rests on a profound Islamophobia of a culturally racist character. Those who speak on behalf of the English Defence League, the Italian Lega Nord, Geert Wilders' party in the Netherlands, or the French Front National frequently come close to this.

But opposition to face-veiling is not, *ipso facto*, always a sign of Islamophobia or racism. Some may represent paternalism (literally *paternal*-ism), albeit often with racist undertones: what Gayatri Spivak (1988) has dubbed 'white men saving brown women from brown men' (quoted in Abu-Lughod 2002: 784).[42] A contemporary version of such paternalism is instrumentalized through what Pitcher (2009) describes as a 'state feminism' that increasingly acts as a proxy for the suppression of non-libe-

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41 In Italy, local face-veiling prosecutions relied on 1975 legislation against the wearing of masks, originally enacted as part of the campaign against the Red Brigades. The legislation has recently been used to prosecute Muslim women covering their faces although judges have reportedly applied the law's *giustificato motivo* ('justifiable reason') clause, taking into account the religious or cultural reasons, and dropped the prosecutions. We are indebted to Marco Ventura for providing this information (e-mail communication on the Pluri-Legal List, **https://www.jiscmail.ac.uk/cgi-bin/webadmin?AO=PLURI-LEGAL**, 3 November 2011).

42 See also Leila Ahmed 1992 on 'colonial feminism', and for more contemporary accounts in Western countries, Fernandez 2009, Razack 2008.

ral practices among minority groups in the name of protecting women, with women often at the forefront of such campaigns. It is also clear that many opponents sincerely believe that all religious practices are intolerant and intolerable (and should be abandoned in a modern, secular society) and/or that some practices, whether religious or cultural in origin, penalize and subordinate women. Thus face-veiling is, for them, a metonym for female oppression thought to characterize Islam in its entirety.

Fourthly, the manner in which lawmaking on face-veiling has proceeded is indicative of, and exemplifies, a wider enunciation through official law of an obligation to be liberal, that is to promote liberal values of individual choice, autonomy, and equality, recalling Joppke's (2007) instructive phrase 'repressive liberalism', and what he calls 'coercive state involvement' in policies of civic integration aimed at induction into the predominant liberal values of contemporary European societies. One initial observation about the restrictions on face-veiling that has already been made in passing is that the ensuing legislation appears to be generally cast and is not specific as to religious group although, evidently, Muslim women are its main object. Casting legislation in this light conforms to the wider European norm of legal drafting, that is, that one should avoid group specificity as much as possible and that legislation should be of general application, at least ostensibly. In practice, it may be otherwise as in the case of face-veiling legislation, since its targets are Muslims and women. If such general measures are meant to proof the legislation and its enforcement against challenges on human rights grounds, then of course they are thinly veiled, although we await decisions by the *supra*national courts in Europe – in particular the Court of Justice of the European Union and the European Court of Human Rights – about their necessity or proportionality.

Finally, to ban or not to ban? Rafia Zakaria (2011) comments that a ban 'like no other act of state, proclaims the breakdown of a society's own mechanisms for imposing blame and shame' (see also Williams 2006). The British judge, Baroness Hale, has observed that while 'the sight of a woman in full purdah may offend some people, and especially those western feminists who believe that it is a symbol of her oppression … that could not be a good reason for prohibiting her from wearing it.'[43] Even if one finds veiling objectionable, as many patently do, is this a good reason for criminalization? 'Once we have accepted the principle that it is legitimate to prohibit non offensive behavior simply because the majority disapproves of it', warns

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43 *R (on the application of Begum) v Headteacher and Governors of Denbigh High School* [2006] UKHL 15, [96].

Dumouchel (2010: 5), 'the entire edifice of freedom is threatened. Indeed, accepting such a principle would be equivalent to saying that it is legitimate to prohibit any behavior that the majority finds unpleasant'.

