

Women who wear Muslim garments in court are viewed as more credible witnesses

February 1 2019



Women who wear Muslim garments in court are viewed as more credible witnesses. Credit: Lancaster University

Sexual assault victims wearing the hijab or niqab are viewed more positively when testifying in court than uncovered women reveals a study.

Lead author, Weyam Fahmy of Memorial University, said that: "Our findings raise an interesting question about how trial fairness may be impacted by the greater levels of credibility afforded to victims who wear Muslim garments while testifying.

"Any decisions on policies or recommendations on the presence of the

Muslim garments in [court](#) must be undergirded by a robust body of empirical data."

The study by Lancaster University in the UK and Memorial University of Newfoundland aimed to investigate the importance of being able to see the face to judge credibility among witnesses, along with the importance of religious garments.

Contrary to expectations, they found that "positive biases" are created when [women](#) testify in court with either their hair covered (the hijab) or their face and hair covered (the niqab).

Dr. Kirk Luther of Lancaster University in the UK stated that "The effect of Muslim Garment on victim credibility ratings was significant; the victim was perceived as more credible when she wore a niqab or hijab compared to when she did not wear either of these garments."

The study involved four videos featuring an actress which were shown to participants; two videos where the woman wore either a niqab or hijab, a third where she wore a balaclava and the fourth where her face and hair were uncovered.

In all four videos, the woman wore a black long-sleeved dress.

In each video, a woman was filmed on the witness stand providing her testimony about a [sexual assault](#) she allegedly experienced. The script used in the video was taken from an anonymous transcript of an actual court case where a woman was allegedly sexually assaulted. The victim and event script remained the same in all four videos.

The highest rating for credibility was given to the women wearing the niqab, followed by the hijab, then the balaclava and lastly the women with no face or head covering who was judged the least credible.

Researchers say there are at least three plausible explanations for this bias:

- The religious garments may signal that the wearer is more honest because of a positive view of religion
- The Muslim [garment](#) may dispel the common rape myth that the sexual assault victim was "asking for it" because it represents sexually conservative attitudes that are thought to disapprove of pre-marital or casual sexual encounters
- Muslim women, especially those who don a niqab or hijab, are often viewed as oppressed and are therefore can be seen as being more vulnerable to sexual abuse

Meagan McCardle of Memorial University noted: "Contrary to our prediction, participants rated victims wearing a Muslim garment as more credible than those who did not wear a Muslim garment. Also contrary to our prediction was the finding that covering the face fully did not have a significant effect on credibility ratings."

Professor Brent Snook concluded, "Our findings lead to the provisional conclusion that whether or not a sexual assault victim chooses to cover her face while testifying in court does not seem to have any effect on [credibility](#) ratings."

More information: Weyam Fahmy et al, Unveiling the truth: The effect of Muslim garments and face covering on the perceived credibility of a victim's court testimony., *Canadian Journal of Behavioural Science / Revue canadienne des sciences du comportement* (2018). [DOI: 10.1037/cbs0000116](https://doi.org/10.1037/cbs0000116)

Provided by Lancaster University

Citation: Women who wear Muslim garments in court are viewed as more credible witnesses (2019, February 1) retrieved 19 April 2024 from <https://phys.org/news/2019-02-women-muslim-garments-court-viewed.html>

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