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In Theory: Should France have banned Islamic dress?

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Question:

After banning the public wearing of burqua-style Islamic dress in public, France has fined two women for wearing a niqab, a face-covering veil. One of the women fined, Hind Ahmas, said she welcomed the fine, as it would allow her to challenge the ban in the European Court of Human Rights. Another woman who was arrested for wearing a niqab plans to run for the office of president. Kenza Drider will run as an independent candidate, her campaign funded by pro-Islamic groups.

The ruling, passed 246-1 in the French senate in September 2010, affects roughly 2,000 women in the country who wear full Islamic dress and was passed after a committee reported that the public wearing of the niqab went against French republican principles of secularism and equality.

“The wearing of the full veil is a challenge to our republic. This is unacceptable. We must condemn this excess,” the report said.

Belgium, Italy, Denmark, Austria, the Netherlands and Switzerland are planning, or have passed, similar legislation, all stressing that the laws are not anti-Islamic.

The law, which has proved popular with the French public, was condemned by some groups, with SOS Rascisme, a French anti-racism group, saying it contravened the constitution and the European Convention on Human Rights and would stigmatize Muslim women. Human Rights Watch condemned the law, saying, “The ... law is an unwarranted infringement on the right to religious practice. For many Muslims, wearing a headscarf is not only about religious expression, it is about religious obligation.” The governments of Syria and Iran also have condemned the law, and France has seen a sharp decline in tourists from Islamic countries.

Was France right to ban Islamic dress?

Answer:

The question this week about the French ban on Islamic dress for women reminded me of something written by Martin Niemoeller, the Lutheran pastor in Berlin arrested by the Gestapo and sent to the Dachau concentration camp in 1938. While there, he wrote, “In Germany, the Nazis first came for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, but I didn't speak up because I was a Protestant. Then they came for me, and by that time, there was no one left to speak up for me.”

As people of faith, when we do not speak up for the rights of others to practice their religious faith as they see it, we are no better than those whose acts of destruction we condemn. May we find ways to support all people as they find religious meaning in their lives.

The Rev. Dr. Betty Stapleford
Unitarian Universalist Church Of the Verdugo Hills
La Crescenta

I don't believe France's ban on Islamic dress in public is justifiable, especially in light of their claim of doing so in the name of "secularism and equality." France's ban sends the very clear message that secularism is in fact the country's legally enforced national religion, violation of which is punishable. Devout Muslim women are essentially being told that they cannot identify themselves as such in public — "Keep your veil in the closet." It's inconceivable how anyone could consider that a stand for equality. It's also rather humorous that some Islamic countries condemn France's controversial law. They enforce almost identical laws in mirror image, strictly requiring that all women in public places — including foreigners — wear such attire.

Issues like this make me appreciate the Christian faith all the more. When we receive Jesus Christ as our savior, he enters our lives as our loving lord and he changes us from the inside out. The apostle Peter instructs women in the church, "Let not your adornment be merely external — braiding the hair, and wearing gold jewelry, or putting on dresses; but let it be the hidden person of the heart, with the imperishable quality of a gentle and quiet spirit, which is precious in the sight of God" (1 Peter 3:3-4). This is what makes following Jesus Christ unique in all the world. It is not changing ourselves in an attempt to please God. It is allowing God into our hearts that through his spirit's work he might make us pleasing to him.

Pastor Jon Barta
Valley Baptist Church
Burbank

When I was in grade school, perhaps in the sixth grade, the teacher said something that I've never forgotten: Your rights end where my nose begins, or my rights end where your nose begins. We've all heard it said that it's a free country, and indeed, it is. However, my right to free speech does not give me the right to yell "Fire!" in a crowded movie theater if in fact there is no fire. What France is dealing with, it seems to me, is where to draw the line.

Don't Muslims have the right to dress as they want? Normally, I would say yes. But that personal right has to be balanced against the public's right to be safe — and so while I am torn on this issue, I find myself on the side of the French government in banning anything which covers the face, whether the person is male or female.

