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Wives . . . submit yourselves to your own husbands so that, if any of them do not believe the word, they may be won over without words by the behavior of their wives, when they see the purity and reverence of your lives. Your beauty should not come from outward adornment, such as elaborate hairstyles and the wearing of gold jewelry or fine clothes. Rather, it should be that of your inner self, the unfading beauty of a gentle and quiet spirit, which is of great worth in God’s sight. For this is the way the holy women of the past who put their hope in God used to adorn themselves. They submitted themselves to their own husbands, like Sarah, who obeyed Abraham and called him her lord.

—I Peter 3:1–5

Men are the maintainers of women . . . So the good women are obedient, guarding the unseen as Allah has guarded . . . And say to the believing women that they lower their gaze and restrain their sexual passions and do not display their adornment except what appears thereof. And let them wear their head-coverings over their bosoms. And they should not display their adornment except to their husbands or their fathers, or the fathers of their husbands, or their sons, or the sons of their husbands, or their brothers, or their brothers’ sons, or their sisters’ sons, or their women, or those whom their right hands possess, or guileless male servants, or the children who know not women’s nakedness.

—Qur’an, 4:34, 24:31

Scholarship on policies regulating Islamic veiling in Europe exhibits the propensity to impose order on what is actually a messy reality. Christian Joppke (2009: vii), for instance, points to distinct national approaches in “Republican France,” “Christian-Occidental Germany,” and “Multicultural Britain.” Similarly, Schirin Amir-Moazami (2007: 35–38) insists on the critical differences between a discourse based on “abstract universalism” in France compared to an “ethnic-cultural” idiom in Germany. Sawitri Saharkso (2007: 527) differentiates between the Netherlands’ “multicultural” and
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Germany’s “ethno-cultural” model (also see Collet 2004). Anna Korteweg and Gökçe Yurdakul (2014) contend that France, Turkey, Germany, the Netherlands, and the United Kingdom each has a unique national narrative of belonging to which veiled Muslims must conform or be stigmatized as outsiders. From a different but no less orderly perspective, Sabine Berghahn (2012) contends that governments with strict separation of church and state tend to be intolerant vis-à-vis veiling while states having formal relations with religious organizations tend to be tolerant. The rich detail provided in these otherwise superb studies tends to belie the neat ordering proffered by the authors. In actuality, the politics of veiling in Europe is fraught with controversy. As a result, policies are polymorphous, indeed messy. In their ambitious cross-national study, for example, Sieglinde Rosenberger and Birgit Sauer (2012a: 12, 3) found a “multifaceted spectrum of approaches to headscarf policies” that “is much more complex than a . . . typology can cover” (Rosenberger and Sauer 2012a: 12). Likewise, Sevgi Kiliç, Saharso, and Sauer (2008: 403) find that national models cannot explain the full complexity of policies regulating the head scarf (see also Siim 2014).

At first thought, veiling policy would seem to be unambiguous; governments either permit or prohibit the Islamic practice. The reality, however, is far more fluid and complex. France likely jumps first to mind when the topic of veiling in the European context crops up. The French National Assembly voted in 2004 to ban the veil (and all other “ostentatious” expressions of religious affiliation) from public schools (though not universities). In 2011, a law took effect proscribing in public the full-length burqa covering the face (niqab), which the European Court of Human Rights upheld in 2014. Proscribing veiling supposedly originated in Creil in 1989 when three pupils of Moroccan heritage who refused to unveil were expelled by administrators of Gabriel Havez Secondary School for violating the 1905 law separating religion and state (even though the same school had allowed veiled students in 1988). In 1989, two veiled girls were also expelled from Altrincham Girls’ Grammar School in the United Kingdom. The Muslim pupils were eventually readmitted on condition that the veils conformed to school uniform colors. However, four years earlier, the authorities of the Dutch town of Alphen aan de Rijn had banned the hijab (headscarf), though their policy was later overturned by the lower house of parliament. Yet, in supposedly intolerant France, the Conseil d’Etat, in the vast majority of cases (forty-one of forty-nine) regarding covering that came before it between 1989 and 2004, struck down prohibitions in the name of guaranteeing female students’ (though not female teachers’) “freedom of conscience” (Haut Conseil à l’Intégration 2000: 56)—a stance prominently supported by first lady Danielle Mitterand, who insisted on the girls’ “right to be different.” The court cases helped to fuel a national debate that raged in, among other places, the
nation’s newspapers throughout the 1990s, laying the ground for the 2004 law, which itself was, like the 2011 law, opposed in conspicuous public demonstrations of covered protesters and their allies (such as *Le Monde* itself). The burqa ban also drew criticism from the Conseil d’État (2010) for raising “strong constitutional and statutory uncertainties.” The heated discord, refueled in 2013 by the controversial recommendation of the Haut Conseil à l’Intégration to ban the veil from universities (Fredette 2014: 164), is presumably why the French characterize the issue as “la guerre des voiles” (war of the veils) as opposed to, say, the “national consensus regarding veiling” (Bertossi 2012).

In the supposedly tolerant, multicultural Netherlands, dozens of women sacked for veiling have sought justice before the Equal Treatment Commission. Though the commission has ruled in favor of the coverer in all but one of its rulings, the quantity and frequency of the cases cast doubt on a firm and widespread Dutch consensus in the matter. Indeed, anti-veiling legislators have tirelessly sought to finesse a French-like ban through parliament. In 2005, they managed to push through a burqa ban, though the law was subsequently withdrawn when the Council of State deemed it unconstitutional. Roughly the same fate befell the 2007 parliamentary initiative to proscribe the niqab from public. Buoyed by the success of his Party for Freedom (PVV) in the 2010 elections, Geert Wilders made proscription of the hijab for all public employees a major bargaining chip for any coalition involving his party. The cabinet of the coalition eventually formed with the PVV approved a burqa ban but dissolved in 2012 before it could implement the policy. In fact, state officials have possessed since 2002 the legal authority to ban the niqab in state institutions, have exercised it, and have been vindicated in 2005 by the Equal Treatment Commission. Furthermore, judges and police officers are forbidden to don Islamic garb.

The situation in Germany has been very fluid. In 1998, education officials in Baden-Württemberg dismissed Fershta Ludin for refusing to unveil when teaching in public school. In 2003, the Constitutional Court nullified the ban but left a legal loophole by maintaining that the firing would have been constitutional had it been stipulated in statutory law, which in the case of education is the jurisdiction of individual *Länder*. Seven Christian Democratic *Land* governments swiftly legislated laws that forbade public school teachers to don the hijab (but not the Christian habit or Jewish yarmulke). The Berlin Law on the Ideological Neutrality of the State, passed by a coalition of Social Democrats and the Left Party in 2004, proscribed the outward manifestation of all religious symbols by teachers (but not students), as did Bremen and Lower Saxony. However, North Rhine-Westphalia, so long as it was run by Social Democrats, refused to outlaw the headscarf despite the fact that fifteen veiled teachers were employed in its schools. When
the Christian Democratic Union (CDU) took control in Düsseldorf in 2006, however, it quickly legislated a ban on Islamic but not Christian or Jewish covering. Needless to say, each of these laws has occasioned stiff opposition, and it should be noted that attempts to extend the ban beyond the schools to private businesses were ruled unconstitutional in 2002 by the Federal Labor Court for violating the right to religious freedom. Despite evidence from pollsters of overwhelming support among the masses for a burqa ban in 2011, German mainstream politicians tabled the discussion (Bowen and Rohe 2014: 158). Then in 2015 the Constitutional Court reversed its 2003 decision, ruling that a general ban of the headscarf for teachers violated the religious freedom guaranteed in the Constitution.

The United Kingdom too has a variety of regulations. Preferring to resolve disagreements through pragmatic mediation on a case-by-case basis, British officials have not established a uniform policy in the law books. However, we should not misinterpret the absence of a formal legal ban on veiling in public schools as national consensus. First, some schools ban Islamic coverings and some do not. Second, there would be no need for case-by-case mediation if there were no deadlocks between proponents and opponents of covering. Third, though in the vast majority of mediated cases a way is found to permit veiling, the compromise often nevertheless involves restrictions, for instance, as to the color or design of the hijab. Female Muslim judges, for example, may cover themselves but it must be with the wig traditionally worn in British courts. The topic of veiling has long been salient and controversial. The case of Shabina Begum drew national attention in 2005 in part because Tony Blair’s wife, Cherie Booth, successfully argued before the Court of Appeal for Begum’s right to wear the jilbab (a floor-length dress coat) to the school that had banned it. Foreign Minister Jack Straw stirred up controversy in 2006 when he publicly stated that niqab-wearing women made him feel uncomfortable because he could not see their facial expressions. Since 2007, when the government granted public schools the authority to ban the niqab, it is more likely forbidden than allowed in British schools.

The situation is equally fluid elsewhere. Like the U.K., Austria has no blanket bans. There, where Islam has been officially recognized and supported by the state since 1912, teachers and pupils alike are permitted to cover. In 1995, however, the government rejected the proposal of the officially recognized Islamic Religious Community to mandate veiling for female students during Islamic religious education classes in public schools. In 2005, Interior Minister Liese Prokop announced her objection to veiled teachers, and, since 2006, the Freedom Party has endorsed a ban on veiling in the public schools. Fervor over the headscarf erupted in Denmark in 2006 (the year following the Muhammad cartoon controversy) when Asmaa Abdol-Hamid began co-hosting a TV talk show. The Palestinian refugee wore
a hijab and refused to shake hands with male guests, preferring to raise her hand to her heart as an alternative greeting. After the Danish People’s Party (DPP) failed to win parliamentary approval for its proposed ban on veiling in state-supported institutions, Anders Fogh Rasmussen’s center-right government in 2009 passed legislation to ban veils for judges. In 2003, the High Court had already permitted proscription of veiling in private companies if part of a general dress code. The Swedish Board of Education upheld a ban on the burqa in schools but not the hijab, while the Equality Ombudsman annulled a niqab prohibition at the Västerort Adult High School. In 2010, Norway maintained its ban on the hijab for officers of the court and police despite the ruling of the Anti-Discrimination Tribunal that the 2009 ban violated the Anti-Discrimination and Gender Equality Acts. Belgium, a state that has officially recognized Islam since 1974, banned the burqa from public in 2011; several municipalities, such as Maaseik (2004) and Antwerp (2005), had done so several years earlier. Yet dozens of women refused identity papers because they would not unveil for photos fought successfully in court to acquire the documents. In 2011, the Constitutional Commission of Italy cleared the way for the burqa ban proposed by Berlusconi’s Popolo della Libertà party (PDL), but the embattled prime minister resigned before he could make it law. Similarly, the Spanish Cortes appeared poised in 2010 to legislate a burqa ban, but in the end the bill failed by a narrow margin of twenty-one votes. In 2013, the Spanish Supreme Court nullified a municipal burqa ban in Lleida (and therewith bans in several cities across Catalonia). Swiss policies vary from canton to canton. Sixty-five percent of the voters of Ticino voted in 2013 to ban the burqa in public. In Turkey, where veiling has been prohibited in all government institutions since 1923, Prime Minister Recep Tayyip Erdoğan’s Justice and Development Party government in 2008 moved to relax the ban at state universities and then for state employees in 2013 (except judges, police, and military officers). The 2008 amendment touched off a firestorm among Kemalist protesters who demonstrated by the tens of thousands against the relaxation as the first step down the slippery slope to an Islamic Republic of Turkey. In the same year, the Constitutional Court declared the amendment null and void (for country-to-country details see VEIL at www.veil-project.eu; Islamophobia Watch at http://www.islamophobia.watch.com/islamophobia-watch/category/hijab; or Siim 2014; Rosenberger and Sauer 2012b; Nielsen 2009).

International bodies are also not marching in lock step. While the European Court of Human Rights in the 2004 case Şahin v. Turkey upheld the prerogative of a state to ban veiling in the interest of public order, the European Council in 2010 spoke out against general prohibitions like those against the burqa. The United Nations Commission on Human Rights ruled in 2005 against proscribing the veil (though in a case from Uzbekistan).
FIFA disqualified Iran’s female footballers from the 2012 Olympic Games because their uniform included the hijab but issued new rules in 2014 permitting head coverings.