But is there a point at which the socially or culturally unacceptable may legitimately become a matter for prohibition? Context is obviously important: airport and similar checkpoints, courtrooms, police-stations, in short, places where identification and security are necessarily and *genuinely* an issue. In such cases special arrangements can be, indeed are already put in place. The same might apply to situations where transparency is a necessary condition for a thriving public sphere. More generally, coercion may be the key, as in the distinction frequently made between arranged and forced marriages, though most legal systems have separate legislation for dealing with the unlawful application of force without resorting to additional prohibitions on things such as face-veiling. Criminalization, we argue, should always be a last resort, not least when it may harm those it is supposed to assist, for example forcing women who voluntarily adopt the face-veil to absent themselves from public space. In a statement calling on the Italian parliament to reject a ban on face-veiling, Amnesty International commented:

> Far from upholding the rights of women, a general ban on full-face veils would violate the rights of those who freely choose to wear them, while doing little to protect those who do so against their will, who risk even greater confinement as a result. The obligation to combat discrimination cannot be fulfilled by imposing a measure that is itself discriminatory.[44]

This does not mean that changes of practice are impossible or undesirable. In interviews for the RELIGARE project it was often noted that a general ban was unnecessary and, instead, the need for critical debate among Muslims was highlighted. Thus, the British Muslim publisher and intellectual, Yahya Birt commented:

> I think [members of religious communities] should have the legal right to dress as they please. Having said that, I think that the *niqab* can pose particular challenges. And I would say those are challenges where effective communications are indeed very important. I would say teaching is one of those fields, working as a lawyer, court advocacy and so on. Professions where communication and visual expression are important. I would say I don't think it should be a matter of the law, it should be a matter of discussion. I think within the Muslim community, there is responsibility to critically discuss, particularly, the *niqab* or the *burqa*. I would

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44 http://www.amnesty.org/en/library/info/EUR30/016/2011/en [accessed 1 November 2011]

never, for a moment, think that this was a matter of the State, telling people what to wear.[45]

To cite Tariq Ramadan, in conversation with members of the Pew Research Forum in the United States:

> The answer is not to come with law to prevent people … It's not the way forward … Speak more about education, psychology … we have to be very cautious not to translate every sensitive issue into a legal issue. We are wrong by doing this.[46]

6.   Concluding Remarks

We noted earlier that the anti-burqa movement poses a fourth question, one which is likely to be of central concern to many readers of this paper: what should be done? The previous section ending with the discussion of criminalization has partially addressed this, but we are reluctant to go further. Neither author is entirely comfortable with tackling normative and policy issues. As an anthropologist, Grillo's main concerns are empirical, analytical and theoretical (including what actually happens and why). For Shah, normative questions are problematic, too. He is increasingly of the view that lawyers may not be the best people to offer advice, not least because they tend to adopt a technocratic approach, happy to advise on the appropriate legal strategy for banning face-veiling, for example, irrespective of the merits of the case. Behind our reservations lies the awareness that serious questions about the role of law in a plural society remain unresolved, and indeed are deeply contested. Is it morally appropriate for one section of the community to legislate for another in a non-dominant position, and is a single response suitable for legislative encoding even possible? Nonetheless, we wish to conclude by outlining a more general problem, which affects considerations of policy, by drawing attention to two different, perhaps competing perspectives through which the face-veiling debate might be viewed: through the lens of liberalism (whether 'multicultural' or 'muscular'), on the one hand, outlined by Ralph Grillo, and from a viewpoint which problematizes the liberal agenda itself, explained by Prakash Shah.

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45 In a report based on the qualitative interviews conducted in the UK in 2011, which is to be published separately under the aegis of the RELIGARE project by Ashraf-ul Hoque and Prakash Shah.

46 **http://pewforum.org/Politics-and-Elections/A-Conversation-With-Tariq-Ramadan.aspx** [accessed 22 October 2011]

Multicultural liberalism, the idea that liberalism as a political philosophy provides a framework for governing and managing multicultural societies, has been widely discussed by political philosophers (most recently, for example, Maffettone 2012). Multicultural liberalism encourages social, cultural and religious diversity, and accommodates it where possible, but applies the test of the principles of liberalism to determine the limits of the diversity that multiculturalism will tolerate. In Britain, and other countries too, 'diversity' is (officially) welcomed, but not when interpreted as 'difference' (Grillo 2007). 'Difference' is, in effect, identified as those beliefs and practices which contravene principles of liberal democracy: equality before the law, one law for all, no discrimination on grounds of ethnicity, gender or religion. An open society which respects human rights, including the rights of women and children, respects, too, other beliefs and practices in so far as they do not contravene these principles. In the current conjuncture, however, that last principle of liberalism is under threat. Not only multiculturalism but the kind of liberalism which tolerates it is at risk, and there is a need to re-assert and defend that kind of liberalism (for all its faults) on which multicultural liberalism depends.