In this country, Nazis have the right to march through Jewish neighborhoods, spouting their

venom and filth about racial superiority — but not with their faces covered. I am not at all equating Muslims in France with Nazis in America, but because of what has happened at the hands of a radical fringe of Muslim extremists (“knuckleheads,” as one of my Muslim friends calls them), I feel French authorities were justified.

Perhaps I can paraphrase what I learned in the sixth grade: Your right to wear what you want ends where the fear of the citizenry begins. In the United States we have the 2nd Amendment right to keep and bear arms. But we're not allowed to take them onto airplanes or into courtrooms.

The question of personal rights versus the public's right to be safe in a multicultural, multiracial, multifaith society is a thorny one, and it requires sensitivity from everyone involved.

The Rev. Skip Lindeman
La Cañada Congregational Church
La Cañada Flintridge

In my opinion, the ban is a misguided reaction to a non-problem. The estimated 2,000 Muslim women wearing full face-covering in public are out of a population of 4.9 million Muslims in France. Reacting by banning full veils seems disproportionate.

I fear that the ban could lead to more conflict, and that it does not at all display the French values of “liberté, égalité, fraternité,” which the backers say the law promotes. It defies logic to claim that restricting women's personal choices is necessary to preserve secularism and equality. Clothing can't violate church-state separation, only its wearers can.

The text of the law contains no mention of full veils, Muslims or even women; thus it survived constitutional challenge. Still I doubt that it can pass muster at the European Court of Human Rights, which I predict will agree with human rights advocates that the ban restricts the free exercise of religion.

The actual language of the law makes it a crime to hide one's face in a public place. When face-covering is called “excess,” the coded meaning is excessive devotion to a particular religious tradition.

I venture to say non-Muslims needn't worry that their religious fervor will be deemed excessive. Are Carnival masks or playing peek-a-boo threatened? Could couture that is way, way over-the-top qualify?

No, the language is understood to outlaw burkas and niqabs and nothing else.

Here at home, a Glendale ordinance prohibits outdoor grilling by eating establishments and reports are that major equipment for indoor grilling is now required. Yet most Sundays you can find, by their delicious smoky aromas, sizable flocks of chickens and other meats grilling at the Harvest Market in Montrose. Is this another law in coded language?

For the French Parliament to equate Muslim clothing customs with “enslavement” I believe shows an incomplete understanding of Islam.

All women of course should have full equality, which they obviously don't in most Muslim countries. For me, not being allowed to drive, as would be the case in Saudi Arabia, would be worse than enslavement.

But that is not France, and this French law does nothing to make Muslim women more equal anywhere. These bans are coming about to satisfy racist, xenophobic constituencies.

Roberta Medford

Atheist

Montrose

In truth, I have very mixed feelings regarding the French law banning the public wearing of the burqua and other Islamic-style veils. On one hand, I understand the sentiment of the French people in outlawing a piece of clothing they feel violates a woman's intrinsic right to freedom.

This is especially true since it seems that Muslim men often force this religious law upon women. And in a European culture that places a premium on the ideals of integration and egalitarianism, the argument can be made that showing one's face in public is a part of participating in mainstream society as an equal.

On the other hand, however, this law seems to violate religious freedoms and the ability to practice one's faith unhindered. I believe that if a government assumes the authority to regulate religious ritual, then the line between government protection and religious persecution becomes blurred. The same theory used to prohibit a burqua or face veil can ostensibly be used to bar the wearing of a Yarmulka — an unassuming Jewish head-covering — or other garments specific to religious traditions.

The key to resolving this issue, and to addressing similar controversies, is to find a middle ground that does not threaten either the French commitment to civil liberties or members of the Muslim community's right to practice their religion. In all likelihood the solution will not come from the halls of government, but rather from grass-roots groups from both camps who come together for a reasonable dialogue and decide on the proper path forward. What is needed is a level-headed discussion — based on facts, rather than misconceptions — in which all parties strive for tolerance and understanding, and all involved recognize the legal and cultural ramifications of their actions.