This brief overview stressing controversy and fluidity treats only official policies. Countless female Muslims encounter de facto regulations. Abundant credible sources document the widespread harassment of and discrimination against covered women and girls at work, in school, or on the street (Antidiskriminierungsstelle 2013; Amnesty International 2012; Ansari and Hafez 2012; Gauci 2012; Zick, Küpper, and Hövermann 2011; Zivilcourage und Anti-Rassismus Arbeit 2011; Peucker 2010; Commission on British Muslims and Islamophobia 2004; Forum against Islamophobia and Racism 2002; Runnymede Trust 1997). With the relatively rare exception of those possessing the time, fortitude, and means to endure arduous, lengthy, and expensive legal action in court, such mistreatment represents their lived reality, regardless of what formal law stipulates. The same holds true for female Muslims who are bullied or pressured to cover against their will (Alonso 2012: 479; Ranstorp and Dos Santos 2009; Brouwer 2004: 52; Amara 2003; Macey 1999; Ashfar 1994). Such de facto constraints add to the polymorphous and contradictory character of veiling regulations. Thus, the informal climate regarding Islamic garments can vary between diametrically opposite extremes within the space and time it takes to ride the subway or bus to one’s destination.

There is, then, nothing remotely resembling the stable consensus tolerating the outward display of garments and symbols of Christian or Jewish devotion that has long prevailed across Europe. This might incline some to want to conclude that Muslims “brought” the controversy to Europe and that the controversy pits Muslims against non-Muslims. Close examination, however, reveals no firm divide between the two groups. Rather, what can be identified as fragments of liberal, nationalist, and postmodern reasoning turn up among both Muslims and non-Muslims. Furthermore, frequent fragilization occasions blurring of the purely theoretical lines distinguishing the three public philosophies and breeds tolerance of discourses and policies that are “messy . . . [and full of] tensions and contradictions” (Korteweg and Yurdakul 2014: 4). There exists “a range of legal approaches . . . to the handling of the issue by courts, legislatures, human rights activists, the media and within the public debate more generally” (Vakulenko 2012: 55).

Unfree Veil

Many arguments against veiling have a feminist flavor. However, in that they typically object to female heteronomy, most fall within the ethical ambit of
liberalism with its insistence on the autonomy of the individual. Furthermore, bans on veiling are often driven by perfectionist reasoning. They are meant to compel women and girls to adorn themselves against their will in the name of liberating them from the alleged error of their ways. Removing the veil is seen as but the first step in a larger process of education and self-reflection that is supposed to culminate in genuine, enlightened rather than illusory, benighted volition on the part of female Muslims. Like Rousseau’s Émile, it is presumed, they will one day be grateful for being forced to be free.

Voices condemning veiling as the subjugation of women are many and can be heard across Europe. In her book *The Caged Virgin*, the prominent Dutch feminist Ayaan Hirsi Ali (2006: xi) excoriates the hijab as a “constant reminder to the outside world of a stifling morality that makes Muslim men the owners of women.” In Britain, Yasmin Alibhai-Brown, journalist and chairwoman of British Muslims for Secular Democracy, condemns the veil as a “physical manifestation of the pernicious idea of women as carriers of Original Sin” (*Independent* 9 October 2006), while feminist columnist Polly Toynbee maintains that “the ideology of the veil” is “covering and controlling women” (quoted in Cesari 2013: 9). Similarly, The Turkish Federation of Berlin-Brandenburg deplores both the hijab and burqa as “instruments for the oppression of women” (quoted in Yurdakul 2006: 161). Necla Kelek (2007: 114), the author of the 2005 bestseller *Die fremde Braut* (*The Foreign Bride*), alleges that “political Islam wants . . . to establish an Apartheid of the sexes in free European societies,” whereby “women in public don’t have the right to be human” (quoted in Cesari 2013: 9). Sixty-seven eminent French women signed a petition, originally published in *Le Monde* (7 December 2003) and reprinted in the feminist magazine *Elle* (8 December 2003), that called on Jacques Chirac to pass the law banning the headscarf, arguing that “the Islamic veil . . . subjects all women, Muslim and non-Muslim, to an intolerable discrimination. Any accommodation in this regard would be perceived by every woman in this country as a personal affront on her dignity and liberty.” “Remember,” beseeches Fadela Amara (2006: 93), the leader of the French association Ni Putes Ni Soumises (Neither Sluts Nor Slaves) and organizer of a national march in 2003 under that slogan, “the headscarf is not simply a religious matter. . . . It is foremost a means of oppression, of alienation, of discrimination, an instrument of power over women used by men.” Her successor, Sihem Habchi, maintained that “the burqa is the most violent symbol of the oppression of women and has nothing to do with the Muslim religion, my religion” (quoted in Joppke and Torpey 2013: 25).

Similar liberal fragments frequently fall from the lips of lawmakers. When proposing the ban for public school teachers in Baden-Württemberg in 2004, for example, the *Land*’s (and Germany’s future) minister of education, Christian Democrat Annette Schavan, averred that
the headscarf constitutes a political symbol [that is] a part of a female oppressive history. It can symbolize an interpretation of Political Islamism, which conflicts with the principle of equality between men and women. In that sense, it is also incompatible with a fundamental value embedded in our constitution. (Quoted in Andreassen and Lettinga 2012: 25)

The Social Democratic president of the German parliament, Wolfgang Thierse, condemned the headscarf as “a symbol of oppression” (Frankfurter Allgemeine Zeitung 4 January 2004). Across the Rhine, Bernard Stasi, who headed the presidential commission that recommended the French ban in 2004, referred to the hijab as a “sign of the alienation of women,” while the government’s official mediator for helping to resolve headscarf disputes in schools, Hanifa Cherifi, claimed that the veil represents a “restriction of mixity, of individual liberty, and of gender equality” (quoted in Laborde 2008: 115). In his defense of the burqa ban of 2011, President Sarkozy, who had earlier publicly opposed the ban, insisted that the garment is “not a religious symbol, but a sign of subjugation and degradation” (Le Monde 24 June 2009). Demonstrating that opposition to the burqa is not confined to the political Right, Communist Party member André Gerin, who introduced in the National Assembly the bill to ban the burqa, claimed that this “walking prison” subjects women to “an unbearable situation of reclusion, exclusion and humiliation. Her very existence is denied” (Le Monde 19 June 2009). Likewise, the legislator who introduced Italy’s bill, the Moroccan-born member of Premier Silvio Berlusconi’s PDL, Souad Sbai, justified the bill on grounds that “we have to help women get out of this segregation . . . to get out of this submission. I want to speak for those who don’t have a voice, who don’t have the strength to yell and say, ‘I am not doing well’” (Huffington Post 2 August 2011). Geert Wilders, who proposed the burqa ban to the Dutch parliament, derided the niqab as “an insult to everyone who believes in equal rights” (quoted in Jenkins 2007: 196). “The Islamic head scarf is a symbol of women’s submission,” claims the Danish People’s Party (quoted in Siim 2014: 225). The 2001 ruling of the European Court of Human Rights in Lucia Dahlab v. Switzerland, which upheld a ban on the headscarf, maintained that the garment “appears to be imposed on women by a precept that is laid down in the Koran and which . . . is hard to square with the principle of gender equality” (quoted in Vakulenko 2012: 46).

Fragments of liberal perfectionism’s insistence on informed over merely free choice invariably crop up in response to complaints that the bans violate the autonomy of Muslim women who freely choose to cover. Thus, Hirsi Ali (2006: 31–32) retorts:
Because they have internalized their subordination, they no longer experience it as an oppression by an external force but as a strong internal shield. . . . They are like prisoners suffering from Stockholm syndrome, in which hostages fall in love with the hostage takers and establish a deep intimate contact with them.

Likewise, the chairwoman of the Turkish Women’s International Network in the Netherlands argues that “restrictions such as wearing headscarves are made up by men who are using women as marionettes. Women . . . maintain that their scarves are a purely voluntary affair, for they do not want to be repudiated by their family and community” (De Volkskrant 22 March 2001). Lale Akgün, Bundestag member for the Social Democratic Party (SPD) and its spokesperson on issues related to Islam, dismissed the idea that voluntarily donning a headscarf could represent authentic liberty: “It is absurd to declare clear subordination under a symbol of gender separation as emancipation” (Tageszeitung 26 January 2004). A few weeks later, a group of roughly 100 prominent women, many of whom were of Turkish background, reinforced Akgün by contending in an open letter that veiling was rarely voluntary even if women and girls claimed otherwise (Tageszeitung 14–15 February 2004). In France, Anne Vigerie of the Cercle d’Etude de Reformes Feministes and Anne Zelensky, president of the Ligue du Droit de Femmes, co-published an editorial insisting that the veil symbolizes “submission to men. The fact that women choose to wear it does nothing to change its meaning. . . . There is no surer oppression than self-oppression” (Le Monde 30 May 2003). Following this perfectionist line of thinking, the Stasi Commission refused to hear public testimony from veiled women on grounds that their views could not possibly be autonomous. Likewise, the Conseil Constitutionnel upheld the burqa ban, arguing that those who don it “misrecognize the minimal requirements of living in society” by being unaware that they “find themselves placed in a situation of exclusion and inferiority clearly incompatible with the constitutional principles of freedom and equality” (quoted in Bowen and Rohe 2014: 155).

Liberal perfectionism defends compulsion in the name of emancipating those unwilling to liberate themselves. Thus, French minister of immigration Eric Besson endorsed the burqa ban with the argument that “public authority is founded on protecting the dignity of the person, if necessary against the person herself” (quoted in Joppke and Torpey 2013: 34). Ciska Dresselhuys, chief editor of the Dutch feminist magazine Opzij, who refuses to hire veiled reporters, maintains that tolerating the Islamic sartorial practice amounts to “justifying and submitting to an error” (quoted in Andreassen and Lettinga 2012: 19). Although it was not in conjunction with a
burqa ban per se, even the Home Office (2002: para. 2.3) foresaw that “it will sometimes be necessary to confront some cultural practices which conflict with these basic [liberal] values—such as those that deny women the right to participate as equal citizens.” With similar perfectionist zeal, Article 5 of the UN Convention on the Elimination of all Forms of Discrimination against Women endorses the “modification of social and cultural patterns of conduct of men and women” in an effort to “eliminate prejudices of female inferiority.” As Joan Scott (2007: 131) incisively observes, it is only the autonomy of “those who had made the right choice” that is protected.

From the perspective of liberal perfectionism, there is no more appropriate place for the liberal state to force citizens to be free than the public schools. Unsurprisingly, bans apply mostly, though not exclusively, to schools. In the first place, schools rear young and therefore impressionable minds that can supposedly be more easily molded or resocialized away from the illiberal ideas inculcated in the home. The Stasi Commission (Stasi 2004: 128), for example, justified France’s 2004 ban with the following reasoning:

There are pressures constraining young girls to wear religious signs. Their family and social environment impose on them a choice that is not their own. The Republic cannot remain deaf to these girls’ cry of distress. The space of the school must remain for them a place of liberty and emancipation.

Across the channel in the Begum case, Baroness Hale approvingly quoted Raday (2003: 709): a “mandatory policy that rejects veiling in state educational institutions may provide a crucial opportunity for girls to choose the feminist freedom of state education over the patriarchal dominance of their families.” Similarly, German feminist Alice Schwarzer (2010: 17) has supported a ban on veiling in German schools with the argument that compulsory uncovering exposes the girls to an invaluable critique of their parents’ values.

