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Muslim Women, the Veil, and Human Rights

The University of Chicago Center for International Studies
The following lessons address the discourse surrounding the subjugation and liberation of Muslim women. Issues surrounding feminism and human rights being co-opted into political agendas, the controversy of veiling, and debates surrounding the interpretation of covering and uncovering according to local political contexts in various parts of the Muslim/Western world (Turkey, France, Central Asia) are highlighted. Attention is also made to the efforts of the international human rights community to address some of these issues.

These materials were created by Rafia Zakaria, J.D., in connection with a workshop presented at the University of Chicago on April 18, 2009. Rafia is an attorney whose work focuses on Muslim Women’s Rights. She is currently a Ph.D. Candidate in Political Theory/Comparative Politics at Indiana University, Bloomington. Rafia is the Director of the Muslim Alliance of Indiana (MAI) Women's Fund and consults on the Middle East Country Group of Amnesty International, USA. Rafia writes a weekly column for the Daily Times, Pakistan.

The workshop was a collaborative effort between the University of Chicago, Center for International Studies, Center for Middle Eastern Studies, Center for East European and Russian/Eurasian Studies, and the South Asia Language and Area Center.

All of the following resources can be accessed and downloaded for free at:
http://cis.uchicago.edu/outreach/workshops
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Muslim Women, the Veil and Human Rights

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4. The Veil and War
1. Overview: Muslim Women and the Veil

In recent years, images of veiled women have become the centers of political controversy. In the West, the veiled Muslim woman is often associated with oppression, subjugation and the lack of freedom. In contemporary United States, following 9/11 the veil became one of the central symbols of being Muslim. The following lessons are divided up into four sections or themes to assist teachers in discussing issues pertaining to Muslim women around the world, the veil, and human rights. The first section is designed to introduce teachers to the variety of meanings, political, personal and theological, associated with the veil. In this sense, it seeks to introduce the veil not as a monolithic symbol of oppression or liberation, but in its varied meanings as a form of religious expression, political expression and also a state instrument signifying visible control. This section also aims to pose some crucial questions regarding the pre-occupation with covering/uncovering as the central denominator of women’s liberation or oppression.

The second section introduces the theological positioning of the veil within Islamic doctrine. This section seeks to provide some insight on the variety of ways in which the controlling Quranic verse is interpreted and reveals the debates within Islam which see veiling as a duty and others which do not. It introduces also the treatment of veiling within other religious texts to give the varied history of veiling within religious contexts in general.

The third section presents the varied contemporary political contexts in which veiling has become an issue. It focuses on religion and state relations and how they have impacted the evaluation of veiling/unveiling as a political symbol of resistance against the state. The section highlights both Muslim and non-Muslim contexts and examples of countries where the state enforced and or prohibits veiling. This analysis involves the case of Leyla Sahin who sued the Turkish Government for preventing her from sitting in state run examinations while wearing the headscarf and the obstacles faced by a French schoolgirl who is expelled from classes because of her refusal to remove the headscarf. In the latter case, the position of Muslims as a low-income, immigrant minority in France influences the use of the veil as a visible symbol of identity. This section also focuses on questions of whether there should be a “right” to veil and/or unveil, and whether this should be a human rights issue. Questions are also posed as to whether the veil has become a symbol of resistance against the state in political contexts where it is banned and whether unveiling signifies the same resistance where it is enforced.

The final section of lessons uses images from the war in Afghanistan to see how veiling of women has become a metaphor in wartime, positioning the covering/uncovering of women as symbols of control both by the United States and by the Taliban. American rhetoric has focused on the covering of women as a sign of liberation while the Taliban have enforced the veil as a sign of their territorial control. Data on the actual challenges faced by Afghan women in terms of maternal health, illiteracy, and access to education, is used to draw attention to how these visible symbols on either side detract from the actual structural issues faced by women in Afghanistan.
Glossary of Veiling Terms:

**Hijab** - Usually used to refer to the headscarf which covers all hair

**Mahram** - Blood-relative or husband (people before whom a Muslim woman may be unveiled)

**Na-mahram** - Those other than blood relatives before whom Muslim women must be veiled

**Niqab** - Denotes face-covering (in addition to covering hair, the face is also covered)

**Burqa** - Term used in South Asia to denote full-body and head covering

**Chador** - Persian terms used to denote large piece of fabric that covers entire body, head and part of the face (held under the chin)

**Hadith** - The "tradition of Mohammed," reveals the teachings of the Prophet to believers. Bukhari's version of this text is generally regarded as the standard one, although numerous versions exist. In a very broad sense, the relation the Hadith has to the Qur'an resembles the New Testament's to the Old Testament in Christian scriptures.
Define the following veiling terms, in your own words:

Hijab -

Mahram -

Na-mahram -

Niqab -

Burqa -

Chador –

Hadith -
Is it a hijab or a burqa?