Rabbi Simcha Backman

Chabad Jewish Center

Perhaps the land of châteaux and champagne is simply not the best place for Bedouins in

burqas. From what I understand of the situation, there are those that simply think this is all much ado about nothing; that this law merely appeases a worried citizenry that fears Muslim encroachment devouring French culture. So enforcement hasn't been aggressive, and the current case only began because of provocative civil disobedience staged to strengthen an Islamic foothold.

Conversely, I perused a map of world burqua-wearers, and they aren't European. It's a Middle-eastern and African phenomenon, coming from countries that marry Muslim religion, culture, and politics. Here we have those nationals transporting their cultural religion — not becoming French, but erecting foreign enclaves. Today, few visit France's parallel to Westminster Abbey, the Basilica of Saint-Denis, where French kings are interred, because it's become like Afghanistan, and police warn visitors regarding this area.

Then there are these bandit-like face coverings that are both un-French and frightening to the French and to many surrounding countries that also don't trust face-hiding, and pass similar laws. As a question of religion, it behooves the French to gain the services of moderate French-born Imams to aggressively counter the less-than-universal interpretations of modesty of which the current violators seem to be unaware. Looking across the map of Muslim countries, some women wear burqas, others don't. Some are mandatory, others not. If they can flex rules in their countries of origin, why cannot France also mandate prohibitions or modifications of the same?

Tertullian, the early church father of Latin Christianity, noted some four centuries before Muhammad founded Islam that women in Arabia and Persia wore these odd face-coverings even then. That says it's purely cultural, and being such, should be abandoned when it's not welcomed by culture — especially someone else's.

Muslims in America do not generally wear burqas. Does that make them crummy Muslims? I don't think they see it as religious necessity, and neither do the French, who honor a woman's face and give at least tacit acknowledgment to the God who formed it beautifully.

The Rev. Bryan Griem
Montrose Community Church
Montrose

Yes, France is justified to enforce its ban on face concealment. The act of parliament passed in France is titled the "Act Prohibiting Concealment of the Face in Public Space." This law is intended to encourage public safety, social equality and public secularism. These goals are admirable and should be pursued in all modern nations. Of course, as with all laws, there remain questions of fairness, equal treatment and freedom of expression.

The law bans veils, masks and other face-covering headgear in public. It appears to be fair in that it is not being targeted at followers of one religion. One question about these types of laws in France is, are they targeted at mostly African immigrants, as that is the top source of Muslim immigrants into France? Since the ban is claimed to affect only a small number of the total

number of Islamic practitioners in France, supporters of the ban could claim it is not a hardship on any one group.

Issues of equal treatment are similar, because the ban only seems to affect female followers of Islam. Supporters of the ban would express a goal of freeing such women from family and religious pressure to wear special dress. Some reports indicate at least some individual women in France reacted positively to being freed of the requirement to wear face coverings. As with all laws, sometimes the greater good is served through compromise.

The issue of freedom of expression is very important in America and should receive more respect in the world. A person who chooses to wear a face covering is having her freedom of expression restricted by this law in France. This has been a delicate issue in the United States and is reevaluated and revised from decade to decade by the Supreme Court and our political system. The U.S. continues to struggle over this issue and does not have a final answer. In general the U.S. has traditionally been willing to err on the side of more freedom. France needs to decide how it can best protect its people and provide human rights to all. So far, I agree with the actions of the French government and hope they can provide both freedom and safety.

Steven Gibson
South Pasadena Atheist Meetup
Altadena

France's rationale for this law is to promote public safety and to protect women from being pressured into wearing full face veils. But does the law really do that?

Based on what I have read, the law appears to be more of a restraint on religious freedom than a means to promote public safety and protect women. This is especially true if the law was enacted, as noted in the In Theory commentary above, to maintain French republican principles of secularism and equality.