Second, the liberal democratic state, because it is ruled by its citizenry, has an especially acute, even existential interest in fostering liberal citizens. The Stasi Commission (2003: 56), for example, recommended the ban as necessary to fulfill the schools’ responsibility to produce “enlightened citizens.” It follows in liberal perfectionist logic that the liberal state should permit neither symbols nor acts of repression and subjugation in its schools. In the open letter to President Chirac mentioned above, the sixty-seven signatories averred: “To accept the Muslim headscarf in schools and public administration is to legitimize a symbol of the submission of women in places where the State should guarantee a strict equality of the sexes” (quoted in Cesari 2013: 9). Again, Baroness Hale voiced a similar argument:
Like it or not, this is a society committed, in principle and in law, to equal freedom for men and women to choose how they will lead their lives within the law. Young girls from ethnic, cultural or religious minorities growing up here face particularly difficult choices: how far to adopt or to distance themselves from the dominant culture. A good school will enable and support them. (Quoted in Joppke 2009: 99)

As Hale implies, public schools in liberal democracies should promote open-mindedness and critical thought, including self-reflection, so that their graduates can mature into citizens capable of rational deliberation. Thus, schools must stand as “a privileged locus for the inculcation of the habit of independence through the exercise of critical judgment” (Kintzler 1996: 33). As an allegedly obstinate and obscurantist commitment to Islamic orthodoxy, veiling is said to foreclose dialogue. For instance, Necla Kelek, in supporting a ban on headscarves in German primary schools, contended that the sartorial custom sends the closed-minded message that there is but one form of proper femininity: “This is not compatible with our society, which needs equal, self-assertive, and responsible citizens” (quoted in Deutsche Islam Konferenz 2009). Likewise, Alice Schwarzer (2010: 13) argues that to exempt Muslim girls from co-educational swimming classes because they refuse to don immodest swimwear in the presence of boys is to reinforce rather than challenge gender stereotypes. In the United Kingdom, Dr. Taj Hargey, an imam and chairman of the Muslim Educational Centre of Oxford, endorsed prohibiting the burqa and niqab in public schools because the religious practice “means that Muslim children are being brainwashed into thinking they must segregate and separate themselves from mainstream society” (Telegraph 2 October 2010). Something similar seems to be what Tony Blair had in mind when he denounced the garments as “a marker of separation” (Guardian 6 October 2006).

Veiling is also objected to with the allegation that it amounts to proselytizing. Furthermore, the long-standing liberal suspicion of religion manifests itself in the insistence that proselytizing should have no place in a school committed to open dialogue and critical examination. Thus, in Lucia Dahlab v. Switzerland of 2001, the European Court of Human Rights upheld a school’s refusal to let a public school teacher veil in the classroom with the claim that “it cannot be denied outright that the wearing of the headscarf might have some kind of proselytizing effect” (quoted in Vakulenko 2012: 45). An interesting dimension of this fragment of perfectionist logic is the contention that veiling constitutes unwarranted proselytizing whether or not the veiled Muslim intends it as such. Such reasoning figured prominently in Ludin v. Land Baden-Württemberg of 2003, which legally
paved the way for the bans on veiled public school teachers in eight of Germany’s sixteen Länder. Ludin swore that she covered not in order to proselytize, but to fulfill a purely personal commitment to Islamic piety. The Constitutional Court conceded as much but ruled that the “objective reception” (objektiver Empfängerhorizont) of the headscarf among her colleagues and pupils was more significant than her subjective intentions and, therefore, trumped her right to freedom of religion (quoted in Vakulenko 2012: 119). Indeed, the court contended that the mere possibility that the hijab could be perceived as proselytizing merited “precautionary neutrality” (quoted in Saharso 2007: 17). Chancellor Gerhard Schröder defended the ruling by claiming that the German state had no business telling private citizens how to dress, but with teachers acting as public servants in schools, “there we expect another way to dress” (Frankfurter Allgemeine Zeitung 24 November 2004).

In France, the veil, even when worn by students, represents what President Chirac termed “an aggressive sign of religious proselytism” (BBC Online News 17 December 2003). Likewise, Prime Minister Jean-Pierre Raffarin defended the 2004 ban, maintaining that “religion cannot be a political project as was clearly the case with the wearing of the Islamic veil” (New York Times 4 February 2004). Whereas the German justices made the case for “precautionary neutrality,” the French National Assembly discerned a need for “reinforced protection” against proselytizing (quoted in Joppke and Torpey 2013: 29). The British House of Lords, in its decision to uphold the ban on the niqab, declared it legal for school officials to “wish to avoid clothes which were perceived by some Muslims (rightly or wrongly) as signifying adherence to an extremist vision of the Muslim religion and to protect girls against external pressures” (quoted in Vakulenko 2012: 122). The High Court agreed in 2007 that “many girls might become subject to pressure to wear the niqab” (quoted in Vakulenko 2012: 63).

**Foreign Veil**

Fragilization in the direction of nationalism becomes detectible when the entity to be protected by the veiling ban switches from female Muslims to the receiving society. Islamic veiling is objected to less because it subjudgets Muslim women and more because it represents an unwanted foreign practice that purportedly disturbs or even imperils the native majority’s culture and “way of life.” Listen, for instance, to Wilders’s animus voiced before parliament in 2007:

Dutch citizens . . . have had enough of burkas, headscarves, the ritual slaughter of animals, so-called honour revenge, blaring minarets,
female circumcision, hymen restoration operations, abuse of homosexuals, Turkish and Arabic on the buses and trains as well as on town hall leaflets.” (Quoted in Hampshire 2013: 33–34)

The Vlaams Blok calls for the “repatriation of those who reject, deny or combat our culture and certain European values,” with one party leader adding that the veil amounts to a “‘contract’ signed by Muslim women to be deported” (quoted in Bleich 2011: 96).

Grave concern for the well-being of the receiving nation is hardly confined to the Far Right. Prime Minister Raffarin, for instance, argued that the 2004 ban would help to ensure “the permanence of our values” that are “constitutive of our collective history” and the “principal factor of the moral or spiritual unity of our nation” (quoted in Joppke 2009: 50). Likewise, Immigration Minister Besson asserted that “the burqa is unacceptable and contrary to the values of the national identity” (Le Monde 25 October 2009). In the United Kingdom, shadow Home Minister David Davis maintained that the issue of Islamic veiling raises “the question of the very unity of our nation” (Sunday Telegraph 15 October 2006). Self-described “leftie” journalist Yasmin Alibhai-Brown asserted that the niqab so deeply offends British sensibilities that it ought to be proscribed for that reason alone. “There is such a thing as British society,” she maintained, implying something like the stance “when in Rome do as the Romans do” (International Herald Tribune 23 October 2006). Similarly, Gudrun Krämer (2011), an eminent German scholar of Islam and respected public intellectual, argues that banning the niqab is “legitimate” because the garment is “a demarcation, which in the context of my culture, of German culture, is an expression of latent aggression. That doesn’t have to be the case everywhere, above all not in places where most women wear veils; but this is how I perceive it here.” Similarly, Dominique Schnapper threw her support behind the burqa ban because “France is the country where everyone says ‘bonjour’” face to face (quoted in Joppke and Torpey 2013: 44).

In political rhetoric nationalist and liberal fragments often fall from the same lips. Thus, Wilders, Alibhai-Brown, Besson, and Raffarin were each quoted above denouncing the veil as a violation of women’s individual liberty. Consider Sarkozy’s statement that the burqa is

not a religious symbol, but a sign of subservience and debasement. I want to say solemnly, the burqa is not welcome in France. In our country, we can’t accept women prisoners behind a screen, cut off from all social life, deprived of all identity. This does not conform to our idea of a woman’s dignity. (Le Monde 24 June 2009)
The concern for the autonomy of the women who wear the burqa is plain. But equally unmistakable is the president’s indignation that the act transgresses the French (“our”) idea of a woman’s dignity. It is hard not to be left with the impression that the indignity is somehow graver because it is happening in “our country” rather than just in any country. We hear similar combining of or fragilization between nationalist and liberal reasoning in the support of banning veiling put forth by Peter Skaarup, a member of parliament representing the Danish People’s Party:

According to Danish norms it is discriminatory to veil. The fact that women must hide their sexuality, cover their hair, that is, in a Danish context, an expression of the devaluation of the woman . . . and that is what we have fought against with our struggle for gender equality, and therefore the veil is a problem for our society. . . . The right thing is therefore to ban the headscarf and live accordingly [sic] to our customs here in Denmark. (Quoted in Andreassen and Lettinga 2012: 22)

We can also read in Skaarup’s remark the common complaint that veiling forces the host nation to regress—that is, to reexperience objectionable practices that it had allegedly purged from its ranks. Thus, the populist Dutch politician Pim Fortuyn opined: “I don’t feel like having to go through the emancipation of women and homosexuals all over again” (Volkskrant 9 February 2002; see also Scheffer 2011: 3). Similarly, British journalist Minette Marrin complained: “A woman shrouded in veils represents . . . a pre-Enlightenment religion and a view of relations between the sexes that the mainstream of this country can no longer accept” (Sunday Times 22 October 2006). Again, here, the indignity to the nation caused by veiling would seem to be equal if not greater than that to the female Muslims. Or in Theo Sarrazin’s angry words, “I don’t have to accept anyone who lives off the state, rejects this same state . . . and constantly produces new little headscarf girls” (quoted in Bahners 2011: 279).

In terms of actual policy, nativism is typically said to have its greatest impact where Islamic veiling is proscribed or circumscribed while sartorial practices more commonly and longer associated with the majority culture are permitted. The country most often spotlighted for such blatant nationalist favoritism is Germany, where public teachers could not (until 2015) don the hijab but could teach in a Christian habit or a Jewish yarmulke (Joppke 2009; Saharso 2007; Amir-Moazami 2007). For example, sentence one of Baden-Württemberg’s 2004 statute reads: “Teachers are not allowed . . . [to] give external statements [äussere Bekundungen] of a political, religious or
ideological nature which could endanger or disturb the neutrality of the Land towards pupils or parents or . . . the political, religious or ideological peace of the school.” However, sentence three further stipulates: “The representation of Christian or occidental values or traditions corresponds to the educational mandate of the [regional] constitution and does not contradict the behavior required [Verhaltensegbot] according to sentence 1” (quoted in Joppke 2009: 72). Unsurprisingly, the Catholic Bishops Conference of Germany (Saharso 2007: 16) and the Jewish Community of Germany (Spiegelonline 2 April 2004) endorsed the law. Both reasoned that due to their far deeper heritage in Germany, neither Christian nor Jewish symbols (respectively) should be put on a par with Islamic imagery.

Some qualifications deserve mention. First, eight of sixteen Länder proscribed the hijab (as of 2015) but not Jewish or Christian outward symbols. Half of the Länder hardly constitutes a national consensus of ethnonationalism. Furthermore, governments that do not formally favor Judeo-Christian symbols do so informally. Take France for example. The 2004 ban does, in keeping with liberal universalism, prohibit all “ostentatious” religious symbols. However, Chirac assured his compatriots that the law was designed to target the “Islamist veil” (BBC Online News 17 December 2003) and would only outlaw “manifestly over-sized crosses” and not ones that adorn conventional jewelry such as necklaces or rings (quoted in Hargreaves 2007: 114). In fact, the governmental circulaire with instructions on how to implement the 2004 ban gives prerogative to headmasters to proscribe the religious “signs [that are] ostensible in intent,” including when the students deny any proselytizing intent. Because most headmasters view neither Jewish nor Christian symbols as intentional proselytizing, Muslim students wind up being the primary target of administrative discretion (Laborde 2008: 65). Indeed, the UN Human Rights Commission’s special rapporteur chided the French government for “selective interpretation and rigid application” of the ban as well as for “abuses that provoked feelings of humiliation, in particular amongst young Muslim women” (United Nations 2005). As for the 2011 (burqa) ban on full facial covering in public, it formally exempts facial coverings “in the context of festivities (disguise for a carnival or as Father Christmas) or traditional expressions (processions, particularly religious)” (quoted in Vakulenko 2012: 22).

