

The Symbolic Power of the Veil

Sir John Jenkins, Prof Dr Elham Manea and
Dr Damon L. Perry



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Executive Summary

This report examines the significance of the veil both as a marker of religious identity and as a symbol of political oppression. Since last September, when 22-year old Mahsa Amini died in the custody of the “morality police” after being arrested for “improper” dress, there have been sustained – and brutally repressed - protests in the streets of the Islamic Republic of Iran against “compulsory hijab”, a central feature of oppressive Islamist rule there since 1980. The protesters show no sign of desisting. And the regime continues its crackdown not only on the brave women and schoolgirls who have publicly defied the regime’s strict dress codes, but also on all who have joined the women in protest. The regime has executed numerous people for merely demonstrating publicly and for criticising its actions and legitimacy. The case of Iran, and analogous struggles in other Muslim-majority countries such as Afghanistan and Yemen, show that the issue of the veil is intimately connected to the much larger issue of human rights and freedoms. In the West, it also represents a wider set of challenges posed by Islamists to the prevailing liberal and secular political order. Hence, this report serves as a timely examination of the political, cultural and religious aspects of this symbol.

The report consists of four parts. The first part provides an introductory and documentary guide to the veil. This includes a summary of the different kinds of veil, the regulations affecting it in the United Kingdom and across Europe, as well as the historical and contemporary significance of the veil in select Muslim-majority countries. It also includes the most comprehensive record available of the various veiling bans in Europe and the rest of the world.

The second part of the report documents the position of adopted on veiling by UK-based Islamist groups in the United Kingdom on the issue of veiling, some of whom have sought to normalise the contestable view that Muslim women should be entirely covered except for the face and hands.

The third part is an essay by Policy Exchange Senior Fellow Sir John Jenkins, which explores the historical, religious and political significance of the veil in the heartland of Islam – the Middle East and North Africa. He regards the context of current debates about the veil as “a contest about the normative power of symbols” with important social and political consequences. Sir John, formerly the FCO’s most senior Arabist, begins by discussing the treatment of veiling in the Islamic canonical sources. He notes that the relevant surahs in the Quran are unclear “about what barriers, clothes or veils are appropriate for pious women” and that the language

of covering “can be interpreted in various ways, as can the instructions for their use”. Traditional interpretations, observes Sir John, have been challenged by Muslim modernists and feminists in recent times, but there has been a long history of discussion and disagreement among the various jurisprudential schools of Islam. He identifies the key stake in current debates on the veil as nothing less than “the functioning of the liberal order that we take for granted” in the West, but which many women and men living under illiberal regimes see as an essential guarantor of the civil liberties that they are currently denied.

The fourth part is an essay by Professor Elham Manea, a Swiss-Yemeni academic who has a deep, distinctive, personal and scholarly understanding of the issues. Her essay appeals for an honest discussion of the veil and its historical, patriarchal and ideological dimensions. As Sir John acknowledges in his essay, the freedom to have this discussion – prior to discussions about prohibition or regulation – is the primary question. And it is this freedom that Islamists, now using weaponised claims of Islamophobia, too often seek to deny. Professor Manea’s essay describes how Islamists have sought to dominate Muslims understanding of Islamic dress codes. She provides examples from across Europe where women and girls have faced “different forms of pressure to wear the veil, including intimidation and even violence”. “The veil,” she writes, “does not concern only those who choose to wear it”, such as the women in Europe. “It also concerns those who do not and the oppression they endure.”

Finally, the report provides five policy recommendations for the British government:

1. The government should ensure its guidance on school uniforms provides greater clarity on what schools can and cannot do vis-à-vis banning or requiring certain religious attire.
2. The government should ensure there are clear and consistent regulations for dress codes relating to religious attire across the NHS.
3. The government should take a stronger public stance on events occurring in Iran, Afghanistan and Yemen, where religious dress codes for women are being brutally imposed.
4. The government should resist any definition of Islamophobia that inhibits public criticism of religious practices and traditions, including dress codes.
5. The government should refrain from publicly endorsing or promoting any specific religious attire, including events such as World Hijab Day.

Introduction

The subject of this report, the Islamic veil, is a contentious and hugely important one. In the West it is, for many women, a symbol of their Muslim identity, adorned, they would say, voluntarily, even though the Islamic requirement to wear a veil is not universally accepted by Muslims. In some Muslim-majority countries it is a symbol of their oppression by their regimes, which justify compulsory dress codes with reference to religious rules that women are unable to challenge without severe punishment.

In the West, Muslim women are largely free to wear the veil – whether the hijab or the face-covering niqab. There are some restrictions in Europe – for example in France and Belgium, which both ban full-face coverings in public for the purposes of security, social integration and communication. But women are free to challenge such restrictions in courts of law. These legal challenges, some of which have been successful, have usually been in relation to headscarf bans for public servants, which have been put in place to preserve state neutrality, for example, in government schools. These bans have never singled out Islamic dress.

In Britain, as this report describes, there are no blanket prohibitions on the veil, although there are some restrictions for the practical purposes of identification, communication, or health and safety. Muslim women are free to wear the hijab in their passport photos (even though non-religious headwear covering the hair to the same extent is forbidden). In addition, various accommodations have been made for doctors to wear hijabs in the surgical theatre; for teachers to wear them in schools; and for lawyers, tribunal judges or witnesses, to wear hijabs in courts. They may be asked to remove full-face veils for identification purposes at passport control and in courts for the purposes of a fair trial, but they may request this to be done privately under the supervision of a female staff member.

The veil is generally – generously – accommodated in Britain. There are reports of anti-Muslim harassment and discrimination targeting Muslim women wearing the hijab or niqab – and these should be dealt with properly by the law – but the state does not discriminate against Muslim women for their choice of dress. The situation in some Muslim majority countries is very different, where Muslim women – in fact all women – are obliged to wear a veil or face severe consequences.

Iran is a key case in point. Protests have been ongoing in Iran since September 2022, triggered by the death in police custody of 22-year old Mahsa Amini for not being dressed according to the Islamic Republic's requirements.

This report, with essays by Sir John Jenkins, Professor Elham Manea and contributions from Dr Damon Perry, seeks an open and frank discussion about the veil and its symbolic power – both as a marker of religious identity and religiopolitical authoritarianism. Sir John is correct to note the semantic ambiguity of the relevant parts of the Quran that address veiling, as well as its varied customary practice in the history of Islam. Professor Manea, whose family origins lie in Yemen, astutely observes the importance of women – and their veiling – for the consolidation of authoritarian Islamist regimes. She writes: “As carriers of the Islamist identity, women are asked to be the custodians of cultural values. Control of their bodies and their social behaviour, the enforcement of segregation, and the veil as an obligatory dress code: all these are essential for the creation of this Islamist ‘ideal society’.”

It is worth highlighting here the importance of resisting factitious accusations of “Islamophobia” too often made by Islamists against those who campaign for the human rights and freedoms of people living under oppressive regimes. In too many societies, the control of women’s bodies through religiously-sanctioned restrictions, including those relating to clothing, are a key tool of oppression. These accusations assume we are irrational by being afraid of something we should not be. And they also assume we are afraid of Islam *per se*. But both assumptions are wrong. It is perfectly rational to fear – and campaign against – regimes of oppression. And Islam does not have to be reduced to what Islamists want it to be.

Part 1 - A Brief Guide to the Veil

Types, Regulations, and Prohibitions

Dr Damon L. Perry and Prof Dr Elham Manea

Types of Islamic Veil

Shayla



The shayla is a long, rectangular scarf, wrapped around the head and tucked or pinned in place at the shoulders. If loosely wrapped, the neck at the front may be visible. It is popular in the Persian Gulf countries: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates.

Hijab



The Arabic term *hijab* means barrier or partition. But in Islam it has a broader meaning as a principle of modesty relating to dress and behaviour for women and men. The word hijab thus generally describes the act of covering up. However, more often than not, it refers to a headscarf for women that covers the head and neck but leaves the face exposed. It may also reveal glimpses of hair. The hijab may be worn with regular clothes that cover the arms, shoulders and legs.

Al-Amira



The al-amira is a two-piece veil. It consists of a close fitting cap, usually made from cotton or another lightweight material, and an accompanying tube-like scarf. It covers the hair but not the face. The al-amira is predominantly worn in Southeast Asia.

Khimar



The khimar is a cape-like veil that usually hangs down to just above the waist – further than other veils. It completely covers the hair, neck and shoulders, but leaves the face clear. Some khimars go all the way down to the knees, as is popular in Egypt. Historically, khimar refers to any article of clothing that promotes modesty.

Chador



The chador is a full-body cloak that leaves the face open but covers the wrists and ankles. It is sometimes accompanied by a smaller headscarf underneath. The chador has no fasteners. It is usually held together in the front under the neck by hand, but pins or ties may be used to keep it steady. Black is generally the most popular public colour. Chadors are popular mostly in Iran and countries with large Shia populations.

Niqab



The niqab is a veil that partially covers the face. The niqab leaves a narrow opening for the eyes, but may be worn with a separate eye veil. It is worn with an accompanying headscarf, such as a khimar. It is sometimes mistaken for the burqa. The niqab is common in the Gulf states. A “half niqab” covers the lower half of the face up to the bridge of the nose, and leaves the eyes and forehead exposed. This style of niqab is often worn in South Asia and North Africa.

Burqa



The burqa (or burka) is the most concealing of all Islamic veils. It is a one-piece veil that covers the entire body and face, typically leaving just a mesh screen over the eyes so the wearer can see out whilst concealing her eyes. The burqa is worn mainly in Afghanistan, but has been worn traditionally throughout Central Asia.

Veiling Bans and Regulations:

The United Kingdom and the Rest of Europe

Dr Damon L. Perry

Full-face veils, such as the niqab and burqa, and headscarves are prohibited in various contexts in numerous European countries or regions see pp. 43-56), but not in the United Kingdom. A summary of these bans is provided below. However, as explained in what follows, there are some regulations in the UK that temporarily affect the ability of Muslim women to wear a veil or headscarf.

European context: national and local bans

In 2011, France became the first country in Europe to introduce a ban on full-face coverings in public places. In July 2014, the European Court of Human Rights (ECHR) upheld the French ban after a French citizen of Pakistani origin who wears the niqab claimed the ban was contrary to six articles of the European convention.¹ She was represented by solicitors from Birmingham in the UK.

In 2015, the ECHR implicitly legitimised a broader ban on headscarves for public servants when it rejected the case of a Muslim social worker who sought legal redress from her employer, a hospital, which refused to renew her contract because of her insistence on wearing a hijab.² The ECHR ruled, on the basis of France's principle of *laïcité* and public service neutrality, that the hospital's ban did not violate freedom of religion. Such freedom, it stated, does not mean a right to express religious views in the workplace.

In March 2022, France's highest court upheld a ban on barristers wearing the hijab and other religious symbols in courtrooms, after Sarah Asmeta, a 30-year-old hijab-wearing French-Syrian lawyer, challenged the Bar Council of Lille's ban on religious symbols in its courtrooms.³ Although there is no law that explicitly prohibits lawyers from wearing headscarves, the court's ruling that the Lille Bar Council's ban "does not constitute discrimination" sets a precedent for the rest of the country.

More recently, in August 2023, France banned the *abaya*, a loose-fitting full-length robe, along with the *qamis*, a long tunic worn by men, in schools.⁴ Following the ban, which came into effect from the beginning

1. Kim Willsher, 'France's burqa ban upheld by human rights court', The Guardian, 1 July 2014, <https://www.theguardian.com/world/2014/jul/01/france-burqa-ban-upheld-human-rights-court>.
2. 'French headscarf ban upheld', DW, 26 November 2015, <https://www.dw.com/en/top-european-court-upholds-frances-headscarf-ban/a-18877330>.
3. Layli Foroudi, 'Top French court upholds ban on barristers wearing hijab in Lille courtrooms', Reuters, 2 March 2022, <https://www.reuters.com/world/europe/frances-highest-court-upholds-ban-barristers-wearing-hijab-lille-law-courts-2022-03-02/>.
4. 'Interdiction de l'abaya à l'école : les politiques divisés', Le Monde, 28 August 2023, https://www.lemonde.fr/politique/article/2023/08/28/interdiction-de-l-abaya-a-l-ecole-les-politiques-divises_6186837_823448.html.

of the school year in September 2023, French intelligence services alerted President Macron to an increase in anti-French rhetoric on social and traditional media. Much of this appeared to be driven by the International Organisation to Support the Prophet of Islam, a group based in Istanbul allegedly associated with the Muslim Brotherhood.⁵

Belgium banned the wearing of full-face veils in public in 2011. Bulgaria and Latvia banned them in public in 2016. Austria enacted a similar ban in 2017. Luxembourg and Denmark followed suit in 2018, and in the same year Norway banned them in educational institutions. In 2019, the Netherlands banned niqabs and burqas in schools, hospitals and on public transport where communication is expected with employees of the state, but not on the street. Germany passed a nationwide law banning full-face veils for public servants in 2017, and in the same year banned people from wearing full-face veils and any other headgear concealing the face whilst driving. The most recent nationwide prohibition of the full-face veil in Europe was passed in 2021 in Switzerland.

Full-face veils have also been banned in some regions or towns of European countries. In Novara, a town in Italy, face-covering veils were banned in public in 2010. In the same year, the city of Lérida in Catalan, Spain, banned full-face veils in the town hall, but this was overturned in 2013 by the Supreme Court after a lawsuit from a local Muslim group. Full-face veils were banned in the Swiss canton of Ticino in 2015. In 2016, the Italian region of Lombardy banned full-face veils in government buildings and hospitals.

Various prohibitions on full-face veils and headscarves are in force in a number of federal states in Germany. In 2017 – several months prior to a national prohibition on full-face veils in the civil service – Germany’s largest state, Bavaria, banned full-face veils for public servants and prohibited them in public places to protect a “culture of communication” and “Christian values”. Full-face veils were banned in Baden-Württemberg in 2020 for pupils in primary and secondary schools (though not in universities). Baden-Württemberg banned headscarves for teachers in 2004. It was the first German federal state to enact such a ban. Headscarves were not singled out but fall under the category of proscribed religious symbols. Headscarves were also banned for teachers in Lower Saxony, Saarland, and Hesse in 2004, in Bavaria and Bremen in 2005, and in North-Rhine Westphalia in 2006. Hesse’s ban also applies to other public servants including police officers, prison officials and court judges. The ban in Lower Saxony, however, was lifted in 2015 after Germany’s high court ruled that a similar ban in North-Rhine Westphalia violated the religious freedom of two Muslim claimants who had refused to remove their headscarves at work. In Berlin, visible religious symbols and clothing were banned for teachers and civil servants in 2005 with the introduction of a state “neutrality law”. However, in January 2023, a legal case brought by a Muslim female teacher who was refused a teaching job due to her refusal to remove her headscarf finally culminated with a ruling by the Federal Constitutional Court that a blanket ban on headscarves was

5. Charles Bremner, ‘Muslim Abaya dress ban: French alert over “hostile Turkish propaganda”’, *The Times*, 8 September 2023, <https://www.thetimes.co.uk/article/france-muslim-abaya-dress-ban-schools-girls-2023-qnp-w6585x>.

unconstitutional.⁶ As such, wearing a headscarf on duty is only banned in the state of Berlin “if there is a specific danger to school peace or state neutrality”.⁷

In October 2022, in a legal case that may set a precedent for the EU’s 27 member states, the European Court of Justice (ECJ) ruled that employees may be forbidden by their employers from wearing the hijab, provided it is part of a broader ban on all headwear and thus not specifically targeting religious attire.⁸ The ECJ stated that a general ban on headwear does not constitute direct discrimination on religious grounds, and thus does not break EU law. The case was referred to the ECJ by a Belgian court seeking clarification of EU law after a hijab-wearing Muslim woman sought legal redress for being refused a traineeship in a Belgian company.

In 2021, in another case that set a precedent for EU member states, the ECJ stated that European companies could, under certain conditions, prohibit employees from wearing the headscarf.⁹ The court stated:

*A prohibition on wearing any visible form of expression of political, philosophical or religious beliefs in the workplace may be justified by the employer’s need to present a neutral image towards customers or to prevent social disputes.*¹⁰

Regulations in the United Kingdom

There is no legislation or governmental regulation banning the hijab, burqa, or headscarf nationally or locally within the United Kingdom.

In 2010, a Conservative politician, Philip Hollobone, the MP for Kettering, launched the first proposal to pass a law banning full-face veils in public in the UK.¹¹ Hollobone introduced a private members bill – the Face Coverings (Prohibition) Bill – in 2013, but it stalled upon its second reading in the House of Commons.¹² Hollobone said he believed that he should be able to see the faces of all his constituents, since they can see his. He added that neither the burqa or niqab was a religious requirement. The proposed bill stated: “a person wearing a garment or other object intended by the wearer as its primary purpose to obscure the face in a public place shall be guilty of an offence”.¹³ Exemptions were included for the purposes of health, safety, sporting activities, art, and entertainment, and in places of worship.¹⁴

Although there are no general public prohibitions in place, nationally or locally, there are some contexts in which regulations restrict the adornment of headscarves or full-face veils. These are primarily for the purposes of identification, communication, or health and safety.

Schools and Universities

Official guidance for schools

The Department for Education updated its **non-statutory guidance on school uniforms** in November 2021, which addresses the issue of students’ rights to wear religious clothing, such as the hijab, at school.¹⁵ The guidance states:

6. ‘BAG-Urteil zu Kopftüchern an Schulen bleibt bestehen’, Legal Tribune Online, February 2, 2023, <https://www.lto.de/recht/nachrichten/n/bverfg-1bvr1661-21-verfassungsbeschwerde-land-berlin-neutralitaets-gesetz-kopftuch-nicht-angenommen/>.
7. ‘BAG-Urteil zu Kopftüchern an Schulen bleibt bestehen’, Legal Tribune Online, February 2, 2023, <https://www.lto.de/recht/nachrichten/n/bverfg-1bvr1661-21-verfassungsbeschwerde-land-berlin-neutralitaets-gesetz-kopftuch-nicht-angenommen/>.
8. James Crisp, ‘Hijab can be banned by EU companies if part of broader restrictions on headwear’, The Telegraph, 13 October 2022, <https://www.telegraph.co.uk/world-news/2022/10/13/hijab-can-banned-eu-companies-part-broader-restrictions-headwear/>.
9. Jack Parrock, ‘Women can be sacked for wearing a hijab, highest EU court rules’, The Telegraph, 15 July 2021, <https://www.telegraph.co.uk/world-news/2021/07/15/women-can-sacked-wearing-hijab-customers-facing-roles-highest/>.
10. ‘Court of Justice of the European Union PRESS RELEASE No 128/21 Luxembourg’, 15 July 2021, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2021-07/cp210128en.pdf>.
11. ‘Ban the burka, says Tory MP Philip Hollobone’, The Telegraph, 1 July 2010, <https://www.telegraph.co.uk/news/politics/7864697/Ban-the-burka-says-Tory-MP-Philip-Hollobone.html>.
12. Face Coverings (Prohibition) Bill: Private Members’ Bill (Presentation Bill), 15 May 2014, <https://bills.parliament.uk/bills/1221>.
13. ‘Ban the burka, says Tory MP Philip Hollobone’, The Telegraph, 1 July 2010.
14. Face Coverings (Prohibition) Bill (HC Bill 31), 2013-2014, https://publications.parliament.uk/pa/bills/cbill/2013-2014/0031/cbill_2013-20140031_en_2.htm#1g2.
15. Department for Education, ‘Guidance: School uniforms’. Updated 19 November 2021. <https://www.gov.uk/government/publications/school-uniform/school-uniforms>. The DfE also published statutory guidance on the cost of school uniforms in November 2021, which schools and their governing boards must regard when developing and implementing their school and trust uniform policies. See: Department for Education, ‘Statutory guidance: Cost of school uniforms’, 19 November 2021, <https://www.gov.uk/government/publications/cost-of-school-uniforms/cost-of-school-uniforms>.

Some religions and beliefs require their adherents to conform to a particular dress code or to otherwise outwardly manifest their belief. This could include wearing or carrying specific religious artefacts, not cutting their hair, dressing modestly, or covering their head. Pupils have the right to manifest a religion or belief, but not necessarily at all times, places or in a particular manner.

Where a school has good reason for restricting an individual's freedoms, for example, the promotion of cohesion and good order in the school, or genuine health and safety or security considerations, the restriction of an individual's rights to manifest their religion or belief may be justified.

Schools should be sensitive to the needs of different cultures, races and religions and act reasonably in accommodating these needs, without compromising important school policies, such as school safety or discipline. It should be possible for most religious requirements to be met within a school uniform policy and a governing board should act reasonably through consultation and dialogue in accommodating these.¹⁶

Thus, students do not have an absolute right to wear religious clothing, such as the hijab, at school. A school can restrict a student's right to manifest their religion by disallowing certain religious clothing if it has a 'good reason', such as 'cohesion and good order in the school' or 'genuine health and safety or security considerations'.

Guidance on the Equality Act 2010 by the Department for Education published in May 2014 addressing the issue of religious clothing in schools, also expressed the view that students do not have an absolute right to wear such clothing. This non-statutory guidance, aimed at school leaders, school staff, governing bodies and local authorities, states:

*There are potential issues around school uniform policies and religion and belief. Schools should be sensitive to the needs of different cultures, races and religions and act reasonably in accommodating these needs, without compromising important school policies, such as school safety or discipline. It is well established that it would be race discrimination to refuse to let a Sikh child wear a turban because of a school policy requiring that caps be worn, but legal judgments have not supported the absolute right of people of faith to wear garments or jewellery to indicate that faith.*¹⁷

The guidance document does not provide any examples of legal cases where students have been denied the right to wear religious dress. However, several examples were provided in earlier guidance published by the then Department for Children, Schools and Families (DCSF), responsible for schools between 2007 and 2010.¹⁸ This guidance referred to three such cases.¹⁹ These were cited to demonstrate that schoolchildren do not have an absolute right to manifest their religion in schools by wearing religious dress.

The DCSF guidance noted that the Human Rights Act 1998 protects the right to 'manifest one's religion or beliefs' and that this may include wearing specific forms of clothing.²⁰ It also recognised that it may be possible for schools to meet many religious requirements. Schools, it stated,

16. Department for Education, 'Guidance: School uniforms', updated 19 November 2021, <https://www.gov.uk/government/publications/school-uniform/school-uniforms>.

17. 'The Equality Act 2010 and schools: Departmental advice for school leaders, school staff, governing bodies and local authorities', May 2014, para.2.18, p.16, emphasis added. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf.

18. 'DCSF guidance to schools on school uniform and related policies', <https://dera.ioe.ac.uk/7044/4/uniform%20guidance%20-%20final2.doc>.

19. *Ibid.*, fn.4, p.7: R. (on the application of Begum) v. Denbigh High School [2006] UKHL 15 and R. (on the application of X) v. Y School [2006] EWHC 298 (Admin) and R. (on the application of Playfoot) v. Millais School [2007] EWHC 1698 (Admin).

20. *Ibid.*, paras.17, 18, pp.6, 7.

“should act reasonably in accommodating religious requirements”.²¹ It then added the following caveat consistent with the current guidance referred to above:

*However, schools should note that the freedom to manifest a religion or belief does not mean that an individual has the right to manifest their religion or belief at any time, in any place, or in any particular manner . . . [A] school uniform policy that has the effect of restricting the freedom of pupils to manifest their religion may still be lawful, so long as this interference with pupils’ rights is justified on grounds specified in the Human Rights Act. These include health, safety and the protection of the rights and freedoms of others.*²²

In each of the court cases that the guidance then referred to,

*the court found that a school uniform policy which prevented pupils from wearing particular forms of dress or artefacts associated with a religious belief was justified and so did not breach the right of a particular pupil to manifest their religion.*²³

The guidance stated that “the judgements do not mean that banning such religious dress will always be justified, nor that such religious dress cannot be worn in any school in England”.²⁴ It is up to each school to determine what sort of uniform policy is appropriate for it, but the restriction of an individual’s rights to manifest their religion or belief may be justified with ‘good reason’. Examples include: “to ensure the effective delivery of teaching and learning, the promotion of cohesion and good order in the school, the prevention of bullying, [and] genuine health and safety or security considerations”.²⁵ This is consistent with the current statutory guidance on uniforms, mentioned above, updated in 2021.²⁶

National guidance on school uniforms issued by the **Welsh Government** – updated in January 2022 – also refers to the Human Rights Act 1988 and its protection of the right to ‘manifest one’s religion or beliefs’.²⁷ The statutory Welsh guidance states that it is important for governing bodies “to consider how uniform and appearance policies might infringe on an individual’s right to reasonably follow a recognised practice of their religion or belief.”²⁸ Governing bodies need to “act reasonably in accommodating such requirements” and may even vary their policy to do so.²⁹ Unlike the guidance for schools in England, the Welsh guidance does not provide examples of the reasons which requests to wear religious dress at school may be rejected, but it does imply that the wearing of religious clothing must be justified on reasonable grounds. Thus, in Wales as well as England, there is no absolute right for schoolchildren to be able to wear religious clothing at school.

In **Scotland**, there is no national guidance on school uniforms. The Scottish Government has committed to introduce statutory guidance on uniform policy, and in May 2022, it launched a public consultation, which closed in October 2022.³⁰ The consultation sought views on a range of issues including what should be included within the statutory guidance; the role that school uniform plays within the ethos, culture, and day to

21. *Ibid.*, para.19, p.7.

22. *Ibid.*, para.20, p.7.

23. *Ibid.*, para.21, p.7.

24. *Ibid.*

25. *Ibid.*, para.22, p.7.

26. Department for Education, ‘Guidance: School uniforms’, updated 19 November 2021. <https://www.gov.uk/government/publications/school-uniform/school-uniforms>.

27. ‘School uniform and appearance: policy guidance for governing bodies’, <https://gov.wales/school-uniform-and-appearance-policy-guidance-governing-bodies-html>.

28. *Ibid.*

29. *Ibid.*

30. Scottish Government, ‘School uniform guidance: consultation’, <https://www.gov.scot/publications/school-uniform-guidance-consultation/pages/1/>.

day life of the school; how schools and education authorities may best reduce the cost of school uniforms; and the draft principles that might be included in national school uniform policy. The consultation launch website states that the aim of the consultation is “to address equalities issues around uniform policy and reduce the cost of school uniform, as this can be a significant barrier to participation in learning”.³¹ It does not mention anything about exemptions or adaptations of the uniform for religious reasons.

Ofsted and headscarf controversies

In January 2016, Sir Michael Wilshaw, then head of Ofsted, told school inspectors in England that if wearing Islamic face veils are a “barrier to learning” they can rate schools as “inadequate”, thus failing them.³² Sir Michael said Ofsted would give “full backing” to school heads banning what he described as the “inappropriate wearing” of the veil.³³ He said:

*I am concerned that some heads and principals who are trying to restrict the wearing of the full veil in certain circumstances are coming under pressure from others to relax their policy. I want to assure these leaders that they can rely on my full backing for the stance they are taking. Where leaders are condoning the wearing of the face veil by staff members or by pupils when this is clearly hindering communication and effective teaching, they should give consideration to judging the school as inadequate.*³⁴

Note that Sir Michael did not state that Ofsted would support blanket bans on the niqab in schools. He stated that Ofsted would support schools that decided to ban the niqab “in certain circumstances” where learning would be adversely affected. The Department for Education supported Wilshaw’s statement. It said it is “clearly right” that if veils are interfering with learning that Ofsted should take action. It stated:

*We are pleased that heads and school leaders who choose to implement policies which restrict the wearing of the veil to support effective teaching and learning will receive Ofsted’s backing.*³⁵

On 19 November 2017, *The Sunday Times* reported that Sir Michael’s successor, Amanda Spielman, would announce that school inspectors will question primary school children who wear the hijab to school. Apparently driving this were concerns that girls as young as four are being compelled to wear the hijab.³⁶ The newspaper reported:

*Spielman says in a statement today that primary school hijabs could be seen to be sexualising children because the headscarf is traditionally worn as a sign of modesty in front of men when Muslim girls reach puberty.*³⁷

The report came after Spielman met “Muslim women and secular campaigners calling for a ban on the wearing of hijabs in primary schools”.³⁸ The women – from the Social Action and Research Foundation – met her to discuss what they saw as “the unacceptable rise of the hijab in state-funded primary schools”.³⁹ In September 2017, they wrote: “Islam does not require children to cover

31. *Ibid.*

32. Sean Coughlan, ‘Ofsted can downgrade schools for Islamic veils’, BBC, 26 January 2016, <https://www.bbc.com/news/education-35411518>.

33. Sean Coughlan, ‘Ofsted can downgrade schools for Islamic veils’; Richard Adams and Sally Weale, ‘Ofsted chief backs schools that restrict “inappropriate wearing of veil”’, BBC, 26 January 2016, <https://www.theguardian.com/education/2016/jan/26/schools-inspector-issues-veil-warning>.

34. Richard Adams and Sally Weale, ‘Ofsted chief backs schools that restrict “inappropriate wearing of veil”’.

35. *Ibid.*

36. Stan Griffiths and Iram Ramzan, ‘School inspectors to quiz girls in hijabs’, *The Sunday Times*, November 19 2017, <https://www.thetimes.co.uk/article/school-inspectors-to-quiz-girls-in-hijabs-3fl2hkljv>.

37. *Ibid.*

38. *Ibid.*

39. ‘Hijab Has No Place in Our Primary Schools’, Letters to the Editor, *The Sunday Times*, September 10 2017, <https://www.thetimes.co.uk/article/1a3c2350-9567-11e7-bebd-80ab3cadc299>.

their heads, so why are our schools allowing this in the name of ‘religious tolerance?’”.⁴⁰

Spielman’s statement attracted some criticism. Over 1,000 teachers, academics and activists signed a letter, which stated: “It is a kneejerk, discriminatory and institutionally racist response that will violate civil liberties and create a climate of fear and mistrust in schools, and must be retracted immediately.”⁴¹ It added: “Constructing women and children who wear the hijab as being either sexualised or repressed is both reductive and racist in its reproduction of colonial and Orientalist tropes about them.”

The Secretary General of the MCB, Harun Khan, also responded with a statement:

*It is deeply worrying that Ofsted has announced it will be specifically targeting and quizzing young Muslim girls who choose to wear the headscarf. It sends a clear message to all British women who adopt this that they are second class citizens, that while they are free to wear the headscarf, the establishment would prefer that they do not. [...] Such an approach risks being both counter-productive and undermining the very British values it claims to promote.*⁴²

In a letter to Spielman several days after Spielman’s statement, Khan suggested that the MCB could arrange a meeting for her to “hear the views of Muslim parents, teachers and communities directly”.⁴³ He conceded that “there is no Islamic obligation for pre-pubescent girls” to wear the hijab.⁴⁴ He also acknowledged “legitimate discussions amongst parents about whether young children should wear a headscarf at school ..., how much real choice young children truly have and what is appropriate in terms of school uniform policy”.⁴⁵ But, he said, “Ofsted’s approach and the language used” risk giving the impression that Ofsted does not understand “the communities which are being targeted”.⁴⁶ The MCB also published “over 100 responses received by the MCB from Muslim women” concerned about Spielman’s statement.⁴⁷

The Islamic Human Rights Commission also published an open letter to Spielman criticising her statement that – given that Islam only requires it at the onset of puberty for modesty reasons – the wearing of the hijab by girls as young as four could be interpreted as sexualisation. The IHRC’s director of research, Arzu Merali, wrote:

*Until recently Muslim women were berated for wearing the hijab as it erased and denied their sexuality while in public. For you to invert this argument and still manage to use it as an effective tool to demonise Muslim women marks a new low for an already marginalised group.*⁴⁸

Merali also declared that Ofsted’s recommendation that inspectors ask girls why they wear the hijab “violates the rights of young children, their families and is discriminatory since it specifically targets Muslims”.⁴⁹ She argued: “It is a clear violation of people’s freedom of thought, conscience and religion as set out in Article 9 of the Human Rights Act 1998”.⁵⁰

In February 2018, Spielman expressed her “full support” for Neena

40. *Ibid.*

41. Josh Halliday, ‘Ofsted accused of racism over hijab questioning in primary schools’, *The Guardian*, 28 November, 2019, <https://www.theguardian.com/education/2017/nov/28/ofsted-accused-racism-hijab-questioning-primary-schools>.

42. MCB, ‘Reported Ofsted targeting of young Muslim girls who choose to wear a headscarf is wrong’, November 19, 2017, <https://mcb.org.uk/reported-ofsted-targeting-of-young-muslim-girls-who-choose-to-wear-a-headscarf-is-wrong/>.

43. MCB, ‘Letter to Ofsted Chief Amanda Spielman on Hijab Quizzing in Schools’, November 23, 2017, <https://mcb.org.uk/letter-to-ofsted-chief-amanda-spielman-on-hijab-quizzing-in-schools/>.

44. *Ibid.*

45. *Ibid.*

46. *Ibid.*

47. MCB, ‘100 Responses to Ofsted Hijab Quizzing’, November 23, 2017, <https://mcb.org.uk/100-responses-to-ofsted-hijab-quizzing/>.

48. Arzu Merali, ‘Letter to Amanda Spielman regarding interrogation of hijab-wearing students’, 29 November 2017, <https://www.ihrc.org.uk/letter-to-amanda-spielman-regarding-interrogation-of-hijab-wearing-students/>.

49. *Ibid.*

50. *Ibid.*

Hall, the Headteacher of St. Stephen's school in Newham, London, who had imposed a ban on headscarves for under-eights. Spielman said: "Schools must have the right to set school uniform policies as they see fit, in order to promote cohesion."⁵¹ The ban at St. Stephen's was overturned by school governors after two weeks.⁵²

But in July 2018, in a speech at Policy Exchange, Spielman expressed concern over a "worrying" trend of groups lobbying headteachers seeking to influence school policy, "whether or not members of that group constitute the majority of a school's intake".⁵³ She urged school leaders to resist pressure from the community on issues such as school uniform.

Universities

Universities need to be able to identify students during examinations. However, there appears to be no central guidance on how universities should treat students wearing the burqa or niqab in examinations. Where issues have emerged, students have been asked to remove their facial coverings in a private room with a female member of staff, who can then complete an identity check with images held on file for that student.⁵⁴

In February 2019, Brunel University became the first UK university to introduce a sports hijab for female Muslim students.⁵⁵ It was developed to address the low rate of participation in sports amongst young Muslim women.

Employment

The Equality and Human Rights Commission produced guidance in 2018 on dress codes and religious symbols in the workplace, entitled: *Religion or belief: dress codes and religious symbols*.⁵⁶ The guidance states that employees can object to a dress code or uniform if it conflicts with their religious beliefs. No dress code can discriminate, directly or indirectly, against employees with a particular religion or belief (or no religion or no belief). Legal protection from discrimination in the workplace and in wider society is provided by the Equality Act 2010.

However, dress codes in the workplace can include restrictions on the type of clothing worn relating to health and safety risks and the need for identification – and this may include clothing that covers the face and/or hair. The guidance states:

*Any requests to change a workplace dress code or uniform policy must be considered separately [i.e., on a case-by-case basis] as there may be clothing requirements that relate to some roles and not others. For example, wearing a religious symbol on a chain may be more of a health and safety risk when the employee's role involves working with machinery with which it could become entangled than where their role is office based. For other roles there may be security justifications for not allowing an employee to wear clothing which makes it hard to verify their identity.*⁵⁷

Religious attire can breach health and safety policies. The guidance states:

Health and safety reasons can in some cases justify asking an employee to

51. 'Amanda Spielman's speech at the Church of England Foundation for Educational Leadership', 1 February 2018, <https://www.gov.uk/government/speeches/amanda-spielmans-speech-at-the-church-of-england-foundation-for-education-leadership>.

52. Richard Adams, 'East London primary school backs down over hijab ban', The Guardian, 19 January 2018, <https://www.theguardian.com/education/2018/jan/19/east-london-primary-school-backs-down-over-hijab-ban>.

53. 'Amanda Spielman's speech to the Policy Exchange think tank', 9 July 2018, <https://www.gov.uk/government/speeches/amanda-spielmans-speech-to-the-policy-exchange-think-tank>.

54. Information supplied to the author by an academic at a major English university.

55. Tim Pilgrim, 'First UK university unveils sports hijab', 11 February 2019, <https://www.brunel.ac.uk/news-and-events/news/articles/First-UK-university-unveils-sports-hijab>.

56. 'Religion or belief: dress codes and religious symbols (Great Britain)', Equality and Human Rights Commission, 2018, <https://www.equalityhumanrights.com/en/advice-and-guidance/religion-or-belief-dress-codes-and-religious-symbols>.

57. *Ibid.*

remove a particular symbol or type of dress. But [employers] must be clear why a religious symbol or dress poses a risk to health and safety and ensure [they] are not discriminating against the employee.⁵⁸

It adds: “There may be more proportionate ways of ensuring you meet health and safety requirements than insisting the employee remove a symbol or dress entirely.” The example it gives is in hospitals where surgeons and medical staff are required to be bare below the elbow (BBE). In this case, the guidance notes, “disposable sleeves can be used to meet health and safety requirements whilst also meeting the needs of employees who may wish to have their arms covered for religious reasons” (more on this below).

Guidance also produced in 2018 by the Advisory, Conciliation and Arbitration Service (Acas), entitled *Religion or belief discrimination: key points for the workplace*, likewise recognises the legal obligation for employers to “allow groups or individual employees to wear articles of clothing etc that manifest their religious faith”, whilst acknowledging that bans on certain kinds of clothing may be put in place if there are adequate reasons.⁵⁹ It states:

There can be many reasons why an employer may have a dress code or policy, which, as well as clothes, may cover jewellery, hair and symbols of religion or belief. For example, a dress code could be to communicate a corporate image, ensure customers can easily identify a member of staff and/or for reasons of security, health and safety, or the organisation’s ethos.⁶⁰

The guidance also states:

When drawing up the code or policy, the employer should look to be flexible and reasonable where possible. If it does include appearance restrictions or requirements, these must be for good business reasons which are proportionate, appropriate and necessary.⁶¹

Whilst Acas’ guidance says that “a general ban on the display of all religious symbols at work is likely to be discriminatory”, it admits that there are some circumstances in which restrictions on dress may apply in the workplace, as long as they do not discriminate on the basis of religion or other protected characteristics. Employers, it says, should be clear on the reasons for such restrictions. These reasons might include:

- health and safety
- the employer’s duty of care to all staff
- the effect on the business
- the impact on the employee’s ability to do their job
- the impact on any people in the employee’s care
- its overall equality policy, ensuring no disadvantage to others because of other protected characteristics such as race, disability, sex, sexual orientation, gender reassignment, and marriage and civil partnership
- whether there is a compromise both can accept - for instance, it

58. *Ibid.*

59. ‘Dress codes and appearance at work: Body supplements, body modification and aesthetic labour’, Acas, August 2016, <https://webarchive.nationalarchives.gov.uk/uk-gwa/20210104114137/https://archive.acas.org.uk/index.aspx?articleid=4953>.

60. ‘Religion or belief discrimination: key points for the workplace’, Acas, August 2018, <https://www.acas.org.uk/sites/default/files/2021-03/religion-belief-discrimination-guide.pdf>, p.15.

61. *Ibid.*

might be wearing a symbol as a brooch rather than hanging on a chain, and

- would the employee have to leave their job?⁶²

Regarding regulations on dress for government employees, the UK Government's website states: "We do not have a specific dress code".⁶³ It refers to the dress code contained in the Ministry of Justice's Conduct Policy, which is available on the staff Intranet. The policy notes that "If there is a particular business need, you may need to follow a certain dress code."⁶⁴ It then adds: "In these circumstances, managers should ... remember that if an employee's religion means they must follow a particular dress code, this must be respected ..."⁶⁵ It does not mention possible restrictions due to health and safety or communication needs.

The policy, which is "meant to provide a framework only", states: "You will not wear badges or display slogans or anything which shows you are a member of a particular political party."⁶⁶ Thus, whilst there is a general restriction on the symbolic expression of political allegiance, there is no such restriction on the symbolic expression of religious identity.

The National Health Service

There are no nationally applicable regulations issued by the Department for Health and Social Care (DHSC) or the National Health Service in England (NHS England) on dress codes that affect the wearing of religious attire by doctors and other medical staff or administrative officers in hospital settings.

Most of the UK's 160 NHS trusts make provision for the wearing of the hijab, where it does not impact clinical work, but not the niqab or burqa. However, these may be worn in an office environment or non-clinical roles. In the absence of national regulations, some NHS trusts have set their own dress codes.

In 2013, it was reported that 17 trusts had banned the wearing of the niqab.⁶⁷ In response, the Department for Health stated that it had commissioned a review of all health service policies on workers' clothing.

Research presented to a British Islamic Medical Association conference suggested some female Muslim staff in the NHS are unhappy at opposition to the headscarf in theatre and are dissatisfied with the BBE policy.⁶⁸ The research paper, published in 2019, noted the diversity in policy on the hijab between the trusts and claimed the "disparity in guidance has been shown to cause uncertainty".

In April 2020, NHS England sought to address concerns about this disparity in policy by updating its uniform and workwear guidance. This included additional measures accommodating faith groups.⁶⁹ This guidance, which is not binding upon providers, states that NHS staff from a variety of religious backgrounds may wear head coverings in surgical theatres:

Headwear, for example, turbans and kippot, veils (Christian or niqab) and

62. *Ibid.*, p.16.

63. 'Dress code: conduct policy', 4 October 2020. <https://www.gov.uk/government/publications/dress-code-conduct-policy/dress-code>.

64. *Ibid.*

65. *Ibid.*

66. *Ibid.*

67. Laura Donnelly and Rhiannon Williams, 'Secret ban on face veils for staff at 17 hospitals', *The Telegraph*, 19 September 2013. <https://www.telegraph.co.uk/news/nhs/10319264/Secret-ban-on-face-veils-for-staff-at-17-hospitals.html>.

68. Abida Malik *et al.*, "I decided not to go into surgery due to dress code": a cross-sectional study within the UK investigating experiences of female Muslim medical health professionals on bare below the elbows (BBE) policy and wearing headscarves (hijabs) in theatre', *BMJ Journals*, Volume 9, Issue 3, March 2019, <https://bmjopen.bmj.com/content/9/3/e019954>.

69. 'Uniforms and workwear: guidance for NHS employers', 2 April 2020. <https://www.england.nhs.uk/wp-content/uploads/2020/04/Uniforms-and-Workwear-Guidance-2-April-2020.pdf>.

headscarves are permitted on religious grounds, provided that patient care, health and safety, infection control and security and safety of patients or staff is not compromised.⁷⁰

The guidance states that in surgical theatres, normal cloth headscarves, which must be worn unadorned and secured neatly, need to be washed at 60C after each usage. They may be worn without an additional theatre cap.

In surgical settings, where infection control matters, doctors and other medical staff are expected to be bare below the elbows (BBE). This conflicts with Islamic modesty requirements which prohibit Muslim women from exposing their forearms. The 2020 guidance allows for alternatives to BBE. These include disposable over-sleeves:

*Disposable over-sleeves can be worn where gloves are used, but strict adherence to washing hands and wrists must be observed before and after use. Oversleeves must be discarded in exactly the same way as disposable gloves.*⁷¹

Additionally, the guidance suggests three-quarter-length sleeves or full-length sleeves if not giving direct patient care. Direct patient care has been redefined to the patient bed space or any activity that involves patient contact. This means that if hospital staff are at the nurses' station, or have just entered a general ward, they no longer need to be BBE (unless in the Emergency Department, Intensive Therapy Unit or surgical theatres). The 2020 NHS guidance has been influenced by a group called Muslim Spiritual Care Provision (MSCP), which is a "joint project of NHS England and the Muslim Council of Britain".⁷²

Some examples of "best practice" policies of different NHS Trusts are as follows:⁷³

- **Bradford Teaching Hospitals NHS Foundation Trust**
The trust decided that to ensure effective communication, clothing which covers the face (veil/niqab) would not be permitted for any staff in contact with patients, carers or visitors or for staff in other roles where clear face to face communication is essential, for example, during training. At the same time staff who wished to wear a veil when they were not working – such as in breaks, or during their lunch, or walking around the buildings, were allowed to do so. However, they were asked to be prepared to remove their veil if asked to check their identity against their ID badge, in line with the guidance drawn up in 2021.
- **The Royal London Hospital, St Bartholomew's Hospital and Whipps Cross University Hospital**
These trusts all have policies that indicate that faces must not be covered while staff are treating patients.
- **Wrightington, Wigan and Leigh NHS Trust**
The trust has a policy in place outlining that face coverings should not be worn when delivering patient care, in order to aid

70. *Ibid.*, p.9.

71. *Ibid.*

72. 'Muslim Council of Britain speaks out Against Female Genital Mutilation', 19 June 2014, <https://mcb.org.uk/press-releases/muslim-council-of-britain-speaks-out-against-female-genital-mutilation/>

73. 'Religion, dress codes and chaplaincy', 12 January 2022, <https://www.nhsemployers.org/articles/religion-dress-codes-and-chaplaincy>

communication and minimise infection risks.

Additional examples of similar policies:

- **Shrewsbury and Telford Trust**

The trust's policy includes explicit references to different types of Islamic attire. On the hijab, it states: "Headscarves must be plain, shoulder length, adornment free and must be tucked in and not drape freely when providing direct clinical care."⁷⁴ On the jilbab or chador, it says: "These are permitted provided that they do not affect health and safety or prevent the employee from doing their job effectively and comply with all other aspects of this policy in particular compliance with Bare below the elbows." Regarding full-face veils such as the niqab and burqa, it asserts: "Unfortunately, face veils cannot be worn whilst on duty. This is to ensure that the member of staff is identifiable, and to enhance engagement and communication with patients, visitors and colleagues."

- **Sherwood Forest Hospitals NHS Foundation Trust**

The trust's uniform policy declares that those involved in perioperative care (provided at or around the time of an operation) are required to remove their hijab and to wear a hood, which is provided, that serves to "cover the hair, neck and shoulders." The face is not mentioned, which indicates that the face may not be covered.⁷⁵

Disposable sterile headscarves for staff to use in operating theatres were first used in the University Hospitals of Derby and Burton NHS Trust in December 2019.⁷⁶

The Courts

There is no overarching rule or regulation prohibiting the wearing of religious attire in courts of law. In 2013, a Muslim defendant in London refused to remove her burqa, and the judge subsequently refused to accept her plea on the basis that he could not identify her.⁷⁷ But any judge's decision to request the removal of a veil must reasonably be deemed necessary in the interests of justice.

The Equal Treatment Bench Book

The Equal Treatment Bench Book is published by the Judicial College as a source of guidance on the wide range of matters that may arise in a judicial hearing. It has been compiled over many editions with input from judges from a wide range of courts and tribunals. It is referred to in the training courses provided by the Judiciary. On the wearing of the veil (niqab or burqa) in court, the Equal Treatment Bench Book states that in non-criminal cases:⁷⁸

74. 'Dress Code and Appearance Policy', The Telford and Shrewsbury Hospital NHS Trust, July 2022, <https://www.sath.nhs.uk/wp-content/uploads/2022/08/Dress-and-Code-Appearance-Policy-Aug22.pdf>, p.17.

75. 'DRESS CODE AND UNIFORM POLICY', Sherwood Forest Hospitals NHS Foundation Trust, December 2020, <https://www.sfh-tr.nhs.uk/media/7239/hr-0039-dress-code-and-uniform-policy-v3.pdf>.

76. 'Royal Derby Hospital: Disposable sterile hi-jabs introduced', BBC News, 17 December 2019, <https://www.bbc.co.uk/news/uk-england-derbyshire-50810176>.

77. Ralph Jones, 'Should burqas be allowed in court?', 28 August 2013, <https://newhumanist.org.uk/articles/4287/should-burqas-be-allowed-in-court>.

78. 'Equal Treatment Bench Book', Judicial College, February 2021, <https://www.judiciary.uk/wp-content/uploads/2021/02/Equal-Treatment-Bench-Book-February-2021-1.pdf>, pp.272-273.

- A judge can ask anyone giving evidence to take off her veil whilst she gives that evidence, but only if a fair trial requires it. It requires a balancing exercise. It should be done only if the judge reasonably believes it necessary in the interests of justice and only after reflection on whether, in the context, effective evidence could be given without removal.
- In any jurisdiction such an issue should be addressed at a pre-trial directions hearing or, at the latest, at the outset of the hearing. A short adjournment might enable the woman concerned to reflect and, perhaps, seek advice.
- The identity of a witness or party can be established in private by a female member of staff without requiring removal of the veil in the courtroom.
- Where removal is felt essential a judge must consider arrangements to minimise discomfort or concern, such as limited screening, restricting the number of observers in the courtroom and prohibiting any visual image of the individual being created on the basis of her courtroom appearance.
- Science and a growing understanding indicates the difficulties with, and the possible fallibility of, evaluation of credibility from appearance and demeanour in the somewhat artificial and sometimes stressful circumstances of the courtroom. Scepticism about the supposed judicial capacity in deciding credibility from the appearance and demeanour of a witness is not new.

The Equal Treatment Bench Book states that in criminal cases:⁷⁹

- Any issue regarding wearing the veil in court should be addressed, ideally, at a pre-trial directions hearing.
- It should be remembered that the identity of a witness, appellant or defendant can be established in private by a female member of staff without requiring removal of the veil in the courtroom. Care should be taken in the case of a defendant to establish her identity at each session, in private, by a female member of staff.
- As for those giving evidence, justification for removal of the veil requires close scrutiny. Judges should be particularly careful to point out that its wearing might impair the court's ability to evaluate the reliability and credibility of the wearer's evidence; jurors might assess what is said in ways that include looking at an individual's face and demeanour.
- Where removal is felt essential a judge must consider arrangements to minimise discomfort or concern, such as limited screening, restricting the number of observers in the courtroom and prohibiting any visual image of the individual being created on the basis of her courtroom appearance.
- In jury trials, a judge might accede, for instance, to a defendant being veiled in court save for when she gives evidence.

⁷⁹. *Ibid.*, p. 273.

Thus, the removal of a witness or defendant's veil is a matter for judicial discretion and is normally resolved at a pre-trial hearing.

Tribunal judges

Tribunal Judges are allowed to wear the headscarf. The first hijab wearing Tribunal Judge was Thaira Bibi, who was appointed in July 2018. In an interview in 2021, she said:

I was one of the first salaried hijab wearing judges to be appointed, so this had its own challenges, however, I have had an incredible amount of support from the judiciary. I do not see this as a hinderance (sic).⁸⁰

Passports and entrance to the United Kingdom

In January 2014, the Home Office responded to a Freedom of Information request regarding "Border Force staff guidance on examining passengers wearing clothing covering their face". It stated:

Passengers are not routinely asked to remove headwear when passing through customs. However, there may be occasions where it is necessary to establish an individual's identity and in such instances they will be asked to remove it.

- Border Force employees follow the Search of Persons guidance in the HMRC Enforcement Handbook when asking individuals to remove headwear.

Code of practice A, paragraph 3.1 states: Many people customarily cover their heads or faces for religious reasons – for example, Muslim women, Sikh men, Sikh or Hindu women, or Rastafarian men or women. Where there may be religious sensitivities about ordering the removal of such an item, the officer should permit the item to be removed out of public view. Where practicable, the item should be removed in the presence of an officer of the same sex as the person and out of sight of anyone of the opposite sex.

- The Border Force Operations Manual provides further guidance on the examination of passengers who are veiled for religious or cultural reasons.

In July 2014, the Home Office confirmed that passengers wearing a "veil or face covering" on entry to the United Kingdom will be asked to remove their veil, "so that their appearance can be compared with the photograph in their passport".⁸¹

British passport photographs allow for a religious head covering, but it is a requirement that the passport holder does not have anything covering their face.⁸² The guidance states:

- hats or head coverings are not permitted except when worn for religious reasons and only if the full facial features are clearly visible⁸³

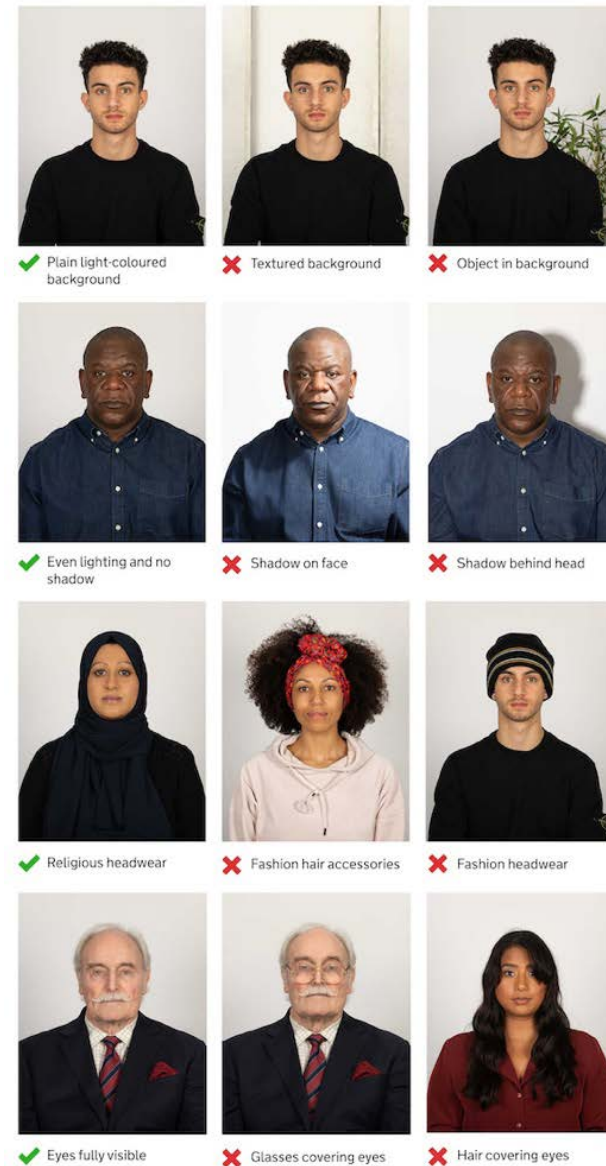
80. 'Interview with Tribunal Judge Thaira Bibi', Courts and Tribunals Judiciary, 14 May 2021, <https://www.judiciary.uk/guidance-and-resources/interview-with-tribunal-judge-judge-thaira-bibi/>.

81. 'Clothing: Islam, Question for Home Office', UIN 205063, tabled on 10 July 2014, <https://questions-statements.parliament.uk/written-questions/detail/2014-07-10/205063>.

82. 'Get a passport photo', <https://www.gov.uk/photos-for-passports>.

83. HM Passport Office, 'Guidance for photographers', 9 April 2014, <https://www.gov.uk/government/publications/passport-photos-guide-for-photographers/guidance-for-photographers>.

Photographic guidance on the Government’s website makes this distinction clear, without mentioning the burqa or niqab:⁸⁴



The same rules usually apply to UK driving licences, since British passports are the main form of identification to be checked during the application process for driving licences (in these cases, the photo from each applicant’s passport is printed on the new licence).⁸⁵

It is possible for applicants to verify their identity in other ways. The government’s website states that the ‘UK Immigration: ID Check’ or ‘EU Exit: ID Document Check’ apps may be used. The government’s guidance on the ‘UK Immigration: ID Check’ app allows applicants to scan their (non-British) passport or photograph their face. These photos are subject to the same requirements which apply to British passport photos;

84. ‘Get a passport photo’, <https://www.gov.uk/photos-for-passports>.

85. ‘Identity documents needed for a driving licence application’, <https://www.gov.uk/id-for-driving-licence>.

they include the rule that in the photo the applicant must not “wear a head covering (unless it is for religious or medical reasons)”.⁸⁶ Guidance for the ‘EU Exit: ID Document Check’ app has similar guidelines but does not mention headwear.⁸⁷

Policing Powers

The Government’s website summarises police powers to remove clothing (in England and Wales) as follows:

A police officer can ask you to take off your coat, jacket or gloves.

The police might ask you to take off other clothes and anything you’re wearing for religious reasons - for example a veil or turban. If they do, they must take you somewhere out of public view.

*If the officer wants to remove more than a jacket and gloves they must be the same sex as you.*⁸⁸

The Police and Criminal Evidence Act 1984 sets out the framework by which an officer may request someone to remove religious attire. The Act states this should only be done if it is believed an individual is wearing such clothing “wholly or mainly” to disguise their identity:

*A police officer cannot order the removal of a head or face covering except where there is reason to believe that the item is being worn by the individual wholly or mainly for the purpose of disguising identity, not simply because it disguises identity. Where there may be religious sensitivities about ordering the removal of such an item, the officer should permit the item to be removed out of public view. Where practicable, the item should be removed in the presence of an officer of the same sex as the person and out of sight of anyone of the opposite sex.*⁸⁹

In March 2020, it was reported that the Metropolitan Police Service (MPS) reached an out-of-court settlement with a woman who had been coerced to remove her hijab by police officers so that they could photograph her. The MPS admitted that the officers had violated the woman’s right to religious observance.⁹⁰

Live Facial Recognition

No dedicated legislation applies to the police’s use of Live Facial Recognition (LFR) - also known as automatic facial recognition – which identifies people in real time in video surveillance. But existing laws, including the Human Rights Act 1998 and the Equality Act 2010, form a legal framework in which LFR operates. These have some implications for the use of LFR in relation to people wearing religious headwear. In November 2022, the Metropolitan Police Service (MPS) published a document on the legal basis for the use of LFR for locating people on police watch lists (e.g., those for whom there is a warrant for their arrest for gun or knife crime). It noted: “All MPS use of LFR will comply with

86. ‘Using the “UK Immigration: ID Check” app’, <https://www.gov.uk/guidance/using-the-uk-immigration-id-check-app>.

87. ‘Using the “EU Exit: ID Document Check” app’, <https://www.gov.uk/guidance/using-the-eu-exit-id-document-check-app>.

88. ‘Police powers to stop and search: your rights’, <https://www.gov.uk/police-powers-to-stop-and-search-your-rights>.

89. ‘Police and Criminal Evidence Act, 1984’, p 20. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/117611/pace-code-a-2011.pdf#page=20.

90. Asiyah, ‘The police forced me to remove my hijab. I took them to court - and won’, The Independent, 20 March 2020, <https://www.independent.co.uk/voices/hijab-terrorism-heathrow-met-police-islamophobia-a9414816.html>.

the Human Rights Act 1998.”⁹¹ It added that there are “circumstances when freedom of thought, conscience and religion (Article 9), freedom of expression (Article 10) and freedom of assembly and of association (Article 11) may be particularly relevant”:⁹²

*The clothing people wear can be an act of thought, conscience and religion and in normal circumstances, the police do not have the legal power to require a person to remove clothing (including any headwear) simply because they are passing the LFR system. Additionally, the location where people may pass the LFR system may also engaged Article 9.*⁹³

Thus, the police do not have the power to require people to remove headwear merely because they are being monitored through LFR.

Voting

Photo ID was required for the first time in Britain in the May 4 local elections. This requirement became law upon the Royal Assent, in April 2022, of the Elections Act 2022, introduced by the Conservative Government in July 2021. According to the Act, voters must now show photo ID at local elections in England, UK Parliamentary elections, and police and crime commissioner elections.⁹⁴

Guidance from the Electoral Commission updated in January 2023 includes a section on face coverings:

Face coverings

If you wear a face covering for any reason, such as a mask worn on medical grounds or a face veil worn on religious grounds, you will be asked to remove it so polling station staff can check your ID looks like you.

You can ask to have your ID checked in private. You can also request that a female member of staff checks your ID. This request will be granted if possible.

*There will be a mirror available in the polling station to allow you to replace your face covering once your ID has been checked.*⁹⁵

91. 'LRF Legal Mandate', 29 November 2022, <https://www.met.police.uk/SysSiteAssets/media/downloads/force-content/met/advice/lfr/policy-documents/lfr-legal-mandate.pdf>, p.4.

92. *Ibid.*, p.14.

93. *Ibid.*

94. 'Voter ID', UK Parliament website, 10 May, 2023, <https://commonslibrary.parliament.uk/research-briefings/cbp-9187/>.

95. The Electoral Commission, 'Voting in person', <https://www.electoralcommission.org.uk/i-am-a-voter/voting-person>.

Hijab safety concerns after karting tragedy

Although there is no blanket ban on veils of any kind in Britain, there are some contexts in which veils should be removed for health and safety reasons.

In August 2021, Ruwaida Abdi Adan, described by her family as a “sweet and compassionate” girl, died after her headscarf became entangled in moving parts of a kart she was driving at Capital Karts in Barking.⁹⁶ She was strangled by her headscarf and died in hospital four days after the accident.

The subsequent inquest uncovered serious health and safety oversights. It concluded that Adan should have been asked to remove her headscarf before getting into the kart, and that the kart was missing components covering its moving parts.

After the inquest, assistant coroner Leanne Woods wrote a report to Capital Karts on the prevention of future deaths. Her report said that staff from Capital Karts should have told Adan to remove her headscarf and should have checked to ensure that she had done so. She noted that staff failed to notice that Adan had started to drive the kart whilst wearing her headscarf under a helmet. She also said that Adan’s kart should not have been driven in the condition it was in.

Woods wrote that Capital Karts has since changed its rules to ensure that kart drivers must remove headscarves, and staff should witness their removal, before driving a kart. She added, however, that there are remaining concerns of a risk of future deaths without further action being taken by the company. She said that there was no evidence that track marshals were being trained to implement new health and safety measures, and that long hair, which could also get caught in the moving parts of the vehicles, are an additional concern.

The regulations for all motorsport in Britain are found in the Motorsport UK Yearbook. The section on karting states: “Trailing or loose scarves are not permitted.”⁹⁷ These regulations do not single out religious clothing of any kind, but clearly, as the tragic case of Ruwaida Abdi Adan shows, headscarves should be removed for health and safety reasons in certain circumstances.

96. Michael Cox, ‘Capital Karts told to act by coroner after girl’s death’, East London Examiner, 1 November 2021, <https://www.eastlondonadvertiser.co.uk/news/23092247.capital-karts-told-act-corer-girls-death/>.

97. Motorsport UK Yearbook 2023, 13.3.1, p.368. Available at: <https://www.abkc.org.uk/wp-content/uploads/2023/01/Yearbook-2023.pdf>.