The practice of veiling in Islam typically refers in English to the whole range of practices from covering the hair to concealing all of the skin on a woman’s body. Here are the most well-known versions:

**Chador**
Typically black, it’s a loose, flowing piece of material draped over the head and held shut underneath the chin with a free hand.

**Niqab**
Almost always black, it leaves nothing but a slit for the eyes showing, and is usually worn with a shapeless black robe and black gloves. Usually it’s sign that the individual is a follower of the strict Sala school of Sunni Islam.

**Burqa**
Frequently blue, the tent-like garment hangs from the head and falls to below the ankles. Though it has a slit for the eyes, this is covered up with a tightly woven mesh piece, leaving no skin exposed.

**Hijab**
Common throughout the Muslim world, it describes a range of hair coverings from loose scarves draped over the head and under the chin and then pinned, to elastic “sport” hijabs for use when exercising.

(Image Courtesy of Christian Science Monitor)
2. Theological Debates

There is no specific Quranic prescription for veiling. The specific Quranic verses dealing with covering say:

"O Prophet! Tell thy wives and thy daughters and the women of the believers to draw their cloaks close around them, that will be better, so that they may be recognized and not annoyed. Allah is ever forgiving, merciful...." (Quran 33:59)

(From A.Yusef Ali's translation of the Qur'an; other versions translate the original Arabic as "veils" where Ali uses "cloaks".)

“Say to the believing men that they should lower their gaze and guard their modesty: that will make for greater purity for them: and Allah is well acquainted with all that they do.” [Q 24:30]

“And say to the believing women that they should lower their gaze and guard their modesty: that they should not display their beauty and ornaments except what (must ordinarily) appear thereof; that they should draw their veils over their bosoms except to their husbands, their fathers, their husbands’ fathers, their sons, their husbands’ sons, their brothers or their brothers’ sons, or their sisters’ sons, or their women, or the slaves whom their right hands possess, or male servants free of physical needs, or small children who have no sense of the shame of sex; and that they should not strike their feet in order to draw attention to their hidden ornaments. And O ye Believers! Turn ye all together towards Allah, that ye may attain Bliss.” [Q 24:31]

The specific prescription for veiling is drawn instead from the Hadith. The specific Hadith cited in relation to veiling says:

"My Lord agreed with me ('Umar) in three things... (2) And as regards the veiling of women, I said 'O Allah's Apostle! I wish you ordered your wives to cover themselves from the men because good and bad ones talk to them.' So the verse of the veiling of the women was revealed" (Bukhari, v1, bk 8, sunnah 395).
The Ongoing Debate:

Among Muslim women, the debate about *hijab* takes many forms. Many believe that the veil is a way to secure personal liberty in a world that objectifies women. Several women have argued that *hijab* allows them freedom of movement and control of their bodies. Understood in such terms, *hijab* protects women from the male gaze and allows them to become autonomous subjects. Others have argued that the veil only provides the illusion of protection and serves to absolve men of the responsibility for controlling their behavior. Both positions assert that Islam is not responsible for sexism. In fact, the Qur'an supports the notion of gender equality.

As scholar Fatima Mernissi said:

> "the existing inequality does not rest on an ideological or biological theory of women's inferiority, but the outcome of specific social institutions designed to restrain her power"

*(Beyond the Veil, Mernissi, Fatima)*

Mernissi views the recent rise of women's repression in some Muslim countries as a rejection of colonial influence. The fact that Western colonizers took over the paternalistic defense of the Muslim woman's fate, characterized any changes in her condition as concessions to the colonizer. The disavowal of veiling is often seen as an emulation of the West, with women’s liberation consequently identified as succumbing to foreign influences. Although written in the 70's, Mernissi's work sheds light on more recent events like the reinstatement of mandatory veiling by Afghanistan's Taliban regime.