The point to stress, again, is that the policy reality in France is no more purely republican than it is consistently ethnonationalist in Germany. As for countries that do not proscribe veiling, their public schools either formally or informally tolerate myriad Christian symbols to such an extent that the latter far outnumber Islamic veils in the overwhelming majority of classrooms. Nativist particularism thus proves difficult to eradicate even in states with a formally liberal policy.
Hyperbolic Veil

Fragilization toward postmodernism turns up among the opponents of the veil through hyperbolic exaggeration of the threat it poses. Deliberate hyperbole manifests an appreciation, whether acknowledged or not, of the postmodern postulate that truth is constructed rather than discovered, subjective rather than objective. Like the postmodern icon Andy Warhol’s remark that “art is what you can get away with” (originally uttered by Marshall McLuhan), many opponents of veiling seem keen to expand the limits of credulity. In the public letter that arguably elevated the headscarf debate from low to high politics, from political oblivion to “political hysteria” (Terray 2004), five prominent French intellectuals—Alain Finkielkraut, Elisabeth Badinter, Régis Debray, Elisabeth de Fontenay, and Catherine Kintzler—likened Creil in 1989 to Munich in 1938 (the “Munich of the republican school”) and beseeched French educators not to repeat the fateful error of appeasement committed by Neville Chamberlain with Hitler (Le Nouvel Observateur 2 November 1989). Thus were three teen-aged girls (and no more than an estimated 2,000 veiled pupils in the whole of France) equated with the bellicose chancellor of a mighty nation-state poised to invade and occupy France. The analogy to the Nazis is common. For instance, Chahadortt Djavann (2004), an Iranian novelist domiciled in Paris, has compared the veil to the yellow star forced upon Jews under the Nazi regime; so too has Alice Schwarzer (Frankfurter Allgemeine Zeitung 4 July 2006). Likewise, Sarkozy’s eventual minister for urban renewal, Fadela Amara, described the hijab as “an instrument of oppression that is imposed by the green [meaning Islamist] fascists” (quoted in Jenkins 2007: 196–97).

Another gross distortion comes in associating the veil with terrorism. Likely the cleverest and most effective wheedling emanated from the Swiss committee Yes to the Ban on Minarets, whose 2009 poster depicted a woman wearing a burqa treading on a Swiss flag from which arose numerous minarets fashioned to resemble missiles. The cover of Melanie Phillips’s 2007 bestseller Londonistan shows a woman on whose hijab are etched the words “I love Al-Qaeda.” The Stasi Commission (2003: sec. 3.2.2) inveighed against veiling as “permanent guerilla war.” Regarding a different kind of terrorization, a Spanish government minister likened veiling to “the practice of female genital circumcision. These cannot be understood as a cultural or religious concept, but only as savagery” (quoted in The Observer 1 February 2004).

With even greater frequency the veil is equated with cultural annihilation. The reader should keep in mind that of the more than five hundred million persons living in the EU, only between two and three million of them regularly wear Islamic covering in public. For example, Dutch
politicians pushing the burqa ban have outlandishly warned that the Netherlands is teetering on the brink of turning into Afghanistan. They deliberately refer to all covered Muslims as burqa-wearers when in fact no more than 400 women wear the black chador associated with the Taliban (Moors 2009: 18). The same applies to Vlaams Belang in Belgium, where an estimated thirty women don the chador (Tyrer 2013: 45). Similarly, André Gerin promoted the French burqa ban as a necessary step to halt the “Talibanization” of France (quoted in Joppke and Torpey 2013: 22). As early as 1989, Le Figaro had featured a front page depicting Marianne, the historic symbol of the republic, wearing a chador with the headline “Will the French Ever Be French Again?” Likewise, the Danish People’s Party (DPP), in a 2009 advertisement, vituperated: “The Islamic head scarf . . . is not only about ‘30 grams of cloth.’ It is about tyranny and submission. . . . Give us back Denmark” (quoted in Siim 2014: 225). As mentioned, Anders Fogh Rasmussen’s center-right government in 2009 banned the hijab for judges, though there neither had been nor was at the time a single veiled judge in the Nordic country. Without going so far as to imply, like the DPP, that his homeland actually lay in the possession of veiled Muslims, Siv Jensen, leader of Norway’s Progress Party, nevertheless pointed to veiling as evidence of “sneak-Islamization” (snikislamisiering) “through the backdoor” (quoted in Siim 2014: 226–27). In 2012, Vlaams Belang politician Filip Dewinter organized a campaign for “women . . . fighting against the Islamization of society” with a poster that depicted his daughter An-Sofie clad in a burqa opened to reveal a bikini. The caption read: “Freedom or Islam? Dare to choose” (De Standaard 5 February 2012). Similarly, David Sexton, a columnist for the Evening Standard (16 June 2007), hurled invective at the veiled women of the United Kingdom as a “walking rejection of all our freedoms” (emphasis mine). For Bernhard Henri Lévy, the very “soul of Europe [is] at stake” (Libération 11 February 2008).

“Systematic exaggeration” (Bahners 2011: 154) has extended beyond veiling to other issues affecting female Muslims. So-called “honor killings” of Muslim women who have allegedly disgraced their family by consorting with non-Muslims—for example, Fadime Sahindal (Sweden, 2002), Ghazal Khan (Denmark, 2003), Schijman Kuashi (Netherlands, 2005), Hatan Sürücü (Germany, 2005), and Banaz Mahmud Babakir Agha (Britain, 2007)—have frequently become sensationalized flashpoints (Korteweg and Yurdakul 2014; Fredette 2014: 132). In the case of Sürücü, experts on gender and Islam published an open letter criticizing Islam critics Serap Çileli, Seyran Ateş, and Necla Kelek for deliberately exaggerating and exploiting the case in an effort to advance their personal Islamophobic agendas (Terkessidis and Karakaşoğlu 2006; see also Schneiders 2010b). The film La Squale (2000) and the book Dans l’enfer des tournantes (translated
into English as *To Hell and Back*) by Samira Bellil (2002) focused French national attention on the arresting problem of gang rape among Muslims in the banlieues, when, in fact, the despicable act transpires in non-Muslim circles as well (Muchielli 2005). *Burned Alive*, the 2005 best-selling French memoir of a woman who survived being doused with gasoline and set ablaze by her brother, appears to have been largely fabricated with the assistance of writer and promoter Marie-Thérèse Cuny, who “assisted” at least two other women in similar fashion (Abu-Lughod 2013: 124). So-called “forced marriages” have also garnered much sensationalized attention in widely circulated books such as *Brick Lane* (Ali 2004), *Die Fremde Braut* (Kelek 2005), and *The Caged Virgin* (Hirsi Ali 2006), which depict real or fictional accounts of young women dragooned into marrying men whom they despise (Chin 2010; Surkis 2010). In reality, however, the overwhelming majority of arranged marriages result from negotiations freely entered into by the bride and groom with their parents (Roy 2007: 89). Theo van Gogh and Ayaan Hirsi Ali’s *Submission* [2004] provokingly brings all these issues together in a short film shot in English (with Dutch subtitles) that received wide distribution via YouTube. In it, a lone woman narrates the tale of the injustices committed against her by her father, uncle, and husband. Each of the injustices, she claims, is sanctioned by verses in the Qur’an, which she cites and which appear tattooed on her naked body made visible by the sheer, see-through burqa that she wears. The film caused a sensation that culminated in van Gogh’s murder at the hand of an incensed Moroccan Dutchman and Hirsi Ali’s flight from the Netherlands due to death threats. Perhaps the most incongruous allegation regarding female Muslims fell from the lips of Silvio Berlusconi, who in 2011 tried to justify his relationship with a seventeen-year-old Moroccan prostitute on grounds that he was liberating the damsel from a life of repeated rape and abuse inflicted on her by a misogynistic Islamic culture (Cousin and Vitali 2012: 60).

Gross distortion is not confined to the opponents of veiling. More than a few Islamist organizations seek to reverse the stigmatization of veiling by demonizing the uncovered. I employ the admittedly imperfect term “Islamism” loosely and broadly to envelop the beliefs of all those who strive toward a society in which Islamic precepts and laws—typically understood as those enunciated in the Qur’an and Sunna—predominate. Among those I label “Islamists” the general idea tends to prevail that God revealed through the Prophet Muhammad (and by some accounts certain subsequent Hadith as well) sufficient guidelines for leading a morally upstanding life as an individual and as a community in all times and places. Islamists tend in various ways to see Islam as integral rather than antithetical to modern life and believe that the latter needs to conform to the former rather than vice versa (Göle 2004: 14–15). They view and practice “Islam as a way of life” (a
common slogan among Islamists) rather than a private spiritual confession (Maréchal 2008: 204–7). Due to limited space, I gloss over the significant differences in strategy for achieving the Islamist goal—differences ranging from pietist personal conversion stressed by such groups as Tablíghi Jamaat (Association for the Propagation of Islam), Jamaat Nur, the Süleymani, and the Gülen Movement, to nonviolent political action practiced by the Muslim Brotherhood and its European affiliate, the Union of Islamic Organizations in Europe (UOIE), the Islamische Gemeinde Milli Görüş (IGMG), the Muslim Council of Britain (MCB), or the Jama’at-i Islami, to violent jihadist militant organizations such as Hizb ut-Tahrir (arguably), Al-Muhajiroun, Supporters of Shariah, Islamic Cultural Institute of Milan, Al-Jama’a Al-Islamiya, and Groupe Islamique Armé. The connections between these Islamist organizations are typically informal and often strained, though they all tend to see themselves working in the service of the international Islamic community or umma (Ceylan and Kiefer 2013: 82–88; Pargetter 2008: 65).

As a leader of the United Kingdom Islamic Mission (UKIM) remarked, “We belong to the international Islamic movement, neither to Jama’at, nor to Ikhwan [Muslim Brotherhood] nor to the [Islamist] Refah party in Turkey—but all of them are our friends” (quoted in Vidino 2006). “Notwithstanding their variations,” observes one analyst, “Islamists in general deploy a religious language and conceptual frame, favor conservative social mores and an exclusive social order, espouse a patriarchal disposition, and adopt broadly intolerant attitudes toward different ideas and lifestyles” (Bayat 2013b: 7). Furthermore, despite adhering to distinct schools of Islamic jurisprudence (fiqh), such as the Mālikī (North Africa), Hanafī (Turkey, India), Hanbali (Saudi Arabia), and Shāfi’ī (Egypt), what I am calling “Islamist” organizations typically interpret some form of veiling outside the exclusive presence of family as a religious obligation (Hellyer 2006: 340). But let the reader be forewarned that Islamist (not to mention Islamic) doctrine and practice are highly complex and evolving phenomena, full treatment of which would demand a separate volume (Mandaville 2014; Cesari 2013; Leiken 2012; Laurence 2012; Yükleyen 2012; Göle 2011; Vidino 2010b; Bowen 2010; Roy 2007; 2005; Abu Zayd 2006; Nielsen 2003; Schifferauer 2000).

To reiterate, Islamist organizations and personalities frequently employ distorting images and claims in their effort to defend and encourage veiling. Non-Muslim European women are often depicted as sinfully unchaste, indeed wantonly oversexed and sexualized. Thus, the Union for Islamic Development and Culture in Bulgaria laments that “women can be seen in the streets dressed in clothes that barely cover their underwear (and this is taken as normal) . . . [trying] to appear as sexually attractive as possible . . . and disappointed if no one turns their head to look at them” (quoted in Ghodsee 2012: 119). Al-Muhajiroun claims that in British secular schools
“children are taught to conform to a code of dress that shows their nakedness. . . . Children grow up idolizing pop-stars and footballers rather than appreciating the Messengers from their creator and worshiping God alone” (quoted in Wiktorowicz 2005: 169). The preoccupation with women and girls as sex objects is typically made to mushroom into myriad additional problems that plague Western women’s lives. In her study of the Swedish journal Salaam, for instance, Jonas Otterbeck (2000: 259) found that

Swedish (or Western) women is a recurrent theme. The Swedish woman . . . is described as a victim of several powers. She is exploited by commercialism, especially by the fashion industry. She is overworked and underpaid, has a full-time job and all the housework. She never has time for her children who will end up on the streets which will lead them to self-destruction, drugs, crimes and a high suicide rate. Her marriage will eventually break down and lead to divorce due to unrealistic hopes built on the first moments of love and passion in the relationship.