The Veil in Selected Muslim-Majority Countries

Dr Damon L. Perry and Prof Dr Elham Manea

Afghanistan

In September 2021, the Taliban's education minister, Abdul Baqi Haqqani, announced a series of new restrictions on women and girls, including sex segregation in the country's universities. Haqqani also stated that Afghan women will be required to wear the hijab or head covering, but did not specify if this included the burqa face covering. He described the new rules as a *jihād* against the West to establish an "Islamic system". An Afghan historian and gender studies academic, Bahar Jalali, began an online protest against the dress code, posting a photo using the #DoNotTouchMyClothes hashtag, which inspired Afghan women across the globe.⁹⁸

In May 2022, the Taliban stated that Afghan women must cover themselves with "head-to-toe" clothing. Shir Mohammad, an official from the vice and virtue ministry, issued a statement saying: "For all dignified Afghan women wearing Hijab is necessary and the best Hijab is chadori (the head-to-toe burqa) which is part of our tradition and is respectful". He also said, "Those women who are not too old or young must cover their face, except the eyes." Khalid Hanafi, then acting minister for the Taliban's vice and virtue ministry, said: "We want our sisters to live with dignity and safety." He added, "Islamic principles and Islamic ideology are more important to us than anything else."⁹⁹

During the 1960s and 70s under the rule of Ahmed Zahir Shah and his cousin who took power in the 1973 coup, and following the triumph of the socialist Saur Revolution in 1978, Afghan women were under no compulsion to cover themselves. The burqa was banned in 1978 and a relatively small number of affluent Afghan women in the cities wore skirts and uncovered hair.

Fast forward past the Soviet invasion and occupation to the Taliban's first brutal regime (1996-2001), women and girls were deprived of their freedoms. Women were barred from work and education and strict dress codes were imposed – on both women and men. Following the fall of the regime at the start of the War on Terror, Afghan women began to experience greater social freedoms. In cities such as Kabul and Bamiyan, some had become high-ranking police officers and regional governors. Some had formed cricket teams. Dress codes were no longer imposed with the threat of corporeal punishment, even though many women continued to wear the veil, especially outside the cities, due to considerable social and cultural pressures. But now, with the Taliban back in power, dress codes are once again a part of an entire suite of laws that the regime views

98. Stefanie Glinski, '#DoNotTouchMyClothes: Afghan women's social media protest against Taliban', *The Guardian*, 15 September 2021, <https://www.theguardian.com/global-development/2021/sep/15/donottouchmyclothes-afghan-womens-social-media-protest-against-taliban>.

99. 'Taliban dress code: Women must cover up head to toe', *The Day*, 8 May 2022, <https://www.theday.com/nation/20220508/taliban-dress-code-women-must-cover-up-head-to-toe/>.

as divinely mandated.

In December 2022, non-compliance with the Taliban's strict dress code was cited by the regime as a reason for banning women from working for NGOs in the country.¹⁰⁰ The Ministry of Economy said that women were breaking sharia law by failing to wear the hijab. The announcement was met with international condemnation. United Nations agencies and other NGOs have a substantial presence in Afghanistan conducting both emergency relief and development work; women comprise a significant proportion of their work force. The International Rescue Committee (IRC), for example, which has worked in 12 provinces in Afghanistan since 1988, employs 8,000 people, 3,000 of whom are women.

In response to the Taliban's decision, the IRC announced it was suspending its services in the country: "For IRC our ability to deliver services rely on female staff at all levels of our organization. If we are not allowed to employ women, we are not able to deliver to those in need."¹⁰¹ Save the Children, the Norwegian Refugee Council and CARE also suspended their work; Islamic Relief said it was temporarily suspending non-lifesaving activities in Afghanistan but continuing its lifesaving health care projects.¹⁰² On 12 April 2023, the Taliban declared that Afghan women employed by the UN can no longer report for work.¹⁰³ A week later, the UN said it had begun a review of its operations.¹⁰⁴ It also said it was ready to take the "heartbreaking" decision to pull out all of its agencies from Afghanistan.¹⁰⁵

On April 27, 2023, the UN Security Council unanimously adopted a resolution condemning the Taliban's decision to ban Afghan women from working for the UN in Afghanistan, saying that it "undermines human rights and humanitarian principles".¹⁰⁶ Dame Barbara Woodward, the UK's Permanent Representative to the UN, whilst noting the value of the British Government's humanitarian assistance - USD\$662 million since April 2021 – stated to the Taliban: "There is no justification for what you are doing to women and girls in your country" and stressed that Britain will not abandon the women and girls of Afghanistan.

Egypt

The veil grew in popularity in Egypt from the 1980s, becoming the main dress code for Egyptian women, especially in rural provinces and in poor inner-city areas. One of the reasons for this development was the fall of Arab nationalism, which began to wane after the 1967 war with Israel, and the turn towards an Islamic identity. An important factor in this process was the success of Islamist groups providing social services the state could or would not provide. The Muslim Brotherhood, for example, which had gained control of many of Egypt's student associations, provided free transport for female university students – but limited to those who wore the veil.¹⁰⁷ The Brotherhood also provided Islamic clothes. Many poor young women would not have been able to attend university without this support; hence, the choice to veil or not was not really free.

The rise of a more conservative form of Islam in Egypt, related to

100. 'Afghanistan: Taliban ban women from working for NGOs', BBC News, 24 December 2022, <https://www.bbc.com/news/world-asia-64086682>.

101. 'IRC to suspend programmes in Afghanistan following Taliban ban on women working for NGOs', December 25, 2022, <https://www.rescue.org/press-release/irc-suspend-programmes-afghanistan-following-taliban-ban-women-working-ngos>.

102. 'UN official, Taliban minister meet on Afghan women NGO ban', ABC News, December 26, 2022, <https://abcnews.go.com/International/wireStory/official-taliban-minister-meet-afghan-women-ngo-ban-95822911>.

103. Peter Beaumont and agency, 'UN ready for "heartbreaking" decision to pull out of Afghanistan', The Guardian, 18 April, 2023, <https://www.theguardian.com/world/2023/apr/18/un-ready-heartbreaking-decision-pull-out-afghanistan-taliban>.

104. 'UN tells Afghan staff to stay home after Taliban ban on female workers', The Guardian, 11 April, 2023, <https://www.theguardian.com/world/2023/apr/11/un-afghan-staff-stay-home-taliban-ban-female-workers>.

105. Peter Beaumont and agency, 'UN ready for "heartbreaking" decision to pull out of Afghanistan'.

106. 'Security Council Condemns Decision by Taliban to Ban Afghan Women from Working for United Nations in Afghanistan, Unanimously Adopting Resolution 2681 (2023)', SC/15271, 27 April 2023, <https://press.un.org/en/2023/sc15271.doc.htm>.

107. Sheri Berman, 'Islamism, Revolution, and Civil Society', June 2003, p 261, <https://car-negiendowment.org/pdf/files/berman.pdf>.

the perception of a disintegration of social values, coincided with the emergence of popular preachers in the 1990s spreading the messages in mosques that “Veiling is an Islamic duty” and “The veil protects you from the devil’s eyes”.¹⁰⁸ More women were also entering the workforce and thus were more publicly visible. For the poor, veiling was economically practical, allowing women and girls to avoid the costs of keeping up with changing fashions.

This development was not welcomed universally in Egypt. In 2006, long-serving Culture Minister Farouk Hosni openly complained about the trend, stating: “There was an age when our mothers went to university and worked without the veil. It is in that spirit that we grew up. So why this regression?”¹⁰⁹ These comments caused a backlash from parliamentarians who called for his resignation.¹¹⁰ But it highlighted a tension in Egyptian society between the role of Islam in the public sphere and modernisation. After the Arab Spring of 2011, some Egyptian women decided to remove their veils in protest at the curtailment of women’s rights in the constitution of Mohamed Morsi’s Muslim Brotherhood government. Heartened by the new political environment, Islamists reportedly harassed and shamed women to veil. After the ousting of Morsi’s government in 2013, more women were emboldened to remove their veils. A small but significant number of women from Egypt’s middle and upper classes reject any form of veil and maintain their freedom of choice in the matter.

Yet the debate on the veil has become more polarised. Whereas some restaurants and bars in the big cities do not allow entry for veiled women – attracting criticism from both Islamists and civil rights advocates – social and cultural pressures weigh heavy on women to cover themselves. Some women, such as Isis Moustafa, have reportedly been beaten for removing their hijabs.¹¹¹ A 15-year old schoolgirl committed suicide in 2013 after being subjected to violence from her family for rejecting the hijab.¹¹² In 2020, the case of a 13-year old schoolgirl who was forced to wear a hijab at school provoked national condemnation, with parents launching the Arabic hashtag *#forcing_girls_to_wear_the_hijab*, revealing similar practices in many schools across Egypt.¹¹³ Some estimated 90% of women wear some form of veil in Egypt.

The niqab has had its share of controversy too. Recently, two grand muftis of Egypt’s Al-Azhar University – the most prestigious educational institution in the Sunni Muslim world – issued statements denying the Islamic legal requirement for women to wear the niqab. Sheikh Muhammad Sayed Tantawi (1928 – 2010), the Grand Mufti of Egypt from 1986-1996 and the Grand Imam of Al-Azhar (1996-2010) stressed that the niqab is a custom and neither a religious obligation nor an Islamic tradition.¹¹⁴ Dr. Ahmed Al-Tayeb, the Grand Imam of Al-Azhar (since 2010), who is known for his conservative positions on women’s rights issues, took a similar position on the niqab in June 2022. He stressed that is neither an obligation nor is required by Islamic tradition (*sunnah*). Women are free to wear the niqab, but they should not claim that they are doing so according to Islamic law.¹¹⁵ The website of the Al-Azhar’s *fatwa* section reiterates this

108. ‘Egypt and the Veil: An Overview’, 29 November 2006, <https://eng-archiv.aawsat.com/theaawsat/features/egypt-and-the-veil-an-overview>.

109. Theodore May, ‘Some Egyptian Women Face Discrimination For Wearing Veils’, Huff Post, 14 November 2009, https://www.huffpost.com/entry/some-egyptian-women-face_n_285884.

110. Michael Slackman, ‘In Egypt, a New Battle Begins Over the Veil’, The New York Times, 28 January 2007, <https://www.nytimes.com/2007/01/28/weekinreview/28slackman.html>.

111. Thaeir Mansour, ‘Video of Egyptian woman beaten up at work “for being unveiled” sparks outrage’, The New Arab, 12 October 2021, <https://english.alaraby.co.uk/news/egyptian-woman-beaten-work-being-unveiled>.

112. ‘Egyptian girl shoots herself to death after refusing to wear hijab’, Alarabiya News, 17 July 2013, <https://english.alarabiya.net/News/middle-east/2013/07/17/Egyptian-girl-refuses-to-wear-hijab-and-shoots-her-self-to-death>.

113. ‘Egyptians outraged over some schools forcing girls to wear the hijab’, Al-Monitor, 28 October 2020, <https://www.al-monitor.com/originals/2020/10/egypt-schools-force-girls-hijab-activists.html>.

114. Muhammad Al-Faqi, ‘Rejecting the niqab and confronting circumcision: How Muhammad Sayed Tantawi confronted the ideas of the Salafis’ (in Arabic), 28 October 2021, <https://www.elwatannews.com/news/details/5770957?t=push>.

115. Youssra El Bassiouni, ‘The Sheikh of Al-Azhar decides the ruling on wearing the niqab: it is not obligatory, nor Sunnah, nor desirable’ (Arabic), 24 June, 2022, <https://www.elwatannews.com/news/details/6158041>.

position.

Egyptian educational authorities have tried to regulate the wearing of the niqab in schools and universities. Since 2006, several court decisions prohibited female students from wearing the niqab in schools and universities, only to be overturned in courts of appeal. The prohibition of wearing the niqab in public spaces was also suggested in 2018 for security reasons. A motion by a female parliamentarian, Ghada Ajami, was later withdrawn. What remains valid is a prohibition of wearing the niqab by university teaching staff.¹¹⁶ And in September 2023, the Egyptian Ministry of Education announced a dress code for all schools, public and private, which allowed girls to cover their hair but not their faces.¹¹⁷

Acknowledging the long political history of the hijab and niqab in Egypt, where governments have either banned them from being worn in certain universities and other public institutions, or encouraged them as proper dress, women's rights campaigner Hibaq Osman summarised the key issue for many Egyptian women as follows: "Whether the government is enforcing veiling or discouraging it, either option is not good. It should not be the business of the government or the society, it should be the decision of the women".¹¹⁸

Indonesia

Since the late 1980s and early 1990s, the hijab – jilbab in Indonesian – has become increasingly popular among Muslim women in Indonesia. In the country with the world's largest Muslim population, the number of women who wear the niqab is relatively small, but it is slowly becoming more popular. This development has coincided not just with a growth in religious conservatism, but also with a growing number of national and regional laws seeking to regulate the uniforms of Muslim girls and women in Indonesia's educational system. Over the past two decades, mandatory hijab wearing has grown gradually through the adoption of local decrees – which Human Rights Watch has referred to as "unprecedented legal and social demands to wear clothing deemed Islamic as part of broader efforts to impose the rules of Sharia, or Islamic law, in many parts of the country".¹¹⁹ The increased adoption of the hijab – and the pressure on women and girls to wear it – was arguably assisted by the declarations of the two largest Islamic organisations in Indonesia, Muhammadiyah and Nahdlatul Ulama, that the hijab is the ideal form of attire for Muslim women.¹²⁰

This phenomenon began in Aceh province, which gained the right to implement shari'ah law in 1999 as part of an agreement with President Habibie to end a long and brutal conflict in the province. In Aceh, the hijab is compulsory not only for women in the public space but also for schoolgirls. In the same year, the government passed legislation decentralising the regulation of education services to the provinces. Following this, some local governments began to implement shari'ah-compliant regulations relating to dress codes similar to those in Aceh. This development was given extra momentum in 2014, when the Indonesian

116. Omnia El Mougy and Ahmed Abdel Hadi, 'The Supreme Administration bans the niqab in university teaching staff. A legal expert: The ruling is now Final' (in Arabic), 27 January, 2020, <https://www.youm7.com/story/2020/1/27/الهيئة-القانونية-تقرر-حظر-النيقاب-في-الجامعات-مصرية-4604899>. See also: BBC Arabic, 'An Egyptian draft law "forbids wearing the niqab" in public places stirs controversy' (Arabic), BBC Arabic, <https://www.bbc.com/arabic/middleeast-46100503>.

117. Wafa Yahya, «مجلس عتلا» يرد على «مجلس عتلا» رخصته ورحته، *Egypt Independent*, 12 September 2023, <https://www.almasryalyoum.com/news/details/2979660>.

118. Sheera Frenkel and Maged Atef, 'More And More Egyptian Women Are Casting Aside Their Veils', 8 November 2013, <https://www.buzzfeednews.com/article/sheerafrenkel/more-and-more-egyptian-women-are-casting-aside-their-veils>.

119. "I Wanted to Run Away". Abusive Dress Codes for Women and Girls in Indonesia', 18 March 2021, <https://www.hrw.org/report/2021/03/18/i-wanted-run-away/abusive-dress-codes-women-and-girls-in-indonesia>.

120. Alimatul Qibtiyah, 'Hijab in Indonesia – the history and controversies', *The Conversation*, 22 February 2019, <https://theconversation.com/hijab-in-indonesia-the-history-and-controversies-102911>. 'Quraish Shihab dan Islam Nusantara Jumat', 24 July 2015, <https://www.nu.or.id/opini/quraish-shihab-dan-islam-nusantara-riBEE>.

government issued a national regulation on school dress codes that were widely interpreted to require female Muslim students to wear the hijab as part of their school uniform.

According to a 2021 HRW report – which documented the widespread harassment of girls and women who do not wear the hijab and the psychological distress that this causes – in at least 24 of the country’s 34 provinces, girls who did not comply were forced to drop out of school or withdrew under pressure. Furthermore, some civil servants, including teachers, doctors, school principals, and university professors, lost their jobs or felt compelled to resign.

In February 2021, following the complaint of the father of a high school student about school regulations that required girls to wear the hijab in Padang, the capital of West Sumatra, the government issued a decree allowing students and teachers to choose whether or not to wear the hijab at school.¹²¹ However, this decree was cancelled three months later by the Supreme Court on jurisdictional grounds, following a petition by a local pro-shari’ah quasi-state institution, Lembaga Kerapatan Adat Alam Minangkabau. A counter-petition calling on the Supreme Court to reverse its decision was signed by more than 800 Indonesian public figures, including academics, artists, authors, politicians, religious leaders, and women activists. It argued that the ruling violated the right to freedom of expression, women’s rights, and children’s rights.

In October 2022, Indonesian Muslim women staged their own protest outside the Iranian embassy in Jakarta in solidarity with the protestors in Iran, angered by the death of Mahsa Amini in the custody of the morality police for not being appropriately dressed.¹²² One of the organisers of the Jakarta protest, Ririn Sefsani, the head of the NGO “Commitment for Change”, warned that Iran is a “cautionary tale” for Indonesia, where women and girls have faced mounting social and legal pressure to wear clothing in accordance with strict interpretations of Islamic law.

Iran

In 1934, in an effort to modernise Iran and increase women’s public participation, the country’s leader, Reza Shah Pahlavi, passed a law that prohibited female students and teachers from wearing the veil. In 1936, the prohibition on veiling was extended to apply to many other public facilities. This included the chador and hijab, and even some traditional garments worn by men. In 2016, Iran’s supreme leader, Ali Khamenei, said that this act was the “most horrendous crime the shah ever committed”.¹²³ Despite the ban, many women continued to wear the veil as a symbol of protest. The implementation of the ban, however, was extremely forceful. Women were beaten or had their veils forcibly removed by the police. In 1935, a protest against the “heretical” westernising policies of the Shah – the Goharshad Mosque rebellion – was suppressed by the army, resulting in the deaths of hundreds. Under Reza Shah’s successor, his son Mohammad Reza Pahlavi, it was no longer an offence to wear a veil, but there was still widespread discrimination against those who wore it.

121. Ana Salvá, ‘Indonesian Girls Are Under Pressure to Wear the Hijab’, *The Diplomat*, 14 September 2022, <https://thediplomat.com/2022/09/indonesian-girls-are-under-pressure-to-wear-the-hijab/>.

122. Nicola Smith, Indonesian women join Iran’s hijab protests amid fears own rights under threat, 21 October 2022, <https://www.telegraph.co.uk/global-health/women-and-girls/indonesian-women-join-irans-hijab-protests-amid-fears-rights/>.

123. Zvi Bar’el, ‘Iran’s “Hijab War” Won’t Diminish Its anti-Western Identity’, 21 September 2022, <https://www.haaretz.com/middle-east-news/iran/2022-09-21/ty-article/premium/irans-hijab-war-wont-diminish-its-anti-western-identity/00000183-6069-d5b6-a3f3-f9ed39ca0000>.

The Islamic Revolution in 1979 – described by political scientist Hamideh Sedghi as a “sexual counter-revolution, a fight over women’s sexuality”¹²⁴ – ushered in a new era in Iran’s relationship with the veil. Supporters of the Ayatollah chanted public slogans on Tehran’s streets such as: “Wear a Headscarf or Get Your Head Knocked”; another was: “Death to the Unveiled Woman and her Cowardly Husband.”¹²⁵ After Ayatollah Khomeini’s arrival in Tehran on 1 February 1979, he began preaching the obligatory nature of the veil. On March 8, 1979 – International Women’s Day – tens of thousands of women and men protested in the streets of Tehran. Initially, Khomeini backed off, saying it was just a recommendation, but within a year veiling became mandatory. In 1983, the ruling was extended to include non-Muslim and non-Iranian women. The Iranian parliament decided that women who do not cover their hair in public will face prison sentences of between 10 days and 2 months or be punished with 74 lashes. Since 1995, unveiled women can also be imprisoned for up to 60 days.¹²⁶

Protests against the Iranian regime have erupted sporadically in Iran over the past four decades. The street demonstrations of the Green Movement in 2009 following a disputed presidential election that gave Mahmoud Ahmadinejad a second term in office – marking the biggest popular uprising in the history of the Islamic Republic. In 2019, an even greater series of protests shook the country after huge fuel price increases. These were brutally suppressed. Protests specifically focused on the mandatory veil include a Facebook campaign, “No to the Mandatory Hijab”, in 2012, which attracted interest across numerous online platforms.¹²⁷ Protests have increasingly been conducted online. But in May 2020, the Iranian Cyber Police, known as FATA, announced that there is no difference between crimes committed in public and those committed online. The removal of hijabs on social media, it stated, are in breach of Iranian laws, whether the offender is a public or private figure.¹²⁸

More recently, in September 2022, protests prompted by the death of a 22-year old woman in the custody of Iran’s “morality police” brought unprecedented nationwide and international attention on the veil as a symbol of state oppression. Detained by the authorities for “inappropriate” attire, Mahsa Amini has become a symbol of women’s liberation in Iran, where protestors have burned headscarves and clashed with the security forces. On 21 October 2022, it was reported that at least 200 people had been shot and killed in the protests.¹²⁹ On 4 December, citing the Oslo-based Iran Human Rights (IHR), the figure was reported to be over 400.¹³⁰

In December 2022, it was reported that Iran had carried out its first execution of a prisoner convicted of crimes relating to the protests. Mohsen Shekari was accused of blocking a road and attacking a militia member in Tehran; he was found guilty of “moharebeh” – enmity against God.¹³¹ Also in December 2022, IHR reported that at least 100 other people had been sentenced to death or charged with capital offences relating to the ongoing protests.¹³²

On January 10, 2023, it was reported that the office of Iran’s prosecutor-

124. Hamideh Sedghi, *Women and Politics in Iran: Veiling, Unveiling, and Reveiling*, Cambridge University Press, 2007, p.199.

125. *Ibid.*

126. Kersten Knipp, ‘Why Iranian authorities enforce veil wearing’, 21 December 2020, <https://www.dw.com/en/why-iranian-authorities-force-women-to-wear-a-veil/a-56014027>.

127. ‘Iran’s “No to Mandatory Hijab” campaign grows’, 26 July, 2012, The Jerusalem Post, <https://www.jpost.com/International/Irans-No-to-Mandatory-Hijab-campaign-grows>.

128. ‘Iran: Policing women on social media’, 22 May 2020, <https://www.article19.org/resources/iran-policing-women-on-social-media/>.

129. Richard Spencer, ‘Teenager Abolfazl Adinezhadeh dies after being shot at close range in Iran protests’, The Times, 21 October 2022, <https://www.thetimes.co.uk/article/teenager-abolfazl-adinezhadeh-dies-after-being-shot-at-close-range-in-iran-protests-8jv8dqfzx>.

130. ‘Iran reviewing mandatory headscarf law amid ongoing protests’, The Guardian, 4 December, 2022, <https://www.theguardian.com/world/2022/dec/04/iran-reviewing-mandatory-headscarf-law-amid-ongoing-protests>.

131. David Gitten, ‘Mohsen Shekari: Iran carries out first execution over protests’, BBC News, 8 December 2022, <https://www.bbc.com/news/world-middle-east-63900099>.

132. ‘Iran protests: 100 detainees facing death penalty - rights group’, BBC News, 28 December 2022, <https://www.bbc.com/news/world-middle-east-64108551>.

general issued new directives to Iran's police to act "decisively" against women who defied the country's controversial hijab rules.¹³³ Deputy Prosecutor-General Abdolsamad Khorramabadi reportedly said such women could face detention from 10 days to two months, while judges were free to dispense a range of bans on work and political activity as well as banishment and confiscation of vehicles. He also indicated that those found to be "encouraging" lax hijab could face up to 10 years in prison for moral "corruption".

In May 2023, it was reported that Iran's Cyber-Police (FATA) has threatened women's fashion businesses, surgery clinics and gyms with closure over "immoral" photos of unveiled women on their social media accounts.¹³⁴ FATA has reportedly prosecuted them or forced them to shut down their accounts. In April 2023, Iran's Supreme Leader, Ayatollah Khamenei, claimed that foreign intelligence services were encouraging Iranian women to disobey mandatory hijab rules. "Discarding hijab is haram based on Sharia and also politically," he declared.¹³⁵ The Vice President in Legal Affairs Mohammad Dehghan stated: "The Islamic Republic will not mean much if there is no hijab in the country."¹³⁶

Pakistan

In 1980, as part of General Zia ul Haq's sweeping Islamisation campaign, government directives mandated dress codes for women working in schools, colleges and government offices. Women were required to wear a chador – a cloak covering the entire body including the head - over whatever they were wearing.¹³⁷ Although some women, such as those in all-women government colleges, refused to wear the veil, women teachers and academics in government schools and colleges and women in other government positions risked losing their jobs. For Zia, who sought to align Pakistan's laws with *shari'ah* principles, female visibility was equated with obscenity and so women's clothing became an issue for the contestation of the normative values of the state. Sportswomen were forbidden to participate in international events and perform in front of mixed audiences.

Women are no longer required to wear the veil in Pakistan's schools, colleges and other public institutions. But the issue of mandatory veiling is far from a mere historical matter. In September 2019, government authorities in Peshawar and Haripur in Khyber Pakhtunkhwa province issued a directive mandating female students in all government educational institutions to wear an abaya, a garment like a burqa that covers the body from head to toe.¹³⁸ The adviser to the chief regional minister claimed the directive was issued on safety grounds. A public outcry followed on social media. Critics lambasted the requirement as a "cheap publicity feat" and a reminder of the days when parts of the province were ruled by the Pakistani Taliban. The authorities subsequently withdrew the order following the backlash. But the matter revealed a divide in Pakistan, since many favoured the directive and criticised its withdrawal.

In February 2022, many in Pakistan, including government officials,

133. 'Iran doubles down, rolls out tougher hijab punishments', Al-Monitor, January 10, 2023, <https://www.al-monitor.com/originals/2023/01/iran-doubles-down-rolls-out-tougher-hijab-punishments>.

134. Maryam Sinaee, 'Iran Cyber-Police Threatens Beauty Salons, Gyms Over Hijab', Iran International, 16 May 2023, <https://www.iranintl.com/en/202305151221>.

135. *Ibid.*

136. *Ibid.*

137. Mumtaz, Khawar and Farida Shaheed (eds.), *Women of Pakistan: Two Steps Forward, One Step Back?*, New Jersey: Zed Books Ltd., 1987.

138. Atif Tauqeer, 'Pakistanis split over mandatory burqas for women', DW, 24 September 2019, <https://www.dw.com/en/pakistanis-split-over-mandatory-burqas-for-women/a-50564634>.

artists and media, criticised the decision of a college in the Indian state of Karnataka to bar Muslim schoolgirls from wearing the hijab in classrooms.¹³⁹ Protests were held and petitions filed. Muskan Khan, the 19-year old college girl who began the protests, was hailed for her bravery in resisting the mob of Hindu men who harassed her as she arrived at her college. The Pakistani Ministry of Foreign Affairs summoned the Indian Charge d’Affaires and conveyed its “grave concern and condemnation on the deeply reprehensible act” of banning Muslim students from wearing hijab in Karnataka.¹⁴⁰ Prominent Pakistanis also derided the subsequent decision of the high court in Karnataka in March 2022 to uphold the state government order that had banned headscarves in classrooms.¹⁴¹ The high court additionally ruled that the hijab is not “essential” to Islam.

Saudi Arabia

Throughout much of the 20th century – and especially after 1979 – Saudi women traditionally wore black abayas and hijabs or niqabs (the niqab is a tradition specific to the Najd region, the power base of the Saudi dynasty and Wahhabi Islam). Strict dress codes for both women and men in line with the regime’s interpretation of *shari’ah* were enforced throughout the country by the police and the judiciary. Saudi women were expected to wear abayas and in many cases to cover their hair and faces. Saudi Arabia has no written laws codifying the tenets of *shari’ah*, and this may explain why the dress codes were enforced inconsistently at different times and in different places within the country.

But there have been significant changes in both attitudes to dress codes and their enforcement. In recent years, viral videos have circulated online of Saudi women protesting to members of the religious police – Mutaween or the Commission for the Promotion of Virtue and Prevention of Vice, as it is also known – when the Mutaween tried to remove them from shopping malls for showing their faces, wearing makeup or nail polish, or even for showing gloveless hands. In 2002, when 15 girls died in a fire whilst trapped in a school, the Mutaween were accused of preventing the rescue of the girls because they were not wearing abayas and head coverings as they attempted to flee the building – although the director of the force at the time denied this.¹⁴² In 2016, King Salman stripped the Mutaween of their power to arrest and enforce the Saudi dress code.¹⁴³ Until then, the Mutaween did not have a codified remit. Now, it cannot pursue people or demand an ID.

Further changes in attitudes towards women’s rights have come about with the rising political power of Crown Prince Mohammad bin Salman, named prime minister in September 2022. Under his leadership, women have gradually been granted rights in Saudi Arabia that they never had before. Women have, for example, been granted the right to obtain their own passports and travel abroad, and to live independently without the permission of a male guardian, or “wali”. Other restrictions remain, much to the chagrin of critics of the ruling family. For example, women are still required to obtain a male guardian’s permission to marry or have

139. Hamid Mir, ‘Pakistanis defended a Muslim girl in India. But who holds the moral high ground?’, The Washington Post, 21 February 2022, <https://www.washingtonpost.com/opinions/2022/02/21/pakistan-defense-of-indian-muskan-khan-hijab-ignores-poor-human-rights-record-at-home/>.

140. Naveed Siddiqui, ‘“Reprehensible act”: Pakistan summons Indian envoy over hijab ban in Karnataka schools’, 9 February 2022, Dawn, <https://www.dawn.com/news/1674190>.

141. ‘Hijab ban: Karnataka high court upholds government order on headscarves’, BBC News, 15 March 2022, <https://www.bbc.co.uk/news/world-asia-india-60300009>.

142. Maha Akeel, ‘When a deadly fire killed 15 school girls in Makkah’, Arab News, 16 April 2020, <https://www.arabnews.com/node/1660041>.

143. ‘Saudi Arabia says religious police must be “gentle and humane”’, The Guardian, 13 April 2016, <https://www.theguardian.com/world/2016/apr/13/saudi-arabia-says-religious-police-must-be-gentle-and-humane>.

an abortion.¹⁴⁴

In March 2018, the Crown Prince made the unprecedented statement that women need not cover their heads or wear the black abaya as long as they dress in a way that is “decent and respectful”. He said in an interview with CBS television: “The laws are very clear and stipulated in the laws of sharia [Islamic law]: that women wear decent, respectful clothing, like men. This, however, does not particularly specify a black abaya or a black head cover. The decision is entirely left for women to decide what type of decent and respectful attire she chooses to wear.”¹⁴⁵ While some conservative Saudis still opt for a black abaya, in cities many are now “opting for conservative but creative alternatives: sporty jumpsuits, business-cut robes and even kimonos”.¹⁴⁶

Tunisia

During the struggle for independence in Tunisia, the veil was used as a symbol for Tunisian identity. Hence, when the pioneer male feminist Taher al-Haddad called in his 1930 book *Our Women in Sharia and Society* for substantial reforms in legislation governing family laws and highlighted the negative consequences of the veil and seclusion of women, he was silenced immediately with a ban on the book and dismissal from his position as a notary and professor at the Zaytuna university. He did not live long and died in isolation and poverty.

These reforms were even rejected by Habib Bourguiba, the future President of Tunisia. Tunisia, he declared, was living a “crucial period during which the French were seeking to depersonalize Tunisia... [...] Tunisians ought to hold on firmly to every component of their identity, including family law and the veil”.¹⁴⁷

However, after independence two and a half decades later, Bourguiba, now President of the new republic, implemented the social reforms suggested by al-Haddad to the letter. He reformed family law and encouraged women to take off the veil. Only in 1981 with the rise of political Islam as a formidable political force, did Tunisia introduce a ban on the veil (the headscarf), used by the Islamist movement as a symbol of its presence. The ministerial decree N. 181 called the veil a sectarian cloth that is foreign to Tunisian tradition. During the presidency of Ben Ali, who took power in a coup in 1987, the law was implemented with harshness.¹⁴⁸

After the 2011 Jasmine revolution in Tunisia, the niqab became a site of political confrontation utilised by Salafi groups. In coordination with Ansar Al Sharia in Tunisia, affiliated with al Qaeda, a group of female students demonstrated in the Tunisian university Manouba, demanding the right to wear the niqab and segregation between the sexes. Male Salafi students joined and intimidated the professors and students and disrupted the classes. The judiciary attempted to take the middle ground.¹⁴⁹ On 16 December 2011, the administrative court issued a verdict and argued that regulating the wearing of the niqab in universities falls within the powers of the deans and directors of these universities. However, on 5 July 2019,

144. 'What women can and can't do in Saudi Arabia', *The Week*, 25 August 2021, <https://www.theweek.co.uk/60339/things-women-cant-do-in-saudi-arabia>.

145. Stephen Kalin, 'Saudi women should be able to choose whether to wear head cover or black abaya in public, says Crown Prince', *The Independent*, 19 March 2018, <https://www.independent.co.uk/news/world/middle-east/saudi-arabia-women-abaya-head-cover-crown-prince-mohammad-bin-salman-a8263446.html>.

146. Donna Abdulaziz, 'Saudi Women Are Breaking Free From the Black Abaya', *The Wall Street Journal*, 2 October 2019, <https://www.wsj.com/articles/saudi-women-are-breaking-free-from-the-black-abaya-11570008601>.

147. Mounira M Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco*, University of California Press, 2001, pp. 216-219.

148. Elham Manea, *The Arab State and Women's Rights: The Trap of Authoritarian Governance*, London: Routledge Studies in Middle Eastern Politics, 2011, p.110. See also: John L. Esposito (ed.), 'Tunisia', *The Oxford Encyclopedia of the Modern Islamic World*, Volume 4, Oxford University Press, 1995.

149. Aaron Y. Zelin, 'Tunisia's Female Jihadists', Policy Analysis paper, 31 October 2018, <https://www.washingtoninstitute.org/policy-analysis/tunisas-female-jihadists>.

and due to the rise of terrorist threats, Tunisia's government issued a ban preventing women wearing the niqab from entering government buildings.¹⁵⁰ The decision came after twin suicide bombings struck Tunis the week before.

Turkey

Since the founding of the Republic of Turkey in 1923, Turks have lived in an officially secular state. Under the new country's founder, Mustafa Kemal Atatürk, Turkey implemented a series of extensive modernisation reforms. Veiling was not banned, but the practice was strongly discouraged. While some women in urban centres adopted new styles of dress, other women continued to wear headscarves.

During the 1970s, some civil servants and lawyers were asked not to cover their hair. This marked the first attempt to officially regulate the headscarf. In 1982, two years after a military coup, the newly established Council of Higher Education introduced a dress code that required "modern" attire at universities. This effectively banned the headscarf on university campuses, but it was inconsistently applied. From the late 1980s, the ban on headscarves – which targeted a modern form of headscarf using pins – began to be applied in other public institutions, including the military, the parliament, and the judiciary.

Over the years, the headscarf ban has divided Turkish political and legal opinion. Prime Minister Turgut Ozal tried to overthrow the ban during the 1980s, but this was blocked by President Kenan Evren and the courts. In 1989, the Constitutional Court ruled that permitting the headscarf on campus was a "breach of the principle of secularism" and therefore contrary to Article 2 of the Constitution. Another attempt to overturn the ban via the European Court of Human Rights failed in 1998. The court said that the ban did not contravene the European Convention on Human Rights since it "pursued the legitimate aims of protecting the rights and freedoms of others".¹⁵¹

In the 1990s, some women wearing the headscarf faced discrimination in public spaces. Some public hospitals, for example, refused services to them. In 2008, six years after the Adalet and Kalkınma Partisi (AKP, Justice and Development Party) came to power, it attempted to amend the constitution to make it illegal for anyone to be excluded from the classroom. The proposed amendments did not allow for headscarves that cover the neck, such as the chador and the burqa.¹⁵² However, the amendment was overturned by the Constitutional Court.¹⁵³

In October 2010, in another development in this ongoing issue, the government body that oversees universities – the Higher Education Board (YOK) – instructed professors not to reject students wearing headscarves.¹⁵⁴ This effectively put an end to the headscarf ban. In October 2013, Turkey lifted rules banning women from wearing headscarves in the country's civil service jobs and government offices, with the exception of the judiciary, military and police. Turkish President Recep Tayyip Erdoğan told the parliament: "A dark time eventually comes to an end."¹⁵⁵ In 2015,

150. 'Tunisia Bans Niqab in Government Buildings', France 24, 6 July 2019, <https://www.france24.com/en/20190706-tunisia-ban-niqab-face-veil-government-buildings-security-concerns>.

151. 'Turkey: What Now in the Veil War?', 3 February 2008, <https://www.newsweek.com/turkey-what-now-veil-war-93317>.

152. 'Turkey eases ban on headscarves', 9 February 2008., BBC News, <http://news.bbc.co.uk/1/hi/world/europe/7236128.stm>.

153. Robert Tait, 'Turkish court upholds university headscarf ban', The Guardian, 5 June 2008, <https://www.theguardian.com/world/2008/jun/05/turkey>.

154. 'Headscarf ban relaxed in Turkey', News 24, 26 October 2010, <https://www.news24.com/News24/Headscarf-ban-relaxed-in-Turkey-20101026>.

155. Roff Smith, 'Why Turkey Lifted Its Ban on the Islamic Headscarf', National Geographic, 12 October 2013, <https://www.national-geographic.com/history/article/131011-hijab-ban-turkey-islamic-headscarf-ataturk>.

the ban was lifted for women in the judiciary, and in 2016, it was lifted for policewomen, allowing them to wear the headscarf as part of their police uniform.

In October 2022, in the run-up to the 2023 presidential and parliamentary elections, the leader of the opposition, Kemal Kilicdaroglu, proposed a law to guarantee women the freedom to wear the headscarf in public spaces. Noting that such a proposal “is far from solving the problem in the desired way,” President Erdoğan called on Kilicdaroglu to assist in enshrining this freedom into the constitution.¹⁵⁶ This will require majority approval in parliament. Failing this, Erdoğan has expressed his intention to present a referendum to the public for such a constitutional amendment.¹⁵⁷

Yemen

In Yemen, women tend to cover their hair. Since the 1970s in the North, and after the 1994 civil war in the South, women began to cover their faces too. Female dress in North and South Yemen before unification in 1990 were shaped by the ideological orientations the political system. The civil wars in 1994 and 2015 have impacted the lives of women in both South and North Yemen respectively.

In North Yemen, between 1872 to 1918, during Ottoman imperial control of parts of North Yemen, women from the higher strata of society emulated the clothing style of women from the ruling Turkish political elites. They wore a Turkish form of niqab – called *sharshaf* – with two pieces of black cloth that cover the woman from head to toe, complemented with another one that hides the face. After the military coup of 1962, this type of veil started to spread in the cities among women from all strata of society. Women in rural areas remained immune to this development. Their faces were uncovered, and they wore traditional (often colorful) style of clothes.

Starting in the late 1970s, the Northern regime worked closely with Saudi Arabia in promoting Sunni Islamist movements within the regional context of the Cold War. This led to an Islamisation of society and women started to cover their faces in rural areas too. Adornment of the Saudi style niqab started to spread. However, no law obliged women to wear the headscarf, the *sharshaf* or niqab. Women in South Yemen had a different experience. During the British colonial period, women did cover their faces and their clothing style was shaped by their regional traditions. In the 1940s, the prevailing veil in Aden Colony, the *shayder*, was made of black satin, complemented with a kilt that was placed on the face - the *khanna*. In the Eastern and Western protectorates, women adhered to regional styles of dress. The full-face veil was the norm.¹⁵⁸

In the 1950s, social transformation and new ideologies led women – especially from the higher strata in Aden and female activists – to take off their face veil. As a reflection of the zeitgeist, in 1959 women activists in Aden organised a protest action against the veil and burned the *shayder* in public.¹⁵⁹

In the 1960s, women in Aden started to wear the scarf with a coat as

156. 'Turkey: Erdogan asks for freedom to wear hijab to be included in constitution', The Siasat Daily, 6 October 2022, <https://www.siasat.com/turkey-erdogan-asks-for-freedom-to-wear-hijab-to-be-included-in-constitution-2428808/amp/>.

157. Sakina Fatima, 'Turkey: Erdogan asks for freedom to wear hijab to be included in constitution', The Siasat Daily, 6 October 2022, <https://www.siasat.com/turkey-erdogan-calls-for-referendum-on-right-to-wear-headscarves-2440732/>.

158. N. N., *The State Dress: Semantics of the Yemeni Political Dress from 1948 to 2004* (Arabic), Proceedings of the Second International Symposium: Representation of Masculinity and Femininity in the Public Sphere: Sana'a, 14-15 February 2005, pp.151-152.

159. *Ibid.*, p.169.

substitute for the full-face veil. These developments, however, were absent from the western and eastern protectorates. After independence, the state's Marxist ideology impacted women's clothing but only in urban areas. Activists participating in the Socialist militia wore uniforms (trousers, jacket with short sleeves) like Cuban women. Clothes and fashion were imported from China, the former Soviet Union, and India. Women's dress was dominated by one style "to eliminate class differences in society".¹⁶⁰

In general, during the socialist regime, women in urban areas, especially in Aden, did not wear the veil, but in other regions and rural areas, traditional forms of clothing and veiling remained intact. This continued after the 1990 Yemeni unification.

The 1994 civil war was detrimental for women in the South. The war was won by President Saleh's regime due to his coalition with diverse forces. Sunni Islamists were among those allies.¹⁶¹ After the war, systematic measures were taken to re-Islamise the South. Unveiled women were attacked by acid in Aden. The education system in the southern provinces was overhauled: teachers were dismissed in favour of new groups of Islamist teachers who disseminated their own view of the "ideal Islamic woman". Several facilities in Aden received written instructions "not to hire women" and to "hire men instead".¹⁶² As a result, the veil, including the niqab, spread in the urban areas of the South.

In a similar vein, the 2015 civil war and the Houthi militia control of North Yemen has affected women's lives and their freedom of movement. Followers of a radicalised form of Zaydi Islam (a distinct branch of Shi'ite Islam), the militia started to impose restrictions on women that did not exist before. These included "a general trend to exclude women from public work", the "hindering [of] women's movement unless they are accompanied by a male guardian or have an administrative permission", and the imposition of "gender separation in some institutions and ministries". Friday sermons have specifically targeted women, inciting their male relatives against them.¹⁶³ On social media, Yemeni activists reported instructions given regarding the "ideal form of veiling", including the wearing of full face-veiling in all public and private institutions.¹⁶⁴

160. *Ibid.*, p.156.

161. Elham Manea, *The Arab State and Women's Rights. The Trap of Authoritarian Governance (Yemen, Syria, and Kuwait)*, 2011, London: Routledge Studies in Middle Eastern Politics, pp.134-137.

162. *Ibid.*, p. 135.

163. Letter from a group of female public figures in Sana'a to the Houthi/Ansar Allah Prime Minister expressing their worries about "a general trend to exclude women from public work or to marginalize them" (in Arabic), February 2023, Sana'a, Yemen. Letter shared with the author.

164. See, for instance, Nadwa Dawsari/@Ndawsari, Twitter post, 5 February 2023, <https://twitter.com/Ndawsari/status/1622053637470961668?s=20&t=X1f-2flwQ2AU5gHIH8tUfNQ>.

A Timeline of Veiling Bans:

Europe and the Rest of the World

Dr Damon L. Perry

Over the last two decades or so, different kinds of Islamic clothing for women, including the hijab, or headscarf, and full-face veils, such as the niqab and burqa, have been subject to a variety of prohibition orders in Europe, the Middle East, Central and South Asia, and Africa. Some of them have been contested and overturned.

The explicitness of these bans vis-à-vis Islamic dress varies. In a few instances, the bans explicitly refer to Islamic attire, such as the hijab bans in Bosnia and Tajikistan. But the vast majority, including those in the rest of Europe and Central Asia, do not refer to any specific religious attire or religion.

Some bans, including those in France and Germany, target any visible symbol or item of clothing broadly categorised as religious or ideological. The justification for such bans, such as those relating to the headscarf in schools, is to protect the religious neutrality or secular values of the state. In 2004, France was the first country in Europe to enact a nationwide ban in schools on religious apparel and signs that “conspicuously show” a student’s religious affiliation.

In Berlin, visible religious or ideological symbols or garments were banned in 2005 for all public-school teachers, police officers, judges, court officials, prison guards, prosecutors, and civil servants working in the justice system in order to protect state neutrality. However, in January 2023, concluding a years-long legal case brought by a Muslim female primary school teacher who was denied a job because she refused to remove her hijab, the Federal Constitutional Court confirmed a 2020 ruling from the Federal Labour Court that Berlin’s “neutrality law” did not mean that a blanket ban on headscarves could be imposed.¹⁶⁵

The specific forms of Islamic dress that bans apply to likewise vary. Some bans apply to the headscarf. Others apply to full-face veils, such as the niqab and burqa, although these bans are usually focused on any clothing that conceals the face. Such bans are usually explained and justified in terms of enhancing security, verifying identity or facilitating communication.

The sectors or domains within which the bans apply also vary. Some apply anywhere in public. Others are limited to specific public institutions,

165. On March 28, 2023, the Berlin Senate Department for Education stated that Berlin’s government will “move away from its previous literal application of the neutrality law.” Religious clothing and symbols can now only be banned from classrooms “in cases where there is a specific threat to school peace or if it endangers state neutrality”. See: Daniel Boldt, ‘Lehrerinnen in Berlin dürfen ab sofort wieder Kopftuch tragen, Tagesspiegel’, March 28, <https://checkpoint.tagesspiegel.de/langmeldung/We43s0ZaxRJ3KmGJfM-Muz>.

such as schools, hospitals, and government offices. The Netherlands' ban on full-face coverings applies to public places where communication is required but not in public places, such as railway platforms, where communication is not normally required.

The jurisdiction or location of applicability of these bans varies. In most cases, the bans apply nationally, but in some countries, such as Cameroon, China, Germany, India, Italy, Luxembourg, Russia, Spain, and Switzerland, bans have been put in place at the local level, i.e., at the level of the canton, province, or state.

The reasons for bans on headscarves or full-face coverings also vary. For headscarves, the most common concerns include the preservation of secularism. This applies in the cases of Germany and France, as mentioned above, but also to Azerbaijan, Kosovo, and Tajikistan. In Syria, full-face veils have been proscribed in order to protect the country's secular values, and in 2017, Belgium's full-face ban was upheld by the European Court of Human Rights after a legal challenge on the basis that it served to protect "democratic society". Most full-face veil bans, however, have been passed on the basis of concerns about security and the prevention of terrorism, as in the case of Algeria, Bulgaria, Cameroon, Chad, China, Congo, Gabon, Morocco, Tunisia and Sri Lanka.

So, the picture is complex.

But, despite the complexity of the various bans that affect Muslim women's clothing, a common feature is the contention that arises from such bans. In many countries where the bans are operative, there have been protests and legal challenges. In some of these instances, bans have been overturned. Examples include the Spanish city of Lérida's 2010 ban on full-face veils, and Quebec's 2017 ban on full-face veils when giving or receiving public services. In other instances, bans have been upheld. Perhaps the most significant example is that of the challenge to the French ban on full-face veils, which was upheld in 2014 by the European Court of Human Rights. Common to all of the bans is the interplay between, on the one hand, issues of religious freedom, and on the other, concerns regarding security and the preservation of state neutrality and secularism.

The table below offers a comprehensive timeline of the various veiling bans in Europe and the rest of the world, as well as some of the legal challenges to them. The table begins with the first ban on headscarves in Europe, in the state of Baden-Württemberg, in 2004.

Year	Month ¹⁶¹	Countries (cities/regions)	Applicability and rationale
2004	April	Germany (Baden-Württemberg)	<ul style="list-style-type: none"> ▪ Headscarves banned for teachers in Baden-Württemberg, the first German federal state to pass such a ban.¹⁶⁷ ▪ Headscarves not explicitly named but fall under the general category of religious symbols, which are banned. ▪ This followed a ruling in September 2003 by the constitutional court that the state was wrong to forbid a Muslim female teacher, Fereshta Ludin, from wearing a hijab in the classroom since there was no law prohibiting her from wearing a headscarf.¹⁶⁸ The court had added that Germany's 16 states could legislate independently to ban religious apparel if it was deemed necessary. ▪ In June 2004, Germany's Federal Administrative Court upheld the law banning the wearing of headscarves in public schools. The court rejected an appeal by a Muslim teacher in Baden Württemberg who claimed the law impinged upon her religious rights.¹⁶⁹
	April	Germany (Lower Saxony)	<ul style="list-style-type: none"> ▪ Headscarves banned for teachers in Lower Saxony.¹⁷⁰ ▪ Headscarves not explicitly named in the proscription, which was passed to ensure religious and political neutrality. ▪ Ban was lifted in September 2015 following a decision by Germany's high court that a similar ban in North-Rhine Westphalia violated religious freedom.¹⁷¹
	September	France	<ul style="list-style-type: none"> ▪ Religious apparel and signs that "conspicuously show" a student's religious affiliation banned from schools.¹⁷² ▪ Headscarves, Jewish skullcaps and large Christian crosses subject to the ban.
	July	Germany (Saarland)	<ul style="list-style-type: none"> ▪ Headscarves banned for teachers in German state of Saarland.¹⁷³ ▪ Headscarves not explicitly named but fall under the category of "political, religious, ideological or similar external manifestations". ▪ The regulation emphasises Christian values and traditions: "The School has to teach and educate pupils on the basis of Christian educational and cultural values showing due respect for the feelings of differently minded pupils."

166. Month that the law came into force unless indicated. Note that the legal processes for a given ban – including the passing of a ban into law – may have commenced months prior to the law coming into force.

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171. 'German state lifts headscarf ban', DW, 8 September 2015, <https://www.dw.com/en/german-state-lifts-headscarf-ban-for-public-school-teachers/a-18699223>.

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Year	Month ¹⁶¹	Countries (cities/ regions)	Applicability and rationale
	October	Germany (Hesse)	<ul style="list-style-type: none"> ▪ Headscarves banned for teachers and all other civil servants in German state of Hesse, including those in the field of justice and law enforcement: judges, prosecutors, police officers, and court and prison officials.¹⁷⁴ ▪ Muslim headscarves not explicitly targeted but visible items of religious clothing and symbols since they contravene the requirement under Germany's Basic Law to adhere to religious and ideological "neutrality". ▪ Ban was legally challenged in 2020 in the Federal Constitutional Court's by a Frankfurt-born German-Moroccan legal trainee, but the court ruled that the prohibition was constitutional.¹⁷⁵ ▪ The judgement noted "When performing duties where they are or could be perceived as representatives of the state, legal trainees have been obligated [by the <i>Land Hesse</i>] not to allow their affiliation with a religious community to become visible through observing a religious dress code. This obligation interferes with the freedom of faith of the individual guaranteed in Art. 4(1) and (2) of the Basic Law."¹⁷⁶
2005	January	Germany (Bavaria)	<ul style="list-style-type: none"> ▪ Headscarves banned for teachers in the German state of Bavaria.¹⁷⁷ ▪ Headscarves not explicitly named but clothing or symbols that may be "understood by pupils or parents as an expression of an attitude that is incompatible with the fundamental constitutional values and educational objectives of the Constitution, including the Christian occidental educational and cultural values". ▪ "The Bavarian parliament approved the measure after Culture Minister Monika Hohlmeier argued that the headscarf was a symbol of the repression of women."¹⁷⁸
	June	Germany (Bremen)	<ul style="list-style-type: none"> ▪ Headscarves banned for teachers in the German state of Bremen.¹⁷⁹ ▪ Headscarves not explicitly named but, as in other German states, prohibited to preserve "religious and ideological neutrality". ▪ In May 2005, a trainee teacher wearing a headscarf whose application for teacher training was rejected won her appeal in the administrative court in Bremen. The decision was overturned on appeal in Bremen's Higher Administrative Court. In June 2008, that decision was in turn reversed by the Federal Administrative Court. This meant that although trainee teachers may wear a headscarf, such teachers may only obtain employment in Bremen in private, not state, schools.

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Year	Month ¹⁶¹	Countries (cities/ regions)	Applicability and rationale
	July	Germany (Berlin)	<ul style="list-style-type: none"> Headscarves banned for teachers and civil servants in the federal state of Berlin.¹⁸⁰ No “visible religious or ideological symbols”, including crosses and kippahs, to be worn by public servants, such as teachers, court clerks, prison officers and the police. In May 2018, a Muslim female primary school teacher who was barred from teaching due to her refusal to remove her headscarf lost a discrimination case in the Lower Berlin-Brandenburg Labour Court.¹⁸¹ But in August 2020, the ruling was appealed in Germany’s Federal Labour Court, which ruled that the regulation banning headscarves for teachers in Berlin was unconstitutional as it stood.¹⁸² The “blanket ban” was deemed to violate the freedom of belief protected by Article 4 of the Basic Law.¹⁸³ In January 2023, the Federal Constitutional Court rejected an appeal by the State of Berlin against the 2020 judgment of the Federal Labour Court that “the wearing of headscarves should not be banned across the board”.¹⁸⁴ As such, “wearing the headscarf on duty is only banned if there is a <i>specific danger</i> to school peace or state neutrality”.¹⁸⁵
	September	Tajikistan	<ul style="list-style-type: none"> Headscarves – hijabs – banned in schools and universities from the start of the school year.¹⁸⁶ Education Minister Abdujabor Rahmonov equated wearing the hijab with conducting “propaganda for religious ideas in a secular society”. Ministry officials said the ban was needed because of the growth of radical groups who use Islam to undermine the state. In July 2007, a 20-year old female student brought the first legal challenge to the ban, but her case was dismissed.¹⁸⁷
2006	June	Germany (North-Rhine Westphalia)	<ul style="list-style-type: none"> Headscarves banned for teachers in the German state of North-Rhine Westphalia.¹⁸⁸ The ban mirrors the language of the law in Baden-Württemberg. In January 2015, however, Germany’s highest court – the Federal Constitutional Court – ruled in favour of two Muslim claimants who sought legal redress after being denied employment under the state law of North-Rhine Westphalia due to their refusal to remove their headscarves. The Court did not revoke the banning regulation in North-Rhine Westphalia but stated that its application in this case was unjustified and in breach of their freedom of religion, since the claimants’ wearing of the headscarf would have to present a “sufficiently specific danger” to “the peace at school or the state’s duty of neutrality”.¹⁸⁹ It also stated that the regulation would have to apply equally to expressions of the Christian or Jewish faiths. Some reports claimed the ruling overturned similar bans in other German states,¹⁹⁰ but this is inaccurate. The court’s wording specified aspects of the North-Rhine Westphalia ban that it deemed void or insufficient to justify a ban, but it was left up to the various German states to amend their laws accordingly.¹⁹¹

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Year	Month ¹⁶¹	Countries (cities/regions)	Applicability and rationale
2009	March	Kyrgyzstan	<ul style="list-style-type: none"> ▪ Clothing "symbolising religious affinity", including headscarves, banned in state schools.¹⁹² ▪ Some female students excluded from campuses for wearing the hijab due to the new uniform regulations, but inconsistent application across the country.¹⁹³
	October	Egypt	<ul style="list-style-type: none"> ▪ Full-face veils banned from Egypt's highest learning institution of Sunni Islam, Al-Azhar University.¹⁹⁴ ▪ Full-face veils then banned in women-only dormitories of public universities by Minister of Higher Education Hani Hilal, who said "I took this decision in order to protect female students". Hilal added that 17 men were arrested in 2008 disguised as face-veiled women inside women's dorms.¹⁹⁵ ▪ Ban of veils in women-only dormitories and in examinations revoked in December 2009.¹⁹⁶ ▪ Ban of veils in examinations upheld in January 2010,¹⁹⁷ revoked again later in the same month,¹⁹⁸ upheld in 2011 and revoked in March 2012.¹⁹⁹
2010	March	Kosovo	<ul style="list-style-type: none"> ▪ Headscarves, as well as other religious symbols, banned in state schools.²⁰⁰ ▪ Ban in accordance with the constitution that declares Kosovo a secular country.
	May	Italy (Novara)	<ul style="list-style-type: none"> ▪ Full-face veils, e.g., burqa, in public places, e.g., schools, buses, post offices in the town of Novara, northern Italy.²⁰¹ ▪ Proscription based on a 1975 national anti-terrorism law intended to restrict the wearing of masks or motorcycle helmets. ▪ A woman was fined 500€.
	July ²⁰²	Syria	<ul style="list-style-type: none"> ▪ Full-face veils banned in universities. Does not apply to the hijab.²⁰³ ▪ Reportedly in response to requests from students and parents. ▪ Niqabs seen as a threat to the country's secular identity.²⁰⁴
	December	Spain (Llérida)	<ul style="list-style-type: none"> ▪ Full-face veils which "prevent identification in buildings and installations of the town hall" banned the city of Llérida (Lleida in Catalan).²⁰⁵ ▪ The socialist mayor of Llérida, Angel Ros, said: I believe the burqa and the hijab, as well as similar garments that completely cover the face are an attack against equality between men and women, they are an attack against women's dignity.⁷ ▪ Fines of 600€. ▪ In July 2011 a lawsuit from a local Muslim group claiming the ban constitutes religious discrimination was rejected, but in February 2013, the Supreme Court overturned the ban.²⁰⁶ ▪ The court said the ban "constitutes a limitation to the fundamental right to the exercise of the freedom of religion, which is guaranteed by the Spanish Constitution." The court said that the limitation of a fundamental right can only be achieved through laws at the national level, not through local ordinances.

Year	Month ¹⁶¹	Countries (cities/ regions)	Applicability and rationale
	December ²⁰⁷	Azerbaijan	<ul style="list-style-type: none"> ▪ “Unofficial ban” on headscarves in schools.²⁰⁸ Headscarves not explicitly prohibited, but prevented from being worn by schoolgirls due to regulations on school uniform introduced in 2010. ▪ Education Minister Misir Mardanov said: “Azerbaijan is a secular state and this issue is clearly defined by the law on education. Observing rules in secondary schools is not in contradiction with being a Muslim.”²⁰⁹
2011	February	Germany (Hesse)	<ul style="list-style-type: none"> ▪ Full-face veils banned for public sector workers.²¹⁰ ▪ The first German federal state to ban face coverings. ▪ Decision prompted by a teacher of Moroccan origin who, after returning from maternity leave, had told her school she wanted to wear a burqa in the classroom ▪ Hesse’s Interior Minister Boris Rhein said: “Civil servants may not be veiled, especially those who have contact with citizens,” and that while a headscarf is acceptable, wearing a burqa could be perceived as “hostile to Western values”.²¹¹
	April ²¹²	France	<ul style="list-style-type: none"> ▪ Full-face veils banned in public. Does not include the hijab.²¹³ ▪ The first European country to ban face coverings nationally. ▪ Fines of up to 150€ or lessons in French citizenship. Fines for men forcing a woman to wear a face veil up to 30,000€ with up to one year in prison.²¹⁴ ▪ First women taken to court, Hind Ahmas and Najate Nait Ali, in September 2011, and fined 120€ and 80€ respectively.²¹⁵ ▪ In July 2014, the European Court of Human Rights upheld the ban.²¹⁶ The judges said the preservation of a certain idea of “living together” is the “legitimate aim” of the French authorities.
	July	Belgium	<ul style="list-style-type: none"> ▪ Full-face veils banned in public. Applicable to any clothing that conceals the identity of the wearer in public places, including streets and parks.²¹⁷ ▪ Legally challenged by two Muslim women at the European Court of Human Rights (ECHR) in 2017.²¹⁸ But the ECHR declared the ban on full veils in Belgium to be legal. ▪ The judges in Strasbourg said such a ban is “necessary for a democratic society”.²¹⁹
	December	Canada	<ul style="list-style-type: none"> ▪ Full-face veils banned for citizenship ceremonies – not a public ban.²²⁰ ▪ Ban overturned in September 2015 when a federal appeals court declared the ban unlawful.²²¹ The case was brought by Zunera Ishaq, an immigrant from Pakistan.

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Year	Month ²⁶¹	Countries (cities/ regions)	Applicability and rationale
2013	July	Russia (Stavropol)	<ul style="list-style-type: none"> ▪ Headscarves – hijabs – banned in schools in the region of Stavropol.²²² ▪ Proscription upheld by Russia's supreme court. ▪ A spokesman for the region's governor stated: "Taking into account the principles of the Russian Constitution and Russian legislation on the secular nature education, this resolution is aimed at ensuring students of educational institutions adhere to the same norms that are expected of business-style clothing."²²³
2014	July	Spain (Reus)	<ul style="list-style-type: none"> ▪ Face coverings banned not just in public buildings, such as schools, but also in the city's streets in the city of Reus, the capital of Baix Camp, in the province of Tarragona, Catalonia.²²⁴ ▪ The mayor of Reus said he will enforce a ban despite the Supreme Court's ruling in 2013 that the Catalan town of Lérida did not have the authority to issue its own burqa ban. ▪ The Mayor of Reus referred to the ECHR's ruling upholding France's burqa ban in July 2014.
	December	China (Xinjiang)	<ul style="list-style-type: none"> ▪ Full-face veils banned in public places in the regional capital of Urumqi.²²⁵ ▪ Followed a terror attack in Urumqi in May 2014, in which two cars were crashed into shoppers at a market, killing 31 people and injuring more than 90.
2015	January	Germany	<ul style="list-style-type: none"> ▪ In a legal case in North-Rhine Westphalia, where two hijab-wearing Muslim claimants sought legal redress after being denied employment, the Federal Constitutional Court declared that a general prohibition on teachers in state schools expressing religious belief by outer appearance is not compatible with their freedom of faith and their freedom to profess a belief.²²⁶ ▪ To justify its prohibition, the Court declared, "it is not sufficient that the expression of religious beliefs by outer appearance or conduct constitutes an <i>abstract</i> danger, it has to constitute a sufficiently <i>specific</i> danger of impairing the peace at school or the state's duty of neutrality".²²⁷
	May	Congo-Brazzaville	<ul style="list-style-type: none"> ▪ Full-face veils in public places.²²⁸ ▪ Measures are designed to counter terrorism. ▪ A government spokesman said Congo-Brazzaville is a secular country that respects all religions, but that some Muslim women had used the veil as a disguise to commit terrorist acts. ▪ First African country to ban the burqa.
	June	Chad	<ul style="list-style-type: none"> ▪ Full-face coverings banned everywhere, not just public places.²²⁹ ▪ Banned after terrorist attacks by Boko Haram which killed more than 20 people. ▪ First Muslim-majority country to ban the burqa.