More conservative interpretations assert that the veil is a mandatory requirement of Islamic belief paying emphasis on the Hadith and the fact that the wives of the Prophet Muhammad were veiled. Relatively liberal and often less literal interpretations focus on modesty as the central aspect of the prescription, making modesty a guiding norm in Muslim dress, as opposed to the actual veil.
Muslim Women, the Veil and Human Rights

Questions on the Theological Debate of Veiling

1. Explain what the Quranic verses say regarding veiling.

2. What is the source for the specific prescription for veiling in Islam?

3. How did the Muslim experience with colonialism affect the theological debate on veiling?
3. The Importance of Political Context: The Veil as a Religio-Political Symbol and the Impact of Relations between State and Religion on the Issue of Veiling.

The following map illustrates countries where the veil is legally enforced (shaded red) and where it is banned (shaded blue).

**KEY:**
- **Red shaded countries:** Veiling is enforced by the state. (Saudi Arabia and Iran)
- **Blue shaded countries:** Veiling (religious symbols) in public is banned by the state. (Turkey and France)
Iran and the Veil:

Under Iranian law imposed after the Islamic revolution, all women — visitors included — must cover their heads and dress modestly.

Officially, that means wearing a full-length chador (a shapeless, tentlike cloth, usually black) or a headscarf, trousers, and long-sleeved lightweight coat called a manteau. The country's shifting interpretations of acceptable attire illustrate the complex realities of Iranian women themselves.

On the streets of modern neighborhoods in cities such as Tehran and Shiraz, young fashionistas wear thigh-high, figure-hugging manteaus, with their bleached blonde hair spilling out of skimpy silk scarves. At the same time, visitors push the envelope with ball caps and gauzy Indian tunics.

Yet elsewhere, particularly in conservative Mashhad and Yazd, the black chador and maqna-e (a nunlike, one-piece garment that covers the head and shoulders) are ubiquitous. According to recent news reports, Iran's "morality police" have stepped up their sweeps, shutting down stores that sell provocative manteaus and detaining women who have committed such offenses as wearing bright nail polish (USA Today 11/6/08).
Crackdown in Iran over dress codes
By Frances Harrison
BBC News, Tehran

Thousands of Iranian women have been cautioned over their poor Islamic dress this week and several hundred arrested in the capital Tehran in the most fierce crackdown on what's known as "bad hijab" for more than a decade.

It is the talk of the town. The latest police crackdown on Islamic dress has angered many Iranians - male, female, young and old.

But Iranian TV has reported that an opinion poll conducted in Tehran found 86% of people were in favour of the crackdown - a statistic that is surprising given the strength of feeling against this move.

Police cars are stationed outside major shopping centres in Tehran.

They are stopping pedestrians and even cars - warning female drivers not to show any hair - and impounding the vehicles and arresting the women if they argue back.

Middle-aged women, foreign tourists and journalists have all been harassed, not just the young and fashionably dressed.

Individual choice

Overnight the standard of what is acceptable dress has slipped back.

"I want the whole world to know that they oppress us and all we can do is put up with it"
Tofiq, 15

Hard-won freedoms - like the right to wear a colourful headscarf - have been snatched away.

It may sound trivial but Iranian women have found ways of expressing their individuality and returning to drab colours like black, grey and dark blue is not something they will accept easily.

"If we want to do something we will do it anyway, all this is total nonsense," says a young girl, heavily made up and dressed up.

She believes Islamic dress should be something personal - whether you're swathed in a black chador or dressed in what she calls "more normal clothes".
Interestingly many women who choose to wear the all enveloping chador agree - saying it's a personal choice and shouldn't be forced on people.

"This year is much worse than before because the newspapers and the TV have given the issue a lot of coverage compared to last year; it wasn't this bad before," says Shabnam who's out shopping with her friend.

Permission denied

At the start of every summer the police say they will enforce the Islamic dress code, but this year has been unusually harsh.

Thousands of women have been cautioned by police over their dress, some have been obliged to sign statements that they will do better in the future, and some face court cases against them.

Though the authorities want coverage internally to scare women - they don't want the story broadcast abroad.

The BBC's cameraman was detained when he tried to film the police at work and the government denied us permission to go on patrol with the police.