By contrast, the veil is implausibly exalted as a foolproof safeguard against perilous Westernization. Fereshta Ludin, the woman at the center of Germany’s headscarf controversy, insisted that her veil ensured “protection against Western decadence” (quoted in Oestreich 2004: 116). Inversely, Muslims are warned at websites such as “The Choice between the Burka and the Bikini” that removing the veil in public represents the first capricious step down a treacherous path ineluctably leading to mundane profanity and eternal damnation (www.allaahuakbar.net/womens/choice_between_burka_and_bikini.htm). Likewise, at the website “Islam: Die Wahre Religion,” German Salafist Ibrahim Abou-Nagie warns that unveiled women will land in hell (www.diewahrereligion.de). One internet meme that has found wide distribution depicts a veiled woman ascending a staircase to heaven and an unveiled, secularly clad woman descending a staircase into hell. Unveiling is further said to invite certain harassment from lascivious Western men, which will either lead to rape or, worse, consorting and fornicating with them which, in turn, will alienate the wayward women from their true family and community. Typically, verses from the Qur’an will be cited to emphasize divine injunction: “O Prophet! Tell thy wives and daughters, and the believing women, that they should cast their outer garments over their persons (when outside): that they should be known (as such) and not molested” (Qur’an 33:59). Such purported Qur’anic approbation is reinforced by an abundance of popular film and fiction widely distributed among Muslim immigrants that dramatize stories of unsuspecting Muslim daughters and wives lured from chastity and piety into depravity and ruin.
by mischievous European playboys (Gerlach 2006: 58–59). So great appeared the danger that Sheikh Mohamad Kamal Mostafá of Fuengirola, Spain, published the book *Women in Islam*, which instructed Muslim men to beat their wives and daughters if necessary to keep them from straying from Islamic virtue. When it was learned that the book was widely circulated by major Islamist institutions in Madrid and Barcelona, a national furor erupted that culminated in criminal prosecution of the author (Jenkins 2007: 184–85). Similarly, Swedes were riled in 2012 when an undercover camera team from Swedish Television taped imams in several (state-funded) mosques advising wives to tolerate beatings from and unwanted sex with their husbands (Yilner 2012). France deported Tunisian imam Mohamed Hammami in the same year for advocating corporal punishment of wayward wives and daughters (*Al Jazeera*, 31 October 2012), just as it had done with Abdelkader Bouziane in 2004 (*Le Monde* 6 October 2004). An uproar was ignited in 2001 when Khalil El-Moumni, a conservative imam from Rotterdam, asserted in a television interview that un-Islamic sexual impropriety can lead to rampant homosexuality, as evidenced by the legalization of same-sex marriage in the Netherlands. This “sin,” he added, if not stopped “will lead to extinction,” “for who will make children when men and women can marry each other?” (quoted in Uitermark, Mepschen, and Duyvendak 2014: 243).

I do not aim to bombard the reader with outlandish allegations. I wish rather to point out fragilization toward postmodernism’s tenet that truth is whatever passes for truth. These anti-European allegations are no less essentializing distortions of Europeans than are the anti-Islamic insinuations that Muslims are misogynist. The former too blatantly ignore conspicuous counter-evidence of non-Muslim European men and women who do not fit the stereotype. Furthermore, the preposterous notion that veillessness leads to certain ruin engages no less in fear-mongering than the claims of the impending Islamization of Europe. Just as the Islam-bashers gloss over the fact that an extremely small proportion of women in Europe cover, the defenders of strict Islamic orthodoxy equally glaringly overlook the thousands upon thousands of devout Muslim women who regularly attend mosque but who choose to cover only there in the sacred sanctuary (Mandel 2008: 306). Like the Islamophobes, the Islamists spotlight extreme and typically rare cases and pass them off as the norm. They also conveniently neglect the more nuanced dialogue and debate among sophisticated exegetes of the Qur’an regarding what the holy writ does and does not require women to wear (for example, Kaddor 2010; Hamidi 2009; Mohr 2006; Safi 2003; Barlas 2002).

Islamists’ rejection of modern European society does not have to mean that they are unaffected by it. Keep in mind that they must regularly witness their adversaries shrewdly and effectively producing and circulating gross distortions of the veiling phenomenon. They cannot be unaware that...
for vast numbers of Europeans such distortions pass for truth. In a YouTube video spotlighting the conversion of women to Islam, the imam of the video’s sponsor, the Central Mosque of Birmingham, explains to watchers that rampant Islamophobia spreads apocryphal slander regarding the status and treatment of women in Islam (https://www.youtube.com/watch?v=Cx37WaHDwuc). Nor can Islamists be unaware that the images inform policy makers and policy. Islamists, then, hardly need to read Nietzsche or Foucault to conclude that, in politics at least, knowledge is constructed to serve partial interests and agendas. Likewise, they do not need to steep themselves in Stanley Fish’s (1999: 273) postmodern analysis to recognize that political actors who confine their pronouncements and programs to what is objectively true more likely hamper than help their political fortunes. The theory of fragilization does not necessitate the total conversion to postmodernism and rejection of Islam. The theory posits only a softening or opening toward some fragmentary aspects of a public philosophy with which one does not explicitly identify.

**Postcolonial Veil**

Another postmodern fragment that Islamists often invoke to oppose bans on veiling is the postcolonial trope. Postcolonial analysis of anti-veiling rhetoric and regulation abounds. All take a page from Edward Said’s influential *Orientalism*, which, as discussed in Chapter 2, analyzed the phenomenon as a power-knowledge discourse enabling and legitimizing European domination of the Orient. During colonial times, asserts Leyla Ahmed (1992: 152), the veil represented “the most visible marker of the differentness and inferiority of Islamic societies.” The French, for instance, publicly and forcibly unveiled Muslim women during the war of independence in Algeria to demonstrate the necessity of French colonial rule for the liberation of women (Vakulenko 2012: 97; Mas 2006; Bouteldja 2004). The “civilizing mission” (Vergès 2011) is said to be resurrected through a “neocolonial attitude” (Amiraux 2006: 30) and “post-colonial discourse” (Freedman 2006: 181) that represents veiled Muslims in Europe as benighted and subjugated. In the “subalternization” of the headscarf controversy (Berghahn 2009: 61), “leaders, intellectuals and feminists all speak for Muslim women, thereby infantilizing them and reinscribing colonial binary oppositions—secular/religious, free/oppressed, liberal/illiberal and the like—that further deprive them of agency” (Cesari 2013: 143). Needless to say, “the hegemonic policy of representation dominated by the logic of speaking about and not with the Other” (Amir-Moazami and Salvatore 2003: 73) self-servingly projects a flattering image of non-Muslim European women (as well as their men who do not force them to veil) as enlightened and liberated (Mavelli 2012: 68;
Göle 2011: 94; Mandel 2008: 294–310; Scott 2007: 161–62; Freedman 2006: 181; Guénif-Souilamas 2006; Terray 2004). “Muslims are constructed as the ‘other’ to modern European democracies and the boundaries of ‘belonging’ are renegotiated within the context of the headscarf debates” (Gresch, Rostock, and Kiliç 2012: 56). Sarkozy is said to have subconsciously acknowledged the ultimately ideological and political nature of the neo-Orientalist discourse in his remark “If I enter a mosque, I take off my shoes. If a young Muslim enters school, she has to take off her veil” (Le Figaro 12 September 2003). Laïcité is thus exposed as no less a particular faith than Islam and unveiling as no less politically imposed than the proscription on shoes in mosques (Vakulenko 2012: 118).

It goes without saying that Islamists are familiar with Said’s Orientalism. But Islamists appear to be familiar with and keen to exploit postcolonial analysis far beyond the pioneering classic (Kersten 2011: 12–25). For example, Houria Bouteldja (2004) of the European Muslim Network denounces the “neo-colonial instrumentalization of the cause of women.” She avers that “the media frenzy over the full-face veil ban in France is the latest political maneuver by the Sarkozy government looking to frame the presence and visibility of . . . Muslims . . . as a threat to national identity” (Bouteldja 2011). Iqbal Sacranie, erstwhile head of the Muslim Council of Britain, discerned in the French ban of 2004 “an institutionalized Islamophobia that is unfortunately taking root in several parts of Europe. . . . Banning hijab will send a strong signal throughout the Muslim world that the French government is intent on revisiting its dark and brutal days in North and West Africa” (quoted in Baran 2011: 145). Those Anna Piela (2010: 429) dubs “Islamist feminists” are wont to complain of a double stigmatization of female Muslims through neo-Orientalist discourse: first for simply being Muslims and second for being the pious adherents of a faith that particularly oppresses women. Rather than being seriously asked why they cover, veiled Muslim women are presumed to have no autonomous opinion of their own. Albeit a male, an imam with the L’union des Organisations Islamique de France (UOIF) complained on behalf of his confessional sisters: “Muslim women who wear a foulard are still asking themselves why our French co-citizens feel ill at ease with them, and they have no satisfactory answer” (Le Monde 5 September 2004). Samy Debah, head of the French Collective against Islamophobia, deploys a postcolonial fragment in his critique of the burqa ban: “The niqab law is a pretext to reduce the visibility of Muslims in public spaces. It exposes an old French colonial reflex, that ‘Arabs and blacks’ only understand force and you can’t talk to them” (Guardian 12 April 2011). Although the “colonial reflex” would, of course, not be appropriate in the German case, we can still discern the tone of stigmatization and domination in the opposition of the IGMM to the German
ban for school teachers: it “cultivates prejudices against Muslims, encourages continued discrimination against Muslims in all social spheres, and negatively affects the integration efforts of Muslims” (quoted in Yurdakul 2006: 151). Similarly, Sacranie responded to Salman Rushdie’s assertion that the veil “sucks” by saying, “Islamophobes are currently doing all they can to attack Islam” (Telegraph 11 October 2006). Massoud Shadjareh, chair of the Islamic Human Rights Commission in London, reproved the 2014 ruling of the European Court of Human Rights upholding the French burqa ban:

This judgment is indicative of the structural marginalisation of Muslims. . . . This judgment is yet another that has refused to uphold core human rights values for some of the most oppressed within European society, in particular, Muslims targeted by discriminatory national laws. (The Islamic Human Rights Commission, 4 September, 2014, www.ihrc.org.uk)

Fatima, one of the three girls originally expelled in Creil in 1989, simply exclaimed regarding the French authorities: “They have taken revenge on us” (quoted in Collet 2004: 135).

From this perspective, veiling becomes an act of real and symbolic resistance to Western demonization and domination of Muslims. An imam with the Union of French Islamic Organizations (UOIF), for example, implored Muslims to defy the 2004 ban (Le Monde 5 September 2004). Similarly, Mohamad Achamlane, leader of the Islamist organization Forsane Alizza (Knights of Pride), which was outlawed by the French Interior Ministry in 2012, publicly burned the French civil code to demonstrate his organization’s defiance of the burqa ban (BBC News 30 March 2012). In response to the Dutch Equal Treatment Commission’s 2005 ruling that the Islamic College in Amsterdam could not fire Samira Hadad for wishing to teach without a hijab, the college’s administration stated its intent not to comply with the decision (Vakulenko 2012: 39–40). The Munich-based hip-hop star Ammar implores female Muslims to “never give up”: “Even if they continue to spread lies/Allah will stand by you” (quoted in Gerlach 2006: 92–93; my translation from the German).

It is hard not to detect in such rebellious words and deeds the influence of Frantz Fanon’s (1965a) The Wretched of the Earth. The anticolonial celebrity wrote:

In the beginning the veil was a mechanism of resistance, but its value for the social group remained very strong. The veil was worn because tradition demanded a rigid separation of the sexes but also because the occupier was bent on unveiling Algeria. (Fanon 1965b: 63)
Nor can it be lost on any committed Islamist that the uproar over veiling in Europe began only in the wake of and in response to the Iranian Revolution and its resistance to Western domination. Needless to say, nowhere in Europe are Islamists leading a war of independence on the scale of Algeria in the 1950s or a revolution like Iran's in 1979, but in those corners of Europe where veiling is mandatory Islamists have effected what we can call “micro-rebellions.” In 2011, for example, Anjem Choudary, leader of the banned Islam4UK, created a stir when he announced a campaign to establish in several British cities “Sharia-controlled zones” in which, among other things, uncovered women would be proscribed. Choudary himself seems to have had little success (Daily Mail 28 July 2011), and, of course, public veiling is de jure mandatory nowhere in Europe.