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Year	Month ¹⁶¹	Countries (cities/regions)	Applicability and rationale
	July	Cameroon (Far North)	<ul style="list-style-type: none"> Full-face veils banned in public places in the Far North region.²³⁰ Ban came after two Islamist suicide bomb attacks in the region. The governor of the mainly Muslim region said the measure was to prevent further attacks.
	July	Gabon	<ul style="list-style-type: none"> Full-face veils banned in public places and workplaces.²³¹ Proscription prompted by terrorist attacks in neighbouring Cameroon.
	September	Egypt	<ul style="list-style-type: none"> Full-face veils banned for female academic staff in lecture halls at Cairo University.²³² After a legal challenge, the Supreme Administrative Judiciary Court finally upheld the ban in January 2020.²³³ Egypt's State Commissioners Authority said the niqab affects the education process and communication between students and the teaching staff.
	November	Switzerland (Ticino)	<ul style="list-style-type: none"> Full-face veils banned in public in the canton of Ticino, one of Switzerland's 26 cantons.²³⁴ Drawn up to address concerns over Islamism and integration.
2016	January	Italy (Lombardy)	<ul style="list-style-type: none"> Full-face veils banned in local government buildings and hospitals in the region of Lombardy.²³⁵ Measures prompted by "serious terror attacks" in recent months – i.e., Paris attacks. Regional head of security said: "Whoever wants to enter a hospital in Lombardy must be recognisable and present themselves uncovered ... The burqa [and the] niqab are therefore banned."
	January	Kazakhstan	<ul style="list-style-type: none"> Any clothing that "directly or indirectly propagates religion" banned in schools.²³⁶ Headscarves not explicitly banned, but ruled out by uniform regulations stipulated by the January 2016 decree.²³⁷ Ban reiterated in October 2016 after parents' complaints and Islamist terror attacks in the northwestern city of Aqtobe in June 2016. Prior to this, in 2011, a university in northwestern Kazakhstan lifted a ban on headscarves after eight students threatened to sue.²³⁸
	February	Bosnia and Herzegovina	<ul style="list-style-type: none"> Religious symbols, including the hijab, which is specifically named, banned in courts and other legal institutions.²³⁹ Decision made by the High Judicial and Prosecutorial Council to avoid image of religious bias in legal proceedings.²⁴⁰ Applies to judges, prosecutors and all employed in judicial institutions.
	April	Latvia	<ul style="list-style-type: none"> Full-face veils banned in public.²⁴¹ Lawmakers reportedly claimed the burka poses a serious security risk and is undermining their culture.

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Year	Month ²⁶¹	Countries (cities/ regions)	Applicability and rationale
	August	France (Riviera towns)	<ul style="list-style-type: none"> ▪ Burkini – swimming attire including a robe that covers the entire body and the face – banned in Cannes, followed by other towns on the French Riviera.²⁴² ▪ But this ban ruled illegal in September 2016 by France's Council of State.²⁴³ ▪ Cannes, Nice, Villeneuve-Loubet, Frejus and Roquebrune subsequently lifted their burkini bans.
	August	Germany (Lower Saxony)	<ul style="list-style-type: none"> ▪ Not a full-face veil ban across the region, as such, but a legal precedent for such a ban:²⁴⁴ the Osnabrück Administrative Court in Lower Saxony denied the case of a Muslim woman who appealed after being refused entry to an evening school.²⁴⁵ She had insisted on wearing a niqab. ▪ Reasons given for the school's ban on niqab's were that it could not identify her (necessary for tests) and that open communication would not be possible without her face being visible.
	September	Bulgaria	<ul style="list-style-type: none"> ▪ Full-face veils banned in public places, including government offices, schools, cultural institutions and places of public recreation.²⁴⁶ ▪ Fine of 770€ and benefit sanctions. ▪ Rumen Kozhuharov, the head of Pazardjik municipality, stated: "The main things that motivated and catalysed this [ban] were the terrorist attacks that happened in European countries and the increasing flow of migrants who entered the country in the past few years."²⁴⁷
2017	January	Morocco	<ul style="list-style-type: none"> ▪ Production, importation and sale of the burqa banned according to local reports.²⁴⁸ ▪ Security concerns cited. An interior ministry official: "bandits have repeatedly used this garment to perpetrate their crimes".
	February	Germany (Bavaria)	<ul style="list-style-type: none"> ▪ Full-face veils banned "in the fields of civil service, universities, schools, kindergartens, in the fields of public general safety and order, and at elections".²⁴⁹ ▪ Full-face veils in public places. Not banned nationally but in Germany's largest state. ▪ The protection of a "culture of communication" and "Christian values" cited in the ban's favour. ▪ Bavarian Interior Minister Joachim Herrmann said women wearing a niqab or burqa are hindering communication and public safety.
	April	Germany	<ul style="list-style-type: none"> ▪ Full-face veils banned for civil servants, including election officials and judiciary staff, and military personnel.²⁵⁰ ▪ The regulation followed several jihadist attacks, including a truck rampage through a Berlin Christmas market that claimed 12 lives.²⁵¹ ▪ The ruling noted that "the religiously or ideologically motivated covering of the face" in the exercise of public service is contrary to the "duty of neutrality" required of the state.²⁵²

Year	Month ¹⁶¹	Countries (cities/ regions)	Applicability and rationale
	May	Austria	<ul style="list-style-type: none"> Full-face coverings, including niqabs and burqas, as well as balaclavas.²⁵³ The Anti-Face-Veiling Act prohibits face coverings in all public places and buildings, including courts, schools, and transport. Fine of 150€. Part of the government’s integration policy.
	September	Germany	<ul style="list-style-type: none"> Any headgear, including full-face veils, that cover the face, banned whilst driving.²⁵⁴ The German parliament’s upper house, the Bundesrat, introduced the measure to “ensure a driver’s identity can be determined” if they are caught speeding. Fine of 60€.
	September	Tajikistan	<ul style="list-style-type: none"> Law passed requiring Tajiks to “stick to traditional national clothes and culture”, widely interpreted as an effort to prevent women from wearing the headscarf.²⁵⁵ No explicit mention of the Islamic headscarf and no penalty for breaking the rule. Minister of Culture, Shamsiddin Orumbekzoda, said Islamic dress was “really dangerous”.
	October	Canada (Quebec)	<ul style="list-style-type: none"> Face coverings banned when giving or receiving public services, such as using or working for public transport, public universities, or hospitals.²⁵⁶ Challenged legally and suspended in 2018.²⁵⁷
	November	Switzerland (St. Gallen)	<ul style="list-style-type: none"> Full-face veils banned in public in the Swiss canton of St. Gallen, the second of 26 cantons to ban full-face coverings after Ticino in 2015.²⁵⁸ The text of the regulation reads: “Any person who renders themselves unrecognizable by covering their face in a public space, and thus endangers public security or social and religious peace will be fined”.
2018	April ²⁵⁹	Luxembourg	<ul style="list-style-type: none"> Full-face veils and other clothes that conceal the face banned in public.²⁶⁰ Applies to public buildings, courts, hospitals, public transport, state and private schools, creches and day-care centres, and retirement homes. Fines between 25-250€ Prior to the nationwide ban, 47 local municipalities had already banned face-covering at the local level.²⁶¹

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Year	Month ¹⁶¹	Countries (cities/regions)	Applicability and rationale
	August	Netherlands	<ul style="list-style-type: none"> The Act Partially Prohibiting Face-Covering Clothing prohibits clothing that completely or partially conceals the face in spaces where people are expected to communicate with each other.²⁷⁵ Ban applies to public transportation and in educational, governmental, and nursing care institutions, but not public spaces such as train platforms. Rationale provided concerns “mutual and recognisable communication”, not religion.²⁷⁶ Apparently not supported by security officials and therefore unlikely to be implemented.²⁷⁷
	December	Sweden (Skurup)	<ul style="list-style-type: none"> Headscarves and full-face veils banned for staff and students in schools in the Swedish municipality of Skurup.²⁷⁸ Proscription lifted in November 2020 by the Malmo Administrative Court of Appeals, which released a statement saying the Skurup town council’s decision was unconstitutional.²⁷⁹
2020	July	Germany (Baden-Württemberg)	<ul style="list-style-type: none"> Full-face veils banned for pupils in primary and secondary schools (not universities).²⁸⁰ This is in addition to the ban on headscarves (not just burqas and niqabs) for teachers in Baden-Württemberg, which came into force in 2004.
2021	March ²⁸¹	Switzerland	<ul style="list-style-type: none"> Full-face veils banned in public after a national referendum.²⁸² Applies to all face coverings, such as balaclavas, in public places, including on the street, public transport, football stadiums, restaurants and government offices.
	March	France	<ul style="list-style-type: none"> The French Senate voted in favor of an amendment to the “Separatism Bill” that sought to ban women under the age of 18 from wearing the hijab in public.²⁸³ Another amendment sought to ban women from wearing the hijab whilst accompanying their children on school trips.²⁸⁴ These amendments were later overturned in the National Assembly.
	April	Sri Lanka	<ul style="list-style-type: none"> Full-face veil banned in public.²⁸⁵ Minister for public security Sarath Weerasekera said: “The burka has a direct impact on national security. In our early days Muslim women and girls never wore the burka. It is a sign of religious extremism that came about recently.”²⁸⁶
2022	February	India (Karnataka)	<ul style="list-style-type: none"> Headscarves banned in state schools by the government of the state of Karnataka.²⁸⁷ This came after some schools in the state barred hijab-wearing schoolgirls from the classroom and subsequent protests. In March the Karnataka High court upheld the bans and stated that the hijab was “not essential to Islam”.²⁸⁸

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Year	Month ²⁶¹	Countries (cities/ regions)	Applicability and rationale
2023	January	Germany	<ul style="list-style-type: none"> The Federal Constitutional Court rejected an appeal by the State of Berlin against the Federal Labour Court, which had ruled in 2020 that “the wearing of headscarves should not be banned across the board”.²⁸⁹ The Berlin state had been embroiled in a legal case involving a Muslim female primary school teacher who had been declined a job due to her refusal to remove her headscarf. The Federal Constitutional Court confirmed the Federal Labour Court’s ruling that a blanket ban on teachers wearing headscarves in schools in Berlin is unconstitutional.²⁹⁰ On March 28, the Berlin Senate Department for Education sent a circular to all public school principals in Berlin, stating that the state government will “move away from its previous literal application of the neutrality law.” Abandoning a blanket prohibition, religious clothing and symbols will only be banned from classrooms “in cases where there is a <i>specific</i> threat to school peace or if it endangers state neutrality.”²⁹¹
	August	France	<ul style="list-style-type: none"> The French minister for education announced that students will be prohibited from wearing the <i>abaya</i>, a loose-fitting full-length robe, along with the <i>qamis</i>, a long tunic worn by men.²⁹² “When you enter a classroom, you must not be able to identify the religion of the students by looking at them,” he said.²⁹³ In September 2023, the father of a girl who was turned away from a French state school for wearing the banned <i>abaya</i> was arrested for allegedly making death threats to the school’s headmaster.²⁹⁴
	September	Egypt	<ul style="list-style-type: none"> The Egyptian Ministry of Education announced a dress code for all schools, public and private, applicable from 30 September 2023, which allow girls to cover their hair but not their faces.²⁹⁵ Dr. Reda Hegazy, the Minister of Education, issued the new regulations, which stipulate that “the uniform school uniform for all male and female students - within schools - aims to show the order and harmony of the students.”²⁹⁶

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293. Vivian Song, 'Muslim pupils banned from wearing abaya robes in French public schools', The Telegraph, 28 August 2023, <https://www.telegraph.co.uk/world-news/2023/08/28/france-muslim-pupils-banned-wearing-abaya-robes-schools/>.

294. Henry Samuel, 'Father arrested over death threats after French school sends daughter home for wearing banned abaya', The Telegraph, 8 September 2023, <https://www.telegraph.co.uk/world-news/2023/09/08/father-france-death-threats-daughter-school-abaya-ban/>.

295. Wafa Yahya, «دجولبا يزلا ددحت «بيلعتلا»، رطحتو برادبلا يف «باقزلا»، Egypt Independent, 12 September 2023, <https://www.almasryalyoum.com/news/details/2979660>.

296. Ibid.

Part 2 - British Islamist Groups on the Veil

Dr Damon L. Perry

British Islamist Groups on the Veil

Dr Damon L. Perry

Islamic dress codes, particularly for girls and women, have occasionally become a hot issue for Islamist groups in Britain. This has sometimes been in response to bans on headscarves in certain British schools,²⁹⁷ or more generally applicable bans on veils in other countries, such as France or Switzerland.²⁹⁸ But some groups, such as the Muslim Council of Britain and the Islamic Human Rights Commission, have taken a deeper interest in the veil, which they depict as a religious obligation and a key expression of Islamic identity. As shown below, the MCB has produced guidelines on Islamic dress codes for schools and employers. The IHRC has placed the veil quite prominently within its broader Islamophobia campaign work. Although such groups do not explicitly adhere to any one school of Islamic jurisprudence, and tend to be open to a range of interpretations regarding the extent to which Muslim women should be veiled, they typically maintain the position that Muslim women ought to be covered at least up to their face and hands. They have also publicly advocated for Muslim women and girls in Britain to be free from restrictions on wearing the hijab or niqab.

To support the view that women should be able to wear the veil without restrictions, they sometimes cite Article 9 of the Human Rights Act, which protects the freedom “to manifest one’s religion or beliefs”.²⁹⁹ The deference to the HRA is somewhat ironic given that, as at least in the case of the IHRC, Islamists see “man-made” law as inferior to *shari’ah*; the co-founder of the IHRC – which strives for “a new social and international order”³⁰⁰ – has openly rejected the Universal Declaration of Human Rights because of its Eurocentricity,³⁰¹ identified “the West” and “the NATO countries” as “the enemy”, and lamented having to work with and “replicate” the system – “the liberal structure or whatever you want to call it” – “that we simply can’t accept”.³⁰²

The Muslim Council of Britain

The Muslim Council of Britain (MCB) claims to be non-sectarian.³⁰³ It does not adopt the view of a single school of Islamic jurisprudence, and it’s official remit does not include the issuance of religious edicts. But it is far from neutral or impartial on matters of *shari’ah* – Islam’s ethical and legal code. It has adopted positions on a range of issues which implicitly support a particular understanding of Islamic law. Some of these positions are uncontroversial, largely due to the issues they treat. For example, in a document published in 2020 in response to the Covid pandemic, the MCB

297. See, for example, MEND, ‘Banning hijab in schools: a breach of religious and cultural rights’, 14 May 2019, <https://www.mend.org.uk/banning-hijab-schools-breach-religious-cultural-rights/>.

298. See, for example, MEND, ‘Eroding Human Rights’, 7 April, 2021, <https://www.mend.org.uk/eroding-human-rights/>.

299. See, for example, IHRC, ‘Muslim Women, Human Rights and Religious Freedom: Europe Under the Spotlight of National and International Law’, 8 March 2004, <https://www.ihrc.org.uk/muslim-women-human-rights-and-religious-freedom-europe-under-the-spotlight-of-national-and-international-law/>.

300. IHRC, ‘Aims and Objectives’, undated, <https://www.ihrc.org.uk/about/aims-and-objectives/>.

301. Arzu Merali, ‘To Liberate or not to liberate? Universalism, Islam and Human Rights (Part 1)’, in *Crescent International*, Volume 32, Number 13, October 1, 2003. Available at: <https://www.icit-digital.org/articles/to-liberate-or-not-to-liberate-universalism-islam-and-human-rights-part-1>.

302. ‘Panel contributions #StrikeTheEmpireBack (Malcolm X Movement)’, Malcolm X Movement channel, YouTube, 23 November, 2014, <https://youtu.be/R3FB4spo7Ns?t=2730>.

303. MCB, ‘Fairness Not Favours’, 2015, p.2. <https://mcb.org.uk/wp-content/uploads/2015/03/fairnessnotfavours-MCB.pdf>.

stated: “Muslim funerals, according to Islamic law, are to be carried out as soon as possible, with funeral rites performed including the *ghusl* (washing) and *kafan* (shrouding) of bodies.”³⁰⁴ However, positions it has taken on other issues – perspectives implying a distinct understanding of Islamic law applied to other more sensitive matters – have been controversial.

The MCB has, for example, defended *shari’ah* councils,³⁰⁵ which, according to Elham Manea’s study of *shari’ah* in the UK, utilise an anachronistic interpretation of Islamic law derived from “the medieval jurisprudence tradition”.³⁰⁶ This contrasts with what she sees as more liberal interpretations of *shari’ah* in the Middle East. According to Ibrahim Mogra, a former Assistant Secretary General, the MCB “signpost[s] people to sharia councils”.³⁰⁷ In addition, on the basis of a particular understanding of Islamic law, the MCB rejected an Islamic marriage (*nikah*) contract drawn up by the Muslim Institute (after initially supporting it), which was designed to provide women with greater rights.³⁰⁸ The MCB claimed the new contract misinterpreted *shari’ah*, and that statements ascribed to the Muslim Institute were “incorrect”.³⁰⁹ Thus, whilst the MCB does not adopt the view of a single school of Islamic jurisprudence, this has not prevented the MCB from adopting distinct and contestable perspectives on some issues that it presumes to reflect normative Islam.

The MCB’s guidance for schools

The same can be said of its treatment of clothing requirements for Muslim schoolchildren. Although it has not issued any statement endorsing a particular school of Islamic law on the issue of veiling in schools, the MCB has articulated a clear – and contestable – interpretation of *shari’ah* relating to how girls and boys should be dressed. This appears in the document co-authored by the then chair of the MCB’s Education Committee, Tahir Alam, and the organisation’s then Secretary General, Muhammad Abdul Bari, titled *Meeting the Needs of Muslim Pupils in State Schools*.³¹⁰

Ignoring the diversity of Muslim scholarly opinion – for example, of Ibrahim B. Syed, President of the Islamic Research Foundation International³¹¹ – this guidance document expresses a view, presented as authoritative, on how boys and girls ‘should always’ be dressed. It states:

The concept of ‘*haya*’ which is defined as ‘to encompass notions of modesty, humility, decency and dignity’, is a central value in Islam, as in many other faith traditions, and applies to all aspects of human behaviour and conduct. Schools should therefore have the expectation that Muslim pupils will endeavour to observe the principles of *haya* in all aspects of their conduct. It is important to recognise and appreciate that different faiths and cultures may and often do differ in their demarcation between modesty and immodesty.

One important aspect of modesty in Islam relates to the covering of the body. In principle the dress for both boys and girls should be modest and neither tight-fitting nor transparent and not accentuate the body shape. In practice this means a wide variety of styles are acceptable. In public boys should always be

304. MCB, ‘Together in Tribulation: British Muslims and the COVID-19 Pandemic’, 2020, p.18. Available at: <https://mcb.org.uk/wp-content/uploads/2020/11/Together-in-Tribulation-British-Muslims-and-the-COVID-19-Pandemic.pdf>. There are many schools of Islamic law, but the MCB did not elaborate which school of Islamic law it was referring to.

305. MCB, ‘Fairness Not Favours’, p.11.

306. Elham Manea, *Women and Shari’a Law: The Impact of Legal Pluralism in the UK*, 2016, London: I. B. Taurus, p.120.

307. Interview with Ibrahim Mogra, 29 August 2012. See Damon L. Perry, *The Global Muslim Brotherhood in Britain*, 2019, London: Routledge, p.75.

308. The Muslim Institute was founded in 1974 and, after the Iranian Revolution, became, in its own words, “a front for the Iranian Embassy in London”. After the death of its director, Dr Kalim Siddiqui, in 1996, the Institute became involved in a bitter dispute between some of the trustees and the family of Kalim Siddiqui over its independence and direction. The dispute was finally settled in 2008. The Institute established a number of Muslim organisations, including the Muslim Parliament. In January 2010, with the registration of the Muslim Institute Trust at the Charity Commission and a new Board of Trustees, the Muslim Institute entered a new phase in its history. It is led by Kalim Siddiqui’s successor, Dr Ghyasuddin Siddiqui. See Muslim Institute, ‘Overview’, undated, <https://musliminstitute.org/about/overview>.

309. MCB, ‘STATEMENT: Muslim Marriage Certificate’, MCB website, 15 August 2008, https://web.archive.org/web/20080824221846/http://www.mcb.org.uk/article_detail.php?article=announcement-734.

310. MCB, ‘Meeting the Needs of Muslim Pupils in State Schools: Information and Guidance for Schools’, 2007. Available at <http://image.guardian.co.uk/sys-files/Education/documents/2007/02/20/Schoolinfo/guidance.pdf>. See also Damon L. Perry and Paul Stott, ‘The Trojan Horse Affair: A Documentary Record’, Policy Exchange, December 2002, <https://policyexchange.org.uk/wp-content/uploads/2022/12/The-Trojan-Horse-Affair.pdf>.

311. Prior to the publication of the MCB’s guidance document, Syed wrote an article titled, ‘The Qur’an Does Not Mandate Hijab’ (26 August 2005, https://www.irfi.org/articles/articles_351_400/quran_does_not_mandate_hijab.htm). In this piece, he expressed the view that nowhere in the Qur’an is there an injunction for women to cover their hair. In support of his view, he referred to the work of Khaled Abou el Fadl, Professor of Law at the UCLA School of Law, and others. See Khaled Abou el Fadl, ‘FATWA: On Hijab (The Hair-covering of Women) UPDATED’, 2 January 2016, <https://www.searchforbeauty.org/2016/01/02/fatwa-on-hijab-the-hair-covering-of-women/>. See also fn. 31 of Sir John Jenkins’ paper in this report.

*covered between the navel and knee and girls should be covered except for their hands and faces, a concept known as ‘hijab’.*³¹²

The MCB guidance regarding dress does not distinguish between primary and secondary schoolchildren.

To support its view that Muslim schoolchildren should dress according to these requirements, the MCB goes on to quote from official guidance issued in 2004 by the then Department for Education and Skills (DfES).³¹³ This stated:

- Whilst pupils must adhere to a school’s uniform policy, schools must be sensitive to the needs of different cultures, races and religions. The DfES expects schools to accommodate these needs, within a general uniform policy. For example, allowing Muslim girls to wear appropriate dress and Sikh boys to wear traditional headress.
- The DfES does not consider it appropriate that any pupil should be disciplined for non-compliance with a school uniform policy, which results from them having to adhere to a particular cultural, race or religious dress code.³¹⁴

The Government’s guidance on school uniforms has been updated several times since 2004. What is clear from different iterations of the guidance since 2007 (the MCB’s guidance document was published in February 2007) is that schools “should act reasonably in accommodating religious requirements” and “comply with their obligations under the Human Rights Act 1998 and anti-discrimination legislation” – but also that “restricting the freedom of pupils to manifest their religion may be lawful, so long as this interference with pupils’ rights is justified on grounds specified in the Human Rights Act”.³¹⁵ Such grounds “include health, safety and the protection of the rights and freedoms of others”.³¹⁶

The MCB’s guidance describes the allegedly normative dress code for Muslim schoolchildren in terms of ‘good practice’:

312. *Ibid.*, p.20, emphasis added.

313. *Ibid.*, pp.20-21.

314. ‘Uniform’, <https://web.archive.org/web/20040618102951/http://www.teachernet.gov.uk/management/atoz/U/uniform/index.cfm?code=main>.

315. ‘Guidance to Schools on School Uniform Related Policies – Consultation Response and Summary Report’, p.4. Available at: <https://dera.ioe.ac.uk/7044/>

316. ‘DCSF guidance to schools on school uniform and related policies’, para.20, p.7, emphasis added. <https://dera.ioe.ac.uk/7044/4/uniform%20guidance%20-%20final2.doc>

DRESS CODES IN SCHOOLS

Features of good practice

- ✓ School uniform policy includes the particular dress requirements of Muslim pupils.
- ✓ School allows their Muslim girls to adhere to the Islamic requirements for dress, for example full-length skirts.
- ✓ Muslim girls who choose to wear the headscarf during all school lessons and activities are permitted to do so, including during physical education.
- ✓ Boys and girls are allowed to wear tracksuits during physical education activities.
- ✓ School respects the decision of Muslim boys to grow a beard.
- ✓ School allows religious amulets to be worn discretely, for example Qur'anic verses in lockets worn around the neck.



The MCB's document states:

*Schools have a right to expect that Muslim parents will provide their children with suitable clothing for the climate and ensure that any headscarves worn can be safely tied for work in potentially hazardous places such as science laboratories, food technology areas, design and technology workshops and physical education areas.*³¹⁷

Thus, the MCB suggests that it should be possible for school girls to wear headscarves in “potentially hazardous places” – where there is a risk that a scarf may be caught in machinery or set alight – as long as they are “safely tied”. However, it is important to note that this is a matter for the school to determine. And any school's decision to disallow the wearing of the headscarf in such dangerous environments is supported by the Human Rights Act 1998. Article 9 of the Human Rights Act states that:

*Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.*³¹⁸

Thus, government authorities can interfere with the right to manifest belief and religion where they can show that their action is lawful, necessary and proportionate in order to protect public safety, public order, health or morals, and/or the rights and freedoms of other people.³¹⁹

317.MCB, 'Meeting the Needs of Muslim Pupils in State Schools: Information and Guidance for Schools', 2007, p.21.

318.Human Rights Act 1998, <https://www.legislation.gov.uk/ukpga/1998/42/schedule/1>.

319.The Equality and Human Rights Commission, 'Article 9: Freedom of thought, belief and religion', <https://www.equalityhumanrights.com/en/human-rights-act/article-9-freedom-thought-belief-and-religion>.

MCB affiliate, the Muslim Educational Trust

The MCB's *Meeting the Needs of Muslim Pupils in State Schools* echoes the view of Ghulam Sarwar, the long-time director of the MCB affiliate, the Muslim Educational Trust (MET). Established in 1966 - three decades prior to the formation of the MCB - the MET was the first Islamist organisation to advocate for Muslim schoolchildren's putative needs in schools. Although it has become inactive in recent years, the MET set a precedent for Islamist advocacy work in education.

Sarwar's book, *British Muslims and Schools*, published by the MET in 2004, just three years before the MCB's guidance document, has a section on school uniform. It states:

Muslim children should be allowed to follow the Islamic dress code, with the colours of the school uniform in mind, if necessary.

Islam requires boys and girls to conform at all times to the dress regulations outlined in the Qur'an and the Sunnah (the example of Prophet Muhammad, peace and blessings be upon him), which hold that modesty is the uppermost concern. After puberty, girls' dress may include loose, baggy trousers, long skirts reaching to the ankles or any other appropriate dress which is neither tight-fitting nor transparent. The whole body - except the hands and face - should be covered. A headcovering (hijab, which could also be in the school colours) is also required, sufficient to ensure that the hair is not visible.³²⁰

It also states:

The guidelines concerning dress, inasmuch as clothes should be neither tight-fitting nor transparent, also apply to boys who have reached the age of puberty. Again, they should be allowed to wear loose-fitting clothes in any school colours necessary to fulfil their Islamic obligations.³²¹

Note the phrase "the Islamic dress code", as if there is one correct way of dressing according to Islam. Although it refers to the Qur'an and Sunnah as the basis for what it deems as an obligatory dress code, there are no specific references to the Qur'an and no quotations from the literature comprising the Sunnah (the hadiths - collections of Muhammad's exemplary words and deeds - and the Sira, Muhammad's biography). Sarwar cites nothing to demonstrate the alleged mandatory nature of these specific modesty requirements - indeed, in Islamic scholarly literature, there has been considerable debate concerning what is obligatory and what is merely recommended in relation to clothing.

Boasting an advisory role to the DfES,³²² Sarwar's book then quoted the exact same two paragraphs from the DfES's 2004 guidance (cited above) that appeared in *Meeting the Needs of Muslim Pupils*.³²³ It then added: "This guidance, if acted upon, will go a long way to address the concerns of Muslim parents about school uniform".³²⁴

This is perhaps unsurprising, given the MET had provided advice to the DfES. Yet, in 2007, the DfES seemed to have consulted more broadly. It launched an open consultation on 'DfES Guidance to Schools on School

320. Ghulam Sarwar, *British Muslims and Schools*, 2004, p.33.

321. *Ibid.*, p.34.

322. *Ibid.*, back cover.

323. *Ibid.*, p.34.

324. *Ibid.*

Uniform Related Policies’, which took place from 20 March to 12 June 2007.³²⁵ And it subsequently updated its guidance to schools, providing more detail and including the recognition, as mentioned above, that schools are legally able to restrict the wearing of religious clothing such as the hijab for various reasonable considerations:

Where a school has good reason for restricting an individual’s freedoms, for example, to ensure the effective delivery of teaching and learning, the promotion of cohesion and good order in the school, the prevention of bullying, or genuine health and safety or security considerations, then the restriction of an individual’s rights to manifest their religion or belief may be justified.³²⁶

MCB founding member Abdul Wahid Hamid

The views on dress requirements for Muslim schoolchildren expressed in the MCB’s *Meeting the Needs of Muslim Pupils in State Schools* and Sarwar’s *British Muslims and Schools* are consistent with the opinion of a founding member of the MCB, Abdul Wahid Hamid. In a book titled *Islam: the Natural Way*, Hamid expressed the view that Islam requires women and men to dress in a certain way regardless of the climate or region. The book states:

1. Dress should cover a person’s ‘awrah. A man’s ‘awrah extends from the navel to the knee. A woman’s ‘awrah is the whole body with the exception of the face, hands and feet.
2. Dress should not be transparent.
3. Dress should be loose-fitting.
4. Dress outside home should not [be] worn for the sake of showiness, whether it is glamorous garments that make for pride or excite admiration, envy or lust, or whether it is rough garments that are meant to draw attention to poverty or alleged piety. Men are not allowed to wear silk or gold and women should not wear perfume outside the home.³²⁷

The MCB’s 2005 guidance for employers and employees

In 2005, the MCB published a document, *Muslims in the Workplace: A Good Practice Guide for Employers and Employees*.³²⁸ This sought to provide guidance on the Employment Equality (Religion or Belief) Regulations 2003 (which have since been revoked by and included within the Equality Act 2010). The MCB’s guidance stated that employers may need to consider reasonable accommodation of Muslims employees’ special dress requirements. “The way that Muslims dress varies significantly,” the guidance stated.³²⁹ It conceded that some Muslim women may not wear the hijab, but added that “they may feel uncomfortable wearing tight clothing or short skirts which are also discouraged in Islam”.³³⁰ The guidance then stated:

Employers need to ensure that dress requirements allow:

- for women, the covering of the whole body except the face and hands. Muslim women may be unwilling to wear clothing that reveals parts of their body or their figure.

325. ‘Guidance to Schools on School Uniform Related Policies – Consultation Response and Summary Report’, <https://dera.ioe.ac.uk/7044/>

326. ‘DCSF guidance to schools on school uniform and related policies’, para.22, p.7. <https://dera.ioe.ac.uk/7044/4/uniform%20guidance%20-%20final2.doc>. Also available on the Internet Archive, captured 21 March 2008, <https://web.archive.org/web/20080321031151/http://www.teachernet.gov.uk/management/atoz/u/uniform/>

327. AbdulWahid Hamid, *Islam: the Natural Way*, 1989, p.88.

328. MCB, ‘Muslims in the Workplace: A Good Practice Guide for Employers and Employees’, 2005, <https://mcb.org.uk/wp-content/uploads/2022/11/Muslims-in-the-Workplace.pdf>.

329. *Ibid.*, para.4.10, p.14.

330. *Ibid.*

- for men, the covering of at least the part of the body from the naval to the knees. Muslim men may be unwilling to wear shorts. Many Muslim men also grow a beard, which is considered obligatory within some schools of thought and encouraged in others.³³¹

The view that Muslim women are religiously obliged to cover their whole bodies except their face and hands is consistent with the MCB's 2007 guidance for schools on Muslim schoolchildren's dress codes.

The MCB's guidance for employers and employees acknowledged that it may be legal for organisations to proscribe some religious clothing due to health and safety reasons, but urged organisations "to be flexible where they can to allow staff to dress in accordance with their religion or belief".³³²

MCB statements on the niqab

Whilst the MCB has expressed the opinion that the normative dress code for Muslim girls and women is to cover "the whole body except the face and hands",³³³ it has not suggested that the face must be covered. Nonetheless, it has defended the right of Muslim women to wear the niqab.

In September 2013, for example, the MCB "expressed its concern at the direction of the national conversation currently taking place on the niqab".³³⁴ Referring to then Home Office minister Jeremy Browne's call for a national debate on the niqab, the chair of the MCB's Social and Family Affairs Committee, Talat Ahmed, said "every time we discuss the niqab, it usually comes with a diet of bigoted commentary about our faith and the place of Islam in Britain".³³⁵ On the question of whether the niqab is an Islamic requirement, Ahmed stated:

We recognise that there are different theological approaches to the niqab. Some consider this to be an essential part of their faith, while others do not.

Even amongst those who do consider the niqab to be an ultimate expression of their faith, there are some who emphasise the need to be practical when there is an essential need to show ones face — for example, for reasons of security.

*Even amongst members of the Muslim Council of Britain, there are different views on the niqab, and how Muslim women who wear such attire, can make a positive contribution to society. Islamic practices allow for certain exceptions, and in the spirit of being reasonable. That debate will continue, but it must be done and led by Muslim women, who freely decide to wear, or not wear the niqab or hijab.*³³⁶

So, according to the MCB, Muslim women freely choose to wear the niqab and hijab. And whilst the MCB allowed for the view that the niqab is not an Islamic requirement – "there are different theological approaches to the niqab" – it did not say the same of the hijab.

A few days later, MCB secretary general, Shuja Shafi, echoed Ahmed's pragmatic view that the niqab can be removed in certain contexts.

331. *Ibid.*, emphasis added.

332. *Ibid.*, para.4.11, p.14.

333. *Ibid.*, para.4.10, p.14. See also MCB, 'Meeting the Needs of Muslim Pupils in State Schools: Information and Guidance for Schools', 2007, p.20.

334. MCB, 'The Niqab/Veil Debate: Old Prejudices, Same Concerns', 16 September 2013, <https://mcb.org.uk/press-releases/the-niqab-veil-debate-old-prejudices-same-concerns/>

335. *Ibid.*

336. *Ibid.*

Responding to media interest in the MCB's view on the veil in hospitals, Shafi said:

It is our understanding that Muslim women who do wear the veil are prepared to be pragmatic and take off the veil when required.

For example, a basic security requirement for all hospital workers, without exception is to wear photographic ID. This would be a requirement for people who wear the face veil as well.³³⁷

The niqab and the 2023 local elections

On April 28, 2023, in the lead up to the May 4 local elections, the MCB complained about the new requirement for voters to present photo ID. This was introduced by the Conservative government in December 2022 and applied for the first time in these elections. The MCB said it was “extremely concerned” that the new photo ID requirements “will prove a deterrent, further reducing turnout from within Muslim communities across England”.³³⁸ According to *i* magazine, the MCB stated:

There are several concerns around the introduction of voter ID, all of which are especially acute when considering minority communities that may already be under-represented within our political system.

One such concern, for example, is existing provisions for any Muslim women who may wear the niqab that may allow them to readily cast their vote in person.³³⁹

At the time of the interview the MCB appeared unaware that the new requirements allow niqab-wearing women to have their ID checked in private by a female member of staff.³⁴⁰ This is the same ID check implemented at passport controls at British airports. Shortly afterwards, on May 2, the MCB issued guidelines for Muslims voting in the May 4 elections titled, “Local Elections 2023: Voter ID and Face Coverings”, which acknowledged Muslim women’s ability to show their ID privately and to request a female to conduct the check.³⁴¹ It included the following statement and graphic:

To allow polling station staff to check you look like your ID, you will need to remove your veil so they can see your face. You can ask for a female member of staff to check your ID if you prefer, and polling station staff will accommodate this if possible.

You can ask for your ID to be checked in private. A private space will be available in the polling station for this purpose. Such requests will be handled discreetly and with courtesy. You do not have to give a reason for this request, and you will not be asked to explain why.

A mirror will be available so you can ensure your face veil is in place correctly before leaving the private area.³⁴²

337.MCB, ‘The Niqab in Hospitals – Let Pragmatism and the Needs of the Patient Prevail’, 19 September 2013, <https://mcb.org.uk/press-releases/the-niqab-in-hospitals-let-pragmatism-and-the-needs-of-the-patient-prevail/>

338.David Parsley, ‘Local elections: Reasons voters turned away from polling stations due to ID won’t be fully recorded’, *i*News, April 28, 2023, <https://iNews.co.uk/news/local-elections-people-cant-vote-id-details-2305065>.

339. *Ibid.*

340.The Electoral Commission, ‘Voting in person’, <https://www.electoralcommission.org.uk/i-am-a-voter/voting-person>.

341.MCB, ‘Local Elections 2023: Voter ID and Face Coverings’, May 2, 2023, <https://mcb.org.uk/local-elections-2023-voter-id-and-face-coverings/>.

342. *Ibid.*

WHAT TO EXPECT AT THE POLLING STATION

To allow polling station staff to check you look like your ID, you will need to remove your veil so they can see your face.

You can **ask for a female** member of staff to check your ID if you prefer, and polling station staff will accommodate this if possible.

If you would prefer not to have your ID checked in public, you can ask for it to be **checked in private**. A private space will be available in the polling station for this purpose. Such requests will be **handled discreetly** and with courtesy. You don't have to give a reason for this request, and you won't be asked to explain why.

A **mirror will be available** so you can ensure your face veil is in place correctly before leaving the private area.



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#LOCALELECTIONS2023
#YOURVOTECOUNTS

The MCB concluded its guidance article encouraging Muslim women who are not able to have their identities checked privately to contact its staff.

The Islamic Human Rights Commission

The Islamic Human Rights Commission (IHRC) has taken a proactive stance on the issue of the veil for many years. Like the MCB, it does not explicitly endorse any particular school of Islamic jurisprudence, whether generally or in reference to the matter of dress codes, but it likewise believes that Muslim women should be able to wear the hijab or niqab regardless of circumstance.

In November 2003, the IHRC published a blog post decrying an anticipated ban on headscarves in France.³⁴³ It included template letters to British Foreign Secretary Jack Straw MP; ministers for foreign affairs (general); French ambassadors; President Jacques Chirac; and the French Interior Minister.

In November 2004, the IHRC published a report, *Hijab & Democracy: The Ways of, and Against Secular Fundamentalism*.³⁴⁴ This was at least in part prompted by the French government's ban of ostentatious religious symbols, such as the hijab, in schools, which came into effect in September 2004. The report sought to show how "Muslim women in Europe have become the latest targets of resurgent prejudice that combines misogynistic precepts with racist and Islamophobic rhetoric".³⁴⁵ The IHRC said the report

343. IHRC, 'URGENT ALERT: FRANCE - government attempts to ban hijab', 29 November 2003, <https://www.ihrc.org.uk/urgent-alert-france-government-attempts-to-ban-hijab/>

344. Fahad Ansari and Uzma Karim, 'Hijab & Democracy: The Ways of, and Against Secular Fundamentalism', IHRC, November 2004, <https://www.ihrc.org.uk/wp-content/uploads/2004/11/04NOVHijabDemocracy.pdf>

345. *Ibid.*, p.3.

highlighted the “contradictions between hijab bans in various European countries and their self-professed values and laws espousing equality and democracy”.³⁴⁶ The report analysed bans on veils in select European countries, including France, Germany and Belgium, but also described what it referred to as ‘good practice’ on the hijab in the United Kingdom, Ireland, and other European countries. The report lauded, for example, the Metropolitan Police for allowing Muslim policewomen to wear the hijab and the Passport Office for allowing passport photos to include the hijab.

In January 2006, the IHRC published an 84-page booklet in its ‘British Muslims’ Expectations of the Government’ series, titled *Hijab, Meaning, Identity, Otherization and Politics: British Muslim Women*. The booklet was authored by Arzu Merali, the IHRC’s co-founder and head of research; and Saied R. Ameli, described in the publication as director of the Institute for North American and European Studies at the University of Tehran. In January 2019, Ameli was appointed to an Iranian government post, as the secretary of Iran’s Supreme Council of Cultural Revolution (SCCR).³⁴⁷

This booklet argued for “mainstreaming Hijab” with a “national policy” to incorporate the hijab into the education and employment sectors.³⁴⁸ Going far beyond the view that laws in Britain ought not to prohibit women from wearing the hijab, this booklet expressed the view that “The government needs to promote [the hijab] as a symbol of education, freedom and integration to counter stereotypes of backwardness, oppression, isolation and extremism”.³⁴⁹ It described as a moral imperative:

*the recognition of Hijab as a religious obligation similar to that of praying five times a day or fasting needs to be made by the government so as to facilitate their accommodation in wider society.*³⁵⁰

The booklet also stated that “it is clear that Muslim women should cover their heads”, but acknowledged a dispute among contemporary Muslim scholars regarding the question of what parts of a woman’s body needs to be covered:

*The answer often depends on what school of thought or which particular scholar one follows. According to the most of Hanafi school, and the Jafari and Maliki schools of thought, women are not obliged to cover their face and hands. On the other hand, those who follow the Shafi, Hanbali and Salafi schools of thought maintain that a woman has to be fully veiled. (Khan&Khanam 1995), (Ma’sumi 2000).*³⁵¹

In June 2010, Arzu Merali, representing the IHRC, participated in a panel discussion, ‘Women and Hijab in Europe’ alongside Dr. Abdallah Thomas Milcent of the March 15 Liberation Committee in France and Maryam H’madoun of the Belgian activist group BOEH!³⁵² The panel discussed “the issue of hijab bans in France, Belgium and other parts of Europe, as well as the issues of discrimination and marginalisation that extend beyond the direct effects of discriminatory legislation”.

In August 2012, the IHRC published in full an article in *The Independent*,

346. IHRC, ‘Hijab and Democracy’, 30 November 2004, <https://www.ihrc.org.uk/hijab-democracy/>

347. اضردی عسیدی رتکد مال سال اتج باص تنای، یکنهرف بالونای لایع یاروش تیوض ع هب ولما ع January 2, 2019, <https://farsi.khamenei.ir/message-content?id=41333>.

348. Saied R. Ameli and Arzu Merali, ‘Hijab, Meaning, Identity, Otherization and Politics: British Muslim Women’, IHRC, p.75. Available at: <https://www.ihrc.org.uk/wp-content/uploads/2009/07/BMEG-04-Book-Digital-Edition.pdf>.

349. *Ibid.*, p.77.

350. *Ibid.*, p.74.

351. *Ibid.*, p.71.

352. IHRC, ‘Women and Hijab in Europe’, 17 June 2010. <https://www.ihrc.org.uk/women-and-hijab-in-europe/>

in which Arzu Merali, IHRC's head of research, criticised Conservative MP Philip Hollobone's introduction into Parliament of a Private Member's Bill to ban women wearing the burka or niqab in public.³⁵³ Although it was unclear if Merali or the IHRC agreed with its concluding statement, the article acknowledged disagreement amongst Muslim scholars over precisely what parts of women's bodies need to be concealed:

*While all Islamic scholars agree to the importance of hijab, there are widespread disagreements over how far women should go in veiling themselves. The Koran requires that women hide their beauty. But scholars disagree over which parts of their bodies this is referring to.*³⁵⁴

In 2017, the IHRC issued a press release describing "The decision by the European Court of Human Rights to uphold Belgium's ban on burqas and other full-face Islamic veils" as "an affront to democratic values, personal and religious freedom and women's rights".³⁵⁵ Belgium's ban on full-face coverings had been legally challenged by two Muslim women,³⁵⁶ but the judges in Strasbourg stated that such a ban is "necessary for a democratic society".³⁵⁷ This echoed an earlier ruling by the Court. In July 2014, the ECHR upheld a ban in France on full-face coverings;³⁵⁸ the judges said the preservation of a certain idea of "living together" was the "legitimate aim" of the French authorities. In response, the IHRC complained that "the idea of 'living together' is a not a right that is protected within the European Human Rights Convention" and that it is a "vague concept used exclusively against Muslim communities to demand that they assimilate rather than cling to their beliefs and customs".³⁵⁹

More recently, in March 2021, in response to Switzerland banning full-face coverings in public after a national referendum,³⁶⁰ the chair of the IHRC, Massoud Shadjareh, referred to the fact that the people counting the votes wore masks (due to the Covid-19 pandemic) and declared the ban as "ridiculous".³⁶¹ "Muslims are becoming second class citizens," he said. "We need to rise up to this challenge. The reality is that Islamophobia has become [the] norm [in Europe]."

The Muslim Association of Britain

In July 2004, it was reported that a group called the Assembly for the Protection of the Hijab was established by the Muslim Association of Britain (MAB) and the Muslim Women's Society.³⁶² Its goal was to combat bans on wearing the hijab in schools. It reportedly declared 4 September – the start of the new school year in Europe – to be International Hijab Solidarity Day. The catalysing events for the group's formation was "the ban on hijab in state schools in France that comes into force after the summer school holidays" and the "ruling of the European Court of Human Rights to uphold the decision of a university in Turkey to force a female student to stop wearing the hijab".³⁶³

A founder of the Assembly for the Protection of the Hijab, Abeer Pharaon, described the involvement of other organisations in its formation as follows:

353. IHRC, 'Champion of UK burka ban declares war on veil-wearing constituents', 1 August 2012, <https://www.ihrc.org.uk/champion-of-uk-burka-ban-declares-war-on-veil-wearing-constituents/>

354. Andrew Grice, 'Champion of UK burka ban declares war on veil-wearing constituents', *The Independent*, 17 July 2010, <https://www.independent.co.uk/news/uk/politics/champion-of-uk-burka-ban-declares-war-on-veilwearing-constituents-2028669.html>

355. IHRC, 'PRESS RELEASE – Europe: European anti face-veil ruling legalises discrimination against Muslims', 12 July 2017, <https://www.ihrc.org.uk/press-releases/press-release-europe-european-anti-face-veil-ruling-legalises-discrimination-against-muslims/>

356. Colin Dwyer, 'European Court Of Human Rights Upholds Belgium's Ban On Full-Face Veils', 11 July 2017, <https://www.npr.org/sections/thetwo-way/2017/07/11/536684762/european-court-of-human-rights-upholds-belgiums-ban-on-full-face-veils>

357. 'Verschleierungsverbot in Belgien ist rechtens', *Spiegel*, 11 July 2017, <https://www.spiegel.de/politik/ausland/europaeischer-gerichtshof-fuer-menschenrechte-verschleierungsverbot-in-belgien-ist-rechtens-a-1157175.html>

358. Kim Willsher, 'France's burqa ban upheld by human rights court', *The Guardian*, 1 July 2014, <https://www.theguardian.com/world/2014/jul/01/france-burqa-ban-upheld-human-rights-court>

359. IHRC, 'PRESS RELEASE – Europe: European anti face-veil ruling legalises discrimination against Muslims', 12 July 2017, <https://www.ihrc.org.uk/press-releases/press-release-europe-european-anti-face-veil-ruling-legalises-discrimination-against-muslims/>

360. Michael Shields, 'Swiss agree to outlaw facial coverings in "burqa ban" vote', *Reuters*, 7 March 2021, <https://www.reuters.com/article/us-swiss-burqaban-idUSKBN2AZ07N>

361. IHRC, 'IHRC Weekly: Why Switzerland's Ban on Muslim Face Coverings is Islamophobic', 16 March 2021, <https://www.ihrc.org.uk/ihrc-weekly-why-switzerlands-ban-on-muslim-face-coverings-is-islamophobic/>

362. Radio Free Europe/Radio Liberty, 'Europe: Debate Over Head Scarves Heats Up In U.K.', 20 July, 2004, <https://www.rferl.org/a/1053950.html>

363. *Ibid.*

Pro-Hijab was formed by the Muslim Women Society and the Muslim Association of Britain and supported by numerous national and international organizations including Liberty, the National Assembly Against Racism (NAAR), The Federation of Islamic Organizations in Europe (FIOE), The Muslim Council of Britain (MCB), Islamic Forum of Europe (IFE), Islamic Society of Britain (ISB), the Federation of Student Islamic Societies in the UK (FOSIS), Association of Muslim Lawyers (AML), Muslim Lawyers (ML), EMEL Magazine, Islamonline.net, French Association for Muslim Women Muslim Public affairs committee, Young Muslim Sisters and Women Section/ Federation of Islamic Organisations in Europe.³⁶⁴

Most of these organisations are part of the network of the Global Muslim Brotherhood. The launch of the Assembly for the Protection of the Hijab was held at the Greater London Authority's City Hall and was attended by the late Sheikh Yusuf Al Qaradawi, who had said that according to the Qur'an, the Sunnah, and the consensus of Muslim jurists, the wearing of the hijab is a religious obligation.³⁶⁵ The event, called 'Hijab: A Woman's Right to Choose', was also attended by the then president of the MAB, Anas Altikriti.³⁶⁶ The title of the event, coupled with the view of Al Qaradawi and others that the hijab is a religious obligation, raises the question as to whether the group sought women's right to choose to wear the hijab or not – or simply women's right to ignore all regulations restricting the adornment of the hijab.

Commenting in January 2005 on the active involvement of Muslim women in politics and public affairs, Altikriti referred to MAB women's involvement in the pro-hijab campaign. He stated:

[W]e all saw in the UK, when France ratified the law to ban Hijab in public schools and workplaces, it was our sisters lead by the MAB women's Bureau and the Muslim Women's Society that organised the international campaign against the banning of Hijab, which ultimately lead to the formation of the Forum for the Protection of Hijab (Pro-Hijab) which has now more than 70 international organisations under its affiliation, many of whom are non Muslim.

Also, we saw our sisters hold conference under the auspices of the Mayor of London and Government Ministers and they spoke at national and international conferences on issues pertaining to the rights of women as well as matters pertaining to Islamophobia, racism and discrimination. If you were to see the photo that is often published by the international media regarding Sheikh Qaradawi's speech at the Hijab Conference at City Hall in London, you will see our sister Abeer Pharoun [sic.] sitting next to the Mayor of London addressing the conference on this issue.³⁶⁷

The Assembly for the Protection of the Hijab is no longer active. It appears to have had a website (in English, French, Dutch and Arabic) until 2009, which was last updated some time in 2007.³⁶⁸ A search on the current MAB website for 'Assembly for the Protection of the Hijab' returns no results. The MAB does not appear today to be engaged in any public activism on the issue of the hijab. In 2015, it published an article 'Try the Hijab for

364. IslamOnline, 4 July, 2004, <https://web.archive.org/web/20080416013503/http://www.islamonline.net/livedialogue/english/Browse.asp?hGuestID=6ta610>.

365. باج حلا نيب فارملا رخش ةيطخت. رامخلاو. <https://iqh.islamonline.net/%D8%AD%D9%83%D9%85->

366. 'the Assembly of the protection of Hijab [sic.]; undated, <https://www.dailymotion.com/video/x11c2y>.

367. IslamOnline, 27 January, 2005, <https://web.archive.org/web/20060720184454/http://www.islamonline.net/livedialogue/english/Browse.asp?hGuestID=4d5f0t>.

368. The last archived entry for the website appears to on 25 February 2009 at: <https://web.archive.org/web/20090225074304/http://prohijab.net/english/main.htm>.

One Day’ to mark World Hijab Day³⁶⁹ – an event founded by Nazma Khan in 2013 – and has occasionally tweeted about the restrictions on the hijab in France,³⁷⁰ but it does not appear engaged in any hijab-related activist campaigns.

The Islamic Foundation

Founded in 1973, the Islamic Foundation is one of the oldest Islamist organisations in Britain. It was established by Khurshid Ahmad and Khurram Murad, activists in Pakistan’s main clerical party, the Jamaat-e-Islami, and followers of its founder, Maulana Abul A’la Maududi (1903-1979).³⁷¹ It is one of four British Muslim organisations with origins in the Jamaat-e-Islami movement, alongside the UK Islamic Mission (UKIM), founded in 1962; the Muslim Educational Trust (MET), created by UKIM in 1966; and Young Muslims UK (YM), an offshoot of the Foundation, established in 1984. A report published by the Department for Communities and Local Government noted that the Jamaat “helped to create and subsequently dominate the leadership of the MCB”.³⁷²

The Islamic Foundation describes itself as “dedicated to research, publishing, education, community support and inter-faith dialogue.”³⁷³ It is one of Britain’s most established and prolific publishers of Islamic books. In the first few decades after its founding, the Islamic Foundation published numerous works of both Jamaat-e-Islami and Muslim Brotherhood ideologues, including Hasan Al Banna and Maududi. Khurshid Ahmad wrote an Islamic Foundation pamphlet titled ‘Family Life in Islam’, which identifies the practice of hijab as a key building block of an Islamic social order. Ahmad wrote:

*The Islamic system of hijab is a wide-ranging system which protects the family and closes those avenues that lead towards illicit sex or even indiscriminate contact between the sexes in society. It proscribes essential rules and regulations about dress, modes of behaviour, rules of contract between the sexes and a number of other questions that are central or ancillary to it.*³⁷⁴

Ahmad added: “Marriage and the family in Islam should be studied and understood in the context of the scheme of life Islam wants to establish”.³⁷⁵

In 2004, the Islamic Foundation published a book in its children’s ‘I Can’ series titled *I Can Wear hijab Anywhere*. The marketing copy on Amazon states that the book is “For ages 3-5 years and the young at heart.”³⁷⁶ The text opens with a cartoon drawing of a young girl at the Markfield Centre summer camp, and the words: “Allah has given me a hijab to wear. What a blessing it is, I can wear it anywhere!”³⁷⁷

369. Mariam Amir Hassan, ‘Try the Hijab for One Day’, MAB, 30 January 2015, <https://www.mabonline.net/try-the-hijab-for-one-day-the-world-hijab-day-1st-of-february/>.

370. For example, see Muslim Association of Britain (MAB)/@MABOnline1, tweet dated 28 June 2021, <https://twitter.com/MABOnline1/status/1409546823073775624>.

371. Innes Bowen, *Medina in Birmingham Najaf in Brent*, 2014, London: Hurst & Company, p. 85.

372. ‘The Pakistani Muslim Community in England’, The Change Institute, DCLG, March 2009, p. 40. <http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/communities/pdf/1170952.pdf>

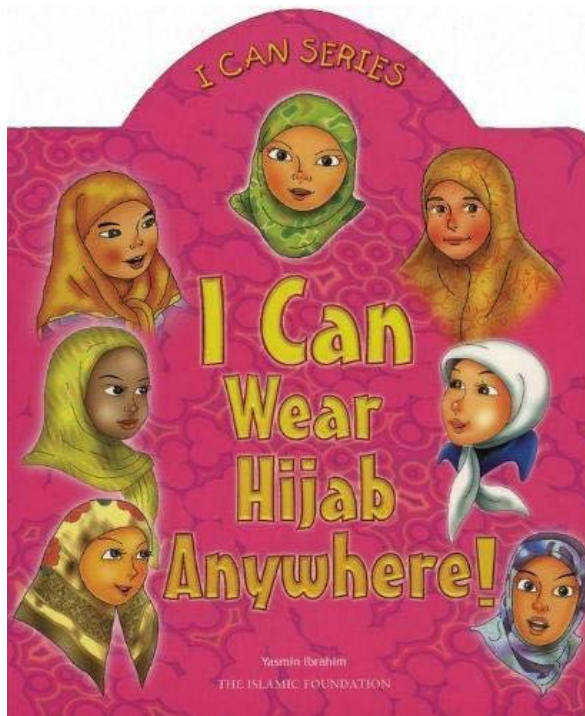
373. <https://www.islamic-foundation.org.uk/page/history-and-contribution>

374. Khurshid Ahmad, *Family life in Islam*, 1993, Leicester: Islamic Foundation, p.35.

375. *Ibid.*, p.36.

376. Book listing on Amazon UK: <https://www.amazon.co.uk/Wear-Hijab-Anywhere-Islamic-Foundation/dp/0860373193/>.

377. Yasmin Ibrahim, *I can wear hijab anywhere*, 2004, Leicester: Islamic Foundation, pp.4-5.



The description of the book on Amazon goes on to state:

Wearing hijab, which Islam preaches for girls and women, is not some obstruction, preventing them from leading life in a natural way. It is part of an active and happy life – with family and friends, whether at school, home, or out and about in the great wide world.

Elsewhere, the former director general of the Islamic Foundation, Manazir Ahsan, has written that the minimum covering for a woman is “from her head to her feet, leaving only the face and the hands”. He ascribes this to *fiqh* literature, although no specific source is given.³⁷⁸ Ahsan was also a key player in the establishment of the MCB and its pre-cursor, the National Interim Committee on Muslim Unity.

Islamic Dawah Centre International

A Birmingham-based charity,³⁷⁹ the Islamic Dawah Centre International (IDCI) produces perhaps the most visible Islamic material in the country. It has printed millions of leaflets, pamphlets and copies of the Qur’an, for dissemination at street stalls and literature stands across the country. One of its booklets, *The Muslim Women’s Dress According to the Qur’an and Sunnah*, written by Jamal A Badawi,³⁸⁰ is a shortened version of a longer booklet produced for the Ministry of Awqaf and Islamic Affairs in Kuwait.³⁸¹ Badawi – identified as a leader in several U.S.-based Global Muslim Brotherhood organisations³⁸² – argues that the dress must cover the whole body, except areas specifically exempted, citing Surat-un-Nur 24:30-31 of the Qur’an.

The exemptions apply to two areas – “The face and the hands. This is the interpretation of the majority of the jurists, past and present.”³⁸³ This argument is then reinforced in the following manner:

378. Manazir Ahsan, *Islam: Faith and practice*, 1981, Leicester: Islamic Foundation, p.33.

379. See: <https://register-of-charities.charity-commission.gov.uk/charity-search/-/charity-details/3987472/charity-overview>

380. Booklet in author’s possession.

381. Dr Jamal A Badawi, *The Muslim Women’s Dress According to the Qur’an and the Sunnah*, Ministry of Awqaf & Islamic Affairs Kuwait, undated. Available online at: <https://ia902805.us.archive.org/4/items/learnislampdfenglishbookthemuslimwomansdress/learn%20islam%20pdf%20english%20book%20-%20TheMuslimWomansDress.pdf>

382. ‘Jamal Badawi’, Global Muslim Brotherhood Daily Watch, <https://www.globalmbwatch.com/jamal-badawi/>

383. Badawi, *The Muslim Women’s Dress According to the Qur’an and the Sunnah*, p.8.

This interpretation is based on the authority of Prophet Muhammad (Allah's blessings be upon him), especially the hadith in which he says: 'If a woman reaches the age of puberty, no part of her body should be seen but this' – and he pointed to his face and hands.³⁸⁴

Other material published by the IDCI takes a similar approach. A booklet by Zakir Naik, *Answers to Non-Muslims' Common Questions about Islam*, received its fourth printing in 2010. In a section titled 'Hijab for women',³⁸⁵ Naik outlines an approach to the hijab which he declares is rooted in Surah-An-Nur of the Qur'an. He states:

For women, the extent of covering obligatory is to cover the complete body except the face and the hands up to the wrist. If they wish to, they can cover even these parts of the body. Some scholars of Islam insist that the face and the hands are part of the obligatory extent of 'hijab'.³⁸⁶

Naik goes on to argue that the "Hijab prevents molestation", stating that "The Qur'an says that Hijab has been prescribed for the women so that they are recognised as modest women and this will also prevent them from being molested."³⁸⁷

Naik's writings were long prominent in dawah material distributed across the United Kingdom. A snapshot of the IDCI website in December 2014 showed 24 of his publications were available to bulk buy from the organisation.³⁸⁸ At the time of writing, however, whilst a section of the IDCI website is still devoted to Naik, it is currently blank, save for a heading and an image of an open book.³⁸⁹

On 18 June 2010 Home Secretary Theresa May banned Naik from the United Kingdom, due to what was described as his "unacceptable behaviour".³⁹⁰ She added:

Coming to the UK is a privilege, not a right and I am not willing to allow those who might not be conducive to the public good to enter the UK. Exclusion powers are very serious and no decision is taken lightly or as a method of stopping open debate on issues.

This decision was bar Naik from entering the UK was upheld in November 2010.³⁹¹

Darul Iftaa, Institute of Islamic Jurisprudence

Darul Iftaa is an organisation based in Leicester, which "aims to provide insight into the Islamic perspective on personal, social, and global issues".³⁹² Its website states that it is "not an Islamic Shari'ah Law Court; hence, the opinions provided by us are not intended to be a ruling as one would expect to receive from a Shari'ah Court".³⁹³ But it dispenses opinions on matters which appear as authoritative and normative.

Darul Iftaa is directed by Mufti Muhammad ibn Adam al-Kawthari. The organisation's website states that al-Kawthari is a "traditionally-trained Islamic scholar who has studied the Arabic language and various other traditional Islamic sciences including Qur'anic exegesis (tafsir), Hadith and Fiqh in different parts of the world including the UK, Pakistan and

384. *Ibid.*

385. Zakir Naik, *Answers to non-Muslims' common questions about Islam*, 2010, Birmingham: IDCI. Available online at: <https://zakirnaik.com/common-questions-book/>.

386. *Ibid.*, p.22.

387. *Ibid.*, p.23.

388. IDCI website captured on 8 December 2014, <http://web.archive.org/web/20141208183703/https://idci.co.uk/Dr-Zakir-Naik-228>.

389. IDCI, 'Dr Zakir Naik', undated, <https://idci.co.uk/Dr-Zakir-Naik-228>.

390. BBC News, 'Indian preacher Zakir Naik is banned from UK', 18 June 2010, <https://www.bbc.co.uk/news/10349564>.

391. 'Decision to exclude Dr Zakir Naik upheld', 5 November 2010, <https://www.gov.uk/government/news/decision-to-exclude-dr-zakir-naik-upheld>.

392. Darul Iftaa, 'About Us', undated, <https://daruliftaa.com/aboutus/>.

393. *Ibid.*

Syria.”³⁹⁴ It names, as his teacher, Shaykh Mufti Muhammad Taqi Usmani, one of the world’s most eminent Deobandi scholars, who served for 20 years as a shari’ah judge in Pakistan’s Supreme Court.³⁹⁵ In his book, *Islam and Modernism*, Usmani wrote that aggressive military jihad should be waged by Muslims to establish the supremacy of Islam worldwide.³⁹⁶ Usmani has further argued that Muslims should live peacefully in countries such as Britain, where they have the freedom to practise Islam, only until they gain enough power to engage in battle.³⁹⁷

In response to the question, “what are the Principles [sic.] in general with regards to a woman’s dress?”, al-Kawthari, stated that according to the Qur’an, hadiths and writings of jurists:

The whole body of the woman must be concealed. Only the hands and feet (and according to some scholars, the face, when there is no fear of Fitna³⁹⁸) can be exposed ... [A] female must cover herself fully before coming in front of non-Mahram³⁹⁹ men. Even the hands and feet should be concealed, if possible.⁴⁰⁰

So, al-Kawthari seems to allow for a choice of interpretations of the principles, one in which the face can be shown and one in which it cannot.