In the backlash against multiculturalism it would seem that boundaries are being ever more tightly and narrowly drawn, justified by the conflation of Islam with harsh interpretations of Shari'a and with terrorism. In public discourse it is increasingly argued that Islam in general (or Islam – at any rate Islamism – as it is imagined to be) contravenes liberal principles and this stance is in turn reproduced in security and foreign policy agendas (post-9/11) where it is also assumed that Islam (at least of an Islamist kind) is setting out to attack and dislodge the principles which it is believed to contravene. What was previously thought tolerable has now become unacceptable, and moreover, subject to the law. Face-veiling is one of those issues, like minarets and public prayers or arranged marriages and cousin marriages where what is demanded is a 'muscular' or 'repressive' liberalism of the kind advocated by numerous European leaders, including the current British Prime Minister (Cameron 2011), in ways reminiscent of colonialism's *mission civilisatrice*, often with similar racist undertones.

Certainly, no matter how open or porous they are, it cannot be expected that Western societies should tolerate each and every customary or religious practice, whether on the part of its 'indigenous' populations or more recent arrivals. For example, forced marriages might be widely agreed to contravene the basic values of liberal democratic societies, with a strong belief in human rights. No 'cultural defence' is possible. Many among minority populations accept this while feeling defensive about such practices, and fearing demonization. But how and where to define the boundary

between the acceptable and the unacceptable is often fraught with difficulty for the multicultural liberal. There is, for instance, frequently a problem of balancing one set of rights (e.g. cultural and religious freedom) against another (e.g. gender), and a hierarchy of rights often emerges (Malik 2011). The UNDP's *Human Development Report 2004* strongly defends cultural liberty and cultural rights but subordinates them to other universal rights: 'From a human development perspective', it argues (p. 58), 'all legal systems—whether unitary or plural—must conform to international standards of human rights, including gender equality', and adds: 'universal values of human rights and individual freedoms must not be sacrificed to claims of tradition or customary law' (p. 81). This necessarily implies winners and losers. In the case of face-veiling some would argue that this is just what is needed. The suppression of one kind of right (e.g. religious or cultural rights) leads to the enhancement of another's (e.g. women's rights), and that of course is what many proponents of the face-veiling ban in fact assume. In other words, enhancing someone's 'freedom from', as Isaiah Berlin called it (2002), may entail restricting someone else's 'freedom to'. In this case, freeing women from what is believed to be their subjugation to patriarchy, overrides their freedom to choose and express their religious beliefs.

Alternatively, it may be asked: what if one does not subscribe to liberalism as a political and legal philosophical standpoint at all?' For those who reject such an ideology, talk of fundamental values grounded in liberalism, whether of a muscular or multicultural variety, are not necessarily appealing and, indeed, appear progressively dominating other ways of being. It is arguable that there is now an increasingly perceptible obligation to be liberal, whether it is a deliberated project of European society or an emergent pattern discernible in poignant examples of that trend. Indeed, such an obligation is beginning to be set out in various ways within European legal systems, taking into account all their internal variability and country specificities. Thus face-veiling restrictions come into play in the context of a variety of other legislative and case law measures that prohibit or restrict the demonstration of alterity as read through dominant liberal lenses. Examples would include measures against forced marriages, criminalizing female genital cutting, requiring consent to divorce upon marrying, and making caste-based discrimination unlawful, and so on.

Whether or not one supports such legislation (and as we have argued above, criminalization is not always the answer), there is an implicit or explicit understanding in such lawmaking efforts that liberal principles should be upheld and practices interpreted as violating such principles made unlawful in various ways. Thus the educative role of law is brought to bear upon ethnic and religious minorities in an effort to

inculcate, by force if necessary, the values of liberalism. Such a project may be seen as part and parcel of the critique of multiculturalism (the backlash) that is increasingly being voiced in political circles across western Europe and the restrictions on face-veiling can be read as part of a wider programme of underwriting the obligation to be liberal in a 'muscular' fashion, eliminating practices associated with undesirable values.