However, there are areas—some small, others rather expansive—where veiling is for all intents and purposes de facto law. There female Muslims beyond the age of puberty are placed under so much pressure to cover in public that for them the de facto law of the street trumps formal law. Women, Muslim and non-Muslim, who fail or refuse to observe the mandate are harassed and even driven out of the area, which can be a single street, apartment complex, or entire neighborhood (Alonso 2012: 479; Gest 2010: 103; Ranstorp and Dos Santos 2009; Roy 2007: 85; Jenkins 2007: 182, 252; Obin 2004; Brouwer 2004: 50–51; Kepel 2004: 51; Amara 2003; Macey 1999; Ashfar 1994). For example, in the Band of Gold campaign in both Birmingham and Bradford during 1995 young Muslim men harassed and eventually expelled prostitutes from their neighborhoods (Samad 2007: 166). Salafi associations often organize campaigns to denounce unveiled women and girls in neighborhoods and schools where their members are highly concentrated (Kepel 2004: 51). With considerable financial resources at hand due to Saudi ties, Salafi foundations are known to deny grants to applying organizations that tolerate uncovered female members (Bowen 2010: 117). When in 2003 Interior Minister Sarkozy told an audience of the UOIF (with ties to the Muslim Brotherhood movement) that women would have to unveil for their official ID photos, he was literally booed off the stage. Indeed, the French press’s spotlighting of the event figured significantly in the subsequent legislating of the 2004 ban (Joppke 2009: 46).

We should take pains not to exaggerate the intimidation of Islamist resistance. In the first place, harassment of veiled women surely exceeds that of unveiled women in both frequency and intensity. In the second place, more than a few women pressured to cover simply remove the hijab once they have exited the “sharia zone,” or they move out of the zone altogether (Roy 2007: 86–87). As Roy (2007: 97) sagely observes, Islamic fundamentalists, like Christian and Jewish—or even atheist fundamentalists for that matter—would not be true to their beliefs if they did not try to realize them
in practice. Thus, Islamist entrepreneurs have opened women-only Islamic gyms (for instance, Al-Hayat in Cologne and Orty in Paris) where female Muslims can exercise without violating *sharia*. Because Islamic fundamentalists tend to view going out uncovered in public as a sin, they would be impious if they were not to oppose and resist statutes banning the veil. It should be, then, in a liberal democracy neither surprising nor alarming that Islamist organizations such as the UOIF and IGMG sponsor the legal endeavors of women and girls sacked or expelled for veiling to overturn the bans. It should shock no one that the deputy head of the Muslim Council of Britain, Inayat Bunglawala, chastised British Muslims for Secular Democracy in 2002 for permitting female members of its organization to unveil (Baran 2011: 133). Nor should it be considered unusual or untoward that Islamists proselytize. Yusuf al-Qaradawi, leader of the European Council for Fatwa and Research (ECFR), tells his millions of followers on television and the internet that all Muslims “should keep up in mind that calling others to Islam is not only restricted to scholars and sheikhs, but it goes far to encompass every committed Muslim,” including female Muslims, who should seek to convince their non-Muslim sisters of the virtue of dressing modestly (quoted in Shavit 2007: 16). Or as Nadeem Elyas, chairman of the Zentralrat (Central Council) der Muslime in Deutschland put the matter, his organization would observe German laws even if they violate Islamic precepts “as long as Muslims are in the minority” (quoted in Joppke 2009: 114). Likewise, Abdallah ben Mansour, former secretary-general of the UOIF, stated that “a law once forced Jews to wear yellow stars, and was eliminated.... As long as the law prohibits the veil, we will respect it, but we will try to get it changed” (*Le Figaro* 6 May 2003). It should also be noted with regard to the allegation that Islamists want to impose veiling that when two French reporters were kidnapped in Iraq in 2004 and held as ransom in exchange for rescinding the ban in France, all major French Islamist organizations denounced the deed and implored the French state not to accede to the demands. The UOIF spokeswoman said she would readily replace one of the journalists rather than have her veil “tainted with the hostages’ blood” (quoted in openDemocracy 11 November 2004; https://www.opendemocracy.net/faith-europe_islam/article_2216.jsp).

**Voluntary Veil**

Once European Muslims begin to seek rather than spurn the approbation of the state, they drift (or fragilize) away from Hobbesian postmodernism into the normative orbit of either liberal multiculturalism or communitarianism. Hobbesian postmodernism interprets European states as instruments of domination in the hands of non-Muslim majorities for whom the
demonization of Muslims is constitutive of their very identity. Here beneficial state assistance for Muslims is by definition impossible. The only sensible position is resistance and revolution.

For many Muslims, usurping the European state is neither possible nor desirable. They want the state’s support for their religious practices and therefore work either to prevent or to rescind veiling bans. An obvious place to turn for normative backing is to liberal multiculturalism. They contend that Muslims should enjoy the same rights as non-Muslims. IGMG, for example, frequently argues that women should be no less free to don the hijab than to wear a miniskirt (Amiraux 2007: 138). Needless to say, the Islamist organization does not condone miniskirts. However, in a normative milieu with a venerable liberal tradition of defending individual liberties it makes political sense to offer the analogy. Thus, the Islamic Human Rights Commission (in the U.K.) has “urged people to be supportive for [sic] a woman’s right to wear the veil as this complies with the values upon which western civilization was founded—the protection of human and religious rights” (quoted in Hadj-Abdou and Woodhead 2012: 192). The association Critical Muslims in Denmark claims veiling is justified by the “freedom of religion and self-definition” (quoted in Gresch, Rostock, and Kılıç 2012: 66). Many Muslim organizations opposed to veiling bans invoke, like the UIOF (Hervieu-Léger 2007: 213), Article 9 of the European Convention on Human Rights, which stipulates that “everyone has the right to freedom of thought, conscience and religion . . . either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.” “The way forward,” argues the Polder Moslima Headscarf Brigade, the Dutch association of professional Muslim women formed in 2009,

is not to insist on social, let alone theological, conformity, but on observance of the law and the basic rules of democratic society. As long as people play by the rules of free speech, free expression, independent judiciaries, and free elections, they are democratic citizens, whatever they choose to wear on their heads. (Quoted in Buruma 2010: 114–15)

French Muslims have cleverly expressed this liberal normative fragment by wearing hijabs made from the French tricolors to their public demonstrations against the bans (Strassburger 2000). The British organization Protect Hijab campaigns with the slogan “Our Choice, Our Freedom, Our Right” (quoted in Hadj-Abdou and Woodhead 2012: 192), while the fashion company StyleIslam sells thousands of tote bags inscribed with “Hijab, My
Ample scholarship exists demonstrating that covering can enhance rather than undermine personal autonomy. The reader will remember from Chapter 2 the tenet of liberal multiculturalism whereby robust affiliation with a religious or ethnic community can fortify rather than endanger self-determination. Regarding the headscarf, the pioneering study was conducted by Françoise Gaspard and Farhad Khosrokhavar (1995: 47), who concluded that many of their subjects “desire to be French and Muslim, modern and veiled, autonomous and dressed in the Islamic way” (see also Abu-Lughod 2013; Göle 2011: 134–36; Haug, Müssig, and Stichs 2010; Jøs-"{e}n and Wilamowitz-Moellendorff 2006; Karakašoğlu-Aydin 2000; Klinkhammer 2000; El Guindi 1999). Subsequent studies have found that while veiling can exemplify mass conformity in Muslim majority societies where the sartorial habit is commonplace, in Europe it often represents a “mark of bold individualism” (Favell 1998: 178). Shabina Begum, the girl at the center of the jilbab controversy in the United Kingdom, complained to BBC Online News (22 March 2006; http://news.bbc.co.uk/2/hi/4832072.stm): “I don’t see why I was told to go home from school when I was just practicing my religion. I’m just a teenager—not many teenagers go out there and challenge the system.” Indeed, Anastasia Vakulenko (2012: 124) reports that in practically all of the high-profile court cases involving veiling, lawyers for covered girls and women have emphasized the courage and independence demanded to swim against the tide of secular mass conformity. Researchers also find that veiling frequently expresses an admirable statement against discrimination and symbolizes praiseworthy solidarity with the oppressed that under other circumstances most people would approvingly associate with human rights activists (Göle 2003: 820–24). On a personal level, the decision to veil can open up opportunities for significant growth and independence. For example, female Muslims can appease or outmaneuver conservative family members who might attempt to impede their wives, daughters, or sisters from taking a job outside the home or pursuing a diploma if they were to insist on doing so without the veil. Similarly, young Muslims can and do subtly challenge and change tradition by choosing different styles of hijab not worn, for example, by the older generation (Bowen 2012b: 71–74; Dwyer 1999: 5). Piela (2010: 429) identifies “Muslim feminists” who outspokenly condemn patriarchal practices of compulsory veiling that have no credible justification in the Qur’an. Indeed, they equate patriarchy with blasphemy because it exalts men rather than reserving exaltation for God alone (Piela 2010: 431; see also Ali 2014). These free-thinking Muslims tend to insist that the holy script is open to multiple plausible interpretations and that, therefore, each
A pious woman should decide herself when, where, how, and whether God obligates her to cover (Piela 2010: 426).

Prominent Muslims echo these academic findings and thereby distribute them beyond the confines of the academy. Lord Bhikhu Parekh (1999: 73), who served as chairman of the Commission on the Future of Multi-Ethnic Britain from 1998 to 2000, explains that covering can be a highly complex autonomous act intended both to remain within the tradition and to challenge it. . . . To see it merely as a symbol of their subordination . . . is to miss the subtle dialectic of cultural contestation.” In 2010, Baroness Sayeeda Warsi, the first Muslim cabinet minister in the U.K., weighed in on the burqa controversy in favor of free choice, claiming “just because a woman wears the burqa, it doesn’t mean she can’t engage in everyday life” (quoted in Chesler 2010: 42). Ayten Kiliçarslan (2014), member of the executive committee of the Turkish-Islamic Union for Religious Affairs and the only veiled member of the Deutsche Islam Konferenz sponsored by the Federal Ministry of the Interior, contends that only those who wish to ban the veil see it (mistakenly) as unwanted subjugation: “No woman who wears the headscarf of her own free will sees it as a symbol of oppression.” “The state should remain neutral regarding the different interpretations of the headscarf.” As mentioned, Asmaa Abdol-Hamid caused a stir in 2006 when she became the first veiled woman to host a talk show (Adam og Asmaa) on Danish TV. She went on to become a candidate for parliament with the Red-Green Alliance. “Wearing a headscarf does not mean that I’m oppressed or deprived,” she insisted. “Otherwise I wouldn’t have got so far as I have today” (KVINFO 16 May 2007; http://kvinfo.dk/search?filter=Asmaa+Abdol-Hamid+). Islamic women’s organizations such as Al Nisa (Netherlands), trendy magazines for female Muslims such as Sisters (U.K.) or Ala (Turkey) or upscale online fashion studios such as New Hijab in Geneva (www.newhijab.com) or MuslimGear (www.muslimgear.com) widely distribute images and stories of veiled women leading modern, independent lifestyles. These “hijabistas,” as they are sometimes labeled, want to look and feel as fashionable and “together” as non-Muslim “fashionistas.” In Germany, the younger ones are called Frauleinwunder, veiled girls who creatively dress themselves in ways that express eroticism more cleverly than their unveiled counterparts (Mandel 2008: 309).

