

Legislation to ban burqa is liberal overkill, UK researchers claim

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Banning and criminalising the Muslim face veil tests the very foundations of modern liberal society, warn researchers from Queen Mary, University of London and the University of Sussex.

The paper 'Reasons to Ban? The Anti-Burqa Movement in Western Europe' examines the move to legislate against, and to criminalise face-veiling which has swept across the EU recently.

The European movement against face-veiling is now widespread, with calls to implement a ban, or a ban being in place, in France, Belgium, Italy, Spain, the Netherlands, Scandinavia, and Germany.

This move from country to country makes it seem like a form of “political Swine Flu”, suggests the paper’s authors, Prakash Shah, Senior Lecturer at the School of Law, QM and Ralph Grillo, Emeritus Professor of Social Anthropology at Sussex.

Face-veiling is capable of multiple interpretations, by those who wear it and those who do not, both [Muslim](#) and non-Muslim. Dr Shah explains: “While some claim that face-veiling is a customary rather than religious practice, others condemn it as an instance of ‘quintessential radical Islam’ – a Western extreme interpretation of Islam and Muslim practice.”

The current rush to legislate, the academics note, is set in the context of a ‘backlash’ against multiculturalism that has been developing across Europe. In France and other countries, security, identification and order have been central to legislative debates since the 9/11 terrorist attacks.

Despite less than one per cent of Muslim women wearing the burqa or niqab in the West, critics also argue that the veil impedes societal integration and breeds ‘dangers inherent in self-enclosed communities’. It is seen as a symbol of the failure of the Muslim women who wear the veil to visibly declare their loyalty to the nation-state where they reside.

In Britain, and other countries too, multicultural ‘diversity’ is officially welcomed, but not when interpreted as ‘difference’. “Difference”, explains Dr Shah, “is identified as beliefs and practices which contravene principles of liberal democracy that underpin governance in much of Europe.”

Dr Shah says: “What was previously thought tolerable has now become unacceptable, and moreover, subject to the law. The legislation which has criminalised face-veiling has clearly originated with the belief, that face-veiling does not fit with European society, culture and values, and has all manner of disagreeable if not downright dangerous implications,

especially for women.”

Face-veiling signifies an unwelcome racial or cultural presence, making it impossible for Muslims to be treated as ‘European’ unless they adopt ‘European’ sartorial practice.

“Face-veiling is one of those issues, like public prayers or arranged marriages, affected by a ‘repressive’ liberalism of the kind advocated by numerous European leaders, including Angela Merkel, Nicolas Sarkozy and David Cameron, often with racist undertones.

“The educative role of law is brought to bear upon ethnic and religious minorities in an effort to instruct, by force if necessary, the values of liberalism,” warns Professor Grillo.

It is also clear that many opponents sincerely believe that whether a religious or cultural symbol, face veiling is a non-liberal practice that penalises and subordinates women.

If women claim that they are not coerced into face-veiling but do so because it accords with their faith, then it is countered by saying, they have been ‘brainwashed’, notes the research.

“Freeing women from what is believed to be their submission to a patriarchal society, overrides their freedom to choose and express their religious beliefs. Anti-face-veiling discourse operates like a closed system, impervious to argument,” says Professor Grillo.

Criminalisation, the researchers argue, should always be a last resort, not least when it may harm those it is supposed to assist, for example, forcing women who voluntarily adopt the face-veil to disappear from public life.

“Legislators have sought to impose a particular narrative of the face-veil, and it is unfortunate that they have taken it upon themselves to declare a position strongly against face-veiling based on a number of narrow grounds. Leaning on the law stifles what might otherwise be a ‘natural’ dialogue among Muslims and non-Muslims, about the veil’s significance and future in Europe,” Dr Shah concludes.

The full paper, ‘Reasons to Ban? The Anti-Burqa Movement in Western Europe’, is accessible, via: www.mmg.mpg.de/publications/workpapers/2012/wp-12-05/

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