Bhikhu Parekh (2011) has recently reiterated the view that liberals have singularly failed to engage in intercultural dialogue and, if that is the case, a multiculturalism supported by the basic monism of liberalism will continue to underwrite the project of obliging others to accept liberalism. Looked at this way, conceptualizing the toleration of, say clothing such as the face-veil, within the dominant frame of the clash or balancing of rights still obliges one to accept the 'universal' principles espoused by liberalism, since the contenders are alternative 'universal' principles espoused within the larger framework of liberalism. A different way of proceeding would be to problematize the capacity of Western culture to accept non-Western alterities. One could go further and argue that such alterities, or at least the manner in which they are generated, is also part of a process set in train by Western suppression of cultural otherness that in turn gives rise to quests for visibility. We are thinking here of the emphasis placed on the turban as an 'identity marker' (Bhamra 2011) for Sikhs and on the *hijab* and face-veil as one for Muslim women, both of which appear to have risen in importance as a result of a dialectical relation with the West.

Whatever perspective one takes, however, we contend that the contemporary veiling controversy represents a struggle for a hegemonic interpretation/authorization of what face-veiling means. Legislators have sought to impose a particular narrative of the face-veil, and it is unfortunate that they have taken it upon themselves to declare a position strongly against face veiling based on a number of narrow grounds, thus stifling or impeding what might otherwise be a 'natural' conversational and dialogical development among Muslims, and with non-Muslims, about the significance of the face-veil. We say this on the basis of a widely shared understanding, certainly among anthropologists, that identity, meanings, etc. are relational, and thus constituted in relationship with one's significant others, and that they are evidently not fixed or fixable. It is this relationality that legislation appears to deny, substituting a single normative framework in place of the multiple conversations and other ways that exist of resolving the question of veiling. Whether or not one is opposed to face-veiling, the issue of legislative interference is thus a highly contentious one.

Appendix A: A Note on Further Research

The events surrounding the anti-face-veiling legislation are too close in time to have as yet generated an extensive socio-scientific literature, though undoubtedly they will. We would suggest that further detailed inquiry would be valuable on the following broad topics, each with many strands. Data available in current research (published or unpublished), might be pulled together to focus on the topics suggested here, but new research is also needed.

(a) The Muslim Response

What have been the responses among the Muslim population (old, young, men, women, of different backgrounds and education, in different class positions, following different strands of Islam) to the veiling debate in Europe? How do their responses relate to wider concerns about the position of Muslims, e.g. debates about Shari'a? What is the role of Islamic institutions and what do their spokesmen and women say: Imams and others, Shari'a councils, militant and moderate Muslim organizations etc? Of particular interest are the responses of the now (many) Muslim feminist and women's organizations, for example *Ni Putes ni Soumises* in France (Mullally 2011). What is the role of converts to Islam, as wearers of face-veils and/or as spokespersons or interlocutors for Islam?

(b) Other Faith Groups

The role of other (non-Muslim) faith groups in supporting or opposing the right to wear face-veiling, and the legislation proposed or enacted, is undocumented. These other faith groups are particularly important in the UK, especially when they participate in the interfaith networks linking Christians of various denominations, Muslims, Jews, Hindus, Sikhs etc. Indeed, the UK may be the only country where this type of interfaith networking is actually a significant factor, given the importance in the population of other – non-Muslim – faiths from the Indian sub-continent. Nonetheless, the role, if any, of faith leaders (Catholic, Jewish, Protestant, etc.) in other European countries deserves serious attention. The RELIGARE research project's interviews in six of the partner countries should bring some information to light concerning the face-veil and other issues, but more work remains to be done.[47]

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47 See **http://www.religareproject.eu/**. The partner countries chosen for the interviews are Bulgaria, Denmark, France, the Netherlands, Turkey, and England.

(c) Comparisons within Europe.

To what extent do national responses to face-veiling reflect different modes of governing diversity, policies of integration, religious orientation (Protestant, Catholic), forms of religious accommodation, conventions of (multicultural) citizenship, relations between central and local government, past colonial experience, and contemporary relationship with Muslim-majority states? Do different legal cultures influence how the face-veiling question has been addressed, and are there differences in the role of the courts and the judiciary at different levels? In Scandinavia and the UK, for example, there appears to be a case and situation specific approach, whereas in Belgium, France and the Netherlands there is more emphasis on general legislation, sometimes building on local enactments.[48] Additionally, France appears to play a key international role in opposition to forms of Muslim dress; can that be explained by a political culture of a-cultural individualism and individual citizens' rights?

