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“More than Clothing: Veiling as a Cultural,
Social, Political and Ideological Symbol in our Changing Society”

By: Serap Kantarci
Tufts University, MA
serapkantarci@hotmail.com



While clothing fulfills a basic human need in most climates, what we wear also has significant social and political functions, serving as a non-verbal medium of ideological communication. However, until the recent surge of interest in popular culture (Barnes and Eicher 1992; Hendrickson 1996; Parkington 1992), few social scientists paid serious attention to this important aspect of clothing. But despite such scholarly neglect, the society, as well as those in power, has always recognized the significance of clothing as a vehicle of communication. Since most people easily and readily understand its non verbal message, clothing

has historically been a potent political tool for both rulers and ruled. A review of the literature on the history of dress codes, particularly in Europe and the Middle East since the 14th century, makes this statement quite clear. (Brewer and Porter 1993; Herald 1981; Perrot 1994; Sponsler 1992; Webb 1912).¹

According to Barnes and Eicher, clothing is the most silent of cultural, political, ideological and religious expressions used by diverse societies to distinguish social and economic boundaries and also to distinguish “self” from “other” at both the collective and individual levels. On the other hand, clothing indicates that the wearer shares certain cultural values with others similarly attired, while minor details may distinguish an individual from others in his or her social and economic group. Thus clothing plays an essential role in creating communities while simultaneously defining individual features of the wearer such as gender, age, ethnicity, race, religion, profession and class orientation (Barnes and Eicher 1992; Abu-Lughod 1986; Hendrickson 1996; Rugh 1986;).

In fact, indicating social hierarchy, unity and collectivity, as well as individuality, dressing (clothing) has a great impact on communication that helps people at first glance to place those they meet within a context, be it class, religion, profession or even political rank, thus shaping subsequent communication.² Actually, the various aspects of clothing as identity marker can be a political tool for political leaders, at least in Afghanistan.

Indeed, while a variety of dress codes emerged in Europe from the 16th to 19th centuries, both through state policy and in reaction to them in the form of popular resistance to such policy and in reaction to them in the form of popular resistance to such policy, it is perhaps the Ottoman Empire (1299-1922) with its diverse religious and ethnic groups, and Islamic heritage that provides the most compelling example of the social functions of clothing (Fandy 1998; Quataert 1997; Shahshahani 1995).

It is noteworthy that it's only since the 19th century that Muslims have justified veiling as Islamic rather than as a cultural practice (Esposito 1988).³ Actually, the headscarf (turban) in the Ottoman Empire and in many parts of the Middle East distinguished social groups in various ways. For instance, certain colors were

¹ For a history of clothing since Egyptian times, see Crawley (1931) and Payne (1965). For a summary of definitions and categorization of dress, see Barnes and Eicher (1992), and Lindisfarne-Tapper and Ingham (1997).

² Military uniform is one of the best examples of these functions. The uniform is designed to set its personnel apart from the public while creating an impression of physical solidity, thus psychologically reinforcing the military physical presence and power (Wheatcroft 1993).

³ Of course, this is not to say that historically there haven't been other attempts to control women's dress and clothing, but only that these attempts were not made in the name of Islam (see Leila Ahmed 1992, pg. 118).

reserved for members of the court and certain ones for urban Muslims, while others distinguished Armenians from Greeks, just as the particulars of turban also indicated civilian versus military status; this highly regulated social marker served to reinforce visibly the ranking of society (Quataert 1997). Later, with the weakening of the Empire and increasing breakaway tendencies-particularly among the less privileged ethnic groups, the Ottoman rulers began advocating a unified style of clothing and headgear in order to minimize social divisions and create an illusion of oneness, hoping thus to reinforce loyalty to a unified state (Berkes 1964). Similarly Ataturk decreed European-style hats and clothing for all citizens in the name of Turkish nationalism and modernity, a project later emulated by other countries such as Iran and Afghanistan (Baker 1997; Fandy 1998).

In this research paper I will examine the religious, social, cultural and political forces that encourage Muslim women to veil and examine the representation of veil (hijab), stereotypes and the symbols that attached to veiling in our modern world. These are the research questions to examine the reasons and results of arising social, political and legal discussions on the Headscarf issue:

- (1) Is the Muslim headscarf a political, and ideological symbol of an alternative, devine set of coordinates that opposed to the basic principles of Western modernity?
- (2) Does the headscarf express women's religious beliefs, religious and cultural identity?
- (3) Does abolishing the headscarf underline intolerance of cultural diversity and Islamic tradition?
- (4) Is wearing a headscarf a symbol, a sign of ideological fundamentalists to show Muslim women's intention to introduce the Islamic legal code, Shari'a?
- (5) Does the "Muslim headscarf" threat secularism in France, Germany and Turkey? Thus it should be forbidden in public life?
- (6) What about women's freedom of choice, human rights, gender rights, employment rights, educational rights?
- (7) Do Turkey, France and Germany have indirect discrimination, unequal treatment in labor markets: are Muslim women with headscarves are disadvantaged?
- (8) Is there a formal legal equality with respect to access to the market although there are a large number of women with headscarves banned from education and employment?
- (9) How do the EU laws protect equal opportunity for employment without any sex, religion, ethnic and race discrimination?
- (10) Does European Union Law require member states to meet the principles underlying "equality" and "discrimination by sex and religion?" and "How will it enforce this in member as well as candidate states to prevent this type of discrimination in employment and education?"