John Dalhuisen, Amnesty International's Deputy Director for Europe and Central Asia, notes on Amnesty International's website that the legislation "is a travesty of justice and a day of shame for France.... Instead of protecting women's rights, this ban violates their freedom of expression and religion.... For security purposes, complete public bans on face-coverings are unnecessary and discriminatory."

In the United States, the 1st Amendment right of religious freedom protects against government intrusion into religion unless there is a compelling governmental interest. I don't know if a similar protection is afforded under French law; if not, such a protection would seem to be appropriate, given this law.

Regardless of one's religious beliefs or lack thereof, tolerance, if not respect, should be given when others practice their religious beliefs, provided that such practice does not contravene public safety or otherwise infringe on a compelling governmental interest.

Rick Callister
Church of Jesus Christ of Latter-day Saints
La Cañada

I don't know, of course. I'm not French. I'm not Muslim. I don't know what it feels like to be a Muslim woman wearing a veil — does it feel like oppression? Like holiness? Like beauty? Like shame? Neither do I know what it's like regularly to see women in public places dressed in a way that seems so cruelly misogynistic that it feels like good people should put a stop to it.

And I guess since I don't know either side of the story well, I'd land on the side of protecting religious freedom. You know, "I disapprove of what you say, but I'll defend to the death your right to say it." (Not, after all, said by Voltaire, but still very French.) I hate the idea of women being veiled in public; but if that's what they want to do, then I defend their right to do it.

We don't pass laws against Amish caps, or Mormon prairie dresses, or Catholic nun's habits — though we might disagree with the restrictions placed on all these women's freedoms. Why not grant to Muslims the same right to have an attitude and way of life the rest of us don't understand?

And anyhow, it's hard for any Christian to point fingers about other religions' sexist oppression when there's this in our own scripture:

"Any woman who prays or prophesies with her head unveiled disgraces her head — it is one and the same thing as having her head shaved.... For a man ought not to have his head veiled, since he is the image and reflection of God; but woman is the reflection of man" (I Corinthians 11:5, 7). Thanks for that, Paul.

If well-meaning Christian women started shaving their heads, we might look away in distaste, maybe attempt an intervention; but we wouldn't fine them or jail them or go out of our way to pass laws saying they have to have hair.

It's a free country (and so is France); and freedom means protecting people's rights to do stuff you hate.

The Rev. Amy Pringle
St. George's Episcopal Church
La Cañada Flintridge

France is not right to ban any kind of dress that is an expression of religious faith. Interestingly, the first laws in France that address a distinctive style of religious dress happen to target Muslim women. France is having a tough time dealing with religious pluralism and freedom, using all kinds of trumped-up reasons such as security and claiming, of all things, that this is a stance against the subjugation of women.

Quite the opposite is true. By imposing its cultural norms on its French Muslim citizens through the prohibition of the face veil, the French government has joined the ranks of other oppressive governments in terms of religious freedom for women. A prime example is the Kingdom of Saudi Arabia, which forces its female population to wear the veil. Both societies are imposing a lack of choice on women by suppressing their religious freedom.

This year has seen a great hope for remarkable strides forward for freedom in general and for women's rights in particular in the Muslim world. Turkey, a Muslim country that is emerging as an international power and is considered a beacon of social change in the Muslim world, is doing the exact opposite as France. In the past, Turkey prohibited Muslim women from wearing certain types of head covering in government institutions as part of a fear-based policy in the name of establishing a secular state. But that prohibition has been lifted by the current government to give women the freedom to choose how they want to express their faith. The main issue is religious freedom and the fight against all forms of extremism, be they cultural, secular or religious. This is the real enemy of women's rights.

Finally, it should be noted that wearing a head scarf or a face veil are particular expressions of Islamic faith that are not at the core of Islamic values. What is fundamental in Islam is the freedom to practice one's faith as one chooses. This is clearly expressed in the Koran (chapter 2, verse 255): "Let there be no compulsion in religion, the truth stands clear from error." Islam mandates both freedom of religion and freedom from religion. This applies to Muslim majority countries, as well as countries where Muslims are a minority.

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