"Really we don't have any security," complains Shabam's friend Leyla.

"Since we came out this morning many people we met have continuously warned us to be careful about our headscarves and to wear them further forward because they are arresting women who are dressed like this," she says.

Boutique owners are furious. Some shops have been sealed - others warned not to sell tight revealing clothing.

One shopkeeper selling evening dresses told us the moral police had ordered him to saw off the breasts of his mannequins because they were too revealing.

He said he wasn't the only shop to receive this strange instruction.

Respect

There's even been less traffic on the streets because some women are not venturing out - fearful they will be harassed.

And it's not even safe in a car. Taxi agencies have received a circular warning them not to carry a "bad hijabi".
"They have said we shouldn't carry passengers who wear bad Islamic dress and if we do we have to warn them to respect the Islamic dress code even inside the car," said one taxi driver.

And it's not just women who are being targeted this year.

Young men are being cautioned for wearing short sleeved shirts or for their hairstyles.

Morad - a hairdresser whose gelled hair is made to stand straight up - says it's necessary for him to look like this to attract customers.

"These last few days I don't dare walk down the main roads looking like this case I get arrested," he says.

"I use the side streets and alleys."

Morad is scared because his friends have told him they've seen the police seize young men and forcibly cut their hair if it's too long.

Fifteen-year-old Tofiq who'd also gelled his hair to stand on end said he too was afraid but he wasn't going to change.

"I want the whole world to know that they oppress us and all we can do is put up with it," he said.

Some parents have complained that harassing the young over their clothing will only push them to leave the country.

But one MP has said those Iranians who cannot cope with Islamic laws should leave.

Some commentators have suggested that the government is conducting this crackdown to distract attention from the rising cost of living in Iran and increasing tension with the international community over the nuclear issue.

If so, it's a strategy that risks alienating people who've got used to years of relative social freedom and do not want to return to the early days of the revolution when dress rules were much more tightly enforced.

Story from BBC NEWS:
http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle_east/6596933.stm

Published: 2007/04/27 08:28:36 GMT © BBC MMIX

This article is to be used for instructional purposes only.
France and the Veil:

Total population of France: 62.3 million  
Muslim population of France: 5-6 million (8-9.6%)

Background Information:  
The French Muslim population is the largest in Western Europe. About 70% have their heritage in former North African colonies of Algeria, Morocco and Tunisia. France favors integration, and many Muslims are citizens. Nevertheless, the growth of the Muslim community has challenged the French ideal of strict separation of religion and public life. There has been criticism that Muslims face high unemployment and often live in poor suburbs. A ban on religious symbols in public schools provoked a major national row as it was widely regarded as being a ban on the Islamic headscarf. Late 2005 saw widespread and prolonged rioting among mainly immigrant communities across France.

Sources: Total population - National Institute for Statistics and Economic Studies, 2004 figures; Muslim population - French government estimate.

French Muslims and the Ban on Headscarves:  
In contrast to Britain, France has been far less willing to accommodate the religious needs of Muslims. French educational policy rejected multiculturalism as an appropriate educational model in the state schools. Aside from such short lessons on the Muslim world as those in the cinquième History and Geography class (Marseille 1997:24-39), the French secondary-school curriculum teaches nothing about Islam. Even before the French legislature completely banned the hijab from state schools in 2004 (Sage 2005), some local school authorities had already been dismissing girls for wearing the headscarf. French Muslim leaders estimate that between 1989 and the early 2000s, hundreds of Muslim young women had been expelled from public schools for refusing to remove the hijab (Kabtane 2001; Merroun 2001). These young women were then forced to study by correspondence, rely on volunteer Muslim tutors, or abandon their education altogether (Kada 2001).

French policy on state accommodation of religious practices is governed above all else by laïcité, or a certain version of separatism between religion and state. Today, a century after its enactment into French law, laïcité continues to structure public debate over the proper place of religion in French politics and society. Not only secularists, but even most practicing Christians, Jews, and Muslims still justify their respective positions by appealing to some version of the French concept, laïcité (Cesari 2000).
Laïcité in France “strict vs soft” laïcité:
Today, one might divide the various interpretations of laïcité into two broad categories: strict (a.k.a. militant or closed) and soft (also called pluralist or open). Under most formulations of the first version of laïcité, French citizens may, in their private life, believe what they will about religion. In public, however, religious individuals face more restrictions. If they are employed by the state or find themselves in a public-services setting (e.g., in a public school), believers are not to engage in any exterior manifestation of their particular religion. Praying in public, refusing to eat certain kinds of food in a school cafeteria, and wearing religiously distinctive clothing or jewelry outside the home, for example, all violate the first type of laïcité (Jézéquel 1999:38-39; Pena-Ruiz 2001:22).