The freedom to choose to cover or not resonates with many influential non-Muslims. “We are a free country,” declared David Cameron. “People should be free to wear whatever clothes they like in public or in private.” He added, however, that the niqab should be proscribed in court because “a jury needs to be able to look at someone’s face” (Reuters 29 September 2013.) Tony Blair had said of the veiling debate in 2006: “Issues such as these are matters of personal views, not government policies” (quoted in Joppke 2009: . . . )
24). Similarly, Interior Minister Sarkozy opposed the proposed 2004 ban because veiling “is a personal decision that belongs to the private sphere. As for the question of the veil in schools, the Conseil d’Etat has already made a decision [to permit veiling]” (Libération 21 February 2003). In 2005, a group of sixty-eight members of the European Parliament signed and published a Written Declaration on Religious Rights and Freedoms in France and throughout the European Union, which berated the French ban as a violation of the religious freedom that the EU should guarantee in all its member countries. German president Johannes Rau, warning in 2003 against the slippery slope, said that “banning the headscarf is the first step toward the creation of a secular state that bans religious signs and symbols from public life” (quoted in Klausen 2005: 153). In that same year, three German politicians renowned for their involvement with immigration issues, Rita Süßmuth (CDU), Barbara John (CDU), and Marieluise Beck (Greens), opposed the ban for school teachers in an open letter published in Die Tageszeitung (15 December 2003):

The equal treatment of all religions is mandated by the constitution. A different treatment of Islamic symbols as opposed to Christian or Jewish ones is problematic from the viewpoint of integration and exacerbates conflicts instead of reducing them. (Quoted in Yurdakul 2006: 160)

German cardinal Ratzinger (the future Pope Benedict XVI) opined that “I would not prohibit a Muslim woman from wearing the headscarf,” though he added in particularist language, “but even less are we prepared to accept prohibition of the cross” (quoted in Joppke 2009: 71). The archbishop of Canterbury also defended veiling, arguing that “the ideal of a society where no visible public signs of religion would be seen . . . is a politically dangerous one” (Jurist 23 October 2006). Add to these high-profile individuals outspoken NGOs such as Human Rights Watch, Human Rights without Frontiers, and International and Minority Rights Group, all of which condemn France’s bans (Vakulenko 2012: 19). Amnesty International, for example, denounces the ban as a violation of women’s “rights to freedom of expression and religion” (BBC News 27 November 2013).

Freedom to don the Islamic veil is well established in much European statute. Despite the many polls, parties, and politicians opposed to veiling, the practice is permitted in Europe much more than it is prohibited. Furthermore, where bans exist, they typically face formidable battles in local, regional, national, or international courts that more often than not decide against the proscriptions (for instance, Germany in 2015). As Joppke (2009: 20) concludes, through “(mostly) silent and highly legalistic ways . . . the
Islamic headscarf has made mighty inroads into western societies.” As far as veiling is concerned, dire warnings that Europe lies poised to repeat with its Muslim citizens the abominable persecution it once committed against Jews are overblown. They are better understood as deliberate political hyperbole designed to construct rather than reflect truth.

**Mandated Veil**

When Muslims seek state authority to mandate rather than simply wear the veil, they tend to employ fragments of communitarian logic. They contend that non-Muslims cannot grasp the persistent and profound importance of veiling within Islam. For these (mostly Islamist) Muslims, covering is a plainly divine commandment, and piety lies in submitting to God’s will. From this perspective, the right to choose to cover or not is itself a sin. It transfers the authority to determine right and wrong from God to the individual, which represents the unh holiest of blasphemies. The religious obligation of the believing Muslim is to obey, not to judge God (Asad 2003: 197).

Listen to the reasoning in an open letter to President Chirac published in 2003 by the ECFR, led, as mentioned, by Jusuf al-Qaradawi, whose books such as *The Lawful and the Prohibited in Islam* and *On the Jurisprudence of Muslim Minorities* are translated into multiple languages and distributed widely throughout Muslim communities in Europe:

> Wearing the headscarf is a devotional commandment and a duty prescribed by the Islamic Law, and not merely a religious or political symbol. Islamic women consider this to be an important part of their practising of the teachings of their religion. This adherence is a commandment that has not been made conditional on any (specific) public place, regardless whether this is a place for religious service or an official or non-official institution. By their very nature, the teachings of Islam do not know any contradiction or division in the life of a Muslim practising his religion. This is a matter upon which all Islamic schools in past and present have agreed and which has been confirmed by specialised Muslim scholars in all parts of the world. (Quoted in Shadid and van Koningsveld 2005: 36–37)

Ali Kizilkaya, longtime IGMG activist and chair of the Koordinierungsrat (Coordination Council) der Muslime in Deutschland (KRM), which itself acts as the officially recognized representative of Islam in the North Rhine-Westphalia, caused a stir in 2006 when he insisted that veiling is an unconditional “religious commandment” that “cannot be contextualised according to different countries and places” (quoted in *Qantara.de* 19 October 2012).
The inconveniences of veiling are not lost on pious Muslim women. However, they view the practice differently than secular individualists. Those Piela (2010: 433) labels “non-feminist traditionalists” interpret the hardships of abiding by traditional gender precepts, like veiling, polygamy, or docile obedience to husbands, as tests designed by God that if passed will result in eternal salvation—a far greater joy than, say, unveiling on a hot day. In this same vein the Union for Islamic Development and Culture in Bulgaria contends that the

hijab is not an attribute of fake modesty. It delivers a certain message to people. First, the message is that the woman has decided to submit all aspects of her life to the will of God; and second, that she wants to be judged on the basis of her virtues and deeds and not her beauty, elegance and sex appeal. (Quoted in Ghodsee 2012: 120)

Actually, however, the communitarian stance is not that non-Muslim officials should comprehend, let alone agree with this line of pious thinking. Rather, precisely because it strikes them as alien, they ought not to meddle. They ought to grant Islamic organizations the presumption of equal worth and that they have compelling reasons unique to their own tradition and community for mandating veiling. After all, Islam antedates secular European states and will likely outlive them. The wisdom of Islam—a world religion—is well established and should stand beyond reproachful second-guessing on the part of non-Muslim lawmakers. Thus, Qawadawi’s ECFR insists that it alone has the authority to prescribe what is proper Islamic attire for female Muslims residing in Europe (Islamophile Ressources Islamiques en langue française; http://www.islamophile.org/spip/spip.php?page=recherche&recherche=voile). Similarly, Nadeem Elyas exclaimed in 2004: “We want to keep our identity as Muslims in Germany, as German Muslims. . . . Society does not have a right to decide for us what parts of Islam are acceptable and which are not. That step has to come from us” (quoted in Klausen 2005: 30). Although the Austrian government refused its request to mandate veiling in Islamic religion classes in public schools, the officially recognized Islamic Religious Community in Austria (Islamische Glaubensgemeinde in Österreich) continued to insist, when facing demands of the Freedom Party in 2003 to ban veiling, that the sartorial practice represents an internal matter for the Muslim community alone to determine (Avramopoulou, Çorbacioğlu, and Sanna 2012: 40). Likewise, declaring that only Muslims should determine proper practice, the Muslim Council of Britain (2007) also urged that veiling should be mandatory in Islamic education classes. The Islamic Council of Norway (Islamsk Råd Norge) agreed with Oslo’s 2006 proscription of the niqab in secondary schools because
“the niqab is not obligatory in Islam.” However, the organization harshly criticized the government for not consulting with the council first, arguing it alone should determine what is obligatory in Islam (quoted in Vakulenko 2012: 42). Even the prime minister of a secular state, Recep Tayyip Erdoğan, in response to Şahin v. Turkey, said that “the Court [the European Court of Human Rights] has nothing to say on this issue, we have to ask the Ulama” (Hürriyet 16 November 2005).

Sympathy for the communitarian outlook can be heard from non-Muslim Europeans as well. In 2004, for instance, the pope, archbishop of Canterbury, and vice-president of the World Jewish Congress each criticized the French ban and warned secular states in general about interfering in the internal matters of religious organizations (Vakulenko 2012: 19). Manifesting the philosophical kinship between nationalism and communitarianism, a number of Far Right nationalist parties such as France’s National Front, the Vlaams Blok, and Austria’s Freedom Party have endorsed the idea of separate Islamic schools with the discretion to choose whatever dress code they deem appropriate (Fillitz 2006: 112; Wieviorka 2002: 144). The same holds for the French New Right think tank GRECE and its German sister organization the Thule Seminar. Jean Marie Le Pen went so far as to claim that he prefers veiling because it makes it easier to distinguish clearly between Muslims and non-Muslims (Tyrer 2013: 48).

European states do tolerate and even support Islamic organizations that mandate veiling. Most mosques, many of which receive public subsidies of one sort or the other, mandate veiling for female Muslims and non-Muslims alike. Islamists organizations whose members must cover count among the many organizations that European governments at various levels financially assist to offer services to immigrant communities (more about these in the next chapter). In 2000 when deciding to annul a municipal ban on veiling, a Belgian judge consulted the Islamic and Cultural Centre of Belgium, which explained that it was a religious duty to cover in public (Shadid and van Koningsveld 2005: 45). In 1993, the Federal Administrative Court of Germany, in what would become an important precedent-setting decision, sided with the Muslim parents of a twelve-year-old Turkish girl who sought an exemption from mandatory co-educational swimming classes because her veil might slip off in front of boys (Joppke 2009: 55). Indeed, many schools and municipalities throughout Europe now provide single-sex swimming hours to accommodate female Muslims (Shavit and Wiesenbach 2012: 53–54; Baran 2011: 138). Nor should we forget that European governments tolerate hundreds of Islamic organizations that mandate veiling simply by virtue of the fact that they are allowed to operate legally without state subsidies. Keep in mind too that far more discretion and money are granted to Roman
Catholic churches, all of which forbid women from serving in the most significant ecclesiastical offices.

**Pragmatic Veil**

The seemingly intractable controversy over the practice of compulsory veiling garners much public attention. In actuality, however, on a daily basis across Europe, thousands of Muslims and non-Muslims forge pragmatic resolutions of the conflicts by bending principle, engaging ambiguity, and tolerating inconsistency. These pragmatists tend to be ordinary citizens tasked with fulfilling concrete responsibilities—teaching students, parenting kids, providing social services, hiring able employees, keeping jobs—who simply cannot afford to paralyze their immediate efforts by becoming bogged down in stubborn disagreement over incompatible principles. In such situations, observes Anne Norton (2013: 226), “the ‘clash of civilizations’ has given way to conviviality in popular practice. The opposition of ‘us vs. them’ has given way to the complex demands and possibilities of ordinary life together.” Without necessarily being either able or willing to articulate a coherent doctrine of hospitable postmodernism, these everyday problem-solvers regularly follow fragmentary precepts of the public philosophy, such as relaxing principle, attending to context, probing alterity, and embracing hybrid solutions.

Concrete cases are too numerous to detail in full; a few outstanding examples will have to suffice. As mentioned in the introduction, although Altrincham Girls’ Grammar School expelled two pupils for veiling in 1989, they were allowed to return so long as the veils conformed to the colors of the school’s uniform. Since then, many schools in the U.K. require and many Muslims agree to wear veils that match the school uniforms. In 1993, for example, Shabina Begum’s school (Denbigh High) had consulted with both Muslims and non-Muslims to devise a design of the *shalwar kameeze* in school uniform colors (Joppke 2009: 97). Indeed, when the controversy over Begum’s jilbab broke out in 2004, Denbigh offered Begum free daily transportation to nearby schools that permitted the garment. Begum obstinately refused, took the school to court, eventually lost, spent two years without classroom instruction, and ultimately enrolled in one of the schools to which Denbigh had offered to transport her (*BBC News* 22 March 2006). In the case of Aishah Azmi, who was sacked for refusing to shed the niqab when teaching, a solution was found in 2006 whereby the state-controlled Anglican junior high school permitted Azmi to wear the niqab when not teaching, including “when she was moving to different parts of the school” (quoted in Joppke 2009: 102).
Pragmatic solutions can be found beyond the shores of “multicultural” Britain. The Dutch state allowed policewomen to wear blue hijabs until 2001, when veils were proscribed. As intimated, the 1993 ruling by Germany’s Federal Administrative Court, whereby girls may not be forced to unveil in physical education classes, has prompted numerous pragmatic adjustments. Some schools simply exempt the girls from swimming classes. In others where parents and teachers alike do not want the girls to forego swimming instruction, gender-segregated instruction takes place or the burkini is required. Veiled girls have also been integrated into co-educational classes, like volleyball, where the hijab does not appear to pose any danger to the wearer (Collet 2004: 121–22). A 2007 study conducted by the Intercultural Council of the Ministries of Culture of the Länder found that in the vast majority of cases a mutually agreeable solution is reached by parents, teachers, and pupils (reported in Migration und Bevölkerung October 2007; http://www.migration-info.de/ausgabe/oktobernovember-2007-807). We should always keep in mind as well that the number of cases is typically small; in the entire school system of Berlin in 2004/2005, for instance, there were only fifteen girls who sought exemption (Bahners 2011: 254).