(d) Wider Comparisons

The present paper is limited to a specific geo-political and geo-cultural terrain: the western European Christian world and its successor cultures. What does the reaction to face-veiling tell us in general about that world? What would we learn by extending the comparison to anti-face-veiling debates and legislation in countries outside Europe and North America?

(e) Transnational/International Effects

What are the international and transnational influences on debates about face-veiling (for and against) and on the practice of veiling? Besides global events such as conflicts in the Middle East or developments in both Muslim-majority and Muslim-minority countries, what kind of interaction or feedback is there between what is happening among (for example) Bangladeshi, Moroccan or Turkish migrants and their descendants in Europe and what is happening in Bangladesh, Morocco or Turkey.

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48 On the UK, Dwyer 1999, Kiliç 2008, Meer, Dwyer and Modood 2010; on the Netherlands, Kiliç, Saharso and Sauer 2008; see also Saharso and Lettinga 2008.

Appendix B: Brief Timeline of Events Relating to the Criminalization of Face-Veiling in Europe

Date	Country	Event
c. 2002	Belgium	Local initiatives against face-veiling in Flanders
2004, September	France	Legislation on prohibiting 'conspicuous religious symbols or clothing' in state schools comes into force
2004, Autumn	Belgium	Flemish Government draws up a model provision to facilitate bans on face-veils; in December Maaseik municipality issues general prohibition on facial concealment, purposely aimed at face-veils
2005, Autumn	Netherlands	Verdonk/Wilders proposal to ban the *burqa*
2006, October	UK	Jack Straw 'uncomfortable' interviewing constituents wearing veil
2008	France	Conseil d'Etat refuses naturalization of *Madame M* for wearing the veil
2009-2010	France	Gerin commission on veiling begins work, June 2009. Reports January 2010. Legislation enacted 2010
2010	Norway	Integration Commission of the governing Labour Party included a proposal to ban the wearing of the *hijab*, *niqab*, *burqa* and other forms of 'religious dress' by Norwegian magistrates
2010, June	UK	Face Coverings (Regulation) Private Members' Bill presented by Philip Hollobone MP gets its first reading in the House of Commons
2010	Italy	Italian commission set up
2010, Spring and Summer	Spain	Student suspended from school near Madrid for wearing *hijab*. Two city councils in Catalonia prohibit the wearing of the face-veil in municipal facilities. Barcelona council bans the *burqa* and other forms of facial covering from public buildings. Government proposes a law to regulate clothing expressing religious sentiments. In July the Spanish Parliament debated a non-binding motion banning face-veiling which was rejected by the lower chamber, but approved by the Senate with the support of the Partido Popular and the Catalan centre-right party, the CIU[49]

2010, July	Council of Europe	Thorbjørn Jagland, Secretary General of the Council of Europe, criticizes *burqa* bans
2011, February	Germany	No general ban on face-veiling, and relatively little pressure for legislation, but the face must be uncovered in identity documents, and face-veils and headscarves are banned for public servants, including teachers in some *Bundesländer*(e.g. Hesse)
2011, April	France	French ban comes into force
2011, April	Belgium	Belgian ban passed; one vote against. Belgian ban comes into force in July
2011, July	Council of Europe	Thomas Hammarberg, Council of Europe Commissioner for Human Rights, criticizes *burqa* bans
2011, August	Italy	Italian parliamentary commission approves draft law
2011, September	France	Women fined for wearing *niqab* propose to take their case to the ECtHR[50]
2011, September	Netherlands	Dutch Council of Ministers agrees to prohibit face covering in public
2011, October	Spain	*Partido Popular* candidates in the general election call for the introduction of a bill to ban face-veiling in public
2012, March	UK	Muslim juror excused for refusing to remove face-veil
2012, April	France	The French Ministry of the Interior reported that during the first year of the ban c. 350 women wearing the face-veil had been stopped by the police of whom 300 were 'booked' (*verbalisées*) leading to fines or compulsory attendance at citizenship courses.

Full or partial bans have also been discussed, and implemented for some contexts in Norway and Sweden. In Germany Similar developments may be observed in Australia, New Zealand, and the USA, and extensively in Canada.

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49 We thank Eduardo J. Ruiz Vieytez of the University of Deusto for clarifying these developments.

50 An interview with one of the women (Hind Ahmas) is available at **http://www.youtube.com/watch?v=T9nqmyHjPlU** [accessed 1 November 2011].

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