(11) What is the purpose of secularism in a constitutional state? Is it an essential structuring principle of legal order which works on the pretense of systematically realizing religious freedom as a human right?

Moreover, I will discuss various arguments surrounding the headscarf policy in a comparative manner. This paper aims to offer insights on the following questions concerning the current legislations on abolishing the veiling in public schools in France, Germany and Turkey: Is the Muslim Headscarf a threat to democracy, civic unity and secularism? Does headscarf ban limit women's freedom of choice, and violate their human rights, educational rights, as well as employment rights? Who are the opponents and defenders of the veiling? Why headscarf affair has generated a storm of controversy in France, Germany and Turkey? Why now, but not before? Is wearing of Muslim headscarf a political and ideological symbol, a sign of ideological fundamentalists to show Muslim women's intention to introduce the Islamic legal code, Shari' a? Does abolishing headscarf in public schools underline intolerance of cultural diversity and Islamic tradition? What do Muslim feminist women say about 'veiling'? Does it represent the emancipation/liberation of Muslim women? What do secular feminist groups say? This paper seeks answers to these broad political and legal questions by examining the current laws and regulations about prohibiting the wearing of the Muslim headscarf in public schools. The paper explores the headscarf policies in comparative perspective.

The Origins of the Veil, Is it a Symbol of "Muslimness?"

It is important to note that modest - particularly expressed through clothing and through varying degrees of gender segregation - has historically been practiced by a wide variety of communities, including most Mediterranean people, regardless of religion. Indeed, prior to the 19th century, the veil was never viewed as a symbol of Muslim culture; the practice of the veiling and seclusion of women is in fact pre-Islamic and originates in non-Arab Middle Eastern and Mediterranean societies (Keddie and Beck 1978). The first reference to veiling dates to an Assyrian legal text of the 13th century BC, which restricted the practice to "respectable" women and forbade prostitutes from veiling (Keddie and Baron 1991, pg. 3). Historically, veiling - especially when accompanied by seclusion - was a sign of status and was practiced by the elite in the ancient Greco-Roman, pre-Islamic Iranian and Byzantine empires. Muslims subsequently adopted the veil and seclusion, and today it is widely recognized, by Muslims and non-Muslims, as an Islamic phenomenon, presumably sanctioned by the Qur'an.

Argument: The Muslim headscarf does not present a problem in most of the European countries. Schools in Britain, Spain, the Netherlands, Italy, Belgium and all the Scandinavian countries have no laws against headscarf but the legal

and political debate on the Muslim headscarf has been becoming tainted by ideology, not only in Germany and France, in Turkey too. For some groups, it is a symbol of religious fanaticism and for others headscarf is a symbol of religious fanaticism and some groups believe headscarf is a symbol of oppression of women that ultimately has to be banished from public life. Besides, other groups are convinced that the veiling of women is commanded by the Quran, and they argue that a ban would infringe their right to practice their religion freely. On the other hand most of the people are supporting the law to abolish wearing headscarf in public sphere since it is a treat to secularism and country's secular constitution. Indeed, in France, Germany and Turkey, same kind of arguments are marshaled by both sides. Actually, this legal and political debates are being conducted with increasingly passionate intensity through the mass media. The major argument will focus on the reason "Why Women's Religious Rights to Wear the Traditional Headscarf is at the Center of Political and Legal Controversy in Germany, France and Turkey?"

This paper will discuss whether abolishing the "Muslim headscarf" in public life is a violation of human rights. If the answer is Yes, then how can Turkey, France and Germany meet the requirements to protect human rights. If human rights contain the freedom of religion, then regarding to the freedom of expression how Muslim women can practice and express their religious beliefs freely. If the answer is No, then why lots of Muslim women lost their educational rights and girls were discriminated by their religion through primary to higher education. Also, why lots of Muslim women were banned to work in public institutions with their headscarf?

The major question is: If banning the Muslim headscarf in a public life is a violation of human rights (women's rights), then why the EU member states: Germany and France have been passing laws to ban the Muslim headscarf. How the EU laws and regulations could resolve this complicated political and legal conflict that has been arising in France and Germany?