According to the soft version of laïcité, the state should respect all religious beliefs but also foster the free exercise of religion by, for example, funding private religious schools. Far from wanting to confine religion to the private sphere, advocates of open laïcité wish to encourage interreligious understanding and public dialogue among different religious groups, even in the public schools. The 2004 banning of the hijab was a symbolic victory for the advocates of the strict version of laïcité. The French church-state model has restricted the ability of Muslim groups to take their case for public recognition of their religious rights directly to the state. France’s secular republican creed, which shuns notions of special lobbies or communities, has made it particularly hard for Muslims to advocate for state accommodation for their religious practices. French teachers’ union leader Francis Berguin (2001) explains that in the public space the individual must leave his or her religious concepts behind. This mindset, which is widely shared among policy makers, puts Muslims on the defensive when they enter the policy realm as Muslims (from Christopher Soper and Joel Fetzer’s, Religious Institutions, Church State History and Muslim Mobilization in France Germany and England, Journal of Migration and Ethnic Studies).
The Veil in Turkey:

Total population in Turkey: 68.7 million
Population of Muslims in Turkey: 68 million (99%)

Background Information:
Although Turkey is a secular state, Islam is an important part of Turkish life. Its application to join the EU divided existing members, some of which questioned whether a poor, Muslim country could fit in. Turkey accused its EU opponents of favoring a "Christian club". Membership talks were formally launched in October 2005, with negotiations expected to take 10 years. Most Turks are Sunni Muslim, but a significant number are of the Alevi branch of Shias.

Sources:
Total population - Turkish State Institute of Statistics, 2003 figures; Muslim population – U.S. State Department.
Fighting the Veil

Turkey is bitterly divided over government efforts to ease its headscarf ban. What will the courts do now?

Grenville Byford
Newsweek Web Exclusive
Feb 4, 2008 | Updated: 6:42 p.m. ET Feb 4, 2008

It sounds so simple. Young women who choose to wear a headscarf, as some 60 percent do, cannot attend Turkish universities wearing this covering. The vast majority of Turks favor ending the restriction, and the recently re-elected AK Parti government—acting together with the nationalist opposition party, MHP—easily has the two-thirds parliamentary majority needed to change the constitution. This week’s parliamentary vote is just the beginning, however. Turkey’s entrenched secularist minority is digging its heels in.

The 100,000 who attended an anti-headscarf rally in Ankara last Saturday sounds like an impressive number, but Turkey is a country of large rallies. The same estimators said 500,000 attended a similar anti-AK Parti protest last April, yet AK won the election comfortably. The real fight is elsewhere.

The current attempt to lift the headscarf ban—a regulation initially put in place by the Higher Education Council—is not the first. Prime Minister Turgut Ozal tried during the 1980’s but ran into resistance from President Kenan Evren and the courts. Finally, the Constitutional Court ruled in 1989 that permitting the headscarf on campus was a “breach of the principle of secularism” and therefore contrary to Article 2 of the Constitution. This states that Turkey is a “secular” republic—though that term is nowhere defined. As Article 4 forbids any amendment to Article 2, say the secularists, the ban may not be lifted.

A 1998 end run via the European Court of Human Rights failed when, according to delighted secularist spin, the court endorsed the ban. What the court actually said, however, was that since the ban “pursued the legitimate aims of protecting the rights and freedoms of others” it did not per se contravene the European Convention on Human Rights. Declining to second-guess the local authorities on the ban’s necessity, the court refused to strike it down—a very qualified endorsement.