The European Council for Fatwa and Research

The European Council for Fatwa and Research, founded in London in 1997 by the late spiritual guide of the Global Muslim Brotherhood, Yusuf Al-Qaradawi, is based in Dublin.⁴⁰¹ It dispenses legal guidance for Muslims living in the Muslim-minority context of today’s Europe. The acting president is Suhaib Hasan, the secretary of the Islamic Sharia Council in London.⁴⁰²

In a book of fatwas published in 2002, the ECFR demonstrated a degree of flexibility and pragmatism concerning the requirement for women to be covered. This came in response to the following question:

If a newly converted Muslim sister suffers great difficulty in wearing a headcover, must we command her to do so regardless, even if that threatens to eventually deter her from Islam?⁴⁰³

The response first recognised the “religious obligation” of the Muslim woman to cover her head, quoting the Qur’an. But then it stated:

Despite the head cover (Hijab), being an obligation upon all Muslim sisters, it remains a secondary branch of religion. Therefore, if being strict in this manner will ultimately lead to the sister turning her back on the major principles of Islam, or indeed, Islam entirely, it is extremely unwise to make a person leave a basic principle and a pillar of religion for the sake of a secondary matter, never mind leaving the religion entirely.⁴⁰⁴

The fatwa then distinguished minor and major sins, said that whilst minor sins may be “overlooked”, major sins may not; and referred to a woman not covering her head as a minor sin.⁴⁰⁵

In 2009, the ECFR issued a statement from its Nineteenth Ordinary Session held in Istanbul, Turkey, expressing the view that the hijab is a

394. Darful Iftaa, ‘Biography of Mufti Muhammad ibn Adam al-Kawthari’, undated, <https://daruliftaa.com/biography-of-mufti-muhammad-ibn-adam-al-kawthari/>

395. *Ibid.*

396. Mufti M. Taqi Usmani, *Islam and Modernism*, 1999, New Delhi: Adam Publishers, pp.123-139.

397. Andrew Norfolk, ‘Our followers “must live in peace until strong enough to wage jihad”’, *The Times*, 8 September 2007, <https://www.thetimes.co.uk/article/our-followers-must-live-in-peace-until-strong-enough-to-wage-jihad-x328fjhsf53>

398. *Fitna* refers to social unrest or discord, leading to the destabilisation or destruction of the community.

399. *Non-Mahram* means someone whom a person is not allowed to marry, including family members.

400. Darful Iftaa, ‘Female Islamic Dress-Code’, undated, <https://daruliftaa.com/womens-issue/female-islamic-dress-code/>

401. ‘Renewed leadership, renewed hopes’ (Arabic), The European Council for Fatwa and Research, 16 December 2018, <https://www.e-cfr.org/blog/2018/12/16/european-council-fatwa-research/>

402. ECFR, ‘About Us’, <https://www.e-cfr.org/en/about-us/>

403. *Fatwas of the European Council for Fatwa and Research* (2002), trans. Anas Osama Altikriti and Shakir Nasif Al-Ubaydi, Cairo: Islamic INC, p.34.

404. *Ibid.*, p.35.

405. *Ibid.*, p.36.

religious obligation. It did not state the same of the niqab. It denied the symbolic nature of both the hijab and niqab. The statement declared:

*The laws enacted nowadays by the French government to ban the Niqab represent a violation to human's personal and religious freedoms guaranteed by French laws, human rights and international laws. The ECFR confirms that both Hijab and Niqab are neither religious nor political symbols but rather an Islamic obligation as the case of wearing Hijab. Nevertheless, the concerned authorities have the right to request the removal of the Niqab if there is a need therefor [sic.] e.g. identifying the person or for security reasons.*⁴⁰⁶

More recently, in October 2022, the ECFR denounced the decision by the European Court of Justice (ECJ) to reject the case of a Muslim woman who sought legal redress after she was told, when she applied to do a traineeship at a Belgian company, that she would not be allowed to wear a headscarf. The ECJ ruled that employers may forbid their employees to wear headscarves, provided it is part of a broader ban on all headwear and not specifically targeting religious attire.⁴⁰⁷ The ECFR stated:

*such a ruling and its likes diminish opportunities of positive integration and impact negatively on the rights of citizenship and deprives societies from Muslim women's contributions to building societies and civilizations.*⁴⁰⁸

Echoing its earlier statement from 2009, it also said that “Hijab is not a religious symbol nor is it a provocative behaviour but rather an Islamic obligation and ritual as consensually stated by Muslim scholars.”⁴⁰⁹

406. ECFR, 'The Nineteenth Ordinary Session of The European Council for Fatwa and Research', 23 June 2020, <https://www.e-cfr.org/en/2020/06/23/the-nineteenth-ordinary-session-of-the-european-council-for-fatwa-and-research/>, emphasis added. Interestingly, the view that the veil is not symbolic conflicts with MCB founding member Abdul Wahid Hamid, who wrote: "Proper dress is one of the outer symbols of the civilizing mission and power of Islam". See Abdul Wahid Hamid. *Islam: the Natural Way*. 1989, p.88.

407. James Crisp, 'Hijab can be banned by EU companies if part of broader restrictions on headwear', *The Telegraph*, 13 October 2022, <https://www.telegraph.co.uk/world-news/2022/10/13/hijab-can-banned-eu-companies-part-broader-restrictions-head-wear/>.

408. Press release issued by the European Council for Fatwa and Research on ban of Hijab in workplaces by the European Court', 19 October 2022, <https://t.me/ecfrorg/290>.

409. *Ibid*.

The West Midlands Hijab Sculpture

On 19 September 2023 media coverage revealed that a 16 feet tall sculpture weighing approximately one ton, entitled 'Strength of the Hijab', was to be erected in the Smethwick area of Sandwell in the west Midlands, in October. "It was commissioned by Legacy West Midlands, a registered charity which celebrates the heritage of post-war migrant communities in Birmingham."⁴¹⁰ Sculptor Luke Perry went on to explain:⁴¹¹

The Strength of the Hijab is a piece which represents women who wear hijabs of the Islamic faith, and it's really there because it's such an underrepresented part of our community, but such an important one.

They need visibility, it's so important, so working with the community to come up with the designs has been really exciting because we didn't know what it was going to look like until now.

Registered as a charity (number 1180546) in 2018, Legacy West Midlands, also known as Legacy WM, describes its work in the following manner:⁴¹²

Inspired by the heritage of post-war migrant communities in Birmingham, our work celebrates their relationship with the industrial, architectural, and cultural fabric of the City. Early projects included tracing migrant journeys to Birmingham and developing a local heritage trail.

At the bottom of its website, Legacy WM features the logos of a succession of organisations which support its work. These include Birmingham City Council, Arts Council England, BBC Children in Need, West Midlands Police, Aston Villa Foundation, Birmingham City University, NHS, Sport England, Heritage Fund, Community Fund, Historic England, Inclusive Leadership Pledge, Garfield Weston Foundation, Living Well UK, Housing 21, BVSC - the centre for voluntary action and School for Social Entrepreneurs.⁴¹³ Its largest donor is the Big Lottery Fund.⁴¹⁴

The timing of the public announcement of the sculpture is particularly notable. Dogged by financial difficulties, on 5 September 2023 Birmingham City Council declared itself effectively bankrupt, unable to balance its budget.⁴¹⁵ Birmingham City Council had been an important funder of Legacy WM, providing £68,488 in core funding to the year 31 October 2022.⁴¹⁶

Secondly, the press stories occurred in a period when the only news stories concerning the hijab had been those centering on the women's movement in Iran, as that country marked the first anniversary of the mass protests which followed the death of Mahsa Amini.⁴¹⁷ In a change of the media's focus, two days later sculptor Luke Perry commented to the BBC about his forthcoming work:⁴¹⁸

There's a possibility that this piece could be controversial for many different reasons. I don't feel like any of them are valid, but people do, there are a lot of people who object to the differences that we have in our communities, and would like them to be more divided.

It may be that the women's movement in Iran feel that they have valid criticisms of the sculpture?

410. <https://www.bbc.co.uk/news/uk-england-birmingham-66848973>

411. <https://www.bbc.co.uk/news/uk-england-birmingham-66848973>

412. <https://www.legacy-wm.org/> About Us

413. <https://www.legacy-wm.org/>

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415. <https://www.theguardian.com/society/2023/sep/05/birmingham-city-council-financial-distress-budget-section-114>

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418. <https://www.bbc.co.uk/news/uk-england-birmingham-66848973>

Part 3 - Boris and the Burqa, Iran and the Hijab

Sir John Jenkins

Boris and the Burqa, Iran and the Hijab

Sir John Jenkins

Introduction

13 September 2023 marked the first anniversary of the death of a young Kurdish Iranian woman, Mahsa Amini in police custody in Iran, an event that has led to some of the most sustained demonstrations in the history of the Islamic Republic against the brutality of the regime's security forces and by extension the regime itself.¹ This has revealed once again not just the deep seated resentment of much of Iran's population against their own rulers. It also vividly illustrates the wider symbolic power of Islamic veiling and other vestimentary codes and the way they can be - and are - deployed to discipline individuals, groups and indeed entire societies in the interests of brutal, obscurantist, authoritarian and unaccountable political and religious elites. As one distinguished scholar of modern Iran has remarked, "There are three ideological pillars left of the Islamic Republic. Death to America, death to Israel, and the hijab."² That is a huge weight for a piece of cloth to bear.³

It is also a consequential matter of great interest not just in those majority Muslim societies which take Islamic legal reasoning and jurisprudence as the norm but also in western societies where secular law, civic freedoms and legal and political equality form the basis of political and social life. It is striking how the hijab and other forms of Islamic veiling have come over the last few decades to represent a point of increasingly hostile public contestation over matters of political participation, sexual equality, public representation, faith and the secular sphere.

There is a particular contemporary British twist to this. On 17 December 2019, the Conservative Party agreed "to launch an Independent Investigation into all forms of discrimination within the Party, including anti-Muslim discrimination, following consultations with the EHRC". On 25 May 2021, the committee which had been commissioned to do so under the leadership of Professor Swaran Singh published its conclusions.⁴

Among the items the committee considered was a comment piece by Boris Johnson which appeared in *The Daily Telegraph* on 5 August 2018 entitled, 'Denmark has got it wrong. Yes, the burka is oppressive and ridiculous – but that's still no reason to ban it.'⁵ The article was behind *The Daily Telegraph's* paywall, meaning that only paid subscribers, or those registered with the Telegraph, could read the article in full. It therefore seems unlikely that a majority of those denouncing the article had read it. On social media in particular, this ensured that some were commenting,

about not what they themselves had read, but what others were saying Boris Johnson had written. This continues to be the case.⁶

In the article, Johnson - then a back-bench MP - compared Muslim women who wear this particular form of face covering⁷ to bank robbers and suggested it made them look “like letter boxes”. The Singh committee’s conclusion was that “Incidents such as ... Prime Minister Boris Johnson’s comments about Muslim women before he became Prime Minister, give an impression to some of a Party and leadership insensitive to Muslim communities.”

This paper is not designed to relitigate this conclusion. It does not offer commentary on Johnson’s own explanation⁸ or on the Singh report as a whole. Nor does it anticipate the conclusions, if any, of the second internal report announced in late-January 2022 into specific claims made by the former Minister, Nusrat Ghani, of anti-Muslim discrimination inside the Conservative Party.⁹

Instead, by taking events in Iran together with Johnson’s comments and the reaction to them as a starting point, it aims to contextualise the wider debate about the Islamic practice of veiling, explain why commentary on such practices might be deliberately misrepresented and explore the implications, specifically for secular law, social cohesion, communal relations and the public understanding of religion within the UK. It argues that this is not simply a matter of personal taste or individual choice. It is part of a contest about the normative power of symbols and their consequences for the society and political order in which we live.¹⁰ In doing so, it illustrates the ways in which the issue of the veil or other distinctive Islamic practices can be instrumentalised not to open but to shut down debate about multiculturalism, diversity and the place of religion in the public sphere of a liberal society. It also addresses the significance of the veil in the politics of the Middle East and North Africa, the heartland of Islam, the repercussions of which are – as we are now seeing yet again - felt globally.¹¹

The Scope of the Issue

The paradox of the controversy about Johnson’s remarks is that he concluded, as the title of the piece makes clear, that in spite of objections to the practice of veiling, there was no reason in a modern liberal democracy to ban it. This view was actually at odds with trends elsewhere in Europe - not just in France, where the issue has long aroused concern and a formal ban on the niqab and (in schools) the hijab has been in place for some years¹² – but also for example in Latvia, Bulgaria, Austria,¹³ Denmark¹⁴ and Switzerland.¹⁵ In Belgium a ban on the niqab is selectively in force in certain municipalities.¹⁶ In Germany, there was and is a lively debate about the propriety of religiously prescribed veiling.¹⁷ The Bundestag in 2021 passed a law regulating the display by public officials of religious or similarly symbolic clothing.¹⁸ Eight of the *Länder* ban female teachers from wearing the hijab and in 2017, one, Bavaria, formally banned the niqab in all public spaces. In virtually every other EU country – and in Switzerland,

where a referendum on the issue was held on 7 March 2021¹⁹ - the issue is a matter of prolonged and often fierce public controversy.²⁰ So too in Canada.²¹

Nevertheless, Johnson's article stirred up a storm of criticism from people on the Left of British politics and from many Muslims and Islamic or Islamist groups.²² And it has become an article of faith for many since then that this episode demonstrates not simply that Johnson failed to use "measured and appropriate language" (as the Singh Report has it) or that Johnson is hostile to Islam and Muslims and possibly a racist but that the Conservative Party as a whole is probably Islamophobic and this reflects a wider structural bias in British society as a whole.²³

Given that Johnson seems in general a socially liberal figure (far too much, some might say) and that in this case he was actually arguing in favour of a relaxed approach to the signalling of religious affiliation in public spaces and against any legal attempt to prevent people doing so, this seems odd, perhaps even more so since he had actually presided as Foreign Secretary over an event to celebrate World Hijab Day earlier in the same year.²⁴ Given the broader context, both in the UK and internationally, what exactly is going on²⁵ and how should we react?²⁶

Islam and the Veil

An appropriate place to start might perhaps be by considering what Islamic scholars actually say about veiling and what we know of historical practice.²⁷

The foundational texts are verses found in two Qur'anic Surahs, xxxiii, 53 ("Al Ahzab")²⁸ and xxiv, 30-31 ("Al Nur").²⁹ Neither is absolutely clear about what barriers, clothes or veils are appropriate for pious women – or indeed precisely which pious women are meant.³⁰ The words used for "veil", "barrier" "seclusion" or "covering" ("hijab", whose basic meaning is "barrier" and "khimar", which is a head and chest covering of some sort)³¹ can be interpreted in various ways, as can the instructions for their use. This has been a point of contention among the various jurisprudential schools of Islam ever since and has become more so in more recent times as Muslim modernists and feminists have challenged traditional interpretations.³² But the dominantly conservative consensus among contemporary Islamic scholars – doubtless inflected by the spread of forms of highly socially conservative Salafism – is that the *hijab* (as it is generally understood, meaning a covering of the head and at least the upper body that conceals the physical shape of the woman but leaves the face and hands exposed) is obligatory in Islam. For a Muslim woman not to wear it is a sin. It is not a marker of separate status within a wider community of the faithful, like the distinctive dress of priests, monks or nuns in Christianity³³ which marks them out as a hieratic class separate from the laity.³⁴ It is required of all Muslim women as a mark of modesty (*hishmah* or *ihtisham*) because commanded by God.³⁵ Nor is it simply a mark of submission to the divine will. It also visibly separates the wearer from those who do not accept Islam, which Muslims regard as the final

and authentic revelation, which alone can guarantee certain entry into paradise.³⁶ Some highly respected scholars have argued that certain other forms of the veil – the *niqab* in particular – reflect custom not religious obligation and that anything that covers the face, precisely because it obstructs a divinely mandated means of human communication, is actually un-Islamic.³⁷ But in general the advice that is offered on contemporary Islamic websites is that while the *niqab* and its equivalents – which cover the entire body including the face and hands, leaving only the eyes visible – may not be obligatory,³⁸ they are probably desirable³⁹ and should certainly not be discouraged.⁴⁰ Muslim women who wear neither are to be considered as transgressors but not apostates. Apostasy is for God alone to decide.⁴¹

Historically, actual practice seems to have varied markedly from time to time and place to place. It has also clearly been influenced by what we know to have been social customs in many different cultures. Some sort of veiling – and indeed seclusion – seem to have been a common marker of status among upper class, leisured and respectable women in ancient Assyria, Babylon, Classical Greece (except perhaps in some circumstances in Sparta),⁴² Republican and Imperial Rome and, to judge from the funerary monuments of Palmyra (which IS sought to destroy), Nabataean society. It was practised in Temple Judaism and early Christianity,⁴³ was a mark of status in what has become known as the Byzantine Empire and in Persia under the Achaemenids,⁴⁴ Parthians and Sassanians.⁴⁵ It also seems to have been known – including among men⁴⁶ – in the Arabian peninsula before the advent of Islam. This may have shaped customary practice across the Islamic world as a whole in various ways.⁴⁷

The Veil, Modernity and Islamism

But this has never been consistent.⁴⁸ Since the late nineteenth century, debates about the veil – and female dress more broadly – have become a lightning rod for a broader range of issues centred on women's rights, the relationship of Islam to the West and the meaning of modernity.⁴⁹ The socio-religious reformers of the late 19th century initiated debate about the role of women, admiring aspects of European political, social and economic organisation while wishing to remain firmly rooted in their own faith and cultural traditions. In particular they saw female education as necessary for the sustained economic and social advancement of their societies, which would allow them to shake off the colonial yoke. The period saw the emergence of an important feminist movement, beginning in Egypt, including men alongside upper-class women such as Aisha al Taimuriya, who famously described the all-encompassing veil as “tent-like”.⁵⁰ A landmark was the publication in 1899 of Qasim Amin's *Tahrir al Mar'ah* (*The Liberation of Women*), in which he argued passionately for the abolition of veiling as part of more general reforms to allow women to participate more fully in social and economic activities. Amin may not have been quite the advanced liberal of myth.⁵¹ But he was certainly instrumental in making the issue of the veil an important site of cultural

contestation, with his book stirring up “the first major controversy in the Arabic press.”⁵² Other significant figures were Malak Hifni Nasif,⁵³ Huda Sha’rawi, the founder of the Egyptian Feminist Union (and another advocate of unveiling), Durriya Shafiq, the founder of *Bint al Nil* (“Daughter of the Nile”) magazine and a prominent advocate of voting rights for women,⁵⁴ the Tunisian labour activist, Islamic scholar and (male) feminist, Al Taher al Haddad (author of *Our Women in Sharia and Society*, in which he argued for legal equality, women’s right to employment and the disabling power of the full veil),⁵⁵ and the Druze feminist, Nazira Zain al Din, author of the combative *Veiling and Unveiling: Lectures and Views with the Aim of the Liberation of Women and Social Renewal in the Arab World and The Young Woman and the Shaikhs*.⁵⁶ Nawal al Sa’adawi, the late Egyptian feminist activist and writer,⁵⁷ and (if at a slightly different angle) the late Fatima Mernissi from Morocco⁵⁸ stand squarely in this tradition.⁵⁹ All the women were defiantly unveiled.⁶⁰

Indeed, if you look at photographs or film footage from Egypt from the 1940s through to the 1970s, you will see many elite urban⁶¹ Egyptian women particularly in Cairo and Alexandria completely unveiled.⁶² The same is true of Iran,⁶³ Lebanon, Syria, Iraq, Algeria,⁶⁴ Morocco, Libya and indeed Malaysia,⁶⁵ Indonesia,⁶⁶ Afghanistan⁶⁷ and even parts of Saudi Arabia.⁶⁸ In 1934 in Turkey Ataturk forbade veiling anywhere except in mosques.⁶⁹ Elsewhere to unveil was seen in elite circles as a mark of modernity and liberation - and conversely to veil was a mark of backwardness or ideological opposition.⁷⁰ In 1956 Albert Hourani, the distinguished Anglo-Lebanese historian, even wrote a famous article in which he suggested that the veil was destined inevitably to disappear.⁷¹

This is the context for the well-known speech by Gamal Abdul Nasser in Cairo in 1958, when he mocks the then imprisoned Murshid (Supreme Guide) of the Muslim Brotherhood (MB), Hassan al Hodeibi, for urging him in 1953 as one of his first acts to make the veil compulsory.⁷² Nasser – pausing for effect – says that the Murshid can’t even persuade his own daughter to veil. So how does he expect him to get all the Muslim women of Egypt to do so? The crowd – admittedly hand-picked - explodes with laughter.⁷³ The Brotherhood thought the Free Officers who spearheaded the 1953 revolution would be their willing accomplices. Nasser had other ideas. He represented a break with the past not its continuity, liberation from colonial oppression not a resubordination to religious scholars or Islamist movements. So did Habib Bourguiba in Tunisia.⁷⁴ And, whatever (indeed because of) the Saidian dialectic of their positions,⁷⁵ the veil became a powerful symbol to both sides.

It remained a part of the wider *Kulturkampf* within the Arab and wider Islamic worlds, the struggle between Islamists, nationalists, Ba’athists, secularists, feminists,⁷⁶ liberals and obscurantists that was fought in the open and clandestinely over the next five decades - and continues in various forms today.⁷⁷ When Nasser died, Sadat - a genuinely pious man who had memorised the Qur’an as a child and styled himself “the believer President” - enlisted Islamists to help him deal with his Nasserist, liberal, secular and Leftist opponents. He altered the Constitution to make *shari’ah* –

in this case both the clear and canonical divine laws revealed in the Qur'an and the Hadith and the complex methodology (or *fiqh*) for determining their wider jurisprudential meaning and their application to particular instances - a source of legislation.⁷⁸ He allowed Islamists to revive their publishing activities, in which they urged a return to what they saw as Islamic norms in dress and behaviour, particularly for women.⁷⁹ He started speeches not, as had Nasser, with an appeal to his fellow citizens, but with the Islamic invocation of God.⁸⁰ But his wife, Jihan, did not veil. And he was disobliging even in public about conspicuously Islamic dress (using the same analogy with a tent as Aisha al Taimuriya had 80 years earlier).⁸¹

Sadat thought he was being tactically astute by allowing the MB and other Islamists to influence social norms in return for political support. But in doing so he gave them the opportunity to entrench themselves in positions from which they could gradually dictate and enforce such norms more and more widely. It had always been their argument that the real revolution started with the individual altering his or her behaviour and following more closely what they claimed were authentic Islamic practices (which were in reality rather a decontextualised 20th century reconstruction of an imagined past).⁸² In a society which yearned for progressive modernity but remained powerfully attached to its Islamic identity,⁸³ this gave the Brotherhood massive power. And they used it – as elsewhere – to promote a set of increasingly regressive practices and norms among sections of the population susceptible to their influence. For example, they provided free transport and other support for female university students on condition that they dress modestly – including the veil. Without such transport many poorer women would not have been able to attend university. So the choice was hardly free. But it served their purposes.⁸⁴

This reflected the trajectory of a wider struggle, with increasingly autocratic governments believing they were using Islamists for their own purposes but in practice - in a remarkably Gramscian manoeuvre⁸⁵ - with the roles reversed.⁸⁶

Iran was the most spectacular example of this, where the 1979 revolution allowed a vanguardist movement under Khomeini to hijack power in the name of a heterodox version of Islam and impose a reactionary and oppressive system of rule on a confused and fractured population.⁸⁷ As a visible mark of the change, they reversed the forced secularisation of the Pahlavis,⁸⁸ suspended the Family Protection Law (which had given women the right to initiate divorce and seek custody of their children) and introduced strict dress codes, particularly for women, and a religious police force (the *Gasht-e Ershad*) empowered to bully, intimidate and harass women who they believed did not conform.⁸⁹ At the heart of this was the question of the *hijab*. A stray wisp of hair could see a woman beaten, detained or even have acid splashed in her face.⁹⁰ The enforcement of this has varied over the years.⁹¹ But it remains a key part of the regime's claim to Islamic legitimacy – in spite of the fact that

(or perhaps because) this is increasingly at odds with popular opinion.⁹² The same applies to Saudi Arabia. The control of women in the public space (and disabling legal requirements privately) have been central to the Kingdom's political-sociology for decades.⁹³ This originally reflected, of course, a small, inward-looking and deeply conservative society.⁹⁴ But it also became a way of managing growing social strains as the population grew and the Kingdom not just modernised but rapidly urbanised.⁹⁵ Now, with the need to mobilise more of the citizen population in the interests of economic growth, it is no longer essential for women to veil in public in order to avoid harassment by the religious police. What was once an outward sign of political legitimacy has increasingly become an economic liability. Like some reformists of the late 19th century, the current Crown Prince sees the relative liberalisation of dress codes for women (though not, of course, the granting of political freedoms) as a necessary part of his socio-economic strategy.

This use of the veil as a marker of personal, political and religious identity,⁹⁶ of course, goes well beyond majority Muslim countries. Ilhan Omar in the US, for example, has been clear about the discursively symbolic and oppositional purpose of the veil for her:

Omar chose to cover her hair in 2005 as a symbol of her 'purity in the presence of the world'. It is, however, of public interest when the hair is on the head of the first hijabi in the House of Representatives, who tells us, 'I wanted to wear the abaya with a niqab to Trump's State of the Union, but my staff worried I would be arrested by the Secret Service.'⁹⁷

Conversely, in states with a majority Muslim population and oppressive dress codes, the absence of the veil is invariably a mark of resistance. As one report from Tehran – even before the current protests – has it:

Away from direct confrontation with the Islamic Republic, Iranians carry on a parallel existence. It is a crime for women to leave the house without a hijab, but, in the well-off sections of northern Tehran, it is not uncommon to spot women walking down the street with their hair defiantly exposed. So many areas of private life fall under the state's purview that flouting the law is hard to avoid. In 2014, six Iranian men and women recorded themselves dancing to Pharrell Williams's song "Happy," and posted the video on YouTube, with the title "[Happy We Are from Tehran](#)." The authorities arrested them for violating laws that prohibit dancing with the opposite sex. They were sentenced to a year in prison and ninety-one lashes apiece. Sara was nervous about meeting me in public. "It is really dangerous," she said. "Me sitting here talking to you might get me in deep trouble." Still, she was poised and determined, insisting that she be granted her rights. "If you want to know how we live, you have to watch '[The Handmaid's Tale](#),'" she said. "This is the real Gilead. Margaret Atwood, she wrote our story before we were born."⁹⁸

When Kuwaiti women fleeing the Iraqis in August 1990 arrived at the Saudi border and were required to wear the niqab, many refused, echoing the gesture of an earlier generation of Kuwaiti feminists who had burned

their abayas (black over-garments) in 1953 and then again ten years later in front of the National Assembly building in protest at their political exclusion.⁹⁹ Vida Movahed became famous (and disappeared) after being filmed removing her white hijab and waving it from the top of a soap box in Enghelab (“Revolution”) Street, Tehran in December 2017. In a project directed by the Dutch artist, Marinka Masséus, supported by the defiantly unveiled (and exiled) Iranian dissident, Masih Alinejad (whom the Iranian regime has allegedly sought to kidnap or kill),¹⁰⁰ other Iranian women have been bold enough to allow themselves to be photographed or filmed casting the veil off as a gesture of resistance.¹⁰¹ This has often been at high personal cost.

Most recently, the death of Mahsa Amini, reportedly killed by the Iranian morality police after being arrested for “bad hijab”,¹⁰² has led to widespread protests across Iran, equally widespread, brutal regime reprisals and now the threat of even more rigorous policing and advanced surveillance technology to enforce increasingly contested vestimentary codes for women (reportedly including new bans on nail extensions, manicures and pedicures).¹⁰³ It has also caused difficulty to self-described progressives, whose belief that any criticism of the hijab must be Islamophobic proved wholly inadequate when confronted with overwhelming evidence - provided by the oppressed themselves - of its use as an instrument of oppression.¹⁰⁴ Islamists, of course, like to claim that the West is obsessed with the hijab. It is only they, however, who are prepared to murder for it.¹⁰⁵

And the symbolic power of clothing does not just apply to the veil. It is a semiotic commonplace that all clothes (in their presence or absence) are capable of representing meaning and indeed reflect particular views of social order.¹⁰⁶ Funerary shrouds (“*akfan*”) are worn by militant Islamists in Iran, Iraq, Lebanon, Gaza and elsewhere to denote a willingness to suffer death for the cause of the faith. Red, white or green head bands (“*shara’it*”) with the *shahada* (declaration of faith), other Islamic or simply inflammatory¹⁰⁷ slogans written on them are used by the same demonstrators or in so-called martyrdom videos to denote particular allegiances or alignments. The green, white or black turbans of Sufis and mainstream religious scholars are positional, indicating among other things degrees of relationship to the Prophet and therefore greater status. The length of a *thobe* or *dishdasha*, the cut of a beard, the type of head-covering and the use of a *miswak* (tooth stick) will generally indicate whether a man is a Salafi or not.

Symbols and Soteriology

A common defence of the veil in the form both of the *hijab* and the *niqab* against western criticism is that it is a matter of personal choice for a woman, in the same way as any other item of clothing. If western (or indeed non-western) women can choose to wear Oscar de la Renta, Armani, Dior, Gucci, Stella McCartney, Zara or Whistles, why can’t a Muslim woman choose to wear a headscarf or even a full body covering?¹⁰⁸

This is, of course, to confuse categories, misrepresent Islam, its protocols and codes and discount the way in which Islamists deliberately situate the veil within an oppositional “paradigm of authenticity”.¹⁰⁹ Islam - as any Muslim scholar will tell you - is designed as a total way of life.¹¹⁰ It is at once individualist and communal.¹¹¹ It is also soteriological (though in a rather different sense from Christianity),¹¹² a caravan of salvation, guaranteed to lead the faithful to paradise if they truly believe and follow its precepts to the letter.¹¹³ Historically, there were, of course periods of rigour and of laxity in the Islamic world. But with the advent of modernity and the political penetration of the Islamic world by European powers from the early 19th century onwards came a reconsideration of what it meant to be Muslim in a world where the normative status of *shari’ah*-based *fiqh* (jurisprudence)¹¹⁴ could no longer be taken for granted and the authority and therefore status of Islamic jurists - traditionally a highly privileged elite group¹¹⁵ - were increasingly challenged by centralising states attracted by western secular constitutional and customary law and indeed by a growing number of non-traditional sources of *shari’ah* interpretation.¹¹⁶ This is the space within which orthodox jurists, modernists, reformists, revolutionary and political Islamists met, disputed, fought and continue to do so.¹¹⁷

And it is their rulings, their opinions, their debates and their ideologies that frame the choices of Muslims across the world.

Shaping these opinions and ideologies are questions of praxis and belief. These cover theology, doctrine, devotional obligations, the nature of political organisation (for contemporary Islamists at any rate)¹¹⁸ and above all law, increasingly understood not in terms of western rationalist and secular jurisprudence (which arises in turn from highly particular, historically conditioned ideas of the secular state¹¹⁹), but as a divinely-revealed taxonomy of personal, familial, sexual, social and political relations and activities, grouped under five different headings (obligatory, recommended, indifferent, reprehensible and forbidden).¹²⁰ You can look on the website of any mosque, Qur’anic exegete, Islamic scholar, jurist or self-proclaimed adviser and find millions of the worried faithful seeking daily guidance on the most recondite and intimate issues, from personal hygiene through clothing and eating habits to more general socio-political matters.¹²¹

And one of those issues, as we have seen, is the question of appropriate dress for the pious Muslim woman.¹²² To claim that this is the same sort of question that a non-Muslim woman will ask herself when deciding what to wear is perverse.¹²³ A non-Muslim will not normally believe that she is contributing to her salvation or damnation - or affirming her religious and by extension political and cultural identity - by choosing an item of clothing.¹²⁴ Yet this is exactly what a pious Muslim woman will do. And, again as we have seen, she will be encouraged to do so and guided in her choices by the opinions of the almost exclusively male scholars (usually far less interested in the parallel Qur’anic requirement upon men to be modest) whom she consults.¹²⁵

Everyone's choices, of course, are shaped among other things by "the primacy of affect" and a variety of socially determined often unconscious cues, norms and pressures, prefigured in the 18th century by both the Baron d'Holbach's determinism and claims about the priority of the passions in forming moral sentiments advanced by Adam Smith and David Hume among others – that is, a set of equally unconscious empathetic assumptions, attachments and preferences shaped by particular socio-cultural formations and contexts.¹²⁶ In that sense, no choice is ever absolutely free.¹²⁷ But in the case of religiously prescribed clothing, this is true in a very specific way.¹²⁸

And to wear such clothing is also to make specific symbolic and political claims,¹²⁹ which, in a society where it is not and never has been normative or where it is regarded with suspicion, are different from those made in majority-Muslim societies. This claim is essentially one of difference, not just in terms of outward appearance but also of inner worth and socio-political positioning. To wear the *hijab* or *niqab* is to proclaim yourself not just a believer but someone who has submitted to the commands of a God¹³⁰ who guarantees faithful Muslims entry into paradise while probably excluding others. It is also by extension to proclaim the virtues of Islam as an alternative system for the proper ordering of political communities.¹³¹

Given that this has been a subject of intense controversy and debate even for many Muslims living within Islamic societies – especially where, as in Iran, the veil is instrumentalised as an instrument of repression – it is perverse to argue that this should not also be a subject for debate in western societies. They have no pretensions to soteriological power but at least claim to function as neo-Aristotelian temporal commonwealths – *Gesellschaften* not *Gemeinschaften* – designed to promote not virtue but mundane welfare and (in their better moments) enable their citizens to achieve secular and material fulfilment (however imperfect this may in fact be).¹³² In its modern form, conditions for such fulfilment include the absolute legal equality of men and women, tolerance of a wide range of often heterodox behaviours, diversity of opinion, belief, class and origin and political pluralism. None of these – in the western sense – are commonly found in orthodox Islamic jurisprudence and are almost entirely absent in any shared sense from the political ideologies espoused by Islamists¹³³ who have been instrumental in shaping the public interpretation of Islam in the West since the 1950s.¹³⁴ In secular and contemporary western societies religious faith and practice are formally a matter of indifference to the state.¹³⁵ In "orthodox" Islam and emphatically so among Islamists, religious "orthodoxy"¹³⁶ and orthopraxy are themselves conditions of the legitimate state.¹³⁷

So why Boris?

First of all, it is worth noting the way in which Johnson has come for many to represent all that they despise about modern Britain. He has attracted a degree of opprobrium that only Margaret Thatcher of his predecessors and now successors can match.¹³⁸ It doesn't matter what he actually does or

says: they are convinced he is a liar, braggart and opportunist. This seems to have been crystallised by the Brexit referendum, when he was widely seen to choose to campaign for Leave simply on the basis of personal ambition.¹³⁹ For many it has only been reinforced by events since then.

Whatever your political views, and whatever your opinion about Johnson's performance as Prime Minister, this is a caricature of his social views.¹⁴⁰ As far as anyone can tell, he is socially liberal – too much for some at times. But it gives licence to ill-wishers to frame both him and indeed Thatcher as uncaring hobgoblins of the populist Hard Right. Whatever Johnson says is now framed through this heuristic and used opportunistically to attack anyone else who raises doubts about the metonymy for Islamism that the veil represents.

Johnson – and by extension the entire Conservative Party – has in effect found himself stigmatised not so much for what he said – which after all is no more than Aisha al Taimuriya, (“tent-like”),¹⁴¹ Nasser (“returning to a time when women were only allowed out at night”),¹⁴² Sadat (“black tents”),¹⁴³ Bourguiba (“a sinister shroud that hides the face”),¹⁴⁴ Ken Clarke (“a bag”), Jack Straw (“a visible statement of separation and difference”), Sadiq Khan (“insidious”), Harriet Harman (“an obstacle to women's participation”), Anna Soubry (“a peculiar concept”), Emily Thornberry (“I wouldn't want my four year old looked after by somebody wearing a burka”),¹⁴⁵ Kamel Daoud (“disembodiment”), many Iranian, Saudi and Egyptian feminists and many laïque and indeed otherwise devout Muslims in the Middle East and South East Asia (“a black bin-bag”, “a moving coffin”, “a moving tank”, “seeing a woman only as a black piece of cloth”, “not only against women's rights but against their existence”)¹⁴⁶ have said or say either publicly or privately – but the way he said it, with his trademark flippancy, and most importantly because of who he is.¹⁴⁷

He was not even talking about the *hijab* when he wrote the article in question. He was concerned with the full face/body covering that is the *niqab*, which has been characterised by at least one Azhari scholar as a window blind.¹⁴⁸ But even if he had included both garments as items that he thought repugnant to an open society and to the aspirations that most people in Europe have to equality, fairness, openness and acceptance, so what? Neither the *niqab* nor the *hijab* are neutral or non-signifying garments. They convey a wealth of symbolic meaning: and that meaning tends to be both fixed¹⁴⁹ and antithetical to the foundational principles of contemporary western liberal democracies.¹⁵⁰ And if Johnson's remarks are to be condemned, what is to be done with those women who show their contempt for the meaning that the Iranian regime has forced upon the veil by burning it?

This is not to say that women cannot or should not wear either if they feel they want to do so. Their motives in doing so are often mixed. In Muslim-majority societies, for example, women may wear conservative clothing in order to carve out a place for themselves in a male-policed public space.¹⁵¹ Nor - emphatically - is it an argument about female “oppression”, agency or subjectivity or their absence.¹⁵² There are lots of

other things that people wear that some or all of their fellow citizens find objectionable: but they remain unbanned. And oppression is a hard thing to pin down in western societies. But equally they should not expect the fact that they choose to wear such garments to be above debate.¹⁵³ They should not claim that to question them, when Islamists, Muslim clerics and pious Muslims are absolutely clear about their symbolic positioning,¹⁵⁴ at right angles and frequently in opposition to the values of a secular society,¹⁵⁵ is to be racist or Islamophobic. It is hard to see what exactly is racist about criticism of something that does not depend upon ethnic origin or racial category.¹⁵⁶ And unless Islam is to be exempt from any questioning or criticism, then nor is it in any meaningful sense Islamophobic.¹⁵⁷

It may be said – as the Singh Report itself suggests – that Johnson’s characterising of the *niqab* as a “letter box” was offensive in itself. But of all the comparisons that could be – and have been – made, it is hard to see why this one in particular should arouse such passion. Mocking people’s personal appearances may be impolite. And it is certainly a defensible position to say that elected politicians and others in positions of public responsibility should be particularly careful about doing so. But the practice is common currency in all cultures and always has been. It is particularly prevalent in politics. When Johnson himself can be mocked for his shambolic scruffiness, David Cameron for his swimming trunks, red face and dad-bod, Rishi Sunak for his sleek designer suits and gelled hair, Liz Truss for her awkward gait and staring eyes, Jeremy Clarkson for his jeans, Donald Trump for the length of his ties, his bird’s nest hair and the peculiar orange tint of his face, Joe Biden for his wonky smile and forgetfulness, Nicolas Sarkozy for his stacked heels, Macron for his Napoleon complex, Angela Merkel for her Hausfrau frumpiness, Theresa May for her leopard-print kitten heels, Xi Jinping for his apparent resemblance to Winnie-the-Pooh, the late Pope Benedict for his ruby slippers and Putin for his bare-chested exploits with bears, why is this one thing supposed to be beyond mockery – especially when its defenders insist that it is simply a matter of individual choice? Why conversely do Islamists consistently and repeatedly mock and criticise western women for their clothing and behaviour when they themselves claim the right to be exempt from mockery and criticism?¹⁵⁸ And after all, the objectification of women as objects of male desire¹⁵⁹ can be achieved just as much by insistence on the essentialising concealment of the bodily form as by its exposure.¹⁶⁰

Part of the answer to this lies in the fact that so many defenders of the veil in any of its forms frame the issue precisely as one of individual choice, when they themselves know perfectly well that the reason the garments exist and are worn is because of a centuries-old tradition of Qur’anic exegesis and Islamic jurisprudence that locates the necessity to wear them in a command to obey the inscrutable divine will and attributes the benefit that accrues from doing so to the communal before the personal good.¹⁶¹ And because Islamists in particular understand the power of the veil in contemporary western societies precisely as an emblem of difference and

dissent.¹⁶²

Ideologies and the Liberal Order

People yield to the temptation of ideologies because they furnish them, in their yearning to give meaning to the social world and establish their identity within it, with the 'ontological security' that allows them to do so.¹⁶³

Liberalism is, of course, a protean term. Its meaning has evolved through history. Its shifting shapes are deeply embedded in the times and places in which it is said to have been practised.¹⁶⁴ But it remains a useful term in this context because Islam and Islamisms usually situate themselves in opposition to the normativity - or the Durkheimian *anomie* - they conceive the contemporary liberal and secular order to represent. This includes gender equality, tolerance of individual sexual preference, individual equality before a secular system of law and neutrality by the state towards the claims of competing faith systems.¹⁶⁵ It also includes a notion of political authority as concerned with the temporal not the esoteric or metaphysical.¹⁶⁶ If an individual needs salvation, then Christian churches or the ministers of other religions or faith systems are available at will to provide a road map. The modern state thinks it has no camel in that race.

Orthodox Islamic jurisprudence takes a contrary view. The business of God is the business of the state and it is the duty of the sovereign to ensure that this is so.¹⁶⁷ In practice, throughout the 20th century, as more and more Muslims found themselves living in non-Islamic states, jurisprudence adapted itself to their situation¹⁶⁸ and evolved ways of managing the contradictions without causing what classical Islamic jurisprudence calls *fitna* (loosely speaking, "sedition" or social dissension – in effect intra-communal strife, originally within an Islamic state but extended to cover the case of Muslims in non-Islamic states). And people got on with their lives.

But Islamists characteristically refuse to accommodate themselves in this way to the settled and uncontested existence within the same political community of the non-Muslim Other.¹⁶⁹ There are many forms of the ideology but all of them share this characteristic: to be an Islamist is to be revolutionary, in a social sense at least and often more than that.¹⁷⁰ The enemy is the non-Islamic order of things (as defined, of course by Islamists),¹⁷¹ where women can wear revealing clothing, mix with men outside their immediate family, have sexual freedom and become politically powerful. This is a state where *shari'ah* has no primacy and often no role. It is therefore a state of disorder. And this disorder is most visibly inscribed on women's bodies.¹⁷² You can react to this in various ways – by social withdrawal (following the Salafi principle of *al wala' wal bara'* / loyalty and disavowal), by creating *shari'ah* enclaves (following the Qutbist principle of *tamkeen* / enabling), by seeking through a strategy of gradualism to change the political and social structure of what you see not as your but as a host community (a principle associated with the Muslim Brotherhood current known as *al wasatiyyah* / the middle way), by preaching (following

the principle articulated by the late Yusuf al Qaradawi – usually described as “the spiritual leader” of the Muslim Brotherhood - of *tabshir al da’wa*/proselytising), promoting a universalising Islam through personal witness (following Tariq Ramadan’s principle of *shahadah*/witness) or simply by insurrection or violent revolution.¹⁷³

That means that the argument over the veil - in all its forms - is an argument about ideology, the social meaning that ideology provides and the divisions¹⁷⁴ that it purposefully creates. Islamist ideology and strict Islamic normativity are not pick’n’mix. They are a matter of all or nothing.¹⁷⁵

This is true even if you believe that liberal, secular modernity programmatically but problematically manifests itself through more or less repressive forms of tolerance that displace ideology in favour of theme-park identity,¹⁷⁶ and draw the conclusion that mutual and unrepressive recognition of genuine group and identity difference is the answer.¹⁷⁷ This is a version of presentism where history has no symbolic power and ideology dissolves in the acid bath of acceptance. But ideology constructs its claims through symbolically powerful accounts of history precisely in order to shape the present and direct the future.¹⁷⁸ And it resists dissolution. In the end it is not possible to produce toleration by decree: it has to be earned.

So what is actually at stake, as public expectations of the acceptable and the tolerable are step by step narrowed down, is the functioning of the liberal order that we take for granted.¹⁷⁹ Even so, the primary question is not whether or not to prohibit the veil. It is about whether or not to debate its use, meaning and purpose.¹⁸⁰ It is about who is allowed to police the boundaries of this debate. And it is about the consequences of that debate’s conclusions. That should matter to all of us¹⁸¹ – including those millions of non-Islamist Muslims, in Iran and elsewhere – who regard the interpretation of *shari’ah* not as a set of unquestionably sacred rules but as a debatable product of human agency.¹⁸²

There is a further consideration. A lesson many draw from European history is that religious faith and political power should be kept entirely separate. We think the Enlightenment privatisation of religion a good thing.¹⁸³ And we welcome what we imagine to be its terminal decline. But globally the evidence suggests that conclusion may be premature.¹⁸⁴ The sacred - if it ever went away - always finds ways to return.¹⁸⁵ Religion, like race and sexuality, has become in the contemporary West a constructed space within which rival political claims are made, contested and adjudicated. But a government or society which assumes that the differentiation of religion from other spheres of social life is fundamental to the autonomous practice of politics will find it hard to deal with those who disagree, especially - in an age of identity politics - if they do so in the name of pluralism or diversity and go on to contest the existing organisation of social and public life as inimical to what they prefer to define as the common good.¹⁸⁶

And that, of course, is precisely what Islamists seek to do.¹⁸⁷ This is

not about Boris Johnson, or any ‘hurt’ or ‘insult’ his comments allegedly caused. It is not even about the Conservative party, although public controversy continues about the structural presence or absence within it of Islamophobic tendencies. The debate over the veil is merely one aspect of a wider contest over hegemonic normativity in the public space, which ultimately seeks not only to regulate private behaviour but to “reach into the public realm, addressing such matters as gender, sexuality, family life, education, and social policy. Conflicts over these matters often involve deep conflicts of principle and fundamental differences of worldview.”¹⁸⁸

We all have an interest in the sort of society in which we live and the sort of state we choose to govern us. That is a fundamental principle of Islamic jurisprudence.¹⁸⁹ It also used to be a fundamental principle of Christian political thought, based on a view of natural law that ultimately derived from Aristotle, and indeed of those in Europe and elsewhere who came to prefer the claims of unaided reason. And that gives every citizen a vote in the matter. Equally, there is no neutral position on preserving neutrality: to vote to abolish the vote is a revolutionary position. Rediscovering and reapplying that truth to maintain the animating principles – above all that of rationally discovered law and an ethics of consequences as well as convictions, human and natural law balanced finely together (in the words of Leo XIII) - on which our societies vitally depend and which guarantee us the freedom to decide our own futures is one of the greatest challenges we now face.¹⁹⁰ How we collectively deal with it while treating our own religious past like a guilty secret rather than foundational to our distinctive political culture¹⁹¹ and seeking to forget those foundations by subordinating the political to the procedural¹⁹² is another matter entirely.

But one thing is clear: attempts to close down debate on such matters because of confected outrage about perfectly reasonable – if sometimes clumsily expressed – expressions of opinion need to be resisted at all costs. The women of Iran at least should teach us that.

Endnotes

- 1 Azadeh Moaveni, *The Protests Inside Iran's Girls' Schools*, *The New Yorker*, 7 August 2023 at <https://www.newyorker.com/magazine/2023/08/14/the-protests-inside-irans-girls-schools> is a good recent summary.
- 2 Karim Sadjadpour quoted by **Dexter Filkins**, *The Exiled Dissident Fuelling the Hijab Protests in Iran*, *The New Yorker*, 24 September 2022 at <https://www.newyorker.com/news/daily-comment/the-exiled-dissident-fuelling-the-hijab-protests-in-iran>. The death of Mahsa Amini was only the latest example of the brutalisation of women under the new government of Ebrahim Raisi, which seems to be seeking a return to the harsh social regimes of the 1980s: see **Isaac Chotiner**, *How Iran's Hijab Protest Movement Became So Powerful*, *The New Yorker*, 2 October 2022 at <https://www.newyorker.com/news/q-and-a/fatemah-shams-how-irans-hijab-protest-movement-became-so-powerful>, **Christopher de Bellaigue**, *Khamenei's Dilemma*, *The New York Review of Books*, 13 October 2022 at <https://www.nybooks.com/online/2022/10/13/khameneis-dilemma-christopher-de-bellaigue/> and **Kourosh Ziabari**, *Iran's Hijab Protests Are of Raisi's Own Making*, *Foreign Policy*, 10 October 2022 at <https://foreignpolicy.com/2022/10/10/iran-protests-hijab-mahsa-amini-morality-police-ebrahim-raisi>. It is not simply the hijab: Raisi has sought to control what Persian pronouns Iranian women use when addressing men.
- 3 Something recognised and then casuistically dismissed by **Anjum Anwar**, *Message to liberals: I do not need rescuing from my hijab*, *5 Pillars*, 9 October 2022 at <https://5pillarsuk.com/2022/10/09/message-to-liberals-i-do-not-need-rescuing-from-my-hijab/>. For a powerful riposte see **Parham Ghobadi**, *Iran protests: Iran's Gen Z 'realise life can be lived differently'*, *BBC News*, 14 October 2022 at <https://www.bbc.co.uk/news/world-middle-east-63213745.amp>. And for the elaborate apparatus available to the Iranian regime to suppress anti-hijab (and many other) protestors see **Ehsan Mehrabi**, *Explainer: The Islamic Republic of Iran's Architecture of Suppression*, *IranWire*, 25 September 2022 at <https://iranwire.com/en/society/107906-explainer-the-islamic-republic-of-irans-architecture-of-suppression/>. That is a huge amount of coercive force to protect something Ms Anwar regards as a self-evident good. As the distinguished Moroccan political philosopher, **Mohammed Abed Al-Jabri** wrote in *Democracy, Human Rights and Law in Islamic Thought*, London 2009, 60, “...to reduce Islam in its entirety to the issue of “veiling” (hijab), “amputating the hand of the thief” and the like is an escape, or a failure to address the real political problems.” Indeed.
- 4 Available at <https://singhinvestigation.co.uk/wp-content/uploads/2021/05/Singh-Investigation-Report-Release-FINAL.pdf>.
- 5 <https://www.telegraph.co.uk/news/2018/08/05/denmark-has-got-wrong-yes-burka-oppressive-ridiculous-still/>

- 6 For example, **Lizzie Dearden, Sunak ignores Islamophobia appeal from MP amid extremism row**, *Independent*, 5 August 2022 at <https://www.independent.co.uk/independentpremium/uk-news/sunak-truss-conservative-islamophobia-muslims-b2138373.html>.
- 7 Which in contemporary Islamic jurisprudence is now normally known as the niqab: the hijab is taken to be a head scarf, often extending to the neck, shoulders and chest, that leaves the face visible.
- 8 **The Singh Investigation, Independent Investigation into Alleged Discrimination**, 51-52 at <https://singhinvestigation.co.uk/wp-content/uploads/2021/05/Singh-Investigation-Report-for-download.pdf>.
- 9 See **Nusrat Ghani: PM orders Cabinet Office to investigate ‘Muslimness’ claim**, *BBC News*, 24 January 2022 at https://www.bbc.co.uk/news/uk-politics-60108377?at_medium=RSS&at_campaign=KARANGA.
- 10 A point forcefully and eloquently made by **Elham Manea, The Perils of Non-Violent islamism**, *New York* 2021. Even in the face of societal contestation, Islamic scholars do not see the issue of the hijab or other female vestimentary norms as one of individual choice: see **Zaid Al-Aseel, Iraqi activists launch campaign against compulsory hijab in schools**, *Amwaj Media*, 4 November 2022 at <https://amwaj.media/article/iraqi-activists-launch-campaign-against-compulsory-hijab-in-schools>; **New fatwa reignites hijab controversy in Egypt**, *AL Monitor*, 28 July 2022 at <https://www.al-monitor.com/originals/2022/07/new-fatwa-reignites-hijab-controversy-egypt>; **Khamenei supports stricter hijab enforcement in Iran**, *AL Monitor*, 27 July 2022 at <https://www.al-monitor.com/originals/2022/07/khamenei-supports-stricter-hijab-enforcement-iran>; and **Kourosh Ziabari, Iranian women under pressure as Raisi stiffens hijab mandate**, *AL Monitor*, 23 July 2022 at <https://www.al-monitor.com/originals/2022/07/iranian-women-under-pressure-raisi-stiffens-hijab-mandate>. **Ghausia Shaukat, Hijabis are the flag bearers of Islam**, *5 Pillars*, 10 October 2022 at <https://5pillarsuk.com/2022/10/10/hijabis-are-the-flag-bearers-of-islam/> is clear about making the case for the hijab as the public symbol of a ‘perfect faith’.
- 11 See **Robin Wright, Iran’s Protests Are the First Counter-Revolution Led by Women**, *The New Yorker*, 9 October 2022 <https://duckduckgo.com/?q=Iran%E2%80%99s+Protests+Are+the+First+Counter-Revolution+Led+by+Women%2C&t=osx>. **Jill Filipovic, Fear of a Female Body**, *Substack*, 9 February 2023 at https://jill.substack.com/p/fear-of-a-female-body?utm_source=substack&utm_medium=email - on yet another US campus controversy - is an excellent discussion of the way in which attempts to shut down any sort of debate about or scrutiny of veiling are profoundly illiberal and should be resisted in liberal democracies.
- 12 At least partly because of the powerful French tradition of laïcité, going back to the conflicts over education between secular republicans and the Catholic Church during the long 19th century:

see **Helena Rosenblatt, *The Lost History of Liberalism: From Ancient Rome to the Twenty-First Century*, Princeton 2018, 194ff.** France became the first European country to ban the wearing of the hijab (along with other conspicuous religious symbols) in schools (in 2004) and the niqab anywhere in 2011. For extensive commentary on the French situation by Islamic scholars see for example https://web.archive.org/web/20040713024730/http://www.islamonline.net/English/in_depth/hijab/index.shtml; <https://www.e-cfr.org/blog/2017/11/04/twelfth-ordinary-session-european-council-fatwa-research/>; <https://www.e-cfr.org/blog/2017/11/04/thirteenth-ordinary-session-european-council-fatwa-research/>; <https://www.e-cfr.org/blog/2017/11/04/nineteenth-ordinary-session-european-council-fatwa-research/>; <https://web.archive.org/web/20040621171746/http://www.islamonline.net/fatwa/english/fatwaDisplay.asp?hFatwaID=108899>; https://web.archive.org/web/20040713005625/http://www.islamonline.net/English/In_Depth/Hijab/2004-02/article_01.shtml; and <http://web.archive.org/web/20080416010929/http://www.islamonline.net/livedialogue/english/Browse.asp?hGuestID=NZ1847>. The prominent Islamist jurist, the late Yusuf al Qaradawi, actually wrote an open letter to the then President, Jacques Chirac, condemning the ban: the Shaikh al Azhar, the late Muhammad Sayyid Tantawi, on the other hand regarded it as an internal matter. That reveals a key difference between nationalist and transnational Islamic scholars. Remarkably, the MCB were consulted in 2003 by the French governmental commission considering the issue. They objected on familiar grounds: see <http://archive.mcbrestore.org.uk/wp-content/uploads/2016/02/issue49.pdf>. On the whole “*affaire du voile*” and the wider implications see **Gilles Kepel, *Jihad: The Trail of Political Islam*, I.B. Tauris 2002, Chapter 8 (“The Fatwa and the Veil in Europe”)** and **Terreur dans l’Hexagone: Genèse du Djihad français, Seuil, 2015**. France also bans other “ostentatious” religious symbols like the kippah, Sikh turban or large crosses in schools, though the issue of the Islamic veil remains a particular challenge: see **Eugénie Boilait, *Tenues islamiques à l’école: «Les atteintes à la laïcité sont bien plus nombreuses que les incidents signalés»*, Le Figaro, 17 June 2022** at <https://www.lefigaro.fr/vox/politique/tenues-islamiques-a-l-ecole-les-atteintes-a-la-laicite-sont-bien-plus-nombreuses-que-les-incident-sigales-20220617>. Most recently there has been some controversy over the permissibility of the “burkini” – a specially-designed swimming costume which its advocates claim is suitable for pious Muslim women – in public baths: see **France rules against burkini swimwear for religious reasons, AP News, 21 June 2022** at <https://apnews.com/article/religion-france-government-and-politics-3838c7a4166549b6721cd7cfd29a9a33>. One Muslim feminist activist is quoted in the article as blaming, “...a leftover colonial-era fixation with the body of Muslim women by politicians who want to control them.” The difficulty with

that view is that it could just as easily be turned round to stigmatise those who take it as socially normative for a woman's body to be covered in a way they claim is prescribed by Islamic law. Whose body, whose control?

- 13 The issue caused a particular controversy in 2017 when the officially recognised body representing Muslims as a faith community in Austria (Die Islamische Glaubensgemeinschaft in Österreich - IGGÖ) issued formal advice that the hijab was required dress for observant Muslim women: see **IGGÖ rät muslimischen Frauen zum Kopftuch**, *Kurier*, 6 March 2017 at <https://kurier.at/chronik/oesterreich/islamische-glaubensgemeinschaft-iggioe-raet-muslimischen-frauen-zum-kopftuch/250.185.996> and **Lorenzo Vidino, The Muslim Brotherhood in Austria**, *The George Washington University and Universität Wien*, August 2017 at https://www.integrationsfonds.at/fileadmin/content/AT/Fotos/Publikationen/Forschungsbericht/MB_in_Austria-Print.pdf. There is now a ruling of the Constitutional Court (the Verfassungsgerichtshof) against some aspects of the ban: **TKG findet die Kopftuch - Entscheidung für die unmündige Kinder des VfGH als eine fatale Fehlentscheidung**, 12 December 2020 at https://www.ots.at/amp/pr/OTS_20201212_OT0029/?_twitter_impression=true. It remains to be seen how the government responds.
- 14 In 2016, 2016, 2017 and 2018 respectively. Denmark is also now considering banning the hijab in schools: **Danish commission says government should ban hijab at schools**, *The Local*, 25 August 2022 at <https://www.thelocal.dk/20220825/danish-commission-says-government-should-ban-hijab-at-schools/>. And it is not just Europe: Chad, Cameroon, Congo and Niger in Africa and the state of Karnataka in India all have similar if sometimes selective measures in place. In January 2017 Morocco was reported to have banned the import, production or sale of the niqab: see **Reports: Morocco bans sale of full-face veil**, *Al Jazeera*, 10 January 2017 at <https://www.aljazeera.com/news/2017/01/10/reports-morocco-bans-sale-of-full-face-veil/>. Indonesia banned schools from enforcing the hijab (in Malay/Indonesian the tudong), after it was found that Christian girls were being pressured into wearing it: see **Indonesia bans forced hijab for school girls**, *TRT News*, 6 February 2020 at <https://www.trtworld.com/asia/indonesia-bans-forced-hijab-for-school-girls-43926>. In Quebec, the National Assembly in 2019 passed Bill 21, banning the display of religious symbols by public employees in positions of authority and specifying (with certain exceptions) that the face must always be visible for purposes of identification (see **Assemblée National du Quebec, Bill 21, An Act respecting the laicity of the State** at <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-21-42-1.html>).
- 15 See **Swiss gov't urges rejection of ban on full face coverings**, *ABC*, 19 January 2021 at <https://abcnews.go.com/International/wireStory/swiss-govt-urges-rejection-ban-full-face-coverings-75344294>.

- 16 And remains contested: see **Historic Milestones: Religious Symbols Allowed in Higher Education in Wallonie-Bruxelles, (Belgium), FEMYSO, 18 January 2021** at <https://femyso.org/religious-symbols-allowed-in-higher-education-in-wallonie-bruxelles-belgium/>.
- 17 For the latest developments see **Berlin scheitert mit Verfassungsbeschwerde zum Kopftuch, Die Welt, 1 February 2023** at <https://www.welt.de/politik/deutschland/article243557387/Neutralitaetsgesetz-Berlin-scheitert-mit-Verfassungsbeschwerde-zum-Kopftuch.html> and **Soeren Kern, German Capital Lifts Hijab Ban on Public School Teachers, Focus on Western Islamism, 9 May** at <https://islamism.news/2023/05/09/berlin-municipality-lifts-hijab-ban-on-public-school-teachers/>. But even among the Turkish community attitudes are complex: see **Detlef Pollack, Olaf Müller, Gergely Rosta and Anna Dieler, Integration and Religion as seen by People of Turkish Origin in Germany, WWU Münster 2016** at https://www.uni-muenster.de/imperia/md/content/religion_und_politik/aktuelles/2016/06_2016/study_integration_and_religion_as_seen_by_people_of_turkish_origin_in_germany.pdf.
- 18 See **Ahmad Mansour, Das Kopftuch ist nicht neutral, Der Tagesspiegel, 3 May 2021** at <https://www.tagesspiegel.de/politik/neues-gesetz-das-kopftuch-ist-nicht-neutral/27154962.html>.
- 19 See for example **Christina Neuhaus und Simon Hehli, Alice Schwarzer: «Die Vollerhüllung eines Menschen gehört nicht in eine Demokratie», NZZ, 5 February 2021** at https://www.nzz.ch/amp/schweiz/alice-schwarzer-ganz-egal-ob-es-drei-oder-dreitausend-burka-traegerinnen-sind-schon-eine-ist-zu-viel-ld.1600251?twitter_impression=true.
- 20 Even Saudi Arabia has removed the requirement for female students to wear the niqab, though the hijab is still required: see **Najah Al-Otaibi, Vision 2030: Religious Education Reform in the Kingdom of Saudi Arabia, KFCRIS September 2020, 16** at <https://kfcris.com/pdf/cc53a3201f65554c400886325b5f715e5f577d35934f7.pdf>. In many Muslim-majority countries there are restrictions on the wearing of the niqab and burqa' on national security grounds, with some reason: see **Chad suicide bomber kills 15 people in market and injures 80, The Guardian, 11 July 2015** at <https://www.theguardian.com/world/2015/jul/11/chad-suicide-bomber-ndjamena-market>. And the imposition of the hijab in Egyptian schools is a matter of current controversy: see **Egyptians outraged over some schools forcing girls to wear the hijab, AL Monitor, 30 October 2020** at <https://www.al-monitor.com/pulse/originals/2020/10/egypt-schools-force-girls-hijab-activists.html>.
- 21 **Pamela Pagano, Muslim council wants Bill 21 abolished, among other recommendations in Quebec election policy guide, Montreal City News, 24 September 2022** at <https://montreal.citynews.ca/2022/09/24/muslim-council-quebec-guide-bill-21/>.
- 22 For a selection see <https://www.thetimes.co.uk/edition/news/boris-johnson-attacked-for-comparing-women-in-niqabs-to-letter-boxes-fhc0mg2fz>; <https://mcb.org.uk/press-releases/>

[the-impact-of-boris-johnsons-comments-this-week/](https://mcb.org.uk/press-releases/boris-johnsons-islamophobia-tory-leadership-has-urgent-questions-to-answer/); <https://mcb.org.uk/press-releases/boris-johnsons-islamophobia-tory-leadership-has-urgent-questions-to-answer/>; <https://www.mend.org.uk/mend-statement-regarding-boris-johnsons-islamophobic-comments-clothing-muslim-women/>; <https://www.lbc.co.uk/radio/presenters/tom-swarbrick/boris-johnson-legitimised-hatred-towards-muslims/>; and <https://www.spectator.co.uk/article/under-cover-of-darkness>; for counterblasts see <https://www.spectator.co.uk/article/boris-johnson-and-the-liberal-criticism-of-islam>; <https://www.spectator.co.uk/article/burka-row-latest-boris-johnson-vs-tory-high-command>; <https://www.thetimes.co.uk/edition/comment/tories-should-ignore-self-appointed-muslim-leaders-zdp7pcfrd>; and <https://www.thetimes.co.uk/edition/news-review/boris-johnson-niqab-row-the-veil-enslaves-and-it-isnt-racist-to-say-so-0fzkkdfvw>. For the terms “Islamist” and “Islamism” see **Sir John Jenkins, Dr Martyn Frampton and Tom Wilson, Understanding Islamism, Policy Exchange, 28 November 2020** at <https://policyexchange.org.uk/publication/understanding-islamism/>. **Joas Wagemakers, Making Definitional Sense of Islamism, Orient, Issue 2, Volume 62, 2021, 7-13** at https://www.academia.edu/45656367/Making_Definitional_Sense_of_Islamism_2021_email_work_card=view-paper is a handy and concise recent guide.