Private-sector businesses in particular have proven imaginatively flexible. More interested in profit than stalemate, employers and employees have devised numerous ways to keep female Muslims on the job, to a point where Veit Bader (2007: 164) reports that the headscarf issue has proven easier to resolve than others, such as excused absences for religious holidays or daily prayer. The Dutch department store Vroom and Dressman and the supermarket chain Albert Heijn have designed special headscarves with the respective business logos in the store’s brand colors (Saharso 2007). Switzerland’s largest supermarket chain, Migros, employs a case-by-case approach that emphasizes the need to respect “differentness” (Neue Zürcher Zeitung 20 July 2007).

These approaches would appear far more flexible and accommodating than those of the French. For example, the school whose ban on the veil in physical education was upheld by the European Court of Human Rights in Dogru v. France (2008) expelled Dogru despite the fact that she proposed wearing a hat or a balaclava (Vakulenko 2012: 115). Other evidence, however, points to much more flexible pragmatism, even in France. For example, of the 639 cases between 2004 and 2011 in which female pupils defied the French ban, 550 disputes were solved through what the Education Ministry termed “dialogue” (Leiken 2012: 32). Most resolutions involve striking a compromise such as a bandana that covers the hair but not the entire head and neck like the hijab (Bertossi and Bowen 2014). In another example, the Driving Standards Agency does compel women applying for licenses to unveil for their photo but only in a private room in the presence of a female
examiner (Joppke 2009: 105). Arguing that arrests for violating the burqa ban of 2011 would be a waste of time, the French police union announced that gendarmes would not arrest women for wearing the burqa in public. Likewise, boutique owners on and near the Champs Élysées made it known that they intended neither to turn away nor to report burqa-clad patrons (Guardian 12 April 2011).

More than a few Islamist organizations have also exhibited flexibility. The UOIF, for instance, endorsed the aforementioned bandana compromise but added that turtleneck sweaters should be permitted to cover the neck (Hellyer 2009: 183). The UOIF also agreed in 2004 to sign the statement of the Conseil français du culte musulman (CFCM) that declared veiling a “religious prescription” as opposed to a “religious obligation,” but only on condition that the CFCM would call for recognition of “interested third parties” to consult with officials in particularly difficult cases. As long as state officials were open to negotiations, the UOIF agreed not to encourage its members to defy the 2004 ban. As one of the organization’s imams put the matter, “The only Muslims who will survive spiritually are those who know how to moderate, adapt and negotiate their practices with the reality of French society” (quoted in Laurence 2012: 214, 215). Similar conciliation issued forth from the Unione della Comunità Organizzazioni Islamiche in Italia (UCOII) in regard to a 2009 proposal to proscribe the niqab in public schools: “The niqab is against the law, which requires everyone’s faces to be recognizable.” At the same time, however, the UCOII upbraided the proposal, alleging that there were no niqab-wearing students in Italian schools (quoted in Laurence 2012: 215). Similarly, the general secretary of MCB, Farooq Murad, has said “it is wrong to force anyone to wear the veil” but also added that it is equally wrong for government to force anyone to discard it (BBC News 4 November 2013). With regard to swimming classes in German schools, the female deputy director of IGMG’s legal department, Gülüzär Keskin, has pleaded for each pupil’s right to “decency,” leaving to case-by-case negotiation, however, exactly how decency is to be realized (Amir-Moazami 2011: 11).

The practical wisdom emerging from these pragmatic compromises would seem to emphasize open-ended negotiations with all interested parties as well as context-specific rulings and statutes subject to trial and open to renegotiation. Drafting the opinion of the House of Lords, Lord Bingham of Cornhill (2006: §34) argued that conflicts regarding veiling should always be considered as matters pertaining to “a particular pupil and a particular school in a particular place at a particular time.” “The House,” he insisted, “is not, and could not be, invited to rule whether Islamic dress . . . should or should not be permitted in the schools of this country” (§2). In the same year, the spokesman for the Department of Education and Skills
stressed the same kind of contextual specificity: “What an individual pupil should or should not wear in school is a matter for individual schools in consultation with parents” (BBC News 22 March 2006). Similar advice was recommended by three of the four constitutional experts summoned for testimony by the Landtag of Baden-Württemberg, though their counsel was not heeded (Joppke 2009: 74). The SPD, however, has endorsed the case-by-case strategy (Andreassen and Lettinga 2012: 26), and Länder such as Hamburg, Schleswig-Holstein, and Saxony have implemented it (von Blumenthal 2009). This was the same approach prescribed by the Conseil d’État in 1989, endorsed by Interior Minister Sarkozy (Le Monde 10 May 2003), and carried out by state-appointed mediator Hanifa Cherifi before (and even after) the blanket ban of 2004 (Korteweg and Yurdakul 2014: 24–25). Resolutions seem to work best when involved parties suspend the stubborn attitude that compromising one’s principles must needs constitute failure. Thus the French section of Milli Görüş urged that “we should find a ‘modus vivendi’ which will permit each one not to lose face in front of the others” (quoted in Strassburger 2000: 136). Malika Hamidi (2009) of the European Muslim Network beseeches all involved to keep an open mind by posing “audacious questions that help in changing mentalities.” Through “bypassing fears and stereotypes” negotiators open themselves to resolutions neither sanctioned nor imagined by rigid adherence to principle.

Nilüfer Göle (2011: 137) advises “mature multiculturalism.” Mature multiculturalism embraces diversity but without the naïve presumption that all forms of difference are salutary. Traditional Muslim women, for example, can learn much from exposure to Western-style feminism, but they should not be impervious to its imperious dismissal of all forms of Islamic veiling as subjugation (see also Balibar 2004: 156–57). Relatedly, conventional secular feminists can sensitize themselves to their own narrow-mindedness through encounter with the Islamist critique of liberal feminism’s simplistic equation of women’s liberation with having the same rights and opportunities as men. But this should not mean that Islamist teaching and practice regarding women should be beyond reproach. Indeed, vigorous resistance to unchecked patriarchy can be heard from within Islamist circles. For example, IGMG, as part of its campaign to encourage girls and women to pursue higher degrees and professional careers, offers classes, workshops, and support groups designed to equip pious female Muslims with Qur'an-based objections to traditional patriarchal customs and mores that impede female flourishing (Joppke 2009: 61; Ewing 2008: 79). Rather than rejecting and eschewing their religious tradition, these (mostly but not exclusively female) Islamist activists are competing within their organizations for leadership positions from which they can redefine and reshape that tradition (Piela 2012: 33–39; Schiffauer 2008a:
According to Hamidi (2009), these efforts manifest a “new way of thinking: feminist in its demands and deeply rooted in the Muslim tradition.” The Islamist activist discerns a new, hybrid “model/profile of European Muslim women [that] is half-way between the Western model of emancipation and the traditional model of the Muslim woman.” Mature multiculturalism would shy away from neither including Hamidi and others like her in the policy-making process nor exploiting their insights to determine on a case-by-case basis when and where state intervention is needed to stop veiling (or other) practices truly harmful to girls and women.

Conclusion

The present chapter, like the previous one, demonstrates how in practical politics fragments from all three public philosophies—liberalism, nationalism, and postmodernism—become combined in efforts to advance and legitimate a particular political agenda. Thus, opponents of the veil curse it as an intolerable violation of female individual liberty with one breath and as an affront or even threat to “our” national way of life with the other. Moreover, few opponents can resist the postmodern temptation to exaggerate the desultory consequences of veiling by likening it to savagery or slavery. For their part, proponents of veiling hail it as an expression of bold and brave individualism while also pronouncing it a communal prerogative that Islamic organizations should be allowed to mandate for individual members. As far as postmodern-inspired manipulation of the truth is concerned, proponents of the veil outlandishly equate its banning (that usually affects only a few hundred or thousand persons at most) with the Christian Crusades or European imperialism.

Such practical political bricolage or montage manifests more than mere philosophical laxity and imprecision on the part of political practitioners. It reflects, normatively speaking, expanding mutual fragilization in the protracted Kulturkampf among liberalism, nationalism, and postmodernism. It reflects diffuse, if not fully conscious appreciation that liberal, nationalist, and postmodern forms of normative reasoning, while different and conflicting, nonetheless prove persuasive to voters. In an increasingly fragilized normative atmosphere political activists who confine their moral justifications to a single public philosophy run the risk of handicapping their prospects of political success. Consistently principled strategizing is an academic luxury (or burden) that is simply too costly in practical politics.

Furthermore, examining the headscarf controversy from the vantage point of fragilization and fragmentation helps to avoid two common oversimplifications. First, the controversy does not pivot around Muslim
versus non-Muslim perspectives, as the clash-of-civilization thesis posits. The chapter provided ample examples of persons of both Muslim and non-Muslim heritage who oppose veiling by invoking fragments of liberal, nationalist, and postmodern reasoning. Likewise, both Muslims and non-Muslims work to permit veiling and also deploy crisscrossing fragments of liberal, nationalist, and postmodern logic.

Second, differences from one country to the next are neither as distinct nor as firm as the national models paradigm postulates. In the first place, the chapter showed that the debates about whether to proscribe or permit veiling share much in common across Europe. There does not appear, for instance, to be an unmistakable preponderance of liberal perfectionism in the French debate, liberal multiculturalism in the British discussion, or nativist nationalism in the German context, as the national models paradigm implies. Rather, strains of each as well as of communitarianism and Hobbesian and hospitable postmodernism are discernable across European countries. The discordant yet increasingly fragilized discourse is truly Europe-wide.

As far as actual policies are concerned, the national differences appear starker at first glance but begin to blur when viewed through the lens of fragmentation and fragilization. France’s ban on all ostentatious religious symbols in public schools would seem to be normatively motivated by unadulterated liberal perfectionism. However, by attuning to fragilization toward nativism we were able to realize that the ban, both in design and in implementation, actually targets Islamic symbolism. This means that in actuality the French policy differs far less from the statutes of the CDU-controlled German Länder that, until the 2015 ruling of the Constitutional Court, proscribed the hijab (for teachers) but permitted the yarmulke and habit. As for the sway of nativism in Germany, half of the Länder followed policies that accorded with liberalism until the court decided squarely in favor of individual autonomy in 2015. Attention to fragilization toward communitarianism and especially Hobbesian postmodernism helped to shed light on the de facto mandatory veiling transpiring regularly in numerous corners of European countries, though none of the latter formally sanctions the practice. And focus on hospitable postmodernism revealed that pragmatic problem-solvers (again Muslim and non-Muslim) in both places that ban veiling and those that allow it contrive makeshift compromises that eliminate or alleviate real human suffering caused either by veiling or unveiling.

Both the policies and conditions under which (un)veiling takes place are in flux. They alter because they are contested. Across Europe we encounter “opposed answers to the same question” (Bowen and Rohe 2014: 155). “No agreement exists on the meaning of . . . terms, nor about the strategies they entail” (Andreassen and Lettinga 2012: 18). The national models paradigm does not exclude the possibility of change but, with its emphasis on path
dependency and national accord, it inclines toward accentuating constancy and consensus as opposed to fluctuation and contestation. The paradigm foregrounds the winners in the political process, whereas the approach taken in this chapter spotlights winners and losers. But today’s losers can swiftly become tomorrow’s victors. In countries like France, Belgium, and Germany, veiling bans are being contested in the courts, legislatures, and on the streets. No one should be surprised if the bans are circumvented, nullified, or rescinded, as, in fact, took place in Germany in 2015. Nor should one (or, hopefully after reading the current chapter, could one) consider countries without bans such as Austria, the Netherlands, or the United Kingdom immune to anti-veiling strivings, for they exist in those countries as well. Finally, regardless of whatever formal laws are registered on the books, informal discrimination both in favor of and against veiled female Muslims will surely persist.