The present AK Parti/MHP plan is to amend Articles 10 and 42 of the constitution to establish a right of all students to higher education that may not be abridged “because of their apparel.” Being constitutional amendments, it is difficult for the Constitutional Court to rule them unconstitutional. On the other hand, if they contravene the unamendable Article 2, as the Court’s 1989 logic says they must, then maybe they can be struck down. A further wrinkle is that Article 4 says amendment of Article 2 “may not be proposed,” and the chief prosecutor of Turkey's top administrative court has threatened to bring a closure case against the governing AK Parti.
Muslim Women, the Veil and Human Rights

What now? There are a few ways to avoid confrontation. First, the Higher Education Council could annul the headscarf regulation—a move favored by its new chairman. Apparently, however, a majority of the council opposes this. Alternatively, the Constitutional Court could ignore the AK/MHP amendments. It cannot do so, however, if secular opposition party CHP, which bitterly opposes lifting the ban, insists on a ruling. The judges could, of course, reverse the 1989 precedent, but with one exception this is the court that precipitated last year’s election through a truly rotten judicial decision about the quorum required to elect a president. They might reverse if the military quietly told them to avoid a confrontation, but then again they might not. Chief of Staff General Yasar Buyukanit says everyone “knows where the military stands,” which is against reform. Maybe, however, they are against confrontation, too.

What renders the problem potentially insoluble—unless an overwhelming majority will tolerate the frustration of its clearly expressed will—is the unamendable clauses in the constitution (there are two others), plus the court’s breathtakingly broad interpretation of them. Imposed in the aftermath of the 1980 coup, they are a continuation of military rule by other means. Certainly, a 1983 plebiscite ratified the constitution, but was it a real choice? And anyway, does democracy permit one generation to make decisions binding on its children? In fact, a new, more liberal constitution is in the works, a possible face-saving solution.

What the minority seek to preserve is the modus vivendi of Mustafa Kemal Ataturk, the founding father of modern Turkey, who encouraged women to take an active part in the life of the young republic, and the elite willingly ditched their headscarves in conformity with 1920s modernity. Conservative women, who had no wish to participate anyway, were allowed to remain covered. Everyone accepted the deal. That changed in the late 1970s, when the daughters of Turkey’s increasingly prosperous conservative hinterland sought education and careers. Many, however, refused to swap their headscarves for participation. What the secular establishment saw was the nose of the proverbial Islamist camel poking under the tent flap. Let it remain and the whole beast would soon be inside—and all women would be obliged to cover themselves. And that could be just the start. The result: the headscarf was banned on campus in 1982.

The secularists are half right: there is a camel. It is not Islamist, however; it is female. The vanguard of covered women do not merely want a university education. In time they will demand the repeal of regulations that preclude them from careers such as law and politics by banning headscarves from public buildings. Smart secularists would use the probationary period when headscarves are only on campus to promote antidiscrimination laws protecting a woman’s right to choose her clothing, as we would probably do in America. They even have a potential ally in Prime Minister Recep Tayyip Erdogan. He asserts that wearing a headscarf is a “woman’s choice,” a liberal position and perfectly respectable theologically. Secularists might also recognize that educated, successful, pious Muslim women are the best defense against real Islamists, a group of dyed-in-the-wool misogynists if ever there was one.

The odd thing is that the headscarf’s most strident opponents are secular women. An American might suppose they would support their covered sisters’ demand for a full place in society. The young, however, may be getting there. It is increasingly common in Turkey to see mixed groups of young women, some covered, some not, doing what young women do everywhere: shopping. All those who wish Turkey well must hope that such easy camaraderie is the future. But when?

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This article is to be used for instructional purposes only.
Questions Reflecting the Veil in a Political Context:

1. In which two countries is the veil legally banned?
   
   1. 
   
   2. 

2. In which countries is the veil legally enforced?
   
   1. 
   
   2. 

3. Describe 3 ways in which women resist the state in countries where the veil is banned or enforced, by either wearing the veil or not wearing it.
   
   1. 
   
   2. 
   
   3.
4. On the following map, identify and label the countries where veiling is legally banned and enforced. Label both the country’s name and whether the veil is banned or enforced.
Extension Activity -- Veiled for a Day

Imagine you are in Iran, France or Turkey and wear the headscarf for a day. Write a journal entry below describing your experiences for the day. (You may choose to include comments on how you are looked at by others, how you are treated, or how your day is similar or different from other typical days you have had in your life.)
Case Study
Leyla Sahin v. Turkey
29 June 2004

Application no. 44774/98

The case involved a University student from a traditional family of practicing Muslims; who considered it her religious duty to wear the *hijab*. Following a ban on beards and headscarves she was on several occasions refused entry to exams and lectures, but was not suspended for wearing the Islamic headscarf. Leyla alleged that 'a ban on wearing the Islamic headscarf in higher-education institutions violated her rights and freedoms under Articles 8, 9, 10 and 14 of the Convention'.