- 23 See for example, **Peter Walker, Haroon Siddique and Jamie Grierson, and Dismay as No 10 adviser is chosen to set up UK race inequality commission, The Guardian, 15 June 2020** at <https://www.theguardian.com/world/2020/jun/15/dismay-over-adviser-chosen-set-up-uk-race-inequality-commission-munira-mirza>. The accusation of racism also relates to other comments Johnson made in 2002 before becoming an MP, for which he has subsequently apologised. Perhaps the most bizarre example was Neil Basu, the Assistant Commissioner for Counter Terrorism in the Metropolitan Police who told *The Guardian* – in the context of the Brexit Referendum - that someone who made such comments would be unfit to serve as a police officer in the UK: <https://www.theguardian.com/uk-news/2019/aug/07/no-deal-brexit-would-harm-uk-security-senior-officer-warns> (and not just because of what we now know about police officers in the UK). On the conflation of racism and Islamophobia see **Trevor Philips, Sir John Jenkins and Martyn Frampton, On Islamophobia, Policy Exchange, 15 May 2019** at <https://policyexchange.org.uk/publication/on-islamophobia/>. It is interesting that **5pillarsuk** in 2017 identified the effort, as they describe it to “redefine Muslim women’s dress codes” and indeed the promotion of inter-gender and LGBTQ relationships as among the ways in which western governments use “Muslim reformers” to undermine the faith: see <https://5pillarsuk.com/2017/11/18/video-10-aspects-of-islam-muslim-reformers-want-to-change/>. This reflects a wider charge made since the 19th century that the western colonial powers sought to separate Muslims from their

- traditions first by making them ethnic/anthropological subjects (hence perhaps **Edward Said's** particular animus against poor Edward Lane in **Orientalism, Penguin 2003**), then classifying them as backward and finally encouraging the introduction of western legal codes, in order to make them more tractable in the context of a western-defined modernity. This lies at the root of the persistent claim that colonialism, Islamophobia, racism and power go together. It is, of course, the central point of the influential essay by **Frantz Fanon, L'Algérie se dévoile ("Algeria Unveils"), Résistance Algérienne, 16 May 1957** at <https://acta.zone/frantz-fanon-lalgerie-se-devoile/>.
- 24 **Ian Drury, Foreign Office staff invited to wear hijab for the day: Civil service accused of promoting 'oppression of women' after giving out free headscarves, 7 February 2018.** <https://www.dailymail.co.uk/news/article-5364753/Foreign-Office-faces-backlash-Hijab-Day-celebration.html>.
- 25 One possible explanation is by **Frank Furedi, The Birth of the Culture Wars, Spiked, 19 June 2020** at <https://www.spiked-online.com/2020/06/19/the-birth-of-the-culture-wars/>.
- 26 Johnson has also subsequently been criticised (among others by the MCB activist, Miqdaad Versi) for an interview he conducted in 1997 with Bianca Jagger as a journalist for The Ottawa Citizen on the subject of the 1993 Srebrenica Massacre of Bosnian Muslims, in which he writes, "All right, I say, the fate of Srebrenica was appalling. But they weren't exactly angels, these Muslims." But this is in the context of a discussion where he is seeking to test the claims made by Jagger – in her work with Amnesty International – that the West was duplicitous and cowardly. Earlier in the piece he writes, "But sometimes there are causes where there is no room for cynicism, and where frankly it is immaterial how much she is driven by moral outrage and how much by the desire to burnish her halo. She is on the trail of an infamy that is in danger of being forgotten" and concludes it thus, "This does not make her wrong to draw attention by her celebrity, to the hypocrisy and bankruptcy of the policy, before, as she puts it, "the grass grows over the graves." Again, a quote is taken out of context and used to suggest that Johnson means the opposite of what he actually says. The glee with which this is done is in inverse proportion to its honesty. And the only aim is to close down discussion.
- 27 The best place to start is with the comprehensive study of Islamic vestimentary rules and practices by **Yedida Kalfon Stillman (ed Norman A Stillman), Arab Dress from the Dawn of Islam to Modern Times: A Short History, Brill 2000**, particularly Chapter 7 ("Veiling in the Islamic Vestimentary System"). **Nadia Kantari, Des Mots, Des Voiles, Des Femmes En Islam, Geuthner, 2023** is a very useful resource on the original texts and their interpretation: see **Louis Blin, Le « voile islamique » au crible des textes, Orient XXI, 19 May 2023** at <https://orientxxi.info/lu-vu-entendu/le-voile-islamique-au-crible-des-textes,6462>.
- 28 "If you ask them (sc women) for anything, ask from behind a veil/barrier (min waraa hijabin)"

- 29 “Say to the believing women that they restrain their eyes and guard their private parts and do not reveal their beauty/adornment, apart from that which is apparent, and draw their head coverings over their bosoms”. Surah xxxiii: 33 is also sometimes cited, “Do not display yourselves (feminine plural), as in the Jahiliyyah (the time of ignorance before Islam)”. Surah xxiv: 60 refers to older women. There are also several Hadiths (prophetic traditions) on the subject, enjoining women to cover all but their hands and face once they reach puberty: see for example <https://www.islamicity.org/3565/is-the-face-veil-for-women-obligatory/>.
- 30 Some scholars, for example, believe the injunction for women to separate themselves from non-related men was meant for the wives of the prophet Muhammad only: the distinguished Shaikh al Azhar, Muhammad Abduh, was one of them: see **Nasr Hamid Abu Zayd, *Dawa’ir al Khauf: Qira’atun fi Khitab al Mar’ah (Circles of Fear: A Reading in the Discourse of Woman)*, Beirut/Casablanca 2004, 241.**
- 31 See **Sarah Hutchinson, *The Issue of the Hijab in Classical and Modern Muslim Scholarship*, PhD dissertation, University of London 1987.** Muhammad Nasir al Din al Albani, one of the most influential modern Salafi scholars, says it is a “ghita’ ra’s” (head covering): **Mahmoud Hamdi Zaqqouq, *al niqabu ‘aadatun wa laysa ‘abaadatun (“The Niqab is a Custom, not a Religious Obligation”)*, Cairo 2008, 36.** Other words have also come to be used in this broad context – including burqa, jilbab, litham (now often used of male demonstrators or protestors disguising their faces for political reasons), sharshaf (an originally upper class Ottoman and Hashemite practice in Yemen, now more widespread: the word is used in Levantine Arabic to mean bedsheet) and (in Iran) chador.
- 32 Indeed, Fethullah Gülen, the Turkish Islamist and follower of Said Nursi, thinks even the hijab is optional: see **Dale F Eickelman, *Clash of Cultures: Intellectuals, their publics and Islam*, Chapter 14 in Stéphane A Dudoignon, Komatsu Hisao, and Kosugi Yasushi (eds). *Intellectuals in the Modern Islamic World*, Routledge 2006, 295ff.** For a flavour of the conservative debate, see the discussions by the late Shaikh Yusuf Qaradawi – perhaps the most well-known contemporary Muslim scholar (and close to the MB: for background see **Bettina Graef and Jakob Skovgaard-Petersen, *The Global Mufti: The Phenomenon of Yusuf al-Qaradawi*, London 2009** and **Khaled Hroub, *Al Qaradawi ist kein Symbol der islamischen Toleranz*, *Die Welt*, 2 October 2010** at <http://www.welt.de/debatte/kommentare/article6435289/Al-Qaradawi-ist-kein-Symbol-islamischer-Toleranz.html>) – and his associates in the European Council for Fatwa and Research at https://web.archive.org/web/20040713005625/http://www.islamonline.net/English/In_Depth/Hijab/2004-02/article_01.shtml. You can find similar opinions in **The Famous Da`iyah Zienab (sic) Mostafa, *Hijab in Times of Crisis*, 5 August 2005** at <http://web.archive.org/web/20071130083740/http://www.islamonline.net/livedialogue/english/Browse.asp?hGuestID=zo531D>. For an accessible but sophisticated and critical discussion of the foundational texts see **Marnia Lazreg, *Questioning the Veil: Open Letters to Muslim Women*,**

- Princeton 2009, Chapter 1. For a liberal contemporary interpretation see **Dr Abou el Fadl, Fatwa on Hijab (the Hair Covering of Women) Updated, 2 January 2016** at <https://www.searchforbeauty.org/2016/01/02/fatwa-on-hijab-the-hair-covering-of-women/>, who remarks “It is rather ironic that modern Muslims, at least since the late 1970s, have chosen to make the head-covering an integral component of identity politics when their own scriptural injunctions are far less dispositive than their Jewish and Christian counterparts. There is nothing uniquely Islamic about the hijab except for the fact that Muslim social movements, at least since the late 1970s, have chosen to make it a part of Islamic catechism. In my view, humility, modesty, and personal piety are far more worthy in Allah’s eyes than any formal physical attire regardless of its sanctified appearance.” On the subject of classical and modern views on the hijab and the niqab see also **Ehud Rosen, Modern conceptualisations of bid’a : Wahhābīs, Salafīs and the Muslim Brotherhood. PhD Thesis. SOAS, University of London, 2015** (particularly 129-31) at https://eprints.soas.ac.uk/20358/1/Rosen_4121.pdf.
- 33 Which cannot be separated from the very specific history of Christian ministry and monasticism: see **Peter Brown, The Body and Society. Columbia 1988**.
- 34 Or the distinctive head coverings of the Roman Censors, Flamines, Haruspices and Pontifices: see **R Gordon, The Veil of Power: Emperors, Sacrificers and Benefactors in M Beard and J North (eds), Pagan Priests: Religion and Power in the Ancient World, London 1990**. Elijah covers his face in the presence of the Divine: 1 Kings 19:13. For the complex rules of the Jewish High Priests; <https://www.jewishvirtuallibrary.org/covering-of-the-head>. And on the more fundamental issue of ritual covering, **Mary Douglas, Leviticus as Literature, OUP 1999, 244ff**.
- 35 It is conventionally said to be a protection against intemperate male sexual desire. The ruling issued by the Dean of the College of Sharia and Law at Al Azhar quoted by **Abu Zayd 2004, 240** is typical: “the criterion for the imposition of the hijab is the femininity of a woman and the necessity of preventing feminine charms (mafatin – a word cognate with fitna = dissension, civil discord) arousing male desire”. The C14th jurist, Ibn Qayyim al Jawziyya, the student of Ibn Taimiyya, regarded by Salafis in particular as a canonical source, is perhaps representative when he observed in his *Rawdhat al Muhibbin* (*The Garden of Lovers*) that men could not look at women without losing control of themselves. See **Fatima al Mernissi, Beyond the Veil: Male-Female Dynamics in Muslim Society, Saqi Books 1985, 10**. Since the early 20th century, Muslim feminists have consistently deployed powerfully rational arguments against this position: see **Cooke 2010, Chapter 4**. This fear of female sexuality and a desire to mask it is not, of course, uniquely Islamic. It is in Christianity - drawing on Aristotle - from the beginning: see **Tom Holland, Dominion, London 2020, Chapter XI**. But Christianity did not make it into a legally normative set of rules. And these days Christianity does not dictate social norms either. For an example of a female Muslim artist seeking to contest the meaning of the veil, see **Len Gutkin, The Blasphemer, Is**

Taravat Talepaskan's art too radical for today's campus? Chronicle of Higher Education, 8 February 2023 at <https://www.chronicle.com/article/the-blasphemer>.

- 36 The great medieval theologian and jurist, Al Ghazali (d. 1111), in his *Faysal al-tafriqa bayna al-Islam wa-l-zandaqa* ("the decisive distinction between Islam and heresy") thought that Christians and Jews were certainly unbelievers but might still attain salvation, in spite of their refusal of Islam, the only true revelation: see the translation by **Sherman Jackson, *On the Boundaries of Theological Tolerance in Islam*, OUP 2002**. This is not a standard Islamist position: **Sayyid Imam al Sharif's "The Compendium of the Pursuit of Divine Knowledge"**, for example, is quite clear that only the perfect Muslim will gain entry to paradise. It is true, of course, that the Catholic Church in particular has historically claimed that salvation is only attainable within the community of the faithful- most definitively during the high tide of papal claims in the first canon of Innocent III's Fourth Lateran Council (see *Papal Encyclicals Online: Fourth Lateran Council 1215* at <https://www.papalencyclicals.net/councils/ecum12-2.htm>). But this was modified by Vatican II and has never been a feature of secular states. In addition, the Council also acknowledged the distinction between secular state law and practice and that of the church.
- 37 See **Zaqzouq 2008**. Zaqzouq was a former Minister of Awqaf and senior religious scholar in Egypt. Interestingly he summons Karl Jaspers and contemporary psychologists in aid of his argument – in addition to the Qur'an, the Hadith and a variety of other highly respected contemporary Islamic scholars, including the former Shaikh al Azhar, Muhammad Sayyid Tantawi, the former Chief Mufti of Egypt, Ali Goma'a and al Albani, all of whom cite a battery of historical rulings and precedents. See also **Ibrahim Uthman, *A Critical Analysis of the Public Visibility of Muslim Women and the Shari'ah Concepts of Khulwah, 'Aurah and Hijab*, Academia Letters, July 2021** at <https://doi.org/10.20935/AL1890> and https://www.academia.edu/49923151/A_Critical_Analysis_of_the_Public_Visibility_of_Muslim_Women_and_the_Shari'ah_Concepts_of_Khulwah_Aurah_and_Hijab.
- 38 Hanbali scholars tend to believe that the whole of a woman's face is an 'awra (a part of the body that requires covering). It is this that leads to the occlusion of a woman's face in photographs in public spaces in Saudi Arabia (where the situation is in fact becoming more liberal) and elsewhere, for example Iraq or the Occupied West Bank during election campaigns: see **Rasha Abou Jalal, *Many female candidates' faces hidden as West Bank votes*, AL Monitor, 16 December 2021** at <https://www.al-monitor.com/originals/2021/12/many-female-candidates-faces-hidden-west-bank-votes#ixzz7FK9ktGcY>. There is a brief but informative discussion of the position of Saudi scholars on the matter by **Joas Wagemakers, *Salafi scholarly views on gender-mixing (ikhtilaf) in Saudi Arabia*, Orient, II/2016** at https://www.academia.edu/23924484/The_Politics_of_North_African.

- [Salafism 2016 ?email_work_card=view-paper.](#)
- 39 Usually as a means of “ihtiyat” (“reserve”) – the exegetical and jurisprudential practice of recommending overcompensation when the precise scope of a requirement is unclear.
- 40 Ahmad al Tayyib, the then Shaikh al Azhar, says as much in a YouTube video, *ابحثت سم سيل تنس سيل اضرف سيل باقنلا: رهزالا خيش*, (“The niqab is neither an obligation, nor canonical nor desirable”) **YouTube, 16 June 2017** at <https://www.youtube.com/watch?v=aZ261svRGNM&t=39s>. Later the same year he told a newspaper that the niqab should not be worn during prayer or on the Hajj, and those who overdo it get it badly wrong: *جحل اءانث امارحو ءالصل اىف عونمم باقنلا: رهزالا خيش* او *نوددشتمل او* (“The niqab is forbidden during prayer and haram during the hajj and those who insist on it are imposters”) **Al Yawm al Sabi’, 9 October 2017** at <https://www.youm7.com/story/2017/6/17/رهزالا-خيش-نوددشتمل-او-جحل-اءانث-امارحو-ءالصل-اىف-عونمم-باقنلا/3288452>. Interestingly the more ambiguous differentiation seems to be reflected in the findings of a 2010 survey of Muslim converts in the UK which reported that, “Regarding the hijab, 44% of respondents said it was compulsory for women, a further 16% saw the hijab as a positive thing for women, 34% said it was a personal choice for each woman whether or not to wear it and 6% had no view or were not sure about the hijab. For the niqab, 6% said it was “highly recommended” for women to wear it, 34% said it was a personal choice for each woman, a further 47% said that while it was a choice, they would prefer women not to wear it, 10% said it was a cultural issue and not a religious one and 3% said the niqab was “un-Islamic.” **M. A. Kevin Brice, A Minority Within a Minority: A Report on Converts to Islam in the United Kingdom, Faith matters/Swansea University** at <https://faith-matters.org/images/stories/fm-reports/a-minority-within-a-minority-a-report-on-converts-to-islam-in-the-uk.pdf>. This echoes an old debate within Islamist circles about whether the insistence on the full veil – the niqab – is in fact an innovation (*bid’a*) in Islam and therefore to be discouraged. Yusuf al Qaradawi ruled that it was neither a duty nor an innovation: see **Ehud Rosen, Modern Conceptualisation of bid’a: Wahhabis, Salafis and the Muslim Brotherhood, Thesis submitted for the degree of PhD, SOAS, University of London, May 2015, 129f**. Some imams take an apparently more liberal position: see for example **Berner Imam für Verbot von Niqab und Burka, Berner Zeitung, 22 February 2021** at <https://www.bernerzeitung.ch/berner-imam-fuer-verbot-von-niqab-und-burka-159094150218>, “Aus Sicht Memetis «hat die Burka mit unserer Religion nichts zu tun.» Es gehöre nicht zu den islamischen Verpflichtungen, Gesicht und Hände zu bedecken.” This reflects the arguments deployed by **Zaqzouq 2008**. There has recently been a controversy in the UK over two Shia religious tv channels apparently banning the niqab as a “Wahhabi” practice: see **5Pillars, Two UK Shia channels accused of discriminating against niqabis, 3 May 2021** at <https://5pillarsuk.com/2021/05/03/two-shia-channels-accused-of-discriminating-against-niqabis/>.
- 41 This is a classically *murji’i* (“postponer”) Azhari stance, postponing

(irja') the final decision on salvation to God, as distinct from groups like IS and many other Islamists, who believe they can decide who is and who is not a Muslim ("takfeer" in its most extreme form) on the basis of their acts and rebuke or punish them accordingly. For a wide selection of contemporary rulings on the issue of the hijab in English, reflecting what seems to be the normative conservative consensus, see: <https://archive.islamonline.net/5943>; <https://archive.islamonline.net/704>; <https://archive.islamonline.net/6371>; <https://archive.islamonline.net/6394>; https://web.archive.org/web/20091212235128/http://www.islamonline.net/servlet/Satellite?cid=1119503544114&pagename=IslamOnline-English-Ask_Scholar%2FFatwaE%2FFatwaEAskTheScholar; <https://web.archive.org/web/20040317144946/http://www.islamonline.net/fatwa/english/FatwaDisplay.asp?hFatwaID=109401>; <https://web.archive.org/web/20040805044446/http://islamonline.net/askaboutislam/display.asp?hquestionID=7513>; <https://web.archive.org/web/20040805152046/http://www.islamonline.net/askaboutislam/display.asp?hquestionID=8135>; <https://web.archive.org/web/20040713193003/http://www.islamonline.net/fatwaapplication/english/display.asp?hFatwaID=115545>; https://web.archive.org/web/20110222051223/http://www.islamonline.net/servlet/Satellite?cid=1119503544632&pagename=IslamOnline-English-Ask_Scholar%2FFatwaE%2FFatwaEAskTheScholar; and https://web.archive.org/web/20110222082709/http://www.islamonline.net/servlet/Satellite?cid=1119503544268&pagename=IslamOnline-English-Ask_Scholar%2FFatwaE%2FFatwaEAskTheScholar. For more general reflections on the separation of men and women see <https://www.e-cfr.org/blog/2017/11/04/nineteenth-ordinary-session-european-council-fatwa-research/>. Qaradawi thoughtfully waives the requirements for modesty if a woman is going to carry out a suicide attack: <https://archive.islamonline.net/724> or is no longer sexually desirable – the last hijabable day perhaps: <https://archive.islamonline.net/6632>. The Grand Imam of Al Azhar, Shaikh Ahmed al- Tayyeb, recently designated women who did not wear the hijab as “sinners not renegades”: **Magdi Abdelhadi, Islamic veil: Why fewer women in North Africa are wearing it, BBC News 20 July 2022** at <https://www.bbc.co.uk/news/world-africa-62215620>.

- 42 See **Paul Cartledge, The Spartans: An Epic History, Pan 2003, Chapter 5. Aristotle, Politica, ed W D Ross, OUP 1957, 2,9ff**, of course, famously disapproved of the licence given to Spartan women and saw it as a cause of Sparta's decline.
- 43 Which is the point of St Paul's well-known exhortation at **Corinthians, 1:11** and 150 years later Tertullian's characteristically sour diatribe, **De Virginibus Velandis ("On the Need for Virgins to Veil")** - available online at http://www.tertullian.org/latin/de_virginibus_velandis.htm - which interestingly contains most of the strictures on female

modesty later adopted by Islamic jurists. The passage on Arab women at Chapter 17 is perhaps of particular interest in this context, “Iudicabunt vos Arabiae feminae ethnicae, quae non caput, sed faciem quoque ita totam tegunt, ut uno oculo liberato contentae sint dimidiam frui lucem quam totam faciem prostituere: mavult femina videre quam videri.” (“Those women of the Arab people will judge you, who cover not just the head but their entire face, content to enjoy half the light of day with the sight of one free eye rather than put their entire face on display. A woman would rather see than be seen.” My translation). In the 19th century travellers to Egypt found Christian women veiled too: see **Christopher de Bellaigue, *The Islamic Enlightenment: The Modern Struggle Between Faith and Reason*, 2018, Chapter 4.**

- 44 Herodotus – as you might expect – is full of information on the subject, particularly of cultural misunderstandings because of women: the disastrous episode in **Histories, Book 5, 18ff** when Persian envoys are sent by the Persian commander, Megabazos, to the Court of Macedon and spectacularly misbehave themselves is a good example.
- 45 See **Leila Ahmed, *Women and Gender in Islam, New Haven and London, Yale University Press, 1992, Chapters 1-2***
- 46 The Abbasid scholar, Muhammad ibn Habib al Baghdadi recorded in his *Kitab al Muhabbar* that men in Mecca used to draw their turbans around their faces to avoid the attentions of women: see **Mernissi 1985, 8-9** and **Ilse Lichtenstädter, *Muhammad Ibn Habib and his Kitab al Muhabbar, Journal of the Royal Asiatic Society, No 1 January 1939***, 1-27 at https://www.jstor.org/stable/25201833?read-now=1&seq=1#page_scan_tab_contents. Many Tuareg men still wear a face covering. The recent controversy at Hamline University in Minnesota over a portrayal of the Prophet Muhammad helpfully brought to public attention other portraits where the Prophet himself is veiled.
- 47 See the extensive discussion in **Hutchinson, 1987**; also **Jane I. Smith, *The Experience of Muslim Women: Considerations of Power and Authority***, in **Y Haddad et al (eds), *The Islamic Impact*, Syracuse NY 1984** and **Mernissi 1985, 10ff**. **Yedida Kalfon Stillman 2000** is fundamental for the context.
- 48 Elite women in parts of the medieval Islamic world had significant freedoms, including to appear unveiled and even occasionally to appear in mixed company and drink wine: see **Maria Szuppe, *The Female Intellectual Milieu in Timurid and Post-Timurid Herat, Faxri Heravi’s Biography of Poetesses, “Javaher al ‘Aja’ib”, Oriente Moderno Nuova serie, Anno 15 (76), Nr. 2, LA CIVILTÀ TIMURIDE COME FENOMENO INTERNAZIONALE. Volume I (Storia — I Timuridi e l’Occidente) (1996), pp. 119-137*** at <https://www.jstor.org/stable/25817407>. **Margaret Smith, *Rabi’a The Mystic and her Fellow Saints in Islam*, CUP 2010** records some interesting instances of female autonomy at the beginning of the Islamic era. A film about her life was produced in Egypt under Nasser in 1963, reflecting the “simple piety and the working, unassuming people” that formed “Nasser’s take on Islam” as opposed to the MB’s “more puritan, legalistic and modernist ideology” (**Skovgaard-Petersen 2009**). Nomadic/Bedu women have always been rather freer: in Saudi Arabia they have, for example,

always driven in the remoter regions. This is a point made by **Miriam Cooke, Nazira Zeineddine, A Pioneer of Islamic Feminism, Oneworld 2012, Chapter 5**. See also **Mohamad Jebara, The (Downplayed) Story of Female Scholars, Teachers and Leaders in Islam, NewLines Magazine, 3 June 2022** at <https://newlinesmag.com/essays/the-downplayed-story-of-female-scholars-leaders-in-islam/>.

- 49 For the context as a whole see the essays in **Robert W Hefner (ed), The Cambridge History of Islam, Vol 6, Muslims and Modernity: Culture and Society since 1800, 2011** and the handily translated texts in Part III of **Charles Kurzman, Liberal Islam: A Sourcebook, OUP 1998** – some of them described in more detail below. **Janet Afary, Sexual Politics in Modern Iran, CUP 2009** is excellent on the Iranian context.
- 50 In a work of 1887, **لا عفا ل او ل اوق ال ا يف ل اوح ال ا ج ئ اتن** (“The Results of Circumstances in Words and Deeds”), she writes of her struggle to gain access to scholarly male circles, “ب ا ج ل م ال ا ا ذ ه ب ز و ف ل ا ن ع ي ن ق ا ع د ق و” (“And the hijab, the tent of a cover, held me back”). This is highly elevated, semi-poetic language. The context is not specifically the veil – which indeed she praised elsewhere – but the physical separation of women from men in everyday life through a variety of spatially-defined techniques of social exclusion. But the word ‘tent’ (*khaimah*) is inescapable – it will recur. See **Mai Ziadeh, Aisha Taimour, Beirut 1983; Leila Ahmed 1992, 169ff**; and **Georges Corm, Pensée et Politique dans le Monde Arabe, Éditions La Découverte, Paris 2015, Chapter 7, “L’épanouissement de la renaissance arabe, 1850-1950: le desir de modernité”**. For the quote see **Ziadeh 1983, 72-73** and **Cooke 2012, Chapter 1**.
- 51 As **Leila Ahmed 1992, 144ff** argues strongly: “Unfortunately his assault on the veil represented not the result of reasoned reflection and analysis but rather the internalization and replication of the colonialist perception”. See also **Mernissi 1985, 21ff**.
- 52 **Leila Ahmed 1992, 162**. He remains a figure of controversy. See **Nasr Abu Zayd, The Reformation of Islamic Thought: a Critical Historical Analysis, Amsterdam 2006** at https://www.academia.edu/5388777/Reformation_of_Islamic_Thought_prof_Nasrh_Abu_Zayd?email_work_card=view-paper, “Conservative ulama in Egypt recently criticized Qasim Amin’s works as some sort of conspiracy against the Islamic family system.”
- 53 See **Abu Zayd 2006** for an account of her and the following figures.
- 54 Both **Leila Ahmed 1992** and **Corm 2015** discuss her activities and significance. See also **Mohammed Kheir, Durriya Shafiq: Rebellious Daughter of the Nile, Al Akhbar, 8 March 2012** at <https://web.archive.org/web/20150921053331/http://english.al-akhbar.com/node/4958> and on the contemporary impact of Egyptian feminisms more widely **Sherifa Zuhur, Women’s Quest for Equality in Post-Revolutionary Egypt in Claudia Derichs (ed) Women’s Movements and Countermovements: The Quest for Gender Equality in Southeast Asia and the Middle East, Cambridge Scholars Publishing 2014** (accessible at https://www.academia.edu/8257185/Womens_QUEST_for_Equality_in_Post_Revolutionary_Egypt_in_Womens_Movements_and_Countermovements_The_QUEST_for

- [Gender Equality in Southeast Asia and the Middle East](#)). For the reflection of new female freedoms in Egyptian cultural life at the time – at least in certain circles in cosmopolitan Cairo – and the inevitable reaction see **Raphael Cormack, *Midnight in Cairo: The Female Stars of Egypt's Roaring '20s*, Saqi Books, 2021**
- 55 **Imra'atunaa fil Shari'ah wal Mujtama'a**, Cairo/Beirut 2011. See **A Rebel Loyal to the Koran**, *Al Qantara*, 26 October 2010 at <https://en.qantara.de/content/the-tunisian-islamic-scholar-and-activist-tahar-haddad-a-rebel-loyal-to-the-koran>.
- 56 **Al sufur wal hijab: muhaadharaat wa nathraat, marmahaa tahrir al mar'ah wal-tajdiid al-ijtima'i fil 'alam al islami**, Beirut 1928 and **Al Fatat wal Shuyukh**, Beirut 1928. Her father had held senior judicial rank under the Ottomans and educated his daughters well in both the Islamic and western traditions. She adduced a wealth of evidence from the Qur'an, the Hadith and other impeccable Islamic sources for her views on the primacy of reason. She was nevertheless heavily criticised – and even threatened - by conservative Muslims for her writings. Though a Druze, and therefore regarded as heterodox or infidel by many other Muslims, she responded by asserting her orthodox faith in Islam and its prophet - and maintaining her liberal social views. See **Cooke 2012**. There is an interesting if short 2008 TV documentary (in Arabic) on her life at https://www.youtube.com/watch?v=SVpQGB_IARw.
- 57 Described as a “western media darling” by **Ahlam Muhtaseb, *US Media Darlings: Arab and Muslim Women Activists, Exceptionalism and the “Rescue Narrative”*, Arab Studies Quarterly, Vol 42, Issue 1-2, January 2020** at <https://www.scienceopen.com/hosted-document?doi=10.13169/arabstudquar.42.1-2.0007>. Muhtaseb erects a load-bearing superstructure of postcolonial and Saidian anti-orientalist discourse on the fragile back of a ten-minute segment from an ABC news programme. She seems to think that “authenticity” is solely located in the wearing of the veil and an inability to speak fluent English or French. She nevertheless concludes that Saadawi is to be commended, because she identifies the core problem of the Arab world as western colonialism. She might therefore see **Leila Slimani, *Histoire de ma lâcheté: Les islamistes sont les ogres de mon enfance*, UnHerd , 18 August 2022** at <https://unherd.com/2022/08/histoire-de-ma-lachete/> as an example of inauthentic native informing; and **Maryam Khalid, *The Peripheries of Gender and Sexuality in the ‘Arab Spring’*, Mediterranean Politics, Volume 20, 2015 – Issue 2: ‘Arab Spring and peripheries** at <https://www.tandfonline.com/doi/full/10.1080/13629395.2015.1033906> as irritatingly self-indulgent. Both Khalid and Muhtaseb teach within western university systems.
- 58 The author of – in addition to *Beyond the Veil - The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam*, Basic Books 1992 and *Islam and Democracy*, Basic Books, 1992, both of which are worth consulting. **Abu Zayd 2004** has a subtle commentary on her works in his final chapter.

- 59 On whom see **Corm 2015, Chapter 7**. On Sa'adawi also see **Ursula Lindsey, In The Fire, NYRB, 21 October 2021** at <https://www.nybooks.com/articles/2021/10/21/nawal-el-saadawi-fire/>.
- 60 Though there was also an Islamic feminism which defended the veil while arguing for women's rights in other spheres: **Cooke 2012, Chapter 1**.
- 61 In more conservative rural areas and communities this did not happen, of course. Interestingly women from these communities have tended to retain traditional dress, while many Islamist-influence women in the cities have adopted "al ziyy al Islamiyy" ("Islamic fashion", as **Leila Ahmed 1992, 221** describes it), which includes a head covering but is emphatically untraditional.
- 62 One reason the Egyptian founder of the MB, Hassan al Banna, was in favour of film censorship: **Jakob Skovgaard-Petersen, Islamist and Cultural Politics in New Islamic Media, POMEPS, Carnegie, 10 February 2017** at https://pomeps.org/wp-content/uploads/2017/02/POMEPS_Studies_23_Media_Web-rev.pdf. The movement of so-called "liberation" for women in the modern Middle East is often said to have been initiated when Huda Sha'rawi publicly removed her veil at a Cairo railway station in March 1923: see **Bellaigue 2018, Chapter 6** and <https://www.britannica.com/biography/Huda-Sharawi>. **Leila Ahmed 1992** dates the beginning of the trend a decade or so earlier. For some photographic examples see: <https://twitter.com/RitaPanahi/status/946908207229820928>, https://twitter.com/Nervana_1/status/1104004291893911553, https://twitter.com/nervana_1/status/1203412820190269450?s=11, https://twitter.com/nervana_1/status/1101570812845453314?s=11, https://twitter.com/nervana_1/status/1101570812845453314?s=11, <https://twitter.com/Wim04789402/status/1283481728179408902>, or <https://twitter.com/Wim04789402/status/1283481728179408902>. I am, of course, aware that this use of historic photographs has been stigmatized as "clickbait orientalism" (for the phrase see <https://twitter.com/AndrewFarrand/status/1573695163737821185>). It should go without saying (which, of course, means that these days it does not) that photographs are inevitably multivalent and need contextualizing. My point here is simply to suggest that some women at some periods in the history of some states dressed far less conservatively than their equivalents do now. That seems incontrovertible and uncontroversial enough.
- 63 For a good brief account of the history in Iran see **Nahid Siamdoust, Woman, Life, Liberty: A Slogan One Hundred Years in the Making, New Lines Magazine, 4 October 2022** at <https://newlinesmag.com/argument/woman-life-liberty-a-slogan-one-hundred-years-in-the-making/>. The veil had been a point of contention among the newly emergent Bahais in the mid 19th century (**Bellaigue 2018, Chapter 3**) and among radical constitutionalists after 1906. But among the majority Shia Muslim population, the classical singer, Qamar ol-Moluk ("Moon

of the Kings”) was one of the first there to break “a taboo when she appeared unveiled on stage at the Grand Hotel in Lalehzar Street in 1924”. The habit then spread to women of the upper and administrative classes: **James Buchan, *Days of God*, London 2012, Chapter 3**. Khomeini passed a law in 1983 reversing this and requiring all women to veil in public, something those sympathetic to the revolution in 1979 had denied would happen (even though Khomeini had made his position clear in his 1943 book, *Kashf al Asrar* - “Revealing the Secrets”): this is enshrined in article 638 of the Islamic Penal Code, under which, “..women refusing to wear a hijab in public is a criminal act, punishable by flogging, imprisonment or a fine”. See **Sajjad Safaei, *Iran’s Growing Rift Between Theocrats and Security Elites*, *Foreign Policy*, 5 June 2023** at <https://foreignpolicy.com/2023/06/05/irans-growing-rift-between-theocrats-and-security-elites/>; **Baqer Moin, *Khomeini: Life of the Ayatollah*, I.B.Tauris 1999, Chapter 12**; and **AJ Caschetta, ‘Happy Birthday, Hamid Algar’ — Khomeini’s Favorite American Turns 80**, *The National Review*, 6 June 2020 at <https://www.nationalreview.com/2020/06/hamid-algar-ayatollah-khomeini-favorite-american/>. It has even been reported that Islamic clerics at the time accused those women who refused to wear the veil of being Islamophobic: **Chris Allen, *Islamophobia*, Ashgate, 2010** at <https://serdargunes.files.wordpress.com/2015/04/islamophobia-christopher-allen-2010.pdf>. The persistence of the Iranian insistence on the full *chador* for women entering mosques is perhaps an example of their real interest in absolute rather than relative covering.

- 64 Complicated by the conflict waged in the 1950s and 60s by and against the French colonial authorities and the way in which cultural signifiers had particular value for both sides: **Alistair Horne, *A Savage War of Peace: Algeria 1954-1962*, New York 2006** is excellent on the context. See also **Lazreg 2009, 99**.
- 65 Where the movies of the Malay actor and singing star, P Ramlee, for example, feature unveiled glamorous women with an array of striking hair styles. For an account of politically purposeful moves within Malaysia to enforce more stringent Islamic codes, including dress, see **Ahmad Fauzi Abdul Hamid, *Shariaization of Malay-Muslim Identity in Contemporary Malaysia* MBRAS, December 2018, Vol 91, Part 2, Number 315, pp. 49–78** at https://www.academia.edu/41117522/Shariaization_of_Malay-Muslim_Identity_in_Contemporary_Malaysia_JMBRAS_vol._91_part_2_no._315_2018_pp._49-78: note the observation at 64, “Statistically, while all religious groups demonstrate in-group favourability towards co-religionists, the tendency to carve out exclusive religious worldviews becomes acute when it comes to Muslims, who by the day seem to be growing more ignorant about non-Muslim religious traditions and more socially distant from non-Muslims.” This seems to apply more generally where there is a drive to “re-Islamise” Muslim identity. **Spillarsuk** – in the video cited at note 22 above – emphasise the importance of transnational Muslim over national British identity. This is a constant theme of the MB, whose catchphrase “din wa dawlah” – which Hassan al Banna and others also

- used in the form “dawlat al Muslim dinuhu” (A Muslim’s country is his faith”) - makes religion and the state coterminous) and other Islamists everywhere.
- 66 See **Krithikar Varagur**, **How Saudi Arabia’s Religious Project Transformed Indonesia**, *the Guardian*, June 2020 at <https://www.theguardian.com/news/2020/apr/16/how-saudi-arabia-religious-project-transformed-indonesia-islam> and **Kate Lamb and Yuddy Cahya Budiman** **Indonesian girls traumatized by push to wear hijab: HRW report**, *Reuters* 18 March 2021 at <https://www.reuters.com/article/us-indonesia-hijab-rights-idUSKBN2BA0BG>.
- 67 See the evocative piece by **Sami Moubayed**, **The Eva Perón of Afghanistan: Queen Soraya Tarzi’s outsize role in modernizing Afghanistan in the 1920s**, *New Lines*, 27 August 2021 at <https://newlinesmag.com/essays/the-eva-peron-of-afghanistan/>.
- 68 It was possible to see unveiled women in western dress in the streets of Jeddah in the late 1960s and early 1970s: personal knowledge.
- 69 See **Sherali Tareen**, **Struggles for Independence: Colonial and Postcolonial Orders**, in *The Wiley Blackwell History of Islam* Edited by **Armando Salvatore, Roberto Tottoli, Babak Rahimi, M. Fariduddin Attar, and Naznin Patel**, 2018: “While his proposed legislation to forbid women from veiling in public never formally became law, Atatürk vigorously sought to regulate the visual appearance of the public sphere by seeking to eliminate styles of clothing that highlighted “regional, religious, or ethnic identities” over national identity ... Similarly, Reza Shah, who changed his country’s name from Persia to Iran, also strived to reengineer religion, language, and culture in ways that explicitly equated modernization and progress with Westernized secularization.” The penultimate Ottoman Sultan, Abdul Hamid, had banned the full veil as “unIslamic” in 1892: <https://twitter.com/atticusjazz/status/1361456849627869189?s=11>. For earlier feminist movements in Ottoman Turkey see **Selin Uğurtaş**, **Ottoman Feminists and their Struggle in Modern Day Turkey**, *Newlines Magazine*, 29 April 2021 at <https://newlinesmag.com/argument/ottoman-feminists-and-their-struggle-in-modern-day-turkey/>.
- 70 This remained an elite position, of course: see the useful corrective by **Alex Shams**, **The Weaponization of Nostalgia: How Afghan Miniskirts Became the Latest Salvo in the War on Terror**, *Ajam Media Collective*, 6 September 2017 at <https://ajammc.com/2017/09/06/weaponization-nostalgia-afghan-miniskirts/>.
- 71 **Leila Ahmed** 2011 Chapter 1.
- 72 A consistent demand of the Brotherhood and subsequently other Islamists. See **Leila Ahmed** 1992 and 2011 for a thorough treatment of the issue.
- 73 See **Issandr el Amrani**, **The Arabist, Nasser, the Muslim Brothers and the Veil**, 30 October 2012 at <https://arabist.net/blog/2012/10/30/nasser-the-muslim-brothers-and-the-veil.html>. For the speech itself see <https://www.youtube.com/watch?v=TX4RK8bj2W0> or <https://azvsas.blogspot.com/2012/07/nasser-against-veil.html>. One (male) member of the crowd shouts out “yilbisha huwa!” “Let him (sc the Murshid)

- wear it!” His timing is perfect. It is Nasser’s turn to burst out laughing.
- 74 Bourguiba’s views on the veil evolved over time. But he seems consistently to have seen it as the expression not of individual choice but of a collective consciousness, a deeply rooted social practice that reflected a nativist resistance to colonialism under colonialism and atavistic backwardness in a strong independent state. In an interview in 1959 he called the niqab “a sinister shroud that hides the face”. See **Malika Zeghal, *Veiling and Unveiling Muslim Women: State Coercion, Islam, and the “Disciplines of the Heart”*** in ***The Construction of Belief: Reflections on the Thought of Mohammed Arkoun***, ed. **Abdou Filali-Ansary and Aziz Esmail**, 127-149. London 2012 at <https://dash.harvard.edu/bitstream/handle/1/34257914/81723314.pdf?sequence=1>. There is footage of him as President demonstratively removing the hijab from rural women – and patting and kissing their cheeks – at <https://www.youtube.com/watch?v=Yy13l1S656A>.
- 75 Something on which **Leila Ahmed 1992** majors, sometimes to telling effect, especially when she sees both Islamists and secularists as two sides of the same coin: for example at 236-7, “The Islamist position regarding women is also problematic in that, essentially reactive in nature, it traps the issue of women with the struggle over culture – just as the initiating colonial discussion had done. Typically women – and the reaffirmation of indigenous customs relating to women and the restoration of the customs and laws of past Islamic societies with respect to women – are the centrepiece of the agenda of political Islamists. They are the centrepiece of the Islamist agenda at least in part because they were posed as central in the colonial discourse assault on Islam and Arab culture.”
- 76 For good examples see **M Badran and M Cooke (eds), *Opening the Gates: A Century of Arab Feminist Writing***, Indianapolis, Indianapolis University Press, 2004. **Leila Ahmed, *A Quiet Revolution: The Veil’s Resurgence, from the Middle East to America***, Yale 2011 considers in depth the complex relationship of Islamist feminists, particularly in the West, to both their host societies and Islamist norms, including veiling. You can be veiled and a feminist – in certain senses at least. This perhaps reflects the intersection of Islamist views about social justice (significantly the subject of one of Sayyid Qutb’s early works) with those of Western leftist and feminist movements. Whether this represents an enduring or a partial and temporary connection is open to debate.
- 77 For a good recent example see **Marwa Al-A’sar, *Egyptian TV host sparks controversy after saying there is ‘devil’ in unveiled women***. **AL Monitor**, 22 September 2020 at <https://www.al-monitor.com/pulse/originals/2020/09/egypt-tv-host-criticize-women-hijab-freedom-of-expression.html>.
- 78 Article 219 of the Egyptian Constitution drafted in 2012 under the oversight of the Morsi government by an Islamist-dominated Assembly defined the principles of shari‘ah as being the “fundamental rules of jurisprudence” and appointed Al Azhar to supervise their satisfactory application. Once you accept these principles an array of prejudicial legal consequences follows, especially for women: see **Zuhur 2014**.

- 79 A constant in Islamist publications. It was also the subject of a fatwa from the Egyptian Muslim Brotherhood's (EMB) "quite conservative Mufti", Abd al-Rahman al-Birr, after the overthrow of Mubarak in 2011: **Skovgaard-Petersen 2017**. For a comparison see the collected articles from *Al Mujtama'*, the monthly periodical of the Emirati MB-linked organisation, *Al Islah*, in **Salem al Humaid, The Roots of the Conspiracy against the UAE, Al Mezmaa Studies and Research Centre, Dubai 2013, 3 volumes**. This is a highly polemical and partisan work: but the articles are genuine enough. I used to read the magazine myself as a young diplomat in Abu Dhabi in the 1980s.
- 80 There is a good recent account of this period and its consequences in **Kim Ghattas, Black Wave, London 2020, Chapter 5**. As she notes, one consequence was that while 6 percent of books published in 1985 were religious, this number touched 85 percent by 1995. In the 1970s, 30 percent of Egyptian women wore the headscarf; by the mid-1990s, under Hosni Mubarak, that had risen to 65 percent. Also excellent is **Fu'ad al A'jami, The Dream Palace of the Arabs, New York 1998, 200ff**. **Sheri Berman, Islamism, Revolution and Civil Society, Perspectives on Politics, American Political Science Association, Vol 1, No 2, June 2003** at <https://carnegieendowment.org/pdf/files/berman.pdf>) and **ICG, Islamism in North Africa II: Egypt's Opportunity, 20 April 2004** at <https://www.crisisgroup.org/middle-east-north-africa/north-africa/egypt/islamism-north-africa-ii-egypts-opportunity> are helpful accounts of the Egyptian government's complicity in EMB penetration of universities and professional associations. The penetration came at a cost: increasing Islamist ideational and normative hegemony (Berman cites the requirement for women who used the EMB's transport services or received help as students to wear Islamic dress, and to veil: for a parallel in Yemen see **Stig Harle Jansen and Atle Mesøy, The Muslim Brotherhood in the Wider Horn of Africa, NIBR Report, 2009, 34ff** at <http://www.asharqalarabi.org.uk/ruiah/i-m-e.pdf>). For the impact of Islamisation from the ground up on Egyptian public life and the marginalisation of secular and leftist movements in the 1990s see the two pieces by **Mary Anne Weaver, Revolution by Stealth, New Yorker, 8 June 1998** at <https://www.newyorker.com/magazine/1998/06/08/revolution-by-stealth> and **Islam Rising, The Atlantic, 17 February, 1999: https://www.theatlantic.com/past/docs/unbound/bookauth/ba990217.htm**. For publishing see **Aaron Rock-Singer, An Age of Mass Revival: Islamic Media and Religious Change in 1970s Egypt in New Islamic Media, POMEPS, Carnegie, 10 February 2017** at https://pomeps.org/wp-content/uploads/2017/02/POMEPS_Studies_23_Media_Web-rev.pdf: in particular note 16, "During the second half of al-Sadat's rule (1976-1981), leaders of Egypt's Islamic opposition sought to guide readers to three distinct practices that aimed to redefine the role of religion in Egyptian public life: an expanded vision of religious education and literacy; a renewed emphasis on veiling and gender segregation, and the increased performance of the early afternoon prayer within state-controlled bureaucratic institutions and schools."

- 81 As recorded by **Mohamed Hassanein Heikal, *Autumn of Fury*, London 1983, 241**: “He mocked the girls wearing chadors – “going about like black tents” – and the young men with beards”. **Lawrence Wright, *The Kingdom of Silence*, the *New Yorker*, 5 January 2004** reports male journalists in Saudi Arabia referring to women as BMOs (“black moving objects”). There is a hadith (admittedly unreliable) that talks about “black crows” (rather like the choirboys in *Lord of the Flies*); **Abou el Fadl 2016**.
- 82 The point is made by **Jonathan Brown, *Misquoting Muhammad: The Challenge and Choices of Interpreting the Prophet’s Legacy*, Oneworld Publications, London 2014 (Kindle Edition), 4487f**, “The basic lexical disconnect between modern native Arabic speakers and the ancient text of the Qur’an poses a serious challenge to the postmodernist school of Qur’anic interpretation, which subjects the text to the authority of the reader, the changing landscape of epistemological eras and discourse communities ... Abu Zayd had objected to Islamists like Sayyid Qutb dumping raw Qur’anic discourse onto the twentieth century, acting as if the Qur’an speaks for itself and directly to us, ignoring the chasm of language that separates us from seventh-century Arabia.” Also see **Itzhak Weismann, *Modernity from Within: Islamic Fundamentalism and Sufism*, *Der Islam Bd. 86*, S.142–170, 2011** at https://www.academia.edu/4123814/Modernity_from_Within_Islamic_Fundamentalism_and_Sufism, “The Sunni and Shi’a fundamentalist’ discourse of authentication has been accompanied by a critical reevaluation of the religious doctrines and practices of the intervening centuries, now lumped together and essentialized under the newly constructed rubric of tradition” and **Olivier Roy, *Holy Ignorance*, London 2010, 114ff**, “Where does the demand for sharia come from? From two very different places; firstly from a fundamentalist impetus that is tantamount to refusing all references to history and culture and therefore reduces social life entirely to a system of explicit norms; and secondly, by contrast, from a cultural orthopraxy, for which sharia is a virtual horizon of intelligibility and no longer a specific code ...”
- 83 Which created severe tensions with the Coptic minority – around 15% of the population. These increased during the brief period of the MB’s rise to power in Egypt between 2011 and 2013: see **The Egyptian Initiative for Personal Rights, *The Weeks of Killing: State Violence, Communal Fighting, and Sectarian Attacks in the Summer of 2013*, EIPR June 2014** at https://eipr.org/sites/default/files/reports/pdf/weeks_of_killing-en.pdf, 90 ff; **Negar Hazemi, *In Egypt, the Lure of Leaving*, *The New York Times*, 26 August 2011** at <https://www.nytimes.com/2011/08/28/magazine/in-egypt-the-lure-of-leaving.html>; **Lawrence Solomon, *Exodus from the Arab Spring*, *The Globe and Mail*, 2011** at <https://www.theglobeandmail.com/opinion/exodus-from-the-arab-spring/article557866/>; and **André Aciman, *After Egypt’s Revolution Christians are living in Fear*, *The New York Times*, 20 November 2011** at <https://www.nytimes.com/2011/11/20/opinion/sunday/after-egypts-revolution-christians-are-living-in-fear.html>.
- 84 See the damning quote from Essam el-Erian, the senior Egyptian Muslim Brother, in **Manea 2021, 181**. Berman 2003 is both excellent on the issue of the EMB’s pre-revolutionary penetration of Egyptian civil society and prescient about its consequences: she remarks (at

258), “The expansion of civil society in Egypt and other Arab countries over recent decades is thus best understood as a sign not of benign liberalization but of profound political failure, and as an incubator for illiberal radicalism”. Something similar has happened since 2003 in Iraq: see **Rasha Al-Tameemi, *Amidst Conflict and Conservatism: Iraqi Women’s Access to Education After 2003*, 1001 Iraqi Thoughts, 11 June 2023** at <https://1001iraqithoughts.com/2023/06/11/amidst-conflict-and-conservatism-iraqi-womens-access-to-education-after-2003/>. For parallels in the Balkans see **Sinisa Yakov Masic, *Report: Saudis Fund Radical Islam In Balkans*, Balkan Insight, 29 March 2010** at <https://balkaninsight.com/2010/03/29/report-saudis-fund-radical-islam-in-balkans/> and **Atanas Panovski, *The Spread of Islamic Extremism in the Republic of Macedonia*, Naval Postgraduate School, Monterey, California, December, 2011** at <https://apps.dtic.mil/dtic/tr/fulltext/u2/a556492.pdf> (to be used with caution but providing a good taxonomy of the Islamist actors involved). “These actors supposedly offered free schooling including at least half-board to children of obligatory school age (6-15), provided the children also attended religious schools and congregational mosque on Fridays and girls covered. Salafis (supported by Islamic Relief) came first, continuing the trail they had started in BiH ... Gülenists quickly followed, positioning themselves as moderate but along the same lines. Many a poor family, religious or not, obviously made use of it.” (Personal communication from an Austrian diplomat who served in what is now North Macedonia in the early 2000s representing the EU). Whatever the exact detail, the hijab has clearly become a site of contested ethno-religious boundaries among Bosnian and Bosniak Muslims; see **Arolda Elbasani and Olivier Roy (eds), *The Revival of Islam in the Balkans*, Palgrave Macmillan, 2015, 211ff**, particularly the illuminating quote from **Spahić Šiljak** at 215, “Covered Muslim women are): marker(s) of the internal and external boundaries of the Bosniak nation. They are considered true believers and keepers of morality among Muslims, and through wearing the hijab, have the power to form clear boundaries between Muslims and non-Muslims and sustain the code of conduct (‘haya’) that accompanies the hijab”. **A’jami, 1998, 200ff** draws attention to the liberal but unembedded opposition to creeping Islamisation and the tactical alliances constructed at the time between so-called moderate and more extreme Islamists.

- 85 The URL of **Ivesa Lubben, *Ägyptens Muslimbrüder: Zwischen Ideologie und Realpolitik*, Neue Zürcher Zeitung, 25 July 2012** at <http://www.nzz.ch/aktuell/international/uebersicht/aegyptens-muslimbrueder-auf-dem-langen-marsch-1.17397332> already suggested the comparison. **Hazem Kandil, *Inside the Brotherhood*, Cambridge 2015** is the best recent account I know of this process. Another hermeneutically helpful approach is Pierre Bourdieu’s neo-Aristotelian taxonomy of cultural and political fields, created and bounded by a set of relationships, practices and beliefs (‘habitus’) which in turn determine the distribution of social, cultural and political capital: **Hazem Kandil, *Soldiers, Spies and Statesmen: Egypt’s Road to Revolt*, Verso 2012** is an excellent guide to how this works in practice.

- 86 Itself reflecting a struggle with secular, liberal and state actors for control of increasingly globalised norms in a globalised economy, with all the symbolic and actual power that confers, something explored to great effect by **Florence Bergeaud-Blackler**, *Le marché halal ou l'invention d'une tradition*, Paris, Seuil 2017.
- 87 Something notoriously missed by Michel Foucault, the patron saint of critical theory, who was in Tehran at the time as a correspondent for *Corriere della Sera* and saw the revolution as in some way a welcome “return of the sacred” instead of a Leninist coup in Islamist clothing: see **Didier Erebon**, **Michel Foucault**, *Faber and Faber* 1993, Chapter 19 and **Kristin Soraya Batmanghelichi**, [A Letter to Foucault: Selectively Narrating the Stories of Secular Iranian Feminists](https://www.jadaliyya.com/Details/34222/A-Letter-to-Foucault-Selectively-Narrating-the-Stories-of-Secular-Iranian-Feminists), *Jadaliyya*, 24 April 2017 at <https://www.jadaliyya.com/Details/34222/A-Letter-to-Foucault-Selectively-Narrating-the-Stories-of-Secular-Iranian-Feminists>. My own recent paper, *Islamism and the Left*, *Policy Exchange*, 23 July 2021 at <https://policyexchange.org.uk/publication/islamism-and-the-left/> discusses this pivotal episode in more detail. Foucault was not alone at the time and has followers in the contemporary Western commentariat as **Ali Ansari and Kasra Aarabi**, *Ideology and Iran's Revolution: How 1979 Changed the World*, *Tony Blair Institute for Global Change*, 11 February 2019 at <https://institute.global/sites/default/files/articles/Ideology-and-Iran-s-Revolution-How-1979-Changed-the-World.pdf> explain. **James Buchan** 2012 has an excellent account of the revolution itself. Afary 2009 is an excellent guide to the contested politics of the veil in Iran from the late C19th, through the Constitutional Revolution to modern times – and the ways in which Khomeini and his allies enlisted traditionally conservative Islamic teachings in the service of a modernist panopticon surveillance state.
- 88 See **Buchan** 2012, Chapter 1 and **Baqer Moin**, *Khomeini*, London 1989. The Unveiling Decree of 1936 followed the same step taken in Turkey by Atatürk in 1928. It did not go unchallenged: see **Abu Zayd** 2006 “The process opened with the empress relinquishing the veil and civil servants being ordered to present their wives unveiled at official functions. The government then ordered women’s head coverings hijab to be ripped off in the streets and prevented veiled women from entering public buildings, including schools and ministries. Many traditional fathers responded by removing their daughters from school and forbidding their wives from going to work or even shopping.” **H Chehabi**, ‘Staging the Emperor’s New Clothes: Dress Codes and Nation-Building under Reza Shah’ in: *Iranian Studies*, vol. 26, nos. 3-4, 1993 209-229 at <https://www.cambridge.org/core/journals/iranian-studies/article/abs/staging-the-emperors-new-clothes-dress-codes-and-nationbuilding-under-reza-shah/F9860082EAE95519F2A24BFB1C0A0685> is foundational.
- 89 See **Janet Afary and Kevin B Anderson**, *Foucault and the Iranian Revolution*, Chicago 2005, Chapter 4. For a first-hand account of the way in which women fought for freedom from the veil in the early days of the revolution, see **Marie-Jo Bonnet**, *Foucault en Iran : “Il ne voyait pas les femmes”*, *Le Nouvel Observateur*, 16 February 2018 at <https://bibliobs.>

nouvelobs.com/idees/20180216.OBS2318/foucault-en-iran-il-ne-voyait-pas-les-femmes.html. She describes the attempts by western feminists, including Kate Millett and Simone de Beauvoir to support the feminist movement in Iran at the time. She is not so kind about Michel Foucault, who notoriously saw in the Khomeinist movement the return of a welcome political spirituality. As she writes, “Michel Foucault est victime du syndrome du tchador, qui efface les femmes de la révolution. Qui les rend toutes pareilles, enfermées dans le linceul noir de leurs espérances, le mors aux dents, exclues à nouveau de l’espace public et de «l’élán messianique» qui habite Foucault, plus impressionné par la mort possible des révolutionnaires que par la contestation de l’emprise religieuse sur la vie des croyants.” It should also be acknowledged, as **Bellaigue 2018** has pointed out, that by the mid-2000s more than half the university graduates in the country were women. There is an interesting and complex relationship between Islamist social repression and educational/technocratic ambition.

- 90 As had happened in Syria in the 1920s during another time of feminist activism: see **Cooke 2010, Chapter 7**. For Iran, see **Cleric reopens scars of acid attacks after threatening Iranian women, AL Monitor 13 October 2020** at <https://www.al-monitor.com/pulse/originals/2020/10/iran-cleric-scars-acid-attacks-threat-iran-women-tabatabaee.html>. At the height of the 1979 anti-veil mass protests by feminists in Iran and abroad, two French feminist anthropologists wrote an article in *Le Monde* arguing that the veil “...est un moyen pour la femme d’affirmer son rôle de militante, égal à celui de l’homme. Même si parfois des jeans dépassent sous certains voiles, l’unité des femmes reste un élément fondamental : intellectuelles, employées, ouvrières, femmes au foyer... elles défendent comme les hommes les revendications du peuple”: **H. Desmet-Grégoire and S Nadjmabadi, Le voile n’est pas seulement une marque d’oppression. Le Monde, 1 March 1979** at https://www.lemonde.fr/archives/article/1979/03/01/le-voile-n-est-pas-seulement-une-marque-d-oppression_2770003_1819218.html. The problem with this argument is that it only applies to certain women. It assumes that access to the public space for women is conditioned by their own compliant behaviour, not by challenging that of those who would deny them such access in the first place. It also assumes that the struggle over the veil in revolutionary Iran had no deeper symbolic valency. And behind the phrase, “les revendications propres des femmes doivent en ce moment converger avec celles du peuple dans son ensemble” lurks Rousseau’s highly suspect “volonté générale”. Who exactly is the Orientalist here?
- 91 After 2005, under President Ahmadinejad, “Moral policing returned to the public with a stronger mandate, and several new moral policing programs, such as the Hijab and Chastity Plan (Tarh-e Efaf va Hijab), were implemented”: **Saeid Golkar, Protests and Regime Suppression in Post-Revolutionary Iran, The Washington Institute, October 2020** at <https://www.washingtoninstitute.org/uploads/Documents/pubs/PolicyNote85Golkar.pdf>. The Farsi name of the campaign rather says it all. In February 2021 Ayatollah Khamenei ruled that even female characters (including animals) in cartoon films should be depicted wearing the hijab: **Khamenei: Women**

- in Animations Must Wear Hijab, *IranWire*, 20 February 2021 at <https://iranwire.com/en/features/9006>.
- 92 It can lead to the recall of ambassadors if they allow uncovered women in their embassies: see **Patrick Wintour**, *Iranian ambassador to UK removed from post over hijab incident*, *The Guardian*, 27 February 2022 at <https://www.theguardian.com/world/2022/feb/27/iranian-ambassador-to-uk-removed-from-post-over-hijab-incident>. The new government of President Raisi has declared 12 July a day of “Hejab and Chastity” and is seeking to roll back women’s freedoms in many other ways: **Haleh Esfandiari**, *Iranian Women Under Siege – Again*, *The Wilson Centre*, 13 July 2022 at <https://www.wilsoncenter.org/article/iranian-women-under-siege-again>. For religiosity and popular opinion in Iran see **Senior Cleric Claims Religion In Iran Weak, 50,000 Mosques Closed**, *Iran International*, 2 June 2023 at <https://www.iranintl.com/en/202306027255> and **Ammar Maleki and Pooyan Tamimi Arab**, *Iranians’ Attitudes Towards Religion: A 2020 Survey Report*, *GAMAAN*, July 2020 at <https://gamaan.org/wp-content/uploads/2020/09/GAMAAN-Iran-Religion-Survey-2020-English.pdf>: “58% said they do not believe in the hijab (Islamic veil covering the hair) altogether. Around 72% opposed the compulsory hijab, while 15% insist on the legal obligation to wear the hijab in public.” It is clearly that 15% who really count.
- 93 On which see **Madawi al Rashid**, *A Most Masculine State; Gender, Politics and Religion in Saudi Arabia*, *Cambridge University Press*, 2013. This resulted in a notorious disaster at a girls’ school in Mecca in 2002 when the religious police refused to evacuate students until they were properly dressed – meaning covered. 15 died. See http://news.bbc.co.uk/1/hi/world/middle_east/1874471.stm. In Iran too, the revolutionary regime has made the policing of gender inequality through the hijab a cornerstone of their rule: see **Kasra Aarabi and Saeid Golkar**, *Completing the Revolution*, *Carnegie* 17 August 2021 at <https://carnegie-mec.org/diwan/85159> and **Mehdi Khalaji**, *What Does Iran’s Supreme Leader Expect from the Next U.S. President?* 23 October 2020 at <https://www.washingtoninstitute.org/policy-analysis/view/what-does-irans-supreme-leader-expect-from-the-next-u.s.-president>; and note the comment of Reza Khandan, the husband of the human rights lawyer, Nasrin Sotoudeh, imprisoned for her activism: “They think she wasn’t punished enough. Hijab is ideological. It’s not so much the religious aspect – it’s the identity of the regime” (*Hijab Prisoner Moved to Tough Jail*, *The Times*, 26 October 2020). The same is clearly true of the resurgent Taliban in Afghanistan: see **Mustafa Akyol**, *John Locke’s Lesson for the Taliban*, *The Wall Street Journal*, 12 May 2022 at https://www.wsj.com/articles/john-locke-lesson-for-the-taliban-islam-radical-burka-covering-womoen-coercion-11652389468?mod=opinion_lead_pos9, **Lynne O’Donnell**, *Afghan Women Are Worse Off Than Ever*, *Foreign Policy*, 28 July 2022 at <https://foreignpolicy.com/2022/07/28/afghanistan-women-taliban-amnesty-international-human-rights/>, **Steve Coll**, *Who Are The Taliban Now?* *NYRB*, 22 June 2023 at <https://www.iranintl.com/en/202306027255>.

nybooks.com/articles/2023/06/22/who-are-the-taliban-now-hassan-abbas/: in this and other cases, the hijab is a metonymy for wider societal repression of women and the tweet at <https://twitter.com/NasimiShabnam/status/1685382491626987520>.

- 94 Memorably described in **Charles Doughty, *Travels in Arabia Deserta* (2 Vols), London 1936**
- 95 It was also part of the trade-off with the religious establishment after the seizure of the Grand Mosque in 1979 by a group of millenarian Islamists. The fact that they had drawn inspiration from these very same religious scholars did not prevent them demanding a tightening up of already restrictive social codes. See **Ghattas 2020, Chapter 3** and **Varoslav Trofimov, *The Siege of Mecca: The Forgotten Uprising in Islam's Holiest Shrine*, Allen Lane 2007**. It was, of course, partly Saudi funding – both public and private - that helped those Islamist groups, who from the 1960s onwards sought to redraw the normative boundaries of civil society, including dress codes, to consolidate their base: see **Ghattas 2020** and **Varagur 2020**.
- 96 For an extensive and illuminating discussion of this positionality see **Nilüfer Göle, *The Forbidden Modern: Civilization and Veiling*, Ann Arbor 1996**. There are some interesting statistics about attitudes to the veil and other markers of pious identity among immigrants and refugees in Austria in **Dr Ednan Aslan, *Religiöse und ethische Orientierungen von Muslimischen Flüchtlingen in Graz*, Universität Wien, 2017, 36ff** at <http://www.forschungsnetzwerk.at/downloadpub/einstellungen-fluechtlinge-2017-Graz-Endbericht%20Ednan%20Aslan.pdf>. Aslan remarks, “Die befragten Flüchtlinge bekunden mehrheitlich, dass sie in Österreich ihren religiösen Pflichten vollkommen oder eher ungehindert nachkommen können (72,2%). Etwa die Hälfte gibt an, hierzulande mehr über religiöse Themen nachzudenken und sich ihrer Religion stärker zugehörig zu fühlen als im Herkunftsland. Von der anderen Seite betrachtet bedeutet das, dass für die andere die Hälfte der Flüchtlinge die Religion im Alltag eine geringere Rolle spielt, als dies im Herkunftsland der Fall war.” This may be a characteristically split response to the pressures of a new and non-Muslim environment. The question is, how enduring will either response prove and what will be the consequences?
- 97 **Dominic Green, *Can we believe Ilhan Omar's autobiography?*, American Spectator, 21 May 2020** at <https://spectator.us/believe-ilhan-omar-autobiography/>. Omar has been vocal in her support of a TikTok pro-hijab campaign in France: see **Ladémocrate *Ilhan Omar soutient les musulmanes françaises sur TikTok*, Courrier Internationale, 13 March 2021** at https://www.courrierinternational.com/article/video-la-democrate-ilhan-omar-soutient-les-musulmanes-francaises-sur-tiktok?utm_medium=Social&utm_source=Twitter&Echobox=1618310644. Research suggests that western converts to Islam invariably use the hijab as a visible marker of their new identity: see **Adis Duderija and Halim Rane *Islam and Muslims in the West; Major Issues and Debates*, Palgrave MacMillan 2019, p 151** at https://www.academia.edu/39603335/ISLAM_AND_MUSLIMS_IN_THE_WEST_Major_Issues_and

- [Debates?email_work_card=view-paper](#). It is also used among Muslim immigrant communities in the US and elsewhere to mark cultural and religious difference and to resist assimilation: see **A Roble and D Rutledge, *The Somali Diaspora in America in The Somali Diaspora: A Journey Away*, University of Minnesota Press, 2008**. This exemplifies the remark of **Nilüfer Göle 1996, 4**, “In its contemporary form, veiling conveys a political statement of Islamism in general and an affirmation of Muslim women’s identity in particular. In this respect it is distinct from the Muslim woman’s use of the traditional headscarf.”
- 98 **Dexter Filkins, *The Twilight of the Iranian Revolution*, *The New Yorker*, 25 May 2020** at <https://www.newyorker.com/magazine/2020/05/25/the-twilight-of-the-iranian-revolution>. See also **Judit Neurink, *Are Iraqi youths losing their religion?* *AL Monitor*, September 2020** at <https://www.al-monitor.com/pulse/originals/2020/09/irreligionism-religion-atheism-iraq-secularism.html>, quoting an Iraqi- Kurdish female activist, “I got tired of the attention for my hijab. I was developing my sense of identity and felt misrepresented. It was like carrying a flag. I am more than religion — and too much religion is dogma.”
- 99 Niqab: personal knowledge. Abayas: **Badran and Cooke 2004, 424** and **Farah al Nakib, *Kuwait Transformed: A History of Oil and Urban Life*, Stanford, 2016, 132ff** (also useful for the wider debate on the veil in the 1950s). Women active in the resistance wore abayas during the Iraqi occupation in order to protect their identities. In contemporary Saudi Arabia the abaya is becoming a high-fashion expression of cultural identity: see **Shaistha Khan, *Saudi Arabia’s Abaya Signals a new era of Fashion, Empowerment and Cultural Pride*, *AGSIW*, 3 June 2022** at <https://agsiw.org/saudi-arabias-abaya-signals-a-new-era-of-fashion-empowerment-and-cultural-pride/>. As always, it depends on the context.
- 100 On whom see **Ghattas 2020, Chapter 1, Ilan Berman, *Why Iran Fears Its Women*, *The National Interest*, 12 August 2019** at <https://nationalinterest.org/blog/middle-east-watch/why-iran-fears-its-women-73046> and her own account in **Masih Alinejad, *The Wind in my Hair: My Fight for Freedom in Modern Iran*, Virago 2018**. For Muvahed and Alinejad’s campaign against compulsory veiling see **Masih Alinejad, *Opinion: Why I’m opposed to Ilhan Omar’s bill against Islamophobia*, *The Washington Post*, 25 January 2022** at <https://www.washingtonpost.com/opinions/2022/01/25/why-im-opposed-ilhan-omars-bill-against-islamophobia/> and **How Iran’s Hijab Protests Went Viral**, *Vice News*, 21 May 2018 at <https://www.youtube.com/watch?v=ryE14q4pn-w>. For attacks on Alinejad as a consequence see **Kasra Aarabi and Jemima Shelley, *#LetUsTalk: Stop Silencing Iranian Women | Opinion*, *Newsweek*, 24 January 2022** at <https://www.newsweek.com/letustalk-stop-silencing-iranian-women-opinion-1671744>. For the plots against her life see **Masih Alinejad, *Iran Tried to Kill Me on American Soil*, *The Wall Street Journal*, 7 August 2022** at <https://www.wsj.com/articles/iran-tried-to-kill-me-on-american-soil-khalid-mehdiyev-agent-assassination-attempt-fbi->

[hijab-womens-rights-safe-houses-11659892180](https://www.theguardian.com/global-development/2022/sep/05/iran-government-facial-recognition-technology-hijab-law-crackdown). For the increasing use of online surveillance and threats see **Azin Mohajerin and Sussan Tahmasebi, Iranian Women’s Activists Face New Online Threats, Global Voices, 25 August 2022** at <https://globalvoices.org/2022/08/25/iranian-womens-rights-activists-face-new-online-threats/> and **Weronika Sztryzyńska, Iranian authorities plan to use facial recognition to enforce new hijab law, The Guardian, 5 September 2022** at <https://www.theguardian.com/global-development/2022/sep/05/iran-government-facial-recognition-technology-hijab-law-crackdown>. Even those who tend to see Islamophobia when the veil and other Islamically symbolic dress is criticised have concluded that, “...many believe that policing women’s bodies is not incidental to (Iran’s) political project, but a central part of it, helping to define it”: **The Guardian view on Iran’s protests: a moment of rage, a chain of resistance, The Guardian, 22 September 2022** at <https://www.theguardian.com/commentisfree/2022/sep/22/the-guardian-view-on-irans-protests-a-moment-of-rage-a-chain-of-resistance> and **Deepa Parent and Ghoncheh Habibiadzad, ‘They used our hijabs to gag us’: Iran protesters tell of rapes, beatings and torture by police, The Guardian, 6 February 2023** at <https://www.theguardian.com/global-development/2023/feb/06/iran-protesters-police-rapes-beatings-and-torture>. After all, if the hijab is simply a piece of cloth, reflecting women’s personal choices, as Islamists often insist, why does Tehran take its opponents so seriously that it seeks to monitor their every move and is even prepared to murder them?

- 101 See **Human Rights Watch, Iran: Stop Prosecuting Women Over Dress, HRW 24 February 2018** at <https://www.hrw.org/news/2018/02/24/iran-stop-prosecuting-women-over-dress-code>; **Atoosa, Iran: The Girls of Revolution Street, Sedaa, 3 April 2021** at <http://www.sedaa.org/2018/04/iran-the-girls-of-revolution-street/>; **Helen Elston, Behind the Veil, Iranian Women Cast off their Hijabs, The Guardian, 6 January 2018** at <https://www.theguardian.com/artanddesign/gallery/2018/jan/06/behind-the-veil-iranian-women-cast-off-their-hijabs-in-pictures> and **Iranian woman arrested for ‘cycling without hijab’, The Guardian, October 2020** at <https://www.theguardian.com/world/2020/oct/20/iranian-woman-arrested-for-cycling-without-hijab>. The associated quotes show the depth of the oppression the women in question feel. As does **Soutiam Goodarzi, Under Cover of Darkness, The Spectator, 16 February 2019** at <https://www.spectator.co.uk/article/under-cover-of-darkness>. This is reflected in wider attitudes (and a precipitous decline in public religiosity), with one reputable survey suggesting that 73% of Iranians now believe the hijab should not be compulsory: see **Group for Analyzing and Measuring Attitudes in Iran, “نید هب نای ناری ا شرگن در ابرد ی جن سر رظن شرازگ” (Netherlands, Group for Analyzing and Measuring Attitudes in Iran), August 2020** at <https://gamaan.org/wp-content/uploads/2020/08/GAMAAN-survey-on-religiosity-in-Iran-Persian.pdf> quoted in **Saeid Golkar and Asha Sawhney, Dictators and civilizational thinking in Iran: From**

the Great Civilization to Islamic Civilization, MEI, 28 September 2020 at <https://www.mei.edu/publications/dictators-and-civilizational-thinking-iran-great-civilization-islamic-civilization>. A similar generational divide over women's status issues more generally is also visible in Iraq: see **Dr. Asmaa Jameel, Dr. Ali Taher Al-Hammood and Ahmed Khudair, Iraqis' Opinions on the Anti-Domestic Violence Law and Other Issues Related to the Iraqi Family**, Al-Bayan Centre for Planning and Studies, 2020 at <https://www.bayancenter.org/en/wp-content/uploads/2020/10/8767787980.pdf>. The fury of Iranian Islamists at women's defiance is well captured in **Iranian official criticizes Instagram for 'immorality'**, AL Monitor, 17 June 2020 at <https://www.al-monitor.com/pulse/originals/2020/06/iranian-official-criticizes-instagram.html>. And the consequences for the women concerned can be severe: **Zachary Keyser, Iran gives three women 55 years in prison for defying Islamic dress code**, The Jerusalem Post, 4 August 2019 at <https://www.jpost.com/middle-east/iran-gives-three-women-fifty-five-years-in-prison-for-defying-islamic-dress-code-597537>; **Anti-hijab activist faces death penalty**, The Times, 9 September 2020 at <https://www.thetimes.co.uk/article/iranian-anti-hijab-activist-maryam-shariatmadari-faces-death-penalty-w7xj6jzxl>; **Maryam Sinaee, Iranian Official Says 300 Anti-Hijab 'Ringleaders' Arrested**, Iran International 5 September 2022 at <https://www.iranintl.com/en/202209056529> and **Feranak Amidi, 'Your car will be confiscated': Iran women defy hijab law despite threats**, BBC News, 12 June 2023 at <https://www.bbc.co.uk/news/world-middle-east-65842130>. Even women who wear the veil can speak out against the obsession of men with making them wear it: see the interview with Fatma Akay-Türker, the former spokeswoman for the Islamic Association of Austria by **Lisa Nimmervoll, Frauensprecherin der Islamischen Glaubensgemeinschaft tritt zurück: "Es reicht!"**, Der Standard, 9 June 2020 at <https://www.derstandard.at/story/2000117966718/frauensprecherin-der-islamischen-glaubensgemeinde-tritt-zurueck-es-reicht>: "Die IGGÖ würde so tun, als hätten die muslimischen Frauen nur das Kopftuchproblem". For wider examples, see also **Kunwar Khaldune Shahid, Indonesia's mandatory hijab ban is a triumph for women**, The Spectator, 12 February 2021. For the way in which women's resistance to state oppression in Iran mirrors – and is specifically designed to challenge – Islamist claims, see **Afary and Anderson, 2005, Epilogue**. For anecdotal evidence of a decline in the wearing of the hijab across the Arab world since 2013, see **Abdelhadi 2022**.

102 An incident bizarrely turned by **Shabnam Kulsoom, Muslim women who disrespect hijab should not be celebrated**, 5 Pillars, 7 October 2022 at <https://5pillarsuk.com/2022/10/07/muslim-women-who-disrespect-hijab-should-not-be-celebrated/> into an exemplary condemnation of Muslim women who do not wear the hijab.

103 See **Nasser Karimi and Jon Gambrell, As more women forgo the hijab, Iran's government pushes back**, AP, May 2023 at <https://apnews.com/article/iran-headscarf-hijab-protests-unrest-7cfce99b8841d6df5e8ad9>

- [5ec8032b28](#): Iran installs cameras to find women not wearing hijab, BBC News, 8 April 2023 at <https://www.bbc.co.uk/news/world-65220595>, Mahnaz Vahdati, The Islamic Republic is mobilizing all its forces against unveiled Iranian women, but they're pushing back, The Atlantic Council, 20 April 2023 at <https://www.atlanticcouncil.org/blogs/iransource/the-islamic-republic-is-mobilizing-all-its-forces-against-unveiled-iranian-women-but-theyre-pushing-back/> and <https://twitter.com/kasraaarabi/status/1693319255599554648?s=43&t= PaZmLMSn-j3elxn6VtA8w>. The regime may deploy a variety of tactics to restore its version of an Islamic order: see Haleh Esfandiari, *Iran: The Morality Police are Back; or are They?*, The Wilson Centre, 28 July 2023 at <https://www.wilsoncenter.org/article/iran-morality-police-are-back-or-are-they> and Beatrice Farhat, 11 Baluchi men executed in Iran as morality police returns to streets, AL Monitor, 3 August 2023 at <https://www.al-monitor.com/originals/2023/08/11-baluchi-men-executed-iran-morality-police-returns-streets>.
- 104 See the excellent analysis by Nervana, *Western Progressives and the Protests in Iran*, 25 September 2022 at <https://nervana1.org/2022/09/25/western-progressives-and-the-protests-in-iran/>, aptly quoting Ralph Leonard, “The gloomy assumption that Middle Easterners can’t agitate for social progress without being ‘tools of imperialism’ is itself a form of orientalism.” Farnaz Fassihi, *Dreaming of a New Iran: Diaries from three young women*, The New York Times, 13 June 2023 at <https://www.nytimes.com/interactive/2023/06/14/magazine/iran-women-protests.html> is a fascinating set of admittedly self-selected observations by young Iranian women themselves.
- 105 See *Iran cracks down on protesters after death of woman arrested over hijab*, AL Monitor, 18 September 2022 at <https://www.al-monitor.com/originals/2022/09/iran-cracks-down-protesters-after-death-woman-arrested-over-hijab> and *Father of Kurdish woman killed in Iran says daughter was beaten*, Rudaw, 19 September 2022 at <https://www.rudaw.net/english/middleeast/iran/19092022>. To date, 9 demonstrators have also reportedly been killed: see *At least 9 killed as Iran protests over woman’s death spread*, AP, 23 September 2022 at <https://apnews.com/article/middle-east-iran-dubai-united-arab-emirates-5897d601151beb0f01353dd83e405d7d>. The CNN anchor, Christiane Amanpour, refused as a result to wear a hijab for an interview with President Raisi in New York. She had previously worn one when interviewing senior Iranians in Tehran. How the world turns.
- 106 Famously brought to broad public attention by Roland Barthes, *Mythologies*, Seuil 1957 – and indeed elsewhere: see Note 158 below. Sarah Perry, *Tendrils of Mess*, Ribbon Farm 5 January 2017 at <https://www.ribbonfarm.com/2017/01/05/tendrils-of-mess-in-our-brains/> remarks, “Clothing in general, and costumes of particular social roles (business suits, priest collars), are like alcoves for our bodies. We take them with us and can interact with others safely within social orders, without getting distracted by the intimate order of the body.” And not just clothes, of course. The symbolic

realm is vast and complex. Symbols can also be performative and normatively directional, as suggested by **Joseph Webster, Statues are worth both defending and vandalising, The Times 18 June 2020**: “...any artefact (from landmines to artwork) embodies and extends the power and presence of whatever it symbolises”. Indeed. Webster seems sympathetic to statue toppling. That works both ways.

- 107 For example, “*nahnu muntaqimouna*” (“*We are avengers*” – that is, of the death of Qassim Soleimani) in the video broadcast on Iran television as a prelude to a speech by Khamenei’s on 2 May 2021, in the run up to Al Quds Day, and ending with a CGI destruction of the US Capitol.
- 108 See, for example, **Mahrukh Arif-Tayyib, France’s Senate Bill Calls for the Social Death of Muslim Women, The Review of Religions, 7 April 2021** at <https://www.reviewofreligions.org/30099/frances-senate-bill-calls-for-the-social-death-of-muslim-women/> and **Rim-Sarah Alouane, The Weaponization of Laïcité, Berkley Center, Georgetown University, 7 October 2020** at <https://berkleycenter.georgetown.edu/posts/the-weaponization-of-laicite>, who construes laïcité as “originally ... a principle compatible with human rights, in which all individuals are equal regardless of their religion or belief”. But this is either historically illiterate or disingenuous – or both. The principle acquired force as a result of the anti-clericalism of the French republican left in the 19th century, precisely in order to keep the Catholic Church out of education and by extension the public square: see the excellent **Nicolas Cadène, French Secularism Isn’t Illiberal, Foreign Policy, 7 April 2021** at <https://foreignpolicy.com/2021/04/07/french-secularism-isnt-illiberal/>. In the age of pandemic, some apologists have recently sought to compare the niqab with the clinical mask or other face covering worn as a result of expert advice (for example). To anticipate the next paragraph this is again a deliberate confusion of categories. To wear a prophylactic face covering on the basis of a scientific consensus – therefore symbolising, if anything, trust in the scientific method – is emphatically not the same as wearing a face covering because theologians or jurists tell you this is what God wants. God, as matters currently stand, is not a member of SAGE. In the same context it is sometimes claimed that the eyes can communicate as much as the whole face. This flies in the face of a particular strand of western – and indeed Islamic - thought that sees the face not simply as a window into the soul but as the site where individuals encounter each other as equals: see **Roger Scruton, The Face of God, Bloomsbury 2010**. This is related to the Hegelian idea of „Anerkennung“ (on the roots and implications of which see **Axel Honneth, Recognition: A Chapter in the History of European Ideas, CUP, 2021**) and Hannah Arendt’s argument (anticipating Habermas) that citizenship is only achieved by a visible and audible presence in the public realm, picked up by **Kacem el Ghazzali, Verbotene Weiblichkeit – die Burka hat nichts mit westlichen Vorstellungen von Emanzipation zu tun, Die Neue Zürcher Zeitung, 4 February 2021**, “Nach Hannah Arendt wird der soziale Akteur erst dann zum Bürger, wenn

er im öffentlichen Raum erscheint, wenn er sehen und gesehen werden kann und wenn er hören und gehört werden kann. Doch im Falle der Burka sind die Frauen völlig vom öffentlichen Raum ausgeschlossen und damit auch vom politischen. Das maskierte Gesicht kann deshalb auch als Ablehnung reziproker sozialer Interaktion verstanden werden, als Negation der Bürgerschaft.” The counter-argument betrays either profound ignorance of the roots of western social and political philosophy or it is purposefully misleading. Or both.

- 109 **Abdullah Hamidaddin, *Tweeted Heresies: Saudi Islam in Transformation*, OUP 2020, 26.** See also **Lazreg 2009, 115ff** (on Tariq Ramadan). This approaches the fetishized “autonomy of gesture without content” which Adorno identified as a central feature of Heidegger’s philosophy and what became known as “existentialism”, that is the unreflective use of experience to establish a transcendent ground for Being, occluding the socio-cultural and historical (and therefore dialectical, examinable and contestable) situatedness of such experience. See **Theodor Adorno, *The Jargon of Authenticity*, (tr Knut Tarnowski and Frederic Will with an introduction. By Trent Schroyer), North Western University Press, 1973** at https://ia801903.us.archive.org/0/items/adorno_jargon/adorno_jargon.pdf, **xiv**: “That the subject itself is formed, and deformed, by the objective configuration of institutions is forgotten, and thus reified, in the jargon’s pathos of archaic primalness. Consequently, there is a loss of the objective context of human society and an idealistic compression of all historical consciousness into the sphere of self-experience.” . In *Dialectic of Enlightenment*, Adorno and Max Horkheimer explored the way in which “to speak of culture” is itself to distort the relationship of an individual to his or her sociological context and therefore can only ever provide an illusion of authenticity: “Culture as a common denominator already contains in embryo that schematization and process of cataloging and classification which bring culture within the sphere of administration.” Elise Archias and Blake Stimson, *The Labor of Teaching and Administrative Hysteria*, *Chronicle of Higher Education*, 5 May 2023 at <https://www.chronicle.com/article/administrators-hysterical-response-to-campus-controversy> call this kitsch. It is the same point in different words.
- 110 See for example **Altaf Husain, *Hijab/Niqab – Why All the Fuss?* 4 November 2006** at <http://web.archive.org/web/20070712070414/http://www.islamonline.net/livedialogue/english/Browse.asp?hGuestID=k2P7m6>. It is, of course, probably also true that no one has been raped, beaten, murdered and thrown into a sewer for not wearing Dolce e Gabbana, as has recently reportedly happened to two girls for not wearing the hijab: see **Sultan al-Kanj, *Two Egyptian girls found murdered in Syria’s notorious Islamic State camp Al-Hol*, *AL Monitor*, 24 November 2022** at <https://www.al-monitor.com/originals/2022/11/two-egyptian-girls-found-murdered-syrias-notorious-islamic-state-camp-al-hol>.
- 111 “One can be a perfectly good Muslim living on an Island on one’s own and performing all the practices. It is also a basis for the formation of a political community. But one does not need to be **in-relation** to others to become a better Muslim, as distinct from

- the relational tradition of Christianity. One cannot be a perfect Christian without being in-relation, in-communion with others and with God in Christ, reflecting the nature of God as relation.” (Personal communication from an Anglican Islamic Studies scholar.)
- 112 Conventionally, Muslims do not believe they need to be ‘saved’ in the Christian sense. Humanity is not fallen according to the Qur’an. It only needs to obey Allah’s will in order to seek perfection. But submission to that will is a precondition of entry to paradise. **Gabriel Said Reynolds, *Original Sin and the Quran*, *Islamochristiana* 46 (2020) 197–218** at https://www.academia.edu/48802511/Original_Sin_and_the_Quran has some interestingly heterodox comments on this matter.
- 113 See **Roxanne L. Euben, *Modern and Contemporary Islamic Political Theory* in *Dryzek, Honig and Philips (eds), The Oxford Handbook of Political Theory*, OUP 2006**, “The Islamic Umma (sc community) originally described Muhammad’s community, but its meaning is so varied in the Qur’an that, at a minimum, it “always refers to ethnic, linguistic or religious bodies of people who are the objects of the divine plan of salvation (Paret 1987). It is a supranational term, in that the boundaries of such a community are meant to be determined primarily by belief and not by geography or political identifications.” There is now even a field of research called “Ummatics”: see **Ovamir Anjum, *Politics, Law, and Community in Islamic Thought: The Taymiyyan Moment (Cambridge Studies in Islamic Civilization)*, CUP, 2012**.
- 114 Fiqh conventionally is the process of applying the shari’ah precepts and principles divinely revealed in the Qur’an and Hadith to particular cases by a class of qualified jurists through a set of hermeneutical and jurisprudential protocols, including, for example, taqlid, ijtihād and qiyas (precedent, reasoning and analogy) on the basis of a hierarchy of permissibility – from haram (forbidden) to fardh or wajib (obligation): **Abu Zayd 2004, 188ff** has a powerful critique of the way in which Islamists have turned this process - through what he describes as “an Islamisation of epistemology” - from a provisional application of human reason into an autonomous instrument of totalitarian political and social control, particularly of women, minorities and free thinkers. Abu Zayd himself famously suffered at their hands: see Note 170 below.
- 115 For an account of the enduring, mutually supportive and ultimately damaging relationship between the ulema and power elites, which conferred status and other material benefits on the former and legitimacy on the latter, see **Ahmet T Kuru, *Islam, Authoritarianism, and Underdevelopment; A Global and Historical Comparison*, CUP, 2019** and **The Ulema State Alliance: A Barrier to Democracy and Development in the Muslim World, Tony Blair Institute for Global Change, September 2021** at <https://institute.global/sites/default/files/articles/The-Ulema-State-Alliance-A-Barrier-to-Democracy-and-Development-in-the-Muslim-World.pdf>.
- 116 On this dialectic see the essays in **Muhammad Khalid Masoud**

and Hana Jalloul Muro, *Shariah Law in the Twenty-First Century*, World Scientific 2022 at https://www.worldscientific.com/doi/abs/10.1142/9781800611689_fmatter; Ebrahim Moosa, *Colonialism and Islamic Law* in Muhammad Khalid Masud, Armando Salvatore and Martin van Bruinessen (eds), *Islam and Modernity: Key Issues and Debates*, Edinburgh 2009 at https://www.academia.edu/315122/Islam_and_Modernity_Key_Issues_and_Debates?email_work_card=view-paper; Léon Buskens, *Sharia and the Colonial State* in Rudolph Peters and Peri Bearman (eds), *The Ashgate Research Companion to Islamic Law*, Farnham/Burlington VT, 2014, 207ff; Aaron Zelin, *From the Archduke to the Caliph: the Islamist Evolution that led to the Islamic State*, in *The First World War and its Aftermath*, T G Fraser (ed), Gingko Library 2015 at https://www.academia.edu/19349433/From_the_Archduke_to_the_Caliph_the_Islamist_evolution_that_led_to_The_Islamic_State; Euben 2006; *The Princeton Encyclopaedia of Islamic Political Thought* (multiple editors), Princeton 2013, 502ff; and Joseph Schacht, *An Introduction to Islamic Law*, OUP 1964, especially Chapter 15. David H. Warren, *Cleansing the Nation of the Dogs of Hell: Ali Juma'a's Nationalist Legal Reasoning in Support of the 2013 Egyptian Coup and its Bloody Aftermath*, *Int. J. Middle East Stud.*49 (2017), 457–477, doi:10.1017/S0020743817000332 at https://www.academia.edu/34056783/Cleansing_the_Nation_of_the_Dogs_of_Hell_Ali_Jumas_Nationalist_Legal_Reasoning_in_Support_of_the_2013_Egyptian_Coup_and_its_Bloody_Aftermath_IJMES_49_3_457-77_2017_email_work_card=view-paper and <https://www.cambridge.org/core/journals/international-journal-of-middle-east-studies/article/cleansing-the-nation-of-the-dogs-of-hell-ali-jumas-nationalist-legal-reasoning-in-support-of-the-2013-egyptian-coup-and-its-bloody-aftermath/F2638FBB32AC4E325E05CDE31C5BAE3A> has some interesting thoughts on this process in the context of the Arab Spring in Egypt.

117 Jonathan Brown 2014 is a good guide to these debates. See also Kuru 2019.

118 See Note 96 above. Though historically various Muslim scholars such as Ibn Khaldun, al Mawardi and others often expressed views on what shari'ah jurisprudence has to say about political authority, it is hard to speak of a unified or coherent Islamic political philosophy, certainly in the western secular sense: see Erwin I J Rosenthal, *Political Thought in Medieval Islam: An Introductory Outline*, CUP 1958; Hans Daiber, *Political Philosophy*, in Seyyed Hossein Nasr and Oliver Leaman (eds), *History of Islamic Philosophy*, Routledge 2001; and Mohammad Affan, *Competing Models of the Modern Islamic State: Wahhabi vs. Muslim Brotherhood Ideologies*, AUC, December 2014 at https://www.academia.edu/14976777/Master_thesis_Competing_Models_of_the_Modern_Islamic_State_Wahhabi_vs_Muslim_Brotherhood_Ideologies?email_work_card=title (a Master's Thesis with a useful review of the sources). There were multiple variations of political organisation in medieval times and there are certainly variations today: absolutist monarchies,

constitutional monarchies, autocratic regimes, some form of electoral democracy (Indonesia and Turkey) or pseudo-theocracies (Iran). See for example, **Patricia Crone, *Medieval Islamic Political Thought*, Edinburgh University Press, 2004**. But for Islamists in the conditions of global modernity, the questions of sovereignty, statehood and political practice have become pressing precisely because they live in a world where such things matter for the implementation of societal control in neo-Weberian polities. **Mokhtar Awad, *Understanding the Ideological Drivers Pushing Youth Toward Violence in Post-Coup Egypt in Rethinking Islamist Politics*, POMEPS, 11 February 2014** at http://pomeps.org/wp-content/uploads/2014/06/POMEPS_Studies6_IslamistPolitics.pdf has some interesting thoughts on this in the aftermath of the Arab Spring.

- 119 Usually associated with the “decisive break between the theological and the rationalist traditions” that occurred in the mid-17th century, best exemplified perhaps in the works of Hugo Grotius, Thomas Hobbes and John Locke: see **Oliver O’Donovan and Joan Lockwood O’Donovan, *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought: 100-1625*, Grand Rapids/Cambridge 1999, 787ff**. Theories of Natural Law were, of course, of major importance in the development of western legal traditions. But they were not on their own decisive in the construction of the modern western legal order: see **George Owers, *The Common Law Mind and the Eighteenth Century, History of European Ideas, History of European Ideas*, 2014 Vol. 40, No. 4, 598 601** at <https://www.tandfonline.com/doi/abs/10.1080/01916599.2013.818286>.
- 120 See **Muhammad Hashim Kamali, *Principles of Islamic Jurisprudence*, The Islamic Texts Society, 2003**. For accounts of the origins and development of these principles see the article ‘*Ibadat* in the ***Encyclopedia of Islam and the Muslim World*, Cengage 2014, 477ff** and **Introduction: The Nature of the Sharia, Peters and Bearman 2014, 1ff**.
- 121 See the remarks on the obsessive concern with personal behaviour of Islamists in particular by **As’ad Abu Khalil, *The Incoherence of Islamic Fundamentalism: Arab Islamic Thought at the End of the 20th Century*, Middle East Journal, Vol 48, No 4 (Autumn 1994), 691** at <https://www.jstor.org/stable/i399041>: “There are detailed instructions for believers on how to perform prayers; in addition the sanctions for violations of the fasting day and all facets of social and sexual life are covered. For example, Shaykh bin Baz wrote an entire book on the religious inappropriateness of photography and videos. He assured believers that photographers are damned and will suffer more than others in hell. Bin Baz describes in great detail the manners in which Muslims are allowed to look, or are prohibited from looking at, or shaking hands with, women, particularly no-Muslim women.” There is more in the same vein. This preposterously encyclopedic ambition was satirised in a *reductio ad absurdum* by the late Lebanese scholar, Abdullah al Alayli, in his 1968 book, “*Ayna al khata’?*” (*Where is the Error?*): see **Sadiq J al ‘Azm, *The Importance of Being Earnest about Salman Rushdie, Die Welt des Islams, New Series, Bd. 31, Nr. 1 (1991), 1-49*** at https://www.jstor.org/stable/1570646?origin=crossref#metadata_info

- [tab contents](#). Alayli was, of course, viciously denounced for his boldness – as was al ‘Azm himself.
- 122 For some examples among others too many to list see **Altaf Husain, Impact of Hijab/Niqab on Muslims’ Integration in Western Communities, 11 December 2006** at <http://web.archive.org/web/20080416015820/http://www.islamonline.net/livedialogue/english/Browse.asp?hGuestID=913p61>;
- 123 As acknowledged by **Hamid 2008, 123**: “As the wearing of the headscarf cannot be divorced from the messaging contained within and values ascribed to it, it is of particular interest that these dynamics intersect so powerfully on women.” That was exactly the point **Fanon 1957** made en revanche in his criticism of French attempts to discourage the veil in Algeria: “Convertir la femme, la gagner aux valeurs étrangères, l’arracher à son statut, c’est à la fois conquérir un pouvoir réel sur l’homme et posséder les moyens pratiques, efficaces, de déstructurer la culture algérienne.” Compare the comments of the contemporary anti-Islamist Algerian novelist and journalist, **Kamel Daoud** (as quoted by **Robyn Cresswell, The Force of Looking: Kamel Daoud in the spotlight, The Nation 30 September 2019** at <https://www.thenation.com/article/archive/kamel-daoud-chroniques-algeria-book-review/>), “The Islamist is uncomfortable with a woman because she reminds him of her body, and therefore of his own body. The Islamist wants to veil woman to forget her, deny her, disembody her, escape her.” He speaks for himself in **The Sexual Misery of the Arab World, The New York Times, 14 February 2014** at <https://www.nytimes.com/2016/02/14/opinion/sunday/the-sexual-misery-of-the-arab-world.html>. **Zaqzouq 2008, 8** says that the use of the niqab is in fact an anti-human and anti-social misuse of free choice which distorts divine teachings. And see **Séverine Labat, Les Islamistes Algériens, Seuil 1995, 191ff** (“La diffusion d’une morale purificatrice”).
- 124 Or take it for granted that this is normatively traditional dress and therefore should be worn as a matter of course. The example of political slogans on clothes – deployed famously by Katherine Hamnett (https://en.wikipedia.org/wiki/Katharine_Hamnett) – rather proves the point: in the West the desired political position tends to be expressed through words not discursively significant form. Over the years, pop and other subcultures such as Teds, Mods, Rockers, Punks, Goths, Metal-Heads, Rappers and so forth have all developed distinctive styles of dress. But these make positional sense in dialogue with the dominant culture not in opposition to it.
- 125 A point illustrated almost perfectly – in the unironic yoking by male scholars of compulsion and choice - in the first sentence of a piece on Pakistan by **Asim Hussain, Importance of Hijab highlighted on World Hijab Day, The News, 5 September 2021** at <https://www.thenews.com.pk/print/888229-importance-of-hijab-highlighted-on-world-hijab-day>: “While observing World Hijab Day, Jamaat Islami launched various programmes on Saturday for creating awareness and mass mobilisation for promoting Hijab not only as religious obligation for Muslim women but also their fundamental right to choose it as part of their dress.” See also the pretty representa-

tive Tweet by Roshan Salih of the Islamist website, 5PillarsUK, at <https://twitter.com/wasiquk/status/1578134767027081220?s=43&t=w5nXRgRc8Qazq5NiwEtiLg> (now apparently deleted) and his sour commentary on the wearing of a head scarf by a Moroccan player during this year's Women's World Cup at https://twitter.com/ekrem_koldas/status/1686647377581535232. Some scholars will even approve divorce on the grounds of unveiling: **Hamiddin 2020, 78**. The general point is made powerfully by **Leila Ahmed 1992, 199** in her discussion of the prominent Muslim Sister, Zainab al Ghazali, where she highlights the unresolved contradiction between Ghazali's assertion of female freedom under islam and the sources on which she drew to make this claim – which were the product of “male-defined islam”. **Lazreg 2009, Chapter 4** is eloquent on this matter. We see it again in the activities of advocacy organisations set up by Islamist activists, such as Pro-Hijab in the UK and elsewhere: see **Ian Johnson, How Islamic Group's Ties Reveal Europe's Challenge, The Wall Street Journal, 29 December 2005** at <https://www.wsj.com/articles/SB113582317237133576>, **Eman Elizabeth Penny, Pro-Hijab Campaign in the EU Parliament: Why & How? 26 April 2005** at <http://web.archive.org/web/20080416031936/http://www.islamonline.net/livedialogue/english/Browse.asp?hGuestID=rsT0F2>, **Anas Osama Al-tikriti, Muslims' Political Participation in Europe: Evaluation, 27 January 2005** at <http://web.archive.org/web/20060720184454/http://www.islamonline.net/livedialogue/english/Browse.asp?hGuestID=4d5f0t>, **Coordinators of the International Hijab Day in Different Countries, International Hijab Day: Opportunities & Challenges, 2 September 2004** at <http://web.archive.org/web/20080416033546/http://www.islamonline.net/livedialogue/english/Browse.asp?hGuestID=AA7tFB> and **International Hijab Solidarity Day in London, IslamOnline, 2 September 2005** at <https://archive.islamonline.net/17973>. The Muslim Association of Britain (MAB) gives a timeline at <https://www.mabonline.net/about/our-history/>. Of course, as **Sacha Ismail, What is the Muslim Association of Britain?** at <https://www.workersliberty.org/story/2007/03/15/what-muslim-association-britain> points out, “...political Islamists generally believe the wearing of hijab is an absolute duty for Muslim women. Other Muslim opinion on this is as varied as can be. But political Islamists are sure. MAB are clear that for them, wearing the hijab is an important religious duty. They call their initiative “Pro-Hijab”, not “Right to choose”.” Perhaps it is worth noting here that in Turkey under the highly patriarchal and Islamist AKP, who have made the veil a central feature of their anti-Kemalist politics, the socio-legal position of women does not seem to have improved, rather the reverse: see **Pinar Tremblay, Is this the end of Turkish secularism?, AL Monitor, 24 July 2020** at <https://www.al-monitor.com/pulse/originals/2020/07/turkey-is-secularism-dead-after-akp-hagia-sophia-decision.html> and **Diego Cupolo, Murder of Turkish woman sparks nationwide protests, AL Monitor, 21 July 2020** at <https://www.al-monitor.com/pulse/originals/2020/07/turkey-murder-woman-with>

[draw-convention-combat-violence.html](#). In the end, as **Leila Ahmed 2011, 291-2** writes of US Islamist groups, “Rooted originally in the gender-conservative Islamist movement and deeply influenced by the Muslim Brotherhood and Jamaati, ISNA and the MSA naturally and by definition represent the conservative end of the spectrum. Such movements in their home countries, far from challenging the patriarchal rules that are endemic to the world’s dominant forms of Islam, in fact typically emphatically reaffirm them.” And these rules, in orthodox Islamic jurisprudence, need to be enforced collectively. That is at the root of the doctrine of *hisbah*, or the public holding to account of individuals by the wider community, on the basis of *shari’ah* rulings (see **Princeton 2013, 207ff**). This doctrine gave rise to the Saudi and Iranian religious police and in some parts of Europe has encourage the emergence of informal groups of Muslims who seek to enforce and police Islamic/ Islamist social norms, often with unlawful force: see for example the report by the Vienna police **Tschetschenische Sittenwächter: Update zum Ermittlungsstand, 9 September 2020** at <https://www.polizei.gv.at/wien/presse/aussendungen/presse.aspx?prid=7050763279546A532B-61593D&pro=0>. Not just in Europe either – see **Nagarjun Dwarkanath, WhatsApp group warns Muslim girls over removing burqa, police say monitoring threat, India Today, 5 May 2022** at <https://www.indiatoday.in/india/story/muslim-whatsapp-group-warns-girl-removing-burqa-mangalore-police-1945815-2022-05-05>. During and after the 1994 Yemeni civil war, Islamist forces assaulted women in Aden who did not wear the veil. Why the violent compulsion if wearing the veil is a choice?

126 Hence Hume’s famous claim in **A Treatise of Human Nature** that “Reason is and ought only to be the slave of the passions and can never pretend to any other office than to serve and obey them”. It is an idea most recently adapted by **Jonathan Haidt, the Righteous Mind, Allen Lane 2012**. For a neuroscientific treatment of the issues involved, see **Iain McGilchrist, The Master and his Emissary: The Divided Brain and the Making of the Western World, Yale 2009**. The neo-Marxist argument that human subjects are constituted by ideology (represented perhaps most famously by **Louis Althusser, Ideology and Ideological State Apparatuses, Lenin and Philosophy and other Essays (1971), translated by Ben Brewster, pp. 121–76. ISBN 0-902308-89-0**) or indeed the broader notion derived from Foucault and elevated into a grand but vacuous theory by Judith Butler that language coded for power is constitutive of the human subject - are radical reworkings of the same idea: see **Honneth 2021** and **Kathleen Stock, Material Girls: Why Reality Matters for Feminism, Fleet, 2021**. The broad problem of choice and free will is, of course, as old as western philosophy itself and can be found in embryo in the pre-Socratics. In a different way – formulated as mimetic desire – it underpinned René Girard’s entire career: see **Geoff Shullenberger, René Girard and the Rise of Victim Power, Compact, 9 December 2022** at <https://compactmag.com/article/rene-girard-and-the-rise-of-victim-power>.

127 A point interestingly made – essentially in favour of the veil - in

- an otherwise strained piece of apologetics by **Alison Scott-Bauman**, *Unveiling Orientalism in Reverse* in **Theodore Gabriel and Rabiha Hannan (eds)**, *Islam and the Veil: Theoretical and Regional Contexts*, Bloomsbury 2012 at <https://eprints.soas.ac.uk/21370/1/Unveiling%20Orientalism%20in%20reverse%20ASB%204.pdf>, “Consumerist cultures can surely also be considered to manifest oppression through lack of choice (because, paradoxically, we are given lots of choice, but every choice is within parameters that are forced upon us, none are of our own making)”. That cuts both ways.
- 128 A point made forcefully by **Ghazzali 2021**, “Es ist nicht zielführend, zu behaupten, das Individuum sei in seinen Entscheidungen frei, wenn es ein Gefangener eines religiösen Systems ist. Eines Systems, das Freiheit nur in einer Richtung zulässt, nämlich dem Tragen des Schleiers. In Kulturen und Religionen, die dem Individuum keine vielfältigen Wahlmöglichkeiten einräumen, gilt das Argument von der ‘Freiheit des Individuums’ nicht.” A recent case in Gaza illuminates the illusion of choice well: **Entsar Abu Jahal**, *Assault on female reporter for not wearing hijab sparks backlash in Gaza*, *AL Monitor*, 11 May 2021 at <https://www.al-monitor.com/originals/2021/05/assault-female-reporter-not-wearing-hijab-sparks-backlash-gaza>. See also **Amany Mahmoud**, *Gaza schools impose hijab to students’ dismay*, *AL Monitor*, 6 October 2022 at <https://www.al-monitor.com/originals/2022/10/gaza-schools-impose-hijab-students-dismay> and **Manea 2021**, 178ff. The point is, of course, entirely lost on those – such as **Irene Zempi and Amina Easat-Daas**, *The hijab is not a symbol of gender oppression – but those who choose to wear it risk Islamophobia*, *The Conversation*, 30 March 2022 at <https://theconversation.com/the-hijab-is-not-a-symbol-of-gender-oppression-but-those-who-choose-to-wear-it-risk-islamophobia-178454> - determined to see the wearing of the veil as empowering.
- 129 So **Mansour 2021**. As, of course, does the demand to stop wearing it, as **Fanon 1957** again famously argued: “Nous allons voir que ce voile, élément parmi d’autres de l’ensemble vestimentaire traditionnel algérien, va devenir l’enjeu d’une bataille grandiose, à l’occasion de laquelle les forces d’occupation mobiliseront leurs ressources les plus puissantes et les plus diverses, et où le colonisé déploiera une force étonnante d’inertie.” The FLN were not, of course, exemplary feminists - nor in his private life was Fanon: see **Kwame Anthony Appiah**, *Liberation Psychology: How Frantz Fanon came to view violence as therapy*, *NYRB*, 24 February 2020 at <https://www.nybooks.com/articles/2022/02/24/liberation-psychology-frantz-fanon-appiah/>.
- 130 As made clear for example by **Idris Tawfiq**, *Hijab: Religions and Cultures? Let’s Discuss*, 7 December 2006 at <http://web.archive.org/web/20080416010204/http://www.islamonline.net/livedialogue/english/Browse.asp?hGuestID=Owcu1M>. As **Labat 1995** writes - of the motives for Algerian women to veil under Islamist pressure - “Convaincues que leurs tentations sont ‘avilissantes’, elles (sc les filles), trouvent, dans le voile, un refuge déculpabilisateur. ‘Quand j’étais jeune, j’ai fait des bêtises. Et si je porte le hidjab, c’est comme un pardon’ (Leila).”
- 131 Or, as **Hutchinson 1987**, 220 revealingly puts it, “These examples show that

the donning of the hijab by a Muslim woman, when it occurs as a result of free choice, represents a commitment to Islam and the sharia. It is this symbolic aspect of the Islamic hijab which has led those regimes in the Muslim World which have much to fear from an Islamic resurgence to discourage its use, or, in some cases, to ban it altogether from certain public institutions. It is not the hijab itself which is a threat, but what the hijab stands for. This thesis has shown how important an aspect of Islam the hijab is, and how intrinsic it is to the Islamic way of life. In fact, the hijab might be said to reflect the whole outlook of Islam and thus act as a symbol of Islam itself. It might even be said that if there is no hijab, then there is no Islam.” The sentiment is perhaps unsurprising from someone who extensively quotes Ibn Taimiyyah, Rashid Rida, al Ghazali, Mawdudi, and Sayyid Qutb in support of her arguments. The latter two were not classically trained exegetes or jurists. All are powerful influences on contemporary Islamisms: see **Nelly Lahoud, *The Jihadis’ Path to Self-Destruction*, New York 2010**. For a forceful critique of self-proclaimed non-violent Islamism precisely for its contentious claims to normativity see **Alan Johnson, *Feminism in Israel | Authoritarian governance and Islamist ideology versus women’s rights: an interview with Elham Manea*, Fathom Journal, February 2018** at <http://fathomjournal.org/women-and-feminism-in-israel-authoritarian-governance-and-islamist-ideology-versus-womens-rights-an-interview-with-elham-manea/>: “...the Islamists’ stipulations undermine the secular human rights-based order of Western democracies. It put to question the very achievements of Western democracies, especially those concerning separation of state and religion, women’s rights and freedom of expression.”

- 132 **JS Mill** famously used as an epigraph for ***On Liberty*** the assertion that the whole point of social organisation was “the absolute and essential importance of human development in its richest diversity” (a phrase taken from **Alexander von Humboldt, *Ideen zu einem Versuch, die Grenzen der Wirksamkeit des Staats zu bestimmen* 1792, Chapter 6** available at http://docs.mises.de/Humboldt/Humboldt_Grenzen_des_Staates.pdf - “Nach dem ganzen vorigen Raisonement kommt schlechterdings alles auf die Ausbildung des Menschen in der höchsten Mannigfaltigkeit an”). Humboldt influenced Hegel too. And since then perhaps the nearest thing to a generally agreed divinity in the West has been Hegel’s *Weltgeist* or Benjamin’s Angel of History. See **Richard Rorty, *Achieving Our Country*, Cambridge MA, 1998**. The ghost of Natural Law may haunt the western imagination. And an Aristotelian commonwealth shorn of virtue makes little sense of course. But this arguably is the central contradiction that lies at the heart of contemporary liberalism, a point most famously made by **Alasdair MacIntyre, *After Virtue*, University of Notre Dame Press, 1984**: see also **Patrick Deneen, *Unsustainable Liberalism*, FirstThings, August 2012** at <https://www.firstthings.com/article/2012/08/unsustainable-liberalism>. The consequences of this deformation – at their worst in the growth of the centralised therapeutic, managerial and surveillance state which elevates instrumental reason at the expense of virtue - are well set out by **N S Lyons, *The China Convergence, The Upheaval*, 3 August 2003** at <https://theupheaval.substack.com/p/the->

[china-convergence?utm_source=substack&utm_medium=email](#).

Islamists, of course, have no problem with this version of the state as long as they control it.

- 133 For the purposes of this paper the definition of **Ahmad Fauzi Abdul Hamid 2018** is convenient: “‘Islamists’ here denotes ideologically-oriented activist Muslims who prioritize Islam’s political role and display tendencies to steer Malaysia towards the direction of becoming an Islamic state—an entity whose theoretical underpinning is constructed around the goal of full-fledged implementation of sharia (Islamic law) within its national boundaries. In a nutshell, Islamists are Muslim thinkers and activists who espouse ‘Islamism’—a political ideology which demands that true Muslims seek to establish a juridical Islamic state governed by the sharia in order to realize the ideals of Islam as a comprehensive way of life (din al-hayah).” See also **Zelin 2015** who quotes the similar definition of all Islamisms by the US scholar Peter Mandaville: “forms of political theory and practice that have as their goal the establishment of the Islamic political order in the sense of a state whose governmental principles, institutions, and legal system derive directly from the shari’a.” It has also been described by Guilain Denoeux as “a form of instrumentalization of Islam by individuals, groups, and organizations that pursue political objectives ... provides political responses to today’s societal challenges by imagining a future, the foundations for which rest on reappropriated, reinvented concepts borrowed from Islamic tradition.” **Stéphane Lacroix, Awakening Islam; The Politics of Religious Dissent in Contemporary Saudi Arabia, Cambridge MA/London 2011, 281** defines Islamism thus: “The term ‘Islamist’ is used in a relatively broad sense to designate any formally or informally organized agent acting or wishing to act on his social and/or political environment with the purpose of bringing it into conformity with an ideal based on a particular interpretation of the dictates of Islam”: and **Weismann 2011** thus, “...‘Islamic fundamentalism’ refers to the contemporary religio-political discourse of return to the scriptural foundations of the religion as developed by Muslim scholars, mystics, and increasingly lay persons and movements, which reinterpret these foundations on the basis of their living traditions for application to the socio-political and cultural realities of the modern world. This definition shows that fundamentalism has become the hegemonic religious discourse in the contemporary Muslim world, shared by practically all elements in the Islamic arena. After all, few Muslims would deny either the obligation to adhere to the scriptures or the need to adjust to modern realities. Fundamentalism in this respect is the Islamic form of modernity.” For a broader discussion of the definitional issues see **Sir John Jenkins, Dr Martyn Frampton and Tom Wilson, Understanding Islamism, Policy Exchange, 28 November 2020** at <https://policyexchange.org.uk/publication/understanding-islamism/>. On the question of pluralism, it is true that Islamists will often speak of it approvingly. But they do so based on their own oppressively majoritarian interpretation of the term: see **Dunja Larise, State and Civil Society as defined by the Muslim Brothers in Europe, EUI Working Papers, MWP 2011/23** at https://www.academia.edu/1118461/State_and_Civil_Society_as_defined_by_the_Muslim_Brothers_in_Europe?email_work_card=view-paper.
- 134 See **Lorenzo Vidino, The New Muslim Brotherhood in the West, Columbia University Press 2010**

- 135 In spite of the fact that most western norms themselves originated within a Christian context, as **Tom Holland, Dominion, London 2020** has most recently – and persuasively - argued. Even when Christianity was challenged, it remained an unavoidable if often unwelcome presence. Nietzsche’s father was a Lutheran pastor – as indeed was Horst Wessel’s.
- 136 The notion of orthodoxy in Islam is itself problematic, of course, and reflects a relatively recent drive towards conformity - in the same way perhaps that we see Islamist language gradually becoming mainstream and crowding out other forms of discourse. This is a major theme of the scholarship of the late **Patricia Crone** and other revisionist historians of early Islam. For some remarks very much to the point see **The Origins of Islam: A Conversation with the German Islamic Scholar Josef van Ess, The Goethe Institute, November 2011** at <http://www.goethe.de/ges/phi/prj/ffs/the/a96/en8626506.htm>: “The term ‘heresy’ is based on the assumption that there is an orthodoxy. This works for Christianity, because we have churches – but not in Islam. How would you define orthodoxy in Islam? There have always been people who have attempted to do so, and there have also been orthodoxies in the sense in which we use the word, but they were always local and of limited duration. . . .With the help of the media it is much easier to convey to people a definitive image of Islam and assert it by supporting it financially. The reversal began among the late nineteenth-century reformers we hold in such high regard, such as Muhammad Abduh. They also propagated a return to the Script, to the Holy Book, and at the same time a renunciation of mysticism – and in doing so they hoped to establish a unified Islam. The irony of history is that this eventually developed into modern fundamentalism.” My use of the word reflects what I understand to be the widespread view among contemporary Muslims that there is such a thing as “orthodoxy”, something reflected, for example in the regular wars of words on the issue between Islamic scholars.
- 137 Which is why Islamists will claim that there are very few Islamic states in the world. In practice most majority-Muslim states manage to maintain social harmony among different faiths and sects. But Islam is always privileged and minorities often suffer.
- 138 Major, Hague, Duncan-Smith, Howard, Cameron, May and most recently Truss were all at various times accused of being either ineffectual, ridiculous, weak, untrustworthy, arrogant, limited or boring. But that is the common currency of political discourse. Only Johnson and Thatcher have been seen as so irredeemably ill-intentioned that people feel justified in musing publicly about the pleasure they would take from seeing them dead. Elvis Costello wrote a whole song about it: http://www.elviscostello.info/wiki/index.php/Tramp_The_Dirt_Down. For other examples, see <https://www.dailymail.co.uk/news/article-2307367/Margaret-Thatcher-dead-Burn-hell-graffiti-spotted-central-London-Banksy-tunnel.html>; <https://www.thesun.co.uk/news/11583649/miriam-margolyes-boris-johnson-die-coronavirus-channel-4/>; <https://www.thesun.co.uk/news/11269863/coronavirus-corbyn-supporters-troll-boris->
-

- [johnson/](#).
- 139 A point made at <https://order-order.com/2018/08/08/remainers-twist-knife-into-boris/>
- 140 As Charles Moore's magisterial biography (in three volumes) makes abundantly clear with respect to Thatcher. Johnson's political conduct is open to reasonable criticism, of course. But the point here concerns his social views.
- 141 See Note 49 above.
- 142 See Note 72 above.
- 143 See Note 80 above.
- 144 See Note 73 above.
- 145 For Jack Straw in 2006 see <https://www.telegraph.co.uk/news/1530717/Take-off-your-veils-says-Straw.html>; for Kenneth Clarke in 2013 see <https://order-order.com/2018/08/08/ken-clarke-burka-peculiar-costume-kind-bag/>); for Anna Soubry see <https://order-order.com/2018/08/08/soubry-burka-is-a-peculiar-concept/>; for Emily Thornberry see <https://order-order.com/2018/08/08/thornberry-i-wouldnt-let-a-woman-in-a-burka-look-after-my-child/>; for Sadiq Khan and the late Harriet Harman see <https://order-order.com/2018/08/08/cchq-its-wrong-to-say-burka-is-oppressive/>. None has been subject to anything like the same obloquy.
- 146 See the tweeted comments by women about the hijab – and other obligations and prohibitions – in **Hamidaddin 2020, 87ff**. One woman even tweeted an image of two women in black veils near two binbags: “Here she is saying that the hijab degraded her to the point where she saw a resemblance between her appearance and that of a black binbag.” Another compares the experience of wearing the hijab to “an exile in a moving coffin.” An Algerian Islamist quoted by **Lazreg 2009, 114** compared a veiled woman to “a moving tank”. The theme is picked up by Rana Ahmed, a German-based activist and refugee from Saudi Arabia, in **Anna Schneider, Frauenrechtlerin Rana Ahmad sagt: «Der Nikab ist das Ende der Freiheit» NZZ 4 March 2021** at <https://www.nzz.ch/rana-ahmad-floh-vor-der-scharia-und-feiert-jeden-tag-ohne-nikab-ld.1604668>, “Was genau macht Sie traurig? Dass so viele nicht verstehen wollen, dass die Vollverschleierung menschenrechts- und vor allem frauenrechtsfeindlich ist. Mehr noch: Sie ist existenzfeindlich. Wer akzeptiert, dass eine Frau damit lebt, akzeptiert auch, dass sie nicht existiert. Man sieht eine Frau nicht als Person, sondern nur als schwarzes Kleidungsstück, das durch die Strasse läuft.” Does burning a hijab in protest count in this list? I think it may well do so. See https://twitter.com/zidan_yezidi/status/1219028913881583619. The then French President, Nicolas Sarkozy, in a debate on the 2009 ban on the burqa in public places, remarked that, “Le problème de la burqa n'est pas un problème religieux, c'est un problème de liberté, de dignité de la femme. Ce n'est pas un signe religieux, c'est un signe d'asservissement, c'est un signe d'abaissement.” The language may not be as colourful as Johnson's but it is certainly hostile. See **Sarkozy: «La burqa n'est pas la bienvenue sur le territoire de la**

«République», *Libération* 22 June, 2009 at https://www.liberation.fr/france/2009/06/22/sarkozy-la-burqa-n-est-pas-la-bienvenue-sur-le-territoire-de-la-republique_566253/.

- 147 And this is presumably the reason that so many seemed to feel free at the time to adduce unverifiable claims of a direct link between his remarks and a rise in incidents of hate towards Muslim women on the streets of Britain from the minute the Daily Telegraph article appeared (an improbable correlation): see **Tell MAMA Annual Report 2018: Normalising Hatred, 2 September 2019, 47ff** at <https://tellmamauk.org/wp-content/uploads/2019/09/Tell%20MAMA%20Annual%20Report%202018%20-%20Normalising%20Hate.pdf>. The claim that such incidents leapt by 375% in the week after the article appeared disguises the fact that the actual numbers (before and after) were minute (8/38). And the incidents seem all to have been self-reported, in some cases highly impressionistic, and none rigorously verified. Unsurprisingly none of this has stopped the 375% figure becoming accepted as fact, polemically useful and politically meaningful: see for example <https://hansard.parliament.uk/Commons/2022-07-18/debates/EA7DB1BF-EC36-4C3B-8F73-D47B2523BA53/Confidenc eInHerMajesty'SGovernment#contribution-58E14FC3-BB5E-4F2C-8C28-F0775D60025B>.
- 148 See Note 29 above. In addition, many Muslim-majority states themselves see the niqab in certain circumstances – particularly those concerned with criminal justice in an age of terror – as problematic.
- 149 As **Lazreg 2009, 71** writes, “Unlike other customs, the veil cannot be infused with meaning other than those that have historically been invested in it by its advocates, wearers and detractors alike, and without which it would cease to exist.” It gestures therefore towards a one-way street of fixed signifiers.
- 150 Something attested in all recent annual reports of the German domestic intelligence agency, the Bundesamt für Verfassungsschutz (BVS), which takes as its index the explicit requirements of the German Constitution (Die Verfassung), and its Austrian and Dutch equivalents.
- 151 See, for example, **Arlene Elowe Macleod, Accommodating Protest: Working Women, the New Veiling, and Change in Cairo, Columbia University Press 1991** (with the review by **Vernon Egger, Journal of Third World Studies, Vol. 11, No. 1, (Spring 1994), 529-532**), **Fadwa El Guindi, Veil: Modesty, Privacy and Resistance, Berg 1999** and **Elham Manea, The Arab Popular Uprisings from a Gender Perspective, Zeitschrift für Politik, No.1, 2014** at https://www.academia.edu/11485359/The_Arab_Popular_Uprising_from_a_Gender_Perspective_Zeitschrift_für_Politik_No_1_2014?email_work_card=view-paper (which sets the issue in the wider context of the struggle against patriarchal socio-political power as evidenced during the Arab Spring). Even this does not stop sexual assault or harassment: see **Lazreg 2009, Chapter 2** and **Keith Glenn Whitmire, Counter-Revolution and Egypt's Lower Middle Class, University of Arkansas (PhD Thesis), 2018, 177ff** at https://www.academia.edu/39325461/Counter_Revolution_and_Egypt's_Lower_Middle

[Class?email_work_card=view-paper](#). The problem is ubiquitous in spite of the veil and other markers of female modesty. Conversely, some women may feel discouraged from wearing the veil because of social disapproval in non-Muslim majority societies like India: see for example the Sachar Committee Report - **Social, Economic and Educational Status of the Muslim Community of India, Cabinet Secretariat, GoI, November 2006**, 12f at https://www.minorityaffairs.gov.in/sites/default/files/sachar_comm.pdf.