The Court sited the Turkish Dress Regulations Act of 3/12/34, which banned wearing religious attire other than in places of worship and religious ceremonies. The recent phenomenon of wearing the headscarf to schools and universities began in the 1980s, leading to examples of case-law from the Constitutional Court. In a judgment of 7 March 1989 the Constitutional Court set out what it viewed as the freedom of religion, conscience and worship: it was 'not to be likened to a right to wear any particular religious attire' but 'guaranteed first and foremost the liberty to decide whether or not to follow a religion.' Therefore 'freedom to manifest one's religion could be restricted on public-order grounds to defend the principle of secularism'. In that the university was safeguarding the principle of secularism and democracy, their actions were seen as proportionate to the aims pursued and could be regarded as 'necessary in a democratic society'. Therefore the Court believed that there had been no breach of Article 9, as 'Article 9 does not protect every act motivated or inspired by a religion or belief and does not in all cases guarantee the right to behave in the public sphere in a way which is dictated by a belief' (§66).

(The full Court’s decision can be found at: http://internationalstudies.uchicago.edu/outreach/workshops/08-09/documents/090418-muslimwomen_Sahin-vs-Turkey.pdf )
Answer the following questions, based on your reading and analysis of the *Leyla Sahin v. Turkey* case. Be thorough in your responses and use complete sentences.

1. Is the right to wear a veil a human right? Explain.

2. Explain why or why not you believe the European Court was correct in saying that the right to religious expression does not include the wearing of religious symbols?
4. The Veil and War

Within contemporary political contexts, the covering and uncovering of Muslim women has become an issue used by both sides as a means of justifying warfare and violence. Images of Afghan women relegated to the burqa were used in the initial 2003 invasion of Afghanistan as a means of justification of the offensive. On the other side, the Taliban have used the forcible veiling of women both in Afghanistan and in the tribal areas of Pakistan as a visible means of displaying their control over the population.

The structural problems faced by Afghan women have, however, received little or no attention from either side. Six years after the initial invasion of Afghanistan, the situation of Afghan women is worse and not better than it was prior to the offensive. According to UN reports, nearly 92 percent of female Afghan victims of violence are beaten and raped by their husbands, fathers or brothers. More than half are married before the age of 16 and a woman dies every 29 minutes in childbirth. Three decades of war have left behind over a million war widows who have no means of supporting themselves. Only 15 percent of Afghan women are literate and nearly 87 percent believe that they need their husband’s permission to vote.

In other words, the focus on covering and uncovering as metaphors for liberation and subjugation do not necessarily focus on the real structural issues facing women. Neither side is in fact committed to devoting the resources needed to actually help women escape poverty, illiteracy and lack of access to healthcare. This is true not simply of countries over “there” but also of the amount of resources that are devoted to women in the United States. According to statistics provided by the National Organization for Women, an average of three women are murdered every day in the United States by an intimate partner. According to the National Center of Injury Prevention and Control, 4.8 million women seek help on domestic violence issues every year in the United States and an average of 600 women are raped or sexually assaulted every day.
These statistics are important because the nature of the debate has to be deflected from the visible signs of covering and uncovering as emblems of liberation and subjugation, to focusing on structural factors impeding women’s progress around the world. Undoubtedly, Afghan and American women face very different cultural and religious contexts. However, the focus on covering and uncovering seeks to mask the fact that governments around the world are reticent to truly address the issues that affect women’s lives. Rhetoric that paints Afghan women in burqas as subjugated, seeks to say to American women that the fact that they are not covered suggests that they are liberated and do not face issues based on gender identity. Similarly, the rhetoric of groups like the Taliban insist that covering women is protecting them from the evils of society and providing them safety in domesticity. Both of these narratives are designed to avert attention from the lack of resources committed to improve women’s lives.
1. Explain how the women in the picture above may be perceived as oppressed?

2. How might the women in the picture above be perceived as liberated?
Is the level of freedom that women have, reducible to the amount of clothing that they wear? Explain your answer.