- 152 **Agnès de Féo, *Derrière le Niqab*, Armand Colin 2020** describes the multiple motives of such women and defends their decisions as autonomous and powerful. She makes some good points. But she is ultimately unpersuasive: for example, the claim that wearing the niqab in particular is a communitarian gesture is not refuted by the fact that women who do so often feel themselves superior to Muslims whom they regard as simply “cultural”. Indeed she herself writes (261), “Rappelons qu’en Europe (à l’exception de la Grande-Bretagne), le niqab est la manifestation d’un désir de transgression des normes. Les niqabées choisissent, de leur seule volonté, de paraître ainsi vêtues.” There is a critique of her methodology by **Andreas Kyriacou** at <https://twitter.com/andreaskyriacou/status/1365680928698286082?s=11>. He makes some powerful points about the apparent lack of critical distance from her subjects and the absence of a control sample to contextualise their responses. See also the criticism of her conclusions by **Rana Ahmed** in **Schneider 2021**. **Yasmin Abdel-Megied** in her **December 2014 TED talk, *What Does my Hijab Mean to You?*** at https://www.ted.com/talks/yasmin_abdel_magied_what_does_my_headscarf_mean_to_you seems to attribute fear of the hijab almost entirely to unconscious bias – and to an unwillingness to believe in the agency of Muslim women. Setting aside the vexed question of what hermeneutic or analytic value the concept of “unconscious bias” may have, some of this may be true. But it again simply ignores the wider and highly complex symbolism of the veil. **Fauzia Ahmed, *Gendering the Muslim Question*, in Claire Alexander, Victoria Redclift and Ajmal Hussein, *The New Muslims*, The Runnymede Trust, 2013** at https://www.runnymedetrust.org/uploads/publications/Runnymede_The_New_Muslims_Perspective.pdf seeks to establish a crude taxonomy for Muslim women in Britain as either “victims” or “rebels” and fails in my view to address the implications of a “centrality of faith” for a socio-political system founded on positive and rationally-discovered secular law. The 100 Muslim signatories of the letter, **«Le voile est sexiste et obscurantiste» : l’appel de 100 musulman(e)s de France**, **Marianne**, 22 October 2019 at <https://www.marianne.net/agora/tribunes-libres/le-voile-est-sexiste-et-obscurantiste-l-appel-de-100-musulmanes-de-france> (sent in response to a pro-veiling letter **« Jusqu’où laisserons-nous passer la haine des musulmans ? »** **Le Monde**, 15 October 2019 at https://www.lemonde.fr/idees/article/2019/10/15/jusqu-ou-laisserons-nous-passer-la-haine-des-musulmans_6015557_3232.html) make a strong case for the agency

of non-veiled Muslim women: “Il est grand temps que nos compatriotes sachent que le port du voile ne fait pas l’unanimité, chez «les» musulmans. Il ne relève pas du culte, contrairement au jeûne du Ramadan ou aux cinq prières quotidiennes. Il n’est pas un ‘signe religieux’ puisque l’islam réprouve tout fétichisme matériel. L’islam se vit dans le cœur, pas sur la tête. D’ailleurs, ‘les’ musulmans, cela n’existe pas. Il y a DES musulmans, DES pratiques, DES interprétations, et DES convictions. Ces clivages et oppositions existent depuis le VII^e siècle.” **Karima Bennoune, *Multi-Directionality and Universality: Global Feminisms and International Law in the Twenty-First Century*, *AJIL Unbound*, Volume 116, 2022, pp. 275 – 280**, DOI: <https://doi.org/10.1017/aju.2022.46> and <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/multidirectionality-and-universality-global-feminisms-and-international-law-in-the-twentyfirst-century/9A6E074741DC416EF8A06E2ABEF08BFA> also makes a sometimes agonised argument that the agency of women who reject the hijab is as – if not more – valid than those who embrace it. See also her Twitter thread at <https://twitter.com/karimabennoune/status/1577403123089477652>: “Concepts like Orientalism & Islamophobia, originally responding to realities of past & present subordination, are now sometimes used by Western critical intellectuals to discipline those who exercise their equal right to be critical of their own contexts.” Quite.

- 153 For a recent example of precisely that (involving the Canadian Medical Association Journal), see Masih Alinejad’s Twitter thread at <https://twitter.com/AlinejadMasih/status/1475916353118912524>.
- 154 As Ayatollah Khamenei made clear in his most recent speech on the subject in April 2023, “Uncovering what should be veiled is forbidden both by Sharia and politically”: «باجح فاشک: یانم اخ: تسا «یس ایس وی عرش»», VOA Iran, April 2023 at <https://ir.voanews.com/a/khamenei-hijab-iran-women-rights/7035871.html>. As Dale F Eikelman and James Piscatori (quoted in **Nelly Lahoud, *Political Thought in Islam: A Study in Intellectual Boundaries*, Routledge 2005, 66**) have remarked, “Muslim politics involves the competition and contest over both the interpretation of symbols and control of the institutions.”
- 155 On the practical impact, see **Hakim al Karaoui and Benjamin Hodayé, *Les militants de djihad: Portrait d’une génération*, Fayard 2020, 101**, “Cette résistance à la sécularisation va au-delà de la simple pratique et du conservatisme. C’est également une identité, un positionnement politique et idéologique. En 2011, toujours selon l’IFOP, 60 % des sondés musulmans estimaient que l’interdiction du voile intégral dans la rue et les lieux publics était plutôt une bonne chose; taux divisé par deux en 2019, avec une grande différence selon l’âge : 70 % des moins de 25 ans considéraient qu’il s’agissait plutôt d’une mauvaise chose, contre 57 % des 25-49 ans et 44 % des 50 ans et plus. En 2011, 29 % des sondés pensaient que « la laïcité à la française doit être adaptée et aménagée sur certains points pour être compatible avec la pratique de l’islam » ; c’est 37 % huit ans plus tard. Enfin, aujourd’hui, 27 % des sondés sont d’accord avec l’idée qu’en France, « la loi islamique (sharia) devrait s’imposer par rapport aux lois de la République », chiffre qui rappelle celui établi par l’Institut Montaigne dans l’étude « Un islam français est possible » : 28 % des musulmans français interrogés

semblaient avoir adopté un système de valeurs incompatible avec celui de la République et revendiquaient une interprétation autoritaire de leur religion” and 231, “C’est pour cette raison qu’il n’est pas pertinent de les penser en termes d’obligation, ou de se demander si porter le voile relève d’une contrainte ou d’une décision volontaire : la norme est une forme de contrainte qui n’est pas pensée comme telle, justement parce qu’elle est normale. Toute la population de ces territoires n’adhère pas à ces normes, loin de là. Mais leur corpus forme un modèle, un mode de vie possible, qui ne choque pas et est conçu comme tout aussi légitime, puissant et convaincant que le corpus idéologique républicain. Les deux corpus normatifs, parce que difficilement compatibles en de nombreux points, sont concurrents, et l’islamisme transforme le possible citoyen en croyant affirmé.” The whole book is in one sense a meditation on this issue. So is **Bernard Rougier, *Les territoires conquis par l’islamisme, Paris 2020, Chapter 1, De l’Orient à l’Europe: islamismes et jihadismes en France.***

- 156 Both of which, of course, are as much the products of 18th and 19th century colonial taxonomies as any statue of a slave trader or imperialist. It is ironic that we may be seeing the social construction of an emergent multiple ethnogenesis on the basis of such taxonomies in western societies as a response to allegedly structural racially-based oppression. I am, of course, familiar with the claims, in Britain often drawing on the work of sociologists such as Stuart Hall and Charles Mills, and now on a range of Critical Race Theorists, that religious and other non-ethnic communal identities can be quasi-racialised. But sociology is as constructed as any other discourse. I do not regard it as Holy Writ. For a historically sober treatment of the matter, see **Henry Louis Gates Jr and Andrew S Curran, *Inventing the Science of Race, The New York Review of Books, 16 December 2021*** at <https://www.nybooks.com/articles/2021/12/16/inventing-the-science-of-race/>. Conversely, for the bizarre lengths to which promoters of Islamophobia as an idea will go in essentialising “the West” as an inveterate enemy of “Islam” see **Hassina Mechai, *Entretien avec Mohamad Amer Meziane, « La pensée décoloniale manque souvent de radicalité », L’Orient XXI, 18 February 2022*** at <https://orientxxi.info/lu-vu-entendu/la-pensee-decoloniale-manque-souvent-de-radicalite,5382>.
- 157 A deeply problematic concept at the best of times, as **Philips, Jenkins, Frampton 2019** demonstrates.
- 158 As an example of Islamist disdain, the reference by a Taliban official in early September 2021 to an uncovered woman as “a sliced melon” is perhaps the most rococo: see <https://twitter.com/ziashahreyar/status/1434893413988683784>. The usual claim is that uncovered women are like uncovered meat, surrounded by flies. Injunctions to dress modestly are frequently framed in terms of avoiding the ‘improper’ appearance of non-Muslims and accompanied by pejorative language about ‘the other.’ In 2002 the European Council for Fatwa and Research instructed Muslim women to wear the hijab in order to appear honest and decent, and to avoid being seen as a seductress or temptress. See **Karima Bennouna, *Your Fatwa Does Not Apply Here: Untold Stories from the Fight against Muslim Fundamentalism.* W. W. Norton &**

Company, New York, 2015, 119. An analogous claim perhaps – based in folk beliefs rather than jurisprudence but still highly coercive - is that recorded by **Lazreg 2009, 79** of a young Muslim woman who was told by her mother that, if a man saw a single strand of hair uncovered by a hijab, it would turn into “a big snake biting you” in the afterlife: see **Manea 2021, 41** for a similar story. This is not simply theoretical. Commenting on two recent feminicides in Egypt and Jordan, **Kareem Shaheen Troubling Rot: When one sex is seen as a mere accessory and subordinate to another, it’s no wonder that slaughter of the ‘lesser’ is the result**, *NewLines*, 24 June 2022 at <https://newlinesmag.com/newsletter/two-young-womens-vicious-murders-reveal-a-troubling-rot/> writes, “Naturally, some imbecilic commentators, such as a celebrity televangelist preacher (in a Freudian slip, I initially wrote ‘creature’) named Mabrouk Attia, saw fit to publish a psychotic video on social media urging women to wear the hijab to avoid being slaughtered by “drooling” men without means.” Attia’s comments have led to heated exchanges on social media, illustrating the centrality of the issue: see **Ahmed Shawkat, Woman’s gruesome murder and a sheikh blaming the victim reveal Egypt’s problem with violence against women**, *CBS News* 27 June 2022 at <https://www.cbsnews.com/news/nayera-ashraf-video-death-murder-egypt-violence-against-women/> and **Hatem Maher, Campus femicides in Egypt revive calls to strengthen laws against gender-based violence**, *ABC News*, 11 August 2022 at <https://abcnews.go.com/International/campus-femicides-egypt-activate-calls-strengthen-laws-gender-story?id=88236869>. Even if they are not murdered, the attitude produces predictably disastrous social consequences for women: see **Lyse Doucet, From Kabul and beyond, a year of Taliban rule in Afghanistan**, *BBC News*, 15 August 2022 at <https://www.bbc.co.uk/news/world-asia-62535300>.

159 And therefore their discursive constitution as subordinated social subjects.

160 A point well made by **Lazreg 2009, Chapter 5**. It was, of course, famously made in quite another context by **Roland Barthes, Le Plaisir du Texte, Seuil 1973**, «L’endroit le plus érotique d’un corps n’est-il pas là où le vêtement bâille ? Dans la perversion (qui est le régime du plaisir textuel) il n’y a pas de “zones érogènes” (expression au reste assez casse-pieds) ; c’est l’intermittence, comme l’a bien dit la psychanalyse, qui est érotique : celle de la peau qui scintille entre deux pièces (le pantalon et le tricot), entre deux bords (la chemise entrouverte, le gant et la manche) ; c’est ce scintillement même qui séduit, ou encore : la mise en scène d’une apparition-disparition.»

161 A point precisely made by Seyed Hossein Mousavi, the Director of the Islamic Centre of England and the representative of Ayatollah Khamenei in the UK, when in October 2022 he called the refusal of female protestors in Iran to wear the hijab a communal “poison”: see <https://twitter.com/kasraaarabi/status/1577700377356636161?s=43&t=r9CKlbivRsQYW2FMaOY1xg>.

162 Many Islamic scholars approve of compulsion in this area, even when women are unwilling, precisely so as to avoid fitna (see Note

26 above: in this case with its roots in a view of disruptive male desire and female desirability which may have worked for Tertullian but sits very awkwardly with contemporary western ideas of both: see for example **Nazih Ayubi**, *Political Islam*, **Routledge 1991, Chapter 2**, **Leila Slimani**, *Sexe et Mensonges*, **Paris 2017** and **Shereen El Feki**, *Sex and the Citadel: Intimate Life in a Changing Arab World*, **London 2013**) and to safeguard the soteriological community that is the ummah – the aggregate of the faithful around the world. **Hutchinson 1987** has chapter and verse. There is an excellent example of these arguments used by Islamic/Islamist groups and associations in Britain, **Important advice to the Muslim community in light of the debate over the veil**, **16 October 2006** at <http://web.archive.org/web/20090522090122/http://www.islam21c.com/british-affairs/important-advice-to-the-muslim-community-in-light-of-the-debate-over-the-veil.htm>. Every one of the signatories is male.

- 163 **Felix Rösch**, *The Human Condition of Politics: Considering the Legacy of Hans J. Morgenthau for International relations*, *Journal of International Political Theory*, **9(1) 2013**, 1–21 DOI: 10.3366/jipt.2013.0041. The quoted phrase is from **Anthony Giddens**, *The Constitution of Reality: Outline of the Theory of Structuration*. **Cambridge, 1984**
- 164 See **Rosenblatt 2018**. **Francis Fukuyama**, *Liberalism and its Discontents*, *American Purpose*, **5 October 2020** at <https://www.americanpurpose.com/articles/liberalism-and-its-discontent/> is a useful shorter account. As he remarks, “... liberalism was simply a pragmatic tool for resolving conflicts in diverse societies, one that sought to lower the temperature of politics by taking questions of final ends off the table and moving them into the sphere of private life.” It is precisely this privatisation of core principles and values and the distinctive moral autonomy that liberalism entails that Islamism cannot accept.
- 165 In practice at any rate: the establishment of the Church of England and the particular status accorded the Catholic Church in Italy, Spain, Ireland and France do not invalidate this claim, given the evolution of social attitudes and the steep decline in religious commitment in Europe in particular, but also now in the US. The contemporary position of the Orthodox Churches in Russia, Greece and the Balkans is more a function of history and nationalism than effective power. The Caesaro-Papism of the Byzantine emperors (in any case a highly complex phenomenon, as **Georg Ostrogrosky**, *Byzantinische Geschichte 324-145*, **Munich 1963** describes) is long gone.
- 166 The emergence in Christianity of the distinction between sacerdotium and regnum, spiritualia and regalia, the two Cities, the two Bodies and the two Swords is explored by **Peter Brown**, *Through the Eye of a Needle: Wealth, the Fall of Rome, and the Making of Christianity in the West, 350-550 AD*, **Princeton New Jersey 2012** – and indeed in his other works on late antiquity. It is the central theme of the remarkable **David Lloyd Dusenbury**, *The Innocence of Pontius Pilate*, **London 2021**. For subsequent doctrinal developments and the emergence of powerful theoretical

underpinnings for secular sovereignty see **O'Donovan and O'Donovan, 1999**; **Walter Ulmann, The Carolingian Renaissance and the Idea of Kingship, Routledge 1969**; **Peter Heather, The Restoration of Rome, Barbarian Popes and Imperial Pretenders, Picador 2013** and **Rome Resurgent, War and Empire in the Age of Justinian, OUP 2018, 19ff**; **RA Markus, Saeculum: History and Society in the Theology of St Augustine, CUP 1988**; **James M. Blythe, On the Government of Rulers: De Regimine Principum, University of Pennsylvania Press 1997** and **Ideal Government and the Mixed Constitution in the Middle Ages, Princeton 2014**; **Peter Wilson, The Holy Roman Empire: A Thousand Years of Europe's History, Penguin 2016**; **Heike Johanna Mierau, Kaiser Und Papst Im Mittelalter, Bohlau Verlag 2010**; and **Annabel Brett, Marsilius of Padua, The Defender of the Peace, Cambridge 2005**. The case of the Eastern Roman Empire was rather different of course. But even there, as **Ostrogorsky, 1963, 5**) notes, "So bleibt ein Übergewicht der kaiserlichen Gewalt über die kirchliche zu allen Zeiten das für Byzanz typische und sozusagen normale Verhältnis." The foundational texts in Christianity, of course, are **Matthew 22, Mark 12, Luke 20, John 18** and especially **Paul, Epistle to the Romans**, particularly 13.1ff, ("the powers that be") - key not just for the Lutheran reformers of the C16th, (**Quentin Skinner, The Foundations of Modern Political Thought: Volume 2, The Age of Reformation, 1978 Chapter 2**) but also during the German constitutional crisis of 1918/19 (see the brilliant exegesis by **Karl Barth, Der Römerbrief 1922, Zürich 2015, 500ff**). The Italian humanists and jurists in the emergent republics and other city states of the C12th to the C14th, caught up in the struggle between a newly assertive Papacy and the Empire, took their inspiration from Classical authors – mainly Latin, such as Sallust or Tacitus, but also from Aristotle's Politics, available in Latin translation, which saw politics as the conduct of mundane matters by ordinary people in a secular setting (see **Eamon Duffy, Saints and Sinners: A History of the Popes, Chapter Three**; and **Quentin Skinner, The Foundations of Modern Political Thought: Volume 1, The Renaissance 1998**). Taking their cue from Augustine (who was never influential in the Greek East, hence its rather different trajectory), the C16th reformers, such as Melancthon, Luther and (more pragmatically) Cromwell, saw the Church as the custodian of a moral and confessional not a mundane political order and therefore as having a solely pastoral not a jurisdictional role (**Skinner 1978, passim**). It is true that this caused them also to posit the necessity for a legitimate political order under a Godly Ruler. But this in turn led to the powerful reassertion by largely Spanish Dominicans and Jesuits – in the context of the Spanish conquests in South America - of the orthodox Thomist view that any human community could establish such an order without Christian revelation and could indeed maintain this order even if they rejected that revelation (**Skinner 1978, 167ff**: see also **Geoffrey Parker, Emperor: A New Life of Charles V, New Haven, Yale University Press 2019, Chapter 13** for further background to the Valladolid Debates and **Ryan R. Gorman (2010) War and the Virtues in Aquinas's Ethical Thought, Journal of Military**

- Ethics**, 9:3, 245-261, DOI: 10.1080/15027570.2010.510865 for an account of Aquinas' arguments). They went on to postulate that this meant the Pope had no power to order the alienation of the rights of the heathen.
- 167 In orthodox Islamic jurisprudence, the claims of prophetic authority and of the law flowing from that authority were and remain absolute. **Hazem Kandil, Inside the Brotherhood, Cambridge, 2015 (Kindle edition), 2950ff** is persuasive on the different historical trajectories of the Western and Islamic traditions. For powerful examples of the differences between the Islamic, Christian and Hindu cases see **Michael Cook, Ancient Religions, Modern Politics: The Islamic Case in Comparative Perspective, New Jersey, Princeton 2014**. **Aziz al Azmeh, Muslim Kingship, London 1997** discusses the transmission of ideas of absolute authority from ancient Near Eastern kingship through the eastern Roman empire to mediaeval Islamic polities. Even here, in the common areas of profane administration and the nature of kingly rule – mu'amalat and mulk - there is much continuity of practice. This is what Islamism overturns.
- 168 As it did from the late 19th century in majority Muslim states, with the introduction of constitutions and civil codes of law. This process of "Tajdid al fiqh" is explored in **Schacht 1964, 89 ff** and **Warren 2017**. Other jurists evolved the idea of dar al 'ahd – abode of the covenant – to match that of dar al salam and dar al harb (the abodes of peace and war – Islamic and non-Islamic societies respectively), fiqh al aqalliyyat and fiqh al da'wa (the jurisprudence of minorities and of preaching respectively, the former associated with more eirenic and the latter with more Islamist scholars: see **Jamal Malik, Fiqh al-Da'wa: The Emerging Standardization of Islamic Proselytism, Die Welt des Islams, Band 58, Ausgabe 2, 15 May 2018** at <https://doi.org/10.1163/15700607-00582P03> and **Abdullah Saeed, Muslims under non-Muslim rule: Evolution of a discourse** in **Anthony Reid and Michael Gilsenan, Islamic Legitimacy in a Plural Asia, Routledge 2007** at https://www.academia.edu/31701873/Anthony_Reid_Islamic_Legitimacy_in_a_Plural_Asia [BookZZ.org/pdf?email_work_card=view-paper](https://www.academia.edu/31701873/Anthony_Reid_Islamic_Legitimacy_in_a_Plural_Asia). For an interesting critique of the jurisprudence of minorities from an Islamic scholar, see **College Professor And Member Of Qatar-Funded International Union For Muslim Scholars (IUMS) Mutaz Al-Khatib: There Is No Need For Special Jurisprudence For Muslims Living In The West, MEMRI, 22 August 2023** at <https://www.memri.org/reports/college-professor-and-member-qatar-funded-international-union-muslim-scholars-iums-mutaz-al>.
- 169 Most Islamists will share some form of the key Qutbist doctrine of "tamkeen" – the building up of a core Islamic/Islamist community that can eventually challenge its host. The doctrine developed by Qaradawi and his allies of dar al da'wa – the abode of preaching/call – privileges the activist spreading of Islam among non-Muslims and foreshadows – as Qaradawi himself has said – the conquest of their spaces by both demographic and ideational change. See **Tommaso**

Virgili, Yusuf al-Qaradawi: *False Moderate and True Radical?*, Al Mesbar Studies and Research Centre, 27 March 2018 at <https://mesbar.org/yusuf-al-qaradawi-false-moderate-and-true-radical/>. Karaoui and Hodayé 2020 and Rougier 2020 both have good extended discussions of this phenomenon in the French context. Jakob Skovgaard-Petersen, *Brothers and Citizens: The Second Wave of Islamic Institutional Thinking and the Concept of Citizenship* in Nils Butenschön & Roel Meijer: *The Crisis of Citizenship in the Arab World*. Leiden, Brill, 2017, 320-37 at https://www.academia.edu/33042897/Brothers_and_Citizens_The_Second_Wave_of_Islamic_Institutional_Thinking_and_the_Concept_of_Citizenship?email_work_card=view-paper describes the sometimes tortured efforts by Qaradawi and others within the Muslim Brotherhood in Egypt, Syria and elsewhere to reconcile the demands of the shari'ah and modern electoral politics in diverse societies. But the basic principle that the community of believers must control the state remains a constant.

- 170 Islamism, that is, is a classic social movement, in the distinctive modern sense described (for example) by **Charles Tilly and Sidney Tarrow**, *Contentious Politics*, OUP 2015. The literature on this is huge and often itself contentious. But the broad outlines are clear. The specific characterisation of Islamism as revolutionary by definition is found, for example, in **L Carl Brown**, *Islamic Political Thought*, Chapter 17, **Hefner (ed)**, 2011, 407.
- 171 As **Leila Ahmed** 1992, 246 observes, “Such an assumption (viz that it is possible to recover, reproduce and apply the rulings on gender current among the first Muslims) fails to recognise that a society’s rulings in matters of gender form part of a comprehensive and integral system, part of a society’s variously articulated (socially, legally, psychically) discourse on gender, and thus that the transposition of a segment of the Arabian Muslim society’s discourse (even if this were absolutely ascertainable) to the fundamentally different Muslim societies of the modern world is likely to result not in the reconstruction of the first Arabian Muslim understanding of gender but rather in its travesty”. The general point is captured in the distinction drawn between “lived” and “textual” Islam by **Shahab Ahmed**, *What is Islam? The Importance of Being Islamic*, Princeton, New Jersey, 2016.
- 172 See **Corn** 2015, 5782 on Nasr Abu Zayd, the distinguished Egyptian scholar shamefully hounded by Islamists in the 1980s and 1990s: “Aussi, explique Abou Zeid, tout progress dans cette optique est ‘retour en arrière’ dans le temps, d’où l’importance symbolique de l’habillement, du voile et de la construction des mosques”. **Rashid** 2013 is enlightening on the centrality of the category “women” to the construction of a patriarchal and loyalist Salafi Islamism in Saudi Arabia. The discursive significance and control of women’s body as evidenced during the Arab Spring in particular is a major theme of **Maha El Said, Lena Meari and Nicola Pratt (eds)**, *Rethinking Gender in Revolutions and Resistance: Lessons from the Arab World**, Zed Books, 2015. See also **Ghazzali** 2021, “Das Dogma der Vollverschleierung ist nämlich nicht nur ein Werkzeug zur Unterdrückung und Aufrechterhaltung der Ungleichheit zwischen den Geschlechtern, sondern auch ‘der Kern des islamistischen politischen Projekts’, wie es die

schweizerisch-jemenitische Politologin Elham Manea formuliert.” The point was recently made explicit by the head of Iran’s judiciary, Gholamhossein Mohseni Ejei, “Removing one’s hijab is equivalent to showing enmity to the Islamic Republic and its values. People who engage in such an abnormal act will be punished”, **David Averre, Iran announces it will punish all women who violate Islamic dress code, despite protests over the death of woman arrested by morality police, Daily Mail Online, 6 March 2023** at <https://www.dailymail.co.uk/news/article-11826341/Iran-announces-punish-women-violate-Islamic-dress-code-despite-widespread-protests.html>. More generally, **Heiko Heinisch and others, Moscheen in Wien: Was hat sich seit der Veröffentlichung der Studie „Die Rolle der Moschee im Integrationsprozess“ im Herbst 2017 verändert?, Österreichischer Integrationsfonds, March 2023** at https://www.integrationsfonds.at/fileadmin/user_upload/Forschungsbericht_Moscheen_in_Wien.pdf documents multiple examples of contestatory illiberalism (from Vienna’s mosques, but more widely applicable).

- 173 Or by deploying politicians in support of events designed to promote veiling as a political project: see **Sean O’Neill, Livingstone asks controversial cleric to return, The Times, 13 July 2004.** <https://www.thetimes.co.uk/article/livingstone-asks-controversial-cleric-to-return-kh635l8p8x2> and **Faisal al Yafai, Livingstone attacks French headscarf ban, The Guardian 13 July 2004** at <https://www.theguardian.com/uk/2004/jul/13/schools.schoolsworldwide>, “Ken Livingstone yesterday hosted the first conference of a campaign to safeguard the right of Muslim women to wear the hijab or headscarf, and declared the ban in French schools the most reactionary proposal since the second world war. London’s mayor also railed against the “demonisation” of Islam in some British newspapers - and warned that in his second term he would examine whether media organisations’ recruitment policies reflected the diversity of the community. He was addressing the Assembly for the Protection of Hijab (known as Pro-Hijab), which holds that the right to wear the headscarf is a fundamental aspect of religious freedom.” This reflects an interesting tendency on the Left in particular to see any criticism of Islamic or Islamist practices as the illegitimate exercise of discursive power. In a more developed form this is visible in such auto-ethnographical products of the contemporary academy as **Guest, M., Scott-Baumann, A., Cheruvallil-Contractor, S., Naguib, S., Phoenix, A., Lee, Y. and Al Baghal, T. (2020) Islam and Muslims on UK University Campuses: Perceptions and Challenges. Durham: Durham University, London: SOAS, Coventry: Coventry University and Lancaster: Lancaster University** at <https://www.soas.ac.uk/representingislamoncampus/publications/file148310.pdf> which seems to see hostility to manifestations of an Islamic identity as discursively-coded prejudice, with no relation to any real-world experiences such as Islamist violence or opposition to western norms; the practices of Muslims themselves as discursively neutral; and any enquiry into these practices from a neutral or non-believing position as untenable. In this, I disagree with the otherwise well-argued position of **Raphael Cohen-Almagor, The Republic, Secularism and Security: France Versus the Burqa and the Niqab,**

Springer, 2022, “Liberal democracy invokes neutrality between different conceptions of the good”. I do not see how that is tenable when such conceptions clash. At the very least, the cases should be argued out in public not simply accepted as the natural order of things. Islamists and their allies certainly see the issue as revolving around the need to maintain political, cultural, social and economic separation from the host society: see *Stratégie de l’Action Islamique Culturelle à l’extérieur du Monde islamique: Stratégie adoptée par la neuvième Conférence islamique au Sommet tenue à Doha, Etat du Qatar, 2000, Organisation islamique pour l’Education, les Sciences et la Culture, Doha 2009* at http://incarnation.blogspot.com/files/StratégieExtVFLR1.pdf?utm_source=Middle+East+Forum&utm_campaign=4e4e328cc3-EMAIL_CAMPAIGN_2023_07_11_04_30&utm_medium=email&utm_term=0_086cfd423c-4e4e328cc3-%5BLIST_EMAIL_ID%5D.

- 174 **Mark Sedgwick, al-Qaeda and the nature of religious terrorism; in Terrorism and political violence Vol. 16, No. 4 (Winter 2004), pp. 785-814** (quoted in **Dr Sadek Hamid, Studies into violent radicalisation: The beliefs, ideologies and narratives, The Change Institute, February 2008** at https://www.academia.edu/718793/Studies_into_violent_radicalisation_The_beliefs_ideologies_and_narratives?email_work_card=view-paper), “Many political movements have to create their constituency. One of the major tasks of a nationalist or leftist movement is to encourage national or class consciousness, since it is only when a movement’s chosen constituency recognises that it exists that a movement can begin attracting support and recruits from it. An Islamic movement can skip this stage, since its chosen constituency – Muslims – is already very conscious of its existence; it only needs to be made into a political constituency.” This is not that remote from Carl Schmidt’s notion of the patrollable boundaries of the political community, a bulwark against those enemies who themselves define those boundaries.
- 175 The literature illustrating this is vast. For some examples see **Hamid 2008: David Thomson, Les Revenants, Seuil 2016; and Graeme Wood, The Way of the Strangers, Allen Lane 2018**. In this sense I agree with **Joan Wallach Scott, The Politics of the Veil, Princeton 2007**. But her apparent belief that *l’affaire des foulards* is simply the expression of various French socio-political pathologies and therefore reflects an illegitimate attempt to impose an oppressive and racist western patriarchal order on Muslims seems to me entirely misconceived, not least because it simply ignores the way in which Islamists use the issue of the veil for their own supremacist purposes. **John R Bowen, Why The French Don’t Like Headscarves, Princeton 2007** is a rather more measured account of the issues involved. But it still overstates the value of difference and understates the challenge of boundaries. The western democratic state is not an infinitely capacious box. **Elham Manea, Women and Shari’a Law: The Impact of Legal Pluralism in the UK, I.B.Tauris, 2016** is an eloquent and forceful rebuttal of such arguments.
- 176 See (clearly drawing on Herbert Marcuse) **Talal Asad, Formations of the Secular: Christianity, Islam, Modernity, Stanford 2003**. For a critique

- of Asad – and also of Wael Hallaq’s complementary work – see **Andrew F March, Political Islam: Theory, Annual Review of Political Science, 2015, 18:103–23** at https://www.academia.edu/24565842/Political_Islam_Theory_Annual_Review_of_Political_Science_vol_18_June_2015_pp_103_23?email_work_card=view-paper.
- 177 As **Anna Elisabetta Galeotti, Toleration as Recognition, CUP 2002** does. Her chapter on The Islamic Veil in Schools is important.
- 178 “The political philosopher Raymond Aron defined ideology quite precisely as ‘the synthesis of an interpretation of history and of a programme of action toward a future predicted or hoped for.’”: **Jacob Howland, Ideology Has Poisoned the West, UnHerd, 2 July 2022** at <https://unherd.com/2022/07/ideology-has-poisoned-the-west/>. Precisely so. The quote is from **Raymond Aron, The Opium of the Intellectuals, Taylor & Francis, 2001, xxiii**.
- 179 An interesting illustration of this, which is worth considering in some detail is **Rim-Sarah Alouane, The Weaponisation of Laïcité, Berkley Center, Georgetown University, 7 October 2020** at <https://berkleycenter.georgetown.edu/posts/the-weaponization-of-laicite#.X38vrY44eXo.twitter>. As the title of the piece suggests, this is a critique of French laïcité and by extension any attempt by a state to stigmatise dress, on the grounds that such actions are essentially Islamophobic. The argument relies on sleight of hand. It asserts that various forms of distinctively Islamic dress are not so much symbolically charged as “modest”. It then goes on to claim that banning or even questioning them does “harm” to Muslim women and reduces their “visibility” in the public space. But that “modesty” is defined by Islamic norms, weaponised by Islamists against a public norm which arose out of an intense and often brutal struggle between the state and the Catholic Church, designed to mediate the social tensions to which the period of revolution and reaction between 1789 and 1848 gave rise. That is why the issue is so heated in France in particular. The author’s reluctance or perhaps inability to engage with this historical causality is perhaps unsurprising since one of the manoeuvres characteristic of pro-Islamist argument is to cancel history and foreground revelation. And it is a set of claims based on “revelation” that decrees the appropriate form of “modesty” for Muslim (and in the longer term all) women. History is for others. Yet it is not Muslim women who are supposed to become invisible: it is any marker of religious difference. The author claims that all this is aimed mostly at Muslims. But that is because clothes in Islam are markers of difference in a way that is true in no other religion (even among highly orthodox Jews). This claim to “difference” brings in its semiotic train a set of much wider claims about virtue, legitimacy, righteousness and so forth – apparent, for example, in the words of Tawakkol Karman, tweeted out on 19 January 2022, World Hijab Day, namely “What I am today and what I am wearing (sc the hijab) represents the highest level of thought and civilisation that man (sic.) has achieved”: <https://twitter.com/WorldHijabDay/status/1483810436076158978>). And

it is precisely this set of claims that disturb the socio-political balance that “laïcité” was designed to achieve. There is a further point. In one passage the author uses the phrase, “the tragic events of 9/11”. But the significance of those events lies not in some notion of the casually callous ways of an unfeeling universe but in the deliberate decision of a group of Muslims to commit mass murder in pursuit of Islamist ideological ends. The word “tragic” here becomes a means of occluding the aetiology, the causation and the context of the acts. It becomes, that is, itself a veil.

- 180 A point made by **Lorenzo Vidino**, *Europe Frets, America Yawns: The Trans-Atlantic Gap on Domestic Islamism*, *The Hudson Institute*, 15 July 2020 at <https://www.hudson.org/research/16218-europe-frets-america-yawns-the-trans-atlantic-gap-on-domestic-islamism>. There is, of course, a long and honourable tradition within Islam of arguing the same points, most recently by scholars and hermeneuticists such as [Mohammad Arkoun](#) and [Nasr Abu Zayd](#) and a range of Muslim feminists (on which see the useful and concise, [Abu Zayd 2006](#) at https://www.academia.edu/5388777/Reformation_Of_Islamic_Thought_prof_Nasr_Abu_Zayd?email_work_card=view-paper). The fact that this debate is often marginalised by representatives of “official” Islam and Islamists themselves speaks volumes.
- 181 All points made during the Swiss debate on a referendum to ban on the veil by **Eric Gujer**, *Burka und Nikab sind die Wahrzeichen einer totalitären Ideologie – deshalb gehören sie verboten*, *Neue Zürcher Zeitung*, 19 February 2021 at <https://www.nzz.ch/meinung/der-andere-blick-weshalb-burka-und-nikab-verbotten-gehoren-ld.1602514?mktcid=sms&mktcid=Twitter>. In the words of **Adrian Vermeule**, “Who Decides?”, *The Postliberal Order*, 11 January 2022 at <https://postliberalorder.substack.com/p/who-decides>, “Just as someone or other must, necessarily, decide whether intoxicating liquors do or do not threaten ‘the peace and security of the many,’ so too someone or other must decide whether intoxicating ideologies or harmful social contagions or [pseudo-religious liturgies](#) will or will not be allowed. As in the market for goods, [so too](#) in the market for ideas: there is no choice between “regulating” and “not regulating.” Rather both markets are always already regulated; it is always a matter of whose conception of the common good is enforced.”
- 182 See **Lars Berger**, *Shari‘a, Islamism and Arab support for democracy, Democratization*, Volume 26, 2019 - [Issue 2](#), 309-326 at <https://doi.org/10.1080/13510347.2018.1527316>: “All of this explains why the differentiation between the view of Shari‘a as the word of God and Shari‘a as the human attempt to interpret the word of God is so crucial. Only in the latter case is it possible to reconcile Shari‘a with modern notions of human and women’s rights, which lie at the heart of a functioning democracy..... It thus becomes clear that it is not the widely shared preference for the Shari‘a-conformity of laws that is problematic, but the Islamist insistence on the unchanging nature of Shar‘ia.” This is not dissimilar to the claims – in many ways reflecting the Islamic modernists of the late C19th and early C20th - made by Rashid al Ghannouchi in his foundational work, *Al-Hurriyat al-‘Ammah Fid-Dawlah al- Islamiyyah* (Public

Liberties in the Islamic State). See **Nazek Jawad, Democracy in Modern Islamic Thought, British Journal of Middle Eastern Studies, Volume 40, 2013, Issue 3** at <https://doi.org/10.1080/13530194.2013.791138>: “Ghannouchi, on the other hand, explains that *ḥākimiyya*, as he understands it, ‘does not mean that God constantly intervenes in running the affairs of human on earth. He merely provides them with broad guidelines to help them make the right choices. The exercise of *ḥākimiyya* is therefore a human endeavour that involves interpreting divine guidelines and coming up with a new *ijtihād* whenever necessary.’” And there is perhaps a parallel in the evolving views of certain Sufi groups, notably in Morocco: see **Aziz al Kobaiti Idrissi., The Political Participation of Sufi and Salafi Movements in Modern Morocco: Between the ‘2003 Casablanca Terrorist Attack’ and the ‘Moroccan Spring’**. L., Ridgeon, (Ed.), *Sufis and Salafis in the Contemporary Age*, (91-104). London, 2015,.96: “Sufis neither condemn unveiled women nor censure modern means of entertainment” (quoted in **Nourhan Adel Mohamed, “Post -Islamist”Sufism? A Comparison between the Sufi Traditions of Egypt and Morocco** , British University in Egypt, 2018/2019 at https://www.academia.edu/39914079/Post_Islamist_Sufism_A_Comparison_Between_The_Sufi_Traditions_Of_Egypt_And_Morocco?email_work_card=view-paper. The problem that Ghannouchi and other Islamists still face, of course, is that set out by **Mohammad Fadel, Modernist Islamic Political Thought and the Egyptian and Tunisian Revolutions of 2011, Middle East Law and Governance, 25 March 2011** at https://brill.com/view/journals/melg/3/1-2/article-p94_10.xml: “Unlike other post-enlightenment traditions of political thought, modernist Islamic political thought retains an explicitly theistic metaphysics in which revelation retains a foundational role in establishing political legitimacy.”

183 It is also highly complex. Neither Hobbes nor Spinoza thought that religion should simply be banished from the public sphere (any more than medieval Muslim jurists thought religion should control every action of the legitimate ruler). Hobbes believed the sovereign had the right to determine societal beliefs. Both he and Spinoza feared the sedition that could arise from sectarian conflict, inflamed by clerical rivalries. In **A Letter Concerning Toleration** Locke famously refused to tolerate atheists (and indeed Catholics) on the grounds of the public interest. These are arguments not against religion itself but against certain forms of religion exercising undue influence on politics or making claims to exclusive privilege. See, for example, **Ritchie Robertson, The Enlightenment: The Pursuit of Happiness, 1680-1790, Allen Lane 2020, 136ff**; **Steven Nadler, A Book Forged in Hell: Spinoza’s Scandalous Treatise and the Birth of the Secular Age, Princeton 2013**; **Jonathan Israel, Enlightenment Contested: Philosophy, Modernity, and the Emancipation, OUP 2013, Chapter 24 -26**; **Alasdair McIntyre, After Virtue; John Gray, Enlightenment’s Wake, Routledge 1995** and **Seven Types of Atheism, Penguin 2018**. **Rudolf Otto, Das Heilige, Munich 2013** (a reprint of the 1936 text) is a classic statement of the human importance of the numinous.

184 There is certainly evidence in the MENA region for a decline in religiosity, particularly among young people: see the Arab

Barometer findings at https://www.arabbarometer.org/wp-content/uploads/ABV_Youth_Report_Public-Opinion_Middle-East-North-Africa_2019-1.pdf. **Ignace Dalle, Ces athées (presque) invisibles dans le monde arabe, OrientXXI, 14 June 2016** at <https://orientxxi.info/magazine/ces-athees-presque-invisibles-dans-le-monde-arabe.1363> chronicles a possible rise in atheism; and **Mansour Moaddel, Changing Values in the Middle East: Secular Swings and Liberal Leanings, Tony Blair Institute for Global Change, September 2021** at https://institute.global/sites/default/files/2021-09/Tony%20Blair%20Institute%2C%20Changing%20Values%20in%20the%20Middle%20East%2C%20Secular%20Swings%20and%20Liberal%20Leanings%2C%20September%202021_0.pdf is fascinating on the general direction of change in the Middle East and North Africa: but it is perhaps not so much about a decline in religiosity as a desire to remove religion from politics: that certainly seems to be the message of the polling described in **Multiple Authors, Think Again: Inside the Modernisation of the New Middle East, Tony Blair Institute for Global Change, 14 July 2022** at https://institute.global/policy/think-again-inside-modernisation-new-middle-east?mc_cid=f9ef72608d&mc_eid=1b3fcc09af. Even the relentlessly data-driven analysis by **Ronald F Inglehart, Giving Up on God, The Global Decline of Religion, Foreign Affairs September/October 2020** at <https://www.foreignaffairs.com/articles/world/2020-08-11/religion-giving-god> (drawing on his major study, **Religion's Sudden Decline: What's Causing it, and What Comes Next? OUP 2021**) recognises the resistance of Islam to secularisation. There is some evidence of this from Iraq - admittedly a distinctive environment - in **Renad Mansour and Benedict Robin-D'Cruz, Understanding Iraq's Muqtada al-Sadr: Inside Baghdad's Sadr City, Chatham House, 8 August 2022** at <https://www.chathamhouse.org/2022/08/understanding-iraqs-muqtada-al-sadr-inside-baghdads-sadr-city>. **Dale F Eikelman, Clash of Cultures, Their Publics, and Islam** in (various eds) **Intellectuals in the Modern Islamic World, Routledge 2006** available at https://www.academia.edu/868180/Intellectuals_in_the_modern_Islamic_world_transmission_transformation_communication?email_work_card=view-paper has been overtaken by events but has some relevant observations. And there is a wider point that Inglehart ignores - the dependence of the present on the achievements of the past. As **Gray 1995** has argued, there are two sides to Liberalism and to the Enlightenment. The first is the need to challenge authority. This developed in a specifically Christian context, which from the beginning was characterized by a quasi-Socratic habit of debate and argument and, under the influence of certain Enlightenment thinkers and then Cardinal Newman and others, developed a doctrine of the possibility of historical evolution in the understanding of revelation - in a Hegelian sense the development over time of human reason, itself reflecting divine reason - ὁ λόγος: see **Ian Ker, John Henry Newman, OUP, 1988 index sv Newman, Revelation**. Muslim modernists such as Nasr Abu Zaid and Abdolkarim Soroush,

for example, have been advocates of a similar process within Islam (see **Charles D Fletcher**, *The Methodology of Abdolkarim Soroush: A Preliminary Study*, *Islamic Studies*, Vol. 44, No. 4 (Winter 2005), 527-552 at https://www.jstor.org/stable/20838991?read-now=1&refreqid=excelsior%3Afaaf853e1ecfdf3ec728465722e44b57#page_scan_tab_contents and **Abdolkarim Soroush**, (tr Mahmoud and Ahmed Sadri), *Reason, Freedom and Democracy in Islam*, OUP 2002). But the habit is not easily transferable to a context where the prophetic and behavioural example of the Prophet as revealed in the Qur'an and the Hadith is the basis of law and, at least jurisprudentially, analogical and syllogistic reasoning has been the norm (on which **Roy Mottahadeh**, *The Mantle of the Prophet: Religion and Politics in Iran*, OneWorld Publications, 2008 is illuminating: see also **Kuru 2019**). Another obstacle is the dominance in recent times of literalist ("athari") readings of the sacred texts : on this see **Jeffrey R Halverson**, *Theology and Creed in Sunni Islam: The Muslim Brotherhood, Ash'arism, and Political Sunnis*, Palgrave Macmillan, 2010 available at https://www.academia.edu/30673118/Theology_and_Creed_in_Sunni_Islam_The_Muslim_Brotherhood_Ash_arism_and_Political_Sunnism_By_Jeffrey_R_Halverson?email_work_card=view-paper. The other side is to assume that Western societies can simply start afresh without recourse to the Christian past. The challenge is perhaps to hold the balance in a world where 'secularism' is no longer a neutral position. The reconversion of Hagia Sophia into a mosque is perhaps the most powerful recent symbol of this post-secularist age. An atheistic void will simply be filled by other versions of the "sacred", less attuned to Enlightenment values.

185 Even if only in the guise of what some critics call liberal sacramentalism, the ritual worship of Reason through a liturgy of approved positions: see (with caution) the Catholic integralist analysis of **Adrian Vermeule**, *Liturgy of Liberalism*, *FirstThings*, January 2017 at <https://www.firstthings.com/article/2017/01/liturgy-of-liberalism>. Vermeule, along with the more communitarian Patrick Deneen and Sohrab Ahmari, represents a small but interesting movement in the US informed selectively by the thought of Aristotle, Aquinas, Herder, Fichte, Joseph le Maistre, Tocqueville, Charles Maurras and other counter-enlightenment figures who see in natural law theory, the dream of an unalienated past, ultramontane Thomist Catholicism and other forms of non-individualistic belief and organisation a charismatic counterbalance to a disenchanted world and an exaggerated emphasis on personal rights rather than communal obligations and the pursuit of the common good: Vermeule gives an account of the fundamental principles in *Catholic Constitutionalism: A Primer*, *Ius et Iustitium* 8 November 2021 at <https://iusetiustitium.com/catholic-constitutionalism-a-primer/> and **There is no conservative legal movement**, *The Washington Post*, 6 July 2022 at <https://www.washingtonpost.com/outlook/2022/07/06/epa-roberts-conservative-court-libertarian/>. For Vermeule in the latter

case originalism and textualism (and judicial restraint) may look like watchwords he shares with Islamists. But the US Constitution is not Holy Writ. There is an excellent (and spiky) exchange on this subject starting with **Kim R Hughes, *The fallacies of the common good, The New Criterion, Vol 40, No 5, January 2022*** at <https://newcriterion.com/issues/2022/1/the-fallacies-of-the-common-good>. And for a hostile – and sometimes sneering - reading of the whole movement see **Charles King, *The Antiliberal Revolution: Reading the Philosophers of the New Right, Foreign Affairs, July/August 2023*** at <https://www.foreignaffairs.com/reviews/antiliberal-revolution>. A similar point was made in a different way by **Max Weber, *Wissenschaft als Beruf, Berlin 1918/2018*** “Es ist wie in der altern, noch nicht von ihren Göttern und Dämonen entzauberten Welt, nur im anderem Sinne: wie der Hellene einmal der Aphrodite opferte, und dann dem Apollon und vor allem jeder den Göttern seiner Stadt, so ist es, entzaubert und entkleidet der mythischen aber innerlichen wahren Plastik jenes Verhaltens, noch heute.“ Jürgen Habermas notoriously claimed at a Heidelberg centenary conference in 1964 that Schmitt was a “legitimate pupil” of Weber. On all this see **Pedro T Magalhães, *A Contingent Affinity: Max Weber, Carl Schmitt, and the Challenge of Modern Politics, Journal of the History of Ideas, vol. 77 no. 2, 2016, 283-304, Project MUSE*** at [doi:10.1353/jhi.2016.0018](https://doi.org/10.1353/jhi.2016.0018).

186 The subject of a well-known essay by **Jürgen Habermas, *Notes on a Post-Secular Society, New Perspectives Quarterly 25:17–29H*** at <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1540-5842.2008.01017.x> and <http://www.signandsight.com/features/1714.html> and another by **Charles Taylor, *The Polysemy of the Secular, Social Research, Vol. 76, No. 4, The Religious-Secular Divide: The U.S. Case (WINTER 2009), pp. 1143-1166*** at <https://www.jstor.org/stable/40972206?seq=1>. The latter concludes, “The state can be neither Christian nor Muslim nor Jewish: but by the same token it should also not be either Marxist, nor Kantian, nor Unitarian.” The trouble is that erasing the aetiology of a state – and therefore its own history – is likely fatally to weaken it as a legitimate and consensual political community. There is an excellent review of the debate in **Andrew March, *Political Islam: Theory, Annual Review of Political Science, vol. 18 (June 2015), 103–23*** at https://www.academia.edu/24565842/Political_Islam_Theory_Annual_Review_of_Political_Science_vol_18_June_2015_pp_103_23?email_work_card=view-paper and a full and illuminating discussion of the issue from a different perspective in **Rogers Brubaker, *Grounds for Difference, Cambridge MA, Harvard University Press, 2015***, particularly Chapters 3 and 5. **Manea 2021, Chapter 8** is also excellent. For the specific case of Islamist groups in the UK see **Damon L Perry, *Mainstream Islamism in Britain: Educating for the “Islamic Revival”, The Commission for Countering Extremism, September 2019*** at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/836571/Mainstream-islamism-in-britain-education-for-the-islamic-revival.pdf. One of the points I take Pope Benedict XVI to have been making in his 2006 Regensburg Address (available at <https://www.vatican.va/content/>

[benedict-xvi/en/speeches/2006/september/documents/hf_ben-xvi_spe_20060912_university-regensburg.html](https://www.benedict-xvi/en/speeches/2006/september/documents/hf_ben-xvi_spe_20060912_university-regensburg.html)), was (as Cardinal Newman, drawing on Aquinas and Spinoza and other Enlightenment thinkers, had emphasised before him) the essentially rational nature of God in Christian thought and therefore the compatibility of Christianity, science and the so-called secular. This is not the case for Islamists (though represents a strong historical current within Islamic theology, jurisprudence and philosophy and is perfectly possible within the wider contemporary Islamicate thought-world: for contemporary examples see **Suha Taji-Farouki (ed), *Modern Muslim Intellectuals and the Qur'an*, OUP 2004**; and for the broader context **Jeffrey R. Halverson, *Theology and Creed in Sunni Islam: The Muslim Brotherhood, Ash'arism, and Political Sunnism*, Palgrave Macmillan 2010** (available online at https://www.academia.edu/30673118/Theology_and_Creed_in_Sunni_Islam_The_Muslim_Brotherhood_Ash_arism_and_Political_Sunnism_By_Jeffrey_R_Halverson?email_work_card=view-paper). For the implications for Islamism of the historic suspicion of philosophy within the Sunni Islamic tradition see **Lahouari Addi and Nadia Aqsous, *Che ruolo ha la filosofia nell'islam?* ORIENTXXI, 5 November 2022** at <https://orientxxi.info/lu-vu-entendu/che-ruolo-ha-la-filosofia-nell-islam,5994>.

- 187 **Shadi Hamid, *America and the "Problem" of Islam*, *Current Trends in Islamist Ideology*, 23 August 2022** at <https://www.hudson.org/foreign-policy/america-and-the-problem-of-islam> is an agonised recent attempt to think this through in the context of the Middle East and North Africa. A mark of the confusion such efforts produce is the awkwardness in trying to impose categories such as Left or Right on Islamists, even allowing for the fact that they exist regionally in a context of authoritarian "classless politics". This in turn suggests – like the vacuity of the terms "moderate" or "extremist" – that Islamism deliberately evades western categories. If you take the recent trajectory of the Egyptian Muslim Brotherhood, this evasion may also represent an unwillingness to make hard choices: see **Abdelraham Ayyash, *Egypt's Muslim Brotherhood Faces an Existential Crisis*, *New Lines*, March 2023** at <https://newlinesmag.com/argument/muslim-brotherhood-faces-existential-crisis/>.
- 188 **Brubaker 2015, 5**. See also **Aslan 2017**, "Auch andere Arbeiten zur Migrationsforschung sind zur Erkenntnis gelangt, dass Menschen in der (erzwungenen) Emigration der Religion gemeinhin höhere Bedeutung beimessen, als sie das zuvor, als sie selbst Teil der Mehrheitsgesellschaft waren, taten. Dazu kommt, dass im Zuge der wachsenden Anzahl muslimischer MigrantInnen nach Europa deren Religion immer stärker in den Fokus der öffentlichen Diskussionen rückt." For a representative account of Islamist approaches to human rights, see **Moataz El Fegier, *A Tyranny of the Majority?* *FRIDE Working Papers* 113, 2012** at https://www.files.ethz.ch/isn/153540/WP_113_Islamists_Ambivalence_about_Human_Rights.pdf. For a fascinating and detailed insight into the sort of micro-debates within Islamist circles on the permissible

in Islam – in this case music, singing, chanting and recital – see **Behnam T. Said, *Hymnen des Jihads*, Würzburg 2016, 85f (Musik, Islam und Islamismus)**. This debate is reflected in the reluctance of some Muslim parents in the UK to allow their children to engage in music of any sort in schools. The document from the **Muslim Council of Britain, *Towards greater understanding: Meeting the Needs of Muslim Pupils in State Schools*, MCB 2007** at <http://image.guardian.co.uk/sys-files/Education/documents/2007/02/20/Schoolinfoguidance.pdf>) acknowledges that music is part of the national curriculum but unhelpfully frames opposition to its inclusion in terms of resistance to licentiousness or immoral behaviour, and suggests that parents may ask to see the syllabus or pieces of work. This is likely to have a profound social impact. For an indication from France (but the lesson is more widely applicable) of what this might look like, see **Guillaume Descours “L’islamisme a pénétré la société et en particulier l’école”: le dur constat de Jean-Pierre Obin sur la laïcité**, RMC, 9 December 2021 at <https://rmc.bfmtv.com/emission/l-islamisme-a-penetre-la-societe-et-en-particulier-l-ecole-le-dur-constat-de-jean-pierre-obin-sur-la-laicite-2052370.html>. For some of the legal and constitutional implications of this, as reflected in the Middle East and North Africa, see **Nimer Sultany, *Religion and Constitutionalism: Lessons from American and Islamic Constitutionalism*, Emory International Law Review 2014** at https://www.academia.edu/7982843/Religion_and_Constitutionalism_Lessons_from_American_and_Islamic_Constitutionalism?email_work_card=view-paper. And for a wider view of the attempt by Islamists and their allies to dictate social norms in the UK see **Tom Slater, *The shameful story of Britain’s backdoor blasphemy laws*, Spiked, 12 March 2023** at <https://www.spiked-online.com/2023/03/12/the-shameful-story-of-britains-backdoor-blasphemy-laws/>.

189 **Zaqzouq 2008, 8** says that “wearing the niqab is not a matter of personal liberty but rather an abuse of this liberty, as it (sc obscuring the face) goes against human nature, is contrary to the interest of society and in addition is an offence against religion and a distortion of divine teachings.” (My translation/underlining.). This, of course, recognises, as orthodox contemporary Islamic jurisprudence does, that the interests of state and society count when considering questions of personal behaviour. We do not live in an Islamic state, so Islamic jurisprudence does not apply. But if Islamists accept the principles of “*maslahah*” (the wider interest that Islamic law is supposed to serve) or “*maqasid*” (the wider ends of a political community”) for their own purposes, then they cannot deny them to others – however different may be the means of discovering where that interest lies in the Islamic and non-Islamic traditions.

190 See **John C Pinheiro, *Liberalism and Leo XIII*, Public Discourse, 25 January 2023** at <https://www.thepublicdiscourse.com/2023/01/86614/>. And remember, “Such is the case even with the modern, rationalized form of legitimacy as legality, since it is “still conditional upon the belief that formal equality, impersonal rule, and abstract procedural fairness represent or embody deeper

- normative values””: **Magalhaës 2016, 289** (the embedded quote is from **Andreas Kalyvas, Democracy and the Politics of the Extraordinary: Max Weber, Carl Schmitt, and Hannah Arendt CUP 2008, 50 n21**). The point – as Weber himself famously argued in **Politik als Beruf** – is that any system of laws contains within it its own normative assumptions. Under other assumptions, it will fail the test of legitimacy. And it can be overturned entirely in a Schmittian act of exception. It is not, therefore, invulnerable or endlessly adaptable. Recognising and defending the normative assumptions of liberalism is important, as **Richard Wolin, The Cult of Carl Schmitt, Liberties Journal, Vol 3, No 1, Autumn 2022** at <https://libertiesjournal.com/articles/the-cult-of-carl-schmitt/> argues (against Vermeule, Deneen, a variety of Leftist authoritarians and by extension the illiberal democrats of Islamism).
- 191 As a cursory glance at **Skinner 1978** and **1998** would make clear. **Dale F Eickelman, Clash of Cultures” Intellectuals, their publics and Islam, Chapter 14** in **Stéphane A Dudoignon, Komatsu Hisao, and Kosugi Yasushi (eds). Intellectuals in the Modern Islamic World, Routledge 2006** at <https://www.taylorfrancis.com/books/oa-edit/10.4324/9780203028315/intellectuals-modern-islamic-world-stephane-dudoignon-komatsu-hisao-kosugi-yasushi> addresses the same challenge for the Islamic world. The issue lies at the heart also of Asef Bayat’s work on “Post-Islamism”. The relentlessly grim cheerfulness of convinced secularists such as Steve Bruce (<https://www.chester.ac.uk/cfpp/research/staff/prof-s-bruce#:~:text=Steve%20Bruce%20is%20Professor%20of,complex%20contours%20of%20secularisation%20theory>) seems to me forced. **David Voas, The Future of Europe: secular but not secularist, diverse but not divided, Engelsberg Ideas 21 June 2022** at <https://engelsbergideas.com/essays/the-future-of-europe-secular-but-not-secularist-diverse-but-not-divided/> is more nuanced. **Peter E Gordon, Migrants in the Profane: Critical Theory and the Question of Secularization, Yale, 2020** is excellent, addressing Habermas’ comment, that the challenge for the Frankfurt School was “...how to save the truth content of religious traditions for the sake of secular modernity while denying at the same time its very foundation in religious belief.” Exactly so.
- 192 A point made by both Weber and Schmitt from different directions: see **Magalhaës 2016**. There has been a vast literature on the subject in the 100 years since both men wrote.

Part 4 - 'Let Us Talk': On the Veil and the Functioning of the Liberal Order

Prof Dr Elham Manea

‘Let Us Talk’: On the Veil and the Functioning of the Liberal Order

Prof Dr Elham Manea

‘Let Us Talk’ is the title of a campaign by Middle Eastern female activists in response to the defamation they have been enduring in western democracies; in it, they describe their experiences of compulsory veiling in their home countries.

Obviously, their experiences do not fit the postmodern narratives of a ‘personal choice’, ‘empowerment’ and the exercise of a ‘religious obligation’ so often heard in this part of the planet. Theirs are traumatic experiences, involving violence and painful journeys of emancipation. Instead of finding opportunities to engage in discussions about the veil, they are often accused of Islamophobia.

The campaign started on 28 December 2021. On Twitter, the Iranian activist Masih Alinejad noted the difference in Iran and the West in the treatment of women choosing not to wear the veil.⁴¹⁹ She then asked for a discussion about the veil and encouraged women to share their stories with photos.⁴²⁰



419. Masih Alinejad, 28 December 2021: <https://twitter.com/AlinejadMasih/status/1475916353118912524>. "In Iran I was told if I don't wear hijab, I get kicked out from school, I get jailed, lashes, beaten up, and kicked out from my country. In the West I'm told, sharing my story will cause Islamophobia. I'm a woman from Middle East and I am scared of Islamic ideology. Let us talk."

420. Masih Alinejad, 28 December 2021: <https://twitter.com/AlinejadMasih/status/1475926450599600133?s=20>.

It went viral.

What started the campaign in the first place? Yasmine Mohammed, a Canadian women's rights activist and author of *Unveiled*, along with

another leader of the campaign, says it was sparked by the retraction on 23 December 2021 of an opinion column from the Canadian Medical Association Journal (CMAJ).⁴²¹

The column, published on 20 December 2021, was written by Dr. Sherif Emil, a distinguished Canadian professor of surgery and paediatrics at McGill University, a man with Egyptian roots. He protested the use of an image of two girls, probably about 3 or 4 years old, one covered in hijab, as a symbol of diversity and inclusion.⁴²² The image accompanied an article on the application of these very principles in medical care.⁴²³

Emil's article was nuanced but clear. He said he "respects the choice of women to express their identity as they desire", and that the "harassment" and "discrimination" some women face "for their choice to wear the hijab" is "real" and "wrong". He then added: "But respect does not alter the fact that the hijab, the niqab and the burqa are also instruments of oppression for millions of girls and women around the world who are not allowed to make a choice."⁴²⁴

His column could have opened a space for discussion on the logic of using such an image as a sign of diversity and the rationale behind a young child wearing a veil, given that the argument for the veil is to conceal a woman's sexuality. Instead of a discussion, an uproar ensued. Conservative Islamic organisations protested, accusations of Islamophobia were tossed around, and within three days the journal retracted and apologised for the "considerable hurt that many people across Canada have experienced from reading this letter".⁴²⁵

There is something very peculiar about all of this.

Open-minded opinions like his, based on genuine lived experiences, are simply ignored and literally erased. And this censorship is taking place in a supposedly liberal democratic context, where freedom of opinion and expression is theoretically enshrined as a basic human right. But apparently this right is no longer basic, or treasured, nor is it longer guaranteed. Not if you dare to veer away from a pre-prepared narrative on harmful speech.

Sir John Jenkins is right to say this in his paper 'Boris and the Burqa' that "What is actually at stake, as public expectations of the acceptable and the tolerable are step by step narrowed down, is the functioning of the liberal order that we take for granted." This is precisely what is at stake.

Freedom of opinion and speech is not some kind of extra, to be used as a cheerful slogan whenever we see fit. It has a purpose: to speak truth to power, to challenge hegemonic authoritarian and religious orders, and to push for reforms and for the protection of individual basic rights. How are we going to criticise the harmful aspects of social and religious practices and customs, if the immediate reaction is accusations of Islamophobia? How do we address the totalitarian nature of Islamist ideology? How do we expose human rights violations, or push for reforms in religion? How do we do any of that if our voices are immediately defamed, labelled, silenced and erased? This is what I would expect in an authoritarian regime, a dictatorship, a theocracy—not in western liberal democracies.

421. Andreia Nobre, Hundreds of Women Speaking Out against Compulsory Hijab Despite Threats ... and accusations of "islamophobia", *The Fourth Wave 4W: Feminist Views*, 13 January 2022. <https://4w.pub/let-us-talk-women-campaign/>.

422. Sherif Emil, Don't use an instrument of oppression as a symbol of diversity and inclusion, 20 December 2021. (Retracted from Canadian Medical Association Journal, and published in the US National Library of Medicine). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8687514/>.

423. Gary Bloch and Linda Rozmovits, Implementing social interventions in primary care, *Canadian Medical Association Journal*, 8 November 2021. <https://www.cmaj.ca/content/193/44/E1696>; DOI: <https://doi.org/10.1503/cmaj.210229>.

424. Sherif Emil (20 December 2021), op. cit., emphasis added.

425. Retracted letter: "Don't use an instrument of oppression as a symbol of diversity and inclusion", *Canadian Medical Association Journal*, 23 December 2021. (Published by the US National Library of Medicine). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8730809/>.

So, let us talk! Really talk.

Let us discuss the veil — in all its complex dimensions. Let us deconstruct it, without erasure, without trying to stop the discussion before it starts.

In the following sections, I will first expand the boundaries of this discussion by looking at how the niqab is being described and addressed in the MENA region (the birthplace of this custom). In a second section I will introduce two normative tools, the Essentialist Paradigm and Identity Leftist to explain the current constraints imposed on questioning the veil. Finally, I will describe the context of the veil. Context, I argue, remains central to understanding the power and patriarchal dimensions attached to this piece of cloth.

Before I begin, let me make one essential note. All of my Yemeni female family members, with the exception of a very few educated women, wear the *Sharshaf*, a garment from Turkish custom: two pieces of black cloth that cover the woman from head to toe, along with two other pieces -- one that covers the face but leaves the eyes visible, and the other that hides the rest of the face. Half of my Egyptian female family members wear the headscarf. I have lived in many Arab and Islamic countries, and worked and taught in Yemen; and since moving to Switzerland three decades ago, I have conducted extensive field research in Muslim majority countries and within Muslim communities in the UK and South Africa. I am very critical of the veil, and understand how its social, patriarchal and religious context can push for veiling -- but I respect and care for all Muslim women, whatever their choices about veiling.

The Niqab and its Critics in the Arab MENA Region

Sir John Jenkins used an article by former Prime Minister Boris Johnson as a starting point. This writer has little sympathy for Johnson, but his article is a good start for our discussion.

The point of Johnson's 2018 article was to object to a planned niqab ban in Denmark. He was in fact defending women's right to wear the niqab. But whilst defending that right, he compared the niqab wearers' appearance to "letter boxes" and "bank robbers".⁴²⁶

This author has heard a range of similar descriptions of the niqab across the MENA region. Those who have criticised it have called it a tent, a coffin, a ninja, a black garbage bag, a ghost, a crow, and a shameful disgrace. All this was said in Arabic.

Some examples are warranted.

Dalia Wasfi is an Egyptian women's rights activist. She has defended a woman's right to take off the headscarf and niqab in Egypt — a trend that started after the 2011 Arab uprisings.

Through her public work and media appearances, she made visible the type of intimidation and violence some young women experience in Egypt, when they 'choose' to take off the headscarf and the niqab.⁴²⁷ In a famous appearance on a talk show with Joumana Haddad, the Lebanese feminist and poet, Wasfi described the niqab as a "tent". In wearing the niqab, she said, a person:

426. Boris Johnson, Denmark has got it wrong. Yes, the burka is oppressive and ridiculous – but that's still no reason to ban it, 5 August 2018. <https://www.telegraph.co.uk/news/2018/08/05/denmark-has-got-wrong-yes-burka-oppressive-ridiculous-still/>. The article was originally published in *The Daily Telegraph*. For free access to it, see Johnson's website: <https://www.boris-johnson.org.uk/news/denmark-has-got-it-wrong-yes-burka-oppressive-and-ridiculous-thats-still-no-reason-ban-it>.

427. The daily Egyptian opposition newspaper, *Al Dostor*, wrote about such cases of intimidation and violence in families and in schools, including the beating and shaving of women's heads. See: Heidi Hamdi, The Chapter (Surah) of Oppression: Young Women recount the painful experience of being forced to wear the veil, *Al Dostor* (Arabic), 1 May 2017. <https://www.dostor.org/1387288>.
عاجوا نيووري ثنايتف... روقلا قروس، «يديمح يدياه
عاجوا نيووري ثنايتف» (1 ويا م 2017) «باجحلا لىع رابجالا قبرجت
،روشندلا

... conceals his/her identity. One does not know if this person is male or female, and the niqab degrades the dignity of a woman. This is a person erased from existence. Everything is concealed, everything in it, including its shape, features, voice, movement and being, [all] is completely hidden; an insulating framework is placed between the woman and the society in which she lives. The niqab wearer is something similar to a tent that isolates her from society.⁴²⁸

Joumana Haddad herself described the niqab in her 2014 published play as a 'coffin', a 'ninja' and a 'black garbage sack'. The play portrays five women in a dialogue with a man: a single woman, a niqabi woman, a female sex worker, a queer woman, and a curvy woman. Each had a word written across her forehead. The niqabi has the word *ninja* on her forehead. The niqabi woman addresses the 'man', pointing to her niqab, and asks him, "Have you ever tried to wear this?" She describes it to him:

A coffin, for sure, a coffin and it is riding me. He says I am an Awrah [intimate sexual parts of the body in Islamic tradition], all of me is Awrah: my body, my hands, my hair, my lips... even my voice is Awrah. I have to hide and shut up, so these animals [men] do not see or hear me and sin. The fault is with them and the punishment for me. They suffocated me when I was 11 years old. I became a black garbage bag for your sake. When I see the workers gathering up the garbage bags, I imagine they are carrying me with them. I am telling you I was 11 years old! Because I had my period. Meaning I became a woman. Meaning dirty. Woman? At 11? I was still playing and did not understand a thing. They say this is God's justice. Really? They say God wants this. Oh, if I could just go up to him and tell him what I really think!⁴²⁹

Her play was performed in Beirut between September and October of 2016. These very words were uttered in an artistic adaption that saw the niqabi woman taking off the niqab, and talking to an absent female geologist.⁴³⁰

The famous Egyptian reformist theologian, Jamal Al Banna (ironically the brother of Hasan Al Banna, who founded the Muslim Brotherhood), argued in a 2012 article that a woman who wears the niqab looks like a ghost and a black crow, and that it is a shameful disgrace. He says:

To be clear here, by niqab we mean the garment that veils a woman from her head to her feet, with the exception of one or two openings for the eyes, and that is usually black in colour so that the woman looks like a ghost or a black crow. This is the niqab that we consider to be a shameful disgrace because it obliterates her personality and erases her freedom, and prevents her from playing an effective role in society.⁴³¹

These examples are only a few of many. They highlight how Arabic-speaking critics of the niqab portray it today. Some descriptions may surely be offensive. Freedom of expression includes the right to offend.

Significantly, as these people expressed their opinions, they had

428. Word of Truth Show, November 2019: The Veil, between taking it off and being forced to wear it, *Al Hurra*, قح فليلك جمان رب، «ضرر فليلك او غل خال نيب با جرحا»، (2019 ريب ففون) «انق .. قرحا» <https://www.youtube.com/watch?v=L9tBc0WZVbg>. Translation by author.

429. Joumana Haddad, 2014, *Cage*, Play, in Arabic, Beirut: Dar Nawfal, Ebook, First Act, Location 164 of 1146 on the Kindle. دادح قنامج، «ينور شكيل الال اة حسينلا، في حريم، صنفق» (2014) «لغفون راد: نتوري». Translation by author.

430. Watch the entire play on Joumana Haddad's public Facebook page: <https://www.facebook.com/watch/?v=1883908025011570>

431. Jamal Al Banna, When will the nation of Muhammad be liberated from its sacred superstitions? "The Niqab", Modern Diskussion, 18 January 2012. <https://www.ahewar.org/debat/show.art.asp?aid=291925>. «باقولنا»، «فقد قلا اهان فارخ نم دمحم قما رحنت ىتم»، (2012 ريباني 18) : ندمتيلما راولحلا (2012 ريباني 18). Translation by author.

one common aim: to reveal the harm caused by a tradition wrapped in religious justifications. Dalia Wasfi, the Egyptian women's rights activist, speaks publicly about the experiences of violence and intimidation facing some women, from all walks of life, when they take off the veil. Joumana Haddad, the writer, journalist and human rights defender, dramatises the misogynistic justification for the niqab and the type of suffocating social control it causes for the majority of women wearing it. And Jamal Al Banna, a respected religious scholar, exposes how fringe religious opinions turned a tradition into a religious diktat.⁴³²

They are not the only ones doing so. I cited them to highlight a point: while we are busy on this side of the world undermining a core value that liberal democracies need in order to function, the region from which this clothing custom comes is witnessing an important social transformation. A difficult one.

The uprisings of the Arab Spring may have led to a winter of political turmoil: a return to authoritarianism and civil wars and even a meltdown of some states. However, we can also discern a form of social awakening, one that is questioning issues once considered taboo. Sexuality, homosexuality, women's rights, mixed prayers, women as imams, the sacredness of religious texts: all these have become subjects for debate and scrutiny. Many of those breaking these taboos are paying a high price for doing so, with their freedom, safety and jobs. But that process has started and it is proceeding towards some interesting trends. Social media, including Instagram and TikTok, are buzzing with posts that push the limits of what was once unimaginable. Representative Arab Barometer surveys in the MENA region indicate a growing lack of trust in religious leaders and religious parties, combined with a decline in religiosity and a rise in the number of people describing themselves as "non-religious".⁴³³

432. For more on his position on the niqab and the veil in general see Jamal Al Banna (2002), *The Veil*, In Arabic, Second Edition, Cairo: Dar AL Firk Al Islami, انبلا لامج (2002) «باجحلا، يم السرال رلفعل راد: قرا قلا، مي ناشلا ءعبطلا»

433. Since 2013, the number of people across the region identifying as "not religious" has risen from 8% to 13%. The rise is greatest in those under 30, among whom 18% identify as not religious, according to the research. Only Yemen saw a fall in the category. Religious leaders are losing the trust of the region's populations. In 2013 around 51% of respondents said they trusted their religious leaders to a "great" or "medium" extent. When a comparable question was asked in 2019, the number was down to 40%. The decline in trust for Islamist parties is similarly dramatic, falling from 35% in 2013, when the question was first widely asked, to 20% in 2018.

The Arab world in seven charts: Are Arabs turning their backs on religion?, BBC News, 24 June 2019. <https://www.bbc.com/news/world-middle-east-48703377>; Arabs are losing faith in religious parties and leaders, *The Economist*, 5 December 2019. <https://www.economist.com/graphic-detail/2019/12/05/arabs-are-losing-faith-in-religious-parties-and-leaders>.

The Arab Uprisings

The Arab Uprisings are *popular protests that brought together different segments of society, frustrated by economic and political stagnation in their societies, demanding radical change, with divergent outcomes.*

They began in Tunisia on 17 December 2010, when Mohamed Bouazizi, a street fruit seller, set himself on fire after local officials confiscated his merchandise. They spread to Egypt, Libya, Yemen, Syria and other countries and managed to topple the incumbent presidents in these mentioned states. Common drivers of these uprisings were economic marginalization, combined with regional disparity, unemployment, systemwide nepotism, corruption and no real chances to climb the social ladder. Frustration among youth was an especially important driver of these protests. At the end of 2010, 60% of the population in the MENA region was under 25 years old, making it one of the most youthful regions in the world, with a median age of 22 years compared to a global average of 28. This youth bulge was (and remains) especially problematic because youth are unable to access employment and then form families. In some countries, such as Syria the impact of climate change (droughts, desertification and falling levels of water) has compounded this disparity and marginalized large segments of the population in rural area.⁴³⁴

Political stagnation was another driver of the protests. Disgusted by a pluralistic system that resulted in neither accountability nor alternation of power, those who went to the streets demanded dignity, respect for basic rights, and an end to police brutality. Arab states adopted a shallow form of representative systems, which failed to include the normative pluralistic essence of a democratic system: tolerance, rule of law, protection of basic rights, accountability, and real alternation of power.⁴³⁵

Social awakening notwithstanding, the political outcomes of the first wave of uprisings remain sobering. Six countries experienced massive protests: Tunisia, Egypt, Yemen, Libya, Bahrain, and Syria. In all six, the outcome was one of two unsatisfying results.⁴³⁶

One was a return to some form of authoritarianism: military in Egypt, strongman grip in Tunisia, and a sectarian monarchical domination in Bahrain. The other was a civil war combined with a meltdown of the central state, as in Yemen and Libya, or loss of control over some regions, as in Syria.⁴³⁷

Questioning the veil in all its forms – not just the niqab – is also part of this trend in the MENA region. I have observed this evolving trend in my field travels; and other scholars see it too. Commenting on one Arab Barometer survey, Georges Fahmi, an Egyptian researcher at the European University Institute in Florence, said: “It is a trend that is manifested in different ways, ranging from the women taking off the headscarf or the men who no longer pray, or only pray on Fridays, but insist they are still Muslims, to those who have lost faith in religion altogether, saying they no longer believe in God.”⁴³⁸ The type of pressure and intimidation experienced by women who choose to take off the veil was also documented by the Egyptian civil rights advocate and journalist Rabab Kamal in her 2017 book, *Women in the Den of Fundamentalism*.⁴³⁹

Questioning the veil has become necessary on this side of the world as well, if only because of the way it progresses. It starts with the headscarf and ends in niqab. It starts with an argument about ‘choice’ for women approaching the age of religious maturity; then it extends to young

438. Ricard González, In the MENA region, more and more young people are identifying as non-religious, 1 December 2020. <https://www.equaltimes.org/in-the-mena-region-more-and-more#Y09LAVLMLep>.

439. Rabab Kamal, *Women in the den of fundamentalism*, Cairo: Dar Ibn Rushd, 2017 (Chapter 7). *عبدالمعز أبو زيد، (2017) لامرأة نيا بابر، عباد الله للصفا، نشر نباراد: قره اقل*

434. Elham Manea (forthcoming 2023), *The Yemeni Civil War 2015: The Arab Spring, State Formation and Internal Instability*, University of Exeter Press.

435. Elham Manea, (2014), “Yemen’s Arab Spring: Outsmarting the Cunning State?” In Larbi Sadiki (ed.) (2015), *Routledge Handbook of the Arab Spring*, London: Routledge Studies on Middle Eastern Politics, p. 162; Jean Leca (1994), “Democratisation in the Arab World: Uncertainty, Vulnerability and Legitimacy: A tentative Conceptualisation and Some Hypotheses”, in Ghassan Salamé, ed. *Democracy without Democrats*. London: I.B. Tauris, p. 49.

436. Protests in various other forms also occurred in Algeria, the Eastern Region of Saudi Arabia, Jordan, Morocco, Mauritania, and the Sultanate of Oman.

437. Elham Manea (forthcoming 2023).

teenagers; and then it becomes a demand that girls, while still children, wear the headscarf as part of a Muslim ‘life style’ – or to make the girls accustomed to wearing the veil.⁴⁴⁰ Before long, it becomes a demand that children wear the niqab.

When I visited Cape Town in 2019, I was told about girls wearing the niqab within some South African Muslim communities. I initially thought that my host, the organiser of an interfaith dialogue workshop in Cape Town, was joking. He was not.

The progressing nature of the veil has also been a subject of artistic work. For example, the Yemeni photographer Boushra Almutawakel has a photo series titled ‘Mother, Daughter, Doll’. It gradually veils a woman, a girl and her doll until they ‘literally disappear’. Almutawakel explained the story behind the series:

I was inspired by seeing so many women covered in layers of black and, most shockingly, seeing little girls no older than seven or eight wearing the black abaya and niqab, like mini versions of their mothers. I wanted to express and comment on the trend of extremism that has been increasing gradually in Yemen since the mid-90s, with the influence of Wahhabi ideology, and how it affects women and girls.⁴⁴¹

Questioning the veil is not a futile intellectual deliberation. It is necessary, to show how the veil impacts women and girls. But this has become difficult in western democracies because of an increasingly prevalent intellectual paradigm and the intimidation by a minority class of activists and intellectuals.

Questioning the Veil and the Essentialist Identitätslinke

Agency is not a free-floating capacity independent of the social framework within which it expresses itself; neither is it above questioning.⁴⁴²

These words from the renowned sociologist Marnia Lazreg paved the ground for her book, *Questioning the Veil*. Of Algerian roots and proud of her Islamic heritage, she wrote her book in the form of letters directed at women whose religion is Islam, and who either have taken up the veil or are thinking of wearing it.⁴⁴³ She masterfully deconstructs the postmodern and religious arguments about the veil as a ‘choice’ and as a ‘religious’ issue in a nuanced and differentiated way.

At the same time, her book is an indirect challenge to an approach within western academic feminism. She says that approach which tries to “correct the notion that the veil is a sign of ‘oppression’ but in reality, makes oppression more intellectually acceptable”.⁴⁴⁴

Presenting the veil as a tool of ‘empowerment’, she tells her readers, rests on a “dubious postmodernist conception of power”. According to that conception, “whatever a woman undertakes to do is liberating as long as she thinks that she is engaged in some form of “resistance” or self-assertion, no matter how misguided”.⁴⁴⁵

Reading this paragraph, I immediately thought of Michel Foucault.

440. On the practice of making young girls wear the headscarf to become accustomed to it, read a report about Algiers, the capital of Algeria: Girls under the age of eight are forced to wear it in schools and the streets: Hijab for young girls... projects for chastity and others for extremism, *Echorouk Online*, 17 February 2010. <https://www.echorouk.com/fr/2010/02/17/les-filles-de-moins-de-8-ans-sont-obligees-de-porter-le-voile-dans-les-ecoles-et-les-rues-17-02-2010>. «يفيد ع ن م غري ن م ا ل ل ا ن س ن ز و ا ج ت ي ا ل ت ا ن ب» ع ي ر ا ش م ... ت ا ر ي ع ص ل ا ب ا ج ح : ع ر ا و ت ل ا و س ر ا د ل ا , ن ي ا ل ن و ا ق و ر ش ل ا , «ف ر ط ت ل ل ي ر خ ا و ف ع ل ل shorturl.at/EFQ57.

441. Interview by Amira Nagy, What’s Behind the Veil? The Art of Boushra Almutawakel, 6 November 2018. <https://www.womeninislam-journal.com/articles/2018/11/6/whats-behind-the-veil-the-art-of-boushra-mutawakel>

For a short article on this phenomenon in Yemen, see Nariman Abdel Karim, in Arabic: In Yemeni Schools: Childhood behind the Veil ... and sometimes the Niqab, *Al Masry Alyoum*, 2 February 2016. <https://www.almasryalyoum.com/news/details/885667>. «يف» (2016 ر ي ا ر ب ف 2) م ي ر ق ل ا د ب ع ن ا م ي ر ا ن «ب ا ق ن ا ن ا ي ح ا و .. ب ا ج ح ف ل خ ق ل و ف ط ل ا : ن م ي ل ا س ر ا د م م و ي ل ا ي ر ص ل ا»

442. Marnia Lazreg (2009), *Questioning the Veil: Open Letters to Muslim Women*, Princeton: Princeton University Press, p.9.

443. *Ibid.*, p.2.

444. *Ibid.*, p.126.

445. *Ibid.*, p.126.

And interestingly, Lazreg cites Foucault's position on Iran in her footnote to the argument above.⁴⁴⁶ Foucault can be described as the godfather of this type of discourse. He naïvely defended the Iranian Islamic revolution, ignored its religious authoritarianism and grave human rights violations, and utterly disregarded its impacts on women and their rights.⁴⁴⁷ Together, these positions set the tone for this paradigm.

I call this the *Essentialist Paradigm*,⁴⁴⁸ and Sandra Kostner, a German historian and sociologist who focuses on migration research, calls its advocates the *Identitätslinke* (identity leftists).⁴⁴⁹ I'll explain these two ideas.

The Essentialist Paradigm is a way of thinking that reduces people of different nationalities to their religious identity, treating them as one homogeneous group, and in the process essentialising their cultures and religion. It combines multiculturalism as a political process with a policy of legal pluralism (think of Sharia councils), dividing people into categories along cultural, religious, and ethnic lines, and placing them in parallel legal enclaves. It perceives rights from a group perspective—the group has the rights, not the individuals within it—and it insists that each group has a collective identity and culture, essential to that group, which should be protected and perpetuated even if doing so violates the rights of individuals within the group.

This paradigm is dominated by a cultural relativist approach to rights, and argues that rights (and other social practices, values, and moral rules) are culturally determined. And it is very much haunted by a white man's/woman's burden, an attitude formed by a strong sense of shame and guilt over the western colonial and imperial past, along with a paternalistic/maternalistic desire to protect minorities and people from former colonies. This mindset perceives the other, whether a member of a minority group or an entire Third World country, as the oppressed, and human rights as the tools imposed by the western oppressor.⁴⁵⁰

Some features of the Essentialist Paradigm, specifically group identity and monoculturalism, can well describe the mindset of far-right groups and racist policies adopted in the past. When people see only one dimension of a person (religious identity, colour, etc), define a whole group based on that dimension, and attach to it whatever features they deem plausible, what can result is scenarios like the Holocaust in Nazi Germany, the Apartheid system in South Africa, and the enslavement by ISIS of Yazidi women in Iraq and Syria.⁴⁵¹

But what happens when we flip the coin onto its other side? Then, if we combine the four features of the Essentialist Paradigm—monoculturalism, group identity, white man's/woman's burden and cultural relativism—we are describing the ideological drivers of Kostner's *Identitätslinke* (identity leftists).⁴⁵²

Kostner's concept provides a normative category that helps us understand the climate of intimidation and fear in some western democracies that stops the discussion before it starts. She avoids generalisation, choosing a term (*Identitätslinke*) that clearly shows she is describing the mindset of one segment of the leftist political spectrum. This is the segment that blames the

446. See *ibid.*, footnote 29, p.145.

447. For more information on Foucault's position on the Iranian revolution, see Janet Afary and Kevin B. Anderson (2005), *Foucault and the Iranian Revolution: Gender and the Seductions of Islamism*, Chicago: The University of Chicago Press; and for an English translation of his articles on Iran and those of his critics, see *ibid.*, appendices, pp.179-277.

448. Elham Manea (2016), *Women and Shari'a Law: The Impact of Legal Pluralism in the UK*, London: I.B. Tauris, pp.11-34. For a description of the Essentialist Paradigm in German, see Elham Manea, "Eine Kritik des essentialistischen Paradigmas", in Susanne Schröter (Hg.) (2017), *Normenkonflikte in Pluralistischen Gesellschaften*, Frankfurt: Campus Verlag, S. 43-76.

449. Sandra Kostner (2019), *Identitätslinke Läu-terungsagenda: Welche Folgen hat sie für Migrationsgesellschaften?*, in Sandra Kostner (Hrsg.) (2019), *Identitätslinke Läu-terungsagenda. Eine Debatte zu ihren Folgen für Migrationsgesellschaften*, Stuttgart: *ibidem* Verlag, pp.17-73.

450. For more information on the Essentialist Paradigm, see Manea, *Women and Shari'a Law*, op. cit, chapter one, pp.11-35.

451. Elham Manea (2019), *Wie das Schuldbe-wusstsein «der Weissen» dem Islamismus Vorschub leistet*, in Sandra Kostner (Hrsg.) (2019), *Identitätslinke Läu-terungsagenda. Eine Debatte zu ihren Folgen für Migrationsgesell-schaften*, Stuttgart: *ibidem* Verlag, p.223.

452. *Ibid.*, p. 222.

West for every misery in the world, divides society into the two opposing categories of ‘privileged’ and ‘oppressed’, suffers from a combination of guilt and a victimhood mentality, and ends up providing ‘solutions’ that in fact create problems and polarise societies.⁴⁵³

Identity leftists position themselves on the political left, she tells us, but instead of demanding social justice for all, they only demand justice for groups that they see as disadvantaged on the basis of an identity characteristic—such as gender, religious affiliation, or ethnic origin. Since, from an identity-left perspective, *language* plays a paramount role in creating reality (think of Foucault), they seek to ‘reform’ language so that it serves to reduce disadvantage. Under no circumstances should ‘victim groups’ suffer emotional injury or harm as a result of expressing an opinion. Thus, the intentions are noble, but what are the chances that this attitude will produce a climate of discourse that is open to divergent opinions?⁴⁵⁴ Again, what is at stake is the functioning of a liberal democratic order.

The postmodern Essentialist Paradigm and its advocates, the leftist identitarians, are to a great extent responsible for the climate of intimidation we are witnessing today. What happens when they argue about the veil from their ideological perspective? They conflate ‘discourse and practice’, and thus ‘naturalise’ “veiling by making it appear normative and immutable”.⁴⁵⁵ In doing so, they detach the ‘veil’ from its multi-layered context, moralise it, and turn it into a taboo topic. The aim from their perspective is to protect a minority and its religious practices from a stigmatised discourse. And they “expect all others to subordinate themselves to their absolutist positions. If this expectation is not met, it is quickly interpreted as a sign that the counterpart is hostile to diversity and Eurocentrist, and that he or she still lacks moral purification”.⁴⁵⁶

We have seen the ‘outrage’ that followed the publication of Dr. Sherif Emil’s column. He dared to question an issue that some say should not be questioned. According to the discourse of this postmodern essentialist leftist identity, a child wearing a headscarf should be seen as something ‘positive’. It falls within their absolutist interpretation of freedom of religion. It shows an acceptance of another group’s religious customs. It is one way to show respect to a minority group, and it avoids imposing ‘hegemonic imperial western ways’ on a historically disadvantaged group.

Emil veered away from this narrative. He would have none of it. “The king is naked”, he insisted, and he dared to expose the narrative for what it is. He said that the veil can be a tool of oppression. And where children are concerned, only the most extreme reading of Islam insists that they wear the veil.⁴⁵⁷ He was bringing valuable context to an issue that some say should be ‘harmonised’, ‘accepted’, and ‘not debated’. In the process, he brought it back from the ‘normative level’ of an ivory tower, to its use in practice, and showed us the harm it could cause.

453. *Ibid.*, pp.222-224. For more information see Sandra Kostner (2019), *Identitätslinke Läuterungsagenda: Welche Folgen hat sie für Migrationsgesellschaften?*, op. cit.

454. For more on this specific aspect, see: Sandra Kostner, *Keine Meinungsfreiheit ohne ein Klima der Freiheit, Freie Rede*, aus *Politik und Zeitgeschichte (APUZ 12-13, 2020) Bundeszentrale für Politische Bildung*, 13 March 2020. <https://www.bpb.de/apuz/306440/keine-meinungsfreiheit-ohne-ein-klima-der-freiheit>.

455. Marnia Lazreg (2009), *Questioning the Veil*, op. cit., p.11.

456. Sandra Kostner (Hrsg.) (2019), *Identitätslinke Läuterungsagenda*, op. cit., pp.66-67.

457. Sherif Emil (20 December 2021), *Don't use an instrument of oppression as a symbol of diversity and inclusion*, op. cit.

Context Matters

Because of both its role in the history of women's exclusion from social life outside the home and its resilience, the veil is overlaid with meanings that cannot be simply brushed away because a woman says so. Whenever a woman wears a veil, her act involves other women, including girl children.⁴⁵⁸

Detaching the veil from its context turns it into an absolutely abstract category. On the other hand, for most women, the daily experience of the veil is quite different—and difficult.

Historically, the purpose of the veil has been precisely to control the woman: her behaviour, her body and her sexuality. It was used to exclude her from social life, specifically to control her sexual behaviour. We see these conditions reflected in the writings of 19th- and early 20th-century Arabic-speaking intellectuals, both male and female. Historically, the veil covered the faces of women, who were often segregated in a harem⁴⁵⁹ quarter. The higher strata of society could afford this type of segregation. Women working in the fields could not.

In these early writings, the veil was portrayed as a tradition, imposed by patriarchy and not justified by religious jurisprudence. In his 1899 book *The Liberation of Woman*, Qasim Amin, the Egyptian modernist, called it “a custom that was common to all nations, not exclusive to Muslims”, but framed in a religious mantle, although “religion is innocent from it”.⁴⁶⁰

Malak Hifni Nasif, an Egyptian feminist, who worked for women's liberation in Egypt with a focus on educational attainment, took a different position. In 1915 she disagreed with Amin's call for Egyptian women to take off the veil (i.e. face veiling). Her rejection was not based on a religious justification; she also spoke of it as tradition. Instead, she insisted that men should first learn “how to respect women before a man starts telling women what they should do”.⁴⁶¹ She herself did not cover her face. Huda Shaarawi, a pioneer Egyptian women's leader, who participated in Egypt's 1919 revolution, saw the veil as the reason why girls and women did not obtain an adequate education. In 1923 she wrote that “once girls reach a certain age, they are stopped from going to educational institutes”. Only with an end of this face veiling, and the segregation it entails, she said, could women effectively “participate in society” in political ways and “contribute to finding solutions to the social, political and economic conditions”.⁴⁶²

On the whole, again, these early writings, including those from other areas of the MENA region⁴⁶³ referred to face veiling as a tradition. Its purpose was straightforward: control over women's sexual behaviour. Qasim Amin exposed this dimension unwittingly, when he addressed the men of his time who opposed the ending of face veiling and segregation:

Isn't it strange that there is not a man among us who would ever trust a woman no matter how he tested her and no matter how long she lived with him? Isn't it a shame to think that our mothers, daughters and wives do not know how to take care of themselves? Is it appropriate for us not to trust these dear, beloved

458. Marnia Lazreg (2009), p.11.

459. The part of a house set apart for the women of the family, a custom that disappeared by the second half of the 20th century and exists today only among the more conservative elements of Arab society. 'Harem', *Encyclopedia Britannica*, 2 March 2016. <https://www.britannica.com/topic/harem>.

460. Qasim Amin (1899), *The Liberation of Woman*, in Arabic, Cairo, pp.67-68; نعيماً ميساق (1899) «تحرير المرأة»، ص. 67-68.

461. In fact she might have been infuriated with Qasim Amin for the way he described veiled Egyptian women (mostly aristocratic) in his book as backward and ignorant. See her writing and letter exchanges with May Ziadeh in May Ziadeh (2017), *Bahithat Al Badi'ah*, in Arabic, Cairo: Hindawi Institute, p.115. ميساق نعيم: «تحرير المرأة»، في: ميساق نعيم، «تحرير المرأة»، ص. 115.

462. Hoda Elsaddah (2013), *Memoir of Huda Shaarawi*, Cairo: Dar Al Tanweer, pp.170-171; p.199. حدة تشارلند (2013) «تحرير المرأة»، ص. 170-171. ميساق نعيم: «تحرير المرأة»، ص. 199.

463. For example, Nazira Zain al-Din's 1928 book *Unveiling and Veiling in Greater Syria*, and Tahar Haddad's Book, *Our Women in the Shari'a and Society*, 1930, Tunisia.

hairs in the middle of Iranian streets. They were protected by men, who stood by their sides, in their defiant acts. The uprisings have transformed into a denunciation of the ideological Islamist political order in Iran especially as other social groups, with diverse grievances, closed ranks with the protestors.

In the Arab MENA region, on the other hand, a series of state alliances with Islamists led to a gradual loss of women's rights—and yet again the veil was its visible sign.

MENA authoritarian states have been constantly engaged in the politics of survival: undertaking whatever they think necessary to survive in the shifting sands of politics. One strategy of survival is playing the Islamist card and taking advantage of the phenomenon of political Islam: i.e., endorsing certain Islamist groups rather than others and forging political alliances with them. The main aim of this strategy is political: to deploy the support of Islamist groups as a means of legitimising a regime's rule in a religious sense and/or delegitimising that of its rivals.⁴⁷¹

This strategy has shaped the gender politics of multiple states and made the governments vulnerable to Islamist demands on gender. In fact, these survival tactics opened the path for the dissemination of Islamist ideology and their neo-fundamentalist interpretation of Islam in society: in the schools, media and mosques. The return of the veil was an indication of this political/social change.

Islamist movements,⁴⁷² in their various forms, have taken a principled position towards women, and they follow an “interventionist policy on women's issues and family matters... irrespective of the needs or the opinions of women themselves”.⁴⁷³

The position, and the roles, of women are absolutely central to the creation of any Islamist religious political order.⁴⁷⁴ On the one hand, in a patriarchal order, women are perceived as the embodiment of the Islamist identity. On the other hand, they are the crucible essential for creating the new Muslim generations that will be dedicated to implementing this vision. As carriers of the Islamist identity, women are asked to be the custodians of cultural values. Control of their bodies and their social behaviour, the enforcement of segregation, and the veil as an obligatory dress code: all these are essential for the creation of this Islamist 'ideal society'. The ideal society is based on a patriarchal conservative social order, at the top of which the Muslim man stands supreme. Roles are traditionally defined and rights are differently assigned. Segregation between sexes is meant to keep that order intact. Mixing between sexes, in this perspective, leads to chaos.⁴⁷⁵

On the issue of the veil, all these Islamist groups agree on the importance of veiling women—but they disagree on the extent of that veiling. The founder of the Muslim Brotherhood, Hasan Al Banna, believed that the veil should cover the woman's body and leave her hands and face visible. Abu Al-Alaa Al-Mawdudi, the founder of Jamaat-e-Islami, the Muslim Brotherhood's twin in a South Asian context, believed that women should wear the burqa and conceal their faces from other people.⁴⁷⁶ The majority of Salafi sheiks agree with Mawdudi, and insist on the covering of women,

471. On the features of the post-colonial states and how they impacted their gender policies, See Elham Manea (2011), *The Arab State and Women's Rights: The Trap of Authoritarian Governance*, London: Routledge Studies in Middle Eastern Politics, pp.78-112.

472. Islamism, using the definition of Mehdi Mozaffari, is a “religious ideology with a holistic interpretation of Islam whose final aim is the conquest of the world by all means.” It is a construction that leans on two pillars: religion and ideology. The ideology is regressive, oriented towards the past (*salaf*) as implemented under Prophet Mohammad, especially during the Medina period, and the first four caliphs (*Khulafā al-Rāshidūn*). The religion is based on a selective interpretation of Islam, seen as the only ‘true’ Islam. The holism is based on the absolute belief of the indivisibility of the trinity -- *din* (religion), *dunya* (life) and *dawla* (government). This indivisibility is supposed to be permanent and eternal. The ultimate goal is to bring this trio into a totalitarian theocratic order, not only at the local level, but also on a global scale. *By all means* includes both violent and non-violent approaches. Mehdi Mozaffari (March 2007), What is Islamism? History and Definition of a Concept, *Totalitarian Movements and Political Religions*, Vol. 8:1, p.21.

473. Shehadeh (2007), op. cit., p.236.

474. The core of this worldview can be summarised in three principles introduced in the early twentieth century by the founder of the Muslim Brotherhood, Hasan Al Banna in his tract on the Muslim Woman. See break out box on p.167

475. Elham Manea, Women and Children in the Ideology of Islamism, Keynote Speech, Conference on Global Islamism 2019 - Phänomene, Interdependenzen, Prävention, Bundeszentrale für politische Bildung, Potsdam, 18 December 2019. <https://www.youtube.com/watch?v=gqwl7ItVjow>.

476. Abu Aala Mawdudi (1972), *Purdah: The Status of Women in Islam*, Pakistan: Islamic Publications, pp.125-128.

body and face; one rare exception is Sheikh Muhammad Nasir-ud-Dīn Al-Albani.⁴⁷⁷ The Taliban, Al Qaeda and ISIS have also adopted this extreme position.

Hasan Al Banna, Founder of the Muslim Brotherhood, and the Veil

Extracted from Elham Manea (2021), *The Perils of Non-Violent Islamism*, New York: Telos Press Publishing, pp. 155-156.

Hasan Al-Banna first articulated his position on the veil in a tract called *The Muslim Woman*. The original date of this tract is not known, but two points are certain: it was written in the early decades of the twentieth century, and he was in fact reacting to the encroachment of modernity, as more women started to take off the traditional veil. It was also a reaction to Atatürk's vision of a national and secular state. Kemal Atatürk was a young military leader, the first president of modern-day Turkey, and he abolished the Ottoman Caliphate in 1924. To him the answer to the problems of his nation was clear: build a nation-state, modernize it through a comprehensive program of reforms, and adopt secularism as the cornerstone of that state. Europe was his inspiration. Central to his vision was the role of the women, who were encouraged to take off the veil and participate actively in society. They were assisted by a new family law imported from Switzerland; conservative as it may have been, it was nonetheless a welcome departure from the Islamic provisions of the Ottoman family law.⁴⁵⁹

Al-Banna answered with his own vision of an Islamist state, one that would ultimately lead to the creation of the Caliphate. To match that ideology, he needed a dress code: the veil that covers the woman and leaves her hands and face visible. It was the symbol for a political project, one that sought to create a puritanical society based on a fundamentalist view of gender roles.⁴⁶⁰

Three principles stand at the core of al-Banna's view on women:⁴⁸⁰

1. Men and women have different rights because of their biological differences. It is determined by their biological nature. Accordingly, women should only be taught what suits a woman's natural function and duty. She should be taught "what suits her task and function that God has created her for: to take care of her house and raise children."
2. Segregation between the sexes is a must because men and women cannot be trusted to be alone. They cannot control their sexual desires and will always be tempted sexually. Hence al-Banna sees "a true risk" in any "mixing between sexes" and insists on separation "between the two of them unless they marry."
3. Wearing the veil is a duty and mandatory. In fact, al-Banna insists that "Islam forbids a woman to reveal her body; be alone with someone; to imitate a man"; it encourages her to "pray at her home" and orders her to "wear the veil."

477. See Comment of Muhammad Nasir-ud-Dīn al-Albani (1972), on Ahmed bin Taimia, *The Muslim Woman's Hijab and her Clothing during Prayer* (in Arabic), Maktab al Islami, pp.6, 22; Voice Record of Muhammad Nasir-ud-Dīn al-Albani, Ruling on Women Wearing Niqab and Jilba, in Arabic, <https://www.youtube.com/watch?v=vqCDrWPdery>; on the main positions of Salafi sheikhs, see Muhammad ibn al Uthaymeen et al

481. For concrete examples of this strategy see Elham Manea (2021), *The Perils of Non-Violent Islamism*, New York: Telos Press Publishing, chapters 6 & 7; Elham Manea (2016), *Women and Shari'a Law: The Impact of Legal Pluralism in the UK*, chapter 5.

478. Elham Manea, *Ich will nicht mehr schweigen: Der Islam, der Westen und die Menschenrechte* (Freiburg: Herder Verlag, 2009), pp. 96, 98-103.

479. *Ibid*, pp. 162-64.

480. Hasan al-Banna, *The Muslim Woman* [in Arabic], ed. Mohammed Naser al-Deen al-Albani, 2nd ed. (Beirut: Dar al-Jeel, 1988), pp. 9-19. Al Banna was theologically inspired by the Hanbali School of jurisprudence - the main jurist school of the Salafi reading of Islam. This fact explains the similarity in his vision to a Salafi social order. But his coming from Egypt has shaped limited his view of how far he can go with the implementation of his vision. Hence, acknowledging the Egyptian context from which he is speaking from, he made a point that "If (a woman) has to work for strong reasons then she should realize that "working outside her home is the exception, not the norm".

Western democracies were not immune to these developments. On the one hand, during the Cold War, they were active supporters of rich Gulf countries which were exporting Islamist ideologies and neo-fundamentalist readings of Islam as a means to confront leftist pan-Arabism and communist ideologies. That support was translated into a form of 'tolerance' of Islamist organisations working in their midst. On the other hand, as demographic structures changed, and their populations of Islamic heritage increased, many western governments adopted policies of engagement with designated Muslim organisations. Some of these organisations were affiliated with forms of political Islam and neo-fundamentalism. They were often the advisors of their western governments on the 'needs' of Muslims. The veil, in its various forms, was central among their demands for a 'Muslim identity'.⁴⁸¹

In the 1960s, no one ever saw a headscarf or a niqab on the streets of Egypt and Tunisia. Nor were they seen on the streets of Birmingham, Leicester and Bradford in Britain, the suburbs in France, Molenbeek in Belgium, or Johannesburg and Cape Town in South Africa. That is not the case today. Wherever Islamism and neo-fundamentalist interpretations of Islam start to appear, with their structures and resources, the veil and the niqab follow. This is a causal relationship, not merely a correlation.

Experiences of the Veil in Western Democracies

It is only human nature to argue from our own experiences, from our own context. Many of us living in western democracies cannot even imagine a context in which a young woman is experiencing social and peer pressure to wear the veil, not to mention religious mobbing, and outright violence. Mobbing is group bullying: in schools, a group of students will intimidate or harass an individual.

Of course, some women do choose to wear the headscarf or the niqab. Most do so out of a pious conviction that God demands such coverage. But I wonder: would they still wear it if they were told that God has nothing to do with this veil? Others, pulled between two cultures, may be motivated by a desire to embrace a holistic identity within one culture. Still others may try to rebel against their parents or society. Instead of shaving your hair or dyeing it pink in punk style, embracing the veil is one effective way to annoy your secular Muslim parents. And a minority is engaging in this type of resistance. I met young women who took the veil as a protest against the populist policies of former President Donald Trump. I respect their decision, and loathe his policies, but I think that this specific symbol, used today by Islamists as a tool of separation from non-Muslims, may not be the best suited for such resistance.

Notwithstanding these personal choices, the fact remains that the majority of women and girls face different forms of pressure to wear the veil, including intimidation and even violence. This happens in Muslim majority countries and in European and North American countries. The following examples illustrate the kinds of pressure women experience in some European countries. I begin with two individual stories and then move to broader ones.

A French woman with North African roots contacted me to ask for advice. When she married, she decided to wear the headscarf. She did that of her free will. Her husband and community were overjoyed, praising her for that choice. But the moment she put it on, she regretted her decision. She wanted to take it off. She soon learned that the freedom to wear the veil goes in only one direction: the freedom to wear it, not to take it off. Her husband was angry. Deciding to wear the headscarf is one thing, taking it off is something else. A scandal. A shame. She argued with him. And she was afraid. What will people say? But the headscarf suffocates her. What would my advice be?

A Swiss teacher wrote to me. A teenage girl, aged 15, had to wear the headscarf. Had to. Her parents had imposed it. She was not convinced,

but she started to wear it in front of them. The moment she arrived at school and felt safe, away from their watchful eyes, she would take it off. Her father once saw her without the headscarf, by accident. That led to violence, and threats to stop her from studying. The school had to ask for a police order to stop them from taking her back to their original home country. Fast forward a couple of years: I met the teacher again. Any news about the young girl? She had finished her technical education. But after the headscarf episode, her father had kept her from working. She is stuck at home.

These individual stories are not rare. They are symptomatic of a larger problem within closed communities in some areas in western democracies.

A school in Antwerp, Belgium. The Royal Atheneum has a distinctive history. It was the first state school in Flanders, founded by Napoleon two hundred years ago, and has evolved along with the demographics of the city. As a bastion of freethinking, it has a long tradition of shaking Flanders up a bit. In 2017 I visited there, and met its headmistress Karin Heremans, an embodiment of everything you would wish for in a headmistress: she is energetic, optimistic, dedicated to her students, and a humanist to the core.⁴⁸²

The school witnessed a demographic shift. Thanks mostly to the work of a small group of Islamist students, the headscarf became the focus of a disturbing phenomenon. In 2001, the student body was 46% Muslim; by 2008 that figure had risen to 80%. Two factors can explain this spike. On the one hand, the number of Muslims in Antwerp increased. On the other hand, schools changed their policies on headscarves. They changed their headscarf rules quietly, one by one, and by 2008 only three schools in the city allowed scarves. The Royal Atheneum was one of them.

At the time, Heremans explained, she did not know about the Islamist affiliation of this small student group. In 2015 she realised they were members of the Sharia for Belgium group, a radical Salafist organisation that called for Belgium to convert itself into an Islamist state. In February 2015 the Belgian judiciary designated them a terrorist organisation.⁴⁸³

Something changed in the school, and the headscarf was central. Things that had been possible before became impossible: girls could no longer go on school trips unless they were accompanied by their brothers, and swimming classes became contentious. Bizarre demands were made to separate the boys and girls into different classes. Girls started to wear the veil—one after another. Peer pressure was central to this development. When asked, the girls said they did not feel very comfortable without a veil. Other girls would wear the veil at school, but teachers saw them outside the school without veils. There was a sense that the girls wearing the veil were trying to show they were more pious.⁴⁸⁴ During the school year 2007–8, fifteen girls of this Islamist group came to school wearing long robes and gloves, with only their faces showing. The scarves became longer and longer. In 2003, the discussion was still about whether or not the girls should wear the veil. By 2008, the discussion was about how to wear the scarf. Not whether to.⁴⁸⁵

482. This case was first published in Elham Manea (2021), *The Perils of Non-Violent Islamism*, pp.150-156.

483. Karin Heremans, Headmistress of the Royal Atheneum, Interview by author, 21 September 2017, Antwerp, Belgium.

484. Charlemagne, Antwerp's Muslim Headscarf Row, the Story on the Ground, 17 September 2009. <https://www.economist.com/blogs/charlemagne/2009/09/antwerps-muslim-headscarf-row>, cited in Manea, *ibid*.

485.. *Ibid*.

Heremans had to change her position on the headscarf. Earlier she had insisted that each girl had the right to wear a veil, to preserve equality. But the heavy oppressive atmosphere over the schoolyard made it clear to her that the choice had been compromised by social and peer pressure—manipulated by a group of savvy young Islamists.⁴⁸⁶

This type of pressure is evident in closed communities elsewhere in western democracies, including the United Kingdom. Closed communities feature patriarchal power structures and suffocating social control. Those who do not conform to the imposed social order are intimidated and disciplined. Women are carefully controlled. Their behaviour, clothes and manners are watched and followed. If a young woman decides to behave freely and independently—as an adult person, who can decide for herself—she will be called a whore and will be punished in various ways. Closed societies are religiously or ethnically based groups. They develop certain collective attitudes. They are separated, culturally and/or socially, and often spatially, from the surrounding larger society.⁴⁸⁷

One much-cited example is the situation in the **French banlieues**, the working-class suburbs that ring the major cities. Neglected by the state, these areas gradually became separated and their youth were left to face unemployment, xenophobia, poverty and a macho code of behaviour. The state's absence left a vacuum that was filled by Islamist structures, generously supported by transnational Islamist organisations and governments. These structures systematically indoctrinate children and youths with a religious ideology that divides the world into two camps, believers and non-believers, engaged in a confrontation where the superior Muslims are ultimately destined to dominate the world. Schools have been shaped by this ideology and its separatist world view. This was well documented in a 2004 report submitted to the French Minister of Education by Jean-Pierre Obin, the now retired General Inspector of Education. Based on field work that covered 60 schools, he described toilets with separate taps for Muslims and “French”. A local official explained the existence of separate changing rooms in sports halls: “because circumcised youth should not sit with impure youth [sic].”⁴⁸⁸

The report documented how girls aged 14 and 15 are forced into marriage, and are monitored and punished brutally if they defy the moral social and religious code imposed in the schools and their communities.⁴⁸⁹

Those who defy the imposed social order are harassed and gang raped. French Muslim women have been working against this situation. The Neither Whores nor Submissives organisation (Ni Putes Ni Soumises) was created in 2003 after 18-year-old Sohane was burned alive in a cellar in a housing project for refusing to conform to the imposed dress code and gender norms.

Thirty thousand women and men from the banlieues joined the founders of this organisation to protest the violence and imposed social order. The organisation was created to shatter the law of silence around the violence against women perpetrated in their Muslim communities by a minority of young men, who assumed the role of ‘morality police’ and guardians

486. Charlemagne, Antwerp's Muslim Headscarf Row.

487. Elham Manea (2021), *The Perils*, pp.98-90.

488. Jean-Pierre Obin, Les signes et manifestations d'appartenance religieuse dans les établissements scolaires, June 2004. <https://www.education.gouv.fr/les-signes-et-manifestations-d-appartenance-religieuse-dans-les-etablissements-scolaires-8888>.

489. Jean-Pierre Obin, Les signes et manifestations d'appartenance religieuse dans les établissements scolaires, June 2004. <https://www.education.gouv.fr/les-signes-et-manifestations-d-appartenance-religieuse-dans-les-etablissements-scolaires-8888>.

of family honor. The group also stands up to the perception created by some French commentators who have portrayed French Muslim women as submissive.⁴⁹⁰ They are not.

In **Germany**, the expression “confrontational religious expression” (*konfrontativen Religionsbekundung*) first appeared in 2013 in a background paper from the Hamburg State Institute for Teacher Education. A politically correct term to describe the phenomenon of increasing fundamentalist and extremist behaviour in schools, it alludes to religiously motivated mobbing and bullying behaviour, which almost always has a gender dimension. The paper reported on religiously shaped conflict situations in Hamburg schools caused by an increase in “Islamist activities” in some neighbourhoods of Hamburg, especially in its Salafi form. Schools were not immune to these developments. In such schools, “everyday school life is rapidly becoming less secure for teachers and students alike”.⁴⁹¹ The report described incidents of gender discrimination, coercive pressure over clothing, and constant confrontation with the schools regarding food, sports and swimming lessons, and prayer opportunities, along with any instructional issue that touches on questions of faith and the scientific view of the world.⁴⁹²

The expression “confrontational religious expression” became recognised in pedagogical and educational circles in many German school districts because girls were living that reality. In 2021, after persistent reports of a lack of religious tolerance in schools, the district office of Berlin-Neukölln commissioned the Association for Democracy and Diversity in Schools and Vocational Training (DEVI) to draw up an initial inventory of the situation.⁴⁹³

The association, created in 2012, is highly respected. Its members are teachers, educational advisors and project leaders with experience in the prevention of right-wing extremism, discrimination and religiously based extremism.⁴⁹⁴

They conducted preliminary qualitative studies of ten schools in the area and found similar patterns of religiously motivated mobbing and harassment. The report indicated a worrying rise of what it termed as ‘confrontational expression of religion’, which results in a form of a religiously motivated social control of student’s behaviour, attitudes and clothing. This type of social control is matched by a patriarchal one, where male family members “act as supervisors and punishers, monitoring the observance of family honour and sanctioning transgressions”.⁴⁹⁵ In some schools, it was observed, a “conservative male minority claims to ... control as many as possible, but especially the girls, in the sense of traditional interpretations of values”.⁴⁹⁶ Sometimes, the families of female pupils are afraid of the suffocating social/religious pressure their area and succumb to the dictate of social control.⁴⁹⁷

Needless to say, girls are the first to endure such mobbing. Covering their hair is one goal of such social control and pressure.⁴⁹⁸ Not surprisingly, accusations of Islamophobia were immediately thrown at the report and at this respected organisation. Somehow the accusers missed the point that

490.Fadela Amara with Sylvia Zappi (2006), *Breaking the Silence: French Women's Voices from the Ghetto*, Berkeley: California University Press, pp.36-37; pp.2-3. It was only in 2020 that the French authorities started to address these conditions with a combination of social and economic projects and an attempt to dismantle the structures of Islamist groups

491.DEVI, *Anlauf- und Dokumentationsstelle konfrontative Religionsbekundung*, p.17, [DEVI Broschuere Anlauf und Dokumentationsstelle konfrontative Religionsbekundung_A4_1Cv2_03c-doppelseiten.pdf](https://demokratieundvielfalt.de/uploads/2022/01/DEVI_Bestandsaufnahme-Konfrontative-Religionsbekundung-Neuk%C3%B6lln-Dez.21.pdf) (demokratieundvielfalt.de).

492.*Ibid.*

493.Carsten Frerk, *Konfrontative Religionsbekundung*, Forschungsgruppe Weltanschauung in Deutschland, Archiv, 3 February 2022. <https://fowid.de/meldung/konfrontative-religionsbekundung>.

494.*Ibid.*

495.*Ibid.*, pp. 43-44.

496.*Ibid.*

497.*Ibid.*, pp. 7-8.

498.DEVI, *Bestandsaufnahme Konfrontative Religionsbekundungen in Neukölln Vorabversion vorgelegt für das Bezirksamt Neukölln*, Bericht, December 2021. https://demokratieundvielfalt.de/wp-content/uploads/2022/01/DEVI_Bestandsaufnahme-Konfrontative-Religionsbekundung-Neuk%C3%B6lln-Dez.21.pdf.

German girls of Islamic heritage were suffering from the experience of being mobbed.

Concluding Remarks

By now, you may have noticed the absence of much religious deliberation about wearing the veil. This was deliberate. In general, the religious arguments for wearing a niqab or a headscarf are the weakest link in this discussion. You can repeat the same lie over and over, but that will not make it true.

The Quran did not introduce a dress code. Did not. What it did do was introduce a sign of class differences between free and slave Muslim women. Hence, free Muslim women were asked to cover their breasts with the *khimar* (part of the dress code of the pre-Islamic era, a cloth that loosely covers the hair) to avoid being deliberately harassed in the medina by enemies of Mohammed, the prophet of Islam.⁴⁹⁹

During the time of Qasim Amin when the veil was discussed, and also today, religious scholars almost always start with this sentence: “The Awrah (sexual parts) of a free Muslim woman is ...”.⁵⁰⁰ Then, depending on their position on whether or not to cover the face, they use evidence from the Ahadiths, the sayings of Mohammed. The Ahadiths they use belong to the ‘weak’ category, because it is not proven that Mohammed actually spoke them. But when scholars discuss the Awrah of a Muslim slave woman, they commonly agree that it starts at the belly button and ends at her knees. This explains why one of the most prominent Saudi Salafi sheikhs, Muhammad ibn al-Uthaymeen, issued this Fatwa (religious opinion) in a volume published in 2001: “... If a slave woman prayed with her body bare, and only covering what is between her belly button and knee, her prayer is correct, because she covered what she has to cover”.⁵⁰¹

So, if the issue is religious and has to do with being Muslim, why do these sheikhs not see the harm in an enslaved Muslim woman walking around naked to the waist and praying that way?

Should we also ignore this background? Surely it cannot be acceptable today to talk about slave women. But this history underlines my main argument in this paper: it is necessary to question the veil. The veil is never neutral. It cannot be separated from its historical, patriarchal and ideological dimensions. It cannot be separated from its context. Marnia Lazreg reminds us what happens when the various ways of talking about “modesty, chastity, protection from sexual harassment and conviction” are combined: together these messages “obscure the purpose of the veil: the empowerment of a man over a woman in the intimacy of their sexual identity as borne by their bodies”.⁵⁰² When you add the political dimension, the Islamist factor, the religiously motivated mobbing, and the systematic work by Islamists to mainstream the veil, it becomes clear that this matter is anything but straightforward. The veil does not concern only those who choose to wear it. It also concerns those who do not and the oppression they endure.

And the rest of us who care about them.

499. Mustafa Moaouth (2009), *The Problem of the Woman's Clothes and The problem of wearing a woman's clothing—The Veil: A Review of the Evidence and Arguments* [Arabic], Cairo: Rouya for Publications, pp.55-91; ويفطصم روتكفد (2009) اصنبلمو قارملا فروع قلكشم (2009) ضوعم فيؤر راد: قراقلما، حججلاو قلدالما قعجارم: (باججلا) ص.ص. 55-91. عيزوتلاو رشنلل

500. See A Group of Al Azhar Sheikhs (2008), *Niqab is a Custom and not a Worship: The Legal Opinion on the Niqab by greater Scholars* [Arabic], Cairo: Egyptian Dar Al Kotoub; قعوم جم: قداب ع س يلو قناع باقنلا (2008) رمالا، املع نم، املعلا رابك مالقاب باقنلا يف يقرشلا يارلا، يرصملا بكتفلا راد: قراقلما

501. ام استروخف، قكولملا يو - قغلاب ولو - قمالا نا. قفسو قكفم قمالا تلص ولف، قبقرلاو قرسلا نيپ اشتال صرف، قبقرلاو قرسلا نيپ ام ادع ام نديلا يف هرتمس املع بجي ام ترتمس امانال، قح يحي ص «الصل» See Ibn Uthaymin, Muhammad ibn Salih (2001), *Sharh al-Mumtī' ala Zad al-Mustaqni*, vol 2, Jeddah: Dar Ibn Al Jawzi, p.157, داز يلع عتمملا قرشلا، ني مي قنلا جلاص نب دم جم 157. ص، يزوجلان باراد: دج، 2 دلجم، عقنتمسلا

502.

Policy Recommendations

- 1. The government should ensure its guidance on school uniforms provides greater clarity on what schools can and cannot do vis-à-vis banning or requiring certain religious attire.**

The government has recently updated its non-statutory guidance on school uniforms and this states that although schools should be sensitive to the needs of different cultures and religions, students do not have an absolute right to wear religious clothing: Schools can restrict a student’s right to wear such clothing if they have a “good reason”, such as “cohesion and good order in the school” or “genuine health and safety or security considerations”.⁵⁰³ Guidance on the Equality Act 2010 from the Department of Education published in 2014 noted schools’ legal obligation to ensure their uniform policies do not discriminate on the basis of religion and belief (also race, gender, sexuality, and disability), but also acknowledged that “legal judgments have not supported the absolute right of people of faith to wear garments or jewellery to indicate [their] faith”.⁵⁰⁴

Neither guidance makes it sufficiently clear – unlike earlier guidance from the former Department for Children, Schools and Families – that the restriction of religious clothing in schools is allowed by the Human Rights Act if it is justified on the grounds of “health, safety and the protection of the rights and freedoms of others”.⁵⁰⁵ The government should revise its guidance to make this clear to schools and provide examples. Under such guidance and legislation, schools may accommodate religious headwear such as the hijab, but they should not require it as part of the uniform. Even in state-funded Muslim schools, students should be free not to wear hijabs. Schools should be within their rights to ban full-face veils, such as the niqab, and should not require staff or students to wear them.

503. Department for Education, ‘Guidance: School uniforms’, updated 19 November 2021, <https://www.gov.uk/government/publications/school-uniform/school-uniforms>.

504. ‘The Equality Act 2010 and schools: Departmental advice for school leaders, school staff, governing bodies and local authorities’, May 2014, para.2.18, p.16, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf.

505. ‘DCSF guidance to schools on school uniform and related policies’, para.20, p.7, <https://dera.ioe.ac.uk/7044/4/uniform%20guidance%20-%20final2.doc>.

2. The government should ensure there are clear and consistent regulations for dress codes relating to religious attire across the NHS.

There are currently no nationally applicable regulations issued by the Department for Health and Social Care (DHSC) or the National Health Service in England (NHS England) on dress codes that affect the wearing of religious attire by doctors, medical staff or administrative officers in hospital settings. Hospital trusts currently devise their own policies relating to dress codes, resulting in a patchwork of different approaches to the wearing of hijabs and niqabs. In April 2020, NHS England sought to address concerns about this disparity in policy by updating its uniform and workwear guidance. But this guidance is non-binding upon providers.

The government should ensure that there are standard regulations for dress codes across NHS providers. Trusts should be provided with clear and consistent regulations on the circumstances where headscarves and full-face veils can and cannot be worn -- for example in operating theatres, in direct patient care situations, and in administrative offices. Policies relating to BBE (bare below the elbows) also need to be clear and consistent across the country. There can be no compromise on policy related to clinical need.

3. The government ought to take a stronger public stance on events occurring in Iran, Afghanistan, and Yemen, where religious dress codes for women are being brutally imposed.

In October 2022, the government imposed sanctions on Iran's Morality Police, as well as its chief, Mohammed Rostami Cheshmeh Gachi, and the head of its Tehran division, Haj Ahmed Mirzaei.⁵⁰⁶ Sanctions were also applied to five political and security officials for committing serious human rights violations in relation to the ongoing protests, including Gholamreza Soleimani, the head of the Islamic Revolutionary Guard Corps' Basij force. The Foreign Secretary, James Cleverly, "urged the Iranian authorities to respect the right to peaceful assembly, exercise restraint and release unfairly detained protesters".⁵⁰⁷ But he should also make a statement regarding the importance of Iranian women's freedom to exercise their human right of expression by wearing clothing that they choose. The same should apply to women in Afghanistan, where women have been banned from working for NGOs, and in the Houthi controlled parts of Yemen, where women excluded from public work. Women should not be forced to wear clothing that covers their entire body (including clothes that only show their face and hands), nor be punished or even killed for refusing to comply. The British government should publicly state this.

506. 'UK sanctions Iranian 'Morality Police' and senior security officials', 10 October 2022, <https://www.gov.uk/government/news/uk-sanctions-iranian-morality-police-and-senior-security-officials>.

507. *Ibid.*

4. The government should resist any definition of Islamophobia that inhibits the public criticism of religious practices and traditions, including dress codes.

To ensure that harmful aspects of social and religious customs may be discussed and criticised without fear of automatic accusations of racism and Islamophobia, the government should resist any definition of Islamophobia that constrains debate on issues such as women's religious clothing. The government must resist endorsing any definition of Islamophobia that prevents public discussion of the totalitarian nature of Islamist ideology and the human rights violations occurring under Islamist regimes. It should support and protect liberal Muslims who question religious orthodoxy, and who thereby risk being defamed, silenced or attacked.

5. The government should refrain from publicly endorsing or promoting any specific religious attire, including events such as World Hijab Day.

Pace the Islamic Human Rights Commission, the government should resist any call to “promote” the hijab “as a symbol of education, freedom and integration to counter stereotypes of backwardness, oppression, isolation and extremism”.⁵⁰⁸ It is not the remit of government – nor a suitable use of taxpayers' money – to organise or fund, in the IHRC's words, “an advertising campaign” promoting a particular view of religious dress codes or “a government endorsed national Hijab day”.⁵⁰⁹ During Boris Johnson's tenure as Foreign Secretary, the Foreign and Commonwealth Office reportedly distributed free hijabs to celebrate World Hijab Day in 2018.⁵¹⁰ But just as the government does not and should not promote any characterisation of the veil as socially undesirable or express the view that Islam does not require women to veil, neither should it positively promote the veil or endorse the view that Islam requires it. Any official references to Islamic dress codes, for example in the context of diversity policies, should accommodate the diversity of Muslim opinion which includes the view that Islamic modesty requirements may be met without veiling mandates.

508.Saied R. Ameli and Arzu Merali, 'Hijab, Meaning, Identity, Otherization and Politics: British Muslim Women', IHRC, p.77. Available at: <https://www.ihrc.org.uk/wp-content/uploads/2009/07/BMEG-04-Book-Digital-Edition.pdf>.

509.*Ibid.*

510.Chloe Chaplin, 'Foreign Office employees invited to wear headscarves to work to mark World Hijab day', *The Evening Standard*, 8 February 2018, <https://www.standard.co.uk/news/world/foreign-office-employees-invited-to-wear-headscarves-to-work-to-mark-world-hijab-day-a3761146.html>.



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